

MORALS, RITUALS, AND GENDER: ASPECTS OF
SOCIAL RELATIONS IN THE DIOCESE OF
NORWICH, 1660 - 1703

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ABSTRACT

This thesis explores the question of whether the late seventeenth-century "middling sort" were the passive recipients of "government" and "civility", or, whether they were active participants, and pivotal agents, of the construction of post-Restoration English society. This conundrum raises three further issues: first, who were the middling sort; second, what constitutes "politics"; and third, how did the "middling sort" adapt the concept of "civility" to their own preoccupations and aspirations?

This thesis uses evidence of social relationships drawn from the depositions of the Norwich consistory court, which is relevant for two reasons: first, it reveals the "middling sort" and demonstrates their concern with personal reputation; second, it exposes the requirements of "civility" they demanded of each other. We also investigate the precepts of social behaviour offered by conduct books. Thus, we are able to examine the intellectual context in which the conflicts over reputation occurred.

We argue that precept provided a discursive resource which defamers utilised to redirect perceptions of a person's reputation. Victims of defamation responded with appeals to their neighbours to uphold their inclusion within a "moral community". Thus, we argue, defamation causes were a negotiation of social identity as respected, autonomous citizens, with all the privileges and obligations that status entailed.

Accordingly, we must redefine our concept of "politics", for the practice of defamation demonstrates how political activity extended throughout the social milieu: to gain a bad reputation was to lose authority and influence upon neighbourhood affairs, and destroyed political ambitions. Moreover, we argue, that as central agents in the regulation of reputation, women exercised enormous influence upon the "public" lives of men.

Thus we conclude that the "middling sort" were far from being passive consumers of genteel culture, they were intimately, and sometimes aggressively, implicated in the process of "civilising" English society.

TO ZAHRA-CLAIRE

CONTENTS

LIST OF TABLES	ii
LIST OF FIGURES	ii
CONVENTIONS & ABBREVIATIONS	iii
ACKNOWLEDGEMENTS	v
INTRODUCTION	1
CHAPTER 1	
The State and Local Communities: the Politics of Social Relations	14
CHAPTER 2	
A Suitable Cause for Complaint: Popular Use of the Bawdy Court in Norwich	62
CHAPTER 3	
The Art of Speech: a Ritual of Everyday Practice	125
CHAPTER 4	
Social Roles, Honour and the Politics of Defamation	176
CHAPTER 5	
The Geography of Insult: Citizens by Right of Conduct	224
CONCLUSION	263
BIBLIOGRAPHY	
Unprinted Sources	271
Printed Sources	271
Secondary Works	274

LIST OF TABLES

Table 1. Norwich Consistory Court, 1660-1703, Participants by Gender	70
Table 2. Lewes Archdeaconry Court, January 1686 - August 1690, March 1691 - May 1694, Participants	71
Table 3. Lewes Archdeaconry Court, January 1686 - August 1690, March 1691 - May 1694, Role in Cause by Gender	71
Table 4. Norwich Consistory Court, 1660-1703, Occupations	73
Table 5. Lewes Archdeaconry Court, January 1686 - August 1690, March 1691 - May 1694, Occupations	74
Table 6. Norwich Consistory Court, 1660-1703, Role in Cause by Gender	76
Table 7. Norwich Consistory Court, 1660-1703, Cause Type by Gender	78
Table 8. Lewes Archdeaconry Court, January 1686 - August 1686, March 1691 - May 1694, Cause Type by Gender	79
Table 9. Norwich Consistory Court, 1660-1703, Words Used in Defamation Causes	155
Table 10. Norwich Consistory Court 1660-1703, Total Sexual Insults	155

LIST OF FIGURES

Figure 1. Witness Interrogatory. NCCD. DEP/53/58B, 1692-1703; MF/X/200; March 1696, Office per James Church con Thomas Life	68
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CONVENTIONS AND ABBREVIATIONS

Original spellings have been retained, although in some cases modern spellings have been included to aid understanding. Meanings of dialect words have been included in footnotes when required. Dates have been changed to the new calendar, and folio numbers have been included when available and appropriate.

The following abbreviations have been used in references to court records and secondary sources:

ASA	American Sociological Association
<u>Church Courts</u>	M.Ingram, <u>Church Courts, Sex and Marriage in England 1570-1640</u> (Cambridge, 1987)
'Concepts of Civility'	A.C.Bryson, 'Concepts of Civility in England c.1560-1685', (Unpublished Oxford D.Phil., Thesis, 1984)
<u>DNB</u>	<u>Dictionary of National Biography</u>
<u>Domestic Dangers</u>	L.Gowing, <u>Domestic Dangers: Women, Words, and Sex in Early Modern London</u> (Oxford, 1996)
<u>East Anglian Diaries</u>	M.Storey (ed), <u>Two East Anglian Diaries 1641-1729</u> (Suffolk, 1994)
ERO	Essex Record Office, Colchester
ESCRO	East Sussex County Record Office, Lewes
ESQSR	East Sussex Quarter Session Rolls
ESQSIB	East Sussex Quarter Session Indictment Book
<u>Experience of Authority</u>	P.Griffiths, A.Fox & S.Hindle (eds), <u>The Experience of Authority in Early Modern England</u> (London, 1996)
<u>Government</u>	R.Allestree, <u>The Government of the Tongue</u> (Oxford, 1674)
<u>Humphrey Prideaux</u>	E.M.Thompson (ed), <u>Letters of Humphrey Prideaux sometime Dean of Norwich to John Ellis sometime under-secretary of state, 1674-1722</u> The Camden Society, (London 1875)
IEBQS	Informations & Examinations, Borough Quarter Sessions, Norwich
Jnl	Journal
'Middle Class'	H.Mews, 'Middle Class Conduct Books in the Seventeenth Century' (Unpublished MA Thesis, University of London, 1934)
<u>Middling Sort</u>	J.Barry & C.Brooks (eds), <u>The Middling Sort of People: Culture, Society and Politics in England 1550-1800</u> (London, 1994)
NCCD	Norwich Consistory Court Depositions
NCR	Norwich City Records

NNGS	Norfolk and Norwich Genealogical Society
NNRO	Norfolk and Norwich Record Office, Norwich
NRS	Norfolk Records Society
<u>OED</u>	<u>Oxford English Dictionary</u>
<u>Order & Disorder</u>	A.Fletcher & J.Stevenson, <u>Order & Disorder in Early Modern England</u> (Cambridge, 1987)
<u>Ordered Society</u>	S.Amussen, <u>An Ordered Society: Gender and Class in Early Modern England</u> (Oxford, 1988)
'Prescriptions'	F.A.Childs, 'Prescriptions for Manners in English Courtesy Literature, 1690-1760, and their Social Implications', (Unpublished Oxford D.Phil., Thesis, 1984)
<u>Quakers</u>	R.Bauman, <u>Let your words be few: Symbolism of speaking and silence among seventeenth-century Quakers</u> (Cambridge, 1983)
<u>Sex & Subordination</u>	A.Fletcher, <u>Gender Sex & Subordination in England 1500-1800</u> , (New Haven, 1995)
SRS	Suffolk Records Society
SMB	Sessions Minute Book
SXRS	Sussex Records Society
<u>TLS</u>	Times Literary Supplement
<u>Thomas Corie</u>	R.H.Hill (ed), <u>A Miscellany comprising The Correspondence of Thomas Corie Town Clerk of Norwich, 1664-1687</u> NRS, Vol.XXVII, (1956)
Trans.	Transactions
UEA	University of East Anglia
<u>Vocabulary</u>	R.Forby, <u>The Vocabulary of East Anglia</u> (2 Vols. 1830, 1970)
<u>Whole Duty</u>	R.Allestree, <u>The Whole Duty of Man</u> (London, 1678)
WSCRO	West Sussex County Record Office, Chichester

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INTRODUCTION

If there is a view that could be said to characterise English historiography of the late seventeenth century, it is a resistance to the idea that the immediate post-Restoration settlement was a fragile affair and subject to fears of social breakdown, constant questioning, and dissidence. It is accepted that from 1580 to 1640 such anxieties were a culturally prevalent force, but much of the recent historical research and writing stresses the continuity and orderliness of English society during the period. For example, Keith Wrightson has argued that by 1660:

‘participation in government [had devolved onto those who had] inherited or achieved [a] social position [that] entitled them to rule.’¹

As for the governed:

‘they were less participants in than objects of a regenerated and extended system of social control. [This] process of transition was essentially completed by 1660, following the marked furtherance of its national penetration which resulted from the social and religious policies of the Interregnum. Thereafter it was simply consolidated.’²

J.H.Plumb provides another example of this interpretation when, despite his acknowledgement of uncertainty of the process, he states that:

‘in the final analysis it was the prosperity and security of the landed gentry that was the first necessity if England was to achieve political stability. [Furthermore, economic, and social, and legal factors] were constantly building and strengthening pyramids of power that were bound to secure, sooner or later, a more stable society, even if they were as yet very little connected with the form that political stability might take.’³

The similarities with Keith Wrightson’s stated, although it must be acknowledged, more nuanced, position are explicit.

This is a powerful argument which, from a purely structural perspective, appears to reflect the realities of the political hierarchy of post-restoration England. But it is important to grasp that it is only a structural

¹ K.Wrightson, English Society 1580-1680 (London, 1982), p.225.

² Ibid. pp.226-8.

³ J.H.Plumb, The Growth of Political Stability in England, 1675-1725 (London 1967), pp.9-10. Author’s emphasis.

account of the processes of governance and the maintenance of social order. The problem with this interpretation is that it presents the formal political structure as a rigid framework within which individuals simply assumed an allotted position, and thereby obscures the dynamism of social life as it is lived and experienced. From this perspective, law and order is imposed from above, a product of the ruling class and its political allies' monopolisation of the formal structures of power. Here, it seems we are being invited to return the majority of the population to 'the enormous condescension of posterity' albeit with a new and more subtle nuance.⁴ For on the surface, at least, Keith Wrightson appears to be suggesting that the lower orders simply colluded with their governors, rather than interpreted (or possibly appropriated) the administrative system to suit their own needs and requirements.

Recently scholars have begun to challenge this image of social cohesion and stability. Lee Davidson and his collaborators, for example, have argued that three common assumptions characterise orthodox historiography of English society during the late seventeenth century: first, the English economy was 'stagnant'; second, English society was 'consolidating rather than changing'; and the third bluntly asserts that social and cultural authority was firmly in hands of a:

'landed ruling class or acquiescent bourgeoisie, faithfully emulating the manners and behaviour of the genteel.'⁵

It is now generally accepted that English society experienced a growing economic prosperity throughout the late seventeenth century. Moreover, social relationships appear to have undergone some change within the social milieu. A question that concerns this thesis therefore, is whether the "bourgeoisie" were as acquiescent as some assume.

Keith Wrightson has been at the forefront of describing this process and is fully aware of the complexities within the social structure that he describes. He observes, for example, that the:

'enforcement of order was a process which depended upon multilateral assent to the

⁴ E.P.Thompson, The Making of the English Working Class (Harmondsworth, 1980), p.12.

⁵ L.Davidson, T.Hitchcock, T.Keirn & R.Shoemaker (eds), Stilling the Grumbling Hive: The Response to Social and Economic Problems in England, 1689-1750 (Stroud, 1992), p.XII.

policies of government.’⁶

Thus, central government was dependent upon the support of the gentry administrators located in the regions. Similarly, the gentry elite were dependent upon the parochial gentry and freeholders who were the grass roots of the system. It might be argued that the latter participants were the most vital part of the entire administrative procedure. Through their service as Justices of the Peace, the parochial gentry were the most evident representatives of governance and preservers of law and order. Likewise the freemen served as the petty officials and enforcers of the system and without their willing participation, the entire process of governance would have been inoperable.

Keith Wrightson has also explored the tensions inherent in this process of multilateral assent, arguing from parochial sources that the urban and rural population were likely to conceive of social order as being more flexible than the governing elite; popular conceptions of order focussing upon the maintenance of individual relationships and social harmony. The practical thrust of this popular view was to emphasise the avoidance or containment of conflict, rather than the principle and letter of the law.⁷ Thus, we are presented with a conundrum. On the one hand, we are informed that the political hierarchy was settled and merely required ‘consolidation’ to achieve the formal and stable social structure posited for the eighteenth century. On the other hand, the formal structure contained enough paradoxes and contradictions to ensure that the stability of social order could never be assumed, by either seventeenth-century participants, or, for that matter, twentieth-century historians.

One observation can be made at this juncture of the discussion. It is noticeable that much of the disagreement between the two interpretations of events hinges upon the definition of "stability". One perspective argues that the social institutions of England not only survived the interregnum but gained in strength as the seventeenth century progressed, thereby ensuring an orderly "consolidation" of power:

⁶ K.Wrightson, English Society (1982), p.153.

⁷ K.Wrightson, ‘Two Concepts of Order: Justices, Constables and Jurymen in Seventeenth-Century England’, J.Brewer & J.Styles (eds), An Ungovernable People: The English and their Law in the Seventeenth and Eighteenth Centuries (London, 1980); Cf. A.Fletcher, Reform in the Provinces: The Government of Stuart England (London, 1986), pp. 62-83.

"stability" is thus perceived to reside in the continuity of social institutions. On the other hand, as Plumb observed and Keith Wrightson has shown, there was no pre-ordained outcome to the processes of change affecting English society during this period. Furthermore, the English political establishment and, more generally, the English people themselves, were demonstrably capable of redefining those same institutions to suit their needs and requirements. There is nothing strange in this observation since this activity of redefinition is part of "politics".

A fundamental issue separating these contending views can be articulated thus: was the transition from a Republican to a Monarchical system of government a relatively ordered process, that initiated a stable post-Restoration society, or, did the schisms and contending views of what constituted a "civil" society ensure that social stability could never be a foregone conclusion. It will be argued that although fears of cosmic disorder may not have been as intense as in the period c.1580-1640, social and political instability were still a characteristic of English society throughout the late seventeenth century. In short, the economic and social developments of the period initiated changes in the social hierarchy that enhanced social tensions, which in turn generated feelings of uncertainty and insecurity amongst the populace.

One problem that has confronted historians of the post-Restoration period, as Keith Wrightson himself has recently highlighted, is the relative lack of detailed knowledge upon which to base any firm interpretations or conclusions.⁸ This situation has been exacerbated by the practice of tacking the late seventeenth century onto the eighteenth century, thereby creating the so called "Long Eighteenth Century".⁹ This custom appears to have encouraged an indifference towards what might arguably be described as a foundational period of

⁸ K.Wrightson, 'The Enclosure of English History', Rural History Vol.1, No.1, (1990), p.70.

⁹ See for example, E.A.Wrigley, 'The growth of population in eighteenth-century England: A conundrum resolved', Past & Present, 98, (1983), p.124; J.C.D.Clark, English Society 1688-1832: Ideology, Social Structure and Political Practice During the Ancien Regime (Cambridge, 1985); P.Borsay (ed), The Eighteenth-Century Town: A Reader in English Urban History, 1688-1820 (London, 1990), 'Introduction'; And we might note L.Davidson et al, Grumbling Hive (1992), although the usage is self-consciously adopted by these authors.

English society amongst many historians.¹⁰ Whether this claim is valid or not is an underlying concern of this thesis. Certainly we should beware of constructing the interregnum as a radical break with the past. But our ideas and understanding concerning late seventeenth-century English society are undergoing a slow re-evaluation as scholars turn their attention to this relatively neglected period. This thesis is a contribution to the process.

Throughout this thesis we will be examining individual authority and identity. The exploration of these two concepts will necessarily involve us in an examination of late seventeenth-century notions of citizenship and attitudes towards social control; in the process it will be argued that we must redefine our notions of politics and rethink our interpretations of the social structure.

One of the problems with the orthodox account of the social structure rendered above, is its methodological perspective. If one perceives law and social order gradually diffusing downwards from the apex of the social pyramid, one is inevitably tempted to draw the line of participation at the lowest level of the delivery system: the parochial justices and their petty officials. The recipients, or consumers, of governance are merely "the governed". The inconvenience for proponents of this perspective is that the governed were not passive consumers. In fact, as many studies have shown, the exact opposite was the case and they were incredibly active in the process of governance; swearing presentments or promoting causes against each other, and generally making great use of the law (whether it was common or canon law) in their daily lives. Once we fully acknowledge this aspect of social life, it becomes evident that to draw the line of active participation at the level of parochial officers is a mistaken and arbitrary exercise. The practice of self-help, a characteristic of all legal disputes in this period, entailed that the lowest level of active enforcement resided with the consumers themselves. In effect many of "the governed" were actually doing the

¹⁰ L.Davidson et al, Grumbling Hive (1992), p.XIII, suggest that the late seventeenth century should be seen 'as an essential starting point for important changes in the relationship between the English State and society.'

"governing".¹¹

But there is another facet to this methodological problem. Put simply, it is the distinction between theoretical models of social structure and the practice of lived experience. The first point to grasp, as Clifford Geertz makes clear, is that theoretical modelling must never become a predictive exercise. Structural modelling should be an aid capable of generating interpretations of behaviour, and:

‘must be capable of continuing to yield defensible interpretations as new social phenomena swim into view.’¹²

Theoretical reasoning here as elsewhere when studying history, must be firmly linked to empirical research in a dialectical process. Moreover, those who might be suspicious of theory being applied to historical research have no real alternative, for as Don Handelman observes:

‘unless one opts entirely for a position of descriptive cultural-relativism, the development of a language of analysis through abstraction is unavoidable.’¹³

It is apparent from this that theoretical models will occupy a central position in the production of analytical social history. But it is also manifest that structural models of society have no concrete existence outside of the observer’s imagination, and what is more, are dependent upon an observer’s subjective perceptions; whether that observer is an active participant in the society, or a social historian.

The second and most important point to understand, is that theoretical models are not the sole preserve of historians or other social analysts. All societies have theoretical models of their own social structure. Their role is to both explain and legitimise every day behaviour and personal relationships, especially power relationships and the distribution of resources within the social milieu. They are, in effect, an idealisation of social reality that serve to reduce the complexities of lived experience to a coherent and manageable

¹¹ For a similar argument drawn from the study of the common law, and the routine practice of binding over to keep the peace, see S.Hindle, ‘The Keeping of the Public Peace’, P.Griffiths, A.Fox & S.Hindle (eds), The Experience of Authority In Early Modern England (London, 1996), pp.213-248.

¹² C.Geertz, Interpretation of Culture (New York, 1973), p.27.

¹³ D.Handelman, Models and Mirrors: Towards and Anthropology of Public Events (Cambridge, 1990), p.14. For a detailed discussion of the role of theory in history see, P.Burke, History and Social Theory (Cambridge, 1992), Ch.1.

statement of fact. This applies to all structural models, whether they be contemporary to a particular historical society, or more importantly in the context of this discussion, when they are offered by historians as statements about a society.¹⁴ Thus great care must be taken when describing a social structure, particularly when the historian's account resembles so closely that offered by representatives of the society under consideration. There is a danger of reproducing the assumptions and prejudices of the dominant hegemonic group within a cultural milieu. If this occurs we destroy any chance of comprehending and interpreting the motivations and beliefs that underpin the practice of social life. Furthermore, this outcome is virtually guaranteed if we persist in viewing the social structure as a rigid framework that can be imposed upon individuals, instead of as a fluid and flexible arrangement arising from the every day practice of individual social relationships.

In contrast this thesis will argue that the structure of a society is actually revealed, or rather, expressed, through social relationships which are both interactive and always in a state of negotiation. By this is meant that the beliefs and intentions that inform individual behaviour give form and meaning to social institutions, and it is this activity that allows us to describe the structure of a society.¹⁵ Through this practice individuals constantly adjust their relative position within the social structure throughout the course of their life cycle. From this alternative perspective the social structure must be seen as a flexible process and can never be a rigid framework.¹⁶

Furthermore, if we wish to explore the notions of authority and identity in the late seventeenth century, an approach that examines a broad range of social relationships offers the prospect of a more complete analysis

¹⁴ For a similar statement to this effect, see the recent comments of Keith Wrightson in, K.Wrightson & D.Levine, Poverty and Piety in an English Village (Oxford, 1995), p.215. Despite this similarity of approach to structural modelling there is a difference of emphasis between Keith Wrightson's "top down" view of power relationships model of society, and that proposed in this thesis (see pp.215-218).

¹⁵ For a discussion of this approach to social relationships and the social structure, see J.Corbin & M.Corbin, Compromising Relations: Kith, Kin & Class in Andalusia (Aldershot, 1984), p.xv, and pp.10-20.

¹⁶ For a similar critique of studies of the social structure, see P.Earle, 'The Middling Sort in London', J.Barry & C.Brooks (eds), The Middling Sort of People: Culture, Society and Politics in England, 1550-1800 (London, 1994), p.150.

than the traditional orthodoxy of formal political structures.¹⁷ Unfortunately limited time and space precludes a complete examination of all the possible social relationships that construct a society if in fact this goal can ever be achieved, for the theoretical model of society deployed within this thesis entails that society is always in a state of innovation and movement. We will focus instead upon one aspect of seventeenth-century social life: that of interpersonal disputes that were brought before the ecclesiastical courts of Norwich for resolution. If, as we shall argue, the activity of politics and governance extended beyond the formal political hierarchy, such disputes take on greater significance than perhaps has been realised by many previous scholars.¹⁸ It soon becomes apparent upon an examination of the depositions from the church courts that we are not dealing with an instrument used simply for the enforcement of moral discipline or social control.¹⁹ Nor are we merely presented with evidence of a fractious and litigious people pursuing their feuds and petty quarrels to the limits available.²⁰ If we consider the issues that were central to church court business; words about sex, accusations of irregular or illicit sex, drunkenness, and more generally any outrageous and abusive behaviour, we should notice that what concerned litigants and witnesses alike was the definition of acceptable standards of civilised conduct.

Neither should the concentration upon sex in these disputes deceive us into concurring with G.R.Quaife's conclusion that 'sexual amoralism is the dominant value among the peasantry.'²¹ Quite the opposite in fact. For the depositions of witnesses express a deep and shared concern with morality and articulate an intense

¹⁷ Keith Wrightson has clearly reached similar conclusions. For his recent comments on the need for a broader concept of politics see K.Wrightson, 'Politics of the Parish in Early Modern England', P.Griffiths, A.Fox & S.Hindle (eds), Experience of Authority (1996), pp.10-46.

¹⁸ For a similar view, see R.Cust, 'Honour and Politics in Early Stuart England: The Case of Beaumont v. Hastings', Past & Present No.149, (1995), pp.57-94. In this article Richard Cust explores the content of Gentry honour through Star Chamber suits, and the connections between issues of personal honour and their influence upon local political rivalries.

¹⁹ See for example, C.Haigh, 'Slander and the Church Courts in the Sixteenth Century', Trans. of the Lancashire and Cheshire Antiquarian Society Vol.78, (1975), pp.1-13.

²⁰ For an example of this anecdotal approach, see J.Addy, Sin and Society in Seventeenth-Century England (London, 1979).

²¹ G.R.Quaife, Wanton Wenches and Wayward Wives: Peasants and Illicit Sex in Early Seventeenth-Century England (London, 1979), p.245. We will ignore Quaife's quaint depiction of the users of church courts as peasants.

awareness of what constituted appropriate behaviour. Furthermore whether the scurrilous gossip, or the insults hurled in the heat of the moment, that prompted a decision to prosecute had factual basis was immaterial. Individuals that experienced such abuse did choose to defend their good name and reputation, and appealed to their neighbours to recognise and support their inclusion within a distinct group (the better sort) in the process.

As Laura Gowing has recently stressed, an underlying theme of the majority of causes brought to the church courts was the definition of a personal and gendered identity; of what it meant to be a moral or civilised Man or Woman.²² Within these limits Laura Gowing's analysis of church court business is a valuable contribution to our understanding of early-modern social relationships. But what her analysis does not attend to in any detail is the broader ramifications of personal identity and reputation within the social milieu. In short, she ignores the political importance of personal conduct and the political requirement of possessing an unblemished reputation.²³ This thesis will argue that to promote a cause for defamation was more than a negotiation of gender categories, however important and fascinating this perspective might be. To go to court was an assertion of personal identity and authority within the local community. It was then up to the local community whether they accepted the validity of the assertion and accorded an individual respect, prestige, and influence.

It is apparent from this discussion that the theory of a crisis in social relationships between the mid sixteenth and mid seventeenth centuries, advanced by some historians but recently questioned by Martin Ingram and Lyndal Roper, is untenable.²⁴ All social relationships are always in a constant state of negotiation and re-

²² L.Gowing, Domestic Dangers: Women, Words, and Sex in Early Modern London (Oxford, 1996), p.28.

²³ For a warning against the tendency to ignore politics in historical analysis, see T.Judt. 'Clown in Regal Purple', History Workshop Journal No.7, (1979), pp.66-94. We do not have to accept the extremes of his argument to grasp the central point, history is about politics and is political (pp.68-71); Cf. R.Cust, 'Honour and Politics', (1995).

²⁴ This idea was first articulated by D.Underdown, 'The Taming of the Scold: the Enforcement of Patriarchal Authority in Early Modern England', A.Fletcher & J.Stevenson (eds), Order and Disorder in Early Modern England (Cambridge, 1987), pp.116-136, to explain the prevalence of coercive legal action against women. The idea has recently been extensively developed by, A.Fletcher, Gender, Sex and Subordination in England 1500-1800 (New Haven, 1995). For the case against some of the assumptions of the theory with specific reference to empirical evidence from the church courts, see

definition; they are in effect an activity or a process, and in this sense they are always fluid and flexible.²⁵

One argument of this thesis is that social control is never completely the preserve of one dominant group.

There is always a space allowing some play in the system of elite control, allowing the "governed" to engage in the construction of their moral community.

Michel de Certeau offers a way of conceptualising this process. Utilising the idea of "discourse", de Certeau argues that within the parameters set by a dominant discourse there exists a variety of "other" discourses all competing for legitimacy and dominance, against each other and with the dominant discourse.²⁶ Individuals inhabiting a minor discourse evolve strategies to circumvent the tactics of those imposing the dominant discourse. Thus, those of relatively low status, even when assessed within a pyramid model of the social structure, are able to promote their own self-interests and, on occasion, subvert or deflect the demands of the dominant discourse. This account of social practice reinforces the point stressed throughout this introduction, that all social interaction is a process of constant negotiation and transformation as discourses interact with and upon each other. The social process therefore, is not one of simply reconstructing a previous social institution, but rather, the act of social reconstruction is an act of social transformation.

This approach to social interaction allows our interpretations of past societies to be more flexible and account for such variables as personal experience, personal psychology and individual intention. Of course the individual is never entirely free to act at will, behaviour is always circumscribed to a greater or lesser extent by the expectations and judgements of his or her friends, neighbours and officials. This brings us to

M.Ingram, "'Scolding women cucked or washed": a crisis in gender relations in early modern England', J.Kermode & G.Walker (eds), Women, Crime And The Courts In Early Modern England (London, 1994), pp.48-73; Cf. L.Roper, 'Was There a Crisis in Gender Relations in Sixteenth-Century Germany', in her Oedipus and the Devil: Witchcraft, Sexuality and Religion in Early Modern Europe (London, 1994), pp.37-52.

²⁵ Cf. L.Gowing, Domestic Dangers (1996), p.28. As John & Marie Corbin, Compromising Relations (1984), p.xv, acknowledge, this does make the analysis of the social structure that much more difficult. But the social structure is embedded in local practices and local cultures and nothing we can do as historians will change that empirical fact. In our period, as in twentieth-century Andalusia, it is the obligations, rights, duties and privileges between people that give form to the social structure. If we wish to understand the workings of that structure therefore, we have no option but to accept the challenge, adjust our theoretical perspective and proceed with caution.

²⁶ M.de Certeau, The Practice of Everyday Life (California, 1978), Ch.1.

our second theoretical foundation. The concept of discourse may be equated with Pierre Bourdieu's concept of habitus.²⁷ With this concept, Bourdieu combines theories of the social reality held by individuals with their social practices, and shows how these are linked into a reciprocal relationship that constructs and reaffirms social reality. The habitus is perceived by social agents as natural and given, in other words it is internalised.

Furthermore habitus' will differ between social groups depending upon their relative position in the social hierarchy, thereby creating dispositions to behave in particular ways. The explanatory power of Bourdieu's idea emerges from the tension implicit between theory and practice. The constantly shifting social and physical environmental experiences of individuals create a dialectical relationship between the two. Hence the dispositions to action inherent in a particular form of habitus (or culture) will be constantly under stress as social agents struggle to both reaffirm social reality and maintain (or enhance) their structural position within their community.²⁸ Thus the plurality of discourses (de Certeau) or habitus' (Bourdieu) involves social actors in a constant assertion of identity and struggle for authority, power, control, and in some cases economic, political, or more broadly, cultural survival.

Hence the constant appeals to a broader moral community (habitus) by litigants in the church courts. The aim, it will be argued, was to establish that one's conduct was socially acceptable and appropriate, thereby affirming one's membership of the civilised community. This thesis will argue that in a society such as England in the late seventeenth century where technological, intellectual, and environmental change was intensifying, and the symbolic meanings of social institutions were undergoing rapid transformation in response, the demand to establish one's place within the shifting hierarchy of status, authority, and power acquired a sharper importance.

²⁷ P.Bourdieu, Outline of a Theory of Practice (Cambridge, 1977), Ch.4.

²⁸ P.Bourdieu, Outline (1977), pp.72-95. For a tentative application of Bourdieu's ideas within English historiography, see E.P.Thompson, Customs in Common (London, 1991), pp.102-3. For a useful introduction and critique of Bourdieu's thought, see D.Robins, The Work of Pierre Bourdieu (Milton Keynes, 1991).

In the following chapter we will review the historiography of the period and examine some of the problems other scholars have raised; most notably that of the middling sort. It will be argued that we need to redefine our understanding of politics and recognise the importance of a much broader range of social behaviour within the process of politics. For the early modern period in particular, we are required to acknowledge that political activity was far more inclusive, and extended to a broader range of social groups, than orthodox political history has traditionally appreciated. To this end the social theories of Michel de Certeau and Pierre Bourdieu have been introduced to support a model of social interaction that incorporates the hopes, beliefs, fears, intentions, and significantly, the active contribution of a majority of the population of early-modern England to their society. As Bourdieu's account of social practice makes clear, the particular habitus occupied by individuals is expressed through their ways of life; that is, through their culture as defined by anthropologists. In the remainder of this thesis therefore, our exploration of the practice of social relationships will concentrate upon four main themes.

In chapter two we will examine the social background of the participants in causes at the church courts of Norwich. We shall review the issues they took court action over, and the intellectual and cultural background which set the parameters that structured their disputes. In chapter three we focus explicitly upon the language of defamation. We shall begin by analysing the role of language as a means of expression, especially for the articulation of challenges to social relationships. We shall also consider the formalistic or ritual nature of insults as a means of signalling the intentions of individuals in their everyday speech. The growing concern with language in the late seventeenth century will also be discussed, with reference to the prescriptive advice of conduct books and ballads. We conclude the chapter with an examination in greater detail of the evidence provided by the witnesses to causes in their depositions.

In chapter four the emphasis shifts to the communal aspects of church court litigation. We shall see that the majority of defamation disputes centred upon interpretations of the social roles individuals played within their neighbourhoods. This approach leads us into a discussion of the role of personal honour during the period, especially its connection to the household and the centrality of the concept in maintaining personal identity, authority, and political influence. We conclude our explorations in chapter five by examining how

personal honour and reputation were a prerequisite for the physical inclusion of individuals in early modern notions of the civis. Here we consider how individuals constructed, appropriated and occupied social space by right as members of the moral and civilised community. We also consider how, by so doing, they established themselves politically as free citizens of their towns, villages, and, by extension, the broader nation state.

CHAPTER 1

THE STATE AND LOCAL COMMUNITIES: THE POLITICS OF SOCIAL RELATIONS

'a nation of change and novelty'¹

In this chapter we will examine the cultural background to the period; that is the social, economic and political influences and events that constitute "culture" in the anthropological sense of the concept. It will be argued that due in part to the intensification of technological and economic development the "middling sort", who in the main were the beneficiaries of these influences, experienced an enhanced sense of cultural insecurity and fragility. Furthermore it will be argued that these same cultural conditions provided the impetus for a revitalised political assertiveness among the "middling sort"; as they contended with each other for social status within their own shifting local hierarchies of power and influence, and re-defined themselves as a distinct cultural cluster from the gentry and the poor. Thus "middling" attitudes to material consumption and social conduct, for example, assumed a greater emphasis as personal reputation became a distinctive mark of a "citizen".

Moreover it will be argued that this perspective of seventeenth-century cultural life requires us to re-examine and broaden our notion of "politics" and "politicking". For as will be shown, issues that routinely appear in causes promoted at the church courts had a direct bearing upon formal politics within local communities. In short, if a citizen aspired towards political power in his neighbourhood, village, town, or city, he could not afford to neglect his reputation amongst his neighbours. Furthermore we will propose an interpretive approach to personal conduct which argues that the social structure is derived from social relationships and social interaction. We will then conclude this chapter with a brief examination of the City of Norwich, to provide a context for the events we will be discussing in the following chapters.

¹ C.Hill, A Nation of Change & Novelty: Radical Politics, Religion and Literature in Seventeenth-Century England (London, 1990), quoting from Aphra Behn, The Rovers: Or, The Banished Cavaliers (London, 1677).

We shall begin with a brief review of the macro-economic trends affecting English society during our period. Even a cursory glance at these leaves no doubt that social life in England was undergoing a dramatic re-configuration throughout the late seventeenth century. The first element to note is an easing of demographic pressure as the overall population declined between 1660 and 1690. This brief respite was also reflected in a reduction of immigration into towns. But despite this relaxation of pressure, the increasingly complex urban lifestyle created a different set of problems to be met with and resolved.²

The second major influence upon English society was the development of new and aggressive forms of economic activity, both industrial and agricultural, which initiated a redistribution of wealth. This process was slow, haphazard, intensely regional and small scale, but nevertheless its influence upon local economies cannot be ignored.³ In the agricultural sector the land market had stabilised, but the reform of land tenure and the enclosure of wastes continued sporadically. Despite the chaotic nature of much of this change it did not take place in complete vacuum. Agricultural policy was debated and often the subject of legislation. Commonly innovation was the preserve of the individual, but increasingly farmers and landowners were under pressure to develop new crops, land use, and profits.⁴

Contiguous with the development of industry and agriculture was the growth in the importance of the towns as marketing centres. By our period the majority were linked into a 'mature marketing system' which London dominated as the centre of consumption and distribution. This development was further facilitated by a general decline in the regulation of markets. Concurrent with the growth of a national marketing system

² E.A.Wrigley & R.S.Schofield, The Population History of England, 1541-1871: A Reconstruction (London, 1981), pp.208-9; Cf. C.Clay, Economic Expansion and social change: England 1500-1700 (Cambridge, 1984), Vol.1, pp.4-5, 26-8. For a general discussion of urban development during this period, see P.Borsay, The English Urban Renaissance: Culture and Society in the Provincial Town, 1660-1770 (Oxford, 1989), pp.3-37.

³ For a recent study focusing upon this gradual escalation of economic activity and its transformative effect upon English society, see D.Rollinson, The Local Origins of Modern Society: Gloucestershire 1500-1800 (London, 1992); Cf. C.Clay, Economic Expansion (1984), Vol.2, pp.98-102.

⁴ C.Clay, Economic Expansion (1984), Vol.1, for tenancies pp.85-91, for rents p.91; Cf. P.Bowden, Economic Change: wages, profits and rents 1500-1750, Vol.1, C.Clay, Rural Society: landowners, peasants and labourers, 1500-1750 Vol.2, and J.Thirsk, Agricultural change: policy and practice Vol.3, of J.Thirsk (ed), Chapters from the Agrarian History of England and Wales (5 Vols., Cambridge, 1990).

there were major improvements to the transport system. And when taken together all of these developments affected the practice of trading, increasing the amount of middlemen, dealers, and commercial competition.⁵

Finally inflation, which had been running at particularly high levels for virtually one hundred and fifty years, began to decline. The cost of living is notoriously difficult to establish, particularly because different social groups, and the different regions, experienced widely disparate wage levels and prices. But economic historians generally agree that much of the population enjoyed a revision of material living standards throughout our period.⁶ After the economic decline of the previous century, this general recovery would have been welcomed by the majority of the population. But we should be aware that shifts in social relationships in response to these influences caused unsettling and disturbing effects in the social milieu. There can be no doubt that for perhaps a majority of people experiencing these changes it was a time of instability coupled with a steady decrease in life chances, even as the economy improved. Two depositions taken from the Norwich consistory court serve to show just how close economic ruin could be for late seventeenth-century tradesmen.

In response to an inquiry concerning his financial state Richard Saye of Holt, Norfolk, replied:

‘that he was formerly worth £15 per annum, and had rights to much more but through losses is not at present worth anything his debts paid.’⁷

Similarly Edward Clay of Gissing, Norfolk, reported that:

‘within 4 years last past he hath been worth £200 (his debts paide) but that since it hath pleased God to send him such losses of cattle and other losses as that he cannot tell

⁵ C.Clay, Economic Expansion (1984), Vol.1, pp.p.173, 180-2; J.Chartres, Agricultural markets and trade, 1500-1750 Vol.4, J.Thirsk (ed), Chapters (1990), pp.252-3; Cf. P.Borsay, Urban Renaissance.(1989), passim.

⁶ See J.Boulton, ‘Wage labour in seventeenth-century London’, Economic History Review XLIX, 2, (1996), pp.268-290; D.Woodward, Men at Work: labourers and building craftsmen in the towns of northern England, 1450-1750 (Cambridge, 1995); Cf. C.Clay, Economic Expansion (1984), Vol.1, pp.30, 42-9.

⁷ NCCD. DEP/50/54, 1676-80; MF/X/199; July 1678, Office per Robert Copeland con Michael Freer (Cleric, Cromer).

whither (his debts payed) to be worth anything.’⁸

Peter Earle has argued that the spectre of financial disaster was an ever present accompaniment to business activity during this period. He has estimated the chances of bankruptcy for a London businessman to be between 10 and 15 per cent, concluding that the:

‘commonest end to a business career was death, but bankruptcy must have run retirement very close in second place.’⁹

For others, of course, the opposite was the case, and numerous opportunities for upward social mobility were a result of the economic upturn. As Donald Woodward concludes, the struggle to maintain family and livelihood did ease in post-restoration England: at least survival was relatively easier for the poor, while those possessing skills and business acumen began to experience a growing prosperity.¹⁰ But the examples of Richard Saye and Edward Clay should not be forgotten. Prosperity was a fragile commodity and an underlying economic insecurity would have been the norm for perhaps the majority of tradesmen and businessmen throughout this period.¹¹

The last observation raises the question of precisely who the winners in this economic scenario were, and how secure their gains might have been. In short we have to confront the complex issue of the "middling sort"; a perplexing and varied group of individuals and their households occupying a social position between

⁸ NCCD. DEP/50/54, 1676-80; MF/X/199; May 1677, Matilda Horner con John Lincolne (Irstead, Norfolk).

⁹ P.Earle, 'The Middling Sort in London', J.Barry & C.Brooks (eds), The Middling Sort of People: Culture, Society and Politics in England, 1550-1800 (London, 1994), p.152, quoting from his The Making of the English Middle Class: Business, Society and Family Life in London, 1660-1730 (London, 1989), pp.129-30.

¹⁰ D.Woodward, Men at Work (1995), p.249; Cf. J.Sharpe, Early Modern England: A Social History 1550-1760 (London, 1987), pp.211-214; K.Wrightson, English Society (1982), pp.142-8.

¹¹ For an account of the business trials and tribulations of an independent craftsman and small master, see P.Seaver, Wallington's World: A Puritan Artisan in Seventeenth-Century London (London, 1985); Cf. the comments of J.Sharpe, Early Modern England (1987), pp.202-3.

the destitute and the gentry, whose occupations comprised the crafts, trades, and professions.¹² We will examine the profile of the middling sort in Norwich and discuss their local influence in more detail in chapter two. For now we only need to consider the broad outline of the intensification of their role as an economic, political, and cultural force within late seventeenth-century English society.¹³

As was noted in the introduction to this thesis, the administrative and legal process' of the state depended upon the middling sort's willing and unpaid participation. Law and order in its strictest sense was enforced by them in their role as petty officials, and as guardians of social morality by their actions as promoters of law suits or as presenters of offenders for correction. Their position of local power and authority was also enhanced by their active and traditional participation in the parish vestry, the primary forum of local governance during this period, and relatively new regulatory positions such as the overseers of the poor. This is not to say that all those of middling status played an equally active part in local governance; in practice participation was restricted:

'humbler roles might be open to lesser folk, but if the lower slopes were pitched shallow so as to encourage participation, the higher ones were correspondingly steep so as to preserve status.'¹⁴

We will discuss this distinction further below, for now we only need to note the increasing relevance of the middling sort as an administrative cadre.

Concurrent with their intensifying role as voluntary local administrators, the middling sort were becoming

¹² For an introductory discussion of the middling sort and social stratification, see K.Wrightson, 'The Social Order of Early Modern England: Three Approaches', L.Bonfield, R.Smith & K.Wrightson (eds), The World We have Gained: Histories of Population and Social Structure (Oxford, 1986), pp.117-202; D.Cressy, 'Describing the Social Order of Elizabethan and Stuart England' Literature and History 3, (1986), pp.29-44. For his more recent thoughts on the topic see K.Wrightson, "'Sorts of People" in Tudor and Stuart England', J.Barry & C.Brooks, Middling Sort (1994), pp.28-51.

¹³ The aim here is not to suggest that the post-Restoration "middling sort" suddenly became players in the power relationships of society. As Margaret Spufford, 'Puritanism and Social Control?', A.Fletcher & J.Stevenson (eds), Order and Disorder in Early Modern England (Cambridge, 1987), pp.41-57, has shown, the wealthier inhabitants of parishes had always been the traditional guardians of the moral order of their local communities. What is intended is to acknowledge that the demands of their traditional role were enhanced during this period, thereby increasing their profile in the social milieu. The difference is qualitative rather than quantitative.

¹⁴ K.Wrightson, 'The Politics of the Parish in Early Modern England', P.Griffiths, A.Fox & S.Hindle (eds), The Experience of Authority in Early Modern England (London, 1996), p.19.

increasingly important as a source of revenue for the Westminster government. According to the most recent study, the period 1590 to 1670 witnessed a dramatic change in the methods of raising state revenues and an exponential growth in the amount of money that was raised.¹⁵ Increasingly it was the middling sort who were expected to fund this increase in taxes, and it was their representatives serving as parish officials who shouldered the burden of collection thereby increasing their vital function as state administrators.¹⁶ From one perspective the development of a more efficient tax gathering system could lend support to the 'sinews of power' thesis, which stresses the growth of central government control over the localities.¹⁷ But this argument may just as easily be inverted to demonstrate the middling sort's growing strength, influence, and authority as brokers of state power within their localities.¹⁸

We can also be certain that incomes were rising within the group taken as a whole.¹⁹ Buttrressing this assertion Matthew Johnson has noted a change in the layout of middling houses in Suffolk, which he dates from about the middle of the seventeenth century. The open plan arrangement of interiors, characteristic of the late medieval period, began to give way to a recognisably "modern" system of discreet rooms with specified functions and uses.²⁰ Johnson uses the terms 'traditional' and 'polite' to distinguish between the two architectural styles, and to emphasise the related changing attitudes to interior space amongst the

¹⁵ See M.Braddick, Parliamentary Taxation In Seventeenth-Century England (Woodbridge, 1994), pp.3-5; Cf. C.Clay, Economic Expansion (1984), Vol.2, p.268.

¹⁶ M.Braddick, Parliamentary Taxation (1994), pp.26-30.

¹⁷ See for example, J.Brewer, The Sinews of Power: War, Money, and the English State 1688-1783 (London, 1989).

¹⁸ We shall return to this argument below. It is worth noting however that the notion of middling sort influence and authority has received increasing attention recently. For example, P.Earle, Making the English Middle Class (1989); P.Langford, A Polite and Commercial People: England 1727-1783 (Oxford, 1989); J.Barry & C.Brooks, Middling Sort (1994); M.Braddick, Parliamentary Taxation (1994); P.Griffiths, A Fox & S.Hindle, Experience of Authority (1996).

¹⁹ For a general discussion of the increase in prosperity among the middling sort, see C.Clay, Economic Expansion (1984), Vol.2. pp.22-8; Cf. J.Sharpe, Early Modern England (1987), pp.199-206.

²⁰ M.Johnson, Housing Culture: Traditional Architecture in an English Landscape (London, 1993), pp.144-6.

inhabitants of these houses.²¹ Of course it is impossible to be exact in setting the date for this change and examples can be found that predate Johnson's watershed period.²² What we should notice is that if the 'great rebuilding' by the rural middling sort of the late sixteenth and early seventeenth centuries was not repeated, the internal alterations to existing houses that did occur would still be expensive; suggesting that surplus income was available to meet the costs.²³ Of equal significance is the boom in cottage building for labourers and the poorer sort which occurred from the 1660's onwards in East Anglia.²⁴ The quality of these cottages may have been inferior to the houses of the middling sort who commissioned them, but the investment of the necessary capital in their construction reinforces the point that surplus wealth was available to some at least.

The augmentation of discreet rooms within a house entailed a proliferation of furnishings and possessions with which to fill them, and more importantly, to symbolically mark out their individual function.²⁵ By examining the probate inventories of Norwich citizens, Priestly and Corfield have detailed this increase in household goods and remark upon the rising standard of comfort in all but the poorest examples.²⁶ Lorna Weatherill has produced the most complete study so far of patterns of consumption in England during this period, similarly using probate inventories.²⁷ She found the gentry owning less household consumer goods

²¹ Ibid. p.141; Cf. U.Priestly & P.Corfield, 'Rooms and room use in Norwich housing, 1580-1730', Post-Medieval Archaeology 16, (1982), pp.93-123.

²² U.Priestly & P.Corfield, 'Rooms', (1982), p.110, confirm that a 'considerable re-organisation and sub-division of houses' occurred in Norwich during the late seventeenth century. But they set this finding in the context of archaeological evidence from the city that demonstrates a 'continuous process of renovation and adaptation' of house interiors dating from the fifteenth century. They conclude that this evidence 'suggests an early pattern of experimentation and diversification of house structure in the towns' (pp.104-5).

²³ For the rebuilding program, see W.G.Hoskins, Provincial England (London, 1963); Cf. R.Machin, 'The Great Rebuilding: A Reassessment', Past & Present LXXVII, (1977), pp.35-56.

²⁴ M.Johnson, Housing Culture (1993), p.152.

²⁵ For a preliminary examination of consumption as the symbolic expression of status, see M.Douglas & Baron Isherwood, The World of Goods: Towards An Anthropology of Consumption (Harmondsworth, 1978).

²⁶ U.Priestly & P.Corfield, 'Rooms', (1982), p.115, and *passim*; for a discussion of the development of a home industry producing consumer goods, see C.Clay, Economic Expansion (1984), pp.36-43.

²⁷ L.Weatherill, Consumer Behaviour and Material Culture in Britain, 1660-1760 (London, 1988).

than their social inferiors in the crafts, trades, and professions. This suggests that the acquisition of material possessions was indeed linked to a symbolic expression of status; the gentry simply did not recognise the need to display their status via such means.²⁸ According to Weatherill's findings the urban middling sort were the most acquisitive, with the rural yeomanry owning slightly more than the poor.²⁹ This surprising conclusion may reflect a farmer's propensity to invest in land and stock rather than baubles.

Weatherill's study shows an increase in material goods throughout the middling sort from approximately 1675, the peak of this change occurring between the years 1685 and 1715.³⁰ Her evidence therefore lends support to the argument for the prevalence of disposable wealth, for the increase was in decorative and display objects wholly new to middling sort households.³¹ The latter finding perhaps represents a symbolic expression of the middling sort's aspirations to "artistic taste".³² As might be expected it was the urban masters and professionals that showed the greatest interest in, and acquired the largest quantities of, display goods. Of course we must be cautious of this evidential source, inventories only reflect the possessions of an individual at the point of death, and as documents they are subject to the vagaries of notation.³³ But we can assume that such possessions were beginning to be acquired within the previous decade, thereby further substantiating the claim that many of the middling sort were enjoying a rise in prosperity post 1660.

Weatherill's study also suggests a further aspect of the late seventeenth century "consumer revolution". For

²⁸ For a discussion of class differentials expressed via conspicuous consumption, see M.Douglas & B.Isherwood, World of Goods (1979), Ch.4. The gentry would of course have alternative modes of expressing their status. It is worth considering the role of life-cycle rituals, baptisms, marriages (especially marriage portions) and funerals, as expressions and markers of gentry identity. None of these forms of consumption are considered in Weatherill's analysis, for the simple reason that they do not figure in the inventories.

²⁹ L.Weatherill, Consumer Behaviour (1988), pp.184-5.

³⁰ Ibid. p.38

³¹ Ibid. pp.25-32.

³² For a discussion of this topic, see M.Douglas & B.Isherwood, World of Goods (1979), Ch.4; For a detailed study of consumption, taste and social status, see P.Bourdieu, Distinction: a social critique of the judgement of taste (London, 1984).

³³ For a discussion of the problems of interpreting probate inventories, see, L.Weatherill, Consumer Behaviour (1988), 'Introduction'.

as her detailed analysis of the patterns of consumption shows, the acquisition of display goods enabled distinctions and differentials within the middling sort to be more visibly expressed. Once again the suggestion is not that the middling sort were ever a homogeneous group, but simply that the divisions within their ranks would become more visible via the acquisition of consumer display goods, thereby revealing the complexity of their social relationships both intra and inter group.³⁴ As we shall see in chapter two, moderate consumption was the preferred ideological modus operandi of the middling sort during this period.³⁵ And no doubt the dire economic experience of the previous century and a half, coupled with the uncertainty of economic life referred to above, had reinforced the ethical maxim that 'income should not be squandered'.³⁶ But as Jim Sharpe observes, by the mid eighteenth-century a change had taken place amongst the yeoman and tenant farmers of Westmoreland and Sussex, insomuch that:

'a group which had once been praised for its frugality was being criticized for sliding into luxury.'³⁷

The love of land was evidently beginning to give way to a craving for baubles among the yeomanry. More generally the evidence of consumption would seem to suggest that the root of the achievement of this enjoyment of luxury can be traced to the latter half of the seventeenth century.

Furthermore we should observe that the proliferation of material goods among the middling sort created the conditions for two areas of conflict. The first was an intensification of the discourse of "excessive versus moderate" consumption (or perhaps the "morality of consumption"), which, as shall be argued in chapter two of this thesis, was a constant theme of a majority of causes brought before the ecclesiastical courts in late seventeenth-century Norwich. The second is related to the first, for the notion of "display" entails an

³⁴ Here see P.Bourdieu, Distinction (1984); Cf. L.Weatherill, 'A Possession of One's Own: Women and Consumer Behaviour in England, 1660-1740', Journal of British Studies 25, (1986), pp.131-156, in which she argues there is no evidence to suggest distinctive patterns of consumption between men and women of the middling sort. The thrust of the conspicuous consumption of material goods appears to have been complimentary between genders, and focused upon the ornamentation and display of the household. This is a fundamental observation which will achieve its full significance in chapter four.

³⁵ But see J.Sharpe, Early Modern England (1987), pp.200, for a preliminary account of the reputation for frugality of the yeomanry.

³⁶ L.Weatherill, Consumer Behaviour (1988), p.64.

³⁷ J.Sharpe, Early Modern England (1987), p.201.

audience and the risk of criticism and rejection. But if one judges the display correctly the reward is the public acknowledgement of one's status. Thus the acquisition of display goods implies a further means of competitive discrimination within a social milieu, with an accompanying sense of insecurity as personal taste becomes a marker of individuals' status.

Thus we can introduce the "polarisation" thesis which has been so influential within recent English early-modern historiography. The classic formal statement of which was offered by Edward Thompson, but despite his perspicacity the suggested model oversimplified the complexities of social life.³⁸ Other scholars, most notably Keith Wrightson, have developed the original idea in ways that have managed to include many of the complexities that Thompson glossed over:

'The "middling sort" moved closer to their immediate superiors among the gentry and urban elite in both interests and lifestyle. They were steadily distanced from those of their neighbours for whom the pressures of the age outweighed its opportunities. It was a polarisation which took different forms in different localities, in accordance with the particular structure of the local economy. But it was everywhere an inescapable fact.'³⁹

As has been argued above, the middling sort as a group were riven with differentials of status, income, and occupation. The development of education and the gradual spread of literacy added to the complexity of these intra-group differentials, as education itself became a valued commodity and a symbolic mark of status. As Adam Fox has argued, reading, writing, and the acquisition of 'new' (or book) knowledge became yet another way of defining polite society:

'there had of course always existed a variegated register of social deportment and cultural expression, a spectrum of different manners and tastes which had defined and distinguished rank and station. But during the early modern period, and particularly from the second half of the seventeenth century, these things increased in number and sharpened in intensity in a manner which reflected the wider processes of change which were

³⁸ E.P.Thompson, 'Patrician Society, Plebeian Culture', Jnl of Social History VII, no.4, (1974), pp.382-405.

³⁹ K.Wrightson, English Society (1982), pp.223-4; Cf. A.Fletcher & J.Stevenson (eds), Order & Disorder (1987), 'Introduction'; For a european perspective, see P.Burke, Popular Culture in Early Modern Europe (London, 1978), pp.3-10.

transforming the economy and society.’⁴⁰

Thus the complexity of social relationships, especially for the middling sort, was gradually becoming greater, as separate, and frequently novel, experiences presented choices that could influence vertical and horizontal relationships in different and often conflicting ways.

The reformation of religion, and the debates this initiated, is perhaps a prime example of the contradictions involved in the polarisation theory. The most refined and nuanced formulation of the process is what has become known as "the Terling thesis", proposed by Keith Wrightson and David Levine in their micro-study of the eponymous Essex village.⁴¹ Briefly, Wrightson and Levine sought to demonstrate the emergence of a new political grouping among the middling sort influenced by the dictates of the Protestant, if not explicitly Puritan, religious ideology. Their proposal unites the economic developments of the period with a reformed moral discipline derived from explicitly religious principles. Others, notably Margaret Spufford and Martin Ingram, have been less than convinced by the argument, expressing doubts that religious affiliation was as socially divisive as Wrightson and Levine's study suggested.⁴²

Other critics have also expressed some reservations with the thesis, while not completely disputing its main thrust. For example, Jim Sharpe has pointed out that:

‘in many areas the situation traced by Wrightson and Levine in Terling had obtained long before the sixteenth century.’⁴³

The richer villagers had always dominated the various local courts, and had always involved themselves in

⁴⁰ A.Fox, ‘Aspects of Oral Culture and it’s Development in Early Modern England’ (Unpublished Ph.D thesis, University of Cambridge, 1992), p.347.

⁴¹ K.Wrightson & D.Levine, Poverty and Piety in an English Village: Terling, 1525-1700 (London, 1979, reprint 1995).

⁴² M.Ingram, ‘Religion, Communities and Moral Discipline in Late Sixteenth- and Early Seventeenth-Century England’, K.von Greyerz (ed), Religion and Society in Early Modern Europe, 1500-1800 (London, 1984), especially p.182; M.Spufford, ‘Puritanism & Social Control’, (1987), passim, and her, Contrasting Communities: English Villagers in the Sixteenth and Seventeenth Centuries (Cambridge, 1974).

⁴³ J.Sharpe, Crime in Early Modern England 1550-1750 (London, 1984), p.93, and pp.172-3; Cf. M.Spufford, ‘Puritanism & Social Control’, (1987), passim.

the presentment and correction of local offenders.⁴⁴ Robert von Friedenburg's study of moral offenders and presentments in the Essex village of Earls Colne recognises a similar complex situation, and emphasises both the traditional and the novel aspects involved.⁴⁵ On the one hand he suggests that the targets of moral correction were traditional, youth and those likely to form new families in the village. As von Friedenburg notes this introduces a 'generational' conflict into the equation.⁴⁶ Moreover he argues that the poor were not over-represented in the presentments because they predominated in the village anyway. Besides which, he continues, the campaign of moral reform continually broke down because concerns about the maintenance of the poor always took precedence.⁴⁷ On the other hand, von Friedenburg accepts that Puritanism did provide a context within which the 'search for local order' took place. But this influence was felt first at the top of the hierarchy where reformed manners became a 'prerequisite for local officeholding', before spreading outwards to make 'drunkenness, railing, and disorder [...] primarily offenses of the poor.'⁴⁸ This reading of the Earls Colne evidence suggests that the important division was not religious affiliation but what might be termed local concepts of respectable and disreputable society.

Here the issue of poverty becomes a crucial discourse in the distinction between respectable and disreputable conduct. Poverty entailed dependence which completely undercut any pretensions an individual might have to middling status. The common ideal uniting all claimants to middling status being the establishment and maintenance of an independent household. And as Jonathan Barry argues, the middling sort as a group saw the success or failure of this enterprise in terms of personal qualities and activities.⁴⁹ Hence the discourse of frugality and moderate consumption referred to above; and one might add, the popular contemporary

⁴⁴ But see K.Wrightson's response, Wrightson & Levine, Poverty & Piety (1995), 'Postscript: Terling Revisited'.

⁴⁵ R. von Friedenburg, 'Reformation of Manners and the Social Composition of Offenders in an East Anglian Cloth Village: Earls Colne, Essex, 1531-1642', Jnl of British Studies 29, (1990), pp.347-385.

⁴⁶ On the perception of youth as generators of disorder, see P.Griffiths 'Masterless Young People in Norwich, 1560-1645', P.Griffiths, A.Fox & S.Hindle (eds), Experience of Authority (1996), pp.146-186; Cf. his Youth and Authority: Formative Experiences in England, 1560-1640 (Oxford, 1996).

⁴⁷ Ibid. p.377-8.

⁴⁸ Ibid. p.378.

⁴⁹ J.Barry & C.Brooks, Middling Sort (1994), p.15.

emphasis upon industriousness, self-discipline, virtuousness, and temperance, advocated by the conduct books of the period. Conversely the road to ruin was spelt out by elaborating upon the 'corresponding vices' in which individuals seemed only too willing, ready, and able to indulge themselves.⁵⁰ As Barry makes clear:

'these moral evaluations thus came to play a major part in the self-classification of the middling sort. Not only did they provide a vocabulary of differentiation within the middling sort, but they were often applied to distinguish the class as a whole from those above or below them.'⁵¹

But this is not the entire story, for during our period the positive values of restraint and self-discipline were also emphatically associated with notions of civility and polite society. It was not simply a matter of working hard and conserving household resources. For as von Friedenburg noted in *Earls Colne*, an individual's personal conduct within their neighbourhood was a visible indicator of personal success, and a vital ingredient for neighbourly recognition of personal status.⁵²

There was nothing overtly novel in this differentiation, the Tudor poor law's discrimination between deserving and undeserving poor probably only formalised an age old distinction. In practice this entailed the deserving poor being credited with self-respect, understanding in the form of charitable pity, and material aid, while the latter were vilified and accorded no respect whatsoever.⁵³ Thus respectability, defined by those of the middling sort responsible for dispensing poor relief, was a firmly established principle of social discrimination. Given that a significant proportion of those claiming middling status may well have to rely upon the parish for assistance at some stage in their life-cycle, a reputation for respectability was a vital resource. Thus, as Jonathan Barry's remarks quoted above indicate, the middling sort were able to discriminate intra-group via moral judgements of personal conduct.

⁵⁰ Ibid. p.15.

⁵¹ Ibid. p.15.

⁵² As M.Foucault, *The Order of Things: An Archaeology of the Human Sciences* (New York, 1994), p.32, argues, the early modern conceptual world was filled with signs that required interpretation. Personal conduct was perceived in this way, that is, as a sign of the moral worth of a person.

⁵³ See K.Snell, *Annals of the Labouring Poor: social change and agrarian England 1600-1900* (Cambridge, 1985), pp.106-108; Cf. L.Mulligan & J.Richards, 'A "Radical" Problem: The Poor and the English Reformers in the Mid-Seventeenth Century', *Jnl of British Studies* 29, (1990), pp.118-146.

Evidence abounds in the depositions of the church courts demonstrating that such a distinction was common. There are constant references and appeals to the "better" and "graver" sort, implying membership of this group of respectable neighbours or parishioners. Conversely attempts are frequently made to undermine the testimony of hostile witnesses by depicting them as unreliable, and being of little credit and estimation among the better sort of the parish. In short, and to use another category of the period, they were described as the "common sort". The crucial link to be established therefore, is between notions of respectable conduct on the one hand and the broader category of civil society on the other.

To be considered respectable entails that an individual is worthy of respect, and to show due respect was (and still is) a recognition of status. Respect is also linked to conceptions of polite conduct, and Lawrence Klein has suggested that the key to understanding eighteenth-century politics is the maxim 'all Politeness is owing to liberty.'⁵⁴ Klein argues that this statement:

'conjoined two discursive phenomena: on the one hand, the language of politeness and, on the other, the civic tradition in English political discourse.'⁵⁵

This is a valuable insight, albeit one that Klein himself restricts to the gentry. Yet the tradition of civic identity was as much a part of "middling" political ideology as it was of their betters. In fact, given the relative political autonomy and independence of towns during this period and the prevalence of the middling sort in the formal structure of urban politics, one might argue that it was a "middling" concept that the gentry were forced to appropriate in order to maintain their political hegemony. But the "chicken and egg" nature of this statement should not obscure the political content of middling sort claims to respectability. To be polite or civil in one's conduct to others, was to recognise and acknowledge a formal equality between "free" citizens. The drawback of this equation was that an individual's political status was dependent upon the subjective moral judgements of others. A person's inclusion in respectable civic society was therefore insecure and always open to dispute.

⁵⁴ L.Klein, 'Liberty, Manners, And Politeness In Early Eighteenth-Century England', The Historical Jnl 32, 3, (1989), pp.583-605. Klein is quoting Anthony Ashley Cooper, the third earl of Shaftsbury, (p.584).

⁵⁵ Ibid. p.584.

Whether or not the above account of the political content of social conduct is sustainable remains to be demonstrated within this thesis. But we can be sure that many of the poor, and those claiming middling status but labelled as disreputable, were thought to be the precursors of social and moral chaos. This fear of the disreputable common sort had long been a theme of English discourses of governance.⁵⁶ William Lambarde, the sixteenth-century magistrate, constantly reiterated the idea that complete social collapse was but a step away to the jurymen of Kent:

‘we see it truly come to pass that sin and wickedness doth mightily abound. For what bankes or walls of law be there at this day which the main streams and floods of sin of all sorts do not either break through or overflow, for the suppression whereof either we must daily grow in zeal of justice as they overgrow all number and measure, or else what other thing can we look for but that in the end a whole sea and inundation of sin and mischief shall come upon us and provoke God hastily to make an end of it, of us, and of the world together?’⁵⁷

Lambarde was still promoting his apocalyptic vision ten years later, advising his captive audience that:

‘it hath ever more been resolved that such and so great is the use and necessity of law as that without it neither any private family, nor town nor city nor nation, nor the universality of mankind, nor the nature of things created, nor this mighty mass of the world itself is able to continue, and that to take from men the exercise of law were to draw the benefit of the sun from the world, where of palpable darkness, confusion, and horror of all things would immediately follow and fall upon it.’⁵⁸

The similarities between Lambarde’s rhetoric and Thomas Hobbes’ characterisation of life without law or a lawgiver as ‘nasty brutish and short’ half a century later are striking.⁵⁹ Likewise when Robert Doughty, a magistrate and resident of Hanworth, Norfolk, addressed the jurors at Fakenham thus in 1664:

‘yea and a new race of loose or runaway rogues are lately sprung up, who were scarce ever or never well-fixed in any lawful course of life [...] And thus these rogues hawk about the country. First they get your money and then they filch your goods. Or if they have fit numbers and opportunity, while some beg at your doors, others of them are putting up what they see abroad. And thus they find a more easy and profitable way to live by than working, and this (unless some effectual courses shall be taken for prevention) they scarce will ever leave or give over until the gallows either mend or end

⁵⁶ For a discussion of this theme, its longevity and political usages, see C.Hill, Change and Continuity in Seventeenth-Century England (London, 1974), Ch.8, ‘The Many Headed Monster’.

⁵⁷ C.Read (ed), William Lambarde And Local Government: His "Ephemeris" and Twenty-nine Charges to Juries and Commissions (Cornell, 1962), p.84, quoting from the ‘charge for the Quarter Sessions after Easter 1586’.

⁵⁸ Ibid, p.128, ‘For the Quarter Sessions of the Peace At Maidstone, 28 September 1596’.

⁵⁹ T.Hobbes, Leviathan (1651), C.B.Macpherson (ed), (Harmondsworth, 1986), p.186.

them.’⁶⁰

We can conclude that images of social chaos were still occupying the minds of many of those wielding authority as they grappled with economic and social change, a bellicose and independent minded common sort, and importantly events which nobody could predict or hope to control.⁶¹

The experience of authority being challenged appears to have been common among those who thought their status entitled them to be obeyed. While serving as the incumbent of Chippenham, Norfolk, during the 1660's, Isaac Archer confided to his diary how:

‘in harvest time I observed that men used to frequent the Alehouse on the Lords Day; I asked the Constable to assist mee, but hee said he should gett the ill will of his neighbours. I asked him if that should hinder him from doing his office etc., but he would not goe, and soe I went alone, and found severall there, some went away; but one of my owne parish, for all the others were, most, strangers, asked mee if he might not drinke upon the Sunday. I told him he must not fuddle (as I presumed he was in that case) upon any day much lesse upon that; and so inquiring his name, when the hostesse would not, he told it mee himselfe, and I left him at his pots and pipes. When I was gone, he railed on mee for meddling where I had nothing to doe (though twas one of the Bishop's articles to look for the strict observing of the Lord's day, and soe did belong to mee, if not upon a higher account) [...] The townsmen were sorry for the affront, but I put it up, and forgave him and prayed God to turne him from his beastly drunkenness, though to this day he goeth on rather at a worse rate than before.’⁶²

Archer is clearly taken aback by the utter rejection of his authority to intervene in his parishioner's leisure activities.

Similarly the Dean of Norwich, Humphrey Prideaux, twice wrote to his "friend" the under-secretary of state, John Ellis, complaining of an unforeseen consequence of the Act of Toleration:

‘unlesse there be some regulation made in it, in a short time it will turne halfe the nation

⁶⁰ J.M.Rosenheim (ed), The Notebook of Robert Doughty NRS. Vol.LIV, (1989), pp.118-9, ‘A Charge provided to be spoken at Fakenham, 4 August 1664, being my third charge in course.’ Doughty was a man with a parliamentary past, and Rosenheim notes with surprise that he was promoted to the bench by the post-Restoration authorities. Rosenheim suggests that Doughty's elevation reflects the lack of experienced candidates within the county at that time. Doughty only served between 1660 and 1665, by all accounts his manner and approach to the duties of a magistrate offended most of his colleagues on the Norfolk bench.

⁶¹ For a discussion of this theme in the latter half of the seventeenth century, see A.Fletcher, Reform (1986), Ch.7, especially pp.210-212: Cf. L.Mulligan & J.Richards, ‘A "Radical" Problem’, (1990), p.127.

⁶² M.Storey (ed), Two East Anglian Diaries 1641-1725 SRS, Vol.36, (Suffolk, 1994), p.91.

into downe right athiesme. I doe not find it in my archdeaconry (and I believe it is the same in other places) that conventicles have gained anything at all thereby, but rather they have lost. But the mischieve is, a liberty being now granted, more lay hold of it to separate from all manner of worship to perfect irreligion then goe to them; and, although the Act allows noe such liberty, the people will understand it soe, and say what ye judges can at ye assizes, or ye justices of ye peace at their session, or we at our visitations, noe church-warden or constable will present any for not going to church, though they goe noewhere else but to the alehouse, for this liberty they will have; and some have made the mob nowadays too much our masters to be controlled.’⁶³

Even allowing for some hyperbole on Prideaux’s behalf, the image he portrays is redolent of an independent spirit among the lower orders of Norwich society. And what is more, they were not afraid to interpret a statute to suit their own designs, defying all formal authority in the process.

The final example highlights the extreme fragility of the post-Restoration system of governance when placed under pressure. The fear of the poor and the anticipation of a complete breakdown in civic society is stressed in a series of letters written by Thomas Corie, the town Clerk of Norwich, to Joseph Williamson, secretary to Lord Arlington. Plague had struck Norwich in 1666 and Corie reports the desertion of the city by its aldermen and businessmen:

‘soe that if ther be not some Comands from above to require their stay amongst us, it will be out of our power to keepe up the government [of Norwich].’⁶⁴

A few weeks later Corie reiterated his concerns, reporting that the market had closed and ‘the poor does murmer at it and says they will live in better howses then noe they doe.’⁶⁵ Two months later the situation had eased slightly but Corie was still worried:

‘[the] poore in this place are in some better order then formerly, but it is monie that keepes them soe, and as soon as that fayles we feare they will be unrulie.’⁶⁶

Later in the same month Corie writes:

‘we are in greater feare of the poore then the plague, all our monie being gone, and not

⁶³ E.M.Thompson (ed), Letters of Humphrey Prideaux sometime Dean of Norwich to John Ellis sometime under-secretary of state, 1674-1722 The Camden Society, (London 1875), pp.152-155.

⁶⁴ R.H.Hill (ed), A Miscellany comprising The Correspondence of Thomas Corie Town Clerk of Norwich, 1664-1687, plus The Visitation of Norfolk, 1664, Observations and Comments NRS, Vol.XXVII, (1956), p.18.

⁶⁵ Ibid. p.19.

⁶⁶ Ibid. pp.19-20.

a penny come in from the countie.’⁶⁷

By October the county had still not responded with enough financial aid to relieve the city, and Corie, in company with the few remaining aldermen, had been forced to advertise in the London Gazette for charitable assistance.⁶⁸ To be sure this was an extreme circumstance but it demonstrates how fragile the local structure of governance was, and by extension how insecure political authority could be.

If we briefly examine the business that flowed through the local law courts during these years, we find the Justices concerning themselves with seditious words, profane oaths, church attendance (or more precisely the lack of it), and dissenting religious sects, all of which involved some measure of defiance of authority. They also enforced the regulation of alehouses, bastardy, land use, the maintenance of roads, bridges, and ditches. Their workload also included breaches of the peace, such as violent affrays and common insults, assaults upon women, and of course, theft. In short, all the problems that one might expect to find in a complex human society.⁶⁹ Four examples must serve to give a flavour of some of the issues the courts were called upon to deal with, and all four demonstrate how authority might be challenged.

The first is that of Edmund Felshed, who was brought before the Norwich magistrates for breaking the fences of the town close in 1698. Felshed was unrepentant for his actions, claiming that ‘he had more to do there than the Maior or any other Justice of the Peace.’⁷⁰ For good measure Felshed threatened to impound any cattle in the close and ‘offered divers threats’ against others in the town.⁷¹ Who these “others” might be we are not informed but it is obvious that Edmund had a low opinion of the City governors. He disagreed with the use the town close was being put to and considered impounding the animals kept on the

⁶⁷ Ibid. p.20.

⁶⁸ Ibid. p.22.

⁶⁹ For examples of the business that occupied local magistrates see, J.Sharpe (ed), "William Holcroft His Booke": Local Office-holding in Late Stuart Essex ERO Publication No.90, (1986); J.M.Rosenheim (ed), Robert Doughty (1989). The ESQSR, QR/E 128-286, and ESQSIB, QI/EW2-7, 1660-1700, together with NCR, IEBQS, 1690-9, were also surveyed, confirming the picture of Justices business offered in the two notebooks.

⁷⁰ NCR. IEBQS. 12\b.1., 11th July 1698.

⁷¹ Ibid.

close to be a legitimate course of action. What is more, he was not afraid to give voice to his opinions publicly.

Our next two examples are taken from the Norwich consistory court. In 1664 William Austin of Norwich was presented on a charge of incest; it was claimed that he had married his deceased wife's sister in 1657. A witness reported that Austin had visited a Mr Carter, a clergyman residing in Norwich, to ask his advice upon whether he might marry his sister-in-law. Carter apparently answered with a definitive no, for to do so was against 'the law of God and the law of the Realme.'⁷² But Austin sought a second opinion from a Mr Bateman, another local clergyman, who advised him that 'he might doe what seemed good in his [Austin's] own eyes (as the lawe then stood).'⁷³ This advice was more in keeping with Austin's own inclinations, for he had five children to care for and reasoned that an aunt would prove a safer replacement for their mother than a stranger. He promptly married his late wife's sister and subsequently produced another five children with her. That Austin sought a second opinion shows that he obviously thought there might be some room for manoeuvre on the small matter of the incest taboo. Furthermore his fellow parishioners accepted the situation for seven years before one sought to challenge the marriage. It is also clear from the depositions that even when faced by the court's officials, by no means all of Austin's neighbours condemned his second alliance. An interesting observation is that, despite this cause being initially promoted by Office, all the witnesses saw it as a personal dispute between the Austin and the Frogg households.

In the second cause from Norwich, Thomas Ramsie achieved local notoriety for his libellous letters in which he abused 'clerics and laymen of qualitie.'⁷⁴ William Paston (soon to become Lord Yarmouth) and Thomas Le Gres Esquire were his favourite targets, on one occasion 'taxing Mr Le Gres his Patron with Sacriledge,

⁷² NCCD. DN/DEP, 47B/51, 1664-66; MF/X/199; Ff.1-12, 1664, Office per Mary Frogg con William Austin; Ff.12-16, 1664, Anne Austin con Mary Frogg; Ff.135-6, 4th November 1664, Mary Frogg con William Austin; Ff.208r-213, August 1665, Anne Austin con Mary Frogg; Ff.221-5, October 1665, Office con Austin.

