

‘SHARPER THAN SWORDS, STURDIER THAN STONES’:
SPACE, LANGUAGE, AND GENDER IN FIFTEENTH-CENTURY LONDON

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ABSTRACT

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Through an examination of neighbourhood conflicts over property boundaries, marriage contracts and defamation, this thesis argues that the dichotomy of public and private is an anachronistic and untenable division in fifteenth-century London. Instead, Londoners were concerned with degrees of visibility and control over space, rather than the maintenance of a strict separation of public and private. The tensions that resulted from shared, often subdivided space could culminate in a legal battle before the assize of nuisance, a secular court where individuals complained that their neighbour's property encroached upon their own and that, through those encroachments, a neighbour exposed the plaintiff's household to public scrutiny. Marriage conflicts and defamation suits brought before the ecclesiastical Consistory court were similarly concerned with public knowledge, as both relied on a certain degree of publicity in order to be effective. Witnesses were required to see and hear both the exchange of consent and the exchange of insults. Using these two London courts, this thesis explores how the house and household lives were open to others and how Londoners lived their lives in varying degrees of publicity, rather than in public or private.

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TABLE OF CONTENTS

<i>Abstract</i>	
<i>Acknowledgments</i>	iii
1 Chapter 1: Introduction, Historiography and Methodology	1
2 Chapter 2: “Contrary to the custom of the City”	27
3 Chapter 3: “I will wed you as well as I can”	50
4 Chapter 4: “Thou strong hoor and strong harlot”	70
<i>Appendix</i>	89
<i>Bibliography</i>	92

CHAPTER 1: HISTORIOGRAPHY AND METHODOLOGY

INTRODUCTION

William and Isabel argued, quarreled, and fought most of the time, to the great weariness and nuisance of their neighbours...Isabel acted very obstinately and basely with her husband and such were the quarrels between them that this witness and other neighbours living around were very worried and disturbed about what they did and said to one another [...] that there would be murder between them. This witness saw them [arguing] sometimes in the doorway of their dwelling house, sometimes in the street ... and [Isabel] called [William] thief and robber, and he called her whore.¹

John Smyth's testimony in a 1492 marital dispute between Isabel and William Newport echoed other neighbours' and friends' exasperation with the couple's bickering. That they were a "nuisance of their neighbours" is not exceptional: conflicts frequently arose as a result of close living quarters and even closer watch from neighbours. The cramped, tightly packed buildings of a city that, from the fifteenth century onward, saw its population expand rapidly, combined with cheap and ineffective construction, forced Londoners, especially lower- and middling-class Londoners, into each other's spaces. As Georges Duby argues in *A History of Private Life*, "people crowded together cheek by jowl, living in promiscuity, sometimes in the midst of a mob."² The tensions that resulted from shared, often subdivided, space could culminate in a legal battle before the assize of nuisance, a secular court where individuals complained that their neighbour's property

¹ 1492-01-27: John Smith in William Newport c. Isabel Newport (London, GL MS 9065, 95rv). All Consistory court records are from Shannon McSheffrey, "Consistory: Testimony in the Late Medieval London Consistory Court." Concordia University History Department, 2010. <http://digitalhistory.concordia.ca/consistory/index.php>. The original manuscript references are included, though all Consistory court records are now found in the London Metropolitan Archives, not Guildhall Library.

² Georges Duby, "Introduction: Private Power, Public Power," in *A History of Private Life*, Vol. II, *Revelations of the Medieval World*, trans. Arthur Goldman (Cambridge, MA: Harvard University Press, 1988), 509.

encroached upon their own.³ Like the squabbling between Isabel and William, unauthorized sound and smells, invasive building, and lack of proper maintenance of buildings were constant nuisances to neighbours.

Neighbourhood relations were not characterized by conflict alone. Long-lasting acquaintances, tight-knit, supportive communities, and widespread networks of friends were common features of premodern neighbourhoods. In the case above, John Smyth testified that he had known William for over twenty years and Isabel for ten or twelve, and other witnesses in the case claimed they had known the couple for upwards of ten years. Similarly, the house itself was at the center of social activity, as households comprised a variety of people – master and mistress, children, servants, apprentices, day labourers, journeymen, and other kin. The openness of the house is apparent in conflicts over marriage contracts where litigants called on those who witnessed the exchange of consent, which often occurred in houses. The same groups who socialized within the home witnessed the exchange of consent, and couples had upwards of five or six friends, neighbours, or family members present. While denizens used the assize of nuisance to try to maintain the boundaries of their space, marriage litigation in London's Consistory court shows the flexibility of these boundaries as well as people's involvement in the lives of their neighbours.

Many marriages, like that of Isabel and William, ended in both informal and formal conflict: violence and verbal abuse, followed by a legal battle. The gendered insults exchanged between Isabel and William – “whore” and “thief” – were common in acts of defamation, which tended to target women's sexual reputations and men's

³ Further discussion of the assize of nuisance is found on page 17 and elaborated on in Chapter 2.

economic ones.⁴ The informal expression of frustrations between neighbours eventually led to formal confrontation, as victims of defamation brought their attackers before the Consistory court. Witnesses in these cases stressed that the defamation damaged the victim's reputation, or *fama*, as an accusation of whore or thief, when circulated throughout the parish, had real repercussions for the daily lives of premodern Londoners.

The dichotomy of public and private, taken here to mean that which is open, transparent, common, visible, or outside, versus that which is closed off, opaque, individual, secret, and inside, provides a framework for the analysis of neighbourhood conflicts. The categories of public and private are problematic, however, and not necessarily appropriate in a premodern context because they assume that public and private, with regard to acts, spaces, or spheres, were fixed, immutable, and stable. In reality, they were permeable, tenuous, and multifaceted. An analysis of the house as a functional structure (Chapter 2) and as a social unit (Chapter 3) considers the relationship between the house, the walls of which supposedly created a secure, 'private' space, and the middling-class women and men who lived in that space. The location of the exchange of consent, the number of people present at the exchange, and the subsequent litigation demonstrate that fifteenth-century marriages, though focused almost solely on the couple, had wider, public importance. Similarly, any analysis of defamation (Chapter 4) must take the division of public and private into account, as defamers exposed 'private' acts to public scrutiny. As with marriage conflicts, defamation suits brought before the Consistory court further revealed the intimate details of these private acts. For all of the

⁴ In the sample of nine cases analyzed here, sexual insults (whore, harlot, whoreson, wittol, cuckold and whoremonger) or suggestions of adultery, illegitimate pregnancy, or questionable paternity appear eleven times, while economic insults (thief and extortioner) appear six times (see *table 4.1*).

conflicts discussed here, the importance of seeing, hearing, or knowing about an act or event was of central importance.

In order to explore the relationship between conflict, publicity, gender, and power, this thesis analyzes thirty cases from the assize of nuisance between 1384 and 1431, as well as nine cases of defamation and twenty-eight cases of marital conflict from London's Consistory court between 1487 and 1497 (see appendix). No cases were chosen selectively, and, despite the imposed start date of the sample these cases provide an effective cross-section of the kind of conflicts that led to legal action.

Fifteenth-century London is an ideal period for an examination of space, speech and gender. Without the Black Death (1348) and Peasant's Revolt (1381) or the English Reformation (1533), the fifteenth century seems to pale in comparison to both the sources available and the events of the fourteenth and sixteenth centuries, and there have, therefore, been relatively few studies of the period. Yet the fifteenth century was one of transition, influenced by the changes in the fourteenth century, and which laid the foundations for the sixteenth century.⁵ As discussed in Chapter 2, the post-plague economy improved and the population increased, which challenges the widely held assumption that the fifteenth century was a period of stagnation.⁶ Many of the features of medieval society endured in the fifteenth century, but, as Marjorie McIntosh argues, our period "witnessed a series of developments which modified medieval patterns in such as fashion as to create forms regarded by historians as characteristic of the early modern

⁵ Marjorie McIntosh, "Local Change and Community Control in England, 1465-1500" *Huntington Library Quarterly* 49, no. 3 (Summer 1986): 219. Both R.H. Helmholz and McIntosh agree that it is clear "that many of the features considered typical of later Tudor England were well in place by 1500," particularly with regards to post-reformation local governance and social control, which "should not be viewed either as novel or as the specific outcome of Calvinist doctrine" (McIntosh, 220, 223; also see: R.H. Helmholz. "Harboring Sexual Offenders: Ecclesiastical Courts and Controlling Misbehaviour," *The Journal of British Studies* 37, no. 3 (Jul., 1998): 259).

⁶ *Ibid.*, 220-221.

period.”⁷ The fifteenth century, therefore, acts as a bridge or transition between medieval and early modern England, a period of development and change, but also one of continuity.

The most relevant change here is with regards to sources. The assize of nuisance addressed only private property complaints, and ended in 1431. When they continued in 1508, city authorities used them to regulate private property encroachments on public space. The assize of nuisance provides a glimpse into relations between neighbours, as opposed to an individual’s relations with the formal government of the city. The assize, however, acted as the foundation for the complaints of nuisance and formula of these later records. Many of the regulations set down by the assize continued into the sixteenth century. Similarly, defamation in the Consistory court changed over our period; originally found in manorial courts, jurisdiction shifted from the crown to the church in the late fourteenth century and it was primarily ecclesiastical courts that dealt with defamation.⁸ This change altered the perception and prosecution of defamation; Sandy Bardsley credits ecclesiastical courts with the feminization of defamation, meaning it increasingly became a crime committed by and associated with women.⁹ By the fifteenth century, a pattern emerged that continued well into the seventeenth century: women significantly outnumbered men as defamers and the insults directed at women and men became more formulaic and based on sexual reputation for women and economic

⁷ Ibid., 233. Because this thesis spans the end of what might be considered the medieval period and the beginning of the early modern period, “premodern” is used as a term that is neither medieval or early modern, but both. Shannon McSheffrey and Vanessa Harding, both scholars of fifteenth-century London, use premodern as well.

⁸ Sandy Bardsley, *Venomous Tongues: Speech and Gender in Late Medieval England* (Philadelphia: University of Philadelphia Press, 2006), 29, 77.

⁹ Ibid., 80.

reputation for men.¹⁰ The sources used in this thesis have their roots in the medieval period and are therefore influenced by medieval society and values, but the continuity between the fifteenth and sixteenth centuries is clear and significant.

While this thesis is firmly situated within a historiography that challenges the strict dichotomy of public and private spheres, it relies, to some extent, on this division to articulate differences between acts – sexual transgression, adultery, marital conflicts – and spaces – the home versus the street, and different rooms within the house. Nevertheless, the dichotomy of public and private is an anachronistic and untenable division in the premodern city; Londoners were concerned with degrees of visibility and control over space, rather than the maintenance of a strict separation of public and private.

FEMINIST HISTORIOGRAPHY

Located within a feminist historiography concerned with gender relations and gendered expressions of power, this thesis considers how women, and to a lesser extent, men, relied on both formal and informal ways of exercising authority, such as defamation and gossip. It also focuses on fifteenth-century London houses and households, and specifically to women's position in them. A historical study of this nature owes a significant debt to historians who pioneered histories of women as agents in their own lives, as opposed to accessories for great men, and who focused on lower- and middling-class women, whom historians, until relatively recently, ignored.

¹⁰ Ibid., 80-81.

During the women's liberation movement of the 1970s, feminist historians, artists, activists, and writers, looked to the past for examples of exceptional women that could be applied to twentieth-century politics. There was a connection, they argued, between women throughout the centuries, an essential bond created by their subordinate position to men.¹¹ In order to challenge "hegemonic discourses" that misrepresented or trivialized women's history, feminists were more concerned with narratives inspired by their own politics and perspectives, rather than adhering to the historical profession's standard of objective truth.¹² Of her early engagement with women in the past, Sarah Evans notes: "We just started taking the questions from our own activism and applying them to the past."¹³ Feminists who sought social and political change were pragmatic in their representations of women; early feminist projects, including historical projects, combined activism with a political, but ahistorical interpretation of what Natalie Zemon Davis calls "women worthies."¹⁴ Studies of women worthies – exceptional women such as saints, nobles, and queens – have since given way to works that focus on the lower and middling classes. This seems only natural for women's history, which itself was inspired by historiographical and theoretical trends that shifted the focus of studies away from 'great men.'¹⁵ Marxism, the *Annales*, and New Social History led many feminist scholars

¹¹ Judith M. Bennett, *History Matters: Patriarchy and the Challenge of Feminism* (Philadelphia: University of Pennsylvania Press, 2006), 10. It is worth noting here that not all histories written by feminists necessarily focus on women, just as not all histories of women are necessarily feminist. In the same vein, "feminist history" does not have to be a history of feminism (Bennett, *History Matters*, 13, 15).

¹² Susan Stanford Friedman, "Making history: reflections on feminism, narrative, and desire," in *The Postmodern History Reader*, ed Keith Jenkins (New York: Routledge, 1997): 234-5.

¹³ Bennett, *History Matters*, 7.

¹⁴ Ibid..

¹⁵ Ibid., 8. Laura Gowing is critical of the way these power structures are usually dealt with, arguing that, "women's subjection to men figures simply as a relationship like that of subject to king, servant to master, child to parent," so that differences of gender are treated like differences of class. This is a problematic conflation of two categories, one "visibly rooted in the body" and one not (Gowing, *Domestic Dangers: Women, Words, and Sex in Early Modern London* (Oxford: Clarendon Press, 1996), 4-5).

to reconsider gender as a category akin to class, and women as a marginalized group similar to the proletariat. This thesis focuses on these lower and middling-class women and the workings of their everyday lives, but also considers the lives of ordinary men. This thesis is a feminist project, that considers both gender and women.

Gender as a category of historical analysis was first set forth in Joan Scott's pioneering essay from 1986, where she addresses Natalie Zemon Davis's earlier argument for a consideration of both women and men. Davis explains:

[W]e should not be working on the subjected sex any more than a historian of class can focus entirely on peasants. Our goal is to understand the significance of the *sexes*, of gender groups in the historical past. Our goal is to discover the range in sex roles and in sexual symbolism in different societies and periods, to find out what meaning they had and how they functioned to maintain the social order to promote its change.¹⁶

For Davis, Scott, and others, gender is more inclusive and more critical of "sex," "sexual difference" and the fixed binaries of "man" and "woman."¹⁷ For some feminists, these distinctions inadequately explained power dynamics and inequalities between women and men, so gender was used instead to describe the construction of social categories on sexed bodies.¹⁸ Scott's own definition of gender has two parts: first, as an important element of social relationships between the sexes, based on biological sexual difference, second, as a primary way to signify and analyze the dynamics of power.¹⁹ In addition to a framework for articulating relationships of power, the introduction of gender as a category of analysis challenged the focus on biographies of women that were popular in the early years of women's history. Scott argues, "it has not been enough for historians of

¹⁶ Natalie Zemon Davis quoted in Joan Scott, *Gender and the Politics of History* (New York: Columbia University Press, 1988), 29. Scott's essay "Gender: A Useful Category of Analysis?" first appeared in *American Historical Association* in 1986.

¹⁷ *Ibid.*, 29.

¹⁸ *Ibid.*, 41, 32

¹⁹ *Ibid.*, 42, 44-5.

women to prove either that women had a history or that women participated in major political upheavals of Western civilization.”²⁰ The analysis of gender in this thesis goes beyond a simple description of women and men in history and instead considers their lived experiences, questioning how gender worked in social relationships and how it changes the perception of historical knowledge.²¹

The focus here is with feminist-inspired history, but also a history of women and men in early modern England. Patricia Crawford and Sara Mendelson’s *Women in Early Modern England, 1550-1720* (1998), was a pioneering, comprehensive view of women’s life cycles, written from the perspective of historians who witnessed the development of women’s history as a genre. The authors recall that writing histories of premodern England in the 1980s – especially collaborative ones – was difficult because of the lack of professional organization and institutional support (as Crawford and Mendelson recall, “there was no ‘field’ to speak of”).²² These historians asked the same questions of their premodern subjects as feminists in general asked of women in the past:

What was the typical female biography, the sequence of life-stages from birth to death for the majority of the female populace; how did it differ from the typical male biography ... did ordinary women have a culture of their own, or were they mere onlookers or passive sharers in male popular culture?”²³

Crawford and Mendelson identify a growing concern with the lived experiences of everyday women’s lives, as opposed to those of exceptional “women worthies.” Yet, studying ‘ordinary’ women presented (and presents) methodological problems. In

²⁰ Ibid., 30.

²¹ Ibid., 31.

²² Sara Mendelson and Patricia Crawford, *Women in Early Modern England, 1550-1720* (Oxford: Clarendon Press, 1998), 1.

²³ Ibid., 2-3.

contrast to the gentry and nobility, few middling and lower class people left direct records of their own voices, and most of those that are extant are by men.

“Women are everywhere and nowhere in the archives,”²⁴ effectively summarizes the issues surrounding women’s voices in premodern sources. Crawford and Mendelson describe the initial challenge “of getting around the intractability of the sources,” and claim that they developed “new techniques of reading against the grain, using conventional sources in innovative ways, and finding new sources on which we could deploy the traditional methods we had learned as students.”²⁵ Historians of women were (and are) required to use a range of sources in order to reconstruct women and men’s lived experiences, but in the 1980s much of the archival research needed for this work had not yet been done.²⁶ Of these sources, court records are the most illuminating, if also the most problematic. Though the problem of primary sources for lower class women is made difficult by both their class and their gender, the scores of work on women, masculinity, and gender in the last forty years is a testament to the resourcefulness and determination of historians who seek to reconstruct the lives of ordinary people in the past.

HISTORIOGRAPHY OF PUBLIC AND PRIVATE

The dichotomy between public and private has preoccupied gender historians for decades. Within this extensive historiography, Philippe Ariès and Georges Duby’s multi-volume work, *A History of Private Life*, remains a foundational text. For Duby in particular, the division between public and private is one of semantics; private is defined

²⁴ Ibid., 9.

²⁵ Ibid., 3.

²⁶ Ibid., 5, 9.

in opposition to public, which means “that which belongs to an entire people, that which concerns an entire people, that which emanates from the people.”²⁷ Ariès and Duby equate ‘public’ with institutions and authority – in other words, the state. Public, Duby argues, “refers to that which is openly visible, manifest ... the opposite of private in the sense of private property, that which belongs to a particular individual as well as the opposite of *hidden*, *secret*, or *reserved* (what is removed from public view).”²⁸ ‘Public’ life was that which was open to the intrusion of state authorities, such as secular or ecclesiastical courts. This is a limited definition of both public and private, as it considers only hierarchical relationships between individuals and the state and ignores the tensions between individuals at the same level of society. It also relies, as Shannon McSheffrey argues, on the assumption that the issues under investigation, such as illicit sexual behaviour and marital conflict, can be understood as ‘private’ in fifteenth-century England.²⁹ If we take Ariès and Duby’s definition of public life as one open to public scrutiny, we find that the aspects of life typically identified as ‘private’ – sex, bodily functions, and the things that go on behind closed doors – are not private at all. This thesis utilizes Ariès and Duby’s idea of ‘public’ being that which is exposed to public view, but contends that there is not a fixed division between public and private, and that the categories of public and private are not appropriate in a premodern context. Instead, premodern Londoners existed in a world of increasing publicity and visibility.

