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## ROBIN HOOD THE BRUTE: REPRESENTATIONS OF THE OUTLAW IN EIGHTEENTH CENTURY CRIMINAL BIOGRAPHY

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### Abstract

Eighteenth century criminal biography is a topic that has been explored at length by both crime historians such as Andrea McKenzie and Richard Ward, as well as literary scholars such as Lincoln B. Faller and Hal Gladfelder. Much of these researchers' work, however, has focused upon the representation of seventeenth and eighteenth century criminals within these narratives. In contrast, this article explores how England's most famous medieval criminal, Robin Hood, is represented. By giving a commentary upon eighteenth century Robin Hood narratives, this article shows how, at a time of public anxiety surrounding crime, people were less willing to believe in the myth of a good outlaw.

**Keywords:** eighteenth century, criminal biography, Robin Hood, outlaws, Alexander Smith, Charles Johnson, medievalism

### Introduction

Until the 1980s Robin Hood scholarship tended to focus upon the five extant medieval texts such as *Robin Hood and the Monk*, *Robin Hood and the Potter*, *Robin Hood and Guy of Gisborne*, and *A Gest of Robyn Hode* (c.1450), as well as attempts to identify a historical outlaw.<sup>2</sup> It was only with the work of Stephen Knight that scholarship moved away from trying to identify a real outlaw as things took a 'literary turn'. With Knight's work also the post-medieval Robin Hood tradition became a significant area of scholarly enquiry. His recent texts have mapped the various influences at work upon successive interpretations of the legend and how it slowly became gentrified and 'safe' as successive authors gradually 'robbed' Robin of any subversive traits.<sup>3</sup> Whilst Knight's research on Robin Hood is comprehensive, one genre of literature that he has not as yet examined in detail is eighteenth century criminal biography. Due to the fact that Robin Hood scholars have hitherto largely neglected such material this discussion of Robin Hood's representations in the genre will draw in particular upon

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<sup>2</sup> Mid-to-late twentieth century scholarship upon Robin Hood was heavily 'medieval'. See the following works: J. C. Holt, *Robin Hood* 2<sup>nd</sup> edn. (London: Thames & Hudson, 1982; repr. 1989); R. B. Dobson & J. Taylor, *Rymes of Robyn Hood: An Introduction to the English Outlaw* 2<sup>nd</sup> edn. (London: Heinemann, 1976; repr. Stoud: Sutton, 1997); Maurice Keen, *The Outlaws of Medieval Legend* 4<sup>th</sup> edn. (Abingdon: Routledge, 1961; repr. 2000).

<sup>3</sup> See Stephen Knight's works: *Robin Hood: A Complete Study of the English Outlaw* (Cambridge: D. S. Brewer, 1994); *Robin Hood: A Mythic Biography* (Ithaca: Cornell University Press, 2003); *Reading Robin Hood: Content, Form, and Reception in the Outlaw Myth* (Manchester: Manchester University Press, 2015).

scholarship by Lincoln B. Faller,<sup>4</sup> Hal Gladfelder,<sup>5</sup> and Andrea McKenzie.<sup>6</sup> Of particular relevance here is Faller's argument that representations of thieves during the eighteenth century fall broadly into three categories: hero, brute, and buffoon.<sup>7</sup> As will be shown, it is primarily as a brute that Robin Hood appears in criminal biography.

The point that criminality featured largely in the cultural life of the eighteenth century will be discussed in greater detail momentarily. That it did so makes it surprising that Robin Hood's appearance in the genre has not yet been subjected to any in-depth critical analysis by Robin Hood researchers. Robin Hood appeared in several of these criminal biographies, most of which were authored anonymously or pseudonymously. The first of these appearances is in the third volume of Alexander Smith's *A Complete History of the Most Notorious Highwaymen* (1719) where he is listed as 'Robin Hood: A Highwayman and Murderer'. Following Smith's work was an entry in Charles Johnson's *Lives and Actions of the Most Noted Highwaymen* (1734), as well as *The Whole Life and Merry Exploits of Bold Robin Hood, Earl of Huntingdon* (1737),<sup>8</sup> and *The Remarkable History of Robin Hood, and Little John* (1787). The only comment from a Robin Hood researcher on Robin Hood's appearance in criminal biography comes from James C. Holt who, commenting upon Smith's *Highwaymen in Robin Hood* (1982), says that it is 'a refreshing, down-to-earth revision of the legend'.<sup>9</sup>

Although critics and the general public tend to view Robin as a legendary figure today, there was little doubt during the eighteenth century that he was a real person. These eighteenth century authors treat him as a historic person, as real as Captain James Hind (1616-1652) or Jack Sheppard (1702-1724). Even at the end of the century when Joseph Ritson published *Robin Hood: A Collection of all the Ancient Poems, Songs, and Ballads* (1795), Robin was conceived of as an historic personality. This is not to say that criminal biographers never invented details because they most certainly did, as will become clear in the ensuing discussion. And neither did criminal biographers strive to present scholarly accounts of the offenders they were writing about. But the idea that Robin was legendary or 'mythic' only emerged during the mid-Victorian era, when scholars such as Thomas Wright (1810-1877)

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<sup>4</sup> Lincoln B. Faller, *Turned to Account: The Forms and Functions of Criminal Biography in Late Seventeenth- and Early Eighteenth-Century England* (Cambridge: Cambridge University Press, 1987)

<sup>5</sup> Hal Gladfelder, *Criminality and Narrative in Eighteenth-Century England: Beyond the Law* (Baltimore: John Hopkins University Press, 2001).

<sup>6</sup> Andrea McKenzie, *Tyburn's Martyrs: Execution in England, 1675-1775* (London: Hambledon Continuum, 2007), p.105.

<sup>7</sup> Faller, *Turned to Account*, p.127.

<sup>8</sup> There is a copy of this in the British Library with a handwritten date of 1712, but the edition that this article uses has a printed date of 1737.

<sup>9</sup> Holt, *Robin Hood*, p.180.

came up with a bizarre theory that equated Robin Hood with Teutonic mythical figures such as Hudekin.<sup>10</sup>

In contrast to the gentle and passive Robin Hood of eighteenth century plays such as Francis Waldron's continuation of Ben Jonson's *The Sad Shepherd* (1783) and Leonard MacNally's *Robin Hood, or Sherwood Forest* (1784), these criminal biographies portray Robin Hood principally as a brute. This article will thus provide a commentary upon these hitherto neglected sources. It will show how Robin Hood was de-historicised and depicted as no better than contemporary criminals. The reason for this is because, at a time of public anxiety over crime, people were not as willing to believe in the myth of a good outlaw.

