

University of Warwick institutional repository: <http://go.warwick.ac.uk/wrap>

A Thesis Submitted for the Degree of PhD at the University of Warwick

<http://go.warwick.ac.uk/wrap/36427>

This thesis is made available online and is protected by original copyright.

Please scroll down to view the document itself.

Please refer to the repository record for this item for information to help you to cite it. Our policy information is available from the repository home page.

The Cultural Significance of Interpersonal Violence, with
special reference to Seventeenth-Century Worcestershire

Claire Stone

A thesis submitted in partial fulfilment of the requirements for the
degree of Doctor of Philosophy in History

University of Warwick, Department of History

September 2000

Contents

List of Tables *iii*

Acknowledgements *iv*

Author's Declaration *v*

Abstract *vi*

List of Abbreviations *vii*

	Introduction	1
1	Discourses of Power and Violence	41
2	Physiologies of Violence	84
3	Prosecuting Violence	122
4	Violence at Home	168
5	The Conduct and Codes of Neighbourly Violence	207
6	Processes of Conflict and Resolution	249
	Conclusion	270

Bibliography *288*

Tables

1	Socio-occupational status of those bound over to keep the peace, 1601-1669	151
2	Socio-occupational status of those swearing the peace, 1601-1669	151
3	Occupations of those swearing the peace and those bound over, 1601-1669	154
4	Sex of those bound over, 1601-1669	156
5	Sex of those swearing the peace, 1601-1669	156
6	Sex of those swearing the peace and of those bound over, 1601-1669	157
7	Occupations of those bound over to keep the peace and of those indicted for assault, 1601-1669	161
8	Occupations of those indicted for assault by decade, 1601-1669	162
9	Sex of those indicted for assault, 1601-1669	163

Acknowledgements

This thesis was made possible by the financial support given to me during the first two years of the degree by the University of Warwick and, in the third year, by the Arts and Humanities Research Board. I am grateful to the staff at the institutions where I have researched for their advice and help and would particularly like to thank the staff of the Worcestershire County Record Office and Mr Richard Parker, Librarian at the University of Warwick. The hospitality extended to me by the Chance and Coopey families, Mrs Dixon and the late Mr Dixon, made researching the thesis a more enjoyable experience than it would otherwise have been. Richard Macve generously lent me his office and computer when mine failed at critical moments. I received helpful feedback on draft chapters from Eric Greene, Richard Dixon, Sarah Larkins and Michael Roberts. Their efforts are much appreciated. My thanks to Roger Stone, for carefully checking an entire draft for errors. Chloe Underwood has engaged especially closely with this project since its inception and I value the support she has given me. My supervisor Bernard Capp has been unfailingly patient and constructive during the course of this research project and I am very grateful for his guidance and criticism. My husband John Stone has contributed to the development of the ideas expressed here by giving me emotional and practical support and intellectual stimulation, for all of which and more I thank him especially.

Author's Declaration

This thesis is my own work. It has not been submitted for a degree at another university. It does not contain any previously published material nor does it include material which has already been submitted for another degree.

Abstract

The historiography of early modern violence has generally focused upon the quantification of homicide over the *longue durée*. However, such approaches, predicated on the assumption that violence is a transhistorical phenomenon, conceal the differences between past and present discourses. This thesis makes an original contribution to knowledge by showing the significance violence held for contemporaries. This is achieved by locating violence within a wide cultural framework. Employing a largely qualitative methodology, the thesis elucidates the relationship seventeenth-century religious, political and physiological thought had with conceptions of violence. Drawing together existing work and utilizing a variety of primary sources, the thesis demonstrates the diverse meanings invested in violence, including the significance attributed to weapons and the parts of the body targeted.

Historical research into violence has sometimes been theoretically uninformed. The thesis redresses this by engaging closely with definitions of the concept 'violence', including those developed in other disciplines. It examines and rejects the (often implicit) claim that violence is intrinsically irrational. It asserts that, as a type of emotional performance, violence served an important communicative function. Force was also used to meet specific material objectives.

The thesis argues that seventeenth-century violence was part of a process and, accordingly, situates it in relation to preceding and succeeding events. It assesses the use of force in defining economic and social status within interpersonal relationships. The thesis explains the role played by those who intervened to stop fights. It shows how violence advertised problems in relationships and prompted peace-making efforts. The thesis contends that views of its harmfulness relative to other sanctions have changed substantially, making it anachronistic for historians to regard violence as necessarily deplorable and to interpret declining levels as an index of civilisation.

Abbreviations

Archives

British Library	BL
Lambeth Palace Library	LPL
Public Record Office	PRO
Shakespeare Birthplace Trust Record Office	SBTRO
Warwickshire County Record Office	Warks CRO
Worcestershire County Record Office	WCRO

Journals

<i>American Historical Review</i>	<i>AHR</i>
<i>Bulletin of the Institute of Historical Research</i>	<i>BIHR</i>
<i>Transactions of the Royal Historical Society</i>	<i>TRHS</i>
<i>Transactions of the Worcestershire Archaeological Society</i>	<i>TWAS</i>

Books

Bund, J. W. & Page, W. (eds.), <i>The Victoria History of the County of Worcester</i> , 4 vols (London 1906; repr. London, 1971)	<i>VCH</i>
Bund, J. W. (ed.), <i>England and Wales, Court of Quarter Sessions (Worcestershire), Calendar of the Quarter Sessions Papers 1591-1643</i> , vol. 1 (Worcester, 1900)	Bund, <i>Calendar</i>

Note

The date has been taken to start on January 1st. Spelling and punctuation are as in original except that '&' has been replaced by 'and'; 'ye', 'ys' and 'yt' have been modernised, as has the usage of 'u' and 'v'.

INTRODUCTION

My own role in this skirmish has hitherto been that of an academic powder-monkey, providing statistical ammunition for the heavy guns. By and large I find that role congenial and have little desire to invite injury (or sterility) by joining Sharpe in the trenches of *Past and Present*.¹

The introduction of J. S. Cockburn's important contribution to the history of interpersonal violence in England is replete with references to warfare. Why did he consider language of violence to be an apt 'way in' to this subject of academic interest? The history of interpersonal violence has generated such controversy and passionate debate because, to a greater extent than many other historical subjects, it has been regarded as tied-up with understandings of our own society. Professional historians have offered competing interpretations of violence, treating it alternatively as evidence of fundamental change and of continuity in English society since the early modern period. Despite the controversy the subject has generated, the way in which early modern people themselves conceived of violence is poorly understood. This thesis aims to develop our historical understanding of interpersonal violence by exploring the culture of seventeenth-century English violence.

This project was initiated largely in response to the work of early modern historians who have engaged with the issue of physical violence and this introduction will accordingly commence with a discussion of the historiography. It will outline approaches taken by historians studying interpersonal violence, paying particular attention to the categories of analysis which have been employed. The following paragraphs will introduce alternative ways of conceptualising violence and explain the impact of certain ideas about violence,

¹ J. S. Cockburn, 'Patterns of violence in English society: homicide in Kent 1560-1985', *Past and Present*, 130 (1991), p. 70.

some of which have been developed in other disciplines, on the approach taken in the thesis. The introduction will finally delineate the scope of the study, in terms of its chronology, geography and the thematic content of the chapters.

HISTORIOGRAPHY

The historiography of early modern violence has been dominated by the question: was society in the past more violent than it is today? Based on the premiss that violence is essentially 'continuous and independent of time'², this question invites another: how best can we measure today's violence and violence in the past, in order to effect a reliable comparison? Homicide has generally been regarded as the least worst index by which to measure changing levels of violence. In England homicide has always been treated as a serious criminal offence and those suspected of committing it have been more likely to be brought to judgement than those suspected of less heinous crimes of violence.³ The extant court records for homicide are, therefore, likely to bear a closer resemblance to the actual number of incidents committed than are the records for other types of violence. That is to say, the 'dark figure' of unknown crime is likely to be smaller for homicide than for any other violent offence. Detected homicides have additionally been recorded in coroners' records, which provide another source for establishing homicide rates.⁴ To measure violence quantitatively, as well as

² E. Österberg, 'Criminality, social control and the early modern state: evidence and interpretations in Scandinavian historiography', *Social Science History*, 16 (1992), p. 80.

³ J. A. Sharpe, 'Domestic homicide in early modern England', *Historical Journal*, 24 (1981), p. 33; Sharpe, 'The history of violence in England: some observations', *Past and Present*, 108 (1985), p. 208.

⁴ P. Spierenburg, 'Faces of violence: homicide trends and cultural meanings: Amsterdam, 1431-1816', *Journal of Social History*, 27 (1994), p. 707; C. Hammer, 'Patterns of homicide in a medieval university town: fourteenth-century Oxford', *Past and Present*, 78 (1975), pp. 6-7; Sharpe, 'Violence in England', p. 210.

information about the number of homicides in a given area, an idea of the size of the population at the time of the homicides is necessary. Together, this data can be used to obtain a homicide rate which can then be compared with the rates for other periods.

Measuring homicide has proved to be a complex exercise. Two key difficulties have been encountered in the process of establishing a homicide rate. The first concerns gauging the size of a population. The second involves defining homicide so that the same types of violence are included at different periods. A further problem has been that of extrapolating from homicide rates to the overall levels of violence experienced in a society. We will briefly look at each of these problems in turn.

The demographic structure of places at specific times is frequently elusive and an incorrect estimate can give a very misleading picture of the rate at which homicides occurred.⁵ Carl Hammer's work on medieval Oxford suggested a high homicide rate of around 110 per 100,000 of the population, but this rate may have been based on an inaccurate assessment of the size of the population.⁶ Lawrence Stone's work on changing levels of interpersonal violence has been criticised by Cockburn on the grounds that it is founded on statistics which are 'demonstrably unreliable'.⁷ Cockburn argues that work into medieval homicide rates, which has produced estimated homicide rates ranging from 4 to 110 per 100,000, 'is open to serious methodological criticism' and best disregarded.⁸ Eva Österberg, an historian who has charted changing levels of violence in Scandinavia, established

⁵ Cockburn, 'Patterns of violence', p. 101.

⁶ Hammer, 'Patterns of homicide', p. 11.

⁷ Cockburn, 'Patterns of violence', p. 71, n. 6.

homicide rates but urged that more important than the specific figures, which were based on small samples and rough estimates of population, were the 'broad tendencies'.⁹ Yet if the individual statistics are themselves unreliable, how sound are the trends they delineate? Österberg buttressed her argument by stating that her findings accorded with those of Lawrence Stone.¹⁰ However, as we have seen, his are not entirely authoritative. In addition to these quantitative difficulties, qualitative questions concerning the definition of homicide have cast doubt on the reliability of series of homicide rates.

Cockburn's work on homicide in Kent, from the mid sixteenth until the late twentieth century, underlined the significant problems facing those who wish to chart changing levels of violence. In particular, Cockburn questioned the extent to which homicide is a reliable index of violence by drawing attention to the impact different definitions of homicide might have on the homicide rate. For example, the exclusion from the statistics of deaths caused by reckless driving might obscure the tacit toleration afforded to certain acts of fatal violence. Changes in medicine have meant that violent assaults today are less likely to culminate in death than identical acts of violence perpetrated three hundred years ago. Victims of violence today are, because of medical improvements, more likely to survive their injuries. This means that, even if the same level of violent assaults have been committed over time, the statistics for homicide would progressively wane.¹¹

⁸ Cockburn, 'Patterns of violence', p. 72; Sharpe, 'Violence in England', pp. 207-09.

⁹ Österberg, 'Scandinavian historiography', p. 76.

¹⁰ Österberg, 'Scandinavian historiography', p. 82.

¹¹ Cockburn, 'Patterns of violence', pp. 101-03.

A third problem concerns the assumption that homicide rates have a direct relationship with, and are a valid index of, the level of interpersonal violence experienced by a society. That there is a strong positive correlation between levels of homicide and non-fatal incidents of violence at particular historical periods has been hypothesised but not adequately tested. In addition to the fact that the quantitative relationship between acts of homicide and other acts of violence is ill-understood, the qualitative relationship between fatal and non-fatal violence may not be a close one. Homicide has been a useful index precisely because it was so severe that it was almost certain to be prosecuted: its atypicality ensured it got to the courts. Does this act of violence, extreme in its consequences, really exemplify other types of violence? Pieter Spierenburg has asserted that 'the focus' of my research is what ... subjects did to each other in ordinary social intercourse' before going on to explore trends in homicide, but it is far from clear that killings were part of ordinary intercourse.¹² As historian Andrew Finch has argued, focussing on 'homicide rates may heighten the impression of a fundamentally violent and disordered society', if they are examined in isolation from minor assaults, brawls and defamation.¹³ Evidence relating to homicide may be specific to fatal violence against adults, and may not provide much insight into the nature of violence experienced by society overall.¹⁴

¹² Spierenburg, 'Faces of violence', p. 702. Generalisations about the incidence of violent crime are made on the evidence of homicide rates in H. Ylikangas, 'Major fluctuations in crimes of violence in Finland: a historical analysis', *Scandinavian Journal of History*, 1 (1976), pp. 99-100.

¹³ A. J. Finch, 'The nature of violence in the middle ages: an alternative perspective', *Historical Research*, 70 (1997), pp. 250-52.

¹⁴ Cockburn, 'Patterns of violence', pp. 104-05.

VIOLENCE AND THE 'CIVILISING PROCESS'

Despite these considerable methodological obstacles, a consensus has emerged amongst historians concerning changes in the level of violence in Europe since medieval times, namely, that violence has declined.¹⁵ The extent of this decline has been hotly contested; so too have interpretations of its significance. James Sharpe, a key contributor to the historiography of early modern English violence, considers equally important the question of change in the status of victims of homicide, as intimates rather than people from outside the household may have become an increased proportion of those killed.¹⁶ Yet it is the significance of the decline in the number of homicides committed that has received the lion's share of attention. Violence has been seen as a litmus-test for the extent of change in society, and as such has been an emotive issue for historians. As Stone has put it, there is

a clear division of opinion among historians about an aspect of social life which profoundly affects our vision of ourselves in relation to our past. Were our forefathers in the medieval and early modern period very much more prone to violence than ourselves, or were they not?¹⁷

¹⁵ Cockburn, 'Patterns of violence', p. 79; Sharpe, 'Violence in England', p. 211; L. Stone, 'The history of violence in England: some observations. A rejoinder', *Past and Present*, 108 (1985), pp. 216, 219; J. M. Beattie, *Crime and the Courts in England, 1660-1800* (Oxford, 1986), p. 107; Spierenburg, 'Faces of violence', p. 707; M. Becker, 'Changing patterns of violence and justice in fourteenth- and fifteenth-century Florence', *Comparative Studies in Society and History*, 18 (1976), p. 287; Ylikangas, 'Violence in Finland', pp. 85, 88-90; Österberg, 'Scandinavian historiography', pp. 80-83; R. Shoemaker, 'Reforming male manners: public insult and the decline of violence in London, 1660-1740' in T. Hitchcock & M. Cohen (eds.), *English Masculinities 1660-1800* (London, 1999), p. 134; W. Prest, *The Inns of Court Under Elizabeth I and the Early Stuarts 1590-1640* (London, 1972), p. 100.

¹⁶ Sharpe, *Crime in Seventeenth-Century England: A County Study* (Cambridge, 1982), pp. 127-33; Sharpe, 'Domestic homicide', p. 46. Spierenburg also considers that a shift from killing strangers to intimates occurred around the mid eighteenth century, Spierenburg, 'Faces of violence', p. 712. The view that pre-modern violence was outside the family rather than within it is rejected in Cockburn, 'Patterns of violence', p. 96.

¹⁷ Stone, 'Interpersonal violence in English society 1300-1800', *Past and Present*, 101 (1983), p. 22.

Whether our propensity to use violence is like or unlike that of our predecessors, and thus the extent to which continuity or change has been the dominant feature of English social history, has made the interpretation of decline in the level of violence a controversial field.

Explanations which have been put forward to account for decline in the level of violence include a transition from violence to theft. This is alleged to have occurred as the rise of capitalism saw, particularly in the eighteenth century, a shift from feudal values centred on the body to modern, bourgeois values concerned with property.¹⁸ As historian Malcolm Greenshields has commented, 'the retreat of violence with the rise of capitalism and theft had a pleasing symmetry that worked well with both Marxist historiography and modernization theory'.¹⁹ The attention paid to crimes against property and those against the person has nevertheless been asymmetric. Historians interested in class conflict have generally explored theft rather than interpersonal violence which, as Peter King has argued, was frequently intra- rather than inter-class in nature.²⁰ The idea that change in both crimes of violence and of theft can be attributed to broadly the same single cause, the growth of capitalism, has not been widely supported, partly reflecting a waning belief in the importance of economic factors as the motor of

¹⁸ Stone, 'Interpersonal violence', p. 30; Stone, 'Violence in England', pp. 219-20.

¹⁹ M. Greenshields, *An Economy of Violence in Early Modern France: Crime and Justice in the Haute Auvergne 1587-1664* (Philadelphia, Penn., 1994), p. 14.

²⁰ B. Lenman & G. Parker, 'The state, the community and criminal law in early modern Europe' in V. A. C. Gatrell, B. Lenman & G. Parker (eds.), *Crime and the Law: The Social History of Crime in Western Europe since 1500* (London, 1980), p. 38; D. Hay, 'Property, authority and the criminal law' in D. Hay, P. Linebaugh & E. P. Thompson (eds.), *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England* (London, 1975), pp. 17-63; J. H. Langbein, 'Albion's fatal flaws', *Past and Present*, 98 (1983), pp. 96-120; J. Innes & J. Styles, 'The crime wave: recent writing on crime and criminal justice in eighteenth-century England' in A. Wilson (ed.), *Rethinking Social History: English Society 1570-1920 and its Interpretation* (Manchester, 1993), pp. 210-25; P. King, 'Punishing assault: the transformation of attitudes in the English courts', *Journal of Interdisciplinary History*, 27 (1996), p. 44.

historical change.²¹ James Sharpe has suggested that changes in the way society was policed, in the broadest sense of the term, may instead account for the decline in violence.²² However, Sharpe's hypothesis immediately creates a new problem, namely, why did people put increasingly more effort into policing violent behaviour?

A further theory which engages with the decline in violence is that of the 'civilising process', an account of change developed by the historical sociologist Norbert Elias in the interwar period and published as *The Civilising Process* (1939). The work of Elias, a Jew who emigrated from Germany in 1933, was for many years widely disregarded. *The Civilising Process* was not translated from German into French or English until the 1970s, and only since then have scholars become more widely acquainted with his work.²³ Exponents of a civilising process argue that in Europe, between the medieval period and the present day, the way in which people interact with other members of their society has undergone fundamental change. A typically low level of control over emotions and actions has evolved to a high level of control over feelings and behaviour, as elite modifications in behaviour have been imitated by their social inferiors.²⁴ This process of 'civilisation' is often understood as one in which external mechanisms of control (being made to feel shame) have been replaced by internal controls

²¹ Continuity rather than fundamental change in economic conditions and social conduct has been emphasised by A. Macfarlane & S. Harrison, *The Justice and the Mare's Ale: Law and Disorder in Seventeenth-Century England* (Oxford, 1981), pp. 173-99; Sharpe, 'Violence in England', p. 212.

²² Sharpe, 'Domestic homicide', p. 47.

²³ R. van Krieken, *Norbert Elias* (London, 1998), pp. 20, 2.

²⁴ N. Elias, *The Civilising Process*, trans. E. Jephcott, 2 vols (Basel, 1939; Oxford, 1978); Elias also engages with long-term change in violence in Elias, 'Civilisation and violence: on the state monopoly of physical violence and its infringements', *Telos*, 54 (1983), pp. 134-54 and Elias, 'On transformations of aggressiveness', *Theory & Society*, 5 (1978), pp. 229-42.

(guilt), a development towards self-discipline which also features in the work of Foucault and Weber.²⁵

Elias' ambitious text *The Civilising Process* and the theory it outlines have been criticised by scholars working in various disciplines. Whilst historians of violence have been most concerned to assess empirically the extent to which violence has declined and confirm or reject the 'civilising process' on those grounds, those working in the disciplines of psychology and sociology have explored other aspects of his thesis.²⁶ Sociologist Robert van Krieken, who has engaged more sympathetically with Elias' writing than other critics, has criticised Elias for presenting the process of 'civilising' as unintended, when clearly some groups did attempt to civilise social life.²⁷ The respectable middling groups of society, in particular, actively drove change in early modern England.²⁸ The role of the middling sort in reforming manners suggests that Elias' emphasis on the

²⁵ R. van Krieken, 'The organisation of the soul: Elias and Foucault on discipline and the self', *Archives Européennes de Sociologie*, 31 (1990), pp. 353-71. The idea of shame is explored by M. MacDonald & T. Murphy, *Sleepless Souls: Suicide in Early Modern England* (Oxford, 1990), pp. 274-75.

²⁶ E. Österberg, 'Scandinavian historiography', pp. 67-98; H. Ylikangas, *The Knife Fighters: Violent Crime in Southern Ostrobothnia 1790-1825*, trans. G. McAlester (Jyväskylä, 1998), pp. 10-13; C. Lasch, 'Historical sociology and the myth of maturity: Norbert Elias's "Very simple formula"', *Theory and Society*, 14 (1985), pp. 7015-20; R. J. Robinson, "'The civilising process': Some remarks on Elias's social history', *Sociology*, 21 (1987), pp. 1-17. Elias' universalising conception of emotions and emotional change has been rejected. Lila Abu-Lughod and Catherine Lutz consider his labelling of his account of the diminution of aggressive behaviour and expansion of disgust as a 'civilising process' to be 'symptomatic of his uncritical interpretation of these changes as involving a refinement of a somehow preexisting affectivity'; Abu-Lughod & Lutz, 'Introduction: Emotion, discourse, and the politics of everyday life' in Abu-Lughod & Lutz (eds.), *Language and the Politics of Emotion* (Cambridge, 1990), p. 5. For similar criticisms of a different historian of violence, Lawrence Stone, see J. Gillis, 'From ritual to romance: toward an alternative history of love', C. Stearns & P. Stearns (eds.), *Emotion and Social Change: Towards a New Psychohistory* (N.Y., 1988), p. 88.

²⁷ See for example, Elias, *Civilising Process*, vol. 2, pp. 443-44; van Krieken, 'Violence, self-discipline and modernity: beyond the "civilising process"', *The Sociological Review*, ns., 37 (1989), p. 199.

²⁸ S. Hindle, *The State and Social Change in Early Modern England, c. 1550-1640* (Basingstoke, 2000), *passim*; Hindle, 'The keeping of the public peace' in P. Griffiths, A. Fox & S. Hindle (eds.), *The Experience of Authority in Early Modern England* (London, 1996), p. 115; Shoemaker, 'Reforming male manners', pp. 149-50.

role of the social elite in initiating change in personal conduct, which is then emulated by their social inferiors, may be misplaced. Krieken has also been critical of Elias' somewhat literal interpretation of literature written to polemicise and entertain, remarking that the 'analytical leap from the texts on etiquette to the very psyches of a "Western peoples" bears the marks of a leap of faith.'²⁹ Yet, despite the criticism which has been levelled at the 'civilising process', Elias does offer an explanation of the relationship between long-term social developments and changes in personal conduct.

NATURAL OR CULTURAL? MULTIDISCIPLINARY PERSPECTIVES ON VIOLENCE

Roger Chartier has traced some of the meanings conveyed by the concept *civilité*. According to Chartier, since 1560 one of the usages has been 'to express the notion of civilisation itself as a process of wresting humanity out of primitive barbarity'.³⁰ This type of development is a theme in Elias' work. A central argument in the 'civilising process' is that the psychology of Europeans has changed profoundly since medieval times, as social constraints have increasingly been applied to personal behaviour. The decline of violence is offered in support of this change in the European psyche, as Elias presents aggression as an 'instinctual function' and describes violence as an impulsive, spontaneous act driven by feelings rather than thought. Like the medieval table manners that Elias

²⁹ van Krieken, 'Violence, self discipline and modernity', p. 207.

³⁰ R. Chartier, *The Cultural Uses of Print in Early Modern France*, trans. L. Cochrane (Princeton, N.J., 1987), p. 76.

studies, violence reveals Europe's past to be characterised by a 'lesser degree of social control and constraint of instinctual life'.³¹

Elias' understanding of violence as natural impulsiveness is comparable to the views expressed by other historians of medieval and early modern European violence, to which we will now turn. Barbara Hanawalt has asserted that 'homicide is most typically a crime of passion' in fourteenth- and fifteenth-century England.³² In his study of homicidal violence in Amsterdam, Pieter Spierenburg has similarly argued that for the period prior to 1700 'impulsive violence was overwhelmingly dominant. About three fifths of the killings in that period resulted from conflicts arising in a tavern or street without any discernible previous history.'³³ Andrew Finch, who has researched violence in medieval England and France, describes interpersonal violence as having an 'air of spontaneity'.³⁴ This quality is also discerned by Rachel Short, an historian of eighteenth-century England who describes the violence which occurred there too as 'spontaneous and intrinsically personal'.³⁵ Lawrence Stone has described interpersonal violence in terms of a childish lack of self-restraint.³⁶ Inability to exercise self-control features in James Given's account of medieval English

³¹ Elias, *Civilising Process*, vol. 1, p. 159.

³² B. Hanawalt, 'Violent death in fourteenth- and early fifteenth-century England', *Comparative Studies in Society and History*, 18 (1976), p. 309.

³³ Spierenburg, 'Faces of violence', p. 711. Of course, the fact that no previous history can be discerned by the historian does not mean none existed.

³⁴ A. J. Finch, 'Crime and marriage in three late medieval ecclesiastical jurisdictions: Cerisy, Rochester and Hereford' (PhD thesis, Univ. of York, 1988), pp. 155, 171; Finch, 'The nature of violence in the middle ages: an alternative perspective', *Historical Research*, 70 (1997), p. 267.

³⁵ R. Short, 'Female criminality 1780-1830' (MLitt thesis, Univ. of Oxford, 1989), p. 99. The 'unplanned and sudden', 'spontaneous' nature of violence is also emphasised in Sharpe, *Crime*, pp. 129, 131, 133, 135. The volatile nature of early modern people and the influence of alcohol are part of the explanation offered for the ready use of violence in K. Wrightson, *English Society 1580-1680* (London, 1995 edn), p. 160.

³⁶ L. Stone, *The Crisis of the Aristocracy 1558-1641* (Oxford, 1965), pp. 223.

homicide, as he suggests that 'availability of weapons, ill health, a confused sense of time, and excessive indulgence in the pleasures of drink' may account for high levels of violence.³⁷ All these accounts explicitly portray violence as impulsive and emotional.

The language employed by historians presents physical violence as the consequence of a lack of self-control on the part of our forebears implicitly as well as explicitly. People are described as 'spilling over' and 'erupting' into violence.³⁸ This language of uncontrollable fluidity and explosiveness evokes violence as a primeval physical response: it is clearly not an action deliberately undertaken. Descriptions of violence as something which 'might be regularly indulged in' or as an act to which people were 'still prone' subtly imply that it was behaviour to which people reverted when 'habits of restraint' were insufficient; a triumph of Hobbesian nature over social controls.³⁹

Violence is sometimes regarded by early modern historians as symptomatic of a breakdown in social relations. In *Power in the Blood*, David Sabean depicts village life in early modern Germany as brutal and alienating, dominated by the threat of physical violence and 'determined by a matrix of fear'.⁴⁰ Arlette Farge, in her discussion of the role of violence in eighteenth-century Parisian life, describes social history as the history of the 'clash that exists between its [a society's] instinct for survival and desire for union and

³⁷ J. B. Given, *Society and Homicide in Thirteenth-Century England* (Stanford, Calif., 1977), p. 193.

³⁸ A. Farge, *Fragile Lives: Violence, Power and Solidarity in Eighteenth-Century Paris*, trans. C. Shetton ([n.p.], 1986; Cambridge, 1993), p. 113; L. Stone, *The Family, Sex and Marriage in England 1500-1800* (London, 1977), p. 94; Spierenburg, 'The faces of violence', p. 711;

³⁹ Sharpe, *Crime*, pp. 119, 123.

⁴⁰ D. Sabean, *Power in the Blood: Popular Culture and Village Discourse in Early Modern Germany* (Cambridge, 1984), pp. 164-65.

collaboration with its taste for destruction and ashes'.⁴¹ Interpersonal violence is less dramatically presented as a symptom of social breakdown by Keith Wrightson. The language he employs depicts violence as cultural disintegration, as 'quarrels could easily degenerate into violence' whilst other episodes potentially 'broke down into physical violence'.⁴²

David Nirenberg, an historian of medieval Europe, has explored the way in which violence has been conceptualised by historians. He argues that:

The central dichotomy ... is that between tolerance and intolerance. Thus polarized, violence, hostility and competition can be seen only as destructive breakdowns of social relations, the antithesis of associative action. The identification of a constructive relationship does exist: it is virtually a commonplace of post-Enlightenment political philosophy that violence and aggression are forms of association [... Even wars] are forms of interaction that seek to establish relations, not destroy them.⁴³

Nirenberg's argument that aggression and physical force should be located within, rather than outside of, social relationships paves the way for a more sophisticated perspective on violence. This thesis will develop Nirenberg's insights, which suggest that rather than viewing violence as inherently destructive of social and cultural norms it can be seen as part of the dynamics of social relations.

It is not self-evident that the insights gleaned from the study of violence in other societies can help elucidate the violence which occurred in early modern England. Arguments developed in relation to other societies may have local rather than universal explanatory power. The ways in which violence has been conceptualised and researched by anthropologists and sociologists may, however, be of some value to historians. Accordingly, the following paragraphs will engage

⁴¹ Farge, *Fragile Lives*, p. 285.

⁴² Wrightson, *English Society*, pp. 160, 98.

⁴³ D. Nirenberg, *Communities of Violence: Persecution of Minorities in the Middle Ages* (Princeton, N.J., 1996), pp. 9-10.

with some of the ideas about interpersonal violence which have been developed in these disciplines, and indicate their relationship with historical approaches.

The perception of violence as spontaneous and destructive of culture is, as we have seen, an important element in the historiography of early modern and medieval interpersonal violence. However, this understanding of violence is by no means restricted to historians. Victoria Burbank, an anthropologist who studies interpersonal aggression, has argued that:

A failure of the social to control is a common theme in Western discourse on aggression; a common image is “nature red in tooth and claw”, bursting through a civilized facade.⁴⁴

Burbank dissents from the view that violence is a consequence of the breakdown of social norms. In a project focusing on an Aboriginal community, she studies aggressive acts which ‘are not examples of cultural disintegration but rather examples of culture at work. The fights and arguments that I describe are clearly structured activities, patterned and predicted by cultural rules.’⁴⁵ Despite the fact that she is working within a different discipline, studying a continent and period quite different from Nirenberg’s, Burbank’s emphasis on the dynamic role of violence in culture is strikingly similar to the historian’s. The anthropologist Robin Fox has likewise rejected the notion that fighting is a return ‘to a pre-cultural level’ where ‘you somehow abandon the world of rules, the world of culture, the world of order, of reason, of categories, of cognition’.⁴⁶ Violence is also located in the dynamics of social relations by the anthropologist Henrietta

⁴⁴ V. Burbank, *Fighting Women: Anger and Aggression in Aboriginal Australia* (Berkeley, Calif, 1994), p. 4; Burbank, ‘Female aggression in cross-cultural perspective’, *Behavior Science Research*, 21 (1987), pp. 70-100.

⁴⁵ Burbank, *Fighting Women*, p. 4.

⁴⁶ R. Fox, ‘The inherent rules of violence’ in P. Collett (ed.), *Social Rules and Social Behaviour* (Oxford, 1977), p. 136.

Moore, who proposes a shift from 'imagining violence as a breakdown in the social order - something gone wrong – to seeing it as the sign of a struggle for the maintenance of certain fantasies of identity and power'.⁴⁷

A corollary to the idea that violence is the antithesis of social behaviour is that violence is irrational. By this I mean that violence is sometimes considered to be an emotional lashing-out, unintentional in its effects. The term irrational is thrown into relief by its opposite: rational behaviour is self-interested, reasoned and deliberate, instrumental in achieving objectives. The anthropologist David Riches has been critical of approaches to violence which regard it as impulsive and necessarily irrational behaviour. Riches has drawn attention to the instrumental role played by violence in interpersonal relationships. He treats violence as a 'strategically, consciously employed resource' which is used partly because it can effectively fulfil practical (instrumental) and symbolic (expressive) goals at the same time.⁴⁸ There is nothing novel in the concept of violence as instrumental: political scientists have for many years been interpreting the use of force by states as rational and strategic. However, as Ian Gilmour, a historian of collective violence in eighteenth-century England has observed, scholars are generally less willing to regard the use of violence by actors other than the state as instrumental. Governmental violence is more likely to be judged by political criteria, including its consequences and success, than is popular violence.⁴⁹ Rioters' attacks on persons and property have increasingly been examined in

⁴⁷ H. Moore, *A Passion for Difference: Essays in Anthropology and Gender* (Oxford, 1994), p. 70.

⁴⁸ D. Riches, 'The phenomenon of violence' in D. Riches (ed.), *The Anthropology of Violence* (Oxford, 1986), pp. 12, 5.

⁴⁹ I. Gilmour, *Riot, Risings and Revolutions: Governance and Violence in Eighteenth-Century England* (London, 1992), p. 20.

relation to their objectives in early modern historiography, following E. P. Thompson's article on the 'moral economy' of the crowd.⁵⁰

Yet despite a recognition of the fact that popular violence may be strategic, interpersonal violence is not usually explored in relation to the objectives of the person using the force. Many of the historians I have cited above do acknowledge that, despite the upsetting impact of drunkenness, confusion and emotional eruptions on abilities to exercise self-control, medieval and early modern people sometimes used violence because it served their interests.⁵¹ The functional aspect of interpersonal violence in early modern England has also been emphasised by Peter King and, most recently, by Alexandra Shepard.⁵² The instrumental role interpersonal violence could play has nevertheless been insufficiently addressed. This has happened as emotional violence has been defined in opposition to instrumental violence and as the structural factors which may have prompted the use of violence have been relatively neglected.⁵³

Anthropologists frequently decline to conceptualise violence as either exclusively rational or irrational. Emanuel Marx, who has researched interpersonal violence in Israel, argues that a single act of violence can be a

⁵⁰ E. P. Thompson, 'The "moral economy" of the English crowd in the eighteenth century', *Past and Present*, 50 (1971), pp. 76-136. Work which considered the objectives of rioters and preceded Thompson's article included G. Rudé, *The Crowd in History: A Study of Popular Disturbances in France and England 1730-1848* (N.Y., 1964), ch. 14. Contributions since Thompson's, which have looked more closely at the make-up of crowds and the specific objectives of rioters, include J. Walter, 'Grain riots and popular attitudes to the law: Maldon and the crisis of 1629' in J. Brewer & J. Styles (eds.), *An Ungovernable People: The English and their Law in the Seventeenth and Eighteenth Centuries* (London, 1980), pp. 47-84 and J. Stevenson, 'The "moral economy" of the English crowd: myth and reality' in A. Fletcher & J. Stevenson (eds.), *Order and Disorder in Early Modern England* (Cambridge, 1985), pp. 218-38.

⁵¹ For example, Given, *Homicide*, pp. 201, 213; Hanawalt, 'Violent death', p. 317.

⁵² King, 'Punishing assault', p. 43; A. Shepard, 'Meanings of manhood in early modern England, with special reference to Cambridge, c. 1560-1640' (PhD thesis, Univ. of Cambridge, 1998), p. 132.

compound of rational and irrational behaviour. The person perpetrating the violence may be inclined to see their act as rational, whereas unreasonable elements are more conspicuous to the observer.⁵⁴ Marx draws attention to the communicative role of emotional violence. He argues that the communication of feelings (for example of anger, or frustration) through violence may elicit a helpful response from the audience of the violent act. In this sense, emotional violence can be instrumental. Definitions of emotions which see 'emotional discourses as pragmatic acts and communicative performances' undermine distinctions between violence as either emotional and impulsive, or goal-oriented and rational.⁵⁵ The frequently-dichotomised categories are also merged by Victoria Burbank, who asserts that the violence she encountered in an Aboriginal community was both emotion-based and rational. Like Marx, Burbank argues that emotional violence is not senseless violence. Rather, she proposes that emotions can be regarded as 'socially produced, socially relevant experience', and angry violence interpreted as 'an act in which people try both to communicate about and reconstruct aspects of the world that displease them'.⁵⁶

The concept of violence has generally been engaged with more closely by anthropologists and sociologists than by social historians. Among the ideas which have been introduced here are that interpersonal violence can be seen as cultural (committed for social reasons and understood in the light of a society's categories of meaning); that it can be seen as rational (in the sense that it is often a form of

⁵³ Impulsive and instrumental, rational violence are distinguished between by Spierenburg, 'Faces of violence', pp. 704-05, 711.

⁵⁴ E. Marx, *The Social Context of Violent Behaviour: A Social Anthropological Study in an Israeli Immigrant Town* (London, 1976), pp. 104-06.

⁵⁵ Abu-Lughod & Lutz, 'Introduction', p. 10.

⁵⁶ Burbank, *Fighting Women*, p. 5.

self-interested behaviour directed towards achieving a particular goal); and that emotional violence has a communicative function and is not an inherently irrational action. The chapters which follow will further explore the relevance of these ideas to historians.

A DEFINITION OF 'INTERPERSONAL VIOLENCE'

Thus far, although we have been looking at the problems of measuring and interpreting physical force, the word violence has been used unreflectively. This reflects a common approach in early modern historiography, as the meaning of violence is seldom closely interrogated. Many historians decline to engage with discussions of the concept of violence, preferring instead a naive empirical approach which relies on implicit definitions of violence. One example of this approach is Robert Shoemaker's recent article on the decline of violence, in which he does not attempt to define what the word denotes.⁵⁷ Is the meaning of violence self-evident? I think not and the following paragraphs raise questions to which we will return throughout the thesis. What is meant by 'violence'? Does it refer to a transhistorical phenomenon? Do historians use the term in a manner identical to early modern definitions?

There is no well demarcated, widely accepted concept of 'violence', a word which has been described as suffering from 'conceptual devaluation or semantic entropy'.⁵⁸ The word 'violence' often embraces acts as diverse as verbal abuse, economic coercion, malicious litigation and maleficium. It is also used to

⁵⁷ Shoemaker, 'Reforming male manners', pp. 133-50; Stone, 'Interpersonal violence', pp. 22-33; Sharpe, *Crime*, ch. 8.

⁵⁸ P. Schlesinger, 'The interpretation of violence' in S. Caffrey & G. Mundy (eds.), *The Sociobiology of Crime and Deviance: Selected Issues* (Dartford, 1995), pp. 223-33.

refer to physical force ranging from military actions to interpersonal fights. In this thesis, a fairly narrow definition of violence will be used. The term will refer to acts of physical aggression and threats to use force. Verbal threats and instances where the use of physical force was realised will be closely aligned because threats to inflict physical harm could inspire fear and deter action as effectively as the use of force. Consider the following case. In 1617 William Jefferies, constable of Longdon (Worcestershire) submitted a petition to the Justices of the Peace claiming that he had been prevented from stopping a group of youths from May games and morris-dancing on the sabbath. Jefferies asserted that one man had said that 'he wold breake your petitioners necke downe the stayers' unless the constable left them to their own devices. This threat successfully intimidated Jefferies, not least because he knew that other men - including a fellow constable - had been injured in sabbath day revelries over the past few years, and he asserted that he was too terrified to continue in the execution of his duty.⁵⁹ Oral threats of violence and acts of direct force will both be considered violence in the thesis. Other ways of inflicting harm, including through the use of magic, will not be labelled as violent, although the thesis will explore the relationship between damaging litigious, economic and verbal strategies and physical force.

Replete with connotations of illegitimacy, 'violence' is a highly-charged word used to stigmatise and pejoratively label actions. This was the case in the seventeenth century also. The word 'violent' was sometimes used neutrally to described sudden, dramatic events such as a severe frost, or the motion of an out-

⁵⁹ WCRO, BA 1/110/29/67.

of-control cart.⁶⁰ More frequently, however, it carried implications of impropriety, for example as deponents in court cases complained darkly that ‘violent hands’ had been laid upon them.⁶¹ Defining violence has been and continues to be closely tied up with questions of legitimation and delegitimation.⁶² Describing a person’s use of force as ‘violent’ can be seen as an assertion of power, as the acts of the person so described are robbed of legitimacy. As historian Jerome Skolnick has argued, those ‘with superior resources for proposing, disseminating, and enforcing stigmatic labels are in a strategic position to define other people’s behaviour as “violent”’.⁶³ Although Skolnick is writing specifically about officials’ powers to label and define people’s actions pejoratively, historians might also be considered to be in a similarly ‘strategic position’ as far as imposing definitions is concerned.

The uses of physical force judged legitimate have been re-defined over time but, even at specific historical moments, ideas of the legitimacy of certain acts have not been uniform. As the anthropologist David Riches has argued, perspectives on a single act of force can vary significantly.⁶⁴ An individual using force is more likely to regard their act as justified than is their victim, who is more likely to view it as illegitimate; witnesses can take a range of stances which are frequently intermediary. The possibilities for contestation are central to violence: ‘the act of violence never fails to be one of contested legitimacy.’⁶⁵ In this respect, my approach differs from that taken by Susan Amussen in her stimulating article

⁶⁰ D. Underdown (ed.), *William Whiteway of Dorchester: His Diary, 1618-1635*, Dorset Record Society, 12 (Dorchester, 1991), p. 56; A. J. Kettle (ed.), ‘Matthew Craddock’s Book of Remembrance, 1614-15’, *Collections for a History of Staffordshire*, 4th s., 16 (1994), pp. 90-91.

⁶¹ WCRO, BA 1/110/88/11.

⁶² Schlesinger, ‘Interpretation of violence’, p. 224; Gilmour, *Riot*, pp. 2-3.

⁶³ J. H. Skolnick, ‘Interpreting violence’, *Journal of Interdisciplinary History*, 3 (1972), p. 178.

⁶⁴ Riches, ‘Phenomenon of violence’, pp. 3, 8-9.

on early modern violence, although, like her, I take a 'relational approach to violence'.⁶⁶ Amussen generally equates legitimate violence with that committed by persons in authority, for example as she remarks that 'the most common ones [uses of force] were not' legitimate.⁶⁷ The potential for interpretations of violence to be contested by participants means that it is inappropriate for historians to label specific acts of violence as either legitimate or illegitimate, rational or irrational.

The multiple meanings which could be accorded to a single act of violence make the depositions given to the courts by participants and witnesses particularly valuable sources. Where more than one deposition (and the term includes examinations and informations) is extant for a single case, different perspectives on an episode are provided. Depositions offer the historian of violence opportunities to glimpse the way in which competing interpretations were placed upon events and depositions, from both printed collections and archival sources, will be drawn upon in this study.

Although an act may intentionally cause physical harm to a person, if its legitimacy is never open to question (as with ear-piercing, tattooing or surgery undertaken with consent) it cannot be defined as violence.⁶⁸ Garthine Walker has described the process of categorising historical acts as violent as a hazardous one, commenting that 'Violence *per se* was not necessarily considered "wrong"', and

⁶⁵ Riches, 'Phenomenon of violence', p. 9.

⁶⁶ S. D. Amussen, 'Punishment, discipline and power: the social meanings of violence in early modern England', *Journal of British Studies*, 34 (1995), p. 2.

⁶⁷ Amussen, 'Punishment, discipline and power', pp. 23, 26, 31. However, she also takes an approach to legitimacy which emphasises its contested nature, esp. pp. 2-3.

⁶⁸ For an interpretation of the term violence which places greater emphasis on its harmful dimension see Amussen, 'Punishment, discipline and power', p. 2.

that some forms were allowable.⁶⁹ Walker is correct to draw attention to the importance of the social order in making certain acts of force widely permissible. However, her implication that there is a universal definition of violence which exists independently of notions of right and wrong ('violence *per se*') is perhaps unhelpful. Acts of force are labelled as violent without regard to questions of legitimacy by the historian Robert Shoemaker, who remarks that 'violence was endemic, whether exercised by the state in judicial punishments, by masters of households over their wives, children and apprentices, or by men of relatively equal status in alehouse brawls or duels'.⁷⁰ Treating violence as a transhistorical phenomenon has the advantage of allowing us to explore society in the past in direct relation to our own. Contemporary meanings provide a familiar bench-mark against which change, notably in the level of violence and range of violent actions committed, can be assessed. Such an approach does not, however, invite us to contemplate the differences between the past and today. A 'universal' definition of violence (that is, our own) closes off the investigative possibility that what early modern people themselves thought of as violent was not the same as our own notions.

One of the aims of this thesis is to explore the extent to which early modern understandings of violence differed from our own. Accordingly, although the word 'violence' will be used, it is used in a similar manner to the word 'force'. Neither word is intended to confer legitimacy or illegitimacy upon the acts so described; they are broadly interchangeable. When early modern views specifically on the legitimacy of an act of physical force are important, this is

⁶⁹ G. Walker, 'Crime, gender and the social order in early modern Cheshire' (PhD thesis, Univ. of Liverpool, 1994), p. 59.

made explicit by terms such as ‘legitimate violence’ or ‘illegitimate force’, rather than implicitly signalled by the words ‘violence’ or ‘force’ alone. Despite the problematic baggage carried by the word ‘violence’, the thesis will use it as a convenient shorthand to refer to acts including blows, kicks and fights. In the absence of a more suitable word ‘violence’ is used provisionally, and the reader is invited to imagine that the word ‘violence’ is permanently encased in invisible quotation marks in this thesis.

Having established the sense in which the word violence will be used, we will now consider the types of physical violence which will be focussed upon in the thesis. An explanation of what is meant by the term ‘interpersonal’ will broadly indicate the types of force which the thesis will analyse. I will then narrow the focus to specific types of interpersonal violence. On the one hand, my focus on violence in interpersonal relationships excludes acts of violence against the self, such as suicide.⁷¹ A focus on interpersonal violence also rules out the violence of groups comprised of many actors, including the actions of states against each other during wartime. The thesis will not engage closely with the organised use of force by the judicial system against criminals.

Collective action in early modern England, including that which was violent, has been explored by historians including E. P. Thompson, John Stevenson, John Walter and Tim Harris and will generally not be explored here.⁷² I say generally, because distinguishing between interpersonal violence on the one

⁷⁰ Shoemaker, ‘Reforming male manners’, p. 135.

⁷¹ See instead MacDonald & Murphy, *Sleepless Souls*.

⁷² Thompson, ‘The “moral economy” of the English crowd’, pp. 76-136; J. Walter, *Understanding Popular Violence in the English Restoration: The Colchester Plunderers* (Cambridge, 1999); Walter, ‘Grain riots’, pp. 47-84; Stevenson, ‘Myth and reality’, pp. 218-38; T. Harris, *London*

hand, and collective violence on the other is a somewhat arbitrary and uncertain exercise. A fight between two men in a pub might uncontroversially be labelled 'interpersonal violence' in contrast to an episode of collective violence, such as a large group of people violently protesting against commodities' high prices, but does a row between two men which escalates to draw in bystanders exemplify interpersonal or collective violence? In the following chapters, the exact number of people an episode involved (which cannot always be readily ascertained) has not been used to distinguish interpersonal violence from collective. Whilst a precise quantitative ceiling has not been set, the majority of the incidents we will consider saw violence between fewer than five people.

In addition to exploring interpersonal violence as opposed to personal, collective or interstate violence, the thesis will focus narrowly on specific types of interpersonal violence rather than encompassing them all. Fatal violence including homicide and infanticide will not, for example, be closely examined. In excluding many of the most heinous acts of violence, which were conventionally tried at the assizes rather than at the court of quarter-sessions, this thesis could be regarded as giving an unduly cosy view of early modern violence. The lethal potential of physical force is reassuringly rarely realised.⁷³ This partiality is intentional. Death from violence, far from being an aspect of 'ordinary social interaction', was only atypically the outcome of a violent encounter. Despite this, the emphasis in the historiography of early modern English violence is predominantly on lethal

Crowds in the Reign of Charles II: Propaganda and Politics from the Restoration until the Exclusion Crisis (Cambridge, 1987).

⁷³ I am grateful to the participants of the University of Warwick and the University of Birmingham's joint seminar on early modern history for raising this criticism.

force.⁷⁴ By focussing on non-fatal violence, this study will provide a corrective. It is offered as a contribution to be read in the light of the existing historiography, rather than as a definitive account of what constituted early modern violence.

APPROACHING PAST MEANINGS OF VIOLENCE

The chronology of the thesis is less precise than its title suggests. Whilst most of the evidence I draw upon does indeed derive from the seventeenth century, I have had no compunctions about including relevant material from preceding and anteceding decades. As the historian Peter Laslett has argued, normative change is slow relative to other types of change, such as change in fashion, politics and economics.⁷⁵ Cultural values concerning violence were carried into the seventeenth century by those who had their formative experiences in the sixteenth. Likewise, views expressed in the early eighteenth century would frequently have been developed in the seventeenth. One example of the way in which it would be inappropriate to enforce absolute cut-off dates at the start and turn of the century is offered by the autobiography of the necromancer and astrologer Simon Foreman.⁷⁶ Many of the events to which he refers occurred

⁷⁴ Research into homicide is discussed above, pp. 1-5. Work on fatal violence additionally includes M. Gaskill, 'Reporting murder: Fiction in the archives in early modern England', *Social History*, 23 (1998) pp. 1-30; Walker, "'Demons in female form': Representations of women and gender in murder pamphlets of the late sixteenth and early seventeenth centuries' in W. Zunder & S. Trill (eds.), *Writing and the English Renaissance* (London, 1996), pp. 123-39; P. Lake, 'Deeds against nature: cheap print, Protestantism & murder' in P. Lake & K. Sharpe (eds.), *Culture and Politics in Early Stuart England* (London, 1994), pp. 257-84; L. Gowing, 'Secret births and infanticide in seventeenth-century England', *Past and Present*, 156 (1997), pp. 87-115; Beattie, *Crime*, pp. 113-23; R. W. Malcolmson, 'Infanticide in the eighteenth century' in J. S. Cockburn (ed.) *Crime in England, 1550-1800* (London, 1977), pp. 187-209.

⁷⁵ P. Laslett, 'Social structural time: an attempt at classifying types of social change by their characteristic paces' in M. Young & T. Schuller (eds.), *The Rhythms of Society* (London, 1988), pp. 17-36.

⁷⁶ J. Halliwell (ed.), *The Autobiography and Personal Diary of Dr. Simon Forman, The Celebrated Astrologer, From A.D. 1552, to A. D. 1602* (London, 1849).

during the sixteenth century, yet the autobiography itself was written in the early seventeenth century. The text, which is a product of both the sixteenth and seventeenth centuries, will be drawn upon in the following chapters.

Even if leniently policed, the one hundred-year span employed here is an arbitrary imposition onto the lived experiences of a multitude of unique individuals. Yet this periodisation does have its merits. The chronologies of history are often the consequence of established habit as much as of design. As Keith Wrightson has argued, historians of early modern England routinely break off their narratives part of the way through the seventeenth century, at 1640 or 1660.⁷⁷ The dislocating effects of the Civil War, Interregnum and Restoration on English society are magnified. History stops in its tracks. My choice of a chronology which traverses the Civil War period emphasises continuity, rather than rupture, in the cultural practices surrounding violence. In so doing, the thesis risks erring in a different direction, as it does not engage closely with the impact of the war on interpersonal violence. This is partly because the chief source drawn upon, the records for Worcestershire Court of Quarter Sessions, are not extant for the period of the Civil War. The Civil War is also relatively under-explored because the scope of the thesis precludes a study of the impact of war on civilian psychology, and as the specific causal impact of the Civil War on English interpersonal violence would be extremely difficult to establish.⁷⁸ Despite the

⁷⁷ K. Wrightson, 'The enclosure of English social history', *Rural History*, 1 (1990), p. 75.

⁷⁸ One aspect of this - the impact of soldiers' violence on perceptions of men - is explored in W. Coster, 'Fear and friction in urban communities in the English Civil War' in W. Naphy & P. Roberts (eds.), *Fear in Early Modern Societies* (Manchester, 1997), pp. 100-17. Military historians discussing the impact of war during this period have tended to focus on its demographic and economic consequences, partly because these are more tangible than other effects of war, including its psychological impact. M. S. Anderson, *War and Society in Europe of the Old Regime 1618-1789* (Stroud, 1998 edn), pp. 63-76; F. Tallett, *War and Society in Early Modern Europe, 1495-1715* (London, 1992), pp. 148-67, 232-45. Efforts to limit the impact of the civil war on

necessarily diminished status of the Civil War, this chronology serves a useful purpose. Its inclusion of both the start and close of the seventeenth century allows the thesis to explore some of the connections between periods which are frequently analysed discretely.

The narrative's chronology is not framed by momentous events such as court cases, the passing of laws or indeed even the Civil War in England. Rather, my account emphasises the significance of the multiplicity of encounters which occurred between physical combatants, and between authors and their readers or listeners, for the history of interpersonal violence. In this respect, it can be compared with Hinrich Fink-Eitel's interpretation of Foucault's genealogical approach. He describes Foucault's method as one which explores the 'multitude of contingent areas of origin and intersecting lines of development in historical relationships', as Foucault analyses events

without regard to teleological assumptions and final causes. He climbs down from the sublime Olympian mountaintop of the philosophers and replaces the "bird's perspective" of their intellectual dialogue throughout the centuries with the "frog's perspective" of the low points of real life, of the most minute chance occurrences, of the basest pettiness and unpleasantness.⁷⁹

The sociologist David Downes has suggested that violence shares 'with other forms of behaviour the properties of rationality, motive and meaning' and can accordingly be 'read, appreciated, decoded – in short, understood.'⁸⁰ Yet the meanings attributed to violence at a specific time cannot be explored by an

civilians are examined in B. Donagan, 'Atrocity, war crime and treason in the English Civil War', *AHR*, 99 (1994), pp. 1137-66 and B. Donagan, 'Codes and conduct in the English Civil War', *Past and Present*, 118 (1998), pp. 65-95.

⁷⁹ H. Fink-Eitel, *Foucault: An Introduction*, trans. E. Dixon (Hamburg, 1988; Philadelphia, Penn., 1992), p. 44.

⁸⁰ D. Downes, 'The language of violence: sociological perspectives on adolescent aggression' in A. Campbell & P. Marsh (eds.), *Aggression and Violence* (Oxford, 1982), pp. 27-28.

approach which privileges the *longue durée*. Overarching accounts of violence, predicated on the assumption that what has constituted violent behaviour has been constant, obscure the changing definitions of, and significance attached to, violent acts. E. P. Thompson has remarked that, 'if we are always to discard the meanings given to an event by the participants themselves ... then this is to diminish the rationality and stature of the actors'.⁸¹ An inevitable consequence of any long-term or largely quantitative account of violence is that the contexts in which violence occurred, and the meanings participants gave to it, are overlooked. A focus on the interactions of seventeenth-century people, rather than on long-term trajectories in the history of violence, enables the following chapters to explore questions concerning some of the ideas which structured daily life. What categories of meaning informed how violence was used in interpersonal relationships?

The thesis will explore the extent to which understandings of interpersonal violence were bound up with other aspects of contemporary culture by drawing on a range of sources and investigating different aspects of early modern society. 'Culture' is used in a broad sense here, following the definition given by the anthropologist Robert LeVine. LeVine describes culture as 'a shared organisation of ideas that includes the intellectual, moral and aesthetic standards prevalent in a community and the meanings of communicative actions'.⁸² He emphasises that culture is collective, organised, multiplex and variable, and that customs are 'connected and comprehensible only as parts of a larger organisation – of beliefs,

⁸¹ E. P. Thompson, *Customs in Common* (London, 1991), p. 501; C. Geertz, *The Interpretation of Cultures* (N.Y., 1973), p. 14.

⁸² R. LeVine, 'Properties of culture: an ethnographic view' in R. Shweder & R. LeVine (eds.), *Culture Theory: Essays on Mind, Self, and Emotion* (Cambridge, 1984), p. 67.

norms, values or social action.’⁸³ The approach which the thesis will take towards violence is additionally informed by the work of the anthropologist Julian Pitt-Rivers who has argued that:

A system of values is never a homogeneous code of abstract principles obeyed by all participants in a given culture and able to be extracted from an informant with the aid of a set of hypothetical questions, but a collection of concepts which are related to one another and applied differentially by the different status-groups defined by age, sex, class, occupation, etc. in the different social (not merely linguistic) contexts in which they find their meanings.⁸⁴

The following chapters seek to explore diverse aspects of early modern society so that violence can be situated in the contexts from which it drew meaning. The chapters will explore the relationships that political thought, religious belief and medical knowledge had with understandings of physical violence. They will examine the impact of factors including age, sex and social standing on the way in which violence was used and the responses it elicited. They will assess the importance of material considerations to violence, as they address the use of force to protect resources such as the home, property and economic relationships. The chapters will examine the extent to which violence had a communicative function and whether certain ways of committing violence – the choice of weapons, of place, and part of body targeted – shaped its meaning. The thesis will be open to the possibility that heterogeneous views of violence were current in the seventeenth century. It examines the ways in which competing definitions of violence circulated and how meanings of actions were contingent upon the specific historical context in which they occurred. To do this, it will employ a largely, but not exclusively, qualitative methodology.

⁸³ LeVine, ‘Properties of culture’, p. 68.

Natalie Zemon Davis demonstrated in *Fiction in the Archives: Pardon Tellers and their Tales* that a qualitative approach can be a fruitful way of exploring the history of violence. Eschewing the quantification of evidence, Davis explored the way in which narratives of violence were constructed in sixteenth-century letters of remission (written to the French monarch by those responsible for committing murder and seeking mercy). Rather than regarding the value of these archival materials as diminished by the crafted nature of the stories they contained, Davis' account accorded the stories themselves a place of central importance.⁸⁵ Following Davis' methodology, which has also been employed by Malcolm Gaskill, the constructed and fictional nature of depositions will not be regarded as a deficiency.⁸⁶ Rather, the way in which deponents represented violence will be considered more important than whether their words can be considered accurate representations of an event. The thesis will not attach more weight to 'actual' - and the word is used advisedly - episodes of violence as evidence than to wholly fictitious events. It will consider as 'real' episodes of physical violence recounted by participants and witnesses and those imagined by the authors of a variety of genres of literature. All of these sources offer valuable insights into the meanings invested in violence by contemporaries. Neither Davis and Gaskill quantify their evidence. Unlike their studies, this will employ quantitative methodology to explore records relating to the prosecution of violence. The distillation of court records into statistics certainly has its drawbacks - as do qualitative methodologies - but a quantitative approach can provide useful

⁸⁴ J. Pitt-Rivers, 'Honour and social status' in J. Peristiany (ed.), *Honour and Shame: The Values of a Mediterranean Society* (London, 1965), p. 39.

⁸⁵ N. Z. Davis, *Fiction in the Archives: Pardon Tales and Their Tellers in Sixteenth-Century France* (Cambridge, 1988 edn), p. 3.

perspectives on attitudes towards violence. The different themes the chapters will explore will shortly be introduced. First, however, let us return to the historiography of early modern violence, this time to look at work which is neither quantitative in approach nor focuses on that which was fatal.

Significant progress has been made by historians towards understanding the specific context in which early modern violence occurred. We have already seen that, amongst historians of crime, a preference for quantitative methodologies and long-term perspectives has contributed to a relative neglect concerning the ideas which shaped the practice of violence. The fact that violence is often discussed by historians alongside dissimilar crimes such as fraud or theft (with which it shares similar source material) has also contributed to a lack of close engagement with the concept of violence specifically. Despite these factors, historians of crime have made very important contributions to our knowledge of violence in early modern England, not least as they have elucidated the way in which the early modern legal and judicial system defined and treated interpersonal violence. Authors including J. M. Beattie, J. S. Cockburn, Peter King and Robert Shoemaker are amongst those to have explored processes of prosecution and the penalties imposed on those found guilty of violent crimes.⁸⁷ Their work will be drawn upon in the following chapters, as will that of Steve Hindle on the role of recognizances, a less formal mode of prosecution used to curb violent behaviour.⁸⁸ James Sharpe, an historian of early modern society and crime, has made

⁸⁶ Gaskill, 'Reporting murder', pp. 1-30.

⁸⁷ Their contributions include Beattie, *Crime and the Courts*, ch. 3; Cockburn, 'Patterns of violence'; King, 'Punishing assault'; Shoemaker, *Prosecution and Punishment: Petty Crime and the Law in London and Rural Middlesex c. 1660-1725* (Cambridge, 1991).

⁸⁸ S. Hindle, *The State and Social Change in Early Modern England, c. 1550-1640* (Basingstoke, 2000), ch. 4; Hindle, 'The public peace', pp. 213-48.

particularly valuable contributions to our knowledge of social contention.⁸⁹ The use of violence is amongst the themes he has researched and is indeed a topic which he continues to explore. In addition to offering insights into interpersonal violence based on his own research, Sharpe has posed important questions, including: 'what was the early modern English man or woman's perception of violence? Did the English think they lived in a violent society? And, indeed, how violent *is* a "violent" society?'⁹⁰

Formulations of appropriate and inappropriate force in England's past, and the extent to which they are different from today's views, have been investigated by Phillipa Maddern. She has researched violence in fifteenth-century England, focussing on incidents of violence amongst, and perceptions of violence held by, members of the gentry. Maddern's account emphasises the importance of religious ideas in shaping notions of violence. She argues that the paradoxical perception of God as both a war- and a peace-loving deity contributed to a definition of godly violence as that which was motivated by the aim of securing peace.⁹¹ Christian ideals did not determine the nature of violence, however, and in later centuries the competing concept of honour shaped how violence was used amongst England's male social elite, as they challenged one another to duels. Changing legal and cultural strictures on the duel have been mapped by a number of historians and

⁸⁹ In addition to his work on violence already considered, his contributions on the subject of social contention include Sharpe, "'Such disagreement betwyxt neighbours': litigation and human relations in early modern England' in J. Bossy (ed.), *Disputes and Settlements: Law and Human Relations in the West* (Cambridge, 1983), pp. 167-87; Sharpe, *Instruments of Darkness: Witchcraft in England 1550-1750* (London, 1997); Sharpe, 'Disruption in the well-ordered household: age, authority and possessed young people' in Griffiths, Fox & Hindle (eds.), *The Experience of Authority*, pp. 187-212; J. R. Dickinson & Sharpe, 'Courts, crime and litigation in the Isle of Man, 1580-1700', *BIHR*, 72 (1999), pp. 140-59.

⁹⁰ Sharpe, 'Violence in England', p. 214.

⁹¹ P. Maddern, *Violence and Social Order; East Anglia 1422-1442* (Oxford, 1992), ch. 3.

their work has shown the range of meanings which were invested in this ritual of violence.⁹² Overall, the use of violence amongst the elite has been more intensively examined than has violence amongst people from more humble backgrounds. For example, both Lawrence Stone's and Anthony Fletcher's contributions to the history of early modern violence focus on the lives of the social elite.⁹³

The way in which early modern women and men from the social ranks below the gentry used violence has received some attention. In addition to the work of historians of crime, the subjects of which are socially diverse, important research has been undertaken into the use of violence within the family, much of which does not focus on the experiences of the elite. Personal, judicial and literary evidence has been employed by historians including Margaret Hunt, Laura Gowing, Elizabeth Foyster and Kathleen Davies to explore the use of violence by husbands against their wives.⁹⁴ The use of violence by parents against their

⁹² V. G. Kiernan, *The Duel in European History: Honour and the Reign of the Aristocracy* (Oxford, 1988); D. T. Andrew, 'The code of honour and its critics: the opposition to duelling in England, 1700-1850', *Social History*, 5 (1980), pp. 409-34; Stone, *Crisis of the Aristocracy*, pp. 242-50; R. Kelso, *The Doctrine of the English Gentleman in the Sixteenth Century* (Gloucester, Mass., 1964), pp. 98-104; R. Cust, 'Violence and gentry honour in early Stuart England', Unpublished paper delivered at the North American Conference of British Studies, Boston, 1999.

⁹³ Stone, *Crisis of the Aristocracy*, pp. 199-234; A. Fletcher, *Gender, Sex and Subordination in England, 1500-1800* (London, 1995), chs 10, 16.

⁹⁴ L. Gowing, *Domestic Dangers: Women, Words and Sex in Early Modern London* (Oxford, 1996), ch. 6; E. Foyster, *Manhood in Early Modern England: Honour, Sex and Marriage* (London, 1999), ch. 5; Foyster, 'A laughing matter? Marital discord and gender control in seventeenth-century England', *Rural History*, 4 (1993), pp. 5-21; Foyster, 'Male honour, social control and wife-beating in late Stuart England', *TRHS*, 6th s., 6 (1996), pp. 215-24; M. Hunt, 'Wife beating, domesticity and women's independence in eighteenth-century London', *Gender & History*, 4 (1992), pp. 10-33; K. Davies, 'Continuity and change in literary advice on marriage' in R. Outhwaite (ed.), *Marriage and Society: Studies in the Social History of Marriage* (London, 1981), pp. 58-80; S. D. Amussen, '"Being stirred to much unquietness": violence and domestic violence in early modern England', *Journal of Women's History*, 6 (1994), pp. 70-89; Fletcher, *Gender*, ch. 10; Stone, *Road to Divorce: England, 1530-1987* (Oxford, 1990), pp. 198-202

children has also been explored, particularly in relation to the question of affectivity in parent-child relationships since the early modern period.⁹⁵

Complementing work on the way in which ideas about the proper roles of women and men influenced the use of violence within marriage, an important strand in the history of interpersonal violence has addressed the importance of gender norms for early modern perceptions of violence. Representations of women's violence in popular print have been an area of particular interest.⁹⁶ Increasingly in recent years, the relationship between masculine identities and participation in violence has also attracted the attention of early modern historians.⁹⁷

In sum, a range of sources have been drawn upon by diverse historians, casting a great deal of light on aspects of the way in which violence was understood and practised in the early modern period. However, violence is often placed in narrow contexts, as its role in marital relations or its status as a crime is specifically explored. This has given the historical community a good appreciation of the ways in which violence was used, and the responses it elicited, in a number of different situations. Yet as violence has been treated as an adjunct to topics such as the history of crime, of the family, or of gender rather being the central

⁹⁵ For violence against children and young people see L. Pollock, *Forgotten Children: Parent-Child Relations from 1500 to 1900* (Cambridge, 1983), ch. 5; P. Griffiths, *Youth and Authority: Formative Experiences in England 1560-1640* (Oxford, 1996), ch. 6; S. Smith, 'The ideal and the reality: apprentice-master relationships in seventeenth-century London', *History of Education Quarterly*, 21 (1981), pp. 449-60; P. Earle, *The Making of the English Middle Class: Business, Society and Family Life in London 1660-1730* (London, 1991), ch. 4; Stone, *The Family*, pp. 162-77.

⁹⁶ Walker, 'Women and gender in murder pamphlets', pp. 123-39; F. Dolan, *Dangerous Familiars: Representations of Domestic Crime in England 1550-1700* (Ithaca, N.Y., 1994); J. Wiltenburg, *Disorderly Women and Female Power in the Street Literature of Early Modern England and Germany* (Charlottesville, Va., 1992).

⁹⁷ Shepard, 'Meanings of manhood', ch. 4; Foyster, 'Boys will be boys? Manhood and aggression, 1660-1800' & Shoemaker, 'Reforming male manners' in Hitchcock & Cohen (eds.), *English Masculinities*, pp. 151-66, 133-50; Fletcher, *Gender*, ch. 16.

feature of analyses, a fractured set of perspectives on the role of violence in early modern England has emerged. Many important insights into violence stand largely in isolation from each other because they have been developed in different areas of the historical field of research. The status of physical force is relatively infrequently related to diverse aspects of early modern society, although, as Susan Amussen has clearly demonstrated, violence can usefully be placed in a broader perspective.⁹⁸ An additional weakness in the existing historical research into interpersonal violence is the fact that it is frequently theoretically uninformed as far as the concept of violence is concerned.

Accordingly, an objective of this thesis is to reflect on concepts of violence and their relevance to early modern history. It aims to situate discussion of early modern interpersonal violence in the wider scholarly debate about the nature of violence, a debate which has often been inadequately acknowledged by historians. This thesis also aims to situate early modern violence in a broader historical context than has hitherto been the case, for example by relating notions of religious belief and conceptions of youth to ideas about physical force. The originality of its contribution rests not in the discovery of unfamiliar archival or literary accounts of violence. Rather, the originality of the thesis lies in its synthesis of existing knowledge about early modern society with ideas about violence and in its theoretically-informed engagement with the concept of violence. Together, these strands enable us to both deepen and extend our knowledge of interpersonal violence in the early modern period.

⁹⁸ Amussen, 'Punishment, discipline and power', pp. 1-34.

THE SHAPE OF THE THESIS

Chapter One will look at the relationship between violence and power, particularly from the perspective of those in positions of authority within the state and church. It will ask: to what extent did understandings of the social order shape which uses of force were seen as legitimate and illegitimate by the political and religious elite? Did the state seek to monopolize the use of physical force? The chapter will assess the state's commitment to eliminating interpersonal violence by contrasting attitudes towards violence against an officer of the state with those towards violence amongst non-officials of equal status. The chapter will explore the nature and severity of the penalties applied to those found guilty of the most frequently-prosecuted violent offence, assault, in order to develop insights into contemporary perceptions of this crime. It will assess what measures the state took to control the ownership of weapons. Did the state control weapons in order to curb interpersonal violence? What impact did a commitment to an hierarchically-organised society have on definitions of violence within the home?

Early modern ideas about the body will be the central theme in Chapter Two. The chapter will explore physiological principles in order to assess whether violence was regarded as an unpredictable bodily phenomenon, or as an action some bodies were more likely to commit than others. It will outline the way in which anger acted on the body and the impact of ageing on participation in violence. Drawing on anthropological research into the relationship between alcohol consumption and interpersonal violence, the chapter will consider the significance that early modern people attributed to alcohol in promoting violence. It will ask: was alcohol seen to cause violence? The chapter will engage with the relationship between bodily responses to stimuli such as anger or alcohol and

personal responsibility for conduct: could violence be excused by blaming natural causes? It will consider seventeenth-century discourses about appropriate conduct for men and for women, looking specifically at the importance of sex difference to participation in violence. How different was the socialisation of boys and girls? How important was participation in violence as a signifier of gender difference? To what extent were boys and men encouraged to be violent, and girls and women dissuaded from using force? Looking at evidence including arguments about the suitability of football for men and at the portrayal of women's participation in violence in popular print, the chapter will investigate whether there was consensus concerning what type of conduct was suitable for each sex or whether this was a contested issue.

Chapter Three will commence with a consideration of Worcestershire, as evidence from the county will be drawn upon in this and the following chapters. Key domestic, agricultural and industrial activities that people in Worcestershire engaged in will be delineated, putting their participation in violence into a fuller perspective. The chapter will ask what type of unit the county is, and assess its suitability as a 'way in' to early modern society. The chapter will then turn to look at a number of courts in which acts of violence could be prosecuted. What factors shaped whether a certain act of violence was tried at one or another court? Was the social status of the prosecutor or the place at which the violence had occurred important, or were acts of force differentiated according to the injury inflicted? The chapter will assess the impact of certain legal procedures on records relating to incidents of violence. It will consider some of the interpretative opportunities and problems that sources such as depositions and recognizances offer historians. Lastly, this chapter will look at the ways in which violence was conducted, paying

especial attention to the places where violence occurred and the weapons which were employed.

