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Evil, Vicious, and Nice:
Myssruled Women's Bodies in Late Medieval English Courts of Law

By

Olivia Annelies Benowitz

A dissertation submitted in partial satisfaction of the

requirements for the degree of

Doctor of Philosophy

in

History

in the

Graduate Division

of the

University of California, Berkeley

Committee in charge:

Professor Ethan Shagan, Chair
Professor James Vernon
Professor Maura Nolan

Spring 2023

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Abstract

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Olivia Annelies Benowitz

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Professor Ethan Shagan, Chair

This dissertation argues that pre-Reformation policing of women's sexuality in England was much more tolerant than recent scholarship has contended, and that women were adept in using the resources available to them in terms of their networks within the community to navigate the ecclesiastical and civil courts. The project is animated by an often-overlooked gap between the official rhetoric about women's sexuality and practical jurisprudence, i.e., the day-to-day records of indictments, prosecutions, and outcomes. Most women brought to court for sexual misbehavior escaped punishment. Previous scholarship has explained this apparently lax system as evidence of the ineffectiveness of mechanisms of social control before the Elizabethan rise of the state. My original research shows that this was not the case. When women got off, the system was working as intended.

Chapter 1 examines the language of the court records of women accused of sexual misbehavior, utilizing Latin and English language court records to demonstrate that authorities had a nuanced understanding of women's sexual misbehavior that was obfuscated by the conventions of late medieval legal Latin. Chapter 2 engages with the scholarly debate about women's sexual reputations and argues that women at the lower end of the social hierarchy were less concerned with their reputations than they were with using the social capital of their male friends to maintain their place, however debased, in their communities. Chapter 3 looks at the late medieval justice system through the lens of restorative justice and argues that this system reflected a focus on restoration rather than retribution. Chapter 4 looks at the elaborate shaming punishments prescribed for women convicted of sexual misbehavior in the context of the culture of performance during the period. Finally, a coda suggests how this research can offer new approaches to feminist medieval historians.

For Christina Ryan
You taught me to be misruled, brazen, vicious, strong…
…and, sometimes, nice.

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ACKNOWLEDGMENTS

The first concert I ever attended was the Lilith Fair in 1999, and that probably explains a lot about my personality and, indeed, this dissertation.

For those unfamiliar, the Lilith Fair was a concert tour founded by Sarah McLachlan that took place during the summer from 1997 to 1999. When my mother and I went, the headliners included Susan Tedeschi, Liz Phair, Sheryl Crow, the Indigo Girls, and, most importantly, The Chicks (formerly known as the Dixie Chicks). That female fiesta fostered my nascent feminist mindset, and the trip through the world of brazen medieval sex workers that follows is, in some way, a result of hearing a song about two friends getting together to fight back against abuse through the creative use of black-eyed peas when I was twelve.

Though I've been a long time gone from my hometown of Bloomington, Indiana, my roots there run deep, and the important people there deserve mention. My wonderful stepfather, Stephen Benowitz, died suddenly when I was eight years old. Several people in my hometown of Bloomington, Indiana, helped my mother and I cope. Lynne Bergh, Joey Canada, Nita Levinson, Carolyn and Harry Geduld, Joanne King, and Judy Juhala are just a few of the many people who formed the village that helped raise me.

My mother and I moved to New York City when I was 16 so I could pursue a career as an actress. New York can be a heartbreak town and I couldn't have made it through those years without the support of some amazing people. After I met her at a book signing in Louisville, the incredible Tamora Pierce offered to meet up when I was in New York. We met for lunch once a month for two years, which was a dream come true. Megan Sikora, who lived in the same building as we did, is not only a phenomenally talented actress, singer, and dancer, but she is also one of the most kindhearted people I have had the pleasure to know. Judy Berger is the kind of person you always want to see, and whom you miss whenever you are away. She has also helped me financially for more than a decade. I can't wait to celebrate with her at the Viand Café the next time I get to New York.

My favorite movie is *Legally Blonde*, and it has been since I first saw it in the summer of 2001. The reviewer for my hometown newspaper was apparently sitting in front of my friends and me. The subsequent review panned the movie, but I got a cameo: "Your mileage may vary. The bright and animated group of tweens behind me – let the record show that some were blonde [*editor's note: it's me! I'm the blonde!*] – found Elle's adventures in academe to be perfectly entertaining." When I struck out to find a dream and a life of my own in New York City, though, I wasn't expecting to end up at Elle Woods' alma mater. I mostly applied on a whim, but somehow Harvard decided to

take a chance on me. They were some of my favorite years, and thus began my own "adventures in academe."

I had great support in my academic journey at Harvard. Andrew Romig, Marie Rutkoski, Amy Appleford, Carol Symes, and Charles Donahue are just a few of the scholars whose instruction and support were invaluable. Virginie Greene introduced me to Old French literature and supervised my senior thesis. Scott Sowerby taught me how to dig deeper into available sources, even when they seemed to refuse to give up insights. He is also a great friend.

When I moved to this place out west, Berkeley felt like another world. The friends I've made and the faculty who've encouraged me have since made it feel like a real home. I was lucky enough to find a wonderful place to live when I first arrived in Berkeley, and Mary Rita Algazzali and Steve Sandoval have been the best landlords a person could ask for.

Though I grew up amidst the crucifix skyline of the Bible Belt, I was never a very religious person. That changed in 2016 when Delia Younge introduced me to The Way Christian Center. I found a faith community I never could have dreamed of. My worship team family – Lauren, Sheila, Daisy, and so many more – brought joy and music to my life. Pastor Tanisha Walton's belief in me during some of the toughest times was invaluable. Pastor Erna Kim Hackett inspired me with her insight, wisdom, and kindness.

Several historians supported me during my time at Berkeley. Stephanie Jones Rogers is a rock star, both as an historian and as a mentor. Thomas Laqueur is a delight to work with, whether it is on a book, a class, or a paper. Margaret Chowning counseled me through a tough period and jumped onto my qualifying exams committee at the last minute. James Vernon is an advocate for graduate students in general and for me in particular.

Ethan Shagan has thrown me more lifelines than I can count over the years. He introduced me to the sources in this dissertation, taught me how to read sixteenth century scribbles, and pushed me to become the scholar I am today. Over pizza at Jupiter and beer on the banks of the River Cam, Ethan helped me craft a project I could be proud of.

This dissertation would never have materialized without Maura Nolan. She spent hours with me going through every sentence of these chapters, encouraging me to keep going when I was panicked and reminding me that my work was valuable. She taught me to dig a little bit deeper each time I felt ready to give up, and her kindness and hard work with me is a gift I could never repay. I am so incredibly lucky to have someone like her on my side.

Since this section is called "acknowledgments" and not "gratitudes," I want to acknowledge that not everything at Berkeley has been easy or kind. I dealt with

gaslighting and abuse during my first years here, and there were moments I didn't think I would make it through. I also went through a two-year-long Title IX investigation that should have taken ninety days, which was retraumatizing and, ultimately, futile. I don't think I'll ever be ready to make nice with the people who hurt me or the system that allowed it, but I know that my success in completing this dissertation and degree proves that those who said I "had no future in historical studies" were wrong.

I needed time to heal, so this project has taken a long time, and I couldn't have made it to the finish line without Melissa Schwartz, Alison Miller, and the amazing community in The Academic Writer's Space. There are dozens of people who celebrated with me, commiserated with me, and tolerated my terrible jokes over the last couple of years. Jenn McClatchy, Christina Ballantyne, and Anna Mooney are just a few of the TAWSers who have become wonderful friends. Kathryn Peterson and the TAWS AD crew helped me through rough days with Disco Thursdays and Epic Mondays. When the voice inside my head got too loud and I felt ready to run away from this ride, my TAWS tribe lifted my spirits.

My friends have supported and encouraged me as I took the long way around during this process. Alberto Garcia Maldonado is the best Marvel movie buddy and a role model for how to be a good scholar and teacher. Andrea Horbinski was the first person I ever met at Berkeley and having her and the world's best parrot, Joey, as roommates has been an adventure. Jennifer Krawec is a wonderful friend and queso aficionado and knew I could do this long before I did. Alison Rich and I reconnected during the pandemic and our daily writing check ins kept me sane. Gillian Chisom is the best roommate and friend you could find. She's the Wanda to my Mary Anne, and I know she'd bring the shovel whenever I asked. Mikah McCabe and Michael Whittemore came into my life at the tail end of this journey, and their friendship and support have been vital to finishing this project.

These acknowledgments wouldn't be complete without thanking Maisie. Maisie was the result of a rather impulsive decision on the day I graduated from Harvard. Instead of sticking around for commencement, I decided to get a dog. This weird little floof has been with me through thick and thin for fourteen years, and she keeps hanging on. She also now has a weird little brother, Miles, who is a ball-obsessed neurotic mess. I love them both with my whole heart, and I don't even begrudge them the fact that they probably eat better than I do.

One of the bright points about going through the pandemic was the opportunity to live with my grandmother, Peggy Lee Ryan. My Nanu has always marched to the beat of her own drum, and the months I got to spend laughing with her, watching endless hours of Nat Geo Wild, and hearing stories about her childhood in rural Missouri are memories I will always hold onto. She's always believed in me, supported

me, and comforted me when I needed it. I hope I've made her proud.

Finally, the most important person in my life is my mother, Christina Ryan. There aren't sufficient words to describe her. My mother is a fighter in every sense of the word. She taught me, through words and actions, how to be a person who stands up for herself and others. I can't think of any other mother who would pack up her life, hit the highway, and move thousands of miles to support a daughter's pipe dream. She is brash and brave and brilliant. I love you so much, mom. This is for you.

Abbreviations

BIHR	Borthwick Institute for Historical Research
CPMR	*Calendar of Plea and Memoranda Rolls*
LEME	*Lexicons of Early Modern English*
LMA	London Metropolitan Archives
MED	*Middle English Dictionary*
MGL	*Munimenta Gildhallae Londoniensis*
NYCRO	North Yorkshire County Record Office
OED	*Oxford English Dictionary*
TNA	The National Archives
WAC	Westminster Archives Center
WAM	Westminster Abbey Muniments

A NOTE ON LANGUAGE

This dissertation deals with sources in both Middle English and Latin. When quoting Middle English, I have preserved the original transcriptions. Where the original spelling is less clear, I have glossed the modern spelling in brackets. Latin quotations are in italics, with English translations in brackets. Latin in these sources is abbreviated, and I have done my best to expand those abbreviations accurately, but errors may remain. The scribes of the late medieval court systems had, I believe, only slightly more mastery of legal Latin than I do, so these errors could be mine or theirs or both. I apologize for any confusion, and I am sure they would too.

In addition, because this dissertation focuses on the experiences of women accused of sexual misbehavior, I must necessarily use terminology relating to the sex trade. For the most part, recent secondary literature has used the words "prostitution" and "prostitute" uncritically. I have chosen to use the terms "sex work," "sex trade," and "sex worker" deliberately. Not only are these terms the language embraced by most sex workers today, but they also avoid the burden of centuries of disdain and discrimination which accompany "prostitute." Furthermore, feminist scholars have purposefully eschewed "sex work" for problematic reasons. There are myriad examples of this practice, but Barbara Hanawalt's commentary is a good exemplar. When discussing the economic opportunities for late medieval women, she describes sex work thus: "When all else failed, women sold their bodies, not as a glamorized [sic] 'sex workers' but in casual encounters to tide them over. One cannot romanticize the lives of the working women, most of whom lacked stable employment situations."[1]

Hanawalt expresses a political stance toward sex work that reflects a line of feminist thinking which I explore further in the Coda, but I want to make it clear from the outset: "prostitute" is, in today's parlance, an epithet that casts the people engaged in the sex trade as perpetual victims. People who engage in sex work do so for a variety of reasons today and they did so for a variety of reasons in the period under discussion in this project. Describing the occupations of these people in neutral terms acknowledging that this is labor performed for wages or for other forms of sustenance is not to "glamorize" or "romanticize" anything. I have worked many jobs to "tide myself over." I have also been an actor, a profession which was associated with sex work for centuries because an actor's body is a constitutive part of their labor. By singling out sex as a uniquely denigrating form of labor, historians risk ignoring the humanity of the women they study. I hope scholars will change their linguistic conventions, and the attitudes they signify, in the future.

[1] Barbara Hanawalt, *The Wealth of Wives: Women, Law, and Economy in Late Medieval London* (Oxford: Oxford University Press, 2007), 186.

INTRODUCTION

In August 1519, the constables and bailiffs of Westminster had a very trying day. They were tasked with summoning nearly one hundred people to a court session at the Gatehouse Prison, most of whom were women accused of sexual misbehavior and antisocial behavior. One of these women was Elysabeth Bolton, who was married to a "yeom[an] of the king's kechyn [kitchen]." She was accused of "lechery using with her body & also a comyn scold…and also the said Elysabeth doth vex & trobyll hir neighburs wrongfully in the lawe as by accions [against] the peace of good Aberyng…and also in the dispisynge of the hedborowis & other [of] the kings officers in callyng them canker[ou]s chorylls with many other dispiteffull words." These charges were apparently consistent with her character. An entry in the court book reports that "wherfor to have hir examynyd the hedborowis sent constablys & the baylyff for hir desyryng hir to come to the courte." Elysabeth would have none of it: "wheruppon she said that she wold not com ther for now of all the chorllys."[2]

Despite her (ironically quite churlish) behavior, Elysabeth appears to have suffered no consequences. While many of her neighbors, charged with similar offenses, were either obligated to find reputable men to pledge a surety for their good behavior or threatened with expulsion from town altogether, Elysabeth's entry ends with her refusal to comply with the court's request. Elysabeth was not the only one who avoided court entirely: her neighbor Mrs. Bostoke evaded the summons via the simple expedient of being "not at home" and the record simply says the charges "stand undyscossyd."[3]

These women were not unique in escaping punishment for their behavior; most women brought to courts, both secular and ecclesiastical, were not subjected to any consequence beyond the dubious infamy of being called to court. Only a fraction of the women presented before secular tribunals like the 1519 Gatehouse court and the wardmote meetings in London were subjected to formal punishment. The vast majority of women presented before the main ecclesiastical court that dealt with sexual misbehavior, the Commissary Court of the Bishop of London, were either summarily dismissed or sentenced to compurgation, which entailed bringing four or five reputable neighbors to confirm her oath of innocence.

This picture of women's experiences in the late medieval justice system is counterintuitive to many, laypeople and historians alike. The traditional understanding of women deemed sexually promiscuous or disorderly – whether they were professional sex workers or not – is that they were "stigmatized, prosecuted by various

[2] WAC, 45/1, fol. 7.
[3] WAC, 45/1, fol. 11.

authorities, and regarded as the dregs of society."[4] The rhetoric of officials supports this interpretation. The *Liber Albus*, a fourteenth-century customary of London's laws, decreed that "women, as common courtesans, common adulteresses, common bawds, and scolds" should be indicted and punished by city officials "for the purpose of removing them out of the City, or for making them cease so to offend, to the pleasing of God, the salvation of their soul, and the cleanness and honesty of the said city."[5] Such women were of "evil," "wicked," and "lewd" life.[6] We have records of women who were subjected to elaborate shaming punishments that entailed them being stripped to a shift and carted around the city before being expelled from the city. Some of Elysabeth Bolton's neighbors were told to leave town, and many did. There were serious potential consequences for women whose sexuality was deemed deviant and immoral. At the same time, however, both the anecdotal and quantitative data revealed in my research shows that, in the later medieval period, punishment and expulsion were the exception rather than the rule. This gap between official rhetoric (found in the authoritative pronouncements of statutes, ordinances, proclamations, and other legal statements) and practical jurisprudence (as revealed in the day-to-day records of indictments, prosecutions, and outcomes) is the focus of this project.

Although historians studying women's sexuality and its regulation in this period acknowledge that the number of women convicted of sexual crimes is far smaller than the number of those indicted, that fact seems to have had little effect on the conclusions they draw. Rather than investigating the clear contradiction between rhetoric and practice or questioning the presumption that punishment was the goal of sexual regulation, historians have preferred to attribute it to a widespread ineptness on the part of police and prosecutors. In addition, a common thread among this scholarship has been the assumption that in both late medieval and early modern England, a woman's sexual reputation was of paramount importance and that losing it had devastating consequences. Whether discussing accused prostitutes or women who brought suit for defamation in defense of their reputations, it is taken as a given that a woman's sexual purity had material and moral influence on her life.

The primary scholarly account of sex work in late medieval England is Ruth Mazo Karras' *Common Women: Prostitution and Sexuality in Medieval England*. In this book she argues that the defining characteristic of a "whore" was "not the exchange of money, nor even multiple sexual partners, but the public and indiscriminate availability

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[4] Ruth Mazo Karras, *Common Women: Prostitution and Sexuality in Medieval England* (Oxford: Oxford University Press, 1996), 142.

[5] *MGL*, vol. 3, 179

[6] *MGL*, vol. 3, 179, 132.

of a woman's body."[7] Through this broad definition, Karras asserts, female sexuality became an essential part of any woman's identity and avoiding the label of "whore" became a vital way of controlling all women. Other scholars have looked at late medieval prostitution within the context of other forms of misbehavior. Marjorie McIntosh and Shannon McSheffrey have done exhaustive studies on the ways in which sexuality played a role in women's lives and the attempts of authorities to control or constrain that sexuality within a patriarchal framework.[8]

More recently, scholars like Frank Rexroth and Martin Ingram have examined these efforts toward control through the lens of moral policing. In *Deviance and Power in Late Medieval London*, Rexroth examines what he dubs the "underworld" of London society and authorities' efforts toward "securing the victory of the respectable over the underworld."[9] Martin Ingram's exhaustive study of policing sexuality, *Carnal Knowledge: Regulating Sex in England, 1470-1600* similarly argues that the institutions of control and punishment were robust and thriving in the period leading up to and immediately following the Reformation.[10]

A related historiographical thread is the study of women's reputation in early modern England. These studies have primarily dealt with women's experiences after the English Reformation, from the mid-sixteenth century through the late seventeenth. Laura Gowing's work with the deposition books from the Consistory Court of the Bishop of London has paved the way for a rich field of work on the ways in which women used the church courts to defend their reputations against sexual insult. She argues in *Domestic Dangers: Women, Words, and Sex in Early Modern London* that any sexual discredit could threaten a woman's reputation in a way it did not for men. She asserts that women crafted narratives in their testimonies as a form of "asserting a verbal agency over domestic, sexual, and marital events that had, one way or another, disempowered them."[11] Since this groundbreaking study, other scholars have used church court deposition books from London and beyond to study the lives of everyday women whose stories cannot be found in other types of records. Bernard Capp, in his book *When Gossips Meet: Women, Family, and Neighborhood in Early Modern England*, used

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[7] Karras, *Common Women*, 10.

[8] See Marjorie Keniston McIntosh, *Controlling Misbehavior in England, 1370-1600* (Cambridge: Cambridge University Press, 1998) and Shannon McSheffrey, *Marriage, Sex and Civic Culture in Late Medieval London* (Philadelphia: University of Pennsylvania Press, 2006).

[9] Frank Rexroth, *Deviance and Power in Late Medieval London* (Cambridge: Cambridge University Press, 2007), 308.

[10] Martin Ingram, *Carnal Knowledge: Regulating Sex in England, 1470-1600* (Cambridge: Cambridge University Press, 2017).

[11] Laura Gowing, *Domestic Dangers: Women, Words, and Sex in Early Modern London* (Oxford: Oxford University Press, 1996), 262.

similar records to explore how women were able to negotiate the patriarchal systems under which they lived.[12] More recently, Eleanor Hubbard has looked at the London Consistory Court depositions to examine women's life cycles and economic opportunities in the sixteenth and seventeenth centuries. Ultimately, she argues, there was "a preference for economic order over sexual order," but that sexual reputation was nonetheless important in determining a woman's social and economic opportunities.[13]

This dissertation focuses on the years between 1400 and 1535, with some outliers. For the sake of consistency, I have characterized this period as "late medieval" throughout the project, although traditional English periodization begins the early modern period with the accession of Henry VII in 1485. However, from the perspective of legal historiography, because the records I use predate the English Reformation (with minor comparative exceptions), and because they include both ecclesiastical and secular court documents, it is more accurate to regard them as a portrait of the final state of the late medieval legal landscape. For better or worse, court records are one of the few places in which we can get a glimpse of the lives of women on the lower end of society. There are certainly problems with relying on such records, as scholars like Natalie Zemon Davis and P.J.P Goldberg have pointed out, but they are nonetheless vital to get the most complete picture possible.[14]

The first task in investigating the gap between official rhetoric and practical jurisprudence during this period was to assemble the available data, i.e., all of the extant secular and ecclesiastical court records for the period under consideration. These records are widely dispersed in English archives and often fragmentary. The secular justice system in late medieval London consisted of the wardmote and the Court of Common Council. I have examined all extant records from fifteenth and sixteenth century wardmote meetings. Most of these are from Portsoken Ward between 1465 and 1482, plus a stray return from 1508. There are also four early sixteenth century returns: three from Aldersgate Ward and one from Broad Street Ward. In addition, several fifteenth century wardmote returns are reproduced in the records of London's Court of Common Council. I have supplemented these wardmote returns with primary sources from London officials, including the fifteenth century customary *Liber Albus* (also

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[12] Bernard Capp, *When Gossips Meet: Women, Family, and Neighborhood in Early Modern England* (Oxford: Oxford University Press, 2003).

[13] Eleanor Hubbard, *City Women: Money, Sex, and the Social Order in Early Modern London* (Oxford: Oxford University Press, 2012), 276.

[14] See Natalie Zemon Davis, *Fiction in the Archives: Pardon Tales and Their Tellers in Sixteenth-Century France* (Stanford: Stanford University Press, 1990). For the later medieval period, see P.J.P. Goldberg, "Debate: Fiction in the archives: the York cause papers as a source for later medieval social history," *Continuity and Change* 12, no. 3 (1997): 425-445.

known as *The White Book of London*) and the *Calendar of Plea and Memoranda Rolls*. I have also used records from the State Papers held at the National Archives, which are cataloged in *Letters and Papers, Foreign and Domestic, Henry VIII*. Another important set of sources come from Westminster. Three sixteenth century records from courts held at the Gatehouse Prison on the grounds of Westminster Abbey, which resemble wardmote returns in their concerns, feature prominently in my analysis.

For ecclesiastical courts, the bulk of my evidence comes from the records of the Commissary Court of the Bishop of London. These records survive in thirteen volumes which span 1470 to 1529. A record from the court of the Bishop of Winchester between 1511 and 1515 offers a valuable comparison to the London sources. While the scholars I have mentioned tend to gravitate toward the discursive deposition books from the Consistory Court (which focused primarily on civil cases, including defamation and marriage), I have chosen to focus on the briefer (but far more numerous) records of the Commissary Court (which primarily prosecuted criminal cases). The only comprehensive study of this court's records is Richard Wunderli's 1981 study *London Church Courts and Society on the Eve of the Reformation*, which has been a vital resource in my work, but which shows its age in its interpretation of the evidence, as I discuss in the following chapters.[15]

Beyond London, I have consulted secular and ecclesiastical records from York, Gloucester, Ipswich, and Northallerton, among others. These sources serve as important comparisons, but do not form the bulk of my evidence.

Other scholars have examined these sources to greater and lesser degrees. The wardmote returns – particularly the Portsoken series – are invaluable as documentation of the daily life and concerns of late medieval Londoners. Karras, Ingram, Rexroth, and others have used the preoccupation of the wardmote inquests on moral and environmental defects to argue that at the most local level people were concerned with women's sexual misbehavior and made concerted attempts to curtail it.[16] Those scholars who have engaged with the Commissary Court records have used the number of cases and frequent appearance of women accused of adultery, fornication, and participation in the sex trade to make similar arguments.[17]

While I have examined the same records as other historians, I have read them with an eye to reconciling the gap between the documented outcomes for these women and the ways in which scholars have interpreted their experiences. Previous scholarship seems to approach the court records assuming that the rhetoric of moral abhorrence of

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[15] Richard Wunderli, *London Church Courts and Society on the Eve of the Reformation* (Cambridge, MA: The Medieval Academy of America, 1981).

[16] See Karras, *Common Women*, Ingram, *Carnal Knowledge*, and Rexroth, *Deviance and Power.*

[17] See especially Wunderli, *London Church Courts*, 81-102.

women's sexuality was the key tenet and goal of efforts toward control, and that any evidence that women were able to evade condemnation is proof of system failure. I have approached these records with the assumption that the outcomes, which overwhelmingly lean toward forbearance and flexibility, are better evidence of the attitudes of Londoners than the proclamations of higher officials like the Mayor and aldermen of London. Without denying the existence of patriarchal policies and institutions, the following chapters seek to illuminate how the rhetoric squares with the reality of women's lived experiences.

Chapter 1 examines the language of the court records of women accused of sexual misbehavior. While most court records from this period are in Latin, toward the end of the fifteenth century more secular courts began recording their proceedings in English. By comparing the Latin language records of the Commissary Court and the English language records of local secular courts, I show that late medieval authorities had a much more nuanced understanding of women's sexual behavior than previously acknowledged. Previous scholarship has not distinguished between the English and Latin records, which has obfuscated the variety of degrees of sexual offenses in these courts.

Chapter 2 takes on the topic of reputation, an area that has been well trod by other scholars. By looking at the documents produced by a citywide search for suspicious people spearheaded by Cardinal Thomas Wolsey in 1519, I argue that the economy of reputation for women at the bottom of the social hierarchy had less to do with maintaining good fame and more to do with utilizing the social capital of their neighbors and friends to keep their status and security in their homes.

Chapter 3 addresses the discrepancy between the rhetoric of condemnation and censure toward women's sexuality through the lens of modern restorative justice theory. I demonstrate that local courts and the Commissary Court were designed to give women ample opportunity to affirm their place in their communities.

Chapter 4 looks at the women who were subjected to the elaborate punishments scholars have focused on for decades. The penitential processions described in customaries like the *Liber Albus* are theatrical in nature, and I examine the punishments through this lens. Furthermore, I examine the women who we know suffered these punishments and determine the common factor. These women were people who brazenly defied the restrictions late medieval English regulations placed upon sex workers.

Through these chapters, I argue that pre-Reformation policing of women's sexuality in England was much more tolerant than recent scholarship has contended, and that women were adept in using the resources available to them in terms of their networks within the community to navigate the ecclesiastical and civil courts. The women in this study did not have the financial or social capital to defend their

reputations at higher courts like the Consistory Court, and therefore we do not have evidence of what narratives they deployed to maintain their positions. The evidence we do have shows that these women were not perpetual victims or inevitably marginalized; they were members of their communities who could leverage their neighborhood ties to escape punishment.

CHAPTER 1

Lost in Translation: The Language of Sexual Misconduct in London's Courts

On December 21st, 1510, the Alderman of London's Aldersgate Ward convened the annual wardmote inquest. A jury of fourteen respectable male residents had spent the previous weeks inquiring into the defaults of the ward, of both infrastructure and interpersonal relations. Along with a myriad of broken pavements and noisome gutters, many residents were presented for unseemly and disruptive behaviors. Most of the individuals presented for misbehavior were women. Nicholas Browne's wife was presented for being a "niyse [nice] woman of her boddy." Thomas King's wife was a "for a comen [common] harlot of her boddy and for a comen skolde [scold]." The wife of a man named Bobbett was presented "for bawdery [bawdry] and also for a vysyowse [vicious] woman of her body and her dowghter [daughter] also and for resortyng of yll dyspossed pepull [ill-disposed people] to hys howse."[18]

The wardmote inquest was just one of the many courts that engaged in disciplining sexual offenders in late medieval London; not only could higher secular courts occasionally consider sexual crimes, such as the King's Bench or the Court of Common Council, but the extensive network of ecclesiastical courts–ranging from the Commissary Court and the Consistory Court all the way to the Court of Arches–exercised extensive surveillance and jurisdiction over the sexual activities of London citizens. In this chapter, I will primarily be concerned with the activities of the two lowest of these courts–the secular wardmote and the ecclesiastical Commissary Court–because it was in those courts that women accused of sex work, bawdry, and defamation were primarily prosecuted. In addition, far more records have survived of the activities of these courts, due in part to the extreme volume of cases that they considered, making them one of the best lenses available with which to view the lives of ordinary urban women.

Indeed, women accused of sexual misbehavior could find themselves the target of one or both systems: the wardmote and the Commissary Court. For example, earlier in 1510, two other women from Aldersgate Ward were presented at the Commissary Court. Agnes Brygges was presented "*publica fama referente fovet pronubaciam inter Bregitta Brygges sua filiam & quiendam Rudolphi Knyght*" [referred by public fame that she fostered bawdry/illicit sex between Bridget Brygges her daughter & a certain Rudolph Knight].[19] This probably means that she encouraged or allowed her daughter to have

[18] LMA, CLC/W/FA/005/MS01499.

[19] LMA, DL/C/B/043/MS9064/10, fol. 49v.

sex with Rudolph even though the two were not (yet) married. Bridget and Rudolph were ordered to appear as well and confessed their crime. Agnes was ordered to submit herself for correction, i.e., penance, though the details of that sentence was not described.

A woman from the same parish, Emote Lewes, was also presented alongside her daughter Christina: "*notatur officio quod est communis vicinorum diffamatores vocando ea* hores *et* bawds *et aliam verbas obprobriosa*" [she is noted by this office that she is a common defamer of her neighbors, calling them 'whores' and 'bawds' and other opprobrious words].[20] It is possible that Emote Lewes is the same "Richard Lewes' wife" who was later presented "for a bawde" at the Aldersgate Wardmote inquest, but notably none of the other women presented for sexual misbehavior or slander appeared at the Commissary Court the same year or the next.[21]

These examples illustrate the official censure of women whose illicit behavior threatened the status quo of their communities. They also make evident the most frustrating element of assessing the legal status of women's sexual behavior at this moment in time: the language used to describe that behavior is frustratingly opaque. When Mrs. Bobbett is indicted for "bawdry" and as a "vicious woman of her body and her daughter," as well as for "resorting ill-disposed people" to her husband's house, are those the same crimes as Agnes Brygges' "*publica fama referente*" for "*fovet pronubaciam*" with her daughter Bridget? The details of Agnes' case seem to imply that while Agnes acted as bawd to her own daughter, there was only one man involved. Mrs. Bobbett, on the other hand, seems to have been running some sort of disreputable establishment. What about women accused of multiple offenses? Was Mrs. King's primary offense sexual in nature, or was scolding the more serious charge? How did she compare to Emote and Christina Lewes, who seem to have made a habit of calling their neighbors whores, harlots, and other opprobrious words? Is it possible that Emote was, in effect, a pot calling the kettle black when she accused her neighbors of bawdry?

Part of what makes these legal terms difficult to interpret is the fact that they are in different languages and arise in different courts with distinctly different aims; the wardmote courts were primarily concerned with maintaining social order, while ecclesiastical courts were focused on the spiritual health of the community. These differences, however, came together as a shared interest in defining and enforcing

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[20] LMA, DL/C/B/043/MS9064/10, fol. 49v.

[21] Martin Ingram claims that "there was no overlap" between the 1510 document and the Commissary Court records, and Lewes was a common enough last name. However, the fact that both Emote and Richard Lewes' wife were living in St. Botolph Aldersgate parish suggests that they are one and the same. Martin Ingram, *Carnal Knowledge: Regulating Sex in England 1470-1600* (Cambridge: Cambridge University Press, 2017), 219.

standards of moral behavior, which was articulated in the different vocabularies and procedures each deployed. Although most court records from this period–secular and ecclesiastical–are written in Latin, one court, the wardmote, consistently record its proceedings in English. These English language court records offer a key comparand for any analysis of sexual crimes, since the Latin lexicon of sexual misbehavior is limited, especially in ecclesiastical court records, which poses a significant problem for scholars. Ruth Mazo Karras observes that "the language of the court records is an indicator of the sexual behavior of medieval people only at a remove: it puts a veil of perhaps irrecoverable meaning between that behavior and its modern interpreter."[22]

In contrast, the select group of records from local and municipal courts in the late fifteenth and early sixteenth centuries that are written in English, like the Aldersgate Wardmote return, offer a unique insight into the ways in which people during this period discussed and conceived of women's sexuality and misbehavior, even if the vocabulary used in them presents similar problems of interpretation. Additionally, defamation suits in the Commissary Court often quote the English words a defamer used, and most of those insults are sexual in nature. The overlap between the words used in English secular courts and the words used for insults offers additional data for analysis.

As Karras notes, the linguistic conventions of Latin court records tend to conceal rather than reveal the details of sexual behavior and misrule. Indeed, as I will show, they purposely flatten the complexities of sexual misbehavior, not to confuse later readers, but rather to streamline and hasten the judicial process. In contrast, the English-language records from tribunals like wardmote inquests reveal the gradations of a wide range of named offenses. Counter to the impression created by the streamlined Latin sexual vocabulary in ecclesiastical courts, these gradations demonstrate that late medieval women's sexuality, even illicit sexuality, was not seen as uniformly threatening to the social order. Rather, there were certain words that reflected types of misbehavior and that indicated to what degree that behavior was transgressive.

No matter what language a court used – Latin, English, or even French – every court had its own lexicon: distinctive words, formulae, and other linguistic conventions. These lexica enhanced the clarity and ease of communication for officers of the court, but they could also obfuscate the content of court proceedings for defendants unused to legal language. They thus served a dual purpose: they made the courts more efficient and protected their power and authority.

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[22] Ruth Mazo Karras, "The Latin Vocabulary of Sexual Misbehavior," *The Journal of Medieval Latin*, no. 2 (January 1992): 17.

Ecclesiastical courts like the Commissary adhered to language and practices that obscure the nuances of offenses to allow for speedy summary judgment. Cases in that court were "expected to be summarily uncomplicated."[23] Secular courts like the wardmote had a different mandate than church courts: rather than concern over the moral hygiene of a community, inquest jurors were concerned with the stability and peace of their neighborhood. Women's illicit sexual behavior was a source of disorder and discord. Regardless of the reasoning, both systems were constructed to curtail disorderly behavior.

London's Court Systems

A surprising range of courts handled sexual misbehavior. Strictly speaking, crimes of "immorality" were the purview of ecclesiastical courts. In reality, numerous secular courts also indicted women – and some men – for sexual misconduct and other disorderly behavior. The wardmote was the most local of these courts, but other local courts also handled sexual misbehavior. The manor courts of districts that fell outside of London's jurisdiction often addressed similar issues as wardmotes. Westminster's View of Frankpledge also addressed illicit sex in the area, as did manor courts in liberties like Norton Folgate. In secular courts, the justification for pursuing sexual offenses was that such disruptive behavior constituted a nuisance to the community as well as a moral threat. Some unlucky offenders were subject to both ecclesiastical and secular justice and appeared before both the wardmote jury and the Commissary Court.

There are three categories under which women's illicit sexuality fell in both secular and ecclesiastical courts. The first is any sort of **illicit sex:** adultery, fornication, and sex work. The second is the **facilitation** of illicit sex: bawdry, procuring, or providing a residence or location for couples to have illicit sex. The final category addresses the **miscellaneous** misbehaviors like scolding that, while not explicitly sexual in nature, are often gendered and appear in conjunction with sexual misbehavior, as well as **defamation**, which most often consisted of sexual insults.

Fully describing the judicial landscape in pre-Reformation England would be a task far too wide-reaching for the scope of the present project. But a general layout of these two categories of courts (secular and ecclesiastical) and their jurisdictions related to women's sexual misbehavior will serve to lay the foundation of this chapter's argument. Most of the evidence in this chapter is from London and its suburbs. London is unique in both the number of records that survive and relatively large number of English-language records from the pre-Reformation period.

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[23] Richard Wunderli, *London Church Courts and Society on the Eve of the Reformation* (Cambridge, MA: Medieval Academy of America, 1981), 151.

Church Courts under the Bishop of London

Many scholars have used the rich and detailed records from London's Consistory Court, for which a few deposition books survive. That court dealt with *ab instantia* cases, i.e., cases brought "at the instance" of individuals against other individuals.[24] Such civil suits often concerned reputation, especially sexual reputation. Bernard Capp and Laura Gowing, among others, have used these records to make convincing arguments about the ways in which women used the church courts to affirm and defend their reputations in their communities.[25] The Consistory Court was the highest court under the Bishop of London. Under the Consistory Court, the Commissary Court heard primarily *ex officio* cases, in which people were brought in at the request of officials. Some cases came before the Commissary through visitations, in which the Bishop of London or his officials would spend four days in a certain quarter of the city. The churchwardens of the parishes within that quarter would come and report to the official, recounting the material and moral state of their parish. The frequency with which these visitations occurred is unclear, but it may have been as often as once every three years or as rarely as every ten years.[26] Such visitations, therefore, likely do not account for all – or even most – of the cases handled each year. Both the Consistory and Commissary Courts were under the purview of the Bishop of London. The Consistory Court was the bishop's highest court, overseen by "the official-principal," a university-trained doctor of law. The surviving records for both courts present significant barriers to understanding the ways in which these courts functioned. For the Consistory Court, just five deposition books (spanning the years 1487-1533) survive, as well as the *Liber assignationum* [book of assignments], which "really belonged to the court lawyers, the proctors, for it records their appearances and schedules of future appearances" and records neither the proctors' arguments nor judicial decisions.[27] Any records of how cases were decided are lost.