## 1 Context: Crime and Criminal Biography in the Eighteenth Century

To provide some context, it is useful to explain why criminal biography emerged during the eighteenth century. It was a time of great public concern about what was perceived to be an ever-increasing crime wave. One commentator in the late seventeenth century exclaimed that 'even at noonday, and in the most open spaces in London, persons are stopped and robbed'.<sup>11</sup> The pamphlet *Newes from Newgate* similarly reported that 'notwithstanding the severity of our wholesome laws, and vigilancy of magistrates against robbers and highwaymen, 'tis too notorious that the roads are almost perpetually infested with them'.<sup>12</sup> The novelist and Magistrate of Westminster, Henry Fielding, would echo the same sentiments in *An Enquiry Concerning the Causes of the Late Increase of Robbers* (1751):

I make no doubt, but that the streets of this town, and the roads leading to it, will shortly be impassable without the utmost hazard, nor are we threatened with seeing less dangerous rogues gangs of rogues among us, than those which the Italians call the *banditti*.<sup>13</sup>

Whether the incidence of crime was as bad as its representation in contemporary print culture is debatable. Newspapers certainly exaggerated the situation when it came to reporting crimes against property. Robert Shoemaker's research has shown how in the second quarter of the eighteenth century, property theft accounted for 44 per cent of newspaper reports, despite the fact that they only accounted for approximately seven per cent of crimes tried at the Old

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<sup>10</sup> Knight, *Robin Hood: A Mythic Biography*, p.146.

<sup>11</sup> Faller, *Turned to Account*, p.x.

<sup>12</sup> Anon. *Newes from Newgate: or, a True Relation of the Manner of Taking Several Persons, Very Notorious for Highway-men, in the Strand; upon Munday [sic] the 13<sup>th</sup> of this Instant November, 1677* cited in Hal Gladfelder, *Criminality and Narrative in Eighteenth-Century England: Beyond the Law* (Baltimore: John Hopkins University Press, 2001), p.47.

<sup>13</sup> Henry Fielding, *An Enquiry into the Causes of the Late Increase of Robbers, &c.* (Dublin: G. Faulkner, 1751), p.1.

Bailey.<sup>14</sup> Yet contemporary court records reveal that there were indeed peaks in the level of indictments occurring in the 1690s, 1720s, 1740s, and 1770s following the demobilisation of soldiers after various wars had come to an end.<sup>15</sup> Tim Hitchcock and Robert Shoemaker, however, highlight the fact that most of the indictments during the latter period were partially due to the fact that the Bow Street Runners were more intensive in their efforts in the policing of minor offences such as vagrancy, and indictments for theft in the 1770s rose only marginally.<sup>16</sup> It was believed that London experienced the most criminal activity. Some overseas visitors to England thought that accounts of crime were exaggerated. The Frenchman Pierre Jean-Grosley remarked that despite being constantly warned against criminals, he was never robbed once,<sup>17</sup> and the actual incidence of crime was more of an 'irritant' to honest people rather than a menace.<sup>18</sup>

The fears and anxieties relating to this perceived 'crime wave' left their mark upon criminal biographies, newspaper articles, books, and pamphlets.<sup>19</sup> While many people undoubtedly experienced crime first hand as victims, most people's understanding of crime was informed by contemporary print culture.<sup>20</sup> Four of the most famous pieces of eighteenth century criminal biography from the period were Smith's *Highwaymen*, Johnson's *Highwaymen*, Johnson's *A General and True History of the Robberies and Murders of the Most Notorious Pyrates* (1724), as well as his last work entitled *Lives of the Most Remarkable Criminals* (1735). It is alleged by some critics that Daniel Defoe authored two biographies of Jack Sheppard (1702-1724) and one of Jonathan Wild (c.1682-1725).<sup>21</sup> There were also serialised publications such as *The Ordinary of Newgate's Account*, which ran between 1676 and 1772, and *The Proceedings of the Old Bailey*, which ran between 1674 and 1913.<sup>22</sup> Faller points to the existence of over

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<sup>14</sup> Robert Shoemaker, 'The Street Robber and the Gentleman Highwayman: Changing Representations and Perceptions of Robbery in London, 1690-1800,' *Cultural and Social History* 3: 4 (2006), 381-405 (p.383).

<sup>15</sup> McKenzie, *Tyburn's Martyrs*, p.105.

<sup>16</sup> Tim Hitchcock & Robert Shoemaker, *London Lives: Poverty, Crime, and the Making of a Modern City, 1690-1800* (Cambridge: Cambridge University Press, 2015), p.270.

<sup>17</sup> Gregory Durston, *Whores and Highwaymen: Crime and Justice in the Eighteenth-Century Metropolis* (Hook: Waterside Press, 2012), p.91.

<sup>18</sup> James A. Sharpe, *Crime in Early Modern England 1550-1750* (London and New York, 1984), pp.119-120.

<sup>19</sup> Faller, *Turned to Account*, p.x.

<sup>20</sup> See Richard Ward, *Print Culture, Crime, and Justice in 18<sup>th</sup>-Century London* (London: Bloomsbury, 2014).

<sup>21</sup> These works were attributed to Defoe originally in J. R. Moore's checklist of works authored by Daniel Defoe, although this view has recently been challenged. For a critique of J. R. Moore's checklist see P. N. Furbank & W. R. Owens, *Defoe De-Attributions: A Critique of J. R. Moore's Checklist* (London: Hambledon, 1994).

<sup>22</sup> For a critical discussion of these sources see Robert B. Shoemaker, 'The Old Bailey Proceedings and the Representation of Crime and Criminal Justice in Eighteenth-Century London' *Journal of British Studies* 47: 3 (2008), 559-580.

