

The Court of Beast and Bough:  
Contesting the Medieval English Forest in the Early Robin Hood Ballads

by

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*for Jasmine,  
huntress and hind*

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## **Abstract**

After King William created the New Forest in the twelfth century, the English monarchy sought to define the forest, both legally and ideologically, as a site in which the king's rights were vigorously enforced. In the romance literature of England, the forest was treated as an exclusive chivalric testing ground, as the site of the aristocracy's self-validation. The folk reaction against the privatization of this common space and its resources finds a strong literary articulation in the first Robin Hood ballads centuries later. The outlaw reclaims the forest by inhabiting it, appropriating the symbols of its governance, and establishing within it a court that is both legal and social, decked out in the trappings and traditions of romance chivalry and the forest administration. This thesis examines the ideological impulses behind Robin's occupation of the forest, discussing their relationship to the legal and literary history of the English forest.

## Glossary

afforest (*v.*): to add land to the domain of the royal forests

afforestation (*n.*): the process of adding land to the domain of the royal forests

agist (*v.*): “[t]o take in live stock to remain and feed, at a certain rate; orig. to admit cattle for a defined time into a [royal] forest” (*OED* agist, *v.*)

agistment (*n.*): “the taking in of cattle or live stock to feed at a rate of so much per head; the opening of a [royal] forest for a specified time to live stock” (*OED* agistment, *n.*)

assize (*n.*): “[l]egislative sitting, statute, statutory measure or manner” (*OED* assize, *n.*)

attach (*v.*): to arrest

attachment (*n.*): an arrest; the process of an arrest

buck (*n.*): “male of the fallow-deer” (*OED* buck, *n.*<sup>1</sup>, 1.b.)

demesne (*adj.*): held by inheritance

disafforest (*v.*): to remove land from the domain of the royal forests

disafforestation (*n.*) the process of removing land from the domain of the royal forests

doe (*n.*): “female of the fallow deer” (*OED* doe, *n.*)

eyre (*n.*): itinerant medieval English court session held as part of a court circuit along a certain route

fallow deer (*n.*): “[a] species of deer [...] smaller than the stag or red deer. So called from its [yellow] colour” (*OED* fallow-deer, *n.*)

forester (*n.*): a forest official responsible for patrolling and protecting the game and growth of the royal forest and arresting offenders; also occasionally a hunting assistant

grease (*n.*): the season in which game animals are fat and most fit for slaughter

hart (*n.*): a male deer, usually an adult red deer (at least five years old)

hind (*n.*): a female deer, usually an adult female deer (at least three years old)

justice (*n.*): a judge



law (*v.*): to remove the three front claws of a dog with a hammer and chisel to prevent it from aiding in the hunt

pannage (*n.*): the right to set pigs to graze on acorns and nuts fallen to floor of the royal forest; the payment made to purchase such a right; the season in which pigs feed in this manner

regarde (*n.*): “[a]n officer responsible for the supervision and regular inspection of a [royal] forest” (*OED* *regarde*, *n.*)

roe (*n.*): “Either of two small Eurasian deer of the genus *Capreolus*, which have no visible tail, and the males of which have short upright antlers with (typically) two or three points” (*OED* *roe*, *n.*<sup>1</sup>)

stag (*n.*): see *hart*

swanimote (*n.*): a court in which fees and fines were assigned and collected for pannage and other uses of the royal forest; usually held in late autumn

venison (*n.*): meat from a deer; the deer protected by the royal forests

verderer (*n.*): a forest officer charged with keeping, reviewing, and producing the legal records of the royal forest

verdure (*n.*): see *vert*

vert (*n.*): the vegetation of the forest

warden (*n.*): an executive officer of the royal forest, sometimes called chief forester or steward

woodward (*n.*): a forest official specifically responsible for protecting the vegetation of the royal forests

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## **Chapter 1: Introduction**

The medieval English forest has long been a space of contested legal meanings. After King William I first created the 75,000-acre New Forest, the English monarchy sought to define the vert, both legally and ideologically, as a multiplicity of sites in which the king's rights were vigorously enforced. Commoners and nobles alike criticised, feared, and ignored the authority of the royal forests. The records of the forest court hold plenty of revealing cases of poachers from all strata of society. Given the confrontational character of many these offences, it would seem that these poachers were often more concerned with rebelling against the arbitrary privilege of the king than with discreetly making off with venison. What was at stake was not the meat itself, but the right to the forest as a resource for common use. The extensive machinery of forest law was intended to curb this resistance and assert the king's control over the vast tracts of private land known as the king's forests.

The court records show that the king's woods were crawling with malefactors—knights, barons, archbishops, bishops, yeomen, peasants, foresters and outlaws—though, if the literature of the period is to be believed, it was the poets and composers who crowded the secluded clearings of the forest. From the outlaw poems of Robin Hood, to the fantastical romances of the Round Table, to common complaint poems written in English and French, the medieval literature of England frequently features the forest as the setting of its composition, concerns, and conflicts. Robin Hood and his green-clad posse poach deer, rob passers-by, and make merry in Sherwood Forest. The vert is their economic resource as well as their seat of power. Arthur and his knights venture into the

forests to discover marvels and prove their knightliness. The forest is where they test and establish their chivalric values and aristocratic status. The political poets, though they may be complaining of the king's foresters or sheriffs and their tyrannical control of the forest, often treat the seclusion of the forest as a space from which to critique the king and his policies. Thus, even when it is not rendered in explicitly political terms, the medieval English forest has its roots deep in the soil of politics. Accessing the body of medieval literature concerned with the forest allows a careful reader to consider the ways in which England conceived of the forest not merely as geographical or legal space, but as the ideological stage on which a centuries-long debate over royal privilege and public right could be played out in the struggle for control of a common resource.

The second chapter of this thesis will examine the history of forest and hunting law before the Conquest, tracing its treatment in Roman law forward to the first period of afforestation under William I. It will consider the treatment of hunting law laid out in Emperor Justinian's decree in the *Institutes* of 529, as well as the treatment of the same law in the Anglo-Danish laws of Canute, with interest in the spurious *Constitutiones de Foresta* that were later forged in order to connect the efforts of the post-Conquest forest regime to pre-Conquest hunting customs. This section also considers the earliest literary records of revolt against the forest administration,<sup>1</sup> including passages from the *Anglo-Saxon Chronicle* and *A Sirvente on King John*. A close reading of these documents will reveal the deeper concerns about land use and ownership that lay beneath the public

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<sup>1</sup> For this section, I have elected to consider documents that date before the 1217 Charter of the Forest during the reign of Henry III. Turner recognizes the charter as a demarcation between the early and middle period of the forest administration (see G. J. Turner, *Select Pleas of the Forest* [London: Selden Society, 1899], x). Young considers the forest concession of the slightly earlier 1215 Magna Carta to reflect a major change in "the underlying idea [...] that conditions other than the king's will should be considered in respect to the forests" (see Charles Young, *The Royal Forests of Medieval England* [Philadelphia: University of Pennsylvania Press, 1979]: 7). Whatever the case, that three-year period in history marks a shift in the treatment of the forest.

outrage against the move to reserve the forest as a hunting ground. A brief look at the treatment of the forest administration in early religious writings may also offer insight into the moral affront that the New Forest, or at least the king's methods of enforcing its boundaries, posed to ecclesiastical writers in the century following its establishment.

The third chapter will examine extant historical and literary texts to sketch out the medieval English forest administration as it was conceived by its legislators, as it actually functioned in society, and as it was perceived by contemporary literature. Here I will turn to the legal records offered by William Stubbs, G. J. Turner (on behalf of the Selden Society) and D. J. Stagg, as well as a number of English political poems (from the thirteenth century, *Song on the Peace with England*, *Song on the Corruptions of the Time*; from the fourteenth century, *Song on the Venality of the Judges*, *Song of the Husbandman*, *Song of the Trailbaston*, *King Edward and the Shepherd*) to reveal the legal machinery of forest law and the extent of its control of English forest resources and its penetration into public and literary consciousness. I will emphasize that these texts express an anxiety about the forest administration, as well as a deeper concern over the arbitrary right of the king in the forest and beyond.

The fourth chapter will consider the fifteenth-century ballads of Robin Hood (namely *A Gest of Robyn Hood*, *Robin Hood and the Potter*, *Robin Hood and the Monk*, and *Robin Hood and Guy of Gisborne*) to argue that Robin Hood reclaims the forest space and the symbols of its administration while establishing his own liveried court that stands in counterpoint to the royal ideology of arbitrary privilege. I will show that the ideology of the Robin Hood stories harkens back to a pre-Conquest tradition of land use

and hunting law in which the common ownership of the land and its resources can only be asserted through their use.

In the fifth chapter I will consider the forest space as it is depicted in English romance, beginning with Breton lays of Marie de France and ending with Middle English lays and romances, including *Sir Orfeo*, *Emaré*, *Sir Degaré*, *Sir Launfal*, *Sir Bevis of Hampton*, *King Horn*, *Havelok the Dane*, *Sir Degrevant*, the alliterative *Morte Arthure*, and Sir Thomas Malory's *Morte Darthur*. I will expand Erich Auerbach's argument that romance is built on the ideological exclusion of the lower classes to show how this exclusion, as it exists in English romance, not only removes the common people from narratives of empowerment but also strips the English forest of its economic and legal history as a site of contention. The romance forest is neither a legal apparatus nor a site in which royal privilege is negotiated; it is a political apparatus, a testing ground in which the nobility can prove its legitimacy by performing chivalry-affirming feats of arms. I will also consider how the relationship between hunting skill and knightly prowess transform the forest into a place where the aristocratic skill-set can be practised for the benefit of the image of nobility. Furthering Auerbach's assertion that the landscape of romance is built on the topography of the Breton fairy tale tradition in which structures of power exist as though they rose from the ground, I will ultimately demonstrate how the Robin Hood ballads write back against a power structure that affirms itself and attempts to ignore the existence of the classes that support it. This writing back re-establishes the forest as the potential site of folk stories, and positions Robin within it as a shadow knight, a model for social nobility that can be acquired through practice rather than inherited through blood.

By responding to forest law and the romance genre, Robin Hood's forest court subverts the ideologies of two distinct social forces: the absolute royal privilege of the forest administration and the arbitrary self-affirmation of aristocratic romance chivalry. This subversion achieves two related functions: first, it encourages the redistribution of the forest's resources through a system of governance based on use rather than on royal privilege; second, it creates the possibility for folk heroism by cutting the image of the knight loose from its aristocratic moorings and allowing commoners to achieve heroic deeds in the forests that were once the exclusive domain of romance heroes and their soon-to-be-vanquished enemies. These functions are related in that they open the previously closed-off territory of the forest to the common people, who have been excluded from positions of social strength by the literary contrivance of the knight riding forth and the legal invention of the forest administration.

However, the royal right to the forests and the self-affirming privileges of the romance aristocracy must be understood as distinct social phenomena, just as the aristocracy of romance must be treated as a different entity than the historical aristocracy. After all, everyone but the king (and his officers) was banned from the royal forests. This included the historical aristocracy, though certain nobles and religious orders could acquire the right to maintain private woods and parks. However, what makes the privileges of the king and the romance aristocracy a single target for Robin's attack is their mutual interest in the importance of inherited privilege, of governance by blood rather than merit. Robin, known for winning competitions by cutting the target in half, effectively "splits the wand"<sup>2</sup> of aristocratic privilege by separating the idea of social

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<sup>2</sup> The wand was a stick inserted into the ground as an archery target, though it was extremely difficult to hit.

worth from that of blood-borne nobility.<sup>3</sup> The forest, with all of its literary and legal history, serves as both the prize and the range for this archery contest.

It is likely that, for medieval English men and women, a single answer to the debate of who should have access to the forest was as elusive and contentious as it is for modern historians. Therefore, it only makes sense to approach the forest as a dynamic notion, the identity of which has been written out over hundreds of years in the interaction of medieval legislation and literature. I will ultimately argue that the body of poems, play-games, and legends of Robin Hood are positioned more deeply in this historical debate than previous scholarship has recognized. The popularity of these stories suggests that the notion of the forest as a common resource persisted and resurged in late-medieval England, and that underlying the folk hero was an ideology that reacted against the privileged values of forest law and the romance genre, and that wished to reclaim, repair, and re-appropriate the symbols and structures of these aristocratic value systems in order to construct a new kind of folk heroism.

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<sup>3</sup> For this reason, the terms *aristocracy*, *aristocratic*, *nobility*, and *noble*, will all be problematic. From a medieval perspective, nobility of character is implied by social nobility, though Robin's example in the forest effectively challenges this association. Likewise, the term *aristocracy* has roots in the Greek word for "best" (see *OED*, *aristocracy*, *n.*), which is an extraordinarily vague modifier. Like *nobility*, it often refers to the upper strata of society, though Robin challenges the notion that greatness can be equated with social positioning. And of course, sometimes both terms are broad enough to include the king, and other times they are used to refer only to the social group immediately below him in the power structure. However, these words must be called upon for lack of viable substitutes. Whenever possible, I will attempt to make clear through context which meanings and social groups are being evoked.



## Chapter 2: Old Forest, New Forest, and the Establishment of the Royal Woodlands

No act of medieval English legislation drew more fire than the creation of the New Forest as a legal entity.<sup>4</sup> The rapid process of afforestation under William II triggered the first responses to the notion of the forest as a private space instead of a common resource. Given the social variety of those opposed to the creation of the New Forest, it would seem that the crown failed at convincing any particular social group, from the barons to the clergy to the common people, that the forest should be reserved as the private hunting grounds of the king. These social groups variously voiced their disapproval as the status of the forest shifted from unclaimed space with free-capture game to a private zone in which game was the property of the king.

### *Legal and Geographical Concepts of the Forest*

At this early stage in forest legislation the forest was not yet treated as the king's financial resource (as it would be under later monarchs),<sup>5</sup> but as his personal leisure realm, a place to relax and cast off the burdens of governing the realm and enjoy the exhilaration of the hunt. In his *Dialogus de Scaccario* (1177-79), Richard fitz Nigel calls the forests "the sanctuaries of kings and their chief delight."<sup>6</sup> This private pleasure realm required an equally private form of law. For this reason, fitz Nigel argued that those who

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<sup>4</sup> Charles Young, *Forests of Medieval England*, 7.

<sup>5</sup> According to Birrell, the English monarchs "gradually realized how profitable it could be to let people break the law but amerce or fine them heavily for doing so." See Jean R. Birrell, "The Medieval English Forest," *Journal of Forest History* 24.2 (1980): 80.

<sup>6</sup> Richard fitz Nigel, "'The Dialogue of the Exchequer' (*Dialogus de Scaccario*) (1177-9)," in *English Historical Documents: Volume 2, c. 1042-1189*, ed. and trans. David C. Douglas and George G. Greenaway (London: Routledge, 1981), 565.

transgress forest law are not subject to the laws of the kingdom, but to “the arbitrary will of the monarch, so that whatsoever has been done in accordance with its laws, may be termed not *absolutely* just, but *just according to the law of the forest.*”<sup>7</sup> Fitz Nigel also provided a dubious etymology for the word “forest,” inventing<sup>8</sup> definitive roots for the word in the Latin *feresta*, meaning “an abode for wild beasts,”<sup>9</sup> a designated space where game was kept for use by the king.

Understanding the forest as both a legal jurisdiction and a geographical feature is central to approaching accurately the dynamic medieval notion of the forest. G. J. Turner, J. Charles Cox, Charles Young, and Stephen L. Stover, among a number of other scholars of forest law, have argued that the term *forest* referred exclusively to these private legal jurisdictions that fell under a body of forest law, whether or not these tracts of land contained game or verdure of any sort.<sup>10</sup> Turner explains that it is not correct to assume that “the term originally, or of necessity, implied woody grounds or natural woodland.”<sup>11</sup> In fact, it is probable that much afforested land was not particularly verdant. Cox argues that the term *forest* is a “modified form of the Welsh *gores*, *gorest*, waste, waste ground; whence the English word *gorse*, *furze*, the growth of a waste land,”<sup>12</sup> though such a definition could not account for the application of the term *forest* to areas with developed

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<sup>7</sup> Fitz Nigel, *Dialogus*, 565.

<sup>8</sup> The *OED* offers the following etymology: “< Old French *forest* (French *forêt*), < medieval Latin *forest-em* (*silvam*) the ‘outside’ wood (i.e. that lying outside the walls of the park, not fenced in), < *foris* out of doors” (see *OED*, *forest*, *n.*). It is worth noting that almost without exception, the Latin legal records use *foresta* or *foresta regis* (for an example, see the case of Thomas of Oswestry and Thomas, son of Eustace, on page 5 of Turner, *Select Pleas*). There are some cases in which royal forests are called *bosco*, such as the “*bosco de Nassinton*,” “the wood of Nassington,” as can be seen in the 1209 Northamptonshire Eyre (see Turner, *Select Pleas*, 3); or *boscum domini regis* (“the king’s demesne wood”), as can be seen in the 1255 Huntingdon Eyre (see Turner, *Select Pleas*, 19).

<sup>9</sup> Fitz Nigel, *Dialogus*, 565.

<sup>10</sup> See G. J. Turner, *Select Pleas*, ix; J. Charles Cox, *The Royal Forests of England* (London: Methuen and Co, 1905), 1; Young, *Forests of Medieval England*, 6; Stephen L. Stover, “Silviculture and Grazing in the New Forest: Rival Land Uses over Nine Centuries,” *Journal of Forest History* 29.1 (1985): 32.

<sup>11</sup> Cox, *Forests of England*, 1.

<sup>12</sup> *Ibid.*

growth and stands in contradiction to the etymology attested by the *OED*. The strict legal definition of the forest as a jurisdiction and not as section of land containing specified geographical features (including wild game, growth, or waste) is equally unsatisfying. Margaret Ley Bazeley and Jean Birrell trace the use of the word “forest” in legal records to describe wooded, game-inhabited tracts of land not protected by forest law. Bazeley finds over seventy thirteenth-century uses of the word “forest” to describe “districts where the rights of chace are in the hands of a subject,”<sup>13</sup> and alludes to “other and looser uses to which the term is put in the records.”<sup>14</sup> Birrell finds that “[t]he so-called ‘Forest’ of Arden ... was never protected by forest law; nor was Needwood ‘Forest’ in Staffordshire.”<sup>15</sup> Even to the lawmakers, the word was flexible, its meaning slippery.

This is not to say that the lawmakers of the early forest administration were lenient in their interpretation of the law, or even willing to negotiate the boundaries of the royal woodlands. The process of afforestation was swift and certain, as was the response of the common folk. *The Anglo-Saxon Chronicle* reports that in 1087 William II

was fallen into covetousness, and greediness he loved withal. He made many deer-parks; and he established laws therewith; so that whosoever slew a hart, or a hind, should be deprived of his eyesight. ... His rich men bemoaned it, and the poor men shuddered at it. But he was so stern, that he recked not the hatred of them all; for they must follow withal the king's will, if they would live, or have land, or possessions, or even his peace.<sup>16</sup>

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<sup>13</sup> Margaret Ley Bazeley, “The Extent of the English Forest in the Thirteenth Century,” *Transactions of the Royal Historical Society*, Fourth Series, Vol. 4 (1921): 140.

<sup>14</sup> *Ibid*

<sup>15</sup> See Jean Birrell, “Who Poached the King’s Deer? A Study in Thirteenth Century Crime,” *Midland History* 7 (1982): 9.

<sup>16</sup> Douglas B. Killings, ed., *Anglo-Saxon Chronicle*, trans. Rev. James Ingram and Dr. J.A. Giles, in *Online Medieval and Classical Library* (1996), last modified July 1996, <http://omacl.org/Anglo/>, Part VI.

The *Chronicle* suggests that the king's desire for the private forest was aligned with greed, and the people reacted poorly when the common resources of the forest, namely its game, were taken away. If the chronicler is to be believed, the afforestation was performed with pronounced animosity from the public, and with the wilful dismissal of the king.

This animosity was in large part also a reflection of the "significant impediment"<sup>17</sup> that the forest system posed to commoners living in the forest. The sheer extent of the forests necessarily meant that a large portion of the population was living in the shadow of forest law. For example, the Forest of Feckenham covered 230 square miles, a large enough area to contain roughly 80 villages and hamlets and 40 settlements.<sup>18</sup> Despite disafforestation under later monarchs,<sup>19</sup> "the area subject to forest law remained large,"<sup>20</sup> and continued to affect a considerable portion of the population. Foresters and verderers prevented locals from collecting, transporting, and selling firewood, which was a significant form of trade, personal heating, and survival in medieval England.<sup>21</sup> Jean Birrell finds hundreds of names of vert offenders on the eyre rolls: 280 presentations at an eyre in Cannock in 1262, 270 in 1286.<sup>22</sup> These numbers do not include those whose fines would have been small enough to be handled at a summary court rather than the eyre. Those who acted as pledges for the offenders could also be fined, "cost[ing] large numbers of people not only time and inconvenience in court

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<sup>17</sup> Jean Birrell, "Forest Law and the Peasantry in the Later Thirteenth Century," in *Thirteenth Century England, II: Proceedings of the Newcastle upon Tyne Conference 1987*, ed. P. D. Cross and S. D. Lloyd (Woodbridge: Boydell & Brewer, 1988), 149.

<sup>18</sup> Birrell, "Forest Law and the Peasantry," 150.

<sup>19</sup> For example, King Stephen disafforested all of the lands absorbed during the reign of Henry I. See Charles R. Young, "English Royal Forests under the Angevin Kings," *The Journal of British Studies* 12.1 (1972): 3.

<sup>20</sup> Birrell, "Forest Law and the Peasantry," 151.

<sup>21</sup> *Ibid.*

<sup>22</sup> *Ibid.*, 152.

attendances, but also money in amercements for defaults.”<sup>23</sup> These fines were not negligible amounts for the majority of offenders: those who were treated wood-cutting as a supplementary occupation.<sup>24</sup> They also cumulatively taxed the economy of entire villages,<sup>25</sup> impeding any industry that relied on the forest for its resources. For such struggling villages, forest law caused further problems by denying them access to venison, “a very useful additional source of meat” that constituted a significant loss” to peasants living in the forest.<sup>26</sup>

These conditions of deprivation hardly laid the grounds for an understanding relationship concerning the forest. Resentment toward the negligence of hunting monarchs resurfaced during the reign of King John, when one anonymous poet wrote that John’s love of the hunt caused him to abandon shamefully the example of rulership set by his ancestors and let his lands fall into disorder:

Mais ama l’bordir e l’cassar,  
E bracs e lebriers et austors,  
E sojorn; per que il faill honors,  
E s’laissa viues deseretar.<sup>27</sup>

The king’s attachment to his private forest and the sport of hunting was thus linked to his neglect of the realm and his inadequacy as a ruler.

### *Pre- and Post-Conquest Hunting Law*

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<sup>23</sup> Birrell, “Forest Law and the Peasantry,” 152.

<sup>24</sup> *Ibid.*, 153.

<sup>25</sup> *Ibid.*, 154.

<sup>26</sup> *Ibid.*, 157.

<sup>27</sup> Thomas Wright, ed., *A Sirvente on King John*, in *The Political Songs of England* (London: Camden Society, Old Series, Vol. 6, 1839), 4. Wright translates the lines thus: “He loves better fishing and hunting,—pointers, greyhounds, and hawks,—and repose, wherefore he loses his property,—and his fief escapes out of his hands.”

The volume of public outcry against the forests can be attributed to the extent to which the privatization of game worked against the ancient notion (and contemporary sentiment) that a wild animal was *res nullius*, a thing belonging to no man, an idea that dated back to the Roman Empire. According to Charles Chevenix Trench in *The Poacher and the Squire*, “Roman jurists had come to the conclusion that anyone, subject to the law of trespass, could hunt”<sup>28</sup> wild animals. In other words, access to game could not be prevented through private ownership of the animals themselves, but only through denying hunters access to the land on which they might be captured. However, there was no guarantee that game would be preserved, even on one’s own property. By Emperor Justinian’s decree in the *Institutes* of 535, it was declared that

Wild beasts, birds, fish and all animals, which live either in the sea, the air, or the earth, so soon as they are taken by anyone, immediately become by the law of nations the property of the captor ... And it is immaterial whether a man takes wild beasts or birds upon his own ground, or on that of another.<sup>29</sup>

By the same decree it was allowed that men could forbid hunters access to their property (and game) if they saw them as they entered and perceived their intent. The game of the forest was, thus, for the most part, accessible to all, made into property only through the exertion of the hunt.

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<sup>28</sup> Charles Chevenix Trench, *The Poacher and the Squire: A History of Poaching and Game Preserves in England* (London: Longmans, 1967), 23.

<sup>29</sup> Justinian, *Institutes*, in *The Library of Original Sources, Vol. III: The Roman World*, ed. and trans. Oliver J. Thatcher, digitally adapted and ed. by Dr. Jerome Arkenburg (Milwaukee: University Research Extension Co, 1907), Book II, I.12.

This notion of the people's right to game, at least on their own property, persisted in one form or another in Anglo-Danish and Anglo-Saxon law as well. Because the Romans had already cleared trees from much of the cultivatable countryside "in order to use the richer tracts for tillage and pasturage" (as well as to obtain fuel for iron and lead smelting),<sup>30</sup> the Saxon rulers did designate a limited number of hunting reserves for private use, usually chosen for their proximity to royal homes or their abundance of choice venison. But, as Charles Cox argues, "even at the time of greatest restraint in the later rule of the Saxons and Danes, men could pursue smaller game into the kings' forests,"<sup>31</sup> and beyond these select spaces people were free to hunt freely. The laws of Canute decreed that "every man be worthy of his hunting in wood and field, on his own estate."<sup>32</sup> In other words, all men had the right to hunt on their own lands without the interference of the king. This would not be true under the Anglo-Norman forest system, under which entire villages fell within the jurisdiction of the forest and those living within them could not hunt or gather firewood. The earlier Anglo-Saxon laws were considerably more lenient than those imposed by the conquering monarchs.

According to the research of the antiquarian, Bishop William Stubbs, later English legislators forged a document, the *Constitutiones de Foresta*, which they attributed to Canute. These documents reinforced the king's right to extensive private hunting grounds and were probably intended to give the new forest system "the prestige of antiquity."<sup>33</sup> Charles Young notes that there were in fact "Saxon precedents that were

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<sup>30</sup> Cox, *Forests of England*, 3.

<sup>31</sup> *Ibid*, 4.

<sup>32</sup> William Stubbs and H. W. C. Davis, eds., *Select Charters of English Constitutional History*. Oxford: Clarendon Press, 1913), 88.

<sup>33</sup> *Ibid*, 185.

transformed by the Conquest to create the royal forest as an institution”;<sup>34</sup> however, not only was the new system radically different from the old one in the severity of punishment (calling for the mutilation of the offender) and the arbitrary right of the monarch, but it vastly expanded the area of woodland reserved for the king, claiming “the vast majority of the land that had not yet been enclosed.”<sup>35</sup> At its peak, the New Forest covered roughly one quarter of England.<sup>36</sup> To privatize that amount of space for the hunting of the king is the proportional equivalent of the Canadian Prime Minister zoning off British Columbia, Alberta, Saskatchewan and half of Manitoba as a personal driving range<sup>37</sup>—and indeed, entire counties, such as Essex and Surrey,<sup>38</sup> “including villages, towns, people, farms, and whatever else was going on,”<sup>39</sup> were absorbed into the New Forest. Although some of this territory was later sold off to produce quick income for the crown,<sup>40</sup> the forest remained an extensive jurisdiction. A letter issued to various forests concerning deadfall after a major gale in 1222 mentions at least forty-two forests, and the Patent and Close Rolls from the period feature the names of twenty-six different forests.<sup>41</sup>

The chronicles that cover the period of afforestation make much ado of the “villages [being] laid to waste and the inhabitants being driven from their homes in order to create a forest for the king’s pleasure.”<sup>42</sup> Whether not such an upheaval ever actually took place has been long debated by historians, although R. Weldon Flinn provided rather

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<sup>34</sup> Young, *Forests of Medieval England*, 2.