The Commissary Court's distinctive procedures mean that we have a much better sense of the full course of a case. The records also span a much longer period, beginning in 1470 and lasting, with some gaps, until 1529. Whereas litigants in the "highly professional" Consistory Court required proctors and advocates to guide them

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[24] Wunderli found just one *ex officio* case in the Consistory Court. Wunderli, *London Church Courts*, 32n21.

[25] See Laura Gowing, *Domestic Dangers: Women, Words, and Sex in Early Modern London* (Oxford: Oxford University Press, 1998) and Bernard Capp, *When Gossips Meet: Women, Family, and Neighborhood in Early Modern England* (Oxford: Oxford University Press, 2003).

[26] Wunderli, *London Church Courts*, 35-36. It is worthwhile to note that while the general outline of this procedure is likely correct, there is no surviving visitation book until 1561.

[27] Wunderli, *London Church Courts*, 7.

through complex judicial procedure, the Commissary Court was overseen by the commissary-general and all cases were decided through summary judgment: trials in the Commissary were "a direct confrontation between judge and litigant, without professional legists as mediators to define and shape the legal dispute."[28] A defendant was presented to the judge and the charge read. If the defendant maintained their innocence, the judge would hear the details of the case and, in most cases, assign the defendant to return with a specific number of compurgators or "oath-helpers" who would swear before the court that they believed in the defendant's honesty and good character. There was no jury, and usually no witnesses, though that began to change in the early sixteenth century. Such swift procedures mean that the court did a brisk business, but the entries are also brisk in nature. As Wunderli notes, "Judges had a dual nature in London that depended on the court in which they worked: in consistory they saw primarily rules before them; in commissary, primarily persons."[29]

The Commissary Court dealt with an exponentially larger number of cases than the Consistory Court. Wunderli counts between forty and sixty cases in the Consistory Court per year between 1500 and 1505, while the lowest number of cases heard in the Commissary, during a year in which London was devastated by plague, was 229. The highest number was roughly 1500 cases, and the number was at least in the hundreds even during the deadliest outbreaks.[30]

Both courts also cost money. Litigants in the Consistory Court had to pay the proctors, advocates, and scribes who were necessary aides in bringing a case. The Consistory also charged court fees to the loser of the suit.[31] The Commissary Court, meanwhile, assessed a "dismissal fee" to the defendant, regardless of guilt or innocence. This fee was split between the summoner, who brought defendants to the court, and the scribe who recorded the details of the case. Throughout the period for which the Commissary Court records survive, the average fee was between 12d and 14d. According to Wunderli, the average daily wage for a skilled artisan was 8d and a laborer might make as little as 4d.[32] Such fees, then, were not inconsequential sums for the average Londoner, and prohibitively expensive for the impoverished. In consideration of that fact, defendants whose total worth was 40s or less were not required to pay. Rather, they were usually dismissed "*in forma pauperis*," since court officers would have to charge a pauper at their own expense.[33] Such was the case with

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[28] Wunderli, *London Church Courts*, 10.
[29] Wunderli, *London Church Courts*, 40-41.
[30] Wunderli, *London Church Courts*, 19-23.
[31] Wunderli, *London Church Courts*, 54.
[32] Wunderli, *London Church Courts*, 55.
[33] Wunderli, *London Church Courts*, 44.

Richard Stone and Isabella Wright, who were presented for fornication in 1494. They successfully purged themselves and were dismissed but were not charged the fee "*ex gratia quia pauperes*."[34]

Secular Courts

In London's secular court system, the primary local court that dealt with illicit sex was the wardmote (the procedures of which will be discussed at length in a later chapter). Once a year, the Aldermen of London's twenty-five wards each assembled a jury of twelve to fourteen reputable men from the ward and charged them with collecting the names of the malefactors of the neighborhood. They were looking for issues that affected the health and safety of the community. Merchants who sold unsafe food and homeowners who let their property fall into disrepair were targeted along with women accused of sexual misbehavior. The jury then reconvened the wardmote to report their results. This meeting was a public affair that every male resident had to attend, at which the jury would name (and shame) the offenders they had discovered. These meetings produced a wardmote return, such as the Aldersgate return from 1510, which typically comprised a list of those "presentments" or indictments. That document was then taken to the Mayor of London's Court of Common Council, which would select which cases to prosecute and which to ignore. Miscreants accused of health and safety violations, like purveyors of rotten oysters or homeowners with chimneys made of wood, appear far more frequently in the Common Council records than women accused of sexual misbehavior. There was occasionally a flurry of activity focusing on sexual crimes, often when a particular mayor campaigned to rid the city of disreputable people.

Few wardmote returns survive. The most complete set is from Portsoken Ward, covering the latter half of the fifteenth century. There are also three early sixteenth century returns from Aldersgate Ward, including the 1510 return. Some wardmote presentments are reproduced in the Journals and Repertory books of the Court of Common Council, but their infrequent inclusion in these records suggests that while the wardmote was a regular and important part of London's justice system, it was not crucial enough to warrant regular mention in the Court's busy schedule. The Journals and Repertories more frequently record proclamations against immoral behavior like bawdry in general, rather than individual cases. The wardmote returns – and similar records from London's suburbs – offer tantalizing insight into the ways in which local, secular justice viewed its role in addressing moral issues, either separate from or in concert with ecclesiastical authorities.

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[34] LMA, DL/C/B/043/MS09064/6, fol. 74v

Latin in London's Commissary Court

The ecclesiastical equivalent of the wardmote was the Commissary Court, the quintessential "bawdy court" of late medieval England. Like the wardmote, the Commissary Court functioned as a filter in relation to a higher court system, dealing with the pettiest and basest crimes under ecclesiastical jurisdiction. In his *London Church Courts and Society on the Eve of the Reformation*, Wunderli divides Commissary Court cases into three broad categories: **sexual crimes**, **defamation**, and **other litigation**. All cases were *ex officio*, but under that umbrella canon law defined *ex officio mero* as cases brought by their own merit and *ex officio promoto* as cases brought at the promotion of another person. The *promoto* cases, therefore, were more like cases heard in the Consistory Court and often dealt with the same types of offenses: defamation, marriage, breach of faith, etc.[35] Wunderli estimates that between 1470 and 1516, between forty and fifty percent of Commissary Court cases were *ex officio promoto* and the remaining fifty to sixty percent cases were *ex officio mero*. With a few rare exceptions, the *ex officio mero* cases fall into Wunderli's category of "sexual crimes:" adultery, fornication, sex work, and bawdry. Of the *promoto* cases, the majority were defamation suits, which usually entailed slander relating to a plaintiff's sexuality. Because of this, Wunderli says, it is important to look at "London's sexual offenders because they alone taxed London's puny investigative policing powers."[36]

The records of the Commissary Court, a series of thirteen volumes titled *Acta quoad correctionem deliniquentium*, are more numerous than the Consistory Court records, but they are formulaic and terse. Many entries are no more than one or two lines long. Each entry lists the parish, the defendant's name, and their offenses. Some end there, with no indication of whether the accused appeared or not, like Margaret Ugall of St. Sepulchre's parish, presented as a "*communis meretrix*" [common sex worker] without any further detail.[37] The entries then state whether and when the defendant(s) appeared, whether they were sentenced to compurgation and how many honest neighbors they were required to find, and whether and when they successfully purged themselves. The formula for entries, especially in the earlier volumes, was succinct. In the earlier volumes, up to ten cases per page appear; later volumes, especially after 1502, sometimes added more detail and scribes left space for fewer cases per page.[38] Wunderli notes that much of the added verbiage was part of a trend toward

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[35] Wunderli, *London Church Courts*, 32.
[36] Wunderli, *London Church Courts*, 33.
[37] LMA, DL/C/B/043/MS09064/2, fol. 107v.
[38] Wunderli, *London Church Courts*, 149-52.

making the entries "much more precise, much more self-consciously legal, than earlier volumes."[39] While this expansion might appear to be an attempt to add specificity to the ecclesiastical court lexicon of sexual crimes, in fact, the vocabulary for sexual misbehavior remained largely the same.

Latin Terminology: Illicit Sex

Scholars have written about the difficulty of parsing the Latin language used to describe sexual misbehavior in Latin court records. The difficulty lies primarily in the relatively narrow set of terms used, as well as the fact that there are no clear definitions of what those terms entail. Karras notes that "Unlike modern law, which must describe in very specific terms the behavior prohibited, medieval law often assumed a general understanding."[40] Marjorie McIntosh has observed that the vocabulary used in Latin manor court records is a bit more varied, changing to reflect "the problems created by the demographic, economic, and social changes of the fifteenth century" in which jurors tackled "the gaps between their 'received social categories' and current practical problems."[41]

There are a handful of key Latin words used to describe sexual offenses in court records. Most sexual offenses in church court records consist of adultery and fornication. The verbs *adultero*, meaning "to commit adultery" and *fornicare*, meaning "to commit fornication" are the most frequent sexual crimes cited in ecclesiastical courts. A charge of adultery meant that at least one of the partners was married, while fornication, by definition, was committed by two unmarried people. The former offense was a crime with no remedy; the latter had an ostensible solution: marriage. With either offense both parties were usually named, as in the case of Agnes Hobson and Thomas Bewell, both of St. Sepuchlre's Parish, who were presented for adultery at the Commissary Court in 1471, one of 224 such cases the court heard that year.[42] The same year, John Wade and Elizabeth Spinner, of St. Nicholas Bassingshaw Parish, were presented at the same court for fornication, along with 94 others that year.[43] Usually the first named individual was the one brought to court, but occasionally both partners

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[39] Wunderli, *London Church Courts*, 32.

[40] Ruth Mazo Karras, *Common Women: Prostitution and Sexuality in Medieval England* (New York: Oxford University Press, 1996), 11.

[41] Marjorie McIntosh, "Finding Language for Misconduct: Jurors in Fifteenth-Century Local Courts," in *Bodies and Disciplines: Intersections of Literature and History in Fifteenth-Century England*, eds. Barbara Hanawalt and David Wallace. (Minneapolis: University of Minnesota Press, 1996), 113.

[42] LMA, DL/C/B/043/MS09064/2, fol. 8r; for calculations, see Wunderli, *London Church Courts*, 144.

[43] LMA, DL/C/B/043/MS09064/2, fol. 11r; Wunderli, *London Church Courts*, 145.

were presented. Such was the case with Margaret Herde and William Byrkyn. Margaret, who was from St. Nicholas Shambles Parish, was presented for adultery with William and ordered to appear. On the same day, William, who was from St. Bartholomew's Priory Parish, was presented for adultery with Margaret. These entries are separate but right next to each other, implying that both parties were likely married and had to answer for their offense individually.[44]

Until the 1510s, there were at least twice as many adultery cases as fornication cases in the Commissary Court each year.[45] It is possible that couples presented for fornication at the Commissary Court were discovered before they could formalize their marriage vows. If only one party believed they were consummating a marriage, however, that case may have proceeded to the Consistory Court as a marriage suit. Issues of marriage do occasionally appear in the Commissary, however, and demonstrate that cases of fornication may have been more complicated to resolve than by simply marrying. A woman named Alice, living in St. Mary Staining parish, was charged with "*contraxit matrimonium cum Thomas Clerk*" [contracted marriage with Thomas Clerk] as well as an "*alio viro*" [another man] in 1492.[46] She was not accused of adultery or fornication, but her case's appearance in the Commissary rather than the Consistory suggests that her offense was disreputable and likely had a sexual component.

Occasionally entries described illicit living situations either in lieu of or in addition to charges of adultery or fornication. Richard Martin, a householder in the parish of St. Mary's Old Fish Street, was presented for "*suscitavit prolem super Agnetem servientem suam*" [raising a child by his servant Agnes], the implication being that Richard and Agnes had illicit sex that resulted in a child.[47] A man or woman might be accused of living with someone *incontinenter* [incontinently], implying the disrepute of such arrangements. This word is usually deployed when the male offender is a member of the clergy, as in the case of William Bass, a clergyman who was presented for adultery and incontinence with a woman named Elizabeth Rawlins in the early 1500s.[48]

While charges of adultery or fornication required a named partner, women's illicit sexual behavior, including sex work, could also stand on its own. The word *meretrix* is generally translated as "prostitute," but as Karras and others have argued, such a definition is insufficient because the word seems to be used for women who have

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[44] LMA, DL/C/B/043/MS09064/2, fol. 14r.
[45] See Wunderli, *London Church Courts*, 144-145.
[46] LMA, DL/C/B/043/MS09064/5, fol. 18r.
[47] LMA, DL/C/B/043/MS09064/1, fol. 64r.
[48] LMA, DL/C/B/043/MS09064/9, fol. 87v.

illicit sex, regardless of whether they were paid.[49] While *meretrix* was used "in a generic sense for a wanton of any type" even in Roman times, its etymology implies "a strictly professional harlot who sells herself for *merx* [commodity or merchandise]."[50] In some Commissary Court cases, it is clear that the accused was a professional sex worker. Margaret Weston, from St. Botolph's Bishopsgate, was presented as a *meretrix* "*p[ro] labore j d* [for [her] labor one pence]" in 1471.[51] Such detail is uncommon, however. Women accused of having sex with members of the clergy, especially as *meretrices*, were likely also professionals. Elizabeth Tyler was presented in 1471 as "*communis meretrix et specialiter diversis presbyters* [common whore and especially with diverse priests]."[52] Several entries for women accused of being a *meretrix* contain no more information than the name, parish, and charge. Sometimes the woman does not get even get a name. A woman from St. Augustine Watling Street parish is named only as "*uxor [Chris]tofer Grene com[munis] meretrix* [the wife of Christopher Green [is a] common whore].[53] According to Karras, London's ecclesiastical courts are unique in their use of *meretrix,* at least as a charge.[54] The word also appears in defamation cases as Latin translations of defamatory words in ecclesiastical courts across England as well as in the Commissary Court, as in the case of Margaret Stokys, who was presented for defaming Christina Taylor "*vocando ea meretriciam* [calling her a whore]."[55]

The other common term for sex worker, *lupa,* is rarely used in legal sources, but its counterpart, *lupanar*, meaning brothel, is. (The word *bordellum* is also used.) The word *lupa* literally means "female wolf," but its association with promiscuity likely comes from the legend of Romulus and Remus and the founding of Rome.[56] Either term could mean a woman was a sex worker or a promiscuous woman. When a woman is

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[49] Karras, "Latin Vocabulary," 6. For my use of "sex worker" rather than "prostitute," see "A Note on Language," above.

[50] Harry E. Wedeck, "Synonyms for Meretrix," *The Classical Weekly* 37, no. 10 (1944): 117.

[51] LMA, DL/C/B/043/MS09064/1, fol. 80r.

[52] LMA, DL/C/B/043/MS09064/2, fol. 58r.

[53] LMA, DL/C/B/043/MS09064/2, fol. 53v.

[54] Karras, "Latin Vocabulary," 6.

[55] LMA, DL/C/B/043/MS09064/2, fol. 26r.

[56] Wedeck, "Synonyms," 116. According to Livy, when the infants Romulus and Remus were thrown into the Tiber river, "the story persists that when the floating basket in which the children had been exposed was left high and dry…a she-wolf…turned her steps towards the cry of the infants, and with her teats gave them suck so gently, that the keeper of the royal flock found her licking them with her tongue. Tradition assigns to this man the name of Faustulus and adds that he carried the twins to his hut and gave them to his wife Larentia to rear. Some think that Larentia, having been free with her favours, had got the name of 'she-wolf' among the shepherds, and that this gave rise to this marvellous story." Livy, *Books I and II With an English Translation*, trans. B.O. Foster (Cambridge: Harvard University Press, 1919), 19.

presented as a *meretrix* in relation to a *lupanar*, however, she was likely a professional. Johanna Stone, from Clerkenwell, was presented as a *meretrix* who lived in a *lupanar*.[57] Margery Smyth was lucky enough to find a client who took her out of the *lupanar* near Hull where she was working who was willing to marry her. Her past as a *meretrix* followed her and she was presented at the Commissary Court for both her former profession and her subsequent bad behavior.[58]

Latin Terminology: Facilitating Illicit Sex

Behavior in the second category of offenses, facilitating illicit sex, did not require a partner either, though married couples were frequently presented together. Terms like *pronuba* and *leno* or *lena* described people committing bawdry or procuring. *Pronuba*, the word most frequently used in the Commissary Court records, translates as "bridesmaid" or "midwife," but is used for both men and women in the records.[59] *Leno* and *lena,* on the other hand, are not euphemisms and translate as the male and female versions of "bawd."[60] While the Commissary Court used *pronuba* rather than *leno/a*, it did frequently used *lenocinium* to describe the behavior of a bawd. This was frequently in the construction *fovere lenocinium,* as in the case of a woman named Margaret, from St. Botolph Bishopsgate parish. She was presented for "*fovet lenocinium in domo sua inter personas suspectas*" [fostering bawdry in her house between suspicious persons].[61] Both the Latin terminology and English counterparts are the most ambiguous of this lexicon, with a "very wide range of meaning." Some scholars, like Wunderli, have interpreted this as "pimping," but Karras and Ingram have made convincing arguments that the word is not a good translation.[62] Richard Helmholz translates these phrases as "pandering," which perhaps lends a commensurate degree of opacity.[63] *Pronuba* could be someone who finds a customer for a sex worker, who finds a sex worker for a customer, or who provides space for couples to have illicit sex. Broadly speaking, people given these labels somehow fostered or abetted themselves or others in illicit sex.

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[57] LMA, DL/C/B/043/MS09064/1, fol. 36v.

[58] LMA, DL/C/B/043/MS09064/1, fol. 33v.

[59] *DMLBS* "pronuba."

[60] *DMLBS* "leno," "lena."

[61] LMA, DL/C/B/043/MS9064/11, fol. 141v.

[62] Karras, "Latin Vocabulary," 9.

[63] R.H. Helmholz, "Harboring Sexual Offenders: Ecclesiastical Courts and Controlling Misbehavior," *Journal of British Studies* 37, no. 3 (1998): 258–68.

There are many more charges of *pronubae* than there are *meretrices* in the Commissary Court records.[64] As with *meretrix*, *pronuba* covered a variety of behaviors. Women like Agnes Brygges may have facilitated illicit sex, but only between two people. Agnes was not alone in her crime. Many women were presented, both at the Commissary Court and in local secular courts, for acting as a bawd to their daughters and other female relatives. Johanna Eliot, from All Saint's Barking parish, was presented at the Commissary Court in 1484 for acting as "*pronuba filie sue* [bawd to her own daughter]."[65] Johanna Spenser, from St. Dunstan's parish, was presented the previous year for acting as *pronuba* for her sister Margaret.[66]

Married couples were frequently presented for acting as bawds under a variety of circumstances. On a single page of cases from 1475, several couples appeared before the court, accused of bawdry. Bartholomew Sprot and his wife, from All Saint's Staining parish, were presented as "*pronuba[e] cu[m] s[er]vienti sue vic[cinorum]* [bawds with their neighbors' servants]." John Mangey and his wife, from St. Andrew Eastcheap Parish, were presented as "*pronube mulieri in lumbarde[s]* [bawds for women in the Lombard district]." In a rare mixed-language entry, a man named Palle, a brewer from St. Leonard's Shoreditch, and his wife Isabella were presented as "*pronube to the go[od] wiffes dowghter of the nyt Jamys brewer at the Cok at quenhyth* [bawds to the goodwife's daughter of the night to James Brewer at the Cock at Queenhithe]."[67] While one or both members of a couple might have a more legitimate occupation, it appears that many supplemented their incomes by offering either their services or their premises for illicit sex.

There are some women accused of being both *meretrices* and *pronubae*, suggesting that they both participated in illicit sex and facilitated illicit sex between others. Johanna Eldegar was presented as "*communis meretrix et communis pronuba* [common whore and common bawd]" in 1484.[68] Women were also presented as bawds alongside their husbands while being singled out as whores, too. Such was the case for two couples from St. Leonard's Shoreditch Parish. Both Richard Nyson and his wife and John

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[64] According to Wunderli's calculations, between 1471 and 1514, there were a total of 7247 cases in the Commissary Court. Of those, 1033 were for "pimping," which is how he categorizes charges of both *pronuba* and *fovere lenocinium*. There were 377 cases of "prostitution," which is how he categorizes charges of *meretrix*. Among his cases, therefore, 14.25% were for bawdry and just 5% were for prostitution. Wunderli, *London Church Courts*, 142-147.

[65] LMA, DL/C/B/043/MS09064/2, fol. 68r.

[66] LMA, DL/C/B/043/MS09064/2, fol. 17r.

[67] LMA, DL/C/B/043/MS09064/3, fol. 25r.

[68] LMA, DL/C/B/043/MS09064/2, fol. 68v.

Fleming and his wife were presented as "*communis pronube et illa est communis meretrix* [common bawds and she is a common prostitute]."[69]

The Commissary Court sometimes used both *pronuba* and *fovere lenocinium* in concert, indicating that at certain times there was some distinction between the two formulations for bawdry, though they appear to be interchangeable in some volumes. In February of 1509, the wife of a man named Bayon was presented as a "*communis pronuba et fovet lenocinium inter Johannes le paulis et filiam suam* [common bawd and fosters bawdry between John le Paulis and her daughter]."[70] A few years later, Alice Wilkynson was presented for "*fovet lenocinium in domo sua inter Johannes Hadley alias Drake et Margareta Chervell*" [fostering bawdry in her house between John Hadley alias Drake and Margaret Chervell].[71] Alice confessed that she had left John and Margaret alone in her house and that she knew they were having sex. Neither Bayon's wife nor Alice seem to have accepted payment for their facilitation. Wunderli hypothesizes that the scribes used *pronuba* to describe "providing a woman" and *fautor lenocinii* to describe "provid[ing] a place for the illegal act."[72] But as these examples show, the definition of bawdry, whether one acts as a bawd or fosters bawdry, covered a variety of situations. The common element, however, was that a woman (or a couple) created disorder and contributed to the moral degradation of their community by creating the opportunity, space, or mere encouragement of illicit sex. Sex work, bawdry, and sexual promiscuity in general were part of a collection of behaviors that threatened the status quo and were particularly offensive when committed by women.

Latin Terminology: Other Gendered Offenses

Women's offenses often spanned the categories of illicit sexuality and general disorderly behavior. Just as several women were accused of being both *meretrices* and *pronubae*, they were also singled out for their offensive speech. After adultery and fornication, the most common offense in the Commissary Court was defamation. Women who defamed their neighbors were labeled as *diffamatrices* [defamers] and, in the case of London's Commissary Court entries, often appeared to be a general defamer as well as toward specific individuals. In both Latin and English, most defamatory words impugned the sexual reputation of the victim. Scribes sometimes translated these defamatory words into Latin. In the 1480s, Christina Fresyll and Margaret Lyall, both from St. Mary Axe parish, were presented for defaming one another. Christina was

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[69] LMA, DL/C/B/043/MS09064/2, fol. 46v.
[70] LMA, DL/C/B/043/MS09064/10, fol. 54v.
[71] LMA, DL/C/B/043/MS09064/11, fol. 293v.
[72] Wunderli, *London Church Courts*, 93.

presented for "*vocando ea meretrice* [calling her a whore]," while Margaret allegedly upped the ante, "*vocando ea meretrice pronube et latrone* [calling her a whore, bawd, and thief]."[73] More often, scribes noted the defamatory words in their original English. In 1511, Johanna Planter was accused of calling Margaret Pynner a "Strong hore and thou art an common hore."[74] Women insulted men's sexual reputations as well. Such was the case with Agnes Williams, who was charged with being a "*communis diffamatrix vicinorum suorum* [a common defamer of her neighbors]" including calling a man named Nicholas Scott a "Cockcold."[75]

Women were also presented for being scolds, often in concert with defamation. The words used for scolding were varied. The most common words used for scold were *objurgatrix* and *litigatrix,* but there were others.[76] One woman, for example, was presented at the Commissary Court as both a *diffamatrix* and a *maledictrix*.[77] In later entries, the English word "scold" was latinized, so women were presented as "*skoldae* [scolds]." The scold is a fraught figure in medieval English history. The distinction between a scold and a defamer seems tenuous, though the consensus is that scolds were almost always women and that their speech was offensive and public.[78]

While defamation and scolding are not necessarily sexual offenses, these cases are important for two reasons. First, there are several examples of women presented for both sexual offenses and defamation or scolding, as in the case of Katerina Bell who was presented as "*diffamatrix vicinorum et pronuba Thomasina filia sua* [defamer of her neighbors and bawd to Thomasina her daughter]."[79] Likewise, a woman named Alice Flese, from St. Mary Staining parish, was presented for a multitude of offenses: "*Alicia ffrese notatur officio quod est communis skolda et diffamatrix vicinorum et etiam quod est pronuba et fovet lenocinium*" [Alice Frese is noted by this office that she is a common scold and defamer of her neighbors and also that she is a bawd and fosters bawdry].[80] In both Latin and English court records, women are frequently accused of offenses that were both explicitly sexual, like sex work and bawdry, and offenses that were verbal, but still coded in gendered ways.

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[73] LMA, DL/C/B/043/MS09064/2, fol. 9r.

[74] LMA, DL/C/B/043/MS09064/11, fol. 35r.

[75] LMA, DL/C/B/043/MS09064/10, fol. 38r.

[76] Sandy Bardsley, "Sin, Speech, and Scolding in Late Medieval England," in *Fama: The Politics of Talk and Reputation in Medieval Europe,* eds. Thelma Fenster and Daniel Lord Smail (Ithaca: Cornell University Press, 2018) 159.

[77] LMA, DL/C/B/043/MS09064/11, fol. 18v

[78] For a more thorough exploration of scold and its connection to other gendered offenses, see Karras, *Common Women*, 138-9.

[79] LMA, DL/C/B/043/MS09064/3, fol. 26r.

[80] LMA, DL/C/B/043/MS09064/11, fol. 22r.

The other reason defamation cases are important is because these are the only Commissary Court entries that offer a glimpse at what vocabulary everyday Londoners used to describe illicit sexual and social behavior. While the technical translations of the legal Latin sometimes aligned with the English vocabulary of sexual misbehavior in both ecclesiastical and secular court records, the wider variety of English terms used as insults and the distinctions they draw offer further insight into the lexical landscape of women's sexuality. These English insults are the closest we get to having direct quotations from those presented at the Commissary. The best examples of this English terminology, however, are found in the English language records of local secular courts.

Translating and Analyzing the Language of Sexual Misbehavior

The English vocabulary of sexual misbehavior falls into the same categorization as the Latin vocabulary: illicit sex, facilitating illicit sex, and miscellaneous gendered misbehavior. Also, like Latin, there is ample overlap of these categories in the records. But the English vocabulary is much more varied than the Latin terminology of the Commissary Court. While the types of offenses were the same, the language used in English court records does not reflect a direct translation of the Latin vocabulary of the church courts.

Early English-Latin dictionaries offer a view of how contemporary scholars interpreted the terms used in legal Latin in other contexts, revealing the ways in which the same Latin words could have a variety of meanings outside their court usage. For example, *meretrix* is used to label women accused of promiscuity, regardless of their professional status, Karras and other scholars have translated the word as "whore."[81] Karras also translates *pronuba* as "bawd" rather than "pimp" or "procuress." She argues that these words are "the modern version of the nearest Middle English equivalent."[82] Early Modern Latin-English dictionaries did not always make the same choice. In *The Dictionary of Syr Thomas Eliot knyght*, first published in 1538, *meretrix* is translated as "an harlot, or brothel," but the adjective *meretricié* is translated as "hoorishely" and the noun *meretricious* is translated as "hooredome, or brothelry."[83] Eliot translates *lupa* as "a female wolfe, also an harlotte" and the verb *lupari* as "to meddell with common harlottes."[84] A *blittea meretrix*, meanwhile, is an "unsavorie queane."[85] Eliot translates

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[81] Karras, *Common Women,* 11.
[82] Karras, *Common Women*, 11.
[83] Sir Thomas Elyot, *The Dictionary of Syr Thomas Eliot Knyght* (London: 1538), 83, https://www.proquest.com/books/dictionary-syr-thomas-eliot-knyght/docview/2240951784/se-2.
[84] Elyot, *Dictionary*, 77.
[85] Elyot, *Dictionary*, 18.

leno as “a baude, a marchant of hoores.” *Lenocinium* is glossed as “the practyse of bawdry. some tyme immoderate and exquisyte clenlynes or elegancye, to styrre a manne to vyce.”[86] The only translation of *pronuba*, however, is “she that attendeth on the bryde, and is housewyfe durynge the feaste.”[87]

In dictionaries and other English lexicons from 1480 to 1589, *meretrix* is translated using many of the words found in English court records: “harlot,” “hore,” “strumpet,” “lytyll hore,” “comyn woman,” “drab,” “baude,” “queane,” and even “a light housewife.”[88] A Latin-English dictionary for young learners defines *meretrix* as “an whore that getteth monie filthilie with hir bodie.”[89]

The limited vocabulary of the Commissary Court records was necessary to facilitate the fast pace of the court. To work through the hundreds of cases put before the judge and scribes, the court needed the bare minimum of detail to decide cases speedily. As our examples show, this does not mean that there was no variation or detail in the records. Problems arise, however, when scholars apply the same categorical flattening to other court records, especially those in English.

Scholars like Wunderli have used their own categorizations to overstate the punitive nature of courts and policing of sexual misbehavior and understate the nuance of medieval communities. Take, for example, Wunderli’s assessment of the Portsoken Wardmote presentments. He states, correctly, that wardmote juries’ presentments fell into two categories: “the first listed indictments against wrongdoers, and the second against places, such as faulty chimneys that were susceptible to fire or dangerous cellar doors.”[90] (More on the procedures of the wardmote will be discussed in Chapter 3.) He states that the indicting jury of Portsoken Ward “indicted virtually only sexual offenders.” To illustrate his point, he states that in 1471, thirty-two people were presented for misbehavior. Of these individuals, he says “twenty-nine were accused prostitutes or pimps; one was a nuisance beggar and pickpocket, a second slandered his neighbors, and the third, Wat Whyte, was indicted ‘for kepyng of gees & dokes & for making of a diche in the kyngis hie way.’”[91]

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[86] Elyot, *Dictionary*, 74.

[87] Elyot, *Dictionary*, 117.

[88] *LEME*, “meretrix.”

[89] John Véron, *A Dictionarie in Latine and English, Heretofore Set Forth by Master Iohn Veron, and Now Newlie Corrected and Enlarged, for the Vtilitie and Profit of all Young Students in the Latine Toong, as by further Search Therin they Shall Find*, (London: 1584), 208. https://www.proquest.com/books/dictionarie-latine-english-heretofore-set-forth/docview/2240913094/se-2.

[90] Wunderli, *London Church Courts*, 34.

[91] Wunderli, *London Church Courts*, 34.

There are several problems with Wunderli's assessment. The first is simply his math. The Portsoken presentments for 1471, contained on membrane 6 of the collection, include 52 indictments. Of these, 25 are for places, such as "the pavements against the grate in Houndsditch" and "a chimney of tree in the abbess' rent of The Menories."[92] There are 37 indictments for people. Of those indictments, 13 are couples. Therefore 51 individuals were indicted at the Portsoken wardmote inquest in 1471. Examining those 37 indictments, Wunderli's categorizations present additional complications.

Among the indictments Wunderli lists as "prostitutes and pimps," there is a variety of misbehavior, and not all is explicitly sexual. Several people, both individuals and married couples, were presented for being "receivers of suspicious and misruled people." Some of these charges added additional details. Four of these individuals were charged twice at the wardmote. Joys Florens, John a Campe, Herry Roeche, and Dyryk Brian were presented individually for "receiver[s] of suspicious and misruled people" and as a group they were presented for "keeping of closthlane and on there houses covered with reed."[93] (A "clossthlane" or "closshbane" was a bowling alley and using reed for roofing material was seen as a fire hazard.)[94] Both Thomas Harrison and his wife and Richard Wellis and his wife allegedly received suspicious and misruled people "that is men's apprentices and servants." The charge was one of several for Savuwr Wavse and his wife, who were presented "for occupying as free folk and be foreigns and for receivers of suspicious and misruled people and her for a common strumpet."[95] It is unclear whether these receivers were running illegal establishments or taverns or if they simply held rowdy gatherings. Either scenario would provide an environment for sexual misbehavior, but it is by no means certain. Two men, William Graunte and John Bulle, were presented "for a common baratour [brawler or fighter] and a common breaker of the king's peace," which implies that they created disorder and likely fit the description of "misruled," but not that they participated in the sex trade.[96]

The "nuisance beggar" Wunderli cites was William Robert, presented for "a faytoner beggar and a privy picker."[97] "Faiten" is defined by the MED as "(a) To act or speak falsely; to dissemble; (b) to beg under false pretenses; (c) to deceive."[98] A "privy picker" likely meant someone who is a thief, either from individuals or from refuse

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[92] Christine L. Winter, "The Portsoken Presentments: An Analysis of a London Ward in the 15th Century," *Transactions of the London and Middlesex Archaeological Society*, no. 56 (2005): 121.

[93] Winter, "Portsoken Presentments," 121.

[94] Winter, "Portsoken Presentments," 160n136.

[95] Winter, "Portsoken Presentments," 120-1.

[96] Winter, "Portsoken Presentments," 120.

[97] Winter, "Portsoken Presentments," 120.

[98] *MED* "faiten, v."

heaps surreptitiously, rather than someone who made a career of thievery.[99] Wunderli does not mention, however, that three other people were presented as privy pickers that year. Pers Blake and his wife were presented for "common bawds and her for a common strumpet and him for a privy picker defective."[100] Robert Wilford, "the servant of William Wilforde" was also presented "for a privy picker" and his master, William was presented "for a mayntenour defective."[101] Likewise, John Ardorne and his wife were presented for "maintaining of a young maid that is a privy picker defective."[102]

Wunderli likely categorized the three indictments of maintaining thieves as "pimping." Robert Wilford and John Ardorne and his wife were presented for being "maintainers" of the thieves in their households. The charge of "maintaining" is common in English language court records and often meant that a person was supporting someone in immoral behavior, frequently sexual misbehavior. In the same year, 1471, John Hayne and his wife, William Towkar and his wife, and William Chamberleyn and his wife were all presented "her for a common strumpet and him for a mayntenour defective."[103] In the previous year, 1470, four couples were presented for which the husband and his wife were indicted "her for a common scold and him for a mayntenour defective."[104] In 1472, there were four charges of maintaining. Three were husbands of misbehaving wives. Margrete Whyteway "for a common scold," Rose Boner "for a common strumpet," and the wife of John of Delffe "for a common bawd." A man named John of Strete was also presented "for a mayntenour of suspicious and misruled people as well by night as by daytime."[105] Other courts used "maintain" to describe facilitating illicit sex or other misbehavior well into the sixteenth century. At the 1510 Aldersgate Wardmote, Thomas Kyng, whose wife was presented for "a comen harlot of her boddy and for a comen skolde," was presented alongside her for a

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[99] Winter hypothesizes that "privy picker" "could describe someone who searches privies for saleable items, or have sexual connotations, but this seems unlikely. In John Foxe's *Acts and Monuments* (1563), he cites William of Malmesbury's description of King Edgar's commitment to punishing thieves. He translates the Latin phrase "*nemo eius tempore privatus latro, nemo popularis praedo*" [literally: "in his time there was neither private thief nor public robber"] as "in all this time there was neither any privy picker, nor open thief," implying that, at least by the mid sixteenth-century, there was a distinction between someone who covertly and openly stole goods. Winter, "Portsoken Presentments," 159n133; John Foxe, *The Acts and Monuments* (London: The Religious Tract Society, 1877), 59.

[100] Winter, "Portsoken Presentments," 120.

[101] Winter, "Portsoken Presentments," 120.

[102] Winter, "Portsoken Presentments," 120.

[103] Winter, "Portsoken Presentments," 120.

[104] Winter, "Portsoken Presentments," 117-8.

[105] Winter, "Portsoken Presentments," 122-3.

"mayntenor of the same yvell dyspossicyon [evil disposition]."[106] And in 1545 at the Gatehouse Court in Westminster, Robert Arundel and his wife were presented "for bawdry keapinge he beinge meynteynor therof" and John Flordale's wife was presented as "a common skolder keapeinge bawdry in hir house mayntenyng evyll rule in her seller."[107]

Several indictments are straightforwardly sexual offenses. Thirteen women were presented as "common strumpets" and three men were presented as "strumpetmongers." Five couples were presented for being "common bawds." Overall, of the 37 indictments, 22 were for explicitly sexual offenses. This is a majority, to be sure, but it is not the overwhelming picture Wunderli paints. There is no way to know whether the people presented for receiving misruled and suspicious people would have been brought to the Commissary Court on charges of being *pronubae* or *fovet lenocinium*. The Commissary did not indict thieves, so it seems unlikely that those people presented for maintaining privy pickers would fall into those categories either.