2,000 criminal biographies which were published during the late seventeenth and early eighteenth centuries.<sup>23</sup> Yet to say that criminal narratives merely reflected the fear of crime is inappropriate because it was a two-way process: as the fear of crime increased, so did its expression in the proliferation of criminal biography. This in turn contributed to a moral climate of panic and danger, which then required the intervention of ever harsher laws to maintain civic order'.<sup>24</sup>

These criminal biographies had a sophisticated, literate audience drawn primarily from the middling sorts.<sup>25</sup> There was certainly a ready market for these narratives as Kate Loveman notes that the number of males living in the capital who were unable to sign their names declined between 1670 and 1720 from 22 per cent to eight per cent.<sup>26</sup> James V. H. Melton further highlights the fact that by 1750 over 60 per cent of men were literate, along with 40 per cent of females.<sup>27</sup> Indications of these works' audiences can be gained from their prefaces: the first volume of Smith's *Highwaymen* addresses 'honest gentlemen';<sup>28</sup> Johnson states that his *Remarkable Criminals* 'will not be without its uses amongst the middling sort of people'.<sup>29</sup> In short, criminal biographies were a predominantly middle-class phenomenon.<sup>30</sup> And they were expensive: the third volume of Smith's *Highwaymen* cost half a crown; *Compleat Tryals* retailed at a price of ten shillings for the set. These publications were not cheap at a time when two shillings a day was the standard wage for a labourer.<sup>31</sup> Johnson's *Highwaymen*, furthermore, was published in folio format with full page engravings, which is suggestive of a middle-class readership.<sup>32</sup> This is not to say that there were no cheaper alternatives. There were many pamphlets published during the period which told the lives of individual criminals. A price of sixpence is listed on the title page of *The Life and Genuine History of Richard Turpin* (1739).<sup>33</sup> The anthologies of Robin Hood ballads known as *Robin Hood's Garland* that were printed throughout the century typically retailed at between four pence and sixpence.<sup>34</sup> 'Last Dying Speeches' broadsides were sold at public executions, and these usually retailed at a price of one penny or less. The title page of Sir John Fielding's *True Examples of the*

<sup>23</sup> Faller, *Turned to Account*, p.x.

<sup>24</sup> Gladfelder, *Criminality and Narrative*, p.47.

<sup>25</sup> McKenzie, *Tyburn's Martyrs*, p.35.

<sup>26</sup> Kate Loveman, 'A Life of Continu'd Variety: Crime, Readers, and the Structure of Defoe's *Moll Flanders*' *Eighteenth-Century Fiction* 26: 1 (2013), 1-32 (p.9).

<sup>27</sup> James Van Horn Melton, *The Rise of the Public in Enlightenment Europe* (Cambridge: Cambridge University Press, 2001), p.84.

<sup>28</sup> Smith, *Highwaymen*, p.3.

<sup>29</sup> Johnson, *Remarkable Criminals*, p.i.

<sup>30</sup> Faller, *Turned to Account*, p.206.

<sup>31</sup> *Ibid* p.47.

<sup>32</sup> *Ibid*.

<sup>33</sup> Anon. *The Life and Genuine History of Richard Turpin* (London: J. Standen, 1739)

<sup>34</sup> These *Garlands* on the whole do not depict Robin as a criminal but more as an historical curiosity.

*Interposition of Providence, in the Discovery and Punishment of Murder* (c.1750?) list a price of a halfpenny.<sup>35</sup> Thus there was a range of literature to suit a variety of incomes.

## 2 The Birth and Parentage of Robin Hood

The structure of this discussion is divided into three sections, following the structure in which the life of Robin Hood is presented to the reader in eighteenth century criminal biography: birth and parentage, early life and descent into a life of crime, and death.<sup>36</sup> An account of the malefactor's parentage is always included in criminal biography. The reason for this, as Fielding muses in a revised edition of *Jonathan Wild* (1743), is so that 'the hero's ancestors [are] introduced as foils to himself'.<sup>37</sup> Thus, many offenders' parents are often 'honest and respectable' in order to highlight the dishonesty and un-respectability of their children. Each criminal biography differs in their explanations of Robin's birth and parentage. Smith's *Highwaymen* depicts Robin as being from lowly social origins:

This bold robber, Robin Hood, was, some write, descended of the noble family of the earls of Huntingdon; but that is only fiction, for his birth was but very obscure, his pedigree *ab origine* being no higher than poor shepherds, who for some time lived in Nottinghamshire, in which county, at a little village adjacent to the Forest of Sherwood, he was born in the reign of King Henry the Second.<sup>38</sup>

In contrast to Smith, the 1737 biography, *The Whole Life and Merry Exploits of Bold Robin Hood*, gives Robin Hood a noble birth by calling him 'our famous Earl of Huntingdon, whose father was head ranger in the North of England, his mother the daughter of the Right honourable Earl of Warwick, [and] his uncle was the Squire of Gamwell Hall'.<sup>39</sup> Finally, towards the end of the century in *The Remarkable History of Robin Hood and Little John*, it is said that:

At a small town, called Loxley, in the county of Nottingham, this famous outlaw first drew breath [...] as to his pedigree, some person from the Herald's Office would be far more proper than me to state it; but as I shall assert nothing but simple truth [...] no doubt can be formed but [that] this renowned hero was the lawful son of a very illustrious man (no less than the head ranger of the north parts of England).<sup>40</sup>

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<sup>35</sup> John Fielding, *True Examples of the Interposition of Providence, in the Discovery and Punishment of Murder* (London: J. Marshall [n.d.]); the author is listed as Henry Fielding in most archival records, but the text itself refers to John Fielding as having authored it.

<sup>36</sup> Andromeda L. Hartwick, 'Serial Selves: Identity, Genre, and Form in the Eighteenth Century' (PhD Thesis, University of Michigan, 2015), p.67.

<sup>37</sup> Henry Fielding, *The History of the Life of the Late Mr. Jonathan Wild the Great* (London, 1743; repr. London: J. Bell, 1775), p.4. This statement does not, however, appear in modern critical editions of the text.

<sup>38</sup> Alexander Smith, *A Complete History of the Lives and Robberies of Most Notorious Highwaymen*, Arthur Heyward, (ed.) (London: J. Morphew, 1719; repr. London: George Routledge & Sons, 1933), p.408.

<sup>39</sup> Anon. *The Whole Life and Merry Exploits of Bold Robin Hood* (London: Printed for Henry Woodgate and Samuel Brooks, at the Golden Ball, in Paternoster Row, 1737), p.1.

<sup>40</sup> Anon. *The Remarkable History of Robin Hood and Little John; also of Henry Jenkins* (Knaresborough: Printed for Broadbells, 1787), p.3.

