Street scuffles and court conflicts

Communication, honour, and violence in medieval Nottingham, 1322–1336

Valtteri Rantamäki
Master's Thesis
DP in History and Archaeology, European and World History
Faculty of Humanities
University of Turku
October 2023

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Degree Programme, Department DP in History and Archaeology, European and World History
First name Last name Valtteri Rantamäki
Title of the thesis Street scuffles and court conflicts: Communication, honour, and violence in medieval Nottingham, 1322–1336
Number of pages: 60 pages

This thesis investigates the usage of the local borough or town court, and the usage of violence in resolving conflicts in the town of Nottingham over the period 1322–1336 using the borough court rolls as its main source. In examining the wording and details of specific cases from the rolls, I find that violent trespasses and usage of the court can be paralleled as similar, if not completely identical tools for both restoring lost honour and communicating with the local community. Among these communicative tools are the monetary demands plaintiffs made and the forms that physical violence took. In addition, my findings show that trends in both violent crime and court cases in Nottingham reflect the uncertain but definitively present gender and class divisions within the town, as appears typical for medieval English towns. Additionally, a short examination of animal–related incidents in the rolls finds that while animals were generally seen from a purely economic standpoint, their treatment had some parallels with the way human servants were discussed in the source.

Keywords: English history, gender, honour, Middle Ages, urban history, violence

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1 Introduction

1.1 Medieval Nottingham and the conflicts therein

In the 21st century, the law and violence are often seen as opposites: for good and for ill, the law organizes society, and violence disorganizes it. In the early 14th century in the town of Nottingham, as in most of medieval Europe, this paradigm did not always hold true. While not in perfect harmony, these two forces served as two halves of one greater societal system of conflict resolution and honour-building. In this thesis, I will use the exhaustively transcribed and translated rolls of the Nottingham borough court to examine the ways in which these two forces interacted with each other over the period of 1322–1336.

The 14th century in England began with the war of Scottish independence still ongoing, until its end with Scotland gaining its independence in 1328. The Hundred Years War against France would later begin in 1337. The Great Famine of Europe, caused by extreme weather conditions around 1315–1322 was also in recent memory.[1] Later in 1348, the Black Death, a Europe-wide pandemic of the bubonic plague would arrive in England. As in most of Europe, the disease caused mass death; in many regions, more than half of the population succumbed to the plague. While the region of Nottinghamshire had lower mortality than most of England, the effects on the town's community were still undoubtedly catastrophic; the plague wrought many changes in most areas of life across Europe, which is the primary reason why later parts of the 14th century are outside the scope of my research.[2]

Medieval Europe is often characterized as an extremely violent place and time, where force of arms was employed haphazardly. While the frequency of violence is still a subject of academic debate, it would be a mischaracterization to call its usage uncalculated; it was an important tool: among other things, it was a method of communicating with the community, a path to conflict resolution, and a way of protecting and establishing the honour of one's self and family, particularly among young men.[3] Many violent acts were followed by a lawsuit, as the victim brought the matter to a court, which was also a way to accomplish many of these same goals. Historian of medieval crime Trevor Dean notes that fictional and factual accounts of the period

[1] Jordan 1996, 7, 17–19.
[2] Martin 2007, 92, 96, 102, 112.
[3] Thiery 2009, 13. Skoda 2013, 72, 232. Pohl-Zucker 2018, 25.

indicate that repeated escalation of violence and legal action was rare; attacks against the other usually concluded a given feud.[4]

The legal systems of medieval England, as in most of Europe, were, as legal scholar Thomas Kuehn puts it, "plural, overlapping, and predominantly local."[5] Law of the time was broadly split into three: common law, canon law and local custom. Common law was the law of the king, a combination of old Anglo-Saxon royal practice and new developments brought by the Norman and Angevin dynasties after the Norman conquest of England in 1066, with its reach ever increasing throughout the medieval period. Canon law, meanwhile, was the law of the Church, a separate legal hierarchy with the Pope at its apex, which, for the common folk, mostly dealt with moral offenses. Finally, local custom consisted of whatever legal practices the local community had. These three came into conflict with one another from time to time, but broadly the three weaved together into one complex legal system.[6] Courts were split similarly into three. Ecclesiastical courts, in addition to religious matters, resolved some crimes, chiefly defamation.[7] Most central to royal power were the royal courts, which were very popular due to their professionalism, but lay cases were also handled at county courts, extremely local manorial courts, and, in towns like Nottingham, borough courts.[8] All local courts had varying amounts of freedom in setting their laws according to local custom, but borough courts were especially capable of this.

Boroughs, of which Nottingham was one, were settlements of note that were given borough charters in the twelfth and thirteenth centuries that provided various privileges to the towns. Legal privileges included the right to deal with their own local lawbreakers without county officials interfering, as well as the right of inhabitants to avoid certain fines and trials by battle. Medieval historian Maryanne Kowaleski also notes that while there is evidence for some town courts being active and distinct legal entities prior to these charters, it is only with their proliferation that borough courts became a visible and established part of the English legal landscape.[9] As a good sign of its importance, the Nottingham borough court was held on every other Wednesday, with very few exceptions.[10] This consistency must have been important to the community, both as a symbol of their relative power and independence and as a practical

[4] Dean (2001) 2014, 98–99.
[5] Kuehn 2019, 389.
[6] Baker (1971) 2019, 15–16, 31–32, 135–137.
[7] Kane 2018, 361.
[8] Davis 2011, 140. Kuehn 2019, 400.
[9] Kowaleski 2019, 19.
[10] Stevenson (1882) 2014, ix.

consideration: while pursuing litigation in the borough court could be slow and costly, it was still faster and cheaper than pursuing it via the other courts.[11]

For a medieval English town, Nottingham was relatively small: its taxable population hovered below 1500 in the latter half of the 1300s, and a 1334 wealth assessment placed it at 26 out of 37 towns. However, as Nottingham was an administrative centre for the local area, its Saturday Market drew in many outsiders. Another element that made Nottingham more influential than its size might suggest was that it gained various royal privileges that even larger towns had difficulties attaining, including a mayor in 1284. Though the reason for Nottingham's success in campaigning for royal privileges remains unclear, historian of Nottingham Trevor Foulds hypothesizes that the castle and the crown's fondness for it was the primary reason behind this.[12] Another peculiarity was that Nottingham was one of the 17 towns in England that permitted Jews as residents prior to their expulsion from the kingdom in 1290. Though they mostly lived in and around the eponymous Jew Lane, relations with the rest of the townsfolk seem to have been healthy. Their expulsion thus may have been a memorable change in the social structure of the town that would have still been remembered in 1322–1335.[13]

At the start of the millennium, Nottingham was even smaller and less notable, consisting of what later came to be known as the English Borough and the Weekday Market, also known as the Daily Market. A castle was built in 1068, along with a new marketplace and borough to service the castle's needs, which added to both the town's population and trade.[14] The marketplace came to be called the Saturday Market, due to it being open on Saturdays, and the borough received the name of the French Borough, as it was built during the rule of the French William the Conqueror. The two boroughs remained distinct entities until the late 1200s with the creation of the office of mayor in 1284, so during our look at early 1300s Nottingham, this development is still barely within living memory.[15] The boroughs remained administratively separate even during this time, each with their own bailiff "on account of the diversity of customs existing in the same boroughs", but beyond that, the primary differences between the two were limited to practices surrounding inheritance, the eldest inheriting in the French Borough while the youngest inherited on the old side, and dowers, which were higher in the English Borough. However, particularly relevantly for this thesis, in the borough court, no

[11] Kowaleski 2019, 28.
[12] Foulds 1997, 56–57
[13] Foulds 1997, 65.
[14] Foulds 1997, 57
[15] Marshall & Foulds 1997, 39. Foulds 1997, 66.

distinction between the two boroughs was made, unless the parties involved brought them up for whatever reason.[16] The two markets remained distinct, with the English Borough's Weekday Market being the market frequented by the residents of Nottingham itself, and the French side's Saturday Market serving the needs of outsiders.[17] Among other things, the Weekday Market included a Cooks' Row and a butchers' area named the Flesh Shambles, while the Saturday Market had a drapery, the Iron Row presumably housing sellers of iron goods, some mercers' booths[18] and a women's market. Finally, the town ditch was located nearby.[19] This kind of specialization within markets was not unusual; Norwich' market functioned similarly.[20]

On the legal side, an unusual feature of Nottingham's borough court was that unlike most borough courts, it did not handle issues relating to the economy or the town's environment or community; many of these functions were instead dealt with by the mayor's office. The town also had a policing organization called the Decennaries, that were founded some time prior to 1308 and had 31 members in 1395, though their authorized use of force appears to have been limited to bringing thieves caught red-handed before the borough court.[21] Trespass cases in the borough courts were most often settled by juries made up of locals, traditionally demanded by either plaintiffs or defendants. This, too, emphasizes the borough court's nature as a community tool; ran for and by the community of the town.[22]

1.2 The research context

Both the relationship between violence and honour in medieval Europe and medieval English court rolls are topics that have received research. Hannah Skoda in her *Medieval Violence Physical Brutality in Northern France, 1270–1330* (2013) investigates the communicative, performative, and social aspects of violence using a variety of sources, including literature, religious sermons, and legal documents. Daniel Thiery's *Polluting the Sacred: Violence, Faith and the "Civilizing" of Parishioners in Late Medieval England* (2009) looks at how Christianity both succeeded and failed in curbing violence in the period. Trevor Dean has examined medieval crime and its legal treatment in *Crime in Medieval Europe: 1200 – 1550* (2001),

[16] Foulds 1997, 66, 68.
[17] Marshall & Foulds 1997, 39. Foulds 1997, 56.
[18] Mercers are textile merchants.
[19] Stevenson (1882) 2014, 427–442. Foulds 1997, 80–81.
[20] Lilley 2018, 290.
[21] Foulds 1997, 67–68.
[22] Kowaleski 2019, 35.

taking a broader approach, comparing and contrasting reactions to crime throughout western Europe. The invaluable *Town Courts and Urban Society in Late Medieval England, 1250–1500* (2019), edited by Richard Goddard and Teresa Phipps, features a variety of historians using specifically medieval English borough court rolls to examine themes like legal precedent, court storytelling, urbanization, and business networks. Nottingham's rolls in specific are used by various articles in the book as well: Jeremy Goldberg uses them to examine the storytelling going on in court, Teresa Phipps to inspect women as legal actors, and Richard Goddard to reconstruct the business networks of the town using debt disputes. Thematically more broadly, Trevor Foulds has charted the general nature and development of medieval Nottingham in sections of *A Centenary History of Nottingham* (1997) by synthesizing other research and archeological evidence.

Borough court rolls are perhaps the best source for examining the daily function of the court in question, as it served as a record of the court's actual business.[23] Despite all this, borough court rolls are to some extent an under-researched source, as towns' often idiosyncratic laws and customs mean that experience with one town's rolls is often not directly transferable to the rolls of other towns as with manorial or common courts, leading many researchers to prefer them. In addition, rolls are usually used in the context of examining the history of the town in question, rather than a broader framework like cultural conceptions of violence.[24] The other main source for borough courts specifically is the custumals, which are collections of the town's written customs that, during the twelfth and thirteenth centuries, became important pillars of local law.[25] Custumals will remain outside the scope of my research, as my goal is not to study the development of medieval law itself, but rather, how the legal framework appears in the lives of ordinary people.

Honour in medieval Europe was often very contextual. A person's class and gender heavily informed what their honour was built upon and how it could be attacked. This also ties into spaces: honour would be expressed in very different ways in a royal court, a town street, or a battlefield.[26] The connection between honour and violence has been especially well-researched among the armed male nobility in the context of chivalry, by authors like Peter Sposato in *Forged in the Shadow of Mars: Chivalry and Violence in Late Medieval Florence* (2022) or

[23] Kowaleski 2019, 22.
[24] Kowaleski 2019, 18, 23.
[25] Cuenca 2019, 182–183.
[26] Skoda 2013, 53, 58. Dean 2014, 77.

Richard Kaeuper in *Medieval Chivalry* (2016). The honour-bound violence of commoners has also received some attention, such as by Hannah Skoda and Trevor Dean, but not to the same degree as its noble counterpart. Thus, combining the examination of court rolls and the reputational aspect of violence appears to have some novelty as a topic of research.

1.3 Research questions, methods and sources

The goal of this thesis is to examine the ways in which the inhabitants of Nottingham perceived and utilized the borough court and violent action in the context of personal disputes and grievances. As two methods of conflict resolution and protection of one's honour, how did filing a complaint at the court and using violence resemble and differ from one another? In what ways did these acts communicate the actor's grievances to the town's community? What role did honour play in all this?

The period has been chosen based on the source material. The Nottingham rolls begin in 1303, which is common for borough courts, likely because of towns receiving their borough charters in the 1100s and 1200s.[27] However, records are very fragmentary before 1322 and absent entirely from 1336 to 1351, while including rolls from after 1351 would inflate the scope of my research beyond reasonable limits thanks to the cataclysmic effects of the Black Death. Thus, 1322–1336 appears as a natural chronological selection for examining medieval England on the eve of the great plague.

For choosing Nottingham specifically, there are two primary motivating factors. Firstly, the nature of Nottingham as a moderately sized medieval English town without any particularly unusual characteristics gives it great utility in depicting overall English urban life outside the larger cities. Secondly, the Nottingham court rolls are unusually complete, extensively translated and freely accessible, so from a practical perspective, the town's rolls are especially fruitful.[28]

As sources, the borough court rolls are bureaucratic in nature. They consist of short entries that tally various accusations and disagreements between the inhabitants of the town in question. The entries vary greatly in detail, most being limited to the names of the parties and the type of

[27] Kowaleski 2019, 19.
[28] Goddard, 1.

offence claimed, but others go on to detail the time, place and method of the criminal act, as well as relationships of the people involved. This laconicity does limit the utility of the text for this purpose to some extent, as it remains impossible to find what happens to a conflict after it departs the court and does not return. Was the conflict resolved or did the quarrel continue outside the scope of the rolls? Indeed, as Bronach Kane notes, litigation was only one method of dispute resolution, so many feuds were settled out of court.[29] Determining the precise social positions of people within entries can also be challenging with the restrictions of the source, although Peter McClure in his research into Middle English bynames based on the Nottingham court rolls concludes that the bynames listed in documents are usually descriptive of people's occupations until at least 1350.[30] This means that given the period chosen, the names found in the rolls can be safely used to determine plaintiffs' and defendants' professions, which does enable some examination of their respective classes.

The rolls, transcribed and translated from Latin to English by Trevor Foulds and J.B. Hughes, are hosted online by the University of Nottingham.[31] As this period contains a total of 6676 items[32], I have selected approximately 600 items to inspect in closer detail. Of the items left outside this curated list, the majority are extremely short, lacking in information beyond the parties' names and the category of the complaint. Single cases often take up multiple items, as getting both parties to appear before the court was often difficult. In addition, many more detailed items concern unremarkable financial disagreements or property disputes, which I have chosen to leave outside my research. The translation also contains notes by Foulds and Hughes: parentheses are used to present the preceding thing in another way; usually either marking the date in the modern format or presenting the original Latin word or phrase if it is unusual or unclear, though I have usually removed the latter to improve readability. Square brackets indicate information that is missing from the text due to damage but can be assumed to have been there.

Then, how to examine all this? The primary tool I employ is textual analysis; the individual entries' brevity forces a close examination of their specific details, like the wording used to describe the trespasses: maltreatment, beating, bloodshed; or the titles used to refer to the people involved: son, servant, wife. Other critical details include locations of trespasses and the sums

[29] Bronach 2018, 359.
[30] McClure 2010, 175.
[31] Goddard, 1.
[32] The number of items for individual years are as follows: 1322–23, 709. 1323–24, 1054. 1324–25, 1227. 1327–28, 1108. 1330–31, 893. 1335–36, 1685.

of money; the value of items involved, the damages demanded by the plaintiff, and the fines ultimately paid to the plaintiff or the court. These will be considered to varying extents both as broadly truthful accounts of real events happening in Nottingham, but also as stories with intent to persuade their audience. These two views are not necessarily in conflict with one another; even an honest retelling of events can emphasize different things for effect. More focused analysis of class, gender and nonhuman actors will also be utilised in their own chapters. I will also employ limited quantitative analysis to make conclusions about how common certain phenomena were and what changes may have taken place over time.

This is not a novel approach to court rolls. Extremely close analysis has been employed by Bronach Kane in the article "Defamation, gender and hierarchy in late medieval Yorkshire" (2018), where only a single, albeit more detailed dispute becomes a window by which medieval defamation and the aspects it targets can be witnessed. Teresa Phipps' "Misbehaving Women: Trespass and Honor in Late Medieval English Towns" is an especially clear model for what I intend to accomplish: while she includes important statistical analysis on the gender and marital status of litigants, the bulk of her examination is based around recounting individual incidents from the rolls and examining what they mean for the themes she examines. In short, the items found in the court rolls will be analysed to find out what their details say about how and why the people of Nottingham interfaced with violence and the court.