This one wardmote return and Wunderli's assessment demonstrates the importance of reading these records on their own terms. If the indicting jury saw a distinction between those who received misruled people and those who were bawds, that distinguished categories and degrees of misbehavior that is lost in the Latin records. Additionally, the flexibility and variety of English court records allow us to observe the evolution of the vocabulary of sexual misbehavior as secular tribunals responded to linguistic trends.

The English Vocabular of Sexual Misbehavior

The English vocabulary of sexual misbehavior is delightful in its variety and creativity. This was, in part, because there was no written legal code defining specific offenses and their terminology in local courts until much later. The result of that lacuna is a flexible legal lexicon, though one that, like Latin, presumes a general understanding of terminology that modern scholars lack. Labels like strumpet, harlot, and bawd are evocative, but not necessarily descriptive of the associated behavior. Other linguistic formulations that accompany these words offer insight into how people conceived of sexual misbehavior and how those conceptions mapped onto the legal landscape. As demonstrated by the examples from Aldersgate's 1510 presentments, officials did not use consistent language to describe sexually immoral women, even within the same document. Words varied from year to year, and likely reflected both broader linguistic trends and community and scribal preferences. There was also variety between the

[106] LMA, CLC/W/FA/005/MS01499.
[107] WAM, 50782, fols. 3v, 2r.

language used to indict individuals and the language used in verbal arguments as documented in defamation cases.

The Language of Illicit Sex: Whores, Harlots, and Strumpets

The English terminology that shifts the most over the course of the late fifteenth and early sixteenth centuries is that related to illicit sex. The terms "bawd" and "bawdry" are used consistently throughout the English court records. This may represent a shifting vernacular for illicit sex, but it also suggests that the definition of a promiscuous woman was the most fluid. While the term "bawd" seems to have a wide range of meaning in these records, its continuous use throughout the period implies that, for English people in this period, the term had a stable meaning. It also implies that while there may have been disagreement about what made a woman's sexual behavior illicit or disruptive, there was consensus that providing physical or ethical space for illegitimate sex always warranted censure.

The vocabulary describing women who have illicit sex has the most variety and changes the most over time. Synonyms for *meretrix* range from labels like "whore," "strumpet," and "harlot," to descriptions of behavior like "vicious woman of her body," "incontinent woman of her living," and "suspicious of lechery used of her body."[108] The words used in these records vary not just between courts, but over time. According to the OED, "whore" is the oldest term for a promiscuous woman or sex worker among the potential translations of *meretrix*. Its origins lie in Old English and are of solidly Germanic and Scandinavian lineage.[109] Unlike "harlot," it has always been coded as feminine.[110] In order to accommodate the ambiguity of the various connotations of *meretrix*, many scholars have chosen to translate *meretrix* as "whore."[111]

Despite its frequent use as a translation for *meretrix*, "whore" is infrequently used in English-language court records. Unlike other terms, "whore" appears more often as an epithet rather than a legal or moral category. "Whore" appears either in defamation suits in which one woman is accused of calling another woman a whore in the street, or as a descriptor of women being kept by bawds and procurers. In Westminster, William Skinner was presented for "kepyng of an hore in his howse" in 1523, and Anne Warren was presented "for a common harlot and keapenge whoores daylye in her house" in 1545.[112] As noted above, women called each other whores in the street as well.

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[108] See below.
[109] *OED,* "whore, n."
[110] *OED*, "harlot, n."
[111] See Karras, *Common Women* and Wunderli, *London Church Courts*, among others.
[112] WAM, 50778, fol. 9r; WAM, 50782 fol. 1v.

“Strumpet” and “harlot” were the primary words used to describe sexually immoral women in fifteenth century records. In the Portsoken returns from 1465 to 1473, between eight and seventeen women were presented as “common strumpet common defective” each year. In only one year, 1468, did the number of indictments dip below 10. Then, in 1474, just three women were indicted as strumpets and one, Emmotte Rygdowne, was presented “for a common harlot and indicted out of another ward the last year defective.”[113] After 1474, no one was presented as a strumpet, through the end of the surviving records. Instead, between 1474 and 1483, as few as two and as many as nine people were presented each year for being harlots. Unlike the common strumpets of earlier years, who were all women, five men were presented as harlots.

What changed in 1473? Portsoken had the same alderman from 1445 to 1481, and the juries and officers had at least one overlapping name each year. Why did the number of women presented for sexual misbehavior (other than bawdry, discussed below) drop so considerably? Clearly the community was still concerned with sexual nuisances as well as structural.

The switch from strumpet to harlot was not isolated to Portsoken. Strumpet is the term used in early fifteenth century records. In 1423, a place behind a tavern in Queenhithe Ward was presented for being a “good shadowyng for theves, & many euel bargayns…and mony strumpettes and putours [good shadowing for thieves and many evil bargains…and many strumpets and procurers].”[114] A woman named “Mawde Sheppyster,” also in Queenhithe, was presented at the same year’s wardmote for being “a strumpet to moo then to oon [more than one].”[115] The transition from “strumpet” to “harlot” appears to have occurred sometime in the later fifteenth century. In a collection of wardmote returns from 1473 preserved in the Journals of London’s Court of Common Council, some wards, like Portsoken and Vintry, presented women as strumpets and men as “strumpetmongers.” Other wards, like Tower and Farringdon Without, presented both men and women as harlots.[116]

Portsoken’s embrace of “harlot” over “strumpet” in 1474 therefore reflects a broader linguistic trend, but the suddenness of the change suggests a local valence as well. That local context is obscure. Perhaps the shift is simply the result of a new scribe. Perhaps there was a popular text that used the word harlot that spurred on the change. While modern scholars cannot access the space in which these decisions took place, it is

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[113] Winter, “Portsoken Presentments,” 126.

[114] R.W. Chambers, Marjorie Daunt, and Magdalene Marie Weale, eds. *A Book of London English: 1384-1425* (Oxford: Clarendon Press, 1931), 128.

[115] Chambers et al., *Book of London English*, 131.

[116] LMA, COL/CC/01/01/008, Journal 8, fols. 45v-50v.

important to acknowledge that such a space existed, and that the variation among different wards shows that conceptions of illicit sexuality varied at a hyperlocal level as well as a more universal one.

The gender associated with these terms may also help explain the shift. While strumpet was always coded as a feminine term, the original use of "harlot" applied to men.[117] The Middle English Dictionary lists the primary definition of "harlot" as an unruly man, i.e., "a man of no fixed occupation, an idle rogue, a vagabond or beggar" or "a professional male entertainer." The definition "(a) A man of licentious habits; a male lecher, libertine, rake; (b) a female prostitute, whore" is the third entry. While the earliest use of "harlot" to mean an unruly man dates to the early thirteenth century, the first instance of its use as a word for sex worker the MED cites is from 1475, the same year Portsoken began to refer to their sexually immoral women with the word.

Another shift in in the language of sexual misbehavior took place around the same time as the transition from "strumpet" to "harlot." Beginning in 1476, the formulation of indictments began to change. Increasingly people were presented not for being a "common harlot" but for "a harlot of her/his body."[118] In 1479, four women, Agnes A Caleye, Cristian Brother, Maryon a Wode, and Johane Catworth, were indicted "for a common harlot." Two women, Elizabeth Gerves and John Tromy's wife, were presented "for an harlot of her body." John Johnson was presented "for an harlot of his body and a common baratour."[119] For the last three fifteenth century returns, all people who were called harlots were harlots "of their bodies" and none were "common" harlots. As Karras has observed, the word "common" (or in Latin, *communis*) does a lot of heavy lifting in both English and Latin court records: "'Common woman' meant a woman available to all men; unlike 'common man,' which denoted someone of humble origins and could be used in either a derogatory or laudatory sense…But 'common' could also mean 'by common fame.'"[120] In Portsoken Ward's presentments, for example, nearly every offense as "common defective" from 1465 to 1473.[121] Everything from "a swelow in Grace's Alley which is perilous for man and beast" to Trewde Duchewoman, who was presented for "a common bawd and common strumpet" were deemed "common defective."[122] After 1473, the phrase was shortened to merely "defective" and "common" was appended to fewer offenses. Bawds and scolds were still sometimes

[117] *OED*, "harlot, n."; *MED*, "harlot."
[118] Winter, "Portsoken Presentments," 133.
[119] Winter, "Portsoken Presentments," 136.
[120] Karras, *Common Women*, 138.
[121] Winter, "Portsoken Presentments," 110-123.
[122] Winter, "Portsoken Presentments," 116.

called "common scold" and "common bawd" even as harlots lost the appellation, but not always.

The addition of "of her body" to the charge of "harlot" and the decline in the use of the word "common" reflects a trend that would continue into the sixteenth century, shifting the locus of women's offenses from their communities to their bodies and expanding the vocabulary of indictments beyond the formulae of earlier decades. English language court records from the early sixteenth century tend to use more descriptive and language than the labels found in fifteenth century sources.

Evil, Vicious, and Nice: Sixteenth Century Vocabulary

There is a twenty-five-year gap between the last fifteenth century Portsoken wardmote return, dated December 21, 1482, and a stray surviving sixteenth century return dated January 6, 1507. While the charges are similar, the language is much more descriptive and seems to indicate the nuances of the offenders' behavior more than the earlier records and is more in line with the language of other sixteenth century records.

The 1507 Portsoken return is on a badly damaged piece of parchment, so many words are illegible. The readable indictments are longer and more colorful than the earlier returns. The first indictment cites Alis Parker, Elizabeth Tomson, Johan Worley, and Richard Leonard's wife "for women yvil [evil] disposed of ther bodies reputed and taken [damaged] susp[icious] presence and then keping bawdry in the moste abominable ways."[123] Barbara Duchewoman was presented for "mysliving of her body" and "kepying of goats."[124] Two women living in Tower Hill whose names are illegible were presented "fore comen and abhominable Bawdes and vicious women lyvyng."[125]And a woman provocatively named Jane Manefinndre [Man-finder?] was presented for "anyslyvyng [enslaving] of women of her body & life."[126]

Each presentment in this record is unique and illustrative of the individual offenses and offenders. Women are not just "common bawds," but they are "common and abominable bawds." They are no longer just strumpets or harlots, they are "evil[ly] disposed" and "enslaving" of their bodies. This is in line with the language used in the surviving early sixteenth century wardmote returns from Aldersgate Ward and the three English language records from Westminster's Gatehouse Court.

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[123] Winter, "Portsoken Presentments," 143. I have corrected some of the spelling based on my own reading of the original membrane, LMA, COL/AD/05/001 fols. 15r-v.

[124] Winter, "Portsoken Presentments," 144, with my corrections. See note above.

[125] Winter, "Portsoken Presentments," 143.

[126] Winter, "Portsoken Presentments," 143.

There are several words these records use to describe the bodily behavior of unruly women, and different terms are used for different women, even in the same document. In the 1510 Aldersgate return, the wives of John Marteyn and Bobbett were called "vyssyowse [vicious]" women of their bodies and Thomas Petty and his wife were presented "for bawdry and for resseyvyng of vysyows women in to ther howse and a grete noyer of ther neyhgbors all owres of the nyght [for bawdry and for receiving of vicious women into their house and great noyers of their neighbors all hours of the night]."[127] The MED defines "vicious" as "unwholesome" or "impure" and "vicious of bodi" as "licentious, lecherous, unchaste."[128] At the same wardmote, however, other women were given different labels. While Thomas Kynge's wife was a "comen harlot of her boddy and for a comen skolde," Nicholas Browne's wife was "a niyse [nice] woman of her boddy."[129] The same pattern held true nearly twenty years later, in 1528, when two women and one man were presented for being "vicious" of their bodies while two other women were presented as being "nice" of their bodies.[130]

The first definition of "nice" in the MED is "of persons: foolish, frivolous; ignorant," but a secondary meaning is "of persons, actions, demeanor, etc.: wanton, dissolute, dissipated, lascivious; also, inciting to lasciviousness."[131] Does this mean that the women presented for being "nice" of their bodies were less unwholesome or unchaste than those who were called "vicious?" How did their behavior compare to those women labeled harlots and scolds? The brevity (and relative scarcity) of these records means that the nature of these distinctions is beyond our reach. What is certain is that the men creating these documents and bringing these charges saw a difference in the types and degrees of these women's misbehavior.

Each court had its own lexicon of licentious behavior. The Gatehouse Court in Westminster, for example, used similarly creative language but with a slightly different set of vocabulary. In a record from August 1519, several women were presented for "lechery [of] hir owne body."[132] Others, like Johanne Gotte, were accused of "myslyvying [misliving] of hir body."[133] Several women were presented for bawdry and "lodging of suspecyous persons" along with their own prurient behavior. Elizabeth Davy, the wife of one of the king's servants, was presented "for bawdry & evell ruyll kepyng of hir owne body & for unlawffull gamyng as disyng & carding with other evyll rulyd persones thither resorting [for bawdry and evil rule keeping of her own body and

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[127] LMA CLC/W/FA/005/MS01499.
[128] *MED*, "vicious."
[129] LMA CLC/W/FA/005/MS01499.
[130] LMA, CLC/W/FA/006/MS01500.
[131] *MED*, "nice."
[132] WAC, 45/1, *passim*.
[133] WAC, 45/1, fol. 10.

for unlawful gaming (such) as dicing and carding with other evil ruled persons thither resorting]."[134]

This record also sometimes distinguishes the way a woman was reported or to what degree the charge was certain. Some were accused of the offense outright, like Elysabeth Cole, whose husband William was a servant of the Duke of Norfolk. She was "presentyd for lechery ussyd of her body."[135] Others, like Johanne Harynton, were merely "presentyd for suspecius of lechery of hir body."[136] Several women were presented for being "suspicious" of bawdry, perhaps indicating that the nature of their houseguests' behavior was unclear. Two women, Elysabeth Callynger and Agnes Movsdall, were presented for lechery "as it tys said by Nicholas Grymshawe," apparently a neighborhood busybody.[137] While many couples were presented together, some wives were clearly working behind their husbands' backs. William Walker's wife was presented for "suspecyous of bawdry unknown to hir husbande."[138]

Like the English language court records, the Commissary Court entries from the early sixteenth century are more discursive than those from the previous century. Whereas the records from the 1470's and 1480's contain entries that are brief enough to fit eight to ten cases per page, by 1512 there are usually three entries per page and on some pages, there is only one.[139] Yet while these entries are more detailed, they do not expand the Latin terminology for the offenses themselves. Rather, the expanded entries include more detail about the procedures of the court and the specific stages of a case's resolution. In fact, according to Wunderli's calculations, while cases of facilitating illicit sex and sex work made up 19% and 8%, respectively, of Commissary Court cases in 1471, by 1512 those percentages went down to 3% and 0.3%.[140] Wunderli suggests that this decline reflected Londoners' "lack of confidence by lay accusers in the church courts' ability to punish these offenders."[141] He hypothesizes that these cases instead migrated to the secular courts. Perhaps, he argues, Londoners thought that the Commissary Court was insufficiently punitive, so people looking to punish "professional purveyors of sex…instead looked to civic authorities who had the will to enforce sexual norms."[142]

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[134] WAC, 45/1, fol. 6.
[135] WAC, 45/1, fol. 3.
[136] WAC, 45/1, fol. 3.
[137] WAC, 45/1, fols. 11, 13.
[138] WAC, 45/1, fol. 27.
[139] For a good depiction of this trend, see Wunderli's appendix with selected cases transcribed from seven of the Commissary Court books. Wunderli, *London Church Courts*, 149-160.
[140] Wunderli, *London Church Courts*, 146-7.
[141] Wunderli, *London Church Courts*, 101.
[142] Wunderli, *London Church Courts*, 102.

There is an alternate explanation. The increased variety and creativity of the English language records may reflect a growing understanding that the church courts could not handle the nuances of sexual misbehavior in the same way that the local courts, like the wardmotes, could. The decline in cases of bawdry and sex worker in the Commissary Court could indeed reflect a decline in confidence in the church courts, but not simply because it was not punitive enough. Londoners understood that women's misbehavior fell on a spectrum. There was no apparatus in the Commissary Court to take a community's social and moral context into account. We cannot know what made Johanne Harynton merely "suspecius" of lechery while Elysabeth Cole was presented for the same offense without any modifiers. However, Johanne was "warnyd to amend" while Elysabeth was "warnyd to avoyde" by Michaelmas (September 29).[143] If Johanne and Elysabeth were brought to the Commissary Court, the distinction between the two of them would have been obscured, and both likely would have been accused of being *meretrices*. By handling these women in the secular Gatehouse Court, the residents of Westminster could tailor their warnings (or punishments) to fit the offense. They used the flexibility of the English vocabulary of sexual misbehavior to achieve their goals.

Conclusion

In 2022, two scholars – one a Professor of English and the other an archivist at the UK National Archives – achieved something every scholar dreams of…or perhaps dreads. Stephen Sobecki and Euan Roger made international headlines when they announced a discovery that upended over a century of scholarship on Geoffrey Chaucer.[144] Ever since a pair of nineteenth century antiquarians discovered a quitclaim in which a woman named Cecily Chaumpaigne released Chaucer of "*omnimodas acciones tam de raptu meo* [all manner of actions related to my *raptus*]."[145] *Raptus*' primary translation is "rape" or "abduction." Given that this was a document drawn up by a woman, releasing a man from responsibility for this action, scholars concluded that Geoffrey Chaucer had sexually assaulted Cecily Chaumpaigne. Many scholars "tried to excuse, sometimes even laud, Chaucer for having such a virile 'escapade.'"[146] But

[143] WAC, 45/1, fol. 3.

[144] See, for example: Jennifer Schuessler, "Chaucer the Rapist? Newly Discovered Documents Suggest Not," *The New York Times*, October 13, 2022, https://www.nytimes.com/2022/10/13/books/geoffrey-chaucer-rape-charge.html.

[145] Euan Roger, "Appendix 2: Transcriptions and Translations," *The Chaucer Review* 57, no. 4 (2022): 444-5.

[146] Susanna Fein and David Raybin, "The Case of Geoffrey Chaucer and Cecily Chaumpaigne: New Evidence," *The Chaucer Review* 57, no. 4 (2022): 404.

feminist scholars have, for decades, argued that this was a coercive act of sexual violence, and have analyzed Chaucer's life and works through the lens of medieval misogyny and violence against women.

But Sobecki and Roger revealed that they had discovered new documents relating to the case that overturned the assumptions of both Chaucer's apologists and accusers. This episode in Chaucer and Chaumpaigne's relationship was a dispute over labor and contracts, not sex. Chaumpaigne's quitclaim was a document demonstrating that she had left the employment of a man named Thomas Staundon voluntarily to enter Chaucer's service.[147] The phrase that launched the scholarly debate, and particularly the word "*raptus*," had to be reinterpreted. Chaucerian studies had to contend with the fact that "the valence of a term like *raptus* is considerably more circumscribed for us that it was in the vocabulary of fourteenth-century medieval law and for certain lived realities the world was called upon to address."[148] It turns out that *raptus*, in this case, refers to Staundon's charge that Chaucer had "abducted" Chaumpaigne from his household.[149] Chaucer scholars and historians of late medieval England alike now have to contend with the thorny issue of the wide array of meanings of legal Latin.

In this chapter (and indeed, in this dissertation), I make no claim to be upending any previous scholarship on women, sexuality, and the law in late medieval England. These cases were undoubtedly about sex and were understood as such. But just as the context of the new documents Roger and Sobecki offer essential context to Cecily Chaumpaigne's case, the English language records of women accused of sexual misbehavior provide insight into the valences of the Latin vocabulary found in the records of the Commissary Court. The formulae of the Commissary records served the court's purpose: to handle cases quickly and efficiently, without delving into the nuances of the offenders' situations. The functionaries of the Commissary Court were uninterested in the dynamics of the neighborhoods and communities from which these women came. But their communities had a vested interest in distinguishing offenses and offenders according to a hierarchy that we can only guess at. Women who used their bodies viciously, evilly, or nicely had to be identified and dealt with according to their specific circumstances, not according to the circumscribed outcomes found in the church courts.

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[147] Euan Roger and Sebastian Sobecki, "Geoffrey Chaucer, Cecily Chaumpaigne, and the Statue of Laborers: New Records and Old Evidence Reconsidered," *The Chaucer Review* 57, no. 4 (2022): 411.

[148] Rogers and Sobecki, 411.

[149] Rogers and Sobecki, 427.

CHAPTER 2

Suspicious Persons and Surety Pledges: The Role of Reputation and Social Capital in Controlling Sexuality

On August 20, 1519, Elysabeth Callynger and Denys Chapman were presented at Westminster's Gatehouse Prison for lechery of their bodies. It is likely that both women were apprehended on the night of July 10, 1519, as part of a city-wide roundup of "suspected persons" initiated by Cardinal Thomas Wolsey. Both women attempted to avoid punishment for their alleged crimes and did so in similar ways. Elisabeth Callynger, the wife of a man named Nicholas, was reported by the local gossip Nicholas Grymshawe, whom we met in the previous chapter. Thankfully, some of her neighbors were less critical of her. Elysabeth was released after having two men stand surety for her future "good demenor" and "good rewell henysforthe"; should she subsequently face similar accusations, William Bordpenttser and Roger Blysset, pledged to pay ten pounds.[150] Denys, a widow, "browght in to the Courte William Smyth oon of the porturs [one of the porters] with my lord Cardenall & he did under take for hir good demenor."[151] While there is no indication that William Smyth pledged any money, Denys likely thought his connection to the same official who instigated the search would aid in her release.

The story of these two women demonstrates one of the most critical – and most difficult to assess at an historical distance – elements of early modern legal proceedings: the function of social capital. While many scholars have examined the role that a woman's reputation or "fame" played in her life, the question of social capital is different. The accusations leveled at Callynger and Chapman suggest that their reputations were already sullied, yet they were able to marshal the social capital of the men around them to retain their community standing. For women, reputation is value without power. It is a way of describing a woman's value as an object within a patriarchal system of exchange, but it does not give women power as agents in that system. When a woman's social standing was already so low that she was not a marketable asset, reputation was less important than maintaining her place in her community, even if that place was tenuous.

This chapter examines three sets of evidence surrounding Wolsey's 1519 search

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[150] WAC, 45/1, fol. 11. The spelling of William's name is unclear, and he cannot be found in records. Roger Blysset may be the same man or a relative of a Roger Blysset who granted a significant property in Farringdon Within around 1477. See Salters' Company, H1/23/14, brief transcript at <https://discovery.nationalarchives.gov.uk/details/r/b8d9f172-fcdf-45a5-a6ce-91ce8af8185b> Accessed June 1, 2020.

[151] WAC, 45/1, fol. 19.

for "idell vagrant and suspicious persons."[152] The first set of records are the names of the men appointed to lead the search and the lists of people apprehended in the search. While there is little evidence of what, if anything, happened to the people taken up in the search, the other sets of records give us an idea of the potential outcomes. The second record comes from the Journals of the Court of Common Council and shows how the Mayor and Aldermen dealt with four women who were taken up the night of July 10. The final example, in which Elysabeth and Denys appear, is a record of an ad hoc court held at the Gatehouse Prison on the grounds of Westminster Abbey the following month. Using these records, I argue that the extensive scholarship examining women's reputations during this period cannot account for women whose poverty – both financial and reputational – did not preclude them from calling upon the social capital of others. A woman's sexual reputation was important, but not as important as the need to live (at least somewhat) peacefully in her community.

Reputation and Records

The notion of reputation is central to the historiography of women's sexuality and social control in early modern England. Since Keith Thomas' seminal article on "the double standard" in 1959, the incommensurability of men's and women's sexual reputations has been a fundamental concept of women's history.[153] The contours of this concept have been debated and expanded upon in the intervening decades, but the fundamental importance of reputation for women has remained constant.[154] In her study of sex work in late medieval England, Ruth Mazo Karras argues that the defining characteristic of sex workers during this period "was not the fact that they took money for sex but rather that they were generally available to men for sexual purposes."[155] Thus, the commercial aspect of being a whore was less important than a reputation for

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152 TNA, SP, 1/18, fol. 233.

153 Keith Thomas, "The Double Standard," *Journal of the History of Ideas*, 20, no. 2 (1959): 195-216.

154 Laura Gowing's work has reiterated the divide between men's and women's sexuality (see below), while Bernard Capp has argued that "men's anxiety over sexual reputation was more important than historians have generally assumed." (See Laura Gowing, *Domestic Dangers*, Bernard Capp, "The Double Standard Revisited: Plebian Women and Male Sexual Reputation in Early Modern England," *Past & Present* 162, no. 1 (February 1, 1999): 70–100.). Scholars of the seventeenth and eighteenth centuries have added to the complexity of this concept, while scholars of the fifteenth and sixteenth centuries have both reified the concept and called the language of reputation into question (See Karras, Ingram). Thomas himself has responded to the explosion of scholarship that followed his article, albeit somewhat indirectly. See Keith Thomas, *The Ends of Life* (2009), especially pp. 160-174.

155 Karras, *Common Women*, 131.

public sexuality. "The community's role in determining who was a whore, then, was an important one: a woman whose sexual behavior did not meet the norms of the community (and by this I mean those in positions of authority in the community, although common fame among her peers also played a role) might easily be labeled a whore. The whore was a woman out of place."[156] With this phrasing, Karras is echoing anthropologist Mary Douglas' 1966 book *Purity and Danger: An Analysis of Concepts of Pollution and Taboo*, in which she argues that in societies across time and space, whatever is considered "dirt" or "uncleanness" is viewed as "matter out of place."[157] In Karras' analysis, then, women who had the reputation of being a whore were considered to be dirt that had to be eliminated and purified.

However, whether or not she was a commercial sex worker, a woman's reputation had many constitutive elements, not all of which related to sexuality. Karras' assessment of common fame erases the agency of the women involved as well as the contours of a woman's social life beyond her sexual reputation. As we see with Elysabeth and Denys, women could utilize their connections with neighbors to their benefit. While both women were accused of sexual misbehavior, both were able, at the very least, to ameliorate the consequences of that reputation. This is not to say that the repercussions of such behavior could not be harsh. The most lurid documents relating to social regulation of sexuality describe elaborate shaming rituals, long periods of imprisonment, and banishment. (These will be discussed further in Chapter 4.) Records of both ecclesiastical and secular courts are filled with thousands of women cited for some form of aberrant sexual behavior. It can be tempting to see chastity (or the lack thereof) as *the* defining factor for a woman's place in society, but this may be more a function of the surviving evidence than reality.

Not all scholars have interpreted English court records as demonstrative of women's complete submission to the opinions of others. Laura Gowing's pioneering work uses the thousands of defamation cases brought by women in the ecclesiastical courts to show that women used the legal system to establish and defend their good reputations.[158] Gowing's primary source materials are the deposition books from London's Consistory Court. It was the highest ecclesiastical court in London, technically presided over by the Bishop of London himself, but run primarily by a contingent of professional canon lawyers and formularies.[159] The accident of record survival means

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[156] Karras, *Common Women*, 138.

[157] Mary Douglas, *Purity and Danger: An Analysis of Concepts of Pollution and Taboo* (New York: Routledge, 1966), 41. Interestingly, Karras does not cite Douglas' work or the originator of the phrase, William James.

[158] Laura Gowing, *Domestic Dangers.*

[159] See Chapter 1.

that historians have access to the rich and detailed deposition books of the Consistory Court for the late medieval and early modern periods, but the companion volumes that contained the interrogatories and the outcomes of these cases have been lost.[160] Thus, while we have access to witness statements in these cases, we can only infer the nature of the cases and have no way of knowing if the interpretation of events given by witnesses was believed by the court.

Scholars have made good use of these deposition books to mine information about Londoners who rarely appear in other records. The rich detail of witnesses' descriptions of their neighborhood networks and the interpersonal patterns revealed when discussing intimate matters like sex and marriage have produced remarkable scholarship. Because these deposition books survive, albeit still incompletely and without the volumes that would have contained the outcomes and formal charges of these cases, historians have gravitated toward using them to explore women's lives. In contrast, sources from lower courts, like the Commissary Court, wardmotes, frankpledges, and other briefer, less descriptive records are often frustratingly vague.

Yet historians have also noted some key drawbacks to relying on depositions. Tom Johnson has argued that witness statements necessarily underwent a process of "preconstruction" that filtered the testimony through the lens of a canon lawyer's aims in the case.[161] Shannon McSheffrey, who has done some of the most impressive work on the late medieval Consistory Court deposition books, including the online *Consistory Database*, acknowledges that although testimony has significant problems, with proper precautions these sources can still be useful. But there is no denying that drawing conclusions from narratives that may often be filled with what McSheffrey calls "plausible lies" can be a slippery slope.[162] Karras has observed that this is the quintessential paradox of using court records as sources for people's sexual and marital behaviors: "the more revealing a case is, the less representative it is likely to be."[163]

Because of this, one could argue that the spottier, more cryptic sources of lower courts are, in many ways, more honest. While we do not get the kind of detail found in longer witness testimonies, the short entries of wardmote returns, Commissary Court charges, gaol deliveries, and other local court records still paint a picture of how the mechanisms of justice were enacted. Therefore, in this chapter (and throughout this

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[160] The deposition books of the Consistory Court cover, with some gaps, the period between 1467 and 1686.

[161] Tom Johnson, "The Preconstruction of Witness Testimony: Law and Social Discourse in England before the Reformation." *Law and History Review* 32, no. 1 (2014): 127.

[162] Shannon McSheffrey, *Marriage, Sex and Civic Culture in Late Medieval London* (Philadelphia: University of Pennsylvania Press, 2006), 12.

[163] Ruth Mazo Karras, "The Regulation of Sexuality in the Late Middle Ages," *Speculum* 86 (2011): 1013.

dissertation) I will consciously avoid drawing on testimonial evidence. Especially when looking at the role of reputation in women's social lives, the details found in testimony can sometimes obfuscate more than they illuminate. Rather than using briefer sources as supplementary to longer narrative depositions, I will focus on how these fragmentary sources can offer new insight how reputation functioned in women's lives and how they were able to leverage the social capital of men around them to exert agency.

These briefer, more transactional records can be seen as account books in which the currency of social capital and reputation is exchanged and recorded. All members of sixteenth-century society, both male and female, rich and poor, participated in this social economy. Women were at an ideological and material disadvantage within this marketplace, but this did not mean they were automatically punished for offenses. The outcome of a woman's interactions with the various institutions of social control depended on a myriad of factors, as well as her own ability to wield her reputation and the reputation and social capital of her friends to her benefit.

A "privy watch and search"

On July 10, 1519, there was a "privy watch and search" for "idell vagrant and suspecious" in London's "parishes, suburbes & other villages adjoinant."[164] Within the city of London, the mayor and the aldermen of each ward were charged with the search. In the outer boroughs and villages, gentry and nobility were selected to lead this search. The lists of those taken up during this search survive on various slips of parchment, incomplete and often mutilated.[165] This search has been seen by some scholars as a part of Cardinal Thomas Wolsey's greater reform projects at the height of his power and influence.[166] It was also part of a planned campaign for the year, with orders to repeat the same search (with the same illustrious commissioners in charge of the search) on October 22.[167] The types of people caught in this drag net are of the sort that often appear just once in the record, then disappear. It is likely they entered and exited the wards of London with a similar degree of melancholy transience.

This search was above and beyond normal operations of community justice. The wards of London had regular wardmotes where unruly or otherwise "suspicious" people were presented and dealt with. The Commissary and Consistory Courts did a brisk business throughout the period, calling scolds, bawds, and defamers to account

[164] TNA, SP, 1/18, fols. 227-233.
[165] TNA, SP, 1/18 ,fol. 230.
[166] Ingram, *Carnal Knowledge*, 156-7.
[167] TNA, SP, 1/18 fol. 228.

with regular, profitable results.[168] Yet this action was different. The operation was to be performed at midnight, "kept very secret," and all those caught in the search were to be held for nearly a week before being "brought in personally before the lords with a certificate of their names."[169] The final page of the returns is a list of men "deputed to examine the persons taken in the different districts."[170]

Such campaigns to rid London of undesirables were not unprecedented. Chroniclers noted specific pushes to punish and expel "common women" and bawds from the city throughout the fifteenth century.[171] Yet these crusades were almost certainly as much about political clout as they were about moral rectitude. For example, urban chroniclers lauded William Hampton's tenure as Mayor of London because "this mayer, aboue all other, corrected sore bawdes and strumpettes," and his strong moral character was solidified by the fact that the women his drive took up could not bribe him to let them go, as he "sparyd none for mede nor for fauour, that were by the lawe atteynted, natwithstandyng that he myght haue take. xl.*li*. of redy money to hym offerid, for to haue spared one from that iugement."[172] That Fabian took the time to note this suggests that drives such as this had a reputation for being corruptible, and that Hampton's apparent stalwart adherence to enacting justice cemented the legitimacy of his campaign, as opposed to other leaders whose political motives might have been more apparent.

Always the consummate politician, Cardinal Wolsey clearly saw that a search on the scale of the one ordered in July 1519 could only bolster his own reputation as someone "strongly opposed to public manifestations of vice and disorder."[173] The list of men Wolsey assigned to lead the search reads as a veritable who's who of eminent men of the time. London and its wards were delegated to the mayor and aldermen, and the surrounding areas outside the walls were assigned to twenty-five noblemen whose

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[168] On the differences between the Consistory and Commissary Courts in London, see chapter 1.

[169] TNA, SP, 1/18, fol. 227.

[170] TNA, SP 1/18 fol. 257.

[171] See Charles Lethbridge Kingsford, ed., *Chronicles of London* (Oxford : Clarendon Press, 1905) 200, 205; James Gairdner, ed., *Historical Collections of a Citizen of London in the Fifteenth Century.* (Westminster, England: Printed for the Camden Society, 1876) 182, 185. For a discussion of other campaigns against sexual immorality, see Ingram, *Carnal Knowledge*, pp. 227-232.

[172] Fabyan, Robert, Henry Ellis, and N. Vansittant. *The New Chronicles of England and France: In Two Parts* (London : Printed for F.C. & J. Rivington [etc.], 1811), 663.

[173] Ingram, *Carnal Knowledge,* 149. This general search was not Wolsey's only action to weed out undesirables that year. The so-called "expulsion of the minions," when several of Henry VIII's closest friends and advisers were apparently pushed out of their positions of power, possibly as a result of Wolsey's machinations, was remarked upon in much greater detail than a search for petty criminals in the capital. See Greg Walker, "The 'Expulsion of the Minions' of 1519 Reconsidered," *The Historical Journal* 32, no. 1 (1989): 1-16.

reputations could ostensibly both lend legitimacy to the search and be bolstered by their participation. These men included Thomas Howard, Duke of Norfolk, and his brother Edmund, the king's future father-in-law, among others.[174] It is unclear how involved these men would have been in the searches themselves, but the elevated profiles of the men chosen lends further credence to this search being a political performance as much as it was a public service.

The formal order and list of appointed searchers is followed by more than two dozen sheets containing the returns of the search, spanning from July to November. The format and quality of these returns vary widely. The returns from the wards of London, for example, read much like a gaol delivery. Lists of names, divided by the ward in which those people were taken, fill two large sheets of parchment. Others, such as the return from Southwark, specifically note where each person was apprehended, whose house or hostelry they were in. Still others give much more detail, laying out who was taken, where they were taken from, and a brief explanation about what they were doing in that part of London. These differing styles may reflect the priorities of the men assigned to search each region, or they may be indicators of the relative worth of the people in each district. Likewise, the differing levels of detail about the fate of these people may indicate the status of those taken.

While earlier campaigns against vice were recorded as being aimed at lewd women, the majority of those taken up in the 1519 search were men. Of the 327 people listed as apprehended in the surviving returns, just 55 are women, less than twenty percent of the total.

Brothels and boarders

Perhaps unsurprisingly, the returns with the most women apprehended are from the neighborhoods known for the sex trade. Most notable of these are the returns from Southwark, including the "persons taken at the stew houses within the liberty of the Bishop of Winchester."[175] Of the six stews listed here, four of them are noted as owned by women, yet the people taken up by the search there were mostly men. Four men and one woman were taken at the "house at the sign of the bull" owned by Margaret Goss.[176] At Margery Cursson's house at the sign of the Hart, a woman listed only as "Jane" was taken, along with eight men. Alice Howell's house at the sign of "the Olyfant" produced Bess Erby and Elizabeth Adams, along with six other men. Five men were taken at the sign of the Boar's Head, owned by Jane Proludes. While several of the

[174] TNA, SP, 1/18, fol. 227.
[175] TNA, SP, 1/18, fol. 236.
[176] TNA, SP, 1/18, fol. 236.

returns note people being taken up from inns or other recognizable hostelries (rather than private houses, which are the majority of listed places of apprehension where noted), the only women taken up from inns are from the stew house return and a woman appropriately named Anne "Sowthewyk," who was taken up at the Rose Tavern in Westminster during a November search.[177] None of the women listed as owners or proprietors of these inns appear to have been taken by the watch, in spite of the fact that their establishments must have been considered less than reputable, if not outright brothels. In 1519, however, the stews of Southwark were still technically legal, so those taken at these establishments must have been violating the accepted norms of the legal sex trade in some way. That the stewholders themselves were not brought in means that they were not considered criminal bawds, or at least were not considered to be illegally providing a place for fornication.