Any discussion of public and private must first take into account the modern theory of separate spheres, which emerged from ideas of a gendered division of labour

²⁷ Philippe Ariès and Georges Duby (eds). *A History of Private Life*, Vol. II, *Revelations of the Medieval World*, trans. Arthur Goldman (Cambridge, MA: Harvard University Press, 1988), 3-4.

²⁸ *Ibid.*, 4.

²⁹ Shannon McSheffrey, “Place, Space, and Situation: Public and Private in the Making of Marriage in Late-Medieval London,” *Speculum* 79, no.4 (Oct., 2004): 961.

based on men's work outside the home and women's work within. This theory asserts that women in the past were confined to the private space of the home while men moved freely through the public realm. This strict division of appropriate male and female spaces – which functioned in tandem with a strict division of male and female behaviour – was set out in premodern conduct literature and prescriptive texts that outlined rigid gender roles. Barred from any official political involvement and professions like law, with limited access to education, women at all levels of society were expected to adhere to gender roles that made them silent, dependent extensions of their husbands, fathers or brothers.³⁰

Bernard Capp explains that:

patriarchal principles, ubiquitous at every social and cultural level, naturally helped to determine the roles seen as appropriate for each sex. Writers and preachers insisted that women should be confined to the private, domestic sphere ... The woman's role was to manage the household, look after the children, and oversee her maids. Her entire life should revolve around the home.³¹

Studies of the household and home illuminate the everyday experiences of ordinary women and men's lives typically ignored by – or invisible to – histories of politics, religion, and economics. In *Love, Marriage, and Family Ties in the Later Middle Ages* (2003), Isabel Davis writes “that there has traditionally been a neglect of ‘private’ family relationships and the lives – of both women and men – in the home compared to, say, political and events” because

homely things are ‘common and universal’ in the sense of being mundane and workaday. Housework, because of its association with women's work and because of its lack of financial remuneration, has conventionally been seen as

³⁰ Bernard Capp, *When Gossips Meet: Women, Family, and Neighbourhood in Early Modern England* (Oxford: Oxford University Press, 2003), 9.

³¹ *Ibid.*, 8-9.

low-status labour, which is of less value than occupations traditionally dominated by men.³²

Studies of women and the household are, therefore, crucial for gender historians who believe women's experiences, and the experiences of ordinary men, are as valuable as those of "great men." Some historians, like Gowing, acknowledge the importance of the household in the historiography of women's history, but encourage historians to move away from a limited view of gender and women's experiences. "Gender roles," Laura Gowing argues, "have very often been reduced to marital roles; patriarchy has largely been understood in its premodern definition as a familial structure, rather than an overarching social structure." Women and men, she concludes, "were more than wives and husbands and gender relations did not only happen in the household."³³

Although women's lives were closely tied to the household, they did not adhere to the kind of domestic confinement espoused by conduct literature. Premodern historians now regard separate spheres as largely a product of the nineteenth century and question whether the division is applicable to the premodern period.³⁴ As Amanda Vickery argues, however, if the existence of separate spheres was also a premodern phenomenon, then its origins cannot be linked to the socio-economic changes that took place in the nineteenth century.³⁵ Yet many medievalists and early modernists also reject the implication that

³² Isabel Davis et al eds., *Love, Marriage, and Family Ties in the Later Middle Ages* (Belgium: Brepols Publishers, 2003), 6.

³³ Laura Gowing, *Common Bodies: Women, Touch and Power in Seventeenth-century England* (London: Yale University Press, 2003), 9.

³⁴ Felicity Riddy, "'Burgeis' domesticity in late-medieval England," in *Medieval Domesticity*, ed Kowaleski and Goldberg (Cambridge: Cambridge University Press, 2008), 15-16; Laura Gowing, "'The freedom of the streets': women and social space, 1560-1640," in *Londinopolis: Essays in the Cultural and Social History of Early Modern London*, ed Griffiths and Jenner (Manchester: Manchester University Press, 2000), 133; Amanda Vickery, "Golden Age to Separate Spheres? A Review of the Categories and Chronology of English Women's History," *The Historical Journal* 36, No. 2 (June 1993): 383; Barbara Hanawalt, *'Of Good and Ill Repute': Gender and Social Control in Medieval England* (Oxford: Oxford University Press, 1998), 72.

³⁵ Vickery, "The Golden Age of Separate Spheres?" 400.

separate spheres had a serious impact on middling and lower class women's experiences. Maryanne Kowaleski and P.J.P. Goldberg contend that the idea of domestic space "as antithetical to the world of work, colours our understanding of a comparatively recent past,"³⁶ and Isabel Davis argues that when the private sphere is synonymous with the household, it "serves to detach domestic life from the social realm."³⁷ This thesis relies on the work of scholars who challenge the assumption that premodern women and men adhered to a spatial and social separation based on gender.

The model of private, domestic space does not account for women's experiences outside the home, for middling-class homes that included a workshop, or for the reality of premodern households, which extended beyond the "nuclear" family. Fifteenth-century women's daily lives took them to streets, shops, theatres, gardens, and other public spaces across London.³⁸ Middling and lower-class women worked in order to support themselves and sometimes their families, and many engaged in trade as milliners, haberdashers, drapers, victuallers, shopkeepers, brewers, domestic servants, and so on. Women frequently travelled to wholesaler's warehouses, alehouses, or friends' and neighbours' homes, which suggests they were perhaps less tied to their residences than previously assumed.³⁹ The transactions that took place inside the home also point to another flaw in the theory of separate spheres: if women invited people into the 'private' space of their home to conduct business, did the home remain private? Examples of women's work suggest that women operated outside of the domestic, private space, and

³⁶ Maryanne Kowaleski and P.J.P. Goldberg (eds), *Medieval Domesticity: Home, Housing and Household in Medieval England* (Cambridge: Cambridge University Press, 2008), 3.

³⁷ Davis, *Family Ties*, 2-3.

³⁸ Robert B. Shoemaker, "Gendered spaces: patterns of mobility and perceptions of London's geography, 1660-1750," in *Imagining Early Modern London: Perceptions and Portrayals of the City from Stow to Strype, 1598-1720*, ed. Merritt (Cambridge: Cambridge University Press, 2001), 146.

³⁹ *Ibid.*, 152, citing an idea put forth by Margaret Hunt..

examples of trade that occurred within the home demonstrate the permeability of its boundaries.

These concerns stem from the problem that what is ‘public’ and what is ‘private’ cannot be simply defined, particularly in the context of premodern society. ‘Public’ may refer to public space, such as the neighbourhood and the streets, or it may refer to access to ‘public’ institutions, such as politics, office, employment, clubs, and so on, or even to public people, such as prostitutes or the monarch.⁴⁰ As it relates to the concept of female versus male employment, the division of ‘public’ and ‘private’ is used as a loose framework for understanding separateness based on sex. Premodern lives were not defined by their work alone, and historians of women’s work have unraveled the long-held belief that women’s work was confined to the home, which highlights the problems of a narrow and limited model of two separate and distinct spheres for women and men. For this reason, this thesis follows Laura Gowing’s assertion that there is a difference between public and private *acts* versus public and private *spaces* seems a more appropriate and nuanced way to conceptualize these boundaries.⁴¹ A better contextualization of how people existed in different types of space, whether on the street or in the home, is essential to further understand other aspects of their ‘private’ lives.

The theory of public and private spheres is predicated on the assumption that there are separate public and private spaces, but, in reality, these were permeable. Vanessa Harding argues that, “there was a continuum from one to the other, and an area of interaction between the two. Public and private were constantly pushing into one

⁴⁰ Lawrence E. Klein, “Gender and the Public/Private Distinction in the Eighteenth Century: Some Questions about Evidence and Analytic Procedure,” *Eighteenth-Century Studies* 29, no. 1 (Fall, 1995), 412.

⁴¹ Gowing, “freedom of the streets,” 133.

another.”⁴² As defined by Ariès and Duby, if public is what is open and accessible, private is what is hidden and inaccessible and naturally linked to ideas of ‘privacy.’ The concept of privacy, however, is a modern one anachronistically applied to premodern middling-class people. The urban space of fifteenth-century London, with its dense city layout, close quarters and large households, demands a redefinition of the concept of privacy or a reconsideration of a false dichotomy. McSheffrey argues that there is a fundamental difference in modern and premodern understandings of private and public, and that “recognizing that in our conceptualizations of privacy and publicity we are inheritors of liberal Enlightenment thought helps us to see that our public/private dyad is neither natural nor universal.”⁴³ A bedroom, for example, is often considered an individual’s private space. In fifteenth-century London, however, couples, entire families, or even household members, shared beds. Conversely, the bedroom was associated with illicit sexual activity like premarital sex, and marriage contracts created in bedrooms were often highly contentious.⁴⁴ Different spaces had different, often contradictory meanings that depended on how that space was used. This thesis argues that, while some spaces were considered more or less public and certain acts and events thought of as personal or common, “private” space, defined as closed-off, secure, and secret, was not a reality in fifteenth-century London. Instead, premodern Londoners lived in various degrees of publicity, rather than public or private.

⁴² Vanessa Harding, “Space, Property, and Propriety in Urban England,” *The Journal of Interdisciplinary History* 32, no.4 (Spring, 2002): 550.

⁴³ McSheffrey, “Place, Space and Situation,” 961.

⁴⁴ McSheffrey, *Marriage, Sex, and Civic Culture in Late Medieval London* (Philadelphia: University of Philadelphia Press, 2006) 126.

Privacy and Community Knowledge

Contextualizing premodern privacy is important in order to properly understand the experiences of lower and middling-class Londoners. Privacy had a negative connotation: the word was often associated with sexual transgressions, and a desire for privacy raised suspicions because secrecy facilitated illicit sex, illegitimate pregnancy, and infanticide.⁴⁵ The illicit activities that transpired between the closed doors or walls of the house damaged the household as a social unit. Additionally, “privacy,” Lena Orlin argues, “threatened to deprive people of knowledge to which they thought they were entitled and about which they felt a sense of social responsibility.”⁴⁶ What historians have seen as improvements in privacy may actually have been viewed as threatening encroachments to community and individual power.⁴⁷

Knowledge of community events and individual acts depended on the ability to witness – to see and to hear. Unauthorized or cheap building and urban crowding allowed for the breakdown of the separation between inside (the home) and outside (the street). Defamation cases included witnesses whose testimony relied upon information that was accidentally or purposefully overheard or seen.⁴⁸ Private conversations that took place in the street or within the home, in parlors or halls, for example, could be easily intruded upon because the household included so many people: couples, children, kin, servants, apprentices, and day labourers all shared the same domestic space.

⁴⁵ Gowing, “freedom of the streets,” 134; Gowing, *Common Bodies*, 33.

⁴⁶ Lena Orlin, *Locating Privacy in Tudor London* (Oxford: Oxford University Press, 2007), 192.

⁴⁷ *Ibid.*, 10.

⁴⁸ McSheffrey *Civic Culture*, 127.

In fifteenth-century London, “privacy” was, Ariès and Duby argue, synonymous with secrecy and, by extension, suspect activities.⁴⁹ According to this definition, however, private activities were only suspect if they were hidden from the “eyes of oppressive outside authorities.”⁵⁰ In actuality, it was the eyes of oppressive neighbours that mattered more, and the intrusion of state authorities into “private matters” ignores that the premodern individual “remained so much a part of a larger organic community that his or her private life was deemed to have public consequence.”⁵¹ Public authorities were certainly involved in people’s lives, but they prompted Londoners (who probably did not need much encouragement) to monitor their neighbourhoods closely. Paul Griffiths found that many premodern records mention the “eye,” “noticing,” “perceiving,” or “viewing,” and the same concern is evident in the court records used here: deponents in the Consistory court testified that they knew of an event through “their own sight and hearing,” while the assize of nuisance reached a verdict only after viewers inspected the property in question. English culture, therefore, “was sharply sensitive to optic order” where “the visual validation of order mattered, suspects were ‘seen,’ public punishments stung more than whipping behind closed doors, and the languages of seeing lended sight and surveillance.”⁵²

⁴⁹ Ariès and Duby, *Private Life*, 6.

⁵⁰ Ibid.

⁵¹ Diane Willen, “Women in the Public Sphere in Early Modern England: The Case of the Urban Working Poor,” *The Sixteenth Century Journal* 19, no. 4 (Winter, 1988): 560-61.

⁵² Paul Griffiths, *Lost Londons: Change, Crime, and Control in the Capital City, 1550-1600* (Cambridge: Cambridge University Press, 2008), 41-42.

METHODOLOGY

This thesis makes use of legal records from two different fifteenth-century courts, the assize of nuisance and cases from London's Consistory court. Due to accessibility, only a relatively small sample of both types of records are used here: thirty cases from the assize of nuisance between 1384 and 1431, as well as twenty eight cases of marital litigation, including 156 witness depositions, and nine cases of defamation, including twenty nine witness depositions, brought before the Consistory court between the years 1487 and 1497. Consistory court records are only available on microfilm from the London Metropolitan Archives, though some cases are available in edited collections.⁵³ This study uses Shannon McSheffrey's invaluable collection of digitized, translated and transcribed Consistory court records, which are available online, as well as Helena Chew and William Kellaway's collection, *London assize of nuisance, 1301-1431: A calendar*.

The first set of sources used are the legal records from the assize of nuisance, a court that regulated building codes within the city and dealt with the conflicts that resulted when neighbours did not adhere to those regulations. There were thirty assize of nuisance cases between the years 1384 and 1431 and all are analyzed here. Although these records are available from 1301 onwards, 1384 was chosen as the starting date to keep the scope of the primary sources narrow (limited to approximately one hundred years for all the sources analyzed here), while still drawing upon a large enough sample.

⁵³ See: R.H. Helmholz, (ed.), *Select Cases on Defamation to 1600* (London: Selden Society, 1985); McSheffrey, *Love & Marriage*.

The origins of the assize can be dated to the second half of the twelfth century when Henry II established the Assize of Novel Disseisin.⁵⁴ Both the Assizes of Novel Disseisin and Nuisance allowed individuals the opportunity to settle neighbourhood disputes in a legal setting, thereby keeping the peace within the larger community. These assizes required the plaintiff to make a complaint to the sheriff or mayor regarding a “nuisance” caused by a neighbour. Nuisances could be damaged property, lack of equal maintenance for shared property, unauthorized building, and a variety of other neighbourly disputes. After the plaintiff brought the complaint, the mayor assigned a day during the following week, usually a Friday, when the parties, mayor, sheriff, alderman, or other important men of the neighbourhood met to go over the case.⁵⁵ The entry for the case was recorded in a formulaic way: the plaintiff identified the defendant and gave specific details of the nuisance. The same entry recorded the process for judging the nuisance – a standardized procedure that is discussed in detail in Chapter 2 – and the verdict. Due to the prevalence of unauthorized building in the city, the assize commonly ruled in favour of the plaintiff, and the defendant was given forty days to remove the nuisance.

Nuisance is a vague term used, according to John Baker, “as a generic term for those wrongs which hurt someone by way of annoyance or unneighbourly conduct.”⁵⁶ Baker perhaps means “generic” in a legal sense; there was no theory of nuisance liability

⁵⁴ Janet Loengard, “The Assize of Nuisance: Origins of an Action at Common Law” *The Cambridge Law Journal* 37, no.1 (April, 1978): 145. “Disseize” means to deprive a person of seizin (land, chattel, or the freehold of land).

⁵⁵ Helena M. Chew and William Kellaway (eds), *London assize of nuisance 1301-1431: a calendar* (London: London Record Society, 1973), xiv.

⁵⁶ Sir John Baker (ed), *The Oxford History of the Laws of England*, Vol. VI, 1483-1558, (Oxford: Oxford University Press, 2003), 777.

in the premodern period.⁵⁷ From the perspective of social history, however, nuisance is loaded with allusions to community tensions and is, in fact, a very specific term used to describe the kind of conflicts that resulted from shared space. Individuals brought a complaint before the assize for various encroachments on their property by a neighbour. For example, common complaints included a neighbour's misdirected rainwater running into the plaintiff's garden, or lack of maintenance of a shared wall or well and, frequently, complaints against unauthorized windows that allowed a neighbour to "see and hear the private business" of the plaintiff's household. Like the marriage and defamation cases that came before the Consistory, the assize dealt with conflicts that arose when 'private business' became public.

This thesis also makes use of London's ecclesiastical Consistory court, which had jurisdiction over the diocese of London and extended out of the city to include Middlesex, Essex, and parts of Hertfordshire. It was overwhelmingly a London court, however, as city residents brought approximately half of the suits that appeared in court.⁵⁸ Court sessions occurred every three or four weeks and were presided over by a university-trained judge, called the bishop's Official or official principal.⁵⁹ Parties were represented by either university-trained advocates or by proctors, who lacked legal training.⁶⁰ Also present was a registrar, or scribe, who maintained the court records. It would be a mistake to imagine Consistory court trials as dramatic courtroom battles between litigants; trials took place in a room in the local church (for London, St. Paul's

⁵⁷ Ibid.

⁵⁸ Shannon McSheffrey, "Consistory Testimony."

⁵⁹ Shannon McSheffrey, *Love & Marriage*, 28; R.H. Helmholz, *The Oxford History of the Laws of England*, Vol. I, *The Canon Law and Ecclesiastical Jurisdiction from 597 to the 1640s*, ed. Sir John Baker (Oxford: Oxford University Press, 2004), 215, 213.

⁶⁰ McSheffrey, *Love & Marriage*, 28 and Helmholz, *Ecclesiastical Jurisdiction*, 213-14.

Cathedral), or sometimes in the house of the official or registrar.⁶¹ Deponents were asked a series of interrogatories and there is little evidence to support the idea that the plaintiff or defendant was present throughout. In fact, in the cases examined here, a plaintiff testified on their own behalf in only two cases, while defendants testified twenty one times (see *table 3.4*).

