Although I was never so privileged as to meet Sir John Neale, I do belong to what now must be the last generation of historians whose formative years, during the late 1950s and early 1960s, were immediately influenced by his pioneering portrayal of the later Tudor State. In my own case this was due less to Sir John Neale's concentration on the parliamentary arena itself — profoundly illuminating though that was — than to two other preoccupations of his which have remained constantly before me over the years.

The first of these was the revealing way in which he inter-related the institutions of the national society with the activities and aspirations of the smaller, but no less real, local societies of provincial England. In that respect, indeed, and speaking, as I do, from the 'Leicester' viewpoint on English local history generally, it was highly appropriate that W.G. Hoskins should have contributed to the 1960 *festschrift* and that Alan Everitt should subsequently have illuminated still further the subject of county 'community'. It is noticeable how it has always tended to be the greater practitioners of 'national history' — figures like F.W. Maitland, Sir Frank Stenton, Helen Cam, or Sir John Neale himself — who have been the most sensitive to the need to understand the workings of the localities as well as the machinations of the centre. Despite their writings and the writings of others, however, it has to be said that far too many authors of text-books or general surveys today still do little more than pay passing lip-service to this as

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1 This represents in all but detail the text of the J.E. Neale Memorial Lecture as it was delivered at the John Rylands University Library of Manchester in November 1988, an occasion on which I was especially grateful for the many kindnesses shown to me by Professor Brian Pullan. Earlier versions were tried out at seminars at the Universities of Oxford and Leicester. My particular thanks go to Mrs Judy Nicol for making such intelligent typed sense of the original manuscript and, more recently, to Mrs Pauline Whitmore for amending the text for publication.

an ideal, with the inevitable result that in their pages English society is almost invariably presented as little more than an artificial and regionally undifferentiated construct of social divisions or 'classes'.

The second of Sir John Neale's preoccupations that has always impressed me as a student of whole societies, was his concern to inhabit institutional structures with real people. For in this way he was able to blend ideal and practice in such a way that we, the readers, were left realizing not only how an institution once functioned, but also how it has now to be understood by us 'moderns' so far as is possible in its own contemporary terms. Nowhere did Sir John Neale demonstrate this skill more brilliantly or more sympathetically than in that marvellous Raleigh Lecture – *The Elizabethan Political Scene* – which first opened the eyes of so many of us as to the realities and the vocabulary of the incessant struggles for influence at the top of Tudor society.³

So dazzling an example is a daunting one, and especially so to an academic local historian who has now to admit that his predominant concern here is not – as might have been expected or even hoped – with the first of Sir John Neale's two areas of influence upon him, but with the second. For having myself been challenged to produce one of those general historical surveys of English society, this time between c.1470 and c.1580, I have felt obliged to confront anew a variety of conceptual problems that must face anyone wishing to do more than simply deal with the usual political, constitutional, religious or economic and social *themes* as they are currently understood according to the prevailing historiographical climate. Surely there is room enough for another form of history which might hope to reach beyond the ever-prudent synthesis towards a fresh reconstruction and a new characterization of the whole society – not simply its elite – in course of adjustment and change. To strive towards that end we would need to put conventional historical themes back in their place by thinking only first about social organization at a national level; and then, and more concentratedly, about societal structures over a variety of geographically definable provincial fields; about social processes and about cultural attitudes and expectations at all levels of society. So to attempt all this, however, requires an initial and deceptively simple step in the historical imagination which is nevertheless rarely taken: that is, to seek for ways of identifying the actual and distinctive ways in which contemporaries comported themselves towards each other according to their own conventions in real face-to-face situations over widely differing sets of circumstances that ranged through from the normal to the abnormal. 'They do things differently there' opined L.P. Hartley of the abiding foreignness of the past, but in his original manuscript of

The Go-Between he added immediately a telling question which he then omitted on publication: 'Or do they?'.

That then will be my basic question on this occasion and I want to approach it by inquiring into culturally-influenced areas of activity in which the potential dissimilarity between the 'then' and 'now' might be identified. The activities that I have in mind together comprise the contemporary system of formal and repetitive signals sent physically or otherwise between people. Without at least attempting to reconstruct that, we can hardly hope to begin to understand with any sympathy the foreignness of the past, let alone also the more formal superstructures of many kinds that tower above the individual in every society: what we now call 'social structure', after all, is, or ought to be, built up from innumerable observable regularities in practical day-to-day social relations. Nor are such matters so irrelevant to the local historian as might appear at first sight, since at this period most inter-personal behaviour of any kind inevitably was conducted within highly constrained local contexts, the continuing equilibrium of which was of moment to all within the vicinity.

It is, of course, easier to articulate such aspirations than to match them. There are conceptual difficulties, documentary lacunae, and methodological pitfalls a-plenty, while in the space available it will be possible to raise no more than a few of the salient issues. To these latter ends, therefore, I would like to break down what I have to say into two unequal parts. In the first I shall want very briefly to reconstruct selected ideal aspects of the formal framework of behaviour as it seems to have been observed by the middling and upper levels of society broadly from the reign of Henry VI to that of Elizabeth I: that period being arbitrarily taken here to have comprised the later Middle Ages, though I shall be concentrating most closely on the years between 1485 and 1550. Much of what I shall wish to emphasize here perhaps will be familiar but, put together, it does form a suggestive normative pattern from which to turn in my second and longer section. For in this latter part, by contrast, I shall want to examine whether any such framework may be said to have survived what seems to have been the incessant contemporary circumstance of violent confrontation. In other words, here we shall need to turn from ideal to reality, and to do so not in the somewhat static contexts of what might be called set-piece etiquette, but in the sequential and ever-adjusting circumstances of actual personal danger and the unexpected. It might be claimed, somewhat paradoxically perhaps, that the essence of the overall social organization itself is best understood in such ways: that is, at those points where, at first sight at least, it most seems in peril of collapse and thus theoretically at its most ineffectual.

\[4\] The opening of the MS is illustrated in The Observer (Sun. 6 Apr. 1980), 44.
In seeking to contrast the foreignness of the late medieval English past with the current historian's own experience, the first impression to be derived from the earlier period is surely one of extremes; extremes of sentiment, extremes of attitude and extremes of behaviour. When such impressions in at least one fundamental respect, moreover, seem to be repeatedly borne out by the observations of contemporary continental visitors, we should not lightly dismiss them. The eye-witness views of outsiders, after all, represent in their turn a collective measure of how different from themselves the English then seemed.

Without doubt, the predominant moods to attract such attention are the volatility and excitability of the English. They 'are the peryloust people of the worlde, and most outragyoust if they be up'—as Froissart's translator puts it. 'Typical French prejudice' after decades of war might be today's obvious reaction to this comment, but much the same is said again in 1484 by a visiting Silesian who too remarks on the fiery, choleric and ultimately pitiless temperament of the English. Practically every continental visitor to this country, of course, comments upon that arrogant attitude towards foreigners which so easily tips over into xenophobia, especially amongst those forebears of the modern hooligan, the London apprentices, so it is possible that even this assessment of the English psyche is influenced accordingly. Yet one wonders, and especially so when exactly the same point is laboured once more in 1560, this time by a Zealander:

...they will stomacke a matter vehemently, and a long time lodge an inward grudge in their hearts, whereby it happeneth that when theyr rage is up, they will not easily be pacified, neither can theyr high and hauty stomackes lightly be conquered, otherwise than by submission and yelding to theyr mynde and appetite.

