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SOCIAL RESEARCH AND THE USE OF MEDIEVAL CRIMINAL RECORDS

*Edward Powell**

SOCIETY AND HOMICIDE IN THIRTEENTH-CENTURY ENGLAND.
By *James Buchanan Given*. Stanford: Stanford University Press.
1977. Pp. xiv, 262. \$12.50.

CRIME AND CONFLICT IN ENGLISH COMMUNITIES, 1300-1348.
By *Barbara A. Hanawalt*. Cambridge: Harvard University Press.
1979. Pp. xiii, 359. \$20.

Over the last decade historians of crime have reacted to the anecdotal impressionism of their predecessors by adopting a more systematic, statistical approach.¹ They seek a more comprehensive picture of the nature, incidence, and causes of crime by using "social research" — the umbrella term used to describe the concepts, methods, and techniques derived from the social sciences.² Crime is no longer studied qualitatively and in isolation, but quantitatively and in a broad historical and social context so that patterns within the society and between societies can be observed. The historian of crime can no longer get by on high moral tone and a sharp eye for the titillating barbarities of a bygone age; he must be at once historian, criminologist, statistician, anthropologist, sociologist, and lawyer.

The recent works of Professor Given (*Society and Homicide in Thirteenth-Century England*) and Professor Hanawalt (*Crime and Conflict in English Communities, 1300-1348*) extend the modern approach to the history of medieval crime in England. Both authors presume that the study of crime provides insights into social relationships: "The relationship between the two participants in the criminal drama tells much about crime and about social interactions in general" (Hanawalt, p. 2); "A study of homicide is . . . of value to

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1. For recent work on England, see J. SAMAHA, LAW AND ORDER IN HISTORICAL PERSPECTIVE (1974); CRIME IN ENGLAND, 1550-1800 (J.S. Cockburn ed. 1977); Beattie, *The pattern of crime in England 1660-1800*, 62 PAST & PRESENT 47-95 (1974).

2. Hays, *Historical social research: concept, method and technique*, 4 J. INTERDISCIPLINARY HIST. 475-82 (1974).

anyone interested in the dynamics of social interaction" (Given, p. 1). Both use a large sample of cases (Given from the thirteenth-century eyre rolls, Hanawalt from the fourteenth-century gaol delivery rolls) and, with the aid of a computer, have spun out a wide variety of statistical conclusions. As Given remarks with engaging frankness, "this study bristles with what I hope the reader will find impressive and persuasive tables and statistics" (p. 2). Both study several counties in different parts of England and stress the need to compare local crime patterns in light of the differing social structures (Given, pp. 15-32; Hanawalt, pp. 10-12). In addition, as their bibliographies bear witness, both bring comparative perspectives to the study of history. (Given leans toward the anthropological, while Hanawalt is well-versed in modern criminology.)

In view of their shared assumptions and methods, it is not surprising that Given and Hanawalt have produced works similar in content and construction. Each book identifies social patterns in crime, showing particular concern for the social status of both the accused and the victim, for the nature and organization of criminal gangs and associations, and for the role of women, the kin-group, and the village community. Given explores the differences between rural and urban homicide. Hanawalt, who looks at all felonies, investigates the seasonality of crime and analyzes the features which distinguish the various forms of theft — larceny, burglary, and robbery. Although evidence is presented in the form of tables and percentages, both writers use descriptive material from individual indictments and other sources to illustrate their statistics. They also supplement their detailed findings with more generalized interpretative material, usually drawing on modern criminological or sociological theory. Nevertheless, the substantive evidence remains almost exclusively statistical. Since both works stand or fall on the accuracy of their quantitative methods, the way Given and Hanawalt have used the records and compiled their statistics must be carefully examined.

