HUNTING LAW AND RITUAL IN MEDIEVAL ENGLISH LITERATURE

When the Normans brought the forest law to England they ruptured centuries-old continuity in hunting culture. Never before had the right to hunt been monopolized on such a scale, nor had the arts of hunting borne such an air of strict élitism. Tellingly, King Alfred was remembered for the exemplary vigor with which he kept up his hunting during the viking wars, whereas King William acted the tyrant by uprooting church and people for the New Forest, and handing poachers over to the executioner. In the hunting reserves that kings later condescended to charter to their subjects, the English cultivated jargon and style in their hunt which fitted it brilliantly in the canon of performative skills augmenting chivalric identity. The reading of animal tracks had always made the function of literacy in the hunt overt; now jargon and refinements in the art of slaughter gave nuance to the hunt’s social literacy and lent it to elaborate adaptation. This study contrasts ancient custom with forest law, Beowulf with Sir Gawain, and law with poetry and treatise, to examine motifs and tropes that informed legal privilege, the heroic-chivalric subject, and aesthetics of violence.

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Hunting Law and Ritual in Medieval English Literature

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D. S. Brewer
To my Mother and Sister
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Introduction

Medieval venery, strictly speaking, concerns the art of hunting as opposed to hawking. Stalking with the bow silently through the woods, a method measuring the hunter against the quarry’s superior powers of perception and instinct, had been esteemed in Europe since time immemorial; but hunting conceived as sport usually meant the chasing of quarry with hounds. To hunt par force des chiens (with strength of hounds) was to chase a single beast with a pack of hounds hunting by scent. To course game was to let slip a brace of greyhounds, who hunt by sight, and exhort them upon a single quarry. To hunt with bow and stable was to take up a station at a tryst or stand set up at a tree, and shoot game as it was driven within range. Greyhounds could be stationed at relays and uncoupled against a beast hunted par force, or they could be slipped at game in the drive. French masters also included archaic methods such as trapping and snaring within knowledge of the craft, though as a professional function having nothing to do with the sporting chase.

The venery of Venus was something altogether different from the hunt, or not, depending on one’s poetic inclination. As fine a euphemism for coitus as ever there was, venery evoked the bond of love as inextricable from the bondage of passion: the experience of being seized body and soul by a force both autonomous and compelling. So unnatural the analogy is not, for, behind the punning, venari, and venus are reflexes of a common root lying perhaps as deeply imbedded in the soul as in the secret rhizome of language. But if the concurrence of killing-with-animals and eros may be rooted in mystery, or (more likely) in an irressible trope with an allure for erotic violence, it has less to do with horse and hound than does the almost equally ancient notion of the hunt being a virtual war on animals. This study examines the relevancy of these tropes and others to hunting in medieval England, to the law and ritual of venery, and to its textualization in treatises and poetry. As such, it is a study also of how craft and violence were textualized in various medieval narrative genres.

Hunting in medieval England has figured as a theme of scholarly criticism, beginning with commentaries on the main treatises of the fourteenth century. Writing about bloodsport had centuries of tradition behind it, but very little

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was known about medieval terminology, or about the origins of courtly ceremony and the distinction of the art’s taxonomies from those of forest and game law. Sir Henry Dryden’s 1844 translation and glossing of Twiti’s *L’art de Venerie* may be regarded the earliest step from antiquarianism to scholarship.² Its notes, especially on hounds and horn signals, remained the most learned study on the topic until the work of W. A. and F. Baillie-Grohman at the end of the century, culminating in their edition of Edward of Norwich’s *The Master of Game* in 1904. This was a monumental volume including a detailed glossary and survey of Edward’s sources; its commentary digested the English, French, and German criticism of the time and engaged in polemics with most of it. William Adolph Baillie-Grohman, of Anglo-Austrian descent, was a big-game hunter of renown, profoundly knowledgeable of sporting history and method, but neither he nor his wife Florence was a trained philologist.³ Shortly before their edition appeared, a great deal of learning had been brought to bear upon the topic from an unexpected source: G. J. Turner’s Selden Society edition of *Select Pleas of the Forest*.⁴ Here was a wealth of documentary evidence pertaining to the hunting seasons, different breeds or functions of hounds, weapons, forestry, and especially the game and its classification. The perspective of the law on these matters proved signally important, for there was no hunting without hunting law, whose records began well before the appearance of the treatises. These works, augmented by facsimile editions of *The Boke of St. Albans*⁵ and *Turbervile’s Booke of Hunting*,⁶ furnished twentieth-century critics with a foundation for the study of hunting in Chaucer and the Gawain-poet.⁷

However, until the last quarter of the twentieth century the most significant work on medieval hunting arts was to come from Sweden and Germany. The Romanist Gunnar Tilander edited the key French texts—*La Chace dou Cerf*, Twiti’s *L’art de Venerie*, Henri de Ferrières’ *Les Livres du Roy Modus et de la

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Royne Ratio, and Gaston Phébus’ Le Livre de Chasse—while he also published a host of essays on the semantic problems of medieval hunting jargon. These remain the definitive editions of these works, together with Ake Blomqvist’s edition of Gace de la Buigne’s Le Roman des Deduis.8 Bror Danielsson’s edition of The Craft of Venery followed in this distinguished line.9 Meanwhile Kurt Lindner, who edited the chief medieval and early-modern treatises of Germany, had evolved a thesis in his Die Geschichte des deutschen Weidwerks (deutsch meaning “Germanic”) interlinking the rise of European forest law with the specialization of hunting arts at Frankish courts.10 His studies on hunting jargon11 he based on David Dalby’s Lexicon of the Mediaeval German Hunt,12 a glossary of meticulous interpretation without peer in comparative work on the medieval English hunt. However rich in material and insight relating to the early Middle Ages it may be, Lindner’s work (aside from an edition of illuminations from Queen Mary’s Psalter)13 barely touches on England, and his manuscript dealing with chivalric hunting culture was lost in the ruins of Berlin. As the French orientation of English hunting has always had prime regard, and justly so, Tilander’s influence on English studies has proven by far the greater.

Working from these editions, but also ranging widely through the legacy of Europe, John Cummins published in 1988 what must still be accounted the definitive study of medieval hunting arts, The Hound and the Hawk.15 In this magisterial and lively work Cummins synthesizes the doctrine of the treatises

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13 David Dalby, Lexicon of the Mediaeval German Hunt: A Lexicon of Middle High German terms (1050–1500), Associated with the Chase, Hunting with Bows, Falconry, Trapping and Fowling (Berlin, 1965).
14 Kurt Lindner, ed., Queen Mary’s Psalter (Hamburg, 1966).
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while differentiating where he must, and interweaves tropologies, or “hunting symbolism,” into the overall tapestry. Though primarily technical in nature, Cummins’ inclusive approach to “arts of hunting” regards poetic tropes with only slightly less consequence than Marcelle Thiébaut had ascribed them in The Stag of Love, the classic comparative study of hunting motifs and erotic allegory in Latin, French, German, and English literature. Work in the line of Dryden and the Baillie-Grohmans continued in Rachel Hands’ facsimile edition of the falconry and hunting tracts of The Boke of St Albans; this text and Hands’ commentary themselves comprise an introduction to medieval hunting arts worthy of the first book on the topic to come from an English printing press. There passed, however, almost twenty years before Thiébaut’s elegant comparativist work was followed by Anne Rooney’s Hunting in Middle English Literature, a comprehensive survey and analysis of hunting motifs in medieval English texts in various genres. Rooney, herself an editor of an hitherto unpublished hunting treatise, defines the connection between treatises and poetry on the basis more of courtly rhetorical modes than techne. Seeking to distill English invention from the Continental inheritance such as Thiébaut had explored, Rooney identifies a characteristically insular de-emphasis of the chase in favor of themes on courtly/secular morality that the hunt motif may facilitate. Working from the centrality of the treatises and their depictions of method (or lack thereof), Rooney, as well as Thiébaut and Cummins, thus stand upon the foundation laid by a century and a half of English and Romanistic foregrounding of hunting arts and their secondary aesthetic or technical deposit in medieval literature.

The book at hand differs from these recent studies by taking up the legal focus directed upon the topic by Turner and Lindner, as well as by inclusive programmes from colloquia held since at Nice and Göttingen. In brief, I argue that there was a changing correlation between courtly hunting ritual and its more-or-less sublimated violence in medieval epic and romance on the one

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18 Anne Rooney, Hunting in Middle English Literature (Cambridge, 1993).


hand, and the textuality of medieval hunting law on the other. This argument rests upon the following theses. First, hunting law changed throughout the medieval period in England, whereby there are at least four significant phases to be distinguished. Second, hunting ritual was historically related to developments in hunting law; consequently, the significations produced by ritual changed with developments in hunting and game law. Third, representations of hunting in imaginative literature (and other kinds of texts) reflect such changes, notwithstanding the conformity exerted by a canon of traditional hunting topoi. These changing reflections occurred for various reasons, not the least of which was the high competency of readers (both men and women) skilled in hunting throughout the period. This is not to say, however, that I am arguing for an enhanced realism to hunting scenes in literature, as has been the interest of criticism questioning whether a poet knew his jargon. Neither legalistic texts nor poetry can be taken as perfectly mimetic of social praxis, as they are invested in, or delivered over to, rhetorical factors governed by the more or less coherent functions of their genres. While the treatises’ appeal to their readers thrived on expectations of mimesis, and this in itself was enough to foster the texts’ exertion of a prescriptive impulse, they too idealized formal conduct which other historical records seldom corroborate. Moreover, the relationship between hunting in poetry and the prescriptions of treatises can consist in an entirely bookish mimesis, little connected with experience. Records of medieval imagination, in which I include poetry as well as metaphorical and metonymic expression as it figured in texts of a political or legal nature, more often attest to efforts to exploit or idealize bloodsport in tropes relating it to identity of an erotic or estates or national character, all of which mediated anxieties about self-presentation and authority.

This book arose, though I obviously could not know it at the time, from a frostily opaque morning in the Texas hill country. My father and I took up a stand in the fog and kept a still watch, peering into woods that lay mute and heavily enshrouded all round, grimly defying the inroads of dawn. It was about six years after this when I first read Sir Gawain and the Green Knight, and was arrested by the scenes in fitt 3 showing the slaughter of the game. Sir Gawain carried me back to that moment in the hills when my father had showed me how to gralloch a deer, and I was revisited by terror and morbid fascination as I read those passages in the poem. The suffocating feeling came back to me that this was mortality all too human, although it had seemed barely to materialize as real to me in the foggily enveloped woods. My father the hunter possessed specific powers that other mortals had to slouch through life without, the eyesight of a hawk being one of them. Another was knowledge of the woods, of which his gutting of the deer was part. The deer (a whitetail buck) was of the woods, his antlers an analogue of the branches, his color like unto the frosty
scrub; before tomorrow his entrails and blood would be reclaimed from the site where he gave up his life to a thunderstroke of high-calibre gunshot. It could have been a moment for romantic reflection on the natural sublime were it not for the fact that the deer lay there slaughtered and thus even deader than dead. The knowledge my father used to break up the carcass impressed me but lived uneasily in my mind with the guilt I felt—a guilt may be akin to that which originally could have motivated the ritualization of slaughter. Ovid has Pythagoras say of such guilt in the Metamorphoses that, by turning slaughter into sacrifice, men made “the gods themselves partners of their crime.”

Be that as it may, there with my father I was sure I would not forget this sight, nor did I when the Gawain-poet conjured it again before my eyes. And whenever I have hunted since, whatever the quarry, I remember Sir Gawain.

This interplay between memory and reading impressed upon me the contradictions generated by the experience itself and the problems entailed in capturing it textually. Chief among these problems is the fact that hunting and its representation tend to probe the vulnerabilities exposed by a desire to redeem violence from the raw facts of destruction. To the medieval French, hunting and falconry were deduict, which the English translated as “disport”: the class-specific, thrilling spectacle of animals directed in rule-governed play to kill animals. Whether the chase and death afford something like pleasure, or whether hunting mastery is achieved by the empathetic imagination, thinking the quarry’s thoughts, it is hard to resist the view that the hunter crosses into a world ambivalently “other” from the jurisdiction of normative culture. The anthropologist Matt Cartmill, wary of this threshold, offers a modern definition which in some ways resonates with ancient attitudes: hunting is

the deliberate, direct, violent killing of unrestrained wild animals; and we define wild animals in this context as those that shun or attack human beings. The hunt is thus by definition an armed confrontation between humanness and wildness, between culture and nature. Because it involves confrontational, premeditated, and violent killing, it represents something like a war waged by humanity against the wilderness.

The hunt’s synthesis of pleasure and violence indeed derives from the fact that,


22 Matt Cartmill, A View to a Death in the Morning: Hunting and Nature through History (Cambridge, MA, 1993), 30; cf. also 243.
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were it not for animals’ resisting capture, there could never be sport in it. The ancients readily likened hunting to war, and warlike was how they liked it best; and yet “premeditated” comes closer to murder than Xenophon had in mind when he said the hunt “affords the best training for war.” Still, however much hunting’s legitimacy as sport (together with the eating of meat in general) has depended upon a distinct boundary subsisting between human and animal kind, throughout the Middle Ages, as Joyce E. Salisbury has shown, this border proved ominously porous to the imagination.

Poetics of war and love have long thrived on the violation of the human–animal boundary by perceiving a free, if not instinctive, crossover between man and beast, war and eros and hunting, be it through warriors’ maniacal zeal in similes of the *Iliad* or the metamorphic volatility of Ovid. “Nor must we forget,” concludes Nicholas Orme, “that hunting appealed to people’s aesthetic sense as well as to their savage instincts.” It is a paradox as much demanding interpretation as defying it, that aesthetics compounded with savagery, art with instinct, is both the appeal and the problem that serves to deepen the hunt’s obscurities. Much is revealed of the sensibilities of two generations when Derek Pearsall observes, “C. S. Lewis once remarked that rhetoric was the greatest barrier between us and our ancestors. I am inclined to think that hunting is a greater barrier still.” These, “nor must we forget,” are generations that mark a telling shift from the unrhetoricated virility of Hemingway to the curse of *australopithecus*, the post-war science of the murderous hunting-progenitor of the human race. If in one sense hunting for sport in the Middle Ages could appear more rational, more necessary and settled in the domain of craft, it was partly owing to the wider utility of the weapons and martial skills employed for it; it had a practical logic, that is, barely strong enough to mask a wild and ubiquitous passion that fed obsession and warranted what to us must seem numbing cruelty.

It is therefore as just as it is perplexing that notions about venery seem

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29 Cartmill, *A View to a Death in the Morning*, 1–27.
unable to address its extra-ordinariness but by evoking powers sensual, instinctual, mythic, and obfuscatory. German hunters, whose modern law rejects any artful mode that could redouble the quarry’s suffering, remain nonetheless frank and earnest about their Jagdleidenschaft, the irrational passion for the hunt. Certain sensibilities tend now to define their humanity by investing identity in a proactive opposition to such powers, working as a kind of psycho-social repression of a darker past felt to be barbaric. Medieval criticism on occasion spoke with outrage against hunting’s bloodshed too, but not on the point of cruelty to animals. Here John of Salisbury led the vanguard, a medieval humanist citing pagan exempla to scorn the self-indulgence of princes and their too-close equation of slaughter with pleasure, and their penchant for treating their subjects like animals. Today traditionalism and identity continue to rouse the spectre of barbarity on the question as to which methods may be considered sporting. In the western United States, for example, hunting deer with hounds is illegal, but assault-style weapons and muzzle-loaders and bow-and-arrow are permitted, so that the morality defining legitimate tradition or overkill or deficient lethality is subject to purely arbitrary cultural factors. Traditional modes of hunting must always seem primitive in the face of modern killing efficiencies, and if such tradition bears with it a history of privilege, it seems furthermore bound to fall prey to the envy that privilege naturally awakens. The fate of the English fox hunt is a case in point, as its social complexities are more profound and intractable than its ecological questions. If to desist from the hunt is an austerity, regardless whether to some it is a convenient austerity, it is such a one as speaks little to those whose identity is invested in continuities with forebears real or imagined, whose sympathies in turn lay with hounds and falcons, not their quarry, and whose hunting as much decided their loyalties as it defined their sense of personal independence or self reliance. This faction has answered to the other in metaphor even long before Richard fitz Nigel trooped the royal hunting grounds as an idyll to which the king retired for the recreation of his spirit—an idyll by which fitz Nigel was really speaking of bloodsport. “Getting back to nature” is a modern variant of the urban sort, though it is as old as the anti-curial ideals of pastoral poets. In America it has

30 The hunter has a “responsibility to answer for an animal's well-being as co-inhabitant of the world (Mitgeschöpf),” and must legally account for any act that increases pain, suffering, or injury beyond death by gunshot: Richard Blase and Franz Pettinger, eds., Die Jägerprüfung in Frage und Antwort, 24th ed. (Melsungen, 1988), 354–6. 777.
33 Cartmill, A View to a Death in the Morning, 242.
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also been the georgic tradition that gives the rationale for the hunter’s “harvest” of game. In brief, troping the kill as something other than agony is as much a part of hunting as the fact that kill it must.

Killing for re-creation (as opposed to killing as recreation) is a trope as old as the proto-Indo-Europeans themselves. These originally pastoral, chariot-hunting, and warring herdspeople recited their creation mythology in accord with fantasies springing from their sacrificial cults. There had been a primordial man, giant, or beast of divine emanation who was slain, and the corpse chopped into pieces, out of which the macrocosm was assembled.34 The world as we know it is pieced together from its blood and brains and skin and hair, etc. Ovid knew a version of this myth, as did the Celts and the Germani.35 Thus (it was thought) there is sacrifice, the slaying of beasts and apportioning of their parts among the estates of the homologous social mesocosm so as to refresh the world’s vitality and sustain its equilibrium. The sacrificer was enjoined to “Cause [the victim’s] eye to go to the sun; send forth its breath to the wind; its life-force to the atmosphere; its ear to the cardinal points; its flesh to the earth.”36 These and other, totem-like, sacrifices anxiously observed the exact order and cleanness of the chopping to preserve the victim’s mediating efficacy. It is a priestly affirmation of the pervasive creed of its client warrior-nobility that the violence of its craft is regenerative and fertile.37 So the Vedic priest tells the horse he has slaughtered: “You do not really die through this, nor are you harmed.”38 And “Let the horse with our offerings achieve sovereign power for us.”39 Which, however, is not to say that hunting is sacrificial in a strict sense, although in chapter 4 I shall argue that some medieval practices actuated ideas common to antique cult. My point is that myth-translated-to-action bears witness to an ancient ideology of regenerative violence that resonates with equal vigor in the warrior estates’ cultivation of the hunt, from the rigors of the craft

35 Ovid, Metamorphoses (ed. Miller) I:156–60; Lincoln, Myth, Cosmos, and Society, cites IV:655–62, as well as Indic, Greek, Frisian, Irish, Icelandic, and other sources.
36 Aitareya Brâhmâna 2.6, trans. in Lincoln, Myth, Cosmos, and Society, 58.
39 Rig Veda I:162, 22.
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to the feasting and the poetry that vivified it in aesthetic context. This ideology, borne by cosmogonic as well as hunting tropes since time out of mind, conveys the tense paradoxa natural to a willed use of violence. To anyone seeking universal relevancies it would seem to endow “venery” with the autonomous life and ubiquity of a Jungian archetype, energized by the libido expressed in its archaic “venereal” etymon, and bequeathed to the psyche as an *eidōs* of irresistible yearning.

Even were it useful to speak of archetypes, however, if there are such things, venery becomes intelligible only by its manifestation in specific historically and textually conditioned circumstances. This study explores the coalescence of such circumstances in a triangle of law, ritual, and literature. The point however is not to demonstrate that poets more or less accurately understood the law, or that they were themselves hunters and so rendered hunting scenes informed by experience. Corinne J. Saunders says of the forest in romance that it bears features of a conventional *topos* and “reality” simultaneously, and so much may be said of hunting scenes that share the meticulous detail of slaughter with treatises. Psychic facts (idealization and memory) combine with practice to configure some aspect of the hunt (chase, kill, slaughter) in an ideological context subject to the criss-crossing of disparate sub-narratives. As tropes of venery evince a continuity extending throughout law, *techne*, and poetry, these diverse genres share points of overlap with each other. It is these tropes that this study tracks, or “investigates” in the most literal sense of the word, examining how each context brings new questions to the problem of aestheticizing violence.

By “trope” I mean the term’s accepted rhetorical meaning as a figurative “turning away” from the “proper” tenor of a word, phrase, or notion, but particularly with respect to ideologically masking or ironizing hunting’s violence, or otherwise transforming it in suggestive but indeterminate ways. For example, it is unusual for criticism to ascribe such thematic gravity to Heorot of *Beowulf* as I do, yet this deer-trope, the focus of Grendel’s carnivorous predation, cannot be understood apart from the assertion of Justinian’s *Institutes* that wild game is the property of no one, least of all some barbarian caesar. The heroic priorities that limit the way epic depicts the world may require that, to a certain extent,

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40 As such it is the Indo-European prelude to what Richard Slotkin saw as the national myth of the American hunter in *Regeneration through Violence: The Mythology of the American Frontier, 1600–1860* (Middletown, CT, 1973).


42 Like many *termini technici* of rhetoric, “trope” has been overdefined and its usage confused in the process. See the discussion in Richard A. Lanham, *A Handlist of Rhetorical Terms*, 2nd ed. (Berkeley, 1991), 154–7.
law must be “read into” the story; but the point of doing so is to open genre-imposed constraints to a prospect that reveals a trope’s ideological complexity. For the Romans, hunting takes one out of the civic sphere into the freedom of virile antiquity; for the Germani, hunting (borne here by the deer-trope) is central to the iconography of northern empire, destined to become a monopoly of the warrior élite.

Certain difficulties attend the interpretation of hunting law wherever its presence is manifest or latent. The interrelationship between forest law and what we commonly call the courtly hunt is suggested only marginally in the imaginative literature and the law tradition itself. In its heyday this relationship grew from the fact that the rationale for the forest law depended ideologically upon the privilege and prospering of the king’s hunt. In economic and practical terms, i.e. in their actual material impact, the royal forests were both oppressive and hugely lucrative till the fourteenth century on account of the fines and taxes they brought in; yet their laws and administrative infrastructure were no less founded on the priorities of the royal hunt. Habitat had to be warded against clearing and intrusion so as to offer covert to the woodland animals preferred as big game. This fundamental regard for prime hunting gave rise to the forest administration with its laws, courts and forestry personnel; to poaching and the wars great and small that challenged the royal prerogative of afforestation; to the adoption of hunting privileges in smaller scale by the nobles; to the elaboration of courtly procedure and ritual in the context of these privileges; and hence to the dissemination of “courtly hunting” in elevated society and the literature it patronized for its self-representation. But unless the theme is poaching, nowhere is the relationship between hunting law and hunting in literature so explicitly spelled out as to make their connection obvious. Narrative poetry and treatises barely touch on legal contexts except in tangential references to setting, while the laws (assizes, statutory, and case law) confine themselves to the narrow tasks of prohibition and punishment without reflecting on the justification underlying them. There are occasional comments of a political nature that address the mutual relationship between law and hunting, but their discussions, couched in polemical rhetoric, are hardly without a bias of perspective.

Furthermore, the legal record is of importance for what it does say as well as for what it leaves unsaid, or only adumbrates. Records of the royal forests abound in non-narrative form since the laws of Henry I, in assizes, and the great charters, as well as in exchequer rolls and letters close and patent in matters relating to their revenues, official appointments, and instructions to and reports from their officials; but there are also narratives about poaching that survive in the rolls of the forest courts in eyre. These narratives occasionally refer to hunting practices of a remarkably unceremonious or defiant sort; they
show a mix of hunting “styles” and “attitudes” that tends to vex theories trying to apprehend socially prescribed characteristics of medieval hunting, whether it be lords riding out in symbolic defiance of the authority, or groups, if not gangs, following the practical aim of loading their tables with venison, with plenty of combinations and variations in between. Jean Birrell and Barbara Hanawalt have independently examined these narratives and interpreted them variously. Whereas Hanawalt has striven more for the behind-the-scenes account, Birrell, whose work in this area is more extensive and informed by her study of unedited sources, has more skeptically addressed the question of whether people really hunted with all the elaborate ritual as we see in Sir Gawain or whether they were more practical about it, as one might expect of respectable poachers wary of getting caught red handed. My conclusion has been that hunting ritual is essentially performative and so depends upon an audience to achieve its efficacy, and with this in mind I have turned in chapter 2 to one of the eyre rolls to open a view onto a dramatic and polemical use of hunting violence, trying to step carefully among the hazards of assuming too much mimetic value in an account framed rhetorically to the advantage of the forestry officials.

But official narratives still leave much unsaid. A circumstance of key importance in this study concerns the separate legal and cultural status of reserved hunting spaces (e.g. the royal forests but also private hunting liberties) as these stood apart from the larger space outside reserves. This larger space, the “common chase,” was the free-hunting area that had existed since before the Conquest until it was undercut by the first game law. (Incidentally, when I say “forest” in these pages I usually mean the royal forests understood collectively as an institution.) The common chase remains the great “unsaid” of the official records. It leads a shadowy outer existence unless it is adumbrated in questions about defining the forest’s purlieus; but it constitutes a customary right of old, tirelessly invoked in episodes of popular dissent, and was corroborated (it seemed) by the Lord’s injunction upon Adam to hold dominion over all the beasts of the earth. For all the emphasis this study places upon the way that the legal context of a hunting preserve heightened the performative aspects of hunting, these attain profile only by keeping in mind the foil played by the egalitarian domain of the common chase.

The word “forest” soon proves a question unto itself, as any ecological assumption that its definition must include trees misses the technical point that a medieval forest was about certain wild animals on the hoof and their covert, whether this was to be found in woods or moor, heath or highland. What this means in one sense is that medieval forestry forms the beginning of wildlife and wilderness management, the institutional stock from which grew the great Anglo-American nature preserves: forest not simply as woods, but a segregated and policed environment. President Theodore Roosevelt,
Introduction

outdoorsman, big-game hunter, and founder of the American national forest system in 1905, was acutely aware of this heritage when the year before he wrote the foreword to the Baillie-Grohmans’ edition of the *The Master of Game*. There Roosevelt praised the energy of big-game hunters of the Victorian age, hailing their exploratory energy as they opened the way into the heart of Britain’s colonial territories. John M. MacKenzie has illuminated this legacy of the medieval forests by tracing a history linking the royal hunting sanctuaries with imperialistic modes of dominion in the British Empire.43 The institutional history thus shows that “forest” is primarily a cultural construct, and it can act, furthermore, as a trope for hegemony. It is an ecological concept in that one must stress the experiential and control side of the human-environment equation, and distinguish asymmetrical arrays of power as a factor complicating social interaction with and within the environment. Such recognition, which must always square habitat with cultural practices, opens onto studies examining how forests have figured in the Western imagination, which may lead from Robert Pogue Harrison’s synoptic view of forests as a mirk-wooded “shadow” opposite “civilization,” however unenlightened, to Simon Schama’s reliable and profound study of landscape and its mythic symbiosis with the human soul.44 My approach shares with these studies a focus on wilderness ideologies, but it differs by chronologizing that ideology in medieval England and by returning always to the question of how ideology related to the hunting *techne* that was its origin and validation.

The oft-noted Old French basis of hunting vocabulary in England (which is largely absent in German literature) points to a Norman provenance for most English hunting ritual. It also happened to be the Normans who brought forest law to England, as is attested not least by the unprecedented outrage it incited. This common origin of courtly ceremony and law does not mean, however, that there was no hunting ritual in England before the Conquest. Hunting, under the aegis of kings and nobles who fostered all things warlike and who sought independently to victual their courts, would always be affected by the rites of nobility, just as hunting embellished more as sport than necessity would have some extra something about it to distinguish it from the mundane. As I shall argue in the pages ahead, the hunting monopolies following in the wake of the Conquest affected practices by imposing new ways of hierarchizing social relationships in the hunting grounds, introducing eventual changes in the emphases of hunting ceremony. Chapter 1 highlights the function of the kill in the


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free-capture world of the common chase. After elaborating the great shift in law induced by the royal forests (chapter 2) and the private franchises in the hands of the higher and lower nobility (chapter 3), chapter 4 considers its effect on ritual: privatized hunting shifts the emphasis from the kill to the ritual sequence of slaughter. The cultural-spatial dimension of the hunting grounds thus closely interlinks law and ritual.

The chapter layout follows the four historical phases of medieval English hunting law. For each phase and chapter there is some explanation of the legal context, emphasizing points of change, and I gloss technical vocabulary with a view to exposing the ideologies that structured the logic of the laws. As the *raison d'être* of forest and game law originally and persistently rose from the logic and importance of hunting, I also explore semantic relationships between the technical vocabulary of hunting and prevailing legal ideologies. I direct the chief interest upon diction and imagery in representations of wilderness space, relationships of ritual to legal and domestic space, homologies between animal bodies and other objects of control, tropic uses of hunting ritual and vocabulary, together with violence and its sublimations. The four legal phases consist of (1) the *res nullius* law of the Romans and the Germani, which is the context of chapter 1; (2) the royal forest law and the monopolization of hunting, which is the topic of chapter 2; (3) the privatization of the forest-idea in the form of the individual hunting monopolies of free chase, free warren, and private park, which gives context to chapters 3 and 4; and (4) the game law of 1390, being the topic of chapter 5. It is upon the basis of this legal and cultural history that this study glosses select medieval texts.

Chapter 1, “Heorot and the Ethos of the Kill,” addresses *Beowulf* in light of the legal situation in Anglo-Saxon England before the imposition of Continental forest law. It focuses on Grendel’s hostile relationship to the Danish folkhall, named Heorot, “the hart.” With so much pomp directed by the poet upon the foundation and naming of this “deer-hall,” I examine what is meaningful about all the (bloody) tracks and the killing and eating of raw flesh in and around it. Comparing the *res nullius* doctrine of antiquity with tendencies toward land-rights appropriation that attend lordship, and especially noting the timing and expression of Danish hegemony in the action of the poem, I argue that Grendel latently reflects a radically regressive view of who may claim possession of “the hart.” This perspective permits a kind of secular allegory obliquely to emerge from Grendel’s feeding on the Danish body politic, iconographically defined by Heorot. The hunt figures as a metonymy for the struggle to define a new “heroic”—a code accepting honor in subordination as opposed to honor based on the bellicose (and monstrous) independence of migration-age antiquity.

Chapter 2, “Bloodsport and the Symbolic Order of the Forest,” takes up a minor theme of chapter 1, the tendencies toward lords’ restrictions on common
hunting rights in late Anglo-Saxon England, and examines the radical institutionalization of hunting privilege under the Normans in the form of the royal forests. Here I examine diverse texts, from the Chronicle poem on the Conqueror’s death, to Henry II’s assizes, Richard fitz Nigel’s Dialogue on the Exchequer, John of Salisbury’s Policraticus, the fraudulent forest laws of the Pseudo-Canute, and a deposition from a Forest Eyre (narrating a poaching expedition) in the reign of Henry III. The focus of this chapter is to identify various tropes that were used to defend and contest the idea of forest law, which had a basis neither in Roman law nor in English common law. There is the father-king who loved his game more than his subjects; the sanctuary like the royal chambers over which the king exercises absolute authority; the tyranny bred by inordinate passion and a lust for blood; the “venereal laws” (Pseudo-Canute was a poor Latinist) that expressed a fantasy of the ruling class to manipulate and control men’s bodies as animal bodies; the desecration of the king’s deer by means of perverting the semantic of courtly ritual. What emerges from this chapter is not so much a unifying theme, but the impossibility of such unification. Hunting and its legality were politically vexed topics since the eleventh century, and here we find an elaboration of tropes that textualize a variety of antithetical desires and anxieties.

Chapter 3, “Artes Venandi of England,” looks at the idea of “arts of hunting,” beginning in pre-Conquest writing, where artes venandi are regarded as attributes of kingly power, and continuing after the Conquest till they flower into a textuality of their own. This chapter does not seek to make assertions about medieval hunting itself, so much as simply give a reading of the technical treatises with a view to illuminating their textuality. Hence I consider them in terms of their multilingualism and self-consciousness of language, what is meaningful about their infamous jargon, what are their themes and dominant tropes, what circumstances of their production bear on interpretation, and how can the ritual they seek mimaetically to depict be qualified meaningfully as ritual. Part of this chapter’s task is to lay a foundation for the discussion of slaughter in the chapter following.

Chapter 4, “Blood, Law, and Venery,” gives a reading of Sir Gawain and the Green Knight, with a foreground discussion of the German Tristan of Gottfried von Straßburg. The approach adds to Gawain criticism a perspective meticulously informed by techne, which sees the cutting up of bodies to parallel the poet’s technique of cutting up time and space in fitt 3. I pick up the discussion of the technical concepts of the “assay” and the “rights” from chapter 3, and show how they give shape to secular themes in Sir Gawain. This chapter, as the chapter before it, deals graphically with animal dismemberment and its sublimation, in the case of Sir Gawain as a trope for a baronial romance economy depending
on the exchange of flesh, kisses for raw meat. This is medieval venery at its purest.

Chapter 5, “Slaughter and Romance,” does not so much advance an argument as narrate the rise of the first game law, following a decade after the Peasants Revolt and established during the on-going agitation of the Beckwith Rebellion in Yorkshire. The Rebellion itself is key to visualizing the game law’s references to riotous poaching, but it also furnishes an historic analogue to the poaching war depicted in the English stanzaic romance Sir Degrevant. This romance makes almost no use of its Arthurian setting apart from a traditional bride-winning plot, but it develops strikingly mimetic action in the passages of park raiding, where hunting and feuding merge indistinguishably. In a cultural context in which a growing anxiety focused on the private hunting park saw hunting violence awaken to new popularity, the bride-winning sequence of Sir Degrevant sublimes the raiding of the first cursus, and so symbolically invests park-havocking with an aura both erotic and transgressive. Again, medieval venery in action.

For clarity’s sake I try to explain technical terms as I use them, as no book about hunting can do without them. The game discussed consists most frequently of the red deer and the fallow deer. Not every reader will be familiar with their proper naming. The red deer of Europe are closely related to North American elk; the male red deer is the “hart” or the “stag,” the female is the “hind,” their young is a “calf.” They are exquisitely beautiful animals; and, as do most people, they evince plenty of temperament. The older ones act on a judicious mix of intelligence and memory. In this book I have used “stag” when referring to the adult males in general, and “hart” in the sense of a capital beast in full prime and warrantable for a king to hunt. The male fallow deer is called the “buck,” the female the “doe,” their young a “fawn.” The bucks’ hides are dappled and their antlers are palmated like those of North American moose (which species is called “elk” in Europe). The characters of red deer and fallow deer differ in fascinating ways, a fact which unfortunately will not achieve its full appreciation in the pages ahead. Of all the books I read during my research, Brian Vesey-Fitzgerald’s British Game was among the most memorable. It is a store of experience and insight into the ways of animals as one could hope only from a life of naturalist exploration as well as (so his editors say) “a friend of gipsies and, we suspect, of poachers.” I refer the reader to his expert and humane observations, and seize this opportunity as well to profess firm agreement with him about the unique beauty of roe deer.

I

Heorot and the Ethos of the Kill

Why does Hrothgar name his great dynastic hall Heorot, the “Hart”? More importantly, does this name have any bearing on the timing or nature of Grendel’s carnivorous visitations upon that place? These questions arise from the juxtaposition of these two moments in Beowulf, for Grendel is introduced immediately upon the founding and naming of Heorot (64–90a). In fact, Grendel’s appearance comes between two “founding moments,” the establishment of the Scylding hall and the songs extolling Creation that are intoned by the scop within it. The Beowulf-poet hardly loses a beat by then evoking the origin of murder and monsters to characterize Grendel by a lineage rooted in abomination. This cluster of “beginnings” seems to effect a critical mass, an intersection of biblical and Scylding histories that erupts in the violence of Grendel’s feeding in Heorot. Should we assume that Caedmonian song could anywhere and any time drive demons to cannibalistic wrath? Or could the naming of Heorot also have something to do with it?

We need to know more about the resonances of “Heorot” and what associations are evoked when Hrothgar selects this name in particular for this imposing hall. Beside musings on the hall’s gables, studies have approached this problem through the “pagan stag cult,” seeing a link between the pagan Danes and worship of the Celto-Germanic fertility god Cernunnos/Herne; but their best results tend to serve exegetical readings that reduce the symbolism to what a “conventional Christian” poet would denounce.1 Notably lacking in them is a consideration of why stag rituals that are condemned in penitential manuals do not figure in the poet’s censure of the Danes’ idolatry; or whether the fertility symbolism has any thematic relevance; or how the stag cult should relate to the

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1 Chiefly see the study of Lewis E. Nicholson, “Beowulf and the Pagan Cult of the Stag,” Studi medievali 3rd ser., 27:2 (1986), 637–70, which offers a reading from the perspective of the “conventional Christian” poet (660), albeit a poet (more than a little ironically) not well versed in details of the cult (651). This essay offers a good bibliography and is resourceful in tying numerous pagan motifs from penitentials, New Year rituals, and Sutton Hoo to the antler-gables of Heorot, arguing that we are to see the Danes as “the horned worshippers of the pagan stag god” (656) and therefore punishable as heathens.
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monotheism of the poem’s worthy and able barbarians; or what the cult could mean to Grendel. Heorot becomes for Grendel an obsession, for he singles out only the hall for slaughter (he never menaces its outbuildings, 138–43), and he keeps raiding it long after he has killed the mirth that triggered his rage. How does the pagan conduct of the Danes relate to that? My premise is that the poet has created a heroic world evoking barbarian, not narrowly pagan, experience. If we focus on the conflict that sets *Beowulf’s* plot in motion, it seems to me common sense rather to seek the meaning(s) of “Heorot” in the context of Germanic hunting culture.

To do so may appear wayward because *Beowulf* is not “about” hunting, or so it seems. Certainly we do not find here the parforce chase, bow-and-stable hunt, or ritualized butchering as in the chivalric romances; there is even less allusion to falconry than in *The Battle of Maldon*, where it is sparse indeed. Nor do we find any of the technical detail given us by Aelfric in his colloquy portrait of the huntsman. On the other hand, *Beowulf* does call forth the emotional experience of wilderness, the reading of bloody tracks, the stag that would sooner be torn by hounds than dare flee into the Grendel-mere, and, of course, the spectacle of the dragon-kill. Such features enrich the heroic atmosphere by showing how the violence linking man and nature since immemorial times still answered to the life-or-death concerns of free men, or gave expression to the emotional life of the warrior. Of themselves, however, these features do not add up to a poem as overtly involved in hunting as *Sir Gawain and the Green Knight*.

2 I say “narrowly” because a reading oriented on a “pagan” world suggests characters acting somewhere on a spectrum between willful perversion and benighted ignorance, unless one allows for a Dantean clemency for virtuous pagans who died before Christ’s advent. “ Barbarian,” on the other hand, is religiously ambiguous and can mean anything from savage squalor to the freedom-loving valor that reminded Romans of themselves in the days of their hallowed antiquity—the kind of people who (however tragically) believed in glory and strove to achieve it through deeds worthy of praise. It may include paganicity but also allow broader thinking about secular themes. However “pagan” he may be, Beowulf still ends a barbarian king generous and just and most eager for fame (*Beowulf* 380–82).

3 With regard to monsters, in this chapter I shall be speaking of Grendel only, simply because his mother’s problem with Heorot is limited to a need to avenge her son, and Heorot is the obvious place to do that. Her motivation is far more clearly determined than is Grendel’s. Hence she as well as the dragon, which has nothing to do with Heorot, shall fall outside the scope of this study.

4 On these aspects of medieval hunting, see Cummins, *The Hound and the Hawk*. The Last Survivor mentions a hawk’s flight through a hall (2263b–64a), but otherwise see *The Battle of Maldon*, vv. 5–8, in John C. Pope and R. D. Fulk, eds., *Eight Old English Poems* (New York, 1981), 15.

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I believe it modern error nonetheless to assume that Beowulf's medieval readers, and in particular its characters of the heroic past, can be held to have rigorously differentiated the hunt from other efforts requiring a literacy in reading tracks and an ability to match oneself physically against a non-human opponent.

Heroic-age imagination barely differentiated warriors from beasts of prey, animals from monsters, or hunting from combat. This fact is conspicuous throughout Indo-European heroic poetry that shows warriors possessed by animal fury, attacking their enemies as a predator takes prey. The labors of Hercules present a canon of exploits in which game animals are subdued alike with monsters. Also, the Calydonian boar hunt characterizes a boar's rampages as those of a divinely inspired monster. The Welsh Culhwch and Olwen so vividly anthropomorphizes a boar as to let the hunting blur into outright combat. And Sigurd slays Fafnir, a speaking dragon, not by frontal assault but by making out his spoor where he goes to water and then lurking at the trail, much as one might kill a huge aurochs or wisent. What these observations mean for a reading of the violence in Beowulf is suggestive, though hardly decisive. Grendel, for example, called a wearg gast as the Danes study his tracks (133a), may have something of the wolf about him, and so may also be tracked down as vermin. But boar-helms alone do not imply the “animal possession” of the berserkr. To be sure, generally in Beowulf war is war. Feuding, raiding, the pressures of tribal confederation, and the threat of warfare to national

7 Book IX of Ovid’s Metamorphoses relates Hercules’ conquest of a lion, hydra, stag, boar, carnivorous birds, a bull, beside also horses, a centaur, etc. See Ovid, The Metamorphoses, trans. Miller, IX–XV.
8 See book VIII of Ovid’s Metamorphoses.
11 Given that the setting is Denmark, the track of the wearg gast ("criminal being") may intimate a wolfish nature in Grendel, since vargr (r), "the condemned, exiled one,” in the Scandinavian world euphemistically signified the wolf. The Anglo-Saxons used the term wulfes hæafod for “outlaw.” Wolves typically were a subject of specific hunting laws in Scandinavia, and were considered game to be taken by baited traps even as late as the great hunting treatise of Edward, 2nd Duke of York, The Master of Game; see The Master of Game: The Oldest English Book on Hunting, ed. W. A. and F. Baillie-Grohman (London, 1904), chap. 7. On Danish vargr, see Hjalmar Sejersted Falk and Alf Torp, Norwegisch-dänisches etymologisches Wörterbuch, 2nd ed. (Heidelberg, 1960), 2:1354. Sigmund Feist (citing Fr. Kluge) observes differences in Continental and Scandinavian reflexes of Gothic –warg in his Vergleichendes etymologisches Wörterbuch der gotischen Sprache (Leiden, 1939), 551.
homelands all bear the stamp of a “real-world” or genealogical specificity. Yet each monster struggle, I would argue, stands apart from its legendary context as a condensation of existential dangers that can hardly (perhaps never) be understood without recourse to powerful tropes. In particular the Danes’ associating their power with Heorot and the monster’s sustained preying upon it (neither of which evinces clear motivation) may indicate where the archaic cultural legacy of hunting violence could shape the action. For well we know from chivalric romance that hunting often carries the action into a wilderness just beyond the reaches of the knowable, the very ground where Beowulf encounters the Grendel-kin and the dragon. And the question of what Grendel really wants—to kill the mirth, or possess the hall, or feed on Danes—may lead to a renewed understanding of the animal-or-human nature of his monstrosity.

If Heorot and what it symbolizes is at stake, it seems fair to ask who may actually lay claim to “The Hart.” Who may possess it or have himself identified with it? There are many indications that the hart, as a species of excellent quarry, long lent a kind of prestige worth contesting. The romance Pwyll Prince of Dyfed, for example, starts its action from a quarrel over rights to a stag. In Chrétien’s Erec, King Arthur’s notion to revive the hunt of the white stag threatens to sow discord through the Round Table (the gift of its head shall single out the preeminent beauty of court). Scandinavian hunting law involved itself with rules for who may claim a wounded deer that crossed property boundaries in its flight. Furthermore, the laws of Canute show that this Danish king cared enough about his deer to forbid others from encroaching on his hunting prerogative—evidently the first such legislation of pre-Norman England. In the age after the compilation of the Beowulf-manuscript, royal forests contradicted the common law to the effect that, within the limit or “purlieu” of the foresta (i.e. hunting reserve), only the king could claim the right to deer there even if the foresta overlapped upon the land of his subjects. The “Rime of King William” from the Peterborough Chronicle captures the exasperation felt under this new institution when it laments the king’s acting the father more to his deer than to his subjects. This issue proved explosive enough by the twelfth and early thirteenth centuries to find its way into the debate and wars

14 On the particulars of Wildfolge, see Lindner, Geschichte des deutschen Weidwerks, 2:119, 135–7.
leading to Magna Carta of 1215 and the Carta de Foresta of 1217. Such considerations of how hunting culture became involved with royal power after the Norman conquest must remind us how little we know about what “Heorot” meant to Danelaw England, to the early textual period in England when Beowulf may have first been composed, or especially to the migration-age antiquity of the poem’s legendary roots and its setting.

The “pagan stag cult,” in my view, offers a less effective key to the function of “Heorot” in plot and theme than does the prospect that “The Hart” provocatively memorializes ancient hunting culture. By this I mean not only that the “monumental” character of Beowulf evokes associations deeply rooted in common Germanic experience, in this case the hunt. On the level of the poem’s action, Hrothgar’s naming the hall can be read as investing it with a symbolic embodiment of the ancient spirit of his warrior-band culture, the life-sustaining spirit of the hunt. Because the manifest level of narration in Beowulf never lets hunting emerge as a driving force of the plot, I must acknowledge from the outset that this investigation probes the latent potential of image and action, a method that will leave my conclusions to some degree dependent on speculation. (I am encouraged however by the fact that a study of the Scylding-Hart trope can hardly be more speculative than what has already been said about the “pagan stag cult.”) First I shall review the legalities of killing and claiming quarry in Germanic antiquity. In the next section I will bring these legalities to bear on the poet’s linking the naming of Heorot with the assertion of Scylding hegemony in Denmark. The final section asks how Grendel’s enmity or envy (nið) may fall upon the Danes in the here-and-now of Danish history because of the circumstances by which they identify themselves with the Hart. I will argue that archaic characteristics appear and assume cultural-political relevance in this struggle, in that Grendel reacts “monstrously” to Scylding power and cultural ascendancy, and defies these by attempting to seize and gut the “carcass” of Heorot.

Germanic Hunting Law and its Ideologies

To speak of hunting legalities in medieval Europe must entail also discussing dissimilar cultures in which hunting differed in its economic and symbolic importance. Therefore, the interrelationship between these three factors—law, economy, and ideology—forms the theme of this section, in which I shall lay the groundwork for a discussion of what is at stake in the naming of Heorot.

