

Material Mnemonics and Social Relationships in the Diocese of London, 1467-1524

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Abstract

This study is an analysis of objects as a conduit for social communication in the later medieval diocese of London. Although the giving of tokens did not constitute a legal proof of marital consent, the frequency and detail with which they were recalled by litigants and witnesses is testament to their importance as socially-meaningful proofs of courtship and consent. Such gifts, however, were not fixed or irrefutable proofs of matrimony. Rather, the meaning associated with particular objects was dependent on how people perceived they had been exchanged. I contend that people were aware of this flexibility of meaning and framed their arguments about an exchange of gifts according to personal, social, and legal agendas.

The chapters of this thesis demonstrate how the exchange of tokens reflected a relationship's progression: from courtship to married life. Chapter 1 examines what tokens were exchanged during negotiations of marriage and places these objects within a wider cultural and archaeological context. Chapter 2 focuses on courtship tokens, and how they were used to navigate potential marital relationships. Chapter 3 discusses how contract gifts were given to mark the new marital identity of a contracting couple. The final chapter examines the exchange of things across the marital life course. Letters written between recently married couples show how the exchange of objects was used by couples to communicate their desires and emotions during times of separation. The objects bequeathed in last wills and testaments are further evidence of the importance of objects not just in the creation of a marriage but also in the conservation of marital and personal identity. This thesis shows that the exchange of gifts was socially and culturally recognised as a powerful and emotive expression of marital intention, even if the law and its systems denied it.

Long Abstract

This thesis investigates how and why remembrances of the exchange of gifts were used as proof of marital consent in the diocese of London between 1467 and 1524. Although the exchange of tokens was not legal proof of marital consent, the frequency and detail with which they were recalled by litigants and witnesses is testament to their importance as socially-meaningful proofs of courtship and consent. Gifts, however, were not fixed or irrefutable proofs of matrimony. Rather, the meaning associated with particular objects was dependent on how people perceived they had been exchanged. I contend that people were aware of this flexibility of meaning and framed their arguments about an exchange of gifts according to personal, social, and legal agendas. More generally this thesis analyses how people understood the potential for gifted objects to stimulate and store memories and in turn how an understanding of the mnemonic power of things was utilised in the formation of social relationships.

This study is based on 189 matrimonial lawsuits, although the majority of the focus will be on 107 cases that explicitly mention the exchange of objects as part of the marriage process. The legal records of the London consistory court constitute the core of this thesis, but they are supplemented, where appropriate, with literature, visual images, archaeological finds, and miscellaneous sources relevant to late medieval culture and marriage. These supplementary sources provide context to the practice and concepts of gift exchange in the later middle ages. However, legal records remain my primary focus and in the analysis of descriptions of gift exchanges within them I employ a mixed methodology, incorporating anthropological ‘gift’ scholarship alongside a material culture perspective. I examine how the act of giving, the thing given, and the story told about it, were all used by deponents in their presentation of evidence to the court.

The chapters of this thesis demonstrate how the exchange of tokens reflected a relationship’s progression: from courtship to married life. Chapter 1 looks at what tokens were exchanged during negotiations of marriage and places these objects within a wider cultural and archaeological context. This chapter begins with an analysis of the social and economic status of the people who appeared

before the consistory court, and how the financial cost of the exchange of objects was related to social and gendered status. The bulk of this chapter adopts an archaeologically based approach and uses the object itself as the primary source of information. This chapter shows how there were differences in the cultural meaning attached to specific tokens that would have been appreciated by both the giver and the recipient. The chapter concludes by arguing that one of the problems of a solely material culture-based approach is that objects do not themselves illuminate the specific social context of their exchange: specifically, how and why objects became symbolic gifts in a particular relationship, and how they were received and remembered. Nevertheless, documentary evidence of marriage tokens must be read through an archaeological lens, in order to understand that the iconography or biography of an object could have an important impact on its specific value and mnemonic power. The importance of this chapter to the thesis as a whole is its argument that although it was context that gave objects specific mnemonic meaning, the iconography and materiality of an object was, nevertheless, an important part of this process.