Cost of Litigation

It is clear that the individuals who used both the Consistory court and the assize of nuisance were predominantly from the middling class because of the cost of litigation.⁶² The poorest women and men did not have access to the courts, but the Consistory in particular was not available exclusively to the elite.⁶³ Parties had to pay for written documents and lawyer's fees, as well as take care of their witnesses' travel expenses.⁶⁴ Unlike plaintiffs and defendants who came from the City, or further afield, from Middlesex, Essex, or Hertfordshire, witnesses were overwhelmingly London residents because parties could cut down on costs if they did not have to pay their witnesses' travel expenses.⁶⁵ Lawyers charged for every document that was prepared and for every court appearance, so charges naturally varied with each case. Using a bill of expense from a Canterbury testamentary case from 1498, R.H. Helmholz found that the plaintiff's total expenses came to 22s. 5d., which included a 6d. charge for each

⁶¹ McSheffrey, "Consistory Testimony," and Helmholz, *Ecclesiastical Jurisdiction*, 215.

⁶² A higher social status may have granted people greater access to the resources and knowledge of the legal system, but lower-middling and middling class people did bring cases to the Consistory.

⁶³ Derek Neal, *The Masculine Self in Late Medieval England* (Chicago and London: University of Chicago Press, 2008), 29.

⁶⁴ Helmholz, *Ecclesiastical Jurisdiction*, 298.

⁶⁵ McSheffrey, "Consistory Testimony."

appearance of the proctor (and totaled 6s. by the end of the trial).⁶⁶ Similarly, in a York defamation case from 1454, two appearances by an advocate cost a total of 6s. 6d.⁶⁷ The burden of the cost of litigation fell on the losing party; at the close of the suit, the successful party drew up a list of court expenses and the judge charged the losing party.⁶⁸ Similarly, upper-middling class people were more likely to bring forth complaints because of the cost of litigation and because the assize was concerned only with freeholders, rather than tenants – a distinction based on economic status and the ownership of property.

Use of Legal Records as Historical Documents

As legal sources the assize of nuisance and Consistory cannot be taken as completely factual accounts of an event; to use these records effectively, the context of their creation must be considered. A scribe recorded testimony presented before the Consistory and later compiled it, in Latin, into a more coherent narrative account in the court's deposition books.⁶⁹ During an examination the official asked a witness a series of interrogatories (or 'articles,' as they appear in the record), which the scribe presumably had with him during the examination. There is no record of these interrogatories, so, within the written deposition, witnesses merely responded "to the sixth article" without any indication of the question. If there were multiple witnesses it is possible to identify

⁶⁶ Helmholz, *Ecclesiastical Jurisdiction*, 224-25.

⁶⁷ *Ibid.*, 298.

⁶⁸ *Ibid.*, 348. Payment could be made in halves or thirds, or a judge could decide to make no award at all.

⁶⁹ McSheffrey, "Consistory Testimony." It is important to note here that these documents were originally in Latin and I am using sources which have been transcribed and translated by others (McSheffrey, "Consistory Testimony"; Chew and Kellaway), and therefore rely on their transcription practices. McSheffrey, for example, usually omits the *dictus/dicta* of the documents, modernizes place names and Anglicizes names. She does, however, helpfully include the original Latin document for reference.

the interrogatory, but some depositions are essentially yes or no responses on behalf of the witness, with no other details. While it is important to remember that these cases were recorded in Latin, witness testimony was kept in the vernacular. This follows what McSheffrey identifies as the fifteenth-century trend of English ecclesiastical clerks to leave quotations in English, “reflecting,” she argues, “the legal importance of knowing the exact words spoken in marriage contracts, defamation, and other transactions,” but is also likely a result of a rise of the English vernacular in general.⁷⁰ Marriage and defamation cases, in particular, relied on what the litigants said; the verdict of a marriage case might hinge, for example, on whether consent was exchanged in present or future tense, on whether a party said “I do” or “I will.”

Even if the scribe recorded with perfect accuracy the words of the witness, we cannot assume that these sources provide an entirely true or full account of an event. The legal process, the particular interrogatories, and cultural conventions shaped the language of witnesses’ responses. Thomas Kuehn argues that witness testimony was “contrived to deceive, to slant matters deliberately, or even to fabricate.”⁷¹ Garthine Walker is similarly critical of court records because of “important methodological and conceptual issues concerning both the complex relationship between language, event and interpretation.”⁷² Whether the event in question took place is of little interest to this thesis. Instead, the language deponents used to shape their testimony, reinforce or subvert gender roles, and how they adhered to set, court narratives, is analyzed here. When John Parson testified that John Bradfield was “a good, true, and just man,” or when John Stoner commented

⁷⁰ McSheffrey, “Consistory Testimony.”

⁷¹ Thomas Kuehn, “Reading Microhistory: The Example of Giovanni and Lusanna,” *The Journal of Modern History* 61, no. 3 (Sep., 1989): 532.

⁷² Garthine Walker, “Rereading Rape and Sexual Violence in Early Modern England,” *Gender and History* 10, no.1 (April 1998): 1.

that Margaret Samer was a “common scold,” they drew on entrenched gender roles to credit or discredit the word of litigants. As Walker explains, “when people spoke about sexual abuses, whether their speech was ‘authentic’ or disingenuous, they used certain words and phrases and evoked particular images and scenarios and not others. Our starting point, then, must be the general consequences of telling a particular story in particular circumstances, and the availability of appropriate languages in which to tell it.”⁷³ Whether John Bradfield, Margaret Samer, or any plaintiff and defendant were really honest men, scolding women, thieves, or whores, is irrelevant. What is significant is the meanings behind the words and how such labels or narratives reflect the values of premodern Londoners.

CONCLUSION

This chapter outlined certain historiographical and methodological issues relevant to this thesis. Of particular significance is the development of the feminist-inspired gender history that emerged from Marxist and social history, as well as the historiography of private and public spheres. It is by no means an exhaustive overview, but the influence of feminist analysis and critiques of both femininities and masculinities cannot be overstated. More localized, if shorter and more limited, historiographies are included in subsequent chapters, as well as more detailed descriptions of the sources and methodological approaches. The overarching concern of this thesis is with the division between public and private space and acts, and the conflicts that arose as a result of

⁷³ Ibid., 5.

shared space. It is necessary to consider that space in a practical way – what it looked like, how it was set up, who used it – before analyzing the deeper meanings of that space.

CHAPTER 2: “CONTRARY TO THE CUSTOM OF THE CITY”

INTRODUCTION

“My house is mighty dangerous, having so many ways to come in,” wrote seventeenth-century diarist Samuel Pepys of his upper-middling class home.⁷⁴ Two hundred years before Pepys, fifteenth-century Londoners had similar concerns for the structural integrity of their houses and sought to maintain control over the “many ways to come in.” Premodern Londoners rightly feared for the state of their houses, as many people lived in the same building, often in tenements haphazardly subdivided with cheap materials. The street itself mirrored these cramped, shared quarters, as, in many cases, only an alleyway or stone wall separated adjacent buildings. Many shared a common courtyard in the back, while the front entrances made them fully accessible from the public street. The realities of urban development, ineffective or cheap building, and crowded houses meant that most space was shared.

In this chapter, space is defined as the physical space of rooms in, or property around, the house, and the physical and metaphorical boundaries around that space. Control over space necessarily requires a consideration of the structure of the house itself, although this analysis cannot rely on floor plans alone because these sources reflect only the prescriptions of those who built houses, not the everyday experiences of those who lived within.⁷⁵ The fact that the hall, for example, was the most important room in the house, and that most houses included one, does not advance our understanding of its social functions. The fourteenth- and fifteenth-century assize of nuisance records are

⁷⁴ Griffiths, *Lost Londons*, 332.

⁷⁵ Gowing, “freedom of the streets,” 136.

invaluable sources that allow us to recreate at least one way that premodern Londoners experienced space: through conflict.

The assize of nuisance outlined and enforced building regulations in the city and provided individuals with a formal avenue for complaint against neighbours whose property encroached upon their own. On the surface, the complaints brought before the assize dealt with relatively straightforward neighbourly issues related to the boundaries of individual property or the maintenance of shared property. Yet John Frank's complaint that his neighbour failed to maintain a shared earthen wall, "so that men and animals enter [his] gardens and trample down the plants growing there, and destroy and carry off the fruit, and see his private business and that of his servants,"⁷⁶ was about more than just the maintenance of the wall.

Misdirected waste, runoff water, ruinous walls, and other nuisances threatened to damage the structural integrity of houses, but also represented the threat of invasion. The concern for "private business" found in these records is actually a concern for control over space and the household. Individuals who brought a formal complaint before the assize exercised their authority over their space in a formal way, because they responded not only to neighbours whose invasion threatened the structural integrity of their houses, but also their ability to maintain control. Like Pepys, Londoners wanted to control who had access to their space and their "private business."

⁷⁶ Assize of Nuisance: 13-07-1425: John Frank, [case 653]. All Assize cases are from Chew and Kellaway, *London assize of nuisance*.

LONDON'S GROWTH

Historians must extrapolate from the fourteenth and sixteenth centuries the population of fifteenth-century London because there is little demographic information for that century. Roger Finlay, R.S. Schofield, E. Wrigley, and other scholars have utilized a variety of crucial, if problematic, legal sources to reconstruct demographic information for premodern England, which provides important population information, if only for a relatively small sample. Medieval sources include poll taxes and other tax records, the Domesday Book, and wills and testamentary records, while sources for the sixteenth century include the Anglican parish registers and the total christenings and deaths recorded in the bills of mortality, though few originals survived the Great Fire of 1666.⁷⁷ The dearth of reliable demographic sources for the premodern period is further complicated by the fact that no “census-type” data exists for the city before 1695.⁷⁸ As Schofield highlights, “the main difficulty in estimating total population from sources of this kind lies not so much in the errors and omissions to which they are prone, but rather in an uncertainty as to the proportion of the total population which has been enumerated.”⁷⁹ From these sources, however, we are able to recreate a picture of fifteenth-century London and gain some understanding of the spatial issues Londoners faced.

⁷⁷ Roger Finlay, *Population and Metropolis: The Demography of London, 1580-1650* (Cambridge: Cambridge University Press, 1981), 52.

⁷⁸ Ibid., 51, 52; Caroline Barron, *London in the Later Middle Ages: Government and People* (Oxford: Oxford University Press, 2004): 237; McIntosh, “Local Change,” 223.

⁷⁹ Schofield, “Historical Demography,” 125. The issues surrounding demographic reconstructions are beyond the scope of this thesis. See instead: E. Wrigley and R.S. Schofield, *The Population History of England, 1541-1871: A Reconstruction* (Cambridge, Mass.: Harvard University Press 1981); R.S. Schofield, “Through a Glass Darkly: The Population History of England as an Experiment in History,” *Journal of Interdisciplinary History* 15.4 (Spring, 1985): 571-593; and R.S. Gottfried, “Population, Plague, and the Sweating Sickness: Demographic Movements in Late Fifteenth-Century England,” *The Journal of British Studies* 17.1 (Autumn, 1977): 12-37.

Though not a great metropolis, especially when compared to Paris with its 200,000 inhabitants, London was nevertheless the largest urban settlement in the British Isles. Estimates for the City's population in the later Middle Ages vary, though most historians now assert that the population in 1300 was as high as 80,000, before significant decline after the Black Death in 1348.⁸⁰ The post-plague population is estimated at 40,000, where it stayed for roughly one hundred years.⁸¹ By the mid-fifteenth century, London's population began to increase and reached approximately 50,000 by 1500. By the 1580s, the population was as high as 100,000 and doubled to around 200,000 only twenty years later (see *table 2.1*).⁸² These population changes affected the topography of the city, as many buildings from the fourteenth century were unoccupied in the fifteenth.⁸³ Despite a halved population, Londoners lived in a city built for 80,000.

Year	Estimated Total
1500	50,000
1550	70,000
1600	200,000
1650	400,000
1700	575,000
1750	675,000
1800	900,000

(*Table 2.1*: from Roger Finlay, *Population and Metropolis*, 51)

LONDON HOUSES, SPACE AND SHARED SPACE

London tightened its restrictions on building materials following a devastating fire in 1212. Acceptable building materials included tiles, shingles, and boards; no building could be covered with reeds, rushes, straw, or stubble and buildings roofed with any of

⁸⁰ Britnell, *Economy and Society*, 139-140.

⁸¹ Ibid., 500; Caroline Barron, *London in the Later Middle Ages: Government and People, 1200-1500* (Oxford: Oxford University Press, 2004), 241; McIntosh 223.

⁸² Finlay, *Population and Metropolis*, 6; R.S. Schofield, "Historical Demography," 126.

⁸³ Barron, *Government and People*, 241.

these materials had to be plastered over within eight days of roofing.⁸⁴ Timber-framed buildings also gained popularity in the thirteenth and fourteenth centuries, and by the fifteenth century brick had replaced stone as the material of choice for upper-class houses. Nevertheless, all of these buildings were vulnerable to destruction caused by fire, rainwater, lack of maintenance, and other damage.⁸⁵ Similarly, the regulation of these materials, and a concern for the structural integrity, of houses brought individuals into conflict with neighbours who did not share these concerns and violated City rules.

The assize of nuisance regulated city building, although the properties found in the assize cases were privately owned and typically middling class. Although cottages and poorer living spaces tended to outnumber larger houses in premodern England, historians focus on middling-class houses because there are fewer extant records for poorer homes.⁸⁶ By 1417, cottages and shops accounted for a third of homes, while many other types of residences and residents, such as sublets, tenants, or vagrants, went unrecorded.⁸⁷ Consequently, this thesis focuses on middling-class homes and legal tenants and landlords, although, where possible, poorer living spaces are considered in order to highlight just how cramped and shared many urban spaces were.

The ways in which denizens used their residential space is discussed in greater depth in Chapter 3, but first it is necessary examine the spaces themselves. The number and function of the rooms in houses varied according to class and social status: poor cottages, in both rural and urban areas, had only a multipurpose hall, as opposed to

⁸⁴ Chew and Kellaway, *assize of nuisance*, xi.

⁸⁵ Riddy, “‘Burgeis’ domesticity in late-medieval England,” in *Medieval Domesticity*, 17; Sarah Rees Jones, “Building domesticity,” in *Medieval Domesticity* 67.

⁸⁶ Sarah Pearson, “Houses, Shops and Storage: Building Evidence from Two Kentish Ports.” in *The Medieval Household in Christian Europe, c.850-1550: Managing Power, Wealth, and the Body*, ed Cordelia Beattie et al (Belgium: Brepols Publishers, 2003), 419; Rees Jones, “English urban housing,” 70.

⁸⁷ Rees Jones, “English urban housing,” 67.

middling-class homes that included separate rooms with specific functions. Similarities existed between poor and middling-class homes, despite differences in number and size. For example, middling-class homes, like poorer cottages, were usually places of work for at least one family member. Yet, unlike lower-class accommodations, middling-class homes usually included a shop, which may refer to the workshop or a retail space, where families made and sold their goods. Houses, therefore, were residential spaces as well as places of manufacture, buying, and selling.⁸⁸ In her study of Kentish homes, Sarah Pearson describes middling-class houses as buildings of three rooms or more, including a shop on the ground floor and chambers and an attic used for storage.⁸⁹ In London, the tight, enclosed space of the city necessitated narrow buildings, rather than wide homes. Like middling-class Kentish houses, there was usually a shop at the ground level, a living area on the first floor, bedchambers on the second, with additional storage or sleeping above that.⁹⁰

The most important, and, for most poorer people, often the only room in the premodern house was the hall, a communal, open, and multifunctional domestic space. Victor Skipp's survey of peasant families in Warwickshire reveals that, in the mid-sixteenth century, 86 percent of peasant families lived in houses of three rooms or less, 8 percent in four to five rooms, and only 6 percent in houses of six or more.⁹¹ In overcrowded London, it is likely that the statistics for poorer families who lived in one-room tenements were higher while, for the middling class, the hall was only one of many

⁸⁸ Riddy, "Burgeis domesticity," 17, 25.

⁸⁹ Pearson, "Building Evidence," 431.

⁹⁰ Orlin, *Locating Privacy*, 98.

⁹¹ *Ibid.*, quoting Victor Skipp, *Crisis and Development: An Ecological Case Study of the Forest of Arden, 1570-1647*. Skipp continues, by the last quarter of the sixteenth century 23% of peasant families had six or more rooms, and in the first quarter of the seventeenth century 31% lived in six rooms or more. By the mid-seventeenth century, 64% lived in houses of six or more rooms.

rooms. Like those other rooms, that the hall had a specific purpose and was organized by that function. Meals and socializing occurred in the halls of middling-class homes, but in poorer homes residents used the hall as a place to eat, as well as a to cook, work, store items, and sleep.⁹² The social uses of the hall are discussed in greater depth in Chapter 3, but here a basic sketch of premodern urban houses demonstrates how domestic spaces were, by necessity, shared.

PRIVACY

Historians such as Lena Orlin argue that the idea of privacy as something desirable or even possible in the premodern city must be reconsidered.⁹³ Both poor tenements and middling-class homes were affected by the realities of space in a crowded city. Neighbours shared gutters, cesspits, and housing structures, while adjoining walls and windows further connected one living space to another.⁹⁴ Wattle-and-daub or paper walls and dividers, boards, and screens separated living areas into different rooms and sometimes demarcated the living space of different families living next to one another. Living and workspaces were shared, but so, too, were bedrooms and beds. As Orlin argues, “[i]t can sometimes seem that there was nothing neighbours did not know about each other.”⁹⁵ The defamation cases discussed in Chapter 4 reveal that people knew when their neighbours’ behaviour transgressed moral and legal boundaries, yet people also “knew any number of things about the routines, work habits, economic functions, sleeping arrangements, leisure activities, personal relationships, and everyday disputes of

⁹² Ibid., 96; Gardiner, “‘Buttery and pantry’: and their antecedents: idea and architecture in the English medieval house.” In *Medieval Domesticity*,” 37.

⁹³ Orlin, *Locating Privacy*, 106.

⁹⁴ Ibid., 174.

⁹⁵ Ibid., 155.

that household.”⁹⁶ These close quarters – what Orlin calls “conditions of structural codependency resulting from the subdivision of space” – made privacy, space and control over that space, highly contentious.⁹⁷

THE ASSIZE OF NUISANCE

The structural problems that plagued London houses were a relentless source of frustration for neighbours. Typically, these issues resulted from a lack of upkeep or willful avoidance of maintenance on the part of one neighbour which, unsurprisingly, caused tensions between households. Such conflicts culminated in legal action, when neighbours brought their complaints to the assize of nuisance, a secular court over which the mayor and aldermen of the city presided.⁹⁸

Importantly, the individuals who made use of the assize of nuisance were of the middling and upper-middling class. Though some deponents’ professions included tanner, skinner, fishmonger, and the like, the houses and tenements they owned or lived in were unlike the poor tenements and one-room cottages of the lower classes. Usually the landlord or property owner acted as a plaintiff, so that, while some houses were clearly divided between renters, any description of the house or property is limited to the house as a whole, rather than its subdivided parts. Therefore, any description of a tenement is rare and the number of people residing in houses – or even households, in the case of houses that were not subdivided – is unclear. Upper-middling people were also

⁹⁶ Ibid,

⁹⁷ Ibid., 163.

