

## Defamation, Gender and Hierarchy in Late Medieval Yorkshire

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### ABSTRACT

This article focuses on a late-fourteenth-century defamation suit from the ecclesiastical court of York to demonstrate the granular nature of gender identity and homosocial cooperation and competition across status groups. In this case, a dispute between two gentry families developed into an accusation of sexual dishonour against the father of an unmarried pregnant woman. The analysis of networks of homosocial interaction reveals the gendered composition of reputation and identity at the social level. Male anxiety solidified around honesty in sexual and personal dealings, while concerns about social and religious status arose as the scandal became widely publicized. The study qualifies works on masculinity and insult in late-medieval society, demonstrating the significance of sexual honour and speech in men's disputes over reputation. It also illustrates the extent to which patriarchal authority could be enforced through control over the sexual activity of dependent men. Despite the involvement of gentry and lower aristocratic parties, the perspectives of women and non-elite men are visible and reveal the limits of patriarchal control in gentry households. Thus, the article delineates the nature of disputes between elite and lower-status men, tracing the boundaries of reputations, as well as their protection and maintenance in periods of conflict.

### KEYWORDS

Defamation; gender; masculinity; sexuality; reputation; medieval

At some point in 1362, one Robert de Berlay, servant in a gentry household in the West Riding of Yorkshire, was accused of impregnating Margery de Pickworth, the unmarried daughter of Thomas de Pickworth, a knight and Robert's master.<sup>1</sup> In the aftermath of the discovery, Robert was expelled from the family home, while Margery fell into disfavour with her parents. The situation escalated when Thomas de Pickworth's wife received a letter delivered to their home during his absence in London, claiming to expose the family's account of their daughter's

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pregnancy as a deliberate fabrication. A copy of the message, composed or dictated in Anglo-Norman French, was included in the apparatus of the suit and contained the accusation that Thomas had concocted the account of their daughter's pregnancy.<sup>2</sup> Written or at least dictated by William de Bracebridge, lord of Barlow, the document was sent from his nearby manor by messenger to the Pickworth residence. The central claim was that William de Saperton, a local priest described as rector of the church of Hemsworth, near the manor of Holme, had impregnated Margery rather than the household servant. One of the most damning accusations was that Thomas de Pickworth, colluding with the rector who supposedly fathered the child, had offered Robert de Berlay money to accept public culpability for the infant.

In recent decades historians of medieval and early modern England have relied on legal records to map social relations, producing detailed studies of courtship practices, the formation of marriage and the dynamics of the family and household.<sup>3</sup> Other works have mined judicial archives to trace the anatomy of individual towns and villages, while broader surveys sample a variety of records to draw wider conclusions about the composition, concerns and governance of local communities.<sup>4</sup> The Church and the state intervened in disputes like that between Thomas de Pickworth and William de Bracebridge, where attempts at arbitration had perhaps failed and, instead, generated litigation. Problematic speech was one area policed in both of these ways and cases of defamation were negotiated in the interstices of household, family and the wider local community. Insults exchanged in streets and taverns could embody anxieties about reputation, and the increased monitoring of speech occurred in tandem with the punishment of other kinds of marginal public behaviour.<sup>5</sup>

The meaning and implications of insult, ranging from seditious speech to public defamation, has generated a rich body of literature. Many of these works focus on non-elite speech crime, in part because these records offer some of the most significant evidence for the social experience and legal interactions of 'subaltern classes' in late medieval England.<sup>6</sup> From the fourteenth century onwards, the growing use of law courts as a forum for defending reputations produced detailed testimony from lower status groups and women in particular. Numerous studies

<sup>2</sup>The Anglo-Norman letter is attached to other documents in the case, including the positions. Although the note is not attributed to a specific individual, it is written in the first person and outlines the accusations made against Thomas de Pickworth.

<sup>3</sup>R.H. Helmholz, *Marriage Litigation in Medieval England* (Cambridge, 1974); P.J.P. Goldberg, *Women, Work and Life Cycle in a Medieval Economy: women in York and Yorkshire c.1300–1520* (Oxford, 1992); L. Gowing, *Domestic Dangers: women, words, and sex in early modern London* (Oxford, 1996); B. Capp, *When Gossips Meet: women, family, and neighbourhood in early modern England* (Oxford, 2003); M. Ingram, *Carnal Knowledge: regulating sex in England, 1470–1600* (Cambridge, 2017).

<sup>4</sup>K. Wrightson and D. Levine, *Poverty and Piety in an English Village: Terling, 1525–1700*, 2nd edn (Oxford, 1995); M.K. McIntosh, *Controlling Misbehaviour in England, c. 1370–1600* (Cambridge, 1998); G. Walker, *Crime, Gender and Social Order in Early Modern England* (Cambridge, 2003); K. Jones, *Gender and Petty Crime in Late Medieval England: the local courts in Kent, 1460–1560* (Woodbridge, 2006).

<sup>5</sup>S. Bardsley, *Venomous Tongues: speech and gender in late medieval England* (Philadelphia, 2006), 12–14.

<sup>6</sup>M. Goodich, 'Introduction' in M. Goodich (ed.), *Voices from the Bench: the narratives of lesser folk in medieval trials* (New York, 2006), 2.

also acknowledge the integral role of gender ideologies in structuring the content and focus of insults, appearing in greater abundance than works which explore defamation at a local level within individual households.<sup>7</sup> Patterns of insult are also addressed in regional analyses of crime in specific jurisdictions, but the smaller details of disputes are often overlooked or cannot be recovered.<sup>8</sup> Microhistories of speech crime can reveal the ideological foundations of insult, while illuminating the 'experience of authority' and the everyday components of gendered and status-based conflict.<sup>9</sup> This article therefore focuses on one unusual suit from Yorkshire to consider more closely the language and meaning of defamation in a local context. It analyses the construction and maintenance of male gender identities, particularly their presentation in more public settings, like the local community, the parish and social networks associated with the county.

In the dispute that underpins this study, perceptions of status, gender and sexuality converged in allegations about the behaviour of three men, Thomas de Pickworth, a knight and member of the gentry, William de Saperton, a local priest, and Robert de Berlay, a servant in the Pickworth household. These men moved in overlapping social and occupational networks in the West Riding. All three were implicated in a sexual scandal which involved the premarital pregnancy of Thomas's daughter, amid claims of a conspiracy to conceal bribery and an illicit sexual relationship allegedly rooted in procurement, consanguinity and the breach of religious vows.<sup>10</sup> The men's transgression of normative gender roles associated with masculinity was situated in a patriarchal framework, actions which were voiced and refuted from multiple angles in witness testimony on both sides. The suit illustrates the complexities of defamation in practice, while setting in relief the role of narrative convention and the force of power dynamics in shaping legal depositions.