<sup>35</sup> Cox, *Forests of England*, 5.

<sup>36</sup> Bazeley, “Extent of the English Forest,” 146.

<sup>37</sup> According to Statistics Canada’s information about the national breakdown of land and fresh water area by territory and province, these provinces would cover one quarter of Canada. See “Land and freshwater area, by province and territory,” last modified 1 February 2009, <http://www40.statcan.gc.ca/l01/cst01/phys01-eng.htm>.

<sup>38</sup> Cox, *Forests of England*, 5-6.

<sup>39</sup> Young, *Forests of Medieval England*, 5.

<sup>40</sup> Young argues that the forest shrank under King John, who sold forest privileges, exemptions, and territories (see *Forests of Medieval England*, 20-1). Other monarchs followed his example.

<sup>41</sup> Cox, *Forests of England*, 6.

<sup>42</sup> Young, *Forests of Medieval England*, 7.



conclusive evidence for the fact that the accounts of the chronicle were largely invented. In his entry on Hampshire for *The Domesday Geography of South-East England*, Flinn concluded that “[i]n the middle of the Forest there are great stretches that seem always to have been virtually uninhabited. The evidence of the Domesday Book likewise shows that the making of the Forest involved no such violent upheaval as that described by the medieval chronicles.”<sup>43</sup> Still, the fact that the chroniclers express outrage and a sense of loss suggests that something, perhaps a sense of ownership of the common land and its resources (including game, firewood, clay, pasturage), was taken during the period of afforestation. The people of England certainly seemed to have a long memory concerning the boundaries of the forest. Charles Young notes that “[i]t is remarkable to find the memory of the afforestations carried out by [Alan de Neville, chief forester] and his colleagues was still alive fifty years later in the minds of the juries who carried out the perambulations in accordance with the Forest Charter of 1217.”<sup>44</sup>

Charles Cox argues that there was a “rough logical basis” in the move to protect game exclusively for the king,<sup>45</sup> though this basis is, in ways, a misrepresentation of pre-existing law. Because animals were *bona vacantia*, assets without an owner, earlier cultures had treated them as property that anyone could claim. The Norman monarchs treated them not as unclaimed property but as property that by default fell into possession of the king rather than the common people, just as would the chattels confiscated from a convicted felon.

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<sup>43</sup> R. Weldon Flinn, “Hampshire,” *The Domesday Geography of South-East England*, ed. H. C. Darby and E. M. J. Campbell (Cambridge: Cambridge University Press, 1962), 324.

<sup>44</sup> Young, *Forests of Medieval England*, 19.

<sup>45</sup> Cox, *Forests of England*, 5.

### *Early Reaction to the Establishment of the Forest System*

It is clear, both from the common people's attachment to earlier forms of hunting law, as well as the crown's attempts to re-interpret these laws, that ancient custom was an important factor in determining the legitimacy of the new forest system. Although there is little evidence of the machinery of the forest system in its first decades of operation, the chronicles do reveal some information about the public's refusal to cooperate. Barlow, in his essay, "Hunting in the Middle Ages," cites a well known-episode from Eadmer of Canterbury's chronicle in which William II sent fifty suspected poachers to prove their innocence in the ordeal by hot iron, as was the customary form of trial for forest offences at the time.<sup>46</sup> All fifty accused men passed the test. Barlow attributes this phenomenon, the subject of one of the king's angry tirades, to a combination of "popular sympathy and clerical connivance."<sup>47</sup> M. H. Kerr, R. D. Forsyth, and M. J. Plyley have demonstrated rather cunningly that the "the ordeals themselves were engineered to ensure a high rate of success."<sup>48</sup> The odds of the fifty men succeeding at their ordeal by hot iron might have improved with the intervention of clergy who could allow the iron to cool,<sup>49</sup> or choose an iron with a high surface area to volume ratio that would allow evaporating sweat to protect the hands of the accused,<sup>50</sup> or (more risky) heat the iron for the prescribed half-

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<sup>46</sup> Young, *Forests of Medieval England*, 37.

<sup>47</sup> F. Barlow, "Hunting in the Middle Ages," *Report and Transactions of the Devonshire Association* 113 (1981): 4.

<sup>48</sup> M. H. Kerr, R. D. Forsyth, and M. J. Plyley, "Cold Water and Hot Iron: Trial by Ordeal in England," *Journal of Interdisciplinary History* 22.4 (1992): 580.

<sup>49</sup> Kerr, Forsyth, and Plyley, "Cold Water and Hot Iron," 594.

<sup>50</sup> *Ibid*, 590.

hour and trust it to deliver a third-degree burn deep enough that it would not be recognized as a burn.<sup>51</sup>

According to Barlow, these poachers were simply accustomed to being able to hunt on their own property, and had continued to do so after the king's afforestation. The clergy arranged for them to escape unscathed with the support of public sentiment, a situation which agrees with Pollard's argument that, compared to other kinds of violent offences, "[p]oaching [was] a different order of crime and more likely than any other to strike a sympathetic chord with rural audiences."<sup>52</sup> Barlow also observes that the use of trial by ordeal in a poaching case, even though ordeals were normally reserved for cases in the shrieval courts, invites comparison between the forest administration and sheriffs' courts; Charles Young's extensive research supports this comparison.<sup>53</sup> This connection between the shrieval courts and forest courts may be one of the keys to understanding Robin Hood's long-standing feud with the sheriff of Nottingham, rather than the head forester, who had no substantial role in the legal proceedings of a case after the arrest. In the case of the fifty men who underwent the ordeal by hot iron, it sounds as if the king himself sent the men to the ordeal, which was administered by clergy (as was common practice). The probable meddling of the clergy in the ordeal and the sheer number of accused poachers both reveal an unspoken resistance to abiding by and enforcing the king's forest laws.

Of course, the recorded response of the king (and the judgment passed on him by Eadmer, the chronicler) is also revealing of how the chronicle episode was expected to be

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<sup>51</sup> Kerr, Forsyth, and Plyley, "Cold Water and Hot Iron," 594.

<sup>52</sup> A. J. Pollard, *Imagining Robin Hood: The Late-Medieval Stories in Context* (New York: Routledge, 2007), 84.

<sup>53</sup> Young, *Forests of Medieval England*, 10.

read by a poaching-sympathetic public. According to Eadmer's account (likely fictionalized in some capacity), the king discovers that all fifty men succeeded at the ordeal of hot iron (thus proving themselves innocent in the eyes of God) and famously declares, "What is this? God a just judge? Perish the man who after this believes so. For the future, by this and that I swear it, answer shall be made to my judgment, not to God's."<sup>54</sup> This rather bold announcement, even if it is one invented by Eadmer or one of his sources, moralizes the conflict between the king and the poachers, putting the king's judgment in opposition not only to the common people, but also to God.

Indeed, in his *Policraticus* of 1159, John of Salisbury argued that "Wild animals [...] are gifts of nature and become the lawful property of those who get them,"<sup>55</sup> implying that game animals are created by God and therefore freely available to all who wish to hunt them. The king, who considers his judgment that the poachers are criminals to be more just than God's decision to protect the hands of the accused from being burned by the hot iron, has placed himself in the company of such over-proud biblical monarchs as the king of Tyre. In Chapter 28 of the Book of Ezekiel, the conceited king thinks himself as great as God, and he and his people are therefore punished with "the death of the uncircumcised by the hand of strangers"<sup>56</sup> (among other brutal measures). No such dramatic fate was heaped on King William II, but he did die by means of a stray arrow (without an opportunity to confess his sins to a priest) while hunting in the New Forest. Still, Eadmer's account registers William II's pronounced opposition to God's justice and

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<sup>54</sup> Eadmer of Canterbury. *Eadmer's History of Recent Events*, trans. Geoffrey Bosanquet (London: Cresset Press, 1964), 106.

<sup>55</sup> John of Salisbury, *Frivolities of Courtiers and Footprints of Philosophers being a Translation of the First, Second, and Third Books and Selections from the Seventh and Eighth Books of the Policraticus of John of Salisbury*, ed. and trans. Joseph B. Pike, (New York: Octagon Books, 1972), 30.

<sup>56</sup> Ez 28:10 (Douay-Rheims).

implies that William was sinfully proud to defy God's will and punish those who took deer from the forest. A just monarch would trust in God's judgment in an ordeal, as the exemplary Charlemagne does when the treasonous Guenelen is tried by battle in *La Chanson de Roland*. Before the battle Charlemagne exhorts, "E! Deus, [...] le dreit en eclargiez!"<sup>57</sup> He later abides by the judgment rendered through combat. Even Robin Hood, unlike the ornery William II, knows that "God is holde a ryghtwys man"<sup>58</sup> and that his judgments can be trusted. Eadmer's comment that it was certainly God who prevented the hands of the accused men from being burned by the coal-heated irons<sup>59</sup> makes evident the fact that, as far as the church was concerned, God's judgment was clear in the case of the fifty acquitted poachers; the king was wrong to imply that God's justice had not been carried out.

Other early reactions against the forest regime also took on a distinctly religious tone. Nigel Wireker, another monk of Canterbury, suggested in his satirical *Speculum stultorum* (late twelfth century) that the English monarchs valued animals more than men because they executed violators of the venison:

Though man has been created to be like  
The one who made from nothing all that is,  
Yet kings have more concern for earthly things  
And place a lesser value on mankind.  
How often do they torture men and hang

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<sup>57</sup> F. Whitehead, ed., *La Chanson de Roland*, (Oxford: Basil Blackwell, 1968), CCLXXXIX.3891. The English translates to: "Oh! God, [...] reveal the truth!"

<sup>58</sup> Stephen Knight and Thomas Ohlgren, eds., *A Gest of Robyn Hode*, in *Robin Hood and Other Outlaw Tales* (Kalamazoo: Medieval Institute Publications, 1997), line 959.

<sup>59</sup> Eadmer, *Recent Events*, 106.

Them on a cross for taking flesh of beasts.<sup>60</sup>

The fact that Wireker reminds his readers that man was created in the image of God suggests that in judging the lives of animals to be more important than the lives of men, the king's justice stands in opposition to God's priorities as a creator. The king's desires are "earthly" rather than heavenly goals, based on a meaner form of justice. Wireker's mention of torturing poachers on the cross—a form of punishment not, however, attested in any legal record—makes Christ-like martyrs of the oppressed hunters unfortunate enough to get caught. Clearly, Wireker's sympathies were powerfully in favour of those who transgressed the king's royal privilege in the forests.

Walter Map, another twelfth-century clergyman and writer, also reported on the evils of the forest administration, though he chose to vilify the administrators of the forest rather than directly discuss the king's pride. In *De nugis curialium* he called the king's foresters "hunters of men ... compared to whom Minos is mild, Rhadamanthus reasonable, Aeacus equable."<sup>61</sup> They also "eat the flesh of men in the presence of Leviathan, and drink their blood."<sup>62</sup> The foresters are in good company with the three legal administrators of hell (one of whom is also a famous ex-tyrant), and a monstrous anthropophagic prince of the underworld. Their actions certainly stand in opposition to good Christian behavior.

In *De nugis curialium* (as in later complaint poetry and the stories of Robin Hood), there is a careful treatment of the relationship between the king and his evil administrators. Map recounts a story in which Henry II hears foresters shouting abuses at

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<sup>60</sup> Nigel Wireker. *The Book of Daun Burnel the Ass: Nigellus Wireker's Speculum stultorum*, trans. Graydon W. Regenos, illus. Luis Eades (Austin: University of Texas Press, 1995), 121.

<sup>61</sup> Walter Map, *De nugis curialium: Courtiers' trifles*, ed. and trans. M.R. James, rev. C.N.L. Brooke and R.A.B. Mynors (Oxford: Clarendon Press, 1983), 11.

<sup>62</sup> *Ibid.*

Hugh, Prior of Selwood, as they seek to gain entrance to the king's chamber. The prior warns Henry, "when the poor, whom these men oppress, are let into paradise, you will be keeping outside with the keepers [foresters]." <sup>63</sup> Map goes on to say that the king took the comment in jest and did nothing to ensure that the relationship between the oppressed poor and the foresters improved. This ignorance on the part of Henry II, though less willful than William II, still serves to draw parallels between the forest administration and bad rulership. The biblical position on rulers who enact unjust legislation is a severe one: "Woe to them that make wicked laws: and when they write, write injustice: To oppress the poor in judgment, and do violence to the cause of the humble of my people."<sup>64</sup> The king's ignoring of injustice is further problematized by Map's description of his character following the anecdote about the foresters. Map generally paints a very positive portrait of Henry II, though he does offer one negatively-charged comment: the king was "[a] great connoisseur of hounds and hawks, and most greedy of that vain sport."<sup>65</sup> Henry's greedy hunting obsession, well known to contemporary chroniclers, may be the implied cause of his neglecting his people's plight under the forest administration because of the proximity of the comment to a long account of the corruption of foresters.

Certainly other authors were less generous toward Henry's awareness of the abuses of forest law. According to the chronicler at Battle Abbey, it was well known that Alan de Neville, chief forester, "enriched the royal treasury, and to please an earthly king

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<sup>63</sup> Map, *De nugis curialium*, 11.

<sup>64</sup> Is 10:1-2.

<sup>65</sup> Map, *De nugis curialium*, 13.

did not fear to offend the king of heaven.”<sup>66</sup> Again, it is implied that the forest administration is operating against God’s law, and that its concern is with earthly rather than heavenly goals. What is more incriminating for Henry II is that the chronicler offers a scene shortly after Alan de Neville’s death in which the king instructs the reluctant clergy, “I [...] will have [Alan’s] wealth, you shall have the corpse, and the demons of hell his soul.”<sup>67</sup> The king is hardly motivated by justice, and the chronicler’s account suggests that the king was either aware of, or perceived as being aware of, the evils that his chief forester inflicted while in office. In either case, the response to this royally condoned abuse of power was unflinchingly negative.

### *Conclusion*

It is interesting that the initial reaction against the forest administration was so varied. Accounts targeted the Norman monarchs’ ignoring the will of their people, their decision to privately reserve what was a God-given resource, their prioritizing the lives of animals above the lives of men, their pronounced opposition to God’s judgment in poaching violation, and their contradiction of an earlier system of hunting law that treated game as the property of no one person. As I will argue, the idea that game should be property with no single owner is one that survived into the late middle ages despite the insistence of the forest administration that hunting in the expansive royal forests was illegal for any but the

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<sup>66</sup> Wilfred Lewis Warren, *Henry II*, (Berkeley: University of California Press, 1973), 390. Original account from *Chronicon: Monasterii de Bello* (London: Impensis Societatis, 1846), 111.

<sup>67</sup> Ibid. Original Latin in *Monasterii de Bello*, 112.



king. As late as 1381, during the Peasants' Revolt<sup>68</sup> led by Wat Tyler, the idea that game was owned only through the labour of the hunt persisted as an overt issue in English politics. According to Henry Knighton's *Chronicle*, Tyler and his followers rebelled and demanded (among other things) "that all game, whether in waters or in parks and woods should become common to all, so that everywhere in the realm, in rivers and fishponds, and woods and forests, they might take the wild beasts."<sup>69</sup> This demand explains symbolic rioting and violence that took place in reserved woods and parks during the Peasants' Revolt, from the smashing of the fences of an abbot's private woods at St. Albans,<sup>70</sup> to starting celebratory bonfires with wood "poached" from the demesne woods of a local lord.<sup>71</sup> The longevity of the demand for access to the forest, from the first outcry in the *Anglo-Saxon Chronicle*, to the later criticisms of religious writers, to the barons' "perennial complaints about the forest,"<sup>72</sup> to concerns that motivated late-medieval rebellion, violence, and outlawry, proves that the English monarchs had no easy task (and only limited success) in convincing the common people that they had no right to the resources of the forest.

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<sup>68</sup> Richard Tardif points out that the Peasants' Revolt "is something of a misnomer, since urban craftsmen were equally active in that uprising" ("The 'Mystery' of Robin Hood: a New Social Context for the Texts," in *Words and Worlds: Studies in the Role of Verbal Culture*, ed. Stephen Knight and S. N. Mukherjee [Sydney: Pathfinder Press, 1983], 132). This is important to recall, as the values that Robin is championing do not seem to be those of the peasants specifically, but of the larger non-aristocratic public excluded from the forests and from narratives of heroic empowerment.

<sup>69</sup> Henry Knighton, *Knighton's Chronicle 1336-1396*, trans. G. H. Martin (Oxford: Clarendon Press, 1995), 219.

<sup>70</sup> See Thomas Walsingham, "The Rebels at St. Albans according to Thomas Walsingham" (excerpts from *Historia Anglicana* and *Chronicon Angliae*), in *The Peasants' Revolt of 1381*, 2<sup>nd</sup> ed., ed. and trans. R. B. Dobson (London: MacMillan, 1983), 270.

<sup>71</sup> See Stephen Justice, *Writing and Rebellion: England in 1381* (California: University of California Press, 1994), 151.

<sup>72</sup> Young, *Forests of Medieval England*, 60.

### **Chapter 3: Function and Friction in the Forest Administration**

I have already discussed the initial reaction to the forest system in the century following the establishment of the royal forests. Later criticism of the medieval English forest system, a legal apparatus that became more rigid as time went on and various statutes and charters were enacted, became less focused on the debate of personal entitlement versus public right to the forest, and began to focus more on the abuses and corruptions of the legal administration as it grew to maturity. Most of this criticism falls into one of four patterns, targeting judges and practices that are tyrannical (to the point of controlling and inconveniencing the quotidian life of forest-dwellers), selfishly lucrative (to the point of impoverishing forest-dwellers), corrupt (for many judges and foresters took bribes, skimmed profits, extorted locals, or themselves were poachers and thieves) or arbitrary (in that the practices, penalties, and purposes of the law varied between counties). Often the literature of the period complained simultaneously about all of these aspects of the forest system, and indeed there are many areas of overlap. Still, these categories of criticism do provide a useful way of considering what sorts of injustices the Robin Hood poems, and other poems about outlaw life and the forest, are seeking to comment on and correct as they re-appropriate the symbols of the hunt and dramatize the ownership of the forest by its inhabitation and use.

## *Tyranny*

The perceived tyranny of forest law is, perhaps, the most characteristic of the complaints levelled against the administration of the forest. The laws were extensive, and they did more than simply prohibit poaching; they also intruded on the day-to-day lives of the folk, forbidding commoners access to hunting paraphernalia. The sixth article of the Charter of the Forest (1217) imposed a three-shilling fine on those who did not “law”<sup>73</sup> their dogs, thereby rendering them useless for hunting, unless (as Charles Cox notes) their town paid “hungill” or “houndgeld” to exempt its inhabitants.<sup>74</sup> It was also an offence just to be caught in the king’s forest armed with traps, snares, nets, bows, or arrows. Jean Birrell argues that “forest law did constitute a significant impediment to the activities of peasants living within the forest.”<sup>75</sup> This was only in part a consequence of the hunting ban. What was perhaps most impeding about forest law were the codes protecting the vert, or the “trees and undergrowth needed for [game] to flourish.”<sup>76</sup> This legislation made it illegal for inhabitants of the forest to collect firewood or cut down any growth able to cast a shadow,<sup>77</sup> even on their own land within the forest, without first receiving approval from (and paying a fee to) royal officials.<sup>78</sup> This meant that land-owners were impeded from clearing land for any purpose, even if it was simply cultivating a new field or preparing a space for a new forge, unless they went through the

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<sup>73</sup> Lawing was removing by force of hammer and chisel the front three claws of any dog suitable for hunting. It was undeniably a brutal procedure.

<sup>74</sup> Cox, *Forests of England*, 47.

<sup>75</sup> Birrell, “Forest Law and the Peasantry,” 149.

<sup>76</sup> Young, *Forests of Medieval England*, 14.

<sup>77</sup> Nelly Neilson, “The Forests,” in *The English Government at Work, 1327-1336, Vol. 1: Central and Prerogative Administration*, ed. James Willard and William A. Morris (Cambridge: The Medieval Academy of America, 1940), 397.

<sup>78</sup> Young, *Forests of Medieval England*, 5.

proper administrative channels, because doing so might diminish the quality of the king's hunting in that area. There was an entire class of forest official (the woodwards) whose job it was to inspect and protect the forest flora.

Such prohibitions were immensely inconvenient not only because they often led to trials that sapped the time and money of forest inhabitants, but also because a large number of people were called upon to be present at each hearing. Before the eyre, the sheriff would summon "all tenants and lords who owned property or held tenements in the forest, four men and the reeve of each township within the jurisdiction, all active foresters and verderers, all those who had been attached, all the regards, and all of the agisters."<sup>79</sup> Sometimes as many as ten townships were required to send representatives.<sup>80</sup> If they did not send enough (which was often the case), they were fined, as were the pledges of the offenders, as well as a cast of other peripherally related yet legally obligated bystanders.<sup>81</sup> Aside from the monetary difficulties imposed on locals by this practice, the frequent eyres also required pledges and representatives to travel frequently to inconvenient locations to sit in court for unpredictable periods of time. As in the common courts (as well as in modern courts), this system was likely used by those in power as a method of taxing the time and resources of political enemies who were obligated to appear when summoned.

This practice eventually led to such resentment that the 44<sup>th</sup> article of the 1215 *Magna Carta* had to specifically address the frustration of villagers who were forced to travel to court to be present for cases about which they often knew nothing: "People who live outside the forest need not in future appear before the royal justices of the forest in

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<sup>79</sup> Cox, *Forests of England*, 10.

<sup>80</sup> *Ibid*, 156.

<sup>81</sup> *Ibid*, 10.

answer to general summonses, unless they are actually involved in proceedings or are sureties for someone who has been seized for a forest offence.”<sup>82</sup> Even with this legislation, townships in Southampton were being fined for lack of representatives at least as late as 1280,<sup>83</sup> and there is a lengthy record of complaint about this very issue, and other forest abuses, in the rolls of parliament from 1347:

the said officials cause to be summoned low-born folk from strange parts to indict the people at their will; and cause them to travel from place to place, and menace them until they have made indictment at their ordinance and desire. And also the officials contrive and propose to afforest towns that are on the edge of the forests, where there are no wild beasts within ten leagues, to burden the people by frequent visits of the foresters without any profit to the king. And also, where a forest is in several shires, the king’s officials attach people from one shire and the other to make indictments and press by force people from one shire to indict people of the other shire, for what purpose they know afterwards to the great damage of the people. For which grievances it is impossible to get a writ or any other remedy in the chancery; for which the commons pray remedy, and ask that the statute of the forest should be firmly kept.<sup>84</sup>

The king responded with a promise to prevent such difficulties in the future, though there is no evidence either way for his success in the matter.

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<sup>82</sup> Article 44 of the 1215 *Magna Carta*, trans. the British Library, accessed 16 August 2011, [http://www.bl.uk/treasures/magnacarta/translation/mc\\_trans.html](http://www.bl.uk/treasures/magnacarta/translation/mc_trans.html).

<sup>83</sup> D. J. Stagg, *A Calendar of New Forest Documents, 1244-1344* (Winchester: Hampshire County Council, 1979), 96.

<sup>84</sup> A. R. Myers, ed., “The commons complain of oppressions connected with the forests, 1347,” in *English Historical Documents: Volume 4, c. 1327–1485* (London: Routledge, 1996), 537.

The forest administration further inconvenienced residents of countryside with its eagerness to investigate potential crimes. By law, if any beast of the forest—such animals included the red deer, fallow deer, roe [though it was later removed from the list], and wild boar—was found dead or wounded, it required a special inquisition to be launched by the four nearest townships of the forest.<sup>85</sup> Inquisitions were often launched on deer that had died of “murrain” (the courts’ generic term for bovine and cervine diseases), and they needlessly interrupted the lives of tenants of the forest. This practice recalls the Norman legal procedure of *murdrum*, which required that when a free Norman man was found dead, the nearest township was held responsible by fine whether or not there was any evidence of murder. The comparison between *murdrum* and the protocol of investigating the death of beasts of the forest gives credence to Charles Young’s observation that William II “made little distinction between the crime of killing a man or killing a deer.”<sup>86</sup>

When such a forest inquisition was launched, the crown was generous enough to give the flesh of the dead deer to a nearby lazar, poor house, or sick house, and its head and hide to the freemen of the township where the deer was found.<sup>87</sup> However, even with this particular generosity, the crown was still anxious to monitor and control comings and goings in the forest. For example, as Charles Young recounts,

one man brought a hart to Clarendon without first having obtained a witness that it was dead when he found it, and another man gave a hart to the infirm without first having obtained a royal warrant to do so. Neither

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<sup>85</sup> Cox, *Forests of England*, 15.

<sup>86</sup> Young, *Forests of Medieval England*, 25.

<sup>87</sup> Cox, *Forests of England*, 15. Cox provides a good example of such an occurrence. On a Thursday following the feast of St. Katherine a buck was found strangled in the forest of Claughton and its flesh and horns were given to the lepers of Lancaster (see *Forests of England*, 101).

man seems to have attempted to make a profit from the deer, but both had to pay for their failure to follow the letter of their forest law.<sup>88</sup>

Even when performing acts of routine generosity (if donating a diseased or damaged carcass to the poor is to be considered generosity), the forest administrators were still quick to prosecute men who overstepped their authority.

Modern scholars have few ways of assessing the success of the foresters in implementing forest legislation. There are plenty of detailed and diverse cases of offences against the vert and venison available in the records of the forest eyres, but they obviously reveal nothing about poachers who went undetected and they have little to say about those poachers who were detected but still escaped. There is evidence, for example, of a resourceful group of poachers who may have flouted the legislation for lawing dogs by training pigs in the tasks of pointing and retreating in the hunt.<sup>89</sup> However, whether or not the foresters were diligent, competent or efficient, the literature of the period still tends to assume that all foresters were freakishly dedicated to catching forest offenders. In *King Edward and the Shepherd*, dated to the mid-fourteenth century, Edward III is travelling the countryside *incognito* with an unsuspecting shepherd named Adam. When Edward challenges Adam to display his skill with the sling, Adam tells him

Wode has erys, fylde has sight;  
Were the forster here now right,  
Thy wordis shuld like thee ille.  
He has with hym yong men thre;  
Thei be archers of this contré,

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<sup>88</sup> Young, *Forests of Medieval England*, 35.

<sup>89</sup> Trench, *Poacher and Squire*, 74.

The kyng to sirve at wille,  
To kepe the dere bothe day and nyght.<sup>90</sup>

Adam's tone is generally respectful—a good thing, considering that there have been cases of forest offenders being fined for contemptuous speech<sup>91</sup>—but his description is somewhat alarming. The administration of the forest is so intense that it is as though the woods themselves are watching. The foresters work day and night, armed with bows. If any man is caught, he will not get away with his trespass “[b]ut his sidis shulde blede.”<sup>92</sup> A similar worry about the violent tyranny of the forest courts is expressed by a poaching hermit in the fifteenth-century poem, *The King and the Hermit*, who is anxious that if he is caught with poached venison, he will be hanged.<sup>93</sup> Although hanging was only a feature of the earlier hunting administration—the Assize of Woodstock in 1184 routinely “called for physical punishment (likely capital) only after the third offence, where Richard’s Assize of 1198 called for mutilation or castration”<sup>94</sup>—the hermit’s anxiety about severe countermeasures still reveals the depth of the public’s fearful perception of forest punishments. Charles Young finds further evidence of the effectiveness of forest administrators in the sheer number of locals who sought grants protecting them from the attentions of forest officials,<sup>95</sup> as well as in the unusually high number of people who chose outlawry over facing the forest justices. If the efforts of the monarchs’ forest officials were not effective, they were at least very visible and notorious.

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<sup>90</sup> Furrow, *King and Shepherd*, lines 268-74.

