

Puede citar este artículo como:

Lacey, Helen. «The voices of royal subjects? Political speech in the judicial and governmental records of fourteenth-century England». *Anales de la Universidad de Alicante. Historia Medieval*, N. 19 (2015-2016): 241-268, DOI:10.14198/medieval.2015-2016.19.09

THE VOICES OF ROYAL SUBJECTS? POLITICAL SPEECH IN THE JUDICIAL AND GOVERNMENTAL RECORDS OF FOURTEENTH-CENTURY ENGLAND

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RESUMEN

El artículo examina los discursos documentados de personas que fueron acusadas de criticar al monarca o al gobierno real en la Inglaterra del siglo XIV. Dichas palabras fueron atribuidas a individuos de fuera de la élite social, quienes estaban entonces inmersos en discursos políticos trazados por las ideologías y las estructuras institucionales de las cortes reales. Precisamente este proceso pudo influir en las relaciones entre vecinos y comunidades locales, así como entre los particulares y los oficiales que representaban a la Corona. Cuando tratamos de considerar en cómo ello afecta a nuestra comprensión de la cultura política bajomedieval, debemos tener en cuenta el contexto de la acusación: el papel de los informadores, los testimonios y los jurados locales. A veces las noticias políticas emanaban de los oficiales reales, mensajeros, ayudantes y alguaciles, que demostraban así su buena conexión con el poder. También podían manipular el proceso para acusar a sus oponentes de difundir rumores falsos y de perseguir venganzas locales a través de los tribunales reales. Todos aquellos que participaban en el proceso tenían que interactuar con el lenguaje y el procedimiento del sistema judicial real y construían cuidadosamente sus narrativas como parte de la representación requerida por los tribunales. Los registros escritos, entonces, nos permiten examinar cómo las palabras de dichos individuos eran reproducidas en forma de texto y, aún más, considerar con atención cómo eran representados en tanto que súbditos de la Corona.

Palabras clave: Cultura política; Baja edad media; Inglaterra; Discurso; Difamación.

ABSTRACT

This article examines the reported speech of individuals who were accused of voicing criticism of the monarch or of royal government in fourteenth-century England. These words were attributed to individuals outside of the social elite, who were then drawn into political discourses shaped by the ideologies and institutional structures of the state. This process might influence relations between neighbours and local communities, as well as between individuals and the officials who represented the Crown. When we think about how this affects our understanding of late medieval political culture, we need to think about the whole context of the accusation: the role of 'informers', witnesses and local juries. Political news sometimes emanated from royal office holders, messengers, clerks and sheriffs, allowing them to demonstrate just how well-connected they were with those in power. They could also manipulate the process to accuse opponents of spreading false tales and pursue local vendettas through the royal courts. All those who participated in the process had to interact with the language and procedures of royal government and they constructed their narratives carefully as part of the performance required by the various courts, councils and tribunals they came before. The written records, then, allow us to examine how the words of these individuals were rendered in textual form, and further, to think carefully about how they were represented as subjects of the Crown.

Keywords: political culture; late-medieval England; treason; speech; slander.

INTRODUCTION

In recent years, scholars have given renewed attention to the structures which underpinned political life in late-medieval Europe and examined the evolution of political communities. John Watts's recent work has encouraged a new appreciation of political 'opinions, identities and actions' that were 'conditioned by the frameworks provided by institutions, ideologies and discourses.' Politics, he argued, 'was a phenomenon dominated by structures more than by individuals or collective solidarities.'¹ Watts also identified a change in the way political grievances were articulated; at the beginning

¹ WATTS, J., *The Making of Politics: Europe, 1300-1500*, Cambridge, 2009.

of the fourteenth century complaints were largely recorded in charters of rights, written in Latin, drawing on the vocabulary of Roman and canon law in order to defend local autonomy. However, by the later fifteenth century, vernacular petitions and manifestoes concentrated on the failings of royal government, rather than its intrusions, purporting to express a commonly-held 'public' opinion.² In the context of late-medieval England, explanations for this apparent growth in political consciousness have largely centred on fifteenth-century politics and in particular the civil war known as the Wars of the Roses, which brought a new awareness of politics to those outside of government circles. However, this article focuses on the fourteenth century in order to examine the first cases in which people lower down the social spectrum were attributed a political voice. Their speech was occasionally reported before royal tribunals and cited in judicial and governmental records. This underexplored material offers important insights into the expanding political community of fourteenth-century England and the structures within which it operated, allowing us to consider in more detail the ways in which the king's 'lesser' subjects engaged with politics.

The cases discussed in this article appear in the records of a number of different courts and royal administrative offices, suggesting that there was as yet no fixed legal procedure for dealing with them. Thus the 'judicial records' referred to in the title of this paper relate to a quite disparate body of material, rather than a narrowly-focused common law context. They came to be recorded because the speech of the people involved was adjudged sufficiently critical of the Crown to attract the interest of royal officials. The cases ranged from ill-advised remarks about the habits of the king through to plots to kill the monarch and his closest advisers, but in each case the institutions of government and the procedures of the judicial system shaped the process. Accusations were articulated in the language of the courts and presented before tribunals with their own performative rituals and codes of behaviour.³ The records themselves were often written up by scribes employed in the courts or in the writing offices of government. Indeed, while there are variations between these cases, they all culminated in the moment at which a scribe recorded the case in one of the standard forms of written document acceptable to the royal administrative system. In doing so, scribes responded to a complex matrix of subjectivities and prevailing ideas about acceptable language and behaviour. They were not straightforwardly always

² WATTS, *Politics*, pp. 8, 421.

³ MOSTERT, M., and BARNWELL, P.S., *Medieval Legal Process: Physical, Spoken and Written Performance in the Middle Ages*, Turnhout, 2012.

on the side of the Crown; they might be employed by a petitioner seeking to have their case heard before the king and council, but they had to conform to standardised procedures and written forms. Thus, the value of these cases for the historian lies not just in the particular, isolated vignette they present of 'popular politics', but also in the way they help us to better understand the governmental and legal structures within which political consciousness was shaped and articulated. These records allow us to examine the ways in which people from the 'middling' ranks of society and also from the upper strata of the peasantry sought to negotiate their role as subjects of the Crown within evolving legal procedures and discourses, and give us an insight into the way in which medieval governments began to address the political speech and behaviour of subaltern individuals for the first time.

Since early in Edward I's reign, the king's subjects had been explicitly prohibited from spreading slanderous reports of a kind that might be thought to 'engender discord between the king and his people'.⁴ This measure (clause thirty-four of the first Statute of Westminster) came as part of a raft of new legislation that codified laws already in *de facto* existence in an attempt to define a new relationship between the king and his people.⁵ Further proclamations against spreading false news or slander were issued in the 1320s, designed to quell the rumours being spread by the Londoners at a time when the Lancastrian opponents of the Crown vied for the loyalty of the capital's inhabitants.⁶ Finally, Richard II's government issued two statutes in 1378 and 1388 that adapted the law of 1275 in order to prevent slander of the magnates and great officers of the Crown (the *scandalam magnatum* laws).⁷ These prohibitions against political speech were enacted within a broader legislative context which saw the introduction of penalties for barratry (a verbal offense or action which threatened the king's peace) and the codification of 'treason by words' in the statute of 1352.⁸ They also existed

⁴ This article deals with the politics of royal government. This is not to deny, of course, that politics can be discussed in other contexts: local government, the parish or the family, for example.

⁵ *Statutes of the Realm [SR]*, vol. 1, p. 35.

⁶ *Calendar of Close Rolls [CCR]*, 1318-1323, pp. 505-8; SHARPE, R.R., ed., *Calendar of letter-books of the city of London: E*, London, 1907, p. 236; RILEY, H.T., ed., *Memorials of London Life In the 13th, 14th and 15th centuries*, London, 1868, pp. 172-4; *CCR* 1327-1330, pp. 586-591.

⁷ *SR*, vol. 2, p. 9; *SR*, vol. 2, p. 59.

