

Trinity University
Digital Commons @ Trinity

The Expositor: A Journal of Undergraduate
Research in the Humanities

English Department

2017

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

Kathryn Funderburg
Trinity University, kfunderb@trinity.edu

Follow this and additional works at: http://digitalcommons.trinity.edu/eng_expositor

Repository Citation

Funderburg, Kathryn, "Barons and Yeomen, Venison and Vert: A Comparative Analysis of Magna Carta and A Gest of Robyn Hode in the Context of Forest Law" (2017). *The Expositor: A Journal of Undergraduate Research in the Humanities*. 9.
http://digitalcommons.trinity.edu/eng_expositor/9

This Article is brought to you for free and open access by the English Department at Digital Commons @ Trinity. It has been accepted for inclusion in The Expositor: A Journal of Undergraduate Research in the Humanities by an authorized administrator of Digital Commons @ Trinity. For more information, please contact jcostanz@trinity.edu.

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

Kathryn Funderburg

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, which he proclaimed forests and protected with harsh laws.¹ Henry II's *Assize of the Forest*, however, was the first legal document focused solely on regulating the forest. 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 the strict enforcement of the king's interests by foresters and sheriffs, who denied noblemen and commoners alike from accessing the wealth of the land, led to deep discontent at both ends of the societal spectrum, now reflected in law codes and literature.² One of the earliest surviving sources to mention Robin Hood, the romantic ballad entitled *A Gest of Robyn Hode* (c. 1450), glo-

- 1 See Danny Danziger and John Gillingham, *1215: The Year of Magna Carta* (New York: Touchstone, 2005), 273-90; "A Gest of Robyn Hode," in *Robin Hood and Other Outlaw Tales*, ed. Stephen Knight and Thomas Ohlgren (Kalamazoo, Mich.: Medieval Institute Publications, 2000), note to l. 1429.
- 2 "The Assize of the Forest (1184)," in *English Historical Documents 1042-1189*, ed. David Charles Douglass and George Greenaway (London: Routledge, 1981), 450-52.

rifies violations of such laws in a narrative derived from lower in the social hierarchy, 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 Magna Carta provides a framework to better comprehend the interplay between the *Assize* and the *Gest*. How do 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 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, what can the concept of yeomanry, both as a social rank and a household station, as presented in the *Gest*, tell 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, Magna Carta provides the context required to understand how the *Gest* and its lower-class audience responded to elements of forest law.

In the period leading up to the creation of 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 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 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.³ 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 May 17, 1215. Less than a month later, on June 15, terms of peace were agreed upon and John journeyed to Runnymede to confirm the final draft of the Great Charter.⁴ Magna Carta delineates a variety of liberties, such as the taxation and the freedom of the church, and clauses 47 and 48 most directly take up the forest law established in the *Assize of the Forest*.

Clause 47 of 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 nonetheless 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."⁵ In the authorization of this single clause, John relinquishes the autonomous control over the forest and its resources that his father, Henry II, formally instituted in the

3 Danziger and Gillingham, *Year of Magna Carta*, 273–90.

4 Danziger and Gillingham, *Year of Magna Carta*, 273–90.

5 Danziger and Gillingham, *Year of Magna Carta*, 284.

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 the 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 time frame 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 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.⁶

Clause 48 functions as a direct reversal of item 5 of the *Assize of the Forest*, which indicated that “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,” thereby not only asserting the power of the king’s foresters over the forest, but also highlighting 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.⁷ 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

6 Danziger and Gillingham, *Year of Magna Carta*, 284.

7 “Assize of the Forest (1184),” in *English Historical Documents*, ed. Douglass and Greenaway, 451.

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 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 who, as the social inferiors of the barons who composed Magna Carta, 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.”⁸ 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 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 that he has to approve it.

Although the refutation of the forest law through 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, as well as 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 Magna Carta, to shape their relationship with the king and his officials and to pursue what they believed to be just treatment. Clauses

8 “Assize of the Forest (1184),” in *English Historical Documents*, ed. Douglass and Greenaway, 451.

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.⁹ The clauses regarding forest law in 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 landowning gentry. Despite not immediately achieving the goals they set forth in Magna Carta, the barons effectively altered the absolute control over the forest as established by 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."¹⁰ Reflecting the specific grievances and social influence of the barons, 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 Magna Carta, *A Gest of Robyn Hode* is shrouded in mystery with regard to the time of its composition, its author, and its earliest audience, although the text's discussion of the social implications of yeomanry provides useful insight into the origins of the ballad. Lacking any manuscript copies, physical record of the *Gest* can only be traced back to its printing soon after 1500. The text's composition clearly antedates its printing, but its precise time of origin is the subject of widely divergent scholarly speculation: although some historians specializing in the early Robin Hood ballads, such as 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 Stephen Knight's estimation of *c.* 1450–60.¹¹

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—a topic 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

9 Raymond Grant, *The Royal Forests of England* (Wolfeboro Falls: Alan Sutton, 1991), 133–80; Charles Young, *The Royal Forest of Medieval England* (Philadelphia: University of Pennsylvania Press, 1979).