Chapter 2 looks at courtship tokens and how they were used to navigate potential marital relationship both in contemporary literature and practice. I argue that the momentum of courtship was echoed in the symbolism and value of the objects exchanged. Nevertheless, flexibility was an important aspect of courtship across the social spectrum, a time of negotiation in which the personal, political and financial interest of a potential marriage was under discussion; and this flexibility was reflected in the gift-giving process. This chapter also highlights an important aim of the marital litigation narrative, namely, to remove this ambiguity in order either to establish a legitimate marriage, or to destroy any potential marital meaning. The gendered disparity of this process is the key to my analysis, especially when it comes to the boundaries of the gift and the excuses people used to disassociate themselves from the marital meaning of exchanged things. The emphasis of this chapter is on how the ambiguity of courtship rituals left its participants vulnerable to social judgements.

Chapter 3 is a discussion of how contract gifts were given to mark the new marital identity of a contracting couple. This chapter focuses on the statements made by witnesses to the exchange of

consent, and how the exchange of things was used alongside words and gestures to signify to the making of marriage. Rituals made a marriage legitimate, but also acted as a prompt to strengthen the recall of witnesses. Outside the ceremony of consent the wearing or possession of a token was seen as evidence that a person had contracted, or strongly intended to contract. This chapter explains why witnesses discussed not just the object but also the way it was given. It was this combination of object and gesture that was used as evidence of consent. Moreover, contract gifts tended to be of a higher value than courtship gifts, further demonstrating marital commitment. Objects given at contract transformed the material body as in the case of a ring reflecting the change in a person's status from single to married. The gifts exchanged between contract and solemnisation further emphasised this social change; expensive cloth was purchased to clothe the body as it underwent the nuptial mass. This chapter shows how people in later medieval London and its wider diocese were keenly aware of the semiotic power of things and adopted this power not only to communicate matrimonial consent to others, but also to prepare their new identity as a spouse and to differentiate marriage from courtship.

An analysis of the exchange of gifts in the marital litigation records of the London consistory court demonstrates that although under canon law the gift was not proof of matrimony, people still sought meaning in the exchange of gifts. The exchange of courtship and marital gifts in legal narratives is therefore testament to the tensions between legal and social definitions of proof. The existence of marital litigation based on the exchange of gifts is also evidence of a more subtle pursuit of justice. Namely, the use of the court to publicly justify behaviour and actions which were based on the social values of the gift as proof of matrimony, and in turn accuse others of deceitful and untrustworthy behaviour. The exchange of gifts was socially and culturally recognised as a powerful and emotive expression of marital intention, even if the law and its systems denied it.

The final chapter moves beyond the litigation records of the London consistory court and examines the exchange of things across the marital life course. In the middle English romance *King Horn*, we find tokens being used in times of separation between the romantic protagonists. I argue that in this romance, and others, objects acted as material metaphors of their givers and their intentions. In

practice objects were also used to act as mnemonics of a distant loved one. Part 1 examines the letters written between recently married couples and shows how the exchange of objects was used by couples to communicate their desires and emotions during times of separation. The meaning of a gift was often articulated verbally during courtship and at contract and in this chapter we see how the written worked in tandem with the object enclosed within it to create an emotional and mnemonic impact upon its recipient. The emotional pain of separation is discussed in all of the letters surveyed and illustrates how the bond of matrimony, which we saw being created in Chapter 3, was discussed in practice. The objects bequeathed in the last wills and testaments proved in the City of London and its hinterlands are further indications of the importance of objects not just in the creation of marriage but in the conservation of marital and personal identity. Here we also see the relationship between the possession of things, the law, and gender. Upon marriage the legal ownership of things, and the decision to bestow them, rested with their husbands. And although ownership denoted power and economic stability, the movement and bequest of such things was often to the detriment of women and dependent on law, custom, location, and the decision of their husbands. This chapter also demonstrates the circulation of marital stuff in the later middle ages. Because certain objects, such as rings, were seen as an important component in the making of a marriage, parental bequests to their children of objects to be used in negotiations of marriage also hint at the potential mnemonic histories of the gifts.