⁸ BARDSLEY, S., «Sin, Speech, and Scolding in Late Medieval England», in Fenster, T.S. and Smail, D.L., *Fama: The Politics of Talk and Reputation in Medieval Europe*, Ithaca (NY), 2003, pp. 149-52; BELLAMY, J.G., *The Law of Treason in England in the Later Middle Ages*, Cambridge, 1970.

alongside broader notions of slander and defamation between neighbours or against local officials, notions which had long been applied in customary and church courts.⁹ Thus as people's familiarity with royal justice increased, they began to accuse each other of slander or treasonous words, sometimes as part of a strategy to pursue their opponents through the royal courts and settle old scores.¹⁰ Whether or not these charges were fabricated, they suggest that certain of the king's subjects had a shared sense of what might constitute politically sensitive words and that in framing these accusations in particular ways they might be likely to attract the attention of royal officials.

Of course, one event which, more than any other, served to raise awareness of the level of contempt for certain of the nobles and royal officers of state was the Peasants' Revolt of 1381. Few legal cases linked to the revolt actually quoted the speech of the rebels (one important exception was the case against John Shirle, discussed below).¹¹ Those in power preferred to refer to the undifferentiated noise of the mob than report the speech of individuals. Yet in the aftermath of the revolt Richard's government expanded the definition of treason to include anyone 'making riot or rumour'.¹² Whether or not this signalled a new, more sensitive stance on the part of medieval government towards the voices of the 'common' people is an important question to consider, but not one which should be isolated from the broader context of attitudes that were evolving earlier in the fourteenth century.

The relevance of recent research in other fields is apparent here; scholars of medieval heresy and inquisition have shown how important it is to examine the careful creation of discourses within judicial records and to pay attention to the performative aspects of records which purported to represent

⁹ HANAWALT, B.A., *'Of Good and Ill Repute': Gender and Social Control in Medieval England*, Oxford, 1998; FOREST-HILL, L., «Sins of the Mouth: Signs of Subversion in the Medieval Mystery Plays», in Cavanagh, D. and Kirk, T., *Subversion and Scurrility: Popular Discourse in Europe from 1500 to the Present*, Aldershot, 2000, pp. 11-25.

¹⁰ The evidence of networks of informers and paid royal spies that exists for later periods is absent in this context. ARTHURSON, I., «Espionage & Intelligence from Wars of the Roses to Reformation», *Nottingham Medieval Studies*, 35 (1991), pp. 134-54; HARVEY, I.M.W., 'Was There Popular Politics in Fifteenth-Century England?', in Britnell, R.H. and Pollard, A. J., *The Mcfarlane Legacy: Studies in Late Medieval Politics and Society*, Stroud, 1995, pp. 155-74; WATTS, J., «The Pressure of the Public on Later Medieval Politics», in Carpenter, C. and Clark, L., *Political Culture in Late Medieval Britain IV*, Woodbridge, 2004, pp. 159-80.

¹¹ HANNA, R., «Pilate's voice/Shirley's case», *South Atlantic Quarterly*, 91 (1992), pp. 794-5; *Calendar of Patent Rolls [CPR], 1381-85*, p. 237.

¹² SR, vol. 2, p. 20.

words spoken aloud in the forum of the courtroom.¹³ Inquisition scholars have gone much further in developing theoretical models through which to analyse reported speech than have historians of political culture. Most notably, the work of John Arnold, Caterina Bruschi and James Given, among others, has furthered our understanding of the ways in which we can more perceptively analyse the *creation* of reported speech in legal records.¹⁴ These methodologies can be usefully adapted for the similar, albeit far sparser speech concerning political rumour and slander reported in royal tribunals, and it is this approach which informs the present article. Specifically, the aim here is to focus on the confluence of factors which came together at the moment the record was created, shaping its formulation.¹⁵ As John Arnold points out, the language used in these records is intimately connected with the specific discursive context of the courtroom, and is not a mirror for speech occurring “elsewhere”.¹⁶ Instead, Arnold frames his investigation around a Foucauldian notion of power as a force which creates identities, and discourse as ‘language and practice that constructs and perpetuates these identities’. Individual subjectivity is contingent on the cultural situation, in this case the medieval tribunal. The people involved in the proceedings do not retain an unchanging sense of selfhood, but instead articulate a particular kind of subjectivity, shaped by the power dynamic of the trial process. Arnold also refers to ‘heteroglossia’, a reading strategy to identify tension and overlap between the *multiple* discourses within a culture, ‘discourses on sexuality, gender, vernacular culture, and social structure’.¹⁷ There are of course important differences between the records that scholars such as Arnold have worked on and the government documents under consideration here, not least that the speech in the inquisition records often purported to come from a ‘confessing subject’ whereas the speech in the records of the Crown was usually reported by others.¹⁸ There is also less evidence of the legal processes

¹³ ARNOLD, J., *Inquisition and Power: Catharism and the Confessing Subject in Medieval Languedoc*, Philadelphia (PA), 2001.

¹⁴ BRUSCHI, C., *The Wandering Heretics of Languedoc*, Cambridge, 2009; GIVEN, J., *Inquisition and Medieval Society: Power, Discipline, and Resistance in Languedoc*, Ithaca (NY), 2001; SACKVILLE, L.J., *Heresy and Heretics in the Thirteenth Century: The Textual Representations*, Woodbridge, 2011

¹⁵ In contrast, Cressy states that he aims to ‘eavesdrop on lost conversations’: CRESSY, D., *Dangerous Talk: Scandalous, Seditious, and Treasonable Speech in Pre-Modern England*, Oxford, 2010, p. ix.

¹⁶ ARNOLD, *Inquisition*, p. 7.

¹⁷ ARNOLD, *Inquisition*, pp. 11-13.

¹⁸ Goldberg has asked similar questions of the records of the York consistory court: GOLDBERG, P.J.P., «Gender and Matrimonial Litigation in the Church Courts of Later Medieval England», *Gender and History*, 19, no. 1 (2007), pp. 43-59.

at work and the context of the tribunals before which the defendants were sometimes summoned to answer. Thus it is harder to address questions concerning the context of these cases, and to understand the way in which the trial processes influenced the language in which they were articulated. It is also, of course, important to ask why it was that royal justices started to hear cases in which the king's 'lesser' subjects were cited in this way, and why it was deemed necessary for governments to legislate against this kind of speech, even if conclusions are hard to come by. The speech quoted in governmental records and attributed to particular individuals was a *product* of a particular context, a discourse which reflected and perpetuated the imbalance of power but also, of course, allowed judges and jurors to endorse its authenticity. A detailed examination of the way in which these cases arose and were articulated sheds light on the complexities and variability of context and language. More broadly, it also helps to demonstrate how the law courts and legal consciousness played a formative role in defining a medieval public who might recognise a 'common discursive space.'¹⁹

POLITICAL PARTICIPATION AND PUBLIC RUMOUR

A few rare instances of political speech by those of relatively lowly status were recorded during the period of the Barons' Wars of the 1260s. These are the earliest cases that have yet been identified but they did not seem to start a precedent, and it was not until Edward II's reign that more reports of this kind of speech emerged. The reasons for the appearance of these early cases in the record are complex; these were not straightforwardly manifestations of an insecure government attempting to police the speech of its populace.²⁰ Instead, these cases appeared before the king's courts via a circuitous route which had as much to do with the interests of the individuals concerned as those of the Crown. In one case identified by David Carpenter, the villagers of Peatling Magna in Leicestershire were reported to have expressed direct political views to a royalist captain who passed through their village with his retinue in August 1265. The villagers were said to have accused the captain and his men of 'treason and other heinous offences because they were

¹⁹ WATTS, «Public», p. 161.

²⁰ This contrasts with the portrayal of mid-fifteenth century government given in WICKER, H., «The Politics of Vernacular Speech: Cases of Treasonable Language, c. 1440-1453», in Salter, E. and Wicker, H., *Vernacularity in England and Wales c. 1300-1550*, Turnhout, 2011, pp. 171-97.

against the welfare of the community of the realm and against the barons'.²¹ However, these words were only reported before the court *coram rege* because the villagers themselves had pursued a case against the royalist captain, a man called Peter de Neville, for taking several of their men as hostages. Neville subsequently came to court and entered his plea in order to justify his actions. The villagers had complained that Neville took the hostages by force from the church where they had fled in fear of the soldiers, after the seizure of their village by another royalist commander, Eudo la Zuche. Until this point the case between Neville and the villagers had been a civil claim for financial compensation between two parties. However, the villagers escalated their grievance to the court *coram rege* when, they claimed, Neville refused to release the hostages. Neville countered this by claiming that the hostages had been voluntarily offered up by the villagers, to be held until they had paid him a fine of twenty marks in compensation for the trespass which they had done to his men. It was in Neville's description of the trespass that the political words were attributed to the villagers; a violent altercation had occurred during which they had 'accused him and his men of treason and other heinous offences saying that they were going against the welfare of the community of the realm and against the barons.' These words formed part of Neville's plea, to justify his actions in demanding compensation from the villagers. He clearly felt that these words and the scuffle which ensued would have enough resonance to convince the justices of the provocation he had encountered that day.

