

## **Words and Deeds: Gender and the Language of Abuse in Elizabethan Norfolk**

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For historians of early modern England the figure of the scold exemplifies attempts to control women and their speech.<sup>1</sup> Scolds, like witches and whores, were archetypal examples of disorderly women.<sup>2</sup> It has been argued that men felt particularly anxious about challenges to their authority from assertive and independent women in the period from 1560 to 1660, perhaps constituting a crisis in gender relations. The prosecution of scolds expressed men's belief that they needed to silence women.<sup>3</sup> Yet, although almost all of those charged as scolds were women, this was not true of other speech offences that were more common in Elizabethan England, such as quarrelling with neighbours, defamation, and challenging church authorities. Hundreds, and perhaps thousands, of men and women were charged with such offences, of which only defamation has received much attention from historians.<sup>4</sup> In particular, the impact of the 1551 Act against Fighting and Quarrelling in Church, which significantly increasing the jurisdiction of the ecclesiastical courts over speech offences, has not been appreciated.

It is important to distinguish between being a scold, a predominantly female misdemeanour, and other verbal transgressions, which might be committed either by women or by men. To what extent did gendered attitudes motivate the decision to prosecute speech offences, and what other factors also contributed to these decisions? In answering these questions, we need to be sensitive to the language which the courts used when framing prosecutions, for example the difference between the charges of being a scold and of scolding.<sup>5</sup> This article will examine the prosecution of verbal abuse, broadly defined, through a case study of the archdeacon of Norwich's court in the 1580s and 1590s. The court books demonstrate the

scale of Tudor efforts to control a wide variety of speech offences. Gender influenced the language that the courts used to frame prosecutions, but it was not always the primary factor when deciding whether to prosecute. The Elizabethan church was concerned about the divisive implications of all disorderly speech, and especially about speech which was critical of religious and political authority. Ideas about how to govern speech continued to be informed by gender, but they were also informed by other hierarchies, such as those of age and authority.

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‘Deedes are Males, and woordes are Females’, according to a contemporary proverb introduced from Italy in the 1570s.<sup>6</sup> The reality, as seen in cultural attitudes and judicial practice, was far more complex. Early modern conduct manuals, such as Dod and Cleaver’s *A Godlie Forme of Household Government* and William Gouge’s *Of Domesticall Duties*, argued that it was men’s place to talk, while identifying women’s speech as a problem in need of control. According to Dod and Cleaver, ‘The dutie of the man is, to be skilfull in talke: and of wife, to boast of silence’.<sup>7</sup> Gouge advised women ‘to keepe in their tongues with bit and bridle’.<sup>8</sup> Yet women were nonetheless believed to be especially prone to idle chatter and quarrelling. Even at home, when dealing with servants and children, it was said that ‘many haue no way but one to deale with all: and that is chiding, and brawling, which they fall to vpon euery occasion’.<sup>9</sup> The view that women frequently challenged male authority verbally, especially that of their husbands, was common in contemporary literature.<sup>10</sup> Women were portrayed as scolds, shrews, and gossips, their speech as abusive and in need of control. Excessive talkativeness and damaging speech were widely believed to be female characteristics.

Male speech also needed to be governed, however.<sup>11</sup> The ‘taming of the tongue’ literature, while sometimes directed at women, also stressed the dangers of unbridled speech by men. George Webbe, in *The Araignment of an unruly Tongue*, compared the tongue with a whore, but also with a lecher, a vagabond, and a cheat, images that were more male than female, and he reproved both ‘Husbands tongues which are too bitter against their wives; [and] Wives tongues too sharp against their Husbands’.<sup>12</sup> Samuel Butler wrote humorous character descriptions of those who used their tongues as weapons, including female scolds but also male haranguers, praters, quarrelers and railers.<sup>13</sup> Moderation in speech was a virtue for all men, but young men in particular were to remain silent before the authority of their elders.<sup>14</sup> Historians have found ample evidence for the regulation of male speech in court records. It has been argued that borough and leet courts became more concerned about male speech in the late sixteenth century.<sup>15</sup> Civil cases for defamation also provide evidence that male speech was perceived to be a problem, at least by those who sued men for their abuse. In London no fewer than 40% of those sued for defamation were men.<sup>16</sup> Male involvement was even more pronounced in the rather different legal and religious context of seventeenth century New England, where at least 85% of speech prosecutions involved at least one male defendant. The New England figures challenge our expectations of gendered speech. Three-quarters of those charged with ‘heated’ speech were men.<sup>17</sup>

Most studies of the control of speech rely on court records, but these have their problems. It is well known that the ‘dark figure’ between crime and detection is greatest for regulatory offences. It is difficult, and perhaps impossible, to determine whether discrepancies between male and female offences reflected gendered differences in behaviour or the decisions taken by the courts, as male office-holders, clerks and judges decided whom to prosecute. To suggest, for example, that women used their tongues as weapons because they did not have

any other weapons to use is to assume that the prosecutions provide an accurate record of behaviour. Yet, there is reason to think that judicial decisions were informed by cultural expectations that women spoke, while men acted. Garthine Walker and Karen Jones have suggested that men and women who committed similar offences may nonetheless have faced different charges.<sup>18</sup> Women who committed minor violence might be charged with verbal violence, as scolds, rather than with assault, because this offence was considered to be more appropriate to women. In fifteenth and sixteenth century Kent, men were far more likely to be prosecuted for challenging church and civic authorities than women were, but they rarely faced charges of scolding or quarrelling with their neighbours. In a similar manner, David Nash has speculated that early modern authorities disciplined men and women through fear of different crimes, blasphemy in men, and witchcraft in women.<sup>19</sup>

Yet the contrast between words and deeds is problematic, because Tudor legislation criminalised some types of speech, with the effect that words became deeds. To criticise authority or otherwise promote dissension was to do more than to speak words; it was to commit a speech act that was also an offence. This is apparent in the Treason Acts, in the broadening of the meaning of seditious words, as well as in prosecutions for witchcraft.<sup>20</sup> It can also be seen in the Act against Fighting and Quarrelling in Church, homilies and royal injunctions. In sixteenth century England, the authorities broadened the definition of speech offences in order to maintain control against the threats they perceived to religious and political order. Efforts to implement the Reformation meant that the parish church became a site for the critique of religious authority. Queen Elizabeth may not have wished to make windows into men's souls, but she was not averse to prosecuting people for their speech. The 1580s and 1590s were of crucial importance in the enforcement of the Protestant Reformation, decades of high anxiety for church and state. Tensions over the Elizabethan

settlement increased as the godly campaigned for a preaching ministry while Whitgift required ministers to subscribe their support for the prayer book. At the same time, the arrival and martyrdom of Edmund Campion in 1580-81 marked a new phase in attempts to suppress Catholic recusancy. It was in this climate of speech control that the ecclesiastical courts used the powers given them by the Act against Fighting and Quarrelling. Puritan authorities in seventeenth-century New England would find themselves in a comparable position, and they also responded by legislating to control speech.<sup>21</sup> The result in both places was to increase the number of men who were prosecuted for speech offences, while providing an additional means of regulating female speech.