The principal aim of the thesis is to explore participation in and attitudes towards interpersonal violence as a social and cultural phenomenon, rather than to offer a comprehensive picture of criminal violence in the county. Consequently, whilst evidence which emanated from courts used by Worcestershire people will be utilised in the chapters which follow, not every Worcestershire-related source will be mined. Evidence relating to violence elsewhere in England and Wales will be included when apposite, as ideas about violence may have been part of a national, rather than a local, culture.

The use of interpersonal violence amongst members of the same household will be the focus of Chapter Four. The chapter will continue to explore questions raised in earlier chapters, as it addresses the importance of social hierarchies, understandings of anger and the impact of gender on the use of violence. This chapter will re-examine the importance of social status in shaping perceptions of an act of force, in relation to alternative measures of violence such as the level of physical injury inflicted. It will ask: who could legitimately use force to discipline whom? Is the use of violence by household heads evidence of their cruelty or short tempers? When was the use of force to discipline dependants likely to be widely regarded as inappropriate? Who was most likely to use violence to correct inappropriately? What responses did violence which was perceived to be excessive elicit? The chapter will consider whether dependants were more likely employ violence against their parents, masters or mistresses and explore the contexts in which force was used amongst apprentices. The chapter will address the responses husbands' violence against wives elicited from neighbours and

members of the judiciary, in order to establish the extent to which this form of marital violence was afforded toleration.

Interpersonal violence has been described as commonplace in early modern society.⁹⁹ Chapter Five will explore the extent to which violence was ubiquitous. It will ask whether violence was more likely to occur in certain circumstances than others, and analyse the use of violence amongst neighbours, strangers, householders and petty officials. The chapter will first explore the importance of reputation to early modern people. It will look, in particular, at the extent to which women's and men's good names were maintained or lost according to different sets of values. It will consider the relationship between social credit and economic well-being, before assessing the role of violence in protecting intangible and material assets. In contrast to Chapter Two, which looks at the way in which ideas of the body structured cultural understandings of physical violence, this chapter will investigate the extent to which the practice of violence was structured by social and economic considerations. Was violence used to help maintain power in local networks of relationships? Did people use violence more frequently in the seventeenth century than today because their psychology was different from ours? Or do other social and economic changes help account for changes in the use of violence? Drawing on sources including court records, autobiographies and fiction, the chapter will explore some of the meanings invested in early modern violence. Did the potential lethality of the weapons used, level of injury inflicted or physical constitution of the victim make

⁹⁹ Stone, *The Family*, p. 93; Greenshields, *Economy of Violence*, p. 2; Wrightson, *English Society*, p. 161-62.

a difference to the degree of legitimacy attributed to an act of force? Were different parts of the body targeted by those perpetrating violence, and if so, why?

In Chapter Six, physical violence will be located in processes of conflict and conflict-resolution. Treating episodes of violence as an element in on-going social relationships rather than as singular events, this chapter will consider the way in which acts of violence, or the threat of violence, prompted intervention into troubled relationships. The chapter will look at the capacities in which people intervened to curb disputes, including those of justice and clergyman. What level of commitment to peacemaking can be discerned amongst the population at large? The chapter will ask whether both men and women intervened to prevent violence. Did the use of verbal and physical tactics to stop fights vary according to the gender of the person intervening? This section will consider the risk of injury ran by those who intervened to prevent violence and the impact of their intervention on levels of injury experienced by combatants. Finally, this chapter will assess the extent to which violence can be seen as a singular phenomenon by looking at the nature of the relationship between physical violence and other forms of aggression, including litigation, verbal abuse and economic coercion.

CHAPTER ONE: DISCOURSES OF POWER AND VIOLENCE

INTRODUCTION

Relationships of power exist in all aspects of human society. Power may be exercised from a political centre, but this is not its exclusive domain. Rather, as Michel Foucault argued in *The Will to Knowledge*, 'Power comes from below'.¹ It is neither an institution nor a structure, but 'the name that one attributes to a complex strategical situation in a particular society'.²

Physical violence is a means by which humans assert power over others. Thus violence has been used between the most dominant political units, states, when they fight wars. It has been deployed within states, as rulers have marshalled force against threats ranging from royal pretenders to petty criminals. In addition, violence has been employed by non-state actors including pirates, early modern companies (such as the East India Company, which had its own army) and rioters, and in interpersonal relationships.³ Whether used by one individual against another, or by one state against another, violence is one of the ways in which power has been exerted in human relationships.

Yet violence is only one of a number of ways of exercising power. Fields of power identified by Foucault include economic processes, knowledge relationships and sexual relations.⁴ In a somewhat similar vein the sociologist Michael Mann has described economic, political and ideological relationships as

¹ M. Foucault, *The History of Sexuality: The Will to Knowledge*, vol. 1, trans. R. Hurley ([n.p.], 1976; London, 1998), p. 94.

² Foucault, *Will to Knowledge*, p. 93.

³ For a consideration of some of the non-state actors who have used violence, see J. E. Thomson, *Mercenaries, Pirates and Sovereigns: State-Building and Extraterritorial Violence in Early Modern Europe* (Princeton, N.J., 1996).

sources of power.⁵ Both scholars rightly consider that the process of generating meanings for social conduct, by establishing ideologies or knowledge which purport to explain human behaviour, is a form of power. Mann has, for example, argued that 'power can be wielded by those who monopolize a claim to meaning. ... To monopolize norms is thus a route to power'.⁶ The conceptualisation of knowledge itself as a form of power has important implications for our understanding of seventeenth-century violence. As the French historian Roger Chartier has observed, the enunciative strategies employed by the authors of conduct books are representations of social relations.⁷ As early modern writers validated certain uses of force and not others, their representations of society can be seen as discourses of power. As Foucault has argued, 'it is in discourse that power and knowledge are joined together'.⁸ Those who analysed violence, whether by describing the social conditions which would lead to an irreversible descent into total violence, or by classifying certain uses of force as appropriate or inappropriate, exercised a form of power as real as that wielded by the person who struck another.

⁴ Foucault, *Will to Knowledge*, p. 94.

⁵ M. Mann, *The Sources of Social Power* (Cambridge, 1992), vol. 1, p. 2.

⁶ Mann, *Social Power*, p. 22. Monopolising norms might better be seen as an 'arrived-at' exercise of power than as a 'route' to power.

⁷ R. Chartier, *The Cultural Uses of Print in Early Modern France*, trans. L. Cochrane (Princeton, N.J., 1987), p. 73.

⁸ Foucault, *Will to Knowledge*, p. 100.

AUTHORITY AND THE LEGITIMACY OF VIOLENCE

Sociologist Max Weber considered violence to be a central element in the power of the state, as he argued that an essential feature of a state is its claim 'to monopolize the use of force'.⁹ In relation to early modern England, Steve Hindle has argued that violence was 'the worst-case-scenario since it undermined the structure of authority, rendering the claim of the State to a monopoly of violence ... untenable'.¹⁰ However, I would argue that the early modern English state did not in fact seek to secure such a monopoly.¹¹ This is a consequence of the fact that the exercise of power requires not an absolute monopoly of force, but the ability to mobilise the greatest force. The anthropologist Emanuel Marx, who has researched the relationship between interpersonal violence and the state, has proposed that 'states become reconciled to some use of force by individuals ... as long as this force is not directed against it'.¹² This argument applies to the relationship between the state and interpersonal violence in early modern England.

Three distinct responses to interpersonal violence can be discerned on the part of those in officially authorised positions of power in seventeenth-century England, ranging from household heads to the more powerful leaders of church and state. Briefly: the use of violence by those responsible for maintaining social

⁹ M. Weber, *The Theory of Social and Economic Organization*, trans. A. M. Henderson & T. Parsons (London, 1964), p. 156. For a recent discussion of authority as 'ultimately grounded in the actual or threatened use of violence' see Thomson, *Mercenaries*, p. 4.

¹⁰ Hindle, 'Aspects of the relationship of the state and local society in early modern England: with special reference to Cheshire, c. 1590-1630' (PhD thesis, Univ. of Cambridge, 1992), p. 61. He discusses the early modern English state's failure to secure a monopoly of violence in Hindle, 'The keeping of the public peace' in P. Griffiths, A. Fox & S. Hindle (eds.), *The Experience of Authority in Early Modern England* (London, 1996), p. 236.

¹¹ For the argument that historically many states have neither possessed nor claimed a monopoly of organized force see Mann, *Social Power*, p. 11, and Thomson, *Mercenaries*, ch. 1.

¹² E. Marx, *The Social Context of Violent Behaviour: A Social Anthropological Study in an Israeli Immigrant Town* (London, 1976), pp. 14-15.

order and hierarchies was usually actively approved of; the use of force amongst those of relatively equal status was to some extent tolerated; whilst the use of force by social inferiors against their superiors was a source of considerable dismay and was opposed in the strongest terms. These responses, although clearly differing, represent a consistent position towards violence if we regard its use as part of the exercise of authority. Force which supported the existing social hierarchy was permitted, that which left it intact was largely ignored and that which undermined it was prohibited.

It would be a mistake to overstate the extent to which the three categories of violence delineated above exactly correspond to perceptions of specific acts of violence in the past. Here, as in other areas of social history, the metaphor of a spectrum might usefully be applied. Each act of violence was a distinct event and many fell between two of the categories. Violence against a neighbour of similar occupational status undermined social hierarchies if the neighbour's attacker was many years his junior; a mistress's correction of a male apprentice affirmed the authority of household heads but undermined men's authority over women. However, whereas the figure of a spectrum draws attention to similarities between contemporary interpretations of violence, the identification of three analytically distinct categories of violence draws out the differences and permits critical discussion of early modern views of violence. My approach builds on that taken by Susan Amussen, who has argued that two types of violence can be discerned in early modern England: violence which was regarded as legitimate by those in authority and that which was not.¹³ Amussen properly describes legitimacy as a

¹³ S. D. Amussen, 'Punishment, discipline and power: The social meanings of violence in early modern England', *Journal of British Studies*, 34 (1995), pp. 1-34.

crucial factor in determining how specific acts of violence were regarded. However, the binary categorisation of violence as legitimate/illegitimate casts very different types of force together as 'illegitimate'. The category 'illegitimate' groups together acts of force which left the social hierarchy largely intact and uses of force which were profoundly threatening to existing ideologies of order. The identification of a third category of acts, which were neutral in terms of their impact on social hierarchies, overcomes this problem and allows us to distinguish more precisely between the different meanings attached to acts of force.

SOCIAL ORDER AND THE THREAT OF VIOLENCE

The early modern preoccupation with order had a major impact on understandings of violence and, although familiar to historians of the period, bears restating. Throughout the seventeenth century, texts were produced by an array of writers emphasising the importance of respect for hierarchies of age, sex and status, which operated within and beyond the household.¹⁴ Obedience to social superiors was presented as being of paramount importance. Whilst this chapter explores the role of violence in enforcing hierarchies, it is worth noting that the same end, namely the buttressing of social order, was pursued not only physically but verbally as texts and speeches exhorted readers and auditors to conform to the dictates of social hierarchies.¹⁵ Any digression from their proper station or calling on the part of those who ruled or those whom they governed was seen to be

¹⁴ See, for example, R. Abbott, *A Christian Family Builde by God, Directing all Governours of Families How to Act* (London, 1652) or J. Dod & R. Cleaver, *A Plaine and Familiar Exposition of the Ten Commaundments, with a Methodicall Short Catechisme, Containing Briefly all the Principall Grounds of Christian Religion* (London, 1605).

¹⁵ For prescriptive writing as labour, or 'textual effort' towards certain goals, see M. Roberts, "'To bridle the falsehood of unconscionable workmen, and for her own satisfaction": what the Jacobean housewife needed to know about men's work, and why,' *Labour History Review*, 63 (1998), p. 24.

potentially fatal to the stability of society.¹⁶ As the Elizabethan writer William Perkins put it, such callings are ‘the essence and foundation of any societie without which the societie cannot be’.¹⁷ Failure either to submit to authority, or to govern properly, opened the door to a frightening and chaotic world and could herald a return to the state of nature starkly described by the philosopher Thomas Hobbes in 1651 as ‘nasty, brutish and short’.¹⁸

One of the occasions on which the importance of obedience and governance was most emphatically asserted was at the assizes, when judges on circuit heard the more serious criminal offences. The importance of this judicial event was emphasised by the ceremonies and ritual which accompanied the hearings, such as the donning of white gloves by the judge when no executions were ordered.¹⁹ In addition, sermons given at the outset of the assizes underlined the importance of justice to the maintenance of order, by warning of the dire consequences which would follow the dereliction of duty by the participants of the

¹⁶ The reciprocity of the relationship between rulers and ruled is expressed in the title of a book published at the start of the seventeenth century: T. Floyd, *The Picture of a Perfit Common Wealth, Describing aswell the Offices of Princes and Inferiour Magistrates Over their Subjects, as also the Duties of Subjects Towards their Governours* (London, 1600).

¹⁷ W. Perkins, *A Treatise of the Vocations, or Callings of Men, with the Sorts and Kinds of them, and the Right Use thereof* (Cambridge, 1603), p. 37. Early modern efforts to fix an immutable social structure are explored in K. Wrightson, ‘Estates, degrees and sorts: changing perceptions of society in Tudor and Stuart England’ in P. Corfield (ed.), *Language, History and Class* (Oxford, 1991), pp. 30-52.

¹⁸ T. Hobbes, *Leviathan*, ed. by R. Tuck (London, 1651; repr. Cambridge, 1991), p. 89.

¹⁹ For criminal trial procedures and the rituals of justice see J. Langbein, ‘The criminal trial before the lawyers’, *The University of Chicago Law Review*, 45 (1978), pp. 263-316; C. Herrup, *The Common Peace: Participation and the Criminal Law in Seventeenth-Century England* (Cambridge, 1989), esp. pp. 51-53, 131, 192, 194; J. A. Sharpe, ‘“Last dying speeches”: Religion, ideology and public execution in seventeenth-century England’, *Past and Present*, 107 (1985), pp. 144-67; D. Hay, ‘Property, authority and the criminal law’ in D. Hay, P. Linebaugh & E. P. Thompson (eds.), *Albion’s Fatal Tree: Crime and Society in Eighteenth-Century England* (London, 1975), pp. 17, 26, 31, 37; J. Beattie, *Crime and the Courts in England, 1660-1800* (Oxford, 1986), ch. 7. The role of art in bolstering the authority of early modern justice is explored using Florentine evidence in S. Y. Edgerton, ‘Icons of justice’, *Past and Present*, 89 (1980), pp. 23-39.

court proceedings.²⁰ Apocalyptic imagery was employed to depict the consequences of a breakdown in order, for secular order was seen to be divinely ordained. In a sermon given at Hertford and printed in 1619, Essex minister William Pemberton warned of the 'fearfull ruine and dreadfull desolation' which would inevitably result from lack of governance.²¹ Similarly, Robert Bolton gave a sermon before Northampton assizes in 1621 in which he warned that without government, 'men would become cut throats and Canibals ... We should have a very hell upon earth, and the face of it covered with blood, as it once was with water.'²² Unless justly governed man would, claimed clergyman Theophilus Taylor in 1629, become 'impetuous, violent, turbulent'.²³ Neighbours would raise their hands against one another and brothers, their swords. In the sermons, dramatic and emotive imagery of total violence was used to emphasise the extreme danger disorder could pose.

The late sixteenth-century justice and writer William Lambarde, whose works on the duties of justices continued to be standard handbooks during the seventeenth century, used more moderate terms to warn jurors at Maidstone's quarter sessions of the consequences of neglect of duty. He considered that unless stopped 'in the tender herb', predilections for crime would continue and laws be broken with impunity, creating an intolerable situation in which 'the wicked ones should not only escape the sword [of justice] but therewithal strike and wound the

²⁰ For more on which see B. White, 'Assize sermons, 1660-1720' (PhD thesis, Newcastle Polytechnic, 1980).

²¹ W. Pemberton, *The Charge of God and the King, to Judges and Magistrates, for the Execution of Justice* (London, 1619), pp. 25-26.

²² R. Bolton, *Two Sermons Preached at Northampton at Two Severall Assizes There* (London, 1635), p. 10.

²³ T. Taylor, *The Mappe of Moses: Or, a Guide for Governours* (London, 1629), p. 6.

good and well-disposed.’²⁴ The fear that disorder could erupt and, in the most dreaded scenario, allow anarchy to sweep away cherished values was an important element in early modern political thought. Dreading the potential consequences of the erosion of social order and hierarchy, many early modern people in positions of authority placed a high value on the maintenance of respect for them. Concerns about disorder pre-existed, and to an extent were independent of, the events of the Civil War. For example, the decades of the 1590s and 1620s were periods of particular concern about the fragility of social order, partly because of demographic and economic factors.²⁵ Nevertheless, the Civil War vindicated the idea that to undermine social hierarchies contributed to violence which was so extreme as to threaten the very survival of society. Oliver Cromwell’s first speech to the new Protectorate Parliament in 1654 was critical of the ‘levelling principle’ which had contributed to a climate of dissension in which ‘Every man’s hand (almost) was against his brother’.²⁶

As the assize preachers’ use of apocalyptic imagery to describe the collapse of civil order suggests, civil and religious authority were congruent. As clergyman Theophilus Taylor put it, ‘secular jurisdiction is of God’s ordination’.²⁷ Samuel Burton, Archdeacon of Gloucester, elevated magistrates and rulers when he described them at the Warwick assizes as ‘the Ministers of God;

²⁴ In C. Read (ed.), *William Lambarde and Local Government: His “Ephemeris” and Twenty-Nine Charges to Juries and Commissions* (Ithaca, N.Y., 1962), pp. 70, 74, 121.

²⁵ S. Hindle, *The State and Social Change in Early Modern England, c. 1550-1640* (Basingstoke, 2000), ch. 2; R. B. Outhwaite, *Dearth, Public Policy and Social Disturbance in England, 1550-1800* (Cambridge, 1991); J. Walter & K. Wrightson, ‘Dearth and the social order in early modern England’, *Past and Present*, 71 (1976), pp. 22-42; Walter, ‘The social economy of dearth in early modern England’ in J. Walter & R. Schofield (eds.), *Famine, Disease and the Social Order in Early Modern Society* (Cambridge, 1989), pp. 75-128.

²⁶ W. Abbott (ed.), *The Writings and Speeches of Oliver Cromwell* (Oxford, 1988), vol. 3, p. 435.

²⁷ Taylor, *Mappe of Moses*, p. 3. The visual representation of the divinity of justice in courts in early modern Europe is discussed by Edgerton, ‘Icons of justice’, pp. 23-39.

they are his Deputies and Surrogats in the highest place, which is the seate of Justice'.²⁸ As God himself had 'girded them [the magistrates] with his owne sword', the populace were bound to respect the dignity of their office.²⁹ The authority of the state, as arbiter of justice, was magnified and legitimised by referring to its relationship with the Divine in other genres of religious writings. For example, in his exposition of the Ten Commandments, published in 1624, Peter Barker imbued magistrates with Christ-like powers, asserting that:

As the Magistrate is the Comet of the guilty, so he is the refuge of the innocent, his seate is a shelter to such as are oppressed, and a Sanctuary to all that are distressed; his breast is an Ocean, whereinto the cares of private men do empty themselves, which when he hath received, he presently seeketh to ease them by repressing the violence of such as doe vex them, and as though there were a writ directed to him from God.³⁰

In addition to protecting social peace, the pursuit of stability was driven by important spiritual imperatives: obedience to secular laws was closely identified with obedience to God. A strong commitment to the ideal of stability in early modern England was thus related to conceptions of the social order as divinely ordained, and to the fact that the imagined alternative to strict order was chaos. Both the toleration accorded to certain uses of force, and the more punitive treatment meted out to others who used violence, were shaped by, and must be understood in the light of, political and religious ideas about order.

²⁸ S. Burton, *A Sermon Preached at the Generall Assizes in Warwicke, the Third of March, being the first Friday in Lent* (London, 1620), p. 3.

²⁹ Burton, *A Sermon*, p. 4.

³⁰ P. Barker, *A Judicious and Painefull Exposition Upon the Ten Commandements; Wherein the Text is Opened, Questions and Doubts are Resolved, Errours Confuted, and Sundry Instructions Effectually Applied* (London, 1624), p. 208.

THE ROLE OF THE JUSTICE IN KEEPING THE PEACE

Order was an ideal to be achieved dynamically, rather than an already-attained state, a situation neatly captured by the title of Ian Archer's text on social relations in Elizabethan London, *The Pursuit of Stability*.³¹ The following paragraphs consider what constituted social peace and introduce the role of justices in achieving it. What standards of tranquillity were justices expected to be able to attain in their local communities? What was the role of religion in shaping these standards? First, however, justices' responsibilities and status will be sketched.

Justices of the peace were men of gentry status nominated to serve as magistrates on their local bench by the Crown.³² A Commission of the Peace authorised individuals to act as justices, an unpaid post which was carried out with varying levels of commitment and qualification. Whilst offering no financial reward, holders of the office could enjoy the prestige conferred by their post, with the best-qualified justices becoming members of the Quorum and gaining greater powers. The work of justices of the peace, to which we will return in later chapters, included dealing with local administrative matters and responsibility for discharging justice. More serious offences were reserved for judges on assize circuits.³³

³¹ I. Archer, *The Pursuit of Stability: Social Relations in Elizabethan London* (Cambridge, 1991).

³² The gentry's responsibility to govern is explored in R. Kelso, *The Doctrine of the English Gentleman in the Sixteenth Century* (Gloucester, Mass., 1964), pp. 36-40, 105.

³³ The history of the office, process of appointment, and duties of justices are examined in T. Barnes, 'Examination before a justice in the seventeenth century', *Somerset & Dorset Notes & Queries*, 27 (1955), pp. 39-42; N. Landau, *The Justices of the Peace, 1679-1760* (Berkeley, Calif., 1984); D. H. Allen, *Essex Quarter-Sessions Order Book, 1652-1661* (Chelmsford, 1974), pp. ix-xv; J. Langbein, *Prosecuting Crime in the Renaissance: England, Germany, France* (Cambridge, Mass., 1974), Part One.

One of the best sources for insights into the work of justices of the peace are the guidebooks written for them, which were consulted as practical manuals by many of those engaged in legal activities in the seventeenth century. A Droitwich bailiff's expenses in 1631 included the costs of attending sessions and 'for daltons Justice at large 7s6d'.³⁴ When yeoman Adam Eyre was in some legal bother, he noted that someone came 'and brought me my Dalton from Ralph Wadsworth', to whom he had presumably lent his copy.³⁵ George Herbert, author of an account of clergymen's roles, thought that Dalton's *Countrie Justice* was one of the texts clergymen read to prepare themselves for arbitrating disputes amongst their parishoners.³⁶ Clearly then, the contents of these legal guidebooks did not constitute a corpus of ideals unrelated to practice. On the contrary, they were frequently consulted and the principles therein guided the actions of many of those who administered the law.

In contrast to Peter Barker, who described with a great deal of hyperbole the duty of justices to protect the innocent and oppressed by repressing violence, the authors of justices' guidebooks discussed their duty more drily. In his consideration of what constituted public peace, which justices were required to preserve, Michael Dalton observed that 'Peace (in our law) most commonly is taken for an abstinence from actual and injurious force, and offer of violence; and so is rather a restraining of hands, than an uniting of minds.'³⁷ At the start of his guidebook *Eirenarcha* William Lambard drew a similar distinction, arguing that

³⁴ WCRO, BA 1006/261.4/33/556.

³⁵ A. Eyre, 'A dyurnell or catalogue of all my accions and expences from the 1st of January 1646', ed. by H. Morehouse, in C. Jackson (ed.), *Yorkshire Diaries and Autobiographies in the Seventeenth and Eighteenth Centuries*, The Surtees Society, 65 (Durham, 1875), pp. 92-93.

³⁶ G. Herbert, 'A priest to the temple, or the country parson, his character and rule of Holy life', ed. by F. E. Hutchinson, *The Works of George Herbert* (London, 1652; repr. Oxford, 1941), p. 260.

the word 'peace' could signify an inward peace opposed to all striving and contention, or an outward peace, which is 'onely an abstinence from actual force.'³⁸ Lambarde states that it is not part of a justice's work 'to reduce the people to an universall unanimitie ... which is indeed a thing rather to be wished for, than to bee hoped after', emphasising instead their duty to 'suppress injurious force and violence, moved againste the person, his goods, or possessions'.³⁹ 'This furious gesture, and beastly force of bodie, or handes (and not everie contention, suite, and disagreement of minds)' is, according to Lambarde, the proper business of a justice.⁴⁰ The law of God may seek inward peace; the laws of the realm 'doe loke but to the bodie'.⁴¹ Man, in his fallen state, can aspire to godly standards of peaceable behaviour but realistically is likely to fall short of them. The legal role of justices was thus to enforce social order in the first instance, preventing physical violence but not necessarily eliminating the conflicts which lay behind it. The fact that one key role of justices of the peace was to prevent and punish physical violence indicates that the early modern English state sought to contain it as a threat to public order. The extent to which the state endeavoured to eliminate interpersonal violence was, however, more limited than this might suggest.

³⁷ M. Dalton, *The Countrey Justice* (London, 1655 edn), p. 10.

³⁸ W. Lambarde, *Eirenarcha, or the Office of the Justices of the Peace* (London, 1582), pp. 4-5.

³⁹ Lambarde, *Eirenarcha*, p. 7.

⁴⁰ Lambarde, *Eirenarcha*, p. 10.

⁴¹ Lambarde, *Eirenarcha*, p. 6.

PENALTIES FOR ASSAULT

The legal and judicial treatment of the most commonly-prosecuted violent crime, assault, suggests a lack of commitment on the part of the state to the elimination of violence that it considered illegitimate in interpersonal relations. As both the law and judicial practices in seventeenth-century England were the product of centuries of evolutionary change, neither can be interpreted as clear reflections of either state policy, or public perception, towards particular crimes. Nevertheless, as parliament and the Crown created legislation and as the judicial system was shaped by the many people who participated in it as judges, clerks, jurors, plaintiffs, defendants and witnesses, the legal history of assault does provide some insights into contemporary perceptions of violence. The following paragraphs will consider the penalty applied to those found guilty of assault, that is, a fine, and assess factors which influenced the level of the fine imposed, including the status of the attacker and the severity of the injury inflicted.

Assault was a common-law offence, rather than one which had been defined by statute.⁴² The type of actions which could be prosecuted as assault was wide, ranging on the one hand from an unrealised threat of violence, to beatings by armed attackers. Tried as a misdemeanour at the court of quarter sessions rather than as a felony, which went to assizes, assaults were normally punished by fines. The fines imposed for assault were usually quite low.⁴³ In his study of violent crime in seventeenth-century Essex, James Sharpe found that although fines for assault ranged from four pence to twenty pounds (the latter for an assault on a constable) fines of between one shilling and one penny and five shillings

⁴² The prosecution of crimes of violence is considered in more detail in ch. 3, below.

were most frequently imposed.⁴⁴ In the late seventeenth-century Surrey Quarter Sessions, the median fine for assault was two shillings and six pence, whilst in Middlesex in the late seventeenth- and early eighteenth-centuries fines for assault were usually less than three shillings and four pence.⁴⁵ At the Sussex Quarter Sessions during the 1640s, fines for assault ranged from less than a shilling to twenty shillings (this being imposed for an assault involving a knife), but were usually five shillings or less.⁴⁶ The relatively modest amount levied meant that the fines were within the means of the men and women on whom they were imposed.⁴⁷ As the status (and hence ability to pay) of the offender rose, so too did the level of the fine imposed.⁴⁸

The level of injury sustained also influenced the financial penalty and people sometimes faked or exaggerated their injuries to extract compensation from, or make a stronger case against, their opponent. In 1622 one John Barber was accused of inducing a jury to find ‘great damages’ against Allen Figges, a Worcester gentleman. With the help of another Worcester gentleman, Barber had pretended that his wounds were ‘deepe[er] and longer then in truth they were’.⁴⁹ In 1600 William Andros, a man of no fixed abode or regular trade, was said to

⁴³ Beattie, ‘Violence and society in early modern England’ in A. Doob & E. Greenspan (eds.), *Perspectives in Criminal Law* (Aurora, Ontario, 1985), p. 49.

⁴⁴ J. A. Sharpe, *Crime in Seventeenth-Century England: A County Study* (Cambridge, 1983), p. 118.

⁴⁵ Beattie, *Crime*, p. 457; R. Shoemaker, *Prosecution and Punishment: Petty Crime and the Law in London and Rural Middlesex c. 1660-1725* (Cambridge, 1991), pp. 156-57.

⁴⁶ B. C. Redwood (ed.), ‘Quarter sessions order book, 1642-1649’, *Sussex Record Society*, 3 (1954), pp. 32, 33, 95, 103, 111, 112, 148.

⁴⁷ Shoemaker, *Prosecution and Punishment*, p. 163.

⁴⁸ Sharpe, *Crime*, pp. 118-19. Fines ranging between £2 and £10 were levied on seventeenth-century Inns of Court members who used violence: W. Prest, *The Inns of Court Under Elizabeth I and the Early Stuarts 1590-1640* (London, 1972), p. 96.

⁴⁹ PRO, STAC 8/139/23.

have attacked the constable of Pershore (Worcestershire) in the open street. Allegedly, Andros had ‘for his better shewe of complaint ... feyned him self to be hurt on the Left Arme whereas the said high Con[sta]ble, nor anie [of] his assistants, [had] ever touched the same’.⁵⁰

One measure of injury which was used to help set fines was whether blood had been drawn or not. In Staffordshire in 1614 fifteen people presented for affray were fined two shillings six pence, which rose to five shillings eight pence for the six people indicted for participating in fights which drew blood.⁵¹ James Sharpe and J. R. Dickinson found that bloodshed was a factor in the Isle of Man Sheading Courts’ handling of assaults, which as in England were liable to a pecuniary punishment during the early modern period. Assaults were known as ‘bloodwipes’ when blood had been drawn, and sometimes a party would ‘in some maner scratt him or herself or by some other means bring forth some blood’ to ensure the success of their charge.⁵²

The nature of the penalty meted out to those found guilty of assault is significant. A diverse array of punishments was available in early modern England, many of which were publicly shaming or physically painful, or, indeed, both. Capital punishment was (selectively) applied to a number of offences, including crimes against property when goods were valued at twelve pence or above. The use of corporal punishments saw individual bodies penalised for the harm they had inflicted on the body politic, most spectacularly in the theatre of

⁵⁰ WCRO, BA 1/110/6/38.

⁵¹ A. J. Kettle (ed.), ‘Matthew Craddock’s Book of Remembrance, 1614-15’, *Collections for a History of Staffordshire*, 4th s., 16 (1994), p. 122.

⁵² J. R. Dickinson & J. A. Sharpe, ‘Courts, crime and litigation in the Isle of Man, 1580-1700’, *BIHR*, 72 (1999), pp. 154-55. Whether blood had been drawn or not was noted by the court leet at

judicial execution.⁵³ That those responsible for threatening and using violence were generally required to pay only a nominal fine indicates, as Peter King has argued, the essentially civil mode of proceedings in cases of assault during the seventeenth and early eighteenth century.⁵⁴ J. M. Beattie has also argued that, prior to the mid eighteenth century, there was 'an entirely private view of assault and battery'.⁵⁵ From the mid eighteenth century gaol was increasingly used to punish those convicted of assaults, as violence was perceived as an offence against the body politic rather than a private matter. In addition to reflecting changing understandings of assault specifically, the use of imprisonment to punish crimes of violence was part of a broad shift in the practice of penology in eighteenth-century Europe, as Enlightenment thinkers led a movement towards more humane modes of punishment.⁵⁶ In seventeenth-century England, offences other than assault which were liable to be punished with a fine were civil offences. These included petty fraud and the flouting of regulations concerned with

Prescot, Lancashire in the seventeenth century; W. King, 'Untapped resources for social historians: court leet records', *Journal of Social History*, 15 (1982), p. 702.

⁵³ For punishment as spectacle, see M. Foucault, *Discipline and Punish: The Birth of the Prison*, trans. A. Sheridan ([n. p.] 1975; London, 1991), Part One, chs 1 & 2; Sharpe, "'Last dying speeches'", pp. 144-67; R. McGowen, 'The body and punishment in eighteenth-century England', *Journal of Modern History*, 59 (1987), pp. 651-79.

⁵⁴ P. King, 'Punishing assault: the transformation of attitudes in the English courts', *Journal of Interdisciplinary History*, 27 (1996), pp. 49, 72.

⁵⁵ Beattie, 'Violence and society', pp. 49-50; Beattie, *Crime*, p. 457. That private parties took the initiative in the prosecution of violence by recognizance, frequently resolving disputes without recourse to the courts, also indicates the semi-civil nature of the offence; prosecution by recognizance is discussed in ch. 3, below.

⁵⁶ For patterns of change in punishments over the long-term, see Foucault, *Discipline and Punish*; H. Fink-Eitel, *Foucault: An Introduction*, trans. E. Dixon (Hamburg, 1988; Philadelphia, Penn., 1992), p. 49; P. Jenkins, 'From gallows to prison? The execution rate in early modern England', *Criminal Justice History*, 7 (1986), pp. 51-71; J. A. Sharpe, *Judicial Punishment in England* (London, 1990); J. Innes, 'Prisons for the poor: English bridewells, 1555-1800' in F. Snyder & D. Hay (eds.), *Labour, Law and Crime: An Historical Perspective* (London, 1987), pp. 42-122. For the contribution of Enlightenment thinkers to these changes see H. Dunthorne, *The Enlightenment* (London, 1981), pp. 12, 22; N. Hampson, *The Enlightenment: An Evaluation of its Assumptions, Attitudes and Values* (London, 1990 edn), pp. 155-56.

dunghills, water flow and the maintenance of highways. The fine for assault was a token and symbolic payment and, in deciding the level of the fine, courts took into account the extent to which the defendant had settled with the prosecutor.⁵⁷

The importance of settlement with the victim can be discerned in two petitions made to the Worcestershire Court of Quarter Sessions in 1619. Both were submitted by men who had been gaoled following violence which resulted in severe, but not fatal, injuries to their adversaries. The petition of one Ralph Atherseech stated that he had been ‘Imprisoned a longe tyme’ for having ‘cutt off a mans hand being forced to it and in my owne defence.’ Atherseech said that he could pay his adversary four pounds, ‘but he will haue no lesse than £6 when god knowes that I am not worth a groat’.⁵⁸ Atherseech evidently considered that his adversary’s rejection of his compensation was prolonging the length of his imprisonment. He wanted the court to release him because his adversary’s demands were unreasonable. The victim’s response was also central to the petition of Francis Hughes, who was imprisoned in Worcester Castle for wounding one Evan Davies. Hughes informed the bench ‘that the p[ar]tie is recovered and that I have made my peace w[i]th him and that he is desirious to release me out of prison’, and, on the basis of Davies’ forgiveness, asked to be released.⁵⁹ That both Atherseech and Hughes presented the relationship between themselves and their victim as the central factor influencing their punishment indicates that they understood their crime, or at least expected the judges to, as one specifically against the person and not as an offence committed against the state.

⁵⁷ J. Briggs *et al*, *Crime and Punishment in England: An Introductory History* (London, 1996), p. 83; Shoemaker, *Prosecution and Punishment*, pp. 155, 160-61; Beattie, *Crime*, p. 457.

⁵⁸ WCRO, BA 1/110/32/56.

⁵⁹ WCRO, BA 1/110/72/52.

The two facts, that a fine was usually levied against those convicted of assault and that courts took into account the extent to which the offender had settled with their victim, suggest that assault was largely viewed as a private matter rather than one of public concern. Technically a crime, the civil nature of the treatment of those convicted of assault suggests that the Crown was not acutely concerned about the use of violence in interpersonal relations. Such an interpretation is lent indirect support by the fact that, whilst seventeenth-century legislators generates considerable quantities of statutory legislation, assault was not amongst the offences they sought to re-define. Similarly, the proclamations issued by the Crown concerning policy on a wide range of everyday matters (such as what prices should be paid for goods, or what clothes worn by whom) were rarely directed against interpersonal violence.⁶⁰ The next section will address the relationship between the state and interpersonal violence from a different perspective, by asking: what efforts were made to limit the use of force in seventeenth-century England, by controlling the possession and use of weapons. To what extent did concern about interpersonal violence motivate the state to restrict the ownership of weapons?

CONTROLS ON THE OWNERSHIP OF WEAPONS

Some efforts were made on the part of the state to curb the ownership of weapons in seventeenth-century England. These included the two proclamations issued by James I which prohibited the bearing of daggers, pistols and short guns, not least because those who carried them were suspected of planning to use them

⁶⁰ James I issued two proclamations which aimed to curb the carrying of weapons, whilst Charles I issued none; J. Larkin & P. Hughes (eds.), *Stuart Royal Proclamations* (Oxford, 1973-83), vol. 1. pp. 284, 359.

to resist arrest.⁶¹ However, measures against carrying weapons were often directed towards problems other than violence against the person. Game laws, for example, made being in possession of hunting weapons an offence in order to deter poachers.⁶² A desire to prevent public violence can be discerned in the advice given in guides for justices and constables concerning the policing of weapon-bearing. Dalton wrote that individuals going armed and weaponed could be arrested, even if they claimed they did so in self-defence, for they could nevertheless strike 'a fear and terrour' into others, and that wakes were permissible only if 'none bring any weapons'.⁶³ Similarly, Lambarde wrote that should anyone be 'so bolde, as to go, or ride armed, by night, or by daye, in faires, markets, or anye other places', a constable could confiscate the armour for the Crown and gaole the offender.⁶⁴ These powers would undoubtedly have reduced the risk of serious injuries being inflicted from interpersonal violence, but may well have aimed primarily to prevent riots and insurrections which directly threatened the state, from being started in busy public spaces.

Whilst bearing arms in public was actively discouraged, the ownership of weapons was not prohibited by the state. Rather, the requirement to defend the realm from foreign and internal threats militated against the control of weapons. All men except those of the lowliest status were expected to possess a weapon, as Thomas Wilson wrote in 1600

⁶¹ James I in Larkin & Hughes (eds.), *Royal Proclamations*, vol. 1. pp. 284, 359.

⁶² R. B. Manning, *Hunters and Poachers: A Social and Cultural History of Unlawful Hunting in England, 1485-1640* (Oxford, 1995), pp. 59, 164-65.

⁶³ Dalton, *Countrey Justice*, pp. 185, 70.

⁶⁴ W. Lambarde, *The Duties of Constables, Borsholders, Tythingmen and such Other Lowe Ministers of the Peace* (London, 1583), pp. 11-13.

every howseholder is charged to have in his howse, in a readiness, such armes as is appointed by the Commissioners, and there is no howseholder so poore that is not charged with some thing (at least), a bill, sword, or dagger, who soever he is, unless he be a begger.⁶⁵

The exclusion of beggars from the obligation to arm themselves was partly driven by pragmatism: the poorest could not afford to arm themselves. Fear that the poor were dangerous and potentially rebellious may, however, have been a more powerful incentive for disbarring them.

Familiarity with the use of arms was encouraged through practice sessions, with status being an important determinant of the type of weapon a man would be trained to use. Men of property, who had a greater interest in maintaining the status quo, were selected to use firearms.⁶⁶ The men of Worcester were encouraged by the city council in 1626 'to finde armour accord[ing] to his abilitie and power' and received training in the use of weapons.⁶⁷ The city's leaders were aware of the fact that the weapons could be deployed in acts of violence which did not serve his Majesty's service and insisted in 1642, a politically and militarily uncertain time, that arms 'shall be bought for the generall use and defence of this cittie and [are] not to bee imployed but by the consent of the chamber'.⁶⁸ Charles I issued a proclamation in December 1642 insisting that the 'great Quantities' of arms which had been accumulated in 'underhand' collections in Worcester be

⁶⁵ T. Wilson, 'The state of England, *Anno Dom.* 1600', ed. by F. J. Fisher, *Camden Miscellany*, 3rd s., 16 (1936), p. 34.

⁶⁶ L. Boynton, *The Elizabethan Militia 1558-1638* (London, 1967), p. 111.

⁶⁷ S. Bond (ed.), 'Chamber order book of Worcester, 1602-1650', *Worcestershire Historical Society*, ns., 8 ([Worcester?], 1974), pp. 47, 203, 204, 224.

⁶⁸ Bond, 'Chamber order book', pp. 293, 353. Local governors in the later sixteenth century considered that the martial needs of the state increased the risk of disobedience and possibly violence, as the county of Herefordshire responded to a request for soldiers in 1573 with the protestation that 'being ones trayned and made mete for Martiall servyce, [they] will afterwards be unruly and doe their Maistres lytle worke and smale Servyce'. Cited in Boynton, *Elizabethan Militia*, p. 91.

handed over to the city magazine, specifically because he considered there was a risk that the arms might 'be employed against us' rather than because of concerns about interpersonal violence in general.⁶⁹ Despite the fact that encouraging householders to own weapons and receive training in their use increased the risk of lethal interpersonal violence, the state put its needs for defence first.

THE CONSTABLE AS PERPETRATOR AND VICTIM OF VIOLENCE

The relationship between the state and interpersonal violence will now be explored by way of a consideration of the role of one officer of state, the constable. How important a part of their duties was controlling violence? To what extent were constables authorised to use force? Was the use of violence by and against constables treated differently? First, however, the standing of constables in their neighbourhoods will be outlined and their duties considered, as their status has implications for the types of violence to which they were exposed and their powers for dealing with it.

Constables were at once officers of the Crown and familiar members of their local community. The dual position of these local officers, who were male householders nominated to serve the community in which they lived, has been explored by Joan Kent and Keith Wrightson.⁷⁰ Both historians have drawn attention to the ambiguity of the constable's status. His position as a local law-

⁶⁹ Other of his proclamations emphasised the need for counties to be properly armed and men to be trained in the use of weapons; J. Larkin (ed.), *Stuart Royal Proclamations* (Oxford, 1983), vol. 2, pp. 376, 190, 321-30, 385-86.

⁷⁰ J. Kent, *The English Village Constable 1580-1642: A Social and Administrative Study* (Oxford, 1986), ch. 7; Kent, 'The English village constable, 1580-1642: the nature and dilemmas of the office', *Journal of British Studies*, 20 (1981), pp. 26-49; K. Wrightson, 'Two concepts of order: justices, constables and jurymen in seventeenth-century England' in J. Brewer & J. Styles (eds.), *An Ungovernable People: The English and Their Law in the Seventeenth and Eighteenth Centuries*

enforcer meant that he was likely to be the state representative with whom urban and rural dwellers alike had most contact, yet his relatively humble status put him on a par with, rather than elevating him above, those whose peaceable behaviour he was expected to maintain. Both Kent and Wrightson have argued that the constables occupied an interstice between two competing ideals of order, namely that of the Crown and that of the people, mediating the requirement for the ‘maintenance of specific, local, personal relationships’ with that of ‘conformity to impersonal law’.⁷¹

The ambiguous status of constables is illustrated by an episode recounted in Roger Lowe’s diary entry for one Saturday in August 1664 when the

Constables of Hadocke and Goleborne came to have me write their presentments for assizes, and when I had donne I writt; “Poore is provided, highways repaired, these querys answered, and clarke unrewarded,” att which they laughed most heartily.⁷²

The constables’ lack of writing skills thus made it necessary for Lowe, a Lancashire apprentice, to draw up their presentment. Although the presentment was made – and taken – in good humour, Lowe’s joke reveals the dependence of the constables on other members of their local community. Yet the constable derived authority from the Crown and his status was paradoxically as elevated as it was humble. A ballad published in the 1680s indicates this, as it features a constable claiming authority over a young gentleman by stating ‘I’m the King’s Lieutenant, don’t flout me,/ my Power all Persons will own;/ The Watch are my

(London, 1980), pp. 21-46. The origin and function of the office is explored in H. B. Simpson, ‘The office of constable’, *The English Historical Review*, 10 (1895), pp. 625-41.

⁷¹ Wrightson, ‘Two concepts of order’, p. 25; Kent, ‘The English village constable’, pp. 32, 46.

⁷² W. Sachse (ed.), *The Diary of Roger Lowe of Ashton-in-Makerfield, Lancashire 1663-74* (London, 1938), pp. 69-70.

Nobles about me,/ This Chair is a Type of the Throne.'⁷³ In the person of the constable, the state's authority was made manifest at a local level.

We have seen that justices were expected to conserve the peace by curbing physical violence. Keeping the peace was also regarded as a central part of constables' work and in their oath of office constables swore to preserve and maintain the peace.⁷⁴ In his manual for constables, *The Duties of Constables, Borsholders, Tythingmen, and Such Other Lowe Ministers of the Peace*, Lambarde urged them to ensure 'that nothing be done' to breach the peace. He considered constables' duties to include 'pacyfying those that are occupied in the breach of the peace' as well as 'punisheing those who have already broken it'.⁷⁵

Constables were authorised to use force to this end and justices' and constables' guidebooks spelt out the degree of force a constable could apply, according to the type of offence which was being committed. Thus, if a breach of the peace was occurring because 'hot words, by which an Affray is like to grow', were being used, a constable could verbally warn the speaker to desist. If the incident escalated to a fight, however, the constable was allowed to intervene physically and use a weapon to end it.⁷⁶ One of the constables' duties was conducting arrests and taking individuals into custody and, providing a constable had the appropriate warrant, 'the beating, or the hurting' of the individual to be

⁷³ 'The Ranting Rambler' (c. 1684-85) in J. Ebsworth (ed.) *The Bagford Ballads*, (Hertford, 1878), vol. 1, p. 206. For the way in which the monarch's authority could descend to allow judges and magistrates to 'partake of the majesty of kingship' see Hindle, *The State and Social Change*, p. 33.

⁷⁴ See for example the constable's oath in WCRO, BA 1006/261.4/2 'Court of Record Minute Book, 1599-1606 (Borough of Droitwich)', fol. 222v.

⁷⁵ Lambarde, *Duties of Constables*, p. 10.

⁷⁶ Lambarde, *Duties of Constables*, p. 14. Some of the actions constables are entitled to take are outlined in Dalton, *Countray Justice*, pp. 4-5, 184.

apprehended was permitted.⁷⁷ If the warrant was for a felonious offence, the constable could 'justifie the killing of such a partie if he resists'.⁷⁸ Lambarde advises constables to use violence instrumentally, incrementally increasing the level of force in relation to the severity of the disorder or alleged offence. The calculated rules set out by Lambarde show the early modern English state using gradations of violence to impose its power.⁷⁹ His advice on the use of violence by constables illustrates that force was perceived as a functional instrument of justice and that the state could, in his view, legitimately use violence in a wide range of circumstances.

In practice, the level of force used by constables would not have been determined only by the type of offence being committed, but would have been shaped by the status of the person whose behaviour was undermining the peace. In some instances where constables were technically authorised to use force, they would have been inhibited from doing so by the fact that they had to maintain relationships with other members of their local community throughout and beyond the period they served as constables. Kin relationships in Kenilworth (Warwickshire) appear to have contributed to constables disregarding their duties to curb violence in the late seventeenth century when headborough Ralph Dunn was presented with a warrant after Edward Shepard, a fellow headborough, claimed to be 'indisposed' and unable to execute it. The warrant was against one George Dunn, who was accused of beating Jane Dunn. Rather than executing it in

⁷⁷ Lambarde, *Duties of Constables*, p. 20. The same argument is made by M. Hale, *History of the Pleas of the Crown*, ed. by S. Emslyn (London, 1800), vol. 2, ch. 11.

⁷⁸ Lambarde, *Duties of Constables*, p. 22.

⁷⁹ In his discussion of punishment in early modern France Foucault argued that in torture the production of pain was regulated and quantified, part of an 'economy of power' used by the state; Foucault, *Discipline and Punish*, pp. 34-35.

accordance with the requirements of an officer of the Crown, Ralph Dunn 'declaring he would have nothing to doe with it ... threw it away'. George Dunn 'being then pr[e]sent took up the said War[ra]nt and told her [Jane Dunn] she might doe her worst'.⁸⁰ That two constables failed to act on the warrant against George Dunn indicates how tensions existed between the demands of the state and local (and probably familial) considerations and how, despite being authorised to execute such warrants using force if necessary, constables might choose not to. The extent to which the requirements of the state and local needs can be seen as conflicting should not be over-emphasised for it was, after all, Jane Dunn's requirement for protection from violence which prompted the warrant.

Even when violence was occurring under their very noses, constables sometimes chose not to make use of their powers to curb it. In 1651 John Painter, a collector of the excise on tobacco pipes, met with violence from Bristol pipemaker James Foxe when he attempted to collect the excise. One Thomas Owen, who accompanied Painter on his official duties, gave a deposition. He asserted that despite Foxe's efforts to stab Painter and other members of his party, a constable who was present, 'one Phillip Edwards a pipemaker ... did neither keepe the peace, nor acte any prevention of this Foxes bloody design'. As Edwards failed to act, siding with a local representative of his own occupation rather than with the excise collectors, another constable was called for, the glazier

⁸⁰ Warks CRO, CR 103, 'William Bromley's Notebook', p. 31. For a constable bowing to local pressures rather than carrying out his responsibilities as the King's officer see J. Kent, "Folk justice" and royal justice in early seventeenth-century England: a "charivari" in the midlands', *Midland History*, 8 (1983), pp. 70-85. The discretion constables had was a feature of the early modern judicial system in general, rather than of their office in particular. See Herrup, *The Common Peace*; P. King, 'Decision-makers and decision-making in the English criminal law, 1750-1800', *The Historical Journal*, 27 (1984), pp. 25-58; J. Langbein, 'Albion's Fatal Flaws', *Past and Present*, 98 (1983), pp. 96-120; T. C. Curtis, 'Quarter sessions appearances and their background: a seventeenth-century regional study' in J. S. Cockburn (ed.), *Crime in England 1500-1800* (London 1977), p. 154.

Thomas Smart. By the time Smart arrived, Foxe was pursuing Painter ‘a great wayes in the street’.⁸¹ Nevertheless, neither Edwards nor Smart made any effort to apprehend the erring Foxe, placing loyalty to a member of their local community above helping an excise officer and keeping the peace. Despite their official authorisation to stop such breaches of the peace, the constables in this episode attached more importance to local considerations than to those of the state.

The right of constables and other minor office-holders to use violence in the course of their duties was qualified by Zachary Babington, a legal writer. He warned that it was improper during murder trials for grand jurors to conceive ‘that he that did it was a Watchman, a Constable, or lawful Officer, or keeper of a Park or Warren, and in doing his Duty’ caused death, and therefore not find a case for murder.⁸² The fact that Babington thought it necessary to remind jurors of their duty to find true bills in such cases indicates that, regardless of the demands of law, in practice constables whose use of violence caused death were being treated leniently. Babington’s reminder suggests that jurors, as well as the authors of legal handbooks, considered it appropriate for constables to use violence in the pursuit of duty. Views about the legitimacy of constables’ use of violence shed light on wider attitudes to order. In contrast to the examples above, which highlighted tensions between the requirements of central authority and certain local preferences, Babington’s comments indicate that consensus existed amongst the men who served on juries and the authors of legal handbooks concerning the maintenance of order. The early modern English system was a participatory one, and operated only with the consent of a large proportion of the population. In

⁸¹ H. E. Nott & E. Ralph (eds.), *The Deposition Books of Bristol 1650-1654*, Bristol Record Society, 13 (Bristol, 1948), pp. 68-69.

addition to constables and jurymen, overseers of the poor, churchwardens and vestrymen were amongst those from the ranks of the 'middling sorts' who participated in the ordering of their local community.⁸³ Whilst, as we have seen, constables sometimes failed to act in line with the requirements of the Crown, in many instances they would have readily obeyed directions which accorded with both local and state considerations.

Indeed, a sense of shared values amongst people of varying social status concerning the use of violence against suspected criminals can be discerned in contexts other than Babington's advice. Severe violence may have been routinely employed against some of those suspected of criminal activity (especially outsiders or other marginal figures), even by people who were not formal representatives of the state, but were, nevertheless, expected to help apprehend offenders.⁸⁴ In his diary, Dorchester merchant and civic official William Whiteway recounted a fatal misunderstanding which occurred in January 1623, when one Edmond Benvenue was burnt in a fire, and was

running home, all blacke and deformed by the fire, and being followed by some freinds, they Laboured to stay him to have him drest, [Benvenue] was met by mr Cokers man Jasper Arnold. He thinking him to be some felon, had a pole in his hand, and beate him with it greivously, and strooke him downe. He died within two daies.⁸⁵

⁸² Z. Babington, *Advice to Grand Jurors in Cases of Blood* (London, 1677), p. 104.

⁸³ Local people had played a major part in the maintenance of law and order in medieval England; C. Dyer, *Everyday Life in Medieval England* (London, 1994), p. 5. The middling sorts were particularly active in early modern England, see K. Wrightson, "'Sorts of people" in Tudor and Stuart England' in J. Barry & C. Brooks (eds.), *The Middling Sort of People: Culture, Society and Politics in England, 1550-1800* (Basingstoke, 1994), p. 45; S. Hindle, 'Power, poor relief, and social relations in Holland fen, c. 1600-1800', *The Historical Journal*, 41 (1998), pp. 67-96; Hindle, *The State and Social Change*, esp. ch. 8.

⁸⁴ The level of violence private persons could use whilst attempting to apprehend a felon is described by Hale, *Pleas of the Crown*, vol. 2, ch. 10.

⁸⁵ D. Underdown (ed.), *William Whiteway of Dorchester: His Diary, 1618-1635*, Dorset Record Society, 12 (Dorchester, 1991), pp. 50, 184.

The attack on Benvenue suggests that there was a popular opinion that violence against suspected criminals was legitimate and allowable. As a passer-by in the street considered it appropriate to 'greivously' beat a man whom he (wrongly) assumed was a criminal, an area of overlap between the Crown's and popular ideals of order is evident: to use violence against criminals was widely considered legitimate.

However, if violence against criminals was endorsed by the state and by many of the population, not all who encountered state officials acknowledged the legitimacy of their actions. Constables' efforts to impose their authority were sometimes violently resisted. As a consequence of their local and relatively humble status, constables were more vulnerable to violence than were justices, whose greater wealth and education set them apart from most members of the community they governed. Constables' duties additionally exposed them to violence. The process of arrest centred on the body, as a person had to be moved from one place to another, and resistance to arrest was frequently physical in nature. The execution of duties other than those of arrest also resulted in violence to law officers. Reprimanding those who played on the Sabbath day, clearing alehouses, intervening in domestic violence, searching houses and enforcing participation in the watch and muster all led to threats and assaults on Worcestershire constables and bailiffs, who, along with those who assisted them, sometimes sustained severe injuries.⁸⁶

⁸⁶ WCRO, BA 1/110/29/67, 110/46/77, 110/136/34, 110/147/42, 110/65/52, 110/31/124, 110/105/38a, 110/139/ 70, 110/109/108.

The status of such victims meant that violence against them was regarded very differently from the violence they committed. This can be discerned as the seventeenth-century lawyer Sir Matthew Hale argued that if officers of the state

be assaulted and killed in the execution of their office it is murder; and, on the other side, if persons that are pursued by these officers ... [are slain] it is no felony in these officers or their assistants, that upon inevitable necessity kill them, tho possibly the parties killed are innocent, for by their resistance against the authority of the King in his officers, they draw their own blood upon themselves.⁸⁷

In their depositions, witnesses and victims of violence make it plain that the attack occurred during an attempt to enforce the law. When the constable was called to a Kidderminster alehouse in 1670 to quell one William Wolley, Wolley ‘violently assaulted the Constable [although] he the said W[illia]m Wolley could not be Ignorant that it was the Constable in Regard he the sayd Constable had his stafe of office with him.’⁸⁸ That Wolley disregarded the office of the constable, despite it being highly visible, added to the gravity of his crime.

Indictments for assault before the seventeenth-century Worcestershire Court of Quarter Sessions do not usually mention the occupation of the person assaulted. However, of a sample of fifty-seven indictments which do indicate the occupation of the victim, twenty-nine of those assaulted were officers of law.⁸⁹ These included constables, coroners, and sheriffs’ officers. As has been indicated, the role of local officers in keeping the peace and fulfilling other duties may have made them disproportionately likely to be assaulted. The fact that state officers were over half of those whose occupations were indicated in indictments for assault does not necessarily mean that they were half of the total assault victims in

⁸⁷ Hale, *Pleas of the Crown*, vol. 2, p. 85.

⁸⁸ WCRO, BA 1/110/113/7.

⁸⁹ The composition of the sample is explained in ch. 3, below.

the county. Indictments offer evidence for the prosecution of crimes rather than their incidence, and the shape and size of ‘dark figure’ – crimes committed but never reported – is unknown. The high profile of state officials amongst those victims of violence whose occupations are included does, however, suggest that their occupation was regarded as particularly relevant to the indictment. Assaults against constables appear to have been more likely than other acts of non-fatal violence to reach the assizes at Worcestershire.⁹⁰ It seems that violence against state representatives was viewed as distinct from violence against other occupational groups.⁹¹ This was certainly the case elsewhere in England. When records of fines for several assaults were entered into the order book for Sussex Quarter Sessions, which in 1646 met at Lewes, the status of the victim was only mentioned once, when the victim was a headborough.⁹² The highest fine imposed for an assault in the seventeenth-century Essex cases sampled by James Sharpe was for an attack on a constable.⁹³ In Worcestershire, threats of violence against Justices also received close attention from their colleagues on the bench.⁹⁴ Whilst the state did not actively seek a monopoly of violence, it showed relatively little toleration towards those who assaulted its representatives.

PRESCRIPTIVE ADVICE ON VIOLENCE AT HOME

As we have seen, the level of violence legitimately employed by constables was graded by Lambarde according to the type of offence being committed.

⁹⁰ PRO, ASSI 4/14, fols 12r, 52r.

⁹¹ Simpson, ‘The office of constable’, p. 636.

⁹² Redwood (ed.), ‘Order Book’, pp. 103-12.

⁹³ Sharpe, *Crime*, p. 118.

⁹⁴ WCRO, BA 1/110/48/162, 110/48/164, 110/48/196, 110/105/8-9.

Violence is similarly presented as a controlled, rational instrument of punishment by the late sixteenth-century writer Simon Robson, who grades the use of force by those in positions of authority. In a book structured around trinities (the most important being the Christian trinity), Robson identifies school masters, masters and magistrates as those able to mete out punishments legitimately using birch twigs, staffs and withes (flexible boughs) respectively as implements.⁹⁵ The greatest power is accorded to magistrates as they are armed with the biggest stick, but their disciplinary authority is implicitly related to that of masters, alongside whom they are discussed.

Robson's representation of violence highlights three important issues which will be amongst those that this section considers. First, the parallels which Robson discerned between authority at school, in the workplace and in society at large were, as this chapter has already considered, widely recognised. Turning from the state's attitudes towards interpersonal violence to analyse violence within the home thus accords with early modern understandings of the complementary relationship between the exercise of authority in these different areas. Second, just as Robson's book was structured around the Holy Trinity, so too many of those who sought to define which uses of force should be allowed within the home and which not, set their arguments on the authority of religion. Lastly, the use of implements which varied in the hurt they could inflict were conducive to a view that violence could be controlled; a view which influenced perceptions of violence as something which functioned for the social good.

⁹⁵ S. Robson, *The Choise of Change: Containing the Triplicities of Divinitie, Philosophie, and Poetrie, Short for Memorie, Profitable for Knowledge, and Necessary for Maners* (London, 1585), sig. Niv.

Whilst it is still legal to correct children physically in today's Britain, the use of violence against minors is seldom unapologetically and publicly endorsed. This makes the license given to those in positions of authority within the household to use force against their dependants a striking and sometimes shocking feature of early modern society. From sources which include legal and religious tracts, diaries and depositions, a surprising degree of consensus can be discerned: using force against recalcitrant children and servants was a necessary, if unpleasant, duty of the responsible parent, mistress or master.⁹⁶ Consensus was not universal, and the existence of those who 'doe absolutely denie beating, saying, that it is a foule thing and slavish', was acknowledged by least one who supported the use of physical correction.⁹⁷ However, most of those who wrote on the subject of using force against children and servants advocated its use, subject to certain caveats. We will now consider their views. The next paragraph outlines the views of legal writers on the use of violence against dependents and is followed by a consideration of the arguments made by the authors of religious tracts.

In *The Office of Justice of the Peace*, a guidebook first published in 1581 and re-issued during the seventeenth century, William Lambarde discussed assaults and battery. He noted that such actions are 'not in all cases a violation of the peace ... for some are allowed to haue privately, a naturall, and some a civile power (or auctoritie) over others, so that they may (in reasonable maner only)

⁹⁶ *The Office of Christian Parents: Shewing How Children are to be Governed Throughout all Ages and Times of their Life* (Cambridge, 1616), pp. 61-62. C. Trenchfield, *A Cap of Grey Hairs, for a Green Head: Or, the Father's Counsel to his Son, an Apprentice in London* (London, 1671), pp. 161-62. The practice of violence against children and servants is explored below, ch. 4.

⁹⁷ *Office of Christian Parents*, p. 61.

correcte and chastise them for their offences.’⁹⁸ Parents and masters are listed – along with husbands and gaol keepers – as those entitled to exercise such authority and Lambarde considers it allowable for a master to strike servants with ‘his hande, fist, small staffe or sticke.’⁹⁹ Michael Dalton likewise argued that ‘moderate correction’ could be used by parents or masters.¹⁰⁰ On the Isle of Man, it was held that ‘striking or drawinge blood on the servant’ was ‘nothings ... when it appeares to bee only in matter of coreccon touchinge labour or worke’.¹⁰¹ Legal opinion also authorised the use of force against dependent servants and children in later years. Writing in 1677, Zachary Babington explained the laws relating to violence and observed that a statute made at the start of James I’s reign ‘takes away Clergy from him that shall stab another, that hath not first stricken, nor hath a weapon drawn ... except it be done *se defendo*, or by misfortune, in keeping the peace, or correcting his Servant or Child.’¹⁰² The use of ‘moderate’ force against servants and children, then, was endorsed in legal commentaries and protected by statute. Even force that resulted in the death of a dependent might be excused as ‘misfortune’ and not subject to the penalties the murder of others would merit.

Religious treatises similarly endorse the use of force by those acting in their capacities as parents or heads. In *A Plaine and Familiar Exposition of the Ten Commandments* (1605), John Dod and Robert Cleaver spell out the obedience owed by servants and wives, as well as children, to their superiors under the

⁹⁸ Lambarde, *Eirenarcha*, p. 136.

⁹⁹ Lambarde, *Eirenarcha*, p. 137.

¹⁰⁰ Dalton, *Countrey Justice*, p. 94.

¹⁰¹ Dickinson & Sharpe, ‘Litigation in the Isle of Man’, p. 155.

¹⁰² Babington, *Advice to Grand Jurors*, p. 171. I have un-italicised most of this passage. *The Statutes of the Realm* (London, 1819), vol 4, p. 1026.

commandment 'Honour thy father and mother'.¹⁰³ Dod and Cleaver imply that using force to discipline is less an option which parents can choose to exercise or not, than a positive duty of the responsible parent:

It is a dutie lying upon the soule of the father, and commanded unto him from God, to correct, and instruct his children. And secondly, because it is a token of his fathers love for him: for, *He that spares the rod, hates the child: but he that loves him, corrects him betime.* And likewise correction is a means of their salutation, and keeps them from hell.¹⁰⁴

Dod and Cleaver's reference to hell represents physical correction as the lesser evil, unpleasant, but much less so than the consequences of failing to correct. Medicinal metaphors similarly drew attention to the long-term benefits of short-term pain. William Gouge argued that 'correction is as physicke to purge out much corruption which lurketh in children, and as a salve to heale many wounds and sores made by their folly'.¹⁰⁵ The seventeenth-century conception of parental violence as a healing force, with the capacity to 'purge' children of 'corruption', parallels the ideology which underpinned the judicial violence of the execution. This ritual saw the body politic purged of harmful elements by the elimination of criminals.¹⁰⁶ The positive social function attributed to violence in the specific historical context of early modern England, as both magistrates and parents who used force could be imagined as physicians working to heal, suggests that it is

¹⁰³ The broad application of this commandment is discussed in I. Green, *The Christian's ABC: Catechism and Catechizing in England, c. 1530-1740* (Oxford, 1996), pp. 451-53; J. Bossy 'Moral arithmetic: seven sins into ten commandments' in E. Leites (ed.), *Conscience and Casuistry in Early Modern Europe* (Cambridge, 1988), p. 217.

¹⁰⁴ Dod & Cleaver, *Exposition*, p. 190, italics in original. For correction as a duty see also W. Gouge, *Of Domesticall Duties: Eight Treatises* (London, 1622), pp. 460-558; Barker, *Exposition*, p. 37; *Office of Christian Parents*, p. 62; G. Babington, 'Certayne Profitable Questions and Answers upon the Commandments' in Babington, *Certayne Plaine, Briefe and Comfortable Notes Upon Every Chapter of Genesis* (London, 1596), pp. 92, 95; Abbott, *A Christian Family*, pp. 53-56.

¹⁰⁵ Gouge, *Domesticall Duties*, p. 553; Dod & Cleaver, *A Godlie Forme*, p. 289.

¹⁰⁶ McGowen, 'The body and punishment', pp. 653-65.

inappropriate for historians to view physical violence as necessarily destructive of society.

Did the fact that discipline had the potential to save souls mean that for Puritans, who believed in predestination, physical correction was redundant? Or did Puritans fear their children as agents of sin and punish them more violently, an argument which has been put forward by Lawrence Stone and to which William Gouge's concern about purging-out children's corruption lends weight?¹⁰⁷ In her examination of parents' use of violence in a number of early modern diaries, Linda Pollock did not find any significant difference between Catholic and Puritan parents' use of violence.¹⁰⁸ Focusing specifically on the beliefs of Puritans, John Morgan found that, apparently paradoxically, whilst expecting the Spirit to work regeneration, parents themselves also worked to coerce their children's behaviour. Physical correction, although regarded as inferior as a method of discipline to lessons given from the pulpit or by the printed word, was used by Puritan parents.¹⁰⁹ Morgan's findings are supported by the fact that despite their Protestantism, there is no sign of predestination in Dod and Cleaver's comments on discipline, which instead emphasised the effort parents should make to shape their children - 'For better, parents master them by correction; then God destroy them in indignation'.¹¹⁰ For contemporaries who believed in the doctrine of predestination, the active role of parents in disciplining children was not a

¹⁰⁷ L. Stone, *The Family, Sex and Marriage in England 1500-1800* (London, 1977), p. 175.

¹⁰⁸ L. A. Pollock, *Forgotten Children: Parent-Child Relations from 1500 to 1900* (Cambridge, 1983), p. 155.

¹⁰⁹ J. Morgan, *Godly Learning: Puritan Attitudes towards Reason, Learning and Education* (Cambridge, 1986), pp. 146-49.

¹¹⁰ Dod & Cleaver, *Exposition*, p. 248.

paradox: God was understood to work through human instruments and it was their religious duty to advance the divine purpose by suppressing wickedness.

Dod and Cleaver urged children to bear rebukes and profit from their correction, for else the child 'makes his father take a great deale of paines, and undergoe much grieffe, and all in vain, and to no purpose.'¹¹¹ Here, the pain and grief is not, as one might intuitively expect, suffered by the subject of the force, but by the person compelled to inflict it. The moral pain caused by imposing punishment is presented as sharper and more hurtful than the physical pain experienced by the person disciplined. That by failing to bear reprimands with proper humility children could cause correction to have been 'all in vain, and to no purpose', suggests that an ideal of effective, purposeful correction was held by the authors. Seventeenth-century attitudes towards the physical correction of children again indicate that violence was not seen as destructive of social norms, but as potentially beneficial.

Indeed, how parents could best ensure that the use of violence on their children was constructive was a problem which engaged a number of early modern writers. To ensure that correction was moderate and effective, a calm and flexible approach on the part of the person using violence was recommended.¹¹² One of the factors parents were advised to take into account was a child's age, as physical correction was deemed less suitable for children 'growne to man-age'. Stature and temperament were also considered relevant factors in deciding whether violence should be used, as 'little children are not all of a like disposition:

¹¹¹ Dod & Cleaver, *Exposition*, p. 191. Children and servants are urged to submit to correction in T. Granger, *The Application of Scripture* (London, 1616), p. 22; Gouge, *Domesticall Duties*, pp. 462, 612-23; Griffith, *Bethel: Or, a Forme for Families* (London, 1633), p. 384.

¹¹² Gouge, *Domesticall Duties*, p. 556; Anon, *Office*, p. 62; Dod & Cleaver, *Exposition*, p. 196.

to some a word is sufficient, and some must have a little terrour of the rodde ministered with the words'.¹¹³

In contrast to these expositions on the niceties of correcting children, the use of force by dependants against adults was rejected outright. Cultural prohibitions on children using force against parents were strong. When discussing 'Rebellious and stubborn children' in *The Theatre of God's Judgement* Thomas Beard furnishes readers with biblical and historical examples of rebellious children, all of whom are severely punished for their deeds which Beard denounces as 'vile and unnaturall'.¹¹⁴ Robert Abbott was similarly condemnatory, writing in 1652 that, '*he that smiteth father and mother shall die the death*. The very Heathens sewed such children in a sack with a Dog, Cat, Viper, and Ape, as Emblems of unnaturalnesse, and drowned them together.'¹¹⁵ As both Beard and Abbot labelled children's violence against their parents 'unnatural', the magnitude of the child's offence is increased. The child's act is not merely civil disobedience but constitutes a revolt against nature itself.

However, there were also religious prohibitions concerning children's violence towards their mothers and fathers. Gervase Babington, Bishop of Worcester, warned that such violence was a breach of the fifth commandment which stipulated obedience to parents – a commandment John Bossy has suggested was seen as equivalent in its importance to the first commandment.¹¹⁶

¹¹³ Gouge, *Domesticall Duties*, p. 551; Anon, *Office*, p. 62.

¹¹⁴ T. Beard, *The Theatre of God's Judgement* (London, 1648 edn), p. 153.

¹¹⁵ Abbott, *A Christian Family*, p. 48, italics in original; See also G. Estey, *Certaine Godly and Learned Expositions Upon Divers Parts of Scripture* (London, 1603), p. 58; Griffith, *Bethel*, pp. 368-72; 'The ungrateful son; or an example of God's justice upon the abusefull disobedience of a false-hearted and cruel son to his aged father' in Ebsworth (ed.), *Bagford Ballads*, vol. 1, pp. 443-46.

¹¹⁶ Babington, 'The Commandments', p. 89; Bossy, 'Moral arithmetic', p. 232.

The use of violence by children against their parents was regarded as an inversion of legitimate power relations. It was a threat not only to order within the microcosm of the household but also, as the authority of the monarch was represented as that of a 'Supreme Civil Parent', to the ideologies which supported state power.¹¹⁷

Just as children's violence against their parents was seen to be greatly disruptive of the 'natural' social order, so was violence by servants or apprentices towards their household heads perceived to be a serious form of misconduct. Such violence was accorded little toleration. In *The Country Justice* Michael Dalton notes the penalty for a servant or worker who assaults his or her head as up to one year imprisonment, on the authority of two justices.¹¹⁸ In contrast, he describes no punishment for the master or mistress who beats their servant, noting only that, along with having food or wages withheld, 'these were good causes for the servant to depart', if a Justice approved.¹¹⁹ Moreover, Dalton immediately qualifies what he means by beating, emphatically instructing the reader to note that moderate correction is allowed. We have seen that children's violence towards their parents had ramifications for politics at the very highest level. The significance of servants' and apprentices' violence against their employers likewise extended beyond their own households. As we have already considered, secular order was divinely ordained. As the London puritan William Gouge observed, this meant that in striking the head of the household, apprentices and servants manifested

¹¹⁷ N. Alsop, *A Sermon Preached at the Assizes Held at Leicester for that County* (London, 1682), p. 29.