In order to investigate the complaint, a jury of local men were summoned and they added to the description of the incident by reporting that certain 'foolish men' of the village sought 'to arrest' a cart and horses in Neville's retinue, and then wounded the carter in the struggle. It seems that the jury could conceive of these 'foolish men', as men also capable of making a political statement by seeking to 'arrest' the cart and horses in the name of the baronial cause, and using the language of treason to condemn royalist soldiers. Thus in both the version put forward by Neville and the narrative offered by the jurors, the act has political overtones; the wounding of the carter is contextualised as part of the partisan actions of villagers who were taking the side of the baronial opposition when faced with royalist soldiers. This political context was not contradicted by the villagers themselves in

²¹ The National Archives, KB 26/175, m. 28; RICHARDSON, H.G., and SAYLES, G.O., *Select Cases of Procedure without Writ under Henry III*, Selden Society, lx, London, 1941, p. 43; CARPENTER, D., «English Peasants in Politics 1258-1267», *Past & Present*, 136 (1992), pp. 3-42; VALENTE, C., *The Theory and Practice of Revolt in Medieval England*, Aldershot, 2003, p. 47 and n. 172.

their account; they merely disputed the circumstances under which the hostages had been taken. In their version of events, the grievance done to them is emphasised by their mention of taking refuge in a church; Neville's men, they claimed, dragged them out of a church and churchyard, before taking several of them hostage. The jurors also added that Neville's men had threatened to burn down the village in retribution, and that this was what caused several villagers to run in fear to the church. At this point, it was a woman, 'the wife of Robert of Pillerton', who, along with other villagers, 'for fear that it [the village] would be set on fire', offered to pay the fine to Neville's men. Those men who had been taken hostage also stressed that their capture has been sanctioned by 'Thomas the reeve, as their bailiff'. In this act, they argued they were wronged because they were 'free men, and of free status'. Thus discourses of morality, gender, and social status are woven within the narrative: the mention of the violation of the protected space within the church and churchyard; the role attributed to the woman as the one who relented and offered to pay the fine in fear of the village being burnt down; and the stress on the status of the hostages as free men, rather than men under the feudal jurisdiction of the reeve, all these elements attest to the careful construction of power within the narrative. The Crown had not sought out this case in order to police the speech of its subjects; rather, a group of villagers had demonstrated their ability to interact with the procedures of the royal courts, articulating the political cause of the barons against the king. They put their case well enough to receive some recompense; the jury awarded one mark each in damages to the hostages, and ordered the arrest of Neville's men for their actions in seizing the hostages from the church by force. Neville was, however, awarded the fine of twenty marks which he had sought from the villagers in the first place. What this case tells us about the medieval 'public' is of course open to debate. Did these villagers imagine themselves to be part of a wider discursive community, which linked those of relatively humble means to the political cause of the great barons? Or was the language of the 'welfare of the community of the realm', and all its associations with Magna Carta and the Provisions of Oxford and Westminster, attributed to them by the royalist captain and by a scribe trained in the law who filtered their words through their own sophisticated legal vocabulary? Although we cannot know whether such villagers would usually be thought to participate in or shape 'public opinion', in this case they were accorded a political voice and their status as subjects of the Crown appeared as a prominent feature of their identity. It might also be argued that this case tells us something about the way that they experienced subjecthood; as individuals who could fight

against political opponents and then enter the space of the courtroom to argue their case before royal justices.

Early fourteenth-century texts certainly referred to the importance of public rumour and defamation of those in high office. In 1301, when a case was brought against Bishop Walter Langton, the treasurer and close adviser to the king, the accusations contained a repeated statement about how the Bishop was 'publicly defamed' and how all the damning aspects of the case were 'publicly known'. According to rumours, Langton and Joan de Briançon, wife of John de Lovetot, had committed adultery and had plotted together to murder Lovetot. Langton was also accused of corruption in his episcopal office, and of performing homage to the devil:

... the said bishop was, and is, publicly defamed in England and elsewhere as having done homage to the devil, kissed him on the back (in tergo), and often spoke to him. That the bishop, for two years before his promotion and since, is publicly defamed as having committed adultery with Joan de Briançon, the said knight's stepmother, and wife of his father, the late John de Lovetot, knight, the king's justiciary, and that, after his death, the bishop kept Joan as his concubine, and that she accompanied him in various parts of England. The knight is ready to prove that the said bishop, before his promotion and after it, was publicly defamed as having, with the assistance of the said Joan, strangled his father, the late knight, in bed ... All these matters are publicly known in England and by the English at Rome.²²

Although the case involved accusations of personal infidelity it turned on 'public defamation' against one of the king's closest advisors. Interestingly, it seems that proving public defamation was enough; Langton's accuser was more concerned to prove the existence of rumours than to verify whether or not they were accurate. The inclusion of salacious details about committing adultery and doing homage to the devil tarnished Langton with the role of bringing disgrace on his office and his status as adviser to the king. His accuser, the knight John de Lovetot (junior), was a member of the gentry who, in taking on Langton was speaking out against a man of vastly superior social standing. Lovetot submitted his petition to the pope, using Langton's status as a bishop to stress the seriousness of his moral transgressions

²² In 1303 the pope found Langton innocent of all charges, but decreed that 'to avoid backbitings' Langton should undergo purgation. Langton was restored to his see and a *Restitutio fame* was issued. *Calendar of Papal Registers Relating to Great Britain and Ireland, Volume 1: 1198-1304*, 1893, 'Regesta 50: 1301-1303', p. 607; BEARDWOOD, A., «The Trial of Walter Langton, Bishop of Lichfield, 1307-12», *Transactions of the American Philosophical Society*, n.s., 54 (1964), pp. 6-8; BEARDWOOD, A., ed. *Records of the Trial of Walter Langeton, Bishop of Coventry and Lichfield, 1307-1312*, vol. vi, Camden Society, 4th Series, London, 1969; BELLAMY, *Treason*, pp. 55-6.

before God's representative on earth. Presenting himself as the wronged son, whose father was murdered by a man who had committed adultery with his mother, Lovetot emphasised the scandalous nature of the gossip as a central theme in his petition. Later in the century, a man like Lovetot might have thought harder before making such accusations. The prevalence of rumours concerning 'great men' and in particular Richard II's uncle John of Gaunt, led to the '*scanadalam magnatam*' laws, which adapted to the original wording of the first Statute of Westminster to target those who devised lies against the 'great men of the realm' (including nobles, prelates, officers of state and justices). However, in Lovetot's case there was no intervention of royal government; while the petition centred on public defamation against a man who occupied one of the premier offices of state, it was drafted on behalf of the complainant and presented to the pope. Rather than attacking those who had spread rumours against such a prominent adviser to the king, the petition presented the prevalence of rumour as a legitimate reason to condemn Langton. It might well be that in this case the 'public' being referred to were other members of the gentry and nobility who moved in the same circles as Lovetot and Langton. But the language of the accusation and the description of adultery and homage to the devil were to reappear in cases from the later years of the century, attributed to those of relatively humble status.

