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Robin Hood's Complaint:  
Tithes and Agrarian Theology in Early Modern England

For what in wealth we want, we haue in flowers,  
And what wee loose in halles, we finde in bowers.  
*The Downfall of Robert, Earle of Huntington*

Whatever your image of Robin Hood, suspend it, because it will most likely not match with the representation of him in the texts I will be discussing in this paper. While certain elements of the myth—wearing green, living in the forest, skill in archery—are associated with the earliest articulations of the Robin Hood myth, ‘robbing the rich to give to the poor’ does not feature. Indeed, I will suggest in this paragraph only, since it lies out of the purview of my paper proper, that the image of Robin Hood as the proto-marxist redistributor of capital occurs in alongside the eighteenth-century enclosures and the Reform movements in the early nineteenth century. He emerges there as the terribly Romantic figure in our memory—living on the margins of society while still seeking to correct its severe economic injustices against the poor. But in the sixteenth century, the earliest printed texts establish Robin Hood as a rather different figure from the one who lives in our cultural knowledge (and our films and TV). As one example of this difference, there is a definite, pervasive religious landscape anchoring these early versions, though the texts resist an exact sectarian reading.<sup>1</sup>

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<sup>1</sup> Interestingly, the new BBC version of Robin Hood, which aired in the fall of 2006 in the UK and is now being playing on BBC America, uses Robin Hood's traditional setting during the Crusades to its fullest extent, in which prisoners from the Holy Land are brought back to England to provide free labor in the mines. That particular episode includes a starry-eyed Robin quoting the Koran and Much's superstitious and laughable Christianity—religion therefore has found a place in this newest articulation of the tale, but it's an appropriately

Indeed, this religious consciousness will be the focus of this paper, but through the lens of church economy and the meaning of the agrarian religious community in the sixteenth century. In particular, I will consider the performance of forgiveness as a potent unifier of the community, both in church ritual and in theatre as it plays out in three texts in particular: *The Book of Common Prayer*, *A Merry Iest [Gest] of Robin Hood*<sup>2</sup> and Henry Chettle and Anthony Munday's 1601 Robin Hood play, *The Death of Robert, Earle of Huntington*.<sup>3</sup> While the *Gest* was composed around 1450 and enjoyed a prodigious printing history in the sixteenth century alone, *The Death* and its (earlier) companion play, *The Downfall of Robert, Earle of Huntington*,<sup>4</sup> are products of the late Elizabethan stage, with performances probably in 1598 and printings in 1601. As such, they are consonant with other plays from the time period in their concern with lineage, history, performance, and the economics of late sixteenth-century England.

But these plays demonstrate the theological consciousness of the century, as does the *Gest*. The concept of forgiveness is the cornerstone of communal unity in the *Book of Common Prayer*, forming an integral part of the Church's theology as such, and a part of rural parish theology in particular. Theology and land issues both are deployed in the Robin Hood tales revealing the tensions in early modern uses of religious property. In turn, the economic relationships they engender inform texts like the *Book of Common Prayer* and the Robin Hood tales. In each of contemporary religious landscape.

<sup>2</sup> [Anonymous] London, 1590 (STC 13692). This text has at least eight sixteenth-century printings, beginning in 1500. For the purposes of this paper, I used a late version of this text in order to determine if the Reformation and the putative expulsion of Catholicism from England had any effect on the tangibly pre-Reformation language of the poem. The changes are minor and are probably type-setting errors rather than rewritings; the language has not been changed, including the poem's numerous references to 'Our Lady' as well as the remark that Robin Hood heard three masses a day.

A 'Gest' is a genre category for early French and English verse stories which tells of the noble deeds of the main character. (OED, defs 1 and 2).

<sup>3</sup> London, 1601 (STC 18269).

<sup>4</sup> London, 1601 (STC 18271).

these texts, unity/commonality and class order (which play out against church corruption) are created rhetorically.

### ***Sixteenth-Century Robin Hood***

Much of the criticism written on the early modern Robin Hood legends is one of two types: it either tries to establish whether or not Robin Hood was a real person, or it is concerned with the numerous sources for the stories, finding how they are connected, which came first, and which elements of one influenced or made their way into the others. This criticism, which is eminently useful for establishing the different thematic lines of the legend, where they intersect, and how they influence later parts of the tradition, is still a mainstay of Robin Hood criticism. I want in this paper to do something different—rather than consider the intricate intertextuality of the (many) different Renaissance texts of Robin Hood ballads, plays, chronicles, and *Lives*, this paper shall take seriously the commentary in the Robin Hood texts on the state of the early modern church.<sup>5</sup>

There are several fragments, ballads, printed texts, and May games associated with Robin Hood that are extant from the sixteenth century and earlier.<sup>6</sup> Some are telling little snippets in Chronicles, some are ballads that have never gone out of print. These tend to be episodic and are the sources for the largely conventional stories, such as his meeting with Little John or his battle with the Curtal Friar. Even Shakespeare contributed to the body of references. In the pastoral

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<sup>5</sup> Sometimes, even the sincere statements about religion are not taken seriously. Writing about Robin Hood's desire to leave the forest and go to Nottingham in order to see the lifting of the host during the communion service, one critic writes that such a trip would be a 'quixotic and dangerous act in the service of some impractical ideals', rather than acknowledging the central importance of seeing the host in the liturgical life of traditional services. Derek Pearsall, 'Little John and the ballad of Robin Hood and the Monk', in Phillips, 44. See Eamon Duffy, *The Stripping of the Altars*.