Hunting custom (law and techne) of the early Middle Ages was neither uniform across Europe nor immune to trends in cultural evolution. For most of the first millennium, from the late Roman Iron Age to the compiling of the
Beowulf-manuscript, the chief question concerns the extent to which hunting rights were, or became, associated with land ownership. The starting point of legal developments in the migration age seems to be a general state of open hunting space throughout central Europe. The individual hunter was challenged not so much by property limits as by the basic techniques of seizing wild animals. Kurt Lindner used the term "free capture" (der freie Tierfang) to characterize the basic premise of hunting law in Roman and Germanic codes under which wild animals were defined as the property of no one (res nullius) until the moment of their capture or killing (occupatio) in the hunt. The classic articulation of free-capture as a formal legal principle appears in the Institutes of Justinian (533 C.E.).

Ferae igitur bestiae et volucres et pisces, id est omnia animalia, quae in terra, mari, caelo nascuntur, simulatque ab aliquo capta fuerint, jure gentium statim illius esse incipiunt. Quod enim ante nullus est, id est naturali ratione occupanti conceditur. Nec interest, feras bestias et volucres utrum in suo fundo quisque capiat, an in alieno. Plane, qui in alienum fundum ingreditur venandi aut aucupandi gratia, potest a domino, si is providerit, prohiberi, ne ingrediatur.

Thus wild beasts, fowl, and fish—that is, all animals that inhabit earth, sea, and sky—as soon as someone captures them, by natural law [ius gentium] they immediately belong to him. For that which before belonged to no one logically becomes his who captures it. It matters not whether he takes the wild beasts or fowl on his own estate or someone else’s. Yet whoever enters ground for the sake of hunting or fowling can be prevented by its owner from trespassing if he takes precautions against it.

The Institutes’ broad understanding of ius gentium foresees a universal application of this principle. It states that hunting rights relate only tentatively to property rights. By virtue of their non-domestic status, wild beasts could in theory be hunted anywhere by anyone of free rank, or by slaves or servants in the service of a freeman. The idea of “poaching” thus applied to freemen in a very limited sense only, or not at all, because wild animals (unless they had been

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18 See Lindner, Geschichte des deutschen Weidwerks, 2111–52.
19 Institutiones II, i §12, quoted in Lindner, Geschichte des deutschen Weidwerks, 2111–12.
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tamed) were legally distinct from livestock or timber on a lord’s estate. Landholders could limit hunting by strangers on their land, but they had to resort to legal means of blocking general trespass. The principle of free-capture informed the hunting practices of various Germanic peoples, as Lindner shows to have been attested since the earliest codification of their folkways. Relevant to “Heorot” is the sense in which this principle reflected cultural understandings of huntable space or wilderness in medieval Europe.

Although free-capture informs the basic doctrine recorded in legal monuments, it must represent a development from a more ancient ideology of European hunting culture. Since the proto-agrarian, still chiefly hunting societies of the late neolithic period and before, but continuing through the late Roman Iron Age wherever crop and animal husbandry suffered under extreme climatological and geographical constraints, the importance of hunting as the dominant mode of subsistence strongly influenced proprietary notions about hunting grounds. Recent ethnology has studied modern examples of comparable cultural orders that restrict access to hunting grounds claimed by discrete kin-groups, defining them as immediate-return systems of hunter-gatherers. In immediate-return societies, individuals’ rights to hunting access are considered naturally innate and free of ritual obligation, but they depend upon the individuals’ affinity with the kin-group that dominates the harvest territory. People born outside a given kin-group have no such rights and thus no inherent access to that kin-group’s hunting grounds. The partial transition to agriculture and animal husbandry (delayed-return hunter-gatherers) complicates social stratification within the kin-group and affects the exclusivity of hunting rights, for with stronger agro-economics the “land serves as a template on which individuals and groups map out [i.e. negotiate] their social relationships to each other in terms of ritual ties.” The more that agriculture displaces hunting as

21 Beside Lindner, see John M. Gilbert, Hunting and Hunting Reserves in Medieval Scotland (Edinburgh, 1979), 229–30.
22 An “immediate-return” economy is one in which food-producing labor is immediately gratified by achieving its intended produce, as when the labor of hunting directly results in a harvest of meat. By contrast, a “delayed-return” economy is marked by the longer interim between a given labor and its produce, as the labor of tilling and sowing, or of raising livestock, has its harvest deferred by the growing period.
23 The rights of territorial occupation effect a communal appropriation of all the hunting rights on that territory, or, conversely, hunting dominance qualifies a kin-group for exclusive territorial occupation. Cf. Lindner, Geschichte des deutschen Weidwerks, 2:110.
the chief mode of subsistence, and hunting therefore becomes less critical to survival, the weaker becomes the link between hunting rights and absolute territorial claims. The rise of free-capture in Europe follows then as a concession to the prevalence of crop and animal husbandry; that is, as hunting lessens in economic importance, territorial control becomes an issue of agro-economics (plow land and the pasturing of livestock), and the question of hunting rights centers more on “occupying” the wild animal wherever it freely roams than on owning its habitat.

By the time the Germani of central Europe presented a more contoured profile to Roman writers, hunting as a chief economic mode of subsistence had long been superseded by methods of field cultivation and pastoral farming. Tacitus’ Germania (98 C.E.) devotes a full chapter (26) to farming, with attention to land organization, but about hunting he has only this to say.

When [the Germani] are not entering on war, they spend some time in hunting, but more in idleness—creatures who eat and sleep, the best and bravest warriors doing nothing, having handed over the charge of their home, hearth, and estate to the women and the old men and the weakest members of the family: for themselves they lounge about, by that curious incongruity of temperament which makes of the same men such lovers of laziness and such haters of quiet.25

Given his emphasis on the Germani being so thoroughly militarized, Tacitus’ bare notice of their hunting may seem surprising. On the other hand, when given the option of housework or hunting, the men clearly go hunting. They let others labor at their domus et penates et agri and then hunt for lack of any warfare to attend to, a behavior that for centuries to come will distinguish the nobility of Europe. Tacitus gives no indication that these “haters of quiet” are making any useful contribution to the household economy. (In fact, the antithesis here between hunting and the affairs of the domus is exactly the premise of free-capture hunting, that wild animals and their capture exist in a moral realm apart from things domestic).

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Julius Caesar (De Bello Gallico, 51 B.C.E.) had made a slightly different point about the hunting of the Suebi.

They make not much use of corn for food, but chiefly of milk and of cattle, and are much engaged in hunting; and this, owing to the nature of the food, the regular exercise, and the freedom of life—for from boyhood up they are not schooled in a sense of duty or discipline, and do nothing whatever against their wish—nurses their strength and makes men of immense bodily stature.26

Caesar, stressing animal over crop husbandry, closely links the Suebi’s hunting with their barbarian freedom, though his point is partly that they hunt so much because they lack Roman discipline for industrious work; in other words, hunting is a distraction. Tacitus makes the Germani’s lack of discipline a central theme, saying also that they fail to get a full yield of crops from the fertile earth because they have no taste for hard work. In any case, recent archaeology views the situation in the most sobering light.

Surprisingly, the hunting of wild animals played an extremely minor role in the supply of food. On the most fully studied sites, the remains of wild mammals amount to less than 1 per cent of the total. And yet there was an abundance of wild meat on the hoof in Germania, notably the aurochs, wild boar, roe and red deer. The furs of the fox, beaver and otter were also available, though there is scarcely a sign that these animals were hunted on any scale.27

We might question this conclusion when we consider that practices of butchering game in the field or in transit may account for the paucity of these animals’ bone deposits in the settlement sites. Treatises and romances later showed the importance of butchering at the kill-site, to reward the hounds. But the physical evidence clearly indicates that the animals providing the Germanic peoples with their food were chiefly (in the order of greater to lesser importance) cattle, pigs, sheep and goats, fowl, and horses. Their crops were (among others) barley, oats, rye, spelt, flax, beans, and peas.28

The point is that for these Germani their hunting was a diversion, a surplus activity, a sport. This is implicit in Caesar and Tacitus, and indirectly corroborated by archaeology, although the Romans' view is that the Germani's excessive hunting and laziness were outgrowths of willful freedom, an antipathy to civilized discipline. How will “the Germani” themselves have seen it? Presumably hunting offered them excitement to offset a lack of war and to distract them from the boredom of “idleness.” As such, what was of lessening importance to the household economy now saw a gain in symbolic value. As Caesar's and Tacitus' remarks allow, supplemented by testimonies of hunting passion among Germanic kings up to and beyond the empire of the Franks, hunting became a prime expression of personal freedom.

In the imagination, free-capture may have freed men from spatial as well as time constraints. The tracks of wild animals, wherever they happened to lead, traced paths of hopeful exploit that raised a man above his sedentary life. These wild tracks cut through domesticated spaces but also led away from them, so to speak, into wildernesses evoking a former age, preserved by customary law to be distinct from domestic concerns of the present so that all nobles and free farmers should be able to pursue ancestral habits of the hunt. The common chase (the zone of free-capture) thus bears comparison with the archaic order of egalitarian rights among all members of a tribe, understood now as the estate of freemen. Free-capture hunting, therefore, is remarkable for its surplus value, its symbolic antiquity, and the desire it satisfies for nostalgic, extraordinary living. This was the basic scenario prevailing throughout central Europe until the era of the great imperial hunting reserves (forestae).

In medieval Scandinavia and England, where we approach more specifically the northern Germanic cultural world of Heorot, free-capture seems to have shared ground with one of two developments that were to transform European hunting culture. By the time of each earliest codification in the tenth and eleventh centuries, Swedish, Norwegian, and Danish folklaws evince a slighter regard for free-capture in favor of the sovereignty of individual rights in real property. The West- and Ostgotalag and the Westmanna codifications of Swedish law imposed various limitations on free-capture, though they did not abolish it. At the time of the codification, and perhaps for some indeterminate time before, rights to landed property incorporated hunting privileges, so that landowners were qualified to hunt only, but without competition, on their own land. The fact that free-capture remained in effect for bear, wolf, and fox attests to the threat these predators posed to societies that still had strong pastoral economies. Even so, hunting was obviously more important to subsistence here than in more temperate regions. Good pasturage and arable acreage in the north, which had always been hard pressed by confines imposed by the sea, mountains, high latitudes, and climate, seemed to shrink even further under pressure.
of overpopulation. This overpopulation not only raised the premium on wild
game for subsistence and sharpened hunting competition; it was of course also
one of the classic factors stimulating viking-age endeavor.29

For my understanding of Heorot’s symbolism, it is important to see how
two discrete ideologies of hunting rights coexisted among the Norse and Danes
who had a long-term colonial interest in Britain before and after the period in
which the Beowulf-manuscript was compiled. On the one hand, free-capture
envisioned a landscape that was expansive and, however much entrenched or
pinnacled by wilderness barriers, was still free of territorial bounds. It held
out to each freeman, sometime viking, sometime farmer, an open prospect to
chase game anywhere. The labor of hunting in this system was transformative,
whereby the act of “occupation,” i.e. the kill, turned a wild animal into an object
of legal possession. The right to the kill, with its attendant fantasy of heroic
action, expressed the free and equal status of the hunter among his peers any-
where in the country. On the other hand, however, and now in the ascendancy,
exclusionary rights of the hunt arose that were concomitant with taking and
owning land. This principle organized land and wilderness in spatial divisions,
where an act of capture figured as a reflex for the possession of territory. The
labor of hunting now realized less a transformation than a consummation of
landed proprietary claims. This principle’s idea of “qualification” ranked free-
men. Its ideology located a sense of the heroic in a larger aura of power attain-
dant upon discrete acts of tracking and killing. We begin to see a notion of
grandeur, of how one’s hunting magnifies the person because it is a manifesta-
tion of social power also “inherent” in the land-rights principle—a grandeur
noticeably lacking in the free-capture heroic. Its true blossoming, however, will
come later in the era of royal forests. For now, we may observe that each of
these hunting principles constructs its own set of values that enable potentially
heroic actions and mentalities. They work on differing assumptions, however,
about the values of egalitarian ethos and necessary hierarchy, of hunting labor,
of obligation and redrawing the vistas of heroic action.

In Anglo-Saxon England developments in hunting law seem consonant with
trends in Scandinavia, but there is also evidence for a strong tradition of the
ancient common chase. The single most important record on the subject is the
secular ordinance §30 of the Danish King Canute (r. 1016–35). In brief, Canute
here reserves his own hunting and, it seems, allowed his freeborn subjects to
reserve theirs. As John Manwood translates this ordinance in his seventeenth-
century Lawes of the Forest,

From henceforth, I will (saieth the King) that euery free man may take

his owne vert and venison or hunting that hee can get upon his owne
ground, or in his owne fields, being out of my Chase: And let all men
refraine from my venerie in euery place where I will haue the same.30

Why must it be said a man may hunt his own grounds as long as they are
outside the king’s reserve? This sounds suspiciously like the law of a forësta, but
we know nothing about its extent, nor do we know the status of the common
chase if other men may also claim exclusive hunts. The only other such hunting
reserves of mention were held by Edward the Confessor, who possessed several
(some with hunting lodges), all of which however seem like Canute’s to have
been restricted to royal demesne land.31 Criticism has focused on the extent to
which Canute’s and Edward’s reserves may figure as precedents for the royal
forests, but these reserves, in that they did not abrogate their subjects’ rights
on their own lands, figure comparatively insignificant in light of the uproar
that greeted the Normans’ imposition of imperial forest law. Given that most
(though not all) of Britannia passed from Roman law eventually to the customs
of the North-Sea Germani, and that with strong probability these orders of law
subscribed in varying degree to free-capture, Canute’s law appears a predict-
able Danish imposition upon insular custom. Perhaps we can expect the whole
Danelaw to have observed the usages founded upon territorial principles, with
their complex arrangements for the pursuit of wounded game across boundar-
ies. And Edward the Confessor spent much of his life in Normandy, hence
may have embraced Norman hunting culture without importing the attendant
legal apparatus of the post-Carolingian forësta. While individual Anglo-Saxon
charters on occasion bestowed the liberty of a territorial hunt coinciding with
a grant of land, it was presumably owing to the prevalence of free-capture that
this liberty required chartering.32

In this chapter I ask how antithetical ambitions may be reflected in Beowulf’s
staging the center of conflict at Heorot. The foregoing overview allows us to
see how striving for land, aggregating it as a basis for dynastic power, and hold-

30 “Volo ut omnis liber homo pro libito suo habeat venerem sive viridem in planis suis super
terras suas, sine Chacea tamen: & deuident omnes meam ubicunque eam habere voluero.” John
Manwood, A Treatise of the Lawes of the Forest (London, 1615; facsimile Amsterdam, 1976),
preface, 6. It is worth noting that Manwood’s gloss on this law (that “all wild beastes and birds
were onely the kings: and that no other person might kill or hurt them”), being fashioned to the
will of the Stuarts, is wrong.

31 Domesday Book (c. 1085) lists a forësta with a warden established by the Confessor in Dean,
and Edward’s charters list grants to woodwards and huntsmen in several areas that later became
royal forests under the Normans. See Young, The Royal Forests of Medieval England, 4; Raymond

ing it against the inroads of rivals would eventually impact European hunting culture by cutting away at the common chase. The customs of heroic-age egalitarianism, enabling individual freedom to range over and harvest from an open world of free-capture, were narrowed by laws that tied hunting rights to owning land. We thus find ourselves in a position to ask a hitherto unasked question. Does the towering hall “Heorot” evoke the ancient liberties and open vistas of a heroic world, or does it herald the preeminence of him who claims to own the hunting grounds? The answer, I shall argue, is crucial to understanding Grendel’s irruption into Scylding legend.

Heorot and Scylding Hegemony

Grendel’s tracks lead from wasteland to a great communal hall built to stand for civilization at its peak in a world of mythic lineages and endemic warfare. What ostensibly irks the monster is the joy it shelters, the emotional bounty of success and companionship through which the Scyldings celebrate providential creation in Caedmonian song (86a–98b). The passage setting forth the hall’s institution evokes manifest political and cultural power, and thus warrants examination in full.

\[
\text{Þa wæs Hröögare heresped gyfen, wiges weorðmynd, þæt him his winemagas georne hyrdon, oðð þæt seo geogoð geweox, magodriht micel. Him on mod bearn þæt healreced hatan wolde, medoærn micel, men gewyrcean þonne yldo bearn æfre gefrunon, ond þær on innan eall gedæelan geongum ond ealdum, swylc him god sealde, buton folcscare ond feorum gumena.} \\
\text{Da ic wide gefrægn weorc gebannan manigre maegþe geond þisne middangeard, folcstede frætwan. Him on fyrste gelomp, aedre mid yldum, þæt hit wearð ealgearo, healærna maest; scop him Heort naman se þe his wordes geweald wide hæfde. He beot ne aleh, beagas daelde, sinc æt symle. Sele hlifade, heah ond horngeap, heðowylma bad, laðan liges; ne wæs hit lenge þa gen}
\]
Thus to Hrothgar was granted such prosperity and glory in war that his followers eagerly obeyed him, while the younger generation grew to the strength of allies. He conceived the idea of commanding men to build a hall, a great mead-hall whereof the sons of men should hear forever, in which he would distribute to young and old whatever God had given him, save folkland and the lives of men. Then, as I heard, the task was broadly commanded to many peoples throughout this middle earth: their attendance should adorn the folk-hall. Construction went apace by the work of many till it was fully built, greatest of hall-works. He whose word everywhere held sway gave it the name “Hart.” He kept his word, dealing out rings and treasure at the feasting. The hall towered high, stately gabled, awaiting the war-welling and loathsome flames, for the time had not yet come when the lacerating hate of the father- and son-in-law should awaken in its gory wrath.

In the building of the hall, symbolic capital derived from military honor is revalued for peace. Hrothgar erects a “representational space,” named the Hart, in which the fruits of his military conquests are ostentatiously distributed to those who cooperated in enlarging Scylding honor. Here, the hall’s salient features consist in its unprecedented size and prestige (healærna mæst), its function to house the nexus of wealth exchange in public tributary assembly (gifting and feasting), its emblematic character (the hart), and perhaps also its poetic capacity at once to project renown and presage doom. That the hart was a symbol somehow relevant to Anglo-Saxon kingship seems a fair conclusion to draw from the great whetstone with its stag emblem found in the treasure of Sutton Hoo.

In his rich analysis of Beowulfian culture, John M. Hill remarks on features of house ornament, kin organization, and the hall’s function to give focus to acts...
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of marriage, inheritance, and adoption. He argues that the mead-hall is analogous to structures sheltering what Claude Lévi-Strauss defined as “house societies,” buildings epitomizing power in kin, property, and the cult of dynasty.

In Heorot’s case, the building of the hall is communal, involving many people from far and wide; it is Hrothgar’s effort to confirm and perpetuate the fame and wide dominion of a noble and powerful family of agnates; presumably it contains dynastic treasures and is the stage for a theistic hymn of creation. Thus, as the centre of kinship, amity, and cosmology, it may reflect sacral and magical functions as well as the deeply serious, drink-confirmed reciprocities of the lord to retainer relationship.

Although these observations certainly enlarge our impression of Hrothgar’s hall, Hill recognizes a genuine desideratum when he notes that the vocabulary of kinship in Beowulf does not overlap with words for house or hall. Likewise, the hall’s name, which surely we may presume to be of importance, suggests no connotations of kinship. Friedrich Klaeber accepts “Heorot’s” architectural derivation from the hall’s horn-like gable ends, although he also allows possible symbolism relevant to royalty and the archaic hart-deity. Given the emphasis the text places on the moment at which Hrothgar institutes a peace-time continuance of warlike prowess, however, we might expect more profound symbolism than we get from the gables. The poet underscores the conjunction between Hrothgar’s power and his naming of the gifting-hall as if the king would endow this building with a soul (“scop him Heort naman/ se þe his wordes geweald wide hæfde”). He evokes the concept of “mystical embodiment,” the principle underwriting proprietary rights invested in things and spaces. If the “Hart” is to signify as a rich and animating dynastic embodiment, as indeed we would expect a king to hope for when he bestows a name, the metaphor must be pertinent more to the vital social and symbolic aspects described by Hill above.

Old English heorot denoted the male red deer, Cervus elaphus. Fully grown, the wild hart stood as the largest horned cervine in Europe short of the northern elk (called “moose” in North America). Growing in Britain to 400 lbs at his largest, he carried his weight upon lithe lean legs, leapt and swam with power, and he could run with almost inimitable fortitude. Hounds often could

not overtake him. He was also delicate of nose, quick of hearing, and cunning beyond the skill of most pursuers. His reddish-brown summer coat grew round his neck into a shaggy mane, so that with his slender, austere head and ramified bone antlers swinging back to perhaps one-third his total length, his whole bearing could suggest grandeur—graceful yet endowed with an air of authority, he was by nature crowned. To those who knew how to read them (human and beast alike) his antlers were eloquent of his virility. Deformed antlers indicated castration or other injury to his sexual organs; strongly beamed antlers bespoke his thriving, for this was the weaponry he used against his rivals. Then as now, the wild hart sought a secretive life in remote woods, moors, and highlands till the season of rut, when he would strive for dominance over a herd of hinds.\textsuperscript{40} Surely it is in this independent and bellicose virility that we can see why Cernunnos was a fertility deity, or why the hart appealed to royalty charmed by a cult of dynastic regeneration.\textsuperscript{41} None of these notions, however, relates the hart to the chief social function of the mead-hall: a site for redistributing wealth. Only the old venison-economy of Germanic hunting bands offers such a connection.

How might “Heorot” be the perfect name for a dynastic mead-hall? An ancient game animal, the “Hart” tropes the obligating reciprocities expressed in gifting and feasting as reflexes of sharing venison among members of the hunting band. As in distributing spoils of war, cutting up and sharing venison was a ritual act that had bound the community of arms-bearing men and rewarded their cooperation with a sense of purpose. The Old English textual corpus gives no example to approach the keen regard that later medieval French, German, and English treatises (and several romances) had for showing the butchering of game and the sharing out of “fee,” i.e., cuts of venison, to participants of the hunt. In fact, the jargon and ritual butchering we find in later literature may not have predated the forestry and hunting guilds that formed to support the royal \textit{forestae}.\textsuperscript{42} However, we should beware against simplifying the early-medieval scenario, for, as is known from extant hunting societies, the customs for sharing out meat can attain political and religious significance. The stakes involved in who gets what, which specific cuts and how much, are always a question of competition and negotiation.

Above we identified the peoples of medieval Scandinavia and England not as

\textsuperscript{40} Veesy-Fitzgerald, \textit{British Game}, 180–9; Ferdinand von Raesfeld, \textit{Das Rotwild: Naturgeschichte, Hege und Jagd} (Hamburg, 1957).

\textsuperscript{41} On Cernunnos and representations of fertility, see Anne Ross, \textit{Pagan Celtic Britain: Studies in Iconography and Tradition} (New York, 1967).

\textsuperscript{42} Lindner, “Zur Sprache der Jäger.”
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hunter-gatherers of the archaic immediate-return type, but (as the principle of free-capture showed) agri-pastoralists whose hunting gained a strong symbolic character, all the more so as chief game species drew back to remote regions or were hunted to extinction. Beowulf, of course, does not dramatize animal and crop husbandry; nonetheless, salient features of the Scylding cultural order conform to ethnographic descriptions of delayed-return hunting societies.

Socially, the differences between immediate- and delayed-return organization are centred on the development of corporate households, of clans, lineages and other extra-domestic forms of social grouping, and, above all, of a range of varied, committed, binding social relationships of kinship or of contract in which the participants have formal obligations to each other and are, in some sense, dependent on each other. The development of such groupings and such relationships is connected with the control and allocation of assets, usually in the form of delayed yields on labour.43

In delayed-return orders, social hierarchy assumes the form of structured kin-groups dominated by elder men who, backed by ideology and ritual, brace their authority by subsuming the autonomy of, and alienating the labor-produce of, women and younger men.44 In Beowulf we have such manifestations ready to hand; for instance, we can note the agnic hall society and the fictional affinity of its tributaries, ring-giving, Hrothgar’s co-opting of the young thanes (geogoþ) for his comitatus, and peace-weaving bride exchanges (friðusibb). The relevance of the delayed-return concept to Beowulf is obviously not to be found in any representation of farming but becomes elaborated in the cultural effects of agro-economics, just as such effects are evident in, and equally relevant to, chivalric romance.45 Hrothgar’s gesture to have his dominion embodied by the hart therefore bespeaks warlike, traditional, even antique cultural values of the freeborn hunting fraternity—but it does not hearken back to the archaic

45 David Aers, for example, illustrates in the case of Sir Gawain and the Green Knight how a socio-economic factor such as the agricultural labor of the peasantry is critical to the representation of elite chivalric subjectivity, even though peasant labor is blocked out by the rhetorical strategies of genre (Arthurian romance). See David Aers, “‘In Arthurus Day’: Community, Virtue, and Individual Identity in Sir Gawain and the Green Knight,” chap. 4 in Community, Gender, and Individual Identity: English Writing, 1360–1430 (London, 1988).

33
hunting order of enforced sharing, zero class differentiation, and autonomous women.

Linking the abundance of the hart with the civilizing transformation of war, Hrothgar’s naming of the hall constitutes a founding moment in the Scyldings’ assertion of their hegemony. When the Scylding dynasts institute their house-order under the aegis of the hart, they create a representational space that seeks ideally to justify dominion through a ceremonial and lavish circulation of wealth. The hart establishes the hall as a gendered space in which the masculine principle is dominant, encompassing the feminine within its ceremonial regime. Women of rank are not denied individual agency in the public sphere, but the hart-order agrees with strategies of epic representation that remove private space and action from view (unless their problematic nature is thematically engaged) and integrate women within the male regime in prescribed public capacities.\(^{46}\) Beowulf certainly shares characteristics with classical epic insofar as it advances a formal theme (the “þeodcyninga þrym,” 2), treats of the interaction between warriors and fate or divine power, makes the destiny of a people depend on the success of this interaction, and reads moral implications into the mytho-historical destiny of the people(s) whose rise or fall it recounts. In this respect, Heorot and the symbolic order of the hunt are to the Scylding Danes what the urbs and translation of gods to Latium are to Virgil’s Trojan-Romans.\(^{47}\) Hrothgar’s naming of the hall occurs at a juncture when he can count on the eager obedience of his followers (“him his winemagas / georne hyrdon”) and his subjected chieftains to gather within the gabled folkstead, where divinely sanctioned gifting and feasting (“swylc him God sealde”) will ratify, but also dignify, these peoples’ compliance.

Yet if Hrothgar evokes the mystique of the ancient hunting band, his polity differs radically (one might even say polemically) from that of pre-agricultural social orders for whom the hunt was critical to survival. It is worth keeping this contrast in view. In the ancient order, for whom the hart-quarry meant not prestige but life itself, rights to hunting and shares in the kill had been regulated by forces fiercely resistant to social distinction and individualization, indeed antagonistic toward the whole notion of private property or personal control of material assets. If these archaic societies did in fact resemble the immediate-return hunter-gatherers of today, then they enforced common sharing

\(^{46}\) The emphasis here is on epic representation, not on Germanic culture per se. Jenny Jochens has shown that, given the comparatively loose administrative structures of late migration-age courts and the Germanic custom of dividing patrimonies, polygamy among the Merovingians offered women various means of exerting political influence. See Jenny Jochens, *Old Norse Images of Women* (Philadelphia, 1996), 173.

so as to de-emphasize any individual hunter's rôle in the kill, and regarded women to have an autonomous right to demand a share. In general they will have repudiated the idea of "gifting" insofar as this might have used private property to create personal obligations. Clearly, some of these archaic features would form the antithesis of Scylding society as seen in Beowulf, yet some others are curiously evident in Tacitus' account of one of the remotest tribes of the Germani.

The Fenni live in astonishing barbarism and disgusting misery: no arms, no horses, no household; wild plants for their food, skins for their clothing, the ground for their beds; arrows are all their hopes; for want of iron they tip them with sharp bone. This same hunting is the support of the women as well as of the men, for they accompany the men freely and claim a share of the spoil; nor have their infants any shelter against wild beasts and rain, except the covering afforded by a few intertwined branches. To these the young men return: these are the asylum of age; and yet they think it happier so than to groan over field labor ... 

Living in Stone Age primitivism while the Roman empire was still fortifying its Rhine and Danube fronts, these "Germani" (who, if real, may be the "Finns") show the stark discrepancy between archaic-egalitarian and hierarchic levels of civilization. In Beowulf Hrothgar may wish to identify his dynasty with the hunting vigor of such people, but he, like Tacitus, would find their company repellent. Truly disturbing is the women's self-reliance—does not Grendel's mother reach single-handedly for vengeance? Probably the Fenni would express equal distaste for the hunting culture of the early-medieval north, which acted on notions of social hierarchy and private property, and thus bound hunting rights to a given individual's dominion over land.

Hrothgar's royal symbolism, read as an act of symbolic appropriation, is thus equally antagonistic to archaic and free-capture ideals of hunting freedom. On the one hand, Scylding military and political dominion authorizes a dynastic monopoly on a symbol (the Hart) of widespread relevance. On the other hand, the social practices embodied by the master trope of the hunt (creating obligations through strategic gifting) legitimize dominion through an open-handed, but self-serving, giving out of wealth from the top down. The violence

48 Bernard and Woodburn argue strongly for viewing immediate-return systems as ancestral pre-stages of delayed-return orders (as opposed for example to interpreting them as a type of encapsulated, counter-hegemonic response to delayed-return societies); see "Property, Power, and Ideology in Hunting and Gathering Societies," 23–7.

49 Tacitus, Germania 46, trans. Hutton, 213.
of the kill is analogous to the subjection of peoples and capture of common rights. Yet this subjection of peoples is ideologically eclipsed in *Beowulf* when it imagines a rigorously stratified order of exchange between Hrothgar and the chieftains to be culturally productive (ultimately) of what the poem’s theme celebrates, the might and glory of the kings of peoples (2). Heorot’s symbolism in *Beowulf* dramatizes the war-band’s troping itself as its precursor, the hunting band, to present itself viably for prosperous rule. For, the hunting-band idea strengthens the (fictional) affinity of the war-band, because the hunting band was surely composed of kindred, while the war-band, whose recruitment was based on merit, sought ways to compensate for its weakening of kinship ties. Furthermore, as war can be like a hunt on men, so also the symbolism of a ruling hunting-band can trope a striving for power in such a way that hegemony seems providing and protective rather than oppressive.

Now, what about Grendel? Having thus far considered how an understanding of law and culture is necessary to flesh out “Heorot” as a trope of possession and power, there remains the problem of Grendel’s motivation and how it relates to his Cainite lineage. The answer, I shall argue, must be sought in the effect of the Hart-trope on those remote “outsiders to humanity” who defy its semantic of honorable subjection.

**Hunting and the Heroic Order**

Whatever the Danes may have done to bring Grendel’s wrath to their door, the basic moral order of Heorot is clearly worthy of Beowulf’s risking life and limb to uphold it. The poet prompts our admiration for the fact that Beowulf is aware of God’s help in achieving success (669a–671b; 972b–79b; 1655a–68b), a victory that enables the preservation of this order. Furthermore, it is also by means of the lavish gifting he experiences in Heorot that Beowulf honors his uncle Hygelac and thus becomes an under-king in his own right. It would seem common sense to posit Grendel as the very antithesis of Danish and Geatish heroic society, were we not reminded of Tacitus’ remarks just quoted, where he implies that even Stone Age barbarians love their freedom regardless of the hardship it brings them. How would such tribes-people view the Danes’ great Heorot with its symbolic order of the hunt based on a centralized giving out of spoils? How would women who have a share in the killing view the Danes’ bridal exchanges? These questions are not merely fantasy for the sake of argument. Rather, they point to the problems of essentializing “heroic” thought and action by example of any one people’s culture. We may reasonably assume that not all Germani would think of the bases for dignity and freedom in the same terms.
Heorot and the Ethos of the Kill

What can be considered common to an heroic world? Where do ruptures appear in this commonality that invite our rethinking of heroic values? These are big questions, but for present purposes I would expound only two points. First, heroic society in Germanic saga rises and falls through a vital, complex dialectic between honor and shame. Alliances and rivalries determine political life in which central authority is characteristically weak, and patterns of material and symbolic reciprocity adjust the measure of political bonds between individuals, kin-groups, and peoples. Among the chief means of defining reciprocal relationships we observe gifting (exchange of goods, hospitality, marriageable daughters, or hostages) and feud (raiding, legal action, or killing), both of which lend themselves to strategic manipulation. In its classic tribal or pre-feudal form (migration-age Europe, landnáma-age Iceland), political centralization appears infrequently due to general economic dearth: material scarcity keeps competition for subsistence and prestige resources acute, infrastructure remains undeveloped (territorial roots may still be relatively shallow), and the difficulty of amassing wealth generally holds powers in check.50

Second, crucial to heroic society is its warrior ethos. This ethos is shaped by all the socio-economic factors just mentioned. It extols the cult of honor as a sumnum bonum tantamount in its own way to the metaphysics of redemption and damnation. Since the age of Homer, factors such as a willingness to risk life and a passion for autonomy form the center of a heroic “self” that is publicly confirmed through tribute and renown. Without willing risk and autonomy there is no “freedom,” a word stemming from an adjectival root expressing “dear, costly, beloved” as this was conceived as a social estate (free from bondage) and a moral condition (possessed of free-will). Old English freogan, “to set free; love,” reflects old verbal formations with a semantic of love in Gothic. From this idea the West Germanic gerundium that in English appears as freond, “friend,” seems to ground the notion of free society in an idealized concept of “amity” (as mentioned by Hill, above), enabling cohesion and strength within a given kin-group.51 “Freedom” as a condition between kin-groups, however, is much more volatile. A constant tension makes itself felt between egalitarian social balances and any unilateral gains in wealth or symbolic status. This imbalance threatens to lead to overlordship and durably hierarchical relationships, and endangers


51 See D. H. Green, Language and History in the Early Germanic World (Cambridge, 1998), 41–3, which gives a more nuanced reading of the semantic development of fri- and its formations in Gothic, Old High German, and Old English.
heroic notions of honorable freedom. This does not mean ultimately, however, that aggregations of material and symbolic capital are not negotiable.

Grendel seems at home in this heroic world if we consider how he represents an extreme (i.e. “monstrous”) example of its dominant traits. He enters the narrative described as an ellengæst (86a), literally a “valor”- or “power-spirit.” The only time thus far the first element of this compound appeared was in the exhortation to hear of “deeds of glory” (“hu þa æþelingas ellen fremedon,” 3). Ellen classically is the zeal belonging to valor (Latin glosses align it with robur, “oaken strength,” as well as virtus and fortitudo); it enables monumental acts that are (ideally speaking) productive and everlasting manifestations of an heroic ethos. Furthermore, it seems that Grendel has a belligerent attitude toward, or is intimidated by, others’ prosperity. An outcast from humanity, he responds with agony and rage to the mirth (dream) that Heorot shelters, suffering from its inhabitants’ poetic celebration.

Swa ða drihtguman dreamum lifdon,
eadiglice, oððæt an ongan fyrene fremman, feond on helle. (99a–101b)

Thus the hall-warriors lived in mirth, richly prospering, until a certain one began his wicked deeds, an enemy from hell.

Obviously, Grendel has more than a philistine’s scorn for poetry. There is something twisted about his nature, an outgrowth of “Caines cynne” (107a), but the adverb eadiglice, “thriveingly,” is a key term here for what really irks him. English ead means “riches, property,” and from this, therefore, “bliss.” A Gothic reflex audags could be analyzed as “endowed by fate, beatus.” Hence eadiglice should prompt us to seek Grendel’s present motivation (the “why here and now?” of his attack) in a response to the material and emotional bounty sheltered by Heorot.

52 Without doubt Grendel possesses qualities less familiar to many of heroic ilk, such as a vivid interior life marked by experiences of pain, wretchedness, and terror. The suffering of Hildeburh, sister of Hnæf, in the Finnsburg episode comes close to this in such overt affective terms, although she matches him in intensity, not in kind. The Brynhild of the Icelandic Edda, independent and ultimately as desolate as Dido, comes closer in her interiority and violence. See Sigurðarkviða in skamma, in Edda, ed. Neckel, 5th ed., rev. Kuhn, 207–18.


The Danes' military preeminence (wiges weorðmynd, 65b) prefaces their cultural distinction. The poem's view of heroic antiquity sees a collateral exchange between these two signs of prestige, for it sequences the facts of cultural superiority very clearly: first, victory in war (herespēd, 64b) coalesces power in a future following (odð þæt seo geogoð geweox, 66b), whose actions are focused in the building of a worship hall that magnetizes tributary compliance through the appeal of its moral order. Such hegemony could not be maintained if honor were not in circulation. Indeed, it is well to keep in mind the crucial public dimension of honor as a species of symbolic capital. True, the interior reality of honor was key to any awareness of self-worth and personal respectability, but its core dynamic arose from tensions caused by continual public trial and assessment. It was fruitless to be born to a certain rank or condition if one did not also incorporate the social habitus particular to that rank.

William I. Miller, adopting tropes common to sociology, has studied the social dynamics of honor as a "game" (i.e. rule-governed, requiring certain competencies for success) and as a "field" (with inner and outer bounds and space within for maneuvering).

Honor was then not just a matter of the individual; it necessarily involved a group, and the group included all those people worthy of competing with you for honor. Your status in this group was the measure of your honor, and your status was achieved at the expense of the other group members who were not only your competitors for scarce honor but also the arbiters of whether you had it or not. In other words, your good standing depended on the judgments of your enemies. Your good standing was also aided by friends, not so much because of their judgment of you, but because you had them. Having friends was a sign to others of your honor and only the honorable had friends.55

Miller focuses on interpersonal scenarios that abound in Icelandic sagas, but an analogy to larger group politics in Beowulf is valid if we read "allies" for "friends." As long as one remains a player in the game of honor, a certain degree of vulnerability is needed for testing and ranking purposes. Shame, Miller explains, is necessary to honor, for if the honor/able person or group is not potentially shameable, they can give no manifest proof of their honor by recovering it in the normal processes of competition and exchange. Both slaves and overlords are to some extent out of the honor game, though they fall out at opposite ends of the spectrum.56 Presumably they will find their own areas

55 Miller, Humiliation, 116.
56 Miller, Humiliation, 117–24
for competition if they can find peers to compete with. A friendless exile finds himself in a truly wretched situation because of how, in this reading, he is edged out of the honor game entirely, which is to say, denuded of human worth.

Further, Miller subtly assesses the rôle of envy in heroic action. Christian moral doctrine condemns envy, a censure that blinds us to the work of envy in social interaction. Shame and envy feed off each other, as when one’s envious feelings for another’s superiority might induce the desire to see that person diminished, or when a person may be shamed by the possibility that their envious feelings (an acknowledgment of inferiority) become known. But the difference between shame and envy seems to rest in envy’s private perception of inferiority in personal comparison to others, while shaming manifests itself through public acts of reducing another person’s status. “Honor was a system for judging relative merit,” Miller explains, and

envy fueled the leveling mechanisms that kept people from getting too powerful to play in the game of honor…. Acquiring honor meant having to step on a few toes and thus assuredly gave rise to specific enmities, but the simple fact of having honor meant incurring envy and hence eventually enmity from people with whom you may not have had any prior hostile dealings. Yet these costs were the very joys of honor. What, after all, was honor if not the ability to elicit envy in others, the ability to extract from them a judgment of your superiority?57

Here we approach the question of who the Scyldings are to Grendel. Grendel, a humanoid monster who bears the curse of the dehumanizing atrocity of Cain, disputes the Danes’ very principle of high civilization. Motivated by enmity and envy (hetenidas, 152b; niðgrim, 193a) of the Danes’ “prosperous” mirth, Grendel seeks to level them and, in that they represent human achievement, all humankind by means of carnivorous depredations.

Swa fela fyrena feond mancynnes,
atol angengea, oft gefremede,
heardra hynða. (164a–166a)

Thus the foe of humankind, the horrid exile, repeatedly committed many a crime and inflicted hard humiliation.

Old English hynðu, “injury,” is literally a “lowering” (cf. Old English bienan, “to degrade, humiliate” and Gothic hauns “low”). Grendel’s motivation, however much it may be driven by Cain’s original envy of Abel, accords with a primitively

57 Miller, Humiliation, 124–5
“heroic” reaction to the Danes’ great buildup of power, perhaps as well to the Scyldings’ pacifying strategies of honor-imparting subordination.

Significantly, Grendel’s feud with the Scyldings binds Danish and Old Testament mythologies in a crucial nexus. The emotional circumstances surrounding the original kin-murder recur ever and again, regardless how men may try to forestall them, but they are still caused by certain factors. When Grendel’s forefather Cain had discovered that God favored (respexit) his brother’s offering and not his own, “iratusque est Cain vehementer et concidit vultus eius”—his countenance falls congruently with the lowering in (self-) esteem he suffers by God’s judgment.58 Although it is but one further instance of alienation from divine will, this irate falling away intimates a danger thus far unknown to Adam and Eve. God anticipates trouble with an apt image:

Nonne si bene egeris recipies? Sin autem male statim in foribus peccatum aderit, sed sub te erit appetitus eius et tu dominaberis illius. (Genesis 4: 7)

Will you not be accepted if you do well? But if you do ill, sin is lurking at the door, and has an appetite for you—you should rule over it.

God shows here a fine understanding of the postlapsarian psyche, a subject split by predatory, even self-devouring desires. Unable to rule himself, Cain dominates his more-favored brother because he is himself ruled by an envious force, an “appetite,” that has consumed him. Whether God was really spurning Cain, or just his offering, is a question tragically overlooked by Cain himself. Uneasy about an unpredictably divine whim, Midrasch and Christian traditions sought to rationalize God’s choice, chiefly by ascribing to Cain avarice and premeditation. The canonical text, however, knowingly mystifies the principles of divine judgment. God’s will may seem inscrutable or even arbitrary, yet it is just and true for the very fact that it is God’s.59

In the Beowulf-poet’s implied reading of this moment in Genesis, what Cain had failed to grasp was the just wisdom of God’s inequitable allotment of favor. Such is the history of the chosen people and their successors in the context of


59 Certainly there are suggestive reasons to assume why Mosaic mythography will have sought to privilege a pastoral social order (represented by Abel’s flesh offering) to the disadvantage of an agricultural one (Cain’s “fruit of the ground”), given the ethno-economic history of the ancient Hebrews, although the anthropological facts are certainly more involved than such a mythic polarization might suggest. See Robert Graves and Raphael Patai, *Hebrew Myths: The Book of Genesis* (Garden City, NY, 1964).
all biblical peoples, and in spite of the narrator’s remarks about the “hope of
the heathen” in the grip of crisis (79a), the monotheistic faith of Hrothgar and
Beowulf proves a fertile ground for divine justice among noble barbarians. As
God chose the Scyldings for glory in northern Germania, He also (for the time
being at least) authorized their strategies of dispensing favor. Thus the notori-
ously enigmatic lines,

Heorot eardode,
  sincfage sel  sweartum nihtum;
no he þone gifstol  gretan moste,
  maþðum for Metode,  ne his myne wisse (166b–169b)

[Grendel] beset richly adorned Heorot in the black of night; he could
not approach the treasured gifting-chair because of God, nor know His
love

may be understood to taboo or sanctify the locus of power from which
inequitable distribution is backed by divine will. Grendel thus visits his fore-
bear’s ancient rage on the Scyldings at the peak of their political and cultural
hegemony, a moment of power and honor patently authorized by God (72b).
The poet’s sympathies prove early “feudal” on the assumption that a disciplined
social hierarchy can best ensure a peaceful circulation of worldly honor. As
the curse of Cain is ancient, so Grendel’s actions appear regressive because he
cannot stomach dynastic appropriation—an intolerance that is perfectly com-
patible with the most hard-bitten frontier egalitarianism of the migration and
viking ages.60

To see how Grendel’s hostile degrading of the Scyldings assumes counter-
hegemonic form, we must revisit the idea of Heorot. If “Heorot” is nothing but
a Pagan Stag, then the picture is hardly more than God’s letting perversion
feed on heathendom. I believe, however, that Grendel’s monstrosity refracts
the iconic power of hunting culture upheld by the Scyldings to honor their
preeminence. Given the hall’s function, the Hart with its symbolic order actu-
ates the complex metonymies that correlate discrete parts to a whole social
formation: the social body of the Hart figures as a composite of subordinated,
mutually obligated parts (affine and tributary) that affirm their coherence by
circulating wealth. Its organization extols the idea of agnatic supremacy—the

60 As a well-known example of the relationship between princely hegemony and literature: the
pressures of hegemonic aspiration in the case of Norwegian kings was the motivation behind
the Norse settlement of Iceland and the cultivation of an heroic society there as depicted in the
Icelandic family sagas. Such hegemony was not only the foil for the Icelandic Commonwealth; it
shaped themes of heroic individuality in the sagas.
example of venerable Scyld Scefing’s wrecking of mead-benches. Grendel, however, scorns the Scyldings’ seizure, or transformation, of what he might hold to be the authentic symbolic order of the hunt. He contests the dynastic-sacral mead-hall as though it were literally the body of a deer, tearing the social body limb from limb, even bringing a sack to carry off his killings (2085b–86).

If Grendel’s resistance to early-feudal subordination is regressive, so too is his “hunting.” In light of our overview of hunting ideologies, Grendel’s bearing toward Heorot adopts the posture of an immediate-return hunter angered by the Danes’ appropriation of an egalitarian symbol. He disdains Hrothgar’s gifting prerogative and, as it were, forces the parting out of pieces of the body of the Hart—literally, Scylding warriors in the flesh. This is the crucial difference that modern ethnology has observed to distinguish orders of hunter-gatherers: a (delayed-return) toleration of a distinguished group’s strategic, proprietary gifting versus a rigorous (immediate-return) prohibition of distinction that is enacted by a promptly enforced, and far less discriminate, sharing out of surplus. The two positions may be schematized as in the following table.