2 Encounters in court

2.1 The court's function and interests

Though the actions and motives of the plaintiffs and defendants in court are more central to unravelling the community's views on it, it is important to also acknowledge the role that the town officials played in its operation. As the rolls themselves were written by and for the town government, it seems prudent to examine what underlying goals there were in their writing. What did they want, how did they pursue those goals, and how does all this appear in the rolls? Therefore, I will first examine how the court is intended to function by the people running it, and how the rolls reflect these norms.

For the creation of the rolls themselves, in her article *Town Clerks and the Authorship of Custumals in Medieval England* researcher of medieval urban history Esther Cuenca writes that the authors of these rolls were usually anonymous. Clerks were often important: as the physical authors of local custom, the writing down of custumals was an important third branch of legislation alongside common and canon law, and the knowledge that a clerk naturally handled made it a position that required trust, mayors and bailiffs often requiring oaths of secrecy and loyalty of them. Cuenca suggests that even small town had underclerks handle writing down the proceedings of the court, meaning the Nottingham court rolls were possibly written by just such underclerks.[33] A good note to make is also the fact that, as Sara Butler writes, "offenses that we today would categorize as criminal belonged in the medieval world to a more loosely defined civil jurisdiction."[34] This can explain much of the court's mindset; as many trespasses catalogued in the Nottingham rolls did not offend the town, let alone the kingdom, it was the aggrieved party's own responsibility to seek justice, rather than the duty of the town government to actively find miscreants to punish.

Hannah Skoda notes that the information that is contained in court rolls can explain something about the priorities of the court. Both in the French documents she investigates and in the Nottingham rolls, names and identities are constantly present; even when no other information is written down, the names of the parties involved are. It is apparent that the specific identities of the people involved in these misdemeanours were of great importance to the courts.[35] Bonds of servitude were also important to the court, as individuals were often identified as servants of

[33] Cuenca 2019, 182, 193, 187.
[34] Butler 2018, 35.
[35] Skoda 2013, 59.

a specific person. The most extreme example can be found from 1335, where a man named Ralph was described as "sometime servant of Walter of Lincoln."[36] In a document where very little information was recorded on the individuals within it, usually limited to their personal name and byname, being even only an occasional servant was important enough to be mentioned.

According to canon law, for an insult to be punishable, it in turn had to implicate the target as having committed a crime.[37] The nature of medieval law was heavily tied to perceptions of past actions of good rulership and law, drawing legitimacy and guidance from them. However, the past was not followed slavishly either; past practices were questioned and discussed, the goal being to surpass them, rather than just replicate them.[38] Thus, it seems safe to assume that this practice from canon law was considered in Nottingham's borough court as well. With this and the court's penchant for punishing even partially false claims, many accusations of insults being very broad in the rolls makes sense: "a false man" was especially popular.[39] Accusing a rival of a more serious and specific insult could have been an effective weapon, but a risky one. As an example, an item from 1330 starred Laurence of Wollaton accusing a couple: "Laurence de Clouar and Alice his wife came in Goose Gate and made an assault on Laurence of Wollaton with wicked words, called him a false man and a thief, charged him to have killed men and called him a murdrerman [sic]. Damages: 40s." The court's investigation found the shocking accusation ultimately false.[40] Wollaton seems to have overreached: calling someone a murderer was an easily identified act, unlike the more generic assertion of falsehood and infidelity.

Even getting both parties before the court was occasionally a challenge. In one example, Walter de Oxinford was accused of trespass and bloodshed, and, since he has no property to be taken as collateral, the court commanded that he must be "taken by the body"; physically forced into court. [41] This was a moderately uncommon occurrence: the period 1322–1331 contained around 41 instances of it. Laying hands on the town's inhabitants appeared to be a last resort for the borough court. Even reaching the point of confiscating property was rare, as town residents

[36] Nottingham Borough Court Rolls 1303–1475, 1335–36/46. Transl. Trevor Foulds & J.B. Hughes. This notation style means I am referring to item 46 from the file 1335-36. Past this point I will be shortening the reference to NBCR 1303–1475.
[37] Goldberg 2019, 63.
[38] Byrne 2020, 1, 3–4, 12, 19–20.
[39] Instances include NBCR 1303–1475, 1322–23/65, 502, 531; 1324–25/96, 199, 1124; 1335–36/180, 185, 252. Here I refer to multiple items found in different years: 65, 502 and 531 from 1322–23; 96, 199 and 1124 from 1324–25; 180, 185 and 252 from 1335–36.
[40] NBCR 1303–1475, 1330–31/41.
[41] NBCR 1303–1475, 1322–23/387.

were allowed to refrain from appearing in court three times, and even past those three, a practice named essoining meant that they were allowed to continue to abstain attending court if they paid 3 pence and had a good reason for their absence. This heavily delayed the resolution of cases in many courts.[42] Despite the delays, the court benefitted monetarily from this practice.

But how large a sum was 3 pence? English money in this period was divided into pence, shillings and pounds. 12 pence added up to one shilling and 20 shillings made up one pound. In addition, marks and halves of marks were used on occasion in accounting: a mark was 13 shillings and 4 pence, so half a mark, also known as a noble, was 6 shillings and 8 pence.[43] The daily wage of urban labourers is estimated to have ranged from 1½ to 3 pence in this period for unskilled and skilled labour respectively, so even a single pence could have been a meaningful sum for a poorer inhabitant of the town.[44] These poor inhabitants, whose taxable wealth did not even reach a single mark, made up around 30% of the town's population. The next 30–35% were the employed working class, worth around 1 mark. They were followed by the lower middle class, making up 25–30% with wealth ranging from 2 to 10 marks. Then came the middle class proper at 7–8%, worth 10 to 40 marks. Finally, at the top 2–3% of the wealth distribution were the wealthy, whose capital often far exceeded 40 marks.[45]

While absences in the form of essoins were common, townsfolk neglected the court in other ways as well. In 1324, four men were all fined 2 pence for refusing to come testify on a bloodshed case.[46] The contrast between the important right to be tried at the borough court and many townsfolk's refusal to arrive in court when summoned is a curious one, especially given how aggressively the town negotiated privileges for itself. It seems plausible that, given the high cost of bringing a case before even a borough court, these legal privileges were far more meaningful to the wealthier inhabitants of Nottingham, who would have been the ones acquiring those privileges for the town. On the other hand, given the well-established nature of essoins as a practice may be an indication that many townsfolk simply did not consider attending the court an especially high priority; historian Penny Tucker reaches a similar conclusion in her examination of jurors defaulting in London's courts: "jurors simply felt that they were summoned too often."[47] Absences could also lead to unusual legal situations. In November of

[42] Kowaleski 2019, 34. Goddard, 6.
[43] Cook 2007.
[44] Phipps 2019b, 80. Dyer (1994) 2000, 167.
[45] Platt (1976) 1979, 132.
[46] NBCR 1303–1475, 1324–25/198.
[47] Tucker 2007, 223–224.

1335, Richard le Taillour accused two men named William of Clifton and Richard atte Barre of assaulting and bloodying him, but only William appeared before the court, and as a result, in terms of the format of the item, only he was considered a part of the case; Barre's appearance was brief and tangential: "together with Richard atte Barre, who does not come and against whom he wished to count."[48]

The jury sometimes disrupted proceedings in more overt ways as well. While unusual, this occurred in an assault trial in August 1323 between Vincent de Gremiston and Roger de London:

> Found by inq[uisition] between Vincent de Gremiston and Roger de London that Roger of London made Vincent de Gremiston bloody. Damages: a gallon of ale. Precept by the mayor and bailiffs that other damages are assessed by the inq[uisition]. They did no [sic] wish them but went out of the hall in contempt of the mayor and bailiffs. Precept that each should be amerced at 6d. and dis by their lives to be at the next court to assess damages in due manner.[49]

The jury appears to have rebelled, seeing this extra assessment of damages as beyond what their duties demanded, and they were fined for their trouble. Wanting the jury to reassess the damages was a sensible choice on behalf of the mayor and bailiffs; a gallon of ale is only worth up to two pence; a moderately low sum for any assault case, let alone one that drew blood.[50] This may have all been an act of resistance on behalf of the jury, seeing Roger's actions as justified in some way; both onlookers and members of civic government routinely helped convicted criminals in varying ways.[51] Trevor Dean also notes that English juries both made decisions based on their own ideas of fairness rather the law specifically, and sometimes stood in the way of royal justice, so this being an act of resistance by the jury is highly plausible and not entirely unusual.[52] Vincent himself may indeed have been a worse criminal than Roger, given his previous violent trespass against Daniel le Mustardmaker.[53]

Not all accusations targeted a single person alone. John Everard in 1336 targeted four:

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[48] NBCR 1303–1475, 1335–36/179.
[49] NBCR 1303–1475, 1322–23/625.
[50] Hodges, 308–310.
[51] Carrel 2009, 319.
[52] Dean (2001) 2014, 12–14.
[53] NBCR 1303–1475, 1322–23/75.

> John Everard <offered> complains of Henry of Bradmore <offered, guilty. Damages: 12d.>, Robert le Cartere <offered by attorney> [and] William and John, Robert's sons. [Plea: trespass and homsokin[54].] On Sun after the feast of the purification of the BVM last (4 Feb 1336) [Henry], Robert [and] William and John, Robert's sons, came in homsokin to John Everard's house where he lives in the Saturday Market made [an assault on John Everard], called him a false man and a thief and broke his door and windows against the peace. Damages: 100s.[55]

The barrage of accusations was quite a serious one; not only did they insult his honour, but they also damaged his house; a very serious attack upon his living space. Ultimately the court found the four men guilty and fined them 12 pence. This seems to be shared between them, rather than all of them having to individually pay 12 pence, which was a relatively high fine alone, but not when split between four people. These kinds of group accusations were not gender-exclusive either. In the very next item, William Borughman complained of Robert le Palmer, Henry le Cancour and his wife Isabella of assaulting and insulting him as well as tearing his clothes. The court later found Robert innocent, but Henry and Isabella did attack William in the manner he described, having them pay 12 pence.[56] Robert seemed to receive no monetary compensation for being falsely accused. The court's priority appeared to be in the victim receiving appropriate compensation rather than the perpetrators paying an appropriate amount, which seems somewhat at odds with falsely accused and imprisoned defendants not being compensated but made sense to avoid unnecessary expenses for the town.

The way a person was identified in the rolls could differ based on the context of the case. A violent encounter took place in 1328 between Thomas le Orfevere and his son Richard le Orfevere; already notable in being a case of apparent family violence, which was rare in the borough court's records.[57] Also of note is that in Richard's own complaint about Thomas, he was identified as the son of Thomas le Orfevere, but in a complaint filed by Isolda le Orfevere, he was identified only as her servant. The servant Richard was not explicitly identified as Richard le Orfevere, but given the identical date, similar location, and specifying the usage of some unknown object known as a "flatu" or "flatum" as a weapon lead to me to believe they referred

[54] Homsokin is the legal term for a home invasion.
[55] NBCR 1303–1475, 1335–36/693.
[56] NBCR 1303–1475, 1335–36/694, 782.
[57] NBCR 1303–1475, 1327–28/654–655. Richard is not explicitly identified as the son of the Thomas le Orfevere involved in the case, but given the rarity of the Orfevere last name and Thomas being only a moderately common first name, it seems unlikely that a second Thomas le Orfevere would have been involved.

to the same event, and the two Richards were the same person who was simply perceived from a different role depending on the situation.[58]

The categorization of crimes could also have affected judgement. In one case from June 1323, Robert de Spondon successfully accused Alice de Langeley of “carrying off” 10 shillings from him “against his wish” at the Saturday Market. Robert claimed damages at 80 pence[59] but was ultimately paid only half that sum in addition to Alice returning the 10 shillings.[60] It is interesting that Alice was ultimately left off so easy, despite the high value of the money she took; many thefts above a small sum were punishable by death. It may be that the theft of money was punished less strictly than the theft of goods, but it seems more likely that this is because of the way the misdeed was reported. The wording that the rolls use was "Alice took 10s. from Robert de Spondon where he stood in the Saturday Market and carried it off against his wish." Thus, an explanation for the light punishment is a distinction between “carrying off” and actual theft; some items in the rolls did use the word “stole”: in fact, the two items from the same year that use the word both specifically mentioned the perpetrator did not need to be hanged, unlike with Alice.[61] This distinction may draw from a lack of secrecy, which, as legal historian Richard Ireland notes, made an ill deed less socially divisive in a small society like Nottingham: “We know, for example, that killing by poison is a graver offence than killing in a public brawl.”[62]

The specific legal category for this phenomenon appears to be “unjust detinue”. In an example from 1328, Stephen de Scobbelley invited Matilda, the wife of William le Cancur, to a merchant's stall and: "He demanded from her in what manner she wished to sell the cloak; she said for 3s. The cloak … [from] William’s wife. Stephen’s wife took the cloak and carried it away to her house and detained it there and still detains." The values shown are also interesting, as Matilda said she wished to sell the cloak for 3 shillings, and the final damages paid were 5 shillings and 6 pence: less than twice the agreed upon price of the cloak. This implies that the value of the item itself was more important for deciding the severity of a punishment than other factors. Originally, the claimed damages were 40 pence, or 3 shillings and 4 pence, so the final fine was either higher than Matilda demanded, which is extremely rare, or her demand did not include the price of the cloak. In either case, her demand was unusually realistic, only falling 1

[58] NBCR 1303–1475, 1327–28/716.
[59] The named damages are half a mark, a mark being 13 shillings and 4 pence, or 160 pence.
[60] NBCR 1303–1475, 1322–23/450.
[61] NBCR 1303–1475, 1322–23/93, 258.
[62] Ireland 2002, 314.

shilling and 2 pence off the eventual payment.[63] The difference between these two therefore appears to be that in unjust detinue, at some point the victim willingly handed over their item in question, even if the intent was to take it back. As theft was punished far more harshly than unjust detinue, criminals may have also taken advantage of this. Scobbelley's case certainly seems rehearsed, with inviting the victim to a secluded place and his wife helping with the grabbing. Claiming a theft as unjust detinue could also have been a strategy for the plaintiff, as most cases of theft would have been taken to other, slower courts.

A series of cases from 1330 makes this distinction between theft and unjust detinue somewhat clearer. There, Richard of Maltby accused John del Abbeye of not returning some skins and paying a debt for a sale of fish, as well as of assault. The assault taking place in "John Sharp's house on the marsh where he lives" is interesting by itself for being the first mention of someone living at the marsh found in the rolls. Also, in addition to just physical assault, Richard stated John "imprisoned him against his will and against the peace from the said day until the morrow about the first hour"; a type of kidnapping, seemingly. The damages for these were 10 shillings for each detinue case, and 40 shillings for the assault and kidnapping. The court's eventual verdict after inquisition was to rule in Richard's favour for the skin case and the trespass, but not the debt.[64] This kind of flurry of accusations against one person was also unusual, but clearly not unacceptable according to the court.

A useful note about urban homes, especially larger ones, is that they were broadly accessible to outsiders, another way in which the urban environment differed from the countryside. A bourgeois townhouse would see regular visitors for both business and social purposes.[65] This openness and penetrability seems to be key in understanding some of these distinctions in claims of detinue and home invasion. Even if the perpetrator held ill intent in both cases, it was very different to enter a home with the owner's tacit approval than to enter it against their will entirely.

In another case of unjust detinue, William of Skegby claimed Alan Joly "[came] in Bridlesmith Gate (le Bridelsmythgate) in William's house where he lives and took and carried off William's goods and chattels against the peace: 5s. cash and a tunic worth 5s." A fragment in the entry next to Alan's name saying "<+, guilty of 12d. and not ...77>" seems to indicate he was guilty

[63] NBCR 1303–1475, 1327–28/471, 520.
[64] NBCR 1303–1475, 1330–31/200–202.
[65] Richardson 2018, 812.

for only some of the claimed detinues and made to only pay 12 pence. Later, the inquisition found that the items Alan stole were only worth 11 pence, and not 10 shillings. As a result, Alan was fined 11 pence while William appears to have been fined 3 pence for making a false claim.[66] While authors like Jeremy Goldberg and Jamie Page note that it is generally accepted that stories told in medieval courts were partially fictional, William's exaggerations backfired on him.[67] Specific details like the value of items may be the critical difference here; the court permitted and perhaps even expected a highly dramatized account of events but would not tolerate the alteration of provable material facts.

A similar scenario can be found in late 1336, where Richard le Taillour claimed Richard atte Barre entered his house, assaulted and bloodied him, but the court found that no blood was spilt, and as a result, while Barre was made to pay 2 pence to the court and 3 pence to Taillour, Taillour was also forced to pay 2 pence to the court; leaving his sum gain as only a single penny.[68] A similar clarification of facts occurred in early 1336, where William and Cecilia le Cok's claim that John of Grimston assaulted Cecilia was, after investigation, concluded to be partially false: John did physically assault her but did not draw blood as they claimed. As such, while John was imprisoned until he paid his fine, the fine was only 6 pence; low for an assault case like this.[69] While this practice of punishing plaintiffs for even partially unjust accusations was unfortunate for said plaintiffs, it did ensure steady revenue for the borough court itself.