<sup>6</sup> There are several literary histories and collections of criticism that trace these texts: Stephen Knight, *Robin Hood: A Complete Study of the English Outlaw* (Oxford: Oxford University Press, 1994); Helen Phillips, ed. *Robin Hood: Medieval and Post-Medieval* (Dublin: Four Courts Press, 2005); Malcolm A. Nelson, *The Robin Hood Tradition in the English Renaissance* (Salzburg: Institut für Englische Sprache und Literatur, 1973); Lois Potter, ed. *Playing Robin Hood: The Legend As Performance in Five Centuries* (Newark: University of Delaware Press, 1998).

drama *As You Like It*, a character notes in the first scene of the play that the old banished Duke

is already in the forest of Arden, and  
a many merry men with him; and there they live like  
the old Robin Hood of England: they say many young  
gentlemen flock to him every day, and fleet the time  
carelessly, as they did in the golden world. (1.1)

Here there is no reference to the outlaw, merely to his greenwood living. In Shakespeare's play, the banished Duke's 'court' in Arden follows the natural seasons of the environment and the men live off of the land in an idealized vision of the pastoral world: even in the winter, there is no inequality or suffering.

One of the most striking differences between the early versions of Robin Hood and how later centuries have romanticized him comes with the genre to which the stories belong: the early developed texts (not including most of the ballads) are tragedies, or at least, conclude with the death of Robin Hood. In both, the texts and their religious context can help make sense of his death because Robin Hood is killed at the hands of members of the church hierarchy—a Prioress in the *Gest* and a Prior in the *Death*.

The *Gest* tells the story of how Robin Hood saved an impoverished knight from having his lands confiscated by his guarantors, led by the Abbot of St Mary's. Robin loans the knight the money (?400) in order to repay the Abbot, which, when the knight meets with the Abbot, he claims not to have in order to test the Abbot's courtesy. The Abbot refuses to forgive the loan and is about to confiscate the lands when the knight gives him the money borrowed from Robin Hood. Later, through various (harmless) tricks, Robin Hood is able to collect ?800 from a monk of the Abbey traveling through the forest. When the knight returns to repay Robin Hood, not only does Robin Hood refuse the money (forgives the loan) but he gives an additional ?400 to the knight, so

that the knight ends up ?400 richer, and Robin Hood's coffers stay the same. The Church, however, has taken quite a blow, both a testament to the wealth of the Church and the inability of the clergy to abide by civil codes of courtesy which cohere the community.

Practically tacked onto the end of the *Gest*, Robin Hood meets his death,

Through a wicked woman,  
The prioresse of kirkesley  
That nye was of his kinne,  
For the loue of a knight  
Sir Roger of Dankastre.  
For euill mote they thee  
They tooke together their counsaile  
Robin hood for to sley:  
And how they might best doe that deed  
His banes for to be.  
Then bespake good Robin  
In place whereas he stood,  
'Tomorrow I must to kirkesley  
Craftely to be letten blood'.  
Sir Roger of Dancastre  
By the prioresse he lay,  
And there they betrayed Robin hood  
Through their false play. (G3v-G4r)

While it would seem apparent that he is bled to death, the 'false play' of the couple also resides in their sexual relationship; a sexual religious is always a sign of the hypocritical and/or treacherous Catholic church. It is also possible to argue that Robin perhaps knew what was in store for him: the choice of the word 'craftely' can mean either 'skillfully' or 'cunningly' with its attendant treacherous undertones. Robin's awareness of his death is heightened in other version of this story:

And first it bled, the thicke, thicke bloode,  
And afterwards the thinne,  
And well then wist good Robin Hoode  
Treason there was within.<sup>7</sup>

<sup>7</sup> From the ballad 'The Death of Robin Hood', quoted in Nelson, 12.

That he bleeds to death is significant for a spate of reasons, not the least of which is the connection to the martyrs who always shed blood at their deaths, in order to link them to Christ's own death (indeed, the reference to the thick blood and then the thin blood running out after replicates the scriptural portrayal of Christ's death).

Chettle and Munday's *Death* also links Robin Hood's death with blood, though in a less explicit way, since there, Robin Hood is poisoned. Structurally, Chettle and Munday's companion Robin Hood plays are unconventional. *The Downfall* begins with Robin Hood's betrothal to Matilda, daughter of a nobleman. At the feast celebrating the event (a sort of engagement party), Robin Hood is denounced as an outlaw because he is in debt, and must escape from the company who have come to arrest him (he does so successfully). We find out later that he has been set up by his uncle, the Prior. Robin and his men live in the forest, and Matilda lives with them, only Robin now insists that she will be called Marian as a signifier that they have not had and will not have sex until their marriage:

she liues a spotlesse maiden life:  
And shall, till Robins outlawe life haue ende,  
That he may lawfully take her to wife;  
Which, if king Richard come, will not be long:  
For, in his hand is power to right our wrong.

The return of the king peppers the middle section of the play with expectation as Prince John eventually usurps the throne. The rest of the play is composed of different episodes involving disguises, the Queen's love for Robin Hood, and Prince John's lust for Matilda, etc. The play ends with King Richard coming to the forest, forgiving Robin Hood his outlaw status, and he enters Robin's bower at the end of the play with all things reconciled—but not a return to the site of

the court, but still in the liminal space of the forest where Robin Hood will be betrayed at the start of the next play.

*The Death* opens with a hunting scene—an important property moment because the lands are the king’s (a similar moment occurs at the end of the *Gest* when Robin Hood returns to the greenwood and kills a deer—perhaps illegally, but then, since he is beloved of the king, is there a consequence?).<sup>8</sup> The death of Chettle and Munday’s Robin Hood occurs very early in the play, with the final four acts of the play composed of the tragedy of Marian. The third scene of the play opens with a conversation between Doncaster and the Prior, who is Robin Hood/Huntington’s cousin who stands to inherit his title and lands if Huntington were to die. After the hunt, Robin Hood must provide entertainment and repast for the king who is hot and thirsty. The Prior generously offers to help with the refreshments: ‘Unto your cheere, Ile adde a pretious drinke, / Of colour rich, and red, sent mee from *Rome*’. Now, this description would be an automatic red flag to the audience, for, no matter how close to traditional religion some of the English stayed, Rome is always the seat of a threatening papacy, and one would not want to partake of a red drink from there, no matter how precious; this poison is easily seen as an inversion of the blood of Christ. Italy is also closely connected to poisons in the Tudor imagination, and the audience knows that it is poison because of conversation between the Prior and Doncaster: their plan is to have Robin give it to the king and then be tried for treason. However, Robin Hood drinks the poison first and dies after a long scene which must resolve the problems the play has dramatized up to that point.