¹¹⁸ Dalton, *Countrey Justice*, p. 89. The Statute of Artificers (1563) set out the procedures which should be followed in the event of violence by servants, or following abuse by masters; see R. H. Tawney & E. Power (ed.), *Tudor Economic Documents* (London, 1951 edn), vol. 1, pp. 340-48.

¹¹⁹ Dalton, *Countrey Justice*, p. 94.

‘thereby a despight of God’s image and power in their masters’.¹²⁰ Religious doctrines were interpreted by Gouge as endorsing the social order; acts of force which challenged the social hierarchy were not merely illegitimate but irreligious also. That definitions of violence were articulated in relation to religious beliefs underlines the manner in which violence is culturally defined and culturally understood behaviour.

The role of religion in validating certain uses of force in the seventeenth-century can also be seen in relation to marital violence. As the heads of their household, married men were legally entitled to chastise not only their younger dependants, but also their wives. The religious basis for men’s dominance over women was asserted unusually strongly by one Moses à Vauts, in a treatise published in 1650. A Vauts argued men could properly correct their wives because God created Adam first, thereby giving Adam authority over Eve, and husbands over wives. More specifically, the use of physical violence as an instrument of discipline is presented as godly by à Vauts, as he states that God himself resorts to ‘Blowes, Wounds, Bruising and Breaking of Bones’ to punish those who provoke His anger.¹²¹ Just as Dod and Cleaver argued that force could eliminate sinful behaviour, to the spiritual benefit of the child disciplined, so too à Vauts argued that women could be saved from sin if their husbands exercised their responsibilities - including those of correction - dutifully. According to à Vauts, ‘a little corporall violence’ could properly be used ‘to prevent a spirituall eternall Burning, which is incurable’. Indeed, in bestowing ‘two or three slaps’ upon his wife’s mouth (‘the offending part’) when she had sworn some ‘bloudy, horrid

¹²⁰ Gouge, *Domesticall Duties*, p. 614.

Oaths' à Vauts claimed to have bestowed upon her a punishment a fellow (presumably male) Christian could properly have given à Vauts himself, had he used such language.¹²²

That à Vauts felt it necessary to write a defence of husbands' rights to commit violence against their spouses indicates, however, that despite the evidence he presented in its favour, the propriety of wife-beating was contested. Indeed, the structure of the treatise, which sees specific criticisms of wife-beating rebutted, suggests that the author's views were controversial. In a survey of English marriage advice written both before and after the Reformation, Kathleen Davies found that most writers considered correction necessary in certain circumstances. Davies emphasised the extent to which, despite the significant religious changes which occurred, continuity was a feature of the texts. She argued that if there was any shift towards equality in marital relationships during the period, it found 'no expression in any lessening of violent behaviour as described in the marriage manuals'.¹²³ During the seventeenth century, however, writers were increasingly antagonistic towards wife-beating, to the extent that Margaret Hunt has described it as becoming a 'demonised' form of behaviour by the eighteenth century.¹²⁴

¹²¹ M. à Vauts [pseud?], *The Husband's Authority Unvail'd: Wherein it is Moderately Discussed Whether it be Fit or Lawfull for a Good Man to Beat his Bad Wife* (London, 1650), pp. 36, 33.

¹²² à Vauts, *The Husband's Authority*, pp. 84, 60.

¹²³ K. Davies, 'Continuity and change in literary advice on marriage' in R. B. Outhwaite (ed.), *Marriage and Society: Studies in the Social History of Marriage* (London, 1981), p. 68.

¹²⁴ M. Hunt, 'Wife beating, domesticity and women's independence in eighteenth-century London', *Gender & History*, 4 (1992), p. 25. A. Fletcher, *Gender, Sex and Subordination in England, 1500-1800* (London, 1995), p. 201.

Certainly, many seventeenth writers did eschew the use of force entirely. Robert Abbott considered it unchristianly for husbands to correct their wives.¹²⁵ William Gouge ruled it out in all circumstances except when a wife 'waxe so mannish, or rather mad, as to offer to strike and beat her husband'.¹²⁶ In contrast to à Vauts, who argued that Eve's genesis from Adam's rib gave man the authority to use violence against woman, Dod and Cleaver argued that she was not made from man's foot to be downtrodden, but from his rib to walk beside him. Despite implicitly authorising husbands' use of violence against their spouses in 1605, when they wrote that if a wife 'bee of a more hard nature, rougher meanes must be used' to control her, in 1612 Dod and Cleaver argued that a 'husband should reprove his wife lovingly, rather by perswasion, then by force'.¹²⁷ That Dod and Cleaver show antipathy towards violence against wives in 1612, whilst none is evident in 1605, fits the direction of change described by Hunt, who considered that the use of force against wives was increasingly eschewed in print.

Husbands were permitted by law to use force against their wives. Despite this legal right, it was a contested issue and religion was invoked by authors of advice literature both to justify and to condemn it. In contrast to the universal condemnation of the violence of dependents against their household heads, and the general consensus that correcting children with force was allowable, the

¹²⁵ Abbott, *A Christian Family*, pp. 43-45. Husband's violence against wives is implicitly rejected in Griffith, *Bethel*, p. 318 and Trenchfield, *A Cap*, pp. 129-30. Sir Richard Grosvenor steered his son away from using verbal or physical violence, advising him to 'carry himself temperately and sweetly towards your wife', and to 'speak to her in the language of love ... not in anger'. R. Cust (ed.), *The Papers of Sir Richard Grosvenor, 1st Bart (1585-1645)*, The Record Society of Lancashire and Cheshire, 134 (Gloucester, 1996), p. 27.

¹²⁶ Gouge, *Domesticall Duties*, p. 393.

¹²⁷ Dod & Cleaver, *Exposition*, p. 225, Dod & Cleaver, *A Godlie Forme*, pp. 204-14. Their ambiguity on this issue has also been observed by S. D. Amussen, *An Ordered Society: Gender and Class in Early Modern England* (Oxford, 1988), p. 42. Lambard asserted a husband's right to

propriety of violence against wives was disputed. The varying stances writers took towards the use of force by husbands demonstrates that different ideas about the nature of authority within marriage were current. Whilst some authors considered it proper for husbands to be permitted physically to dominate their wives as openly they might their children or servants, others considered that the wife's subordination to her husband should be less complete.

CONCLUSION

Definitions of violence developed by those in positions of authority worked to protect the status-quo. The close relationship which was perceived to exist between civil and godly authority meant that particular importance was attached to conforming to the social hierarchies on which civil order was seen to rest; disobedience was seen as potentially disastrous. This helps us comprehend the varying attitudes towards violence both within and outside the home. The use of force against dependants, including children, servants and more controversially, wives, was widely seen as legitimate. On the other hand, violence against parents, household heads or husbands, which explicitly challenged domestic hierarchies, was considered wholly inappropriate. Violence amongst dependants did not cause acute concern. Parallel responses to the use of force can be found beyond the domestic sphere. Only modest pecuniary penalties were imposed on most of those found guilty of assault, as violence amongst people of equal standing did not threaten the state and was viewed as an essentially private matter. In contrast, any force directed against the state's representatives undermined structures of

beat his wife, but added the qualifier that men should bear in mind that they were one flesh. Lambarde, *Eirenarcha*, p. 138.

authority and was accorded little toleration. Constables themselves, however, were granted considerable license to use force to uphold social order (as were household heads). In early modern England definitions of which acts of force were or were not 'violent' were inextricably related to ideas about where power properly rested in interpersonal relationships. In this respect, violence can be seen as culturally-understood behaviour. Chapter Two will investigate the way in which other aspects of seventeenth-century thinking shaped understandings of violence.

CHAPTER TWO: PHYSIOLOGIES OF VIOLENCE

INTRODUCTION

Authors of early modern prescriptive literature anticipated an active readership. In *A Briefe Exhortation to all Men to Set their Houses in Order* preacher William Jones imagined that his reader would take a 'pen and blot out what is superfluous, and amend what is amisse, and supply what wants'.¹ The relationship between didactic literature and social practice has been intensively researched by historians who have examined particular genres of literature, the extent to which early modern people had skills of literacy, and the contexts in which they encountered the printed word.² Such research has contributed to a more sophisticated understanding of the differences between literature and other historical sources, and to a more cautious use of literary evidence, which does not treat literature as a reliable guide to social practice.³ However, didactic literature

¹ W. Jones, *A Briefe Exhortation to all Men to Set their Houses in Order* (London, 1631), sig. A3.

² Particular genres are explored in T. Watt, *Cheap Print and Popular Piety, 1550-1640* (Cambridge, 1991); N. Würzbach, *The Rise of the English Street Ballad, 1550-1650*, trans. G. Wells (Cambridge, 1990); I. Green, *The Christian's ABC: Catechism and Catechizing in England, c. 1530-1740* (Oxford, 1996); W. L. Ustick, 'Advice to a son. A type of seventeenth century conduct book', *Studies in Philology*, 29 (1932), pp. 409-41; and K. Poole, "'The fittest closet for all goodness': authorial strategies in Jacobean mothers' manuals", *Studies in English Literature*, 35 (1995), pp. 69-89. For literacy and reading see M. Spufford, *Small Books and Pleasant Histories: Popular Fiction and its Readership in Seventeenth-Century England* (London, 1981); B. Capp, 'Popular literature' in B. Reay (ed.), *Popular Culture in Seventeenth-Century England* (London, 1985), pp. 198-243; J. Barry, 'Literacy and literature in popular culture: reading and writing in historical perspective' in T. Harris (ed.), *Popular Culture in England c. 1500-1858* (Basingstoke, 1995), pp. 69-94. The relationship between oral and literate culture has been explored in A. Fox, 'Custom, memory and the authority of writing' in P. Griffiths, A. Fox & S. Hindle (eds.), *The Experience of Authority in Early Modern England* (London, 1996), pp. 89-116; Fox, "'Old wives' tales": women and oral tradition in early modern England', unpublished paper delivered at the University of Warwick, May 18 2000; B. Reay, *Popular Cultures in England 1550-1750* (London, 1998), ch. 2.

³ For example, an uncritical approach to literary representations contributed to an idea of early modern London being plagued by a criminal underworld, including in J. McMullan, *The Canting Crew: London's Criminal Underworld, 1550-1700* (N.J., 1984). For a more sensitive treatment of the relationship between literary representations and social conduct see B. Capp, 'English youth groups and *The Pinder of Wakefield*', *Past and Present*, 76 (1977), pp. 127-133.

does not cease to be valuable because it fails to describe the ‘real’ social interaction between early modern people: what they wrote and read about violence is historically important. My approach to prescriptive literature draws on that outlined by Michael Roberts in a recent contribution to the history of work, in which he argues that

if we think of writing, reading and working as mutually-reinforcing processes, in which the implications of one activity could spill over into another ... the conduct books become less simply a guide to conduct, than a species of conduct in their own right, a sequence of gestures, compliments and admonitions directed at an audience whose response might be gestural as well as intellectual.⁴

This chapter draws on prescriptive literature including ballads, advice books, sermons and charges to juries. Frequently, these texts would have been encountered orally rather than in print and their contents thereby reached those who could not read, as well as those who could. The chapter utilises diaries, autobiographies and court records which shed light on concepts of violence amongst people from a range of social backgrounds. This range of evidence allows us to explore views of violence, which were articulated in diverse contexts, and to produce an account of the culture of violence which is ‘popular’ in the most inclusive sense of the term.⁵

⁴ M. Roberts, ““To bridle the falsehood of unconscionable workmen, and for her own satisfaction”: what the Jacobean housewife needed to know about men’s work, and why,” *Labour History Review*, 63 (1998), p. 5.

⁵ The term is sometimes used to denote a bipolar divide between the elite and the rest of society. This is not the sense in which it is being employed here. Rather, attitudes to violence are being explored as part of a shared culture. Whilst the notion of a common culture presupposes a degree of consensus, I do not wish to imply that ideas about violence were part of a monolithic, wholly consensual culture. See P. Burke, *Popular Culture in Early Modern Europe* (London, 1978), esp. ch. 2, and for a recent assessment of the term, T. Harris, ‘Problematising popular culture’ in Harris (ed.), *Popular Culture*, pp. 1-27. A strong case for early modern culture being a shared rather than bifurcated one is made in M. Ingram, ‘Ridings, rough music and the “reform of popular culture” in early modern England’, *Past and Present*, 105 (1984), pp. 79-113.

In seventeenth-century England violence was understood as a type of behaviour to which certain people were prone and which certain situations were more likely to elicit than others, rather than as a random occurrence. An important set of influences, which shaped the likelihood of an individual or group of people acting violently, centred on the body. Physiology was a particularly important indicator of an individual's propensity to violence, as humoral balances influenced temperament and action. Accordingly, this chapter will commence with an exploration of the relationship between ideas of physiology, anger and violence. The chapter, drawing on anthropological and sociological research, will then examine ideas about the human body and violent behaviour by charting the relationship between alcohol consumption and physical violence. It will address the impact of the ageing process on inter-personal violence, looking at seventeenth-century ideas about the propensity of the young to act violently. Finally, the chapter will engage with the importance attached to sex difference in relation to participation in violence. It will outline some of the ways in which violence was gendered, drawing on evidence ranging from religious and legal texts concerned with men's participation in violent sports to representations of physically aggressive women in ballads.

HUMORAL PHYSIOLOGY

Early modern physiological thought was central to both representations of aggression and violence and to the practice of violence. I will briefly explain some general physiological principles before considering their impact on violence specifically. Ancient Greek treatises on human physiology, mediated by the interpretations of medieval Arabic writers including Ibn Sina (Avicenna, d.1037),

strongly influenced the way in which medieval and early modern people understood the workings of the body in health and in sickness and practised medicine.⁶ Writings including the Hippocratic Corpus (410-360 BC) and those by Galen of Pergamum (AD 129-c.200) described a system in which each body comprised a balance between four humours: black bile, yellow bile, blood and phlegm. These humours existed outside the microcosm of the human body as the elements of earth, fire, air and water respectively.⁷ Their exact balance varied according to factors which included the weather and an individual's age and sex and these variations created differences in the quality or nature of peoples and strongly influenced their health. Thus, in his late seventeenth-century discussion of the role of justices in preventing breaches of the peace and other commotions, Edmund Bohun emphasised that good governance of the English was particularly important because of the impact of the weather on their humoral balance:

England being an Island, and lying Exposed to perpetual Changes of Winds, and Weather, more than the Continent doth, their Humours and Spirits are in perpetual Motion; and this affects their Minds too, and makes them very uncertain...The *English* Blood is very easily Irritated, and hard to be allayed, whilst it is in its fury.⁸

Bodily state and moral disposition were directly linked, as the precise balance of humours shaped an individual's temperament or humoral condition, making him or her more or less melancholic, choleric, sanguine or phlegmatic and thus more likely to behave in particular ways.⁹

⁶ L. Conrad, 'The Arab-Islamic medical tradition' in L. Conrad *et al* (eds.), *The Western Medical Tradition 800 BC to AD 1800* (Cambridge, 1995), pp. 114-15.

⁷ A concise account of humoralism is V. Nutton, 'Humoralism' in W. F. Bynum & R. Porter (eds.), *Companion Encyclopedia of the History of Medicine* (London, 1993), vol. 1, pp. 181-91.

⁸ E. Bohun, *The Justice of the Peace: His Calling and Qualifications* (London, 1693), p. 72.

⁹ M. Schoenfeldt, 'Fables of the belly in early modern England' in D. Hillman & C. Mazzio (eds.), *The Body in Parts: Fantasies of Corporeality in Early Modern Europe* (N.Y., 1997), p. 244.

Choler, the state caused by the humour yellow bile in the body and related to the element of fire, was associated with physically violent behaviour. Becoming angry was understood as a process in which the body literally heated up. Whilst a certain amount of heat within the body was seen to be natural and life-giving, anger made the body unnaturally hot. Henry Cuffe, a fellow of Merton College, Oxford, published in 1607 *The Differences of the Ages of Mans Life*. In the text Cuffe, who cited Aristotle as an authority, described the impact of anger on the human body as one which

by reason of that sudden emission of heat into the outward parts of the body, and kindling as it were the fire of choler, it must needs be very hurtful, when as all suddennesse, especially when joined with vehemency, is a horror unto nature. And choler inflameth the blood, whence proceedeth that unreasonablenesse and raging, usually observed in men overmuch angered.¹⁰

In *The Picture of a Perfit Common Wealth*, a discussion of how orderly societies depend on the conduct of those in positions of authority (such as magistrates or masters), and of the specific qualities which promote or undermine good government (such as patience or anger), Thomas Floyd similarly presents being angry as a choleric bodily state. Drawing on Aristotelian ideas which saw Galen's humoral system fused with a doctrine of life forces, Floyd describes anger as 'the suddaine inflammation of the bloud, causing the motions of the spirits, and alteration of the hart'. According to Floyd, anger induces a rash state in which it is difficult for reason to be heard or understanding obeyed. Floyd additionally

¹⁰ H. Cuffe, *The Differences of the Ages of Mans Life* (London, 1607), frontispiece. pp. 107, 103; J. Downname, *A Treatise of Anger* (London, 1609), pp. 3-4. J. R. Hale, 'Sixteenth-century explanations of war and violence', *Past and Present*, 51 (1971), p. 13.

remarks that 'cholre is very rash, unwary, and unadvised', as anger makes the passions 'waxe most mutinous and troublesome'.¹¹

Did early modern people regard violence committed whilst such turbulent passions held sway as excusable behaviour resulting from irresistible natural forces? Or were men and women perceived as capable of controlling these forces and, hence, accountable for the violence they committed in anger? Contradictory strands can be identified in understandings of the relationship between anger, violence and personal responsibility. Some sources point towards a seventeenth-century view of the 'unruly Passion of anger' as overwhelming in nature and to violence committed under its influence as uncontrollable rather than deliberate. Other evidence suggests that it was seen as both desirable and possible to exercise continual control over the baser aspects of one's temperament and actions, including the propensity to act violently.¹² The following paragraphs will outline the religious and social reasons for which control over passionate violence was advocated before addressing the obstacles to attaining this ideal.

True Christianity, early modern writers advised, was incompatible with passionate violence and those who committed violence in anger were correspondingly poor Christians. The unnamed author of the sermon *The Peaceable Christian* (1678) emphasised the incompatibility of being both a good Christian and one who resorts readily to violence. The sermon argued that 'he that belongs to Christ, ought to have his Soul above the common humours of passion and revenge.' The use of violence in any situation was emphatically not ruled out,

¹¹ Conrad, *Western Medical Tradition*, p. 114; T. Floyd, *The Picture of a Perfit Commonwealth, Describing aswell the Offices of Princes and Inferior Magistrates Over their Subjects, as also the Duties of Subjects Towards their Governours* (London, 1600), pp. 288-89.

¹² L. Blackburne, *The Unreasonableness of Anger* (London, 1694), p. 5.

for the 'Gospel obliges us not to act impossibilities; but in all possible occasions we must keep the Christian Peace.'¹³ However, where possible the Christian was expected to defuse tension, to 'tame passions to end quarrels' and to behave patiently 'towards the froward.' The author emphasised that Jesus was a lamb and that God Himself was not quick to strike and 'hates nothing so much as those unchristian passions.'¹⁴ In their exposition of the ten commandments, published in 1605, John Dod and Robert Cleaver similarly emphasised the importance of self-control in relation to the commandment, 'Thou shalt not kill'. Giving the rhetorical example of an individual who excuses her or his own aggression towards neighbours on the grounds that 'I am of a very cholerick and hot nature, that I cannot but be angry with them', the authors encourage readers to reflect on their own character flaws in order to 'coole your choller' and develop the quality of patience. Like the anonymous author of the sermon, Dod and Cleaver assert that Christian conduct is incompatible with giving way to angry and aggressive emotions, writing that 'He that cannot rule himselfe ... hath no true knowledge of God ... Let men excuse it how they will.'¹⁵ This conception of angry violence as unchristian behaviour was not only a literary construct, but an idea which shaped people's understandings of their own use of force. In his diary entry for 16th September 1656 the Flintshire minister Philip Henry (1631-1696) recounted that:

¹³ Violence continued to be alternately authorised and prohibited by the church in eighteenth-century England; E. Foyster, 'Boys will be boys? Manhood and Aggression, 1660-1800' in T. Hitchcock & M. Cohen, *English Masculinities 1660-1800* (London, 1999), p. 163.

¹⁴ *The Peaceable Christian: A Sermon* (London, 1678), pp. 2, 9, 10, 13-14.

¹⁵ Dod & Cleaver assert that rather than responding to provocations from neighbours, individual should make use of their magistrate, whom God has appointed 'to take "an eye for an eye"'. J. Dod & R. Cleaver, *A Plaine and Familiar Exposition of the Ten Commaundments, with a Methodicall Short Catechism, Containing briefly all the Principall Grounds of Christian Religion* (London, 1605), pp. 256-57, 262.

R. P. assaulted mee in wrath, whereby my unruly passions being stir'd
I strook againe and hurt his face, against the command of our Lord
Jesus w[hi]ch requires the turning of the other cheek, the occasion
was, zeale for God, though in circumstances ill manage'd lord, lay no
sin to either of o[u]r charge.¹⁶

Henry's remarks suggest that he regarded both his own and his opponent's violence, prompted by 'wrath' and 'unruly passions', to be unchristian, specifically as they breached Christ's teaching in the New Testament.

In his discussion of the shift from a moral system which prohibited seven sins to one governed by the ten commandments, a 'specific expression of God's legislative will', John Bossy has suggested that medieval obligations to neighbours were largely superceded after the Reformation by a set of obligations to God. In his consideration of wrath, Bossy argues that 'in an age when the passions of hostility were probably the most vigorous of natural sentiments', the prohibition taught 'a social or community ethics'.¹⁷ However, the value placed on the control of anger was not entirely eliminated in the sixteenth-century movement away from seven sins to a code of conduct which focused on the Decalogue. Discussions and interpretations of the ten commandments usually argued (as Dod and Cleaver did) that the sixth commandment's injunction against killing also prohibited violent and angry behaviour in general.¹⁸ Thus the catechism written by Alexander Nowell, Dean of St. Paul's, explained that it was not enough to 'keepe our hands cleane from slaughter and blood' to fulfil the

¹⁶ M. H. Lee (ed.), *Diaries and Letters of Philip Henry* (London, 1882), p. 18.

¹⁷ J. Bossy, 'Moral arithmetic: seven sins into ten commandments' in E. Leites (ed.), *Conscience and Casuistry in Early Modern Europe* (Cambridge, 1988), pp. 222, 215.

¹⁸ I. Green, *The Christian's ABC*, p. 461. Other examples of broad interpretations of the sixth commandment include G. Estey, *Certaine Godly and Learned Expositions Upon Divers Parts of Scripture* (London, 1603), pp. 626-63; W. Wake, *The Principles of the Christian Religion Explained: In a Brief Commentary Upon the Church Catechism* (London, 1699), pp. 114-17; Blackburne, *Anger*, pp. 17-18.

commandment against killing, but that ‘All things tending towards blood-shedding are also forbidden, as mockes, reproaches, quarrellings, fightings and such like’.¹⁹ Similarly, the catechism by one John Williams explained that the commandment meant ‘I hurt no body by word or deed, and bear no malice nor hatred in my heart’, and also forbade anger, spite, and revenge.²⁰ Despite the diminished stature of the seven sins which had prohibited wrath, and the greater centrality of the ten commandments in seventeenth-century England, angry violence to one’s peers continued to be defined as unchristian behaviour which ought to be controlled.²¹

Criticised as unchristian, the use of violence in anger also constituted a breach of social manners and was described as ‘unseemly and disfigured’ behaviour.²² The distorting effects of aggressive emotions are described by Thomas Tusser in *Five Hundred Points of Good Husbandry*. The text, written in verse, included practical advice for housewives and, following its publication in the sixteenth century, the manual was reprinted throughout the seventeenth. In a chapter on the envious and ‘naughty’ neighbour (naughty having a stronger meaning than it does today), Tusser writes that ‘his cheeks in a fury shall swell like a toad’ while ‘His hands be as tyrants, revenging each thing/ His feet at thine elbow, as serpent to sting’.²³ The metaphors Tusser employs to evoke anger and violence are opprobrious. Toads were regarded as ugly and poisonous, tyrants

¹⁹ A. Nowell, *A Catechisme, or Institution of Christian Religion, to be Learned of all Youth, Next after the Little Catechisme, Appoynted in the Booke of Common Prayer* (London, 1614), sig. B2.

²⁰ J. Williams, *A Brief Exposition of the Church-Catechism, with Proofs from Scripture* (London, 1689), pp. 37-38.

²¹ Bossy floats the idea that there was continuity in the pre- and post-Reformation English moral tradition, despite the shift from deadly sins to ten commandments in J. Bossy, *Peace in the Post-Reformation: The Birkbeck Lectures* (Cambridge, 1998), p. 98.

²² Dod & Cleaver, *Exposition*, p. 257.

²³ T. Tusser, *Five Hundred Points of Good Husbandry* (London, 1672 edn), p. 101.

renowned for their cruelty. Serpents were frequently used to represent the devil and, in this respect, Tusser's image of a biting snake echoes the religious denunciations of angry violence which we have just explored. Although we will shortly encounter exuberant and celebratory representations of violence, such positive views of interpersonal violence coexisted with understandings of violence as a socially disfiguring failure to govern oneself.

Despite the religious and social benefits control over passions conferred, certain seventeenth-century writers considered it very difficult to achieve.²⁴ As a consequence of differing humoral physiologies, some people had to strive more than others to behave calmly. In an exposition on the commandment against killing, the preacher George Estey compared angry and potentially violent natures with the explosive potential of gunpowder. Estey argued that just as those responsible for flammable commodities such as gunpowder or flax guarded against the risk of fire, 'so may wee [control] our natures', and noted that 'some mens complexions, give them occasion moore to looke unto themselves.'²⁵ The difficulties of controlling passions were acknowledged in a royal proclamation in September 1609, which stated that, 'Wee are not ignorant, that there are some passions in mens minds so strong, as hard it is but they wil breake forth at times beyond the bounds of reason, where commoditie, pleasure or revenge provoketh.'²⁶ The dominance of angry passions over an individual's conduct was seen to be a temporary rather than permanent condition. In his guidebook for

²⁴ The dominance of humours over a subject's own will is discussed in G. K. Paster, *The Body Embarrassed: Drama and the Disciplines of Shame in Early Modern England* (Ithaca, N.Y., 1993), p. 10.

²⁵ Estey, *Learned Expositions*, p. 626. Similarly, Theophilus Taylor wrote that 'All men are not of a peaceable disposition ... if you speak of peace they [froward men] will make themselves ready to battell.'; T. Taylor, *The Mappe of Moses: Or, a Guide for Governours* (London, 1629), pp. 12-13.

justices, first written in the late sixteenth-century but reprinted in the seventeenth, William Lambarde advised that ‘affrayours’ should be stayed only ‘until the storm of their heate bee calmed’ and ‘till their heate be passed over’.²⁷

The strength attributed to passions meant that they were sometimes presented as a mitigating factor by defendants in court cases, as a case from the Worcestershire Court of Quarter Sessions illustrates. In 1663, the Cheshire soldier Thomas Goffe lent five shillings ‘to pay for bread and other thinges’ to one Richard Williams, whom he met when he was passing through Upton upon Severn. When Goffe attempted to reclaim the money, he was met with verbal resistance from both Williams and his wife. When later ‘discoursing the same business’ Goffe and Williams quarrelled and fell to blows and in the ensuing fight, Erasmus Harris, a Bewdley card-maker who attempted to part them, was injured in the neck. In the short deposition he gave, Williams said ‘if hee did hurt him [Goffe] and Erasmus Harris it was in his passion and hee was sorry for it.’²⁸ Williams offers the fact that he was in a passion in mitigation, implying that he was not wholly responsible for his actions. The influence of passions on human behaviour can be likened to the influence attributed to the stars by astrologers. It was claimed that the stars inclined man’s will, rather than compelled it. This meant that the astrologers’ science did not destroy moral responsibility and could be accommodated within a Christian belief system.²⁹

²⁶ J. Larkin & P. Hughes (eds.), *Stuart Royal Proclamations* (Oxford, 1973), vol. 1, p. 228.

²⁷ W. Lambarde, *Eirenarcha, or the Office of the Justices of the Peace* (London, 1582), pp. 141-42.

²⁸ WCRO, BA 1/110/68/45. Violence occurring as a passionate response to provocation was more acceptable than other types of violence. See below, ch. 5, pp. 136-39. In war culpability was greater for acts of violence committed in cold blood than in hot; B. Donagan, ‘Atrocity, war crime and treason in the English Civil War’, *AHR*, 99 (1994), p. 1144.

²⁹ I am grateful to Bernard Capp for drawing my attention to this parallel; B. Capp, *Astrology and the Popular Press: English Almanacs 1500-1800* (London, 1979), p. 17.

ALCOHOL

Personal responsibility, including culpability for violence, was also affected by the consumption of alcohol. The ballad *How Mault Deals with Every Man* portrays the triumph of one 'Mault' in a series of violent encounters with characters including a maid, a shoemaker, some sailors and a carpenter. The only opponent to better Mault is the miller, who 'pull'd his flesh from off his bones' by grinding Mault between his millstones.³⁰ A similar ballad recounts the murder of Sir John Barleycorn and the revenge exacted by his kinsman, Sir John Good Ale, who, on hearing of the liquidation of Barleycorn in a vat, 'came with mickle might,/ And took by strength their tongues away/ their legs and eke their sight.'³¹ The ballads' envisioning of the impact of alcohol consumption on the body as an act of violence is apposite, for in early modern England a causal relationship was seen to exist between alcohol and violence.

Violence in Britain today is unlikely to be attributed to humoral imbalances, but the idea that alcohol causes violence has retained its currency. This commonsense notion has undergone little change since the early modern period and is sometimes treated uncritically. For example, Amussen has made the vague remark that male violence occurred in early modern alehouses 'because of the effect of alcohol – however weak – on behaviour'.³² It is not clear whether Amussen means that even weak alcohol had an effect on behaviour or that alcohol

³⁰ *A Pleasant New Ballad to Look Upon, how Mault Deals with Every Man* in *The Euing Collection of English Broadside Ballads* (Glasgow, 1971), p. 455.

³¹ *A Pleasant New Ballad to Sing Evening and Morn, of the Bloody Murder of Sir John Barleycorn* in *Euing Collection*, p. 462.

³² S. D. Amussen, 'The gendering of popular culture in early modern England' in Harris (ed.), *Popular Culture*, p. 63.

had a weak (rather than marked) effect on behaviour. Either way, exactly what the effect of alcohol was or how it operated to increase men's violence is unexplained.

Anthropologists and sociologists have engaged more closely with the relationship between drinking and violence than have historians of violence.³³ Researchers, whilst acknowledging that alcohol has an impact on human physiology which may directly increase an individual's propensity to use violence, have persuasively argued that where the cultural expectation exists that a drunken state is a violent one, drunken violence is thereby authorised and legitimised.³⁴ An inebriated state sanctions rather than provokes violence and drunken violence is a learned, rather than a natural, behaviour. Bounded from history by disciplinary habit, anthropologists and sociologists working on societies which are geographically and chronologically remote from early modern England can nevertheless offer valuable insights. In an anthropological study of interpersonal violence amongst Aborigines in Australia, E. Hunter has argued that expectations of a sober role differed from expectations of a 'drunken role that allowed behaviour otherwise prohibited – violence'.³⁵ This may have happened sometimes in early modern England, as a drunk man was allowed to offer aggression which would have not have been tolerated had he been sober. When insulted by clergyman Mr Ley in an alehouse in Knightwick (Worcestershire) in

³³ An exception is T. Brennan, *Public Drinking, and Popular Culture in Eighteenth Century Paris* (Princeton, N.J., 1988), esp. pp. 50-51. The word drinking is used in a colloquial sense, and refers specifically to drinking alcoholic beverages.

³⁴ R. Felson, W. Baccaglini & G. Gmelch, 'Bar-room brawls: aggression and violence in Irish and American bars' and J. Gibbs, 'Alcohol consumption, cognition and context: examining tavern violence' in A. Campbell & J. Gibbs (eds.), *Violent Transactions: The Limits of Personality* (Oxford, 1986), pp. 153-66, pp. 133-51; D. Riches, 'The phenomenon of violence' in D. Riches (ed.), *The Anthropology of Violence* (Oxford, 1986), pp. 15-20.

³⁵ E. Hunter, 'The intercultural and socio-historical context of Aboriginal personal violence in remote Australia', *Australian Psychologist*, 26 (1991), pp. 89-98

1699, one George Horniblow ‘beleiving the same was occasioned by his excess in drinking, forbore to meddle with him’.³⁶ Drunken violence cannot be assumed a natural and universal human activity but, like other forms of violence, needs to be historicised and contextualised. Dalton concisely defined drunkenness as a state when ‘the same legges which carry a man into the house, cannot bring him out again’ and early modern notions of the impact this state on violence will now be explored.³⁷

The writers of prescriptive literature were adamant that drunkenness should be avoided, not least because of its role in promoting violent conflict. Edmond Bohun, whom we have encountered describing English humours as particularly changeable, considered English fury to be especially hard to control ‘if it be inflamed with Drink, and Excess’.³⁸ In their exposition of the ten commandments, John Dod and Robert Cleaver admonished readers to

take heed of riotousnesse, and drunkennesse; for whe[n] drinke is in, the wit is out, and grace is out too: then a man is such light stuffe, that the divell may tosse him about at his pleasure ... it breedes strife and contention, murmuring, brawling, and wounds without cause.³⁹

Commentators other than Dod and Cleaver considered drunkenness ‘the high way to hell’, and cited the violence to which it led as proof of its depravity.⁴⁰ The Cheshire diarist Reverend Edward Burghall kept track of the range of ill-consequences which stemmed from ungodly behaviour, including in 1631 the fatal incident when ‘one Mr. Wynne of Whitchurch, being drunk, drew his rapier and

³⁶ WCRO, BA 2638/795.61, unfol. ‘Deposition of George Horniblow’; A certain latitude was given to drunken aggression in early modern Paris; Brennan, *Public Drinking*, p. 50.

³⁷ Dalton, *Countrey Justice*, p. 29.

³⁸ Bohun, *The Justice of the Peace*, p. 72.

³⁹ Dod & Cleaver, *Exposition*, p. 279.

⁴⁰ E. Jocelin, *The Mothers Legacie to her Unborne Childe* (London, 1624), p. 70.

run his own sister through, because she would have got him from the alehouse'.⁴¹ Henry Burton, the author of *A Divine Tragedie Lately Acted*, discusses the providential punishments which befall those who breach the sabbath and, likewise, associates drinking and fatal violence.⁴² In ballads the violence of husbands against their wives was often depicted as a result of drinking, as assaults were committed on the men's return home from the alehouse.⁴³ The view that alcohol was a cause of violence, expressed in a range of printed forms, would have been familiar to people of every social status. The ubiquity of this idea is underlined by the fact that it also emerges in the context of formal judicial proceedings.

A causal relationship between alcohol and violence was described at different stages of the judicial process and in different courts. In a charge delivered to the Quarter Sessions grand jury in Chester, 1625, Sir Richard Grosvenor JP described violence as a likely outcome of drinking, as he advised his listeners

If then you would have some comfort of your children keepe them from these places where their first intertaynment is some soporiferous potion to stupifie their senses ... and oft tymes there last farewell a broken pate, if not a deadly wound.⁴⁴

In a sermon before the Warwick assizes in 1619, Samuel Burton, Archdeacon of Gloucester, described alehouses as 'the very plague and bane of this kingdom'.⁴⁵

⁴¹ E. Burghall, 'Providence improved' in T. Barlow (ed.), *Cheshire: Its Historical and Literary Associations, Illustrated in a Series of Biographical Sketches* (London, 1855), pp. 154-55.

⁴² H. Burton, *A Divine Tragedie Lately Acted* ([n.p.], 1641 edn), pp. 6, 11, 14.

⁴³ *Strange and True News from Westmoreland* in *Euing Collection*, p. 565; *The Bad-Husband's Folly in English Ballads*, p. 82.

⁴⁴ R. Cust (ed.), *The Papers of Sir Richard Grosvenor (1585-1645)*, The Record Society in Lancashire and Cheshire, 134 (Gloucester, 1996), p. 14.

⁴⁵ S. Burton, *A Sermon Preached at the Generall Assises in Warwicke, the Third of March, being the First Friday in Lent* (London, 1620), p. 27.

In Worcestershire too alehouses were represented as a nuisance, the site of alcohol-induced violence.⁴⁶ Articles made against the alehouse keeper Humphery Harris in 1671 illustrate the causal relationship between drinking and violence, as it is claimed that he ‘hath by his selling Ale at unlawfull houres occasioned many quarrells and fightings and men have been dangerously wounded at his house at 11 or 12 of the Clocke at night’.⁴⁷ Deponents alleged that one Nicholas Staunton committed violence in 1619 when, having spent the ‘greatest p[ar]te of the day drinking’, he was ‘somewhat overcome w[i]th drink’. Yeoman Humphery Byrd of Bayton is criticised in 1619 for making assaults ‘upon his drunken humour’.⁴⁸ In these cases drunkenness is an aggravating factor and offered as proof that the accused led a debauched lifestyle.

Drunkenness could also be presented as a mitigating circumstance. Warwickshire clergyman Abraham Kent threatened John Marriet, a Lieutenant in the Grenadiers, with violence in an alehouse in the small hours of December 20th 1706, following a ball in Stratford-Upon-Avon. Kent’s threats were made when Marriet declined to list him as a soldier, despite his demands that Marriet do so.⁴⁹ In the ensuing court case, Kent told the consistory court that he had threatened violence when he was ‘unwarily overcome w[i]th drink’ (echoing the protestations

⁴⁶ Other criticised alehouse activities included receiving stolen goods, harbouring thieves, blasphemy, disrespecting the sabbath, adultery and unlawful games; Bund, *Calendar*, pp. 78, 81, 155, 228. Drunken disorder, including fights, could lead to alehouses being suppressed; P. Clark, *The English Alehouse: A Social History 1200-1830* (London, 1983), p. 86.

⁴⁷ WCRO, BA 1/110/115/14.

⁴⁸ WCRO, BA 1/110/31/14, 110/30/95. Violence is associated with alcohol or occurs at an alehouse in 110/19/86, 110/32/53, 110/46/77, 110/58/75, 110/58/91, 110/24/92, 110/113/7, 110/128/15, 110/159/56; BA 2102/794.052/13, fols 15-17; LPL, Eee 10, fol. 187; D2209, fol. 134.

⁴⁹ LPL, Eee 10, fol. 187.

of Goffe that he had acted out of passion, rather than intentionally).⁵⁰ The extent to which drunkenness was a state Kent had entered ‘unwarily’ was contested, however. In relation to a different episode of violence, it was put to him that he had drunk twelve pints of ale at one alehouse, before dropping by at another house, where he ‘called for cherry brandy and drank (all or the greatest p[ar]t of) 2 or 3 pints of the s[ai]d cherry brandy.’⁵¹ Culpability for drunken violence was interpreted as less than for violence committed when sober. The fact that people might wilfully become drunk, however, qualified the extent to which drunken violence was perceived as unintentional.

The view that alcohol caused violence contributed to an expectation that alehouses would be sites of violence, and created an environment in which this otherwise prohibited behaviour was regarded as more normal. Ideas about the body’s response to alcohol were not the only contributing factor to alehouse violence. Those who frequented alehouses included a large proportion of men, who were (as we shall shortly consider) perceived to be more likely to be physically aggressive than women. The young were seen to be particularly prone to violence and alehouses may also have been patronised more by young adults than other age groups. Expectations that men and the young commonly used force, combined with the view that drunkenness led inexorably to violence, meant that

⁵⁰ WCRO, BA 2638/795.61, unfol., ‘Personal responses of Abraham Kent’. Kent’s response is akin to an excuse sometimes used by those accused of committing homicide in early modern France, who claimed they were ‘*suprins de vin*’; N. Z. Davis, *Fiction in the Archives: Pardon Tellers and their Tellers in Sixteenth Century France* (Stanford, Calif. 1987), p. 36. In early modern France, drunkenness was likewise seen to lessen culpability for violence (as it was not being committed in cold blood) but was also described as an aggravating factor. Brennan, *Public Drinking*, pp. 49-50.

⁵¹ WCRO, BA 2638/795.61, unfol., ‘Marriet con. Kent, Interrogatories’.

violence was more likely to occur within the precincts of the alehouse than in other public spaces.⁵²

YOUTH

As a consequence of their different humoral balances, young people were perceived to be more likely to use angry violence than their elders. Anger and choler were, as we have seen, associated with the element of fire. Following Greek authorities, the phase of youth was regarded as one which ‘abounds with heat’.⁵³ As the preacher John Shower expounded in a sermon written for the funeral of an eighteen-year-old named Richard Walter and published in 1692, youth had

Bodies stronger and more active for most kinds of Wickedness, their blood more warm, their Spirits more Vigorous, as their Sinful desires are more Raging, and all their Passions more vehement.⁵⁴

Inexperience also undermined youth’s faculties of calm reason, making rashness a sin particularly associated with the young. An advice book written for the young in 1657 argued that although they were prone to be rash, the man of understanding whose behaviour they should emulate is ‘of a cool spirit, not rash and hot, ready at every turn to put out his soul in wrath’.⁵⁵

⁵² The role of physical factors – sex, sobriety, and age – in alehouse violence have been assessed here; other factors which contributed to alehouse violence, including the importance attached to reputation, are examined in ch. 5, below.

⁵³ Cuffe, *Ages of Mans Life*, p. 117. For contemporary definitions of youth see P. Griffiths, *Youth and Authority: Formative Experiences in England 1560-1640* (Oxford, 1996), ch. 1.

⁵⁴ J. Shower, *Seasonable Advice to Youth: A Funeral Sermon on Psal. 119.9 Preach’d upon the Death of Mr. Richard Walter, Jun., in the Eighteenth Year of His Age* (London, 1692), p. 10.

⁵⁵ T. Brooks, *Apples of Gold for All Young Men and Women and a Crown of Glory for Old Men and Women* (London, 1657), pp. 93-95. The temperance of the old is contrasted with the tumultuous nature of youth, ‘a seething pot which casts out scum’, in Abbot, *Christian Family*, pp. 11-24.

Whether young people were in fact disproportionately likely to commit violence is difficult to assess.⁵⁶ Distinguishing between the different uses of violence made by people of varying ages is complicated by the fact that certain juvenile uses of force were explicitly authorised by their seniors. The astrologer Simon Forman's account of his own youth describes two such incidents. On one occasion he was urged by a journeyman to fight two apprentices from a neighbouring stall at a fair, as the journeyman 'hardened Symon to have them by the eares'. On a different occasion, having beaten a fellow servant, Forman's master declined to condemn him for it, considering his apprentice 'servedst her well ynough'.⁵⁷ Whilst in both cases it was Forman who actually used the force, his seniors had instructed him to do so in one instance and retrospectively authorised it in another. Forman's violence is thus not a demonstration of youthful aggression which can be contrasted with adult restraint. The idea that young people were, because of their natural heat, likely to commit violence is strongly evidenced; the extent to which youth actually committed more violence than their elders, elusive.

⁵⁶ A quantitative assessment, though hampered by the fact that court records did not routinely include the defendants' ages, could be undertaken gauging approximate age from status (for example, of householders, parents or servants). Such an exercise would raise considerable interpretative difficulties and has not been undertaken here. As adults were able to use force legitimately in a wider range of situations than the young, an over-representation of youths in the court records could reflect the fact that the use of force by young people was more readily criminalised, rather than that they actually used force more frequently. Over-reporting of youthful violence might also have occurred as a consequence of a greater fear of youth's disorderly potential, a pervasive theme in the printed literature. Conversely, the relative invisibility of the young (if found) could be explained by the fact that other sanctions could be applied to discipline youths who had used force, for example as they could have wages withheld, be discharged from service, or physically punished.

⁵⁷ S. Forman, *The Autobiography and Personal Diary of Dr. Simon Forman, The Celebrated Astrologer, From A.D. 1552, to A. D. 1602*, ed. by J. Halliwell (London, 1849), pp. 8-9.

GENDER AND VIOLENCE: THE CASE OF SPORT

Forman's violence may have been treated as legitimate by his elders because it was regarded as normal behaviour for a young person. The fact that he was male would also have been an important factor in making his expression of physical aggression allowable (to his master) and even something to be encouraged positively (by the journeyman). In his consideration of games played by the young in early modern England, Paul Griffiths has remarked that 'the turbulent and competitive character of football was well suited to the aggression which was evident in male youth.'⁵⁸ The association between physically aggressive sports and male youth merits further discussion. Was the association between young men and football generated by a culture which celebrated male dominance and physical prowess or did it result from the fact that football and other rough games provided an outlet for naturally-occurring male aggression? John Archer and Barbara Lloyd have examined evidence on the role of biology (sex) and culture (gender) in shaping differences in the behaviour of human males and females. They have persuasively argued that, in the absence of conclusive scientific proof on the precise roles of biological factors in levels of aggression in human males and females, cultural factors alone are powerful enough to create substantial differences in the behaviour of men and women.⁵⁹ Accordingly, and despite the fact that biology may help to explain different participation in violence by early modern men and women, the following paragraphs focus on the role of culture.⁶⁰

⁵⁸ Griffiths, *Youth and Authority*, p. 140.

⁵⁹ J. Archer & B. Lloyd (eds.), *Sex and Gender* (Cambridge, 1985), ch. 5.

⁶⁰ Approaches to early modern violence which likewise focusses on socially constructed identities rather than sex differences are Amussen, 'The gendering of popular culture', p. 60; H. Ylikangas,

Early modern football was a popular ball game, somewhat different from the sport we know today by that name. Characterised by a lack of formal rules and the frequency with which injuries and even fatalities occurred, football saw players pursue a ball between competing villages.⁶¹ As a collective contest between neighbouring parishes or occupational groups, football and other violent games cannot usefully be described as episodes of interpersonal violence, but they are nevertheless relevant to our study. The use of violence in interpersonal relations was shaped by expectations of what behaviour was appropriate for men and women. These expectations were learned as children and young adults were socialised, including by participating (or not being encouraged to participate) in violent games.

Physically aggressive play in early modern England was a largely male activity and participation in violent games one of the ways in which men defined their masculine identities.⁶² Boys and girls were taught that ‘all active feates to be done by the body’ were manly recreations, and boys rather than girls encouraged to use violence.⁶³ Henri Misson, a Frenchman who wrote about late seventeenth-century English culture in the light of his visits to the country, remarked that fighting or combat

‘Major fluctuations in crimes of violence in Finland: a historical analysis’, *Scandinavian Journal of History*, 1 (1976), p. 83.

⁶¹ Versions of the game are described in Underdown, ‘Regional cultures?’, pp. 37-39.

⁶² E. Muir, *Ritual in Early Modern Europe* (Cambridge, 1997), p. 105; I. Ben-Amos, *Adolescence and Youth in Early Modern England* (London, 1994), p. 192; A. Shepard, ‘Meanings of manhood in early modern England, with special reference to Cambridge, c. 1560-1640’ (PhD thesis, Univ. of Cambridge, 1998), ch. 4; Underdown, ‘Regional cultures?’, p. 37; Foyster, ‘Boys will be boys?’, p. 151; A. Fletcher, *Gender, Sex and Subordination in England 1500-1800* (London, 1995), p. 307.

⁶³ Anon, *The Office of Christian Parents: Shewing How Children and to be Governed Throughout all Ages and Times of Their Life* (Cambridge, 1616), p. 164. The reading material given to boys was different from the stories encountered by girls, and included a greater emphasis on stories of chivalric violence; Fox, ‘Oral tradition’.

est une chose délicate à un Anglois. Si deux petits Garçons disputent dans une rue, les passants s'arrêtent, font en un moment un cercle autour d'eux, et les animent, afin qu'ils en viennent aux coups de poing ... Les père et la mère des petits Garçons qui se battent les regardent faire comme les autres, et encouragent celui qui recule, ou qui manque de force.⁶⁴

Games involving fighting were suitable for adult men as well as for boys. Antiquary Richard Carew considered the popular recreation of wrestling an appropriate pastime for men. When he wrote about his native county of Cornwall in 1602, he considered wrestling 'as full of manliness, more delightful, and less dangerous' than hurling, another game played there.⁶⁵ That wrestling was part of the socialisation of young men has also been noted by Paul Griffiths, who considers it one of the ways in which they established their identities as adult men, distancing themselves from both children and women.⁶⁶ The fact that small boys were encouraged to fight, however, suggests that participation in physically aggressive games was a part of a masculine identity for both boys and men, one which marked them from girls and women rather than defined men's distance from boyhood.

Commentators were sometimes unsure whether to praise the opportunity rough games provided for shows of manliness, or condemn them for the injuries

⁶⁴ H. Misson, *Memoirs et Observations Faites par un Voyageur en Angleterre* (La Haye, 1698), p. 252-53. I am grateful to Roger Stone for helping with the following translation: '[Combat] is very agreeable to an Englishman. If two small boys quarrel in the street, passers by stop, instantly form a circle around them, and encourage them in order that they come to blows with their fists ... The father and mother of little children who are fighting watch them like the rest, and encourage the one who retreats, or lacks vigour.' For an early eighteenth-century translation of this passage see H. Misson, *Memoirs and Observations in his Travels Over England*, trans. J. Ozell (La Haye, 1698; London, 1719), p. 304.

⁶⁵ R. Carew, *The Survey of Cornwall*, ed. by F. Halliday (London, 1602; repr. London, 1969), p. 150. Wrestling was more recreational than boxing matches which were fought to settle questions of honour; J. Beattie, 'Violence and society in early modern England' in A. Doob & E. Greenspan, (eds.), *Perspectives in Criminal Law* (Aurora, Ontario, 1985), p. 47; Beattie, *Crime and the Courts in England, 1660-1800* (Oxford, 1986), pp. 91-94; E. Foyster, *Manhood in Early Modern England: Honour, Sex, and Marriage* (London, 1999), pp. 177-78.

⁶⁶ Griffiths, *Youth*, p. 136.

they generated. When describing Cornish recreations in 1602, Carew touched on a ball game played by hurlers, which resembled 'the feates of war'.⁶⁷ Martial activities were seen as appropriate for men, and their ability in them actively developed.⁶⁸ In August 1631 Charles I issued a proclamation in which he lamented 'the great decay of the auncient laudable and useful Exercise of Archery ... of which good use might be still made in time of Warre' and described it as a 'commendable and healthfull Recreation' which would keep men from 'other idle sports'.⁶⁹ Yet despite the suitability of aggressive and warlike activities for men, Carew was uncertain as to whether to

commend this game for the manhood and exercise, [or] condemn it for the boisterousness and harms which it begetteth ... [men get] bloody pates, bones broken and out of joint, and such bruises as servē to shorten their days; yet all is good play, and never attorney nor coroner troubled for the matter.⁷⁰

Injuries sustained in games and outside of play were distinguished between. According to Carew, when a breach of rules occurred during hurling, 'the hurlers take [this] for a just cause of going together by the eares, but with their fists only, neither doth any among them seek revenge for such wrongs or hurts, but at the like play again.'⁷¹ Despite Carew's statement that the legal profession was not troubled by injuries sustained during 'good play', the law did take note of violent games. Dalton's guidebook for justices discusses the legal status of those who,

⁶⁷ Carew, *The Survey*, p. 149.

⁶⁸ Griffiths, *Youth*, p. 180.

⁶⁹ J. Larkin (ed.), *Stuart Royal Proclamations* (Oxford, 1983), vol. 2, pp. 329-30. The decline of archery had been lamented one hundred years earlier, as Sir Thomas Elyot asked 'O what cause of raproche shall the decaye of archers be to us nowe livyng?'; T. Elyot, *The Governour* (London, 1531), fol. 100. King James VI and I commended archery to his son Henry; J. Craigie (ed.), *The Basilicon Doron of King James VI* ([n.p.], 1603; repr. Edinburgh, 1944), vol. 1, p. 189.

⁷⁰ Carew, *The Survey*, pp. 149-50. Recreations which strengthened the body were commended in an earlier text, M. D. Fenner, *A Short and Profitable Treatise of Lawfull and Unlawfull Recreations, and of the Right Use and Abuse of those that are Lawful* (Midleburgh, 1587), sig. A4.

when playing at 'Hand-sword, Bucklers, Foot-ball, Wrestling and the like', fatally injured a fellow player. Dalton explains that 'some are of the opinion, that this is Felony of death', but he gives more weight to the alternative view that

this is no Felony of death, but that they shall have their pardon of course, as for misadventure, for such that their play was by consent, and again, there was no former intent to do hurt, or any former malice, but done only for disport, and triall of Man-hood.⁷²

Whilst Carew's comments suggest that the players themselves conceived of injuries sustained during and outside of games as separate, Dalton's remarks indicate that the exact context in which force was used also shaped its standing in law, as injury sustained by men during games were seen as distinct. Injuries inflicted during games constituted neither an insult nor a crime, but were rather the inevitable outcome of tests of manliness. The varying significance attached to injuries demonstrates that definitions of violence were not determined by the level of physical harm caused, but were shaped by the exact conditions in which injury was inflicted.

As Dalton indicated, there was not a consensus concerning the legitimacy of men's physical force in games. Puritan writers and moral reformers vehemently opposed violent sports.⁷³ Their opposition was partly prompted by the fact that if rough games occurred on the sabbath they took up time which should properly be devoted to religious duties. Violent sports were objected to on the same grounds

⁷¹ Carew, *The Survey*, p. 148.

⁷² Dalton, *Countrey Justice*, p. 309.

⁷³ For the importance of religion in relation to other drives for moral reform, see R. Hutton, *The Rise and Fall of Merry England: The Ritual Year, 1400-1700* (Oxford, 1994), ch. 4 and C. Durston, 'Puritan rule and the failure of cultural revolution, 1645-1660' in C. Durston & J. Eales (eds.), *The Culture of English Puritanism, 1560-1700* (London, 1996), pp. 210-33.

as 'any exercise which withdraweth us from godlines'.⁷⁴ Reformers also opposed the harm sporting violence inflicted on '*the bodyes of our Bretheren*'.⁷⁵ Violence inflicted during play showed a casual disregard for God's creation, man. The Elizabethan writer Philip Stubbes articulated a significant strand of opposition to such 'devilish pastimes' when he wrote

as concerning football playing, I protest unto you that this may rather be called a freendly kinde of fight, then a play or recreation; A bloody and murthering practice, then a felowly sporte or pastime ... is this to do to another as we would wish another to doo to us?⁷⁶

What behaviour was appropriate for the sabbath day was a highly politicised issue, symbolic of wider doctrinal and ecclesiological differences. As Martin Ingram has argued, this was a 'real culture clash ... but one that should be seen not in simple terms as an elite attack on popular culture but as the expression of differences of religious outlook that ran as a vertical fissure through the social structure.'⁷⁷ Sabbatarian doctrine was strongly contested during the first third of seventeenth century, as first legislation and then the 'Book of Sports', issued in 1618 and 1633 altered the status of Sunday games.⁷⁸ The 'Book of Sports' was seen by the godly to authorise abuse of the sabbath, as it permitted certain games on Sundays. The Puritan writer Henry Burton countered it with a lengthy catalogue of the consequences which befell those who participated in profane games on the sabbath. The thirtieth example Burton gives of sabbath-abusers

⁷⁴ P. Stubbes, *Anatomy of Abuses in England*, ed. F. Furnivall (London 1583; repr. London, 1877-9), p. 183.

⁷⁵ Stubbes, *Anatomy*, p. 84, italics in original. Green, *The Christian's ABC*, pp. 438-47.

⁷⁶ Stubbes, *Anatomy*, pp. 137, 184. Ustick, 'Advice to a son', p. 417.

⁷⁷ Ingram, 'From Reformation to toleration: popular religious cultures in England, 1540-1690' in Harris (ed.), *Popular Culture*, pp. 110-11.

⁷⁸ L. Racaut, 'The "Book of Sports" and sabbatarian legislation in Lancashire, 1579-1616', *Northern History*, 33 (1997), pp. 73-87; K. L. Parker, *The English Sabbath: A Study of Doctrine*

receiving their just deserts describes how 'At Wicks a Town betwixt Colchester and Harwich in Essex, upon Whitsonday last in the afternoon two fellows meeting at the football, the one killed the other'.⁷⁹

Opponents of these sports also emphasised the illegitimacy of its violence by describing it as predictable and in a sense premeditated, rather than as accidental and unintended. The players were culpable for the violence they committed, as they 'lye in waight' for their adversary, deliberately 'seeking to overthrowe him'.⁸⁰ Galenic ideas about health prompted further opposition to football, as excessively vigorous exercise was seen to be potentially dangerous. James I's recommendation to his son that 'violent exercises' including football and tumbling tricks should be avoided was partly prompted by medical concerns, including the fact that he considered football 'meeter for laming, then making able the users thereof'.⁸¹ In short, there was powerful dissent to Carew's view that violent sports were 'good play'. Definitions of violence were hotly contested and the arguments employed by those engaged in the debate were embedded in contemporary medical thought and in the religious and political disputes which gripped the nation in the first part of the seventeenth century.

Despite such opposition, violent games were widely considered suitable for men. Men were seen to have a generally hotter humoral balance than women and a higher level of aggression was perceived to be the natural consequence. Nor

and Discipline from the Reformation to the Civil War (Cambridge, 1988), pp. 5, 16, 55-56, 129, 137, 195-96; D. Brailsford, *Sport and Society: Elizabeth to Anne* (Toronto, 1969), esp. pp. 99-107.

⁷⁹ Burton, *Divine Tragedie*, p. 17.

⁸⁰ Stubbes, *Anatomy*, p. 184.

⁸¹ Craigie (ed.), *Basilicon Doron*, vol. 1, p. 189; Ustick, 'Advice to a son', p. 417; Brailsford, *Sport and Society*, p. 169.

was playful male violence restricted to group sports. In his diary entry for 13 October 1663 a Lancashire apprentice, Roger Lowe, recorded that:

I sat in shop all day. Onely I went up Greene to old parson Lee's and John Haseldon and Thomas Rosbothom and we alltogether jesting. Thomas Rosbothom and John Hasleden attempted with either of them a good kibbow [cudgel] to surprize poor parson and I in parson's shop, but we defended our selves awhile, but in Conclusion I was taken att last and sufferd effliction.⁸²

That violent play was a normal part of male interaction is also suggested by the following case from Worcestershire. One William Tompkins gave evidence to the Court of Quarter Sessions in April 1670 about the violence he had witnessed between two men from the village of Eckington. Tompkins, whose humble status is suggested by the fact that he made a mark rather than signed his name on the deposition, recalled how he had misinterpreted the fight when

one William Finch and one John Watkins were Coming homewards from their Worke. And Did Quarrell and Strike one the other. w[hi]ch this Depon[en]t then thought was but in Jest.⁸³

In fact, the two colleagues had been fighting in earnest, but it is striking that Tompkins' first thought was that their blows were not meant seriously. His remarks suggest that his experience of force being used in such circumstances was usually playful. Force was allegedly used in 'jest' on another occasion, when a maid was subjected to a token discipline (rather than subjected to a fine), and she was described as 'very merrie' about the punishment.⁸⁴ It is far from clear, however, that the maid herself would have concurred with this account. I have not encountered any evidence of women engaging in equal terms in physically violent

⁸² W. Sachse (ed.), *The Diary of Roger Lowe of Ashton-in-Makerfield, Lancashire 1663-74* (London, 1938), p. 38.

⁸³ WCRO, BA 1/110/113/8.

⁸⁴ R. Parkinson (ed.), 'The life of Adam Martindale, written by himself', *Chetham Society*, 4 (Manchester, 1845), p. 125.

play and it is likely that this was an activity confined to men. The fact that physical aggression was presented as behaviour naturally and normally pertaining to men effectively disbarred women from participating in rough games. The ways in which women were dissuaded from using violence will be examined further as we look at printed prescriptive advice.

GENDER AND VIOLENCE: LITERARY REPRESENTATIONS OF WOMEN

An obliging temper was regarded as an asset in a woman (although she was nevertheless expected to drive a hard bargain in the marketplace).⁸⁵ Repression and moulding have been described by Anthony Fletcher as ‘the essence of female training’ in the early modern period.⁸⁶ An emphasis on women’s containment certainly emerges in the prescriptive literature, which advised women to shun angry passions. Indeed, to be a ‘real’ woman was to avoid all displays of anger, according to the anonymous author of *Hic Mulier*, who asserted that some women were deformed into creatures of uncertain sex, something the ‘Goblins themselves start at’, partly because they were ‘man in nature by [their] aptnesse to anger.’⁸⁷ The emphasis on women’s self-control is particularly evident in texts which discussed the relationship between married women and their husbands, where in addition to tightly controlling their own

⁸⁵ Amussen has noted the ‘contradictions’ between a wife’s role as a household manager and as a subordinate to her husband. The two ideas might better be described as being in tension. S. D. Amussen, *An Ordered Society: Gender and Class in Early Modern England* (Oxford, 1988), p. 44.

⁸⁶ Fletcher, *Gender*, pp. 369, 373.

⁸⁷ *Hic Mulier: Or the Man-Woman: Being a Medicine to Cure the Coltish Disease of the Staggers in the Masculine-Feminines of our Times* (London, 1620) in B. Baines, *Three Pamphlets on the Jacobean Antifeminist Controversy* (N.Y., 1978), sig. B2.

emotions, women were encouraged to defuse their husbands' anger.⁸⁸ Gervase Markham, the author of an influential guidebook for housewives, spells out early in his text the importance of self-control for married woman. Having first addressed the importance of religiosity, Markham writes that 'next unto this sanctity' the English housewife should

shunne all violence of rage, passion and humour ... appearing ever unto him pleasant, amiable and delightfull; and though occasion ...may induce her to contrarie thoughts, yet vertuously to suppress them, and with a milde sufferance rather to call him [her husband] home from his error, then with the strength of anger to rebate the least spark of his evill.⁸⁹

That Markham located this advice immediately after his discussion of the place of religion in women's lives indicates that he considered women's control of anger an important issue. An advice book for women published in 1688, written by George Savile, Marquis of Halifax, asserted that although husbands may be 'Cholerick or Ill-humour'd', women can control their spouses' moods and that

in stead of being struck down by his Thunder, you shall direct it where and upon whom you shall think it best applied. Thus are the *strongest Passions* turn'd to the *best Remedies*.⁹⁰

The message that women should control their husbands' wrath and suppress their own was also expressed in verse. The unnamed author of *A Directory for the Female Sex* advised:

Let Reason, with sweet Calmness, keep the Throne;
Treading fierce wrath and lawless Passion down:
The Grace of Meekness is a Womans Crown.⁹¹

⁸⁸ See Roberts, 'The Jacobean housewife', p. 18.

⁸⁹ G. Markham, *Country Contentments, or the English Huswife Containing the Inward and Outward Vertues Which Ought to be in a Compleate Woman* (London, 1623), p. 3. For the context in which Markham was written and read, and the way in which his text perceives women's and men's roles see Roberts, 'The Jacobean housewife'.

⁹⁰ G. Savile, *The Lady's New-years Gift: Or, Advice to a Daughter* (London, 1688), p. 46, italics in original.

⁹¹ *A Directory for the Female Sex: Being a Father's Advice to his Daughter* (London, 1684), brs.

The disastrous consequences of a wife failing to cool her husband's choler are spelt out in the ballad *The Bloody Butcher*. It describes how a butcher murdered his pregnant spouse when, instead of assuaging her husband's anger, her 'Words made his passion mount up higher/ She was the bellows, he the fire'.⁹² The ballad bluntly warns women not to stir up their husbands' passions. In the ballad, as in the advice literature, women are held morally responsible for both their own anger and violence, and for their husbands' angry violence towards them, a reversal of the legal situation in which married men were held responsible for both their own and their wives' behaviour. Even Long Meg, a woman depicted using violence against a number of men, does not offer her husband aggression, despite his offering considerable provocation. Having heard of his wife's physical prowess and 'how mankind she was' he says that 'I would try your manhood' and proceeds to give her blows with a cudgel. In response, Meg does not raise her hand or voice in protest, but 'in all submission fell down upon her knees' saying that she will not be her husband's master.⁹³

The texts discussed above belonged to different genres, and may not have been intended for the same audience. A rhyming text would read aloud better, be easier to memorise and recall and ideal for communicating to those whose reading abilities were small or non-existent. A prose text demanded more developed reading skills, was harder to memorise and was better suited to a more literate, and hence more prosperous and socially-elevated, market. Throughout the century, readers and listeners from a range of social groups encountered a message which

⁹² *The Bloody Butcher, and the Two Wicked and Cruel Bawds in The Eueing Collection of English Broadside Ballads* (Glasgow, 1971), p. 27.

⁹³ 'The life of Long Meg of Westminster' (1635) in C. Mish, *Short Fiction of the Seventeenth Century* (N.Y., 1963), p. 105.

remained resolutely the same: women were to suppress their own angry and violent feelings and to be the masters of their husbands' wrath. Yet in addition to representations in print of women as 'pleasant, amiable and delightful', were representations of physically aggressive women.

The most valorous women in early modern popular literature are frequently disguised as men and commit violence whilst in men's clothes.⁹⁴ Long Meg trounced a knight whilst wearing gentlemen's attire, put on 'a doublet and a pair of hose' before going to fight a soldier and wore 'a suit of men's apparel' prior to fighting with a nobleman.⁹⁵ Do such representations of women using violence celebrate women's aggression, or does their violence become that of honorary men? Historians have placed different interpretations upon these female warriors. In her recent doctoral thesis, Sarah Todd has argued that the female warrior, partly because of the clothes she dons, 'poses no threat to the patriarchal order'.⁹⁶ According to Todd, explorations of the theme of the female warrior offer the conservative message that aggression is properly and naturally an exclusively male characteristic. Such an interpretation certainly fits the episode between Long Meg and her husband, where Meg's violence is explicitly labelled as masculine (as the words 'manhood' and 'mankind' are repeatedly used) and her submission to her husband is complete.

Yet it has also been claimed that the motif of the female warrior was a subversive one. Engaging closely with the construction of gender in ballads,

⁹⁴ See for example *The Valorous Acts Performed at Gaunt, by the Brave Bonny Lass Mary Ambree* and *The Female Warrior* in J. Ebsworth (ed.), *The Bagford Ballads* (Hertford, 1878), vol. 1, pp. 311-15, 326-29.

⁹⁵ *Long Meg*, pp. 90, 94, 98.

⁹⁶ S. Todd, 'The representation of aggression in seventeenth-century English broadside ballad' (PhD thesis, Univ. of Wales, Aberystwyth, 1999), pp. 242-44.

Dianne Dugaw persuasively argues that the ability of women to appear as men was presented with 'utter nonchalance'. Far from being subsumed by her male identity, the female warrior was 'visible and predictable'. According to Dugaw, this casual transvestism means that the 'heroine enacts gender explicitly as a code', exposing the mutability of gender roles and their 'arbitrariness as a social and perceptual construct'. As women put on men's clothes and just as easily adopt manly behaviour, categories of gender are revealed to be only cultural codes, a signifying system of appearance which is separate from, rather than naturally rooted in, biological identity.⁹⁷ Dugaw emphasises the polyvalency of the female warrior, a figure which is at once male and female.⁹⁸ Long Meg also uses violence whilst dressed as a woman and undertaking activities which ordinarily fell to women. Whilst working as a laundress, she empties hot water over enemy soldiers. On other occasions she beats up watermen and other carriers who would over-charge her for their services. That Long Meg successfully used violence whether dressed as a man or a woman underlines the way in which the female warrior could be a 'gender-conflating ideal' who undermined the bipolar distinctions of gender.⁹⁹

⁹⁷ D. Dugaw, *Warrior Women and Popular Balladry 1650-1850* (Cambridge, 1989), ch. 6. For women's wearing of men's clothes destabilizing gender categories see P. Cheney, 'Moll Cutpurse as hermaphrodite in Dekker and Middleton's *The Roaring Girl*', *Renaissance and Reformation*, ns., 7 (1983), p. 122; A. Jones & P. Stallybrass, 'Fetishizing gender: constructing the hermaphrodite in Renaissance Europe' in J. Epstein & K. Straub (eds.), *Body Guards: The Cultural Politics of Gender Ambiguity* (London, 1991), p. 100; N. Z. Davis, *Society and Culture in Early Modern France* (London, 1975), pp. 130-31. For contemporary concerns about women in men's clothes, including their propensity for violence, see *Hic Mulier: Or the Man-Woman: Being a Medicine to Cure the Coltish Disease of the Staggers in the Masculine-Feminines of our Times* (London, 1620) in B. Baines, *Three Pamphlets on the Jacobean Antifeminist Controversy* (N.Y., 1978), sig. B2.

⁹⁸ Dugaw, *Warrior Women*, p. 2.

⁹⁹ Dugaw, *Warrior Women*, p. 153.

The female warrior was not the only fictive woman whose use of violence was presented positively. In ballads, a genre which was often explicitly didactic, women were frequently represented using violence to uphold widely-shared social norms, as they beat up men guilty of sexual misconduct.¹⁰⁰ A would-be adulterous husband who hops into bed with a woman he mistakenly thought was the joiner's wife finds himself the victim of violence from his own wife, as she 'kickt him and thumpt him and beat him like dirt'.¹⁰¹ That the errant husband is specifically being punished for his attempts to seduce another man's wife is underlined by the fact that he meets his come-uppance in the very bed in which he intended to commit adultery. A man by the name of 'Slippery Will', who had had a string of paramours, gets a violent welcome when he visits his former sweethearts. Implements which are long and narrow and allude to the phallus - a spit, knife and distaff - are used against Will as weapons, underlining the sexual nature of the transgression which prompted the attack.¹⁰² Several women plan violence against 'Kentish Dick' who has made them pregnant. That Dick's sexual misdemeanour is the cause of the proposed assault is evident as the women plan violence against his genitals only; the ballad's lines include 'We'll geld him says one,/ of nutmegs we'll free him,/ if ever we see him', and 'Let's sever from him,/ That unruly limb'.¹⁰³ Over-persistent suitors are attacked by a cook-maid who uses the tools of her trade - a ladle, spit, and broom - to see off their importunities.¹⁰⁴ Women also used violence to punish their daughters for sexual impropriety and to deter men

¹⁰⁰ Würzbach, *English Street Ballad*, pp. 64-74; Wiltenberg, *Disorderly Women*, p. 90.

¹⁰¹ *Biter Bitten* in *Euing Collection*, p. 25.

¹⁰² *Slippery Will* in W. Chappell & J. W. Ebsworth (eds.), *The Roxburghe Ballads* (Hertford, 1872-99), vol. 2, p. 503. Wiltenburg, *Disorderly Women*, p. 190.

¹⁰³ *Kentish Dick* in *The Euing Collection*, p. 232.

who attempted to have illicit sex with their daughters.¹⁰⁵ The balladic depictions of women maintaining sexual standards using, exceptionally, violence as their means, accord with the role early modern women had in maintaining sexual standards in their communities. The literature, which would have reached a mass audience, conforms with social convention and the women's violence offers confirmation, rather than a threat, to existing gender roles.

