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Barons and Yeomen, Venison and Vert: A Comparative Analysis of the Magna Carta and *A Gest of Robyn Hode* in the Context of Forest Law

The extensive control of English forests by a king can be traced back to the Norman Conquest and William the Conqueror's establishment of a royal monopoly over resource rich lands by proclaiming them forests and protecting them with harsh laws. Henry II's *Assize of the Forest*, however, was the first legal document solely focused on regulating the forest (Danziger and Gillingham 2005; Knight and Ohlgren 2000, note for line 1429). Legislated in 1184, the *Assize of the Forest* affirmed the king's absolute power over the lands he claimed as his forests and the natural resources such as timber and game within them. The forests covered a significant portion of the kingdom and served as an "integral part of the social and economic structure of the country," and as a result the strict enforcement of the king's interests by foresters and sheriffs denying noblemen and commoners alike from accessing the wealth of the land led to deep discontent at both ends of the societal spectrum, now preserved in law codes and literature (Douglass and Greenaway 1981, 450). One of the earliest surviving sources to mention Robin Hood, the romantic ballad, *A Gest of Robyn Hode* (c. 1450), glorifies violations of such laws in narratives sourcing from lower in the social hierarchy as embodied by the yeoman status of the titular character. Although markedly different in origin and audience, the barons' attempt to overthrow the king's control of the forest in the Magna Carta provides a framework to better comprehend the interplay between the *Assize* and the *Gest*. How do the Magna Carta and *A Gest of Robyn Hode* portray and respond to forest law and what role does social class play in shaping those reactions? What does a comparison of the Magna Carta and the *Gest* in the context of forest law reveal about the similarities and differences in class structure between the time periods of the two texts? Additionally, how can the concept of yeomanry, both as a social rank and a

household station, as presented in the *Gest*, inform us about society during the time of its composition and the changes in societal hierarchy from the time of Magna Carta? Despite being separated by approximately two centuries and representing differing forms of composition, the Magna Carta provides the context required to understand how and its lower class audience responded to elements of forest law.

In the period leading up to the creation of the Magna Carta, widespread dissatisfaction with the assertion and abuse of forest law by Henry II's youngest son, King John (r. 1199-1216), was a significant point of contention among several sources of tension between the king and his barons. Excessive taxation in order to finance John's costly and failed campaign in France—the foremost complaint of the barons against the king—compounded with the severe limitation placed on natural resources through the forest law and the royal lucrative fines for infringing upon those laws to create a strong economic impetus for the barons' rebellion against King John (Danziger and Gillingham 2005). Despite having the support of Pope Innocent III, the king conceded to the demands of the barons after the rebel army won the support of London, entering the city on the 17th of May in 1215. On June 15th of that year, terms of peace were agreed upon and John journeyed to Runnymede to confirm the final draft of The Great Charter (Danziger and Gillingham 2005). Although the Magna Carta delineates a variety of liberties, such as the taxation and the freedom of the church, clauses 47 and 48 most directly interact with the forest law established in the *Assize of the Forest*.

For example, Clause 47 of the Magna Carta outlines a clear and succinct reversal of John's claim over lands by means of the forest law that is built upon in the subsequent clause, which is none the less revolutionary for its brevity: "All forests which have been afforested in our time shall be disafforested at once; and river banks which we have enclosed in our time shall

be treated similarly” (Danziger and Gillingham 2005, 284). In the authorization of this single clause, John relinquishes the autonomous control over the forest and its resources that his father, King Henry II, formally instituted in the 1184 assize. The absolute connotation of the wording “all” indicates that the barons’ desire for the greatest amount of land possible to be made accessible to them and their intent that the king’s claims to such land be completely severed. This unconditional reversal from forests operating under the sole governance of king back to a disafforested state that allowed for the assertion of multiple localized authorities greatly served the interests of the barons while simultaneously reducing John’s dominance and ability to generate capital. For the barons, the lessening of royal power over the forests could not happen soon enough, with the urgency behind the transition stressed by the instantaneous timeframe of “at once.” While the complete and immediate disafforestation as described in this clause would seem to indicate a total reversal of control over land in favor of the barons, it is worth noting that only forests and riverbanks “afforested in *our time* shall be disafforested,” meaning that all other lands that were claimed before John’s reign would remain under the control of the king, significantly limiting the amount of forest that was actually relinquished by the king.