SLANDERING THE KING

When, in the 1310s, the first cases of public defamation of the king appeared, those accused were not all of gentry status. Most cases concerned criticism of the king's improper behaviour or tales of his ineptitude and idleness, perhaps because the attack on the Crown by the Ordainers left Edward II an easy target. Indeed, the political climate of the 1310s was in part dictated by the tensions surrounding the widespread publication of the restrictions on royal government contained in the text of the Ordinances issued in 1311. Several chroniclers highlighted popular awareness of the Ordainers and their cause. Accusations of slandering the king were recorded in petitions, in the records of the king's council sitting in the Exchequer and in Parliament. One of the earliest examples came in a petition dating from 1312. In the petition, a man called Ingram de Nichole, described as 'clerk of Beverley' (a town in the East Riding of Yorkshire) complained that a local man called Ralph Dousing had been heard to say evil words 'in shameful scorn of the king'. These words were said 'in many places, among the common people'.²³ The clerk's petition went

²³ The National Archives, SC 8/64/3153.

on to accuse Dousing of involvement with a group of local men who were committing crimes in the area. As a clerk, the petitioner had the technical training to formulate the petition to best effect. He suggested that the 'evil words' were particularly potent because they were uttered on several different occasions among 'common people'.²⁴ Ralph Dousing certainly appears to have been unpopular amongst the local community; he was also the subject of another complaint by a local woman, Matilda de Crouum, this time for being a member of a gang of men and women who assaulted her and stole her goods.²⁵ The king responded to the petition by sending a writ to the justices and keepers of the peace in the county, ordering punishment of the trespassers. Matilda de Crouum's complaint resulted in a commission of *oyer et terminer* being sent to the area to investigate the activities of Dousing and his gang. Interestingly, this commission was issued by the Council, and endorsed with the words 'By C[ouncil], for God', which indicates that Matilda de Crouum did not have sufficient means to pay for the commission herself. It seems that the real concern which sparked the two complaints against Dousing centred on the crimes his gang were committing in the local area, but in the clerk's petition, he chose to mention the vague allusions to 'evil words' spoken in scorn of the king among the 'common people', listing it first in his order of grievances. The petition was addressed directly to the king and so the prominent place given to the insulting words might well have been a strategic decision to attract the monarch's interest and persuade him of the need to take action in this case. In another case three years later, a feud between two men resulted in an accusation before Parliament that one had said 'certain evil and shameful things about the king.' This accusation had been made after a whole series of clashes between the two men.²⁶ These cases of vague allusions to 'evil words' suggest that the king's subjects were alert to the possibilities of using references to such words as devices to attract the attention of those in power. The fear which those in elite circles had of the potentially destabilising effects of such words spoken amongst the 'common people' was something that might be manipulated. These people were not obediently informing on neighbours, rather they were taking considered decisions to use certain rhetorical techniques for their own purposes.

²⁴ In a case from 1316 a clerk from Oxford was accused of saying publicly in park in north Oxford that Edward II was not his father's son. E 368/86, m. 94; JOHNSTONE, H., *Edward of Carnarvon, 1284-1307*, Manchester, 1946, p. 130; PHILLIPS, J.R.S., *Edward II*, London 2010, pp. 15, 277-8.

²⁵ CPR, 1307-13, p. 472.

²⁶ GIVEN-WILSON, C., *et al*, *Parliament Rolls of Medieval England [PROME]*, Scholarly Digital Editions, Parliament of 1315, item 145; PHILLIPS, *Edward II*, pp. 15, 277.

These kinds of accusations of ‘evil words’ spoken in several different places and among ‘common people’ also emphasise the importance of audience and location. Differentiation between public and private space in such cases was not always straightforward. It was sometimes reported that words were spoken ‘publicly’, or ‘openly’, implying that this added to their potency and an audience which included ‘common people’ seemed to compound the offence.²⁷ However, later in the century, accusations were also being made against people for seditious words spoken within the home. For instance, on 8 November 1378, Thomas Knapet, a parish clerk, was arrested for having used abusive words concerning the duke of Lancaster in the house of a man called John Shepeye and in the presence of his servants.²⁸ Here, the reference to the audience seems to have been used to illustrate the public nature of these words and the mention of servants included those of a lower social stratum. One of the servants present, a man named as Thomas Hiltone, later testified to the scandalous nature of the words: Knapet, he said, had spoken ‘disrespectful and disorderly words of his puissant and most honourable Lordship of Lancaster . . . to the great scandal of the said lord, and to the annoyance of all good folks of the city’. The loyalty and respect shown in the words attributed to Hiltone, the servant, thus contrasted and threw into relief the transgressive nature of Knapet’s speech.²⁹ This case occurred during the heightened tensions of Richard II’s minority and the same year that the *scandalam magnatum* law was enacted, which included a clause prohibiting the slander of the great magnates of the realm. The parliament which passed the law was actually in session at the time, sitting at Gloucester from 20 October to 16 November 1378.

Accusations might also link the words to spaces that were politically charged. There were familiar sites of protest in the landscape of the London in particular, such as St. Paul’s Cross and Westminster Hall, which might be the site of seditious speech or libels. There were also more transient ‘political spaces’ which allowed for, or even generated protest, when particular streets along the route of a royal procession might be demarcated with shields and

²⁷ In a rare example from Edward III’s reign (1372), Richard Donmowe, a poulterer, was committed to prison, accused of ‘opprobrious words spoken openly in contempt of the Earl of Arundel’. THOMAS, A.H., ed., *Calendar of the plea and memoranda rolls of the city of London [CPMR]*, London, 1926, vol. 2, p. 149.

²⁸ *Letter-books of the city of London: H*, pp. 107-8; HANRAHAN, M.M., «Defamation as Political Contest During the Reign of Richard II», *Medium Aevum*, 72 (2003), p. 261.

²⁹ Knapet was released from prison after his wife sought pardon on his behalf from Gaunt. See LACEY, H., *The Royal Pardon: Access to Mercy in Fourteenth-Century England*, Woodbridge, 2009.

royal symbols. When, in December 1397 Richard Hawtyn, a glover, appealed John Sewale of Isledon, carter, for saying to him that there was ‘no peace or love in England since the present king became king, and that he was not a right king’, the location in which the conversation took place was given prominence.³⁰ The two men were apparently talking in the church of St Martin-le-Grand. Thus it might be argued that the law was being used to uphold a sense of morality linked to a religious space, although of course medieval churches and churchyards were not treated as straightforwardly sacred spaces; churchyards might be used as open-air courtrooms or markets, and preaching crosses might become the focal point for controversial sermons. In the case of St. Martin-le-Grand, its status was further complicated by its close connection with the royal court; it was a royal chapel, symbolising the relationship between the king’s court and the City, and its precinct was a recognised sanctuary, offering protection from arrest to fugitives.³¹ Despite this status, however, John Sewale’s case was heard at Newgate before the mayor and sheriffs, who presumably judged that it fell within the jurisdiction of the City. Both Knapet and Sewale were dealt with by the mayor and civic officials of the City of London. Despite the increasing interest being shown by the royal government in such words by the end of the century, their cases were not, it seems, escalated to the royal courts.

CRITICISM OF ROYAL GOVERNANCE

Slander of the king could on occasion shade into more specific criticism of certain aspects of royal governance. In June 1312, for example, the sheriff of Cornwall, John de Bedwynd, was charged with declaring ‘openly’ in the full county court at Lostwythyel that the lord king had evil councillors, and had been ill-advised when he granted Anthony Pessagno, his Genoese money-lender, the purchase of tin in the county of Cornwall. Bedwynd was further accused of conspiring with local merchants against Pessagno, and seeing to it that the tin miners ceased their work, so that any profits were lost.³² Pessagno

³⁰ CPMR, vol. 3, p. 248.

³¹ Edward III had written a letter in 1336, informing the mayor and sheriff of the immunity of St. Martin-le-Grand from all ordinary jurisdiction, see: DENTON, J., *English Royal Free Chapels, 1100-1300: A Constitutional Study*, Manchester, 1970, p. 3.