In one unusual court case from July 1323, Thomas Untoun accused Geoffrey de Woloton of claiming Thomas had pretended to levy a fine for the court, while pocketing the money for himself. The court rolls don't appear to have taken any particular interest in this crime, as it ultimately concluded with Geoffrey only being fined 3 pence.[70] This is somewhat surprising, given the potential damage Geoffrey's act could have done to the court's reputation, but Trevor Dean notes that bailiffs often took arbitrary bribes and levies, which resulted in much popular resentment towards them, so it may be that this kind of behaviour was entirely normal for officers of the court.[71]

[66] NBCR 1303–1475, 1335–36/582, 728.
[67] Page 2018, 138; Goldberg 2019, 64.
[68] NBCR 1303–1475, 1335–36/1387.
[69] NBCR 1303–1475, 1335–36/742.
[70] NBCR 1303–1475, 1322–23/531, 589.
[71] Dean (2001) 2014, 36.

Historian Helen Carrel states that “owning and administering a goal was symbolic of broader legal jurisdiction within the area.”[72] As such, any usage of the gaol needs to be seen in not only practical, but symbolic terms: using it was an act of showing the judicial unit’s power and legitimacy. The Nottingham court also utilized the gaol on occasion. An example of this can be found in the case of Robert Bonde in 1324, who was accused by William le Mazon to be found stealing six boards from the town's brattice, thus threatening the community itself, and was imprisoned. However, Bonde was ultimately found to be innocent and released.[73] In addition, in most theft cases that do not result in an execution, the rolls used a recurring phrase, appearing, for example, in 1328. "Let John de Hamsterley abjure the vill and should not hang on account of the small gravity [of the offence]."[74] Theft is thus positioned as such a severe crime that its perpetrators should hang by default, and it is only the lightness of the crime and the mercy of the borough that prevented this. Both cases appear as a way for the court to have demonstrated their authority and integrity; it's a reminder that they had the authority to imprison or even execute people, but also the Christian virtue to employ mercy when needed; as Carrel concludes in her article, “civic government took part in ritualized displays of contrition and mercy towards offenders” in their pursuit of a Christian “just rule.”[75]

Another two cases involving the town gaol took place in 1325. In one, Richard of Shipley was imprisoned for supposedly stealing "seven pieces of iron worth 18d", while in the other, Thomas of Kent and Alice of Rothwell were sent to the town gaol "with two gold rings worth 18d at the suit of Adam of Colston Basset.” All three defendants were found innocent, and while Thomas and Alice were given back their rings, Richard was instead paid the value of the iron, which is a curious distinction. It is also interesting that they were not compensated further despite the inconvenience and potential dishonour of imprisonment, and no specific fine or punishment against the plaintiffs was mentioned either.[76] There may have been an element of the town not wanting to characterize any usage of its gaol as unjust, but the likelier explanation for this lack of compensation is a simple economic one; with the town court requiring all the income it could muster, paying reparations for something like this would have been unwanted. It may also be that there was a standard fine not worth specifying in the document that was levied against

[72] "Gaol" is the archaic spelling of "jail". Medieval prisons like this are almost always referred to by the "gaol" spelling in both the primary sources and in research literature, and I will not rebel against this practice.
[73] NBCR 1303–1475, 1323–24/281.
[74] NBCR 1303–1475, 1327–28/1107.
[75] Carrel 2009, 319–320.
[76] NBCR 1303–1475, 1324–25/708–709.

unjust accusations that led to imprisonment, as misuse of practices like the hue and cry were closely watched and punished in English towns.[77]

Multiple offenders could also be jailed simultaneously. On March 18th, 1336, an apparent family feud had taken place between Henry of Sutton and his wife Agnes, and Margery le Launder and her daughter Alice. Henry and Agnes claimed that Margery and Alice entered Henry's house and assaulted Agnes, tearing her clothes in the process. Alice meanwhile claimed that Henry assaulted her and carried off a kerchief and a hood worth 2 shillings.[78] For one, the lack of overlap is interesting; Henry wasn't involved in the attack on his wife, and neither her nor Margery were part of the encounter between Henry and Alice. One act seems like retaliation for the other, but which one was which? The court's conclusions appear to support Margery and Alice as the first offenders, as they were fined 18 pence, while Henry was only fined 6: it was noted that he did not carry off Alice's goods like she claimed, and Agnes was apparently deemed innocent. The three guilty parties were ultimately imprisoned for this until they paid their fees. As medieval gaols were somewhat public, the court may have wanted to make an example of ending this conflict; the feud must have been unacceptable in some way, although it is difficult to know how, as the claimed crimes were not especially heinous.[79]

Charges with multiple plaintiffs were rare, but possible. In one from 1325, Margery of Bingham was accused of trespass by a total of ten seemingly unrelated men, of whom one claimed that "On Wed after the feast of St Andrew last (5 Dec 1324) in the hall of pleas (aula placitorum) Margery made an assault on Richard, called him a false man, an infidel and a thief." Later, on the 30th of August 1335, William Amyeknave was similarly accused by three people of assaulting them "in the presence of the bailiffs of the liberty of the vill", who all only demand 2 shillings in damages; a very low demand.[80] These kinds of outbursts in official and public settings like this were clearly unacceptable. The plaintiffs may have seen this as an easy way to make a profit, as it seems unlikely the court would have allowed this kind of disrespect to these sanctified spaces.

The case of Thomas de Helmesleye, who stole an article of clothing, contains an interesting note, in that he was allowed to choose for himself how to prove his innocence: "was arraigned

[77] Sagui 2014, 188. The hue and cry was an English town practice where a suspected criminal was apprehended by neighbours when called.
[78] NBCR 1303–1475, 1335–36/942–943, 1020–1021.
[79] Carrel 2009, 313–314.
[80] NBCR 1303–1475, 1324–25/267–277; 1335–36/252–254.

as to how he wished to acquit himself that he did not steal the rochet; he said by good inq[uisition] of the vill." This inquisition did result in him being declared guilty, though he avoided execution by the theft only being worth 6d.[81] Despite the result, him having been able to actively choose his defence seems to be a good indication of the kinds of legal privileges an urban population enjoyed and fits in with Maryanne Kowaleski's claim that defendants could choose how the borough court determined outcomes.[82]

Unusual legal arguments also occurred in the rolls at times, with varying responses from the court. One instance from August of 1323 contained some friction between the authorities of Nottingham and other towns. William le Hatter accused Ralph de Cesterfeld of intruding into his house and "badly beating" and "making bloody" a woman named Alice, who was most likely William's wife.[83] Ralph's attorney then attempted an unconventional strategy:

> Ralph, by R de Coldeyn his attorney, comes and says he is not bound to reply to them; he bore a letter of the official of York and says that William is excommunicated. The mayor and bailiffs come and say they have often inhibited lest someone should be impleaded at York other than in the Nottingham court except for executors, wills and marriages. Ralph has acted against the inhibition of the mayor and bailiffs.[84]

Though the details remain uncertain, it seems that de Coldeyn's attempts to claim that since William had been excommunicated at the town of York, his accusation is null and void, caused the bailiffs and mayor to agree that Ralph was threatening Nottingham's right to handle its own trials. Ultimately Ralph was both fined one full mark and held in prison until he made amends; an unusually harsh punishment for this kind of crime. In Penny Tucker's research into London, she finds that the city's courts did much work in protecting their legal privileges and occasionally their citizens against encroachment by other legal authorities: it seems reasonable that Nottingham's court would do much of the same.[85] With this in mind, it seems that this legal manoeuvre warranted a harsh retaliation to discourage inserting rival authorities into Nottingham's courtroom in the future. In addition, Tucker finds that in London's case, representatives of the town government at least believed that they "offered access to justice to

[81] NBCR 1303–1475, 1322–23/93.
[82] Kowaleski 2019, 35.
[83] Alice's relation to William is not specified, but from the way she's presented as his equal in phrases like "William and Alice should recover their damages of 1m" leads me to conclude that the two are married.
[84] NBCR 1303–1475, 1322–23/582.
[85] Tucker 2007, 314.

rich and poor alike" but notes that this does not necessarily indicate this was the case in reality.[86] The size of the fine and the letter from a foreign town official indicate de Cestrerfeld was of high status, so Nottingham's court appears willing to punish even wealthier individuals.

Not all legal defences built around legal trickery were unacceptable to the court. In February 1324, Thomas Lorfevere managed to defend himself against being accused of assault with a staff by stating that the plaintiff named him as Thomas le Goldsmith and Thomas Lorfevere in different documents. The court favoured this defence, as the plaintiff Richard was indeed named to be in mercy for the discrepancy.[87] Some defendants also lost their cases due to a lack of either cooperation or etiquette. In March 1324, Robert Lyfthand was accused of withholding a wage of 6 pence to John le Taverner. A curious section states thus: "Robert comes and he was able to escort the serjeant and he was unwilling but voluntarily gave a reply; he did not defend the words of the court according to law. John sought judgement of Robert as undefended."[88] In other words, John successfully argued that Robert had not defended himself according to law. This wording of John seeking judgement makes it seem unlikely that Robert admitted his guilt, but rather, that he did not assert his innocence in a way that was sufficient for the court. Another example of the importance of wording can be found in a case from 1328: "William comes and does not defend the words of the court in due form. Alan comes and seeks judgement as undefended. Judgement in respite to the next court."[89] Alan Cardon, the plaintiff, used William's lack of adherence to the norms of the court as a weapon: a defence that does not meet the standards of the court is the same as no defence at all. With these cases in mind, it appears that following these court procedures and rituals, as well as precision and care in the proceedings, were kept in high regard by the court, and as such, were vital in winning cases.

Thus, the town's two main priorities in running the court were accruing revenue and expressing their Christian virtue and righteous governance. It was also important that both proper procedures in the courtroom were followed and that cases were made in good faith; if the court found a plaintiff's claim spurious, the costs to the plaintiff could be considerable. However, in these false claims, it was clearly not a priority for the defendant to receive any compensation; the court likely did not wish to compensate aggrieved parties from the town's own coffers; much of the legal work in towns was done without pay, so the borough court fees were an

[86] Tucker 2007, 327.
[87] NBCR 1303–1475, 1323–24/301.
[88] NBCR 1303–1475, 1323–24/428.
[89] NBCR 1303–1475, 1327–28/531.

important part of town revenue.[90] The court additionally built their legitimacy as an authority by showing their authority with uncooperative individuals and granting acts of mercy when appropriate, presenting themselves as a firm but fair judge.

2.2 Plaintiffs, defendants and strategies

Now that the motives of the borough court have been elucidated, what of the plaintiffs and defendants? What led to people taking their grievances before the court? Money was an obvious enough reason; a successful case could see the plaintiff being paid up to multiple shillings. However, this is unlikely to be sufficient by itself, as every step of the process required the plaintiff to pay fees, so even a nominally successful case could still result in the plaintiff not making much of a profit, while a failed suit was a financial risk.[91] Less material motivations then become the central purpose behind legal action: winning a case could ensure the plaintiff's reputation was protected; whatever insults or damage they suffered would be repaid and the conflict in question resolved. Teresa Phipps even identifies that as the sums of money gained were often meagre, the purpose of trespass litigation was to publicize the misdeeds of others and to reclaim some of the honour that was lost in being the victim of a trespass.[92] Another question that must be asked is how plaintiffs pursued these motivations: what strategies did they employ both to communicate their grievances to the community and to win their cases?

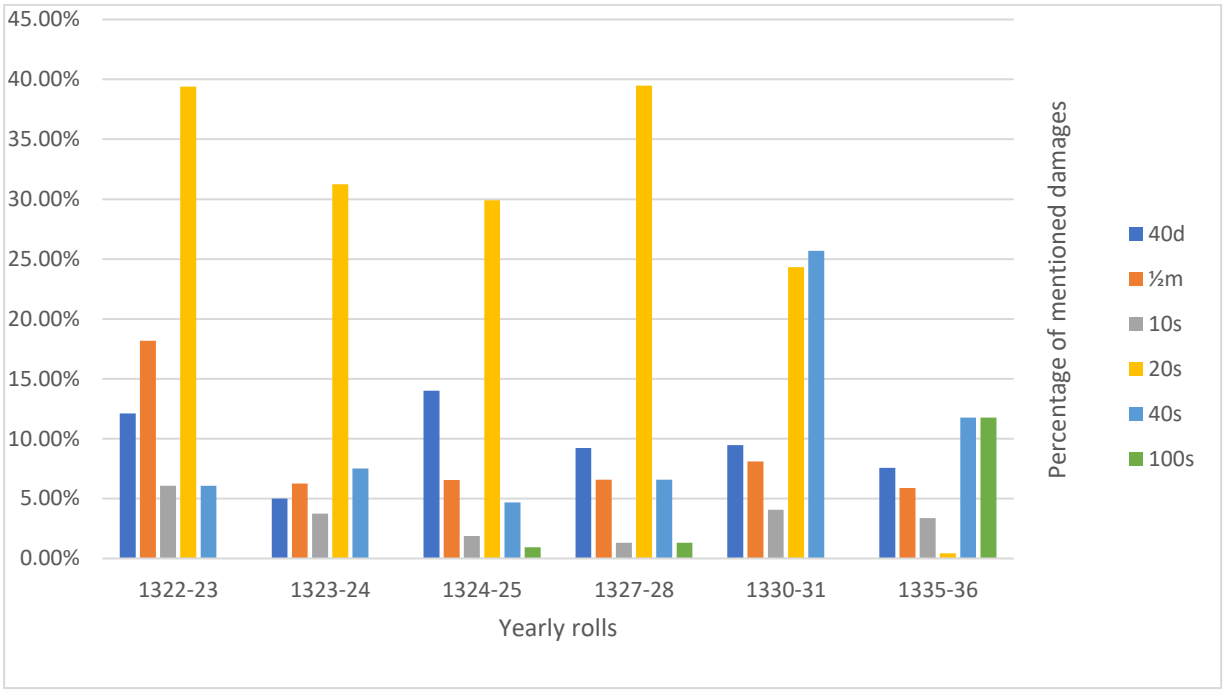
The borough court was an excellent way to speak with the community, as it was widely attended by the town's populace and had a very central location at the common hall right next to the Daily Market.[93] The rolls themselves hint that court cases were a topic of discussion in town through a case from August 1325, where John le Taverner said Robert of Sneinton "made an assault on John, called him a false man, a thief and a champertor", a champertor being a person who financially supports someone else's lawsuit in exchange for being paid a portion of the damages, if the suit succeeds.[94] Misuse of the town court was clearly a source of worry.

As in most courts of its kind, fines were by far the most common punishment levied for trespasses at the Nottingham borough court. In Phipps' research into the Nottingham rolls, she

[90] Reynolds (1977) 1982, 129.
[91] Kowaleski 2019, 28.
[92] Phipps 2017, 65.
[93] Kowaleski 2019, 7.
[94] NBCR 1303–1475, 1324–25/1076.

finds that it was typical of the claimed damages for violent trespasses to far exceed any fine that the court ultimately decided on, often by several orders of magnitude.[95] My findings are in harmony with this view but will elaborate further: a great number of demands for damages were very particular round sums, especially 20 shillings.

Table 1: Occurrence of sums in relation to damages in the Nottingham Borough Court rolls, 1322–1336



As the statistics show, 20-shilling damage claims could make up almost half of a year's demands. Towards the end of this period, 40-shilling and even 100-shilling damages also became more common. I hypothesize that the claimed damages consistently being so much higher has two reasons behind it. The first is practical: as stories about trespasses told in court often took liberties with the truth, sometimes even being completely fictional, consistently inflating the perceived damages seems like a logical extension.[96] The second has to do with honour and communication: the demanded sum could be a way for the plaintiff to communicate to the community how severely they felt their honour had been damaged by the trespass in question, and, as any language settles on its norms of expression, the language of damage demands in Nottingham appears to have settled on 20 shillings from 1322 to 1330. The inflation

[95] Phipps 2019a, 784
[96] Goldberg 2019, 64.

in demands is also strange, as while there was a rise in wages in the 14th century, it was after the Black Death, so that does not explain the rise in demands found here.[97] Ultimately I have no answers to the cause of this inflation.

As the statistics indicate, not all complaints followed the 20-shilling practice. In 1325, Matilda la Twynemaker demanded damages of 100 shillings for a case of assault and bloodshed; an admittedly severe crime, but one that most plaintiffs only demanded 20 shillings for. The case concluded only two weeks later with the defendant Hugh le Barbor being found guilty and sentenced to pay a single shilling.[98] In light of the time and the unremarkable damages actually paid in the end, the high sum demanded is deeply unusual. It seems likely that Matilda wished to communicate that she found this trespass particularly distasteful. This is where the limitations of the rolls as a source become apparent; who was Matilda? Given that she was not identified as a wife or a daughter, it seems plausible that she was a widow, which could explain the outrage and level of wealth the 100-shilling sum implies. Similarly, an assault accusation between William, son of William le Cupper and Geoffrey de Stotue had an unusual demand for damages: a full 20 pounds.[99] One could assume this was the result of a clerical error or William misspeaking, if not for his father having been wealthy enough to have served as the town's mayor just two years prior in 1326.[100] With this in mind, the junior William's high demand could be related to his station; harming the child of an important and wealthy member of the community was likely a more serious offense than harming a more pedestrian inhabitant of Nottingham.