⁷³ Ibid.

⁷⁴ NCCD. DN/DEP, 46/50, MF/RO, 265/12; Ff.277-284, April 1664, Thomas Le Gres (squire) con Thomas Ramsie (minister).

Simonie [and] Schisme.’⁷⁵ What made these activities worse was that, as a minister, Ramsie had access to a pulpit from which he delivered his libels in the form of sermons. He would also tour the alehouses of Norfolk handing out copies of his letters, or reading them aloud to the assembled company. At one point Sir William Paston had Ramsie brought before him, forced the cleric to sign an acknowledgement of his "crimes", and to burn all of the offending letters. Ramsie simply wrote more of an even worse nature and continued to broadcast them from his pulpit.

Our final example comes from the deposition book of the Lewes Archdeaconry, East Sussex, and dates from 1691. Samuel Store and Richard Sharplees, churchwardens of the parish of Warbleton, presented John Turner for excessive drinking, profane swearing, and breaking into the belfry:

‘with a Mathooke [...] and throwing the bread over ye [walls] which was layed out to be distributed among the poore.’⁷⁶

When Samuel Store interrupted Turner’s antics the latter had ‘treated Mr Store with very abusive language and [...] Struck him.’⁷⁷ The origins of this outburst lay in a contested election for the post of churchwarden during the *previous May*. *Anthony Nethercott, a gentleman residing in the neighbouring village of Ashburnham*, deposed that Samuel Store and Joseph Moon had been nominated, but Moon had declined to stand. Richard Sharplees was proposed instead and the two names were entered in the parish poor book. But this outcome was unsatisfactory to some parishioners, and:

‘Joseph Moon and some others expunged the name of Samuel Store [...] and inserted thereof instead the name of John Turner.’⁷⁸

This deed caused any amount of trouble and the parish split over the issue. Anthony Nethercott, who had convened the meeting, insisted that Store and Sharplees should serve and Turner’s faction insisted upon the contrary view. Obviously Anthony Nethercott’s argument had prevailed, but Turner’s resentment had eventually got the better of him hence the vandalism and assault upon Samuel Store in the belfry.

⁷⁵ Ibid.

⁷⁶ WSCRO. EPII/5/19, Ff.19-20, 27th October, 1691, Samuel Store & Richard Sharplees (Churchwardens) con John Turner.

⁷⁷ Ibid.

⁷⁸ Ibid.

As these four examples (and they are by no means isolated cases) show, authority could never be assumed by those who sought to wield it. Both Felshed and Austin were quite prepared to challenge the duly constituted authority of the magistrates, and in Austin's case, of the Church. Turner simply displayed his contempt for a fellow villager who had been elected into office in contentious circumstances. While Thomas Ramsie criticised so many of Norfolk's elite so frequently that even witnesses lost count of his individual offences. And on one occasion Ramsie even claimed that the Bishop of Norwich approved of his letters.⁷⁹ At the very least all of these examples suggest that a dissidence, and occasionally outright defiance, characterised people's perceptions of the moral or political order of the day. They also demonstrate how such questioning might be played out within the context of social relationships.

If we briefly turn our attention towards the national historiographical narrative of the late seventeenth century, we soon become aware that political insecurity and the contestation of authority were central to all of the political crises of the period. The period began with the failure of the Republican experiment that had executed God's anointed Monarch. We must be careful not to assume a radical break or discontinuation with the political system of the early Stuart period, but to imagine that the restoration of the Monarchy could be a simple matter of re-adjustment is not credible. The invitation to Charles Stuart to resume the throne may have been perceived as the only realistic option to many who had the ear of the power brokers in Westminster, but many of the issues that had led to the civil wars still remained to be resolved.

In the succeeding decades there followed the bitter disputes over the role of the Church in the English State, and the place of religious dissent within society in general. The issue of dissent was constantly appearing in the church courts with both clergy and laymen finding it necessary to defend their reputations against such insinuations and charges. Prominent among the accusations levelled against Samuel Slipper by his parishioners in 1683 for example, was that he:

'never did wear the hood during divine service [and] never observed perambulation in Rogation Week [and furthermore] did preach from his pulpit that a man may pray as well in his fields as in church, and that Man in his fallen estate might have repented and found mercy for the pardon of his sinnes or lessened his punishment before the promise of

⁷⁹ At this time Norwich was held by Bishop Reynolds who was well known for his sympathy with dissenting clergy.

Christ, and that naturell corruptions are not soe strong as men take them to be and that Sinn comes in rather by immitacon then by corruption.’⁸⁰

Similarly the nub of a dispute, which resulted in a libel being published by William Dowsing about his parish minister, was that William Adamson ‘would not forbear to Read the second Service at the Communion table.’⁸¹ While in 1675 John Collins, Professor of Theology and well known Presbyterian in Norwich, was accused of behaving:

‘himselpe rudely and irreverently during all such tymes as he was at such divine service, for yt for the greatest part of the time Collins kept his hat upon his head, with many other imodest and unseemly actions.’⁸²

It appears as if the intention was to raise some doubts about Dr. Collins’ Presbyterian credentials and insinuate that he might have leanings towards Quakerism. But whatever the intention there can be no doubt that this presentation of Dr. Collins was motivated by broader political concerns.⁸³

In 1683 Daniel Scargil, the incumbent of Mulbarton, Norfolk, had so enraged his flock that one Thomas Claxton had said to him:

‘the way you goe in, you will make all dissenters from the Church [adding] you denie the Living God.’⁸⁴

Claxton’s opinion of Scargil’s preaching may well have had some foundation, for Daniel Scargil had a

⁸⁰ NCCD. DEP/51/55, 1680-6, MF/X/199; Ff.54-60, October 1683, Office con Mr Samuel Slipper.

⁸¹ NCCD. DN/DEP, 47/51, 1664-6; MF/X/199; Ff.320-4, February 1666, Office per William Adamson con William Dowsing, Thomas Sherman & William Meeke.

⁸² NCCD. DEP/49/53, 1671-5; MF/X/199; April 1675, Office per Joseph Tennison con Dr. John Collins (Professor of Theology).

⁸³ This cause is interesting because it explicitly links a small dispute to the national political debates of the day. As a prominent Presbyterian and active in his opposition to the Norwich Anglican-Royalists, Dr. Collins was targeted for removal from the ministry in 1677 by Lord Yarmouth. Nothing was done until 1678, when rumours of a plot against Bishop Sparrow’s life circulated the city. The Mayor was ordered to issue arrest warrants and Dr. Collins was one of the suspects. At the following Quarter Session only one magistrate deigned to appear, despite the fact that all the city justices had been ordered to attend; an act of independence and defiance of the government in itself, and perceived as such by Lord Yarmouth’s agents in the city. Dr. Collins survived this attempt to destroy him, and became one of the leaders of the city’s Dissenter faction in the next decade. See, J.T.Evans, Seventeenth-Century Norwich (Oxford, 1979), pp.266-7.

⁸⁴ NCCD. DEP/51/55, 1680-6; MF/X/200, Ff.163, November 1683, Daniel Scargil con Thomas Claxton.

colourful history.⁸⁵ Another example is of Mr George Lem, the vicar of Mellis, Suffolk, who was at the Petty Sessions in Mellis during 1687 when John Camell openly declared:

‘you think our Curate Mr George Lem is a God but youll find him a devil, he is a conjurer, a fortuneteller, I doe believe he can raise the devil and is more fit for that then a pulpit, and that he was never a Parson before he came to Mellis but a fortuneteller and a Articulator.’⁸⁶

While in 1675, Robert Dodd bluntly told his minister, ‘you’re fitter to be a Hangman than a parson.’⁸⁷

Of the laymen presented for dissent is one Edward Ling of Swanton Abbott. He had told the Reverend Mr Richard Cubitt to ‘save a cup of wine and drink a health withall.’⁸⁸ John Gillett of Easton, Norfolk, was simply charged in 1667 for being a:

‘Schismaticall incomformist and disaffected to the Government of the Church of England.’⁸⁹

Thomas Dawson of Norwich was presented in March 1674, for saying:

⁸⁵ Daniel Scargil had been elected a Fellow of Corpus Christie College, Cambridge, on the 30th August, 1667 at the age of twenty. On the 7th December, 1668, he was suspended ‘for having asserted "several impious and atheistical tenets; to the great dishonour of God, the scandal of the Christian Religion and of the University"' (Linnell, see below). Amongst other things Scargil had ‘gloried to be an Hobbist and an Atheist’ (Axtell, see below). Pre-figuring his future career at Mulbarton, Scargil was also renowned at Cambridge for his hard drinking, hard swearing, whoring and contentiousness. He also had nerve, taking his fight with the University to the King and the Archbishop of Canterbury, and almost succeeded in overturning the suspension. Scargil was eventually forced to recant in Great St. Mary’s, Cambridge, on the 25th July, 1669, whereupon he was absolved and restored to the University. He received ordination from Bishop Reynolds at Norwich in September 1672, gaining the living of Mulbarton shortly after. He was presented with a second living, the neighbouring parish of Swardeston, in 1690 by a presumed kinsman, Dudley Scargill. Daniel Scargil married twice into local parish gentry families and survived both of his wives. He was constantly short of money, using all his means to remedy his financial plight; from tapping his wife’s relations, to harassing his parishioners over tithes and taking payment for allowing an excommunicated woman to attend communion. Surprisingly he appears to have been a rather good amateur poet, and his style (if it be his), reminiscent of the Metaphysical’s, betrays a keen imagination. Two examples of his poetry survive. One can be found on the memorial to Sarah, his first wife, in Mulbarton church. The other is on a leger stone at Wymondham Abbey, Norfolk, dedicated to his sister-in-law Mrs Esther Le Neve. He eventually died in 1721, aged seventy-four, and was survived by two of his five daughters. See C.L.S.Linnell, ‘Daniel Scargill. "A Penitent ‘Hobbist’"', Church Quarterly Review CLVI, (1955), pp.256-265; J.L.Axtell, ‘The Mechanics of Opposition: Restoration Cambridge v. Daniel Scargill’, Bulletin of the Institute of Historical Research Vol.XXXVIII, (1965), pp.102-111.

⁸⁶ NCCD. DEP/52/56-7, 1687-9, 1691; MF/X/200; November 1687, Mr George Lem con John Camell.

⁸⁷ NCCD. DEP/49/53, 1671-5; MF/X/199; 1675, John Morris (cleric) con Robert Dodd.

⁸⁸ NCCD. MF/RO, 168/2, 1660-4; Ff.151-5, January 1662, Office con Edward Ling.

⁸⁹ NCCD. DN/DEP, 48/52, 1667-70; MF/X/199.3; Ff.52r-3, 69, May 1667, Office con John Gillett.

'shit of the sacrament, a turd of the sacrament, I care not for the sacrament they are all cheates, he is the best man yt gets most money.'⁹⁰

And finally Edmund Hendsen of Kings Lynn got into trouble for publicly uttering his virtually antinomian ideas, affirming:

'that Adultery was noe sinne and that it was lawfull for anie man to lay with or to have the Carnell Knowledge of another man's wife or any other woman. [Also] Mr Hogan then Minister of Linn and most men of the same Cloath were covetous whoring rogues, and stored priests, and that he could profit more by staying at home and reading play bookes and by seeing stage plays then he could by going to Church.'⁹¹

As insignificant as these people might be, with the exceptions of Dr. Collins and, at least early in his career, Daniel Scargil, when compared to the great lords of state and politicians of the day, there is no doubt that their words and opinions were taken extremely seriously by the authorities. Thomas Corie wrote to Sir Joseph Williamson requesting permission to intercept and open the private correspondence of '5 or 6 persons' in order to gain intelligence of Dissenter activity in Norwich during 1666.⁹² And in 1674 he reported how the city authorities were being met with violence when they broke up conventicle meetings and arrested those present.⁹³

If dissent of the Protestant variety was a cause of unease for the local administrators, the fear of Catholicism was an ever present threat to the political establishment outside of the Court. And the political machinations of the Charles Stuart himself could not have helped this situation. But as the ease with which Titus Oates and his accomplices mobilised the London Mob demonstrates, popular hatred and fear of the "Catholic menace" was still very much a live political issue on the streets and in the alehouse.⁹⁴ The failure in 1677 of the two bills aimed at securing the Protestant religion and succession, only added fuel to the smouldering fire that eventually manifested itself in the Exclusion Crisis. Kenyon remarks that events across the channel

⁹⁰ NCCD. DEP/49/53, 1671-5; MF/X/199; March 1674, Office per Thomas Dudgeon con Thomas Dawson.

⁹¹ NCCD. DEP.48/52, 1667-70; MF/X/199; July 1669, Office con Edmund Hendsen. Interestingly a Mr Hogan was one of the clergymen Thomas Ramsie selected for personal attention in one of his libellous sermons (see above).

⁹² R.H.Hill (ed), Thomas Corie (1956), p.22.

⁹³ Ibid. pp.36-7.

⁹⁴ See, J.P.Kenyon, The Popish Plot (Harmondsworth, 1974), Ch.1.

in the late 1670's focused the attention of Parliament, for 'the apparent invincibility of Louis XIV, with half Europe against him, was terrifying.'⁹⁵ It is therefore difficult not to conclude that the English were still gripped by the siege mentality that, Carol Wiener has suggested, was a characteristic of the late sixteenth- and early seventeenth-century.⁹⁶

The consequences following upon the discovery of the Rye House Plot in 1683 testify to a general political instability and the feeling of insecurity within the Stuart regime.⁹⁷ The Duke of Monmouth fled the country, as did John Locke who was a well known Whig polemicist. Up until his departure for Holland Locke had been resident at Oxford, where our friend Humphrey Prideaux had kept an eye on his comings and goings and assiduously reported his observations to John Ellis at Westminster.⁹⁸ The Monmouth rebellion and the Lord Chief Justice, Baron Jeffreys', ferocious reprisals could only have enhanced the fears of the protestant middling sort.⁹⁹ Fortunately for the rest of the country Baron Jeffreys concentrated his efforts in the west, but the East Sussex Quarter Session Rolls provide an interesting commentary on the period.

Throughout the 1660's and 1670's raids on conventicle meetings in East Sussex were sporadic, and the focus of constables presentments was upon regular non-attenders of the parish churches. From 1680 this changes dramatically, meetings were raided more frequently and leading members of the Sussex dissenting community were constantly arrested, fined, and distrained when they refuse to pay. Furthermore, just as Thomas Corie reports of Norwich, violence and civil unrest were commonplace. There was also a contiguous increase in the persecution of non-attenders. This official activity against the local dissenting community peaked during 1683 and 1684. By the April Session of 1685 the mood had changed in the county, and

⁹⁵ Ibid. p.24.

⁹⁶ C.Z.Wiener, 'The Beleaguered Isle. A Study of Elizabethan and Early Jacobean Anti-Catholicism', Past & Present No.51, (1971), pp.27-62; cf. B.Coward, The Stuart Age: a history of England, 1603-1714 (London, 1980).

⁹⁷ J.P.Kenyon, Popish Plot (1974), p.280.

⁹⁸ E.M.Thompson, Humphrey Prideaux (1875), pp.34, 49, 129, 131, 134, 139, 142 & 182.

⁹⁹ For a roll call of the rebels demonstrating their status, see W.McD. Wigfield, The Monmouth Rebels (Gloucester, 1985), passim; Cf. P.Earle, Monmouth's Rebels: the Road to Sedgemoor, 1685 (1977), pp.196-212.

constable after constable sent in their returns with the terse statement, 'nothing to present'. At the July Session the same year, following the defeat of the Duke of Monmouth, the constables had obviously thought better of their own muted rebellion and the Rolls were over loaded with non-attenders. Dissenters had obviously assumed it was too dangerous to gather at meetings during these months because none are presented. Although a possible but less likely alternative, given the events unfolding in the west-country, is that the constables ignored any meetings that did occur. By 1686 the panic was over, and the presentment of meetings and non-attendance returned to the relatively low levels of the previous decades.¹⁰⁰

The accession of the Catholic James II did nothing to allay Protestant fears for the religious, and therefore political order. The uneasy political situation finally came to a head when the six Bishops, led by Archbishop Sancroft, refused to countenance King James' plans to officially re-introduce Popery into England.¹⁰¹ Their subsequent trial was the catalyst that initiated the revolution, which effectively invited the Stuart dynasty to relinquish the throne in favour of the House of Orange. As John Overton remarked:

'the curious result [was] that the men who were in a very real sense largely instrumental in bringing about the Revolution were the first to suffer from it.'¹⁰²

The reasons why this was so is of extreme relevance to the argument of this chapter. For as a historian of Jacobitism has recently argued, the whole nonjuring schism within the English church centred upon a fundamental disagreement over the source of political authority; did it reside with the King and Parliament, or, as the nonjurors asserted, did it reside with God?¹⁰³ Thus we are presented with fundamentally the same issue that was invoked to justify the civil war fifty years earlier, albeit reconfigured in the new

¹⁰⁰ ESCRO. ESQSR. QR/E 128-286, October 1660 - October 1699; ESQSIB. QI/EW2-7, May 1660 - October 1699. A.Fox 'Aspects' (1992), pp.316-8, also notes support for the Duke of Monmouth and criticism of James II in the Gloucester court records.

¹⁰¹ The full count of the recalcitrant bishops was eight, including William Sancroft, Archbishop of Canterbury; Francis Turner, Bishop of Ely; John Lake, Bishop of Chichester; William Thomas, Bishop of Worcester; Thomas White, Bishop of Peterborough; Thomas Ken, Bishop of Bath & Wells; William Lloyd, Bishop of Norwich; Robert Frampton, Bishop of Gloucester; Thomas Cartwright, Bishop of Chester. Lloyd and Frampton escaped imprisonment by virtue of happy accidents, Lloyd's invitation to take part was lost in the post and Frampton did not arrive in time to be arrested. Extracted from J.H.Overton, The Nonjurors: Their Lives, Principles, and Writings (London, 1902), p.24.

¹⁰² Ibid. pp.25-6.

¹⁰³ P.K.Monod, Jacobitism and the English People, 1688-1788 (Cambridge, 1989), pp.19-20; Cf J.H.Overton, Nonjurors (1902), pp.6-7.

political situation of the 1690's.¹⁰⁴

The effects of the nonjuring crisis were not confined to London. Humphrey Prideaux gave the oath of allegiance to William and Mary severe consideration before he eventually complied.¹⁰⁵ What is more, and despite their protestations to the contrary, the eventual ejection of the seven nonjuring bishops gave impetus to the Jacobite cause.¹⁰⁶ Once again local sources reveal the concern of Westminster at the activities of Jacobites. Prideaux dutifully reported the Norfolk Jacobite clergy's refusal of the Bishop of Norwich's jurisdiction in 1692. They only capitulated when news of the victory at the battle of La Hogue was received.¹⁰⁷ While a dispute between Elizabeth Turner and George Baxter that appeared before the Norwich consistory court in 1692, involved detailed accusations of Baxter's reputed Jacobite allegiance.¹⁰⁸ Also in East Sussex John Dodderidge, the Rector of Whatlington, was presented by his churchwardens for being a supporter of King James, for asserting the 'rights of the Church' and expressing his 'disefection' and 'dislike' of the government.¹⁰⁹ Often Prideaux's intelligence was nothing more than rumour and gossip:

'I have lately been told by a very intelligent person that he is well assured that the

¹⁰⁴ On the debates and conflicts that led to the civil war, see R.Ashton, The English Civil War: Conservatism and Revolution 1603-1649 (London, 1979); A.Fletcher, The Outbreak of the English Civil War (London, 1981). For the views and perceptions of the soldiery and their leaders when the wars were over, see A.S.P.Woodhouse Puritanism and Liberty: Being the Army Debates (1647-49 from the Clarke Manuscripts) (London, 1986). For an account of the Tory hegemony and the Divine Right theory of order 1660-88, see H.T.Dickenson, Liberty and Property: Political Ideology in 18th Century Britain (London, 1977), Ch.I. Moreover, John Locke's Two Treatises on Government (1689), should be read in the light of these debates, in essence it is an attempt to develop the contract theory of governance against the Divine Right theory of the Tories.

¹⁰⁵ E.M.Thompson (ed), Humphrey Prideaux (1875), pp.157-160. Prideaux openly discusses his problem with John Ellis and asks his friend for advice. Prideaux accepted that William might be lawful King, but questioned whether was he the rightful King. And from whence did his authority derive, from the Parliament that had selected him? And what of James II, if he was rightfully King did his authority not derive from God? These were perplexing questions for a loyal supporter of Church and King and must have taxed the conscience of many others besides Prideaux.

¹⁰⁶ See P.K.Monod, Jacobites (1989), pp.23-27; J.H.Overton, Nonjurors (1902), p.23.

¹⁰⁷ E.M.Thompson (ed), Humphrey Prideaux (1875), pp.151-2.

¹⁰⁸ NCCD. DEP/53/58A, 1692-1703; MF/X/200; November 1692, Elizabeth Turner con George Baxter.

¹⁰⁹ WSCRO. EPII/5/19, Ff.2-13, 17, 30th June, 1691, Edward Bine & John Starr con John Dodderidge (rector).

abundance of those that seem fierce Republicans are in reality fierce Jacobites.’¹¹⁰

But this in itself speaks volumes for the climate of insecurity and suspicion abroad in the land. As Monod has shown, William III and his Whig administration had much to worry about: the political tide was turning against them and James II was only just across the channel.¹¹¹

J.H.Plumb has written of England:

‘in the seventeenth century a political nation was in ferment, locked in a war for power, with ample opportunities for battle, and whatever their personal ambitions or intentions, politicians had to try to dominate a majority of that active, voting political nation.’¹¹²

As we have seen Plumb did not exaggerate the situation, the political nation was indeed in turmoil. But his emphasis on an active voting political nation grossly limits and understates the case. Socially, economically, politically, and culturally, English society was riven with internal divisions. If there was a common experience that could be said to unite the nation, it was a sense of social fragility that fostered a deep cultural insecurity among the population at large. The quest for identity and the questioning of authority, especially among the middling sort, was both an expression and a cause of this insecurity. This quest also stimulated, at least for the period covered by this thesis, the emergence of a more assertive and competitive mentality among the middling sort; as they contended both with each other, and as a group with those above and below them, to maintain or enhance their relative position within the social structure.

Commenting upon J.H.Plumb’s analysis of the period, Jim Sharpe has argued that it ‘can, perhaps, be criticised in detail: yet its basic validity seems irreproachable.’¹¹³ He goes on to remark that it was the continuity of England’s basic social structure and institutions that guaranteed the emergence of social stability in England during the eighteenth century. He also stresses that we should beware:

¹¹⁰ E.M.Thompson (ed), Humphrey Prideaux (1875), pp.156-7.

¹¹¹ P.K.Monod, Jacobites (1989), pp.161-173.

¹¹² J.H.Plumb, Political Stability (1967), p.XV.

¹¹³ J.Sharpe, Early Modern England (1987), p.350.

'of interpretations of history which constantly seek for the "origins of modernity" in the early modern period.'¹¹⁴

This view too, as we have remarked above, has much to recommend it. The cultural institutions of England, many of which did have their origins in the early modern period while some, like the Law, Parliament and the Crown, are even older, did survive and aided the process of the attainment of a new social configuration. But it should be remembered that this outcome was not necessarily how the people involved perceived and experienced the situation. Again as Jim Sharpe makes clear, for the individuals involved there were real problems which had to be faced and dealt with.¹¹⁵ For perhaps the majority of these individuals, the possibility of personal or even social disaster was a real threat.

The nub of the issue facing historians therefore, is how do we do justice to these people's beliefs and cope with the notion of social change, while acknowledging the apparent continuity and relative order of a society experiencing such a radical re-alignment. One way of approaching this question is to examine change in the basic categories of thought that structure and facilitate individual action or behaviour within society. Drawing upon anthropological ideas, Keith Thomas has argued that what historians call social change can be regarded as a process of mental re-classification, or a re-drawing of conceptual lines and boundaries within a social milieu.¹¹⁶ By focusing our attention upon 'manners' or 'polite' behaviour in this thesis we are able to investigate the values that informed and structured social relationships.

But there is a more fundamental issue involved in our understanding of social change, which in turn will effect our understanding and interpretation of the social structure. Much of social life, and of necessity social relationships, are organised around contemporary perceptions of social institutions: the law, the Church, parliament, marriage and so on. The survival of such social institutions through the centuries can, and does, offer an image of structural stability and order. It is to this image of order that Jim Sharpe's remarks (quoted above) alludes. But this image is an illusion, to be sure an extremely reassuring and comforting one for

¹¹⁴ Ibid. p.352.

¹¹⁵ Ibid. p.353.

¹¹⁶ K.Thomas, 'An Anthropology of Religion and Magic, II', in Jnl of Interdisciplinary History VI:1, (1975), p.98.

those experiencing structural change but none the less illusory for all that. What is forgotten is that although institutions may continue, the meanings and values they represent and propagate are constantly being contested, negotiated, reformulated and renewed by individuals. Institutions are vitalised, that is given form, meaning, and social power, through individuals and their social relationships. Institutions cannot exist without this input, they are by definition social constructions. Hence we will always find continuity if all we are seeking is a static social structure consisting of social institutions that are somehow beyond human interaction. Conversely we will always find conflict if all we concentrate upon is the function of individuals determined within the context of a static social structure. Hence the interpretive deadlock between the "breakdown" and the "consensus" theorists of early modern historiography, for obviously social continuity is a product of conflict just as surely as social conflict is contained by the continuity of institutions.¹¹⁷

But how, we might ask, unless we are content with an essentially economic deterministic story of social relationships, can social change be accommodated within such a model of society? The short answer is that it cannot, at least not in any meaningful sense of the concept. There is simply no way of accounting for innovation or the introduction of new ideas other than economic necessity; there is no interface between lived experience and the monolithic social structure. We have no option therefore but to retire old notions of a social structure derived solely from economic determinants, as dignified by age and comforting by usage as they are. If we are to advance our understanding of social interaction (and with it our interpretive analysis of a past culture) beyond the deadlock we are now in, we must develop models of the social structure that are not only capable of reflecting the diversity of individual experience but also the talent individuals have of reflecting upon that experience as a guide to future action. This can only occur, indeed as a theoretical position, it will only make sense, if we acknowledge that it is only social relationships that bring the social structure into existence.

This theoretical position demands a complete re-evaluation of the concept of politics, as it was understood and practised within early-modern English society. To begin with we have to revise our understanding of

¹¹⁷ For a brief analysis of the split between the two interpretations, see S.Hindle, 'Public Peace', (1996), pp.214-215.

the complex relationship between the "state", defined here as central authority and the provinces, themselves comprised of distinct localities with their hierarchies of power and influence. There can be no doubt that the demands of Westminster for local accountability were growing, and with it an intensification of the activity of local governance. In many ways this increase in the effectiveness of local administration reflected a growth in the power of central government. But this growth should not be overstated and it should be remembered that the relationship of dependency between Westminster and the local administrators, from the county gentry to the parochial officers, was of vital importance to the maintenance of the entire system.¹¹⁸ And while all of this business may well support a view of a growing "consolidation" of power by Westminster, it can just as well lend support to Stephen Roberts' contention that central government was relatively weak in terms of enforcement, and therefore responsibility for maintaining social order was firmly rooted in the localities.¹¹⁹

Furthermore this interpretation underlines a suggestion made above; that ultimately the administration of order and the distribution of effective political power, dependent as it was upon local and voluntary participation, entailed a recognition by the administrative elite of plebeian notions of "civil" social behaviour. For if Westminster had little coercive power, the same can be said for the local representatives of State authority as Thomas Corie's remarks quoted above demonstrate. Ultimately therefore the social order had to be underpinned by the active participation of ordinary working people, that may or may not have had the franchise, for its regulation and maintenance. To put this perspective succinctly, if local governors gained their power, status, and the legitimacy for their authority from the state, then the state can also be seen to

¹¹⁸ The literature on this topic is vast, varied in the specifics of its analysis and beyond the scope of this footnote. But see for example K.Wrightson & D.Levine, Poverty & Piety (1979, 1995); Cf. K.Wrightson, 'Two Concepts of Order' (1980); A.Fletcher, Reform (1986); J.Kent, The English Village Constable 1580-1642: a social and administrative study (Oxford, 1986); D.Rollinson, Local Origins (1992), and his, 'Property, Ideology and Popular Culture in a Gloucestershire Village 1660-1740', P.Slack (ed), Rebellion, Popular Protest and the Social Order in Early Modern England (Cambridge, 1984), pp.294-321; S.K.Roberts, Recovery and Restoration in an English County 1646-1670 (Exeter, 1988); J.A.Sharpe, 'The People and the Law', B.Reay (ed), Popular Culture in Seventeenth-Century England (London, 1985), pp.244-270; J.T.Evans, Norwich (1979); M.Braddick, 'State Formation and Social Change in early Modern England: a problem stated and approaches suggested', Social History Vol.16, No.1, (1991), pp.1-17; For a discussion of the distinction between the concepts "Government" and "governance" see A.Leftwich, 'Politics: people, resources and power', A.Leftwich (ed), What Is Politics? The Activity and its Study (London, 1984), pp.62-84.

¹¹⁹ S.K.Roberts, Recovery and Restoration (1988), pp.214-219.

gain a legitimacy, (and from the perspective of the structural model outlined above we would have to conclude, its existence), from the activity of local governance.¹²⁰

We should also remember that during the early modern period English society was intensely localised and diverse. This diversity, as the work of Margaret Spufford in particular demonstrates, was expressed and maintained by dialect, agricultural practice, marketing structure, forms of dress, recreation, customs, settlement, and landholding patterns.¹²¹ One example of this localism is provided by Humphrey Prideaux who records receiving news that King William had been killed in Holland during 1695. But this news had arrived from Yarmouth (approximately 20 miles distant from Norwich) and:

‘it being a general rule with us here [in Norwich] never to believe Yarmouth news, we give not any credit to it.’¹²²

While a notion of late seventeenth-century ideas of distance can be gauged by Isaac Archer’s conclusion that sixteen miles was too far to travel to visit a friend: the round trip of thirty two miles being ‘too far to goe and come in a day’ on horseback.¹²³ It is also evident that when a seventeenth-century person referred to “their country”, they meant the area in which they lived and had personal experience of. The locality or neighbourhood was the stage upon which working people could take part in the politicking of daily life, gaining social status and influencing (however slightly) the moral order of their society. As one historian has recently argued:

‘it was difficult for people to see themselves as participants in a territorial unit, or state, the affairs of which were in no sense within their compass, but they could participate in the life of their countreys.’¹²⁴

In this respect, it is argued, sovereignty of the state resided with the common people in their localities. To paraphrase Jim Sharpe’s remarks on J.H.Plumb, we may disagree with some of the details of this statement, but in broad outline it undoubtedly contains a grain of truth. Neither is this such a novel suggestion as it

¹²⁰ For a discussion of this point from the perspective of political science, see J.Agnew, Place and Politics: The Geographical Mediation of State and Society (London, 1987), pp.23-24.

¹²¹ On the expression of local culture through language, see A.Fox, ‘Aspects’, (1992).

¹²² E.M.Thompson, Humphrey Prideaux (1875), pp.190-1.

¹²³ M.Storey (ed), East Anglian Diaries (1994), p.106.

¹²⁴ D.Rollinson, Local Origins (1992), pp.16-17. Author’s emphasis.

might at first appear, as an Italian political historian recognised when considering the origins of fascism in his country 'it is the local reality that determines the total picture, and not the reverse.'¹²⁵ Working folk exercised a vital role in the construction of the state by their required involvement in local administration, or by their participation in trade guilds that regulated manufacturing, trade and apprenticeships and other especially urban associations. They may have simply reported offences, attended local courts as witnesses and jurors or simply as interested spectators. At a more subterranean level they may have just kept an eye upon their neighbourhood's business, keeping up with the news, gossip or scandal (as we shall see, it generally amounted to the same thing), witnessing wills and deeds covenant, standing surety for friends, or simply letting people know when they had over-stepped acceptable standards of social behaviour. It is in the local context therefore that we can trace the 'national' story. That is, in the experiences of the middling sort of people and the values they expressed by their utterances and behaviour.¹²⁶

One result of this re-evaluation of the formal structures of politics, is that we need to broaden our vision and accept that:

'politics is not a separate realm of public life and activity. On the contrary, politics comprises all the activities of co-operation and conflict, within and between societies, whereby the human species goes about organising the use, production and distribution of human, natural and other resources in the course of production and reproduction of its biological and social life.'¹²⁷

All types of communal association and social relationship should therefore be included under the rubric 'politics', because:

'these activities are nowhere isolated from other features of life in society, private or public. They everywhere both influence and reflect the distributions of power and patterns of decision making, the structure of social organisation, and the systems of culture and ideology in society or groups within it.'¹²⁸

This was demonstrated in the causes from the courts that we briefly examined above. Edmund Felshed

¹²⁵ I.Granata, 'Storia Nazionale e storia locale: alcune considerazioni sulla problematica del fascismo delle origini (1919-1922)', Storia Contemporanea 11, (1980), pp.503-44.

¹²⁶ On the relationship between "national" and "local" history, see the comments of J.Sharpe, 'Communities in England, ca. 1180-1700: Local Studies, National Contexts', Jnl of British Studies Vol.33. No.2, (1994), pp.210-215.

¹²⁷ A.Leftwich, Politics (1984), pp.64-5. Author's emphasis.

¹²⁸ Ibid. p.65. Author's emphasis.

turned a dispute over the uses of the town close into an explicit attack upon the Norwich Mayor and Counsellors; William Austin found himself defending the status of his marriage, which would have had immensely damaging consequences for his social position if he lost; Thomas Ramsie utilised his position as a minister to attack local gentry and clergy; the presentment of Dr. Collins for his alleged behaviour in Church was undoubtedly linked to his political activities in the city of Norwich; and John Turner of East Sussex expressed his unhappiness with the result of a local election with a fit of drunken vandalism, physical assault and verbal abuse, all of which was presented to the court as an attack upon his moral character. It is clear from this limited evidence that politics in late seventeenth-century England extended beyond the formal political structures and into the core of society; the household and family, neighbourhood and communal relationships, in short the entire cultural milieu.

In keeping with a local study, it is necessary for a brief descriptive tour of the area under consideration. The county of Norfolk is situated on the east coast of England, with a long coast line stretching east from Kings Lynn in the Wash before turning south to Lowestoft. The interior is crossed by rivers which link up with the Broads to the south-east, and the fenlands to the north-west that spread out of the county. These waterways provided vital transport routes, linking the coastal ports of Wells, Stiffkey, Blakeney, Great Yarmouth and Lowestoft with the interior.¹²⁹ Out of the ports flowed grain and inwards came coal (from where else but Newcastle), and other imports from London and Europe. The watery wastes of fen and broad provided pasture for cattle, and alternative sources of income (wildfowling or reed cutting for example) for many villagers and landowners. In other parts of the county sheep/corn husbandry predominated.¹³⁰

Norwich, the county town, is protected to the south by the river Yare which links Norwich to Yarmouth,

¹²⁹ For the story of the development and ultimate decline of the North Norfolk ports, see J.Hooton, The Glaven Ports: A Maritime History of Blakeney, Cley and Wiveton in North Norfolk (Norwich, 1996).

¹³⁰ For a general description of the county, see F.Blomefield, An Essay Towards a Topographical History of the County of Norfolk (12 Vols., London, 1806); for a topographical description of a discreet locality within the county, see S.Amussen, Ordered Society (1988), pp.1-33.

and by the river Wensum flowing through the city itself. In the late seventeenth century Norwich was an ancient borough, its medieval walls served as a symbol of its long tradition of independence, and constrained the majority of seventeenth-century urban development within their circumference. The Norman Keep (which served as the city goal and seat for the assize during our period) still dominates the centre of the town, and with the Guildhall helped to reinforce the tradition of self-governance that was such an important element of seventeenth-century urban identity. Norwich was also the diocesan centre, with the Cathedral adding to the dignity and importance of the place. Thus the two strands of administration, secular and sacred, were located within the walls.

Contemporary visitors reported that Norwich was a leafy city, with gardens and orchards, and by all accounts a pleasant urban environment in which to live. Humphrey Prideaux wrote of the city in 1688:

‘I have now lived here 2 years in great content, it being ye most delightfull city of any I have seen in England for a man to live in, especially in our district, which hath all sorts of conveniences to recommend it to our satisfaction.’¹³¹

But Norwich was also a dynamic urban environment ‘undergoing considerable and frequently dramatic transformation.’¹³² Also during the late seventeenth-century it could lay claim to being the first city in the kingdom after London. The reason for this claim rested upon the size of its population (which will be considered below) and the city’s prosperity, which resulted from it being the centre of the Norfolk weaving trade. So important was this trade to the city economy that Norwich has been claimed to be one of the first industrial cities in England.¹³³

The branch of the trade the city weavers specialised in came to be called Norwich Stuffs (a mark of its centrality to the city’s prosperity). Norwich Stuffs were a relatively inexpensive, brightly patterned and light-

¹³¹ E.M.Thompson (ed), Humphrey Prideaux (1875), pp.147-8.

¹³² J.T.Evans, Norwich (1979), p.1.

¹³³ Naturally other trades were represented within the confines of Norwich, but weaving and allied trades dominated the city economy. It has been estimated that during the 1660’s and 1670’s approximately 45% of all new freemen were admitted to these trades. This figure declined to approximately 40% in the 1680’s and gradually declined further thereafter. See J.T.Evans, Norwich (1979), pp.16-24. Christopher Clay on the other hand suggests that even during the early decades of the eighteenth century, as much as 58% of the entire workforce was employed within the weaving industry, see his Economic Expansion (1984), p.18.

weight textile used for furnishings and clothes, and derived from the so-called "new draperies". Penelope Corfield has characterised the output of the Norwich weavers as:

‘fabrics of stylish and attractive design, lighter and more decorative than the heavier serges or bays, but cheaper than the costly imported luxury fabrics worn by the very rich.’¹³⁴

The trade in Stuffs, which ensured the prosperity of the small independent producers, increasingly became focused upon the domestic market as the seventeenth century progressed. In particular the Norwich weavers serviced the growing demand for such textiles among the increasingly affluent middling sort.¹³⁵ The industry depended upon an up-to-date knowledge of fashionable requirements which in turn demanded that the weavers of Norwich were flexible in their trade arrangements and responsive to market trends. As a consequence communications had to be swift and reliable, with regular contact by land and sea maintained with other weaving regions and fashionable urban markets. The most important of the latter was London where many of the city’s master weavers maintained well established trading houses.¹³⁶

The dominance of the weaving industry within the city should not obscure the growth in other sectors of the local economy. As the centre of the Norfolk marketing network, Norwich serviced a large, densely populated, and prosperous region. Throughout the seventeenth century demand for a wide range of goods and services grew and a broad economic base was developed as Norwich became a commercial and social centre. The wholesale trade expanded as goods were imported for dispersion among the many small towns that surrounded the city, mirroring the growing exports of textiles and grain. Shops (in the modern sense) began to appear as the retail trade grew, augmenting the traditional central daily market, and coffee houses were added to the variety of inns, taverns and alehouses as venues for gossip and business. As this economic

¹³⁴ P.Corfield, ‘A Provincial Capital in the Late Seventeenth-century: the case of Norwich’, in P.Clark and P.Slack (ed), Crisis and Order in English Towns 1500-1700 (London, 1972), p.281.

¹³⁵ See C.Clay, Economic Expansion (1984), p.18; P.Corfield, ‘Provincial Capital’, (1972); Cf. K.Allison, ‘The Norfolk worsted industry in the sixteenth and seventeenth centuries: 1. The traditional industry’, Yorkshire Bulletin 12, No.2 (1960), pp.61-77, and his ‘The Norfolk worsted industry in the sixteenth and seventeenth centuries: 2. The new draperies’, Yorkshire Bulletin 13, No.1 (1961), pp.196-217.

¹³⁶ The majority of these master weavers traded in their own right at their London depots, a few factored for colleagues in Norwich who could not, or possibly would not, establish themselves in the capital. They remained however master-craftsmen who produced and traded, they could not be strictly described as merchants who bought and sold the produce of others. For an examination of the close trading relationship maintained between Norwich and London during the seventeenth century see, U.Priestley, ‘The Norwich Textile Industry: The London Connection’, The London Jnl 19, (2), (1995), pp.108-118.

activity intensified, the city increasingly became a centre for conspicuous consumption, recreation, and display for the minor gentry and the relatively wealthy farmers of the county.¹³⁷

Concurrent with the growing prosperity and redevelopment of the city centre there was an explosion in the city's population. Penelope Corfield has estimated the population growing from 12,000 souls in 1600, to 30,000 souls at the turn of the eighteenth century. Much of this increase occurred in two distinct phases, the first between 1600-1630 followed by a slight decline between 1630-70. This was followed by a steep increase from 1670.¹³⁸ Immigration was the main cause of this growth. Walloon weavers arrived during the first phase, giving impetus to the economic expansion of the weaving trade, but thereafter the majority of the newcomers were attracted from the city's hinterland.¹³⁹ Perhaps the most astonishing observation concerning this growth of population is that very nearly all of this increase was contained within the city walls. Apart from the development of one or two scattered high class suburbs, the vast majority of the citizenry had to find their accommodation and working space, and regulate their social relationships, within an increasingly overcrowded urban environment.¹⁴⁰

The second important historic role of Norwich was that of Cathedral city. As a seat of the established church Norwich was home to the many clerics required by the Diocesan administrative hierarchy. As a site of church patronage the city was a magnet for churchmen seeking advancement and those of more mature years occupying sinecures or simply living out their retirement. The thirty parishes within the city boundary (the majority predating the fifteenth century) can be seen as testimony to the centrality of religious life to the city and its inhabitants. Relations between secular and Church authorities had been punctuated over the

¹³⁷ P.Corfield, 'Provincial Capital', (1972), p.287; for a detailed discussion of the urban development of Norwich during this period, see P.Borsay, Urban Renaissance (1989), *passim*.

¹³⁸ P.Corfield, 'Provincial Capital', (1972), pp.263-310; Cf. J.Patten, 'Population distribution in Norfolk and Suffolk during the sixteenth and seventeenth centuries', J.Patten (ed), Pre-Industrial England: Geographical Essays (Folkstone, 1979), pp.71-91.

¹³⁹ J.Patten, 'Patterns of migration and movement of labour to three pre-industrial East Anglian towns', J.Patten (ed), Pre-industrial England (1979), pp.143-161; Cf. P.Corfield, 'Provincial Capital', (1972).

¹⁴⁰ For an examination of the development of room use in the city, and particularly the accommodation of looms and boiling vats associated with the weaving industry in domestic property, see U.Priestly & P.Corfield, 'Rooms', (1982), pp.93-123.

centuries with disputes and disagreements, as might be expected. But things markedly deteriorated in the first half of the seventeenth century with the translation of Bishop Wren to the diocese (1635-1641).

Many of the leading inhabitants of the city, and presumably many of the lesser inhabitants as well, had allied themselves to the "Puritan" party in the sixteenth century. During the seventeenth century religious dissent and non-conformity became a hallmark of the city's reputation. Many of the wards became strongholds of non-conformist worship with a tradition of electing dissenting aldermen and common councillors. Bishop Wren had been appointed to the See to eradicate this movement and force the citizens back into the fold of Laudian conformity. The ensuing conflict destroyed the balance of orderly government, as Evans remarks:

‘by 1641 the magistrates had split into bickering factions, the magistracy and Assembly had come into sharp conflict, the relations between the city and the church had deteriorated into unprecedented and undisguised hostility, and large numbers of townsmen had lost confidence in the Crown.’¹⁴¹

This period set the seal on political affiliations within Norwich for the rest of the century and, it might be added, enhanced the inhabitants' reputation for independence in thought and deed (or from Westminster's point of view, the citizen's political unreliability).¹⁴²

In the context of the broader political situation immediately following the interregnum, the elevation of Edward Reynolds to the See of Norwich (1660-1676) was an obvious attempt to calm what had been troublesome waters for the Westminster government for decades.¹⁴³ Importantly, and despite his age (sixty one years old on elevation), Reynolds was not associated with Archbishop Laud. He was a Presbyterian, a close friend of Richard Baxter, and known through his early writings as a moderate ready to accept an accommodation between conformity and dissent. In the brief period after the Restoration, when the form of the English Church and the practical content of its doctrine were being debated, Reynolds advocated a

¹⁴¹ J.T.Evans, Norwich (1979), p.63. For examples and discussion of Bishop Wren's extremist policies in Norwich, see J.Davies, The Caroline Captivity of the Church: Charles I and the remoulding of Anglicanism 1625-1641 (Oxford, 1992), pp.131-2, 139-41, 148-9, 153-4, 281-221, 245-9 & 308.

¹⁴² For a discussion of this period of Norwich history, see J.T.Evans, Norwich (1979); Cf. N.Rogers, Whigs and Cities: Popular Politics in the age of Walpole and Pitt (Oxford, 1989), Ch.9.

¹⁴³ See I.M.Green, The Re-establishment of the Church of England 1660-1603 (Oxford, 1978), p.96.

limited episcopacy and objected to the full restoration of the powers of the Church Courts. His preferred solution was to spread the judicial power of the ecclesiastical courts between the bishops and archdeacons, who were to be aided by senior clergy in their deliberations and pronouncements on moral discipline. But as Ian Green notes, Reynolds was swimming against a tide of reaction and the Cavalier Parliament decided upon a full restoration of Church power.¹⁴⁴ In common with his colleagues in other sees Reynolds re-instituted his courts during 1662, the first business dealt with (according to document survival) being relatively un-contentious testamentary causes.¹⁴⁵

Green maintains that further evidence of Reynolds' moderate approach to the religious settlement can be gleaned from his opposition to the covenant, his acknowledged leadership of the Reconciliation Movement, and his first visitation during 1662 'a diluted affair, distinctly low church.'¹⁴⁶ Furthermore Reynolds was extraordinarily tolerant of his non-conforming clergy, one report claiming that:

'in his diocese he was remembered in that contrary to the custom of those who change sides, he was very moderate in his treatment of dissenters.'¹⁴⁷

His attitude to non-conformist clergy within his jurisdiction is demonstrated by his treatment of one Mr Candler.¹⁴⁸ Also we might add that he was responsible for the ordination of Daniel Scargil, and that he was the bishop who Thomas Ramsie claimed approved of his libellous sermons preached against the local gentry (see above).¹⁴⁹ Whether Ramsie's actions actually had the approval of Reynolds or not is immaterial, but the fact of the claim and that some of Ramsie's audience were prepared to believe it, suggests that Reynolds' reputation for tolerance was well founded.

¹⁴⁴ I.M.Green, Re-establishment (1978), p.128.

¹⁴⁵ See NCCD. MF/RO 168/2, 1662-4.

¹⁴⁶ I.M.Green, Re-establishment (1978), pp.14, 20-1, & 138.

¹⁴⁷ I.M.Green, Re-establishment (1978); Cf. DNB.

¹⁴⁸ For this case, see E.Calamy, An account of the Ministers who were rejected (London, 1713), p.315, and his A continuation of the Account of the Ministers, Lecturers...who were ejected and silenced (2 Vols., London, 1727), p.645; Cf. A.G.Matthews, Calamy Revised: Being a Revision of Edmind Calamy's Account of the Ministers and Others Ejected and Silenced (Oxford, 1934), p.101. Philip Candler curate of St Mary's Quay and St Peter's, Ipswich, 1662, was licensed to teach by Bishop Reynolds (1670) becoming Headmaster of Woodbridge School in the same year.

¹⁴⁹ On Daniel Scargil's ordination, see C.L.S.Linnell, 'Daniel Scargill', (1955), p.261.

Reynolds' successor Anthony Sparrow (1676-85) was a very different churchman, and the contrast between Sparrow and his predecessor shows how even established religion was still fairly unsettled. Bishop Sparrow's doctrinal position may be judged from his reported belief that the priesthood had the spiritual power to remit the sins of the laity. On this count, so close to the belief underpinning Catholic Confession, Sparrow was examined by an ecclesiastical tribunal and fully exonerated. He was a firm supporter of the Stuart dynasty and a royal favourite whose career was aided several times by the King's personal intervention.¹⁵⁰ As we saw above, Bishop Sparrow was active in his local opposition to the Whig faction, he was a close political ally of Lord Yarmouth, and was implicated in the attempt to remove Dr. Collins from the ministry during 1678.

Following Bishop Sparrow, William Lloyd (1685-90) was the next to be elevated to the See. Despite his undoubtedly Tory sympathies the non-conformist faction of the Norwich citizenry once again obtained a bishop more tolerant of their independent views.¹⁵¹ Both Sparrow and Lloyd preferred conversion rather than persecution of non-conformist parishioners as the business passing through their courts would seem to confirm. But Lloyd was deeply involved in the bishop's petition of 1688 against the second Declaration of Indulgence, and having avoided arrest he organised the bishops' defence at their trial. He then stood firm with them against the demands of allegiance required by William III, eventually being deprived of his See.

As Nicholas Rogers notes, the diocese of Norwich:

‘probably had more non-jurors than any other, including Bishop William Lloyd who succeeded Sancroft as the nonjuring primate in 1692.’¹⁵²

Humphrey Prideaux reported that Lloyd had been left £1000 in Archbishop Sancroft's will:

‘to be distributed among the Non-Jurors, according to ye discretion of the Late Bishop of Norwich [Lloyd], who lives at Hogsdon and now takes on him to be ye head of ye party. He [Lloyd] hath long been their treasurer, and all gift money for their support is deposited

¹⁵⁰ DNB.

¹⁵¹ J.Overton, Nonjurors (1902), pp.38-46.

¹⁵² N.Rogers, Whigs and Cities (1989), p.315; J.Overton, Nonjurors (1902), p.40, broadly concurs with this assessment, excepting London, Cambridge and Oxford as special cases.

with him.’¹⁵³

Sancroft had recently died and had been buried at Fressingham, Norfolk. William Lloyd continued to serve as the primate of the nonjuring church until his own death, receiving praise even from those who opposed the schism for the manner in which he maintained the dignity and integrity of his cause.¹⁵⁴ He eventually left Norfolk to reside in Hammersmith, from whence he continued to practice his schismatic episcopal duties until his death on New Years Day, 1710.

The final occupier of the See to concern us is John Moore (1691-1707). With Bishop Moore the low church connection was firmly established and consolidated in the city, along with local Whig supremacy in the corporation.¹⁵⁵ Moore was well known as a popular preacher (especially in London) and had also served as chaplain to William and Mary. As a Whig in his politics and a strenuous supporter of the low church party, Bishop Moore did not entirely endear himself to his Archdeacon Humphrey Prideaux:

‘he hath nothing in his gift fit for your brother to accept, and, if he had, he is a close designing man that will regard little but what tends to his own or relations interests, and I would by no means advise any friend of mine to list himselfe under him. He is indeed my old friend and acquaintance: however, it grieves me to see this diocese sacrificed to his secular interest, he being one that will by noe meanes answere its needs, and I thinke there is noe diocese in England needs a good Bishop more then this.’¹⁵⁶

It is virtually certain that Prideaux inclined towards the Tory faction in his political affiliations and this may go some way to explain his candid remarks about his ‘old friend’. Nevertheless Prideaux’s collection of letters reveal that he was deeply concerned about the status, power, and reputation of the established Church, including the conduct of clergymen. He was scathing upon the subject of lazy colleagues, on one occasion complaining bitterly of such:

¹⁵³ E.M.Thompson (ed), Humphrey Prideaux (1875), pp.163-6.

¹⁵⁴ J.Overton, Nonjurors (1902), pp.43-6, quotes some of these contemporary opinions.

¹⁵⁵ DNB. In 1685 the Hon. Robert Paston (brother to William, Lord Paston) and Sir Nevile Catlyn were elected as members of parliament for Norwich, thus continuing Tory control that had existed since the Restoration. In 1688 Sir Nevile Catlyn retained his seat, but Robert Davy (a Tory alderman) replaced the Hon. Robert Paston. Sir Nevile Catlyn survived the transition of power that year but Davy was ousted by Alderman Thomas Blofield, a Whig who was to serve continuously until 1701. Another Whig, Alderman Hugh Bokenham, replaced Sir Nevile in 1689. See F.Blomefield, County of Norfolk (Vol.3, 1806), pp.421-431; Cf. J.T.Evans, Norwich (1979), pp.260-301.

¹⁵⁶ E.M.Thompson (ed), Humphrey Prideaux (1875), pp.148-9.

'drones [who] never did a farthings worth of service in their life, professing nothing else but to live idly and feed their bellys upon what they have.'¹⁵⁷

We should also bear in mind that Prideaux was advising another friend upon the possibility of gaining Moore's patronage. It is therefore likely that the character sketch of his Bishop is not exaggerated.

These short biographies of the Bishops of Norwich are revealing of one aspect of the relationship between national government and a provincial capital. While not exactly a political placeman, a bishop's appointment would reflect current concerns within the political establishment. Furthermore a bishop was expected to maintain religious orthodoxy and moral discipline within his diocese, which in this period was also a reflection of secular concerns for political order and stability. In Norwich, where nonconformity had achieved strong representation in the city corporation, a bishop that pursued his duties in an overbearing or tactless manner was certain to meet with resistance; as the consequences of Bishop Wren's activities clearly demonstrates.

The choice of men to serve as Bishop of Norwich after the Restoration reflects a political astuteness and an acceptance of the local situation on behalf of Whitehall and Lambeth Palace. None of the incumbents chose open confrontation with the corporation, instead a policy of cooperation with political allies within the city was studiously followed. *From this perspective the example of Norwich certainly supports Stephen Roberts' contention, that Westminster and Whitehall simply did not have the means to enforce conformity to their policies unless their demands coincided, or could be made to coincide with local concerns.*¹⁵⁸

There is one other element to the political complexion of Norfolk as a whole which should be noted. Throughout the seventeenth century there was no established nobleman to organise the gentry as a political force and dominate city corporation. The nearest anybody came to doing so was Robert Paston (created Viscount Yarmouth 1673) who attempted to manipulate city politics for the High Church and King party

¹⁵⁷ Ibid. pp.160-3. This diatribe was directed at Henry Fairfax (then dean of Norwich) and an unnamed companion.

¹⁵⁸ S.K.Roberts, Recovery and Restoration (1988), pp.214-219.

during the 1670's and 1680's. His son William served as Lord Lieutenant of Norfolk and was named as the City Recorder for life in the new charter, granted in April 1683. But this was only achieved after a bitter factional dispute that eventually resulted in even Paston's Tory allies, who controlled the corporation, requesting his resignation.¹⁵⁹ It took the intervention (at Paston's request) of the Privy Council and the Lord Keeper to arrange a compromise settlement. This allowed Paston to retain the title and a deputy to serve in his stead, but also granted concessions to the corporation.¹⁶⁰

This agreement survived until the new charter was revoked and the old one reinstated during 1688.¹⁶¹ Thereafter, and with the city's Whigs back in control William Paston (now the second Lord Yarmouth) played no further active part in county politics. In 1693 Humphrey Prideaux bemoaned the lack of noble leadership in the county and hoped the young Lord Townshend would prove a future prospect:

‘beside him we have noe other Noblemen in this countey but ye Earle of Yarmouth, who at present lives very obscurely and yet increaseth his debts.’¹⁶²

Evans argues that Robert Paston's activities in the late seventeenth century were ‘unprecedented in living memory’, and that after 1688 the corporation of Norwich continued with its traditional functions without outside interference.¹⁶³ Because of this happy accident, power in the city resided with the corporation comprised of the aldermen and common councilmen. These were elected from the prosperous freemen who were all, by definition, the city's middling sort. We will close this chapter therefore with a brief review of the social and political structure of the city.

Writing in 1655 Quaker Habberthorne considered the entire population of Norwich to be ‘the most

¹⁵⁹ J.T.Evans, Norwich (1979), pp.298-301; for an account of this conflict in letter form, written by one of the leaders of the extremist Tory faction in Norwich and including the petition requesting Yarmouth's resignation, see R.H.Hill (ed), Thomas Corie (1956), pp.40-44.

¹⁶⁰ J.T.Evans, Norwich (1979), p.301.

¹⁶¹ H.Le Strange, Norfolk Official Lists, from the earliest period to the present day (Norwich, 1890).

¹⁶² E.M.Thompson, Humphrey Prideaux (1875), pp.160-3.

¹⁶³ J.T.Evans, Norwich (1979), pp.323.

wrangling, mischevious, envious, malicious people that I ever came amongst.’¹⁶⁴ An anonymous Norwich citizen writing sometime in the late seventeenth century disagreed with the good Quaker, but nevertheless considered:

‘the people also, for natural and civil parts, are genuinely of quick apprehension and sound understanding, and are courteous, affable, and friendly, but yet somewhat self-conceited, and given too much to disorders.’¹⁶⁵

Bishop Sparrow wrote to Archbishop Sancroft in 1678 complaining that the city ‘had the worst corporation I thought that I had met with.’¹⁶⁶ While Humphrey Prideaux’s first impressions of the political atmosphere of Norwich in 1681 are equally revealing:

‘this town I find divided into two factions, Whigs and Torys; the former are the more numerous, but the latter carry all before them as consisting of ye governing part of ye town, and both contend for their way with the utmost violence [...] I do not believe any place can afford of either part more vehement votarys to it then this town.’¹⁶⁷

Nothing much had occurred to change this impression by the early eighteenth century, as the London Post observed in 1705:

‘never was a City in this miserable kingdom so wretchedly divided as this [...] never were such divisions carried on with such feud, such malice, such magisterial tyranny and such defiance of laws of government.’¹⁶⁸

As these five disparate commentaries make abundantly clear, Norwich could be a turbulent city, especially in its politics. They also make clear that this reputation for bellicose behaviour towards authority extended throughout the city’s social hierarchy.

The social hierarchy of Norwich, it has been argued, was a traditional pattern recognisable to any student of early modern towns.¹⁶⁹ Evans notes that in common with other urban centres Norwich society was

¹⁶⁴ Quoted in P.Corfield, ‘Towns, Trade, Religion and Radicalism: The Norwich Perspective on English History’, Helen Sutermeister Memorial Lecture, Norwich, (UEA, 1980), p.29.

¹⁶⁵ Quoted in J.T.Evans, Norwich (1979), p.318. Evans describes the writing in the chronicle from which the passage is taken as being a seventeenth-century hand, and notes that it finishes in the early eighteenth century.

¹⁶⁶ Quoted in J.T.Evans, Norwich (1979), p.251.

¹⁶⁷ E.M.Thompson (ed), Humphrey Prideaux (1875), pp.89-90.

¹⁶⁸ Quoted in N.Rogers, Whigs and Cities (1989), pp.307-8.

¹⁶⁹ J.T.Evans, Norwich (1979), Ch.1 passim.

separated into several:

‘clearly differentiated groups, each with its own status, function, and carefully defined niche.’¹⁷⁰

As might be expected the triumvirate of wealth, status, and political power are reflected by this hierarchy. The most powerful group being the wealthiest tradesmen, who according to Evans, generally became aldermen and magistrates and dominated the city corporation. The lesser tradesmen, all independent masters, householders, and ratepayers, are associated with the wealthiest through the franchise. To be a tradesman in Norwich entailed being a freeman, and various statutes enforced throughout this period guaranteed this outcome. In effect only freemen could trade or employ apprentices, and only freemen could vote or hold office.

These two groups of men, the wealthy and a miscellany of the more or less prosperous, constituted the political elite of the borough. Evans has estimated that during the 1690’s the freemen constituted approximately 30% (2100) of an adult male population of 7000.¹⁷¹ Norwich was unusual in that freemen possessed the right to elect the twenty four aldermen (for life), the sixty common councilmen (annually), one of the two Sheriffs (annually) and the parliamentary representatives (when required). They also had the right to nominate two mayoral candidates from the twenty four aldermen. Frequently (and particularly during the seventeenth century) the freemen were able to get their preferred candidate of the two into office against the aldermen’s wishes, thereby aiding the city’s resistance to outside interference in its affairs.¹⁷² The origins of this remarkably open franchise date from the Composition of 1415, the stated aim of which was to:

‘make pees, unite, and accord [between] poore and ryche to be oon in herte, love and charity nevermore fro this tyme forth to ben dissevered.’¹⁷³

¹⁷⁰ Ibid. p.5.

¹⁷¹ J.T.Evans, Norwich (1979), p.12. Evans notes that this appears to be a low percentage when compared with estimates for York (75%), and Bristol (50%), offered by D.Hirst, The Representative of the People? (Cambridge, 1975), pp.94-95.

¹⁷² J.T.Evans, Norwich (1979), ch.2, passim; N.Rogers, Whigs and Cities (1989), pp.304-7.

¹⁷³ J.T.Evans, Norwich (1979), p.27; Cf. Hudson & Tingey (eds), The Records of the City of Norwich (2 Vols., Norwich, 1906), Vol.1, p.94. The wording of the Composition also suggests that political strife had a long history in Norwich.

The irony is that such sentiments underpinned a franchise that allowed local politics to be pursued with such venom during the seventeenth century.

Furthermore the qualifications for city office were somewhat more relaxed than other places during the period, including London, the only stipulation being that candidates were 'able and suffisuant' to fulfil their elected roles.¹⁷⁴ Naturally everything hinged upon the interpretation of the term 'suffisuant' and personal wealth was certainly a requirement of promotion. But it was not necessarily the wealthiest citizens who put themselves forward for nomination or who were nominated by the freemen and finally elected into office.¹⁷⁵ In seventeenth-century Norwich personal ability, religion, ideology and faction could, and frequently did, take precedence over wealth. As might be expected, under such pressures any oligarchic structure the Norwich corporation may have displayed in previous centuries was breaking down by the seventeenth century. Thus political office and the broad franchise that supported it was open to men 'of diverse social backgrounds and occupations'¹⁷⁶ As Nicholas Rogers notes, in Norwich the relative openness of the formal political structure ensured that even high political office was 'within the realisable ambitions of prosperous, public-spirited burghers.'¹⁷⁷ Under these conditions a sound personal reputation within ward, neighbourhood, or parish was a requirement no aspiring city politician could neglect to maintain.

Beneath this enfranchised elite were the journeymen and apprentices who might hope to join the ranks of the freemen eventually, but as yet were not part of the city electorate. Below these were the servants, day labourers and other itinerants who were generally regarded as the poor. This group constituted the majority of the city's population and had no formal role in the city's administration. Thus Evans presents us with the

¹⁷⁴ See the Composition of 1415; Cf. The Norwich Charter (1662-3), which stipulated 'able and sufficient' men for the Sheriff, and 'worthy and sufficient citizens and freemen' for aldermen.

¹⁷⁵ N.Rogers, Whigs and Cities (1989), p.306, notes that in 1725, of the 77 richest citizens of the city only 9 were aldermen; Cf. J.T.Evans Norwich (1979), pp.40-41, who concludes that by the seventeenth century nearly all 'freemen were deemed sufficiently "suffisaunt" in lieu of being householders and qualified craftsmen', to serve on the common council at the very least.

¹⁷⁶ J.T. Evans, Norwich (1979), p.30; N.Rogers, Whigs and Cities (1989), p.307.

¹⁷⁷ N.Rogers, Whigs and Cities (1989), p.306.

basic and well known pyramid structure of the early modern urban social hierarchy.¹⁷⁸ But it is more correct to call this pyramid model the formal political hierarchy, focusing as it does upon the structures of political office within the city. This becomes evident when Evans distinguishes two anomalous groups that do not sit easily with his model.

The first comprises the resident gentry, the small coterie of professional men, and the ministers and clerics serving the cathedral. Very few of these men became freemen and they apparently took no part in city affairs, their concerns being predominately with the county or the Cathedral Close. The second group is women, to whom Evans is content to ascribe value merely as an available pool of marriage partners for politically aspirant tradesmen. He justifies the latter by arguing that:

‘direct involvement of women in politics was minimal and thus they remain outside the scope of [his] study.’¹⁷⁹

In fairness to Evans his focus is the formal politics of the city, but from the perspective of this thesis that is the weakness of his work. As has been argued above, this approach assumes an extremely narrow definition of politics (likewise power, authority and status) and thus condemns the vast majority of the population to political obscurity. In effect Evans provides an eloquent example of how the pyramid model of the social structure invites us to reproduce the ideology of the seventeenth century political elite. If we accept the invitation we simply dismiss (qua Evans) those persons not represented in the formal political structure, in the process creating an arbitrary divide between politics and governance on the one hand and everyday social life on the other. As was argued above, this imposes the fiction that formal political action is divorced from the day to day lived experience of communal life, without ever demonstrating quite how this estrangement occurs in practice.

To compound this problem (or possibly to obscure it), the narrow political hierarchy is then conflated with the entire social structure. This closes the analytic circle by encouraging an assumption that authority can

¹⁷⁸ Although Evans prefers to describe it as a funnel, because this gives a clearer impression of the ratio between the wealthy and the poor, J.T.Evans, *Norwich* (1979), p.15. The distinction is slight and is subject to the same criticism as the orthodox pyramid model.

¹⁷⁹ J.T.Evans, *Norwich* (1979), p.6.

simply be ascribed to a minority of citizens (in the context of Norwich, 2100 enfranchised males out of a total population of 30,000 is a minority by any reckoning) as an unchallenged commodity purchasable along with the freemanship of the city. This may well be the ideology of those lucky enough to be part of the political elite. Indeed it would be surprising to find an elite anywhere who would not consider such an ideology appealing. But the questions raised above bear restating; should historians accept this very particular reading at face value, and is it not possible that the disenfranchised majority saw things very differently? Perhaps in practice the relationship between the enfranchised and the disenfranchised (hence the broader structure of affective social relationships), were very much more complicated than the traditional pyramid model of the social structure allows.

To conclude we can now return to the comments characterising Norwich as an unruly city with which we opened this part of the discussion. From their remarks we may assume that all the commentators had some awareness of the problems of maintaining communal harmony, law and order, and the social hierarchy; in short social order. Furthermore, from their very personal perspectives, their statements imply that authority was not a forgone conclusion for those who wished to govern. This thesis seeks to explore how authority and power were negotiated and maintained and it will be argued that personal conduct and reputation was fundamental to this process.

In the depositions of the church courts we have a record of how issues surrounding reputation were worked out in practice, while seventeenth-century conduct literature and ballads offer us examples of the ideal behaviour individuals were expected to aspire towards. Thus we have two extant sources which enable us to explore the relationship between the theory and the practice of social conduct in this period. In a society such as England during the late seventeenth century, where social categories and markers of status were being challenged and underwent relatively rapid change, cultural insecurity would be a dominant experience of perhaps the majority of individuals. At the heart of the problem were uncertainties about personal identity, and where and how the self might fit into the hierarchy as a new social settlement was constructed. It remains to be shown in this thesis how authority was negotiated, and how social order in its broadest sense was created.

CHAPTER 2

**A SUITABLE CAUSE FOR COMPLAINT:
POPULAR USE OF THE BAWDY COURT IN NORWICH**

During July 1680 two causes appeared in the records of the Norwich consistory court, promoted by Office for John Metcalfe (worsted weaver), against Andrew Faireman (a warden of the Weavers Guild) and a Mrs Battelie. Metcalfe's witnesses, John King and Nathaniel Maxey (also worsted weavers), alleged that Andrew Faireman had committed adultery with Anne Battelie 'in the kitchen of her dwelling house'.¹ They told how, after meeting together in the street, King had asked Maxey 'to goe a little way and he would show [Maxey] a Whore and a Rogue together.'² Accordingly the pair had gone to Anne Battelie's house, and looking through a window saw Anne in:

'a chair with her cloathes up and [Faireman] in a lasivious manner embracing her and as far as could be perceived, by the moving of his body, committing the act of adultery with hir.'³

Following their initial testimony both King and Maxey were rigorously cross-examined. The interrogatory does not survive, but the answers the pair gave allow the questions to be inferred. Upon being asked who had called them as witnesses, they answered that initially it was a Mr Newbury, then Mr Metcalfe, and they had consented for no personal reward. They also denied that Nathaniel Maxey had attempted to indemnify any persons to promote the cause, or that Metcalfe promoted the cause unjustly. They both claimed that a Mr Ryall had rejected a bolt of Maxey's Stuff without reason, and denied that Maxey had ever argued with Mr Faireman or that Mr Faireman was suing Maxey.

¹ NCCD. DEP/51/55, 1680-6; MF/X/200; July 1680; Ff.376, Office per John Metcalfe con Anne Battelie; Ff.377-382, Office per John Metcalfe con Andrew Faireman. Office causes were usually the result of presentation by Clerics or Church Wardens of offenders, whereas Act causes generally originated between private parties. At this period in Norwich it was common practice for a cause to be promoted via Office despite its origin as a dispute between private individuals. For a discussion of ecclesiastical court procedure see below.

² Ibid.

³ Ibid.

So far this appears to be a cause, of a type common in the sixteenth and seventeenth-century Bawdy Courts, of moral dereliction and sexual misdemeanour. It is unusual in that the responses to the cross-examination survive as part of the deposition. This suggests that Andrew Faireman and Anne Battelie were organised and ready to defend their good name. The normal practice was for a deposition to be taken in relative privacy before a court official, the examination of witnesses following later in the progress of the cause. Here the interrogator was prepared to challenge the evidence of Maxey and King immediately. It is also obvious from the answers he received that more was involved than adultery. How much more was revealed six months later when Andrew Faireman and Anne Battelie promoted causes against John Metcalfe for defamation.⁴

The first three witnesses in these counter-suits (Stephen Genn, John Nilson and William Markham, all worsted weavers) had gone to Anne Battelie's house to examine the location of the 'crime of adultery.'⁵ They stated that Maxey and King could not possibly have seen anything, the 'window being only a cranny into the chamber.'⁶ Furthermore, upon a second inspection the cranny had been made larger in order, as they argued, to support Metcalfe's charge. Antonie Darsen swore that Nathaniel Maxey had lied, 'as warden of the company [the Worsted Weavers Guild]' Andrew Faireman had stopped the defective bolt of Stuff and Maxey had argued with Faireman about this.⁷ John Ryall (another warden) confirmed that he 'was not at the hall' on the day in question and claimed that Metcalfe had told him:

'that he knew nothing of the crime leading to the charge of Andrew Faireman [...] otherwise than what Nathaniel Maxey had told him. [Ryall had asked] why he then prosecuted Andrew Faireman. Metcalfe replied that he did it for the sake of his friend Nathaniel Maxey who [had] informed him [Metcalfe] that Faireman intended to sue him [Maxey], and that such a suite would undoe him. Whereupon Metcalfe took upon him to

⁴ NCCD. DEP/51/55, 1680-6, MF/X/200; Ff.349-358, January 1681, Faireman con Metcalfe; Ff.360-2, Battelie con Metcalfe. The bulk of the defence is recorded in Faireman's cause, Anne Battelie's witnesses concentrate upon destroying the credibility of Metcalfe and his witnesses. Both causes were obviously sworn together (witnesses are shared, the depositions are in the same Clerk's hand writing, and the dates and legal representation correspond), and promoted in tandem.

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

be promoter in this cause to vindicate and save his friend Nathaniel Maxey from damage.⁸

William Cooke, William Gedge (worsted weavers), and John Grinley (taylor) corroborated this evidence.

Samuel Workhouse (a wool chapman) revealed that:

'Nathaniel Maxey was and is a poore man and a very loose living man and never kept his word upon anie promise [...] and further is now a prisoner in the Citie Gaol at this deponents suite and others.'⁹

William Mayhew (woolcomber) and Jonothan Newhouse (worsted weaver) confirmed this story. John Hawes (worsted weaver) recalled Maxey saying that he would not have got involved in the business:

'if [Faireman] had not been a warden and that the wardens had stoppt a piece of Stuff of his. That was the full rate and now I have taken him and now I'le be even with him.'¹⁰

Samuel Salman (a barber) claimed that on the night Faireman and Mrs Battelie were taken and charged, Maxey had appeared in his house:

'merrilie express[ing] his joy by saying and declaring I am glad, I have waited two or three hours to take him but now I shall be even with him.'¹¹

Samuel Brockhurst (Mercer) reported a conversation with Maxey concerning Faireman's suit against him, Maxey stating that he was going to strike first. Francis Weston (worsted weaver) and Nicholas Ellis (gentleman), friends of Andrew Faireman for twenty years, offered testimonials to his good name; the latter adding that Metcalfe was 'a verie poore and indigent man, and by reson of his povertie is not able to pay his debts.'¹² The evidence closes with William Spencer (husbandman) stating that Maxey had:

'desired him to be a promoter of a cause against Mr Faireman and if he would [do it] it would be at no charge to himselfe.'¹³

Furthermore he had been paid by Mr Newbury and Mr Metcalfe.

⁸ Ibid.

⁹ Ibid. Maxey had been incarcerated for debt.

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid. Metcalfe was in debt to Ellis for one years rent for a house and workshop.

¹³ Ibid.

This is as far as we can take the story, for as usual with consistory court business the cause does not appear to have gone to judgement. But the variety and detail of the depositions do allow an examination of the internal dynamics of the dispute, raising questions about litigation in the ecclesiastical courts in the process. First, this cause provides an example of how a legal defence could be conducted via the promotion of another cause. And viewed together the causes lend support to Martin Ingram's contention that in the early modern period people were inclined to 'make Law not War' in their disputes.¹⁴ If Faireman's witnesses are to be believed, Maxey's use of the court to gain revenge demonstrates how the Law could be seen as an effective tool for humiliating an enemy. On the other hand if Faireman's defence was a deception, the fact that the strategy was deployed suggests its plausibility to the audience.