The title role played by objects in this thesis shows the importance of studying the material gift in its social, legal and cultural context. People recognised and exploited the material meanings of the gift, and this indicates the conscious efforts that went into the gift-giving process and its subsequent retelling.

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The completion of this thesis would not have been possible without the support, encouragement, and generosity of many people. Firstly, my thanks go to the fellows of Merton College for their financial support over the last four years. The staff at the London Metropolitan Archives were, as always, extraordinarily generous with their time and expertise. The librarians at the Bodleian have become familiar faces, and I wish to thank the upper reading room staff in particular for all their help. Merton College's Assistant Librarian Petra Hoffman has been invaluable, and I owe a special thanks to Merton Library and its staff for accepting my varied, and often very specialist, book requests. The Bodleian Libraries, University of Oxford have kindly allowed me to use two of their manuscript images in this thesis, and I also wish to thank the parish church of All Hallows by the Tower for allowing me to use their image of the Evyngar Brass.

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Abbreviations

CLBL	Reginald R. Sharpe, ed., <i>Calendar of Letter-Books Preserved among the Archives of the Corporation of the City of London at the Guildhall</i> , 11 vols., <i>Letter books G through L</i> (London: J.E. Francis, 1899-1912).
CLRO	Corporation of London Record Office
Davis, <i>The Paston Letters</i>	Norman Davis, ed. <i>The Paston Letters and Papers of the Fifteenth Century</i> , Three volumes (Oxford: Oxford Clarendon Press, 2004).
Gairdner, <i>The Paston Letters</i>	James Gairdner, ed., <i>The Paston Letters, A.D. 1422-1509</i> , Five volumes (London: Chatto & Windus, 1904).
LMA	London Metropolitan Archives
<i>Logge Register</i>	Boatwright, Lesley, Moira Habberjam and Peter Hammond, eds., <i>The Logge Register of Prerogative Court of Canterbury Wills, 1479-86</i> , Two volumes (Knaphill: Richard III Society, 2008).
MED	<i>Middle English Dictionary</i>
TNA	National Archives
OED	<i>Oxford English Dictionary Online</i> (Oxford, Oxford University Press, 2004), available at http://www.oed.com
PCC	Prerogative Court of Canterbury

List of Illustrations

- Figure 1 Romance of Alexander, Flemish. Bodleian Library, MS Bodley 264, pt.1. fol., 59r. The Bodleian Libraries, University of Oxford.
- Figure 2 De nuptiis Philologiae et Mercurii. Norwich c. 1400. Bodleian Library MS. Canon. Misc. 110. fol., 123r. The Bodleian Libraries, University of Oxford.
- Figure 3 Figure 3. The Evyngar Brass 1530. All Hallows by the Tower of London.

Introduction

The British Museum holds an intriguing gold finger ring. Found in the River Thames at Westminster in 1841 and dated to the fifteenth century, the hoop of this ring was once enamelled and shaped into a wreathed pattern of branches with circular knots, but the most interesting aspect is the inscription on its inner band.¹ Inscribed in black letters are the words, ‘WHAN YE LOKE ON THIS THYNK OF THEM YT GAVE YOU THIS’.² This ring came with its own instructions to remind its wearer to remember the person who had given it to them, and in turn the relationship it represented. The mnemonic potential of the ring is made manifest, and it epitomises the argument of this thesis. Which is, primarily, that people in the later middle ages understood the potential of objects to stimulate and store memories, and in turn used this shared understanding of the mnemonic power of things to form marital relationships. Specifically, this thesis investigates how and why the remembrance of the exchange of gifts was used as proof of a decision to enter into a matrimonial relationship in the diocese of London between 1467 and 1524.