⁹⁸ London was divided into twenty-five wards, each represented by an alderman. Alderman, typically wealthy, well-connected, important men in the neighbourhood, held their positions for life and each year one served as mayor. The assize of nuisance was, therefore, an important civic court with serious authority. The involvement of these civic officials also shows how the division of private versus public with regard to property – private meaning that which is owned by an individual, as opposed to the government – is not tenable.

more likely to bring forth complaints both because of the cost of litigation and because the assize was concerned only with freeholders, rather than tenants.⁹⁹ In her study of Viewers' Reports – the sixteenth- and seventeenth-century continuation of assize of nuisance – Janet Loengard found that the cost of viewing property was 10s. or 5s. if the plaintiff and defendant split the cost.¹⁰⁰ If there was a cost attached to viewing in the sixteenth century, it is likely that nuisance viewers demanded similar fees. Loengard argues convincingly that these fees would have deterred people from taking legal action.”¹⁰¹

The assize of nuisance regulated the maintenance of walls, gutters, privies, and windows – those structural elements that set the boundaries of people's space.¹⁰² Neighbours' land was delineated by stone walls as well as gutters that flowed between, but also through and around houses. While separating spaces, these walls and gutters are actually examples of shared spaces, as neighbours had an equal share in the maintenance of both. Stone walls, for example, had to be 3 ft. thick and 16 ft. high, according to the assizes, and the neighbours who shared the wall were responsible for allotting 1 ½ ft. of land for either side of the wall.¹⁰³ If one neighbour was unwilling to build jointly with the other, he had to give up the full 3 ft. of his land for the wall, but his neighbour would be responsible for the expense of building.¹⁰⁴ In this way, the neighbours still held an equal share of the wall. What at first glance appears to be a way of separating space between

⁹⁹ Janet Loengard, *London viewers and their certificates, 1508-1558* (London: London Records Society, 1989), xxxiv.

¹⁰⁰ Ibid., xxiv - xxv.

¹⁰¹ Ibid., xli.

¹⁰² Chew and Kellaway, *assize of nuisance*, x.

¹⁰³ Ibid., xx.

¹⁰⁴ Ibid.

two different properties, actually served to bring those properties – and their owners – closer together.

City authorities evidently relied on neighbours who owned an equal share in building structures to take on equal responsibility for the upkeep of those structures. Unfortunately, ruinous walls and conflicts over maintenance were common reasons for neighbours to appear in the assize records. Ruined walls were, according to plaintiffs, dangerous and the cause of further damage to property: gardens were trampled and fruits stolen, animals and people easily trespassed, and, most importantly, people saw “the private business” of plaintiffs, their tenants and their servants.¹⁰⁵ Joan Bohun appeared before the court to complain

that the wall or other fence 2 ells long [7.5 ft.], between her tenement in the [parish] of All Hallows de Stanynge and that of Ralph Paries and Mary his wife, ought to be built and maintained by the said Ralph and any other tenant of the said tenement at their own expense, but through their neglect it is now broken down and ruinous, so that men and servants and unknown persons enter and carry off divers goods and chattels, and see the private business of the countess and her servants.¹⁰⁶

Perhaps to strengthen her case by emphasizing the trouble the Paries caused, Bohun also complained about a shared well that, “for lack of a cover and of cleaning and repair is so stopped up with filth that she can get no clean water or other profit from it, and the [defendants Ralph and Mary Paries] refuse to take their share in its covering and repair.”¹⁰⁷ Londoners’ concern for the shared maintenance of adjacent buildings and structures is apparent in these cases, and Bohun’s complaint is by no means

¹⁰⁵ Ibid., xxv.

¹⁰⁶ Assize of Nuisance: 1387-02-08: Joan Bohun [case 633].

¹⁰⁷ Ibid.

exceptional.¹⁰⁸ John Moot complained that a stone wall between his property and the garden of his neighbour, John Wakelee, “is broken down and ruinous, and the [defendant’s] tenants and servants enter his garden, and tread down the grass there, and they see and hear his private business and that of his tenants and servants.”¹⁰⁹ Stone walls acted as a clear divide between properties and blocked the view of each neighbour. The cases of ruinous walls are concerned with what is inside (private business, fruit, gardens) being breached by the outside (that gaze or physical presence of a neighbour, their animals, strangers, and so on).

In their overview of the assize of nuisance records from the thirteenth to the fifteenth century, Helena Chew and William Kellaway found that one type of complaint was that the cesspit of a privy was too close to the plaintiff’s property and that waste ran into the plaintiff’s property, rotted the timber or ruined the breached wall.¹¹⁰ On Friday, 4 June 1400, Robert Asshecombe complained that Gilbert and Mazera Accon “have divers lights, windows, broken down walls and openings to latrines in their tenement adjoining his ... Moreover they throw filth and rubbish into his close, and evil odours come from their latrines.”¹¹¹ Asshecombe stressed that the Accons’ property was in general disrepair in order to emphasize that their property encroached upon his. Asshecombe followed the common narrative structure of assize of nuisance cases when he argued that the poor maintenance of the Accon’s house meant that the couple, “their tenants and lessees and the members of their household can see and hear the private business of the plaintiff, his

¹⁰⁸ Complaints about walls (6), gutters (5), adjoining or partitioned tenements (4), disputed ownership (4), shared maintenance (2), shared latrines or privies (2), shared wells (1), and an adjoining wharf (1) amount to a third of the nuisance complaints between 1384 and 1431 (see *table 2.2*).

¹⁰⁹ Assize of Nuisance: 1389-08-02: John Moot [case 642].

¹¹⁰ Chew and Kellaway, *assize of nuisance*, xxv.

¹¹¹ Assize of Nuisance: 1400-04-06: Robert Asshecombe [case 644].

tenants, lessee and the members of his household,”¹¹² but the problem was compounded by the very personal nature of the invasion – it was not merely run-off water, but excrement that ruined the wall.

Gutters and the misdirection of runoff water were equally problematic, though certainly less noisome. A third of the nuisances recorded between 1384 and 1431 cite runoff rainwater as an issue (see *table 2.2*). On Friday, 4 November 1384, the prior of the Austin Friars, Thomas Asshebourne, complained that “rainwater from [Robert and Margaret Dyngel’s] houses, measuring respectively 40 ft. and 24 ft, in length, falls upon the soil of the churchyard”¹¹³ and on Friday, 4 June 1400, John Sybille made a similar complaint about Juliana Purbyk. He argued that “she has affixed her tentingframes to certain stone walls, 21 ½ [yards] long, belonging to his tenement in the parish of St. Martin Orgar, which are gravely weighed down thereby, and the rainwater which floods her land flows through the midst of them, so that within a short time they are like to be ruined.”¹¹⁴ One particularly litigious grocer, named Richard Ottele, complained of misdirected runoff water in two of the three complaints he brought before the assize, although he added these concerns after the initial complaint of illegal windows.¹¹⁵ For Walter de la Pole, William Alyngton, John Burgoyne, Nicholas Caltecote, Clement Liffyn, John Reyner, and Thomas Parys, the damage caused by the rainwater was the main concern. In a case of multiple plaintiffs, these seven men complained, “that the rainwater from the tenement of Robert Broun, skinner, and William Prest, ‘talughchaundeler,’ falls upon their garden for a length of 69 ft., flooding it and

¹¹² Ibid.

¹¹³ Assize of Nuisance: 1384-04-11: Thomas Asshebourne [case 630].

¹¹⁴ Assize of Nuisance: 1400-04-06: John Sybille [case 643].

¹¹⁵ Assize of Nuisance: 1431: Robert Ottele [case 649] [case 650].

destroying the plants there.”¹¹⁶ William Kylshyll specifically mentioned the structural integrity of his house when he complained, “that the rainwater from the tenement of Alice Gayton, widow, falls upon his tenement for a length of 36 ft., and rots his timber so that it threatens ruin.”¹¹⁷

The concern for the structural integrity of houses was directly connected both to the very real possibility of damage and ruin, but also to ideas of masculinity and control. A premodern man’s authority was located in the home: he was meant to maintain household order and monitor the behaviour of his wife, children, and household subordinates, such as apprentices and servants. Household members were also described as family and their behaviour reflected and contributed to the honour of the household and, importantly, of their master. When household members were disgraced, as discussed in Chapters 3 and 4, it suggested that they were outside the control of their master.¹¹⁸ A man who lost control of his household was unmanned. This argument can be extended to the physical structure of the house itself: a weakened wall meant a weakened man. If, as Derek Neal suggests, “the literal home base for a man’s social identity was the household” because “it was the tangible form of his place among his peers,”¹¹⁹ then houses breached by waste, runoff water, or the gaze of neighbours served to unman the plaintiff. A man who could not maintain the physical structure of his house could not maintain the social hierarchies either.

¹¹⁶ Assize of Nuisance, Friday 23 May 1427 [m.10] [651]

¹¹⁷ Assize of Nuisance, Friday 5 September 1427 [m. 10d] [652]

¹¹⁸ Foyster, *Manhood*, 87.

¹¹⁹ Neal, *The Masculine Self*, 7.

VIEWERS AND VERDICT

The assize provides an invaluable record of London homes and neighbourly relations, but its purpose was to resolve conflicts that disturbed community peace. In addition to recording the plaintiff's complaint, the assizes also laid out the procedure for reaching a verdict. It required the professional expertise of four of the city's masons and carpenters, called viewers in the records because they viewed the property and reported back to the mayor or alderman. In some cases, the mayor or alderman joined them in their inspection and, in complex or contentious cases, the assize called on men of the neighbourhood to form a jury or group of arbitrators to pass judgment.¹²⁰ A record of the property inspection is typically found at the end of the assize entry. The assize pronounced judgment "after view by both the mayor and alderman and the four masons and carpenters," when "the nuisances are found to be as alleged" or not.¹²¹ In the thirty cases between 1384 and 1431, viewers or viewing are mentioned in twenty-four of them.

The assize appointed only the most skilled carpenters and masons to the task of viewing. Done in addition to the viewer's trade, it was a prestigious position for individuals and their livery companies.¹²² It is rare that the responsibilities of the masons and carpenters are explained in any great detail, but the assize at times required viewers to carry out a specific task in their examination. After a lengthy delay in one case from 1384, the assize required the viewers to investigate the original nuisance – an unauthorized path through property – more thoroughly. The entry reads that "the mayor and alderman ... order the four masons and carpenters to dig there and attempt to uncover

¹²⁰ Chew and Kellaway, *assize of nuisance*, xviii.

¹²¹ Assize of Nuisance: 1400-04-06: John Sybille [case 643]; Assize of Nuisance: 1384-04-11: Thomas Asshebourne [case 630]. Other common phrases used include "after view," "upon the view," and "having viewed."

¹²² Loengard, *Viewers*, xv – xvi.

the foundations so that the breadth of the path at that time [of the original nuisance] may be ascertained and further evidence and information obtained.”¹²³ Unfortunately, the “alderman and sheriffs, and the masons and carpenters report that their digging has revealed no new evidence.”¹²⁴ In another nuisance, from 1413, “the four viewers ... masons and carpenters, are ordered to inspect and measure the site to see whether the metes and bounds correspond with those claimed by the [plaintiff].”¹²⁵ The assize asked viewers to go beyond a simple visual assessment of the nuisance and instead required them to scrutinize their neighbour’s home. Regardless of the depth of their investigation, viewers were charged with the task of seeing, or witnessing, the damage caused to a person’s property. In doing so, they invaded the house and blurred the boundaries between the public outside – associated with state authorities – and the private inside – associated with the private ownership of land.

Complaints of nuisance were concerned with whether or not the nuisance was discernible and to view – to physically see the nuisance in question – was crucial in the assizes. In 1425, the mayor and alderman viewed the site of one nuisance but, after the case was adjourned for nearly a year, the viewers wished “to view the site again before giving judgment” to make sure that they could properly assess the case.¹²⁶ To make the complaint more effective, plaintiffs provided specific details about the nuisance, such as the length of yards and houses, the height of windows, and so on. Yet the outcome of the case rested solely on whether or not the viewer verified the nuisance. The assize instructed William and Joan Warde to remove their nuisances against Richard Ottele

¹²³ Assize of Nuisance: 1384-04-11: Adam and Margaret Fraunceys [case 631].

¹²⁴ Ibid.

¹²⁵ Assize of Nuisance: no date: John Frenssh [case 657]. A “mete” is a boundary or boundary stone.

¹²⁶ Assize of Nuisance: 1425-13-07: John Frank [case 653].

within 40 days, “because it is evident to the mayor and alderman, as well as by their own view as by the report of the masons and carpenters, that the nuisances complained of are expressly contrary to the custom of the city.”¹²⁷ To be an effective tool for citizens to use against their neighbours, the assizes relied upon a certain degree of publicity and public knowledge.¹²⁸

SIGHT AND SOUND

Some nuisances were impermanent, which made an official assessment problematic. Sound, already transmitted easily throughout the crowded streets and alleys, penetrated the walls of adjoining houses. Here, “crowded” refers to a city built up around narrow streets, small alleys, and tight courtyards, which amplified the city’s acoustics. In her study of Renaissance Florence, Kate Colleran describes a city much like fifteenth-century London, with living spaces that overlapped, open windows and doors, and suggests that “in this way, actual proximity and building materials could conspire to heighten the sensory awareness that there was always someone who was close by and listening.”¹²⁹ One woman, for example, brought her next-door neighbour to court after she heard, through the shared kitchen wall, her neighbour call her a whore.¹³⁰ In a defamation case between Joan Essex and Agnes Badcock in 1488, one witness testified

¹²⁷ Assize of Nuisance: 1431: Robert Ottele [case 648].

¹²⁸ In the sixteenth and seventeenth centuries, the city also employed viewers to investigate public nuisances, such as purprestures, encroachments on streets or public land, pentices, jetties, and new, unauthorized structures (Loengard, *Viewers*, xxi). The idea, Janet Loengard argues, was that “London would be under the watchful surveillance of its sworn masons and carpenters, whether or not there had been a specific complaint” (Loengard, *Viewers*, xxi). The City granted these viewers authority to police private encroachments to public land, but these public nuisances had to be obvious intrusions in order for the viewers to alert the mayor.

¹²⁹ Kate Colleran, “*Scampanata* at the widows’ windows: a case study of sound and ritual insult in cinquecento Florence,” *Urban History* 36.3 (2009): 360.

¹³⁰ Shannon McSheffrey, “Place, Space, and Situation,” 978; Gowing, *Domestic Dangers*, 98-99.

that while “Working on his craft in the shop in his dwelling-house, [he] heard a sound like an argument in the street, and after a while in order to hear where the sound was coming from he went out into the street,” where he saw Agnes publicly insult Joan Essex.¹³¹

The assize recorded similar conflict, such as that of Thomas and Alice Yonge, who complained that the sledgehammers from the forge of an armourer next door shook their walls:

The blows of the sledge-hammers when the great pieces of iron called ‘Osmond’ are being wrought into ‘brestplates’ ‘quysers,’ ‘jammers’ and other pieces of armour, shake the storie and earthen party-walls of the pls.’ house so that they are in danger of collapsing, and disturb the rest of the pls. and their servants, day and night, and spoil the wine and ale in their cellar, and the stench of the smoke from the sea-coal used in the forge, penetrates their hall and chambers, so that whereas formerly they could let the premises for 10 marks a year, they are now worth only 40s.¹³²

Not only did the noise disturb the household, but the force of the sledgehammer threatened the structural integrity of the Yonge’s house and devalued their property. The assize’s attempt to resolve conflicts that resulted from loud noises, disruptive sound, and foul odours was part of a larger attempt by City authorities to maintain neighbourhood peace. Blacksmiths, for example, could not work at night lest the sound and smell of their tools disturb their neighbours.¹³³ Despite these regulations, it is worth mentioning that the Yongs’ tenants were unsympathetic: tenants Geoffrey, Walter, and William “declare that good and honest men of any craft, viz. goldsmiths, smiths, pewterers, goldbeaters, grocers, pelters, marshals and armourers are at liberty to carry on their trade anywhere in

¹³¹ 1488-11-24: Rowland Bell in Joan Essex c. Agnes Badcock (GL, MS 9065, 45r.)

¹³² Assize of Nuisance: 1378-19-03: Thomas and Alice Yonge [case 617]. This case has been used here to demonstrate nuisances of sound and noise but, because of the date, is not one of the 30 cases analyzed between 1384-1431.

¹³³ Barron, *Government and People*, 266.

the City, adapting their premises as is most convenient for their work.”¹³⁴ The outcome of their complaint is not recorded, but the reaction of their tenants is noteworthy. Perhaps, in a display of neighbourly support, these men sided with the armourer in solidarity, but their testimony stresses that craftsmen lived everywhere and, by extension, that invasions of smell and sound were common (and, to some extent, accepted) occurrences in the city. Windows presented a similar problem, but the threat was not that misdirected waste or unwanted sound invaded the house, but that the household was subjected to the gaze of non-household members.

OTHER ACTS OF INVASION: WINDOWS

While the above cases show a concern for the structural integrity of houses – sewage or rainwater that drained improperly damaged the timber frame of the building, or the too-thin walls transmitted sound easily – there was also a concern for the threat of invasion. The close proximity of houses, combined with negligent building, made it difficult for individuals to protect their space from neighbours’ invasion (as in the case above, the sound of a neighbour’s work or insult).

Windows, as well as chimneys and doors, represent an intended breach, one built into a house in order to cross the boundary between outside and inside. Plaintiffs frequently complained that their neighbours’ doors, windows, or “other apertures” overlooked their property (see *table 2.2*).¹³⁵ The assize strictly regulated windows and required any that faced a neighbour’s property be no less than 16 ft. from the ground, but

¹³⁴ Assize of Nuisance: 1378-19-03: Thomas and Alice Yonge [case 617].

¹³⁵ Chew and Kellaway, *assize of nuisance*, xxv.

complaints about low windows are common in the assize.¹³⁶ Richard Ottelle, our unhappy grocer, made several complaints about windows in 1431. He brought one complaint against Richard Spicer, Richard Denton, and William Beverly “in respect to ... five windows and five apertures called ‘wickettes’ opening onto his land.” The same day, he brought a complaint against John Middleton and John Ray “concerning ... seven windows and two apertures opening onto his land.”¹³⁷ Richard further complained that his neighbours in the parish of St. Stephen in Walbrooke, William and Joan Warde, had “two large windows overlooking his same garden, above the height of 16 ft. from the ground, but neither glazed nor shuttered, through which their tenants and their servants can see the private business of the plaintiff, his servants and tenants.”¹³⁸ The issue here was not that the windows were too low, as the Warde’s windows met the height requirement, but that they lacked sufficient covers.