First impressions are not auspicious, as both authors take refuge behind the sheer size of their samples.³ In fact, large sample sizes afford little protection, for distortions are as liable to accumulate as to balance each other out when using records as idiosyncratic as me-

3. Given: "I hope that the large size of the sample with which I have worked has offset these biases and distortions, and that the patterns I have discovered existed not only in thirteenth-century court rolls but in thirteenth-century society," p. 3; Hanawalt: "[T]he sample size of this study is so large that small variations would have no significant influence on final figures." P. 14.

dieval court rolls. It should be noted also that Given and Hanawalt compile their figures from indictments, not convictions.⁴ They thus find the accused guilty *even if he has been acquitted*. No doubt many defendants were erroneously acquitted, but we cannot assume that jury nullification was so universal as to make it safe to ignore the verdict of the trial jurors altogether. Certainly such an assumption provides unsure ground on which to reconstruct the pattern of social relations between offender and victim, as both writers seek to do. A final statistical problem is that Hanawalt's data base seems to vary between chapters.⁵ Perhaps there is a very good explanation for the discrepancy, but the reader should not have to take it on faith. As it is, Hanawalt's statistics are inscrutable and, like statements without footnotes, unverifiable.⁶

If these points seem caviling and esoteric, the last resort of a legal historian crying "*conservons le chaos*," they nevertheless concern the basic issues that confront a historian every time he picks up a document. What does the record reveal and what might it conceal? What was the context in which it was produced? Can it be taken at face value, or has it been twisted by political or personal bias, or

4. Given: "I have had to assume that all those accused of having committed a murder probably did so," p. 2; Hanawalt: "Unless otherwise noted, the figures in this book are based on indictments, not on convictions, although it is recognized that the indictments were not always accurate But the indictments had to be plausible in order to be recorded, and most crimes had been committed even if by people different from those indicted." Pp. 13-14.

5. While Given's data base is comparatively straightforward (he deals in the numbers of accused slayers — 3492 — and their victims — 2434, p. 15), Hanawalt's position is less clear. She states that the total number of cases in eight counties between 1300 and 1348 is 15,891. P. 13. "Cases" here apparently means criminal offenses tried at gaol delivery, disregarding the number of defendants; for as Hanawalt explains by way of contrast: "To get information on the suspects, I counted indictments by person, that is, an offender accused of two or more crimes is counted as one indictment. Likewise, if two people were accused of one crime, this counts as two indictments." P. 13 (footnote omitted). So far so good. But consider a cryptic preliminary footnote: "In previous articles based on the data for Norfolk, Yorkshire and Northamptonshire I counted only crimes instead of offenders. Because of this difference in data collection, information on the people involved in crimes — victims and accused — is based largely on data from the other five counties." P. 286 n.10. This casual aside helps explain the apparent discrepancy between the various totals of cases and offenders cited throughout her book. For example, the total number of cases is given as 15,891, and in chapter III the total number of indictments for different crimes is calculated at 15,952. P. 66. The difference between the number of cases and the number of indictments is made up of instances where two distinct offenses (*e.g.*, burglary and homicide) were committed in the same incident. P. 78. In chapter IV, however, the total number of persons tried for all counties comes to only 16,603, p. 118, which from 15,952 indictments is impossibly low if, as Hanawalt states, 55 percent of all offenders had accomplices. Pp. 187-88.

6. Another example is Hanawalt's data on the seasonality of crime. She reports percentages without any reference to the size of the sample used. *See generally* chapter III. Only in a footnote, p. 296 n.9, are we told that "[t]he dates of felonies did not become part of the record until after 1330. The material used here represents a sample drawn from the various counties for after that time." The data on seasonality are thus available for only one third of the 50-year period under study.

forced into the mold of institutional form? These problems are even more important for the practitioners of social research, primarily because they have a broad historical vision and rely heavily on statistical evidence. Yet Given and Hanawalt apparently failed to ask these questions; instead they display a breezy confidence that the records have preserved patterns of crime and social interaction which are just waiting to be let out. To illustrate this, we can look at some of Given's and Hanawalt's more important conclusions and examine the validity of their statistical foundations.