This thesis proposes that objects exchanged during courtship, at contract and throughout the marital life course were deeply evocative and had the potential to inspire a multitude of different memories and emotions but could also represent the status of a relationship and the identity of its bearer. It is for this purpose that I have coined the term ‘material mnemonic’ to describe such objects. A material mnemonic describes the complex relationship that could exist between objects and memory, emotion, and legal proof of matrimony. Material mnemonics are complex objects that have the potential to hold both public and private meaning. For example, it could act as a private reminder of a partner, and the importance of this relationship to the individual, whilst simultaneously being a public marker of

¹ R.C. Neville (Lord Braybrooke), *Catalogue of Rings in the Collection of the Right Hon. Lord Braybrooke* (Audley End: privately printed, 1873), no. 39.

² Anne Ward, et al., *The Ring from Antiquity to the Twentieth Century* (London: Thames and Hudson, 1981), pl. 160. The reference number for this ring is AF.1047, and can be found on the British Museum website, accessed 8 September, 2017, http://britishmuseum.org/research/collection_online/collection_object_details.aspx?objectId=50946&partId=1&place=32528|32932|32912&object=22713&page=1. Unfortunately, there is no image available for this ring, but I am in the process of requesting one.

a changed marital status. Furthermore, a mnemonic explicitly refers to something which has already happened. Or rather an act, such as the giving of an object as a gift, imbued an object with specific value and it was through memory that this value was sustained. The objects referred to in this thesis are also mnemonics by default. They are all objects recalled and documented in written records, namely: descriptions of objects found within testimonies made to the consistory court about an alleged marriage, objects exchanged between spouses to remain connected through memory, and objects bequeathed in wills with specific memories of a marital life attached to them.

In the middle ages marriage was a socially, culturally, and spiritually recognised partnership between a heterosexual couple, created through the public declaration of earnest consent. From the twelfth-century marriage had been legally recognized through the mutual exchange of consent by two adults who were free to marry; and it was the church and its laws (canon law) which ultimately determined the legal status of a marriage, should it be disputed. In theory it was words alone ('I John take you Joan as my wife'... 'I Joan take you John as my husband') which created a binding and indissoluble marriage.³ In practice, later medieval London society had its own rules as regards to what comprised a legitimate marriage. In order to achieve matrimony a couple went through a period of public and private negotiation, and a legitimate marriage was only declared when the consent and changed status of a couple, as man and wife, was publicly recognized. The words of consent were thus accompanied by a myriad of social acts and gestures to externalize the creation of the marriage bond. To give an illustrative example, in the spring of 1487 John Miller visited his stepdaughter Joan Cardiff, at the request of John Brocher, at her home in Walthamstow. He brought with him a fish from John Brocher, which he presented to Joan Cardiff to prepare a dinner, at which it was expected that the company would celebrate the marriage between John and Joan. Joan was said to have received this fish happily but asked her visitor if he thought John Brocher would make a good husband. He told her yes, if she could find it in her heart to love him as a husband, John would be hers forever. Together they

³ James A. Brundage, *Medieval Canon Law* (London: Longman, 1995), 73.

proceeded to discuss the financial necessities of the match, and Joan asked her stepfather John Miller to arrange for the payment of John Brocher's debts out of her own money. The hostess duly prepared a feast and welcomed not only John Miller and John Brocher, but also Thomas Lee and John Monk. After dinner John Monk asked Joan Cardiff if she could find it in her heart to love John Brocher as her husband, and she replied yes 'by her faith'. John Monk then asked her, 'Joan, seeist thou, wilt thou have this man [pointing to John Brocher] to thy husband?' Joan again, replied 'yes'. At this point John Brocher took Joan by her right hand and said, 'I John take thee Joan for my wedded wife, by my faith and my troth'. Joan immediately responded to him 'I will have you to my wedded husband, by my feith, but I will not plight you [my] faith and troth till after Easter, that I cover before [obtain permission from] my mother'. Later that day Joan Cardiff was said to have received from John Brocher a girdle decorated with silver. On the Wednesday of Easter Week John Brocher asked Joan Cardiff if she wished to make the marital words they had exchanged final. She replied, yes by her faith. John then gave Joan a kerchief, which she gratefully accepted, kissing him and tying the kerchief around her neck.⁴ In particular, John Miller's description of the exchange of consent between John Brocher and Joan Cardiff relied on a co-dependence of word, gesture and object to establish a legitimate and rightful marriage. The putative exchange of consent was simultaneously a private and public act, with gestures and objects used to demonstrate the freely given consent of the couple to each other and their community. Gifts did not constitute legal proof of marital consent under canon law, but the frequency and detail with which they were recalled by litigants and witnesses is testament to their validity as social proofs of courtship and consent. The exchange of an object as a gift was the most commonly used social proof, and this thesis examines the memories of the exchange of objects and how they were constructed to prove or disprove a marital relationship.