³² The National Archives, E 159/86, m. 76d; E 368/83, m. 1d. See: MADDICOTT, J.R., «The County Community and the Making of Public Opinion in Fourteenth-Century England», *Transactions of the Royal Historical Society*, 28 (1978), p. 39; DAVIES, J.C., *The Baronial Opposition to Edward II*, Cambridge, 1918, p. 553, App. No. 19; BALDWIN, J.F., *The King’s Council in England During the Middle Ages*, Oxford, 1918, p. 221.

was certainly disliked in the local area; his monopoly on the tin mines of the south west was eventually cancelled in 1316 because of the number of complaints against him.³³ Bedwynd's comments might well have been well-received by those present in the county court, all the more so because as a sheriff he was choosing to side with the interests of his local community over his allegiance to the Crown as a royal office-holder. Bedwynd had been accused of speaking these critical words by an informant before the king's council sitting in the Exchequer. The council was headed by the Earl of Pembroke and the others present included John Sandale, acting treasurer, and the Barons of the Exchequer. It might well have been this episode which prompted the Crown to make further enquiries into Bedwynd's behaviour. On 13 January 1313 Pembroke and Despenser were ordered to send a keeper into the county of Cornwall and the moor of Devon until a seneschal was appointed, ordering him to make inquiry 'from all the poor people of Cornwall' as to how John de Bedwynd bore himself.³⁴ The criticism Bedwynd had voiced against Pessagno was in one sense an echo of the 'evil counsellor' trope, particularly topical at that time given the complaints contained within the Ordinances of 1311.³⁵ The specific accusation of financial mismanagement and the link to a Genoese moneylender would also have hit close to home, given the recent arrest of the bankers of the Italian Frescobaldi company at the instigation of the Lords Ordainers.

Two years later another case came before the king's council sitting in the Exchequer, in which two of the king's subjects were accused of voicing criticism of royal governance. Details were given about a conversation held between a messenger of the royal household, a man called Robert of Newington, and Saer Kaym, the sub-bailiff of Newington in Kent.³⁶ The messenger, back in his native town, was talking to the sub-bailiff one July morning, soon after the English army had been defeated by the Scots at Bannockburn (on 24 June). In conversation, the messenger relayed the news that the king and his armies had withdrawn from the north because he was 'confounded by the Scots'. The sub-bailiff to whom he was talking expressed wonder at the statement, to which Robert replied that the explanation lay in the fact that the king did not like hearing mass. The sub-bailiff, perhaps

³³ FRYDE, E.B., 'Pessagno, Sir Antonio', *Oxford Dictionary of National Biography*, Oxford University Press, 2004 [<http://www.oxforddnb.com/view/article/66134>]; DAVIES, *Baronial Opposition*, p. 326.

³⁴ The National Archives, SC 8/327/E824.

³⁵ WATTS, «Public», p. 168.

³⁶ The National Archives, E 368/86, m. 32d; E 159/89, m. 89d. PHILLIPS, *Edward II*, pp. 15, 277; JOHNSTONE, «Eccentricities», pp. 264-7; BALDWIN, *Council*, p. 221, n. 3.

sensing that Robert had more he wanted to say on the matter, asked what the king was doing when he ought to be hearing mass, at which Robert launched into the familiar criticism that Edward spent his time ‘idling and applying himself to making ditches and digging and other improper occupations’.

One point that becomes clear from this case is that by the time it came to court on 27 October 1315 it involved a whole network of local people: the accusation itself came from a local man called Philip le Viroler who overheard the conversation between the messenger and the sub-bailiff (any motives he had for informing on the men are not apparent). The conversation was later confirmed by the witness of a jury of neighbours. Thus, a network of local people were aware, or were made aware, of the reasons being given for the defeat of Edward’s army at Bannockburn.³⁷ Service on a jury, in particular, was one way in which men (but not women) might have heard reports of political speech and even spread their knowledge of it among their local communities. Perhaps Robert intended to demonstrate his privileged position in the royal household and his familiarity with the life of the court by relaying details about the monarch and his routine. The comments Robert purportedly made also linked news of a specific event (defeat of the English armies by the Scots at Banockburn) with a familiar trope about a king engaging in ‘low born’ pursuits and neglecting the welfare of the realm. Several chroniclers made references to this theme; Higden suggested that Edward II undervalued the company of magnates, and instead ‘fraternized with jesters, singers, actors, carters, ditchers, oarsmen, sailors, and others who practise mechanical arts’.³⁸ These accusations were repeated by several other chroniclers and included in the ‘Articles of accusation against Edward II’ formulated to justify the king’s removal from the throne.³⁹ Hilda Johnstone also notes that similar comments were made by Thomas of Cobham, bishop of Worcester, in a letter written during the session of parliament in October 1320, to tell the pope how much Edward’s behaviour had improved. Cobham reported that the king was behaving magnificently, prudently, and discreetly and, ‘contrary to his former custom’ he was getting up early in the morning.⁴⁰ The views of monastic

³⁷ On 29 November 1315 Robert was released from prison on the mainprise of Walter Reynolds, archbishop of Canterbury, at the instance of Queen Isabella.

³⁸ LUMBY, J.A., and BABINGTON, C., ed., *Polychronicon*, Rolls Series, vol. viii, London, 1865-86, p. 298.

³⁹ MAXWELL, H., ed. *The Chronicle of Lanercost, 1272-1346*, Glasgow, 1913, p. 236; GALBRAITH, V.H., *The Anonimale Chronicle*, Manchester, 1927, p. 8; CHILDS, W.R. and DENHOLM-YOUNG, N., eds., *Vita Edwardi Secundi: The Life of Edward the Second*, Oxford, 2005, p. 69.

⁴⁰ JOHNSTONE, «Eccentricities», pp. 265-6; PEARCE, E.H., ed., *The Register of Thomas De Cobham, Bishop of Worcester, 1317-1327*, Worcestershire Historical Society (1930), p. 97.

chroniclers such as Higden and bishops like Cobham might not be thought to connect directly with the comments made in Newington by Robert, the royal messenger. But these views were also echoed by secular chroniclers including the author of the *Vita Edwardi Secundi* who, although anonymous, is thought to have been a royal clerk, possibly John Walwayn. A royal clerk such as Walwayn brings us closer to the circles Robert, the messenger from Newington, would have moved in. Robert's supposed reference to the king's idleness predates most of the chronicle references. The record of his trial thus demonstrates how Robert, the jurors, the justices, the court scribe and the chroniclers, the bishop of Worcester and the authors of the *Articles of accusation against Edward II* had all at least heard the same stock images of idle kings being evoked in a common vocabulary and used against Edward II. Robert's supposed use of these words testifies to a shared political opinion, one that could be held by those of very different social levels and one that brought them together in criticism of the king.

PROHIBITIONS OF SLANDER AND FALSE NEWS

Slander and public defamation of the king could escalate into outspoken support for opponents of the Crown in periods of civil unrest. These kinds of comments surfaced in Edward II's reign by the early 1320s against a backdrop of near civil war between the Crown and the magnates supporting Thomas of Lancaster. In response, Edward II's government decided to take direct action in attempting to curb 'infamous reports or writings about the king.' On 18 November 1321 letters close were sent to all the sheriffs of England with orders to arrest

all and singular bearing or publishing by writing or otherwise anything to the king's shame or opprobrium, and to send those thus arrested to the king for punishment, with the cause of their arrest, as the king learns that certain of his subjects have fabricated certain things to his shame and opprobrium, and that they have sent such things by divers writings to be published in the realm.⁴¹

Only a few days before issuing these orders, the king had written to Thomas of Lancaster with a prohibition against attending an assembly at Doncaster 'made without the king's authority to treat of matters touching the king and his realm'. Edward went on to accuse the Earl of being in league with the Scots

⁴¹ CCR, 1318-1323, pp. 505-8. In the London letter books this order was summarised as an order to arrest 'all persons circulating infamous reports or writings about the king.' *Letter-books of the city of London: E*, p. 152.

and plotting rebellion.⁴² Lancaster had indeed sent out letters summoning the magnates to a meeting at Doncaster, in his capacity as Steward of England and it might well have been rumours and reports of these events that precipitated the legislation, because of the 'shame and opprobrium' they brought on the king. It is also clear that copies of letters between Lancaster and his allies and two Scottish magnates had been circulating for some time and might well have generated further rumours. The letters granted safe-conduct to several of Lancaster's allies to journey into Scotland along with their retinues, in order to attend meetings with the Earl of Moray and Sir James Douglas. These English retainers were thus in a position to spread rumours of conspiracy. Indeed, one of the letters Douglas sent to Thomas of Lancaster addressed him as 'King Arthur'⁴³ It seems that the Crown's response was to attempt to counter the spread of rumour through the use of royal proclamations, at a time when civil war appeared imminent. When the treasonable letters between Lancaster's allies and the Scots came into the king's hands, he sent orders for them to be read aloud by churchmen and sheriffs in public places throughout the realm. Proclamations were also made to inform the populace of the reason for the muster of royal troops at Cirencester, lest further rumours spread: 'the king is not going to divers parts of his realm by reason of war or disturbance of the realm, but in order to provide a remedy for divers trespasses inflicted upon his people in divers counties by malefactors...'⁴⁴

SUPPORT FOR THE OPPONENTS OF THE CROWN

However, despite the prohibitions, cases emerged of people openly voicing support for the Lancastrian cause.⁴⁵ In February 1322 Robert of Clitheroe, a vicar in Wigan had apparently attempted to stir up support for the Earl of Lancaster.⁴⁶ Robert supposedly told his parishioners that

⁴² CCR, 1318-1323, pp. 505-8.