Sexually transgressive men were one of the groups against which women were depicted using violence in the ballads; the other regularly portrayed target of female violence was the tailor. In contrast to the theme of the female warrior, which saw the possibilities for women's physical aggression being explored, texts which featured tailors being physically bettered by women saw the relationship between violence and gender being examined from a different perspective. In contrast to the men beaten by female warriors, who usually emerged from their contests with some dignity, the tailors targeted by women have none. Armed only with a black pudding, a single woman is able to frighten a group of tailors into giving her money, whilst *Courageous Betty of Chick Lane* takes on and trounces two tailors who provoke her in the street.¹⁰⁶ Six London women press-gang fourteen tailors into joining the navy in one ballad and, when accosted, one of the unlucky tailors cries out that he has 'never us'd weapon, but bodkin and shears',

¹⁰⁴ *The Coy Cookmaid* in *The Euing Collection*, p. 62.

¹⁰⁵ *The Lovely Northern Lass* and *The Merry Hay-Makers* in *The Euing Collection*, pp. 264, 345.

¹⁰⁶ *A Leicester-shire Frolick; Or the Valiant Cook-Maid* in *English Ballads* [n.p., n.d.], p. 5; *Courageous Betty of Chick-Lane* in Chappell & Ebsworth (eds.), *Roxburghe Ballads*, vol. 3, pp. 641-44.

another that 'I'm undone,/ I never did know the right end of a gun'.¹⁰⁷ In a sequel to this ballad, a tailor confesses that 'for my own part I ne'er fought in my life.'¹⁰⁸

The tailors' lack of manliness is expressed by their unfamiliarity with weapons and their inexperience of fighting. Physical courage and familiarity with violence are, the ballads imply, a vital part of being a man. Elizabeth Foyster has argued that the laughter provoked by ballads was 'a serious means of gender control', as readers and listeners were tacitly warned that 'unless they accept their prescribed gender roles they themselves could become fools subject to laughter'.¹⁰⁹ Men lacking the ability and inclination to use violence are presented as ridiculous and the lesson that boys and young men were taught, as they were encouraged to join in violent games, is reiterated by the ballads.

Balladic representations of women using physical violence against each other are infrequent.¹¹⁰ Why did conflicts amongst women fail to arouse the interest of male authors? Was this a theme which failed to please their market? A ballad which, unusually, does feature two women fighting presents neither in a favourable light. In *A New Dialogue Between Alice and Beatrice as they met at the Market one Morning Early*, insults are slung between the two women who attack each other's sexual reputation by exchanging the words jade, whore and dirty queen. The women's skills of mothering and housewifery are then called into question, as they describe each others' children as dirty and lousy. Towards the

¹⁰⁷ *The Maiden's Frolick* in Chappell & Ebsworth (eds.), *Roxburghe Ballads*, vol. 3, p. 402.

¹⁰⁸ *An Answer to the Maiden's Frolick* in *The Euing Collection*, p. 5.

¹⁰⁹ E. Foyster, 'A laughing matter? Marital discord and gender control in seventeenth-century England', *Rural History*, 4 (1993), pp. 6-7, 18. Literature other than ballads mocked men who were the victims of female violence; the character 'Jack Hold My-Staff' in the pamphlet *The New Brawle, Or, Turnmill-Street Against Rosemary Lane* (London, 1654), is presented as a figure of fun as he is beaten by his wife.

¹¹⁰ Wiltenburg, *Disorderly Women*, pp. 194-95.

close of the ballad, the women start fighting. To Alice are attributed the lines 'See how she claws with ugly paws,/ and I'll fell you to the Ground;/ You have tore my Hood, and shall make it good,/ If it cost me Forty Pound.'¹¹¹ The language Alice employs to describe her opponent Beatrice is derogatory, as 'claws' and 'ugly paws' debase her to animal status. However, Alice herself emerges as vindictive and malicious, as she expresses her intention to have the damage to her hood made good at any price. Clearly, women who fought amongst themselves were not to be emulated.¹¹²

Why were women who engaged in violence against their own sex presented as contemptible, or, more usually, the possibilities of a plot centred on fighting women simply eschewed? A tentative explanation is that ballad writers, and possibly consumers too, were reluctant to portray women unambiguously as powerful. The two situations in which women were most frequently presented using violence - to mock cowardly men and when asserting sexual standards - give only narrow license to women's power. In the first category of violence, women only emerge as powerful because the tailors are extraordinarily weak. In relation to the second, it is questionable how far attributing to women responsibility for maintaining sexual standards can be described as empowering.¹¹³ The positive depiction of women using violence to settle conflicts amongst themselves would have been a validation of women's physical power.

¹¹¹ *A New Dialogue Between Alice and Beatrice, As they Met at the Market one Morning Early* (c. 1685-88) in *Bagford Ballads*, vol. 1, p. 70. The ballad was to be sung to the tune of Mopsaphil.

¹¹² Packed with sexual puns and jokes about farting, the pamphlet *The Gossips Braule, or, the Women Weare the Breeches* (London, 1655) offers a derisive depiction of a fish-woman and female alehouse keeper who fall to blows.

¹¹³ See K. Thomas, 'The double standard', *Journal of the History of Ideas*, 20 (1959), pp. 195-216.

This was a representation of which people in the seventeenth century were increasingly wary. Susan Amussen has interpreted the shifting focus of rough music in the late eighteenth and early nineteenth centuries from the punishment of women who beat or otherwise dominated their husbands, to men who beat their wives, as an indication that people preferred to imagine women as men's victims rather than as being aggressive and powerful themselves.¹¹⁴ A different chronology, but a comparable change, has been identified by Garthine Walker who, drawing on court depositions, has suggested that after the Restoration the threat posed by women's criminality was intentionally downplayed.¹¹⁵ The ballads themselves do not shed light on the chronology of a decreasing emphasis on women's power and its corollary, an increasing emphasis on women as victims of violence. Ballads were part of an oral as well as a literate culture and their change over time is hard to chart, as the date at which a specific ballad was first introduced, reached the peak of its circulation or dropped out of view, is often unclear.¹¹⁶ In any event, the relative absence of the theme of violence amongst women in the ballads suggests an on-going antipathy towards women's violence, continuity rather than change. The evidence presented by the ritual of rough music, the narratives of court depositions and the ballads is not contradictory. Rather, they indicate that early modern attitudes towards violence were not

¹¹⁴ Amussen, 'The gendering of popular culture', pp. 66-67; The changes in the ritual are explored in E. P. Thompson, *Customs in Common* (London, 1991), pp. 505, 510-13; Ingram, 'Rough music', pp. 79-113. Women's vulnerability to violence was also increasingly emphasised as wife-beating was reviled and demonised in print; M. Hunt, 'Wife-beating, domesticity and women's independence in eighteenth-century London', *Gender & History*, 4 (1992), p. 25.

¹¹⁵ G. Walker, 'Crime, gender and the social order in early modern Cheshire' (PhD thesis, Univ. of Liverpool, 1994), p. 99.

uniform and that change in the cultural meaning of violence was piecemeal and slow.

CONCLUSION

Understandings of interpersonal violence were rooted in early modern thought on a range of subjects. As we saw in Chapter One, ideas about violence were strongly shaped by political considerations and religious beliefs. This chapter has shown that ideas about the body also had a powerful impact on understandings of violence, as it has assessed the impact of humours, alcohol, ageing and the importance of sex difference. Ideas about violence were enmeshed with many aspects of seventeenth-century social life. In this and the preceding chapter we have seen that violence was discussed and defined in sermons delivered orally in churches, in prose texts read in homes and in ballads hawked on the street. Meanings of violence were articulated by different means and in a variety of places; it is not a concept readily extricated from its milieu. In addition to being defined and contested by the spoken and written word, specific understandings of violence were embodied in physical conduct, as people exchanged blows with one another. The records generated by the process of prosecution shed light on the meanings invested in the practice of violence and it is to these we now turn.

CHAPTER THREE: PROSECUTING VIOLENCE

INTRODUCTION

The historical context in which violence occurred is important. Chapters One and Two have demonstrated this as understandings of interpersonal violence in early modern England have been shown to be closely related to other aspects of contemporary culture, including religious belief and concepts of physiology. This chapter will continue this process of contextualising violence so that its significance to seventeenth-century people can be better appreciated. The use of force by, and the participation in litigation of, people living in seventeenth-century Worcestershire forms the focus of this and the following chapters. This Chapter will therefore start by placing such actions in a broader context, by briefly delineating key demographic and economic characteristics of the county in which they lived. It will then narrow its focus to explore the range of options available to those who wished to prosecute following incidents of violence. This section has a dual purpose. First, it aims to indicate the processes by which the judicial source material which will subsequently be drawn upon was created and to assess the interpretative difficulties it raises. Second, it examines the ways in which acts of violence were defined within the early modern English legal system. This section will focus particularly on the court of quarter sessions, which dealt with larger numbers of cases involving violence than did other courts. It will look closely at two of the legal instruments used by the court to prosecute violence, namely the recognizance and the indictment.

THE COUNTY

The population of Worcestershire in 1630 has been estimated to have been 78,000.¹ One of the more densely populated areas was the fertile agricultural region in the south-east of the county, which included the productive Vale of Evesham.² The areas to the west of the River Severn and in the north of the county included more 'woodie hills' and were relatively sparsely populated.³ The most populous part of the county was Worcester, a city which had seen considerable growth during the sixteenth century and which continued to grow in the seventeenth.⁴ The city's population has been estimated at around 8,500 in 1646 (when a census was taken by the occupying Royalists) and 10,650 in 1678 (when the hearth tax was collected).⁵ One contemporary claimed that 'the multitude of people doe dailie increase', and immigration played an important role in the expansion of Worcester's population.⁶ On the eve of the Civil War, Worcester, which functioned as a market town, an inland port and the centre of a diocese, was the largest town in the west midlands.⁷

¹ K. McP. Buchanan, 'Studies in the localization of seventeenth-century Worcestershire industries (1600-1650)', Part I, *TWAS*, ns., 17 (1940), p. 40.

² R. H. Silcock, 'County government in Worcestershire, 1603-1660' (PhD thesis, Univ. of London, 1974), p. 11.

³ Silcock, 'County government', pp. 11, 21; Buchanan, 'Worcestershire industries', Part II, *TWAS*, ns., 18 (1941), p. 31.

⁴ A. Dyer, *The City of Worcester in the Sixteenth Century* (Leicester, 1973), pp. 25-27; P. Corfield, 'Urban development in England and Wales in the sixteenth and seventeenth centuries' in D. C. Coleman & A. H. John (eds.), *Trade, Government and Economy in Pre-Industrial England* (London, 1976), p. 219.

⁵ Dyer, *Worcester*, p. 26; C. A. F. Meekings, S. Porter & I. Roy (eds.), *The Hearth Tax Collectors' Book for Worcester 1679-1680*, Worcestershire Historical Society, ns., 11 (Leeds, 1983), p. 32.

⁶ Cited in I. Roy & S. Porter, 'The social and economic structure of an early modern suburb: the Tything at Worcester', *BIHR*, 53 (1980), p. 203.

⁷ Roy & Porter, 'The Tything at Worcester', pp. 203-05; Meekings, Porter & Roy (eds.), *Hearth Tax*, p. 37.

Despite efforts to maintain a neutral stance the city was inextricably caught up in the Civil War, for it became a key royalist stronghold, and in September 1651 was the location of the Battle of Worcester, Charles II's last-ditch attempt to defeat the Parliamentarians.⁸ The aftermath of the battle saw the temporary suspension of the city's government, a rise in the problem of poverty and repairs which had still to be completed by the 1670s.⁹ For most of the century, however, those living in the city and elsewhere in the county experienced peaceful conditions. The key economic activities in which they engaged will now be outlined.

In many respects, Worcestershire's economy was similar to that of other English counties and included, for example, women's unpaid domestic labour which involved tasks such as rearing children, cleaning homes and mending clothes.¹⁰ As elsewhere in England, another central economic activity was the marketing of foodstuffs and goods produced and manufactured within the county and further afield.¹¹ A more distinctive feature of Worcester's economy was importance of the production of cloth to it. Ryeland sheep grazed in the vicinity gave a high quality wool. This was made into broadcloth and sent, undyed, to London where it was sold to customers including the Levant Company.¹² Elsewhere in the county, processing textiles played a significant role in the economy: woollen caps were made in Bewdley, felt hats in Stourbridge and

⁸ C. D. Gilbert, 'A sermon in Civil War Worcestershire', *TWAS*, 3rd s., 16 (1998), p. 179.

⁹ S. K. Roberts, 'Oliver Cromwell and the city of Worcester', *TWAS*, 3rd s., 16 (1998), pp. 169-75; S. Porter, *Destruction in the English Civil Wars* (Stroud, 1997), *passim*.

¹⁰ For one seventeenth-century Worcestershire woman's varied economic activities, and the disruption caused to her by the Civil War, see BL, Egerton MS 3054, Joyce Jefferies' Diary.

¹¹ For exchange between different zones of the county see Silcock, 'County government', p. 12.

¹² G. Talbot, 'Worcester as an industrial and commercial centre, 1660-1750', *TWAS*, 3rd s., 10 (1986), pp. 91-102.

Kidderminster.¹³ Lighter textile industries of glove-making and silk-weaving occurred in the south of the county.¹⁴ Leather-working was a dominant industry in the east of the county, where it occupied over sixty percent of the parish of Alvechurch's industrial workers in the first part of the seventeenth century.¹⁵ Iron ores mined in the north-east of the county underpinned metal-working, including the manufacture of nails, scythes, wheels (which included iron components), and ploughs.¹⁶ A single industry was of particular importance in Droitwich, as Celia Fiennes (1662-1741) observed when she travelled through the town where 'they boyle much salt'.¹⁷ The south of the county produced consumables from its agricultural produce, for example as apples and pears were made into cider and perry.¹⁸

Agricultural practices and the standard of living within Worcestershire changed significantly during the seventeenth century, as Peter Large's excellent study of a single manor demonstrates. For the inhabitants of Ombersley, a manor between Worcester and Kidderminster, the century began following a period of 'scarcytie' in the late 1590s.¹⁹ Price volatility was such that in the 1620s people complained that the 'times are cheape', while in the 1690s tenants could be

¹³ *VCH*, vol. 2, p. 299; Buchanan, 'Worcestershire industries' Part III, *TWAS*, ns., 19 (1943), pp. 45-46; The changing textile industry in seventeenth-century Kidderminster is explored in C. D. Gilbert, 'Kidderminster's early carpet industry', *TWAS*, 3rd s., 12 (1990), pp. 213-23.

¹⁴ Buchanan, 'Worcestershire industries', Part III, p. 46; Silcock, 'County government', p. 13.

¹⁵ Buchanan, 'Worcestershire industries', Part III, p. 51.

¹⁶ *VCH*, vol. 2, p. 267-71.

¹⁷ Fiennes also observed the dominance of the textile trade in Kidderminster, and the large volume of traffic which used the River Severn; C. Fiennes, *The Journeys of Celia Fiennes*, ed. by C. Marsh (London, 1949), pp. 231-32. The importance of salt to Droitwich emerges in its borough records; WCRO, BA 1006/261.4/33, Droitwich Borough Documents; *VCH*, vol. 2, p. 256-63.

¹⁸ *VCH*, vol. 2, pp. 252-53.

¹⁹ P. Large, 'Rural society and agricultural change: the case of Ombersley, 1580-1700' in J. Chartres & D. Hey (eds.), *English Rural Society, 1500-1800* (Cambridge, 1990), p. 128.

described as 'many of them not poore though not any of them very rich'.²⁰ Agriculture was mainly arable and sheep-farming. The Ryeland sheep kept on common waste ground during the day fertilized the arable land at night. Arable farming in Ombersley became more productive during the century, as the introduction of nitrogen-fixing pulse crops enriched the soil, and permitted a three-crop rotation. In particular, the use of clover meant there was more fodder for sheep and larger flocks produced more manure with which to fertilize the land.

The example of agricultural change in Ombersley illustrates how developments in agriculture and industry meant that Worcestershire's economy was in a constant state of evolution during the seventeenth century. It underlines the fact that interpersonal violence occurred within an uncertain and sometimes difficult economic climate. Moreover, it demonstrates that violence was only one aspect of the activities of the men and women whose aggression looms large in this study. Andrew Yarranton (1616-1684), who was frequently involved in disputes, played a particularly active role in modernising Worcestershire's agricultural and industrial practices. Initially a linen-draper's apprentice, Yarranton found the shop 'too narrow and short for my large mind' and quit this trade.²¹ He went on to help introduce clover by extolling in print its empirically-tested benefits (to which 'no reasonable man can object') and by marketing it.²² River navigation schemes, and the improvement of techniques for iron-working and the manufacture of tin-plate were amongst other projects he applied himself

Agricultural change in Worcestershire is also discussed in J. A. Yelling, 'Changes in crop production in East Worcestershire 1540-1861', *Agricultural History Review*, 21 (1973), pp. 18-34.

²⁰ Large, 'Ombersley, 1580-1700', pp. 109, 128.

²¹ A. Yarranton, *England's Improvement by Sea and Land* (London, 1677), p. 177

²² Yarranton, *Improvement Improved by a Second Edition of the Great Improvement of Lands by Clover, or the Wonderful Advantage by, and Right Management of, Clover* (London, 1663), p. 12.

to, whilst his writings on military strategy were informed by his experience as a captain in the Parliamentary army during the Civil War. He also advocated the establishment of a Bank of England which would provide capital to those who wanted to innovate but could not afford to do so.²³ Yarranton's diverse achievements suggest that to privilege participation in violence as a measure of 'civility' may give a distorted view of the past.

An intensive analysis of the physical geography of Worcestershire might help elucidate the patterns of violence found in it, following the approach taken by David Underdown in *Revel, Riot and Rebellion*. Underdown presented the role of the environment as paramount in determining the type of agriculture practised, and hence the settlement patterns which occur, and in generating different forms of social organisation and interaction, including the quality of co-operation and conflict.²⁴ This geographically-deterministic 'forest/fielden' hypothesis is difficult to test as far as violence within a county unit is concerned. Finding sufficient suitable evidence from distinct local areas to prove the existence, or otherwise, of significant differences between them in either the frequency or nature of violence would be a practical difficulty. Moreover, as historian Neil Davie has argued, the hypothesis itself is problematic as it is not clear that physical factors determine land use, nor which land uses should be categorised as distinct (such as heath, marsh, fell, moorland, wold, fens, forest).²⁵

²³ One of Yarranton's schemes for developing rivers is BL, Additional MS 4473, fols 30v-31r. His life is discussed in G. H. C. Burley, 'Andrew Yarranton: a seventeenth-century Worcestershire worthy', *TWAS*, ns., 38 (1991), pp. 24-36; P. Brown, 'The military career of Andrew Yarranton', *TWAS*, 3rd s., 13 (1992), pp. 193-202.

²⁴ D. Underdown, *Revel, Riot and Rebellion: Popular Politics and Culture in England, 1603-1660* (Oxford, 1987), esp. ch. 4, 'Regional cultures'.

²⁵ N. Davie, 'Chalk and cheese? 'Fielden' and 'forest' communities in early modern England', *Journal of Historical Sociology*, 4 (1991), pp. 1-31.

If a single county unit is not conducive to an approach which emphasises the importance of physical geography in creating regional differences in culture, it does have other advantages. Before we close our discussion of the county of Worcestershire, we will reflect on what type of unit the seventeenth-century county was and what implications this has for the study of violence. Clive Holmes has argued that the county is not a helpful construct from which to approach many aspects of the lives of the early modern gentry. Holmes pointed out that educational experience and marital partners were acquired beyond the boundaries of the county whilst, conversely, a county's court of quarter sessions might frequently be experienced as a local, rather than county-wide, phenomenon.²⁶ Holmes' argument that the lives of the gentry were not bound up with a county community applies to other social groups. Our consideration of Worcestershire has highlighted the diverse agricultural and industrial practices which occurred within the county, many of which were highly localised. Occupational diversity engendered and reflected differences in the economic and cultural lives of those who lived within Worcestershire; life in the suburbs of the city of Worcester would have been a very different experience from living in a rural part of the county. Furthermore, recent immigrants and long-established local families might well have had a different understanding of the county. People, goods and ideas traversed the county's boundaries as trade and migration took place with neighbouring areas and between Worcestershire and the London metropolis over one hundred miles away. The diversity and permeability of the county unit make it an appropriate vehicle for the study of violence. The records generated in the

²⁶ C. Holmes, 'The county community in Stuart historiography', *Journal of British Studies*, 19 (1980), pp. 57-62.

administration of justice in Worcestershire touch on the lives of women and men with a variety of social and occupational backgrounds and living in different localities. In addition, the cultural significance attached to violence in Worcestershire is, as a consequence of migration into and out of the county, unlikely to represent an isolated pocket of opinion but will give us insights into ideas which had currency in neighbouring counties and further afield.

THE COURTS AND THE PROSECUTION OF VIOLENCE

A variety of courts operated within the county, whilst its people also had access to courts in London. Criminal, civil and, to a limited extent, ecclesiastical courts all had the authority to hear cases which had seen the use of force.²⁷ The range of courts which had jurisdiction over acts of force in interpersonal relations, and the array of legal mechanisms available to seventeenth-century women and men who wished to prosecute following threatened or realised violence, suggests that such violence was not regarded as a single category or type of behaviour by the early modern legal system. How did courts distinguish between incidents which had seen the use of violence? What factors were important in determining in which court a case would be heard? Our consideration of the prosecution of violence starts with two institutions which had jurisdiction over cases brought by litigants from across England, namely the Court of Common Pleas and the Court of Star Chamber.

²⁷ For the relevance of legal processes to social historians see J. H. Baker, 'The refinement of English criminal jurisprudence, 1500-1848' in L. A. Knafla (ed.), *Crime and Criminal Justice in Europe and Canada* (Ontario, 1981), p. 17 and A. Soman, 'Deviance and criminal justice in Western Europe, 1300-1800: an essay in structure', *Criminal Justice History*, 1 (1980), p. 4.

Court of Common Pleas

The Court of Common Pleas was a civil court located in London. Its jurisdiction occasionally included violence, as the court dealt with actions for trespass. These were, as the legal writer William Sheppard explained in 1651, 'some of them accompanied with a kinde, or at least with a colour of violence.'²⁸ The claim that a trespass had occurred '*vi et armis*' was included in order to obtain a writ of trespass and could be entirely fictitious.²⁹ The legal historian S. F. C. Milsom gives the fourteenth-century example of wine being drawn 'with force and arms' from a barrel and replaced with salt water.³⁰ The relationship between actions for trespass alleging that force had been used and genuine incidents of violence, is thus unclear. The scarcity of depositions for the Court of Common Pleas makes the circumstances leading to actions difficult to discern.³¹ Cases of assault were recorded in a formulaic fashion in the plea rolls, which provide information on the numbers prosecuted (Martin Ingram found that 38 Wiltshire cases appeared before the court in 1618), but yield few insights into contemporary attitudes towards violence.³² For this reason, and also because assaults were only a small proportion of the seventeenth-century Court's total business (which was

²⁸ The court was also known as the Bench or Common Bench. W. Sheppard, *The Faithful Councillor: Or, the Marrow of the Law in English* (London, 1651), p. 314, cited in C. W. Brooks, 'Litigants and attorneys in the King's Bench and Common Pleas, 1560-1640' in J. H. Baker (ed.), *Legal Records and the Historian* (London, 1978), p. 52. The operation of civil law courts is explored in Brooks, 'Interpersonal conflict and social tension: civil litigation in England, 1640-1830' in A. L. Beier, D. Cannadine & J. Rosenheim (eds.), *The First Modern Society: Essays in English History in Honour of Lawrence Stone* (Cambridge, 1989), pp. 357-99, and Brooks, *Pettyfoggers and Vipers of the Commonwealth: The 'Lower Branch' of the Legal Profession in Early Modern England* (Cambridge, 1986).

²⁹ Sheppard, *Faithful Councillor*, p. 315; S. F. C. Milsom, *Historical Foundations of the Common Law*, 2nd edn (London, 1981), p. 289.

³⁰ Milsom, *Historical Foundations*, p. 289.

³¹ M. Ingram, 'Communities and courts: law and disorder in early seventeenth-century Wiltshire', in J. S. Cockburn (ed.), *Crime in England 1550-1800* (London, 1977), pp. 120-21.

³² Ingram, 'Communities and courts', p. 323.

dominated by actions relating to debt), the records of Common Pleas will not be examined here.³³

Court of Star Chamber

Individuals willing to travel to London to litigate could also prosecute suits in the Court of Star Chamber at Westminster Palace. Only cases which had seen a breach of the King's peace fell within the jurisdiction of the court which, by the reign of James I, was a criminal court.³⁴ Despite this, the majority of suits brought before the court between 1603 and 1625 turned on property and public disorder was frequently alleged in order to get essentially private disputes heard.³⁵ Our analysis of this court's work will focus on two areas which are particularly relevant to the study of violence. First, we will consider what constituted a breach of the King's peace, exploring whether qualities ostensibly inherent in the act itself, or the circumstances surrounding a threat or act of violence, determined whether a particular type of behaviour was or was not a breach of the peace. Second, we will address the impact made by the stipulation that only cases which

³³ I am grateful to Dr. Malcolm Mercer of the PRO for his advice on this point. Ingram found that 78% of actions in the court were for debt, with assault making up 5% of the court's business; Ingram, 'Communities and courts', p. 114. Debt was likewise the main business of the Worcester Court of Pleas. WCRO, BA 9360/X496.5, Court Books, 1632-1665; WCRO, *Temporary Index to Worcester City Archives*, vol. 2, p. 10. The occasional pleas of trespass and assault made before the court were invariably formulaic, and will not be explored here; see WCRO, BA 9360/X496.5, Court Book, 1658-1659, fols 8v, 13v, 47v.

³⁴ The changing jurisdiction of the court is clearly explained in the information produced by the PRO, 'Class Lists, STAC 8: Introductory note to Court of Star Chamber Proceedings, James I.' The jurisdiction of the London-based common law court, the Court of King's Bench, included assault. The records of this court have not been used here as sufficient material has been gleaned from the other courts.

³⁵ PRO, 'Court of Star Chamber 1485-1642', Legal Records Information, 3; S. Hindle, 'Aspects of the relationship of the state and local society in early modern England, with special reference to Cheshire, c. 1590-1630' (PhD thesis, Univ. of Cambridge, 1992), p. 116; Brooks, *Pettyfoggers and Vipers*, p. 71; T. Barnes, 'Star chamber litigants and their counsel, 1596-1641' in Baker (ed.), *Legal Records*, p. 11.

involved such a breach fell within the court's remit, in particular asking: does it render the records of the court unreliable evidence for the history of violence?

What constituted a breach of the peace was not determined solely by the nature of the act in question. The place where it act had occurred, the person against whom it had been committed and the timing of the act were all important. This meant that even a direct threat to commit violence could be construed as falling short of a breach of the King's peace, thereby excluding the case from the court's remit.³⁶ Sir John Acton of Emely Lovett, Worcestershire, did not deny the allegation made against him in 1607, that he had threatened to cut the throat of William Amphlett, an attorney in the Court of Common Pleas, and that he had challenged him to a duel because Amphlett had been engaged to conduct legal work against Acton to recover a debt.³⁷ Acton argued in a demurrer (the process by which a case was rejected, rather than answered) that the case did not fall within the jurisdiction of the court. The grounds on which he based his demurrer were that Amphlett's bill 'contaynes no matter of ryott violence or Breach of the peace', but 'woordes of heat and passion'. Such 'woordes' had been used towards the complainant 'whoe is no magistrate or man of publikce authoritie, neither were the same used in any place where there was any execution of Justice of publicke service but in a private chamber.'³⁸ Acton's demurrer suggests that threats or acts of violence were not judged, by the Court of Star Chamber, solely according to their potential to evoke fear or to harm. Rather, such acts were considered in the light of factors including the status of those involved, and the

³⁶ Milsom, *Historical Foundations*, pp. 286-87.

³⁷ PRO, STAC 8/43/19.

significance of the location and time. More specifically, the impact of the defendants' acts on the authority of the state emerges as important to definitions of a breach of the peace relevant to the court, as Acton emphasises that his opponent was not a representative of the state, and argues that his words did not occur at a place or time when the state was engaged in the operation of justice. The implication is that had Acton made an identical threat of violence during 'any execution of Justice' or against a public official, it would have constituted a breach of the peace which fell within the court's purview.

The idea, that physical violence was inappropriate when the operation of justice was underway, was not merely a legal device used by gentlemen to extricate themselves from law-suits. Rather, it had currency beyond the courtroom. For example, following an insult, one man put his hand to his sword but refrained from drawing it, telling his opponent, 'If it were not Assize time I would not take such Language from you'.³⁹ We saw in Chapter One that violence which challenged the state, by targetting a state official, was deeply offensive to those in positions of authority. That violence which undermined the dignity of the state, by occurring during the exercise of its judicial power, was likewise perceived as especially heinous reinforces the sense in which the meanings attributed to violence were context-dependent.⁴⁰

³⁸ PRO, STAC 8/43/19. For the difference between a demurrer and an answer see T. G. Barnes, 'The archives and archival problems of the Elizabethan and early Stuart Star Chamber', *Journal of the Society of Archivists*, 4 (1963), p. 349.

³⁹ *Modern Reports, or Selected cases adjudged in the courts of King's Bench, Chancery, Common Pleas and Exchequer, Since the Restauration of His Majesty King Charles II* (London, 1682), p. 3. Richard Cust has likewise argued that violence was seen as an unsuitable response in settings which included the county bench, R. Cust, 'Violence and gentry honour in early Stuart England', Unpublished paper delivered at the North American Conference of British Studies, Boston 1999.

⁴⁰ The argument that 'the meaning of violence is rarely entirely intrinsic to the action' is also put forward in S.D. Amussen, 'Punishment, discipline, and power: the social meanings of violence in early modern England', *Journal of British Studies*, 34 (1995), p. 2.

The condition, that a breach of the peace had to be alleged in order to get a case heard, provided would-be litigants with a big incentive either to exaggerate their reports of violent encounters or to invent such incidents. As the case involving Acton and Amphlitt indicates, even clear threats of violence might not constitute a breach of the peace which merited the attention of the court. Moreover, in addition to the fact that reference to violence may have been made merely to satisfy the technical requirements of the court, the very language in which violence was described could be formulaic.⁴¹ Does this render the verbose accounts of violence given to the Court of Star Chamber, in bills and in answers, uncertain and unreliable as historical evidence?

Two arguments suggest the records do offer us some insights into contemporary ideas about physical violence. First, the interpretative difficulties posed by the use of formulaic language are surmountable, for the use of such language was relatively restricted. Whilst lists of ‘unlawfull weapons, as namely Swords, daggers forest Billes Pitchforkes Gunnes charged with powder and Shott’, are similar from one document to another, and opponents’ actions are regularly labelled as ‘Ryotous Rwotous and unlawfull’, the accounts of physical violence are otherwise dissimilar.⁴² Similar tropes were sometimes alluded to by litigants pursuing different cases, including the extensiveness of injuries sustained or the poverty of the litigant, but this was because of the cultural freight they bore, rather than a direct consequence of the requirements of legal terminology.

Second, it was in the interests of both parties to construct a plausible narrative about the events which had ultimately led to the launching of a suit in

⁴¹ Barnes, ‘Star chamber litigants’, p. 13; T. Barnes, ‘Due process and slow process in the late Elizabethan – early Stuart Star Chamber’, *American Journal of Legal History*, 6 (1962), p. 235.

Star Chamber, so, whilst the stories of violence may be wildly inaccurate (or even wholly fictitious) representations, they needed to be read as though they might be true. As Thomas Cohen has argued, 'an outright lie embodies cultural truth, for, to be believed, the teller must skirt the shores of verisimilitude.'⁴³ Moreover, whilst the relationship between the depositions and the events they purport to describe is potentially a tenuous one, the fact that witnesses might be interrogated provided litigants with an incentive to tell coherent stories which would win support from the testimonies of other witnesses.

Only Star Chamber cases pursued during the reign of James I will be drawn upon in the following chapters, as fewer records are extant for the reign of Charles I and the court was abolished by the Long Parliament in 1641. The social profile of litigants in the Court of Star Chamber was unrepresentative of the population as a whole, as over fifty percent of the plaintiffs and defendants were of gentle status.⁴⁴ This reflected the fact that 'longe and tedious travell' had to be made from Worcestershire to appear before the Westminster court.⁴⁵ In addition to the costs of travel, the demands made by the court itself on litigants' finances also excluded the less wealthy members of the community.⁴⁶ Consequently, the court better documents the use of violence amongst the elite than it does amongst the population as a whole.

⁴² PRO, STAC 8/30/1.

⁴³ T. V. Cohen, 'The lay liturgy of affront in sixteenth-century Italy', *Journal of Social History*, 25 (1992), p. 859.

⁴⁴ Barnes, 'Star Chamber litigants', p. 10.

⁴⁵ PRO, STAC 8/58/113.

⁴⁶ For fees payable see Barnes, 'Archives and archival problems', pp. 348, 359.

Ecclesiastical Courts

Thus far we have considered a civil and a criminal court; a third type of justice was meted out by the ecclesiastical courts. As in the Court of Star Chamber, the status of the individuals involved in violence and the specific location at which it occurred, were of paramount importance in determining which incidents of physical violence were dealt with by the consistory courts. These courts prosecuted disciplinary (office, *ex officio*) offences, including violence committed by clergymen and that committed by members of the laity within the church precincts.⁴⁷ Depositions, relating to the correction of both clerks and laity, are extant for the consistory court of the Bishop of Worcester and those which recount episodes of violence will be used.⁴⁸ The church also had jurisdiction over instance suits, disputes between parties which included defamation, tithe and marital disputes. Divorce was not available for marriages which had broken down, but separation from bed and board (*a mensa et thoro*) could be sought through the church courts. The accounts of the parties involved in such suits and those of their witnesses provide insights into marital violence.⁴⁹ Cases followed canon law procedures and appeals from the diocese of Worcester went to the Archbishop's court of appeal for the Province of Canterbury, the Court of Arches, which sat in London. Court of Arches' records for the last third of the seventeenth century are

⁴⁷ For a comprehensive discussion of the structure, procedures and business of church courts see M. Ingram, *Church Courts, Sex and Marriage in England, 1570-1640* (Cambridge, 1990), ch. 1.

⁴⁸ WCRO, BA 2642/797.6/1 'Consistory Court of the Bishop of Worcester, papers, 1679-1718'; BA 2638/795.61 'Consistory Court of the Bishop of Worcester, papers, late seventeenth and early eighteenth century'.

⁴⁹ See below, ch. 4. A. Tarver, *Church Court Records: An Introduction for Family and Local Historians* (Chichester, 1995), p. 90; L. Gowing, *Domestic Dangers: Women, Words and Sex in Early Modern London* (Oxford, 1996), ch. 6.

extant (earlier records were destroyed by the Great Fire of London) and those which concern cases initiated in Worcestershire are employed.⁵⁰

Manorial Courts

In contrast to those who litigated at the Court of Star Chamber, those participating in local manorial courts, which were held on the authority of the lord of the manor, included a high proportion of people of relatively humble social status and limited financial means. Comprised of distinct elements of the court leet (or view of frankpledge) and court baron, which were held together in the same session, manorial courts usually met once or twice a year.⁵¹ They had the jurisdiction to try cases of assault and, as the historian Walter King has argued, some manorial courts actively exercised this aspect of their authority in the seventeenth century.⁵² In the relatively powerful court leet at Prescott, Lancashire, a mean of approximately thirty cases of assault were tried each year between 1615 and 1660.⁵³ Whether an assault had drawn blood or not was noted and assaults were punished with fines. Elsewhere in the country, the vitality of manorial courts had often waned and by the seventeenth century assault was no longer an important part of their work.

⁵⁰ For the jurisdiction and archives of the court see M. D. Slatter, 'The records of the Court of Arches', *Journal of Ecclesiastical History*, 4 (1953), pp. 139-53; Slatter, 'The study of the records of the Court of Arches', *Journal of the Society of Archivists*, 1 (1955), pp. 29-31; M. Barber, 'Records of the Court of Arches in Lambeth Palace Library', *Ecclesiastical Law Journal*, 3 (1993), pp. 10-19.

⁵¹ M. Ellis, *Using Manorial Records*, 2nd edn (London, 1997); P. D. A. Harvey, *Manorial Records*, British Records Association, Archives and the User, 5 (London, 1984), ch. 5; P. D. A. Harvey, *Manorial Court Rolls: Short Guides to Records* (London, 1993).

⁵² W. J. King, 'Untapped resources for social historians: court leet records', *Journal of Social History*, 15 (1982), pp. 699-705. For the court's procedures see King, 'Leet jurors and the search for law and order in seventeenth-century England: "Galling persecution" or "reasonable justice"?', *Histoire Sociale - Social History*, 13 (1980), pp. 305-23.

⁵³ King, 'Untapped resources', p. 699-701.

To what extent were manorial courts in Worcestershire active in the prosecution of those suspected of assault? A sample of manorial court records was examined to gauge the proportion of business which concerned violent offences. The sample, which included courts held between 1631 and 1692, was drawn from manors located in different parts of the county, namely Earl's Croome in the south, Cotheridge in the west, and, in the north, both Halesowen and Chaddersley.⁵⁴ Whilst active in charting changing land ownership and in addressing a range of anti-social activities, including the keeping of geese on common ground and changing the watercourse, there is no evidence that assault was an offence dealt with by these courts. Similarly, in the adjacent county of Warwickshire, incidents of physical violence rarely came to the attention of manorial courts. In Claverdon, 1654, twenty presentments were made, the majority of which concerned the maintenance of common ground. One of the presentments did concern interpersonal violence, for a married woman was fined three shillings four pence for assaulting and drawing the blood of one John Biddle.⁵⁵ Manorial courts, in seventeenth-century Worcestershire, may occasionally have tried assault but it was not a regular component of the courts' business and their records are not examined further. A far more important role in curbing interpersonal violence was played by a different local court, the court of quarter sessions.

⁵⁴ WCRO, BA 111/705:53/2(v), BA 845/705:93/4, BA 4600/705:550/776(ii) 'Manorial court records'; SBTRO, DR 5/3136-39 'Manorial court records'. The typical business of a Worcestershire manorial court is discussed in R. Woodall, 'The manorial court of the Manor of Hales, 1690-1870', *Studies in Worcestershire Local History*, 6 (1992), pp. 19-27.

⁵⁵ SBTRO, ER 24/11/17 'Manorial court records'. A suicide was recorded in the court leet in Newton, 1657, as the woman's property was thereby forfeited to the lord; SBTRO, ER 119/36 'Manorial court records'.

Court of Quarter Sessions

This is the final court we shall consider and the one whose records will be most intensively used. Men of means, authorised by a commission of the peace to act as justices of peace, along with court clerks and members of the grand and petty juries, assembled in the town at which a county's sessions were being held. They met four times yearly, sometimes in an open area such a marketplace.⁵⁶ The court's administrative responsibilities included poor relief, the maintenance of highways and the licensing of alehouses, while the judicial caseload frequently featured cases of larceny and assault. The court generally dealt only with non-felonious offences and crimes which carried the death penalty, including homicide, infanticide and rape, were conventionally tried by the court of assizes.

Recognizances, indictments, depositions, letters and calendars of prisoners are amongst the documents which have survived for the seventeenth-century court in Worcestershire. Order books, in which the decisions of the court were recorded, including the penalties for those found guilty of assault, are not extant for most of the century.⁵⁷ The records of Worcester's City Court of Sessions, which met at the Guildhall, are especially informative about relations between masters and

⁵⁶ The process of appointing, and renewing appointments to, justice of the peace is explained by D. H. Allen, *Essex Quarter-Sessions Order Book, 1652-1661* (Chelmsford, 1974), pp. ix-xiii. Complaints of crime and misdemeanour were presented to the grand jury, and if found valid, offenders were tried before a petty jury; Allen, *Essex Quarter-Sessions*, p. xvii; N. Landau, *The Justices of the Peace, 1679-1760* (Berkeley, Calif., 1984), p. 241. For the court's procedure see A. Barrett & C. Harrison (eds.), *Crime and Punishment in England: A Sourcebook* (London, 1999), pp. 100-05, and T. Barnes, 'Examination before a justice in the seventeenth century', *Somerset & Dorset Notes & Queries*, 27 (1955), 39-42; for a discussion of its records see R. Shoemaker, 'Using quarter sessions records as evidence for the study of crime and criminal justice', *Archives*, 20 (1993), pp. 145-57; The Worcestershire County Court is explored in Bund, *Calendar*, 'Introduction' and Silcock, 'County government', ch. 6.

⁵⁷ Order books for Worcestershire are extant from 1696. The records of the court have been calendered for part of the seventeenth century in Bund, *Calendar*. Order books for other counties' court of quarter sessions indicate the type of evidence they offer, see for example Allen, *Essex Quarter-Sessions*.

apprentices, and will be explored in the following chapter.⁵⁸ Here, however, the numerically most significant documents to have survived from the Worcestershire Court of Quarter Sessions, recognizances and indictments, will be considered.

RECOGNIZANCES

An important mechanism for the prosecution of those who had behaved, or threatened to behave, violently, was the recognizance.⁵⁹ This was a bond issued by a justice of the peace at the request of an individual or group of people who (in the case of recognizances to keep the peace) swore on oath that they were in fear of ‘corporall damage’.⁶⁰ The person, whom they swore they feared, was bound over to pay the crown a specified sum of money in the event that the recognizance was forfeited. They were also obliged to provide sureties, usually two members of the community, who were each willing to pay half the sum owed if the recognizance was defaulted upon. A recognizance could be forfeit if the individual bound over breached a condition of the recognizance (for example by assaulting the person they were supposed to keep the peace towards) or by not appearing at the next court of quarter sessions.⁶¹ Two types of recognizance are directly relevant to a consideration of the prosecution of violence: recognizances to keep the peace and recognizances to be of good behaviour. A recognizance to keep the peace was more specific, and thus harder to forfeit, than a recognizance to be of good

⁵⁸ WCRO, BA 9360/X496.5 ‘Court Books’.

⁵⁹ A comprehensive discussion of the recognizance is offered by S. Hindle, ‘The keeping of the public peace’ in P. Griffiths, A. Fox, & S. Hindle (eds.), *The Experience of Authority in Early Modern England* (London, 1996), pp. 213–48; Hindle, *The State and Social Change in Early Modern England, c. 1550–1640* (Basingstoke, 2000), ch. 4.

⁶⁰ A. Fitz-Herbert, *The New Natura Brevium* (London, 1652), p. 192.

⁶¹ M. Dalton, *The Countrey Justice, Containing the Practice of the Justices of the Peace out of their Sessions*, 6th edn (London, 1655) p. 199.

behaviour.⁶² Further types of recognizance were used to compel people to carry out certain public duties, to appear and give evidence at court and to permit people to keep alehouses.⁶³ Although conditions, to the effect that good order should be maintained, were regularly included in Worcestershire recognizances for alehouse keepers, the prevention of physical violence was not specifically demanded and these bonds will not be considered here.

Recognizances were granted between meetings of the court of quarter sessions, when participants in a conflict approached their local justice for a speedy remedy. Many of them were not certified (that is, returned to the court of quarter sessions), making a precise assessment of their quantitative importance impossible. Justices of the peace usually kept track of the recognizances they personally authorised in their notebooks. Those notebooks which have survived demonstrate that dealing with assaults constituted a significant proportion of a justice's workload. They also testify to the importance of recognizances as a device for controlling violence.⁶⁴ For example, assaults constituted over two-thirds of the offences which came before the eighteenth-century Hackney Justice Henry Norris. Incidents of violence, and the procedure of binding over, have a similarly high profile in the notebooks of other justices working in the late-sixteenth through to the early-eighteenth centuries.⁶⁵

⁶² A contemporary view is provided by Dalton who considered the latter were 'more easily lost', Dalton, *The Countrey Justice*, p. 212; J. B. Samaha, 'The recognizance in Elizabethan law enforcement', *American Journal of Legal History*, 25 (1981), p. 198.

⁶³ In Worcestershire, recognizances to compel the execution of public duties were used less frequently than those securing the appearance of persons at the next sessions; Bund, *Calendar*, pp. xv-xvi.

⁶⁴ Hindle, 'The keeping of the public peace', p. 222. The certification of recognizances gave a basis for fining defaulters; J. Langbein, *Prosecuting Crime in the Renaissance: England, Germany, France* (Cambridge, Mass., 1974), p. 37.

⁶⁵ R. Paley (ed.), *Justice in Eighteenth-Century Hackney: The Justicing Notebook of Henry Norris and the Hackney Petty Sessions Book*, London Record Society, 28 (London, 1991), p. xvii. Warks

If, in the interval between binding over and the date of the next court of quarter sessions, amicable relations developed between the hitherto conflictual parties, the person who had requested the binding over could approach the justice and ask that the person bound over be released from the bond, and thus relieved of the duty of appearing at the sessions.⁶⁶ Sometimes friends of those who had requested recognizances to keep the peace approached the court asking that they be discharged, as in Worcestershire 1638 when one William Hopkins wrote to the Clerk of the Peace Francis Walker on behalf of two men. Hopkins stated that 'I with the helpe of another man did make them frends since they were Bounde' and requested that the men, who had been effectively warned by the recognizance 'to live att peace', be released.⁶⁷

The optimum outcome of reconciling conflicting parties was not always achieved. Recognizances might reduce the threat of violence, without eliminating it entirely, or completely fail to persuade or coerce recalcitrant disputants to abandon violence. Steve Hindle's article on recognizances demonstrates that in early modern Cheshire people responded in a variety of ways to the process of

CRO, CR 103 'William Bromley's notebook'; WCRO, BA 2057/779 'The papers of Sir Thomas Vernon JP'; J. H. Bettey (ed.), *The Casebook of Sir Francis Ashley JP Recorder of Dorchester 1614-35*, Dorset Record Society, 7 ([n.p.], 1981); [R.] Bulkeley, 'The diary of Bulkeley of Dronwy, Anglesey, 1630-1636', *Anglesey Antiquarian Society and Field Club Transactions*, (1937), pp. 26-168; J. Rosenheim (ed.), *The Notebook of Robert Doughty 1662-65*, Norfolk Record Society, 54 (Norwich, 1989); F. Hull (ed.), 'Henry Haule's notebook, 1590-1595', *Kent Records*, ns., 1 (1990-91), pp. 1-93; A. J. Kettle (ed.), 'Matthew Craddock's Book of Remembrance, 1614-15', *Collections for a History of Staffordshire*, 4th s., 16 (1994) pp. 67-169; C. Read (ed.), *William Lambarde and Local Government: His "Ephemeris" and Twenty-Nine Charges to Juries and Commissions* (Ithaca, NY, 1962) pp. 15-52; G. Leveson-Gower (ed.), 'Notebook of a Surrey justice [Bostock Fuller]', *Surrey Archaeological Collections*, 9 (1888), pp. 161-232; J. Pickering, 'Justice's notebook of Captain John Pickering, 1656-60', *Thoresby Society*, 11 (1904), pp. 69-100.

⁶⁶ Judges prohibited justices from discharging recognizances outside of quarter-sessions during the 1630s; N. Landau, *The Justices of the Peace, 1679-1760* (Berkeley, 1984), p. 186; The proportion of recognizances *concordantur* are discussed by Shoemaker, *Prosecution & Punishment*, pp. 102-3, and G. Walker, 'Crime, gender and the social order in early modern Cheshire' (PhD thesis, Univ. of Liverpool, 1994), pp. 102-3.

being bound over.⁶⁸ The same can be said of their contemporaries in Worcestershire. Limited success was won by the process of binding over in 1617 when Bromsgrove man Henry Cartlage, bound over to be of the good behaviour, went to Thomas Parr's house and 'strooke Parrs dogg sayinge good behaviour or good behaviour not if I may not strick a man I will strick a dogg'.⁶⁹ Conscious of the prohibition on his own behaviour, Cartlage refrained from committing violence against Parr himself, instead attacking him indirectly by striking his dog. One Thomas Sandy responded differently according to a petition submitted in 1620 to the Court of Quarter Sessions by one Jane Leech. Despite having been bound over to be of good behaviour at the last sessions, Sandy had since verbally abused her, 'calling her hore and pocky hore'. He had also lurked about her house 'haveing uppon him sometymes a longe javelyn staffe and some tymes a hunting staff'. Sandy declared that when he 'is att libertie and released' (that is, discharged from the recognizance) he would have his revenge, thus viewing the recognizance as only a temporary curb on his aggressive activities.⁷⁰

Whilst both Cartlage and Sandy modified their behaviour a little, specifically because they had been bound over, the fact of being bound over failed to make any impact at all on others. The behaviour of Michael Cooke of Hartlebury (Worcestershire) in the 1650s illustrates this. When the butcher Edward Best, whom Cooke was threatening, told him, 'Sir Remember you are upon the behaviour and you must appear before the Justices of the Peace', Cooke

⁶⁷ WCRO, BA 1/110/64/81; See also 110/181/31; 110/126/10; BA 2057/779/326 'The papers of Sir Thomas Vernon JP'.

⁶⁸ S. Hindle, 'The keeping of the public peace' in P. Griffiths, A. Fox & S. Hindle (eds.), *The Experience of Authority in Early Modern England* (London, 1996), pp. 231-36.

⁶⁹ WCRO, BA 1/110/29/58.

⁷⁰ WCRO, BA 1/110/33/87.

was said to have contemptuously answered, 'That hee cared not a fart for all the Justices'.⁷¹ Cooke's neighbour James Deane similarly complained that Cooke had 'assaulted him with words' and when he pointed out the fact that Cooke was 'upon the behaviour [he] slighted it and persisted in his abuses'.⁷²

Whilst the individuals who had been bound over were sometimes unmoved by the process, those who requested recognizances did not invariably enter into them in good spirit. This problem was recognised by justices, including Sir Richard Grosvenor who in 1636 warned his son against granting them too readily to neighbours seeking 'a way of revenge upon the least unkindness'.⁷³ Thus the craftsman John Yates of St. Michael, Worcester, complained to the Worcestershire Court of Quarter Sessions in the 1670s that, having had him bound over, a spinster named Avise prevailed upon Daniel Lesh to challenge him to a fight.⁷⁴ This would have put Yates in the awkward position of gaining a reputation as a coward or forfeiting his sureties. In another case, in 1693 thirteen men signed a letter to the Worcestershire Justices of the Peace. They asserted that one Joan Bradley, who had been involved in conflicts with other women (including one whom she accused of bewitching her pig), was swearing the peace 'more from Malice then any just Occasion given' and hoped it would be waived 'to continue peace in o[u]r Neighbourhood'.⁷⁵

⁷¹ WCRO, BA 1/110/93/22.

⁷² WCRO, BA 1/110/93/22. Those bound over by the City Court of Quarter Sessions could be similarly contemptuous, see WCRO, BA 9360/X496.5 'Sessions book, 1632-1655', fol. 61v.

⁷³ R. Grosvenor in R. Cust (ed.), *The Papers of Sir Richard Grosvenor (1585-1645)*, The Record Society in Lancashire and Cheshire, 134 (1996) p. 37, cited in Hindle, 'The keeping of the public peace', p. 233; Dalton, *Countrey Justice*, p. 187.

⁷⁴ WCRO, BA 1/110/119/31. Avise's surname is not known because the document is damaged. The undated document is filed with the records for 1673.

⁷⁵ WCRO, BA 1/110/167/73; 110/167/26.

Recognizances were a flexible and popular mechanism, recourse to which brought the authority of the state to bear on local relationships. Steve Hindle has persuasively argued that requests for recognizances saw the involvement of the state being actively courted, rather than imposed from above. In this sense, the expansion of the state was a reciprocal process.⁷⁶ That the officially-sanctioned procedure lent ordinary people the power to confront community members with whom they were having difficulties is well illustrated by an incident involving one William Bromfield. When he had his opponent, the minister of Broadwas Mr Underhill, bound over in 1706, Bromfield made his way home from Worcester one Saturday night 'bawling or singing' of his triumph.⁷⁷ A disturbed neighbour recalled the words of the ditty:

The Parson of Broadwas for all his courage stands stout and bold,
he was served with a Warrant and would not be controul'd:
but we have bound him to the sessions, and there he must appear,
and there we will meet him without dread or fear.⁷⁸

Adam Fox has argued that extempore rhymes, verse and ballads comprise 'a "literature" explicitly by the people and for the people', which allows us to see the 'usually silent majority as producers and initiators in the cultural process.'⁷⁹ That Bromfield chose to sing out verses praising the system of binding over clearly demonstrates that the recognizance was an instrument of authority which served

⁷⁶ Hindle, 'The keeping of the public peace', pp. 222, 237-38. For the frequency with which recognizances were used see Shoemaker, 'Quarter sessions records', p. 147 and Sharpe, *Crime*, p. 117.

⁷⁷ What prompted the binding over is, unfortunately, not known; WCRO, BA 2642/797.6/1, unfol. 'Deposition of Patience Hunt'.

⁷⁸ WCRO, BA 2642/ 797.6/1, unfol. 'Deposition of Patience Hunt'; Other verses were supplied to the church court, WCRO, BA 2638/795.61 unfol. 'Deposition of Elizabeth Best'.

⁷⁹ A. Fox, 'Ballads, libels and popular ridicule in Jacobean England', *Past and Present*, 145 (1994), pp. 48-49.

the interests of local communities as well as the state, as it helped to quell interpersonal conflict.

Which social groups were most willing to take advantage of this aspect of the state's authority and prosecute by recognizance? Were people more likely to prosecute their peers or their social inferiors? Is there any evidence that toleration of violence waned amongst the elite or the middling sorts during the century, as theories which posit a gradual process of civilisation suggest? To what extent, if any, were the gentry above the law? Did women and men prosecute members of the opposite sex or were the conflicts they pursued in recognizances likely to be intra- rather than inter-gender? What proportion of recognizances were employed to curb domestic violence? Amenable to a quantitative approach as a consequence of their formulaic nature, recognizances can shed light on all of the above questions and the following paragraphs will attempt to answer them. Prior to exploring the socio-occupational status and gender of those engaged in the process of binding over, however, we need to consider how the database on which we shall be drawing was compiled.

The sample of certified recognizances from the Worcestershire Court of Quarter Sessions consists of four hundred and nineteen recognizances, drawn from the odd years of the 1600s, 1630s, and 1660s. The sample thus allows us to contrast pre-Civil War and post-Restoration years. The yearly number of recognizances ranges from a low of five in 1639 to fifty-seven in 1607 but, despite such fluctuations, each decade contributes roughly a third to the total sample.⁸⁰ The vast majority (97%) of recognizances in the sample bound a named individual

⁸⁰ Thus the odd years of 1601, 1603, 1607 and 1609 are 34% of the total number of cases; those between 1631-39 are 30%, and between 1661-69, 36%.

to keep the peace, although where a recognizance specified that someone was to be of good behaviour, following threats or the perpetration of violence, this has been included. To ensure the database remained reproducible and verifiable, a few recognizances which were almost certainly concerned with interpersonal violence, but which made no reference to it, have been excluded.

As we will shortly address the social status of those named in recognizances, it should be noted that certain groups of people were much less likely than others to prosecute, or be prosecuted, by this device. The poorest members of society, who could not guarantee that the fine would be paid in the event that they defaulted, could not be effectively prosecuted by recognizance, and, on failing to provide sureties were put in the house of correction or in gaol. Alternatively, they could be prosecuted by indictment.⁸¹ Nor was prosecution by recognizance an option available to everyone, as the fee payable for a warrant of the peace (the step which preceded binding over) was two shillings.⁸² This was a considerable sum of money to those on low incomes. In Worcester the daily rate for a journeyman walker in 1638 (a textiles worker) who worked from 5am to 8pm was set at eight pence per day, which provides a crude indication of the relative cost.⁸³ It would take such a journeyman a minimum of three days' work to earn the two-shilling fee, and longer if there were other outgoings to attend to.

Social rather than financial status contributed to people from the opposite end of the social spectrum being excused from prosecution by recognizance, as Michael Dalton advised justices of the peace that sureties were not appropriate for

⁸¹ See WCRO, BA 1/110/105/38a; 110/140/116; 110/143/4; BA 9360/X496.5 'Sessions Book, 1632-1655', fols 4r, 62r. Shoemaker, 'Quarter sessions records', p. 148.

⁸² Hindle, 'The keeping of the peace', p. 232. A fee was also payable by the defendant; Landau, *Justices*, p. 207.

those who were in fear of an individual of noble status, recommending that they went to Chancery instead.⁸⁴ Dalton did consider it appropriate to use recognizances against knights, however, and in certain circumstances, against sheriffs, coroners and other state officials.⁸⁵ Their dependent status prevented apprentices and servants having their master or mistress bound over to keep the peace towards them. However, in a different domestic relationship, marriage, the husband was not exempt from being bound over at the request of his subordinate partner, his wife.⁸⁶ A consequence of these social and financial considerations is that the status of those named in recognizances is by no means a measure of which socio-occupational groups were more or less likely to behave aggressively, but an indication of participation in a specific legal procedure.

Those named in recognizances and indictments have been assigned to one of seven socio-occupational groups so that the changing status of those involved in the prosecution of violence can be explored. Recognizances are thought to offer reasonably reliable information about the status of those they name because, in the event that the recognizance was forfeited, bailiffs needed to be able to identify the individual who owed money to the Crown.⁸⁷ However, the occupational diversity which would have existed amongst those named in the legal documents is obscured as the court clerk describes their work in a single term, and is further

⁸³ WCRO, BA 9360/ X496.5 'Sessions Book, 1632-1635', fol. 44v.

⁸⁴ Dalton, *The Countrey Justice*, p. 187.

⁸⁵ Dalton, *The Countrey Justice*, p. 188.

⁸⁶ Dalton, *The Countrey Justice*, p. 189; Fitz-Herbert, *Natura Brevium*, p. 194; R. D. Hunt (ed.), 'Henry Townshend's 'Notes of the office of a Justice of the Peace', 1661-3', *Worcestershire Historical Society*, ns., 5 (1967), p. 115.

⁸⁷ Shoemaker, 'Quarter sessions records', p. 151.

diminished by the process of tabulating individuals' identities.⁸⁸ Women's multi-occupational lifestyles in particular are concealed by the recognizances, which usually supply only their marital status; for this reason it has not been possible to chart women's involvement in the legal process in the same detail as men's. Married women have been included in the same category as their husband, for although they may have worked independently, their status in the community was largely determined by that of their spouse.

The occupational categories used should be understood as overlapping rather than discrete. Whilst the type of activity men engaged in was broadly indicated, no distinction was made between those who were thriving and those who were barely scraping a living. An exploration of extant inventories, wills and hearth tax assessments would elucidate the prosperity of specific individuals named in the recognizances, but the scope of this project precludes such an investigation. Work on the inventories of those who died in the Vale of Evesham in the first decade of the eighteenth century suggests that the occupational categories used here are an approximate indicator of wealth. In a sample of one hundred and one inventories, the mean average value of gentlemen's (£192) and yeomen's (£191) estates was highest. This was followed by the average value of craft and trade occupations (£105) and husbandmen (£88); labourers were the least wealthy (£13).⁸⁹

⁸⁸ For the difficulties of grouping occupations and status see L. Weatherill, *Consumer Behaviour and Material Culture in Britain 1660-1760* (London, 1988), Appendix 2. The categories used here are commended in D. Cressy, 'Describing the social order of Elizabethan and Stuart England', *Literature and History*, 3 (1986), pp. 45-64.

⁸⁹ The inventories of 1181 people for the diocese of Worcester were similarly ranked in descending order according to the mean average value of estates of different occupational groups: gentlemen, yeomen, occupations, husbandmen and labourers. Note that the wealthiest labourer was more prosperous than the poorest yeoman, and the better off husbandmen had more wealth than the

The assessment of change in occupational status over time is complicated by the fact that even contemporaries were sometimes uncertain of which the most appropriate description for someone might be. Distinguishing between yeomen and husbandmen could, for example, be problematic. Add to this the fact that social aspirations may have caused people to cease using certain titles and adopt others, causing an identical occupation to be described in different terms at different points of the century, and the general nature of the following discussion on socio-occupational status becomes plain. It should also be noted that, as Keith Wrightson has argued, the categories employed here are a formal typology of status which belonged specifically to the legal environment. The terms used to describe status in many everyday situations were different, drawing upon a hugely flexible vocabulary of 'sorts'. Describing in the sixteenth and early-seventeenth century a polarised society of 'better' and 'vulgar sorts', the language of sorts was by the 1640s increasingly being used to include a 'middling sort', a term which had long been used in a commercial context to describe commodities.⁹⁰ The categories used here, which are intentionally the same in the 1600s as in the 1660s, thus conceal the 'plasticity of social identity [and] the mutability of social alignments'.⁹¹

poorest gentlemen; J. A. Johnston, 'The Vale of Evesham 1702-8: The evidence from probate inventories and wills', *Vale of Evesham Historical Society Research Papers*, 4 (1973), p. 88.

⁹⁰ K. Wrightson, 'Estates, degrees and sorts: changing perceptions of society in Tudor and Stuart England' in P. Corfield (ed.), *Language, History and Class* (Oxford, 1991), pp. 30-52. Wrightson, 'Sorts of people in Tudor and Stuart England' in J. Barry & C. Brooks (eds.), *The Middling Sort of People: Culture, Society and Politics in England, 1550-1800* (Basingstoke, 1994), pp. 28-51.

⁹¹ Wrightson, 'Estates, degrees and sorts', p. 52.

**Table 1: Socio-occupational status of those bound over to keep the peace,
1601-1669^a**

Socio-occupational	1601-1609		1631-1639		1661-1669	
Groups	no.	%	no.	%	no.	%
1. Gentleman ^b	2	3	18	16	6	6
2. Yeoman	26	32	21	19	24	22
3. Husbandman	5	6	11	10	14	13
4. Trades (Craft) ^c	21	26	28	26	28	26
5. Trades (Retail) ^d	7	9	9	8	9	8
6. Labourer	10	12	9	8	14	13
7. Women ^e	10	12	14	13	13	12
<i>Total</i>	<i>81</i>		<i>110</i>		<i>108</i>	

a. Although 3% of the sample were not recognizances to keep the peace, these cases are included in the following tables and discussion. The occupation divisions are based on those used by L. Weatherill, *Consumer Behaviour and Material Culture in Britain, 1660-1760* (London, 1988), pp. 208-214. In 29% of the cases, the occupation was not given; this may mean that those of lowest social status are somewhat under-represented in all decades; R. Shoemaker, *Prosecution and Punishment: Petty Crime and the Law in London and Rural Middlesex, c. 1660-1725* (Cambridge, 1991), p. 206. The percentage figures have been rounded to whole numbers.

b. This category includes clergy and professionals.

c. Brickmakers, blacksmiths, bodicemakers, cutlers, feltmakers, farriers, gloves, gunsmiths, joiners, masons, millers, nailers, shoemakers, sawyers, salters, tailors, thatchers, tanners, weavers, walkers, wheelmakers and wire drawers were placed in this category.

d. This group includes retail and services occupations, such as bakers, butchers, clothworkers, innholders, mercers, servants, victuallers, and vintners.

e. Includes widows, spinsters, and some wives.

Table 2: Socio-occupational status of those swearing the peace, 1601-1669^a

Socio-occupational	1601-1609		1631-1639		1661-1669	
Groups	no.	%	no.	%	no.	%
1. Gentleman	1	2	10	15	5	9
2. Yeoman	19	45	13	19	14	25
3. Husbandman	8	19	12	18	2	4
4. Trades (Craft)	3	7	9	13	6	11
5. Trades (Retail)	3	7	6	9	5	9
6. Labourer	1	2	5	8	6	11
7. Women	7	17	12	18	18	32
<i>Total</i>	<i>42</i>		<i>67</i>		<i>56</i>	

a. The proportion of unknown cases for this group is high, so the results must be treated tentatively.

The socio-occupational status of those bound over to keep the peace in the Worcestershire Court of Quarter Sessions underwent modest change between 1601 and 1669 [Table 1]. The proportion of tradesmen remained static, as did the proportion of women whose occupation is not given. The proportion of yeomen being bound over declined by ten percent during the period, whilst the number of husbandmen being bound over rose by seven percent. This could signal that binding over was being increasingly used against those of a slightly lower social standing. However, such a conclusion is qualified by the fact that the proportion of labourers being bound over increased by only one percent over the seventy-year period, whilst the numbers of gentlemen actually increased by seven percent. The social profile of those bound over thus underwent multi-directional change between 1601 and 1669. Those bound over do not, overall, appear to have been drawn increasingly from the lower sorts as the theory of a ‘civilising process’, which emphasises a decreasing participation in violence on the part of the elite and middling sources, might predict.

In contrast, the occupation of those swearing the peace clearly altered in Worcestershire during the seventeenth century [Table 2]. Apart from the increase in the number of gentlemen prosecuting by recognizance, the trend was for those from more humble occupational groups to use recognizances. Thus, whilst the proportion of yeomen and husbandmen more than halved from sixty-two percent of those swearing the peace in 1601-1609 to twenty-nine percent in the period 1661-1669, the proportion of tradesmen and labourers almost doubled as it increased from sixteen percent in the first decade of the century to thirty-one percent by the sixth decade. Whilst the surviving recognizances provide no evidence of a numerical increase in demand for the process of binding over, they

do suggest a broadening of the social base for recognizances. In his article 'The keeping of the public peace', Steve Hindle suggests that demand for recognizances 'welled-up' from within society itself, with people from middling social groups playing a particularly active role in developing an orderly public sphere.⁹² The increasing social range of those swearing the peace in seventeenth-century Worcestershire, is, I suggest, consistent with Hindle's argument.

A comparison of the status of those being bound over, and the status of those seeking to have someone bound, shows that recognizances were a socially conservative instrument. Overall, those swearing the peace are of higher social standing than those being bound to keep it [Table 3]. Members of the gentry, yeomen and husbandmen groups constituted sixty-six percent of those swearing the peace, but only forty-eight percent of those bound by it; in contrast, tradesmen and labourers were thirty-four percent of those swearing the peace, but were fifty-one percent of those bound by it. The interpretation of these social differences is qualified by the breadth of the categories used: some tradesmen would have had more local influence and greater financial resources than those here ranked as their social superiors. Nevertheless, it appears that when there was a difference between the status of the person requesting the peace, and the person bound over, the person requesting the peace was likely to have been socially superior.

⁹² Hindle, 'The keeping of the public peace', pp. 237-38.

**Table 3: Occupations of those swearing the peace and those bound over,
1601-1669^a**

Occupational Groups	swearing		bound	
	no.	%	no.	%
1. Gentry	16	13	26	10
2. Yeomen	46	36	71	27
3. Husbandmen	22	17	30	11
4. Trades (craft)	18	14	77	29
5. Trades (retail)	14	11	25	10
6. Labourers	12	9	33	12
<i>Total</i>	<i>128</i>		<i>262</i>	

a. Those men and women whose occupations are not indicated have been excluded from this table.

As recognizances provide the names of those bound over and swearing the peace, the sex of those prosecuted and prosecuting can be established. The quantitative predominance of men in the history of early modern criminality in general (with significant exceptions including infanticide and witchcraft) is likewise a feature of recognizances. Men were consistently bound over in greater numbers than were women [Table 4]. Recent writing in the history of masculinity has posited male participation in violence as a key element in early modern gender identities.⁹³ Arguments which emphasise men's connection with violence do win support from the fact that men were bound over to keep the peace much more frequently than women, although it must be reiterated that the relationship

⁹³ Recent work includes R. Shoemaker, 'Reforming male manners: public insult and the decline of violence in London, 1660-1740', and E. Foyster, 'Boys will be boys? Manhood and aggression, 1660-1800', both in T. Hitchcock & M. Cohen (eds.), *English Masculinities 1660-1800* (London, 1999), pp. 133-166; A. Shepard, 'Meanings of manhood in early modern England, with special reference to Cambridge, c. 1560-1640' (PhD thesis, Univ. of Cambridge, 1998), ch. 4.

between patterns of prosecution and underlying incidents of violence is an uncertain one.

A narrow focus on the quantitative predominance of men's participation in violence has impeded meaningful analysis of women's violence. As Garthine Walker has argued, '[n]on-lethal violence has been categorised along with murder and other serious felonies as an "overwhelmingly male activity" without further discussion.'⁹⁴ Early modern historian Andrew Finch demonstrates how an emphasis on violence as 'a masculine preserve' can prevent analytical discussion of women's violence, as he argues that 'women could act like violent men when the need arose'.⁹⁵ Men's violence is presented by Finch as standard and when women use violence their actions are presented as imitative of men's. The lack of a conceptual framework for approaching women's physical aggression is a problem history shares with other disciplines. Anthropologist Victoria Burbank recently found a 'dearth of theory on women aggressors'.⁹⁶ Automatically discounting women's participation in violence impoverishes our understanding not only of interpersonal violence but also of gender identities in the early modern period. The following paragraphs, therefore, seek to explore the gendered nature of involvement in violence, looking at both sexes as aggressors rather than casting women exclusively as victims who were acted upon but never acting.

Apart from indicating the numerical predominance of men being bound over throughout the period, the table also shows that the proportions of men and women bound over varied during the century. In the first decade, the ratio of

⁹⁴ Walker, 'Crime, gender and the social order', p. 55.

⁹⁵ A. J. Finch, 'Crime and marriage in three late medieval ecclesiastical jurisdictions: Cerisy, Rochester and Hereford' (PhD thesis, Univ. of York, 1988), pp. 179, 197.

women to men being bound over was 1:6 [Table 4]. This flattened somewhat to 1:3 in the 1630s, but was 1:6 again in the decade following the Restoration. Do these figures mean that women in 1630s Worcestershire were more likely to breach the peace than women earlier or later in the century? Or were their neighbours perhaps simply more willing to have them bound over? The explanation for these differences is unclear; although the quantification of recognizances invites these questions, it does not offer any clues concerning possible answers.

Table 4: Sex of those bound over, 1601-1669

	1601-09		1631-39		1661-69	
Sex	no.	%	no.	%	no.	%
Women	21	15	32	26	23	15
Men	123	85	93	74	127	85
<i>Total</i>	<i>144</i>		<i>125</i>		<i>150</i>	

Table 5: Sex of those swearing the peace, 1601-1669

	1601-09		1631-39		1661-69	
Sex	no.	%	no.	%	no.	%
Women	25	17	31	25	49	33
Men	118	82	88	70	87	58
Both ^a	1	1	5	4	13	9
<i>Total</i>	<i>144</i>		<i>124</i>		<i>149</i>	

a. 'Both' refers to cases where the peace was to be kept towards named men and women, or towards 'omnes homines'. One case is missing from the last two decades because the names were illegible.

⁹⁶ V. Burbank, *Fighting Women: Anger and Aggression in Aboriginal Australia* (Berkeley, Calif., 1994), pp. 2, 1, 3-4, 180-84.