If this last observation seems to come close to identifying a perhaps long-established cultural trait— that of repressing emotion—the overall impression first left by this and by other evidence is of the ultimate lack of emotional control.

Since a degree of excitability may well have underlain a good deal of behaviour at this period (and to the problem of the English temper we shall have cause to return), the nature of formal body-language will need to be understood in that context. However, it will be impossible here to cover all the physical aspects of inter-personal communication. Some of the signals sent out, indeed, probably belonged to a vocabulary that is common to different societies and to different times:

6 Levinus Lemnius in W. B. Rye, England as seen by Foreigners in the Days of Elizabeth and James the First (London: John Russell Smith, 1865), 80.
pointing rudely; clapping hands with joy or excitement; putting an arm around someone's shoulder to beg pardon for an unintended slight or to jolly someone out of a bad mood— all these and more may be illustrated from contemporary sources. What matters for present purposes, however, is not the inclusiveness of any such catalogue of gestures but the nature of its formal range as a reflection of the whole gamut of sentiment—from that of total superiority to that of complete humiliation: it is that which so conspicuously seems to set apart late-medieval behaviour patterns from our own. The range in question may best be measured initially on two scales: a horizontal scale and a vertical scale, each of which involves the relative positioning of individuals one to another.

The horizontal scale is a matter of the acceptable distance to be placed between two people or between two groups of people of different statuses, and especially in the very medieval indoor context of a crowded great hall in which niceties had rigidly to be observed if some degree of privacy was to be made possible in so public a place. Thus, when in February 1448, John Shillingford, mayor of Exeter, had to make supplication to the Chancellor at Lambeth, he relates how ‘... y mette with my lorde atte high table ende comyng to meteward ...’ and how then ‘Y went forth with hym to the myddis of the halle, he stondyng yn his astate ayenst the fire a grete whiles, and ij bishoppis, the ij Chif Justises, and other lordis, knyghtes, and squyers, and other comyn puple grete multitude, the halle fulle, alle stondyng a far apart fro hym, y knelyng by hym’. (How aptly this vignette illustrates the saying 'the walls have ears'! In other situations, the great oriel window at the dais-end of a hall provided an alternative space that seems to have been preserved for confidential exchange away from the hearing of others.) More subtle appears to have been the extent to which a trusted inferior might be allowed just close enough to overhear part of a conversation. This time, for example, it was the town clerk of Exeter who reports a couple of months later that 'my Mayster Radford, and my Mayster Dowrisssh, can enfo' me yow better than y, for y was not all thiyng so nye ham to hire and knowe alle thiyng that was seid and comyned, for my degree was not, etc.'

With rules like these working to keep people of different rank at set distances from one another, it is interesting to observe the contrasted ways in which equals appear to have conducted themselves in two other contexts. The first appears to relate to formal behaviour between males standing together and conversing in the open-air. The Italian Relation, for example, emphasizes that 'In addition to their civil speeches, they have the incredible courtesy of remaining with their

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8 Ibid., 62.
heads uncovered, with an admirable grace, whilst they talk to each other.\textsuperscript{9} With such an acknowledgement of broadly equal status should be compared, secondly, the customs surrounding visiting or, in special circumstances, greeting, for in these instances private body-space could be momentarily ‘invaded’ even by strangers. Thus the brother-in-law of the King of Bohemia commented on how he was treated as a complete stranger to the country in 1466: ‘When guests arrive at a lodging, they are expected to kiss the hostess and her whole household. But to take a kiss in England is the equivalent of shaking hands elsewhere, for the English do not shake hands’. The most celebrated reference to this custom of course comes from the pen of Erasmus in 1499 and it bears repeating:

Wherever you go, you are received on all sides with kisses; when you take your leave, you are dismissed with kisses. If you go back, your salutes are returned to you. When a visit is paid, the first act of hospitality is a kiss, and when guests depart, the same entertainment is repeated; whenever a meeting takes place there is kissing in abundance; in fact whatever way you turn, you are never without it.\textsuperscript{10}

Nor was this simply a matter of foreign hyperbole. Few who have read it will have forgotten that vivid scene in Northleach church one May morning, 1482, when Richard Cely is waiting to catch a second glimpse of a possible marriage partner. He has already caught a first sight of her and her step-mother at Matins, following which he has sent wine to their lodgings for their refreshment and to break the ice. Although his name and now his person will thus be known to them through the good offices of the local marriage-broker, he has still not, apparently, formally met them. Only later, ‘when Mess whos done I come and whelcwmyd them, and kyssyd them, and thay thankyd me for the whyne and prayd me to cwm to dyner with them . . .’\textsuperscript{11} Even if the kissing of total strangers – presumably only on the cheek – was regarded as no more than a polite customary gesture, it nevertheless represented the complete antithesis of the formal system of social distancing already described.

Similar extremes characterized the vertical scale of relative physical positioning, but in this case according to a measure of who was ‘high’ and who was ‘low’. This might be expressed in the standing position in two contrasted ways. On entering someone else’s hall, for example, it was expected that the adult visitor would bow first to the gentlemen on the right hand side of the hall and secondly to those on the left. ‘Enclyne (th)e fayre to horn also’, however, seems to imply little more than an inclination of the head by an equal; a usage that

\textsuperscript{9} A Relation, or Rather a True Account, of the Island of England, ed. C.A. Sneyd (Camden Society, o.s., 1847, xxxvii), 22.

\textsuperscript{10} Robson-Scott, German, 8–9; cf. Rye, England, 260–2, n. 117.

\textsuperscript{11} The Cely Letters 1472–1488, ed. Alison Hanham (Early English Text Society, cclxxii, 1975), 152.
surely ought to be distinguished from the more respectful demeanour expected of a youth in service. In that case when responding to a request from his lord, the lad was instructed ‘At every tyme obeye vnto youre lorde / Whenne yee answere, ellis stonde yee styl as stone’. ‘Low obeisaunce makyng loking him in the face’ was the formal deportment expected of a young man when answering a question from anyone. At another level, of course, there was clearly assumed to have existed an intimate parallelism between the degrees of respect due to both heavenly and earthly lordship as expressed especially in enthronement: whether divine (as represented pictorially or in carving), royal, or episcopal. Not that a superior necessarily always sat: it will be recalled that Mayor Shillingford knelt before the Chancellor as the latter stood in front of the fire. What did matter, however, was that the social inferior should adopt, at least temporarily, a posture that placed him on one or other of a carefully graduated scale of lower physical levels. The least demeaning of these was to salute a superior by bending a knee on the move – ‘a running leg’, curtsey or genuflection – or by kneeling on a single knee, the right knee, since according to more than one arbiter of manners ‘Thyn owne worschepe thou save so’. Kneeling upright on both knees before a superior, by contrast betokened dependency and supplication. Not only was this the usual attitude adopted for praying and petitioning, but even adult sons were so required to kneel to receive their father’s blessings. It was, of course, also the customary gesture of homage. This mode of kneeling in its turn, however, was markedly less abject than that employed, for example, by the prior and monks at Durham cathedral before the Reformation; for there on Good Friday, in a manner presumably resembling that of Muslims at prayer, they first seem to have sat back on their bare heels – ‘sitting on ther knees’ as the text puts it – before ‘creeping’ to kiss the crucifix being held for them by other similarly kneeling monks at the foot of the steps of the choir. According to the Sarum Use, the congregation ‘prostrated’ themselves before kissing the ground or their seats on Palm Sunday. The social implications of such usages were not restricted to the liturgical example of the pre-Reformation church, however. Even in 1600, an Essex churchwarden is quoted as asking contemptuously of an ecclesiastical court ‘What would you have me? Creep and crouch unto you?’. Thomas Howard, the disgraced 4th Duke of Norfolk, writes to Elizabeth calling himself an ‘unworthy wretch, lying prostrate at

14 Rites of Durham, ed. J.T. Fowler (Surtees Society, cvii, 1902), 11.  
15 Simmons, Lay Folks, 385.  
your Highness' feet' (my italics). Recusant women are reported more than once to have kissed the feet of seminary priests or the ground on which they had stood.