In both versions, his death occurs not in battle, but at the hands of perhaps the arch-

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<sup>8</sup> The poaching scene is a stock opening scene in most Robin Hood filmic and TV versions, with Costner’s film an exception—it opens in Jerusalem in the Crusades, but the first scene that takes place in England is indeed a poaching scene. Such scenes are important because poaching literally marks the space where starvation could be fixed, but the means by which that would happen are privately owned.

nemesis of the landed gentry: the Church. The theological nature of Robin Hood's death is also economic, as subsequent sections of this paper will argue. Particularly striking in the *Death* is the fact that Robin Hood forgives everyone of their (sometimes shockingly heinous) sins before he dies from the poison. Before I come back to the text, however, I want to look at the larger question of forgiveness and what it accomplishes in the theology of the sixteenth century.

### ***The Body of Christ / The Theology of Forgiveness***

Ludovico Viadana's setting for the St Luke Passion (ca. 1620) illustrates the centrality of Christ's body in Catholic Christianity. The scripture is sung *a cappella* with the different speaking parts assigned to different singers and the whole choir singing the part of the assembly before Pilate. The Evangelist (narrator) sings mostly stock musical lines which are repeated through the piece depending on the length of the textual line. One might expect the music to change with the actual death of Christ on the cross, to set apart *that* moment in the text—but it does not. However, at the end of the piece where the Evangelist sings of the body being taken down and given to Joseph of Arimathea for burial, the music changes considerably: the words are musically decorated and the passage is set apart from what has come before through the distinct change in how the Evangelist's voice represents the event. The preservation of the body of Christ becomes the most important theological element of the entire passage, emphasized by the lightness and sweetness of the music.

Perhaps this moment in the piece is set apart because Ludovico was an Italian Catholic church composer; it is an important gesture toward transubstantiation, the moment when the bread and wine served in the mass becomes the body and blood of Christ according to Catholic doctrine. Theologically speaking, the death of Christ signifies the forgiveness of the sins of those who believe in him; the commemoration of the death solidifies one's membership in a community of



believers, both in terms of a larger spiritual ‘church’, but in a parish congregation as well. As Eamon Duffy writes in *The Stripping of the Altars*, ‘the language of Eucharistic belief and devotion was saturated with communitarian and corporate imagery. The unitive theme was not simply a device in the process of the establishment of community or the validation of power structures .... The Host ... was far more than the object of individual devotion, a means of forgiveness and sanctification: it was the source of human community’.<sup>9</sup> This is true in sixteenth-century England even when transubstantiation is no longer part of the formal theology of the Church of England; the Eucharist service is still central to the community and rites of the congregation.

Duffy and other historians such as Christopher Haigh point out that the sixteenth century is a process of resistance to and then some acceptance of the particularities of Elizabethan Protestant legislation. They argue, though, that traditional religion never truly disappears (the Laudian practices of the early seventeenth century testifies to this also), and that ‘adherence to the prayer-book became the one way of preserving such observances’—a somewhat subversive use of a document meant to reform the very rituals that nevertheless still existed in loopholes. Even the very title of *The Book of Common Prayer* shows the concern for standardized worship throughout the realm. The first prayer book was issued under Edward in 1549 and does not seem very reformed—it still referred to the Eucharist as the Mass, a term not repeated in subsequent prayer books. Significantly revised in 1552, the second edition seems heavy-handedly Protestant in comparison. The 1559 Elizabeth prayer book kept intact many of the changes of the 1552 prayer book and, with the only changes being references to the ruling monarch, remained the standard text

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<sup>9</sup> Eamon Duffy, *The Stripping of the Altars: Traditional Religion in England 1400-1580*. (New Haven and London: Yale University Press, 1992 [2005]), 92-93.

for the foreseeable future.

The prayer book contained not only prayers (collects) and the liturgical calendar of scripture readings and holy days, but also laid out the format of various church ceremonies such as funerals, the churching of women after childbirth, and the sacrament of baptism. The prayer book also regularized how the Eucharist service was performed. At issue in the increasing reforms of the sixteenth-century church were the words said at the consecration of the host, because transubstantiation was a litmus test of papist sensibilities throughout the century.

The reason the Eucharist is important is because, at least in terms of the rhetoric of the prayer book, Christians take the body of Christ as a sign that they have been forgiven; those words surround the Eucharist service and particularly the institution of the sacrament. The prayer book manifests a huge amount of consistency across its different versions, but the words of the institution (of the Eucharist) were a contested place in the early editions along with the words that are said as the host is being offered the people. While there was controversy about whether or not parishioners were given the sacrament in both kinds, the prayer book makes provision for it, and these words show the clearest track from a transubstantiated version of the words in the 1549 prayer book, to the completely memorial one in 1552, to the compromise both/and of the 1559 Elizabethan prayer book.

According to the 1549 prayer book, these are the words to be said by the priest to the communicant when he or she is handed the Eucharist: ‘The body of our Lord Jesus Christ whiche was geuen for thee, preserue thy bodye and soule vnto euerlasting lyfe. The bloud of our Lord Jesus Christ whiche was shed for thee, preserue thy bodye and soule vnto euerlastynge lyfe’ (P5v). For the 1552 revision, note that the language has shifted from the theology of

transubstantiation to a wholly symbolic and commemorative remembrance: ‘Take, and eate this, in remembraunce, that Christe died for the, and fede on him in thine hart by fayth with thankesgiuyng. Drinke this in remembraunce that Christes bloudde was shedde for the, and be thankefull’ (R4r). In the Elizabethan one, however, that language is combined and there is room for the communicant to believe that what they receive is the body of Christ, or they can simply call to mind the crucified body of Christ: ‘The Body of our Lord Jesus Christ which was given for thee, preserue thy body and soule into euerlasting life: and take and eate this in remembrance that Christ died for thee, and feede on him in thine heart by faith, with thankesgiuing. The Blood of our Lord Jesus Christ which was shed for thee, preserue thy body and soule into euerlasting life: and drinke this in remembrance that Christs Blood was shed for thee, and be thankefull’.