The 20-shilling demand was used for a wide variety of trespasses. In 1323, 20 shillings was the sum asked for Adam de Blyd after being "beaten and maltreated", Henry le Cancur after being called a thief and having his arm struck by a knife, Robert Colle after being called a false man and a thief, and Geoffrey Loksmyth after being struck on the head with a saw.[101] The sum of 20 shillings was used even when the losses the plaintiff claims to have suffered exceeded it. In March 1323, William Fykeys claimed that William de Cesterfeld "called William Fykeys a false and untrustworthy man whereof he lost credit of 40s." In October, Richard de Morewode asserted that William de Burford stole from him barley and drage[102] worth 11 shillings and 8 pence. Finally, in July 1325, Richard le Taverner alleged that two women stole barley and rye

[97] Dyer (1994) 2000, 167.
[98] NBCR 1303–1475, 1324–25/1126, 1162. The recorded damage paid is 12 pence, which equals exactly one shilling.
[99] NBCR 1303–1475, 1327–28/759.
[100] Stevenson (1882) 2014, 423.
[101] NBCR 1303–1475, 1322–23/361, 502; 1323–24/94–95.
[102] I have yet to discover what "drage" is, but the item suggests it is cheaper than barley.

worth 40 shillings from his field. Despite this variance in the claimed value of the items taken, all three demanded 20 shillings in damages.[103] These crimes had a broad range of severity, but the plaintiffs all asked for the same sum; because the demand is not expected to be met, it does not need to be proportioned relative to the crime. Instead, in all these cases, it was the plaintiff indicating that they felt they had been seriously wronged.

Similarly, demands for damages with contesting suits tended to be identical; this was also the case in opposed trespass claims between Lecia of Bingham and Christine, daughter of Ranulph of Oakley. Both identified the location as the Great Smith Gate, although in addition to the assault and bloodshed Lecia accused her of, Christine also claimed "Lecia broke Christine's door, entered her house." The two attested crimes were not equal, but the sum remained the same, as the material facts of the crime mattered less than the feeling of offense the parties wanted to express. The wording was also unusual, as home invasion was usually just noted as "in homsokin", which perhaps indicates that normal home invasion cases did not include the breaking of doors or locks, but simply entering without permission.

Historian Jeremy Goldberg finds that storytelling was a common occurrence in borough courts, and that these stories could even be completely fictional.[104] This kind of strategic storytelling was in no way endemic to Nottingham alone. Jamie Page in her research into a marriage dispute in Zurich in 1379 hypothesizes that the plaintiff Rudolf Abdorf acted with precision and strategy. Being a judge himself, he was aware of the court's likely verdict and ultimately achieved his desired result. The primary part of this strategy, Page lays out, is telling a lurid and implausibly detailed story about sex acts between his daughter and the defendant to convince the court into punishing the plaintiff, both by shocking them with sexual details and by symbolically taking control of the defendant's penis by telling a story about it in a type of castration, even at the cost of tarnishing his daughter's reputation.[105]

While the stories recorded in the Nottingham rolls never reach this level of detail due to the simplified format, the repetitive language of many entries suggests similarly detailed stories: one clear example can be found in 1325 where John le Vikerscarter asserted the defendants "made an assault on John, beat, wounded, maltreated him, struck him on the back with a knife

[103] NBCR 1303–1475, 1322–23/194; 1323–24/18; 1324–25/965. The court ruled in favour of the defendant on all three cases.
[104] Goldberg 2019, 64.
[105] Page 2018, 137, 141, 147.

and made him bloody."[106] Plaintiffs claiming they were beaten, wounded and maltreated occurred a total of 45 times in the rolls, meaning this kind of redundancy in description was far from uncommon. This likely applied to insults as well, like the repeated claim of being called "a false man and a thief."[107] One must also keep in mind the functional side of insults: as Hannah Skoda writes: "Insults helped to locate the function of the violence, drawing attention to its communicative aspect and its perceived role in negotiating the relationship between the individual and the collectivity: shouting at one's adversary in public placed the violence of the individual in a network of interactions, and such shouts were remembered and recounted."[108] Lying completely about received public insults could thus be easily disproven. As such, the stories that plaintiffs tell must be examined critically; they had goals beyond giving a factually accurate description of the situation, so even if the reported crime was a real one, they sought to include very specific details to ensure the court ruled in their favour, as Rudolf Abdorf did in Zurich.

Despite the tendency of scribes to describe events in short and formulaic ways, some entries did receive greater detail. William and Alice Casteleyn were accused by Richard, son of Richard de Grymeston of the following:

> William made an assault on Richard son of Richard, called him a false man and a thief and charged him to have stolen a dish full of money from his father. [–] Alice made an assault on Richard son of Richard, called him a false man and a thief, and charged him to have stolen a cloak of William Casteleyn, her husband, and to have forged a key to take her father's chest to steal his money.[109]

These insults being described in such detail may have been due to the whims of the clerk writing them, but I suspect this marked Richard's accusation as unusual in some way, perhaps in describing a public insult so closely. If the jury investigated the events, witnesses could have attested to whether if these specific words were spoken much more easily than a broader insult like "a false man and a thief." Following a vague known formula may have been the most effective way to utilize the court as a weapon, which Richard did not follow. Later these

[106] NBCR 1303–1475, 1324–25/558.
[107] For examples, see NBCR 1303–1475, 1323–24/94, 336, 492, 736; 1330–31/41, 76, 354; 1335–36/106, 693.
[108] Skoda 2013, 72.
[109] NBCR 1303–1475, 1323–24/336–337.

accusations were dismissed, and the court concluded Richard was in the wrong.[110] Being so specific about the insults he received may have doomed his complaint.

Unusual defences could be successful as well. Richard de Morewode claimed that John of Beeston senior took Richard's horse to his home in a place called "le Wrongelands"[111], until sub-bailiff of Nottingham, Daniel of Lincoln, found it. John defended himself not by claiming innocence, but by explaining:

> "He claims the caption [was] good and just. He took the horse to a place called Hobelaylandes of John of Beeston snr's for the damage it made treading-down and depasturing John of Beeston snr's corn and not in le Wrongelands as Richard says."[112]

In response to this, Richard asserted that John did not actually claim his innocence. Ultimately, four months later, the court sided with the defendant John and fined Richard 8 pence; the strategy was a success.[113] Taking Richard's horse was made acceptable by it having done damage to John's crops.

The difficulty of ascertaining motivations in the court rolls is exemplified well by a complaint in 1330 between fisherman Henry of Sutton and Agnes of Goverton. Henry stated that Agnes took 22 pence worth of dried fish, saying she would pay it in a few days, but did not. Then "Agnes comes and defends the force and acknowledges 8d. Concerning 14d., she says she owes him no money nor detains."[114] The verdict of the court is unfortunately not recorded beyond Agnes being in mercy, so questions rise about Agnes' motivation and results. Did she admit to wrongdoing out of simple honesty? Or was her strategy to admit to a small sum so she would not have to pay damages for the full 22 pence that Henry claimed?

The case of William Fykeys and William de Cesterfeld that was mentioned earlier is interesting for being part of a closely detailed and well-preserved feud. This conflict seems to have started when the two Williams had a disagreement about one or two sales of oil that occurred in July of 1322, Fykeys claiming Cesterfeld owed him 21 pence, and Cesterfeld claiming Fykeys owed him 26 shillings. However, this item only reached the floor of the borough court on the 16th of

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[110] NBCR 1303–1475, 1323–24/421–422.
[111] It remains unclear to me if "Wrongelandes" was a specific place, or just a general term for an area the horse wasn't supposed to be in.
[112] NBCR 1303–1475, 1335–36/110.
[113] NBCR 1303–1475, 1335–36/110, 864.
[114] NBCR 1303–1475, 1330–31/565.

March 1323 alongside trespass accusations from both sides; almost an entire year after the deal was struck.[115] Fykeys' accusations of trespass and debt seem to have entered the court on the 2nd of February, and later Cesterfeld brought his case to the court on the 16th. In court on the 16th of March, both accused the other one of publicly calling them a "false and untrustworthy man"; Cesterfeld said this occurred on the 7th of February, while Fykeys' claim was set on the 21st of the same month. Notable about this is that the incident Fykeys described took place after he first brought the complaint before the court on the 2nd of February.[116] As the roll for the court sitting on the 2nd of March is missing, there is a possibility that Fykeys' original case was denied and he made a new one, but given the characteristic slow speed of the court, this seems unlikely.

With all this in mind, I hypothesise that the botched oil trade caused bad blood between the two men, but for whatever reason, it took until the 2nd of February for the court to have gotten involved. In response to this filing, their feuding escalated over February until finally Fykeys brought the matter to court as a trespass case along with his side of the oil debt. Cesterfeld then responded in kind two weeks later, bringing forward Fykeys' insult on the 7th of February as well as the oil debt. Fykeys undoubtedly had a trespass in mind when he originally brought the case before the court on the 2nd of February, but he saw it wise to pivot his complaint to be about the events of the 21st instead, likely because of the additional note of the insult losing him credit of 40 shillings against someone named William of Stow; Stow must have heard this argument and Fykeys used this detail to his advantage. In this conflict, the borough court thus appears as one tool among many; the two had ample time to bring their debt case before the court, but they only felt the need to do so once the insults had escalated far enough. The pivot in Fykeys' trespass claim also shows that townsfolk were cognizant of what kinds of incidents were likely to see them succeed in court and that cases could evolve during the slow bureaucratic process.

William Fykeys gives us another good example of the kinds of details plaintiffs had to consider in his feud with William le Cancur. Originally Fykeys claimed Cancur took a tabard from Fykeys' house in November 1323. Then, in January 1324, Cancur complained to the court about Fykeys having called him a thief, and the court finally ruled in Cancur's favour in February. In

[115] NBCR 1303–1475, 1322–23/193, 195. Fykeys said the deal was made on the 12th in his house, mentioning 3 barrels of oil (oley), while Cesterfield said it was on the 11th in likely the nearby town of Boston ("in villa Sancti Botulphi") and spoke of a single barrel of grease (uncti olle), but both claimed the date of payment was the 18th of July. Either one of them remembered the date wrong and Fykeys' house was in Boston, or this was two separate agreements.
[116] NBCR 1303–1475, 1322–23/124–125, 143–144.

his legal complaint, Fykeys said Cancur "carried off" the tabard, while in Cancur's truthful testimony, Fykeys called him a thief in public.[117] When bringing a case before the court, plaintiffs clearly chose their words carefully; an accusation of theft would have landed the case before a royal court rather than the borough court, which could have slowed down resolution considerably.

An unusually asymmetrical pair of cases is found in 1325, where Henry le Waterleder accused Robert Prentiz and John, Robert's servant of assaulting him, and the servant John accused Henry of the same crime. The counter-case is from John alone, which did not mention his master John at all. Strangely, Robert appeared in person while John in both cases was represented by an unspecified attorney. Henry and John were both found "guilty but not of bloodshed", while Robert was found innocent.[118] The fight thus appears to have been between Henry and John alone. Henry may have attempted to attack Robert's honour by claiming him as part of the fight, or this may have been a case of Robert minimizing his involvement, especially as John himself did not appear in court. Trevor Dean and Barbara Hanawalt both note that the wealthy could often avoid legal consequences for their actions, and Robert may have accomplished this by shifting blame to his servant.[119]

Entire families got involved in court cases as well. In December 1327, there appears to have been an encounter between William, son of Henry le Meyreman and his wife Agnes, and Serlo of Thorpe and his wife Joan at the Thorpe household. First William and Agnes asserted that Serlo and Joan beat and maltreated Agnes and took a kerchief worth 12 pence from her head. On this, the court decreed that Serlo and Joan were guilty, and were fined 40 pence. The Meyremans also claimed that Serlo's daughter Alice beat and bloodied Agnes, but due to the rolls being damaged here, the result remains unclear. Juliana, the daughter of Henry le Meyreman also stated that Serlo beat and bloodied Juliana, but the inquisition ruled in favour of Serlo in this instance. Finally, on the other side, in Serlo's version of the day's events, Agnes, Emma and Juliana entered Serlo's home without permission and assaulted and bloodied him.[120] The court dismissed this, stating Henry and his family were innocent. Serlo characterizing the Meyreman family entering his house illegally in homsokin, illuminates well how stories told in

[117] NBCR 1303–1475, 1323–24/97, 186, 246.
[118] NBCR 1303–1475, 1323–24/759–760.
[119] Dean (2001) 2014, 30–32, 43.
[120] The date in Serlo's testimony differs from the one mentioned by the other plaintiffs, but given the number of shared details, I assume Serlo simply misremembered the date.

court were used to support the speaker's point of view.[121] With one word, Serlo transforms Henry's family from innocent visitors to vicious intruders. The defendants stealing Agnes' kerchief directly from her head is also a detail that William and she were undoubtedly very deliberate in including, as historian Hannah Skoda states that the removal of clothes was an symbolically powerful gesture; as a lack of clothing was dishonourable, so was attempting to strip someone of it.[122] These aspects of storytelling were commonly employed, although Serlo's example illustrates that they were not always successful.

While most items give the impression of both the plaintiff and defendant making their claims independently, arguments in court did sometimes occur:

> William of Dembleby complains of Ralph de Cokkewell and Emma his wife. On Fri after the feast of the Ascension last (10 May 1336) in le Bailifcroftes Ralph and Emma entered William's close, crushed, mowed and carried off his grass growing there, broke and carried off a stile which William made there against the peace. Damages: 10s. He produces suit. Ralph and Emma come and defend the force and say they did not enter William's close nor crushed, mowed or carried off any grass. Inq. William says Ralph and Emma broke a stile which William built. They say [the stile] was built on common land on the road which leads through the walls between Northbarre and le Posterne disturbing the crossing and common pasture there of Ralph and Emma.[123]

This having all been written down by a scribe seems to indicate that this kind of arguing was unusual, as 10 shillings demanded as damages was very low for 1336, meaning the case was not of great monetary importance. This does show that land ownership was an important issue; while Ralph and Emma did not deny they broke the stile, they asserted that it was built outside William's property and in a place that Ralph and Emma found inconvenient. Nottingham's Bailiff-Crofts themselves are speculated by W.H. Stevenson to have been common lands given to the bailiffs to use during their service, although William does not appear to have ever served as bailiff.[124] Sadly, no continuation to this case can be found, so it remains as a fascinating glimpse into a very mundane argument.

[121] NBCR 1303–1475, 1327–28/229–230, 235–236, 267–270.
[122] Skoda 2013, 107–108.
[123] NBCR 1303–1475, 1335–36/1190.
[124] Stevenson (1882) 2014, 422–424, 428.

The choice of specific words could also be highly strategic. In one case between Agnes Aleys and William le Waterleder, Agnes claimed William assaulted her with a spade, while William said Agnes physically attacked him and called him a false man and a thief. The framing of space between the two is interesting, as Agnes stated "William came in Richard le Waterleder's house", while William claimed "Agnes came in Richard le Waterleder's house where he lives".[125] By either including or omitting William living at Richard le Waterleder's, both attempted to characterize the other as an intruder. Ultimately the court ruled in favour of Agnes on this matter. These kinds of strategies were common among users of medieval courts.

Plaintiffs and defendants thus entered the borough court with a variety of goals and motivations, even though they knew fully that in many cases, these would not be met in full. In pursuit of these goals, the populace employed a variety of tactics in the stories they told and the damages they chose to demand to both win the case and to communicate their grievances to the community. It is impossible to say for sure how many court proceedings brought an end to a feud, particularly as Trevor Dean in his investigation into Italy of the time finds that courts rarely actually resolved conflicts.[126] Regardless of its ability to conclude disagreements, many people in Nottingham utilized the court despite its financial cost. This is thanks to its capacity to communicate with the town as a whole and the court's ability to restore honour to an offended party. A victory in court was thus a major victory against a rival.

[125] NBCR 1303–1475, 1330–31/75–76.
[126] Dean 2007, 20.

3 Conflicts in the street

3.1 Violence as communication

As we have examined, taking a grievance to the borough court was one way to resolve a conflict in Nottingham. Another way of doing this was to take matters into your own hands and employ violence. While in the previous chapter, I examined the legal proceedings themselves that the rolls concern, in this chapter I will look at what the rolls tell of the world outside the courthouse; what the descriptions of violent acts can tell us about the nature of violence in 14th century Nottingham, as well as how it was perceived and reacted to. The rolls originating from a borough court does limit this examination to specifically violence that was not fatal to humans; cases of murder and manslaughter would have been passed on to royal courts.

Violence was a widespread occurrence in medieval Europe. Trevor Dean suggests that while it was a common reaction, it was not an instant one, but required escalation, often starting from mild rudeness. Violent acts may even have been structured in a way to encourage onlookers to de-escalate and reconcile the situation. In addition, assaults were rarely considered felonies, so it was not seen as a crime as serious as theft.[127] Violence in the street could also play an important role in manipulating one's self-image within the community: a type of communication.[128] Bronach Kane also writes that conflict among commoners usually arose from living in the same area, and even a smaller town like Nottingham represented a very high population density for medieval England.[129] Thus, it is no surprise that disagreements that escalated to violence were a common event.