In connection with the extraordinary range of ritualized physical signals, it is worth recalling, finally, that even bodily prostration was not the most extreme form of public self-abasement. Open penance enjoined by an ecclesiastical court; the surrender of a violent felon or a plea for pardon by a convicted man; and the process of abjuring the realm – all had a number of significant features in common. In each case the miscreant's social persona was deliberately and humiliatingly stripped from him (or her) in that, for their every-day garb was substituted a probably insufficient covering of their nakedness: white sheets for penitents; white shirts only in the case of felons; and white sack-cloth marked with a red cross for abjurors. All went barefoot; all knelt on both knees to attain their ends in public and often in the open air whatever the weather; while women in addition usually had to let their hair hang loose (as it was said did even Queen Catherine herself in 1517 when begging a pardon for the London apprentices who had rioted on Ill May Day). The abjuror of course had already been expelled from English society and therefore bore only a wooden cross en route for his port of embarkation. The surrendering felon or one petitioning for his life after sentence, by contrast, wore a halter round his neck as if his shameful status was now no higher than that of a brute to be led to the very slaughter which in fact the supplicant was so trying to pre-empt.

Even this summary review of contemporary modes of physical signalling indicates the existence of a well-defined and highly formalized code containing an exaggeratedly wide-ranging symbolic vocabulary. This code of behaviour, moreover, brought together and manifestly expressed two inter-related views of contemporary society. The first, that of society as comprising an ordered and uninterrupted series of 'estates' in which every man was positioned in relation to other men according to a quite precise measure of individual degree, requires no further elaboration. The second view,
rather than relating men directly to each other, related them to the whole body of the wider society from which therefore the impure body of the individual miscreant might have to be temporarily or permanently excluded for the good of the wider whole. On both views, therefore, contemporary body-language itself mirrored sets of widely accepted expectations.

That said, we have already seen that there is some evidence which might indicate that behind this ritualized façade, the English were widely regarded by outsiders as emotionally labile and easily excited to uncontrollable rage and violence – a view that is shared by a number of modern historians some of whom regard the age in general as one of considerable turbulence. It is, however, the propensity to, and the intensity of, that violence rather than the incidence of certain of its manifestations, that will concern us here: how far were people prepared to go at this period; were restraints of any kind exercised during personal confrontation itself as opposed to the build-up to it? To what extent, therefore, was the social organization itself put at risk? It will be recalled that so far as the nobility were concerned, Professor Lawrence Stone has argued from evidence for the widespread incidence of surprise attacks, petulant language, beard-pulling, nose-biting, and of pranks like putting upturned spikes on a rival's church pew, that 'The situation was exacerbated by the total lack of rules within which such violence as occurred could be confined' (my italics).

It is this statement about the total lack of rules which I wish now to examine especially since, as we have just seen, there were very well-defined sets of ideal rules governing physical comportment on a normal day-to-day basis. To attempt this, I want to scrutinize not what went on repetitively over weeks, months or years for the most part, but what eventually occurred over minutes or hours. It is, I will argue, only when we reconstruct personal confrontation as a detailed process of local interaction that we can hope to reveal the absence or otherwise of restraining rules, and hence assess the extent to which a state of near anarchy might be threatened, however temporarily, on such apparently frequent occasions.

III

To reach such levels of detail, of course, restricts one in terms of source material, but despite its drawbacks, it cannot be denied that one of the richest such is represented by the extraordinarily extensive bills, replications, depositions and so on that survive from the


proceedings of the king’s Council sitting in the Star Chamber. Amongst these it is possible to concentrate critically on fully-reported cases where neither protagonist seriously denies the facts of confrontation, and, where and when they survive, the detailed and separately taken depositions of the witnesses concerning the stages of each incident are more or less unanimous. The substantive issue behind the dispute will concern us only in so far as ‘riot’ is being used as a pretext to bring the case – usually about property – to the court. What is important in the present context is that this would suggest that what is in question often represents the culmination of a long-standing and bitter dispute that has finally boiled up to a climax. Occasions when one side or the other has already given way will, therefore, be under-represented to an unknown extent, as will personal quarrels that have erupted suddenly into violence. What the evidence can tell us, when used with care, concerns the detail of actual behaviour during physical confrontation between individuals or between groups of people after long build-up periods of escalating antagonism; the kind of detail in fact which it is difficult to dismiss out of hand as either common form or pure fabrication.

One of these people is a man of Stafford, John Chilton by name, and the circumstances of confrontation in which he places himself one autumn Saturday in 1540, may be taken as widely indicative of a certain kind of face-to-face behaviour at a broad upper level of this society. Chilton is not a poor man – he has at least one servant and he has interests in London – but nor is he a man of notable ‘degree’. For more than a year now, he has been renting a quarter of a field from another Stafford-dweller, Richard Damport, who in his turn had originally taken a half share in the lease of the whole field with the Stafford mercer, Richard Dorington. Perhaps when any three people share the same property on different terms, difficulties are likely to

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25 It is worth insisting that even if I may be felt to have been over-credulous in the use of this evidence, to carry conviction with the Court, any fabrication of the testimony quoted here may well have tended to express for their own purposes the very norms of behaviour that I am here seeking to tease out.

arise. Suffice it to say that as recently as the end of July, when both Chilton and Dorington were in London, the latter had probably departed the capital secretly in order to collaborate with Damport in appropriating — for reasons best known to themselves but lost to us — the entire crop of wheat, rye and hay from the field in question, including the fourth part of it that belonged to Chilton. Despite the fact that Chilton’s wife had been smart enough to get the bailiff to ‘attach’ the crop immediately, by 25 September the grain is still not threshed and, worse still, Damport has at some point given Chilton notice to quit before a witness. The matter yet awaits settlement in the local court which does not meet until later in the autumn.

What can Chilton do? What does he do? Chilton decides that he is legally justified in taking matters into his own hands: he will ‘impound’ the other men’s cattle (probably nine in number) as though they were trespassing on his own harvest stubble. And this he sets out to effect. But while he is rounding up the beasts in the close, it is probable that two maid-servants, perhaps the milk-maids of the other two men, have warned them of what is happening. At any rate, by the time Chilton is driving the cattle with his wooden staff along the road towards the public pound ‘apon the tope of Stafford grene’, Damport, Dorington, and the latter’s man-servant, Roger Picken, are already ranged in readiness in front of the fold. Of these three, only Damport wields a stave, while Dorington and Picken are each sufficiently well-prepared as to be armed with a bill — a fearsome infantry weapon which comprised a pole terminating in a spear-point, at right angles to which was mounted an axe-blade with a spike to the rear. What happens next, and even something of the different tones of voice (my italics), may be inferred from the later abbreviated testimonies of the onlookers.