One of the most interesting elements in Hanawalt's study is her use of Professor J.A. Raftis's Regional Data Bank at Toronto (which contains detailed information on several villages belonging to Ramsey Abbey) to identify the social status of victims and defendants appearing in the Huntingdonshire gaol delivery rolls. The methods used to compile information for the Data Bank have come under recent attack,⁷ and even scholars within the Toronto school itself apparently disagree on how to classify the various social groups within the villages.⁸ Assuming, however, that the social positions assigned by Hanawalt are accurate, she draws the slightly unexpected conclusion that "main families (primary and secondary villagers), not the dregs of society, dominated the criminal courts with 79.8 percent of the people tried" (p. 129).⁹ She also finds that suspects usually committed crimes against their equals or superiors in the village hierarchy (pp. 173-76). To explain her findings Hanawalt speculates that the wider social and economic contacts of the main families afforded them more opportunities to commit crime. In contrast, opportunities of less affluent individuals for "aggressive economic and social interaction with other members of the community were limited because they possessed little property and they did not serve in village government" (pp. 130-31). Furthermore, Hanawalt argues, social conflict between leading villagers often led to felonious conduct, especially when they were competing for power and influence; simi-

7. Razi, *The Toronto School's Reconstitution of Medieval Peasant Society: A Critical View*, 85 PAST & PRESENT 141-57 (1979).

8. Hanawalt, p. 288 n.13.

9. Hanawalt divides village society into three groups: primary, secondary, and intermediate (or A, B and C) families. P. 25. The primary group represents the village elite of wealthy peasant landholders who controlled the local offices; the secondary group contains less substantial landholders who only occasionally held village or manorial office; those in the intermediate group were generally landless cottars who worked as servants or laborers for A and B families. The sample, as Hanawalt acknowledges, is small, comprising eighty-nine identified suspects. P. 129. When we are informed that "[o]nly 6 percent of the charges against intermediate villagers was for breaking and entering," we must bear in mind that this six percent is in fact a single offense. P. 132, Table 6. Nevertheless, the sample is significant enough to allow patterns to be found.

larly, lower social groups committed felonies out of frustration over oppression by their superiors (pp. 173-76).

Throughout her analysis, Hanawalt assumes that the persons who appeared for trial at gaol delivery are a representative cross-section of all offenders. At one point, however, she lets slip an important qualification: "In summary, then, the 'sleepers by day and the wanderers by night' may have been no more sinister than the prominent and respected villager next door. *At least those caught by the justice system and tried for their crimes were of this sort*" (p. 150) (emphasis added). Hanawalt fails to discuss whether indicted offenders who evaded arrest and were never brought to trial were disproportionately from the lower social class. In fact, at least one half, and probably two thirds, of those indicted never appeared in court.¹⁰ Those who did not stand trial were outlawed and probably fled. Outlawry resulted in forfeiture of lands and possessions, a crippling blow to the substantial village landholder but less significant to a landless laborer. Moreover, a prominent villager (unlike a landless laborer) was less likely to be convicted because his peers and neighbors would sit on the trial jury. In short, substantial villagers probably stayed to face trial while others fled.¹¹ Hanawalt should not have concluded that leading villagers comprised the majority of offenders simply because they were the majority at gaol delivery.

Given faces similar problems when he attempts to establish the social status of his suspects. Relying on the eyre rolls, which regularly recorded the assessed value of a felon's or outlaw's land and chattels (p. 67), Given finds that 77.9 percent of all suspects whose possessions were valued had property worth less than five shillings (p. 69). He concludes that "the majority of killers, or at least of those whose chattels were confiscated, came from the lower ranks of society [T]heir economic situation must often have been extremely marginal, and their position within the community one of low prestige and authority" (p. 70). Relying on the silence of the rolls, he argues further for "a generally nonviolent ruling class in thirteenth-century England" (p. 75). Given reasons that the lower ranks of society were more violent because they had limited access to the formal and informal modes of dispute resolution available to

10. Given found that 1251 of 3492 slayers appealed or indicted, or just over one in three, appeared in court. Pp. 93-94. Dr. J.B. Post estimated that 30 percent of offenders indicted at peace sessions appeared for trial in the Middle Ages. J. Post, *Criminals and the Law in the Reign of Richard II 15* (1976) (unpublished Oxford University D. Phil. thesis).