Attacks on one's reputation could be just as damaging as physical ones, and this was often highly gendered. This is well exemplified by a pair of cases in 1328. Robert of Sneinton sought to defend his professional reputation in a case from 1328, as he asserted John and Joan of Higham spread false rumours of both his personal integrity and professional reliability by claiming Robert had done something improper to the clothes they had him work on. Meanwhile, John and Joan claimed that Robert and his wife Alice called Joan a "false woman and a priest's concubine."[130] The direct attack upon Joan's sexual integrity is a good indication of how important it was for women's honour, as attested by historians like Trevor Dean; the rolls also

[127] Dean (2001) 2014, 22–23.
[128] Skoda 2013, 56.
[129] Bronach 2018, 362.
[130] NBCR 1303–1475, 1327–28/857–858.

contain seven accusations of women being called whores, by both men and women.[131] Ultimately, both parties were found guilty and sentenced to pay 6 pence in damages to each other as well as 4 pence to the court.[132] The claimed attack on the male Robert concerned his professional acumen and trustworthiness, while the one on the female Joan concerned her sexuality.

Kane notes that defamation cases were usually more likely to have been handled by ecclesiastical courts in medieval England by the late 1300s, rather than borough courts like Nottingham's.[133] As a result, the types of insults that reach these rolls have a level of self-selection in ones that could be pursued in a borough court. However, this ecclesiastical shift was not absolute; as we have seen, insults alone were occasionally resolved in the rolls. For another example, William of Arnold raised a suit against Henry and Agnes de Biblesword for Agnes assaulting him and calling him a false man, a thief and a fugitive, asking half a mark in damages. The court ultimately ruled in favour of William, stating that Agnes called him a false man and a thief; the charges of assault and calling him a fugitive appear to have been dismissed. Even for a crime where no economic damage to William is mentioned and the lack of words like "beaten" or "maltreated" implies the assault was purely verbal, Agnes was sent to gaol and fined 18 pence. This is a good indication of the importance of reputation and honour even outside of physical damage in the form of injury or loss of business; William seems to have suffered no tangible harm, yet the court ruled both clearly and swiftly in his favour.

A useful description of more serious physical violence and the symbolism found within it can be found in a pair of cases from William of Chatwell and Henry le Seueker. On the same day, William claimed that Henry "made an assault [on William] and beat and maltreated him and afterwards with the point of a knife wounded him on the head.", while Henry claimed that William "made an assault on Henry, beat and maltreated him and afterwards he hit him on the face with a stone and made him bloody." Both demanded 20 shillings in damages. However, in addition to both claiming innocence on their part, the locations they named for the encounter differed slightly. William said it occurred "opposite John Lemeryng's house", while Henry stated the location as "Stoney Street".[134] These could be referring to the same location, if John Lemeryng lived on Stoney Street, but the implications in the two were different. Naming the street implies the clash occurred in public, in sight of the community, while stating whose house

[131] Dean 2007, 115. Dean (2001) 2014, 75.
[132] NBCR 1303–1475, 1327–28/905–906.
[133] Kane 2018, 361.
[134] NBCR 1303–1475, 1327–28/611–612.

it happened near places them in a slightly more private and specific location; it may not be John Lemeryng's house per se, but it does identify the area as relating to him. As Hannah Skoda writes, streets were full of symbolic meaning: they laid between the private and the public and were the place where every person entered wider society from their home. Streets had theological meanings as well, as the road the soul travels. Both claimed attacks being directed at the head is also meaningful according to Skoda's writings: damaging one's face could cause great shame to the victim, which could indicate a high level of desired harm on behalf of the assailant.[135] Thus, even what appears as a vicious fight between two men contained ample symbolism and communication.

A similarly violent knife fight between Richard of Retford and John Marchaunt in 1336 resulted in both parties bringing the case to court. The descriptions of the assaults were broadly identical, but John's accusation had some additional elements; he claimed Roger of Bakewell was also involved and asked for 100 instead of merely 40 shillings. The court's verdict was that John struck Richard with a knife and Roger similarly struck John, but Richard was innocent. Both John and Roger were to be held in prison until they paid their respective fines of 18 and 12 pence, which still seems relatively low for assault with a knife; understanding that this was a mutual fight between men, perhaps out of anger or honour, may have softened the court's verdict.[136] Anger as justification for violence was certainly an ordinary occurrence in France and Germany, though the success of this tactic seems to have varied.[137]

A large proportion of trespasses that did not occur in someone's house took place in the Weekday Market. Though only a fraction of trespass cases mentioned the location of the crime due to the brevity of the rolls, a whole ten of them took place in the Weekday Market over the period of 1322–1325.[138] A further 7 occurred in the Saturday Market.[139] There was undoubtedly a matter of spontaneity at play; the markets were one the town's primary social spaces, so it would also have been where passions flared up and escalated to violence. However, the aspect of visibility must be considered; the markets were perhaps the most public part of the entire town, so if one wanted their action to be seen by the community, that was where they would have done it. As Hannah Skoda notes, literature of the time took it for granted that violence could be used as communication; thus, the market was the place where your voice would be

[135] Skoda 2013, 52–53, 73.
[136] NBCR 1303–1475, 1335–36/599–600. Item 599 is mislabelled in the file as 699.
[137] Pohl-Zucker 2018, 31; Skoda 2013, 237.
[138] NBCR 1303–1475, 1322–23/196, 359, 553; 1323–24/657, 807, 973, 1015; 1324–25/598, 610, 653.
[139] NBCR 1303–1475, 1322–23/450, 531; 1323–24/536; 1324–25/409, 413–414, 597.

heard. Making peace was similarly a very public event, so this kind of feuding was a natural part of the social cycle of the community.[140]

While less common, physical violence could be closely directed towards shaming the target as well. In December of 1324, William Casteleyn was charged by John Hodrode's attorney Richard Dod of the following: "On Fri before Christmas last (21 Dec 1324) in William's house where he lives William made an assault on John, beat, wounded and maltreated him, tore his clothes and poured mustard on his head."[141] The mustard-pouring is certainly evocative, but not harmful to the body. Despite the fictive role of storytelling, this seems true, as it would be a peculiar detail to have invented. There may have been some deeper symbolic meaning to the pouring of mustard specifically that I am unaware of, but the intent of the act remains clear regardless; Casteleyn sought to attack Hodrode's honour by physically ridiculing him. A similarly humiliating act can be found in 1335, where William of Skegby claimed Henry of Stamford beat him and dragged him by his hair.[142] As appearance was an important part of medieval culture, making someone appear ridiculous or physically taking control of their body could be a powerful weapon in attacking their honour.

However, not all violence was motivated by honour and reputation. Normally the rolls didn't comment on when during the day any given trespass occurred, but in one instance, Henry of Chesterfield stated specifically that "John came by night in the Daily Market and made an assault on Henry, dragged him from Laurence le Spicer's stall and beat, wounded and maltreated him against the peace." John also filed a countersuit for the same day that was unremarkable save for the detail that his complaint did not mention the time of day. This may mean the two were separate events; Henry attacked John during the day, and John returned the favour by night, or vice versa. The more likely explanation, given the rarity of descriptions of time in the rolls, is that Henry's story emphasized the nightly nature of the assault to create an image of John as an intruder, someone entering another's stall without permission in the dead of night to carry out his wicked deeds. The court ultimately found both to be at fault.[143] Nine other trespass suits also mentioned offenses that occurred in nighttime.[144] There is also an additional dimension to an assault committed at night. According to Hannah Skoda, violence committed during

[140] Skoda 2013, 32, 58.
[141] NBCR 1303–1475, 1324–25/278.
[142] NBCR 1303–1475, 1335–36/33.
[143] NBCR 1303–1475, 1330–31/290–291.
[144] In one of these nine, the trespass brought before the court itself was not what occurred at night. Instead, the plaintiff said he was accused of having stolen geese at night. NBCR 1303–1475, 1330–31/890.

the day had a communicative element; it was an act that the community saw, thus the perpetrator could send a message to the community. At night, however, violence gained an illicit character, becoming an act not intended to be witnessed by others.[145] This made mentioning something happened at night a good strategy: it robbed the act of some legitimacy by taking away its function as a communicator.

An even clearer example of illicit violence occurred on 17th of October 1322 at William de Wolde's home. Three cases from the proceedings on the 5th of January mentioned this day: in one, William le Barbur unsuccessfully accused Wolde and his wife Matilda of calling him a false man and a thief, being forced to pay 3 pence for his false claim. In another, the Wolde couple accused Barbur of intruding into their house late at night, calling Matilda a "perverse and false woman" and threatening her with a knife, prompting her to flee her house and raise the hue and cry. In the third, William Casteleyn, who said he entered the Wolde household for the purpose of drinking, accused Matilda of calling him a false man with intent to rob the house. A month later, Casteleyn appears to have accepted that his accusation was spurious, paying a fine of 3d.[146] Although Matilda's accusation was never resolved in the rolls, Barbur's and Casteleyn's accusations both being dismissed seem to point to Matilda's version of events being closest to reality. William de Wolde's absence from the descriptions of the night is also interesting; he may have been present but not actively hostile to the intruders, or he may have been away and only mentioned in the cases thanks to the practice of coverture.[147] His absence could explain what motivated Barbur and Casteleyn to embark upon their criminal pursuit, knowing Matilda was at home alone. Regardless of these details, cases like this show that even in the realm of crimes that were handled by the borough court, some violence was clearly disruptive and illicit rather than communicative and honourable.

Attacks could also be directed at homes themselves: for example, in 1331, John Bokenye broke a wall from Geoffrey Stoyle's house and took timber worth 20 shillings.[148] These kinds of attacks on space could also be reciprocal, as seen in this pair of cases:

> "Hawise of Sawley, by her attorney, complains of Hugh le Tighler. On Wed after the feast of St Martin last (14 Nov 1330) Hugh came in the Saturday Market and took and

[145] Skoda 2013, 80.
[146] NBCR 1303–1475, 1322–23/48, 54, 65, 105.
[147] Coverture is a medieval legal practice where married women cannot exist as legal entities independent of their husband.
[148] NBCR 1303–1475, 1330–31/625.

> carried away tiles and guttering worth 20s. against the peace. Damages: 40s. [–] Hugh le Tighler, by his attorney, complains of Richard of Hilton. On Wed after the feast of St Martin last (14 Nov 1330) Richard came in the Saturday Market took back the tiles and guttering of Hugh's house by which the walls of the house rotted and fell down on their own accord against the peace."[149]

Despite how rare cases of stealing building materials is, the wording and sums were impressively similar: the items were worth 20 shillings, while the damages were set at 40. Hugh also emphasized the damage done to his home: one assumes he told an extended story about how his house collapsed due to Richard's actions. As Maryanne Kowaleski and Jeremy Goldberg note, even in medieval Europe, homes had powerful emotional and religious significance; thus, an attack on a home could be a grave offense both practically as well as symbolically.[150]

Unusual deeds like these could also serve as acts of revenge. In 1328, Robert of Annesley carried off a door from Richard Dod's house and was forced to pay 6 pence in fines: 3 to replace the door and 3 as damages.[151] Here, the value of the item was directly proportional to the additional damages levied. An entire door being stolen seems unusual, but the rolls made no further comment on it; a fleeting look at a strange occurrence. Judging by him having been involved in debt cases and possessing a servant, Richard Dod appears to have been economically well-off, possibly a merchant of some kind. In addition, this door event was preceded by a complaint of debt against Robert, so the action was likely motivated by some disagreement over the debt.[152]

The limits on the severity of crimes that the borough court could handle can be seen in the rarity of specific descriptions of weapons and injuries. In the case of weapons, knives appeared in the rolls 15 times, staves 9 times, stones on 3 occasions and a sword only once. Occasionally more unusual implements of violence were used as well, such as Avicia, wife of Henry of Chesterfield, bloodying Agnes of Radford using a clay pot, or Henry de Fryseby having broken down walls using specifically a spade.[153] As for injuries sustained by the victims, beyond generally describing bloodshed, I can only find three instances: in one, an assault with a staff resulted in a tooth being broken, in the second, a man's head was broken with a staff, and in the

[149] NBCR 1303–1475, 1330–31/626–627.
[150] Goldberg and Kowaleski 2008, 1, 9–10.
[151] NBCR 1303–1475, 1327–28/1021.
[152] NBCR 1303–1475, 1324–25/380; 1327–28/473, 663, 872
[153] NBCR 1303–1475, 1323–24, 492; 1324–25/46.

third, a man was beaten so hard he lost a finger.[154] The reason for the rarity of specific injuries and weapons may be found in the personal whims of the scribes, but it seems likelier that weapons and injuries that would have been serious enough to warrant mention would usually have resulted in the case being moved to a royal court.

There was a clear tension and an unsolved nature in everyday violence in medieval Europe. It was judged, but, as Hannah Skoda writes, it remained an important tool in establishing one's identity, social relations and honour, especially for young men.[155] Indeed, Susanne Pohl-Zucker asserts that using violence in defence of honour was "an expected disputing strategy in fights among men and was often punished leniently."[156] Contemporaries understood that while this kind of violence was still fundamentally breaking the rules of the community, the men involved had expectations of honour and masculinity placed upon them that made the decision to employ violence partially motivated by external factors. Views on what made violence acceptable were nuanced and diverse. Even in situations where a violent reprisal would have otherwise been justified, the utilization of excessive force garnered disapproval, both harming the user's reputation and rendering the act unjustified.[157] A just cause for violence did not give free reign to employ force of arms.

Thus, despite the risk of breaching social norms, assaults on a rival's body, property or reputation could be powerful tools in winning a feud, and often led to retaliation in court. The details and circumstances of these acts could also carry considerable meaning as ways to communicate with the town and defend one's honour, though the presence of acts like nighttime crime indicates that not all trespasses were communicative in this way.

3.2 The role of gender and class in feuds

Space, gender, and class were inextricably linked to one another in medieval society. Physical spaces were segregated according to gender throughout the Middle Ages: the physical mobility of women was more limited than that of men. However, this was a less prevalent trend in urban areas due for practical reasons. Tight urban spaces did not allow spaces to be as cleanly segregated as elsewhere, and women often took part in running their husbands' or even

[154] NBCR 1303–1475, 1323–24/338, 760; 1334–35/518.
[155] Skoda 2013, 232.
[156] Pohl-Zucker 2018, 25.
[157] Fievet 2016, abstract. Baraz 2014, 166.

independent businesses.[158] Indeed, medievalist John Arnold makes the salient point that while medieval Europe was undoubtedly patriarchal and misogynistic, that misogyny was not a monolith; instead, it was a web of different misogynies, which were drawn upon by different people in different contexts, and, much like violence, did not go unchallenged. For towns specifically, he notes that women could act as business partners to their spouses or even act essentially independently, which was not the case in other environments.[159] This is the picture in which the treatment of women in Nottingham must also be placed in; as the town was a unique place in medieval England, it cannot be assumed that its misogynies would be the same as those in the countryside neighbouring it or the royal court ruling over it.

Class was similarly less tangible in cities. According to Susan Reynolds, English urban dwellers could be broadly divided into three main classes: merchants, craftsmen, and servants, in order of decreasing status. However, unlike the strict and clean tripartite division of greater medieval society into clergy, nobility, and peasantry, the borders between these classes were permeable and contained great variety of wealth and authority within these faux-estates: the traditional view asserts a merchant-aristocracy ruling towns, but the facts indicate this to not be a universal norm.[160] As such, it can be concluded that while the barriers between different classes and genders were weaker in towns, they still existed, and the court rolls show this well. This section will therefore be dedicated to examining how class and gender appeared in the Nottingham rolls, both in the court and outside of it, and how they guided and informed the nature of violence and feuding.

While much of my gender-focused research focuses on women, masculinity was a similarly multi-faceted issue. While there were universal elements to visions of medieval masculinity, John Arnold divides it into three according to the three estates: chivalry for the nobility, which valued justice, loyalty and courage; various religious codes for the clergy, focusing especially on spiritual purity and self-development; and the most varied and relevant, that of a good man, for the commoners. Arnold specifies that what being a good man meant varied between class and location but that at its core, there was a tension between personal economic success and being in harmony with one's own community. Performing this masculinity was not effortless for medieval men, and many fell short of these idealized images.[161]

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[158] Hanawalt 1997, 72, 81. Richardson 2018, 821.
[159] Arnold 2013, 200–201, 212–213.
[160] Reynolds (1977) 1982, 74, 77.
[161] Arnold 2013, 203–205.