This leads to a consideration of how much reliance can be placed upon the depositions as evidence. It will be argued that it is of little consequence whether they contain the "truth" or not. What really matters is what people said of each other and how they chose to structure their stories. What they left out, or adjusted, can be just as revealing of their intentions as the truth.¹⁵ Indeed it could be argued that once a court has heard the evidence and decided which version to accept, that version is the truth for all practical purposes. The "truth" therefore could be a flexible resource even in a straightforward cause.

There is also the influence of court procedure and staff on the production of the depositions to consider. In short church court business was divided into two categories, cause by Office and cause by Instance. The former related to presentments by clergymen, churchwardens, or neighbours, who brought the transgression of offenders to official notice, and for correction by the court. The latter can be equated with modern civil legal actions and were fought between individual litigants. In both categories the procedure was broadly

¹⁴ M.Ingram, 'Communities and Courts: Law and Disorder in Early Seventeenth-Century Wiltshire', in J.Cockburn (ed), Crime In England 1550-1860 (London, 1977), pp.100-134; Cf. M.Ingram, Church Courts, Sex and Marriage in England, 1570-1640 (Cambridge, 1987).

¹⁵ For a broader discussion of this point, see L.Gowing, Domestic Dangers (1996), Ch.7; Cf. W.L.Bennet & M.S.Feldman, Reconstructing Reality in the Courtroom (London, 1981).

similar.¹⁶ After a complaint had been sworn litigants would arrange for legal representation if they so wished, and their cases would be constructed. At this initial stage witnesses' stories would be crafted by the litigant's Proctors (church court solicitors) to conform to legal requirements and present the case in the strongest possible fashion to persuade an audience to a specific conclusion. Although the presentation of the cause was technically the prerogative of advocates, it was common for proctors to assume this role as well during this period. In Norwich there was a difference with public notaries serving as proctors and, it seems, taking on the duties of advocates.¹⁷

Witnesses would be examined in private by a court official, their words being recorded as depositions. Here the interrogator and the clerk would transpose the witnesses' language into the legal form required. Thus the hand of the clerks who took down the testimony can also be detected in the depositions. Their efforts to make the deposition clear and water tight in the court room often resulted in a laborious construction of statements and sentences which could render every day situations or phrases of abuse into tortuous forms. Moreover the testimony is often fragmentary, in that each deposition is an individual perspective of the event at issue. But with a degree of effort and caution they can be readily understood. The interrogatory was supplied by the court and was designed to elicit information concerning the witnesses as much as the facts of the case. The exact questions may well have varied from cause to cause, but generally they attempted to discover any relationship between the witness and the disputants, their financial status and trade, and their state of communication with their parish church. Witnesses might also be asked who they thought had the

¹⁶ For church court procedure and the roles of legal staff and practitioners, see H.Consett, The Practice of the Spiritual or Ecclesiastical Courts (London, 1685); Cf. R.A.Marchant, The Church Under the Law: justice, administration and discipline in the Diocese of York, 1560-1640 (1969); B.L.Woodcock, Medieval Courts of Canterbury (London, 1952); D.M.Owen, The Records of the Established Church in England British Records Association, Archives and the User, No.1 (1970), especially pp.40-1; C.R.Chapman, Ecclesiastical Courts, Their Officials and Their Records (Dursley, 1992).

¹⁷ The respective duties of Proctors and Advocates correspond to Solicitors and Barristers. In practice the distinction was not enforced. For the origins of Canon Law officials, see, R.Pound, The Lawyer from Antiquity to Modern Times (Minnesota, 1953), Ch.3; for an examination of the duties and practices of proctors see, R.H.Helmholtz, Marriage Litigation in Medieval England (Cambridge, 1974), pp.147-154, and, R.H.Helmholtz, Canon Law and the Law of England (London, 1987), Ch.3. Of the twenty entries in the Norwich Subscription Books between 1660 and 1700, two are designated Advocates, three as Proctors, and the remainder as Public Notaries. Two of the latter, entered in 1683 and 1692 respectively, are titled Principal Proctors. See, E.H.Carter, The Norwich Subscription Books (London, 1937), pp.69-70.

rights in the cause, and what payment, if any, they expected to receive for their testimony. They might also be asked if they understood what a defamation entailed. Such as John Goddard, who when so asked replied that he:

‘conceiveth all persons to be liable to the law that shall speake any words tending to the scandall of another person.’¹⁸

Finally witnesses would be requested to tell their story, how they came by their knowledge, and what damage they thought the plaintiff had suffered (see Figure 1).

Once the depositions had been copied by the court’s clerk they would be sent to the litigant’s Proctors for the final preparation of the case before a court appearance. Despite these intrusions of the legal criteria the stories are usually relatively clear as to the words said, the actors involved, and the location. As the depositions were read out in court, and the witnesses would be questioned on their version of events, this makes complete sense. Witnesses would have to be able to recognise their own words, if only to ensure the process did not degenerate to the point of farce. Hence, although the depositions are not an unproblematic source, neither are they completely corrupted by the various interventions of legal staff and the demands of court procedure, and the authentic voice of witnesses can still be discerned.

If we return to considering the dispute between Metcalfe, Faireman and Battelie, we can also observe the social background of participants in litigation during this period. The majority of those named were worsted weavers or associated with the trade. Some were obviously wealthy and of high social standing in their community while others were less so which demonstrates that men of varied social status had an understanding and experience of the legal process. Other points to note are the roles friends and neighbours played in defending or promoting an action, and the place of gossip in the spread of news and regulation of personal reputation. We might also acknowledge the political implications of the affair for Andrew Faireman: he was a warden of the Guild of Worsted Weavers and consequently an influential man. We may

¹⁸ NCCD. DN/DEP,48/52, 1667-70; MF/X/199-3; February 1670, Ann Manby v Robert Nandicke; Cf. DEP/52/56-7, 1687-9, 1691; MF/X/200; November 1691, Ann Lulman con John Inman.

Figure 1. Witness Interrogatory; NCCD. DEP/53/58B, 1692-1703; MF/X/200; March 1696, Office per James Church v Thomas Life.

- 1 let every pretended witness be askt whether he or she is Kin to Church [the party producent]; and how neare, or have any dependence upon him for a livelyhood; and in what nature, or indebted to him and in what sum.
2. let every pretended witness be askt what trade or proffession he or she doth use for a livelyhood, and what he or she is worth their debts being paid.
3. let every pretended witness be askt what proffession Church and his wife do use, and whether they be not poore, and how Church came to know that such witnesses could testify anything in this business.
4. let every pretended witness be askt to which of the parties Litigant he or she would give victory in this cause if it were in their power, and for what reasons.
5. let every pretended witness be askt what summe or sumes of money or other reward he or she hath receiveth or is promised or doth expect to have, from whome, in case Church prevailleth in this business, for his or her coming to testify.
6. if any pretended witness shall depose to Carnell Knowledge as is articulated, let him or her be askt whether the said act was committed in a chamber or lower roome, and what day of the year, month (whether and what hour of the day or night), and how such witness came to be present in the same roome.

et fiat ut supra

also assume that his political aspirations extended beyond the Guild to the government of Norwich.¹⁹

This leads us to the nub of the thesis; the role of church court litigation in general and defamation suits in particular in the social milieu of late seventeenth-century Norwich. In pursuance of this inquiry we will examine people's participation in the ecclesiastical legal system and their motivations. In the process it will be argued that such litigation reveals a concern with self representation, social roles, and civic identity that could be said to characterise late seventeenth-century English society.

We shall begin the analysis with a survey of the participants in the Norwich consistory. If we look at the figures we see that a total of 2167 individuals appear in the cause papers over the four decades examined, as either litigants or witnesses (Table 1). Of these 1397 were male and the other 770 female, giving a ratio of approximately two to one. We can also be sure of the occupations of 999 individuals, approximately forty-six per cent of the total (Table 4). Predictably the bulk of these refer to men (987 in total), and only twelve women (Table 1). Although there are numerous hints in the depositions that many women ran a business in their own right while their husbands worked elsewhere, wives were generally recorded in the court papers by their husband's occupation. There is no indication of a different employment profile for the remainder of the business, so we can conclude that the known tally of occupations is representative of trades followed by male participants at the consistory court during this period.

If we examine the breakdown of occupations (Table 4), we can see that of the total figure 89 (approx. 8%) are squires and gentlemen: the majority are witnesses although a few do appear as litigants. A further 85

¹⁹ The importance of worsted weaving for the prosperity of the city entailed that the Guild, and its representatives, enjoyed a central role in the government of Norwich. Humphrey Prideaux reports a schism between the Corporation and the Guild during 1696, over the wording of the 'Association in Defense of the King' against the Jacobite threat. The Guild wanted to insert the word 'revenge' into the document, hoping this would benefit a Bill they were promoting at Westminster prohibiting the import of 'Indian Silks and Bengalls'. The Corporation preferred the milder form 'punish'. No agreement could be reached so the Guild set up a rival corporation. See, E.M.Thompson, Humphrey Prideaux (1875), pp.166-8, 169-70; For the dominant position of worsted weavers in the city's political hierarchy, see J.T.Evans, Norwich (1979), Ch.2; N.Rogers, Whigs & Cities (1989), Ch.9.

Table 1. Norwich Consistory Court, 1660-1703, Participants by Gender**MALE PARTICIPANTS**

Occupation Unknown	509	36%*	
Occupation Known	<u>888</u>	64%	
Total			1397 64%

FEMALE PARTICIPANTS

Women Occupation Known	12	3%	
Wives Occupation Unknown	258	70%	
Wives (husband's occupation)	<u>99</u>	27%	
Total			369 48%
Widow	63		
Single	75		
Daughter	8		
Sister	2		
Sister in Law	1		
Neighbour	<u>1</u>		
Total			150 19%
Female Nothing Known			<u>251</u> 19%

Total Female Participants 770 36%

Total Male & Female Participants 2167

* Percentages have been rounded up to the nearest whole figure.

Table 2. Lewes Archdeaconry Court, January 1686 - August 1690, March 1691 - May 1694, Participants

Male occupation known	178	
Female occupation known	<u>4</u>	
Total		182
Female by Status:		
Wife	20	
Widow	8	
Spinster	4	
Maiden	3	
Mother	1	
Sister	1	
Daughter	2	
Not Known	<u>21</u>	
Total		<u>60</u>
Total Participants		242

Table 3. Lewes Archdeaconry Court, January 1686 - August 1690, March 1691 - May 1694, Role in Cause by Gender

ALL BUSINESS

Female c Female	4
Female c Male	11
Male c Male	11
Male c Female	3
Couple c Female	1
Couple c Male	1
Office c Male	1
Office c Couple	1
Chwdn c Male	5
Other	<u>2</u>
Total	40

	Plaintiff	Defendant	Witness	Total
Female	17	9	38	64
Male	<u>23</u>	<u>30</u>	<u>125</u>	<u>178</u>
Total	40	39	163	242

Percentages omitted due to depleted document survival.

(approx. 8%) are Churchmen, ranging from a Professor of Theology to a Curate. Two men gave their status as Aldermen and another five claimed some petty official capacity. The professional cadre is represented by sixteen men, including Lawyers, a Surgeon, a Writing Master, a Mathematician, and a Private Secretary. The twelve women whose occupations are known for certain include four midwives and a nurse, while the remainder were servants, ran market stalls or kept alehouses although one had her own workshop and employees.

The agricultural sector provided 186 persons (approx. 17% of the grand total), of which 75 (40%) claimed to be independent farmers or yeomen. The distinction between farmer and yeoman is impossible to ascertain. It may be that it simply reflects a slow modernisation of the terminology these men used to describe themselves. We can be certain that they represent the relatively affluent rural parish elite, although within this group disparities of income would still be the norm. Similar difficulties of definition surround the remaining 111 husbandmen, they could be semi-independent smallholders, small tenant farmers, or farm servants.²⁰ We can conclude that they were not wealthy but neither were they paupers. The remaining 616 individuals, almost 62% of the overall total, cover all the trades and crafts one might expect to find practised in early modern Norfolk.

This breakdown reveals a picture similar to that found in other Consistory courts of the period. The occupation breakdown for the Lewes Archdeaconry, East Sussex, is included for comparison. Although a problem of record survival has depleted the totals, they are broadly similar to the Norwich evidence (Table 5). As we saw in the Faireman cause above, the overwhelming majority of persons appearing as either litigants or witnesses were drawn from what is commonly referred to as the middling sort.²¹ Some of these people would have been relatively wealthy, most could be described as prosperous, others would have barely

²⁰ Only four of the 111 Husbandmen claimed to be farm servants in their depositions.

²¹ See for example, G.R.Quaife, Wanton Wenches (1979); R.Houlbrooke, Church Courts and the People During the English Reformation 1520-1570 (Oxford, 1979); M.Chaytor, 'Household and Kinship: Ryton in the late 16th and early 17th centuries' History Workshop Jnl No.10 (1980), pp.25-60 ; J.Sharpe, 'Defamation and Sexual Slander in Early Modern England: The Church Courts at York', Borthwick Paper No.58, (1980); P.Rushton, 'Women, Witchcraft and Slander'(1982); M.Ingram, Church Courts (1987); S.Amussen, Ordered Society (1988); J.Thompson, Wives, Widows, Witches and Bitches: Women in Seventeenth Century Devon (New York, 1993); L.Gowing, Domestic Dangers (1996).

Table 4. Norwich Consistory Court, 1660-1703, Occupations

Armiger	4		
Squire	8		
Gentleman	<u>77</u>		
		89	8%*
Professor of Theology	1		
Clergyman	<u>84</u>		
		85	8%
Farmer	5		
Yeoman	70		
Husbandman	<u>111</u>		
		186	17%
Alderman		2	-
Petty Officials		5	-
Professions: Lawyer, Writing Master, Surgeon, etc		16	2%
High Status Trades: Goldsmith, Gunsmith, Apothecary, Millener, Vintner, etc.		63	7%
Low Status Trades: Butcher, Ironmonger, Pump Maker, Tanner, Carpenter, Blacksmith, Thatcher, etc.		254	26%
Miscellaneous: Gardener, Painter, Oatmeal Maker, Knacker, Dauber (mud wall builder), Brickburner, etc.		29	3%
Victualling Trades		48	5%
Marine Trades		36	4%
Weaving Trades		166	17%
Military		3	-
Servant		<u>17</u>	2%
Total Occupations		999	

* Percentages have been rounded up to the nearest whole figure.

Table 5. Lewes Archdeaconry Court, January 1686 - August 1690, March 1691 - May 1694, Occupations

Knight	1
Gentleman	15
Esquire	1
Attorney & Apprentice	2
Clergyman	8
Scribe	1
Farmer	43
Yeoman	20
Farm Labourer	9
Farm Servant	5
High Status Trades: Mercer, Apprentice, Draper etc.	21
Low Status Trades: Ironmonger, Butcher, Tanner, etc.	40
Weaver	2
Mariner	1
Innholder	1
Servant	<u>12</u>
Total	182

Percentages omitted due to depleted document survival.

been able to maintain their financial independence during good years. In times of depressed trade, and possibly at various stages in their life-cycle, many would have had to resort to the parish for support. As this might suggest, and as Jonathan Barry has recently stated 'there is simply no easy way to define the "middling sort."²² Income and occupation had some bearing on the matter but material wealth alone cannot be the whole story. Shared interests and politics, lifestyle and consumption, social aspirations and expectations also played a part.²³ The experience of office and public service may have united many of the men appearing in the Norwich consistory court. Many of them would have been Freemen of Norwich, and there is their neighbourhood setting to consider.²⁴ But for our purposes, as long as we exercise caution, the term "middling sort" will serve to describe the relatively prosperous, independent craftsmen and artisans, their wives and families.²⁵

The gender breakdown also parallels findings of previous studies. As noted above, the total of participants appearing in the court during the forty years of this study were divided into 1397 men and 770 women (Table 1). Likewise, during the first two decades (1660-70, 1671-80), the approximate ratio of men and women appearing as litigants and witnesses is two to one. This value changes to three to one in the third decade (1681-90), and is resumed in the final decade of the century (Table 6). This pattern is repeated when we review witnesses by gender; during the third decade slightly more women were called as witnesses but not enough to alter the ratio. Plaintiffs show a different trend and confirm findings from other jurisdictions.

²² J.Barry & C.Brooks (eds), Middling Sort (1994), p.2.

²³ For a discussion and overview of these difficulties see, K.Wrightson, 'The Social Order of Early Modern England: Three Approaches', Bonfield, Smith & Wrightson (eds), The World We Have Gained: Histories of Population and Social Structure (Oxford, 1986), pp.190-91; For a more recent analysis of the middling sort and the problems of definition see, J.Barry & C.Brooks (eds), Middling Sort (1994), pp.1-27.

²⁴ It will be remembered that the majority of the actors in our opening cause were worsted weavers. For a discussion of the role moderately prosperous men played in the legal system, see J.M.Beattie, 'London Juries in the 1690s', pp.214-253, and, S.K.Roberts, 'Juries and the Middling Sort: Recruitment and Performance at the Devon Quarter Sessions, 1649-1670', pp.182-213, J.S.Cockburn & T.A.Green (eds), Twelve Good Men and True, The Criminal Trial Jury in England, 1200-1800 (Princeton, 1988); For an examination of the general importance of the same group for local administration see, K.Wrightson & D.Levine, Poverty & Piety (1979), *passim*; For an analysis of a particular office, see J Kent, Village Constable (1986), *passim*; For a discussion of urban patterns of involvement with particular relevance to this study, see J.T.Evans, Norwich (1979), Ch.2.

²⁵ This working definition is taken from J.Barry & C.Brooks (eds), Middling Sort (1994), pp.23-7.

Table 6. Norwich Consistory Court, 1660-1703, Role in Cause by Gender

	1660-70	1671-80	1681-90	1691-1703	Total
<u>ALL BUSINESS</u>					
Female c Female	12 10%*	16 22%	42 23%	14 19%	84 19%
Female c Male	29 26%	19 24%	43 23%	31 39%	122 27%
Male c Female	14 12%	5 8%	20 11%	7 8%	46 10%
Male c Male	39 35%	15 22%	49 26%	15 21%	118 26%
Office c Fem.	-	2 3%	1 1%	4 4%	7 2%
Office c Male	17 16%	12 17%	27 15%	8 9%	64 14%
Office c Mixed	<u>1</u> 1%	<u>3</u> 4%	<u>2</u> 1%	<u>-</u> -	<u>6</u> 2%
Total Business	<u>112</u>	<u>72</u>	<u>184</u>	<u>79</u>	<u>447</u>
<u>PLAINTIFF</u>					
Female	41 36%	35 48%	85 46%	45 56%	206 46%
Male	53 47%	20 28%	69 38%	22 27%	164 36%
Office	<u>18</u> 17%	<u>17</u> 24%	<u>30</u> 16%	<u>12</u> 17%	<u>77</u> 18%
Total	<u>112</u>	<u>72</u>	<u>184</u>	<u>79</u>	<u>447</u>
<u>DEFENDANT</u>					
Female	27 24%	26 35%	65 35%	25 34%	143 32%
Male	<u>86</u> 76%	<u>49</u> 65%	<u>121</u> 65%	<u>54</u> 66%	<u>310</u> 68%
Total	<u>113</u>	<u>75</u>	<u>186</u>	<u>79</u>	<u>453</u>
<u>WITNESS</u>					
Female	105 32%	67 30%	187 37%	63 31%	422 33%
Male	<u>223</u> 68%	<u>158</u> 70%	<u>322</u> 63%	<u>142</u> 69%	<u>845</u> 67%
Total	<u>328</u>	<u>225</u>	<u>509</u>	<u>205</u>	1267
All Participants+	553	372	879	363	<u>2176</u>

* Percentages have been rounded up to the nearest whole figure.

+ Eighty-eight causes promoted by Office have been omitted.

In the 1660's there was virtual gender parity, but from then on women promoted the majority of causes. Men held their own as defendants, achieving a majority of two to one throughout the period. The East Sussex totals are broadly similar and are included for comparison (Table 3).

Finally, if we examine the gender division of individual causes, we find this pattern re-affirmed (Table 7). Women were more likely to sue men for defamation than vice versa, though men achieved relatively high levels of prosecution between themselves for the same complaint. It should be noticed that men were more likely to be pursued by Office for defamation than women. Decisions about the promotion of a cause by Office were of course made by men, and if these causes are added to the totals it is not until the final decade of the century that male participation as plaintiffs significantly declines. This finding also reflects a general decline of male usage of the church courts reported in other studies mentioned above.

From these figures we can deduce that gender relationships in Norwich could be troublesome on occasions but not unduly so when contrasted with other regions and cities of the period. As expected men dominated the court numerically, but the ratio of two to one is in line with other provincial consistory courts. Despite this numerical dominance the gender difference between promoters is not that great, and it may be significant that when causes by Office are added to the total of male promoted causes, an approximate parity between men and women is attained. This may reflect a changing attitude amongst men towards the use of the law, with men beginning to invoke official sanctions rather than taking their chances with a personally contested suit. This in turn may result from a changing relationship with the central authority of Westminster and accompanying notions of governance in the neighbourhood. Neither is it surprising to find that men are the majority of defendants, nor that women had no qualms about pursuing a complaint against them through the church courts. From this we can conclude that the middling sort of Norwich, in common with their type elsewhere, were aware of their legal rights and were prepared to exercise them. If we examine the type of causes promoted throughout the period, we find that defamation and sexual morality form the bulk of the business (Table 7). Of the 446 causes brought before the Norwich Consistory Court between 1660 and 1700, 329 were for defamation and a further 32 causes concerned sexual misbehaviour. This combined figure, just over 75% of the total, confirms the sensitivity of early modern citizens to aspersions cast upon their

Table 7. Norwich Consistory Court, 1660-1703, Cause Type by Gender

	1660-70	1671-80	1681-90	1691-1703	Total
<u>DEFAMATION</u>					
Female c Female	10	16	42	14	
Female c Male	24	19	41	26	
Male c Female	13	5	18	7	
Male c Male	18	14	33	12	
Office c Female	-	2	1	-	
Office c Male	<u>2</u>	<u>3</u>	<u>8</u>	<u>1</u>	
Total	67 60%*	59 81%	143 79%	60 75%	329 74%
<u>MARITAL</u>					
Female c Male	-	-	2	4	
Male c Female	-	-	<u>2</u>	<u>-</u>	
Total	- -	- -	4 2%	4 2%	8 2%
<u>MORALITY</u>					
Female c Male	-	-	-	1	
Male c Female	1	-	-	-	
Male c Male	2	1	2	1	
Office c Female	1	-	-	1	
Office c Male	5	2	-	7	
Office c Couple	<u>1</u>	<u>3</u>	<u>2</u>	<u>-</u>	
Total	9 9%	6 9%	4 2%	13 16%	32 7%
<u>CLERICAL DISC.</u>					
Male c Male	2	-	1	-	
Office c Male	<u>5</u>	<u>6</u>	<u>6</u>	<u>-</u>	
Total	7 6%	6 9%	7 3%	- -	20 5%
<u>CHURCH SEAT</u>					
Male c Male	5	-	5	1	
Office c Male	<u>1</u>	<u>-</u>	<u>1</u>	<u>-</u>	
Total	6 6%	- -	6 3%	1 2%	13 3%
<u>TITHES ETC</u>					
Male c Male	6	-	8	-	
Office c Male	<u>2</u>	<u>-</u>	<u>12</u>	<u>-</u>	
Total	8 7%	- -	20 11%	- -	28 5%
<u>OTHER</u>					
Female c Female	2	-	-	-	
Female c Male	5	-	-	-	
Male c Male	6	-	-	1	
Office c Male	<u>2</u>	<u>1</u>	<u>-</u>	<u>-</u>	
Total	15 14%	1 1%	- -	1 1%	17 4%
<u>TOTAL BUSINESS</u>	112	72	184	79	<u>447</u>

* Percentages have been rounded up to the nearest whole figure.

Table 8. Lewes Archdeaconry Court, January 1686 - August 1686, March 1691 - May 1694, Cause Type by Gender

<u>DEFAMATION</u>	
Female c Female	4
Female c Male	5
Male c Female	1
Male c Male	<u>3</u>
Total	13
<u>MARITAL</u>	
Office c Couple	1
Female c Male	<u>1</u>
Total	2
<u>MORALITY</u>	
Office c Male	1
<u>CLERICAL DISC.</u>	
Chwdn c Male	2
<u>CHURCH SEAT</u>	
Male c Male	3
<u>TITHES, ETC.</u>	
Chwdn c Male	3
Male c Female	1
Male c Male	<u>2</u>
Total	6
<u>WILLS PROVED</u>	
No Promoter	1
Female	<u>1</u>
Total	2
<u>WILLS CONTESTED</u>	
Male::Male	3
Male::Female	1
Female::Male	5
Mixed::Female	1
Mixed::Male	<u>1</u>
Total	<u>11</u>
Total Number of Causes	40

Percentages omitted due to depleted document survival.

reputations.²⁶ The deposition books of the Archdeaconry of Lewes, East Sussex, have also been examined (Table 8). The problem of record survival means that it is impossible to establish what the levels of business were in this court, but even so the limited figures are instructive. Of the forty causes to have survived from the late seventeenth century, thirteen were for defamation, one other involved sexual morality and two more were suits for marital separation. Neglectful clerics offer two causes, while tithe, church pew and church cess causes amount to nine altogether. Testamentary business provides a total of thirteen causes; two proving nuncupative wills, the remainder challenges to existing wills.²⁷ As can be seen, the recurring issues people took to the consistory court were disputes surrounding church matters, quarrels over inherited property, and the defence of their reputations. Of the three, the preservation of a good reputation was of overwhelming concern to the majority of litigants.²⁸ The question of why this might be so has been a topic of debate amongst historians.

Christopher Haigh has suggested that a suit for defamation was a form of self defence. His suggestion is that once somebody became the centre of gossip over their sexual conduct, a formal accusation and presentment to the church court would soon follow. To avert such an outcome victims would press a defamation suit to clear their name. The root of these suits, argues Haigh, was not honour but a fear of

²⁶ This issue was raised by J.A.Sharpe, 'Defamation', (1980); Cf. M.Chaytor, 'Household and Kinship', (1980); M.Ingram, Church Courts (1987); S.Amussen, Ordered Society (1988); P.Morris, 'Defamation and Sexual Reputation in Somerset 1733-1850', (Unpublished D.Phil. Thesis, University of Warwick, 1985). For recent treatment of the topic see, L.Gowing, Domestic Dangers (1996); Cf. L. Gowing, 'Gender and the Language of Insult in Early Modern London' History Workshop Jnl No.35, (Spring 1993), pp.1-21; T.Meldrum, 'A Women's Court in London: Defamation at the Bishop of London's Consistory Court, 1700-1745', London Jnl 19, (1), (1994), pp.1-20; L.R.Poos, 'Sex, Lies, and the Church Courts of Pre-Reformation England', Jnl of Interdisciplinary History xxv:4, (1995), pp.585-607.

²⁷ WSCRO. EPII/5/18; October 1672 - June 1678, January 1686 - August 1690; EPII/5/19; March 1691 - May 1694. The record survival rate for the sixteenth and early seventeenth-centuries in the Lewes Consistory is much better. Although I have only sampled this earlier material, my impression is that defamation suits form the overwhelming majority of court business. Laura Gowing has noted similar level of business in the Chichester Archdeaconry, West Sussex, for the early seventeenth century, see L.Gowing, Domestic Dangers (1996).

²⁸ This conclusion is in keeping with the findings from other church courts, where the generally accepted figure for defamation suits in the seventeenth century is 50% of court business. See J.Sharpe, 'Defamation', (1980), pp.8-9; C.A.Haigh, 'Slander and the Church Courts in the Sixteenth Century', Trans. of the Lancashire and Cheshire Antiquarian Society Vol.LXXVIII, (1975), p.2; Cf. T.Meldrum, 'A Women's Court in London', (1994), p.2; P.Morris, 'Somerset', (1985), p.236.

Church power and authority.²⁹ But this view:

‘is less attractive if, as it appears from the evidence of the York cause papers, litigation was initiated after loose words spoken in anger rather than as a consequence of long standing and elaborate denigration of good name.’³⁰

The cause papers from the Norwich and Lewes consistory courts support this observation. The majority of Norwich deponents state clearly that arguments erupted with an exchange of "hot and angrie words", or that the defendant approached the promoter of the cause in a "railing passion" over some prior insult.

If Haigh's argument stressed litigation as a defensive strategy, others have exploited its offensive qualities. The most influential of these is perhaps Martin Ingram, whose phrase 'making Law not war' has the ring of plausibility about it.³¹ But this approach does not account for the 'excessive concern' with reputation demonstrated in both the cause papers and the conduct literature of the time.³² Many material reasons for this concern have been offered, and all were certainly important. We shall explore this topic in greater detail in chapter four, for now all we need to grasp is that an individual's reputation was a vital social asset. A good name was a prerequisite for poor relief or private charity. And if an individual was arraigned before the magistrates, a neighbour's good opinion and testimonial could effectively determine the outcome. The lack of a good name could hurt a person's marriage prospects, or damage an existent marriage. Business and credit availability could also be severely affected, as could the chances of holding local office. And it has been argued that a good reputation was more than a personal attribute, it reflected back upon a person's home and family, their employer or employee, even their customers and clients, friends and neighbours.³³ In effect a good name was, and arguably still is, a perfect example of 'symbolic capital'.³⁴

²⁹ C.A.Haigh, 'Slander', (1975), p.8-9.

³⁰ J.Sharpe, 'Defamation', (1980), p.26.

³¹ M.Ingram, Church Courts (1987); Cf. S.Amussen, Ordered Society (1988).

³² The phrase is taken from L.Gowing, Domestic Dangers (1993), p.2. For contemporary examples see, R.Allestree, The Government of the Tongue (Oxford, 1674), Ch.4 & 5 passim; B.Gracion, The Art of Worldly Wisdom (1685, reprint, 1993); T.Adams, The Gallants Burden, a sermon preached at St. Pauls Crosse 29th March 1612 (London, 1616).

³³ P.Morris, 'Somerset' (1985), 'Introduction'.

³⁴ P.Bourdieu, Outline (1977).

Recently the gendered nature of reputation and its relationship to litigation has been shown by several scholars of the ecclesiastical courts.³⁵ Beginning with the double standard of expected sexual behaviour of men and women, the procedure emphasises the prevalence of women litigants in the courts and focuses upon the insults exchanged between the protagonists.³⁶ One conclusion is that men were worried about their honesty, sobriety and physical courage. If male sexuality was ever attacked it was their prowess or lack of it, or their cuckoldry that was singled out. Male power and the inability of men to control their wives were the central issues. Women on the other hand concentrated on sexual propriety, the need to maintain a pristine sexual reputation being the primary "social capital" for women.

While not disputing this analysis too rigorously, we should note that it depends upon tautologous reasoning. The initial citing of the double standard presupposes the conclusion, a case of seek and so you will find. Yet it has common sense to recommend it, fitting as it does with current ideas surrounding gender relationships. But this correspondence is itself suspicious and we should remember that with social relationships things are rarely so simple. For instance in York during the sixteenth and early seventeenth centuries the language of sexual insult was similar for both men and women. Furthermore in the same city during the 1590's, participation in suits for sexual slander was virtually equally divided between male and female.³⁷ The Norwich and depleted East Sussex cause papers reveal a similar pattern. Likewise the language of sexual insult was similar for both men and women, although the expressions "rogue" and "knave" applied only to men whereas "whore" was the insult of choice against women. It is commonly assumed by historians that these terms reflected the gendered responsibility for sexual misconduct, but, as shall be argued in chapter three of this thesis, the expression "rogue" had a more complex meaning in Norwich usage than has been recognised elsewhere.

Certainly the double standard influenced the pattern of defamation suits, and possibly affected male

³⁵ For example, L.Gowing, *Domestic Dangers* (1996); Cf. L.Gowing, 'Gender & Language', (1993); P.Morris, 'Somerset' (1985); T.Meldrum, 'A Women's Court in London', (1994).

³⁶ K.Thomas, 'The Double Standard', *Jnl of the History of Ideas*, 20, (1959), pp.195-216.

³⁷ J.Sharpe, 'Defamation', (1980), p.17 & 27-8.

participation. But we should hesitate before concluding that it was a determinant of litigious behaviour. As

Laura Gowing notes, the double standard:

‘has remained the touchstone for historians’ discussions of sexual morals; but little has been done to elaborate the potential complexities of [the] model, and the double standard has become a convenient shorthand for the ways in which sex, honour, and gender really worked.’³⁸

This thesis proposes that men and women litigated in the church courts because it exhibited an ability to defend the self against the incursions of others and established personal identity, authority, and power. To sue for defamation demonstrated one’s personal integrity and effectiveness as a social being in the context of the civis.

If we turn our attention to the problem of malicious causes, we find that this question is not so simple as it may seem. Although we opened this chapter with a cause which was malicious, there are few examples for which this can be categorically stated.³⁹ And yet it is difficult to concur with Martin Ingram’s opinion that counter-actions involving some degree of malicious retaliation were rare:

‘because the highly specific grounds for action did not easily lend themselves to malicious misrepresentation.’⁴⁰

At Norwich counter-suits were fairly common and if the majority were not overtly malicious, these causes do represent a grey area of court business. The problem is that we need to be able to distinguish between a fabricated charge promoted for revenge, and what people of the day termed a vexatious prosecution. The latter would include causes arising from a long running argument or might even be related to litigation being

³⁸ L.Gowing, Domestic Dangers (1996), p.3.

³⁹ For examples which allow no doubt of malicious intent see, NCCD. DN/DEP, 48/52, 1667-70; MF/X/199.3; June 1668, Benjamin Marston con Robert Feltwell; September 1668, Feltwell con Marston; October 1668, Office per Marston con Robert Feltwell; March 1669; Feltwell con Marston; March 1669, Office per Feltwell con Marston; DEP/49/53, 1671-5; MF/X/199; January 1674, Susan Chambers con Francis Mountaine; March 1674, Office per Chambers con Mountaine; DEP/52/56-7, 1687-9, 1691; MF/X/200; March 1691, Office per Daniel Goodswine con John Wythe, cleric; DEP/53/58A, 1692-1703; MF/X/200; January 1695, Samuel Thorisby con William Dade; DEP/53/58A, 1692-1703; January 1695, James Read con Mary Denny, and Mary Denny con James Read.

⁴⁰ See M.Ingram, ‘Communities and Courts’, (1977), pp.119-120.

pursued in other courts.

Some of the counter-suits at Norwich do contain an element of the feud. In one example the minister of Geyton, Norfolk, sued Edmund Gibb for saying that he had not received communion, because the minister 'was not fit to give it, for that he [...] had beaten his wife.'⁴¹ Gibb retaliated by alleging various charges against Mr Brookebank, including allowing the vicarage to fall into disrepair and breaking Canon 76 which stated that 'incumbents must not forsake their calling or use themselves as laymen.'⁴² Brookebank worked his land with his own hands.⁴³ The bulk of counter-actions arose when both parties involved in a single dispute sued each other, presenting their selective account of the event to vindicate themselves and undermine their opponent. We are presented not so much with a malicious cause, but with what Natalie Zemon Davis has referred to as a "fiction" designed to present oneself in the best possible light to the court.⁴⁴ Witnesses would frequently only have seen part of the dispute, either arriving too late or simply taking no notice until the argument was at its height, and naturally they would report their observations from their own viewpoint. Moreover, the court invited this moral judgement by requesting witnesses to assess the damage they thought had been inflicted upon the plaintiff. As the majority of the disputes concerned words and their interpretation, these judgements involved subjective notions of appropriate conduct. But at the same time these subjective moral opinions (and by extension the cause itself) were influenced by neighbourly expectations, and didactic instruction from churchmen, conduct book writers, justices of the peace, and magistrates.

Sometimes the process could go disastrously wrong as the case of Lidia Mallowes and Mary Grudgefield demonstrates. The two neighbours had argued while at their respective doors in Yarmouth. Mary had been heard to say to Lidia:

⁴¹ NCCD. DN/DEP 48/52, 1667-70; MF/X/199-3; March 1668, Mr Brookebank con Edmund Gibb.

⁴² Hill R. (ed), Bishop Redman's Visitation 1597 NRS, Vol.18, (1946).

⁴³ NCCD. DN/DEP, 48/52, 1667-70; MF/X/199-3; March 1669, Edmund Gibb con Mr Brookebank.

⁴⁴ N.Zemon Davis, Fiction in the Archives (Cambridge, 1987); Cf. P.King, 'Decision-Makers and Decision Making in the English Criminal Law, 1750-1800', The Historical Jnl, 27, 1 (1984), pp.25-58.

'you are a rotten whore, a pockified whore, you have been a whore from your cradle and you are Farrowes whore.'⁴⁵

Anthony Taylor, Debora Tylyyard and Gilbert Warters confirmed this story, Warters adding that many others were either in the street, or:

'looked out of their windows and doors and did hear the exchange [but he did not hear Lidia] speak any abuse in return [adding that] Lidia Mallowes asked Mary Grudgefield in a manner following, art thou not drunke, whats ye matter with thee.'⁴⁶

Mary Grudgefield retaliated with her own suit calling Mary Perey as a witness, who agreed that she had heard the:

'greate falling out [but] believeth that there was a whore and a whore passed on either side betweene them. Lidia Mallowes called Mary Grudgefield drunken whore and saide that she fell down and broke her [face].'⁴⁷

She added that she had:

'no mynde to be called to be a witness [and] went away from them and mynded not whoe was in the hearing of them.'⁴⁸

Alice Berys (Bernis) heard Grudgefield call Mallowes 'whore and pocked faced whore [while Mallowes] replied and called Grudgefield drunken whore.'⁴⁹ She claimed to know of no other witnesses and refused to answer any further questions, only adding that she:

'was told by Mary Grudgefield that if she would not come to beare witness for her, then she would make her [and] that Mary Grudgefield did bring to [Berys's] house a wastcoat and a pettycoat but [Berys] swears [they were] never desyred by her.'⁵⁰

Mary Brook and Elizabeth Burton refused to answer any questions, although Burton reported that she was told, by whom is not recorded, that if she did 'not to beare witness she would be excommunicated out of the Church for her contumacy.'⁵¹ The suits were not a success for either woman. The reluctance of witnesses to get involved suggests that, in their opinion, both parties were equally at fault. The allegations

⁴⁵ NCCD. DEP/50/54, 1676-80; MF/X/199; June 1679, Lidia Mallowes con Mary Grudgefield.

⁴⁶ Ibid.

⁴⁷ NCCD. DEP/50/54, 1676-80; MF/X/199; July 1679, Mary Grudgefield con Lidia Mallowes.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Ibid.

of attempted coercion and bribery could not have helped Grudgefield, but her witnesses did manage to undermine Malloves' suit. The evidence of the insults passing both ways is a demonstration of the "fictionalising" process.

But these counter-actions do highlight the middling sort's relatively sophisticated knowledge of court procedure, even if the Proctors and court staff were the hidden guides behind the charges. It should be remembered that the promoter chose to go to law in the first place, and the engagement of a Proctor prepared to accept the case presumably involved convincing him of the justice of the complaint. A corrupt Proctor might be found, but as one historian who has examined the ethical conduct of Proctors concludes 'in the main, [they] did not use every means available to them to increase the profits of litigation.'⁵² Furthermore another historian, experienced in the study of the legal system, has argued that much of English culture was informed 'by notions derived and at times adapted from the Law.'⁵³ If we accept this assertion, and all the evidence presented so far from the Norwich consistory leans in the same direction, it is plausible to conclude that men and women had no fear of the law and frequently used it to regulate their social relationships.

Although we cannot ignore malicious litigation, nor the deployment of selective memory by litigants and witnesses, a social mechanism existed for minimising conflict and keeping people away from litigation. This was the model of the 'good neighbour' which exhorted people to live in Christian harmony and charity with each other.⁵⁴ Individuals were expected to avoid violent arguments, quarrels, and confrontations, or at least settle them quickly and amicably when they arose. Bystanders, neighbours, or friends would step in to effect

⁵² R.Helmholz, 'Ethical Standards For Advocates And Proctors In Theory And Practice', R.Helmholz, Canon Law And The Law Of England (London, 1987), p.57.

⁵³ J.A.Sharpe, 'The People and the Law' (1985), p.256.

⁵⁴ For a discussion of the importance of the concept of neighbourliness see, K.Wrightson, English Society (1982), pp.51-57; K.Wrightson, 'Politics of the Parish', (1996), pp.19-22; J.Sharpe, Early Modern England (1987), pp.95-6.

such reconciliations, and the protagonists were required to take notice of their efforts. Conduct books of the period were full of advice on this subject. Richard Allestree, author of possibly the most popular volume of the time, considered that 'the reconciling of enemies is a most blessed work, and brings a blessing on the actors.'⁵⁵ Counselling his readers:

'tis better to preserve the peace and give up a part of your Rights, than go to law [...] yield willingly to any reasonable terme of agreement whenever they shall be offered.'⁵⁶

Despite strictures such as these, disputes were inevitable, but there was a genuine impulse to avoid the extremes of communal breakdown. Individuals took the notion of neighbourliness seriously and in the process made it their own.⁵⁷

For example, Robert Hill was in his house one night and:

'hearing some persons at verie loud and angrie words in the house of Mr Garnes, [he] went into the said house as a neighbour intending that if any differences were, he might endeavour a reconcilliation.'⁵⁸

In passing we should notice that Hill had no respect for the privacy of the home, his duty as neighbour took precedence. Mrs Garne however was of a different opinion and 'forbad this deponent [to] stay within the said house.'⁵⁹ She either did not share Hill's sense of neighbourly duty, or did not relish his potential as a witness to the affair. In another example John Naites insulted Rebecca Benn in his father's grocery shop

⁵⁵ R. Allestree, *The Whole Duty of a Man, laid down in a plain and Familiar Way for the Use of all, but especially the meanest readers* (London, 1678), p.390. The claim for Allestree's popularity is based upon Captain William Jaggard's comment, "'Whole Duty of a Man' this forerunner, or first of the series, proved a 'best seller' winning so much popularity that it ran through nearly a hundred editions in about as many years, vying with the bible itself in demand and supply." The book was first published in 1659-60, reprints appeared as follows: 1660, 1661, 1664, 1668, 1669, 1670, 1673, 1674, 1675, 1677, 1678, 1682, 1684, 1685, 1687, 1691, 1694. Reprints regularly appeared throughout the eighteenth and nineteenth centuries, the final edition being issued in 1887. For a full catalogue of this remarkable book's reprints, including its foreign language editions, see, Captain William Jaggard, 'Literary Secrets: Authorship of the "Whole Duty of a Man" and Cognate Writings 1658-84' *The Bookman* October, (1931), pp.66-69.

⁵⁶ Ibid. pp.392-3.

⁵⁷ This point is discussed by J.A. Sharpe, "'Such Disagreements betwyxt Neighbours': Litigation and Human Relations in Early Modern England", in J. Bossy (ed), *Disputes and Settlements* (Cambridge, 1983), pp.167-187.

⁵⁸ NCCD. DN/DEP, 47/51, 1664-6; MF/X/199; Ff.286-7, February 1666, Joan Withe con Henry Garne [Grant].

⁵⁹ Ibid.

at Mattishall, Norfolk, during 1695. His father Francis apologised to the court for being:

‘too busy trying to reconcile the difference between [Rebecca and John, that] he did not notice who was present particularly.’⁶⁰

Francis Nailes was being asked to supply the names of witnesses, and his response may well have been designed to avoid offering any. But even if this is the case, it is significant that he chose to emphasise his attempt to effect a settlement as the reason for withholding the information required.

In a cause promoted by William Locke, the parson of Tibbenham, Norfolk, in 1678, a Mr Pack had attempted to persuade:

‘Mr Locke that he would take noe advantage of Bartholemew Stone [and gained] a promise from Mr Locke to that effect.’⁶¹

As the appearance of the cause shows, Locke did not feel the alleged promise to be binding upon his future choices. But his neighbours disagreed, maintaining that promises and apologies had been exchanged and the matter had been settled amicably. By renegeing on this reconciliation Locke showed that he was the contentious party, with the implication that his word could not be trusted.

Likewise when Thomas Derales called Mark Chapman ‘a rogue and a sonne of a whore’ causing the latter to press charges, Derales produced witnesses to swear that Elizabeth Chapman had acquitted him of ‘all actionable words of deffamation against her.’⁶² An innkeeper, Edward Moore, explained how this settlement had been arranged. While visiting Moore’s house Derales had:

‘desired him to goe over with him to one Wennis house where Elizabeth Chapman boarded, to talk with [her]. Mr Derales did after some other discourse concerning Swaffham aske her if she knew him, and she told him [no], adding pray what may I call your name. My name is Derales [he replied]. At which she made answer, I knew one old Mr Derales. At that Mr Derales told her that she did sue him, she made answer Lord I sue you, I don’t sue you nor know anything of it. I desire to forgive you if you have said anything of me (he having first told her that ye suit was for words spoken between him and her son). I desire you and my sonne may be friends together and for my part freely

⁶⁰ NCCD. DEP/53/58A, 1692-1703; MF/X/200; July 1695, Rebecca Benn con John Nailes.

⁶¹ NCCD. DEP/50/54, 1676-80; MF/X/199; April & June 1678, Office per William Locke con Bartholemew Stone.

⁶² NCCD. DEP/52/56-7, 1687-91; MF/X/200; July 1691, Elizabeth Chapman con Thomas Derales; Mark Chapman con Thomas Derales; Thomas Derales con Mark Chapman.

forgive you. I never gave any orders to my sonne or any other body to sue you.’⁶³

Mark Chapman had obviously disregarded this and continued with his suits, thus Derales requested the court to enforce the private settlement.

Third parties would also intervene with advice to one or other of the litigants, as when Susan Garwood:

‘in company with Grace Mountaine [and] at difference concerning the cause Chambers v Mountaine, [...] advised Grace Mountaine to be peaceable and to end friendly the difference with [Susan Chambers].’⁶⁴

Garwood stressed the expense of maintaining a cause, to which Grace had replied:

‘that Mr Tennison the Register had promised to take her and her husband out of the Bishops chiefe court and put them into the court wher he was rejister.’⁶⁵

As this is a cause that is undoubtedly malicious, we can assume that either the fees were less in Mr Tennison’s court, or that Mr Tennison was perceived to be sympathetic to the Mountaine’s case. Similarly Edward Clifford, the vicar of Cratfield, Suffolk, advised John Dowsing that pinning a libellous ‘Tarse paper’ about William Adamson to the church door ‘was very bitter, and if he intended any such thing that he might doe it more soberly.’⁶⁶ After John’s brother William Dowsing had read the paper to him, William Smith of Laxfield, Suffolk, sought to:

‘disswade him from dispencing of it and told him it was not safe for him to use such meanes.’⁶⁷

These words were prophetic, for the circulation of the libel caused a local magistrate to demand that Dowsing and two friends explain their action.⁶⁸

⁶³ NCCD. DEP/52/56-7, 1687-91; MF/X/200; October 1691, Thomas Derales con Elizabeth Chapman.

⁶⁴ NCCD. DEP/49/53, 1671-5; MF/X/199; March 1674, Office per Chambers con Mountaine.

⁶⁵ Ibid.

⁶⁶ NCCD. DN/DEP, 47/51, 1664-6; MF/X/199; Ff.320-4, Office per William Adamson con William Dowsing, Thomas Sherman, & William Meake.

⁶⁷ Ibid.

⁶⁸ Examples of neighbourly intervention are relatively common in the Norwich court. For further causes where arbitration is mentioned see, NCCD. DEP/49/53, 1671-5, MF/X/199, March 1674, Henry Dudgeon con Thomas Dawson; DEP/51/55, 1680-6, MF/X/200, Ff.165, October 1683, Phylis Summer con Joan Gardiner; DEP/51/55, 1680-6, MF/X/200, Ff.61, October 1684, Katherine Gurnell con Robert Cotton; DEP/52/56-7, 1687-9, 1691, August 1688, Anne Lightfoot con Elizabeth Sherwood; DEP/53/58A, 1692-

A word of caution should be interjected here, for the intentions of the arbitrators cannot always be assumed to be honourable. This is shown by the conversation reported by Robert Rix of Christopher Reve, concerning a dispute between Reve and George Lowe. Rix had told Lowe that the two men:

‘have been good friends and I hope will be soe again. [But Rix quoted Reve as saying that] I will never be reunited to him [Lowe] as long as I live.’⁶⁹

Reve may or may not have said such to Rix, but he took enough offense at Rix’s report to promote the cause against him.

It is important to note the limitations of "good neighbourliness". As we saw in the Mallows-Grudgefield cause above, witnesses were sometimes reluctant to get involved and only appeared under duress. Furthermore in one presentment by Office dating from 1678, witnesses were asked why they had not reported an illicit relationship between Anne Collyers and Thomas Vincent. They replied that it was common knowledge and none of their business.⁷⁰ Good neighbourliness may well have been a personal aspiration of many individuals, but it could never dictate individual behaviour and was open to differing interpretations to suit various contexts. At most, the pressure to settle disputes was an ideal and one that people were prepared to disregard if other interests intervened. This is not a startling conclusion: the discrepancy between theory and practice is well known to all who study moral behaviour. But we need to bear this discrepancy in mind as we delve into past cultures where local communities are the primary context for social relationships.

Addressing the concept of change in the language of disputes surrounding reputation, Susan Amussen has

1703, MF/X/200, July 1700, Elizabeth Wright con Edmund Neale.

⁶⁹ NCCD. DEP/50/54, 1676-80; MF/X/199; January 1678, Office per Christopher Reve, Cleric, Oulton con Robert Rix.

⁷⁰ NCCD. DEP/50/54, 1676-80; MF/X/199; December 1678, Office con Anne Collyers. One witness, Thomas Pinder, said that he did not present Anne and Thomas because ‘he was noe publique officer’, and another, Godfrey Munnford did not ‘think himself bound to acquaint the Churchwardens of the fame, but did believe they knew of it anywais.’

argued that:

‘the growing vagueness of the terms of abuse complained of by men suggests an increasing superficiality of reputation: what mattered was what people thought you were, not what they thought you did.’⁷¹

But if we reflect upon this statement we should see that it simply cannot be so. To begin with it is impossible to separate what a person did from what others thought they were. Behaviour was under constant scrutiny, providing the basis of judgements concerning a person’s reputation. Furthermore, we may ask what constitutes vagueness? The use of the term *whore* at this period seems to have been a general all purpose insult. Like many of the words men and women took offense at, it was not the specificity of the abuse that mattered but the symbolic meanings the abuse invoked.

Defamers often told stories that purport to offer a great deal of factual knowledge. But frequently these turned out to be vague associations of disparate events spun into a story, which itself conforms to rules of popular narrative current at the time.⁷² We can agree with Amussen that something was changing in the way male reputation was defended, *but it is nonsense to conclude that reputation declined in importance for men as the seventeenth century progressed. It is more likely that other means were devised for defending male honour.*⁷³

The importance of self presentation for early modern people cannot be underestimated. Theirs was a display culture, where a person was constantly under scrutiny and subsequently at risk. This was not new; as shall

⁷¹ S.Amussen, Ordered Society (1988), pp.103-4.

⁷² See L.Gowing, Domestic Dangers (1996), Ch.7; Cf. D.Mumby (ed), Narrative and Social Control: Critical Perspectives (London, 1993); A.Duranti & C.Goodwin (eds), Rethinking Context: Language as an interactive phenomenon (Cambridge, 1992).

⁷³ It may be significant that many complaints by men begin to appear before the Norwich Borough Quarter Sessions as the eighteenth century approached, that would have certainly gone to the ecclesiastical courts earlier in the seventeenth century. The Norwich Borough Sessions papers are difficult to examine, and appear to be incomplete. But a preliminary sampling of the "Informations and Examinations" suggests that men were beginning to seek a court order to restrain their abusers, rather than the ecclesiastical shaming punishments. Such material is beyond the scope of this study, but it is interesting to speculate that the Borough Sessions may have begun to be perceived as a more effective method of humiliating, and more importantly silencing, an enemy or opponent. The brief survey of the Sessions material certainly does not support Amussen’s suggestion that reputation ceased to be an issue for men.

be argued below, all cultures have systems that enable the negotiation of a person's social identity.⁷⁴ What was new, was that at least from the early sixteenth century onwards social roles were diversifying and expectations of behaviour were undergoing reappraisal, encompassing a revision of standards of social conduct. This was expressed by the emergence of a re-formulated ideology of "civility". At the same time social mobility was becoming easier, individuals could better their social position and with it their public image. As Sir Thomas Smith noted in his De Republica Anglorum:

‘gentlemen be made good and cheap in England... whosoever studieth the lawes of the realme, who professeth liberal sciences, and to be shorte, who can live idly and without manuell labour, and will beare the port, charge and countenance of a gentleman, he shall be called master [...] and shall be taken a gentleman.’⁷⁵

What Smith observed of the elite in the sixteenth century was equally applicable to the middling sort of the late seventeenth century. To be a master could be a matter of public show, plus the requisite acknowledgement of one's peers. The burgeoning supply of conduct books ensured that the skills and attributes of "gentility" and "civility" could be acquired, or much worse, merely pretended to.⁷⁶

Aphra Behn, the late seventeenth-century playwright, summed up this predicament by observing that:

‘civility is only a desire to receive Civility, and to be esteemed accomplished and well bred.’⁷⁷

Thus Behn's comment directs us to the nub of the problem for the pursuance of correct social relationships. To put the dilemma succinctly: *in a hierarchical social system that depended upon deference and respect to express social relationships, the need to establish that individuals warranted the respect they demanded, and the authority they claimed, assumed vital importance. This difficulty was exacerbated if the claimant was a neighbour, or one whose social origins justified doubts about their claim. If an incorrect judgement was*

⁷⁴ For an examination of the medieval background see, A.J.Gurevich, Categories of Medieval Culture (London, 1985), especially pp.171-6 & pp.187-190.

⁷⁵ Sir T.Smith, De Republica Anglorum M.Dewar (ed), (Cambridge, 1982), p.136.

⁷⁶ Advice books of the period stressed this self-help approach to material success. See for example, W. de Britaine, Human Prudence, or, The Art of which a Man may Raise Himself and Fortune to Grandeur (London, 1680, 1682, 1686, 1689, 1693, 1700).

⁷⁷ A.Behn, Miscelleny, being a collection of poems by several hands, together with Reflections on Morality, or Seneca Unmasqued (London, 1685), p.343.

made, the moral order of society could be overturned and anarchy would result.

From the perspective of the upwardly mobile the exact opposite applied. They required a level of respect which they considered appropriate from people who either knew, or could guess, their lowly origins. A demonstration of this point is provided by the riposte of Elizabeth Dickenson, a witness to George Baxter's abuse of Elizabeth Turner at Norwich during the autumn of 1692. Dickenson had remonstrated with Baxter for his language, who promptly called her 'a poore beggerdly whore'.⁷⁸ Dickenson replied that 'there was a time when he was as ragged as she [...] before he brewed bear and sold it againe.'⁷⁹ That Baxter had become a prosperous man in the neighbourhood did not overawe Elizabeth, nor did she defer to his newly found status. In fact, the implication of Dickenson's intervention is that she expected more of him because of his good fortune. This attitude underlines the sentiments of reciprocity contained within Aphra Behn's reflection upon civility.

Scholars have long been aware of the existence of a canon of conduct literature from the early modern period. William Hazlitt was perhaps one of the first to acknowledge this tradition of written advice, describing the poem 'How The Wise Man Taught His Son' as a:

'moral fable [...] the prototype of a series of pieces, written both in prose and verse, with the object of conveying instruction.'⁸⁰

Initially this material was mined to provide prescriptions for latter-day notions of conduct.⁸¹ But during the nineteen-twenties and thirties scholars began to explore the genre for what it revealed about the origins

⁷⁸ NCCD. DEP/53/58A, 1692-1703; MF/X/200; November 1692, Elizabeth Turner con George Baxter.

⁷⁹ Ibid.

⁸⁰ W.C.Hazlitt, Remains of the Early Popular Poetry of England (London 1864), p.168.

⁸¹ See for example the comments of, A.Smythe-Parker DD., The Ideal of a Gentleman or a mirror for Gentlefolks (London 1908), p.v. It is striking that Smythe-Parker used the same terms to describe his book as some of his seventeenth-century predecessors. For example, Anon. The Mirrour of Worldly Fame (London, 1603); Anon. The Mirrour of Majestie: or The Badges of Honour (1618); Anon. The Mirrour of Compliments (1635); A.Behn, The Lady's Looking Glass, to Dress Herself By: or The whole Art of Charming (London 1697).

of the concept of politeness and its content.⁸² Attention was also paid to changes in polite practice, and attempts were made to place the concept within a broader social context.⁸³ But it was Norbert Elias who first revealed the full potential of this material as a source for the analysis of civil behaviour.⁸⁴ Elias recognised and sought to demonstrate how:

‘manners in each [historical] period form a bridge between the public and objective structures of the social and political order, on the one hand, and the personal and subjective patterns of feeling in the individual, on the other.’⁸⁵

Elias saw European civilisation as a long process of disciplining both the body and the personality. The ‘tilt towards civility’⁸⁶ was always in the direction of greater control ‘and a rising standard of shame, in attitudes to basic physical needs and drives.’⁸⁷ Bryson concludes that for Elias, codes of manners represent

⁸² See for example, E.N.S.Thompson, Literary Bypaths of the Renaissance (New Haven, 1924); V.B.Heltzel, ‘The Rules of Civility (1671) And Its French Source’, Modern Language Notes Vol. XLIII, (January, 1928), pp.17-22; W.L.Ulstick, ‘Seventeenth Century Books of Conduct: Further Light On Antoine De Courtin And The Rules Of Civility’, Modern Language Notes Vol. XLIV, (March, 1929), pp.148-158; W.L.Ulstick, ‘Advice to a Son: A Type of Seventeenth-Century Conduct Book’, Studies in Philology Vol.XXIX, (1932), pp.409-441.

⁸³ For example, H.Mews, ‘Middle Class Conduct Books in the Seventeenth Century’, (Unpublished MA Thesis, University of London, 1934); J.E.Mason, Gentlefolk in the Making (Pennsylvania, 1935); L.B.Wright, ‘Handbook Learning Of The Renaissance Middle Class’, Studies In Philology Vol.XXVIII, (1931), pp.58-86; W.L.Ulstick, ‘Changing Ideals Of Aristocratic Character And Conduct In Seventeenth-Century England’, Modern Philology Vol.XXX, (December 1932), pp.147-166. For a useful bibliography of the genre see, G.E.Noyes, Bibliography of Courtesy and Conduct Books in Seventeenth-Century England (New Haven, 1937); Cf. R.Kelso, The Doctrine of the English Gentleman in the 16th Century (Illinois, 1964), and her Doctrine for the Lady of the Renaissance (Illinois, 1978). For recent treatment of conduct literature, see A.C.Bryson, ‘Concepts of Civility in England c.1560-1685’, (Unpublished D.Phil. Thesis, University of Oxford, 1984); F.Childs, ‘Prescriptions for Manners in English Courtesy Literature, 1690-1760, and their Social Implications’, (Unpublished D.Phil. Thesis, University of Oxford, 1984); F.Whigham, Ambition and Privilege: The Social Tropes of Elizabethan Courtesy Theory (California, 1984); L.Klein, ‘Liberty, Manners, And Politeness’, (1989), pp.583-605; A.Bryson, ‘The Rhetoric of Status: Gesture, Demeanour and the Image of the Gentleman in Sixteenth and Seventeenth-Century England’, L.Gent & N.Llewellyn (eds), Renaissance Bodies: The Human Figure in English Culture c.1540-1660 (London, 1990), pp.136-153; For a european overview see, M.Becker, Civility and Society in Western Europe, 1300-1600 (Indiana, 1988); For a study of France see, R.Chartier, The Cultural Uses of Print in Early Modern France (Princeton, 1987), Ch. 3; for a study of the colonial context see, C.D.Hemphill, ‘Age Relations And The Social Order In Early New England: The Evidence From Manners’, Jnl of Social History Vol.28, No.2, (1994), pp.271-294.

⁸⁴ N.Elias, The Civilising Process: The History of Manners (Oxford, 1978).

⁸⁵ A.Bryson, ‘The Rhetoric of Status’, (1990), p.138.

⁸⁶ The phrase is taken from, M.Becker, Civility & Society (1988), Ch.1.

⁸⁷ A.Bryson, ‘The Rhetoric of Status’, (1990), p.139.

'levels of psychic constraint, and he is to some extent writing a history of inhibition.'⁸⁸ This account of manners however, coupled with the examination of a long historical span, restricted Elias's ability to see rules of conduct as a discourse 'that creates, rather than simply regulates, the categories of bodily perception and experience.'⁸⁹ This is a significant observation, but unfortunately Bryson restricts her own examination of the concept of civility to the elite of society. Furthermore she compounds this narrow cultural focus by concentrating upon the theory of manners and neglecting the practice of civilised conduct.⁹⁰ This in turn leads her to make some misleading assumptions, which, as we shall see throughout this thesis, the evidence of the ecclesiastical court depositions completely contradict.⁹¹

If we turn to the conduct literature ourselves it is evident what prompted Elias's insight. From childhood onwards books were available instructing people how to behave, and in just about every example the emphasis is upon the management of the self. Francis Seager, the author of The School of Vertue, headed his chapters thus: 'How to Order thy self when thou riseth'; 'How to Order Thy Self on going by the Streets, and in School'; 'How to order thy self at table'.⁹² An anonymous volume published in 1685 counselled young men:

'you have great need of a rare govermente over your selves; that there be no disorders within doors at home.'⁹³

⁸⁸ Ibid. p.139.

⁸⁹ Ibid. p.140

⁹⁰ For a similar statement, see F.Childs, 'Prescriptions', (1984), p.94. Unfortunately this is a common criticism of scholars working from the literary tradition. See for example, F.Whigham, Ambition (1984).

⁹¹ For example, A.Bryson 'Concepts of Civility', (1984), p.49, asserts that the main political ethic for plebeians was obedience, only the gentry required civility and the ability to govern the self and society. Furthermore she argues that 'nothing in the courtesy literature [...] supports the notion that civility represents a bourgeois standard of behaviour at odds with the aristocratic code of courtesy' (pp.58-9). Given the limitations of this statement it is difficult to argue with, but what of the practice of conduct as evidenced in the church courts? Here we find the middling sort vexed by issues of reputation, esteem and common fame. And as we shall see below, all of this concern was initiated by disputes over personal conduct and civil behaviour. This at least prompts the question, did the middling sort simply adopt aristocratic ideas of civility as Bryson implies, or, as this thesis argues, were they active in its definition as citizens and moral beings.

⁹² F.Seager, The School of Vertue and Book of Good Nurture (London, 1677).

⁹³ Anon. The Young Man's Calling: or the Whole Duty of Youth (London, 1685), p.30.

William De Britaine stressed the same message, assuring his readers that 'it's the greatest dominion to rule oneself'.⁹⁴ And our friend Richard Allestree published The Government of the Tongue, which, as its title suggests, gives instruction on the correct use of speech: chapters four and five of this book focus specifically on defamation.⁹⁵

A central theme of the genre emphasised the need for individuals to control their passions.⁹⁶ One anonymous author urged his audience 'oh then do not let thy passion rage for every trifle.'⁹⁷ Richard Allestree titled a chapter of another of his books 'A Survey of the Causes of Disputes; Fourthly, Passion', and in Whole Duty he devotes a long passage to the passions, telling his readers how they take possession of the mind, distorting and disturbing men's peace.⁹⁸ Mary Astell counselled women that when choosing a husband they:

'had best stay till [they] can meet with one who has the Government of his own Passions and has duly regulated his own desires, since he is to have such Absolute power over [theirs].'⁹⁹

The author of The Honourable State of Matrimony, considered that 'passion and frowardness doth hinder Husbands and Wives from doing good to one another.'¹⁰⁰ This author placed so much importance upon

⁹⁴ W.de Britaine, Human Prudence (1680), p.56,

⁹⁵ R.Allestree, Government (1674).

⁹⁶ Hazel Mews also noted this aspect of the conduct literature in her study of the genre, see H.Mews 'Middle Class' (1934), Ch.5. Mews suggests that this interest in human passions is a new departure in psychological theory, away from the idea of Humours effecting personality and towards a notion of self fashioning. Whether this interpretation is sustainable is beyond the scope of this thesis. What is certain is that during the seventeenth century, some of the most acute philosophical minds were applied to the question of identifying the passions and their ultimate control by human reason. See for example, T.Wright, Passions of the Mind (1601, reprinted 1604, 1621, 1630); R.Descartes, Passions of the Soul (ms. 1645, 1646, pub. 1649); B.de Spinoza, Ethica Ordine Geometrico Demonstrata (1677). We can also surmise that some of the conduct book writers were in touch with this intellectual debate, as their advice also stressed the assertion of reason over the passions as a condition of true humanity.

⁹⁷ The Honourable State of Matrimony made Comfortable by D.B., (1685).

⁹⁸ R.Allestree, The Causes of Decay of Christian Piety (London, 1674), Chapter 16, and Whole Duty (1678), pp.364-5.

⁹⁹ M.Astell, Some Reflections upon Marriage, Occasioned by the Duke & Duchess of Mazarine's Case (London 1700), p.13.

¹⁰⁰ Honourable State by D.B. (1685), p.56.

the control of the passions as the basis of a sound marriage, that practically the entire book is devoted to the topic. Baltazar Gracien peppered his book of aphorisms with references to the control of the passions, advising that people must ‘not to be swayed by Passions: [which is] the highest spiritual quality of all.’¹⁰¹ Elsewhere he elaborates upon the theme, desiring individuals to ‘use self control’ of the passions and offers examples of the troubles that may arise from not doing so.¹⁰² In Gracien’s opinion ‘skill at mastering your passions’ was a distinctive mark of the civilised individual, which, as we shall see below, was a firmly established argument of the period.¹⁰³

The gentleman farmer and businessman William Coe, of Mildenhall, Suffolk, wrote a ‘consideration against anger’ in his diary, declaring how:

‘it is good to mark and observe those that are stirred up with passionate anger, beholding their countenance, how unseemly and disfigured it is; how rude their actions are; how absurd their words; how base and contemptible all their behaviour is; and the sight of this in another will be some means to make him loathe it in himself.’¹⁰⁴

It should be observed that these are not the remarks of a moralist. Coe considered himself to be parish gentry and was accepted as such by his neighbours. From his diary we can tell that he had a developed sense of sin for he was always asking God to forgive his transgressions and promising reformation, but he never quite managed to accomplish the task. He admits to spending much of his time at idle play and gossip, drinking heavily, and frequenting many of his local inns and alehouses. He also confessed to a liking for filthy songs and bawdy talk, and engaged in arguments and disputes with some of his neighbours.¹⁰⁵

Coe’s admissions present us with an example of the gap between the theory and practice of moral behaviour. He was aware of the moral demands of his society and likewise his failings; the latter causing him some concern (at least when in a reflective mood with his diary open before him). Coe’s confessions

¹⁰¹ B.Gracien, Worldly Wisdom (1685), Aph.8.

¹⁰² Ibid, Aph.207.

¹⁰³ Ibid, Aph.155.

¹⁰⁴ M.Storey (ed), East Anglian Diaries (1994), p.269.

¹⁰⁵ Ibid, passim.

leaven the high moral tone of the conduct book prescriptions, and enhances Aphra Behn's observation that 'if we resist our Passions, 'tis more from the weakness of them than our own Vertues.'¹⁰⁶ During this period the concept of "civility" was set against the "bestial", and the passions were located with the brute. As Richard Baxter stormed at his readers, do 'you not know that you are not beasts but men?' He goes on to lambast those who glory in their lusts and passions, having 'not reason to restrain them'.¹⁰⁷ While the author of The Honourable State of Matrimony demanded that his readers:

'observe, such as are soon moved to violent passions, that will not pass by a slight offence, but will be furious for every trifle, they are ignoble, base, sordid tempers, of vile, wretched, and dunghill dispositions.'¹⁰⁸

Robert Baker was called to account at the Norwich consistory court after appealing directly to this idea in a reference to Susan Deveryx, stating that 'she was noe woman for she suffered dogs to be limed to her.'¹⁰⁹ The implicit connotations of bestiality in Baker's remark must have been plain to all.

Sex presented serious problems for a culture that distinguished so rigidly between the civilised and the bestial. On the one hand it was a necessity for procreation, while on the other it could become a bestial activity if not governed by "civilised" rules. Although direct evidence is lacking for these rules, we get some oblique hints from the depositions of how civilised sex was supposed to occur, or rather, where it was supposed to occur. Obviously, as the many presentments of couples for incontinency (and challenges to suspect marriages for that matter) show, ordered and legitimate sexual activity was ideally confined to the marriage bed.¹¹⁰ What is noticeable is that even stable households would be challenged by neighbours who

¹⁰⁶ A.Behn, Miscelleny (1685), p.369.

¹⁰⁷ R.Baxter, Compassionate Counsel to All Young Men (London, 1681), p.36.

¹⁰⁸ Ibid. Cf. K.Thomas, Man and the Natural World: Changing Attitudes in England 1500-1800 (Harmondsworth, 1984), for a discussion of this equation. B.de Spinoza Ethica (1677), took much the same view as Baxter, arguing that only by exerting control by reason over the passions could individuals hope to attain freedom of the will; Anon. Honourable State (1685), p.152.

¹⁰⁹ NCCD. DEP\53\58A, 1692-1703, MFX\200. December 1692, Susan Deveryx con Robert Baker. The OED offers the definition of limed as, 'a sticky substance used to catch birds'. For a detailed discussion of the inferiority of animals and the ascendancy of Man, see K.Thomas, Natural World (1984), Ch.1, especially part 5, 'Inferior Humans', pp.41-50.

¹¹⁰ For a recent examination of the place of licit sexual activity between married couples, admittedly drawn from literary sources, see, S.Roberts, 'Making Oeconomies: elite domestic culture and the reception of Shakespeare's Ovidian poetry in early modern England' (Unpublished D.Phil. Thesis, University of

suspected that the couple concerned were not legally married. For example, when John Holmes and Elizabeth Younger were presented during October 1694 for incontinency, William Mingay deposed that the couple 'had lived together about 7 years'.¹¹¹ Mingay also revealed that 'a base child' was kept by Holmes at the house he shared with Elizabeth. There had been some dispute about the paternity of this child, but Holmes had accepted it to be his, baptised it, and cared for it as a father.¹¹² There is even evidence that Younger and Holmes were a contented couple, Mingay claiming that:

'he hath heard Mr Buckenham say that he saw Mrs Younger very kind to her man Holmes for they played together, and she took him about the necke and kist him which he [Buckenham] thought to be unseemly and unbecoming.'¹¹³

Presumably Holmes had been a servant of Elizabeth, and their relationship had developed from there. Yet the 'parishioners [...] desired [Parson Smyth] to prosecute' the couple to enforce their marriage.¹¹⁴ John and Katherine Bishop were presented to the court after they were married, because they had openly pursued their affair while Katherine was married to John Allen. John Bishop had boarded with the Allens for ten years, during which time their relationship was commonly spoken of in the neighbourhood:

'insomuch that notice was taken there[of] for her husband, then John Allen went commonly by the name of Cuckold Allen.'¹¹⁵

Witnesses told of conversations and remarks they had either heard themselves, or which had been commonly reported of the two defendants during the ten years of their adulterous relationship. Likewise, their conduct towards each other had been observed and was recounted as evidence of their crime. The fact of their subsequent marriage, and obvious attachment to each other throughout a ten year period, counted for nothing against the immorality of their relationship in the eyes of their neighbours. One is also left wondering why

Sussex, 1995), pp.122-159.

¹¹¹ NCCD. DEP/53/58A, 1692-1703; MF/X/200; October 1694, Office per Nathaniel Smyth, cleric con John Holmes; Office per Nathaniel Smyth, cleric con Elizabeth Younger.

¹¹² Ibid.

¹¹³ Ibid.

¹¹⁴ Ibid.

¹¹⁵ NCCD. DEP/51/55, 1680-6; MF/X/200; Ff.171-5, December 1682, Office per John Snell con John Bishop and Katherine Bishop.

it took so long for the couple to be presented.¹¹⁶

Of more interest to this discussion are the causes for incontinency or adultery where the alleged act had been committed in the fields or the woods. In these cases it is often difficult to discern what exactly prompted the greatest affront, the act itself or its location.¹¹⁷ Sara Burden made full use of the distinction between animal lust and civilised sex when she accused Susan Raby of 'lay[ing] in a swines sty with the red haired man' during 1687.¹¹⁸ Furthermore, there is some sparse evidence from the Norwich Borough Quarter Sessions which supports the impression that location was an important factor for dividing civilised sexual activity from its bestial counterpart. During 1690, Ann Bunt of St. Stephen's, Norwich, named Richard Whall as the father of her expected bastard. She told how Whall had plied her with drink until she could not refuse him, thereupon he had 'the Carnell knowledge of her body and severall tymes since upon the bed in her house.'¹¹⁹ Likewise, when the unmarried Susane Steward was examined for being three months pregnant in the same year, she not only named John Philips as the father, but continually stressed to the court how their sexual activity had taken place upon a bed.¹²⁰ In both cases there is a definite sense that the women sought to mitigate the offence by stressing the regularity of the site of the sexual congress. In contrast when Easter Osborne accused Samuel Curlie of rape in 1690, she told how he had 'forced her downe upon a

¹¹⁶ For further examples see, NCCD. DEP/53/58A, 1692-1703, June 1699, Office per Robert Bishop con Lawrence Francis (alias Farrow); Office per Robert Bishop con Alice Langley. Lawrence and Alice had a five year old child, which Lawrence openly admitted was his, had baptised and brought up as a Christian. The problem was that the couple simply refused to marry. So did Robert Underwood and Mary Bacon of Holt, who had lived 'together for a number of years' keeping an alehouse for their livelihood, see NCCD. DEP/53/58A, 1692-1703, MF/X/200, January 1694, Henry Hall con Robert Underwood; Cf. NCCD. DEP/49/53, 1671-5; MF/X/199, April 1674, Office per Thomas Gibbs con Jacob Nunne and Rebecca Gathercole; DEP/52/56-7, 1687-9, 1691; January 1689(90), Office per Church Wardens con John Ringall and Anne Dun. For causes challenging the authenticity of a marriage see, NCCD. DN/DEP, 47B.51, 1664-66; MF/X/199; Ff.1-12, 1664, Office con William Austin; DEP/49/53, 1671-5; MF/X/199; October 1675, Office per William Denison con Robert Barret, cf. April 1676, Robert Barrett con William Dowse, and May 1676, Office con Robert Barrett; WSCRO. EPII/5/18, Ff.39-40, 16th January 1686, Office con William and Charity Elphicke.