Two of the accounts presented here retain the 'gentrified' tradition of Robin's birth, in which he is depicted as a nobleman – an idea first invented by Anthony Munday in his two plays *The Downfall of Robert, Earle of Huntington* and *The Death of Robert, Earle of Huntington* (1597-98). The writers of criminal biography were never concerned with establishing the 'facts' of an offender's birth and parentage. Although Robin Hood was viewed as an historic person by writers during the eighteenth century, and although these accounts are presented as histories, they should be viewed as fictional narratives. Many eighteenth century narratives were branded 'histories' or 'lives' such as *The Life and Strange Surprizing Adventures of Robinson Crusoe* (1719).<sup>41</sup> The standard of Smith's commitment to historical authenticity is evident by the fact that he presents the reader with an account of the life of Sir John Falstaff,<sup>42</sup> an account that was virtually plagiarised in Johnson's *Highwaymen*.<sup>43</sup> Thus, these criminal biographies were not scholarly accounts, and it is evident from the latter part of the century that learned antiquaries did not view them as such.<sup>44</sup> In Ritson's 1795 anthology of Robin Hood ballads, he makes the following assessment of Johnson's scholarship:

Another piece of biography, from which not much will be expected, is "The lives and heroick achievements of the renowned Robin Hood, and *James Hind*, two noted robbers and highwaymen, London, 1752" 8vo. This, however, is probably nothing more than an extract from Johnson's *Lives of the Highwaymen*, in which, as a specimen of the author's historical authenticity, we have the life and actions of that noted robber, Sir John Falstaff.<sup>45</sup>

The fact that Robin was Earl of Huntington in some accounts, and born 'no higher than poor shepherds' in others was immaterial to the eighteenth century criminal biographer. Johnson, in fact, is unconcerned with giving an authoritative account of Robin's birth:

Such is the celebrity of this character [...] that we will be excused from giving rather a lengthened account of him [...] He was said by some to have been the Earl of Huntington, and born in Henry II's time; and by others he is said to have been the child of two shepherds.<sup>46</sup>

Robin's social origins were immaterial to writers such as Smith and Johnson because criminality in the eighteenth century was not related to social class. The notion of a 'criminal class' when Smith was writing was yet to fully emerge, being an invention of the nineteenth century.<sup>47</sup> In contrast, during the eighteenth century, all people were capable of committing

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<sup>41</sup> Robert Mayer, *History and the Early English Novel: Matters of Fact from Bacon to Defoe* (Cambridge: Cambridge University Press, 1997), p.4.

<sup>42</sup> Smith, *Highwaymen*, pp.5-13.

<sup>43</sup> Charles Johnson, *The Lives and Actions of the Most Noted Highwaymen* (London, 1734; repr. London: Thomas Tegg, 1839), pp.52-59.

<sup>44</sup> Gladfelder, *Criminality and Narrative*, p.84.

<sup>45</sup> Joseph Ritson, *Robin Hood: A Collection of All the Ancient Poems, Songs, and Ballads, Now Extant, Relative to that Celebrated English Outlaw*, 2 Vols. (London: T. Egerton, 1795), 1: xiv.

<sup>46</sup> Johnson, *Highwaymen*, p.70.

<sup>47</sup> Clive Emsley, *Crime and Society in England, 1750-1900* (London: Routledge, 1987), p.49.

crime because all men were sinners, tainted from birth by sin.<sup>48</sup> Criminals could come from supposedly respectable backgrounds as well as from poorer backgrounds – they were only different to law abiding people in the degree to which they had allowed themselves to indulge in their sinful inclinations.<sup>49</sup> Crimes were sins, and as sinning was universal, criminals could not be defined as inherently *different* to law-abiding people.<sup>50</sup> Crime was seen as an expression of moral weakness and corruption.<sup>51</sup> Thus as Drew Gray points out, sin and crime were interwoven during this period.<sup>52</sup> What ultimately mattered to criminal biographers was how Robin conducted his life.

### 3 The Life of Robin Hood

Many similarities exist between all of the criminal biographies relating Robin Hood's life and, apart from a few variations, Johnson's 1734 account, and the 1737 and 1784 versions plagiarise Smith's account in some way. Smith says that Robin was 'bred up a butcher, but being of a very licentious, wicked inclination, he followed not his trade, but in the reign of King Henry the Second, [associated] himself with several robbers and outlaws, [and] was chosen as their captain'.<sup>53</sup> Similarly, Johnson says that Robin 'trained to the occupation of a butcher, but his roving disposition was soon disgusted with that industrious employment'.<sup>54</sup> There is no precedent in the Robin Hood tradition which depicts Robin as a butcher.<sup>55</sup> But as Peter Linebaugh points out, during the eighteenth century there was thought to be a connection between the meat trade and highway robbery. A disproportionate number of those hanged at Tyburn for highway robbery were found to have been apprenticed to the butchers' trade.<sup>56</sup> James Hind was apprenticed to a butcher,<sup>57</sup> and Dick Turpin (1705-1739) also was a butcher.<sup>58</sup> Through the butchers' trade a potential highwayman would have been able to hone the following skill set: knowledge of potential targets, methods of flight, and means of disposal.<sup>59</sup>

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<sup>48</sup> Faller, *Turned to Account*, p.54.

<sup>49</sup> *Ibid* p.126.

<sup>50</sup> *Ibid* p. 6.

<sup>51</sup> Ian Bell, *Literature and Crime in Augustan England* (London: Routledge, 1991), p.42.

<sup>52</sup> Drew Gray, *Crime, Policing, and Punishment in England, 1660-1914* (London: Bloomsbury, 2016), p.17.

<sup>53</sup> Smith, *Highwaymen*, p.408.

<sup>54</sup> Johnson, *Highwaymen*, p.70.

<sup>55</sup> Robin does temporarily assume the identity of a butcher in the late seventeenth century broadside ballad *Robin Hood and the Butcher* (a variant of which also appears in the Percy Folio), but he is not born into or apprenticed to the trade in the narrative. See Anon. 'Robin Hood and the Butcher' in *Rymes of Robyn Hood: An Introduction to the English Outlaw* (eds.) R. B. Dobson and J. Taylor 3rd edn. (Stroud: Sutton, 1997), pp.150-157.

<sup>56</sup> Peter Linebaugh, *The London Hanged: Crime and Civil Society in the Eighteenth Century* (London: Penguin, 1991), pp.184-185.

<sup>57</sup> Smith, *Highwaymen*, p.136.