Whereas the proportion of men and women being bound over is the same in the first and final decades sampled, the proportion of men and women who swore the peace underwent uni-directional change during the period [Table 5]. The percentage of women amongst those swearing the peace rose from seventeen to thirty-three; the percentage of men declined from eighty-two to fifty-eight. So whilst men were always the majority of those initiating recognizances, women were almost twice as likely to be amongst those to swear the peace in the 1660s as they had been in the 1600s. Historians have noted that tolerance of wife-beating declined during, and indeed beyond, the seventeenth century, a situation which might have led to increasing numbers of women seeking to have their husbands bound to keep the peace towards them. The rise in the proportion of recognizances initiated by women is not a reflection of this, however, as only 4 (1%) of the cases in the sample concerned wives having their husbands bound over. Nor can it be explained as a function of women becoming increasingly confident and competent at using the legal system generally, for Laura Gowing is amongst historians to have demonstrated that seventeenth-century women ably pursued their causes in consistory and other courts in the first half of the century.⁹⁷ Above, we noted the wider social base recognizances achieved, as persons of lower social status increasingly swore the peace. The increasing numbers of women amongst those having others bound over should be seen as another aspect of this broadening-out.

⁹⁷ Gowing, *Domestic Dangers*.

Table 6: Sex of those swearing the peace and of those bound over, 1601-1669

	Against Men		Against Women	
Swearing	no.	%	no.	%
Female	75	22	30	40
Male	252	74	41	54
Both	14	4	5	6
<i>Total</i>	<i>341</i>		<i>75</i>	

The majority of recognizances involved disputes exclusively amongst men [Table 6]. That over half of the total number of recognizances in the sample were requested by men against other men affirms that participation in physical conflict was a largely male activity. Yet this is only part of the picture, and more insights can be gained about the gendered nature of seventeenth-century conflict if we consider the way in which women were involved in prosecuting or being prosecuted by recognizance. In contrast to recognizances requested by men, which might suggest that conflict was intra-gender, those requested by women were not usually against members of their own sex, but against men. As women more regularly swore the peace against men than against women, the recognizances do not lend support to views of violence as divided into separate gender spheres. Perhaps the most striking feature of the table is that it shows being a man in the seventeenth century was not incompatible with being afraid of women: fifty-four percent of those who swore the peace against a woman were men. As we have considered, in order to get these women bound over, the men would have had to swear that they feared violence from them against their person or property: it was an unequivocal statement that they found their opponent threatening. It would appear that the rigidly dichotomous categories of male/female, active/passive

which permeate the prescriptive literature of the period did not apply to everyday social interaction, in which women were seen as formidable opponents not only by other women but also by men.

INDICTMENTS

Indictments were the formal accusations submitted to the grand jury, whose responsibility it was to decide whether there was a case for trial. Bills were marked '*billa vera*' or '*ignoramus*' (meaning 'we do not know') and only true bills proceeded to the petty jury, which had to return a verdict.⁹⁸ J. M. Beattie found that the proportions of indictments found true by seventeenth- and eighteenth-century Surrey juries for crimes of violence were smaller than for property crimes.⁹⁹ This suggests that juries, typically composed of men of the middling sort, were more exercised by property than by violent crime. Some of the interpretative difficulties associated with indictments, which have been extensively used by historians of crime, have been raised in our earlier discussion of categories of socio-occupational status. It is worth adding that the occupations given in indictments are generally thought to be less reliable than those given in recognizances.¹⁰⁰ The indictment database consists of a sample of two hundred and twelve individuals taken from the odd years of the decades 1600, 1630, and 1660, as were the recognizances. The number of indictments which survive for assault in a single year ranges from one in 1601 to thirty-nine in 1667 and the distribution of indictments for each decade is uneven: thirty-five percent of cases

⁹⁸ Data on whether indictments were true or ignoramus was accidentally deleted from the database. Less formal accusations, made in presentments, have not been included.

⁹⁹ J. M. Beattie, *Crime and the Courts in England, 1660-1800*, (Oxford, 1986), p. 401.

are from the 1600s, twenty-four percent from the 1630s and forty-one percent for the 1660s.

To assess the extent to which binding over was an activity engaged in by and against the middling sorts, whilst those from lower social groups were prosecuted by indictment, the occupations of those indicted in Worcestershire over the three decades can be compared with the occupations of those bound over [Table 7]. Members of the gentry and yeomen groups were a similar proportion of those bound over and indicted: their status appeared to have bestowed no particular protection from prosecution by indictment, although, of course, they may have been more troublesome than the numbers of bindings over suggest in the first place. Members of the group which might be described as best epitomising the (somewhat amorphous) ‘middling sorts’, namely those engaged in retail and crafts (occupations more likely to be located in urban areas than the groups of husbandmen, yeomen, and gentry), formed twice the proportion of those prosecuted by recognizance (39%) as by indictment (19%). In contrast, labourers and to a lesser extent husbandmen (identified by Johnston as generally poorer than tradesmen) comprised a much greater proportion of those prosecuted by indictment (46%) than by recognizance (23%). This suggests that the middling sorts were disproportionately likely to be prosecuted by recognizance, whilst the least wealthy members of society were more likely than other groups to be prosecuted by indictment. Indictments were a more formal procedure than recognizances, involving a closer involvement with the court of quarter sessions. In that respect, the labourers who committed assault were criminalised to a greater

¹⁰⁰ For further discussion of indictments’ reliability see J. Cockburn, ‘Introduction’, *A Calendar of Assize Records: Home Circuit Indictments Elizabeth I and James I* (London, 1985), pp. 78-84.

degree, as they were drawn into a closer involvement with the court than were members of the middling sorts. This was partly because the lower sorts' relative poverty made indictment a more effective method of proceeding against them. It may also have been motivated by a sense on the part of those prosecuting, and those staffing the courts, that the violence of the poorer sorts was especially reprehensible and required more decisive action than the process of binding over offered.

Table 7: Occupations of those bound over to keep the peace, and of those indicted for assault, 1601-1669^a

Occupational Groups	Bound over		Indicted	
	no.	%	no.	%
1. Gentleman	26	10	15	10
2. Yeoman	71	27	39	26
3. Husbandman	30	11	24	16
4. Trades (Craft)	77	29	24	16
5. Trades (Retail)	25	10	5	3
6. Labourer	33	12	46	30
<i>Total</i>	<i>262</i>		<i>153</i>	

a. Those whose occupations are not indicated have been excluded from this table.

Table 8: Occupations of those indicted for assault by decade, 1601-1669^a

Occupational Groups	1601-1609		1631-1639		1661-1669	
	no.	%	no.	%	no.	%
1. Gentleman	2	6	6	15	7	9
2. Yeoman	7	22	5	13	27	33
3. Husbandman	10	31	7	18	7	9
4. Trades (Craft)	5	16	7	18	12	15
5. Trades (Retail)	1	3	1	3	3	4
6. Labourer	7	22	14	35	25	31
<i>Total</i>	<i>32</i>		<i>40</i>		<i>81</i>	

a. Those whose occupations are not indicated have been excluded from this table

To what extent did the occupational status of those indicted for assault change during the seventeenth century [Table 8]? If the century was part of an on-going, top-down ‘civilising process’, which saw respectable people shying away from the use of violence, in public at any rate, we would expect to see a decline in the proportion of those of gentry and middling-status indicted and a rise in the proportion of labourers. The table indicates multi-directional changes in the occupations of those indicted for assault: the proportion of gentlemen indicted rose by nine percent then fell by six percent; conversely, the proportion of yeomen fell then rose again. The mean average proportions of gentlemen and yeomen indicted for assault in Worcestershire, ten and twenty-two percent respectively and thirty-two percent of those indicted altogether, are fairly close to the proportions indicted elsewhere in England. James Sharpe found that in Essex gentlemen were around fourteen percent and yeomen eighteen percent of those indicted for assault in the years 1620-1680, that is, thirty-two percent of those

indicted.¹⁰¹ That this aspect of the prosecution of violence was similar in the two counties raises the possibility that the underlying practice of violence may also have been similar in these different parts of England. The proportions of husbandmen declined substantially from thirty-one percent to nine percent - yet this could be partly a consequence of people ceasing to style themselves 'husbandmen' rather than a change in the social make-up of those indicted. The groups of tradesmen remained a similar proportion of those indicted during the three decades. The proportion of labourers indicted for assault rose from twenty-two to thirty-five percent then fell to thirty percent. Striking uni-directional change in the occupational status of those bound over did not occur during the century. However, an overall increase of eight percent in the proportion of labourers indicted for assault lends slight support to the notion that violence became less respectable.

Table 9: Sex of those indicted for assault, 1601-1669

	1601-09		1631-39		1661-69	
Sex	no.	%	no.	%	no.	%
Women	11	15	13	26	7	8
Men	63	85	37	74	80	92
<i>Total</i>	74		50		87	

¹⁰¹ Sharpe, *Crime*, p. 119. Sharpe's figures, which refer to males only, are based on a sample of 579 indictments at the court of quarter sessions and 52 at the assizes

The proportions of men and women indicted for assault [Table 9] show that as well as being more frequently bound over than women, men were also more likely to be indicted for assault. Whilst the proportions of men and women indicted for assault in the first two decades sampled resemble the proportions of men and women bound over during the same period, relatively few women were indicted for assault in the last decade sampled. Garthine Walker has proposed that post-Restoration attitudes towards violent women were different from earlier views, as the threat women posed was purposefully diminished by those anxious to re-assert men's authority after the political and social upheavals of the Civil War and Interregnum. The evidence of indictments lends some support to this argument.¹⁰²

We have seen that men sought to have women bound over more frequently than did other women; women were also most frequently indicted for assaulting men. Indeed, of the thirty-one women indicted for assault, only one was indicted for assaulting another woman. Twenty-one indictments concerned assaults on men, and nine women were indicted for assaulting both men and women. Given the physical differences between men and women, one might expect that women would more frequently assault other women than they would men. That women were, socially and legally, of lower status than men would also have marked them out as more obvious targets for both verbal and physical attacks. Yet, even if all

¹⁰² The evidence of the Worcestershire recognizances does not support arguments for change in perceptions of female criminality, as the proportions of women bound over for the first and third decade sampled were identical. However, qualitative change could be concealed by the quantitative evidence. Whereas Walker asserts that a 'denial of female effectiveness is typical of the post-Restoration period ... when men were even less disposed to portray women as criminally dangerous than they had been in the 1620s', Margaret Hunt interprets similar accounts of ineffective female violence as proof of women's victimisation; Walker, 'Crime, gender and the social order', p. 89; M. Hunt, 'Wife beating, domesticity and women's independence in eighteenth-century London', *Gender & History*, 4 (1992), p. 20.

the indictments for assaults on men and women were more a result of poor relations between the women involved, still only a third of the total indictments for assault concerned conflicts amongst women. Violence between women certainly occurred and that it so rarely led to indictments is curious. A possible explanation is that conflicts between women were considered trivial in comparison to those involving men and, hence, not worth the effort of prosecution by indictment. Instead, women may have been placed under more pressure than men to consent to informal mediation of disputes.

CONCLUSION

The range of courts, in which cases involving the use of force could be heard, indicates that within the early modern legal and judicial system there was not a category of 'violent' offences. Factors, including who had committed an act of force, against whom it had been committed, and when and where it had taken place, all shaped perceptions of the violent act. The level of injury inflicted was by no means irrelevant but it was not necessarily the central factor. The absence of a single means of defining 'violence' raises questions about the way in which the term is employed by historians in relation to discussions of long-term change in the phenomenon. The context in which force was used was important to the seventeenth-century judicial system and extracting acts from their context and grouping them together as 'violent' is consequently problematic.

Nevertheless, that a quantitative approach can help elucidate aspects of the past was demonstrated by our consideration of recognizances and indictments. Key points which emerged included that the status of those prosecuting by recognizance changed between 1601 and 1669, as labourers and women were a

larger proportion of those swearing the peace later in the century than they had been at its outset. A difference between the status of those seeking the peace, and those being bound to keep it, was also noted, making the recognizance a socially conservative instrument. The evidence clearly showed that men were more likely to be bound over than women. We also saw that men were willing to swear the peace against women. Our consideration of indictments demonstrated that labourers were a greater proportion of those prosecuted by indictment than by recognizance. Labourers were also a larger proportion of those prosecuted by indictment in the later sample than in the first. Strikingly, only one woman was indicted for assault on another woman, underlining the fact that court records inform specifically on modes of prosecution, rather than on criminal behaviour overall.

Our analysis of recognizances and indictments highlights the fact that the aggregation and quantification of information, even though it relates to only two types of document drawn from the same area over a relatively short historical period, presents significant interpretative difficulties. Notably, how early modern people themselves understood their actions is far from clear. How did men regard the process of swearing the peace against a woman, in view of the fact that an important aspect of a masculine identity was an ability to be assertive, including physically? What do fluctuations over time in the socio-occupational status of those engaged in the process of prosecution mean? Do they reflect a change in the way in which violence was being used, or a shift in the way in which it was prosecuted or merely that people were describing their status differently to the courts? These particular legal records shed little light on the events preceding the prosecution. What prompted these disputes? What role did violence play in

conflict? What uses of force were unlikely to be considered illegitimate and hence unlikely to reach the courts? It is to these questions we will now turn our attention.

CHAPTER FOUR: VIOLENCE AT HOME

INTRODUCTION

Let us start by reiterating a key theme of this thesis: violence was part of the way in which early modern people structured their social universe. Seventeenth-century conceptions of violence can, however, only be reconstructed by an in-depth analysis of the contexts in which violence was used and discussed. Thus far we have considered perceptions of violence amongst those in positions of authority; in relation to ideas about the body and within the judicial system. This chapter will assess a different dimension of violence, namely its use within the home.

The unit of the household was clearly delineated by early modern commentators as a discrete one, which performed functions crucial to the well-being of society as a whole.¹ In addition to being a place where rest, consumption, and work such as cleaning and child rearing occurred, the household was often a unit of production. These functions meant that domestic servants and apprentices were ordinarily part of the early modern household. The socialisation of children and adolescents thus occurred primarily within the household. Hierarchical lines of authority emanating from the husband to his wife, parents to children, and masters and mistresses to their servants and apprentices were clearly defined in principle if not always in practice. Schoolmasters exercised an authority over their charges which was regarded as being similar to that exercised by parents and

¹ I. Archer, *The Pursuit of Stability: Social Relations in Elizabethan London* (Cambridge, 1991), p. 215. For the flaws in a rigid distinction between 'public' and 'private' see A. Vickery, 'Golden age to separate spheres? A review of the categories and chronology of English women's history', *Historical Journal*, 36 (1993), pp. 383-414.

masters over their dependants and this chapter will include their violence.² In contrast to the clearly-demarcated lines of authority which shaped many relationships between those sharing a home, the duties owed by one neighbour to another were imprecisely defined. Exploring the violence between members of the same household in this chapter and that amongst members of different households in the next, thus follows distinctions which were made during the seventeenth century.

The chapter will commence with an examination of the use of violence to correct dependants, asking in what circumstances it was thought to be appropriate? What action was taken and by whom to curb excessive violence against dependants? Were women or men more likely to use violence in a manner contemporaries considered abusive? Or were occupation or the capacity in which heads used force (that is, as parents or in some other role) more important factors in determining which people were responsible for undue correction? The chapter will then turn to the use of violence by dependants against their parents or masters and mistresses. Whom were dependants most likely to defy with violence? What responses did such violence elicit and how did these differ from the responses to violence committed against dependants?

The second part of the chapter will assess the role of violence in less explicitly hierarchical relationships. First, it will explore the situations in which violence was likely to have been used by apprentices and servants against their peers. Second, the chapter will explore marital violence, looking both at wife-

² M. Dalton, *The Countrey Justice, Containing the Practice of the Justices of the Peace out of their Sessions* (London, 1655 edn), p. 308; F. W., *The Schoole of Good Manners: Or, a New School of Vertue* (London, 1609), sig. C6. Sanctions other than violence were available to parents and masters; see P. Rushton, 'Property, power and family networks: the problems of disputed marriage in early modern England', *Journal of Family History*, 11 (1986), pp. 205-19.

beating and at women's use of violence against their husbands. How did neighbours and the judicial system respond to marital violence?

VIOLENCE AGAINST DEPENDANTS

In his discussion of early modern child rearing Peter Earle asks, 'Can parents in our period really have loved their children so much that they spared the rod?'³ Earle's question reflects a common assumption in historical writing about the use of violence against dependants, namely that correction is cruel and brutal, and that the presence of physical chastisement in the past is an index of the love, or lack thereof, that parents had for their children.⁴ However, this approach does not acknowledge the extent to which understandings of violence have changed. Specifically, it overlooks the way in which using violence to correct early modern children was viewed as compatible with love and failure to discipline them appropriately, a form of neglect. The nurturing role physical correction was accorded is evident as Theophilus Taylor, a Reading minister, considered that a nurse 'who hath both a tender heart to affectionate and also full breasts to feede and console her tender babe, doth not throw away her rod'.⁵ The understanding that violence could be fairly and effectively used to discipline the young was, as we saw in Chapter One, expounded in sermons and prescriptive literature. It was also articulated by seventeenth-century diarists as they recounted their experiences at the receiving end of correction and when administering it. Although diarists had the skill of writing and were likely to belong to the middling or upper ranks of

³ P. Earle, *The Making of the English Middle Class: Business, Society and Family Life in London 1660-1730* (London, 1991), p. 233.

⁴ L. Pollock, *Forgotten Children: Parent-Child Relations from 1500 to 1900* (Cambridge, 1983), p. 144; L. Stone, *The Family, Sex and Marriage in England 1500-1800* (London, 1977), pp. 162-77.

society, participation in prescriptive literature required only reading skills or access to someone with them. Moreover, attendance at sermons required no skills of literacy. Consequently, the notion that correction could be a just and effective disciplinary tool was familiar to a broad swathe of the population.

In 1602 Simon Forman, the London astrologer, necromancer, magician and physician, wrote a short autobiography, which emphasised the trials he had endured and successfully overcome during his life. Forman's experience as a victim of violence is a central part of his narrative, a dramatic illustration of his suffering and part of his account of moral and spiritual development. Despite Forman's emphasis on overcoming adversity, he does not present all of the violence he experienced as unjust. Writing in his fifties, Forman recalled a punishment he had received as a school-boy as a useful learning experience:

When he came to lerne 'In the name of the Father,' &c., because his capacity could not understand the mistery of spellinge, he prayed his maister he mighte goe to scolle noe more, because he should never learne it ... but his said master beate him for it, which made him the more diligent to his bocke ... And after that, his master never beate him for his bocke again.⁶

Lancashire preacher Adam Martindale also considered that violence had been justly used to discipline his younger self:

Not humour, but justice, should be the rule for punishment. If a man finde himselfe in a passion, he had best deferre it for that time, according to that of the philosopher, to his servant, *Vapulasses nis iratus sim*:- 'Thou should have beene beaten if I had not beene angry.' In this point my father acted very wisely, for knowing himselfe to be over-passionate, he would seldome or never correct any of us, but leave that worke to my

⁵ T. Taylor, *The Mappe of Moses: Or, a Guide for Governours* (London, 1629), p. 11.

⁶ S. Forman, *The Autobiography and Personal Diary of Dr. Simon Forman, The Celebrated Astrologer, From A.D 1552 to A.D. 1602*, ed. by J. Halliwell (London, 1849), p. 4.

mother who could doe it calmely, and yet (as we thought), smartely enough, upon just occasion.⁷

In the seventeenth century the proper use of violence against dependants was seen to be incompatible with anger, causing Martindale's father to avoid correcting his children rather than risk doing so in anger. The comments of Forman and Martindale indicate that correction was by no means necessarily regarded as cruel. To automatically assign the violence of early modern parents or schoolmasters to their cruelty or hot-temperedness is, therefore, anachronistic.

Rather, physical correction was thought to work, palpably driving away behavioural demons and flattening-out character defects, and parents were accordingly advised to 'beat out that pride by sharp correction.'⁸ The pliability of youth, as Paul Griffiths has argued, contributed to contemporaries regarding it as a dangerous stage when characters could be irredeemably marred. It also underpinned the view that, given proper direction, the young could be set on the right path for life.⁹ The importance of controlling the young, whose humours were (as we have seen in Chapter Two) especially hot, had added urgency because of demographic factors: the young were a large proportion of the population and the potential threat posed by their disobedience loomed correspondingly large.¹⁰ Consequently, young people were corrected for a wide variety of acts of commission and omission. In the seventeenth-century midlands, a maid who

⁷ R. Parkinson (ed.), *The Life of Adam Martindale, Written by Himself*, Chetham Society, 4 (Manchester, 1845), p. 22.

⁸ J. Dod & R. Cleaver, *A Plaine And Familiar Exposition of the Ten Commaundments* (London, 1605), p. 191.

⁹ P. Griffiths, *Youth and Authority: Formative Experiences in England 1560-1640* (Oxford, 1996), ch. 1.

¹⁰ J. A. Sharpe, 'Disruption in the well-ordered household: age, authority and possessed young people' in P. Griffiths, A. Fox & S. Hindle (eds), *The Experience of Authority in Early Modern England* (London, 1996), p. 188.

breached an Act concerned with observance of the Sabbath-day was chastised, an apprentice who took food without permission beaten and a little boy physically punished for 'dagging' his coat.¹¹ The 'Dyurnall or catalogue of all my accions and expences' kept by the Yorkshire yeoman Adam Eyre includes the entries about the correction he gave to his father-in-law's apprentice Jane Goodyer. In August 1647, Eyre wrote that 'by reason of some ill condicioned carriage I whipped her,' and in October of that year noted that he 'whipped Jane for her foolishnesse, as yesterday I had done for her sloathfullnesse'.¹² Eyre's whipping did not necessarily involve a whip, as the term also described punishments meted out with the hand or a stick.¹³ Whilst the terms 'ill conditioned carriage' and 'foolishness' are vague, Eyre evidently saw his actions as a reasonable response to Goodyer's behaviour, rather than an act of fury.

Violence was similarly used to correct following specific instances of misconduct, in the household of Samuel and Elizabeth Pepys, as their servants were beaten for work-related offences. These included spending too much time gossiping, allowing a 'rogueing Scotch woman' into the house and being slow to fetch Samuel Pepys' papers when he was working.¹⁴ The servants were also punished for conduct unrelated to work. The Pepys' servant Wayneman was beaten for telling lies about the provenance of some gunpowder he had let off in November 1661. He was also corrected that month for fighting with another boy,

¹¹ Parkinson (ed.), *Life of Adam Martindale*, pp. 124-25; WCRO, BA 1/110/133/34; A. J. Kettle (ed.), 'Matthew Cradock's Book of Remembrance, 1614-15', *Collections for a History of Staffordshire*, 4th s., 16 (1994), p. 107; Forman, *Autobiography*, p. 10.

¹² A. Eyre, 'A dyurnell or catalogue of all my accions and expences from the 1st of January 1646', ed. by H. Morehouse, in C. Jackson (ed.), *Yorkshire Diaries and Autobiographies in the Seventeenth and Eighteenth Centuries*, The Surtees Society, 65 (Durham, 1875), p. 58, 67.

¹³ Pollock, *Forgotten Children*, p. 200.

even though Pepys thought that 'the poor boy [Wayneman] was in a pitiful taking and pickle' already as a result of the fight.¹⁵ Pepys considered his correction of Wayneman to be in the boy's best interests. After the gunpowder incident he wrote in his diary that 'I did extremely beat him. And though it did trouble me to do it, yet I thought it necessary to do it' and on another occasion that 'I love the boy [... and] it doth concern [me] to correct the boy for his faults, or else he would be undone'.¹⁶ Correction was seen by Pepys, as by many of his contemporaries, to be in the dependant's own best interests.

Yet whilst dependants could legitimately be punished for a range of misdemeanours, some uses of force by those in positions of authority were regarded as unacceptable. Non-conformist minister Richard Baxter, who spent much of his life in the midlands, recalled in his autobiography that:

The school-masters of my youth ... taught school and tippled on the weekdays and whipped the boys, when they were drunk, so that we changed them very oft.¹⁷

Adam Martindale considered the 'worst fault' of one of his teachers to be his propensity to use force against his charges, writing that

he would whip boys most unmercifully for small or no faults at all. He once bestowed a severe correction on me for nothing in the world but defending myself from a great sloven... This [was] concealed; yet at last it came out, and mightily offended my father, but the schoolemaster crying *peccavi*, and promising to doe so no more, all was well againe.¹⁸

¹⁴ R. C. Latham & W. Matthews (eds.), *The Diary of Samuel Pepys* (London, 1970-83), vol. 5, p. 13, vol. 6, p. 36, vol. 7, p. 19.

¹⁵ Latham & Matthews (eds.), *Diary of Samuel Pepys*, vol. 2, p. 207, vol. 4, pp. 12-13.

¹⁶ Latham & Matthews (eds.), *Diary of Samuel Pepys*, vol. 2, p. 207, vol. 3, p. 66. Minister Henry Newcome also viewed correction as an unpleasant but necessary duty according to K. Wrightson, *English Society 1580-1680* (London, 1995), p. 116.

¹⁷ J. M. Ll. Thomas (ed.), *The Autobiography of Richard Baxter: Being the Reliquiae Baxterianae* (London, 1925), p. 4.

¹⁸ Parkinson (ed.), *Life of Adam Martindale*, p. 14.

Baxter and Martindale considered the beatings they had received were unjust. Significantly, the schoolmasters' over-enthusiastic use of the whip did not escape the attention of students' parents. Baxter's drunken and violent teachers were changed 'very oft' and Martindale's father confronted his son's teacher, 'mightily offended' by the treatment meted out to his son.¹⁹

In addition to intervening, following undue violence by schoolmasters, parents also intervened when they considered that force had been unjustly used against their children in service.²⁰ These complaints were sometimes made formally. William Siddiate, a Worcester baker's apprentice, was discharged from service following a complaint made by his father to the City Sessions in 1635 about the 'extraordinaie severe correction' Siddiate had received from his master.²¹ In 1655 a mother, Joyce Evett, approached the same court on behalf of her son, who she alleged had been immoderately corrected by his master, one Miles Everet²². Unfortunately for her son, her intervention was belated: he had fled from his master twelve months earlier and had not been heard of since. At the same sessions two of Everet's apprentices were discharged, following claims of undue correction, and it was probably these cases which prompted Joyce Evett's untimely complaint. Whilst the ill-treatment of Joyce Evett's son was eventually brought to the attention of the courts, excessive violence against servants and apprentices was also dealt with informally by the parents of the abused youth.

¹⁹ For schoolmasters' use of violence see J. Morgan, *Godly Learning: Puritan Attitudes towards Reason, Learning and Education* (Cambridge, 1986) pp. 191-92; Stone, *Family*, pp. 163-66.

²⁰ I. Ben-Amos, *Adolescence and Youth in Early Modern England* (London, 1994), p. 181.

²¹ WCRO, BA 9360/X496.5 'Sessions Book, 1632-1655', fol. 25r.

²² WCRO, BA 9360/X496.5 'Sessions Book, 1632-1655', fols 95r-96v.

Parents' informal handling of the problem of cruelty to their children in service would frequently have generated no documentary evidence, as the following case suggests. In a complaint made against the Gardner family in 1607 to the Worcestershire Court of Quarter Sessions, one Richard Turner stated that Hugh Gardner, 'a very malicyous and wrathfull fellowe', had taken into service one Elinor Reynold, and that shortly after

uppon small occasion, or none at all, he [Gardner] tooke the said Elinor by the throte, and being dyvelishlye minded, having a horse girth in his hands, he capped [cupped?] the same two fould about the necke of the said Elinor, and so by forse pulled it together, that shee was therew[i]th allmost strangled.²³

In the immediate aftermath of this assault, Reynold sought the protection of her father:

Cominge afterwarde to her memorye and fearinge to be murthered, [she] fled unto her father who hearing her grieffe, and that shee was much abused, came back with his daughter to the saide Gardner to know the cause thereof, the said Gardner entreated him to speake noe more of it and he would allwayes after use her well, notw[i]thstandinge he did many tymes after very sorely beat her.²⁴

In this case, an informal confrontation between a parent and a brutal master led to oral assurances (in the event, unhonoured) that such unjustified attacks would not recur. Although extreme, the violence against the servant reached the court only because Turner had a problem with the Gardners, who had also beaten him and threatened to kill him. The Gardners were indicted that session for an assault on Richard Turner, but not on Reynold.²⁵ The assault against the maid is dealt with informally; the violence against Turner, formally. Excessive violence against apprentices, servants or students may often have been similarly curbed by parental

²³ WCRO, BA 1/110/14/53.

²⁴ WCRO, BA 1/110/14/53.

²⁵ Bund, *Calendar*, p. 100.

intervention, although such resolutions have left relatively few traces in the historical record.

Relatives, other than parents, intervened to curb violence by masters or mistresses against their dependants, and friends also became involved in tackling the problem. In April 1662, Wayneman's sister Jane, also in service at the Pepys' household, effectively stopped Samuel Pepys from correcting her brother with a cane for 'his staying of errands and other faults'. The entry in Pepys' diary records that she 'begged for him: so I forebore.'²⁶ In Worcester 1649 the friends of apprentice Symon Corbett were involved in the successful court effort to get him discharged from the service of his master Fleming Gearse, who had 'unduly corrected' him.²⁷

However, such examples are infrequent in comparison to records of parental intervention. The role of parents, in limiting the use of excessive violence by teachers or masters against their children, meant that young people without close relatives were especially vulnerable to physical abuse, including violence.²⁸ In June 1680 Thomas Neale deposed that whilst he had lived and boarded at Worcester with one John Gent some two months earlier, probably as an apprentice, 'having noe ffreinds or Relacons to whom to apply himself [he] was very much beaten and abused by the said mr John Gent and his wife w[hi]ch was

²⁶ Latham & Matthews (eds.), *Diary of Samuel Pepys*, vol. 3, p. 66. Intervention of kin other than parents may have been more frequent in London than elsewhere in the country, as many of those in service had migrated some distance from their parents, sometimes having been introduced to their masters by kin already in London.

²⁷ WCRO, BA 9360/X496.5 'Sessions Book, 1632-1655', fol. 75r. The word friends may have been used here in the sense of advisors or backers, or may have referred to kin; Stone, *Family*, p. 97; Rushton, 'Property, power and family networks', p. 211.

²⁸ Kettle (ed.), 'Cradock's book', p. 106-07; WCRO, BA 1/110/98/31; *An Exact Relation of the Bloody and Barbarous Murder, Committed by Miles Lewis and his Wife, a Pinmaker upon their Prentice, Dwelling in Barnsby-Street in Southwark* (London, 1646).

the only reason that this dep[onent] did ... come away to London'.²⁹ Neale considered that his inability to call upon friends or relatives influenced the Gents' ill-treatment of him, which eventually persuaded him to run away. The court noted that Neale was living in Chancery Lane and enjoying good health.

The intervention of relatives or friends was not technically necessary to secure the protection of those in service, whether by securing a promise that violence would desist or by terminating the contract. As we considered in Chapter One, it was lawful for those in service to quit their positions providing they secured authorisation from a justice of the peace.³⁰ Yet, although servants and apprentices were legally allowed to leave physically abusive masters, they sometimes encountered significant practical difficulties when attempting to quit their employment. When master Richard Flaxman was brought before Norfolk Justice Robert Doughty in 1662 for beating and bruising his maid, Doughty noted that 'He had been before me once before ... and had promised to beat her no more.' This time, Doughty discharged the maid Ann Gilbert and ordered Flaxman to pay Gilbert her wages of five shillings and give her clothes to her. Yet six weeks later Doughty had to issue a warrant against Flaxman, as he had failed to either pay Gilbert's wages or to give her her new smock.³¹

Gilbert's experience shows that the onus was on those in service to persist if they wanted to secure their discharge, as an initial complaint to the magistrate gained only a promise from Flaxman to amend his behaviour. In Worcester 1663, maltster's apprentice William Jones received a similar response when he

²⁹ WCRO, BA 1/110/137/79.

³⁰ Above, ch. 1, p. 78. For an example, see J. H. Bettey (ed.), *The Casebook of Sir Francis Ashley JP Recorder of Dorchester 1614-35*, Dorset Record Society, 7 ([n.p.] 1981), p. 99.

complained of his master John Lyon's abuse of him 'not only by blowes but alsoe by many heavy burdens'. Lyon promised to amend and Jones was told that another appearance before the justices would be necessary if the abuse persisted.³²

The level of violence that apprentices claimed to have suffered in successful requests for discharge was frequently high, suggesting that justices preferred not to authorise the termination of indentures unless the violence was very severe. In the city of Worcester during the seventeenth century, apprentice William Joyner claimed to go 'in fear of his life'; the apprentice of Francis Sushall was disabled by a kick in the ribs; currier's apprentice Thomas Giles made too weak to work following unreasonable correction; and glazier's apprentice George Westburie discharged following death threats from his master.³³ Strikingly the term 'correction' is routinely used to describe such violence, lending authority and legitimacy to the masters and mistresses' behaviour, even as they are criticised for over-stepping the mark as they mete out 'immoderate uncivil and undue correction' and 'extraordinarie severe correction'.³⁴ Pejorative language such as 'abuse' or 'outragious batteries' is employed much less frequently to describe heads' violence against their dependants.³⁵

Evidence for contemporary responses to undue violence against dependants was sometimes only generated following the death of its victim. Matthew Cradock, Stafford mayor and justice, kept a book concerning the

³¹ J. Rosenheim (ed.), *The Notebook of Robert Doughty 1662-65*, Norfolk Record Society, 54 (Norwich, 1989), p. 18.

³² WCRO, BA 9360/X496.5 'Sessions Book, 1656-1673', fol. 39r.

³³ WCRO, BA 9360/X496.5 'Sessions Books, 1673-1704', fol. 64v; '1656-1673', fol. 12r; '1632-55', fols 57r, 86r. See also Griffiths, *Youth and Authority*, pp. 313-24.

³⁴ WCRO, BA 9360/X496.5 'Sessions Book, 1632-1655', fols 25r, 86r, 12v, 57r, 75r, 86r, 89v, 93r, 95r.

³⁵ WCRO, BA 9360/X496.5 'Sessions Books, 1656-1673', fols 39r, 83v; '1673-1704', fol. 64v.

business brought before him in his capacity as justice, which included in 1614 an inquiry into the death of a child, Elizabeth Clowes. Cradock records examinations of her step-mother Margaret Clowes (whose beatings appear to have caused Elizabeth's death), Elizabeth's father and three neighbours. Abraham Clowes, the girl's father, asserted that his wife had been using her authority in a responsible rather than abusive manner as

he never saw his wife give unto his said daughter any correction at any time otherwise than was fitting.³⁶

Margaret Clowes also emphasised her restraint, saying she had given 'unto the child a little box of the ear and no other ways' some three weeks earlier and had not corrected the child since.³⁷ Both Margaret and Abraham attributed Elizabeth's death to an illness unrelated to this correction. The Clowes' neighbours contradicted this picture of Margaret Clowes' restrained conduct towards her step-children. Her next-door neighbour Ellen Leycrofte

never did see the wife of Abraham Clowes beat any of her husband's children but she hath heard them cry very vehemently and that she would curse them for which this examinee hath oftentimes reprov'd [her].³⁸

Neighbour Anne Simons deposed that Margaret Clowes had beaten her step-son's backside 'so vehemently with her hand that she had thought that the said Clowes his wife had been beating of clothes', causing another witness, Mr Winkle, to reprove Clowes.³⁹ Moreover, one William Meeson had seen Clowes 'take the child by the arm and pull the child into the door and spurn at the child, so that the

³⁶ Kettle (ed.), 'Cradock's book', p. 106.

³⁷ Kettle (ed.), 'Cradock's book', p. 106.

³⁸ Kettle (ed.), 'Cradock's book', p. 107.

³⁹ Kettle (ed.), 'Cradock's book', p. 107.

child cried vehemently and gasped for wind.’⁴⁰ Margaret Clowes’ violence may have been domestic but it was not private. Despite his testimony concerning Margaret Clowes’ violence towards Elizabeth, Meeson was reluctant blame her for her step-daughter’s death. Whereas Clowes had distanced herself from the child’s death by saying she had died following a sickness, Meeson said that Elizabeth had seemed well since the violence he witnessed and that he could not be certain that she had died because of it. The verdict reached by the coroner’s jury was recorded in Cradock’s book: death by visitation of God.⁴¹

The case in Cradock’s book resembles one heard in Worcestershire’s Quarter Sessions in 1661, concerning the death of an unnamed girl, whose surname was White. The girl, described as fatherless (and probably an orphan), was taken in by one Elizabeth White and her husband. As in the Clowes’ case, neighbours presented what they had heard as evidence, for Elizabeth White:

did often beate her in such a man[n]er that the very cryes of the child have caused teares in one of the neighbours that heard them.⁴²

Like the complaint against Clowes, the complaint against White betrays reluctance to make the woman’s acts the cause of the child’s death. In addition to beating the girl, Elizabeth White ‘(upon a pretence to breake a custome the child had taken to of eating dirt) in a barbarous and unmercifull man[n]er [did] force the childe owne dung into her mouth’.⁴³ Despite this extraordinary treatment, the complainants proposed that White be ‘severely and exemplarily’ punished for her ‘passion, cruelty and uncharitableness’ rather than for causing death as ‘it doth

⁴⁰ Kettle (ed.), ‘Cradock’s book’, p. 107.

⁴¹ Kettle (ed.), ‘Cradock’s book’, p. 106.

⁴² WCRO, BA 1/110/98/31.

⁴³ WCRO, BA 1/110/98/31.

not appeare there was any purpos'd or intended designe of destroying the child (or that her ill usuage hastened her death)'.⁴⁴

When early modern writer Peter Barker described the human body using the metaphor of a building, he cast 'the eares as watch-towers'.⁴⁵ This is an apt metaphor, as neighbours were often alerted to domestic violence by what they heard. As the Clowes and White cases show, neighbours would sometimes reprove the perpetrators of violence against dependants when what they overheard sounded very severe. Likewise, a literary representation of violence published in 1646 depicts the neighbours of a Southwark pinmaker being prompted to intervene on behalf of the apprentice following evidence presented to their ears. On 'hearing his [the apprentice's] doleful and lamentable cry', the neighbours asked his master and mistress to 'mittigate their wrath, and not to deal with him so barbarously'.⁴⁶ The fact that the child died in both the literary example (which claimed to be an 'exact' account of the event) and the judicial ones, does not mean that neighbourly intervention was invariably ineffective, for successful interventions were much less likely to have been recorded.

However, despite the distress caused by sounds of violence, neighbours sometimes took no immediate action, possibly because they felt they lacked the authority to intervene in the running of another's household. Neighbours reported cruelty to the Kidderminster bailiff in January 1679 only after tailor Urban Smith had ill-treated his apprentice so much that people 'wondred if he was alive, being like to an Anatomy'. Although they had heard the apprentice being beaten one

⁴⁴ WCRO, BA 1/110/98/31.

⁴⁵ P. Barker, *A Judicious and Painefull Exposition Upon the Ten Commandements; Wherein the Text is Opened, Questions and Doubts are Resolved, Errours Confuted, and Sundry Instructions Effectually Applied* (London, 1624), p. 92.

night as if to 'have killed him, which by the grievous outcries he made they were exceedingly disturbed', they do not appear to have directly intervened at that time.⁴⁷ The household unit was accorded considerable autonomy in early modern England, as its master's authority was likened to the monarch's. Consequently, neighbours were sometimes unwilling to interpose in relations between household members, even when the relationship was abusive

As well as neighbours often failing to intervene to protect abused dependants, there was a widespread reluctance to bring those responsible for their deaths to account. The portents which early modern people sometimes read to prove culpability for murder, such as corpses which bled in the presence of their murderer, are conspicuously absent in these cases of children dying following violence against them by their household heads.⁴⁸ Drawing on evidence from seventeenth-century Essex assizes, James Sharpe has argued that those accused of killing servants or apprentices may have been the most likely group of killers to escape conviction.⁴⁹ Violence against dependants, even if murderous, did not jeopardise the social order, which was based on values of gerontocracy and patriarchy. Indeed, in a society which saw physical force as a necessary instrument of discipline, which could appropriately be used to correct in contexts ranging from the household to the highest courts in the land, curbing the powers

⁴⁶ Kettle (ed.), 'Cradock's book', p. 107; *An Exact Relation*, pp. 4-5.

⁴⁷ WCRO, BA 1/110/133/34.

⁴⁸ P. Lake, 'Deeds against nature: cheap print, Protestantism and murder in early seventeenth century England' in P. Lake & K. Sharpe (eds), *Culture and Politics in Early Stuart England* (London, 1994), pp. 169-272; M. Gaskill, 'The displacement of providence: policing and prosecution in seventeenth- and eighteenth-century England', *Continuity and Change*, 11 (1996), pp. 341-74.

⁴⁹ J. A. Sharpe, *Crime in Seventeenth-Century England: A County Study* (Cambridge, 1983), p. 126.

of parents or their substitutes risked impairing the social order more profoundly than did tacitly permitting abuse.

Social pressures were a deterrent to committing violence against dependants. They may have been more powerful than the legal sanction of having an apprentice discharged and having to return a portion of their fee, or even the risk of being indicted. In particular, being held accountable for a young person's death would have tainted one's reputation. In his autobiography, Adam Martindale recounted a scandal 'cast upon me by malicious people' when a maid died following correction he had authorised.⁵⁰ The young woman had breached a new Act concerned with Sabbath-day observance which carried a penalty of a ten shilling fine or correction. Martindale, who had been nominated to enforce the Act, left the maid's punishment to the constable's discretion. Rather than levy a steep fine, the constable and master, 'being all good fellows, turned all into a jest'. The master gave 'such gentle touches on her clothes' that a baby would have been unhurt.⁵¹ According to Martindale, the woman shortly after contracted fever and died, but it was reported that Martindale had got her 'cruelly whip't' so that 'the griefe whereof had broken her heart.'⁵² Martindale explained that he cleared himself at a month's meeting (when justices met between sessions to discharge work) and from the pulpit. His discussion of the incident in his autobiography can be seen as a continuation of this effort to restore his reputation. Despite his efforts to reject the damaging rumour publicly, it was not entirely quashed and Martindale recorded his feelings of humiliation, when he was dining out some

⁵⁰ Parkinson (ed.), *Life of Adam Martindale*, p. 124.

⁵¹ Parkinson (ed.), *Life of Adam Martindale*, p. 125.

⁵² Parkinson (ed.), *Life of Adam Martindale*, p. 125.

years later and the matter was raised. Social pressures were, then, one set of curbs on the use of violence by household heads against those in their care.

A different kind of brake on adults' use of force to correct were spiritual factors, which restricted as well as authorised physical discipline. In his legal guidebook, Lambarde advised masters to temper their treatment of servants by remembering that they too had a master, in heaven.⁵³ Such advice was taken to heart by some. Adam Eyre lamented after he had conscientiously disciplined Jane Goodyer in 1647 that 'hence am I induced to bewail my sinfull life, for my failings in the presence of God Almighty are questionless greater than her's are to mee.'⁵⁴ Social and religious factors thus curbed the use of force against dependants, in addition to legal sanctions.

To what extent was the disciplining of children shaped by ideas about gender? The complaint against Elizabeth White was brought by one Edward White, probably a relative of both the deceased girl and her guardian. However, all three witnesses were women. In the Clowes' case, two of the three witnesses were women. This preponderance of women is unusual for cases of violence in general which, even when women had participated in incidents, were usually described to the courts by men. The reversal can be accounted for by the fact that child rearing was primarily women's responsibility. Women were considered authorities on what constituted appropriate punishment for young children but, as children grew older, responsibility for disciplining them was more likely to be divided between the sexes.

⁵³ W. Lambarde, *Eirenarcha: Or of the Office of the Justices of Peace, in Two Bookes* (London, 1582), p. 138; An identical caution was given by J. Dod & R. Cleaver, *A Godlie Forme of Household Government: For the Ordering of Private Families, According to the Direction of God's Word* (London, 1612), p. 365.

It was considered more appropriate for maids to be corrected by their mistresses and male servants by their masters, for 'a mans nature scorneth and disdaineth to bee beaten of a woman, and a maids nature is corrupted with the stripes of a man.'⁵⁵ This proposed division of discipline was sometimes followed. In the Pepys household in January 1664, Samuel instructed his wife to beat a female servant whilst he reprov'd a male servant.⁵⁶ In the cases heard at Worcester City Sessions the male apprentices invariably complained of their masters' violence, whilst the only female discharged on the grounds of violence, a servant in a weaver's household, had been beaten by her mistress.⁵⁷

Overall, men's use of violence against dependants is better documented than women's. Men were a greater proportion of those writing autobiographies and diaries, were more socially diverse than women with the skills and resources to write and less likely to focus on their spiritual lives.⁵⁸ Although men, including Martindale and Forman, recount their experiences of disciplinary violence at the hands of their mothers, fellow servants and mistresses and Pepys occasionally refers to his wife's responsibility for correction, their texts focus more on their own role in meting out violence. Despite this imbalance in the quantity of evidence available for the use of corrective violence by women and men, it is clear that a division along gender lines was not consistently observed. In many

⁵⁴ Eyre, 'A dyurnell', p. 67.

⁵⁵ Dod & Cleaver, *A Godlie Forme*, p. 378; W. Gouge, *Of Domesticall Duties: Eight Treatises* (London, 1622), p. 662.

⁵⁶ Pepys also directed his wife to beat a female servant in 1665; Latham & Matthews (eds.), *Diary of Samuel Pepys*, vol. 5, p. 13, vol. 6, p. 36.

⁵⁷ WCRO, BA 9360/X496.5 'Sessions Book 1632-55', fol. 12v.

⁵⁸ A. Schulte (ed.), *Cecilia Ferrazzi: Autobiography of an Aspiring Saint* (Chicago, 1996), p. xxii; S. Heller Mendelson, 'Stuart women's diaries and occasional memoirs' in M. Prior (ed.), *Women in English Society 1500-1800* (London, 1985), pp. 182-85.

households, men would also discipline female domestics and women their male dependants.

Men and women both used violence to correct, but was one sex more aggressive than the other in this respect? Or did other factors increase the likelihood that a person acting as a head would use violence in an unrestrained manner? The stereotype that women were less punitive physically than men certainly existed and the London preacher and writer, William Gouge, argued that women 'for the most part offend' when it came to over-leniency towards children.⁵⁹ However, other texts did not describe gender as the key factor in accounting for leniency. The author of *The Office of Christian Parents*, an advice book for parents, considered parents to be 'diversly affected' as 'some mothers have no other discipline but severe correction, some fathers cannot abide to heare their children crie'.⁶⁰ As we have seen, both men and women in Worcestershire were responsible for abusive violence towards their dependants. The gender of the person using violence was not an important factor in determining whether correction was meted out responsibly.

Occupation was a crude indicator of aggression in the ballads of the time, as tailors were depicted as feeble and butchers as blood-thirsty. Was occupation a factor associated with the level of violence used by household heads? In cases of extreme violence against apprentices and servants in Worcester, no single occupation stands out as particularly culpable. Rather, dependants in a range of trades complained of violence committed against them by their heads.

⁵⁹ Gouge, *Domesticall Duties*, p. 557.

⁶⁰ *The Office of Christian Parents: Shewing How Children are to be Governed Throughout all Ages and Times of Life* (Cambridge, 1616), p. 89.

A more powerful predictor of the level of violence used than either the sex of the parent or occupation of the household head, was an individual's relationship to the person they were correcting. In prescriptive literature parents were encouraged to make use of the rod when other methods of discipline had failed. Parents were even reprimanded for failing to 'commit their children to a Tutor or School-master, but with a strait charge, that they correct them not', and for resenting it when neighbours admonished their children.⁶¹ In stark contrast to these encouragements to parents to use or permit correction, the prescriptive advice for those acting in their capacities as heads spelt out the limits on entitlements to use force, saying it was not just to kill or dismember those in their charge.⁶² The violence against dependants in the court records is overwhelmingly inflicted by teachers, step-parents, masters and mistresses. As the prescriptive literature implies, parents were less likely to use excessive force against children than those acting in other capacities.⁶³

Our discussion of violence against dependants can be summed up as follows. The courts provided limited protection to the young. Violence which neighbours and relatives considered severe was often dealt with informally and, even when fatalities occurred, participants in subsequent proceedings were not greatly inclined to make the perpetrators accountable for murder. More effective constraints on violence against children and young adults may have been provided by parents and neighbours who would sometimes reprimand those whom they considered were using force immoderately. There was no clear level at which

⁶¹ Gouge, *Domesticall Duties*, p. 557; W. Jones, *A Briefe Exhortation to all Men to Set their Houses in Order* (London, 1631), p. 24.

⁶² Gouge, *Domesticall Duties*, p. 659.

reasonable force was seen to become undue violence. On the one hand, there is evidence of sensitivity concerning the use of force. Schoolmasters whose use of force was considered excessive were reprimanded by irate parents; diarists recounted in some detail their experience as the recipients and users of force and Worcestershire court clerks thought it worth noting that a run-away apprentice living in London was in good health following his experience of maltreatment. Yet other evidence suggests a lack of concern about how violence was used against dependants. White's neighbours, for example, heard beating that brought tears to their eyes but appear to have made no effort to prevent such violence. Such diffidence was related to the high degree of autonomy accorded to the household unit and to the importance attached to hierarchies of age. The disinterest shown towards violence against dependants contrasts sharply with the attention paid to servants who presumed to use force against their superiors.

VIOLENCE BY DEPENDANTS

Dependants, although more likely to be the victims of violence from household heads than to perpetrate it against them, were nevertheless sometimes willing to use force.⁶⁴ Parents were occasionally the victims of their violence. Garthine Walker has commented that '[M]others of violent men could stress the subversion of the natural order in ways that wives, daughters and sisters usually could not.'⁶⁵ This was the case in the Worcestershire Court of Quarter Sessions in 1681 when a (grown-up) son who was threatening his mother Mrs Beachfield was

⁶³ The argument that servants and apprentices were more exposed than children to violence is also made in Stone, *Family*, p. 167.

⁶⁴ Sharpe, *Crime*, p. 121.

described by her as ‘one of the vilest villaines living’ and a ‘most unnaturall son’.⁶⁶ Beachfield’s emphasis on the unnaturalness of her son’s acts closely resembles the language used to depict children who had used force against their parents in prescriptive literature.⁶⁷ In addition to these powerful cultural bars there were physiological barriers against the use of force by children. Whilst living at home, most children would have been too small physically to oppose effectively their parents with force. Had they attempted to do so, one or other parent would have been able to quash their disobedience without recourse to the courts, leaving no documentary trace. As it was common practice in a range of social groups for older daughters to be sent into domestic service and sons apprenticed, the likelihood of domestic conflict between parents and a child increasingly able physically to use force would have diminished. It would have been replaced, however, by opportunities for physical dissent by dependants against their master or mistress.

Recalcitrant servants and apprentices were, then, more likely to resist their heads physically than children were their parents. They usually opposed women’s rather than men’s efforts to impose authority. Household tasks were recognised as an area of female expertise, but the fact that women commanded less authority in society at large, relative to men, contributed to them receiving threats and physical opposition even in the domestic domain.⁶⁸ Husbands sometimes undermined their

⁶⁵ G. Walker, ‘Crime, gender and the social order in early modern Cheshire’ (PhD thesis, Univ. of Liverpool, 1994), p. 92.

⁶⁶ WCRO, BA 1/110/139/111.

⁶⁷ Above, ch. 1, pp. 67-68.

⁶⁸ For perceptions of women’s work see M. Roberts, ‘To bridle the falsehood of unconscionable workmen, and for her own satisfaction’: what the Jacobean housewife needed to know about men’s work, and why’, *Labour History Review*, 63 (1998), pp. 4-30. Further examples of

wives' authority when it came to dealing with servants, although Caleb Trenchfield, the author of an advice book published in 1671 for men, specifically advised against this on the grounds that it is.⁶⁹

hard to vindicate young Wives from the contempt of their Servants; who will much more readily deride their petty indiscretions, then obey their reasonable commands; especially when the new maid is an old-playfellow ... or is some stanch trout.⁷⁰

The relationship between women's lack of authority and their greater exposure to violence from dependants is implicit in a brief entry the Surrey Justice Bostock Fuller made in his notebook in July 1616, 'The xith I sent Eliz. Edsall se[r]vant to Richard Greene to the house of Correction for stryking her dame and threatning h[e]r after'.⁷¹ The Justice refers to Edsall as Richard Greene's servant, rather than his and his (unnamed) wife's joint servant, or even only his wife's, reflecting the fact that men were accorded greater economic and legal status in early modern England.

Worcestershire Justice Bearcrofte heard how one Anne Smith was violently opposed in 1681 by 'her husbands hirde [hired] servant', Sarah Weale, when Smith asked her to

wash some cheesefatts and she refusing to wash them soe as she commanded her, she this Informer did take her by the sherte and endeavor[e]d to leade her out to doe it as she bade her and she thereupon sate downe upon a Bench and sware that she would not doe it, and this Informer thereupon taking her by the arme agayne w[ith] intent to make her to go out of Doores about her said worke shee layd hould upon this Informer by her throate and violently pulled her against a chayre, and

apprentices' violence against their masters are discussed in Ben-Amos, *Adolescence and Youth*, pp. 104, 211;

⁶⁹ Latham & Matthews (eds.), *Diary of Samuel Pepys*, vol. 5, p. 349.

⁷⁰ C. Trenchfield, *A Cap of Grey Hairs, for a Green Head: Or, the Father's Counsel to his Son, an Apprentice in London* (London, 1671), p. 139.

⁷¹ G. Leveson-Gower (ed.), 'Notebook of a Surrey justice [Bostock Fuller]', *Surrey Archaeological Collections*, 9 (1888), p. 212.

thereupon this Informer was forced to defend herself as well as she could.⁷²

Cleanliness was 'an ornament to a Hus-wife', the lack of which caused the housewife to lose 'all good names'.⁷³ High standards of cleanliness were particularly critical in dairy work, including cheese-making. Accordingly, having the 'cheesefatts' washed would have been important to Smith, but less important to her servant, who may have considered the work demeaning.⁷⁴ Defiance regarding work was a character flaw particularly associated with the young, who were urged to discard their pride and do as they were told, 'though it bee never so base and painefull to be done.'⁷⁵ The physical expression of such defiance, however, was more likely to be targeted against women, than men.

Whilst the two examples given above concern the violence of female servants against their mistresses, young men also threatened and assaulted their mistresses, including sexually. In 1687 one Thomas Merrye was gaoled in Worcester for 'making An attemp[t] to make use of his dames body after a lewde maner'.⁷⁶ As an apprentice in Salisbury, Simon Forman was perpetually in conflict with his mistress. On one occasion, Forman's mistress noticed some flax missing and 'wold have Beaten Simon, as she had wonte to doe, with a yeard'.⁷⁷ However, Forman seized the yard-stick from her and pinned her against the wall, causing her to complain, 'with weeping teares' of the fright she had been given, to

⁷² WCRO, BA 1/110/139/72.

⁷³ G. Markham, *Country Contentments, or the English Huswife Containing the Inward and Outward Vertues Which Ought to be in a Compleate Woman* (London, 1623) pp. 179, 184-90.

⁷⁴ For the importance of housewifery to early modern women's identities, see G. Walker, 'Expanding the boundaries of female honour', *TRHS*, 6th s., 6 (1996), pp. 235-45. 'Cheesefatts' may refer to vats in which cheese was made or to cheese curds.

⁷⁵ Dod & Cleaver, *Exposition*, p. 188.

⁷⁶ WCRO, BA 1/110/153/28.

⁷⁷ Forman, *Autobiography*, p. 10.

her husband (Forman's master).⁷⁸ Whereas Forman had defied his mistress's efforts to discipline him when she suspected theft, he submitted to the physical punishment bestowed upon him by his master. This demonstrates that Forman perceived the master of the household to be more authoritative than the mistress. It confirms the view, expressed in prescriptive literature, that men scorned to be corrected by a woman. According to Forman, his master punished him 'moch againste his wille', for he too had been provoked to attack his wife, nearly killing her on two occasions, and appreciated that she was a 'wicked, hedstronge, and proud' woman who was in fault in this episode.⁷⁹ Servants and apprentices' violence against mistresses reveals a tension between two hierarchies, one which emphasised obedience to household heads and another with stressed women's inferior status in society. Despite the respect due to them in their capacities as heads, women were more likely to meet with dissension when they attempted to exercise their authority within the home than were men.

As Forman's response to his master suggests, masters were much less vulnerable than mistresses to violence from their servants and apprentices. However, they too were occasionally threatened. In 1625 one John Wreuford of Longdon (Worcestershire) complained of the aggression of his former servant David Powell towards him. Wreuford asserted that he 'did once lay voyolent hands made an assault and would have fought w[i]th him the said John Wreuford when he [Powell] was his [Wreuford's] servant.'⁸⁰ Men's greater physical size and strength, relative to women, would have made them more difficult targets for

⁷⁸ Forman, *Autobiography*, p. 10.

⁷⁹ Forman, *Autobiography*, p. 10.

⁸⁰ WCRO, BA 1/110/48/182.

violence from their dependants. Importantly, men derived more powerful protection from violence by being seen as more naturally authoritative than women.

The importance of social status and personal relationships, in determining whether a particular use of force was regarded as benign or pernicious, is evident if we contrast the differing penalties meted out to violent heads and dependants. We have seen that levels of force were often very high, or sustained over a period of time, before apprentices or servants gained permission from justices to quit their posts; when they did, the only penalty faced by the master was usually having to return their indentures fee. In contrast, dependants' violence against heads on a single occasion was a serious form of disobedience. A speech given to a jury at Walsingham in 1663 by the Norfolk Justice Robert Doughty illustrates this. Despite the fact that his notebook recorded numerous incidents of violence by masters against apprentices and servants, including two fatalities, Doughty singled out as particularly heinous 'such assault or affray as any servant, workman or labourer hath willfully made upon master, mistress, dame or any other that then had the charge or oversight of the work or of such in the work'.⁸¹

Dependants who used violence against their heads could be incarcerated. Worcester draper's apprentice Thomas Griffen was sent to Bridewell in 1633 for assaulting his master.⁸² Alice Robson, apprentice to Mary Hartless, of Dudley (Worcestershire) was gaoled in 1685 for assaulting her mistress.⁸³ Robson's conduct had been poor in a number of ways. She had borrowed money in

⁸¹ Rosenheim (ed.), *Robert Doughty*, pp. 105, 18, 21, 23, 24, 26.

⁸² WCRO, BA 9360/X496.5 'Sessions Book 1632-55', fol. 18v.

⁸³ WCRO, BA 1/110/152/11.

Hartless's name without permission and spent it, taken yarn from the cupboard and sold it was 'exceedingly addicted to drinking and cardplaying', and had offered to have sex with one Thomas Perkin.⁸⁴ It was only when Robson 'did threaten to kill the said Mary her dame tho she should be hanged at the dore for soe doing, and did then assault and beat the said Mary', that a complaint was made. This suggests that Robson's explicit threat to her mistress, and thus to one of the hierarchies on which good order depended, was viewed as more offensive than other aspects of her misconduct.⁸⁵ Much less threatening than dependants' use of violence against their superiors, which undermined one of the foundations of social order, was their violence against one another.

It seems likely that fights amongst the younger members of the household would have accounted for a considerable proportion of the violence which occurred in and around the home. Such fights, however, would usually have been settled either by their participants, or by the intervention of masters, mistresses and parents, and there is relatively little evidence for them. On what grounds, then, can it be hypothesised that such violence was fairly commonplace? Anthropologists who have studied violence have argued that it is often employed instrumentally in interpersonal relations, a resource to secure goals which requires a minimum of equipment or esoteric knowledge.⁸⁶ Additionally, it has been argued that where boundaries to shared resources are poorly defined, tensions amongst those sharing the resources in question arise.⁸⁷ In such situations,

⁸⁴ WCRO, BA 1/110/152/31.

⁸⁵ WCRO, BA 1/110/152/31.

⁸⁶ D. Riches, 'The phenomenon of violence' in D. Riches (ed.), *The Anthropology of Violence* (Oxford, 1986), pp. 11-12.

⁸⁷ P. Schneider, 'Honour and conflict in a Sicilian town', *Anthropology Quarterly*, 42 (1969), pp. 130-54.

violence is one way of asserting both one's rights and honour. The relative status of servants and apprentices within a household was not concretely defined, although age and the length of time spent in service were important factors. Lacking access to other financial and social means of advancing their interests, both servants and apprentices would have been able to use violence to assert their authority and status, for example, in conflicts over who should undertake which household tasks.

Simon Forman's autobiography provides insights into the way in which struggles for status occurred, as he claims he was 'put to all the worst, and being little and small of stature and yong of yers, every one did triumphe over him', especially the kitchen maid, Mary Roberts. When both their master and mistress were absent one morning, Mary refused to help Simon when the shop became busy, instead threatening to 'have him by the ears'. For 'all her knavery' Simon beat Mary 'black and blue all over' with a stick, causing her to cry and roar 'like a bulle.' Forman considers that his use of force was effective and proudly asserts that following this incident Roberts treated him more respectfully, giving him 'many a pound of butter' for his breakfast 'which before that she wold never doe'. Forman's master did not regard this episode as a particular threat to his authority, but considered that Forman had 'servedst her [Mary] well ynough'.⁸⁸ Violence between peers, which neither affirmed nor rejected social hierarchy, prompted relatively little concern.

⁸⁸ Forman, *Autobiography*, pp. 6-7. For further examples of such conflicts see Griffiths, *Youth and Authority*, p. 297.

MARITAL VIOLENCE

A vivid demonstration of the power men have wielded over women, wife-beating has engaged feminist historians and literary scholars.⁸⁹ As historians have noted, the authority men had to beat their wives exposed some women to severe and sustained violence.⁹⁰ Like other types of domestic violence, much marital violence would have been public rather than private knowledge. Even disputes conducted within the house would frequently have had eye-witnesses such as friends or servants, or have been within hearing range of neighbours.⁹¹ Yet even when a woman's neighbours were aware of the fact that she was being beaten, they were not necessarily able to curb her husband's violence effectively.⁹² In 1615, for example, parishioners of Crowle (Worcestershire), complained that the smith John Hodges

useth to beate his wief and childe so greevosly that he disturbeth the neighbors and when they reprove him for it he will sweare and ask who hath to do w[i]th that he will do so agayne and is therein as good as his worde.⁹³

⁸⁹ Contributions to the history of early modern marital violence include L. Stone, *The Family, Sex and Marriage in England, 1500-1800* (London, 1977), esp. 93-95 & Stone, *Road to Divorce: England 1530-1987* (Oxford, 1990), pp. 198-202; M. Hunt, 'Wife beating, domesticity and women's independence in eighteenth-century London', *Gender & History*, 4 (1992), pp. 10-33; S. D. Amussen, "'Being stirred to much unquietness": violence and domestic violence in early modern England', *Journal of Women's History*, 6 (1994), pp. 70-89; J. A. Sharpe, 'Domestic homicide in early modern England', *Historical Journal*, 24 (1981), pp. 29-48; E. Foyster, *Manhood in Early Modern England: Honour, Sex and Marriage* (London, 1999), ch. 5; L. Gowing, *Domestic Dangers: Women, Words and Sex in Early Modern London* (Oxford, 1996), ch. 6; A. Fletcher, *Gender, Sex and Subordination in England, 1500-1800* (London, 1995), ch. 10.

⁹⁰ For assertions of men's right to physically chastise their wives see above, ch. 1, pp. 79-82.

⁹¹ WCRO, BA 1/110/128/15; *A Caution to Married Couples: Being a True Relation How a Man in Nightingale-Lane Having Beat and Abused his Wife, Murthered a Tub-man that Endeavoured to Stop him from Killing her with a Half-Pike* (London, 1677); WCRO, BA 1/110/136/34, 110/19/93, 110/88/11; Hunt, 'Wife beating', p. 23.

⁹² One means of curbing men's violence against their wives which was to be used in the eighteenth and nineteenth centuries was rough music. During the seventeenth century, however, this was conventionally used to shame domineering wives; E. P. Thompson, *Customs in Common* (London, 1991), ch. 8; M. Ingram, 'Ridings, rough music and the "reform of popular culture" in early modern England', *Past and Present*, 105 (1984), p. 86 n. 14.

⁹³ WCRO, BA 1/110/22/68.

The parishioners additionally complained that Hodges threatened to leave his wife and children for the parish to support financially. Although this would have ended his violence, it was not a desirable outcome as far as his neighbours were concerned. The increased poverty, that being supported by the parish may well have entailed, might also have meant that this was not an attractive option even to Hodges' beaten-up family.⁹⁴

A similar dilemma faced residents of Yardley in 1616, as despite being 'honest, quiett, just and true' Joan Adams and her five young children were being beaten and deprived of food by her second husband, whom she had married on becoming a widow.⁹⁵ Joan Adams had sworn the peace against her husband Arthur, but rather than ending the conflict this had prompted him to threaten to leave her and take with him the rest of the goods she had brought to their marriage.⁹⁶ The Yardley petitioners, who complained to the justices about other aspects of Arthur Adam's anti-social behaviour, hoped that 'he may hereafter lyve with his sayd wife orderly as a Christian husband or else that shee may haue that litle goods which are lefte.'⁹⁷ The risk, that the 'poor woman and her poore children' would be 'utterlie beggered' if action was taken against her husband's violence without addressing the question of Joan's economic dependence on him, was a source of considerable concern to the parish residents.⁹⁸ The petitioners were not wholly opposed to the husband leaving his wife and argued that, providing Joan Adams retained the possessions which were legally his but morally

⁹⁴ Stone, *Divorce*, p. 201.

⁹⁵ WCRO, BA 1/110/25/25; 110/25/22-23. That villagers were reluctant to intervene when a new charge on the poor rate could result has also been noted by Fletcher, *Gender*, p. 198.

⁹⁶ WCRO, BA 1/110/25/22.

⁹⁷ WCRO, BA 1/110/25/22.

hers, he could depart. However, they did not want Arthur separated from Joan Adams if it meant that they would have to support her financially. Whether a wife could support herself and her children, independently of the parish, thus influenced the ways in which neighbours attempted to curb long-term violence.

Neighbours' petitions against wife-beating were one of the ways in which excessive violence was brought to the attention of the courts. However, such complaints were not always a direct response to the husband's violence and cannot be interpreted as evidence of clear opposition to wife-beating. Elizabeth Foyster has argued that immoderate violence by husbands against wives was always regarded as wrong, threatening as it did the patriarchal fiction that men were the more rational and responsible sex.⁹⁹ Yet if such a view existed, it was frequently not powerful enough to prompt either a swift or stern response on the part of members of the local community in Worcestershire parishes.

The complaint made to the county Court of Quarter Sessions against John Hodges initially criticised him for failing to undertake work he was paid to do by the parish, which had additionally provided him with a home. As well as having a habit of declaring he was out when people with work called by, Hodges drank excessively. That Hodges beat his wife and threatened to leave her for the parish to support financially merely provided further evidence of his anti-social tendencies. In a similar manner, articles made against yeoman Thomas Walton in 1606 note his violence towards one Margaret Bradley, his threats to burn homes and kill children, and his assaults on livestock, before finally mentioning violence towards his wife, whom he ran at 'w[i]th a Pike like to have killed hir, on the said

⁹⁸ WCRO, BA 1/110/25/23.

Monday in Rogacon weeke.¹⁰⁰ It seems likely that had it not been for his other acts of verbal and physical violence, Walton's attack on his wife would not have warranted a complaint. Rather than forming the chief cause of a complaint in Worcestershire husbands' violence was often only one component in a lengthy complaint. Susan Amussen has found that in early modern Norfolk mistreatment of a wife was likewise often one offence amongst many. She interpreted this as evidence that disorder within the family could disturb the peace of the town as much as other types of disorder did, but I think it testifies more to the fact that violence against wives was not considered an acute social problem by those who were not its victims.¹⁰¹ Keith Wrightson has also noted that criticism of husbands' violence against their wives frequently formed part of a wider set of complaints. He questions whether a complaint would have been made in the case of violence against Joan Adams 'had he [her husband] not exhausted local tolerance by acts of more public concern'.¹⁰²

A wife being subjected to unreasonable violence by her husband could, as Joan Adams did, have him bound over to keep the peace towards her. Legal writers were at pains to emphasise women's rights in this respect, perhaps because they considered women were not taking advantage of this mechanism.¹⁰³ Indeed,

⁹⁹ E. Foyster, 'Male honour, social control, and wife beating in late Stuart England', *TRHS*, 6th s., 6 (1996), pp. 215-19.

¹⁰⁰ WCRO, BA 1/110/4/42. Further examples include Jane Carver's reference to Ralph Walker, a man who failed to intervene when she was being attacked, as one who "standing bound to the peace hath inviolated the same by beating his wief in a most greivious mann[er]", and the articles made against John Hudson in 1680; 110/4/32, 110/136/34. Amussen, *An Ordered Society: Gender and Class in Early Modern England* (Oxford, 1988), p. 168.

¹⁰¹ Amussen, *An Ordered Society*, p. 168.

¹⁰² Wrightson, *English Society*, p. 99.

¹⁰³ Dalton, *The Countrey Justice*, p. 189; Fitz-Herbert, *Natura Brevium*, p. 194; R. D. Hunt (ed.), 'Henry Townshend's 'Notes of the office of a justice of the peace', 1661-3', *Worcestershire Historical Society*, ns., 5 (1967), p. 115.

the response of Joan Adams' husband indicates why women might not have seen it as a valuable procedure, as her request for one served only to antagonise her husband still further.¹⁰⁴ In addition to exacerbating existing tensions within a marriage, swearing the peace against a husband could be obstructed by the coolness of justices of the peace towards beaten wives. When one Mrs Danvers, whose estranged husband had recently attempted to abduct her, went to Warwickshire Justice William Bromley to have her spouse bound over, Bromley unhelpfully suggested she returned to live with her husband and commended caution in what she swore.¹⁰⁵ Even when women successfully persuaded a justice to bind their husbands over, getting involved with the legal machinery could bring unwelcome consequences: in 1633 Katherine Barraslie was gaoled until she found sureties for her contempt of the Worcester sessions, for she had asserted that the 'cort had callouged [schemed] and not done her right in discharging her husband' instead of continuing his bond.¹⁰⁶

Despite these difficulties, women did sometimes gain protection from violent spouses from the courts. In Worcestershire, men were gaoled, or ordered to pay maintenance, following violence towards their wives.¹⁰⁷ The court's involvement in his marital conduct might have persuaded one John Spenser, imprisoned in November 1689 for wife-beating, to reform. By January 1690 he had promised to remain 'very peaceable' with his wife.¹⁰⁸ Courts helped broker

¹⁰⁴ Other family members responded angrily when a wife had her husband bound over, WCRO, BA 1/110/98/48. Stone, *Divorce*, p. 201.

¹⁰⁵ Warks CRO, CR 103 'William Bromley's notebook', p. 89. Hunt, 'Wife beating', p. 18.

¹⁰⁶ WCRO, BA 9360/ X496.5, 'Sessions Book 1632-55', fol. 17r.

¹⁰⁷ WCRO, BA 2057/779/274, 779/322 'Papers of Sir Thomas Vernon JP'; BA 1/110/152/77; BA 9360/X496 'Sessions Book 1656-1673', fol. 33r.

¹⁰⁸ WCRO, BA 2057/779/322, 779/326 'Papers of Sir Thomas Vernon JP'.

arbitration arrangements when a marriage ran into difficulties, as an entry for the Worcester court of sessions in January 1644 indicates:

Whereas there hath latie bin div[er]se differenses between Robert Freizer and his wife ... it is therefore ordered by assent of both parties that the said differences shall be referred to Mr Alderman Heming and Mr Sherrife to end if they can and to meete w[i]thin fower days and Mr. Foord is pleased to be an umpire betweene them.¹⁰⁹

Neighbours and the courts were sometimes willing to intervene when men used violence against their wives which they perceived to be excessive, and their intervention was sometimes effective. However, just as younger members of the household could be subject to sustained severe violence before decisive action was taken (and this was not always forthcoming), so too the inequality in the relationship between husbands and wives meant that men's use of violence against their spouses was frequently considered legitimate and usually went unquestioned.