⁴³ PHILLIPS, *Edward II*, p. 406; CCR, 1318-23, pp. 525-6.

⁴⁴ CCR, 1318-1323, pp. 505-8.

⁴⁵ On 10 August 1322 a sergeant of the city of London was charged with sowing discord and false reports; he was opposed to tax to fund the war in Scotland, and had 'spread abroad' so much discord, that unless he was removed from the counsel of the city, 'no small strife and contumely' would arise, 'among great as well as small', and the 'undoing of the City itself would ensue.' *Letter-books of the city of London: E*, p. 31.

⁴⁶ TUPLING, G.H., ed. *South Lancashire in the Reign of Edward II as Illustrated by the Pleas at Wigan Recorded in the Coram Rege Roll No. 254*, vol. 1, Cheetham Society, 3rd Series, Manchester, 1949, pp. 71-2, 74, 80-3; MADDICOTT, «County Community», p. 38; MADDICOTT, J.R., *Thomas of Lancaster, 1307-22: A Study in the Reign of Edward II*, Oxford, 1970, p. 309.

they were the liege men of that earl [of Lancaster] and were bound by their allegiance to give aid to the earl in the enterprise which he had undertaken against the king ... and he [Robert] said that he would absolve from all their sins anyone who went with the earl.

Robert was further accused of sending two men-at-arms and four footmen to fight with the Earl of Lancaster. These men would have joined with several hundred others who went to Rochdale to join up with Lancaster's forces. The record of the case concludes by saying that the vicar used his preaching and sermons to stir up men who previously had no intention of acting against the king. This case came before a regional session of the court of King's Bench when it arrived in Wigan in 1323. Such cases continued to appear before King's Bench; in the summer of 1326 Nicholas de Wysham was prosecuted for refusing to allow his hay to be taken for the king's horses and telling others that it 'was done not for the king but Hugh Despenser, a traitor and enemy to the realm'.⁴⁷ The court of King's Bench had begun to travel again in the early 1320s, after a prolonged stint at Westminster, because of the state of near civil war which prevailed throughout much of the country, and the king's intention to root out those who offered support to his opponents. The King's Bench had acquired special jurisdiction over criminal cases of treason and felony, and the appearance of cases such as that of Robert of Clitheroe before the royal justices suggests that voicing support for the opponents of the Crown would be viewed as treasonable, rather than being dealt with under the 1275 terms of 'false news, tales and slander', contained within the first Statute of Westminster.

The arrival in town of the King's Bench might well have prompted the local inhabitants to bring to mind their status as royal subjects, and to make associations with the politics of Westminster. They might also be tempted to frame their accusations with reference to national politics and to treasonous activity.⁴⁸ When the King's Bench arrived in Oxford in May 1398, it tried the cases of those accused of plotting to 'bring about the death of the king

⁴⁷ The National Archives, KB 27/265 *rex* M. 30; VALENTE, *Revolt*, p. 47. Similar expressions of resentment towards Despenser were recorded by the chroniclers. In September 1326 sailors were ordered to muster because of the threat of invasion from the Low Countries, but were said to have refused to fight 'because of the great wrath they had towards Sir Hugh Despenser'. AUNGIER, G.J., ed., *The French Chronicle of London*, Camden Society, 1st series, 28, London, 1844, p. 51.

⁴⁸ The arrival of the King's Bench in town often caused a stir; in 1398 rioters in Oxford were reprimanded by a local knight with the words: 'Sires goth home and leveh your fray and noise . . . for the kynges benche is here in this towne'. The National Archives, KB 27/548/12v.

and the destruction of the magnates of his realm of England'.⁴⁹ The incident seems to have involved a group of around 200 village craftsmen (referred to as weavers, slaters and charcoal makers) who were alleged to have conspired together in Cokethorpe near Bampton in the county of Oxford. On the night of 31 March 1398, they had apparently sent one of their number, Henry Roper, on a mission to investigate 'the state of our lord the king and his governance. . . with the purpose of destroying our said lord the king.'⁵⁰ Who was at the time residing nearby in Bristol and Gloucester. The allegations made against the insurgents before the justice described their conspiracy to kill the king and destroy the law and the magnates. Their captain, Thomas Gildesowe of Witney, was alleged to have called himself 'the young earl of Arundel', evoking the name of one of the Lords Appellant who opposed Richard II earlier in his reign.⁵¹ Indeed, it is likely there was considerable local knowledge of Arundel's opposition to Richard; the area was very near to Radcot Bridge, where the royalist army had been defeated by the Appellant forces in December 1387, during which time the earl of Arundel, one of the Lords Appellants, had been stationed at Witney. The fact that these threatening evocations of the spectre of Arundel were being made in Oxford in Easter 1398 and attributed to a group of local craftsmen was all the more worrying, given the proximity of the king in nearby Gloucestershire, following the dissolution of parliament in Shrewsbury. Whether this insurgency and its political references were what prompted the King's Bench to travel to Oxford and hold its session in the castle, or whether the references were carefully tailored by the accusers to suit the justices of the Bench, it is clear that the king's subjects were able to deploy such political references in strategic ways. This also reinforces a broader point that the regional sessions of the royal courts should feature prominently in the geopolitical map of late-medieval England. Christine Carpenter has argued for a political map that takes into account the variables in enforcement of royal justice locally, explained by the interplay between distance from Westminster, accessibility of the area in question and 'tenurial geography' (the networks of noble and gentry power).⁵²

⁴⁹ The National Archives, KB 9/100, mm. 3, 5, 6, 9, 14; KB 27/548, Rex, mm. 9, 19, 22d.; KB 27/550, Rex, m. 23, KB 27/551, Rex, mm. 1d., 5; KB 27/556, Rex, m. 7d. CPR, 1396-9, p. 328; KIMBALL, E.G., «Oxfordshire Sessions of the Peace», *The Oxfordshire Record Society* (1983), vol. 53, pp. 42-4, 73-6, 82-9.

⁵⁰ The National Archives, KB 27/548, m. 22d.

⁵¹ The National Archives, KB 9/100, m.9.

⁵² CARPENTER, C., «Political and Geographical Space: The Geopolitics of Medieval England», in Kümin, B.A., *Political Space in Pre-Industrial Europe*, Farnham, 2009, pp. 117-134.

To this argument we can also add the regional visitations of royal courts, which helped to shape expressions of political sentiment.

The interest of the Crown in public rumour and false news also intensified in the months leading up to the coup of 1327; both sides were conscious of the trouble that spreading 'false news' might bring. In particular, the vital role played by the Londoners in the events leading up to the change of regime in 1326-7 meant that both sides were conscious of the power of rumours in the City. Queen Isabella and Mortimer corresponded with the mayor and alderman, enjoining them to lend support to their cause against the king. They also sent letters addressed to the commonalty of London, asking for their assistance in destroying the king's enemies. These letters were apparently displayed in strategic locations throughout London.⁵³ Once the new regime had been established, the mayor and alderman of the City ordered a proclamation on 19 May 1329, before the young King Edward's departure for France to pay homage to King Philippe, to safeguard against slander and false news. One part of this long proclamation prohibited inhabitants, whether 'denizen or foreign', from 'being so bold as to menace, malign, or slander the great men of the land, or any other person, or to carry lies or bad news among the people, by reason whereof damage may arise in the City.'⁵⁴ Later the same year, rumours were circulating of plots being formulated by certain magnates. In response on 7 December justices in Eyre in Northampton led by chief justice Geoffrey le Scrope were ordered to:

Cause diligent enquiry to be made according to the statute concerning the inventors of the false rumours concerning the coming of aliens into the realm at the instigation of certain magnates of the realm, and to cause to be arrested and imprisoned until further orders all those whom they shall find guilty thereof, certifying the king of their names under Geoffrey's seal from time to time, as the king hears from divers men that certain evil-wishers invent false rumours to the effect aforesaid, and presume to relate them to the shame and blame of the king and the said magnates, asserting that the aforesaid justices ought not on these grounds to hold their eyre to the end.⁵⁵

The 1320s were therefore formative years in the evolution of Crown legislation designed to police political speech. It was not until 1352 that the Statute of Treasons made 'treason by words' an offense, by plotting or

⁵³ CPMR, vol. 1. pp. 41-2.