<table>
<thead>
<tr>
<th>ORDER OF THE GRENDEL-KIN (−)</th>
<th>ORDER OF HEOROT (+)</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;IMMEDIATE-RETURN&quot; MEAT ECONOMY HUNTING PRIMARY</td>
<td>&quot;DELAYED-RETURN&quot; AGRI-PASTORAL ECONOMY HUNTING SECONDARY AND SYMBOLIC</td>
</tr>
<tr>
<td>MATERIAL MINIMALISM (wilderness; exile)</td>
<td>CULTIVATION OF SURPLUS (communal mirth and wealth (&quot;ead&quot;); arts of song)</td>
</tr>
<tr>
<td>NO CONCEPT OF PROPERTY—ENFORCED SHARING (body of Scylding totemic deer)</td>
<td>PERSONAL PROPERTY IS NORM—STRATEGIC GIFTING (ritual ring-giving)</td>
</tr>
<tr>
<td>EGALITARIAN / MINIMAL CLASS-DIFFERENTIATION (Cainite Order of envy; Grendel’s strategy of hynðu)</td>
<td>HIERARCHIST / LEGITIMATE STRATA OF DISTINCTION (Heorot Order of dynastic supremacy; Scylding hegemony)</td>
</tr>
<tr>
<td>WOMEN AUTONOMOUS (Grendel’s mother—female agent of vengeance)</td>
<td>WOMEN EXCHANGED AS WEALTH (Hildeburh, Freawaru—female victims of feuding)</td>
</tr>
<tr>
<td>ARCHAIC / HEROIC</td>
<td>POST-HEROIC / PRE-FEUDAL</td>
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</tbody>
</table>
Obviously we cannot expect the *Beowulf*-poet to have been mindful of modern ethnology. Nor have I argued here that any inhabitants of medieval England or southern Scandinavia were true immediate-return hunters. Even the advocates of the land-rights principle of hunting privilege were unmistakably delayed-return types, and the appropriation of a common hunting symbol would be troubling to immediate-return archaism and delayed-return free-capture attitudes alike.

On the other hand, Tacitus’ account of the Fenni conveys (or imagines) a view of Stone Age squalor in which the people live from hunting and gathering with no gendered division of hunting labor, and know neither livestock nor crops nor *penates*, so implying they are barely human. As much was said later by Procopius of inhabitants of “Thule” and by Jordanes of the people of “Scandza,”61 to which may be added the witness of Ohthere on the nomadic Finnas and Terfinna.62 This is not to suggest that the *Beowulf*-poet read classical or medieval ethnography; rather, the point is that extreme polarities of barbarianism had always been conceivable, if not also observable. In the features of barbarian hunting culture it evokes, *Beowulf* poetically conjures forth the monstrous aspect of half-animal troglodytes and pits them against civilized monotheists at Heorot. Callously independent, even pathologically so, Grendel acts the hunter who, as a response to an encroachment, lays homicidal claim to another’s kill. True to her archaic indistinction, his mother steps in to do her share of the feud-killing as well. To the poet, sympathetic to the Scylding world order, Grendel is as much a hunter-wolf as he is a criminal, even cannibalistic and godforsaken maverick of the pagan outer darkness. God’s blessings are with that aristocratic order that has sublimated the violence of the primitive hunting band into new cultural economies, and demoted women to the rôle of bystanders.

Viewed from the perspective of the Grendel-kin, the order of Heorot seems a kind of “post-heroic” society, dedicated to mirth, and arrogant in its appropriations and hierarchy. We may recognize in this order a transitional ethos of *Heldenepos* whose conditions emerge somewhere between a “heroic” (hunting and raiding) egalitarianism on the one hand, and a “feudal” (land-based) or “chivalric” (service and *eros*) hierarchization on the other. Were the order of the Grendel-kin to thrive, it would foster the very conditions that retarded the coalescence of kingdoms which arose to stabilize the demographic convulsions of the migration age. *Beowulf’s* formal theme is “þeodcyninga þrym”—the

61 See Tacitus, *Germania*, trans. Rives, 326–7; Rives gives an excellent bibliography, discusses the classical *topoi* for such ultra-barbarians, and considers the Fenni’s relevance to the Lapps and Balts.

might and glory of the kings of peoples, precisely those military overkings who forged the great tribal confederations, be it Hrothgar and Beowulf, or Theodoric, Clovis, or Canute. Shrewdly, however, the poet vivifies passions of barbarian experience in the antitheses reshaping the ancient hunting and warrior bands, associating a resistance to dynastic supremacy with archaic and subhuman violence.

It may be worth pointing out that I have not argued here that Beowulf is “about” hunting, as no one would claim that Beowulf is “about” the pagan stag cult. I have tried to show there is a story about Grendel’s hatred for the Scyldings’ Heorot that is richer in cultural and psychological detail than might be suggested by a fable about evil or a primal curse. If vestiges of hunting culture become intelligible in that story, it should surprise no one. The history of the European royal forests—the king’s monopoly on hunting in the common chase of free-capture—begins with the Merovingians and fully flourishes with the Carolingians. The earliest charter evidence for a royal hunting preserve dates from 648, but Gregory of Tours (who gives an historical confirmation of Hygelac’s fatal encounter with the Franks) relates that already in 590 the Merovingian king Guntram came across the carcass of an aurochs that had been “poached” in the Vosges, evidently a space the king considered to be his personal hunting grounds. His forester accused the chamberlain Chundo, and the event led to an ordeal that killed the forester and Chundo’s champion, and ended with Chundo’s execution. The history of such hunting preserves in England is marked by bitter controversy, at times almost anarchy, replete with earls and bishops poaching defiantly by broad daylight, because the royal hunting monopoly lay at the heart of debate about the rightful extent of crown prerogative and the bounds of tyranny. While the royal forests were not to come to England till the Normans imported them, they were anticipated before the Conquest in the laws of the Scandinavians, and especially in Canute. Beowulf, especially in its latest incarnation around the manuscript date of 1000 C.E., exploits the legend of Heorot to refract anxieties about royal power. In the next century this angst shall flare far and wide to defy the hegemony of the overlord of the hunt.


64 Gregory of Tours, The History of the Franks, trans. Lewis Thorpe (Harmondsworth, 1974), 558 (10:10).

It was the French-speaking lords of the Norse raiders settled in Neustria, now dukes of Normandy, who, by bringing their hunting law to England, brought their hunt within the compass of tyranny. The Norman kings built a strategic network of motte-and-bailey castles, then of stone keeps, while at the same time they established hunting preserves over vast tracts of the English countryside. Both enterprises, fortification and hunting, were to reflect cherished interests of a foreign military élite seeking to assert control of the land. It shall be the purpose of this chapter to track newly distinctive hunting tropes as they shaped and were shaped by the historical and cultural context of these preserves, the royal forests.

The extension of Norman power was hardly unique to England. Robert Bartlett’s study of the “Frankish diaspora” has analyzed the impulse and scope of central European expansion in a centuries-long (but loosely concerted) pattern of conquering and then colonizing the northern margins of continental Europe, the Mediterranean, and the Near East. This movement drew its centrifugal energy from the requirements of dynastic consolidation. Primogeniture’s devolution of a landed estate wholly upon the first-born male descendant, a practice seeking to counter the break-up of power entailed by ancient Germanic inheritance customs, disinherited generations of young nobles for whom only marriage or military ventures offered likely means of pursuing their own landed fortunes. Chiefly the exploits of Norman scions, who founded lordships from Ireland to Constantinople, to Syria and Sicily, became characteristic of this Frankish dynamism. In central Europe lords who were able to retain their family holdings worked to expand these by inducing peasants to clear wilderness areas and bring them under the plow. Such policies of internal expansion, increasing the produce potential of feudal fiefs, often rewarded peasant colonists with enhanced legal control of their tenements. Those who undertook to conquer and colonize, on the other hand, stimulated external expansion by

transferring central European modes of production to their conquests. Bartlett argues that such expansionism did not entail the absolute subordination of colonized states to the homeland of the colonizers, as was the case in modern imperialism. Newer political formations had the capacity to develop independently of their original matrix.

For our investigation we must observe that ducal forests were an important feature of Norman lordship. They comprised part of the Norman inheritance from the Carolingian empire, and created a formal space in which to dramatize the energetic character of the Norman aristocracy. In the early years of conquest, the subjugation of the English required frequent military action, while confiscations enabled the entrenchment of a Norman feudal order whereby Continental lords and adventurers were rewarded with their own enfeoffments. Concurrently extending part of the legal order of the homeland, the Conqueror also translated the administrative apparatus of the ducal hunting preserves, *garennes* and *forestae*, of Normandy. There remains some question about the status of hunting law in Normandy at the time, for it seems that Norman *garennes* (warrens understood as preserves for the hunt on certain game) represented a decline of Carolingian forest law to the point that the dukes could reserve the hunting only on their own demesne land. Whatever the case in Normandy, however, in England the forest law rose to a power to rival its imperial origin among the Franks.²

Afforestation was the process by which, through arbitrary decree, lands were lain under royal forest ban, but these lands were not restricted to the king's demesne land. Because of the technical nature of the concept *foresta*, not only woodlands were equated with “forest,” for unwooded wasteland and populated areas could fall under the ban as well.³ It happened primarily to be the woodlands and moorlands that best harbored the red and fallow deer, and, before they were hunted out in the wild, the boar. The early afforestations show that the Normans tended to establish their private hunting grounds in sparsely populated wilderness territories linked together in belts of *forestae* running through the uncultivated or infertile wastelands separating arable regions. Raymond Grant has catalogued many of the early forests geographically. Upon the clay soils of the South West there throve a seemingly intractable murk of woodlands


³ Petit-Dutaillis and Lefebvre, *Studies and Notes Supplementary to Stubbs’ Constitutional History*, 170–1. In the pages ahead my usage shall generally restrict the words “forest” and *foresta* to mean the whole institution or the sum of all individual “royal forests” as distinct from woods or woodland.
which became the Forests of Blackmoor, Gillingham, Selwood, Chippenham, Melksham, Braydon, and Wychwood. Likewise in the Midlands, the Forests of Dean, Malvern, Ombersley, Horewell, Feckenham, Kinver, Morfe, Wrekin, the Long Forest, and Sherwood extended along and away from the river Severn. The Forests of Shotover, Bernwood, Whittlewood, Salcey, Rockingham, and the Forest of Huntingdonshire were established between Oxford and Stamford Bridge. On the sandy soils of Hampshire rose the New Forest. Also moorlands, uplands, and marshes were afforested (for example, Dartmoor, Exmoor, Pickering, Lincolnshire). Many of these forests were in the royal demesne, adjacent to royal manors; many, however, were not, as for example the whole county of Essex lay under the forest ban. The constitutional storm over the royal forests, which finally came to a head in the thirteenth century, was driven by the basic circumstance that, more often than not, the king’s hunting grounds overlay the demesne land of his subjects.  

Afforestation weighed heavily upon the people with its ironies and burdens. A strong incentive for domestic and foreign colonization lay in the recovery of land through wilderness clearing, cutting back ancient woodlands to reveal the arable acreage beneath them. Such clearing would have been agriculturally unprofitable where woodlands blanketed gravel or acid soils or limestone, but royal forests stretched not only over wasteland. They covered populated and arable areas as well. And wherever the royal forests extended, they burdened exploitation. In England they seem rather to have brought a regressive dimension to processes of expansion such as Bartlett describes. Before the Conquest viking colonization had long undertaken to resettle Danish peasants in England; however, Norman colonization followed different patterns, directing its energies upon the replacement of English administrative and ecclesiastical authorities. In the case of the royal forests, the extension of a Continental institution could countervail methods used to facilitate the exploitation of conquered territory, curtailing the rights of new feudatories. The Normans acted upon this contradiction by granting hunting preserves to privileged subjects, using the example of royal forests and warrens to apportion favor, at a price. Yet the overwhelming impression made by monastic chroniclers was that the king imposed his hunting passion forcefully upon the liberties of all.

Themes of gross injustice, misrule, and divine vengeance coincide in monastic accounts of the death in 1100 of William Rufus, who was killed (possibly assassinated) while hunting in the New Forest. William of Malmesbury recounts

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5 Beside the accounts discussed below, see also Florence of Worcester, *Chronicle*, a.d. 1100, in
commonly reported visions of horror portending regicide with a motif of Rufus devouring a human body. On the day of the hunt an anonymous foreign monk relates a dream that he saw the king enter a church, and then, “violently seizing the crucifix, he gnawed the arms, and almost tore away the legs” until the image kicked him back prostrate. In his De nugis curialium (c. 1181), Walter Map amplifies this consuming appetite of the king. Rufus dreams of premonitions, telling Gundulf, Bishop of Rochester, that

In a beautiful forest, after long chasing of beasts, I went into a very fine chapel, and saw therein a naked man lying on the altar whose face and all whose flesh was so delectable to look upon that it might suffice for food and drink to the whole world for ever. And so I ate up the middle finger of his right hand, the which he suffered with the greatest patience and with a calm countenance: and from him I went back forthwith to the beasts. ...

Gundulf weeps and glosses the dream to say that Rufus has devoured whom he should have safeguarded, the church and innocents of his realm. Map’s redaction of the Rufus legend is noteworthy for the way it uses the foresta, specifically a forest chapel with an altar as both bed and table, to connect homophobic anxieties with an image of the king as the tyrannical eater of his people. Orderic Vitalis, who attributed the uprooting of settlements and churches in the New Forest to the voluptas venandi of the Conqueror, relates that Rufus’ death was preceded by horrendae visiones among the clergy. A monk in the monastery of St. Peter at Gloucester dreamed he saw a shining virgin imploring Jesus to keep the king from defiling her. Twelfth-century chronicles repeatedly question the authority of the Norman foresta by defining it as a site of divine judgment where God took his vengeance upon the Norman king as He had upon Saul.

9 See also Eadmer, Historia novorum in Anglia, chap. 102, trans. Geoffrey Bosanquet as Eadmer’s History of Recent Events in England (London, 1964), 106, where Rufus denies the rights of juridi-
No forest in England could pride itself on such infamy as that of the New Forest. Following soon upon the conquest King William afforested 75,000 acres of thinly inhabited woodland in Hampshire. The sandy soils of this region rendered the land unsuitable for clearance, but typical woodland industries had supported small villages in other parts. About 500 families were affected by a second afforestation that supplemented the preserve by some 20,000 acres. At that point about 2,000 people were deported. Later a further 30,000 acres would be added to complete the king’s ideal hunting ground. Chroniclers cried in outrage at the harm done to church and parish there, although it seems the afforestation involved more resettlement than ecclesial depredation. On the one hand, the New Forest was conceived as the sportsman’s dream of an isolate wilderness, a sanctuary free of common intrusion, the big payoff of conquest. On the other, the dispossessions it enforced and subsequent rumors it incited augmented the stern, even ruthless, self-image that Norman lords typically sought to project. For, as Bartlett explains it, wherever in Europe and abroad Norman arms had triumphed, this was attended by demonstrations of severe rigor.

Part of the change was towards a new cruelty, brutality and bloodthirstiness, for savagery was as important a part of the image as vigour and valour. The “ferocious Normans,” as William of Apulia called them, had a reputation. To the local Lombard princes they seemed “a savage, barbarous and horrible race of inhuman disposition.” It was an image that was carefully cultivated.

The rationale was that, in the words of William of Apulia, “there should be something terrible to report about the Normans.” In England massive dispossessions linked with the terrors of corporal and capital punishment for poaching imbued the royal forests with this quintessentially Norman aura. Well into the thirteenth century there would be something terrible to report.

Gitsung, cupidinous desire, and grædinæss, greed, are moral rubrics under which the Peterborough Chronicle commits obituary verses to the memory of William the Conqueror.

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10 Petit-Dutaillis and Lefebvre, Studies and Notes Supplementary to Stubbs’ Constitutional History, 169–70.
11 Bartlett, The Making of Europe, 86.
Bloodsport and the Symbolic Order of the Forest

He was fallen in avarice and enraptured by greed. He established a great preserve for wild animals and laid down laws for it, that whosoever slew hart or hind was to be blinded. He tabooed the harts as well as the boar. He loved the high game as mightily as though he were its father. Also he ordained that the hares run free. His rich men bemoaned it, and the poor men complained. But so unmoved was he that he recked naught of the enmity of them all.

Avarice and power engender laws reflecting misplaced “love.” The subject people, the absent objects of their ruler’s affection, become subjects of moaning and lamentation. The high and the low of them chafe under this novelty, this deorfriþ, probably the New Forest. King William was, says the chronicler, ruthless toward opponents but benevolent toward those who complied with policy. The king knew (through the Domesday survey) the whereabouts of every hide of land in England; he knew whose it was and what it was worth. “But so stern was he” as father of the deer, “that he had not a care for all their resentment.” Niþ, the word for “enmity” and “envy,” has here its distinctive leveling effect that we saw in chapter 1; now, however, it ironically recoils upon the subjects. Men high and low can now be reduced to a single class of “poacher.” Memorable as is the trope of the hunting lord’s paternity, above all it is the related punishment in the King-William Rhyme that astonishes now as ever since the days of its decree. Given the circumstances of Germanic hunting

Hunting Law and Ritual in Medieval English Literature

In the eleventh century, it seemed arrogance itself to impinge on the consuetude of free-capture, and an outrage to extirpate men’s eyes for their hunting of wild animals. In the reigns of William Rufus and Henry I, poaching evidently incurred capital punishment, while blinding and emasculations were allowed to mitigate a capital sentence. Such severe penalties that ranked poaching with homicide, rape, and treason, obviously shot far off any economic scale for compensating the value of a deer carcass. But exactly how does the evidence corroborate the King-William Rhyme? As forest law was always a thing apart from other jurisdictions, early legal records touch on forest matters only marginally. Surviving charters relevant to forest law during the reigns of William I and Henry I relate only to easements (allowing usage rights) and quittances (releases from obligations). TheLeges Henrici Primi of1118, which in §17 indicate something of the occupations of the pleas of the forest, outline the early forest law by listing some trespasses. The earliest detailed information about the judgments of forest courts comes from the single pipe roll of 1130 (30 Henry I), while the earliest extant transcriptions from the rolls of forest pleas begin in 1209. None of these documents records mutilations or capital sentences, and so we must accept the testimony of chroniclers and subsequent laws to vouch for this Norman cruelty. In hisDe gestis regum Anglorum (1125) William of Malmesbury writes that Rufus had both the rich and poor executed for poaching in the royal forests. The chronicler of theGesta Stephani laments that Henry I, the Lion of Justice, saw “little or no distinction between the public punishment of those who slew men, and those who slew the deer,” for both classes of criminals were hanged. William of Newburgh, in hisHistoria rerum Anglicarum, brings similar remarks on Henry I to bear upon his grandson Henry II’s love of hunting.

Later kings’ policies tended to prefer massive fines and exile, yet the texts of their laws called for taking poachers’ life and limb. As the preservation of royal

13 See Felix Liebermann, Gesetze der Angelsachsen, 4 vols. (Halle, 1903), 2: 2, 388; 2, 405.
15 Young, The Royal Forests of Medieval England, 12.
18 Young, The Royal Forests of Medieval England, 7–32; Grant, The Royal Forests of England, 10–14; Petit-Dutaillis and Lefebvre, Studies and Notes Supplementary to Stubbs’ Constitutional History, 176.
records was not yet systematized, we must look ahead to Roger of Howden’s *Chronica majora* (1201) to find a reinvigoration of the ghastly measures of Henry I. Howden, who was a justice of the forest pleas, records Henry II’s Assize of Woodstock (1184), chapter 1, as declaring that “Forest offenses will henceforth be punished not just by fines but by full justice as exacted by Henry I.”¹⁹ Richard I’s forest assize re-instituted the mutilations of old, blinding and castration. It was not till the upheavals and civil war leading to Magna Carta (1215) that this brutal facet of forest justice was revised. The “unknown charter,” a petition of the barons’ most strident demands forerunning the Great Charter, insists in §12 that no one be mutilated or executed for a forest offense. Magna Carta incorporated petitions to reduce baronial participation in forest courts and to reduce the size of the forest (through “disafforestation”). Thereafter outstanding grievances (concerning capital penalties, the rights of private estates within the forests, the extent of disafforestation), which the crown ignored, joined other factors leading to a recursion of war. The *Carta de Foresta* (1217) finally abolished the forfeiture of life and limb for venison trespasses (§10) and set the standard penalty for the remainder of the Middle Ages: a fine, or for default of this, imprisonment for a year and a day, after which time the convicted poacher must find pledges or, for default of these, abjure the realm.²⁰

From the days of the Conqueror to those of Henry III, then, the king’s exclusive hunting in his royal forests was defended by the use of maximum legal force upon trespassers. There are no testimonies to such severity in pre-Conquest times, as indeed poaching was a novel crime. Innumerable folk who had not the resources to pay their fines suffered untold loss. If a man found no one to pledge for him, he could languish in prison for years or expire before the circuit courts ever came to try his case. Following the Tudor and Stuart revival of the severest forestry regime, the capital sentences prescribed by the game laws of the eighteenth century were more indicative of the law-and-order sensibilities and propertied interests of the landed classes of that age, and not of continuing antique policies of the medieval kings between Henry III and Henry VIII.²¹ Certainly many a hunting lord on the Continent, particularly


²⁰ “Nullus decetero amittat vitam vel membra pro venacione nostra; set, si aliquis captus fuerit et convictus de capcione venacionis, graviter redimatur, si habeat unde redimi possit; si autem non habeat unde redimi possit, jaceat in prionia nostra per unum annum et unum diem; et, si post unum annum diem plegios invenire possit, exeat de prionia; sin autem, abjuret regnum Anglie.” See J. C. Holt, *Magna Carta*, 2nd ed. (Cambridge 1992), 240, 348–9, 514; also Young, *The Royal Forests of Medieval England*, 66–70.

in Germany and Italy, seemed never to tire of inventing truly fiendish ways to execute poachers. But in England it is chiefly the Normans and Angevins—William I, William Rufus, Henry I, Henry II—with whom we associate the combination of hunting passion and juridical force that became the hallmark of the royal forest in its most menacing phase.

Hunting “outside” the common law

As the foresta had no precedent in common law, it fell to its advantage to defy definition and mystify it with its uncertain boundaries, lack of regional uniformity, and arbitrary legality. This mystification can still bedevil critics who venture into the legal murk within its purlieus. Since the Middle Ages there has ruled a strong trend to define the foresta on the basis of word root, whereby modern consensus favors Latin foris, “outside,” for the stem.

In his study on the history of forests in Western culture, for example, Robert Pogue Harrison traces their life in the mind as a sinister Other, a “shadow of civilization” against which human culture has striven to validate itself. In the Middle Ages this othering was not merely symbolic or psychological, it was literal.

A “forest,” then, was originally a juridical term referring to land that had been placed off limits by a royal decree. Once a region had been “afforested,” or declared a forest, it could not be cultivated, exploited, or encroached upon. It lay outside the public domain, reserved for the king’s pleasure and recreation. In England it also lay outside the common juridical sphere.

Close examination can only vex this description. The foresta was a juridical space, to be sure, but freedom of movement in it was officially restricted only during the “fence month” when the hinds and does were fawning. Herding cattle on forest heather and agisting swine on acorns was a source of regular income for settlers in hamlets and farmsteads, and was generally taxed by the king. We should also note the harvest of honey and salt, the harvest of wood through pollarding of trees, and harvesting of timber, as well as industries like charcoal


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making and iron smelting. Further, on occasion the forresta could be cultivated wherever the natural coverts of the deer were not destroyed. In practice, the penalties for such encroachments (called “assarts” and “purprestures”) wrought against the vert (wood, scrub, and underbrush) did not require that structures be dismantled or that cultivated land be replanted back into wilderness. Such trespasses against the vert became an important source of amercement income. After the Forest Charter of 1217 hunting prohibitions were eased for earls and barons. Moreover, and most importantly, other jurisdictions were coterminous with the same space that was occupied by the forest law: the common law remained in full effect, hence homicides and thefts occurring there were adjudicated in the common law courts. Under canon law, clergy could at times be tried in ecclesiastical courts even for forest trespasses. And Jewish offenders remained subject to prosecution by the Exchequer of the Jews. One may add that there was frequent coordination between common law administrations and forest administrations, as for example when a sheriff might be ordered by forest justices to produce accused poachers at the eyre, or to confiscate their property. In brief, Harrison’s point about the forest’s otherness is perfectly valid, but it remains unclear what precisely the forest was other to. How did medieval writers conceptualize the forresta? Richard fitz Nigel, a treasurer of Henry II, reflected on the meaning of forresta in his Dialogus de Scaccario, or Course of the Exchequer (c. 1170). This important treatise, to which I shall return later in this chapter, is concerned with the operation and principles of Henrican government, explaining the rationale for the royal forest within its larger institutional context. The content of the Dialogue unfolds in answers given by a magister in response to questions posed by his discipulus, who at one juncture presses his master for a precise qualification of the word forresta.

28 See likewise Schama, Landscape and Memory: “The nomenclature “forest” that now replaced the older Latin terms of salus or silva was in all probability derived from foris, or ‘outside.’ It signified not a particular kind of topography but a particular kind of administration, cut off from regular codes of Roman and common law” (144). Schama corrects himself shortly after this remark by saying that “forest law did not supersede but supplemented common law” (147). Harrison’s advocacy for foris is supported by Oxford Dictionary of English Etymology, ed. C.T. Onions (Oxford, 1966), 370; Oxford English Dictionary (ed. 1933), 4:442; Bechmann, Trees and Man, 13–14, as well as Corinne Saunders’s study of the founding sources in The Forest of Medieval Romance, 6.
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Master: The King’s forest is a safe abode for wild animals, not all of them but only the woodland ones, and not everywhere, but in particular places suitable for the purpose. That is why it is called foresta, as though the e of feresta, which is a haunt of wild animals [ferarum statio], were changed to o.

Student: Has the King a forest in every county?

Master: No, only in the wooded ones, where wild beasts have their lairs and plentiful feeding grounds. It makes no difference to whom the woods belong, whether to the King or the nobles of the realm; in both alike the beasts wander free and unscathed.9

As the master’s penultimate point about the topography of individual forestae is disproven by the forests of Exmoor and Dartmoor, Fitz Nigel, as a treasurer, cared somewhat less for the physical details of the foresta than for its legitimacy and capacity to generate revenue. The most salient feature of his definition is its focus on animals and their safe abiding in specific places. The foresta is there where these animals are, regardless of whose property it may be. This is a bit fanciful if we think in terms of whole species and their movements; but the emphasis on the sanctuary of certain wild animals on land not belonging to the king is instructive.

When John Manwood wrote his compendium of forest law and lore, A Treatise and Discourse of the Lawes of the Forest (1598; 2nd (posthumous) edition 1615), he expatiated upon a similar etymology of foresta. Beginning with remarks on Latin terms used in the Vulgate bible for woods (chap. 2, §4), his discussion goes on to assess the logic of relating forestarrii, “foresters,” to the administration of sylva and saltus.

It doth not therefore follow that every wood is a Forest, although that there bee Deere and other wild beasts in the same, except that the same wood be especially priviledged by the king for them to rest in a firme peace. And such a wood so priviledged is called by Budeus in his second booke De Philologia, Sylua sacrosancta, a priviledged wood for wild beasts to be safe in. And in an other place, he calleth a Forest, Saltus sacrosanctus, a priviledged wood for wild beasts: so that a wood priviledged for wild beasts and a forest, are all one, or, as it were, divers words of one signification. Budeus useth this word Salturia sacrosancta, for a forest: for speaking of matters of Hunting, he saith this, in quibus saltibus ferarum greges

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sacrosancti sunt, legum regiarum sanctionibus quos aquarias saltuariasque dicimus, those woods, in which the heards of wild beasts are priviledged, even by the canons of Princes lawes, those we call Forests, saith he. And hereupon the Latinists have framed this latin word, *Foresta*, for a Forest, being compounded of those two words, *fera*, and *Statio*, so that *Foresta*, est ferarum Statio, which is, that a Forest is a safe abyding place for wild beast[s]. And even according to the same manner, imitating the Latinists, we have framed this English word, a Forest, being compounded of these two words, *For*, and *Rest*. …

Manwood, like Fitz Nigel before him, highlights the notion of the *foresta* as a game sanctuary (adding his own inspired insight into the English logic of the word). The notion of the *foresta* as legally “sacrosanct” is suggestive in respect of the activity for which purpose the sanctuary is established, to wit, hunting. But in what sense are we to understand a sanctuary in which animals are protected for the purpose of the prince’s chasing and killing them? The rhetoric of Fitz Nigel’s and Manwood’s etymologizing seems calculated to mystify the violence that is the *raison d’etre* of the whole enterprise.

Neither Fitz Nigel nor Manwood cuts right to the chase, but their folk etymology of *ferarum statio* has an ironic advantage in historical accuracy over *foris* in that it prioritizes certain game animals that the juridical discourse called “the venison.” A signal act in the afforestation of any area was the translation of deer from other forests in order to stock the area with a new and robust herd of game. As Oliver Rackham has defined it, “Throughout our middle ages, a Forest was a place of deer, not necessarily a place of trees.”

Thus the forest had a vibrantly dual nature as a sanctuary both fiscal and sporting. Before taxation was put on a regular footing during the reigns of the three Edwards, the receipts from forest justice comprised a sizeable portion of exchequer income, so that one quality of the early *foresta* lay in its ability to generate capital for the sole use of the crown. It enabled a periodic yoking and mulcting of the barons whenever the king was strapped for cash or found his feudatories too contumacious. But this economic benefit depended upon an unorthodox prerogative, namely that the king could claim usufruct of his subjects’ land in the form of hunting. Throughout their vast forests, Norman and Angevin kings held a sporting monopoly that predicated a sizeable portion

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30 Manwood, *A Treatise and Discourse of the Lawes of the Forest*, 32r.


32 For an excellent brief discussion of the forest as an economic engine, see Schama, *Landscape and Memory*, 143, 147–9.
of their fiscal power upon a new symbolic order of the hunt. This symbolic order was embodied both by extraordinary law and by a complex administrative apparatus. These two factors, together with the advanced professionalization of the royal hunting establishment with its concomitant formalization of hunting ritual (see chapter 3), disposed the forest to dramatize royal power through exercises of ritualized force.33

The manifest object of the forest law was to reserve the hunting upon specific animals *ferae naturae.*34 These “beasts of the forest” were the red deer, the fallow deer, wild boar, and roe deer. No other fauna was protected by forest law, and roe deer were later demoted to the status of beasts of warren through a judicial ordinance of 1338 (13 Edward III). Laws of warren (which sometimes existed as a subset within or in other places separately outside the *foresta*) protected the hunt upon pheasant, partridge, hare, rabbits, and foxes. Because the thriving of the beasts of the forest depended on the quality of their habitat, their natural coverts also fell under the protection of forest law. Thus arose the two chief concerns around which turned all the cogs of forest justice: the preservation of the venison and the vert.

The earliest testimony to the business of forest justice, which occurs in the *Leges Henrici Primi* § 7, cites the complexities involved in safeguarding these treasures. There we observe that by 1118 it was a trespass to clear land; to cut or burn wood; to hunt or even to carry a bow or spear through the forest; to defy the obligation to assist in the royal deer hunt; to let livestock roam freely through the forest; to build structures; to fail to obey summonses to forest courts; to go with dogs into the forest; to resist the “lawing” of dogs; or to take hides or the flesh of beasts of the forest that were found dead.35 These form the perennial basics. In the later forest pleas and laws, controversy also surrounded the felling of timber, harvest of honey, operation of forges, capturing of eyries of goshawks and falcons, the maintenance of park palings, keeping of royal huntsmen and their hounds, and seemingly innumerable duties pertaining to courts, inquests, and assizes. But judicial interest remained focused on the perils of the venison through the most searching investigations for evidence of poaching: foresters catching people red handed from having just butchered game; people hiding bones in their houses, skinning hides, walking off with animals left over from the official hunt or from other poachers; families ganging together to

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snatch for themselves a special feast; or lords (even of noble and clerical estate) riding in force with their households looking for trouble.\textsuperscript{36}

The grievances over the principles of the \textit{foresta} stemmed from rural folk’s belief in the absurdity of anyone’s claiming to own wild animals. This view rested upon a sound basis of European customary law. As explained in chapter 1, the principle of free-capture comprised the foundation of hunting law in Roman and Germanic antiquity. Free-capture posited that beasts \textit{ferae naturae} were distinct from domestic animals in that they were \textit{res nullius}, the property of no one. Domestic animals were the property of their \textit{dominus}. By contrast, wild animals became a person’s property only through the act of capture, termed \textit{occupatio}, which was variously defined in Germany as either wounding an animal or actually killing it. As was explained in chapter 1, the classic articulation of free-capture as a formal legal principle appears in the \textit{Institutes} of Justinian. In principle, a \textit{dominus} could, as Canute had done in England, try to reserve the hunting for himself on his own lands, but he dared not prevent others from hunting on their own lands. The explosive potential of the Norman \textit{foresta}, however, lay in its propensity to sprawl over the fiefs of the kings’ subjects; it imposed a prohibition against subjects hunting on their own lands.

When Corinne Saunders says that "Forest specifically impl[ies] foris, ‘outside’ and therefore not privately owned land …,” she can only mean the earliest abrogations of common rights in waste and wilderness, not the royal forests of England.\textsuperscript{37} Furthermore, the \textit{Institutes’} wording on free-capture made it clear that, although the \textit{dominus} can legally resist encroachment, this does not imply that wild animals on his estate can be equated with his own property. The remedies available to the \textit{dominus} to hinder intrusion do not change the legal status of wild animals. Beasts of the forest remain in principle \textit{res nullius}.


\textsuperscript{37} Saunders, \textit{The Forest of Medieval Romance}, 6.

Henri de Bracton (c. 1259) aligned this Roman principle with insular usage as of old; however, given the times he was living in, he had to concede that “custom” and “privilege” could overrule it.39

In strict legal terms, the king could not own the beasts of the forest. Forest law may seem to have treated beasts of the forest as royal property, but nowhere in the forest pleas is the value of lost venison quantified. The black market did assess the value of a deer carcass, but forest courts adjusted punitive amerce-ments to the substance of the trespassers.40 For example, the Northampton-shire Eyre of 1255 fined venison trespassers one half mark or a mark on average, but a parson drew a fine of £5 for a roedeer, and a knight and his yeomen hunting with greyhounds were amerced £20 although they bagged nothing.41 Nor did later common law courts rate the value of venison lost through trespasses in subjects’ private warrens and deer parks.42 The popular notion of “deer-stealing” is a misnomer, for what is nobody’s property cannot be stolen. The forest pleas idiomatically refer to poachers as malefactores de foresta, trespassers not thieves.

Who therefore could not marvel at the immense proportions of an administration dedicated to guard animals that were not the king’s property? “A Forest,” wrote Manwood, “doth chiefly consist of these foure things, that is to say, of vert, venison, particular lawes and priviledges, and of certaine meete offi-cers appointed for that purpose, to the end that the same may the better be preserved and kept for a place of recreation and pastime meete for the royall dignity of a Prince.”43 Forest wardens were nominated by the king and were responsible directly to the crown, not to the eschequer; they often acted as constables of the king’s castle that served as the forest’s keep for the imprison-ment of trespassers. Their sign of office was a hunting horn. The wardens delegated foresters to patrol the forest space (those of higher estate by horse, those of lower by foot); to officiate at the various forest courts of swanimote, regard, attachment, and inquest; and to oversee the lawing of dogs (chopping three claws each off a dog’s forefeet, to make it too lame to chase deer).

chases, and parks, but within zones of free warren, as the buck was not a “beast of warren”) is attested by a King’s Bench case quoted in Turner, Select Pleas of the Forest, pp. cxxvii–viii.


42 See Manning, Hunters and Poachers, 59.

43 Manwood, A Treatise and Discourse of the Lawes of the Forest, chap. 1, §2, 18v.
The foresters’ sign of office was the bow. A species of forester called forester-in-fee administered his office in sergeantry for a tenure of land that he held (as did a baron) directly of the king in fee. Some foresters-in-fee acted as forest wardens, and their holdings often became hereditary within a family for centuries. These ministers depended on revenues from their forestership for their income, and they and their underlings often vexed and annoyed by their zeal, abuse, and extortion. Verderers, whose sign of office was an ax, were elected knights who administered their office without salary. Their duties were analogous to those of coroners in the shire: they officiated at inquests and served as a check on the activities of the foresters. The forest administration took until the reign of Henry I to crystallize itself independently of the hierarchy of the shrievalty, but the institutions developed closely parallel structures. Both figured as part of the Norman innovation in asserting lordship by extending the presence of central authority to the most local levels of government.44

Superadded to this on-site hierarchy came the two chief justices of the forest of North and South Trent, and the dread justices in eyre who actually took in hand the execution of forest justice on a regular basis. This judicial mechanism, through which the king enforced compliance with forest law upon the bodies of his subjects and officers alike, remained an integral feature of the royal hunting grounds. The eyre courts acted upon royal commission to proceed to selected forests where royal writs had already summoned sheriffs to begin preparatory hearings. To hear the forest pleas, the king’s writs would cause to be assembled the archbishop and all bishops, abbots, priors, earls, barons, and knights of free tenure within the metes of the forest; also four representative men and a reeve from every township; and the foresters, verderers, and regarders with their rolls recording trespasses since the last forest eyre. These officers then summoned all those touched by suits at the eyre, those who owned private woods and their woodwards, all those indicted for trespass together with those who pledged for them, and those to whom evidence such as deer heads, bones, ears, hides, and the like had been given for safe keeping. Failure to appear put one in the king’s mercy, be it a great lord or a whole township. The justices came ready with articles to set their order of business. First they looked into the performance of the forest officers. This required them to investigate abuses of office and the extent of the officers’ own poaching, for wardens and foresters were regularly amerced for poaching. Next came the pleas of the venison for everyone else’s poaching, which provided the single greatest source of crown income in the

whole enterprise. Thereafter came the pleas of the vert and the collection of
normal rents and fees pertaining to agricultural use of the king's woods.45

Before all these hearings, preliminary work had been done at courts of
regard (for the vert) and attachment (for venison trespassers), but no task was
so onerous and odd as the special inquests of the venison. Whenever the for-
esters found the carcass of a beast of the forest within the forest bounds, dead
of any cause, they alerted the verderers who in turn issued a summons to the
neighboring townships. Of these, usually four sufficed, but no less, each send-
ing four representatives and their reeves. All were obliged to assemble at or near
the site of the fallen deer, as soon as possible after the occurrence, even if the
animal had died of murain. Raymond Grant describes the procedure thus:

Forest officers, sometimes presided over by the deputy warden of the
Forest, called the townships before them one by one, and examined them
on oath. Sworn evidence was also given by the foresters, verderers, wood-
wards, and others such as eye-witnesses: suspects also were examined on
oath. Those indicted or suspected of venison offences were in most cases
compelled to find sureties of appearing at the next Forest Eyre, but in
serious cases they were committed to gaol.46

The most arresting feature of this inquest, with officers and forest inhabitants
convened around a dead animal or parts thereof, or at least on the site of its
death, is the way in which it reflects the coroners' procedure for conducting
inquests into deaths of humans by misadventure and homicide.47 Through
this similarity with the coroner's inquest, the venison inquest comprised a legal
ritual that effectually leveled, if not inverted, the relative hierarchical positions
of man and beast; for if inhabitants of the forest hunted the venison, they in
turn found themselves tracked down by the foresters. Our sensibilities may
cause us to see the inquest of venison as a mere parody, but this is precisely how
we are prone to underrate the solemnity with which medieval hunting culture
could regard its sport. For that culture, as for its extraordinary embodiment in

45 Grant, The Royal Forests of England, 55–68; Young, The Royal Forests of Medieval England,
88–92, 104–8.

46 Grant, The Royal Forests of England, 49. Townships that failed to appear or withheld infor-
mation were amerced. The chattels of suspected offenders were seized, estimated in value, and
entrusted to wealthier men in the neighborhood. Even a piece of a deer, its head or a flayed hide,
would be grounds enough for summoning the townships.

47 For a description of this procedure, see Barbara A. Hanawalt, The Ties that Bound: Peasant
Families in Medieval England (New York, 1986), 269–70; Charles Gross, ed., Select Cases from the
the form of the foresta, nothing is more deadly serious than the thriving of the venison and also the killing of it.

Gradually, then, we witness a new symbolic order of the hunt. At the heart of the foresta lurks a living paradox in the form of “the venison,” an elusive idea both transcendent and immanent that gives meaning to the passion and punishment expressed through ritual of the hunt and forest law. Its preservation is the express object of forest law; its death and dismemberment the object of venery. Yet the institution dedicated to the venison on the hoof also denies it a proprietary reality: something that of itself could be valued in economic worth, quantified as capital, become heritable, be stolen or compensated. Such profane factors do not apprehend the nature of the venison as a signified in the semiotic of hunting law. The venison is res nullius, most definitely not the king’s and yet so obviously the king’s, for who but the king could mobilize the vast array of forest officers (not to mention an unrivaled establishment of professional hunters, falconers, grooms, hounds and horses) to suspend others’ rights in the venison they capture on their own land and save it for his personal pleasure? This was the signal departure from ancient custom. To follow its logic, we conclude that what the law reserved was not the bodies of wild game as such, but the liberties of the hunt. In other words, the radical difference entailed by forest law was not a newly asserted ownership of wild animals, but a privatization of the hunt itself. If the forest was “outside” or “other to” anything, it was outside the territory of common hunting rights, outside free-capture. And in an age when chivalry with its tournaments, heraldry, and ethics rose in the ascendency, the legally segregated space of the hunt brought new subjective relevance to the performance of its ritual.

Tyranny and the Sanctum of Venery

With the king’s hunt thus empowered by a law defiant of insular as well as Roman tradition, it roused controversy over its function and its importance to the princely estate, and the gravity with which it encumbered the people. The reign of Henry II (1154–89) saw the forests reach their apex in scope, rigor, and fiscal power, while the king seemed to be moving ceaselessly in the company of hunt officers with their tackle and hounds. His passion for the chase drew fire from both the wit and stomach of his subjects. Among critics of the hunt at the Henrican court, such as Peter of Blois, Walter Map, and Nigel of Longchamps, it was John of Salisbury (1115–80) whose bite bit hardest.48

His colleagues censured the hunting of prelates, as was orthodox in a long history of Church prohibition against clerical hunting, but Salisbury attacked the nature of bloodsport itself.

In the first book of his *Policraticus* (c. 1159) Salisbury professes only to amuse himself at hunters’ expense (398a), but his inspired invective soon cuts right to the quick. Salisbury had worked with the future chancellor and archbishop Becket at the court of Theobald of Bec, Becket’s archiepiscopal predecessor. Versed in Roman law, he had studied with Abelard in Paris, was recommended by Bernard of Clairvaux, and called by Theobald as an expert in the handling of papal affairs. His future would place him in Canterbury cathedral on the day of Becket’s martyrdom, and later see him become Bishop of Chartres. Salisbury could take the forefront of the clerkly intelligentsia at any court, but an incurable animus against secular (today we would say popular) culture induced him to ruffle too many feathers. His *Policraticus*, one of the most influential *Fürstenspiegel* ever written, provokes his reader to make up his mind about a pursuit of folly, or philosophy. Ostensibly advising a prince in the conduct of public affairs, Salisbury formulates a monarchical theory that differentiates true from tyrannical authority. True authority is held by the prince who respects law and the liberties of his people. Recognizing that natural law is of divine origin, it is the will of this prince to execute human laws in accordance with natural principles. The prince who recognizes no law external to his will, whose will becomes the law, rules by tyranny. Salisbury’s plaints against courtiers’ hunting might seem petty in this context were they not linked to his thinking on monarchy.

Advocating orthodox tenets that human sovereignty depends on man’s allowing the faculties of reason to free the soul from the bondage of appetite, the *Policraticus* figures in a multi-faceted tradition that held the boundary between man and what is *alienum* to man to be like that tenuously distinguishing human from animal, its definitive features being patently behavioral. The humanist’s method in chapter 4 (“On the origins and forms of hunting, 49 Orme, “Medieval Hunting: Fact and Fancy,” 134–5.


its practice licit and illicit”), as throughout the *Policraticus*, cites classical and biblical *exempla* to instantiate the insanity of courtiers’ devotion to hunting. Thus the example of Actaeon transformed to a stag shows how the fault of the dogs’ training (*vitio pravae consuetudinis*) caused them to fall upon their master (391a). The example of Esau shows how he deserved to be cheated of Isaac’s blessing, for hunting aroused his concupiscent appetite, and his hairy body and rough manners revealed his animal nature (394d). Salisbury frets over gender alienation when he allows himself the remark that men of prowess should spurn falconry, for women excel at it, and one should leave inferior creatures to their rapine (393b). While he elsewhere refers to the impropriety of men’s effeminate yielding to passion (397d), his focus on Chiron’s tutelage in slaughter to the young Achilles is directed upon monstrosity (*prodigium*), the Centauran un-manning of the man (393d). His most novel remarks address the division of labor in the body politic, asserting the impropriety of nobles being trained in a bloodshedding *officium* fit only for slaves (397b, 398c–d).

For Salisbury, the Old Testament Nimrod stands for wrack and ruin that exemplifies a durative problem of human psychology (394a–d). Nimrod embodies an alarming example of pride because of the perils evident in wedding perverse desire with regnal authority. Hunting has played a catastrophic rôle in human history, because “tyranny, initiated by a hunter to insult the Creator, finds its sole source in one who, amid the slaughter of beasts, wallowing in blood, learned to feel contempt for the Lord” (394b). Tyranny springs from the megalomania of the original hunter-king who, butchering God’s creation, felt free to treat the Creator likewise. The same triangle of desire, appetite, and bloodlust ascribed here to Nimrod will later echo ominously in Chaucer’s *Knight’s Tale*, when Theseus rides to hounds with his Amazon entourage.

This mene I now by myghty Theseus,
That for to hunten is so desirus,
And namely at the grete hert in May,
That in his bed ther daweth hym no day
That he nys clad, and redy for to ryde
With hunte and horn and houndes hym bisyde.
For in his huntyng hath he swich delit
That it is al his joye and apetit

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Hunting Law and Ritual in Medieval English Literature

To been hymself the grete hertes bane, 
For after Mars he serveth now Dyane.  

This pagan devotion, *alienum* to a Christian prince, sparkles with a courtly brilliance until Theseus in the next moment is angrily condemning the lover-protagonists to death, and must be bridled by the pleas of the ladies and the promptings of his innately “gentil herte.”

This Nimroidian problem, of excess indulgence in bloodshed and neglect of public duty, Salisbury then brings to bear on twelfth-century English polity, indicting the royal *foresta*. Taking up a strain that began with the *Peterborough Chronicle*, he heaps a cleric’s obloquy on the forest laws that subject men made in “God’s image to egregious suffering to assert a claim to wild animals” (396a). What the Peterborough Chronicler did not illumine, Salisbury supplements with the wherewithal of lawyerly argument.