<sup>91</sup> For example, in 1200 Simon Vicor of Northampton was held in mercy for “*stultiloquio*” (“contemptuous speech”). See G. J. Turner, *Select Pleas*, 2.

<sup>92</sup> Furrow, *King and Shepherd*, line 234.

<sup>93</sup> Melissa Furrow, ed., *The King and the Hermit*, in *Ten Bourdes* (Kalamazoo: Medieval Institute Publications, forthcoming), line 261.

<sup>94</sup> Young, *Forests of Medieval England*, 30. Here, Young also notes that “the assizes were mostly a codification of practice and not new legislation.”

<sup>95</sup> *Ibid.*, 16.



It was not only the guilty who had to worry about the foresters. In 1324-5, John le Soper of Insula Vecta and Henry le Bakere of Wherewall were travelling through the forest and, when confronted by a forester, claimed that the buck they were carrying was found slain by some other unknown malefactor.<sup>96</sup> They were taken on suspicion and imprisoned at Lyndhurst and were later forced to appear in court, at which point the vill of Lyndhurst was fined for failing to produce the buck's remains. Whether or not they were guilty, both they and the village of Lyndhurst were physically and financially inconvenienced by the authority of the forest administration. Detainment in an medieval English prison was a disagreeable, when not life-threatening, ordeal. In a case from 1209, Roger Tock was allowed to walk away from a poaching charge because he had spent "a long time in prison, so that he [was] nearly dead."<sup>97</sup> Whether or not he was innocent, his experience in the prisons seems to have been held as the equivalent of punishment. In another case, a wife was arrested for possessing a shoulder of venison poached by her husband. Her husband eventually died in prison before the trial even began, and she was released on the ruling that it was not her place as an obedient wife to contradict her husband's activities, illegal as they were.<sup>98</sup> Despite her innocence, she still suffered through the same prison deprivations that killed her guilty husband, deprivations that, as some scholars have speculated, were probably intended as a form of pre-trial punishment.<sup>99</sup>

The Robin Hood poems also reveal the extent to which the populace feared and resented the omnipresence of the law in the forest. In his *Continuation of John of*

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<sup>96</sup> Stagg, *New Forest Documents*, 171.

<sup>97</sup> Turner, *Select Pleas*, 4.

<sup>98</sup> Young summarizes the whole case on pages 106-7 of *Forests of Medieval England*.

<sup>99</sup> Young, *Forests of Medieval England*, 102.

Fordun's *Scotichronicon* (c. 1440; among the earliest Robin poems extant), Walter Bower shares a story in which the sheriff goes as far as to lie in ambush for Robin outside a church at which he is attending mass.<sup>100</sup> In the *Gest of Robyn Hode*, the sheriff ambushes the good Sir Richard, who has harboured Robin and his men, as he is hawking.<sup>101</sup> Though the sheriff is not a figure exclusive to the forest law, he was present at every session and was responsible for bringing in offenders. He was also responsible for "collecting the small amounts [of fines] that came from forest pleas,"<sup>102</sup> and there is evidence of forest pleas taking place in the shrieval courts.<sup>103</sup> Thus, the sheriff's dishonorable actions in the Robin Hood tales may be linked to the unjust tactics of forest officials in the minds of medieval readers. It should be noted that the sheriff's dedication to capturing John le Sopere and Henry le Bakere (one of whom was merely an accomplice) is especially unseemly. In medieval England, violence performed in ambush was considered to be the vilest kind because it necessitated premeditation, malicious intent, and cowardice.<sup>104</sup> In any case, sheriffs and foresters showed extreme, almost problematic diligence in prosecuting those who would treat the king's forest as a common resource.

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<sup>100</sup> An excerpt from Walter Bower's *Continuation of John of Fordoun's Scotichronicon*, in *Robin Hood and Other Outlaw Tales*, ed. Stephen Knight and Thomas Ohlgren (Kalamazoo, Medieval Institute Publications, 2000), 26.

<sup>101</sup> Knight and Ohlgren, *Gest*, lines 1321-8.

<sup>102</sup> Young, *Forests of Medieval England*, 33.

<sup>103</sup> *Ibid*, 10.

<sup>104</sup> See T. A. Green, "Societal Concepts of Criminal Liability and Jury Nullification of the Law in the Thirteenth and Fourteenth Centuries," in *Verdict According to Conscience: Perspectives on the English Criminal Trial Jury, 1200-1800*, ed. T. A. Green (Chicago: University of Chicago Press, 1985), 28-64.

### *Impoverishment of Locals*

Aside from denying land-owners the right to expand their farms and preventing locals from accessing the resources of the land around them, the forest law imposed fees and amercements on the populace that were burdensome. Much has been made of whether or not the forest system was actually lucrative, or even motivated by financial concerns. Neilson argues that there is “little evidence of any systematic, settled, or permanent attempt to exploit the woodland.”<sup>105</sup> Stagg, who has looked extensively at the records and receipts of the forest eyres, claims that “[i]t is extremely difficult to envisage how such a system could have been effective as either a deterrent or as a source of revenue.”<sup>106</sup> However, Charles Young (and those who agree with his argument that the New Forest represented a significant financial opportunity) provides ample evidence for the successful industry of the forest and its legal apparatus. Young argues that “the record of the forest eyre of 1175 ... provides dramatic emphasis on the possibility of using strict enforcement of the forest law to raise money.”<sup>107</sup> It is also unlikely that the crown would have invested so much time and effort into an immensely unpopular legal system that regularly failed to yield any monetary reward, or at the very least return the crown’s investment in salaries and administrative costs. If it is the case that the crown maintained the forest administration despite centuries of financial disappointment, then it suggests that the administration must have been solely (and inefficiently) dedicated to preserving the king’s arbitrary right to the forest.

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<sup>105</sup> Neilson, “The Forests,” 427.

<sup>106</sup> Stagg, *New Forest Documents*, 4.

<sup>107</sup> Young, *Forests of Medieval England*, 37.

Whether or not the crown was benefiting from the forests, there is still evidence of the strain it put on landowners and the peasantry. The forest earned income from cattle farms, grazing and pasturage rights, the right to travel through the forest with a cart of forest goods, the sale of hides and lumber, cutting of turf, the making of salt and charcoal, the mining and smelting of iron and lead, and the selling of licensing and permission fees.<sup>108</sup> Of course, the most lucrative function of the forest system was amerencing offenders of the venison.<sup>109</sup> Perhaps the most convincing argument for the financial motivations of the forest eyres is the form of the records themselves, which according to Turner, “record those facts only from which the [court] might derive a fine or amercement.”<sup>110</sup> The fact that the forest courts were likely focused on producing income rather than punishing offenders, especially in the period following the Charter of the Forest in 1217, may explain why their penalties became less harsh than those inflicted on poachers and violators of the private parks of lords, who pursued their cases through the common law.<sup>111</sup> If their penalties appeared too harsh, or the punishments were too successful in deterring offenders, the crown might lose an otherwise reliable source of income.

Whether or not the king’s motivation with the forest eyres was, as Young argues, “an overriding financial interest,”<sup>112</sup> the folk complained in literature and in court that the burden imposed by the amercement of villis and pledges was unreasonable. In *King Edward and the Shepherd*, Adam complains of his dire need because the king’s men have

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<sup>108</sup> Young, *Forests of Medieval England*, 56.

<sup>109</sup> Birrell, “Forest Law and the Peasantry,” 154.

<sup>110</sup> Turner, *Select Pleas*, lx.

<sup>111</sup> Cox, *Forests of England*, 11.

<sup>112</sup> Charles Young, “The Forest Eyre in England During the Thirteenth Century,” *The American Journal of Legal History* 18.4 (1974): 325.

pillaged his livestock while claiming the right of purveyance: “I am so pyllid with the kyng / That I most fle fro my wonyng.”<sup>113</sup> The persistence of certain corrupt members of the king’s household abusing the right of purveyance is confirmed by William of Pagula’s letter to Edward III, in which he warns and chastises the king that “[M]en of your court [...] seize many goods by violence from the owners of those goods, [...] and because of extortions of this kind, many poor people will not have what they need to sow their fields.”<sup>114</sup> Poaching is the only recourse of disadvantaged peasants like Adam. In his study of Feckenham forest, John West examines a sample of the court records at the Forest of Feckenham and proves that about half of the offenders were poaching for reasons of subsistence, meaning that a large section of the peasantry treated venison as a food source.<sup>115</sup> To such people (Adam included), the foresters posed a threat to their survival by impeding access to the forest and being prepared to attach and amerce violators for amounts they already were too destitute to pay. In the *Song on the Venality of the Judges* (early fourteenth century), the narrator writes: “Concerning the sheriffs, who can relate with sufficient fulness how hard they are to the poor? He who has nothing to give is dragged hither and thither, and is placed in the assises.”<sup>116</sup> The problem of harsh fines visited on the destitute was a common concern in all kinds of courts.

Though some studies of poaching reveal motives other than need, the frequency with which meat-deprived peasants “poached” deer that had died or been injured by

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<sup>113</sup> Furrow, *King and Shepherd*, lines 31-2.

<sup>114</sup> William of Pagula, *The Mirror of King Edward III*, trans. Cary J. Nederman, in *Readings in Medieval Political Theory: 1100-1400*, ed. Cary J. Nederman and Kate Langdon Forhan (Indianapolis: Hackett, 2000), 204.

<sup>115</sup> Young, *Forests of Medieval England*, 107 citing John West, “The Administration and Economy of the Forest of Feckenham during the Early Middle Ages” (unpublished M.A. thesis, University of Birmingham, 1964), 68-75.

<sup>116</sup> Thomas Wright, ed. and trans., *Song on the Venality of Judges*, in *The Political Songs of England* (London: Camden Society, Old Series, Vol. 6, 1839), 228.

disease, accident, or the unfinished work of illegal hunters attests the desperation of a great deal of forest offenders. In 1253 John Ive found a doe that had died of murrain (a frequent excuse) and he flayed it and sold its skin for a penny. He was brought to court to answer for it.<sup>117</sup> In one exceptional case from Essex in 1240, a peasant reported the corpse of a dead deer *without* first being caught trying to poach it. Clement Godeup was en route to the monastery at Hatfield Regis when he spotted a buck that had died of murrain and notified the forester without trying to make off with any of the carcass. However, in this exceptional case, the corpse was “almost dragged to pieces by the pigs,”<sup>118</sup> and likely of little use to even the most impoverished peasant.

There may be other reasons why officers of the forest were so diligent in amercing men caught with or near deer carcasses on royal land, even if there was no proof that these men were poachers. For example, there is evidence that some administrators “found it profitable to burden their bailiwicks with an unnecessary number of subordinates who paid for the privilege and then attempted to collect additional money from their victims.”<sup>119</sup> If it is true, as Stagg has claimed, that the forest administration was not effective as a source of revenue, then such extortive behaviour might account for the income from fines and fees that the crown was not receiving. It is possible that, because positions in the forest administration could be bought and sold, officials were inclined to treat their work as assets with associated incomes, rather than as a duty to the crown. Young notes that, especially because of the land associated with some of the forest titles, “there was a keen interest in forest offices for what they meant in terms of

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<sup>117</sup> Turner, *Select Pleas*, 109.

<sup>118</sup> *Ibid.*, 71.

<sup>119</sup> Young, *Forests of Medieval England*, 83.

property.”<sup>120</sup> This may also be due, in part, to the fact that foresters (according to earlier forest law) could levy food from the inhabitants of the forest as a reward for their duties. In other words, the local land-owners were obligated to support the enforcers of a law that was already interfering with their daily lives. Foresters’ demands for food often became legal issues, as occurred in Inglewood during the reign of Edward III when a forester made a claim for food and drink for himself and provisions for his dog and his horse from the abbey of St. Mary’s, York, and the abbot resisted.<sup>121</sup> Sheriffs too were accused of similar extortions. The anonymous *Song on the Sheriffs* describes a similar scene of coercion:

The same people [the sheriffs] have this vice, when they enter the house of a some countryman, or of a famous abbey, where drink and victuals, and all things necessary, are given to them devoutly. Such things are of no avail, unless by and by the jewels follow after the meal.<sup>122</sup>

At least in the case of the foresters, special provision had to be made to stop such lavish levying in the Forest Charter of 1217.<sup>123</sup>

Of course, this is not to say that king did not use the forest administration to extract favours from the clergy. Charles Young writes of an instance in which the king was seeking the financial support of the Cistercian order, and they refused to cooperate. John used forest law to gain leverage over the monks by suddenly calling them to account for years of pasturing fees, although the Cistercians eventually begged their way to a

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<sup>120</sup> Young, *Forests of Medieval England*, 52.

<sup>121</sup> Cox, *Forests of England*, 22.

<sup>122</sup> Wright, *Song on the Venality of the Judges*, 228-9.

<sup>123</sup> Cox, *Forests of England*, 22.

compromise through the intercession of the archbishop of Canterbury.<sup>124</sup> According to Young, “the incident provided an especially clear case of using the forest as an instrument to force the king’s will upon reluctant subjects.”<sup>125</sup>

Though the Robin Hood poems do not deal directly with the harsh fines of the forest law,<sup>126</sup> they too are concerned with the poverty of those who pass through Robin’s forest. Though the medieval Robin is less inclined to “rob from the rich and give to the poor” than his modern Disney counterpart, he is still generally merciful to those in need. When he hears that Sir Richard’s friends have abandoned him since he lost his fortune, he chooses to not rob the knight and instead gift him with a large sum of money and provisions for his journey. He never robs those seeking pannage for their swine, cattle, horses, sheep, and goats in the forest. In fact, he never targets those who use the wealth of the forest, only those who, like the sheriff, hoard it. Robin’s underlying concern with hoarders seems to be that, like the forest administration, they dedicate themselves to hoarding a resource that could and should be put to use. For Robin, as I will argue, property is not claimed until it is owned through its use.

### *Corruption and Abuse of Power*

It is hardly surprising that in a country and age whose common courts were marked by widespread legal corruption, a private system like the forest administration, one that was not required to respond to appeals or complaints, was beset by abuses of power on all

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<sup>124</sup> Young, *Forests of Medieval England*, 26.

<sup>125</sup> Ibid.

<sup>126</sup> Cox points out that swanimotes, sessions in which fees and fines were assigned and collected for pannage and other uses of the forest, were constantly held in late autumn. Thus, such fines and fees are non-existent in the perpetual summer of Robin Hood folklore. See Cox, *Forests of England*, 42.



administrative levels. After all, “the chief forester was not responsible to the justiciar, and did not account at the Exchequer,”<sup>127</sup> and even at the lower levels of operation the foresters were given enormous amounts of individual power. A statute of 1293 exempted foresters from having to answer for the death of any suspect who resisted arrest.<sup>128</sup> For example, a repeat offender named William Bukke was shot and killed by an arrow while he fled attachment.<sup>129</sup> In some cases, officials working for the forest had so much power that they began to violate principles of the common law, as occurred when in 1277 the king ordered a sheriff to arrest a recognized poacher in the liberty of Colchester, despite the fact he had no jurisdiction there and it was up to the bailiffs of Colchester to decide whether or not the man should be arrested and delivered to the king’s justice.<sup>130</sup>

These freedoms and powers led to the corruption of the English forest courts and officials that is widely attested by both the court records and the literature of the middle ages. Forest officials were “notorious on the one hand for their exploitations of the forests they were supposed to protect, and on the other for their harassment of local people.”<sup>131</sup> In 1271 Hugh de Evesham in Cannock pocketed many amercements and frequently fined and replaced his foresters, encouraging them to recover their losses by extorting the locals.<sup>132</sup> In 1269, Peter de Neville was accused of borrowing heavily from the profits and products of the forest, extorting money from the locals, hiring full-time foresters to force travellers to pay illegal cheminage, and hiring an unnecessary number of foresters and assistants to the detriment of the community of the forest of Rutland.<sup>133</sup> It took nine

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<sup>127</sup> Young, *Forests of Medieval England*, 23.

<sup>128</sup> *Ibid*, 106.

<sup>129</sup> *Ibid*, 81.

<sup>130</sup> *Ibid*, 95.

<sup>131</sup> Birrell, “Forest Law and the Peasantry,” 159.

<sup>132</sup> *Ibid*, 160.

<sup>133</sup> De Neville’s abuses are numerous and detailed. See Turner, *Select Pleas*, 44-53.

pages to record all of his abuses in full.<sup>134</sup> Foresters were also frequently caught coercing the testimony and cooperation of unsuspecting peasants. In 1253, Geoffrey Catel was caught by foresters after hiding the corpse of a doe he had found slain by arrow in the forest. He was promised that no harm would come to him if he led the foresters back to the stashed doe. They even offered him a share of the head and neck for his cooperation. However, in default of any other suspect, he was still held accountable for the doe in court, sent to prison, and fined most of his belongings. Geoffrey claimed that much of his testimony was extracted by coercion anyway.<sup>135</sup>

When foresters and justices were not involved in taking bribes, skimming from the crown's income, and extorting locals, they were often joining or aiding poaching parties.<sup>136</sup> In January 1280 a large group of poachers that included a woodward and two foresters entered the forest at Winchester with bows, arrows, and greyhounds, and took a hart, and six bucks and does.<sup>137</sup> In the same eyre another large party including foresters was accused of taking a hart and eight bucks and does from the king's forest at Winchester. In 1257 Richard Schail, a forester, was proven to be a malefactor of the vert and venison.<sup>138</sup> In an extreme case a forester was caught having felled six hundred trees (presumably for firewood), even after he tried to hide the stumps under fresh turf.<sup>139</sup> Charles Young argues that "it was common for [foresters] to cut trees for their own use or for sale and to pasture their own animals without regard for the regulations."<sup>140</sup> In fact, the forest officials were so "vexatious, and no doubt mercenary" that the clergy were

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<sup>134</sup> Young, *Forests of Medieval England*, 81.

<sup>135</sup> Turner, *Select Pleas*, 107.

<sup>136</sup> Birrell, "King's Deer," 13.

<sup>137</sup> Stagg, *New Forest Documents*, 100.

<sup>138</sup> Turner, *Select Pleas*, 74.

<sup>139</sup> Young, *Forests of Medieval England*, 82.

<sup>140</sup> *Ibid.*

sometimes permitted to hold legal jurisdiction of their own forests so that both they and their kind could obviate the notorious self-serving interference of forest officials.<sup>141</sup>

It is likely that in addition to using their office to extort money from locals and bully them into turning a blind eye to the indiscretions of the administration, the officials of the forest also regularly misrepresented the processes of law concerning the vert and venison. There is evidence of a warden who confiscated his predecessors' legal records in order to prevent a jury from accessing them.<sup>142</sup> It is likely he was trying to deny them access to preceding cases that would contradict his will in the courts. One of the king's foresters used his authority to force extra money out of dog-owners by claiming that if their animals had already been lawed (if they were already missing the toes on the right forefoot), then they would have to remove the entire left forefoot (which would not merely impede, but totally cripple the animal); for those dogs who had not already been lawed, he claimed it was necessary to also remove the ball of the foot.<sup>143</sup> He was exaggerating the brutality of the lawing process (which was already very damaging to the animal) in order to encourage locals to buy exemptions from him.

Unsurprisingly, popular opinion picked up on and promulgated the corruption of forest officials. In fact, according to Trench, “[f]orest officers were so unpopular that special measure had to be taken to protect them: for violence against a forest officer, a freeman lost his liberty and his goods, a serf his hand.”<sup>144</sup> Such attacks were frequent, as were cases in which outlying towns refused to answer a forester's hue and cry. In 1253, Sir Hugh of Goldingham, steward of the forest, was ambushed by a large group of men

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<sup>141</sup> H. A. Cronne, “The Royal Forest in the Reign of Henry I,” in *Essays in British and Irish History*, ed. H. A. Cronne, T. W. Moody, and D. B. Quinn (London: Frederick Muller Ltd., 1949), 4.

<sup>142</sup> Young, *Forests of Medieval England*, 82.

<sup>143</sup> *Ibid.*

<sup>144</sup> Trench, *Poacher and Squire*, 25.

with bows. Their ambush tactics are evidence of their premeditation and malicious intent against the forest official.<sup>145</sup> In August 1256 it was recorded that William Curdy was arrested for travelling in the forest with a bow and arrows, and later in the evening sixteen armed men came to “badly assault” two foresters and free William.<sup>146</sup> There are plenty of other cases demonstrating retaliation after (and before) arrests were made. One forester who successful arrested two men woke up to find his house surrounded by twenty armed men who beat his servant and smashed his doors and windows.<sup>147</sup> Another forester caught two greyhounds belonging to men poaching in the forest, and he was later abducted by one of the violators and forced into a dovecote until he bought his release for two shillings and eleven pence; the same violator also stole back his confiscated dogs.<sup>148</sup>

There also instances in which locals refused to offer aid to foresters making arrests. In 1255 in Northamptonshire, when Henry de Senlis and other foresters raised the hue and cry against forest offenders, the town of Wadenhoe did not answer.<sup>149</sup> Later that same year, foresters spotting armed poachers chose to seek the help of the town (unsuccessfully) before even considering raising the cry.<sup>150</sup> Whether or not these incidents reflect the vills’ fear of potentially violent poachers or lack of esteem for the foresters, it is still clear that they were not willing to venture much in support of the workings of the forest administration. These sorts of records reveal the strategies of violence and non-involvement used by poachers and forest-dwellers when confronted with the ever-unpopular forest officials.

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<sup>145</sup> Turner, *Select Pleas*, 112.

<sup>146</sup> Stagg, *New Forest Documents*, 70.

<sup>147</sup> Young, *Forests of Medieval England*, 81.

<sup>148</sup> *Ibid.*

<sup>149</sup> *Ibid.*, 27.

<sup>150</sup> *Ibid.*, 27-8.

Surprisingly, the Robin Hood legends say little of foresters. As Pollard points out, only one appears in opposition to him, and this man is merely advising the king.<sup>151</sup> Instead this violent resentment is pointed at the sheriff, a figure of diminished power by this point in English legal history. However, as previously argued, the sheriff was responsible for bringing forest offenders to court and outlawing criminals who did not appear. As Maurice Keen points out in his *Outlaws of Medieval Legend*, “[t]he theme [of Robin Hood] is the righting of wrongs inflicted by a harsh system and unjust men,”<sup>152</sup> and the injustice and corruption of the courts was deeply tied to the forest administration. In *The Tale of Gamelyn*, the fourteenth-century precursor to the Robin Hood legends, Gamelyn must face his enraged brother who controls the corrupt courtroom that has declared him an outlaw. He forces the corrupt jury and judge themselves to “com to the barre,”<sup>153</sup> then hangs them all.

One rare instance of an uncorrupt forest official occurs in *King Edward and the Shepherd* in which Adam the shepherd says of the king’s warrener, “He will take no mede,”<sup>154</sup> though most other poetry focuses on the corruption of the courts. *The Outlaw’s Song of Trailbaston* complains that “[I]es riches sunt à raunsoun, povres à escolage.”<sup>155</sup> The *Song on the Corruptions of the Time* (from the reign of Henry III) warns that “[i]f you seek the balance of the judges, you should seek it with copper, since the favour of the

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<sup>151</sup> Pollard, *Imaging Robin Hood*, 102.

<sup>152</sup> Keen, *Outlaws*, 145.

<sup>153</sup> Knight, Stephen and Thomas H. Ohlgren, eds., *The Tale of Gamelyn*, in *Robin Hood and Other Outlaw Tales* (Kalamazoo: Medieval Institute Publications, 1997), line 856.

<sup>154</sup> Furrow, *King and Shepherd*, line 239.

<sup>155</sup> Thomas Wright, ed., *The Outlaw’s Song of the Trailbaston*, in *The Political Songs of England* (London: Camden Society, Old Series, Vol. 6, 1839), 235. Wright offers the translation, “The rich are put to ransom, the poor to prison.”

balance hangs from copper.”<sup>156</sup> These poems refer to the corruption of the common courts, but the abuses of the forest courts were so singularly notable that they show up in article 48 of the 1215 *Magna Carta*:

All evil customs relating to forests and warrens, foresters, warreners, sheriffs and their servants, or river-banks and their wardens, are at once to be investigated in every county by twelve sworn knights of the county, and within forty days of their enquiry the evil customs are to be abolished completely and irrevocably.<sup>157</sup>

The corruption of the forest courts was widely known and it was at the heart of much common complaint, especially because the forest administration was standing in defence not of a social group or a mutually accessible ideal, but of a private resource that had been denied to the public.

### *Arbitrariness*

Another frequently criticised shortcoming of forest law and administration was its arbitrariness. By fitz Nigel’s definition, the justice of the forest was not related to the justice of the common law, but to the king’s will. Thus its operations were not nearly as uniform as those of the common law. Charles Young argued that “there was much that was arbitrary about the eyre,” citing evidence of Jewish offenders regularly being

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<sup>156</sup> Thomas Wright, ed. and trans., *Song on the Corruptions of the Time*, in *The Political Songs of England* (London: Camden Society, Old Series, Vol. 6, 1839), 31.

<sup>157</sup> Article 48 of the 1215 *Magna Carta*, trans. the British Library, accessed 16 August 2011, [http://www.bl.uk/treasures/magnacarta/translation/mc\\_trans.html](http://www.bl.uk/treasures/magnacarta/translation/mc_trans.html). This article did not persist in later re-issuings.

amerced more heavily than other offenders of the forest.<sup>158</sup> In an event in which Christian and Jewish townspeople chased a loose deer until it broke its neck jumping a fence, the Christians were fined two shillings each, and the Jews were fined up to four marks, (almost twenty-seven times that amount).<sup>159</sup> In poaching cases in which no culprit was readily available, outsiders to the area might be arbitrarily blamed. As Charles Young notes, “[a] suspicion of strangers or outsiders is [a] thread that runs through the records of the forest eyres.”<sup>160</sup>

The social status of violators might also influence how much a justice chose to fine them for an offence, since amercements did not have a fixed value, but were constantly at the discretion of officials. Poor offenders were sometimes pardoned because of their poverty,<sup>161</sup> though this mercy too was unreliable and up to the discretion of independent officials, as were the variable amounts of most fines (especially those for venison offences). In Nottinghamshire in 1334 Hugh Wotehale was caught hunting in the wood of Arnold with two of his companions. Hugh was *condonatur quia pauper*,<sup>162</sup> pardoned for being a poor man. Plenty of other offenders whose surnames reveal humble trades received no such mercy. It is possible that wealthy offenders also were excused without ever going to court. Examining a study on the eyre records of Feckenham forest, Charles Young speculates that a larger number of high-status offenders were excused from punishment in a variety of unofficial means.<sup>163</sup> The fact that justices could choose when to fine and when to let certain indiscretions slide (probably with encouragement of

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<sup>158</sup> Young, “The Forest Eyre,” 328.

<sup>159</sup> Young, *Forests of Medieval England*, 104.

<sup>160</sup> Ibid.

<sup>161</sup> Young, “The Forest Eyre,” 328.

<sup>162</sup> Turner, *Select Pleas*, 66.

<sup>163</sup> Young, *Forests of Medieval England*, 107 citing John West, “The Administration and Economy of the Forest of Feckenham during the Early Middle Ages.”

a money purse) may account for the years of unpaid pasturage that the Cistercians had received in the anecdote concerning King John's sudden interest in claiming income for the crown.<sup>164</sup> Arbitrarily letting a violator escape without an amercement might buy his loyalty later, or give a royal official leverage over him later.