This moment in the church ritual is a sort of revels moment, in which the people become part of the service in a corporal way—there is a community created even though participation is also an act of individual devotion. As a group, the parishioners have a point of physical contact with the priest, with an area of the church that they must only pass through rather than stay in, and with the power of the priest to create the body of Christ, or, if not the body itself, then with that sacramental moment that used to contain the body of Christ and is now associated with commemoration. But the handing out of the host is an interesting part of the performance because an object is identified in the discourse which is repeated each time it is offered in order to constantly reiterate its symbolic meaning. It is a sort of speech act, but it reinforces the speech act that has come before it (the transubstantiation). And interestingly, if the sacrament is only done for remembrance, then there is no speech act required because the ‘remembrance’ takes place inside the communicant’s head, generated there by that person alone rather than the priest who

transubstantiates.

In the act of devotion, a certain spiritual community is created, but the prayer book makes additional provisions for guaranteeing the actual community by giving the celebrant the ability to police his parishioners and control their access to the Eucharist. These are instructions in the prayer book printed before the start of the Eucharist ceremony (they aren't read aloud):

And yf any of those be an open and notorious euill lyuer, so that the congregacion by hym is offended, or haue done any wronge to his neighbours, by worde, or dede, the Curate hauyng knowledg therof, shal cal hym, and aduertise hym, in any wyse not to presume to the Lordes table, until he haue openly declared hym selfe to haue tuly repented, and amended hys former naughty lyfe: that the Congregacion may thereby be satisfied, whiche afore ware [were] offended, and that he haue recompensed the parties, whom he hath done wrong unto, or at the leaste declare hym selfe to be in full purpose so to doe, as sone as he conueniently may.

The same ordre shal the Curate vse, with those, betwixt whome he perceiueth malice, & hatred to raigne, not sufferyng them to be partakers of the Lordes table, vntil he knowe them to be reconciled. And yf one of the parties so at variance, be content to forgeue from the botome of hys harte, al that the other hath trespassed agaynste hym, and to make amendes for that he hymself hath offended: and the other partie will not be perswaded to a godly vnitie, but remaine stil in his frowardnes and malice: The Minister in that case, ought to admitte the penitent persone to the holy Communion, & not hym that is obstinate.' (1552, Q2r, folio 92)

There are two ideas of interest to me in this passage, both of which give a glimpse into the workings of the parish: first that the Minister would know and would be expected to know who is not getting along in the parish, and to know when they have been reconciled. The other is that parishioners have to be reconciled in their disagreements before they have access to the sacrament of the communion. The communion service becomes in the priest's hands a gatekeeping for the moral behavior of the community. In the Prayer Book of 1559, the policing become self-imposed rather than enforced by the cleric. In preparation for the Eucharist, the celebrant is to bid the

people: ‘You that do truly and earnestly repent you of your sinnes, and be in loue & charitie with your neyghbours, and entend to leade a new life, folowing the commaundementes of God, and walking from henceforthe in his holy waies: Draw nere and take this holy Sacrament to your comfort: make your humble confession to almighty god before this congregacion here gathered together in his holy name’ (M7r). Again, the emphasis on being ‘in loue & charitie with your neyghbours’ creates a spiritual community predicated on a literal community, with neighbors at home and with the ‘congregacion here gathered’.

Through common prayer, ‘a unity, a knitting of heart and mind, body, and soul, occurred within the worshiper as he or she experienced and expressed unity with the congregation and Christ’ (45).<sup>10</sup> Arnoult argues that this ideal set forth in the prayer book worked to create community because it affirmed the ‘aspects of belief as are beyond dispute and the outward show of the individual’s unity with the community’ (42) rather than developed and espoused doctrine which could potentially work to differentiate faith communities. The Elizabethan prayer book worked to do just that: to provide a text around which the realm could express its particular brand of reformed faith set against the papacy.

### ***Sixteenth-Century English Tithing Practices***

As Laura Brace and others have reminded us, the question of the tithe in England is at base a property issue because the right to the tithe could be bought and sold along with benefices. The tithe therefore becomes part of how the communities relates to the church through their own labor

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<sup>10</sup> Sharon L. Arnoult, “‘Spiritual and Sacred Publique Actions’”: *The Book of Common Prayer* and the Understanding of Worship in the Elizabethan and Jacobean Church of England’. In *Religion and the English People, 1500-1640: New Voices and Perspectives*. Eric Josef Carlson, ed. *Sixteenth Century Essays and Studies* (45), 25-47.

as well as the labor of the clergyman. The tithe is the ten percent of the yield of agricultural lands or income paid to the local parish clergyman as part of his living. In England, there were two types of tithes, predial (agricultural) and personal. Predial tithes are in two categories: **great tithes** which come from the ground and include wood and crops like hay and corn (i.e., wheat or other grains—not ‘corn’ as we know it), and **small tithes** which include the increase of flocks and other agricultural goods like milk and eggs. Mixed tithes, a sub-category of small tithes, refer to those paid on products that require human labor for their production—things like cheese, wool, honey, and wax.<sup>11</sup> It was the custom that rectors received great tithes and vicars received small tithes. Personal tithes came from wage income, but were difficult to determine since parishioners were not required to report their earnings.<sup>12</sup> Tithes were voluntary until the fourth century, when it began to be taught that they were part of God’s law and Christian duty<sup>13</sup> and subsequently became enforceable legally.