Wild animals, which are gifts of nature and become the lawful property of those who get them, are claimed by presumptuous man even under the watchful eye of God; and the uniform right over all of them wherever they exist is upheld by man as though he had thrown his encircling net around the whole universe.  

So the jurist scorns the nonsense of overruling the *ius gentium* of free-capture. The interest in canon law that had grown keener with the impetus of Gregorian reform and increasing ecclesial autonomy had drawn many students to Canterbury or to Bologna, where they received complementary training in Roman jurisprudence.  

Monastic clergy had long reviled the abrogation of their hunting rights through forest law. Among its other delights, venery furnished them with a distinctive leather for bookbinding. Now, however, secular clergy with formal training in classical law would be no less inclined to view the forest’s legal principles as an absurd contradiction in terms.

The actual practice of forest administration only worsened the affront. “The worst abuse in the kingdom of England,” wrote Adam of Eynsham, “was the tyranny of the foresters.”

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57 “Quae ferae naturae sunt et de iure occupantium sunt, sibi audet humana temeritas inspici- 

ente Domino uendicare, et idem iuris in omnibus ubicumque sinit statutum, ac si claustri sui indag- 

ime uniuerisa cinxisset” (396a). Trans. Pike in *Frivolities of Courtiers and Footprints of Philosophers* (with some modification), 20.

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For them violence took the place of law, extortion was praiseworthy, justice was an abomination and innocence a crime. No rank or profession, indeed, in short, no one but the king himself, was secure from their barbarity, or free from the interference of their tyrannical authority.9

Above we saw that the first order of business in the forest eyres was to deal with the malpractice and gross poaching of forest justices, wardens, and foresters themselves. No relief was in sight when Salisbury finished the Pollicraticus, for Henry II, Becket’s chief hunting companion, was to figure in the annals of forest lore as the king who expanded the foresta to its broadest historical extent. Like his grandfather before him, Henry could afforest any part of the country at will. During his reign perhaps as much as one-third of all England came under the forest ban.60 Gerald of Wales declared from experience that Henry “was addicted to the chase beyond measure,” that he rose at dawn and hunted all day over the most punishing terrain; also Walter Map remarked on the king’s passion for hounds and hawks, saying he was “the most greedy of that sporting” (illusionis illius auidissimus).61 Even so, Henry II also identified with the foresta in its function as a juridical space. Sitting upon the eyre bench in person with his chief justices, he implemented the forest law with a heavy hand against his barons, rebellious and loyal alike, most notoriously in Reading, Nottingham, and York in 7.6 Moreover, his lodges in the forests of Woodstock and Clarendon became his most favored sites for the issuance of royal legislation.

Richard fitz Nigel’s Dialogus de Scaccario (c. 1179) furnishes the official justification for Henrican royal forest policy. Fitz Nigel was the son of Nigel Bishop of Ely, who had been treasurer to Henry I and then summoned by Henry II to reestablish the exchequer following the war between Stephen and Matilda. Through his father’s connections Fitz Nigel became treasurer in c. 1158, in which capacity he bore administrative responsibility for the exchequer’s operations on all levels, although he was outranked by the justiciar and barons of its upper council. Fitz Nigel served Henry II as justice in eyre in 1179 and Richard I in 1194; he acquired papal dispensation for his illegitimate birth and rose to become Bishop of London.63 His Dialogus sets forth in two

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61 Gerald of Wales, Rolls Series 21, V:302, quoted in Warren, Henry II, 393, who quotes diverse chroniclers testifying to Henry II’s hunting passion; Map, De nugis curialium, dist. 5, chap. 6 (ed. James, 476).
books the administrative structure, functions of officers, and procedures of the exchequer. Fitz Nigel was the kind of minister that proved especially useful to royal bureaucracy, for he was skilled in resolving conflicts of principle through compromise, and, being also the social inferior of his colleagues, he was dependent on the king’s favor. Not surprisingly, the *Dialogus* flatters King Henry, but it also expresses its own, potentially critical, monarchal theory. Kings rule by divine right. They answer to God for their sovereignty, not to their subjects, who have no right to challenge God’s vicar. Yet the common law (custom with the force of law) has validity beyond monarchal will, and case law (the history of judicial decisions) fills the gaps where common law is incomplete. The *Dialogus* illustrates Fitz Nigel’s belief in the rectitude of due process, but problems arise as to harmonizing discordances between these kinds of law.

The *foresta* being a powerhouse of revenue, Fitz Nigel considers its status in government chiefly as regards a question of liberties. “There are cases where the causes of events and the reasons for decisions are obscure,” he declares, touching on the mystified nature of the forest jurisdiction.

The whole organization of the forests, the punishment, pecuniary or corporal, of forest offences, is separate from the jurisdiction of the other courts, and solely dependent on the decision of the King, or of some officer specially appointed by him. The forest has its own laws, based, it is said, not on the Common Law of the realm, but on the arbitrary legislation of the King; so that what is done in accordance with forest law is not called “just” without qualification, but “just, according to forest law.”

It is worth noting that Fitz Nigel does not say that the *forestarum ratio, pena quoque uel absolutio delinquentium in eas, siue pecunia siue corporalis, seorsum ab aliis regni iure set uoluntaria principum institutio subnixas dicunt, adeo ut quod per legem eius factum fuerit non iustum absolute set iustum secundum legem foreste dicatur.” Quotations follow from the edition by Charles Johnson, ed. by F. E. L. Carter and D. E. Greenway; thus also the translation, with slight modification, 59–60.

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64 Richard fitz Nigel, *Dialogus de Scaccario*, 1:2, 23: “Sane forestarum ratio, pena quoque uel absolutio delinquentium in eas, siue pecunia siue corporalis, seorsum ab aliis regni iure set uoluntaria principum institutio subnixas dicunt, adeo ut quod per legem eius factum fuerit non iustum absolute set iustum secundum legem foreste dicatur.” Quotations follow from the edition by Charles Johnson, 2nd ed. by F. E. L. Carter and D. E. Greenway; thus also the translation, with slight modification, 59–60.

Treasurers indeed struggled with the king to have the forest revenue go through the exchequer instead of directly into the royal purse. The most recent editors of the *Dialogus* hold this passage for subtle irony in contrast with the caricature of Walter Map, whose *De nugis curialium* shows foresters railing abusively in Hades. For J. C. Holt, on the other hand, this passage is a “locus classicus of dualistic constitutional doctrine” that accepts the legitimacy of the king’s will in the formation of the state, a notion admitted also by Glanvill in his tract *De legibus et consuetudinibus regni Anglie*.67

Fitz Nigel waxes enthusiastic over common law and judicial process, but it does not follow from this that he censures the king’s arbitrary faculty. In the prefatory address to Henry II he states that the wealth of kings derives “sometimes from the laws of their own countries, sometimes from the secret devices of their own hearts, and sometimes even from their mere arbitrary will, [but still] their subjects have no right to question or condemn their actions” (1). On the other hand, he continues, “The exchequer has its own rules. They are not arbitrary, but rest on the decisions of great men; and if they are observed scrupulously, individuals will get their rights, and your majesty will receive in full the revenue due to the treasury” (3). Extracting income from the people calls for a legality that presupposes cooperation, mutual rights, and deliberative negotiation. Fitz Nigel’s conceptualization, like Salisbury’s, turns on notions of propriety; unlike Salisbury’s, it has a stronger pragmatic logic. Implicitly there emerges a doctrine of the relative weights of public and private authority, whereby the king’s private authority has an amplified status by virtue of his sovereignty. The fiscal management of the state is a different order of business than the king’s hunting, although both must legitimately draw upon resources which need protective husbanding. Fitz Nigel’s sympathies lie with the public sphere, but this does not prevent his recognizing qualifications of princely magnificence.

The metaphor he uses to rationalize the king’s forest justice grasps the ideological relevancies of the *foresta* so perfectly, it might be regarded the master trope for the medieval hunting culture that followed upon the era of free-capture.

In forestis etiam penetralia regum sunt et eorum maxime delicie. Ad has enim uenandi causa, curis quandoque depositis, accedunt ut modica quiete recreentur. Illic, seris simul et innatis curie tumultibus omissis, in

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It is in the forests that “king’s chambers” are, and their chief delights. For they come there, laying aside their cares now and then, to hunt, as a rest and recreation. It is there that they can put from them the anxious turmoil native to a court, and take a little breath in the free air of nature. And that is why forest offenders are punished only at the king’s pleasure.68

The trope of the *penetralia regum*, “inner chambers of kings,” must seek that quality of the imagination that lacks clarity just enough to imply grandeur.69 It enables a key link between royal *otium* and punishment owing to the perceived reflexivity of spaces, the *penetrale* and the *foresta*. Paradoxically, the architectural trope may interfere with the anti-curial idyll of the forest’s *locus amoenus*, but the sanctuary character of both spaces may suggest a parallelism in the function of authority. The congruity between these spaces becomes intelligible by homology. The *penetrale*, a spatial interior, a cult or nature sanctuary, an inner secret, locates authority in the king’s status as *paterfamilias* of his “house” or dynastic seat. There he enjoys a certain *potestas* separate from the court, more absolute, private, and, as the sociologist Pierre Bourdieu might say, “transposable” to a congruent zone through the power of re-creation (*recreentur*).70 Ultimately the *penetrale* and the *foresta* prove spaces disposed to the production of (as Manwood put it) “princely delight and pleasure.”

Punishment necessarily attends the king’s hunting space as it is also a judicial space. Should we track the Virgilian and biblical allusions of Fitz Nigel’s trope, we find that the *penetralia regum* in particular do not evoke a closed circle of sanctified and secure power, but anxiety of loss. In book 2 of the *Aeneid* we come upon Aeneas’ recounting the fall of Troy, the Greeks’ penetration into the inner sanctum of Trojan power.

Pyrrhus shouldering forward with an axe
Broke down the stony threshold, forced apart
Hinges and brazen door-jambs, and chopped through
One panel of the door, splitting the oak,
To make a window, a great breach. And there

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Before their eyes the inner halls lay open,
The courts of Priam and the ancient kings,
With men-at-arms ranked in the vestibule.
(Trans. R. Fitzgerald; emphasis added)\(^7\)

And in psalm 104, we find a verse recollection of books 7 and 8 of Exodus, in which the inner sanctum of Pharaoh is lain open to pestilence.

He sent Moses his servant;
and Aaron whom he had chosen.
They shewed his signs among them,
and wonders in the land of Ham.
He sent darkness, and made it dark;
and they rebelled not against his word.
He turned their waters into blood,
and slew their fish.
Their land brought forth frogs in abundance,
in the chambers of their kings.
(King James Version; emphasis added)\(^7\)

Considering the current of these allusions, a de casibus pattern of princely misfortune, the penetrale is a motif of essential princely violability. As the awesome halls of Priam were defiled by the Greeks, and the house of Pharaoh was penetrated by a blight of frogs, so the integrity of King Henry’s royal sanctuary is violated by a scourge of poachers.

The foresta thus lies at the heart of the regia’s hegemony, for Fitz Nigel has linked the king’s hunting reserve with the idea of a judicial reserve for his arbitrary will. Where Fitz Nigel believes the treasury’s efficiency to depend on the barons’ consent to tolerate taxation in exchange for royal cooperation in their private concerns, his rationale may be viewed as discouraging the king from

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Ipsa inter primos corretta dura bipenni
limina perrumpit postisque a cardine vellit
aeratos; iamque excisa trabe firma cavavit
robor et ingentes lato dedit ore fenestram.
apparebant domus intus et atra longa patescunt;
apparent Priami et veterum penetralia regum
armatosque vident stantis in limine primo. (II:79–8)

\(^7\) Vulgate psalm 104:26–30: “Misit Mosen servum suum | Aaron quem elegit ipsum | posuit in eis verba signorum suorum | et prodigiorum in terra Cham | misit tenebras et obscuravit | et non exacerbavit sermones suos | convertit aquas eorum in sanguinem | et occidit pisces eorum | dedit terra eorum ranas | in penetrabilibus regum ipsorum.”
myopic interference in the work of the upper exchequer court. The foresta, then, may function as a foil to the exchequer. In this scheme the king's hunting ground is set aside as a space disposed contrarily to the horizontal contingencies of the treasury's chess board, as a space in which the king's will can exercise itself in all its vertical gravity or mercy.

Naturally, monarchs used various strategies to buttress the crown position. As Reinhard Bendix explains, trying to assert control over the careers of subordinate officials was one technique. Arbitrary control was another.

Arbitrariness is an instrument of rule, for it provides the ruler with an effective test of instant obedience by large numbers of subordinates, even if it fails to accomplish any other end. Arbitrariness creates fear of royal displeasure and may be conducive to obedience. A dictatorial regime cannot achieve stability, because to do so would require that it refrain from being arbitrary. But extreme arbitrariness as a main device of governing is self-defeating, for sooner or later it will provoke either assassinations or surreptitious manipulation of the ruler by those who purport to do his bidding. Even if the leading subjects of a despotic ruler are unable to do anything against his tyranny, they are sure to seek revenge against his successor.

This synopsis speaks volumes for the foresta's ability to comprise an autonomous legal culture in England that could thrive only in proportion to the strength and influence exerted by the king. Without forceful control it sank in the throes of its own subversion, infested with the poaching of its own officers.

In 1184 Henry II reorganized a part of the forest law in the Assize of Woodstock, sending out four commissions of justices simultaneously to enforce the new law through forest eyres. This was the Assize declaring that "Forest offenses will henceforth be punished not just by fines but by full justice as exacted by Henry I." At about the same time, a document emerged that gave witness to the ancient legitimacy of forest authority. Known as the Constituciones de Foresta, these laws purport to issue from Canute the Dane, and hence invoke the precedent of a pre-Conquest foresta in all the draconian glory of its poenal code. Although these ordinances depart from twelfth-century forest law as we know it, Manwood, dedicated as ever to the priority of the forest prerogative, accepted their authenticity. The legal scholar Felix Liebermann, however, demonstrated the Constituciones to be a forgery. They were

73 Cf. Holt, Magna Carta, 107, where he discusses the "sale of justice."
74 Reinhold Bendix, Kings or People: Power and the Mandate to Rule (Berkeley, 1978), 220.
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drawn up by a writer of French extraction, with mediocre Latin skills, probably an upper-echelon minister in the forest administration.76

Yet precisely because it is a forgery, Pseudo-Canute’s constitutions have unique value as an Henrican fantasy about Anglo-Saxon law. It seeks to authorize the severest enforcement of forest law by casting the English king’s hunting prerogative as a native and legitimate inheritance from his Anglo-Danish forebears. Rhetorically, the Constitutiones invent their own tradition in order to obfuscate the imperial and foreign provenance of forest law.77 Treating of the hierarchy of forest officials and their duties (§§1–11), the use of compurgation (11–13), penalties for interfering with the verderers and regarders (14–20), penalties for trespasses against the venison (21–5, 27) and the vert (28–9), of the hunting rights of subjects (26, 30) and of the lawing of dogs (31–4), Pseudo-Canute’s particular concerns involve truth, punishment, and the venison. He makes liberal use of capital sentence, but he reserves it in all cases for bondmen and foreigners. By invoking particular procedures of ordeal and punishment, he observes class and national distinctions in much the same way as Page DuBois has described in practices of judicial torture in Attic Greece. There the basanos, “touchstone,” indexed and naturalized the disparity between citizens and slaves on the basis of their “torturability.”78 Thus Pseudo-Canute prescribes that free-men could testify by oath (§12), but the unfree must undergo the ordeal of hot iron if the “nuda veritas nequit aliter investigari” (§11). The gravest trespass against the forest law is poaching (crimen veneris, §21). For chasing a deer, the offender shall pay 10 shillings if he is freeborn; if he is a villein, he shall “lose his skin” (§22). Should the offender kill a stag, he shall be poenalized thus: if of the esquire class, he shall not be permitted a knight’s defense at law; if illiber (i.e. a freeman below knight’s rank), he shall lose his free status; if a villein, he shall forfeit his life (§25). For Pseudo-Canute, encroaching on the king’s hunt makes a man a victim of its lethality. Some are to be flayed as beasts, others subjected into villeinage. In that his punishments reorder subjects in the social hierarchy, his system sternly diverges from the lawbook of Fleta, which reinforced distinctions in class by its schedule of amercements.79

John of Salisbury, Richard fitz Nigel, Pseudo-Canute: in their various ways they all reinscribe a kind of Ovidian equation between hunting and desire. For Salisbury this desire manifests itself in the tyrannical gaze of Nimrod, the

bestiality of Esau, the deranged passion of Dido and Aeneas, as well as in the orthodox but sanguinary upbringing of courtiers—the *voluptas venandi* of the courtly élite. For Fitz Nigel, it stimulates the outward extension of the king’s household authority as well as the disciplining of his subjects for their violation of that authority: it *re*-creates the father-king *qua* lover of the deer. For Pseudo-Canute, whose laws Manwood thought to have been “very barbarously translated out of the Danish,” beasts of the forest are *animalia veneris* (§21), hence, poaching the venison is a “venereal” crime (*crimen veneris*, §27, 3). Fitz Nigel and Pseudo-Canute, with varying degrees of imagination, flesh out the hegemonic energy and will that Salisbury resisted. But resistance to the forest authority was endemic on ground level as well.

_in contempt of the king and his foresters_

We must recall that the chief threat to the *foresta* came not from tenacious and desperate peasant resistance, but from the agitation of dominant élites. As Jean Birrel has determined from the thirteenth-century plea rolls, violations also had their class distinctions.

The venison offenders, to a much greater extent than the vert offenders, were by no means typically from the peasantry. The occasional manorial lord is identifiable amongst the vert offenders, but everything suggests that they came mainly from the peasantry. Amongst the venison offenders, on the contrary, barons, bishops, parish priests and the local gentry and their households predominated.80

The peasantry resorted to the forest mostly for timber. When they hunted it was sparingly with snares or traps, for the sake of getting meat without costly payment or barter. Black-market poachers used lurchers, dogs trained to hunt without barking; they were formidable woodmen who preyed on the venison for profit. The secular and religious nobility, however, hunted on principle, pillaging the forest for sport with their associates and households.

To take but one example on this theme, on 30 September 1272, justices of the Northamptonshire Eyre sat to hear the pleas of the venison, among which concerned a menacing raid by a large company of poachers in the Forest of Rockingham. This was a forest dear to the crown; before the royal court settled closer to London in the fourteenth century and Windsor Forest grew in favor, English kings especially prized Rockingham, with its estimable castle within

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fair range of the Northampton stronghold. This poaching party consisted of twenty-two men, including servants, associates and members of the household of William Tuluse (who did not join), among them Tuluse’s son Simon, a chaplain, a woodward, an earl’s bailiff, and the son of a parson. They entered the forest on 24 August 1272 armed with bows and arrows, and for three days drove game, killing at least eight fallow deer. On the first day they hunted a clearing called Harleruding, and the official accounts agree that they took a deer there and chopped off its head, which they impaled on a stake and gestured, as was averred, in contempt of the king. The foresters, watching from the woods, were found out; they raised the hue but were answered by a hail of arrows from which they retreated. Simon Tuluse and his companions carried on in spite of this encounter with the foresters, carting their quarry through the foresta by day and seeking refuge by night. They brought their take to the Tuluse manor, where it was parted out and eaten. In the end some of the poachers surrendered themselves, perhaps because they had been rounded up by the sheriff. Some of them, however, including Simon and his page, were at large at the time of the eyre.

Typically for the eyre rolls, the redaction of clerical editors compounds numerous voices involved in the plea and proceedings. It falls into two discrete presentments, the foresters’ testimony and the verderers’ inquest. In this case the foresters’ narrative depicts the foresta as a site of malediction and anarchy, breaking off at the point where they are driven from their own bailiwick. The verderers, on the other hand, restore some semblance of order by relating the more practical aspects of the poachers’ undertaking. The malefactores are discovered to be acting under commission, some with their personal servants, through the “providencia consilio precepto et assensu” (“foreknowledge, deliberate direction and approval”) of William Tuluse (a lord of Norman extraction). Disagreement arises only over the sex of the mutilated deer.

The verderers, who will have deposed in Anglo-French with a scribe recording in Latin, determined that the poachers cut off the head of a doe, raised it on a stake and pushed a billet through its mouth. The foresters who actually saw it render the emotional pitch of the scene.

81 Sabretache [Albert Stewart Barrow], Monarchy and the Chase (London, 1948), 29.
82 Turner, Select Pleas of the Forest, 38–40.
83 Turner, Select Pleas of the Forest, lxx–lxxv.
They killed three deer without warrant, and they cut off the head off a buck and set it on a stake amidst the clearing called Harleruding, and pushed a cudgel in the mouth of the aforesaid head. And they caused the mouth to gape toward the sun, in great contempt of the lord king and his foresters.

The discrepancy whether it was a doe or a buck is odd; the verderers’ inquest may have been held on site and examined the bones, whereas foresters may be expected to know how to spot game. (The fallow buck will have had a new head of antlers in September, having cast them in April before.) At any rate this misdeed, which the foresters witnessed under threat of personal attack, proved no isolated spectacle in the annals of forest lore. Manwood cites a similar occurrence involving red deer from the enrollments of a Pickering Eyre of the fourteenth century.

Item, Nicholas Mevill and divers offenders were indicted for that they with bows and arrows and doggs had killed xliii. staggs and hindes within the forest, and in despite had cut off their heads, and set them up upon stakes: And for this heynous offence they were first committed to prison, and grievously fined.

A head on a stake being the gesture of choice to express contempt, function here may assume its form from a prestige code it aims to subvert, namely the courtly hunting ritual.

Later technical treatises inconsistently address the trophy head, but chiefly it features as part of the hounds’ reward. In Gaston de Foix’s *Livre du Chasse* (1387), the hart’s head is held up to the leash-hound, who is given the right of baying and biting at it before the whole pack is allowed to fall to a raw feast arrayed on the hide. We might gather that the practical poacher will have done as is illustrated in the *Parlement of the Thre Ages* (c. 1370), an alliterative dream-vision of the Ages of Man whose frame sequence shows a deer’s butchering with detail fit for a treatise. There the poacher lops off the deer’s head after chining him; he then hides the head in a hollow oak to prevent the

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86 Manwood, *A Treatise and Discourse of the Lawes of the Forest*, 251r.
87 Manning, *Hunters and Poachers*, 40–1, also reads this moment as a perversion of courtly ritual, and lists three more such examples from the sixteenth century. Orme, “Medieval Hunting: Fact and Fancy,” 149, discusses the rituals of presentation and cites examples of its integration in the liturgy of St. Paul’s Cathedral till the sixteenth century.
forester-in-fee from discovering the trespass. The relevance of this detail to the poem is open to question, but its meaning for the Rockingham poachers is beside the point, as they stage their spectacle in a clearing and care nothing for subtle stratagem.

Romances imagine the use of the deer’s head otherwise. Gottfried von Straßburg, in his German Tristan, depicts an elaborate presentation scene with fanfare of horn and trumpet. The hart’s head is borne before a procession and offered as prisant to the king before the court. In his Anglo-Norman Ipomadon, Hugh of Rutland shows his young protagonist bearing to court the heads of deer he has taken, presenting them to the king and queen together with a formal report of the hunt (4459–64; 5306–7). In the Tale of Gereint in the Welsh Mabinogion, the head of a white stag is presented by Arthur and Gwenhwyfar as a wedding gift: Gereint’s bride receives the head when she has slept with him, at which point Gwenhwyfar reveals the maiden’s name. In these scenarios the authors remove the action from the site of the kill to court. Because of the aura of ritual attending the Rockingham poachers’ acts at Harleruding, these passages are suggestive, if also indeterminate.

The relevance of their scandal to ceremonial may crystallize if we consider an antagonistic view. John of Salisbury, who furnishes evidence of hunting jargon over 0 years before the first hunting treatise was written in England, has an opinion also about presentation ritual.

If the prey be more glorious [than a hare], a deer maybe or boar, and the hunter’s efforts be conspicuous, spontaneous applause bursts out, the huntsmen are wild with joy, and the head of the victim with the usual trophies will be borne before the conquering hero. One would think that the capture of the king of the Cappadocians was being celebrated, to judge by the blare of trumpet and squeal of pipe proclaiming the victory. When a female animal is caught, then gloom prevails, or when a noble beast is laid low by the cunning of poachers rather than by their prowess.

Here is testimony to the presentation ritual at the Henrican court, which romance could not provide. (It shall also be mentioned in L’Art de Venerie of

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90 Tristan unt Isôt, 3052–7; ed. Karl Marold (Berlin, 1977).
92 Policraticus 391c; trans. Pike in Frivolities of Courtiers and Footprints of Philosophers, 14–15, with modification.
Edward II’s huntsman, William Twiti.)

Courtly hunters, we learn, dis-esteem female animals for use in ceremony. The later treatises in fact always illustrate their procedures on the male. A hind or a doe suffices to kill the hunters’ mirth (illis mestum indicit femina capta silentium). Further, a waste of the venison through the deceit (fraude) of uncourteously hunters also pains them. If we allow that the Rockingham poachers were cognizant of court ceremony, their acts seem a calculated subversion of it—an action intended to effect the silentium of the hegemonic order.

It is moreover noteworthy that the poachers disfigure the rites of court rather than the usual ritual of the field. Turner’s collection of plea narratives from eyres of the thirteenth century shows several instances of utter disregard for refined methods of chase. In the late pinguedo (“grease time” or summer hunting season) of 1251, foresters in the Forest of Huntingdon observed a red greyhound coursing a doe (Pleas of the Forest, 77). They captured the greyhound and sat in wait as the whole party came in pursuit, ten men armed with bow and arrow, one with a cudgel and another with an ax. Remains found by foresters indicate that an ax may not have been such a rare hunting tool (4, 6). In the early fermisona (closed season) of 1250, three men on horseback in Huntingdon Forest drove a fallow buck towards Michael of Debenham, page of the seargeant of Woodstone, who killed the buck with a pickax as it was about to leap over a ditch (76). While Birrel concluded that “the majority of poachers, and the most conspicuous, were probably of gentry status or above,” ceremonial flourish played no part in their hunting.

Nor is there anything in these Eyre rolls to suggest that the hunt was conducted according to the complex procedures described in late medieval hunting literature, with distinct stages and different roles for different members of the party. There is no indication, either, of ceremonial treatment of the carcass after the deer had been killed. These are aspects which might escape notice because they were irrelevant to the proceedings of the Eyre, but so was a lot of incidental detail which is from time to time included. Such procedures were no doubt inappropriate for an illegal activity, but it may well be that they were not in any case customary amongst the lords of late 13th-century midland England.

Indeed, how widely practiced was English hunting ritual outside the royal court? This question shall inform a topic in the next chapter. For now we may

93 Dryden, The Art of Hunting, 16.
94 Birrel, “Who Poached the King’s Deer?,” 11, 18.
speculate that the Rockingham poachers appropriated only what they sought to debase.

If they were thus violating a courtly code of presentation, the poachers were giving the king his due portion of their take. They, unlike the later poachers in Pickering Forest, could have staked the head of a doe to subvert the rite reserved for the buck, but they went one heinous step further by defacing the head with a billet. Poaching they were, but this flourish shows they were up to more than poaching. Roland Bechmann, writing a cultural history of the forests of France, singles out a notion relevant to poachers’ counter-hegemonic practice in England as well.

The peasants, who little by little lost the more extensive hunting rights that they used to have, couldn’t even efficiently protect their cultivated fields. Their only solution was poaching, *braconnage* in French—called *bricolage* in Normandy—which was severely punished.95

The sportive *bricolage* of the Rockingham poachers differed from that of the Norman peasants in that it was motivated not by a defense of their base subsistence, but by an expression of free social status, of exercising the customary rights of their forebears in the face of the king’s tyranny.

*Bricolage*, it is worth remembering, is the word Claude Lévi-Strauss used to term the mythmaker’s art of improvisation.

In its old sense the verb “bricoler” applied to ball games and billiards, to hunting, shooting and riding. It was however always used with reference to some extraneous movement: a ball rebounding, a dog straying or a horse swerving from its direct course to avoid an obstacle. And in our own time the “bricoleur” is still someone who works with his hands and uses devious means compared to those of a craftsman. The characteristic feature of mythical thought is that it expresses itself by means of a heterogeneous repertoire which, even if extensive, is nevertheless limited. It has to use this repertoire, however, whatever the task in hand because it has nothing else at its disposal. Mythical thought is therefore a kind of intellectual “bricolage”—which explains the relation which can be perceived between the two.96

The “devious” hands-on *bricolage* against official craft is illuminating. To make use of whatever it had to hand, metaphoric play at Harleruding wrought

its spectacle violating “the venison” of the *foresta*. That the foresters read the poachers’ gesture unequivocally as “in magnum contemptum domini regis et forestariorum suorum” speaks for the efficacy of their malediction.

There is a literary example for cursing on this order to be found far afield, it is true, but the parallel is striking. The viking-poet Egil Skallagrimson, who with his brother Thorolf fought under Æthelstan at the battle of Brunanburh, sought vengeance upon Erik Bloodaxe, king of Norway, for the king’s having sabotaged Egil’s attempt to win a judgment in a legal dispute. Having killed his chief rival together with a son of the king’s, Egil erected the dire *niðstong*, or “enmity-stave,” against the king and queen.

Then he took a horse head, set it up on a pole and spoke these formal words: “Here I set up a pole of insult [*niðstong*] against King Eirik and Queen Gunnhild”—then, turning the horse head towards the mainland—“and I direct this insult against the guardian spirits of this land, so that every one of them shall go astray, neither to figure nor find their dwelling places until they have driven King Eirik and Queen Gunnhild from this country.”

This use of an animal cadaver to signify contempt—setting its head on a pole, turning it in a particular direction, invoking its powers to confound the land’s guardians, seeking to oust the authority of an intolerable lord—suggests a cultural reflex on the level of homology. There can be no direct connection between Norse magic and poaching subculture in England, unless a maledictive symbolism survived in a latent Norse-Norman continuity. Even so, it is not essential to highlighting the degree to which the poachers’ bricolage constituted a desecration of the king’s hunting sanctuary by shaming the guardian-foresters and slaughtering the venison loved by the king “as if he were its father.”

What are the cultural implications of twelfth- and thirteenth-century poaching within the legal and symbolic space of the *foresta*? In Rockingham the subject position the poachers sought to open in the taboo grounds of the royal forest—which position they opened and occupied, naturally, in a clearing—itself had been subject to the whole apparatus deployed to monopolize the hunt on the beasts of the forest. Their bricolage capitalized on the *foresta*’s own assertion of a semantic continuum subsisting between ritual and spatial authority. Within the zone created to enable the recreation of princely delight and pleasure, the poachers reasserted the ethos of the common chase, not entirely unlike Grendel’s envy-driven attempt to claim or reclaim the

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Heorot of the Scylding king. Their curse in effect restaked their ancient hunting grounds in defiance of the afforesting will of the crown. Moreover, they desacralized the foresta’s “transcendental signified,” the “venison” (conceived as a metonymy of the authority uniformly embodied by the royal hunt and the law), with a spectacle of its physical vulnerability to desecrating violence. Fitz Nigel’s trope of the penetralia regum captures the anxiety arising from the potential of just such defilement (the violation of Priam’s hall) even as it seeks to anchor the authority of the foresta in the personal will of the king, thus exposing the central paradox that was forever to predicate the royal hunt on the hope or fantasy of wielding autocratic power over bodies and territory. It is a legal trope, but that makes it no less critical to understanding medieval venery. It is the synthetic stuff, the ideology, that links ritual with authority and interiority.

We must now turn to the ritual in greater detail. Testimony to the nature, protocols, ethics, art, and emotional effect evoked by hunting ritual is varied and richly detailed. Many of the same questions may be brought to the technical treatises on hunting as to the poems that dramatized it, and they share many points of overlap, though they require separate handling nonetheless. Chapter 3 now turns to medieval artes venandi to examine how hunting arts were textualized in England and what factors impinged upon that textualization. That discussion shall lay the foundation for turning to the poetic representation of slaughter in chapter 4.
3

Artes venandi of England

The hunting ceremony of the king’s court, which the Rockingham poachers mocked so as to curse the “father of the deer,” extended to the hunting of magnates and those who had benefit of laws of forest, chase, and free warren. These nobles held a monopoly on the hunting in those spaces and invested imagination and treasure in the social differentiation that such a monopoly brought them in their locale. The ancient common chase, like other durable traditions continuing since pre-Norman days, still opened the less-than-prime hunting grounds of the realm to any who had the will to make use of them, hunting chiefly hare, fallow and roe deer, fox and other fur-bearers, more seldomly (if at all) the red deer, as good as never the boar. Questions will remain about the relevance of ceremony to poaching or hunting in the common chase, but it is fair to assume that observances of some kind had attended common hunting since time out of mind, for hunting was too atavistic and psychically charged a venture not to be regarded with a measure of respect as was felt due the quarry and the bloodsport itself. But the legal segregation of the reserve, which forbade the hunt on certain animals except by the holder of its charter, conduced to a focus dramatic in nature upon those privileged with the liberty to ride and kill, and be seen riding and killing. With legal privilege the hunt became a complex event, for not only did privilege require conspicuous exhibition in order to sustain its charter; privilege had an audience of the commons and nobility alike that expected a superiority of action and comportment that manifested itself not by a humane ethos, but by heightened formalism. It was not by chance that English treatises on hunting gave note to laws and customs of forests, chases, and parks as their authors spelled out the formalities apposite to such privilege.

Chapter 1 of this study considered symbolism of authority derived from hunting cultures of the Germanic north, focusing on the symbolic power of the Hart to embody an ethos of benevolent dynastic rule, albeit a rule subject to challenge on the fiction of that benevolence. Chapter 2 identified two dominant tropes arising from the controversy surrounding the royal forestae. First, by sanctifying the royal hunt in law, the Normans provoked the bitter response that the king so loved the deer as though he were heora fæder, killing and maiming
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rival hunters. Further, the Henrican trope of the penetralia regum figured the foresta as a space set apart for re-creating royal patriarchal authority in all its absolute and arbitrary grandeur. Both these concepts exposed notorious hunting kings to accusations of tyranny. Now, as the foresta-idea was increasingly adapted in the thirteenth and fourteenth centuries to more accessible means of privatized hunting throughout the land, the treatises recommend themselves for study as textualizations of ceremonial authority, an authority that could be learned and re-created through “ritual” acts and speech.

Medieval hunting almost universally evokes references to its ritualized character and its function as a training for war, but a reading of the treatises themselves also raises questions about their function vis à vis ethos, a question closely linked to defining their genre characteristics. John Cummins’ The Hound and the Hawk reads across a broad range of treatises from France, Britain, Germany, Spain, and the Near East, showing the diversity with which authors imagined the relevance of hunting to the culture and passions of medieval warrior estates.¹ For the present study, questions of ethos focus on the interplay between English law and practice. How does the legal distinction of the private hunting grounds relate to the character and customs of hunting in that space? Given that ars venandi was known in England as early as Asser’s biography of King Alfred, and that John of Salisbury was annoyed by its jargon in the mid-twelfth century, it is clearly very old and evidently transmitted orally—so, why did its textualization follow so late? What was the reader expected to learn from its lore that set his or her hunting apart from the common chasing and killing of wild animals? Whence did English ars venandi originally come? And what actually qualifies it to be meaningfully spoken of as “ritual”?

Modern criticism in general has ascribed so much weight to the warlike, élitist, and practical functions of hunting as to overlook questions as to how it figured as a “civilizing” force, and how its textuality and ceremony, factors of self-expression both, related to the ever-present legal contexts of the hunt. Artes venandi appeared first at the courts of kings whose hunts asserted the right-of-way before the hunting of their subjects, and they flourished where hunting was monopolized by law. Consequently, popular interest in knowledge of hunting ceremony meaningfully paralleled an increase in the number and availability of private parks and free warrens. The treatises’ consistent concern with issues of “fee,” that is, who gets what piece of the quarry, together with the shared antiquity of French and German terminology for it, reaches beyond the

Normans to a Frankish origin for courtly ceremony. It was there that forest law, the development of hunting as a professional craft, and bloodsport used for political spectacle, first came together in the medieval West. From this nexus, and from the fact that medieval bloodsport remained above all a socially driven event, arose the enduring preoccupation with technical jargon, horn blowing, and meat sharing that lay at the heart of English *artes venandi*. Equally enduring, and hitherto unexamined in detail, is the extent to which these *artes* factored into attempts to differentiate English “national” character.

King Alfred and Charlemagne

Mention of *artes venandi* in pre-Conquest writing refers chiefly to the education or hunting of kings and great lords. What these arts consist of is not specified with much useful detail, yet it appears to be expected of kings that they not merely hunt, but practice the art of hunting. There is certainly more to it than just a monk’s rhetorical amplification of a king’s public style. At least since the sixth century, as the law codes of the Salian Franks show, heavy fines were set for the theft of hunting dogs; thus the Franks and Bavarians had already differentiated dog “breeds” according to their function, be they scenting hounds for the chase, greyhounds for coursing, mastiffs for the attack, smaller dogs for use in falconry, or leash hounds for tracking. Germanic laws also attest the use of a wide array of nets, traps, and decoy animals, techniques which also saw widespread use in classical antiquity. But there is little to no indication as to what extent Germanic “arts of hunting” had a formal character of their own, or bore with them a social exclusivity beyond the fact that hounds and hawks were costly. In the case of royal character studies, however, the biographers of King Alfred the Great and Charlemagne set the king’s hunting in contexts that served greater designs in their works. These echo the example set by Alexander the Great and Hadrian, in whose funerary and triumphal works the big-game hunt on lion, bear, and boar reflected proof of kingly virtue.

The Welshman John Asser’s *De rebus gestis Ælfredi* (or *Vita Ælfredi*, c. 893),

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recognized as the earliest English biography of a layman, portrays a king tested by extreme adversity and physical hardship, resisting the barbaric conditions under which he asserted his authority, and who, even so, kept a pronounced sensibility for piety. Asser’s comments on the king’s hunting relate to princely education and the king’s fortitude during the viking wars and into his old age. Beginning with chapter 22, he turns from annalistic paragraphs recounting the viking inroads of the ninth century to reflect on Alfred’s youth and character, before going into his entry in the public affairs of Wessex. Having acquired no formal command of letters, says Asser, it was Alfred’s habit to listen with zeal to traditional oral poetry and to memorize it. Then he jumps to the present tense.

An assiduous hunter, he continually works at all kinds of hunting, and not in vain; for none has achieved comparable skill and success in that art, as also in all other gifts of God, as I have witnessed myself.7

Alfred’s hunting, states Asser, is distinguished by a superlative peritia or experience and knowledge in a type of ars, craft or doctrine,8 which ranks in ceteris omnibus Dei donis. Significantly, this remark is framed by references to the king’s early devotion to poetry and books, as the following chapter recounts the famous “Saxon book of poetic art”9 that Alfred’s mother Osburh offers as a prize to the first of her princelings who can learn (discere) its contents. With the help of a tutor, Alfred “reads” the book (legit) and learns it by heart. It is true that such prodigies of youthful energy and intellect, however, may bear a lesser claim to historical veracity than to satisfying biographical genre requirements. Alfred P. Smyth argues that Asser’s work is so invested in the hagiographic dimension of personal description that “there is little for the historian to salvage,”10 and as early reading may be deemed a qualification for a subsequent saintly career, Asser presses the point of the king’s preliteracy here despite ambiguity about the boy’s presumably illiterate legit when he “reads” or

6 Manitius, Geschichte der lateinischen Literatur des Mittelalters, 2:653.
7 “In omni venatoria arte industrius venator incessabiliter laborat non in vanum; nam incomparabilis omnibus peritia et felicitate in illa arte, sicut in ceteris omnibus Dei donis, fuit, sicut et nos saepissime vidimus.” Asser’s Life of King Alfred, together with the Annals of Saint Neots, ed. William Henry Stevenson (Oxford, 1904), 20. Unless otherwise noted, all translations are my own.
8 Ernst Robert Curtius, Europäische Literatur und lateinisches Mittelalter, 10th ed. (Bern, 1984), 49–52.
9 “Quendam Saxonicum poematicae artis librum”; Asser’s Life of King Alfred, ed. Stevenson, 20.
“learns” the book. The question here is not how Alfred managed to do it, but what prompted Asser to interject here his point about the king’s hunting. That Asser links the story of Alfred’s past “poetic art” with a remark on his present “art of hunting” was perhaps to highlight the pains Alfred had always taken to perfect himself. But the dual “arts” of reading and hunting make for a telling juxtaposition in their own right.

Seth Lerer has sought to resolve the paradox of Alfred’s preliterate reading by recovering the senses in which early medieval literacy presumed an exercise going beyond the cognitive deciphering of signs to include an apprehension of the scribal artifact in its visual entirety. The aim was to experience the religio-aesthetic dimension of the letteras pulchras as an act of devotion. While this Saxon poetic art had presumably been “christianized” in the mode of the surviving elegies so as to qualify it for devotion, it is not clear how the king’s hunting functions as spiritual discipline in the context within which Asser frames it. For reading, the fruition of labor readily serves, and is fortified by, the institutional arts of the trivium, but in what sense could the king’s hunting labor be pursued non in vanum?

As Lerer notes, the conventional reading is that Asser added the hunting remark to beef up the status of literacy, as the heroic mindset held book-reading fit only for monks and ladies. Lerer advances his argument about Alfred’s later self-authorization as translator and reader by pointing out the use of hunting tropes in the king’s writing. For example, there is Alfred’s preface to the translation of Pope Gregory’s Cura pastoralis.

Her mon mæg giet gesion hiora swæð, ac we him ne cunnon æfter spyrigean. For ðæm we habbað nu æger forlæten ge ðone welan ge ðone wisdom, for ðæm ðe we noldon to ðæm spore mid ure mode onluton.12

Here one may yet see [our wise elders’] trail, but we cannot track after them. For we have lost our wealth and knowledge both, because we did not care to bend heart and mind to the spoor.

This imagined lament of monks bemoaning their incapacity to use their libraries furnishes Lerer with a trail into the Old English translation of Boethius’ Consolatio philosophiae, where swæð, spor, and æfter spyrigean figure in Wisdom’s troping of philosophical inquiry. Lerer’s reading analogizes Alfred to the imprisoned seeker-after-truth who must liberate himself from the tutelage of external authority, asserting himself as a reader independent of his teachers

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(Waerferth, Plegmund, as well as Asser), and this liberation takes the form of a hunt for truth in which Wisdom offers himself as the quarry. Even if Alfred did not write the Old English Consolatio himself, or not all of it, this trope may still speak to an Alfredian influence over it. Whatever Asser may have had in mind with the hunting-reading connection, Alfred’s own imagination may have envisioned the “art” of tracking game (by “reading” sign such as animal traces and scat) to convey a kind of metaphysical insight if not also to lay a worldly or practical foundation for book-literacy itself.

Asser’s abrupt switch to present-tense remarks is typical of his claim that his characterization of the king stems from personal experience, but it is clear he is also working under Continental literary influences. The mere avowal of eyewitness testimony may derive rhetorically from Einhard’s preface to his life of Charlemagne (Vita Caroli, c. 816), a key model for techniques of kingly representation which itself had been modeled on the imperial biographies of Suetonius’ De vita Caesarem. When Asser turns to the topic of Alfred’s sons’ education, book-learning now takes priority over all else, but he still makes a point of juxtaposing “hunting and other noble arts” with the liberal arts, as does Einhard when recounting the education of Charlemagne’s children. This passage and its context point furthermore to Frankish influences when Asser states that the boys were fostered in curto regio, a Continental form of in curia regis.

Frankish authors writing on Charlemagne dwelt upon the emperor’s hunting chiefly so as to emphasize his boundless vitality, but their readings of it are considerably varied nonetheless. Einhard, a monk of Cloister Fulda, celebrates the Franks as a nation of coherent and sovereign identity, qualified by their high civilization, virile virtue, and political unity to be inheritors of the Roman empire. As cultural uniformity contributed to the political unity forged by Charlemagne, or at least as it was instrumental to the rhetoric of empire,
Einhard ranges over features of horsemanship, dress, custom, and warrior fellowship to indicate the solid constancy of the Frankish character. The king’s hunting also does its part.

[The king] exercised himself continually in riding and hunting, for such was the custom of his people; only with difficulty could you find another nation on earth who can measure with the Franks in this art.18

Robust, tradition-bound, and superior: this is the king who most firmly established the royal forestae of central Europe and built animal parks of Roman style in which to “exercise himself continually” as well as to stage official hunts in the protocols of the imperial assemblies. Janet L. Nelson has commented on Charlemagne’s hunting in her study of Frankish coronation rituals, processions, and feasts. “The hunt was especially significant,” she observes; thus

It is hardly a coincidence that the ninth-century royal annals so often mention the royal hunt following assemblies where major political crises were resolved. For the hunt was an exercise in, and a demonstration of, the virtues of collaboration. The aristocracy who hunted with the king shared his favour, his sport, his military training and his largesse, and helped at the same time to provision the palace, their magna domus. Because it also served these other vital purposes, the hunt could offer king and faithful men alike vivid experiences of collective action and reward: an apt corollary to and continuation of political and military co-operation.19

This, as the author of the life of St. Trond put it, was the ritus venandi by which young men of the royal retinue bonded in solidarity with their lord.20 Einhard and Asser both assert the superiority of the king’s hunting art, but they differ on whether that art reflects a collective national or an individual merit. The great forestae and parks suggest that the Franks had a legal infrastructure in place that lent itself to royal-national magnification in a way the English had not. On the other hand, however, Asser emphasized that Alfred’s early feats of reading and memorization were dedicated to vernacular heroic poetry—so that,

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18 “Exercebatur assidue equitando ac venando, quod illi gentilicum erat; quia vix ulla in terris natio invenitur, quae in hac arte Francis possit aequari.” Einhard, Vita Karoli, 194.


rather than amateurish, Alfred’s reading combined with hunting to express a royal-national identity.

Different representational strategies appear in the anecdotal and often saga-based *Gesta Karoli* of Notker Balbulus (d. 912), a monk of St. Gall. Notker uses the king’s hunting to support several themes. For example, the story of Charlemagne clothed in a tunic of sheepskin, and running his plumed and silk-clad courtiers hell-for-leather through rain and thorny underbrush till their showy raiment hangs in shreds, teaches the frugality espoused by Frankish custom. Then the account of Charlemagne hunting the wild beeves, whereby the king yields a sword against a huge aurochs (a beast vastly more dangerous than boar), only barely to escape with his boots shredded, illustrates the king’s heroic if also impulsive character. There his quarry is chased down by Isembart, Count of Thurgau, from whom the king is bitterly estranged, and they are reconciled only after an awkward mediation by the queen. The Persians occasionally aid Notker in his portrayal of the Franks’ imperial grandeur, a theme redolent of latter-day imperialist “orientalism” as defined by Edward Said. In one episode the Franks convey an embassage to the Persians, bearing gifts among which are apparently greyhounds and mastiffs for killing big game, which the emperor of Persia had expressly requested. A lion is reported to have harassed some herds of sheep; the Franks, having ridden out to seek it, sight it at long range and unleash the hounds.