Studies of testimony in marriage litigation during the late Middle Ages outnumber works on defamation more generally, reflecting in part the relative wealth of marriage cases coming before the church courts compared to suits

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<sup>7</sup>J. Sharpe, *Defamation and Sexual Slander in Early Modern England* (York, 1980); L. Gowing, 'Gender and the Language of Insult in Early Modern London', *History Workshop Journal*, 35, 1 (1993), 1–21; Gowing, *Domestic Dangers*, *op. cit.*; G. Walker, 'Expanding the Boundaries of Female Honour in Early Modern England', *Transactions of the Royal Historical Society*, 6 (1996), 235–45; Capp, *When Gossips Meet*, *op. cit.*; Jones, *op. cit.*, 94–128; Bardsley, *op. cit.*; S.E. Phillips, *Transforming Talk: the problem with gossip in late medieval England* (Pennsylvania, 2007); D. Spaeth, 'Words and deeds: gender and the language of abuse in Elizabethan Norfolk', *History Workshop Journal*, 78 (2014), 1–21; for works that challenge the dominance of gender binaries in relation to insult, see B. Capp, 'The double standard revisited: plebeian women and male sexual reputation in early modern England', *Past & Present*, 162 (1999), 70–100; Ingram, *op. cit.*, 31.

<sup>8</sup>R.H. Helmholz, 'Canonical defamation in medieval England', *American Journal of Legal History*, 15 (255) (1971), 255–68; R.H. Helmholz (ed.), *Select Cases on Defamation to 1600*, Selden Society, 101 (London, 1985), see Introduction; L.R. Poos, 'Sex, lies and the church courts of pre-reformation England', *Journal of Interdisciplinary History*, 25, 4 (1995), 585–607; Bardsley, *op. cit.*; Jones, *op. cit.*

<sup>9</sup>S. Hindle, 'The shaming of Margaret Knowsley: gossip, gender and the experience of authority in early modern England', *Continuity and Change*, 9, 3 (1994), 391–419.

<sup>10</sup>Bl, CPE 249. This case is discussed briefly in D. G. Neal, *The Masculine Self in Late Medieval England* (Chicago, 2008), 109–10. For a discussion of defamation suits from a canon legal perspective see Helmholz, 'Canonical Defamation', *op. cit.*, 255–68.

over defamation.<sup>11</sup> Although several important works analyse the gendered construction of reputation, via *ex officio* records and literary texts in particular, the nature and function of instance litigation merits more detailed study.<sup>12</sup> Attending to microcosms encourages historians to ‘view our small worlds as densely intertwined with larger ones’, demonstrating the incremental nature of late medieval social relations and the generalities bonding them to wider processes and structures, like socioeconomic shifts, cultural attitudes and the law.<sup>13</sup> A closer lens also emphasizes the intersectional nature of male identity and reputation in this period. Both Thomas and William were implicated in other immoral deeds, including bribery, and possibly the procurement of sexual favours. William de Bracebridge claimed that Thomas de Pickworth knew that his daughter was pregnant by the priest, rather than the family’s servant, and had accepted gifts from William de Saperton in return for his daughter’s affection, later suborning Robert de Berlay to gain his collusion in a fabricated account of events. While the case was initiated in the wake of a pre-marital pregnancy, the dispute itself sought to restore the reputation of the father and the priest rather than the daughter’s sexual honour.

Social conflict was negotiated in a variety of ways in late medieval society, including arbitration, mediation and the threat of legal action, with the use of litigation forming only one method of dispute resolution.<sup>14</sup> The bureaucratic machinery of the Church expanded during the twelfth century, developing into vast working archives as the practice of record-keeping became routine.<sup>15</sup> By the early thirteenth century, local ecclesiastical courts administered moral and spiritual life at a variety of levels, recording and storing testimony and interrogations from private suits as well as trials and citations.<sup>16</sup> The Church arbitrated in instance suits between private parties, while also bringing citations *ex officio* in criminal cases. A large body of private suits from 1301 onwards, numbering around six hundred, survive from the province of York, with further cases extant from the church courts of Canterbury, the Court of Arches and the London consistories.<sup>17</sup> An array of issues came under the Church’s jurisdiction, including marriage, church rights and testamentary matters alongside defamation and speech crimes.

<sup>11</sup>G. Brucker, *Giovanni and Lusanna: love and marriage in renaissance Florence* (Berkeley, 1986); T. Kuehn, ‘Reading Microhistory: the example of Giovanni and Lusanna’, *The Journal of Modern History*, 61, 3 (1989), 512–34.

<sup>12</sup>For early modern examples of this approach, see B. Capp, ‘Life, love and litigation: Sibley in the 1630s’, *Past & Present*, 182 (2004), 55–84; Hindle, *op. cit.*, 391–419.

<sup>13</sup>T.V. Cohen, ‘The macrohistory of microhistory’, *Journal of Medieval and Early Modern Studies*, 47, 1 (2017), 54; I. Szijszák, ‘Four arguments for microhistory’, *Rethinking History*, 6, 2 (2002), 209–215.

<sup>14</sup>E. Powell, ‘Arbitration and the law in England in the later middle ages’, *Transactions of the Royal Historical Society*, 33 (1983), 49–67; E. Powell, ‘Settlement of disputes by arbitration in fifteenth-century England’, *Law and History Review*, 2, 1 (1984), 21–43.

<sup>15</sup>M.T. Clanchy, *From Memory to Written Record: England, 1066–1307*, 2nd edn (London, 1992); for microhistory in early medieval contexts, see C. West, ‘Visions in a ninth-century village: an early medieval microhistory’, *History Workshop Journal*, 81, 1 (2016), 1–16.

<sup>16</sup>R.H. Helmholz, ‘Local ecclesiastical courts in England’ in W. Hartmann and K. Pennington (eds), *The History of Courts and Procedure in Medieval Canon Law* (Washington, 2016), 344–91.

<sup>17</sup>Helmholz, *Marriage Litigation*, *op. cit.*, 6, 12.