¹¹⁷ See for example, WSCRO, EPII/5/18, Ff.55-8, 15th March 1686, Office con William Walker [Walcot].

¹¹⁸ NCCD. DEP/52/56-7, 1687-9, 1691; MF/X/200; September 1687, Susan Raby con Sara Burden.

¹¹⁹ NCR. IEBQS. 17th April 1690, Bastardy, Ann Bunt.

¹²⁰ NCR. IEBQS. 29th July 1690, Bastardy, Susane Steward.

heape of Turnaps' in her masters yard.¹²¹ She emphasised that Curlie had been harassing her for some time, but that she had always managed to avoid his attentions within her master's house.¹²² Admittedly this is slight evidence to support an argument for the cultural perception of civilised sex in the seventeenth century, but it suggests a way the view of the moralists may have been worked out in practice during the period.¹²³ As we shall argue in chapter five, the symbolic value of space was an important resource for individual identity during this period.

We are on firmer ground when we seek evidence of the central role of the passions in the minds of the middling sort of seventeenth-century Norwich. The depositions provide constant references to people being out of control and overtaken by their passions. For example, Elizabeth Bell was said to have abused Thomas Curzen 'in a very passionate manner'.¹²⁴ Likewise John Fuller quarrelled with James Love, calling him 'a whoring attorney [...] in a verie angry and passionate manner.'¹²⁵ William Burke 'broke into a greate passion and anger' when he insulted Rebecca Ellis, the point being that witnesses for the plaintiff were attempting to tell their stories with the greatest possible effect.¹²⁶ If they could convince the court and the audience that the defendant was overcome by passion and out of control, the battle was virtually won. The defendant may or may not have lost the suit but they were shown, in a very public arena, to be brutish and unable to maintain their self-control. The element of public shame this entailed not only fitted with the types of punishment the church courts could deliver but were possibly seen to be as effective as the courts' penalties. It was certainly cheaper to procure, only one court appearance being required to publicise the faults of the defendant to the neighbourhood.

¹²¹ NCR. IEBQS. 1690-99, 4th September 1690, Bastardy, Easter Osborne.

¹²² Ibid.

¹²³ For a discussion of the symbolic value of the marriage bed for the elite in early modern England, see S.Roberts, 'Making Oeconomies', (1995), pp.160-201.

¹²⁴ NCCD. DEP/51/55, 1680-6; MF/X/200; November 1685, Thomas Curzen con Elizabeth Bell.

¹²⁵ NCCD. DEP/51/55, 1680-6; MF/X/200; February 1685, James Love con John Fuller.

¹²⁶ NCCD. DEP/51/55, 1680-6; MF/X/200; July 1685, Rebecca Ellis con William Burke.

If witnesses set out to characterise defendants in causes before the church courts as lacking in self-restraint, then accusations of "excess" were at the core of a majority of the suits. This preoccupation with immoderation could be expressed in two ways; either by allegations of excessive consumption (usually of sex or alcohol), or by accusations of the use of extreme violence (either physical or verbal). In the remainder of this chapter we will examine the three themes of alcohol, sex, and violence from the perspective of the depositions. But first we will review the conduct literature for the basic ideal of civil behaviour purveyed via its pages to society at large.

Hazel Mews concluded from her analysis of the material that the main concern of the seventeenth-century middle class was 'sobriety' in all things.¹²⁷ We need not consider the controversy of whether "manners" were a specific middle class invention to establish their social identity. Both Fenela Childs and Anna Bryson have demonstrated that the advice offered by conduct books was derived from elite concepts of civil behaviour.¹²⁸ All we need to grasp is that the middling sort did utilise a concept of civil behaviour and that it played a dominant role in their identity as moral citizens. From whence the concept was derived is of little consequence to our argument. From this perspective Hazel Mews' observation is extremely useful for it pinpoints a link between elite expectations of behaviour and their concern with the social control, and the middling sort's concern with good neighbourliness and economic survival (itself a manifestation of social order). With its connotations of calmness, restraint, and gravitas, "sobriety" encapsulates the dominant cultural discourse of the period.

All of the late seventeenth-century conduct book authors specified what was required of a man if he was to be seen to be civilised. As Anthony Fletcher has recently stated:

'the core of the argument, and they [the authors] are consistent about this, is that the civility that they prescribe rests upon an inner self discipline and exhibits itself in a set of acceptable patterns of carriage and demeanour, affability, speech and benevolence to

¹²⁷ H.Mews, 'Middle Class', (1934), p.214.

¹²⁸ See above.

others.’¹²⁹

Fletcher is only concerned with the social elite, or rather, with what it meant to be a "gentleman". This in no way undermines his summary of the cultural mores of masculinity, nor does it restrict their application to a broader social milieu, as Allestree makes explicitly clear in Whole Duty.¹³⁰ All men were expected to govern their households and to be industrious in their calling. All men therefore were subject to the rigours of this model of masculinity to some extent. For women the advice was similar; the expectation was of modesty in all things, behaviour, speech, and appearance. Modesty in women was the virtue above all others and was displayed through restraint, control, obedience to husband or father, piety, and industriousness. Robert Codrington was perhaps somewhat unusual in defending and praising women against the misogyny of his time, but even this paragon of masculine virtue emphasises temperance as the main virtue for women.¹³¹

But we should not assume that this emphasis upon sobriety entailed a dour, lacklustre, or even a repressive cultural regime. Far from it, this was a robust and an earthy culture which celebrated the good things of life, if they could be attained. It was not the enjoyment of pleasure or material wealth that was criticised, but extravagance:

‘pleasure was first ordained by God, and lawful pleasure is not a sin - over-indulgence only, is to be condemned.’¹³²

Moreover, what could be said of pleasure was applied to the entire range of human aspirations and emotions:

‘we may say of our affections, as we used to say of fire and water, They are good Servants, but bad Masters. You may safely take it as your Vade mecum along with you, in reference to things of this life: Desire not any thing immoderately, fear not anything too anxiously. Delight not in any thing too excessively. Lament not any thing too bitterly. All

¹²⁹ A.Fletcher, Sex & Subordination (1995), p.332. Fletcher is discussing what he considers to be ‘four key works’ of the late seventeenth century: R.Allestree, The Gentleman’s Calling (1660); C.Ellis, The Gentle Sinner (1660); R.L. Letter of Advice to a Young Gentleman leaving the University (1670); J.Gailhard, The Compleat Gentleman (1678). These works are fairly typical examples of the genre, and the advice they offer is replicated, reinforced and restated by the overwhelming majority of other authors.

¹³⁰ R.Allestree, Whole Duty (1678), passim.

¹³¹ See for example, R.Allestree, The Ladies Calling, (Oxford, 1673); G.Markham, The English Housewife, (1631); R.Codrington, Decency in Conversation amongst Women (1664), published with F.Hawkins, Decency in Conversation amongst Men. (1641), reprinted (1664, 1668, 1672); Cf. R.Kelso, Lady (1978).

¹³² R.Codrington, Youth’s Behaviour (1641).

these are but as so many several sorts of moral drunkenness.’¹³³

The association of an over-indulgence of the passions with physical inebriation in this extract refers us to what was seen as a major impediment to civilised behaviour.

Richard Allestree makes the point by arguing that drunkenness was a form of madness which entailed a lack of reason and an elementary loss of self-control. It was Allestree’s opinion that alcoholic intoxication initiated ‘brutish appetites’ and the dipsomaniac could only indulge in ‘swinish behaviour’.¹³⁴ Humphrey Prideaux employed these exact sentiments when expressing his contempt for the Dean of Norwich, Henry Fairfax. In Prideaux’s opinion the Dean was a common drunkard, stories of whose bibulous exploits emanating from his man-servant:

‘hath spread his fame soe through ye whole countrey that nothing is more scandalous [...] indeed his carriage in businesse represents him as much a brute as his man can a beast, for he [Henry Fairfax] acts by no rules of justice, honesty, civility, or good manners towards anyone, but after an obstinate, selfe-wild, irrational manner in all sorts of businesses, whereby he disobligeth every one that hath any thing to doe with him.’¹³⁵

It is doubtful if Prideaux could have made the link between drunkenness, brutishness, and the complete lack of morality and civility any more explicit.

Drunkenness also created practical problems for the maintenance of social order:

‘when the drunkard is seated upon the ale-bench and has got himself between the cup and the wall he presently becomes a reprover of magistrates, a controller of the state, a murmurer and repiner against the best established government.’¹³⁶

But as Codrington’s remarks (quoted above) suggest, the consumption of alcohol was not the problem. Several witnesses refer to being present at an alehouse to share a pot of beer or to hear the latest news. Others talk of dining at inns, conducting business or generally socialising. In an age when the availability of clean drinking water was limited and neighbourly conviviality was a positive cultural demand, it would

¹³³ Anon. The Young Man’s Calling (1685), p.32. Author’s emphasis.

¹³⁴ R.Allestree, Whole Duty (1678), pp.201-2.

¹³⁵ E.M.Thompson, Humphrey Prideaux (1875), pp.160-3.

¹³⁶ John Downname writing in 1613 and quoted in, P.Clark, The English Alehouse: A Social History 1200-1830 (London, 1983), p.145.

be unthinkable for alcohol to be utterly condemned.¹³⁷

A flavour of this acceptance of alcohol and contiguous conviviality is provided by a testamentary cause that appeared in the Norwich court during May 1691.¹³⁸ Elizabeth Chapman of Swaffham claimed to have inherited from the late Mary Makin the rights to provisions Mary had received weekly of John Case (the executor of Mary's deceased husband's will).¹³⁹ These victuals included meat, bread, beer, and wine, while Makin had also been supplied with a house, wood, and a maid. The wine alone was valued at 18d per week and the meat at 2/-.¹⁴⁰ Alice Wadkin considered that Makin had 'lived plentifully and well, as well as any gentlewoman allmost thereabouts.'¹⁴¹ She added that Mary's hospitality had been well known locally, her neighbours being regular recipients. She also had a constant stream of strangers visiting her whom she could provide for, providing her with an income in her declining years.¹⁴² A second example emphasises the centrality of alcohol in every day life at this time. This cause was promoted by Hannah Robinson against her husband for cruelty and neglect. Her son, Robert Randall of Lodden, told of one occasion when Hannah:

'had come to his house and desired him give her victuals, she being almost starvd as she told him, and that she had noe beare to drink but was forct to drink water.'¹⁴³

When we consider that Hannah suffered extreme violence at the hand of her husband and a lack of adequate food and clothing, her complaint of a lack of beer places the beverage in its cultural context.

¹³⁷ For a discussion of the role of alcohol and pubs in the early modern period see, P.Clark, Alehouse (1983).

¹³⁸ NCCD. DEP/52/56-7, 1687-9, 1691; MF/X/200; May 1691, John Case con Elizabeth Chapman.

¹³⁹ It is likely that this is the same Elizabeth Chapman who was involved in a defamation cause with Francis Case during April 1683. See, NCCD. DEP/51/55, 1680-6; MF/X/200; Ff.201, April 1683, Elizabeth Chapman con Francis Case. John Case appears to have been the landlord of The Crown, Swaffham. See NCCD. DEP/51/55, 1680-6; MF/X/200; Ff.215, January 1683, Robert Alpe con George Vincent.

¹⁴⁰ Ibid.

¹⁴¹ Ibid.

¹⁴² Ibid.

¹⁴³ NCCD. DEP/53/58A, 1692-1703; MF/X/200; June 1696, Hannah Robinson con John Robinson.

To be accused of drunkenness was often enough to prompt a response through the courts. As when Thomas Blyeth was accused of 'being fuddled' by Cicely Geyton during 1683, and when John Legood accused John Starkey of being 'a drunken rogue' during an argument in 1687.¹⁴⁴ Elizabeth Mechin not only linked drunkenness with whoredom when she abused Martha Awbery during 1687, but she succeeded in denigrating Martha's husband and their marriage also:

'you are a runygate pocky whore, if you were not your husband would not have sould you for a Flagon of beere to a souldgier [soldier], you goe from house to house and make yourselfe so drunke that you fall over the threshold of the doore.'¹⁴⁵

We find the same pattern in East Sussex where John Rothwell, the vicar of Henfield, was accused of being:

'a very debauched and scandalous person, being frequently drunke at Christenings and other publicke meetings.'¹⁴⁶

Likewise John Dodderidge, rector of Robertsbridge, was presented by his Churchwardens for various offenses, among which his disposition to 'drinking and tippling' was highlighted.¹⁴⁷

When concern is expressed for excessive drinking in the depositions, terms are used that emphasise an individual's habitual behaviour or over-reliance upon alcohol. For example, Edmund Hendson was portrayed by Thomas Hardwick of Kings Lynn as being well known 'for a dissolute life, disorderly conversation and very much addicted to imoderate drinking.'¹⁴⁸ William Randall described William Locke in almost the same terms, claiming that:

'amongst his acquaintances [Locke is] reputed to be a person of a very loose life and conversacion and a frequenter of Inns and Alehouses and given to imoderate drinking.'¹⁴⁹

¹⁴⁴ NCCD. DEP/51/53, 1680-6; MF/X/200; Ff.148, January 1684, Thomas Blyeth con Cicely Geyton; DEP/52/56-7, 1687-9, 1691; June 1687, John Starkey con John Legood.

¹⁴⁵ NCCD. DEP/52/56-7, 1687-9, 1691; MF/X/200; January 1688, Martha Awbery con Elizabeth Mechin.

¹⁴⁶ WSCRO. EPII/5/19, Ff.43-53, 22nd August & 1st September 1692, Thomas Ockenden con John Rothwell.

¹⁴⁷ WSCRO. EPII/5/19, Ff.2-13, 17, 53r-55, 30th June 1691 & 28th September 1692, Edward Bine & John Starr (Churchwardens) con John Dodderidge (rector).

¹⁴⁸ NCCD. DEP/58/52/, 1667-70; MF/X/199; July 1669, Office per Edmund Hendsen.

¹⁴⁹ NCCD. DN/DEP, 47/51, 1664-6; MF/X/199; Ff.348-54, April 1666, Office con William Locke.

If a specific event was referred to, witnesses frequently reported that the culprit was 'distempered' or 'much disguised' by alcohol. The former referring to a 'derangement or disordered condition of the mind', the latter signifying a 'change from the usual or natural guise'.¹⁵⁰ This is exactly how witnesses described Peter Bell as he rode into the yard of the Greyhound at Eaton Market.¹⁵¹ Likewise John Turner of Warbleton, East Sussex, was presented for being:

'much disguised and disordered with drinking, and spake severall approbrious and scandalous words of his neighbours and especially against some sober women of the parish.'¹⁵²

As this cause reveals, the link between excessive consumption of alcohol, disorderly behaviour, and temporary madness was a common theme of church court business. Such accusations seem to be brought together most forcefully when parishioners were in dispute with their clergyman.

The charges against William Locke included drinking a health 'to the best cunt in Christendom', exposing his 'privities' in the upstairs room of the Rampant Horse, St. Stephen's, Norwich, expressing the desire to 'fuck the cunt' of Susan Reynolds, a servant at the Angel, Thetford, and having:

'imposed upon a young wench [...] to drinke to excess by putting sixpence into a glass of beare and promising it to her if she dranke it upp.'¹⁵³

By any standards Locke's behaviour was excessive, yet if *the depositions are to be believed*, Locke's conduct was not unusual.

John Collins of the parish of Toft Monks, Norfolk, was presented for being continually 'disguised and distempered' with drink to the extent that he was forever falling off his horse into ditches, pig sties, and middens, and requiring rescue by his parishioners. Like his contemporary Locke, Collins had a penchant for exposing himself in alehouses and attempting the chastity of any woman, young, old, married or single, who was unwise enough to enter his company. He also picked fights with his parishioners, especially his

¹⁵⁰ See, OED.

¹⁵¹ NCCD. DEP/50/54, 1676-80; MF/X/199; July 1679, Office con Peter Bell.

¹⁵² WSCRO. EPII/5/19, Ff.19-20, 27th October 1691, Samuel Store & Richard Sharples (Churchwardens) con John Turner.

¹⁵³ NCCD. DN/DEP, 47/48, 1664-6; MF/X/199; Ff.348-54, April 1666, Office con William Locke.

churchwardens, on one occasion breaking into the house of Thomas Firbank in pursuit of a quarrel. He ridiculed the 'graver' members of his parish with slanderous rhymes and neglected his cure for long periods. About the only redeeming feature of John Collins is his obvious sense of humour. Upon being rebuked by his churchwardens for allowing the church roof to collapse, Collins is said to have responded 'that he had found them in Darkness but would leave them in light.'¹⁵⁴ Yet despite their catalogue of grievances against Collins witnesses emphasised the lack of malice in the presentment: all they required of him, they argued, was that he 'reform his manners'.¹⁵⁵

Like drunkenness which retarded a person's industriousness, consumed wealth, and unleashed brutish behaviour, sex provided yet another area of human activity where over-indulgence was perceived as a threat to the stability of social order. Whores in particular represented a direct drain upon household finances, as men diverted material resources away from their legitimate responsibilities. As one author put it, a whore:

'is compared to coales taken out of the fire, which either burne a man or besmeere him: soe doe whores either consume our estates, or our credits.'¹⁵⁶

While detailing the economic and political decline of Norfolk's leading families, Humphrey Prideaux specifically singled out Richard Berney (who, according to Prideaux, had inherited £7000 per annum, plus £50,000 in money and stock) for being:

'infatuated to a vile expensive whore, and she hath been ye broad ditch that hath swallowed all, and by her help he hath advanced the charge upon the estate.'¹⁵⁷

¹⁵⁴ NCCD. DEP/MF/RO, 168/2, 1662, Ff.35-63, John Millin, Robert Spier, Thomas Firbank, John Denny & Thomas Foulds con Mr John Collins.

¹⁵⁵ Ibid. For presentments against clerics involving broadly similar charges, see, NCCD. DN/DEP 46/50, MF/RO 265/12, April 1664, Thomas Le Grice (Squire) con Thomas Ramsie; DN/DEP, 48/52, 1667-70; MF/X/199.3; Ff.81r-4, October 1668, Office per Benjamin Marston con Robert Feltwell, June 1668, Benjamin Marston con Robert Feltwell, March 1669, Robert Feltwell con Benjamin Marston, March 1669, Office per Robert Feltwell con Benjamin Marston; DEP/49/53, 1671-5; MF/X/199; November 1675, Office per Thomas Glover con John Smith (Cleric, Rector of Rollesby); DEP/50/54, 1676-80; MF/X/199; July 1678, Office per Robert Copeland con Michael Freer [Frere] (Cleric, Cromer).

¹⁵⁶ T.Gainsford, The Rich Cabinet Furnished with all varietie of Excellent descriptions, exquisite Characters, witty discourses, and delightful Histories, Divine and Morral (London, 1616), no pagination. Cf. L Gowing, Domestic Dangers (1996), pp.90-2. For a discussion of the expectation of men to shoulder their responsibilities drawn from ballads, see J.Sharpe, 'Plebeian Marriage In Stuart England: Some Evidence From Popular Literature', Trans. of the Royal Historical Society 5th Series, No.36, (1986), pp.59-90.

¹⁵⁷ E.M.Thompson, Humphrey Prideaux (1875), pp.163-6.

Numerous ballads made a similar connection:

‘The Ale-wives they go fine and gay, decked in their silkes and rich array,
When as the poor man’s wife may lack, both food and Clothing to her back,
Good man consider this I pray, to save something for a rainy day.’¹⁵⁸

In another example the family of the profligate husband suffers poverty at home while he enjoys the pleasures of the town ‘spending money on Whores and Queens, and my children must drink fair water.’¹⁵⁹ As we saw above, the reference to drinking water would have added to the significance of the message. This material also demonstrates that such sentiments were widespread throughout the social milieu.

Elizabeth Martin’s cause against Mary Kettle during 1681 demonstrates this association of whores with household economics. Mary had complained that ‘enie body knew [Elizabeth] to be her husband’s whore.’¹⁶⁰ For this remark Elizabeth’s father demanded £100 compensation or he would sue. Mary told her neighbours that:

‘Martin was about to gett a portion for his fine daughter (meaning Elizabeth Martin), she is my husbands whore but he shall be hanged before he gets a penny from me.’¹⁶¹

Clearly, as Laura Gowing has recently argued from her examination of the London sources ‘the implications of illicit sex for the household focused on the crux of consumption.’¹⁶² Fathering a bastard had similar financial implications, for the man was expected to support his offspring through to their majority. This expense alone would be enough to affect the household economy, the implication of the man’s excessive consumption of sex would only add insult to the financial injury.¹⁶³

It was when a marriage broke down and a husband or wife sought a separation that the notion of “excess” became a crucial issue. Legally there was no divorce during this period. The best that church courts could

¹⁵⁸ ‘The Careful Wife’s Good Counsel’, Roxburghe Ballads Bk.II, Ff.42.

¹⁵⁹ ‘A Caveate for Young Men: or the Bad Husband Turned Thrifty’, Roxburghe Ballads, Bk.II, Ff.54.

¹⁶⁰ NCCD. DEP/51/55, 1680-6; MF/X/200; Ff.269-70, October 1681, Elizabeth Martin con Mary Kettle.

¹⁶¹ Ibid. Cf. L.Gowing Domestic Dangers (1996), pp.90-4.

¹⁶² L.Gowing Domestic Dangers (1996), p.91.

¹⁶³ See for example, NCCD. DEP/51/55, 1680-6; MF/X/200; June 1683, John Cullinder con Edward Perkins.

offer was a judicial separation which allowed couples to live apart but did not permit remarriage.¹⁶⁴ That was only possible if an annulment was gained, but this was only granted for bigamy, non-consummation, forced marriage, precontract, or if one of the partners was a minor. In practice to gain an annulment:

‘on most of these grounds [was] rare: the majority of marriage cases were suits for separation prosecuted either by the injured party, or sometimes by the couple together, "negotiating" for separation, and in both types of suit the allegation centred almost invariably on women’s adultery or men’s cruelty.’¹⁶⁵

The pattern was similar in Norwich with one significant difference: women also charged their husbands with neglect and desertion. Tactics varied but in general, the practice was to allege excessive behaviour of many years duration. This practice is immediately understandable; as separations were so difficult to gain, the more lurid the detail and heinous the conduct the greater the certainty of achieving the desired result. Yet there is a problem with this picture, for the Norwich Act Book failed to reveal any marital disputes attaining a judicial separation. It is possible therefore that the desire was not to dissolve the union, after all as Laura Gowing notes many couples simply split up and took their chances, but to force the errant partner to mend their ways and maintain the semblance of a regular marriage.¹⁶⁶

Two examples of neglect and desertion exist in the records of the Norwich court for this period. The first, involving Mary and Charles Hart, was brought before the court in August 1701. The Harts had been married for at least fourteen years, during which time Mary Hart behaved:

‘herselfe as a careful and loving obedient wife toward Charles her husband, and did not committ or omitt anything where by her husband might be provoked to treat her roughly or whereby his affecons [affections] might be alienated from her.’¹⁶⁷

But things had gone awry and ‘in recent years and months’ Charles Hart had:

¹⁶⁴ For a consideration of the law and the practicalities of marital separation, see R.Phillips, Putting Asunder: A History of Divorce in Western Society (Cambridge, 1988), Chs.1 & 2; L.Stone, Road to Divorce: England 1530-1987 (Oxford, 1990), pp.50-59.

¹⁶⁵ L.Gowing, Domestic Dangers (1996), p.181.

¹⁶⁶ See L.Gowing, Domestic Dangers (1996), p.181. The prevalence of causes promoted by Office against couples for irregular, incontinent or adulterous relationships, testifies to the common practice of informal separation.

¹⁶⁷ NCCD. DEP/53/58A, 1692-1703; MF/X/200; August 1701, Mary Hart con Charles Hart.

'kept company with a Lewd Woman, and [...] his affections were taken of and from his wife, and [...] Mary Hart would have perished for want of necessary food and cloathing were it not for her Mother who maintains her at her own charge.'¹⁶⁸

Having been deserted by her husband, Mary took the only viable option and returned to her mother where she 'hath bin since Christmas last.'¹⁶⁹ Mary attempted to negotiate a settlement of two shillings a week with her spouse but to no avail. Charles Hart had set up home with Alice Bradford (wife to Benjamin) and 'made away with his wifes cloathes and linnen.'¹⁷⁰

Thus far the tale is sad but unremarkable. But Mary did not take her husband's behaviour lying down, and her chance for revenge occurred after Charles had fallen ill. During this period Charles lived with his sister, but having recently taken in lodgers she no longer had room for him in her house. At this point Mary visited Charles to attempt a reconciliation, his sister advising him to either return to his wife or to their old house (now empty) in St. Michael's at Thorne, Norwich. Initially Charles agreed to return to his wife, but instead, installed himself with Alice at the old house.

Hearing of this Mary seized her opportunity:

'she went early next morning to the [old] house where they had formerly lived together, [and] at about 4 in the morning she went in at the window of the house where she found Charles Hart [...] and Alice Bradford in bed together and both asleep. Alice Bradford's cloathes lyeing by the bedside [Mary] took them up and carryed them [away to Dove Lane, Norwich] where she now dwelt. [She then] desired Richard Harrison [...] and his man to goe along with her and they should see her husband and Alice Bradford in bed together.'¹⁷¹

Upon which all three returned to the scene and Mary re-entered the room where Charles and Alice reposed, Harrison and his man remaining at the door. She then woke her husband, who leapt from the bed and thrust her out of the room denying that Alice was with him.

¹⁶⁸ Ibid.

¹⁶⁹ Ibid.

¹⁷⁰ Ibid.

¹⁷¹ NCCD. DEP/53/58A, 1692-1703; MF/X/200; March 1701, Office con Alice Bradford; Cf. August 1701, Mary Hart con Charles Hart.

The situation then descended into farce. Charles continued to deny Alice's presence, but both Charles and Alice volubly demanded the return of Alice's clothes. The increasing rumpus attracted an audience of neighbours and passers by, eager to witness the sport. One, a butcher, attempted to break down the door but failed. Charles made his escape via another door but Alice, bereft of her clothing, could only emerge to face the crowd dressed in 'her smock' and 'Charles's frock [coat]'.¹⁷² Mary immediately 'fell to beating Alice' who confessed that she had been 'in bed with Charles'.¹⁷³ As a result of this beating, and completely humiliated, Alice:

'went downe on her knees and desired Mrs Mary Hart to forgive her and swore that she would never do the like againe, and desired Mrs Hart to let her have her cloathes back.'¹⁷⁴

Which after due consideration (and probably with extreme satisfaction after her exertions), Mary Hart eventually did.

This cause is an exemplar in that we get all the differing factors involved in a suit for marriage separation. There is the notion of self-help, also a characteristic of the criminal justice system during the same period.¹⁷⁵ There are the dual elements of negotiation and reconciliation involving kin and neighbours. We should also observe that Mary was ready to negotiate an informal separation, along with a small sum of money for her maintenance. When this was refused she attempted a reconciliation, only setting about the public humiliation of the adulterous couple after Charles had reneged upon their agreement. We should also notice that the public disgrace itself was only the precursor to the eventual embarrassment of the court appearance, all through which Mary's strategy was to display her husband's illegal, and literally "inhuman" conduct. Added to this is the fact that no conclusion to the cause has been found, suggesting one of two conclusions, either Mary and Charles agreed to remain together, or that Charles agreed privately to pay Mary her maintenance.

¹⁷² Ibid.

¹⁷³ Ibid.

¹⁷⁴ Ibid.

¹⁷⁵ On this point see, C.Herrup, The Common Peace (Cambridge, 1987).

The second example is not as colourful as the previous one, but it reinforces several of the points made above. The cause was brought by Elizabeth Garwood for desertion by her husband Thomas during 1687.¹⁷⁶ Thomas had set up home with Catherine Cotton and fathered a bastard: the lying-in had cost him £8 and the parishioners had forced him to pay a 'surety to save [them] harmless from keeping the child.'¹⁷⁷ The relationship between Elizabeth and Thomas does seem to have disintegrated, Thomas having 'profanely swore he would never more lye with her.'¹⁷⁸ And upon revealing to Elizabeth the existence of his bastard, Thomas had said:

'that he would bring it home for her to nurse, but that she would poison it with Sluttery in 2 or 3 dayes.'¹⁷⁹

But it does not appear that he was completely happy with Catherine either, having commented that laying with her 'was the worst nights work that he ever did for he had gotten her with child.'¹⁸⁰ Several of his neighbours concurred with this opinion and asked Thomas:

'why he should doe such ill things as forsake his wife and lye with such a woman as Cath Cotton was.'¹⁸¹

Once again the cause disappears from the record, we are left guessing as to the outcome and Elizabeth's motives for promoting it. Was she simply out to humiliate her husband for his desertion and gain a separation, or was she attempting to force him back to his lawful responsibilities?

Our next two examples conform to the pattern found by Laura Gowing in her London material. In the first, John Neave sued his wife Elizabeth during May 1665 for adultery with Edward Francis.¹⁸² To begin with, the focus of the evidence is upon Elizabeth's 'lewd' and 'uncivil' behaviour with Francis, and details are

¹⁷⁶ NCCD. DEP/52/56-7; 1687-9, 1691; MF/X/200; October 1687, Elizabeth Garwood con Thomas Garwood.

¹⁷⁷ Ibid.

¹⁷⁸ Ibid.

¹⁷⁹ Ibid.

¹⁸⁰ Ibid.

¹⁸¹ Ibid.

¹⁸² NCCD. DN/DEP, 47/51, 1664-6; MF/X/199; Ff.303-16, May 1665, John Neave con Elizabeth Neave (con Francis).

offered of the various occasions when adultery was presumed to have occurred. But as the story unfolds the perspective of the evidence shifts away from the relationship with Francis to a more general character assassination of Elizabeth. Her sexual amorality is emphasised and another two illicit liaisons are introduced: one with a Mr Jennie, the other with a servant of John Neave, one Christopher Newgate. John Neave is said to have received £100 from Newgate as compensation for the enjoyment of his wife, plus an apology from Elizabeth herself.

Neighbourhood rumours of Elizabeth's general sexual availability are offered as factual evidence of her guilt, and servants report her nocturnal activities with lodgers in her house. Furthermore Elizabeth was shown to have no respect for her husband's authority as a dutiful wife should. Servants reported Elizabeth barring the door of the bed chamber to her husband while she entertained her lover within, forcing John Neave:

'to stand about a quarter of an hour in his shirt without cloathes untill at last the doore was opened by the said Newgate.'¹⁸³

The couple had separated and for the space of two years lived apart, during which time at least two attempts were made at reconciling their differences. Thomas Garbold of Harleston, Norfolk, reported how:

'Mr Neave's desired [him] to carrie [Elizabeth] from Norwich to Harleston to meet her said husband, which this examinent did - she promising this respondent that she would submit herselfe to her said husband, but that at the meeting she (Mrs Neave) was so far from submission that she jeered, and made the shew of the Hornes to her husband, notwithstanding his curtesie to her.'¹⁸⁴

Jacob Brame, a gentleman of Campsie Ash, Suffolk, told of hearing how on another occasion:

'Mrs Neave did goe to her husband and seemingly submitted to him, as if she would have lived with him, but after some discourse with him said that she would live with him, if it were but to plague him.'¹⁸⁵

To modern minds Elizabeth might appear a woman of spirit, but within her late seventeenth-century context there can be no doubt that her alleged behaviour was perceived to be despicable. The impression of Elizabeth that John Neave sought to create was of an initiator of sexual anarchy; a woman beyond the bounds of reasonable conduct, uncontrollable by her husband, and addicted to the excessive consumption

¹⁸³ Ibid. Cf. L.Gowing *Domestic Dangers* (1996), pp.194-204. For a discussion of the power associated with keys and locked doors, see S.Roberts, 'Making Oeconomies', (1995), pp.116-121.

¹⁸⁴ Ibid.

¹⁸⁵ Ibid.

of sex.¹⁸⁶

The second example expresses similar strategies for either gaining a judicial separation, or for shaming a wife into reforming her conduct. The cause begins with the allegation that Ann Jay took advantage of her husband's absence in London during the summer of 1684 to enjoy herself with the servant of one Mr Halland.¹⁸⁷ The following Lady Day (25th March, 1685) Ann 'was delivered of a Child in the absence of her husband', who returned a short while after the birth.¹⁸⁸ When he arrived home John Jay was met by a self-appointed welcoming committee comprising Thomas Manthorpe, Francis Spake and Henry Jay. The three men acquainted him with events within his household and accompanied him home, no doubt to witness the reunion of husband and wife. We are fortunate they did, for their account illuminates Ann's courage and nerve. Upon meeting his wife John Jay:

'offered to kiss her (but she refused it), [so] kissed his 2 children that he left when he went away, and casting his eye about he saw a third child in a cradle, then he said to his wife I am richer by one child then I thought for, [Ann] replied very slightly, you had have another within a twelve month.'¹⁸⁹

To explain the appearance of the baby Ann asserted that her husband had returned home secretly at the required time for conception. Unfortunately too many witnesses deposed to the contrary for this to be an acceptable explanation. And when this evidence was added to the common fame of her extra-marital relationship Ann's case was fatally undermined.

Yet this cause also disappears from the record. Perhaps John Jay was satisfied that his day in court had served its purpose, he had publicly asserted his power over his wife and revealed the depth of her shame. But at the same time he had drawn attention to his own cuckoldry and the inadequacy of his authority within his own household, but this may have been preferable to allowing the status quo to continue unchecked.

¹⁸⁶ This is yet another bitterly contested suit, the amount of depositions evidence testifies to this conclusion, that seems not have gone the full distance. The Act Book contains only one entry recording the investigation under the title 'LIBER 1', see NCCD. ACT 73, BK.73, 1665; MF/X/50.1; no pagination or date.

¹⁸⁷ NCCD. DEP/51/55, 1680-6; MF/X/200; Ff.30-2, January 1686, John Jay con Ann Jay

¹⁸⁸ Ibid.

¹⁸⁹ Ibid.

Laura Gowing argues, seventeenth-century perceptions of adultery radically altered a woman's position and her relationship to power and authority:

'leaving them negotiating their way between sexual availability, independence, new commitments, and reconciliation with their husbands.'¹⁹⁰

We have seen in all the examples discussed, the women involved deserve credit for the way they manipulated the situations in which they found themselves, in the process managing to attain some form of settlement with their husbands, at some cost to their reputations it must be stressed. But perhaps for a few women this price was worth paying for an acceptance of some limited independence within their marriages.

If we turn to domestic violence we find a similar pattern, with wives asserting that their husbands' conduct transgressed acceptable standards and was excessive. This strategy presented enormous difficulties for unlike adultery:

'cruelty was a more complex and subjectively determined affair, harder both to measure and sentence.'¹⁹¹

To compound this problem 'contemporary opinion was ambivalent about the acceptability of marital violence.'¹⁹² On the surface this is true: conduct book writers could not agree whether physical correction was justifiable or not. Some were completely against any form of violence within a marriage:

'Nor, sone, bete nott thy wife, I rede;
For ther yn may no helpe be,
Betyng may not stand in stede,
But rather make her to despyse the.
With lovys awe, sone, thy wyfe chastyse,
And let farye wordys be thy yerde;
Lovys awe ys the best gyse,
My sone, to make thy wyfe aferde.'¹⁹³

Others warned against its use, but accepted that on occasion it might be justifiable. Such was Richard

¹⁹⁰ L.Gowing, Domestic Dangers (1996), p.196.

¹⁹¹ L.Gowing, Domestic Dangers (1996), p.207.

¹⁹² Ibid. Cf. R.Phillips, Putting Asunder (1988), pp.323-30, for a discussion of seventeenth-century attitudes to domestic violence.

¹⁹³ 'How The Wise Man Taught His Son', W.C.Hazlitt, Remains (1864), pp.168-177. Hazlitt traces the origins of this poem to 1456.

Allestree who considered that it should be used with utmost moderation and in extreme cases only.¹⁹⁴

Others asserted that the male right to beat women, children, servants, and inferiors was part of natural masculine authority. Mary Astell spoke more generally but summed up the majority view, arguing that within a marriage:

‘there is a mutual stipulation, and Love, Honour and Worship, by which certainly Civility and Respect at least are meant, is as much a woman’s due, as Love, Honour and Obedience is the Man’s, and being the Woman is said to be the Weaker Vessel the Man shou’d be more careful not to grieve or offend her. Since her reason is supposed to be less, and her Passions stronger than his, he should not give occasion to call that supposition in Question by his pettish and needless provocations.’¹⁹⁵

The ballads of the period also reflected this widespread ambivalence towards domestic violence.¹⁹⁶ As with the conduct books, some lauded the husband who was prepared to control his wife’s insubordination with physical force, others lambasted him:

‘Here’s a good wife hath a husband that likes her,
In every respect, only one that he strikes her,
Then if you desire to be held men compleate,
What ever you doe your wives do not beate.’¹⁹⁷

This ballad praises the husband’s looks, industry, generosity, intelligence, and knowledge. But as the refrain constantly reiterates ‘he cannot rule his hands’, thus as a man he is ruined notwithstanding his accomplishments.¹⁹⁸

Yet despite this undoubted ambivalence within the printed sources, people seemed to have no difficulty condemning violence. Thus Simon Smith was presented before the ecclesiastical court for calling Thomas Aymes a knave and liar, beating him up, and giving Aymes a black eye.¹⁹⁹ In 1692 Susan Deveryx sued

¹⁹⁴ R.Allestree, Whole Duty (1678), pp.328-330.

¹⁹⁵ M.Astell, Reflections (1700), p.43.

¹⁹⁶ Cf. L.Gowing Domestic Dangers (1996), p.207.

¹⁹⁷ ‘Hold Your Hands Honest Men’, Roxburghe Ballads BK.I, Ff.510.

¹⁹⁸ Ibid. Cf. ‘A Caveate for Young Men: or the Bad Husband Turned Thrifty’, Roxburghe Ballads Bk.II, Ff.54.

¹⁹⁹ NCCD. DEP/52/56-7, 1687-9, 1691; MF/X/200; October 1698, Office per Thomas Aymes con Simon Smith.

Robert Baker after he had called her whore, and ‘pum and trust’ her about, making ‘her arme black and blue’.²⁰⁰ Susan’s servant, Margaret Browne, considered that Baker was only restrained from causing greater injury because Susan had a ‘child in her armes.’²⁰¹ During the late summer of 1684, Katherine Saunders of Garleston, Norfolk, intervened with John Duffett ‘who was making a greate noise beating a woman.’²⁰² For her trouble Katherine was called a whore by Duffett, who asked her ‘are you come for a witness.’²⁰³

The mere accusation of wife beating was enough to spur John Brookbank into taking action against Edmund Gibb during 1669. Gibb also charged Brookbank with assault and Martha Gibb, kin to Edmund, asserted that while a servant to Brookbank he had most:

‘fiercely and cruelly beat [her] insomuch that [she] asked of him whether he intended to kill her.’²⁰⁴

At East Grinstead, East Sussex, during 1691, a convoluted series of causes involving Anne Backler included allegations of physical violence.²⁰⁵

On the other hand John Ketchlow, the headborough of Godstrow Hundred, East Sussex, was beaten up and seriously injured by Mildred West of Brede, after he had insulted her and attempted to destroy her property. In the ensuing cause for defamation promoted by Mildred, witnesses stressed the mitigating circumstances and Mildred’s reputation as a good neighbour. Given the physical aggression of Mildred, Daniel Coleman displayed a nice sense of irony in deposing that she:

‘was always to his knowledge accounted a woman of an honest conversacon among her

²⁰⁰ NCCD. DEP/53/58A, 1692-1703; MF/X.200; December 1692, Susan Deveryx con Robert Baker.

²⁰¹ Ibid.

²⁰² NCCD. DEP/51/55, 1680-6; MF/X/200; Ff.63-4, October 1684, Katherine Saunders con John Duffett.

²⁰³ Ibid.

²⁰⁴ NCCD. DN/DEP, 48/52, 1667-70; MF/X/199; Ff.151-4, March 1669, Edmund Gibb con Mr John Brookbank; Ff.111, 132-3, Mr John Brookbank con Edmund Gibb.

²⁰⁵ WSCRO. EPII/5/19, 25th November 1691, Ff.24-5, Anne Backler con Thomas Sexton; Ff.25-30, Anne Backler con Henry Paine; Ff.26, Anne Backler con Mary [Margaret] Sexton; Ff.27-8, Mary [Margaret] Sexton con Anne Backler; Ff.28-30, Henry Paine con Anne Backler.

neighbours and he never heard her charged with any fault but being guilty of too much passion.’²⁰⁶

Thus Coleman acknowledged that Mildred had perhaps lost her self-possession and that maybe her reaction had been extreme, but he argued that she had endured excessive provocation from Ketchlow, who was deemed to be ‘a contentious person and of mean repute among his neighbours.’²⁰⁷ Furthermore, Coleman was not alone in his opinion, and all the witnesses offered similar testimony in Mildred’s favour.

In marriage disputes at Norwich there was no such ambiguity, and witnesses stressed the use of excessive violence by husbands in as much detail as previously seen in adultery causes. We have already met with Hannah Robinson, who had to beg victuals and beer because of her husband’s neglect.²⁰⁸ The nub of this cause, however, were the accusations of excessive violence levelled against her husband. Rebecca Mallows was a servant to the Robinsons and witnessed many ‘cruel and malicious’ beatings of Hannah.²⁰⁹ She pleaded that she could do nothing to aid her mistress because John Robinson had threatened to ‘cut her throat or run a knife into her’ if she dared to speak out.²¹⁰ Various neighbours gave evidence of John Robinson’s neglect and cruelty to his wife; telling of the attacks they had witnessed personally, and the bruising and wounds they had seen upon Hannah’s body.

From East Sussex a similar experience was related by witnesses for Elizabeth Bythwood, wife to Steven, residents of a house called Crowlink in the Parish of Friston, a few miles to the west of Eastbourne.²¹¹ Joseph Hill reported taking Elizabeth on a shopping expedition to Eastbourne on the 2nd of December 1692, and on their return, Steven Bythwood had barred the door to Elizabeth and refused to allow her inside. He also told of an occasion on the 20th of September that year when he witnessed Steven Bythwood:

²⁰⁶ WSCRO. EPII/5/18, Ff.37-9, 26th & 27th January, 1686, Mildred West con John Ketchlow.

²⁰⁷ Ibid.

²⁰⁸ NCCD. DEP/53/58A, 1692-1703; MF/X/200; June 1696, Hannah Robinson con John Robinson.

²⁰⁹ Ibid.

²¹⁰ Ibid.

²¹¹ WSCRO. EPII/5/19, Ff.67-9, 76, 23rd April & 5th June 1694, Elizabeth Bythwood con Steven Bythwood.

‘fall into a vehement passion with and against Elizabeth and after severall oathes and illnames bestowed upon her did in a furious and barbarous manner [...] strike and beat Elizabeth in the face with a holy bush and thereby wounded her very much in the face and mouth.’²¹²

Elizabeth escaped and kept out of her husband’s way while friends extracted promises from her husband ‘not to offer any further violence towards her.’²¹³ Needless to say Steven reneged upon these promises at his earliest convenience. Joseph Hill had worked for the Bythwoods for four years, and in all that period Steven’s:

‘carriage and behaviour towards his wife was for the greatest part of [that] time barbarous and inhumane almost every week.’²¹⁴

William Marden had visited Crowlink at Michaelmas, 1693, to purchase onions, and Elizabeth’s refusal to sell provoked a beating from Steven. Marden also recounted a visit to the Bythwoods during breakfast, about Christmas time 1693. The couple were quarrelling bitterly over the writing of an acquittance, and Elizabeth ridiculed Steven’s ignorance ‘and disparaged his skill’ in writing and drawing up the acquittance.²¹⁵ In this episode we get a hint of the dynamics of the couple’s relationship.

Under questioning it emerges that Elizabeth herself was no angel. Despite appearing as a witness for her cause, William Marden was forced to acknowledge that:

‘Elizabeth Bythwood is a very passionate and contentious woman and that she hath moved severall causeless quarrells with Steven and his family by her abusive and provoking language.’²¹⁶

Thomas Paige, again a witness for Elizabeth, reported that she not only pressed arguments against himself and his family, but that he:

‘did once hear blows given to ye maid servant when none but she and her Mistress were together in ye room.’²¹⁷

²¹² Ibid.

²¹³ Ibid.

²¹⁴ Ibid.

²¹⁵ Ibid.

²¹⁶ Ibid.

²¹⁷ Ibid.

Finishing with the remark that:

‘quarrells soe often happened between ye plaintiff and ye defendant [that he] seldom took notion who was ye first mover thereof.’²¹⁸

Joan Palmer on the other hand was adamant in her support for her Mistress, admitting that Elizabeth:

‘was a Passionate woman and could not easily bear with ye affronts, injuryes and ill usage which she received from her husband, but she sometimes returned him ill words which his ill treatment of her did urge and provoke her to.’²¹⁹

She acknowledged the frequency of ‘scolds and brawls’ between the couple, but insisted that Steven bore the greater responsibility for these.²²⁰

The root of the couple’s problems seem to be located in Elizabeth’s fortune. Thomas Willard, the trustee of Elizabeth’s late husband’s estate, revealed the extent of this. She owned houses in the parish of St.Thomas’s, The Cliffe, Eastbourne, valued at £20 per annum, and rents from other lands valued at £30 per annum. On top of this Steven had received ‘the full summe of four hundred pounds and upwards to his own proper use’ upon his marriage to Elizabeth.²²¹ This property and the settlement evidently gave Elizabeth a greater sense of power, and with it an increased expectation of what she required from her husband. Willard was also her strongest ally, several times using his local connections and influence to defend her interests. On one occasion he brought Anthony Burnip, the Sheriff’s Officer, to witness a reconciliation agreement; on another he wrote to Sir John Cage, Steven’s landlord:

‘to inform him of the ill treatment (Elizabeth received of Steven Bythwood) and to desire him to use his interest in the matter.’²²²

Faced with a "fractious" and "rebellious" wife who was able to mobilise both local officials and the local gentry against him, Steven must have felt that his world was very much turned upside down.

²¹⁸ Ibid.

²¹⁹ Ibid.

²²⁰ Ibid.

²²¹ Ibid.

²²² Ibid.

The Norwich and East Sussex material does not offer any evidence for Laura Gowing's findings from London, that litigants:

'fought over the level of violence alleged, men redefining what their wives claimed to be life-threatening violence as "light chastisement".'²²³

This is not to say that such a tactic was never an option, simply that in the causes examined here the issues were much clearer and the definition of acceptable violence was not mentioned. This may represent a change from the period studied by Gowing. There are some themes common to both Gowing's findings in London and the Norwich and East Sussex material. As we have seen, the battle between spouses frequently involved access to space within the household and the ownership of material goods. Elizabeth Bythwood had to defend her removal of linen and pewter from Crowlink, as did the majority of our previous female litigants, all of whom complained of being deprived of adequate clothing, food, and maintenance.²²⁴

As Gowing argues, the logic of the gender system demanded distinct strategies from men and women involved in marital disputes.²²⁵ When accused of adultery, women could either admit or deny the charge, as did Elizabeth Neave and Anne Jay. But as we have seen, women's restricted options did not limit their power to negotiate. In fact it could be argued that to accuse a wife of adultery and excessive sexual activity was a desperate act of a husband seeking to buttress his non-existent authority. On the other hand when women accused their husbands of excessive violence and cruelty, the emphasis seems to have shifted from that found by Gowing. To be sure a husband may have sought to justify his violence by referring to his wife's incitement, but witnesses had to be forced to concede this interpretation of events, and then reiterated their belief in the husband's guilt for resorting to such measures.

This brings us to one final difference between Gowing's findings from her earlier material and the later seventeenth century. Gowing argues that in cases of domestic violence:

'it was women, more often than men, who protested to violent husbands, sometimes physically imposing themselves between husband and wife, and coming to court, later to

²²³ L.Gowing, Domestic Dangers (1996), p.209.

²²⁴ Ibid. pp.209-215.

²²⁵ Ibid. p.220.

testify to their female neighbours precise injuries, and it was to women to whom battered wives turned first.' ²²⁶

The last statement no doubt contains some truth, for it would be natural for a woman to approach her gossips first with her problems. But the evidence of the causes examined here supports a slightly different conclusion, more in keeping with Susan Amussen's argument that domestic violence was subject to community control.²²⁷ In all the examples discussed above, men were the majority of witnesses for wives complaining against their husbands ill-treatment (whether it was violence or neglect). In the majority of cases there appears to have been a rational decision made to call the best witnesses regardless of gender. Yet the prevalence of male witnesses would suggest that a change of attitude had occurred, and men were more likely to support a battered wife than previously. Furthermore the statements of witnesses, and their willingness to get involved, are testimony to the concern among neighbours with cases of domestic violence.

If the chances of a judicial separation were slight, there was another option open to battered wives; the Quarter Sessions. How many took this course is beyond the scope of this thesis, but secular justice could offer protection that was beyond the capabilities of the ecclesiastical courts. One such example is that of Susanna Lamb, who swore a complaint against her husband John on the 6th of June, 1691. Priscilla Davys and Margaret Hodson supported Susanna's complaint, the former claiming that:

'John Lamb [...] is a very dangerous person and does beat his wife in a greivous manner, and did this day not only beat his wife but Swore and Curst and said God Damn his wife and by God's Blood he would Rip her open.' ²²⁸

The secular court may have been a difficult venue for women, but on this occasion perseverance received satisfaction. John Lamb was committed at the July Session, and bound over to good behaviour at the court's discretion at the October Sessions.²²⁹

²²⁶ Ibid. p.217.

²²⁷ S.Amussen, "'Being Stirred to Much Unquietness": Violence and Domestic Violence in Early Modern England', *Jnl of Women's History*, 6/2, (1994), pp.70-89.

²²⁸ NCR. IEBQS. 1690-99, 6th June 1691, Wife Beating, Susanna Lamb con John Lamb.

²²⁹ NCR. SMB. 20,A,16.

The destabilising of personal identity, brought about by the rapid changes occurring in English society at the time, created a situation of uncertainty and insecurity for the middling sort. These circumstances intensified the need for individuals to assert themselves, and exercise authority over the public perception of themselves and others. A good name was a central feature of a person's identity, but it required constant attention and the will to defend it. The church courts provided a relatively inexpensive and efficient venue for these inter-personal contests. By promoting a cause an individual displayed their effectiveness as a person, simultaneously gaining repute and raising their social status. Conversely a slander was more than an assault on a person's reputation, for it too constituted an attempt to redirect social evaluation of the victim's identity as it was perceived through their actions.

One method of defense or attack was to show that a person could not control their passions, thereby placing the victim outside of human society and in the category of beast. In more detailed allegations the lack of self control would be developed into an accusation of excess, in consumption of sex, alcohol, or use of violence. A verbal assault focusing upon these specific themes could do serious damage to a person's reputation for moral and civil behaviour. If the charges could be made to stick, or if such an attack was not defended, the consequences for individuals could be disastrous. Not only would their moral authority within their neighbourhood be reduced, but any aspirations to political office, business and credit availability, or marriage prospects would all suffer along with their identity as civilised human beings and citizens. As such, a slander really was a suitable cause for complaint.

CHAPTER 3

THE ART OF SPEECH: A RITUAL OF EVERYDAY PRACTICE

'Death and Life are in the Power of the Tongue.'¹

It is impossible to imagine how humans could maintain the complexity of their social lives without the distinctive faculty of speech. So central is this activity to human existence that it is often taken for granted. And yet if we reflect for a moment, it is obvious that only the public utterance of language allows us to place ourselves as social beings at all. As Ludwig Wittgenstein's 'anti private language' argument demonstrates, language is a public act and hence essentially social.² Wittgenstein's thesis sponsored much philosophical debate, but if we accept the basic premise that language is a means of communication it is impossible to imagine it as anything but a social instrument governed by rules and conventions.

Given the centrality of language to social life, it is surprising that it has been neglected by social historians for so long. Only recently has the subject begun to receive the attention that it deserves in English historiography.³ As we shall see below authors in the late seventeenth century were not so neglectful, recognising both the centrality of language to human social life, and the power of speech in maintaining

¹ Proverbs 18.21. Quoted by R.Allestree, Government (1674), title page.

² L.Wittgenstein, Philosophical Investigations (Oxford, 1967), pp.94-103.

³ The most recent contributions to address this field of study are L.Gowing, Domestic Dangers (1996); Cf. L.Gowing, 'Gender and the Language of Insult in Early Modern London', History Workshop Jnl 35, (1993), pp.1-21; A.Fox, 'Aspects' (1992); E.Gelles, 'Gossip: An Eighteenth-Century Case', Jnl of Social History Vol.22, no.4 (1989), pp.667-683. For two collections that explore the historical context of language use, see P.Burke & R.Porter (eds), The Social History of Language (Cambridge, 1987); P.Burke & R.Porter (eds), Language, Self, and Society (Cambridge, 1991); Cf. P.Burke, 'Languages and Anti-languages in early modern Italy', History Workshop Jnl 11, (1981), pp.24-32. An innovative study of the vitality and power of speech is presented by R.Bauman, Let your words be few: Symbolism of speaking and silence among seventeenth-century Quakers (Cambridge, 1983). The importance of language analysis for social historians was emphasised in an editorial, 'Language and History', History Workshop Jnl 10, (1980), pp.1-5; Cf. M.Godelier, 'Work and its Representations: a research proposal', pp.164-174, and P.Archard, 'History and the Politics of Language in France: a review essay', pp.175-183, History Workshop Jnl 10, (1980). For an early approach to the subject see, A.Briggs, 'The Language of 'Class' in Early Nineteenth-Century England', A.Briggs (ed), Essays in Labour History (London, 1967), 43-73; G.Stedman Jones, Languages of Class: studies in English Working Class History (Cambridge, 1983).

human relationships and a harmonious society. The act of speech was also thought to reveal the inner worth of a person and to be a mark of their civility. In this sense, what was said and how it was articulated was a means of clarifying social relationships, and hence revealed the social structure. But because individuals make choices concerning the form of words they might use in any given social situation, it will be argued that they also have power to effect changes in the social structure.

It will also be argued that much of the speech that either reaffirms or challenges expectations within social relationships, is very often small and unremarked 'snippets of ritual': greetings, farewells, gossip, compliments and insults (for example).⁴ Moreover, it will be shown how symbolic categories of cultural classification were manipulated to give insults their power to offend. They reveal the cultural assumptions that speakers made in their everyday lives, assumptions that in general are hidden from the historian. As an anthropologist has argued in the case of gossip:

'just as excuses reveal how people ordinarily think and talk about certain kinds of moral dilemmas (which is in part to show what these dilemmas are), gossip reveals how native actors examine, use and manipulate cultural rules in natural contexts [...] gossip displays, by example, ethnographically important words. Gossip distils verbal characterisations of significant roles, situations and behaviour.'⁵

Extending this analysis, it will be argued that the defamation causes brought before the church courts of Norwich were ritual disputes in which litigants negotiated their authority to label persons as immoral and particular behaviour as inappropriate for civilised society. Furthermore it will be argued that the appeal of the litigants in a defamation suit was not only to the court, but also to their neighbours who witnessed conflicts, discussed and frequently advised protagonists on their conduct, and attended the courtroom dramas. From this perspective, it is suggested, the performance of an insult and the resulting cause was for the benefit of the neighbours, since it was in the local community that behaviour and conduct were judged and social relationships exerted their political force.

⁴ The phrase is taken from C.A.Ferguson 'The Structure and Use of Politeness Formulas', Language in Society Vol.5, 5, (1976), pp.137-151.

⁵ J.B.Haviland, Gossip, Reputation, and Knowledge in Zinacantan (Chicago. 1977), p.5; Cf. M.Gluckman, 'Gossip and Scandal' Current Anthropology Vol.4, 3, (1963), pp.307-315.

The prescriptive literature of the late seventeenth century reveals the importance that was placed upon language and its use in society. New books were published and old works were updated and re-issued, discussing the role of conversation, offering advice and laying down rules for its use. For example, one author discussed such topics as speaking too much or too little, the rules for speaking, and complaisance (the art of pleasing).⁶ Daniel Defoe advocated ways to refine spoken English and criticised profane speech in his essay 'Of Academies'.⁷ A French author Pierre d'Ortique supplied his English readers with twenty model conversations dealing with 'Civility', 'Polite Language', 'Conversations amongst Ladies', 'Against Great Talkers', 'Lies and Detraction', 'Compliments, Decorum, Restraint in Raillery, Wit and Repartee'.⁸ Richard Allestree considered language to be of the greatest benefit to human life, for without speech 'society and all man's arts would be as nothing but utter chaos.'⁹ With this remark Richard Allestree foreshadows Wittgenstein's argument which introduced this chapter.

The obsession with correct forms of speech permeated all levels of seventeenth-century social life. For example, educational texts placed great emphasis upon the subject. A book of 'Good Nurture; teaching children and Youth their Duties', written in doggerel for ease of remembrance and published during 1677, advised that when out in public boys should maintain self-control:

⁶ F.Spence, Conversations upon Several Subjects (London, 1683).

⁷ D.Defoe, An Essay upon Several Projects (London, 1697).

⁸ P.d'Ortique, The Art of Pleasing Conversation written by the Famous Cardinal Richelieu (London, 1691, 1699); Cf. R.Codrington, Youth's Behaviour (1664, 1668, 1672); Philomusus, The Academy of Compliments. Wherein Ladyes, gentlewomen, schollers and strangers may accommodate their courtly practice with most curious ceremonies, complementall, amorous, high expressions and formes or speaking or writing. Enriched with many witty Poems, and Pleasant Songs, excellent Similitudes, Comparisons, Fancies, Devices and delightful Fiction (London, 1664, 1670, 1680); L.B, Sir C.S. & Sir W.D., The New Academy of Compliments erected for Ladies, Gentlewomen, Courtiers, Gentlemen, Scholars...stored with variety of Courtly and Civil Compliments, eloquent Letters of Love and Friendship (London, 1669, 1670, 1671, 1681); R.Lingard, A Letter of Advice to a Young Gentleman Leaving the University, Concerning His Behaviour and Conversation in the World (London, 1671, 1673); S.C., The Art of Complaisance, or the Means to oblige in Conversation (1673, 1677); Anon. Remarques on the Humours and Conversations of the Town (London, 1673); Anon. Coffee-Houses Vindicated...The excellent use and physical Virtues of that Liquor. With the grand conveniency of such civil Places of Resort and ingenious Conversation (London, 1675); Il Galateo, The Refined Courtier a new translation by N.W., (London, 1685); B.Lamy, The Art of Speaking (London, 1696).

⁹ R.Allestree, Government (1674), pp.4-6. This book was another of Allestree's list of best sellers, first published in 1667, 2nd impression 1674, 3rd & 4th impressions 1675, 1676, 1677, 1693, 1694, 1702, 1713, 1721.

‘not using, but refusing such idle toys,
as are commonly used in these days by boys.
As whooping and Hallowing as in hunting the Fox,
that men in hearing deride them with mocks.
This foolishness forsake, this folly eschew,
and for your own praise, mark this does ensue.
In going by the way neither talk nor jangle,
gape not nor gaze not at every new fangle.
But soberly go, with countenance grave,
humbly yourselves to all men behave.’¹⁰

The theme is constant throughout this small book of wisdom:

‘Temper thy tongue, and thy belly alway,
for measure is treasure, the Proverbs doth say [..],
Cato doth say, in old and in yong,
the first step to vertue is to bridle the tongue.’¹¹

Thus from an early age the qualities of moderation, temperance and sobriety, discussed in chapter two of this thesis, were inculcated in prospective citizens.

Prescriptions on the proper use of language and speech also figure in publications designed for the popular market. A flavour of such works is provided by the title page of a Chapbook published in 1685, describing the content as a:

‘variety of love-letters, very fit to be read of all Young Men and Maids, that desire to learn the true way of complements.’¹²

Within are examples of letters, conversations, witty poems, jests and epigrams, supposedly designed to aid the reader’s amorous endeavours. There can be no doubt that the intention of the book is humorous, but this in itself is testimony to the widespread cultural concern with the improvement of common speech.

Popular poetry and ballads constantly reiterated the same message. The poem ‘How the Wise Man Taught His Son’, which William Hazlitt traced to the mid fifteenth century, demonstrates the longevity of such advice in English culture:

‘And sonne, thy tonge thou kepe also,
And be not tale wise be no way,

¹⁰ F.Seager, School of Vertue (1677), Ch.2.

¹¹ Ibid.

¹² Anon. Academy of Complements: or A new way of wooing (London, 1685).

Thyne owen tonge may be thy fo;
 Ther for bewar, sone, I the pray,
 Wher and when, sone, thou schalt say,
 And be whom thou speakest oght:
 For thou may speak a word to day,
 That vij. yer thens may be for thogt.’¹³

In the version of this poem directed at women and recycled regularly throughout the seventeenth century, the child is counselled thus:

‘Swete of speche schalte thou be, glad of mylde moode,
 Trewe in worde and in deede, in lyve and soule goode;
 Kepe the fro synne, fro vylenye and schame,
 And loke that thou bere the so wele, that man seie the no blame:
 A good name fore wynneth, my leve childe.’¹⁴

One seventeenth-century broadside ballad propounded the message thus:

‘A good wife will always be taking of care.
 And yet will not murmer, repine, or dispaire.
 But still is contented with what she enjoys.
 And is not for rayling, and making of noise.
 Such women that never know how for to scold.
 Adore them more better than jewells or Gold.
 For she that is virtouse, descreeet in her ways.
 The world is not able to speake her due praise.’¹⁵

Another praised a wife for her beauty, fertility, skills and abilities, but remarked that unfortunately ‘she cannot rule her tongue.’¹⁶ These words could have been lifted from any conduct book of the period, demonstrating both the transmission of ideas between genres and their widespread appeal.

Men were not ignored by the ballad writers, and while many songs wholeheartedly reflected masculine prejudices of the day, male behaviour did not escape criticism:

‘My wife would often me perswade, and mildly to me say.
 Good loving husband follow your trade, and go not astray.
 But with foule words I’de her abuse, and call her bitch and whore.
 But now her counsel I will chuse, and keep my money in store.’¹⁷

¹³ W.C.Hazlitt, Remains (1864), pp.168-177.

¹⁴ Anon. ‘How The Goode Wif Thought Hir Doughter’, W.C.Hazlitt, Remains (1864), pp.180-192. Hazlitt thought this poem dated from the time of Henry VII, but took it from a Broadside Ballad dated 1597.

¹⁵ ‘Advice to Young Batchelors’, Roxburghe Ballads Bk.II, F.6.

¹⁶ J.P.Collier (ed), Roxburghe Ballads (London, 1847), pp.237-242.

¹⁷ ‘Good Fellowes Consideration: Or the Bad Husband’s Amendment’, Roxburghe Ballads Bk.II, F.195.

These commonplace publications may not be as dignified as the conduct books, but they enjoyed a wide circulation and thereby place the discourse on correct speech within a broad social context.¹⁸

In many fields of social activity during the seventeenth century there were debates over language and forms of speech. At the root of these debates are disputes over the authority of language use. A particular example is the furore that surrounded the Quakers' refusal to use conventional politeness formulae. From the response this practice received, there can be no doubt that the choice of "plain speech" challenged accepted forms of acknowledging social relationships.¹⁹ Furthermore, and despite their protestations of adhering to scriptural purity, it is apparent that the Quakers knew exactly what they were doing.²⁰ From this perspective it is also possible to view one element of the English Reformation as a long and harrowing dispute over the authority of the language of religious worship.²¹ The power of words and the struggle to control their ideological content is also revealed in action taken against, and the resistance to, the swearing of oaths during this period. Oaths are a prime example of the social and symbolic power of words, as their articulation is assumed to be binding on the person who so swears.²²

Finally, and at the level of social interaction that is the concern of this thesis, there are the many hundreds of causes for defamation that appear before the ecclesiastical courts throughout the country. All of these, by definition, involved words with enough power to require the expenditure of the time, money, and even more words, necessary to repudiate the libel. The conclusion must be that a concern with words, speech and

¹⁸ See M.Spufford, Small Books and Pleasant Histories: Popular Fiction and its readership in seventeenth-century England (London, 1981), Ch.3.

¹⁹ For an analysis of personal pronouns as 'expressions of social relationships', see R.Brown & A.Gilmore, 'The Pronouns of Power and Solidarity', T.A.Sebeok (ed), Style in Language (Cambridge, Mass., 1964), pp.253-276.

²⁰ For a perceptive analysis of the Quaker approach to speech and language, see R.Bauman, Quakers (1983), Ch.4.

²¹ For a discussion of this point see, K.Thomas, Religion and the Decline of Magic (Harmondsworth, 1972), Ch.3.

²² For comments on the use of oaths, cursing, and swearing in general see, C.Hill, The World Turned Upside Down (Harmondsworth, 1988), pp.197-203; K.Thomas, Religion & Decline (1972), pp.600-601; R.Bauman, Quakers (1983), Ch.7.

language was widespread among the inhabitants of late seventeenth-century England.

As the emphasis upon the instruction of correct speech in the prescriptive literature of the period may suggest, there was a common perception that the rules of daily discourse were being ignored and civil society was being undermined as a consequence. In the Government of the Tongue Richard Allestree catalogues the abuses as he perceived them.²³ Heading his list is 'Atheistical Discourse' which in his opinion, as a committed Anglican, is simply wrong. But he is tolerant of the Atheists' right to believe what they choose, his main stricture being that they 'should not offend True Believers by ridiculing them with words.'²⁴ The suggestion that a seventeenth-century High Anglican could be tolerant of Atheism may come as a surprise. But it should be remembered that the events of the interregnum were very much a part of his lived experience, and for Allestree the avoidance of religious conflict was essential for binding society together in harmony.²⁵ And while we cannot expect all members of the social milieu to be equally influenced by the recent past as Allestree was, it is reasonable to assume that personal experience and memories of the interregnum would have added emphasis to the ideology of "neighbourliness" discussed in chapter two of this thesis.

Allestree's argument continues with a sequence of chapters detailing further abuses of speech that undermined harmonious social relationships. One was the practice of 'Detraction', defined as both true and false reports which constituted an abuse of reputation and a contradiction of the 'Grand Rule of Charity'. Another was 'Lying Defamation', likewise an assault on reputation and portrayed as 'the Devil's tool to ensnare Mankind'. 'Uncharitable Truths' offended against charitable conduct, although Allestree allows that on occasion a fault must be broadcast; exposing a murder is one of his examples. And finally 'Gossiping',

²³ R.Allestree, Government (1674), pp.7-12.

²⁴ Ibid. Ch.3.

²⁵ His doctrine of toleration is fully explicated in, R.Allestree, Causes of Decay (1674).

which he sees as an adjunct to judging others and therefore is the 'highest violation of Charity'.²⁶

Allestree's criticism of the practice of defamation underlines his fear of communal breakdown. He argued that because one defamation brought forth another in retaliation:

'all are therefore subject and none are free of the taint or reasons to be defamed [...] All malicious inquiries are made into each others manners, and those things which perhaps they did in closets, come to be proclaimed upon the house tops. Public unrest [or an irreconcilable feud follows it.]'²⁷

Gossiping contradicted the ideal of the "good neighbour" and was constantly condemned by conduct book authors. Baltazar Gracien's comment 'don't be scandal sheet' was the most concise rendition of the prescription.²⁸

Similarly Isaac Archer heard Mr Perrot of Sidney Sussex College, Cambridge, expound upon 'living in love and peace with all men' during 1660. In this sermon Perrot suggested three hindrances to the ideal: first, an evil, suspicious and surmising head; second, a proud heart; and third, an unruly tongue. Thus social harmony was the individual's responsibility and their use of speech was the primary cause of conflict.²⁹

Archer believed himself to be afflicted with all three, especially the latter which he prayed he might:

'be delivered from. [However] when I read that James 3:2, how almost impossible it is in this frail state not to offend in word, I am ready to despaire of getting the Mastery of it; yet I hope I shall not give over fighting, and resisting unto blood as long as I live.'³⁰

Archer was much vexed with this issue as he repeatedly records:

'I begged God to root out of mee that pride, envy, some vices of the tongue, vaine and evill thoughts, frothy unsavoury discourse, unseemly carriage which I had bin, and was too much guilty of.'³¹

²⁶ R.Allestree, Government (1674), Ch. 4, 5 & 6.

²⁷ Ibid. pp.80-1.

²⁸ B.Gracien, Worldly Wisdom (1685), Aphorism 228.

²⁹ This was not an isolated case but reflected a general concern with "common" speech articulated via sermons, see for example, I.Burrow, 'Sermon "against foolish talking and jesting"', reprinted in J.Brogden, Illustrations of the Liturgy Vol.II, (1842); Cf. A.C.Bryson, 'Concepts of Civility' (1984), Ch.6; H.Mews, 'Middle Class' (1934), Ch.5.

³⁰ M.Storey (ed), East Anglian Diaries (1994), p.61.

³¹ Ibid. p.110.

This was an intensely religious man and the son of a well known East Anglian "puritan" Preacher. He constantly vacillated between his father's uncompromising non-conformity, to which he intellectually subscribed, and his own pragmatic desire to conform and gain advancement as a cleric.³² His association of everyday discourse with his redemption is an example of how personalised the problem of speech could be.

As we saw above, throughout a broad range of printed material (moralist tracts, advice books, sermons, poems and ballads) language and speech were core concerns. But if the likes of Richard Allestree feared the nemesis of 'utter chaos'; unless everyday speech was regulated, and Isaac Archer simply wanted to be a better Christian, other authors catered for a more prosaic audience. One advised 'all Noble Gentlemen and Ladies of England' that 'eloquence is equally fortunate in taming passions and in charming the senses.'³³ Eloquence displayed the speaker's distinction for 'he that has worth in him but cannot express it, is a cabinet keeping a rich jewell and the key lost.'³⁴ Aphra Behn was perhaps more realistic, and certainly seems to have possessed a more cynical wit 'true Eloquence consists in saying all that one may, not all that one can.'³⁵ With this remark Behn acknowledges the role of both individual choice and its limits in speech.

Here the practice of rhetoric (the art of persuasive eloquence in speech and writing), warrants brief consideration. Rhetoric figured large in the seventeenth-century concept of education, and emphasised speaking as an active performance intimately related to the social context. Thus the practice of rhetoric provided ground rules for a "speech performance" within which the meaning of words uttered could be defined, comprehended and evaluated by the audience. As one anthropologist studying witchcraft beliefs in

³² During 1660 Archer witnessed friends attending non-conformist meetings in Oxford and marvelled at their daring. He wanted to attend himself 'yet to keep my credit in the colledge I refrained still. And when common prayer was forced, and the other ceremonies, I thought to leave the colledge, and in the country with my father, I intended to goe to such meetings, for there they were in credit and esteem.' *Ibid.* pp.66-7.

³³ T.Blount, *Academie of Eloquence* (1654, reprinted Menston, 1971).

³⁴ *Ibid.*

³⁵ A.Behn, *Miscellany* (1685), p.342. If Behn's wit be doubted consider 'there are few Honest Women who are not weary of their Trade.' *idem.* p.375.

near contemporary France has concluded 'nothing is said about witchcraft which is not closely governed by the situation of the utterance.'³⁶ Similarly it has been shown how in formal political practice within diverse cultures, a good speaker gains the respect of his peers (in this field of activity it usually is a man), and enhances his influence or power within his community.³⁷ In short then, in late seventeenth-century England rhetoric was a means by which words attained the power to affect the state of affairs in the world.³⁸

As the remarks of Thomas Blount (quoted above) imply, the desire was to manifest one's inner quality by exhibiting a mastery of language, the spoken word, and the discursive situation. One method for accomplishing this was to utilise the playfulness of language, especially through compliments and insults. The authors of conduct books were not blind to the vicissitudes of everyday life when propounding their advice. Thomas Blount provided detailed instruction on the use of rhetoric to deliver an insult effectively without giving 'vulgar' offence.³⁹ Another dealt exclusively with the combative jest and the exchange of insults, the author claiming to be a defender of 'Curtesie, Charity, Civility and the duty of good language [from the] Canting and Drolling way.'⁴⁰ Thus it was recognised that the prestige of a person did not reside merely in the ability to insult others, but in the manner, especially the language, with which the abuse was delivered.

The notion of eloquent speech was bound up with a concept which appears regularly in the depositions of the church courts, that of "civil conversation". This was defined in much broader terms than simply "talk", and expressed a complex of moral values and judgements concerning the whole person including their

³⁶ J.Favret-Saada, Deadly Words: Witchcraft in the Bocage (Cambridge, 1980), p.14. Author's emphasis.

³⁷ For example, A.Salmond, 'Mana Makes the Man: A look at Maori Oratory and Politics', in M.Bloch (ed), Political Language and Oratory in Traditional Society (London, 1975), pp.45-63.

³⁸ On this analysis of speech, see M.Merleau-Ponty, 'Indirect Language and the Voices of Silence', R.C.McCleary (ed), Signs (Evanston, 1964), pp.39-83; J.L.Austin, How to Do Things With Words (Oxford, 1962), p.100; R.Bauman & J.Sherzer, Explorations in the Ethnography of Speaking (Cambridge, 1974), especially parts 3 & 4.