11. Cf. Given, pp. 70-71. (Most acts of violence were committed by poor peasants who had little to lose by fleeing since they had few possessions and their social position would be the same in another village.)

their superiors. But at the same time he seems well aware that his evidence is too flimsy to bear the weight of the interpretation that he places upon it. He observes at one point that “[i]t can be suspected that the rolls may not give a complete picture of violent activity among the aristocracy” (p. 72), and at another that “the drawbacks of using the assessed value of a felon’s chattels as an indication of his social status are obvious. Chattels were often deliberately undervalued by jurors . . . [M]otives and opportunities for concealment and undervaluation must have been legion” (pp. 67-68). Strangely, Given does not draw the obvious lesson; instead he brushes these objections aside, saying, “[a]lthough the assessed value of chattels is an unreliable guide, it is the only consistent one that the eyre rolls provide” (p. 68).¹² He apparently admits unreliability but pleads necessity.

Hanawalt and Given each make one major attempt to correlate their crime figures with an independent statistical variable. Hanawalt, using Beveridge’s price index data, seeks to establish that the rate of crime rises and falls with the price of wheat (pp. 238-60). Assuming that the Beveridge price data is accurate, Hanawalt’s argument depends on her establishing that the annual totals of cases taken from the gaol delivery rolls accurately reflect fluctuations in the overall crime rate — that they are not distorted by record loss or changes in judicial administration or in the efficiency of law enforcement (p. 12). In a mere seven pages Hanawalt convinces herself that her sample does not contain such distortions; that even if it does, she has compensated for them (pp. 12-18); and that she has therefore established an accurate and objective index of crime for the years 1300-1348. But her claim invites skepticism, for during that half-century the criminal administration of England saw more change and experimentation than at any other time in its history. The period opened with the collapse of the general eyre and closed with the establishment of the justices of the peace. In between, the Crown devised the trailbaston commissions, forged the link between the circuits of assize and gaol delivery, used the court of King’s Bench as a form of “superior eyre,” and experimented with the keepers of the peace and the keepers of the counties.¹³ Since all these authorities

12. Hanawalt also takes Given to task on this matter. P. 307 n.47.

13. The literature on the period is extensive: for a selection of the more important works: see H.M. CAM, *STUDIES IN THE HUNDRED ROLLS* (1921); Harding, *Plaints and Bills in the History of English Law*, in *LEGAL HISTORY STUDIES* 1972, at 65-86 (D. Jenkins ed. 1975); Harding, *Early Trailbaston Proceedings From the Lincoln Roll in 1305*, in *MEDIEVAL LEGAL RECORDS* 143-68 (R. Hunnisett & J. Post eds. 1978); *PROCEEDINGS BEFORE THE JUSTICES OF THE PEACE IN THE FOURTEENTH AND FIFTEENTH CENTURIES* (B. Putnam ed. 1938); Taylor,

exercised jurisdiction over felonies at various times during this period, it seems implausible that the records of gaol delivery could consistently and faithfully reflect changes in the incidence of crime. It is far more likely that they reflect shifts of felony jurisdiction among tribunals and exceptional judicial activity in particular regions that occasionally swelled the number of indictments and thus the number of cases coming into gaol delivery.

A closer look at Hanawalt's crime figures¹⁴ justifies this initial skepticism. Hanawalt tells us that she has worked from the gaol delivery rolls extant between 1300 and 1348, supplemented by deliveries carried out in eyre, King's Bench, and trailbaston (pp. 5-8, 12-15). She acknowledges there are large gaps in her material, especially for Surrey, Somerset, Herefordshire, and Huntingdonshire, but argues that the overall trends are nevertheless clear. But why are the crime figures for the period between 1304 and 1307 so fragmentary in every county except Norfolk? Historians agree that there was great unrest and escalating disorder in the last decade of Edward I's reign;¹⁵ trailbaston commissions covering the whole country were issued in 1305 and again in 1307 in an attempt to restore the king's peace.¹⁶ Yet if Hanawalt is correct, this was a period of low or declining crime rates. What probably happened, in fact, is that the trailbaston commissioners dislocated the emerging link between the circuits of assize and gaol delivery, and exercised felony jurisdiction outside the framework of formal gaol delivery sessions upon which Hanawalt relies.¹⁷ The void is thus due to jurisdictional changes and does not reflect the crime rate as such.