Law, prescriptive literature and social practice cumulatively established that household heads were properly the users of force and that dependants were its recipients only. This was the case within marriage as within other unequal relationships within the household. As we saw in Chapter Two even Long Meg, a woman depicted using force with gusto against many men, recognised that only the husband could use force in a marriage.¹¹⁰ Yet, just as servants sometimes defied the weight of these norms to act violently against their head, so too women sometimes used force against their husbands despite the prevailing view that any use of force in marriage should properly be by husbands. How did spouses, neighbours and members of the judiciary respond to such violence?

¹⁰⁹ WCRO, BA 9360/X496.5 'Sessions Book 1632-55', fol. 62r. Neighbours also helped to mediate in troubled marriages, BA 1/110/181/31.

¹¹⁰ 'The Life of Long Meg of Westminster' (1635) in C. Mish (ed.), *Short Fiction of the Seventeenth Century* (N.Y., 1963), p. 105.

One response to women's domination of their spouses was rough music, a ritual which, as Edward Thompson and Martin Ingram have argued, varied greatly in form but usually involved making a cacophony of sound by banging on pots and pans outside of the houses of those who had breached local conventions.¹¹¹ The ritual was by no means reserved for physically aggressive wives. Adulterers and others with unconventional sex lives were amongst those singled out for rough music, which saw their nonconformity advertised and derided.

Yet much women's violence against their spouses would appear not to have resulted in rough music and wives' violence against their husbands caused less concern than did the violence of other dependants against their heads. Whilst the relationship between men and women in a marriage was unequal, the inequalities in power in this relationship were less marked than in either the relationships between parents and children or between masters or mistresses and their apprentices or servants.

This contributed to a relative lack of concern about the violence of some wives, which can be seen as husbands and wives were sometimes presented as engaging in physical conflict on equal terms. William and Bennett Waldron were denounced in 1612 as 'verie disordered persons' who 'oftentymes doe brawle and fight ... using clamors of murder so that the[ir] neighbours are [forced out of] the dores to part them', whilst in 1654 neighbours complained that Nicholas and Ann Amphlitt of Bromsgrove frightened them 'with there outcryes of Murther an other terrors.'¹¹² In these cases, the wives are not presented as especially disruptive and

¹¹¹ E. P. Thompson, *Customs in Common* (London, 1991), ch. 8; M. Ingram, 'Ridings, rough music and the "reform of popular culture" in early modern England', *Past and Present*, 105 (1984), pp. 79-113; N. Z. Davis, *Society and Culture in Early Modern France* (London, 1975), p. 98.

¹¹² WCRO, BA 1/110/19/93; 110/88/11.

disorderly for their role in marital violence, but both husband and wife are culpable for their breaches of the peace.

In what other ways might women's violence against their husbands be understood? In an article on wife-beating in the eighteenth century, Margaret Hunt emphasised women's disempowerment. She asserted that women were unfamiliar with weapons, citing examples of women's impotence when it came to fighting back, for example as one Elizabeth Spinkes, amongst other 'fairly futile actions' was 'reduced to shouting threats at a locked door.'¹¹³ Conversely, in her doctoral thesis, Laura Gowing has argued that women's violence was presented as either lethally dangerous or ridiculous, both of which diminished women's rationality.¹¹⁴ However, despite the clear gender roles set out in prescriptive literature and supported by law, women's violence against their husbands was often denounced much as men's violence was, that is, as a disorderly nuisance. Consider the following case. In 1692, Richard Berry went in the company of a friend, John Wilkes, to visit his (apparently estranged) wife Muriell only to receive a vigorous rebuttal as

his wife said thou Rogue art thou come and I will scauld thee out of the House And shee did flinge scaulding water at Him. And Rebekah Mugg came with a greate Coule-staff and did strike at John Wilkes and him, and thrust at them, And flung stones at them, And did call Him the s[ai]d Bery Bumbayly Rouge.¹¹⁵

Muriell Berry's violence, provoked by her husband entering the house, is neither dismissed as feeble nor portrayed as an extreme attempt on her husband's life.

¹¹³ Hunt, 'Wife beating', pp. 19-20.

¹¹⁴ L. Gowing, 'Women, sex and honour: The London church courts, 1572-1640' (PhD thesis, Univ. of London, 1993), p. 163.

¹¹⁵ WCRO, BA 1/110/164/50. Another example of a disorderly married woman's violence is in Bettey (ed.), *Ashley's Casebook*, p. 35.

As Gowing has suggested, women's violence against their husbands was sometimes presented as lethal. A 1682 calendar of prisoners for Worcestershire Quarter Sessions noted that Marey Cliffoard, of St. John's in Bedwardine, Worcester, was

a lewd disorderly woman and of An ill life and Conversation And hath threat[e]ned severall times to kill her Husband And hee haueinge now sworne ye Peace against her And shee not hauing sureytes [is to be gaoled].¹¹⁶

Yet although Cliffoard's violence is presented as potentially life-threatening, such remarks are not qualitatively different from those made about violent men. Depictions of violence as lethal were by no means reserved for the violence committed by women and an emphasis on the potential lethality of violence was not necessarily gender-specific. Nor do descriptions of women's violence invariably present it as either lethal or utterly ineffectual. Gender was often an important factor in shaping perceptions of a person's use of force, but seventeenth-century understandings of violence were not rigidly determined by the gender of those involved in fights. Early modern people may have been more flexible in their responses to women's violence than historians have recognised.

CONCLUSION

An analysis of the practice of violence within the household confirms our discussion in Chapter One of the importance of the status of those involved to perceptions of the legitimacy of the use of force. Violence used by a master against a servant held very different meanings from the use of violence by servants against their heads, as one upheld godly values of patriarchy and

¹¹⁶ WCRO, BA 1/110/140/116.

gerontocracy as surely as the other defied them. Indeed, our use of the term 'violence' to include both types of force would not have been shared by many living in the seventeenth century, as the illegitimacy it denoted - and continues to denote - would have appropriately described all uses of force by servants against their masters, but only rarely have been applied to the use of force by masters and mistresses. Different sets of hierarchies were sometimes in tension: despite the fact that women were accorded authority to manage domestic affairs, women's status was generally lower than men's and this contributed to women being more frequently physically resisted by their dependants than were men. The following chapter will continue to develop some of the themes examined here, as it explores the role of violence in less hierarchical relationships than many of those found within the household and ideas concerning its legitimacy.

CHAPTER FIVE: THE CONDUCT AND CODES OF NEIGHBOURLY VIOLENCE

INTRODUCTION

This chapter will consider the use of violence to defend reputation, relatives and domestic space, guests and community members from diverse threats, elucidating the multi-dimensional nature of early modern identities.¹ It will explore the role of violence in asserting rights over certain key resources and its function in upholding communal norms. In addition to exploring the economic and social context which contributed to violence being viewed by many as an appropriate response to a range of circumstances, the chapter will examine the cultural significance attached to violence. To what extent did men and women use different weapons? Did the nature of the conflict influence the choice of weapon used? What do the locations at which violence occurred tell us about its practice? The chapter will ask: was violence in seventeenth-century England widely regarded as an activity governed by rules? To assess the extent to which there were 'codes of violence,' it will examine contemporaries' ideas concerning the legitimacy of certain acts of violence, contrasting representations of force as unprovoked, planned, or following sudden provocation. The chapter will then analyse views about what constituted appropriate conduct during a fight, exploring the significance attached to parity of weapons and the physical robustness of the victim. Finally, it will address the manner in which violence

¹ See N. Z. Davis, 'Boundaries and the sense of self in sixteenth-century France' in T. Heller, M. Sosna & D. Wellbery (eds.), *Reconstructing Individualism: Autonomy, Individuality and the Self in Western Thought* (Stanford, Calif., 1986), pp. 53-63.

functioned communicatively, looking specifically at the significance of assaults on different parts of the body.

The defence of honour or reputation contributed to many acts of violence within local neighbourhoods in seventeenth-century England. Accordingly, this chapter commences with a consideration of the concept of honour. Anthropologist Julian Pitt-Rivers has observed that there is an 'intimate relation between honour and the physical person', a theme developed in a recent text on urban protest in seventeenth-century France in which William Beik argues that:²

[There was] a small stream of satisfactions or aggravations on persons pursuing their daily affairs. As a result of this exchange of esteem, individuals surrounded themselves with a protective sense of self. This 'face' was tied to an envelope of personal space that represented the zone of honour to be respected. A person had an immediate aura of inviolability.³

Whilst Beik evokes the physical presence of honour, his definition is somewhat narrow for honour was an ideal defined and measured by one's society as well as oneself. As Pitt-Rivers argued, 'honour is the value of a person in his own eyes, but also in the eyes of his society', and can be defined as 'a nexus between the ideals of society and their reproduction in the individual through his aspiration to personify them'.⁴ Exactly what constituted honourable conduct in early modern England varied according to factors including social rank and religious denomination. To date, the importance of honour to men of gentry status has been most intensively explored, particularly as the role of the duel in defending honour

² J. Pitt-Rivers, 'Honour and social status' in J. G. Peristiany (ed.), *Honour and Shame: The Values of Mediterranean Society* (London, 1965), p. 25.

³ W. Beik, *Urban Protest in Seventeenth-Century France: The Culture of Retribution* (Cambridge, 1997), p. 29.

⁴ Pitt-Rivers, 'Honour', pp. 1, 22; J. G. Peristiany, 'Introduction' in Peristiany (ed.), *Honour and Shame*, p. 9; R. Cust, 'Honour and politics in early Stuart England: the case of Beaumont v Hastings', *Past and Present*, 149 (1995), p. 59.

has been assessed.⁵ However, possessing honour, or being of good credit or reputation, was critically important to individuals from across the social spectrum. The importance of honour to the self-identity of seventeenth-century people can be discerned in the fact that a sense of dishonour or shame was one cause of fatal violence – suicide.⁶ What men and women of middling and lower social status considered important is explored in the following paragraphs, as they examine the reasons for which seventeenth-century people employed violence.

Having a good reputation (or not) had economic consequences. Anthropologist Peter Schneider has remarked of twentieth-century Sicilian villages that there are ‘no culturally defined and clearcut distinctions between business relations and social relations’.⁷ This can also be said of seventeenth-century England. Retaining social credit was an important part of retaining financial credit (indeed no linguistic distinction was made between the two) and financial credit was necessary because only a limited amount of gold and silver currency circulated in the early modern period.⁸ As Craig Muldrew has explained, full and direct payment in cash was unusual, except for the smallest transactions and those cases where the buyer’s credit was weak or unknown.⁹ A good illustration of the relationship between reputation and economic well-being

⁵ V. G. Kiernan, *The Duel in European History: Honour and the Reign of the Aristocracy* (Oxford, 1988); D. T. Andrew, ‘The code of honour and its critics: the opposition to duelling in England, 1700-1850’, *Social History*, 5 (1980), pp. 409-34.

⁶ The different ways of referring to one’s moral status are discussed in F. Dabhoiwala, ‘The construction of honour, reputation and status in late seventeenth- and early eighteenth-century England’, *TRHS*, 6th s., 6 (1996), pp. 201-14. M. MacDonald & T. Murphy, *Sleepless Souls: Suicide in Early Modern England* (Oxford, 1990), pp. 274-82.

⁷ P. Schneider, ‘Honour and conflict in a Sicilian town’, *Anthropology Quarterly*, 42 (1969), p. 141.

⁸ C. Muldrew, ‘Interpreting the market: the ethics of credit and community relations in early modern England’, *Social History*, 18 (1993), pp. 171, 177.

⁹ Muldrew, ‘Interpreting the market’, p. 171.

derives from 1686, when Worcestershire tradesman Morgan Jons petitions the Court of Quarter Sessions. Jons complains of violence against him by one William White and states that, in calling him a rogue and a thief, White 'drives away my Custom and takes away my good name'.¹⁰ This close relationship between social standing and economic power makes it inappropriate to label specific acts of violence as necessarily either expressions of emotion or as calculated, goal-oriented behaviour.

Whilst being of good credit was valued by both women and men, the behaviour by which they could retain – or compromise – their reputation was not identical. One area of gendered difference was the relationship between sexual conduct and honour.¹¹ Rather than regarding men's and women's honour as diametrically opposed, with women's honour predicated on and men's honour independent of sexual conduct, the types of behaviour which were considered honourable for men and women should be regarded as overlapping.¹² Credit was conferred on women for their house-keeping and mothering skills whilst men's social reputations could be impugned by their sexual reputation – a fact blackmailers were ready to exploit.¹³ Sexual reputation was generally challenged orally, as insults such as 'whore' and 'whoremonger' were hurled in disputes

¹⁰ WCRO, BA 1/110/151/37.

¹¹ K. Thomas, 'The double standard', *Journal of the History of Ideas*, 20 (1959), pp. 195-216.

¹² Recent discussions of what was honourable or dishonourable for each sex include L. Gowing, 'Women, status and the popular culture of dishonour', *TRHS*, 6th s., 6 (1996), pp. 225-34; G. Walker, 'Expanding the boundaries of female honour', *TRHS*, 6th s., 6 (1996), pp. 235-45; E. Foyster, 'The concept of male honour in seventeenth-century England' (PhD thesis, Univ. of Durham, 1996); Foyster, *Manhood in Early Modern England: Honour, Sex and Marriage* (London, 1999).

¹³ For example see M. Roberts, "'To bridle the falsehood of unconscionable workmen, and for her own satisfaction": what the Jacobean housewife needed to know about men's work, and why', *Labour History Review*, 63 (1998), pp. 4-30; B. Capp, 'The double standard revisited: plebeian women and male sexual reputation in early modern England', *Past and Present*, 163 (1999), pp. 70-100.

which were frequently unrelated to the sexual conduct of the insulted person.¹⁴ Such slanders were usually tried as defamation cases by the church courts and have a relatively low profile in the records of the court of quarter sessions. The evidence from quarter sessions sheds light on other components of reputation, which women and men of middling status considered important and were willing to defend or assert with violence. The following paragraphs will explore the use of violence to protect family members, guests and household resources, to demarcate boundaries between shared resources and to uphold community norms.

PROTECTING THE FAMILY AND HOUSEHOLD

A sense of family loyalty motivated both men and women to use violence to protect their kin. Married women sometimes used violence to protect their husbands from bailiffs, tax-collectors and local officials, placing their loyalty as wives above the ideal of obedience to the state. Exhorted by prescriptive literature to support their husbands, women were compelled to support them as a consequence of their economic dependence on their husbands, usually the main breadwinners.¹⁵ Despite this duty owed to husbands, in instances of competing loyalties, the authorities would doubtless have preferred wives to give precedence to their duty to the King (or Protector) and his officers. This obligation to the state was disregarded in 1654 by Ann Amphlitt, a 'notoriously impudent and incorrigible' Bromsgrove woman, who allegedly laid 'violent hands' upon the

¹⁴ Walker, 'Expanding the boundaries', p. 236; P. Moogk, 'Thieving buggers and stupid sluts: insults and popular culture in new France', *William and Mary Quarterly*, 3rd s., 36 (1979), pp. 524-47.

¹⁵ On disparities between male and female incomes, see P. Earle, 'The female labour market in London in the late seventeenth and early eighteenth century', *Economic History Review*, 2nd s., 42 (1989), pp. 328-53 and V. Brodsky, 'Widows in late Elizabethan London: remarriage, economic

constable, as she 'flew in his face and pulled his band from about his neck', when he tried to apprehend her husband.¹⁶ Similarly, one Thomas Cooke's wife was amongst those who assaulted a bailiff when he attempted to arrest her husband in a Worcester suburb in 1633.¹⁷ Women's efforts to defend their spouses from arrest would have protected both the income and standing of the family and may also have protected their own sense of self-esteem, illustrating the manner in which a single act of violence could be motivated by both emotional and material considerations.

Women also used violence to protect their children. This is a contrasting dimension to the type of parental violence historians have generally explored as, seeking to determine the quality of affective relationships in the past, they have investigated the way in which parents used force to chastise and discipline their children.¹⁸ Parenting was, as Diane Purkiss and Lyndal Roper have argued, particularly important to early modern women and fears about mothering could generate acute anxiety.¹⁹ The centrality of mothering to women's identities helps to explain the violence a labourer's wife, Jane Willis, committed against the

opportunity, and family orientation' in L. Bonfield, R. M. Smith & K. Wrightson (eds.), *The World We Have Gained: History of Population and Social Structure* (Oxford, 1986).

¹⁶ WCRO, BA 1/110/88/11. Anne Newton sought to protect her husband from officials from the Bristol Tailors' Company in 1651; H. E. Nott & E. Ralph (eds.), *The Deposition Books of Bristol 1650-1654*, Bristol Record Society, 13 (Bristol, 1948), p. 28.

¹⁷ WCRO, BA 1/110/58/91. Ian Roy and Stephen Porter have used the rescue of Cooke as evidence for suburbs being 'comparatively lawless' areas where 'law enforcement was clearly a problem', but their analysis does not appear systematic enough to support such an interpretation. I. Roy & S. Porter, 'The social and economic structure of an early modern suburb: the Tything at Worcester', *BIHR*, 53 (1980), p. 214.

¹⁸ See for example P. Ariès, *Centuries of Childhood*, trans. R. Baldick (Paris, 1960; London, 1962), pp. 115, 259, 261-62; L. Pollock, *Forgotten Children: Parent-Child Relations from 1500 to 1900* (Cambridge, 1983), ch. 5.

¹⁹ L. Roper, *Oedipus and the Devil: Witchcraft, Sexuality and Religion in Early Modern Europe* (London, 1994), ch. 9; D. Purkiss, *The Witch in History: Early Modern and Twentieth-Century Representations* (London, 1996), ch. 4. See also J. A. Sharpe, *Instruments of Darkness: Witchcraft in England 1550-1750* (London, 1997), pp. 174-78.

widow Elizabeth Ranford in Great Comberton, Worcestershire in 1662. Willis suspected Ranford of several acts of witchcraft, including bewitching a woman and a child to death and 'be hegging' one of Willis's own children. Ranford deposed that as she was going about her business in another woman's house, Willis 'came violently uppon her and Gave her sev[er]all blowes with a staffe and ripped her quaipe [cap] off[f] her head.'²⁰ Drawing the blood of a witch was thought to undo her power and Willis was probably seeking to protect her children from Ranford's malice (itself a form of violence) by an assault that was both punitive and deterrent. Willis's accusation and subsequent violence should be related, like many other witchcraft accusations, to the importance of mothering to early modern women.²¹

Ideas about what constituted appropriate expressions of paternity in early modern England, in the narrow sense of fathering rather than the broader political usage, have received less attention than ideas about maternity. They may, however, have contributed to some acts of violence. In 1681 John Waring, constable of Cofton, Worcestershire, attempted to apprehend John Horton who was accused of fathering a bastard. He was prevented from doing so, however, by Horton's father, who rode after Waring and his assistant and hit them 'with the butt end of his whippstock', enabling his grown-up son to escape.²² It is possible that fathers were more active in conflicts involving older children, whilst mothers intervened more frequently to protect the infants and young children for whose care and supervision they were largely responsible. Parental protection was

²⁰ WCRO, BA 1/110/101/8.

²¹ See also WCRO, BA 1/110/181/41. The woman who intervened when a young man was being assaulted may have been his mother, 110/31/14.

²² WCRO, BA 1/110/139/114.

sometimes reciprocated by adult offspring: in 1669 Thomas Fyncher, the son of the minister of Acton Beauchamp, George Fyncher, struck gentleman Raphael Hunt with a cudgel. Hunt was involved in an on-going conflict with George Fyncher, nearby when his son attacked his opponent.²³

Other family members used and threatened violence to protect the person or good name of their kin. One Thomas Lawe attacked the tailor Peter Tyler in 1653 when he found him attempting to rape Lawe's sister-in-law Katherine in her home in Castle Morton, Worcestershire. Lawe's violence was designed to protect Katherine's sexual honour and he deposed that 'the provocation was soe great, that hee could not but beat him, for off[e]ring to make his Brothers wife a whore'.²⁴ In Worcestershire in 1661, William Saunders initiated a campaign of intimidation against the constable when his brother Thomas was apprehended. Having rescued his brother from constable Thomas Thorne's custody, saying that he should not go before the justice, William Saunders then 'with his sword by his side in an insolent and threateninge manner' proceeded to the constable's house and declared that if Thorne laid hands on him 'he should nev[er] have layd hands on any man more'.²⁵ In this case, as in other cases of violence against constables, a desire to protect the family from the economic damage and social dishonour an arrest entailed may have persuaded relatives to defy them. David Cressy has charted the importance of family ties in early modern England through the exchange of letters, gifts and favours between relatives.²⁶ Our consideration of the

²³ WCRO, BA 1/110/109/109-110.

²⁴ WCRO, BA 1/110/87/10.

²⁵ WCRO, BA 1/110/98/48.

²⁶ D. Cressy, 'Kinship and kin interaction in early modern England', *Past and Present*, 113 (1986), 38-69. Forms of support given by kin are also discussed by I. K. Ben-Amos, *Adolescence and Youth in Early Modern England* (London, 1994), pp. 158-64.

use of violence to provide protection to close relatives from threats including witchcraft, sexual violence and officers of the law, reveals another form family support could take.

The physical protection given to family members was sometimes extended to guests. The legendary Long Meg of Westminster was depicted in 1635 using force to protect those within her alehouse. When a constable came to search for suspects, she met him with a 'strong cudgel in her hand' and warned him not to go

an inch beyond your text [the warrant], for if you do ... I will as well beswinge you as ever [a] constable was beswined since Islington stood. And when you have done, you carry none out of my house tonight, for I will be answerable for all that are resident in my house.²⁷

This fictive example of a victualler protecting her paying guests resembles a case heard in the Worcestershire Quarter Sessions. William Waldron was a headborough and victualler in Stourbridge, where the customers he and his wife Bennet entertained included 'Tynkers and turbulent per[sons]'. Amongst their guests in 1612 was one Adam Jones, who was suspected of having stolen 2s 6d and a purse from one Richard Griffen at a fair at the end of August. Griffen took Jones before William Waldron as headborough but instead of fulfilling his duties and apprehending the cut-purse, Waldron struck Griffen with his dagger whilst his wife Bennet 'gave assistance to the said felon for that he was her guest'. Over the next few days, the Waldrons continued to use force to protect their guest Jones against efforts to arrest him initially by another constable and later by a bailiff. Meanwhile, William Waldron insisted that Jones 'was as welcome to him as anie man'.²⁸ For the Waldrons, as for Long Meg, the hospitality and protection due to

²⁷ 'The Life of Long Meg of Westminster' (1635) in C. Mish (ed.), *Short Fiction of the Seventeenth Century* (N.Y., 1963) p. 107.

²⁸ WCRO, BA 1/110/19/93.

a paying guest were more important than the wishes of those from outside the household, whether law-enforcers or not.

Maintaining the integrity of the household unit contributed to violence against minor officials who sought to assess and collect taxes. In July 1669 John Portlock, a collector of excise duty, went to the house of the Naunton Beauchamp victualler Robert Small 'to see what Ale or Beere was then Brewed' (the deposition initially read 'to demand' but this was crossed out and replaced with the less confrontational 'to see'). When Portlock entered the house, Jane Small Robert's wife was brewing. She swore at the collector:

Zounds you Rogue art thou come I'le beate thy Braynes out, and therew[it]hall p[e]rsonally cacht up a great ffagott stick and gave him severall blowes herewith upon his head and Arme.

Robert, who had been sitting by the fire, then joined in, calling Portlock a rogue and saying if he did not leave he would put 'his sh[o]vlepick into his Gutts, whereupon this inform[ant] was forced immediately to depart without taking any Account of what Ale or Beere was then in the said house.'²⁹ The violence in this episode could be attributed to the hot tempers of Jane and Robert Small, for the usual response to demands for tax was to pay up rather than offer aggression. Yet their violence merits consideration as it provides insights into views ranging from the legitimacy of certain types of taxation to the significance of the household unit.

The household was seen to constitute a discrete unit of governance in early modern England and, as such, required secure boundaries which marked it off as a discrete entity. Diane Purkiss has suggested that women in particular were seen as responsible for policing these boundaries, including by 'guarding its resources

from overflowing or escaping into the general economy. The good housewife of godly ideology therefore conserved goods for the family by keeping them within the boundaries of the home.’³⁰ Jane Small’s use of violence against the tax inspector who seeks to assess, and later requisition, certain resources can thus be seen as an assertion of her domestic authority.

Alongside the practical question of conserving resources for the household is the excise-collector’s symbolic violation of the Smalls’ domestic space, which causes Jane to attack Portlock on his entrance whilst her husband threatens him with further violence unless he leaves the house. The excise, which involved intrusive inspections into what quantity of beer was being brewed and sold, provoked fury amongst brewers in the county that year. Evasion was allegedly widespread as people failed to make an entry of the beer they produced, and barred inspectors from entering cellars and butteries they intended to inspect. A petition was even sent to the King by Worcester excise gauger Richard Colston claiming that, ‘by discovering many frauds of the brewers, he has so enraged them that they conspire against his life’.³¹

Whilst intrusion into the household heightened the tension of Portlock’s visit to the Smalls, the administration of the excise may have contributed to the hostility of his reception. In his discussion of the way in which the administration of taxes influenced perceptions of their legitimacy at the point of collection, Michael Braddick has suggested that the excise was more likely than other taxes

²⁹ WCRO, BA 1/110/111/113.

³⁰ Purkiss, *The Witch*, pp. 98, 120.

³¹ WCRO, BA 9360/X496.5 ‘Sessions Books, 1656-1673’, fols 73v-74r, M. A. E. Green (ed.) *Calendar of State Papers Domestic, Charles II, 1668-1669* (London, 1894), p. 255. The excise had also prompted protestations in different parts of Worcestershire in the late 1650s, and people

to encounter opposition. The excise was collected by outsiders, rather than local officials, and these collectors profited at the expense of the tax-payer.³² Indeed, the Smalls' behaviour echoes that discussed in print and in parliament in previous years, as excise men were denounced as rogues and violence was presented as an unexceptional response to the provocation they offered. For example, a pamphlet written in 1653 lamented the

infinite intolerable oppressions, corruptions, abuses [which] are daily exercised by viperous Excizers....[who] have so exasperated the people in some places to oppose and beat some, and to cut off the ears of others of them, to stone and knock out the brains...that they might have none of this Generation of Vipers, hereafter to infest them.³³

The violence of Jane and Robert Small thus arose from specific cultural values and ideas. These included ideas about the housewife's duty to protect household resources and the integrity of the household unit. Their violence should also be seen in the context of an on-going resentment to excise, which had seen public contention elsewhere in the county.

In addition to generating conflict between householders and tax assessors, the control of resources created conflict amongst neighbours.³⁴ Such conflicts, which saw violence used as a tactic to end the dispute, had a structural basis in that they were part of a competition for limited resources, rights to which were

complained to the assizes that their families were put in terror by the violent night-time searches conducted by excise collectors, PRO, ASSI 2/1, fols 33v-34r.

³² M. Braddick, *The Nerves of State: Taxation and the Financing of the English State, 1558-1714* (Manchester, 1996), pp. 148, 99-101. A less informative record of Worcestershire dissent to taxation is a gaol calendar of 1686 which notes that Joseph Arfutt was gaoled for 'threatening to cutt off the head of Thomas Bant, one of his Mal[jes]ties Collectors of hearth money'. Arfutt's threat was part of a wider antipathy and the hearth tax was abandoned three years later as a 'badge of slavery upon the people'. WCRO, BA 1/110/152/77; Braddick, *Nerves of State*, p. 102.

³³ Cited in Braddick, *Nerves of State*, p. 222.

³⁴ Resource-related conflicts which led to violence include WCRO, BA 1/110/74/24, 110/68/45; Warks CRO, CR 103 'William Bromley's notebook', p. 38; PRO, STAC 8/23/20.

sometimes ambiguously defined.³⁵ A print based on an early sixteenth-century French etching, 'La Caquet des Femmes' which circulated in England during the seventeenth century as 'Tittle-Tattle; or, the Several Branches of Gossiping' depicted, amongst other things, women fighting by the conduit which supplied water.³⁶ Water was essential resource, and this representation may have been a reference to the way in which people fought over resources which were shared, but rights to which were unclearly delineated.

The conflict which arose in 1601, when one John Genifer of Worcester manufactured saltpetre (Potassium Nitrate) from his home without a license, demonstrates how ambiguously-defined rights to certain resources generated conflict. Saltpetre, which was in demand as the chief constituent of gun-powder, was manufactured using heaps of decaying animal and vegetable refuse, to which lime, earth and ashes were added. His noisome industrial activities perturbed a neighbour, one Harry Harley's wife, but when she asked him to stop, according to Harry Harley, Genifer said he 'would make it in dispite of any on[e] in England and therw[i]thall cast a mallet at my wife callinge her arrant whore ... and threatened to kill hir.'³⁷ Genifer used violence to assert his economic liberty, defying his neighbours as he continued to pollute the physical environment which he shared with them.³⁸

³⁵ Schneider, 'Honour and conflict', p. 131.

³⁶ British Museum, BMSat 61, 'Tittle-Tattle; Or, the several branches of gossiping' ([n.p.], c. 1600, this impression c. 1750).

³⁷ WCRO, BA 1/110/16/50.

³⁸ Another example of environmental disputes was over the right to make a fire, violently contested in Ripon, Yorkshire in 1688; J. Raine (ed.), *Depositions from the Castle of York, relating to Offences Committed in the Northern Counties in the Seventeenth Century*, The Surtees Society, 2 (Durham, 1861), pp. 284-85.

Land was a resource of critical importance and the physical boundaries which traversed it were both symbolic and practical assertions of the rights of ownership. The casual meanderings of livestock across property boundaries were, consequently, a source of conflict and led to threats of violence. In 1625, for example, John Wreuford's horses escaped from his land into the property of his neighbour Nicholas Terrett, allegedly because Terrett's 'mound' had broken. The horses' movements constituted a breach of an important boundary, causing Terrett's servant David Powell to react angrily and 'presently runne after the said horses in a most furious manner w[i]th a picke in his hands' swearing that if they crossed the land again he would attack either the carter or the horses.³⁹

Like the violence of the Smalls, the actions of Genifer and Powell were the product of a specific set of social conditions rather than an expression of 'spontaneity'. In these and in many of the other conflicts we have considered, a pressure towards violence, rather than a strong desire or appetite for aggression, can be discerned. As the sociologist Robert van Krieken has argued, it is not necessary to attribute early modern violence to a profoundly different psychological make-up or personality type, as Norbert Elias does. Rather, the legal, economic and social structures in which people lived provide a more parsimonious explanation for changes in the use of force.⁴⁰ For example, the problem of sharing essential resources with neighbours, when rights to them were ill-defined, contributed to an environment in which violence could successfully be used to solve or mitigate specific problems.

³⁹ WCRO, BA 1/110/48/182; Cattle were attacked when they strayed onto another's land in BA 2102/794.052/5 'Consistory court deposition book, 1607-1613' fol. 127v. Disagreement over rightful ownership of livestock, a valuable possession, also provoked conflict; PRO, STAC 8/30/1.

PROTECTING COMMUNITIES

Thus far, we have considered the ways in which violence was used to defend the family and household resources. Violence was also used to protect individual members of the community from outsiders, thereby asserting the independence of the local community and to defend communal values. The following case could be considered interpersonal or collective violence. A matter initially involving two men rapidly escalated and drew others in, with law enforcement taking second place to community solidarity. Thomas Nicklin, a bailiff with a warrant from the Worcestershire sheriff, attempted to arrest George Lowe, a constable of Dudley, concerning a prosecution for debt in the Court of Common Pleas in 1677. Disregarding the legality of the arrest, Lowe had his constable's staff - a symbol of his local standing and authority - brought to him and appealed to the people of Dudley to help him, 'the king's lieutenant', put Nicklin in the stocks.⁴¹ Whilst Lowe's staff symbolically asserted the legitimacy of his actions he also claimed authority orally, as he rejected Nicklin's documents as 'traitors' warrants', before threatening to stab Nicklin in the heart with the pike end of his staff. Nicklin, who had himself invoked the authority of the Crown in his efforts to apprehend Lowe, recounts that 'partly by his [Lowe's] owne violence and p[ar]tly by the violence and outrage of others by him thereunto

⁴⁰ R. van Krieken, 'Violence, self-discipline and modernity: beyond the "civilising process"', *The Sociological Review*, ns., 37 (1989), pp. 203, 207.

⁴¹ These visual symbols and practical instruments of authority are referred to in a number of depositions, but I have been unable to establish exactly what constables' staffs looked like. Whether their design incorporated national or local symbols of authority would shed light on the way in which constables' duties were conceived. Neither the British Museum, Museum of London nor the Metropolitan Police Historical Museum have any in their collections. I am grateful to the staff of these Museums for their assistance.

encouraged [Lowe] was rescued out of this informant's custody.'⁴² Faced with competing claims concerning the legitimate exercise of authority, the local community chose to support their constable as they rallied to defy the bailiff's efforts to arrest him and used violence to assert a degree of local autonomy.

Interpersonal violence additionally served to buttress the local community as individuals who had violated communal norms were shamed and punished by being physically assaulted.⁴³ Whilst historians are familiar with communal standards being enforced by rituals including charivari and rough music, violence by individuals or small groups, with little or no use of ritual, has been less intensively explored.⁴⁴ Richard Gough's history of the parish of Myddle, Shropshire, in the late seventeenth century provides one example of this use of violence when he describes a petty thief being caught and 'sometimes well cojaled [cudgelled] by those that would trouble themselves noe further with him'.⁴⁵ Only when this failed to inhibit his 'unsufferable' larcenous habits did his neighbours have recourse to the courts, where his takings were deliberately undervalued so that they did not enter the category of grand larceny, to which capital punishment applied.

⁴² WCRO, BA 1/110/109/108. Despite the presence of local constables, officials conducting unwelcome business were not protected from violence in Nott & Ralph (eds.), *The Deposition Books*, pp. 68-69; discussed above, ch. 1, pp. 65-66.

⁴³ Violence to protect the community can also be considered an aspect of the defence of honour, for '[S]ocial groups possess a collective honour ... the dishonourable conduct of one reflects badly on all'; Pitt-Rivers, 'Honour and social status', p. 35.

⁴⁴ E. P. Thompson, *Customs in Common* (London, 1991), ch. 8; M. Ingram, 'Ridings, rough music and the "reform of popular culture" in early modern England', *Past and Present*, 105 (1984), pp. 79-113; N. Z. Davis, *Society and Culture in Early Modern France* (London, 1975), esp. ch. 4; J. Kent, "'Folk justice" and Royal justice in early seventeenth-century Midland England: a 'charivari' in the midlands', *Midland History*, 8 (1983), pp. 70-85; E. Muir, *Ritual in Early Modern Europe* (Cambridge, 1997), pp. 98-104.

⁴⁵ R. Gough, *The History of Myddle*, ed. by D. Hey (London, 1834; Harmondsworth, 1981), pp. 145-46. An alternative interpretation would be that the thief was 'well cajoled' into desisting from

Violence was used to criticise and shame those whose sexual conduct fell short of accepted standards. In 1654, for example, an unknown clergyman and his wife entered an alehouse in Norton, Worcestershire. When the husband fell asleep, his wife was invited by Thomas Gosling, a local bailiff, to join him for a drink. Despite one Mary Davyes charging the stranger ‘as she was a woman, not to leave her husband in such a condition’, the woman joined Gosling for a ‘secret talke’ and later disappeared with him to a barn for part of the evening. On their return to the alehouse, whilst Gosling bragged about his sexual exploits, Mary Davyes called the woman a whore and threw a glass of beer into her face, saying ‘tis pitty but the whore and rogue should be in the stockes together’. Davyes’ reference to an instrument for official punishment, the stocks, as she metes out an informal punishment suggests she saw her actions as a form of justice. Despite the fact that Gosling had instigated the brief liaison and, as a local man, was known to Davyes, Davyes chose to confront only the woman. It is possible that Davyes held her accountable for both her own and Gosling’s transgressive behaviour or considered the strange woman a ‘safer’ target than the local constable.

Local residents other than Davyes considered Gosling and the woman’s behaviour offensive. Deponent William Grey described it as ‘impudent and scandalous’ whilst the landlady of the house ‘thanked God her house was honest’ on their departure. The physical insult Davyes bestowed by throwing beer shows that violence was not intrinsically disruptive. The sexual immorality which provoked Davyes’ action would have been widely regarded as more pernicious and her action upheld, rather than threatened, communal values. That Mary

his anti-social activities, however, I think ‘well cudgelled’ is the more plausible interpretation. I am grateful to Mrs. J. E. A. Field, Senior Assistant Editor of the *OED*, for her advice on this point.

Davyes appears to have been related to a clergyman adds weight to the argument that her acts supported, rather than undermined, communal values.⁴⁶

In addition to geographically-defined communities such as the parish, town or county, early modern people belonged to wider communities including those which reflected their religious and political affiliations. These religious and political identities could contribute to personal enmities which generated threats of violence. The fault-lines of dispute at the level of interpersonal relations thus parallel national differences, including those which were strongly in evidence during and after the Civil War. This overlap between national conflict and local dispute suggests that it is inappropriate to regard violence during war-time as strategic and political, whilst trivialising violence at an interpersonal level as spontaneous and petty. Threats made by two presbyterians in the 1660s, against men associated with the Royalist cause, demonstrate the relationship between local violence and national politics.

In 1665 the Kidderminster inn-holder John Smith and Worcester clothier John Vickaridge gave depositions about words spoken by one Edward Oasland of the Rock, Worcestershire to the Court of Quarter Sessions. Whilst in conversation with the two about 'Sir John Pakington, k[nigh]t and Barronett' and a local Justice of the Peace, Oasland had reportedly said 'that whenever the times turned he would cutt the said s[i]r John Packington in bitts'.⁴⁷ Oasland's reference to changing circumstances shows he was aware of the contingency of Pakington's

⁴⁶ WCRO, BA 1/110/90/24. Davyes may have been married to (or else the unmarried daughter or sister of) one Mr. Davyes, Minister, as she is interrupted whilst in his house. For violence to uphold sexual standards see also Warks CRO, CR 103 'William Bromley's notebook', pp. 20-27. Popular literature endorsed the use of violence by women against sexually transgressive men, ch. 2, pp. 116-17.

⁴⁷ WCRO, BA 1/110/105/8.

power, for the Royalist family had undergone a number of significant shifts in fortune; Pakington was tried for high treason in 1653, acquitted, but later sent to the Tower in 1654 when hampers sent to him marked 'wine' were found to contain muskets and pistols.⁴⁸ During the Civil War and Interregnum, the family land was lost on three occasions, a decline reversed at the Restoration.⁴⁹ Vickaridge's deposition supplies some background to Oasland's threats, as Oasland had said that 'he had bene very much abused by Sr John: for that hee the said Sr John did order him to bring shurties for the Behavio[u]r and accordingly [he] did at which time hee was sent in to the custody of the marshall which cost him the sum of 30s'.⁵⁰

The miscarriage of justice to which Oasland referred is supported by other sources. Edward Oasland was the son of Henry Oasland, a presbyterian curate in Bewdley, Worcestershire, who was to be ejected in 1662.⁵¹ Both Henry and Edward were amongst those implicated in the 'Pakington Plot' of 1661, a plot in which the entrepreneurial Andrew Yarranton, from Apsley, Worcestershire was set-up as conspiring to lead a rebellion.⁵² The plot was initially believed to be true by John Pakington, who promptly imprisoned 'the most daungerous' of the alleged conspirators.⁵³ In his account of the plot, Yarranton recounts the

⁴⁸ H. Pakington & R. Pakington, *The Pakingtons of Westwood* ([n.p.], 1975), pp. 23-25.

⁴⁹ E. Browne & J. Burton (eds.), *Short Biographies of the Worthies of Worcestershire* (Worcester, 1916), p. 124.

⁵⁰ WCRO, BA 1/110/105/9.

⁵¹ A. G. Matthews, *Calamy Revised: Being a Revision of Edmund Calamy's Account of the Ministers and Others Ejected and Silenced, 1660-2* (Oxford, 1988), pp. 370-71.

⁵² Yarranton's activities are discussed above, ch. 3, pp. 126-27. The plot is variously known as Baxter's Plot, the Presbyterian Sham-Plot, and the Yarranton Plot.

⁵³ BL, Add. MS 31306 'Earl of Devonshire's letter book, 1660-1666', fols 16v, 15-15v. A first-hand account of the plot is A. Yarranton, *A Full Discovery of the First Presbyterian Sham-Plot, or*

imprisonment of himself and others including Edward Oasland, and writes that they were detained in the rooms of the George Inn, Worcester, even after sureties had been offered in exchange for release, and that

Sparry, and one of the Oslands, moved, that they might be bailed, or brought to Trial, but could obtain neither. Yarranton, and the other Osland, were altogether passive and silent.⁵⁴

Oasland's threat of violence against Pakington thus followed his experience of judicial and religious persecution. This persecution was related to the Oasland and Pakington families' different political and religious allegiances, which were in turn intimately connected with religious and political conflict at a national level.

National conflict and interpersonal violence were similarly fused in the life of Oasland's associate Yarranton, who was gaoled in 1669 following a threat of violence to one Major Thomas Wylde, whom Yarranton claimed had had some of his men beat and rob him. In a move which would have reclaimed some of his personal honour, Yarranton called Wylde a coward and a 'buffle headed fellow' who was 'not fitt to ride before a troope of horse', and challenged Wylde to fight him with whatever weapon he chose (Yarranton himself would be armed only with a stick).⁵⁵ Yarranton's challenge was part of a longer conflict between the two men for, in his account of the plot, Yarranton asserted that he prosecuted Major Wylde for imprisoning him wrongfully.⁵⁶ The differences between the two were rooted in the religious and political tensions of the time; whilst Yarranton was an outspoken presbyterian, Wylde (described by Fox as a 'persecuting man')

a Letter from one in London to a Person of Quality in the Country (London, 1681). The plot is discussed in R. Greaves, *Deliver us from Evil: The Radical Underground in Britain, 1660-1663* (Oxford, 1986), pp. 72-77.

⁵⁴ Yarranton, *Sham-Plot*, pp. 6-11.

⁵⁵ WCRO, BA 1/110/111/114, 110/111/161. Buffle means stupid.

led troops against nonconformists during the 1660s.⁵⁷ The connections between political and religious conflict at a national level and in interpersonal relations demonstrate that it is inappropriate automatically to attribute interpersonal violence to the short-tempered or disorderly character of the time.⁵⁸

THE SIGNIFICANCE OF PLACE AND WEAPONS

We will now move from discussing the reasons for which violence was used to interrogating the way in which it was conducted. Issues we will consider include: in fights between neighbours, was there a view that violence could be just? If so, what constituted just violence, and what unjust? How were parts of the body distinguished between when assaults occurred? Did an individual's physical condition at the time of an assault or threat of violence shape perceptions of the violence? Depositions provide a wealth of insights into an unwritten 'code of conduct' concerning the practice of violence, and will be the chief source employed here. The insights that they provide are partial, as deponents present those who attacked them as having breached rather than honoured such a code but, nevertheless, indicate which forms of violence were more or less acceptable.⁵⁹ Whilst the following paragraphs employ documents produced by the legal

⁵⁶ Yarranton, *Sham-Plot*, p. 15; When Yarranton escaped his imprisonment during this episode, Wylde was made responsible for his recapture.

⁵⁷ *VCH*, vol. 2, pp. 74-75; P. Styles, 'The corporation of Bewdley under the later Stuarts', *Birmingham Historical Journal*, 1 (1947), p. 100. Other incidents of interpersonal violence related to political tensions include WCRO, BA 1/110/113/7, 110/151/44, 110/151/49; religious differences led to interpersonal violence in BA 2638/795.61, unfol. 'Deposition of Joseph Millington', 'Deposition of John Mason', & Raine (ed.), *Depositions from the Castle of York*, pp. 129-30.

⁵⁸ See also J. Peacey, 'Order and disorder in Europe: Parliamentary agents and Royalist thugs 1649-1650', *The Historical Journal*, 40 (1997), pp. 953-76.

⁵⁹ Codes of conduct also applied to violence during the Civil War, providing 'impressive regulation of cruelty and violence', see B. Donagan, 'Atrocity, war crime and treason in the

process, they seek to elucidate the cultural and social significance attached to violence, which was in many respects independent of the legal status of an assault. The word legitimate thus refers to the extent to which an act of force was likely to be regarded as justified by peers of the violent person. It does not refer to the legality of a particular act, nor to the extent to which those in positions of authority, such as justices, would have regarded it as legitimate.

The physical environment gave shape and meaning to participants' actions. The spaces in which violence developed were frequently an integral part of the conflict. Rights to produce were violently disputed in August 1687 in the Grimley field where the corn in question was being reaped and a right of way through John Waldron's grounds in Crowle (Worcestershire) was contested in 1679 as Waldron blocked the pedestrian Clement Yardely's route.⁶⁰ Doorways literally and figuratively framed disputes, as the right to enter or leave a property was contested at the threshold, and the home symbolically and physically structured the way in which conflicts within it were fought.⁶¹

Sites of violence in early modern Worcestershire included homes, alehouses, shops, fairs, churchyards, highways and fields. The fact that interpersonal violence occurred in the whole range of places where early modern people encountered one another, usually during the day rather than at night,

English Civil War', *AHR*, 99 (1994), p. 1144; Donagan, 'Codes and conduct in the English Civil War', *Past and Present*, 118 (1998), p. 74.

⁶⁰ WCRO, BA 1/110/153/37-38; 110/134/31.

⁶¹ WCRO, BA 1/110/104/97, 110/111/133, 110/151/37. Ejecting people from the house and denying them entrance to certain rooms was one reason for violence: 110/164/50 and BA 9360/x496.5 'Sessions Book, 1656-1673', fol. 74v. For the home as a theatre of violence, see F. Dolan, *Dangerous Familiars: Representations of Domestic Crime in England 1550-1700* (Ithaca, N.Y., 1994), pp. 28-30 and Gowing, 'Women, sex and honour: the London church courts, 1572-1640', (PhD thesis, Univ. of London, 1993), p. 154. This is also found in popular literature, for example, as a man hoping to commit adultery is assaulted in bed, above, ch. 2, p. 116.

underlines the sense in which violence had its roots in everyday social intercourse. Thus colleagues 'Coming homewards from their Worke' fell to blows near Eckington, Worcestershire, in 1670 and a fight developed in one John Mason's shop in Pershore when a clergyman and currier sitting by the fireplace waiting for their turn to be shaved, disagreed about the respect which should be accorded to baptism.⁶²

Whilst the barber's shop was a space occupied exclusively by men, violence also arose in areas where women went about their tasks. Women were emphatically not 'largely insulated from the social contacts which gave rise to much of the violence'.⁶³ For example, in 1686, Mary Harris from North Piddle was milking a cow in ground adjoining her neighbour Susanna Turner's home when Turner made at her with a great pole, causing Harris to flee and leave her milk pail behind; two other women (Harris's maid and Turner's mother) gave depositions concerning the dispute.⁶⁴ Much of the time men and women did not occupy separate spheres, however, and the majority of violence was conducted in the presence of people of both sexes.

The wide range of locations which saw violence is paralleled by the array of weapons employed in fights. Objects already on the person or close to hand were pressed into service as weapons, as participants sought to inflict damage and protect themselves from injury. Yet the types of weapons used in seventeenth-century England shed surprisingly little light on the vexed question of how violent a society early modern England was, for the evidence can support different

⁶² WCRO, BA 1/110/113/8; BA 2638/795.61, unfol. 'Deposition of Joseph Millington'.

⁶³ Finch, 'Crime and marriage', p. 197.

⁶⁴ WCRO, BA 1/110/151/40.

interpretations. On the one hand, there is evidence that people, in particular men, went armed routinely, suggesting that violence may have been anticipated in the ordinary course of events.⁶⁵ Adam Martindale had not equipped himself in advance for a fight with a parent at a school where he taught. The implication is that 'the short hand stick about a yard long' he had on him when the parent challenged him was one he usually carried.⁶⁶ In October 1679, one Thomas Morgan wrote to the clerk of the Worcestershire Court of Quarter Sessions asking for help in getting a small hanger [sword] returned. Morgan explained that on being attacked whilst on business in 'Burrough' he had drawn the weapon in self-defence, only to have it wrested from him; his request for the weapon's return suggests that he expected the Court would consider his carrying and drawing a sword entirely acceptable.⁶⁷

V. G. Kiernan has argued that 'everyone carried weapons, needed for self-protection in disorderly streets and on unpoliced highways', echoing Lawrence Stone's assertion that there was an 'extraordinary amount of casual inter-personal physical and verbal violence' and that 'casual violence from strangers was ... a

⁶⁵ I have been unable to ascertain exactly how the weapons carried by men of different social status would have varied. Gentry would have been the most lavishly equipped, but men of middling and lower status would often have carried daggers and occasionally swords. For how weapons were worn, particularly by elite men, see F. Kelly & R. Schwabe, *A Short History of Costume and Armour Chiefly in England* (London 1931), vol. 2, pp. 22, 35, 44 and C. W. & P. Cunningham, *Handbook of English Costume in the Seventeenth Century* (London, 1965), *passim*. For weapons owned by the gentry in seventeenth-century Worcestershire, see M. Wanklyn (ed.), *Inventories of Worcestershire Landed Gentry, 1537-1786*, Worcestershire Historical Society, ns., 16 ([Worcester?], 1998), p. 475. The carrying of daggers and swords by men of non-gentry status is discussed in Kiernan, *The Duel*, pp. 79-81. James Sharpe considers that 'the use of the sword, despite that weapon usually being regarded as a gentleman's, shows a surprising lack of class bias'; Sharpe, *Crime in Seventeenth-Century England: A County Study* (Cambridge, 1983), p. 129.

⁶⁶ R. Parkinson (ed.), 'The life of Adam Martindale, written by himself', *Chetham Society*, 4 (1845), p. 46.

⁶⁷ WCRO, BA 1/110/134/30 Burrough is probably Berrow, a parish in the south-west of the county.

daily threat'.⁶⁸ Yet, it was not in fact the case that everybody was in a state of perpetual readiness for violence. In addition to the evidence we have just considered suggesting that men regarded it as normal to carry sticks, knives and, among the gentry especially, swords, there is also evidence that many individuals went unarmed. Victims of violence sometimes emphasised the fact that they had no weapon on them when they were attacked and witnesses also remarked on this circumstance.⁶⁹ Are attacks on unarmed people proof that a culture of violence was pervasive? Or should we attach more significance to the fact that these people had been unprepared for violence, not expecting to be assaulted as they went about their activities, and to the fact that these violations of social norms were reported to the local court?

Further difficulties in interpreting the relationship between the carrying of weapons and the extent to which early modern England could be termed a 'violent' society include the wearing of weapons for social status and civic display. Depending on the vagaries of fashion, swords and daggers were worn to advertise men's identities, with men in the early part of the century wearing 'a rapier on their side, and a dagger at their backe' to denote gentle status.⁷⁰ Weapons worn with the intention that they would not be used are ambiguous indicators of the role of force in the culture; the swords worn by early modern

⁶⁸ Kiernan, *The Duel*, p. 61; L. Stone, *The Family, Sex and Marriage in England 1500-1800* (London, 1977), pp. 91-92.

⁶⁹ For example, WCRO, BA 1/110/6/38; Raine (ed.), *Depositions from the Castle of York*, p. 185. Alan Macfarlane and Sarah Harrison likewise found that many victims of violence in early modern England went unarmed; A. Macfarlane & S. Harrison, *The Justice and the Mare's Ale: Law and Disorder in Seventeenth-Century England* (Oxford, 1981), p. 190.

⁷⁰ *The Office of Christian Parents: Shewing How Children are to be Governed Throughout all Ages and Times of their Life* (Cambridge, 1616), p. 143. A rapier is a long narrow sword, which fell out of fashion c. 1650. Even ministers sometimes wore swords 'for fashion sake'; Parkinson (ed.), *Life of Adam Martindale*, p. 37. Kiernan, *The Duel*, p. 55.

gentlemen were often symbols of status with no bearing on the wearer's attitude to violence in interpersonal relationships. An example of the wholly symbolic dimension of weapon-wearing is offered by the civic office of sword-bearer in Worcester, whose responsibilities included setting up tables for salmon.⁷¹

Just as carrying weapons cannot be seen as evidence of a widespread appetite for violence, conversely the absence of implements specifically designed to maim does not indicate pacifism, for usually benign objects could rapidly be transformed into offensive weapons. A range of domestic and work items were struck against, or thrown at, their targets by Worcestershire men and women including flagons, cart whips, hunting staffs and pitch-forks.⁷² The very landscape was enlisted to inflict harm: stones were thrown at people and people thrown onto the ground, into ponds and ditches and against walls.⁷³ Ann Simkins, a maid, was assaulted in a Warwickshire field with nettles, a rush of furze and a stick.⁷⁴ Historians discussing violence in medieval and early modern England have sometimes mentioned that there were 'weapons to hand' during the period as part of the explanation for higher levels of violence.⁷⁵ Given that any item can be put to use as a weapon, and that any item designed as a weapon may have functions other than to maim and kill, such arguments lack persuasive force.

⁷¹ S. Bond (ed.), *Chamber Order Book of Worcester, 1602-1650*, Worcestershire Historical Society, ns., 8 ([Worcester?], 1974), p. 26.

⁷² Examples of these items being used and brandished as weapons include WCRO, BA 1/110/126/19, 110/153/53b, 110/88/9, 110/33/87, 110/147/42. For the use of readily available implements including domestic objects, tools, and stones as weapons see also Sharpe, *Crime*, pp. 128-29.

⁷³ For stones see WCRO BA 1/110/74/23, 110/52/43, 110/52/57; for people thrown down: 110/88/9, 110/90/24, 110/113/8; thrown into ponds and (almost) wells: 110/42/7, 110/128/15; into ditches: Warks CRO, CR 103 'William Bromley's notebook', p. 38; against walls: WCRO, BA 1/110/145/56.

⁷⁴ Warks CRO, CR 103 'William Bromley's notebook', pp. 20-27.

⁷⁵ For example, L. Stone, *The Crisis of the Aristocracy, 1558-1641* (Oxford, 1965), p. 223.

More striking than the ready availability of weapons is that participants in violence frequently chose not to arm themselves. Deponents often testified to the hair-pulling, kicking, beating, striking and tussling which occurred as 'violent hands' were laid by one person upon another, but do not mention that any weapon had been used.⁷⁶ Victims of such violence could be 'really beat and brused' and suffer bloodshed and fright, but the injury which was inflicted was generally (and perhaps purposefully) more contained than in fights which saw the use of weapons.⁷⁷

Depositions describing the weapons used by women do not suggest that women's aggression was considered a light matter. The numbers of men swearing the peace against women suggest that women's violence could be publicly acknowledged as frightening and depositions likewise indicate that women could be regarded as dangerous opponents, despite the prevailing stereotype that they were the weaker sex.⁷⁸ Weapons deployed by seventeenth-century women against members of their own and the opposite sex included a timber piece, a pole, stones, a 'huge pyn or half Trunchion', a 'greate fagott stick', scalding hot water, and 'a great coule-staff'.⁷⁹ That armed women's violence was feared is evident as one John Hollington's wife and daughter-in-law approached men, who were digging a ditch, with 'sheppickes [hayforks] in their hands' and drove them from their work

⁷⁶ WCRO, BA 1/110/88/11. Further examples of violence being perpetrated without weapons and unarmed violence being threatened include 110/30/95, 110/46/77, 110/48/182, 110/62/118, 110/8813, 110/90/24, 110/105/38a, 110/107/23, 110/113/8. Such unarmed violence sometimes resulted in death, and the single largest category of 'method of killing' in cases heard at the Essex assizes between 1620 and 1680 was by hands and feet; Sharpe, *Crime*, p. 128.

⁷⁷ WCRO, BA 1/110/52/33.

⁷⁸ For men swearing the peace against women, see above, ch. 3, p. 54.

⁷⁹ See WCRO, BA 1/110/52/43, 110/151/40, 110/151/37, 110/4/32, 110/111/133, 110/164/50. A fagot was a bundle of sticks bound together for use as fuel. A coul-staff was a stout stick more usually used to carry a tub (for water), by being thrust through the handles.

in 1690.⁸⁰ Thomas Bell complained that ‘his workemen were beaten down from their worke’ and that ‘hee could not gett any workemen to doe it [dig the ditch] for feare of them’. Bell’s comment was confirmed by his brother Ralph Bell, who had been helping to make the ditch, who declared that ‘he dare nott goe on w[i]th it’ following the women’s intervention.⁸¹

Whilst both early modern men and women used weapons to intimidate their opponents, the weapons they selected differed. In Worcestershire, men fairly frequently used blades (ranging from tools such as a woodknife to implements designed as weapons such as swords), and occasionally used or threatened to employ guns.⁸² In contrast, women were seldom described in depositions as having used knives or guns.⁸³ Whilst women were far less likely than men to carry small arms and would generally have been unfamiliar with the technology, women would certainly have had experience of using knives. Women may have used bladed implements as weapons less frequently than men because one such instrument, the sword, was used as a metaphor of authority, reflecting its potentially lethal capacity for imposing authority. The association of swords and authority was a familiar image; in a sermon at Warwick in 1620, for example, Samuel Burton said of magistrates that ‘God hath girded them with his owne

⁸⁰ This word was only used in Worcestershire and neighbouring counties; J. Wright (ed.), *The English Dialect Dictionary* (Oxford, 1923), vol. 5, p. 378.

⁸¹ WCRO, BA 1/110/157/87.

⁸² For examples of knives being used, drawn, or carried with violent intent by men in the midland region see WCRO, BA 1/110/6/38, 110/19/93, 110/312/14, 110/46/77, 110/90/24, 110/98/48, 110/108/93, 110/113/7; BA 2237/b795.02/1, unfol., ‘Thomas Peers contra William Warner, 1694’; Warks CRO, CR 103 ‘William Bromley’s notebook’, pp. 38, 89; for small arms see PRO, ASSI 2/1, fol. 8v; WCRO, BA 1/110/24/92, 110/133/4, 110/151/49, 110/147/42.

⁸³ The gender difference in the use of guns proved enduring, for women were less likely than men to use guns in late seventeenth- and early eighteenth-century England; R. Short, ‘Female criminality, 1780-1830’, (MLitt thesis, Univ. of Oxford, 1989), p. 98.

sword'.⁸⁴ Swords were powerful signifiers of status and authority which it would have been inappropriate for women to lay claim. Women's use of such symbols of masculine power and authority in interpersonal violence would have threatened gender norms and women who used swords or knives might have risked being ostracised, negating any benefit they hoped to gain by using violence in the first place.⁸⁵

As the places where violence occurred were, frequently, inextricably connected with the conflict which had prompted it, so too contests were sometimes fought out with weapons which physically embodied the dispute. In 1688 one Michael Theakstone of Ripon, near York, struck the widow Elizabeth Parving 'over the head twice with a pair of bellows'.⁸⁶ Parving had asked him to put out the fire Theakstone had lit because the wind's direction meant that nearby houses were at risk. Theakstone, however, forcefully asserted his right to continue by hitting Parving with an implement especially designed to keep fires burning. Indeed, to the immediate threat posed by the fire he was burning Theakstone added another, telling Parving that she was a witch and he would burn her. In a similar manner, soil was used by one Humfry Juett to humiliate his opponent in a

⁸⁴ S. Burton, *A Sermon Preached at the Generall Assises in Warwicke, the Third of March, being the First Friday in Lent* (London, 1620), p. 4.

⁸⁵ In contrast to knives, poison, administered by stealth, was a means of violence strongly associated with women in the early modern period; Dolan, *Dangerous Familiars*, pp. 30, 173. Much ink has been expended in recent years discussing the strategies medieval and early modern women writers employed to justify their authorial activities. This provides a useful parallel for thinking about women's use of bladed implements, for if it was hard for women to assert their authority by taking up a pen and writing for a public audience, it was perhaps harder still to take up a knife to put to violent use. The way in which people might moderate their use of violence so that they do not completely alienate their community is discussed in E. Marx, *The Social Context of Violent Behaviour: A Social Anthropological Study in an Israeli Immigrant Town* (London, 1976), ch. 5.

⁸⁶ J. Raine (ed.), *Depositions from the Castle of York*, pp. 284-85. The phallic-shaped implements depicted being used as weapons against sexually transgressive men in popular literature provides a further example of the relationship between the weapons and the dispute, above, ch. 2, p. 116.

fight over rights to land in the parish of Rock, Worcestershire, in the early seventeenth century, as he forced the disputed dirt and gravel into Joyce Juett's mouth.⁸⁷ Another Worcestershire man, Henry Harcott, was the subject of a presentment in 1619 by one William Hobday, after Harcott broke open Hobday's buttery door which, Hobday explained, was 'locked bicause my wieffe would not fill him drinke, I being from home'.⁸⁸ Harcott expressed his anger by breaking Mrs Hobday's glasses. He then threatened to throw a drinking pot against the walls, before proceeding to 'drawe drinke at his pleasure'. In these incidents, materials were undoubtedly used as weapons or destroyed because they were close to hand but they were also selected over other nearby objects for their symbolic value.

USING VIOLENCE (IL)LEGITIMATELY

Violence which was an unplanned but provoked response was widely regarded as more legitimate than violence which had been planned, following a past provocation, or was unplanned and unprovoked. The carrying of weapons was sometimes construed as evidence of a calculated intent to commit violence. When Harry Harley and others made articles against one John Genifer in 1601, reference was made to the fact that Genifer had been walking around Worcester armed with a sword and dagger. When challenged by an 'honest man' to explain 'what he meant to weare such weapons on so fine a day' Genifer told him it was 'to Cut off[f] the legs or armes of Harley'.⁸⁹ Genifer's response thus confirmed

⁸⁷ PRO, STAC 8/23/20.

⁸⁸ WCRO, BA 1/110/31/129.

⁸⁹ WCRO, BA 1/110/16/48-50.

what the 'honest man' had suspected, that his weapons signalled a violent intent. The Worcestershire yeoman Humphery Byrd was criticised, by members of his parish community in 1619, for having 'lyen in wayte for diverse persons, with dangerous weapons as well by day as by night', and having assaulted passers-by.⁹⁰ Whilst what constituted 'dangerous weapons' in Byrd's case is not clear, Genifer's sword and dagger were seen as a sign of aggressive intent. The fact that Genifer's public possession of these weapons was construed as dangerous, rather than signifying his position at the cutting edge of fashion, indicates that the level at which arms become excessive or dangerous varied according to the character and social standing of the holder. Hotter personalities may have more readily been seen as over-armed than those with less choleric tempers. Additionally, the weapons of those of lower social standing may have been more readily perceived as threatening, by some members of the community, than the same weapons worn by members of the gentry.

The carrying of weapons was not always interpreted, as Byrd's and Genifer's had been, as evidence of violent intent. In 1610 Chasely constable John Hickes had a New Year's prank played on him by Margaret Willshere, a servant living in the parish. Dressed as a man, Willshere had gone to Hickes' house and pretended that a hue and cry had been raised nearby. Hickes deposed that Willshere was 'weaponed w[i]th a dagger on her backe, and a picke staffe on her shoulder', but there is no indication that Hickes feared the weapons would have been used against him. Rather, the reference to Willshere's arms serves to underline the woman's disorderly and transgressive behaviour during the

⁹⁰ WCRO, BA 1/110/30/95.

episode.⁹¹ Whilst the public possession of weapons was sometimes construed as evidence of an intention to commit violence, the level of threat they were seen to pose again emerges as something which was shaped by their holder, rather than solely by the implements themselves. The use of force when one sought revenge was also regarded as planned violence and deponents would sometimes denounce their attackers for using 'violence and force in a malicious revengefull manner'.⁹²

The threat or use of force was regarded as equally reprehensible when no provocation had been given. Thus when in 1625 the Worcestershire gentleman John Kayse entertained the notion of a fight with Justice Sir Henry Spiller, who according to Spiller's fellow justices 'had not given any Cause or wordes of p[ro]vocaon', Kayse was deemed to have demeaned himself by his 'audacious and insolent' words.⁹³ Amendments to a deposition made in Kidderminster against one William Wolley for his attempted assault on the soldier John Wilsen in an alehouse in 1670, show that to assert that no provocation had been given damned one's opponent more comprehensively. The deposition of Thomas Yate, Wilsen's brother-in-law, initially stated that he and his companions had been drinking when Wolley approached them. However, this reference to drinking was crossed out and replaced with a more sober image of the men 'haveing call[ed] for A flagon of beere'. The deposition also originally read that Wolley had begun 'to question his Colours that he had the sayd John Wilsen had in his hatt'. John Wilsen was a soldier under Captain Cornewall and had just come from training at Tenbury, so it is likely that the colours in his hat indicated his allegiance to Cornewall, an

⁹¹ WCRO, BA 1/110/11/4a.

⁹² WCRO, BA 1/110/90/24. Other examples are 110/119/31, 110/79/14.

allegiance Wolley clearly found offensive. This reference was also crossed out and, instead, it was asserted that 'with out Any offence at all eyither in words or other ways given ... Wolley drew his Hanger'.⁹⁴ As this case indicates, to use violence when no provocation had been given was regarded as unjustifiable. Scheming to use violence was equally improper; the least blameworthy reason for the use of violence was as an unpremeditated response to a sudden provocation or in self defence.⁹⁵

The manner in which a fight had been conducted also shaped the way in which the use of force was perceived. Violence which saw a victim heavily outnumbered or out-weaponed was seen as particularly improper.⁹⁶ John Ozell's near-contemporary translation of the Frenchman Henri Misson's account of late seventeenth-century England was emphatic that attacks on unarmed people were intolerable:

They use neither Sword nor Stick against a Man that is unarm'd; and if an unfortunate Stranger (for an *Englishman* would never take it into his Head) should draw his Sword upon one that had none, he'd have a hundred People upon him in a Moment, that would, perhaps, lay him so flat he would hardly ever get up again till the Resurrection.⁹⁷

⁹³ WCRO, BA 1/110/48/196. Although Spiller's colleagues on the bench could discern no provocation, Kayse's speech was made during an on-going conflict with Spiller which involved litigation in Star Chamber, PRO, STAC 8/30/1.

⁹⁴ WCRO, BA 1/110/113/7.

⁹⁵ Thomas Lawe's violence when 'the provocation was soe great, that hee could not but beat' the man he suspected of attempting to rape his sister-in-law is an example of sudden provocation; WCRO, BA 1/110/87/10. This case is discussed above, p. 214. Cases in which it is asserted that an attack was unprovoked or compelled by the need for self defence include 110/68/45, 110/139/72, 110/32/56, 110/134/30, 110/101/8, 110/108/105, 110/93/22, 110/116/11, 110/4/32; BA 2237/b795.02/1, unfol., 'Deposition of William Warner'; BA 2957/779/319.

⁹⁶ WCRO, BA 1/110/6/38. A. Shepard, 'Meanings of manhood in early modern England, with special reference to Cambridge, c. 1560-1640' (Cambridge, 1998), p. 151.

⁹⁷ H. Misson, *Memoirs and Observations in his Travels Over England*, trans. J. Ozell (La Haye, 1698; London, 1719), p. 306, italics in original. The French version of this passage was as follows 'on ne se sert ni d'épée ni de bâton, contre un homme qui n'en a point; & si quelque malheureux Etranger (car jamais cela ne tombera dans l'esprit d'un Anglois) s'avisait de frapper de l'Epee quelqu'un qui n'en auroit point, il est certain qu'en un instant, cent personnes lui tomberaient sur

In York, 1671, a sheriff approached a soldier who had struck at an unarmed servant with a rapier, 'and desired him to putt upp his sword, telling him it was not fitt to draw in the streete upon a naked man'.⁹⁸ A ballad describing a duel similarly presents an attack on a less well-armed man as dishonourable. The more heavily armoured of the duelling gentlemen declines, whilst he has the unfair advantage of more armour, to attack his opponent.⁹⁹ The dishonour in being over-armed can also be discerned in Yarranton's willingness to fight a heavily armed Wyld, whom he considered a coward, whilst bearing only a stick himself.¹⁰⁰

Adam Martindale, the Lancashire nonconformist minister and schoolteacher recalled in his autobiography an encounter with an irate parent, who wanted his three children taught for free. Martindale's account of this episode illustrates the way in which even-handedness and restraint were part of an ideal of just violence. Martindale describes his opponent as 'a giganticke fellow', and his emphasis on the 'vast disproportion' in the stature of the two men evokes the contest between David and Goliath. The inequity of the contest is similarly indicated by their arms: whereas on leaving the school-room Martindale was 'without any weapon save a short hand-sticke', his opponent had armed himself with 'a long staffe'.¹⁰¹ According to Martindale, as they wrestled (their weapons having been confiscated during the *mêlée* by an onlooking child) he was careful not to inflict too much injury upon his opponent:

les épaules, & le mettroient peut-être en état de ne s'en relever jamais, comme je crois l'avoir déjà dit.' Misson, *Memoirs et Observations Faites par un Voyaguer en Angleterre* (La Haye, 1698), p. 254.

⁹⁸ Raine (ed.), *Depositions from the Castle of York*, p. 185.

⁹⁹ *A Lamentable Ballad of a Combate in The Euing Collection of English Broadside Ballads* (Glasgow, 1971), p. 307.

¹⁰⁰ WCRO, BA 1/110/111/114, 110/111/161.

¹⁰¹ Parkinson (ed.), *Life of Adam Martindale*, p. 46.

When I had him at advantage I never offered to do him any considerable harme, but when he got any advantage of me he most maliciously attempted to rend my cheeks with his fingers and thumbs [... which would] have disfigured my face sadly, if it had had not also spoiled my speech.¹⁰²

The final injustice, which Martindale claimed to have suffered in this informal duel, was when two of his opponent's workmen came to their master's assistance, holding Martindale down to enable their master to give the schoolteacher a thorough beating. Martindale expected his readers to regard his opponent as not fighting fair, indicating that the conduct of violence was expected to be rule-governed.

As Martindale's reference to his relatively small stature suggests, the physical condition of the victim influenced the way in which an assault was perceived. Garthine Walker has argued that an emphasis on smaller physical stature and correspondingly greater vulnerability to violence was a feminine tactic, but Martindale's comments demonstrate that it was an not exclusively female strategy.¹⁰³ Male physical vulnerability was also emphasised by one George Horniblow of Worcester, who in May 1699 claimed to have been assaulted when he was away from the city, convalescing in an alehouse in the countryside on the advice of his physician. On his way out of the alehouse at dawn for a fishing expedition with some friends, Horniblow was struck with a fishing cane by a clergyman named Mr Ley, and Horniblow asserted that 'with his fist [he] returned the Blow as well as his Weakness at that time would permit'.¹⁰⁴

¹⁰² Parkinson (ed.), *Life of Adam Martindale*, p. 47.

¹⁰³ G. Walker, 'Crime, gender and the social order in early modern Cheshire' (PhD thesis, Univ. of Liverpool, 1994), p. 82.

¹⁰⁴ WCRO, BA 2638/795.61, unfol. 'Deposition of George Horniblow'.