Expanding upon clause 47, the response of clause 48 of the Magna Carta to the *Assize of the Forest* is more explicit and provides clear insight into the desires of the barons in relation to natural lands:

All evil customs of forests and warrens, foresters and warreners, sheriffs and their servants, river banks and their wardens are to be investigated at once in every county by twelve sworn knights of the same county who are to be chosen by worthy men of the county, and within forty days of the inquiry they are to be abolished by them beyond recall, provided that we, or our justicar, if we are not in England, first know of it. (Danziger and Gillingham 2000, 284)

Clause 48 functions as a direct reversal of item 5 of the *Assize of the Forest*, “the lord king has commanded that his foresters shall have care of the forests of the knights and others who have

woods within the bounds of the royal forest,” which not only asserted the power of the king’s foresters over the forest, but also highlights the extent of royal infringement on the land of the nobles with the woods of the knights and other upper class landowners being placed under the conditions of the assize (Douglass and Greenaway 1981, 451). The previous level of royal control over large swaths of land and natural resources—such as forests, warrens, and rivers—enforced by officials working to protect the king’s interest, is negated in favor of allowing a group of knights local to the area to monitor and remove those who upheld afforestation. The tone of the clause is clear from the beginning, with the use of the word “evil” to describe the old “customs” of forest governance before the introduction of the Magna Carta indicating a strong condemnation of the actions of the foresters, warreners, and sheriffs, and a pressing need for that system to change.

That those customs and the men enforcing them are going to be “investigated” by someone other than the king himself designates a significant decrease in King John’s authority and autonomous control of English land. Instead, “twelve sworn knights” will be the ones inquiring into the administration of such land, redistributing the total control of the king amongst numerous individuals that are socially inferior to the barons who composed the Magna Carta and who might be compelled to serve the interests of the nobles instead of the king. The twelve knights cited in clause 48 echo item 7 of the *Assize of the Forest*, “the king has commanded that in any country in which he has venison, twelve knights shall be appointed to guard his venison and his ‘vert’; together with the forest” (Douglass and Greenaway 1981, 451). The purpose of the dozen knights per country in the *Assize* is to protect the king’s deer and “vert”—forest vegetation, especially timber. The knights of the Magna Carta, on the other hand, are doing just the opposite: they are invested with the authority to remove royal officials from their position,

which gives the barons more-or-less autonomous control over their lands. The repeated emphasis on location—the investigation taking place in “every *county*,” by knights of the “same *county*,” who are chosen by “worthy men of the *county*”—stresses the desire for a more localized system of governance, where “worthy” people from a certain area are responsible for maintaining that area’s natural resources, rather than the king and his officials, who are less invested in the well-being of each county than its inhabitants. The foresters being abolished “beyond recall” indicates the permanence of the knights’ decision and the overall finality of the proposed shift from royal to local control of the land, which is furthered by the clause stating that the king only has to be notified of the removal of one of his officials, not approve it.

Although the refutation of the forest law through the Magna Carta might appear to have a limited impact due to the restrictive phrasing of clause 47 and subsequent deterioration of the interaction between the nobles and King John soon after the charter was signed into being, the text provides significant insight into how the barons desired the land to be governed and the agency they had as members of the upper class to attempt to achieve those desires. Because of their position in society, the barons had the ability to utilize legal documents, such as the Magna Carta, to shape their relationship with the king and his officials and pursue what they believed to be just treatment. Clauses 47 and 48 of the Great Charter allowed the barons to restrict the king’s use of the land to extract money from his subjects, a practice especially rampant during John’s reign in the granting of forest privileges and exorbitantly priced charters which freed nobles from adhering to the law of the forest, and instead reassert their claim over the forests and rivers (Grant 1991; Young 1979). The clauses regarding forest law in the Magna Carta demonstrate the barons’ intention of increasing their access to land, resources, and ultimately, power by shifting the control of the forest from the singular authority of the king to localized, autonomous

governance under the land owning gentry. Despite not immediately achieving the goals they set forth in the Magna Carta, the barons effectively altered the absolute control over the forest as established by King Henry II: “No longer could the forest be considered something apart from the ordinary legal and governmental system because it was dependent on the king’s will” (Young 1979, 65). Reflecting the specific grievances and social influence of the barons, the Magna Carta paved the way for the Forest Charter of 1217 agreed upon by the minority council of Henry III and shaped the forest law that would have been in effect when Robyn Hode roamed the woods in the *Gest*.