Memory studies have played an important part in the study of medieval culture and society. In her study of medieval scholastic memory systems Mary Carruthers has persuasively argued that

⁴ LMA DL/C/09065, 22r-v.

education and learning was based on memorative processes, and that we should consider medieval culture as ‘fundamentally memorial, to the same profound degree that modern culture in the West is documentary’.⁵ However, such mnemonic systems were more than just rote learning. Rather the mastery of memory was an internalising of the thing memorised, fostering both insight and judgement.⁶ This observation of memory as a dynamic and active process is important and forms a backdrop to this thesis’ discussion of the formation of material mnemonics. Michael Clanchy’s *From Memory to Written Record* remains a highly important study of the more practical application of memory in medieval society. His thesis being that in the period 1066-1307 we see a profound change in the social and legal administration of English society, from one based on oral contract using memory and mnemonic acts (such as pledging with a knife) to a society which increasingly incorporated written documents into the workings of government, thereby transforming literacy rates.⁷ However, this thesis argues that although in general we see a movement away from private oral contracts to public documentation, even in late medieval England memory continued to play an important part in everyday social transactions, and people were reliant on face-to-face encounters in which issues of trustworthiness and sincerity were paramount.⁸ Marriage in particular was still created through oral contracts that were dependent on the memory and amity of its participants and witnesses.

In the reading of memories and representations of marriage making in later medieval London this thesis owes a particular debt to the scholarship of historians and social scientists on the relationship between individual and communal memory, and on the ways in which this social process can be harnessed as source for the study of past societies. Of particular importance to this study is Chris Wickham’s and James Fentress’ *Social Memory*, which shows how memory was embedded in social

⁵ Mary J. Carruthers, *The Book of Memory: a Study of Memory in Medieval Culture* (Cambridge: Cambridge University Press, 1992), 8.

⁶ *Ibid*, 69.

⁷ M.T. Clanchy, *From Memory to Written Record, England 1066-1307*, 3rd edition (Oxford: Wiley-Blackwell, 2013), for the role of memory and mnemonics in early medieval transactions see pages, 38-40. The literary scholar Richard Firth Green has further argued that the 14th century in particular was a period that saw a transformation in perceptions of truth from residing with a person to lying in objective fact and documents. Richard Firth Green, *A Crisis of Truth, Literature and Law in Richardian England* (Philadelphia: University of Pennsylvania Press, 1999), in particular, Chapters 1 and 7.

⁸ Ian Forrest, *Trustworthy Men: How Inequality and Faith Made the Medieval Church* (Princeton: Princeton University Press, 2018), 12-13.

structures.⁹ This thesis examines how the personal, and often impressionistic, memories of the witnesses and participants in disputed marriages were formed against a backdrop of social concerns on issues such as gender, status, emotional expression, sexuality, and cultural expectations of marriage making. In her study of the York Cause Papers Kane has argued that memories of the construction of a house in the testimonies of those who helped in supplying its materials evoked a sense of community cohesion, which was also tied to the expression of masculine identity.¹⁰ This thesis looks at how particular objects given at particular times, and in particular ways, marked a change in a relationship's status, and how this was remembered as a defining point in the making of a marital relationship. However, I do not argue that memories were fixed, but rather that there was a complex negotiation between individual and communal memory.