Violence against pregnant women was viewed as particularly serious, as it could either cause a miscarriage or, through the shock given to the mother, cause the infant to be deformed.¹⁰⁵ In quarter sessions records women occasionally assert that they had miscarried as a consequence of violence, more usually claiming that they had almost miscarried. In articles made against John Genifer of Worcester in 1601, Genifer was held responsible for a miscarriage which followed the fright he gave one Mrs. Flicher by threatening to kill her and, it was additionally claimed, he had alarmed two other expectant women.¹⁰⁶ Garthine Walker has suggested that women claimed to have miscarried as a result of violence as part of a court room strategy to seize the moral highground by constructing 'personae of blameless and defenceless creatures'.¹⁰⁷ Genuine indignation and outrage, at the additional risk to which the women and their unborn babies had been exposed, would also have motivated references to women's pregnancies.

The age of a victim was included in accounts of violence to emphasise the victim's vulnerability and underline the extent of the aggressor's misconduct.

¹⁰⁵ U. Rublack, 'Pregnancy, childbirth and the female body in early modern Germany', *Past and Present*, 150 (1996), pp. 84-110. Literary representations of violence depicted violence against pregnant women as particularly heinous; J. Wiltenburg, *Disorderly Women and Female Power in the Street Literature of Early Modern England and Germany* (Charlottesville, Va., 1992), p. 196.

¹⁰⁶ WCRO, BA 1/110/16/48. Constables were sometimes asked not to handle a woman roughly specifically because she was pregnant: 110/74/24. See also 110/52/43, 110/88/13, PRO, STAC 8/48/20. Surrey Justice Bostock Fuller noted that a woman who had been treated violently was pregnant; G. Leveson-Gower (ed.), 'Notebook of a Surrey justice [Bostock Fuller]', *Surrey Archaeological Collections*, 9 (1888), p. 189. Physical harm could be caused to pregnant women by acts of omission. In 1686 Mrs. White told other women not to help Morgan Jons' wife during labour. If acted upon, this advice would increase the risk of injury during child-birth. This tactic, routinely employed to compel single women to name their child's father, was not being advocated to elicit such information in this case. WCRO, BA 1/110/151/37.

¹⁰⁷ Walker, 'Crime, gender and the social order', p. 68. The way in which references to miscarriages (which might have been 'invented and fictional') were used to help women 'achieve the fullest sympathy of the law' when prosecuting assault is also explored in J. Hurl, "'She being bigg with child is likely to miscarry": pregnant victims prosecuting assault in Westminster, 1685-1720', *The London Journal*, 24 (1999), p. 23.

Depositions indicated when women with small children in their arms were attacked. In 1606, Droitwich mother Jane Carver asserted that during an assault on her by one Jane Aston, she feared for the life of the infant she was holding and was forced to fling her child from her.¹⁰⁸ The elderly were also considered inappropriate targets for violence because of their greater physical vulnerability. The gentleman John Bury, a deponent in a case heard by the Court of Star Chamber in 1613, frequently referred to the advanced age of his parents who at 'lxxx yeares of adge a peece' were 'very aged and weake p[er]sons'.¹⁰⁹ Their age made the fact that they had had daggers thrust at them and had been cast into the street one cold night 'halfe ready and halfe unready' particularly serious, as, unable to cope with the 'sundayne frighte they were driven into a greate syckness.'¹¹⁰ Violence against the physically vulnerable was differentiated from that against those with a robust constitution, as factors including size, ill-health, pregnancy and age were included in literary, personal and judicial accounts. The range of meanings which were invested in acts of force illustrates how understandings of violence in seventeenth-century England were culturally constructed.¹¹¹

EMBODYING VIOLENCE

The diverse meanings invested in violence meant that it operated as a mode of communication, a language which was articulated physically rather than

¹⁰⁸ WCRO, 110/4/32. See also 110/52/43. In 1686 Susanna Turner 'then having a small Infant in her armes of about foure moneths' was assaulted, 110/151/40.

¹⁰⁹ PRO, STAC 8/48/20.

¹¹⁰ PRO, STAC 8/48/20.

¹¹¹ The expectation that some protection would be afforded to women, children, the old and the sick also applied to Civil War violence, Donagan, 'Atrocity', p. 1142; Donagan, 'Codes', p. 76.

verbally. As Valentin Groebner has argued in an article exploring why noses were singled out for violence in late medieval Germany:

To strike in this manner is to speak. Physical force functions as a means of communication that is neither causal nor random, and least of all blind. Rather it has recourse to a whole series of semantic props, literary narrative elements and connotations which it applies [to the body.]¹¹²

Parts of the body carried specific meanings in early modern Europe and, when it came to inflicting insults, the human body had a complex geography.¹¹³ The head and face were widely associated with honour and authority, and, together with the hats, beards and hairstyles they sported as signifiers of status and gender, were deliberately targeted to indicate disdain.¹¹⁴

Such targeting of the face, hair and hats can certainly be discerned in the violence which occurred in midland England during the seventeenth century. We have already encountered a number of examples of faces being deliberately singled out for violence, including when Adam Martindale's opponent strove to inflict on him an injury which would be permanent and highly visible; when Mary Davyes threw beer in the face of the woman she sought to humiliate; and when Anne Amphlitt, seeking to undermine a constable's authority, 'flew' in his face.¹¹⁵

¹¹² V. Groebner, 'Losing face, saving face: noses and honour in the late medieval town', trans. P. Selwyn, *History Workshop Journal*, 40 (1995), p. 10.

¹¹³ See for example, M. Rubin, 'The body, whole and vulnerable, in fifteenth-century England' in B. Hanawalt & D. Wallace (eds.), *Bodies and Disciplines: Intersections of Literature and History in Fifteenth-Century England* (Minneapolis, Minn., 1996), pp. 19-28; D. Hillman & C. Mazzio (eds.), *The Body in Parts: Fantasies of Corporeality in Early Modern Europe* (N.Y., 1997); T. V. Cohen, 'The lay liturgy of affront in sixteenth-century Italy', *Journal of Social History*, 25 (1992), pp. 861, 863; T. Brennan, *Public Drinking and Popular Culture in Eighteenth-Century Paris* (Princeton, N. J., 1988), pp. 59-60; Pitt-Rivers, 'Honour', p. 25.

¹¹⁴ P. Corfield, 'Dress for deference and dissent: hats and the decline of hat honour', *Costume*, 23 (1989), pp. 64-79; Shepard, 'Meanings of manhood', pp. 146-49.

¹¹⁵ Parkinson (ed.), *Life of Adam Martindale*, p. 46; WCRO, BA 1/110/90/24, 110/88/11. Faces were also attacked in 110/58/90, A. Eyre, 'A dyurnell or catalogue of all my accions and expences from the 1st of January 1646', ed. by H. Morehouse, in C. Jackson (ed.), *Yorkshire Diaries and Autobiographies in the Seventeenth and Eighteenth Centuries*, The Surtees Society, 65 (Durham, 1875), pp. 32-33.

Being struck on the face ‘in such unmanly sort’ was presented as a serious provocation for a gentleman in ‘A Lamentable Ballad of a Combate’.¹¹⁶ Noses had a particular significance, which was related to women’s sexual honour, and were singled out for attack on a number of occasions. One occurred in 1610 when one woman told another, whom she suspected of having sex with her husband, that she would cut off her nose and give her the mark of a whore.¹¹⁷

Robert Bartlett has argued that historically hair has been of symbolic importance, as it has been deliberately styled to convey personal information.¹¹⁸ In fights, hair and beards were pulled not only because they were within easy reach but also because it was a form of attack which demeaned its target. The abundant references in the Quarter Sessions records for Worcestershire to instances when an adversary had ‘plaiked a great deale of hire from off his head’ indicates that seventeenth-century deponents considered hair-pulling a significant part of an assault.¹¹⁹ Beard-pulling was a challenge to authority, as is indicated by a sermon given in 1642 in which Ephriam Udall warned that rebels ‘will beard the King, and give all Judgements out of their lawlesse lips’.¹²⁰ The condition of women’s

¹¹⁶ ‘A Lamentable Ballad of a Combate’ in *Euing Collection*, p. 307.

¹¹⁷ WCRO, BA 2102/794.052/5 ‘Consistory court deposition book, 1607-1613’, fols 208r-209v. Other instances of women targeting the nose of another woman include BA 1/110/52/43 and J. H. Bettey (ed.), *The Casebook of Sir Francis Ashley JP Recorder of Dorchester 1614-35*, Dorset Record Society, 7 ([n.p.], 1981), p. 35. The most persuasive discussion of how attacks on noses might best be interpreted is Groebner, ‘Losing face’. See also Foyster, ‘Male honour’, p. 214.

¹¹⁸ R. Bartlett, ‘Symbolic meanings of hair in the Middle Ages’, *TRHS*, 6th s., (1994), pp. 43-60.

¹¹⁹ WCRO, BA 1/110/145/61. References to hair-pulling are also made in 110/79/14, 110/126/19, 110/129/19, 110/134/31, 110/153/37; BA 2057/779/357; Warks CRO, CR 103 ‘William Bromley’s notebook’, p. 38. A beard was pulled in PRO, STAC 8/58/113.

¹²⁰ E. Udall, *The Good of Peace and Ill of Warre set forth in a Sermon Preached in the Cathedrall Church of S. Paul, the Last Day of July, 1642* (London, 1642), p. 20, cited in J. Walter, *Understanding Popular Violence in the English Revolution: The Colchester Plunderers* (Cambridge, 1999), p. 18.

hair during an assault was sometimes included as part of an account of violence.¹²¹ In 1653 Thomas Lawe of Castle Morton, a parish in the south of Worcestershire, attacked the man whom he thought was attempting to rape his sister-in-law, Katherine Lawe. Thomas Lawe asserted that at the time of his assault on Tyler, Katherine Lawe's 'haire was about her Eares', thereby indicating both her dishevelment and the fact that his intervention had been imperative.¹²²

Hats were strongly associated with personal status. As well as having their hair pulled or undone, individuals from across the social spectrum were liable to have their hats pulled off or taken away during fights with their neighbours. They included this part of the attack in the depositions they gave.¹²³ In this respect, early modern English culture can be compared to French, where the association between hats and honour meant that 'hats triggered trouble' and were often a central part of narratives of violence.¹²⁴ Attacks on faces, hats and hair derived part of their significance from the slight they constituted to one's honour and were recounted in depositions to demonstrate the insulting way in which someone had been treated.

Parts of the body, other than the head and face area, carried particular significance and were accordingly singled out for attack. The late seventeenth-century notebook of William Bromley, a Justice of the Peace for Warwickshire, includes a number of depositions relating to a vicious assault which occurred at Stoneleigh in 1691. The victim was a maidservant, Anne Simkin, who was

¹²¹ I am grateful to Dr Steve Hindle for drawing my attention to this point.

¹²² WCRO, BA 1/110/87/10.

¹²³ For example, WCRO, BA 1/110/101/8, 110/54/70.

¹²⁴ N. Z. Davis, *Fiction in the Archives: Pardon Tales and their Tellers in Sixteenth-Century France* (Stanford, Calif., 1987), p. 38.

walking through some fields one afternoon when a group of young men assaulted her. During the assault, Simkins' genitals were targeted. She was beaten with nettles, had her pubic hair pulled out and had a stick thrust into her. The targeting of Simkins' sexual parts raises the possibility that her attackers considered her guilty of sexual misconduct.¹²⁵ Further support for an interpretation of the violence as a punishment, rather than a random attack, includes the fact that the young men responsible for the assault had sought for Simkin prior to the assault, and subsequently bragged publicly about the attack in places including a local shop, by a doorway and in a field.

CONCLUSION

In this chapter we have considered people using violence in diverse capacities, including as men of honour, loyal wives, effective housekeepers, protective parents and dutiful sons. We have seen members of communities acting against threats to those communities, whether external (such as the visiting official) or internal (the person who disregards moral standards such as those relating to property or sexual activity). By considering the wider environment in which seventeenth-century people lived, violence emerges as a means which people used to assert themselves and not as a proof of their uninhibited nature. Indeed, far from being a natural phenomenon, an expression of passion unmediated by cultural norms, we have seen that early modern violence was an

¹²⁵ Works CRO, CR 103 'William Bromley's notebook', pp. 20-27; Sexual misconduct appears to have shaped the type of violence used against a woman from Leigh in Mendip, Somerset in 1624, as the perpetrators of violence considered she had been 'over heete' and 'thearewith all threwe a cupp, or a glasse of beere in her bare tayle'. R. J. Alexander (ed.), *Records of Early English Drama: Somerset* (Toronto, 1996), p. 157. I am grateful to Prof. Bernard Capp for drawing my attention to this case. Recall also the ballad which saw women plan to castrate a sexually transgressive man, above, ch. 2, p. 116.

activity governed by codes. These rules, which were neither written down nor universally observed, were nevertheless of paramount importance in determining how a specific violent incident was regarded. Perceptions of violence were shaped by many factors, including the physical constitution of the victim, the extent to which those participating in violence were equal in numbers or in arms and the nature of the provocation which had been given.

This chapter has demonstrated that interpersonal violence was rooted in ordinary life. A consideration of the sites of violence shows that it was bounded by familiar locations, frequently closely related to the fight itself. The weapons which were used carried complex cultural significance. Weapons carried meanings relating to gender and social status (as when a housewife and her friend threatened her husband with hot water and a coul-staff, whilst a gentleman abducted his estranged wife with a sword) and sometimes constituted material expressions of the contested issue. Physical violence may frequently have been unwelcome, not least to its victims, but if we endeavour to look at it in the context in which it occurred, it emerges as a less sensational and exotic form of behaviour than when extracted from its era and examined over the *longue durée*.

CHAPTER SIX: PROCESSES OF CONFLICT AND RESOLUTION

INTRODUCTION

Violence was often a way of advertising difficulties in interpersonal relations. As it was intended to end or to highlight a problem, it is unsurprising that the use or threat of violence frequently prompted processes aimed at resolving conflict. In contrast to Chapter Three, which considered the formal prosecution of violence using the courts or recognizances, this chapter will explore the less formal processes of mediation and arbitration which were used to prevent conflicts from escalating into violence or to end those which had already done so. It will investigate the role of local office holders, including justices, constables and clergymen, in mediating disputes and that played by the community at large. In addition to looking at efforts to mediate between adversaries when violence was not thought imminent, we will consider the immediate reaction to violence. How did people respond when a fight had broken out or was brewing? Were men and women equally likely to make oral appeals or to physically restrain the combatants? Or were responses to fights gendered? What risks were faced by the women and men who intervened to curb violence? Were bystanders expected to act to stop it or to avoid involvement? Finally, we will contrast the use of violence in early modern England with other modes of aggression. Was physical force regarded as a singularly disorderly and disruptive activity, or were activities, such as litigation and verbal abuse, seen to be equally corrosive of social harmony?

MEDIATION

Successful mediation prevented certain conflicts from developing into violent disputes whilst, on other occasions, intermediaries' efforts to resolve a conflict had been prompted by earlier violence. The role of mediation in managing conflicts demonstrates that early modern violence was frequently part of a process. It could be used as a sanction which could be invoked against recalcitrant opponents if mediation failed or to dramatise a difficult situation and draw in outside assistance. The capacities in which intermediaries acted can be formally distinguished from each other. Parties might use a neutral mediator in their negotiations or submit to an umpire such as an arbitrator, chosen by the disputants, or an adjudicator who derived authority from his office and could impose a decision.¹

In practice, the exact capacity in which peacemakers operated in seventeenth-century England would frequently have been unclear.² The work of justices is a case in point. Whilst the formal duties of justices were restricted to threats and acts of violence, and did not require them to smooth-over local disputes (as we saw in Chapter One), they nevertheless shared a Christian duty to do exactly that. Thus, having argued strongly that the mediation of neighbourhood disputes was not part of a justice's 'proper office in Lawe', Lambarde writes that a justice should pacify controversies amongst his neighbours because of his

¹ S. Roberts, 'The study of dispute: anthropological perspectives' in J. Bossy (ed.), *Disputes and Settlements: Law and Human Relations in the West* (Cambridge, 1983), p. 12. The utility of theoretical distinctions of the mechanisms to end contentions is questioned by L. B. Smith, 'Disputes and settlements in medieval Wales: the role of arbitration', *English Historical Review*, 106 (1991), p. 845. Mediation and arbitration in early modern England are explored in S. Hindle, *The State and Social Change in Early Modern England, c. 1550-1640* (Basingstoke, 2000), ch. 4.

² For earlier methods of resolving conflict, see Smith, 'Disputes and settlements', pp. 835-60; B. McRee, 'Peacemaking and its limits in late medieval Norwich', *English Historical Review*, 109

‘common dutie in Charitie.’³ In a letter written to his son in 1636, the Cheshire Justice Sir Richard Grosvenor similarly implies that his son’s duty to mediate did not emanate directly from his status as a Justice of the Peace, as he advises him to ‘Bee a chancelor rather than a justice amonge your neighbours who are tow apt to fale into contentions.’⁴

Many justices were active in their pursuit of peace and probably acted in a dual role, mediating as respected members of their local community and adjudicating in their official capacities (which were held partly because of their local status). The notebooks and diaries in which justices recorded their activities are often summary in nature and do not indicate from whence justices’ peacemaking efforts derived their authority. In a diary which records diverse phenomena, including the weather and deaths during the period 1630-1636, the Anglesey Justice Bulkeley cites numerous occasions on which he was called upon to mediate but gives little detail about the precise nature of his involvement.⁵ A typically terse entry was made in June 1631, recording that Bulkeley rode to Llanvechall ‘intending to agree owen lewis and hugh powell aboute the fray at llanbeylan, but fayled.’⁶ The notebook kept by Warwickshire Justice William Bromley between 1685 and 1728 is more informative about his efforts to adjudicate a settlement and avoid either the courts or further violence. In 1709

(1994), pp. 651-79 and E. Powell, ‘Arbitration and the law in England in the late Middle Ages’, *TRHS*, 5th s., 33 (1983), pp. 49-67.

³ W. Lambarde, *Eirenarcha, or the Office of the Justices of the Peace* (London, 1582), p. 10.

⁴ R. Cust (ed.), *The Papers of Sir Richard Grosvenor (1585-1645)*, The Record Society in Lancashire and Cheshire, 134 (Gloucestershire, 1996), p. 37.

⁵ [R.] Bulkeley, ‘The diary of Bulkeley of Dronwy, Anglesey, 1630-1636’, *Anglesey Antiquarian Society and Field Club Transactions*, (1937), p. 31.

⁶ Bulkeley, ‘Diary’, p. 48. Surrey Justice Bostock Fuller is similarly concise about his role as a peacemaker in the early seventeenth century, in G. Leveson-Gower (ed.), ‘Notebook of a Surrey justice [Bostock Fuller]’, *Surrey Archaeological Collections*, 9 (1888), p. 192.

Bromley records his efforts to persuade one Mrs Danvers to return to her estranged husband, who had attempted to abduct her the day before.⁷ Having failed to secure Mrs. Danver's return (which 'she seemed determined ag[ains]t'), Bromley was anxious that there should be an 'amicable accomodating [in] this matter that I might not be obliged to proceed according to the severity of the Law', and wrote that 'all was at last compromised' when Mr. Danvers promised to make no more abduction attempts.⁸ A degree of ambiguity about the capacity in which justices intervened in conflicts may have suited all parties. An element of official state involvement lent weight to otherwise informal proceedings, whilst the fact that the state (in the person of the justice) did not compel parties to act meant that any agreements reached were made with consent and hence more likely to stick. The work of justices in resolving local conflicts again demonstrates that the expansion of the reach of the state was, as Steve Hindle has argued in relation to recognizances, a bottom-up phenomenon rather than one which gained its impetus solely from the centre.⁹ Many cases recorded in justices' notebooks never reached the court of quarter sessions and undoubtedly some of these were resolved as a direct result of magistrates' skills of persuasion or coercion.¹⁰

Individuals of humbler status than justices acted as mediators in local disputes, sometimes being called upon in their capacities as clergymen, constables or overseers of the poor. In 1693 the tenant, James Millot of Berkswell

⁷ Warks CRO, CR 103 'William Bromley's notebook', p. 89.

⁸ Warks CRO, CR 103 'William Bromley's notebook', pp. 89-90.

⁹ S. Hindle, 'The keeping of the public peace', in P. Griffiths, A. Fox & S. Hindle (eds.), *The Experience of Authority in Early Modern England* (London, 1996), pp. 237-38.

¹⁰ In his study of crime in Middlesex, Robert Shoemaker found that between 56-75% of the disputes involving assault, riot and defamation brought before Justices William Hunt and Henry Norris were settled informally; R. Shoemaker, *Prosecution and Punishment: Petty Crime and the Law in London and Rural Middlesex c. 1660-1725* (Cambridge, 1991), p. 55.

(Warwickshire), was tardy in paying his rent. When Millot's goods were distrained by his landlord Henry Mathews, Millot went 'together w[i]th the Constable and Overseers of the Poor of Berkswell' to Mathew's house, where they tendered the rent owed and offered to pay the costs of distraining. No settlement was reached. Mathews, himself a former justice, 'in a great passion refused, and discharged them [from] his ground, not suffering them to pay him' and later went with his servants and attacked Millot and his wife to get them out of the property.¹¹

Harmonious relationships were considered a Christian state. Accordingly, clergymen were expected to play an important role in helping to maintain peaceable relationships amongst their parishoners. George Herbert explained, in his mid century description of a country parson (an account based on his own limited experience of the vocation), that the parson 'endures not that any of his Flock should go to Law; but in any Controversie, that they should resort to him as their Judge'.¹² According to Herbert, equipped with insights gleaned from Dalton's guidebook for justices, the minister who had a conflict brought before him sent 'for three or four of the ablest of the Parish to hear the cause with him ... and so the thing passeth with more authority, and lesse envy.'¹³ There is some evidence that clergymen did endeavour to mend troubled relationships, although perhaps not having first read the treatises in law and abridgements of statutes

¹¹ Warks CRO, CR 103 'William Bromley's notebook', p. 38. Mathews was not a law-abiding subject, and was left off the the Commission of the Peace (which gave Justices their authority) in 1692; H. C. Johnson & N. J. Williams (eds.), 'Proceedings in quarter sessions 1690-96', *Warwick County Records*, 9 (1964), pp. xix-xxvi.

¹² G. Herbert, 'A priest to the temple, or the country parson, his character and rule of Holy life' in F. E. Hutchinson (ed.), *The Works of George Herbert* (London, 1652; repr. Oxford, 1941), p. 259.

¹³ Herbert, 'A priest', p. 260.

suggested by Herbert.¹⁴ In any event, ministers who exacerbated existing tensions were strongly criticised. In 1665 minister Samuel Edwards was taken before the church court by inhabitants of the Worcestershire market town of Parshore. He was accused of threatening to grind his enemies to a powder and failing to accept reconciliation.¹⁵ The presumption that clergymen would promote harmony was an enduring one. In the early eighteenth century Mr Underhill, the minister of Broadwas in Worcestershire, and the subject of William Bromfield's song on binding-over, was criticised by yeoman Humphrey Fitzer because 'instead of being a Reconsiler of differences [he] has been a Creator and Encorager of them among his Parishoners, and [has been] increasing their quarrels and Contentions'.¹⁶

Theophilus Taylor, a minister in Reading, doubted the commitment of his contemporaries to the 'godly course' of endeavouring to secure the peace, writing in 1629 that although sometimes 'some good neighbour hath stepped betwixt thee and thy adversary as arbitrator, who hath made thee and thy adversary friends: such peacemakers be ... scarce to be found among us'.¹⁷ Based on a sermon he gave at the local assizes, Taylor's rhetoric aimed to inspire greater commitment to the process of maintaining order. His pessimistic assessment does not acknowledge the genuine commitment to the process of pursuing peace amongst the population at large. In his diary the Yorkshire yeoman Adam Eyre described going to dinner on a May evening in 1646 with one Edward Mitchell

¹⁴ Herbert, 'A priest', p. 260; W. Sachse (ed.), *The Diary of Roger Lowe of Ashton-in-Makerfield, Lancashire 1663-74* (London, 1938), p. 17.

¹⁵ WCRO, BA 2638/795.61, unfol. 'Petition of Parshore inhabitants against Samuel Edwards'.

¹⁶ WCRO, BA 2638/795.61, unfol. 'Deposition of Humphrey Fitzer'.

¹⁷ T. Taylor, *The Mappe of Moses: Or, a Guide for Governours* (London, 1629), p. 14.

to Anne Swallow's, where Capt. Richard and I should have made Richard Marsden and him friends, but could not; and at night there fell quiping words between Fr. Marsden and him, and Francis Marsden struck him on the face with his fist.¹⁸

That Eyre felt he and Richard 'should' have made Mitchell and Marsden friends suggests that he saw mediation as something which could be realistically attained or as a duty and not than as the 'burthensome and thanklesse office' Taylor described.¹⁹

An emotional investment was made in peacemaking by some of those who participated. William Lughton, a forty-year old 'esquire' from Herefordshire, was disappointed in 1608 when, despite having 'donne so many good offices of peace making', two men exchanged threats and Lughton said reprovingly that he had looked 'for no such answer' from them.²⁰ The diary of Roger Lowe, a grocer's apprentice in Ashton-in-Makerfield, Lancashire, reveals the pride taken by one successful mediator, the Presbyterian minister Mr. Woods who in April 1663

cald on me, told me where he had beene and how he had made peace between Mrs. Duckewild of Bickerstaffe and her son James. He seemed to be very glad.²¹

Having spent 'all day indeavoringe' to resolve a conflict between two men in February 1663, Lowe recounted with satisfaction his own success in making the peace, noting that 'after a peace was concluded and all things rectifide in and amongst them, we all went to [the] Alehouse together'.²²

¹⁸ A. Eyre, 'A dyurnell or catalogue of all my accions and expences from the 1st of January 1646', ed. by H. Morehouse, in C. Jackson (ed.), *Yorkshire Diaries and Autobiographies in the Seventeenth and Eighteenth Centuries*, The Surtees Society, 65 (Durham, 1875), pp. 32-33.

¹⁹ Taylor, *The Mappe*, p. 14.

²⁰ PRO, STAC 8/139/26, 'Interrogatories put to William Lughton'.

²¹ Sachse (ed.), *Diary of Roger Lowe*, p. 17.

²² Sachse (ed.), *Diary of Roger Lowe*, pp. 14-15.

Just as most instances where relatives or neighbours successfully curbed violence against dependants are hidden from history, many successful attempts at mediation in the local community also went unrecorded. An impartial approach was part of the strategy advocated by one Thomas Thorton in the early seventeenth century, as he advised an associate to ‘take p[ar]te on neyther side, nor medle in the buisness in any sorte, but only to keepe the peace and to seeke to pacifie the p[ar]ties on eyther side’.²³ His advice did not secure a successful resolution to the conflict, however, and is only documented because the case went on to the Court of Star Chamber. James Millot’s deposition was only given to Justice Bromley following Mathew’s violence, which caused him to be indicted for assault and battery: had the mediation been successful, written evidence would not have been generated.²⁴ Likewise, Adam Martindale recalled that prior to his fight with a parent, ‘some interposed for peace between us, but to no purpose’.²⁵ His fleeting reference to mediators forms a prelude to his dramatic account of the contest and, had the fight not taken place, the successful resolution of the dispute would probably not have been interesting enough to warrant a mention. The mechanisms of successful dispute resolution are thus harder to find than evidence for failed attempts, as courts did not encounter or document such incidents and diarists sometimes considered them too mundane to recount. The quantitative predominance of episodes of violence in such sources in relation to those

²³ PRO, STAC 8/58/13.

²⁴ The indictment was later removed by a writ of *certiorari*, which transferred the case to the Court of Kings Bench. This would have made the case more expensive, and was probably employed as a deliberate tactic to end it. I am grateful to Dr Ruth Paley of the PRO for her advice on this point. Warks CRO, QS 33/1 ‘Indictment book, Easter 1631-1720’, fol. 338v; QS 39/3 ‘Minutes, 1690-1704’, fol. 38v.

²⁵ R. Parkinson (ed.), ‘The life of Adam Martindale, written by himself’, *Chetham Society*, 4 (1845), p. 46.

describing mediation is consequently unlikely to reflect the relative incidence of either. It is, therefore, inappropriate to emphasise the level of violence in early modern society without referring to the less well-documented lengths that they sometimes went to in order to reach an amicable settlement.²⁶

INTERVENTION

Whilst mediation aimed to resolve conflicts and reduce the likelihood of future verbal, physical or legal sparring, intervention in violence had an immediate goal, namely, to end a fight. People were more willing to intervene when violence occurred amongst neighbours, colleagues and strangers than they were to intercede in household violence, when their intervention would constitute a challenge to the authority of the household head. In the following paragraphs we will assess the extent to which men's and women's intervention differed; consider the risks faced by those who interceded in disputes; and examine the impact made by such interruptions on the severity of the injuries sustained in fights.

Both women and men verbally dissuaded others from using violence. When a dispute was brewing outside her Worcestershire house in 1608, Lady Pytt successfully diffused the situation by dispersing those involved, sending down word that she was 'lately brought to bed' and the 'noyse did somewhat offend her'.²⁷ Women at the other end of the social scale likewise used verbal strategies to prevent violence. When two men were fighting over a right of way in Crowle

²⁶ An example of the efforts sometimes made to resolve conflict is when four arbitrators and an umpire were chosen, and each of disputing parties put up twelve pence to act as an award, in a dispute over land in 1650s Bristol: H. E. Nott & E. Ralph (eds.), *The Deposition Books of Bristol 1650-1654*, Bristol Record Society, 13 (Bristol, 1948), p. 45. The complexity of some arrangements for arbitration is explored in Hindle, *The State and Social Change*, p. 108.

²⁷ PRO, STAC 8/139/26, 'Interrogatories put to William Lughton'.

(Worcestershire) one evening in 1679, the labourer's wife Margery Tandy 'did what she wuld to part them, but could not doe it till the s[ai]d Waldron by her p[er]suasions did loose the other p[ar]ty.'²⁸ Men similarly employed persuasion in their attempts to halt violence. In 1655, William Grey successfully appealed to religion to prevent Thomas Gosling, a Bredon bailiff, from carrying out his threat to stab another man, urging him 'for his soules health to forbear'.²⁹ Men were also represented in news reports as using verbal tactics to end violence; one pamphlet related the story of a tub-man who, whilst sitting on his tubs, witnessed a husband pursuing his wife with a pike. To curtail the husband's violence, the tub-man stepped 'in between them and with fair and gentle words requested the man to forbear further beating'.³⁰ Non-verbal tactics were also used to prevent violence. In 1670, Jane Yate stopped William Wolley from drawing his hanger in an alehouse by laying her hand on his, applying a moral rather than a physical restraint.³¹ Such 'hands on' placation of men may have been a tactic only open to women to use, as a man's physical intervention may have been considered confrontational rather than conciliatory.

Men forcibly intervened to break up fights more frequently than did women. An example of the way in which such intervention occurred is given by the diarist Adam Eyre, who relates that when, in 1646, he and Captain Richard failed to make their fellow diners friends, a fight broke out. Richard pulled one

²⁸ WCRO, BA 1/110/134/31.

²⁹ WCRO, BA 1/110/90/24.

³⁰ *A Caution to Married Couples: Being a True Relation How a Man in Nightingale-Lane Having Beat and Abused his Wife, Murthered a Tub-man that Endeavoured to Stop him from Killing her with a Half-Pike* (London, 1677), p. 6.

³¹ WCRO, BA 1/110/113/7. In thirteenth-century England physical brawls were more frequently contained by women than by men; J. Given, *Society and Homicide in Thirteenth-Century England* (Stanford, Calif., 1977), p. 202.

man off the other, helped the other up 'and so they were parted'.³² This routine encounter merits attention. It shows that stopping violence could be a swift exercise and that the violent event was not necessarily particularly disruptive. Such mundane incidents demand the attention of historians as violence of this nature - that is, short in duration, of local importance only and with no significant injury inflicted - would generally have been more familiar to contemporaries than violence which was lethal or more spectacular.

Men's physical intervention in a fight could sometimes be construed as an outright attack, however. This happened in 1687 when Edward Andrews, a weaver, stepped in to break up a fight which broke out in a corn field in Grimley (Worcestershire). The fight began when Edward Shepperd, son of the husbandman who worked the land, found fault with the work of reaper John Maunderville. When Shepperd and Maunderville began to fight, Andrews intervened using first verbal then physical means, 'bidding Maunderville loose him hold of Shepperd w[hi]ch he not doing p[re]sently he [Andrews] also fell upon Maundervill'.³³ Whilst two deponents considered Andrews had intervened to prevent the violence from escalating, Maunderville saw it as an unwarranted attack. That those who intervened in violence risked being accused of assault themselves sometimes deterred intervention. On arriving at a field in Rock (Worcestershire) to spread manure in 1607, agricultural workers John Palmer and George Ward found a fight in progress between different members of the Juett family over rightful title to the land. The men deposed that 'not willing to enterpose themselves into any quarrell being hired only to work [they] did not go into the sayd ground but dep[ar]ted

³² Eyre, 'A dyurnell', p. 33. See also BA 2638/795.61, unfol., 'Deposition of George Horniblow'.

³³ WCRO, BA 1/110/153/37.

home w[i]thout either offering any violence'.³⁴ It is unusual to find defendants asserting that they made no effort to intervene in a fight and the labourers' response appears to have been prompted by the overriding desire to avoid being accused of fomenting trouble. A more immediate risk than being accused of assault was the risk that the interventionists themselves would sustain an injury.

Men were vulnerable to being injured when they attempted to stop violence, as pugilists might attack those who impeded them. The London tub-man who had used 'fair and gentle words' to prevent violence shortly thereafter met his death, as the angry husband attacked him with the half-pike he had been pursuing his wife with.³⁵ Evidence from court records accords with such representations. We saw in Chapter Two that Erasmus Harris, a Bewdly cardmaker, was injured when he tried to stop two men fighting over a debt in 1663. As Harris endeavoured to part them, one of the men 'thrust and struck him upon the head [with a] pike staff', causing him to bleed profusely.³⁶

Women were also liable to be attacked when they interceded to prevent violence. In 1619 an unnamed woman from Welland (Worcestershire) was injured when, on hearing an outcry one December evening, she 'went thither in haste ... and demaunded the cause'.³⁷ The cause was one William Staunton's drunken attack on his drinking companion Nicholas Boulter, but Staunton then proceeded to attack the woman who had sought to intervene, pulling out a great woodknife which hung at his girdle and striking her with it. In Bristol, 1651, Anne Newton intervened to protect her husband from violence when a warden from the Tailors'

³⁴ PRO, STAC 8/23/20, 'Answers of Humfry Juett, John Palmer and George Ward'.

³⁵ *A Caution to Married Couples*, p. 6.

³⁶ WCRO, BA 1/110/68/45.

Company entered their house to confiscate garments her husband had made (he was not a freeman of the city). According to Roger Kisner, a young tailor who witnessed the episode, Newton asked 'whether he [the warden] would murther her husband hee being then in the ground, and thereupon the said Lewis stroke the said Anne, with his hand in her face'.³⁸ Although there are some suggestions that men were expected to accept women's conciliatory efforts peaceably (as Joan Yate had only to place her hand on Wolley's arm to curb him), Staunton and the warden's actions show that women could not automatically expect to be accorded unaggressive treatment when they intervened.

Whilst those who interceded in fights ran the risk of being injured themselves, usually the intervention of bystanders served to limit the level of injury inflicted. Deponents frequently asserted that, but for the intervention of a third party, severe injury would have resulted from an attack. In 1628 Thomas Jefferes told the court of quarter sessions that Anne Pusonne, of Stourbridge, Worcestershire, would have cut off his pregnant wife's nose 'had not neyboures com in to helpe her'.³⁹ Later in the century, the court heard from one Mary Bowyer that 'had it not beene for some company' present at a Kidderminster alehouse in 1677, her own husband and the alehouse keeper Mary Gardner would have drowned her in a well when she went to fetch her spouse.⁴⁰ Warwick schoolmaster William Warner would have been 'slain or at least wounded' in

³⁷ WCRO, BA 1/110/31/14.

³⁸ Nott & Ralph (eds.), *Deposition Books*, p. 28.

³⁹ WCRO, BA 1/110/52/43. See also 110/113/7, 110/113/18, BA 2638/795.61, unfol., 'Deposition of George Horniblow'. When Anne Newton was assaulted she would have fallen down, possibly incurring further injury, following the blow had not Kisner stepped in to support her; Nott & Ralph (eds.), *Deposition Books*, p. 28.

⁴⁰ WCRO, BA 1/110/128/15.

August 1694, had not other persons taken a sword away from a parent who was about to attack him.⁴¹

Whilst such claims made for a stronger court case, they were not only strategies for the litigious. This is evident as similar statements, describing the way in which timely intervention reduced the level of hurt sustained, can also be found in autobiographies. The non-conformist minister Richard Baxter related in his autobiography that he was protected from a drunkard's violence, at a public fair in Kidderminster in the mid seventeenth century, by the intervention of some strangers, who seized his assailant and 'dragged him to the magistrate and the stocks.'⁴² Even children understood that the capacity of adults to inflict harm on one another should be minimised. Martindale recounts that, in his fight with a parent, 'a child about four yeares old carried away both our staves and laid them across a prettie distance from us', judiciously restricting the capacity of both combatants to inflict injury.⁴³

Indeed, there was a presumption that witnesses to non-domestic violence would intervene to stop it. In 1671 Bromsgrove victualler Humphrey Harris was criticised when John Hollington, a doctor's son, was assaulted in his presence, as Harris 'stood by [in] the meanetime without endeavouring to p[ar]t them'.⁴⁴ Jane Carver, a married woman living in Droitwich in 1606, was attacked by the wife of one Humphrey Aston whilst in a neighbour's house. Humphrey Aston and Jane Carver's own father-in-law stood by and failed to stop the violence, which

⁴¹ WCRO, BA 2237/b795.02/1, unfol., 'Deposition of William Warner'.

⁴² J. M. Ll. Thomas (ed.), *The Autobiography of Richard Baxter: Being the Reliquiae Baxterianae* (London, 1925), p. 82.

⁴³ Parkinson (ed.), *Life of Adam Martindale*, p. 47.

⁴⁴ WCRO, BA 1/110/115/14.

‘almost ended her dayes’, and Carver referred to their inaction as evidence that they were part of a plot against her life.⁴⁵ The expectation that those in the immediate vicinity of a fight would endeavour to curb the use of force gave seventeenth-century violence a (somewhat unreliable) external control, which would have lessened its lethality.⁴⁶

LITIGATION AND AGGRESSIVE LANGUAGE

Physical aggression was only one of a number of means of exerting power over others in interpersonal relationships. Force was not required in many instances when people sought to dominate others. As Peter Rushton has argued, the ability to give or withhold money and property provided other sources of power within the family.⁴⁷ This section will consider the way in which litigation and verbal abuse were regarded in relation to physical aggression, in order to place attitudes towards violence in a broader perspective. First, litigation.

The law was used to pursue as well as to end conflict and litigation and violence were sometimes regarded as parallel strategies.⁴⁸ Individuals of varying social status perceived an overlap between the use of law and violence as mechanisms for pursuing conflict. One member of the social elite, the Recorder of London Sir Anthony Benn, chose physical violence as a metaphor for law,

⁴⁵ WCRO, BA 1/110/4/32.

⁴⁶ The expectation that noncombatants would intervene may also have structured aggressors’ behaviour, as those participating in violence may not have aimed to inflict serious harm, but expected to be dissuaded, having asserted their personal courage by demonstrating their willingness to fight. V. Burbank, *Fighting Women: Anger and Aggression in Aboriginal Australia* (Berkeley, Calif., 1994), p. 74.

⁴⁷ P. Rushton, ‘Property, power and family networks: the problem of disputed marriage in early modern England’, *Journal of Family History*, 11 (1986), p. 210.

⁴⁸ J. A. Sharpe, ‘Such disagreement betwyxt neighbours: litigation and human relations in early modern England’ in Bossy (ed.), *Disputes and Settlements*, pp. 167-87; S. Hindle, ‘The keeping of the public peace’, p. 227.

remarking that even savages would be moved to 'marvyle at us if they should hear of us ... that menn ... can devour one another without blooding one another.'⁴⁹

When considering how to respond to the beating he had received at the hands of a parent, Martindale was 'very sensible the law gave me advantage enough' but nevertheless rejected litigation as a course of 'pure revenge'. Martindale also rejected the use of force (several friends offering their services in this respect) on the grounds that the 'intolerable shame' his attacker was under was punishment enough.⁵⁰ In the Worcestershire Quarter Sessions, litigiousness and violence were presented as alike in the complaints of petitioners of middling status, for example in a letter written by tradesman Morgan Jons in 1686. Jons described the abuses he had suffered at the hands of one William White who had

sent Mr Harsint to summon me in to the Court and when I Came there was nothing said to me then sent Mr Tailer of St. Jons with a declaration against me which put me to mak[e] Mr Twitty my attorney to plead [for me] then let that fall then when he came home he sware he wold Run me throw and chine me lik[e] a hog ... [he] bit my finger almost throw and then sends for a warrant for me and goes to the Constable and disires him to be shewer [sure] to take me before a Justis at worcester and there he would arest me of a 100 pound action and throw me in Jaile and there keepe me for he would spend his whole Estate to Ruinnat me.⁵¹

Jons's letter does not treat White's initiation of legal procedures and his threats and acts of violence as categorically distinct. Rather, his legal and physical attacks are presented as like strategies in an unrelenting campaign of aggression.

White asserted that Jon's family would be left for the parish to maintain, a threat which gained its power from the fact litigation could cause economic

⁴⁹ Cited in C. W. Brooks, *Pettyfoggers and Vipers of the Commonwealth: The 'Lower Branch of the Legal Profession in Early Modern England* (Cambridge, 1986), p. 108; Brooks offers an informative discussion of some of the factors that determined whether or not people resorted to litigation in Chapter Four of this book

⁵⁰ Parkinson (ed.), *Life of Adam Martindale*, pp. 47-48.

difficulties. In 1680, one John Hudson of Upton on Severn was criticised by neighbours for plaguing poor men who were 'not able to bear the burden' with suits and references to the costs of litigation were made by both defendants and prosecutors in diverse courts.⁵² The economic difficulties caused by litigation could be longer lasting and more deleterious to a household than injuries sustained during a fight.⁵³ Moreover, in addition to generating financial difficulties, malicious litigation caused considerable inconvenience. We have seen that Morgan Jons, for example, was compelled to make an appearance before the court and to appoint an attorney. As Lawrence Stone has remarked, '[f]or the man seeking revenge the law became as lethal a weapon as direct violence, though a good deal slower in operation.'⁵⁴

The time and money involved in litigation contributed to the sense that litigation was not self-evidently a better method of resolving conflict than violence. Such a view was articulated in 1609 by Worcestershire gentleman Edward Pytt, who suggested to his opponent (before Lady Pytt's aversion to noise dispersed them) that it 'were better and more gentlemenlike to end it [their conflict] w[i]th the sword for by lawe none shold gaine by it but a companye of paultry lawiers'.⁵⁵ This may have been a view particularly strong amongst the social elite for whom duelling was 'an assertion of superior right, a claim to immunity from the law such as a ruling class is always likely to seek' as they

⁵¹ WCRO, BA 1/110/151/37; BA 2057/779/235 'Papers of Sir Thomas Vernon JP'.

⁵² In 1675 labourer David Farmer outlined the work an illegal arrest attempt had generated as he had had a 'Search made in the Sherrifes office' and found 'there was noe writ filed against him', and then procured a certificate to that effect from the Sheriff. WCRO, BA 1/110/128/106-7. Inconvenience and expense also feature in PRO, STAC 8/139/26, 8/58/13.

⁵³ WCRO, BA 1/110/136/26, 110/126/19, 110/29/58.

⁵⁴ L. Stone, *The Crisis of the Aristocracy, 1558-1641* (Oxford, 1965), p. 241.

⁵⁵ PRO, STAC 8/139/26.

perceived themselves as naturally in command of, rather than subject to, 'the parchment trammels and shackles' of justice.⁵⁶ The anthropologist Julian Pitt-Rivers offers another reason why some people may have felt antipathy towards litigation as a method for resolving conflict. He has suggested that there is a 'fundamental conflict' between honour and legality, as a public confession of the wrong done itself jeopardises honour, for which legal compensation offers scant satisfaction.⁵⁷ Martin Ingram has argued that in default of mediation 'contemporaries naturally accepted litigation as preferable to violent self-help'.⁵⁸ The comments of Jons, Martindale and Pytt on litigation and interpersonal violence and the actions of the many people, who chose to use violence rather than litigate, show that this was not in fact the case. Violence was not seen as a uniquely disruptive or damaging form of behaviour. This fact also emerges as violence lawfully meted out and extra-judicial interpersonal violence are contrasted.

The distinction between unauthorised force and lawful means could be a fine one, from the perspective of the person at the receiving end, as the operation of law could result in rough handling during arrests or being dragged to the stocks.⁵⁹ In a dispute prompted by a row over the location of some stolen goods in 1605, one John Parker maliciously sought to have one Elizabeth Chapman arrested. The Chapmans complained that, as a direct consequence of Parker's

⁵⁶ V. G. Kiernan, *The Duel in European History: Honour and the Reign of Aristocracy* (Oxford, 1988), p. 53.

⁵⁷ J. Pitt-Rivers, 'Honour and social status' in J. Peristiany (ed.), *Honour and Shame: The Values of a Mediterranean Society* (London, 1965), p. 30.

⁵⁸ M. Ingram, *Church Courts, Sex and Marriage in England, 1570-1640* (Cambridge, 1990), p. 34.

⁵⁹ The violence of the arrest process is discussed in S. D. Amussen, 'Punishment, discipline and power: the social meanings of violence in early modern England', *Journal of British Studies*, 34 (1995), pp. 18-23.

vexatious litigation, Elizabeth was 'enforced to travaile about midnight, beinge gretly injured on the way' by the constable, 'who laid violent hands' on her although he had been asked to be gentle because she was pregnant.⁶⁰ Legal commentators also considered that real physical injury could be sustained by those litigated against. Michael Dalton, in his discussion of sureties for the peace, argued that 'to threaten imprisonment is within the words *minus de corporibus*: and like harm may happen to a man by hard imprisonment, as by cruel beating of him'.⁶¹

Vexatious litigation could be seen as a way of inflicting harm on others, through the process of arrest or imprisonment and as the costs of litigation caused economic hurt. Significant injury could also be caused verbally. As we saw in Chapter Five, social and economic credit overlapped, making personal reputation an important asset which people were willing to defend with violence. Despite the value attached to reputation, it could be easily damaged by rumour or insult, making verbal abuse as destructive an activity as many violent actions. Relative insouciance was sometimes shown towards physical injuries; in October 1640, for example, one Lord Wharton closed the discussion which followed a fight with the words, 'Robbin, it's but a broken head, let it alone.'⁶² The injuries inflicted by verbal abuse were sometimes regarded as more damaging, as they could be both lasting and severe. In mid century Worcestershire, Michael Cooke of Hartlebury was described, by neighbour James Deane, as having 'assaulted him with words' and it was alleged that Cooke 'hath injured severall of his neighbours with

⁶⁰ WCRO, BA 1/110/74/24. Mary Davies was humiliated and bruised when she was summarily put in the stocks by a local bailiff, 110/90/24.

⁶¹ Dalton, *Countrey Justice*, p. 186.

scandalous and provoking language'.⁶³ The power of words to harm was observed by Francis Osborne, who in 1655 he advised men to think before they spoke as

a word cutts deeper than a sharper weapon, the wound it makes is longer in curing: A Blow proceeding but from a light motion of the Hand agitated by Passion, whereas a disgracefull speech is the result of a low and base esteeme settled of the Party in your Heart.⁶⁴

Moses à Vauts, the author of a treatise defending the practice of wife-beating, portrayed physical and verbal violence as equivalent. He argued that if women 'make no dainty to strike at their *Head* (though but in word onely, they have heard it wounds deeply) they must not disdain a little Scratch on their *Body*'.⁶⁵

Even body language could be as offensive as physical violence, particularly when disdainful gestures were offered from social inferiors. Dod and Cleaver argued that most people 'could with more ease suffer a blow of an other, than such a dogged looke of them'.⁶⁶ Physical violence, undoubtedly regarded by many as a deplorable form of behaviour, was not accorded a singular capacity for inflicting injury in interpersonal relations. The extent to which it is a useful index of social tension or of aggressive inclinations is thereby limited.

⁶² J. Raine (ed.), *Depositions from the Castle of York, relating to Offences Committed in the Northern Counties in the Seventeenth Century*, The Surtees Society, 2 (Durham, 1861), p. 3.

⁶³ WCRO, BA 1/110/93/22-23.

⁶⁴ F. Osborne, *Advice to a Son; Or Directions for your Better Conduct Through the Various Most Important Encounters of this Life* (Oxford, 1655), pp. 27-28.

⁶⁵ M. à Vauts [psued?], *The Husband's Authority Unvail'd; Wherein it is Moderately Discussed Whether it be Fit or Lawfull for a Good Man to Beat his Bad Wife* (London, 1650), p. 95, italics in original.

⁶⁶ J. Dod & R. Cleaver, *A Plaine and Familiar Exposition of the Ten Commaundments, with a Methodicall Short Catechism, Containing briefly all the Principall Grounds of Christian Religion* (London, 1605), p. 260.

CONCLUSION

Physical violence was a component of processes of conflict and conflict resolution which, if considered in isolation from the events which it preceded or succeeded, appears less rational than it actually was. Office holders, including justices, overseers of the poor, constables and clergymen, were amongst those who endeavoured to build bridges in interpersonal relations, not least because peacemaking was viewed as an important Christian activity. Other members of the community also became involved in mediating conflict; although the evidence we have relates almost exclusively to their unsuccessful attempts, many of their efforts would have been fruitful. The immediate threat of violence also drew in other members of the community to help end a conflict. Whilst both men and women used persuasion as a tactic to end violence, men were more likely than women to wade into a fight in an attempt to stop it. The risks run by those who intervened in fights included being accused of assault and getting injured. Despite this, there was an expectation that witnesses would attempt to end violence and those who merely spectated were criticised for so doing. Litigation and verbal abuse were regarded as potentially highly damaging forms of aggression, which means that it is anachronistic for historians to single out violence as an index of 'civility'.

CONCLUSION

The antiquary John Aubrey laconically noted the demise in 1684 of Captain Andrew Yarranton, the Worcestershire entrepreneur. Yarranton had been a soldier during the Civil War and was a litigious man who threatened some of his enemies with violence. According to Aubrey 'the cause of his [Yarranton's] death was a beating and throwne into a tub of water.'¹ Like much of the evidence bequeathed to us by the seventeenth century and explored in this study, this statement gives a tantalising glimpse into the past. What had prompted the violence against Yarranton? Did he have a long history of conflict with the person or persons responsible for the assault which caused his death or had the fight broken out suddenly? Bringing his life to a premature end, the violence against Yarranton could easily be labelled muddle-headed and irrational. Yet it would be a mistake to view this, and other actions of force, as evidence of the spontaneity and impulsiveness of early modern people. Nor should it be interpreted as supporting those who contend that violence 'is the bluntest instrument of human power', 'unsophisticated ... a direct expression of strong feeling' or simply 'crude.'² As we have seen throughout this thesis, violence could be used to convey nuanced messages and was related to diverse aspects of early modern understandings of self and society. Indeed, as we saw in Chapter Five, Yarranton's own conduct belies arguments to the effect that violence is inherently clumsy and ineffective. His threat to inflict violence against one Thomas Wylde, whom he considered to

¹ A. Clark (ed.), *Aubrey's Brief Lives* (Oxford, 1898), vol. 2, p. 316.

² M. Mann, *The Sources of Social Power*, vol. 1 (Cambridge, 1986), p. 26; T. Curtis, 'Quarter sessions appearances and their background: a seventeenth-century regional study' in J. S.

have demeaned him, allowed Yarranton to re-assert his identity as a courageous man of honour, prepared to fight even a heavily-armed opponent whilst bearing only a stick himself.³

In this conclusion we will reflect on some questions of methodology which relate to the preceding chapters. We will explore some of the criticisms which have been made against qualitative approaches and the difficulties concerning writing about violence specifically. This chapter will discuss key issues with which the thesis has engaged. It will outline the implications of locating violence in its specific context has for approaches to its history. The chapter will assess the relationship of historical approaches to violence, characterised by their emphasis on the particular, with anthropology and sociology, which often draw attention to more general features of human societies and conduct. Paths open to future historians interested in examining violence will be broadly mapped out and some of the pitfalls they may encounter will be indicated.

NARRATIVES OF VIOLENCE

Rather than providing a narrative which sees the chronological development of a plot, the account of violence related here has been structured by themes. These themes included Chapter One's examination of perceptions of order, the examination in Chapter Two of the relationship between understandings of the body and propensities to violence and in Chapter Five, the way in which economic factors shaped conduct within interpersonal relationships. What authority does the description of early modern violence related in this thesis have?

Cockburn (ed.), *Crime in England 1550-1800* (London, 1977), p. 137; W. Beik, *Urban Protest in Seventeenth-Century France* (Cambridge, 1997), p. 49.

Criticisms, which could be levelled against the approach taken here, include the imposition of a structure on a pre-narrativized past is an act of interpretative violence and that the partial selection of facts constitutes radical incompleteness or falsehood of story.⁴

Historian Andrew Norman has persuasively rebutted such criticisms of the validity of historical narratives. Using the analogy of the grammatical statement 'sky is blue', which does not attribute a grammatical structure to the sky, Norman argues that 'a true historical account can have a plot structure without implying that the past it articulates has a plot structure.'⁵ A discursive structure need not be inherently falsifying. Norman acknowledges the creative role played by the historian, who 'configures remnants of the past', piecing together, arranging and reworking information to construct a history.⁶ Yet this does not make historians' accounts fictitious, for they purport to be about the past and claim truth. They are offered for critical scrutiny so that their truth-claim can be challenged and even revoked. Norman suggests that histories are situated and discriminating because to be complete and non-perspectival is an incoherent evaluative ideal.⁷ It is, therefore, possible for historians to offer accounts which are both constructed and have veracity.

If using narrative to relate aspects of the past is a valid exercise, is writing about violence specifically appropriate? Or, does the written word sanitise and, thereby, diminish the experiences of people in the past? These questions may have

³ Above, p. 00.

⁴ A. Norman, 'Telling it like it was: historical narratives on their own terms', *History and Theory*, 30 (1991), p. 120-21.

⁵ Norman, 'Telling it like it was', p. 127.

⁶ Norman, 'Telling it like it was', p. 128.

troubled historian Arlette Farge, who considered that it would be 'impostorous to erase men's fury' when writing about past human relationships.⁸ Referring to the authors of remission letters and to her own task as a historian, Natalie Zemon Davis has suggested that 'turning a terrible action into a story is a way to distance oneself from it, at worst a form of self-deception, at best a way to pardon the self.'⁹

Engaging with actions which caused fear and suffering is necessary if we are not to develop an idealised picture of the past. Yet avoiding the idealisation of the past is scarcely an imperative task for today's historian of early modern Europe: there is a vast and burgeoning literature on the history of topics including crime, witchcraft and judicial techniques of torture and capital punishment. The study of the history of violence can contribute to a more informed picture of the past, not only by countering any risk (currently small) of romanticizing it but also by modifying accounts which unduly emphasise its brutality.

Aggression and violence were part of the cultural lives of early modern people. Their experiences of violence, whether as its victims and or perpetrators, held meaning and merit serious historical attention. A closer analysis of violence suggests historians should not be too ready to label early modern people as irrational or lacking in self-control on account of their use of physical force. As we saw in Chapter Five, people deliberately used violence to protect their economic well-being and social status. Rather than belittling conflicts over issues radically different from our own concerns by labelling them 'trivial' or 'petty' or

⁷ Norman, 'Telling it like it was', p. 132.

⁸ A. Farge, *Fragile Lives: Violence, Power and Solidarity in Eighteenth-Century Paris*, trans. C. Shetton ([n.p.], 1986; Cambridge, 1993), p. 285.

referring somewhat patronisingly to the 'fisticuffs' disputes generated, historians should be sensitive to the ways in which people used violence to assert and protect their identities.¹⁰ Writing about violence can be a valuable exercise as it undermines the reassuring but misguided notion of an idyllic past and offers resistance to the equally pernicious stereotype that people in the past were bestial or child-like.

VIOLENCE AS CULTURE

The preceding chapters have shown that ideas about physical violence were located in diverse strands of early modern culture. They have illustrated that views of violence were formulated in different spatial contexts, as they have described how people used physical force in alehouses, wrote about it at their desks and heard about it in churches. These examples also demonstrate that understandings of violence were expressed in a variety of ways, as ideas of violence circulated non-verbally, and formed part of both the oral and literate cultures of the seventeenth century. For example, it was part of a non-verbal culture as specific understandings of violence were embodied in the physical conduct of people at home or in the streets when they used force. As Chapters Four and Five in particular argued, meaning was conveyed through violent acts. Factors including the place where somebody chose to attack, the weapons they used, the parts of the body they targeted and the degree of hurt they inflicted could

⁹ N. Z. Davis, *Fiction in the Archives: Pardon Tales and Their Tellers in Sixteenth-Century France* (Cambridge, 1988), p. 114.

¹⁰ L. Stone, *The Family, Sex and Marriage in England 1500-1800* (London, 1977), p. 93; K. Wrightson & D. Levine, *Poverty and Piety in an English Village: Terling 1525-1700* (Oxford, 1995 edn), p. 110; R. Shoemaker, 'Reforming male manners: public insult and the decline of violence in London, 1660-1740' in T. Hitchcock & M. Cohen (eds.), *English Masculinities 1660-1800* (London, 1999), p. 142.

all carry significance. The written and spoken word was used to communicate notions of violence by diverse people, including the authors of legal handbooks, all those who participated in court proceedings dealing with cases involving violence and those who read or listened to fictional representations of violence. This thesis has thus shown that notions of violence permeated the whole of society, in the sense that they were developed in a range of physical spaces and formed a part of both the verbal and non-verbal cultures of seventeenth-century England.

Violence can also be said to be an integrated part of early modern life as ideas about the use of force were articulated in relation to different strands of thought. Chapters One and Two explored some of the ways in which physical violence was an element in discourses on social order, godliness and medicine. Reference to violence helped to articulate differences between seventeenth-century men and women, and between the young and old, and helped to sustain power differentials. Chapter Four underlined the importance of both gender and age in shaping the practice of violence, as parents were entitled to correct their children, schoolmasters their charges and husbands their wives. The chapter also indicated that systems of social stratification based on age and on gender could be in tension with each other. Men were generally accorded a position of dominance over women, creating practical difficulties for mistresses who sought to assert their authority over male dependants. Male householders were encouraged to correct male dependants where possible to prevent this situation from arising. Cumulatively, these examples – of violence occurring in diverse locations, occupying a place in verbal and non-verbal culture and colouring thought on a range of issues – show that this was a set of topics encountered in many spheres of

activity. It was an issue with which seventeenth-century people engaged in numerous ways. Notions of violence were, in short, deeply rooted in early modern culture.

Why has this thesis placed such emphasis upon the fact that violence can be specifically located in the social and cultural world of the period? Three important reasons will be given here: it demonstrates that violence is cultural rather than personal; it poses a challenge to historians who seek to explore violence over the *longue durée*; and it forces us to confront the differences between our own and early modern conceptions of what constitutes violence.

Let us turn to the first. An emphasis on placing violence in the broad environment, in which it was generated and from which it drew meaning, demonstrates that interpersonal violence should not be seen as an ‘intrinsically personal’ experience, an expression of powerful natural impulses overriding cultural constraints.¹¹ Rather than inviting us to explore the *tightening* of cultural constraints over time, the argument that violence is socially and culturally constructed invites us instead to assess the decline of violence in terms of a *shift* in cultural values. If the use of physical force has always been subject to social and cultural controls, seeking to explain the teleological improvement in European peoples’ ability to govern themselves through the lens of a changing psychology is unhelpful. Rather, we need to focus instead on how cultural values or social structures have altered and the impact these have had on violence.

To some extent, Norbert Elias attempted to chart such changes. As well as describing a tightening of social constraints which accompanied a shift in psychological make-up, he tied long-term change in the conduct of Europeans to

structural changes. Elias argued, for example, that increasingly lengthy chains of interdependence brought about by the increased differentiation in social functions compelled the individual 'to regulate his conduct in [... a] more even and more stable manner'.¹² Exactly why increased lengths of chains in social relationships should contribute to a decreasing level of violence is less than clear and the converse argument has been persuasively made: control in small, tightly-knit societies can be great and a wider web of relationships can bring porosity and opportunities for freedom.¹³ As van Krieken has argued, developments which were simply contemporaneous may be mistaken as causal unless hypotheses concerning long-term change in violence are rigorously tested against empirical evidence.¹⁴

My emphasis on the importance of situating violence in the milieux in which it occurred raises questions about the authority of approaches which chart long-term change. It suggests that historians who favour such an approach need to be a great deal more explicit about precisely what it is that they are charting. They need to demonstrate how violence can be seen as a constant over time, rather than assume that it is. Explanations of change in violence over the *longue durée* will only be convincing if developed on the basis of empirical evidence which relates to all of the periods under consideration. Early modern historians, who seek to explain change in violence from the sixteenth century to the twenty-first, must have a sound understanding not only of early modern violence, but also of

¹¹ R. Short, 'Female criminality 1780-1830' (MLitt thesis, Univ. of Oxford, 1989), p. 99.

¹² N. Elias, *The Civilising Process*, trans. E. Jephcott (Basel, 1939; Oxford, 1978), vol. 2, p. 445.

¹³ R. van Krieken, *Norbert Elias* (London, 1998), p. 122.

¹⁴ R. van Krieken, 'Violence, self-discipline and modernity: beyond the "civilising process"', *The Sociological Review*, ns., 37 (1989), p. 195.

violence in contemporary society. How else will differences in the use of violence be identified, let alone explained? As has been argued here, much of the significance of violence derived not from the number of incidents but from less readily quantifiable factors, such as whether the person who used it was drunk or the nature of the provocation offered. This means that the most persuasive accounts of change in violence over the *longue durée* will not be those most dependent on the quantification of evidence.

Finally, an emphasis on the historical context of violence encourages us to confront the gulfs in understanding which divide us from our past. Imposing our own view of violence on seventeenth-century England impedes our appreciation of the very real differences in perception which exist between then and now. In Chapter Four, for example, I dissented from Earle's interpretation of parents who used force as unloving. Anthony Fletcher has suggested that men who used force against their wives did so entirely cynically; that the disciplinary function which legitimated their violence was 'a fiction, a piece of hypocrisy that reflected the direct and unequivocal power of husbands'.¹⁵ Rather than merely reflecting an independently-existing power of husbands, the license given to husbands to correct their wives was actually one of the ways by which men's power over women was constructed and maintained. Fletcher implies that the weight of the Bible, law, prescriptive advice and the views of many neighbours and relatives on the legitimate right, and indeed duty, of men to correct their wives was irrelevant. In his ready dismissal of the conventional (albeit contested) view on this aspect of marital relations, Fletcher fails to acknowledge the extent to which people's actions are framed and informed by social and cultural norms. Why should

husbands have used violence cynically when they could use it by right and duty? Ostensibly unchanging, the extent to which the meanings attributed to an action such as a blow can vary over time should not be underestimated by historians.

CHANGES IN VIOLENCE

This consideration of the importance of the specific context in which violence occurred highlights the problem of explaining change in violence over time. The fact that it was enmeshed in early modern culture means that it is difficult to isolate specific factors which caused change. As Cockburn has suggested, change in violence has, like other aspects of social and cultural change, been piecemeal and untidy.¹⁶ The lack of uniformity in the chronology and direction of change is exemplified by the fact that the introduction, implementation and eventual abandonment of legislation relating to infanticide was dissimilar to the shifts in the way in which wife-beaters became the targets of rough music instead of husband-beaters.¹⁷ Clearly, violence was not a monolithic phenomenon.

Consequently (and again in keeping with the argument forwarded by Cockburn), it is likely that change in violence was produced by multiple factors and is not something for which a monocausal explanation can account.¹⁸ Changes in violence could be subtle and some shifts in its meaning and usage during the

¹⁵ A. Fletcher, *Gender, Sex and Subordination in England, 1500-1800* (London, 1995), p. 196.

¹⁶ J. S. Cockburn, 'Patterns of violence in English society: homicide in Kent 1560-1985', *Past and Present*, 130 (1991), p. 103.

¹⁷ See for example L. Gowing, 'Secret births and infanticide in seventeenth century England', *Past and Present*, 156 (1997), pp. 87-115; R. W. Malcolmson, 'Infanticide in the eighteenth century' in J. S. Cockburn (ed.) *Crime in England, 1550-1800* (London, 1977), pp. 187-209; M. Ingram, 'Ridings, rough music and the "reform of popular culture" in early modern England', *Past and Present*, 105 (1984), pp. 79-113.

seventeenth century have undoubtedly eluded this study, particularly as a principle aim of the thesis has been to demonstrate the gap between our 'common sense' notions of violence and those which were current in the seventeenth century. Further work, which might draw on sources which have not been exploited here such as plays, poetry and visual art, is required to tease out the nature of change in violence in the seventeenth century. Overall, however, the ways in which people described episodes of violence and the reasons for which they inflicted it had much in common at the start and the close of the seventeenth century; continuity featured more highly than change. The fact that changes in violence during the seventeenth century were generally slight lends some endorsement – or at least does not offer any challenge – to those who have described the mid eighteenth century as a moment of particular change in perceptions of physical violence.¹⁹

SITUATING THE VIOLENCE OF EARLY MODERN ENGLAND

Whilst this study has focused on interpersonal violence in early modern England, its approach has been shaped by research undertaken by historians, sociologists and anthropologists into different historical and contemporary societies. This has created a tension. On the one hand, I have emphasised the specificity of early modern ideas about violence and the way in which meanings of violence belonged to the particular historical context in which they occurred. Yet, in the thesis, mention has also been made of similarities between early modern England and other societies, and the emphasis on specificity countered as

¹⁸ Cockburn, 'Patterns of violence', p. 103.

¹⁹ P. King, 'Punishing assault: the transformation of attitudes in the English courts', *Journal of Interdisciplinary History*, 27 (1996), pp. 59, 72; J. Beattie, *Crime and the Courts in England, 1660-1800* (Oxford, 1986), p. 136.

it has drawn attention to features of interpersonal violence which can be found outside of early modern England. The societies to which reference has been made can be divided into two categories: those which are close in time and space to seventeenth-century England, and those which are not.

We will first address the significance of comparisons between seventeenth-century England and societies which neighboured it geographically and chronologically. An example of such a comparison is made in Chapter Two. This touched on the way in which alcohol consumption was put forward as an explanation for violence in both England and France, one which partially mitigated responsibility. Chapter Five commented on the overlap between early modern England and other European countries. It noted ideas about the significance of violence against women's noses in German towns during the sixteenth century and the fact that knocking hats off in early modern France constituted a slight. That England should share these aspects of its culture with France, and places which are in modern-day Germany and Italy, is no surprise: historical research into subjects ranging from women's occupations to the status of medical knowledge has revealed elements of shared culture amongst early modern European countries.²⁰ Nor does this argument negate the fact that perceptions of violence in seventeenth-century England should be seen in their specific historical context. Rather, it broadens out this context, situating views on violence in seventeenth-century England in relation to those in some of the other countries with which English people had historically had contact.

²⁰ Examples include M. Wiesner, *Women and Gender in Early Modern Europe* (Cambridge, 1993); L. Conrad *et al* (eds.), *The Western Medical Tradition 800 BC to AD 1800* (Cambridge, 1995).

In addition to tracing connections between interpersonal violence in early modern England and the violence seen in other countries in early modern Europe, this study has drawn lines linking violence in seventeenth-century England with that seen amongst peoples geographically and chronologically distant. These connections, founded on the insights offered by sociological and anthropological research, have been more general than those made between early modern England and other European countries. For example, the introductory chapter highlighted some of the ways in which violence has been conceptualised by scholars. It outlined notions of violence as a mode of communication and a practical instrument to achieve specific goals, views which contrast strongly with many historians' descriptions of medieval and early modern violence as incoherent and pointless emotional displays. Ideas about the impact of expectations in shaping drunken violence; honour; the relationship between social and economic credit and the way in which shared resources can foster conflict, are further examples of ideas which were developed in relation to other societies but which have been drawn upon here. Close parallels between the use of violence in the twentieth century by migrants in Israel, Aborigines in Australia, Inuits or urban Sicilians and early modern English people have not been made.²¹ Emanuel Marx's analysis of Israeli immigrants' vandalism of office furniture and use of officials' chairs as weapons against the bureaucrats, whose power to fulfil or frustrate the immigrants' hopes for security rested on their desk-based role, cannot be

²¹ These groups are studied respectively in E. Marx, *The Social Context of Violent Behaviour: A Social Anthropological Study in an Israeli Immigrant Town* (London, 1976); V. Burbank, *Fighting Women: Anger and Aggression in Aboriginal Australia* (Berkeley, Calif., 1994) and E. Hunter, 'The intercultural and socio-historical context of Aboriginal personal violence in remote Australia', *Australian Psychologist*, 26 (1991), pp. 89-98; D. Riches, 'The phenomenon of violence' in Riches (ed.) *The Anthropology of Violence* (Oxford, 1986), pp. 1-27; P. Schneider, 'Honour and conflict in a Sicilian town', *Anthropology Quarterly*, 42 (1969), pp. 130-54.

transported to explain violence in seventeenth-century England.²² It does, however, draw the historian's attention to the significance of the objects put to use as weapons and the locations where violence occurred. The very fact that concepts and approaches applied to the study of violence in such diverse societies have helped elucidate that found in early modern England, invites queries concerning the extent to which pan-human tendencies in aggression exist, a question which is beyond the scope of this study.

Work on human conflict in general rather than on violence in specific societies also offers new perspectives on early modern violence. Robert LeVine has identified four distinct levels of social conflict – intra-family, intra-community, inter-community and inter-cultural – and predicted a 'heavier reliance on informal mechanisms for conflict control and resolution at the lowest structural levels' and a greater emphasis on politico-legal means at the higher levels.²³ His approach is relevant to that taken here, notably as the violence discussed in Chapter Four broadly corresponds to the category of intra-family conflict, and that in Chapter Five to the category intra-community. As LeVine's model predicts, violence within the family in early modern England was subject to the least formal mechanisms for control. In contrast, that within the local community was more likely to attract formal intervention, without prompting the political elite to initiate action. The identification of physical violence as a specific mode of pursuing conflict is also buttressed by the work of LeVine, as one of the five distinct categories of aggressive behaviour he identified in interpersonal relationships was physical aggression (the others being public verbal dispute, including litigation;

²² Marx, *Social Context of Violent Behaviour*, pp. 29-37.

covert verbal aggression, including gossip; breach of expectation; avoidance and separation).²⁴ The overlap between general models of conflict, such as those outlined by LeVine and conflict in seventeenth-century England, suggests that historical research into particular aspects of violence can be usefully complemented by work undertaken in different disciplines on more general features of violence.