<sup>58</sup> James Sharpe, *Dick Turpin: The Myth of the English Highwayman* (London: Profile Books, 2004), p.109.

<sup>59</sup> Linebaugh, *The London Hanged*, p.210.

Butchers were prominently integrated into the local community, and they would know when a potential target returned from market with money about his person.<sup>60</sup> From their experience in cattle driving they would have been familiar with the local terrain, and their dealings with fellow market traders, innkeepers, and victualing houses would have provided them with an outlet for the sale and disposal of their stolen goods.<sup>61</sup> Aside from these practical reasons, there was also thought to be a moral reason why butchers might become robbers. Johnson in *Remarkable Criminals* says that the butchers' trade contributes to 'a bloody and barbarous disposition',<sup>62</sup> which is fitting for the negative depiction that Robin receives in criminal biography. Thus the portrayal of Robin as having been 'bred up a butcher' effectively de-historicises Robin Hood and places him in the same cultural and social milieu of contemporary highwaymen.

The notion that someone was 'born to be hanged', however, is at odds with the universality of original sin, and the theory that anyone might become a criminal. It is a paradox that the writers of criminal biography themselves could never explain. If sin was inherent in every man and woman then the wonder, as Faller suggests, is not that crime was so prevalent but that it was not universal.<sup>63</sup> The subtle class consciousness that is apparent in some criminal narratives explains why Smith is keen to make Robin downwardly mobile. As we have seen, Johnson's *Remarkable Criminals* was aimed at 'the middling sort of people',<sup>64</sup> and Fielding's *Enquiry* manifests a condescending attitude towards 'the lower kind of people'.<sup>65</sup> There is therefore a distance between the theory of criminality in the eighteenth century and its representation in print.

Another aspect of these narratives which de-historicises Robin and makes him effectively an eighteenth century criminal is the fact that 'he followed not his trade'.<sup>66</sup> The theme of young men casting aside a trade and turning to crime is a recurring one in eighteenth century criminal biography. The case of Humphrey Angier, a highwayman and footpad, illustrates this: Angier was bound as an apprentice to a cooper but 'his behaviour [...] was so bad that his master utterly despaired to do any good with him, and therefore was not sorry that he ran away from him'.<sup>67</sup> The theme is also echoed in Jack Sheppard's biography. When Sheppard meets the

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<sup>60</sup> Ibid p.210.

<sup>61</sup> Ibid.

<sup>62</sup> Charles Johnson, *Lives of the Most Remarkable Criminals* Arthur Heyward (ed.) (London, 1735; repr. London: Routledge, 1927), p.211.

<sup>63</sup> Faller, *Turned to Account*, p.54.

<sup>64</sup> Johnson, *Remarkable Criminals*, p.i.

<sup>65</sup> Fielding, *An Enquiry*, p.3.

<sup>66</sup> Smith, *Highwaymen*, p.408.

<sup>67</sup> Johnson, *Remarkable Criminals*, p.133.

prostitute Edgeworth Bess they begin cohabiting, and it is from that point that 'Sheppard grows weary of the yoke of servitude'.<sup>68</sup> Idleness was sometimes perceived as the first stage on the road to Tyburn, and this view is illustrated by William Hogarth in *Industry and Idleness* (1747) which tells the story of two apprentices whose lives follow different paths: the industrious apprentice rises through the ranks to become a magistrate, and the idle apprentice is eventually hanged at Tyburn.<sup>69</sup>

Idleness was not the only marker of potential criminality in these narratives of Robin's life. In the 1737 biography of Robin Hood, Robin's early life is different to the way that Smith portrays it. Instead, Robin manifests a love of good living, and it is said that Robin became an outlaw because he squandered his inheritance and takes to the road.<sup>70</sup> Eighteenth century criminal biography usually portrays offenders' criminal careers as something that had small beginnings, such as stealing farthings and marbles when they were young, and from which grew 'great oaks of iniquity'.<sup>71</sup> These small crimes progressed further until the criminal could no longer help himself. Vice was an addiction which led to crime, as indicated in Johnson's account of the footpad, Robert Crouch, who 'addicted himself to gaming, drinking, and whoring, and all the other vices which are so natural to abandoned young fellows in low life'.<sup>72</sup> Similarly, Johnson describes the robber Arthur Chambers as having been 'from his very infancy [...] addicted to pilfering'.<sup>73</sup> Robin's small vices in Smith's *Highwaymen* are his turning away from his trade, whilst in the 1737 version it is evidently a love of good living since he squanders his father's estate.

In all of these accounts Robin does steal from the rich and give to the poor. Johnson records that 'his ingenuity [...] suggested the expedient of robbing the rich to supply the wants of the poor'.<sup>74</sup> In the context of contemporary attitudes to highwaymen who did the same, however, the fact that Robin steals from the rich and gives to the poor in these narratives does not make him worthy of admiration. There are instances in Smith's work of other highwaymen, such as James Hind, stealing from the rich to give to the poor.<sup>75</sup> Moreover, claims by contemporary highwaymen that they stole from the rich and gave to the poor were often met with an

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<sup>68</sup> Daniel Defoe, 'The History of the Remarkable Life of John Sheppard' in *Defoe on Sheppard and Wild Richard* Holmes (ed.) (London, 1724; repr. London: Harper, 2004), p.6.

<sup>69</sup> Sarah Jordan, 'From Grotesque Bodies to Useful Hands: Idleness, Industry, and the Laboring Class' *Eighteenth-Century Life* 25: 3 (2001), 62-79 (p.73).

<sup>70</sup> Anon. *The Whole Life and Merry Exploits of Bold Robin Hood*, p.7.

<sup>71</sup> Andrea McKenzie, *Tyburn's Martyrs: Execution in England, 1675-1775* (London: Continuum Books), p.59.

<sup>72</sup> Johnson, *Remarkable Criminals*, p.439.

<sup>73</sup> Johnson, *Highwaymen*, p.59.

<sup>74</sup> *Ibid* p.70.