There are three reasons why the sixteenth century is an important time to consider tithing practices. First, the dissolution of the monasteries in the 1530s changes who owns ecclesiastical properties and what they do with that property and its attendant church membership and economic structure. Second, from an agrarian perspective, tithes are an interesting if elusive case because on the one hand, they are still frequently paid in kind which gives the rector or vicar direct access to the agricultural bounty of his parish. On the other hand, tithes are increasingly commuted to cash

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<sup>11</sup> Laura Brace, *The Idea of Property in Seventeenth-Century England: Tithes and the Individual*. (Manchester: Manchester University Press, 1998), 17.

<sup>12</sup> Christopher Hill notes that ‘in general tithes on wages sank into insignificance after 1549, partly as a result of the statute, partly from the difficulty of collecting it in the face of opposition from employers and employees alike’ *Economic Problems of the Church from Archbishop Whitgift to the Long Parliament* (Oxford: Clarendon, 1956), 86. See also Rosemary O’Day, *The English Clergy: Emergence and Consolidation of a Profession, 1558-1642*. (Leicester: Leicester University Press, 1979), 174.

<sup>13</sup> F. L. Cross, and E. A. Livingstone, eds. *Oxford Dictionary of the Christian Church* (Oxford: Oxford University Press, 1997), 1626.

payments in the sixteenth century—subject to the price fluctuations and inflation of the agricultural market. Third, the theological changes in the wake of the general reformatory atmosphere in Europe in the early part of the century began to effect changes in attitude about clerical responsibilities and why and how they were remunerated. These issues came to a head in the seventeenth century with the increasing foothold of the puritans and non-conformists in religious and political structures alike. In the seventeenth century, there was an increase in tithe cases heard in the courts whereas in the sixteenth, there are fewer tithe cases heard and these were almost all directly on the heels of impropriations in the wake of the dissolution.

The dissolution of the monasteries in the 1530s brought a new mode of ownership to the question of church property. After the dissolution, lay people (nobility) could own ecclesiastical properties bought from the Crown and held the right to the tithe and all the rents that the glebe land would have brought previously to the church and which were properly used for its maintenance. Christopher Hill concludes that ‘The advowsons of perhaps one-third of the livings in the country thus passed from ecclesiastics to laymen’ (Hill 54). This changed ideas about land ownership and caused tension in the community over the spiritual care of the parish and affected the economic relationships in it. Rectors (or lay-rectors or impropiators) could provide substitutes for their parish if they held two (or more, which was not uncommon) benefices. These layrectors would collect the tithe as an income and then stipend a vicar or curate for the cure of the parish (i.e., they didn’t have to pay them as much), often allotting to them a portion of the small tithes collected while then turning the fields into crop fields or renting them out so that they themselves collected most of the tithe on agricultural products in the manor parish.<sup>14</sup> Likewise, Butler complains about laymen

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<sup>14</sup> Hill notes that Barratt “thinks that far less importance should be attached to commutation in reducing clerical incomes than to impropriation” (98 n2).

laying their ‘prophane hands’ on the right to the tithe. He calls this an “abhomination [...] never heard of; nor ever was knowne in this famous Iland, since first it imbraced the faith of Christ, vntil that strange act, whereby the Church was vnmercifully spoiled, not only of hir lands, the gifts of men; but of hir tithes also, the gift of God” (N3r). An additional problem with impropriations is that the patron of the living sets the income for the vicar out of the tithe income for the living which the impropiator owns. It would seem obvious that they would want to pay the minimum, and therefore only give a part of the tithes to the vicar thereby keeping more of the profits for himself.<sup>15</sup>

Tithes were paid in kind—one would, for example, pay every tenth sheaf of wheat to the rector. In the course of the sixteenth century, however, small tithes were increasingly commuted (great tithes were on occasion commuted, but Christopher Hill suggests that this was not often the case). So, for example, rather than collect every tenth egg, the price of eggs was set, and the vicar would receive a cash payment instead of a payment in kind. These commutations weren’t *necessarily* cash payments (though that was most common)—it would be possible for one to determine that a lamb was worth three bushels of apples, for example. Parishioners would negotiate a *modus decimandi* with their clergy, meaning that they set a custom for what was tithed in their parish, including the terms for commutations. A parish could decide, for example, that eggs were not tithable goods if chickens had been tithed. However, the next parish over could have a custom of tithing both. They might even decide that certain goods were not tithable, as seemed to be the case with honey, wax, tree loppings, hay gleanings, etc. in certain parishes.<sup>16</sup> The *modus* therefore established the terms of a parish’s tithing, and if there were witnesses to such *modi*, their

<sup>15</sup> This is one line of argument in Thomas Ryves, *The poore Vicars plea for Tythes*. London, 1620 (STC 21478), though Ryves writes specifically about the situation in Ireland.

<sup>16</sup> Usher (ii., )55.



testimony was legally binding.<sup>17</sup> Even published tithing tables warn the reader that their guidelines are subject to the custom in each parish, so that each community was able to set the custom—and frequently not to the benefit of the clergy.

One problem with commuted tithes and *modi* was they were not always adjusted in the course of the century and did not account for inflation, with the effect that sometimes, clergy salaries would plummet. Because of the wool trade, for example, lambs became more valuable in the course of the century, yet that value was not generally reflected in their commuted values. Also, because sheep were more valuable, there were more enclosures, which meant more land was used for pasture rather than crops, though this depends on which region one has in mind.<sup>18</sup> Two problems arise from this. First of all, since enclosure saw fields of pasture for sheep and cows instead of for growing crops, rectors stood to lose their tithe income (remembering that it was rectors who would have received the great tithe of grain crops). Even if lands were not enclosed, a rector could lose money on them since a parish could also set a prescriptive *modi*, by which ‘all the tithes due from a parish or from a single piece of land’ were commuted, and that custom abided by, so that even if a farmer changed his agricultural practice to be more profitable, the custom was still set. Hill gives the example of a farmer who puts a windmill on land paying a prescriptive *modi*. Even though his profit off the land in that instance would increase greatly, he would only pay what had been customary and not on the new profit.<sup>19</sup> Second, since vicars received the small tithe, they could potentially gain more tithe income than the rectors, which was a tension,<sup>20</sup> but the more pervasive problem for vicars is that when small tithes were commuted, current prices were not

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<sup>17</sup> One witness in common law cases, two for ecclesiastical cases (Hill 126).