MULTI-DISCIPLINARY PERSPECTIVES ON HISTORICAL VIOLENCE

As already indicated, this study has made some effort to engage with the contributions of sociology and anthropology. There are other disciplines with which it has not engaged, which would potentially cast more light upon early modern violence. The relationship between psychology and history is a case in point. The idea of fantasy (the imaginary gratification of a wish) is a concept developed in psychology which could elucidate some of the interpersonal violence seen in seventeenth-century England. LeVine has, for example, argued that social conflict is often accompanied by hostility, expressed in the form of fantasy aggression, and that an individual 'may express hatred of others, a desire to kill or injure them, and a description of how he would do it if he had the chance'.²⁵ LeVine's comments on fantasy aggression could help us comprehend the remarks made by the Worcestershire presbyterian, Edward Osland. Osland, whose behaviour was discussed in Chapter Five, was alleged in 1665 to have described

²³ R. LeVine, 'Anthropology and the study of conflict: An introduction', *Journal of Conflict Resolution*, 5 (1961), pp. 4-5.

²⁴ LeVine, 'Study of conflict', p. 6.

²⁵ LeVine, 'Study of conflict', p.7.

how, if the opportunity presented itself, he would kill a local Justice declaring that 'whenever the times turned he would cutt the said s[i]r John Packington in bitts'.²⁶

A further example of an area which might benefit from an increased dialogue between historians and psychologists is suggested by the fact that the use of violence in earnest was sometimes presented as pleasurable in seventeenth-century England. Francis Gardner of Worcestershire, threatening violence against one Richard Turner in 1607, allegedly asserted that if he 'might have his play' at Turner 'he would w[i]th his knife ripp him upp from the one end to the other'.²⁷ The language Roger Lowe used to describe the beating he inflicted in July 1666 on William Morris, who had started rumours that Lowe was a bastard, likewise elided pleasure and violence: 'I [went] to Will and buffeted hime very mery'.²⁸ Does the cultural emphasis in early modern England on the role of physically rough play in constructing masculine identities account for such representations of violence as a game? Or is the association between violence and pleasure a more universal human phenomenon?²⁹

Historians who have engaged with psychology have generally focused on a particular aspect of the discipline, psychoanalysis.³⁰ The use of a psychoanalytical approach by historians has been controversial. One critic of 'psychohistory' is David Stannard. He argues that because 'life in the past was marked by a

²⁶ WCRO, BA 1/100/105/8. See above, ch. 5, p. 00.

²⁷ WCRO, BA 1/110/14/53. I am grateful to John Walter for observing that the use of the word 'play' here could be used in the sense of 'sword-play'. That the use of specific weapons may be described as 'play' underlines the degree of overlap between violence and games.

²⁸ W. Sachse (ed.), *The Diary of Roger Lowe of Ashton-in-Makerfield, Lancashire 1663-74* (London, 1938), p. 105.

²⁹ M. van Crevald, *On Future War* (London, 1991), pp. 164-66.

³⁰ One early modern historian to have engaged with psychoanalytical approaches is L. Roper, *Oedipus and the Devil: Witchcraft, Sexuality and Religion in Early Modern Europe* (London, 1994)

fundamental social and cognitive differentness from that prevailing in our own time', the 'narcissistically contemporary notions' of psychoanalysis are an 'utter irrelevance' when it comes to explaining it.³¹ The focus on this aspect of psychology has obscured the extent to which the discipline's other branches, such as developmental or cognitive psychology, might be usefully explored by historians. This relative neglect on the part of the historical community may be due to the fact that, whilst psychoanalysis is in the popular domain, the concepts and methodology of other aspects of psychology are less well known.

A multi-disciplinary approach would also be of value to explorations of the historical relationship between physical violence and pain. At the cross-roads between biology and social convention, pain has a physiological foundation and a cultural component.³² As Daniel de Moulin has argued, the 'actualization of pain, although primarily dependent on concrete anatomical conditions, cannot be ascribed to a purely anatomically defined level of the threshold. Pain is therefore a subjective way of being'.³³ The extent to which changes in the experience of pain and the meanings attributed to it have affected attitudes towards physical violence, would repay further study. Does the decline in violence owe something to changing attitudes about inflicting pain on the body or enduring it?

The stratification of knowledge into highly specialised areas of expertise is in many respects a boon. However, it is a potentially insurmountable impediment

³¹ D. Stannard, *Shrinking History: On Freud and the Failure of Psychohistory* (Oxford, 1980), p. 151.

³² R. Rey, *The History of Pain*, trans. L. Wallace, J. A. Cadden & S. W. Cadden (Cambridge, Mass., 1995), p. 2. Changing attitudes to pain are also explored in R. Porter & D. Porter, *In Sickness and in Health: The British Experience 1650-1850* (London, 1988) and R. Porter, 'Western medicine and pain: historical perspectives' in J. Hinnells & R. Porter (eds.), *Religion, Health and Suffering* (London, 1999), pp. 364-80.

³³ D. de Moulin, 'A historical-phenomenological study of bodily pain in Western man', *Bulletin of the History of Medicine*, 48 (1974), pp. 569-70.

as far as the examination of historical violence, in the light of different disciplinary perspectives, is concerned. Yet, our understanding of violence in history can only be enhanced by engaging with other disciplines which analyse human violence. The combined requirement of drawing on different disciplines, and basing accounts of change on qualitative as well as quantitative research into violence throughout the period(s) in question, makes developing our historical knowledge of violence a formidable challenge. It calls for both breadth and depth of knowledge. Fortunately, the investigation of violence in the past and present is a collaborative enterprise rather than one which must necessarily be mastered by a single individual. This thesis is hopefully a contribution towards this collective goal.

Bibliography

1. MANUSCRIPT SOURCES

Public Record Office

ASSI 4/14, Assizes: Oxford Circuit Presentment Book, 1660-1670

ASSI 2/1, Assizes: Oxford Circuit Crown Minute Book, 1658-1678

'Class Lists, STAC 8: Introductory note to Court of Star Chamber Proceedings, James I'

'Court of Star Chamber 1485-1642', Legal Records Information, 3

CP 40/2587, 2655, Court of Common Pleas, Plea Rolls

STAC 8/23/20-8/139/26, Court of Star Chamber Proceedings, 1601-1625

British Library

Additional MS 4473, Andrew Yarranton's River Maps

Additional MS 31306, Earl of Devonshire's Letter Book, 1660-1666

Egerton MS 3054, Joyce Jefferies' Diary

British Museum

BMSat 61, Tittle-tattle; or, the Several Branches of Gossipping, c. 1600, this impression c.1750, woodcut and letterpress.

Lambeth Palace Library

Draft Catalogue of the Court of Arches

D 1242; D 2129; D 2209, Court of Arches, Process Books [Consulted on microfilm]

Ee 3, Court of Arches, Personal Answers

Eee 4; Eee 10, Court of Arches, Depositions 1664-1805

G 5/51, Court of Arches, Small Exhibits

Shakespeare Birthplace Trust Record Office

DR 5/2070-75, 5/31/36-39, 10/2577, 18/30/4, 18/30/40/13-14, Manorial Court Records

ER 24/11/17-19, 24/12, 119/32 34, 119/36, Manorial Court Records

Warwickshire County Record Office

CR 103, William Bromley's Notebook

QS 33/1, Indictment Book, 1631-1720

QS 39/3, Minutes of the Warwickshire Court of Quarter-Sessions, 1690-1704

CR 284/136/1, 2123/13b, Manorial Court Records

Worcestershire County Record Office

County Hall Branch

BA 1, Ref. 110/2/22-110/184/57, Worcestershire Court of Quarter Sessions, 1600-1699

BA 6, Ref. b118, County of Worcester Quarter Sessions Order Book, vol. 1, 1693-1712

BA 1006, Ref. 261.4/2, Borough of Droitwich Court of Record Minute Book, 1599-1606

BA 1006, Ref. 261.4/33, Droitwich Borough Documents

BA 1006, Ref. 261.4/37-38, Birch, Walter de Grey (ed.), Catalogue of Documents Belonging to the Borough of Droitwich, 2 vols (1883)

BA 9360, Ref. X496.5 [A13, Box 1, Shelf 3898], City Court of Quarter Sessions,

BA 10822, Ref. 497.38 (i), Evesham Borough Minute Book, 1605-1687

BA 10822, Ref. 497.38 (ii), Borough of Evesham Entries of Minutes of Acts and Orders of the Corporation, 1608-1683

St Helen's Branch

BA 2507, Ref. 779, Justice's Papers of Sir Thomas Vernon, JP 1670-1693, Worcester division

BA 4600, Ref. 750:550/7769(ii), Manorial Court Records

BA 111, Ref. 705:53/2(v), Manorial Court Records

BA 2102, Ref. 794.052/5-13, Consistory Court Deposition Books (Instance) 1607-1682

BA 2237, Ref. b795.02/1, Consistory Courts Papers, Seventeenth and Eighteenth Century

BA 2642, Ref. 797.6/1, Consistory Court of the Bishop of Worcester, Papers, 1679-1718

BA 2638, Ref. 795.61, Consistory Court of the Bishop of Worcester, Papers, Late Seventeenth and Early Eighteenth Century

BA 2722, Ref. 794.011/2 (ii), Act Book of Office Suits, 1676-1683

BA 9360, Ref. X496.5 [A9, Boxes 1-3], Court Books, 1632-1665

2. EARLY PRINTED BOOKS

- Abbott, Robert, *A Christian Family Buildd by God, Directing all Governours of Families How to Act* (London, 1652)
- A. P., *Christian Charity, or Seasonable Advice to a Friend* (London, 1699)
- Ashenden, Thomas, *No Penalty, No Peace, in a Sermon Preached at the Assizes Held at Leciestar, 10 Aug. 1682* (London, 1682)
- Babington, Gervase, *Certayne Plaine, Briefe and Comfortable Notes Upon Every Chapter of Genesis* (London, 1596)
- Babington, Zachary, *Advice to Grand Jurors in Cases of Blood* (London, 1677)
- Bailey, Nathan, *An Universal Etymological English Dictionary* (London, 1721)
- Barker, Peter, *A Judicious and Painefull Exposition Upon the Ten Commandements; Wherein the Text is Opened, Questions and Doubts are Resolved, Errours Confuted, and Sundry Instructions Effectually Applied* (London, 1624)
- Beard, Thomas, *The Theatre of God's Judgement*, (London, 1648 edn)
- Blackburne, Lancelot, *The Unreasonableness of Anger* (London, 1694)
- Bohun, Edmund, *The Justice of Peace, His Calling and Qualifications* (London, 1693)
- Bolton, Robert, *Two Sermons Preached at Northampton at Two Severall Assises There* (London, 1635)
- Brooks, Thomas, *Apples of Gold for All Young Men and Women and a Crown of Glory for Old Men and Women* (London, 1657)
- Burton, Henry, *A Divine Tragedie Lately Acted* ([n.p.], 1641 edn)
- Burton, Samuel, *A Sermon Preached at the Generall Assises in Warwicke, the Third of March, being the First Friday in Lent* (London, 1620)
- A Caution to Married Couples: Being a True Relation How a Man in Nightingale-Lane Having Beat and Abused his Wife, Murthered a Tub-man that Endeavoured to Stop him from Killing her with a Half-Pike* (London, 1677)
- Cotgrave, Randle, *A Dictionarie of the French and English Tongues* (London, 1611)
- Crowe, William, *An Exact Collection or Catalogue of Our English Writers on the Old and New Testament, Either in Whole, or in Part: Whether Commentators, Elucidators, Adnotators, or Expositors, at Large or in Single Sermons* (London, 1663)
- Cuffe, Henry, *The Differences of the Ages of Mans Life* (London, 1607)
- Dalton, Michael., *The Countrey Justice, Containing the Practice of the Justices of the Peace out of their Sessions* (London, 1655 edn)
- A Directory for the Female Sex: Being a Father's Advice to his Daughter* (London, 1684)

- Dod, John & Cleaver, Robert, *A Plaine and Familiar Exposition of the Ten Commaundments, with a Methodicall Short Catechism, Containing briefly all the Principall Grounds of Christian Religion* (London, 1605)
- Dod, John & Cleaver, Robert, *A Godlie Forme of Household Government: For the Ordering of Private Families, According to the Direction of God's Word* (London, 1612)
- Downname, John, *A Treatise of Anger* (London, 1609)
- Elyot, Thomas, *The Governour* (London, 1531)
- Estey, George, *Certaine Godly and Learned Expositions Upon Divers Parts of Scripture* (London, 1603)
- An Exact Relation of the Bloody and Barbarous Murder Committed by Miles Lewis and his Wife, a Pinmaker upon their Prentice, dwelling in Barnsby-Street in Southwark* (London, 1646)
- An Exact and True Relation of a Most Cruell and Horrid Murther Committed by One of the Cavaliers, on a Woman in Leicester, Billeted in Her House* (London, 1641)
- Fenner, Dudley, *A Short and Profitable Treatise of Lawfull and Unlawfull Recreations* (Middleburg, 1587)
- Fitz-Herbert, Anthony, *The New Natura Brevium* (London, 1652)
- Floyd, Thomas, *The Picture of a Perfit Common Wealth, Describing as well the Offices of Princes and Inferiour Magistrates Over their Subjects, as also the Duties of Subjects Towards their Governours* (London, 1600)
- F. W., *The Schoole of Good Manners: Or, a New School of Vertue* (London, 1609)
- The Gossips Braule, or, the Women Weare the Breeches* (London, 1655)
- Gouge, William, *Of Domesticall Duties: Eight Treatises* (London, 1622)
- Granger, Thomas, *The Application of Scripture* (London, 1616)
- Griffith, Matthew, *Bethel: Or, a Forme for Families* (London, 1633)
- Jocelin, Elizabeth, *The Mothers Legacie to her Unborne Childe* (London, 1624)
- Jones, William, *A Briefe Exhortation to all Men to Set their Houses in Order* (London, 1631)
- Lambarde, William, *Eirenarcha, or the Office of the Justices of the Peace* (London, 1582)
- , *The Duties of Constables, Borsholders, Tythingmen and such other Lowe Ministers of the Peace* (London, 1583)
- Leigh, Dorothy, *The Mothers Blessing: Or, the Godly Counscuile of a Gentle-woman Left Behind for her Children* (London, 1616)
- Markham, Gervase, *Country Contentments, or the English Huswife Containing the Inward and Outward Vertues Which Ought to be in a Compleate Woman* (London, 1623)
- Misson, Henri, *Memoirs et Observations Faites par un Voyaguer en Angleterre* (La Haye, 1698)

- , *Memoirs and Observations in his Travels Over England*, trans. J. Ozell (La Haye, 1698; London, 1719)
- Modern Reports, or Selected cases adjudged in the courts of King's Bench, Chancery, Common Pleas and Exchequer, Since the Restauration of His Majesty King Charles II* (London, 1682)
- The New Brawle, Or, Turnmill-Street Against Rosemary Lane* (London, 1654)
- Nichols, Josias, *An Order of Houshold Instruction* (London, 1596)
- Nowell, Alexander, *A Catechisme, or Institution of Christian Religion, to be Learned of all Youth, Next after the Little Catechisme, Appoynted in the Booke of Common Prayer* (London, 1614)
- The Office of Christian Parents: Shewing How Children are to be Governed Throughout all Ages and Times of Life* (Cambridge, 1616)
- Osborne, Francis, *Advice to a Son; Or Directions for your Better Conduct Through the Various Most Important Encounters of this Life* (Oxford, 1655)
- Pemberton, William, *The Charge of God and the King, to Judges and Magistrates, for the Execution of Justice* (London, 1619)
- Perkins, William, *A Treatise of the Vocations, or Callings of Men, with the Sorts and Kinds of them, and the Right Use Thereof* (Cambridge, 1603)
- Robson, Simon, *The Court of Civill Courtesie* (London, 1591)
- Robson, Simon, *The Choise of Change: Containing the Triplicite of Divinitie, Philosophie, and Poetrie, Short for Memorie, Profitable for Knowledge, and Necessarie for Maners* (London, 1685)
- Savile, George, *The Lady's New-years Gift: Or, Advice to a Daughter* (London, 1688)
- Sheppard, William, *The Faithful Councillor: Or, the Marrow of the Law in English* (London, 1651)
- Shower, J., *Seasonable Advice to Youth: A Funeral Sermon on Psal. 119.9 Preach'd upon the Death of Mr. Richard Walter, Jun., in the Eighteenth Year of His Age* (London, 1692)
- Taylor, Theophilus, *The Mappe of Moses: Or, a Guide for Governours* (London, 1629)
- Theodidactus, Eugenius [pseud. for John Heydon], *Advice to a Daughter, in Opposition to the Advice to a Sonne* (London, 1658)
- Trenchfield, Caleb, *A Cap of Grey Hairs: Or, the Father's Counsel to his Son, an Apprentice in London* (London, 1671)
- Tusser, Thomas, *Five Hundred Points of Good Husbandry* (London, 1672 edn)
- Udall, Ephraim, *The Good of Peace and Ill of Warre set forth in a Sermon Preached in the Cathedrall Church of S. Paul, the Last Day of July, 1642* (London, 1642)
- à Vauts, Moses [pseud?], *The Husband's Authority Unvail'd; Wherein it is Moderately Discussed Whether it be Fit or Lawfull for a Good Man to Beat his Bad Wife* (London, 1650)

- Wake, William, *The Principles of the Christian Religion Explained: In a Brief Commentary Upon the Church Catechism* (London, 1699)
- A Warning to Young Men; Or a Man of Bloods* (London, 1680)
- Williams, John, *A Brief Exposition of the Church-Catechism, with Proofs from Scripture* (London, 1689)
- Yarranton, Andrew, *Improvement Improved, by a Second Edition of the Great Improvement by Lands of Clover, or the Wonderful Advantage by, and Right Management of, Clover* (London, 1663)
- , *England's Improvement by Sea and Land* (London, 1677)
- , *A Full Discovery of the First Presbyterian Sham-Plot or a Letter from One in London to a Person of Quality in the Country* (London, 1681)

3. EDITIONS OF EARLY BOOKS AND MANUSCRIPTS

- Alexander, R. J. (ed.), *Records of Early English Drama: Somerset* (Toronto, 1996)
- Allen, D. H. (ed.), *Essex Quarter-Sessions Order Book, 1652-1661* (Chelmsford, 1974)
- Clark, A. (ed.), *Aubrey's Brief Lives*, 2 vols (Oxford, 1898)
- Baines, Barbara (ed.), *Three Pamphlets on the Jacobean Antifeminist Controversy* (repr. N.Y., 1978)
- Barlow, T. (ed.), *Cheshire: Its Historical and Literary Associations, Illustrated in a Series of Biographical Sketches* (London, 1855)
- Betty, J. H. (ed.), *The Casebook of Sir Francis Ashley JP Recorder of Dorchester 1614-35*, Dorset Record Society, 7 ([n.p.], 1981)
- Bond, Shelagh (ed.), *Chamber Order Book of Worcester, 1602-1650*, Worcestershire Historical Society, ns., 8 ([Worcester?], 1974)
- Booty, John (ed.), *The Book of Common Prayer, 1559* (repr. Washington, D.C., 1982)
- Bulkeley, [Robert], 'The diary of Bulkeley of Dronwy, Anglesey, 1630-1636', *Anglesey Antiquarian Society and Field Club Transactions*, (1937), pp. 26-168
- Bund, J. W. (ed.), *England and Wales, Court of Quarter Sessions (Worcestershire), Calendar of the Quarter Sessions papers, 1, 1591-1643* (Worcester, 1900)
- Bund, J. W., *Diary of Henry Townshend of Elmley Lovett*, Worcestershire Historical Society, 3 vols (London, 1917)
- Carew, Richard, *The Survey of Cornwall*, ed. by F. E. Halliday (London, 1602; repr. London, 1969)
- Chappell, William & Ebsworth, J. W. (eds.), *The Roxburghe Ballads*, 9 vols (Hertford, 1872-99)
- Craigie, James, (ed.), *The Basilicon Doron of King James VI*, 2 vols (Edinburgh, 1944)

- Cust, Richard (ed.), *The Papers of Sir Richard Grosvenor (1585-1645)*, The Record Society in Lancashire and Cheshire, 134 (Gloucestershire, 1996)
- Ebsworth, J. W. (ed.), *The Bagford Ballads*, 2 vols (Hertford, 1878)
- The Euing Collection of English Broadside Ballads* (Glasgow, 1971)
- Eyre, Adam, 'A dyurnell or catalogue of all my accions and expences from the 1st of January 1646', ed. by H. Morehouse in C. Jackson (ed.), *Yorkshire Diaries and Autobiographies in the Seventeenth and Eighteenth Centuries*, The Surtees Society, 65 (Durham, 1875), pp. 1-118
- Fox, Levi (ed.), 'The diary of Robert Beake, Mayor of Coventry 1655-6', *Publications of the Dugdale Society*, 31 (1977), pp. 114-37
- Gough, Richard, *The History of Myddle*, ed. by D. Hey (London, 1834; Harmondsworth, 1981)
- Green, Mary E. (ed.), *Calendar of State Papers, Domestic Series, Of the Reign of Charles II* (London, 1894)
- Hale, Mathew, *History of the Pleas of the Crown*, ed. by S. Emlyn, 2 vols (London, 1800)
- Halliwell, James (ed.), *The Autobiography and Personal Diary of Dr. Simon Forman, The Celebrated Astrologer, From A.D. 1552, to A. D. 1602* (London, 1849)
- Hobbes, Thomas, *Leviathan*, ed. by R. Tuck (London, 1651; repr. Cambridge, 1991)
- Hull, Felix (ed.), 'Henry Haule's notebook, 1590-1595', *Kent Records*, ns., 1 (1990-91), pp. 10-57
- Hunt, R. D. (ed.), 'Henry Townshend's 'Notes of the office of a justice of the peace', 1661-3', *Worcestershire Historical Society*, ns., 5 (1967), pp. 68-130
- Hutchinson, F. E. (ed.), *The Works of George Herbert* (Oxford, 1941)
- Johnson, H. C., & Williams, N. J. (eds.), 'Bromley's Notebook', *Warwick County Records*, 9 (1964), pp. xxxvii-xlv
- Kettle, Ann, J. (ed.), 'Matthew Craddock's Book of Remembrance, 1614-15', *Collections for a History of Staffordshire*, 4th s., 16 (1994) pp. 67-169
- Klausner, D. N., *Records of Early English Drama: Herefordshire and Worcestershire* (Toronto, 1990)
- Larkin, James & Hughes, Paul (eds.), *Stuart Royal Proclamations*, 2 vols (Oxford, 1973-83)
- Latham, Robert C. & Matthews, William (eds.), *The Diary of Samuel Pepys*, 11 vols (London, 1970-83)
- Lee, M. (ed.), *Diaries and Letters of Philip Henry* (London, 1882)
- Leveson-Gower, Granville (ed.), 'Notebook of a Surrey justice [Bostock Fuller]', *Surrey Archaeological Collections*, 9 (1888), pp. 161-232
- Thomas, J. M. Lloyd (ed.), *The Autobiography of Richard Baxter: Being the Reliquiae Baxterianae* (London, 1925)

- Matthews, A. G., *Calamy Revised: Being a Revision of Edmund Calamy's Account of the Ministers and Others Ejected and Silenced, 1660-2* (Oxford, 1988)
- Meekings, C. A. F., Porter, S. & Roy, I. (eds.), *The Hearth Tax Collectors' Book for Worcester 1679-1680*, Worcestershire Historical Society, ns., 11 (Leeds, 1983)
- Mish, Charles C., *Short Fiction of the Seventeenth Century* (N.Y., 1963)
- Nott, H. E. & Ralph, Elizabeth (eds.), *The Deposition Books of Bristol 1650-1654*, Bristol Record Society, 13 (Bristol, 1948)
- Paley, Ruth (ed.), *Justice in Eighteenth-Century Hackney: The Justicing Notebook of Henry Norris and the Hackney Petty Sessions Book*, London Record Society, 28 (London, 1991)
- Parkinson, Richard (ed.), 'The life of Adam Martindale, written by himself', *Chetham Society*, 4 (Manchester, 1845)
- Pickering, John, 'Justice's notebook of Captain John Pickering, 1656-60', *Thoresby Society*, 11 (1904), pp. 69-100
- Raine, James, (ed.) *Depositions from the Castle of York, relating to Offences Committed in the Northern Counties in the Seventeenth Century*, The Surtees Society, 2 (Durham, 1861)
- Read, Conyers (ed.), *William Lambarde and Local Government: His "Ephemeris" and Twenty-Nine Charges to Juries and Commissions* (Ithaca, N.Y., 1962)
- Redwood, B. C. (ed.), 'Quarter sessions order book, 1642-1649', *Sussex Record Society*, 54 (1954)
- Rosenheim, James (ed.), *The Notebook of Robert Doughty 1662-65*, Norfolk Record Society, 54 (Norwich, 1989)
- Sachse, William (ed.), *The Diary of Roger Lowe of Ashton-in-Makerfield, Lancashire 1663-74* (London, 1938)
- Schulte, Anne (ed.), *Cecilia Ferrazzi: Autobiography of an Aspiring Saint* (Chicago, 1996)
- Sermons or Homilies Appointed to be Read in Churches Time of Queen Elizabeth of Famous Memory* (London, 1817)
- The Statutes of the Realm*, 5 vols (London, 1819)
- Stubbes, Phillip, *Anatomy of Abuses in England*, ed. by F. Furnivall (London 1583; repr. London, 1877-79)
- Tawney, R. H. & Power, E. (eds.), *Tudor Economic Documents*, 3 vols (London, 1951 edn)
- Underdown, David (ed.), *William Whiteway of Dorchester: His Diary, 1618-1635*, Dorset Record Society, 12 (Dorchester, 1991)
- Wanklyn, Malcolm (ed.), *Inventories of Worcestershire Landed Gentry, 1537-1786*, Worcestershire Historical Society, ns., 16 ([Worcester?], 1998)
- Wilson, Thomas 'The state of England, Anno Dom., 1600', ed. by F. J. Fisher, *Camden Miscellany*, 3rd s. 16 (1936), pp. 1-47

4. SECONDARY SOURCES: BOOKS

- Abu-Lughod, Lila & Lutz, Catherine, *Language and the Politics of Emotion* (Cambridge, 1990)
- Amussen, Susan D., *An Ordered Society: Gender and Class in Early Modern England* (Oxford, 1988)
- Anderson, M. S., *War and Society in Europe of the Old Regime 1618-1789* (Stroud, 1998 edn)
- Archer, Ian, *The Pursuit of Stability: Social Relations in Elizabethan London* (Cambridge, 1991)
- Archer, John & Lloyd, Barbara, *Sex and Gender* (Cambridge, 1985)
- Ariès, Philippe, *Centuries of Childhood*, trans. R. Baldick (Paris 1960; London, 1962)
- Baker, J. H., *An Introduction to English Legal History* (London, 1990 edn)
- (ed.), *Legal Records and the Historian* (London, 1978)
- Baker, D. (ed.) *Sanctity and Secularity*, Studies in Church History, 10 (Oxford, 1973)
- Barratt, Alexandra (ed.), *Women's Writing in Middle English* (London, 1992)
- Barrett, Andrew & Harrison, Christopher, *Crime and Punishment in England: A Sourcebook* (London, 1999)
- Barry, Jonathan & Brooks, Christopher (eds.), *The Middling Sort of People: Culture, Society and Politics in England, 1550-1800* (Basingstoke, 1994)
- Beattie, J., *Crime and the Courts in England, 1660-1800* (Oxford, 1986)
- Beik, William, *Urban Protest in Seventeenth-Century France: The Culture of Retribution* (Cambridge, 1997)
- Beier, A. L., *Masterless Men: The Vagrancy Problem in England, 1560-1640* (London, 1985)
- , Cannadine, D. & Rosenheim, J. (eds.), *The First Modern Society: Essays in English History in Honour of Lawrence Stone* (Cambridge, 1989)
- Ben-Amos, Ilana, *Adolescence and Youth in Early Modern England* (London, 1994)
- Bonfield, Lloyd, Smith, Richard & Wrightson, Keith (eds.), *The World We Have Gained: Histories of Population and Social Structure* (Oxford, 1986)
- Bossy, John, *Christianity in the West* (Oxford, 1985)
- , *Peace in the Post-Reformation: the Birbeck Lectures* (Cambridge, 1998)
- (ed.), *Disputes and Settlements: Law and Human Relations in the West* (Cambridge, 1983)
- Boynton, Lindsay, *The Elizabethan Militia, 1558-1638* (London, 1967)
- Braddick, Michael, *The Nerves of State: Taxation and the Financing of the English State, 1558-1714* (Manchester, 1996)

- Brennan, Thomas, *Public Drinking and Popular Culture in Eighteenth-Century Paris* (Princeton, N.J., 1988)
- Brewer, John & Styles, John (eds.), *An Ungovernable People: The English and Their Law in the Seventeenth and Eighteenth Centuries* (London, 1980)
- Briggs, John, *et al*, *Crime and Punishment in England: An Introductory History* (London, 1996)
- Brooks, C. W., *Pettyfoggers and Vipers of the Commonwealth: The 'Lower Branch' of the Legal Profession in Early Modern England* (Cambridge, 1986)
- Browne, E. & Burton, J. (eds.), *Short Biographies of the Worthies of Worcestershire* (Worcester, 1916)
- Burbank, Victoria, *Fighting Women: Anger and Aggression in Aboriginal Australia* (Berkeley, Calif., 1994)
- Bund, J. W. & Page, W. (eds.), *The Victoria History of the County of Worcester*, 4 vols (London 1906; repr. London, 1971)
- Burke, P., *Early Modern Popular Culture* (London, 1978 edn)
- Bynum, W. F. & Porter, Roy (eds.), *Companion Encyclopedia of the History of Medicine*, 2 vols (London, 1993)
- Caffrey, Susan & Mundy, Gary (eds.), *The Sociobiology of Crime and Deviance: Selected Issues* (Dartford, 1995)
- Campbell, Anne & Marsh, Peter (eds.), *Aggression and Violence* (Oxford, 1982)
- & Gibbs, John (eds.), *Violent Transactions: The Limits of Personality* (Oxford, 1986)
- Capp, Bernard, *Astrology and the Popular Press: English Almanacs 1500-1800* (London, 1979)
- Chartres, John & Hey, David (eds.), *English Rural Society, 1500-1800: Essays in Honour of Joan Thirsk* (Cambridge, 1990)
- Chambers, J., *Biographical Illustrations of Worcestershire* (London, 1820)
- Clark, Peter, *The English Alehouse: A Social History 1200-1830* (London, 1983)
- Chartier, Roger, *The Cultural Uses of Print in Early Modern France*, trans L. Cochrane (Princeton, N.J., 1987)
- Cockburn, James S. (ed.), *Crime in England 1550-1800* (London, 1977)
- Coleman D. C. & John, A. H. (eds.), *Trade, Government and Economy in Pre-Industrial England* (London, 1976)
- Collett, Peter (ed.), *Social Rules and Social Behaviour* (Oxford, 1977)
- Collinson, Patrick, *De Republica Anglorum: or, History with the Politics Put Back* (Cambridge, 1990)
- Conrad, Lawrence, *et al* (eds.), *The Western Medical Tradition 800 BC to AD 1800* (Cambridge, 1995)
- Corfield, Penelope J. (ed.), *Language, History and Class* (Oxford, 1991)

- van Crevald, Martin, *On Future War* (London, 1991)
- Cunnington, C. W. & Cunnington, P., *Handbook of English Costume in the Seventeenth Century* (London, 1965)
- Davis, Natalie Z., *Society and Culture in Early Modern France* (London, 1975)
- , *Fiction in the Archives: Pardon Tales and Their Tellers in Sixteenth-Century France* (Cambridge, 1988)
- Dening, G., *Mr. Bligh's Bad Language: Passion, Power and Theatre on the Bounty* (Cambridge, 1994)
- Dolan, Frances, *Dangerous Familiars: Representations of Domestic Crime in England, 1550-1700* (Ithaca, N.Y., 1994)
- Doob, Anthony & Greenspan, Edward (eds.), *Perspectives in Criminal Law* (Aurora, Ontario, 1985)
- Dugaw, Dianne, *Warrior Women and Popular Balladry 1650-1850* (Cambridge, 1989)
- Dunthorne, Hugh, *The Enlightenment* (London, 1981)
- Durston, C. & Eales, J. (eds.), *The Culture of English Puritanism, 1560-1700* (London, 1996)
- Dyer, Alan, *The City of Worcester in the Sixteenth Century* (Leicester, 1973)
- Dyer, Christopher, *Everyday Life in Medieval England* (London, 1994)
- Earle, Peter, *The Making of the English Middle Class: Business, Society and Family Life in London 1660-1730* (London, 1991)
- Elias, Norbert, *The Civilising Process*, trans. E. Jephcott, 2 vols (Basel, 1939; Oxford, 1978)
- Ellis, M., *Using Manorial Records* (London, 1997 edn)
- Epstein, Julia & Straub, Kristina (eds.), *Body Guards: the Cultural Politics of Gender Ambiguity* (London, 1991)
- Farge, Arlette, *Fragile Lives: Violence, Power and Solidarity in Eighteenth-Century Paris*, trans. C. Shetton ([n. p.], 1986; Cambridge, 1993)
- Fink-Eitel, Hinrich, *Foucault: An Introduction*, trans. E. Dixon (Hamburg, 1988; Philadelphia, Penn., 1992)
- Fletcher, Anthony, *Gender, Sex and Subordination in England, 1500-1800* (London, 1995)
- & Stevenson, John (eds.), *Order and Disorder in Early Modern England* (Cambridge, 1985)
- Foucault, Michel, *Discipline and Punish: The Birth of the Prison*, trans. A. Sheridan ([n. p.], 1975; London, 1991)
- , *The History of Sexuality: The Will to Knowledge*, vol. 1, trans. R. Hurley ([n.p.], 1976; London, 1998)

- Foyster, Elizabeth, *Manhood in Early Modern England: Honour, Sex and Marriage* (London, 1999)
- Gatrell, V. A. C., Lenman, Bruce & Parker, Geoffrey (eds.), *Crime and the Law: The Social History of Crime in Western Europe Since 1500* (London, 1980)
- Geertz, Clifford, *The Interpretation of Cultures* (N.Y., 1973)
- Gilmour, Ian, *Riot, Risings and Revolutions: Governance and Violence in Eighteenth Century England* (London, 1992)
- Given, J. B., *Society and Homicide in Thirteenth-Century England* (Stanford, Calif., 1977)
- Gowing, Laura, *Domestic Dangers: Women, Words and Sex in Early Modern London* (Oxford, 1996)
- Greaves, Richard, *Society and Religion in Elizabethan England* (Minneapolis, Minn., 1981)
- , *Deliver us from Evil: The Radical Underground in Britain, 1660-1663* (Oxford, 1986)
- Green, Ian, *The Christian's ABC: Catechism and Catechizing in England, c. 1530-1740* (Oxford, 1996)
- Greenshields, Malcolm, *An Economy of Violence in Early Modern France: Crime and Justice in the Haute Auvergne 1587-1664* (Philadelphia, Penn., 1994)
- Griffiths, Paul, *Youth and Authority: Formative Experiences in England 1560-1640* (Oxford, 1996)
- , Fox, Adam & Hindle, Steve (eds.), *The Experience of Authority in Early Modern England* (London, 1996)
- Hampson, Norman, *The Enlightenment: An Evaluation of its Assumptions, Attitudes and Values* (London, 1990 edn)
- Hanawalt, Barbara, *Crime and Conflict in English Communities, 1300-48* (Cambridge, Mass., 1979)
- , & Wallace, D. (eds.), *Bodies and Disciplines: Intersections of Literature and History in Fifteenth Century England* (Minneapolis, Minn., 1996)
- Harris, Tim, *London Crowds in the Reign of Charles II: Propaganda and Politics from the Restoration until the Exclusion Crisis* (Cambridge, 1987)
- (ed.), *Popular Culture in England c. 1500-1850* (London, 1995)
- Harvey, P. & Gow, P. (eds.), *Sex and Violence: Issues in Representation and Experience* (London, 1994)
- Harvey, P. D. A., *Manorial Court Rolls: Short Guides to Records* (London, 1993)
- , *Manorial Records*, British Records Association, Archives and the User, 5 (London, 1984)
- Hay, D., Linebaugh, P. & Thompson, E. P. (eds.), *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England* (London, 1975)

- Heller, T., Sosna, M. & Welbury, D. (eds.), *Reconstructing Individualism: Autonomy, Individuality, and the Self in Western Thought* (Stanford, Calif., 1986)
- Henderson, K. & McManus, B., *Half Humankind: Contexts and Texts of the Controversy about Women in England, 1540-1640* (Urbana, Ill., 1985)
- Herrup, Cynthia, *The Common Peace: Participation and the Criminal Law in Seventeenth-Century England* (Cambridge, 1987)
- Hillman, D. & Mazzio, C., *The Body in Parts: Fantasies of Corporeality in Early Modern Europe* (N.Y., 1997)
- Hindle, Steve, *The State and Social Change in Early Modern England, c. 1550-1640* (Basingstoke, 2000)
- Hinnells, John & Porter, Roy (eds.), *Religion, Health and Suffering* (London, 1999)
- Hitchcock, Tim & Cohen, Michèle (eds.), *English Masculinities 1660-1800* (London, 1999)
- Houston, J., *Index of Cases in the Records of the Court of Arches in Lambeth Palace Library 1660-1913* (London, 1972)
- Hutton, Ronald, *The Rise and Fall of Merry England: The Ritual Year, 1400-1700* (Oxford, 1994)
- Ingram, Martin, *Church Courts, Sex and Marriage in England, 1570-1640* (Cambridge, 1990)
- James, Mervyn, *English Politics and the Concept of Honour, 1485-1642*, Past and Present, Supplement 3 (Oxford, 1978)
- Johnson, E. & Monkkonen, E. (eds.), *The Civilisation of Crime: Violence in Town and Country since the Middle Ages* (Urbana, Ill., 1996)
- Kelly, Francis & Schwabe, Randolph, *A Short History of Costume and Armour Chiefly in England*, 2 vols (London 1931)
- Kelso, Ruth, *The Doctrine of the English Gentleman in the Sixteenth Century* (Gloucester, Mass., 1964)
- Kent, Joan, *The English Village Constable 1580-1642: A Social and Administrative Study* (Oxford, 1986)
- Kermode, Jenny & Walker, Garthine (eds.), *Women, Crime and the Courts in Early Modern England* (London, 1994)
- Kiernan, V. G., *The Duel in European History: Honour and the Reign of Aristocracy* (Oxford, 1988)
- Knafla, Louis A., *Crime and Criminal Justice in Europe and Canada* (Ontario, 1981)
- van Krieken, Robert, *Norbert Elias* (London, 1998)
- Lachmann, Richard, *From Manor to Market: Structural Change in England, 1536-1640* (Madison, 1987)
- Lake, Peter & Sharpe, Kevin (eds.), *Culture and Politics in Early Stuart England* (London, 1994)
- Landau, Norma, *The Justices of the Peace, 1679-1760* (Berkeley, Calif., 1984)

- Langbein, John, *Prosecuting Crime in the Renaissance: England, Germany, France* (Cambridge, Mass., 1974)
- Leites, Edmund (ed.), *Conscience and Casuistry in Early Modern Europe* (Cambridge, 1988)
- London Feminist History Group (eds.), *Sexual Dynamics of History: Men's Power, Women's Resistance* (London, 1983)
- MacDonald, Michael & Murphy, Terence, *Sleepless Souls: Suicide in Early Modern England* (Oxford, 1990)
- Macfarlane, Alan & Harrison, Sarah, *The Justice and the Mare's Ale: Law and Disorder in Seventeenth-Century England* (Oxford, 1981)
- Maddern, Phillipa C., *Violence and Social Order: East Anglia 1422-42* (Oxford, 1992)
- Mann, Michael, *The Sources of Social Power*, 2 vols (Cambridge, 1986)
- Manning, Roger B., *Hunters and Poachers: A Social and Cultural History of Unlawful Hunting in England, 1485-1640* (Oxford, 1995)
- Marsh, Christopher, *Popular Religion in Sixteenth-Century England: Holding their Peace* (London, 1998)
- Marshall, Peter, *Catholic Priesthood and the English Reformation* (Oxford, 1994)
- Marx, Emanuel, *The Social Context of Violent Behaviour: A Social Anthropological Study in an Israeli Immigrant Town* (London, 1976)
- McIntosh, Marjorie, *Controlling Misbehaviour in England 1370-1600* (Cambridge, 1998)
- McMullan, John, *The Canting Crew: London's Criminal Underworld, 1550-1700* (N.J., 1984)
- Milsom, S. F. C., *Historical Foundations of the Common Law* (London, 1969)
- Morgan, John, *Godly Learning: Puritan Attitudes towards Reason, Learning and Education* (Cambridge, 1986)
- Moore, Henrietta, *A Passion for Difference. Essays in Anthropology and Gender* (Oxford, 1994)
- Muir, Edward, *Ritual in Early Modern Europe* (Cambridge, 1997)
- Naphy, William & Roberts, Penny (eds.), *Fear in Early Modern Societies* (Manchester, 1997)
- Nirenberg, David, *Communities of Violence: Persecution of Minorities in the Middle Ages* (Princeton, N.J., 1996)
- Outhwaite, R., *Dearth, Public Policy and Social Disturbance in England, 1550-1800* (Cambridge, 1991)
- Outhwaite, R. (ed.) *Marriage and Society: Studies in the Social History of Marriage* (London, 1981)
- Pakington, H. & Pakington, R., *The Pakingtons of Westwood* ([n.p.], 1975)

- Parker, Kenneth L., *The English Sabbath: A Study of Doctrine and Discipline from the Reformation to the Civil War* (Cambridge, 1988)
- Paster, Gail, *The Body Embarrassed: Drama and the Discipline of Shame in Early Modern England* (Ithaca, N.Y., 1993)
- Peristiany, J. (ed.), *Honour and Shame: The Values of a Mediterranean Society* (London, 1965)
- Pollock, Linda A., *Forgotten Children: Parent-Child Relations from 1500 to 1900* (Cambridge, 1983)
- Porter, Roy & Porter, Dorothy, *In Sickness and in Health: The British Experience 1650-1850* (London, 1988)
- Prest, Wilfred, *The Inns of Court Under Elizabeth I and the Early Stuarts 1590-1640* (London, 1972)
- Prior, Mary (ed.), *Women in English Society* (London, 1985)
- Purkiss, Diane, *The Witch in History: Early Modern and Twentieth-Century Representations* (London, 1996)
- Reay, Barry, *Popular Cultures in England 1550-1750* (London, 1998)
- (ed.), *Popular Culture in Seventeenth-Century England* (London, 1985)
- Rey, Roselyne, *The History of Pain*, trans. L. Wallace, J. A. Caddern & S. W. Caddern (Cambridge, Mass., 1995)
- Riches, David, *The Anthropology of Violence* (Oxford, 1986)
- Roper, Lyndal, *Oedipus and the Devil: Witchcraft, Sexuality and Religion in Early Modern Europe* (London, 1994)
- Sabean, David, *Power in the Blood: Popular Culture and Village Discourse in Early Modern Germany* (Cambridge, 1984)
- Schwoerer, Lois, "No Standing Armies!" *The Antiarmy Ideology in Seventeenth-Century England* (London, 1974)
- Sharpe, James A., *Crime in Seventeenth-Century England: A County Study* (Cambridge, 1983)
- , *Crime in Early Modern England 1550-1750* (London, 1984)
- , *Judicial Punishment in England* (London, 1990)
- , *Instruments of Darkness: Witchcraft in England 1550-1750* (London, 1997)
- Shoemaker, Robert, *Prosecution and Punishment: Petty Crime and the Law in London and Rural Middlesex c. 1660-1725* (Cambridge, 1991)
- , *Gender in English Society 1650-1850: The Emergence of Separate Spheres?* (London, 1998)
- Shweder, Richard & LeVine, Robert (eds.), *Culture Theory: Essays on Mind, Self, and Emotion* (Cambridge, 1984)
- Spufford, Margaret, *Small Books and Pleasant Histories: Popular Fiction and its Readership in Seventeenth-Century England* (London, 1981)

- Stannard, David, *Shrinking History: On Freud and the Failure of Psychohistory* (Oxford, 1980)
- Stearns, Carol & Stearns, Peter (eds.), *Emotion and Social Change: Towards a New Psychohistory* (N.Y., 1988)
- Stevenson, Laura, *Praise and Paradox: Merchants and Craftsmen in Elizabethan Popular Literature* (Cambridge, 1984)
- Stone, Lawrence, *The Crisis of the Aristocracy, 1558-1641* (Oxford, 1965)
- , *The Family, Sex and Marriage in England 1500-1800* (London, 1977)
- , *Road to Divorce: England 1530-1987* (Oxford, 1990)
- Snyder, Francis & Hay, Douglas (eds.), *Labour, Law and Crime: An Historical Perspective* (London, 1987)
- Tallett, Frank, *War and Society in Early Modern Europe, 1495-1715* (London, 1992)
- Tarver, Anne, *Church Court Records: An Introduction for Family and Local Historians* (Chichester, 1995)
- Thompson, Edward P., *Customs in Common* (London, 1991)
- Thomson, Janice E., *Mercenaries, Pirates, and Sovereigns: State Building and Extraterritorial Violence in Early Modern Europe* (Princeton, N.J., 1994)
- Underdown, David, *Revel, Riot and Rebellion: Popular Politics and Culture in England, 1603-1660* (Oxford, 1987)
- Walter, John, *Understanding Popular Violence in the English Revolution: The Colchester Plunderers* (Cambridge, 1999)
- & Schofield, Roger (eds.), *Famine, Disease and the Social Order in Early Modern Society* (Cambridge, 1989)
- Watt, Tessa, *Cheap Print and Popular Piety, 1550-1640* (Cambridge, 1991)
- Weatherill, Lorna, *Consumer Behaviour and Material Culture in Britain 1660-1760* (London, 1988)
- Wiesner, M., *Women and Gender in Early Modern Europe* (Cambridge, 1993)
- Wilson, Adrian (ed.), *Rethinking Social History: English Society 1570-1920 and its Interpretation* (Manchester, 1993)
- Wiltburg, Joy, *Disorderly Women and Female Power in the Street Literature of Early Modern England and Germany* (Charlottesville, Va., 1992)
- Wright, Joseph (ed.), *The English Dialect Dictionary*, 6 vols (Oxford, 1923)
- Wrightson, Keith, *English Society 1580-1680* (London, 1995 edn)
- & Levine, David, *Poverty and Piety in an English Village: Terling 1525-1700* (Oxford, 1995 edn)
- Würzbach, Natascha, *The Rise of the English Street Ballad, 1550-1650*, trans. G. Wells (Cambridge, 1990)
- Ylikangas, Heikki, *The Knife Fighters: Violent Crime in Southern Ostrobothnia 1790-1825*, trans. G. McAlester (Jyväskylä, 1998)

Young, Michael & Schuller, Tom (eds.), *The Rhythms of Society* (London, 1988)
Zunder, W. & Trill, S. (eds.), *Writing and the English Renaissance* (London, 1996)

5. SECONDARY SOURCES: JOURNAL ARTICLES

- Amussen, Susan D., "‘Being stirred to much unquietness’: violence and domestic violence in early modern England”, *Journal of Women’s History*, 6 (1994), pp. 70-89
- , ‘Punishment, discipline and power: the social meanings of violence in early modern England’, *Journal of British Studies*, 34 (1995), pp. 1-34
- Andrew, Donna T., ‘The code of honour and its critics: the opposition to duelling in England, 1700-1850’, *Social History*, 5 (1980), pp. 409-34
- Attili, Grazia & Hinde, Robert, ‘Categories of aggression and their motivational heterogeneity’, *Ethology and Sociobiology*, 7 (1986), 17-27
- Attreed, Lorraine, ‘Arbitration and the growth of urban liberties in late medieval England’, *Journal of British Studies*, 31 (1992), pp. 205-35
- Barber, Melanie, ‘Records of the Court of Arches in Lambeth Palace library’, *Ecclesiastical Law Journal*, 3 (1993), pp. 10-19
- Barnes, Thomas, ‘Examination before a justice in the seventeenth century’, *Somerset and Dorset Notes and Queries*, 27 (1955), pp. 39-42
- , ‘Due process and slow process in the late Elizabethan – early Stuart Star Chamber’, *American Journal of Legal History*, 6 (1962), pp. 221-49, 315-46
- , ‘The archives and archival problems of the Elizabethan and early Stuart Star Chamber’, *Journal of the Society of Archivists*, 4 (1963), pp. 345-60
- Bartlett, Robert, ‘Symbolic meanings of hair in the Middle Ages’, *Transactions of the Royal Historical Society*, 6th s., 4 (1994), pp. 43-60
- Becker, Marvin, ‘Changing patterns of violence and justice in fourteenth- and fifteenth-century Florence’ *Comparative Studies in Society and History*, 18 (1976), pp. 281-96
- Braby, P., ‘Churchwardens’ presentments from the Vale of Evesham, 1660-1717: part I’, *Vale of Evesham Historical Society Research Papers*, 5 (1975), pp. 61-79
- , ‘Churchwardens’ presentments from the Vale of Evesham, 1660-1717: part II’, *Vale of Evesham Historical Society Research Papers*, 6 (1977), pp. 101-16
- Braddick, Michael, ‘State formation and social change in early modern England: a problem stated and approaches suggested’, *Social History*, 16 (1991), pp. 1-17
- Brown, P., & Schuster, I., ‘Introduction: culture and aggression’, *Anthropological Quarterly: Culture and Aggression*, 59 (1986), pp. 155-59
- Brown, Peter, ‘The military career of Andrew Yarranton’, *Transactions of the Worcestershire Archaeological Society*, 3rd s., 13 (1992), pp. 193-202

- Buchanan, K. McP., 'Studies in the localization of seventeenth-century Worcestershire industries (1600-1650)', *Transactions of the Worcestershire Archaeological Society*, ns., 17 (1940), pp. 40-49
- , 'Studies in the localization of seventeenth-century Worcestershire industries (1600-1650)', *Transactions of the Worcestershire Archaeological Society*, ns., 18 (1941), pp. 31-40
- , 'Studies in the localization of seventeenth-century Worcestershire industries (1600-1650)', *Transactions of the Worcestershire Archaeological Society*, ns., 19 (1943), pp. 45-54
- Burbank, Victoria, 'Female aggression in cross-cultural perspective', *Behavior Science Research*, 21 (1987), pp. 70-100
- Burley, G. H. C., 'Andrew Yarranton: a seventeenth-century Worcestershire worthy', *TWAS*, ns., 38 (1991), pp. 24-36
- Capp, Bernard, 'English youth groups and *The Pinder of Wakefield*', *Past and Present*, 76 (1977), pp. 127-33
- , 'The poet and the bawdy court: Michael Drayton and the lodging-house world in early Stuart London', *The Seventeenth Century*, 10 (1995), pp. 27-37
- , 'The double standard revisited: plebeian women and male sexual reputation in early modern England', *Past and Present*, 163 (1999), pp. 70-100
- Cheney, Patrick, 'Moll Cutpurse as hermaphrodite in Dekker and Middleton's *The Roaring Girl*', *Renaissance and Reformation*, ns., 7 (1983), pp. 120-34
- Clark, Stuart, 'French historians and early modern popular culture', *Past and Present*, 100 (1983), pp. 62-99
- Cockburn, James S., 'Patterns of violence in English society: homicide in Kent 1560-1985', *Past and Present*, 130 (1991), 70-106
- Cohen, Elizabeth S., 'Honour and gender in the streets of early modern Rome', *Journal of Interdisciplinary History*, 22 (1992), pp. 597-625
- Cohen, Thomas V., 'The lay liturgy of affront in sixteenth-century Italy', *Journal of Social History*, 25 (1992), pp. 857-77
- Corbin, J., 'An anthropological perspective on violence', *International Journal of Environmental Studies*, 10 (1977), pp. 107-11
- Corfield, Penelope, 'Dress for deference and dissent: hats and the decline of hat honour', *Costume*, 23 (1989), pp. 64-79
- Cressy, David, 'Describing the social order of Elizabethan and Stuart England', *Literature and History*, 3 (1986), pp. 29-44
- , 'Kinship and kin interaction in early modern England', *Past and Present*, 113 (1986), pp. 38-69
- Cust, Richard, 'Honour and politics in early Stuart England: the case of Beaumont v. Hastings', *Past and Present*, 149 (1995), pp. 57-94
- & Lake, Peter, 'Sir Richard Grosvenor and the rhetoric of magistracy', *Bulletin of the Institute of Historical Research*, 54 (1981), pp. 40-53

- Dabhoiwala, Faramerz, 'The construction of honour, reputation and status in late seventeenth- and early eighteenth-century England', *Transactions of the Royal Historical Society*, 6th s., 6 (1996), pp. 201-14
- Davie, Neil, 'Chalk and cheese? 'Fielden' and 'forest' communities in early modern England', *Journal of Historical Sociology*, 4 (1991), pp. 1-31
- Dickinson, J. R. & Sharpe, James A., 'Courts, crime and litigation in the Isle of Man, 1580-1700', *Bulletin of the Institute of Historical Research*, 72 (1999), pp. 140-59
- Donagan, Barbara, 'Atrocity, war crime, and treason in the English Civil War', *American Historical Review*, 99 (1994), pp. 1137-66
- , 'Codes and conduct in the English Civil War', *Past and Present*, 118 (1998), pp. 65-95
- Earle, Peter, 'The female labour market in London in the late seventeenth and early eighteenth century', *Economic History Review*, 2nd s., 42 (1989), pp. 328-53
- Edgerton, Samuel, 'Icons of justice', *Past and Present*, 89 (1980), pp. 23-39.
- Elias, Norbert, 'On transformations of aggressiveness', *Theory & Society*, 5 (1978), pp. 229-42
- , 'Civilisation and violence: on the state monopoly of physical violence and its infringements', *Telos*, 54 (1983), pp. 134-54
- Felson, Richard B., 'Impression management and the evaluation of aggression and violence', *Social Psychological Quarterly*, 45 (1982), pp. 245-54
- Finch, Andrew J., 'The nature of violence in the middle ages: an alternative perspective', *Historical Research*, 70 (October, 1997), pp. 249-68
- Fletcher, Anthony, 'Men's dilemma: The future of patriarchy in England, 1560-1660', *Transactions of the Royal Historical Society*, 6th s., 4 (1994), pp. 61-81
- Fox, Adam, 'Ballads, libels and popular ridicule in Jacobean England', *Past and Present*, 145 (1994), pp. 47-83
- Foyster, Elizabeth, 'A laughing matter? Marital discord and gender control in seventeenth-century England', *Rural History*, 4 (1993), pp. 5-21
- , 'Male honour, social control and wife-beating in late Stuart England', *Transactions of the Royal Historical Society*, 6th s., 6 (1996), pp. 215-24
- Gaskill, Malcolm, 'The displacement of providence: policing and prosecution in seventeenth- and eighteenth-century England', *Continuity and Change*, 11 (1996), pp. 341-74
- , 'Reporting murder: fiction in the archives in early modern England', *Social History*, 23 (1998), pp. 1-30
- Gilbert, C. D., 'Kidderminster's early carpet industry', *Transactions of the Worcestershire Archaeological Society*, 3rd s., 12 (1990), pp. 213-23
- , "'Levellers' in Worcestershire 1655-1671", *Transactions of the Worcestershire Archaeological Society*, 3rd s., 13 (1992), pp. 203-09
- , 'A sermon in Civil War Worcestershire', *Transactions of the Worcestershire Archaeological Society*, 3rd s., 16 (1998), pp. 177-82

- Gorn, Elliot., 'Gouge and bite, pull hair and scratch: the social significance of fighting in the Southern backcountry', *American Historical Review*, 90 (1985), pp. 18-43
- Gowing, Laura, 'Women, status and the popular culture of dishonour', *Transactions of the Royal Historical Society*, 6th s., 6 (1996), pp. 225-34
- , 'Secret births and infanticide in seventeenth century England', *Past and Present*, 156 (1997), pp. 87-115
- Greenshields, Malcolm, 'Women, violence and criminal justice records in early modern Haute Auvergne (1587-1664)', *Canadian Journal of History/Annales Canadiennes d'Histoire*, 22 (1987), pp. 175-94
- Gregory, A., 'Witchcraft, politics and "good neighbourhood" in early seventeenth-century Rye', *Past and Present*, 133 (1991), pp. 31-66
- Groebner, Valentin, 'Losing face, saving face: noses and honour in the late medieval town', *History Workshop Journal*, 40 (1995), pp. 1-15
- Hale, John R., 'Sixteenth century explanations of war and violence', *Past and Present*, 51 (1971), pp. 3-26
- Hammer, Carl, 'Patterns of homicide in a medieval University town: fourteenth-century Oxford', *Past and Present*, 78 (1978), pp. 3-23
- Hanawalt, Barbara A., 'Violent death in fourteenth- and early fifteenth-century England', *Comparative Studies in Society and History*, 18 (1976), pp. 297-320
- , "'Good governance" in the medieval and early modern context', *Journal of British Studies*, 37 (1998), pp. 246-57
- Hay, D., 'War, dearth and theft in the eighteenth-century: the records of the English courts', *Past and Present*, 95 (1982), pp. 117-59
- Hepburn, John R., 'Violent behaviour in interpersonal relationships', *Sociological Quarterly*, 14 (1973), pp. 419-29
- Hindle, Steve, 'The shaming of Margaret Knowsley: gossip, gender and the experience of authority in early modern England', *Continuity and Change*, 9 (1994), pp. 391-419
- , 'Power, poor relief, and social relations in Holland Fen, c.1600-1800', *Historical Journal*, 41 (1998), pp. 67-96
- Hodgkin, Katharine, 'Thomas Whythorne and the problems of mastery', *History Workshop Journal*, 29 (1990), pp. 20-41
- Holmes, Clive, 'The county community in Stuart historiography', *Journal of British Studies*, 19 (1980), pp. 54-73
- Hurl, Jennine, "'She being bigg with child is likely to miscarry": pregnant victims prosecuting assault in Westminster, 1685-1720', *The London Journal*, 24 (1999), pp. 18-33
- Hunt, Margaret, 'Wife beating, domesticity and women's independence in eighteenth-century London', *Gender & History*, 4 (1992), pp. 10-33
- Hunter, E. M., 'The intercultural and socio-historical context of Aboriginal personal violence in remote Australia', *Australian Psychologist*, 26 (1991), pp. 89-98

- Hutton, Patrick, 'The history of mentalities: the new map of cultural history', *History and Theory*, 20 (1981), pp. 237-59
- Ingram, Martin, 'Ridings, rough music and the "reform of popular culture" in early modern England', *Past and Present*, 105 (1984), pp. 79-113
- Jenkins, Philip, 'From gallows to prison? The execution rate in early modern England', *Criminal Justice History*, 7 (1986), pp. 51-71
- Johnston, J. A., 'The vale of Evesham 1702-8: the evidence from probate inventories and wills', *Vale of Evesham Historical Society Research Papers*, 4 (1973), pp. 85-96
- Kent, Joan, 'The English village constable: the nature and dilemmas of the office', *Journal of British Studies*, 20 (1981), pp. 26-49
- , "'Folk justice" and royal justice in early seventeenth-century England: a "charivari" in the midlands', *Midland History*, 8 (1983), pp. 70-85
- King, Peter, 'Decision-makers and decision-making in English criminal law 1750-1800', *Historical Journal*, 27 (1984), pp. 25-58
- , 'Punishing assault: the transformation of attitudes in the English courts', *Journal of Interdisciplinary History*, 27 (1996), pp. 43-74
- King, Walter, 'Leet jurors and the search for law and order in seventeenth-century England: "Galling persecution or "reasonable justice"?", *Histoire Sociale - Social History*, 13 (1980), pp. 305-23
- , 'Untapped resources for social historians: court leet records', *Journal of Social History*, 15 (1982), pp. 699-705
- van Krieken, Robert, 'Social discipline and state formation: Weber and Oestreich on the historical sociology of subjectivity', *Amsterdams Sociologisch Tijdschrift*, 17 (1989), pp. 3-28
- , 'Violence, self-discipline and modernity: beyond the "civilising process"', *The Sociological Review*, ns., 37 (1989), pp. 193-218
- , 'The organisation of the soul: Elias and Foucault on discipline and the self', *Archives Européennes de Sociologie*, 31 (1990), pp. 353-71
- Lasch, Christopher, 'Historical sociology and the myth of maturity: Norbert Elias's "Very simple formula"', *Theory and Society*, 14 (1985), pp. 705-20
- Langbein, John H., 'The criminal trial before the lawyers', *University of Chicago Law Review*, 45 (1978), pp. 265-316
- , 'Albion's fatal flaws', *Past and Present*, 98 (1983), pp. 96-120
- Lindley, K. J., 'Riot control and prevention in early Stuart London', *Transactions of the Royal Historical Society*, 5th s., 33 (1983) pp. 109-26
- McRee, Ben R., 'Peacemaking and its limits in late medieval Norwich', *English Historical Review*, 109 (1994), pp. 831-66
- McGowen, Randall, 'The body and punishment in eighteenth-century England', *Journal of Modern History*, 59 (1987), pp. 651-79

- Millington, M. & Sinclair, A., 'The honourable cuckold: models of masculine defence', *Comparative Literature Studies*, 29 (1992), pp. 1-19
- Mitchell, Timothy, 'Everyday metaphors of power', *Theory and Society*, 19 (1990), 545-77
- de Moulin, Daniel, 'A historical-phenomenological study of bodily pain in Western man', *Bulletin of the History of Medicine*, 48 (1974), pp. 540-70
- Moogk, Peter, "'Thieving buggers" and "stupid sluts": insults and popular culture in New France', *William and Mary Quarterly*, 3rd s., 36 (1979) pp. 524-47
- Muldrew, Craig, 'Interpreting the market: the ethics of credit and community relations in early modern England', *Social History*, 18 (1993), pp. 163-83
- Norman, Andrew, 'Telling it like it was: historical narratives on their own terms', *History and Theory*, 30 (1991), pp. 119-35
- Oldham, James, 'Truth-telling in the eighteenth-century English courtroom', *Law and History Review*, 12 (1994), pp. 97-121
- Österberg, Eva, 'Criminality, social control and the early modern state: evidence and interpretations in Scandinavian historiography', *Social Science History*, 16 (1992), pp. 67-98
- Peacey, Jason, 'Order and disorder in Europe: Parliamentary agents and Royalist thugs 1649-1650', *The Historical Journal*, 40 (1997), pp. 953-76
- Poole, Kristen., "'The fittest closet for all goodness": authorial strategies in Jacobean mothers' manuals', *Studies in English Literature*, 35 (1995), pp. 69-89
- Powell, Edward, 'Arbitration and the law in England in the late Middle Ages', *Transactions of the Royal Historical Society*, 5th s., 33 (1983), pp. 49-67
- Racaut, L., 'The "Book of Sports" and sabbatarian legislation in Lancashire, 1579-1616', *Northern History*, 33 (1997), pp. 73-87.
- Raeff, Marc, 'The well-ordered police state and the development of modernity in seventeenth- and eighteenth-century Europe: an attempt at a comparative approach', *American Historical Review*, 80 (1975), pp. 1221-43
- Roberts, Michael, ' "To bridle the falsehood of unconscionable workmen, and for her own satisfaction": what the Jacobean housewife needed to know about men's work, and why,' *Labour History Review*, 63 (1998), pp. 4-30
- Roberts, Stephen K., 'Oliver Cromwell and the city of Worcester', *Transactions of the Worcestershire Archaeological Society*, 3rd s., 16 (1998), pp. 169-75
- Robinson, R. J., "'The civilising process': some remarks on Elias's social history", *Sociology*, 21 (1987), pp. 1-17
- Roy, Ian & Porter, Stephen, 'The social and economic structure of an early modern suburb: the Tything at Worcester', *Bulletin of the Institute of Historical Research*, 53 (1980), pp. 203-17
- Rublack, Ulinka, 'Pregnancy, childbirth and the female body in early modern Germany', *Past and Present*, 150 (1996), pp. 84-110

- Rushton, Peter, 'Property, power and family networks: the problem of disputed marriage in early modern England', *Journal of Family History*, 11 (1986), pp. 205-19
- Samaha, Joel B., 'The recognizance in Elizabethan law enforcement', *American Journal of Legal History*, 25 (1981), pp. 189-204
- Schneider, Peter, 'Honour and conflict in a Sicilian town', *Anthropology Quarterly*, 42 (1969), pp. 130-54
- Sharpe, James A., 'Domestic homicide in early modern England', *Historical Journal*, 24 (1981), pp. 29-48
- , 'Debate: the history of violence in England, some observations', *Past and Present*, 108 (1985), pp. 206-15
- , "'Last dying speeches': religion, ideology and public execution in seventeenth-century England", *Past and Present*, 107 (1985), pp. 144-67
- Shepard, Alexandra, 'Cambridge University courts 1560-1640', *Legal History*, 19 (1998), pp. 62-74
- Shoemaker, Robert, 'Using quarter sessions records as evidence for the study of crime and criminal justice', *Archives*, 20 (1993), pp. 145-57
- Simpson, H., 'The office of constable', *English Historical Review*, 10 (1895), pp. 625-41
- Skolnick, Jerome H., 'Interpreting violence', *Journal of Interdisciplinary History*, 3 (1972), pp. 178-85
- Slatter, M. Doreen, 'The records of the Court of Arches', *Journal of Ecclesiastical History*, 4 (1953), pp. 139-53
- , 'The study of the records of the Court of Arches', *Journal of the Society of Archivists*, 1 (1955), pp. 29-31
- Smith, Llinos B., 'Disputes and settlements in medieval Wales: the role of arbitration', *English Historical Review*, 106 (1991), pp. 835-60
- Smith, Steven, 'The London apprentices as seventeenth-century adolescents', *Past and Present*, 61 (1973), pp. 149-61
- , 'The ideal and the reality: apprentice-master relationships in seventeenth-century London' *History of Education Quarterly*, 21 (1981), pp. 449-60
- Soman, Alfred, 'Deviance and criminal justice in Western Europe, 1300-1800: an essay in structure', *Criminal Justice History*, 1 (1980), pp. 3-28
- Spierenburg, Pieter, 'Faces of violence: homicide trends and cultural meanings: Amsterdam, 1431-1816', *Journal of Social History*, 27 (1994), pp. 701-16
- Stone, Lawrence, 'Interpersonal violence in English society, 1300-1980', *Past and Present*, 101 (1983), pp. 22-33
- , 'Debate: the history of violence in England, a rejoinder', *Past and Present*, 108 (1985), pp. 216-24
- Styles, P., 'The corporation of Bewdley under the later Stuarts', *Birmingham Historical Journal*, 1 (1947), pp. 92-133

- Talbot, Gwen, 'Worcester as an industrial and commercial centre, 1660-1750', *Transactions of the Worcestershire Archaeological Society*, 3rd s., 10 (1986), pp. 91-102
- Tawney, A. J. & Tawney, R. H., 'An occupational census of the seventeenth century', *The Economic History Review*, 5 (1934), pp. 25-64
- Thomas, Keith, 'The double standard', *Journal of the History of Ideas*, 20 (1959), pp. 195-216
- Thompson, Edward P., 'The "moral economy" of the English crowd in the eighteenth century', *Past and Present*, 50 (1971), pp. 76-136
- Ustick, W. Lee, 'Advice to a son: a type of seventeenth century conduct book', *Studies in Philology*, 29 (1932), pp. 409-41
- Vickery, Amanda, 'Golden age to separate spheres? A review of the categories and chronology of English women's history', *Historical Journal*, 36 (1993), pp. 383-414
- LeVine, Robert, 'Anthropology and the study of conflict: an introduction', *Journal of Conflict Resolution*, 5 (1961), pp. 3-15
- Walker, Garthine, 'Expanding the boundaries of female honour', *Transactions of the Royal Historical Society*, 6th s., 6 (1996), pp. 235-45
- Walter, John & Wrightson, Keith, 'Dearth and the social order in early modern England', *Past and Present*, 71 (1976), pp. 22-42
- Wiener, Carol Z., 'Is a spinster an unmarried woman?', *American Journal of Legal History*, 20 (1976), pp. 28-31
- Woodall, R., 'The manorial court of the Manor of Hales, 1690-1870', *Studies in Worcestershire Local History*, 6 (1992), pp. 19-27
- Wrightson, Keith, 'The enclosure of English social history', *Rural History*, 1 (1990), pp. 73-81
- Yelling, J. A., 'Changes in crop production in East Worcestershire 1540-1867', *Agricultural History Review*, 21 (1973), pp. 18-34
- Ylikangas, Heikki, 'Major fluctuations in crimes of violence in Finland: a historical analysis', *Scandinavian Journal of History*, 1 (1976), pp. 81-103

6. THESES

- Dillow, K., 'The social and economic significance of church seating arrangements and pew disputes 1500-1740' (DPhil thesis, Univ. of Oxford, 1990)
- Finch, Andrew J., 'Crime and marriage in three late medieval ecclesiastical jurisdictions: Cerisy, Rochester and Hereford' (PhD thesis, Univ. of York, 1988)
- Foyster, Elizabeth, 'The concept of male honour in seventeenth century England' (PhD thesis, Univ. of Durham, 1996)
- Gaskill, Malcom, 'Attitudes to crime in early modern England, with special reference to witchcraft, coining and murder' (PhD thesis, Univ. of Cambridge, 1994)

- Gowing, Laura, 'Women, sex and honour: The London church courts, 1572-1640' (PhD thesis, Univ. of London, 1993)
- Hindle, Steve, 'Aspects of the relationship of the state and local society in early modern England, with special reference to Cheshire, c. 1590-1630 (PhD thesis, Univ. of Cambridge, 1992)
- Shepard, Alexandra, 'Meanings of manhood in early modern England, with special reference to Cambridge, c. 1560-1640' (PhD thesis, Univ. of Cambridge, 1998)
- Short, Rachel, 'Female criminality 1780-1830' (MLitt thesis, Univ. of Oxford, 1989)
- Silcock, R. H., 'County government in Worcestershire, 1603-1660' (PhD thesis, Univ. of London, 1974)
- Stretton, Tim, 'Women and litigation at the Elizabethan Court of Requests' (PhD thesis, Univ. of Cambridge, 1993)
- Todd, Sarah, 'The representation of aggression in seventeenth-century English broadside ballad' (PhD thesis, Univ. of Wales, Aberystwyth, 1999)
- Walker, Garthine, 'Crime, gender and the social order in early modern Cheshire' (PhD thesis, Univ. of Liverpool, 1994)
- White, Barbara, 'Assize sermons, 1660-1720' (PhD thesis, Newcastle Polytechnic, 1980)

7. UNPUBLISHED PAPERS

- Cust, Richard, 'Violence and gentry honour in early Stuart England', Unpublished paper delivered at the North American Conference of British Studies, Boston 1999
- Fox, Adam, "'Old wives' tales": women and oral tradition in early modern England', Unpublished paper delivered at the University of Warwick, 2000

ODDS AND SODS:

- Cockburn, J., *A History of the English Assizes 1558-1714* (Cambridge, 1972).
- Green, T., *Verdict According to Conscience: Perspectives on the English Criminal Trial Jury, 1200-1800* (Chicago, 1985).
- Griffiths, P., 'The structure of prostitution in Elizabethan London', *Continuity and Change*, 8 (1993) pp. 39-63. **add to main biblio**
- Herrup, C., 'Law and morality in seventeenth-century England', *Past and Present*, 106 (1985) pp. 102-123.
- Wiener, C., 'Sex roles and crime in late Elizabethan Hertfordshire', *Journal of Social History*, vol. 8 (1975), pp. 38-60.
- Thompson, E. P., 'Folklore, anthropology and social history' *Indian Historical Review* 3 (1977). **have photocopy**
- Abrams, P., 'History, sociology, historical sociology' *P&P* 87 (1980), pp. 3-16.