If, as Stagg has argued, “[i]t is extremely difficult to envisage how such a system could have been effective as either a deterrent or as a source of revenue,”<sup>165</sup> then the very existence of forest law may itself have been arbitrary. After all, it was only later in medieval England that deer became rare enough to require preservation; the practice of protecting the king's deer was, at least for the purposes discussed by Richard fitz Nigel in the *Dialogus de Scaccario*, superfluous.<sup>166</sup> In fact, the forest system protected animals that actually inhibited the king's hunting. The roe “was looked upon with disfavour because it drove the other deer away, but it was none the less necessary that the hunting of it in the royal forests should be forbidden to unauthorized persons.”<sup>167</sup> For the commoner who lived and worked in the forest and saw deer passing by his home, or the farmer who watched deer feeding on his crop, this prohibition doubtlessly seemed ludicrous. Charles Young expertly summarizes the inconsistencies of the forest administration when he argues that

the enforcement of [forest] law was in practice arbitrary through a court system in which many escaped punishment by inefficiency in bringing them to trial, others were exempt from trial by privileges and pardons, and

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<sup>164</sup> See pages 37-8.

<sup>165</sup> Stagg, *New Forest Documents*, 4.

<sup>166</sup> Roger B. Manning, *Hunters and Poachers: A Social and Cultural History of Unlawful Hunting in England, 1485-1640* (Oxford: Clarendon Press, 1993), 7.

<sup>167</sup> Cronne, “The Royal Forest,” 7.



those punished were assessed amounts fixed more by the status of the defendant than the seriousness of the crime.<sup>168</sup>

The practice of forest law exemplified the arbitrary application of power, and the exclusion of most (if not all) social groups from the common resource of the forest.

### *Conclusion*

Calls for the amendment of the abuses of the forest administration remained common throughout the fourteenth-century parliaments,<sup>169</sup> appearing as a recurrent issue alongside the confirmation of the borders of the forest and other questions of forest jurisdiction. As late as 1377, more than a century and a half after the first call for inquests in the Magna Carta, there were still petitions calling for inquests into the corruption of the forest administration.<sup>170</sup>

The sheer variety of abuses is staggering. From oppressing the poor through fines, to laying false charges, to enforcing physical (probably capital) penalties on offenders, to accepting bribes, to targeting outsiders and Jews with unreasonable amercements, the forest courts misused their authority in ways that resonated through centuries of complaint literature. This list of abuses sounds uncannily like a section from the ordinances that God reveals to the Israelites through Moses after delivering to them the Ten Commandments:

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<sup>168</sup> Young, *Forests of Medieval England*, 107.

<sup>169</sup> For a record of the many ways in which the issue turned up, see Charles Young's *The Royal Forests of Medieval England*, pages 136-46.

<sup>170</sup> Young, *Forests of Medieval England*, 147.

Thou shalt not go aside in the poor man's judgment. Thou shalt fly lying. The innocent and just person thou shalt not put to death: because I abhor the wicked. Neither shalt thou take bribes, which even blind the wise, and pervert the words of the just. Thou shalt not molest a stranger [foreigner].<sup>171</sup>

The actions of the foresters, when measured against the legal and moral principles endorsed by the English courts and clergy of the middle ages, were corrupt; indeed, outright wrong.

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<sup>171</sup> Ex 23:6-9.

## Chapter 4: Rough Justice and the Outlaw's Court

How do the poems of Robin Hood respond to the injustices of the forest and revitalize the ancient notion of the forest as a free resource? How does one outlaw's greenwood camp answer the fundamental question of forest law: "how is the land to be used?"<sup>172</sup> Most important, how do Robin Hood and his merry men ensure that safe and fair access to the forest and its resources is available to all men of all ranks and professions? The answer lies in the conceptual court that Robin establishes in the greenwood. Robin's court, parodic of both aristocratic and legal courts through its appropriation of the roles and symbols of both, operates on a system of land ownership and personal esteem that obviates the tyranny of the forest administration, and the exclusionary practices of the romance genre, by forging heroic forest narratives in which access to the land and its resources is not determined by privilege, but by the individual's ability to use and thereby come to own the space in which he lives.

### *Complaining in the Forest*

Robin Hood is not the first narrative of resistance that takes the forest as its setting. Poems that have already been mentioned, *King Edward and the Shepherd* and *The King and the Hermit*, both comment on the forest administration by situating their characters in the forest. Other works that contain moments of class conflict and commentary go as far as to situate their narrators in the forest. In the *Canterbury Tales*, Chaucer appears in the woods as his pilgrims discuss whether or not the dozing cook will be beaten and bound

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<sup>172</sup> Stover, "Silviculture and Grazing," 32.

by forest thieves.<sup>173</sup> A number of anonymous complaint poems feature narrators who are inspired by birdsong and the burgeoning spring flora to level accusations at the king and his policies. The thirteenth-century *Song on the Peace with England* begins,

Or vint la tens de May, que ce ros panirra,  
Que ce tens serra beles, roxinol chanterra,  
Ces prez il serra verdes, ces gardons florrirra;  
J'ai trova à ma cul .j. chos que je dirra.<sup>174</sup>

The narrator of *The Outlaw's Song of Trailbaston* feels relieved enough to write as he relaxes in the shade of the forest:

Là n'y a faucet ne nulle male lay;  
En le bois de Belregard, où vole le jay,  
E chaunte russinole touz jours santz delay.<sup>175</sup>

It would seem that every poet and his nightingale were hiding out in the forest. Both *Song on the Peace of England* and *The Outlaw's Song of Trailbaston* echo the romance tropes of the poet inspired by birdsong and blooming flowers to speak of love, though instead they use these same inspirations to complain of the king and his policies. There is such a complaint in *Song of the Husbandman*, in which the poet laments the watchful woodward who prevents him from rooting around for deadfall: “The wodeward waiteth us wo that

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<sup>173</sup> “A thief myghte hym ful lightly robbe and bynde.” See Geoffrey Chaucer, *The Manciple's Prologue*, in *The Riverside Chaucer*, ed. Larry D. Benson (Boston: Houghton Mifflin Co, 1987), Fragment IX, line 8. Chaucer himself was once the target of robbery while working as the clerk of the king's works and his forester, though conflicting records make it difficult to determine whether or not the robbery occurred in a forest (see Larry D. Benson, ed., *The Riverside Chaucer* [Boston: Houghton Mifflin Co, 1987], xxiv-xxv).

<sup>174</sup> Thomas Wright, ed., *Song of the Peace with England*, in *The Political Songs of England* (London: Camden Society, Old Series, Vol. 6, 1839), 63. Wright translates the lines as: “Now comes the time of May, when the rose will open,—when the seasons will be fair, and the nightingale sing,—the fields will be green, and the gardens will bloom;—I have found behind me a thing which I will relate.”

<sup>175</sup> Wright, *Outlaw's Song*, 232. Wright translates the lines as: “where there is no falseness and no bad law;—in the wood of Beauregard, where the jay flies,—and where the nightingale sings always without ceasing.”

loketh under rys.”<sup>176</sup> The forest has a long literary tradition, much of it fraught with implicit and explicit criticism of royal administration.

However, none of the poems that specifically situate themselves in the forest actually specify the forest administration as the target of complaint. They may speak of taxes, general corruption, or harsh penalties, but neither the *Song on the Peace with England* nor *The Outlaw’s Song of Trailbaston* mentions any forest officials or policies, while the *Song of the Husbandman* does not situate its narrator in the forest at the time of composition. It seems as though the forest offered a safe distance to those who wished to critique the policy of the king in his power center, but that there was no such haven for those who wished to complain of a system as omnipresent as forest law.

Certainly the forest offered a safe distance to historical outlaws who sought shelter from the king’s men. In fact, outlaws seem to have been so successful in evading capture in the woods outside towns that the crown started fining entire townships when it discovered that lawful men had aided or sympathized with fugitives.<sup>177</sup> One such successful outlaw was Richard Siward. When in 1234 the king learned that he had narrowly avoided being robbed by Richard and his band while passing through Windsor forest, he ordered no fewer than ten sheriffs to arrest the culprit.<sup>178</sup> Still, Richard managed to evade capture and eventually the intensity of the manhunt increased after he boldly robbed the royal justiciar. The fact that in 1238 the king formed a plan to prohibit citizens from selling food or drink to roving outlaws<sup>179</sup> suggests that the populace may

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<sup>176</sup> Thomas Wright, ed., *Song of the Husbandman*, in *The Political Songs of England* (London: Camden Society, Old Series, Vol. 6, 1839), 149.

<sup>177</sup> Young, *Forests of Medieval England*, 59.

<sup>178</sup> *Ibid.*, 105.

<sup>179</sup> *Ibid.*

have been supporting, perhaps even benefiting from, the presence of outlaws like Richard in the royal forests.

Of course, the Robin Hood ballads, which hardly ever leave the forest, arrive in printed form about a century after the latest of the complaint poems mentioned above, and two hundred years after the career of Richard Siward.<sup>180</sup> Chronicle references to Robin situate him in the thirteenth century (as early as 1266, according to Walter Bower),<sup>181</sup> and Francis James Child points out that the Robin Hood ballads were popular for at least a century before the *Gest of Robyn Hode* was first printed.<sup>182</sup> Robin also receives famous mentions in *Troilus and Criseyde* and *Piers Plowman* in the later fourteenth century, as well as a possible reference by a fictionalized Edward III in the mid-fourteenth-century poem, *King Edward and the Shepherd*.<sup>183</sup> It is possible that this

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<sup>180</sup> Though earlier editors of the *Gest* proposed that the poem was compiled in 1400 or earlier (see Child, Francis James, ed., *The English and Scottish Popular Ballads*, Vol. III, [New York: Dover Publications, Inc., 1965], 40), more recent scholarship reveals the improbability of such an early date (see Knight and Ohlgren, *Robin Hood*, 81). It is more likely that it was prepared in the mid-fifteenth century. Kelly Devries produces interesting evidence for the *Gest of Robyn Hode*, *Robin Hood and the Potter*, *Robin Hood and the Monk*, and *Robin Hood and Guy of Gisborne* being fourteenth- or fifteenth-century poems by comparing the ballads' treatments of the English longbow to its reputation in various centuries. See his essay, "Longbow Archery and the Earliest Robin Hood Legends," in *Robin Hood in Popular Culture: Violence, Transgression, and Justice*, ed. Thomas Hahn (Woodbridge: D. S. Brewer, 2000), 41-60.

<sup>181</sup> The outlaw named Robert Hood was a "*famous sicarius*" ("well-known cutthroat"), along with Little John, in the entry for year 1266 of Walter Bower's *Continuation* (c. 1440) of the Latin chronicle attributed to John of Fordun. It is interesting that Bower laments "the foolish people [who] are so inordinately fond of celebrating [Robert] in tragedy and comedy" (see Bower, *Continuation*, 26), suggesting that Robin was primarily a figure of theatrical representation, not of history.

<sup>182</sup> Child, *Popular Ballads*, III, 41-2.

<sup>183</sup> In the poem *King Edward and the Shepherd*, Edward (probably King Edward III) adopts the name Jolly Robin as a fake identity when he meets a peasant shepherd in the forest. The motif of the disguised king meeting a commoner recalls the scene in the *Gest* where the king (possibly Edward III) disguises himself to go meet Robin. It is quite possible that the name Jolly Robin refers to the outlaw, especially given Pandarus' similar allusion in *Troilus and Criseyde*, though this reference is also unclear. Pandarus mentions "joly Robyn" playing in the "haselwode" (Geoffrey Chaucer, *Troilus and Criseyde*, in *The Riverside Chaucer*, ed. Larry D. Benson [Boston: Houghton Mifflin Co, 1987], Book V, line 1174), which might refer to either Robin's games in the greenwood (archery contests and the like), or to the late-medieval custom of putting on Robin Hood play-games. Stephen Barney mentions the possibility that "joly Robyn" is Robin Hood, though he also notes that "Jolly Robin" was "a common name for a rustic or shepherd" (see the note to line 1174 on page 1054 of *The Riverside Chaucer*). However, there is strong evidence for the fact that Chaucer was familiar with, perhaps even writing into, the Robin Hood stories. Taylor and Dobson suggest that Chaucer adapted an early version of a Robin Hood proverb ("for mani ...

period of purely oral circulation was necessary for the matter of the legends—Robin flouting the sheriff’s attempts to keep intruders from the royal forest and its game—to acquire a safe distance from the conflicts that raged through the history of the forest administration up until the fifteenth century, “a period in which the royal forest was an institution of decay”<sup>184</sup> and no longer the kind of topic that could draw unwanted attention to the personal libraries of the gentry. It is more likely, as I will discuss later, that Robin’s fifteenth-century print popularity was a response to, or perhaps a symptom of, the resurgence of late-medieval interest of romance chivalry.

Of course, the extant Robin Hood material also follows shortly after the late-fourteenth century period during which “literacy was reaching the ‘middle classes’ of both town and countryside much more widely and significantly, and percolating further down the social scale a well,”<sup>185</sup> meaning that the already popular poems might finally have found enough of a reading audience to sustain them. And of course, the survival of any manuscript was chancy, so it is also quite possible that there were much earlier recorded poems that have gone missing, and these poems may have been appreciated by any social group. As Douglas Gray warns, scholars “need to be cautious in trying to describe or define the audience [of the Robin Hood texts] about which some rather

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spekith of Robyn Hood that schotte never in his bowe”) to defend against those who “Defamen love, as nothing of hym knowe [yet] speken, but thei benten nevere his bowe” (Chaucer, *Troilus and Criseyde*, II.860-1; see Dobson and Taylor, *Rymes of Robin Hood*, 2). There is also some evidence that Chaucer was familiar with a Robin Hood analogue, *The Tale of Gamelyn*, and had intended to rewrite it for *The Canterbury Tales* (see Knight and Ohlgren, *Robin Hood*, 184). Finally, it is possible that the trickster forester of *The Friar’s Tale* is a demonic adaption of Robin, the outsider who enforces justice against corrupt officers of the law. This reading is suggested by Helen Phillips in “A gay yeman, under a forest side’: ‘The Friar’s Tale’ and the Robin Hood Tradition,” in *Medieval Cultural Studies: Essays in Honour of Stephen Knight*, ed. Ruth Evans, Helen Fulton, and David Matthews (Llandybie, Wales: Dinefwr Press, 2006), 123-37. Given Chaucer’s demonstrable familiarity with Robin, I think the reference to Robin is probable.

<sup>184</sup> Young, *Forests of Medieval England*, 149.

<sup>185</sup> Maurice Keen, *English Society in the Later Middle Ages: 1348-1500*, (1990), 225

dogmatic statements have been made (peasants, gentry, etc).”<sup>186</sup> After all, Robin Hood seems to be known to both the high-courtly Pandarus of Chaucer’s *Troilus and Criseyde*<sup>187</sup> and low-minded Sloth of the B-text of *Piers Plowman*,<sup>188</sup> and even Henry VII, who dressed up as an outlaw in 1515 when he watched a Robin Hood pageant.<sup>189</sup> Stephen Knight and Thomas Ohlgren argue that for the Robin Hood stories, “the audience was not single” but “represented the social mobility of the late Middle Ages.”<sup>190</sup> If, as Gray suspects, stories of Robin Hood were appealing across classes, then the late-fourteenth-century spread of literacy in all social strata would have been the ideal time for the production of the first Robin Hood texts to begin.

Whatever the reason for the delay between the first circulation of the tales and the dates of the earliest surviving manuscripts of the poems, the extant copies were made at time when the issues of royal and common right at stake in the stories could be safely discussed without the same overbearing fear of the forest administration. Literature could more safely and specifically address the evils of forest law and the struggle for ownership of common resources that lurked behind them.

### *Robin Hood and the Appropriation and Amendment of Office*

Robin’s court in the greenwood is much like any other medieval forest court; it is a social site defined by a hierarchy of authority and a common set of procedures used to decide

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<sup>186</sup> Gray, “Everybody’s Robin Hood,” in *Robin Hood: Medieval and Post-Medieval*, ed. Helen Phillips (Dublin: Four Courts Press, 2005), 29.

<sup>187</sup> See note 183 on pages 52-3.

<sup>188</sup> William Langland, *Will’s Visions of Piers Plowman, do-well, do-better, and do-best*, ed. George Kane and E. Talbot Donaldson (Berkeley: University of California Press, 1988), B-text, Passus V, line 395.

<sup>189</sup> Stephen Knight and Thomas Ohlgren, *Robin Hood and Other Outlaw Tales* [Kalamazoo: Medieval Institute Publications, 1997], 9.

<sup>190</sup> *Ibid.*, 8.



questions of trespass and ownership in the forest. It reclaims the structure and purpose of the court by having Robin as a judge, Little John as a sheriff who delivers trespassers, and Robin's whole company as foresters. Robin may also be understood as a chief forester, especially in the contest and battle scene between Guy and Robin in *Robin Hood and Guy of Gisborne*, which Knight and Ohlgren understand as "a conflict between a true and false forester";<sup>191</sup> Robin is brave and just while Guy's motivations seem outright mercenary. Robin's actions repurpose the whole court structure, right down to its "own ritual costume,"<sup>192</sup> to deliver a different kind of justice based not on the principles of royal right, but of public right. Ohlgren explains that Robin Hood's forest stands in opposition to "the engrossing negative values of the dominant social, political, and economic powers ... marked by statutory law, ... oppression, and corruption,"<sup>193</sup> proposing instead the values of public justice and common access denied by the forest system.

As in the king's forest courts, participation in Robin's court is often obligatory. Men are greeted in the woods and pressured into dealing or dining with Robin. And just as the law of the forest fell on all strata of society,<sup>194</sup> Robin's court tries men from a number of social groups, from cooks and potters to knights and kings. It is notable that Robin's court, unlike the forest courts of the king, invites these same men to participate in the governance of the forest and to enjoy the fruits of such labour. Knight and Ohlgren argue that "[t]he story of the *Gest* links Robin and his band with a knight, a cook, and the

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<sup>191</sup> Knight and Ohlgren, *Robin Hood*, 170

<sup>192</sup> Ibid.

<sup>193</sup> Thomas Ohlgren, *Robin Hood: The Early Poems, 1465-1560: Texts, Contexts, and Ideology* (Newark: University of Delaware Press, 2007), 32.

<sup>194</sup> Jean Birrell has argued that "poaching deer was not the preserve of any one social group"; there is no typical poacher. See Birrell, "King's Deer," 11.

king. Fictions of social harmony can hardly reach further.”<sup>195</sup> Moreover, his reputation as a just and courteous man extends beyond the domain of his court, unlike the reputations of the king’s forest administrators. In *Robin Hood and the Potter*, the public at large holds him to be “[c]omley, corteys, and god.”<sup>196</sup> The diverse social groupings that Knight and Ohlgren recognize in the *Gest* also reflect the *Gest*’s potential audience, “a wide variety of social groupings who were alive to the dangers of increasingly centralized authority.”<sup>197</sup> Both inside and outside of the text of the poem, Robin Hood invites all members of society to acknowledge a different way of governing the forest that is independent of social rank.

Robin, as the leader of his mock forest court, makes a point of repairing the abuses of the real foresters and reclaiming not only their role in governing the forest, but also the symbols of their office. When in the *Gest* the king visits Robin disguised as an abbot, he witnesses Robin using a hunting horn, a symbol of the foresters’ office, to summon his company:

Robyn toke a full grete horne,  
And loude he gan blowe;  
Seven score of wyght yonge men  
Came redy on a rowe.<sup>198</sup>

As many scholars have argued, there is a political dimension to the horn. John G. Cummins states, “[t]he medieval hunting horn was the principal tool and symbol of the

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<sup>195</sup> Knight and Ohlgren, *Robin Hood*, 82.

<sup>196</sup> Stephen Knight and Thomas Ohlgren, eds., *Robin Hood and the Potter*, in *Robin Hood and Other Outlaw Tales* (Kalamazoo: Medieval Institute Publications, 1997), line 6.

<sup>197</sup> Knight and Ohlgren, *Robin Hood*, 8.

<sup>198</sup> Knight and Ohlgren, *Gest*, lines 1553-6.

huntsman's craft."<sup>199</sup> There are a number of forest offences in which violence against forest officials involved the theft of their horns. When in Essex in 1239, Henry Simon raised the hue and cry against an armed group of sixteen poachers on foot and two on horseback, they beat and wounded him, making off with his horn, sword, bit, and surcingle.<sup>200</sup> During his Rebellion, Sir William Beckwith stole a silver dagger and hunting horn from the houses of foresters.<sup>201</sup> The horn was also a sign of personal identity, as a case from the 1242 forest eyre of Essex attests. Quinton and Roger of Wollaston were able to identify a poacher, Roger le Scot, by the sound of his horn.<sup>202</sup> When in *Robin Hood and Guy of Gisborne*, Robin is attacked by Guy, one of the sheriff's mercenaries, Robin steals Guy's horn, symbolically reclaiming the office of the forester and appropriating the right to render judgment on forest-dwellers. Most significantly, Robin secures his ownership of the horn through its use. He blows the horn to mislead the sheriff into thinking that Guy has killed him.

Robin also decapitates Guy, mutilates his face, and mounts his head, a ceremony reminiscent of a particular forest offence from Northamptonshire in 1272 in which a group of poachers entered the king's forest with bows and arrows and slaughtered three deer, one of which (a buck) they decapitated. One man placed the head on a stake, facing the sun (and Windsor) with a gaping mouth "in great contempt of the lord king and his foresters."<sup>203</sup> Another shoved a spindle through its throat. This kind of symbolic theft,

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<sup>199</sup> John G. Cummins, *The Hound and the Hawk: The Art of Medieval Hunting* (New York: St. Martin's, 1988), 160.

<sup>200</sup> Turner, *Select Pleas*, 69.

<sup>201</sup> William Perry Marvin, *Hunting Law and Ritual in Medieval English Literature* (Cambridge: D. S. Brewer, 2006), 160-1.

<sup>202</sup> Turner, *Select Pleas*, 74.

<sup>203</sup> *Ibid*, 38-9.

decapitation, and dismemberment<sup>204</sup> creates parallels between these gratuitously defiant poaching gestures, Robin's mutilation of his oppressor, and the history of punitive mutilation in the enforcement of forest law. It is possible that in the case of Robin and the Northamptonshire poachers, their choice to perform symbolic mutilation in defiance of the law was a response to the mutilations inflicted on the body of those who defied the king's will in the forest. Poaching is, as Manning has argued, a symbolic act of war,<sup>205</sup> especially when performed in groups; an offence committed by three or more people was technically considered to be a riot.<sup>206</sup>

Robin further reclaims the symbols of the forest court by garbing his men in livery. Here, by associating his green-clad men with his own jurisdiction, he is figuring himself not only as a judge but as a lord with retinue—a good lord at that. It is also interesting that the colour of the outlaw's uniform is green, symbolic of the forest and also reminiscent of the green uniforms of foresters.<sup>207</sup> All his men receive new clothing twice a year and an annual fee of twenty marks (plus the obvious perks of venison and robbery).<sup>208</sup> Moreover, they are actually loyal. When he calls they come to “knele ... on theyr kne, / Full fayre before Robyn.”<sup>209</sup> In *Robin Hood and the Potter*, Little John hears Robin's horn when Robin returns to the forest leading an unsuspecting sheriff of

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<sup>204</sup> This argument that mutilation and violence were part of rebellion against social norms can be understood in similar terms to Danielle Westerhof's argument that public mutilation, shaming, and torture was used by chivalric society to enforce norms. See Danielle Westerhof, “Deconstructing identities on the scaffold: the execution of Hugh Despenser the Younger, 1326,” *The Journal of Medieval History* 33.1 (2007): 87-106.

<sup>205</sup> Manning, *Hunters and Poachers*, 3.

<sup>206</sup> *Ibid.*, 1.

<sup>207</sup> Chaucer's narrator guesses that Yeoman is a forester after remarking that his coat, hood, and baldric are green (Geoffrey Chaucer, *General Prologue*, in *The Riverside Chaucer*, ed. Larry D. Benson [Boston, Houghton Mifflin, 1987], Fragment I, lines 101-17). According to Edward Hall's *Chronicle*, Henry VIII witnesses a train of the knights of Diana being followed by “menne apparelled in Grene Clothe, with Cappes and Hosen of like suite, as Forsters or kepers” (see Edward Hall, *Chronicle* [London, 1809]: 512). It seems that foresters, like Robin's company, were primarily associated with green clothing.

<sup>208</sup> Knight and Ohlgren, *Gest*, lines 79-82.

<sup>209</sup> *Ibid.*, lines 1556-7.

Nottingham, and his whole company of men “r[u]n as they were wode” with the intention of rescuing him.<sup>210</sup> This is in stark contrast to the foresters whose cries and horn calls were routinely ignored, or the historical sheriff of Nottingham and Derby who was assaulted while trying to gain access to a sheep pen and received no aid when he issued the hue and cry.<sup>211</sup> Robin’s men are willing to risk their lives for him when he is in distress, as is attested by the popularity of daring rescues appearing in the body of Robin Hood poems and plays.

Robin’s band is so loyal that the disguised king in the *Gest* remarks: “His men are more at his byddyng / Then my men be at myn.”<sup>212</sup> This is certainly true. For example, during the earlier scene in which Sir Richard goes to pay his debts with Robin’s loan, it is revealed that the abbot is trying to bankrupt the knight by retaining the services of the chief justice who “holde[s] with the abbot ... Both with cloth and fee.”<sup>213</sup> According to Child, the practice of giving and receiving robes for such purposes was considered conspiracy in the legal code of King Edward I, 1305-06;<sup>214</sup> in another statute of King Edward III, dated 1346, justices were required to swear that they would accept robes and fees only from the king.<sup>215</sup> The chief justice is being disloyal by allowing his services to be sold and by donning the robe of another. The sheriff is also disobedient as he goes out hunting in the king’s wood without the king’s permission,<sup>216</sup> and later when he is

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<sup>210</sup> Knight and Ohlgren, *Robin and the Potter*, line 259.

<sup>211</sup> See Harry Rothwell, ed., “A sheriff’s difficulties, 1307,” in *English Historical Documents: Volume 3, c. 1189–1327* (London: Routledge, 1996), 576-7.

<sup>212</sup> Knight and Ohlgren, *Gest*, lines 1563-4.

<sup>213</sup> *Ibid.*, lines 425-6.

<sup>214</sup> See the note to stanza 107 on page 52 of Child, *Popular Ballads*, III.

<sup>215</sup> See the note to line 426 on page 156 of Knight and Ohlgren, *Robin Hood*.

<sup>216</sup> “It fell upon a Wednesday / The sherif on huntynge was gone” (see Knight and Ohlgren, *Gest*, lines 617-8). Though sheriffs were often permitted to hunt a very modest amount of game per year, the sheriff of Nottingham’s interest in hunting the “[s]even score of dere upon a herde” suggests a quantity of poached venison well beyond what is accepted for a sheriff to take (see Knight and Ohlgren, *Gest*, line 739).

captured and he dons one of Robin's uniforms as a form of submission. He too accepts the livery of another, whereas Robin's men are completely trustworthy and obedient. In fact, the king "symbolically joins the forest outlaws"<sup>217</sup> by donning their green, recalling an earlier episode in which Robin subdues the sheriff by forcing him to wear and sleep in an outlaw's green uniform. Both officials, by donning the green, condone or at least submit to the forest administration of Robin's court. Through the use of this green livery, Robin symbolically appropriates the forest eyres' offices for the purposes of his forest court, a court that, unlike the king's courts, is not corrupted by greed or self-interest.

One of the reasons that Robin's men are so loyal may be that, in Robin's court, positions of power seem to be distributed based on labour and merit, rather than on financial or aristocratic privilege. For example, because of the effort and risk that Little John invests in rescuing Robin in *Robin Hood and the Monk*, Robin offers Little John the right to be his master and the master of all the men in their company. When Little John performs the work of protecting Robin and the outlaw band, it is only fitting to reward him with the position. This may be contrasted by the privileges of the forest administration, which were often treated as assets that could be bought and sold.

This relationship between labour and position or profession appears in other places in the Robin Hood texts as well. In *Robin Hood and the Potter*, after Robin dons the potter's clothing and performs his work by selling pots in town, not only the sheriff, but also the narrator, refer to him as though he is an actual potter.<sup>218</sup> Robin's ruse of being a potter is made into a narrative reality when he does a potter's labour (even if it is work at which he is comically inept). In *Robin Hood and the Monk*, after Little John runs

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<sup>217</sup> Knight and Ohlgren, *Robin Hood*, 84.