The rules of reputation could therefore be hyper-local: women who were deemed bawds could simply be renting a room to an unmarried couple, while others who ran larger establishments escaped punishment because those stews were in an acknowledged and licit vice district. The criteria for what made a locale worthy of search also seems to have varied from district to district. In Cowcross and Charterhouse Lane, three women and ten men were taken from "suspicyous houses" without the names of the householders or hostelries listed.[178] Many of the returns list the name of the homeowner where a person was found, including two women in Bermondsey, Joanne Reynolds and Katherine Thomas, whose names are listed but who are not associated with taverns or stews.[179] Providing rooms for suspicious people might have cast a poor light on a woman's good name, but it was not always enough to warrant that woman's arrest.

"Saying she was his wife"

While female householders' reputations were not overly tarnished by the people taken from their homes, another group of women were automatically disbelieved, even when they claimed legitimacy. In more than one district's return, women who were taken with men claimed to be married to them and based on the wording of the return, were not believed. In Southwark, "Edwardes [and] a woman saying that she was his wyff" were taken in John Hamond's house and "John Loche [and] a woman saying she was the wyf of the said John Loche" were taken in Richard Machyn's house.[180] In such

177 TNA, SP, 1/18, fols. 236, 245.
178 TNA, SP, 1/18, fol. 19
179 TNA, SP, 1/18, fol. 17.
180 TNA, SP, 1/18, fol. 238.

circumstances, a woman's claim to was no more believable than a man's. In Hackney, John a Park and Agnes Cotes were found in bed together, "but he sayd she was hys wife."[181] These two were "takyn in lyke manner" to Hugh Lewys and Alice Ball, who apparently openly admitted they were not married, "other suspicions whe know not."[182] So even when such couples admitted to their true relationship, they were not accorded any more credibility than those who denied it.

The linguistic cue of "saying that" or "as [he or she] sayith" appears throughout the returns and signals that when individuals claimed a relationship that would validate their presence, officials did not find their claims trustworthy. Dozens of men were "committed to ward" who claimed they had a legitimate reason to be where they were. Some said they were in London for business, like Robert Bayly, who was sent to Newgate as a vagabond but who said he was in London "for to have attachement sealid oute of channcery at the suyte of a kynnyswoman of his."[183] Several others claimed to be in service to London residents, ie. "John Apprice, the King's servant as he sayith" and "William Foster he sayth he is […] servant with Thomas Detby pinner in Castell Street."[184] The issue of vagabonds and men without employment was one of growing concern at this time, but what these entries make clear is that it was a person's connection to a legitimate London residence had to be believed to be of any use to a person's reputation.

It is not clear what made someone's claim believable or not. Not all women found in bed with men were disbelieved. Poverty did not necessarily make a claim of marriage suspect. A man and his wife were found in bed "in a pore house" in Westminster and a "beggar and his wife" were found taking shelter in a barn attached to a nobleman's house in Chelsea.[185] Neither did rowdy behavior or raucous company invalidate a claim. In Stepney, "the wyff of Ch[ristopher] Makyn" was taken up along with a group of men from the "victualling houses" of the area.[186] Even though her husband is not listed among those taken up, her claim to that relationship was accepted. In Southwark, Nicholas and Gwen Godfrey, presumably husband and wife, were "takyn in the strete by the watche."[187] Of course, in these cases, the fact of their accepted marital status did not prevent them from being detained. The poor couples taking shelter in Westminster and Chelsea are unnamed, a clear sign that they were unknown to locals, while the Godfreys were in the street at midnight, suggesting they may not

[181] TNA, SP, 1/18, fol. 248.
[182] TNA, SP, 1/18, fol. 248.
[183] TNA, SP, 1/18, fol. 235.
[184] TNA, SP, 1/18, fols. 248, 32
[185] TNA, SP, 1/18, fols. 248, 251.
[186] TNA, SP, 1/18, fol. 253.
[187] TNA, SP, 1/18, fol. 238.

have had a place to stay. Makyn's wife was ostensibly behaving immorally out of company with her husband, making her vulnerable to apprehension.

Still, the question remains: what was it about these women's position in the economy of reputation that made them less credible than the women who ran brothels or otherwise hosted people who were arrested? Without the detailed outlines of relationships found in sources like the Consistory Court depositions, we cannot say for sure. But we can make some inferences.

First, the rules of reputation worked differently in different parts of Greater London, especially in Southwark. Where the sex trade was legal, the role reputation played was based on different rules. So long as the female householders in Southwark were operating within the accepted parameters of stewholders, they escaped arrest, even if their reputations could hardly be seen as honest by residents of other parts of London. Even those women who are not listed as innholders, but who lodged people who were arrested, maintained enough credit by being known quantities. They occupied their homes legitimately, and even if they engaged in what other sources would call "petty hostelry," their offenses were not the focus of Wolsey's campaign.

Secondly, the variation in the wording of returns from different parts of London reflects not only differences in syntax and style, but also the priorities and interpretations of the men performing the search. The returns from Southwark suggest that, despite the fact that the householders and innkeepers were not arrested, such locales were the focus of the search. For others, like Sir John Heron, who led the search in Newington and Hackney, the focus seems to have been on petty theft or other mischief. In Newington, Margaret Cokeyn was apprehended for "stelyng of shyrtes," while a baker in Hackney, Edmond Colbert, was taken in because "he seyd he wold have made hey."[188] These differing priorities could be even more pronounced in some instances, as seen in the case of Westminster, discussed below.

Finally, networks of neighbors, employers, and officials likely intersected in ways invisible to historians, but which would have materially affected an individual's chances of being believed or not. While John Loche and his bedmate were committed to ward, another man staying at the same house, William Borage, was given special treatment because he was identified as a yeoman of the guard. Instead of being imprisoned, he was "commanded by the watche to appere before the kinges counsaill apon tewesday nexte comyng."[189] In contrast, Philip Umfrey claimed to be a servant to the king, but was apparently considered less than credible because he was taken in the same house with a woman. Though they were found in different chambers, it was "without shutting of doors," suggesting an intimacy that rendered either person's claim

[188] TNA, SP, 1/18, fol. 241.
[189] TNA, SP, 1/18, fol. 237.

to legitimate service or a legitimate platonic relationship suspect.[190]

Crossing the line

It is unclear how most of those rounded up in the searches of 1519 were dealt with, whether they were expelled from the city, and what form the "examination" of those apprehended took. Those taken were delivered to various jails and prisons, and some, like William Borage, were released on their own recognizance with orders to appear before the council or the Cardinal. There is no record of a massive public expulsion or shaming ritual, and chroniclers make no mention of this campaign. Most likely, those who were residents of the districts where they were apprehended were turned over to local secular courts. As was the case with wardmote presentments, the most serious or repeat offenders might have been turned over to the Commissary Court or the Court of Common Council, overseen by the Aldermen of London. Four women taken up in the search of 1519 took that route.

Margery Brett, Margery Tyler, Margery Smith, and Elizabeth Thomson were all caught in the sweep of London's wards. Brett and Tyler were taken in Cheap Ward, while Smith and Thomson were taken in Langbourn Ward. While their names are not singled out in the returns, their offenses were severe enough to warrant an appearance in the Journals of the Court of Aldermen. All four were indicted as "strumpets and common harlots of their bodies." Furthermore, the three Margeries were also accused of having cut their hair "like unto men's heads" with the intent to "go in men's clothing at times when their lewd pleasure is, to the great displeasure of God and abomination to the world."191 The court ordered all four women "be led with minstrelsy from [Newgate] prison to Al[d]gate and from Al[d]gate to the pillory in Cornhill and there the cause to be proclaimed and from there to be conveyed through Shepe [Cheapside] to Newgate and there to be voided out of this city & the franchises of the same forever," in accordance with London's customary law as laid out in the Liber Albus.192 Each had to be "kempte with ray hoodes about their shoulders and white rods in their hands," the traditional signifiers of sex workers and bawds.193 In addition to these indignities,

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[190] TNA, SP, 1/18, fol. 246.

[191] LMA, Journal 12, fol. 10r.

[192] LMA, Journal 12, fol. 10r. For the version laid out in the early fifteenth century, see Henry Thomas Riley, trans., *Liber Albus: The White Book of the City of London* (London: Richard Griffin and Company, 1861) 395.

[193] LMA, Journal 12, fol. 10r. Scholars disagree about the origins of the rayed hood and white rod as symbols of whoredom. Karras cites a fifteenth-century version of the Saint Nicholas story in

the Margeries also had to go through all this "with men's bonnets on their heads without any kerchief."194

Clearly, something about Brett, Tyler, Smith, and Thomson's behavior was egregious enough to earn the attention of the Court of Common Council. Cross dressing seems to have been the transaction that emptied their reputations' coffers, and no amount of social capital could repair it. Judith Bennett and Shannon McSheffrey have examined several cases of female cross dressing in late medieval and early modern London. In their assessment, sex workers most likely adopted men's clothing to attract more male clients. Unlike the clothing of the thirteenth and early fourteenth centuries, in which both genders wore similar loose fitting gowns, masculine attire became "pleasantly sexualized" with "erotic accents" that exposed the legs and hips and directed attention to the crotch through the use of codpieces, all of which women's clothing continued to conceal.[195] Thus, in the case of the three Margeries, "cross-dressing was a signifier of the extremity of women's sexual disorder."[196]

Undoubtedly other women caught in the searches of 1519 suffered punishment, possibly even in the same tradition. But these cross dressing sex workers show that while the math of what a reputation could withstand varied from person to person and district to district, there were some lines that could not be crossed without permanently damaging one's social standing. The women who were in bed with men unlikely to be their husbands were suspect because they were engaging in illicit behavior. Couples found in poor houses or in the street or squatting in barns were suspect because they had no stable living situation. Makyn's wife was suspect because she was in a victualling house without her husband. Each of these examples could be seen as temporary falls from grace. Illicit associations could become licit if the couples married. Poor couples could return to their parishes to receive aid. Christopher Makyn could

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which a father telling his daughters to "take a white rod in your hands and live by your bodies," and Karras suggests that this white rod is a euphemism for a phallus. Regardless of its origins, the symbolism was well established by the sixteenth century and was used in punishing whores in both secular and ecclesiastical courts. (Karras, *Common Women*, 149n10).

[194] LMA, Journal 12, fol. 10r. Judith Bennett and Shannon McSheffrey suggest that "piquant requirement" that they wear men's headgear was "doubtless prompted by their shorn heads," but also note that in several other cases of female cross dressing the offender had to carry some additional sign of the specific nature of their crime such as other masculine clothing or carrying a sign with a picture or word on it that distinguished her from other whores. Judith Bennett and Shannon McSheffrey, "Early, Erotic and Alien: Women Dressed as Men in Late Medieval London," *History Workshop Journal* 77 (2014): 2. I discuss this case and other similar cases in Chapter 4.

[195] Bennett and McSheffrey, "Early, Erotic, and Alien," 4.

[196] Bennett and McSheffrey, "Early, Erotic, and Alien," 3.

bring his wife to heel. But the Margeries' attire and hairstyles were visible signs of their commitment to an immoral way of life. This made them not only incredible, but irredeemable.

On the Cardinal's doorstep

Apart from extreme offenders like the Margeries, the variety found in the returns from the general search demonstrate that even within the context of a campaign ordered and carried out by central authority figures, no one standard of morality regulated the mechanisms of social control. The characters and characteristics of each neighborhood played a vital role in the ways in which justice worked. Since Cardinal Wolsey was the instigator of the privy search, one might expect the outcomes of the search to be strictest in what was essentially his backyard: Westminster. In some ways that was the case, but as in the other parts of London, the dynamics of community complicated the picture.

A court was held on August 20, 1519, at the Gatehouse Prison in Westminster, just over a month after the first privy search was completed. Since the full Westminster return from the July search does not survive, there is no way of knowing whether all the people presented at this court were taken up in that search. There is no direct mention of that search in the Gatehouse presentments, but the contents of the document strongly suggest a link between Wolsey's moral crackdown and the special session of the court, which seems to have been a supplementary proceeding to the usual frankpledge at Westminster. The Abbot of Westminster, John Islip, was deputed to examine those taken in the searches of July and October, but the abbot did not preside over the Gatehouse Court: the headboroughs (who were essentially Westminster's aldermen), bailiffs, and constables of Westminster did.

This seems like an arbitrary distinction without one piece of important information: Abbot John and the secular leaders of Westminster hated each other, and the social context of Westminster local politics undoubtedly informed how leaders responded to Wolsey's campaign. While the Abbot of Westminster technically held the highest position of civic authority in Westminster, by the sixteenth century the wealthy laity of the town had created a "semi-official secular government" that "not only serve[d] as a platform for the self-advertisement of an élite, but which at the same time represented—though not in a democratic sense—the urban society as a whole."[197] This created conflict between the Abbot's authority and that of Westminster's inhabitants. Around 1511, Abbot John submitted a petition to parliament in which he complained that the secular headboroughs had usurped his rightful authority. While the abbot of

[197] Gervase Rosser, *Medieval Westminster, 1200-1540* (Oxford: 1989), 228-9.

the monastery of Westminster "hathe the lete & vyeu of francflegge kept but oonys a yeer as without tyme of myend [hath the leet and view of frankpledge kept but once a year as without time of mind]," the "hedborowis of the seid lete [headboroughs of the said leet]" had developed a system so steeped in nepotism that not only were wrongdoers rarely punished harshly enough, but often the headboroughs themselves were the greatest offenders.[198] The abbot therefore petitioned the king and his parliament to ordain that the authority to carry out his duties according to the same "maner & fourme as the maire shereffs & other officers in London or […] eny place within the realme of England have autoritie to doo [manner and form as the mayor, sheriffs, and other officers in London or any place within the realm of England have authority to do]."[199]

While the abbot's focus was on the assizes of bread and ale in Westminster, his disdain for and frustration with secular leaders is clear throughout the document. While there is no direct mention of Westminster in the Parliamentary act passed in 1511, "its subject-matter and its expression" clearly links Abbot John's complaints to governmental action.[200] Since Islip held the abbacy at Westminster until 1532, such deeply felt animosity between the ecclesiastical and secular authorities no doubt continued up to and after 1519. By naming the Abbot of Westminster as the official in charge of examining those apprehended during the search, Wolsey threw his support behind Islip's claim to ultimate authority over social control in his district. The Cardinal used the deputation of both the searchers and the examiners to further solidify his reputation with the powerful men of London even as those deputies used their own standards to determine the legitimacy of the reputation of those they sought.

The Gatehouse Court in 1519 thus took place within the context of a long period of political squabbling over jurisdiction and authority in Westminster. This may explain, in part, the extraordinary contents of the record of that court. Unlike the surviving returns from the search itself, the majority of those presented at the Gatehouse were women accused of sexual misbehavior. Of the ninety-two people brought into court, a staggering eighty-four were women. For contrast, the Southwark stews only produced ten women out of the fifty-four people taken up from that district.[201] All of the women at the Gatehouse were charged with some form of sexual transgression. The potential consequences of their misbehavior varied, but most were warned to "amend uppon payne of imp[ri]sonment."[202] Some women were given no

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[198] WAM, 6576, transcribed in Rosser, *Medieval Westminster*, 362-3.
[199] Rosser, *Medieval Westminster*, 364.
[200] Rosser, *Medieval Westminster*, 362.
[201] TNA, SP, 1/18, fol. 236.
[202] WAC, 45/1, *passim*.

warning but ordered to immediately "avoyde the towne."[203]

The Abbot of Westminster was not even present at the court, let alone presiding. Instead, eight headboroughs oversaw the court along with the bailiff, ten constables from St. Margaret's parish and several constables from St. Clement's parish. The language of the preamble to the court record strengthens its connection to the privy search, heading the record as "ale the namys of the suspecius p[er]sonys that wer then warnyd and ther exaymynd as her after ffolwyth [all the names of the suspicious persons that were then warned and there examined as hereafter followeth]."[204]

Martin Ingram concludes, based on the information in this record, that "it is plain that sexual regulation was a regular feature of life in Westminster on the eve of the Reformation. Illicit activities, especially brothel keeping, were the subject of constant surveillance."[205] But closer examination of this court within its local context suggests a different interpretation. For one thing, nothing about this court was regular. The incredibly high proportion of women to men can be found in no other surviving court document or frankpledge from Westminster. None of the other records use phrasing about "suspicious persons" or examination. Court books from subsequent tribunals held at the Gatehouse read like wardmote returns: they deal with nuisance complaints like faulty pavements and stopped gutters in addition to bawdry and scolds, as well as assizes of victuallers. Since the Abbott of Westminster had publicly accused the headboroughs not only of being soft on crime but of being corrupt themselves, this court could have been their response to Wolsey appointing Abbot John rather than entrusting the examination to the secular leaders. As a piece of political theater, it is certainly effective. Yet even within the context of a document that seems to represent the harshest, most misogynist form of social control there is an inherent flexibility that allowed even the most outrageous offenders to leverage their reputation to their advantage.

A targeted court

Beyond the proportion of women to men, several qualities distinguish the women at the Gatehouse Court from those in the privy search returns. While just four of the women in the privy search returns were married, forty-nine of the women at the Gatehouse were married, and were often presented alongside their husbands, though singular feminine pronouns indicate that the wife was the primary offender. For example, "John Payne & Elysabeth his wyf" were presented for bawdry and "logyng of

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[203] WAC, 45/1, *passim*.
[204] WAC, 45/1, fol. 1.
[205] Ingram, *Carnal Knowledge*, 160.

synfull women [lodging of sinful women]," only "she hath warnyng to mende & to voyde hir wenchis [she hath warning to mend and to void her wenches]."[206] Some couples were seen as a unit, like John Hayes and his wife Ros, who were presented for "[being] suspicious of bawdry & for lodging of suspicious persons," as a result "they" were warned to amend their behavior.[207] William and Katherine Young were presented for "their chidyng[,] brawlyng and ffyghtynge [their chiding, brawling, and fighting]" in addition to Katherine's "scolding of her tounge."[208]

Some women were able to leverage their husband's reputation to bolster their own, even when their offenses were serious. Margaret Dickonson (alias Lincolnshire) was presented for "bawdry & for logyng of suspecyous psonys & resortyng to hir howsse many cutpurssys [bawdry and for lodging of suspicious persons and resorting to her house many cutpurses]." Though she "had warnyng to come to the Courte by ii of the clok the same day the xxth day of August," she did not appear. When confronted with her truancy, she "layd for her skuce that hir husband wayttyd uppon my lord Cardenalys courte [laid for excuse that her husband waited upon my lord Cardinal's court]." Her husband's service with the Cardinal acted as a surety: "for that she was & ys for borne or ellys she should have had for hir demenore imp[ri]sonment & then to avoyde the Towne [for that she was and is forborne or else she should have had for her demeanor imprisonment and then to avoid the town]."[209] Katherine Wyly was presented for lechery, but her husband John was a servant in the Abbey, and this granted her enough leniency that she was warned to "be of good demanor from hensforth & bytwyxte this & Michelmas next [be of good demeanor from henceforth and betwixt this and Michaelmas next]," then to bring "sufficient suyrtys for hir good demenor from thensforth [sufficient sureties for her good demeanor from thenceforth]," allowing her an extra month to find surety pledges.[210]

Elizabeth Bolton, whom we met in the introduction, was even more audacious than these three. She was presented for "lechery usyng wt hir body & also a comyn scold." The court also asserted that she "doth vex & trobyll hir neighburs." Adding insult to injury, when the headboroughs sent the constables and bailiff to "have hir examynyd," "she said that she wold not com ther for now of al the Chorllys" and continued in "dispisynge of the hedbor[o]ws & other [of] the kings officers in callyng them cankers chorllys w[ith] many other dispiteffull words."[211] Yet this is where the

[206] WAC, 45/1, fol. 13.
[207] WAC, 45/1, fol. 10.
[208] WAC, 45/1, fol. 7.
[209] WAC, 45/1, fol. 22.
[210] WAC, 45/1, fol. 15.
[211] WAC, 45/1, fol. 7.

entry ends. There are no warnings to amend her behavior, nor any indication she brought in surety pledges. It is possible that Elizabeth was too much trouble to pursue any further, but her husband's position as a yeoman in the king's kitchen may have also been a factor in sparing her from consequences.

Other women were able to have their husbands pledge a monetary surety to get them out of trouble. Johanne Gotte was brought to court for "myslyvyng [misliving] of hir body & for scoldyng," but her husband was able to pledge ten pounds for her good behavior, though if she were to reoffend, she would have to "voyd the Towne."[212] Elizabeth Bolte's husband Edmund pledged the same amount to get her off a charge of scolding.[213]

Not all married women had husbands who were willing or able to commit such a sum to protect them. Elizabeth Callynger's husband Nicholas did not stand as a surety for her, but by bringing in William Bordpentrer and Roger Blysset she was able to circumvent that disadvantage. Katherine Crope was presented for a common scold and was "warnyde to amend on payne of imprisonment & then after to the cokyng stoll [cucking stool]." While her husband John, a spicer, did not (or would not) pledge a surety for her, a man named John Howell did.[214] Likewise, Agnes Oswell was able to bring in Robert Hall, a barber from St. Stephen's parish, and Thomas Corkey, a waterman, to pledge a surety for "hir good demenor" after she was presented for bawdry. Agnes' husband Thomas does not seem to have had enough social currency to perform the task, and the surety was only good as long as "sayd Thomas Oswell & hys wyf shal kepe good rewyll [said Thomas Oswell and his wife shall keep good rule]."[215] Even when a woman's husband did not have enough social capital to be leveraged for her benefit, she could find a surety pledge who did. Thus, when Alice Cooke was brought in for bawdry and scolding it was Richard Brenwey, a "serv[a]nt to our sorvarang lord king Henry the viii [a servant to our sovereign lord King Henry the VIII]," rather than her husband Stephen, who stood "bounde for hir good demenor."[216] Even when women were initially punished, they still had a chance to call upon their connections to repair the damage to their standing. Agnes and Thomas Damporte were presented for "lechery & for logyng of syspecyous p[er]sonys & resortyng of vacabounds & pyke purcys [lechery and for lodging of suspicious persons and resording of vagabonds and pick purses]" and were committed to ward before finding Thomas Ray, an innholder, and Osmonde Ivy, a resident of St. Clement's parish, to

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[212] WAC, 45/1, fol. 10.
[213] WAC, 45/1, fol. 27.
[214] WAC, 45/1, fol. 26.
[215] WAC, 45/1, fol. 22.
[216] WAC, 45/1, fol. 23.

stand “bounde in xli etc [bound in £10 etc]” to “be of good demenor.”[217]

Of the twelve women who brought in surety pledges to court, seven were not married. As this meant they could neither trade on their husband’s occupation nor his financial backing, these women were in a far more precarious position. Still, some were able to use their network of communal ties to make up the difference. Denise Chapman was not the only widow to find support. Another widow, Alice Paterton, was presented for lechery, “she broute in of hir nayburys for surety [she brought in of her neighbors for surety]” Thomas Clement, Robert Grant, and Henry Bentall, all of whom also pledged ten pounds “upon payne to fforfet the sayd sum & imp'sonment & so to voyd the towne [upon pain to forfeit the said sum and imprisonment and so to void the town].”[218] These men had enough standing in the neighborhood to fulfill that role. Clement was a tallow-chandler; Grant was a baker. Both were later churchwardens of St. Margaret’s in Westminster and members of the Assumption Guild.[219] These men were not only relatively wealthy, but their occupations meant that they interacted with members of the community on a daily basis, meaning their reputations would also hold sway with the court. By pledging surety for Paterton, they were not only making a financial investment in her. They were affirming that she was a legitimate member of the neighborhood. Likewise, Julianna Batron, who was presented for bawdry, demonstrated her worthiness by bringing in five men who stood surety for her.[220] One of these men, John Lawrence, was a former churchwarden and constable for Tothill Street.[221] Not only did Batron present several men who could vouch for her, but one of those men was a former member of the constabulary, adding even more weight to her social standing.

Women could also band together to defend themselves by having the same men stand bound for them. These recurring names indicate strong communal ties among neighbors. Three women from St. Clement’s parish were presented at court: Agnes Taylor for lechery and Alice Kellett and Johanne Slade for scolding. Three men from the same neighborhood came to court to pledge sureties: Thomas Lewis, a baker; Thomas Logan, a plasterer; and Robert Fulk, a grocer. All three put in a pledge for Agnes Taylor, who was a widow and whose crime of lechery would have been seen as more serious.

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[217] WAC, 45/1, fol. 26.

[218] WAC, 45/1, fol. 15.

[219] Rosser, *Medieval Westminster*, 373, 379.

[220] WAC, 45/1, fol. 18.

[221] Rosser, *Medieval Westminster*, 386. Rosser notes that there were two men named John Laurence in Westminster in the early sixteenth century. The other was brick maker who contributed almost £7 to a loan to the abbot of Westminster in 1522, and provided bricks, sand, and gravel for the Abbey from 1501 to 1520 and went on to work at Whitehall Palace when it was constructed in 1530-2. Either man would have had sufficient social standing to pledge a surety for Batron.

Lewis and Logan stood bound for Kellet, while Lewis and Fulk stood for Slade.[222] This cluster of collaboration suggests that these three men were willing to step in for three women of their neighborhood who lacked male protection. By doing so, Lewis, Logan, and Fulk privileged their ties with their fellow parishioners over condemnation of evil-ruled women.

In the absence of a husband or male neighbors to lend them credit, women had to use whatever currency they had. Elizabeth Wilson, a widow, was presented for bawdry and committed to ward. She was ordered to leave town, but in a last ditch effort to keep her place in her community, "she layd for hir self that she hade shertts & other stoff of servnts of my lorde cardenells [she laid for herself that she had shirts and other stuff of servants of my lord Cardinal's]," likely linens she had taken in for washing and mending.[223] Though laundresses were associated with sexual licentiousness throughout the medieval and early modern period, her tenuous connection to the Cardinal's household was the only currency she had left.[224] The court apparently did not thing this payment was enough to excuse her; it merely delayed the punishment. The court "lycens[ed] hir to dep[ar]te the towne w[ith]in vi days after my lords his comyng home uppon payne of imp[ri]sonment [licensed her to depart the town within six days after my lord's coming home upon pain of imprisonment]."[225]

While Elizabeth Wilson's fate sounds bleak, the punishments prescribed were not always faithfully executed. The continued presence of some of the offenders in 1523 casts some doubt on the effectiveness of the 1519 proceedings. Elizabeth Wilson either did not leave town or was allowed to return, because the pavements between a man named John Laurence's inn and Elizabeth Wilson's tenements were cited in 1523.[226] Roger Bostoke's wife was accused of bawdry and lodging "suspicious persons" in 1519. The record notes that as she was "not at home" the matter stood "undiscussed" at the time of the court.[227] In 1523, Roger was still hanging around Westminster and seemingly continuing to skirt the lines of legitimate business. He was fined as a tippler, though his wife did not appear again for bawdry or lodging disreputable people.[228] Agnes Mowsdall was presented for lechery in 1519 and warned to "void his company" (it is

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[222] WAC, 45/1, fol. 27.

[223] WAC, 45/1, fol. 10.

[224] For a discussion of the association between laundresses and sex work, see Carole Rawcliffe, "A Marginal Occupation? The Medieval Laundress and her Work" *Gender & History*, 21, no. 1 (April 2009): 147–169.

[225] WAC, 45/1, fol. 10.

[226] WAM, 50778 fol. 3v.

[227] WAC, 45/1, fol. 11.

[228] WAM, 50778, fol. 11v

not clear who this refers to) upon pain of imprisonment and banishment.[229] Yet she and her husband John, named as a bricklayer in 1519, were both presented again in 1523. John was accused of being an eavesdropper and Agnes a "comon harlot and a skold."[230] There are myriad possible explanations for the Mowsdall's continued presence in Westminster, but one potential explanation lies in the attribution of the charge in 1519 to "one Nicholas Grimshaw."[231] Grimshaw appears in WAC 45/1 twice, both times as an informant on his misbehaving female neighbors. In the case of Elizabeth Callynger, charged with "lechery of her own body," Grimshaw's accusations seem to have been trumped by the two men who stood surety for her "good demeanor." Grimshaw does not appear to have held any high office or significant property in Westminster, so his accusations may have been dubious.

While many scholars have noted the importance of community policing, it is unusual to see an individual named as the informant in lower court records. There is an element of skepticism in the scribe's citation of Grimshaw's information, both entries listing the accused and their offenses followed by "as it is said by one Nicholas Grimshaw," echoing the language of the privy search returns. That both couples were still in Westminster, and still misbehaving, suggests that either Grimshaw's standing was not strong enough to create the kind of social pressure to evict wrongdoers or that his lack of an official role in the wheels of justice detracted from his credibility. While reputation played a key role in the exercise of justice, especially when it came to social control of sexual misbehavior, the source of that information was also key to its acceptability.

A last resort

For those whose reputation could not withstand the scrutiny of a court summons, there was only one option: retreat. The final pages of the Gatehouse court record, which list the individuals whose offenses were resolved by the expediency of their "voiding" the town on their own, bear this out.

At the end of the document is a long list of names under the heading "her aftyr folwyth the namys of them that be voydyd the Towne etc before the Courte Day [hereafter followeth the names of them that be voided the town etc. before the court day]."[232] Even briefer than the presentments on the previous pages, this list of forty-one individuals seems to be an inventory of those the court either did not have to punish

[229] WAC, 45/1, fol. 13
[230] WAM, 50778, fol. 8v
[231] WAC, 45/1 fols. 11, 13.
[232] WAC, 45/1, fol. 35.

because they left before the official court day, or those who appeared before the court and were unsuccessful in securing support.

The people on these last two pages represent those who had the least support and the fewest connections on which to fall back when faced with official censure. All fourteen women who were labeled as single appear in this list, most of them evicted from their homes. Five of these women are unnamed, further emphasizing their invisibility in the neighborhood's social network. Those lack of connections made these women particularly suspect, and that status threatened the reputations of the people who lodged them. Thomas Nicholas, listed as a laborer, "hath avoided a single woman which was logid wt yn hys howse [hath avoided a single woman which was lodged within his house]."[233] Alice Wolston, a widow presented for bawdry earlier in the document, appears in this list because she had "avoydid hir single woman."[234] Wolston did not bring anyone to court as a surety pledge, so evicting her lodger, whether that woman was indeed a sex worker or not, was the only method she had of preserving her reputation. Nine other widows were not so lucky and had to leave town. One of those widows was Denys Chapman. Apparently, William Smith, the Cardinal's porter who undertook for her good demeanor, could not lend her enough credit to remain. Widows and single women were not the only casualties: six married couples also left town as well as six women who left town without their husbands. Such was the case with "Janne the wyf of John Browne avoydid for lechery" and "Johanne the wyf of Canelys Williamson for lechery and bawdry."[235]

Charlotte Berry, whose work focuses on migration and marginality in late medieval London, has noted that "it was within the neighborhood that a person's character was known."[236] When one's reputation within that neighborhood became tarnished and no neighbors were willing to lend their social capital to them, the only choice left was, effectively, to declare bankruptcy and attempt to start over somewhere else. That may have meant leaving the city entirely or just going to another part of London. That was one benefit to living in London: while social networks were strong and neighbors knew each other, there were so many neighborhoods spread over a relatively wide area that it was virtually impossible for someone's reputation to follow her everywhere. Where a woman could go after being run out of her neighborhood was another question entirely. Without social or family connections, finding a new place to

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[233] WAC, 45/1, fol. 35.

[234] WAC, 45/1, fol. 13, 33.

[235] WAC, 45/1, fol. 35.

[236] Charlotte Berry, "'Go to hyr neybors wher she dwelte before': reputation and mobility at the London Consistory Court in the early sixteenth century" in *Medieval Londoners: essays to mark the eightieth birthday of Caroline M. Barron*, eds. Elizabeth A. New and Christian Steer (London: University of London Press, 2019) 96.

call home depended on her ability to find work or someone who would take them in. A woman named Alice Charles went somewhere she could ply her trade legally. Her entry reads, "Alice Charlys single woman for lechery gone to the stewys," likely meaning those in Southwark.[237] But for the officials in Westminster, what mattered was that those who left were no longer their problem. At the end of each entry on the final two pages, the scribe simply wrote: "gone."[238]

Balancing the accounts

Martin Ingram has argued that while "the results of being in trouble with the civic authorities…were variable…the way the various sanctions operated tended to render offending individuals infamous, and the cumulative impact of escalating penalties could be extremely harsh."[239] While this was certainly the case for people without connections or support systems, the evidence presented here shows that being in trouble with secular authorities did not necessarily lead to infamy or harsh punishment.

In the economy of reputation, if a woman had too many debits and not enough credit, she was liable to suffer the prescribed punishments, including the elaborate shaming and expulsion seen in the case of the three Margeries of London. But none of the women discussed in this chapter were protecting sterling reputations. Rather, they were defending the place they held in their communities, however debased that place might have been. The calculations each woman made to achieve that goal varied. Women like Elysabeth Callynger borrowed the social and financial capital of men she knew to escape consequences. Denys Chapman attempted to do the same but failed. Women who could not muster support from the men around her had to make tougher choices. Alice Wolston was charged with bawdry and risked imprisonment and expulsion if she did not evict one single woman from her house, and we have no way of knowing if that was a difficult decision for her. Meanwhile, the social and geographical context of a woman's position also played an important role. Jane Proludes and Margery Cursson were able to manage brothels without being swept up in a campaign against immorality. A man and wife seeking shelter in a tenement were committed to Newgate, while Elizabeth Bolton was protected by her husband's status as a yeoman of the king even as she called the king's officers cankerous churls.

None of these women could be called respectable and most would not have had the means or connections to bring a lengthy and expensive defamation suit to the

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[237] WAC, 45/1, fol. 35.
[238] WAC, 45/1, fols. 35, 38.
[239] Ingram, *Carnal Knowledge*, 223

Consistory Court to gain respectability. Yet some of them still managed to defend themselves against the vicissitudes of a system that tried to use sexually immoral women as tools for political games. Just as men at the top of the social hierarchy like Cardinal Wolsey and Abbot John could manipulate moral standards for their own benefit, so too could women at the bottom of the social ladder cling to their place by fair means or foul.

Perhaps, then, it might be better to say that instead of a single double standard that places women's sexuality as the locus of their reputation, there were multiple double standards operating at once. If one double standard related to sexuality and gender, another pitted ecclesiastical and secular jurisdictions against one another, measuring their relative effectiveness on very different rubrics. Reputation worked differently for women at the lower end of the social hierarchy, and therefore their experiences interacting with London's legal system must be viewed through a broader lens. Factors like neighborhood, marital status, social connection, and even the accident of being caught at the wrong place at the wrong time could all change a woman's chances of escaping the justice system's harshest outcomes.

Chapter 3
Restoration and Reintegration in London's Courts

Among the dozens of people and places indicted before the wardmote jury in 1465, one offender stood out for her obstinacy. Angth Okeley was indicted "for a common bawd and a receiver of suspicious people common defective this twelve-year."[240] Even when the same people were indicted for several years in a row, it was rarely noted in such a way. The jury's continued frustration with Okeley is apparent from their entry the following year, in which she was indicted not only for "a common bawd" but for "a receiver of suspicious people and murderers of the king's liege people common defective this thirteen year."[241] Perhaps whatever murder (or murders) took place in her establishment finally wore out her welcome, because she does not appear again in the wardmote returns. Other women were more tolerated. Christiana Bat was presented "for a common strumpet" at the Portsoken wardmote twice, in 1467 and 1469.[242] She was not presented again at the wardmote, but she did not leave Portsoken. In May 1470, she was summoned to the Commissary Court for fornication with multiple men. She did not appear and was suspended from communion until she was able to bring four compurgators – neighbors who would swear before the court that she was telling the truth when she denied the charge.[243] She returned in June with the requisite oath helpers and her case was dismissed.[244] She had not succeeded in clearing her name among her neighbors, however. Three years later her neighbor Alice Carpenter appeared before the Commissary Court for defaming Christiana, calling her a "strong harlot."[245] Christiana herself did not appear before the Commissary or the wardmote again.