[The Franks] galloped up with great zeal to the Persian lion, now held fast by the Germanic hounds, and they slew it with their swords of hyperborean metal that had been tempered in the blood of the Saxons. At this sight, Harun, the mightiest of those who bore his title, perceived by these few signs the greater might of Charlemagne, and broke out in praise of him. “Now I recognize the truth of what I have heard of my brother Charlemagne, that by his relentless hunting and untiring passion to exercise body and soul it is habit with him to subjugate everything under the heavens.”

The violence of the kill bears meaning, and Harun reads it exactly as the Franks

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23 In the passages immediately before the episode under discussion, Notker characterizes the Persians in attendance at Charlemagne’s court as cowardly and infantile. See Edward Said, *Orientalism* (New York, 1979), 1–28, 301–25.

would wish. Hunting down and slaughtering the pagan Saxons has innerved the Franks’ conquering strength; even the mere fame of Charlemagne’s hunting makes a powerful impression that his hounds and warriors confirm as true. Notker thus employs the king’s hunting to flesh out his epic themes, and so helps to put Asser’s characterization in sharper profile: Asser shows Alfred’s hunting more to foster civilizing endeavor than to give muscle to his dealings with the vikings.

What accounts for an understanding of hunting as a civilizing art worthy to be named in the same breath as the liberal arts? Among so much else required for a rejuvenation of imperial authority in name as well action, the Carolingian renaissance embraced also a reevaluation of technical arts. Jacques Le Goff has summarized varying views toward labor and its social value in the early Middle Ages. Tracing a Graeco-Roman legacy that had equated technical skill with creative genius, he notes a medieval blurring of the concepts *otium* and *negotium* in monastic views of the contemplative life, and a pejorative association of *labor* with slavery. Whereas Germanic traditions ascribed a religious aura to categories of craftsmanship in metals, the prevalent warrior mindset devalued manual labor. On the other hand, the Judeo-Christian inheritance lent copious support to antithetical positions that prized labor and nonlabor. But imperial renewal brought with it the fact that

the Carolingian renaissance included a genuine ideology of productive effort, an energeticism which can be detected on the economic, political, and cultural planes. This seems to have been the concern of an aristocracy or, rather, of a governmental “elite.” It resulted, however, in certain material and mental habits, which gave rise to cultural and ideological themes which were to be developed in the future.

Le Goff does not count hunting among the revitalized modes of production he discusses, although he follows this statement with the assertion that Carolingian “Energeticism found its fundamental expression in a rural context …,” chiefly through land clearing and improved gardening. This “energeticism” probably did not foster a specialization of hunting where the point was to clear wilderness marches and transform them to domesticable resources, but royal forests were a different matter. Le Goff does not identify the Carolingian *foresta* and parks as part of this transformation—indeed their *raison d’être* was

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antithetical to deforestation—but they formed a critical basis for institutionalizing forestry and hunting.

Among the influential classical texts in which hunting had been grouped with humanistic arts were Hellenistic scholia commenting *inter alia* on the works of Aristotle. Elspeth Whitney’s study of classical and medieval mechanical arts reveals a history only marginally concerned with, but still relevant to, the conceptual assessment of animal capture and use.27 Plato and the Sophists had foreseen a broad classification of “acquisitive arts,” whose defining criteria lay in attaining things by word and deed, or by preventing others from gaining what had already been produced elsewhere, which first brought hunting within the orbit of learning and the acquisition of knowledge.28 In the *Politics* Aristotle seems to have subsumed this rubric of “acquisition,” insofar as he held hunting and war to be concerned with production, under *oikonomia* or “household” arts.29 Aristotle’s defining arts by their relation to productivity, or as knowledge expressed in action, led to subclassification in the scholia. Lucius Tarrhaeus, for example, classed hunting with practical arts (beside apotelesmatic, instrumental, and theoretical arts), specifically to be distinguished by a teleology of movement. Unlike cooking and butchery, hunting craft escaped the opprobrium befalling the banausic arts, though it was not as readily combined with the liberal arts (these being conducive to the attainment of wisdom and virtue), as were the “semi-liberal” arts of agriculture, architecture, or medicine. In Christian late antiquity, however, technical arts diminished markedly in stature, and hunting was singled out as contemptible, if not diabolic.30 (Christ, being a Fisher of Men, presumably vouched for the sanctitude of angling). St. Augustine, who in *De civitate Dei* sees hunting as but ingenious killing,31 views technical arts as reproducing the faulty works of a flawed world.32 Martianus Capella, in *De nuptiis Mercurii et Philologiae*, banishes semi-liberal or practical arts (medicine and architecture by name) entirely from the sublime fellowship of the liberal, or theoretical, arts. From this low ebb the tide was not to run again with classical vigor until the twelfth century.


30 See Rooney, *Hunting in Middle English Literature*, 24–34.

31 Augustine, *De civitate Dei*, 22:24, trans. Henry Bettenson as *Concerning the City of God against the Pagans* (Harmondsworth, 1984), 1072.

The processes of imperial renewal, undertaken by the Carolingians to raise the edifice of a classicistic Christian culture, began to rehabilitate the status of practical arts. Their chief exponent was John Scottus Eriugena, working under the patronage of Charles the Bald, grandson of Charlemagne and king of the West Franks. His commentary on Martianus (c. 860) brought the *De nuptiis* to fuller attention while it also questioned this work's low regard for crafts. Some revising of this early Christian devaluation had been begun by Isidore of Seville and by Cassiodorus, but it was John Scottus who, when he imagined Philology giving Mercury seven *artes mechanicas* in exchange for the seven liberal arts she received of him, advanced a renewed conceptualization of applied knowledge.

For John the Scot, in particular, the [mechanical] arts are an essential element in the effort to attain Wisdom. The arts, according to John, are “man’s link with the Divine, their cultivation a means to salvation.” Innate in man, the arts belong naturally to him, and knowledge of them, obscured because of original sin, must be stimulated through teaching.

Here is a basis for Hugh of Saint Victor’s alignment of agriculture, hunting, medicine, and theatric art with the quadrivium in his *Didascalicon* 2:20 (c. 1129): “The mechanical sciences are the seven handmaids which Mercury received in dowry from Philology, for every human activity is servant to eloquence wed to wisdom.”

It is not clear when or how attitudes stimulated by John Scottus’ doctrine came to the West-Saxon court, but Asser himself indirectly outlines a possible channel in the *Vita*. His narrative of West-Saxon political history during Alfred’s childhood touches upon King Aethelwulf’s second marriage in 856 to Judith, a daughter of Charles the Bald, arranged while Alfred’s father was *en route* from a Roman pilgrimage (chapter 11). This same Judith, who (declares Asser) later scandalized even the pagans by wedding her stepson (Alfred’s brother) Aethelbald, embodied one of only two dynastic connections ever established between an Anglo-Saxon and a Frankish royal house. Judith, writes Patrick Wormald, “like most ninth-century Frankish princesses, was a...
cultivated lady; and it is a reasonable guess that she brought with her to the court where the young Alfred was growing up some of the culture as well as the aura of the Carolingian monarchy. As Nelson explained above, and as Einhard and Notker indicated in their biographies, an important part of this monarchical aura included a magnification of the king’s hunting.

Nowhere is the sense of the productive capacity of Alfredian artes venandi stronger in Asser than in chapter 76, where they take their place among other arts practiced in time of war.

Meanwhile the king, amidst the wars and the numerous interruptions of this present life—not to mention the Viking attacks and his continual bodily infirmities—did not refrain from directing the government of the kingdom; pursuing all manner of hunting; giving instruction to all his goldsmiths and craftsmen as well as to his falconers, hawk-trainers and dog-keepers; making to his own design wonderful and precious new treasures that far surpassed any tradition of his predecessors; reading aloud from books in English and above all learning English poems by heart; issuing orders to his followers: all these things he did himself with great application to the best of his abilities.

Hardly an awesome spectacle to dramatize royal violence, these artes venandi coincide with arts of rule and ornamentation that constitute a civilizing bulwark against the wear and terror of the Viking depredations. Because the narrative interest falls on the king’s hunting not as an act of epic prowess but as part of a larger activity one could liken to a programme, it fits with those aesthetic achievements “that far surpassed any tradition of his predecessors.” Lerer compares Alfred’s efforts to achieve a self-authorizing literacy to Asser’s representation of him as a “master of technology,” suggesting that Alfred and Asser agree in their commitment to mastery in architectural, technical, and narrative crafts.

Central to these figurations is the place of artifice in civilized life ... Human workmanship provides a way of organizing nature or experience into an assuring whole. It erects the structures that may stand against


38 Alfred the Great: Asser’s “Life of King Alfred” and other Contemporary Sources, trans. Simon Keynes and Michael Lapidge (Harmondsworth, 1983), 91.
malevolent forces outside the purview of the city or the hall. The artifacts
of daily life or the accoutrements of battle grant an interpretive coher-
ence to the signs and patterns of Creation and form ways of measuring
precisely the affairs of humankind.39

This analysis may capture the spirit by which an erudite sensibility can appre-
hend its providential purpose, but it is worth remembering that such abstrac-
tion will likely have been beyond the ken of the hunters and falconers on the
ground who made the king's *venatio* into *ars venandi*.

Testimony to a revivified ideology of artisanal labor may be found in the
*Colloquy* (c. 990) of the grammarian Aelfric, abbot of Eynesham, a guaran-
tor of the monastic renaissance that Edgar, Alfred's great-grandson, set in
train.40 Aelfric’s text consists of interview-dialogues for the Latin instruc-
tion of monastic oblates, some of which were rendered in Old English by a glossator.
Its pedagogy focuses on practical language and to this end it introduces a page-
ent of laborers who explain the technical lineaments of their crafts. Among
other laborers such as a plowman, shepherd, angler, birdlimer, cobbler, mer-
chant, smith, and more, Aelfric presents a royal *hunta* (huntsman). His duties
bear little comparison to the king's sport and delectation, that is, his *otium*; the
hunter’s work, his *negotium* rather, is to facilitate the hunt for greater worthies
and to provision the royal household.

Quomodo exerces artem tuam? Plecto mihi retia et pono ea in loco apto,
et instigo canes meos ut feras persequantur, usque quo perueniunt ad
retia inprouise et sic inreintiuntur, et ego iugulo eas in retibus.

Hu begæst þu cræft þinne? Ic brede me max ond sette hig on stowe gehæp-
pre, ond getihte hundas mine þæt wildeor hig ehton, oþþæt hig becuman
to þam nettan unforesceawodlice ond þæt hig swa beon begrynodo, ond ic
ofslea hig on þam maxum.41

[Q] How do you practice your art?  [A] I weave nets and set them in an
apt place; and I urge on my hounds to chase the wild beasts until they
suddenly come upon the toils. They get ensnared and I slay them in the
nets.

The *retia*, which denoted a whole genre of net-traps as well as a particular type

40 Stanley B. Greenfield and Daniel G. Calder, *A New Critical History of Old English Literature*
(New York, 1986), 68, 75, 86f.
of long span-net thinly strung and coarsely meshed, found use in Roman antiq-uity for capturing large game such as wild boar. But such large tackle required
some manpower to handle it, a subordinate duty delegated to slaves. Besides the
drive here described with hounds and toils, however, the hunter says also that
he pursues boar as well as red and fallow deer in a chase mid swiftum hundum.
In practice it may be unwise to insist on a clear distinction between otium and
negotium, for experiences are too varied and personal to obey abstract boundar-
ies; King Alfred could just as well personally have provisioned his household
this way as Aelfric’s hunter could have spent his leisure doing what he did best.
Alfred’s hunting ethos, or rather what Asser wishes it to be, arises from an
heroic calling to enlightened kingcraft and the princeps’ duty to set an example
of virtue to his people. What indications there are of Aelfric’s hunter’s ethos do
not concern such exhibition but a sanction against working every day. “Were
you hunting today?” asks the interlocutor. “No, for today is Sunday. But I was
hunting yesterday.”42 This ethic must be agreeable to the churchman Aelfric,
but it may be part of an artisanal creed imported from the Continent. Le Goff
locates in Carolingian capitularies de villis the observance of Sunday rest as part
of the renaissance of labor through which a “sign of the primacy of religious
taboo[s] [and] also an indication of the desire to organize labor’s breathing cycles
…” reflected the imposition of monastic norms.43
The reader is told the hunter is audax in contrast to the angler and others.
That the king’s hunting-thane ranks socially higher than the other laborers is
evident in a passage evidently not available to the Old English glossator.

Uel cuius honoris es inter tuos socios? Primum locum teneo in sua aula.
Uestitum autem et uictum satis mihi tribuit, et aliquando uero anulum
mihi aureum reddit. …44

[Q] Indeed what distinction have you among your fellows? [A] I hold
the first seat in his hall. He bestows upon me clothing and nourishment
enough, and sometimes in fact he gives me a golden finger-ring. …

The hunters’ primacy among the courtiers is reflected as well in Hincmar of
Rheims’ protocol of the Carolingian court,45 and service in the king’s hunt

42 “Wære þu todæg on huntnoþe? (Fuisti bocic in uenatione?) / Ic næs, forþam sunnandæg ys,
ac gysterdæg ic wæs on huntunge (Non fui, quia dominicus dies est, sed beri fui in uenatione).”


44 Ælfric’s Colloquy, ed. Garmonsway, 25–6, n. 83.

45 Rösener, Jagd und höfische Kultur im Mittelalter, 577.
Hunting Law and Ritual in Medieval English Literature

could also become a condition for land tenure. There is an air in Aelfric’s dialogue of the heroic world of ring-giving and the warrior retinue. Together with knowledge of the quarry, handling toils, and working with hounds—all of which are relevant to Aelfric’s hunter—a highly developed part of Germanic ars venandi must have involved tracking game, if Alfred’s penchant for the metaphor and Beowulf are a reliable measure to go by. What we cannot tell, given Aelfric’s Latin and his teaching purpose, is the extent to which Germanic artes venandi had cultivated a jargon specific to their craft, a feature that distinguished hunting arts of the later Middle Ages. Aelfric’s glossator adds “tæce us sprecan latialiter recte”—but the hunting-thane’s language was probably still so close to that of his contemporaries that recte did not yet mean modo venatoris.

Masters and Beasts of Venery

After the Conquest the Normans used their forestae and their hunting-progresses through the country as instruments of rule, to assert their presence everywhere and affirm their lordship over subjects by analogy to their power over land and beast. Furthermore, they brought with them a ceremonial that set their hunting apart and differentiated its forms and methods in ways congruent with their newly imposed legalities. As Sir John Fortescue explained it in 1460, the Colloquy’s example using a hunter of the court to teach English was no longer viable.

After the French had, by Duke William the Conqueror, obtained the land, they would not permit advocates to plead their causes unless in the language they themselves knew, which all advocates do in France, even in the court and parliament there. Similarly, after their arrival in England, the French did not accept accounts of their revenues, unless in their own idiom, lest they should be deceived thereby. They took no pleasure in hunting, nor in other recreations, such as games of dice or ball, unless carried on in their own language. So the English contracted the same habit from frequenting such company, so that they to this day speak the French language in such games and accounting.

46 Gilbert, Hunting and Hunting Reserves in Medieval Scotland, 7, 10.
Henceforth the high sport was in the hands of masters who brought their arts of rule from the fertile ground of Frankish might and culture. 

*Arts venandi* became synonymous with French *déduit*, evoking an artisanal ethos of the hunt as a *techne* interwoven in a comprehensive way of life. Its greatest illustration comes from teaching of Gaston Phébus, 3rd Count of Foix and lord of Béarn (1331–91), whose frenetic life involved him in territorial warfare and prison, exotic hunts in Prussia and Scandinavia, peasant massacre in the Jacquerie, and the otherwise daily hunting of his domains. In the twentieth century the Oberforstmeister Walter Frevert observed that custom and discipline are key factors in hunting because “Jagd ist Leidenschaft,” hunting is passion—because the reality of bloodsport can overrun reason it must be bridled by discipline. It would seem Phébus was just the impassioned man of Frevert’s worry, a chivalric votary who poured his ardor into a triad of devotion to feats of arms, the chase, and love, and who could show the illegitimate sons to prove the latter. His *Livre de Chasse* (c. 1387), which ranges over the training of a broad array of personnel for a great household establishment, asserts in its prologue the righteousness of the chase owing to habits fostering virtue in hunters of all classes. Phébus regards a broad range of game and techniques of animal capture, by hound and by snare and subterfuge, and shows attention to practical if also common methods that his English translator (Edward of Norwich, the second Duke of York) disregarded. John Cummins shows that Phébus’ approach to justifying the hunt was only one of many, and even then it reduced the subtleties of its sources to a no-nonsense minimum. Yet the *Livre de Chasse* deserves mention foremost as the prime expression of the fully developed artisanal view.

Phébus’ hunting book clustered many elements of a highly differentiated hunting ethos, treating of the game and their habits and natural cycles, hounds and their kenneling and hygiene, woodcraft, hunting seasons, together with the methods of questing and chase. The hunt, in Phébus’ view, forms a solid basis for virtuous living, in that no hands lie idle, and you drop from the exhaustion

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49 “Sens général de divertissement, dont celui de la chasse sous tous ses aspects et dans tous ses genres.” So Pierre-Louis Duchartre, *Dictionnaire analogique de la chasse historique et contemporain* (Paris, 1973), 193. This word bore the full spectrum of meanings connoting “pleasure,” from the simple to the sexual; to have it signify in the hunter’s language only “hunting” was a function of jargon, as shall be discussed ahead.


51 Frevert, *Das jagdliche Brauchtum*, 11.


53 See Cummins, *The Hound and the Hawk*, introduction; for more detailed analysis of the workings of the establishments, see chap. 13. See also Almond, *Medieval Hunting*, chap. 5.
of hard work before evil fantasy can tempt you. Profound this idea is not, nor original, and one is torn between reading it as naiveté or irony that by this method alone the diligent hunter should reach heaven. Yet however simplistic his piety, Phébus’ judgment bears authority in matters of technique and personnel. For the hunt must end by each hunter receiving his due right of venison and by the conviviality created by the sharing of stories and a lot of meat and wine. The well-known illuminations adorning the text of Manuscrit française 616 of the Bibliothèque Nationale de France reflect the emphasis on formal schooling, for they show the master instructing his disciples in cries, horn calls, the handling and care of hounds, the breaking up of the kill, and the rewarding of hounds on the hide of the slain quarry. By the fourteenth century, in England as well as France, hunting doctrine with or without self-conscious moral justification was in greater demand than ever before.

New impulses for technical writing on hunting awoke in German lands in the very late twelfth century, authoring texts in Latin, but by mid-thirteenth century the French established the genre in the vernacular, and by the fourteenth it flourished strongest in France. La Chace dou Cerf (c. 1250), a verse dialogue in octosyllabic couplets, is the oldest in a line of French writing up to and beyond Phébus. It deals chiefly with hunting the hart, where its forte lies in the master’s clear explanations for questing and keeping the hounds on task. He instructs the disciple in the duty of the limerer, who goes out early with a limer (a leash-hound with a good nose) to cast for game. Because one first needs a big enough deer, a literacy in animal sign is needed to sort the lesser deer from the truly warrantable hart of ten tines or more. (Deer, being ruminants, browse on lichens, the leaves of deciduous trees, grass and heather, then seek a quiet bed by day to lie up and chew their cud.) Sign around the desired quarry’s lair should include big, heavy and broadly spread slots (hoofprints), frayings (rubbings) on trees high enough to betray a giant rack of antlers, and

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54 Facsimile in The Hunting Book of Gaston Phébus, introduction by Marcel Thomas and François Avril, commentary by Wilhelm Schlag, trans. Sarah Kane (London, 1998), 13r, 41v, 51v, 54r, 58v, 70r, 72r.

55 De arte bersandi, c. 1200, on shooting deer with bow and arrow: De arte bersandi: Le plus ancien traité de chasse de l’Occident, ed. Gunnar Tilander, Cynegetica 3 (Uppsala, 1956). Also Friedrich II von Hohenstauffen (d. 1250), De arte venandi cum avibus, the most comprehensive medieval tract on falconry, adapted fundamentally from Arabic doctrine (The Art of Falconry: Being the De arte venandi cum avibus, ed. and trans. C. A. Wood and F. M. Fyfe (Stanford, CA, 1943); Friedrich may have written a book on venery as well, mentioned in his falconry book, but which is lost. While important texts from Italy and Spain also derive from the early period, Gottfried von Straßburg’s Tristan romance (c. 1210) may be included in this group by virtue of its very early and precise depiction of the curée (see chapter 4).

56 La Chace dou Cerf, ed. Tilander.
quality fewments (scat) which show the deer’s size, sex, and pasturage—these should be stashed in the horn and then stopped with grass. Orientation is a problem, so to be able to lead people back along a potentially long way the path must be marked with the woodcraft of fretes (cut branches) andbrisées (branches thrown on the trail). The more evidence produced, the better the chances of having your find approved for pursuit, for the sport was to quest for a single deer greater in grease (fat) than any around, and chase him and stay on his track come what may, despite all the smaller deer he may run with to obscure his flight.

This was classic hunting par force des chiens, by strength of hounds, which La Chace enshrined at the head of the genre. This method remained the chasse royale till it was displaced by the slaughterous battue in the seventeenth century. But while the self-image of chivalry still endorsed rigor and risk, a career through woods and fields with hounds remained the hunt of choice. Richard I left a great example of such a hunt five years before his death. As John Manwood records it,

In anno domini 1194, King Richard the first, being a hunting in the forest of Sherwood, did chase a Hart out of ye forest of Sherwood into Barnesdale in Yorkshire, and because hee could not there recover him, hee made proclamation at Tickill in Yorkshire, and at divers other places there, that no person should kill, hurt, or chase, the said Hart, but that he might safely returne into the forest againe, which Hart was afterwards called a Hart royall proclaimed.57

In other words, this deer received the privilege symbolically to wear the collar declaring “Noli me tangere, for Caesar’s I am,” the while he still wandered outside the royal forest.

In the Chace dou Cerf, bringing everyone up to the covert before moving (starting) the deer seems of importance because the text says nothing of relays of hounds, which could be stationed down the quarry’s anticipated line of flight to heat the pursuit behind him. Three relays sufficed: the first are entered on the deer once he is unharbored (moved), the second to his middle as he passes, the third head-on against him.58 In open forest, and without relays, lighter faster deer stood a good chance of getting away, for hounds in those days had

57 Manwood, A Treatise on the Lawes of the Forest, 42v. Chalmers calculates this distance to have covered forty miles (A History of Hunting, 162); “Sabretache,” on the other hand, believes it to have been “a distance as the crow flies of 108 miles”: Sabretache, Monarchy and the Chase, 33.

neither speed nor stamina to keep up with them. Thus the better sport was given by the fatter, slower deer, the experienced old hart who had to win his life by ruses. 59 When his luck runs out and he must turn at bay, the master continues, you can approach close enough to hamstring him if he is still in his velvet (not having frayed the old skin off the fully regrown antlers), but he should be shot (with arrow) if his antlers are too strong and sharp. A problem lies in the timing of the kill, for one must hold long enough to allow the rest of the party to arrive and witness the death, but not wait so long as to expose the hounds to needless danger. Instructions follow on field-butcher ing the hart and rewarding the hounds with his chopped-up meat and organs spread out on his hide. This was the indispensable rite of the curée, so named for the quarry’s fell. While La Chace is preserved in only three manuscripts, its doctrine was adopted almost literally in later works. Thus the strength of tradition transferred authority to “ritual” in later authors.

Chronologically speaking, William Twiti’s L’Art de Vénerie (c. 1330) falls between the Chace and the French Livre du Roy Modus, dating Anglo-French writing in the early development of the genre. 60 William Twiti (or Twety? Twici?) is documented to have served as huntsman in the establishment of Edward II, being dispatched with a cortège of veneurs and hounds to official forests, chases, and parks to procure venison for the royal court. 61 This brings L’Art de Vénerie, the oldest hunting tract written in England, squarely in line with court practices, where the politics of hunting reserves and a host of many players and their functions were to be taken into account. Also a dialogue, but in prose, the discussion’s question-and-answer format reads like a jumble of remarks and maxims that take little pity on a reader not already conversant in the art. 62 It is easier read by imagining the roles of master and disciple to

59 Erudite commentary on matters such as these is to be found in the glossary appendix to The Master of Game, ed. Baillie-Grohman, 115–212.


61 He was sent, for example, with a lardener, seven grooms, twenty greyhounds, and forty stag-hounds to the “forests, parks, and chases” of Thomas, 2nd Earl of Lancaster, just four months after the latter’s execution (Close Roll entry of July 21, 1322, quoted in The Master of Game, ed. Baillie-Grohman, 217). For a discussion of biographical questions, see, besides La Venerie de Twiti, ed. Tilander, Master of Game, ed. Baillie-Grohman, 215–19. On professional hunting for sustaining the royal court for its progresses and feasts, see Almond, Medieval Hunting, 115–42.

62 The oldest text of L’Art de Vénerie bears witness to the confusing aspect of jargon to non-conversants, for it was copied by the Franciscan theologian and poet William Herbert and included in British Library Add. MS 46919 (formerly Phillips MS 8336), the great collection of Anglo-French literature—yet it evinces conspicuous errors despite the scribe’s expertise, showing Herbert to have been not a little puzzled by his original.
be reversed; that is, its random organization may be sooner forgiven if its explanations are understood to give correct answers to what was meant to be the master’s drilling of his disciple in the craft, as by examination, only that the text shows (for authority’s sake) the master giving the answers. Still, some themes do congeal around the priority of hare hunting (a particularity of British writers), taxonomies for grouping quarry by shared traits and methods of chase and butchering, how to talk about deer antlers, how to blow the horn, but above all how to speak rightly.

Twiti’s text runs thick with technical words for different chases. Just for an example, to use terminology from its fourteenth-century translations:

The hare is to be enchased as is the stag, but not the buck, for she dwells in woods and has her seat in a form, and therefore cannot be encoyled. Seek her prickings or her croteying, and cast forth till the hounds find of her, or find his mysing where she passed out of pasture. When they find of him then blow three motes and exhort them, calling “La, dons, la, il est venuz pur ly pestre, sohow!” Then when she is moved, recheat to the hounds three times and chase her, recheating again lest the hounds stint or come in default, in which case you blow nine short motes thrice, and recheat to them again till at last they are hunting the perfect. At her death you may not blow the menée albeit she is enchased, so you must blow the prise. Then give the hallow to the hounds.63

This exercise in Jägerlatein is clearly artificial and abbreviated, yet it may convey a useful impression of the language’s fabric. It is obviously in the vernacular, though hardly plain English; one gets the gist of it and follows some parts well, but some words are as alien as foreign terms (enchase, encoyl, crotey,

63 The hare must be enchased because it will lie low by day, remaining in the woods, and therefore must be sought with a leash-hound (limer) by evidence of its tracks (prickings), droppings (croteys) and scent in the passage way (mysing) where it goes out to pasture. It could be encoyled if its habits were such as to start readily from its lair (form) when it hears the hounds, or if it could be hunted directly by sight in open country. Because the hare’s sex is understood to be naturally ambiguous, gendered pronouns may be used indiscriminantly. To find of the hare is to pick up its scent with the limer; to move it is to dislodge it from its lair, beginning the chase. To recheat to the hounds, at least in the later usage of this term, is to sound the horn (blow motes) to encourage those hounds that are hot on the quarry’s tail and to call to others coming up. The pack running together in the line of the quarry is hunting the perfect. Hounds that have stinted have lost the scent and halted; hounds in default have made the change to another animal which they are chasing instead. The menée can only be blown for male animals, and the hare’s ambiguous sex forbids it. The hallow consists of the head, neck, shoulders, and sides. I have depended much in this exercise on Danielsson’s conflated edition of The Craft of Venery, which has a fine glossary and notes.
recheat). Anglo-French may not qualify as foreign, but its court- and class-relevance marks the calls and exhortations in that language distinctly apart from the common tongue, a distinction maintained in Anglo-French calls that were preserved in English translations through the fifteenth century. Important to the social dimension of hunting jargon, however, are those familiar words that are used with unfamiliar, specialized meanings: pricking, move, stint, default, perfect, menée, prise, hallow. This characteristic modulation of French and English terms, as Lindner explained by example of medieval German, comprised a Standessprache as opposed to a strictly technical Fachsprache, a class-conscious troping of the common language as opposed to a literal professional nomenclature.64

In comparison with La Chace, Twiti seems over-concerned with language as well as incomplete and tangential on matters of practice. Anne Rooney has considered the treatises’ didactic function and efficacy, addressing these texts’ disorganized and jargony expositions. Speaking of Edward of Norwich’s The Master of Game and the anonymous Craft of Venery (a translation of Twiti’s Vénérie), the Boke of Huntsyng in the Boke of St. Albans, and the Tretyse of Huntynge, which she has edited, Rooney observes that they come up short on practical explanation and indulge non-utilitarian interests “which we are likely to consider peripheral to the activity” of hunting. Her conclusions are illuminating.

The major preoccupations of the Middle English hunting manuals are not with the practical procedures of the hunt, but with the details of terminology, correct hunting calls, and categorisation of animals which are of little practical use. These preoccupations reveal the attitude of the authors towards the hunt—that it was essentially a noble, non-utilitarian activity in which knowledge of form and demonstration of that knowledge were of paramount importance, of more importance than the ostensible aim of killing animals.65

The “manuals” should not raise expectations of practical guidance in the style of handbooks for consultation in the field; for that matter too my use of the term “treatise” suggests a more methodical organization than we find in those English texts not descended from French masters. Even so, Rooney hits the mark when she emphasizes the expressions that comprise a central feature of medieval bloodsport. Correct jargon constituted such a major appeal of the “English” books that their “utility” must be defined by this measure. The reader

65 Rooney, Hunting in Middle English Literature, 18–19.
Artes venandi of England

(it is assumed) already knows more or less how to sic hounds on quarry and how to butcher the carcass well enough, so what Twiti really has to offer is the cultural literacy of the courtly world that will serve the reader to style his sport for company and self-presentation. The Vénerie’s utility in that case answers to the desire to set a prestige example to others where such prestige may be expected.

Yet even this narrowed sense of utility was not unproblematic or easy to handle. As Rooney observes, hunting jargon could be at the same time semantically precise and obfuscating, as well as socially unifying and divisive. By preferring traditional terminology to other expressions available to English that gave greater accuracy, the jargon did not necessarily foster improved communication (a fact that ironically may have added to its appeal). And speaking it served the function of class identification and coherence while obviously also keeping lewed people out, a difficult situation to analyze in that such boundaries prove vague and negotiable under the pressures of social competition. Nevertheless, a focus on linguistic utility places these texts amongst the earliest vernacular (English) guides to correct speaking. Rooney may see a French organizational strength to contrast with an English “snobbery” that privileged correct speaking above actual content; but in light of practical rhetoric, these texts created and sustained a long-lived standard for sporting decorum, the art of speaking rightly to the context. They carried a prescriptive force among their readers that was to characterize English hunting culture for centuries to come.

Recent studies have not failed to observe that styles of hunting gave indications of social class, and that its jargon acted as a koine to all those wishing to move in better society, or in the rowdiest still-respectable society, given one’s tastes. Yet modern critics can hardly assert this belief with the conviction expressed by Sir Thomas Malory. Of Sir Tristram’s schooling, for example, he has this to say.

And so Trystrams lerned to be an harper passyng all other, that there was none suche called in no contrey. And so in harpynge and on instrumentys of musyke in his youthe he applied hym for to lerne. And aftir, as he growed in myght and strength, he laboured in huntynge and in hawkynge—never jantylman more that ever we herde rede of. And as the booke seyth, he began good mesures of blowynge of beestes of venery and beestes of chaace and all maner of vermaynes, and all the tearmys we

66 Rooney, Hunting in Middle English Literature, 13–15.

67 Besides Cummins’, Rooney’s, and Almond’s remarks on this topic, see also Manning, Hunters and Poachers, 4–34.
have yet of hawkynge and huntynge. And therefore the booke of venery, of hawkynge and huntynge is called the booke of sir Trystrams.

Wherefore, as me semyth, all jantyllmen that beryth olde armys ought of ryght to honoure sir Tristrams for the goodly tearmys that jantylmen have and use and shall do unto the Day of Dome, that thereby in a maner all men of worshyp may discever a jantylman from a yoman and a yoman from a vylayne. For he that jantyll is woll drawe him to jantyll tacchis [habits] and to folow the noble customys of jantylmen.68

Malory clearly believes that the language of hunting is a lot of what hunting is all about. He celebrates exactly what Rooney says a reader sought from a “booke of venery” as is found in the contemporaneous Boke of St Albans, “all the tearmys we have yet of hawkynge and huntynge.”69 The “we” of this declaration is an important one, because Malory is thinking practically about the role language plays in defining class identity. Heraldry offered a parallel jargon with which to speak codes of tradition-bound privilege at court and tournaments. Implicit here is the recognition that language ennobles as much as it regulates social distinction. It creates a body of knowledge about a person by arousing certain expectations about his or her estat, or breeding, moral character, legal status, and social place. Thus all the factors relevant to cultural constructions of subjectivity and gender come into play with this invocation of a jantylman’s social distinction, that is, his “honor,” his fellowship, his self-identification with bloodsport and its ennoblement, and the legendary origin of the argot that makes him an insider.

Besides Malory’s “we,” there is the key word “discever,” i.e. discern in the sense of uncover, reveal, distinguish. One may fairly wonder what he means by distinguishing speakers of these sporting classes. Given his three-estates scheme of hunting, will the jantylman speak but of beasts of venery, while the yoman knows nothing above beasts of chase, and the vylayne speaks with the tongue of the verminous? It is more likely to be the case that the gentleman’s converse is congested with hunting jargon, the yeoman can talk the talk but has things to say in English as well, whereas the villein knows not a sporting term to save his soul.

The categories of beasts are an old and individualistic feature of medieval venery distinguishing it from that of the ancients. Too teacherly for the common hunt, their origin must surely lead back to the early craft-masters. The taxonomies have the aura of solid doctrine, which however loses clarity as the

69 On the relationship of the hunting section of the Boke of St. Albans to an anonymous “Tristram” verse treatise, see Hands, English Hawking and Hunting in the Boke of St. Albans, xxxii–xliv.
categories intersect and overlap with associated lists. The “beasts of venery” consisted of the hart/hind, hare, boar, and wolf, which could be hunted by strength of hounds, but which cautiously stayed put when sought in their wooded haunts. Which meant their lair had to be found out by hunters with leash-hounds doing careful work. The “beasts of chase” were the fallow buck/doe, fox/vixen, and roedeer, which could be raised by a pack of scenting hounds (brachets/rachets) and hunted on the run in the *campestres*, the more openly wooded countryside. W. A. and F. Baillie-Grohman and Gunnar Tilander are in agreement that the use of the limer was the key factor distinguishing these categories, though Rooney’s point about evident confusion remains valid.70 One problem was that fallow bucks could also be harbored (located by tracking) with the limer, while hinds were not.71 Another was that the strength of convention held its own against practicality. The venery/chase criteria were incongruent with the “beasts of the forest,” a legal category which (as we saw in chapter 2) comprised the hart/hind, buck/doe, boar, and (before 1338) the roedeer, which were all *ferae naturae* reserved for the king in the royal forestae, but which technically could all be hunted and chased with hounds or set upon by dogs. The “beasts of vermin” were animals considered noxious or fur-bearing, and therefore hunted chiefly with traps and nets: the fox sometimes, the otter, badger, and rabbit (which was also hunted with ferrets). Wolves, like foxes, were ambiguous; for, while noxious because a threat to animal husbandry, they were baited or poisoned as well as hunted *par force*, and so had a place with the beasts of venery. The categories thus lost distinction as they overlapped; the *techne* of the chase and kill was not really a definitive constant.

No man may aske no fee but al at þe will of þe lord

The emergence of treatises to teach the “the goodly tearmys” of the hunt suggests a readership aspiring to sport in the high style, but also a readership with an indirect or attenuated connection to the courtly establishments that for centuries had transmitted their doctrines orally. General trends accounting for the increased popularity of hunting-as-craft were the social factors that contributed to growing literacy, broad appropriation of élite pursuits with an attendant interest in courtesy,72 and symbolic competition in self-presentation such as provoked sumptuary laws. At least equally important to the wider appeal of

hunting literacy were developments in the territorial status of hunting grounds. The textuality of hunting ceremony in England—written and read in French, Anglo-French, and English—also coincided with the thirteenth- and fourteenth century proliferation of individual hunting reserves that followed in the wake of the crown’s waning forest prerogative.

Lindner’s argument on the rise of hunting jargon as a matter of social necessity turned on the fundamental contrasts of law that obtained in common space and reserved space. Where all freemen had rights to hunt (free-capture) there was no hierarchy to the hunting grounds; people differed by skill and success, but they were all on an equal legal footing. Hunting per se was not an exclusive practice but a foreseeable extension of one’s activity and household-provision in the countryside, so there was no function to be served by differentiating its language beyond what was needed for intelligible communication. The Carolingians’ foresta changed that, because the king’s monopoly legally disenfranchised the class of men recruited to provide venison for the court and facilitate the royal hunts. The trend to emphasize the royal privilege of the forestae, and to use big-game hunting for political spectacle, provided a means for these men to refine hunting to an unprecedented level of craftsmanship, compensating for their lack of legal franchise by making their key skills to be indispensable. Parallel to the development of skills in woodcraft (reading animal sign to find really big quarry) and game management (keeping the venison good and fat) came the sociolinguistics of Standessprache, the arcane troping of common discourse, to cultivate class cohesion and exclusivity. This expertise brought them into close proximity to, if not daily interaction with, the magnates themselves, who in time adopted their hunters’ jargon the more they came to identify with the elaborate art and symbolism that the courtly hunt had become.73

England of the thirteenth and fourteenth centuries presented both orders of hunting grounds, the egalitarian space of the common chase and the socially hierarchized spaces of private hunting grounds. As we saw in chapter 2, the general hunting rights of the common chase had been suspended where the crown had afforested territory or where it had granted rights of free chase or free warren to individual or (in the case of religious houses) corporate subjects. For good reason, questions remain about the legal status of game outside medieval hunting reserves. There survives no contemporary explanation setting forth the working of the hunting laws in all their particulars, and, as they were never purposely drawn together much less harmonized, historians are left to infer their operation from court actions, charters, and other records such as

assizes and petitions. Thus a recent scholar of medieval hunting may still say, commenting on the rigor with which peasants were punished, that

it was a convenient but popular belief that wild beasts were the property of no man, but the legal doctrine of *ferae naturae* was only first advanced in the mid-thirteenth century by Henry de Bracton.74

The importance of Bracton was not that he was introducing a new concept to English jurisprudence, but adducing Roman law to explicate the *ius gentium* basis of the ancient common chase.75 The problem is complicated by the fact that to some medieval writers the royal forests seemed to bedeck the whole country, as they did the whole county of Essex.76 Forest judiciars themselves met with confusion about the interpretation of local and overlapping rights, and the forests were not administered everywhere alike. Richard fitz Nigel was the only magistrate before Manwood who attempted their formal justification, and the best he could do was declare the forest law to be without precedent and essentially arbitrary, but justly so. Nonetheless, such uncertainties did not overturn the original logic that was to be displaced only by the first “game law” of 1390. Charles R. Young’s comments on this point are instructive.

Implicit in these grants [of warren] is the assumption that any special privilege in reference to hunting must rest upon the royal authority. Nevertheless, the medieval kings of England never extended a claim to a monopoly over all hunting, and in areas outside the royal forest, in an established warren recognized by royal charter, or in a park licensed by the king, there was no impediment to anyone hunting freely either the beasts of the forest or those of the warren.77

Before 1390, in the “areas outside the royal forest,” you could slay your deer any way you pleased. The uproar through all estates over the Normans’ eleventh-century translation of forest law to England is a clear sign that English law before it had deemed liberally of common hunting rights. There can be little doubt, then, that the chief incentive to laying out expense for a franchise was to make private what otherwise was enjoyed in common, to quash competition

75 Bracton also acknowledged the authority of hunting franchises. See *Bracton on the Laws and Customs of England*, chap. 2, n. 39.
76 Orderic Vitalis, writing from the Continent, declared that Henry I “claimed for himself the hunting of the beasts of the forest throughout all England”: *The Ecclesiastical History of Orderic Vitalis*, ed. Chibnall, 4:238.
and reduce overhunting of local species, and to distinguish one’s sport as the only real sport to be had.

While ceremony had long been cultivated in the royal establishments that hunted in official grounds, its appeal to a broader practice answered naturally to the increasing ability found by private subjects to claim similar privileged space for themselves. The free chase replicated the monopoly of the royal forest, but on a smaller scale, in that it restricted the hunting on deer and boar within a demarcated space, although it did not include the capacity for lords to prosecute poachers in their own courts. The free warren reserved the hunting on small game such as hare, rabbit, fox, pheasant, and partridge. Parks, as Leonard Cantor has shown, especially proliferated in the thirteenth and fourteenth centuries. These licensed spaces were structurally enclosed by a ditch and a paling or wall or hedge, and they were stocked chiefly with fallow deer, for these thrived within a smaller range than the red deer and they could be hunted up directly with scenting hounds. Enclosures (deorhagas) had been known before the Conquest, but it was the Normans who began to establish parks as a familiar feature of the English countryside. “What is certain,” writes Susan Lasdun, “is the rapid increase in their numbers from the thirty-one parks recorded in the Domesday Book in 1087 to over nineteen hundred at various times during the period 1200–1350, the heyday of the medieval park.” Because parks began as a royal monopoly that was extended first to the barons and prelates, they long held an aura of distinction. Lasdun continues,

To own a park was from the outset a symbol of power, privilege and prestige. Gradually that ownership descended through the ranks of society to the lesser nobility, down to the newly created gentry at the end of this period [c. 1350], who acquired them through wise marriages, growing wealth, a widening land market and above all by the system of primogeniture …

80 Turner, Select Pleas of the Forest. The sense of “warren” used here, as throughout this study, is that of an exclusive licence to take certain game. “Warren,” of course, had also another meaning: a physical enclosure made especially for the shelter and breeding of rabbits.
83 Lasdun, The English Park, 8.
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The best park to have (and most costly) was outfitted by special license with deer-leaps, openings in the paling by which deer could enter but not escape. Smaller-scale parks were sited beyond the arable land of a manor, and tended to compromise the feral status of their cervine denizens; the deer became semi-domestic by sharing their captivity with livestock such as cattle, sheep, horses and swine. Any or all of these grounds might be administered by woodwards, gamekeepers, or parkers to keep the timber and fauna thriving and to quell poaching. The greater the park or the dignity of the hunting lord, the more likely his staff was recruited from the noble families whose sons were dispossessed by inheritance laws.

Witness to the interrelation between the legal hierarchies of hunting reserves and ceremonies of the hunt appears in the consideration given it by the hunt masters themselves, as well as by the manuscript compilers who edited customs and “statutes” with the texts of the treatises. Twiti’s Vénerie gives instructions for dividing the spoils among the hunters, rewarding the hounds on the stag’s hide, then heading home with the stag’s head carried before the Seygnour, who can only mean the lord by whose leave the hunters could hunt.

La teste serra porte a lostel devant le Seygnour, e le queor, et la couwe, e le gargyllyoun soure une fourchete. E la menee deit estre cornee al vys de la sale quant il est porte aloustel.84

The fourchete is a tree-branch hung with raw delectables, to be handed over to the kitchen and roasted for the lord’s dinner. The menée is the horn call sounded when the hounds are on the line of deer or boar in full flight, though here it is blown by all before the hunters’ entrance.85 John of Salisbury had taken a dim view of such goings-on, grousing about the pomp with which “the head of the victim with the usual trophies [is] borne before the conquering hero.”86 Twiti was just the enthusiast to cause Salisbury such annoyance.

The Craft of Venery, a translation and adaptation of the Vénerie, adds a section on ordinances for “Wardyng of wood, of forest and of fre chace, of parke [fee] for forsters, and parkers feyre lernyng.”87 These set forth an order for the

84 From British Library Add. MS 46919 (formerly Phillips MS 8336); Dryden, The Art of Hunting, 16. In The Craft of Venery (late 14th century) this is rendered as “Bere home þe hed byfor the lord, [and the heart] and þe tail, and þe þroteboll [gullet] schall be born hom apon a forke, and þe schal blow mene at þe hall dore.” Phillips MS 12086; Twiti, The Art of Hunting, ed. Danielsson, 50.
86 Trans. Pike in Frivolities of Courtiers and Footprints of Philosophers, 15.
sharing of spoils, or “fee,” among the men and hounds of a forest drive. In a drive a wide front of people beat the bush or drums until the deer thereby roused are urged into the range of gazehounds (which hunt by sight and not scent), whereupon the hounds are unleashed upon them. Those escaping this fate and flying deeper in the forest are shot by archers from trysts or stands, and the wounded are tracked with bercelets, or “shooting” dogs that can scent their bloodspoor. (A deer fatally shot by an arrow dies essentially by bleeding to death, and can still be able to flee some distance.) The intricate rules give rise to hierarchies, but also order for the sorting out of claims.

Yf a quarter of a forest be ysett with archerys and with greyhounde3 and wanlasouris, and it be in gres tyme of vennyson, and the best be take in þe laund with greyhounde3, þe greyhound þat pynchiþe hym first and comethe to þe deþe of the best schall have þe hide by ry3t, be it buk or do, but nouȝt of herte ne hynde, for he þat restreyneþe it schall have þe hide ever more.88

The key issue is who shall have the hide “by right”? Given that it is a hunt with archers, greyhounds, and beaters, in the proper season of fat deer (“gres tyme of vennyson”), and that the deer is taken in the open (“þe laund”)—should a greyhound get the first bite in a buck or doe and succeed in bringing it down, the hound’s handler gets the deer’s hide. But if it is a hart or hind, the handler whose hound finally hauls it down takes the hide. Otherwise, the archer who single-handedly killed the deer in his or her own quarter shall get it. The neck and head comprise a fee, which may be claimed by the lord’s huntsman even if he does not uncouple (unleash) his hounds; or by him who set the beaters in position (the “wanlace”); or by the lord when his bercelets track down a wounded deer; or by the forester; or by the hunter that day affirmed best in exploit. The shoulder may be claimed by him who flayed the deer, or again by the indispensable forester. Whose knife it was that cut up the deer takes the chine. All these rules change, however, in the park. For in the park “may no man aske no fee but al at þe will of þe lord,” a dictum which, by letting all discretion rest with the hunting lord, symbolically reproduces the arbitrary power that the king had asserted for the royal forests. The Craft also punishes those who hunt out of season, for they must forfeit their fee to the master forester or parker.89 The hunting seasons, being a matter of custom, were enforced by social control rather than criminal law.