Chilton and the cattle approach the pound, and Dorington deliberately waits until he is ‘ware’ of him. He then remarks in contemptuous tones that are loud enough for the by-standers to hear and therefore Chilton too: ‘“Loke where the thiffe is!” “Ye(a), I tolde you what a thiffe he was”’, responds Richard Damport, playing up to this provocative opening, before Dorington calls across the backs of the cattle towards Chilton as though he is a yokel: ‘“Whether dryvest thoue those beistes?” “To the fold”’, Chilton apparently asserts, though probably in rather richer language, since to ‘thou’ or ‘miscall’ an unrelated person of equal or superior status is a calculated insult. ‘“Nay”’ contradicts Dorington, and repeats the original accusation but, this time, as a direct challenge: ‘“Thou woldest have stolen them and (if) we had not ben here.”’ The exact words of Chilton’s emphatic denials of this public slander are lost to us, but he certainly claims hotly that he is ‘“as true as he (Dorington) is”’, and that ‘“he (Chilton) never did so false a deed as he, for he (Dorington) was fain to steal forth of London in the night”’. To this sneer, the infuriated Dorington responds with defiance: ‘“Thou liest, false thiff. Thou shalt dryve no beistes here”’, and, turning to his servant Picken,
orders ‘“take the beistes and put them into the felde agayne”’. And so, as John Chilton drives the ‘beistes’ towards the fold, ‘they dide drive backwarde’ until either Damport or more probably Chilton, ‘in a fury and rage’, first lashes out at the other with his stave. Certainly the latter’s maid-servant is heard to cry out ‘“Alas, master, will yew smite and have so many against yew?”’ But at this point come ‘Robert Dorington and Roger Picken with either of them a bill, holding it up in theire hands redye to strike’ and drive him backwards, ‘... and ever Richard Damporte stroke still at John Chilton’ who, under this onslaught, now finds himself forced back against the wall of an adjacent house. Clearly in desperation, Chilton unleashes ‘one stroke at Richard Damporte’, but, as he does so, Robert Dorington – no doubt to deflect Chilton’s blow – at last swings his bill so forcibly downwards on Chilton’s stave that he ‘smote of(f) his thombe of his liffe hande that hit hanged by the skin so that the staffe felle out of his hande’. Despite this, Chilton manages to stumble, bleeding and disarmed, through the door of the house with Damporte at his heels still belabouring him with his stave, and so wildly that he smites the door with it as he does so. Even after Chilton has ‘taken the house’, moreover, Damport punches him on the back, declaring that ‘“hade he not taken the howse, he had ben by likely hode slagne”’. Clearly there is more to an incident like this than a drunken free fight in an ale-house. Casual brawls of that kind may occur in any society, so it is the undoubted incidence of confrontations of the kind described, and far worse, that has lent to this period its reputation for violence. It is all the more essential, therefore, that we should look more closely at what actually leads up to and then happens on such occasions before accepting what is described at its face value. For above all, a general acquaintance with such details as survive for scores of such confrontations that came before Star Chamber, and therefore, allegedly the most serious such incidents during the period, reveals a fairly regular and oft-repeated sequence of definable phases as each situation escalates. By pursuing these in turn we may be able to assess more accurately the degree of propensity to violence for which the age is famed. Though it is certainly not claimed that every part of the sequence was necessarily always observed (that depended not only on the bitterness of the animosities but also, and probably more significantly, on both the numbers of the contestants and the number and character of the by-standers), it is suggested that, in a rough and ready way, the disputants did act with certain expectations in mind and – pace Professor Stone – within the limits of certain tacitly agreed, informal ‘rules’. The very fact that these ‘rules’ in no way resemble modern attitudes to what is ‘sporting’ behaviour certainly does not invalidate their existence. On the contrary, their very dissimilarity is most suggestive not only of the often brutal realities of their time but also of the ways in which cultural attitudes may so differently influence behaviour at its most raw.
The first factor that has to be taken into account is what our visiting Zealander observes about the way in which the English ‘long time lodge an inward grudge in their hearts’. These people are touchy to a fault about their reputations and fiercely materialistic, but the seriousness of a confrontation seems to be more commonly a function of the length of time it has taken to reach such a point than it is to do with any similarity to a so-called Latin temperament. In other words, there is likely to have been a considerable delay, during which argument, court proceedings, and often formal arbitration, may have taken place, before the patience of one of the parties eventually snaps and emotions erupt into physical violence. In our Stafford case it is noticeable that, despite considerable provocation as early as July, it is not until late September, two months later, that Chilton eventually acts.

A second factor has to do with the wider context in which so much violence occurs in Star Chamber cases; the context, that is, not of personalized animosity, feud, ambush and possibly murder, but of disputes about property rights, the preservation of them and the competition for them. For in these cases the action legitimately taken by the self-styled aggrieved party is frequently a matter of what the lawyers call ‘self-help’ in taking ‘distress’. In theory it follows a recognized, regulated and peaceful procedure. In practice it often does not, and for good reason: it is possible, even common, to effect it without official supervision. Indeed, what is so central to such value judgements as we may make about the violence of the contemporary English temperament at this period, is that the successful distrainor at the level of society in question usually attempts to take himself, or orders others to take by proxy, what he considers to be owed to him not only by surprise, but also with the strong-arm assistance – and the one-sided witness – of his own servants or friends. Conversely, anyone anticipating the extraction of a distress from his own possessions in such a way, is probably going to be sufficiently apprehensive of such an invasion as to be well-prepared to resist it. If not, like Damport and Dorton, he may be warned at the last minute. After a slow build-up of animosities, therefore, the system itself seems to create the chance of an officially unsupervised, physical confrontation. It is probably this that has long lain behind what appears to be the wearisomely repetitive and hence suspiciously formalized formulation of the common law writ of trespass *vi et armis*; by our period, it is certainly the inevitable mêlée which results, that provides the excuse for extreme cases of disputed title to be taken, under the guise of a charge of riot, as far as the king’s Council sitting in the Star Chamber.

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27 Supra, 68.
In the confrontation itself, the first move is obviously a show of force. Both sides are likely to be supported by servants, but by how many it is now impossible to tell, given the desire to establish the fact of 'riot' in so many cases. For obvious reasons the two sides are not always likely to be evenly matched, but perhaps a majority of each will be armed with only their usual walking staves, though some may have to make do with any agricultural implement that lies to hand. A few may carry bills – often said to be rusty – or bows and arrows, but usually only when they belong to the retinue of some knight or gentleman. Some, but nearly always a minority, may boast daggers or knives. Others, an even smaller minority, but the leaders in each group in particular, will probably be armed with sword and buckler – a small shield for parrying. If so, they – or at least the distrainor if he has caught his opponent by surprise – may well be on horseback. In many cases, therefore, whatever the precise truth about the numbers reported to the court, everybody present knows immediately that there is going to be trouble.