Private suits often contained testimony given to clerical scribes during interviews with the court-appointed examiner. These interviews produced detailed Latin statements in the third person which summarized the vernacular oral responses of witnesses to set questions. John Arnold has addressed the extent to which judicial power produced heretical 'subjects', mapping the multiple voices and 'competing discourses' present in heresy trials.<sup>18</sup> The process of gathering legal evidence not only situated the memories of deponents in contexts that were somewhat predetermined, but also generated 'voices' that were 'not necessarily reducible to the individual'.<sup>19</sup> Narratives presented in depositions and during the process of litigation provided opportunities for the reconfiguration of hierarchies both inside and outside the courts. Professional clerical men extracted testimony from laymen and women who usually had more limited degrees of literacy, while the laity communicated through their testimony aspects of everyday social relations that were in turn imbued with hierarchical issues. These power dynamics can be mapped more comprehensively through the concepts of agency and experience, as well as via the analysis of orality, the body and gender.<sup>20</sup> Historians of gender and subaltern culture have used these approaches as a way of bridging the distance between social structures and subjective experience.<sup>21</sup> This can facilitate the mapping of gendered cultural attitudes and identities, revealing 'skeins of relationships, rather than simply individual lives'.<sup>22</sup>

The article explores the granular nature of defamation, addressing its manifestation across social levels, as well as the relationship between gendered rumour and its subjective experience. The study opens with an analysis of the social and political dynamics that structured interactions between elite and non-elite men, mapping the way that social hierarchy produced different reputational concerns, as the anxieties of higher status men were often articulated through land ownership, literacy and patriarchal control. It then turns to sexual cultures in gentry and aristocratic contexts, in which conceptions of women's value were understood in terms of chastity and reproductive potential, and situates the language and discourse of deviance in the wider setting of gentry and lower aristocratic households. The final section addresses the interplay of social standing and masculinity in these household contexts, tracing the multiple truth claims contained in witness testimony. Although the remit for agency among non-elites and other marginal groups can appear limited in disputes involving higher status parties, litigants and witnesses negotiated their subject positions in

<sup>18</sup>J.H. Arnold, 'The historian as inquisitor: the ethics of interrogating subaltern voices', *Rethinking History*, 2, 3, (1998), 384; see also J. Arnold, *Inquisition and Power: Catharism and the confessing subject in medieval Languedoc* (Philadelphia, 2001) and E. Le Roy Ladurie, *Montaillou: Cathars and Catholics in a French village, 1294–1324*, trans. B. Bray (London, 1980).

<sup>19</sup>Arnold, *Inquisition and Power*, *op. cit.*, 8.

<sup>20</sup>Cohen, *op. cit.*, 59–68.

<sup>21</sup>W. Johnson, 'On agency', *Journal of Social History*, 37, 1 (2003), 113–24; P. Anagol, 'Agency, periodisation and change in the gender and women's history of colonial India', *Gender & History*, 20, 3 (2008), 603–27.

<sup>22</sup>P. Arnade and E. Colwill, 'Crime and testimony: life narratives, pardon letters and microhistory', *Journal of Medieval and Early Modern Studies*, 47, 1 (2017), 148; J. Boydston, 'Gender as a question of historical analysis', *Gender & History*, 20, 3 (2008), 558–83.

complex ways, with subaltern groups occasionally appropriating markers of more elevated social roles. In the suit analysed below, differentials of power, authority and socio-economic status thus collided with individual desires and motivations, shaping the extent to which parties and witnesses could act.

## Defamation and hierarchy

Social conflict and its resolution was integral to everyday life in late medieval communities, with many disputes settled through informal arbitration prior to or during the early stages of legal actions.<sup>23</sup> Where public slander did generate litigation, this tended to appear in the ecclesiastical courts in England, since the role of the borough courts in settling cases of defamation was already in decline by the late fourteenth century.<sup>24</sup> In the church courts, suits alleging defamation were initiated most often between non-elite men and women, people of low to middling status whose reputations mattered to their marital and economic fortunes more immediately and pragmatically. The gentry and aristocracy were litigious in defending personal and familial honour, but often used other legal channels in the settlement of disputes. For example, marriage disputes at this social level were often resolved through episcopal arbitration or the procurement of papal dispensations and annulments.<sup>25</sup> The central markers of gentility were truthfulness and honour, the defence of which could generate not only physical altercations, but also legal actions in the county and royal courts, including the Court of Chivalry, as well as petitions to parliament.<sup>26</sup> Although cases of defamation were seldom heard in the royal courts, legislation from the thirteenth century onwards attempted to curtail tale-bearing in aristocratic circles, especially the spreading of rumours that carried ramifications for members of the upper nobility and the king himself.<sup>27</sup> Where public slander occurred outside this context, complainants like Thomas de Pickworth were required to use the ecclesiastical courts in particular to repair their reputations. The social level of participants in this suit was unusual, and it perhaps entered the ecclesiastical archive due to the involvement of the lower gentry and, significantly, a member of the clergy as litigants.

The case emerged in the political landscape of late-fourteenth-century Yorkshire where gentry and aristocratic landowners competed for local resources and influence. According to several witnesses, personal animosity had developed between Thomas de Pickworth and William de Bracebridge which motivated the latter's delivery of the defamatory letter to the Pickworth household. In urban and rural communities, spatial proximity often produced conflicts which developed

<sup>23</sup>See, for example, B. Hanawalt, 'The power of word and symbol: conflict resolution in late medieval London' in Hanawalt, *'Of Good and Ill Repute': gender and social control in medieval England* (Oxford, 1998), 35–52.

<sup>24</sup>Helmholz, *Select Cases of Defamation*, *op. cit.*, lvii–lix.

<sup>25</sup>Helmholz, *Marriage Litigation*, *op. cit.*, 161.

<sup>26</sup>P. Maddern, 'Gentility' in R. Radulescu and A. Truelove (eds), *Gentry Culture in Late Medieval England* (Manchester, 2005), 30–31; G. Harriss, *Shaping the Nation: England, 1360–1461* (Oxford, 2005), 200.

<sup>27</sup>Bardsley, *op. cit.*, 28–29.



into verbal disputes in marketplaces, taverns and the doorways of houses. Among the landed gentry and lower aristocracy, disputes emerged more often from competition over landholding and administrative appointments, both of which connoted a family's place in the social hierarchy. Both families were prominent in the local area, with the Pickworths in particular involved in military service and county administration. Thomas's father, Hugh de Pickworth, had campaigned with Edward II of England during his Scottish campaigns, and was later buried with an accompanying effigy in Selby Abbey.<sup>28</sup> Both Thomas de Pickworth and his father served as knights of the shire during the fourteenth century, with Thomas returned to parliament as representative for the county of York in 1357, 1361 and 1362.<sup>29</sup> Although these representatives could be drawn from below the level of the gentry, as Chaucer's depiction of the Franklin implies, this group was more commonly comprised of men from the overlapping ranks of the lower aristocracy, gentry and military campaigners.<sup>30</sup> By the 1340s, a branch of the Bracebridge family, historically based in Lincolnshire, began to accumulate land in the neighbouring area around Selby.<sup>31</sup> In the late 1340s, William de Bracebridge transferred the manor of Walton to Henry, duke of Lancaster, in exchange for a lifetime rent from two-thirds of the manor of Barlow in Yorkshire.<sup>32</sup> The extent of Thomas de Pickworth's landed estates is obscure. In 1310, however, Hugh de Pickworth, Thomas's father, submitted a petition requesting a commission of oyer and terminer to investigate armed incursions on his manor, following his seizure of several local animals for non-payment of debt.<sup>33</sup> Whether the lands belonging to the two families lay adjacent is unclear, but many neighbouring landholders, lay and religious, clashed over landed boundaries or access to their land in this period.<sup>34</sup> The letter delivered to the Pickworth household allegedly stated that Thomas de Pickworth was of 'ill will' towards William de Bracebridge for no reason except that Thomas coveted William's goods. Although claims in disputes over defamation were often fabricated or exaggerated for rhetorical effect, disparities in socio-economic position may also have fuelled the conflict which developed between the men.