<sup>75</sup> Smith, *Highwaymen*, p.137.

indifferent response from public officials. When the highwayman Paul Lewis told the Ordinary of Newgate in 1763 that he stole from the rich and gave to the poor, the Ordinary replied that this was 'a common excuse for all thieves and robbers'.<sup>76</sup> The main feature of Robin Hood's personality which Smith and others want to emphasise is not that he stole from the rich and gave to the poor, but his criminality. Robin's 'wicked and licentious' inclinations are there to provide moral instruction to readers, as Smith states in his preface that:

Since preceding generations have made it their grand care and labour not only to communicate to their posterity the lives of good and honest men, that thereby men might fall in love with the smooth and beautiful face of virtue, but have also taken pains to recount the actions of criminals and wicked persons, that by the dreadful aspects of vice they may be deterred from embracing her illusions; we here present the public with *An History of the Lives of the Most Noted Highwaymen, Footpads, Shoplifts*.<sup>77</sup>

In the second volume of his *Highwaymen*, Smith says again how he believes that 'nobody of common sense who sees how these miserable wretches have made themselves by their evil courses will be tempted to tread in the same steps, which lead directly to the gallows'.<sup>78</sup> Eighteenth century criminal narratives are not interested in viewing crime from a legal standpoint or debating the innocence of an offender. Neither do they interest themselves with whether there were any external factors such as poverty or unemployment that might have driven an offender to crime. Instead crime is viewed in works such as Smith's purely from a moral standpoint.<sup>79</sup> This is why Robin's wickedness is overemphasised in eighteenth century criminal narratives.

Furthermore, Robin Hood, as modern audiences understand the legend, is always accompanied by his 'merry men.' This is usually a positive portrayal of life in the greenwood. Sir Walter Scott in *Ivanhoe* (1819) said that the medieval period was a time when 'gallant bands of outlaws' flourished.<sup>80</sup> But in the eighteenth century, the most popular and heroic criminals were portrayed as acting alone.<sup>81</sup> Bands of robbers were rarely seen as 'gallant'. On the contrary, the idea of organised bands of criminals was offensive to the popular imagination.<sup>82</sup> In Johnson's *Remarkable Criminals*, Robin and his men are compared to 'banditti'.<sup>83</sup> The Georgian public was more comfortable with the notion that criminals acted alone, and perhaps this aversion to the idea of organised bands of rogues accounts for the

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<sup>76</sup> Stephen Roe, *The Ordinary of Newgate's Account* cited in Shoemaker, 'The Street Robber and the Gentleman Highwayman', p.389.

<sup>77</sup> Smith, *Highwaymen*, p.137.

<sup>78</sup> *Ibid* p.211.

<sup>79</sup> Hal Gladfelder, *Criminality and Narrative*, p.37.

<sup>80</sup> Walter Scott, *Ivanhoe: A Romance* (Edinburgh: Ballantyne, 1819; repr. Edinburgh: Adam & Charles Black, 1871), p.21.

<sup>81</sup> Faller, *Turned to Account*, p.180.

<sup>82</sup> *Ibid* p.179.

<sup>83</sup> Johnson, *Remarkable Criminals*, pp.306-307.

final line of the eighteenth century ballad *Robin Hood and the Valiant Knight*: 'Such outlaws as he and his men / May England never know again'.<sup>84</sup> Ten years before Johnson was writing, the London mob was unanimous in its condemnation of the thief taker, Jonathan Wild, as he passed in the cart to Tyburn on the day of his execution, pelting him with rotten fruit and eggs, baying for his blood.<sup>85</sup> Wild was a receiver of stolen goods who ran a vast criminal network whilst functioning as London's chief law enforcer. Admittedly, Wild is a special case, but as already noted, there was concern about gangs of highwaymen during the century. As seen above, Fielding in his *Enquiry* rails against 'gangs of rogues [...which the] Italians call the banditti' (emphasis added).<sup>86</sup> He further muses upon 'the great difficulty of extirpating desperate gangs of robbers, when once collected into a body'.<sup>87</sup> Some individuals such as Jack Sheppard and James Maclaine did indeed enjoy celebrity status among the populace during the eighteenth century, but this was not a universal feeling towards robbers as a whole. Highwaymen were popular figures at the gallows when they were about to die, but as Anton Blok says of European bandits and highwaymen, '[they] very often terrorised those from whose ranks they had managed to rise'.<sup>88</sup> The case of Edward Burnworth, Thomas Berry, Emanuel Dickenson, William Marjoram, and John Higgs recorded in Johnson's *Remarkable Criminals* is a case in point: the account reveals that this gang of thieves would indeed rob people of any class and were men to be feared.<sup>89</sup> The fact that Robin Hood in eighteenth century criminal biography is depicted as the leader of a band of robbers further establishes his 'brute' status.

Reinforcing his reputation as a brute is the fact that Robin is never depicted as a mounted robber. By default, this would have made him in contemporary readers' minds a mere footpad, at least by the standards of eighteenth century highwaymen. Legendary highwaymen are usually mounted robbers, capable of outstanding feats of horsemanship.<sup>90</sup> An indicator of this is the alleged ride to York from London in one day which was attributed first to the highwayman, William Nevison, in Defoe's *A Tour Through the Whole Island of Great Britain* (1727), before finally resting upon Dick Turpin in William Harrison Ainsworth's *Rookwood*

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<sup>84</sup> Anon. 'Robin Hood and the Valiant Knight' in *Robin Hood's Garland: Being a Complete History of all the Notable and Merry Exploits Performed by Him and His Merry Men on Many Occasions* (Wolverhampton: Printed and Sold by J. Smart, [n.d.] c.1790?), p.86.

<sup>85</sup> Lucy Moore (ed.) *Conmen and Cutpurses: Scenes from the Hogarthian Underworld* (London: Penguin, 2001), p.260.

<sup>86</sup> Fielding, *An Enquiry*, p.2.

<sup>87</sup> *Ibid.*

<sup>88</sup> Anton Blok, *Honour and Violence* (London: Polity, 2000), p.16.

<sup>89</sup> Johnson, *Lives of the Most Remarkable Criminals*, pp.306-324.

<sup>90</sup> Patrick Parrinder, 'Highway Robbery and Property Circulation in Eighteenth-Century English Narratives' *Eighteenth-Century Fiction* 13: 4 (2001), 509-528 (p.513).

(1834).<sup>91</sup> In contrast, according to Robert Shoemaker, the footpad was represented as a meaner, baser type of creature. Footpads were distinguished from highwaymen, not just by the fact the latter robbed on horseback, but because footpads were perceived to be more violent and from lower social origins than highwaymen.<sup>92</sup> It was a dichotomy that by the mid-eighteenth century had become widely accepted in the popular press, although in reality the distinction between a 'heroic' mounted robber and a common and cruel footpad was often blurred.<sup>93</sup> Robin Hood in eighteenth century criminal biography is no dashing horseman and hence no better than a common footpad.