This is of course damaging to the Hanawalt thesis, which demands a low crime rate at the beginning of the century, both to match the comparatively low and stable price of wheat and to accentuate the intensity of the crime wave in the famine years of 1315 to 1319 (p. 252). By contrast, there were years in several counties where the increased crime rate may be tied to gaol deliveries in eyre or King's Bench: the high rates in Yorkshire in the 1330s and 1340s (p. 282) are attributable to the presence at York of King's Bench and its numerous deliveries there; the crime rate in Herefordshire leapt dra-

The Justice of Assize, in 3 *THE ENGLISH GOVERNMENT AT WORK, 1327-36*, at 219-57 (J. Willard, W. Morris & W. Dunham eds. 1950).

14. See pp. 243-50, Figures 12-19; pp. 279-80, Table 12.

15. M. PRESTWICH, *WAR, POLITICS AND FINANCE UNDER EDWARD I 287-90* (1972); *Early Trailbaston Proceedings*, *supra* note 13, at 146-47; *CALENDAR OF LONDON TRAILBASTON TRIALS UNDER COMMISSIONS OF 1305 and 1306*, at 2 (R. Pugh ed. 1975).

16. H.M. CAM, *supra* note 13, at 74-75.

17. See R. PUGH, *IMPRISONMENT IN MEDIEVAL ENGLAND 281-83* (1968).

matically shortly before the arrival of King's Bench in 1324; the same happened in Northamptonshire during Chief Justice Scrope's revival of the general eyre in that county in 1329-1330; and in Norfolk the crime rate peaked in the 1340s with the arrival of King's Bench in 1346.¹⁸ It may be that King's Bench was sent to a county whenever the crime rate started to climb, so that its appearance is a symptom rather than cause. But Hanawalt fails to confront this issue, leaving unanswered the question as to how much the perceived rise in the crime rate was actual and how much simply reflects the extraordinary institutional presence of King's Bench.

Perhaps the most serious defect in Hanawalt's figures is that they are not even a full record of felonies determined at gaol delivery for the eight counties between 1300 and 1348. A comparison with C. A. F. Meekings' list of gaols delivered by trailbaston commissioners¹⁹ shows that Hanawalt omitted several deliveries. She has no data for Huntingdonshire between 1310 and 1328, although deliveries took place between 1314 and 1316;²⁰ in Somerset she finds but a single case (in 1307) between 1303 and 1317, although gaols were delivered in 1305, 1306, and 1307;²¹ she has no data for Surrey between 1302 and 1310, even though King's Bench sitting at trailbaston held deliveries in 1305 and 1306.²² In short, Hanawalt fails to include all the available data.

To establish the relative incidence of homicide in the different counties he has studied, Given uses the modern convention of slayings per 100,000 population per year to calculate the homicide rates for each eyre. He therefore has to estimate the thirteenth-century population of each county he studies (pp. 35-40). Hanawalt, by contrast, does not try to estimate population figures for the fourteenth century, although these would enable her to express her criminal data in more precise terms (p. 18), for she recognizes that any estimate would be too unreliable to make the exercise worthwhile (p. 287 n.31). Given's attempts to make estimates of this kind prove Hanawalt's caution justified. Since insufficient data exist to reconstruct population figures for thirteenth-century England directly, Given extrapolates forward from Domesday Book (1086) and back-

18. LIST OF VARIOUS COMMON-LAW RECORDS 322-33 (Public Record Office Lists and Indexes, Supplementary Series, i).

19. *Id.* at 287-321.

20. PUBLIC RECORD OFFICE, JUST 1/353, ms. 7-8 (Eyre Rolls, Assize Rolls, etc.).

21. *Id.* at 1/764, ms. 10-11; 765, ms. 2, 7; 766, ms. 8-9. It should be noted that on p. 279 the Herefordshire and Somerset columns have been transposed, as a comparison with pp. 249-50 makes clear.