Leaving aside the extraordinary provocation caused by rounding up someone else's beasts or confiscating crops in such instances, the face-to-face confrontation invariably includes, and usually begins with, a verbal exchange. The most extreme form of this is the extravagant language of threat and intimidation, the blood-curdling vocabulary of which is most usually a direct reflection of easy access to cutting weapons. The use or occupation of disputed properties is declared from thenceforth prohibited with the threat(s) that, unless the other party obeys, the first will "kutte the armez besyde ther bodyes. . . "; they will "cut in sunder the legs and hock sinews" (though the utterance of this threat is denied); or even, in more extreme circumstances still, "it were no sin to take a leg or an arm of him, or to put a dagger in him". 30 A gentleman carrying a forest bill, having already forcibly asserted his rights as he sees them, is met by the local constable, and being commanded now to keep the king's peace, replies "Walke herison or I will strike off thy hede and of all that commyth with the". 31 An outraged Somerset man plucks out his sword and shouts at his stepmother, "a[h], thow stepdame, by goddes blodde, y care not thought y I thrust my swerde thorowe the". Held back from this, he proceeds to cast about for his brother or step-brother, a priest (who has prudently already 'avoydid from ther presens . . . at a backe syde of the seid house'), and demands: "Where is that hore is sonne the prest? Yf y hadde hym y I wolde hew hym yn smale gobbettes to sell hym at the market". 32 Those placid natives of Somerset! In the closing years of the fifteenth century, there is a major riot at Wedmore between the men of the Dean of Wells and

32 S.R.S., 265 – my punctuation.
the men of the Abbot of Glastonbury over vital matters to do with flood defences. The latter are threatened by the former that "if the tenauntes of the said abbot, calling them chorles, breke down the bank or stakes eny more, they sholde be betyn & slayne and fryed in their own grese in their own houses". In all of this, and much, much more, besides, there is a ferocity that makes such modern menaces as 'I'll bash your face in' seem positively mild. These are grown men, not modern teenagers, and often they are armed. Nor likewise is this the language of bruising or breaking; rather is it, more often than not, the language of physical dismemberment. In the context of the social ideal of the whole body politic, indeed, this contrary image of physical dismemberment must be regarded as significant: it certainly stands in stark contrast to the normal judicial penalties which, horrific though they are at this period, tend, with a few significant exceptions, to encompass the whole body rather than its parts. It is noticeable moreover that, with every allowance for the boastfulness of success that attends all such enflamed situations, the speakers seem to threaten convincingly enough so as to brand their utterances verbatim on the memories not only of their proposed victims but also of the witnesses. To the actual and deliberate execution of lesser, and even greater, atrocities in specific circumstances, we shall have cause to return. Suffice it to say now that the knowledge that maiming for one reason or another does occur at this period, is not likely to be forgotten by the object of the threat in the horror of the moment.

And that surely may be the point at this level of exchange. It cannot but be significant that in none of the cases quoted does it seem that the actual terms of the threat were ever carried out, at least during the extended period which it takes for a legal case to be prepared. The menfolk of England throughout this period tend to communicate anyway in a heightened, over-emphatic and a sometimes luridly metaphorical manner. The language of threat, therefore, has to be more exaggerated still. Behind the message could even lie the hope that the stated form of violence may not in fact be necessary. Essentially, it is more the voice of the bully who has men behind him to back him up in other ways. His own actions, at least at this stage of confrontation, might be restricted either to plucking the clothes of his victim 'by the bosom', drawing him close so that he may threaten him face to face – the obverse of kissing as an invasion of body space – and in one case, at least, then 'with strenght and vyolence' thrusting him away so 'that he had almost cast hym on the Flowre there' or, alternatively, to flourishing his weapon in a thoroughly intimidating

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33 Ibid., 61.
34 Infra, 86–7.
35 E.g. The Lisle Letters, i, ed. Byrne, 135–6, Appendix 2.
manner. 36 If he is well served, at this point one of his followers will hold him back. The fury may have been sincere, but the physical gesture will have been made and, perhaps as often as not, without a blow.

The threat, however, needs to be contrasted to the more common forms of verbal or visual overture involving incitements actually to fight through the language of insult and taunt. Typical 'social' insults of the kind that reach down to the ordinary village level have already appeared in these pages: 'thou', 'churl', 'thief', 'son of a whore', all express the contemptible state of inferiority in which the recipient is held to be, as do 'villein', 'knave' and 'beggar' – terms which assert not only poverty by this period, but also a socially unacceptable state of unfreedom. 37 For this vocabulary ultimately underlines the profoundest division within society, that between those who feel able to use it because they regard themselves as belonging to the broad ranks of those in a position to 'govern' even at highly localized levels, and those who may be so addressed because they 'have neither voice nor authority in the commonwealth'. 38 The same social slight may be conveyed visually as it was, dismissively, by the man who 'made lyght with signes of his fyngers', or by the fishmonger of Pontefract who 'came after a proud and lewd manner before the door and window' of the house in which the mayor was present, and 'made a proud countenance' towards the mayor, 'dyverse gentlemen being with him in the said house'. 39 The essence of the social insult is that not only does it affront the jealously guarded social dignity of every man at this period, but it also invites the by-standers, who may well be that man's neighbours, tacitly to be complices to the truth of the jeer. In doing so, moreover, it deliberately and exaggeratedly inverts the normal respectful language of social degree. The execratory insult, on the other hand, tends to be more directly personalized, more specifically defiant: 'a turd in thy teeth' 40 being one of the most common; its most unpleasant physical expression being to spit. In all these cases, however, the insult is employed as an indirect taunt to fight: the recipient of it is being dared to defend his honour. For the loss of face he may experience if he does not, will be socially disgraceful to an intolerable degree: the Yorkshire esquire, who suspects his wife of an affair, is discomfited beyond measure by the way his rival has, at

dyverse and sundry tymes, openly called your sayd orator cowerd and wrecche, because he did not feight with hym, and so continually reported hym before the greatemen, gentilmen, and dyverse other of the countrey (county), to the great rebuke and utter shame of your sayd orator. 41

37 E.g. S.R.S. 137, 145.
39 S.R.S., 149.
40 See also Stone, op. cit., 236.
41 Y.A.S.R.S., xlv, 68.
Taunt and insult are not far removed from the outright challenge, whether at the level of a proposed duel between gentry or a quarrel outside the village churchyard. ‘“I tell the thowe lyeeest; thowe lyest and lyest in thye throte”’; expostulates Thomas Lovell to his Norfolk enemy Sir Nicholas Bacon in 1586:

“And I doe by this my letter challeng the as a lyeing knight: but if thowe wyll prove thyse selfe contrarye then . . . meete me . . . And yf yt be my chawns to fall in to thye hands then cutte my throte withowte merecye . . . But if thowe shalt refuse the performans . . . , then I will secretlye repute the, and openly blase the, as a dunghell spyrtyed man”. 42

In the case of a face-to-face confrontation between two mounted antagonists, the challenge is visually signalled as first one and then the other ‘lights’ – dismounts – to draw his weapon: sword-fights tend not to occur on horse-back. 43 Similarly, in the cases of villagers with staves, a posture has to be struck: a Yorkshire yeoman incensed by what he regards as the injustice done to him (over a matter to do with the impounding of his beasts) by a manorial officer – one Gatell, a husbandman – has probably just been attending church at Ouseburn when the argument begins. Having already addressed the officer as ‘Thowe felowe’ the yeoman repeatedly challenges him that yf he wold come forth of the seyd church yarde that he wold garre (compel) the seyd Gatell to make amendes for the hurtes. And therupon the seyd compleynant (the yeoman) went out of the church yard, and seyd to the seyd Gatell: “Com out”, two or thre tymes, and that he wold “garre the seyd Gatell to sake the fautes”. 44