The vast majority of disputes over insult stemmed from public arguments that occurred during verbal exchanges, with the words of both parties later recorded in the form of written testimony. Canon legal teaching on defamation emphasized the need for the circulation of insult in the local community. The 'common fame'

<sup>28</sup>A. Gooder, *The Parliamentary Representation of the County of York, 1258–1832*, Yorkshire Archaeological Society, Record Series, 91 (1935), vol. 1, 43.

<sup>29</sup>*ibid.*, 43, 110; for the return of Thomas de Pickworth, see *Return of the name of every member of the lower house of parliament ... 1213–1874* (London, 1878), I, 160, 168, 171.

<sup>30</sup>J.A.F. Thomson, *The Transformation of Medieval England, 1370–1529* (Abingdon, 1983), 111–112.

<sup>31</sup>For a summary of the Bracebridge family holdings, see P. Coss, *Lordship, Knighthood and Locality: a study in English society, c.1180–1280* (Cambridge, 1991), 280–87.

<sup>32</sup>G.A. Holmes, *The Estates of the Higher Nobility in Fourteenth-Century England* (Cambridge, 1957), 67.

<sup>33</sup>*Calendar of Patent Rolls, Edward II, vol. I, 1307–1313* (Public Record Office, 1894), 312.

<sup>34</sup>I. Rowney, 'Arbitration of gentry disputes of the later middle ages', *History*, 26 (1982), 367–76; C. Carpenter, 'The fifteenth century England gentry and their estates' in M. Jones (ed.), *Gentry and Lesser Nobility in Late Medieval Europe* (Gloucester, 1986), 36–60.

that represented people's reputations was similarly also described in terms of its public basis. Parties and witnesses were often questioned on the plaintiff's 'fama' prior to instances of defamation, while plaintiffs were required to prove damage to their reputations among 'good and honest' persons.<sup>35</sup> Written accusations, like the document delivered to Thomas de Pickworth's house, were highly unusual in suits of this kind, due to the public nature of reputation in general, compounded by inconsistent rates of literacy outside clerical, gentry and mercantile circles.<sup>36</sup> The most detailed account of the defamatory letter appeared in the testimony of William de Skelton, a chaplain, who unknowingly accompanied the messenger on his errand to the Pickworth residence. William deposed that he had agreed to accompany a local layman named John de Ecclesley to the Pickworth's manor of Holme, near Selby. In Thomas de Pickworth's absence, John gave the letter from William de Bracebridge to Isabella, wife of Thomas. William stated that it was only on their return from Holme that he asked John about the letter's contents and was informed of several points written within the document. The delivery of the letter in the presence of a priest lent moral and spiritual weight to the accusations, encouraging Thomas de Pickworth and William de Saperton to believe that religious censure was upon them for the activities described in the writing. The presence of the priest also implied more widespread knowledge of the document's allegations. Although literate practices were increasingly pervasive in rural peasant communities, as the laity understood their meaning in legal contexts, clerical literacy was more common and the Pickworths were perhaps meant to assume that William de Skelton had read and agreed with its contents.<sup>37</sup> The men's visit also mimicked the delivery of legal citations for offenses investigated *ex officio*, which involved the conveyance of written accusations to the suspect in person.<sup>38</sup> In this sense, it was immaterial that William de Skelton was oblivious to the document's claims as his presence gave its contents moral and practical authority.

The transmission of these claims in writing allowed William de Bracebridge to deny any defamatory intent as well as wider knowledge of his accusations in the local community. In the positions, William's legal counsel alleged that the accusations were not made to the men's detriment as the letter was sent secretly in writing 'through a layman who could not read'.<sup>39</sup> William's defence proffered this point in order to prove that the allegations were made without malice, in other words without the intention of causing harm as it was defined under canon law.<sup>40</sup> Evidently the continued claims that the letter was in written form

<sup>35</sup>Helmholz, *Select Cases on Defamation*, *op. cit.*, xxxiv–xxxvi.

<sup>36</sup>R. Krug, *Reading Families: women's literate practice in late medieval England* (Ithaca, 2006), 25–30.

<sup>37</sup>J.A. Ford, *John Mirk's Festial: orthodoxy, lollardy and the common people in fourteenth-century England* (Woodbridge, 2006), 26–27; see also R. Houston, 'Literacy and society in the West, 1500–1850', *Social History*, 8, 3 (1983), 269–93.

<sup>38</sup>I. Forrest, *The Detection of Heresy in Late Medieval England* (Oxford, 2005), 126–27.

<sup>39</sup>BJ, CPE 249.

<sup>40</sup>R.H. Helmholz, *The Oxford History of the Laws of England, I: the canon law and ecclesiastical jurisdiction from 597 to the 1640s* (Oxford, 2004), 579.



and its contents known only by William de Bracebridge were intended to fit this legal loophole. Added to this is the simple fact that the messenger could have outlined its contents to William. Evidently, the threat of public knowledge of the document was intended, if not widespread knowledge of the alleged scandal itself. To counter this defence, Thomas and William had to provide witnesses to the fact that the defamatory claims had been made in malice and publicized on different occasions.<sup>41</sup> Initiating a suit was often the second stage in a dispute over honour, the first of which involved the recognition that the damaging gossip was widely known in the local community.<sup>42</sup>

Witnesses recounted the events surrounding the case in detail, outlining the beliefs and motivations of the parties and other figures involved before and after the scandal solidified into litigation. The nature of power dynamics in households that conformed to patriarchal norms could mute the subjective experience of household dependents, and women in particular. The perspectives of subaltern groups, nevertheless, emerge on occasion in the suit, enabling the circumvention of processes that otherwise assign non-elite experiences less significance in legal testimony at this social level. While two out of the three parties in the suit were members of the local gentry and aristocracy, the composition of witnesses represented a broader transection of the social hierarchy. A local chaplain testified in the suit alongside a number of laymen, including several younger men and the male servant who claimed to have conducted a sexual affair with Margery. Rather unusually, Robert de Berlay, the servant accused of deflowering and impregnating Margery, also provided lengthy testimony in the case. Perhaps because the case developed between men of gentry background and concerned male honour, the parties listed only male witnesses, and neither William's wife nor his daughter, Margery, whose reputation was examined in the case, were called as deponents. Robert de Berlay remembered a visit to William de Bracebridge's house after nightfall on the Friday after the Epiphany, where the men talked about the pregnancy and alleged bribery. Robert noted the presence of several others from William's household, including a servant called 'Littilwill' who stood by the fire during the men's discussion. This figure was omitted from the testimony of other witnesses, but perhaps included in Robert's evidence since the pair shared the same position in the social and domestic hierarchy. The power dynamics inherent in household relationships were often intensified in more elite social contexts, obscuring the presence and agency of domestic dependents in daily settings. The tendency towards the omission of subaltern groups could be resisted through horizontal solidarities of occupation, status and gender that recognized and reflected the subjectivities of individuals with similar experiences.