As Angth and Christiana's stories show, while reputation and a woman's ability to call upon others' social capital certainly influenced outcomes in court, an equally important factor was the nature of the justice system itself. In late-medieval London, the lowest and most local court–the wardmote–was not a court at all, in the modern sense. The wardmote was a yearly procedure in which a set of jurists, charged very broadly with identifying threats to community order and harmony, identified and indicted a group of offenders, whose cases were considered at the yearly wardmote

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[240] Christina Winter, "The Portsoken Presentments: An Analysis of a London Ward in the 15th Century," *Transactions of the London and Middlesex Archaeological Society,* 56 (2005), 111.
[241] Winter, "Portsoken Presentments," 114.
[242] Winter, "Portsoken Presentments," 116, 118.
[243] LMA, DL/C/B/043/MS09064/1 fol. 4r
[244] LMA, DL/C/B/043/MS090641 fol. 16v.
[245] LMA, DL/C/B/043/MS09064/1 fol. 174r.

inquest. Certain of these offenders would be remanded to a higher court, the Court of Common Council, which might impose expulsion or exile from the ward as the ultimate punitive result of an indictment, but the wardmote imposed no other punishment. Because the wardmote's remit was so broad, however, the few surviving records of its indictments provide a remarkably revealing portrait of local attitudes toward crime and misbehavior. In particular, as I will argue in this chapter, the wardmote presentments reveal the complexity and flexibility of local attitudes toward sexual behavior, especially by women. For example, several women appear repeatedly in the wardmote records for sexual misdemeanors and other distinctly feminine offenses; these women were clearly not punished by expulsion or exile. As we saw in the case of the women taken up in Wolsey's 1519 search, the brevity of local court records means we cannot know how the dynamics of kin and community led some women to be tolerated and others to be imprisoned, shamed, and expelled. Why was Angth tolerated for more than a dozen years? Did she finally leave the ward after her neighbors lost patience with her? Why was Christiana only presented at the wardmote twice, when it is clear she continued to have sex with multiple men in the following years? While we may not be able to retrieve those details, these variations demonstrate that in late medieval England, the more local the court, the more variable the outcomes were for misbehaving women.

Recent scholarship has focused on pushing back against the argument – which Martin Ingram has called "axiomatic" – that before the Reformation, "church courts were virtually moribund as agents of sexual regulation and that other tribunals were likewise of limited efficacy."[246] Here Ingram is referencing scholars of early modern England, especially Ian Archer, who have argued that the Protestant "reformation of manners" included a marked increase in the control and punishment of illicit sexuality, contrasting that movement with what they perceive as the lax attitude of the pre-Reformation period.[247] Even Archer seemed aware that his claim was difficult to prove; in a remarkably contradictory caveat to his major work, *The Pursuit of Stability*, he stated, "The argument that illicit sexuality was more harshly treated at this time [the late sixteenth century] is one which an early modernist advances at his peril because of the lack of research on social regulation in later medieval England."[248] Since his book was published in 1991, there has been an explosion of scholarship to fill that gap, and much of it has argued that Archer was incorrect in his assertion. Ruth Mazo Karras concluded that while there may have been sanctioned sex work in late medieval

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[246] Ingram, *Carnal Knowledge*, 9.

[247] Ingram, *Carnal Knowledge*, 19-23.

[248] Ian Archer, *The Pursuit of Stability: Social Relations in Elizabethan London,* (Cambridge: Cambridge University Press, 1991), 249

England, "prostitutes were stigmatized, prosecuted by various authorities, and regarded as the dregs of society."[249] Ingram goes even farther, asserting that "it is incontrovertible that legal regulation of sexual behavior in both men and women was so important as to be a defining feature of late medieval and early modern society."[250]

Scholars have argued for this condemnatory ethos despite the very evidence they analyze. Ingram acknowledges that "the sexual regulation exercised by the bishop of London's Commissary Court was not at any point in the late fifteenth and sixteenth centuries notable for its harshness" but argues that "the ethos of the wardmotes was harsher than the church courts."[251] However, we have no record that being indicted before the wardmote was any more consequential or damaging to one's standing than appearing before the Commissary Court. When Ingram claims that "the most usual grounds for expulsion [from the ward] was the fact of being presented or 'indicted' before the wardmote inquest" he is referring to the scant evidence of cases presented at the Court of the Common Council, which he himself calls "exemplary action," not business as usual.[252] For Ingram, being presented at the wardmote "was more than merely to inscribe the offenders in a register of public infamy…it put them in jeopardy of draconian further action."[253] (Such expulsions were handed down by the Court of Common Council; ward officers did not have the authority to eject residents. The threat of exile was at a greater remove than Ingram implies.)

Ingram is influenced by the arguments put forth by Frank Rexroth, who contends that at wardmotes, "norms were entrenched by discussing their opposite and subjecting its alleged agents to an unchanging, conservative ceremony of status degradation."[254] For him, the "*raison d'être* of the wardmotes" was to expose the so-called "underworld" of "filth, unrest, and immorality."[255] Addressing the paucity of evidence of severe or consistent consequences of being presented at the wardmote inquest, he states that "no court session was necessary in order to discriminate against persons exposed on the feast of St. Thomas."[256]

Scholars have, therefore, taken pains to explain away the discrepancy between the moralistic rhetoric of both official proclamations and court records and the

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249 Karras, *Common Women,* 142.

250 Ingram, *Carnal Knowledge,* 32.

251 Ingram, *Carnal Knowledge*, 208, 223. As we will see later in this chapter, saying the Commissary Court was not "notable for its harshness" is a gross understatement.

252 Ingram, *Carnal Knowledge,* 224-6.

253 Ingram, *Carnal Knowledge*, 225.

254 Frank Rexroth, *Deviance and Power in Late Medieval London*, (Cambridge: Cambridge University Press, 2007): 217-8.

255 Rexroth, *Deviance and Power*, 217.

256 Rexroth, *Deviance and Power*, 217.

apparently tolerant judicial outcomes recorded. There is a sense, in much of this historiography, of bewilderment. How could so many women be dragged before both secular and ecclesiastical courts for sexual misbehavior and yet escape any punishment? If mayors of London consistently tried to impose "diligent and sharp correccion upon Venus' servauntys," why were such efforts so unsuccessful?[257] The answer for many seems to accord with Wunderli's assessment of "London's puny investigative policing powers."[258]

I contend that this is not the case. When a woman was accused of sexual misbehavior and brought before the tribunals of late medieval England, the aim was not to punish or expel them. The goal was rather to reaffirm the moral standards of her neighborhood and reintegrate her into her community. When women were let off without punishment, the system was working as intended.

In order to understand the principle of these procedures, I propose that we look at the practices of late medieval courts through a modern theoretical framework. The justice system of fifteenth- and sixteenth-century England, particularly the system as it existed in London, was more closely aligned with the principles and praxis of modern restorative justice than of today's prevailing concept of retributive justice. While the values and practices of this system do not entirely adhere to the tenets of today's restorative justice, they share more characteristics than previously acknowledged, allowing women to escape punishment more often than they suffered it. Most women called out at the wardmote for sexual misbehavior were not subjected to any further punishment than the ignominy of that presentment. Those who were, or who were brought before the Commissary Court, were able to escape punishment through simple dismissal or the restorative practice of compurgation. Both wardmote inquests and the Commissary Court were designed to maintain social harmony while reminding residents of their moral obligations.

On Restorative Justice

Restorative justice is a term that encompasses both a system of practice and of theory. While the origins of the term itself are disputed, its applications have become increasingly popular within certain segments of the criminal justice systems of several countries. In America, activists have argued that restorative (sometimes called "transformative") justice is a vital - and viable - alternative to America's current system. They argue that the inequities of the current system, which relies on a vast "prison

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[257] A. H. Thomas and I. D. Thornley (eds.), *The Great Chronicle of London* (London: Printed by George W. Jones at the Sign of the Dolphin, 1938), 222.

[258] Wunderli, *London Church Courts*, 33.

industrial complex," make achieving true justice and peace impossible. Historically oppressed groups, especially African Americans, are imprisoned at a rate nearly five times that of White Americans. Restorative justice practices are meant to avoid imprisonment for offenders while offering restitution and healing for victims.

There are many definitions and applications of restorative justice, but the definition offered by the Restorative Justice Exchange, a program of Prison Fellowship International, is sufficiently representative: "a theory of justice that emphasizes repairing the harm caused by criminal behavior. It is best accomplished through cooperative processes that allow all willing stakeholders to meet, although other approaches are available when that is impossible. This can lead to transformation of people, relationships and communities."[259] Programs based on this theory have been implemented in several arenas with varying degrees of success. The most widespread and apparently effective of these arenas has been in juvenile justice systems. New Zealand, for example, passed a bill in 1989 replacing its Youth Court with family group conferencing, taking decisions about the punishment of youth offenders out of the hands of judges and placing it in the hands of mediators and stakeholders in the conferences.[260] Some school districts and jurisdictions in America have adopted similar strategies in recent years, with the goal of disrupting the "school-to-prison pipeline," a term coined in the early twenty-first century to describe "describe the many ways in which schools have become a conduit to the juvenile and criminal justice systems."[261]

Most scholars and advocates of restorative justice locate its origins in the past. Some cite the very distant past, linking the idea of victim-centered resolutions to Hammurabi's Code and the Lex Salica. Others cite the Bible and the Hebrew concept of "shalom."[262] They then contrast these ancient restitution-based systems to the rise of the nation state and the concept of crime as a violation against the state and society rather than conflict between individuals. Scholars locate this transition at different times and places, but often the shift is seen as the result of the decline of tribal societies and the rise of kingdoms, when "the interests of victims began to be replaced by the interests of the king" and rulers "found the legal process an effective tool for establishing the preeminence of the king over the Church in secular matters, and in replacing local

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[259] "Why Restorative Justice?" Restorative Justice Exchange, accessed May 11, 2023, http://restorativejustice.org/why-restorative-justice

[260] Daniel W. Van Ness and Karen Heetderks Strong. *Restoring Justice – An Introduction to Restorative Justice*. 4th ed. (New Province, N.J.: Matthew Bender & Co., Inc., 2010), 28

[261] Kayla Crawley and Paul Hirschfield. "Examining the School-to-Prison Pipeline Metaphor." *Oxford Research Encyclopedia of Criminology*. 25 Jun. 2018. https://oxfordre.com/criminology/view/10.1093/acrefore/9780190264079.001.0001/acrefore-9780190264079-e-346.

[262] Van Ness and Strong, *Restoring Justice*, 7.

systems of dispute resolution."[263]

Howard Zehr, considered the "grandfather" of the modern restorative justice movement, describes a gradual historical process.[264] Zehr (and others after him) contrast the restorative justice model with a modern "retributive" justice. This system, he argues, is relatively recent. In his groundbreaking book, *Changing Lenses: A New Focus for Crime and Justice*, Zehr claims that "Historical interpretation has tended to focus on two developments in the history of 'criminal justice': the rise of public justice at the expense of private justice, and an increasing dependence on prison as punishment." This view of criminal justice history is inherently teleological: private justice was really "private vengeance, often uncontrolled and brutal" while public justice was more controlled, humane, balanced, and less punitive. As with all teleologies, this is overly simplistic.[265] "Private justice," according to Zehr, might be better termed "community justice," as this system of justice was private only in the sense that it was not administered by the state: "Both the harm done and the resulting 'justice' process were clearly placed in a community context. Wrongs were viewed collectively. When an individual was wronged, the family and community felt it as a wrong also. And family and community were involved in the resolution in substantial ways. They might generate pressure for a settlement or serve as arbiters and mediators. They might be called upon to witness or even help enforce agreements."[266] This was not just in tribal societies. Zehr argues that during the Middle Ages, when a variety of "official" courts existed, whether secular or ecclesiastical, even those courts "tended to operate within the context and principles of community justice."[267]

For the purposes of this chapter, I will examine London's local and citywide courts through the lens of community justice as defined by Zehr. While "traditional justice" is often assumed to be inherently punitive, he asserts that in these courts, "punishment was only one of many possible outcomes."[268] When we look at the elaborate punishments prescribed to sexually immoral women as a last resort rather than the primary goal, the complexity and contradictions of the records that survive start to make more sense.

Restorative justice is often presented as an important method to correct the imbalances of the justice system. Historically oppressed or marginalized groups will, activists argue, benefit from a process that prioritizes community relationships and

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[263] Van Ness and Strong, *Restoring Justice,* 7.

[264] Van Ness and Strong, *Restoring Justice,* 24.

[265] Howard Zehr, *Changing Lenses: A New Focus for Crime and Justice*, (Scottdale, PA: Herald Press, 1990), 94.

[266] Zehr, *Changing Lenses*, 100-101.

[267] Zehr, *Changing Lenses*, 105.

[268] Zehr, *Changing Lenses*, 107

healing. I argue that this was also the case for late medieval England. The wardmotes and Commissary Court in London reflect tenets of modern restorative justice theory by allowing for more flexibility and forgiveness, even for people who were at a societal and institutional disadvantage within the criminal justice system.

Wardmotes: Dialoguing Community Standards

Dialogue is at the heart of restorative justice theory. All "stakeholders" in a community are supposed to come together to discuss a crime, to establish the harm done by the offender, and to work together to find a solution. Whether it is the family group conferences in New Zealand or victim-offender mediation in America, discussion involving members of the affected community is key to resolving conflict without resorting to the institutional justice system.

Wardmotes in England operated on a similar set of assumptions. In cities like London and York, where the population was too large to make a gathering of the entire community feasible, these meetings were called wardmotes. In rural areas, the manor or leet court often served the same function. Special jurisdictions, both secular and ecclesiastical, throughout the country made their own rules and conducted the business of justice and community maintenance. These regular meetings constituted the first tier of communal justice in medieval and early modern England.

The wardmote was a procedure intended to address and prevent disorder, disharmony, and disease in the ward. They were not, in and of themselves, necessarily restorative in nature, but their dialogic format and localized focus allowed for a greater degree of neighborly negotiation and cooperation than scholars assert. They functioned as a site of communal justice, citizenship ritual, and individual accountability. Such spaces were especially important to members of the community who were otherwise excluded from the administration of justice, especially women.

History of Wardmotes

Wardmotes can be traced to England's ancient past. A "moot" or "folkmoot" was first mentioned in the Kentish laws of the eighth century and consisted of "an open-air meeting of the populace to discuss local affairs."[269] While a doomsman or shireman would preside over the meeting, decisions were made by the community as a whole. There were no professional lawyers, nor did early moots produce written records that

[269] J.H. Baker, *An Introduction to English Legal History*, Fourth Ed. (London, Butterworths Tolley, 2002): 4.

established law or custom. As such, we do not know very much about how these early meetings truly operated, but later chroniclers would justify the continued use of wardmotes by citing both the Saxons' *folkesmot* and the Romans' *plebiscita*.[270]

Until the late thirteenth century, the freemen of London met at least three times a year in an open field next to St. Paul's Cathedral for the city's folkmoot. This and the Husting Court (which, unlike the folkmoot, kept meticulous records of its business) constituted the "communal organ of civic government."[271] By 1321 at the latest (and possibly as early as the last quarter of the thirteenth century), the city's population had grown so large that a citywide meeting was impracticable. This led to the emergence, "slowly and awkwardly" of what became known as the Court of Common Council, at which aldermen representing each of London's wards met to handle the city's business.[272] Aldermen were elected by the freemen of their districts (except in Portsoken Ward, where the Prior of Christchurch traditionally held the office), and one of their key duties was summoning the wardmote. At these meetings, the Alderman presided over a gathering of the district's freemen "for the purpose of correcting defects, removing harmful things and promoting the common good of the ward."[273] These meetings created a network of similar communal practices that continued the tradition of the folkmoot while linking the various parts of the city together. As Rexroth notes, "the interplay…of summons and appearance, speaking and listening, swearing in and taking the oath, annually reproduced the relationship between the populace and the ward government as well as the ward and the central civic authorities, thus rendering the urban constitution tangible in practice."[274] Barron cites the wardmote as a key piece of evidence that medieval London operated on a sort of "grassroots democracy," beginning with the input of the citizens at the wardmote and moving up the chain of command to the Aldermen and the Mayor's Court. More than simply reifying the hierarchy's authority, the continued use of these meetings to deal with the central issues of a neighborhood reflected a commitment to keeping the community at the heart of decision making and discipline.

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[270] "*Quae vero nos "Wardemota" vocamus Romani "plebiscita" vocaverunt; quae aput Saxones 'folkesmot' antiquitus dicebantur*." *MGL* vol. 1, 36.

[271] Caroline Barron, *London in the Later Middle Ages: Government and People 1200-1500*, (Oxford, Oxford University Press, 2004): 129.

[272] Barron, *London in the Later Middle Ages,* 129.

[273] "…*pro defectibus corrigendis, nocumentis amovendis, et ejusdem Wardae commoditatibus promovendis*." *MGL* vol. 1, 36.

[274] Rexroth, *Deviance and Power*, 217.

Structure of Wardmotes

The ward was "the basic unit of civic government" in London.[275] It was, in fact, "the essential substructure of city government" which had become institutionalized by the end of the thirteenth century.[276] Later in the sixteenth century, the burgeoning population of the capital led to London's wards being fragmented into precincts, though the historical wards remain administrative districts to this day.[277] The wardmote, as a yearly meeting of all men in the ward, both householders and hired servants, was "an integral and essential element in city government."[278] Not only did these meetings address problems in each ward, it also helped monitor its population. Alien men – those who were not official citizens of London – in the ward came to the wardmote to swear their frankpledge and pay a one-pence fee for the privilege.[279] Anyone who failed to appear had to pay a four-pence fine, "unless indeed such person be a Knight, Esquire, female, apprentice-at-law, or clerk, or some other individual who has not a permanent abode" in London.[280] Women were not required to appear before the wardmote, but they were certainly participants, especially those indicted by the jury.

While wardmotes may have been held on an as-needed basis early in their incarnation, by the fifteenth century aldermen traditionally summoned the wardmote on The Feast of St. Thomas the Apostle, December 21.[281] The end of the calendar year was administratively busy: between the wardmote on December 21 and the meeting of the Mayor's court on Plough Monday (the first Monday after Epiphany, January 6), the jurors had to complete their inquiries and reconvene to make their presentments.[282] Two copies of those presentments were created: one to stay in the ward and one to be brought to the Plough Monday court. The latter were likely stored in the Guildhall, and therefore destroyed in the Great Fire of 1666. The ward copies were certainly preserved at the time; for example, a nearly complete set of the Aldersgate Ward presentments still existed during Elizabeth I's reign. Later centuries, however, were less kind; as of

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[275] Barron, *London in the Later Middle Ages,* 121.

[276] Barron, *London in the Later Middle Ages*, 122.

[277] Barron, *London in the Later Middle Ages*, 122.

[278] *MGL* vol. 1, 37. Barron, *London in the Later Middle Ages*, 121.

[279] *MGL* vol. 1, 38.

[280] *MGL* vol. 1, 38. Even these fines were sometimes used to correct the defaults noted at the wardmote. In 1440, the Court of Common Council designated any funds raised by those fines to be used for the prevention of fire in the city. LMA, Journal 3, fol. 55v.

[281] Ingram, *Carnal Knowledge*, 213.

[282] Barron, *London in the Later Middle Ages* 123; Ingram, *Carnal Knowledge*, 215.

today, only three stray wardmote presentments from Aldersgate Ward have survived.[283] It appears that later officers of the ward copied the names of officers and jurors for each year from 1467 forward but discarded the presentments themselves.[284]

At the wardmote, the attendees would elect a jury of *probi homines* - "good men of the ward" - usually twelve, but sometimes as many as sixteen. The *Liber Albus* lays out the customary procedure for the wardmote. Once everyone was assembled and "the Alderman having taken his seat with the more opulent men of the Ward," the jury was selected and received instructions on what inquiries they should make. The Alderman then had to choose a day for the jury to reassemble and present the results of their inquest. Jurors may have been men of substance within the ward, but based on existing evidence, most did not go on to hold an elected position.[285] The wardmote was also the place where ward officers were elected, including the beadle, constables, scavenger, rakers, and aleconners (also known as tipplers). Each of these had to swear an oath specific to their role. These offices were important, and those elected were expected to take on the role, whether they liked it or not. In 1523, John Pyrson, a freeman in St. Christopher's parish in Broad Street Ward, was cited for refusing to take office when elected to it.[286] In 1510 in Aldersgate Ward, a parish clerk named William was presented for "disobedience to the whole quest of the wardmote" because he "would not be sworn."[287] Serving as a wardmote juror could also be an important steppingstone for upwardly mobile men, however. Thomas Cromwell served as a Broad Street Ward juror in 1523, and the draft return from the presentments that year survives in the State Papers, edited in Cromwell's hand.[288]

The jury's task was substantial. The *Liber Albus* lists sixteen charges about which the jurors should inquire. The majority of the charges related to the health and safety of the neighborhood. Fire prevention was a key concern, as was disease caused by "filth," animals, or lepers. All of these fell under the overall responsibility to "present if the peace of his lordship the king has been broken, or any affray made within the Ward since the last Wardmote, and by what person or persons the same was done."[289] The first two charges, in contrast, addressed the character and legitimacy of the ward's residents. The first charge stated that if anyone living or staying in the ward was "not a

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[283] *MGL* vol. 1, 37; Ingram, *Carnal Knowledge*, 215.
[284] LMA, CLC/W/FA/001/MS02050/001.
[285] Penny Tucker, *Law Courts and Lawyers in the City of London, 1300-1550* (Cambridge: Cambridge University Press, 2007), 232.
[286] TNA, SP 1/29, fol. 118.
[287] LMA, CLC/W/FA/005/MS01499.
[288] TNA, SP 1/29, fols. 117-122.
[289] Henry Thomas Riley, ed. and trans., *Liber Albus: The White Book of the City of London* (London: Richard Griffen and Company, 1861), 290-291.

lawful person, or not of good fame, or not under frankpledge" he or she should be presented at the inquest; the second charge called for the presentation of anyone who was deemed "a woman of lewd life, or common scold, or common bawd, or courtesan."[290] This sequence, from unlawful persons to bawds and courtesans, is significant. In the first mandate, the jury is tasked with finding out whether residents of the ward had a right to be there. To be under frankpledge meant a man had come before the wardmote and acknowledged the authority of the alderman and the wardmote jury. Regardless of whether a man had taken that step, men who did not have freedom of the city were restricted in their activity. They could not trade freely and were unable to join guilds or hold ward offices. The people who fell under this first category, therefore, were suspect. This connected to the issue of lewd women and sex work. Women who were bawds or "courtesans" were likely bringing men who were not residents in good standing into the ward. The threat these women posed had as much to do with bringing in outsiders as it did for the neighborhood's morality.

While women may not have been required to attend wardmote meetings, they nevertheless played a vital role in their proceedings. Women were presented for offenses alongside their male neighbors, and not just for sexual misbehavior. Women's houses were just as likely to have defective pavements and noisome gutters. Female victuallers were equally responsible to sell their ale and bread at the correct price and quality. Women could also be elected as ale-conners or tipplers, whose responsibility it was to taste the ale brewed in the ward and make sure it was priced according to its quality. They even had the authority to set a "reasonable price" for any ale that was "less good than it used to be."[291] Since women did not hold any other offices, their involvement with the wardmote was likely the most significant interaction with their government they had on a regular basis.

Even though only a handful of wardmote returns survive, those that do offer invaluable insight into the interaction between the urban communities of London and the city's secular government. The surviving wardmote returns from late medieval/early modern London fall into three groups, the first of which–and the most complete–is a set of wardmote returns from Portsoken Ward, which Ingram calls a "suburban, only partly built-up ward."[292] These survive for most of the years between 1465 and 1482, with some missing years, plus a badly damaged record from 1508.[293] A second set consists of a single record, Thomas Cromwell's draft of the 1523 Broad Street Wardmote Presentments in the State Papers, while the third group comprises three

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[290] Riley, *Liber Albus*, 291.
[291] Riley, *Liber Albus*, 274.
[292] Ingram, *Carnal Knowledge*, 215.
[293] The returns for 1468, 1470, 1477, and 1478 are lost. See Winter, "Portsoken Presentments," 99.

early sixteenth-century returns from Aldersgate Ward: one from 1510, one from 1528, and another that can be loosely dated from internal evidence to 1511-1524.[294] In addition to these sets of records, there survive a few transcriptions of wardmote returns within the three main sources of information about the proceedings of the Court of Common Council – the Letter Books, Repertories, and Journals – but, as discussed later in this chapter, they are not reliably complete.

The wardmote presentments that survive indeed include a plethora of dirt, dung, and apparent depravity. However, these documents also depict a time-honored system of communal justice and internal discussion that was more unifying than divisive. Because the wardmote jury was charged in broad terms with "correcting defects, removing harmful things and promoting the common good of the ward," which the *Liber Albus* then defines in a list of 16 general areas of concern, the resulting process of identifying offenders became, in practice, a means of establishing and reifying each community's standards of behavior and fairness. With the goal of maintaining community harmony, the wardmote procedure allowed residents to determine whether a particular behavior was tolerable or intolerable, even if that determination differed from the standards laid out by the mayor and aldermen.[295]

Wardmotes also provided an important site of class mingling: prosperous citizens were held accountable for their responsibilities as property owners alongside their less prosperous neighbors. Men across the social spectrum were expected to participate in the activities of the wardmote and to accept any office to which they were elected. This annual accounting served as a turn of the year reminder that to be a citizen or resident of London, you had to take your responsibilities to your neighbors and your city seriously.

The Concerns of the Wardmote: Safety and Hygiene

Wardmotes were concerned with both the physical and moral hygiene of the ward and saw little difference in the importance of ensuring both, especially as one often had influence on the other. While sexual misbehavior and disorder were one of a wardmote jury's primary concerns, another was the safety and cleanliness of the

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[294] LMA, CLC/W/FA/007/MS01501. This return refers to a "Master Fenrother, alderman." Richard Fenrother was a goldsmith who served as Alderman of Aldersgate ward beginning in 1511 until his death in 1524. See Alfred P Beaven. "Aldermen of the City of London: Aldersgate ward," in *The Aldermen of the City of London Temp. Henry III* - 1912, (London: Corporation of the City of London, 1908), 1-8. British History Online, accessed December 22, 2020, http://www.british-history.ac.uk/no-series/london-aldermen/hen3-1912/pp1-8.

[295] *MGL* vol. 1, 36.

neighborhood, particularly dealing with the specific challenges of urban living. The infrastructure of urban neighborhoods, water and waste management, and the prevention of fire make up a significant proportion of wardmote presentments. Defaults in this infrastructure were inevitable and persistent. They were also inextricably linked to misbehavior, danger, and crime.

Blocked gutters were a common source of consternation. In Aldersgate and Portsoken, gutters which were habitually blocked were "yearly presented and not amended."[296] Cracked and "defective" pavements were also common. "Draughts" and other conduits for wastewater were cited for unlawfully flowing into the town's ditch or for putting children at risk of drowning. Cellar doors left open or broken posed similar dangers. The aptly named "swelows" or pits dotting the streets were also frequently cited.[297] Fire was particularly dangerous in a city made of wood, and thus was a major concern of city government. Defective reredoses (the stone or brick backings of fireplaces) were presented as "perilous for fire."[298] In Portsoken Ward and elsewhere, structures made of reeds or chimneys built of mud, loam, or wood were subjected to close monitoring and criticism.

Wardmotes did not exclusively present people, they also presented places. Defects in the ward's landscape were also blamed for misbehavior and offering refuge to malefactors. The "postern in Langhornesaley" in Cornhill Ward was "indicted…for the entry of strumpets there by night."[299] In Limestreet, the jury raised concerns about a "privy place" behind the Pye at Queenhithe. This area was "good shadowing for thieves, and many evil bargains have been made there, and many strumpets and pimps have their covert there, and leisure to make their false covenants." The jury said that place should be "closed by night and opened by day at a certain hour" in order to amend it "in destruction of evil."[300] In Cripplegate Without, the jury indicted the stew house in the ward since it was "a common house of harlotry and bawdry, and a great resort of thieves and also of priests and their concubines," but they also indicted the privy of the stew house "because of the great corruption coming therefrom."[301]

As the gutters demonstrate, wardmotes were not necessarily effective as a means of correction. The master of Saint Katherine's was indicted for setting "stulpis [posts] in the king's highway by the common ground at the mill door with a great chain locked stopping the highway" for at least twenty-two years in a row.[302] This offense was so

[296] LMA, CLC/W/FA/005/MS01499.

[297] See Winter, "Portsoken Presentments," 110-142.

[298] LMA, CLC/W/FA/007/MS01501.

[299] *CPMR* vol. 4, 132.

[300] *CPMR* vol. 4, 138.

[301] *CPMR* vol. 4, 154.

[302] Winter, "Portsoken Presentments," 135.

commonplace that it was likely written on the return document even before the inquest meeting: Rexroth notes that in several of the Portsoken returns, this complaint was written in a different ink than the rest of the presentments.

Even the smell of the ward fell under the jury's purview. Many gutters and ditches were presented as being "noisome," especially coming from merchants dealing with offal or beer. Dunghills in inappropriate locations posed similar perils. William Stalon, a Portsoken resident, was presented in 1474 for making a "grievous dunghill in the middle of the king's highway, with hog's hair and other filth to the nuisance of the king's people."[303] Odiferous offenses could be compounded by the status of the business: in the early sixteenth century, a "foreign" cobbler named Anthony Jensen was cited for "retailing of beer and casting out of stinking water to the great annoyance of all his neighbors."[304]

Wards were also concerned with the quality of food and drink in the neighborhood, particularly ale. Aleconners or "tipplers" were elected in London wards beginning in 1377, becoming all but ubiquitous by the sixteenth century. Their job was to sample any ale brewed in the ward, "to ensure that it was of the right quality, sold in the correct measures, and priced according to civic custom."[305] A single ward might elect dozens of tipplers, male and female alike.

Women made up a much smaller fraction of tipplers than men, but tapsters and brewers were overwhelmingly female. Women also sold other victuals and were subject to regulations for health and safety as well as good behavior. Those who violated the standards of quality were brought up before the wardmote. In Queenhithe ward in 1422, a group of women worked together to circumvent market regulations, ostensibly to increase profit:

> Elene Steer, Katerine Lylye, the wife of Henry Racheford, Margarete Bury, Luce Clerk, Janet Wodham, Katerine Wylde and all their fellows are regraters of fish, eggs, chickens and capons, and they keep the fish so long that it stinks, and they beguile the people therewith, and they rise in the morning and wait in the evening, when such victual or butter or cheese come, and go into the road and buy it up privily, thus making a dearth of such victuals and hindering the common people of the city.[306]

Women were also often accused of being "hucksters," a term for women who bought their goods from producers and resold them for a profit. In the context of London

[303] Winter, "Portsoken Presentments," 125.
[304] LMA, CLC/W/FA/007/MS01501.
[305] Barron, *London in the Later Middle Ages*, 126.
[306] *CPMR* vol. 4, 138.

regulations, this usually referred to women who sold ale, but did not brew it themselves. In Limestreet ward, several women were cited as hucksters, some alongside their husbands. In some instances, wards indicted all the brewers and hucksters in the ward for "selling ale against the mayor's *crye*."[307]

Women's misbehavior in the market often accompanied social misbehavior. There was also a strong association between the ale trade and the sex trade. In many civic ordinances, as well as the instructions to wardmote juries, prohibitions against immoral women and illegal tapsters appear in the same passage. Beadles, ward officers who assisted the constables in dealing with petty offenders, had to swear before the Mayor and Aldermen that would "suffer no man accused of robbery or of evil covin, or huckster of ale, or woman keeping a brothel, or other woman commonly reputed of bad and evil life, to dwell in the same Ward."[308] Immoral sexual behavior and immoral market behavior were, from the beginning, linked in the minds of officials. For example, Katherine Denys was cited as a common huckster as well as a "receiver of evil covins," while John Stock and his wife Margaret were accused of being "regraters and forestallers of the poultry market" and Margaret was a common scold.[309]

The Concerns of the Wardmote: Morality and Membership

Misbehavior, especially women's sexual misbehavior, was the other major concern of the inquest juries. Bawds, strumpets, scolds, and other women of ill repute feature prominently in all surviving wardmote returns. Just as the juries were concerned with the physical hygiene of the ward, they were also concerned with the moral hygiene of its residents. A careful reading of the wardmote returns demonstrates, however, that the juries' surveillance of a ward's moral hygiene was not solely motivated by a concern for the spiritual health and social standing of its residents. The language of the returns clearly reveals that juries acted on the presumption that sexual commerce functioned as an open door to the ward, letting in outsiders–often foreigners–who brought with them a host of undesirable behaviors and other threats to the social order. The records reveal a deeply held presumption that unlawful sex produced unlawful strangers, which in turn highlights the significance of ward membership to the regulatory practices of the wardmote and higher courts.

The issue of membership is significant because whether residents were entitled to restoration or forgiveness largely depended on the perceived legitimacy of their residency. That legitimacy was based on several conditions. The main concern

[307] *CPMR* vol. 4, 134, 135, 139.
[308] Riley, *Liber Albus,* 272.
[309] *CPMR* vol. 4, 136.

underpinning many of the presentments for behavior is one of belonging: who was living in the ward, who was staying in the ward, and who was doing business in the ward. The jury's responsibility to discover anyone who was unlawful, unpledged, or unrespectable extended to ensuring that the legitimate members of the community adhered to those policies.

Foreigners

In the wardmote presentments, the term "foreigners" frequently appears in reference not only to non-English persons, but also to both non-residents of the ward and to non-citizens of London. In the latter case, non-citizens were also described as "unfree"; to be a freeman or freewoman meant access to privileges that aliens did not have, especially regarding trade. To be unfree did not mean that a person was a serf or tied to a specific lord. Rather, to have freedom of the city bestowed rights and a level of membership that outsiders could not access. "Foreigners" were associated with illegal trade as well as disreputable behavior, making them a powerful threat to neighborhood harmony. In Portsoken, for example, twelve people were presented as "foreigner[s] occupying as freem[e]n" in 1476, and fourteen were presented in 1479.[310]

The people and houses indicted for hosting undesirable people and behavior were often explicitly cited for welcoming outsiders into the ward. Thus, in Candlewick Street Ward, "Margaret, wife of Petir Swart'' was presented for keeping "a lodging-house for aliens to the prejudice and against the interests of the king."[311] Some hostellers were, themselves, outsiders. In Bassingshaw, Robert and Joanne Sutton, "being newly come from Coventry," were presented for keeping "their doors open on several divers nights until 11 or 12 of the clock, having divers men, who are strangers and unknown to the ward, making violent and grievous noises to the nuisance of all dwelling around."[312]

Bad behavior added to an unfree resident's offense. In Aldersgate, William Smith was presented as a foreigner "keepeth as a freeman" and for "misbehaving of the king his court, malicious words saying."[313] In Farringdon Within, Alison Herford was presented as "a common scold and a foreigner buying and selling as a freewoman."[314] In Portsoken, Thomas Castle's wife was presented not only as a common strumpet and bawd but also for "occupying as a freewoman and is a foreign" in 1465.[315] In the same

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[310] Winter, "Portsoken Presentments," 131-6.
[311] *CPMR* vol. 4, 132.
[312] *CPMR* vol. 4, 117.
[313] LMA, CLC/W/FA/007/MS01501.
[314] *CPMR* vol. 4, 153.
[315] Winter, "Portsoken Presentments," 111.

wardmote, William Boteler and his wife ("called Chatton") were presented for receiving suspicious people and for being foreigners occupying the ward like freemen in the subsequent four years.[316] Likewise, Alyn Barchilnew and his wife were presented for occupying as "freefolk," receiving suspicious persons, and bawdry, with Mrs. Barchilnew singled out as a common strumpet.[317] Several married couples appear for operating disreputable hostelries as foreigners. In Dowgate, John Balynden was presented for keeping "open house within the ward notwithstanding that he is a foreigner, and he is also a maintainer of bawdry and his wife is a common bawd and brawler (*contendresse*)."[318]

Trading as a foreigner further exacerbated the offense. In Billingsgate, John Skarburgh and his wife were presented for "keeping a hostelry and being victuallers and both are foreigners."[319] Alison Herford was indicted for being a common scold and "a foreigner buying and selling as a freewoman."[320] Meanwhile, in Limestreet Ward, Mawde Sheppyster was indicted because she "keeps open shop, retails and is not a freewoman; also she is a strumpet to more than one and a bawd also."[321]

Moral and physical hygiene could overlap in more explicit ways. Illness, whether one's own or a lodger's, could also threaten a person's standing or membership in the community. In Aldersgate Ward, several people were presented for receiving "sick persons.' Alice Sprout was presented at the wardmote for "receiving and keeping of sick people of the pox and other diseased persons."[322] Diseased bodies were also closely associated with diseased morals. At the same wardmote, a Master Quadler was presented both for receiving sick persons and "single women into his house the which been suspect persons."[323] We can assume that the sick people Alice Sprout and Master Quadler were not relatives or legitimate residents of the ward, and thus did not have the right to receive care there. Sick foreigners were likewise extra threatening. Similarly, in Porstoken, "Cristyan a Dochewoman" was presented as "a leper defective" in 1466.[324] In 1454, seven people from four different wards were "indicted of leprosy by the wardmote whereby they are removed," including a woman called Deuve Douchewoman.[325]

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[316] Winter, "Portsoken Presentments," 113, 116, 118.
[317] Winter, "Portsoken Presentments," 118.
[318] *CPMR* vol. 4, 134.
[319] *CPMR* vol. 4, 127
[320] *CPMR* vol. 4 153.
[321] *CPMR* vol. 4, 151
[322] LMA, CLC/W/FA/007/MS01501.
[323] LMA, CLC/W/FA/007/MS01501.
[324] Winter, "Portsoken Presentments," 114.
[325] LMA, COL/CC/01/01/005, fol. 216v.