As well as drawing upon the rich historiographies of individual and social memory in the middle ages, I build upon existing studies of the role of material culture in the formation and presentation of memories. In her examination of classical memory techniques Frances Yates examined the importance of a 'memory for things', and how a thing could act as a mnemonic locus from which further associations developed.¹¹ Elisabeth Van Houts' study of early medieval Europe placing women at the centre of memorial traditions and oral culture highlighted the particular importance of objects (and places) as 'pegs for memory' within this tradition.¹² Sheila Sweetinburgh and Marta Ajmar have examined the particular potential of things to stimulate and store memories in their work- respectively-

⁹ Chris Wickham and James Fentress, *Social Memory* (Oxford: Blackwell, 1992). Works on medieval 'social' memory include: Judith Everard, 'Sworn Testimony as Memory of the Past in Brittany, 1100-1250', in *Medieval Memories, Men, Women and the Past 700-1300*, ed. Elisabeth Van Houts (Harlow: Pearson, 2001), 72-85; Bronach Kane, 'Custom, Memory, and Knowledge in the Medieval Church Courts', in *Clergy, Church and Society in England and Wales, 1200-1800*, eds. Rosemary Hayes and William J. Sheils (York: Borthwick Publications, 2013), 61-81; and Andy Wood, *The Memory of the People: Custom and Popular Senses of the Past in Early Modern England* (Cambridge: Cambridge University Press, 2013). See also, Elisabeth Van Houts, 'Medieval Memory in Theory and Practice: Some Exploratory Thoughts in the Guise of a Conclusions', *Gesta* 48 (2009): 185-91; and Joel T. Rosenthal, *Telling Tales: Sources and Narration in Late Medieval England* (University Park: Pennsylvania State University Press, 2003), xiii-xiv.

¹⁰ Bronach Kane, 'Personal Memory, Collective Testimony and Masculinity in the Late Medieval Church Court of York', accessed 21 August 2017, <http://merg.soc.srcf.net/journal/07trial/kane.php>, 5-7.

¹¹ Frances A. Yates, *The Art of Memory* (London: Routledge and Kegan Paul, 1966), 11.

¹² Elisabeth Van Houts, *Memory and Gender in Medieval Europe, 900-1200* (Basingstoke: Macmillan Press, 1999), 93-119.

on the monastic dinner table at Christ Church Priory, Canterbury, and the employment of things in the didactic education of young girls in renaissance Italy.¹³

Particularly pertinent to this thesis are the studies of proof of age inquests that have examined the relationship between objects, gift-exchange and the construction of legal narratives in late thirteenth and early fourteenth century England. Proof of age inquests were required to ensure the legitimate birth and age of heirs, and jurors were selected from the local community to provide their memories of births and baptisms. John Bedell has shown how jurors used memories of an exchange of gifts upon the birth of a child as proof of age.¹⁴ Whilst William Deller has argued that some families purposely used the giving and receiving of gifts to facilitate memories of birth.¹⁵ Building upon such historical scholarship I will argue that people in the middle ages utilised not just the symbolic power of certain things but also the ability of such things to act as conductors of memory, an important tool when it came to legal disputes. This thesis argues that objects were not just a prompt for memories but implicitly tied to subaltern social assumptions. The significance of objects in the records of disputed courtships and promises to marry lies in the potential for misinterpretation by the parties involved and, given that the majority of testimony to negotiations of marriages come not first- but second-hand, by witnesses. Witness testimonies give evidence of second-hand *impressions* of material exchanges and given that they were recorded after the event these witness statements are de facto evidence of material mnemonics acting upon and being deployed by particular people in specific circumstances. Moreover, memories used in legal disputes were constructed, and reconstructed, around a dominant narrative in order to establish a specific agenda and ultimately to fit around a particular legal strategy.¹⁶ The medieval law

¹³ Sheila Sweetinburgh, 'Remembering the Dead at Dinner-Time', in *Everyday Objects: Medieval and Early Modern Material Culture and its Meanings*, eds. Tara Hamling and Catherine Richardson (Farnham: Ashgate, 2010), 257-66; and Marta Ajmar, 'Toys for Girls: Objects, Women and Memory in the Renaissance Household', in *Material Memories, Design and Evocation*, eds. Marius Kwent, Christopher Breward, and Jeremy Aynsley (Oxford: Berg, 1999), 75-87.