In a viciously violent society, the challenge might be expected to be the immediate prelude to an exchange of deadly blows. As with the non-fulfilment of specific physical menaces, however, it is very noticeable that this frequently does not occur. In confrontations of this type, not only are no blows struck until the acceptance of the challenge has been either orally or visually signalled, but a challenge may be refused altogether. The Thomas Lovell of Norfolk whose challenge has just been quoted and which, incidentally, is circumvented, is well able to resist another from one of the Bacon faction who reports that ‘“I urged him farr to have some knowledge thereof, but he passed it over and called me cosin, and by no means I cold make him angry with me”’. 45 At a level of society where conflict is inevitably occurring between families that are related through networks of inter-marriage, the appeal to cousinage in particular is an effective one in deflecting a

43 C.H.S., 1910, 4; C.H.S., 1912, 120; Y.A.S.R.S., xli, 68.
44 Y.A.S.R.S., xli, 178.
45 Hassell Smith, *County*, 186.
challenge. ‘“Cosyn, goo your way, for I will have no more to do with you’” is how, in 1515, Sir John Bulmer eventually seeks to deflate what has already been an ugly scene between him and Christopher Conyers. The latter, in his turn, responds

“Fye on your cosynage, I defye you, for I had rather dye in my right”. And Sir John sayd, “I will do you no wronge”. And Christofer folowid hym still desyryng him. And euver as Sir John wold turne to hym, he wold saye, “Kyll me”. And Sir John wold say, “I wil neyther kyll the, nor medle with the”.46

At the village level, the appeal for peace may simply represent a difference in kind, and may be made by a third party. In the Ouseburn affair a bystander steps in, when Gatell has himself refused the proffered challenge to fight outside the churchyard, and addresses the yeoman challenger

“John, this ys an yll fasshyon of you to be after this fasshyon amonges neighbors”. To home the seyd compleynant sayd in effect: “And yf thowe take his part, come thowe out too”. To whom the seyd Randulphe sayd in effect: “No, John, I wyll take nether of your partes. I will be glad to make better and not the werre”.47

Cousinage, neighbourliness, and thus impartiality, then, may all be invoked as social ideals when attempts are made to deflect violence, not least because to do so elevates the necessity for local peace above the potential for wider anarchy.

In incident after incident, those ideals will be put into actual practice, for often some third party will interpose at the moment of challenge or, perhaps more usually, after the first blows have been exchanged. Despite the colourful language used, and despite the undoubted ferocity of the tempers roused in the antagonists, moreover, those first blows seem often to be of a kind that actually invite intervention. Randolph, for example, is eventually so provoked as to leave the churchyard

and in the commyng out, the seyd compleynant [the yeoman] strake at the seyd Randulphe with a staffe, and the seyd Randulphe with a staffe which he had in his hand dyd put away parte of the seyd stroke; howbeit it glaunsyd upon the staffe of the seyd Randulphe, and hurt his hand. And then neybors cam bytwene [them].48

The injury is clearly an accident; honour is temporarily satisfied because the challenge has been accepted and met; and the bystanders may therefore intervene. There is much posturing too between Sir John Bulmer and his distant cousin, both of whom are mounted in the first instance. Bulmer challenges

46 Y.A.S.R.S., xli, 70.
47 Y.A.S.R.S., xli, 178.
48 Ibid.
"Lies then thy handd on thy swerde to me". And with that drewe his swerde and wold have stryken the said Cristofer, but I, the said Thomas (Bulmer's servant), lett hym. And the said Cristofer wold have lighted, and in the lighting the said Sir John stroke hym flatt vpon the hede [another witness said it was "in the nekke"] with his swerde, and then the said Cristofer lighted and drue his swerde, and then lighted Sir John Bulmer, and threwe his hauke off[f] his handd, and came to the said Cristofer as he wold have striken hym; and the said Sir John's servauntes lettid hym.49

This use of the sword 'flailing' – that is striking with the flat of the sword, not its edge – is widespread: it involves the deliberate handling of the weapon to bruise, and not to wound, maim or kill.50 In this instance, indeed, Conyers appears quite unharmed. It is a ritualistic gesture and it is almost, one might say, a gesture that invites the intervention of third parties before matters go too far. Likewise, in the Stafford case, it will be remembered that Dorington and Picken each carry a bill, 'holding it up in theire hands ready to strike', but neither does so until eventually Damport seems in danger, and, we may guess, it is most unlikely that Dorington deliberately aims to cut off Chilton's thumb. In this instance too, it is relevant to recall that, whilst the spectators of the incident at its start appear all to have been maid-servants, and therefore ill-fitted to intervene physically, Chilton's servant does counsel caution to her master.

Whether or not there are neighbours ready to come between two disputants – as many are during this period – it is clear enough that one over-riding duty of the good servant is to prevent his or her master becoming too embroiled either in situations of essentially unpremeditated danger or, perhaps more significantly still, in the troublesome and costly entanglement in Law which will inevitably follow the serious shedding of blood. (The similar misdeeds of a servant, when obeying orders, are likely to be covered up, or he may be protected by a powerful master: the actions of his lord may not be overlooked so easily.) Bulmer's servant Thomas is not the average bully-boy of whom so many a knightly retinue is all too often composed; he is Sir John's falconer, a highly skilled specialist in his own narrow field, Chilton's servant, Agnes, is probably his milk-maid.

A much more typical figure in set-piece clashes, which may involve a group of a dozen or so retainers, is the household chaplain or a local priest. Practically any household of pretension, down to the level of the middling gentry, will boast a resident chaplain at this time. It can, therefore, be no accident that such men or their stipendiary counterparts from the local church are sometimes included in the mini-expeditionary forces which are sent out. Cases from Lancashire and Cheshire, for example, indicate the presence of priests or clerks on such occasions in incidents involving taking possession of pasture,
forcible entry or re-possession, forcible ejectment and even murder. Whether they go equipped to administer the sacrament of extreme unction, we do not know, but their other functions are manifold: articulate, literate and theoretically impartial witnesses may be required; their presence may be a public guarantee of the respectability of the enterprise; while on other occasions, they are also useful as officers of their lords, as intermediaries or as ‘conciliators’. In a matter which partly involves rights of pasture in the manor of Estham, Somerset, a witness who has come to collect his plough oxen is met by ‘a chaplayn of the Lord Brayes, accompanied with two or three other persons’ who ‘denayed this deponent to have his catall, and this deponent sayed that he wold have them awaye and upon this communication the said chaplain departed, and then this deponent drove away his catall’. In a case of disputed descent concerning the manor of Dutton in Cheshire, Thomas Aston sends his chaplain to a vital but antagonistic witness ‘to move her to make report of such things as the said Aston and others should instruct her of’. In 1530, there is a dispute over the possession of a Yorkshire manor, and Sir William Gascoigne the Elder, with retinue in tow, apparently comes across his opponent unawares: ‘“Nay, Sampoole, by the blode of God thou schalt not escape me soo”’, he allegedly threatens. ‘And with that pullyd owte his daggar, and said that he wolde thruste that same daggar thorough hym or(ere) he depertyd, and soo was aboute to doo, savyng that his chapplen dyd holde hym’. Whether those that intervene are servants, chaplains or neighbours, the crucial role of the mediator in situations of confrontation cannot be emphasized too strongly. So common are such local intermediaries that it is difficult to believe that their interventions were not anticipated by the potential combatants. In one incident between two Yorkshire squires, serious violence is averted by the servant and yeoman hunter of the Duke of Richmond who ‘letted theym’. In another – a confrontation between two upper servants of rival great families in a common lodging house – one calls the other ‘a carterly knave, and gave him a great blow with his fist’, so the latter draws ‘his dagger in defence’ – but then, so we learn, ‘they were parted’. Similarly, a Wakefield butcher strikes an enemy with a mustard pot ‘and then they were put asondre’ by a citizen of the same town who had heard them ‘at wordes’ from within his house next door. In the