<sup>18</sup> See Joan Thirsk, *Tudor Enclosures*.

<sup>19</sup> Hill, 95-6.

<sup>20</sup> See Hill, 82-3.

reflected in that commutation. Although a vicar would receive a payment on lambs, he would receive that commutation at 1530s prices, for example, not 1590s prices—a huge loss of profit. So unless a vicar received payment in kind, he was likely to be losing a substantial amount on his tithe income also.<sup>21</sup>

Various tithing court cases and printed defenses make note of this issue. For example, in a beekeeping manual from 1609, Charles Butler (the vicar of Wooton St Lawrence outside Basingstoke in Hampshire) notes exactly this dilemma in his conclusion, which exhorts the reader to tithe the products of bees: he excoriates those who would ‘defraud a poore Vicar of his maintenance, by keeping away his tith for a thing of nothing. When these bargains were begun, the mony, no doubt, was the ful worth of the tith [...] but now the prices of things are so enhaused; that, if all tithes should be sold accordingly, he that now is able to giue to him that asketh, would bee glad to aske, if any would giue [in other words, it’s almost laughable to pay tithes at these rates]. If the lawyers should receiue the rents of their puchased lands after this rate, they would surely haue more pittie of their poore Pastors’.<sup>22</sup> Clearly alluding not only to inflation and unfair commutations, but also to the success rate had in courts when tithes were the subject of legal disputes, Butler’s account here of tithing practices shows how devastating they could have been to a clergyman’s salary. Indeed, he complains that tithe laws were made for the good [...] of the cleargy, & not for their hurt, as now, by the iniquity of the time, it is vsed’ (N5v).

One place to discover tithing customs are records of court cases. In *English Reformations*, Christopher Haigh gives a couple of examples of tithe cases—rectors and vicars trying to change the custom and the rates at which some of their tithe was commuted. One of the rectors even ‘tried to

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<sup>21</sup> O’Day, 173-77.

<sup>22</sup> Charles Butler, *The Feminine Monarchie*. London, 1609. N7v-N8r.

force objectors [to the higher rates] into conformity by denying them holy bread and holy water'.<sup>23</sup> However, Haigh writes that 'historians have too often selected dramatic anecdotes from the court records, without placing them in their context. In fact, tithe suits in the ecclesiastical courts were remarkably rare' (45) before the 1540s, and even after that point in time, 'the necessity of tithe, like that of tax, was generally recognized. Arguments arose not over the principle of tithing, but over the rules for assessment and the method of collection. Tithing was a complex business, and in parishes with mixed agriculture and small industries assessment must have been a constant process of negotiation. But to suggest that this often led to bitterness would be misleading, for when incumbents and parishioners had to live together there were strong pressures towards agreement' (46).

I've already mentioned Butler's beekeeping manual which has a tithing treatise at the end. Perhaps a particularly poignant plea from a vicar who stood to lose part of his already-small living if his parishioners refused to support him financially, Butler's argument shows the connectedness of his small agrarian community and the role that the clergy ideally should play within that community. Butler's manual is also deeply invested in traditional religion: he includes commonplace anecdotes about bees protecting the host because they recognize that it is the body of Christ.

Another beekeeping manual, *A treatise concerning the right use and ordering of Bees* (1593) by Edmund Southerne, shows various connections between the community and the way tithing works according to the custom of the parish. He tells two stories in the manual, one in which a local vicar gives some of his poor parishioners hives of bees; but the story with which he

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<sup>23</sup> Christopher Haigh, *English Reformations: Religion, Politics and Society under the Tudors* (Oxford: Clarendon Press, 1993), 45.

concludes his manual is deeply instructive about tithing practices. A Parson demands from one of his parishioners, a Gentleman, a tithing of bees in addition to the customary tenth of the honey, money, and wax produced. The Gentleman at first refuses, noting that it is not the custom in the parish; but when the Parson insists, the Gentleman agrees and brings the bees to the Parson's house.<sup>24</sup> When the Parson asks that they be taken out into his garden, however, the Gentleman instead 'gaue the Hivue a great knocke against the ground, and all the Bees fell out, some stung the Parson, some his wife, and some his children and familie, and out they ran as fast as they could into a chamber[.... The Gentleman went home, carrying his emptie Hiue with him ...' (E1r). The Gentleman is ordered to appear at the Ecclesiastical court—and when asked why he did not let the Parson simply have the hive, the Gentleman says 'I could not spare it ... for I bought my Hiue in the market, and I am sure, as couetous as he is, he can haue no tythe of that which I buy in the market, according to the English lawes: but I did by his Bees as he willed me, and as I haue done by all his other tythes, which I haue euer left in his hall, and so I did these'. To conclude, he reiterates his concern that "there was no Bees euer demaunded for tythes in our Parish till now: and besides, the statue for tythes in this case prouided is on my side, but Honey, Money and Waxe he shall haue with a good will" (E1r-E1v). Given that the Gentleman argues that the custom and laws are on his side, the Ordinary dismisses the case, and Southerne ends the story (and his manual) with: "So [the Gentleman and Parson] were contented, and afterward became friends" (E1r-E1v). This story shows the importance of correct, not covetous, tithing, and establishes the unity that can come of it—though the potential for dissention is also there.

At the heart of an ideal tithe practice is the creation of a local community of people that

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<sup>24</sup> While most historians who comment on such things generally write that the clergy generally went around collecting the tithe themselves, this story offers a different instance, of the tithe being brought to the vicar, perhaps another indicator of his greed.

includes the church as part of the agrarian labor in the community. Tithes are locally created and locally paid. Regardless of whether or not a citizen in a parish attended church, or believed in whatever version of faith espoused by the local church, he or she was nevertheless subject to the tithe and the other fees (paying for the eucharist bread, for example) or rents due to the church upon pain of fines or excommunication. This was a point of contention as the non-conformists rose in numbers in the seventeenth century and did not want to financially support a church with whose faith practices they didn't agree. Indeed, this is the seventeenth century Quaker stance on the tithing debate: because their theology did not include a hierarchy of any kind, particularly during services, there was no reason to maintain the clergy through a series of dues and taxes. They refused to pay the tithe and it was one of the reasons Quakers were frequently imprisoned.