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<sup>41</sup>*ibid.*, 581.

<sup>42</sup>D.G. Shaw, *Necessary Conjunctions: the social self in medieval England* (New York, 2005), 125.

## Sexuality and knightly culture

Sexual honour and the limits of sexual transgression in elite cultures formed a central area of focus in the case. Robert de Berlay's alleged role in impregnating Margery de Pickworth meant that his admission of guilt was needed in order to deflect William de Bracebridge's accusations of bribery and sexual procurement. Witnesses in general were implicated in legal processes that embodied sets of power relations, rendering them subjects in judicial encounters which fostered specific identities.<sup>43</sup> Robert recalled how his relationship with Margery developed while she was 'in her virginity', deposing that he knew her carnally until she fell pregnant by him. During this period, he was employed as a servant by Thomas for a long time, but was expelled from his service and household when the pregnancy was uncovered.<sup>44</sup> The language of sexual activity in which Robert's confession was framed enabled him to adopt the subject position of a young, unmarried servant whose illicit sexual exploits under his master's roof ended in pregnancy and ejection from the family's company and employ. Other witnesses supported Robert's admission of the relationship and his paternity of the illegitimate child. William de Skelton, the local priest, deposed that Margery had indeed been made pregnant by Robert, and that he had heard the servant swear that she was deflowered and impregnated by him, and 'by no other'.<sup>45</sup> This repeated focus upon Margery's prior state of virginity, before her relationship with only one man, probably represented a deliberate attempt by the Pickworth family to limit the damage done to her reputation. William de Bracebridge accused the men of conspiring to conceal the child's genuine parentage through bribes to Robert, whose false admissions were reimbursed with money and other gifts. Robert's confession to the relationship and his paternity of the child allowed his testimony to function as a form of personal redemption, while the account of his expulsion at the hands of Thomas de Pickworth underscored the restoration of household order. William de Bracebridge's counsel countered Robert's claims of the pair's relationship and Margery's virginity. One of the positions drawn up for Thomas de Pickworth and William de Saperton stated that Robert de Berlay had deflowered Margery, to which William de Bracebridge replied that he believed Robert had known her carnally, but he did not know whether he had deflowered her. The suggestion of ambiguity around Margery's sexual history implied that she may have had sexual relationships with more than one man, further undermining the family's account of events.

Testimony in the suit came exclusively from male witnesses, with the presence and actions of women reconstructed and ventriloquized from masculine perspectives. The selection of male deponents was not uncommon in the church courts, even in litigation over marriage and defamation where women witnesses

<sup>43</sup>Arnold, *Inquisition and Power*, *op. cit.*, 92.

<sup>44</sup>BI, CPE 249.

<sup>45</sup>*ibid.*

appeared more frequently. In rural areas, as P.J.P. Goldberg observes, male and female parties tended to choose men to provide evidence, with men in urban marriage cases similarly relying more often on male testimony.<sup>46</sup> Matrimonial suits involving the gentry and lower aristocracy also demonstrated a preference for male rather than female deponents, perhaps reflecting the greater rigidity of traditional gendered norms relating to marriage and social roles within these circles.<sup>47</sup> Depictions of women's behaviour in the case against William de Bracebridge replicated these gendered models, with the language and actions of female kin characterized as passive and reactive by comparison to the conduct of the men involved in the suit. The women's spatial movements were also situated in domestic spaces limited to the households of the Pickworth and Bracebridge families, in contrast to the men's memories of travelling between the two manors and from the neighbouring villages. When news of Margery's pregnancy emerged, Isabella, her mother, was cast as reacting in emotional terms within the family home, while her husband, Thomas de Pickworth, was absent in London and was sent for during the crisis. Margery's own behaviour was depicted in terms of her sexual misadventure, and several male witnesses recalled her confession to the sexual affair openly to her family and others in the household. Prior to the pregnancy and admission, Margery had resided in the Pickworth household, but the discovery of her condition prompted her spatial dislocation as she was expelled for a short time from the family home. The language of female passivity and sexual transgression acted to reinforce the boundaries of aristocratic gender ideologies, which Margery's pregnancy and the ensuing scandal had pierced.

Lower aristocratic and gentry families, like the Pickworths, safeguarded the marital and generative capacities of female kin where inheritance and lineage were primary concerns. The intensification of patriarchal attitudes and practices at this social level meant that women of marriageable age were often perceived in functional terms, through their structural role as reproductive conduits in the transmission and maintenance of male ancestry. Men's honour and household reputation, in most status groups but particularly in this milieu, were coterminous with and depended upon the preservation of female chastity.<sup>48</sup> Sexual liaisons outside the confines of marriage were not uncommon among the higher echelons of later medieval society. The daughter of John of Gaunt, Elizabeth Lancaster, became pregnant with Sir John Holland's child sometime after 1387, later marrying him.<sup>49</sup> Sexual relationships, and marriage in particular, between men

<sup>46</sup>P.J.P. Goldberg, 'Gender and matrimonial litigation in the church courts in the later middle ages: The evidence of the court of York', *Gender & History*, 19 (2007), 46–48.

<sup>47</sup>For gendered attitudes in aristocratic circles, see M. Chinca, 'Women and hunting-birds are easy to tame: aristocratic masculinity and the early German love-lyric' in D.M. Hadley (ed.), *Masculinity in Medieval Europe* (London, 1999), 199–213; R.E. Moss, 'An orchard, a love-letter and three bastards: the formation of adult male identity in a fifteenth-century family' in J.H. Arnold and S. Brady (eds), *What is Masculinity? Historical dynamics from antiquity to the contemporary world* (Basingstoke, 2011).

<sup>48</sup>C. Given-Wilson and A. Curteis, *The Royal Bastards of Medieval England* (London, 1994), 39; K.M. Phillips, *Medieval Maidens: young women and gender in England, 1270–1540* (Manchester, 2003), 146–47.