³⁹ T.Blount, Eloquence (1654), pp.14-21.

⁴⁰ Anon. Raillery a la Mode Consider'd: or the Supercillious Detractor (London, 1673).

speech and behaviour.⁴¹ Individuals' reputation and social status therefore depended to a large extent upon a communal assessment of their "civil conversation". It should also be understood that the acquisition of a good rhetorical style was not the preserve of the social elite. It was certainly of central importance for this group, as it demonstrated their social superiority and was a prerequisite for the exercise of governance. But as Anna Bryson remarks:

'the rhetorical grounding provided by grammar schools certainly affected a much broader proportion of the population than the gentry alone. Handbooks defining rhetorical categories, and compilations of classical quotations and modern examples of good style [...] were used in schools by many of the "middling sort" of people who benefitted from the expansion of education during the sixteenth century.'⁴²

Thus we can assume that a basic knowledge of rhetoric was relatively widespread within the social milieu. But even if a formal rhetorical style was not acquired, practised, or perhaps fully understood by all individuals, as our survey of the prescriptive literature showed new forms of correct speech were disseminated to an extensive audience.

Styles of language and the everyday practice of speech, when combined with bodily deportment and personal conduct in the concept of "civil conversation", provided a means for social discrimination within the late seventeenth-century cultural milieu. Like all useful social classificatory concepts it was infinitely flexible and allowed for innovation. The concept was capable of separating the gentry elite from the middling sort, and enabled individual members of the middling sort to distinguish themselves as respectable, polite and civilised citizens in contrast to the "common sort" within their own ranks.⁴³

⁴¹ For a discussion of the development of the concept of "civil conversation" in England, see A. Bryson, 'Concepts of Civility' (1984), Ch.2; for an overview of the European context of the spread of "civility" see, M. Becker, Civility and Society (Indiana, 1988).

⁴² A. Bryson, 'Concepts of Civility' (1984), p.293. For a list of books used in grammar schools for the teaching of rhetoric, see K. Charlton, Education in Renaissance England (London, 1965), pp.111-112.

⁴³ For an analysis of speech performance as a marker of social status, see B. Bernstein, Class, Codes and Control Vol.1, Theoretical Studies Towards a Sociology of Language (London, 1974), pp.123-125. Many sociolinguists today argue that a majority of speakers possess a range of language codes, invoked to suit particular social situations. The choice of code deployed depends upon the judgement of the speaker; see for example J. Aitchison, Language Change: Progress or Decay (Cambridge, 1991), pp.35-7; Cf. the comments of D. Sabeen, Power In The Blood (Cambridge, 1984), p.3, fn.2.

Three conclusions follow from this discussion of public discourse. Firstly, despite the seemingly unreflective nature of everyday language exchange, people make decisions on behaviour appropriate to a situation or relationship. Thus individuals have the capacity to control these exchanges and make public statements about those with whom they interact, in the choices they make, limited as that power may be. As Pierre Bourdieu reminds us:

‘there is no social agent who does not aspire, as far as his circumstances permit, to have the power to name and create the world through naming: gossip, slander, lies, insults, commendations, criticisms, arguments and praises are all daily and petty manifestations of the collective acts of naming, be they celebrations or condemnations, which are performed by generally recognised authorities.’⁴⁴

The problem facing the individual is the acquisition of enough authority to partake in the game of social creation through language.⁴⁵ Secondly, individuals are judged upon their choices and their control of these exchanges. Offence may be taken, shame or embarrassment may be incurred, and often the audience will register delight and ridicule if a choice is considered to be inappropriate. Furthermore these assessments of an individual’s control of everyday speech performances affect judgements passed upon the whole person. And it is from this interaction between speaker, audience and context that the "authority" of a person is negotiated.

For example, in 1663 the Reverend Edmund Pooley, Rector of Wacton, Norfolk, saw John Thirkettle cheating on his corn tithes. Pooley attempted ‘to admonish him in a friendly manner.’⁴⁶ Thirkettle responded in a ‘very furious manner with the pitchfork in his hands and said Pooley you’re a knave and you lye.’⁴⁷ It was not only Thirkettle’s attempted fraud and his defamatory words that drew the rebuke of witnesses (although the substance of the cause hangs on this fact). It was the reaction of Thirkettle that was stressed: having caught him in the act, Pooley had remonstrated in an amiable manner and received a completely inappropriate response.

⁴⁴ P.Bourdieu, Language and Symbolic Power (Cambridge, 1991), p.106; Cf. J.L.Austin, Words (1962), p.116; idem, Philosophical Papers (Oxford, 1961), pp.220-239.

⁴⁵ Like Bourdieu I distinguish here between the authority invested in an office which a person may occupy, and an authority derived from a social group’s acceptance of what is said.

⁴⁶ NCCD; MF/RO, 168/2; December 1663, Ff.200-201, Edmund Pooley v John Thirkettle.

⁴⁷ Ibid.

Thirdly, the public acceptability of a strategy, or choice, may vary according to the context of the encounter. What this means is that when assessing the moral worth of an individual, diverse precepts or standards may be invoked to suit different circumstances. These may even be contradictory; what is deemed acceptable in one instance being utterly inadmissible in others. This is only to concede that in the practice of everyday life and the maintenance of social relationships, flexibility is a requirement if the social structure is to cohere at all. From one perspective this makes the analysis of the social structure more difficult, but as was argued in chapter one of this thesis, this is precisely how the social structure is negotiated.

The anthropologist Bronislaw Malinowski has argued that speech is 'a mode of action' between people that is meant to achieve ends. He went on to elucidate his concept of "phatic communication", which he defined as a form of conversation that opens up, creates or maintains social relationships.⁴⁸ Brown and Levinson make the point that 'language usage [is] part of the very stuff that social relationships are made of.'⁴⁹ Following Erving Goffman's work on face-to-face behaviour, they argue that social interaction is the social structure revealed, and that language is the primary means of social interaction.⁵⁰ Greetings, farewells, challenges, polite forms of address, insults and seemingly banal topics of conversation, all carry an important symbolic load in the maintenance of the social structure. One scholar has called these speech acts 'snippets of ritual', to emphasise not only their seemingly incidental nature, but also the power they mediate in face-to-face encounters.⁵¹

Greetings, or "politeness formulae", alleviate tensions inherent in meetings between strangers or socially

⁴⁸ B.Malinowski, 'The Problem of Meaning in Primitive Languages', C.K.Ogden & I.A.Richards, The Meaning of Meaning (London, 1953), pp.296-336.

⁴⁹ P.Brown & S.Levinson, 'Universals in Language Usage: Politeness Phenomena', E.Goody (ed), Questions and Politeness (Cambridge, 1978), pp.56-289.

⁵⁰ E.Goffman, Relations in Public (London, 1972); Idem, 'The Interaction Order', ASA Presidential Address, (1982).

⁵¹ C.A.Ferguson, Formulas (1976) pp.137-151.

unequal persons. Such formulae might acknowledge equality either fictive or real, or demonstrate and affirm affection or hostility. They are also an effective means of self presentation and of conveying respect for others. The social importance of these little ritual exchanges is revealed if we consider the result of not acknowledging them, or responding in an unexpected way. By ignoring a formula one does not simply demonstrate one's lack of civility, but one also displays a complete disregard for others in what is often a very public forum.⁵² Generally, people know what is expected of them in a given situation, but sometimes they deliberately choose to act differently and challenge accepted norms of behaviour.⁵³ Insults are a particularly interesting category of interpersonal exchange because they are direct inversions of the politeness principle. They reveal the darker realm of human interaction, where "face" (a person's sense of self-identity) is tested in public. The result of these encounters is that the protagonists' reputes, prestige and social status can be either enhanced or depleted.

Before pursuing this discussion further it is worth examining how the concept of ritual is deployed in this thesis. We are all no doubt aware of religious ritual; indeed it would probably be the first form to come to mind. Baptism, marriage and funeral services, Divine Service or the Mass, are all forms of ritual observance at the core of Christian religious life. To this brief list we might add the induction of parish clergy, the elevation of bishops and even the consecration of holy buildings. Likewise, most people would recognise as rituals the great ceremonies of State, such as the coronation and the opening of Parliament for example. We might also include the Lord Mayor of London's procession, or other urban carnivals and celebrations that are regularly recognised in the category of ritual. The law courts provide another easily recognisable ritual arena, and at least one historian has noted the ritual elements involved in the public execution of

⁵² The easiest entry to this line of analysis is provided by, E.Goffman, Interaction Ritual (Chicago, 1967), Ch.1; Idem, Relations (1972), Ch.3. The anthropological literature on this topic is vast and would require a bibliography of its own. A useful introduction to the subject is J.S.La Fontaine, Interpretation of Ritual (London, 1974), particularly the contributions of R.Firth, 'Verbal and bodily rituals of greeting and parting', pp.1-37, and E.Goody, "'Greeting", "begging", and the presentation of respect', pp.38-71. For a more recent treatment of ritual and language see, P.Bourdieu, Symbolic Power (1991).

⁵³ On social rules and conventions as a resource, and their strategic manipulation, see R.B.Edgerton, Rules, Exceptions, And Social Order (California, 1985), Ch.1; Cf. S.F.Moore, Law as Process (London, 1978).

felons during the seventeenth century.⁵⁴ We might also add that in states where judicial execution is still practised today, albeit in the relative privacy of the prison, the victim is still subjected to a form of ritual humiliation before the event: the gradual stripping of human dignity that is supposed to be a "preparation" for the ordeal that has been ordained by "due legal process".⁵⁵

Within the discourse of anthropology objections have been raised against broadening the concept of ritual to encompass the everyday behaviour discussed above. One concern expressed is that if greetings, farewells, sports events and other secular activities are included within the same category of analysis as coronations, executions and religious worship, we inevitably devalue the analytic power of the concept. The end result, it is argued, will be a surfeit of rituals about which nothing more can be said. Another argument has tried to keep the term "ritual" pure of secular pollution, reserving it solely for the sacred rites of organised religion.⁵⁶ This thesis does not agree with these concerns: firstly, recognising that ritual behaviour extends beyond State ceremonial does not devalue the analytic power of the concept; and secondly, limiting the "sacred" to religious or State practice is an ideological act that devalues everyday experience. The link between the great State and Church occasions, and the small behaviours of daily life is power. Rituals can reaffirm the status quo, and can function to mark and legitimise changes in the state of affairs within the social milieu.⁵⁷ As Jim Sharpe has remarked about the felon's gallows speech, a linking theme was an acceptance of their fate as just punishment for a sinful life. This was the case even for those who proclaimed

⁵⁴ J.Sharpe, "'Last Dying Speeches': Religion, Ideology and Public Execution in Seventeenth-Century London', Past and Present No.107, (1985), pp.144-167; Cf. M.Foucault, Discipline and Punish: The Birth of the Prison (London, 1977), pp.32-69.

⁵⁵ For a chilling and thought provoking study of how such rituals become engrained in state practice, albeit from a slightly different perspective, see E.Peters, Torture (London, 1985).

⁵⁶ The problems created during the debate over the analysis of ritual are exposed by J.Goody, 'Against Ritual', S.F.Moore & B.G.Myerhoff (eds), Secular Ritual (Amsterdam, 1977), pp.25-35. Goody advocates dropping the term "ritual" entirely. Noting that even major rituals consist of building blocks of "small behaviours", Goody suggests that Erving Goffman offers a more fruitful approach. It is worth remembering however that Goffman titled his book, Interaction Ritual: Essays on Face-to-Face Behaviour (New York, 1972); Cf. R.Bocock, Ritual in Industrial Society (London, 1974).

⁵⁷ For the classic statement of this analysis of ritual, see A.Van Gennep, The Rites of Passage (London, 1960); cf. V.Turner, The Ritual Process: Structure and Anti-structure (London, 1969).

their innocence to the last, and was a feature of all persons who died upon the gallows whatever their social rank. He concludes that public executions were attempts at ideological control. The speeches confirmed the power that condemned the felons to be just and legal, thereby reaffirming 'values of obedience and conformity'.⁵⁸ But rituals need not be supportive of the status quo: as Bruce Lincoln argues, ritual is not merely an action or a communicative system. Rituals articulate discourse; they can therefore be used to deconstruct the old and reconstruct the new social order.⁵⁹

As we have argued above, the small gestures and speech acts of everyday life also mediate relationships of power, small-scale and personal maybe, but nevertheless vital for the cohesion of the social structure. It is perhaps worth reiterating the point that greetings, farewells, insults, displays of deference and superiority are all part of the means by which social relationships are negotiated, maintained and asserted.⁶⁰ The fact that such behaviour is taken for granted, accorded no importance and pushed to the margins of thought, is no guarantee that it is sociologically inconsequential. Frequently the reverse applies and behaviour that is treated as 'socially peripheral' can in fact be argued to be 'symbolically central' within a cultural classificatory system.⁶¹ In the light of this analysis we can now see how common-place speech acts and behaviour are easily encompassed by the concept of ritual behaviour, as defined within anthropological discourse.

Furthermore, in practice, the concept of ritual is not restricted to the big state or religious occasions. Initiation ceremonies into clubs, trades and associations, handshakes and drinks to seal bargains or cement fraternity, the Charivari and similar communal activities can all be included within the category.⁶² It would

⁵⁸ J.Sharpe, 'Dying Speeches' (1985), pp.156-8.

⁵⁹ B.Lincoln, Discourse and the Construction of Society (Oxford, 1989), Chs.5-7, passim.

⁶⁰ Ibid. pp.70-4.

⁶¹ The phrase is taken from, B.Babcock, The Reversible World: Symbolic Inversion in Art and Society (London, 1978), p.32.

⁶² For an account of the many drinkings and small ceremonies that marked the passage of an apprentice through his period of instruction see, J.Hopkinson, Memoirs of a Victorian Cabinet Maker J.Baty Goodman (ed), (New York, 1968).

be perverse to accept as rituals these small-scale, popular rites, (in the way they were used by the populace, albeit without the backing of state or church authority), whilst refusing to acknowledge the importance of rites that mark, legitimise, affirm and challenge social relationships. To do so only serves to restrict analysis of the access to power, articulated via the rites of social control, to the elite of society.

This said, it is still reasonable to insist that some boundaries must exist to mark a ritual act or encounter. To this end Richard Bauman has argued that the oath trials of the 1660's are consistent with the analysis of social dramas developed by anthropologists, in that they are:

Framed, in the sense of being clearly marked off in time and space from the surrounding flow of activity and experience.
Public, both in the sense of being on view, played out before and to an audience, and in the sense of implicating public rather than private issues.
Formalized, especially in regard to invocation of positional identities and maintenance of a central situational focus.
Agnostic, in the sense of revolving around a conflict or competition.
Symbolic, in the sense that the participants (including the audience) see themselves and their actions as implicating and standing for larger issues.' ⁶³

It is a contention of this thesis that insults and defamatory remarks can be treated in a similar manner. It is true that it often appears impossible to adhere strictly to the first clause of Bauman's typology. Offensive words or stories passed around in the form of gossip, or spoken in the heat of the moment, are at one level simply part of everyday experience. But the eruption of an argument was often enough to draw the attention of neighbours and thus frame the occasion. Very often the aggressor would call out to onlookers to ensure the event had been noted, as when Aida Tillyard heard John Cooke call Francis Dye:

'a brass whore [...] that he would prove her a whore [...] and bid the neighbours take notice that she was a whore, which words were spoken [...] in the street in the parish of St. Augustins.' ⁶⁴

Thus the style of delivery underlined the intention to formally malign the victim and frame the ritual insult in the local, social sphere.

⁶³ R.Bauman, Quakers (1983), p.104, author's emphasis. For an anthropological discussion of social dramas, see V.Turner, Dramas, Fields and Metaphors (New York, 1974); J.Irvine, 'Formality and Informality in Communicative Events', American Anthropologist (1979), pp.733-790; J.Combs, Dimensions of Political Drama (California, 1980).

⁶⁴ NCCD. MF/RO 168/2, 1660-4; Ff.27-8; 1662, Francis Dye v John Cooke.

Many defamers availed themselves of this strategy, as when Margaret Teale and Catherine Galer got into an argument at the door of Galer's house. Margaret said to Catherine 'you are a common whore and I will prove you a whore.'⁶⁵ Likewise John Sade:

'being at the house of one Thomas Hallowtree in Colney, fell into Railing and abusive language against Mr Alexander Burnett, and amongst other disgracefull words [said Burnett] was a Knave and a Rogue and he would prove hime a Knave.'⁶⁶

William Greengrass of Rockland, Norfolk, witnessed an argument between Thomas Wilkins and Robert Pooley during May 1698. During the dispute Pooley told Wilkins his wife was 'a whore', and Wilkins himself called upon his 'neighbours to bear witness.'⁶⁷ While talking to a neighbour Susan Oraste had remarked that Thomas Russell 'was a damnable Whoring Rogue and would take her oath on what she said.'⁶⁸ And during a dispute between William Rant and one Wicke, Rant complained that Wicke:

'had forndly [sic] abused his daughter. Whereupon Wicke called William Rant, Rogue and bad him doe his best, for he did not care for nor feare him.'⁶⁹

In a final example the challenge is explicit, *George Nixon having declared of Hester Taylor*:

'she is as ill a whore as any in Wymondham, if I have said more than I can answer lett the Jade prosecute the law on me, damn me she is Smiths whore, I'le prove it, now let this whore prosecute the law onto me if she dare.'⁷⁰

Sometimes the situation was reversed, and victims would challenge their defamers to make their words good, as when Susan Raby responded to Sara Burden's abuse by asking her to 'prove me a whore that I cant goe quiet in the streets.'⁷¹ Susan's response acknowledges what was at stake if she lost the cause. Mary Garwood showed equal presence of mind and dignity after William Rosse had insulted her. She simply:

⁶⁵ NCCD. MF/RO, 168/2, 1660-4; Ff.84-7, March 1663, Catherine Galer v Margaret Teale. Margaret sold stockings and hose yarn, and was visiting Yarmouth on business selling door to door. The two women apparently disagreed over their transaction.

⁶⁶ NCCD; DN/DEP, 48/52; 1667-70; MF/X/199.3; Ff.71-5, June 1668; Office per Alexander Burnett v John Sade. Sade completed his tirade against Burnett with an invitation to 'kiss his arse.'

⁶⁷ NCCD. DEP/52/56-7; 1687-9, 1691; MF/X/200; May 1689, Elizabeth Wilkins con Robert Pooley.

⁶⁸ NCCD. DEP/49/53, 1671-5; MF/X/199; November 1671, Thomas Russell v Susan Oraste.

⁶⁹ NCCD. DEP/53/58A, 1692-1703; MF/X/200; November 1697, Dorothy Rant v [missing] Wicke.

⁷⁰ NCCD. DEP/52/56-7. 1687-9, 1691; MF/X/200; March, 1688, Hester Taylor v George Dixon.

⁷¹ NCCD. DEP/52/56-7, 1687-9, 1691; MF/X/200; September 1687, Susan Raby v Sara Burden.

'turned her back upon him and went her way into her dwelling house [saying] that she would make [Rosse's] tonge fitt for his mouth.' ⁷²

The claim to having proof, or being prepared to swear, was a convenient means of adding credibility to the allegation and lending authority to the aggressor's accusation. But equally, when expressed as a formal challenge, the insult invited the victim to pursue the matter further and to clear their name in the courts. These confrontations were both public and "framed" in the sense outlined above. Everybody within earshot knew exactly what had occurred and would eagerly await further developments.

Scandalous gossip would be treated in the same fashion, being perceived as a formal attack upon an individual's reputation that required redress. Victims or their friends and relatives would seek out the source of the story and demand explanation; once the tale was reiterated, a court action would commence. For example, John Le Grice met with John Greene and:

'having some discourse together wherein [Le Grice] did blame Greene for abusing [Mary Le Grice] (he having heard of his abusing of her before). [Greene] answered, She is a damne bitch whore and an ill conditioned whore.' ⁷³

Similarly John Beckham promoted his cause against Anne Harman during 1664, after Mary Baker had gone to see Harman to ascertain whether or not the latter had spread abusive gossip about Beckham and Baker.⁷⁴

Sometimes local dignitaries involved themselves in the search for the source of a piece of defamatory gossip. One such person was Mr Robert Pettit, vicar of Ketteringham who:

'interrogated Elizabeth Moore, what was the cause of the report which was soe scandalous betweene her husband Charles Moore and Mary Smith. She then said openly that her husband Charles Moore and Mary Smith did commit adulterie together upon his own bed, in his howse, which she plainly sawe and would swears to it before anie Justice or Judge in England.' ⁷⁵

On occasion a clergyman could take the leading role in the drama. One cleric who certainly had a remarkable sense of the occasion was Mr Emannuell Slipp of Holy Trinity, Bungay. While officiating at the

⁷² NCCD. DN/DEP, 47/51, 1664-5; MF/X/199; July 1665, Mary Garwood v William Rosse.

⁷³ NCCD. DEP/51/55, MF/X/200, 1680-6; July 1685, Mary Le Grice v John Greene.

⁷⁴ NCCD. DN/DEP, 47/51; 1664-6; MF/X/199; Ff.119-121, June 1664, Mr John Beckham con Anne Harman.

⁷⁵ NCCD. DEP/49/53, 1671-5; MF/X/199; November 1672, Mary Smith v Elizabeth Moore.

funeral of a Mr Gooch:

‘there in the pulpit [Slipp] did utter these expressions, or the like effect, that it was custome to make the dead the subject of the discourse, [but] if he should soe doe he would open a Pandoras box of such truthes as would make (speaking to his auditory) their eares to tingle, but as he had noe cause to speake good of him in life, he would not speake ill of him now he was dead (meaning Mr Gooch deceased).’⁷⁶

Not one to rest upon his laurels, the Reverend Slipp finished his oratory with a flourish by offering advice:

‘and councell [to Mr Gooch’s] children then and there present to take dirrecions from their Mother, for otherwise an Estate gotten by sacrylage and oppression would continue but a little while.’⁷⁷

Mrs Gooch promptly proceeded against the Reverend Slipp in the consistory court on her deceased husband’s behalf. This cause is an exemplar, in that it conforms to all Bauman’s conditions for a ritual destruction of reputation. It also highlights the common practice of conflating personal and household reputation, a point we will examine in chapter four of this thesis.

Humour could also be deployed to ensure that the audience understood the intention of the defamer.⁷⁸ As when Ann Lulman sued John Inman in November 1691.⁷⁹ Inman had told the customers of the Francis Drake’s Coffee House, Norwich, how Ann had surprised him ‘pissing’ in Castle Dike and ‘cried Bo’! Having seen his ‘privities’ Ann said that:

‘she could not sleep a night for dreaming or thinking of it [...] thereupon ye company did shout and laugh out loud.’⁸⁰

Witnesses believed the intention had been to defame Ann because the words were ‘uttered in publique’, and Inman had not been ‘angry or in a passion [...] but very merry and jocular.’⁸¹ Similarly William Baker sued Mary Bates during April 1668, for calling him a:

⁷⁶ NCCD. DEP/49/53, 1671-5; MF/X/199; May 1672, Mrs Gooch v Mr Emannuell Slipp.

⁷⁷ Ibid.

⁷⁸ For a discussion of humour in the early modern period, see K.Thomas, ‘The Place of Laughter in Tudor and Stuart England’, *TLS* (January 21, 1977), pp.77-81.

⁷⁹ NCCD. DEP/52/56-7, 1687-9, 1691; MF/X/200; November 1691, Ann Lulman con John Inman. Cf. March 1691, John Inman con Anne Lulman.

⁸⁰ Ibid.

⁸¹ Ibid.

'cramp arst whoring knave [who had] the French Poxe [...] in a laughing and jeering manner.'⁸²

Sometimes a joke might be resented, as when Thomas Gestling delighted a crowd at Norwich Castle in March 1691, by saying he had 'fukt [Mrs Skip] in the [London] coach'.⁸³ To compound the offence a Mr Ambrose called out 'Thomas how many miles an hour did you Fuck her'.⁸⁴ Mrs Skip did not appreciate the jest and sued for defamation. And Hester Thorpe, keeper of the Mermaid Tavern, Norwich, sued William Browne in June 1672 for raising a glass of wine to her and saying 'here unto you, you whore.'⁸⁵ Browne and his companions claimed that the toast was made 'not in anger or discontent or with a purpose to diffame, but only in merriment.'⁸⁶ Humour therefore could be a means of "framing" an insult and was understood as such. But this strategy was also ambiguous since it left room for debate, and in such cases the context of a remark is what defined it as defamatory.

In all of the examples discussed above it will have been noticed that the central issues of concern, to the defamers and the defamed, were personal reputation and social identity as a respectable, or moral, individual. Thus, we can see how these causes conform to two further requirements of Bauman's typology; the 'formal' and the 'agnostic'. We will discuss the formalised nature of the language of insults, and the source of their power to position social identities, in detail below. To finish this discussion of ritual exchange therefore, let us now consider the final clause of Bauman's recipe for a social drama: the need for the protagonists and the audience to see themselves as involved in larger issues.

How far those concerned in such disputes can be said to be aware of larger issues is the core question. Certainly, people were aware that an insult could ruin them, and that a good name was a valuable personal

⁸² NCCD. DN/DEP, 48/52, 1667-70; MF/X/199.3; Ff.67, April 1668, William Baker con Mary Bates (alias Batch).

⁸³ NCCD. DEP/52/56-7, 1687-9, 1691; MF/X/200; March 1691, Battine Skip con Thomas Gestling.

⁸⁴ Ibid.

⁸⁵ NCCD. DEP/49/53, 1671-5; MF/X/199; June 1672, Hester Thorpe con William Browne.

⁸⁶ Ibid.

attribute. Some causes would be more transparent than others: verbal smear campaigns against political opponents, or nonconformists for example. But in general, the offending words were usually unleashed in the heat of a disagreement with a neighbour, and it is by no means obvious that larger issues were involved. Part of the problem centres upon the tendency of historians to treat defamation suits, and indeed all ecclesiastical court business, in isolation. This approach has tended, inevitably, to focus attention on the court appearance and its procedures. Not all scholars of the church courts are equally culpable, but the legacy of the past influences all to a greater or lesser extent. It should be noted that Bauman himself suggested that only the court appearances of Quakers should be analyzed as "ritual dramas". We can not ignore the court appearance: it was a significant dramatic event in itself, governed by a set of conventions and practices that distinguished it from the original dispute. But we should remember that the altercation and the words exchanged are a fragment, sometimes not even the initial stage, of a sequence of events that eventually culminated in a public confrontation in court. Here we should bear in mind Erving Goffman's comment that what amounts to a ritual is, more often than not, a sequence of small, interrelated actions.⁸⁷ We should also bear in mind that following a court appearance, litigants and witnesses had to return to their daily lives.

What was at issue throughout the entire process of a defamation suit was whether one individual had the authority to label another an adulterer or whore and make that name stick. If this labelling could be achieved, the public esteem of the protagonists within the local hierarchy, and associated networks of power and influence, would change. The courts were, and still are, the final arbiters of the authority to name; they are a social "ritual centre" with the power to alter individual identity and social reality.⁸⁸ As Talal Asad remarks 'strictly speaking, the truth [comes] out finally only in the words of the judgement.'⁸⁹ But in the church courts an appeal to the formal authority of the Judges to define the truth does not seem to have been

⁸⁷ E.Goffman, Interaction Ritual (1967).

⁸⁸ A.van Gennep, Rites (1960), pp.26-40.

⁸⁹ Talal Asad, 'Notes on body pain and truth in medieval Christian ritual', Economy and Society 12, 3, (1983), pp.298.

the main motivation of the plaintiffs. Only a minority of causes were pursued to a sentence.⁹⁰ The majority disappear from the records as the litigants either settled their differences privately, or chose not to proceed for other unstated reasons. But the court was a formal, and final, forum where a personal argument could be fully and publicly aired. This is not to say that a conflict would always be settled by the court, but that in most cases one appearance was enough to satisfy the promoter.

The majority of the business in the church courts originated in the neighbourhoods, arising from disputes between (and witnessed by) people who were well known to each other. This is a crucial point, for it meant that neighbourhood opinion had a direct bearing upon the progress of a cause, and the final result would have a reciprocal effect upon that opinion. Witnesses often offered explanations of the background to a dispute, in addition to reports of the event itself and an estimation of the damage done to a reputation. And it was common practice to undermine the character, and thereby the evidence, of opposing witnesses. What is more, causes taken to the consistory court were public property. There was always an interested audience, both in attendance at the hearings and more widely distributed throughout the parishes. The pros and cons of a suit were discussed and unsolicited advice was often offered to the protagonists. To proceed with an action at the church court was not simply a request for a formal adjudication (although if the plaintiff felt aggrieved enough this was always an option). The appeal was to the wider audience in the neighbourhood or parish. This communal context ensured that the truth of charge, in the sense of what actually happened, was of secondary importance. It was not whether a dispute took place or not that was the issue; all witnesses agreed on that point and generally upon the words uttered. What concerned both the court's interrogator and the witnesses was whether the accusation was justified. In other words, whether the promoter was a rogue or a whore, and whether the defendant had the authority to name them as one. As most promoters chose not to proceed to a final sentence it seems plausible to conclude that the intention was to invite the neighbourhood to decide the issue. The main arbiter of the authority to name and thereby revise the local social structure was therefore neighbourhood opinion.

⁹⁰ L.Gowing Domestic Dangers (1996), p.39, has estimated that in the London court only 27 per cent of cases presented by men and 19 per cent brought by women received a formal sentence. A survey of the Norwich Act Books failed to reveal any requests for a formal sentence. Unfortunately the fire at the NNRO halted a more detailed search.

Let us return for a moment to the problem of awareness of larger issues. The protagonists and the audience may not have been conscious of this process, or rather, they may not have articulated it in quite the same way. But they were intimately aware of the damage that could be done to their social standing and future prospects, if they did not act to remove the stain of public notoriety and restore their reputations. It should not be forgotten that the power of such accusations, and the humiliation that could afflict the victim as a consequence, had tangible social effects. One witness makes this abundantly clear, concluding his evidence with the remark that:

‘the good name and reputacion of Mary Smith is much impaired and disgraced, and therefore she went out of the parish to avoid the disgrace thereof.’⁹¹

In the majority of defamation cases the point of the witnesses’ testimony was to show that the verbal assault was unwarranted, that the defamer had gone beyond the pale of acceptable behaviour, and that social order had thus been undermined. To achieve this it was common to describe the aggressor as "railing and abusive", "hot and angrie" or "passionate", thus emphasising the violence of the exchange. As we have seen, Richard Allestree expressed much the same opinion. But his remarks on the practice of gossiping and defamation are particularly interesting and bear stating in full. He writes:

‘I know we used to call this Talkativeness a Feminine Vice; but to speak impartially, I think, tho we have given them [women] the inclosure of Scandal, they have not of the fault, and he that shall appropriate Loquacity to women, may perhaps sometimes need to light Diogenis’s Candle to seek a man: for tis possible to go into masculine company, where twill be as hard to edg in a word, as at a Female Gossiping. However to this particular of Defaming, both the Sexes seem to be at a vye: and I think he were a very Critical Judg, that could determine between them.’⁹²

Allestree believed it correct that women should be subject to patriarchal rule, just as his contemporaries did, but this passage also indicates that he could be a shrewd observer of the mores of his day, and had no hesitation in informing his readers of their calumny.⁹³

⁹¹ NCCD. DEP/49/53, 1671-5; MF/X/199; November 1672, Mary Smith v Elizabeth Moore.

⁹² R. Allestree, Government (1674), p.73.

⁹³ For his views on the relationship between husbands and wives see, R. Allestree, Whole Duty (1678). pp.234-5, p.323.

The existence of the pervasive myth of women's gossip has been used to support the argument that women were forced to control their tongues, the main instrument of enforcement being the ducking stool. David Underdown has argued that the practice of ducking was an attempt by men to restrict women's power, as they struggled to reinforce their control over increasingly assertive women.⁹⁴ But we should be cautious about accepting this conclusion. Martin Ingram has recently shown that formal prosecutions of women as common scolds were relatively rare during the seventeenth century.⁹⁵ He suggests that the threat to women was present, as was the charge of Barrator for men, but that it was only applied in the most extreme circumstances.

The deposition books of the church courts shed some light on the issue, but as ever the interpretation of this evidence is complex. To begin with the Norwich sources provide no direct evidence of women being presented as scolds.⁹⁶ There are however a few causes where witnesses talk of scolding behaviour. These declarations are designed to undermine the credibility of one of the litigants, usually the defendant, and sometimes other witnesses. For example, Mary Hembleton deposed that Catherine South:

'is reputed to be a common scold and one that makes discord amongst her neighbours by deffaming them with scandalous and approbious language.'⁹⁷

Elizabeth Thompson and Anne Chicker confirmed this reputation in their evidence. In another example James Whigg was more circumspect in his opinion of Francis Plater but the effect of his testimony was the same. Whigg could not:

'say if she was a common scold but she is a abusive woman and quarrellsom to her neighbours, and has been soe for these 2 or 3 yeares past.'⁹⁸

John Hall supported this account stating that Francis Plater 'is known and accompted [...] a very contentious

⁹⁴ D.Underdown, 'Taming', (1987), pp.116-136: Cf. M.B.Norton, 'Gender and Defamation in Seventeenth-Century Maryland', William and Mary Quarterly Vol.44, January, (1987), pp.3-39.

⁹⁵ M.Ingram, 'Scolding' (1994).

⁹⁶ S.Amussen, 'Gender, Family and the Social Order', A.Fletcher & J.Stevenson (eds), Order and Disorder (1987), p.208, notes that in Norwich, accusations of scolding were most common before 1590.

⁹⁷ NCCD. DEP/49/53/, 1671-5; MF/X/199; September 1675, Office per Mary Dye v Catherine South.

⁹⁸ NCCD. DEP/52/56-7, 1687-9, 1691; MF/X/200; 1689, James Smith v Francis Plater.

woman' and Thomas Reeve concurred saying that Francis Plater 'is reputed a very scolding woman.'⁹⁹

Often witnesses used the term "scold" descriptively of a particular event, or, more accurately, used it as a verb to describe particular behaviour. As when Benjamin Brewster gave his account of 'Elsegood and Birde [...] scolding and quarrelling together in the street.'¹⁰⁰ Robert Sinyard told how he saw and heard Thomas Dunch and Martha Steward 'scolde and brawle together.'¹⁰¹ While Sibil Clarke reported hearing Elizabeth Rogers and Thomas Laseby 'falling out and Schoulding'.¹⁰² And Abraham Reynolds walked into a yard and found:

'Margaret Starling in a very greate passion, and in a very greate [phendish] and [Devilish] Temper, holding and doubling her hand or fist at Thomas Fowler, but she had soe much spent her spirits (as he believes) by railing and scolding and abusing Thomas Fowler before he [Reynolds] came into the yard, that when he came she could not speake out soe loude as that he could not heare her.'¹⁰³

As these examples demonstrate the term "scolding" was used to create a sense of occasion in the retelling of events for the benefit of the audience. They also indicate that stressing the defendant's reputation for such behaviour was a useful strategy for repudiating an insult. By appealing to a commonly understood stereotype, witnesses sought to demonstrate the behaviour was not acceptable, and thereby undermine the defamer's position.

A brief survey of the Norwich Quarter Sessions records revealed two informations sworn against Mary Kittle during 1690.¹⁰⁴ Richard Garne complained that while he was seated in church, Mary Kittle had;

'stroke him on the face, laying hold of his face and hair and pulled him down ... that she is a continuall disturber of the peace against all the inhabitants of her Parish by her

⁹⁹ Ibid.

¹⁰⁰ NCCD. DEP/53/58A, 1692-1703; MF/X/200; July 1701, [missing] Elsegood v [missing] Birde.

¹⁰¹ NCCD. DEP/51/55, 1680-6; MF/X/200; Ff.300, August 1681, Thomas Dunch v Martha Steward.

¹⁰² NCCD. DEP/49/53, 1671-5; MF/X/199; February 1672, Elizabeth Rogers con Thomas Laseby.

¹⁰³ NCCD. DEP/52/56-7, 1687-91; MF/X/200; July 1688, Thomas Fowler v Margaret Starling.

¹⁰⁴ This is possibly the Mary Kettle who was a frequent defendant at the Church Courts during the 1680's for "railing, raging and abusive" language. See NCCD. DEP/51/53, 1680-6; MF/X/200; October 1681, Elizabeth Martin v Mary Kettle; October 1682, George Warrington [Jnr.] v Mary Kettle; October 1682, George Warrington [Snr.] v Mary Kettle.

Scolding, Railing and Fighting.’¹⁰⁵

Thomas Pitcher, James Paylis, Edmund Durrant and Thomas Sindall, had combined to swear a complaint against Mary the day before Garne, claiming that she was:

‘a person that goes down throughout the whole parish [St.Martins, Norwich] threatening and saying she will sinke the Swanne, and that it is a Whorehouse, and using all manner of approbrious words to the greate disquieting of the whole neighbourhood, by her throwing of stones and calling them Rogues and Knaves and other base language.’¹⁰⁶

Thomas Pitcher added that:

‘as he was goeing in the street, not knowing of any following him, Mary Kittle came after him and pusht at him almost downe, calling him a pittifull rugg Making Rogue and Dog.’¹⁰⁷

For good measure Mary apparently said to Jeremiah Vynn (the Mayor of Norwich) who was accompanying Pitcher:

‘I care not what you can do, for your justice is little worth, you’d smouther anything that come before you if a man shall buy but a pound of tabacco off you.’¹⁰⁸

This series of vignettes add substance to the common but sparse phrase "accompted to be a railing and abusive" person that is characteristic of depositions in the Church Courts. In Mary Kittle’s case at least there was more at stake than simple excessive use of the tongue. Violent behaviour, insulting words, disturbing the public peace, contempt of the Bench and an accusation of bribery, plus her reputation for similar conduct, were all cited to justify the complaints against her.

Such presentments and petitions requesting the secular courts to restrain disorderly behaviour were regularly deployed against men, and women, during the late seventeenth century in both Norfolk and East Sussex.

For example:

‘Plea from the Parishioners of Selmeston:

These are to certifie that the bad behaviour of George Nutt nowe living in the Parish of Selmeston. That he has most cowardly assaulted severall of us in secretly getting behind us, knocking us down and breaking our heads. He does frequently and most wickedly

¹⁰⁵ NCR. IEBQS, 1690-99; 2nd December 1690.

¹⁰⁶ NCR. IEBQS, 1690-99; 1st December 1690.

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

revile severall of ye most eminent of his Majesties Justices of ye Peace of this County in ye most reproachful terms imagenable, threateninge (if ever any riseing or change of times (as he term it) should come) to kill some or fire the houses of others and themselves therein maliciously indeavering to bring their persons and authority into contempt of ye people. He is also a libellous Slanderer, and reviler, and Backbiter of his neighbours, and most commonly and publicly threatening in [a] terrible manner to cleave ye heads of some and to shoot others. All which [his] misdemeanors (being highly to the disturbance of the public peace of this Kingdom) with much more of ye like dangerous nature, we undertake to prove against ye said George Nutt in such manner as your Worships shall direct. Desiring such redress may be had whereby according to law we may be protected in our persons, credits and estates from ye turbulent insolency of this most unruly person.

Signed to prove assault, Robt. Dorchester, Moses Donner, Henry Rochester, John Reader.

Signed to prove slanderous words, Edmund Wade, Francis Vatcher, Charles Colman, Rich. Faulkener, Thomas Wade.

Signed to prove his reviling ye Justices of ye Peace of ye County and his cowardly assaults and backbiting of his neighbours, John Miller, John Chambers.

I prove the tale of this certificate, Rob. Rochister Jun.’¹⁰⁹

As this petition demonstrates, the fact that the actions of Mary Kittle would almost certainly have ensured a man being charged as a Barrator, would seem to imply that presentment of a woman for ‘scolding’ could be more complex than has been acknowledged so far.¹¹⁰

To further complicate the issue we will briefly survey some of the remaining causes that refer explicitly to scolding type behaviour. Samuel Slipper, of Bungay, Norfolk, was prosecuted twice between 1680 and 1683 for separate offenses. On both occasions witnesses stressed that he was ‘fractious and overbearing’ in his manner, and ‘accompted as being a person much given to lieing and disputes.’¹¹¹ According to his parishioners, Thomas Ramsie minister of Crostwick, Norfolk:

‘was and is commonly accompted and taken in the country where he liveth to be a man

¹⁰⁹ ESCRO. ESQSR. April 1673, QR/E 177; Petition for the presentment of George Nutt.

¹¹⁰ The NBQS papers are incomplete and were, at the time surveyed, unsorted thus a complete search was impractical within the time available. For two further examples from the ESQSR see, ESCRO. QR/E 191, October 1676, presentment of John Rose, Fletching, Labourer, ‘is a common Baretor and disturber of the peace ... and is a sower of discord amongst his neighbours’; QR/E 203, October 1679, presentment of Richard Crassingham, Chiddingly, ‘a common Baretor, a litigious person and a stirrer up of strife amongst his neighbours.’ It would be interesting to conduct a thorough examination of such petitions and the role they played in maintaining acceptable social conduct.

¹¹¹ NCCD. DEP/51/55, 1680-6; MF/X/200; July 1680, Office per Samuel Game v Samuel Slipper; October 1683, Office v Mr Samuel Slipper.

much given to railing against, and abusing of persons of qualitees and others.’¹¹²

As we saw in chapter one of this thesis, Ramsie broadcast libels from his pulpit and in various alehouses in his neighbourhood. Daniel Skargil’s parishioners at Mulbarton, Norfolk, thought:

‘him to be a very contentious man and reddy upon the least occasion to sue or quarrel with his parishioners.’¹¹³

Thomas Clapton, an alehouse keeper at Mulbarton, told of an occasion when:

‘Skargil came into his house and sitting melancholie with his hands under his eares broke out into the words, what would I now give that Lamus day were come that I might find occasion to quarrell with my neighbours. [Clapton] replyed, why should you do soe, if you lived in some towne, you would have soe much of it as would make your hert ake. Then replyed Mr Skargil, Noe by God I take as much delight in it as a woman douth in scolding.’¹¹⁴

Overhearing this remark Clapton’s wife retorted ‘you take more delight in such than I doe, then replyed Mr Skargil, you are but half a scold.’¹¹⁵ Skargil at least was clear in his mind, scolding was a women’s vice, but this only shows that he adhered to the common belief Richard Allestree argued against. More to the point, the phrase "railing and abusive language" could describe any string of insulting words spoken by men or women alike. Alternatively "hot and angrie words", or a "railing passion" could be used, suggesting that the aggressor had lost their self control, and their control of the public encounter. In each case witnesses emphasised the social disruption caused by the verbal assault. Richard Allestree it seems was not alone in fearing the results of defamation and scandal mongering.¹¹⁶ The problem was compounded when representatives of the ideal of Christian Charity conspicuously failed to live up to the concept.

The abuse of the spoken word was not simply a question of public morality, it also offered a means of defence and offense in conflicts over "face". To have an established reputation for sowing dissension and disharmony amongst neighbours entailed a loss of the authority to speak and create social relationships (in

¹¹² NCCD. DN/DEP 46/50, 1660-1664; MF/RO 265/12; 1660-4, April 1664, Thomas Le Gres v Thomas Ramsie.

¹¹³ NCCD. DEP/51/55, 1680-6; MF/X/200; January 1684, Office per John Castle v Daniel Skargil.

¹¹⁴ Ibid.

¹¹⁵ Ibid.

¹¹⁶ Cf. J.Sharpe, 'Disagreements', (1983).

Bourdieu's sense of the term). Eventually, if the individual could not shake off the label, it might even lead to their being presented to the courts for their behaviour. In a sense, therefore, presentments for scolding, like similar accusations in the church courts of railing and abusing, were an attempt to limit women's power. But it also appears that such complaints were an attempt to limit abuses of that power (as perceived by the community), rather than its wholesale use.

The catalogue of words individuals used to insult each other in Norwich hold no surprises for students of defamation suits (see Table 9). Other studies have shown that the repertoire of verbal abuse was relatively limited and repetitive.¹¹⁷ Indeed, the words used could be described as having a formalised quality, reinforcing the notion that such exchanges were essentially a social ritual. As in the other jurisdictions that have been studied, the most common insults involved accusations concerning sexual morality. Out of a total of 532 different insulting words used, 366 (approx.68%) referred specifically to sexual misdemeanours. Of the latter total only 87 (approx.24%) were aimed at men and a staggering 270 (approx.74%) at women. The remaining 9 (2%) were directed at couples (see Table 10). If we now look at the defendants we find these results are reversed, with 207 (57%) men and 159 (43%) women accused of defaming the sexual reputations of others. These results confirm that in Norwich, as in other regions, it appears that women were more sensitive about protecting their sexual honour than men.¹¹⁸

If we examine the terms insults were couched in we appear to find another common gender distinction. Slightly more men were accused of fornication than women, and, as noted above, couples were also challenged on this count. "Bastard bearing" was predominantly directed at women, but several men fell victim to the charge of fathering bastards. Only men were called a "bastard" or "son of a whore", but these

¹¹⁷ J.Sharpe, Sexual Slander (1980); M.Ingram, Church Courts (1987); S.Amussen, Ordered Society (1988); L.Gowing, Domestic Dangers (1996).

¹¹⁸ L.Gowing, Domestic Dangers (1996), pp.63-5. These figures differ from London, only in that women were more likely to have their sexual integrity challenged by men. Cf. S.Amussen, Ordered Society (1988), pp.101-4.

Table 9. Norwich Consistory Court, 1660-1703, Words Used in Defamation Causes

	Plaintiff			Defendant	
	M	F	C	M	F
Abortion	-	4	-	-	4
Adultery, Fornication,	27	25	9	35	26
Bastard/Bearing	13	19	-	17	15
Bitch, Bawd	-	31	-	17	14
Buggery	1	-	-	1	-
Concubine	1	1	-	2	-
Cuckold	8	-	-	5	3
Drunkard	17	5	-	17	5
Incest	1	-	-	-	1
Knave	20	-	-	17	3
Perjurer, Liar, Cheat,	17	5	-	16	6
Pocky, Pox, Dirty, etc.	8	31	-	22	17
Railer, Abuser	6	-	-	6	-
Rascal	8	-	-	5	3
Rogue	46	-	-	29	17
Son of a Whore	9	-	-	9	-
Thief	6	3	-	5	4
Witch/Devil	2	1	-	2	1
Whoring Knave/Rogue	8	-	-	4	4
Whoremaster/monger,	11	-	-	7	4
Whore, Jade, Queen,	-	159	-	88	71
Other	<u>19</u>	<u>11</u>	-	<u>17</u>	<u>13</u>
Total	228	295	9	321	211

Table 10. Norwich Consistory Court 1660-1703, Total Sexual Insults

	Plaintiff			Defendant	
	M	F	C	M	F
Excluding Rogue	87	270	9	207	159
Including Rogue	133	-	-	236	176

two categories reflected upon the sexual honesty of their mothers. The one case of buggery contains no information other than the insult itself, over which there was some confusion in the memories of the witnesses as to who had accused whom. Surprisingly "cuckold" does not appear as regularly as might be expected, but "whoring rogue" and "knave", "whoremaster" and "whoremonger" were regularly used; all of which refer either to the consumption of, or to dealers in and controllers of, illicit sex. For example, in July 1665, John Curton sued Richard King for saying that 'he was a whoremaster and did occupie a woman [...] upon a butchers stall in Holt.'¹¹⁹ Likewise, in the course of an argument between William Harmer and John Chambers during 1665, the latter had stated Harmer 'was a whoremaster and had had a bastard.'¹²⁰ The remainder of the male repertoire alluded to integrity and honesty in business. Thus it is generally concluded by historians that men were sensitive to aspersions cast upon the use of their power and authority in a broad field of social activities. This is in contrast to women, who, it is argued, were only judged upon their sexual conduct; as much of the prescriptive literature of the period assumes, and, it is suggested, the analysis of everyday gender relationships demonstrates. For example Laura Gowing has recently observed that:

'the most rigid of popular moral understandings, were rooted not in the church's teaching but in popular practice [...] we cannot assume an unproblematic community whose moral interests and ideas were more or less in accord with those of lawgivers in the spiritual and secular sphere.'¹²¹

Furthermore, people's moral priorities differ and change, *according to gender, personal experience, position* in the social structure and stage of the life cycle. More to the point, morality had different meanings for men and women which ensured that in practice expectations of conduct were 'radically different.'¹²² Thus the "double standard" of sexual morality and conduct, which allowed men to engage in behaviour that in women was condemned.

Laura Gowing presents a sensitive rendition of the argument, but it begs the question of whether a culture

¹¹⁹ NCCD. DN/DEP, 47/51, 1665-6; MF/X/199; Ff.197, July 1665, John Curton con Richard King.

¹²⁰ NCCD. DN/DEP, 47/51, 1665-6; MF/X/199; Ff.267-8, January 1666, William Harmer con John Chambers.

¹²¹ L.Gowing, Domestic Dangers (1996), p.11.

¹²² Ibid.

that emphasised the primary responsibility for the control of lust and passion (the attributes of beasts) firmly upon men, and indeed made the "mastery" of desire and emotion the defining quality of the "civilised" man, could valorise sexual conduct by men that contradicted the ideal. This is not to say that all men practised or aspired to the ideal, but suggests that deploying the "separate spheres" argument in such an all-encompassing manner assumes that all men (and women) subscribed to one gendered 'version of sexual morality'.¹²³ This ignores the flexibility of Michel de Certeau's observation that cultures contain contending discourses within which men and women engage; which in turn invites individual choice, interpretation and innovation in the practice of social relationships.¹²⁴

In Norwich at least, men were not only presented for illicit sex and bastardy, but also defended their reputations against accusations of sexual promiscuity that were couched in much the same terms as similar charges levelled at women. For example, Mr Richard Thacker sued Jane Greene in April 1666, for spreading a story of his bout of sex 'with a woman or wench commonly knowne as Black Sarah' and his subsequent attempt to enjoy Jane's own charms at The Sun, in Norwich.¹²⁵ Likewise Dominic Jones sued John Condley in August 1663 for saying that Abigale Alison was Jones' whore, and a namesake John Jones sued Thomas Seider in June 1662 when the latter bid him 'goe to your two whores that you nerd withall at a strong waters mens house in Burie.'¹²⁶ While during August 1685 Thomas Elry of Gisleham, Suffolk, prosecuted John Bayly for saying that he had 'got Elizabeth Wright by the Cunt upon the Stockes at Gisleham.'¹²⁷ And Edward Gunton sued Francis Daynes during January 1668 for reporting that he had fathered a bastard.¹²⁸

¹²³ Ibid.

¹²⁴ M.de Certeau, Practice (1978), Ch.1.

¹²⁵ NCCD. DN/DEP, 47/51, 1664-6; MF/X/199; Ff.337-8, April 1666, Richard Thacker con Jane Greene; Cf. Ff.254-6, November 1665, Richard [Thacker] con Jane Greene.

¹²⁶ NCCD. MF/RO, 168/2, 1660-4; Ff.107, August 1663, Dominic Jones con John Condley; MF/RO, 168/2, 1660-4; Ff.102r-106, June 1662, John Jones con Thomas Seider.

¹²⁷ NCCD. DEP/51/55, 1680-6; MF/X/200; Ff.49-50, August 1685, Thomas Elry con John Bayly.

¹²⁸ NCCD. DN/DEP, 48/52, 1667-70; MF/X/199.3; Ff.60, January 1668, Edward Gunton con Francis Daynes.

The assumption that men's sexual conduct was judged in different terms from women hangs to some extent upon modern interpretations of the meaning of words commonly deemed to be actionable at law. In this vein, it is assumed that the term "rogue" carried no sexual meaning, being a vague term of abuse levelled at masculine conduct. What criticism might have been implied by the word is left to our imaginations. It is considered to be enough that men and women used the expression, and men sued for defamation when it was used against them.¹²⁹ But is this good enough? Should not historians who are analysing the use of language attempt to trace the symbolic values of insulting words, as Laura Gowing does so effectively for the expression "whore"?

In Norwich during the late seventeenth century, the term rogue was used specifically to refer to male sexual dishonesty and was particularly associated with whores. Elizabeth Myles' comment to Lancelot Rixby suggests that she understood the distinctive meaning of the term when she said 'you are a Knave and for all I know a Rogue.'¹³⁰ When Thomas Brett's wife refused Thomas Webster's invitation to have sex with him, Webster proclaimed that it was a shame for:

'if she would have done as he would have done there might have bin a Whore and a Rogue together.'¹³¹

Likewise James Read complained to some neighbours that Mary Denny had refused his sexual advances, even though 'she knew him, he knew her and her Mistress knew them both', at which 'the standers by told Read that he must be a Rogue and she [Mary Denny] a Whore.'¹³² And when John Bayly accused Thomas Elry of sexual misconduct with Elizabeth Wright at Gisleham, he concluded by commenting:

'there was a Whore and a Rogue together (meaning Elry and Wright) and the stockes (at Gisleham) Smelle of a Rogue and Whore and the townesmen would therefore burne them.'¹³³

Presumably his final remark pertained to the stocks and not to Elry and Wright.

¹²⁹ For a recent restatement of this view see, L.Gowing, Domestic Dangers (1996), p.63.

¹³⁰ NCCD. DEP/51/55, 1680-6; MF/X/200; Ff.216, November 1682, Lancelot Rixby v Elizabeth Myles.

¹³¹ NCCD. DEP/51/55, 1680-6; MF/X/200; Ff.212, October 1682, Thomas Webster con Gabriel Hentchin.

¹³² NCCD. DEP/53/58A, 1692-1703; MF/X/200; July 1694, Mary Denny con James Read; Cf. January 1695, [...] Read con Mary Denny.

¹³³ NCCD. DEP/51/55, 1680-6; MF/X/200; Ff.49-50, August 1685, Thomas Elry con John Bayly.

Thomas Dawson became a defendant in March 1674, for saying Henry Dudgeon and his wife made a suitable couple because 'ther was a whore and a rogue met, and soe lett them goe together.'¹³⁴ Similarly Richard Cotten called out to Jane Browne and Samuel Prinne, as they returned from a walk over Southwold Common, 'who is heare, a whore and a rogue together.'¹³⁵ And John Ellis told the court in March 1682, how a servant called Newson had broadcast the news in his local Alehouse that he had seen 'a man and a woman in the Church yard, and imagined they were a Whore and a Rogue.'¹³⁶ The idea that "roguey" was understood as being a type of male behaviour worthy of condemnation is also revealed in Thomas Brabon's lecture to Mary Tile:

'you take all oportunities of making your husband drunk, and then ride roguing about the Country with other men, and that the report you left behind you at Denton where you lived last was an impudent women.'¹³⁷

As this statement makes clear, not only was Mary's conduct inappropriate for a woman but she was engaged in a type of male behaviour that was equally reprehensible.

The association of "rogue" with illicit sex was distinctly made in many causes, as when Mary Cozens followed 'Old Kent' in the street of Lowestoft calling out to him 'Rogue, gett you into your common Whore Martha Barnes.'¹³⁸ And although Mary Rudland's story was disbelieved in her neighbourhood, it did not silence her protests that Jacob Annyson was a 'Rogue' for sexually assaulting her while she worked for him during Christmas 1677.¹³⁹ William Burbell put the proposition of "roguey" to Jeremiah Clifton as plainly as he could during an argument in an alehouse in Yarmouth, Burbell saying to Clifton 'you are a Rogue and I'le prove you a Rogue, you fuckt Robert Ellis his wife.'¹⁴⁰ And Mary Ward was just as explicit during 1666, telling John Spicer that he was a 'Whoring Rogue' for he would have 'given Peg Longley halfe a

¹³⁴ NCCD. DEP/49/53/, 1671-5; MF/X/199; March 1674, Henry Dudgeon v Thomas Dawson.

¹³⁵ NCCD. DEP/51/55, 1680-6; MF/X/199; Ff.51, September 1685, Jane Browne v Richard Cotton.

¹³⁶ NCCD. DEP/51/55, 1680-6; MF/X/199; March 1682, Carter con Newson.

¹³⁷ NCCD. DEP/53/58A, 1692-1703; MF/X/200; March 1703, Mary Tile v Thomas Brabon.

¹³⁸ NCCD. DEP/51/55, 1680-6; MF/X/200; Ff.200, July 1683, Martha Barnes v Mary Cozens.

¹³⁹ NCCD. DEP/50/54, 1676-80; MF/X/199; July 1678, Jacob Annyson v Mary Rudland.

¹⁴⁰ NCCD. DEP/51/55, 1680-6; MF/X/200; Ff.22, July 1685, Jeremiah Clifton v William Burbell.

Crowne to bee naught [ie. have sex] with her.’¹⁴¹

There was an element of female possession contained in the word "rogue" that undermined the contemporary notion of male power and authority and added force to the insult. This is demonstrated by the comment Jane Catman directed at Thomas Cooke during 1690. Seeing Cooke approaching, Jane remarked to her neighbours ‘yonder comes Mother Pockokes Rogue.’¹⁴² This is identical to the conventional strategy of naming a woman as a particular man’s whore, as when Margaret Antient called Anne Cooke ‘John Bennetts Whore’ and when Francis Whitehead told Rose Ballyn that ‘she was Andrew Breertons Whore.’¹⁴³ The implication of Jane Catman’s use of the term "rogue" is perfectly clear: Cooke not only indulged in illicit sex but was the possession of his sexual partner.

Although rogue was a term of abuse reserved for men, its full force is revealed when used to undermine the sexual reputation of women, as when one Culfer was sued by Anne Greenwood during March 1696. The two had met in the street and exchanged pleasantries, Culfer asking Greenwood:

‘whether she went to cheat the Butcher who replied yes if she could, whereupon Culfer [...] bad her goe like a Whore, for he would prove her a whore and that he had seen her on the backside of the Inns with two soldiers and that she was going more like to cheat a Rogue.’¹⁴⁴

Several aggressors adopted a similar strategy, seeking to reduce their opponent’s reputation by emphasising their possession of illicit sexual companions. Mary Landers provides a stark example of this, saying to Mary Colfer that she was:

‘a pitifull Whore and not worth the rings on her fingers, she had sold her husband into Barbadees and was now kept by a parcel of Rogues that maintayned her so fine, or for that purpose.’¹⁴⁵

¹⁴¹ NCCD. DN/DEP, 47/51, 1664-6; MF/X/199; Ff.390-1, June 1666, John Spicer con Mary Ward & Prudence Ward.

¹⁴² NCCD. DEP/52/56-7, 1687-9, 1691; MF/X/200; July 1690, Thomas Cooke v Jane Cotman.

¹⁴³ NCCD. DN/DEP, 48/52, 1667-70; MF/X/199.3; Ff.174r-5, August 1670, Anne Cooke v Margaret Antient; DN/DEP, 47/51, 1664-6; MF/X/199; April 1666, Andrew Breerton v Francis Whitehead.

¹⁴⁴ NCCD. DEP/53/58A, 1692-1703; MF/X/200, March 1696, Anne Greenwood con [...] Culfer.

¹⁴⁵ NCCD. DEP/53/58A, 1692-1703; MF/X/200; Undated, Mary Colfer v Mary Landers.

With this remark the image of the correct relationship between masculine authority and subordinate women is utterly inverted. Landers was not content to label Mary Colfer sexually promiscuous, but sought to completely ruin her standing in local society by accusing her of selling her husband into slavery. Furthermore, Mary Colfer is placed in relation to an improper incarnation of male power, symbolised in the phrase 'supported by a parcel of rogues'.¹⁴⁶

Grace Goodswine elaborated upon a similar theme, when she told Elizabeth Dobson that she was:

'a young Whore, a brazen fact [faced] bitch and a Jade, and said tho you have no husband yet you have a rogue to follow you.'¹⁴⁷

Elizabeth's unmarried status is invoked, and an improper relationship is implied to emphasise her assumed guilt. It is further insinuated that authority within the relationship has been inverted and the rogue is at Elizabeth's command. A final example has Mary Kettle directly equating Martha Warrington's alleged whoredom with her possession of several lovers 'you are an old Bawde and let in your Rogues nightly when you are in bedd.'¹⁴⁸ These causes make a very clear point: an accusation of roguery was used to criticise negative aspects of male sexual behaviour. It placed such behaviour in the same category as the whore, that is, outside the margins of acceptability. The "rogue" was a man who could not be trusted to observe the rules of social relationships, one that was cast out of the group and feared for the disruption he might cause.

If we add the number of rogue insults to our total above, male sexual insults increases to approximately 32% and women's reduce to approximately 66% (see Table 10). Without overturning our understanding of the double standard applied to sexual conduct, these findings do add a corrective. In Norwich at least, there was some acknowledgement that men were responsible for the conduct of their sexual behaviour. Furthermore of the 46 accusations of roguery that appear in the depositions, 29 were made by men and 17 by women (Table 9). Men it seems were more likely to challenge each other over their sexual honesty, as "civilised" behaviour was debated and contrived.

¹⁴⁶ Ibid.

¹⁴⁷ NCCD. DEP/52/56-7, 1687-9, 1691; MF/X/200; March 1691, Elizabeth Dobson v Grace Goodswine.

¹⁴⁸ NCCD. DEP/51/55, 1680-6; MF/X/200; October 1682, Martha Warrington v Mary Kettle.

As we saw in chapter two of this thesis, all of the conduct literature of the period emphasised control of the body, the cultivation of the mind, and the public presentation of the person as a fully civilised individual. The passions were accorded particular attention, and lust was the passion that all writers warned against. "Man" possessed reason and this quality dictated that his lusts should be subdued. Not to exercise such control reduced the individual to a status below that of an animal:

‘a reasonable creature to subject himself to fleshly appetites, and wilfully degrade his Soul to the rank of bruits, is worse than if he had been made with the body and unreasonableness of Bruits.’¹⁴⁹

The defining feature of contemporary masculinity was to be a "Master" over the self, the household, a craft, personal goods and chattels, which of course included women.¹⁵⁰ Men were considered to be endowed by nature with the abilities required for dominion in the social world, and were supposed to display these abilities and thereby their superior quality. Any failure to live up to this expectation by an individual man not only undermined his reputation, but could, if allowed to pass unchecked, threaten the entire gendered order of society.

The term "rogue" carried connotations that expressed this failure, suggesting that the victim either could not control, or worse, wilfully indulged his sexual lust. Once labelled as inadequate in exercising mastery of his sexuality, it was easy to extend this to include an incapability to sustain any authority over a broad range of social activities; honour after all encompassed the complete man. In the same way as the term "whore" placed a woman beyond the margins of honest sorority, to be a "rogue" marked a man as unfit for the community of honourable men. He could then be deprived of the rights, privileges and respect pertaining to the status of men. In the daily contest for power and influence, and the exercise of authority between men, to be accused of being a "rogue" could be as damaging for a man as the label "whore" was for a woman.

Women on the other hand, were mainly subject to insults that challenged their responsibility for sexual conduct; usually they were accused of being a whore. But whoredom, in the language of insult, did not

¹⁴⁹ R.Baxter, Compassionate Counsel (1681), p.36.

¹⁵⁰ A.Fletcher, Sex & Subordination (1995), Ch.16.

necessarily refer to the sale of sex. Thus Jane Mylles said of Elizabeth Seamen that she was 'a common whore and lived upon almes.'¹⁵¹ Mylles made no suggestion that Elizabeth gained any financial return from her whoredom. The function of the insult was to invoke the symbolic meanings attached to whoredom, and lend authority to the words. As Laura Gowing argues, the stories supporting the insults of women, especially the term whore, all sought to demonstrate that the victims had gone beyond conventional social behaviour. The primary female model for the outsider, the dangerous being that stalked the margins of respectable female society, was the professional prostitute. It was a:

'competitive confrontation between strange whores and lawful wives [that] was very often the foundation on which women defamed each other: as they defined other women as whores, they proclaimed themselves models of honesty.'¹⁵²

What is more, seventeenth-century defamers knew how to recognise a professional whore, and much "common sense" wisdom (ie. stereotypes) existed to aid recognition. The author of one conduct book, published in the early seventeenth century, explained how to identify a whore thus:

'the finest Whore is but a filthy dripping pan, so often set to the fire, till she is caught by the flame, and so burns her selfe, and her basting stick ere she hath done.'¹⁵³

A whore was therefore a carrier of disease and a pollutant of civilised society. Whores were also visible, since the marks of their profession were plain to see; not only did the diseases that infected them mark their bodies but:

'a Whore is known by the boldness of her face, pried of her eyes, wantonness of countenance, unconstancy of her looks, gaudiness of her cloaths, giddiness of gate, immodestie of her gesture, looseness of her words, [and] leawdnesse of her actions.'¹⁵⁴

It should come as no surprise that this definition of the whore is the antithesis of the honest woman, described by countless authors of conduct books. Furthermore, whores undermined men's reason, and thus his "mastery", because:

'a Whore is of the nature of Astrology, an art of all men embraced and practised; so a whore is railed and reviled of every body for her filthy conditions, and yet courted and

¹⁵¹ NCCD. DN/DEP, 48/52, 1667-70; MF/X/199.3; Ff.109, February 1669, Elizabeth Seaman v Jane Mylles.

¹⁵² L.Gowing, Domestic Dangers (1996), p.87.

¹⁵³ T.Gainsford, Rich Cabinet (1616). No pagination. Author's emphasis.

¹⁵⁴ Ibid. Cf. L.Gowing, Domestic Dangers (1996), pp.88, 103-4.

embraced for her wanton allurements, and pleasing delight.’¹⁵⁵

We have already noted in chapter two of this thesis how whores were associated with excessive consumption, and were seen to divert precious resources from the married man’s household. It was this image of alluring but anti-social womanhood that was invoked by the defamers, to create ‘recognisable vision as a reference point for female honesty.’¹⁵⁶ Defamers like Jane Mylles used this image to make judgements about the everyday behaviour of their victims, assessing their ability to live up to the expectations of the ideal of the virtuous wife and asserting that they had failed. To stray from this model was to invite a charge of whoredom.¹⁵⁷

This is explicit in the case for Margery Hatton, an employer in her own right and, from the little we can tell, a relatively successful business woman, who apparently presented and displayed herself to the world as such. This behaviour was too much for one of her employees and her neighbours, with the result that Margery began a series of suits for defamation against four of them. The series of events that ignited these actions took place within two weeks of August 1692. We will begin the analysis with the cause against Margeret Gregory, who was, or perhaps had been, employed by Margery Hatton. Margeret disapproved strongly of her Mistress’s public conduct, possibly believing that it reflected back onto her own reputation.¹⁵⁸ Margeret gave vent to her condemnation by calling out in the ‘publique street’ on the 19th of August, that Margery Hatton:

‘was a brazen faced Strumpetly Whore, Collection Whore and that she [Margeret Gregory] was fain’t to set and work for her, whilst she [Hatton] went rumping and Whoring up and down the Parish.’¹⁵⁹

Margeret viewed her employer’s conduct seriously enough to disparage it on several occasions over the following week. Each time the accusation of improper behaviour was the same: the public display of leisure

¹⁵⁵ T.Gainsford, Rich Cabinet (1616).

¹⁵⁶ L.Gowing, Domestic Dangers (1996), p.79.

¹⁵⁷ Ibid. pp.79-87.

¹⁵⁸ For a further discussion of this aspect of reputation and honour see below, chapter 4: Cf. P.Morris, ‘Somerset’ (1985), ‘Introduction’.

¹⁵⁹ NCCD. DEP/53/58A, 1692-1703; MF/X/200; November 1692, Margery Hatton v Margeret Gregory.

and the misuse of the street. And each time Margeret reiterated her refusal to work for Margery until she had reformed her conduct.

The second cause originates from an event occurring eleven days prior to Margeret Gregory's outburst, taking place on the morning of Sunday the 8th of August. Margery's reputation was apparently already established, allowing her neighbours to abuse her over matters that bore no relation to her conduct. This is demonstrated by Elizabeth Clarke's testimony in Margery's cause against Mary Boon:

'there was a maid in St. Augustines parish that had drowned herselfe, and there was a rumour that the maid was another person (a crazy woman) and not ye maid which it verily appeared afterwards to be, and Margery Hatton amongst other people said also it was the crazy woman, and Mary Boon said it was not, and Margery said it was, and thereupon Mary Boon said to Margery Hatton that she was a bold Strumpetly Whore for to say that it was not ye said maid which she said it was, and that she would not be made a lyer by such a Strumpetly Whore as she was.' ¹⁶⁰

This was a relatively small incident, a communal discussion over the identity of a suicide with many dissenting voices. But it was Margery Hatton alone who was selected for the abuse. Her failure to maintain expected standards of behaviour had undermined her authority to speak out in public. Mary Boon simply denied Margery's authority to take part in the exchange, invoking the image of whoredom to justify the denial.

The final two causes involved Margery's near neighbours William and Mariane Jenkinson, and occurred on the morning of Sunday the 21st of August. Once again the account of the event reveals how her reputation had subverted her status in the neighbourhood, laying her open to verbal assault if she attempted to exercise any authority or power. Elizabeth Clarke was again a witness, rendering the fullest account of the action:

'William Jenkinson his girle and Margery Hatton girle were playing at cherry cobles just by Margery Hattons door, and [they] quarrelled with that because it was Sunday and in Sermon tyme. Margery tooke her broom and swept the cherry stones away, and soe Jenkinsons mouther [girl] asked Margery Hatton what she had done and [Margery Hatton threatened to] hit her over the face. And then the mouther went in and told her father [Jenkinson] that Margery Hatton would have hit her. And he coming out said to Margery Hatton, what do you abuse my child for Mother Hatton, and she made him answer, William Jenkinson I did not abuse your child. And he made answer again, [if] you did I would find it in my heart to nock you down you Whore you, and also said to her, if your face was as fair as your arse, you would be the most Whore in Norwich, and truly this deponent believes Jenkinson said so twenty times over, and sat and laughed and said what

¹⁶⁰ NCCD. DEP/53/58A, 1692-1703; MF/X/200; November 1692, Margery Hatton v Mary Boon.

can they make of that.' ¹⁶¹

Technically Margery Hatton was correct; during the time of Divine Service all should have been at their parish church. But her deed on that Sunday only served to aggravate her neighbour's animosity, and provided another occasion for further humiliation. That Jenkinson felt himself to be completely secure in his verbal, and threatened physical assault upon Margery is evidenced by his mocking tone. It should be noticed however that he not only denied her the authority to speak, but sought to limit her power to influence events immediately outside her own door.

As an employer Margery might have expected to occupy a position of some respect among her neighbours. Whether she attended church regularly or not is immaterial; she obviously believed that playing games in the street during the sermon was inappropriate, as would have many of her contemporaries. We should also remember that her own daughter was involved in the game, and so she was not simply picking on the Jenkinson child. However the Jenkinsons, Mary Boon, and Margeret Gregory all refused to acknowledge Margery's claims to respect and authority. In effect they all sought to redefine Margery's position in the local network of social relationships. By associating her behaviour with whoredom they were able to justify their treatment of her, and label her as being beyond the bounds of honest society. What is more, the fact that Margery Hatton resorted to the courts with four separate causes suggests that they may have succeeded in their task.

The problem for women of the middling sort was that the ideal of the virtuous wife, which informed the thinking behind accusations of whoredom, conflicted starkly with the demands of their everyday lives. Women in this period, particularly those of the middling sort, operated very much in the "public sphere". They could not remain closeted within their households, maintaining and nurturing their families as the moralists demanded. Women's daily activities took them out onto the streets, and once there they constantly risked their behaviour being interpreted unfavourably. Many women worked, either with their husbands or

¹⁶¹ NCCD. DEP/53/58A, 1692-1703; MF/X/200, November 1692, Margery Hatton v William Jenkinson. For definition of Mouter, see, R.Forby, Vocabulary (1830).

for other employers, while others had businesses of their own to manage.¹⁶² And this too could lead to confrontations surrounding the contradiction inherent in their social roles.

Not to be a wife at all was the greatest challenge to the ideal, and could lead to much gossip and speculation about women's conduct. The mere fact of an unmarried couple living under the same roof was enough to start tongues wagging. John Empor went to court after John Faireweather had said:

'openly - that here comes Empor and his Concubine - meaning John Empor and [...] Baxton a woman that was and is housekeeper to John Empor.'¹⁶³

And Francis Hall took the same course of action after Jessop Webb swore she 'was a whore and her Masters Concubine.'¹⁶⁴ Likewise any woman living alone was a target for gossip and speculation concerning her sexual honesty. Elizabeth Bayne reported how she had gone to visit her son and while at his house:

'Samuel Morrison came thither alsoe and did then and there rayle and abuse Mary Thompson, and sayd of her that she is a Whore and had a Bastard when her husband was gone from her.'¹⁶⁵

As we shall see in chapter five of this thesis, privacy was considered to be suspicious, especially if it involved a single woman, or a man and woman alone together. Locked doors were an open invitation for speculation, and taken to be an obvious indication that fornication was in progress.

It was not only female servants who were at risk of having their characters abused for real or imagined misconduct within households. The presence of male servants allowed many defamers the opportunity to cast doubts upon a wife's honesty. Mary Palmer, an Innholder, told how William Becke entered her house and:

'asked if Mrs Marker with her man were there, [Palmer] answered they had gone, soe he saith, they said my daughter hath done amisse and is a whore, Mrs Marker is as much a whore as she is, and is as common with her man as with her husband.'¹⁶⁶

¹⁶² See M.Prior, 'Women and the Urban Economy: Oxford 1500-1800', M.Prior (ed), Women and Urban Society 1500-1800 (London, 1985), pp.93-117; Cf. P.Earle, 'London' (1994).