While foreigners were presented frequently in the wardmotes, that did not necessarily mean that they were summarily expelled. In Portsoken, Richard Arden was presented for occupying as a freeman in 1476, 1479, and 1480.[326] John a Campe was presented in 1471 and 1472 for various offenses, including gaming, receiving suspicious people, and keeping a bowling alley. He was then presented as a foreigner occupying as a freeman for the following three years.[327] In their cases, other metrics of membership may have been at play in their continued presence. Offenders experienced community forbearance more often than the language of the presentments suggest, even when they committed the same crimes over and over.

Repeat Offenders

Foreigners and the unfree were not the only people whose membership was questioned. When a person – even a legitimate London resident – was indicted in a wardmote, they sometimes tried to begin a new life in a different ward, but London was small enough that their past sometimes caught up with them.

In 1422, three women in St. Botolph's parish in Bishopsgate Ward, Maud Barbour, Joan Jolybody and Isabel Boxle, were indicted as "common bawds between divers unknown persons on many occasions." The jury also noted that the prior of the hospital of St. Mary Spital "leased to Isabel Boxle a tenement for a year at 13s 4d" before noting that Isabel had been indicted in Walbrook Ward on December 20, 1420.[328] Isabel obviously moved from Walbrook Ward to set up shop in Bishopsgate Ward, which, like Portsoken, was outside the city wall and more suburban. Perhaps she and her compatriots thought that would be far enough away to escape their infamy. In the same year in Farringdon Without, John Whitlock and his wife were presented as "common bawds and have lately been turned out of other wards."[329] Fifty years later, in 1473, Emmote Rygdowne was presented at the Portsoken wardmote "for a common harlot and indicted out of another ward the last year."[330]

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[326] Winter, "Portsoken Presentments," 134, 136, 138, There is a hint in the document, however, that Richard was wearing out his welcome. In the wardmote return from 1480, his name is ringed with dots in a different colored ink.

[327] Winter, "Portsoken Presentments," 134, 136, 138.

[328] *CPMR* vol. 4, 124.

[329] *CPMR*, vol. 4, 124. Interestingly, the Bell Tavern on Carter Lane was, in fact, in Castle Baynard Ward. This may indicate either that the couple had recently left Farringdon Without or that they were found doing business in that ward instead. See *A Map of Tudor London: The City in 1520, Its Streets and Buildings*.

[330] Winter, "Portsoken Presentments," 126.

Just as foreigners were sometimes tolerated, repeat offenders were not always turned out of the ward. Several people appear more than once in wardmote returns over successive years or have notes in their presentments reflecting their recalcitrance. Some entries give the sense of frustrated forbearance for these problematic neighbors. Katherine Denis, the Limestreet woman presented as a common huckster and receiver of evil covins, was "twice indicted and no remedy or execution done."[331] In the same ward, Margaret Stok, who was presented with her husband John as regraters of poultry, was cited as a common scold who had been "six times indicted and no remedy or execution has been done."[332] In Farringdon Without, "White the carpenter and his wife" were presented "for being as common bawds as any in London and for being receivers of strumpets, and they have been twice indicted before this time and no execution has been done thereon."[333] In Bishopsgate Ward in 1422, Thomas Brid, a poulterer, was presented alongside one David Tothedrawer for "committing fornication with divers unknown women" on August 20 "and at many other times."[334] Brid and his wife were also cited for being "forestallers and regraters of poulterers coming to the market."[335] (The record unfortunately gives no indication of his wife's opinion on the fornication charge.) Brid was presented again the next year for being a "forestaller and regrater of victuals coming to market."[336] The record indicates that the jury acknowledged his continued disobedience, citing him as "the same Thomas Brid," though it is the first time he is mentioned in that year's return. Across the fifteen surviving Portsoken returns, 51 people were cited for the same offense over multiple years. Like the master of St. Katherine's and his troublesome post, chronic offenders were cited, but not necessarily punished or exiled for their crimes.

The language of the presentments offers some insight into the reason for some people's continued presence. In Cripplegate Within, Margery Grenelowe was presented as "a common and very noisome scold and has been indicted five or six times already for this and worse matters, and she is so maintained that no execution can be done upon her."[337] The word "maintained" is significant. Often, men were cited for being "maintainers" of women, even their wives, who were scolds or strumpets. Who was maintaining Margery Grenelowe? There is no indication that she was married. The most likely answer is that her neighbors protected her from punishment. Perhaps she was a stereotypical cantankerous old woman. Perhaps she was a family member of a more

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331 *CPMR* vol. 4, 136.
332 *CPMR* vol. 4, 136.
333 *CPMR*, vol. 4, 157.
334 *CPMR* vol. 4, 122.
335 *CPMR*, vol. 4, 136.
336 *CPMR* vol. 4, 151.
337 *CPMR*, vol. 4, 133.

reputable person. Communities across space and time maintain their members, even the difficult ones. Even within the strictures of the wardmote, there is clear evidence that the residents of London's wards maintained more neighbors than they condemned.

Restoration Through Selection

The restorative process of wardmotes is largely unrecorded. But the ways in which some people were selected for further scrutiny and punishment, while others were allowed (if begrudgingly) to continue offending suggests that the negotiation of belonging and behavior depicted in wardmote returns produced a mediated form of justice in London's wards. Ingram characterizes wardmote returns as "redolent with moral indignation," reflective of "a system underpinned by a powerful ethos of civic morality."[338] Controlling sexuality, in his (and others') analysis, was an integral part of London's government.

This is at least partly true. It is undeniable that the overwhelming number of sexual offenses found in both secular and ecclesiastical court records suggest a preoccupation with the sex lives of London's residents, particularly women. Just as modern-day sex workers are far more often involved in the criminal justice system than their male clients, women involved in illicit sex, whether professionally or personally, apparently bore the brunt of public censure.

But this is only part of the picture. Despite the fragmentary evidence, the wardmote returns of Portsoken and Aldersgate, combined with the Journals of the Court of Common Council and records of the Commissary Court, demonstrate a further level of flexibility in the application of justice. Portsoken serves as an interesting case study, as it was a ward outside the walls of London, suburban but growing. The community was perhaps closer knit than more central wards, like Aldersgate.

Although the surviving records are scant, it is just possible to compare the activities of the wardmote to the proceedings of the next higher court, the Court of Common Council. As I describe above, the wardmote jurists cast their nets widely in issuing indictments, but in the majority of cases, their zeal for prosecution seems to have ended there. As far as the extant records show, only a small number of wardmote cases were forwarded to the Court of Common Council, which meant in practice that only a small minority of those indicted by the wardmote found themselves in genuine danger of expulsion or exile from their communities. Because so few records survive, it is impossible to create a detailed picture of the relationship between the actions of the wardmote (from indictment, to presentment, to further prosecution) and the proceedings of the Court of Common Council (from the receipt of wardmote

[338] Ingram, *Carnal Knowledge*, 220, 212.

indictments, to the outcomes–including the possible punishments–of individuals referred from the wardmotes). It would be revealing, were the records complete, to compare a series of wardmote presentments to the corresponding series of indictments and prosecutions at the Court of Common Council, allowing us to track the fates of individuals from their indictment before their neighbors at the wardmote to their final conviction or exoneration before the higher court. In addition, such a comparison might highlight various patterns and trends characteristic of the wardmote, the Court of Common Council, or both. What charges were most likely to be forwarded from the wardmote to the higher court? What was the ratio between women and men in each court? Were individuals of one gender more likely to find themselves indicted or convicted by the wardmote versus the Court of Common Council?

In the absence of such records, it is impossible for scholars to perform such a detailed comparison of the actions of wardmotes to those of the Court of Common Council. However, using the very few records still extant, some suggestive comparisons can be made. Documentation of the Court of Common Council – the central court of the aldermen of London – appears in its Journals and Repertory books, though neither source is a complete record of the Court's activities. Rather, these records appear to have served as reference for precedent rather than exhaustive documentation. In the case of Portsoken ward, though the records of its wardmote proceedings are unusually extensive (as I note above, a nearly complete set of wardmote presentments survives for the years 1465-81), the Journals of the Court of Common Council only record wardmote indictments in one year from the same period: 1473. These indictments are representative of the type of "exemplary action" to which Ingram refers. Nevertheless, despite its singularity, this record makes it possible to compare the names of those presented at the Portsoken wardmote to those who were brought before the Court of Common Council that year, as well as to note the genders of those persons and the nature of their crimes. Fragmentary and incomplete as this comparison must necessarily be, it does produce several important observations.

The first of these observations is rather startling: when the Court of Common Council's 1473 list of indicted Portsoken residents is compared to the wardmote returns for that year, it becomes clear that not all of those indicted at the higher court appeared before the wardmote in the same regnal year; only 8 of the 45 Portsoken residents indicted by the Court of Common Council in 1473 had been indicted in the preceding December's wardmote.[339] Indeed, even if we cast our nets more widely and examine all of the extant Portsoken wardmote returns up to 1473 (ie, those for the years 1465-73), only 15 of the 45 Portsoken residents indicted at the Court of Common Council in 1473 appear in *any* Portsoken wardmote return. How the remaining 30 persons came to be

[339] LMA, COL/CC/01/01/008, fols. 45v-46r.

indicted at the higher court is unknown. This disparity confirms that the wardmote returns "reproduced" in the Journals of the Court of Common Council were not exact copies of the wardmote returns kept in the ward. It is possible that when the Court of Common Council decided to take exemplary action, aldermen produced a separate document that aggregated the names of the most persistent or unpopular offenders from the last few wardmotes, and perhaps included names of people who were not even presented at a wardmote but whom the alderman wanted to have the power to expel. There is no additional evidence that might illuminate a cause for this discrepancy between the lower court's records and those of the Court of Common Council. However, the discrepancy does confirm a key part of my argument in this chapter: the formality of the Court of Common Council proceedings throws into relief the flexibility of the wardmote's mode of practical jurisprudence.

The second observation that a comparison of the wardmote returns and the 1473 Journal record of the Court of Common Council suggests is that those persons brought to the higher court were indicted for crimes that had been specifically targeted by the morality campaign being prosecuted that year by the Mayor and Aldermen. [Reference *Great Chronicle of London* here.] Everyone from Portsoken ward presented at the Court of Common Council in 1473 was cited for explicitly sexual misbehavior: no scolds, barrators, or petty hostlers made it to that level of scrutiny, nor did anyone whose chimney was made of wood or whose gutters were blocked.

My third observation is closely linked to the second: the preponderance of sexual crimes inevitably raises the question of gender. The Journal entry of April, 1473 reveals that of the 45 Portsoken residents indicted by the Court of Common Council, 35 were women (78%) and only 10 were men (22%). In contrast, according to Winter's analysis of the Portsoken returns, in the six surviving wardmote returns from 1465 to 1473, 369 people were indicted. Of those, 133 (36%) were women and 236 (64%) were men.[340] Thus, while men outnumbered women by nearly two to one (64% to 36%) in the six surviving Portsoken wardmote returns from 1465 to 1473, women outnumbered men by more than three to one (78% to 22%) at the Court of Common Council. It thus becomes clear that the particular concern of the 1473 Court of Common Council to prosecute sexual offenses produced an abnormal ratio of female offenders to male offenders.

This abnormal ratio seems to have produced a further imbalance in the outcomes of the 1473 Court of Common Council proceedings. The Journal entry from 1473 records that 18 of the 45 indicted malefactors from Portsoken were convicted and punished with public shaming and expulsion from the ward. As the extreme disparity in the numbers of indicted women versus indicted men might predict, far more women

[340] Winter, "The Portsoken Presentments," 148-9.

were punished than men. No fewer than sixteen women, having been "indicted afore the alderman of the ward of Portsoken, some for common bawds and some for common strumpets. And thereof been lawfully atteint," were subjected to public shaming and exile.[341] In contrast, only two men, one a smith and one a yeoman—and both, oddly, named John Baron—were similarly punished by the Court of Common Council. Along with the other men presented in 1473, the two Johns were indicted for bawdry and consorting with other men's wives–but unlike their male peers, the two Johns seem to have been particularly lawless. (One John was apparently consorting with one of the women expelled, the delightfully named Jane Radley, "otherwise called 'Jane with the black lace.'") The Johns Baron were also publicly shamed and expelled.[342]

The observations that this comparison of the 1473 Court of Common Council record and the corresponding wardmote returns make possible shed important new light on the nature of lower court justice in late medieval London. In particular, they point to community membership as a key determining factor in the administration of justice at this level. For example, the women shamed and expelled in 1473 by the Court of Common Council appear to be the people with the fewest community connections. Of the sixteen expelled, nine women appear in a list of "common strumpets" at the end of the Portsoken wardmote entry in the Journal, yet none of these women appear in the Portsoken wardmote returns. Their claim of membership in the community might have been so tenuous that they were not considered worthy of notice in the local document.

Examining the Court of Common Council more widely reveals clearly how significant membership in the community was to the outcome of any given indictment. Indeed, membership could ameliorate the punishment for even the most egregious behavior. For example, one of the lepers expelled in 1454 was a grocer named Robert Sewall. Given the extent of his crimes and the nature of his illness, one might expect his expulsion to be permanent. However, Sewall's sentence was for a temporary, eight-year term of exile. Sewall lived in one of the seediest parts of London: his residence was in Bokelesbury Street in St. Benet Sherhog parish, around the corner from the infamous Gropecunte Lane (whose meaning is self-explanatory), Bordhawlane (Brothel Lane), and Puppekirtyllane (Poke Skirt Lane). Sewall was presented for a slew of offenses. In addition to his being "afflicted and horribly contaminated with leprosy," the jurors alleged that he continued to communicate and socialize with "healthy men" in public and private places, apparently not afraid of "communicat[ing] that nuisance and of the peril of all his neighbors and others meeting in that city against the constitution of the city."[343] Adding insult to the injury of recklessly endangering his community with

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[341] LMA, COL/CC/01/01/008, fol. 46v

[342] LMA, COL/CC/01/01/008, fol. 46v, 48r.

[343] LMA, COL/CC/01/01/005 fol. 214v.

disease, Sewall was pimp and mediator "of the nefarious act of fornication between Elizabeth his wife and a certain Thomas Martin his servant."[344] Likewise, Elizabeth Sewall was presented as a common fornicator and adulterer and her lover, Martin, not only kept Elizabeth "in concubinage" but was also a bawd and mediator between her and another man, Galiolum Scott, a merchant.[345] Despite these myriad offenses, however, the mayor and aldermen ordered him to withdraw from London for eight years rather than forever. If he was able to go those eight years without signs of his "affliction," apparently, he might be allowed to reenter the city.[346] Unlike the leprous Dutch women in Portsoken and Tower Wards, Sewall's legitimacy as a free citizen of London, however disreputable, allowed him the option of repatriation.

Further evidence that membership in the community superseded even legal considerations appears in the records of ward administration. Those indicted at the wardmote could still be considered legitimate members of the community, if their election to ward officer is any indication. In St. Anne's Parish, Robert Pickering and his wife were presented for keeping bawdry and for her being a vicious woman of her body, but Robert was also selected as one of the ward's tipplers that year.[347] William Lege, living in St. Botolph's parish, was presented for being a "great distroubler of his neighbors" but was also named one of his parish's tipplers.[348] Likewise, Gunner Sheffield was cited for receiving "suspect persons" but also served as tippler.[349] Even more tellingly, Harry Ronde was presented for breaking the king's peace within his house and for "keeping and resorting of knights of the post and he is one himself" but also was made tippler.[350] "Knights of the post" were men who, for a fee, would act as compurgators for people presented before the Commissary Court, undermining the purpose of ecclesiastical courts. Yet Ronde and his less than savory neighbors were still assigned to taste and test the quality of the ward's beer and ale, apparently trustworthy enough for that duty.

While the wardmote returns themselves may appear to be the "status degradation" ceremonies Rexroth asserts, it is the outcomes of those returns that reveal these meetings to be more restorative than punitive. It is important to note that while the jurors were expected to assemble a list of the defective people and properties in the ward to the alderman, neither they nor the alderman had the authority to expel those presented at the wardmote. Repeat offenders and the small fraction of people brought

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[344] LMA, COL/CC/01/01/005 fol. 214v.
[345] LMA, COL/CC/01/01/005 fol. 214v.
[346] LMA, COL/CC/01/01/005 fol. 2145r.
[347] LMA, CLC/W/FA/007/MS01501.
[348] LMA, CLC/W/FA/007/MS01501.
[349] LMA, CLC/W/FA/007/MS01501.
[350] LMA, CLC/W/FA/007/MS01501.

before the Court of Common Council show that these procedures were not used to exert the kind of draconian discipline Ingram imagines.

Rexroth himself notes that, even though violations and violators were cited year after year, "not a single London alderman was ever removed from office for incompetence."[351] If wardmotes served to expose an underworld of undesirables, they were so ineffective that one would imagine a new system might have been introduced long before the advent of England's civil and criminal court system.

The restorative nature of wardmotes was especially important for women, whose status was more contingent than the men of the ward. Yet their legitimacy in the community was determined in much the same way as their male neighbors, and only infrequently by their sexual behavior or reputation.Women are far more frequently cited for being foreigners, regraters, and hucksters than they are for any sexual or gendered misbehavior. Women seen as part of their community were able to participate in this process and therefore reassert their right to access the resources and social capital of the ward. Participating in the wardmote, even when that participation was negative, was not necessarily ostracizing; it was a process of conditional inclusion. The selection of Portsoken women presented to the Court of Common Council suggests that most indictments served more as warnings than judgments. Those who committed the most extreme offenses or who had the fewest community ties were more likely to suffer punishment, but this was by no means guaranteed.

Indeed, community solidarity could resist the mandates of the wardmote. The records show that some men objected to the scope and intrusion of the wardmote inquest. In Aldersgate, William, "the parish clerk," was presented for "disobedience to the whole quest of [the] wardmote and would not be sworn," suggesting that he either refused to act as an informant on his neighbors or, perhaps, was afraid of his own misbehavior being discovered. Thomas Borne, the beadle, was cited for "sewing the privy counsells of the privy watch and also giving suspicious persons warning and knowledge that the constables and watch could not have," allowing potential malefactors to escape indictments.[352] Those accused of offenses sometimes resisted the wardmote's authority. In Broad Street Ward, William Delke was presented because he was "obstinate" and threatened and menaced "certain persons of the inquest." It is possible he was defending his wife, who was indicted as "an incontinent woman of her living as well," with foreigners and "other persons."[353] By supporting their neighbors over the authority of the wardmote, these men enacted a form of personal restorative justice.

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[351] Rexroth, *Deviance and Power*, 217.
[352] LMA, CLC/W/FA/005/MS01499.
[353] TNA, SP, 1/29, fol. 119.

Even the aldermen acknowledged that there should be limits to the inquest's authority. In 1440, the Court of Common Council ordained that constables could not "make open any house" for any reason without the alderman of the ward present.[354] While numerous people were presented after being found in adultery or other suspicious circumstances by the constables of their wards, the position of constable did not entitle a man to enter his neighbors' houses at will.

There is no way to know if the parish clerk and beadle of Aldersgate or William Delke suffered for their resistance, but at least in the case of the first two men, their standing in the community might have insulated them from harsh consequences. At the same time, however, being a member of a ward community was not simply a get out of jail free card; membership was a two-way street that imposed obligations even as it provided the benefit of group belonging. The case of Sir John Scarle demonstrates clearly that social prestige and community membership were not enough to insulate an egregious criminal from community censure. On Christmas Day, 1421, in Aldersgate Ward, the wardmote jury indicted Sir John Scarle, parson of St. Leonard in Fasterlane. He was a "common putour" (a procurer or fornicator) of his own parishioners, a barrator, a scold, and "a perilous Rebaude [a foul-mouthed person] of his tunge." He also disclosed the confessions of the women of his parish who "wole not asent to his lecherie, the whiche is a gret dissese to all the parisshe [would not assent to his lechery, the which is a great disease to all the parish]." As if that were not enough, he was also indicted for pretending to be a surgeon and physician to deceive the people "with [h]is false connynge," "by whiche crafte he hathe slayn many a man."[355] Although no record survives of the outcome of Sir John's indictments, it is not their outcome that lends them significance for my argument here. Rather, the fact that the ward jurists were willing, in light of his offenses, to indict a member of the nobility who was also a clergyman–compelling him to stand before the community alongside hucksters, regraters, and women of ill repute–testifies to the double-edged character of community membership. On the one hand, as I have shown, being a member of the community often produced forbearance in judicial matters. On the other hand, however, it is precisely because Sir John was a community member that he was publicly held to account for his crimes against community members. Not all community members found forgiveness in the

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[354] LMA, COL/CC/01/01/003, fol. 41v.

[355] *CPMR* vol. 4, 127. Nearly the entire entry is reproduced in the *CPMR*, likely because it truly is remarkable: "for a commyn putour of his owne parishens alle wey duryng, and a Baratour, and a scolde, and a perilous Rebaude of his tunge and a discurer of confessioun of the whiche women that wole not asent to his lecherie, the whiche is a gret dissese to all the parisshe. Item we endite the same parsoun, Sir John Scarle, for by cause that he presentit hym self a surgeoun & a visicioun to disseive the peopl with is false connynge, that he scheuithe unto the peopl, by the whiche craft he hathe slayn many a man."

justice system. Retributive practices also played an important role, which will be discussed in the next chapter.

Restorative practices, even just the dialogue in the wardmote, were far more important to women than men because they had fewer options when they were accused of a crime and fewer opportunities to earn a living if single. But even if they were indicted of sexual offenses at the wardmote and sent to the church courts, there was another restorative practice that was just as vital to women in the justice system: compurgation.

Restoration through Compurgation

Perhaps the most well-known restorative judicial practice in the Middle Ages was compurgation, a means by which an accused person could "purge" themselves of their crime by calling upon their neighbors to pledge surety for them or, in some cases, by paying a fine. The practice of compurgation originated in the ecclesiastical courts and continued to be a feature of church justice; in later-medieval London, we find records of compurgation primarily in the Bishop of London's court, known as the Commissary Court. The wardmote referred cases not only to the secular Court of Common Council, but also to the ecclesiastical Commissary Court. Christiana Batte, for example, was indicted by the Commissary Court, where the overwhelming majority of cases were dismissed or sentenced to compurgation. In 1495 alone, more than two-thirds of the people presented for sexual crimes were either dismissed or successfully purged themselves. According to Wunderli's analysis, between 1471 and 1514, a mere 8% of bawdry cases and 15% of sex work cases were sentenced to suspension from church (which often led to successful compurgation at a later date, as in the case of Christiana Batte) or excommunication.[356] While many cases were dismissed without citation, most offenders were sentenced to compurgation and did so successfully.

Compurgation and its secular counterpart, waging law, were the most restorative procedures in late medieval English courts. This practice was similar to the surety pledges seen in Westminster's Gatehouse Court, but there was no monetary element. While practices varied from court to court and evolved over time, the essential elements of this practice were simple. When someone was brought before the court, an offender was offered the opportunity to "purge" themselves of the crime of which they were accused by presenting a certain number of compurgators or "oath keepers." These men (and occasionally, women) came before the court to swear to the accused's good character or, more specifically, they swore that they believed the accused when he or

[356] Wunderli, *London Church Courts*, 146-7. Wunderli took a selection of cases from twelve separate years of the extant evidence, but based on my observations, these trends hold true.

she claimed innocence of the charge. The number of people an offender was required to bring varied based on their crime or on a judge's discretion. In theory, this practice was only allowed for misdemeanors, but in the twelfth century, London freemen could purge themselves of a charge of murder if they could assemble thirty-six oath keepers.[357]

Waging law and canonical purgation were older than jury trials, with roots in Anglo-Saxon and Anglo-Normal legal history.[358] While both compurgation and waging law began to fall out of favor in the late sixteenth century, the practice lasted longest in local and church courts because, as Richard Helmholz has noted, "in places where 'everyone knew everyone else,' the system was capable of reaching fair results."[359] According to this interpretation, the procedure only became untenable after the population grew to the point where neighbors did not know each other well enough to make such an oath believable. But as Wunderli observes, medieval cities like London were a mixture of pastoral and urban. They were "at once uniquely, turbulently urban and comfortably rural. Populations were comprised of old city-dwellers and a large, steady infusion of country folk."[360] There may have been skepticism about the reliability of compurgators' support of their neighbors, but the practice of compurgation persisted because it served the ultimate purpose of the late medieval justice system: to reintegrate offenders into their communities. After all, the goal of justice, especially ecclesiastical justice, was to maintain neighborhood harmony. Even Ingram admits that "the church courts worked to reintegrate offenders into their communities."[361] Instead of seeing compurgation as inconsistent with the moralistic culture of late medieval England, however, we should see these procedures as a set of restorative practices that worked as they were intended, at least until the rise of the state and the "reformation of manners" became more important to officials than community solidarity.

Women Getting Off

It is perhaps understandable that historians have taken pains to find explanations for the apparent leniency of late medieval authorities towards women seen as sexually immoral. Any perception of mercy or permissiveness runs counter to both the rhetoric of official proclamations and our own understanding of the history of women's oppression. However, these efforts to discount the restorative nature of

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[357] Baker, *An Introduction to English Legal History*, 507n35.

[358] R. H. Helmholz, *The Ius Commune in England: Four Studies* (Oxford: Oxford University Press, 2001), 84.

[359] Helmholz, *Ius Commune*, 88.

[360] Wunderli, *London Church Courts*, 26.

[361] Ingram, *Carnal Knowledge*, 223.

premodern justice systems do a great disservice to the intentions and beliefs of the men who administered that justice. This is not to say that these systems or the men who ran them were proto-feminists. There was nothing sex positive about the late medieval English justice system. But as this chapter has shown, it was a system that placed a premium on community ties and neighborly solidarity, on the preservation of social harmony and the furtherance of the public good. Conflict did not automatically warrant condemnation, nor did recrimination always lead to removal. These practices served to allow communities to air grievances and resolve disputes and often did not require any harsher consequence. As Wunderli speculates, "The ends of justice are perhaps as easily obtained when neighbors are allowed merely to vent their feelings in an official, legal way as they are through the conviction and punishment of wrongdoers."[362]

Even when women were unable to purge themselves of blame, whether because they were intransigent in their behavior or because they lacked the connections to retain their status in their communities, not all of them were subjected to the harsh punishments prescribed by the customaries of the time. Those who were fell into a specific subset of offenders: brazen imposters, to whom I will now turn.

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[362] Wunderli, *London Church Courts,* 42.

CHAPTER 4
Punishing Brazen Imposters

> *Margeria Bunche…notatur officio* ***famam publicam referendum*** *quod est communis pronuba et leno fovens* ***publicam*** *lenocinium in domo sua.* [Margery Bunche…is referred (to this court) on account of public fame that she is a common bawd and procuress who fosters public bawdry in her house].

In 1511, a woman named Margery Bunche was brought before the Dean of Winchester's court in Southwark. The record presents her as a "*communis pronuba*" [a common bawd] and a "*leno*" [procuress], who "*fovens publicam lenocinium in domo sua*" [fosters public bawdry in her house]. The language of this indictment is both opaque and suggestive: it repeatedly emphasizes the *public* nature of her crimes ("*famam publicam*"; "*publicam lenocinium*"), even as it identifies their location as "in her house" ("*in domo sua*"). Margery's punishment matched the public nature of her crimes: on three market days in April, May, and July, she would be led through the public square with bare feet and legs, clad only in her shift, carrying a wooden rod in one hand and a candle in the other, wearing the "rayed hood" that denoted sex workers. This procession would culminate in a public beating: using the wooden rod she had carried, a curate would administer "*disciplinam*" [discipline] by beating her. Only after repeated public iterations of this disciplinary performance would Margery be purged of her offense and allowed back into the communion of the church.[363]

What exactly were Margery's crimes? The indictment's confusing references to "public" transgressions taking place "in her house" [*in domo sua*] – the very definition of a "private" or domestic space – suggest that it was precisely a violation of the boundary between the two that caused her to be charged. Margery's crime took place in Southwark, the London suburb that housed the city's only legal brothels, houses in which sex work and bawdry were sanctioned. The fact that her transgression consisted of bawdry "in her house" suggests that her crime was to operate an illegal, unsanctioned brothel in competition with the legal "stews." Indeed, the Dean of Winchester, whose court prosecuted Margery, was the official landlord of Southwark's legal brothels. This conflict of interest may account not only for the severity of Margery's punishment, but also for his court's more general reputation as exceptionally punitive, particularly for sexual crimes.[364]

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[363] LMA X003/007 fols. 4v-5r. The court emphasized the notorious and public nature of her offense: "*Margeria Bunche…notator officio fama publicam referendum quo test communis pronuba et leno fovens publicam lenocinium in domo sua.*" Ingram, *Carnal Knowledge*, 168.

[364] Ingram, *Carnal Knowledge*, 168.

The relationship between the church courts and the legal sex trade in this period is complex and multifaceted, and for the most part, lies outside the purview of this chapter. My focus here will be on the public punishment of women, like Margery, accused of sexual misbehavior in urban secular and ecclesiastical courts. In records dating from the fourteenth through the early sixteenth centuries, church and city officials grappled with the problem of women whose trade in or connection to illicit sex threatened the reputation of their neighborhoods and parishes. Women who faced punishment for their actions were cast in the role of public penitents and social pariahs. These women unwittingly became the stars in a performance of public piety that echoed the plays, parades, and processions that were a regular feature of medieval urban life. The distinguishing feature of the women who were punished was their refusal to remain in their prescribed role in society. They wore the wrong clothes, lived in the wrong places, and were insufficiently discreet. They appropriated the identities and dress of people above their station, and it was these brazen imposters who exposed themselves to public censure.

Scholarly Distortions

As discussed in previous chapters, most women taken up for sexual misbehavior escaped punishment, either through the opaque restorative practices of the wardmote or the ecclesiastical practice of compurgation. However, scholars have spilled far more ink over the lurid details of the public shaming that women like Margery Bunche endured than over women like Agnes Oswell and Alice Cooke, who were presented for bawdry at Westminster's Gatehouse court and found men to swear a surety of £10 for their release.[365] This has produced the distorted image of a late medieval justice system dependent on the spectacular punishment of women for sexual crimes.

This is, in many ways, understandable. It is much more fun to think about the bizarre spectacle of a barefoot woman being beaten by a member of the clergy in the town square on successive Sundays than it is to think of a royal servant, a barber, or a waterman essentially posting bail for some poorly behaved wives in Westminster. Indeed, this tendency dates to nineteenth century antiquarians. This fixation reflects the legacy of how the study of sexuality in the medieval period still relies heavily on the records and preoccupations of the antiquarians who first catalogued and transcribed the records from which many of these stories come. Seth Lerer notes that the men who compiled the *Reports of the Historical Manuscripts Commission* reflected "the nineteenth-century imagination of a small-town Middle Ages, a world of penal curiosities in which

[365] WAC, 45/1.

the rigors of a centralized judicial system or the appeals to a written law had yet to take effect."[366]

Such preoccupation with this form of public punishment, especially public executions, was further encouraged by Michel Foucault's 1961 book *Madness and Civilization.* While it was primarily about the history of the treatment of the insane, "actually concerned the broader subject of imprisonment."[367] He argues that the asylum had its origins in houses of correction like London's Bridewell Prison, founded in 1533.[368] His subsequent 1975 book, *Discipline and Punish: The Birth of the Prison*, further contributed to the theoretical framework from which historians have worked. From his work, historians seem to have projected Foucault's teleology back in time to the medieval period, accepting that premodern punishment was particularly and uniquely public, and that punishment had to be spectacular in order to have its desired effect.[369] Their interpretation of Foucault's theory of punishment has led to the assumption that public punishments were frequent, sensational, and violent to scare the public straight.

Such assumptions have led to bleak assessments of the ethos of medieval punishment. For example, Ingram claims that the "usual fate" of people caught in compromising situations by ward officers was "to be led through the public streets to the nearest Counter prison to be confined overnight or more simply to be set in the stocks."[370] He bases this assertion on evidence from the Commissary Court books, in which some offenders are presented after having been presented at the "warmoqueste [wardmote inquest]," assuming that the officers of the wardmote must have marched

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366 Seth Lerer, "'Representyd now in yower syght' The Culture of Spectatorship in Late-Fifteenth-Century England," in Barbara Hanawalt and David Wallace, eds: *Bodies And Disciplines: Intersections of Literature and History in Fifteenth-Century England* (Minneapolis: University of Minnesota Press, 1996), 30.

367 Michel Foucault, *Madness and Civilization: A History of Insanity in the Age of Reason*, trans. Richard Howard (New York, 1965). Quotation from Lee Beier, "Foucault *Redux*?: The Roles of Humanism, Protestantism, and an Urban Elite in Creating the London Bridewell, 1500–1560", in Louis A. Knafla (ed.), *Crime, Gender, and Sexuality in Criminal Prosecutions* (London, 2002), 36.

368 Foucault, *Madness and Civilization*, 43.

369 Michel Foucault, *Discipline and Punish: The Birth of the Modern Prison*, trans. Alan Sheridan (London, 1977). Scholars like Stephen Wilf have countered this Foucauldian view to develop the notion of "punitive aesthetics," arguing that the shift from public to private executions had more to do with authorities' disappointment in the "didactic effectiveness of existing execution rituals." By changing the focus of punishment from didactic display to hidden horror, Wilf argues, authorities hoped to intensify such punishments' deterrent effects. Stephen Wilf, "Imagining Justice: Aesthetics and Public Executions in Late Eighteenth-Century England," *Yale Journal of Law & the Humanities* 5, no. 1 (Winter 1993): 53.

370 Ingram, *Carnal Knowledge*, 223.

those indicted at the inquest directly to their fate, though there is no evidence of this in any of the surviving wardmote returns.[371]

Even though Ingram himself admits that "probably most [of those taken up for sexual misbehavior] were released on finding sureties to be of good behavior," he and other scholars have nevertheless used the evidence of elaborate punishments to argue that the culture was overwhelmingly punitive of women's sexuality.[372] The fact that women who were punished were a substantial minority of the total number of women accused of sexual deviance is, of course, separate from the significance of their punishment and its effect on the community. But the fact remains that when reading secondary literature about sexual misbehavior during this period, and especially literature dealing with the experiences of women in these cases, one could be forgiven for thinking that nearly every woman caught engaging in illicit sexual behavior suffered some sort of public humiliation. Sixteenth-century chronicler William Harrison referred to the punishment of "harlots and their mates" as being "turned out of a hot sheet into a cold" (i.e., going from a bed to wearing the white shift of the procession) and "a little washing in the water" (i.e., being sent to the cucking stool and dunked in the Thames).[373] Yet after citing this source, Judith Bennett refers to the cucking stool as a "frightening and humiliating punishment."[374] This serves her professed project "to reclaim misogyny as a real and horrible problem for women," but in doing so she and others have neglected the attitudes of those who lived and witnessed such punishment.

Even when scholars acknowledge that many, if not most, women were let off with a warning, they are quick to point out that the threat of being shamed in a procession acted as a powerful deterrent. Rexroth argues that even when if a woman presented at a wardmote for being a "common strumpet" went unpunished, she still had to "carry on living with the threat of someday being led through this city with the staff and the striped hood" and "the consensus that she was inferior to other women of the ward."[375]

To focus on these punishments in all their spectacular horror, therefore, leads scholars to paint a picture of a society that is not only unfailingly punitive, but a society in which communities delight in practicing constant cruelty on their members. While there is a lot of evidence that there was plenty of vitriol and sniping between neighbors, as seen in defamation cases in both the Commissary and Consistory Courts, it strains

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[371] See, for example, LMA, DL/CA/A/002/MS09064/6, fol. 101v.

[372] Ingram, *Carnal Knowledge*, 223.

[373] William Harrison, *The description of* England, ed. George Edelen (Ithaca: Cornell University Press, 1968), 189.

[374] Judith Bennett, *Ale, beer, and brewsters in England: women's work in a changing world, 1300-1600* (Oxford: Oxford University Press, 1996), 189.

[375] Rexroth, *Deviance and Power*, 221.

credulity to imagine that life in London's wards, even for strumpets and bawds, was as dystopian as scholars have argued.

If these punishments were applied as often as people were cited for those crimes, the pillories of late medieval cities would have been almost constantly occupied and the streets crowded with people marked with the symbols of their crimes being paraded about in carts and riding horses backwards (another frequent feature of shaming punishments). While there is no way to know just how frequently the pillories were peopled, the broad application of that punishment belies the interpretation, made by many scholars, that to be subjected to that humiliation was so devastating that it could even drive some to suicide.[376] There are two possible interpretations of the evidence we have for these punishments. Either these punishments were ubiquitous and frequent, in which case they surely would not have very much weight. When such sights were so frequent as to be commonplace, it defies belief to imagine that these punishments would be shocking enough to deter crime or devastate the offenders. The other option is that these punishments were prescribed often, but only infrequently carried out. If that was the case, then it is possible that these elaborate punishments did indeed have a profound impact on the onlookers since they were so shocking.