This article will consider evidence from the ecclesiastical courts, focusing on the archdeaconry of Norwich, which included over three hundred parishes in the county of Norfolk. Although ecclesiastical and secular courts both prosecuted scolds, only the ecclesiastical courts had jurisdiction over quarrelling in church; they also heard numerous cases of defamation, including instances of verbal abuse directed at ministers and local office-holders. Church court records provide a good source for assessing the extent to which gendered attitudes motivated the regulation of speech, because there were scriptural injunctions against women speaking in church. This archdeaconry was chosen for analysis because its court books are unusually good for Queen Elizabeth's reign. Norfolk, sometimes identified as an area where puritanism was particularly strong, was the site of 'great disorder for religion' due to conflict between 'obstinate Papists' and 'wilful and indiscreet precisians', according to a report from 1576. In subsequent years, quarrels between a conservative bishop and puritan supporters in the diocese added to the general atmosphere of religious tension.<sup>22</sup>

The remainder of this article has three sections. Using evidence from Norfolk, the first section asks whether rates of prosecution for various speech offences were different for women and men, and will consider how the language used to frame prosecutions expressed gendered attitudes. The second section explores challenges to authority in particular, and argues that the church's concerns about religious disorder led to the prosecution of both men and women. The article concludes by considering how gender worked alongside other hierarchies, of age and authority, in defining speech offences. Prosecution was informed by gendered attitudes, but it was about far more than the control of women.

**Table 1. Prosecutions for verbal abuse in the Archdeaconry of Norwich, 1580-1590, by sex**

	Women	Men	?	Total	%Women
(a)					
Scold	217	24		241	90%
Sower of discord	39	24		63	62%
Brawling/scolding	203	190	2	395	51%
Defaming	90	135	1	226	40%
Other abuse	10	19		29	34%
<b>Total</b>	<b>559</b>	<b>392</b>	<b>3</b>	<b>954</b>	<b>59%</b>
(b)					
Challenges to authority	68	122	1	191	36%

Sources: Norwich Record Office, ANW 2, books 12, 14-17, 20-25, 27

## **Language and Gender**

The archdeacon of Norwich's correction court heard numerous prosecutions for abusive speech in the late sixteenth century.<sup>23</sup> In a single decade, the 1580s, charges were brought against almost one thousand defendants. Only one-quarter of the defendants summoned for verbal offences were charged as 'common scolds', almost all of whom were women.<sup>24</sup> Far more widespread, accounting for forty percent of all speech offences, were prosecutions for quarrelling in church, under the new jurisdiction of the Act against Fighting and Quarrelling (1551), or for disrupting services in other ways, in violation of royal injunctions. Defendants in such cases were evenly split between men and women. A third category of offence was defamation, with over two hundred defendants, two-thirds of whom were men. Many instances of quarrelling in church and defamation challenged the authority of local ministers and parish officers. All of these offences were important to the court, because neither church nor state could afford disorder in these unstable times, but the challenges to church authority were the most worrying.

The language of the court books holds important clues to the role that gender played in the prosecution of speech, despite its often formulaic nature. Cases were initiated by presentments from each parish, made in response to printed queries, during regular archidiaconal visitations of parishes. They were heard under the court's summary jurisdiction, known as the 'office of the lord', which required defendants to appear to face the charges against them.<sup>25</sup> The office court took no depositions, unlike the consistory court where personal suits for defamation and other issues were heard, so the abusive language allegedly spoken by defendants is only briefly recorded or not recorded at all. When scolds and those who quarrelled in church were prosecuted, the words they had spoken did not

matter. Only in cases of defamation or doctrinal error were the defendants' words worth noting. Furthermore, the original presentments, which initiated prosecution, rarely survive, and we do not know if all presentments led to charges being brought. The language we have is that of clerks, who followed precedent when they could to ensure that cases fell within the court's jurisdiction. Its formal nature may conceal a wide range of forms of behaviour and speech. Nonetheless, the formal phrases that the clerks used to frame charges can themselves be revealing, and even more so when they abandoned the usual formulas, indicating that their expectations of gendered behaviour had been disrupted.

It is no coincidence that almost all prosecutions of common scolds, ninety percent of which were brought against women, were recorded in Latin. The use of Latin demonstrates how formalised and familiar charges against 'common scolds' had become, representing gendered language and understandings dating back to at least the fourteenth century.<sup>26</sup> The clerks called upon precedent, with good reason. One eighteenth century common law judgement shows the dangers of imprecise language, for a Kent woman successfully appealed against her prosecution as a common scold, because she had been charged as a *calumniatrix*, when everyone knew that the correct Latin legal term for a scold was *rixatrix*.<sup>27</sup> This usage was already well established in the sixteenth century, when the Norwich courts used it in seventy percent of cases against scolds, often paired with *scolda*. Another common Latin charge was 'sower of discord', *seminatrix discordiarum*, which was used most often against women, but not exclusively so. The use of nouns such as *rixatrix* was significant because it meant that the defendant was being prosecuted for her character and reputation, for what she was or was thought to be, rather than what she had done. Formulaic charges were being used for a stereotypical offence believed to be characteristic of women.



Clerks found different, less formulaic, phrases to prosecute men whose behaviour and reputation were similar to those of female scolds. Men, like women, were charged as sowers of discord, sometimes linked with being a blasphemer of the holy name of God. Other charges differed from individual to individual. Simon Candler was prosecuted as ‘a comon brawler miscaller and reviler of his neighbours’, while John Hart was ‘a quarreler and a contentious person amongst his neighbors’. The charge against John Crane sounds particularly scold-like: he was ‘a verye disquiet bodye that fewe men can lyve in quiet by him’. The presentments against him show what a nuisance he was. Crane called one woman a whore and a bawd, quarrelled with the minister in the churchyard, and was presented for speaking in church in an unseemly manner.<sup>28</sup> Nonetheless, the number of men charged with such offences was small compared to that of women charged as scolds. The reputation of being a scold or brawler, however framed, was primarily associated with women.

The archdeacon’s court was far more likely to use a verb such as ‘scolding’ to frame charges, indicating that defendants were being charged for a specific occasion on which they had acted improperly, albeit one that was spoken, rather than for their bad character. It was the Act against Fighting and Quarrelling of 1551, under which many prosecutions were brought, which produced this change in emphasis from reputation to action, releasing abusive speech from its association only with disorderly women. The Act proscribed quarrelling and contention within church precincts, including the church and churchyard. It defined three distinct offenses, each with its own punishment: quarrelling ‘by words only’, minor physical violence, and more serious violence in which blood was drawn. Jurisdiction over quarrelling and minor violence was given to the ecclesiastical courts. Judges were empowered to suspend quarrelers from entry to church for as long as they saw fit, and might excommunicate those who had used physical violence. Jurisdiction over more serious forms of physical

violence was given to the secular courts, who were empowered to mutilate anyone found guilty of striking another person with a weapon in church or churchyard; those found guilty might have an ear cut off or be branded in the cheek, so that they 'maye be knowen and taken for Fraymakers and Fyghters'.<sup>29</sup> The designation of different punishments for verbal and physical violence was consistent with the contrast between the jurisdictions of church and secular courts over spiritual offenses and felonies. Under the Act, words spoken in church were primarily the concern of the ecclesiastical courts, because they disrupted services and could represent a direct challenge to church authority.