It is worth reflecting on the meaning of “fee” in the hunters’ jargon for three

reasons. First, it shows a remarkable conservatism in their language. “Fee” comes from Old English feoh (cattle, beast), whose root in Indo-European antiquity had already signified “money” and “wealth.” Gothic faibu shows a reflex in Latin pecu (cattle), the stem of pecunia (money, lit. assets in cattle). “Fee” therefore was originally a means of exchange for making payment in animal kind. The hunters’ fee was the perquisite coming to them from the part they played in the hunt, a part of the animal in the form of its hide, or head, its organs, or joints of its flesh. Second, as we saw in chapter 1, customs of sharing meat can reveal much about how groups are constituted, and here the phrase “by ry 3t” stands out as a legalistic mode for expressing a key social meaning to these animal parts. The maxim “þe hunter schall have his fee and every man aftur hijs ry 3t” rings of the jargony troping that turns animal parts into tangible “rights”—that to which one is justly entitled, no more, no less. “Rights,” furthermore, is exactly the word for venison perquisites in French (droits des chiens) and German (jegerrehte), which evinces a linguistic commonality leading back to the Frankish foundation of high aristocratic culture in Carolingian Europe. Third, attention should be drawn to the way in which function and performance figure so strongly in validating claims to spoil. The lord of the hunting grounds or his huntsman, it seems, may trump the claims of some, but the appearance overall of equitability reflects a tendency to smooth social distinctions to a point where the hunt could seem an egalitarian endeavor allowing easy crossover in class association, without of course really disabling rankings of privilege and function. To the lord are due certain select organs, as well as hides and flesh; to those lower in the scale of things, incrementally more bone and less meat.

Occasionally, compilers included with treatises texts bearing on hunting laws and related customs. The earliest exemplar of the English Twiti was included in the British Library manuscript Vespasian B.12 and copied in the same hand as a following text of Edward of Norwich’s The Master of Game, whose language on the par force hunting of the hare adheres very closely to Twiti’s. Edward, among much else, added advice in the capacity of master of game (the superintendent of the royal hunt) for assigning fees and arbitrating disputes over fees following a royal bow-and-stable hunt. The Shirley Manuscript (British Library Add. 16165) text of The Master of Game appends a list of “Statutes and the Lawes of the Kynges Forestes,” which is less a set of laws than a protocol: it lists questions to determine at the preliminaries of the forest court in eyre what

91 Duchartre, Dictionnaire analoique de la chasse, 202.
92 Dalby, Lexicon of the Mediaeval German Hunt, 168–9.
trespasses and abuses had occurred since the eyre before. This item would be useful to a book owner who acted as an high official, perhaps a justice, in the plea hearings. One manuscript includes a list of forest laws before a list of names for hounds.

Rachel Hands has shown how Edward's *Master of Game* stands at the nexus of two strong traditions of the genre, because it combines a (now lost) translation of Twiti with its own translation and adaptation of Gaston Phébus' *Livre de Chasse*, which itself had assimilated two great French treatises of the 1370s, *Le Livre du Roy Modus et de la Royne Ratio* now attributed to the Norman nobleman Henri de Ferrières (c. 1315–1377), and Gace de la Buigne's *Roman des Déduits*. Considering this concurrence together with the added comments and chapters illustrating Edward's extensive personal experience, together with the fact that his book ranks as an important example of early technical prose in the vernacular, and it is clear *The Master of Game* achieved the status of an eminent book of its genre.

**Hunting Literacy and Lancastrian England**

The English Twiti appealed to Edward because it bore authority. The incipits authorizing Twiti as *venator regis* at the court of Edward II lent credence to the forms of high courtly methods and their continuity. Twiti's text also offered enough narrative on hunting the hare to be useful, and its anglicized terminology and Anglo-French hunting calls gave it the character of a tradition uniquely insular. On the other hand, the French books in the line of Gaston Phébus exhibited greater aesthetic and academic ambition, for they discussed practice jointly with what could be called a hunting ethos arising as a function of a disciplined and disciplining subjectivity, and they strove to do so with erudition and elegance. *Roy Modus* (1354–77) treats of hunting the hart and the boar by strength of hounds, and of other beasts of venery and chase with all their requisite vocabulary, but it also surveys the hunting of poorer men who have only snares. This feature remained a characteristic of French authors: a craft-

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95 Hands traces the relationships between different manifestations of Twiti’s Venerie, Edward’s *The Master of Game*, and the anonymous “Tristram” material (a prose treatise and a versification); see Hands, *English Hawking and Hunting in the Boke of St. Albans*, xxxii–xlv.
96 *Les Livres du Roy Modus et de la Royne Ratio*, ed. Tilander. The text survives in 36 manuscripts, many of which are illuminated.
oriented viewpoint and the continuing viability of the common chase in France made it natural to regard hunting as relevant to men of all estates, to consider seriously the techniques of those for whom hunting bore more economic than sporting worth, and to register differences of class congruently with the differing methods used to take game. “King Method,” whose practical teaching on questing and jargon contrasts with the learned moralizations of “Queen Reason,” advises also on weaponry (the bow and crossbow) and how to stalk big game with it. (Comment on weapons and horses might have been expected since one could hardly hunt without them, but horses had long made up a separate genre whose texts were often collected with hunting texts in manuscripts, and weapons lay below the threshold of the authors’ attention, as they were not yet so markedly distinct from the arms of war.)

The tract on venery yields to a discourse on falconry and then a dramatic debate between rival proponents of hunting and hawking. Roy Modus’ authority rests on its concrete and useful detail (if you bring the deer’s scat back in your hand instead of in your horn, they will dry out, and the other varlets will mock them for the remains of a cold trail), as well as on the competent learning with which it relates the hunt to human morality and God’s will, and to time-hallowed bestiary lore on the nature of animals.

Gace de la Buigne (c. 1305–84), who was chaplain to Jean II (le Bon) and till 1359 part of the circle of baronial prisoners with the French king during his English captivity, began writing his Roman des Déduits in England for the instruction of the king’s fourth son, Philip, Duke of Burgundy. Again a learned but also technically involved work, Gace’s Roman dramatizes professional rivalries in the manner of Roy Modus in that it stages first a psychomachia between vices and virtues amongst the falconers, then a debate at court between two rival claimants to the name “Deduit,” the one extolling venery, the other falconry. Gace’s lively and meticulous narrative of the chasse royale (told with advice about how the good hunter should behave in superior company), together with his practiced eye to the conformation of the greyhound, invigorated the received authority of hunting craft with a dose of highly refined experience. All this was cast as Deduit des Chiens’ apology for the excellence of venery, where wit and experience came together in proverbial wisdom.

98 Cf. Cummins, The Hound and the Hawk, 1–11, for commentary on Royne Racio’s expatiations on the hunt, natural history, and providence.
No one could gainsay this book’s judgment in matters of technique or social discretion; even resolved disciples of venery might overlook Gace’s bias toward falconry, so to-the-point was his doctrine. Gaston Phébus, ever a skeptic of too much subtlety, clearly had not a humanist’s sensibility to prize the allegories of his clerkly forebears, though he shared their deep suspicion of idleness and admired the practical strength of their didacticism.

By adopting Phébus’ *Livre de Chasse*, Edward of Norwich—a grandson of King Edward III, first cousin to Richard II and Henry IV, a man whose troubled sense of loyalty led him to stumble across the line between orthodoxy and high treason—gave also his work a textual pedigree of the highest calibre. He chiefly valued Phébus’ secularizing redactions, and, hunting in the same company of nobles who had hunted with Phébus’ literary mentor, he too chose experience to hold pride of place before bestiary lore. Given the still thriving literacy in French through which English nobles could read the *Livre de Chasse* in the original, *The Master of Game* recommended itself largely by virtue of Edward’s additions to Phébus’ text, which ostensibly were meant to clarify differences in English expressions and methods. He makes a special point of these differences, though he at least as often refers to the opinion of “good hunters of be3ende þe see.” The English inheritance from the Normans did not perfectly reflect usages in France, especially after three centuries of wear, but the comparable culture and *lingua franca* of French and English courts smoothed over these differences as they did for much else dear to chivalric actions and beliefs, such as for the culture of the tournament. Twiti defined categories of beasts by whether their hides were “flayed” off their carcass and they bore suet (fat), or whether they were “torn” whole from their skin and bore grease, not whether they were “sweet” or “stinking,” “red” or “black,” as did *Roy Modus*—distinctions which Edward ignores except in the obligatory case of the fox and his vixen.

At any rate, there was no overt controversy, as shown by the fact that the lion’s share of the *Master of Game* comes verbatim from the *Livre de Chasse*; but there was disparity enough to make a case for the individuality of English ways. And by contrast with the works of Henri and Gace, it was Phébus’ prose and methodical approach that best lent itself to clarifying English *différence*.

What was at stake in a translation like this in Henrican England may be seen by Edward’s putative literary connections, for these associated his work with a larger development, or even deliberate policy, to endorse English as the standard language of the state. The conventional dating of *The Master of Game* between 1406 and 1413 places it squarely in the period 1399–1422, in which, as John H. Fisher has argued, the Lancastrians sought to buttress their precarious
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authority by promoting English as a means to encourage popular sympathy with their rule. Referring first to Thomas Hoccleve’s *The Regement of Princes*, Fisher sums up the critical elements of this movement.

The linkage of praise for Prince Henry as a model ruler concerned about the use of English and of master Chaucer as the “firste fyndere of our faire langage”; the sudden appearance of manuscripts of the *Canterbury Tales*, *Troylus and Criseyde*, and other English writings composed earlier but never before published; the conversion to English of the signet clerks of Henry V, the chancery clerks, and eventually the guild clerks; and the burgeoning of composition in English and the patronage of that literature by the Lancastrian court circle—these are concurrent historical events. The only question is whether the concurrence was coincidental or deliberate.100

Fisher holds that a policy to “elevate the prestige of English” originated in an association between Prince Henry and Henry Beaufort (Bishop of Lincoln, then Chancellor of England) at Oxford between 1398 and 1403. This association probably included John Lydgate, also at Oxford at that time, and later Thomas Chaucer, both of whom energetically promoted Geoffrey Chaucer as the founder who “thorug his poetrie, / Gan oure tonge firste to magnifie, / And adourne it with his elloquence.”101 Edward, also a patron of Hoccleve’s, had several points of connection with Chaucer’s family. For example, Katherine Swynford (Beaufort’s mother and Edward’s aunt), was probably Chaucer’s sister-in-law, and Thomas Chaucer appeared as an executor in the will of Edward’s widow, Phillipa. Furthermore, as James I. McNelis notes, it was as a substitute for Edward that Chaucer acted as forester in the royal forest of North Petherton in 1391.102 Thus Edward’s Englishing of the *Livre de Chasse* and his dedicating it to Prince Henry, however it may have served him to ingratiate himself with the crown after his imprisonment in Pevensey Castle, figures more importantly in a broad but perhaps concerted attempt to “naturalize” a venerated French discourse in English as well as enlarge the prestige of English textuality.

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In the dedication to Prince Henry attached to the front of Phébus’ prologue,


102 McNelis, “The Uncollated Manuscripts of The Master of Game,” 49–55. Chaucer’s forestry duty, if this post was not a sinecure, very likely involved tasks of accounting rather than patrolling against poachers.
Edward famously cited Chaucer on the topic of memory. First he names his book’s title, then he defends venery as the “most disportfull of alle gamys,” because (dispensing with the seasons elsewhere ascribed for the hare) you can hunt all year round, whereas hawks are useless while they are molting. Then he intimates concern that English *ars venandi* may have its perfection impaired by loss or transition.

And for y ne wolde [the king’s] hunters ne 3ourys þat now be, or shulle come heraftyrre, were vnknow in the parfytenesse of þis arte, for þe shalle y leue this simpill memoriall. For as Chaucere seith in his Prologe of þe xx Goode Wymmen, “by wrytyng hawyn men mynd of thing passed, for wrytynge ys key of alle goode remembrounc.”

It is surprising that Edward should worry about a disruption of hunting craft at its source. Doubtful he would be implying that the barons’ rebellions or the king’s sickness have caused the hunting establishment to fall into critical neglect. Maybe he expects us to call to mind the context of the Chaucer-passage, which went rather like this.

Than mote we to bokes that we fynde,  
Thurgh whiche that olde thinges ben in mynde,  
And to the doctrine of these olde wyse,  
Yeve credence, in every skylful wise,  
That tellen of these olde approved stories  
Of holynesse, of regnes, of victories,  
Of love, of hate, of other sondry thynge,  
Of whiche I may not maken rehersynges.  
And yf that olde bokes were aweye,  
Yloren were of remembrounc the keye.  
Wel ought us thanne honoure and beleve  
These bokes, there we han noon other preve.

This is Chaucer’s most succinct avowal of *auctoritas*—the authority immanent in “olde approved stories” of the canonical masters who wrote in Latin, masters

103 McNelis, “The Uncollated Manuscripts of *The Master of Game*,” 139. Unless otherwise noted, I quote McNelis’ edition; for although the edition of W. A. and F. Baille-Grohman used first-rate manuscripts, their readings can be of uncertain reliability. See also McNelis’ introduction, 51–3, on Edward’s numbering of the “Good W omen” and this number’s relationship to Chaucer’s “Retraction.”

whose writings were held to be both true and righteous and therefore inherently worthy of respect and belief. It was also a concept that Chaucer never tired of challenging in his sources, and ever sought to claim for English in the spirit of Dante’s defense of vernacular poetry. Comparing the two texts, it becomes clear that Edward has replaced Chaucer’s “olde bokes” with the “parfytenesse of þis artee” to identify a tradition threatened by rupture, but in so doing he has invested the transcendent auctoritas of classical books in English ars venandi.

Whatever Edward’s purpose, his quoting of Chaucer betrays an awareness of the textual stakes of his undertaking. English ranked as inferior to Latin and French for many reasons (perceived lack of gravity, scope, and precision, lack of prestige cachet), but in part also because of its “unstandardized” condition; hence Chaucer’s fretting that “so gret diversite” of English dialects would mar the understanding and foreshorten the longevity of his work. Edward’s way around this was not to absorb the authority of “Phebus þe Erl of Foys, þat noble hunter” for himself as Chaucer had done of Boccaccio, but to make the book the very master itself.

I, 3oure oune in every humble wyse, am me aenturyd to make thys symple boke, of wiche y recommende and submitte to 3oure noble and wyse correccioun; the weche boke shall, yf hit leke to 3oure forsayd lordshippe, be callyd Maistere of Game.

A chief forest justice of South Trent, master of the hart-hounds to Richard II, master of game to King Henry IV, and hunting-tutor to the future Henry V, Edward defers his own title to the text, rhetorically effacing himself while no less textualizing that “self” in a durable and commanding form.

The Duke of York with his translation thus interlinks the doctrine of the oversea masters with Twiti and “þe olde statutes and custumes of the kynges house” for the disport of those who have the literacy and material means to adopt them. And so at a juncture when the ruling dynasty is casting about for ways to generate some nascent consciousness of English “nationhood” so as to gain popular leverage against its domestic enemies, and while the English are still staking a claim to the French throne in the Hundred Years War (indeed, Edward was to fall at Agincourt), The Master of Game enacts its own kind of


of *translatio studii* to match the belief in (or fantasy of) a *translatio imperii* to come.

**English Rites of the Hunt**

There are many points in *The Master of Game* and elsewhere upon which to light for closer commentary either on English difference in technical diction, or praxis, or “ritual,” or in the way all these intersect to reflect a conscious shaping of cultural or “national” identity. A central locus for study is the body of the quarry itself, or, more precisely, its gralloching for the rites of the *curée* and division of fee. Almost two centuries later, George Gascoigne saw fit in *The Noble Arte of Venerie* to single out this moment with a separate chapter devoted to English difference. The “breaking” lent itself to the exploitation of such possibilities for two main reasons: first, because happening after the climax of the kill, it was stationary and focused on a specific locus and therefore watched by all. Second, the blood and slaughter energized the spectacle in memory. Technically speaking, the *curée*, rewarding the hounds on the stag’s hide, was almost always conducted in the field so as to whet their hunger for the chase to its keenest edge. Expecting to be fed at the kill, they would keep to the chase till the end. Once the stag was flayed, opened, and disjointed, his head was held forth to the hounds to bark and howl at, till their baying reached a fervor that pleased the hunters to let them fall to the feast laid out for them, the cut-up organs and flesh of their quarry, sometimes augmented by pieces of bread mixed in with blood.

Phébus treated of breaking up the stag and rewarding the hounds in chapters 40 and 41, but Edward skipped over these and summed up the essentials in his own chapter on “How the hert schulde be meved with þe lymer, and ronne to and slayn with strengþe” (34). This chapter on hunting the hart *par force*, as well as that on setting up the stands so that personages of rank may shoot deer and have the wounded ones downed by greyhounds (36), evince a narrative virtue over that of Phébus in that the speaking persona of the “master of game” superintends all facets of the hunt, and is therefore able to put the reader in the place of him or her who craves to know how to do it and what to do if things go awry. Hence he sorts out who should act and what is to be done if the king has not reached the abay (the deer facing off against the hounds) because he is still riding up or because he has already quit the hunt. His method of dispatching the deer is a bold one: the hart should be “spayed,” stabbed with a sword (*espée*), behind the shoulder then forward into the heart. Here follow Edward’s comments on breaking up the deer, beginning right after the kill.
And þan [þe lorde] shuld charge whom hym lyst to vndo [butcher] þe dere, if þe houndes shull noght be enquyrreyed [fed] þeron; for if þei shulde, þere nedeth nomore but caboch [chop] his hede, all þe ouerjawes still þeron, and the labels forseide,107 and þan helde hym, and lay þe skynnne vpon, and lay þe hede atte skynnnes ende, right aforne þe shuldres for þeire rightes; and elles thei shull not haue but þe eres and þe brayne, whereof thei shull be serued, þe hertes hede lyggyng vndir theire feet. On þat oþir syde, if þe lorde woll haue þat dere vndone, he þat he byddeth, as byforn is seide, shuld vndone hym þe moste wodmanly and clenly þat he can. And ne wondreth þou noght þat I say wodmanly, for it is a point þat longeth to ane hert slayne with strength, and elles noght. And þerfore, as of þe manere how he shuld be vndo, I passe ouere lyghtly, for þer nys no wodman ne good hunter in Englonde þat thei ne can do it wele inow, and wele bettir þan I can tech hem.108

Instructions follow on how the “paunche” and the “smale guttes” should be cut out whole and cleansed with water, to be chopped up for feeding the hounds.

Edward’s reference to the home-grown knowledge of English woodmen and hunters has drawn frequent but generally unvarying comment. Rhetorically, he deflects attention from a technical description of butchery (which ironically the poets indulged in) to a claim for the native skill of his people. To this day, this passage tends to prompt a bit of patriotic self-reflection. For John Cummins, “There is an implied criticism of Phoebus here: what the Duke of York is thinking, but doesn’t say, is that there is no need of any of that Frenchified nonsense to butcher a carcass efficiently.”109 This observation of English skepticism is made again by Richard Almond.

Did the English gentleman consider that breaking-up a beast was below his dignity? Was it perhaps that he disliked getting his hands dirty, or worse, covered in blood? There is probably some truth in both these

107 “‘Turne his hornes to þe erthward, and þe throte vpward, and slytte þe skynne of þe throte all enlong þe nekke, and kyttte ouète labelles on aþyris syde of þe skynne, þe which shull heng styll vpon þe hede; for þis longeth to aþe hert slayne with strength, and elles noght’ (McNelis, “The Uncollated Manuscripts of The Master of Game,” 269). The labelles seem to be flaps of fell from the neck which are cut so as to leave them hanging from the head. The hart has a unique endowment among European deer in that he bears a mane.


109 Cummins, Hound and the Hawk, 43.
notions, but I think that there is another very English reason, for which I have no evidence whatsoever from the hunting books. Englishmen have never placed much worth on unnecessary ceremony, especially that imported from the continent, and a gentleman-hunter perhaps considered that once the hart was hunted and slain, then his part of the job was completed.\footnote{Almond, \textit{Medieval Hunting}, 80.}

From this it would be hard to know why the English treatises preserved the cries to the hounds in Anglo-French long after English became accepted everywhere. But Almond continues, referring to the elitism by which nobles sought to instil popular acceptance of their exclusivity and superiority.

``In relation to their practicality”: viewed from a critically invested standpoint, French (and English) courtly ritual can certainly be read as a class pretension whose art glorified its practitioners arbitrarily and disguised practical necessities as creative works—a standpoint available already in the middle ages, as the desecrating symbols of the Rockingham poachers may show. There is nothing magical about getting a deer gutted out and disjointed, though the unskilled can make a nasty mess of it.

But there is more than one way to skin a cat. In the English version of Hugh of Rutland’s \textit{Ipomedon}, breaking up the venison draws careful attention for more than practical reasons.

There squyers undyd hyr dere,
Theche man on his owne manere.

\footnote{Almond, \textit{Medieval Hunting}, 80–1.}
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Ipomydon a dere yede [went] unto,
Full konnyngly gan he it undo,
So feyre that veneson he gan to dight [dress],
That bothe hym byheld squyere and knyght.112

“So feyre that veneson he gan to dight” suggests the insistence with which practicalities must yield to self-expression, as each man does it “on his owne manere.” In the sacral sphere there may be power in pure form and mystification, but in the secular world, “ritual” may impress all the more when it can also prove practical, thus also defensible. This may be especially true of hunting, where the nobles retire from the view of court and indulge themselves in the gritty reality of life and death. Almond thoroughly acknowledges the importance of ritual, but his focus seems to view it as technically superfluous to the practicalities he details. As with Rooney’s skepticism toward the treatises’ utility, one notes a reluctance to consider artifice or self-expression as features so integrated with technique as to make the courtly hunt an experience essentially greater than the sum of chasing and killing animals. Edward's purpose in translating the Livre de Chasse cannot have been to highlight what would have been read as poverty in the English courtly manner; it is unlikely that he would have viewed the English-practicality issue quite like these arguments present it.

Ideally one must seek clarity on what constitutes ritual and its function in this context before any analysis of its specifics can make sense. I emphasize “in this context” because it cannot be my purpose to essentialize ritual for any and all uses. It is a word turned with theory and counter-theory to the point that it may run the gamut from highly specific sacral action to the kind of informality that appears little different from mundane repetition. Throughout the Middle Ages the orthodox notion of “ritual”—understood as an authoritative act in actual communion with transcendent spirit—was used polemically to debase “ceremonies” that were construed to lack spirit, such as the formalized actions of Jews, or pagans, or heretics, competing religious orders, and finally Protestants.113 In this light the medieval terminology offers scant help. It has never been easy to capture the fluid significations of what people do and how they do it, or in the case at hand, of the textualization of their whats and their hows. Catherine Bell’s work in ritual studies promotes an approach oriented by the study of praxis, or practice, the originally Marxian, then sociological concept that has been hardly less theorized than ritual. Bell’s working definition of practice is succinct but far-reaching in its ramifications: it is activity

112 Ipomedon in drei englischen Bearbeitungen, ed. Eugen Kölbing (Breslau, 1889), B:397–402.
characterized by “creative strategies by which human beings continually reproduce and reshape their social and cultural environments.” Ritual then is a species of practice; it is processual and space-oriented, acting out some kind of elusive reality while it also affects our perception of that reality’s meaning.

Clearly, ritual is not the same thing everywhere; it can vary in every feature. As practice, the most we can say is that it involves ritualization, that is, a way of acting that distinguishes itself from other ways of acting in the very way it does what it does; moreover, it makes this distinction for specific purposes.114

In the case of courtly deer-breaking, practicality is a factor in its importance, but when invoking ritual it cannot be reduced to that factor alone. To study its meanings it is at least equally necessary to determine the forms, distinguishing manner, and purposes of ritualizing slaughter. Factors bearing on the distinctions created by such ritualization may include actions informed by a heightened sense of formalism, rules of special operation, performative emphases, even an aura of (pseudo-)sacrality.115

As for “Frenchified nonsense” and “unnecessary ceremony,” what Edward says is that a man should break up the deer “þe moste wodmanly and clenly þat he can.” Further, he will not dilate upon it because there is not a “wodman ne good hunter” in the country who cannot do it well enough—a statement convoluted by hypernegation. There are several questions here. Do woodmen differ from hunters? How? What is really meant by doing something in a woodmanly way? And does he mean something specific here by a “good hunter” as distinct from other hunters?

Edward’s terms are especially interesting because of the ambiguous position of the woodman, who seems to stand somewhere between venery and forestry. Generally speaking, the chief business of hunters is to care for, train, and handle dogs, and to know how to deploy them to kill wild animals. On the other hand, while there are many kinds of official foresters, in general they all bear responsibility for keeping the woods or habitat (the vert) in good trim so as to secure the thriving of the game (the venison). Their interests overlap chiefly on the point of the game’s nature and behavior, and Edward refers often

114 Catherine Bell, Ritual: Perspectives and Dimensions (New York, 1997), 76, 81. The relative simplicity of Bell’s diction here serves clarity and belies the great scope and erudition of her study. Her ideas on this point, which she offers comparatistically in an overview of ritual studies from the nineteenth century to the present, find fuller development in her Ritual Theory, Ritual Practice (New York, 1992).

115 Bell, Ritual, 138–69.
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to their necessary cooperation in order to pull off a successful hunt. The wood-
man, as the name implies, tends toward the forestry side of the equation, but
he seems more to embody a kind of knowledge, woodcraft, than earn a wage
for performing a function. The woodman will have the superior literacy of the
woodland fauna and all their trails and idioms; he will know the flora and how
to live from it and shelter in it, hence “woodman” lent itself to denote also the
wild man of the greenwood.116 He will be adept at every kind of venery, but his
forte will express itself in stalking with the bow. In other words, not every for-
ester is a woodman, though he could be as well as a hunter could. A really “good”
hunter—a hunter truly worth his horn—will have the know-how to become
self-reliant in all that pertains to his office, and to reward his hounds he will
need to know the woodcraft of breaking deer. Chaucer’s Yeoman seems just
the man: “Of wodecraft wel koude he al the usage.”117 Dressed like a “forster” in
springtide green, he carries a powerful bow and arrows for shooting deer and
poachers, a huge knife for the coup de grâce or for chopping bone and branches,
and he sports a horn hung from a baldric in fine style. It may be observed
that the usage of woodcraft refers more to custom than technique. Furthermore,
Chaucer uses an expression for the Yeoman comparable to Edward’s wodmanly,
“Wel koude he dresse his takel yemanly.”118 These expressions should not be
taken lightly.

To break a deer woodmanly, or to carry your tackle yeomanly, suggest ideals
of comportment—or ideal “practice” in the professional sense. For “woodma-
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nly” the Germans have long said waidgerecht, and there is no expression in the
hunting culture more hallowed than this, for it encompasses the whole ethos.
It constitutes a moral imperative to act in a certain way even while no one is
looking, but especially then when all eyes are upon you.119 As such it exempli-
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fies an internalized regime of discipline in the classic context where violence in
act and impulse is regulated and ennobled by self-imposed subordination to
an ideal. For Norbert Elias it was table manners that indexed the link between
personal self-discipline and the success of early-modern states to monopolize
the use of force in order to achieve political centralization.120 Hunting and
woodcraft—whose ethos balanced the exhilarating déduit of using animals to

117 The Canterbury Tales: General Prologue, v. 110, ed. Hanna and Benson, in The Riverside
Chaucer, ed. Benson.
119 Frevert, Das jagdliche Brauchtum, 11.
kill other animals against the concentration of knife-work and submission of personal will to the rules of “rights” and fee—may figure as a rough precursor to the table etiquette that sublimated appetite and will in socially troped forms of self-expression.

The scenario staged by Edward foresees the king in company with his household officers, barons, and other guests, all watching the exemplification of craft on full display. Everyone knows how to do it; what they want to see is how form and precision ennoble the act above common butchery. As Gascoigne explains in his chapter on the “Englishe manner in breaking vp of the Deare,”

We vse some ceremonie in taking out the shoulder. For first he which taketh it out, cuts the thinne skin of the flesh (when the Deares skinne is taken off) round about the legge, a little aboue the elbowe ioynt. And there he rayseth out the synyee or muskle with his knife, and putteth his forefinger of his left hand, through vnder the sayd muskle to hold the legge by. If afterwardes he touch the shoulder or any part of the legge, with any other thing than his knyfe, vntill he haue taken it out, it is a forfayture, and he is thought to be no handsome woodman. Then with his shoulder knyfe he cuts an hole betweene the legge and the brysket, and there puts in his knife, and looseneth the shoulder from the syde, going about with his knyfe, neare to the outside of the skynne, vntill he haue quyte taken out the shoulder, and yet lefte the skynne of the syde fayre and whole. And if he doe it not at three boutes, it is also a forseyture.

This performance, while efficient, is admired rather for its “clenly” deftness. Efficiency or practicality are not foremost at issue here when there are “forseytures” imposed for knife-handling or for the number of moves it takes to disjoint a shoulder; these are issues of rule-governance, unwritten but agreed-upon rules by which one is judged a “handsome woodman.” Practicality could take different forms, like getting some help, or at some point just chopping the leg off. So, performatively speaking, what is being acted out here could be called an embellished efficiency; or, better, proficiency. It is true that this aesthetic prizes a

121 The “shoulder knyfe” may signify a special piece from a garniture of sword and knives. See Blackmore, *Hunting Weapons*, plates 1, 2, 8, and 10.

122 Gascoigne, *The Noble Arte of Venerie*, 134–5. If tradition in hunting is tradition, it seems permissible that certain of Gascoigne’s remarks may aid in fleshing out the culture of Edward’s age, notwithstanding the gap in time that separates them. An allied argument favoring this view is that chivalric ritual became all the more entrenched as it was used to obfuscate the loss of its proponents’ primacy in socio-economic and political terms. Caution of course is still best. For example, Gascoigne’s remarks on the ceremony of the assay are not borne out by Edward’s text, though the assay itself appears in other texts contemporaneous with *The Master of Game*. 
kind of grace which by its simplicity evokes efficiency, but it is nonetheless “practiced” in the training sense beyond what may really be necessary. The shoulder comprised a fee, and the allotment of fees was heavily rule-governed as well,¹²³ but that leads to issues of social regulation as opposed to an aesthetic of woodmanly practice.

The corbin’s bone (or, raven’s bone), though not mentioned by Edward, appears in Roy Modus, Phébus, the Scots Sir Tristrem, Sir Gawain and the Green Knight, and The Parlement of the Thre Ages, among other places,¹²⁴ and must also derive from the canon of woodcraft. Not everyone seems to have meant the same piece of the deer when speaking of it, so its anatomical importance appears secondary to the function of singling out an inedible piece of the deer and tossing it to the birds. Gascoigne offers the closest thing to anecdote on the topic.

There is a little gristle which is upon the spoon of the brysket, which we call the Rauens bone, because it is cast vp to the Crowes or Rauens which attende hunters. And I haue seene in some places, a Rauen so wont and accustomed to it, that she would never fail to croake and crye for it, all the while you were in breaking vp of the Deare, and would not depart untill she had it.¹²⁵

This simple gesture differs from other ritual elements in that it seems to have limited social import, and so probably descends from an antiquity older than the craft itself. The native intelligence of these birds lends credence to Gascoigne’s sense that they wittingly haunt the place of slaughter to claim their fee. The impression left by their unbidden presence has affected the human imagination in other ways, for the analogy to the Anglo-Saxon poetic topos of the “beasts of battle,” who hover round the killing grounds so they may feed upon the slain, lies ready to hand. But the rite must owe its longevity to a combination of atavism and lasting psychic impulse. As Bronislaw Malinowski put it,

Magic flourishes wherever man cannot control hazard by means of science. It flourishes in hunting and fishing, in times of war and in seasons of love, in the control of wind, rain and sun, in regulating

¹²³ As shown in the passage from L’Art de Vénerie above. Of the shoulder Edward says: “And all þe deres nekkes been þe hunters, and þat o schuldre and þe chyne is his þat vndothe þe deer, and þat othir schuldir is þe forsters othir þe parkers fee, þat kepeth þe baily þat is hunted.” McNelis, “The Uncollated Manuscripts of The Master of Game,” 289.
¹²⁴ Cummins, The Hound and the Hawk, 42.
all dangerous enterprises, above all, in disease and in the shadow of death.\footnote{Bronislav Malinowski, Sex, Culture, and Myth (New York, 1962), 261. Also cited by Bell, Ritual, 48.}

As a kind of hunting occult, the corbin’s bone reflects the hunter’s subliminal consciousness of dependency on the natural world, if not also the unease of setting hands to the “mortal coil,” and so dramatizes an economy of give and take with that world by rendering to the overseers their “right.” As such it may function as a talisman for success in the next hunt. Ironically, while it stands as a point of good custom, in the end it is an acknowledgement of the limits of \textit{ars venandi}, a “science” that “cannot control hazard.”

To dress the deer’s head for rewarding the hounds, Edward says “þere nedeth nomore but caboch his hede, all þe ouerjawes still þeron, and the labels forseide.” The lord or master of game may delegate this task—again, an action requiring a sure hand. In Gascoigne’s day, if not also used in Edward’s, it was an honorific task. Once more, Gascoigne is the most articulate.

\[The assay\] being done, we vse to cut off the Deares heads. And that is commonly done also by the chiefe personage. For they take delight to cut off his heade with their woodknyues, skaynes, or swordes, to trye their edge, and the goodnesse or strength of their arme. If it be cut off to rewarde the houndes withall, then the whole necke (or very neare) is cut off with it: otherwise it is cut off neare to the head. And then the heade is cabaged (which is to say) it is cut close by the horns through the braine pan, vtill you come vnderneath the eyes, and ther it is cut off. The piece which is cut from the horns (together with the braines) are to rewarde the houndes. That other piece is to nayle up the horns by, for a memoriall, if he were a great Deare of heade.\footnote{Gascoigne, The Noble Arte of Venerie, 134.}

At this point it is simple necessity that the deer’s head come off, something anyone could do, so it is noteworthy that Gascoigne cites it as a distinct English custom, “we use to cut off the Deares heads.” The person of rank (or person of his or her choosing) comes up and proves their strength and weapon on the carcass. Then the deer is caboched, which is what causes the trophies to look as they do with just half the skull or the top of the head chopped off as a cranial mount for the antlers. It is an interesting question whether Gascoigne’s remarks here apply as well to Edward’s time, or whether something has changed in the early modern scenario to make this expression of “delight” possible. If today
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this triggers the reader’s revulsion it must show how far removed we are from chivalric sensibilities that were so admiring of weapons and their handling and so gratified by their effects—sensibilities, however, which today are by no means extinct. In any event Gascoigne offers a glimpse into an experience that registered emotionally and sensually as “fun,” but which also served the ritual function of dramatically replaying the moment of the kill. When Gascoigne says they do it “to trye their edge, and the goodnesse or strength of their arme,” the act answers to a desire to witness (and show off) an effect of raw force. And the fact that it is also the privilege of the “chiefe personage” brings to daylight the hierarchical patterns that stratify all participants as well as assert the relevance of the legal order of the hunting reserve, be it forest, or warren or park. A “chiefe personage” may be a guest of rank, but normally it would mean the chartered lord of the hunt. It is a moment to reify the affinity between physical force and legal power.

Before the deer was caboched, however, the English took the assay. This is a distinctly English variation on a presentation rite, which does not appear in The Master of Game but in The Boke of Huntyng (Boke of St. Albans) and the poems Sir Gawain and the Green Knight and The Parlement of the Thre Ages. Gascoigne names it first among the differences of the “Englishe manner.”

First where [the Frenchman] appoynteth the Deares foote to be cutte off, and to bee presented to the Prince or chiefe,oure order is that the Prince or chiefe (if so please them) doe alight and take assaye of the Deare with a sharpe knyfe, the whiche is done in this maner. The deare being layd vpon his backe, the Prince, chiefe, or such as they shall appoint, comes to it: And the chiefe huntsman (kneeling, if it be to a Prince) doth holde the Deare by the forefoote, whiles the Prince or chief, cut a slyt drawn alongst the brysket of the deare, somewhat lower than the brysket towards the belly. This is done to see the goodnesse of the flesh, and howe thicke it is.128

This is traditionally done to show not so much how thick the deer’s “flesh” is, but how much fat he has. The usual terminology would say you cut into the breast to assay (put to proof) the “grease” he bears, two fingers thick being good. As is shown by its careful staging, with the “chiefe huntsman” serving his lord, this act carries prominent social importance. But what meaning could it have as a variation on the French rite of presenting a cut-off forefoot? Or what practical importance does it show? Deer grow fat by a combination of good pasturage and peace-and-quiet. The stags are fattest from high summer till just

before the rut. Two factors in testing the fat at the assay are to have a measure for comparison between deer in addition to appraising their antlers, and to let that finding reflect how it will on the skill and luck of the hunters. This is useful enough for the assay perhaps to have been used in the common chase, and for a very long time, but without the presentation aspect which so overtly hierarchized relationships. The act of presentation in fact modifies the assay’s meaning considerably, for there is another factor bearing on the deer having grown to worthy girth in the first place, and that is the game-management function of foresters. The laws of the forest, while generating a huge take of revenue for violations, were ostensibly promulgated to defend and preserve the habitat of the *ferae naturae* so that the king could have good hunting. In a hard winter the deer would diminish and had to be fed. They had to have good cover to ruminate and sleep, and the less they were disturbed the better. Travel in the royal forests was discouraged or harassed, and forbidden altogether in the (de-)fence months when the deer were calving. Hunting seasons had to be observed, and poaching suppressed. Healthy deer therefore reflected on the condition of the forestry where there were foresters or parkers in service, especially as park deer could be expected to thrive mightily. This would appear a notable circumstance in the change that made the assay a presentable act in exchange for, or parallel to, the French custom of presenting a cut-off forefoot. Whereas the French present a trophy-fetish, the English offer a knife by which the lord may put to proof not only the deer but the handiwork of those who sustain their habitat.

Looking back over the whole sequence of hunting the hart “with strength”—from harboring (locating) the deer, to the assembly where the judgments are made as to which deer to chase, to unharboring the chosen hart and chasing him with hound and horn to the farthest point he will go before he turns—all these movements (excepting perhaps the assembly) must be governed by practical considerations that much outweigh thoughts of formalization. It is when all comes to a halt at the kill and gralloching that actions become more ritualized. Once the scene is set in a place where the action is contained in a spatial frame, and people orient themselves to the work and each other according as they are socially ranked or assume a function, the performative quality of ritual finds a place to express itself, for it then has an audience. This in itself is a practical reason why the breaking up of deer received such attention from the court, but it is not reason enough to explain either the discrete forms of *déduit* involved or the fascination it offered the poets.

As much can be said for the drive against bow-and-stable, except that the scene at the dressing of the quarry was much larger. Edward makes clear the importance of the central locus and its deliberate shaping. Here he refers to the presentation of the kill; the “quirré” is the tableau of fallen game lain out for viewing.
And all þe while þat þe huntyng lasteth shuld þe cartes go aboute fro place to place to bring þe deer to þe quirre. And there shulde the sewers [stewards] of the hall be, for to kepe þe quirre, and to make it lay on a row, all þe hedes o way and evry deres feet to othris bakke; and þe hertes shuld be leide on o row, or ii. Or iii. Aftir þat þai be many or few, and þe rascaille [other animals] in þe sam wise, by himself. And þei shuld kepe þat no man come withynne þe quirre till þe king come, saue þe maistir of þe game. (....)

And when þe moot [horn call] is blow and straked, than shuld þe maister of þe game lede þe kyng to þe quirre and shew it hym. And no man, as is seide aboue, shuld com withynne it, but evry man withoute it all aboute. And þan shulde þe kyng tel þe maister of þe game what dere he wold were 3oue [given out], and to whom.129

The deer and all the ground game are lain out in regular rows and marked off as a kind of sanctum into which only the king and master of game may enter. There the king claims his own (and that of “þe quene, or my lorde þe prince”) and otherwise dispenses the kill, some to his friends or those he wishes to honor. Then the master of game goes row by row, tithing some to the church, sending others to the sergeant of the larder, to local gentlemen on the advice of the foresters, and to the officers and ranking hunters. Of the rest who shot or coursed deer, they are to mark their kill so as to claim it at the division of fee, where some must assert such claim by blowing certain motes (< French mot) on the horn. As with other privileges of the “chiefe personage,” such as the assay and caboche, hunting ritual in reserved space thus tends to visualize and affirm patterns of authority and social subordination, or elevation. The king’s privilege to go within the quirré calls to mind the trope of the penetralia regum, the royal inner sanctum, that had been invoked by Richard Fitz Nigel to justify the arbitrary nature of the forest law. The “gentillmen of þe contre” who receive venison may well be local knights whose landholdings lie within the royal forest, and who, if this is so, cannot hunt the deer on their own land. Power is on display, and that power is socially troped through the hunt and the concentration of force and power that is made possible by the legal environment.

From the vantage point of a reader today, the penetralia and the quirré appear symmetrical means of creating authority, one by the law and conceptualization of the hunting sanctuary, the other by actually commanding territory with horse and hound, and by laying an array of bodies at the feet of lordship. That act itself inverts the comparable scene of the forest inquest

at poaching (discussed in chapter 2), where there lies one misadventured deer and a host of witnesses and officials standing round it. From the standpoint of its proponents, authority and bloodsport folded together in *déduit* conceived as “recreation”; that is, to read it literally, the re-creation of self brought about by an almost mythical belief in the power of destruction to create new forms of becoming—a belief that is psychologically natural to an honor-driven society in which arms-bearing and governance are restricted to a warrior nobility. What is striking is the consistency with which the treatises foreground self-expression, first by exemplifying and explaining the jargon of venery, then by singling out what is individual to English custom, or (as in the French works) by dramatizing dialogues. What can be learned of the ethos of *artes venandi* depends heavily on the manner of representation they are clothed in, as for example pre-conquest citation of the arts relates not to their content and method but to their function as attributes of kingly character and power. In the English works of William Twiti and Edward of Norwich, and invoked as well in Chaucer and the Gawain-poet, the ethos of English *ars venandi* is borne chiefly by “woodcraft,” a formalized, highly traditional knowledge that includes insights into both “vert” and “venison” within a single competency. As pointed out above, Edward even goes so far as to tie woodcraft to English identity. However, I think its evocative power derives from the fact that its meaning as a tradition cannot be bound by the culture fostered by hunting law, but is part of the ancient culture of the common chase. Hunters and foresters can have taken woodcraft only to new levels of commitment and training, but not actually changed its basic lore or character, which derived from the immemorial antiquity of tracking game through the woodlands. Woodcraft at its core, therefore, relates only tentatively to laws of the forest and their attendant culture of authority, or perhaps not at all, because woodcraft is about freedom. It is the lore of the fathers from back in the day when men hunted without constraint. It could be refined by teaching and practice to the point where it could be judged an art, and taught to nobles. A king should know woodcraft, therefore, but it is also what sustained Robin Hood.
What is the function of slaughter in *Sir Gawain and the Green Knight*? Its detail seems thematically beside the point, a distraction from the real business of erotic seduction and chivalric moral and psychic crises. Tolkien and others have denied any relevance at all between the deer-hunting and bedroom scenes, but the poet’s depiction of Bertilak’s quarry has long been seen to shed light on the tense interaction between Gawain and the Lady of Hautdesert, especially since Savage’s essay of 1928. Yet the quasi-allegorical import of deer, boar, and fox really has nothing to do with how these animals are so graphically flayed and gralloched or ripped from their skin, scenes which the poet openly relishes with the other motifs portraying the material culture of the Arthurian world, such as weapons-arming, castle architecture (exterior and interior), hospitality customs, and feasts. John Cummins points out that “The dainty unmaking of the hart was evidently more ritualized in France, at least initially, than elsewhere,” and that *The Master of Game* downplayed it, yet the

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Blood, Law, and Venery *

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1 Quotations throughout are from the edition of *Sir Gawain and the Green Knight* by J. R. R. Tolkien and E. V. Gordon, 2nd rev. ed. Norman Davis (Oxford, 1989). Translations, unless otherwise noted, are my own.

2 “The noise, confusion, and slaughter of this scene, and the terror of the mass of hunted animals, make unacceptable any suggestion of a symbolic parallel between it and the simultaneous quiet pursuit in the castle bedroom.” *Sir Gawain*, 107, n. 1158.


4 Cummins, *The Hound and the Hawk*, 43.
English poets seem determined to exploit such ritual for all it was worth. And there is no little irony in the fact that the Gawain-poet has rendered the butchering of the quarry with a vividness that puts the teaching of contemporaneous treatises to shame. While a reader may naturally expect sanguinary detail in the treatises, in romance the poet’s indulgence in it strains the amorous decorum to the limit. In Sir Gawain the “ritual” of slaughter ostensibly contains the violence it conjures forth by sublimating it through customs of venery, but its interlacing with erotic fantasy unravels that containment by letting the action drift as close to violate dissolution as it can. Of course, this could be the poet’s cunning scheme, so as to involve the reader vicariously in Gawain’s self-mortification. But such mortification implies resolvable didactics that the paradox of venery—a word that embraces sportive killing and venereal sex—will stubbornly subvert.

While the chase on the beasts of venery stirred the passions of the warrior nobility to feats of imagination, weapons-handling, and work with horse and hound, passion also inspired bloodsport with a violence that overbore the discipline with its own infectious thrill. In his Policraticus John of Salisbury departed from clerkly commonplaces to level fresh invective at the courtly hunt itself (see chapter 2). Today historians have shown how medieval hunting was practiced like a kind of surrogate warfare, that it was considered a practical training for warfare and that upper-class poaching was so bellicose as to be better likened to raiding and rioting. This attitude was formalized as early as Xenophon’s Cynegetica, and it was fully borne out in the fourteenth-century Romance of Sir Degrevant, which shall be the topic of chapter 5. Even so, the rhetoric of medieval technical literature on hunting practice, as well as most imaginative literature that dramatized it, regarded the craft of killing wild animals as an experience that had less to do overtly with war than with modes of personal and collective self-expression and varied psychological experience, notably regarding death and love. As Marcelle Thiébaux has shown for French


6 As has been amply shown elsewhere, it would be a mistake to assume that, if the Gawain-poet was a churchman or clerk in secular affairs, he would approve of the ecclesiastic or humanistic censure of hunting à la John of Salisbury. Beside Langland’s exortations to the knight (Piers Plowman B, 6:30–5), see also Almond, Medieval Hunting, 96–7.