<sup>218</sup> Robin is referred to directly as a potter by the narrator at lines 159, 185, 210, and 236.

the unfortunate jailer through with his sword, he claims, “Now wil I be jailer,”<sup>219</sup> symbolically taking over the office and literally applying himself to the work of keeping the jails properly—in this case, releasing Robin, who has been unjustly arrested in a violation of religious sanctuary. As with Robin’s offer for Little John to take over leadership of the outlaws, Little John is granted a position of power when he performs the labour of the position. This labour ethic justifies Robin’s appropriations of the offices of the forest administration, especially when these appropriations lead to just resolutions, such as the liberation of a prisoner who has been unfairly arrested when he should have been safe at mass. Little John’s appropriation of the jailer’s office might be a further amendment of abusive late-medieval legal practices as contemporary prison conditions were extremely brutal and occasionally involved the deliberate abuse and starvation of a prisoner who failed to plea.<sup>220</sup>

Perhaps the most interesting of Robin’s appropriations is his status as game protected by the king’s wood. In a scene in which Little John feigns loyalty to the sheriff, Little John convinces the sheriff to delve deeper into Robin’s wood in search of the “mayster-herte”<sup>221</sup>:

Yonder I sawe a ryght fayre harte,  
His coloure is of grene;  
Seven score of dere upon a herde  
Be with hym all bydene.  
Their tyndes are so sharpe, maister,

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<sup>219</sup> Knight and Ohlgren, eds., *Robin Hood and the Monk*, in *Robin Hood and Other Outlaw Tales* (Kalamazoo, Michigan: Medieval Institute Publications, 1997), line 279.

<sup>220</sup> See note to line 246 to page 54 of Knight and Ohlgren, *Robin Hood*.

<sup>221</sup> Knight and Ohlgren, *Gest*, line 752.

Of sixty, and well mo.<sup>222</sup>

By figuring Robin as a master hart and his retinue of men as his herd, Little John is also claiming that Robin and his men, like the king's game, are protected by the laws of the forest. The sheriff has no right to interfere with Robin or his crew, just as he has no right to pursue the deer he thinks that Little John is describing.

### *Appropriative Violence*

Of course, Robin's court also poses a number of problems of interpretation. He and his men are violent, and they too rule the forest by means of force. Although Robin obviates a rank-based system of governance, he is clearly the sole leader of the group and therefore a figure of privilege. His desire to "alway [slay] the kynges dere, / And [wield] them at his wyll,"<sup>223</sup> to poach because he can, parallels Satan's rationale for poaching in John Lydgate's fifteenth-century *Pilgrimage of the Life of Man*, a version of an earlier French text by Guillaume de Guileville. When Satan speaks of the king's deer, he says "whanne that I by force hem take ... I cleyme hem to ben myn off right,"<sup>224</sup> a shocking echo of Robin's justification. His group's violence and poaching are not so different from that practised by historical outlaws who were known for violence and disorder in the forest. As Manning points out in *Hunters and Poachers*, "[b]ecause bands of hunters almost invariably numbered three or more persons, such hunting offenses were

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<sup>222</sup> Knight and Ohlgren, *Gest*, lines 737-42.

<sup>223</sup> *Ibid.*, lines 1463-4.

<sup>224</sup> John Lydgate, *The Pilgrimage of the Life of Man, Englished by John Lydgate, A.D. 1426, from the French of Guillaume de Guileville, A.D. 1330, 1355*, ed. Frederick James Furnivall and Katherine Beatrice Locock (London: Nichols and Sons, 1905), lines 19066-8.



technically riots.”<sup>225</sup> Bellamy notes that James of the infamous Coterel family of outlaws attracted at least twenty recruits as he wandered through Sherwood forest and the Peak district.<sup>226</sup> The narrator of *The Outlaw’s Song of Trailbaston* worries about being identified as a member of an ill-reputed poaching gang:

Si je sei compagnoun e sache de archerye,  
Mon veisyn irra disaunt, ‘cesti est de compagnie,  
De aler bercer à bois e fere autre folie,<sup>227</sup>

How is the violence practiced by these outlaw bands any different from that of Robin Hood and his merry men?

One possible answer is that the violence is usually directed at figures of injustice, like the monk who violates Robin’s right of sanctuary and reports him to the sheriff, or the sheriff who ambushes Robin rather than face him in fair combat, or Guy of Gisborne, who appears to be a mercenary false forester.<sup>228</sup> This violence may be yet another instance of Robin amending the legal corruptions and abuses of the legal administration and aristocracy. In his book, *English Society in the Later Middle Ages*, Maurice Keen offers an insight into late-medieval violence:

Nowadays, violent crime is most often seen as the product of social deprivation. No doubt there was plenty of that kind of crime in the late

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<sup>225</sup> Manning, *Hunters and Poachers*, 1.

<sup>226</sup> John G. Bellamy, “The Coterel Gang: An Anatomy of a Band of Fourteenth-Century Criminals,” *The English Historical Review* 79.313 (1964): 705.

<sup>227</sup> Wright, *Outlaw’s Song*, 236. Wright offers the translation, “If I am a companion and know archery,—my neighbour will go and say, ‘This man belongs to a company,—to go hunt in the wood and do other folly.’”

<sup>228</sup> The most troubling exception to this rule is the scene from *Robin Hood and the Monk* in which Much and Little John slay not only the monk who reported Robin to the sheriff, but also the boy travelling with him. The boy is murdered because he is a witness, but his death still seems unjustified. He had no part in reporting Robin, he offered the outlaws no resistance, and he has no part in their quarrel. However, Robin himself takes no part in this violence, and his men slay the monk and boy without instruction from Robin.

middle ages too, but not on a scale that seemed to threaten the social fabric. The social threat came rather from [...] those with whom the principal responsibility for law enforcement and the maintenance of order locally lay.<sup>229</sup>

Robin's violence turns violence back against those figures responsible for law enforcement and local order, those who routinely used violence as a means of demonstrating or preserving their power. However, this was not necessarily a late-medieval phenomenon. As early as 1170, there is a record of shire-level corruption through Henry II's "commission of inquiry into the administration of the sheriffs throughout England as a result of complaints made against their conduct."<sup>230</sup>

Rodney Hilton has connected some of Robin's violence to the resistance of the rebels during the Peasants' Revolt of 1381, an insurrection directed toward the aristocracy and based in part on a claim for common access to the forests and their game.<sup>231</sup> Maurice Keen also finds in Robin Hood a "streak of class violence."<sup>232</sup> There are certainly parallels between the Peasants' Revolt and the *Gest*. Little John eating and drinking from the sheriff's stores recalls a scene from the revolt during which the rioting commoners "ate the victuals and drank three tuns of good wine"<sup>233</sup> from a local manor. When he recruits the sheriff's household cook to Robin's cause, it is similar to the

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<sup>229</sup> Keen, *English Society in the Later Middle Ages*, 189.

<sup>230</sup> See David C. Douglas, ed., "The Inquest of Sheriffs," in *English Historical Documents: Volume 1, c. 1042–1189* (New York: Routledge, 1996), 470.

<sup>231</sup> For the complete argument see Rodney H. Hilton, "The Origins of Robin Hood," *Peasants, Knights and Heretics: Studies in Medieval English Social History*, ed. Rodney H. Hilton (Cambridge: Cambridge University Press, 1958), 221-235.

<sup>232</sup> Keen, Maurice, *The Outlaws of Medieval Legend*, (Toronto: University of Toronto Press, 1961), 3. However, Keen also makes it clear that Robin is not particularly interested in upsetting class restrictions (see page 154), pointing out a scene in which he does not free serfs.

<sup>233</sup> Myers, A. R., "The Peasants' Revolt, 1381," in *English Historical Documents: Volume 4, c. 1327–1485* (London: Routledge, 1996), 129.

aftermath of sacking the manor, when the common people “assembled [and] went about in many bands doing great mischief in all the countryside.”<sup>234</sup> Robin’s instructions to “bete and bynde”<sup>235</sup> only “bisshoppes and these archebishoppes”<sup>236</sup> parallels the commoners’ violent hate for the archbishop of Canterbury, who was “struck and hustled”<sup>237</sup> and later beheaded. Even the demands of the revolting commoners<sup>238</sup> beyond the right to the forests echo Robin’s own agenda. Wat Tyler demanded that

there should be henceforth no outlawry in any process of law, and that no lord should have any lordship, except only to be respected according to their rank among all folks, and that the only lordship should be that of the king; and that the goods of Holy Church should not remain in the hands of the religious, nor of the parsons and vicars, and other churchmen.<sup>239</sup>

The validation of outlaws, the appointment of power by merit, and the confiscation of church goods<sup>240</sup> all feature prominently in the Robin Hood poems, and they are often achieved through violence.

Even more significant is the fact that Robin’s crimes, even when they are accompanied by violence, are not the actions of a mindless criminal; they are the tactics of a man with a sympathy-inspiring social agenda. John Major in his *Historia Majoris Britannaie* tells that Robin Hood was a highly principled robber who “would allow no

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<sup>234</sup> Myers, “Peasants’ Revolt,” 129.

<sup>235</sup> Knight and Ohlgren, *Gest*, line 58.

<sup>236</sup> *Ibid*, line 57.

<sup>237</sup> Myers, “Peasants’ Revolt,” 135.

<sup>238</sup> The riots did not include only peasants, but also craftsmen.

<sup>239</sup> Myers, “Peasants’ Revolt,” 137.

<sup>240</sup> For example, the man to whom Sir Richard is in debt is the corrupt abbot of St. Mary’s, who is unrightfully trying to seize control of the knight’s lands. Not only does Robin stop the abbot from acquiring this property by paying the knight’s debt, but he also later steals by force eight hundred pounds being moved from St. Mary’s to London. This sum presumably contains the money from his original loan.

women to suffer injustice, nor would he spoil the poor.”<sup>241</sup> This poaching, thieving and redistributing of wealth practised by Robin Hood may have been particularly resonant because of the ways in which it hearkened to the ancient forest customs of the Romans and Anglo-Danes, which argued that game was only made into property through the act of the hunt. In the same way that Robin freely appropriates deer by hunting them and the forest space by inhabiting it, enacting the principles of law upon which earlier game custom was based, he also appropriates the unused, excess wealth of corrupt officials and repurposes it to aid those who could actually use and achieve things with the money. One example of this occurs in *Robin Hood and the Potter*, during a scene in which Robin uses the threat of violence to steal the sheriff’s horse. While such an action might be seen as an inappropriate use of force, the sheriff is later informed by his wife that he has “god ynowe,”<sup>242</sup> enough property, at Nottingham; he has what he will be able to use. Robin merely confiscates what he will not.

This practice is dramatized in the *Gest* through the recurrent trope of Robin’s request of passers-by about how much money they carry in their coffers, and only taking what he thinks they will not use. Robin’s habit of interrogating his targets before robbing them, commonly treated as a kind of truth-telling game that rewards honesty and punishes dishonestly, also displays an interest in the use value of money. When Sir Richard, the impoverished knight, tells Robin that he has only ten shillings, Robin searches the knight’s bags to confirm the sum. Not only does he let the knight keep his money, he gives him four hundred pounds to pay his debts and promises: “yf thou have

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<sup>241</sup> Excerpt from John Major’s *Historia Majoris Britanniae*, in *Robin Hood and Other Outlaw Tales*, ed. Stephen Knight and Thomas Ohlgren (Kalamazoo: Medieval Institute Publications, 2000), 27.

<sup>242</sup> Knight and Ohlgren, *Robin and the Potter*, line 307.

nede of any more, / More shall I lend the.”<sup>243</sup> Robin is pleased to give money when it will be a resource that can be put to use. By the same token, Robin gives “the knight a lyveray, / To lappe his body therin”<sup>244</sup> after he notices that his riding garb is “so thin.”<sup>245</sup> Robin is generous when he sees threadbare clothing, a sign of use and need. Little John notices that the knight could also make use of a horse to help him carry home his newfound goods,<sup>246</sup> and Robin immediately gifts the knight with a horse. By the end of the scene, the knight is given four hundred pounds, new finely made cloth with which to cover himself, a mount, a packhorse, boots, gilded spurs, and Little John’s services as a retainer in similar fashion. Even after the knight’s debt is settled, Robin reminds him:

And yf thou fayle ony spendynge,  
Com to Robyn Hode,  
And by my trowth thou shalt none fayle,  
The whyles I have any good.<sup>247</sup>

While he is clearly rewarding the knight’s honesty in the truth-telling game, Robin is also interested in the knight’s “spendynge,” in the money that can actually be used.

By contrast, during the scene in which Robin asks the monk how much money he carries, the monk dishonestly claims to have only twenty marks. Robin assures him “of thy spendynge sylver, monke, / Thereof wyll I ryght none.”<sup>248</sup> Robin refuses to take from the monk’s spending money, the resource that will allow him to travel. Of course, the monk is lying to conceal the four hundred pounds that Little John will spill from his

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<sup>243</sup> Knight and Ohlgren, *Gest*, lines 159-60.

<sup>244</sup> Ibid, 279-80.

<sup>245</sup> Ibid, 176.

<sup>246</sup> “Ye must give the knight a hors, / To lede home this gode” (see Knight and Ohlgren, *Gest*, lines 299-300).

<sup>247</sup> Knight and Ohlgren, *Gest*, lines 1109-12.

<sup>248</sup> Ibid, 779-80.

coffer. When Robin confronts the disguised king about the contents of his coffer, the king honestly claims to carry forty pounds, twenty of which he willingly shares with Robin and his outlaws. Afterward, Robin duly returns twenty pounds “for [the king’s] spending.”<sup>249</sup> Robin does not confiscate his money because he will actually spend it. Conversely, the monk, a hoarder whose resources are not in use, is liable to have his property taken not because of the need of others, but because others will put it to use. It is for this same reason that, when Little John recruits the sheriff’s cook to join the outlaws, the crime of breaking into the sheriff’s treasure house is not a moral problem. They are bringing a resource from the private realm of hoarding into the public realm by enabling its use, and they do so with a considerable investment of violent labour.<sup>250</sup>

This ethic of appropriative violence, violence which acts as an investment of labour into property, is one that Robin respects even when it is turned against him. In *Robin Hood and the Potter*, Robin waylays a potter, but is handily defeated when the potter defends himself with a quarterstaff, after which he is conceded unimpeded use of the road. This is not a straightforward case of might making right and the winners taking power; Robin remains leader despite losing the fight and the bet (and admitting his defeat in both cases) and having his men laugh at him when he is knocked down by a staff-strike to the neck. And although Robin has the strength of numbers to overpower and revenge himself on the potter, he instead grants him free access to the road for all time and suggests the clothing-swapping game whereupon he takes up the role of potter. What is happening in this case is that violence is being applied as a form of labour by which the

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<sup>249</sup> Knight and Ohlgren, *Gest*, line 1530.

<sup>250</sup> The poem also make specific mention of Little John and the cook breaking every lock on the treasure house (see Knight and Ohlgren, *Gest*, lines 695-6). The focus seems to be on the exertion of the theft, on the labour put into acquiring the sheriff’s unused goods.

potter earns the right to freely use the public space of the forest, perhaps in parody of the way that the questing knights of romance prove their right to travel the forest by defeating in combat those who stand in their path. However, unlike the arbitrarily motivated romance heroes, those who seem to occupy the forest and challenge passing knights out of sheer boredom, Robin and his collective are genuinely interested in identifying those who have earned entrance to the forest; after all, they grant the potter safe passage for as long as he wishes. Furthermore, Robin's system of controlling the forest is remarkably meritocratic, based not on birth privileges but purely on the ability of the individual to earn passage by the exertions of combat.

In contrast, the same poem presents a scene in which the sheriff fails to defend himself, and so is sent out of the forest by Robin and his men after being robbed of his horse. The sheriff's wish when he is caught—"The screffe had lever nar a hundred ponde / He had never seen Roben Hode,"<sup>251</sup>—recalls an earlier wish that he makes when is actually standing next to a disguised Robin in his own home: "Y had lever nar a hundred ponde [...] That the fals outelawe stod be me"<sup>252</sup> His later wish in the forest suggests that he impotently hopes his wealth will protect him, while Robin's labour ethic suggests that such protection can only be secured through a fight. Again, violence is seen as an appropriate means of securing possession of property or safe passage.

There is a similar logic in *Robin Hood and the Monk* when the king pardons Much and Little John for tricking him out of reward money. In the poem, Much and Little John kill a monk, and in doing so gain possession of a letter and the task of delivering it to the king; they are justly rewarded when they complete the errand and are given twenty

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<sup>251</sup> Knight and Ohlgren, *Robin and the Potter*, lines 270-1.

<sup>252</sup> *Ibid.*, lines 224-5.

marks each, the exact amount of money they earlier claimed was taken from by them by Robin when they tried to convince the monk that they too were victims of outlawry, and therefore trustworthy. Here, the violence in killing the monk is conceptually connected to the labour theory of the forest when Little John and Much are rewarded for the work of their delivery by receiving the monk's reward from the contented king. They are paid twenty marks, which just so happens to be the amount of money connected to the fictional account of Robin repurposing excess wealth for the good of his forest men. At the end of the episode, the king expresses a certain amount of admiration for the outlaws and their ways, and twice repeats "I gaf hem grith."<sup>253</sup> *Grith* has a number of meanings in Middle English, ranging from peace, order, and security, to pardon and safe conduct. The last reading is more probable when issued by a king. Whatever the specific sense in one or both of these instances, the use of the word is underwritten by a sense of pardon; it seems as though their actions have been validated or excused by the king, accidentally or intentionally, and he later grudgingly recognizes that the outlaws somehow earned the privileges they beguiled out of him in the delivery of the letters, despite the violence in murdering the monk and his boy.

### *Conclusion*

Whether or not Robin's counter-court was successful (or even viable), the ideas behind it clearly resonated with medieval and modern audiences alike. Pollard attributes the appearance of new bands of outlaw gangs operating in the later fifteenth century to the

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<sup>253</sup> Knight and Ohlgren, *Robin and the Monk*, lines 341 and 343.



influence of the Robin Hood legend.<sup>254</sup> Still, evidence for any historical Robin Hood is sketchy at best. It is true that for reasons not revealed by the ledgers, Sherwood was not a particularly lucrative forest.<sup>255</sup> It is tempting but naïve to believe that the thefts, poaching, and governance of one bandit and his company could so visibly dent the incomes of the king without being better recorded. Without a supernaturally capable leader, it is obviously impossible that any such criminal collective could operate in the ways that Robin's forest court did. Still, the Robin Hood legends do seize upon and illuminate the very real contemporary obsession with the forest, and make a case for public access to the forest. The figure of the outlaw king revives the still popular ancient notion that the forest is a common resource, a *res nullius*, perhaps even a *res publica*, a recourse for all men to turn to if winter should come at last to the greenwood.

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<sup>254</sup> Pollard, *Imaging Robin Hood*, 95.

<sup>255</sup> Neilson's findings show that over the decade of 1327-36, Sherwood produced less income than any other forest he investigated. See Neilson, "The Forests," 424.

## Chapter 5: Romance Heroism and the Criminal Cavalier

Of course, the forests were not only a legal apparatus for enforcing the private right of the king. The English woodlands, royal and otherwise, featured prominently in contemporary romance, a genre of immense popularity. In these stories, knights would ride off into the wilderness and, in a landscape mysteriously devoid of commoners, prove their chivalry against a variety of trials and opponents. The forests became an arena in which knights could test their mettle, and prove not only their own worthiness, but also the validity of the whole system of privilege and honour that defined the aristocracy. Lee C. Ramsey points out that “[c]hivalric virtues are those that ensure just and stable rule, defense of the existing order, and observance of social form and rank.”<sup>256</sup> In other words, the strengthening of individual virtues that knights test in their forest questing also solidifies the existing social order, making even more rigid the boundaries of exclusion of privilege protecting the nobility. Not only does such a discursive use of the forest overwrite “the historically real aspects of class,”<sup>257</sup> it also turns the forest into a political apparatus for producing narratives of aristocratic empowerment and heroism that actually gain their power from the exclusion of the common people.

The Robin Hood stories, by constructing the outlaws’ court as both a legal and social one, offer a counter-narrative to the privileged and self-affirming quest plots that occur so frequently in the forests of romance. In the Robin Hood mythos, Robin is presented as a shadow knight, a heroic (or occasionally mock-heroic) figure who behaves

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<sup>256</sup> Lee C. Ramsey, *Chivalric Romances: Popular Literature in Medieval England* (Bloomington: Indiana University Press, 1983), 4.

<sup>257</sup> Erich Auerbach, *Mimesis: The Representation of Reality in Western Literature* (Princeton: Princeton University Press, 1953), 136.

like a member of the chivalric order but operates on a fundamentally different set of principles. Unlike the heroism of knighthood, which seems to serve the sole purpose of validating itself, Robin's folk heroism is concerned with utility, with re-opening the boundaries of the forest and reversing the romance genre's narratives of aristocratic privilege.

### *The Topography of Exclusion*

In his foundational work in *Mimesis*, Erich Auerbach posits that “[i]t is from Breton folklore that the courtly romance took its elements of mystery, of something sprung from the soil, concealing its roots, and inaccessible to rational explanation.”<sup>258</sup> This sense of “something sprung up from the soil” pertains not only to the forest landscape of romance, with its marvels and maidens popping up unexplained in the midst of the wilderness, but also the aristocracy itself, which seems to have sprung up without any logical justification other than to perpetuate the myth of its own validity. Auerbach observes that in romance, “the feudal ethos serves no political function; it serves no practical reality at all; it has become absolute. It no longer has any purpose but that of self-realization.”<sup>259</sup> This self-realization is served primarily through the trope of the knight riding forth into the wilderness in search of some story-worthy marvel. In such forays (usually, when not exclusively, situated in the forest) the knight “seeks adventure, that is, perilous encounters by which he can prove his mettle.”<sup>260</sup> In such quests, the forest itself, like the aristocratic chivalric order in which the knight participates, seems to have artificially

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<sup>258</sup> Auerbach, *Mimesis*, 131.

<sup>259</sup> *Ibid*, 134.

<sup>260</sup> *Ibid*, 134.

sprung up like the landscape of a pop-up book. Its emergence is not explained or necessitated by the social or political realities that surround the text, nor by the centuries of class struggle that underlie its history; rather, it seems simply to be a machination of the narrative, something which must appear when the page is turned.

This treatment of the forest turns it into a zone of aristocratic privilege in which wish-fulfilling fantasies of the aristocracy can take place. The effect of this transformation repositions the forest, and the activities that take place within it (questing, hunting, battling) as functions of the chivalric order's self-affirming impulses. Thus, the arbitrary violence of errant knights battling one another over chance encounters in the woods is transformed into noble feats of arms in which the knightly skill set of jousting and swordplay can be showcased; the primal thrill of the hunt and the bloody butchery of the animal are transformed into moments in which a cultivated, aristocratic skill-set can be displayed and hunting can be considered a "civilizing art worthy to be named in the same breath as liberal arts."<sup>261</sup> As William Perry Marvin argues, "[t]he knightly hunter's skill in using jargon and dismembering the carcass was held to exhibit nobility in knowledge, grace, and discipline."<sup>262</sup> Erasmus wrote sarcastically on the arbitrary distinction between the common and noble crafts of butchery, declaring, "what delicious satisfaction when the beast is to be dismembered! Common folk can cut up an ox or sheep of course, but only a gentleman has the right to carve up wild game."<sup>263</sup>

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<sup>261</sup> Marvin, *Hunting Law and Ritual*, 90.

<sup>262</sup> Ibid, 174. For an excellent example of this kind of aristocratic mastery, see Tolkien's notes to the scene in which Bertilak undresses the deer in *Sir Gawain and the Green Knight* (J. R. R. Tolkien, ed., *Sir Gawain and the Green Knight* [Oxford: Clarendon Press, 1963], lines 1319-1371; the notes to these lines can be found on pages 103-5).

<sup>263</sup> Desiderius Erasmus, *The Praise of Folly*, trans. Betty Radice (New York: Penguin Classics, 1993), 60.

In this arbitrary valuing of skill-sets, and in reserving the forest as a zone of aristocratic privilege, the romance genre is also encoding the forest space with a topography of exclusion; the prestige of the knight and knightly hunter, as well as the fairy-tale atmosphere of the forest itself, are predicated on the exclusion of the common people. The presence of an historically accurate commoner or forester in the landscape would damage the atmosphere that imbues the romance genre with its aura of mystery and inexplicability. Thus such characters are generally excluded from the questing grounds of the forest. It is for this reason that Auerbach suggests “[o]nly members of the chivalric-courtly society are worthy of adventure[;] hence they alone can undergo serious and significant influences.”<sup>264</sup> Thus, while some romances may include the social advancement of characters on the fringe of aristocratic society, none of these stories feature prominent examples of folk heroes, non-aristocratic characters who are worthy of heroic narratives.<sup>265</sup> When the poor do appear in the forest (or in romance at all), it is usually for the purposes of comic relief, or to lend support to the existing structures of exclusion upon which the fictions of royal and aristocratic privilege are mounted.

For example, Malory does include a smattering of common characters (or characters adopting guises of commoners), but both are present for the purposes of affirming the knightliness or kingliness of Arthur and his court. Aries the Cowherd shows up for long enough to confirm Sir Tor’s aristocratic status as King Pellinor’s royal bastard;<sup>266</sup> he is the mechanism by which Tor’s knightly lineage and privileged identity are confirmed. Merlin also adopts the guise of poor men on numerous occasions, most

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<sup>264</sup> Auerbach, *Mimesis*, 139

<sup>265</sup> Ramsey points out that a possible exception is *Havelok the Dane*, in which the sons of Grim the fisherman rise to power. See Ramsey, *Chivalric Romances*, 29.

<sup>266</sup> For the beginning of the scene, see Thomas Malory, *Le Morte Darthur*, ed. Stephen H. A. Shepherd (New York: WW Norton & Co, 2004), 64.

notably when he takes on the semblance of a “poure man”<sup>267</sup> to steal away newborn Arthur at the postern gate. Here, a peasant identity is adopted both to conceal and preserve a royal identity and enable Arthur’s later narrative of greatness. Sir Beaumains also appears to be a poor commoner, though he is merely an alias. The real Sir Gareth is nobly-born and, as Larry D. Benson points out,<sup>268</sup> Lancelot does not knight him until he reveals his true noble lineage. Heroism and chivalry seem to be the exclusive privilege of the nobility, and poverty is simply a tool for achieving various expressions of the innate nature of noble behaviour.

Malory also deploys poverty for purposes of guidance and aid to questing knights. A poor man directs King Pellinore to the conclusion of the quest given to him by Arthur at the wedding feast.<sup>269</sup> Another gives information to Arthur’s party while he is hunting for his treasonous sister Morgan.<sup>270</sup> One poor man shelters Sir Beaumains for the night, and another gives him directions to his abducted dwarf.<sup>271</sup> Sir Beaumains himself is one example of lowborn knight who, in the end, is still an emblem of aristocratic heroism. After all, he is the nobly-born Sir Gareth who merely adopts the guise of poverty to increase his honour in questing. Similarly, Sir Tor, mentioned above, is not in fact a peasant with knightly capabilities, but the lost bastard son of King Pellinor, tied to the chivalric through his privileged lineage that cannot be suppressed, even by a common upbringing.

Even foresters are generally absent from the romance forest, and when they do appear, they are emancipated from their historical role in law enforcement. To have

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<sup>267</sup> Larry D. Benson, *Malory’s Morte Darthur* (Cambridge: Harvard University Press, 1976), 6.

<sup>268</sup> *Ibid.*, 150.

<sup>269</sup> *Ibid.*, 73.

<sup>270</sup> *Ibid.*, 93.