51 E.g. L.C.R.S., 10, 32, 47, 56, 70–1, 89, 110, 120.
53 S.R.S., 119.
54 L.C.R.S., 91.
56 Ibid., 68.
58 Ibid., 63.
North Country, indeed, there is a technical term for such a mediator which is well illustrated from a case involving a free fight in church during mass at which both sides admit injuring the other. One of the parties claims that he was 'sore hurt and woundyd', and that had it not been for 'other of his neighburs that was redders and helpt to maik the peas, that saue oonly the goude helpe of the seid neighburs, your seid sugett undouttidly had been murderyd and sleyn'. A 'redder' is a conciliator or one who separates two combatants though etymologically at least - and indeed in the context just quoted - it is a term that has connotations of partiality in that it comes from an Old English root meaning 'to rescue'. Whatever the case, however, intervention of this kind is often dangerous: the 'redding-strait' represents the stroke that may be incurred by the mediator at the hands of those whom he is trying to separate, and sometimes it is fatal. In one Staffordshire case, each side accuses the other of having killed the mediator, one John Dune who, 'intending to have the King's Peace kept, in gentle manner with his cap in his hand' apparently placed himself between the two combatants only to receive 'a great stroke on his head' from which he died within twelve hours. Despite this accident, it is probable that Dune did in fact act in the ritually correct manner. From other incidents, it is clear that the disputants needed to be given an unambiguously neutral signal, like hat-doffing, if they were to risk lowering their arms; without such a signal, intervention by an opponent's supporter would be all too possible. During an ugly dispute involving a considerable crowd, a kinsman of a prebendary of York draws his sword to defend the latter (who has just been taken 'violently by the bosom' and threatened by his adversary), only to be commanded by the prebendary, who also pinions his arms, to keep God's and the King's peace. Temporarily immobilized, the kinsman is felled to the ground by a stone hurled at his head since the partiality of his involvement had been all too obvious. In like manner a servant of the prebendary, who then comes running to the scene, is clearly taken as another possible threat rather than as a mediator, and despite the fact, so it is claimed, that he 'thought to no man bodely hurt' and attacked nobody, he is nevertheless beaten up so badly that he dies within four days.

Beyond such external restraints on behaviour, we may well ask what happens in the event of their absence? In answer to a threat or challenge, for example, warning shots might be fired by the 'defending' side. The escalation of violence that could follow can be seen in two statements of self-justification, each of which tells us more about what were the ideal rules of 'counter-threat' than about actually what

60 C.H.S., 1907, 160-2.
may have happened. In a case of riot from Eccleshall in Staffordshire, Richard Persall, the Elder, claims that he was innocently communing with one Alkyn’s wife, when

suddenly there came an arrow towards this deponent, and had like to have hurt Richard Persall, the younger, and with that the said Richard Persall, the younger, seeing Alkyn under the pale by his house, shot an arrow at him to put the said Alkyn in fear, that he should not shoot anymore. And yet notwithstanding, Alkyn shot another arrow and so Richard, the younger, shot another arrow for their defence.62

Similarly, a Martock husbandman admits that

he had a wyche hasell bowe, and Richard Richardes his brother had an other, and they had halfe a shefe of arrowes betwene them; and this deponent shott in the same affraye iiij arrowes and ouershott the complainaut and his company to feare them, and with oone arrowe strake him on the arme; and for that his bowe was not good, nor able to beare his arrowes, he cast yt downe and fell to his corn pyke; and then the complaynaunt was fellyd to the grounde by his brother John Richardes.63

Accidents will happen, and somebody is likely to be hurt. In parrying Hugh Bagnall’s furious onslaught with a forest bill, as Henry Brook tries to take possession of the upper chamber of Bagnall’s house in Chedulton, with several men behind him, Brook has to make do – perhaps significantly – with his still-sheathed sword and his buckler and, in his own masterly understatement, ‘as he supposyth he then in his defence with the pomell of his swerde somewhat a lyttyll hurte the same Hughe upon his hedde’. Hugh, of course, claims that he has been put in danger of his life and that his wife was then thrown down the stairs in danger of hers, while there is some evidence that one of his sons does have his head cut.64 If the normal order of the day is a good drubbing for the victim who sometimes may be knocked unconscious and incur relatively minor wounds; others may be more seriously injured. John Chilton loses a thumb; the inciter of the Ouseburn churchyard incident is eventually struck over the head with a stave by the infuriated manorial officer, and allegedly has to ‘lye att leche craft for the helyng therof by a greate space and tyme’ at the considerable cost of £4; a Yorkshire woman describes herself as ‘now at this day ston blynde by reason of the same gret strokes’ to her head; another Yorkshire man apparently loses the use of his left arm because of ‘many sore strokes and blody wowndes’.65 The fact that such serious injuries may not have been common, may have even reflected special pleading, or may not even have been intended, in no way diminishes the ferocity of the behaviour that might be unleashed once legal

62 C.H.S., 1907, 88.
64 C.H.S., 1907, 121-5.
65 Y.A.S.R.S., xli, 176-7, 52; Y.A.S.R.S., bxx, 79.
controls were absent, social mediation had failed, and cultural restraints were forgotten. Whether by design or no, men might be accidentally killed as a result, not of criminal intent, but of the sequence of actions set in motion by their masters. Such an occasion (again it involves distraint) is the minor pitched battle that takes place within the Liberty of Pickering in 1523 as a result of which one man is shot in the breast with one arrow and to the heart with another; two more, it is claimed with perhaps a touch of exaggeration, 'ar sore hurt in the hede with arowes, and in other partis of ther body' and so 'are never like to esscape'; and four more, so it is said, 'are in grate jobardy' for the same reason.\textsuperscript{66}