The gender and language of prosecutions for quarrelling in church differed markedly from those against scolds. Half were brought against male defendants, although many women were also often charged with violating the act, a few of whom were also charged as scolds. The finding that both men and women were prosecuted for quarrelling suggests that the enforcement of order had taken priority over the control of women. The Norwich clerks also largely abandoned the formality of Latin in favour of English. In the absence of the Latin forms established by precedent, they adopted some of the terms used in the Act, which was directed against those who quarrelled, chided, or brawled in church; the last of these terms, to brawl, was used most often. The legislation effectively turned contentious speech into a criminal act, at least if it was spoken in church. The emphasis on specific speech acts was signalled linguistically by the use of verbs, rather than nouns, emphasising action rather than reputation. Although a few individuals were described as quarrellers or brawlers, the charge of brawl-*ing* was far more common.

The language of prosecution was still gendered. Women were charged with scolding and men with brawling, but both terms described the same offence, and they were often used

together.<sup>30</sup> The Act did not mention scolding, but in view of the established belief that scolds were women, it must still have seemed the most appropriate term to use for women who quarrelled in church. Brawling was the male equivalent of scolding. Thomas Cooper defined the word as meaning ‘to scold as women doe’.<sup>31</sup> To the modern reader, the word ‘brawl’ carries connotations of physical violence, of street affrays and pub fights, so this may appear to support a contrast between male deeds and female words. Yet brawling did not have the same meanings for Tudor men and women. A brawl might lead to physical violence, ‘to begin a brawling before an earnest falling out’, as Cooper observed.<sup>32</sup> But a brawl might not involve physical violence, and often did not. ‘Men do braule, when between them is altercation *in wordes*’, Thomas Elyot noted in 1531.<sup>33</sup> According to George Webbe, who compared verbal abuse with murder, ‘the Tongue offendeth, by chiding, brawling, quarrelling, skolding, reproaching, railing and bitter speaking’.<sup>34</sup> The contrast between verbal and physical violence drawn by the Act against Fighting and Quarrelling was therefore consistent with contemporary usage.<sup>35</sup> The Norwich records show that most brawls were not violent; only one in ten cases of brawling explicitly mentioned violence. Even minor physical violence was subject to greater punishment, so one would expect violence to have been mentioned if it had occurred.

The Act against Fighting and Quarrelling blurred differences in official treatment of male and female speech because the challenges encountered in implementing the Reformation made all lay speech in church potentially dangerous. Offensive speech by men was now just as worrying as that of women, especially if it occurred within church precincts. This perception perhaps also affected local secular courts, explaining their concern about male speech in the closing decades of the sixteenth century.<sup>36</sup> At the same time, the Act gave the courts a new means of suppressing female speech, which placed the emphasis on actions rather than on the

nature of women. The gendered associations of language were complex, and were sometimes confused. Some men were charged with scolding and some women with brawling. When scolding and brawling were combined in a single charge, most defendants were women. In these cases, the pairing of scolding with brawling ensured that the case fell within the terms of the Act. Since scolding was not explicitly listed, the clerks needed to add brawling to ensure that the offence fell within the jurisdiction of the archdeacon's court. One clerk, for example, initially recorded only the charge of scolding, but later interpolated the words, 'and brawling'.<sup>37</sup> Indeed, it was official policy to encourage scolding, brawling and other verbal offences to be treated in the same way. Queen Elizabeth's injunctions of 1559 proscribed 'brawlers, slanderers, chiders, scolders, and sowers of discord between one person and another'.<sup>38</sup> Archbishop Matthew Parker followed the same practice, encouraging the presentment of 'scolds and brawlers' in his metropolitan visitations to the dioceses of Norwich and Winchester.<sup>39</sup> In common parlance, too, brawling and scolding came to be used together, as in the 1613 pamphlet *A Crew of Kind Gossips*, where one man described his wife as a scolder and brawler.<sup>40</sup>

Clerks rarely used Latin to frame charges for quarrelling, but when they did so the verb *rixor* proved to be an ideal translation of 'brawling and scolding'. *Rixor* shares its root with *rixatrix*, but it cannot be translated simply as 'scolding', for contemporary dictionaries show that it had several other meanings. The *Promptorium Parvulorum* of 1440, compiled by Galfridus, a Dominican friar living in Norfolk, is thought to be the first English-Latin dictionary.<sup>41</sup> The *Promptorium* confirms that the formal language used for 'scold' was primarily intended for women. The nouns *contentrix* and *litigatrix* are offered as translations only in their feminine forms.<sup>42</sup> In contrast, the verb *rixor* is suggested as a translation for 'striving', which is a close synonym with 'brawling', 'chiding', and 'flyting'.<sup>43</sup> The Latin-

English dictionaries prepared by the sixteenth-century humanists, Thomas Elyot and Bishop Thomas Cooper, show that Elizabethan understandings of Latin preserved these multiple meanings. By this time, the noun *rixa* meant ‘a brawling contention: a chiding or scolding’. The verb *rixor* had acquired female connotations, but not to the exclusion of other meanings. As we have already seen, Cooper defined brawling as ‘to scold as women doe’.<sup>44</sup>

For clerks searching for a Latin word with which to express the new language of the Act against Fighting and Quarrelling, *rixor* was highly suitable. The Act proscribed quarrelling, chiding, and brawling, all meanings of *rixor* found in the *Promptorium*. There is no direct evidence that the Norwich registry had the *Promptorium* on their shelves, but the clerks’ practice shows that they had a similar understanding of the varied meanings of *rixor*.<sup>45</sup> In the case of two Wyveton women charged in 1581, the sense must have come close to ‘scolding’, for both were also charged as common scolds.<sup>46</sup> A later case, from Scoulton in 1596, provides a rare opportunity to compare the charge with the original presentment, which survives only because it was pinned into the court book. The questmen presented two women ‘for *striving* in the church upon the sabbath day in evening prayer tyme’ (my emphasis). A clerk translated this charge into Latin as ‘*rixabantur in eccl[es]ia parochiale ... tempore divinorum*’.<sup>47</sup> If he had the *Promptorium* before him when framing this charge, it would have been natural for him to translate ‘striving’ with the verb *rixor*.<sup>48</sup> In ‘brawling’ and ‘scolding’ the court found two words which could be applied equally to speech from either gender. Although each word carried its own gendered meanings, they were used together to mount a large-scale campaign against many forms of abusive speech in church. The language, although in English, was still formal in nature, following and adapting the terms used in the statute.

Defamation was the third category of speech offence to be prosecuted in the archdeacon's court. The role of consistory courts in hearing complaints that one party had defamed another is well known. Women (often supported by their husbands) used suits for defamation in defence of their sexual honour, which was especially important to their reputation.<sup>49</sup>

Prosecutions for defamation could also be brought as correctional suits on the 'office' side of the courts' business. The royal injunctions of 1559 gave the ecclesiastical courts jurisdiction over the offence, including defamers in the list of proscribed offences. This provided an alternative, and doubtless cheaper, way to take action against abusers. Cases of defamation probably grew out of brawls that were similar to those prosecuted under the Act against Fighting and Quarrelling, but the offending words did not need to be spoken in church. At a time when the courts were especially sensitive to disorderly language, such cases extended their reach from the church into houses and lanes. The nature of the court's jurisdiction therefore determined which cases it heard and the manner in which they were framed. The same dispute might appear on both the office and instance side of the court, although if the judge learned an instance suit was pending, he immediately dismissed the criminal charges. The consistory court's instance procedures, which heard suits between parties, were better equipped to take evidence in such cases, and this route was doubtless more profitable for the court and its officers, who could charge a fee for each document they prepared.