<sup>271</sup> *Ibid.*, 203.

foresters patrolling the woods would be to admit the presence of poachers, to invite questions about the absence of the common people from romance narrative, and to distress the fairy-tale fantasy of romance. Two foresters do appear in Sir Tristram's story in Malory's *Morte Darthur*, but they simply serve as medical stations for him to leave his wounded companions.<sup>272</sup> Another forester appears to give directions to Sir Ector when he rides out in pursuit of Lancelot.<sup>273</sup> In *Bevis of Hampton*, Sir Bevis comes across a forester with whom he can leave one of his newborn sons so that he can ride off and participate in a tournament. They are consigned to the roles of guides and aides<sup>274</sup> to members of the chivalric order who travel through the woods.<sup>275</sup> In this sense, the forests of romance are treated in much the same way as a modern high-class golfing club. In both, an exclusive (probably male) elite forays into a controlled wilderness in which they celebrate and validate the existence of upper-class prowess and the culture of privilege that supports it. When commoners are allowed in, it is as assistants to the club's proper members.

When there is an exception to this rule, it usually comes with qualifications. For example, the only truly non-noble character who appears in a conceivably heroic role in *Le Morte Darthur* is Garnysh of the Mownte, who is "a poore mannes sonne"<sup>276</sup> made

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<sup>272</sup> Sir Tristram brings the wounded Sir Lambegus to a forester and "charge[s] hym to kepe hym welle" (see Malory, *Morte Darthur* 264); later, Tristram and Lamerak leave the wounded Sir Kayhydyus at a forester's lodge with a similar charge (p. 293).

<sup>273</sup> Malory, *Morte Darthur*, 153.

<sup>274</sup> The term *forester* could also be applied to an assistant of the hunt (see *MED*, *forester*, (*n.*)), though Turner makes no mention of this in his description of the foresters duties (see *Select Pleas*, xx-xxiv). It is likely that this was a separate meaning, perhaps evolved from an occasional role played by foresters, who knew the land and the ways of the forest.

<sup>275</sup> *Bevis of Hampton* features a scene which is a notable exception to this trend. In it, Bevis slays ten foresters when they attack him for slaying a boar in the forest. Here, the foresters should be acting on orders from their king, but are instead acting under the command of a steward who has overstepped his authority by ambushing Sir Bevis without consulting his lord. I will deal more fully with the complexities of this scene later in the chapter.

<sup>276</sup> Malory, *Morte Darthur*, 57.

into a knight by a benevolent Duke with whose daughter he has fallen in love. But Garnysh only enters the scene for long enough for Balin to help him uncover that his lover is sleeping in the garden with a (presumably nobly-born) knight; the discovery leads Garnysh to murder them both, then slay himself. He is not given much opportunity for heroism, and he only exists so that he can be betrayed by his socially superior lover. The poor also turn up in moments when Arthur's kingly status requires confirmation. Both the "ryche and poure"<sup>277</sup> people of the realm are trotted out to applaud Arthur's kingship when he draws the sword from the stone. Later, when Arthur defeats the corrupt emperor of Rome and divides the lands and titles, he hears no complaint from "ryche nothir poore."<sup>278</sup> Again, Malory temporarily allows poverty onto the scene in order to confirm the good rulership of the king.

The dearth of socially realistic (or even moderately empowered) poor characters in romance has led to the genre's overwriting of much, if not all, of the class conflict underlying the forest. As Ramsey notes in his book, *Chivalric Romances*, the romance genre has become iconic in our present-day understanding of the middle ages, a skewed perspective in which "[u]nknown or forgotten are the more accurate pictures of the ... harsh agrarian life of the peasantry."<sup>279</sup> This erasure, he claims, is a result of the function of romance as "escapist" entertainment that "avoids most complications."<sup>280</sup> Elizabeth Pachoda finds a similar impulse in the early stages of Malory's Arthurian project. She claims that he "began by recreating in literary form the historical ideal of life which his

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<sup>277</sup> Malory, *Morte Darthur*, 11.

<sup>278</sup> Ibid, 150.

<sup>279</sup> Ramsey, *Chivalric Romances*, 1.

<sup>280</sup> Ibid, 6.



aristocratic contemporaries cherished.”<sup>281</sup> Historical memory was not informed by the complex and conflicted narratives of class struggle, but by the romance fantasies of an aristocracy that existed without acknowledging its dependence on an excluded common people. It remains to look more precisely at how romances use the English forest as a political device for establishing the validity of the nobility.

### *Forest Heroism in the Breton Lay*

There has been much speculation about the generic classification of the Breton lay. Generally speaking, Mortimer Donovan’s definition of Marie de France’s Breton lays as “short narrative poem[s] of between one hundred and one thousand lines, about ideal love and designed as reading for the court of England in the twelfth century”<sup>282</sup> is still useful, though it does little to clarify the relationship between the Breton lay and romance. Most critics treat it as a genre deeply related to, if not inseparable from, romance, because of their shared interest in courtly love and chivalric prowess. Some consider it a subgenre of romance that claims a heritage in a pre-Conquest tradition of storytelling, one not far from the form of the fairy tale to which Auerbach relates the romance landscape. It is because of this generic proximity to the fairy tale that the early Breton lays (written in Old French) and the later Breton lays (written in Middle English) deserve special attention. While they feature the faerie landscape (and its irrational inexplicability) more prominently than much of later romance, they also take pre-Conquest material as the

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<sup>281</sup> Elizabeth T. Pachoda, *Arthurian Propaganda; Le Morte Darthur as an Historical Ideal of Life* (Chapel Hill: University of North Carolina Press, 1971), 29.

<sup>282</sup> Mortimer J. Donovan, *The Breton Lay: A Guide to Varieties* (Notre Dame: University of Notre Dame Press, 1969), 63.

basis for their plots, meaning that their representation of the forest straddles the periods before and after the establishment of the forest administration. They contain within them a timeline of the coalescing ideology of the romance forest. As Jack Zipes argues in *Breaking the Magic Spell: Radical Theories of Folk and Fairy Tales*, a deeper look into fairy tales may reveal the social anxieties propelling the functions of wish-fulfillment they serve. He claims that “the meaning of the fairy tales can only be fully grasped if the magic spell of commodity production is broken and if the politics and utopian impulse of the narratives are related to the socio-economic forces”<sup>283</sup> that motivate them.

In his examination of the structure of the Breton lay in its various forms, Mortimer Donovan finds that a sense of *aventure* (of chance and adventure) is central to the story structure; more often than not the forest is the site of such adventure because of its potential for chance encounters and fairy magic. Corinne Saunders also refers to a “*forest aventureuse*”<sup>284</sup> of twelfth-century romance, in which knights find “delight, adventure, and escape.”<sup>285</sup> G. V. Smithers has argued that there are three story patterns common to many Breton lays, and the forest features prominently in each. In the first, an unsatisfied hero wishes for an improvement of his (rarely her) lot in life and wishes for better, often inviting magical intervention by sleeping under a tree, where he wakes up and is guided to a fairy who offers to be his lover if he agrees to observe a taboo that he will inevitably fail, though she will ultimately forgive him for it.<sup>286</sup> The second form is the same as the first, except that the mortal and the fairy have a child (always a son); if

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<sup>283</sup> Here, Zipes is specifically speaking of the fairy tales of eighteenth-century Germany, though his analysis is relevant to all forms of the fairy tale. See Jack Zipes, *Breaking the Magic Spell: Radical Theories of Folk and Fairy Tales* (Austin: University of Texas Press, 1979), 20.

<sup>284</sup> Corinne Saunders, *The Forest of Medieval Romance: Avernus, Broceliande, Arden* (Woodbridge: D. S. Brewer, 1993), 132.

<sup>285</sup> *Ibid.*, 44.

<sup>286</sup> G. V. Smithers, “Story-patterns in some Breton lays,” *Medium aevum* 22 (1953): 62. Such stories include *Lanval*, *Sir Lambewell*, and *Graelent*.

the father is supernatural, he gives the mother a prophecy that she will have a child and bids her to give it a name.<sup>287</sup> In the second form, the lovers are mortal and the son eventually reunites the parents during a combat scene in which neither the father nor son initially recognizes the other.<sup>288</sup> In these stories, the forest (or sometimes a single tree) acts as “a passage to an otherworld,”<sup>289</sup> the world of fairies. The forest is still the realm of aristocratic and chivalric prestige,<sup>290</sup> but the heroes have little or no power over the forest. Rather, the fairy creatures of the forest are in control; they choose the rules of engagement with mortals and ultimately decide the fate of the hero, though they unerringly choose to save him. While the forest and its fairy magic still form the basis of chivalry-affirming *aventure*, the supremacy of the knights is always footnoted by the equal or greater power of their fairy consorts. The forest space cannot be said to be fully within their control.

For example, in *Guigemar*, the attractive but romantically indifferent knight goes out hunting in the forest where he is struck by his own rebounding arrow and told by the hind he has been hunting (doubtlessly a fairy) that he will not recover from his wound until a woman suffers great pain for love of him; it is certainly in the forest space that Guigemar finds *aventure* and becomes a more notable knight, but he does not do so by proving his mastery over the art of hunting (after all, he shoots himself) nor the world of fairy (he remains under the power of the curse). Rather, he is always subject to the will of the forest. In a similar scene from *Lanval*, the generous but poor Lanval (Lancelot) rides

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<sup>287</sup> Smithers, “Story-patterns in some Breton lays,” 66. Such stories include *Tyrodol*, *Yonec*, *Désiré*.

<sup>288</sup> Ibid, 75. Such stories include *Milun* and *Doon*. Some stories, like *Sir Degaré*, blend all three plots (see Smithers, “Story-patterns in some Breton lays,” 79).

<sup>289</sup> Saunders, *Forest of Medieval Romance*, 54.

<sup>290</sup> It is worth noting here that although the aristocracy is promoted as a whole in Breton lays, kings and lords tend to be portrayed in a negative manner. For a full discussion of this, see Glyn S. Burgess, *Marie de France: Text and Context* (Athens: The University of Georgia Press, 1987), 76.

out into a forest where he falls asleep and two maidens lead him to the most beautiful lady in the land. She makes him rich and becomes his lover as long as he tells no one about her. He fails at this obligation when he brags of her great beauty as a tactic for dissuading the lecherous Guenevere, but in the end the fairy forgives him and intervenes when Lanval is tried on the false accusation of raping the queen. Again, the knight is at the mercy of a forest that validates his chivalry while still remaining superior to it.

Even in the plots that do not rely on the fairy lover, the knight in the forest of the Breton lay does offer opportunities for chivalric adventure while constantly putting knights in positions of diminished control. In *Bisclavret*, a happily married baron is a werewolf who can only return to human form when he puts on clothing. One night when he is out in animal form, his treacherous wife removes his clothing from its hiding place under a hollow stone and he is forced to live alone in the forest while she marries another knight. At one point Bisclavret is hunted by the king, though he begs for mercy and is eventually invited into the court as an animal. Later, when he sees his wife and her new husband at court, he savages both. Although he eventually does get his revenge and gain notoriety at court because of his experiences inside the forest, Bisclavret is still disempowered by the fairy magic of his werewolf curse and by his isolation in the forest.

Following the popularity of Marie de France's lays in the twelfth century, a number of French-language lay-style poems continued to be written up to about 1270. Donovan considers them to be poor imitations, though he concedes their importance in "form[ing] a part of the background of the Middle English lays."<sup>291</sup> Even in these poems, when the forest does appear, it is usually a site of chivalric adventure. Désiré falls in love with (and impregnates) a fairy on his way to seek counsel from a hermit; in *Guingamor*,

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<sup>291</sup> Donovan, *The Breton Lay*, 65-6.

the anxious and adulterous queen sends her lover, Guingamor, away to hunt a white boar in the woods beyond a perilous river, where he meets a beautiful bathing maiden and settles in to live with her for three hundred years; in *Melion*, a knight who is a consummate bachelor goes hunting in the forest, meets a beautiful princess, and falls in love with and marries her; in *Tyolet*, the abandoned son of a knight wins kingship by hunting a white stag in the forest.

There are, of course, exceptions, lay-style poems in which the adventure offered by the forest is connected not to the social advancement of the knight, but to his embarrassment. For example, in *Tydorel*, the king is out hunting in the forest when the queen falls asleep in an orchard and takes up a new, magical lover. In *Lai de l'Épervier*, the knight's wife is unfaithful to him when he goes away hunting. In each case, the hero's desire to take up the aristocratic habit of hunting in the forest leads to his being cuckolded. Corinne Saunders points out that even earlier in the twelfth-century lays, the forest can be a "landscape of exile, danger, and loss."<sup>292</sup> It would seem that though the forest was strongly associated with validation of the aristocracy through *aventure*, the connection is not absolute.

This does not seem to be true of the later Breton lays written in Middle English. Donovan notes that "[w]hen English was substituted for French as the language of the cultivated class [in England], any Breton lay in favor at the time was translated into English and given life as a new poem."<sup>293</sup> He places *Lai le Freine*, *Sir Orfeo*, *Sir Degaré*, *Sir Launfal*, *The Erl of Tolous*, *Emaré*, and *Sir Gowther* under "the safe but somewhat

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<sup>292</sup> Saunders, *Forest of Medieval Romance*, 48.

<sup>293</sup> Donovan, *The Breton Lay*, 124.

ambiguous heading of ‘Breton Lays.’”<sup>294</sup> In these stories, the relationship between the hero and the forest is different from that in the earlier French poems enjoyed by the Anglo-Norman court. Most apparent is the stress which the stories put on the forests being the property of the king. In fact, it is almost a formula to list woods or forests as part of a monarch’s domain. In *Emaré*, the king controls “hallys and bowrys, / Frythes fayr, forestes wyth flowrys.”<sup>295</sup> In *Sir Orfeo*, the audience is reminded that, prior to living alone and insane in the woods, Orfeo’s domain included “castels and tours, / River, forest, frith with flours”;<sup>296</sup> his competitor for queen Heurodis, shows her his kingdom, including “castels and tours, / Rivers, forestes, frith with flours.”<sup>297</sup> In *Sir Degaré*, Degaré is hunting when he is challenged by a knight who stresses his ownership of the forest and its game: “Velaun, wat dost thou here, / In mi forest to chase mi dere?”<sup>298</sup> Of course, Degaré’s poaching is forgotten when he proves himself in knightly combat, is recognized by the other knight (his father), and his aristocratic identity is confirmed. He is welcome in the forest space when it becomes apparent that he is not a “[v]elaun,” a commoner.

In fact, many of the Middle English Breton lays follow this story structure of the noble hero regaining his or her social status through adventures in or related to the forest, though Degaré is a choice example. Anne Laskaya and Eve Salisbury argue that “[I]ike many medieval heroes he needs to prove himself worthy of knighthood by undertaking a

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<sup>294</sup> Ibid, 2.

<sup>295</sup> Anne Laskaya and Eve Salisbury, eds., *Emaré*, in *The Middle English Breton Lays* (Kalamazoo: Medieval Institute Publications, 1995), lines 28-29.

<sup>296</sup> Anne Laskaya and Eve Salisbury, eds., *Sir Orfeo*, in *The Middle English Breton Lays* (Kalamazoo: Medieval Institute Publications, 1995), lines 245-6.

<sup>297</sup> Ibid, lines 159-60.

<sup>298</sup> Anne Laskaya and Eve Salisbury, eds., *Sir Degaré*, in *The Middle English Breton Lays* (Kalamazoo: Medieval Institute Publications, 1995), lines 1004-5.

quest overcoming such obstacles as dragons and giants,<sup>299</sup> obstacles usually (if not categorically) situated in the wilderness.<sup>300</sup> John Finlayson in his analysis of the Middle English lay called it “a ‘loss-restoration’ story pattern.”<sup>301</sup> For example, *Sir Launfaul* involves “the adventures of a knight who is in self-imposed exile from Arthur’s court and eventually regains his sense of self-worth and his chivalric reputation through the intervention of a fairy princess” whom he meets by falling asleep “[u]nder a fayr forest.”<sup>302</sup> The forest is the mechanism by which he re-affirms his knightly status.

*Sir Orfeo*, which transposes the story of Orpheus and Eurydice to medieval England, is also an interesting case study because it more directly articulates the aristocracy’s struggle to prove its superiority in and over the forest. Finlayson comments that in *Sir Orfeo*, “[t]he ‘separation and restoration’ pattern is achieved not by [...] martial prowess [...] but by a unique *prouesse*, skill with the harp, rather than the lance or sword.”<sup>303</sup> Thus, the conflict between Orfeo and the wilderness, and later between Orfeo and the fairy king, can be understood as one between “the brutality of nature and the civilizing force of art,”<sup>304</sup> the art cultivated by the court. In his fourteenth-century commentary on Boethius, Nicholas Trivet wrote that “By Orpheus, we should understand the part of the intellect which is instructed in wisdom and eloquence .... Orpheus, then, by his sweet lyre, that is of his eloquence, brought the wicked, brutal, and wild animals

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<sup>299</sup> Anne Laskaya and Eve Salisbury, *The Middle English Breton Lays* (Kalamazoo: Medieval Institute Publications, 1995), 91.

<sup>300</sup> Indeed, the narration specifically locates Degaré in the forest when he finds the earl and fights the dragon: “Child Degare wente his wai / Thourgh the forest al that dai” (Laskaya and Salisbury, *Sir Degaré*, lines 335-6).

<sup>301</sup> John Finlayson, “The Form of the Middle English Lay,” *The Chaucer Review* 19.4 (1985): 366.

<sup>302</sup> Anne Laskaya and Eve Salisbury, eds., *Sir Launfal*, in *The Middle English Breton Lays* (Kalamazoo: Medieval Institute Publications, 1995), line 222.

<sup>303</sup> Finlayson, “The Form of the Middle English Lay,” 328.

<sup>304</sup> Laskaya and Salisbury, *Middle English Breton Lays*, 18.

[and] men of the wood to the law of reason.”<sup>305</sup> Thus, Orfeo’s charming of the beasts and the fairy king is an intellectual reconfiguration of the questing knight proving his superiority over a creature of the forest. By his actions, the eloquence and intellect of the entire aristocracy are confirmed, their status validated.

The development of the forest as a romance trope can be seen across the generations of Breton Lays. The Old French lays of Marie de France tend to treat the forest as an unpredictable, uncontrollable place. It is still ultimately the site of knightly *aventure* and the arena for displaying chivalric prowess, but it does not exist simply for the benefit of the aristocracy, as it tends to in the later lay-styled poems in French and Middle English. In these later lays, members of the nobility are constantly expressing their possession of the forests, or attempting to conquer them and their inhabitants, as Sir Orfeo does with his harp and Sir Degrevant his sword. The effect of this story pattern is that the forest begins to emerge as a political apparatus by which the courtly class can validate its superiority and exclusivity through *aventure*, through narratives that affirm the worth of knightly prowess.

### *Forest Heroism in Middle English Romance*

This political configuration of the forest is also apparent in the broader genre of romance, which, like the Breton lay, places emphasis on narratives of aristocratic empowerment and control through the adventure-strewn forest. In her analysis of the features of the romance genre, Melissa Furrow offers six elements that the tradition of romance criticism has “identified as associated with medieval romances,” the first two of which are:

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<sup>305</sup> John Block Friedman, *Orpheus in the Middle Ages* (Cambridge: Harvard University Press, 1970), 110.



“Romances have protagonists of knightly or noble or royal blood”; and, “Romances involve chivalric adventure.”<sup>306</sup> Though Furrow offers these as non-definitive elements of the romance genre, they may be understood as being features that readers used (and use) to identify the romance genre. Knightly adventure and the heroic privileges of nobility are central to the genre, its plot structures, and the development (and validation) of knightly character. The location of this development, according to Helen Cooper, is inevitably the romance forest: “where the knight’s claims to chivalry are tested, his values and his sense of self challenged.”<sup>307</sup>

For example, in *King Horn*, King Murry commands his steward, Athelbrus, to teach his son Horn “mestere, / Of wude and of rivere, / And tech him to harpe.”<sup>308</sup> Mastery of the forest, implying both the possession of the woods as well as the skill to navigate them, is an feature of noble cultivation on a level with Orfeo’s harping, though this valuing of hunting skill in the king’s heirs dates back to well before Marie de France’s lays. In Asser’s “Life of King Alfred,” the chronicler recounts the details of the upbringing of the king’s sons, including the detail that “they had the strength for manly pursuits, namely hunting and other pursuits which are fitting for noblemen.”<sup>309</sup> In both the historical “Life of King Alfred,” and the fictional *King Horn*, there is the implication that the forest is the space where heirs can be prepared for their induction into the aristocracy. There is a similar scene in *Havelok the Dane* in which the Danish king tells his retainer, Godard, to

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<sup>306</sup> Melissa Furrow, *Expectations of Romance* (Woodbridge: D. S. Brewer, 2010), 57.

<sup>307</sup> Helen Cooper, *The English Romance in Time: Transforming Motifs from Geoffrey of Monmouth to the Death of Shakespeare* (Oxford: Oxford University Press, 2004), 70.

<sup>308</sup> Ronald B. Herzman, Graham Drake, and Eve Salisbury, eds., *King Horn*, in *Four Romances of England* (Kalamazoo, Michigan: Medieval Institute Publications, 1999), lines 233-5.

<sup>309</sup> From Chapter 75 of Asser, “Life of King Alfred,” available in excerpts in *English Historical Documents: Volume 1, c. 500-1042*, ed. Dorothy Whitelock (London: Routledge, 1996), 293.

biteche [Havelok, his heir] tho his richth:

Denemark and that ther til longes -

Casteles and tunes, wodes and wonges.<sup>310</sup>

The woods are as much a part of Havelok's noble birthright as the castles and towns of Denmark, and he must learn them in order to be prepared for kingship.<sup>311</sup> Later, when Havelok is seeking to regain his throne from the treacherous regent Godard, he recruits the common sons of his foster-father to his cause, promising to make them rich:

ich may mak you riche men;

Ilk of you shal have castles ten,

And the lond that thor til longes -

Borwes, tunes, wodes, and wonges.<sup>312</sup>

In inviting them into the aristocracy, he grants them woods as part of their promotion. It seems that a share in ownership of the forest is considered an essential part of lordship.

Of course, *Havelok the Dane* is an interesting case, and in many ways a counter example to fairy tale-inspired romance. Havelok is raised by Grim, a common fisherman. A considerable amount of the narrative dwells on "very realistic, and often lower-class, detail: for instance, the dozen types of fishes that Grim catches, or the peasant games at Lincoln."<sup>313</sup> Most of Havelok's maturation takes place in the company of commoners, and rather than fighting dragons or meeting fairies to prove his superiority, he performs peasant activities with Herculean success. For example, he carries impressive amounts of

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<sup>310</sup> Ronald B. Herzman, Graham Drake, and Eve Salisbury, eds., *Havelok the Dane*, in *Four Romances of England* (Kalamazoo, Michigan: Medieval Institute Publications, 1999), lines 395-7.

<sup>311</sup> Although this section of the poem takes place in Denmark, *Havelok the Dane* is a story written in English, in England, for an English audience, and it is primarily underwritten by English political ideology.

<sup>312</sup> Herzman, Drake, and Salisbury, *Havelok*, lines 1441-5.

<sup>313</sup> Ronald B. Herzman, Graham Drake, and Eve Salisbury, *Four Romances of England* (Kalamazoo, Michigan: Medieval Institute Publications, 1999), 76.

firewood with untiring tenacity. However, unlike a traditional romance hero, Havelok does not prove himself in the English forest, perhaps because, as a commoner, he has no access to it. Instead he proves himself through common labour.

Thus, it appears at first as though *Havelok the Dane* is shattering the idealized fantasy of the aristocracy's supremacy by including peasant concerns and allowing peasant characters prominent places in the narrative. However, on closer inspection, Havelok's story merely inscribes the concept of innate aristocratic superiority on an even deeper level. In their volume of Middle English romances, Ronald B. Herzman, Graham Drake, and Eve Salisbury call Havelok "a walking metaphor for kingship."<sup>314</sup> After all, Havelok is physically superior to any of the peasants he meets. In one scene, he bowls over ten common guardsmen with a single push. In another, his wife recognizes his royal heritage by seeing a magical light emanate from his mouth while he sleeps. She also recognizes a birthmark on his shoulder, another innate physical mark that "represents his divinely ordained right to sovereignty."<sup>315</sup> Thus, when Havelok proves his might by collecting firewood from the forest, he is actually re-affirming physical aristocratic superiority over the peasantry without the use of the chivalric skill-set. Ramsey includes *Havelok* among the "Child Exile" poems, and states that it is marked by the "insistence on birth as a prerequisite for good and stable rule and the close association between birth and virtue."<sup>316</sup> The common people are merely a background against which to recognize Havelok's innate idealized kingliness.

There is a similar kind of superficial subversion in the rebel romances that preceded the Robin Hood ballads, poems like *Hereward the Wake*, *Fouke le Fitz Waryn*,

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<sup>314</sup> Herzman, Drake, and Salisbury, *Four Romances*, 75.

<sup>315</sup> *Ibid.*, 76.

<sup>316</sup> Ramsey, *Chivalric Romances*, 29.

and *The Tale of Gamelyn*. *Bisclavret* and some of the first recorded Tristan romances may even be read as early outlaw stories, tales in which the chivalric hero is forced out of the aristocratic world and must seek justice by extralegal means.<sup>317</sup> In these romances, as in the ballads of Robin Hood, the hero is “not the enemy of the king or emperor who is the font of justice, but only the local gentry, clergy, or other oppressors.”<sup>318</sup> However, unlike the medieval Robin,<sup>319</sup> these heroes are all disinherited members of the lower aristocracy who only disobey the law in order to seek justice for the wrongs done to them, assert their nobility, and ultimately rejoin the established order.<sup>320</sup> They are not calling for any justice other than their own, and they are not championing principles other than those that those of the privileged aristocracy in its entitlement to land and power. In these stories, the forests serve as a temporary refuge or a base of operations from which they launch their campaigns for revenge.

*Bevis of Hampton* offers one example of a romance in which the forest is used for the re-instatement of disinherited aristocracy, though the poem begins with the forest as the location of this very disempowerment.<sup>321</sup> Bevis’s father is betrayed when his treacherous wife tells him that she is sick and can only be cured by the blood of a boar

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<sup>317</sup> The argument of the rebel Tristan is made by Timothy S. Jones, “‘Oublié ai chevalerie’: Tristan, Malory, and the outlaw-knight,” in *Robin Hood: Medieval and Post-Medieval*, ed. Helen Phillips (Dublin: Four Courts Press, 2005), 79-90. It is also worth noting that *Bisclavret*, a noble werewolf, is betrayed by his wife who traps him in wolf form out in the woods. In their note to line 696 *The Tale of Gamelyn*, Knight and Ohlgren explain that “[a] man was pronounced ‘wolveshead’ to indicate that as an outlaw his life was worth no more than a wolf’s: anyone could hunt him” (see Knight and Ohlgren, *Robin Hood*, 225). In other words, *Bisclavret* being hunted through the woods as a wolf-man cast out of aristocratic society is a literal configuration of the lupine metaphor for outlawry.

<sup>318</sup> Hobsbawm, *Bandits: Revised Edition* (New York: Pantheon Books, 1981), 43.

<sup>319</sup> Later versions of Robin are given a noble heritage.

<sup>320</sup> Robin does temporarily join the king’s court in the *Gest*, but he ultimately returns the forest.

<sup>321</sup> Another example is the stanzaic *Morte Arthure*, in which Guenevere and Lancelot cuckold the king while he is out hunting in the woods. The forest also becomes Lancelot’s base of operations after his adultery is discovered. On the other hand, the Arthur of the alliterative *Morte* cements his power after a number of battles with the Emperor of Rome, the vast majority of which are specifically situated in the forest. The woods become the site in which his kingly status is established.

found in the “forest / Beside the se.”<sup>322</sup> She sends him out to the location where she has instructed her adulterous lover, the emperor of Germany, to wait in ambush. Bevis’s father is killed in the forest ambush, and Bevis eventually flees the realm. The woods serve as the site of the loss of his aristocratic status.