In contrast to the explicit dating, authorship, and therefore, audience of the Magna Carta, *A Gest of Robyn Hode* is shrouded in mystery in regards to the time of its composition and class context, although a discussion of the social implications of yeomanry present in the text provides useful insight into the origins of the ballad. Even with the first literary mention of Robin Hood appearing in the B-text of Langland’s *Piers Plowman* in 1377, physical record of the *Gest* can only be traced back to its printing after 1500, as no manuscript copy exists despite almost certainly having an earlier composition date, prompting differing scholarly speculation over the correct dating (Maddicott 1999; Holt 1999; Knight 1994). Although some historians specializing in the early Robin Hood ballads, such as H. R. Hilton and J.C. Holt, suggest that the *Gest* might have been composed as early as 1400, the general consensus seems to place the date of origination closer to Knight’s estimation of c. 1450-1460 (Hilton 1999; Holt 1999; Knight 1994).

Even more widely contested than the dating of the *Gest* is the understanding of what social class context the ballad emerged from and was addressed to, which is often explored by defining the concept of yeomanry presented by the text. In order to evaluate the influence of class on the perspective towards forest law as well as the changes in societal structure that

occurred between the Magna Carta in 1215 and the 15th century composition of the *Gest*, it is first necessary to determine what section of society the ballad represents. Unlike the Magna Carta, which was created as an original and singular textual entity, the *Gest* is structured in eight fyttes or sections that consolidate fragments from earlier Robin Hood tales into three distinct narrative strands: Robyn Hode and the indebted knight, Robyn Hode and the sheriff of Nottingham, and Robyn Hode and the king. Despite its trio of storylines, the entirety of the *Gest* is firmly set within the context of the forest, with a yeoman's reaction to restrictive land laws serving as an impetus for the plot. Although the term "yeman" appears multiple times throughout the text the first section of the poem contains what is perhaps the most revealing usage of the title (Coss 1999):

But loke ye do no husbonde harme,
That tilleth with his ploughe
No more ye shall gode yeman
That walketh by grene wode shawe,
Ne no kynght ne no squyer
That wol be a gode falawe.
These bisshoppes and these archbishoppes,
Ye shall them bete and bynde;
The hye sherif of Notyngam,
Hym holde ye in your mynde. (Knight and Ohlgren 2000, 91-92)¹

In these lines Robyn instructs his men on who they should rob and assault amongst those they encounter in their travels through the forest and surrounding areas. He states that, in addition to farmers, they should not harm good yeomen, knights, or squires, but should instead concentrate

¹ But like you do no husbandman harm,
That till with his plough
No more you shall (harm) good yeoman
That walks by greenwood thicket,
Neither knight nor squire
That would be a good fellow/companion.
These bishops and these archbishops,
You shall them beat and bind;
The high sheriff of Nottingham,
Him hold you in your mind.

their efforts on the elite clergy and the sheriff of Nottingham. Robyn states that “gode yeman” are not to be accosted and categorically places him amongst the knight and squire, an interesting inclusion as the very first line of the ballad refers to Robyn himself using the exact same term: “gode yeman” (Knight and Ohlgren 2000, 90). The implication of Robyn Hode as yeoman and his command for yeomen not to be robbed is twofold. Primarily, it shows that Robyn is unwilling to harm members of his own social class. Additionally, through the association of the yeoman with the knight and squire, it implies that rather than originating in and representing the lowest of the peasantry, Robyn Hode has some small measure of status and wealth that would place him above the husbandman in the field, yet below the social station of the knight. This idea is reinforced by the phrase “that wol be a gode falawe,” meaning that the knight would be a good companion, and signifying a sense of comradeship rather than antagonism. Instead, it is the bishop and archbishop, along with the sheriff of Nottingham, that are the ones to be “bete and bynde,” indicating an animosity towards the upper echelons of the church and the secular judge over the forest rather than against all of the gentry. This stated ill will towards those in overarching positions of power in favor of those representing a more localized, lesser authority denotes a sentiment not unlike that expressed in the Magna Carta.

Although the Robyn Hode and the intended audience—hailed as “gentilmen, /that be of frebore blode”²—of the *Gest* are both textually identified as being of yeoman status, investigating the historical context and concept of the term allows for a more complete understanding of the social class implications of yeomanry and provides the foundation for a discussion on the impact of social status regarding forest law in the ballad (Knight and Ohlgren 2000, 90). Derived from the Old English “yonger man,” one of the earliest known usages of the