Prosecutions for defamation were the least formulaic of those heard in the archdeacon's court, and they were the most strongly associated with men, who represented sixty percent of defendants. They are the most revealing of the language of offenders and the questmen who presented them. Only a few words of speech were noted in the court books, providing a brief record of the language of offenders. As in interpersonal suits, the vocabulary is narrow, consisting most often of such terms of abuse as 'whore' and 'knave'. This was because the

spiritual courts could only hear suits in which the offending words concerned offences over which they had jurisdiction; these were most often sexual in nature. ‘Knave’ was normally only actionable in the secular courts, but presumably was heard by the ‘office’ court because it was often used to cast doubt on the honesty of questmen.<sup>50</sup> Lay people clearly knew what language they thought was presentable, for one defendant asked observers to take note that he had *not* called a questman a knave, although he had called him a drunken beast.<sup>51</sup> In contrast, the clerks used a wider vocabulary in framing charges for defamation than other offences, suggesting that they sometimes repeated phrases from questmen’s presentments. The records use many terms for defamation — abusing, calling, miscalling, misusing, slandering, deriding, reviling, railing, and mocking — all describing destructive language in which the tongue was used as a weapon.<sup>52</sup> Sometimes, clerks simply prefaced the offending words with the Latin charge, *locutus est scandalosa verba et diffamatoria*. But the variety of language used in other cases suggests that clerks were repeating phrases from the presentments of questmen, who shared many of the court’s concerns. Questmen brought behaviour to the attention of the court which disturbed the congregation and made people feel uncomfortable. They expressed broader concerns about threats to the parish community, as well as to church authority.

As court language shows, gendered attitudes continued to play a part in prosecutions, but it was nuanced. The most formal language was used to describe the most stereotyped charges, those representing long-established understandings of the female nature of scolds, reinforced by the gender roles set out in contemporary literature. Although a significant number of prosecutions were brought, the language dates back to the fourteenth century, and does not support an argument for a sixteenth-century crisis in gender relations. In contrast, the more varied language used against other speech offences shows the disruptive effect of the Act

against Fighting and Quarrelling. The use of language shows that the authorities had become particularly concerned with speech acts, especially those in church, which might challenge the Reformation. Local officers were especially concerned when they, or a minister, were the targets of the abuse. Over half of the defendants in defamation cases were charged with verbal abuse against the local authorities. What could be easier than to present the offenders at the next visitation?

The Act against Fighting and Quarrelling gave ecclesiastical courts the power to punish guilty defendants with indefinite suspension from entry to church. If the courts took this offence seriously, then we might expect them to have issued this punishment on a regular basis. So it comes as a surprise that defendants were rarely suspended. Although the court used its expanded jurisdiction to summon defendants to answer for offensive speech, judges preferred to use familiar procedures to bring out about their reformation. Court proceedings were recorded irregularly, and no process or outcome is shown for many cases. However, it appears that judges usually required defendants who confessed to acknowledge their fault in church, and those who denied the charges to undergo purgation, in which they asked several neighbours to testify on their behalf.<sup>53</sup> Often, the judge simply dismissed defendants, either because the parties had made peace, trustworthy neighbours (*fidedigne*) had testified on their behalf, or in hope of amendment, *in spe emendationis*, with or without a promise to reform from the defendant. These outcomes might seem to suggest either the weakness of the court or the triviality of the cases for offensive speech brought before it. Such interpretations misunderstand the main purpose of court proceedings, which was less to punish defendants than to encourage them to reform their behaviour so that they could be re-integrated into the parish community. This is not to deny the humiliation of having to acknowledge one's fault, or even to ask neighbours to speak to one's good character. Over one quarter of those



charged failed to appear in court. Nonetheless, the hostile reactions of defendants show that court procedures still had bite; being presented or admonished by questmen was itself considered shameful.

### **Challenges to authority**

Religious and political authorities wished to suppress all forms of strife, but they were most concerned about religious disputes, especially those which challenged the church's authority and liturgy, 'to the great offence of god, the contempt of her majesty's proceedings and the law'.<sup>54</sup> The Homily against Strife and Contention (1547) chastised both those who provoked quarrels and those who were quick to be provoked, and was full of advice about how to control one's temper. The Homily observed, 'among all kindes of Contention, none is more hurtfull then is Contention in matters of Religion.'<sup>55</sup> In practice, only a minority of prosecutions for verbal abuse challenged the authorities, and few were explicitly religious. Yet the parish of Sall showed the dangers of religious contention. The parish was split between supporters of the incumbent John Thurston, a non-preacher who the godly considered to be unfit, and the puritan curate Thomas Aldred, who would not use a surplice or baptise according to the prayer book.<sup>56</sup> One of Aldred's followers stated publicly that she would rather hear a dog bark than the Word read without preaching. When the questman Anthony Sheffyld warned that her statement made her liable to be presented, the curate leaped to her defence, observing that presentment to a court 'that is no Court of reformation' was pointless. Sheffyld made clear his views of the curate when he, along with several others, refused to receive communion from him.<sup>57</sup> Questmen were not immune from criticism, and three were verbally abused or physically assaulted in the 1580s and 1590s.<sup>58</sup> The court books tell a story of disruption of services by brawling and of failure to conform. The record is nonetheless incomplete, for it was noted in 1586 that many who had brawled in

church had not been presented.<sup>59</sup> Since Shefflyd was questman in that year, it is possible that he had presented the curate's supporters, but not his critics.

The Act against Fighting and Quarrelling's focus on churches and churchyards shows its religious purpose. It was one of a number of measures, alongside the criminalisation of seditious words and the imposition of oaths, which Tudor monarchs took to control speech challenging their authority and that of their agents. Any form of contention in church was problematic. After all, one of the sparks to the Western Rebellion of 1549, only two years before the Act was passed, had been a protest in church against the new liturgy. Royal injunctions, first under Edward VI, with later reinforcement by Elizabeth, sought to suppress any form of contention and to keep congregations silent and in their seats. Processions were banned to avoid quarrels over precedence, and to ensure that people heard the service. Those who were quarrelsome were to be barred from communion because 'variance and contention is a thing, that most displeaseth God'. Elizabeth's injunctions commanded all subjects to spend the sermon and service in 'quiet attendance' and 'to forbear vain and contentious disputations in matters of religion'. The canons of 1603 would extend these provisions further by proscribing anyone who 'behave[d] themselves rudely and disorderly in the church'.<sup>60</sup> The Tudors placed particular emphasis on protecting ministers and priests, and the services they gave, from disturbance. Under Edward, ministers were not to be abused for insufficient learning. Marian legislation forbade challenges to preachers and priests who used the Catholic mass. Elizabeth I's Act of Uniformity in turn proscribed anyone who disrupted the reading of the authorized liturgy,<sup>61</sup> and her injunctions reinforced measures to protect the clergy and liturgy. No one was to disturb a preacher in his sermon, to discourage a minister from saying divine service or sermon, or to mock him while he did so. Questmen enforced silence in church, detecting and reporting any speech or behaviour which disrupted

services. They interpreted the injunctions and Act against Fighting and Quarrelling broadly, leading them to present babbling, prattling and other forms of idle chatter, and even women whose babies cried during services.<sup>62</sup>