The first reference to glazed windows appeared in a deed of 1263/4, but up until the last year of the assize (1431), deponents cited iron, wood, and shutters as ways to close windows and some cases referred to broken windows.¹³⁹ If, as Chew and Kellaway suggest,¹⁴⁰ unglazed or broken windows were common in middling-class homes, it is likely that poorer tenements and poorer living spaces suffered more structural damage. As with doors, cracks in walls, or slapdash dividers, windows – especially broken or unglazed windows – made it possible for neighbours to see and hear what happened in their neighbour’s home. Though necessary sources of light and fresh air, windows

¹³⁶ This regulation, which Janet Loengard estimates began c. 1316, is puzzling. As the assize required stone and earthen walls between properties to be 16 ft., windows that, at their base, started at 16ft, allowed denizens a perfect view into their neighbour’s yards and homes.

¹³⁷ Assize of Nuisance: 1431: Richard Ottele [cases 649 and 650].

¹³⁸ Assize of Nuisance: 1431: Richard Ottele [case 648]. Robert Ottele’s complaints take up three separate entries in the assize books, and he cites a different conflict with different neighbours each time.

¹³⁹ Chew and Kellaway, *assize of nuisance*, xxvi citing case 652.

¹⁴⁰ Ibid.; Caroline Barron, *Government and People*, 251.

problematized the boundaries carefully controlled by the assize of nuisance, as they allowed for neighbours to see and hear the “private business” of a household.

PRIVATE BUSINESS

One common feature of the structure of complaints is the plaintiff’s assertion that certain structural breaches allowed their neighbours “to see and hear the private business of the [plaintiff], his tenants, lessees and the members of his household.”¹⁴¹ In the thirty complaints recorded between 1384 and 1431, ten mention “private business.” Perhaps not surprisingly, these references appear alongside complaints about broken windows or windows that did not meet the height requirement. Of the twelve complaints against unauthorized, broken, uncovered, or low windows, eight mention private business. In the two cases of private business unconnected to windows, the plaintiffs complained of a ruinous wall. The defendant’s ability to see the plaintiff’s private business depended on the breaches between outside and inside.

The concern that plaintiffs had for their private business is striking, and, at first glance, antithetical to this thesis, which argues that private space was not a reality in fifteenth-century London. What the frequent mention of “private business” actually points to, however, is an anxiety that certain acts, not certain spaces, remain private. As discussed in greater detail in the following chapters, spaces were coded with meanings, but these meanings changed depending on the acts that took place within them. Londoners viewed certain acts – those related to bodily functions and sex, in particular –

¹⁴¹ Assize of Nuisance: 1400-04-06; Robert Asshecombe [case 644]. Private business was the third most common complaint brought before the assize (see *table 2.2*).

as personal and not appropriate for public scrutiny.¹⁴² In assize cases where a neighbour looked into a plaintiff's house, plaintiffs stressed that 'business,' as opposed to space, was no longer private. Felicity Riddy asserts that "the fact that the neighbours looked in the first place suggests that the home was not universally understood ... as a private sphere."¹⁴³ In other words, a home was not private according to the characteristics of "private" set out by Duby and taken up by some historians; a house as a whole was not secret, closed off, or opaque.

Nuisances not only revealed the private business of the plaintiff, but also of their tenants and servants – a point plaintiffs were eager to emphasize in their depositions, in part because it stressed a loss of control over physical structure of the house and, by extension, the social unit of the household. Riddy's analysis helps to nuance these issues. She argues that "there may have been a sense that the home is, and ought to be, an unwatched place to which access is by invitation only, that is, that the intrusion relates not to specific conduct but to the meanings attached to certain kinds of intimate space, whatever people choose to do in it."¹⁴⁴ She concludes: "the issue, then, is not modesty, shame or withdrawal, but power and possession. Its converse is free access: the publicness of the market or the street."¹⁴⁵ The issue is not that the street is public and the home is private, but that the street is *more* public and the home *less* public, but easy access to both is possible. The offense was not that private business was exposed, but that the plaintiff was not in control of to whom it was exposed. Like the invasion of

¹⁴² Barron, *Government and People*, 261.

¹⁴³ Riddy "'Burgeis' domesticity," 32.

¹⁴⁴ *Ibid.*, 34.

¹⁴⁵ *Ibid.*

rainwater, privy run-off, smell and sound, nuisances were problematic because they took control of space away from the plaintiff.

The argument that the maintenance of the home's boundaries was tied to masculine identity is also applicable here. In the same way that men lost control of their house when it was damaged, a man who let his neighbour's invasion go unchallenged allowed his neighbour – the defendant, in assize cases, who was almost always a man – to take control. If the behaviour of household members reflected the honour of their master, a neighbour who was able to scrutinize his actions was a potential threat to a man's reputation.¹⁴⁶ Plaintiffs who brought complaints before the assize of nuisance were concerned with the structural integrity of their houses, but so too were they concerned with maintaining control. The repercussions of a structurally unsound house were physical – damaged and ruined property – which resulted in a loss of control over who had access to the home, but also social, because men lost their control as heads of the household.

CONCLUSION

The fifteenth-century French poet, Alain Chartier, wrote, "Once your door is closed, no one can enter unless you wish it."¹⁴⁷ Londoners shared Chartier's assumption that they controlled access to their homes and their involvement in legal battles before the assize of nuisance demonstrates their desire to maintain that control. Neighbourly disputes such as these are unsurprising for an urban centre like London, with its close quarters, tightly packed buildings, narrow streets, and subdivided tenements. Plaintiffs in

¹⁴⁶ Neal, *The Masculine Self*, 7.

¹⁴⁷ Contamine, "Peasant Hearth," 499.

these cases complained that their neighbours' misdirected rainwater and runoff waste flowed onto their property, or that a ruinous shared wall or unauthorized windows allowed neighbours to see and hear the plaintiff and his household's private business. These nuisances represented acts of invasion that plaintiffs fought against in order to maintain control over access to their private business, if not their private space.

The reality of urban housing made the existence of a strict division between public and private space difficult. Open doors, unglazed windows, cheap dividers or screens, and other breaches that threatened the structural integrity of the house facilitated easy access to the home. The close proximity of buildings also allowed sound to transmit easily between houses, yards, and across courtyard or streets. A neighbour's ability to see and hear the plaintiff's private business depended on these breaches and on the topography of the city itself. That their business was open to neighbourly scrutiny, and that neighbours looked at all, suggests that the space itself was more public than has been assumed, even if the acts that took place within were considered less public.

CHAPTER 3: “I WILL WED YOU AS WELL AS I CAN”

INTRODUCTION

On 1 February 1487, John Gosnell testified before London’s Consistory court that he was present in the dwelling house of Agnes Waltham when he turned to Richard Heth and “then and there, because it was publicly said in the parish that Richard too suspiciously frequented Agnes’s house, this witness said to him that he would not have such frequent recourse to her unless he knew whether he wished to have her as his wife or not.”¹⁴⁸ John Gosnell’s direct involvement in the marriage contract between Agnes and Richard was not uncommon, as friends, neighbours and family almost always participated in the rituals of marriage. Households extended beyond blood relatives, and neighbours and friends created close-knit communities. The marriage contract between Agnes and Richard reveals the persuasive power of peers and suggests that, for premodern Londoners, the house was more than just a functional structure.

In a society that believed women’s chastity was maintained by the secure walls of the house, Richard’s frequent and, it is assumed, easy access to Agnes’s dwelling was met with suspicion. While the previous chapter focused on the house as a site of invasion, neighbourhood conflict, permeable boundaries, and masculine control over the household, women’s connection to the house must be considered in greater depth. Premodern ideas about women’s sexual reputation as connected to the house demonstrate how certain spaces carried certain meanings, but those meanings were often contradictory. Though the house as a whole was synonymous with female chastity, individual rooms, such as the bedchamber, were loaded with sexually charged meanings

¹⁴⁸ 1487-01-31: John Gosnell in Agnes Waltham *c.* Richard Heth (London, GL, MS 9065, 12v).

that depended on the acts that took place within. Further, prescriptive texts demanded that women stay cloistered in houses secure against the invasion of others. The argument, introduced in Chapter 2, that London buildings were open to frequent invasion from neighbours is expanded here, and this chapter analyzes the structure of households and women's place within them.

Marriage and litigation that stemmed from conflicts over marriage contracts allow further analysis of these themes. The Consistory court heard cases related to theft, debt, clerical discipline, tithe disputes, and defamation, but over half of the suits brought before the court dealt with marriage.¹⁴⁹ In the sample of Consistory court cases (nine defamation and twenty-eight marriage cases) analyzed for this thesis, over 75 per cent dealt with marital conflict, and in four years there were as many marriage cases brought before the Consistory as there were assize of nuisance cases between 1384 and 1431.¹⁵⁰ Some historians contend that these records do not present an accurate picture of marriage because only failed marriages appeared before the Consistory. Shannon McSheffrey argues the opposite: witnesses stressed that the exchange of consent was typical. The testimony, therefore, "provides a wealth of evidence regarding what witnesses thought should be the ordinary course of events as well as the less typical reasons why marriages failed."¹⁵¹ This echoes Thomas Kuehn's assertion that court records in general can be valuable because what they do not say is often more illuminating than what they do.¹⁵²

¹⁴⁹ McSheffrey, "Consistory Testimony."

¹⁵⁰ This is true of this sample, which is drawn from Shannon McSheffrey's online collection. Dr. McSheffrey has more cases that have yet to be digitized so the exact number of cases between 1487 and 1491 is likely higher.

¹⁵¹ McSheffrey *Love & Marriage*, 3.

¹⁵² Kuehn, "Microhistory," 533.

The concern here is not with the “truth” of the records – whether or not a marriage contract was legal, took place, or whether the testimonies presented give an accurate account of the events – but the features of those events and what plaintiffs, defendants, and witnesses made note of in their testimony. Witnesses related the particulars of the contract, whether couples exchanged present or future consent, whether they exchanged gifts and kisses, whether public voice and fame circulated throughout the parish, and any number of other features that strengthened the legitimacy of the marriage. What emerges is a clear concern for publicity: the more public a marriage was, the more legitimate it appeared. Plaintiffs and their witnesses stressed that these public rituals took place, while defendants and their witnesses vehemently denied they occurred. When a contract was called into question, deponents listed those witnesses present at the exchange, providing historians with a more detailed picture of how marriages were contracted. The location of the exchange of consent and the number of people – friends, parents and other family, neighbours, and even strangers – involved in the rituals of marriage, both the exchange of consent and then subsequent litigation, reveal that while marriages focused on the couple, they were by no means private.

GENDER NORMS, SURVEILLANCE, AND CONTROL OF THE FEMALE BODY

In “On Marriage and Concupiscence,” St Augustine writes, “that chastity in the married state is God’s gift.”¹⁵³ To ensure chastity was maintained, the female body had to be enclosed and guarded; a body open to the touch or sight of others, particularly men,

¹⁵³ St Augustine, “On Marriage and Concupiscence,” 419-420, in *St. Augustin: Anti-Pelagian Writings*, tr. Peter Holmes, Robert Ernest Wallace and Benjamin B. Warfield. *Select Library of Nicene and Post-Nicene Fathers*, Ser. 1, Vol. V (New York, 1893). Internet History Sourcebook at Fordham University, 1998. <http://www.fordham.edu/halsall/source/aug-marr.asp>

risked sexual and social transgression. Physical interaction between men and women might indicate a sexual relationship; in a case similar to Richard and Agnes's mentioned above, witnesses recounted rumours that Thomas Wulley and Margaret Isot engaged in illicit sexual behaviour because "of the suspect and frequent access of Thomas to Margaret."¹⁵⁴ Sexual touch had direct consequences for women's reputation and for their bodies, causing pregnancy or infecting it with disease.¹⁵⁵ Gowing argues that the functions of women's bodies were opaque, but the effects of pregnancy – swollen breasts and belly – and, to some extent, evidence of menstruation, were quite visible. The body's boundaries were maintained in order to ensure chastity, whereas promiscuity was associated with the inability to keep these boundaries.¹⁵⁶ Because premodern prescriptive texts argued that women were unable to control their own bodies, individual or community surveillance was considered a necessary precaution. Women's bodies needed to be regulated and monitored by both men and women, neighbours, and authorities.¹⁵⁷ Here, the concern is with the contradiction between gender ideals and women's experiences, as lower and middling class women's lives were lived in public.

WOMEN, MARRIAGE AND THE HOUSEHOLD

While middling-class houses had more rooms than poorer cottages, multiple rooms did not guarantee separate, "private" space; the number of people who occupied a single residence meant that rooms were often shared and seldom private. *Houshold* is a

¹⁵⁴ 1489-03-04: John Calton in Thomas Wulley c. Margaret Isot and John Heth (London, GL MS 9065, 49rv).

¹⁵⁵ Laura Gowing, "Gender and the Language of Insult in Early Modern London," *History Workshop* no. 35 (Spring, 1993): 13.

¹⁵⁶ Gowing, "Language," 13. Promiscuity was also represented by incontinence.

¹⁵⁷ Gowing, *Common Bodies*, 5.

fourteenth-century Middle English word that refers to a group of people who live and work under the same roof, the relationship between these residents, and the space they occupy. These co-resident groups include the ‘nuclear’ family as well as apprentices, servants, journeymen, and day-labourers, who worked or had business dealings in the home of their master.¹⁵⁸ ‘Household’ suggests a different type of social interaction and is necessarily different from ‘house,’ understood as a functional structure.¹⁵⁹

Jeremy Goldberg argues that the social organization of households was dependent upon whether they were artisan or merchant households, or headed by or included labourers.¹⁶⁰ “In considering different forms of labour within the household,” he writes, “we must immediately differentiate between those who were normally resident within the house, i.e. co-resident kin and servants in a life-cycle sense, and those who worked within the household on a daily basis.”¹⁶¹ The distinction between those who lived within a house and those who merely worked there does not diminish the significance of shared space; individuals who worked but did not sleep in the house still spent long hours there, and ate meals and socialized with the rest of the household. Similarly, the presence of household members during the day made the bustling workshop and multipurpose hall or kitchen the busiest rooms in the house. They were also the most accessible and could be entered via the house or directly from the street. Street access not only provided apprentices, servants, and business contacts with convenient entry, but also encouraged friends and neighbours to come and go as they

¹⁵⁸ Maryanne Kowaleski and P.J.P. Goldberg, “Introduction” in *Medieval Domesticity*, 2; Riddy, “‘Burgeis’ domesticity” 17.

¹⁵⁹ Kowaleski and Golberg, “Introduction,” 3.

¹⁶⁰ P.J.P. Goldberg, “Household and the Organization of Labour in Late Medieval Towns: Some English Evidence,” in *The Household in Late Medieval Cities, Italy, and Northwestern Europe Compared*, ed. Myriam Carlier and Tim Soens (Belgium: Garant Publishers, 2001), 59.

¹⁶¹ *Ibid.*, 59.

pleased. Like the nuisances caused by unauthorized building and lack of maintenance, the easy access to the hall or workshop allowed for, if not directly facilitated, the blurring of the boundaries between private inside and public outside.

The foundation for fifteenth-century households was the married couple, the master and mistress of the house. Marriage afforded women certain rights and powers absent in the lives of their single counterparts, and this authority stemmed from the expectation that they maintained the house and properly managed those who resided there. According to prescriptive texts, the premodern household was based on the hierarchies of husband and wife, parent and child, and master and servant, with the master of the house policing all those below him.¹⁶² One such text outlined these roles clearly:

The office of the husbände is, to get goods, and of the wife, to gather them together, and saue them. The office of the husbände is, to goe abroad to séeke liuing, and of the woman to kéepe the house. The office of the husband is, to séeke money, and of the woman not vainely to spend. The office of the husbände is, to deale with all men, and of the woman to talke with few. The office of the husband is, to be entermed|ling, and of the woman to be solitary and withdrawen. The office of the man is, to be skilfull in talke, and of the woman to boast of silence.¹⁶³

The expectation that a woman remain hidden in the home with no contact with men other than her husband, that she “talke with few,” was not the experience of most women. In

¹⁶² Eleanor Hubbard, “City Women: Money, Sex, and the Social Order in London 1570-1640” (PhD Dissertation, 2010), 118; Cordelia Beattie, “Law Courts, Male Householders, and Single Women in Late Medieval England,” in *The Medieval Household in Christian Europe, c.850-1550: Managing Power, Wealth, and the Body*, ed Cordelia Beattie et al (Belgium: Brepols Publishers, 2003), 200.

¹⁶³ Antonio Guevara, *The familiar epistles of Sir Anthony of Guerauara, Preacher, Chronicler, and Counciller to the Emperour Charles the fifth*. (London, 1575), 321. Guevara’s text epitomizes premodern European prescriptive texts, and he relies on established and accepted gender ideals to make his point effectively. The authors of a later text, *A Godlie Forme of Household Government*, reuse this section of Guevara’s text almost verbatim, but add: “It is to be noted, and noted againe, that as the provision of [the] household dependeth onely on the Husband: even so the honour of all dependeth onely on the woman: in such sort, that there is no honour within the house, longer than a mans wife is honourable.” (John Dod and Robert Cleaver, *A Godlie Forme of Household Government: For the Ordering of Private Families, According to the Direction of Gods Word*. 2nd Ed. (London, 1630)).

practice, these hierarchies were less rigid than they seem, and women made important contributions to household functions and everyday life. Married women managed their household and ran its day-to-day activities, in addition to assisting their husbands in their profession or taking on work of their own. Women whose daily tasks or work kept them within the home came into contact with the apprentices and journeymen who traipsed in and out of the house, or with the friends and neighbours who stopped by to gossip.

Urban space presented particular problems for the separation of women and men as London's markets, shops, and businesses meant more intermingling than might occur in the rural village.¹⁶⁴ The economic reality of most poorer and middling-class families meant that women were required – even expected – to contribute to the household income, and many jobs forced women outside the home. Women worked as hucksters and haberdashers and sold produce or prepared foods at markets, in shops, stalls, or in the street.¹⁶⁵ Even those tasks connected to maintaining the household, such as food preparation, made it necessary for women to go out to the market on their own, where they surely came into contact with men who were not their husbands. While conduct literature argued that women remain cloistered within the home, the daily routines of ordinary women took place, at least in some measure, beyond the protective walls of the house.

