

## **To what extent was the reign of Edward I determined by his policies towards the rest of the British Isles?**

Edward I is often compared to his royal great-grandfather, Henry II. Both were recognised as international figures and both had their clashes with the ultramontane aspect of the English church. Indeed Edward noticeably tried to avoid the shrine of St Thomas at Canterbury, mindful as his own very similar dispute with his Archbishop. Both were also great law-givers whose authority was unimpeachable. Both Edward and Henry retained unchallenged control of their realm, though Edward did not suffer baronial revolts from among his own vassals. Edward's attitude, like that of his great-grandfather, was firmly set upon the Continent, and his Scottish and Welsh troubles took on an aspect of being tiresome duties; although unlike Henry he did not have to deal with his own magnates, suppressing the Scottish and Welsh meant much the same to him. Since he considered Scotland and Wales as under his jurisdiction, their security was his responsibility: his ambitions as a ruler lay elsewhere.

Edward's first task was to uphold his own coronation oath, in restoring the rights and lands to the Crown, and in maintaining justice. Consequently we find the inquests of 1274-5 concentrating on 'what manors used to be in the hands of the kings who were the king's predecessors... and by whom and how they were alienated'.<sup>1</sup> Although this was a traditional preoccupation of kings, it was Edward who commissioned a document in the shape of the Hundred Rolls which was large enough to actually take stock of this. The report turned out to be a catalogue of mismanagement, corruption and injustice, and it was Edward's task to be a force for reform. The quantity of statutes shows the weight of business that was to be attended to. The codification of the processes of justice served Edward, his magnates and the common people well; for the former he could collect great sums in fines from corrupt officials (especially after 1289); for the latter justice was easier to obtain with clear authorities showing the legal niceties; for the magnates the codification of law confirmed and granted liberties for themselves against the vagaries of arbitrary and venal royal justice. Such were the benefits of the codification of existing law. However, it was soon clear that even this was inadequate, and that 'many of his kingdom were suffering disinheritation, for in many case where a remedy ought to have been applied none had been provided by his predecessors or himself.'<sup>2</sup> This new obligation on Edward was to bring on the customary law of the kingdom, to expand it, to develop it and to write it down for the use of all. As the second Statute of Westminster says, Edward 'issued certain statutes, very necessary and useful for his people, through which his people... have obtained in their tribulations swifter justice than before.'<sup>3</sup>

Although the foremost aim of the extension of written law was so that it could be applicable to all civil cases, in 1274 Edward I returned to an exceptionally crime-ridden and violent country. His own absence coupled with the laxity of the latter years of Henry III meant that all manner of extra-judicial violence occurred, from individual cases of murder; to inter-town riots; to private warfare between magnates. As the Statute of Winchester itself says, jurors would 'rather suffer felonies... go unpunished than interdict wrongdoers, the greater part of whom are people of the same district'<sup>4</sup> - the fear of repercussions probably being at least as prevalent in jurors minds as horror of the gruesome punishments awaiting those they convicted. In trying to reduce the number of violent crimes, Edward I's own policy of pardoning criminals on the assurance that they would join his army also hardly helped matters. It was therefore imperative that steps be

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<sup>1</sup> *English Historical Documents* vol. iii no.45

<sup>2</sup> *ibid.* no.57

<sup>3</sup> *ibid.*

<sup>4</sup> *ibid.* no.59

taken to improve the criminal justice procedures, and therefore inquests were a common feature of his reign. Inquests into known criminals also helped to bring in further revenue to the king, whether or not they succeeded in finding the culprits. These, and the results of the other clauses in the Statute of Winchester, clearing the roads of shelter for bandits and the arming of the general population for their self-defence were almost all a medieval ruler could do to combat crime.

By means of statutes Edward also showed how the 'community of the realm' in the shape of parliament should be brought into the process of legislation. Although the first Statute of Westminster was largely a restating of existing customary practices, as seen from its preamble which says that 'our lord the king greatly will and desires to set to rights the state of the kingdom'<sup>5</sup>, the document was made 'with the assent of archbishops, bishops, abbots, priors, earls, barons and the community of the land thereunto summoned.'<sup>6</sup> The statute itself was a new addition to the English customary law, and with it kings were able to take on extra jurisdiction into their courts. Walter de Bek, for example, was saved from having to pay the penalty for raping a ten year old girl because at the time of the deed the statute bringing it into the jurisdiction of the Crown had not been passed. Since the new statutes did stem from the king, the roles of king and parliament in shaping the law of the land increased much further, and it is from this time that we can trace the beginning of legislation as opposed to mere custom and precedent. It was for this reason that Edward was known as 'the English Justinian'.