7 Manning, Hunters and Parchers, gives the fullest treatment on this theme as regards licit and illicit hunting in the chapter “Poaching as a Symbolic Substitute for War,” 35–56.

8 On pre-medieval hunting, see Anderson, Hunting in the Ancient World.
and German literature, allegories of venery richly interlinked the chase and kill with erotic passion. In the case of medieval English poetry, Anne Rooney has demonstrated a sustained and multi-faceted reevaluation of Continental mortality thematics in the alliterative tradition, including Sir Gawain. In a view that captures the intensity with which elite hunting could be practiced with a devotional fervor, A. C. Spearing has likened *ars venandi* to “liturgy” and “sacrament.” It is this simulacrum or surrogate of religious feeling that my discussion of hunting ritual in chapter 3 now leads to. For beside questions of formalism, rule-governance, and performance in the textualization of hunting arts, the notion of sacrality directs attention to hunting ritual as potentiating something on the order of re-creation in the literal sense.

In this chapter, therefore, I shall address the scenario at the Green Chapel where the hunting-lord Bertilak receives Gawain’s confession of moral failure and absolves him, or tries to. I shall refer to the German *Tristan* romance of Gottfried von Straßburg, taking recourse as it were to the father of venery cited by Malory, in order to cast the cultural importance of the unmaking rites in sharper profile. The ultimate point will be to illustrate the function of ritualized slaughter in *Sir Gawain* as a trope that fleshes out the lacerating social and psychological pressures bearing upon heroic-chivalric subjectivity in late medieval romance.

**Spectaculum venandi**

The breaking up of the venison, of deer and boar, presents a scene to suspend the momentum of any plot in order to direct the reader’s view upon the dead animal body as artwork, or *opus*. For us modern readers it remains fairly hard to comprehend hunting butchery within a continuum of socially redeemable skills, much less courtly graces. Yet clear testimony to its hold on the medieval imagination is given us, however ironically, by its most studied detractors, humanists such as Salisbury or Erasmus of Rotterdam. In the *Policraticus* Salisbury remonstrates how

this butchery requires skill and exacts it. It possesses its artists at whom you will marvel as he gesticulates with brandished knife, and now with blunted sword, should you chance to be present at their sacred rites.

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9 Thiébaux, *The Stag of Love*.

10 Rooney, *Hunting in Middle English Literature*, 102–93.

Be careful, however, not to misuse any of their hunting jargon in speaking, or you will be flogged or be branded with ignorance of all propriety in displaying your lack of knowledge of their technique.12

In Erasmus’ The Praise of Folly Folly regards passionate hunters as borderline lunatics.

What delicious satisfaction when the beast is to be dismembered! Common folk can cut up an ox or a sheep of course, but only a gentleman has the right to carve wild game. Bareheaded, on bended knee, with a special sword for the purpose (it would be sacrilege to use any other), with ritual gestures in a ritual order he cuts the ritual number of pieces in due solemnity, while the crowd stands round in silence and admires the spectacle it has witnessed a thousand times and more as if it was some new rite. And then if anyone’s lucky enough to get a taste of the creature, he fancies he’s stepped up a bit in the world.13

These are obviously ridiculing views, in keeping with a long-standing medieval polemic that sets secular ritual in a religious context to emphasize its profanity; but they would not be funny if not also aptly sketched. Erasmus’ theme is a kind of élite idolatry that produces a vivid aura of cult. The initial dichotomy of *generosus* and *plebs* serves to classify discrete groups of beasts for slaughter (beasts *ferae naturae* and livestock/tauri), and to distinguish mock sacred from profane. The short-sword (hunters called it a “hanger”)14 dedicated to keeping the *fas*, or (divine) law, the repetition of *certus* and “religious” cutting (*certis gestibus, certa membra, certo ordine religioso secat*) all evoke a deliberateness in which much more is at stake than the practicalities of food.15 Erasmus’ diction, which denies the act the dignity of a *ritus*, scoffs at the sense of wonder and theatrical

12 Trans. Pike in Frivolities of Courtiers and Footprints of Philosophers, 16.


14 See Blackmore, Hunting Weapons, 1–49.

15 In light of the claims made for the practicality of the English on this point (cited in chapter 3), Erasmus was probably in England staying with Sir Thomas More when he wrote this.
spectaculum on display here, yet it still refracts a view of the performance-pressure bearing on the hunter to conjure something amazingly new by his laying open all the viscera and muscle and bone of the quarry. The people gaze at it, seemingly spellbound, as with a voyeuristic desire to see once again a sight that can never bring perfect satisfaction. The passion for the hunt takes possession of the dramatic audience no less than the wielder of the knife.

So the humanists’ mockery illumines a feature of the hunting culture that the hunters themselves never clearly articulated. Which raises the question: What is it that inspires those participating in the mystery of such rites? Whence the source of awe? How is the sensation of this experience to be interpreted? We also are those very participants, insofar as poetic passages of dismemberment position us their readers as willing or unwilling onlookers of animal death-made-art.

The locus classicus of romance slaughter is to be found in a German text of c. 1200–1210; and while not a treatise, its importance as an exposition of the French method lies in the fact that it predates La Chace dou Cerf by almost two generations. In the Tristan unt Isolt, a work standing opposite Wolfram von Eschenbach’s Parzival at the apex of Hohenstaufen narrative poetry, Gottfried von Straßburg enacts the readerly gaze described by Erasmus by staging a dramatic audience of huntsmen to prompt an admiring response to Tristan’s breaking up of a great hart. This scenario shows the young Tristan chancing upon royal huntsmen of the king of Cornwall who are about to quarter the hart without ceremony; there he interrupts their work by expressing astonishment, and instructs them in the proper arts (2757–3078). As Tristan teaches these foreign hunters, so it seems Gottfried likewise seeks to edify the German courtly usage of his twelfth-century audience with a disquisition on the ars venandi of France. Gottfried was not a knight as was Wolfram; perhaps a burgher of Strasburg or more likely a cleric, in any event possessed of outstanding classical erudition, he was clearly working under the patronage of the city’s patriciate. To a large degree we can expect his staging of this scene to document chiefly a courtly (even urban?) idealization beyond actual practice, answering to a fantasy of how slaughter may become something more than slaughter—a wish that asserts itself in the impulse to incorporate the gore in the octosyllabic couplets of high romance. Gottfried’s emphasis falls on the novelty of Tristan’s refined jagelist or hunting know-how (i.e. woodcraft), on

16 Gottfried von Straßburg, Tristan und Isolde, ed. Karl Marold (Berlin, 1977 (1912)). Translations are my own.

the translation of culture across boundaries, on its impact upon the foreign court, on the self-authorization of Tristan as courtier. Whereas it is often assumed implicitly or otherwise that medieval élites always hunted according to ceremony, or that Gottfried indicts here the rude state of German venery, the palpable excitement of this scene suggests otherwise. Tristan embodies a chivalric energy that seems newly committed to this moment of the hunt, the gutting and disjointing, as opposed to launching out in the open chase, or reading animal traces, or facing dangerous quarry as in the former heroic age. It is a moment of discovery and revelation.

If Erasmus’ Folly had cared more for the rites of Diana, she might have acknowledged that Tristan’s *opus* evinces a spirit enlivened by rhetorical in-ven-tion in the technical sense, that is, of finding material for expression by “coming in” somewhere new in nature. What Gottfried idealizes is Tristan’s tangible embodiment of *a techne* that uses animal anatomy to reify an order of knowledge which can transform the raw material of death. This experience is not about the mort itself, the actual moment of which Gottfried elides; rather, we find only the hart’s passive body offered as a site to localize Tristan’s contestation of the foreign hunters’ method and to exhibit the ritual sequencing in five acts: to wit, the excoriation and dismemberment (which Gottfried idiosyncratically calls the *bast*); the honor portion (*furkîe* < French *fourchée*); the reward of the hounds (*curîe* < Fr. *curée*); the perquisites of venison apportioned to the hunters (*rëhte*); and the presentation of the venison at court (*prîsant*). Further, these five acts can be correlated to three discrete objects of focus: the body frame, the vital interior, and the ceremony that connects these to the social world.

I lay emphasis on idealization here because, for all its rich detail, Gottfried’s depiction of jargon and method does not perfectly conform with actual practice. Bast, as far as the record shows, was never a technical term in German venery, but a calque from the French *escorche*, “tree bark” (*escorchier*, “strip, peel”), that Gottfried coined by authority of poetic license. Furthermore, the excoriation diverges from logic and practice because, as Gottfried represents it, its method artificially segments or confuses the process of freeing the viscera.

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18 For a detailed description of proper procedure, including the rites of the fork-branch and the *curée*, see Cummins, *The Hound and the Hawk*, 41–6.


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With the animal on its back, Tristan strips the hide off the body like a garment and spreads it out to both sides. The limbs and joints are cut away progressively toward the interior, from higher to lower, and all the elements are arranged so as to produce the effect of removing layer upon layer of integument until all that remains is the central web of viscera, which we are to imagine as kept whole on the chine and the hide. Only at that point are the organs and fillets distinguished and prepared for ceremonial purposes: the honor portion of the fork-branch for the lord of the hunt (i.e. liver, kidneys, testicles); and the hounds’ repast on the hide, fed upon with the blood (heart, lungs, spleen, entrails). All the while the hunters of King Mark voice wonder at young Tristan’s expertise and the impressive effect of his handiwork. They then collect and prepare their own perquisites of venison (also a novelty to them), and the beast is symbolically reconstituted for an elaborate presentation at court. While we cannot tell what texts Gottfried consulted, it appears that the terms *furkîe* and *curîe* came from his main source, Thomas of Brittany’s *Tristan* romance (now extant only in a fragment), because their phonology betrays Anglo-French or Picard originals. Nevertheless, his embellishments in no way detract from the central dramatic point, which is to amaze with a spectacle that seems to corroborate Erasmus’ perception of a secular ritual disposed to inspire awe.

On cutting up animal bodies, Jean-Louis Durand has written that “the anatomy of animals is the space onto which an order of human needs is secretly projected: a typology,” and chivalric hunting ritual certainly attests to a secret human “need” to inscribe the bodies of beasts of venery. Given the high level of formalization, the emotional investment and the sense of awe, it is compelling to regard such hunting ritual as a cultural reflex of sacrificial practices of antiquity. Much is known about how medieval doctrines of courtliness were informed directly or indirectly by translating Mediterranean classicism to northern ecclesiastical and secular courts, but in the case of medieval woodcraft and ancient sacrifice, the similarity doubtfully came about by diffusion. Whether it is attributable to Indo-European monogenesis (via the worth invested in emblematic animals and ritual killing), or to polygenic factors (owing to the uniform morphology of big mammals and the logic of

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21 Kolb, “Ars Venandi im Tristan,” 183.
meat sharing), for present purposes it does not matter whether the relationship is homological or analogical. If we take Gottfried and Erasmus together, key points emerge by which to compare their breaking-rituals with the Greek alimentary blood sacrifice (as outlined by Durand). We observe the tendency to obscure the death agony; to focus away from the blood, which is relevant only to the gods or the dogs; to dedicate a particular knife to certain functions only; to regiment the order of cutting; to segregate the viscera; to gaze at the revealed organs, and subject them to some kind of interpretation; and to codify specific portions in terms of prestige and relevance to different groups (the lord, the dogs, the indigent, the hunters). Significant also is the elevating effect of the perfect performance, of partaking of the flesh thus prepared. With sacrifice, it is the transport felt by acting “under the eyes of the gods.” With hunting it is the feeling of increasing in nobilitas, as Erasmus mockingly attests; or as Tristan says, “dâ hovet ir iuch selben mite” (3052: “you’ll befit yourselves for court thereby”). Of course, hunting’s chief semantic field of reference was the worldly domain of human, social, cultural interconnections, whereas sacrifice indexed man’s relationship to a transcendent pantheon. Certainly hunting may evoke supernatural associations, for example, by establishing links with ancestors. But, as intimated in chapter 3, the most transcendent abstractum that the ritual slaughter of the hunt engaged was the hierarchizing power of the law.

For the common chase on the one hand and hunting franchises on the other entailed very different cultural environments with regard to the function of ritual. In this light, Gottfried’s hunting scenario must figure no less remarkably for its critical obscurations and omissions than for what it does show. The scene is introduced by the prospect of King Mark’s huntsmen making ready to chop the huge deer into four pieces and be done with it. As they see it, there is no kunst (skill), nor are there any special distinctions to be made—it is just one big piece of work to lug home. From this angle, Tristan’s most striking innovation is the idea of the honor portion itself, the “fork,” which falls in the category of the lord’s “fee” or “right,” the droiz dou chasse. Gaston Phébus, who we can be sure dined on not a few of these, clearly recognized a relationship between animal anatomy and personal authority on the hunting grounds.

Les morsiaux dou fourchié que j’ay dit dessus sont des meilleures viandes

25 This statement modifies my position on this point as I expressed it in a previous version of this argument, published as “Blood, Law, and Medieval Venery,” in Procesion, Performance, Liturgy, and Ritual, transactions of the Claremont Graduate University symposium (Leiden, 2004).

26 Lincoln, Death, War, and Sacrifice.
qui soient sus le cerf, et pour ce se mettent ou fourchié pour la bouche du seigneur.\textsuperscript{27}

The morsels on the fork whereof I spoke above are the tastiest pieces to eat of the hart, and that is why they are put on the fork for the mouth of the lord.

Next important is the ceremony by which the refigured quarry is translated to court, the \textit{prîsant}, which includes that rite of the deer’s head that was desecrated by the poachers in the forest of Rockingham (see chapter 2). It has been remarked that these features bear more than characterological weight, as Gottfried seeks thematically to highlight the primitivism of King Mark’s court by contrast with Tristan’s origins. Valid though this argument is, there is more. If Tristan’s didactics aimed at the Cornish hunters can be conflated with Gottfried’s toward the Germans, the scene dramatizes a specific cultural juncture with relevance both internal and external to the text.

If we revisit the reflex linking chivalric hunter and sacrificial priest, we find they share a common function defined by mediation that is almost entirely absent from the methods of the Cornish hunters. The priest mediates between the human realm and the divine, and therefore his perquisite of sacrifice (as Durand shows)\textsuperscript{28} is drawn from the animal’s anatomy in between the portions for men and the portions set aside for the gods—one kidney together with the meat around the divine femur. Tristan claims no perquisites, but still he mediates inedibles between men and the hounds, barely edibles between the court and the poor, and prime oddments between the forest and the overlord of the hunt. The nature of the hunting kill (its feral status) presents a marked contrast to the agri-pastoral (hence domestic) sacrifice of the Greeks, effecting a marked shift in the semantic field. The rite of the honor portion makes sense only in a context of overlordship, in this context only to signify dominion over the hunting grounds. The honor-organs (liver, kidney, testicles) communicate vigor and virility—it is not a far step to the primitive belief in the transference of animal potency to the hunting lord whose “rights” they are to ingest. Tristan’s woodcraft, expressed as \textit{kunst} and \textit{meisterschaft}, therefore acknowledges a personal authority imposed over the forest, an authority that the barbaric ignorance of the Cornish hunters passes over. Nonetheless we may recognize here, albeit obliquely signified, the latent legal power of the \textit{foresta}, the royal hunting reserve, and its indelible impact on medieval hunting culture. Through Tristan’s interruption of the Cornish hunters, Gottfried (and Thomas before him) in


\textsuperscript{28} Durand, “Greek Animals,” 104.
Hunting Law and Ritual in Medieval English Literature

effect dramatized the moment of cultural transition from the common chase to the foresta, from the egalitarian hunt of the heroic age to the chivalric hunt of the courtly warrior-priest.

Developments in hunting law affected this transition, and it is worth recalling in brief the context discussions of chapters 1 and 2 to bring historical and political relevancies to bear on the analysis of ritual here. In Roman and Germanic antiquity the general legal principle governing hunting rights was the doctrine that wild animals were the property of no one (res nullius) until the moment of the kill (occupatio). Such was the consuetude in central Europe until the Merovingian and Carolingian dynasties grew to sufficient authority to monopolize the hunting in unarable wilderness and on their demesne lands, then on their subjects’ lands. By the time of Charlemagne, great royal forestae, a signature of imperial authority, encompassed the holdings of crown subjects and abrogated their hunting rights on their own land, thereby encroaching upon the ancient common chase of free-capture wherein all men could hunt. Following the Normans’ imposition of forest law in England, militant poaching, revolt, and war over the legitimacy of this and other royal prerogatives—an uncoordinated but nonetheless consistent political resistance spanning the twelfth and thirteenth centuries—achieved its most important concessions in Magna Carta and the subsequent Carta de Foresta of 1217, although their articles were regularly ignored and had frequently to be reasserted and reconfirmed. The close link this controversy had with central issues of English constitutional history distinguished medieval hunting law in England with a far greater import than it was to attain on the Continent until the German peasant revolts of the sixteenth century.²⁹

Important for the analysis of hunting culture is the fact that these two orders of law were each premised upon distinct ideologies. In the free-capture world, in which hunters stood on an equal footing, the defining act of the hunt, its transformative moment, was the kill, the occupatio, for that was the moment when the wild quarry was transformed into the personal property of the hunter. There was no need for ceremony in this egalitarian order; with the free estate asserted in the act of killing, the carcass could afterward be chopped apart as a piece of property, as there was no social stimulus to act otherwise. Not so with a hunt conducted within authoritarian space. If Kurt Lindner’s thesis holds true (it is heavily dependent on circumstantial evidence), the medieval craft of hunting developed historically from the professionalization of hunting

²⁹ Beside the references given in chapter 2 (Young, The Royal Forests of Medieval England; Petit-Dutaillis and Lefebvre, Studies and Notes Supplementary to Stubbs’ Constitutional History; and Grant, The Royal Forests of England) see also Geoffroy de Gislain, “L’évolution du droit de garenne au Moyen Âge,” in La Chasse au Moyen Âge: Actes du Colloque de Nice (Nice, 1980), 37–58.
fraternities of freemen who ministered to magnates in their legal sanctuaries. The distinct impulse toward formalization will have arisen during the era of Carolingian afforestation partly as a response to the disenfranchisement and legal dependency of court hunters, a dependency that blurred the distinction between free estate and slavery. In such authoritarian space, the hunter’s occupation of the animal’s body now indexed a pre-existing personal privilege of, or a personal dependency upon, those few authorities who were empowered with the liberty of the hunt. Ritualization therefore recuperated a semantic of free estate in a legal context within which a man could not freely hunt.

Significantly, I believe, it was owing to the nexus of craft and forest law that hunting ceremony eventually realized a critical characteristic distinguishing it from hunting in the common chase: it displaced the transformative moment of the hunt from the kill to the unmaking sequence. This became the revelatory moment of *ars venandi*, demonstrating the technical mastery of the hunter, and sublimating the violence of the kill in the discipline of denuding the raw interior of the animal soul. It was not till the flowering of French chivalric culture, when the nobility was in expansion and redefining sources of prestige, together with the proliferation of private hunting reserves in England, that this craft became popular and was integrated into the aesthetic of knightly self-presentation.

Thus (and here lies the central paradox of this ritual) Tristan’s precise cutting of the deer into hierarchically decorous components effectually engenders the aura of a whole or integral persona of the courtly type, knowledgeable, disciplined, and essentially noble. It is reflected in Hugh of Rutland’s *Ipomedon*, when the Princess of Calabria seeks to know if the Unknown Courtier descends from noble stock, and she calls for a great hunting to find out. From the passage quoted in chapter 3, where all behold him “dighting the venison,” or breaking up the deer in his own style, she has her answer: she “thoght in hyr herte than, / That he was come of gentill men.” His expertise somehow cements his identity. For Tristan, however, forever caught between court and forest, this ritualized habitus gives contour to a chivalric subject that the psycho-pathology of adulterous and incestuous love, social and self-alienation, and then physical exile will rend apart.

Ultimately the ritual by itself, without its ideological link to an order of law, its transcendent referent, will become sterile. This larger semantic field remains

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31 Werner Rösener emphasizes the parallel rise of ritualized combat (tournaments) and courtly hunting; see “Jagd, Rittertum, und Fürstenhof,” and “Die Jagd und höfische Kultur als Gegenstand der Forschung,” in Rösener, *Jagd und höfische Kultur im Mittelalter*, 11–28.
undeveloped in Gottfried's poem as the hunt modulates to a more deeply exist-
tential theme articulated through motifs of tracking and the actual chase dur-
ing Tristan's forest exile with Isolt. It may be observed as well that King Mark's
court never bears the fruit of Tristan's civilizing labor—it remains "primitive."
For wherever forest law actually thrived in Europe, where its administration
was feared and not debased by endemic trespass, there we find the hallmark
of a powerful monarchal authority; prone to autocracy perhaps, but decisive
in executing justice by its own measure. King Mark remains an incorrigible
vacillator, and symptomatic of this helplessness in the monarch is the utter
hopelessness of his hunting establishment. The remote marches of Tristan
and Isolt's exile are thought of by Mark's huntsmen as a wilderness (wüeste
tilde{wilde}, 17467), not a zone of cultural dominion (ban, vorst). Moreover, they are
so inept they confuse Tristan's tracks with game trails, and finally hap upon the
lovers chiefly by accident. Gottfried vividly dramatized the chivalric appropria-
tion of a professional craft, but he developed it as a function of personal talent
and education, then as a resource to advance Tristan's destiny by sustaining his
union with Isolt in an eroticized forest sanctum; what Gottfried did not do was
dramatize ars venandi as an institution imbedded in the legal and cultural space
of its origin.

This fact may highlight Gottfried's bourgeois orientation toward his source
material, concerned as he is with the ennobling of merchant enterprise and the
 canon of acquired personal-prestige skills. Such cannot be said of the English
Sir Gawain and the Green Knight, whose action is pervaded by motifs of literal
and symbolic fragmentation, and which integrates the ritual sequencing of the
hunt with the erotic economy of the noble household. There, lordly hunting is
contextualized in a complex relationship to cultural space.

As partly outlined in chapter 3, the century following Magna Carta (which,
with the Forest Charter, reduced the authority of the royal forest) was marked
by a proliferation of private hunting reserves and game parks, and this at a
time when tournaments, chivalric ceremony, and doctrines of courtesy also
were flourishing. Chartered hunting sanctuaries such as the free chase and the
free warren were justified presumably by analogy to a legality established by
royal afforestation, which could not lay proprietary claim to wild animals, but
instead "privatized" hunting rights within delimited spaces; that is, they treated
the rights to bloodsport as a franchise separate from the conditions of land
tenure. The legal justification for the royal forest itself had long been an object
of official mystification. The inveterate poaching of barons and prelates, as well
as commoners, vigorously contested the authority of the forestae in the forests
themselves. As discussed in chapter 2, during a program of vast afforestation
the government of Henry II was moved to offer a justification of forest law,
whereby the treasurer Richard fitz Nigel asserted the separate jurisdiction of
such law by deriving its judicial authority solely from the arbitrary will of the
king. He declared the royal forest to be a space uniquely disposed to enable the
lordly recreation of the king. The forest in its legal and political aspect, distin-
guished specifically by the practice of bloodsport and the punishment of tres-
passers, was, said Fitz Nigel, like unto the lord’s *penetralia regum*, or inner san-
catum of the royal household. This Virgilian allusion to the violated sanctuary of
Priam’s house at Troy is, as an implicit ideology, striking because of the way it
is made to qualify the zone of bloodsport as a judicial sanctum predicated upon
royal re-creation. For Fitz Nigel, the royal hunting sanctuary becomes a reserve
also for the arbitrary prerogative of the king within a broader constitutional
context of the common law and baronial councils.

As lords in the thirteenth century were able to attain analogous smaller-
scale hunting liberties, it becomes clear that it was not the idea of the hunt-
ing sanctuary itself they loathed; they simply craved a piece of this action for
themselves. This privatizing development correlated to a gradual shrinkage of
the territory of the royal forest itself. Thus by the end of the fourteenth century,
and contemporaneous with the re-evaluation of English in this field that led
to Edward of Norwich’s *The Master of Game*, the *Gawain*-poet could assume
a proficiency in ritual and jargon in his readership, in English, and could tex-
tualize courtly ceremony in the ideological context of the hunting sanctuary to
great effect.

The English Assay, and Rights of Venery

Fitt 3 of *Sir Gawain* notoriously interlaces hunting and seduction as the plot
integrates the tumult and slaughter of three hunts with the secret love-talk and
kisses of Gawain and the Lady, and Gawain and Bertilak. As has often been
noted, the poet’s command of hunting *techne* is authentic and expert. As John
Cummins puts it,

The hunting of the deer by Sir Bertilak in the fourteenth-century poem
*Sir Gawain and the Green Knight* is not only splendidly vivid and atmo-
spheric; it is a consummate description, by a knowledgeable hunter, of
the technicalities of bow and stable hunting.33

Hence, in my view, the poem invites a reading from the specialized per-
spective of *ars venandi* on several levels, as it seems to anticipate just such a

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33 Cummins, *The Hound and the Hawk*, 53. Cf. also Rooney, *Hunting in Middle English Literature*,
159, 166–85.
reader-response. Were we to read the poem not in terms of allegorical correspondences but as if we were schooled in the art of Tristan—that is, from the subject position of the courtly hunter—we can observe the poet organizing elements of plot and theme around two key elements of the English hunt, the assay and the fee.

Chapter 3 explained how the “fee,” also called the “rights” (Gottfried’s rëhte), are the pieces of wild game cut up in the field and apportioned as perquisites to participants of the hunt. That they are called “rights” is significant, because they function like an implicit constitution of the hunting fraternity, constituting customs, orienting social relationships, clarifying the fraternity’s hierarchy. The whole craft of precise dismemberment is dedicated to the production of these rights. In fitt 3 the boisterous violence of the hunters acutely contrasts with the singular but heated talk of the bedchamber, where the Lady of Hautdesert makes a stealthy and adept stalk of her quarry. In what seems to be open woodland, meanwhile, the hunting party man their stations for the deer drive, tactically dispose their relays of hounds, and observe Lord Bertilak’s ban on taking bucks and stags in the close season. (This is perfectly authentic game management, as the “barren hinds,” i.e. the female deer without young, are being culled so as to reduce competition for winter browse.) The hunters drive their quarry into distinct topographical positions (the deer in the valleys, and later the boar against the creek) where it is killed. The coordinated sharing of tasks finally issues in the sharing of meat appointed to “Vche freke for his fee, as fallez for to haue” (1358), including the hounds. With this customary of order the poet transcribes a maxim of English venery, that “De hunter schall have his fee and euery man aftur hijs ryht.” He then retextualizes this key ritual as the exchange of winnings between Bertilak and Gawain, venison for kisses, which structures fitt 3 and stages the crisis when Gawain holds back his gain of the green girdel.

These hunting grounds seem an extension of the trackless, monster-infested, frigid “wyldrenesse of Wyrale” (701), but in fact the setting is less likely the forest marvelous than Bertilak’s game parks. The first sight Gawain has of Bertilak’s castle is of a shimmering, moated stronghold built on a glade in the forest, surrounded by a densely spiked paling that encircles the keep together with more than two miles of oaks.

A castel þe comlokest þat euer knyȝt aȝte,  
Pyched on a prayere, a park al aboute,  
With a pyked palays pyned ful þik,  
Þat vmbeȝe mony tre mo þen two myle. (767–70)

[There was] a castle, the handsomest a knight ever beheld, built in a clearing with a park all around it, with a densely paled fencing that extended round more than two miles of woods.

If we take “two miles” to mean the circuit, the park is double the size of what would become good fashion in the sixteenth century; if we take “two miles” to be the diameter,\textsuperscript{5} at over 2,000 acres it would have measured up to the royal parks of Woodstock, Windsor, or Clarendon.\textsuperscript{6} Given that the English park averaged a size of 100–200 acres, Bertilak’s park seems a veritable forest. As Corinne Saunders observes, the fact that he takes care to manage the welfare of the game suggests that this is no fantasy forest;\textsuperscript{7} neither is it wilderness nor the common chase, but hunting space within his domain. Positioned within the park rather than far outside it, as was the norm, Bertilak’s hall is less a manor house than a hunting lodge, a place built within the game park to allow viewing of the hunting from its battlements. In such a lodge, as for example Henry II insisted on doing, practically all social and political transactions merge with the organization of the chase.\textsuperscript{8}

The exchange of winnings extends the ceremonial exchange of “rights” from the park to the noble hall, and so draws a semantic link between interior lordly space (public and private) and the hunting grounds not unlike Fitz Nigel’s trope of the royal forest and the \textit{penetralia regum}. The spatial theorist Henri Lefebvre has suggested a paradigm of three intelligible “moments of social space,” classifying how material practices and ideology “produce” space, materially and experientially, by affecting consciousness as to how a space is charted out, or defined, by patterns of exchange.\textsuperscript{9} The question at hand is how Bertilak’s use or supervision of hunting ritual “charts” the hunting grounds by defining points of interrelated action specific to “venery” in its polarized meanings—hunting grounds within which the lodge of Hautdesert occupies a position of its own as a place of meat-sharing and potential sexual violation.

First there is the charting of physical space and the functions of economic activity in it. To take the first day’s bow-and-stable hunt—with the herds driven in ravines where “bi bonkkez þay dezen …” (\textit{1163}), and the hunters winding

\textsuperscript{5} This is the suggestion of Malcolm Andrew and Ronald Waldron, eds., \textit{The Poems of the Pearl Manuscript: Pearl, Cleanness, Patience, Sir Gawain and the Green Knight} (Exeter, 1994), 236 n. 770.
\textsuperscript{6} Lasdun, \textit{The English Park}, 11–12; Cantor, “Forests, Chases, Parks, and Warrens,” 73.
\textsuperscript{7} Saunders, \textit{The Forest of Medieval Romance}, 152.
\textsuperscript{8} Lasdun, \textit{The English Park}, 8. On the enclosing of manorial parks in spaces beyond the agricultural landscape of arable, see Cantor, “Forest, Chases, Parks and Warrens,” 81.
\textsuperscript{9} Lefebvre, \textit{The Production of Space}, 38–9.
their horns with “a crakkande kry as klyffes haden brusten” (1166), and the deer driven against the water to be taken down by greyhounds (1169ff)—the contoured topography heightens the anticipation of bloodshed till the territory is marked with all the traces of the kill. For the hunting party, the communal focus on the bodies of game constitutes a unifying experience. At the laborious breaking of the bodies the nobles have at it themselves (“Þe best bo ed þer …,” 5), confirming Tristan’s example that it is ennobling to practice woodcraft with one’s own hands. Ideally, the division of fee (or production of body parts for exchange) actuates an economy that requires participation with sharing.

Lefebvre identifies furthermore a “representation-of-space” (emphasis on the nominalization here) realized by the law and its architecture of privilege and disprivilege. In the case of Bertilak’s park, attention must fall on the hunting law relevant to imparkation, which pertains in medieval legal doctrine not to the ownership of wild animals, but to hunting grounds defined as segregated and individualized in contradistinction to the common chase outside it. Laid out graphically, the effect of the park licensure creates an intersection between vectors of action, where lateral or socially balanced actions of meat sharing cross perpendicular to a vertical axis of lordship. This vertical axis hierarchizes the hunting fraternity, embodying all sporting rights in a lord of the hunt who then delegates rights and tasks to his household and associates. Notably, however, the physical attributes of the reserve blur in favor of imagining the park as a seeming wilderness in which to dramatize the effect of lordly power and its lethal force. In fitt 3 of Sir Gawain the paling-and-ditch enclosure of the park vanishes once the setting of the hunting lodge is established. From there the barriers to animal movement appear only naturally imposed, the game “wildly” resists capture, and the nobles delight in the illusion of free dominion over land and beast. A park as big as this, in other words, creates a simulacrum of a foresta. This “private” legality of the hunt functions as a reflex of the custom of hospitality in Bertilak’s stronghold, where the host’s and guest’s “rights” are contextualized in complex and negotiated boundaries. It can only be ominous for this and other reasons that Gawain is not hospitably invited to the chase.

Moreover, Lefebvre classified a symbolic “representational space,” here evoking an ideology which, for the Gawain-poet as for Fitz Nigel, is experienced in the symbolic correlation of the hunting sanctuary to the penetralia. Both are zones to which elites remove to an ensconced leisure or privacy. For English nobles the courtly work of the hunt was an exhibition of etiquette, displaying expertise in the speech of ars venandi. In fitt 3 of Sir Gawain, once Gawain is invoked as the “fyne fader of nurture” (99), the poet’s vividly technical representation of these arts suggests a continuum that comprehends elite hunting jargon with the amorous play of luf-talkyng (927), which the Lady manipulates.
as well she can to put Gawain to the test. But the reader experiences the relevance of these spaces to each other not only through the courtly congruity of their localized idioms. When the fruits of the hunt (venison) and the effects of courtesy (kisses) later combine to probe the integrity of the Knight of the Pentangle, the segregated spaces of hunting-park and bedchamber both appear dedicated to capture and proofing—congruent zones, so to speak, of medieval venery.

The reflexive nature of these spaces is accentuated by another ritual moment in the hunt, the assay. Its function is thematically overdetermined in an entangled and potentially troubling moment at the end of fitt 4, when Bertilak (as the Green Knight) insists upon his having known about all the previous goings-on in the bedchamber: “For hit is my wede þat þou werez,” he declares, meaning the green “girdel,”

Myn owen wyf hit þe weued, I wot wel for soþe.
Now know I wel þy cosse, and þy costes als,
And þe wowyng of my wyf: I wroþt it myselen.
I sende hir to asay þe, and soþly me þynkkez
On þe fautlest freke þat euer on fote ȝe de. … (2358–63)

That is my garment you’ve got—my own wife gave it to you, I know that for certain. Now I also understand your kisses and your character, and know of my wife’s love-making; for I contrived it myself. I sent her to probe you, truly it seems, the most flawless man alive. …

Here Bertilak is not content simply to claim supervisory knowledge of the ordeal before offering praise; he asserts or reasserts his proprietary rights over the token (“my wede”), the woman (“Myn owen wyf,” “my wyf”), and the design of Gawain’s trial (“I wroþt it myselen”). His posturing seeks what control he can get over woman and man alike in the moments before Morgan la Fée’s mastery will assert itself. If Bertilak first (to quote Geraldine Heng) “seeks to eclipse the primacy of the Lady’s part and her responsibility for the stalking of Gawain,”40 in the next instant he deals with Gawain by pointing a finger at his shameful want (“yow lakked a lyttel, sir. …” 2366). The operative Bertilakian term here is the trial or test whose design probes the character of both Gawain and the Lady (“I sende hir to asay þe”).

The key word asay bears many meanings here. First it is instrumental to the romance motif of a fidelity trial, probing lewté and trawþe. In particular it must

raise the speculative question of wifely troth, for if we accept Heng’s idea of feminine control we must wonder whether the Lady would have stood proof herself (presuming she would care to) had Gawain said yes. The poet furthermore adapts this motif subversively to the testing of a man’s loyalty to a man, guest to host, knight to knight, attested through proofs of kisses. Moreover, in the incarnation of Arthurian romance that is *Sir Gawain*, the *asay* is no less vital to the ritual of the hunt and its trophies than it is to courtly rivalry and love etiquette. For, as we saw in chapter 3, the *asay* is a test or trial initiating the English dismemberment ritual, in which the hunter cuts into a deer’s brisket to adjudge its quality by measuring how much “grease” (i.e. fat) it has under the hide.

If the poet assumes his readers to be schooled in the cultural literacy of hunting ceremony, one must be competent to appraise a hunter’s dividing and portioning techniques. Precise cutting, carving, and naming is a chief concern in the English treatises, as Gascoigne’s observations on “taking out the shoulder” offer a case in point (see chapter 3). If we follow the patterns of chopping and cutting in the poem, we must associate the dismemberment of human and animal bodies with Bertilak, whose assertion of having had total control begs to have this mastery examined in light of the jarring divisions of action and narrative space in fitt 3. The legal term for the hunter’s act of seizure or kill, the *occupatio*, lends itself to conceptualize the continuity of action between these spaces, insofar as it suggests a property perhaps unique to the chivalric hunt by which the control and manipulation of animal bodies, through an adroit practice of craft, semantically translates to a control of space. In chivalric romance as in Fitz Nigel’s political theory, this concept insistently overlaps the hunting grounds with ensconced or forbidden chambers.

To imagine the hunter’s being able to translate his control (or “occupation”) of bodies to the control of space is also to consider how the tacit presence of Bertilak—who as lord of the hunt oversees the carving of game—is inscribed throughout fitt 3. Bertilak’s overarching subjectivity is more haunting than conspicuous, as if lying in wait while the poet works to align the reader’s sympathies with Gawain’s moral crisis. The very palpable and crucial uncertainties are Gawain’s; for him the stakes are undeniably high. Referring directly to the gralloching scenes, Carolyn Dinshaw identifies a key subjectivity crisis in Gawain that is made intelligible through the disintegration of animal bodies parallel to his straining integrity—a morally confounding disaggregation of gender enforced by pressures breaking the coherence of the heterosexual masculine subject of late romance.41 Dinshaw’s is a compelling reading that accounts for

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the emotional charge inherent in the moments punctuated by slaughter, and which also indirectly illumines the irony that the Continental tradition at times held not Tristan but Gawain to be the star of venery. (It was part of his rôle as the “father of nurture.”) Even so, the Lady, whose subjectivity remains opaque, is uniquely she who brings such pressures to bear on him. Geraldine Heng has sought to account for the latent feminine subjective presence attempting Gawain’s seduction in this fitt, whereby the Lady “incarnates a language of desire” so formidable that it leaves Gawain sounding like a “disembodied voice.” Such a “disembodiment,” another trope relevant to the fragmentation of Gawain’s integrity, however, does not clarify the autonomy of the Lady’s seducing will as it relates to the overarching control that Bertilak claims over both her and Gawain.

From a readerly perspective that shows competency in a cultural literacy of the hunt, critical view might reassess the dividing and binding of bodies and space in terms of the techne used by ars venandi to subdue and “occupy.” Insofar as all the formal hunting is ascribed to Bertilak’s supervision and agency, and insofar as our view of the parallel action is determined by a programmatic cutting-up of action and space, hunting technique and poetic technique in fitt 3 have much in common. By this I mean that what we are given to see very much enacts the gaze of the culturally authorized hunter, whose view of agony and fragmentation encompasses zones prescribed for noble delight. Narrative control and Bertilak’s vision here become nearly coterminous.

The narrative technique of fitt 3, which alternates the view between Gawain’s seduction and the killing and butchering of animals, reproduces the hunter’s strategy of chopping up bodies in order to reshape unities. The “cinematic cross-cutting” risks a radical splitting of space (between park and bedchamber) and action (hunting and seduction) in order to effect the illusion of simultaneity, or temporal unity, establishing a semantic contiguity between these spaces as well. Insofar as we believe Bertilak’s claim that he was in control of his Lady’s


43 In Sir Gawain, cutting, looking, and narrating are frequently signalled through use of the verb scheve, as when Bertilak “Schewez hym þe schyree grece . . .” (1378) to elicit praise, and “schewez him þe scheldez, and schapes hem þe tale . . .” (1626); or when Gawain “schewed þat schyree al bare,” i.e. presented his neck (2256), or “þe nirt in þe nek he naked hem schewed . . .” (2498) at the Arthurian court.

44 The characterization of the poet’s visual or artistic technique as generally “cinematographic” was first set forth in Alain Renoir, “Descriptive Technique in Sir Gawain and the Green Knight,” Orbis Litterarum 13.3 (1958): 126–32.

test of Gawain, as if he had positioned her along with his archers and relays, her strategies are distorted into part of one simultaneous hunt encompassing wood and bower.6 The spatial precondition of her stealthy hunt, the fact that they are utterly alone (“we bot oure one,” 1230) in illicit isolation, thus amplifying the anticipation of what may happen next, plays out reflexively in the subsequent passage when the deer are broken up (1319–64). Notwithstanding all the commotion and heaping up of bodies, our view focuses on a singular deer among the slaughter, showing one critical dismemberment intensely segregated by our gaze as we look at the insides exposed through the eyes of the hunter:

Serched hem at þe asay summe þat þer were,
Two fyngeres þay fonde of þe fowlest of all.
Syþen þay slyt þe slot, sessed þe erber,
Schaued wyth a scharp knyf, and the schyre knitten;
Syþen rytte þay þe foure lymmes, and rent of þe hyde,
Þen brek þay þe bale, þe bowelez out token
Lystily for laucynþg þe lere of þe knot;
Þay gryped to þe gargulun, and grayþely departed
þe wesaunt fro þe wynþ-hole, and walt out þe gutteze;
Þen scher þay out þe schulderen with her scharp knyuez,
Haled hem by a lyttel hole to haue hole sydes.
Siþen britned þay þe brest and brayden hit in twynne,
And eft at þe gargulun bigynez on þenne,
Ryuez hit vp radly ryst to the byst,
Voydez out þe avanterz, and verayly þerafter
Alle þe rymez by þe rybbez radly þay lance;
So ryde þay of by resoun bi þe rigge bonez,
Euenden to þe haunche, þat henged alle samen,
And heuen hit vp al hole, and hewen hit of pere,
And þat þay neme for þe noumbls bi nome, as I trowe,
bi kynde.
Bi þe byst al of þe þyzenes

21.4 (1987): 476–89. Stanbury’s argument for the poet’s developing a complex and dynamic “visual hermeneutic” through the successive representation of enclosures, by means of which the world is perceived only partially at any given point, is very apt. Her conclusion is that this ideology of enclosure is to be understood ultimately eschatologically (487). My argument here agrees with Stanbury’s point that the visual perspective is “narrow” and indeed “fallible,” though my emphasis falls on a secular viewpoint mediated through the cultural position of the hunter.

46 As long as Gawain is considered the chief quarry, this compression applies also to the duration of the hunting in fitt 3; see Colette Stevanovitch, “Les scènes de chasse de Sir Gawain and the Green Knight,” Études anglaises 48.1 (1995): 4.
Blood, Law, and Venery

Þe lappez þay lance bihynde;
To hewe hit in two þay hy3es
Bi þe backbon to vnbynde. (1328–52)

Which in Marie Borroff’s nimble translation reads,

Some were assigned the assay of the fat:
Two fingers’ width fully they found on the leanest.
Then they slit the slot open and searched out the paunch,
Trimmed it with trencher-knives and tied it up tight.
They flayed the fair hide from the legs and trunk,
Then broke open the belly and laid bare the bowels,
Deftly detaching and drawing them forth.
And next at the neck they neatly parted
The weasand from the windpipe, and cast away the guts.
At the shoulders with sharp blades they showed their skill,
Boning them from beneath, lest the sides be marred;
They breached the broad breast and broke it in twain,
And again at the gullet they begin with their knives,
Cleave down the carcass clear to the breach;
Two tender morsels they take from the throat,
Then round the inner ribs they rid off a layer
And carve out the kidney-fat, close to the spine,
Hewing down to the haunch, that all hung together,
And held it up whole, and hacked it free,
And this they named the numbles, that knew such terms
of art.
They divide the crotch in two,
And straightway then they start
To cut the backbone through
And cleave the trunk apart.47

The graphic elaboration of this violence produces an utterly ambivalent effect. In one sense, the passage as a whole is a precise rendition of courtly training and ceremony, performatively mastering an idiom of mastery. The representation here is far more practicable than Gottfried’s stylized dismemberment. Acutely, however, the hunting scenes enact a gaze on bodies acted-upon, a gaze directed upon the opening of feminized bodies (the “querré,” or tableau of female deer);

it modulates weirdly into the erotic tension of *luf-talkyng* in the bedchamber. The rupture of the female animal’s physical integrity here is both a violation and (by the logic of it) a thing of beauty, as the hunters’ excoriation of the deer is like their stripping a body naked—tearing off the hide. Is this Gawain thinking of the Lady? This is the sequence in which she has just offered, “3e are welcum to my cors, / Yowre awen won to wale. . . .” (1237f.).48 Or is it what the Lady would do to Gawain? Or is it what Bertilak would have done to Gawain? The initial stripping leads to the splitting of bigger parts, organizing the hunters’ rights, the raven’s fee, and the feeding of the hounds on the hide with the raw lights (lungs), liver, and bread soaked in blood. The poet has so fully amplified the arcane passages of technical hunting by staging them as a hunter’s gaze, he can risk dilating and repeating them. This gaze comprehends us within the Bertilakian subject, like a stalking, spectral presence regarding the violence of bodies subjected to rupturing forces. Thus willingly or not, we participate in the very spectacle mocked by Erasmus, but also rightly adjudged by him to conjure a weird aura of re/creation through destruction.

The boar hunt amplifies the kill to an epic register. Significantly, the breaking ceremony begins in an opposite order, with the beast’s beheading, as though it were a conquered monster. This decapitation deals an abrupt end to a wild and almost desperate exertion, with the utter failure of the archers and the boar trouncing the hounds and wreaking havoc; he controls the direction of the hunt himself. The lord’s tactic of facing him in the water is, as Cummins points out, shrewd (the boar’s shorter legs put him at a fatal disadvantage),49 but the use of the bare sword against such a beast seems an almost suicidal exploit. There is no suggestion of a specialized weapon with a cross-stop, and Bertilak risks mutilation to drive the blade in the animal body “to the hult” (1594). This is the sequence when the Lady has told Gawain that she would not be so boorish as dare defend herself against him, for “3e ar stif innoghe to constrayne wyth strenkþe, if yow lykez, / 3if any were so vilanous þat yow devaye wolde” (1496–7). Such an invitation to rape might be resisted by Lancelot, but the Gawain of the Continental tradition would not have to be asked twice.50 While Bertilak’s hunt culminates in an epic kill, his Lady’s awakens the stark ambivalence of Ovidian venery, where the chase can hardly be distinguished from agony and rape, as well as inexorable patterns of dehumanizing transformation. Drawing

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48 As Borroff reads it, “My body is here at hand, / Your each wish to fulfill . . .” The convolutions taken by Tolkien *et al.* (*Sir Gawain*, 108f., n. 1237) to recover the courtesy of these verses do nothing to offset the ambiguity by which courteous discourse may mask a blunt offer.


attention to her own vulnerability exposes the Lady to a physical risk like that taken by her husband. She holds Gawain accountable to his virile los (renown), mirroring his withheld erotic compliance against the uncompromising ethos of canonical romance, the “tyxt of [kny3tly] werkkez” (1515). By this she enjoins the Arthurian heroic subject (in the persona of Gawain) to commit his body to the fantasy text of virile honor and repute, or to forgo it to the peril of that identity. Her beseeching may seem a tease, as a “þonke þynk” would tease, but there is no question Gawain could lose face, and she is the one to strip him of it. She has so sexualized the tension that it takes no ploy of a critic to see how losing face here is to be emasculated. Bertilak, meanwhile, has the boar’s head borne as a trophy before him like a “conquering hero” (as Salisbury would say), using the ceremony of prisant to pose a beastly face to the court like a metonymy of his own power.