<sup>49</sup>Phillips, *Medieval Maidens*, op. cit., 153–54.

and women from different social milieux occurred much less frequently, to the extent that such interaction was informally prohibited in practice. Kim Phillips suggests that elite groupings including the aristocracy and gentry indulged in a form of 'parasexuality' where flirtation was permitted but only within certain properly controlled situations.<sup>50</sup> While women could exercise sexual agency in these contexts, Margery's pregnancy curtailed many of her choices since the men's occupational and social status precluded marriage, and her marital prospects were diminished in comparison with other unmarried women of similar status.<sup>51</sup> Margery might receive support from her parents, and could perform penance for her sin upon 'churcing' after childbirth.<sup>52</sup> In this social milieu, parents could use additional strategies aside from female chastity, such as the provision of enhanced dowries and landed estates, to underline their social status and cachet.<sup>53</sup>

Anxieties over legitimacy and inheritance presented another problem for both Margery and her child. Kathleen Coyne Kelly notes that female chastity, in particular, was policed among the gentry and lower aristocracy to prevent the contamination of a family's line, and to ensure the legitimacy and rightful descent of landed estates.<sup>54</sup> Since Margery could not wed her child's father, it was an instance of 'general' rather than 'special' bastardy, which meant that her child could never be legitimate except by ecclesiastical dispensation.<sup>55</sup> Bastards could not inherit 'as of right', so unless they received lands through testamentary bequest, claims to inheritance – which they might have possessed if the child was legitimate – could be contested by another branch of the family.<sup>56</sup> The scandal was not solely restricted to concerns about the family's reputation, but also its implications for patterns of inheritance, and perhaps worries over the narrowing of Margery's marital potential and her future more generally. Although these issues provided the wider context for the ecclesiastical suit, William de Bracebridge's claims exacerbated the situation to the point where litigation provided the only means for the family to exercise agency over perceptions of the events.<sup>57</sup>

## Masculinity and reputation

In the suit which Thomas de Pickworth and William de Saperton pursued, male behaviour provided the ideological focus for both parties, as contemporary notions of sexual honour and reputation in general were situated in the discursive

<sup>50</sup>As discussed by Phillips, *ibid.*, 162–67.

<sup>51</sup>Given-Wilson and Curteis, *op. cit.*, 39.

<sup>52</sup>A. McFarlane, 'Illegitimacy and illegitimates in English history' in P. Laslett, K. Oosterveen and R.M. Smith (eds), *Bastardy and Its Comparative History: studies in the history of illegitimacy and marital nonconformism in Britain, France, Germany, Sweden, north America, Jamaica and Japan* (London, 1990), 74.

<sup>53</sup>Phillips, *Medieval Maidens*, *op. cit.*, 154; P. Coss, 'Knighthood, heraldry and social exclusion in Edwardian England' in P. Coss and M. Keen (eds), *Heraldry, Pageantry, and Social Display in Medieval England* (Woodbridge, 2002), 39–68.

<sup>54</sup>K. Coyne Kelly, *Performing Virginity and Testing Chastity in the Middle Ages* (London and New York, 2000), 75.

<sup>55</sup>Given-Wilson and Curteis, *op. cit.*, 43, 47.

<sup>56</sup>*ibid.*, 47–49.

<sup>57</sup>The Church embraced a humane attitude toward illegitimate children and preached that parents should care for all their offspring, regardless of illegitimacy: X.4.7.5.

and practical frameworks of canon law. The greatest challenge to Thomas de Pickworth's position in terms of his daughter's pregnancy was the lack of control over the governance of his household which her illicit sexual relationship implied. Patriarchal attitudes structured notions of gendered behaviour in domestic contexts, ensuring that the male head of a household, whether husband, father or master, held responsibility over the sexual behaviour of his dependents. A daughter's unlicensed pregnancy outside of wedlock therefore posed a significant challenge to the father's natural authority. Normative perceptions of sexuality and marriage in late medieval society only regarded as licit the sexual activity of conjugal couples, comprising the head of the household and his wife.<sup>58</sup> In households with multiple dependents of both genders, marital status could contain and solidify tensions between adult men, especially in areas where its patriarchal head could exercise hegemony and curtail the agency of younger or unmarried males. The dismissal of Robert de Berlay from household service not only ensured superficial restoration of household control but, in the event that William de Saperton was the child's father, the servant's expulsion also served to verify their fabricated narrative. With little opportunity to resolve the situation through marriage, Thomas had to protect his reputation by salvaging his and, to a lesser extent, his daughter's honour.

The language and cultural motifs relating to sexual behaviour alluded to points of contact between social attitudes and the 'legal rules and procedures' which shaped the boundaries of the conflict.<sup>59</sup> The implied lapse in patriarchal governance was compounded by claims of immoral conduct that constituted very specific sins from the perspective of the Church. Thomas de Pickworth had not simply accused William de Saperton of straightforward fornication in which a priest had broken his vow of celibacy with sexual intercourse. The positions and articles for William de Bracebridge also noted that William de Saperton and Margery had fornicated 'in incestuous embraces', while witnesses in the suit confirmed that the pair were blood related in the fourth degree.<sup>60</sup> Canon law prohibited marriage between persons related through consanguinity, including relationships in the fourth degree, although the Church could grant dispensations or subsequently annul unions on the grounds of this impediment.<sup>61</sup> A sexual relationship, including its formalization through marriage, between relatives only three or four degrees apart was therefore forbidden under canon law, even if William had been a layman rather than a priest.

Other claims made against the men used the moral classification of sexual sin to underline the gravity of William de Saperton's behaviour. William de Bracebridge's counsel alleged that Margery had also been promised to the Church, an accusation the men refuted stating that she 'was not, and had never been a nun or any other

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<sup>58</sup>P.J.P. Goldberg, 'Masters and men in later medieval England' in Hadley, *op. cit.*, 63.

<sup>59</sup>Kuehn, *op. cit.*, 516.

<sup>60</sup>BJ, CPE 249.

<sup>61</sup>Helmholz, *Marriage Litigation*, 77–78.

type of religious, nor was she delivered or in any way received or avowed into the Church or any order, and she had never even made a vow of chastity.<sup>62</sup> Daughters of gentry and aristocratic families were promised to nunneries and religious houses, patterns of entry into monastic life that accorded William's accusations veracity in social contexts.<sup>63</sup> Margery's alleged avowal to a religious house, or making an oath of chastity, exacerbated the severity of the accusations as William de Saperton could also be characterized as an adulterer who had deflowered and indulged in incestuous intercourse with a virgin betrothed to God.<sup>64</sup> In John of Bromyard's fourteenth-century *Summa Praedictorum*, for example, simple fornication was ranked lower on the scale of sin than sex with virgins, adultery or 'sacrilege' involving the violation of nuns.<sup>65</sup> Rumours that Margery was intended for the Church perhaps also operated as a lewd double entendre alongside suspicions that she had a sexual relationship with a priest. In Thomas de Pickworth's positions and articles inquiring into claims of carnal knowledge between Margery and the priest, William de Bracebridge's counsel replied that the defendant did not mean to imply 'anything except that the said daughter was supported from the goods of the Church before the time she left her father's house and she is not currently living there.'<sup>66</sup> In this context, 'support' from the Church accrued a sexual tone and perhaps implied that Margery received support for her child from William de Saperton. Indeed, William de Bracebridge alleged that Margery often visited the priest in his room, where her father had discovered her on at least one occasion.