However, the forest is later instrumental in Bevis’s rise to notoriety. In a scene that mirrors the initial betrayal, Bevis hunts a real boar in the forest and attracts the attention of the princess who later becomes a faithful wife and a symbol of his aristocratic status. The narrative elegance of the moment is compelling: Bevis’s claim to his noble heritage is lost when his father hunts the ruse of a boar in the forest and is killed by a jealous competitor; it is strengthened when Bevis kills an actual boar in the forest and defeats a jealous competitor (the steward who wanted to kill the boar for himself). The forest serves as a site in which he can regain his noble status. There is similar mirroring in the scene in which Josian gives birth to Bevis’s twin heirs. Bevis loses his father, Guy, his connection to the throne and the noble bloodline, because of a treacherous wife who feigns distress and sends him to his death in the forest; later Bevis gains a son named Guy, re-establishing his noble bloodline, because of a faithful courteous wife in real distress who gives birth while taking refuge in the forest. Again, the forest serves as a place where Bevis can re-affirm his aristocratic values, this time by establishing an heir.

There is a similar pattern of loss and restoration in the romance of *Sir Degrevant*. In the poem, the hero is away on crusade when an earl and his raiding party invade Degrevant’s hunting parks and slay his deer. The dastardly earl

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<sup>322</sup> Ronald B. Herzman, Graham Drake, and Eve Salisbury, eds., *Sir Bevis of Hampton*, in *Four Romances of England* (Kalamazoo, Michigan: Medieval Institute Publications, 1999), lines 137-8

brak hys parkes about,  
The best that he hade.  
Therinne he made a sory pley:  
The fattest he feld, in fey,  
By sixty on a day,  
Such maystries he made.<sup>323</sup>

The earl also slays Degrevant's foresters.<sup>324</sup> The earl's reprehensible actions offer a number of interesting insights into how the nobility of romance thought about the territory of the forest. The first and most obvious of these is that to trespass and poach in someone else's woods was an aggressive act with symbolic ramifications. Sir Degrevant seems to respond to it as though it is a challenge that calls for a decisive, knightly reaction.

The earl's slaying of Degrevant's foresters yields a second observation about romance violence when contrasted with a parallel scene in which Bevis slays the jealous steward and ten foresters who confront him about the boar that he has slain: poaching is only a damnable act when the aristocracy are the victims. After all, the forest in which Bevis slays the boar is certainly not on his property. He is trespassing, and yet the narrative elicits no sympathy for the deaths of the steward, twenty-four knights, and ten foresters who confront him about it. Of course, the steward is not acting on orders from the king, who only hears about the episode later. Rather, it is simply stated that the steward is envious of Bevis's skill and wants to slay the boar himself:

A stiward was with King Ermin,

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<sup>323</sup> Erik Kooper, ed., *Sir Degrevant*, in *Sentimental and Humorous Romances* (Kalamazoo: Medieval Institute Publications, 2006), lines 107-12.

<sup>324</sup> *Ibid.*, line 114.

That hadde ticht to sle that swin;  
To Beves a bar gret envie,  
For that he hadde the meistrie.<sup>325</sup>

Thus, Bevis's killing the foresters appears to be acceptable because the source of the challenge is the steward, a figure who is not properly a member of the aristocracy (though he maintains a position of power), and who is not confronting Sir Bevis on behalf of his lord, but of his own accord. The title of *steward* was often applied to wardens of the forest (sometimes called chief foresters), in which the steward should be preserving the royal game for the king, not for himself. The steward's assault on Bevis is also inappropriate because of the implication that the attack is an ambush of which Bevis is not aware. Such a tactic is not chivalric, but rather, the act of a coward. When the steward gives the attack order to his men, revealing himself by shouting, "Leith on and sles!"<sup>326</sup> Bevis has no weapon with which to defend himself except for "a tronsoun of a spere."<sup>327</sup> The model for knightly combat in the forest is two knights hailing each other, often revealing their lineage, and then entering into a joust or duel. The steward is behaving in an unknighly fashion, and his death seems to be justified, especially because he has left Bevis with little other means of recourse. On the other hand, Sir Degrevant is not a steward, but clearly "a knyght [...] both hardy and wyght,"<sup>328</sup> a member of the chivalric upper crust and therefore a stakeholder in the political symbolism of the forest. The invasion of his forests constitutes an unacceptable attack on a fellow member of the aristocracy, and appropriately becomes the beginning of a revenge story.

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<sup>325</sup> Herzman, Drake, and Salisbury, *Sir Bevis*, lines 837-40. Here, the steward's enthusiasm for hunting suggests that he is a steward of the forest (usually called a warden, or occasionally a chief forester)

<sup>326</sup> *Ibid.*, line 850.

<sup>327</sup> The handle of a spear. See Herzman, Drake, and Salisbury, *Sir Bevis*, line 856.

<sup>328</sup> Kooper, *Sir Degrevant*, lines 9-10.

There are, of course, other possible explanations as to why the damage done by the earl's raiding party is a fitting basis for revenge. Compared to Bevis, who wishes to "kethen is might / Upon that swin himself one,"<sup>329</sup> to test his strength against the monstrous boar in a knightly fashion, the earl's motivations for poaching Degrevant's deer are notably unchivalric. Unlike Bevis, who has nowhere else to hunt, the earl already has "eight forestes ful wyd / And bowres full brode,"<sup>330</sup> so his use of Degrevant's forests to practice his hunting mastery is gratuitous. His wife later accuses him of having been discourteous for using Degrevant's parks, chastising,

Have ye nat parkus and chas?

What schuld ye do at is place,

Swych costus to kythe?<sup>331</sup>

Her objection seems to be to the poor custom, or *costus*,<sup>332</sup> that the earl has shown to Degrevant. The poaching is unacceptable because it contravenes the codes of knightly behaviour.

Domain over the forest seems to be an important measure of lordship in Arthurian romance as well. In the alliterative *Morte Arthure*, when Arthur leaves his lands in the hands of Mordred, he stresses to him: "Fonde my forestes be frithed, of frendship for ever, / That none warray my wild."<sup>333</sup> The forest is an expression of the strength of his domain and his ability to control and defend his realm while he is away. Thus, when Arthur is notified that his lands in France have been invaded, it is an equal affront that the

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<sup>329</sup> Herzman, Drake, and Salisbury, *Sir Bevis*, lines 752-3.

<sup>330</sup> Kooper, *Sir Degrevant*, lines 99-100.

<sup>331</sup> *Ibid.*, 378-80.

<sup>332</sup> See *MED*, *cost* (n.(1)).

<sup>333</sup> Larry D. Benson, ed., *King Arthur's Death: The Middle English Stanzaic Morte Arthur and Alliterative Morte Arthur* (Indianapolis: The Bobbs-Merrill Company Inc., 1974), lines 656-7.



emperor of Rome “Confoundes[his] commouns”<sup>334</sup> and “felles [his] forestes fele”<sup>335</sup> as he advances toward England. Felling the forests is a noteworthy part of the invasion, of the emperor challenging Arthur’s kingship and control of the continent. It is significant that the forests are also specified as the location of a great number of Arthur’s victories. His ability to hold the forests is a measure of his kingliness, and it is within their bounds that he re-asserts the privileges of rulership. Even in a remarkably martial romance, the forest features as a political apparatus of the aristocracy.

This trend is especially visible in *Le Morte Darthur*. Malory’s Arthur must constantly prove his kingship in the forest, sometimes by foraying on his own, other times by sending out knights to deal with threats to his control of the realm. At Caerleon, King Arthur takes his sister to bed and begets Mordred, who will eventually end Arthur’s kingship. After this Arthur dreams of griffins and serpents coming to his land to wound him and slay his people. His immediate response to this threat to his realm is to ride out hunting, and, “as sone as he [i]s in the foreste,”<sup>336</sup> he sees a hart that he chases until his horse dies of exhaustion, leading him to a location at which Merlin appears to reveal that King Uther was Arthur’s rightful father. The final result of Arthur’s hunting trip is that his claim to the throne is solidified through the confirmation of Arthur’s royal heritage. Arthur’s adventure in the forest, a response to troubling visions about his weakened kingship, becomes a mechanism by which his royal right is confirmed. In a similar hunting scene reminiscent of the wild fairy magic of Breton lays, Arthur goes out hunting in “a grete foreste.”<sup>337</sup> He and his party chase a hart until they find a mysterious boat

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<sup>334</sup> Benson, *King Arthur’s Death*, line 1245.

<sup>335</sup> *Ibid*, line 1247.

<sup>336</sup> Malory, *Morte Darthur*, 30.

<sup>337</sup> *Ibid*, 83.

waiting for them on a shore. They dine and fall asleep, and Arthur again proves his nobility by freeing himself from the prison in which he finds himself when he wakes.

Of course, Arthur does not need to ride out himself to assert his domain over the lands. His knights act as representatives of the Round Table, and their feats in the forests add value to the validity of Arthur's reign and the entire knightly order. At the wedding feast of King Arthur, a celebration of aristocratic exclusivity and the stability of the king's royal bloodline, Arthur witnesses a great marvel that signals the start of a quest. Merlin warns Arthur "thes adventures muste be brought to an ende, othir ellis hit wolle be disworshyp to you and to your feste."<sup>338</sup> In order to maintain the court's status of knightly prestige, Sir Tor, King Pellinor, and Sir Gawain must ride out into the forest to face various challenges and restore order to the land. Tor, for example, is riding "thorowoute a foreste"<sup>339</sup> when he discovers the missing brachet that Arthur ordered him to recover. The forest is the space in which the knight asserts the king's justice.

In a later scene, Gawain and Marhaus ride through the "foreste of Arroy," which is called the "contrey ... of stronge adventures."<sup>340</sup> There they find a fountain with three damsels who exist for no other purpose than to "se ony of arraunte knyghtes, to teche hem unto stronge aventures."<sup>341</sup> Here, the role of the forest is rather transparent. It is a realm into which knights ride out in order to meet with adventures and in doing so justify their knightly existence. This is exactly the kind of behaviour that Chaucer is lampooning when he has Sir Thopas "prik[e] thurgh a fair forest," "prik[e] north and est," and "prike

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<sup>338</sup> Malory, *Morte Darthur*, 66.

<sup>339</sup> Ibid, 71. Gawain is not specifically mentioned to be in a forest, though King Pellinor is described as riding "in a foreste" on page 73.

<sup>340</sup> Ibid, 99.

<sup>341</sup> Ibid, 99.

as he were wood” until his spurs have lacerated his horse’s sides.<sup>342</sup> Thopas’s romance impulse to ride off into the forest is aimless, purposeless, and he is largely unaware of the burden he is to his overworked steed.

Despite Chaucer’s fourteenth-century send-up of the knight riding forth, this very romance impulse motivates most of Malory’s *Morte Darthur*. Lancelot’s long saga begins with him thinking “hymself to preve in straunge adventures,” so he rides off into a “depe foreste.”<sup>343</sup> Throughout Lancelot’s quest, the forest setting is constantly evoked, and it regularly serves as the apparatus on which he works out his chivalric muscles after “rest[ing] hym longe with play and game”<sup>344</sup> at court. This Tristram’s series of books also features a forest of adventures. He tells Isolde and Governayle to go to Cornwall without him, offering the reason: “in thys foreyste ar many strange adventures, as I have harde sey, and som of hem I caste to preve or that I departe.”<sup>345</sup> He wishes to prove his knighthood in the forest, even though he is faced with other more pressing matters (like his love for Isolde). Here, the forest acts as the kiln in which the bricks of chivalric prowess are hardened, strengthening the overall structure of aristocratic privilege. In this sense, the forest is not unlike the sword in the stone: it can only be used by those with the privileged aristocratic bloodline, and when it is used, it offers proof of that bloodline’s superiority.

Malory’s use of the trope of the knight riding forth is deliberate, and it is founded on a long-standing romance tradition that stretches back as far as Marie de France’s Breton lays and Chrétien de Troyes’s Arthurian poetry in the twelfth century. As Ramsey

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<sup>342</sup> Geoffrey Chaucer, *The Tale of Sir Thopas*, in *The Riverside Chaucer*, ed. Larry D. Benson (Boston: Houghton Mifflin, 1987), Fragment VII, lines 754, 757, and 774.

<sup>343</sup> Malory, *Morte Darthur*, 152.

<sup>344</sup> *Ibid.*, 152.

<sup>345</sup> *Ibid.*, 291.

points out in attempt to explain the formulaic chivalry-affirming battles of romance, “when stories attract their readers by offering fantasy solutions to recurrent social and psychological problems, they make a commitment to the audience to confront the same problem repeatedly and to offer the same satisfying symbolic solution.”<sup>346</sup> If the knight is to ride out to affirm the virtues of chivalry, he must do so again and again, winning each time. It seems that there was always a courtly audience for stories of aristocratic validation involving the forest, stories in which knights proved their prestige and prowess through adventure in the wilderness.

### *The Knightly Robin Hood*

Given the history of the romance genre and its exclusion of the common people from the forest, Robin’s occupation of the king’s woods and his poaching of the king’s deer is a much bolder ideological move than might be recognized. As a folk hero, he is undermining hundreds of years of aristocratic privilege written out through the reservation of the forest as space for chivalric deeds and the affirmation of knightly values.<sup>347</sup> As Eric Hobsbawm notes in his discussion of the Robin Hood, the typical social bandit, “[h]is role is that of the champion, the righter of wrongs, the bringer of justice and social equity.”<sup>348</sup> This makes him something of a shadow-knight, an enforcer of justice outside of the realm of usual chivalric behaviour. Certainly Robin is a man

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<sup>346</sup> Ramsey, *Chivalric Romances*, 54.

<sup>347</sup> There are a number of rebel romances from the thirteenth century that include outlaw heroes in the forest, but these men are all disinherited lower-ranking nobles who are seeking to regain their birthrights and regain their social standing. Robin is the first of these heroes to have no noble origin.

<sup>348</sup> Hobsbawm, *Bandits*, 42.

well-versed in both combat and courtesy; his “code may well be a rough chivalry.”<sup>349</sup> As a commoner performing praiseworthy deeds in the forest and being rendered in knightly terms, he makes of the forest a space in which narratives of folk heroism are possible.

Foremost among Robin’s knightly qualities is his religious devotion. Even one of his fifteenth-century critics, Walter Bower, tells a story in which Robin is discovered holding mass in the forest, and despite warnings that the sheriff is coming, refuses to leave until the service is properly concluded. Robin makes short work of the sheriff and his company, and offers the moral: “God harkens to him who hears Mass frequently.”<sup>350</sup> Like a good knight, Robin is aware that God will protect the righteous. In the *Gest*, he is reported as hearing three masses every day before allowing himself to eat.<sup>351</sup> Between this devotion and his desire to hunt deer in the forest, he sounds much like the noble and pious Sir Degrevant:

To here hys Mas or he went  
Trewly in gode entaunt,  
And seththe to bowe into the bente  
There games ine grewe.  
Now to forest he founde,  
Both wyt horne and with hound;  
To breyng the deere to the grond  
Was hys most glew.<sup>352</sup>

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<sup>349</sup> Hobsbawm, *Bandits*, 47.

<sup>350</sup> Bower, *Continuation*, 26.

<sup>351</sup> See Knight and Ohlgren, *Gest*, lines 31-2.

<sup>352</sup> Kooper, *Sir Degrevant*, lines 53-60.

Robin's piety is also cast in knightly terms in *Robin Hood and the Monk*, in which the sheriff prepares an ambush for Robin while he is attending mass in Nottingham, despite the fact that to do so violates the right of sanctuary. Of course, the good Robin went to mass with a knightly trust in the virgin Mary that he would be able to leave again unharmed:

Whan Robyn came to Notyngham,  
Sertenly withouten layn,  
He prayed to God and myld Mary  
To bryng hym out save agayn.<sup>353</sup>

He also calls upon the Virgin Mary to save him during his fight with Guy of Gisborne, after which he leaps up and deals his enemy the deathblow.<sup>354</sup> His faith resembles that of Sir Bevis, who escapes from his unjust imprisonment by praying to Jesus and the Virgin Mary,<sup>355</sup> or Sir Degrevant, who trusts the Virgin Mary to help him settle the score with the earl who plundered his parks.<sup>356</sup> Robin's faith is eventually rewarded when he is rescued by his faithful men, who also believe that the Virgin will not allow him to come to harm.<sup>357</sup> Child, as well as Knight and Ohlgren, points out that Robin's faith parallels that of the knights in the miracle tales of the "knight and the Virgin," some of which feature knights being delivered from their enemies' prisons as a reward of their devotion to Mary.<sup>358</sup>

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<sup>353</sup> Knight and Ohlgren, *Robin and the Monk*, lines 67-70.

<sup>354</sup> Knight and Ohlgren, *Gest*, lines 155-8.

<sup>355</sup> Herzman, Drake, and Salisbury, *Sir Bevis*, lines 1576-7.

<sup>356</sup> "Jhesu, save me in my ryght, / And Maré me spede!" (Koooper, *Sir Degrevant*, lines 227-8).

<sup>357</sup> Little John assures Robin's followers, "He has servyd Oure Lady many a day [...] Therfor I trust in hir specialy / No wyckud deth shal he dye" (Knight and Ohlgren, *Robin and the Monk*, lines 133-6).

<sup>358</sup> See the note to stanzas 62-66 on page 51 of Child, *Popular Ballads*; also see Knight and Ohlgren, *Robin Hood*, 32.

Robin's devotion even extends to his management of the outlaw band and its finances. He allows the knight to take out a loan of four hundred pounds with the Virgin Mary as a guarantor (although he refuses the knight's offer of Jesus as a pledge). Again, he is rewarded when his debt is paid back by the hapless cellarer of St. Mary's abbey, from whom Robin takes eight hundred pounds (four hundred of which are presumably part of Robin's original loan, which the knight paid to the abbey). He seems to have a seemingly supernatural certainty about events. For example, he is immediately aware of Little John's capture in *Robin Hood and Guy of Gisborne*, despite being absent while it occurred. Knight and Ohlgren comment that "this sort of instinctive certainty is just what empowers the hero of romance: he is led to his heroic encounter by fortune and self-confidence."<sup>359</sup> Robin's certainty in the Virgin Mary and his own supernatural perceptiveness puts him on a level with the heroes of chivalric romance.

This is not to say that Robin relies on faith alone in his forest adventures. His physical strength and prowess are also chivalric traits. In *Robin Hood and the Shryff off Notyngham*, a fifteenth-century playlet from East Anglia, Robin showcases his manly mastery in a series of competitions: first archery, then stone-throwing, axle-throwing, wrestling, and sword-fighting. The sword-fighting and archery are reminiscent of knightly contests, while the other feats (more common to peasant games) may have been added to accommodate the actual skills of the actors who, judging by the sparse dialogue and frequent action, were selected more often for their physical prowess than their dramatic ability. The variety of Robin's skills may also reflect the hero's cross-class appeal. Even in the *Gest*, Robin takes part in such manly contests, from the archery competition that the sheriff hosts in order to trick Robin into revealing himself by his

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<sup>359</sup> Knight and Ohlgren, *Robin Hood*, 170.

skill with the bow, to the game of exchanging blows that he plays with the king. Child notes that the blow-striking game is also a feature in the romance of *Richard Coeur de Lion*. Most critics argue that the king of the *Gest* is Edward II, III, or IV, not Richard I, but the inclusion of the blow-striking game with a king still ties Robin to a powerful hero of romance.

Of course, Robin's strength and manliness as a chivalric figure are starkly contrasted to the frail figure of the knight. While, in good romance fashion, the knight is restored to a position of power through his encounters in the forest, it is not because of his martial prowess or any noble skill. Rather, the knight is "an emasculated figure wholly dependent on the work of a lower class for his restoration to economic power."<sup>360</sup> On the other hand, Robin enables his own successes in the story, and while he may require rescue in other stories, his return to a position of power is not the result of the charity due to an oppressed man but the loyalty due to a great leader. Unlike the impotent knight, he remains a heroic figure throughout.

Robin's skill with the bow is also certainly associated with the superhuman level of romance heroism. Knight and Ohlgren point out that "[s]hooting at sticks stuck in the ground was the hardest challenge for any archer in the ballads."<sup>361</sup> Robin and Little John both achieve this feat in various poems. In the *Gest*, Robin splits the target stick down the middle multiple times in a row when he is at the sheriff's tournament. His legendary precision is not unlike or Lancelot's ability in Arthur's tournament to knock sixteen knights off their horses with unerring accuracy, and then repeat the feat on twelve more

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<sup>360</sup> Tardif, "The 'Mystery' of Robin Hood," 132.

<sup>361</sup> See the note to line 582 on page 157 of Knight and Ohlgren, *Robin Hood*.



adversaries,<sup>362</sup> or Gareth's ability to lay out three forest thieves with three well-aimed strokes and chase the remaining three opponents down without missing a blow.<sup>363</sup> And, like Lancelot and Tristram, Robin is often recognized because of his martial prowess, even when he disguises himself to sneak unnoticed into tournaments. While Robin is disguised in a shooting contest with Guy of Gisborne, Guy comments: "For an thy hart be as good as thy hands, / Thou were better then Robin Hood."<sup>364</sup> The entire premise of the sheriff's archery tournament in the *Gest* is that it might be held to identify Robin, who will inevitably distinguish himself through his skill. Like any legendary chivalric hero, he has trouble going unnoticed because of his irrepressible prowess.

Little John is also rendered in a knightly fashion, at least in parody. He is an expert swordsman, and he too can split the target stick down the center. In the scene during which Little John has infiltrated the sheriff's employ, he asks the steward for a meal. The steward denies Little John, for which the narrator calls him "full uncurteys";<sup>365</sup> by refusing Little John food he is doing some kind of violence to courtly behaviour. The figure of the stubborn steward standing in the way of courtly custom is typical of romance. Larry D. Benson points out that the romance hero is usually beset "by a wicked steward, the upstart middle class," though he notes with some humour that "[t]he middle class seems to have been rising since the Flood receded."<sup>366</sup> Little John's battle is one perennially confronted by romance heroes. After Little John defeats the steward, a contumacious cook confronts him for a sword duel. Both men stand strong and firm:

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<sup>362</sup> Malory, *Morte Darthur*, 159.

<sup>363</sup> Ibid, 183.

<sup>364</sup> Stephen Knight and Thomas H. Ohlgren, eds., *Robin and Guy of Gisborne*, in *Robin Hood and Other Outlaw Tales* (Kalamazoo: Medieval Institute Publications, 1997), lines 129-30.

<sup>365</sup> Knight and Ohlgren, *Gest*, line 633.

<sup>366</sup> Benson, *Malory's Morte Darthur*, 143. The notable exception to this rule is Sir Orfeo, whose steward remains unexpectedly loyal to him while he is away.

Lytell Johnn drew a ful gode sworde,  
The coke toke another in hande;  
They thought no thyng for to fle,  
But stifly for to stande.  
There they faught sore togedere  
Two myle way and well more;  
Myght neyther other harme done,  
The mounnaunce of an owre.<sup>367</sup>

This scene recalls Malory's duels, in which two knights might duel for hours without one gaining the adventure of the other. Such a fight passes between Tristram and Bleoberis de Ganis, who meet outside King Mark's court:

they avoyded their horsys and lashed togydyrs egerly with swerdys, and myghtyly, now here and now there, trasyng and traversynge on the ryght honde and on the lyffte honde, more than two owres; and somtyme they rowysshed togydir with suche a myght that they lay bothe grovelynge on the erthe.<sup>368</sup>

Both fights, that between the two knights and that between the thief and cook, end in a friendly accord in which one combatant compliments the other's martial prowess, and they cease hostilities as the result of mutual knightly respect. Just like the scene from Malory's *Morte Darthur*, the battle between Little John and the cook is part of a larger

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<sup>367</sup> Knight and Ohlgren, *Gest*, lines 665-72.

<sup>368</sup> Malory, *Morte Darthur*, 248.

“episodic interlaced structure,”<sup>369</sup> a hallmark of chivalric romance. While in the *Gest*, an epic duel between an obstinate cook and a gluttonous robber is doubtless intended as a mock heroic, Little John is still postured as though he is a chivalric hero.

Robin and Little John’s incredible martial skill also takes on a knightly dimension because of the strict code of ethics that accompanies their violent actions. Pollard claims that “[t]he violence perpetrated by Robin Hood and his men was not the incidental violence of common or garden crime, but the honourable and virtue-defining violence of chivalry.”<sup>370</sup> Indeed, the *Gest* makes it clear that for love (and fear) of the Virgin Mary, Robin “Wolde ... never do compani harme / That any woman was in.”<sup>371</sup> His violence has chivalric standards that parallel those of Malory’s knights who swear the Pentecostal Oath “allwayes to do ladyes, damesels, and jantilwomen and wydowes [socoure], strengthe hem in hir ryghtes, and never to enforce them.”<sup>372</sup> When Little John asks:

Where we shall take, where we shall leve,

Where we shall abide behynde;

Where we shall robbe, where we shal reve,

Where we shall bete and bynde,<sup>373</sup>

he is turning to Robin to detail a code of just violence. Robin answers, “loke ye do no husbonde harme,” “no gode yeman,” “no knyght ne no squyer,”<sup>374</sup> paralleling King

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<sup>369</sup> Jess B. Bessinger, “*The Gest of Robin Hood Revisited*,” in *The Learned and the Lewed: Studies in Chaucer and Medieval Literature*, ed. Larry D. Benson (Cambridge: Harvard University Press, 1974), 366.

<sup>370</sup> Pollard, *Imaging Robin Hood*, 99. The notion that violence was used in the Middle Ages to uphold law and order is one argued by Philippa C. Maddern, *Violence and Social Order: East Anglia 1422-1442* (New York: Oxford University Press, 1992).

<sup>371</sup> Knight and Ohlgren, *Gest*, lines 39-40.

<sup>372</sup> Malory, *Morte Darthur*, 77.

<sup>373</sup> Knight and Ohlgren, *Gest*, lines 45-8.

<sup>374</sup> *Ibid*, lines 51-55.

Arthur's charge to "take no batayles in a wrongfull quarell."<sup>375</sup> In the name of justice, however, he endorses violence against the sheriff. Even though Robin's violence is often brutal, there is, as Keen argues, "nothing sinister"<sup>376</sup> in it. John Major's *Historia Majoris Britanniae* (1521) makes clear that Robin robbed only from the rich and that his spoils benefited the poor. Major also eliminates unnecessary violence from Robin's career, claiming that he and his men "took the life of no man, unless he either attacked them or offered resistance in defence of his property" and "would allow no woman to suffer injustice, nor would he spoil the poor, but rather enriched them"<sup>377</sup> Though Robin is undoubtedly a thief, and clearly an outlaw, he remains something of a hero, a shadow-knight adhering to a strict chivalric code.

In addition to these principles, Robin is also figured as an extremely courteous hero, perhaps to an absurd degree. In the opening stanzas of the *Gest*, the poem reveals "So curteyse an outlawe as he [Robin] was one / Was nevere non founde,"<sup>378</sup> and it offers multiple proofs of this fact. Robin and knight are both mannered enough to "wassh[e] togeder and wyp[e] bothe"<sup>379</sup> before they sit down to eat. He later does the same for the monk.<sup>380</sup> David Aers points out that "Robin's band of outlaws actually reproduces the manners, dress and food of the romances and the courtesy books so popular amongst late medieval 'gentils.'"<sup>381</sup> Thus, it is more than just a joke when Little John calls Robin "[a] curteys knight"<sup>382</sup> to intentionally conceal his master's identity from the sheriff of

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<sup>375</sup> Malory, *Morte Darthur*, 77.

<sup>376</sup> Keen, *Outlaws*, 3.

<sup>377</sup> Major, *Historia Majoris Britanniae*, 27.