Teresa Phipps in her investigation into Nottingham's court rolls tallies that in trespass cases, women appeared in between 37 and 43 percent of cases and made up around 17 to 30 percent of all litigants.[162] While English law, as Christopher Cannon writes, did clearly exclude and devalue women, this did not appear to extend to practice in Nottingham; women were clearly also active participants in these cases, both as litigants and defendants.[163] A good example of female activity in the rolls is found in a case from 1323: "Fillamina de Lindeby complains of John le Tromper. On Tues before the feast of St Peter advincula last (26 July 1323) before John's stall in the vill John beat and maltreated Filamina." Later, Fillamina did also win the case, receiving 5 shillings as damages; an accusation coming from an independent woman clearly did not render it impotent.[164]

Trevor Dean in his research into Italian crime finds that violence was generally contained within groups: gender, professions, nationalities, with violence between these groups, like men and women, being rarer. This appears to have held true to an extent in Nottingham: while professions are harder to track, Taverners fight Taverners and Waterleders fight Waterleders.[165] Of more interest, in the 209 cases that mention beating that I have recorded, 58 unambiguously included violence between a man and a woman: more than a quarter. This violence was usually perpetrated by men against women, but not always. As an example of the gender division of physical violence, in 1335, Margery, widow of Robert de Esthull was accused of insulting Ralph of Stanton and his wife Cecilia, as well as physically assaulting the latter; her verbal attack may have reached the male Ralph, but the physical assault was confined to his wife.[166] Thus Dean's assertion holds some water even in Nottingham; while the percentage was likely higher than in other locales thanks to the greater degree of men and women sharing the same spaces, even here most violence was perpetrated by men against men, and by women against women.

Tavern-keepers were a profession with particular importance to town violence. Tavern-owners were meant to keep the peace in their taverns, working as almost an unofficial part of the town's law enforcement.[167] Hannah Skoda also writes that taverns themselves were almost seen as a place where society's rules did not necessarily apply; violence within them was often taken

[162] Phipps 2019a, 783.
[163] Cannon 1999, 157–159.
[164] NBCR 1303–1475, 1322–23/578, 626.
[165] NBCR 1303–1475, 1323–23/973; 1330–31/198.
[166] NBCR 1303–1475, 1334–35/38.
[167] Hanawalt 1997, 104, 114

lightly and not persecuted.[168] Thus, the rolls containing a feud between two tavern-owners, Robert and Richard, is peculiar. Richard claimed that Robert took a saw to Richard's table at the Daily Market and made a pigsty in its place.[169] Later in the year, Robert claimed that Richard assaulted and insulted Robert on a different day.[170] While the offenses in question seem to have taken place outside either man's tavern, the case must have been a curious one for the time. Another peculiarity is that while later rolls do contain a few, no trespasses from this period were said to have occurred in taverns; it appears that tavern violence did often go unprosecuted.

Being a widow was one way women could end up attaining greater legal independence. While they were rarely directly mentioned, Edusa of Mansfield[171] was explicitly identified as one in 1323. Even the time of her husband John's death can be determined fairly precisely. The last time John was mentioned alive is in the list of essoins for the court held on the 12th of October 1323. The sitting after on the 26th of October had an item mentioning John, which included a margin note simply saying "dead". Later on February 1st, Edusa was identified as John's widow.[172] Later property and trade disputes in 1324 and 1325 seem to indicate John's death left Edusa in an economically difficult position.[173] Teresa Phipps states that prior to the 1490s, "widow" in court rolls was used only occasionally, suggesting this was a change on the part of scribes, rather than an actual increase in the number of widows involved in court cases.[174] Indeed, this may explain why Edusa was identified as a widow only in the first item she appeared in after her husband's death; all later items refer to her by her name alone.

When discussing gender in a medieval English legal context, an important practice to identify is coverture: the doctrine of women being legally indistinguishable from their husbands. Teresa Phipps in her research into Nottingham's borough court over the period 1300–1500 finds that while the practice was applied inconsistently in the rolls, it did always inform legal action taken by married women.[175] A good example of how coverture affected the visibility of women is the previously mentioned case of William and Alice Casteleyn: while William's case was targeted at William alone, Alice's case was about "William Casteleyn and Alice his wife." William was

[168] Skoda 2013, 92
[169] It is unclear if this description is literal or just a colourful description of Robert destroying the table.
[170] NBCR 1303–1475, 1323–24/657, 973.
[171] Depending on the entry, her last name is at times also rendered as "de Mamesfeld", "de Mammisfeld" and "de Maunsfeld." The names are similar enough and Edusa a rare enough first name that I am confident these refer to the same people.
[172] NBCR 1303–1475, 1323–24/1, 33, 207.
[173] NBCR 1303–1475, 1324–25/202, 654.
[174] Phipps 2019a, 772–773.
[175] Phipps 2019a, 770, 785–786.

allowed to exist as his own independent legal entity, while Alice was not.[176] However, as Edusa's example shows, female independence was also not unusual in the Nottingham rolls. A significant number of cases had female plaintiffs or defendants not identified in relation to a man. More unusual examples also occurred: when John Walkelyn claimed to have been struck on the head with a knife, he named the location of the attack as "Alice Walkelyn's house."[177] Her relation to John was not explained, but the house being known as hers indicated a level of economic independence.

This is not to characterize the rolls as consistently allowing women autonomy. A particularly extreme example of coverture hiding women from the rolls occurred in 1334.

> Robert Ingram complains of Hugh le Taileor, Agnes his wife and Alice their daughter. On Tues before the feast of St Laurence last (7 Aug 1330) Agnes and Alice came in Nottingham field and took and carried away John's corn for all the autumn against the peace: barley [and] rye in sheaves, to the value of 40s. Damages: £10. He produces suit. Hugh, Agnes and Alice come and defend the force and say they are not guilty. Inq. Agreed by licence. Hugh [in mercy].[178]

The actual crime was committed by Agnes and Alice; there was no indication that Hugh had anything to do with the theft of barley and rye, but despite this, it was his name that was first mentioned in the complaint and defence, and his name alone that was written in the verdict, although the last may be a result of some text having been lost. Even more extremely, in 1334, a trespass case between defendant Emma Gaugy and plaintiff Matilda Ovorindovere included their husbands as the primary participants in the case, despite the actual assault having been solely between the two women. Matilda did not even appear in court, but rather, was represented by her husband Roger alone.[179] This supports Phipps' findings: the same rolls can contain both women identified as simply themselves with no relation to a husband or father as well as men seemingly answering for the crimes of women despite not having been involved in the slightest.

Female mobility was greater in towns than elsewhere in medieval Europe. A trio of suits from 1336 featured three women accusing one another of assault at night with no men involved in the misdeeds.[180] Indeed, of the 10 trespasses said to have occurred in nighttime over this period,

[176] NBCR 1303–1475, 1323–24/336–337.
[177] NBCR 1303–1475, 1324–25/97.
[178] NBCR 1303–1475, 1330–31/352,
[179] NBCR 1303–1475, 1334–35/36.
[180] NBCR 1303–1475, 1334–35/808–810.

4 took place outdoors with women as victims. Women being out at night alone and involved in a physical fight were both improper according to medieval gender norms, so these suits are a good indication of how gender-based restrictions were weaker in urban areas in many ways, but also how the nightly town was not necessarily a safe place for a woman alone.

Water leaders, whose job was to carry water from the well to Nottingham were an important part of the town community, but their duty was not always carried out harmoniously; Trevor Foulds writes that they were highly organized and could be obstructive when their professional rights were threatened.[181] Indeed, in 1330, Robert le Morewode claimed Henry le Waterleder did the following:

> Since Henry is commissioned to carry water by bushels to sell to all the people of Nottingham wishing to have the water, and Robert on Mon before Michaelmas last (24 Sept 1330) sent Alice, his servant, and his other servants to Henry and beseeched him that [Robert] wished four horseloads of water to be carried to his house and she gave him 1d. in accordance with what it was accustomed to be sold [for]; Henry was unwilling to carry water to Robert but entirely refused and he called Robert a false [man] and an infidel and accused him that he pierced with a knife his bushel and all the bushels of Nottingham. Furthermore, he procured the sanction of the same [by] all his associates [and] that they should not carry water to Robert because Robert was unwilling to pay his stipend. By that Robert was unable to have water for five weeks following neither from Henry nor from any of his associates by that he lost the flour of two quarters of malt worth 10s. Damages: 40s.[182]

This also highlights the importance of a good reputation; according to the story, Henry's spreading of damaging rumours about Robert among the water leaders made Robert incapable of acquiring water for a whole five weeks. The connection between one's reputation and material well-being was strong. However, the class aspects here should not be ignored either; Robert with his multiple servants seems far wealthier than Henry, who would have only been compensated a single penny for a great load of water that Robert claimed was vital to his enterprise. This class difference was not focused on, although Robert's demands for 40 shillings in damages appears more comical than ever; would Henry even have been capable of paying even a fraction

[181] Foulds 1997, 58.
[182] NBCR 1303–1475, 1330–31/45.

of such a sum? Regardless, his profession enabled Henry to strike back at Robert despite the class difference.

A particularly visible way in which class appears in the rolls was the phenomenon of townsfolk challenging people to court over harm done to their servants. One example of this is found in 1324, where a Thomas de Barewe complained: “On Tues before the feast of St John the Baptist last (19 June 1324) in Moothall Gate Albreda made an assault on Lecia, Thomas’s maidservant, beat, trampled upon and maltreated her by which he lost Lecia’s service for a week.”[183] Three other cases concerning servants were also worded very similarly, with the loss of service extending to a “month and more” in one of them.[184] Employers took interest in the well-being of their servants, but only in terms of economic gain.

It appears that much like coverture, the perception of responsibility in employer-servant relationships was not set in stone: in one case, John Marchaunt and his servant Henry Godde were accused of killing a pig, and the judgement of the court placed John and Henry as equally responsible: "John and Henry in mercy for trespass.”[185] Meanwhile, in a case featuring the widow Edusa of Mansfield in early 1323, it was claimed that Edusa "called Alice [de Claxton] a false and untrustworthy woman and charged her that her maidservant bore to her house 26d."[186] The entry appears incomplete, but the implication was clear: the employer was responsible for their servant’s actions.

Servants themselves were not powerless in court either. In 1330, Alice, a servant of Emma le Cancur, accused Robert Scot of assaulting her and throwing her into the dirt, which seems like a very insulting gesture. The strategy of mentioning this detail was clearly a successful one, as the court set damages at 12 pence and imprisoned Robert until he paid.[187] Neither were servants outside the networks of violence. In 1330, according to Roger, servant of John of Hucknall, John, son of Richard le Couper "beat, wounded and maltreated him and made him bloody against the peace", while John claimed Roger "made an assault on John in homsokin, beat, trampled upon and maltreated him against the peace". Ultimately, both were found guilty and

[183] NBCR 1303–1475, 1323–24/859.
[184] NBCR 1303–1475, 1324–25/1172; 1330–31/805; 1335–36/824.
[185] NBCR 1303–1475, 1335–36/433.
[186] NBCR 1303–1475, 1322–23/165.
[187] NBCR 1303–1475, 1330–31/292.

sentenced to be held in gaol until they paid their fines.[188] While at times servants disappeared into the shadow of their employer, at other times they functioned completely independently.

An important element to note with the operation of most English borough courts is pledges. When pursuing a case in court, the plaintiff traditionally had to name two pledges, who had to be local men of good reputation, to ensure that the plaintiff would indeed come to court and advance the case when asked. However, unlike court fees, pledges were not always required from the poor of the town.[189] As an example of this in Nottingham, in three instances where townsfolk were accused of trespass and bloodshed, they did not have pledges listed "because they are poor."[190] This mention of poverty supports the view championed by historians like Martin Pimsler, who claim that pledges were usually paid; meaning these poor inhabitants were incapable of paying townsfolk to serve as pledges. Lacking pledges due to poverty was rare, but not unheard of elsewhere; David Postles mentions a similar case occurring to a William Golowe in Buckinghamshire in 1316.[191] Similarly, I was only able to find these three instances of it happening in the Nottingham rolls. This ability to circumvent pledges due to poverty was a small way in which the legal system worked to weaken rather than strengthen the class structure of the town. However, as Penny Tucker notes, the doors of justice were unlikely to have been truly equally open to all inhabitants of the town, so the implications of this should not be taken too far.[192]

Even priests appeared in the rolls on occasion. The parson of St. Nicholas' church, Geoffrey, was accused of trespass twice in 1324: first alone, then alongside his brother, but sadly, the entries concerning these contained no other detail on the crimes. A more detailed accusation against a priest occurred in 1335, where the chaplain Godman was accused by Idonea of Broughton of assaulting and bloodying her. Godman was ultimately found guilty and imprisoned until he paid Idonea 40 pence and an unspecified sum to the court. Prior to this, Godman appears to have avoided the court before he was ultimately forced to attend.[193] Although priests were meant to possess a different kind of masculinity, by taking part in Nottingham's community, these priests also took part in its networks of violence, if only rarely. Amanda Richardson also notes a potential yearning within priests; as members of the clergy

[188] NBCR 1303–1475, 1330–31/350–351.
[189] Kowaleski 2019, 33.
[190] NBCR 1303–1475, 1322–23/697; 1324–25/251, 1030.
[191] Postles 1996, 420, 423–424.
[192] Tucker 2007, 327.
[193] NBCR 1303–1475, 1323–24/804, 863; 1335–36/3, 64, 181.

and pursuing a spiritual masculinity, they were disbarred from other masculine elements. Geoffrey and Godman may have been motivated partially by a desire to prove themselves in the arena of occasionally violent lay masculinity.[194]

Ultimately on the subject of coverture, my findings agree with Teresa Phipps', who asserts that coverture was applied inconsistently in the rolls.[195] While some entries clearly utilized coverture, where the husband is presented as the plaintiff or defendant despite their wife being the only one of the two involved in the events, this was not applied universally. Due to this lack of systematic gender norms visible in the rolls, it is difficult to characterize the court's feelings on gender. The treatment of class was similarly hazy; there were clear differences in how people of different classes utilized the court, especially in the form of sums demanded or the responsibility of servants, but the court itself seemed to lack a systematic approach to it. But this may be an answer in itself: as the entries are inconsistent, the court did not have an overarching culture or vision on how to handle gender and class; while it was strongly informed by the norms of the time, the effects of this were not consistent between cases.

3.3 Animals in the Nottingham rolls

Animals were an important part of society in medieval Europe, including in towns. Much research has been done into general views on animals, like in the works of historians Aleks Pluskowski or Umberto Albarella, but how did they appear in the Nottingham rolls, and in what ways did crime involving animals differ from crime involving humans only? We have previously seen that conflicts over where animals were allowed to graze were a recurring issue, but this appears as more of a question of land ownership than animal relations in earnest. Regardless, John of Thrumpton not receiving a fine for detaining John of Higham's horse for grazing on his land at least tells us that this was a permissible action to take against intrusive horses.[196]

Animals were commonly victims of violence. Margery of Bridgford and Adam del Park recounted the events of the 14th of April 1325 very differently. Margery claimed that Adam beat her and lethally wounded three of her sheep. Adam, meanwhile, claimed that he only intended

[194] Richardson 2018, 204–205.
[195] Phipps 2019a, 769–770.
[196] NBCR 1303–1475, 1335–36/1244, 1406.

to impound said three sheep for grazing on his pasture and eating his vegetables, only for Margery to call him a thief and tear his clothes. Both parties were fined, Adam for 2 shillings and 6 pence, and Margery for only 6 pence.[197] Thus, Margery's potential crimes of not keeping her sheep under control, verbal insults, and tearing of clothes appear less severe than Adam's physical violence against both the sheep and Margery herself. Violence against animals alone was also brought before the court: in December 1328, Roger le Boustringer claimed Hugh le Swynherd hit Roger's sow hard enough that she lost ten piglets, asking for the standard 20 shillings in damages.[198] The loss of ten piglets was clearly a meaningful loss economically. It is also interesting that the rolls worded it as the mother losing the piglets, rather than Roger; the pig was given some degree of agency.

Some animals could be treated equivalently to servants, as seen in the complaint of Adam of Cheshire from 1327, where he claimed Thomas of Coupland, after borrowing a horse from Adam, made the horse carry enough weight to cause a gall on its back so the horse was unable to work for at least three days.[199] Interestingly, unlike with most other animal-related incident, the actual damage done to the horse does not seem to be permanent. Galls keep the horse from carrying weight for a time, but recovery is often simple and quick. This shows how valued horses were; while half a mark is not a high sum, Adam taking this up with the court, thus subjecting him to many fees, was an indication of the importance he placed on the horse. In addition, the wording of the loss of work from the horse was very similar to the wording used when employers complained of damage done to their servants. Similar scenarios in which humans and animals could be equated can be found in Pluskowski's research, where he attests to the existence of cults of animals, where the story of a faithful animal could be combined with the story of a saint.[200] Animals could thus embody human-like traits and roles at times.

At many other times, animals were presented as comparable to property and objects. John le Couper and Richard Baldok appear to have killed an impressive quantity of animals in 1335. Richard atte Barre and Stephen of Cropwell both claimed they killed their chickens: Cropwell said they killed two hens worth 2 shillings, while atte Barre's testimony said the duo killed one cockerel and two hens worth 12 pence, and additionally broke his hedges and entered his enclosure. Cropwell demanded 40 shillings and Barre 100; another good indication of the lack

[197] NBCR 1303–1475, 1324–25/768–769, 901–902.
[198] NBCR 1303–1475, 1327–28/390.
[199] NBCR 1303–1475, 1327–28/47.
[200] Pluskowski 2010, 208.

of connection between legal demands and the economic reality of crimes.[201] Couper and Baldok's motives remain mysterious, however. A drunken rampage? An intimidation tactic? Revenge? Regardless, this case elucidates the value of chickens clearly; they were economic assets and killing even multiple did not seem to possess meaning beyond general destruction of property.[202]

The theft of animals also placed them firmly in the role of property. While animal theft itself did not occur in the rolls, people claiming to have been falsely accused of it did: John de Stoue said he was called a cow-thief, and the knight Robert Ingram asserted John of Thrumpton accused him of stealing draught animals from various men of Nottingham to a value of a massive 20 pounds, with Ingram demanding 100 pounds in damages.[203] The extremely high sums in the latter case were at least partially informed by class: in addition to being a knight, Ingram had served as Nottingham's mayor for four years during the period 1315–24, which was a position generally only open to the wealthiest inhabitants of the town.[204] However, it does also speak of the monetary value of draught animals; they were clearly a major investment and losing them was seen as a great loss.