Women were sometimes able to maintain physical (and metaphorical) proximity to the home, even when work or leisure brought them on the street. Typically female jobs like knitting and sewing, which required better light than most homes afforded, meant

¹⁶⁴ Hanawalt, *Good and Ill Repute*, 81.

¹⁶⁵ Barbara Hanawalt, *The Wealth of Wives: Women, Law, and the Economy in Late Medieval England* (Oxford: Oxford University Press, 2002), 197.

that many women sat on doorsteps throughout the day.¹⁶⁶ From doorways and doorsteps, women surveyed the neighbourhood, but were also the subject of surveillance. The significance of doorways as a liminal space between outside and inside, domestic and public, was not lost on fifteenth-century women. Sitting at a doorway, a woman remained connected to the home and protected by the association of the home with chastity. At the same time that she reinforced her position within the household, her orientation toward the street allowed her a share in community surveillance and gossip. Whether on the street, in the home, or in the liminal space of the doorway, a woman's daily life played out in public.

MARRIAGE AND THE EXCHANGE OF CONSENT

Marriage was one of the most important experiences for fifteenth-century Londoners, as it altered their economic and social situations in significant ways. Women came under the law of coverture, which meant their husbands subsumed their legal identities, and any dowry brought to the marriage became the husband's property.¹⁶⁷ The practical implications of marriage meant a woman might gain employment with her husband, who would benefit from the extra labour, as well as the management of the household and bearing and raising of children.¹⁶⁸ The larger implications of marriage are noteworthy because they demonstrate how marriages created social groups – households – organized around the married couple. This thesis, however, is more interested in the

¹⁶⁶ Hubbard, *City Women*, 43; Gowing, "freedom of the streets," 137; see Elizabeth Cohen and Thomas V. Cohen, "Open and Shut: The Social Meanings of the Cinquecento Roman House," *Studies in the Decorative Arts* 9, no. 1 (Fall/Winter 2001-2002): 61-84 for a detailed discussion of the relationship between gender, honour, and the household in Rome.

¹⁶⁷ Hanawalt, *Wealth*, 117.

¹⁶⁸ *Ibid.*, 117; 70.

process of contracting marriage and marital conflict and means of illuminating the use of space.

In much the same way that conduct literature set forth regulations for behaviour antithetical to the realities of the lives of lower and middling-class people, the Church recommended certain rules and rituals for marriages to which couples did not always adhere. The development of late-medieval theology and canon law meant that, because marriage was a sacrament, it was not necessary to wed in a church or even with a priest present; instead, it was the two partners who made the marriage bond.¹⁶⁹ Despite the fact that this allowed couples to wed without the presence, consent, or involvement of anyone, the exchange of consent rarely involved the couple alone. Other rituals included a betrothal, recitation of the banns three times in the parish church of each couple, and the exchange of present consent before the parish priest.¹⁷⁰ The exchange of consent in present tense made marriages more legitimate, but future-tense contracts (similar to a betrothal) were valid as well.¹⁷¹ Many of these rituals, though designed to make the marriage more legitimate by publicizing the event, were often ignored during the exchange. Only when the couple came before the Consistory did they become the focus.

Marriages brought before the Consistory were always in danger of dissolution, but plaintiffs – usually men – sought to uphold the unions. In the sample examined here, nineteen of the twenty-eight cases had a male plaintiff, while the female defendants argued either that they never made a contract with the plaintiff or that they had a previous contract with someone else. Men denied they had made a contract or argued for a

¹⁶⁹ McSheffrey, "Place, Space, and Situation," 962.

¹⁷⁰ Ibid., 965; Hanawalt, *Wealth*, 77; James Brundage, *Law, sex, and Christian society in medieval Europe* (Chicago: University of Chicago Press), 500.

¹⁷¹ McSheffrey, *Love & Marriage*, 4. For example, "I take you, Agnes, to be my wife" versus, "I will take you, Agnes, to be my wife."

previous contract in eight of the twenty-eight cases, whereas women denied the contract, argued for a previous contract, insisted on ambiguous words of consent, or asserted that the contract made with the plaintiff was conditional, in seventeen cases (see *table 3.5*).¹⁷² Agnes Wellis, for example, admitted that when asked if she would “have” William Halley, she responded “Yea, forsooth,” she explained in her testimony “that she never intended to have him as her husband.”¹⁷³ Elizabeth Legge’s actions were equally questionable: in 1488 John Hill complained that “before marriage was contracted and solemnized between him and her, [she] had contracted with Nicholas Sager.”¹⁷⁴ Annulments or separation based on previous contracts were common in premodern Europe, though this was one of the only ways to legally separate from a spouse.¹⁷⁵

To end a marriage in premodern London, litigants were required to adhere to Church laws on impediments and separation. Marriages ended if one partner had contracted with someone else, or there was evidence of coercion or impotency.¹⁷⁶ After it came to light that Margaret Heed’s father beat her when she said she no longer wanted to marry William Hawkyns, the judge who presided over the case made a point to ask witnesses whether they believed Margaret was coerced.¹⁷⁷ Any impediment automatically invalidated the marriage, but there were other ways to dissolve unions as well. The

¹⁷² As the table shows, two cases dealt with abuse, but in *Agnes Styward c. Richard Styward*, Agnes sought the divorce based on cruelty and in *William Newport c. Isabel Newport*, it was William who witnesses claimed was in danger of being badly injured or killed by Isabel. Other cases, like *Richard Cressy c. Alice Scrace* and *William Case c. Joan Brown*, were brought before the Consistory under the guise of conflict, when really the couple wanted a legal verdict that stated their union was valid. Two accusations of adultery were also brought: the first, by *Agnes Styward* against her husband, and the second by *Robert Padley* after *Christian Hilles* sued him for not upholding their marriage contract.

¹⁷³ 1488-01-24: *Agnes Wellis in William Halley c. Agnes Wellis* (London, GL, MS 9065B, 3v-4r).

¹⁷⁴ 1488-11-19: *John Hill in John Hill, Emma Wright c. Elizabeth Leg alias Hill* (London, GL, MS 9065B, 16v).

¹⁷⁵ Brundage, *Christian Society*, 512.

¹⁷⁶ McSheffrey, “Place, Space and Situation,” 963.

¹⁷⁷ See: 1488-06-17 to 1488-07-01: *William Hawkyns c. Margaret Heed* (London, GL, MS 9065, 48v).

hardships of fifteenth-century life took their toll on couples, as the effects of harsh living, childbirth, illness and disease shortened the length of marriages. Many Londoners were widows or widowers and remarried at least once in their lifetime, but separation was also an option, albeit a rare one. Separation *a mensa et thoro* allowed a couple to be separated and they no longer had fulfill their conjugal debt, but because the marriage still existed, neither party could remarry.¹⁷⁸ Separation *a vinculo* was an annulment, and the easiest way to get a separation *a vinculo* was to claim a prior marriage or contract existed. Ten of the twenty eight cases examined here cited a previous contract as the reason for litigation, and in eight of those ten cases, it was the woman who had a previous contract.

The details of previous contracts varied from case to case. In some, the previous contract was an obvious invention by the defendant to escape the plaintiff's claim to marriage, but many seem legitimate. In Thomas Wulley *c.* Margaret Isot and John Heth, Margaret asserted that her legitimate contract with John invalidated any contract she made with Thomas. Further, their marriage was solemnized and "afterwards they lived together as man and wife for three years and more, and John had by her a male child."¹⁷⁹ Margaret did not produce any witnesses to back her claim, but she did make her marriage to John seem as legitimate as possible: they were wed in a church, lived together as husband and wife, and produced children. Conversely, with no witnesses to support her claim, it is possible that Margaret wanted to get out of her marriage with Thomas and used an invented contract to do so.

¹⁷⁸ There are only two cases discussed in our sample that sought a divorce *a mensa et thoro* and both cited cruelty as the reason for the separation.

¹⁷⁹ 1488-12-18: Margaret Isot in Thomas Wulley *c.* Margaret Isot and John Heth.

FAMILY AND FRIENDS

McSheffrey's assertion that the process of marriage should be conceptualized "as one moving through widening circles of publicity rather than from private to public" is a persuasive one when the rituals of courtship and the exchange of consent are considered.¹⁸⁰ Friends and family played an integral role in contracting marriage, as couples sought their parents' consent or, if their parents were deceased or far away, the consent of an employer whose duty it was to make sure servants did not enter into unacceptable unions.¹⁸¹ Joan Corney, for example, testified that she would marry Robert Philipson only "if she could obtain the consent of her parents and John Pyke, her master" and John Wellis told Alice Billingham that "he was not disposed to marry unless he could first have the consent and will of his parents."¹⁸² Given the contested nature of these contracts, it is possible that both Joan and John used parental consent as a stalling tactic. Nevertheless, as the Church frowned on unions without parental consent – especially those that went against the families' wishes – it is likely that couples really did consider the feelings of their families.¹⁸³

Friends and extended family members, too, acted as intermediaries between couples, and both men and women sought the advice and guidance of their close relations. The same people were often called upon to witness the exchange of consent; marriage involved the families who negotiated the alliance or who facilitated the union, as well as a wider network of friends, neighbours, and extended kin whose participation

¹⁸⁰ McSheffrey, "Place, Space and Situation," 968.

¹⁸¹ Hananwalt, *Wealth*, 70; McSheffrey, *Love & Marriage*, 18-19. McSheffrey argues that, given mortality rates, many individuals were orphaned by their twenties and, from what we know of London's migration patterns, it is likely that couples lived far from their parents.

¹⁸² 1489-02-07: Joan Corney in Robert Philipson *c.* Joan Corney (London, GL MS 9065, 52r); 1488-07-12: Richard Thomson in Alice Billingham *c.* John (or Thomas) Wellis (London, GL, MS 9065B, 15rv).

¹⁸³ Brundage, *Christian Society*, 498.

in the marriage legitimized it.¹⁸⁴ In the sample of cases used here, friends or neighbours testified 104 out of 156 times, and family (including parents or siblings of either the plaintiff or defendant) testified a total of thirteen times.

In the case between Thomas Wulley and Margaret Isot mentioned above, friends and neighbours were directly responsible for the exchange of consent. John Calton testified that Thomas Wulley's father approached him and, because John was the constable of the parish,

intimated to him that Thomas his son and Margaret adhered to one another very suspiciously – just as also, this witness says, for about a quarter of a year before this the neighbours and inhabitants of the street had reputed them to be suspect of fornication, because of the suspect and frequent access of Thomas to Margaret – and that on that night they would be lying together in the house of John Cracow, this witness's neighbour ... And afterwards around ten o'clock immediately following, this witness, taking with him William Marshal, Thomas Burneham ... Robert Marley, Walter Spicer, and others, went to the house of John Cracow and knocked on Cracow's door. After an interval, because the door was open, he and the other men with him walked into the house to search for Thomas and Margaret.¹⁸⁵

The men arrested Margaret and Thomas after they found the couple in a compromising position. Afterwards, John Calton took the couple and the group, now with the addition of John Cracow, the man who hid Thomas and Margaret, back to his house to question the couple further. All hope was not lost for the young couple, however, as John Cracow revealed that Thomas and Margaret's arrest was unlawful because they were, in fact, married. John Calton, in an attempt "to understand more clearly whether to take them to

¹⁸⁴ Hanawalt, *Wealth*, 70; Christopher Dyer, "Public and Private Lives in the Medieval Household," in *Love, Marriage, and Family Ties in the Later Middle Ages*, ed. Isabel Davis et al eds. (Belgium: Brepols Publishers, 2003), 238; also Gowing, *Domestic Dangers*, 146.

¹⁸⁵ 1489-03-04: John Calton in Thomas Wulley c. Margaret Isot, John Heth (London, GL MS 9065, 49rv).

prison,” asked Thomas and Margaret if they were married. Not surprisingly, the answer was yes.¹⁸⁶

This dramatic account of neighbourhood gossip and illicit sexual behaviour demonstrates not only how involved outsiders were in the exchange of consent, but also how invasive neighbours could be. In order to enforce the law, John Calton called on a mob of neighbours to ascertain whether the rumours and suspicions about Thomas and Margaret’s sexual activity were true. The ease with which these men gained access to John Cracow’s house also suggests that houses were open to invasion by outsiders. John Calton quickly pointed out that Cracow’s door was open, which implied to the court that a breach in the house allowed the men to enter, not that they forced their way in. The same group of men who found Thomas and Margaret in a compromising position also witnessed their exchange of consent, and the large number of witnesses present was not unusual; most couples had at least two or more people witness their contract (see *table 3.3*).

In only two of the twenty-eight cases analyzed here did the couple exchange consent without witnesses present. Most couples had at least one witness and some had as many as five or six witnesses. It is possible that more witnesses appeared before the court than were actually present at the exchange of consent because witnesses strengthened both the litigant’s suit and legitimized the marriage in question, because both the plaintiff and the witnesses recalled by name the people present at the exchange, and many of these

¹⁸⁶ Just to be on the safe side, John Calton had Thomas and Margaret exchanged consent immediately after this conversation, but it was done in future tense and Margaret later denied its existence. Harboring – knowingly permitting sexual activity between an unmarried couple to occur in a space controlled by the harborer – was unlawful in England. The legal consequences of harboring Thomas and Margaret may have been behind John Cracow’s insistence that the couple were married (R.H. Helmholz, “Harboring Sexual Offenders” 258).

people also testified before the Consistory. It is therefore more likely that such exchanges did take place in front of groups of people, and the Consistory evidence suggests that the more public a marriage was, the more legitimate it was perceived to be. Though the verdicts for Consistory cases are not extant, it seems likely that defendants who failed to produce a sufficient number of witnesses who supported their version of events did not present a strong case against a plaintiff who brought four or five people to testify on his or her behalf. The more eyewitnesses to an exchange of consent, the more likely it was that the exchange took place, or so the courts believed.

APPROPRIATE AND INAPPROPRIATE LOCATIONS FOR CONTRACTING MARRIAGE

Like the publicity created by multiple witnesses, the location of the exchange was a crucial part of contracting and legitimizing marriage. In the sample used here, twenty of twenty-eight couples exchanged consent in a domestic space. Of those cases, three took place in the bride's dwelling house (see *table 3.2*), likely because many women, even young women, entered into second marriages after they established households.¹⁸⁷ The bride's parental home was also used in four of the twenty-eight cases (see *table 3.2*). The popularity of these two locations demonstrates that it was more acceptable for men to enter into the dwelling house of a woman than vice versa, because the movement of women into men's space made them appear sexually available and morally suspect.¹⁸⁸ Here, the very movement of people into certain spaces carried certain connotations, but

¹⁸⁷ McSheffrey, *Civic Culture*, 122, citing John Schofield, "Social Perceptions of Space in Medieval and Tudor London Houses," in *Meaningful Architecture: Social Interpretations of Buildings*, ed. Martin Locock (Aldershot, England: Avebury, 1994), 202.

¹⁸⁸ *Ibid.*, 123.

spaces themselves were already ascribed with meaning based on the actions that took place within.

Couples usually contracted marriage indoors, and marketplaces and public streets rarely served as locations for the exchange of consent, in contrast to defamation cases.¹⁸⁹ Couples relied on contracts being public, and the frequency with which they contracted marriages indoors suggests that the house – or certain rooms within the house – were as public, accessible, and open as the street. That marriage contracts rarely took place outside does not suggest that they were more private or isolated, but that couples sought to connect their unions with the positive associations of the household. The other, more practical reason why partners contracted marriage indoors is that the house was a place for social activity. The informality of many contracts suggests that the exchange of consent occurred during friendly visits or leisure time. The house was, therefore, a public space, though certain rooms within that space carried different meanings.

As discussed in Chapter 2, the hall was the most important social room of the house, and a significant number of marriage contracts were made there. Halls were also the most public rooms, and such publicity was crucial when a couple contracted marriage. Rooms within houses carried meanings according to their situation within the house and their function. Drawing on an argument made by John Schofield, McSheffrey asserts that rooms, like marriage, existed in widening circles of publicity based on how many thresholds one crossed to enter the room. Halls, which one could access directly from the street, were more public spaces and, therefore, more appropriate places for the contracting of marriage. Similarly, the workshop was another public space of the house where couples contracted marriage, usually on Sundays when the room was a space for

¹⁸⁹ McSheffrey, “Place, Space and Situation,” 979.

social activities rather than work.¹⁹⁰ Conversely, gardens and bedchambers, which could only be reached by walking through the house and crossing multiple thresholds, were unsuitable locations for contracting marriage because they were less public.¹⁹¹

The Consistory sample analyzed here lists only a handful of other locations for the exchange of consent. One couple contracted marriage in a field, another in a buttery, one in the bell tower of St. Michael's church during the groom's convalescence, one in a bedchamber, and one in a church.¹⁹² Unions contracted in the field and bedchamber were the most problematic. Though a field might be considered a public place,¹⁹³ there was only one witness to the exchange between Robert Philipson and Joan Corney, and he merely overheard their exchange from a distance.¹⁹⁴ In the case between Alice Parker and Richard Tenwinter it is clear that certain spaces carried social meanings. The only "witness" was Robert Adcok, who testified that he followed Richard to Alice's house and

After they came there Richard entered into Alice's chamber, this witness standing in the hall of the house. In that chamber, after Richard and Alice had talked together for some time, at last this witness heard Richard asking her if he could stay there all night with her and at first she said no and said that she did not dare because of the butchers who were nearby but immediately afterwards she said, 'If ye will make me as good a woman as ye be [a] man, ye shall lie with me.' And he

¹⁹⁰ McSheffrey, *Civic Culture*, 124.

¹⁹¹ McSheffrey, "Place, Space and Situation," 976.

¹⁹² The marriage in a church was between Margaret Isot and her first husband, John Heth. Thomas Wolley sued Isot because, he claimed, she made a contract with him, but Isot denied the contract and claimed to have a previous one with Heth. Isot did not produce any witnesses to her contract with Heth, but instead cited a number of legitimate (and public) rituals, including the solemnization of the marriage, then living together as husband and wife and even producing children. That the exchange occurred in a church seems to be a further way Margaret constructed the competitor's suit in a way that effectively challenged Thomas Wolley's claim.

¹⁹³ It is worth noting here that many premodern women accused of infanticide or recounting a rape, testified that the incident occurred in a field and no one was around to help. Though this is surely a feature of the narrative of infanticide and rape trials, these women could still convincingly claim that fields were deserted enough that their struggle went undetected. Fields, then, were not necessarily "public" spaces, just because they were beyond the boundaries of the "private" home. For infanticide see Gowing "Secret Births and Infanticide in Seventeenth-Century England," *Past & Present* no. 156 (Aug., 1997): 87-115. For rape, see Walker "Rereading Rape" and Elizabeth Cohen "The Trials of Artemisia Gentileschi: A Rape as History," *The Sixteenth Century Journal* 31, no. 1 (Spring 2000): 47-75.