<sup>378</sup> Knight and Ohlgren, *Gest*, lines 7-8.

<sup>379</sup> *Ibid*, line 125.

<sup>380</sup> See Knight and Ohlgren, *Gest*, line 921.

<sup>381</sup> Aers 451. "Chapter 16: Vox populi and the literature of 1381," *The Cambridge History of Medieval English Literature*, ed. David Wallace, 1999,

<sup>382</sup> Knight and Ohlgren, *Gest*, line 602.

Nottingham; Robin is in many ways a courteous knight. In the *Gest* I count nineteen instances of *courtesy* appearing under various spellings and appearing as the adjective *courteous* and adverb *courteously*. The courtesy of Robin and his allies is stressed throughout the poem, just as is the discourtesy of his enemies.

Furthermore, Robin's obsession with manners is not only part of his rendering as a knight, but also his connection to the romance tradition. For example, his custom of not beginning a meal "until something strange and wonderful happens, until he is provided with an appropriately distinguished or unusual guest"<sup>383</sup> or "some adventure presents itself,"<sup>384</sup> is much like that of King Arthur, who, for example, does not begin his feast until the arrival of the Green Knight in *Sir Gawain and the Green Knight*. Aers mentions that Robin's "base in the forest is a model court,"<sup>385</sup> one that observes the customs of the real aristocracy (hearing mass, washing and wiping), as well as the idealized aristocracy (waiting on marvels or guests to appear). By applying aristocratic courtesy as a practical method of generating a community at mealtime and welcoming guests, Robin is also reclaiming the courtly signifier of good manners and imbuing it with meaning in a practice-based system of interaction. This system actually *uses* courtly manners as an invitation into an egalitarian society rather than reserving them as an arbitrary and exclusive sign of aristocratic culture and blood. The fact that Robin can correct and instruct other characters on their manners suggests that courtesy, like the forest itself, can be acquired through effort, and is not merely the inherent birthright of the nobility.

By recreating these customs as a non-noble, Robin is inventing a new kind of narrative, one in which the virtues of chivalry and the political space and resource of the

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<sup>383</sup> Dobson and Taylor, *Rymes of Robyn Hood*, 32.

<sup>384</sup> See the note to stanzas 5-7 on page 51 of Child, *Popular Ballads*.

<sup>385</sup> Aers, "Vox populi," 451.

forest are available to commoners and aristocrats alike. Knight and Ohlgren argue that Robin is “promulgating ideas of a newly identified social stratum, neither serf nor lord, interested in communal values and threatened by a new world of towns and laws imposed from a distance.”<sup>386</sup> This social group adopts the form of the court and its associations of heroism and chivalry; it bases its values not on aristocratic privilege but on a system of governance mediated by labour, by the merit of exertion. The loyalties it forges are more powerful than those within the king’s court, and are on par with the brotherhood of Malory’s knights. Gray argues that Robin’s “‘fellowship’ is similar in its intensity to that celebrated in other kinds of medieval literature—as in Malory, though that chivalric fellowship is based on social and kin bonds of a different kind.”<sup>387</sup> His forest court is a different configuration of the Round Table, one whose relationships do not fall prey to the same infighting that destroys Camelot.

### *Conclusion*

One can surmise that if one of Malory’s knights ran across Robin in the forest, Robin’s martial performance and courtly manner might earn him an invitation to the Round Table. The king of the *Gest* offers him just such an invitation to court. After all, he possesses multiple knightly virtues: loyalty, martial prowess, piety, faith. Ultimately, though, Robin returns to his men in the forest, preferring the brotherhood he has assembled there to that at court. In fact, given Robin’s recruitment record, it is far more likely that he would

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<sup>386</sup> Knight and Ohlgren, *Robin Hood*, 59.

<sup>387</sup> Gray, “Everybody’s Robin Hood,” 38.

convince a questing knight to defect into his band.<sup>388</sup> As for any knight joining Arthur's court, stepping into the greenwood and Robin's band would be a journey into the heart of legend.

As with Arthur's reign, infused as it is with a sense of a fixed chronology, of being "always already past,"<sup>389</sup> Robin's court is a cultural phenomenon fixed in time. Gray observes that "[i]t seems remarkable that none of [the chroniclers] seem to know how Robin's outlawry came about. The fact that in them he is simply is there in his greenwood increases a sense of isolation and mystery." He is always already occupying the forest. His domain is pervaded by a sense of mythic time, making Robin an elusive figure to pin down with any specificity. Still, attempts have been made to locate him in history, just as there have been numerous attempts to prove the reality of King Arthur. Richard Grafton in *A True Tale of Robin Hood* invents non-existent evidence of Robin Hood in the form of his grave and "very fayre stone"<sup>390</sup> arranged by a prioress on the side of the highway, a stone cross to mark the location, the Exchequer's record on the price of his head, and the account of an anonymous ancient pamphlet.<sup>391</sup> These recall the kinds of evidence adduced to historicize moments from Arthur's reign: Gerald of Wales claims to

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<sup>388</sup> A version of this does occur in Dennis O'Neil's "No Evil Shall Escape My Sight!" in *Green Lantern* 76 (1970), during the scene in which Green Arrow, a Robin Hood adaptation, convinces the Green Lantern, a member of a Round Table-type brotherhood that enforces galactic justice, to join his poor neighbourhood's fight against a corrupt upper-class landlord (see the story reprinted in Dennis O'Neil, "No Evil Shall Escape My Sight!" illustrated by Neal Adams, in *Green Lantern/Green Arrow Volume One* [New York: DC Comics, 2004], 9-32). The story was the first to win Best Individual Story award from the Academy of Comic Book Arts in 1970 (see Joel Hahn, "1970 Academy of Comic Book Arts Awards," in *Comic Book Awards Almanac*, last modified 2006, <http://www.hahnlibrary.net/comics/awards/shazam70.php>).

<sup>389</sup> Corinne J. Saunders, *Magic and the Supernatural in Medieval English Romance* (Woodbridge: D.S. Brewer, 2010), 2.

<sup>390</sup> Knight and Ohlgren, *Robin Hood*, 29.

<sup>391</sup> *Ibid.*, 28.

have been present at the opening of Arthur's tomb at Glastonbury;<sup>392</sup> Geoffrey of Monmouth claims that Uther Pendragon, Arthur's father, is buried at Stonehenge;<sup>393</sup> Nennius claims the existence of a cairn on which Arthur's dog Cabal impressed an indelible footprint and the existence of the grave of Arthur's son, which appears to be a different size every time someone measures it.<sup>394</sup> Child directly compares the drive to name many geographic landmarks in England after Robin to the comparable attempt to apply Arthur's name to mounds and stones.<sup>395</sup> Both figures seem to have been the object of a cultural desire to make myth more tangible through its association with the national landscape.

And of course, Robin, like Arthur, has been the subject of extensive historical speculation. There always seems to be a manhunt for the "real" Robin Hood. In 1852 Joseph Hunter discovered a Robin Hood who served as valet to King Edward II.<sup>396</sup> Owen discovered Robert Hod, a fugitive mentioned in York assizes record of 1226.<sup>397</sup> However, Knight and Ohlgren point out an interesting trend through one William Le Fevre, who after being indicted for larceny in 1261 was referred to as William Robehod.<sup>398</sup> They claim that the name Robin Hood was picked as the term for referring

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<sup>392</sup> See Gerald of Wales, "The Discovery of the Tomb of King Arthur from *Liber de Principis Instructione*," trans. John William Sutton, from *The Camelot Project* at University of Rochester, ed. Alan Lupack and Barbara Tapa Lupack, last modified 21 June 2011, <http://www.lib.rochester.edu/camelot/gerald.htm>.

<sup>393</sup> See Book XI, Chapter III of Geoffrey of Monmouth, "Arthurian Passages from *The History of the Kings of Britain*," ed. and trans. J.A. Giles, from *The Camelot Project* at University of Rochester, ed. Alan Lupack and Barbara Tapa Lupack, last modified 21 June 2011, <http://www.lib.rochester.edu/camelot/geofhkb.htm>.

<sup>394</sup> See Chapter 73 of Nennius, "From: *The History of the Britons (Historia Britonum)*," trans. J. A. Giles and ACL, from *The Camelot Project* at University of Rochester, ed. Alan Lupack and Barbara Tapa Lupack, last modified 21 June 2011, <http://www.lib.rochester.edu/camelot/nennius.htm>.

<sup>395</sup> Child, *Popular Ballads*, 47.

<sup>396</sup> Knight and Ohlgren, *Robin Hood*, 21.

<sup>397</sup> L. V. D. Owen, "Robin Hood in the Light of Research," *The Times, Trade and Engineering Supplement* 38.864 (1936): xxix; cited in Knight and Ohlgren, *Robin Hood*, 21.

<sup>398</sup> *Ibid*, 21.



to outlaws; they posit it was “a mask to be worn in appropriate circumstances.”<sup>399</sup> Lois Potter likewise called Robin “a role rather than a historical character,”<sup>400</sup> referring to his popularity as a figure to be theatrically played as well as historically imitated.

Ultimately, what seems to be so universally appealing about the mask of Robin Hood is that it is available to all, much in the same way that the resources of the forest can be claimed by those willing to dare.<sup>401</sup> As Gray puts it, “he can become all things to all men.”<sup>402</sup> His court in the forest, his poaching, and his robbing all stand in for a larger revolt against privilege, against the idea that power and property can be acquired through inheritance or will rather than work. This public resistance not only opens the borders of the forests to the common people, but invites them into the “always already” of myth and the once closed-off geography of knightly heroism.

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<sup>399</sup> Knight and Ohlgren, *Robin Hood*, 22.

<sup>400</sup> Lois Potter, “Introduction” to *Playing Robin Hood: The Legend as Performance in Five Centuries*, ed. Lois Potter (Newark: University of Delaware, 1998), 13.

<sup>401</sup> This parallels Arthur, who has also been subject to (perhaps suffered from) a plethora of adaptations. Stephen Knight calls Arthur an adaptable and “persuasive model of heroic authority,” from the use of his legend to inspire loyalty in Celtic and Germanic tribes to the lampooning of Arthuriana so sportingly and famously carried out by the Pythons (see Stephen Knight, “Arthurian Authorities: Ideology in the Legend of King Arthur,” in *Words and Worlds: Studies in the Role of Verbal Culture*, ed. Stephen Knight and S. N. Mukherjee [Sydney: Pathfinder Press, 1983], 117). Knight notes that Arthur, like Robin, is “a polymorphous hero who varies through time and changing social cultures.” (Stephen Knight, “Which Way to the Forest? Directions in Robin Hood Studies,” in *Robin Hood in Popular Culture: Violence, Transgression, and Justice*, ed. Thomas Hahn [Woodbridge: D. S. Brewer, 2000], 112).

<sup>402</sup> Gray, “Everybody’s Robin Hood,” 22.

## Chapter 6: Conclusion

Despite the evidence of Robin Hood's chivalric tenor and his labour- and use-driven methods of land ownership, it would be difficult to prove that the early ballads are *about* the gratuitousness and privilege of romance chivalry or forest law in particular. After all, none of the references to romance are overt, and Robin's enemies are either corrupt officials of the clergy or of the local legal administration; none is specifically connected to the abuses of the forest. The only forester who actually does appear in the *Gest* is not the target of Robin's ire. In the end, Robin bows to and respects the king's authority,<sup>403</sup> even if he does not respect his unfounded and unsupported claim to the forest.

However, the ballads of Robin Hood are certainly on some level *about* the forest, its resources, its role in making heroes, and the struggle for the occupancy of its literal, legal and literary geography. There is plenty of evidence of the spectres of romance and forest law haunting and hunting in this forest, from Robin's chivalric folk heroism with its courtesy and codes of conduct, to his appropriation of both the symbols and responsibilities of the forest administration for his own uncorrupt court, to his methods of hunting in and inhabiting the forest through use and labour—methods that recall the enterprising character of the hunt in pre-Conquest England. Robin's forest, while it may not be overtly about these issues, certainly has its roots in the same soil, draws its imaginative sustenance from the same underground reservoirs and ecosystems of history and literature, of law and romance.

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<sup>403</sup> Robin Hood's respect for the king may also be tied to his mirror-chivalry. After all, a good knight (even an outcast knight like Bisclavret or Gamelyn) respects the authority of the true king. Robin is not necessarily reacting against the notion of kingship, but against its arbitrary privileges (and the arbitrary privileges of other stations of power, including bishops and sheriffs). Thus, Robin can kneel to the king while still poaching his deer and murdering his corrupt administrators.

These shared roots in the imaginative territory of romance may offer a further explanation for the gap between the emergence of Robin Hood in the fourteenth century and his first publication in print in the fifteenth. If Robin's shadow-chivalry gained its power from its ability to restructure knightly conduct to defend common rather than noble right, as well as its capacity to penetrate the previously inaccessible depths of the romance forest, then the growth of his myth may have been dependent on many of the same historical factors concerning the popularity of romance. Larry D. Benson has already pointed out that Malory was writing during the resurgence of chivalry during "the late Middle Ages, when, for the first time in Western civilization, noble gentlemen actually [...] went on quests, and attempted to realize in their own lives the ideals of romance chivalry."<sup>404</sup> The late fourteenth and fifteenth centuries were a period during which romance chivalry, an aristocratic system based on the privileges of the nobility and the exclusion of the common people from narratives of empowerment, was transitioning from fiction to reality, or at least to the reality of cultural performance, while centuries-long struggles for social equity continued to go ignored.

With the rise of readership across all social strata, it is hardly surprising that the commoners' counter-narrative of Robin's folk heroism, especially as incarnated in both the ballads and the Robin Hood play-games, rose to prominence as a response to, or perhaps in tandem with, the resurgence of romance chivalry, with all of its performative aspects, including games and tournaments. J. C. Holt goes so far as to call the *Gest* "a yeoman's substitute for the knightly Arthurian romances," though he does not suggest a

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<sup>404</sup> Benson, *Malory's Morte Darthur*, 138. Benson argues that the spread of romance chivalry into the aristocracy's historical behaviour was delayed due to the dearth of knights "in the twelfth or even the thirteenth century who had either the leisure or the literacy to hold the mirror of life up to art" (see Benson, *Malory's Morte Darthur*, 141).

connection between the popularity of the *Gest* and that of romance chivalry.<sup>405</sup> Derek Pearsall mentions in passing that “[i]n the fifteenth century [Robin’s] career begins to ripen under the influence of models from chivalric romance,”<sup>406</sup> but does not elaborate on what that could mean. P. R. Coss argues that the *Gest* has roots in the rebel romances, sports numerous romance features, and may have appealed to many of the same readers as romance.<sup>407</sup> Furthering their claims I would like to posit that there is a degree of correlation between the late-medieval resurgence of romance chivalry, with all of its performative expressions of noble privilege and heroism, and the rise in popularity of the Robin Hood ballads and play-games, which mimicked the new trend of living out romance chivalry by the way in which they called for not merely the recitation but also the enactment of Robin’s exploits and folk heroism.

Though Holt claims that Robin “has no practical scheme for improving the human condition,”<sup>408</sup> there is plenty of evidence of Robin inspiring imitators in both pageantry and real outlawry, and of communities forming around these imitators.<sup>409</sup> There are fifteenth-century records of Robin Hood play-games, usually unscripted affairs, from Exeter, Aberdeen, Norfolk and Wiltshire, though it can be assumed that records from other areas do not survive.<sup>410</sup> Knight and Ohlgren argue that these productions “were *the*

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<sup>405</sup> Holt, *Robin Hood*, 56. Robin certainly picked up some romance associations by the sixteenth century.

Dobson and Taylor point out that in 1528 William Tyndale damned Robin Hood in the same breath as the romance heroes Bevis and Troilus for their part in “fables of love and wantonness ... as filthy as heart can think” (see Dobson and Taylor, *Rymes of Robyn Hood*, 3).

<sup>406</sup> Derek Pearsall, “Little John and the ballad of *Robin Hood and the Monk*,” in *Robin Hood: Medieval and Post-Medieval*, ed. Helen Phillips (Portland: Four Courts Press, 2005), 43.

<sup>407</sup> See P. R. Coss, “Aspects of Cultural Diffusion in Medieval England: The Early Romances, Local Society and Robin Hood,” *Past and Present* 108 (1985): 35–79.

<sup>408</sup> Holt, *Robin Hood*, 10.

<sup>409</sup> There are records of historical imitators. According to Child Robin Hood is referred to historically in a record from Tutbury, Staffordshire for 1439, when a man in Aston “gadered and assembled unto hym many misdoers beyng of his clothinge and, in manere of insurrection, wente into the wodes in that contre, like as it hadde be Robyn Hode and his meyne” (see Child, *Popular Ballads*, III, 41).

<sup>410</sup> Knight and Ohlgren, *Robin Hood*, 5.

most popular form of secular dramatic entertainment in provincial England for most of the sixteenth century.”<sup>411</sup> In these games, a costumed Robin led a green-clad parade of followers carrying cut branches, echoing a moment from the Peasants’ Revolt during which vandals “parad[ed] through the town with branches and rabbits tied to poles as a symbol of their claim to rights of seizin and warren.”<sup>412</sup> The group traveled within or among villages, performing short plays for donations that were turned toward improving the community. The church was often involved. According to Knight and Ohlgren, some critics have argued that these games were “a civic-and-church sponsored ‘safety-valve’ to release pent-up frustrations of the common people” without effecting any real social change or damaging the established order.<sup>413</sup>

Robin Hood certainly does participate in Bakhtin’s notion of the therapeutic medieval carnival. The outlaw’s camp, like the carnival, exists in “the utopian realm of community, freedom, equality, and abundance,”<sup>414</sup> a world in which camaraderie and venison are plentiful. The outlaw is notorious for transgressing social boundaries and using costumes to subvert existing power structures. Like the medieval carnival, Robin “celebrate[s] temporary liberation from the prevailing truth and from the established order.”<sup>415</sup> The *Gest* especially uses clothing and costume to create the impression that the world is out of sorts. It features a knight dressed like a pauper, a king dressed as an

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<sup>411</sup> Knight and Ohlgren, *Robin Hood*, 269. Although Stephen Knight has also shown that the popularity of the play-games, while immense, was restricted to certain areas. See Stephen Knight, “Robin Hood: The Earliest Contexts,” in *Images of Robin Hood*, ed. Lois Potter and Joshua Calhoun (Newark: University of Delaware Press, 2008), 24.

<sup>412</sup> Nick Ronan, “1381: Writing in Revolt. Signs of Confederacy in the Chronicle Accounts of the English Rising,” in *Forum for Modern Language Studies* 25 (1989): 309. In this scene, the rioting is directed against an abbey that had reserved the resources of the local woodlands for itself, but the sentiment for common access to the forest is still present.

<sup>413</sup> Knight and Ohlgren, *Robin Hood*, 272.

<sup>414</sup> Mikhail Bakhtin, *Rabelais and His World*, trans. Helene Iswolsky (Cambridge: M.I.T. Press, 1965), 9.

<sup>415</sup> *Ibid*, 10.

abbot,<sup>416</sup> a yeoman equipped and acting like a knight, and a pompous monk who dresses himself as royally as a bishop.<sup>417</sup> W. E. Simeone argues that Robin Hood play-games were deeply associated with the May festivals of the fifteenth, sixteenth, and seventeenth centuries, and that in these carnivalesque celebrations, “Robin Hood was, in fact if not in name, King of the May,”<sup>418</sup> a kind of carnival king. These sartorial transformations and moments of role-play, as well as Robin’s camp as a whole, exist “outside of and contrary to all existing forms of coercive socioeconomic and political organization, which is suspended for the time of the festivity.”<sup>419</sup> They create a world turned upside down, a mirror court, a festive subversion of medieval power structures.

However, if Robin’s promotion to knighthood is merely a carnival function, he takes the role of avenger rather seriously when he beheads the sheriff. Convincing contemporary law-keepers that Robin’s brutal violence was well meaning would be about as easy as convincing modern police officers that N.W.A.’s “Fuck tha Police” was written in good spirits.<sup>420</sup> After all, carnivals that took Robin as their figurehead occasionally turned into riots, as occurred at Wednesbury, West Midlands in 1497 and Edinburgh, Scotland in 1561.<sup>421</sup> Because of the intensity of the revels, the Scottish government had already made it “illegal in 1555 for anyone in Scotland to [...]

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<sup>416</sup> The king, as he appears in the *Gest*, is very much in the carnival spirit. Not only does he dress up as a member of another social order, but he takes part in a blow-striking game with Robin, a commoner; according to Bakhtin, “[f]reedom and equality are expressed in blows, a coarse bodily contact” (see Bakhtin, *Rabelais and His World*, 265).

<sup>417</sup> Little John notices that the monk is extremely well dressed: “There rydeth no bysshop in this londe / So ryally, I understand” (Knight and Ohlgren, *Gest*, lines 863-4).

<sup>418</sup> W. E. Simeone, “The May Games and the Robin Hood Legend,” *The Journal of American Folklore* 64.253 (1951): 271.

<sup>419</sup> Bakhtin, *Rabelais and His World*, 255.

<sup>420</sup> N.W.A., “Fuck tha Police,” *Straight Outta Compton*, 1988 by Ruthless Records, P2-57112, CD.

<sup>421</sup> Knight and Ohlgren, *Robin Hood*, 6.

impersonate Robin Hood.”<sup>422</sup> The performance, it seems, had become as politically threatening as the outlaw himself. This is hardly in keeping with Bakhtin’s suggestion that during carnival time, “freedom and lack of ceremony are balanced by good humour.”<sup>423</sup> However, this potential for violence is perhaps still in keeping with Bakhtin’s idea that carnival, even when administered by the church or state, has the potential for real social subversion. In the spirit of carnival, as in the *Gest* and the Robin Hood play-games, social role-play and costuming are temporary revolts that produce a permanent sense of revolution. They create “the realization that established authority and truth are relative,” that social nobility is on some level a performance with interchangeable actors.<sup>424</sup> Robin’s example alerts the commoner to his potential to dress as a king or knight and take up a role in the fictional heroism of romance or in the real governance of the realm and its resources.

Whatever his status as a myth or a man, Robin Hood inspired real responses<sup>425</sup> and survived as a character of cultural importance seven or eight centuries after the alleged historical figure lived and died. Something about the hero, his methods, and the ideology he stood (or stands) for remains relevant. The recent release of Ridley Scott’s *Robin Hood* in 2010 speaks to his ongoing popularity, and perhaps also Robin’s ability to survive a wide variety of editorial treatments, doubtlessly a factor in the legend’s survival. Douglas Gray, in his articulate and compelling essay, “Everybody’s Robin

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<sup>422</sup> Simeone, “May Games and the Robin Hood Legend,” 273.

<sup>423</sup> Bakhtin, *Rabelais and His World*, 246.

<sup>424</sup> *Ibid*, 256.

<sup>425</sup> However, Hobsbawm critiques the impossibility of any real bandit imitator to live up to Robin’s standard. He argues that “Robin Hood is what all peasant bandits should be, but in the nature of things, few of them have the idealism, the unselfishness, or the social consciousness to live up to their role, and perhaps few can afford to” (see Hobsbawm, *Bandits*, 41). Of course, this does not mean that Robin Hood as a social bandit could not be treated as the outlaw’s *exemplum*, a model of justice that later do-gooder outlaws should imitate to the best of their abilities.

Hood,” has argued that “the developing tradition shows him to be an extremely adaptable, not to say malleable figure.”<sup>426</sup> Like the English forest itself, Robin Hood exists as a richly interpretable entity, a cultural nexus at which a multiplicity of perspectives converge. He, his company, and his story, have all been recruited for a wide variety of social agendas, from propaganda (against the false regent King John)<sup>427</sup> to comedy (Mel Brooks’s *Robin Hood: Men in Tights*), to superheroism (as DC Comic’s character, Green Arrow).<sup>428</sup> The readings that these adaptations have produced are too many for any piece of scholarship to address. Furthermore, to try to do so would be to miss the forest for the trees. The greenwood, and Robin’s existence within it, are as powerful and important as they are precisely because they carry so many meanings, because they are spaces of cultural collision in which larger ideological debates about ownership, social interaction, and privilege can unfold.

It is because of this cultural convergence that attempts to strictly define the medieval English perspective of the forest, or Robin’s place within it, are so often fruitless; those who lived under the forest administration likely had no clear, cohesive understanding of its purposes or procedures, just as those who told Robin’s stories likely had a flexible relationship with literal truth. Thus both were unresolved matters with rich potential for class debate and commentary. This is also why theories that attempt to pin down an historical Robin Hood are “a constant source of frustration and fascination.”<sup>429</sup>

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<sup>426</sup> Douglas Gray, “Everybody’s Robin Hood,” 22.

<sup>427</sup> Robin Hood only becomes connected with “noble conservatism” (Knight and Ohlgren, *Robin Hood*, 27) later, after chronicler John Major dates Robin’s career to the late-twelfth-century period of King John and King Richard, leaving the opportunity for future editors and authors to draw ideological connections between Robin’s resistance and contemporary political conflicts.

<sup>428</sup> Sarah Beach has written an interesting essay on this adaptation. See “Robin Hood and Green Arrow: Outlaw Bowmen in the Modern Urban Landscape,” in *Robin Hood in Popular Culture*, ed. Thomas Hahn (Woodbridge: D. S. Brewer, 2000), 21-8.

<sup>429</sup> Gray, “Everybody’s Robin Hood,” 39.



The most impressive (and speculative) theory so far may be that of David Crook, who argues (together with many others) that Robin Hood was operating in the English countryside before 1262,<sup>430</sup> and was possibly named Robert of Wetherby. Robert was an outlaw, possibly referred to also as the fugitive Robert Hod or Hobbehod.<sup>431</sup> He was eventually hunted down by a specially commissioned group of sergeants and hanged sometime around November of 1225, when Eustace of Lowdham, who previously held the office of sheriff of Nottingham, claimed two shillings for a length of chain with which to hang the body.<sup>432</sup>

Such theories, like reductionist retrospectives of the forest system, are usually disappointing.<sup>433</sup> They promise overly simple resolutions to complex cultural debates. Ultimately, any historical figure would inevitably fail to live up to the magnanimity of the legendary Robin Hood; if the fictional Robin is merely the shadow cast by a mortal human being, the shadow is far more expansive and impressive than the man could ever be. As Holt argued, “[t]he identity of the man matters less than the persistence of the legend.”<sup>434</sup> Furthermore, to know who the man was would be to destroy the myth of him, to strip the figure of his many interpretative possibilities and his limitless potential for adaption. It is for this reason that I stress that the argument presented by this paper is but one of the many cultural resonances ringing through the Robin Hood legends. I would

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<sup>430</sup> David Crook, “The Sheriff of Nottingham and Robin Hood: The Genesis of the Legend?” *Thirteenth Century England II: Proceedings of the Newcastle Upon Tyne Conference*, ed. P. R. Cross and S. D. Lloyd (1987), 59.

<sup>431</sup> *Ibid.*, 60.

<sup>432</sup> *Ibid.*, 60.

<sup>433</sup> J. C. Holt points out that “Robin’s activities were not recorded by any contemporary chronicler,” (see Holt, *Robin Hood: Revised and Enlarged Edition* [London: Thames and Hudson, 1989], 40) or at least not by any chronicler whose work survived. It would be extremely difficult to satisfactorily verify the identity of any one of the “quiverful of possible Robin Hoods” (see Holt, *Robin Hood*, 7), and even if a suitable candidate could be found, the lack of any corresponding contemporary record would suggest that the match is mere coincidence.

<sup>434</sup> Holt, *Robin Hood*, 7.

like to believe it is a significant one, but to argue for its validity over a multitude of others would ultimately be harmful to myth, and would necessitate the deforestation of the greenwood in order to clear out its potential to house other interpretations. I prefer to consider that this paper merely follows one of the greenwood's many paths in order to discover yet another possible route to Robin's camp through the thick and verdant cultural tangle of the medieval English forest.

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