Louisa Gidney notes that the archeological record shows a variety of relationships to animals in medieval Britain. Even within dogs specifically, some dogs were buried intact, which she hypothesizes indicated a valued companion animal, while other dead dogs were used to feed other dogs. Clearly not all animals were emotionally valued, but not all were considered mere economic assets, either. The one violent crime towards a dog found in the Nottingham rolls reads thus:

> Margery of Bingham complains of Robert Cancur. On Mon before Michaelmas last (24 Sept 1324) in Margery's house where she lives Robert killed her dog with a knife. Damages: 20s. She produces suit. Robert comes and defends the force and says the dog made an assault on him and wished to bite him so he killed the dog to defend himself and not for any other reason.[205]

[201] NBCR 1303–1475, 1335–36/44–45.
[202] Gidney 2018, 109.
[203] NBCR 1303–1475, 1330–31/522; 1335–36/180.
[204] Stevenson (1882) 2014, 423.
[205] NBCR 1303–1475, 1324–25/147.

Robert claiming self-defence was strange, in clear contrast to the usual denial of guilt. It appears to have paid off, as the court found Robert innocent.[206] Having to lethally defend oneself from aggressive dogs appears to have been a reasonable act in the eyes of the community, and sufficient justification for killing the animal. Yet simultaneously, the case reveals to us the value Margery placed on her dog; even with Robert having had enough justification for the kill that her legal prospects were shaky, she still went through with putting in the complaint and paying the associated fees to seek retribution.

The other case featuring a dog shows that animals could also be the perpetrators of violence, even if their owner was still the one responsible. In August of 1325 Robert le Taverner sued Thomas of Norfolk for Thomas' dog biting Robert's servant John, making him unable to work for over a month.[207] There was a peculiar symmetry to be found in cross-species violence between servants like this: humans keeping animals from working and animals keeping humans from working received almost the exact same wording.

Thus, animals in the Nottingham rolls appear as perpetrators, tools, and victims alike. Their lives carried far less importance than those of their owners, but similarities between the way they and humans were treated are still visible, especially in relation to servants. Human servants were sometimes referred to in a way that implied they are the property of their employers much the same way animals were the property of their owners. However, even this degree of similarity only extended to some animals; the suffering of horses and dogs seems to have carried considerably more weight than that of chickens or pigs.

[206] NBCR 1303–1475, 1324–25/239.
[207] NBCR 1303–1475, 1324–25/1172.

4 Conclusions

Life in a medieval town like Nottingham came with challenges; space was limited, and thanks to this, groups who should have been segregated from one another, like men from women or knights from peasants, had to regularly share spaces. The numerous conflicts that arose from this dense living situation meant that tools of dispute resolution and the regaining of honour, like courts of law, were in frequent use. While the borough court was only one of many courts available, it was an important one to the people of Nottingham, as it ensured they would be tried by their local community at a relatively low economic cost to them at a comparatively fast pace. Despite this privilege, violence also provided a route towards having one's reputational needs met that many utilized.

So, returning to the research questions once more, as methods of conflict resolution and defending one's honour, how did usage of the borough court and violence measure up to one another? The two were certainly far from identical, but they contained considerable similarities. Both carried a communicative element and required strategy to utilize correctly. Using either could also carry major economic risk for the user, whether if that meant having to pay damages in court after assaulting someone or having to pay fees to the court itself for an unjust case. Despite this risk, both still saw repeated usage, attesting to the fact that neither was purely economically motivated.

As a source, the court rolls are instrumental in peeking into the lives of average urban dwellers whose lives would be left outside more literary texts. However, their deeply specific nature is an extreme limitation: all these events, feuds and people can only be perceived when they come into contact with the court, and the pasts and futures of these things remain unknown. A different source covering other aspects of the same people's lives at the same time could be an invaluable asset in reconstructing the events that led to encounters in court or fights in the street, as well as how effective these tools were at ending these conflicts. Methodologically the approach of combining minor statistical analysis regarding the rarity of certain factors with examining the wording and details of single cases I found fruitful, even if the discovery of interesting but thematically irrelevant or otherwise obscure cases was sometimes a saddening experience. Greater statistical research would have been valuable to also include, but the practical execution of that expansion would have been quite laborious, effectively requiring going through and annotating every single item from the period.

For future research, in addition to the greater statistical analysis, the clearest paths forward appear to be to either extend the examination of the rolls chronologically or to compare them to other contemporary sources from Nottingham or another town. As this thesis describes Nottingham as it stood on the eve of the Black Death, to examine the rolls from after the plague could answer questions about what changed in court and culture. Did fines trend higher or lower after the plague? Did new forms of violence arise? What trends occurred in the frequency of assault? Comparison to other sources, meanwhile, could give a clearer picture of the conflicts within Nottingham: central court records could shine light on murders and other serious crimes the borough court didn't handle, other Nottingham civil documents could elucidate other aspects of town life, and comparison to other towns' court rolls could indicate whether if these trends in Nottingham were idiosyncratic to the town or common across a broader spectrum.

While the laconic nature of the rolls does not allow much exploration of the specific motives behind these violent acts, the importance of a good reputation can be attested to by the amount of page space dedicated to describing insults and their economic consequences. The specific details of insults often even appear more important than that of physical violence, given by what was written in the rolls. Most physical assaults were described in very broad terms, "assault", "beat", "maltreated", "made bloody", with only a select few referring to actual damage experienced, like the loss of a finger. In contrast, insults appear to specify what insult was thrown, even if there likely was considerable variety in the specific wording of accusations of theft thrown around in the streets, which all end up written down in the rolls as calling someone a "false and untrustworthy man."

The court itself was also an actor in these cases. While its nature as a borough court meant it was faster and more efficient than many other legal tribunals, it still ran into its own issues between rebellious jurors and defendants unwilling to present themselves before the court. The court itself sought to curtail the most blatant abuses of the court and to accrue revenue but had no intent in actively pursuing criminals at this level; this responsibility was left up to the people who were trespassed against. Thus, the governance of the town was not overly bothered with the presence of violence itself. The acquisition of money was also a priority, as well as the exhibition of the town's authority by means such as the town gaol. In addition, being the party producing the actual court rolls, the court's perception and classification of both people and misdeeds could greatly affect modern-day research as well as the judgment of the court.

As with any method of communication, both the court and violence had languages in the form of specific acts that articulated what the speaker wanted to get across. The language of trespass was found in location, time of day, and the part of the body that was attacked, as well as more unusual acts, such as the pouring of mustard or the damaging of the space of home itself. In court, this language took the form of the stories plaintiffs and defendants told, and most prevalently, the sum that was demanded as damages. In setting demands high, plaintiffs could emphasize the offense they felt and articulate how much they felt their honour had suffered. Given the relatively short period of time covered, I am also surprised by the clear inflation in these demands for damages, which I have not discovered a good explanation for; this could be another angle to consider for future research.

The court was, to an extent, a place where anyone, regardless of gender or wealth, could find justice. While allowing the poor to bypass the requirement of pledges was helpful, this did not erase the considerable economic barriers in using the court, both in the fees involved with pursuing the case as well as the potential fines a lost case could result in. The language used to describe servants also indicates a milieu in which it was normal to see the well-being of one's employees as a purely economic matter. Despite this, employers taking enough offense at harm done to their servants to take the case before the court may still have indicated some degree of empathy between the two.

Women appeared deeply inconsistently in the rolls; at times they seem completely independent, while at others they were entirely subsumed into the shadow of their husbands, even when said husbands had little, if anything, to do with the case at hand. This supports the hypothesis that gender segregation was, by necessity, relaxed in urban settings like Nottingham; the realities of urban living did not allow practices like coverture to be consistently applied. These norms did still reassert themselves on occasion; likely when the parties involved found them convenient to invoke. Thus, the treatment of trespass in the Nottingham rolls appears to have mirrored the gender and class dynamics of the town itself: a rich man could have initiated a court case far more easily than a poor woman. However, these distinctions were not firmly and explicitly enforced, either, but were implicit influences from societal norms leaking into the courtroom.

The arenas of violence, meanwhile, appear more insular. Violence was more likely to break out between people living in the same area, working the same professions, and sharing a gender. This is perhaps unsurprising; after all, physical violence required proximity, as well as a motive, which was most often found in previous personal encounters with the people involved. But this,

too, was not absolute; violence between classes and genders absolutely occurred, although it appears that it trended towards the verbal rather than the physical when crossing these borders. In this, violence occasionally worked as a tool of subversion against one's superiors. Women were generally unwilling to strike men, and lower-class individuals hesitated in physically attacking wealthier residents, but attacking their reputation rather than their body appears more feasible in these scenarios. Therefore, the court appears to have been more equitable between genders, while violence presented more mobility between classes.

Honour thus appears to have consisted of three components: body, reputation, and wealth. An attack on any of these three was an attack to one's honour and could not be easily ignored. Wealth may have been a lesser partner in this alliance; a benchmark for communicating the gravity of an offense more than a pillar of honour in itself; there seem to be more court cases concerning the plaintiff having been called a thief than the plaintiff having had something of theirs stolen. However, this appearance may have arisen from the limitation of the borough court as an institution; proper thefts may have been handled by other courts.

The largest difference, then, between the twin tools of violence and the court, appears to be the fact that the court was always public. That was its very point; to allow the community to settle a dispute. Violence, meanwhile, was often public, like when committed during the day at one of the town's markets but was also perpetrated in private; after dark in someone's home. This was an area where the two clearly diverged, and thus, perhaps unsurprisingly, violence was left as the less overall legitimate of the two methods.

References

Primary sources

Nottingham Borough Court Rolls 1303–1475. Transl. Trevor Foulds and J.B. Hughes. Centre for Urban Culture, University of Nottingham. https://www.nottingham.ac.uk/research/groups/ucn/online-sources/online-sources.aspx [Accessed 31.5.2023]

Stevenson, William Henry: *Records of the Borough of Nottingham: Volume 1. King Henry II. To King Richard II. 1155–1399.* A facsimile edition by Book on Demand Ltd. Milton Keynes (1882) 2014.

Research literature

Arnold, John: Gender and Sexuality. *A Companion to the Medieval World.* Edited by Carol Lansing and Edward D. English. Wiley-Blackwell, Chichester 2013, 195–220.

Baraz, Danile: Violence or Cruelty? An Intercultural Perspective. *"A Great Effusion of Blood"? Interpreting Medieval Violence*. Edited by Mark D. Meyerson, Daniel Thiery & Oren Falk. University of Toronto Press, Toronto 2014, 164–189.

Butler, Sara M: Getting Medieval on Steven Pinker: Violence and Medieval England. *Historical reflections* (44) 1/2018, 29–40.

Byrne, Philippa: Medieval Violence, the Making of Law and the Historical Present. *Journal of the British Academy* (8) Supplement 3/2020, 133–154.

Cannon, Christopher: The Rights of Medieval English Women: Crime and the Issue of Representation. *Medieval Crime and Social Control*. Edited by Barbara Hanawalt and David Wallace. University of Minnesota Press, Minneapolis 1999, 156–185.

Carrel, Helen: The Ideology of Punishment in Late Medieval English Towns. *Social history (London)* (34) 3/2009, 301–320.

Cuenca, Esther Liberman: Town Clerks and the Authorship of Custumals in Medieval England. *Urban history* (46) 2/2019, 180–201.

Davis, James: *Medieval Market Morality: Life, Law and Ethics in the English Marketplace, 1200–1500*. Cambridge University Press, Cambridge 2011.

Dean, Trevor: *Crime and Justice in Late Medieval Italy.* Cambridge University Press, Cambridge 2007.

Dean, Trevor: *Crime in Medieval Europe, 1200–1550.* Routledge, London (2001) 2014.

Dyer, Christopher: *Everyday Life in Medieval England*. Hambledon and London, London (1994) 2000.

Fievet, Raoul: The Ambivalence of Honor in Late Medieval England: A Moderating Force or a Competitive Force? *Médiévales* (70) 2016, 215–232.

Foulds, Trevor: The medieval town. *A Centenary History of Nottingham*. Edited by John Beckett, Philip Dixon, Adrian Henstock, Colin Griffin & Ken Brand. Manchester University Press, Manchester 1997, 56–71.

Foulds, Trevor: Trade and manufacture. *A Centenary History of Nottingham*. Edited by John Beckett, Philip Dixon, Adrian Henstock, Colin Griffin & Ken Brand. Manchester University Press, Manchester 1997, 72–83.

Gidney, Louisa: The Animal in Late Medieval Britain. *The Oxford Handbook of Later Medieval Archaeology in Britain*. Edited by Christopher M. Gerrard and Alejandra Gutiérrez. Oxford University Press, Oxford 2018, 102–115.

Goddard, Richard: Nottingham borough court rolls: a user's guide. https://www.nottingham.ac.uk/research/groups/ucn/documents/online-sources/nottinghamsboroughcourtrolls-usersguide2.pdf [Accessed 20.10.2023]

Goldberg, Jeremy: The Priest of Nottingham and the Holy Household of Ousegate: Telling Tales in Court. *Town Courts and Urban Society in Late Medieval England, 1250–1500*. Edited by Richard Goddard and Teresa Phipps. Boydell & Brewer, Suffolk 2019, 60–76.

Goldberg, P. J. P. and Kowaleski, Maryanne: Introduction: Medieval domesticity: home, housing and household. *Medieval Domesticity: Home, Housing and Household in Medieval England.* Edited by Maryanne Kowaleski and P. J. P. Goldberg. Cambridge University Press, Cambridge 2008, 1–14.

Hanawalt, Barbara A: *Of Good and Ill Repute*. Oxford University Press, New York 1997.

Ireland, Richard W: Law in Action, Law in Books: The Practicality of Medieval Theft Law. *Continuity and change* (17) 3/2002, 309–331.

Jordan, William Chester: *The Great Famine: Northern Europe in the Early Fourteenth Century*. Princeton University Press, Princeton 1996.

Kane, Bronach C: Defamation, Gender and Hierarchy in Late Medieval Yorkshire. *Social history* (43) 3/2018, 356–374.

Kowaleski, Maryanne: Town Courts in Medieval England: An Introduction. *Town Courts and Urban Society in Late Medieval England, 1250–1500*. Edited by Richard Goddard and Teresa Phipps. Boydell & Brewer, Suffolk 2019, 17–42.

Kuehn, Thomas: Conflict Resolution and Legal Systems. *A Companion to the Medieval World.* Edited by Carol Lansing and Edward D. English. Wiley-Blackwell, Chichester 2013, 389–409.

Lilley, Keith D: Overview: Living in Medieval Towns. *The Oxford Handbook of Later Medieval Archaeology in Britain*. Edited by Christopher M. Gerrard and Alejandra Gutiérrez. Oxford University Press, Oxford 2018, 275–296.

Marshall, Pamela & Foulds, Trevor: The Royal Castle. *A Centenary History of Nottingham*. Edited by John Beckett, Philip Dixon, Adrian Henstock, Colin Griffin & Ken Brand. Manchester University Press, Manchester 1997, 43–55.

Martin, Sean: *The Black Death.* 2nd ed. Pocket Essentials, Harpenden 2007.

McClure, Peter: Middle English Occupational Bynames as Lexical Evidence: a Study of Names in the Nottingham Borough Court Rolls 1303–1455. Part 1, Methodology. *Transactions of the Philological Society* (108) 2/2010, 164–177.

Page, Jamie: Standing up in Court: Gender and Genitalia in Fourteenth-Century Zurich. *Emotion, Violence, Vengeance and Law in the Middle Ages: Essays in Honour of William Ian Miller*. Edited by Kate Gilbert & Stephen D. White. Brill, Leiden 2018, 130–155.

Phipps, Teresa: Coverture and the Marital Partnership in Late Medieval Nottingham: Women's Litigation at the Borough Court, ca. 1300–ca.1500. *The Journal of British studies* (58) 4/2019a, 768–786.

Phipps, Teresa: Female Litigants and the Borough Court: Status and Strategy in the Case of Agnes Halum of Nottingham. *Town Courts and Urban Society in Late Medieval England, 1250–1500*. Edited by Richard Goddard and Teresa Phipps. Boydell & Brewer, Suffolk 2019b, 77–92.

Phipps, Teresa: Misbehaving Women: Trespass and Honor in Late Medieval English Towns. *Historical reflections* (43) 1/2017, 62–76.

Platt, Colin: *The English Medieval Town.* Granada Publishing, Norwich (1976) 1979.

Pluskowski, Aleks: The Zooarchaeology of Medieval 'Christendom': Ideology, the Treatment of Animals and the Making of Medieval Europe. *World archaeology* (42) 2/2010, 201–214.