To conclude this section on Robin Hood's life before examining the accounts of his death, and to illustrate further just how negative a portrayal Robin receives in criminal biography, it is useful to examine how Smith portrays his encounter with King Richard I. In the medieval *Gest*, the King meets Robin in the forest and the latter enters his service. This reconciliation with the King is a theme that is replayed with variations in Scott's *Ivanhoe* and in modern portrayals of the legend. The story is different, interestingly, in criminal biography: Robin simply robs the King. Smith records the following account of the meeting between the King and Robin: 'the King, seeing it was in vain to resist Robin Hood's power, he [sic] gave him a purse in which was about 100 pieces of gold; but swore when he was got out of his clutches that he would certainly hang him whenever he was taken'.<sup>94</sup> The best and most 'heroic' seventeenth and eighteenth century highwaymen are often depicted as ardent Royalists: James Hind is heroic in Smith's work because he only ever (allegedly) steals from Parliamentarians, and once robbed 'that infamous usurper Oliver Cromwell',<sup>95</sup> and the seventeenth century highwayman Whitney justified his offences by claiming allegiance to the Jacobite cause.<sup>96</sup> Yet Robin Hood, as he is represented in criminal biography, cannot claim any political justification for his actions. This is in spite of the fact that criminal biographies featuring him situate him during the time of the absent but 'good' King Richard and 'bad'" Prince John. Situating Robin Hood in this time period *usually* extracts any of the subversive traits out of Robin Hood's character, as he is reconfigured as nothing less than the upholder of the true political order.<sup>97</sup> Yet clearly Robin Hood in eighteenth century criminal biography is loyal to no King.

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<sup>91</sup> James Sharpe, *Dick Turpin: The Myth of the English Highwayman* (London: Profile Books, 2004), p.74.

<sup>92</sup> Shoemaker, 'The Street Robber and the Gentleman Highwayman', p.386.

<sup>93</sup> *Ibid* p.388.

<sup>94</sup> Smith, *Highwaymen*, p.12.

<sup>95</sup> *Ibid* p.138.

<sup>96</sup> Shoemaker, 'The Street Robber and the Gentleman Highwayman,' p.389.

<sup>97</sup> Knight, *Robin Hood: A Mythic Biography*, p.53.

#### 4 The Death of Robin Hood

Robin Hood's manner of death has been known since the days of the *Gest*. It is the treachery of the Prioress of Kirklees, Robin's cousin, who conspires with her lover, Sir Roger of Doncaster, to kill Robin by letting him bleed to death. In the ballad *Robin Hood's Death and Burial*, while Robin is dying, Little John asks him if he might burn Kirklees Priory to the ground in retaliation for the nun's treachery – a request that Robin refuses. However, Smith revises the account of Robin's death:

Robin Hood had continued in his licentious course of life for 20 years, when being very sick, and then struck with some remorse of conscience, he privately withdrew himself to a monastery in Yorkshire, where being let blood by a nun, he bled to death, aged 43 years, and was buried in Kinslay.<sup>98</sup>

The nun receives no censure here: Robin's bleeding to death – in a monastery of all places – is likened almost to divine punishment for his 'licentious course of life'. It is a similar story in the 1737 version of Robin's life, although here it is a monk who bleeds him:

Robin Hood continued in his licentious course of life above twenty years, when falling sick, was then struck with some remorse of conscience for all his former misdeeds and unlawful practices, upon which he privately withdrew himself to a Monastery in Yorkshire, where being let blood by a monk, he bled to death, aged 43 years, and was buried in Kinslay.<sup>99</sup>

In the 1787 version the story is different again:

Being worn out with the many desperate battles he engaged himself in, he retired to his cousin's who then resided at Kirkley-Hall in the County of York, and upon desiring her to let him blood, she did it so effectually that *she meant him never to do any more harm*, for, after opening a vein, she locked him in a room, where he bled to death; but, just before his departing, he sounded his bugle horn, when Little John, who heard the summons, directly [**illegible**] to his lord and master, who begged with his last breath that Kirkley Hall and the nunnery adjoining it, might be burned to the ground as revenge for his death – which request we are informed was complied with (emphasis added).<sup>100</sup>

The reason that criminal biographers have revised accounts of Robin's death is because he is not simply a highwayman but guilty of 'several most notorious robberies and murders'.<sup>101</sup> Robin would eventually be brought to account for his crimes because it was believed during the period that God himself directly intervened in the detection and punishment of murder.<sup>102</sup> This was a belief that stretched as far back as the sixteenth century. In a book entitled *The Theatre of God's Judgement* (1597), for example, we read that, 'the justice of God riseth up,

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<sup>98</sup> Smith, *Highwaymen*, p.412.

<sup>99</sup> Anon. *The Whole Life and Merry Exploits of Bold Robin Hood*, p.58.

<sup>100</sup> Anon. *The Remarkable History of Robin Hood and Little John*, p.16.

<sup>101</sup> Smith, *Highwaymen*, p.410.

<sup>102</sup> Faller, *Turned to Account*, p.73.

and with his own arme he discovereth and punisheth the murderer; yea, rather than [the murderer] shall go unpunished, senceless [sic] creatures and his own heart and tongue rise to give sentence against him'.<sup>103</sup> The murderer's own heart could rise against him – in the case of Robin Hood, only after over 20 years of murderous depredations was he struck with 'remorse of conscience for his misspent life and unlawful practices'.<sup>104</sup> Upon retiring to a monastery, God exacts his just revenge and Robin is punished. It is also a view shared by the writers of other criminal narratives: in Defoe's *Roxana* (1724) the eponymous murderess fears the devastating effects of her own internalised guilt rather than any possible investigation by the authorities;<sup>105</sup> in Fielding's *Jonathan Wild*, when Wild asks one of his men to murder somebody, the man refuses because he is fearful that 'murder [...] was a sin of the most heinous nature, and so immediately prosecuted by God's judgement, that it never passed undiscovered or unpunished'.<sup>106</sup> Thus ends Robin Hood's life in the criminal biographies discussed here, locked away in a monastery, dying an ignominious death through being bled.