Tithe disagreements or refusal to pay had reasons other than the parishioners simply wanting to keep the fruits of their labor: such disagreements can also mark belief about the role of the clergy in the church community and can reflect the parishioner's censure of unworthy clergy. While a main point of contest was whether or not the clergy actually served their community in the way they should, it is clear that if they took their responsibility of the cure of the parish seriously, then they were indeed another cog in the wheel running the parish and as such were perhaps worth their tithe, particularly when that clergyman kept up the fabric of the church or gave to the poor out of the tithe, which was not unheard of (though there were fees for both fabric upkeep and the poorbox, these were sometimes augmented by the rector or vicar himself). The vicar of Morebath, star of Eamon Duffy's *Voices of Morebath: Reformation and Rebellion in an English Village*, 'donated the small tithes paid to him each year by the parish for the church sheep' (37). Ryves writes that 'the Vicar is the labouring ox which treadeth out the corne, whose mouth must not be

musled, as saith the law of God' (H3r).<sup>25</sup> But this image of the vicar labouring the way the labourer works in the field did not sit well with some, particularly the puritans. And this is an intersection with the transubstantiation debate which can also be understood on one level as an issue with the clergy: if the bread and wine is only bread and wine, then it needs no ordained, institutionalized clergy to hocus-pocus it into existence as the body and blood of Christ, which means there is no need for clergy in their traditional, elite roles as gatekeepers of the sacrament and therefore gatekeepers of the community.

### ***Robin Hood Forgives***

The consciousness of these issues of property and the function of church community makes its way into the Robin Hood pieces at various points. While tithing *per se* is not at stake, the prosperity of the Church and how its lands and monies are used structure the morals espoused by the texts. In the *Gest*, Robin Hood polices how Church representatives (there, the Abbot and his monks) use their money, but also how they treat the people in their parish. The *Gest* shows clergy who lie to Robin Hood about how much money they have, and who do not follow the common rules of courtesy that help define and ensure the smooth operation of the society. In pointed contrast to the behavior of the Church representatives, when the king appears in disguise in the forest, he shows Robin Hood chivalric respect, which Robin returns, and he does not lie to Robin about how much money he has, which causes Robin to honor him in return thus creating a

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<sup>25</sup> I Corinthians 9: 9-10: 'For it is written in the law of Moses, Thou shalt not muzzle the mouth of the ox that treadeth out the corn. Doth God take care for oxen? Or saith he it altogether for our sakes? For our sakes, no doubt, this is written: that he that ploweth should plow in hope; and that he that thresheth in hope should be partaker of his hope'. This is one of the main scriptures in support of the tithe; clergy argued that because they helped nourish the community, they should partake in the harvest alongside those who plow and thresh.

mutually satisfying community, as one would expect in an idealized vision of the king and his subjects.

While in the *Gest*, Robin Hood doles out various economic punishments and rewards for the people who come across him in the forest, in the Chettle and Munday plays, that ‘trickster’ part of his personality is gone and he exonerates the most unforgivable men who previously have tried to kill him or steal Marian away. In fact, Malcolm A. Nelson calls Chettle and Munday’s death scene ‘an orgy of forgiveness and reconciliation’.

Included in the necessity of forgiveness is the play’s resolution of the circulation of the property under question. Community (real or spiritual) and forgiveness are intimately related in the Robin Hood texts I consider here, as well as in the economic life of the traditional (prayer book) Church of England, as I’ve tried to suggest in previous sections. Remembering that one of the issues all along in the Chettle and Munday plays is the lands and debt of Robert, earl of Huntington and the fact that the Prior betrayed him in order to get his land and title, we must pay attention to where Huntington’s property ends up in the closure of the play: his lands are, in fact, all destroyed by Prince John as he pursues Matilda. Because Robin has been outlawed at the beginning of the *Downfall*, his lands go to the next of kin: the Prior. However, when the King returns and comes to Sherwood forest, he grants the lands back to Robin (though Robin is succumbing to the poison), including the affirmation of the bond between Matilda and Robin/Huntington:

Yet in thy end somewhat to comfort thee,  
Wee freely giue to thy betrothed wife,  
Beautious and chast Matilda, all those lands,  
Falne by thy folly, to the Priors hands,  
And by his fault now forfeited to mee:  
Earle Huntington, she shall thy Countesse bee,

And thy wight yeomen, they shall wend with mee,  
Against the faithlesse enemies of Christ.

These lands had previously been in good hands with Robin/Huntington, as even his enemies can attest. Speaking to the Prior, Doncaster (the unrepentant villain) explains why Robin Hood is worthy of his hate:

Hee is a foole, and will be reconcilde,  
To anie foe hee hath: he is too milde,  
Too honest for this world, fitter for heauen:  
Hee will not kill these greedie cormorants,  
Nor strippe base pesants of the wealth they haue:  
He does abuse a thieues name and an outlawes,  
And is indeede no outlawe, nor no theefe,  
He is vnworthy of such reuerent names.

...  
He saies his praiers, fasts eues, giues alms, does good:  
For these and such like crimes, swears Doncaster,  
To worke the speedie death of Robin Hoode.

Even Doncaster can recognize (though he does not valorize) Robin's penchant for reconciliation which also comes across in how he treats the peasants and his property, and in the sort of Christian he appears to be. Indeed, we see Huntington dismissing his steward for reasons of greed and estate mismanagement which solidify his interest in maintaining fair property standards without the sort of greed his steward shows:

You haue dishonoured mee, I worshipt you ....  
You ... Unto a Iustice place I did preferre,  
Where you vniustly haue my tenants rackt,  
Wasted my treasure, and increast your store.  
Your sire contented with a cottage poore,  
Your mastershippe hath halles and mansions built.