¹⁹⁴ 1489-03-06: Thomas Anne in Robert Philipson c. Joan Corney (London, GL, MS 9065, 52v).

responded, 'I will.' And then this witness hearing this said to Richard that he would [not] stay there any longer, and he left, leaving them together in the chamber.¹⁹⁵

The defendant, Richard Tenwinter, had a slightly different account when questioned. He testified that

Alice Parker repeatedly urged this witness that he should come to her house and at last ... he went to Alice's house together with Robert Adcok. After they came, Alice led this witness to her room, leaving Robert in the hall, and then this witness said to her thus, 'I pray, let me lodge here all night.' She responded that she did not dare because of fear of the butcher who was accustomed to rise early in the morning, as she asserted. And then this witness said that the butchers would not see him. And she said, 'Will ye wed me?' And then this witness said, 'I will wed you as well as I can,' meaning that he would know her carnally, and this witness slept that night with her in the chamber and since then he frequently knew her carnally.¹⁹⁶

That this exchange occurred in a bedchamber is significant. The argument that bedchambers were not private spaces, as set out in Chapter 2, is particularly relevant here. Robert Adcok testified that he overheard the entire conversation – in fact, Alice Parker's case relied upon the fact that there was a witness to an exchange that took place in an intimate setting. Like all rooms, however, bedchambers carried certain social meanings. Often associated with premarital sex (rightly, in this case), contracts made in bedchambers also highlighted the thin line between premarital sexuality and the kind of fornication that Richard Tenwinter was guilty of, that which was not connected to marriage.¹⁹⁷

Like other Consistory cases, the verdict for the Tenwinter case is not extant, so we can only speculate whether Richard's argument that he really only meant that he would

¹⁹⁵ 1488-01-22: Robert Adock in Alice Parker *c.* Richard Tenwinter (London, GL, MS 9065B, 2rv).

¹⁹⁶ 1488-01-22: Richard Tenwinter in Alice Parker *c.* Richard Tenwinter (London, GL, MS 9065B, 2r).

¹⁹⁷ McSheffrey, *Civic Culture*, 126.

have premarital sex with Alice, not marry her, held up in court. Yet Richard and Robert's accounts of that evening are close and, despite the fact that Robert testified on Alice's behalf, both present a picture of Alice as a libidinous woman and suggest that she attempted to trick Richard into marriage with the promise of intercourse.¹⁹⁸ Whether this is true or not, Richard purposely constructed this story to discredit Alice's claim and call her reputation into question. Richard hinted that Alice pressed for a sexual relationship because she "repeatedly urged" Richard to go to her house, as opposed to a public place. When he "at last" went – suggesting he resisted repeatedly before Alice's frequent badgering and the temptation of sex finally wore him down – Alice led him to her bedchamber. Both Robert and Richard hint that, because Alice allowed Richard access to her bedchamber, she also allowed him access to her body. Premodern Londoners clearly understood how women's reputations were contingent on their sexual behaviour, and how both were directly connected to the home.

CONCLUSION

Fifteenth-century houses were functional structures, but also sites of social relations and, as is clear from the marriage contracts analyzed here, shaped the particular form of those relations. Spaces carried loaded, often contradictory, meanings that went beyond their function as places of work or leisure. The publicity of certain rooms, like halls, or the privacy of others, like bedrooms, was directly connected to the acts that took place within them. As a place for eating, drinking, and socializing, the hall was a more public place. The bedroom, as a site of sexual activity, was understood as a more private

¹⁹⁸ When cases of seduction came up, courts (or, more informally, friends and neighbours) pressured couples to marry (Hanawalt, *Wealth*, 72-72).

space. The distinction of public versus private rooms is simplistic, however, and it is perhaps more appropriate to view spaces as more or less public, rather than public or private.

Premodern prescriptive texts connected women's chastity with the home, as the house's wall protected her body from the gaze and touch of others. The reality of London houses, however, meant that a woman was rarely alone and the home was far from a secure cloister. Large households meant people constantly moved in and out of the house, traversing the boundaries between outside and inside. Marriages, often contracted in the hall, demonstrate not only the number of people who had access to the house, but also that it was a properly public place fit for the exchange of consent. While Chapter 2 focused on the invasion of neighbours into the house, the presence of neighbours was often desired, welcome, and helped support the rituals of marriage.

Women who sought to extricate themselves from undesirable marriage contracts found it difficult when plaintiffs called on multiple witnesses who claimed they witnessed the couple exchange consent. Multiple witnesses, the recitation of the banns, whether public voice and fame circulated throughout the parish, and other public pronouncements legitimized marriages and were often cited by litigants in Consistory cases. These rituals, the reality of women's experiences in large households and in houses open to public intrusion, meant that women, whether in the home or in the street, lived their lives in public.

CHAPTER 4: “THOU STRONG HOOR AND STRONG HARLOT”

INTRODUCTION

On 14 December 1487, a witness testified that he “saw and heard Elizabeth [Hertford] standing at the threshold of [John Calle’s] house and saying to John, at that time standing in the same entryway, ‘thou art a false errant thief, a tainted thief, a cockold, [*sic*] and a wittol.’”¹⁹⁹ The dichotomy of public and private is traditionally treated as a spatial one, as evidenced in the case above where the deponent emphasized that Elizabeth Hertford and John Calle stood on the “threshold” of domestic, private space. Yet, as argued in Chapters 1 and 3, the division of public and private is perhaps more appropriately applied to acts and understood as more or less public. Elizabeth claimed to have knowledge of the private acts of John’s wife (that through her acts of infidelity she made John a cuckold and a wittol) and Elizabeth made this information public. Defamation cases challenge the assumption that women had limited participation in the public sphere, and highlight the ways in which women exercised authority by exposing personal acts to public scrutiny.

Most historians agree that slanderous words were the product of ongoing tensions between neighbours that built up over time and that insults were, therefore, part of larger conflicts.²⁰⁰ The particular form those insults took, however, is significant; female defamers used insults that directly called into question the sexual reputation of their victim, and words such as “whore” and “cuckold” had specific, gendered meanings that attackers consciously drew upon to make their insults as effective as possible. Defamers

¹⁹⁹ 1489-12-14: John Calle *c.* Elizabeth Hertford (London, GL MS 9065, 41v-42r). A “wittol” refers to a man who is aware of and complaisant about his wife’s infidelity.

²⁰⁰ Helmholz, *Ecclesiastical Jurisdiction*, 574-575.

exposed the private acts of their victims and made accusations of adultery, fornication, and bastardy. Like litigation over marriage contracts, however, what witnesses chose to emphasize and how they framed events is more compelling and illuminating than whether John Calle really did steal from Elizabeth Hertford.

This is particularly true of the location of defamation attacks. Defamers who stood in their doorways and insulted their victims as they walked down the street evoked purposeful connections between the home and chastity, and the street and sexual availability. Witnesses always testified to the plaintiff's and defendant's locations, as well as their own. Many overheard attacks from different rooms, different houses, or across streets, yards or fields, which supports the argument in Chapter 2 that haphazard housing and close quarters allowed sound – in this case, defamatory language – to travel easily. In fact, defamers relied on their insults carrying, as defamation was only properly defamation if there was an audience. Publicity was, therefore, at the heart of defamation, and attackers exposed the most intimate, personal, “private business” of their victims. This chapter is concerned with the publicity of defamation, with the ways in which women surveyed and controlled their neighbours' behaviour, and how the verbal expression of that surveillance – defamation – blurred the boundaries between public and private.

DEFAMATION AND THE LANGUAGE OF INSULT

Without access to institutional forms of power, women exercised authority in informal ways. Defamation gave women control over their own reputations, and allowed them to attack the reputations of others in ways otherwise denied to them. Premodern

defamation almost always refers to oral insults as opposed to libel, or printed slander.²⁰¹ Women were closely connected to this kind of disruptive speech, and were more likely than men to be participants in defamation cases. Sandy Bardsley found that 80 to 95 percent of those charged with scolding in secular and ecclesiastical courts were women, and Jenny Kermode and Garthine Walker maintain that certain crimes, such as witchcraft, infanticide, and scolding, were labelled female crimes.²⁰² Walker and Kermode characterize verbal attacks as the feminine equivalent to masculine physical assault.²⁰³ Though this incorrectly assumes both that men never used slanderous speech, and that women did not resort to physical aggression, the different ways in which men and women used defamatory language and their responses to litigation are worth exploring.

Few legal avenues existed for women to condemn men's behaviour, but defamation provided the opportunity to address a husband's infidelity. Gowing and Hubbard suggest that women found it more effective to attack the woman involved in the affair, rather than the adulterous husband directly. "The language of slander," Gowing explains, "offered particular linguistic powers to women, through which they asserted their verbal, physical, and legal agency to judge and condemn other women."²⁰⁴ The Consistory court cases analyzed here do show a tendency for the defamer to attack her husband's supposed mistress, but women had no qualms about calling out men's sexual transgressions. Perhaps to strengthen the argument of the plaintiff, all three witnesses for the case between Joan Essex and Agnes Badcock added to their testimony that, in

²⁰¹ Helmholz, *Ecclesiastical Jurisdiction*, 565.

²⁰² Sandy Bardsley, "Men's Voices in Late Medieval England," in *The Hands of the Tongue: Essays on Deviant Speech*, ed Craun (Michigan: Medieval Institute Publications, 2007): 163; Jenny Kermode and Garthine Walker (eds), *Women, Crime and the Courts in Early Modern England* (London: University of North Carolina Press, 1994), 5.

²⁰³ Walker and Kermode, *Women, Crime and the Courts*, 5.

²⁰⁴ Gowing, *Domestic Dangers*, 109.

addition to Agnes's public insult, she often openly disapproved of an alleged affair between her husband and Joan. Two witnesses testified that "many times before that day Agnes told this witness that John her husband held Joan in adultery" and John Smert reckoned Agnes told him about the affair at least "twenty times before this day."²⁰⁵ John Howard recalled something similar, but added "that on many occasions when this witness and John Badcock socializing together, Agnes often asserted that her husband was in covin and in company with Joan and she very much suspected him to have committed adultery with Joan."²⁰⁶ Agnes openly criticized her husband's behaviour, but focused the language on Joan's sexual reputation.

For premodern people, adultery meant anything from illicit kisses or touch to intercourse.²⁰⁷ A married woman being found alone with another man could lead to a charge of adultery, and many courts accepted these meetings as evidence of illicit behaviour.²⁰⁸ Premodern women evidently took it upon themselves to monitor this behaviour: in the nine cases examined here, three cases had both a female defendant and plaintiff. "Whore" and "harlot" appear in all three cases, but defamers used more complicated insults to suggest sexual transgression, such as accusations of adultery and illegitimate pregnancy.

One argument for the prevalence of these insults in same-sex conflict is that pregnancy – or the presence of an infant – was a visible, public sign of the effects of adultery. Such insults were particularly effective because of women's authority and knowledge of the female body, which stemmed from their experience with pregnancy and

²⁰⁵ 1488-11-24: Rowland Bell in *Joan Essex c. Agnes Badcock* (London, GL, MS 9065, 45r); 1488-11-24: John Smert in *Joan Essex c. Agnes Badcock* (London, GL, MS 9065, 44v-45r).

²⁰⁶ 488-11-24: John Howard in *Joan Essex c. Agnes Badcock* (London, GL, MS 9065, 45v).

²⁰⁷ Brundage, *Christian Society*, 519-20.

²⁰⁸ *Ibid.*

childbirth.²⁰⁹ After her initial attack on Joan Sebar, for example, Joan Rokker told her to get some swaddling clothes because “[if] ever I had child in my belly thou hast one.”²¹⁰ Similarly, when Agnes Badcock saw Joan Essex sitting with a child in her arms she said, “Will ye see, yonder sitteth a whore, this same is my husband’s child.”²¹¹ Women constructed their insults from an available store of gendered insults and language, available to them through the uniquely female experiences of pregnancy and childbirth.

The gendered use of language is evident in the insults used by and directed toward women and men in defamation cases. Both men and women consistently used “whore” as an insult, but the word itself was only ever applied to women.²¹² The common insults directed at men, which included “cuckold” or “wittol,” focused on the illicit sexual behaviour of their wives, while some phrases, like ‘whoremonger,’ attacked the man directly.²¹³ Conversely, the use of the phrase, “thou art my husband’s whore,” represents a common insult used by women that always allowed for wives to attack other women and to complain about their husband’s behaviour.²¹⁴ The language of insult necessarily depended on gender ideals, as the image of the loose woman contradicted the acceptable standard of chaste, moral woman. Defamatory language invoked gender ideals that categorized women as either licentious adulteresses or paragons of chastity and sexual fidelity. A defamer who called a woman a “whore” called into question the sexual

²⁰⁹ Gowing, *Domestic Dangers*, 88.

²¹⁰ 1497-01-19: Henry Patenson in Joan Sebar c. Joan Rokke (London, GL, MS 9065, fols. 267r-267v).

²¹¹ 1488-11-24: John Smert in Joan Essex c. Agnes Badcock (London, GL, MS 9065, 44v-45r).

²¹² Ruth Mazo Karras argues that ‘whore’ was an identity, not just a series of acts or an illicit occupation, and therefore only applicable to women. (Ruth Karras Mazo, “Prostitution and the Question of Sexual Identity in Medieval Europe,” *Journal of Women’s History* 11, no. 2 (Summer, 1999): 162).

²¹³ Gowing, *Domestic Dangers*, 62.

²¹⁴ *Ibid.*, 102-103.

morality of her victim at the same time that she positioned herself as the model of virtue.²¹⁵

Only recently have historians considered male sexual honour in defamation cases. Alexandra Shepard explains that the “debate on honour and reputation have emphasized a degree of overlap between the sexes, focusing on ... the damaging potential of sexual slander for men.”²¹⁶ Respectable men, argues Bernard Capp, “like respectable women, valued sexual ‘honesty’ as an intrinsic part of the ‘good name’ that gave them a sense of worth and a position of respect within their community.”²¹⁷ Insults like ‘whoremonger’ ‘whoreson,’ and ‘cuckold,’ which suggested promiscuity on the woman’s part, still damaged men’s reputations in a significant way.

Whatever damage defamers inflicted on men through sexual slander, however, was secondary to the damage caused by insults that called men’s honour and veracity into question. “Thief” is the primary insult in five of the six cases with a male defendant and the sixth case involved the more serious accusation of murder. Witnesses in these cases stressed the economic repercussions of the insult and often added their own feelings about the victim. Thomas Soorton testified that the repercussions for Robert Woode’s disgrace were much more serious: “And he says that fame and opinion fell and was injured among good and serious men of the parish and particularly among the good and serious men of the Shearman’s guild, that is Shearman’s craft, of the city of London.”²¹⁸ The suggestion here is that, in addition to the damage done to Robert’s reputation, the

²¹⁵ Ibid., 79.

²¹⁶ Alexandra Shepard, “Manhood, Credit and Patriarchy in Early Modern England, c.1580-1640,” *Past & Present* 167 (May, 2000): 77.

²¹⁷ Bernard Capp, “The Double Standard Revisited: Plebian Women and Male Sexual Reputation in Early Modern England,” *Past & Present* 162 (Feb., 1999): 72.

²¹⁸ 1491-06-07: Thomas Soorton in Robert Woode c. Joan Patryk (London, GL, MS 9065, 84v).

insult and subsequent gossip had direct consequences on his livelihood. The loss of economic worth – or, to use Shepard’s colourful phrase, to be “economically impotent” – signified the loss of honour, manhood, and the trust of the community.²¹⁹

In her work on masculinity and male credit, Shepard connects male reputations to economic agency and to issues of control, particularly the ability to maintain the position as head of the household.²²⁰ Male credit was attached to honesty, particularly in business, so that men’s worth was dependent on economic honesty.²²¹ An accusation of theft that circulated throughout the community indicated to neighbours that the victim was not to be trusted.²²² Thomas Dod testified that he “has less confidence in Robert [Woode]” because Robert was accused of theft, “and he will continue to trust Robert less until he proves himself innocent of the crime of which Joan has accused him.”²²³ Thief was a common insult directed at men until well into the seventeenth century, just as the connection between truth and masculinity endured.²²⁴

THE LOCATION OF DEFAMATION

Defamers relied on the metaphorical connections between reputation and household in order to make their arguments more effective. Joan Rokker alluded to Joan Sebar’s illegitimate pregnancy only after she told Sebar to “go home hoor and strong harlot.”²²⁵ Rokker insulted Sebar while Sebar stood in the doorway of her dwelling

²¹⁹ Shepard, “Manhood,” 87.

²²⁰ Ibid., 82; Capp, “Double Standard,” 74.

²²¹ Shepard, “Mahood,” 83.

²²² Neal, *The Masculine Self*, 34.

²²³ 1491-06-07: Thomas Dod in Robert Woode c. Joan Patryk (London, GL, MS 9065, 84rv).

²²⁴ Neal, *The Masculine Self*, 45.

²²⁵ 19-01-1497: Henry Patenson in Joan Sebar c. Joan Rokker (London GL, MS 9065, fols. 267r-267v). Directly after her slanderous words, Rokker threw a piece of bread at Sebar’s head. Sebar’s friend Elizabeth threw it back at her.

house. Sebar's position in the doorway and her physical connection to the house served metaphorically to connect her reputation to the respectability of the household of which she was a part. Rokker drew on this implicit connection in her insult; after calling her a "strong hoor and strong harlot," she further claimed that "Her were though dight [probably a verb meaning fornicate], and her ley thi leggis and her thi <fete>," and pointed at the doorway next door.²²⁶ This last insult added weight to Rokker's claim that Sebar engaged in premarital sex and became pregnant. But, as Rokker already made those claims, what was damaging was not that Sebar engaged in premarital sex, but that she did so in public and within close proximity to her own abode. Similarly, Sebar blurred the boundaries between private and public by fornicating (a private act) in a public space (a doorway facing the street). This, in combination with the accusation of illegitimate pregnancy, damaged her reputation and that of her household. Yet Rokker's demand that Sebar "go home" was perhaps an attempt to distance Sebar from this respectability. The subtle shifts in the meanings of space here demonstrate that the liminal space of doorways had to be negotiated: when a woman sat in a doorway to work, doorways were respectable space, but when a woman fornicated in a doorway, it became a disreputable space.