22. *Id.* at 1/884.

ward from the poll tax returns (1377). He multiplies the Domesday figures for each county by two-and-one-half to allow for population growth, and the poll tax figures by two thirds to allow for fourteenth-century population decline (pp. 29-30). These multipliers are arbitrary, and the figures they produce are little more than guesswork, as Given, with his usual disarming frankness, acknowledges:

The unreliability of the estimated figures for the thirteenth century should be obvious. Whether one should multiply numbers derived from the Domesday Book or later surveys and tax lists by five or some other figure has produced an entire literature of its own. To multiply that already suspect figure by two and one-half is also an act of faith. [Pp. 30-31 (footnote omitted).]

For several counties the two methods of calculation produce very different figures. The population of Norfolk, projected from Domesday, is nearly 350,000; from the poll tax returns, it is only 220,000. For Oxfordshire the figures are 89,100 and 61,512 respectively. The Kent population, which Given calculates three different ways, comes out as 107,400 (1334 lay subsidy), 134,327 (poll tax returns), and 164,225 (Domesday Book) (p. 30). Clearly the margin of error is huge, casting doubt on his calculations of the homicide rate. Furthermore, Given makes no allowance for the rise in population during the period he studies (1202-1276), even though the population increase was a major economic phenomenon in thirteenth-century England.²³

All this would matter less if Given were merely trying to obtain a rough working estimate to measure against the homicide rates of other ages and societies. Although this is indeed part of his purpose (pp. 38-39), he does not stop there. In his chapter "Homicide and the Rural Community" (pp. 150-73), he uses these homicide rates to prove his thesis that homicide was less common in areas where impartible inheritance was observed and village community and seigniorial authority were strong. In particular, Given derives these conclusions from the homicide rates based on the population figures extrapolated from Domesday Book (p. 36, table 2, col. 4). These figures purport to show that homicide was more prevalent in Kent and Warwickshire, which were apparently plagued by weak lordship, weak village communities, or partible inheritance (or a combination of all three) than in counties like Oxfordshire and Bedfordshire, where lords were powerful, champion husbandry made for close-knit villages, and impartible inheritance prevailed. But this pattern does not emerge if the homicide rates based on the

23. See M. POSTAN, *THE MEDIEVAL ECONOMY AND SOCIETY* 27-34 (1972).

poll tax population estimates (p. 36, table 2, col. 5) are used. Norfolk remains low, but Kent and Warwickshire show rates very similar to Bedfordshire and Oxfordshire. Given simply ignores this second set of figures, whose inconclusiveness raises serious doubts about the relationship he sees between the incidence of homicide and the social structure. His argument is further weakened by an errata slip which makes drastic changes to the Warwickshire homicide rates: for the three eyes studies these originally stood at 38, 64, and 48 slayings per 100,000 population per year (p. 36, table 2, col. 4); as amended they stand at 16, 26, and 19 respectively, or about the level of Bedfordshire and Oxfordshire. Whatever Warwickshire's social structure, therefore, its people do not seem to have been significantly more homicidal than those anywhere else.

* * * *

I do not mean to imply by these criticisms that the statistical approach to medieval legal records is inevitably doomed to failure. Both Given and Hanawalt provide interesting and valuable figures on the collective nature of crime, conviction rates, the ratio of female to male suspects and victims, and the degree of intrafamilial crime. But their usefulness is largely vitiated by the weakness of the whole statistical structure on which they are based. This weakness stems from a single underlying cause: the failure to consider the records in their institutional and judicial context and to ask what they reveal about the workings of the courts and the courts' role in society.

Given and Hanawalt are interested in the court rolls only for the information they provide about the circumstances and the protagonists of the crime itself. They are not really concerned about what happened *after* the crime took place; they are content to rely on secondary sources for an understanding of judicial procedure (Hanawalt, pp. 32-44; Given, pp. 4-15). Of course, both writers are avowedly social historians, and they might argue that they have neither the time nor the inclination to be diverted into the labyrinthine backwaters of legal history. But this would be a grave mistake: crime is not an objective social phenomenon which can be measured, like the birth rate, by a simple head-count; it is the product of a series of complex interactions between individuals, groups, and institutions, through which an incident between private parties becomes an offense which must be dealt with by the public authorities. In this process the accidents of judicial structure, court procedure, and legal categorization of offenses greatly influence the definition of crime and, therefore, constitute vital areas of study.