The large number of speech offences that were prosecuted in Norfolk in the 1580s shows official concern about disorder, although only around two hundred resulted from challenges to church authorities, and even fewer appear to have concerned 'contentious disputations in matters of religion'. Nonetheless, in the years from 1575 to 1603, the court books record almost four hundred challenges, a large enough number to be of interest in itself.<sup>63</sup> Besides brawling and scolding, parishioners were accused of abusing, disturbing, reviling, mocking and deriding clergymen and parish questmen. The injunctions sought to protect ministers reading the service, but more often it was the questmen who were the targets of abuse.<sup>64</sup> In Elizabethan Norfolk the questmen, or *inquisitores*, who were assistants to the churchwardens, took primary responsibility for detecting and presenting offenders. When questmen admonished or presented individuals, they laid themselves open to verbal abuse. Offenders were most often chastised for their absence from church, so their abusive replies were made outside church and were prosecuted as defamation, rather than as violations of the Act against Fighting and Quarrelling. On the rare occasions when their reasons for absence were recorded, they had more to do with irreligion than with nonconformity or recusancy.<sup>65</sup> The abuse suggests disrespect for church officials, but also anger and fear at being presented. Questmen were called knaves and told that they were fit for nothing except chasing dogs out of the church.<sup>66</sup> Aggrieved that they had been presented, offenders made matters worse by calling the questmen names, asserting their defiance, or by threatening them with retribution.

Ministers were also targets of abuse, despite the injunctions. In around thirty cases the offending words were considered to be important enough to be recorded, of which eighteen concerned a religious issue. Some ministers were abused for being godly puritans, and others for not being godly enough. One Sall woman advised the minister not to use the baptismal service when he started to make the sign of the cross, and as we have seen another complained about the incumbent's failure to preach.<sup>67</sup> Elsewhere in Norfolk, some thought there was too much preaching and would have agreed with a man who asserted that the minister was 'so infected with the word of god as it groweth through the crowne of his cap'.<sup>68</sup> Godly preachers who used their sermons to identify sinners in the parish could meet with a hostile reaction. Margaret Tewesday told the minister, 'hold thi tonge thou pratling foole thou goose and thou Asse hast thou nobodye to mak a sermond of but of me'.<sup>69</sup> Outbursts such as these probably had little to do with doctrinal beliefs.<sup>70</sup> Like the name-calling of questmen, they show how much people disliked being admonished for moral and religious failings. Joanna Fakes and her husband were presented for maintaining 'horrible whoredome' in their house so that 'the preachers doe commonly fynd fault and desiereth reformacion'. Indeed, two years earlier when the minister had preached against whoredom and adultery, probably directing his words of chastisement at the Fakes, she had asserted that he had chosen this subject because he was afraid that the beauty of his wife would make him a cuckold.<sup>71</sup> Tewesday and Fakes were both defending their households as well as themselves, presumably in the absence of their husbands. In a similar fashion, Christiana Bennett defended her son, accusing the questmen of having presented him rather than more serious offenders.<sup>72</sup>

Other research into the gendering of speech has found that men were much more likely than women to be prosecuted for challenging the authorities. In fifteenth and sixteenth Kent, 90%

of defendants in such cases were men.<sup>73</sup> In New England the ‘slighting’ of authorities was largely a male offence.<sup>74</sup> In Elizabethan Norfolk, also, men were more likely than women to be charged, but female participation was substantial, nonetheless. Women accounted for around one-third of defendants in such cases. They appeared in court for challenging ministers on much the same grounds as men, complaining about sermons or alternatively about their deficiencies, and for abusing questmen who had admonished them. If these statistics accurately represent actual behaviour, it is clear that women were not afraid to challenge authority. They spoke out confidently, whether to defend themselves or their husbands from prosecution, to complain about being named in a sermon, or to demand a better one. This is consistent with other research showing that women were prepared to demonstrate their nonconformist convictions publicly. Others demanded their right to be churched, perhaps because this above all other portions of the service was one they could claim as their own.<sup>75</sup> In assessing the evidence, the difficulty of determining whether it reflected female behaviour or the choices of prosecutors is especially frustrating. We need to explain both why men predominated and why women played a larger role than expected.

Several factors were probably involved. Men as heads of households may have been expected to speak up for their households, abusing questmen who presented members of their family, although as we have seen women might also do the same.<sup>76</sup> Questmen may also have held men responsible for household behaviour. At the same time, the enlarged jurisdiction of the court, increased concern about speech offences, and the consequent loosening of gendered expectations about speech all contributed to the larger number of women appearing in court for challenging authorities. According to the scriptures women were to remain silent in church and to do nothing to challenge the authority of men, but it does not appear that women were singled out for attention when they spoke in church.<sup>77</sup> Only one of the hundred or more

Norfolk women who spoke up in church was thought to have spoken inappropriately specifically because she was a woman. Helen Bird of Hemblington was presented ‘for brawling with her neighbours and especially for mescalling Richard Oswald with evell language unsemely for a woman’, but this is the only gender-specific description of an offence.<sup>78</sup> The court books of the 1580s contain nineteen other references to unseemly speech, most often directed at ministers or questmen, but only two of the defendants were women. So concern about religious contention took precedence over gender-specific enforcement of silence. Indeed, the authorities wanted everyone except the minister to remain silent. ‘No man, woman or child’, Elizabeth’s injunctions instructed, ‘shall be otherwise occupied in the time of service, than in quiet attendance to hear, mark, and understand that is read, preached and ministered’.

## **Conclusion**

Under what circumstances were men prosecuted for their speech, despite the belief that women were especially prone to being too talkative? The Norfolk records show that men were as likely as women to quarrel with their neighbours and to be prosecuted for doing so, at least when these quarrels happened on church ground. The prosecution of speech, as with other regulatory offences, depended upon the decisions of local office-holders to present and court officers to prosecute. From an exclusive focus on scolds, one might think that they choose to prosecute only women for their speech. By broadening our focus to consider all speech offenders we can see that the court’s concerns were wider. The large-scale prosecution of male speech suggests, not that contemporaries’ understandings of the gendered nature of speech behaviour had changed, but that concerns about the dangers of disorderly behaviour for religious and political authority overrode them.

The complex relationship between the prosecution of speech, gendered understandings and challenges to authority can be seen in a story told by the deprived puritan Dudley Fenner. During the controversy over Whitgift's introduction of subscription to the Prayer Book in 1583, a deputation of godly ministers went to see a bishop to ask to be excused from subscribing their assent.<sup>79</sup> The bishop, enraged by their effrontery, told a minister to 'goe home and skoolde with his wife'. This statement might be read as suggesting that the godly ministers were behaving in an unmanly fashion by using their tongues as weapons. The Homily against Strife and Contention associated speech with women and weakness, saying 'he that cannot temper nor rule his own anger is but weake & feeble, and rather more like a woman or a childe, then a strong man. For the true strength and manlinesse is to overcome wrath'.<sup>80</sup> Yet this is a reference to lack of self control, rather than to speech. Otherwise the Homily largely ignored gender. The 'taming of the tongue' literature of the period is also often not explicitly gendered.<sup>81</sup> It is possible that talkativeness and quarrelsome speech were so strongly associated with women that the connection did not need to be made. Nonetheless, it was believed that both men and women needed to govern their speech.