Sebar's connection to her household is interesting when the wider context of the location of defamation is considered. It was common for insults to be exchanged outside the home, on the street directly outside the home, or from the doorway between these two spaces. In the same way that windows, as discussed in Chapter 2, were a purposeful breach between inside and outside, doorways represent the threshold between "public"

²²⁶ Or: Here where though dight and here lay thy legs and here thy feet." 19-01-1497: Henry Patenson in Joan Sebar c. Joan Rokker (London GL, MS 9065, fols. 267r-267v), translations by McSheffrey.

and “private.” Women who stood or sat in doorways and shouted insults to women on the street evoked the powerful imagery of chastity, protected by the walls of the house, versus the whore on the street. Gowing argues that the boundaries of the house were often defined by women’s work and social lives and thus, “had a moral power as well as a physical one. In this way, women’s sense of physical space and their disputes over it were closely tied both to their working lives and to their roles in neighbourhood relations.”²²⁷

GOSSIP AND REPUTATION

Like surveillance from the doorstep, gossip enforced community standards and expectations of female behaviour through peer pressure. The involvement of women in both gossip and the courts challenged the same standards that supported women as submissive, silent extensions of their husbands. Premodern courts understood that gossip was a force behind social control and defamation, and it shaped honour and reputation.²²⁸ Elizabeth Horodowich argues, “in this way, litigation effectively functioned as an extension of gossip into the courtroom.”²²⁹ Women relied on gossip as an important element of their social lives, but it was also one of the few ways they exercised power in premodern London. London’s gossip community was decidedly feminine: gossip was associated primarily with women’s speech and, as such, understood as untrustworthy and frivolous.²³⁰ In *The Treasure of the City of Ladies: or the Book of the Three Virtues* (1405), Christine de Pizan writes that women “ought to stay at home gladly and not go

²²⁷ Gowing, “Place, Space and Situation,” 137.

²²⁸ Elizabeth Horodowich, “The gossiping tongue: oral networks, public life and political culture in early modern Venice,” *Renaissance Studies* 19, no. 1 (2005): 44.

²²⁹ Ibid.

²³⁰ Kermode and Walker, *Women, Crime, and the Courts*, 5.

every day traipsing hither and yon gossiping with the neighbours and visiting her chums to find out what everyone is doing.”²³¹ In a contemporary poem, “How the Good Wife Taught Her Daughter,” female readers were instructed: “make you no jangling with gossip or with friend,/ Laugh you to scorn neither old body nor young,/ But be of fair bearing and good tongue.”²³²

A more detailed discussion of gossip is beyond the scope of this thesis, but it is important to mention here both as a way that women exercised authority and as an example of their public lives. Lower and middling-class women largely ignored the advice of conduct literature, like Antonio Guervara’s, which insisted that they “talke with few” and “be solitary and withdrawen.” Yet conversation between neighbours, particularly female neighbours, was understood as essential to community order and good relations. A woman who did not engage with her neighbours was met with suspicion; a woman’s good reputation in the community depended on whether she was visible and open with her neighbours.²³³ Gossip and talk were everyday experiences in a woman’s life, and essential to her standing in the community. The often-contradictory social pressures in women’s lives required them to be both isolated and social, removed from the public sphere but still visible.

While gossip was an important social tool for many women, the subject of gossip was not likely to benefit from the rumour mongering. After Margaret Samer insulted Joan Ponder, for example, “a great rumour circulated against Joan, and many of [the witness’] neighbours spoke about her because of it and this witness trusts her less in his own

²³¹ Christine de Pizan, *The Treasure of the City of Ladies: or The Book of the Three Virtues* (1405), trans. Sarah Lawson (New York: Penguin, 1985), 164.

²³² Bardsley, *Venomous Tongues*, 49.

²³³ Hubbard, *City Women*, 163-164, 168, 159.

conscience because of it.”²³⁴ Rumours also had much larger repercussions. Richard Twenty, another witness in the same case, testified

that many serious people talked about the speaking of those words, and he believes in his conscience that the speaking of the said words impedes the contracting of marriage with the said Joan’s daughter, or at least that it will cause many men to turn their hearts away from contracting with the girl.²³⁵

Any damage done to Joan’s reputation also affected those around her, and because Margaret attacked Joan’s sexual reputation, the paternity of Joan’s daughter was implicitly called into question. One witness testified that Margaret actually explicitly stated the father of Joan’s daughter was not Joan’s husband, but a friar, though this insult was not the reason for the suit and seems important in the case only in so far as it highlighted Margaret’s reputation as a frequent and disruptive scold. As both an important element of community life and a way to publicly damage a neighbour’s reputation, gossip, like defamation, allowed women a degree of authority and power they might not have had otherwise.

The realities of gossip are evident in the defamation cases examined here. In the same way that accusations of theft discredited men’s reputations for honest-dealing, witnesses in the Consistory court – both men and women – might find their own good name attacked by the opposition. In the case of Joan Ponder and Margaret Samer mentioned above, the witness John Stoner explained that Margaret was a “common scold and defamer of her neighbours,” which echoed the testimony of Richard Twenty.²³⁶ Richard, once a bailiff, recounted “that Margaret was previously presented for homage at Herford Stock before the secular judge as a common defamer and scold,” and was

²³⁴ 1490-03-11 John Stoner in Joan Ponder *c.* Margaret Samer (London, GL, MS 9065, 71r).

²³⁵ 1490-03-11 Richard Twenty in Joan Ponder *c.* Margaret Samer (London, GL, MS 9065, 70v).

²³⁶ 1490-03-11: John Stoner [Stonard] in Joan Ponder *c.* Margaret Samer London, GL, MS 9065, 71r).

threatened with the “Cucking Stool and the pillory.”²³⁷ Similarly, in a marriage contract dispute in 1488, Beatrice Thomson discredited the testimony of Agnes Weston, another witness, because “Agnes is a woman of loose tongue and a great liar and that she was accustomed often to say one thing and ... immediately afterward deny that she had just said, as this witness knows, and is commonly taken and reputed as such.”²³⁸ Women used gossip to publicize the personal acts and events of their neighbours and, in doing so, established a degree of neighbourhood authority. Yet a woman who gossiped too much could easily find herself discredited and shamed in court.

PUBLIC VOICE AND FAME

In many ways, attacks on women’s reputations that extended into the courtroom were narrative tools used by witnesses to strengthen the case. It is likely that, given the formulaic nature of the records, many statements are the products of expected court narratives, rather than completely truthful accounts. The Consistory court, for example, required plaintiffs to demonstrate that the defamer spoke maliciously and that the insult damaged the reputation – or “fame” – of the victim and that *fama publica*, or public voice and fame, circulated against a person.²³⁹ References to *fama* appear repeatedly in premodern Europe, though the definition could be anything from “rumour” and “idle talk,” to “reputation,” “memories” or “infamy.”²⁴⁰ When witnesses testified that “public voice and fame circulated,” they meant both that information of an event was spread

²³⁷ 1490-03-11: Richard Twety in Joan Ponder *c.* Margaret Samer (London, GL, MS 9065, 70v).

²³⁸ 1488-07-12: Beatrice Thomson in Alice Billingham *c.* John (or Thomas) Wellis (London, GL, MS 9065B, 15v).

²³⁹ Helmholz, *Ecclesiastical Jurisdiction*, 580, 585.

²⁴⁰ Thelma Fenster and Daniel Lord Smail, *Fama: The Politics of Talk and Reputation in Medieval Europe* (Ithaca: Cornell University Press, 2003), 2.

throughout the community, but also that a person's character (their *fama* or *repute*) was being shaped by public knowledge of that event.

Fifteenth-century London was an oral culture and, as such, relied heavily on talk for news, information on events, and knowledge of people's characters, credit-worthiness, honesty, and sexual reputations.²⁴¹ Ill *repute* or ill fame might have disastrous consequences for individuals, whether economic, moral or social. Plaintiffs in the Consistory court sought to protect or reestablish their good names by addressing specific insults against them. At the same time, they required witnesses who could testify on their behalf, not just as to whether the defamation had taken place, but that it wronged them by damaging their fame.²⁴² This was only effective if the plaintiff had a good reputation to begin with, which meant that premodern Londoners were acutely aware that they had to manage their behaviour and speech in order to establish a good reputation.²⁴³

Witnesses made specific reference to "public voice and fame" circulating throughout the parish and neighbouring parishes in just under half of the marriage cases in this sample, and seventeen of the thirty witness depositions from the defamation suits. Similarly, in twenty-two testimonies, witnesses claimed certain information was "commonly held" public knowledge or that rumours circulated. In seven marriage cases and seven defamation cases, witnesses also explicitly denied that public voice and fame circulated, which demonstrates either that the witnesses thought it significant enough to

²⁴¹ Hanawalt, *Good and Ill Repute*, ix; Fenster and Lord Smails, *Fama*, 9. Fenster and Lord Smails make a convincing argument why 'talk' should be used instead of the more pervasive label of 'gossip' because not all talk was necessarily gossip: by using gossip, "scholars," they argue, "have found it necessary to define gossip, rumour, and the like in ways that bracket them off from each other and from something envisaged as 'good talk'" (Fenster and Lord Smails, *Fama*, 10). Yet gossip had specific meanings in premodern society, and, while a wider definition or consideration of talk should be employed, it should not dismiss the real category of gossip as a type of talk.

²⁴² Hanawalt, *Good and Ill Repute*, ix.

²⁴³ Fenster and Lord Smail, *Fama*, 4.

mention, or that examiners believed it to be crucial to the verdict. Regardless of whether witnesses volunteered the information or examiners asked for it, the emphasis on public voice and fame highlights the importance of community knowledge and reputation in London neighbourhoods.

“OWN SIGHT AND HEARING”

The assize of nuisance and Consistory court records show this same concern for neighbourhood knowledge and sight. As discussed in Chapter 2, nuisance cases concluded only after viewers, appointed by the city, examined the property in question. Viewing was also stressed in marriage and defamation cases, as witnesses claimed to know of an event through their “own sight and hearing.” Twenty-seven witnesses in marriage cases made this claim, and almost half of the witnesses in defamation cases asserted that they saw or heard the event in question. The high number of instances in defamation cases is likely due to the importance of wording in the defamation itself; it was crucial that witnesses recalled the exact insult used. Marriages, however, could be upheld in court even if witnesses only had a vague idea that the couple married. Nine witnesses in marriage cases testified that they “heard from others” a particular piece of information, while seventeen witnesses stressed that the couple in question were “commonly held” to be married. Community knowledge confirmed the legitimacy of marriage and effectively expressed to the court the severity of insults.

Felicity Riddy’s argument, discussed in Chapter 2, that certain rooms in houses were not private because neighbours could see into them is applicable here. Witness testimony, such as that of Robert Adcok in the case of Alice Parker and Richard

Tenwinter mentioned earlier, reveals that supposedly “private” acts were open to public scrutiny. Those who claimed they saw or heard an exchange of consent or defamation, or who heard a rumour circulate throughout the parish, or who participated in gossip themselves, reveal an extensive network of community knowledge. Further, litigants relied on this network: without witnesses to testify convincingly on their behalf before secular and ecclesiastical courts, plaintiffs and defendants had little hope of winning their suit. Fifteenth-century Londoners’ reputations, social standing, and daily lives depended on varying degrees of publicity and visibility.

CONCLUSION

Defamers relied on certain gendered language to make their insults as effective as possible. The focus on women’s sexual honesty (‘whore’) versus men’s economic honesty (‘thief’) tied into premodern gender ideals that based a woman’s worth on her chastity and a man on his trustworthiness. The ideals were directly connected to the house and household, as the walls of the house protected a woman’s body from the unwanted touch and sight of others. While, in reality, the house was far from secure against invasion by others, the association of the home with chastity is apparent in defamation cases, as attackers remained close to houses as they slandered others. Women attached themselves to the respectability of the “private” sphere of the home, yet still remained involved in the “public” sphere of the street.

A simple definition of, and distinction between, public and private is problematic; Women blurred the boundaries between public and private space – whether in the public house or the more public street, women lived their lives in the open – at the same time, they relied on a tension between public and private acts. Women exposed the “private,”

or personal, acts of their neighbours to public scrutiny in order to reinforce their own morality and to establish authority within their communities. Defamation blurred the boundaries between public and private further, as the realities of shared space and dense neighbourhoods allowed women to reveal intimate acts. For victims to effectively respond to defamation in court, they needed to prove that “public voice and fame” circulated against them. Defamation and the subsequent litigation relied on varying levels of publicity in order to be effective. An analysis of defamation cases suggests that the division of public and private needs to be reworked to consider how acts and spaces were more or less public.

CONCLUSION

The marriage case between Isabel and William Newport, mentioned in the introduction to this thesis, is worth reiterating here. Witnesses claimed that the couple “argued, quarreled, and fought most of the time, to the great weariness and nuisance of their neighbours ... This witness saw them [arguing] sometimes in the doorway of their dwelling house, sometimes in the street ... and [Isabel] called [William] thief and robber, and he called her whore,” so that “this witness and other neighbours living around were very worried and disturbed about what they did and said to one another.”²⁴⁴ This case exemplifies the issues discussed in this thesis: neighbourhood relations, marital conflict, and defamation.

Isabel and William’s fights made them a nuisance to their neighbours, but most fifteenth-century Londoners were used to (if not accepting of) the intrusive sounds, smells, and gaze of their neighbours, which were usually the result of close living quarters and lack of building maintenance. Complaints brought before the assize of nuisance addressed conflicts between neighbours when the defendant’s property encroached on the plaintiff’s, often in the form of misdirected runoff water, a ruined shared wall between properties, or unauthorized building that went against City regulations. Yet the concern behind these complaints was for control over space, the household, and the protection of a masculine identity. The discussion of London houses set out in Chapter 2 argues that individuals who brought complaints before the assize of nuisance responded to the invasion of neighbours who threatened the structural integrity of their houses as well as the social hierarchies of their households.

²⁴⁴ 1492-01-27: John Smith in William Newport *c.* Isabel Newport (London, GL MS 9065, 95rv).

Both the house and household are examined in greater detail in Chapter 3, which considers women's place as mistresses of the household, their role as wives, and the way they interacted in the spaces in and around the house. Chapter 3 also draws on the evidence of neighbourhood relations provided in Chapter 2, but analyzes twenty-eight marriage contracts (with 156 witness testimonies) that came up before the ecclesiastical Consistory court between 1487 and 1497. Like the neighbours in Isabel and William's marriage case, who "were very worried and disturbed about what they did and said to one another," these cases reveal how involved neighbours were in a couple's marriage, whether as enforcers of marriage, witnesses to the exchange of consent, or as witnesses in legal battles over contentious contracts.

Defamation cases also included community members, as neighbours heard the insult and testified before the court regarding the specific language, the fame of the litigants, and whether or not events circulated throughout the parish or neighbouring parishes. Chapter 4 draws on nine cases (with thirty witness testimonies) of defamation between 1487 and 1497 and analyzes how women controlled and surveyed their community and how they expressed that control and surveillance verbally. The gendered language of defamation – sexual insults for women, like William's accusation that Isabel was a "whore," and economic insults for men, like Isabel's accusation that William was a "thief" – reinforced larger social ideas of femininity and masculinity.

The overarching concern and theme of this thesis is the relationship between public and private in fifteenth-century London. Each chapter has challenged this dichotomy: houses open to the invasion of others, where neighbours could see the "private business" of the plaintiff, contradict the widely held assumption that the house

was a secure, private space; the rituals of marriage and the realities of women's experiences in large households and houses open to public intrusion, meant that women, far from living in a cloistered domestic sphere as conduct literature recommended, lived in public, whether in the home or on the street; and in cases of defamation, women blurred the boundaries of public and private by exposing supposedly private acts to public scrutiny. Their knowledge of these acts in the first place, however, suggests that most acts were not "private" according to Georges Duby's definition of private as secret or hidden. Given the analysis of these issues, this thesis argues that the false dichotomy of public and private needs to be reworked to consider how spaces and acts were more or less public, rather than public *or* private.

APPENDIX: CHARTS

CHAPTER 2

Table 2.2: Nuisance complaints and frequency, 1384-1431

Nuisances	Instances
Windows	12
Rainwater	11
Private business	10
Gardens	7
Walls	6
Gutters	5
Tenements (partitioning, adjoining, etc.)	4
Disputed ownership	4
Light (obstruction or other)	3
Blocked access	2
Shared maintenance	2
Latrines/Privies	2
Wells	1
Smell	1
Roof	1
Ruinous wharf	1
Ruinous chimney	1
Total	74

Note: Plaintiffs cited multiple nuisances in one complaint. In the thirty cases analyzed here there are seventy-four nuisances mentioned.

CHAPTER 3

Note: In cases that dealt with a previous contract, defendants often called witnesses to give details of the other contract. The total instances out of twenty-eight include only those features mentioned in the suit before the Consistory. Where details from another contract or a competitor's suit are mentioned, they are added beside the total.

Table 3.1: Gender of Plaintiff by case

Gender	Plaintiff
Female	9
Male	19
Total	28

Table 3.2: Location of Exchange per case

Location	Instances	Other Contract
Hall or other room	11	1
Woman's (dwelling) house	3	1
Woman's parent's house	4	1
Church		1
Bedchamber	1	
Other	2	1
Unknown	7	
Total	28	

Table 3.3: Number of Witnesses per case

Number of Witnesses	Instances	Other Contract
None	2	1
At least 1	6	
At least 2	5	
At least 3	3	1
At least 4	3	2
5 +	3	
Unknown	6	
Total	28	

Table 3.4: Types of Witnesses out of total depositions

Types of Witnesses	Instances
Defendant	21
Plaintiff	2
Competitor	1
Friends or Neighbours	104
Plaintiff's sibling	3
Plaintiff's parents	3
Defendant's parents	4
Other family (plaintiff)	1
Other family (defendant)	2
Master/Mistress	1
Servants	2
Tenant	1
Strangers	10
Unknown	1
Total	156

Table 3.5: Reasons for litigation by case

Reason	Instances
Woman has previous contract	8
Man has previous contract	2
Woman denies contract	8
Man denies contract	5
Abuse	2
Adultery	2
Contract was conditional	1
Other	1
Total	28

CHAPTER 4:

Table 4.1: Specific insults and instances by case

Insults	Instances
Whore	2
Harlot	2
Cuckold	1
Whoreson	1
Wittol	1
Thief	5
Whoremonger	1
Extortioner	1
Accusation of murder	1
Suggestion of adultery, illegitimate pregnancy and or questionable paternity of child	3
Total	18

Note: There are only nine cases examined here, but because defamers combined insults, there are more insults listed than cases listed.

Table 4.2: Location of defamation per case

Location	Defamer	Victim	Witness
Street	3	2	3
Moved from House/Church to Street			4
Doorway	1	3	0
House or Workshop	3	1	8
Yard	2	1	4
Not mentioned		2	11
Total	9	9	30

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