¹⁶³ NCCD. DEP/49/53, 1671-5; MF/X/199; October 1672, John Empor v John Faireweather.

¹⁶⁴ NCCD. DEP/52/56-7. 1687-9, 1691; MF/X/200; April 1690, Francis Hall v Jessop Webb.

¹⁶⁵ NCCD. DEP/51/55, 1680-6; MF/X/200; July 1685, Mary Thompson v Samuel Morison.

¹⁶⁶ NCCD. DEP/51/55, 1680-6; MF/X/200; September 1684, Mary Marker v William Becke.

On another occasion Alice Markes was drinking with Andrew Cooper in the house of Anne Starre, when Alice told him that his mother Elizabeth Cooper 'putt one Apprentice to bedd to her children and went to Bedd to the other.'¹⁶⁷ Edward Boote and Andrew Cooper himself were in no doubt as to what Markes intended her remarks to mean:

'by speaking these words this deponent did understand as much as if Alice Markes had said that Elizabeth Cooper had played the Whore with one of her husbands apprentices.'¹⁶⁸

As all this evidence shows, female sexual honesty was an issue that was uppermost in women's minds, and was certainly something that they talked about and insulted each other over. But there is more than one way of going beyond conventional expectations, becoming an outsider and threatening the boundaries of society. They could also abuse their power and over extend their authority, by acting outside of roles prescribed for them within their local neighbourhood. As we saw in the case of Margery Hatton, acting in the fashion of any successful businessman was enough to draw the contempt and animosity of her neighbours. The image of the whore, therefore, was a versatile weapon on the tongues of the arbiters of public conduct. If the charge of whoredom could be made good, then the whole community would adjust their relationship with the woman in question to accommodate the new state of affairs within local hierarchies.

As noted above the terms used to insult people were fairly restricted. But restricted or not, the symbolic power of these words to alter people's status in relation to the classificatory system of local society can not be doubted. Frequently defamers added to the force of their basic insult by including details of an action, or other expressions, that emphasised the distance between acceptable civilised conduct and the behaviour of the victim. Alice Clapham accomplished this with a flourish when she told Elizabeth Steele that she was:

'a Barbadoes whore, and a Coopers Whore, and the Butchers Boyes Whore, and they

¹⁶⁷ NCCD. DEP/51/55, 1680-6; MF/X/200; October 1681, Elizabeth Cooper v Alice Markes.

¹⁶⁸ Ibid.

trimmed you and then fetched you a looking glass to show you how you were trimmed.’¹⁶⁹

Not only did Alice seek to establish Elizabeth’s whoredom as geographically separate, and associate it with low status male trades, but graphically described how she had been decorated to display her infamy. As there is no suggestion that Elizabeth complained of her treatment, the insinuation is that she celebrated and advertised her promiscuity, something no honest woman would contemplate.

John Barrett was equally devastating with his toast to John Clubb, Rector of Athlington, Suffolk. John Cole was in the Green Dragon at Horham, and witnessed Barratt saying while:

‘having a pot of beere in his hand, heere is a health to the Knave of Clubbs (meaning John Clubb as this deponent beleeveth) whose father dyde madd, and whose uncle hanged himselfe, and whose sister had a Bastard which she burnt, and when she had done, cutt her own throat.’¹⁷⁰

As a character assassination this speech covers everything: madness, suicide, whoredom, infanticide and general dishonesty; the entire Clubb family was damned as social pariahs.

Some defamers attacked the physical appearance of their victim, or attached them to a particular geographical space outside of human (and thus civilised) habitation. Thus, Mary Limbray told Jane Cone she was a ‘Highway Whore, and a Bunty Backed Bitch.’¹⁷¹ Mary Denny did the same when she called Elizabeth Spendlove a ‘black mouthed Whore, Bunny Backed Whore and crooked backed Whore.’¹⁷² And when Mary Shipdham told her neighbours what she thought of Elizabeth Browne, she exclaimed ‘she is a brazen faced Whore, a common Whore and a Salted Whore.’¹⁷³ The intention of such insults was to

¹⁶⁹ NCCD. DEP/51/55, 1680-6; MF/X/200; Ff.122, September 1684, Elizabeth Steele con Alice Clapham. Cf. H.Mews, ‘Middle Class’ (1934), pp.176-7, for a discussion of the relative status of various crafts and trades.

¹⁷⁰ NCCD. DEP/50/54, 1676-80; MF/X/199; April 1678, Magr John Clubb con John Barrett.

¹⁷¹ NCCD. DEP/53/58A, 1692-1703; MF/X/200; October 1693, Jane Cone con Mary Limbray. ‘Bunty: miserably mean and shabby; connected to Bunter, a coarse word expressing the lowest point of degradation of the fair sex.’ R.Forby, *Vocabulary* (1830). *OED* confirms. It could be related to the term Bunt, Sussex dialect for the stinking rot that attacks wheat, see Rev. W.Parish, *A Dictionary of Sussex Dialect and Collection of Provincialisms in use in the County of Sussex* (Lewes, 1875, reprint 1981).

¹⁷² NCCD. DEP/50/54, 1676-80; MF/X/199; March 1678, Elizabeth Spendlove con Mary Denny.

¹⁷³ NCCD. DEP/51/55, 1680-6; MF/X/200; Ff.289, January 1682, Elizabeth Browne con Mary Shipdham.

distinguish the victim from accepted notions of decency, either by ridiculing their deformities, or by placing them beyond the boundaries of human habitation and civilised life.¹⁷⁴

Animal metaphors were commonly introduced to add force to the basic term of abuse. The obvious intention was to stress the bestial nature of the victim, and their separation from the civilised human society to which the defamer belonged. The commonest terms in use were bitch for a woman, and dog or cur for a man, but variations creep in. Mary Burrell of Yarmouth used a term regularly deployed in the coastal villages and towns of Norfolk, calling Martha Awbrey ‘a long Mackerall-Bakt, poysond whore.’¹⁷⁵ As did Henry Peater when he abused Mary Rayner at Lynn, telling her that she was ‘a whore, and a long mackerall bakt whore [...] that will ruin your father.’¹⁷⁶ Elizabeth Humphrey used a more pastoral expression when denigrating Joan Symonds, saying that she had been to Yarmouth ‘to slunke her slinke.’ In local dialect slinke referred specifically to an abortion in cows, the inference being that Joan Symonds was no better than a farm animal.¹⁷⁷

On other occasions the abuse refers to the submissive and animal character of the alleged sexual behaviour of the victim, such as when Alice Dixe called Margaret Spencer ‘a common stridden Whore’, and Elizabeth Fairechilde and her husband John both referred to Susan Parker as ‘a ridden Jade.’¹⁷⁸ Stridden referred to copulation between hen and cockerel, the hen being available to any cocks in the vicinity. Ridden is an obvious reference to horsemanship and mastery of animals. Both terms imply a specifically male view of sex and suggest the sexual passivity of the victim, the symbolic value of which would not have been lost on a seventeenth-century audience.

¹⁷⁴ For a suggestive discussion of the symbolic meanings attached to geographical spaces, and their role in a classificatory system of an urban population, see J. Corbin & M. Corbin, Urbane Thought: Culture and Class in an Andalusian City (Aldershot, 1987), pp.15-32.

¹⁷⁵ NCCD. DEP/52/56-7, 1687-9, 1691; MF/X/200; January 1688, Martha Awbrey con Margaret Burrell.

¹⁷⁶ NCCD. DEP/51/55, 1680-6; MF/X/200; Ff.189, June 1683, Mary Rayner con Henry Peater.

¹⁷⁷ NCCD. DEP/51/55, 1680-6; MF/X/200; Ff.335, March 1681, Joan Symonds con Elizabeth Humphrey. Cf. R. Forby, Vocabulary (1830). OED confirms.

¹⁷⁸ NCCD. DEP/51/55, 1680-6; MF/X/200; December 1684, Susan Parker con Elizabeth Fairechilde, Susan Parker con John Fairechilde; November 1685, Margaret Spencer con Alice Dixe.

The most powerful method of isolating one's victim from honest society was to invoke allegations of pollution by dirt or disease. The intention was again to highlight one's opponent's immoral behaviour, and symbolically remove them completely from the pure society of honest individuals. As Mary Douglas has argued:

'if we abstract pathogenicity and hygiene from our notion of dirt, we are left with the old definition of dirt as matter out of place. [This] implies two conditions: a set of ordered relations and a contravention of that order. Dirt then, is never a unique, isolated event. Where there is dirt there is a system. Dirt is a by product of a systematic ordering and classification of matter, in so far as ordering involves rejecting inappropriate elements. This idea of dirt takes us straight into the field of symbolism and promises to link up with more obviously symbolic systems of purity.'¹⁷⁹

Margery Hatton, whom we have previously met, was insulted in this fashion by Mariane Jenkinson. As her husband threatened to hit Margery, Mariane pulled him back by:

'his sleeve [...] telling him you shall not strike the whore. Hatton then [replied] Whore, and Mary Jenkinson replied aye, a lousey nitty Whore, a Sluttish Whore, or else there is not one in Norwich.'¹⁸⁰

We should remember that Margery Hatton was a successful business woman, and attracted attention for displaying her acquired prosperity. It is therefore unlikely that she was infected with lice any more than her abuser. Likewise, as Martha Steward was arguing with Thomas Dunch she told him that he was 'a lowsie Rogue and your cloathes were fain to be carried to the oven to be ovened.'¹⁸¹ Edmund Gibbs chose to insult Mr John Brookbank, vicar of Geyton, in a similar manner. Gibbs said to Brookbank that:

'he was a Knave and that he thought ther was not such a Knave in the countie, and yet a poore pittifull dirtie fellow.'¹⁸²

In these few words Gibbs conveys his utter contempt for Brookbank, deriding him as a pathetic creature and unfit for human consideration. And Jane Greene accused Richard Thacker of having sex with 'a Beggar

¹⁷⁹ M.Douglas, Purity and Danger: an analysis of the concepts of pollution and taboo (London, 1985), p.35.

¹⁸⁰ NCCD. DEP/53/58A, 1692-1703; MF/X/200, November 1692, Margery Hatton con Mariane Jenkinson.

¹⁸¹ NCCD. DEP/51/55. 1680-6; MF/X/200; Ff.300, August 1681, Thomas Dunch con Martha Steward.

¹⁸² NCCD. DN/DEP, 48/52, 1667-70; MF/X/199.3; Ff.111, March 1669, Mr John Brookbank con Edmund Gibbs.

Wench' to illustrate the depths of human degradation to which she felt he had sunk.¹⁸³

The surest way by far to denigrate an enemy was to accuse them of having venereal disease. The pox was well known to be the result of a low and immoral life, and implied that quarantine from normal social relationships was the only outcome a victim could expect. William Rosse emphasised the infectious nature of venereal disease when he maligned Mary Garwood by calling out that she was a:

'Rotten Pocky Whore [...] and offered five pounds that she were in Bridewell, but that she would infect it soe that he had rather have her in the Spittle.'¹⁸⁴

William Bayly stressed the sexual isolation of any that were infected, claiming:

'that once he would have fuckt Mother Thompson, but that ye Black Rogue Thomas Orle had burnt her.'¹⁸⁵

The pox marked the bodies of its victims, ravaging their features, a visible sign of their inner moral corruption. Thus it proved to be a versatile addendum to a basic insult, especially against women on whom the pox was thought to be particularly evident. As John Reed stated, Mary Ratcliffe was a 'pocky Whore [having] a Mumsie Nose and the French Poxe.'¹⁸⁶ While Elizabeth Roxe told an assembled audience that Joan Browning was:

'a pocky whore, and that she was soe rotten with the French Poxe that her jaw bones would drop out.'¹⁸⁷

When Thomas Day fell out with Katherine South he claimed to have had her 'by the cunt and that she was a whore, and a fierey faced whore.'¹⁸⁸

¹⁸³ NCCD.DN/DEP, 47/51, 1664-6; MF/X/199; Ff.254-6, November 1665, Richard Thacker con Jane Greene; Cf. April 1666, Richard Thacker con Jane Greene.

¹⁸⁴ NCCD. DN/DEP, 47/51, 1664-6; MF/X/199; Ff.192-5, July 1665, Mary Garwood con William Rosse. The Bridewell was the debtors prison, and the Spittle was the hospital.

¹⁸⁵ NCCD. DEP/53/58A, 1692-1703; MF/X/200; March 1692, Mary Thompson con William Bayly.

¹⁸⁶ NCCD. DEP/51/55, 1680-6; MF/X/200; Ff.176, October 1683, Mary Ratcliffe con John Reed.

¹⁸⁷ NCCD. DEP/51/55, 1680-6; MF/X/200; Ff.344-6, November 1681, Joan Browning con Elizabeth Roxe.

¹⁸⁸ NCCD. DN/DEP, 48/52, 1667-70, MF/X/199.3; Ff.123r-5, March 1669, Katherine South con Thomas Day.

Some aggressors cleverly framed their allegations of disease for the benefit of a knowledgeable audience, and in the process undermined the moral integrity of an entire household. Thomas Middleton told how Thomas Cawdell entered a room where Thomas Wright sat drinking ‘who then bid Cawdell goe home to your burnt arsed Kettle and scrape it.’¹⁸⁹ Thomas Middleton explained to the court that:

‘Thomas Wright meant [that] Cawdell should goe home to his wife whose name was Kettle before marriage.’¹⁹⁰

Another example of this genre was used by Anne Syser who told John Ludd:

‘that he was a whoring Rogue, a burnt Rogue, a Poxt Rogue and bade him get him home to his Whore Anne Stannard, and warm themselves by a French faggott Stalling.’¹⁹¹

And Lucy Iles did not mince her words when she fell out with Thomas English, calling him a:

‘Burnt Arsed Rogue and that his wife was kild by the French pox for which she would not get cured, which she got of him.’¹⁹²

The pox being associated with firmly with prostitution, she implied that English consorted with whores, neatly emphasising that his wife was the blameless victim of his immoral lifestyle.

More usually, assaults on the moral integrity of a household would distinguish the woman as the source of the pollution. Thomas Gosling spoke of Mary Browne as a ‘French Poxed bitch, and that Timothy Browne [her] husband was a Cuckold Rogue.’¹⁹³ Six years later Gosling renewed his attack upon Mary, claiming again that she was ‘a Whore, a French Poxed Bitch, and that her husband was a Carted Rogue.’¹⁹⁴ While Catherine South made an all out assault upon the reputation of Mary Dye, her husband and their household, when she said that Mary was:

‘a whore, and did then and there also ask the said Mary Dye how long it was since she had the French Pox, and did also say that Mary Dye had but one child and that it was a

¹⁸⁹ NCCD. DEP/53/58A, 1692-1703; MF/X/200; April 1701, Mary Cawdell con Thomas Wright.

¹⁹⁰ Ibid.

¹⁹¹ NCCD. DN/DEP, 47/51, 1664-6; MF/X/199; Ff.179r-181, April 1665, John Ludd con Anne Syser.

¹⁹² NCCD. DEP/50/54, 1676-80; MF/X/199; Undated, Thomas English con Lucy Iles.

¹⁹³ NCCD. DN/DEP, 47/51, 1664-6; MF/X/199; Ff.165, July 1664, Mary Browne con Thomas Gosling.

¹⁹⁴ NCCD. DN/DEP, 48/52, 1667-70; MF/X/199; Ff.193, 1670, Mary Browne v Thomas Gostling.

bastard.’¹⁹⁵

Generally the terms and expressions deployed by defamers were not very subtle, but they were extremely effective. The evidence for this assertion is the amount of business they generated in the church courts. Defamers set about undermining their opponents by challenging their status as members of a civilised community. They would attempt this by drawing upon and manipulating images that had significant symbolic meaning within the classificatory system of the cultural milieu. Men were not immune from such criticism, but women were the most vulnerable as their bodies supposedly showed the marks of illicit sexuality most visibly. To pollute and corrupt the social body was a sin worthy of ostracism, and the daughters of Eve were held to be as responsible for this act as Eve herself.

The words of Richard Allestree sum up what was at stake for litigants at the church courts ‘the wounds of reputation are of all others the most incurable.’¹⁹⁶ In the terms of insult and abuse taken to the church courts, women bore the brunt of the responsibility for sexual honour but not all of it: men could be held responsible on occasion. Defamers were capable of distinguishing responsibility for an immoral life if it suited their purpose. As Laura Gowing argues ‘honesty and dishonesty were defined through the household.’¹⁹⁷ And women shouldered much of the responsibility for the sexual honour of their households.

With this responsibility came power, to oversee personal conduct both on the street and within other households. As we shall go on to argue in chapter four of this thesis, it was this power that provided an entry into the wider field of communal politics that men engaged in; the competition for office and high social status. In late seventeenth-century Norfolk, and undoubtedly elsewhere too, the reputation of a man’s

¹⁹⁵ NCCD. DEP/49/53, 1671-5; MF/X/199; September 1675, Office per Mary Dye con Catherine South.

¹⁹⁶ R. Allestree, Whole Duty (1678), p.386.

¹⁹⁷ L. Gowing, Domestic Dangers (1996), p.106.

household had immediate and real effects on his prospects for advancement. By asserting and exercising their abilities in the regulation of sexual honesty through insult, women were engaging in a ritual negotiation of authority. The art of speech was not the peculiar property of women, and as Laura Gowing argues, the experience of defamation may have varied according to gender.¹⁹⁸ But the underlying concern was the same for both men and women: the authority to define social conduct and thus influence social relations in the broader political community.

¹⁹⁸ Ibid. p.110.

CHAPTER 4

SOCIAL ROLES, HONOUR AND THE POLITICS OF DEFAMATION

'honour is a thing more precious than any other outward good.'¹

This thesis assumes that the records of the church courts, particularly the depositions, provide a unique source for investigating the conceptual values of the middling sort in the early modern period. Laura Gowing has recently used these documents from the London court, to examine the underlying values supporting gender relationships in the Capital.² From this perspective Gowing has sought to illustrate the experience of insult and litigation for early modern women, their place within the social structure, and their experience of social relationships. To this end Gowing has adopted, and usefully developed, an approach to the depositions also utilised in this thesis: namely, treating them as texts that have to be closely read and unpacked in order to reveal their internal assumptions and dynamics. If we reflect for a moment it is difficult to see how else we could proceed with these documents. As we saw in chapter two of this thesis the depositions are constructions in their own right, designed by professional legal practitioners for the purpose of persuasion in the court room. Furthermore, the stories witnesses relate are frequently partial accounts of the event in question, and the replete with subjective moral judgements. It is these values that we are seeking to illuminate, but their presence in the material does add to the difficulties of interpretation.

The problem with the textual approach therefore, is that all we can do is examine the narratives men and women deployed in court as "stories": stories that were by definition related to convince the judge, and the participant's neighbours, of a particular interpretation placed upon an aspect of individual behaviour. What we cannot ascertain is the absolute veracity of a story, or competing stories told about an event. Like the original audience we are left to decide for ourselves whom we believe.³ Unfortunately, given the nature of

¹ B.Italiano, The Passenger (London, 1612).

² L.Gowing, Domestic Dangers (1996).

³ This point is elucidated in L.Gowing, Domestic Dangers (1996), pp.232-262. Gowing shows how differing interpretations of events were offered by different individuals involved in the cause. But without a deeper contextual account of the cause, its background in the neighbourhood for example, one is left with the uneasy feeling that the reading presented is just one of many interpretations that could be invoked.

the sources we often make such decisions upon the basis of what might be described as our sympathies. This, from a sociological perspective, may have important consequences for the broader conclusions we reach about how society worked.

There is a danger in presenting as social fact a partial view of complex, and in many cases contradictory, situations; social situations immersed in interactive relationships. Moreover, we can only ever partially reconstruct these. There is a risk of banishing women to the periphery of society, women who were forced by circumstances beyond their control to use subversive actions to defend their social existence. As a consequence, the modern reader can be led to assume a monolithic "women's" experience of powerlessness, against an overwhelming male domination of the social structure, devaluing any sense of worth felt by individual women, possibly the majority, who were not overtly resentful of the gender hierarchy. That is, women who for much of their lives did not articulate a critique of the social structure but accepted and even supported it, not because they had no choice in the matter, but because from their perspective they had good reasons for so doing.

Let us remind ourselves (once again) that late seventeenth-century England was a very different culture. It is inappropriate to simply state our moral disapproval at the workings of the "double standard" within the social structure, for this replicates the cultural imperialism anthropology and related disciplines have been accused of in recent years.⁴ Social historians, like social anthropologists, should attempt to explain the actions of people in the past as far as possible through the mental "world view" of those people. At the very least we should remember that all societies have their inequalities and discriminatory practices. We do not have to condone these, but we should seek to understand how the people who experienced these conditions attained moral value as social beings.⁵

In this chapter we will examine the concept of social role in relation to the practice of defamation and insult.

⁴ The most cogent, and polemical, statement of this critique is provided by E.Said, Orientalism (Harmondsworth, 1978). Anthropologists have taken this critique seriously, engaging in a re-assessment of the techniques of ethnography. See for example, J.Okely & H.Callaway (eds), Anthropology and Autobiography ASA Monograph No.29, (London, 1992).

⁵ For a similar statement of this view see, J.Sharpe, 'Women, witchcraft and the legal process', in J.Kermode & G.Walker (eds), Women, Crime And The Courts (London, 1994), p.120.

In the process we will seek to explore how individuals challenged others', and negotiated their own, understandings of various roles in an effort to exercise control over their social environment. To this end we will confront the notion of "honour" that has been implicit in previous chapters. Likewise we will continue to relate the ideas of "excess" and "restraint" to our analysis of social practice. By so doing it will be demonstrated that despite their undoubtedly inferior social status in this period, women played an integral part in the negotiation of power within the cultural milieu. It will be argued that far from being marginalised from the networks of male power, women were active in the exercise of governance. Furthermore, women's involvement in these processes had ramifications throughout the social structure, and has important implications for our understanding for the exercise of social control in early modern England.

As we have argued throughout this thesis, in the everyday culture of late seventeenth-century England, what you were seen to be and how you presented yourself were of primary importance. Within the communal culture of the parishes and neighbourhoods, a person's behaviour was under constant scrutiny, discussion and judgement. What was at issue was an individual's social integrity, his or her moral worth as a person within his or her local community. The foci of this assessment were upon the various roles individuals performed as members of society: husband, wife, master, employee and so on. Sociologists noted long ago that social roles are a summation of events and behaviour: in short they personify the self.⁶

This argument proposes that individuals become fully active members of a society by virtue of their capacity to learn and play a variety of roles. But learning roles is not a simple matter of reproduction, rather it signifies an autonomy to act within the cultural milieu.⁷ First, a word of caution: we should not mistake a social role for a mask that disguises the "real" person. As Talcott Parsons clearly states:

'it is not so nearly correct to say that a role is something an actor "has" or "plays" as that it is something he is.'⁸

⁶ M.Banton, Roles: An Introduction to the Study of Social Relations (London, 1965), pp.140-1.

⁷ F.Bourricaud, The Sociology of Talcott Parsons (Chicago, 1981), pp.103-4.

⁸ Talcott Parsons, R.F.Bales & E.Schils, Family, Socialisation and the Interaction Process (Illinois, 1955), p.107; Cf. P.L.Berger Invitation to Sociology (Harmondsworth, 1983), p.113-5.

We should also note that a role is never performed in isolation, by definition the concept involves 'a system of relations between two or more persons.'⁹ This entails that social roles are embedded in a system of norms, or a set of attitudes, symbols or beliefs, the values which 'are a prerequisite of any ongoing social system.'¹⁰ Furthermore, we should not assume that such values are monolithic. Societies can and do accommodate a multiplicity of values, which frequently contradict and conflict with each other. Moreover, we should not assume that values promulgated by a governing elite are simply adopted by the governed. Rather, we should think of such a set of values as a common resource, available to all social agents for individual interpretation and innovation as they pursue their own goals within the context of their daily experience.

Thus the various roles a person might perform can make contradictory demands upon the individual. A simple example of this is the demands placed upon a local official, a village constable for instance, in contrast to the demands of the role of neighbour.¹¹ An underlying conflict of roles could lead to an action for defamation in the church courts. This is illustrated by the following cause involving Robert West and John Parker, brought before the court in February 1694. The two men had arrived at the yard of Sir John Halland at Old Buckenham, 'on Justice business'. William Hayes reported that during their journey:

'John Parker did provoke and Straf [strafe] Richard West and did call him Rogue, greate rogue, whoring rogue and told him that he was not fit to be drank with and that he was as greate a rogue as any in the Castle.'¹²

William Ralph, who was present when the party arrived in the yard, invoked the ideal of social harmony by asking Parker 'how is it that you cannot live quietly with your neighbours?'¹³ Parker had responded to this reproof by repeating his abuse of West in front of 'all the people of Old Buckenham.'¹⁴

⁹ F.Bourricaud, Talcott Parsons (1984), p.248.

¹⁰ A.D.Smith, The Concept of Social Change: A Critique of the Functionalist Theory of Social Change (London, 1973), p.5.

¹¹ See J.Kent, Village Constable (1986), pp.222-281.

¹² NCCD. DEP/53/58A, 1692-1703; MF/X/200; February 1694, Robert West con John Parker. 'Straf: a scolding bout, an angry strife of tongues', R.Forby, Vocabulary (1830). The 'Castle' was Norwich Castle at this time the county prison.

¹³ Ibid.

¹⁴ Ibid.

As the witnesses told their stories the underlying cause of the ill feeling between the two protagonists emerged. William Hayes revealed that a young kinsman of Parker had:

'robed the nets in the mear where Richard West was bailif to look after the same... For which Mr West fetched a warrent from Sir John Halland, upon which the young man ran away, and thereupon Sir John Halland ordered John Parker to come before him.' ¹⁵

Elizabeth Dowsing confirmed this story, deposing that Parker was 'very much annoyed' with West over his handling of the incident, declaring:

'that he needed not a warrent for so small a business. Mr West told him that he did what he was ordered, then Parker told Mr West that he was a rogue for doing it... and not fit to be drank with.' ¹⁶

This cause exemplifies the invidious position of minor officials in this period. A theft had been committed, and presumably West's employer had wanted to make an example of the culprit.¹⁷ The problem for West was that he was charged with pursuing the case via the law, and had to face the consequences within his neighbourhood. From Parker's perspective West had over reacted by involving the Law, transgressing Parker's interpretation of the neighbourly role in the process. Whatever the rights or wrongs of the dispute, this cause is an explicit demonstration of how differing roles could expose competing priorities within the social milieu.

There could also be conflict surrounding the way a particular role was performed. Talcott Parson's comment, noted above, that social role involves "an authority" to act, implies that the performance of a role is open to individual interpretation within the limits of communally held norms and expectations. It is this "authority" of the individual role performer that is commonly contested in causes brought before the church courts. Thus we can make two observations about social roles. First, roles imply a system of rights and obligations between actors, which form the foundation of various claims and strategies. Second, and most obviously, roles are usually identified with physical distinctions, such as gender or age.¹⁸ An example of

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ On poaching, see E.P.Thompson, Whigs and Hunters: Origins of the Black Acts (London, 1975); Cf. J.Broad, 'Whigs and Deer-Stalkers in Other Guises: a Return to the Origins of the Black Act', Past & Present no.119, (1988), pp.56-72.

¹⁸ M.Banton, Roles (1965), pp.18-20.

this complex web of ideas is provided by the basic cultural distinction between male and female. As Henrietta Moore noted, male and female relationships are defined by the roles each play:

'it is through the competing claims that men and women make on one another, in the context of particular sets of social and economic relations, that the cultural conceptions of gender are constructed.'¹⁹

The seventeenth-century author Gervase Markham perfectly demonstrates this theoretical position in his introductory paragraph to The English Housewife:

'having already in a summary briefness passed through those outward parts of husbandry which belong unto the perfect husbandman, who is the father and master of the family, and whose office and employments are ever for the most part abroad, or removed from the house, as in the field or yard; it is now meet that we descend in as orderly a method as we can to the office of our English housewife, who is the mother and mistress of the family, and hath her most general employments within the house; where from the general example of her virtues, and the most approved skill of her knowledges, those of her family may both learn to serve God, and sustain man in that godly and profitable sort which is required of every true Christian.'²⁰

As this passage shows Markham assumed a complementary relationship between husband and wife, albeit one of underlying inequality. This idea of a complementary status within relationships is an important point, and one to which we shall return.

The argument that church court business can be approached via the concept of social roles rests upon the idea that role performance is a means to gaining and maintaining social status. Social status:

'is an evaluation of an individual's claims to deference in respect of the prestige of the various roles he plays.'²¹

This idea re-introduces the concept of "symbolic capital", which is vital for our understanding of the dynamics of power within a local community. Pierre Bourdieu is perhaps the most well known advocate of this concept today, but it was the sociologist Talcott Parsons who first suggested that:

'the repertory of roles that an individual is capable of playing constitutes [a form of] "capital". With this capital the individual can earn a living, win recognition from alter, and obtain gratifications associated with his role status. A role is two things: on the one hand a fund of resources at hand or mobilizable if needed, on the other hand a set of rules covering the uses

¹⁹ H.Moore, 'Gender and Status: Explaining the Position of Women', H.Moore, Feminism and Anthropology (Minneapolis, 1988), p.37.

²⁰ G.Markham, Housewife (1631), p.5.

²¹ M.Banton, Roles (1965), p.38.

of those resources.’²²

This is only part of the equation, for as Bourdieu developed the theory, social roles become a means of gaining, consolidating, and deploying "symbolic capital". Some roles are perceived to be more prestigious than others, but it is individual conduct within a role that is assessed by the group and upon which opinions concerning prestige, esteem or honour are founded.²³

The proposition that the causes brought before the church courts centred upon disputes over roles is highlighted by causes involving clerics and churchwardens. For example Thomas Gooch churchwarden of Beccles, Suffolk, was presented in December 1664, for allowing ‘divers persons’ to miss divine service. Edmund Bishop claimed that Gooch had:

‘allowed Jeffrey Bewle and his wife Elizabeth to live incontinently together while his servants... and allowed Thomas Howse not to Baptise his child... [Furthermore] the wife of John Tooley did not attend church for divers Sundays... [and] many persons did not receive the communion during his [Gooch’s] time as church warden.’²⁴

During 1668 John Smith, Rector of Rockland, Norfolk, was presented by Roger Buttivant, the Apparitor of the Norwich consistory court, for not publishing two excommunications. Smith had delivered the two documents back to the court ‘without anie certificate upon them’, and when questioned by Buttivant had stated ‘that he was not at leisure to publish [them]’.²⁵ Both of these examples focus upon a neglect of duty, or of the requirements expected of a person in their official role. But many causes involving clerics, often arising from disputes over tithes or doctrinal differences, centred upon the incumbent’s general behaviour and its effect upon the performance of their role in the parish.

In one instance the churchwardens of Eaton, Suffolk, presented their minister Peter Bell for excessive drinking in July 1679.²⁶ Having described Bell’s attempts to ride his horse after a particularly heavy drinking bout, Edmund Osborne concluded that Bell showed ‘a very bad example and was diminished in

²² F.Bourricaud, Talcott Parsons (1981), p.261.

²³ P.Bourdieu, Outline (1977), pp.171-183.

²⁴ NCCD. DN/DEP, 47/51, 1664-66; MF/X/199; Ff.275r, December 1664, Office con Thomas Gooch.

²⁵ NCCD. DN/DEP, 48/52, 1667-70; MF/X/199.3; Ff.90r-1, December 1668, Office con John Smith.

²⁶ NCCD. DEP/50/54, 1676-80; MF/X/199; July 1679, Office con Peter Bell.

his function.²⁷ Jeremiah Gardiner concurred with Osborne, stating that Bell was ‘a scandal to his function and a very bad example to his spectators.’²⁸ Thomas Chearwood and Michael Cooper, both of Finborough (where Bell held a second living), thought he had behaved himself ‘verie scandalously and was an evill example to his spectators.’²⁹ For good measure Richard Osborne presented Bell as Rector of Finborough for similar offences; excessive drinking, vomiting in public houses, and attempting to violate the chastity of Anne Turner. All witnesses complained that Bell had ruined his reputation and had ‘impaired his function as minister’.³⁰

John Tuckington, another Norfolk cleric, had to pursue four separate causes to clear his name during the summer of 1682, after gossip circulated through the neighbourhood that he had issued false licences and had forged the new bishop’s signature upon old ones (thereby avoiding paying the dues required). John Crowne thought the rumours about Mr Tuckington gave him ‘good cause for complaint to the court in that his reputacon and calling had suffered hurt.’³¹ Following a violent argument with John Thirkettle over tithes, Edmund Pooley, Rector of Wacton, Norfolk, sued because ‘the state of [his] good name and function are much defamed and villified.’³² Similarly, John Morris, minister at Wheatacre, Norfolk, sued Robert Dodd during 1675 because since the latter’s abuse:

‘the reputation and good name of Mr Morris is much impaired and hurt and his ministerial office villified and contemmed.’³³

In a final example, once again arising from a tithe dispute, John Payne, minister at Spixworth, Norfolk, exchanged words with Henry Leaman. Thomas Augar witnessed the incident and concluded that because of Leaman’s outburst Mr Payne’s:

²⁷ Ibid.

²⁸ Ibid.

²⁹ Ibid.

³⁰ NCCD. DEP/50/54, 1676-80; MF/X.199; 1679, Office per Richard Osborne con Peter Bell.

³¹ NCCD. DEP/51/55, 1680-86; MF/X/200; Ff.241, July 1682; John Tuckington con John Athewe. Cf. Ff.238, John Tuckington con Thomas Le Strange; Ff.239, John Tuckington con Sara Athewe; Ff.240, John Tuckington con Mathew Wilson.

³² NCCD. MF/RO, 168/2, 1660-4; Ff.200-1, December 1663, Edmund Pooley con John Thirkettle.

³³ NCCD. DEP/49/53, 1671-75; MF/X/199; 1675; John Morris con Robert Dodd.

'reputation and good name is much impaired and hurt amongst his neighbours, and his ministerial function scorned and villified, and Henry Leaman for speaking the words [...] is to be punished and corrected.'³⁴

In all these causes it is clear that more was at stake than simply the pride or self esteem of the victim; an explicit link was assumed between the reputation of the person and their role in the community.

Don Spaeth has argued that clerics were particularly vulnerable to verbal assault from their parishioners because their status in the community at this period was ambiguous. Responding to Edward Thompson's view that parish clergy were part of the Gentry's hegemonic control of the laity, Spaeth suggests that this might be an over-simplified view of a complex situation. Spaeth found that in Wiltshire clerical authority was fragile during the late seventeenth century. Clergymen were expected to be spiritual leaders and live educated lives, but this did not automatically mean that they were considered to be part of the gentry.³⁵ Furthermore, being a newcomer to a parish the minister would lack the networks of sociability, exchange and reciprocal obligation that bind a person into a local community. To be sure, a clergyman did have an automatically ascribed status but there was no guarantee that it would be accepted, especially if an incumbent's behaviour challenged local expectations.

Such was the experience of *Daniel Skargil, the minister at Mulbarton, Norfolk, who provoked a presentment* from his parishioners during January 1684.³⁶ The usual complaints were voiced in the depositions: drunkenness, railing and abusive language and indecent behaviour towards some of his female parishioners. But Skargil's parishioners also told a story of his unhappiness with his position in local Mulbarton society. To obtain his living, which was in the gift of Sir Edwin Rich of Mulbarton, Skargil had to pay £50.00. When Skargil attempted to hand over the sum to Sir Edwin's brother Charles the latter demanded 50 guineas, the extra money was borrowed with difficulty. This was common knowledge in the neighbourhood because Skargil had complained of his treatment to all who would listen. It also appears from some of the complaints against him that Skargil's attempts to recoup his outlay by over zealous demands of tithes and

³⁴ NCCD. DEP/49/53, 1671-75; MF/X/199; 1672; John Payne con Henry Leaman.

³⁵ D.Spaeth, 'Parsons and Parishioners: Lay-Clerical Conflict and Popular Piety in Wiltshire Villages, 1660-1740', (Unpublished Ph.D., Thesis, Brown University, 1985), pp.334-6, p.349, p.362. Cf. E.P.Thompson, 'Patrician Society', (1974).

³⁶ NCCD. DEP/51/55, 1680-86; MF/X/200; Ff.143-147, January 1684, Office per John Castle con Daniel Skargil.

church rates was the initial cause of his parishioners resentment.

Skargil's position in the local hierarchy is revealed in a story told by Richard Newman, a local gentleman. Being in company with Charles Rich and others at a Mr Barnege's house, Charles Rich asked Newman to go and fetch Skargil:

'and lett him know that ther was a greate company had a desire to hear him preach and withall lett him [Newman] tell Mr Skargill, that lett not the 50 guineas trouble him, and Mr Skargill did come and preach according to their desire.'³⁷

Skargil could not refuse: his patron's brother commanded his attendance and he had to obey. The mockery in Charles Rich's words is barely concealed, and clearly underlines the ambiguity of Skargil's position.

His role within the community depended upon respect for his calling. In Skargil's case this respect was patently withheld by those with whom he could, perhaps legitimately, expect to be associated and receive support from. As Don Spaeth suggests, under such conditions it is small wonder that clergymen resented any slight to their authority and position; such conditions made the process of calling their role into question significantly easier for parishioners who may have been acting from a very different set of precepts. Causes involving parish officials and clergy are straightforward examples. These people occupied a specific role in the local community, their duties were understood and of equal importance to this argument, a recognisable set of norms were associated with the role. Any deviation from the expected norms of behaviour presented an easy target for complaint and correction. But causes for defamation can be approached in a similar way: victims had no choice, insults and gossip had to be resisted. If victims did not defend their reputations they would appear weak or lacking in self-esteem and would lose status within the local hierarchy. Conversely, the aggressor would appear strong and gain esteem. In effect an individual's "symbolic capital" was negotiated via the court actions over these exchanges of words. What was being judged was an individual's personal authority and abilities in her or his various social roles within the community.

Conduct literature can be seen as providing the precepts that underpinned the performance of social roles, specifying the behaviour required of individuals in their daily lives. But all these books could recommend

³⁷ Ibid.

were ideals of social conduct; in short they were icons of behaviour. As Fenella Childs argues:

‘in propounding a ideal, [conduct literature] sets up a standard to be followed; in criticising actual behaviour it establishes parameters of what is considered acceptable; in doing both it makes explicit many assumptions about fundamental human characteristics and social divisions.’³⁸

As Childs makes clear, conduct literature did not describe actual behaviour but set out the norms that, in the opinion of the authors at least, were the expectations demanded by a civilised society.

This raises the problem of contextualising the norms promoted by conduct literature, within the actual social practice of late seventeenth-century England. Childs estimates that a print run for a conduct book in the period was approximately 1000. Furthermore she estimates a reading public of about 250,000, or one in twenty of the population.³⁹ Her examination of publishers’ sponsorship lists for individual works does not really expand our knowledge on the subject. As she acknowledges, many of these works were definitely aimed at a market of elite consumers, and therefore reveal nothing of popular consumption. What is more her examination of lists of sponsors tell us little of what the general public wanted, only what the sponsors thought worthy of publication. As the sponsors were inevitably from the gentry and aristocracy, such lists are of limited value for a study of the middling sort.

Day Books and Inventories can be of more use for this purpose, often offering information of actual book possession and price. Giles Moore, for example, Rector of Horsted Keynes, Sussex, recorded in his journal, 24th July 1667 ‘Bought at London [...] Brownes Vulgar Errors 5s 8d & the Academy of Compliments 1s 4d’, while for January 1670 he records:

‘the Whole Duty of Man & the Causes of Decay of Christian Piety Both of the same Authour were bought for mee at London by Mr Crayford. For which payd 6s 6d.’⁴⁰

³⁸ F.A.Childs, ‘Prescriptions’ (1984), p.3.

³⁹ Ibid. pp.29-38. Childs uses P.Gatrell, *A New Introduction to Bibliography* (Oxford, 1972), and, D.F.McKenzie & J.C.Ross (ed), *A Ledger of Charles Ackers, Printer of the ‘London Magazine’* (1968), Appendix Two, pp.305-16, to reach her conclusions of print runs and readership. These figures are supported by Tessa Watt who estimates that 3 or 4 million copies of broadside ballads were in circulation by the early seventeenth century. Her figures are based upon the records of the Stationer’s Company. T.Watt, *Cheap Print and Popular Piety 1560-1640* (Cambridge, 1991), p.11.

⁴⁰ R.Bird (ed), *The Journal of Giles Moore SXRS*, Vol.71, (Lewes, 1971), pp.190-192. The latter of course are two works by Richard Allestree. For a study of popular literature and its circulation, see M.Spufford, *Small Books* (1981).

Reports such as these help to trace the ownership of particular volumes, but the problem of understanding how the prescriptive behaviour was received by the reading public remains. Anna Bryson acknowledges this point but suggests:

‘that written precept was not the principal means of transmitting manners and therefore, if codifications are at all useful to the historian, it must be primarily because they reflect current notions and only secondly because they influence them.’⁴¹

The prescriptions for behaviour contained within the conduct literature, for example the roles of husband and wife or neighbour, may only have been an ideal but they offer a benchmark against which individual behaviour could be judged on an everyday level. They were a discursive resource upon which defamers could draw, and manipulate for their own purposes.⁴² Of course no individual’s experience would completely match the ideal. Thus there existed a degree of play between the theory and the practice, which allowed insults and defamation to do their work. Furthermore, ranged against the ideal presented in the conduct books might be local practices, expectations and knowledge, which would add another twist to the problem of maintaining a pristine reputation.⁴³

It may also be concluded that the amount of discussion and prescriptive advice concerning social relationships during this period reflected a deep concern with the maintenance of social harmony. The prevalence of advice reinforcing the concept of neighbourliness is an example of this anxiety. The writers of conduct books devoted their rhetorical skills to proving that people had no choice in the matter. Common humanity, Christian brotherhood, or civil society, were all invoked to stress the obligation of neighbourliness.

A powerful statement of this doctrine was published in 1685. Its focus is the human condition and the consequences for human aspirations if sociability is ignored:

⁴¹ A.C.Bryson, ‘Concepts of Civility’ (1984), p.31; Cf. K.Davies, ‘Continuity and Change in Literary Advice on Marriage’ R.B.Outhwaite (ed), Marriage and Society: Studies in the Social History of Marriage (London, 1981), pp.58-80. Davies concludes that the advice offered by conduct books upon the subject of marriage reflected common practice, ‘which worldly experience showed had the greatest chance of success.’ (p.56).

⁴² L.Gowing, Domestic Dangers (1996), p.112.

⁴³ For a useful discussion of this point, albeit in the context of eighteenth-century France, see D.Garrioch, Neighbourhood and Community in Paris, 1740-1790 (Cambridge, 1986), Ch.1.

'we are none of us born to live Stoically in a Cell, alone by our selves, but in a more open Air, conversive with others, useful to many, loving and just to all. Prudence without this degenerates into a vicious futility and craftiness. Fortitude without this into a savage cruelty and violence. Diligence without this may fill Barns with Dives, but it hides its Eyes from its own flesh, and starves the poor Lazarus at the door. And at length Nature itself without this becomes like Nebuchadnezzar, fit to be driven from among men, remaining a stupid barbarous thing, its heart as the heart of a beast, too brutish within it. Civil and Loving Society it is the Great Exchange of Nature: where we should all meet, not for ostentation and complements, but for real mutual accomodation.' ⁴⁴

Richard Allestree promoted a more godly approach, concentrating his advice on a practical reading of the scriptures. For Allestree, Christian brotherhood underpinned human society, and placed demands upon people that could not be avoided. Four rules followed from the emphasis on brotherhood. The first stressed the requirement of receiving communion, from which:

'we may be marked out as followers and Disciples of Christ...we must be diligent in frequenting the assemblies of the Saints, which is at it were a badge of our profession, and therefore he that willingly withdraws himself from these, gives ground to suspect that he will be apt to renounce the other also.' ⁴⁵

The second rule stressed the need to 'bear the infirmities of our Christian brethren', while the third insisted upon a duty to 'endeavour the restoring of any fallen brother.'⁴⁶ The fourth rule exposes Allestree's holistic view of humanity, insisting that sympathy and fellow feeling should guide people's dealings with:

'brethren whatever befalls them, either as they are considered in Society or in single persons.' ⁴⁷

When considering relations between neighbours Allestree argued that people had a duty of 'Righteousness' consisting of 'Justice and Charity' imposed upon them.⁴⁸ There was no choice in this; charity was to be paid as a 'debt' to those with whom one dwelt.⁴⁹ 'Do unto others, as you would have done unto yourself' was the precept Allestree emphasised most.⁵⁰ He supported this by insisting that the rule of communal

⁴⁴ Anon, Young Man's Calling (1685), p.36.

⁴⁵ R.Allestree, Whole Duty (1678), Ch. 'Brotherhood'.

⁴⁶ Ibid.

⁴⁷ Ibid. p.322.

⁴⁸ Ibid. p.213.

⁴⁹ Ibid. p.31.

⁵⁰ R.Allestree, Government (1674), pp.90-91.

living was 'to be civil to all people', that charity was the touchstone of a civil society.⁵¹ Those persons possessed of rage and anger were not fit company for Christian brethren; to rail and dispute removed the offender from civil society.⁵²

Allestree emphasised the conduct of individuals in their role as fellow Christians, and by extension, neighbours. Examples of how ambiguous this advice could be, when contrasted with the practicalities of everyday life, are not hard to find in the depositions of the church courts. Many depositions show causes being fought over disputes surrounding social roles. For example Mary Clark and Francis Nayles appeared before the Norwich court in August 1681, because Nayles had said of Mary that 'she was a damned whore and was not fit to be drunken withall.'⁵³ Witnesses to the incident considered that Mary's good name had been disgraced amongst the 'graver and better sort of her neighbours.'⁵⁴ A few months later in March 1682 Clark and Nayles reappeared in court with new witnesses supporting Nayles. Robert Emperor claimed that after the suit had commenced between Clark and Nayles, Mary had said:

'that although Mr Nayles had thought to hath done her soe much damage in speaking the words calling her whore and the like, yet he was mistaken in it, for her credit and reputation was as ever it was, and that she was as well accompted amongst the better sort of her neighbours as ever she was.'⁵⁵

Henry Darsy argued that William Canham, Mary's first witness, would never have come forward if her proctor had not issued a subpoena forcing him to attend and concluded that Mary's reputation:

'is no more damnified by the saying of the words (if anie such words were said) but that her credit and reputation is as good as it was before the speaking of the words.'⁵⁶

Damning evidence was offered by Nicholas Nayles, an eighteen year old Worsted Weaver (probably kin to Francis Nayles), who said that he had known Mary Clarke since childhood:

'during which time she was looked upon as a poore needle woman [and] that her Credit and Reputation are no way hurt by the speaking of the words, said to be spoken by Francis Nayles to Mary Clarke, or that her credit and reputation is less greate now since the speaking of the

⁵¹ R.Allestree, Whole Duty (1678), p.19; cf. R.Allestree, Government (1674), p.92.

⁵² R.Allestree, Whole Duty (1678), p.21.

⁵³ NCCD. DEP/51/55, 1680-86, MF/X/200; Ff.333, August 1681, Martha Clark con Francis Nayles.

⁵⁴ Ibid.

⁵⁵ NCCD. DEP/51/55, 1680-6; MF/X/200; Ff.288, March 1682, Mary Clarke con Mr Nayles.

⁵⁶ Ibid.

said words as it was before the speaking of them.’⁵⁷

There is some confusion here, for despite the best efforts of Darsy and the younger Nayles to throw doubt upon Mary’s complaint, they do not quite manage to be consistent in their evidence. Yet the defense maintained that Mary’s good name was not affected. Nicholas’s suggestion that it could not be affected due to her low status is a clever appeal to the prejudices of his audience, invoking the idea that in at least one of her roles she had no reputation to defend. We should also notice how Mary’s role as neighbour was challenged in the initial exchange of words, with the charge that she was not fit to drink with. In a society where the alehouse and consumption of alcohol played such a central cultural role, to be labelled as not fit to be a drinking companion was social damnation indeed.⁵⁸

Catherine Bishop voiced a similar view of John Snell in the summer of 1682. Catherine had displayed her positive dislike for Snell when in the company of William Cullington, for what reason we are not informed. But as Cullington told the court, Catherine did say of John Snell ‘in a angry and passionate manner’ that he was:

‘not fit to be dealt with or drink with. [And] if my husband should dye I would not have such a Rogue as Snell is if he were worth twice soe much as my husband. And when [Snell] dyned at my house I grutched noe bodies victualls but his and would willingly have cut his throat or done him some other mischief in my passion if I could have had my mynde.’⁵⁹

Whatever the quarrel was between the two, Catherine felt that it justified a complete repudiation of Snell as neighbour, husband and businessman. Furthermore she felt strongly enough about the matter to ignore the demands of hospitality when Snell was her guest.⁶⁰

On some occasions an informal reconciliation could go wrong, exacerbating an already tense relationship between two neighbours. As when John Girling of Bungay had been desired by Samual Alcock and

⁵⁷ Ibid.

⁵⁸ For a discussion of the role of Alehouses in the local community see, P.Clark, English Alehouse (1983).

⁵⁹ NCCD. DEP/51/55, 1680-6; MF/X/200; Ff.247, July 1682, John Snell con Catherine Bishop. ‘Grutch: to grudge’, OED.

⁶⁰ For the changing role of the duty of hospitality, see F.Heal, Hospitality in Early Modern England (Oxford, 1990).

Christopher Tompson to help settle a difference between them concerning some accounts. Girling brought the protagonists together at an Inn owned by William Holloway, yet despite the attentions of various third parties the two could not agree: Girling, Holloway and Thomas Alcock, the latter possibly Samuel's son or brother, related that:

'Tompson fell into a passion not liking Alcock's accounts and told him Alcock that he was a rogue, a raskell and a Knave and not fit to be drunk with.'⁶¹

Samuel's wife was also present and spoke out in defence 'of her husband for his reputation'.⁶² Tompson retorted that 'if she knew as much about Alcock as he did she would never have had him...'⁶³ Once again, in one person's estimation neighbourly trust had been broken, thereby justifying the repudiation of a social role, and as in the cause above, the charge was accompanied with dark hints that Alcock was not suitable as a husband either.

Trust between neighbours was also an issue in a cause involving Mary Thompson, wife to John Thompson of Woodbridge, Suffolk. Edward Francis told how Allen Nanwell produced a letter:

'directed to him from London which he said had been taken up before it cam to his hands by Mary Thompson. At which he severally verie angrie and in a disgracefull and passionate manner said that if it were soe she had broke it up, she was a damned bitch whore.'⁶⁴

John Thompson had delivered the letter to Nanwell, on receipt of which Nanwell had asked Thompson if his wife had broken the seal. Thompson denied the charge, but Nanwell said that he believed she had and that he would prove 'she had broken up nine or ten letters.'⁶⁵ Several months later Francis Gold deposed that he was in the "Queens Head" at Woodbridge when John Thompson brought a letter to Allen Nanwell. Gold could see that the seal was broken which had caused Nanwell to abuse Thompson's wife again.⁶⁶

We might ask why Mary got the blame for the broken letter, it could easily have been her husband's

⁶¹ NCCD. DEP/53/58A, 1692-1703; MF/X/200; October 1693, Samuel Alcock con Christopher Tompson.

⁶² Ibid.

⁶³ Ibid.

⁶⁴ NCCD. DN/DEP, 47/51, 1664-6; MF/X/199; Ff.38-40, Undated, Mary Thompson con Allen Nanwell.

⁶⁵ Ibid.

⁶⁶ NCCD. DN/DEP, 47/51, 1664-6; MF/X/199; Ff.284, April 1665, Mary Thompson con Allan Nanwell (Burwell).

practice. But in Nanwell's estimation Mary already had a reputation for such behaviour and thus his charge was justified. Furthermore although there is no evidence for any political or religious dissent (the two amount to much the same thing in the late seventeenth century) on Nanwell's behalf, he may have had good reason for fearing interference with his letters. The privacy of letters was officially protected, but due to the political instability of the times a case could always be made for their interception and perusal by local authorities. Thomas Corie, the Town Clerk of Norwich, wrote to John Williamson, secretary to Lord Arlington manager of the Post Office, on the 7th November 1666 requesting permission to examine the personal mail of several suspected dissenters.⁶⁷ The vagaries of the early modern postal system could be bad enough, without neighbours transgressing acceptable standards of behaviour and indulging in such practices.

More direct evidence of the insults stemming from disputes about roles can be found in numerous causes involving women. Conduct books stressed women's inferior social position, while observing that women were responsible for the management of the household.⁶⁸ Mary Astell complained about this contradiction, she catalogued all women's responsibilities for the household and argued that men were only capable of enjoying their fortunes because 'women order it within the home for them.'⁶⁹ Her remarks were directed at an elite audience but they were relevant to all women, particularly the middling sort with whom this thesis is concerned. Daily life involved them in all manner of business, marketing and other activities away from the home. Thus they could face tremendous difficulties of role interpretation, laying themselves open to verbal assault when their behaviour transgressed expectations defined by the gender order.

Money and its management provided a constant source of dispute for women. Lucy Iles, a resident of Great Yarmouth, fell out with Thomas English, a tenant of John Iles, over just such a conflict. English, John and

⁶⁷ R.H.Hill (ed), Thomas Corie NRS, Vol.XXVII, (1956), p.22; cf. Letters Nos. 13 (14th November 1666), & 14 (19th November 1666).

⁶⁸ The introduction to Markham's Housewife quoted above, was fairly typical of the prescriptive advice offered to women during this period. For the most recent discussion of the position of women in the social theory and practice of the seventeenth century see, A.Fletcher, Sex & Subordination (New Haven, 1995), Ch.4 passim.

⁶⁹ M.Astell, An Essay in Defence of the Female Sex (London, 1696), p.86. This point has also been recognised by D.Levine & K.Wrightson, The Making of an Industrial Society: Wickham 1560-1765 (Oxford, 1991), p.317; Cf. A.Fletcher, Sex & Subordination (1995), p.173.

Lucy Iles were drinking at the Carpenters Arms, Yarmouth, kept by Widow Alisowes. Whilst paying his rent to John Iles English complained that Lucy:

'would have had [him] to have paide the moneys into her hands and not into her husbands. Thereupon [Lucy] grew into a rayling passion and called [English a] Cheating Rogue, Burnt Arsed Rogue and [said] that his wife was kild by the French pox for which she would not get cured which she got of him.' ⁷⁰

Lucy obviously believed that English had no right withholding the money from her; nevertheless English insisted upon carrying out his business with her husband. To do this in front of Lucy, and yet to complain about her at the same time, only compounded the original slight on her integrity, authority, and pride. Lucy's immediate response to challenge English's control of his lust and his role as husband, corresponds exactly with tactics deployed by men when denigrating women.

Likewise, Mary Adams defended her husband's interests over the repayment of a debt during 1678.⁷¹ A witness told how:

'Mary Adams demanded monies of William Hurse, and William Hurse said there were three pounds due to him from [her] husband.' ⁷²

Hurse had attempted to extract more than was actually due to him, during the argument his claim decreased from the initial £3, to 40/- and then to 20/-:

'Mary Adams reasoned that monies were due to her husband by reason of William Hurse claiming monies from her husband, especially for his making the severall claims of the different summes [...] Mary spake to William Hurse saying you act unjustlie in your demands, whereupon Hurse called her Whore.' ⁷³

Mary's argument that Hurse should pay for making false claims upon her husband may have no basis in Law, but it does show that she had an acute sense of justice and business. This alone should remind us to be cautious of assuming too much from the prescriptive literature. The fact remains however that Lucy found herself insulted for her actions, which contradicted the expected female role.

Martha Coxage got into similar straits with Nathaniel Worter, who called her a 'damned bitch whore' in July

⁷⁰ NCCD. DEP/50/54, 1676-80; MF/X/199; Undated, Thomas English v Lucy Iles.

⁷¹ NCCD. DEP/50/54, 1676-80; MF/X/199; February 1678, Mary Adams v William Hurse.

⁷² Ibid.

⁷³ Ibid.

1674.⁷⁴ The dispute arose when Worter had sought to take a pair of harrows, belonging to Martha's husband, from her yard without first gaining Martha's consent. Discovering his intention she had refused her permission, demanding Worter await her husband's return. It is possible that Martha's refusal interfered in an exchange network of favours and mutual aid upon which much agricultural work would have depended. Being an arrangement predominately involving men, it is likely that Martha's action precipitated Worter's verbal assault. Whether or not such an arrangement existed is immaterial for our purposes, by involving herself in arrangements for outdoor work Martha directly contravened the division of labour stressed in all the conduct literature. Thus Worter, whom we may assume wanted to prepare his land for sowing and bridled at the delay, utilised the discursive resource of precept to denigrate Martha, whilst she attempted to fulfil the role of governing the household in her husband's absence.

Women also found themselves under attack for the way they presented themselves on the public streets. The conduct literature is specific about the requirements expected of women. Gervase Markham stipulated that a housewife must be at all times temperate:

'it is meet that our English housewife be a woman of great modesty and temperance as well inwardly and outwardly... [her] garments should be comely, cleanly and strong... and as far from the vanity of new and fantastic fashions, as near to the comely imitations of modest matrons.'⁷⁵

On her general virtues Markham informed his readership that:

'our English housewife must be chaste of thought, stout courage, patient, untired, watchful, diligent, witty, pleasant, constant in friendship, full of good neighbourhood, wise in discourse, but not frequent therein, sharp and quick of speech, but not bitter and talkative, secret in her affairs, comfortable in her counsels, and generally skilful in all the worthy knowledges which do belong to her vocation.'⁷⁶

The poem 'How the Good Wif Thought [Taught] Hir Doughter', dating from the turn of the seventeenth century, shows how this model of feminine virtue was reinforced at a popular level. It stresses self-presentation within the various roles women were called upon to perform in their daily lives. Its advice for female conduct on the streets and their mode of dress mirrors that of Markham's:

'Goe thou nought to toune, as it were a gase [goose],
Fro house to house for to seek the mase,

⁷⁴ NCCD. DEP/49/53, 1671-5; MF/X/199; December 1674, Martha Coxage v Nathaniel Worter.

⁷⁵ G.Markham, Housewife (1631), p.7.

⁷⁶ Ibid. p.8.

Goe thou nocht to market thi borelle for to sell,
 Ne goe thou nocht to tavernes thi wurchipe to [s]ell:
 That taverne haunteth his thrifte for-saketh, my dere childe.

Awheynte the nocht withe ilke man that thou meetest in the street,
 And thei he speke foule to the, faire thou him grete;
 And thou goe forthe in the weie, longe by none thou stande,
 That thou thorow no vyleyny thin hert no thinges chaunge:
 For alle ben nought trewe that fayre spekyn, my leve childe.

Goe not with riche robys, and garlandys and swiche thinges,
 Ne countirfete no Ladys, as thi lorde were a kinge;
 Withe swiche as he may the fynde, payede schalt thou be,
 That he lees nocht his manhood, for the leve of the:
 Overe done pride makythe nakid syde, my leve childe.’⁷⁷

If any woman could live up to these expectations she would be a veritable paragon of virtue, and, not surprisingly, they were easily transgressed. We have already met Margery Hatton, who found herself verbally denigrated for her public conduct by her neighbours and an employee.⁷⁸ Similarly Grace Dobson of Yarmouth had to defend herself against Rose Beckett’s comment in 1682, that:

‘she goes Rumping up and downe till she will bring home the French poxe as her father did,
 for her father died of the French Poxe.’⁷⁹

The behaviour of Grace was obviously beyond the pale as far as Rose Beckett was concerned. The reference to Grace’s father not only justified the verbal assault but cast a slur upon her entire family.

Two causes demonstrate how complex the influence of the "double standard" could be in this social milieu when social roles were at issue. If a husband did not conduct himself in a manner expected by his spouse, to complain publicly could lead to the wife being challenged for her own conduct, as Mary Mutton of Shipdham found in 1671. Mary’s husband was drinking at the house of John Davvy in Shipdham and Mary went to fetch him home. She was obviously extremely unhappy with her husband, but chose to tell John Davvy ‘openly that he kept a whore house.’⁸⁰ Mary was called to defend her behaviour by both John Davvy and his wife Anne. The two causes focused upon the words used by Mary and the damage claimed to have been done to the Davvy’s reputation. Witnesses for Anne Davvy stressed that the couple had ‘lived

⁷⁷ Anon, ‘How the Goode Wif Thought Hir Doughter’, W.C.Hazlitt, *Remains* (1864), pp.180-192.

⁷⁸ NCCD. DEP/53/58A, 1692-1703; MF/X/200; November 1692, Margery Hatton v Margeret Gregory. Chapter two above.

⁷⁹ NCCD. DEP/51/55, 1680-86; MF/X/200; Ff.226, October 1682, Grace Dobson con Rose Beckett.

⁸⁰ NCCD. DEP/49/53, 1671-75; MF/X/199; November 1671, John Davvy con Mary Mutton.

together ever since they were married in a quiet and peaceable manner.’⁸¹ Not only did Mary find herself arraigned for her outburst, but Anne Davvy had to defend her own reputation as a lawful and respectable wife, even though it had been Mary’s interpretation of her role of wife that had provoked the confrontation.

A final cause in this sequence draws together both the concept of neighbourliness and the role of women, and demonstrates how competing interpretations of a role might influence decisions leading to a court action. Thomas Dury kept an alehouse in the parish of St. Michael’s at Plea, Norwich. He and his wife Rose, told the court how during the Autumn of 1687:

‘Goodwife Norton came to this deponents house...to aske for her husband, and finding him there did fall into a greate passion, and in a raving temper did abuse him this deponent. At which time Margeret Burrell standing at her owne doore did encourage and back on Goodwife Norton to Abuse him this deponent, Margeret Burrell saying that this deponent kept only the company of Whores and Rogues in his house, yet he used to send for Elizabeth Dye meaning Elizabeth Grundy (Dye being the said Elizabeth Grundys Christian [maiden] name) and that Elizabeth Dye was a runagate pocky whore.’⁸²

The significance of this cause is that neither Rose or Thomas Dury sought to clear their name by suing Mrs Norton. The cause appears because Elizabeth Grundy took issue with Margaret Burrell’s intervention. From the depositions of Rose and Thomas, who appeared as witnesses for Elizabeth Grundy, it seems they accepted that extenuating circumstances explained Mrs Norton’s actions. They both referred to Goodwife Norton, a common title of respect for women during the period, and explained her behaviour in terms of her temper and passion. For our purposes it shows how onlookers could get involved in disputes and arguments, and how easy it was to overstep the boundary of acceptable neighbourly behaviour. This cause adds a corrective to Garrioch’s conclusions for similar disputes in Paris. Neighbours might have been expected to intervene in arguments, and could act as a restraining influence in some circumstances. But it was all too easy to make a mistake, and as Margaret Burrell found, to exceed one’s authority.⁸³

⁸¹ NCCD. DEP/49/53, 1671-75; MF/X/199; November 1671, Anne Davvy con Mary Mutton.

⁸² NCCD. DEP/52/56-7, 1687-9, 1691; MF/X/200; January 1688, Elizabeth Grundy con Margaret Burrell.

⁸³ D.Garrioch, *Neighbourhood* (1986), pp. 51-2. Garrioch posits a three point model for neighbourly intervention. One, by refusing to get involved in internal disputes neighbours restricted the scope of the quarrel, thereby preserving coherence within the community; two, intervention enabled neighbours to regulate disputes, ensuring that they did not escalate, whilst enabling neighbours to observe and enjoy the performance and assess the status of the disputants; three, observers had a sacred role which required them to intervene in safety.

To summarise briefly, it has been argued that judgements on the performance of roles in the social milieu underpinned the majority of the business that came before the church courts. Promotions by Office against clergymen and church wardens, where duties are codified and readily assessed, provide an obvious example. But causes for defamation among the populace can also be seen from this perspective. Conduct literature offers evidence of the standards and norms of behaviour that were deemed acceptable, while causes brought before the court show how people attempted to manipulate interpretations of behaviour, attacking individuals' performance of roles and undermining their reputations. We can now move on to examine the how the concept of honour provided a context for this system, uniting social roles and personal reputation into a code of communal behaviour, and thus gave defamation its power.

It is now accepted that honour was not only a concept that concerned the gentry and aristocracy, and various studies of the church courts have shown that disputes for defamation centred upon a concept of honour prevalent among the middling sort.⁸⁴ Historians have been cautious of grafting what they perceive as a rigid mediterranean code of honour upon early modern English society. But this does not mean that the anthropological discussion of honour has no value for historical analysis.⁸⁵ As Peristiany points out, honour is an expression of the relationship between an individual and an ideal type.⁸⁶ The value judgements involved in questions of honour equate the ideals of a society with their 'social embodiment' in individuals.

⁸⁴ The literature on this subject is too extensive for a complete listing here. The central texts are, J.Sharpe, 'Defamation' (1980); M.Ingram, Church Courts (1987); S.Amussen, Ordered Society (1988); A.Fletcher, Sex & Subordination (1995); L.Gowing, Domestic Dangers (1996).

⁸⁵ See for example J.Sharpe, 'Defamation', (1980), pp.19-20; L.Gowing, Domestic Dangers (1996), p.113. At one level this stance is legitimate, for it would be naive to expect a model of honour theorised for one historical cultural context to fit another. Yet it also raises several issues. First, the notion of a 'mediterranean' region is extremely dubious. Anthropologists now question the idea of an homogenous "mediterranean" cultural region and expect to theorise each individual cultural system. They would also expect to find differing expressions of "honour" within a single society; influenced by the local social structure within a region for example. This alone raises questions about the apparent rigidity of the model, and suggests that we should engage with it discursively rather than reject it outright. Furthermore, there is the issue of "Functionalism". Much of the early anthropological work on "honour" cited by historians was conducted within this analytical framework. It seems odd to reject a useful concept of analysis, and the insights of those who are used to dealing with it, because the original theoretical foundations of the concept have been discredited. For a useful discussion of these issues, see H.Geertz, 'An Anthropology of Religion and Magic, I', and K.Thomas, 'Anthropology II', Jnl of Interdisciplinary History Vol.VI, 1, (1975), pp.71-109.

⁸⁶ A point recently acknowledged by R.Cust, 'Honour & Politics', (1995), p.58.

This way:

'of reasoning can only lead to the conclusion that as all societies evaluate conduct by comparing it to ideal standards of action, all societies have their own forms of honour and shame.'⁸⁷

As Laura Gowing notes, following the spirit of Peristiany's observation (while paradoxically rejecting anthropology's usefulness), the appeal of insults in early modern London was to an 'overall system' of ideals and beliefs 'in which a definition of morality was used to judge reputation.'⁸⁸

We need to interject a word of caution here and note that the 'overall system of values' to which Gowing refers is neither inflexible nor monolithic, even within a single society. The anthropologist Julian Pitt-Rivers noted that:

'a system of values is never a homogenous 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. Like tropical fish whose radiant colours fade once they are taken from the water, the concepts which compose such a system retain their exact significance only within the environment of the society which nurtures them and which resolves, thanks to its internal structuring, their conflicts with each other.'⁸⁹

As we observed of social roles, a 'system' of values is a resource available to individuals and is in a constant process of redefinition as meanings are challenged and negotiated in the practice of daily life. Once again we return to the notion that it is at the interface between the ideal, individual practice and communal arbitration, that moral value is created.

We can now begin to perceive of "honour" as the sum of a person's symbolic capital which 'is perhaps the most valuable form of accumulation in a society.'⁹⁰ As Bourdieu forcefully argues, symbolic capital underpins all other forms of wealth and power:

'in a good faith economy in which good repute is the best, if not the only, economic

⁸⁷ J.Peristiany (ed), Honour and Shame; The Values of Mediterranean Society (Chicago, 1966), p.10.

⁸⁸ L.Gowing, Domestic Dangers (1996), p.115.

⁸⁹ J.Pitt-Rivers, 'Honour and Social Status', in J.Peristiany, Honour & Shame (1966), pp.19-77, p.39; Cf L.Gowing, Domestic Dangers (1996), p.113.

⁹⁰ P.Bourdieu, Outline (1977), p.179. Author's emphasis.

guarantee.’⁹¹

This may be applied to any field of social interaction we might choose to examine. The higher the public esteem (symbolic capital) of the individual, the greater their power or influence will be in their neighbourhood.

It has been noted that witnesses did not refer specifically to honour in their depositions:

‘embroiled in slander disputes, terms like "credit", "name" and "reputation" more accurately summed up the issues over which they were fighting.’⁹²

Likewise, in the Norwich court witnesses commonly deposed that the words uttered had damaged the plaintiff’s ‘good name and reputation among the better sort of her neighbours.’⁹³ Thus Mary Greenfield argued that due to William Rosse’s ‘foule and shameful’ words, uttered ‘before divers persons’ near to the Maypole at Timber Hill, Norwich:

‘the good name of [Mary Garwood] has suffered much hurt among the graver sort in the parish.’⁹⁴

In East Sussex, Elizabeth Marchant considered that since Mary Smith had been called a ‘whore’ by Mary Marchant, Smith’s ‘good name, repute, and credit, had suffered much disgrace among her neighbours.’⁹⁵ After John Bennett accused Ann Clarke of bastardy at the Dolphin Inn, Thetford, during 1679, John Moore commented that:

‘Ann Clarke hathe been in much disgrace and her good name is much questioned by her honest neighbours.’⁹⁶

It should also be noted that men expressed the same complaints in exactly the same language.⁹⁷

⁹¹ Ibid. p.180.

⁹² L.Gowing, *Domestic Dangers* (1996), p.115.

⁹³ NCCD. DEP/51/55, 1680-6; MF/X/200; Ff.200, June 1683, Martha Barnes con Mary Cozens.

⁹⁴ NCCD. DN/DEP, 47/51, 1664-5; MF/X/199; Ff.192-5, July 1665, Mary Garwood con William Rosse.

⁹⁵ WSCRO. EPII/5/19, Ff.21-2, 11th November 1691, Mary Smith con Mary Marchant.

⁹⁶ NCCD. DEP/50/54, 1676-80; MF/X/199; April 1679, Ann Clarke con John Bennett.

⁹⁷ See for example, NCCD. DEP/49/53, 1671-5; MF/X/199; November 1671, John Davvy con Mary Mutton; November 1671, Anne Davvy con Mary Mutton; March 1674, William Newbury con Robert Linerker. DEP/50/54, 1676-80; MF/X/199; July 1678, Jacob Annyson con Mary Rudland.

Despite this "honour" is useful concept for expressing the complex of moral ideas 'that were used to judge reputation.'⁹⁸ Furthermore we can see that defamation suits were an appeal to membership of a moral community, plus an attempt to invoke the moral authority of that community to define its boundaries. Conversely the language and behaviour reported of the defendant was a demand for their exclusion from the same community of honourable and respected neighbours.⁹⁹ Honour mediated between the individual and the group: on the one hand it was a means of asserting membership of the group, and on the other it allowed both the expression and the containment of personal rivalries within the group. Thus honour was of practical importance in the negotiation of personal identity.

Anthony Fletcher has recently stated that:

'the gender system in Tudor and early Stuart England was essentially a matter of establishing social roles which were grounded in the physical body and proclaimed by dress and bearing.'¹⁰⁰

As we saw above personal identity depended upon the roles an individual performed. Honour therefore regulated the gendered division of social roles and the identity of the individual, or, to use Fletcher's term, 'enforced' the gender division. Victoria Goddard has suggested that viewing the honour-shame complex as an expression of female responsibility for group identity (especially that of the family), offers a more productive method of analysis than the usual 'functionalist' account of a rigid, male centred system of control.¹⁰¹ We do not have to struggle to fit twentieth-century Neapolitan conceptions of the family to the context of early modern England to see the value of Goddard's suggestion. We only have to notice that the

⁹⁸ L.Gowing, Domestic Dangers (1996), p.113. Anthropologists face similar problems. Anton Blok found that Sicilians used the term rispetto, as in "man of respect" and not Onore or honour, necessitating a lengthy explanative footnote. See his The Mafia of a Sicilian Village 1860-1960: A Study of Violent Peasant Entrepreneurs (Oxford, 1974), p173. A more complex issue facing anthropologists is the translation of non-western concepts into English. For example, the Swat Pathans of the North West Frontier region of Pakistan use the term "nang", while the Punjabi Sikh Jats have the word "izzat" to express their particular concepts of honour. See, Akbar S. Ahmed, Millennium and Charisma among the Pathans: A Critical Essay in Social Anthropology (London, 1976); J.Pettigrew, Robber Noblemen: A Study of the Political System of the Sikh Jats (London, 1975). The term "honour" is best understood as an abstract concept to facilitate cross cultural analysis. It enables some general assumptions to be tested, and provides a starting point for the investigation of local systems.

⁹⁹ See B.Capp, 'Separate Domains? Women and Authority in Early Modern England' P.Griffiths, A.Fox & S.Hindle (eds), Experience of Authority (1996), pp.131-2; Cf. A.Bryson, 'Concepts of Civility' (1984), pp.254-7.

¹⁰⁰ A.Fletcher, Sex & Subordination (1995), p.101.

¹⁰¹ V.Goddard, 'Honour and Shame: the control of women's sexuality and group identity in Naples', P.Caplan (ed), The Cultural Construction of Sexuality (London, 1987), p.180.

primary institution within which early modern individuals were defined was the household.