Accusations of fornication made against William thus encompassed at least two, and possibly three, of the more serious branches of lechery noted in vernacular penitentials.<sup>67</sup> The plaintiffs were accused of additional spiritual and moral crimes as it was asserted that Thomas de Pickworth accepted many 'beautiful gifts' from William de Saperton in return for the 'love of his daughter', a claim that implied the men had engaged in procuring in order to facilitate prostitution.<sup>68</sup> In this context, William de Saperton's misbehaviour could be represented as having not only broken his vow of celibacy, but more seriously, having engaged in an incestuous and adulterous sexual relationship procured through gifts to the young woman's father. Aside from implying his involvement in prostitution, the claims depicted Thomas de Pickworth as a man from whom anything, including his own daughter, could be bought and procured. One deponent claimed that the men had bribed Robert de Berlay to claim paternity of the child, and had 'bestowed gifts from his goods' upon him to secure his confession as the infant's father.<sup>69</sup> In urban and mercantile social contexts, the construction and maintenance of identities as honourable was necessary and, indeed, imperative for business

<sup>62</sup>BI, CPE 249.

<sup>63</sup>Phillips, *Medieval Maidens*, *op. cit.*, 38–39.

<sup>64</sup>*Book of Vices and Virtues* (ed.) W. Nelson Francis, EETS 217 (London, 1942), 45.

<sup>65</sup>R.M. Karras, *Common Women: Prostitution and sexuality in medieval England* (Oxford, 1996), 112.

<sup>66</sup>BI, CPE 249.

<sup>67</sup>*Book of Vices and Virtues*, *op. cit.*

<sup>68</sup>BI, CPE 249.

<sup>69</sup>*ibid.*



and personal exchanges.<sup>70</sup> Although men's reputations depended more often on economic honesty, sexual behaviour increasingly formed a central component of male honour in late medieval society.<sup>71</sup> The composite accusations of bribery and sexual immorality implied the men's falseness, undercutting the gendered base of their public character while undermining the value of their word and actions. Neighbours and parishioners could perhaps have overlooked Margery's pregnancy and rumours about the child's paternity, but claims of the men's involvement in concealing the father's identity and implicating a young servant in the scandal no doubt worsened local perceptions of the situation. Claims of procurement and bribery could also initiate *ex officio* proceedings against the two men, which probably hastened the opening of a private suit to refute the allegations prior to any formal judicial citation.

The identity of the illegitimate child's father was a primary issue in the case, articulated in multiple narratives that centred on domestic governance and manly behaviour commonly associated with different social groups. Recognition of paternity was problematic for both men, since marriage and the provision of material support were unlikely from Robert, while William de Saperton was himself unable to wed. Although illegitimacy could result in legal constraints on inheritance under common law, it also hampered options in other areas, acting as a bar on entry to the clergy, for example.<sup>72</sup> This restriction excluded illegitimate sons in general from the priesthood, with the intention of discouraging clerical concubinage and the fathering of children. Yet the increased prevalence of dispensations by the fourteenth and fifteenth centuries implies that priestly progeny were not uncommon.<sup>73</sup> In this sense, it was perhaps the claims of procurement and conspiracy with the Pickworth family which prompted the case, in tandem with anxieties about respectability, rather than moral concerns about paternity of the child *per se*.

Both Robert and William invited suspicion for similar reasons relating to perceptions of their masculinity, and the nature of their roles in local and domestic contexts. Noble and gentry households were more masculine in composition than their non-elite counterparts, particularly those in urban areas, often employing male rather than female servants which offered young women in this social milieu ample exposure to male company.<sup>74</sup> Christine de Pizan in her *Treasure of the City of Ladies* anticipated moral danger in the employment of unmarried male servants in the chambers of noblewomen.<sup>75</sup> Servant masculinities were also regarded as inherently founded on the markers of domestic instability, including the inability to wed and establish an independent household. Promiscuity and

<sup>70</sup>Shaw, *op. cit.*, 31–36.

<sup>71</sup>Neal, *op. cit.*, 45–47.

<sup>72</sup>A. Musson, *Medieval Law in Context: The growth of legal consciousness from Magna Carta to the peasants' revolt* (Manchester, 2001), 85.

<sup>73</sup>R.M. Karras, *Unmarriages: Women, men and sexual unions in the middle ages* (Philadelphia, 2012), 141–42.

<sup>74</sup>Phillips, *Medieval Maidens*, *op. cit.*, 110.

<sup>75</sup>S. Salih, 'At home; out of the house' in C. Dinshaw and D. Wallace (eds), *Cambridge Companion to Medieval Women's Writing* (Cambridge, 2003), 131.

premarital sex were perceived as integral facets of manhood among young male servants, for whom visits to taverns, brothels and temporary sexual relationships were central channels of unmarried sexual activity.<sup>76</sup> The requirement for male workers to remain chaste while in their master's employ, avoiding fornication with women in their household, was occasionally encoded in indentures between urban employers and their apprentices.<sup>77</sup> The sexually transgressive male servant was, however, a common cultural motif in legal narratives and civic statutes, while promiscuous young women in service were recognizable figures in misogynistic lyrics like *The Serving Maid's Holiday*.<sup>78</sup> Love and marriage across class boundaries were themes addressed in the Middle English romance, *The Squire of Low Degree*, yet temporary sexual liaisons were more likely than social advancement from household service or marriage.<sup>79</sup> In this context, Robert de Berlay fathering the child was wholly plausible in practical and ideological terms, and his dismissal for sexual misbehaviour characterized a seemingly appropriate form of punishment for his actions.

The interchangeability of paternal identity was enabled in this case through similarities in the two men's marital status and their ability to access domestic spaces without excessive suspicion. As a member of the clergy and the local parish priest, William de Saperton was unable to marry, although sexual chastity was such a significant marker of clerical masculinity that for some clergymen promiscuity became a rejection of effeminacy.<sup>80</sup> The priest's position as a clergyman gave him licence and reason to consort with female parishioners, under the guise of pastoral care or the administration of sacraments like confession. Anxieties about the spatial movement of clergymen and their contact with laywomen were, however, evident in confession manuals that forbade private confession as well as anticlerical poems that depicted clerks as lascivious predators upon married women.<sup>81</sup> Indeed, ambiguity surrounding the clergy's marital status and their spatial range was expressed in a subset of popular Middle English lyrics focused on sexual relationships between young women and promiscuous clerks, which ended in the former's pregnancy and abandonment when her clerical suitor disappeared.<sup>82</sup> Both servanthood and clerical status could involve occupational mobility as servants and priests could relocate to begin new contracts or periods of service. The structural resemblance between service and clerical status meant that the genuine identity of the child's father could be concealed through a narrative of cross-status sexual relations, rooted in domestic routines that bred familiarity.

<sup>76</sup>Goldberg, 'Masters and Men', *op. cit.*, 67–68.

<sup>77</sup>*Ibid.*, 58–59.