⁵⁴ *Letter-books of the city of London: E*, p. 236; RILEY, *Memorials*, pp. 172-4.

⁵⁵ CCR, 1327-1330, pp. 586-591. The same orders were sent to the justices in Eyre in Nottingham, and to the sheriffs of Shropshire, Staffordshire, Herefordshire and Gloucestershire.

imagining the death of the king, queen or heir to the throne.⁵⁶ The impetus behind the creation of this statute in 1352 was not, however, the insecurity of the Crown. In fact, the statute reflected the desire of the nobility to define the terms under which the penalties for treason could be applied against the king's political enemies; the king was thus agreeing to strict rules under which he could use such a penalty, and thus ingratiating himself with a new nobility who were, by the 1350s, very much his own men.⁵⁷ The 1352 statute was therefore born out of Edward III's cooperation with his nobility rather than from an insecure Crown trying to police its subjects.

SCANDALAM MAGNATUM

Edward III's decline and Richard II's accession saw the return of cases of public defamation against the monarch and his key advisers. Rumours concerning John of Gaunt's influence behind the scenes circulated in London soon after the young king's accession in 1377. In response, new measures were taken to curb slander of nobles and royal office holders. At Richard II's first parliament, held at Westminster in October and November 1377, John of Gaunt's anger at the rumours circulating about him was apparent. There was an incident in which the Commons asked the Lords for a delegation to speak with them. Gaunt was to be a member of the delegation, but he protested that the Commons had defamed him, and refused to do anything until the slanders were investigated. He then 'prayed that an effective ordinance and ... punishment be devised ... for such rumour-mongers and promoters of lies.'⁵⁸ Gaunt spoke about his wonder that people would indulge in passing on such rumours:

Then the duke said that although such words had long been falsely circulated throughout the realm, he had personally marvelled that any man could or would utter or pass on such a rumour because of the shame and peril which would ensue.... And the said duke prayed that an effective ordinance and just and rightful punishment be devised in this parliament for such rumour-mongers and promoters of lies, in order that the aforesaid troubles might be avoided in time to come . . .⁵⁹

Gaunt's anger at these 'rumour-mongers' had not abated by the next parliament held at Gloucester the following year. The vitriolic language

⁵⁶ BELLAMY, *Treason*, p. 78.

⁵⁷ ORMROD, W.M., *Edward III*, Yale (CT), 2011, p. 364.

⁵⁸ ROSKELL, J., *The Commons and Their Speakers in English Parliaments, 1376-1523*, Manchester 1965, p. 36.

⁵⁹ PROME, October 1377, Item 14.

against those who spread false news and slander was even more vivid. In the chancellor's address Bishop Houghton warned that even as the French armada threatened the security of the kingdom from without, the security of the realm was also in danger from within:

Also, there is another great trouble within the kingdom which it seems must be remedied, namely, that in many parts of the kingdom evil people strive openly to tell, fabricate and recount false, terrible and dangerous lies about the lords and other great officers and the good people of the kingdom, and they cause them secretly to be made known and disseminated amongst the commons and others, and they cannot and do not wish to confess this openly: in view whereof, it is to be greatly and overwhelmingly feared that discord and riot will arise within the kingdom, unless a proper remedy is supplied as soon as possible.

Furthermore, he likened these 'liars and gossips' to 'dogs who chew raw meat', devouring 'raw good and loyal people':

These liars and gossips, who are called back-biters, resemble dogs who chew raw meat. For the said false back-biters thus do this when, with their evil words, they devour raw good and loyal people, who do not dare to protest at anything or adopt an angry countenance before the aforesaid good people.⁶⁰

The result was the reissue of clause thirty-four in the first Statute of Westminster. However, this clause was now amended to give special emphasis to the slander of nobles or great officers of the realm. The Statute of Gloucester spelt out that 'from henceforth none be so hardy to devise, speak, or to tell any false News, Lyes, or other such false Things, of Prelates, Lords, and of other aforesaid, whereof Discord or any Slander might rise within the same Realm'.⁶¹ This clause of the 1378 Statute of Gloucester, along with a further reissue in 1388 in the Statute of Cambridge are sometimes referred to as the *scandalam magnatum* laws, because they redirected the focus of the original prohibition, in order to protect the nobles and great officers of state. In addition, a draconian proclamation was made in London in 1387 which attempted to prohibit people, on pain of their lives, from telling lies about king, queen or anyone dwelling with him, at any point in the future:

Oure Lord þe kyng, ... comaundeth to alle his trewe liges in þe cite of Londone, and þe suburbe, of what condicion þat euer þei ben, vp þe peyne of here liues, and forfaiture of here godes, þat non be so hardy to speke, ne mouen, ne publishe, en priue ne appert, onithyng þat might soune in euel or dishoneste of oure lige Lord þe Kyng, ne of oure Ladi þe Quene, or ony

⁶⁰ PROME, October 1378, Item 9.

⁶¹ See above for discussion of the case of John Knapet which occurred at the same time.

lordes þat haue bien duellyng withe þe Kyng bi for þis tyme, or of hem þat duellen aboute his persone nowe, or shul duelle...⁶²

These prohibitions of scandalous talk drew upon the precedent of the earlier proclamations of the 1320s. Yet, of course, they were shaped by the particular context of Ricardian politics and, from 1381 onwards, by the legacy of the Peasants' Revolt. In a post-1381 context, the governing classes were fully aware of the danger that presented itself when the political speech of non-elites took centre-stage. Paul Strohm, Ralph Hanna and David Aers have demonstrated how, in the texts of elite writers, the speech of the rebels was 'carefully depoliticized and made irrational.'⁶³ Hanna's study of the case of John Shirle, a man accused of voicing support for John Ball in a Cambridge tavern, elucidates the way in which the details of the case against him were elided with the common tropes of the 'vagabond' and the illicit talk of the tavern.⁶⁴ Chaucer, Gower and Walsingham all evoked the idea of a criminal peasantry through the same motif of the 'vagabond'. Fear of a mobile, lawless and slothful peasantry of the kind that was so vilified in the Labour Laws of the mid-fourteenth century led to the peasant voice being represented as undifferentiated, shrill noise. Gower, in particular, represented the noise of the mob in the 1381 revolt through animalistic imagery rather than picking out the voices of individual people. Similarly, the peasant voice was located within the tavern, referred to as the 'develes temple' by Langland and by medieval preachers, in order to contrast it with the moral space of the church. The rebels of 1381 were marked out in contemporary accounts by their drunkenness or their theft of food. However, as Hanna points out, reports of unlicensed speech in taverns depended upon a 'heterogeneous clientele', some of whom could presumably be trusted by the courts as informants. These attitudes towards the political speech of the non-elite might well have been prompted by the changed bargaining power of labourers in the post-Black Death economy and the fear engendered by the Peasants' Revolt. However, they were also related to longer-term challenges presented by an expanding political community. Ambitions to expand the reach of medieval government meant more of the king's subjects were drawn into its orbit. This was not something that government straightforwardly wanted to resist, but it meant that they faced novel criticism which, particularly post-1381, they

⁶² *Letter-books of the city of London: H*, p. 321; RILEY, *Memorials*, p. 500.

⁶³ STROHM, P. «"A Revelle!": Chronicle evidence and the rebel voice», in Strohm, P., *Hochon's Arrow: The Social Imagination of Fourteenth Century Texts*, Princeton, 1992; AERS, D., «Vox populi and the literature of 1381», in Wallace, D., *The Cambridge History of Medieval English Literature*, Cambridge, 1999, p. 438.