It is equally important, and perhaps more persuasive to the social

historian, that litigation has its own social history. Certainly, as Given and Hanawalt argue, crime is a matter of social interaction. But the interaction does not stop with the knife in the back or the rifled strongbox. After the crime, many questions confronted the participants in the legal process. Should the hue be raised? Can the matter be settled out of court, through mediation or arbitration, or is the offender a stranger, without friends to negotiate for him? Should a private suit be lodged in the manorial or hundred court, or is the injured party wealthy enough to take his claim to the king's court? Is the offense serious enough to warrant indictment, or does the suspect's power and influence prevent a jury from presenting him? If an indictment is drawn up, how will the jurors define the offense? What factors will move a trial jury to acquit even though they know that the suspect is guilty? Judicial records cannot always answer such questions, but they can supply valuable clues, especially when used in conjunction with other evidence. In a very real sense, therefore, legal history is inextricably bound up with social history and cannot be ignored by the historian of crime.

Given and Hanawalt are aware of these questions. Both recognize the importance of jury behavior (Given, pp. 94-96; Hanawalt, pp. 53-63). Given fleetingly mentions the importance of informal modes of conflict resolution (pp. 200-01), and Hanawalt stresses the use of the law as a tool of social conflict (pp. 62-63, 267-69). But their statistics, as distinct from the records from which these are drawn, are so unwieldy and insensitive that neither Given nor Hanawalt really comes to grips with such problems. Their quantitative evidence is monolithic, inscrutable, and curiously dislocated from the surrounding interpretative material. They make only half-hearted attempts to integrate their statistical conclusions into the existing picture of medieval society, being far more anxious to find explanations or parallels in modern sociology and anthropology.

The results are rather hit or miss. Given advances the hypothesis, drawn from the sociologist Bandura,²⁴ that the high levels of homicide in medieval England are attributable in part to the acceptance of violence as a normal part of life, and to its inculcation in children as a cultural trait (pp. 193-99). If not entirely novel, this is plausible, interesting, and worth pursuing, especially from the educational perspective. Hanawalt focuses on the age of suspects and, citing modern juvenile delinquency, suggests that a key to understanding medieval crime lies in the youthfulness of the population

24. A. BANDURA, *AGGRESSION: A SOCIAL LEARNING ANALYSIS* 53-57, 93 (1973).

(p. 127). This point needs refining but she would probably have found it worthwhile to examine the role played by unlanded and unmarried sons in gentry crime.²⁵ Some of the results have little value, including Given's theory that women were involved in fewer homicides because they "were perceived as being more enveloped in the mysterious forces of the world than men" (p. 138), and Hanawalt's bizarre comparison of the Wars of the Roses with the St. Valentine's Day massacre on the grounds that "the nobility made up the most organized and rationalized element of medieval crime and were in many respects an early Mafia type" (p. 265). At most, these observations should supplement historical explanation. But for Given and Hanawalt they virtually replace it, largely because the authors have wrenched the evidence from its judicial and institutional background and thus made the task of placing the records in their historical context unnecessarily difficult.

In the final assessment, the weakness of both studies is that they attempt too much too soon. Given and Hanawalt are pioneers in the social history of medieval crime, and they have succumbed to the temptation of basing far-reaching conclusions on imperfect and inadequate evidence. The conclusions drawn from a smaller and more manageable selection of evidence would have been more reliable, though less spectacular. The exacting standards of social research caused the authors further to overextend themselves; their comparative, inter-disciplinary approach, while undoubtedly beneficial when used properly, serves only to confuse by introducing false perspectives. Given and Hanawalt deserve our thanks for exploring obscure and unfamiliar territory; unfortunately, they have done so riding statistical bulldozers that level important features of the landscape. Let us hope that they and their successors will use more sensitive methods to appraise their source material in the future.

25. Cf. Duby, *Dans la France du Nord-Ouest au XII^e siècle: Les "jeunes" dans la société aristocratique*, 19 ANNALES: ECONOMIES — SOCIÉTÉS — CIVILISATIONS 835 (1964) (role of unlanded aristocratic youth in twelfth-century northwest France).