This aspect of his reign also had very little to do with his own personal policies as a monarch. Certainly as regards Wales, he saw it as falling directly into the existing legal structure, and the Statute of Wales merely notes that 'Divine providence...has converted the land of Wales previously subject to us by feudal right ...into a dominion of our ownership.'<sup>7</sup> That Edward wished to treat Wales and Scotland 'like others subject to our rule' is shown by the fact that he does not add their names to his official title of 'Edward by the grace of God king of England, lord of Ireland and duke of Aquitaine.' Wales and Scotland for example acquired English law for appeals under Edward, while clearances of forests on the roadside was shown in Wales in particular.

Such was the effective management of his realm that was expected of any ruler, leaving Edward in better shape to play at the true game of kings: dabbling in foreign affairs and match-making for his children. Edward was peculiarly well-placed in this respect in that on his accession to the throne he was already an international figure. He was the only monarch in western Europe to have personally taken any serious part in crusading, and his enthusiastic patronage of tournaments ensured that he was a role model for a new chivalrous ideal. As regards crusading, this also ensured that he was constantly forgiven his bullying of the English church, since he was the only possible leader of a further crusade to retake Palestine, a vain hope even before the fall of Acre in 1291. Edward indeed repeatedly renewed his crusader's vows, and although it is always possible to be cynical about his motives as crusaders' subsidies were very useful to the English treasury, he did send soldiers in 1289 to Acre's defence. His will also asked for some of his money to pay 100 crusaders an annual wage, and not the sundry endowments to religious institutions favoured by his royal predecessors.<sup>8</sup>

His reputation for justice, fostered by his domestic legal reform, also made him very sought after as a mediator in international disputes. For example in 1282 the succession struggle between

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<sup>5</sup> *ibid.* no.46

<sup>6</sup> *ibid.*

<sup>7</sup> *ibid.* no.55

<sup>8</sup> Prestwich *The Three Edwards*

France and Aragon over Sicily was referred to Edward, and he was even prepared to give as hostages two of his closest companions to arrange its successful resolution. Similarly Edward attempted to play the honest broker in the dispute between his father-in-law Alfonso of Castile and his overlord Philip of France.

It was French affairs rather than Scottish ones which primarily took up Edward's time, at least until the reverses of 1297-8. It is noticeable that of the major clashes between the king and his major barons and clergy, almost all were in regards to the French wars. The confiscation of Gascony, although underhand, did not receive noble sympathy because it was the affair of the king, not the baronage. The defeat of Stirling Bridge did since security on the northern and western borders was in the interest of the English barons, where the security of Gascony mattered little to them directly. For Edward as for his father and grandfather, military service abroad was unpopular where as service in Britain itself was accepted grudgingly. Prevalence of Marcher lordships on the other hand meant that barons had as much a stake as the king did in having Wales and Scotland being integral parts of the kingdom. This led to a strange contradiction to Edward's respective roles as Duke of Aquitaine and as King in Scotland and Wales: every exercise of full dominion in the latter role rendered his case in the former role less valid.

But it was always to the Continent that the niceties of Edward's power-play were directed; the Celtic fringe of Britain, since he considered it under his jurisdiction - especially after the betrothal of the Maid of Norway to his own heir - received merely the brutal enmity of a king towards rebellious provinces. Thus in 1296 Edward had collected an army to fight the French but on it's being redirected to quell the uprising in Scotland, he gave control of the army to one of his nobles: Edward regarded the Scottish conflict as being similar to those in Wales where the Marcher lords were responsible for keeping the natives in check. The rebellion of 1297 in Scotland was prompted by the not implausible fear that Edward wished 'to seize all the middle folk of Scotland to send them overseas in his war.'<sup>9</sup> With the French king, Edward was prepared to compromise and call truces, as well as to make offensive alliances. Against the Welsh and Scots, Edward acted as befitted the lord, accepting only unconditional surrenders and full subjection. In neither Wales nor Scotland did Edward adequately reward local nobles for their support, as would have been the case in a truly foreign war

However it is true that after 1300, there was precious little difference in the attitude of the king. Edward became growing intransigent towards the Scots and the quantities of soldiers that he placed in the field were sufficient to have caused large amounts of destruction to any kingdom, and it was only the guerrilla tactics of the Scots which avoided this from being demonstrated. Edward's stubbornness towards Scotland only developed from the fact that he was unable to quickly settle matters there. Before that, no coherent policy can be detected on the grounds that there was none. As a king his attention was directed to the Continental politics; it was only when as an overlord he had a responsibility to sort out the politics on his northern frontier that Edward felt the need to complete Scotland's subjection to him.

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<sup>9</sup> quoted in Prestwich *The Three Edwards*