⁶⁴ HANNA, «Pilate's voice/Shirley's case», pp. 794-5.

feared. Medieval governments now faced new questions of where to draw the line; when to prosecute and when to be seen to be unperturbed by critical voices emanating from outside of elite circles.

LATE-RICARDIAN LONDON

By the 1380s and 1390s, perhaps in response to the recent legislation, cases of Londoners (or those temporarily residing in the city) being accused of speaking ill of particular nobles, or spreading false news, or demonstrating their contempt for particular royal events, became more numerous. Rumours of conspiracies and plots also circulated. On 9 December 1391, William Mildenhale of London appeared in chancery 'freely without compulsion' to acknowledge seditious words previously spoken by his father (who had since died).⁶⁵ His father was alleged to have said that the king was not able to govern any realm, and that he wished that the king were 'in his gong (*latrina*), where he might stay forever without further governing any'. Furthermore, he said that it would be easy, with twelve accomplices, to take the king and carry him wherever they chose, because he often rode from his manor of Sheen to London with a few men of little resistance in his company 'and spake many other disrespectful words disparaging the king's person'. This suggestion that the accused was familiar with the king's routine parallels the previous case discussed above, when Robert le Messager claimed to know that Edward II was engaging in rustic pursuits when he ought to be hearing mass. The way in which both cases were framed with reference to knowledge of the royal household and even to the habits of the monarch himself, along with vague allusions to plotting and conspiracy in the latter case, tapped into the most basic fears of the governing classes. John Walter's work on early-modern England has shown how this method of alluding to the vague plots, which caused such anxieties among the elites, helped those lower down the social scale to find a public voice. Walter refers to this as a strategy of deference, whereby non-elites would report such activity in the guise of the ultra-loyal subject, but in so doing, they would present a veiled threat to those in authority.⁶⁶ Here, Walter uses the sociological theory of J.C. Scott, who used the idea of the 'hidden transcript' to refer to subaltern

⁶⁵ The National Archives, C 54/233, m. 19; *CCR, 1389-92*, p. 527; *CPR 1389-92*, p. 5; WALKER, «Sedition», p. 166.

⁶⁶ WALTER, J., «Public Transcripts, Popular Agency and the Politics of Subsistence in Early Modern England», in Braddick, M.J. and Walter, J., *Negotiating Power in Early Modern Society: Order, Hierarchy and Subordination in Britain and Ireland*, Cambridge, 2001, p. 145.

criticism which went on out of ear-shot, but had particular potency when it was seemingly uncovered, and entered the 'public transcript'; the open, public interaction between governors and governed. In William Mildenhale's case, the reference to his father's offensive words; that he wished that the king were 'in his gong (*latrina*)', invokes the private transcript, the language of the street. Of course in the context of later-medieval England, it is necessary to emphasise that knowledge of the 'public transcript' extended a long way down the social scale, and those of yeoman or upper-peasant status could demonstrate considerable confidence in their ability to influence and manipulate it. Mildenhale was eventually released, after confessing in chancery that, contrary to his allegiance, he had 'concealed from the king and council his father's iniquity, unlawful wish and abuse'. He was set free 'by the king's kindness', for his willing acknowledgment, and because four other men were willing to stand surety for him, under pain of a £300 fine if he committed a further offence. William agreed to an undertaking that

thenceforward he should so far as reasonably he may speak respectfully of the king's person and, if he shall hear unlawful words or abuse thereof by any person of the realm, shall declare it as speedily as may be to the king or to one of his counsel of whom he is assured that he will reveal it to the king.

The circumstances in which William had been arrested in the winter of 1391 for the seditious words spoken by his father are not clear. His father had certainly died before 4th February 1389, as his executors were licensed to pay his debts and dispose of his possessions on this date, according to his will. The licence to the executors also mentioned that Peter de Mildenhale (William's father) had died in the prison of Nottingham castle, where he had been imprisoned on the accusation made by one Joan de Laton, that he had committed 'divers treasons and misprisons'.⁶⁷ Despite the increasingly factional and insecure nature of royal governance in the 1390s, Richard II's government opted to let William go with a warning, as Edward II's government had in the earlier case from 1314. Neither regime wanted to advertise their insecurity by punishing such offenders.

Whilst such cases were not unique to London, the evolving identity of the capital, and Westminster in particular, as a royal and administrative centre, and the greater number of inhabitants, set the city apart and helped to generate cases of this kind. The network of legal tribunals in the city

⁶⁷ The licence refers to Peter as a citizen and skinner of London. His executors were licensed to proceed with administering his will, 'notwithstanding that he was accused by Joan de Laton of divers treasons and misprisons and under pretext thereof committed to the prison of Notyngham castle, where he died'. *CPR, 1389-92*, p. 5.

also ensured that accusations of suspicious words came before the mayor and alderman, and left their trace in the plea and memoranda rolls. These comments on royal governance fit within the broader context of relations between the City of London and the Crown in the fourteenth century, which were strained more than once by resentment at royal tallages and requests for military aid. The City had in the past supported opponents of the Crown; its leaders joined with the baronial opposition led by Simon de Montfort in the thirteenth century and sided with Isabella and Mortimer in their successful bid to depose Edward II. The City also failed to supply the military support the king requested in opposing the Appellants in 1387, and in 1392 their refusal to offer a substantial loan to the Crown prompted Richard to retaliate by confiscating the liberties of the city. Ill-guarded comments were not just made about the Crown, of course, internal London politics involved disputed mayoral elections and factional disputes among the prominent guilds of the City, which sometimes led to accusations of slander or spilled over into rioting.⁶⁸ The mayor and aldermen were used to hearing cases involving 'evil words' spoken against themselves or other civic officials, and so in this context, cases involving criticism of royal officers or Crown policies, although less common, fitted within a familiar pattern.⁶⁹

These cases of false news, tales and slander add further detail to our view of political culture in fourteenth-century England. They record instances in which 'common' people purportedly discussed national politics, and engaged with the activities of royal government. They also remind us that being a royal subject was an important facet of identity and self-perception, alongside regional or class-based affiliations. Subjecthood could be experienced in conversations between neighbours but it was also represented in the texts of the royal judicial system. Individuals were thought to be capable of making strategic references to national politics, sometimes to boast about restricted knowledge they were privy to, at other times to pursue local vendettas on a high profile stage. But in doing so, they also implicitly demonstrated awareness of their status as subjects of the Crown, and the importance this status had in shaping their interactions with those around them. The presence of royal courts in certain regions also helped to shape local perceptions of

⁶⁸ TURNER, M., *Chaucerian Conflict: Languages of Antagonism in Late Fourteenth-Century London*, Oxford, 2007, p. 11; REXROTH, F., *Deviance and Power in Late Medieval London*, Cambridge, 2007; SCASE, W., *Literature and Complaint in England 1272-1553*, Oxford, 2007.

⁶⁹ See the case against Thomas Austin: The National Archives, C 258/24/9; PRESCOTT, A.J., «The Accusations against Thomas Austin», in Strohm, P., *Hochon's Arrow: The Social Imagination of Fourteenth Century Texts*, Princeton, 1992, app. 1.

governance from Westminster, and prompted people to frame their protest with reference to Westminster politics. These cases highlight the need to think carefully about those who participated in, and shaped, public opinion in later-medieval England. It adds another dimension to the argument put forward by John Watts and others, who have persuasively argued the case for a wider discursive community than was previously envisaged, and by literary scholars including Wendy Scase and Marion Turner who have been at pains to stress the social reach of 'languages of antagonism', through which subjects expressed their opinions of monarchs and royal advisors.⁷⁰ The kind of reported speech discussed in this article was scarce, because the lower orders usually found it more effective to use the language of deference to those in power, to remind rulers of their responsibilities by highlighting their own subservience.⁷¹ Yet the reported speech of the king's subjects began appearing with more regularity in legal and governmental records as the fourteenth century progressed, because of an evolving conception of a wider political community, one which, at times, extended down to the upper ranks of the peasantry. Thus the 'hidden transcript' of popular criticism began to appear, in mediated form, in the records of royal government.

⁷⁰ WATTS, «Public»; SCASE, *Literature and Complaint*; TURNER, *Chaucerian Conflict*.

⁷¹ WALTER, «Public Transcripts»; SCOTT, J.C., *Domination and the Arts of Resistance: Hidden Transcripts*, Yale, 1990.