Pohl-Zucker, Susanne: Hot Anger and Just Indignation: Justificatory Strategies in Early Modern German Homicide Trials. *Emotion, Violence, Vengeance and Law in the Middle Ages: Essays in Honour of William Ian Miller*. Edited by Kate Gilbert & Stephen D. White. Brill, Leiden 2018, 25–48.

Postles, David: Personal Pledging: Medieval 'Reciprocity' or 'Symbolic Capital'? *The Journal of interdisciplinary history* (26) 3/1996, 419–435.

Reynolds, Susan: *An Introduction to the History of English Medieval Towns*. Repr. With corrections. Clarendon Press, Oxford (1977) 1982.

Richardson, Amanda: Gender and Space in the Later Middle Ages: Past, Present and Future Routes. *The Oxford Handbook of Later Medieval Archaeology in Britain*. Edited by Christopher M. Gerrard and Alejandra Gutiérrez. Oxford University Press, Oxford 2018, 805–818.

Sagui, Samantha: The Hue and Cry in Medieval English Towns. *Historical research: the bulletin of the Institute of Historical Research* (87) 236/2014, 179–193.

Skoda, Hannah: *Medieval Violence: Physical Brutality in Northern France, 1270–1330*. Oxford University Press, Oxford 2013.

Thiery, Daniel: *Polluting the Sacred: Violence, Faith and the "Civilizing" of Parishioners in Late Medieval England*. Brill, Boston 2009.

Tucker, Penny: *Law Courts and Lawyers in the City of London 1300–1550*. Cambridge University Press, Cambridge 2007.

Other material

Cook, Barrie: Coinage. *Richard II's Treasure.* University of London, 2007. https://archives.history.ac.uk/richardII/coinage.html [Accessed 29.5.2023]

Hodges, Kenneth: List of prices of medieval items. http://medieval.ucdavis.edu/120D/Money.html [Accessed 25.5.2023]

Appendix: Finnish abstract

Siinä missä nykyaikana yksilöiden välinen väkivalta ja laki nähdään vahvasti toistensa vastakohtina, keskiajalla asia ei aina ollut näin, vaan nämä kaksi ilmiötä toimivat molemmat osana erimielisyyksien ratkaisun ja kunnian puolustamisen yhteiskunnallista järjestelmää. Tutkiakseni tätä tutkin Pohjois-Englannin Nottinghamin kaupungin kaupunkioikeuden oikeusasiakirjoja.

Alaluvussa 1.1. käyn läpi ajan kontekstin. Nottingham oli 1300-luvulla pienehkö kaupunki, joka silti onnistui hankkimaan itselleen monia etuoikeuksia, varsinkin lain puolella. Keskiajan Englannissa oli monia eri oikeusistuimia, ja kaupunkioikeudet, kuten se, jota tutkin, olivat paikallisille usein paras lain areena kanteita varten, sillä ne olivat useimmiten nopeampia kuin muut ja niitä pyöritti paikallinen yhteisö.

Alaluvussa 1.2. huomioin, että tutkimusta Englannin kaupunkioikeuksista on tehty jonkin verran rajallisesti, sillä ne olivat usein hyvin yksilöllisiä, joten yhden kaupungin oikeuden tunteminen ei aina auta toisten kaupunkien kanssa. Tästä huolimatta tutkimuskirjallisuutta on terve määrä; oikeuden ja väkivallan tutkimukseen tärkeimmät ovat olleet Hannah Skodan *Medieval Violence Physical Brutality in Northern France, 1270–1330* (2013) sekä Richard Goddardin ja Teresa Phippsin toimittama kokoelma *Town Courts and Urban Society in Late Medieval England, 1250–1500* (2019). Lisäksi itse kaupungin tutkimukseen Trevor Fouldsin kirjoittamat osiot kirjassa *A Centenary History of Nottingham* (1997) on ollut erittäin arvokas.

Alaluvussa 1.3. käsittelen itse lähdemateriaalia. Tutkimani oikeusasiakirjat ovat käännetty latinasta englantiin Trevor Fouldsin ja J.B. Hughesin toimesta, ja ne kirjaavat muistiin kaupunkioikeuden istuntoja ja niissä tehtyjä päätöksiä, useimmiten hyvin lyhyesti, mikä tekee niiden tutkimisesta ajoittain haastavaa. Tutkimukseni rajoittuu vuosiin 1322–1336 laajalti lähteen liittyvien käytännön syistä: vuotta 1322 edeltävät sivut ovat hyvin sirpaleisia, ja vuoden 1336 jälkeen lähde lakkaa kokonaan vuoteen 1351 asti. Vuoden 1336 jälkeisten sivujen käyttö näin laajentaisi tutkimukseni kokoa massiivisesti, sillä 1340-luvun lopun musta surma vaikutti keskiajan Eurooppaan erittäin laajasti ja vahvasti.

Käsittelyluvussa 2.1. tutkin oikeusistuinta itsessään. Vaikka Nottinghamin kaupunkioikeudessa kaikki kanteet tulivat kansalaisilta, oikeusistuin itsessään oli silti aktiivinen toimija oikeusjutuissa omilla motiiveillaan ja haasteillaan. Molempien asianomaisten saaminen oikeuden eteen oli usein haaste, sillä asukkailla oli oikeus jättää kutsu huomiotta kolme kertaa,

ja senkin jälkeen, jos he maksoivat 3 penniä jokaisesta kutsusta. Tämä ei ollut merkityksetön määrä rahaa, sillä se saattoi olla jopa kahden päivän palkka kaupungissa asuvalle työläiselle. Syytettyjen paikalle hakeminen fyysisesti oli mahdollista mutta harvinaista. Valamiehet olivat joskus myös yhteistyöhaluttomia, mikä aiheutti vaivaa istuimelle.

Oikeusistuimelle tärkeimmät päämäärät olivat rahan hankkiminen ja oikeudenmukaisen hallinnon osoittaminen. Rahan hankkiminen näkyy selkeästi niissä monissa maksuissa, joita oikeuden käyttäminen vaati, mutta usein myös päätöksissä; tilanteissa, joissa molemmat osapuolet olivat syyllisiä johonkin rikokseen, molempia sakotettiin, ja muun muassa väärän syytöksen uhrit eivät koskaan näytä saaneen rahallisia korvauksia. Oikeudenmukaisuuden osoittaminen taas onnistui erityisesti kaupungin vankilan käytöllä vakavien rikosten yhteydessä ja ainakin kerran myös ulkopuoliseen auktoriteettiin vetoavan oikeudellisen perusteen hylkäämisessä.

Alaluvussa 2.2. taas mietin oikeusistuinta sen asiakkaiden näkökulmasta. Miksi kaupungin asukkaat sitten veivät asioita oikeuden eteen niin usein kuin he tekivät? Rahallinen hyöty selittää ehkä vähän, mutta ei sen enempää, sillä ne rahat, joita kanteen tekijät saivat, olivat usein jopa alempia kuin ne maksut, jotka piti tehdä saadakseen oikeusjuttu oikeussaliin asti. Paljon tärkeämpi selitys löytyy kunnian puolelta, sillä oikeussalin julkisuus merkitsi sitä, että siellä ratkaistut jutut usein kantautuivat koko kaupungin tietoon. Siksi voitto oikeudessa antoi palauttaa kunnian, jota jokin loukkaus tai pahoinpitely oli vahingoittanut ja parhaimmassa tapauksessa saada koko riidan ratkaistua.

Yksi keskeinen huomioni on se, että kanteen tekijöiden rahavaatimukset ovat miltei aina paljon oikeasti maksettuja sakkoja korkeammat: 20 shillinkiä, eli 240 penniä, on vaadituista määristä yleisin ja on käytössä hyvin erilaisissa ja eri vakavuuden rikoksissa. Suurimmillaan jopa 40 % yhtenä vuotena mainituista rahavaatimuksista olivat 20 shillinkiä. Näitä vaatimuksia ei odotettukaan täytettävän, vaan niiden tarkoituksena oli kertoa yhteisölle, miten vahvasti kantajaa oli hänen mielestään loukattu, joten ne olivat tärkeä osa oikeussalia kommunikaation välineenä. Näin oletettavasti suuremmat summat kielivät suuremmasta loukkauksen tunteesta. Huomasin myös tutkimuksessani, että summat alkoivat kasvamaan vuodesta 1330 eteenpäin, mutta en onnistunut löytämään tälle syytä.

Toinen tärkeä osa tätä kommunikaatiota oli itse rikoksen kuvaus oikeussalissa, joka oli usein vahvasti fiktiivinen. Tästä huolimatta oikeusistuin ei vaikuta antaneen kantajien poiketa

totuudesta täysin vapaasti; tarinan kerronta oli sallittua, mutta todistettavien tosiasioiden muuttaminen meni liian pitkälle. Tästä huolimatta asiakirjoissa näkyy ajoittain selkeästi hyvin tarkat sanavalinnat, esimerkiksi jonkun taloon sisään astumista tunkeiluna kuvailu.

Alaluvussa 3.1. taas käsittelen väkivaltaa suoraan. Toinen tapa Nottinghamin asukkaalle palauttaa kunniansa oli käyttää väkivaltaa itse. Koska monet oikeusjutut kuvaavat tällaista väkivaltaa, sopivat ne hyvin myös sen tutkimiseen, vaikkakin väkivallan vakavuus on jossain määrin rajallinen, muun muassa raiskaus- ja murhajuttuja ei lähteestä löydy, sillä ne kuuluivat muiden oikeusistuimien toimivaltaan.

Fyysisen väkivallan ohella herjat ja maineen tahraaminen olivat yleisiä aseita tällaisissa riidoissa. Herjat olivat useimmiten vahvasti sukupuolittuneita, miesten kohdalla hyökättiin usein heidän ammattiosaamisensa kimppuun, kun taas naisilla heidän seksuaalisen eheytensä oli yleensä kohteena. Vaikka kunnia oli tärkeä osa keskiaikaista elämää, se vaihteli paljon sukupuolen ja miehillä yhteiskuntaluokan välillä. Herjat toimivat myös kommunikaation välineenä; ne kertoivat yhteisölle, miksi hyökkäys oli tehty, ja ne toimivat näin myös fyysisen hyökkäyksen ohessa. Muita kommunikatiivisia piirteitä fyysisessä väkivallassa olivat sen tekopaikka ja mahdollisesti ruumiinosa, jota pahoinpideltiin: esimerkiksi kasvojen vahingoittaminen oli vahvasti symbolista.

Tämän kommunikaation vuoksi moni pahoinpitely tapahtui päivällä hyvin julkisessa paikassa, useimmiten torilla tai kadulla. Tavernoissa väkivalta oli muiden tutkijoiden mukaan melko yleistä, mutta omasta lähteestäni en löytänyt viitteitä tähän, mikä saattaa tarkoittaa, että se harvemmin johti oikeustoimenpiteisiin. Kaikessa väkivallassa ei silti ollut tällaista kommunikatiivista puolta, jonka tunnistaa erityisesti siitä, että osa hyökkäyksistä tapahtui yöllä ja kodeissa. Osassa näistäkin saattoi olla kunnia motivaationa, mutta ne eivät näyttäydy yhtä legitiimeinä kuin julkisemmat teot.

Alaluku 3.2. keskittyy sukupuoleen ja yhteiskuntaluokkaan. Sukupuoli ja sosiaalinen status vaikutti myös fyysiseen väkivaltaan. Kaupungeissa, kuten myös Nottinghamissa, näiden väliset rajat olivat häilyvämpiä kuin muualla keskiajan Euroopassa; naiset ja miehet, esimerkiksi, yleensä harvemmin viettivät aikaa samoissa tiloissa kodin ulkopuolella, mutta kaupungeissa sitä tapahtui pakostakin. Naisten asema kaupungeissa oli muutenkin usein vapaampi kuin muualla, liikkuvuuden lisäksi he usein pystyivät hoitamaan omat taloudelliset asiat laajemmin ja näkyvät usein myös oikeuden asiakirjoissa sekä syyttäjinä että syytettyinä.

Kaupunkien vapaammasta ilmapiiristä riippumatta fyysinen väkivalta oli usein ryhmien kuten sukupuolten ja ammattien sisäistä. Vain noin neljäs kaikista pahoinpitelyistä oli sukupuolten välisiä; kaikissa muissa osapuolten sukupuoli oli sama. Herjoissa tätä sukupuolirajaa ei näy yhtä selkeästi. Ammattien kohdalla tätä on vaikeampi tulkita tarkemmin, sillä sukunimet eivät aina kerro ammattia, ja riitapukareista useimmiten asiakirjat kertovat vain nimen.

Keskiajan Englannin lain ja sukupuolen kontekstin tärkeä osa on *coverture*-niminen lakikäytäntö. Sen mukaan naimisissa olevat naiset eivät olleet itsenäisiä toimijoita, vaan muodostivat yksikön aviomiehensä kanssa. Teresa Phipps on aiemmin tutkinut *coverturen* ilmenemistä juuri keskiajan Nottinghamin oikeusasiakirjoissa laajemmalta ajalta, ja oma tutkimukseni on pitkälti samaa mieltä hänen löytöjensä kanssa: käytäntöä sovellettiin vaihtelevasti. Välillä naiset pystyivät toimimaan oikeussalissa melko vapaasti, kun taas välillä rikos, jossa osapuolet ovat kaksi naista, esitettiin heidän aviomiesten välisenä riitana.

Samankaltainen lakiomituisuus näkyy palvelijoiden statuksessa. Muutamaan otteeseen rikkaammat kaupunkilaiset haastoivat ihmisiä oikeuteen heidän palvelijoidensa vahingoittamisesta, nähden esimerkiksi viikon menetetyn työn heidän taloudellisena tappionansa, ja samoin työnantajia syytettiin heidän palvelijoidensa rikoksista. Palvelijat työnantajiensa työvälineinä ei kuitenkaan ollut yhtenäinen käytäntö. Palvelijat ja työnantajat kuvattiin joskus erillisinä syytettyinä ja välillä ihmiset, jotka yhdessä oikeusjutussa nimettiin palvelijoiksi, kuvattiin muualla toimivan täysin itsenäisesti sekä oikeussalissa että sen ulkopuolella.

Lopulta alaluvussa 3.3. mietin eläinten asemaa tässä kontekstissa. Eläimet olivat myös tärkeä osa keskiajan elämää, joten ne esiintyivät myös Nottinghamin oikeuden asiakirjoissa sekä uhreina että rikoksen tekijöinä. Useimmiten eläimet esiintyvät tilanteissa, joissa ihmiset väittivät jonkun muun omistaman eläimen laiduntaneen heidän maallaan, mutta myös dramaattisempaa väkivaltaa löytyy, varsinkin eläinten tappamista ja eläinten hyökkäyksiä ihmisten kimppuun. Kiinnostavaa on, että joissakin kohdissa eläimistä puhuttiin kuin henkilön omistamasta tavarasta, mutta toisissa kohdissa ne rinnastuivat vahvasti ihmispalvelijoihin; kun hevonen joutui lepäämään vammojen vuoksi, se kerrottiin melkein samoin sanoihin kuin jos sama olisi tapahtunut palvelijalle.

Muu tutkimus myös tukee tätä kaksipuolista näkemystä. Eläimiä kohdeltiin keskiajalla hyvin eri tavoilla sekä lajien välillä että lajien sisällä. Hevoset ja koirat vaikuttavat olleen erityisen

tärkeitä, mutta koiria esimerkiksi sekä haudattiin että syötettiin muille koirille; jotkut olivat tärkeitä kumppaneita, kun taas toiset pitkälti hyötytavaraa.

Loppuluvussa totean, että näiden kaikkien teemojen kautta Nottinghamin oikeusistuin oli tärkeä osa kaupungin asukkaiden elämää. Vaikka sillä oli omat päämääränsä, pitkälti oikeuden toiminta kuvasti kaupungin laajempaa toimintaa ja kulttuurinormeja. Siten se toimii erinomaisena lähteenä tavallisten ihmisten elämän tarkasteluun. Toisaalta yksittäisten merkintöjen lyhyys tekee tilanteiden kokonaiskuvan hahmottamisesta usein haastavaa. Tulevaisuutta varten laajempi määrällinen tutkimus voisi olla hedelmällinen lähestymistapa, mutta tähän työhön se olisi vaatinut liikaa aikaa ja vaivaa.

Väkivalta ja oikeusistuin taas esiintyvät selkeästi toisiinsa kytköksissä olevina; molemmat olivat työkaluja riitojen ratkaisemiseksi ja voittamiseksi, sekä yhteisön kanssa kommunikoimiseksi. Molemmilla metodeilla oli sekä omat riskinsä että kielensä, joilla kommunikoida omat tunteet ja mielipiteet. Kummankin käyttö oli useimmiten yhteiskunnallisen harmonian kannalta hyväksyttävää, mutta väärinkäyttö ja liiallisuuksiin meno olivat myös yleisiä tapahtumia. Lisäksi oma sukupuoli ja paikka yhteiskunnassa vaikutti paljon siihen, millainen rajapinta itsellä oli sekä väkivaltaan, oikeussaliin että siihen kunniakulttuuriin, jota varten molempia käytettiin.