A common misunderstanding in the analysis of honour arises from a modern perception that it is a purely personal possession, something which was challenge and disputed between individuals alone. Of course this is an important facet to the concept and was recognised in all early modern discussions of the topic, but we should not overstate the case. The central feature of the honour code was the protection of the household, and the maintenance of its occupants' identities as members of the moral community.¹⁰² It is true that much of the prescriptive literature emphasises reputable conduct (and by extension reputation and honour) as a form of protection for the marriage partnership, but seventeenth-century theory dictated that marriage was the relationship upon which a household should be founded. The discussion of moral behaviour and reputation assumed this relationship between honour and household, and the prescriptions are focused accordingly. In effect, what the conduct literature reveals is a division of labour in the maintenance of household honour; a gendered division expressed within so much early modern social theory. Ideally the stable and moral household required a male head plus his wife, the conduct book writers depicting the latter as both help mate and subject to the husband.¹⁰³ Within this corpus of assumptions and prescriptions, men and women had distinct if unequal responsibilities, and these reflected directly upon the reputation of the household as a unit. The maintenance of honour may have been a personal responsibility, but the gendered roles of the system were complementary and mutually compatible within the context of an early modern orderly household.

The significance of marriage and the subsequent foundation of a household should not be underestimated during this period: it was the defining act of mature adulthood for both men and women. A fully functioning

¹⁰² This feature has been recently recognised by, R.Cust, 'Honour & Politics', (1995), pp.81-91.

¹⁰³ The discussion in the prescriptive literature assumes that all heads of household were men. Not all households conformed to this pattern of course, and many were headed by single women or widows. Laura Gowing, Domestic Dangers (1996) p.26, citing J.Boulton Neighbourhood and Society: A London Suburb in the Seventeenth Century (Cambridge, 1987), suggests that as much as 16% of households in Southwark were headed by single women in 1631. Yet all households were subject to the demands of the honour code, either as a source of protection or ruin. What is more, anthropological studies emphasise that the focus of honour is upon the family and their households; see for example J.Campbell, Honour, Family And Patronage: A Study of Institutions and Moral Values in a Greek Mountain Community (Oxford, 1964); and the classic collection, J.Peristiany (ed), Honour and Shame (1964).

household was the guarantee and expression of a person's independent economic, political and moral status within a community or neighbourhood. Furthermore the household was taken to be the bedrock upon which an orderly society depended:

‘just as the town invested in the household as the fundamental source of urban stability, so the householder found urban association the necessary prerequisite for household maintenance, so strengthening the connection between civic and bourgeois identity.’¹⁰⁴

The essential requirement for any association between households was the possession of a pristine reputation symbolising the membership of an honourable community of equals. Such equality may have been of a fictive character, but this does not weaken the force of the argument. In a hierarchical society where the majority owed service to someone else, and deference was expected of inferiors, honour and self respect were of vital importance for binding society together. As a chapbook (published in 1685) for the instruction of young men advised:

‘service and freedom God himself tells us, are Sweetly Compatible. You may be servants to others according to the flesh, and yet as truly the Lord's freemen, walking in much Liberty of Spirit.’¹⁰⁵

The community of honourable individuals and their households therefore was the symbolic expression of the community of free citizens. From this association of free citizens was derived the role of the household as the foundation of formal political power and office, the struggle for which, it has been assumed, only involved men.¹⁰⁶ But if the reputation of a household could be undermined, any aspirations its male head might have of minor political advancement would disappear. As we have seen in chapter three of this thesis, it was women who took the lead in defining the reputation of other households. Women therefore played a central role in the political struggles within neighbourhoods.

The household itself was of primary importance not only for social order, but also as the means of providing economic security for its members. In Norwich as elsewhere during this period, the economy depended upon small, independent producers with workshops situated within the household. According to precept the man would be both the master of his workshop and of his family, but occasionally we get a glimpse of the true complexity of this relationship. For example, when Margaret Lindley and Mary Austen had a disagreement,

¹⁰⁴ J.Barry, ‘Bourgeois Collectivism?’, J.Barry & C.Brooks (eds), *Middling Sort* (1994), p.95.

¹⁰⁵ Anon. *Young Man's Calling* (1685), p.42; Cf. A.Bryson, ‘Concepts of Civility’ (1984), pp.254-7.

¹⁰⁶ For and example of this orthodox reasoning, see S.Amussen, *Ordered Society* (1987), Ch.2.

the latter called Lindley and Francis Berry, a twenty year old worsted weaver who lodged at and operated his loom from Lindley's house, to the 'Flower de Lise' in St. Julien's parish, Norwich, to discuss the problem.

Francis Berry employed Austen's son Joseph Ashley as a "tyer drawer".¹⁰⁷ During Berry's absence from the workshop the boy had put the loom out of order, and fixed a figure to it dressed in Berry's clothes. For this 'piece of mischief' Berry had administered a sound thrashing to the lad, to the extent that Catherine Nicholls (the keeper of the 'Flower de Lise') and one George Hill (a customer), reported seeing the severe bruising to the boy's back. Austen wanted to know how Lindley could allow Berry to beat her son so badly, calling her 'an unworthy woman and to blame for to see her sonne so beaten and not to take his part.'¹⁰⁸ Lindley had answered that it was none of her business, the boy was Berry's worker and his responsibility alone. But in Austen's mind this was no defense, summing up her feelings for Lindley in a stream of invective, and labelling her an 'impudent bitch, a bold impudent brazen faced jade, and an impudent brute.'¹⁰⁹ In Austen's view, the householder Lindley had ultimate responsibility for any conduct within her house. Furthermore, as Austen's final remarks make explicitly clear, by not intervening on the boy's behalf Lindley had condoned the severity of the beating thereby revealing herself to be less than civilised. If this charge could be sustained, not only would Lindley herself lose respect within the neighbourhood but her lodger's trade would also suffer thereby undermining both his and her economic survival. We may conclude therefore that the boundaries of the household, both physical and conceptual, were of vital importance for the identity and economic survival of both men and women in the early modern period.¹¹⁰

As we saw in chapter three, the words used to insult people reflected the gendered responsibility for sexuality, the division was clear and readily understood by all.¹¹¹ Women's honour rested upon their virtue,

¹⁰⁷ I have been unable to ascertain what this particular trade entailed. Berry was a weaver and that is all the information we have.

¹⁰⁸ NCCD. DEP/53/58A, 1692-1703; MF/X/200; July 1703, Margaret Lindley con Mary Austen.

¹⁰⁹ Ibid.

¹¹⁰ For a discussion of the importance of the household for the identity of individuals in the early modern period, see J. Barry, 'Bourgeois Collectivism' (1994), pp.95-7.

¹¹¹ Cf. A. Fletcher, Sex & Subordination (1995); L. Gowing, Domestic Dangers (1996).

broadly defined to include both their deportment, demeanour, and their sexual integrity. In practice the former was taken as a sign of the latter; therefore it was concluded by the majority of conduct book authors that chastity in the unmarried and fidelity within marriage defined women's reputation.¹¹² The evidence of the depositions shows that many defamers also held to this view, or at least were prepared to use this resource to give their insults power. But we should perhaps exercise a little caution before accepting the strictures of the moralists, and the constructions of the defamers, as fact. At least one anthropologist has suggested that a woman's honour does not depend solely upon chastity, even in a classic honour-shame society. It also involved judgements upon her ability to maintain and defend the interests of her household.¹¹³ As we have seen, seventeenth-century conduct books also stress these skills as part of a woman's active role in the maintenance of social order, skills that were readily observable and easily evaluated. As Victoria Goddard notes, if we acknowledge the broader presentation of the elements of female honour it immediately becomes 'less passive and derivative'.¹¹⁴ This said, we must still acknowledge that it was a woman's sexual morality that defamers chose to focus upon, and it was their sexual reputation that the majority of women defended in the courts.

A sprinkling of evidence contained within the depositions emphasises this aspect of women's honour in relation to their marriage prospects. For example, after Sara Whitehead had been called a whore by John Fiske, Sara's 'reputation and credit' sustained so much damage:

'that Robert Knight who before the speaking of the words intended to marry with Sara Whitehead, doth now by reason of the words withdraw himself and refuse to marry with her.'¹¹⁵

According to Richard Burman, Fiske seems to have been a rival of Knight for the affections of Sara, reporting:

'that Fiske did tell him that Sara Whitehead did bring him [Burman] down to the White House only and to the intention of trappon [trapping] Robert Knight to marry her, but [Fiske] then said that Robert Knight should not have her.'¹¹⁶

¹¹² L.Gowing Domestic Dangers (1996), pp.2-3.

¹¹³ J.Davis, Land and Family in Pisticci (London, 1973), pp.22, 42-50, 71-2.

¹¹⁴ V.Goddard, 'Naples' (1987), p.168.

¹¹⁵ NCCD. DEP/52/56-7, 1687-9, 1691; MF/X/200; 1687, Sara Whitehead con John Fiske.

¹¹⁶ Ibid.

Fiske seemingly could not accept Sara's choice of husband, judging correctly that Knight would balk at a wife whose honour had been compromised. Likewise Anna Ouldman of Yarmouth was forced to take prompt action to eradicate the slur cast upon her by Thomas Dark. Dark had referred to Anna as a 'bawd', repeating in several different places that:

'she bred upp a young whore (meaning Katherine Ouldman her daughter) for [Mr Albage. Who] was then to marry Katherine Ouldman, the baynes of Matrimony having then beane three tymes published.' ¹¹⁷

Similar causes have been reported from other courts suggesting this was a common occurrence.¹¹⁸

Isaac Archer recounts in his diary the intervention of his friends in a romantic liaison he had with a young widow. The developing relationship between the couple prompted Archer's friends to:

'[reprove] mee, and told me my danger, and that they knew more of her than I did, or would believe; I thanked them, and took it well.' ¹¹⁹

Archer admits that he was 'too farre drawne away by her temptations and allurements', resolving to let the situation stand a while 'to see what she drove at'.¹²⁰ He eventually:

'resolved by degrees to come of from my familiarity with her, which, although I did not see the evill of yet, I would do if it were but to satisfy my best friends.' ¹²¹

This was not the end of Archer's trials, having broken off the relationship, the widow then began to slander him. He complains that she 'betraied mee basely, and told the chiefest things I had said to her.'¹²² Admittedly we only have Archer's side of the story, and he attempts to cast himself as the injured party. From the widow's perspective the position might be reversed. Archer had on his own admission kept frequent company with her, and engaged in conversation which he terms 'foolish enough.'¹²³ It was such words being overheard that gave rise to the gossip of their marriage, and led directly to his friends'

¹¹⁷ NCCD. DN/DEP, 47/51, 1664-6; MF/X/199; Ff.205-6, July 1665, Anna Ouldman con Thomas Dark.

¹¹⁸ For similar problems for women in Wiltshire, see M Ingram, Church Courts (1987), p.310-311. For a general discussion of the subject see A.Fletcher, Sex & Subordination (1995), p.102.

¹¹⁹ M.Storey (ed), East Anglian Diaries (1994), p.109.

¹²⁰ Ibid.

¹²¹ Ibid.

¹²² Ibid. p.111.

¹²³ Ibid. p.109.

intervention. Archer's behaviour towards the woman could only add to the speculation about her reputation, reinforcing any damage to her future marriage prospects.

But once again, we should not overstate the gender division of sexual values; male sexual reputation could also be an issue when choosing a husband. Thus in 1694 Simon Hurton sued John Parnell after the latter had spread the story that Simon 'had five hundred whores [and] that he deserved for fifty bastards.'¹²⁴ A neighbour of Hurton's considered:

'that he doth believe the words spoken by Parnell were a hindrance to Hurton's marriage, or did put a stopp to the same.'¹²⁵

The key to the difference between male and female sexuality is revealed in this story told of Hurton. Masculine honour encompassed two contradictory messages: the first emphasised their sexual prowess, the second required the control of their sexual power.¹²⁶ As Isaac Archer put it when talking of his attraction for the young widow 'I could govern myself, by God's grace, in the secretest place.'¹²⁷ To be a man therefore was to be sexually powerful, but, as we saw in chapter two of this thesis, the measure of a civilised man was his ability to control both his own inclinations and those of his wife, which in the process defended the boundaries of his household.

As all scholars of the ecclesiastical courts have agreed, the accusation of cuckoldry emphasised a husband's lack of ability in all these fields of activity. Thus while drinking in the Old Falcon, Beccles, Thomas Fawke told Richard Wakefield:

'that he was a cuckold and he should be his cuckold, [but] he should not be an ordinary cuckold, he should have a paire of hornes tipt with silver.'¹²⁸

A neighbour understood the words to mean that Mary Wakefield was Thomas Fawke's whore 'and so he

¹²⁴ NCCD. DEP/53/58A, 1692-1703; MF/X/200; November 1694, Simon Hurton con John Parnell.

¹²⁵ Ibid.

¹²⁶ For a recent discussion of the construction of masculinity, see A.Fletcher, Sex & Subordination (1995), Ch.16 passim.

¹²⁷ M.Storey (ed), East Anglian Diaries (1994), p.109.

¹²⁸ NCCD. DEP/49/53, 1671-5; MF/X/199; July 1671, Richard Wakefield con Thomas Fawke.

took the words to signify.¹²⁹ It also meant that Fawke's was asserting his sexual prowess above that of Richard Wakefield's, and claiming success with Mrs Wakefield at her husband's expense. The alleged penetration of Mary Wakefield represented a penetration of the entire Wakefield household and the destruction of Thomas's masculine identity.

The Wakefield cause represents the most common form of insult invoking cuckoldry. But as is shown by our next example, the term could also be used to disparage the reputation of men in an inverse manner. Around Christmas 1669, Anne Stanes and Elizabeth Dearing were drinking together in the Kings Head, Yarmouth. Falling into 'hott and angrie words' Elizabeth said of Anne's husband Lawrence 'that [he] was a cuckold maker.'¹³⁰ Anne Peake, who witnessed the exchange, reported that the words were:

'commonly understood in the towne of Yarmouth that Lawrence Stane had committed fornication or adultery with some woman or other.'¹³¹

The inference was that Lawrence could not control his lust, and therefore could not be trusted in the community of moral householders.

Despite its prevalence in causes involving men, sexuality was not the defining quality of their reputation as it was for women. Male honour was more broadly defined, their financial probity and general honesty were of equal significance, as was their ability to regulate their households. Hence, after Ann Lockwood had accused Benjamin Barbour of theft, The 'treaty of Marriage' between Barbour and Mary Dike was suspended. Elizabeth Beth stated that:

'since the speaking of the words, she Mary Dike hath refused to entertain him any longer as a sweetheart, alleging that she expected to have a drunkard but not a thief.'¹³²

In many ways this made men's reputations more vulnerable than those of women, there being a broader range of behaviour on which they could be morally judged. Laura Gowing argues that it was 'a man's life,

¹²⁹ Ibid.

¹³⁰ NCCD. DN/DEP, 48/52, 1667-70; MF/X/199.3; Ff.169-171, June 1669, Lawrence Stane con Elizabeth Dearing.

¹³¹ Ibid.

¹³² NCCD. DEP/53/58A, 1692-1703; MF/X/200; July 1694, Benjamin Barbour con Ann Lockwood.

public identity, financial standing and penis [that were] all vulnerable.’¹³³ The issue of bastardy shows how this complex of ideas could be brought together to shame men. During January 1693, Henry Mallow of Garboldishom, Norfolk, reported that it was well known in the neighbourhood that Samuel Thorisby had got his maid with child and had often:

‘heard it discussed by divers people men, women and children, laughing and jeering at Mr Thorisby and his maid.’¹³⁴

In May 1698, Charles Rushmer deposed that he had heard Agness Ellis swear before Major Houghton that she was pregnant by a Mr Lodge. Three weeks later Agness had appeared before ‘the full bench’ and retracted her allegation. On being asked why she had previously:

‘sworne that she was with child by [Lodge], she pretended that she did it to doe him a kindness.’¹³⁵

Agness makes no other statement and we are left to guess her motivations. Conversely, a cause from 1697, in the Borough Quarter Session papers, reveals a clear case of extortion involving bastardy.¹³⁶ One Richard Baxter was accused of requesting Martha Lowse (of All Hallows) to swear she was with child by John Stewkley. Baxter then confronted Stewkley and demanded money, immediately receiving thirty shillings from his victim. As gossip of the impending birth began to circulate Martha retracted her evidence, denying that she was pregnant. She claimed that she desired Baxter ‘to desist from the charge’, but to no avail.¹³⁷ Elizabeth Simpson supported the charge against Baxter, claiming that he had approached her with the same suggestion. Baxter told her that he had gained £4 or £5 in total from Stewkley, but she refused his request on the grounds that:

‘she must forswear herselfe and she was afraid God Almighty should strike her dumb when she was speaking unto that effect.’¹³⁸

¹³³ L.Gowing, *Domestic Dangers* (1996), p.107.

¹³⁴ NCCD. DEP/53/58A, 1692-1703; MF/X/200; January 1693, Office per William Dades con Samuel Thorisby.

¹³⁵ NCCD. DEP/53/58A, 1692-1703; MF/X/200; May 1698, Agness Ellis con Mr Lodge.

¹³⁶ NCR. IEBQS, 1690-99; 25th February 1697.

¹³⁷ Ibid.

¹³⁸ Ibid.

It has long been recognised by historians that there were sound economic reasons for establishing the paternity of a bastard, the foremost being to ensure that the parish did not have to support the child through the years of its minority.¹³⁹ But as the Thorisby example demonstrates, there could be more at stake for the men involved than the obvious financial penalty. A financial arrangement for the support of a bastard might be kept secret, but public ridicule was intensely shaming for any men named.¹⁴⁰ Why else should Stewkley so readily acquiesce to Baxter's patently fraudulent demands? Agness Ellis's ironic reply to the justices hints at her malicious pleasure in naming her victim. And no doubt during the intervening three weeks between her accusation and retraction, speculation and gossip in the neighbourhood had caused Lodge much discomfort and discredit. This alone may have provided suitable revenge for whatever slight had provoked Agness's charge; and, it should be remembered, justified putting her own reputation on the line to achieve her goal.

It is noticeable that when women bastard bearers are reported or talked about, the jeering and laughter aimed at the men involved is notably absent from the depositions. Instead, defamers and witnesses alike emphasised the fact of the base birth and the lack of sexual morality it involved. Thus William Blythe offered the latest piece of 'news' to Anne Hunting, telling her that 'the widdow Barker's daughter is with child.'¹⁴¹ And during 1696 Esther Warren entered Mr Massey's shop in Norwich, and similarly asked Robert Hastings if 'he had heard the news.'¹⁴² On being assured that he had not, Esther told him that 'one

¹³⁹ See for example, NCCD. DEP/53/58A, 1692-1703; MF/X/200; February 1695, Office con George Rose.

¹⁴⁰ For an example of a partially successful concealment of a bastard, see NCCD. DEP/49/53, 1671-5; MF/X/199; December 1672, Mr John Greene con Edward Mason. Mason had got his fellow servant Mary Goodchild pregnant while they resided with John Greene. Pretending to be ill Mary asked permission to go to Bury St. Edmunds for a cure. Instead Mary went to London, gave birth and 'had the confidence' to return to Greene's household. The child was placed with a Quaker, Bartholomew Lowlyn at Shipdham, Norfolk, at Mason's expense. Lowlyn agreed to 'nurse and educate [the child] for the sum of thirtie pounds untill [it] was 21 years old, or at least 19 years old'. That Mary continued to serve Mrs Greene until the latter's death, and then moved to Mrs Hungate (John Greene's mother-in-law) is a measure of the couple's initial success at concealment. Gossip began to circulate however and eventually Mary was questioned by Mr Justice Day. She confessed immediately and named Mason as the father. An interesting topic for further research would be the role of Quakers in the caring and education of bastard children. Several causes from the Norwich court suggest that Quaker families offered a relatively discreet foster service for such children.

¹⁴¹ NCCD. DEP/52/56-7, 1687-9, 1691; MF/X/200; May 1688, Martha Barker con William Blythe.

¹⁴² NCCD. DEP/53/58A, 1692-1703; MF/X/200; October 1696, Anne Horne con Esther Warren.

of their neighbours had got a fall on her back'.¹⁴³ Being asked to elaborate further, Esther stated that the:

'young woman that lived at Phillips [who] came out of the country had a little one (meaning Anne Horne had a child borne of her body).' ¹⁴⁴

Likewise, as Elizabeth Lovering and Mary Spedding sat under Mr Paine's porch in St. Gyles, Norwich, Martha Robbins gestured towards them saying to Mary Bates and Ann Mallett 'yonder sits a brazen faced slut, that have had a bastard.'¹⁴⁵ When Martha then asked if Mary Spedding were not married, her companions immediately understood that Elizabeth was the target of her words. There is a sense of moral condemnation in these statements, which does not appear in similar charges levelled at men.

Occasionally defamers added venom to their accusations, intimating an utter lack of any morality on the part of their victim. Such an incident occurred when Elizabeth Humphrey met with Joan Symonds at the house of Robert Bradford, in St. Paul's, Norwich, and accused her of 'going to Yarmouth to have a slinke', or procure an abortion.¹⁴⁶ Similarly Mary Kettle told the unmarried Elizabeth Kinderley that she had:

'a bastard and Mrs Beale the midwife and you murdered it together and buried it in the dunghill.'¹⁴⁷

A witness to the incident understood the words to mean that Mrs Beale had given Elizabeth a drink to induce a miscarriage.¹⁴⁸ Both of these causes are a reminder to modern scholars that midwives were not only required to aid a woman in the travails of childbirth. Their knowledge and expertise, as crude as it might be to modern eyes, gave them immense power within the neighbourhood where they practised.¹⁴⁹

¹⁴³ Ibid.

¹⁴⁴ Ibid.

¹⁴⁵ NCCD. DEP/51/55, 1680-6; MF/X/200; April 1684, Elizabeth Lovering con Martha Robins.

¹⁴⁶ NCCD. DEP/51/55, 1680-86; MF/X/200; Ff.335, March 1681, Joan Symonds con Elizabeth Humphrey.

¹⁴⁷ NCCD. DEP/51/55, 1680-86; MF/X/200; Ff.235, October 1682, Elizabeth Kinderley con Mary Kettle.

¹⁴⁸ The witness, George Warrington was himself embroiled in a dispute with Mary Kettle, she having accused him of bastardy and desertion, see, NCCD. DEP/51/55, 1680-86; MF/X/200; Ff.234, October 1682, George Warrington jun. con Mary Kettle.

¹⁴⁹ For a discussion of the development and practice of midwifery see, A.Eccles, Obstetrics and Gynaecology in Tudor and Stuart England (London, 1982); Cf. the comments of K.Thomas, Religion & Decline (1972), p.15; for a series of causes between two midwives originating from the death of a woman in childbirth under their care, see NCCD. DEP/51/55, 1680-6; MF/X/200; Ff.253-5, July 1682, Isabell Waters con Susan Sellockes; Ff.257, July 1682, Isabell Waters con Brigitt Harison; Ff.221, October 1682, Susan Sillockes con Judith Waters.

While Jim Sharpe has recently noted how this power was formally recognised by the courts, when such women were asked to examine suspected witches, or give evidence in bastardy and suspected incontinency cases.¹⁵⁰ Henry Ashley managed to utilise this practice to effect the denigration of Elizabeth Rivett in 1671, claiming that she was a whore, had a 'Sliucke', and that 'he would have her ransackt by women.'¹⁵¹

As Laura Gowing found in the London depositions, infidelity by women was perceived to be the main threat to a household and defamers concentrated their verbal assaults upon this aspect of women's conduct. Such accusations undermined the orderly relationship of gender power within households, and ruined male aspirations to political power and influence, both in its formal manifestation of office, and in the less formal hierarchies of the neighbourhood. Societal pressure was on men to exert their power within their households and to control their wives. The mere public expression of doubtful behaviour on the wife's behalf could cause friction within a marriage. For example, Mary Sherringham stated that after Judith Barnard had called Margaret Wade a 'snipe nosed whore', her husband Edmond Wade did 'think the worse of her.'¹⁵² Similarly, Martha Bennet told how the abuse heaped upon Grace Dobson during 1682 'hath caused much debate between [Grace] and her husband.'¹⁵³ In another Norwich cause dating from 1665, Honor Baxter reported that:

'there had been severall tymes some differences occassioned by Anne Syser [between Ann and John Ludd] in her abusefull words.'¹⁵⁴

After Benjamin Dawson had defamed Francis Oliver at the Bleech in Yarmouth, it was much:

'discussed that John Oliver, husband to Francis, has threatened to leave his wife upon account of the said words.'¹⁵⁵

While in the Dades-Thorisby dispute referred to above, Dr. Samuel Jeffreys of Brissingham deposed that

¹⁵⁰ J.Sharpe, 'Women, witchcraft and the legal process', J.Kermode & G.Walker (eds), Women, Crime and the Courts (London, 1994), p.120; L.Gowing, Domestic Dangers (1996), p.74; on the anxiety this power caused men, see L.Gowing, Domestic Dangers (1996), p.196 & p.228.

¹⁵¹ NCCD. DEP/49/53, 1671-5; MF/X/199; February 1671, Elizabeth Rivett con Henry Ashley. 'Sliucke' is an obvious variant of 'Slinke', hence Elizabeth was accused of aborting a pregnancy.

¹⁵² NCCD. DEP/51/55, 1680-6; MF/X/200; Ff.136, May 1684, Margaret Wade con Judith Barnard.

¹⁵³ NCCD. DEP/51/55, 1680-6; MF/X/200;Ff.226, October 1682, Grace Dobson con Rose Becket.

¹⁵⁴ NCCD. DN/DEP, 47/51, 1664-6; MF/X/199; Ff.179r-181, April 1665, John Ludd con Anne Syser.

¹⁵⁵ NCCD. DEP/53/58A, 1692-1703; MF/X/200; November 1694, Francis Oliver con Benjamin Dawson.

William Dades seemed to 'make it his business to sett Mr Sam. Thorisby and his wife at variance and difference.'¹⁵⁶ One final example reverses the play of power within the household, underlining the point that women were not always passive before their husband's formal authority. John Connold the Constable of Welbourne, Norfolk, told the court of going to see Dorothy Beckett with a Mr Trappett and:

'reproved [her] for making discontent betweene husband and wife, in saying that the husband of Goodwife Norton had been naught with Mary Manwood above 20 times.'¹⁵⁷

Susan Norton had obviously given her husband a hard time following Beckett's remarks, but such exceptions are rare and serve to emphasise the fact that it was neighbourhood gossip concerning the wife that caused anxiety within a household.

Women's reputations were not secure even when they behaved with all the decorum neighbours expected of a married woman. Stories and rumours pertaining to their previous unmarried status were discussed and circulated, and were deemed to reflect upon their honesty as wives. Sarah Hartland moved against Susan Awbrey after the latter had said of her 'you were with child before you were married and took John Browne for a cloak.'¹⁵⁸ A second cause arose from this initial confrontation after:

'Mary Moore came over to the company and asked what was the matter of [Hartland and Awbrey's] falling [out], and somebody answered that Sara Hartland was about proving herselfe an honest woman, then Mary Moore replied and saide that [Hartland] was married upon Whitson Munday and brought to bed a week and three days before Candlemass.'¹⁵⁹

There has been some discussion between historians as to the prevalence and acceptability of premarital sex during the early modern period. Drawing upon contemporary notions that the act of betrothal constituted a union before God, it has been suggested that sexual activity between a co-promised couple was winked at by local society, if not officially condoned.¹⁶⁰ But as Sarah Hartland's action demonstrates, premarital sex could be a cause of scandal, particularly if there was some doubt instilled in the minds of the neighbours as to the paternity of any offspring from a marriage. It is highly likely that such gossip and associated damage to a reputation had more effect in stemming premarital sex than any number of sermons or

¹⁵⁶ NCCD. DEP/53/58A, 1692-1703; MF/X/200; October 1693, Susan Thorisby con William Dades.

¹⁵⁷ NCCD. DEP/52/56-7, 1687-9, 1691; MF/X/200; July 1687, Mary Manwood con Dorothy Beckett.

¹⁵⁸ NCCD. DEP/51/55, 1680-6; MF/X/200; Ff.125, July 1684, Sarah Hartland con Susan Awbrey.

¹⁵⁹ NCCD. DEP/51/55, 1680-6; MF/X/200; Ff.124, Undated, Sara Hartland con Mary Moore.

¹⁶⁰ See for example, P.Laslett, The World we have lost (London, 1971), p.150.

prescriptions from the conduct book writers (or even Hardwicke's Marriage Act of 1753 for that matter).

The consequences of such gossip is spelt out in a cause dating from 1690, involving Elizabeth Forrest and Thomas Seeley of St. Stephen's parish, Norwich, Seeley had been spreading the word that Mrs Forrest would 'not dye by her first child'¹⁶¹ Elizabeth had cornered Seeley in White Horse Yard, St. Stephen's, and demanded an explanation for 'the abuse he had done her be[hind] her back.'¹⁶² Seeley had responded:

'Mrs Forrest since you soe put me to it, I doe say that one of Mr [Man's] daughters had a miscarry or did miscarry, and there was presented at the same time her Master, ye said Elizabeth Forrests husband.'¹⁶³

The seriousness of the accusation is revealed in the evidence of the several witnesses in the cause. Francis Hall (or Hulle) questioned Seeley immediately after the altercation in White Horse Yard, telling him that:

'he [Seeley] had done very ill in raising such a report [adding that Seeley] would require very good witnesses [or] I would make you suffer severly [for] it.'¹⁶⁴

Roger Seaman was dining at the Three Tunns, in St. Stephen's, with Mr Clayton and Mr Langley, when Seeley entered the Inn and joined the company. Whereupon:

'Mr Langley blamed Mr Thomas Seeley for being ye cause of Mr Forrest parting from his wife, by expressing some approbious words.'¹⁶⁵

Seeley apparently regretting his outburst, answered that he 'had said more than he could unsweare [but] would justifie it'¹⁶⁶ Thereupon the entire assemblage at the Three Tunns decamped to Mr Forrest's house, where Seeley swore to 'his knowledge and words.'¹⁶⁷ Mary Sparkhill, a neighbour of Elizabeth Forrest, admonished Seeley for his words when he came to her house a little while after the confrontation in White Horse Yard. At first Seeley had attempted to wriggle out of any responsibility by claiming he had only said that:

'one of her fathers children of [Elizabeth's] age had a child [but] not mentioning Elizabeth

¹⁶¹ NCCD. DEP/52/56-7, 1687-9, 1691; MF/X/200; January 1690, Elizabeth Forrest con Thomas Seeley.

¹⁶² Ibid.

¹⁶³ Ibid.

¹⁶⁴ Ibid.

¹⁶⁵ Ibid.

¹⁶⁶ Ibid.

¹⁶⁷ Ibid.

Forrest by name.’¹⁶⁸

But after Sparkhill had condemned him for making a difference between husband and wife, Seeley replied ‘that he wished he had held his tongue.’¹⁶⁹ Nevertheless he remained adamant that ‘if put to it he could prove’ his accusation.¹⁷⁰

As might be expected, Elizabeth’s consanguines rallied to her defence in the aftermath of the controversy, that was by now occupying the resources of the neighbourhood. Margaret Man, the twenty six year old sister of Elizabeth, acquainted their brother Mr Bridgen of Seeley’s ‘report about her sister’.¹⁷¹ Bridgen said he would send for Seeley and question him about the story at first hand. Man’s report of this conversation depicts Seeley once again attempting to maintain his flimsy defence, Bridgen saying:

‘it seems you have said that my sister (meaning Elizabeth Forrest) had a child, and Seeley replied noe I said that one of Mr Man’s daughters had a child, 5 or 6 & 20 years agoe. Then this deponent [Margaret Man] spoke to Seeley saying, that will not doe for as you say it was 5 or 6 & twentie years since, then there was none of her father’s daughters capable of a child but [Elizabeth], then Seeley did make answer that he did not know nor he did not care, for it were she (meaning Elizabeth).’¹⁷²

One of the many things this cause reveals is the desperate vulnerability of women to this type of defamation, and the virtual impossibility of providing incontrovertible proof of their innocence. Elizabeth Forrest was utterly dependent upon her good standing among her neighbours in her dispute with Seeley, and no doubt some would have been working to effect a reconciliation between her and her estranged husband. It should be noticed though, that Mr Forrest had immediately parted from his wife upon the emergence of a largely unsubstantiated report of her conduct some twenty five years earlier.

One final example of this vulnerability of married women to accusations of premarital incontinency concerns Barbara Frostbrooke and Ann Knight. A story involving Barbara’s past must have been circulating, because having met with Knight at the house of William Potter (in St. Swithin’s, Norwich), her husband asked:

¹⁶⁸ Ibid.

¹⁶⁹ Ibid.

¹⁷⁰ Ibid.

¹⁷¹ Ibid.

¹⁷² Ibid.

'whether she [Knight] knew that his wife had a bastard. She replied yes I can prove it for it is now att nurse att John John's on Timberhill, Norwich. [...] She need not be soe dainty of it for by her owne [admission] she hath one 5 or 6 years old.' ¹⁷³

A few months later another cause appears at the court, involving Ann Knightly and Barbara Frostbrooke.¹⁷⁴ In this cause the history of Barbara's previous marriages is offered, evidently to refute the original charge. Elizabeth Jarmyn (Jarman) told of a conversation between herself and Barbara concerning the latter's marriage:

'Barbara confessed and related to her, how she was married soe privately in St. Julien's Church, that neither her father nor her sister heard of it, for she hanged on her pott and went to church, and was married, and came home and dined, and they took noe notice of her marriage.' ¹⁷⁵

Barbara had 'confessed' that she was left with a child on the death of her first husband and £300 for his upbringing. Mary Gooch and Alice Clarke reported that Barbara had often stated that she was legally married and had a little boy. There was obviously doubt in the minds of some of Barbara's neighbours, for she had insisted to Alice Clarke that she was:

'as fully married as she (this deponent) was to her husband and your brother Russell may believe it.' ¹⁷⁶

Mary Moore offered supporting evidence to the story of Barbara's marriage, adding that after her first husband had died Barbara sold the stock he had left her which amounted to £300. She had put this into the hands of Mr Bussey of Catton, whom she married shortly after at Ely Minster. John Moore, a tailor and husband to Mary, had offered to board the child if it were Barbara's while he made the child a coat. Barbara had commented 'it is not as I will but as he wills', which Moore took to be a reference to her husband.¹⁷⁷

Barbara Frostbrooke's problems evidently stem from her secretive marriages, or more precisely her neighbours' lack of personal knowledge about her past relationships. She may well have been telling the truth; certainly witnesses gave dates and venues of her marriages which could be readily checked by the court authorities, which lend credibility to the story. But the shadow in which her past was shrouded allowed

¹⁷³ NCCD. DEP/51/55, 1680-6; MF/X/200; Ff.132, July 1684, Barbara Frostbrooke con Ann Knight.

¹⁷⁴ NCCD. DEP/51/55, 1680-6; MF/X/200; Ff.131, December 1684, Ann Knightly con Barbara Frostbrooke.

¹⁷⁵ Ibid.

¹⁷⁶ Ibid.

¹⁷⁷ Ibid.

Ann Knight (or Knightly) the chance to throw some doubt into the mind of her current husband. It also seems strange that she boarded her six year old child at Timberhill, without telling her husband of its existence.

Even if we accept that Barbara's account of her past was truthful, she still fell foul of the primary rule of married life for women at this period: offer no hostage to fortune. As even Mary Astell, an outspoken champion of women's rights and publicist of the many abuses suffered by women during this period, stressed to her female readers:

'as to the Opinion of the World, tho' one cannot say it is always just, yet generally it has Foundation, great regard is to be paid to it, and very good use made of it. Others may be in fault for passing their censures, but we certainly are so if we give them any the least Just occasion. And since reputation is not only one of the rewards of virtue, that is always ought, and generally does attend to it, but also a Guard against great Evil. [...] A woman therefore can never have too nice a sense of Honour, provided she does not prefer it before her duty; She can never be too careful to secure her character not only from the suspicion of a Crime, but even from the shadow of a indiscretion.'¹⁷⁸

As we shall see below, as precise and correct as this advice was for women, it directly contradicted one of the rules of a system of honour: to gain honour chances have to be taken and honour itself must be risked. Thus individuals, especially women, were in an almost impossible position, for precept stipulated a form of conduct which directly contradicted the demands of the honour code.

As we have stressed throughout this discussion, honour or reputation was a matter of public opinion and as such had to be earned and actively maintained. This not only meant that "honour" itself was basically unstable, but it also implied that to gain honour individuals had to take risks. The risk involved in questions of honour becomes apparent when we notice that reputation is only attained, and sustained, by personal action which transgresses the moral code of the community. Peristiany explains this characteristic of honour codes thus:

'whoever is measured by [a society's] standards and is not found wanting may, without falling from grace, break a number of rules considered minor in relation to those of honour. Thus, in a number of instances, one may take another person's property, life and even honour, while retaining his own honour. The reverse is also true. The man who never endangers the property, limb and honour of his fellows may neither be considered as having honour of his own nor gain honour through his passive acquiescence to social regulations.'¹⁷⁹

¹⁷⁸ M.Astell, Reflections (1700), p.83.

¹⁷⁹ J.Peristiany, Honour & Shame (1966), p.10.

A code of honour therefore, necessarily involves self-assertion and the challenge of others, with the accompanying risk of being judged dishonourable by public opinion.¹⁸⁰

Because the concept of risk also includes some knowledge of what is involved, it was important to establish the intention of the defamer to offend. Pitt-Rivers stressed this component of questions of honour, noting that:

‘both words and actions are significant within the code of honour because they are expressions of attitude which claim, accord or deny honour.’¹⁸¹

The arbiter of whether an insult was intentional or not, were of course the audience or more generally the neighbourhood. This is underlined in causes where witnesses dispute that any damage has been sustained by the plaintiff after remarks had been uttered about them. One example of this is when Frances Hayward stated that:

‘she doeth not believe that the reputacon or good name of Jacob [James] Thompson is hurt or impaired amongst his neighbours [...] for that she never heard any more words of it.’¹⁸²

Likewise in the cause between Thomas Boires, minister of Blakeney and John Springdale, dating from 1675, Anna Cresey, Henry Bassett and Robert Narborough, all deposed that the words had not ‘anyways impaired’ Boires’ good name because there had been no talk of it in the parish.¹⁸³

The need to establish the intention to defame the victim is revealed in phrases from the depositions that stress the ‘angry and disgraceful manner’, or the ‘very furious, angry, passionate, and abusive manner of the defendant during the exchange of words.’¹⁸⁴ Margaret Ducke stated bluntly that she thought the words uttered by Susan Garwood at Great Melton, Norfolk during 1674, were said with the ‘intention to diffame’

¹⁸⁰ Cf. A.Fletcher, ‘Honour, Reputation and Local Officeholding in Elizabethan and Stuart England’, A.Fletcher & J.Stevenson (eds), Order & Disorder (1987), p.94.

¹⁸¹ J.Pitt-Rivers, ‘Social Status’, (1966), p.27.

¹⁸² NCCD. DEP/49/53, 1671-5; MF/X/199; [1671], Jacob Thompson con Margary Tumble.

¹⁸³ NCCD. DEP/49/53, 1671-5; MF/X/199; June 1675, Office per Thomas Boires con John Springdale.

¹⁸⁴ The wording is so common to the depositions that it appears like a liturgy, reinforcing the ritualised nature of defamation suits. The two examples offered were simply picked at random. NCCD. DN/DEP, 48/52, 1667-70; MF/X/199.3; Ff.173, August 1670, Bridgett Allen con William Landcroft; DEP/51/55, 1680-6; MF/X/200; Ff.164, June 1683, Ann Ouldman con William Fuller.

Mary Greene.¹⁸⁵ Likewise Thomas Bower of Tarring, East Sussex, deposed that when Edward Walker accused Margaret Arnold of bearing a bastard in 1692, his 'design and intention [was] to take away [her] credit and good name.'¹⁸⁶

Alternatively, witnesses might offer a gloss upon the intention of a defendant. They might tell of the plaintiff offering provocation, as in the cause from Norwich brought by Mary Frogg against Robert Wright in 1668.

Mary Wolfe told the court that:

'she doth believe that [Mary Frogg] was and is injured in her good name by the words spoken, although the same words were spoken by Robert Wright uppon greate provocation given by [Mary Frogg] by calling him ill faced Rogue and many other bitter and [mocking] expressions.'¹⁸⁷

Drunkenness might be offered as a mitigating circumstance for the abuse. As we saw in chapter two of this thesis, although it was a risky defense to adopt, it nevertheless appears regularly in the depositions. For example, when John Cullinder was sued by Mary Andrews for defamation in 1683, John Botewright thought that if Cullinder had not been so drunk 'he would not have made such a storme as he did.'¹⁸⁸ While in the cause that followed the exchange of words between William Hendry and William Seager during 1700, Jeremy Tibb concluded his deposition thus 'Seager is a very abusive in his cupps and is commonly reputed.'¹⁸⁹ As we can see from the tone of these two examples, drunkenness might explain a defendant's behaviour, but it was hardly condoned.

Witnesses were often extremely candid in the opinions they offered concerning litigants. One example is Nathaniel Sherring, who attempted to diminish the offense his friend Robert Lincolne had given to John Sayer by arguing that:

'at the time of speaking the words (12 of the clock at night) [Lincolne] was much overcome with drink, and in drink he used to speake rashly and advisedly to his best friends. [And] that he believeth in his [Sherring's] conscience that the words spoken by Mr Lincolne were not

¹⁸⁵ NCCD. DEP/49/53, 1671-5; MF/X/199; 23rd May 1674, Mary Greene con Susan Garwood.

¹⁸⁶ WSCRO. EPII/5/19, Ff.56-7; September - November 1692, Margaret Arnold con Edward Walker.

¹⁸⁷ NCCD. DN/DEP, 48/52, 1667-70; MF/X/199.3; Ff.200-1, November 1669, Mary Frogg con Robert Wright; Cf. MF/X/200; Ff.410, December 1679, Sara Hare con Thomas Birthet.

¹⁸⁸ NCCD. DEP/51/55, 1680-6; MF/X/200; Ff.121, March 1683, Mary Andrews con John Cullinder.

¹⁸⁹ NCCD. DEP/53/58A, 1692-1703; MF/X/200; February 1700, William Hendry con William Seager.

spoken with an intention to defame Mr Sayer.’¹⁹⁰

Similar is a cause brought to the court during the summer of 1691 between Robert Kipping and Robert Cruckwell, a shopkeeper and resident of Diss. Christopher Barnard, described as a gentleman, deposed that Kipping ‘is one of the meaner neighbours of Robert Cruckwell.’¹⁹¹ He related how he had often heard Cruckwell:

‘talk and laugh [...] concerning Scotts wife and Robert Kipping, [and say] that [Kipping] did certainly fuck Scotts wife.’¹⁹²

But Barnard did not believe that Cruckwell had set out to defame Kipping. He thought that Cruckwell was an honest man:

‘but spoke in a loose way as he is often used to talk [...] he is a sawcy loose talking fellow [who] do talk unwisely and rashly.’¹⁹³

Finally, when Robert Chapman of St. Julien’s, Norwich, was presented by Thomas Colles for various offences (including seditious defamation of an Excise man, ordinary defamation of a gentleman, and calling the Bible ‘a parcel of lies’), one witness accepted the charges against Chapman but offered an original defense. Edward Benn claimed that Chapman was an ‘illiterate person and altogether unskilled in reading and writing.’¹⁹⁴ Thereby implying that Chapman could have no personal knowledge of the Bible to judge whether it was a parcel of lies or not. Benn added that he and Chapman had been involved in a heavy drinking bout, and that Chapman was ‘reputed an honest man.’¹⁹⁵ The mixture of alcohol and lack of knowledge, in Benn’s view, diminished Chapman’s responsibility for his behaviour and thereby his intention to cause offense. Whether or not the court was impressed with this argument is left unknown. For our purposes it is enough to recognise that if witnesses claimed there was a lack of intention to defame, their arguments inevitably diminished the *defendant’s reputation*.

¹⁹⁰ NCCD. DEP/51/55, 1680-6; MF/X/200, Ff.43, February 1686, John Sayer (gent) con Robert Lincolne. Nathaniel Sherring claimed to have known, and been a friend to, Lincolne for twelve years.

¹⁹¹ NCCD. DEP/52/56-7, 1687-9, 1691; MF/X/200; June 1691, Robert Kipping con Robert Cruckwell.

¹⁹² Ibid.

¹⁹³ Ibid.

¹⁹⁴ NCCD. DEP/52/56-7, 1687-9, 1691; MF/X/200; October 1687, Office per Thomas Colles con Robert Chapman.

¹⁹⁵ Ibid.

The need to risk honour in order to gain further prestige may explain some of the behaviour that invited censure in the courts, when, for example, men boasted of their sexual conquests. Elizabeth Ward of Norwich sued Samuel Swift after he had told John Hidding that he had ‘fukt her and her maid both in one night.’¹⁹⁶ Four years earlier William Ward, Elizabeth’s husband, was presented for claiming to have laid with Ann Knott ‘all night and knockt her three times.’¹⁹⁷ Likewise, during 1681, William Ladell sought to defame Elizabeth Huett (alias Warde), by stating that:

‘the widow Warde (alias Huett) is a whore, and that is anie married her yet she is my whore (meaning Ladell’s whore), and that [if] she (meaning Elizabeth Huett) be with child, it is mine.’¹⁹⁸

Similarly William Stowe was accused of telling Francis Cory, that he had ‘swived Moll Symonds and pray tell her soe.’¹⁹⁹

By far the most spectacular boast, recorded in the Norwich depositions of this period, was reported of William Turner at the turn of the eighteenth century. Francis Wigg described being in the Angel, Bungay, in company with John Pope, Turner and others. The assembled company of men were ‘blaming William Turner for keeping company with Ann Gymingham’ the common fame in the town of Mettringham being that the two were lovers. According to Wigg, Turner had answered:

‘hold you tongue, for his [Turner’s] prick had gone with more profit then any of [their] plows.’²⁰⁰

Intrigued by this assertion they demanded to know how this could be. Turner then:

‘braged [that he] had 30s a time, and 20s a time, and sometimes a guinea, a spice cake and a bottle of [wine] for doing the trick with Mrs Gymingham. [Upon being asked what trick he might mean] Turner replied, for swiving Mrs Gymingham.’²⁰¹

A servant in the Gymingham’s household even swore that Ann’s husband had admitted seeing ‘Turner and

¹⁹⁶ NCCD. DEP/53/58A, 1692-1703; MF/X/200; March 1697, Elizabeth Ward con Samuel Swift.

¹⁹⁷ NCCD. DEP/53/58A, 1692-1703; MF/X/200; May 1693, Office per Francis Anderson con William Ward.

¹⁹⁸ NCCD. DEP/51/55, 1680-6; MF/X/200; Ff.341, February 1681, Elizabeth Huett (alias Warde) con William Ladell.

¹⁹⁹ NCCD. DEP/50/54, 1676-80; MF/X/199; [October] 1679, Mary Symonds con William Stowe.

²⁰⁰ NCCD. DEP/53/58A, 1692-1703; MF/X/200; January 1702, Office con Ann Gymingham; Office con William Turner.

²⁰¹ Ibid.

Ann [...] in bed together.'²⁰² As Mr Gyvingham did not appear in the cause there is no record of what he thought of the situation. It should be noted, though, that it was Turner's boast that eventually provoked the presentation of himself and Mrs Gyvingham for incontinency.

This kind of behaviour was not confined to men and examples of female boasting can be found in the Norwich depositions. One such cause involved Jane Coppin who, while drinking with her husband in "The Rose", Yarmouth, was asked 'in a jesting manner' if her husband was a cuckold.²⁰³ Jane had responded that she could not deny the charge:

'and swor before God that [...] Edward her husband was a Cuckold, for she had made him so Four years before with a Gentleman in Norwich.'²⁰⁴

Jane may well have meant her words to be taken in a light-hearted manner. If so her lack of caution misfired, as they were used to show that she really was the 'confounded whore' that Thomas Watts had called her.²⁰⁵

As this discussion has demonstrated, the middling sort of Norwich were not merely occupied with their individual reputations during this period. Their honour was bound up with their identity as members of households, in the context of a community of moral households that comprised a neighbourhood, a village or a town. There is a detectable gender distinction in the way men and women thought about their honour. But in contrast to Laura Gowing's findings in the London court, the evidence from Norwich does not support such a rigid division that 'women's sexual culpability was not just greater than, but incomparable with men's.'²⁰⁶ Many men in the Bishop of Norfolk's jurisdiction promoted causes defending their reputations against gossip and accusations concerning their extra marital sexual conduct. One such was William Page, who moved against Thomas Rawlett after a report was circulated of Page being found 'on

²⁰² Ibid.

²⁰³ NCCD. DEP/49/53, 1671-5; MF/X/199; 5th July 1675, Jane Coppin con Thomas Watts.

²⁰⁴ Ibid.

²⁰⁵ NCCD. DEP/49/53, 1671-5; MF/X/199; November 1674, Jane Coppin con Thomas Watts; Cf. October 1675, Jane Coppin con Thomas Watts.

²⁰⁶ L.Gowing, Domestic Dangers (1996), p.4.

top of his maide' at Pulham fair.²⁰⁷ Another was Peter Thuckwell of Hempstead, Norfolk, who sued Michael Newman for declaring that he had seen Thuckwell 'upon Mother Legatt and he heaved up his backside two or three times.'²⁰⁸ Robert Savery took offense at the company of drinkers in George Baxter's house at Ketteringham, 'laughing and joking' about the report of him having 'lain with the Blacksmith's wife', while Robert Kipping of Diss sued Samuel Mead for the report that he 'did fuck Mother Scot of Seale', as did John Reynolds after Thomasine Hudson swore 'that he had divers times had the carnal knowledge of her body.'²⁰⁹ In this cause even Thomasine's husband Thomas was said to have affirmed he had 'certaine knowledge' that her charge was true.²¹⁰

The most that can be concluded from the Norwich depositions is that men tended to be defamed on a far broader range of topics than women. The majority of defamatory remarks aimed at women focused upon their sexual honesty. Yet women also took offense at disparaging references to their general conduct, as when Thomas Colles told Elizabeth Chapman in the public house kept by Margaret Sumpter, at Foulsham, that she 'was a drunkard and he would indict her as a drunkard.'²¹¹ Likewise, when Elizabeth Mechin met with Martha Awbrey in the Castle Dyke, at Norwich, she abused the latter by saying you:

'goe from house to house and make yourselfe soe drunke that you fall over the threshold of the doore.'²¹²

What is apparent from the depositions is that both men and women responded to accusations of creating moral disorder. There was a gendered division of responsibility for moral disorder, and this reflected broader cultural notions that emphasised the ultimate responsibility of men for their individual households.

Thus we return to the notion of reputation as the public representation of the self, displayed in the roles

²⁰⁷ NCCD. DN/DEP, 48/52, 1667-70; MF/X/199.3; Ff.22-5, May 1667, William Page con Thomas Rawlett.

²⁰⁸ NCCD. DEP/51/55, 1680-6; MF/X/200; Ff.161, Undated, Peter Thuckwell con Michael Newman.

²⁰⁹ NCCD. DEP/53/58A, 1692-1703; MF/X/200; February 1693, Robert Savery con Charles Conley; DEP/52/56-7, 1687-9, 1691; MF/X/200; June 1691, Robert Kipping con Samuel Mead; DN/DEP, 46/50, 1660-64; MF/RO, 265/12; Ff.351r-3, December 1663, John Reynold con Thomasine Hudson.

²¹⁰ Ibid.

²¹¹ NCCD. DEP/52/56-7, 1687-9, 1691; MF/X/200; October 1687, Elizabeth Chapman con Thomas Colles.

²¹² NCCD. DEP/52/56-7, 1687-9, 1691; MF/X/200; January 1688, Martha Awbrey con Elizabeth Mechin.

people were called upon to play in their lives. Anna Bryson has posited a link between honour (defined as an inner purity) and public esteem, and reputation (defined as social evaluation) and civility. She suggests a reciprocal relationship between honour and civility, the formal equality invoked by communities of honour being reinforced by the concept of civility and vice versa. All individuals were supposed to be civil to each other; to be civil to a person was to respect their honour, to be uncivil was to affront it.²¹³ The only corrective comment this observation requires is that women were as active and effective in the game of honour as men. This might explain why men feared women's speech and activities, and frequently sought to constrain them by precept, law and custom. Men's formal political dominance, and indeed, from the perspective of the honour code, civil society itself, was underpinned by women's power to define a household's morality and thus the public career of its menfolk.²¹⁴

²¹³ A. Bryson, 'Concepts of Civility' (1984), pp.254-7.

²¹⁴ Although she fails to emphasise the political consequences, see L. Gowing, Domestic Dangers (1996), pp.196, 273, for a similar conclusion. For an intriguing and suggestive study of these issues from the perspective of anthropology, see T. Gregor, Anxious Pleasures: The Sexual Lives of an Amazonian People (Chicago, 1985).

CHAPTER 5

THE GEOGRAPHY OF INSULT: CITIZENS BY RIGHT OF CONDUCT

'space is a practised place'¹

So far in this thesis we have examined the power of words, how insults invoked and played upon a range of symbolic meanings within a cultural milieu. We have also explored how insults functioned as a means of denigrating the reputation of an individual, and by extension an individual's household or social group. To this end it was argued that insults constituted a verbal assault upon the moral boundaries of the individual and his or her household, via the roles an individual performed within his or her moral community. Furthermore it was argued that at the core of suits for defamation brought before the church courts of Norwich, was the issue of authority; to act as a moral agent, and to exert influence upon and power within the local community or neighbourhood.²

Thus far our investigations have been concerned with reputation, self representation, symbolic meaning and moral value, community and social milieu. But there is another complex issue represented within the depositions, that of social space. The disputes and resulting court actions over words have been presented as "performances", or small social dramas, and this approach requires a "stage" upon which individuals display their abilities. This chapter will argue that insults were not simply an attempt to exercise authority over others, but an attempt to exercise authority over others in a physical or spatial location. At the very least insults, or derogatory gossip, must be circulated within the public domain to have any power; that is, in areas where people gather and interact. Whatever the problems with the definition of concepts such as neighbourhood or community, we should never forget that they are underpinned by notions of organised geographical space. In short such concepts have physical boundaries, which were instantly recognisable, understood and assumed by the inhabitants of a "community", if difficult for the historian to discern.

¹ M.de Certeau, Practice (1984), p.117. Author's emphasis.

² On the link between cultural behaviour and geographical context, see A.P.Cohen, 'Belonging: the experience of culture', A.P.Cohen (ed), Belonging: Identity and Social Organisation in British Rural Cultures (Manchester, 1982), pp.1-17, and passim.

The argument of this chapter hinges upon an understanding that areas of space are never value free. They are constructed physically, by the act of building and arranging structures in a particular pattern and by appropriating these structures or areas for particular uses; and mentally, through the symbolic values placed upon those uses. Hence, a neighbourhood, for example, is created by the actions, beliefs, and intentions of the participants who live or work within the boundaries they define by their daily practices. The rules and conventions governing the appropriate conduct and use of discreet areas of space are a source for individual interpretation and performance, which demonstrates personal autonomy and authority.

This chapter will argue that the physical location of disputes had as much symbolic significance for an individual's authority as a member of a moral community as the words deployed. In the depositions a profusion of social spaces are represented. Churches, alehouses and shops, kitchens, closets, chambers and parlours, doorways, steps and yards, fields, urban streets and highways, all appear as arenas for conflict. What we will seek to explore below is how the use of, and symbolic meanings attached to, these spaces were contested, and how people attempted to exercise their moral authority over areas of symbolically important space to demonstrate their social status. To put this another way, by asserting themselves people also asserted their control of the physical space they and their neighbours occupied. As a result individuals possessed the streets as independent and respected members of the moral community: that is, as citizens.

Much has been written about early modern attitudes to privacy in recent times. It has been suggested that the openness of houses, the thinness of walls and partitions separating rooms and houses, plus overcrowding especially in the expanding towns created a very different attitude to privacy among early modern people from that which we understand today.³ Added to this is a body of writing that equates the public sphere and the private sphere with the gender roles of men and women respectively. Following the precepts of the conduct books that stress the domestic role of women, allied to the absolute exclusion of women from public

³ For one example see, S. Amussen, *Ordered Society* (1988), p.2. For an alternative interpretation, see S. Roberts, 'Making Oeconomies' (1995), pp.108-115.

office, it has been concluded that women were confined to the private sphere in theory and in practice.⁴ But as we have seen throughout this thesis, such an assumption is a gross over simplification.⁵

In response to the first claim, Retha Warnicke has argued that early modern citizens had a well defined concept of the private and the public. She points out that they not only valued time of solitude for private prayer and meditation, but that they also understood and experienced loneliness, the latter being a particular problem for elite women isolated on country estates while their husbands were away.⁶

The public sphere was understood in terms of public service, official business or office holding. These activities were only open to men, and were sources of prestige and honour which tied men into competition with each other.⁷ All other social activity, including business and trade for profit, was conducted for and on behalf of the household and was a private affair. Richard Brathwait put this point explicitly, asserting that the activities of gentlemen were:

‘Publike, when employed in affaires of state, either at home or abroad [...] Private, when in domesticke businesse.’⁸

Once we acknowledge the central roles of both men and women in the economic and social maintenance of the household, it becomes obvious that a gender based public-private distinction simply will not hold.

It also follows that attempting to separate the genders by any method of binary opposition is impossible. For example, trade and manufacturing were carried out within the household, that is, within the domestic

⁴ S.Amussen, Ordered Society (1988), p.68.

⁵ For discussion of the problems of equating the public-private dichotomy with gender roles in the late seventeenth century, see, J.Barry, ‘Bourgeois Collectivism?’, J.Barry & C.Brooks (eds), Middling Sort (1994), p.97.

⁶ R.Warnicke, ‘Private and Public: The Boundaries of Women’s Lives in Early Stuart England’, J.R.Brink (ed), Privileging Gender in Early Modern England Vol. XXIII, Sixteenth Century Essays & Studies (1993), pp.123-140.

⁷ For a discussion of this from the perspective of the elite, see A.Fletcher, ‘Local Officeholding’, A.Fletcher & J.Stevenson (eds), Order and Disorder (1987), pp.92-115.

⁸ R.Brathwait, The English Gentleman: containing sundry excellent rules, or exquisite observations, tending to direction of every gentleman, of selected ranke and qualitie; how to demeane or accomodate himself in the manage of publicke or private affaires (London, 1633), p.136.

sphere. And as Brathwait argued, public business itself could be pursued both within and without the home. Furthermore women's household duties frequently involved them in the economy of the family, either working as part of their husband's business or in their own right as independent traders. Therefore trying to categorise men and women's individual experience in terms of domestic-public also falls at the first hurdle. There simply was no such all-encompassing gender specific experience (as opposed to precept or ideal), and any attempt to construct one will inevitably corrupt our understanding of early modern social relationships.

It should also be understood that "privacy" is a state of mind, or a personal mental construction. If we reflect for a moment this is not as startling a proposition as it might appear at first glance; intense loneliness may be experienced in the most overcrowded conditions, and conversely, memories of family and friends can *sustain an individual* and populate the bleakest of landscapes. Furthermore the presence of servants in the heart of the seventeenth-century household, observing much of the intimate life of the family, demanded that privacy had to be a state of mind.

Direct evidence is scarce, but the deposition of Mary Rowe sheds an interesting light upon the question.⁹ Mary was servant to John Neave, and a witness in a cause Neave brought against his wife Elizabeth for adultery and desertion during 1665. Mary Rowe told how her mistress had enlisted her aid in many of her extra marital adventures. In particular Rowe gave detailed evidence of Elizabeth's activities with Christopher Newgate. She was able to offer such intimate detail of their conduct together because, as she told the court 'during the most part of which time, this deponent satt by the fireside.'¹⁰ The impact of Mary Rowe's presence may well have been lessened for Elizabeth and her lover by the curtains surrounding the bed. But to describe this scene as private demands a huge leap of imagination for modern minds.

Another cause drawn from a slightly different context, demonstrates how privacy could be deployed as a weapon for defamation. John Burrough was presented by Office in 1662, for allowing his daughter Mary

⁹ NCCD. DN/DEP, 47/51, 1664-6; MF/X/199; Ff.303-316, May 1665, John Neave con Elizabeth Neave.

¹⁰ Ibid.

Bransby to 'live incontinently' with John Parker. Mary had apparently left her husband Robert Bransby and moved back to her father's house. Mary Dampford reported the 'common fame' that Burroughs himself lived incontinently with Mary Brown; and that he actively encouraged John Parker and Mary Bransby to consort together, entertaining the pair:

'one night together in his own chamber, in a truckle bed under the bed [...] in which John Burroughs then lay.'¹¹

The tone of Dampford's story certainly has the element of moral outrage, and is possibly a piece of popular hearsay designed to contrast John Burrough's immoral credentials with respectable conduct. As such Dampford's comments act as a mirror, reflecting the wider notions of privacy within the cultural milieu.

One more element should be noted about the early modern concept of privacy. As it was deployed in depositions, it was generally perceived to be suspicious, and individuals who sought privacy were immediately suspected of moral laxity. Inappropriately locked doors were an open invitation for speculation by neighbours and servants.¹² Elizabeth Manthorpe told the court how she and her husband had lived in John Jay's house at Earsham, Norfolk. One afternoon in July 1684, while John Jay was away on business in London, his wife Ann had asked Elizabeth to purchase a joint of meat for her Sunday dinner. Elizabeth reported to the court that:

'upon the Sunday her [Elizabeth's] friend came and dined with her, and went up with her to her chamber and kept her companie all the afternoone, and likewise the forenoone before dinner.'¹³

The following Monday Ann and her friend rode off together and did not return until the next afternoon:

'and then they went both to the chamber againe, (her husband [John Manthorpe] suspecting some dishonesties caused her to see what the matter was and what they did), soe goeing unto the chamber a backeway, saw this man (her friend as she calls him) and Ann in the verie Acte of Adulterie.'¹⁴

¹¹ NCCD. MF/RO, 168/2, 1660-4; Ff.232-237, January 1662, Office per Thomas Burrows con John Burrough; Ff.209-213, Office per Thomas Burrough con John Parker; Ff.214-218, Office per Thomas Burrough con Mary and Robert Bransby.

¹² See S.Roberts, 'Making Oeconomies' (1995), pp.116-121.

¹³ NCCD. DEP/51/55, 1680-6; MF/X/200; Ff.30-2, January 1686, John Jay con Ann Jay.

¹⁴ Ibid.

In the marriage dispute between John and Elizabeth Neave, various servants and lodgers told of their suspicions being aroused by Elizabeth's secretive behaviour. It should be noted that from their stories it appears that Elizabeth Neave was singularly unsuccessful in her attempts at maintaining her privacy; if indeed she even bothered to keep her activities private in a modern sense. Witnesses could therefore be simply be utilising a commonly held precept to frame their reports, thereby emphasising the act of betrayal they were portraying for the court. Elizabeth Chettleburgh, for example, reports that while she lived with the Neaves as a servant, she 'certainly knoweth' that Mrs Neave would leave her husband's chamber:

'and goe to other persons chambers who lodged in the same house, til two or three in the morning, in a very suspicious manner.'¹⁵

Later in her deposition she reports how 'Mrs Neave frequented the companie of severall men in a suspicious manner'.¹⁶ She also believed Elizabeth had committed adultery with Mr Jennie, because she had gone to his chamber and 'continued there 3 or 4 houres, he being in bed and the door barred to them,' adding for good measure that Elizabeth often resorted to other men's chambers, usually around midnight, whether the rooms were 'large, small, greate or garretts'.¹⁷ It was thus implied that Elizabeth was none too choosy where she allocated her favours.¹⁸

Henry Hollis told of seeing Elizabeth and Mr Jennie behaving in a 'verie suspicious manner [in a] broome close in Ash', Suffolk.¹⁹ Thomas Gorbald, a butcher from Harleston, Norfolk, knew the Neave's well and was present at their marriage. He related that one Sunday, when Mr Neave had gone to church, Elizabeth and Christopher Newgate 'went privately together into a clossitt in the house of Mr Neave.'²⁰ Garbold found a place to observe what occurred between the couple in the closet, and reported their actions and words in intimate detail, concluding his tale with an artistic flourish. He related how having finished their

¹⁵ NCCD. DN/DEP, 47/51, 1664-6; MF/X/199; Ff.303-316, May 1665, John Neave con Elizabeth Neave.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid. On the association of women, closets, privacy and illicit conduct, see S.Roberts, 'Making Oeconomies' (1995), pp.87-107.

exertions Newgate and Elizabeth 'staid a while [and did] eate some sweate meates, and came out of the Clossitt againe.'²¹ Once again emphasis is placed upon illicit consumption (of sex) and conflated with the consumption of trivial fripperies (sweet meats), an item of conspicuous consumption which in this case was also being consumed illicitly.²² Garbold's evidence lends support to the notion that there was a moral economy of consumption which defamers could utilise as a discursive resource.

Mary Rowe, with whom we are already acquainted, told of many occasions when she had observed:

'Mrs Neave keepe companie in a verie suspicious manner with severall persons at severall places.'²³

A final witness, Anne Tennell, repeated similar stories, telling how on one occasion Mrs Neave had:

'pulled off her shoes and gone softly to the chamber of Mr Jennie and ther continued by the space of two of three houres (the door being shut by her) in a verie suspicious manner.'²⁴

She also told how Elizabeth 'did once in a suspicious manner meet at this deponent's house' with a gentleman.²⁵ Private space was automatically assumed to be a venue for excessive, or illegitimate, sexual behaviour. Between husbands and wives this was not too much of a problem; sex between a married couple was an orderly relationship that quite properly belonged to the "privacy" of the marriage bed. Furthermore, the church courts did not get involved in marital relationships that were orderly. Sermons and conduct literature might advise moderation within a marriage, but in reality it was left up to the couple concerned. But for single people, or husbands and wives who were separated for a short period, to be private was a cause for concern.

The observation that privacy is a personal construct suggests a possible approach to examining early modern

²¹ Ibid.

²² For a discussion of consumption see above, chapter two.

²³ Ibid.

²⁴ Ibid.

²⁵ Ibid.

attitudes towards space: that conceptual boundaries delineated areas of personal control.²⁶ All the evidence presented in the depositions of the church courts would seem to point to the conclusion that men and women were engaged in maintaining the boundaries of their personal moral authority. This is not an original idea: as we saw in chapter two of this thesis, Norbert Elias argued many years ago that the thrust of much of the conduct literature of the period emphasised the need to control the physical body. But the difference between the boundary of the body, and the conceptual boundaries we are concerned with here is flexibility. Conceptual boundaries are always open to interpretation within differing contexts, and they are vulnerable to challenge. In short they must be constantly defended and asserted.²⁷

The most important area of space for any individual in the early modern period was their house. Houses, or perhaps more correctly households, were synonymous with the people in them. The reputation of the house reflected back upon its inhabitants, and defamers made full use of this conflation of person with spatial structure to reinforce their insults.²⁸ For example, Mary Haylocke of St. Peter Mancroft, Norwich, went into the house of her neighbour Mary Fulconer, and told her that she was:

‘an old Bawde and you keep two whores in your house (meaning her two daughters Ann and Elizabeth).’²⁹

Ann Falconer took umbrage at the remark, and promoted the cause against Haylocke to clear her name. Thomas Seely also of Norwich, witnessed Thomas Dunch saying to Martha Steward ‘you are a whore and keep a house to entertain Whores and Rogues.’³⁰ Robert Syniard, Elizabeth Yallop and Ann Flatman

²⁶ On ‘conceptual maps’ see J. Corbin & M. Corbin, Urbane Thought (1987), pp.3-5; Cf. P. Bourdieu, Outline (1977, pp.159-171).

²⁷ For an examination of the problems involved in the maintenance of the conceptual boundary between the concepts purity and pollution, see M. Douglas, Purity and Danger (1985), passim.

²⁸ On the conflation of personal identity and houses within a moral system, see J. Corbin & M. Corbin, Urbane Thought (1987), pp.33-47.

²⁹ NCCD. DEP/51/55/, 1680-6; MF/X/200; Ff.126, Undated, Ann Fulconer con Mary Haylocke.

³⁰ NCCD. DEP/51/55, 1680-6; MF/X/200; Ff.347, March 1681, Martha Steward con Thomas Dunch; Cf. Ff.300, August 1681, Thomas Dunch con Martha Steward.

confirmed Dunch's abuse, adding the usual comment that Martha's good name had suffered much disgrace. In 1675 Margaret Reade of Kings Lynn, was abused by Elizabeth Heweson. Mary Dennison witnessed Heweson saying of Margaret, that she 'had two bastards gotten in her house.'³¹ Another cause was promoted against Margaret Baxter by Elizabeth Norton, of Timber Hill, Norwich. Words had been exchanged between the two women, during which Margaret Baxter said to Elizabeth 'you keepe a Whorehouse and show your Arse to everie Man that comes to ye house.'³² Anna Dubary who witnessed the argument, explained to the court that the words uttered by Baxter suggested:

'that Elizabeth Norton had lived incontinently with somme Man or Men other than her husband, and soe this deponent understandeth.'³³

And finally, Margaret King of Attleborough, deposed that she had been offered a shilling by Maria Lilburne 'to go by [Joan Cruselander's] house and say, this old witches house stinkes of tubacco.'³⁴ According to the neighbours who appeared as witnesses, Lilburne had been accusing Cruselander of witchcraft for some time but with little effect. It is interesting though that Lilburne equated the smell of tobacco, a substance more usually consumed in alehouses by men, with the house of an alleged witch. Lilburne seems to be inferring a connection between Cruselander's alleged witchcraft and licentious behaviour.

What we have in the majority of these examples is the firm equation of women's sexual behaviour with the reputations of their houses. There is nothing new in this association of space with women's sexual behaviour: we have already seen how the term 'whore' was associated with women's inappropriate behaviour in all manner of contexts, in particular their behaviour outside their households. Whores were associated with the street, parks, fairs and alehouses. The term "whore", as a category of insult, can therefore be seen to function to restrict women's access to, and use of, areas of space within a neighbourhood or town.

³¹ NCCD. DEP/49/53, 1671-5; MF/X/199; August 1675, Margaret Reade con Elizabeth Heweson.

³² NCCD. MF/RO, 168/2, 1660-4; Ff.198-9, March 1662, Elizabeth Norton con Margaret Baxter.

³³ Ibid.

³⁴ NCCD. DEP/51/55, 1680-6; MF/X/200; Ff.338, December 1680, Joan Cruselander con Maria Lilburne.

The association of women's reputation with that of the house they lived in demanded that behaviour within the house required constant regulation. This was true both of its occupants and of the visitors who entered it on a daily basis. This was most obviously a threat for keepers of licensed alehouses, who could lose their livelihoods if the authorities heard of their ill repute. It explains the comment of Henry Peater, who after calling Mary Rayner a whore said 'she would be the ruin of her father', who was an innkeeper at King Lynn.³⁵ Likewise Richard Smith complained that as a result of an action by Thomas Browne, he 'would lose the bed from under him and would lay in gaol.' Judging by the depositions supporting Browne's cause, Smith's fears were probably well founded.³⁶ And after John Cullinder had abused Mary Andrews, her husband was reported to have said to Cullinder:

'what cannot I be quiet in my house, [that] you brall and stry [destroy] my goodes you bendy legges.'³⁷

Thomas Andrews's rather unflattering description of his wife sums up the position of women many men may have supported in this period. But it also suggests that Andrews was aware of the connection between her reputation and the good name of the house.

The same principle applied to private dwelling houses. It is also worth noting that in many cases that appear before the court, it is not immediately obvious whether the setting is an alehouse or a dwelling house. Judging from the Norwich depositions houses were open, with neighbours constantly popping in and out of each other's kitchens to exchange news and gossip, or conduct business. Depending upon the region, beer or cider was the social drink of the period and references abound of neighbours sitting together in kitchens tipping and gossiping. In a cause for defamation between Anne Brown and Thomas Infeile of West Hoathly, East Sussex, during 1689, Susan Glynn told of being:

'in the kitchen of the dwelling house of [...] Richard Blunt being a common Room for entertainment of Company.'³⁸

³⁵ NCCD. DEP/51/55, 1680-6; MF/X/200; Ff.189, June 1683, Mary Rayner con Henry Peater.

³⁶ NCCD. DEP/52/56-7, 1687-9, 1691; MF/X/200; March 1690, Thomas Brown con Richard Smith. This cause is dealt with in more detail below.

³⁷ NCCD. DEP/51/55, 1680-6; MF/X/200; Ff.121, March 1684, Mary Andrews con John Cullinder.

³⁸ WSCRO. EPII/5/18, Ff.79-80, 5th March & 1st April, 1689, Anne Brown (widow) con Thomas Infeile.

As a consequence of this openness the master, or more usually the mistress, of a house would have to regulate the behaviour of their visitors, in order to control the reputation of their houses. This opens up the possibility that some areas of the interior of dwelling house were considered more private than others.

Too much misbehaviour or language that might be considered lewd would soon lead to gossip and loss of reputation. Therefore a defamer can be seen as vying with the householder for the control of the reputation of the house. To walk into a house uninvited and insult the occupant was an act of aggression that could undermine the occupant's reputation for control of their own personal space. Thus when Nathaniel Worter walked into Martha Coxage's kitchen and began to abuse her, she told him bluntly 'you Jack an Apes, get you from my house'.³⁹ Similarly Martha Clifton sued for the 'prejudice' of her good name, when William Thirkettle walked uninvited into her 'dwelling house' and called her a whore.⁴⁰ Francis Case entered Elizabeth Chapman's house, in Swaffham, Norfolk, when Barbara Brockett and Susan Parkes were present to witness his abuse of Chapman. Nathaniel Caldren was passing by and stopped by the door to listen to the exchange.⁴¹

Christopher Browne pushed his authority to its limits when he decided to tell Anne Topsliffe what he thought of her. Both Anne and Christopher were servants to Thomas Paine, described as a 23 year old Gentleman, of Catsfield, Norfolk. Anne, described by Brown himself as 'a gentlewoman', was the housekeeper. Thomas Paine told the court how Browne entered the kitchen and began to 'rayle' at Anne for having caused some 'difference' between himself and his wife. At this point Paine tried to pacify Browne, telling him that:

'it were better he were in bed [and] that tis like he might be of a more peasable mind in the morning, and bad Browne goe out of the roome and goe to his bed, uppon which Browne told [his master] rudely that he had as much to doe in that roome as himself.' ⁴²

Ignoring his master's orders, Browne continued with his 'rude speeches' and made a 'disturbance in this

³⁹ NCCD. DEP/49/53, 1671-5; MF/X/199; December 1674, Martha Coxage con Nathaniel Worter.