## Conclusion

While at first glance these portrayals of Robin Hood's life in criminal biography might appear as though they were relatively uninfluential on the legend as a whole, they did subtly inform later interpretations of the outlaw's story. The only fictional narratives of Robin Hood's life that scholars have taken significant notice of are nineteenth century Robin Hood novels such as Scott's *Ivanhoe* and Thomas Love Peacock's *Maid Marian* (1822) which Joanne Parker has recently called the 'missing link in the evolution of the Robin Hood myth'.<sup>107</sup> This is because they incorporate earlier Robin Hood material but also gave rise to later interpretations of the tradition. But perhaps these criminal biographies are also missing links in the development of the Robin Hood legend. As we have seen, Joseph Ritson was well-acquainted with the works of Johnson.<sup>108</sup> His dismissive comments regarding Johnson's *Highwaymen*, as well as his declaration that his own biography of Robin Hood '[derives] no assistance from the labours of his professed biographers', meaning Johnson, reveals that at the very least Ritson was trying to improve upon what he saw as sub-standard scholarship.<sup>109</sup> Furthermore, Scott's portrayal of Robin of Locksley in *Ivanhoe* may owe something to Johnson's interpretation. Whilst

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<sup>103</sup> Thomas Beard and Thomas Taylor, *The Theatre of God's Judgements* cited in Faller, *Turned to Account*, p.74.

<sup>104</sup> Johnson, *Highwaymen*, p.80.

<sup>105</sup> Bell, 'Eighteenth-Century Crime Writing', p.9.

<sup>106</sup> Henry Fielding, 'The Life of Mr. Jonathan Wild the Great' in *Miscellanies by Henry Fielding* Hugh Amory (ed.) 3 Vols. (London, 1743; repr. Oxford: Clarendon Press, 1997), 3: 99.

<sup>107</sup> Joanne Parker, 'Introduction' in *Robin Hood Classic Fiction Library Volume 1: Robin Hood: A Tale of the Olden Time* Stephen Knight (ed.) (New York: Routledge, 2005), p.xii.

<sup>108</sup> Ritson, *Robin Hood*, p.xiv.

<sup>109</sup> *Ibid*, p.xiv.

Locksley is a hero in *Ivanhoe*, Scott does allow some criticisms of Locksley and his band to appear in the text. The exchange between Wamba the Jester and Richard I illustrates this: Wamba says that, however much good the outlaws may have done for both Richard and the Cedric the Saxon, ‘those honest fellows [the outlaws] balance a good deed with one not quite so laudable’.<sup>110</sup> Richard then asks Wamba to elaborate upon what he has said:

The merry men of the forest set off the building of a cottage with the burning of a castle – the thatching of a choir against the robbing of a church – the setting free a poor prisoner against the murder of a proud sheriff; or, to come nearer to our point, the deliverance of a Saxon Franklin against the burning alive of a Norman baron. Gentle thieves they are, in short, and courteous robbers; but it is ever the luckiest to meet with them when they are at their worst.<sup>111</sup>

Scott owned and read Johnson’s *Highwaymen* and several other eighteenth century criminal biographies.<sup>112</sup> In Scott’s last written work *Reliquiae Trotcosienses or, The Gabions of the Late Jonathan Oldbuck Esq. of Monkbnars* (1832), which is a guide to Abbotsford and its collections, Scott picks out Johnson’s *Highwaymen* as being of especial interest.<sup>113</sup> The accounts of Robin Hood in criminal biographies perhaps contributed to his nuanced assessment of the outlaws’ morality in his novel. After all, the influence of criminal biography can be seen in some of Scott’s other novels such as *The Pirate* (1822), which was partially based upon his reading of the life of Captain John Gow in Johnson’s *Pyrates*.<sup>114</sup>

Upon final consideration, therefore, it is clear that these narratives of Robin Hood in eighteenth century criminal biography are significant for several reasons: for Robin Hood scholars, their examination facilitates a more comprehensive map of the highs and lows in the gentrification of the legend after c.1600. For historians of crime, these sources show how, at a time of great public concern over crime, authors were less willing to believe in the myth of a good outlaw.

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<sup>110</sup> Scott, *Ivanhoe*, p.414.

<sup>111</sup> *Ibid.*

<sup>112</sup> Anon. *Catalogue of the Library at Abbotsford* (London: T. Constable, 1838), p.91. In this publication there are several other criminal biographies listed in Scott’s collection: Alexander Smith’s *History of the Highwaymen* (p.448); Johnson’s *History of the Highwaymen* (p.131); John Reynolds’ *Triumph of God’s Revenge Against Murder* (p.154); *Tryal of Philip Stansfield for the Murder of his Father* (p.13); *Tryals of Ireland, Pickering and Grove* (p.30); *Innocency and Truth Vindicated* (p.58); *Last Speeches of Mr. John Kid and Mr. John King* (p.65); *Trial of Margaret Tindall* (p.129); *True Relation of the Murder Committed by David Wallis* (p.133); *Trial and Execution of Mary McKinnon* (p.135); *Last Speech, Confession, and Dying Words of Nichol Muschat* (p.145); *Trials of Skelton, Sutherland, M’Donald* (p.152); *Trial of Duncan Terrig and Alexander Bane MacDonald* (p.278); *Trial of R. Thornhill* (p.293); *Trial of William Burke* (p.295); *Trial of Mungo Campbell* (p.297); *History of the Mysterious Murder of Maria Marten* (p.340); *Trial of Henderson for Murder* (p.343); *History of the Polstead Murder* (p.340); *Trial of Capt. Donnelan* (p.296); *Trials for Murder* (p.152); *Trial of Holloway and Haggerty* (p.297); *Trial of Mary McKinson* (p.135); *Murder Will Out* (p.421).

<sup>113</sup> Walter Scott, *The Pirate* Mark Weinstein & Alison Lumsden (eds.) (Edinburgh: Edinburgh University Press, 2001), p.490n

<sup>114</sup> Catherine Jones, *Literary Memory: Scott’s Waverley Novels and the Psychology of Narrative* (Cranbury, NJ: Associated University Presses, 2010), p.89 & p.194n.

This led them to revise the history of England's most famous criminal in light of these contemporary anxieties. Furthermore, these hitherto neglected sources were subtly influential upon the legend as a whole. It was to improve upon the historical authenticity of writers such as Johnson that was one of Ritson's aims in producing his influential Robin Hood anthology in 1795, and they may have even contributed to one the most important portrayals of Robin Hood in Scott's *Ivanhoe*.