The reality must have been somewhere between these two extremes. If public punishments were frequent, they would have certainly made an impact on spectators, but it would not have been shocking. Furthermore, if such displays were frequent, the implication is that they were wildly ineffective, at least in deterring crime. If the punishments were infrequent, then they would have had a larger influence on an offender's neighbors, but they would also see those offenders as outliers rather than representative of a sword of Damocles hanging over the head of every resident who stepped out of line.

I believe that focusing on the instances in which these punishments were carried out and the supposed culture of degradation and moral indignation behind them obfuscates a more interesting story about performance and its role in medieval society. Lerer notes that there was a "pervasive theatricality of legal practice in the Middle Ages" as well as "pervasive legalisms of theatrical performance."[377] Without denying the reality that many people, especially women, were subjected to truly awful ceremonies of mortification, we can find more productive lines of inquiry when we place the ideology of these punishments within the context of the "pervasive theatricality" not just of legal practice, but of late medieval urban culture as a whole.

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[376] Martin Ingram, "Shame and Pain: Themes and Variations in Tudor Punishments," in Simon Devereaux and Paul Griffiths, eds., *Penal Practice and Culture, 1500-1900: Punishing the English* (New York: Palgrave MacMillan, 2004), 49.

[377] Lerer, "Representyd now in yower sight," 31.

The elaborate punishments authorities prescribed for sexually immoral people served a much greater and more complex purpose than merely shaming and alienating offenders. Spectacular violence and ridicule were a key element of medieval culture, and it was not exclusively punitive. Rather, performative violence and public shaming were part of civic entertainment and served a vital role in the ways in which communities portrayed their piety and cohesion. A bleeding Jesus, bawdy wives, and dubiously penitent sex workers portrayed aspects of culture, ethics, and gender norms that defy simple interpretation. To avoid the contradictory interpretations of earlier scholars, we must look at these punishments through a different lens: that of performance. Authorities designated the appropriate venues for illicit sex to take place and how the women who plied their trade were supposed to act and dress. When women dared to disobey their stage directions for proper behavior, those authorities moved the play to the streets as a way to bring them back into line.

Drawing Boundaries Around Sex

While sex work was not technically illegal in Late Medieval England, cities and towns were anxious to contain sex work and its attendant disruptions. Cities did this by regulating any legal brothels that existed, designating specific areas and streets where the unsavory practice could take place, and issuing rules about what sex workers could and could not wear.

Civil authorities repeatedly tried to expel the sex trade from within city walls. Since at least 1276, London's Mayor and Aldermen decreed that "no whore of a brothel be resident within the walls of the city."[378] Similar efforts were made in Coventry, Leicester, and Hull in the fourteenth and fifteenth centuries.[379] Some cities, like London, Southampton, and Sandwich, had sanctioned brothels, but their regulations made it clear that "common women" were restricted to particular streets and houses. The most famous of these neighborhoods is Southwark, but as late as 1393, officials also recognized Cock's Lane in Smithfield, also outside the city walls, as an acceptable locale for the sex trade.[380] It is clear from street names, however, that there were many more

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[378] "Folios 110b - 135b," in *Calendar of Letter-Books of the City of London: A, 1275-1298*, ed. Reginald R Sharpe (London: Her Majesty's Stationery Office, 1899), 207-230. *British History Online*, accessed April 24, 2023, http://www.british-history.ac.uk/london-letter-books/vola/pp207-230.

[379] P.J.P. Goldberg, *Women, Work, and Life Cycle in a Medieval Economy: Women in York and Yorkshire, c. 1300-1520*, (Oxford: Oxford University Press, 1992), 150.

[380] "Folios cclxxxii - ccxc: July 1393 -," in *Calendar of Letter-Books of the City of London: H, 1375-1399*, ed. Reginald R Sharpe (London: His Majesty's Stationery Office, 1907), 396-408. *British History Online*, accessed April 24, 2023, http://www.british-history.ac.uk/london-letter-books/volh/pp396-408.

places notorious for the sex trade and vice. Archaeologist Nigel Baker and historian Richard Holt found thirteen examples of streets called "Gropecunt Lane" in medieval England, in locales as large as London, York, and Bristol and towns as small as Wells, Reading, and Banbury.[381] As mentioned in an earlier chapter, London's Gropecunt Lane was in Cheapside and neighbored other evocatively named streets: Puppekirtyllane (Poke Skirt Lane) and Bordhawlane (Brothel Lane).[382] The commercial nature of these roads is suggested by the other neighboring street, Shopereslane (Shopper's Lane).[383]

There were sartorial as well as geographical boundaries for sex workers. Several sumptuary laws aimed at sex workers tried to control their dress so that their debased status was proclaimed by their appearance. Often this entailed not only what they were supposed to wear, but also what they were denied. The most widespread symbol of sex workers was the "rayed" or striped hood, which brothel regulations from York to London to Southampton required sex workers to wear. These hoods were also key features in punishment rituals. Even sex workers who operated within the regulations of legal brothels were restricted in what they could wear. The customary regulations for the Southwark stews forbade any "commen woman" from wearing an apron and if she did, "she shal forfayt hit, and make a fyn, after the custume of the manoir."[384] The *Liber Albus* not only specifies that common women were not allowed to live within the city walls, but they were also forbidden from wearing expensive fabrics like "minever" (fur) or "cendal" (silk), and any sergeant or warden who found a woman of ill repute wearing such garments were allowed to take those valuable items as a forfeit for the offense.[385] In 1351, the Mayor and Aldermen elaborated on this injunction by claiming that "common lewd women" of London had "assumed the fashion of being clad and attired in the manner and dress of good and noble dames and damsels of the realm, in unreasonable manner," potentially erasing the distinction between moral women and their ignominious opposites.[386] As Karras has noted, part of the impetus behind such regulations was "a need to set boundaries between decent and indecent women, but

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[381] Richard Holt and Nigel Baker, "Towards a geography of sexual encounter: prostitution in English medieval towns," in Lynne Bevan, ed., *Indecent Exposure: Sexuality, Society and the Archaeological Record* (Glasgow: Cruithne Press, 2001), 212.

[382] Holt and Baker, "Towards a geography," 206-7.

[383] See Caroline Barron, ed., *A Map of Medieval London: The City, Westminster, and Southwark*. (London: The Historic Towns Trust, 2019).

[384] J.B. Post, "A fifteenth-century customary of the Southwark stews," *Journal of the Society of Archivists*, 5, no. 7 (1977): 426.

[385] Henry Thomas Riley, ed. and trans., *Liber Albus: The White Book of the City of London* (London: Richard Griffen and Company, 1861), 246-7.

[386] Henry Thomas Riley, ed. *Memorials of London and London Life* (London: Longmans, Green, and Co., 1868), 267.

also because of the temptation women might feel when they saw what ill-gotten gains could purchase."[387]

Women who transgressed these boundaries were subjected to punishments that mirrored the restrictions they flouted. Their movement, dress, and presentation were coordinated to demonstrate to their neighbors that stepping out of line could mean having the markers of their station forcefully reinscribed.

Prescribed Punishments

Punishments like that which Margery Bunche was subjected to were by no means exclusive to church courts. In fact, based on surviving records, such punishments were most often prescribed by secular authorities. London's *Liber Albus* describes a nearly identical prescription for bawds and sex workers:

> Item, if any woman shall be found to be a common courtesan, and of the same shall be attainted, let her be taken from the prison unto Algate, with a hood of Ray, and a white wand in her hand; and from thence, with minstrels, unto the thew, and there let the cause be proclaimed; and from thence, through Chepe and Newgate to Cokkeslane, there to take up her abode. And if she shall be a second time attainted thereof, let her be openly brought, with minstrels, from prison unto the thew, with a hood of ray, and set thereon for a certain time, at the discretion of the Mayor and Aldermen. And the third time, let her have the same punishment, at the discretion of the Mayor and Aldermen, and let her hair be cut round about her head while upon the thew, and, after that, let her be taken to one of the City Gates, and let her [there] forswear the City for ever.[388]

The Common Council of Gloucester cited precedent from London and Bristol when they ordained a new system for shaming "common queans."[389] Similar practices are documented in towns across England.

The *Liber Albus* also lays out the traditional punishment for bawds in London. Both men and women were to have their hair cut: men with "head and beard be shaved, except a fringe on the head, two inches in breadth" and women simply to have their hair "cut round about her head." Both genders were to be taken, "with minstrels" to a place of public punishment: the pillory for men, the "thew" for women, there to stay for

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[387] Karras, *Common Women*, 20.
[388] Riley, *Liber Albus*, 395.
[389] *Historical Manuscripts Commission, Twelfth Report,* Appendix, Part IX (London 1891), 435.

a time determined by the Mayor and Aldermen.[390] The minstrelsy could take the form of actual musicians or could refer to the clanging of "basins" and pans.[391] The idea appeared to be to make enough of a racket that no one could ignore the show. While men's hair was cut before this procession, the women's hair was cut while she was upon the thew, most likely enhancing the shame and spectacle of their punishment. For both men and women, a second offense was punished with the same treatment, in addition to ten days' imprisonment, and a third offense meant all of that, plus expulsion from the city.[392] Records of such punishments being enacted often specifically cited these traditions of punishment. When Joan Luter was presented to the City Council in Exeter in 1525 for lechery, she was ordered to be "Carried abowte the Cite yn a Carte with a rayhowde [with] apone heir hede…accordyng to the ponysmentes of suche luyde persons yn the Cite of olde tyme vsed & Custumyd."[393]

Costuming and clothing played a vital role in distinguishing performer from spectator. Just as the Mayor and Aldermen had specific garb to wear during their processions, offenders were required to dress appropriately for their role as public penitent. Women usually had to endure their punishment wearing only a shift or long shirt, without any shoes or head covering beyond the rayed hood if they were accused of bawdry or fornication.

Of equal importance to costumes were the props and set pieces of punishment, as well as those of piety. In the Manor of Northallerton, in North Yorkshire, at the Burgess Court on October 20, 1447, several men gave testimony that the cross in the middle of the marketplace was defective "by default of the lord." At the same time, the same men reported that they had neither a pillory nor a ducking stool and ordered that the Receiver have the cross mended and the pillory and ducking stool obtained "at the charge of the lord."[394] Such a demand would suggest some need to stem the tide of misbehaving men and women and to remind all comers that this was a Christian town. Yet in the five years before and after this request was made, no woman was ever presented in that court for scolding, mischief-making, or any similar offense. Nor was any man charged with disturbing the peace or making an affray, in any sense of the word. Rather, only fines were issued, and the women of Northallerton were only cited for brewing and baking against the assizes and fined accordingly.

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[390] The thew was a female specific version of a pillory that allowed women to sit down. See Barbara Hanawalt, *Ceremony and Civility: Civic Culture in Late Medieval London* (Oxford: Oxford University Press, 2017), 166.
[391] Ingram, "Shame and Pain," 42.
[392] Riley, *Liber Albus*, 394-5
[393] John M. Wasson, ed., *Records of Early English Drama: Devon* (Toronto: 1986) 126.
[394] NYCRO, ZBD 1/51/7, roll 2.

Such concerns were still in evidence over a century later in 1576, when, in Southampton, the jurors of the Court Leet presented "that ther wantith in this towne a Cocking stolle for the punishement of harlots w[hich] is very necessarie to be sett vppe wherof we praye redresse & that yt maye be set vppon the towne dytches wher yt hath heretofore accustomed to be sett."[395] The jurors made the same presentment next year, complaining that the stool still had not been installed.[396] Apparently the town officials did not have the same priorities as the jurors, however, as the issue was raised again in 1579, when jurors complained that there was still "a greate lack of a Cucking stoole vppon the diches as yt hathe bin heeretofore accostomid and vsid for the punishement and terrour of harlots, skowldes and suche malefactors w[hich] we dess[ire] may be renued and continued for the punishement of suche as des[er]ve the same."[397] Apparently the jurors eventually got their way, but the apparatus suffered from the vicissitudes of use and the weather. In 1601, jurors presented a request that the town's cucking stool be repaired: "Item we thincke it fitt for the punishm[ent] of Scoldes and such disordered people of the Towne that the cucking stoole latelie erected vppon the ditches may be renewed, amended and repayred as in times past it hath benn."[398] A marginal note elaborates, "Somthing to be devised to be kept dry & to be vsed att [the] crane att full sea, ytt rots & is broken standinge abrode, halfe a hogshed will serve as well as any thing."[399] It is not clear whether a hogshead (a large cask designed to hold liquid, usually wine) or other remedy was assembled, but the stool was in serious disrepair two years later, when the jurors claimed that "the Cuckinge stoole on the Towne ditches is all broken" and a new one needed to be made "forthw[ith] to punishe the manifold number of Scoldinge woemen that be in this Towne & other evill livinge woemen as hath benn heretofore accustomed to be donn."[400]

It is worth noting the ways in which the language used to describe those deserving of punishment on the cucking stool over the years. While cucking stools are most frequently cited as a punishment for scolds, Southampton first cites the punishment of "harlots," only adding scolds in 1579. It is also unclear what sort of offenses might have been committed by malefactors and disordered persons (note that these terms are ungendered), but by the time a new stool must once again be constructed, the target of the apparatus is explicitly the "manifold" scolds and evil living women.

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[395] F.J.C. Hearnshaw, ed. *Court Leet Records Volume I* (Southampton, UK: Publications of the Southampton Record Society, 1905), 141.

[396] Hearnshaw, *Court Leet Records,* 161.

[397] Hearnshaw, *Court Leet Records,* 174.

[398] Hearnshaw, *Court Leet Records*, 345.

[399] Hearnshaw, *Court Leet Records*, 345.

[400] Hearnshaw, *Court Leet Records*, 381.

City officials explicitly worried that the lack of such apparatuses of punishment reflected poorly on their town's reputation and courted the wrath of God himself. In Gloucester around 1504, the City Council bemoaned that:

> …this towne of Gloucestre, the which is to abomynable spokyn of in alle England and Walys of the vicyous lyvyng of dyvers personez, as well of sprytuell as temperall, with to excidyng nowmbre of commyn strompettes and bawdes dwellyng in ever[y] Ward of the said towne, which, yf hit be not shortly remedyed andpunysshed, hit is to be feryd leste Alle Myghty God wole caste his greate vengeaunce uppon the said towne in shorte tyme…[401]

The first thing they ordered was the construction of "acconvenyent which," meaning a "hutch," in the common marketplace for the punishment of "common qwenys, whether she be mannys wyf or single woman, as it is usid in the worshipfull citie of London and in the towne of Bristow." The hutch was to have a partition to separate women from men. All "abomynable qwenys lyvyng viciously to the opyn fame and knowleg of the comynaltye" were to be taken by the sheriffs and put in a common hauler's cart. They would then be taken around each ward of the town, "disgysed with frontelettes of papyr and ray hodes."[402] The order also lays out the remuneration due to each of the men involved in the performance, making it clear that the stagehands of the state should have incentive to carry out these punishments against their neighbors. If the sheriffs and their officers failed to perform their duty, they were to be fined forty shillings, which would go to "the reparacion of the towne walles."[403]

Forcing publicity on bawds and sex workers went beyond the specific shaming rituals in some cities. In York and Bristol, where there were no legal brothels, any woman found keeping a brothel in her house would not only be subject to any fines or shaming prescribed by the ordinances, but their houses would be turned into open places of ridicule. In York, any woman keeping a brothel in the city was to be imprisoned for a day and a night, and the bailiff who took her would "have the roof timbers and the door of the building in which she is lodged."[404] In Bristol, any woman of ill repute found in the city would have "the doors and windows of their houses be taken down and carried off by the mayor's servants" to the constable's house. The intention was to force malefactors to make public their private illicit activities, further

[401] *Historical Manuscripts Commission, Twelfth Report*, Appendix, Part IX (London 1891) 435.
[402] *Historical Manuscripts Commission, Twelfth Report*, Appendix, Part IX (London 1891) 435.
[403] *Historical Manuscripts Commission, Twelfth Report*, Appendix, Part IX (London 1891) 435.
[404] P.J.P. Goldberg, ed. and trans., *Women in England c. 1275-1525* (Manchester: Manchester University Press, 1996) 210.

enforcing the idea that violating moral codes obligated you to perform penance not only in the streets, but from your very home.

Forms of Performance in Late Medieval English Cities

When William Shakespeare wrote "All the world's a stage/and all the men and women merely Players" at the turn of the seventeenth century, he was summing up a quintessential truth about English culture that long predated his writing or his players.[405] While critical theory has explored the idea of performativity as a lens through which we might analyze gender and other lived experiences, daily life in a late medieval English town was, much more literally, a constant performance.

Performance and performativity were central parts of medieval urban culture. Punitive processions and pilloried prisoners were merely one (relatively small) facet of an environment built around visual displays of power, privilege, and community. While this culture of performance took different forms in different English towns, these religious and civic traditions constituted a shared language of which punishment was one framework of many. These performances fell into roughly three often overlapping categories: civic pageantry, religious festivals, and secular and religious drama. Ritualized punishment was, in many ways, a mixture of all three. The "elaborate series of processions, pageants and rites of passage which were a constant feature of the yearly cycle of town life" set the backdrop for judicial shaming.[406]

Civic pageantry took many forms. In London, ceremonies featuring the Mayor and Aldermen were a central feature of urban life. The most important of these was the annual procession for the Mayor's oath taking. Each October, the Mayor and Aldermen set off from the Guildhall and made their way to Westminster, where the Mayor took his oath of office, then proceeded back to reenter London. The Mayor and Aldermen also performed processions on major holidays, Whitsun Monday, and Midsummer.[407] Like sex workers, the worthies of London were subject to a dress code. The liveries for both the Mayor and Aldermen were strictly designed and regulated by a special committee, and each Alderman got new livery at least twice a year. It was forbidden to give away any livery for at least a year after it was worn.[408] Many London guilds held their own processions and performances as well. The *Liber Albus* lays out strict regulations for the vestments of the aldermen and guilds when performing ceremonial

[405] *As You Like It*, II.vii.139-140

[406] Michael Berlin, "Civic ceremony in early modern London," *Urban History Yearbook* 13 (1986): 15.

[407] Hanawalt, *Ceremony and Civility*, 19-21.

[408] Caroline Barron, *London in the Later Middle Ages: Government and People, 1200-1500* (Oxford: Oxford University Press, 2004), 145.

duties. The wardmote was, itself, an important ceremony for the ward, with its formalized procedures of oath taking, election, and presentments.

Religious festivals often coincided with or complemented civic celebration. The parish church was the locus of culture and community in urban and rural communities alike. The most recognizable and frequent performance of medieval life was, of course, the weekly Mass. But feast days, holidays, and other festivals provided other opportunities for performance. These performative practices were overlapping. As with the court systems, the lines between secular and ecclesiastical ceremonies were porous in pre-Reformation England. Many of the most prestigious processions of London's Mayor and Aldermen took place in St. Paul's Cathedral, where the Mayor was seated to the right of the altar. Aldermen regularly took part in church services.[409]

Drama and theater were also central features of the rhythms of late medieval life. While the Corpus Christi play cycles are among the most celebrated and studied pieces of medieval drama, morality plays, court masques, and mummings were just as popular, especially around major holidays like Christmas. The tradition of the Corpus Christi plays constituted a yearly celebration that involved townspeople and outsiders alike. In York and Chester, and likely in Wakefield, craftsmen's guilds were assigned short plays depicting the history of humankind, from Creation to Doomsday, to be performed on wagons that traveled through the streets, stopping at designated spots where each play was performed, in order, while the audience remained stationary. Such plays must have been performed in many other cities around England, as their popular place in culture and collective memory is well-attested.[410]

The reasons for the popularity of the performative medium are varied and not always obvious. While visual and material culture was essential to a culture in which literacy was low, these spectacles could also act as a release valve that allowed authorities to direct any disharmonious energy of the populous to discrete, relatively productive activities. As Michael Berlin notes, these rituals "thus helped to preserve and enhance the 'wholeness' of the social order by providing a safety-valve for the channeling of anti-social discontent of subordinate groups in the late medieval town."[411] Both secular and ecclesiastical ceremonies were, in many ways, orderly chaos.

Berlin notes that "secular ceremonies associated with the installation of new officers in civic and guild bodies gave tangible expression of the exclusive nature of citizenship, reminding those privileged members of the body politic of their place in the hierarchy as well as those excluded from such formalities: women, non-freemen and

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[409] Hanawalt, *Ceremony and Civility*, 68-9.

[410] Greg Walker, ed., *Medieval Drama: An Anthology*, Blackwell Anthologies (Oxford, UK: Blackwell Publishers, 2000), 3.

[411] Berlin, "Civic ceremony," 16.

apprentices."[412] These groups were not, however, excluded from the culture of performance. Just as these non-citizens were likely attendants and witnesses to the procedures of the wardmote, they were also participants in the material and logistical production of these performances. In drama, for instance, while women would not be permitted to perform, they could provide funds or clothing for set decoration and costuming. The guilds who sponsored the Corpus Christi plays would undoubtedly have employed their apprentices to help build and furnish their guild's carts. And every resident of the town, free and unfree, male or female, would have been active participants merely in their role as spectators.

Performing Gender Roles

Indeed, even when women were not active participants in dramatic performance, the culture of performance was a site in which the question of gender and women's role in society could be explored. For example, Hocktide, a raucous festival that entailed one gender literally roping the other, then switching the following day, took place two weeks after Easter, but it was not a holiday on the liturgical calendar. This holiday presents a key example of the ways in which participatory performances served multiple roles in medieval society. Hocktide was a festival that acted as a fundraiser, an extension of the Easter holiday, and a rite in which "the inequality of the sexes found vent."[413]

Hocktide was a two-day festival with murky roots. One version of the story states that it commemorates a victory of the English over the last Danish king Harthacanute in 1042.[414] Another version argues that the festival commemorates St. Brice's Night, when Anglo-Saxons defeated occupying Danes in 1002.[415] A lost play performed in Coventry known as the "Coventry Hock Tuesday Play" likely depicted the latter origin, moving the site of action from the historical massacre, which took place in Oxford, to Coventry.[416] The standard procedure for the festival was that on Hock Monday the women of the parish, usually just the married women, would try to catch the men of the parish, tie them up, and would only release them when they paid a "forfeit." The following day, Hock Tuesday, reversed the roles: men would catch the

[412] Berlin, "Civic ceremony," 15.
[413] Berlin, "Civic ceremony," 16.
[414] Katherine L. French, *The Good Women of the Parish: Gender and Religion After the Black Death* (Philadelphia, 2008), 162.
[415] Paulette Marty, "The Coventry Hock Tuesday Play: Its Origin and Relationship to Hocktide," *Medieval English Theatre* 22 (2000): 113.
[416] Marty, "The Coventry Hock Tuesday Play," 112.

women and demand money to free them. When the parishioners of St. Margaret's in Westminster decided to instate the holiday in 1497, it was part of an effort to raise funds to rebuild the parish church.[417]

While the traditional festival had both women catching men and men catching women, it was the ritual of Hock Monday that garnered the most attention, commentary, and funding. Westminster initially only celebrated Hock Monday, but in subsequent years they celebrated both days. Nevertheless, Monday's festivities were clearly the highlight. Both in Westminster and in other towns where the festival was celebrated, women raised significantly more funds than the men.[418] In St. Mary at Hill parish in London, there were years when the men brought in no money at all.[419]

The peculiarity of Hocktide has garnered significant scholarly attention, especially by women's historians in the last several decades. Katherine French has argued that the Hocktide Festival became more popular in the late fifteenth century in part because during that same period, "women's groups were increasing, permanent church seating was becoming more common, and interest in parish liturgies and their enhancement was more popular." The concurrent rise of Hocktide, with its ritual capturing of men by women, "served as a controlled way of examining the implications" of those changes. According to French, the ritual affirmed these expanding roles for women because the topsy-turviness of the game was played within the confines of married people, not, as in May Day celebrations, single youths.[420] Its performative character has been examined by scholars of medieval drama as well, some of whom have credited the tradition as inspiring dramatic performances beyond the lost Coventry play.

Lawrence Clopper, for example, has linked its popularity to the composition of Lydgate's mumming, *The Disguising at Hereford*, which is a play that takes the form of a mock trial in which several beleaguered husbands appeal to the king to rescue them from their unruly, abusive wives.[421] It was clearly a popular tradition in the towns and cities where it was practiced, but it was not universally accepted by authorities. The Mayor issued proclamations forbidding "hokking" seven times in ten years.[422] The purported main concern centered on the fact that the ritual involved forcing people to participate against their will, though sometimes the entire practice was outlawed

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[417] French, *Good Women*, 157.

[418] French, *Good Women*, 158.

[419] French, *Good Women*, 170.

[420] French, *Good Women*, 161.

[421] Lawrence M. Clopper, *Drama, Play, and Game: English Festive Culture in the Medieval and Early Modern Period* (Chicago: University of Chicago Press, 2001), 162–63.

[422] Reginald R. Sharpe, ed., *Calendar of Letter-Books of the City of London at the Guildhall: Letter-Book I* London: Corporation of London, 1909), 48, 72, 85, 124, 161, 194, 211.

altogether. Nevertheless, these injunctions were either ineffective or short-lived: the popularity and spread of the festival continued well into the sixteenth century. Perhaps an alternative explanation for the repeated orders to desist had more to do with the fact that this was a performance of gender roles that not only challenged the status quo but did so outside the control of secular authorities. While they may have disavowed a celebration that highlighted relations between men and women in the context of religion and marriage, authorities steadfastly continued to direct the dramas of women's punishments. When they designed the shaming processions to which women were subjected, they may have been inspired by drama of a different sort. The Corpus Christi play cycles held in towns across England throughout the later Middle Ages, after all, were also a procession. Women who had to perform public penance likely did so on the same streets where the Corpus Christi play carts told the story of the world each year. Furthermore, the procedures of punishment echoed a familiar story of an offender being marched to their fate: that of the Passion of Jesus.

Punishing the Harlot Jesus in the Corpus Christi Cycles

In *The Second Trial before Pilate*, the thirty-third play in the York Corpus Christi play cycle, four soldiers gleefully drag a bound and bloody Jesus before Pilate. They bemoan the fact that he is unconscious – "this nygard he nappes" – while they jeer at him and beat him.[423] They mock the claim that Jesus is the King of the Jews by adorning him with false signifiers of royalty. They thrust a crown of thorns on his head: "Nowe because he oure king gon hym call,/We will kyndely hym croune with a brer."[424] They place a reed in his hand, "for his sceptre it serves indede."[425] They clothe him in a "purpure" (purple) garment, the color of royalty, "this worthy wede sall he were/for scorne."[426] As they finally approach Pilate, the first soldier taunts, "We, harlott, heve up thy hande,/And all that thee wirschip are wirkand/Thanke us, ther ill mot thou thryve."[427]

Jesus is called a "harlot" multiple times in the surviving Corpus Christi play cycles, always during the scenes leading to his crucifixion. In the Wakefield cycle, also known as the Towneley Plays, Caiaphas, the high priest who orchestrates the arrest and murder of Jesus, demands, "Harstow, harlott, of all?/Of care may thou syng;/How durst

[423] Clifford Davidson, ed. "Play 33, The Second Trial before Pilate," in *The York Corpus Christi Plays*, l. 364. https://d.lib.rochester.edu/teams/text/davidson-play-33-the-second-trial-before-pilate
[424] Davidson, "Second Trial before Pilate," l. 388-9.
[425] Davidson, "Second Trial before Pilate,". l. 405.
[426] Davidson, "Second Trial before Pilate," l. 392-3.
[427] Davidson, "Second Trial before Pilate," l. 417-9.

thou thee call/Aythere emperoure or king?"[428] In the N-Town cycle, King Herod also calls upon Jesus to answer for himself: "What? Thu onhangyd harlot! Why wylt thu not speke?"[429] In the same cycle, as Jesus labors under the weight of his cross, a spectator jeers, "What, harlot? Hast thu skorne/To bere the tre whan we thee preye?"[430] In each instance, the word "harlot" is being used for its original meaning. The edited play cycles usually gloss "harlot" as "scoundrel." The MED defines "harlot" as "a term of abuse" like "scoundrel, knave, rogue, reprobate, base fellow, [or] coward," but also as "a professional male entertainer; buffoon, jester, story-teller, actor, [or] pantomimist."[431] The late fifteenth century Latin-English dictionary *Medulla Grammatice* translates "scurra" as "a repaude [ribald] a harlotte."[432]

Yet the modern understanding of harlot as a promiscuous woman or sex worker was already in use during the time of the Corpus Christi plays' composition. In the N-Town cycle's staging of the episode from the Gospel of John most famous for Jesus' exhortation that "Let anyone among you who is without sin be the first to throw a stone at her," the woman's accuser hauls her onto the scene, crying, "Stow that harlot, sum erthely wyght,/That in advowtrye here is fownde!"[433] Later, the characters helpfully gloss their use of the term:

> **SCRIBA** Come forth, thu stotte! Com forth, thu scowte!
> Com forth, thu bysmare and brothel bolde!
> Com forth, thu hore and stynkynge bych clowte!
> How longe hast thu such harlotry holde?
> **PHARISEUS** Com forth, thu quene! Come forth, thu scolde!
> Com forth, thu sloveyn! Com forth, thu slutte!

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[428] Garret Epp, ed. "18. The Buffetting" in *The Towneley Plays*, https://d.lib.rochester.edu/teams/text/epp-the-buffeting

[429] Douglas Sugano, ed. "Play 30, Death of Judas; Trials before Pilate and Herod" in *The N-Town Plays*. https://d.lib.rochester.edu/teams/text/sugano-n-town-plays-play-30-death-of-judas-trials-before-pilate-and-herod

[430] Douglas Sugano, ed. "Play 32, Procession to Calvary; Crucifixion," in *The N-Town Plays*. https://d.lib.rochester.edu/teams/text/sugano-n-town-plays-play-32-procession-to-calvary-crucifixion

[431] *MED*, "harlot."

[432] *LEME*, "scurra," https://leme.library.utoronto.ca/lexicon/entry/537/13550

[433] John 8:7; Sugano, ed. "Play 24, Woman Taken in Adultery," *The N-Town Plays*. https://d.lib.rochester.edu/teams/text/sugano-n-town-plays-play-24-woman-taken-in-adultery

We shal thee tecche with carys colde,
A lytyl bettyr to kepe thi kutte![434]

The woman replies by begging the men, "For Goddys love, have mercy on me!/Of my myslevynge, me not bewray [betray]!"[435] By dragging her into the public eye and revealing her sexual transgression, she is put on display and subjected to ridicule, saved from death only because Christ is there to remind the onlookers that no one is without sin. Yet she does not escape without reprimand. "For me, thu shalt nat condempnyd be," Jesus says. "Go hom ageyn and walk at large./Loke that thu leve in honesté/And wyl no more to synne, I thee charge."[436]

When used in medieval drama, the word "harlot" has a metatheatrical quality. It is an insult in the context of the play, but it is also an accurate description of the actors themselves. As the word came to be used more and more to denote a promiscuous woman rather than its earlier meaning, the connotation of publicity and performance remained imbued in the term. When harlots were punished in city streets, they reenacted Jesus' journey: not just his punishment, but also his redemption. Shaming punishments were meant to reinscribe the sexual mores of the community onto a misbehaving woman, but also to reintegrate her into the community. That the *Liber Albus* lays out punishments for second and third offenses shows that the goal was not merely to shame and expel these women, but to convince them to mend their ways.

Brazen Imposters

While there is little information on the actual individuals who did have to suffer the indignities of punitive processions, there are some trends that indicate the type of person who ended up unwillingly serving as their neighbors' entertainment. A reputation as a repeat offender was undoubtedly a factor, even if it appears many women were able to continue their misbehavior for years and escape any consequences. One's status within the community and country was certainly a factor. Foreigners were also the target of efforts to cleanse the city of immorality. In 1393, the Mayor and

[434] Sugano, ed. "Play 24, Woman Taken in Adultery," *The N-Town Plays*. https://d.lib.rochester.edu/teams/text/sugano-n-town-plays-play-24-woman-taken-in-adultery Sugano points out the obvious in noting that "The Scribe and the Pharisee hurl a cartload of Middle English obscenities at the woman."

[435] Sugano, ed. "Play 24, Woman Taken in Adultery," *The N-Town Plays*. https://d.lib.rochester.edu/teams/text/sugano-n-town-plays-play-24-woman-taken-in-adultery

[436] Sugano, ed. "Play 24, Woman Taken in Adultery," *The N-Town Plays*. https://d.lib.rochester.edu/teams/text/sugano-n-town-plays-play-24-woman-taken-in-adultery

Aldermen complained that "many and various affrays, broils, and dissensions" as well as "many men have been slain and murdered" because of "he frequent resort of and consorting with common prostitutes at taverns, brewhouses of hucksters, and other places of ill repute within the said city and the suburbs therof." They particularly noted that it was "more especially through Flemish women who profess and follow such a shameful and distasteful life."[437] Flemish women were a particular target of sexual regulations, most notably when a brothel purportedly managed by Flemish women was burned by the mob during the Peasant's Revolt in 1381.[438] The editors of John Stow's *Survey* noted that "English people disdayned to be baudes. Froes of Flaunders were women for that purpose."[439] As bald-faced a lie as that is, it confirms that even by 1603, Englishmen clung to the idea that foreigners were the main perpetrators of misrule.

But notion that those who were publicly punished were always already outsiders does not jive with the purpose of these performances. Humiliating a stranger, someone new to the neighborhood or even the country, would have far less impact than seeing a neighbor you knew and, ideally, disliked carted around the town square. This assumption is borne out through the few examples of the women we know were sentenced to these punishments. Names like Margery Bunche and Elizabeth Chekyn (possibly a shortened version of Hodgkin, based on other appearances of the name in non-court records) do not indicate that these women were foreign. While the wardmote returns often do contain the names of people who were likely outsiders, like Barbara Duchewoman, presented in 1508 in Portsoken for "ill living of her body," the pervasive Englishness of the names of the people subjected to these punishments is noticeable.[440]

Urban leaders like London's Mayor and Aldermen made concerted efforts to situate these punishments within the cultural environment of performance and spectacle. These efforts reflect a keen awareness of the role performance played in their communities. Acting as stage managers for a repertory of performative practices, officials crafted a system whereby offenders were cast in established roles, however unwillingly.

Like medieval drama, medieval punishment was a multi-sensory experience. Rituals fit into an established, recognizable framework that relied on visual and auditory signifiers of the specific transgressions of the offenders. From fixtures like the pillory or the female-specific thew, to the more interactive ducking stool, to the

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[437] Riley, *Memorials of London,* 535.

[438] Karras, *Common Women,* 57.

[439] John Stow. "Bridge warde without [including Southwark]," in *A Survey of London. Reprinted From the Text of 1603*, ed. C L Kingsford (Oxford: Clarendon, 1908), 52-69. British History Online, accessed June 30, 2022, http://www.british-history.ac.uk/no-series/survey-of-london-stow/1603/pp52-69.

[440] Winter, "Portsoken Presentments," 144.

elaborate rituals of humiliation that played out each Sunday for some unlucky sinners, morality was performed as a penalty as well as a feast day celebration.

Yet just as the narrow streets and limited space would create "an intimate relationship between actors and audience that…was central to the nature of these plays," so too did the intimate relationships between friends and neighbors create communities whose nature was more complicated than the legal and physical architecture of the medieval justice system would suggest.[441] Rather, these communities, the residents of which understood the value of a good performance, knew how to *act* the part of good Christian communities. Part of that performance was engaging as spectators – and even participants – in shaming rituals.

Joan Beecham faced that prospect in January 1492, when she appeared before the Archdeacon's Court in York, accused of committing adultery with nine different men. She was ordered to perform penance on three successive Sundays, braving the Yorkshire winter in bare feet and a shift. Luckily, after a second appearance, she was able to secure the unusually high number of twelve compurgators the court demanded and avoided that humiliation as well as potential frostbite.[442]

Many offenders' costumes were tailored to fit the crime. Elizabeth Chekyn, for example, who both dressed "in a preestes array and clothyng" and was taken by the watch while in bed with two priests, was ordered to be subjected to this punishment, with the addition of a badge of yellow cloth bearing the letter H for "harlot" and an image of a woman in a priest's gown pinned to her left shoulder.[443] Chekyn was indicted by the wardmote inquest in Farringdon Without. As discussed in Chapter 2, four of the women taken up during Cardinal Wolsey's London-wide search in 1519 were subjected to the additional humiliation of being forced to wear men's bonnets during their procession, with the prescribed rayed hoods draped about their shoulders because they had added to their crimes by cross dressing.[444]

As the data from Portsoken wardmotes, the London Commissary Court, and other sources demonstrate, most women accused of sexual misbehavior were not subjected to the ritual shaming laid out in customaries. They escaped any punishment, and those who were presented before higher courts than their wardmotes, like those who appeared in the Commissary Court after being indicted at the inquests, were able to absolve themselves through compurgation.