Only a few Norfolk men were charged with scolding, and they often were prosecuted alongside their wives, whom they had joined in quarrelling with neighbours and officers.<sup>82</sup> As in most cases of scolding or brawling, these arguments occurred in public, usually in church. Similarly, scolds were charged for their behaviour in public spaces, not for scolding their husbands. The bishop's reference to scolding *at home* came much closer to references in contemporary literature to domestic quarrels between husband and wife. In literature the figure of the scold rarely appears in public. Women were portrayed scolding their husbands, often with some justification when the husbands drank, gambled away their earnings or beat them. The man whose wife did not chide him was seen as being fortunate. Women were

shown challenging the authority of their husbands, in what one pamphlet described as ‘the civil wars of marriage’, but not that of other men.<sup>83</sup> They were expected to scold at home, and their apparent power made the scolded husband a stock figure of fun. Yet, although the dominant wife and submissive husband were thought to subvert the proper order of things, they were not the concern of the courts. It was the husband’s responsibility to control his wife, at home and in public.<sup>84</sup>

Perhaps the bishop’s insult was ironic, intended to ridicule the minister, a man who was attempting to challenge the authority of Church and queen, but who, it was implied, could not even rule his own household. In the same vein, he called another minister a fool, and a third a dolt. Yet the bishop was more concerned about the challenge to his authority as an ecclesiastic than as a man. Authority was based as much on age as gender. The Homily chastised angry men for behaving like children, as much as like women. Age was important to Fenner’s story, as well. Although he made a point of describing one minister as a ‘graue and godlie man of good yeares’, the bishop stressed the youth and immature judgement of the godly ministers, telling them ‘You are boyes, princokes’.<sup>85</sup> In a separate account, possibly describing one of the same meetings, archbishop Whitgift developed the point further, telling the ministers, ‘You are unlearned, and but boyes in comparison of us, who have studied divinity before you for the most [part] were borne.’<sup>86</sup> As a result, they had made dangerous errors in translating scripture, undermining their critique of the liturgy. In Whitgift’s opinion they were junior to the bishops and should respect their judgement.<sup>87</sup> These criticisms went beyond the homily’s emphasis on the weakness of women and children to assert broader claims of authority, based on age and experience. Nettled by the godly critique of the liturgy and church hierarchy, Elizabeth and her bishops called upon norms based on gender and authority to silence any form of religious disputation.



The control of speech was an important priority for the Elizabethan church, due to its concerns about the dangers of religious dispute and challenges to its authority. These took precedence over the desire to control women and their speech, but did not displace it entirely. Gendered understandings of speech continued to be important, as the prosecution of women as common scolds and the use of language both show. The control of speech was gender-related, but not gender-specific, to borrow a well-known phrase from writing on witchcraft.<sup>88</sup> The court relied upon well-established gender stereotypes when prosecuting scolds for their disorderly reputation. It also did so when framing charges against women and men who were prosecuted for transgressive speech. The language of prosecution continued to be informed by understandings of gender, but in ways that were far more subtle than the proverbial contrast between male deeds and female words with which this article began. The need to enforce religious order led the court to develop a new language of prosecution, which regulated action rather than reputation. In Elizabethan England, words were also deeds, whether uttered by men or by women.

9,976 words with notes

#### NOTES AND REFERENCES

<sup>1</sup> David E Underdown, 'The Taming of the Scold: the Enforcement of Patriarchal Authority in Early Modern England', in Anthony Fletcher and John Stevenson (eds), *Order and Disorder in Early Modern England*, Cambridge, 1985, pp. 116-136; Martin Ingram, "'Scolding Women Cucked or Washed": A Crisis in Gender Relations in Early Modern England?', in Jenny Kermode and Garthine Walker (eds), *Women, Crime and the Courts in*

*Early Modern England*, London, 1994, pp. 48-80; and Sandy Bardsley, *Venomous Tongues: Speech and Gender in Late Medieval England*, Philadelphia, 2006; Lynda E. Boose, 'Scolding Brides and Bridling Scolds: Taming the Woman's Unruly Member', *Shakespeare Quarterly* 42, no. 2, 1991, pp. 179-213.

<sup>2</sup> The literature on gender and witchcraft is extensive. For a range of views, see Marianne Hester, 'Patriarchal Reconstruction and Witch Hunting', in Jonathan Barry, Marianne Hester and Gareth Roberts (eds), *Witchcraft in Early Modern Europe*, Cambridge 1996, pp. 288-308; Stuart Clark, *Thinking with Demons*, Oxford, 1997, ch. 8; Malcolm Gaskill, 'The Devil in the Shape of a Man: Witchcraft, Conflict and Belief in Jacobean England', *Historical Research* 71, 1998, pp. 142-71; Alison Rowlands, ed., *Witchcraft and Masculinities in Early Modern Europe*, Houndmills, 2009. On representations of whores, see Ruth Mazo Karras, *Common Women*, New York, 1996.

<sup>3</sup> Underdown, 'Taming of the Scold', esp. p. 122; Anthony Fletcher, *Gender, Sex and Subordination in England, 1500-1800*, New Haven, 1995, p. 401. Cf. Ingram, 'Scolding women'.

<sup>4</sup> On defamation, see Laura Gowing, *Domestic Dangers: Women, Words, and Sex in Early Modern London*, Oxford, 1999; *eadem*, 'Gender and the Language of Insult in Early Modern London', *History Workshop Journal* 35, Spring 1993, pp. 1-21. One thousand people were charged with speech offences in the archdiocese of Norwich during the 1580s. If other regions in England and Wales prosecuted at the same rate, then as many as thirty thousand people may have been prosecuted in the same period.

<sup>5</sup> For examples of elision of the terms, see Ingram, 'Scolding women', pp. 48-50; Bardsley, *Venomous Tongues*, p. 6.

<sup>6</sup> John Florio, *Florio his firste Fruites which yeelde familiar speech, merie Prouerbes, wittie Sentences, and golden sayings*, 1578, STC (2nd ed), fol. 52v. See also James Sanford, *The Garden of Pleasure* (London, 1573), STC (2nd ed), 12464, fol. 52v, who translates the proverb as ‘The deeds are man[l]y, and the words womanly’; and John Ray, *A Collection of English Proverbs*, Cambridge, 1678, Wing R387, p. 7. References to STC and Wing throughout the article are from Early English Books Online, <http://eebo.chadwyck.com/home>.

<sup>7</sup> John Dod and Robert Cleaver, *A Godlie Forme of Household Government* (London, 1612), STC (2nd ed.) 5386, p. 168. On gender and prescriptive literature, see Susan Dwyer Amussen, *An Ordered Society*, New York, 1988, ch. 2; Alexandra Shepard, *Meanings of Manhood in Early Modern England*, Oxford, 2003, chs. 1, 3.

<sup>8</sup> William Gouge, *Of Domesticall Duties*, 1622, STC (2nd ed.) 12119, p. 285.

<sup>9</sup> Dod and Cleaver, p. 76 [*recte* 90].

<sup>10</sup> E.g. *Anatomy of a Woman’s Tongue*, 1638, reprinted in *The Harleian Miscellany*, London, 1744, vol. 2, pp. 167-78.

<sup>11</sup> Jane Kamensky, *Governing the Tongue: The Politics of Speech on Early New England*, New York, 1997, chs. 1, 4.