⁴⁰ NCCD. MF/RO, 168/2, 1660-4; Ff.197-8, 1662, Martha Clifton con William Thirkettle.

⁴¹ NCCD. DEP/51/55, 1680-6; MF/X/200; F.210, April 1683, Elizabeth Chapman con Francis Case.

⁴² NCCD. DEP/50/54, 1676-80; MF/X/199; May 1676, Anne Topsliffe con Christopher Browne.

deponents [Paine's] family'. Finally losing his patience, Paine:

'tooke Christopher by the shoulder and put him out of the roome, thrusting him into the Entrye of the house and barred the door against him.'⁴³

As evidence of a direct contestation of authority the events in this cause cannot be bettered. Of course Thomas Paine dealt with his 'saucey' servant exactly how one would expect, yet initially there was some toleration of Browne's behaviour by his master. Even more startling, to Paine and one suspects to twentieth-century spectators, was Browne's bluntly stated belief that his authority in the kitchen was as good as his master's.

If the interior of the house could be disputed territory, then the external boundary presented a fertile area for conflict. We have already met with Margery Hatton, but her case deserves further analysis. Margery was verbally assaulted by her neighbours Mariane and William Jenkinson after she stopped the Jenkinson's child from playing outside her door 'during the time of Divine Service.'⁴⁴ As we noted in the discussion of Margery's cause in chapter three, it was her reputation for inappropriate public behaviour by 'rumping up and down the parish', that underpinned the Jenkinson's denial of her authority immediately outside of her door.⁴⁵

Another cause from Brede, East Sussex, further reinforces the argument that boundaries were symbolically important and symbolically constituted. The case involved Mildred West and John Ketchlow, a headborough of Godstrow hundred.⁴⁶ Ketchlow approached the shop of Thomas West, and began breaking down some small bushes bordering the West's property 'without any occasion given'. Mildred West (wife to Thomas) immediately remonstrated with Ketchlow who began to abuse her:

⁴³ Ibid.

⁴⁴ NCCD. DEP/53/58A, 1692-1703; MF/X/200; November 1692, Margery Hatton con Mariane Jenkinson; Margery Hatton con William Jenkinson.

⁴⁵ Ibid.

⁴⁶ WSCRO. EPII/5/18, Ff.37-9, 26th, 27th January 1686, Mildred West con John Ketchlow.

'as a Whore, intimating thereby [...] that she had committed the crime of adultery, fornication or incontinence.'⁴⁷

Mildred must have been a spirited woman, for she seized a piece of wood and began striking Ketchlow about the head. Witnesses declared that Ketchlow was drunk and had approached Mildred with 'an intention to quarrell with her'.⁴⁸ Furthermore witnesses reported that he was 'accompted a contentious person and of a mean repute among his neighbours.'⁴⁹ Mildred on the other hand was:

'reputed a woman sometimes given to passion but never was accompted troublesome or vexatious among her neighbours [...] She alwayes demeaning herself peaceably and quietly among them unless provoked.'⁵⁰

Ketchlow must regretted his provocation of Mildred, as it was reported that he 'lay sicke of the wound he received [...] for the space of three months.'⁵¹ By any standards Mildred had defended the physical boundary of her household with vigour. Furthermore, after reportedly doing Ketchlow so much physical damage, she still felt the need to promote a cause against him for defamation. It would appear that the physical defence was not enough, Mildred also had to repair the symbolic damage caused by the insults.

During the summer of 1687, William Miller looked out of his house in Burcham Magna, after hearing 'a greate noise in the street'.⁵² Miller saw Mr Boxly breaking the windows of Thomas Cullin's house and calling out:

'Rogue and using much other indecent and abusive language [...] and that Mr Boxly did violently force [his way] into Thomas Cullins house, at which this deponent did goe thither, but before he came to the house some other neighbours had rescued Mr Boxly from doing any further damage.'⁵³

Like Mildred West of East Sussex, Cullin had used physical violence against his defamer as the latter tried

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² NCCD. DEP/52/56-7, 1687-9, 1691; MF/X/200; August 1687, Office per Thomas Cullin con Mr Boxly.

⁵³ Ibid.

to force his way into the house. Yet Cullin also chose to sue for damage to his reputation caused by the words uttered by Boxly. The physical defense against the violation of his property, seemingly, was not enough: presumably this would have been settled by a payment for the damage. This is exactly how a similar event was settled in 1662, when John Collins broke the windows of Joseph Harvie, of Herrinfleet, Norfolk. Harvie told how upon finding the damage, Mr Collins the minister of Herrinfleet, confessed that he was responsible. The cost of repairs came to twelve shillings, which Collins paid. On this occasion Harvie took no further action: the tale emerged when the parishioners of Herrinfleet promoted a cause against Collins for his eccentric behaviour.⁵⁴

If physical boundaries give cause for concern, then the ingress and egress of boundaries are particular areas of symbolic danger.⁵⁵ Sometime before June, 1683, Jane Steward was sitting outside her house, in Connisford Street, Norwich, knitting. Edward Perkins approached her carrying a child and said to her:

‘I bring Cullinder’s child safe and sound, and soe he carried it and laid it at the door of Cullinder’s house.’⁵⁶

A little later Perkins returned to Jane Steward, and repeated that he had left ‘Cullinder’s bastard safe and sound.’⁵⁷ Perkins went away again, returning after a while to see if the child had been taken in. It had not so he knocked hard upon the door. Margeret Sherwood, Cullinder’s servant open it, at which Perkins called out:

‘you bastard bearing Rougue Cullinder, why do you not open the door and take in your bastard.’⁵⁸

Witnesses explained to the court that Cullinder, having got a woman pregnant, had agreed to pay Perkins thirty shillings if the latter would marry her ‘to put by the scandal.’⁵⁹ Cullinder had reneged upon the deal,

⁵⁴ NCCD. MF/RO, 168/2, 1660-64; Ff. 35-63, 1662, John Millin, Robert Spier, Thomas Firbank, John Denny & Thomas Foulds con Mr John Collins.

⁵⁵ Here see the classic statement by A. Van Gennep, *Rites* (1960), pp.15-25; and for a development of Van Gennep’s ideas, M. Douglas, *Purity and Danger* (1985), *passim*.

⁵⁶ NCCD. DEP/51/55, 1680-6; MF/X/200; June 1683, John Cullinder con Edward Perkins.

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ Ibid.

hence Perkins's highly visible revenge. Significantly Perkins did not attempt to cross the threshold of Cullinder's house, remaining instead at the door in full view of the neighbours.

In the previous cause Jane Steward told of sitting outside her door knitting. It would seem that this was the norm in early modern urban setting, weather permitting of course. Being outside meant that people could keep an eye on what was going on in the neighbourhood. We get a vivid impression of a street scene from the next cause, involving next door neighbours in King Street, Walsingham, Norfolk. Sibil Clarke witnessed the falling out between Elizabeth Rogers and Laura Laseby over 'the hanging of cloths in the yard upon the pales, their houses joyning together.'⁶⁰ Clarke deposed that, hearing his wife at issue with their neighbour, Thomas Laseby had joined in saying to Elizabeth:

'you are a whore, and Lawrences whore at the Kings Head in Little Walsingham. Which words Thomas Laseby uttered in a lowd voice in the open street, at his own door in Walsingham. In the hearing of this deponent and Mary Strut [...] whoe stood alsoe at her door in this deponents sight in the same street, alsoe one Jane Spilch at her door and the Widdow Burcham at her door in the same street alsoe, and divers other neighbours whoe did listen to heare their falling out and schoulding.'⁶¹

Apart from the image of neighbours sitting at their doorways regulating their immediate social environment, this example demonstrates how boundaries could be the issue over which disputes could flare up. In a similar fashion Elizabeth Granger sued John Tuck after he had involved himself in a dispute between Elizabeth and Tuck's wife. The two women were neighbours and were arguing from within their respective yards. On this occasion Elizabeth Granger had 'abused' John Tuck and his wife was defending him.⁶² While William Landcroft simply walked into Brigett Allen's yard in Witchingham Magna, and accused her of stealing geese, during July 1670. For good measure he added that she was a 'Jade and a Queane'.⁶³

Doorways are constantly mentioned in the depositions as scenes of conflict and defamation. William

⁶⁰ NCCD. DEP/49/53, 1671-5; MF/X/199; 25th February 1672, Elizabeth Rogers con Thomas Laseby.

⁶¹ Ibid.

⁶² NCCD. DEP/50/54, 1676-80; MF/X/199; December 1678, Elizabeth Granger con John Tuck.

⁶³ NCCD. DN/DEP, 48/52, 1667-70; MF/X/199.3; Ff.173, August 1670, Brigett Allen con William Landcroft.

Lawrence was at his door in St. Mary Coslany, Norwich, when he heard Mary Sayer say to James Wilkinson 'Filth, Curr, Raskell, Old Curr.' Lawrence said he could make a guess at why Mary had used such abusive words, 'but cannot depose upon his oath.' Anne Barwick and Sara Ireson who were both standing in Wilkinson's doorway at the time, confirmed the story and were equally reticent as to its origins.⁶⁴ John Fairechilde approached the door of Susan Parker, in Lopham Street, Lopham, and called her a 'drunken faced bitch'. Fairechilde's wife Elizabeth, hearing the commotion between her husband and Susan, came to her own doorway and repeated her husband's assessment of Susan's character.⁶⁵ In March 1669, Thomas Gostling was standing at the threshold of his house in St. Margaret's parish, Ipswich, when he hurled abuse at Mary Browne.⁶⁶ While during January 1689, Jane Mylles approached Elizabeth Seaman's door in St. Stephen's, Norwich, and called her a whore.⁶⁷

William Horton of Norwich again underlines the use of boundaries as gathering places for neighbours, reporting how he:

'was with Titus Nichells and his wife at [their] gate in Castle Dike, in company with Robert Daynes and some others. And Edward Harte did [...] say to Martha Nichells in the presence and hearing of them all, you are a whore.'⁶⁸

Catherine Galer and Margaret Teale of Great Yarmouth fell out at the doors of their respective houses on a Sunday at three in the afternoon. Witnesses reckoned the time to be during Divine Service, the two women having disagreed over some business transaction.⁶⁹ Finally, Susan Livermore was at her door in Bury St. Edmonds, with her mother [Susan] and Elizabeth Mann, sister to Mother Johnson. Johnson approached the group and 'said to her sister, come away Betty' adding that Livermore was a whore.⁷⁰

⁶⁴ NCCD. DEP/52/56-7, 1687-9, 1691; MF/X/200; January 1688, James Wilkinson con Mary Sayer.

⁶⁵ NCCD. DEP/51/55, 1680-6; MF/X/200; Ff.134, December 1684, Susan Parker con John Fairechilde.

⁶⁶ NCCD. DN/DEP, 48/52, 1667-70; MF/X/199.3; Ff.193, 1670, Mary Browne con Thomas Gostling.

⁶⁷ NCCD. DN/DEP, 48/52, 1667-70; MF/X/199.3; Ff.109, February 1669, Elizabeth Seaman con Jane Mylles.

⁶⁸ NCCD. DEP/51/55, 1680-6; MF/X/200; Ff.155, Undated, Martha Nichells con Edward Harte.

⁶⁹ NCCD. MF/RO, 168/2, 1660-4; Ff.84r-7, March 1667, Catherine Galer con Margaret Teale.

⁷⁰ NCCD. DEP/53/58A, 1692-1703; MF/X/200; November 1699, Susan Livermore con [...] Johnson.

At one level the explanation of these causes looks simple. People associated with each other to gossip and exchange the news in their doorways. People sometimes argued, fell out with each other and exchanged angry and abusive words. Therefore it is natural that doorways figure as a major scene for such disputes. But it is the fact that doorways, yards and other areas were an important social gathering place that contributes to their significance as symbolically valued social spaces. For a start the norms of neighbourly behaviour would have been in operation. Individuals would have been expected to respect their neighbours, simply because they were neighbours. Furthermore all these areas were clearly associated with the householders' personal space, exemplified by their house. As such they could expect the rule of respect and neighbourly conduct to apply with even more rigour. Yet these areas were on the periphery of the house, representing the occupier's first claim to public recognition of their moral authority within their neighbourhood, defined spatially. In short, if a an individual could not control this small area surrounding their house, they could not take part in the life of the community; a life that, as we have seen, was acted out within public view. Defamation and insult were a means of challenging and negotiating that authority.

We will finish this part of the discussion with a cause taken from the Norwich Quarter Sessions. It concerned the assault of Iszabell Fenn by Ann Helles.⁷¹ Mary Juliens, a resident of St. John's Maddermarket, watched Iszabell pass by her house coming up from the river yard where the latter lived. As Iszabell walked pass Ann Helles house, Ann 'did flicke at Iszabell with a broom [as if] sweeping the ground' immediately behind her as she passed by. After an exchange of words between the two women, Ann Helles began to beat Iszabell with the broom:

'and at last threw away the broom staffe and fell upon [Iszabell] and rent her hood off her head, and threw her downe backwards and scratch her face and made [Iszabell] very bloody.'⁷²

An extreme case admittedly, but one that perfectly demonstrates the point. Ann Helles's symbolic cleansing of the ground outside of her house, as Iszabell passed by, is eloquent testimony to the value of that area to Ann, and of what she thought of Iszabell's polluting presence. The violence it instigated demonstrates just how important that value was for an early modern woman in Norwich. Moreover the action of "scratching"

⁷¹ NCR. IEBQS. 1690-99, 16th May 1690, Iszabell Fenn con Ann Helles.

⁷² Ibid.

was redolent with symbolic meaning; the drawing of blood by such means being one method of overcoming witchcraft, or alternatively, it was similar to slitting the nose or marking the face of a whore, a common communal punishment during the period.⁷³ That Iszabell responded with some words as Ann swept her doorway clean, shows that she understood the meaning of Ann's action perfectly.

In the previous chapter we saw how social roles were frequently at the centre of suits brought before the church courts. The idea of individuals assessing the roles of their neighbours can make no sense unless there is a physical arena in which they can be displayed or performed. As we saw above, houses provided one area that directly reflected the roles people played, and intimately reflected their reputations. This process of contestation of symbolic value can be usefully applied to all places where people interact. If, as has been argued throughout this thesis, behaviour is a means of expressing an individual's authority, it is vital that streets and other areas are available for their performances. Obviously public places are always available for use, unless for some reason a person's freedom of movement has been restricted, such as for legal or medical reasons.⁷⁴ What we are interested in here is not simply "being" in a particular place, but the symbolic value attached to a person as they perform within that arena, and the communal rules and conventions associated with both the performance and the place.⁷⁵ As we argued in chapter four of this thesis, role performance is not merely a matter of learning a part; social roles imply a personal "autonomy" to perform. This aspect of "role play" demands that neighbours either respect the autonomy and authority of an individual to act in a particular manner whilst in a physically defined area, or challenge that performance.

⁷³ L.Gowing, Domestic Dangers (1996), pp.103-4.

⁷⁴ It is worth observing however, that some legal restrictions (a subpoena demanding a person's presence at a court, or a recognisance limiting a person's freedom of access to a defined area, for example) may also reflect back upon an individual's authority within the community. Imprisonment is an extreme example of the denial of personal authority and autonomy, as demonstrated by M.Foucault, Discipline and Punish: The Birth of the Prison (London, 1977).

⁷⁵ For a suggestive discussion of the symbolic meaning of streets, and the importance of open access for citizen's identity, see J.Corbin & M.Corbin, Urbane Thought (1987), pp.47-58.

This complex idea can best be demonstrated by example. In January, 1662, Edward Ling was presented by his minister Richard Cubitt for his behaviour during communion. Cubitt had asked those wishing to receive communion to draw near, and those not wishing to partake to 'leave in peace'. Ling had retired to the door, but would not depart. Mr King, the Parish Clerk, was sent to request Ling to 'depart in peace', if he did not intend to participate. Ling's response was to:

'bidd [Cubitt] save a cup of wine to drink a health withall [...] in a deriding and swearing manner.'⁷⁶

Ling was well known as an absentee from his local church and was possibly a dissenter. But it was not his religious affiliations that were called into question, merely his unwarranted abuse of the celebration of communion. Ling had no authority to speak in such a manner within the church; an area of sacred space, governed by specific rules and conventions of conduct. The minister, whose particular role and authority is inextricably linked with the physical structure of the Church, therefore sought to punish his inappropriate conduct. Ling was denied any personal authority and autonomy in the matter.

We have already met with our next two examples, but they bear restating briefly in this context because of their explicit reference to access to socially defined areas of space. The first is Mary Smith, who after being accused of adultery 'went out of the parish to avoid the disgrace thereof.'⁷⁷ For Mary the shame of the accusation, and the accompanying gossip, was enough to make her physical presence in the parish completely untenable. Susan Raby on the other hand chose the opposite course to Mary Smith. Instead of changing her parish Susan defied her antagonist Sara Burden to 'prove me a whore that I cant goe quiet in the streets.'⁷⁸ Susan understood that the consequences of an insult would cause problems for her in the public arena. She simply turned the challenge back upon her aggressor. Alternatively, Jane Emporer reversed this challenge, by telling Judith Mullins bluntly that:

'before the Saturday following she would make [Judith] soe ashamed that she should not walk the streets.'⁷⁹

⁷⁶ NCCD. MF/RO, 168/2, 1660-4; Ff.151-5, January 1662, Office con Edwarde Ling.

⁷⁷ NCCD. DEP/49/53, 1671-5; MF/X/199, November 1672, Mary Smith con Elizabeth Moore.

⁷⁸ NCCD. DEP/52/56-7, 1687-9, 1691; MF/X/200; September 1687, Susan Raby con Sara Burden.

⁷⁹ NCCD. DN/DEP, 47/51, 1664-6; MF/X/199; Ff.279-82, January 1665, Judith Mullins con Jane Emporer.

Robert [Rogerson] of Aldborough justified his abuse of Robert Randall by claiming that Randall did 'ride about to cheate the country'. For good measure Randall was accused of consulting 'with the devill [for] a bushel of money [and] should hang.'⁸⁰ While Martha Awbrey told Margaret Burrell 'you are a pittiful peddling whore and goe peddling about the country.'⁸¹ Once again the theme of access to, or misuse of, a physically defined area was invoked to underpin the insult.

Thomas Browne entered Richard Smiths' alehouse, in St. Stephen's parish, Norwich in 1669. Calling for a flagon of beer, he set about abusing Mary Tarnwell who worked as a servant to Smith. After calling Mary a whore, he added 'that he would her be whip'd out of towne.'⁸² Smith himself was in dispute with Browne, who had brought an action against him for keeping 'a very bad house'.⁸³ Part of the evidence against Smith was that he had recently been 'pressed for a seaman', a punishment that removed him completely from civilised life.⁸⁴ Smith had apparently run away from the naval authorities, turning up in '[Kings] Lynn where he was whipt as a vagabond.'⁸⁵ To be displayed to the town and publicly whipped was a standard punishment for sexual misdemeanours during this period. Apart from the pain involved the punishment reversed the position of the victims as members of the civilised community. With his comment to Mary Tarnwell, Browne invoked the symbolism of this punishment and emphasised her exclusion from the moral community of "citizens".

Mary Limbray went even further with her denigration of Jane Cone, during 1693. The two women had been at odds for some time, witnesses claiming that they had seen the pair quarrelling all day 'in severall locations'.⁸⁶ Apart from the usual sexual insults, Mary had accused Jane of going:

⁸⁰ NCCD. DEP/50/54, 1676-80; MF/X/199; March 1680, Robert Randall con Robert [Rogerson].

⁸¹ NCCD. DEP/52/56-7, 1687-9, 1691; MF/X/200; January 1688, Margaret Burrell con Martha Awbrey.

⁸² NCCD. DEP/52/56-7, 1687-9, 1691; MF/X/200; January 1690, Mary Tarnwell con Thomas Browne.

⁸³ NCCD. DEP/52/56-7, 1687-9, 1691; MF/X/200; March 1690, Thomas Browne con Richard Smith.

⁸⁴ Ibid.

⁸⁵ Ibid.

⁸⁶ NCCD. DEP/53/58A, 1692-1703; MF/X/200; October 1693, Jane Cone con Mary Limbray.

'into Goodie Batemans house and [stealing] money out of a box, and that she [Limbray] was afraid to stand by her [Cone] in case she picked her pockets.' ⁸⁷

For Limbray simply being in the presence of Jane Cone was too much, the implication being that nobody could trust Jane Cone in close proximity to their person. This cause is an explicit example of how a defamer would attempt to define the appropriate physical space the victim should occupy. Yet all the examples offered hinge upon a similar understanding. The aggressor in the exchange attempted to undermine the reputation of their victim, and thus destroy that person's claim to respect in that social location.

The strategy is even clearer when two people came into physical conflict. Behaviour in these disputes often reflected the goal of removing the opponent from the "field" of the conflict, or of demonstrating one's rightful occupation of an area. This is demonstrated in the dispute between Samuel Verdon and John Gibbs,⁸⁸ When the pair disagreed over each other's status as gentlemen, Gibbs sought to emphasise his claim by literally parading his authority on the public thoroughfare. Francis Wissiter was a witness to this colourful if noisy exhibition, which occurred in Norwich during the afternoon of the 2nd of January, 1682.

As Wissiter told the court, a few hours after the initial confrontation between the two men:

'two of his [Gibbs] drummers did beat their drumes at the gate of Captain Gibbs his house, and came from there to the Popinjay, and then Mr Verdon told the drummers that Mr Gibbs was a Raskell, and that he was neither Captain nor Gentleman, and told the drummers that itt was a pittie that their coates were not pulled over their ears, and it was a pittie they were not secured [...] the drummers went from the Popinjay over to Capt. Gibbs againe and as he believeth acquainted Mr Gibbs what Mr Verdon said.' ⁸⁹

John Gibbs' action, deploying his drummers to assert his authority and display his status, demonstrates the importance of public performance for manifesting personal identity and autonomy. Likewise, Verdon's response reveals that he shared the same assumption, even if he disputed the meaning Gibbs hoped the performance would convey to the audience.

⁸⁷ Ibid.

⁸⁸ NCCD. DEP/51/55, 1680-6; MF/X/200; Ff.267, 273, April 1682, Samuel Verdon con John Gibbs; John Gibbs con Samuel Verdon.

⁸⁹ Ibid. Unfortunately there is no firm evidence of any military connection, but the Norwich Artillery Company was a dominant political association during this decade and it is possible that Gibbs was an officer in this volunteer outfit which was Tory in its political allegiance. If part of the difference between the protagonists was political, Verdon's ridicule of both drummers and Captain Gibbs would be explained.

Markets provided another useful arena for demonstrating contempt for a person, and the attempt to assert control over their access to places. Markets of course were the economic and social hub of many towns at this time, and were extremely important for women who not only shopped for victuals and supplies but ran their own businesses and stalls. To be shamed out of the market would be social isolation indeed. As such, markets were vital places for all types of social exchange, including the latest news and gossip. Peter Crowne and his wife Anne were in their sick bed when Alice Fludd came to visit them, in December, 1683. The Crowne's deposed that as soon as Alice arrived in their chamber, she asked if they had heard the news. The Crowne's answering no, Fludd told them:

‘that the talk is in Letcham Market that Goodwife Nenn and Goodman Phasset were sene to lye together.’⁹⁰

On this occasion Anne Crowne claimed to give Fludd's news little credit, it being ‘market talk.’⁹¹ But the news from markets was not always so easily dismissed. Official pronouncements would be broadcast to the populace from the market cross. The judges of church courts themselves could order penitents to proclaim their crimes from the same place. While printed libels would often be attached to the cross, as a sure fire means of spreading their defamatory contents to the widest possible audience in the shortest possible time. In short, the market was the best possible arena for publicising a dispute, or even (as the next cause suggests) for making the attack that initiated a dispute.

A cause from the Norwich City Quarter Sessions demonstrates this in practice. In early June 1691 Mr Robert Lulman senior was called ‘a griping cur and griping dog’ by Thomas Banyard, in open market near to the cross. Lulman ignored Banyard's insult and simply turned away. But this did not silence Banyard who continued to inform the assembled crowd of Lulman's avarice concerning a loan.⁹² Lulman complained:

‘that whenever he meett with Thomas Banyard at any time [and] without any provocation on his part [...] Thomas Banyard do abuse [me] with the aforesaid language and other approbious words.’⁹³

⁹⁰ NCCD. DEP/51/55, 1680-6; MF/X/200; Ff.150, Margaret Nenn con Alice Fludd; Ff.151, Phasset con Fludd.

⁹¹ Ibid.

⁹² NCR. IEBQS. 15th June 1691, Mr Robert Lulman con Thomas Banyard.

⁹³ Ibid.

It is interesting that Lulman took his complaint to the secular court. It is after all similar to many others we have been examining in this thesis. Lulman however wanted a restraining order to force Banyard to desist from his troublesome behaviour. This example may well offer an explanation of why men, in particular, progressively withdrew from the church courts from this period onwards. It is possible that a recognisance for good behaviour was beginning to be perceived as a better defense of reputation than the shaming punishments of the church courts. Such speculation is beyond the scope of this thesis, but whatever Lulman's motivations were Banyard's actions demonstrate his belief that the market cross was an ideal venue to publicise his quarrel with Lulman.

During 1679, Thomas Birthet took the opportunity to insult Sara Hare in the market place at Lowestoft. Birthet called Sara 'a damned whore [and] a thiefe', to the 'greate disgrace' of her good name.⁹⁴ Alice Ringstead complained of receiving similar treatment from Henry Hall, at Holt market during June, 1700.⁹⁵ The dispute had arisen between Alice's husband Anthony and Hall, concerning the 'measuring of a flagon'. Alice had intervened to call her husband away from Hall, upon which:

'Henry Hall called Alice Ringstead whore, and told her she had bin fukt by as many men as there was there in the market, tho she had no children, it being market day and about 20 or 30 men then being in the market.'⁹⁶

Here we see how insults were felt to be more damaging to women. John Clarke reported that a 'greate many angry words' had passed between Anthony Ringstead and Henry Hall, but it was the abuse of Alice that prompted the cause. Not only was her sexual conduct questioned, but also her fertility, and hence her identity as a woman, was undermined.

Susan Darby promoted a cause against John Lovewicke during August 1694, following an altercation in Norwich market.⁹⁷ Susan had been at her stall from which she sold salt and oatmeal. Hester Eldred was

⁹⁴ NCCD. DEP/51/55, 1680-6; MF/X/200, Ff.410, Sara Hare con Thomas Birthet.

⁹⁵ NCCD. DEP/53/58A, 1692-1703; MF/X/200; 30th July 1700, Alice Ringstead con Henry Hall.

⁹⁶ Ibid.

⁹⁷ NCCD. DEP/53/58A, 1692-1703; MF/X/200; August 1694, Susan Darby con John Lovewicke.

passing the Black Swan, close by Darby's stall, and heard Lovewicke telling Susan that she was 'a whore'.⁹⁸ Whatever caused Lovewicke's outburst is immaterial for the purposes of the argument put forward here. We need only note that by claiming Susan was not an honest wife, Lovewicke was also demonstrating that he could control her access to the market for honest business. This is made clear in another cause originating in Norwich market. Alexander Wade approached Jane Harding's 'buttery' stall, and told her that 'she was a swill bellied jade'.⁹⁹ Jane went to Mary Simmons and told her that 'she had never been so abused in her life.'¹⁰⁰ Mary Simmons told the court that Wade's words were:

'foule, shameful and disgracefull [and] do purport that Jane Harding was of a lewd life and conversation and so were understood.'¹⁰¹

Not only did the words do 'much injury and disgrace to the fame and good name' of Jane Harding, but she claimed that she could no longer appear in the market because of the disgrace. As a business woman this was obviously an extreme disadvantage. The same theme was graphically present when a violent argument flared between Mary Colfer and Mary Landers at Ludham fair. Witnesses told how Landers used 'much approbrious language' towards Colfer, but also she:

'did untye ye Mary Colfers stall, that she had at Ludham fair and took away ye stall gear and threw them down, in soe much that her goods were left on the ground.'¹⁰²

The destruction of the stall is eloquent testimony to Landers's attempts to remove Colfer completely from the particular piece of ground her stall occupied.

Alehouses were another popular venue for attempting to assert one's control through insult. Samuel Hume, Dorothy Chilvers and John Blythe were all present in the King's Head at Diss, when John Clarke and Mary le Grice 'fell into words', Clarke calling le Grice 'an ill looking whore.'¹⁰³ William Alpe 'fell out with'

⁹⁸ Ibid.

⁹⁹ NCCD. DN/DEP, 47/51, 1664-6; MF/X/199; September 1664, Jane Harding con Alexander Wade.

¹⁰⁰ Ibid.

¹⁰¹ Ibid.

¹⁰² NCCD. DEP/53/58A, 1692-1703; MF/X/200; Undated, Mary Colfer con Mary Landers (alias Flanders).

¹⁰³ NCCD. DEP/51/55, 1680-6; MF/X/200; July 1685, Mary le Grice con John Clarke.

Elizabeth Smith at her house, 'commonly knowne by the signe of the King's Arms in Ludham.'¹⁰⁴ William Monney told how a group of people were drinking 'at the house of James Budgen, Magdelin Street, Norwich' when Francis Dune and Hellina Thurgoose 'fell into hott and angry words.'¹⁰⁵ William Browne and Abraham Bennet began to argue in the house of 'Mr Bancroft, Heppenhale', Bennet calling Browne a 'fexley bastard'.¹⁰⁶ While finally, William Fuller:

'walked into the shop of Ann Oldham and did then and there, in a very furious, angry, passionate and abusive manner say to Ann Oldham, you are a whore, a Jade, and a Brazen Faced Whore.'¹⁰⁷

Henry Paine reported that the event had occurred in:

'the presence and hearing of many others [Oldham's name being] much disgraced amongst the better sort of her neighbours.'¹⁰⁸

In cause after cause that we have examined throughout this thesis, the events took place in streets and public places. In each case defamers attempted to undermine the reputation of their victims by claiming that their behaviour transgressed communal expectations of morality. All witnesses state in their depositions, that in their opinion the words uttered denigrated the good name or fame of the plaintiff. It is one argument of this chapter that the social embarrassment caused by the allegations and insults could result in people avoiding public places. From this perspective we can see how the act of defamation was also an attempt to limit an individual's social interaction. If, as has been argued, the art of gaining status was the display of behaviour, then to limit a person's access to communal areas within the environment was an extremely effective demonstration of the defamer's authority. Conversely, those that suffered such abuse and failed to defend themselves were denied access to areas vital for their own autonomous performance. We shall let Margaret Fraunces' words to Francis Gotham draw a conclusion to this section. Margaret had entered Gotham's

¹⁰⁴ NCCD. Dn/DEP, 48/52, 1667-70; MF/X/199.3; Ff.39, November 1667, Elizabeth Smith con William Alpe.

¹⁰⁵ NCCD. DN/DEP, 47/51, 1664-6; MF/X/199; Ff.132r-134, August 1664, Hellina Thurgoose con Francis Dune.

¹⁰⁶ NCCD. DN/DEP, 47/51, 1664-6; MF/X/199; Ff.248, 262r, October 1665, William Browne con Abraham Bennet.

¹⁰⁷ NCCD. DEP/51/53, 1680-6; MF/X/200; Ff.164, June 1683, Ann Oldham con William Fuller.

¹⁰⁸ Ibid.

kitchen in the summer of 1682. Nathaniel Russell was present at the time, and reported Margaret saying:

‘you Rogue Gotham, durst not show your face [...] you did not tell me that you gott Mother Dowsing by the Belly, and pulled out one of the hairs, and kept it till the next day, and said it was Sandy.’¹⁰⁹

Margaret had obviously heard the story elsewhere and had gone to register her distaste for Gotham’s behaviour. It is also clear that she thought Gotham should conceal himself for the shame of the report. It would appear that neighbours expected a victim of defamation to either clear their reputation, or if the libel stuck to seclude themselves from respectable society; that is, from the physical locations occupied by the respectable and moral community.

The proposition that socially defined areas of physical space symbolically express communal values of status and class is hardly new to early modern historians. Peter Borsay has argued that urban development and architecture, including the creation and use of parks, gardens, and open spaces, reflected a growing bifurcation between the cultural values of the leisured elite and the labouring populace.¹¹⁰ From this perspective it might be argued that the emergence of formal parks, gardens, and assembly rooms represents an appropriation of the attributes of the gentleman’s country seat within the urban context, transformed in the process from personal possession to communal areas in an increasingly overcrowded environment. What Borsay’s thesis demonstrates therefore is how the arenas for personal display in an urban environment were changing during this period, and how new rules of conduct (ie. civility) were developing for the use of these spaces. This is an example of our discussion in chapter one of this thesis of cultural innovation upon an established idea, for the notion of arenas of display was certainly not new to late seventeenth-century society. A prime example of the connection between space and status at the parochial level is the layout and occupation of seating within parish churches. In his entertaining and frequently scurrilous, description of his neighbours, Richard Gough chose the seating plan of his local church as the organising principle. In Gough’s

¹⁰⁹ NCCD. DEP/51/53, 1680-6; MF/X/200; Ff.230, August 1682, Francis Gotham con Margaret Fraunces.

¹¹⁰ P.Borsay, English Urban Renaissance (1989), pp.150-172.

mind there was no doubt that the seating plan reflected the hierarchy of the parish.¹¹¹

In Norfolk at this period, the same understanding was openly acknowledged and applied to the distribution of seats. This is clear in the statement of Roger Barnes, a witness in a cause between Mr Pecke and Mr Keeble disputing the occupation of a seat in the church of Stowmarket in 1665. Barnes told the court that:

‘five and twenty years since there was an Order directed to the Churchwardens of the parish, for ye planning and displacing of the inhabitants according to their severall degrees and qualities.’¹¹²

Similarly Margaret Breame deposed in a seating dispute as East Bilney, Norfolk, that:

‘40 years since Mr Crome and the Churchwardens, by virtue of an order exhibited from Doctor Corbett Chancellor of Norwich, did presure and displace the parishioners as they did think fitt and convenient according to their needs and qualities.’¹¹³

The language of displacement is apt in this last cause, for Mr Richard Breame, husband to Margaret, complained that the letter had deprived him of his seat ‘that he had held divers years’.¹¹⁴

Despite the particular activities of Dr. Corbett, it should be noted that generally it was the parishioners and their representatives who decided upon the actual distribution of seating. This reinforces the premise central to this thesis, that assessments of an individual’s status and ranking within the social hierarchy were made by their neighbours. Naturally this practice could lead to long and bitter conflicts within a parish as neighbours battled for public recognition of their local status. Needless to say, wealth and size of estate were important factors in the assessment process. In the causes between William Breame and William Nissard, and Christopher Crome and William Nissard of East Bilney, witnesses were asked to estimate the value of the protagonist’s wealth.¹¹⁵ Crome, described as ‘the Chiefest inhabitant of the parish’, was said to have an estate of between £80 and £100. Crome also had possession of two pews in the church, one on the north

¹¹¹ D.Hey (ed), R.Gough, The History of Myddle, Salop (Harmondsworth, 1981).

¹¹² NCCD. DEP/47/51, 1664-66; MF/X/199; Ff.245, May 1665, Mr Pecke con Mr Keeble.

¹¹³ NCCD. DN/DEP, 48/52, 1667-70; MF/X/199.3; Ff.129r-132, March 1669, Mr Breame con Mr Nissard.

¹¹⁴ Ibid. Doctor Corbett appears to have been quite active in rearranging the seating in the churches of the diocese during the early seventeenth-century; see S.Amussen, Ordered Society (1988), pp.137-9.

¹¹⁵ NCCD. Dn/DEP, 48/52, 1667-70; MF/X/199.3, Ff.129r-132, March 1669, Mr Breame con Mr Nissard; March 1669, Christopher Crome com William Nissard.

side and one on the south side under the pulpit. Nissard was seen to rank higher than William Breame; witnesses variously estimated his estate at between £40 and £60. Nissard required more space because his family and servants could not be contained in the seats he had been using. All witnesses agreed that Breame's estate was worth £20, and it was he who had to move to accommodate Nissard's expansion.¹¹⁶

But the influence of wealth upon social status should not be exaggerated. Parishioners were quite capable of considering other factors, as they exercised their judgement in the process of seat allocation. Local practice and appeals to custom could be invoked to upset the expectations of wealthy aspirants. Seats could be seen as belonging to houses in the parish, as in the cause between Pecke and Keeble referred to above. Mary Pecke argued that the seat belonged to the house she and her husband occupied and had so belonged and been used by its various occupants for 'time out of mind'.¹¹⁷ She agreed that various licenses and leases had been granted to others for the use of the seat down through the years. But the rights to the seat, built by the owners and occupiers of the house, had remained with the house.¹¹⁸ Roger Barnes acknowledged in his deposition that:

'the seate [...] is one of the Chiefest seates in the church and that it is commonly reported that John Keeble hath a better estate than [Thomas Pecke].'¹¹⁹

But in his opinion, and that of his fellow witnesses, the 'moral rights' of the matter were with the Pecke's as they now occupied the house to which the seat belonged.¹²⁰ Thus Mr Keeble, who had previously occupied the house and wished to retain his use of the seat, found that his fellow parishioners undermined his claim despite his acknowledged wealth.¹²¹

¹¹⁶ Ibid.

¹¹⁷ NCCD. DEP/47/51, 1664-66; MF/X/199; Ff.245, May 1665, Mr Pecke con Mr Keeble.

¹¹⁸ Ibid.

¹¹⁹ Ibid.

¹²⁰ Ibid.

¹²¹ The parishioners influence upon this cause contrasts with that in the cause of, William Grudgefield con Francis Sancroft Sr, and Francis Sancroft Jr, Gents, of Fressingfield, Norfolk, dating from 1634. For a discussion of the cause see S. Amussen, *An Ordered Society* (1988), p.141. Amussen argues that the Sancroft's were supported because they were an old and respected family in the parish. The Grudgefield's were newcomers and to support them would have 'symbolically diminished the Sancroft's status'. Amussen's analysis is probably correct for the cause, and would almost certainly apply to many

Sometimes a seat would be claimed by two separate farms or house and the resulting dispute might then continue for decades as successive owners or tenants sought to emphasis their prior claim. An example from Catsfield, East Sussex, brought to the Lewes Archdeaconry court in 1687, demonstrates how the past could become a resource in such disputes. In Catsfield various occupants of two farms had been disputing the seat for at least half a century. Goddard Coleman, a farmer resident in the parish, remembered how:

‘three score years earlier [...] Edward Bine ye then owner of the farme and lands called the Church House, shutt and locked himself in the said seate [...] and that one Richard Humphrey then tennant [...] of a farme and land in the parish [of Catsfield] called Broomham [...] coming to sitt in the said seate and finding the same locked was forced to gett or climb over the said seate, before he could sett therein.’¹²²

According to Coleman this controversy was resolved by a compromise, with the Bine and Humphrey households sharing the seat. This compromise had survived changes in tenants at the two farms until 1686, for Coleman reports that he had seen:

‘Mr Richard Fuller [of Broomham] and Mr Richard Alfrey [the new owner of Church House] and others of Mr Fuller’s family sitt in the said seat.’¹²³

What led to the breakdown of this agreement is uncertain, we are simply told that due to a difference between the two men ‘Marwicke shutt, fastened or nayled up the said seats.’¹²⁴ History was replayed and the Fuller family were forced to climb over the top of the pew to take their places. Fuller had taken his claim to Dr. Briggs at the Archdeaconry court at Battle:

‘to consull him [Briggs] about his title to ye said seate and obtain a lycence of the court for the confirmation of his right of sitting in ye said seate.’¹²⁵

Marwicke and Fuller ‘accidentally met’ at the chambers of Dr. Briggs and:

‘did mutually consent and agree to leave the matter concerning ther severall titles [...] to the decision, determination and finall agreement of him the said Doctor Briggs.’¹²⁶

other causes. My point is that it is dangerous to assume that parishioners always supported the status quo; they were quite capable of exercising their own judgement.

¹²² WSCRO. EPII/5/18; Ff.49-50, 23rd February 1687, Ff.57-8, 12th April 1687, William Marwicke con Thomas Fuller, Gent.

¹²³ Ibid.

¹²⁴ Ibid.

¹²⁵ Ibid.

¹²⁶ Ibid.

This arbitrated agreement does not appear to have survived the journey back to Catsfield, and the following Sunday the two men were again at odds over the occupation of the seat. At this stage Nicholas Pelham offered Fuller the use of one of his household's pews, in an attempt to resolve the dispute. But Marwicke took possession of this seat as well. Finally Richard Fuller admitted to hearing that the Broomham owners had been sent 'out of the seat in controversy' in the distant past, but argued that he had 'no privy knowledge' of that event. Marwicke was obviously a newcomer to the parish, and wished to ensure that his due rights and status received due recognition. To this end he was prepared to challenge the local social order and drag up a past controversy to aid his quest.

Custom was also invoked during a dispute at Eye, Norfolk in 1687, between Mr Nathaniel Dey and Mr Lawrence Lomax. Witnesses argued that the seat in question was commonly an open seat 'and was never appropriated to any one in particular, nor any house or family.'¹²⁷ But as John Jay deposed, thirty-five years previously Nathaniel Dey's father had 'built the plaine seate up to a pewe and ever since it had been used by the Dey family.'¹²⁸ The investment in the seat was obviously perceived to have given the Dey family some limited rights to the seat, despite the fact that it was still officially considered a common one. Lomax had apparently taken advantage of an absence from the parish by Dey to place his servants in the seat. He appears to have relied upon the open status of the seat to vindicate his action. This cause is a demonstration of two points. First, an appeal to custom is not necessarily an appeal to "ancient" practice. Second, in the quest for social recognition as with personal honour, opportunism was a useful tactic.

If the social hierarchy of the parish was reflected in the seating plan of the church, the same can be said for the gender hierarchy. Many churches at this period segregated husbands from wives, as well as setting servants and the lesser members of the congregation apart.¹²⁹ Sometimes this model was transgressed, and a restructuring was required. It must be remembered though, that servants were accredited members of a household. Therefore to attempt to remove a servant could be seen as an affront to the employer. Thus

¹²⁷ NCCD. DEP/52/56-7, 1687-9, 1691; MF/X/200; May 1687, Nathaniel Dey con Lawrence Lomax.

¹²⁸ Ibid.

¹²⁹ See S.Amussen, Ordered Society (1988) pp.143-4, for a discussion of this in Norfolk churches.

Nicholas Sevenoake promoted a cause against Benjamin Wall, during May, 1688. John Pickering, the minister of Westham, told how Grace Marten a servant to Mr Wall was accustomed to sitting in the same seat as Mrs Kenchley:

‘Mr Kenchley seeing such unsuitable and indecent company sitting in ye same seat with his wife, and being much displeased, conceiving it a disgrace the Benjamin Walls servant should sett in the same seat with his wife, called or made signs to Nicholas Sevenoake. That he the Churchwarden should by virtue of his office, remove Grace Marten out of his wifes seat and place her in such seat or pew according to ye custome of sitting in the parish church, was most proper and peculiar for servants or persons of her rank.’¹³⁰

Grace had no particular seat within the church. She was reliant either upon an invitation to sit with another household’s servants or, if one was not forthcoming, she had to sit with the paupers. It was her master, obviously unhappy with this arrangement, that had placed her in the pew with Mrs Kenchley and subverted the message of the seating plan. Grace had offered no complaint, going to a different seat when required. She escaped correction and her master was held to be responsible for the transgression. His attempt to place his servant in a seat that he felt reflected his status, led to the court appearance demonstrating that such a trespass was viewed with extreme seriousness. This cause also underscores the point we made in chapter four of this thesis: there is a reciprocal relationship between the reputation and status of individuals and the households they occupy.

The practice of segregating men from women could result in pews being be shared by families. This arrangement could lead to disputes over precedence as individuals squabbled over the respective status of their households. This occurred in Plumpton, East Sussex during 1687. One pew in the church was allocated to the women of two farms in the parish: Roseland Farm and Inham Farm. The pew was separated into two sections, an upper seat and a lower seat, the former carrying the greater symbolic value for the participants in this dispute. John Sayers, who had previously occupied Inhams Farm, claimed to have been told by:

‘Mr Bennett, Clerk of the Parish for 40 years, that the upper seat was for Roseland women and the lower was for Inhams women.’¹³¹

¹³⁰ WSCRO. EPII/5/18; Ff.71-2, 8th May 1688, Nicholas Sevenoake (alias Sennocke, Churchwarden) con Benjamin Wall (Cleric).

¹³¹ WSCRO. EPII/5/18; Ff.61-2, 25th & 29th October 1687, Ff. 66-7, 15th & 16th November, & 6th December 1687, Ff.70, 21st January 1688, John Pilbeam con Robert Wood.

But Sayers and two other witnesses, Joseph Garrat and John Picknall, also deposed that despite this arrangement the women of Inhams Farm had used the upper seat ‘without disturbance’.¹³²

When John Burtenshaw gave his evidence in the cause, he immediately attempted to discredit Garrat, Picknall and Sayer, stating that they had not lived in the parish long enough:

‘therefore as he believes doe nott well understand ye rights and priviledges of ye inhabitants of ye parish [...] as to there respective sitting places.’¹³³

He told the court how the seating was recorded in the register, which dated back seventy years ‘when the south wall was rebuilt and the seating replaced.’¹³⁴ He thought the list had been interfered with, and the arrangements altered ‘maliciously’.¹³⁵ Burtenshaw, who described himself as a yeoman and seems to be of mature years, then offered the court an account of the past history of the seat. This tale is worth retelling for what it reveals about the symbolic importance of church seating, and social relationships within the parish. His story refers back to events that occurred during the Interregnum:

‘about forty two years since or thereabouts, when ye members of ye Church of England before established, were discouraged and expelled their habitacoms, and those of the Independent faction had in most places ye greatest power and sway. One Richard Botting an Independent then living in the said parish, occupying a farm called Inhams [...] put out ye women of Shoram farm from the quiet possession of the said seate or uppermost sitting place. And without any right or title hereto placed his the said Botting his Wife, in ye possession herself by force, which he the easier effected by reason of one Mr Wilson [a local Magistrate] being owner of Inhams Farm and Steward of ye Manor of Plumpton, threatened this deponents father, who was owner of Shorams Farm, that if he did not peasably permitt Botting [who was] his servant, his wife to sitt in Shoram womens seat, that he would cut down his timber from his copyhold. Which his father then fearing to contend with him, for ye sake of ye peace, was forced unwillingly to permitt. Ever afterwards asserting ye said Wilsons tennant to sit there by his permission and not of right.’¹³⁶

He continues by recounting how the congregation entered their respective seats in an orderly fashion, demonstrating their respect for each other as they did so:

‘they are generally entered both mens and womens seats in ye line. And which house or

¹³² Ibid.

¹³³ Ibid.

¹³⁴ Ibid.

¹³⁵ Ibid.

¹³⁶ Ibid.

farm was first entered, the same sate of right in ye uppermost sitting place, or last entered in ye lowermost sitting place. And accordingly as they were entered [he remembers] that the women of Shorams house hath for 72 years, untill they were forceably turned out of it [...] been in quiet possession of the uppermost sitting place. And if any time it happened that ye women of Roseland sate uppermost, the same was by courtesie and not of any title or right. It having been constantly reported that the same upper most sitting place did time out of mind belong and appertain unto ye women of Shorams Farme and no other.’¹³⁷

William Savage supported this account of the history of the seat. In his story Burtenshawe’s father was the owner of Shoram Farm, and it was the tenant John Mills who relinquished possession ‘quietly tho unwillingly’.¹³⁸ But Mills had not given up his claim to the seat, often reminding the parish and the usurpers of his prior right by sitting briefly in the seat himself. Savage recalled how ‘one Sunday when Bottings wife would sitt in ye said seat, Mills sate in her lapp.’¹³⁹ The image is a powerful one, and we can imagine the embarrassment of Mrs Botting as Mills forced her to publicly request him to move. He graciously, and perhaps ostentatiously, acquiesced, having made his point clear to all present.

Again, as we noted in the discussion regarding personal honour, subterfuge could be another useful strategy, and as the next example shows, not unknown in battles for public recognition of status. According to Henry Nobes a parishioner of Swaffham, Norfolk, the minister, Mr Ibbotts, had attempted to appropriate a common seat for his wife’s personal use. To accomplish this Ibbotts had requested his parishioners to subscribe a certificate ‘without ther knowledge of what it was, Mr Ibbotts refusing to tell them.’¹⁴⁰ All the witnesses complained that the seat Ibbotts sought to claim as his own was a common seat ‘open to all wives’.¹⁴¹ The main charge deployed against Ibbotts however, involved his parishioners sense of identity and belonging within the local hierarchy. Put simply, Ibbotts was not perceived to be a true inhabitant of the parish because:

‘Ibbott hath noe estate in land or houses in the parish, but only his vicarage, neither doth

¹³⁷ Ibid.

¹³⁸ Ibid.

¹³⁹ Ibid.

¹⁴⁰ NCCD. DEP/53/58A, 1692-1703; MF/X/200; July 1670, Mr Ibbots con Thomas Watts.

¹⁴¹ Ibid.

he bear any part of the charge for repairing the church or seats therein.’¹⁴²

Witnesses admitted that Mrs King, the previous vicar’s wife, had used the seat for fifty years but Mr King:

‘had a temporal estate in the town [and besides] Mrs King with other parishioners wives there did sit [...] and all along the Vicars wife hath sat there with other parishioners wives.’¹⁴³

Mr Ibbotts was seeking to displace the daughter of Thomas Watts (his property in the town was valued at £10 per annum), who had used the seat ‘without controversy or molestation’ for twenty years. Mr Ibbotts on the other hand had no estate and made no financial commitment to the town, therefore in the opinion of his parishioners he had no right to the privilege of a personal seat in the church in his care.¹⁴⁴ In this parish at least, to be accorded a place in the local hierarchy entailed more than the mere possession of wealth, which in turn suggests that citizens were people with a vested interest in the space that constituted parish.

This is explicit in a series of causes involving the common council members of Eye, Suffolk, in a long and often violent quarrel over seating originating in 1679.¹⁴⁵ A magistrate, Mr Thomas Browne, and two gentlemen, George Braham and Nathaniel Dey, deposed that Thomas Harding had ‘violently assaulted’ Richard Gilbert in an attempt to take Gilbert’s seat.¹⁴⁶ Thomas Harding reciprocated by promoting a cause against Gilbert six months later. His witnesses told of Harding’s election to the common council in September 1679 which entitled him to sit in the council pew. But when Harding attempting to take his place in church with the members of the council, Gilbert had struck him and refused him entry to the pew.¹⁴⁷ Thomas Bond, described by James Collins as ‘one of the oldest members of the twenty four’, promoted his

¹⁴² Ibid.

¹⁴³ Ibid.

¹⁴⁴ Ibid.

¹⁴⁵ NCCD. DEP/51/55, 1680-6; MF/X/200; March 1680, Mr Richard Gilbert con Thomas Harding; October 1680, Thomas Harding con Mr Gilbert; October 1680, Thomas Bond con Richard Gilbert; July 1681, Office per Edward Nunns con John Todd.

¹⁴⁶ NCCD. DEP/51/55, 1680-6; MF/X/200; Ff.400, March 1680, Mr Richard Gilbert con Thomas Harding. The witness Nathaniel Dey, appears to be the same person who had problems with seating ten years later. See Nathaniel Dey con Lawrence Lomax above.

¹⁴⁷ NCCD. DEP/51/55, 1680-6; MF/X/200; Ff.363, 434, October 1680, Thomas Harding con Mr Gilbert.

own cause against Gilbert for his treatment of Harding. In his deposition Collins stated that Gilbert had no right to sit in the council seats as 'he was not an elected member' of the council. Other witnesses appearing for both Bond and Harding, revealed that Harding and Gilbert had pursued their dispute in other courts. Harding had charged Gilbert with 'assault and batterie' at the assize in Bury St Edmunds, Gilbert likewise charged Harding at 'the Lent assize'. Each man had apparently 'won their own day', but according to Edward Petty, Gilbert only got his judgement 'against the judges directions'.¹⁴⁸

The affair was still simmering away a year later in 1681, when Edward Nunn promoted a cause by Office against John Todd for events dating from 1679. Henry Edgar deposed that like Harding, Edward Johns was 'sworne onto the 24' in September 1679. And when he tried to 'enter the pewe where the 24 sat' once again Richard Gilbert that refused him entry and 'took hold of him with one hand and violently struck him on the breast with much force.'¹⁴⁹ Edgar continued that after Johns had been 'beaten away' by Gilbert he went peaceably to another seat 'where John Todd sat.' Todd had rested his arms over the door to the pew and refused entry to Johns. After some words were exchanged between the two men, Todd also:

'held [Johns] with one hand and violently struck him on the breast, knocking him a yard back into the alley.'¹⁵⁰

Edgar completes his tale by adding that Johns had walked away from Todd peaceably and with much 'dignity', thereby contrasting the former's civilised conduct with that of his tormentor. Witness after witness confirm the scene between Todd and Johns. Their stories also reveal the involvement of Richard Gilbert in a fracas with John Shackforth, once again concerning entry to the common council seats.¹⁵¹ This is a very confused dispute, and frustratingly we get no inkling of what motivated Gilbert or Todd. It seems reasonable however to assume that a political difference within the town of Eye prompted their actions. This dispute does underline one argument of this thesis, that the struggle for social recognition and distinction was a serious and a fraught process.

¹⁴⁸ NCCD. DEP/51/55, 1680-6; MF/X/200; Ff.436, October 1680, Thomas Bond con Richard Gilbert; cf. Thomas Harding con Mr Gilbert.

¹⁴⁹ NCCD. DEP/51/55, 1680-6; MF/X/200; Ff.301-5, July 1681, Office per Edward Nunn con John Todd.

¹⁵⁰ Ibid.

¹⁵¹ Ibid.

After the common council at Eye, our final example originated from talk in the 'common Baking house' at Diss, Norfolk. As a result Phillipa Kett promoted a cause for defamation against Susan Nicholls, in July 1696. Mary Sanders told how she was at a gathering of women in the bakehouse 'about Lady Day last past', when:

'Mrs Culham asked Susan Nicholls whether she were not ashamed to lock Mrs Kett into her pew. To which Susan replied that Mrs Kett was as much a Jade as any in the town, and noe more a gentlewoman than their dog Plunder.'¹⁵²

Mary Absolom, a thirty three year old widow, told the court of being in company in her parlour with Nicholls five months previously. Conversation between the two women was obviously centred upon the actions of Phillipa Kett who seems to have been suing a Mr Braham. The precise reason for this dispute is not revealed but it seems likely that it involved Phillipa's claim to a high status position in church.

According to Mary Absolom Susan had remarked:

'that Mrs Kett was bothe foole and silly whore for going into the seate, and a bitche for doing it.'¹⁵³

Susan at least had decided that Mrs Kett's aspirations to social recognition had no foundation. Her action of locking Mrs Kett within the pew could easily be seen as a shaming punishment, causing laughter and ridicule among her fellow parishioners at Mrs Kett's expense and certainly causing gossip. This cause also underlines the fact that the parish elite were not the only folk who considered their position in the church to be important. There is of course no definitive evidence as to the social position of the women involved, but the setting of the 'common Bake house' suggests that they were not wealthy. As we have seen Mary Absolom was a widow, while Mary Sanders and a third witness Elizabeth Gosling, were described as twenty-one and nineteen year old spinsters respectively. We may also presume that a common bakehouse was used by women and constituted a particular female zone of public space.

In her study of the Norfolk church courts, Susan Amussen argues that the assignment of:

'church seats ensured that the whole community was aware of the social order; there was no question of who belonged where. Church seating emphasised the importance of hierarchy in the social order, and made it clear that each had their own place as well as their own duties. It created an illusion of stability in the face of social and economic

¹⁵² NCCD. DEP/53/58A, 1692-1703; MF/X/200; July 1696, Phillipa Kett con Susan Nicholls.

¹⁵³ Ibid.

change.'¹⁵⁴

In principle it is difficult to disagree with this statement, so long as we remember that church seating plans represented the ideal and not necessarily the practice of seat assignment. Certainly in all the causes we have explored above, the protagonists were aware that their personal credit and esteem were at stake in such disputes. We must also remember that those who made the decisions could sometimes ignore precept and theory, and base their judgement upon many local factors. As Amussen notes, the system had to be flexible to reflect the demands of social and economic change.

As all of our examples show, if or when the cause came to court, neighbours were quite capable of deciding the rights of the matter for themselves. For our purposes we should note that when individuals attempted to register a change in their position in this most visible plan of the social order, they frequently resorted to asserting their claim physically. As was argued in chapter three, for defamation suits, a dispute over seating was an appeal to the neighbourhood to recognise a change in the social order. More importantly for the argument of this chapter, disputes over church seats are a paradigmatic case of the symbolic value of areas of physical space, and that people were often required to assert their control of that space. These disputes were not only an expression of an individual's personal opinion of his or her (and, it should be noted, a household's) position in the local hierarchy but vitally, they were an attempt to gain public acknowledgement of that status by their neighbours.

In this chapter we have examined how individuals displayed and negotiated their status in a community within areas of socially defined space. In a period where the public display of deference by "inferior" individuals was expected by "superior" individuals, any place that people gathered offered an arena for contests of status. In short, to fail to receive deference and respect when it was considered to be due, was a repudiation of any claims to superiority and thus insulting. Verbal insults in particular constituted such challenges. We have seen how church seating arrangements were one such arena where the local hierarchy

¹⁵⁴ S.Amussen, Ordered Society (1988), p.144.

was exhibited for all to see. We also saw how, despite the appearance of hierarchical stability the seating plan encouraged in the eyes of spectators, church seats were not passive spaces. The area of space defined by the pew had to be acted upon by individuals asserting their claims to social position relative to their neighbours. Only by personal action could the symbolic value attached to each seat be brought into existence.

As we argued in the introduction to this chapter, space is never value free. Sometimes an area of space is designed and created for an intended purpose that imposes rules or conventions for its use: a church, courtroom, or workshop are examples of this. Nevertheless, those rules and conventions are social constructions and can be challenged and altered. Streets and other communal areas are also governed by conventions of conduct, but here the rules may be more ambiguous and allow scope for personal interpretation. Thus it is in the practice of personal conduct that the symbolic values associated with particular areas are negotiated and agreed by the participants.

This practice of asserting control of space was an element in the demonstration of one's position in a local community, and all significant areas of the inhabited environment were subject to it. A person's moral identity was, by this reading, bound up in the spaces he or she occupied and used. Judith Butler defines gender identity as a constant process of redefinition through practice. If we expand upon this to cover all individual identity, we can see that simply to be a member of a community or neighbourhood, required a constant assertion of individual authority, and applied as much to the spaces in which people interacted as it did to the physical person.¹⁵⁵

Insults and defamatory gossip, therefore, were not only an attempt to undermine the individual's reputation and thereby exclude him or her from the moral community. They also acted upon the individual's right to extend their symbolic control, or moral authority, over the spaces in which they lived. Thus by asserting their membership of the moral community via their conduct, and the moral authority individuals derived

¹⁵⁵ See J. Butler, Gender Trouble: Feminism and the Subversion of Identity (London, 1990), pp.24-5, 33, 115.

from this community, individuals were claiming the status of citizens with all the responsibilities, rights, duties, and privileges this status entailed. Citizens expected to occupy the streets and public spaces of their physical environments without hindrance as respected, civilised human beings. Paradoxically this state of affairs could only be maintained if they were prepared to resist incursions upon their rights to do so, both publicly and vigorously.

CONCLUSION

We began this thesis with a consideration of the notion of social stability. It was suggested that historians have emphasised the continuity of English social institutions, and from this perspective have concluded that post-Restoration English society was orderly and stable. In short, the social hierarchy emerged from the interregnum intact and merely required "consolidating". In contrast, this thesis has argued that the continuity of social institutions presents an illusion of structural, and therefore social, stability. The Monarchy, Parliament, and the Law, amongst other institutions, may well have survived and grown in strength, and the "people", in the broadest sense of the term, may even have accepted these institutions and made use of them in their daily lives, but in the process the symbolic values and meanings these institutions represented and promulgated throughout the cultural milieu were transformed. For example, the events of 1688 can be seen as a redefinition of the role of the monarchy in the English system of government, with a reciprocal alteration in the definition of the role of Parliament: the institutions remained, but their practical and symbolic roles in society had significantly changed. Likewise, there appears to have been a change in cultural perceptions regarding the institution of the Law during the late seventeenth century. Previously, people had made great use of the church courts and Canon Law to settle personal differences, Common Law and Statutory Law were not generally seen to be appropriate for such disputes by the mass of the people. During the late seventeenth century men, in particular, withdrew from the church courts and began to apply to secular justice for resolving their conflicts. This suggests that attitudes towards the institution of the Law were changing in one half of the population at least.

At various points in this thesis material from the Quarter Sessions was introduced to demonstrate the similarities between business in the two legal systems. It would be worthwhile examining this bifurcation of popular usage of the law in greater detail, focusing further research upon the Quarter, and possibly the Petty, Sessions, and the use of petitions and binding orders for enforcing communal notions of "good" behaviour.

Returning to the notion of institutional change, one could also argue that the relatively new institution of the "poor law" was beginning to be operated with more efficiency as local administrators grew in confidence, their chosen solutions reflecting their perceptions of the social problems to be addressed and the goals to be achieved. Furthermore, the institutions of economic life were changing radically; credit was becoming more formalised, the stock market was created, and venture capital was more readily available. Thus, investment in new and larger scale commerce and manufacturing grew, although by nineteenth-century standards this was still embryonic, and the foundations were being laid for the eventual emergence of England as an industrial economy. But with this intensification of economic activity new problems emerged, competition increased, and the risks of business life escalated. For example, the weavers of Norwich were beginning to feel the effects of these changes by the late seventeenth century, and on at least two occasions sponsored Bills at Westminster to limit the trade in fabrics which threatened their city's prosperity.¹ We do not wish to overstate the role of the economy here, it was just one strand among many that was affecting the entire cultural milieu. The point to be grasped is that institutional continuity and stability is an illusion.

To this end it was argued that institutions are created by, and are expressions of, social relationships. Thus, the structure of society will necessarily change as individuals respond to experience, and experiment with their relationships. Thereby, innovation and social change occurs. Moreover, it was argued that this view of social relationships demands that we re-evaluate our notions of politics. The "people" can no longer be disregarded as "the governed", for a majority were actively involved and fully implicated in the construction and maintenance of their society and its institutions.

Although this thesis accepts that the apocalyptic vision of social destruction, a characteristic of English culture between ca. 1580-1640, had largely dissipated following the Interregnum, this does not necessarily mean that people felt any more secure. An implication of the argument of chapter one of this thesis is that culturally, all that had changed were the terms in which people thought about and expressed their fears of

¹ See R.H.Hill (ed), Thomas Corie (1956), p.37: in 1675 the weavers tried to stop Chapmen bringing Linen into the region as they were 'harming the drapers of Norwich in their trade'. In 1696 they were trying to limit the import of 'Indian silks and bengals' that challenged the pre-eminence of Norwich Stuffs; see E.M.Thompson (ed), Humphrey Prideaux (1875), p.166-8.

social disaster. In short, individuals were still deeply insecure and the social hierarchy, hence "social order" in its broadest sense, was still perceived to be fragile and a cause for concern. Within this cultural perspective, the broad economic developments initiated changing patterns of consumption as financial resources were redistributed, creating more disposable wealth within a broad cross-section of society. In tandem with this, the availability in the range of consumer goods was increasing, standards of comfort rose in many households, and novel luxury or display goods proliferated, especially in the households of the middling sort. Thus, conditions were created in which differentials of status, and lifestyle, could be expressed, negotiated, and assessed via material culture. At the same time standards of conduct and social behaviour were undergoing revision: the age old moral distinction between respectable, civilised human society, and disreputable, uncivilised, bestial conduct was being redefined and reinforced. This process was intensely "political", as access to power and influence depended upon one's inclusion among the former category. This observation reinforces the need to broaden the concept of "politics" beyond the formal structures of office and government, and take account of the practice of everyday social relationships.

In chapter two of this thesis, we established that the prime users of the church courts in Norwich, in common with other ecclesiastical jurisdictions, were drawn from the "middling" ranks of the social milieu. We also examined the social and intellectual context to the debates surrounding consumption. It was suggested that a "moral economy" of consumption existed in which the concepts of constraint, moderation, and sobriety were advocated as positive attributes of civilised society, as opposed to the excessive gratification of what were perceived as animal lusts. It was demonstrated how attitudes to consumption were expressed in the business that passed through the church courts, and it was argued from this observation that defamatory remarks and gossip were an attempt to "destabilise" personal identity and depict the victim as immoral and uncivilised. The concept of a "morality" of consumption offers a further field for future research and thought. The concept can be seen operating as a practical guide to social discrimination and distinction throughout the social milieu. For example, it influenced decisions the overseers of the "poor law" made concerning the distribution of relief, and, significantly, decisions concerning the collection of adequate funds to provide for the poor. Likewise, as was argued in chapter one of this thesis, similar judgements were invoked to maintain distinctions between social groups, and individuals within those groups, thereby

becoming an aspect of the expression of the social structure. From this perspective, attitudes towards, and debates surrounding consumption, become an important symbolic emblem of the construction of the social hierarchy.

The underlying assumption of this thesis is that the events discussed and the resolutions arrived at occurred within, and were heavily influenced by, a communal context. This was explored in chapter three of this thesis, where we examined the language that motivated people to sue for defamation. Once again we examined the intellectual background to language use, and argued that immense cultural importance was placed upon everyday speech. It was deemed to reveal the inner worth of the person, and thus, it was argued, was seen to be a sign of an individual's civility. Furthermore, we investigated the activities of defamation and denigrating gossip from the perspective of "social performance". We argued that such practices were small "ritual exchanges" which allowed the participants to negotiate, reaffirm, or challenge existing social relationships. We concluded that in the majority of causes litigants were appealing to public opinion within the neighbourhood. Thus, a person's reputation, and by extension, their personal authority within local networks of power, can be seen to be firmly grounded within the parish; which, it should also be observed, was the smallest unit for the administration and deliverance of governance.

Moreover, we examined the gender distinctions that were expressed by the words that people took offence at, and pursued legal action to rectify the consequences of. Broadly our investigations confirmed the findings of other scholars, and men tended to be defamed over a wider category of personal conduct than women. There was one significant feature of the Norwich evidence however, that does bear restating. Generally, historians have concluded that men were not overly concerned about personal promiscuity; this aspect of sexual conduct, it is argued, was only the concern of women. Yet the Norwich depositions revealed the term "rogue", assumed by previous scholars to carry no sexual connotation, being used to denigrate male sexual behaviour. This finding presents us with three possibilities: the reading of the evidence from Norwich may be mistaken, but this does not seem to be the case; this means that either previous studies are mistaken about the expression "rogue", or that the Norwich material presents evidence of late seventeenth-century cultural innovation. We are not suggesting here that the "double standard" was ceasing to affect gender relationships,

but we are arguing that its practical operation was far more complex than many scholars have assumed so far. Thus further research upon the concept of masculinity might investigate the shifting relationship between discourses of male sexual power and its expression, and discourses of what constituted a "civilised" and "honourable" man capable of being entrusted with political power.

In this vein, chapter four of this thesis examined late seventeenth-century notions of social role and personal honour. It was argued that the performance of social roles was an expression of personal autonomy, and the authority to act as a citizen within the local social milieu. It was demonstrated that a common theme of causes in the Norwich church court was the invocation of discursive precept by defamers in an attempt to redirect communal judgements upon role performance. Conversely, promoters of causes attempted to justify their conduct and reinforce their position within the local "moral community". It was argued that from this interaction between practice, precept, and communal consensus, moral value was derived. Personal reputation, or honour, was the expression of this moral worth of an individual: it was their "symbolic capital" and a vital personal resource in the practice of social relationships. We examined varying aspects of the process of the negotiation of honour, particularly the notion that honour can only be gained if it is put at risk. This, it was argued, would explain much of the assertive behaviour that brought people before the church courts: in a community of honourable equals, albeit of a formal or fictive kind, any transgressive conduct must be resisted or a person's "symbolic capital" will be diminished.

Furthermore, we argued that despite the assumption that honour was a personal attribute, it was in fact related to the entire social identity of the person; especially as a member of a household. In this respect male and female honour were complementary components of the reputation of a household. Moreover, as late seventeenth-century social and political theory assumed the household to be the basis of the civis, a pristine reputation was a demand for social, and formal political, advancement. In addition, because women were as active, if not more so, in the process of denigration as men, it was argued that contrary to orthodox historical opinion, women played a central role in the formal politics of their neighbourhoods.

The withdrawal of men from active participation in the ecclesiastical court system therefore poses an

intriguing question. That is, by what means did men continue their personal struggles for reputation, and thus, political power and influence? The continuing involvement of women in the church courts through to the nineteenth century can still be perceived as disputes surrounding household reputation and the struggle for inclusion in the "moral community" of citizens. But it is nonsense to conclude that the gradual dwindling of male participation in the ecclesiastical system signifies a contiguous disinterestedness in reputation, or a lessening of the power of "honour" to distinguish upright, trustworthy citizens, amongst men. A fruitful topic for future examination therefore, might be the proliferation of discourses and practices of male "reputation" in relation to the discourse of "civility" and "civic responsibility".

In chapter five of this thesis, a preliminary exploration was initiated into the suggestion that membership of a community involves the active occupation of defined areas of space. The concept of social "performance" was further deployed to acknowledge the role of physical structures houses, streets, churches, alehouse and so forth, as a "stage" upon which personal autonomy and authority was publicly displayed. To this end, it was argued that physical structures and communal areas are never value free, quite the contrary in fact, because part of their definition as structures and spaces includes rules and conventions for their use: it is this aspect of physical space that creates the human "social" environment. Disputes centering upon church seats were presented as a prime example of the notion that areas of defined space frequently symbolized the social hierarchy. Furthermore, these same disputes underline the theoretical position of this thesis; that it is within the context of social relationships that the social structure is expressed, challenged, and negotiated.

In the course of our investigations of "space" we examined the concept of "privacy", particularly in relation to the household. It was demonstrated that disputes frequently arose over the personal conduct of members of a household, or over the conduct a householder might reasonably expect of their guests. Such disputes were argued to be contests over the control and definition of the physical space, and reflected back upon the reputation of the members of the household. Similarly, it was suggested that the boundaries of physical structures, particularly the entrances and exits, were important areas for the expression of personal autonomy and authority. Likewise, when an individual left the confines of their household and walked the street, they

expected to do so without hindrance and as respected members of the community. Thus, it was argued, disputes and conflicts surrounding the use of, and personal conduct within, areas of space were the symbolic expression of a person's attempt to gain neighbourly recognition of his or her inclusion in the community: the act of freely occupying communal areas being an expression of the status of "citizen".

Among the many criticisms that might be levelled at this rendition of late seventeenth-century English society, two demand immediate attention: first, it is a local study and therefore it could be suggested that its application is limited with regard to debates surrounding the wider "national" story; second, its focus is upon litigation and conflict, and therefore ignores the mass of the population that did not appear before the courts. We acknowledge both of these criticisms but do not accept that they devalue the conclusions we have reached. In response to the first, this study is unashamedly local in emphasis, and we have attempted throughout to consistently stress that any conclusions relate first to the region of Norfolk and only secondly to the "nation". This having been said, we would expect to find analogous cultural concerns and practices in other regions, but we would also expect those regions to reveal peculiarities and idiosyncrasies that would ultimately derive from the population's particular response to similar problems and demands. Furthermore, as we argued in chapter one of this thesis, this situation is to be expected, because to conceive of the "nation state" as an inclusive entity demands that the distinction between the centre and the periphery be dissolved. It must be recognised that it is the beliefs, intentions, and actions of individuals wherever they reside that creates the "nation".

Similarly, our response to the second objection is to acknowledge the limits of the source material examined in this thesis. But, as we argued in the introduction, social relationships are so broad and all-embracing of the social milieu that some limits have to be applied. Furthermore, all studies of social behaviour are circumscribed to a greater or lesser extent and it is impossible to produce a definitive holistic account of human social behaviour because people are constantly innovating and transforming their social practice: as this thesis understands it, this practice of transformation and innovation is human culture. Therefore, as the title of this study asserts, we are interested in 'aspects of social relationships' and the negotiation of the symbolic content of these by individuals in the act of cultural creation.

The merit of the approach to the source material adopted in this thesis, is that we are able to unite the two views that characterise the historiographical analysis of seventeenth-century social life: that is, the "conflict" and the "consensus" perspectives. Individuals may have argued and their personal desires may have brought them into conflict with each other, but these disputes always occurred within a context of communal consensus and the community exerted its influence upon protagonists to settle their problems amicably. This is not to argue that ill-feeling between individuals and personal feuds did not continue, but the damage that they could inflict upon the complex relationships of a neighbourhood or parish was restricted. In this sense the extraordinary structural stability of English society emphasised by many historians of the period is valid as long as we bear in mind that it is founded on a superficial account of the process of maintaining social harmony and stability. If we look below the surface, events suggest a very different conclusion, for within the context of social relationships intense and frequently bitter contests could erupt as citizens struggled to define the institutions, and thus the structure, of their society.

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