Why would this be? While the traditional punishments laid out by the secular authorities often ended with expulsion, it is unclear whether this was carried out in

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[441] Walker, *Medieval Drama*, 3.
[442] BIHR, D/C AB 1, fol. 215v.
[443] LMA, COL/CA/01/01/003, fol. 106v; LMA, COL/CC/01/01/011, fols. 264v-265r.
[444] LMA, COL/CC/01/01/012, fol 12r.

practice. Indeed, it does not seem logical that authorities would regularly expel residents. Why go to the trouble of the display if the perpetrator would simply be thrown out? Humiliation works much better if it is persistent.

Scholars have argued that part of the reason these punishments were so elaborate is precisely because the more humiliating and dramatic the punishment, the more merciful and beneficent authorities who forgive potential penitents look. An explanation may lie in the medieval drama which echoes the punishments to which people were subjected. Both in content and format, Corpus Christi plays offered a story of punishment and redemption that intended to build community cohesion.

One scholarly argument about the regulation of misbehavior, especially sexual misbehavior, is that it is an attempt to enforce norms on an unruly populace. But the sheer amount of evidence of continued and varied debauchery in English towns and cities throughout the late medieval and early modern periods suggests, at the very least, that such efforts were comically ineffective.

Even Ingram acknowledges that the impact of shaming rituals could vary, and that they were not always taken so seriously nor was the shame engendered long lasting. He cites John Stow, who, in his description of Cornhill and its pillory, laments that "I would wish a more carefull choyse of Iurors to be had, for I haue knowne a man carted, rung with basons, and banished out of Bishopsgate ward, and afterward in Aldgate ward admitted to be Constable, a grand Iuryman, and foreman of their Wardmote inquest, what I know of the like, or worse men, preferred to the like offices, I forbeare to write, but wish to be reformed."[445] If being publicly shamed and expelled from his ward did not prevent this man from being elected constable, juryman, and foreman of the wardmote inquest, surely a woman who suffered the indignity of carrying a white rod and candle through the street could live down the humiliation, however acute.

Curtain Call

Ceremonial disorder was on the wane in England by the end of the sixteenth century. "The emphasis which puritanism placed on order, discipline and obedience imbued the city's ruling elite with a haunting dread of the forces of 'disorder' and an outright hostility to popular festivals which brought these forces together."[446]In addition to the rise of more private punishment, Ingram notes that the sixteenth century

[445] John Stow. "Cornehill warde," in *A Survey of London. Reprinted From the Text of 1603*, ed. C L Kingsford (Oxford: Clarendon, 1908), 187-200. British History Online, accessed June 30, 2022, http://www.british-history.ac.uk/no-series/survey-of-london-stow/1603/pp187-200.

[446] Berlin 19.

witnessed the meteoric rise in popularity of judicial whipping, even for women.[447] While punishments like that of Margery Bunche did contain an element of corporal punishment, it was nowhere near the level of judicial whipping in which the point was to draw blood and in which men and women alike were stripped naked to the waist to endure it. These punishments sometimes still took place in public, but more and more frequently they were meted out within the walls of prisons and "hospitals" like London's Bridewell. Something clearly shifted. While the shaming rituals of the Middle Ages undoubtedly had an impact on an offender's psyche and reputation, they did not leave literal physical scars, nor did they endanger their lives.

It is no coincidence that during this same period, Corpus Christi plays and other traditions of medieval performance, including Hocktide, also disappeared. Many literary scholars have theorized that William Shakespeare attended the Coventry Corpus Christi play cycles in some of their last years, demonstrating similarities in wording and plotlines between the cycle and his work.[448] While the legacy of medieval drama, both theatrical and judicial, continued for decades, the Foucauldian shift from public to private punishment was well established by the time James took the English throne. The rise of Puritan morality, the final rupture between England and Rome, and expanding state apparatuses of controlling sexual misbehavior took the place of the raucous performances of penance.

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447 Ingram, "Shame and Pain," 57.

448 Helen Cooper, *Shakespeare and the Medieval World* (London: Bloomsbury 2010) 42-3.

CODA

In the preceding chapters, I have used my data set to demonstrate a few important points for the study of women and sexual misbehavior in late medieval England. The first is that records of women's interactions with the late medieval justice system must be analyzed in their full context, not just with reference to official rhetoric or societal norms. This context includes the language of the records themselves, the demographics of the people involved, the quantitative data of court indictments and outcomes, and the cultural milieu in which these texts were written, and these events took place. Without fully considering these factors, it is far too easy to take the rhetoric of moralizing officials and our own preconceptions about women's place in society for granted without further interrogation.

The second point, which I explore in chapters 2 and 3, is that the scholarly understanding of the role sexual reputation played in women's lives is too circumscribed to account for women at the lower end of the social hierarchy. Women navigated accusations of sexual misbehavior with an eye toward maintaining their standing, however lowly, in their communities so they could continue surviving. They did this through their own personal networks of men whose financial and social capital was sufficient to vouch for them and through the procedures inherent to the secular and ecclesiastical justice systems that favored restoration over retribution. The fact that most women brought before these courts escaped punishment is not a sign of a moribund and inadequate system. Such outcomes reflect the goals of the system as it was designed. Those goals were not to cast a wide net to catch all the licentious women in London and throw them out of town. Rather, the local courts acted as a filtration system that gradually winnowed the offenders down to those who lacked the connections or potential for compliance that most women had.

The third point, which I explored in chapter 4, is that the punishments that were prescribed and enacted have to be understood as part of a larger culture of performativity as well as a societal belief in the importance of penance and reintegration. The similarities between the sufferings of Jesus depicted in the Corpus Christi plays and the elaborate punishments handed down to the most brazen offenders are not accidental. The Christian ethos of confession, penance, and salvation is a key aspect of both secular and ecclesiastical justice in this period.

A final point regards the role of men in this history. Instead of reading the story of the women in these records as one of limited opportunity and restricted choice, we can read their story as one of resilience and the capacity of men to support, rather than suppress, women's agency. Men built the system that codified women's sexuality as criminal and designed punishments that seem dystopian to modern sensibilities, but

they also oversaw the practices that allowed most women to go free. It was also men who stood surety for their female neighbors, acted as compurgators, and, in some cases, defied the authority of investigating officials to protect women. This is not to say that men are the heroes here; the fact that the system was patriarchal meant that women had to rely on men to experience any restoration or forgiveness. We should not, however, ignore the role of men in supporting women's survival.

Overall, I contend that the justice system of late medieval England was far more flexible and forgiving of women deemed promiscuous, whether they were professional sex workers or merely women whose sexuality transgressed the boundaries of social norms.

Such a contention could be read as fundamentally undermining the project of feminist history. By arguing that these women's lives were "not that bad," am I trying to upend decades of scholarship that has explored and cataloged the myriad ways in which women were oppressed and exploited? The short answer is no.

The long answer requires us to confront our priorities as historians. What is the political project of feminist history, especially for historians of medieval England? Why is it essential that we maintain a picture of medieval society that sees all women's sexuality as threatening and worthy of control and contempt? One of the central questions for women's history has been how to strike a balance between acknowledging women's agency– (which seems to obscure their oppression) and describing their suffering (which seems to erase their agency). As this study has progressed, the significance of this question to feminist scholarship–and indeed, to the work of historiography in general–has become more and more evident. The simplest solution to the problem, of course, is simply to say that the balance between agency and oppression is historically specific: it varies according to the context and circumstances of a given set of data, a given place, or given time. Such a solution is uncontroversial. But it is also limited: it does not account for what might be called "limit cases": those historical circumstances in which governing ideologies (like the late medieval understanding of gender) are challenged to the point of contradiction by other competing, and equally valued, ideologies. In the cases under consideration here, the contradiction between repressive legislation and a restorative juridical process arises from just such an ideological competition between a patriarchal ideology of gender and an equally compelling need for community solidarity.

What has emerged from my study of late medieval sexuality, then, is a recognition that a feminist historiography must move beyond binary oppositions (like agency or oppression; women or men) and toward a more complex methodology that reconstructs the past in a multi-dimensional and intersectional way. When another factor–like the importance of community solidarity or economic cohesion–is taken into account, the vision of the past that emerges is one that moves beyond moral judgments

like “the patriarchy is bad” and “women are suffering victims.” This recognition matters, not only to medieval historians or scholars of women’s history. It matters in the here and now, as we consider pressing questions of gender and the law both conceptually and in terms of legal or political practice. This study has revealed a hidden history of restorative justice at the lowest level of the English legal system. It is a history that has been hiding in plain sight, obscured from view not by censorship or repression, but by ideological convictions–convictions motivated from the best of intentions–that have shaped and motivated multiple generations of scholars. This revelation prompts us to ask how, in the present day, similar convictions might repress more restorative, more flexible, and more forgiving practices of justice, particularly in the fraught arena of sex work and its legal regulation.

Examining the tradition of feminist historiography and women’s history through this lens allows us to see the extent to which it has been driven by a set of ideological assumptions most closely aligned with today’s Radical Feminism. Scholars’ dismissal of and outright disdain for using the term “sex worker,” for example, signals that they have no interest in taking the agency of women who participate in the sex trade seriously. Karras makes this abundantly clear: “Prostitution exists today because women are objectified sexually, and because it is considered more permissible for men than for women to have purely sexual experiences. The same was true in the Middle Ages.”[449] If you assume that sex work is always already objectifying and always already a last resort, then you are limiting your ability to understand your historical subjects’ lives as they themselves lived them. When the same assumption motivates your political activism, you are similarly refusing to acknowledge the lived reality of the persons you claim to be protecting.

Not only is this an historically unsupportable approach for scholars to take, but it is also a dangerous and damaging political stance for feminists in the present day. The same radical feminists who argued against pornography, sadomasochism, and sex workers’ rights during the “sex wars” of the 1980’s and 1990’s are the same people who argue for transphobic “gender critical” feminism today. In a disturbing development, these feminists have gleefully allied with Evangelical Christian women whose viewpoints on women’s rights more closely align with the proclamations of the *Liber Albus* than with any notion of women’s rights to equality or autonomy.[450] In the name of “saving” women from the degradation of sex work, this coalition has constructed

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[449] Karras, *Common Women*, 9.

[450] See Crystal A. Jackson, Jennifer J. Reed, and Barbara G. Brents, “Strange confluences: Radical feminism and evangelical Christianity as drivers of US neo-abolitionism,” in *Feminism, Prostitution and the State: The Politics of Neo-Abolitionism*, eds. Eilís Ward and Gillian Wylie (New York: Routledge, 2017), 66-85.

systems that directly harm the purported victims. For example, anti-sex work feminists have successfully lobbied to change the definition of sex trafficking to include any form of coercion or any involvement of another party. These efforts have resulted in institutions like New York's Human Trafficking Intervention Courts.[451] These courts are a supposedly more humane way of "helping" sex workers. This means that if a woman is coerced into sex work by a romantic partner, even if no state or country lines are crossed and there is no evidence of her movements or finances being restricted, she is considered a victim of trafficking. If she is caught in the act of sex work, she can be sent to these HTICs, which would likely mandate that she attend classes and work programs. These programs are scheduled to interfere with any effort to continue sex work, even when they pay a fraction of what women may have earned through sex work. By designating romantic partners and relatives as "traffickers," these systems break up families, add to the devastating problem of mass incarceration in America, and fundamentally restrict the rights of everyone involved.

In our "enlightened" and "liberated" age, therefore, it is feminists who have designed court systems that rob women of their agency and force them to adhere to social norms to which sex workers did not consent. How ironic, then, that the scholarship of the medieval period has focused so heavily on the patriarchal oppression of women. Medieval feminist historians can choose to continue to be part of that trend or to use their skills to shed light on restorative alternatives.

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[451] See Amy J. Cohen and Aya Gruber, "Governance Feminism in New York's Human Trafficking Intervention Courts," in *Governance Feminism: Notes from the Field*, eds. Janet Halley, Prabha Kotiswaran, Rachel Rebouché, and Hila Shamir (Minneapolis: University of Minnesota Press, 2019), 83-112. See also Cohen and Gruber, "An Accidental Governance Feminist: An Interview with Kate Mogulescu," in *Governance Feminism: Notes from the Field*, 113-123.

BIBLIOGRAPHY

Manuscript Sources

Borthwick Institute for Historical Research

DC AB 1 (Dean and Chapter Act Books, 1387-1494)

London Metropolitan Archives, Clerkenwell

Ac. 62.7 (Diocese of Winchester Act Book, 1511–15)

CLC/W/FA/005/MS01499 (Aldersgate Wardmote Presentments, 1510)

DL/C/A/002/MS09065, DL/C/A/001/MS09065B (Consistory Court of London, Examination Book, 1487–97)

COL/CA/01/01/001–27 (Repertories of the Court of Aldermen, 1495–1602)

COL/CC/01/01/007–26 (Journals of the Court of Common Council, 1462–1602)

DL/C/B/043/MS09064/1–11 (Commissary Court of London, *Acta quoad delinquentium*, 1470–1503, 1508–16)

DL/C/B/043/MS09065 J/1–2 (Commissary Court of London, *Acta quoad delinquentium*, 1518–29)

DL/C/205–16, 628–9 (Consistory Court of London, Examination Books, 1467–1603)

North Yorkshire County Record Office

ZBD 1/51/7 (Manor Court Rolls, Northallerton, Fourteenth and Fifteenth Centuries)

The National Archives, Kew

SC 2/191/66 (Westminster Manor Court Roll, 1510)

SP 1/18, fols. 227–257 (Searches for Suspected Persons, 1519)

SP 1/29, fols. 117-122 (Broad Street Wardmote Return, 1523)

Westminster Abbey Muniments, Westminster

WAM 50760–50777 (Westminster Manor Court Rolls, 1486–1545)

WAM 50778, 50782 (Westminster Gatehouse Court Books, 1523, 1545)

Westminster Archives Centre, Westminster

45/1 (Westminster Gatehouse Court Book, 1519 [photostat copy])

Printed Primary Sources

Ashdowne, R. K., D. R. Howlett, and R. E. Latham, eds. *Dictionary of Medieval Latin from British Sources.* British Academy: Oxford, 2018.

Bond, Shelagh. "Chapter Act Books." *History* 54, no. 182 (1969): 406–9.

Chambers, R.W., Marjorie Daunt, and Magdalene Marie Weale, eds. *A Book of London English: 1384-1425.* Oxford: Clarendon Press, 1931.

Cooke, Alice M., ed. *Act Book of the Ecclesiastical Court of Whalley, 1510-1538*. Chetham Society 44. Manchester: Chetham Society, 1901.

Davidson, Clifford. *The York Corpus Christi Plays*. Kalamazoo, MI: Medieval Institute Publications, 2011.

Elvey, Elizabeth M., ed. *The Courts of the Archdeaconry of Buckingham, 1483-1523*. Buckinghamshire Record Society 19. Aylesbury: Buckinghamshire Record Society, 1975.

Elyot, Thomas. *The Dictionary of Syr Thomas Eliot Knyght*. London: 1538. https://www.proquest.com/books/dictionary-syr-thomas-eliot-knyght/docview/2240951784/se-2.

Epp, Garrett, ed. *The Towneley Plays*. Kalamazoo, MI: Medieval Institute Publications, 2018.

Fabyan, Robert. *The New Chronicles of England and France: In Two Parts.* Edited by Henry Ellis and N. Vansittant. London: Printed for F.C. & J. Rivington [etc.], 1811.

Gairdner, James ed. *Historical Collections of a Citizen of London in the Fifteenth Century.* Westminster, England: Printed for the Camden Society, 1876

Goldberg, P.J.P. ed. and trans., *Women in England c. 1275-1525.* Manchester: Manchester University Press, 1996.

Hair, P. E. H. *Before the Bawdy Court: Selections from Church Court and Other Records Relating to the Correction of Moral Offences in England, Scotland and New England, 1300-1800*. London: Elek, 1972.

Hale, William. *A series of precedents and proceedings in criminal causes: extending from the year 1475 to 1640 : extracted from the act-books of ecclesiastical courts in the Diocese of London ... ; to which is prefixed an introductory essay*. Edinburgh: Bratton, 1973.

Harrison, William. *The description of England*. Edited by George Edelen. Ithaca: Cornell University Press, 1968.

Hearnshaw, F.J.C. ed. *Court Leet Records Volume I.* Southampton, UK: Publications of the Southampton Record Society, 1905.

Historical Manuscripts Commission. *Twelfth Report.* Appendix, Part IX. London: Historical Manuscripts Commission, 1891.

Kingsford, Charles Lethbridge ed. *Chronicles of London.* Oxford: Clarendon Press, 1905.

Lancashire, Ian, ed. *Lexicons of Early Modern English*. Toronto: University of Toronto Press, 2018. http://leme.library.utoronto.ca.

Lewis, Robert E. et al, eds. *Middle English Dictionary*. Ann Arbor: University of Michigan Press, 1952-2001. Online edition in *Middle English Compendium*. Frances McSparran, et al., eds. Ann Arbor: University of Michigan Library, 2000-2018. http://quod.lib.umich.edu/m/middle-english-dictionary.

Livy, *Books I and II With an English Translation*. Translated by B.O. Foster. Cambridge: Harvard University Press, 1919.

Longley, Katharine. *Ecclesiastical Cause Papers at York: Dean and Chapter's Court 1350-1843*. Borthwick Texts and Calendars: Records of the Northern Province 6. York, UK: University of York, 1980.

Poos, Lawrence R., ed. *Lower ecclesiastical jurisdiction in late-medieval England: the courts of the Dean and Chapter of Lincoln, 1336-1349, and the Deanery of Wisbech, 1485-1484*. Oxford: Oxford University Press, 2001.

Post, J.B. "A fifteenth-century customary of the Southwark stews," *Journal of the Society of Archivists.* 5, no. 7 (1977): 418-428.

Riley, Henry Thomas, ed. and trans. *Liber Albus: The White Book of the City of London* London: Richard Griffin and Company, 1861.

———. *Memorials of London and London Life.* London: Longmans, Green, and Co., 1868.

Sharpe, Reginald R., ed. *Calendar of Letter-Books of the City of London: A, 1275-1298*, London: Her Majesty's Stationery Office, 1899.

———. *Calendar of Letter-Books of the City of London: H, 1375-1399*. London: His Majesty's Stationery Office, 1907.

———. *Calendar of Letter-Books of the City of London at the Guildhall: Letter-Book I.* London: Corporation of London, 1909.

Smith, D.M. *Ecclesiastical Cause Papers at York: The Court of York 1301-1399*. Borthwick Texts and Calendars 14. York, UK: University of York, 1988.

Stow, John. *A Survey of London. Reprinted From the Text of 1603*. Edited by C.L. Kingsford. Oxford: Clarendon, 1908.

Sugano, Douglas, ed. *The N-Town Plays*. Kalamazoo, MI: Medieval Institute Publications, 2007.

Thomas, A. H. and I. D. Thornley, eds. *The Great Chronicle of London.* London: Printed by George W. Jones at the Sign of the Dolphin, 1938.

Thomson, Rodney M. ed. *The Archives of the Abbey of Bury St Edmunds*. Suffolk Records Society, v. 21. Woodbridge, Suffolk: Boydell Press for Suffolk Records Society, 1980.

Véron, John. *A Dictionarie in Latine and English, Heretofore Set Forth by Master Iohn Veron, and Now Newlie Corrected and Enlarged, for the Vtilitie and Profit of all Young Students in the Latine Toong, as by further Search Therin they Shall Find*. London, 1584.

https://www.proquest.com/books/dictionarie-latine-english-heretofore-set-forth/docview/2240913094/se-2.
Walker, Greg, ed. *Medieval Drama: An Anthology*. Oxford: Blackwell Publishers, 2000.
Wasson, John M., ed. *Records of Early English Drama: Devon.* Toronto: University of Toronto Press, 1986
Winter, Christine L. "The Portsoken Presentments: An Analysis of a London Ward in the 15th Century." *Transactions of the London and Middlesex Archaeological Society* 56 (2005): 97–161.

Secondary Sources

Andersen, Per, Mia Münster-Swendsen, and Helle Vogt, eds. *Law and Private Life in the Middle Ages: Proceedings of the Sixth Carlsberg Academy Conference on Medieval Legal History 2009*. 1st ed. Copenhagen: DJØF Pub, 2011.
Archer, Ian W. *The Pursuit of Stability: Social Relations in Elizabethan London*. Cambridge: Cambridge University Press, 2002.
Baker, J.H. *An Introduction to English Legal History*, Fourth Ed. London, Butterworths Tolley, 2002.
Bardsley, Sandy. "Sin, Speech, and Scolding in Late Medieval England." In *Fama: The Politics of Talk and Reputation in Medieval Europe,* eds. Thelma Fenster and Daniel Lord Smail. Ithaca: Cornell University Press, 2018.
Barron, Caroline. "The 'Golden Age' of Women in Medieval London." *Reading Medieval Studies* 15 (1989): 35–58.
———. "Lay Solidarities: The Wards of Medieval London." In *Law, Laity, and Solidarities: Essays in Honour of Susan Reynolds.* Edited by Susan Reynolds, Pauline Stafford, Janet L. Nelson, and Jane Martindale. Manchester ; New York : New York: Manchester University Press ; Distributed in the USA by Palgrave, 2001.
———. *London in the Later Middle Ages: Government and People 1200-1500*, (Oxford, Oxford University Press, 2004.
———., ed. *A Map of Medieval London: The City, Westminster, and Southwark*. London: The Historic Towns Trust, 2019.
Beier, Lee. "Foucault *Redux*?: The Roles of Humanism, Protestantism, and an Urban Elite in Creating the London Bridewell, 1500–1560." In *Crime, Gender, and Sexuality in Criminal Prosecutions,* edited by Louis A. Knafla. London: Greenwood Publishing Group, 2002
Bennett, Judith M., and Shannon McSheffrey. "Early, Erotic and Alien: Women Dressed as Men in Late Medieval London." *History Workshop Journal.* 77, no. 1 (April 1, 2014): 1–25.

Bennett, Judith M. *Ale, Beer, and Brewsters in England: Women's Work in a Changing World, 1300 - 1600*. New York: Oxford Univ. Press, 1996.
———. *History Matters: Patriarchy and the Challenge of Feminism*. Philadelphia: University of Pennsylvania Press, 2006.
———. "Misogyny, Popular Culture, and Women's Work." *History Workshop*, no. 31 (1991): 166–88. http://www.jstor.org/stable/4289063.
Bennett, Judith M., and Ruth Mazo Karras, eds. *The Oxford Handbook of Women and Gender in Medieval Europe*. 1st ed. Oxford ; New York: Oxford Univ. Press, 2013.
Berlin, Michael. "Civic ceremony in early modern London." *Urban History Yearbook* 13 (1986).
Berry, Charlotte. "'Go to hyr neybors wher she dwelte before': reputation and mobility at the London Consistory Court in the early sixteenth century." In *Medieval Londoners: essays to mark the eightieth birthday of Caroline M. Barron*, edited by Elizabeth A. New and Christian Steer. London: University of London Press, 2019.
Capp, Bernard. "The Double Standard Revisited: Plebian Women and Male Sexual Reputation in Early Modern England." *Past & Present* 162, no. 1 (February 1, 1999): 70–100.
———. *When Gossips Meet: Women, Family, and Neighborhood in Early Modern England*. Oxford: Oxford University Press, 2003.
Carlin, Martha. *Medieval Southwark*. London: Hambledon Press, 1996.
Chapman, Colin R. *Ecclesiastical Courts, Their Officials and Their Records*. Dursley, UK: Lochin Publishers, 1992.
Cohen, Amy J. and Aya Gruber. "An Accidental Governance Feminist: An Interview with Kate Mogulescu In *Governance Feminism: Notes from the Field*, edited by Janet Halley, Prabha Kotiswaran, Rachel Rebouché, and Hila Shamir, 113-123. Minneapolis: University of Minnesota Press, 2019.
———. "Governance Feminism in New York's Human Trafficking Intervention Courts." In *Governance Feminism: Notes from the Field*, edited by Janet Halley, Prabha Kotiswaran, Rachel Rebouché, and Hila Shamir, 83-112. Minneapolis: University of Minnesota Press, 2019.
Clopper, Lawrence M. *Drama, Play, and Game: English Festive Culture in the Medieval and Early Modern Period.* Chicago: University of Chicago Press, 2001.
Cooper, Helen. *Shakespeare and the Medieval World.* London: Bloomsbury, 2010.
Crawley, Kayla, and Paul Hirschfield. "Examining the School-to-Prison Pipeline Metaphor." *Oxford Research Encyclopedia of Criminology*. 25 Jun. 2018. https://oxfordre.com/criminology/view/10.1093/acrefore/9780190264079.001.0001/acrefore-9780190264079-e-346.
Dabhoiwala, Faramerz. *The Origins of Sex: A History of the First Sexual Revolution*. New York: Oxford University Press, 2012.

Das, Nandini, João Vicente Melo, Haig Z. Smith, and Lauren Working. "Friend/Ally." In *Keywords of Identity, Race, and Human Mobility in Early Modern England*, 116–24. Amsterdam University Press, 2021.

Davidson, Clifford. *Festivals and Plays in Late Medieval Britain*. Aldershot, UK; Burlington, VT: Ashgate, 2007.

Davis, Natalie Zemon. *Fiction in the Archives: Pardon Tales and Their Tellers in Sixteenth-Century France.* Stanford: Stanford University Press, 1990.

Douglas, Mary. *Purity and Danger: An Analysis of Concepts of Pollution and Taboo.* New York: Routledge, 1966.

Fein, Susanna and David Raybin, "The Case of Geoffrey Chaucer and Cecily Chaumpaigne: New Evidence," *The Chaucer Review* 57, no. 4 (2022): 403-406.

Fletcher, Anthony, and John Stevenson, eds. *Order and Disorder in Early Modern England*. Cambridge; New York: Cambridge University Press, 1985.

Foucault, Michel. *Discipline and Punish: The Birth of the Modern Prison*, trans. Alan Sheridan New York: Vintage, 1977.

———. *Madness and Civilization: A History of Insanity in the Age of Reason*, translated by Richard Howard. New York: Vintage, 1965.

French, Katherine L. *The People of the Parish: Community Life in a Late Medieval English Diocese*. The Middle Ages Series. Philadelphia, PA: University of Pennsylvania Press, 2001.

Goldberg, P. J. P. "Debate: Fiction in the archives: the York cause papers as a source for later medieval social history," *Continuity and Change* 12, no. 3 (1997): 425-445.

———. "Pigs and Prostitutes: Streetwalking in Comparative Perspective." In *Young Medieval Women*, 172–93, 1999.

———. *Women, Work, and Life Cycle in a Medieval Economy: Women in York and Yorkshire c.1300-1520*. Oxford: Oxford University Press, 1992.

Gowing, Laura. *Domestic Dangers: Women, Words, and Sex in Early Modern London*. Oxford Studies in Social History. Oxford: Clarendon Press, 1998.

Griffiths, Paul. *Lost Londons: Change, Crime, and Control in the Capital City, 1550-1660*. Cambridge Social and Cultural Histories. Cambridge, UK ; New York: Cambridge University Press, 2008.

Hanawalt, Barbara. *Ceremony and Civility: Civic Culture in Late Medieval London.* Oxford: Oxford University Press, 2017.

———. *The Wealth of Wives: Women, Law, and Economy in Late Medieval London*. Oxford: Oxford University Press, 2007.

Harris, Troy L., and R. H. Helmholz, eds. *Studies in Canon Law and Common Law in Honor of R. H. Helmholz*. Berkeley, CA: Robbins Collection Publications, 2015.

Helmholz, R.H. "Harboring Sexual Offenders: Ecclesiastical Courts and Controlling Misbehavior." *Journal of British Studies* 37, no. 3 (1998): 258–68.

———. *The Ius Commune in England: Four Studies.* Oxford: Oxford University Press, 2001.

Holt, Richard and Nigel Baker. "Towards a geography of sexual encounter: prostitution in English medieval towns." In Lynne Bevan, ed. *Indecent Exposure: Sexuality, Society and the Archaeological Record.* Glasgow: Cruithne Press, 2001.

Houlbrooke, Ralph A. *Church Courts and the People during the English Reformation, 1520-1570*. Oxford: Oxford University Press, 1979.

Hubbard, Eleanor. *City Women: Money, Sex, and the Social Order in Early Modern London*. Oxford: Oxford University Press, 2012.

Humphrey, Chris. *The Politics of Carnival: Festive Misrule in Medieval England*. Manchester, UK: Manchester University Press, 2001.

Ingram, Martin. *Carnal Knowledge: Regulating Sex in England, 1470-1600*. Cambridge Studies in Early Modern British History. Cambridge, United Kingdom ; New York, NY: Cambridge University Press, 2017.

———. *Church Courts, Sex, and Marriage in England, 1570-1640*. Past and Present Publications. Cambridge: Cambridge University Press, 1987.

———. "Shame and Pain: Themes and Variations in Tudor punishments." In Simon Deveraux and Paul Griffiths, eds. *Penal Practice and Culture, 1500-1900: Punishing the English*. New York: Palgrave MacMillan, 2004. 36-62.

Jackson, Crystal A., Jennifer J. Reed, and Barbara G. Brents. "Strange confluences: Radical feminism and evangelical Christianity as drivers of US neo-abolitionism." In *Feminism, Prostitution and the State: The Politics of Neo-Abolitionism*, edited by Eilís Ward and Gillian Wylie, 66-85. New York: Routledge, 2017.

Johnson, Tom. "The Preconstruction of Witness Testimony: Law and Social Discourse in England before the Reformation." *Law and History Review* 32, no. 1 (2014): 127–47.

Kamen, Henry. "Communities of Belief." In *Early Modern European Society, Third Edition*, 70–102. Yale University Press, 2021.

Karras, Ruth Mazo. *Common Women Prostitution and Sexuality in Medieval England*. New York: Oxford University Press, 1998.

———. "The Latin Vocabulary of Illicit Sex in English Ecclesiastical Court Records." *The Journal of Medieval Latin* 02 (January 1992): 1–17.

———. "The Regulation of Brothels in Later Medieval England." *Signs: Journal of Women in Culture and Society* 14, no. 2 (January 1989): 399–433.

———. "The Regulation of Sexuality in the Late Middle Ages: England and France." *Speculum* 86, no. 04 (October 2011): 1010–39.

Lerer, Seth. "'Representyd now in yower syght' The Culture of Spectatorship in Late-Fifteenth-Century England," in Barbara Hanawalt and David Wallace, eds: *Bodies And Disciplines: Intersections of Literature and History in Fifteenth-Century England* Minneapolis: University of Minnesota Press, 1996.

Marty, Paulette. "The Coventry Hock Tuesday Play: Its Origin and Relationship to Hocktide." *Medieval English Theatre* 22 (2000).

McIntosh, Marjorie Keniston. *A Community Transformed: The Manor and Liberty of Havering, 1500-1620*. Cambridge Studies in Population, Economy, and Society in Past Time 16. Cambridge; New York: Cambridge University Press, 1991.

———. *Controlling Misbehavior in England, 1370-1600*. Cambridge Studies in Population, Economy, and Society in Past Time 34. Cambridge, U.K. ; New York: Cambridge University Press, 1998.

———. "Finding Language for Misconduct: Jurors in Fifteenth-Century Local Courts," in *Bodies and Disciplines: Intersections of Literature and History in Fifteenth-Century England*, eds. Barbara Hanawalt and David Wallace. Minneapolis: University of Minnesota Press, 1996.

McSheffrey, Shannon. *Marriage, Sex and Civic Culture in Late Medieval London*. The Middle Ages Series. Philadelphia: University of Pennsylvania Press, 2006.

Merritt, J. F. *The Social World of Early Modern Westminster: Abbey, Court and Community, 1525-1640*. Manchester, UK: Manchester University Press, 2005.

Moore, Evelyn G., and Timothy Briden. *Moore's Introduction to English Canon Law*. 3., rev. Ed. London: Mowbray, 1992.

Mortimer, Richard. *Guide to the Muniments of Westminster Abbey*. Woodbridge,UK: Boydell Press, 2012.

O'Day, Rosemary, and Felicity Heal, eds. *Continuity and Change: Personnel and Administration of the Church of England, 1500-1642*. Leicester: Leicester University Press, 1976.

Outhwaite, R. B. *The Rise and Fall of the English Ecclesiastical Courts, 1500-1860*. Cambridge Studies in English Legal History. Cambridge, UK ; New York: Cambridge University Press, 2006.

Perfetti, Lisa Renée. *Women & Laughter in Medieval Comic Literature*. Ann Arbor: University of Michigan Press, 2003.

Poos, L. R. "Sex, Lies, and the Church Courts of Pre-Reformation England." *Journal of Interdisciplinary History* 25, no. 4 (1995): 585-607.

Ramey, Peter. "The Audience-Interactive Games of the Middle English Religious Drama." *Comparative Drama* 47, no. 1 (2013): 55–83.

Rawcliffe, Carole. "A Marginal Occupation? The Medieval Laundress and her Work" *Gender & History*, 21, no. 1 (April 2009): 147–169.

Razi, Zvi. *Life, Marriage, and Death in a Medieval Parish: Economy, Society, and Demography in Halesowen, 1270-1400*. Cambridge: Cambridge University Press, 1980.

Rexroth, Frank. *Deviance and Power in Late Medieval London*. Cambridge: Cambridge University Press, 2007.

Roger, Euan, and Sebastian Sobecki. "Geoffrey Chaucer, Cecily Chaumpaigne, and the Statute of Laborers: New Records and Old Evidence Reconsidered." *The Chaucer Review* 57, no. 4 (October 1, 2022): 407–37.

Roger, Euan. "Appendix 2: Transcriptions and Translations," *The Chaucer Review* 57, no. 4 (2022): 444-5.

Rosser, Gervase. *Medieval Westminster, 1200-1540*. Oxford: Oxford University Press, 1989.

Salkeld, Duncan. *Shakespeare among the Courtesans.* New York: Routledge, 2016.

Schuessler, Jennifer. "Chaucer the Rapist? Newly Discovered Documents Suggest Not." *The New York Times*, October 13, 2022. https://www.nytimes.com/2022/10/13/books/geoffrey-chaucer-rape-charge.html

Shepard, Alexandra. "From Anxious Patriarchs to Refined Gentlemen? Manhood in Britain, circa 1500–1700." *Journal of British Studies* 44, no. 2 (2005): 281–95.

Smith, Susan L. *The Power of Women: A Topos in Medieval Art and Literature*. Philadelphia: University of Pennsylvania Press, 1995.

Tanner, Norman P., ed. *Heresy Trials in the Diocese of Norwich, 1428-31*. London: Offices of the Royal Historical Society, 1977.

Thomas, Keith. "The Double Standard." *Journal of the History of Ideas* 20, no. 2 (April 1959): 195-216.

———. *The Ends of Life: Roads to Fulfilment in Early Modern England*. Oxford: Oxford Univ. Press, 2010.

Tucker, Penny. *Law Courts and Lawyers in the City of London, 1300-1550.* Cambridge: Cambridge University Press, 2007.

Van Ness, Daniel W. and Karen Heetderks Strong. *Restoring Justice – An Introduction to Restorative Justice*. New Province, N.J.: Matthew Bender & Co., Inc., 2010.

Walker, Greg. "The 'Expulsion of the Minions' of 1519 Reconsidered," *The Historical Journal* 32, no. 1 (1989): 1-16.

Wedeck, Harry E. "Synonyms for Meretrix." *The Classical Weekly* 37, no. 10 (1944): 116-117.

"Why Restorative Justice?" Restorative Justice Exchange, accessed May 11, 2023, http://restorativejustice.org/why-restorative-justice

Wilf, Stephen. "Imagining Justice: Aesthetics and Public Executions in Late Eighteenth-Century England," *Yale Journal of Law & the Humanities* 5, no. 1 (Winter 1993): 51-78.

Woodcock, Brian L. *Medieval Ecclesiastical Courts in the Diocese of Canterbury*. Oxford: Oxford University Press, 1952.

Wrightson, Keith, and David Levine. *Poverty and Piety in an English Village: Terling, 1525-1700*. Oxford : New York: Clarendon Press ; Oxford University Press, 1995.

Wunderli, Richard M. *London Church Courts and Society on the Eve of the Reformation*. Speculum Anniversary Monographs 7. Cambridge, Mass: Medieval Academy of America, 1981.

Youngs, Frederic A. *Guide to the Local Administrative Units of England*. Guides and Handbooks / Royal Historical Society, no. 10, 17. London: University College, Offices of the Royal Historical Society, 1980.

Zehr, Howard. *Changing Lenses: A New Focus for Crime and Justice*. Scottdale, PA: Herald Press, 1990.