<sup>78</sup>'The Serving Maid's Holiday' in R.H. Robbins (ed.), *Secular Lyrics of the XIVth and the XVth Centuries* (Oxford, 1955), 24–26.

<sup>79</sup>'The Squire of Low Degree' in E. Kooper (ed.), *Sentimental and Humorous Romances* (Kalamazoo, MI, 2006).

<sup>80</sup>P.H. Cullum, 'Clergy, masculinity and transgression in late medieval England' in Hadley, *op. cit.*, 195–96.

<sup>81</sup>B.A Barr, *The Pastoral Care of Women in Late Medieval England* (Woodbridge, 2008), 107–14; Cullum, *op. cit.*, 191–92.

<sup>82</sup>N. Cartlidge, 'Alas I Go with Chylde': representations of extra-marital pregnancy in the Middle English lyric', *English Studies*, 79 (1998), 395–414.

## Conclusion

The magnifying processes involved in the use of case studies can hamper the ability to detect agency among actors in past cultures, as individual will often appears too circumscribed, especially where their words and actions are recorded in judicial formats.<sup>83</sup> Both Robert de Berlay and Margery de Pickworth were expelled from the Pickworth household, with the former losing his means of employment, and the latter, for all intents and purposes, homeless, pregnant and without family or financial provision. Other witnesses alluded to more complex networks of support after the scandal erupted, which appeared to confirm elements of William de Bracebridge's story. Robert de Berlay was said to be living with William de Saperton as further proof of the men's conspiracy, implying that the two plaintiffs owed Robert for his admission of paternity in the priest's stead. William de Bracebridge also claimed that William de Saperton gave Margery material support in the form of 'a robe and all the clothes for her body' during her pregnancy, a pattern that connoted paternal recognition in cases of illegitimacy and proved that William de Saperton was the infant's father.<sup>84</sup> Margery and Robert were not entirely bereft of support, but were reliant on the parish priest for shelter and provisions, a position which potentially deprived them of greater social and economic autonomy. Although both Margery and Robert agreed to suppress William's role in her pregnancy, their relationship with him after the pregnancy was discovered hints at more intricate networks of interdependency.

The case also permits a closer analysis of the complexities that influenced the relationship between masculinity and public perceptions of reputation and social status in late medieval England. Patriarchal control was, of course, underscored in the witnesses' testimony. The subversion of gendered hierarchies within the household and the public circulation of the claims in writing, and probably by word of mouth, meant that only by re-establishing normative relationships within the home could the family signal its moral coherence.

Most significantly, however, the gender dynamics of the suit itself emphasizes the constraining force of patriarchal authority in local and domestic contexts. The binary characterization of gendered honour in early modern society is increasingly challenged, and as Bernard Capp notes of sixteenth- and seventeenth-century cases of insult, sexual honour was perhaps a larger element of middling and gentry masculinity in the late medieval period than has been assumed.<sup>85</sup> The dispute involving the Pickworth family also reveals as reductionist the broader alignment of women with speech and men with deeds. The claims delivered to the Pickworth household were in written form, with literate practices more common among men than women, but their delivery implied the routines of communication between gentry households rather than a specifically masculine form of insult.

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<sup>83</sup>Cohen, *op. cit.*, 59–60.

<sup>84</sup>BI, CPE 249.

<sup>85</sup>Capp, 'The double standard revisited', *op. cit.*, 70–100.

Male witnesses and parties narrated the progress of the conflict and discussed the allegations on numerous occasions, while the case itself centred on the men's knowledge and involvement in the sexual scandal. The argument originated in a personal dispute between two men and the homosocial nature of the suit, in focusing primarily on male behaviour and sexuality, omitted women from its litigation, despite their evident investment in its resolution.

Patriarchal authority was also enacted at times through the control of male dependents, by regulating the sexual behaviour of servants and clerical men associated with the household. Disparities in social hierarchy meant that men in a subordinate position to the male head of household were subject to constraints that were aimed at the curtailment of women's as much as men's sexual activity. The treatment and depiction of women in the suit further emblemizes wider gendered attitudes, whereby female kin were regarded as adjuncts to male relationships and often considered in terms of their sexual and reproductive functions. Although female family members were excluded from the litigation, the sexual reputations of daughters and wives were central to the assessment of male honour and worth in this period.

Witnesses too perhaps exercised more agency than we might initially assume. Women could however exert some influence upon their immediate circumstances, even if not retaining the ability to control the events in which they were embroiled. Margery was depicted defending her actions to her father, and characterized as bearing witness to her own actions and her relationship with Robert. If William, the priest, had fathered the child instead, Margery perhaps adopted a more central role in resolving the scandal, by colluding in her parent's story and facilitating its acceptance in the local community.

For litigants and deponents to present convincing narratives to the church courts, they needed to draw on and locate their actions within a dominant 'system of expectations'.<sup>86</sup> In a case involving sexual insult and premarital pregnancy, accusations of consanguinity and the exchange of gifts embodied sets of religious and moral concerns with particular sexual practices. Men and women also developed their own narratives to reflect their role in conflicts, explaining their allegiances and justifying their actions in relation to the primary events under investigation. Yet the need for both parties to establish dominant narratives introduced silences, contracting motivations and suppressing individual voices. Like many other cases from the late medieval church courts, no final judgement survives in the form of a sentence, although in most suits in this jurisdiction these documents fail to include the rationale for the decision.<sup>87</sup>

Concealment and disclosure were common motifs in the language and discourse of legal testimony in general, but their structural role was amplified where uncertainty marked paternal identification. Deponents supplied a certain

<sup>86</sup>P. Connerton, *How Societies Remember* (Cambridge, 1989), 6.

<sup>87</sup>Helmholz, *Marriage Litigation*, *op. cit.*, 19.

amount of background information, a brief life history, which was necessary because their evidence was given to relative strangers, but past histories and affiliations could be obscured. The uncertainties inherent in many early legal records extend to a lack of evidence about the fate of the individuals involved in the case after its conclusion. Margery's parents may have arranged a suitable marriage for her, or she could have entered a religious house like other more elite women, particularly where marriage prospects were curtailed for various reasons. Thomas de Pickworth did not reprise his earlier administrative role of knight of the shire for Yorkshire. Robert de Berlay was temporarily supported by William de Saperton, but the damage to William's reputation may have prompted the priest to relocate elsewhere. In 1370, one William de Saperton, a chaplain, appeared as a party alongside a clerk in a quitclaim of tenements in the feet of fines for Nottinghamshire.<sup>88</sup> Several men with the same surname were involved in local governance in this area, with the scandal perhaps initiating a return to his family base in Nottinghamshire.

The case underlines the extent to which patriarchy was enforced through authority over male dependents. The pressures of social status intensified the implications of insult for male gender identities, magnifying the importance of sexual honour in relation to their public reputation. In this sense, the language used in court records, in tandem with its silences and elisions, formed part of the renegotiation of power relations in social practice as much as through the law.

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