<sup>12</sup> George Webbe, *The Araignment of an unruly Tongue*, London, 1619, STC (2nd ed) 25156, pp. 29-30, 42-43.

<sup>13</sup> *Samuel Butler, 1618-1680: Characters*, ed. Charles W. Davies, Cleveland, 1970, pp. 308, 98, 139, 304, 325.

<sup>14</sup> Jane Kamensky, ‘Talk Like a Man: Speech, Power, and Masculinity in New England’, *Gender & History* 8, no. 1, 1996, p. 28.

<sup>15</sup> Marjorie Keniston McIntosh, *Controlling Misbehavior in England, 1370-1600*, Cambridge, 1998, p. 59.

<sup>16</sup> Gowing, *Domestic Dangers*, p. 37.

<sup>17</sup> Robert St George, “‘Heated Speech’ and Literacy in Seventeenth-Century New England”, in *Seventeenth-Century New England*, Boston, 1984, pp. 306-8, Table 4. Women were somewhat more likely to be prosecuted for ‘destructive’ language than for other speech offences. See also Kamensky, ‘Talk like a man’, 32-33.

<sup>18</sup> Garthine Walker, *Crime, Gender and Social Order in Early Modern England*, Cambridge, 2003, pp. 81-85, 104-6; Karen Jones, *Gender and Petty Crime in Late Medieval England*, Woodbridge, 2006, pp. 71, 75, 93.

<sup>19</sup> David Nash, ‘Gendering moral crimes in early modern England and Europe—blasphemy the mirror image of witchcraft?’, in M. G. Muravyeva and R. M. T. Toivo (eds), *Gender in Late Medieval and Early Modern Europe*, New York, 2013, p. 166.

<sup>20</sup> Andy Wood, *Riot, Rebellion and Popular Politics in Early Modern England*, Houndmills, 2002, pp. 33-38; David Cressy, *Dangerous Talk: Scandalous, Seditious, and Treasonable Speech in Pre-Modern England*, Oxford, 2010. Writing about witchcraft and hate crimes, Jane Kamensky observes that ‘words are never just words. Words *do* things.’ ‘Words, witches, and women trouble: witchcraft, disorderly speech, and gender boundaries in puritan New England’, in B. P. Levack (ed.), *New Perspectives on Witchcraft, Magic and Demonology, vol. 4, Gender and Witchcraft*, New York, 2001, p. 215.

<sup>21</sup> Kamensky, *Governing the Tongue*, pp. 94-96.

<sup>22</sup> A. H. Smith, *County and Court*, Oxford, 1974, p. 200. On the controversy surrounding bishop Freake, see *ibid.*, 206-25. Freake’s son was archdeacon of Norwich in the 1580s, but he did not preside over the court in person.

<sup>23</sup> Table 1 is compiled from a database of prosecutions for verbal abuse. Some defendants were charged with more than one offence on a particular court day. When this happens, only

once offence is counted. The statistics in (a) were calculated by counting the numbers of scolds, followed by brawling, defamation, sowers of discord, and other offences. The statistics in (b), Challenges to authority, re-count defendants, so cannot be added to those in (a).

<sup>24</sup> The number of prosecuted scolds nonetheless exceeds the totals found in any of the courts studied by Ingram, 'Scolding women', pp. 54-55.

<sup>25</sup> This was distinct from the 'instance' procedure used for suits brought in the consistory court by one party against another, e.g. concerning defamation, recovery of tithes, and disputes over probate. Martin Ingram. *Church Courts, Sex and Marriage in England, 1570-1640*, Cambridge, 1987, ch. 2.

<sup>26</sup> Bardsley, *Venemous Tongues*.

<sup>27</sup> 87 Eng Rep 776, 988, 933, 965.

<sup>28</sup> Norfolk Record Office, ANW 2/14, Simon Candler, Catton, Taverham deanery, 4 March 1582/3] ANW 2/22, John Harte, Sparham, Sparham deanery, 18 Sept 1587; ANW 2-27, John Crane, Stanfield, Brisley and Toftres deanery, 17 Oct, 14 Nov 1589, and n.d. (offended 25 July 1590). One case against Crane was nonetheless dismissed after he submitted a certificate of honest conversation. All manuscript references in this article come from the Norfolk Record Office. The court books are unfoliated, so through this article references give the name of defendant, parish, deanery, and date of first appearance in court, unless already indicated in text.

<sup>29</sup> 5&6 Edw VI, c. 4.

<sup>30</sup> Brawling was the most common charge (262 mentions), followed by scolding (152), and quarreling (29). Although the act also proscribed chiding, the term was used in only two presentments.

<sup>31</sup> Thomas Cooper, *Thesaurus language Romanae & Britannicae*, London, 1578, STC (2nd ed) 5688, q.v. 'Rixor', and also 'Contentio', 'Iurgium', 'Rixa'. Bishop Cooper's dictionary was itself based on the 1538 dictionary of Thomas Elyot. Neither dictionary includes *rixatrix*.

<sup>32</sup> Cooper, *Thesaurus*, q.v. 'Velitari'.

<sup>33</sup> Cited in *Oxford English Dictionary Online*, q.v. 'brawling' (my emphasis).

<sup>34</sup> Webbe, *Araignment*, p. 44.

<sup>35</sup> E.g. Samuel Rowlands, *The knave of clubbs*, 1609, STC (2nd ed) 21386, 'Brawling contention'.

<sup>36</sup> McIntosh, *Controlling Misbehaviour*, p. 59.

<sup>37</sup> ANW 2-22, Margery Dunthorne, Gunthorne, Breccles deanery, n.d.

<sup>38</sup> Edward Cardwell, *Documentary Annals of the Reformed Church of England*, Oxford, 1844, vol. 1, p. 246.

<sup>39</sup> W. P. M. Kennedy, *Visitation Articles and Injunctions of the Period of the Reformation*, vol. 3, 1558-1575, London, 1910.

<sup>40</sup> Samuel Rowlands, *A crew of kind gossips*, London, 1613, STC (2nd ed) 21414.

<sup>41</sup> *Promptorium Parvulorum*, ed. A. L. Mayhew, Early English Text Society, Extra Series, 102, London, 1908, p. xiii.

<sup>42</sup> *Ibid.*, p. 402. *Rixatrix* is not suggested.

<sup>43</sup> *Promptorium*, pp. 64, 111, 181, 469.

<sup>44</sup> Cooper, *Thesaurus*, q.v. Rixa, Rixor.

<sup>45</sup> Since Galfridus was a Norfolk friar it is possible that a copy found its way to the registry after dissolution, but more likely that the usage was generally understood.

<sup>46</sup> ANW 2/15, wives of Ralph Graicocke and Robert Sherewood, Wyveton, Holt deanery, 17 Oct 1581.

<sup>47</sup> ANW 2/37, Thomazine Kiddall and Elizabeth Barnard, Scoulton, Breccles deanery, 13 Dec 1596.

<sup>48</sup> *Contendo, iurgo, or litigo* might also have been used. *Promptorium*, pp. 64, 111, 402, 442, 469.