Group violence, regretfully, is not always either incidental or unintentional. If a yeoman living near Kirby Moorside is able to claim that an organized raiding party 'hym sore bete, and cutte the tonge ought of hys hedde'; on the other side of the Pennines, a Cheshire squire is equally able to plead that, after a similar assault, 'they hadde hym owte of his howse and kutte of(f) oon of his erys'.\textsuperscript{67} In such cases of deliberate maiming – and these are the only two in all the cases consulted – the normal and possibly understood 'ritual' sequence of confrontation is hardly likely to have been observed. Nor, obviously, was it in cases of premeditated murder. A man, like Lawrence Swetnam, might be deliberately lured by a group to play at a bowling alley in Brereton (Cheshire) and his attention distracted by an accusation of cheating, only to find himself struck with a bill from behind, by a third party, and so forcibly 'that hys breyns cam fourth by fore and by heynde of his hede, and ther dyed within lasse space than a quarter of a owre without spekyng of any worde'.\textsuperscript{68} A similar lack of warning marks the killing of Otwell Booth – probably at Stockport in 1518. His murderer, one Robert Pownall, 'came downe the pavement to the market place where the same Otwell stoode to sell his corne' and took him 'by the bosome, saying "A horseon, arte thou here to-day?", and therwith toke out his dagger and stikked him'. Again, however, this is no individual action: nine or ten men are in reserve to abet the killer's escape into a neighbouring jurisdiction where he will thus be less at risk of immediate capture, and their resistance to his arrest is momentarily ruthless. Pownall is apprehended by Ralph Merslande who is then struck on the head by Nicholas Brixshawe with a hedging bill with such a blow that it not only creates 'a great wound', but also forces him down onto his knees. 'Then came Birche and strake the same Rauff with a staffe, and oone William Bradborne strake at Merslande, which stroke was kept off by Pers Stanley, and then Brixshawe and his felowes toke from them the

\textsuperscript{66} Y.A.S.R.S., lxx, 63.
\textsuperscript{67} Ibid., 99; L.C.R.S., 64.
\textsuperscript{68} L.C.R.S., 20; cf. 20–3, 120–1, 136.
said Pownall, and badd him "goo his way . . . "69 Neither in this, nor in other instances, is there any question of not hitting a man when he is down, let alone wounded. It will be recalled that even though Chilton had had a thumb sliced off, his opponent not only continued to beat at him with his stave but also punched him in the back as he took refuge in the house. Regardless of the situation, once the level of 'ritual' restraint has been passed, insensate passion supervenes.

There is then a clear distinction to be drawn between tolerable violence and unacceptable violence, a distinction that relates not only to the manner in which violence is employed - that is, either honourably or dishonourably - but also to what is generally regarded as the maximum level of acceptable violence. That the level tolerated was a good deal higher than that in our own society, we need hardly doubt. For then there seems to have been a crude scale of values in operation whereby bruising and knocking unconscious were matters for little comment. Whether breaking someone else's limb or seriously drawing blood were similarly tolerated is not entirely clear: in the latter respect, however, the restrained use of the sword 'flatling' may be significant. The critical point, nevertheless, seems to be to do with mayhem since this tends often to be cited even when the details are not forthcoming. It is possible that this ancient set of values which distinguished between those injuries that did not diminish a person's ability to defend himself - like losing a nose, an ear or a back tooth - from those that did - like the loss of a limb, an eye or a front tooth - still persisted despite the fact that mayhem as such was not an indictable felony (though there were nevertheless, of course, statutes against, for example, cutting out tongues or eyes).70 If so, those injuries that just fell short of actual mayhem may well have still represented the upper level of acceptable violence. By contrast, a man like John Chilton of Stafford, with whose case this discussion began, was able to claim incontrovertibly that his assailants did 'mayhem' him on the thumb of his left hand.

With these points in mind and remembering always that the past can never have been so tidy as retrospective analysis would seek to make it, therefore, we can probably summarize the ritual ground-rules that may have obtained in circumstances of direct confrontation as follows:

(1) The probability of violent action must first be signalled through exaggerated verbal and/or physical threat or by the issue of a challenge;
(2) Once the threat or challenge is made, no action should be taken unless there is some sort of reciprocal provocation or counter-

69 L.C.R.S., 47-8.
threat which may itself be physical. With luck an opponent may well submit at this point or at the least seek to appease the challenger;

(3) If the opponent does not submit but responds in kind, then it is permissible to strike or shoot ostentatiously: again with luck, a mediator may now interpose and honour will be satisfied;

(4) If there is no interruption, keep fighting but try to restrict yourself to bruising, beating or knocking your opponent unconscious;

(5) Leaving aside regrettable accidents, only if you yourself are seriously endangered is it acceptable for you to inflict serious or mortal injury on another person.

IV

Now these 'rules' have been deduced from evidence involving conflict not between teenagers from disadvantaged backgrounds, but between adults from the more fortunate elements of society. The confrontations in question, moreover, take place between persons who already know each other locally and in the presence of local spectators who also know the disputants. The code of conduct concerned, therefore, must be regarded as having some implications for our understanding of the contemporary social organization as a whole. It is clear, for example, that violence involves ways of behaviour that lie at the opposite end of the spectrum of ritual communication to the equally exaggerated, but mannered behaviour outlined at the beginning of this lecture. Where the latter set of body signals is formally posed, nicely judged, contained and almost static, the other set is barely restrained, wide ranging, highly mobile and frenetic. The signalling of violence, nevertheless, remains related in some sense – and however intuitively – to the observances of every day, presumably because of the constant practice everyone has in observing the subtleties of normal communication. Thus, in confrontations, the potential violation of the usual respect for another person's body space clearly has to be signalled in advance by the use of the threat. Unlike kissing, which demands an agreeable tacit complicity, violence has to be announced one-sidedly; if it is not, perhaps the initiator of violence will forfeit any credit he might otherwise claim for his actions before those ever-important local witnesses. In such scenes, the usual regard for the niceties of degree is flagrantly inverted by the use of the social insult on the one hand, and by the implication that normal social rankings would anyway be displaced by a system of superiority based on threatened physical force on the other hand. Similarly, the resolution of conflict through the intervention of a mediator involves appeals not to the priorities of individual rank, but to a notional rough and ready equality – the broad equalities of cousinage or of neighbourliness or, in other words, the
kind of ideals that complement rank by supporting the localized collectivity of the social body as opposed to differentiation within it.

In so relating the code of tolerably-violent behaviour to the pacific conventions of every day, however distortedly, it is possible, then, to see such behaviour as not just an increasingly unrecognizable extension of normality but rather as a broadly acceptable part of it. In this way it is arguable that, in spite of legal technicalities, a considerable degree of tolerable violence was in fact embraced by, contained within, and to an extent defused by the contemporary social organization as that was focused at local levels. It is worth emphasising, indeed, that it is not the individualistic rituals of violence themselves that, as it were, dissociate or sever from society: it is the symbolic corporate rituals of temporary or permanent exclusion from the whole body by its local official representatives which do that, and then only long after some exceptionally serious act on the part of the individual concerned. In the present context of violence, that kind of act will have trespassed well beyond what was tolerable into areas where, either because the methods involved might be regarded as dishonourable (usually cases where the victim was given no chance to respond) or because death by rather more than misadventure may have occurred, it could be regarded as unambiguously anti-social or — as I would prefer it — anti-social structural, for that surely is what the term anti-social actually defines. In other words, while tolerable violence was far from being feared as potentially anarchic and therefore was, by definition allowable, the more vicious form of violence — and especially the surprise assault — was not acceptable. The rituals of confrontation, therefore, represented the institutionalization of acceptable physical and, indeed, verbal violence as an integral part of the over-arching social organization of the period and especially insofar as that was expressed in local forms. In this, more than anything else, perhaps, lies the especial ‘foreignness’ for us of late medieval English society. Or does it?