After he has been poisoned, but after the treacherous Prior has admitted his own guilt and Doncaster's in seeking to murder the king and frame Robin for it, Robin wakes from his death-



slumber to pardon and forgive and to be sure that the community will continue without him:

O ring not such a peale for Robins death,  
Let sweete forgiueneesse be my passing bell.

...

I slept not vnkle, I your grieffe did heare,  
Let him forgiue your soule that bought it deare:  
Your bodies deede, I in my death forgiue,  
And humbly begge the king that you may liue.  
Stand to your Cleargie vnkle, saue your life,  
And lead a better life than you haue done.

Robin's forgiveness of the Prior allows the Prior to continue in the community and to continue (indeed, to improve) his profession. However, the others present at the death scene, including the king, are not so willing to let him go unpunished. It is the Prior himself who refuses to accept the forgiveness offered. He admits his list of crimes including murder, treason,

And theft we did, for we haue robd the king,  
The State, the Nobles, Commons, and his men,  
Of a true Peere, firme Piller, liberall Lord.

In recognizing not only the true nobility of Robin Hood, but also his apparently singular importance to all levels of society (including outlaws), the Prior shows that he has in spirit received forgiveness and, saying, 'I aske but iudgement for my foule transgression', he allows himself to be taken away and executed. The Prior accepts death because of his fault—the play appears to create of moral code under which greedy people wanting more property than they should have (or that they want to get by illegal means) actually understand that what they've done is wrong and self-selectively remove themselves from the moral economy: there are two sorts then, the repentant clergy who accepts his own death and the unrepentant knight (Doncaster) who is punished by the crown. Either way, the punishment of these two villians reaffirms the communal nature of the society in which religious greed has tragic consequences for the conscientious property owner.

In the end, Marian/Matilda becomes part of Robin Hood's property, which is one reason that four acts of the *Death* are dedicated to her tragedy: changing her name back to Matilda replaces her into the sexual economy that underwrites land exchange and ensures a new gentry class through the institution of marriage and childbearing, even though Robin Hood dies before they can be married. She enters a convent in order to preserve that last vestige of her tie with Robin. Matilda's own death alludes to Robin Hood's in both the *Gest* and the *Death*—she is poisoned by the sexually lascivious pair of 'A cowled Monke, an aged vailed Nunne, / Become base Pandars!' Before she is poisoned, she notes that she has no property left: 'I haue in the world, / No goods to giue, no will at all to make: / But Gods will and the kings on me be done'. Her virginity is the only thing left to her (and it is valuable property indeed). In her dying speech, Matilda follows the pattern that Robin Hood has set—she forgives those who have tried to harm her, she has maintained her virginity (her tie to the patriarchal system of land inheritance), and she envisions a friendship between her father and the king which will result in peace and community:

Be witnesse, I beseech your Maiestie,  
 That I forgiue the King, with all my heart:  
 With all the little of my liuing heart,  
 That giues me leaue to say, I can forgiue:  
     ... to my father write  
 The latest commendations of his childe:  
 And say, Matilda kept his Honours charge,  
 Dying a spotlesse maiden vndefilde.  
 Bid him be glad, for I am gone to ioy:  
 I that did turne his weale to bitter woe.  
 The king and he will quickly now growe friends,  
 And by their friendshippe much content will growe.  
 Sinke earth to earth, fade flower, ordaind to fade:  
 But passe forth soule vnto the shrine of peace,  
 Beg there attonement may be quickly made.

The play concludes with lines confirming Matilda's purity and its enshrinement on her tombstone:

king John insists that ‘on her Toombe see you ingraue this verse; / Within this Marble monument, doth lye / *Matilda* martyrde, for her chastity.’

The goal of the Robin Hood story is social cohesion (this is true even in the versions in our century), though it is perhaps negatively illustrated in the texts I look at here (no happy endings, in other words). That return to a previous gold age of the sort depicted in the lines from *As You Like It* toward the beginning of this paper are shadowed in these texts and place them firmly in a pastoral tradition where the court is replaced by the happy, beautiful, natural world. Indeed, the Robin Hood story is a particularly royalist one<sup>26</sup>—the return of the king from the holy lands and the funding of his war there is almost always in the background of early texts as well as contemporary ones (even the Disney film with the animals), and indeed either funding the war or ransoming the king (both historically accurate) are given as reasons for the egregious taxation that Robin Hood fights against in later texts. These versions dramatize the impact, then, of a distant battle against the infidel fought in the name of Christianity (no wonder the BBC is making a new version). In the Munday plays, even though Robin Hood is a nobleman, he insists that no one call him a title of any kind while in the liminal space of the forest, and Frier Tucke even corrects the king when he comes into the forest and asks for the earl of Huntington, telling him that Robin Hood takes no titles in the woods:

No man that commeth in this wod,  
To feast, or dwell with Robin Hood,  
Shall call him Earle, Lord, Knight, or Squire,  
He no such titles doth desire,  
But Robin Hood, plaine Robin Hoode,  
That honest yeoman stout and good.

<sup>26</sup> For this reason, the short entertainment titled *Robin Hood and his crew of Soldiers* (printed 1661) is fascinating: it was performed in celebration of the coronation of Charles II, the restored king after the Commonwealth. In it, Robin and his men are resistant to having to follow the king until they hear how wonderful he is. Their hearts melt, they throw down their arms at the promise of forgiveness for their rebellion, and pledge their loyalty to the new king.

While the church and the court both impinge on the pastoral forest, we are to understand, I think, the idealization of that green space where the outlaws as a community live together. The barrier to that social cohesion appears to be the church, but I would argue that it is not the church in general, but church leaders whose greed or corruption leads them to desire property in the case of the *Death* and to extort those whose circumstances are below their own in the *Gest*. This problematic entitlement to property characterizes many sixteenth-century representations of the Church, and the tithe is part of that dynamic.