<sup>49</sup> Gowing, *Domestic Dangers*; Elizabeth A. Foyster, *Manhood in Early Modern England*, London, 1999. Cf. Garthine Walker, 'Expanding the boundaries of female honour in early modern England', *Transactions of the Royal Historical Society*, 6th ser., vol. 6, 1996, pp. 235-45; Faramerz Dabhoiwala, 'The Construction of Honour, Reputation and Status in Late Seventeenth- and Early Eighteenth-Century England', *Transactions of the Royal Historical Society*, 6th series, vol. 6, 1996, pp. 201-13.

<sup>50</sup> Gowing, *Domestic Dangers*, p. 64. See also R. Burn, *Ecclesiastical Law*, 9<sup>th</sup> ed., London, 1842, vol. 2, pp. 127-33, for comparison of spiritual and common law jurisdictions.

<sup>51</sup> ANW 2-14, Robert Drewe, Norwich St Martin ad Quercum, City of Norwich, n.d.

<sup>52</sup> Cf. lists of terms used to describe speech, in St George, pp. 318-19; Jane Kamensky, 'Words, witches, and women trouble', p. 307.

<sup>53</sup> A sample was taken of 99 prosecutions for verbal abuse from the 1580s, including 38 for quarrelling in church, to determine their outcome. The defendant was excommunicated for failing to appear in thirty cases, and process was either incomplete or never begun in another 28. Thirty-one cases were dismissed, including eight because the parties had made peace, seven on the testimony of worthy parishioners, and six in hope of reformation. Excluding those who were contumacious, no one was suspended from church.

<sup>54</sup> ANW 2/21, wife of Mr Brett, Sall, Sparham deanery, n.d.

<sup>55</sup> ‘Homily Against Strife and Contention’, from *Certayne sermons, or Homelies appoynted by the Kynges Maiestie, to bee declared and redde, by all persons, vicares, or curates, euery Sondag in their churches, where they haue cure* (London, 1547), STC (2nd ed.) 13639.

<sup>56</sup> Thurston was listed in the puritan survey of the county as a non-preacher, ‘blinde, a leper, he was a shoemaker, then a mass priest’. *The Seconde Parte of a Register*, ed. Albert Peel, Cambridge, 1915, vol. 2, p. 153. For presentments against Aldred, see ANW 2/21, Sall, Sparham deanery, 20 Sept 1585, ANW 2/22, 12 Oct. 1586, 12 July, 18 Sept 1587. The court books record twelve prosecutions for verbal abuse between 1583 and 1587. See ANW 2/17, ANW 2/21, ANW 2/22.

<sup>57</sup> ANW 2/21, 14 June 1587; ANW 6-1.

<sup>58</sup> ANW 2/22, William Fisshe, n.d; ANW 2/37, John Mosse, 27 May 1596; ANW 6/2, Robert Bricken.

<sup>59</sup> ANW 2/22, 23 March 1585/6

<sup>60</sup> Cardwell, *Documentary Annals*, vol. 1, pp. 23-31, 210-30.

<sup>61</sup> 1 Mary, St. 2, c. 3, 1 Eliz 1 c. 2.

<sup>62</sup> For example, ANW 2/14, Joanna True, Wyveton, Holt deanery, 17 Oct. 1581; ANW 2/17, Robert Seamon, Billingford, Sparham deanery, 15 June 1584.

<sup>63</sup> ANW 2/8 to 2/39, ANW 6/1 to 6/3.

<sup>64</sup> In the 1580s, there were 107 prosecuted challenges to questmen or churchwardens, 79 to ministers or preachers, and 3 to ministers’ or questmens’ wives. For sources, see Table 1.

<sup>65</sup> ANW 2/27, wife of Richard Bunting, Castle Acre, Lynn Norfolk deanery, 13 Nov 1589.

<sup>66</sup> ANW 2/17, Ralph Willams, Great Yarmouth, 13 Dec 1583.

<sup>67</sup> ANW 2/17, wife of Sendall, Sall, Sparham deanery, 9 March 1583/4.

<sup>68</sup> ANW 2/27, Robert Scott, West Lynn, Lynn Marshland deanery, 17 July 1589.



<sup>69</sup> ANW 2/16, Pokethorpe St James, Peculiars, 30 Jan 1583/4.

<sup>70</sup> Cf. Christopher Haigh, 'The Taming of the Reformation: Preachers, Pastors and Parishioners in Elizabethan and Early Stuart England', *History* 85, 2000, pp. 572-88.

<sup>71</sup> ANW 2/17, Joanna Fakes, Hackford, Sparham deanery, 27 Jan 1583/4; ANW 2/22, Thomas Fakes, also Hackford, 22 Oct 1586.

<sup>72</sup> ANW 2/22, Hasingham, Blofield deanery, 29 April 1587.

<sup>73</sup> Jones, *Gender and Petty Crime*, pp. 105-6.

<sup>74</sup> Kamensky, 'Talk like a man', pp. 32-33.

<sup>75</sup> Richard L. Greaves, 'The Role of Women in Early English Nonconformity', *Church History* 52, Sept. 1983, pp. 299-311, esp. pp. 308-10. On churching, see Adrian Wilson, 'The Ceremony of Childbirth and its Interpretation', in *Women as Mothers in Pre-Industrial England*, ed. Valerie Fildes, London, Routledge, 1990, pp. 68-107; and David Cressy, 'Purification, Thanksgiving and the Churching of Women in Post-Reformation England', *Past & Present* 141, 1993, pp. 106-46.

<sup>76</sup> ANW 2/25, John Stampforthe, Ranworth cum Paxworth, Blofield, n.d.

<sup>77</sup> The Holie Bible ('Bishop's Bible'), 1568, 1 Corinthians 14.34, 1 Timothy 2.12, STC (2nd ed.) 2099.2.

<sup>78</sup> ANW 6/2. Oswold presented Bird, so was probably a questman. He was in turn presented for slander.

<sup>79</sup> [Dudley Fenner], A Defence of the godlie Ministers, against the slaunders of D. Bridges... (1587), STC (2nd ed) 10771.

<sup>80</sup> 'Homily Against Strife and Contention'.

<sup>81</sup> Webbe, *Araignment*; Richard Allestree, *The Government of the Tongue*, Oxford, 1674, Wing A1133.

<sup>82</sup> ANW 2/20, John and Katherine Robbinson, Norton, Sparham deanery, 7 June 1585.

<sup>83</sup> ‘O happy men that have wives with healing tongues’, *Anatomy of a Woman’s Tongue*, p. 169. See Rowlands, *A crew of kind gossips*, for ‘civil war’ phrase, which significantly he attributes to a husband.

<sup>84</sup> Moses à Vauts, *The Husband’s Authority Unvail’d*, London, 1650, Wing (2nd ed) V163, pp. 77-79. On women on top, see Underdown, ‘Taming of the Scold’; Natalie Zemon Davis, *Society and Culture in Early Modern France*, Stanford, 1975, ch. 5; Linda Woodbridge, *Women and the English Renaissance*, Brighton, 1984.

<sup>85</sup> A ‘precoque’ was an early-ripening fruit, but the word was probably used to suggest immaturity. *OED Online*, March 2012, Oxford, 11 June 2012, q.v. ‘precoque’

<sup>86</sup> *Seconde Parte of a Register*, vol. 1, p. 217.

<sup>87</sup> Shepard, *Meanings of Manhood*, p. 146.

<sup>88</sup> The phrase is adapted from Christina Lerner, *Enemies of God*, Oxford, 1983, p. 92