² Gentlemen, /that be of freeborn blood

term “yeoman” appears in the 12th century *Pseudo-Cnut de Foresta* (Holt 1999, 225). In fact, the phrase “yonger men” occurs twice in the *Gest* in substitution for “yeoman,” and although not directly connected to the age of the title’s recipient there is a “dynamic element” in the phrase indicates a transitional, intermediary condition (Pollard 2007, 33). By examining the social function of a yeoman beyond being the lowest tier of the hierarchical ranking of noble’s household, below the knights and squires, but rather in relation to larger class structures during the 14th and 15th centuries, such as the trade guilds, the profound societal implications of the term becomes apparent: “The notion of mobility seems intimately bound up with the term...the fluidity of the social connotations of the word ‘yeoman’ constitutes something of a threat to the ordered hierarchy of medieval social ideology” (Tardif 1999, 349). Because of the increase in social mobility and disparity of wealth in the time period surrounding the turn of the 15th century, which provoked the concern of the nobles who wished to maintain the status quo, the term yeoman was “extended to an intermediary social category between husbandman and gentleman” (Pollard 2007, 33). Although ranking above peasants and poor farmers in wealth and social status, those considered to be yeomen still remained separate from the ruling upper class, such as the barons responsible for the Magna Carta two hundred years earlier, resulting in a different response to forest laws as witnessed in the *Gest*.

The Robyn Hode of the *Gest* represents an antiauthoritarian figure that directly defies the central tenants of the forest law outlined by the *Assize of the Forest*. Rather than respecting the king’s appointed officials, “Robyn bent a full goode bowe, /An arrowe he drowe at wyll; /He hit so the proude sherife/ Upon the grounde he lay full still”³ (Knight and Ohlgren 2000, 134). The

³ Robyn bent a full good bow,/An arrow he drew at will; /He hit so the proud sheriff/Upon the ground he lay fully still.

murder of the sheriff and his decapitation in the following stanza is depicted in the *Gest* without any hint of reproach or condemnation. Instead, Robyn Hode's violence against the forest authority is glorified as he is shown to be righteously revenging the previous injustices of the sheriff. The very weapon used to commit the murder represents the rebellious dismissal of item two of the assize: "he forbids that anyone shall have bows or arrows...in his forests," that is promoted in the text (Douglass and Greenaway 1981, 450). From the indebted knight buying one hundred bows and sheaves of arrows in the second fyte to Robyn's use of his "goode bowe" to shoot the sheriff, the intentional flouting of the law occurs throughout the ballad. The class connotation of the weapon and the aggression with which it is used indicates the belligerence and capacity for violence of the yeomen as well as other lower status gentry towards what they conceive to be unjust laws and law enforcement. Furthermore, Robyn disregards the cardinal rule of the *Assize of the Forest*: "First he forbids that anyone shall transgress against him in regards to his hunting rights or forests in any respect" (Douglass and Greenaway 1981, 450). Tired of dwelling in the royal court, Robyn returns to the greenwood where he "slewe a full grete harte"⁴, and in killing the king's deer reclaims the status and ideology of a yeomen outlaw (Knight and Ohlgren 2000, 146).

Robyn Hode's slaying of the deer in the *Gest* illustrates the response of the lower social class to the forest law. Unable to effectively alter the system through legal documents, as the barons manage to do with the Magna Carta, those who have less influence within society have the option of operating outside of the law to achieve their goals. Ultimately, the desires of the barons and the yeomen concerning the forest laws are not all that different. In the Magna Carta the nobles push for less corrupt and autonomous royal control in addition to greater access to the

⁴ Slewe a full great hart/deer

land and resources that they view as their own. The killing of the sheriff, carrying of bows and arrows for protection and sport, and the shooting of the hart are all actions that can be understood as Robyn Hode asserting his right to self-governance and natural resources in defiance of the forest laws with the same intention that prompted the uprising of the barons against King John and the drafting of the Great Charter.

In addition to furthering our perception of how social class shaped responses to forest law, comparing the Magna Carta and the *Gest* highlights the societal evolution that occurred in the approximately two hundred years that separate the texts. The class hierarchy present in 1215 was weakened by the increase in social mobility occurring in the late 14th and early 15th centuries, allowing for the formation of an intermediary status that created a new connotation for the title “yeoman”. While the legal document of the Magna Carta provided the best grasp of the barons’ appraisal of royal land regulation, the ballad composition of *A Gest of Robyn Hode*—a format more accessible to the lower classes, especially if performed—allowed for greater comprehension of how someone of yeoman standing might have viewed forest law. The understanding gained about societal change and comparative class reactions to the laws established by the *Assize of the Forest* is achieved through the analysis of sources separated, not only by time, but by genre as well, indicating the value of creatively selecting primary texts for comparison. Although *A Gest of Robyn Hode* is a piece of literature, not legislation, when evaluated in the context of the *Assize* and Magna Carta the narrative grants unique insight into a less documented section of society that enriches scholarship that is based on historical documents alone.

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