10 Young, *Royal Forest*, 65.

11 Stephen Knight, *Robin Hood: A Complete Study of the English Outlaw* (Oxford: Blackwell, 1994), 44–88; J. R. Maddicott, "The Birth and Setting of the Ballads of Robin Hood," in *Robin Hood: An Anthology of Scholarship and Criticism*, ed. Stephen Knight (Cambridge: Brewer, 1999), 233–56; J. C. Holt, "The Origins and Audience of the Ballads of Robin Hood," in *Robin Hood: An Anthology*, ed. Knight, 211–32.

Magna Carta in 1215 and the fifteenth-century composition of the *Gest*, it is first necessary to determine what section of society the ballad represents. Unlike Magna Carta, which was created as an original and singular textual entity, the *Gest* is structured in eight fits 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 (emphasis added):

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 Notyngham,
 Hym holde ye in your mynde.¹²

In these lines, Robyn instructs his men on whom 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 their efforts on the elite clergy and the sheriff of Nottingham. This inclusion of the “*gode yeman*” alongside the knight and squire is particularly intriguing, since the very first line of the ballad refers to Robyn himself with the exact same term: he is a “*gode yeman*.”¹³ The implication of Robyn Hode as yeoman and his command for yeomen not to be robbed is twofold. First, it shows that Robyn is unwilling to harm members of his own social class. Second, and more significantly, 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.

12 “A Gest of Robyn Hode,” ed. Knight and Ohlgren, 91-92; cf. Peter Coss, “Aspects of Cultural Diffusion in Medieval England: Robin Hood,” in *Robin Hood: An Anthology*, ed. Knight, 329-43.

13 “A Gest of Robyn Hode,” ed. Knight and Ohlgren, 90.

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, who are 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 Magna Carta.

Although Robyn Hode and the intended audience of the *Gest*—hailed as “gentilmen, / that be of frebore blode”—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.¹⁴ Derived from the Old English “yonger man,” one of the earliest known usages of the term “yeoman” appears in the twelfth-century *Pseudo-Cnut de Foresta*.¹⁵ Indeed, 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 that indicates a transitional, intermediary condition.¹⁶ 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 fourteenth and fifteenth 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.”¹⁷ Because of the increase in social mobility and disparity of wealth in the time period surrounding the turn of the fifteenth 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.”¹⁸ 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 Magna Carta two hundred years earlier, resulting in a different response to forest laws

14 “A Gest of Robyn Hode,” ed. Knight and Ohlgren, 90.

15 Holt, “Origins and Audience,” 225.

16 A. J. Pollard, *Imagining Robin Hood: The Late Medieval Stories in Historical Context* (London: Routledge, 2004), 33.

17 Richard Tardif, “The ‘Mystery’ of Robin Hood: a New Social Context for the Texts,” in *Robin Hood: An Anthology*, ed. Knight, 349.

18 Pollard, *Imagining Robin Hood*, 33.

as witnessed in the *Gest*.

The Robyn Hode of the *Gest* represents an antiauthoritarian figure who 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."¹⁹ The murder of the sheriff and his decapitation in the following stanza are 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 that is promoted in the text: "He forbids that anyone shall have bows or arrows ... in his forests."²⁰ From the indebted knight buying one hundred bows and sheaves of arrows in the second fit 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."²¹ Tired of dwelling in the royal court, Robyn returns to the greenwood where he "slewe a full grete harte," and in killing the king's deer reclaims the status and ideology of a yeomen outlaw.²²

Robyn Hode's slaying of the deer in the *Gest* illustrates the response of the lower social class to the forest law. Unable effectively to alter the system through legal documents, as the barons manage to do with 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 Magna Carta the nobles push for less corrupt royal control in addition to greater access to the 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

19 "A Gest of Robyn Hode," ed. Knight and Ohlgren, 134.

20 "Assize of the Forest (1184)," in *English Historical Documents*, ed. Douglass and Greenaway, 450.

21 "Assize of the Forest (1184)," in *English Historical Documents*, ed. Douglass and Greenaway, 450.

22 "A Gest of Robyn Hode," ed. Knight and Ohlgren, 146.

the drafting of the Great Charter.

In addition to furthering our perception of how social class shaped responses to forest law, comparing Magna Carta and the *Gest* highlights the societal evolution that occurred in the approximate 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 fourteenth and early fifteenth centuries, allowing for the formation of an intermediary status that created a new connotation for the title “yeoman.” While the legal document of 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 comparatively poorly documented section of society.

Kathryn Funderburg is a senior majoring in history. She prepared this essay as part of Dr. Nicole Marafioti’s course on the Middle Ages in Film (HIST 3433, Spring 2016).