The importance of venison and ceremony is underscored by Bertilak’s disdain for the “foule fox felle,” notwithstanding the exciting sport in taking it. It is perhaps in this hunt, where we might justifiably expect a hunting of the hare, that the poet best shows his own pluck. As vermin, the point of hunting the fox was to destroy it by any means, chiefly by snaring or trapping it, or by digging it out and bludgeoning it. The fox hunting here par force calls to life the excitement of the winter hunt, when the vert is without its dense cover and the hounds can follow closely.51 Because of the cunning and deceitful repute and stink of the fox, this hunt has, since Savage, been held to cast by analogy a strong moral coloring upon the behavior of Sir Gawain.52 Be that as it may (it is a persuasive reading), of equal importance must be the ambiguous signification of the fox skin, for Bertilak scorches it as a trophy and so even strips it of the moral meaning it could bear as a sign of his protecting his tenants’ livestock from verminous predation. By analogy, the luflace or green girdel, which after this hunt Gawain conceals in the exchange with Bertilak because he must, comprises a trophy of equal distaste. To get caught with a lady’s sleeve is one thing (as Lancelot gets caught by Guenivere having sported the Girl of Escalot’s sleeve at the tournament of Winchester),53 but to get caught with her girdel would be construed as his having possessed her in bed (thus Brünhilt’s undeserved shame).54 Even

51 Cummins, The Hound and the Hawk, 141–6.
hidden, however, it only gains power over Gawain by binding him firmer in guilt and isolation. As a metonymy of the Lady’s encircling sanctuary, offering life and survival as a token of love, its signification as erotic bond is consummated in its function as a snare. As Gawain knowingly states it later, she is the huntress “Þat þus hor knyt wyth þor kest han koyntly bigyled” (2413).

As the action plays out under the Bertilakian gaze, a unified pattern crystallizes in the *assay*, a probe or trial of value, and also a rite distinguishing the English hunting ceremony from the French (see chapter ). In *Sir Gawain* it is instrumental to linking the action in reflexive motifs, for, at various key moments, “assay” signifies the first ceremonial incision in the brisket of deer (1328), the seduction of Gawain (2362), and the hostile undertaking of Haut-desert against the Arthurian court, that is, Morgan la Fée’s *coup* on Gwenivere (476). The authority with which Bertilak assays the venison eventuates in the assay of Gawain’s knightly “larges and lewté” (2381), from the rupture of which spills out the confession and penitence of the Arthurian knight who, so Bertilak, “of alle men vpon molde his menske is þe most” (914). For, the ritual assay of “two fyngeres” of “gres” in the deer is reflected again in the final ax-chop of the Green Knight, which opens the “schyre grece” in Gawain’s neck (2351) and draws blood. This order of reflexes follows from the logic of lordly praxis as it is characterized by Bertilak’s Greenwood- and wildman-woodcraft, together with the quasi-sacerdotal authority he wields over Gawain at the Green Chapel. His act of presiding over the ritual assay and dismemberment of animals is ideologically congruent with his act of assaying Gawain and eliciting proof of the worth (or vestigial “worschyp”) still left in his ruptured heroic subjectivity. Thus Bertilak, in the function of a chivalric priest or judge, receives Gawain’s authentic confession of “cowardyse” in fitt 4, and replies

þou art confessed so clene, bekownen of þy mysses,  
And hatz þe penaunce apert of þe poyn of myn egge…. (2391–2)

It is this, the hunter’s craft to draw off the integuments of skin and enable a forbidden view of the soul’s volatility, or even absence, that constituted a power arousing scorn in Erasmus, who ridiculed the onlookers’ keen and heretical longing to partake of an ineffable spectaculum.

To view the hunt in sequence, the dismemberment gives way to what Tristan called the *prîsant*, by which the fragmentation is reversed, and the dismembered deer is symbolically reconstituted as a butchered simulacrum of its former self to be presented at court. Bertilak singles out the boar for this dignity because he is the only male beast of venery he takes, but only the trophy head is mentioned. The textual question at this point turns to the fees (or rights) of venison, which because of the exchange-of-winnings game are made to function as
trophies. They mark distinction in the group but also bind it through the prospect of feasting and sharing. The venison and the kisses (both of them signs of venery) form an economy of flesh by which trophies are exchanged in kind. In light of the Bertilakian gaze and its power, how does it organize or reorganize, presumably distorting as it does so, the characters’ relationships to each other?

In *Sir Gawain* the homologous sites of hunt and seduction are also sites of personalized production, from which the agreement between Bertilak and Gawain channels the action to an intermediate site, the hall, where the exchange of winnings is made public before the assembled court, staging the ceremony of the field before a dramatic audience in the hall. There Bertilak’s rendering of venison extends the formal distribution of rights and fee to Gawain, thus repeating them in a context that functionally connects the hunting grounds to the lord’s hall. In private space the situation is congruent with Fitz Nigel’s *penetralia*-ideology, but it is ironic in that Gawain’s involvement in the bedroom seemed more on a level with the quarry. Whatever may be concluded about his agency in that exchange, the kisses between man and woman that had proved the integrity subsisting between the knight’s tentative knowledge-of-self and the persona shaped by his reputation as a lover (Gawain having to kiss to prove he was who people say he was) are now tendered to the husband-host to confirm a fraternal *trauþe*—kisses which, by the rules of the game, are tendered in the same delectable kind as they were taken. These homoerotically charged kisses stress the orthodoxy of the Pentangle-knight to its breaking point, as the chivalric subject is riven from an idealized sense of self that had been constituted by numerological integrity, Marian devotion, and an heroicheteroerotic reputation. Now that reputation is a trap, the aegis of the Blessed Virgin is withdrawn, and the breach of word-as-bond obligation to the host, once exposed, promises public humiliation. The *Gawain*-poet’s word for honor and repute, *menske*, underscores how heroic ideology equates a man’s renown, or socially constructed identity, with his very humanity, and so highlights how Gawain’s critical split from it, his loss of face, entails a dehumanizing schism.

Still there is public drama of re-assembly to attend to, and the ritualized

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55 Bertilak’s staging of the exchange is deliberately public: After the deer hunt “Thenne comaunded þe lorde in þat sale to samen alle þe meny / ... Bifore alle þe folk on þe flette, frekez he bede– dez / Verayly his venysoun to fech hym byforne ... (1372, 1374f); “Pay acorded of þe couenauntez byfore þe court alle ...” (1408); after the boar hunt “Pe goude ladyez were geten, and gedered þe meyny ...” (1625).

56 “Til he [i.e. Bertilak] sey Sir Gawayne / In halle hym þoȝt ful longe; / He calde, and he com gayn / His féez þer for to fonȝe” (1619–22; emphasis added).

division of the animal body, like the spatial divisions in fitt 3, is to be subsumed under a moment of ritualized presentation. Through their sharing of raw meat and kisses before the court, each man proffers his day’s “take” as a comparison of trophies, eliciting public measurement and estimation in the very act by which guest matches himself to host in a game of dubious loyalty: “Haf I prys wonnen?” asks Bertilak, showing Gawain the “schyree grece” clinging to the slabs of meat, “Haue I þryuandely þonk þurh my craft serued?” (1378, 1379f.; emphasis added). Here Bertilak’s rendering of the fee, the ritually broken parts of the deer (and later of the boar), assays Gawain’s trawþe, or “true” fidelity between his word and his deed, but as trophies of the hunt they also bear significant qualities of the fetish.

What is masked in this public demonstration in the hall is the risk and violence particular to the discrete spaces of hunting ground and penetralia. That Gawain can even offer kisses unto Bertilak advances a fiction that Gawain was the proactive winner of those kisses, whereas in fact he was more frequently subjected to the Lady’s gaze and seduction. The Lady’s vanishing into the background at the moment of Bertilak’s and Gawain’s union anticipates the hunting lord’s later subsumption of her agency, and such is the effect of her having to perform within a space comprehended within the Bertilakian, occupying gaze. What was entailed in producing those kisses? Bertilak’s hunt ensued with patient license in his game reserve. His Lady, however, stealing into the ambiguous “reserve” of the guest-room, was always on the verge of trespass. Bertilak was able to maintain a clean subject–object transitivity in the seizure of his quarry. But the requirements of the assay necessitated the Lady’s risk of using herself as a lure. Reading by way of her hunting craft—that is, from her subject position as huntress—she must maneuver round Gawain warily. He may, by the third day, have the moral smell of a fox, but as the Lady appears to him willing and disrobed by his bedside, offering her own body as bait, she is positively casting for wolf. Thus the earlier description of her beautiful flesche and felle (943) acquires a new and ominous relevance. As her lord is carving up animals, the Lady entraps Gawain with a knot so binding, luring him with the fantasy of miraculous survival where she could not with flesh, that he rives the Pentangle to free himself from his suicidal troth to the Green Knight.

59 On hunting wolves by baiting them with “flesh,” see Edward of Norwich (closely translating Phébus), The Master of Game, cap. 7.
All these motifs add up to a poem that is highly self-conscious of its own “ritualistic” repetitions, as its cyclical plot structure encompasses one calendar year and it replays feasts, hunts, and encounters before turning its action back to the Arthurian court. To this repetition (a classicizing symmetry) must also be counted the framing remembrance of the siege and assault of Troy, which evokes a romance genealogy steeped in the heroic tradition and reaching back to its mythic heritage through the translatio imperii and studii that carried imperial authority to the west. It is as if the marvelous execution of the Green Knight splits the genre ethoi and unravels the heroic (Bertilak’s hunting) from the romance thread (Gawain and the Lady), only to reconnect them at the assay of “schyre grece” in Gawain’s flesh. The assay elicits proof of the animal in him, the animal that values his own life under the heroic and erotic masks whose formalism obligates him to irreconcilable masters. And the heroic, bound by the ever more subtle and self-abnegating strictures of courtesy, while also having to accommodate the romance license that uses such courtesy to play free with morality, seems destined to break before it changes. These are but poetic reflexes of a cultural pathology of arrested or finally aborted transformation, which is symbolically borne out by the ambiguous and trivializing reception given Gawain upon his confession of shame at King Arthur’s court. Even aside from the “bastard feudalism” of the late-fourteenth century—where demographic and economic trends undermined the old authority of land-tenure, “chivalry” had lost its edge in warfare and for numerous reasons had with ever more exertion to defend its hold on government—ever since the original flourishing of tournaments and Arthurian literature, heightened ceremony and formalism had barely or never sublimated the violence inherent in the honor-culture, and this failure only grew more conspicuous as ceremony was made to compensate for doubt and decline in the material as well as moral authority of the arms-bearing ranks of society. The impulse toward self-revelation and proofing that is manifested in heraldry, tournaments, and (as Tristan and Ipomadon show) hunting factored powerfully into the textualization of these experiences, which refracted in some instances panicked fantasies of control. Bertilak’s quasi-sacerdotal authority as hunting lord must also be understood to manifest just such a fantasy. But the Gawain-poet, for all the care lavished on the hunting detail of the poem, still apperceives the daemonic or feral aura of venery—he embodies it in the green lord whose magic and woodcraft make him powerful and autonomous. They will have had their differences, but the Gawain-poet would have understood Erasmus perfectly well.

60 Richard W. Kaeuper, Chivalry and Violence in Medieval Europe (New York, 1999).
Between 1387 and 1392 a local poaching war embroiled the countrymen of the West Riding of Yorkshire in a feud with officials administering the forests, chases, and parks of John of Gaunt, Duke of Lancaster, uncle of King Richard II. Gaunt, who at the time was campaigning in Spain for a crown of his own, possessed the "finest collection of hunting preserves in England." They were administered like the royal forests, for the palatine authority of Lancastrian lands set them in a class apart. Gaunt was uncle also of Edward of Norwich, and it was for Gaunt's grandson that Edward wrote *The Master of Game*. It is said that Gaunt hunted the last wolf in England. And it was for Gaunt of course that Chaucer wrote *The Book of the Duchess*, with its evocation of the chase of the *forloyne* and the Knight-in-Black's lost hart/heart, to memorialize the "Deeth of Blaunche the Duchesse." The Lancastrian hunting liberties were under siege until Gaunt returned from Spain in 1390, and it was still two years more before the killing was finished.

Poaching with a Vengeance

This event, which evoked a commission of *oyer et terminer* in June 1390 "touching treasons, felonies, murders, homicides, robberies, insurrections and other offenses in John, Duke of Lancaster's lordship and liberty of Knaresburgh and in the forest and chase thereof," came to be known as the Northern Rebellion.

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2 10 March 1390. *Calendar of the Patent Rolls Preserved in the Public Record Office, Richard II vol. 4, 1388–1392* (London, 1902), 270. A further commission of *trailbaston* was to follow in the
of Sir William Beckwith. As J. G. Bellamy has described it, this unrest was neither a reverberation of the Peasant Revolt of 1381 nor a matter of Lollard dissent, but a “feud of the old sort” conducted by Lancastrian ministers and allowed to persist during John of Gaunt’s absence in Spain. According to the Westminster Chronicle, Beckwith had lain claim to a bailiwick or wardenship in the chase of Knaresborough “hitherto held by his ancestors.” But Sir Robert Rokely, constable of Knaresborough castle and master-forester of the chase, awarded the office to a man from across the border, as it were, and Beckwith, embittered and vindictive, retaliated with private war on the authors of his disparagement.

Beckwith attacked first the Lancastrian steward, then his rival in office, Sir Robert Doufbygging. He moved in the company of a considerable following or gang to whom plenty of disaffected people in the neighborhood lent their sympathy and support. Councils and plan-making took place through “unlawful appointments and alliances” that met openly and repeatedly at a “parliament called ‘Dodelowe,’” a clearing in the forest. On Sunday 4 October 1388 Beckwith gathered his people before the castle of Knaresborough and took shots at Sir Robert Rokely, the master-forester. Edmund Doufbygging, son of Beckwith’s rival forester, was maimed in that encounter. In November Beckwith laid siege to Haywrocastell (Haverah), a lodge in the Chase of Knaresborough where Robert the forester was holed up to save his life. Probably it was at this time that they first havocked the park. On Palm Sunday 1389 they ambushed the forester Doufbygging in the metes of the chase as he was on his way to church “to hear divine service.” He got away, but at least two of his followers were chased down and murdered, whereupon the Beckwith people carried out


6 This “parliament” was “held at divers times of the year, in subversion of the law and oppression of the people, disinherison of the said duke [of Lancaster] and loss of life of his ministers.” Calendar of Patent Rolls, 1392–1396, 273.

7 Calendar of Patent Rolls, 1392–1396, passim.

8 Calendar of Patent Rolls, 1392–1396, 551.
a staggering ruin of the vert and venison. In the following July they broke into the forester’s house at Redshaw, smashed 20 marks worth of housewares and took a ceremonial silver-mounted dagger. In the same raid they went out to the common pasture of Knaresborough chase and slaughtered the forester’s livestock (six oxen, seventeen steers, four cows, and fifteen bullocks). In August 1389, again on a Sunday, they went back to the lodge of Haverah and broke into its chambers, destroying 10 marks worth of the forester’s household effects and seizing his silver-mounted horn together with his bows and arrows. By the Sunday after Michaelmas 1389, master-forester Rokely’s son, Edmund, was killed, the park of Haverah was destroyed, its parkers driven out and their dogs slain. Other parks in the chase were also broken and havocked; and beside further occasional murders and kidnappings, there continued an almost incessant massacre of oxen, cattle, horses, and wild animals. But Gaunt’s return was the beginning of Beckwith’s end. A commission of oyer et terminer in 1391 finally drove him and 500 of his people into forest outlawry. By late winter 1392 Beckwith had been slain for blood money.

The conflict polarized most of the county. It drew landlords of West Yorkshire into one party allied with Lancastrian authority, and the rural tenantry into another party, factionalizing along class lines. Bellamy points out that Beckwith’s sympathizers were local men from around Knaresborough, none having committed significant offenses before the feud or after it, and that Beckwith’s force derived “almost entirely from the lower classes of society, menials, tradesmen, land holders of the poorer type with a leavening of clergy and a single manorial official.” The records give no indication of these people’s motivation to support Beckwith, whether material gain, defiance of landlords, outlaw camaraderie, rowdiness, or whatever. Some regional gentry long countenanced the uproar for reasons either of sympathy or trepidation. At stake for Beckwith himself, as for several kinfolk of his who aided him, was the material and honorific gain to be had in the title of under-forester or parker. As the specifics of most events here told are known from letters of pardon, they are framed in the interest of those forces suppressing the revolt, and so touch on the violence only of the grantees (the Beckwith remnants). Any counterstrokes the

9 Calendar of Patent Rolls, 1392–1396, 551. These together bore the value of 40s.
10 Calendar of Patent Rolls, 1392–1396, 552.
11 Bellamy, “The Northern Rebellions,” 258.
12 Bellamy, “The Northern Rebellions,” 261; for above, see also 256 and 260.
foresters took are omitted, and doubtful it is they stood idly by under the brunt of such punishment.

We can be sure it was celebrated as a great victory for Beckwith when he seized his rival’s hunting horn. The qualities of a good horn were of importance enough to Edward of Norwich that he included an original chapter in *The Master of Game* on “how an hunters horne schuld be drive,” unique in the genre. It should be a steer-horn 18 inches long from head to flue (the mouthpiece), curved and tapering, and smoothed out on the inside with a hard “green” wax (presumably to seal the porous interior against the damaging effects of moisture). But Beckwith cannot have cared so much about this horn’s qualities as about its symbolism. Individual horns functioned also as official tokens of forestry, as a warden or ranking forester-in-fee (forester with semi-hereditary land-tenure) would hold in trust to symbolize the authority over a particular forest or park. The forester carried the horn when attending his lord’s hunting, and had to signal on it at the quirré to claim his customary rights of venison (see chapter 3). Whether or not Doufbygging’s horn was an official horn-of-office, Beckwith made it so by pillaging it, together with his rival’s weapons (also emblematic). The symbolic castration implied by Doufbygging’s having lost his horn will not have been lost on his medieval peers.

If it was Gaunt’s absence until 1390 (a key absence in the symbolic order of the hunting grounds) that opened the door to Beckwith’s feud and left his havocking unfazed by the law, there was another disruption in the local order that (it seems) had everything to do with triggering the broil. Be it remembered that the authorities of the Lancastrian forest (in this case, free chase) overlapped with the regional authorities of Yorkshire. The master-forester of Knaresborough chase recruited Forester Doufbygging from Lancastrian domains to fill the office that Sir William Beckwith had an hereditary claim to, and this polarized the community along the lines of class mentioned above, such that the local working people sided with Beckwith. It is not difficult from this point to speculate how it all shook out, given this local-Yorkshire/official-Lancaster dichotomy and mutual animosity. Beckwith, also a local (his family had held the coveted office for generations), probably had the support of the locals because he had a working arrangement with them as to how everyone would get a piece of the pie, as was (in their view) only right. The master-forester Rokeley hopefully had a good reason (graft perhaps?) to insult Beckwith and

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15 McNelis, “The Uncollated Manuscripts of *The Master of Game*,” 233. My thanks to David Roberts for alerting me to the likely purpose of the wax.

16 Bellamy, “The Northern Rebellions,” 261.

17 *Westminster Chronicle*, 442.
dispossess him, because trouble was inevitable when the new forester came in and cut off everybody's venison supply. Surely it came by the “appointments and alliances” endorsed at the Dodelowe parliaments that his condemnation was sealed.

Poaching was a respectable means of trying to push for some equitable balance in areas covered by forest law. Gaunt's hunting privileges were acknowledged without complaint as long as people found a way to get their fair share. (Hence there was no previous history of riot.) People everywhere believed, and with justice, that their being forbidden to hunt was unnatural. It was a matter of luck whether you were bred under the umbrage of forest law (where also your dogs had to be "lawed" by mutilating their feet to keep them from running after game) or you lived somewhere by the common chase where you could hunt. The popular will forever favored the res nullius doctrine of the pre-Conquest era, backed by the likes of John of Salisbury's agreement on the basis of natural law that wild animals on the hoof were owned by no one—a belief which in the Peasants Revolt was voiced as a demand. Short of that, however, a cadre of low-level officials bound to the local community not only by covert exchanges of venison but long-existing ties of cooperation, affinity, or kinship, could help you to get by well enough. For the commons to live without harassment, a public performance of submission was required in which the people desisted from overt hunting and rendered their customary dues, repairing the park pales, providing for winter fodder, playing some rôle in the hunt, and so on. As the rebellion was under way, it channeled pre-existing but covert patterns of exchange in daily life into an economy of vengeance, which compounded the personal motives of the Beckwiths with the community's apprehension that an era of tacit cooperation with the Lancastrian forest officials had reached an end.

Thus the Beckwith Rebellion stands as a medieval precursor to the riotous poaching of the fifteenth and sixteenth centuries studied by Roger B. Manning. Its sharply competitive moments never morphed into anything as elaborate as the rowdy gang-sport replete with jargon and paraphernalia of 200 years later, but Beckwith's feud evinces all the violence of petty warfare that was the real hallmark of early-modern organized poaching. This is one element in which hunting was understood and conducted for purposes of riot, conquest or vindication. (The Baltic Crusades was another, Edward III's marching through

18 Cantor, “Forests, Chases, Parks, and Warrens,” 77.

19 Manning, Hunters and Poachers.

Slaughter and Romance

France with hounds another still.) Hunting has often played a conspicuous rôle in the conquest of domestic and foreign territory.

Poaching in the Realm of King Arthur

There was an anonymous English poet contemporaneous with the Gawain-poet who took a fancy to such feuding violence and wrote it into an Arthurian romance (loosely defined). There Agravain of the Old French cycles comes through this poet’s pen as Sir Degrevant. As a son of the Scottish King Lothian, Sir Degrevant would thus be brother of Gawain and nephew to Arthur and Gwenivere through his mother Queen Belisant; but it matters not a whit, because the Arthurian trappings of lineage and fantasy are stripped from this hard-edged world of honor rivalry. It is a stanzaic romance about a baron’s efforts to restore the balance of justice after an unprovoked attack on his lands, vividly depicting a poaching feud that leaves a huge swath of killings and slaughtered animals in its track. This at any rate is the first cursus of action, for, as it happens, Degrevant’s vengeance leads him to the battlements of his enemy’s castle (the Earl), where he sights his daughter, Melidor; and from that point forward a bride-winning plot directs the action upon Degrevant vying for his beloved’s favor via her chambermaid, his repulse of her magnate suitor, their secret affair, then his marriage to Melidor, and ultimately his acquisition of his enemy’s estate. As a type, Degrevant conforms to that young noble who is skeptical of women and deeply committed to a life of leisure and bloodsport.

He wold be vpp or the day
To honte and to revay;
Gretly yaff hem to pley
Eche day to newe;
To here hys mas or he went
Trewly in gode entaunt,

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23 The Romance of Sir Degrevant: A Parallel-Text Edition from Mss. Lincoln Cathedral A.5.2 and Cambridge University Ff.i.6, ed. L. F. Casson, Early English Text Society o.s. 221 (1970); citations, unless otherwise noted by the prefix L (the Thornton Manuscript, Lincoln Cathedral A.5.2), are from C (Cambridge MS Ff.i.6).

24 For this identification, Casson (The Romance of Sir Degrevant, 116) leads evidence in support of Halliwell, the poem’s first editor.
And seþþe to bowe into þe bente
Pere games ine grewe.
Now to forest he founde,
Both wyt horne and wit hound;
To bryng þe deere to þe grond
Was hys most glew.
Certus, wyff wold he non,
Wench ne lemon,
Bot as an anker in a ston
He lyved ever trew. (C 49–64)

As pious about his hunting as Aelfric’s hunter in the *Colloquy*, and as adamant about hunting and avoiding women as is Walter of Chaucer’s *Clerk’s Tale*, Sir Degrevant faces a rite of passage in which his *desduit* for the hunt shall be translocated to *desduit* for woman. *Sir Degrevant* is thus clearly a poem about medieval venery.

The Earl strikes while Degrevant, like John of Gaunt, is away campaigning in Spain (on crusade). What ostensibly motivates this lord is no more than the “grete spyt” he had of his neighbor’s splendid hunting grounds.

That the Earl sees Degrevant’s parks as “proudeste of prys” (C 192), hence a gross provocation, is motive enough in the heroic world to destroy them. It is basically the same envy (a desire to degrade) that drove Grendel to Heorot, but without the mythology. The Earl rides in and havocks Degrevant’s hunting grounds like he means it, breaking his park paling, slaughtering deer, despoiling the ponds of fish, killing game keepers, and menacing Degrevant’s tenants by destroying their livestock and wagonry (97–114). On his return Degrevant resolves first to “work by þe lawe,” by parley, but his messenger gets a haughty rebuff. Self-help being the order of the day, as in the Beckwith Rebellion,

25 Throughout the poem the word “forest” denotes both woods and hunting reserve, a free chase (for example, Degrevant is said to have “hontede his foreste” (C 515), and the countess asks her lord “haue ye nat parkus and chas?” (C 378)).
Degrevant amasses an army of 200 knights and 300 archers, and awaits the Earl in ambush. Five hundred combatants was the reputed levy also of Beckwith’s following when they were dispersed to outlawry.

Such events characterized the “bastard feudalism” of land wars waged in the fourteenth century between rural households, the actual fighting being carried out chiefly by retinues of hired swords. These private wars generally arose from conflict over the transmission of property; they often took the form of forcibly entering into land, ousting servants, terrorizing tenants and vandalizing or distraining their goods. The Earl’s riotous poaching could not be construed as defensible land recovery because it is too felonious, but it does accord with tactics designed to humiliate a landlord, to harass his subjects and intimidate them into rethinking their loyalties. The Earl’s poaching reflects what Bellamy calls “misbehavior ancillary to the main purpose of entry and ouster,” the point being to “embarrass the party currently seised and cause him to lose face by his failure to protect” his tenants. This would give the Earl a strong ulterior motive, making Sir Degrevant’s contribution to bastard feudalism a vivid dramatization of how hunting could be used as a means of harassment and intimidation. Or, as Manning puts it, riotous poaching was a “symbolic substitute for war,” in which “violence and the readiness to resort to it to defend a code of honour helped to define a person of noble or genteel status and [in its most violent forms] indicates a continuing disposition to actions outside the law and independent of the state.”

But the Earl’s second raid comes to an abrupt end as he strides among the great quirré of Degrevant’s deer, posturing as the “chief chieftain” examining the kill. Degrevant’s army falls upon him and unleashes such chaos and bloodshed

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26 Here and following I return to J. G. Bellamy, though at a different study: *Bastard Feudalism and the Law* (Portland, 1989), 34–56. While these acts were illegal by common law, they could be accepted in equity judgments (so long as they did not amount to felony) as qualified means of land recovery. The crucial factor, the one which English juries considered with favor in granting entitlement to land, was to what extent forced entry, occupation, and distraint conformed to time-honored practices of lordship. Proof of legal seisin could be established by having tenants surrender their rents to the entrant, holding the manor court, selling or burning the woods, taking fealty, letting farms, dismissing the bailiff, and freeing unfree tenants: Bellamy, *Bastard Feudalism*, 43.

27 Bellamy, *Bastard Feudalism*, 51 and 47 respectively.


that the Earl’s host is routed and literally hunted down, their master flying for home with a grievous wound. This same moment of the hunt, the division of rights at the quirré, recurs when Degrevant and his army invade the Earl’s chase and despoil it of his game. They slaughter sixty bucks, draw up pike from the stews and kill the swans, while Degrevant marks fee-deer from the quirré to be sent the Earl. The poet nourishes such an idealized view of Degrevant that the reader is arrested by the irony of this moment. The gesture of sending the Earl his own deer expresses a scorn perhaps unbecoming to Degrevant’s character as the poet has sketched him; yet even if it is true scorn, as if to mock the Earl’s reference earlier to the deer as “bearing no charters of peace,” Sir Degrevant cannot enjoy it because he has already fallen in love.

Degrevant’s exchange of deer with the Earl coincides with an exchange of his love objects, and the hard but transparent logic of hunting and feud yields to erotic intrigue. As in the romances of Tristan, Erec, or Ipomedon, the movement from hunting to bride-winning symbolizes a maturing process in which the object of desire metamorphoses, and the knight’s deer cathexis is exchanged via bitter honor-transactions for a woman of high estate, wealthy, beautiful, and ensconced in her father’s castle. From this point forward hunting proper disappears from the action, but Degrevant’s secret entry through the castle wall, into the orchard, and ultimately into Melidor’s bedchamber (stanzas 40–86), is a trespass calculated to undermine the paternal authority of the Earl in a manner that reflects and extends the Earl’s trespasses of the first cursus. The environs of Melidor’s chamber are watched by a cunning forester, who eventually observes Degrevant’s clandestine entry through the wall and reports it to the steward (1575–84). Again, here chiefly by means of the plot function but also the forester’s surveillance, Richard fitz Nigel’s master trope of the hunt-penetrália comes to mind as Melidor’s chamber becomes a zone of “occupation.” The penetrália ironically bear a strong connotation of violability, alluding to the defilement of Priam of Troy and Pharaoh, and the romance plot of Sir Degrevant retextualizes this homology by counterbalancing the hunting grounds with the daughter’s bedchamber as parallel targets of trespass.

30 Cf. Thiébaux, The Stag of Love, 109; and Rooney, Hunting in Middle English Literature, 93–6.
31 This correlation was long-lived in the minds of those holding hunting reserves. One anonymous eighteenth-century sportsman, for example, made a very similar connection, though on the grounds of sentiment, when he commented on the sporting liberties of the gentry: “To many gentlemen of property, I am persuaded that the affection to their paternal fields is next in degree to the love of their friends and family, or the partner of their bed. What man of sense or sensibility would form a contract of copartnery in the article of wives, or allow to every one of his neighbours all rights and privileges with his spouse, because he had the same with theirs?” From Considerations on the Game Laws in Answer to a Pamphlet Intitled, The Present State of
The spoils-of-the-hunt motif returns when Melidor secretly admits Degrevant into her once taboo penetrale, or “chaumber of loue” (1439; cf. 797–9). She feasts him with a shoulder of wild boar, haslet, rabbit, and pheasant (1409–24), and regales him with “murþus” such that together “þei sleye care” (1438–40). Melidor’s offering of venison cannot hold the poet’s eyes on the repast only, for all of her sanctuary is presented to the reader’s view like a tabernacle of a noblewoman’s imagination and breeding. A vaulted interior inset with icons of biblical and patristic fathers architectonically reflects a cosmic hierarchy of heavenly beings and classical auctores, including a clock and her azure canopied bed, which is adorned with parrots, figures of perfect lovers, and choice escutcheons (1441–1520). But now Degrevant wants to know when they will be going to bed. The lovers conduct their courtship in such an adversarial posture to the Earl that their union in a sense sublimes the wanton violence of the poaching feud so long as that feud goes uncomposed. Melidor promises Degrevant her body only upon their marriage; in the meantime, she accepts him into her bed to assay his commitment and self-restraint. We are left aware of the two lovers bundling secretly together for about a year in a kind of chaste transgression. Melidor may bear scant regard for the “law of the father,” but her will to preserve her sexual integrity acknowledges the Earl’s honor no less than her own. Ultimately, Sir Degrevant shares with other medieval romance the narrative fact that, as Susan Crane has pointed out, “courtship appears a secondary formation, a palimpsest text which overwrites masculine relations without fully obscuring them.”

In sistently chaste, Melidor finally forces the issue between Degrevant and her father the Earl by threatening to starve herself—which self-abnegating mediation results in a successful reconciliation between the men, a bestowal of the daughter, and hence a massive augmentation of Degrevant’s lordship. The subsequent pomp and transmission of wealth to Degrevant, which the minstrel-narrator describes without mention of Melidor, seems almost tailored to Eve Kosofsky Sedgwick’s characterization of the homosocial bond, notably as it captures the schismatic experience of women as objects of exchange and as means for the realization of male couenaunt (as the Degrevant-poet might have phrased it). Poaching and “bride-winning” prove to have this much in common, that if the connection between men in the romance world of Sir Degrevant (as no less in Sir Gawain) is “embodied in its heterosexuality …,” as Sedgwick


32 Susan Crane, Gender and Romance in Chaucer’s “Canterbury Tales” (Princeton, 1994), 39.
observes regarding cuckoldry, “its shape is not that of brotherhood, but of extreme, compulsory, and intensely volatile mastery and subordination.”33 The men’s caustic feud, for which Degrevant made his rival pay a price high in blood, cannot be erased as “the 3orle and he hade keste, / And to chaumber þei wende” (1819–20). Melidor, like the Lady of Hautdesert, both of them huntress and quarry alike, becomes so nondescript as to vanish—vanishing as the deer that are “incorporated” into the body of heroic society at the feast of venery.

The Game Law: Enclosing the Desduit des Gentils

To deter poaching, riot, and whatever else might be done “under color of hunting” to violate the hunting grounds of nobles—this was the authorities’ argument for the law that brought the ancient common chase of England to its end, the “game law.”34 Introduced as a plea of the Commons in the Westminster Parliament of 17 January to 2 March 1390, about one-half year after King Richard had reassumed his regality, it became law in the first of three statutes issued by that assembly, one measure of several adopted to address public disorder pursuant to the creeping “bastardization” of feudal relationships.35

A more virulent nuisance than poaching was liverys. These had become a factor confounding the rule of the Lords Appellant following their coup against the king’s inner circle in the Merciless Parliament of 1388. The nobility, whose ambitions and feuds abetted chaos by beefing up their households and aggravating conflicts of loyalty among their retainers, prolonged livery abuses that the parliamentary Commons sought to curtail. Sir Degrevant, dispensing with the trappings of Arthurian fantasy, seems dedicated to mimetically depicting just such warfare between rival houses. As the Monk of Westminster saw it, the Appellants’ policy of dealing with livery issues through the law courts instead of legislation was in error.36 The Appellants lost popular confidence in their

resolve and, compounded with their diplomatic failures, their ability to govern for the peace of the realm.

Which failure opened a window of opportunity for Richard to reinstate his authority beginning in May 1389. As Anthony Tuck explains,

In 1389–90 the king may have been looking for a new power base among the knightly class. His policies towards both taxation and retaining were calculated to appeal to that social group. By implementing a programme which was attractive to them, he hoped to prevent their alliance with the nobility which had led to disaster in 1386 and 1388.37

Key to Richard’s approach to the Commons was the policy on public order that he pursued between May 1389 and May 1390. As Paul Strohm has described it, Richard’s policy entailed his adopting an array of stances, first as a mediator between the Appellants and the Commons, then as an enemy of the associative forms so widely capitalized upon by the nobility, then as an exponent of reform.38 The Westminster Parliament of 1390, falling midway in the course of the king’s conciliatory efforts, offered a favorable moment to set forth grievances and wishes dear to the esquire landholders who constituted its Commons. Besides reaching a compromise on liveries in the third statute to be issued, their petition for confirmation and procedural clarification of the statute of 12 Richard II (providing for the fixing of rates paid to artificers and laborers) was ratified into law, as was their plea newly to regulate the measures and weights for wool and cloth.39

Enter the game law. Figuring among the king’s conciliatory boons to the Commons, it became a benchmark in the history of hunting legislation.

Item, Forasmuch as divers artificers, labourers, and servants, and grooms, keep greyhounds and other dogs, and on the holydays, when good Christian people be at church, hearing divine service, they go hunting in parks, warrens, and connigries of lords and others, to the very great destruction of the same, and sometime under such colour they make their assemblies, conferences, and conspiracies for to rise and disobey their allegiance; It is ordained and assented, that no manner of artificer, labourer nor any other layman, which hath not lands or tenements to

Hunting Law and Ritual in Medieval English Literature

the value of 40s. by year, nor any priest nor other clerk, if he be not advanced to the value of £10 by year, shall have or keep from henceforth any greyhound, hound, nor other dog to hunt; nor shall they use fyrets, heys, nets, harepipes, nor cords, nor other engines for to take or destroy deer, hares, nor conies, nor other gentlemen’s game, upon pain of one year’s imprisonment; and that the justices of peace have power to enquire, and shall enquire of the offenders in this behalf, and punish them by the pain aforesaid.40

The wording here purposely awakens anxiety about unlawful association, using the terms of covinage to invoke the notorious problems arising from “bastard forms” of retaining and indenture.41 Covinage was no fiction, of course, as the devilish trick of breaking into parks and warrens while their owners and gamekeepers were at church clearly emerged as a pattern in the Beckwith Rebellion, which had been holding its “parliaments” since 1387 or thereabouts. The criminal behavior the game law addresses consists in people roaming around the common chase with their hounds and hunting tackle, pretending to be hunting in public space but actually lying in wait for the chance to join forces and havoc somebody’s park or warren—a perfectly plausible thing to be doing wherever the game is best. Such folk will not so much be hunting the deer as “destroying” them. The king had this to say about the plea.

Le Roy le voet: Ajouste a ycelle, leeces et furettes, haies, rees, hare-pipes, cordes, et toutz autres engynes pur prendre ou destruire savagyne, leveres, ou conyelles, ou autre desduit des gentils.42

The king assents and appends this to it: leash-snares and ferrets, hay-nets, drive-nets, hare-pipes, lines, and all other devices for capturing and killing wild beasts, hares, rabbits, and other game of the gentle.

41 A battery of measures invented to delimit the freedom of laboring-class association already existed in those laws under Edward III designed to control wages, restrict the practice of multiple trades, and prohibit “alliances and covines” etc. formed by apprentices to counter the will of their masters (see e.g. 25 Edw. III, stat. 2, cc. 3–4; 37 Edw. III c. 6; 34 Edw. III c. 9). The controversies of the 1380s over riot, liveries, and guilds gave this discourse free reign. More recently bearing on the context here are the measures of 12 Richard II against the unmonitored passage of laborers and workers overland, prohibiting their carrying weapons, and forbidding them from playing games like tennis, football, coits, dice, and “suche other plaies uncovenable” (Statutes of the Realm vol. 2, 57). See also Frances Elizabeth Baldwin, Sumptuary Legislation and Personal Regulation in England (Baltimore, 1926), 56–8, 70f.
42 Rotuli Parliamentorum, 3:273.
Thus the law’s assertion that deer, hare, rabbits, and more were desduit des gentils, no matter where they roam, was the king’s rider. The exact economical demarcation of this hunting class does not redefine pre-existing social boundaries, as a threshold of 40s. was too low to outline anything like the lower rank of the gentry. Furthermore, the point about the desduit des gentils was irrelevant to the problem of covinage, but just as inimical to the ancient liberty of the common chase as the royal forest had been at its beginnings. Without the comparable precision of the classifications of beasts of venery, beasts of chase, or beasts of the forest or free warren, the game law for the first time drew a class-defined boundary of hunters marked by access to a new and all-encompassing classification, the desduit des gentils, game high and low which henceforth would be taboo even in the common chase.

The great spectre lurking behind these proceedings was the violence directed at hunting privileges in 1381. There riot had attended the call for liberty and hunting rights. Thomas Walsingham, a monk of St. Albans, relates how the monastery’s tenants listed their old grievances in the June rebellion in London, and sought

the aims they had long secretly desired: namely to have newly defined boundaries around their town within which they might pasture their animals freely; to enjoy fishing rights in various places without dispute; to possess hunting and fowling rights in certain places and to be able to erect hand-mills where they pleased and as they wished.

At St. Albans the uprising took forms of “impious assembly” and oath-taking, burning buildings, and hunting madly through the small-game warren finally to hoist the quarry on a staff over the pillory in the vill “to signify the liberty of the warren thus seized.” The highest-stakes confrontation was to take place at Smithfield, where the rebels headed by Wat Tyler faced off against King

43 Rather, the prescription of a £10 minimum for the clergy is, as it were, on the money. See Noël Denholm-Young, The Country Gentry in the Fourteenth Century: With Special Reference to the Heraldic Rolls of Arms (Oxford, 1969), 23; and Nigel Saul, Knights and Esquires: The Gloucestershire Gentry in the Fourteenth Century (Oxford, 1981), 225. On the point of class dichotomy with respect to the game law, see Manning, Hunters and Poachers, 60.

44 Stephen traces the pretext of the game law to 1381 (History of Criminal Law in England, 3:277), as does Manning (Hunters and Poachers, 57).


Richard and the Mayor of London. “The rebels petitioned the king,” recounts Henry Knighton,

that all preserves of water, parks and woods should be made common to all: so that throughout the kingdom the poor as well as the rich should be free to take game in water, fish ponds, woods and forests, as well as to hunt hares in the fields—and to do these and many other things without impediment.47

The Anonimalle Chronicle reports the rebels’ last demand as a call to raze the social hierarchy, “that there should be no more villeins in England, and no serfdom or villeinage, but that all men should be free and of one condition.”48 Whether in fact both these claims were made together at Smithfield (the chronicles are not unanimous on the point), will have done nothing to thwart the propensity with which the hunting élite readily thought of popular demands for hunting rights in terms of belligerent social radicalism. The political issue of hunting rights even to the late fourteenth century materialized thus with a violence comparable to the controversy surrounding the royal forests in the thirteenth century, except that here the theme is common hunting. In St. Albans and Smithfield there is already a sense—it sounds almost of desperation—that the nobles’ hunting liberties were constricting the common chase beyond toleration.

Now the game law struck at the heart of common hunting, outlawing it once and for all in name and act. For the first time in England, hunting as a practice was declared an exclusive preserve of the “gentils.” Whoever was really meant by this distinction remained a vagary. As Sir Fitzjames Stephen put it, the game laws established “the privilege of a class at once artificial and ill defined.”49 Forasmuch as the game law created a new class of poacher at large everywhere in England, and gave rise to a huge and tangled branch of legislation that was to eventuate in the infamous Black Act,50 it defined no measure of punishment nor established a mechanism to enforce it. Violence remained focused on game reserves, while for the next centuries violations were handled with arbitrary rigor. The king’s forester was superseded by the rich man’s gamekeeper, who acted the scourge to the common hunter’s pursuit of game.51

47 From the Chronicon Henrici Knighton, in Dobson, The Peasant’s Revolt, 186.
50 Thompson, Whigs and Hunters.
51 Kirby, “The English Game Law System.”
As this book has sought to show, since the Norman Conquest and the advent of the royal forest, the conventional means used to suspend common hunting rights and invest them in individuals to the exclusion of others had been to obtain a hunting franchise from the king in the form of free chase, park, or free warren. These game reserves were defined topographically with varying degrees of clarity in their demarcation, but they were all contained within spatial limits that could be effectively imposed over the contours of the land. They were legal sanctuaries within which the hunting could be privatized. Beyond their limits stretched the common chase wherein hunting followed custom, not law. The radical novelty of the game law of 1390 consisted in how it redrew the boundaries of exclusion. Whereas hunting reserves marked the difference between licit and criminal activity according to topographical criteria and the kind of game taken, the game law drew a boundary at a point contrived to mark a level of nominal or performative gentility in the social hierarchy below which the greater part of the hunting public was to be disenfranchised. The game law, in the words of Sir William Blackstone, was the “bastard slip” that sprang from the root of forest law, growing as an illegitimate offshoot of the royal prerogative. As with a “bastardization” of the feudal idea at work in associational forms, by which land and money underwent re-evaluation as sources of material and symbolic capital, the hunting field was no longer defined by land per se or by the range of specific beasts, but by a new order of “beasts of venery,” namely gentils with over 40s. a year. With mordancy Blackstone observed that, whereas of old “the forest law established only one mighty hunter throughout the land, the game laws have raised a little Nimrod in every manor,” John of Salisbury would have heartily agreed.

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Conclusion

There can be no hunt worthy of the name without law and custom; it is a fact apprehended as much by practical consideration as by the imagination. And there was a history to practice and imagination.

In the heroic fantasy of a world opened to the vistas of wayfaring and exploit, the warrior’s prowess directed its energy upon the kill, the physical and symbolic conquest of aurochs, boar, and hart. The ideal of an egalitarian warrior-dom scorned any man’s claim to the pre-possession of game by right of privilege. The free-capture hunt presented both law and ideology in support of the heroic ideal, no matter how nostalgic.

Yet the slow but inexorable centralization of power, together with the priorities it set on land tenure, established hierarchies on the hunting field that disprivileged men of the free-capture folkrights of old. The hunt became so symbolically valuable that it was regarded a resource to be restricted, even monopolized. The royal forests and their “bastard slips,” hunting reserves and game laws, thus firmly related hunting to territory that bore a kind of personalized imprint. The king’s hunt figured as a translation of Carolingian imperium to England; the royal forests were stocked with fallow deer brought from the Mediterranean.

Fostered by the royal court, the legally underwritten value of the hunt spurred the elaboration of hunting arts, which flourished in conjunction with the rise of chivalry and its spectacles. It was Tristan, the iconic hunter of legend, who underscored the need for chivalric differentiation in the hunt when he was imagined in romance to reject heroic-age butchery in favor of a courtly protocol that focused attention upon how to handle the body of fallen game. The knightly hunter’s skill in using jargon and dismembering the carcass was held to exhibit nobility in knowledge, grace, and discipline; that is, it revealed keys to social identity.

In the fourteenth and fifteenth centuries, textual renditions of the craft, both technical and poetic, came to be factored into efforts to differentiate and define identities marked by national character and literacy as English writers asserted a vigorous independence from their French chivalric foundations. The parforce hunt on deer and hare, as later on the fox, became so thoroughly tied to English identity as to provoke comment by foreign observers for centuries to come. And to the English themselves the hunt and its law comprised a register by which to know one’s fellow man; for when Malory declared that Sir Tristram gave the means whereby to “discever a jantylman frome a yoman and
a yoman frome a vlayne,” he had the game laws and their social classifications to rely on. These at last turned all England into a game reserve in which, by law, the majority of the realm’s hunters must needs be classed as poachers.
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