¹⁴ John Bedell, 'Memory and Proof of Age in England 1272-1327', *Past & Present* 162 (1999): 14.

¹⁵ William S. Deller, 'The First Rite of Passage: Baptism in Medieval Memory', *Journal of Family History* 36 (2011): 6.

¹⁶ Bronach Kane has examined the tension between individual and collective memory in later medieval legal records in 'Personal Memory', and 'Social Representations of Memory and Gender in Later Medieval England', *Integrative Psychological and Behavioural Science* 45 (2012): 544-58.

courts were places in which competing memories of an event were contested and negotiated, and the court was often the place in which competing memories were determined to be either ‘true’ or ‘false’.

Church Court Records: London Diocese 1467-1524

The primary evidentiary basis of this thesis is the testimony of deponents to marital litigation suits heard before the London consistory court and covering the years 1467-1524 in four surviving late medieval depositions books: 1467-76, 1487-96, 1510-16, and 1520-24. The deposition books cover a total of 189 marital cases, although the majority of the focus will be on 107 cases which explicitly mention the exchange of objects as part of the marital process; the other 82 cases will be analysed in terms of other information pertinent to this thesis such as comments on gender, status and social perceptions of the making of marriage.¹⁷ The consistory covered the diocese of the bishop of London and comprised the City of London itself, Middlesex, Essex, and parts of Hertfordshire. The people who appeared before the consistory court were from a mix of socio-economic backgrounds; though many on the margins of society were represented by those of a higher status.¹⁸ This thesis includes cases from outside the city of London – namely, the dioceses of Essex, Middlesex, and parts of Hertfordshire- but will not include a direct comparison of rural and urban gift exchange as this had no discernible impact upon the stories people told with regard to gender and the exchange of objects.

The consistory served as the highest-level church court in the diocese of London and was presided over by a university-trained judge known as the Bishop’s Official. Marriage was governed by church (canon) law, and should a couple find themselves disputing the legitimacy of a marriage they

¹⁷ A breakdown of marriage cases featuring the exchange of gifts against the total number of marriage cases, in each of the four deposition books, is as follows: LMA DL/C/205, 37 cases out of a total of 77 [48%]; LMA 09065 and b, 40 cases out of a total of 62 [64%]; LMA 206, 16 cases out of a total of 26 [61.5%]; and LMA 207, 14 cases out of a total of 24 [58.3%].

¹⁸ Shannon McSheffrey is one of the few scholars to have studied the pre-reformation depositions found within the litigation records of the London Consistory, but her focus has been on City of London cases. Idem, *Marriage, Sex, and Civic Culture in Late Medieval London* (Philadelphia: University of Pennsylvania Press, 2006), 195; and L.R. Poos’ study of late medieval Essex includes London consistory court marriage cases from that county, *A Rural Society after the Black Death: Essex, 1350-1525* (Cambridge: Cambridge University Press, 1991), 136-41.

approached the church court for justice. This was a complicated and expensive business, since all litigants were required to have a proctor speak on their behalf in court plus an advocate to plead their case and determine the legal merits of the case.¹⁹ The London consistory court was based in the Long Chapel of St. Paul's Cathedral and met several times a week, but Wednesday and Thursday were the busiest.²⁰

The most common surviving records describing the business of the consistory courts are its Act books, as under canon law all courts were required to record all the acts of the court in order to prevent any future doubts about the decisions of the court. The Act books recorded its day-to-day business, the cases heard and the court's rulings; pre-1450 Act books have been used by legal historians to chart the development of marital litigation in the later middle ages. However, the mid-fifteenth century saw a decline in the detail and substance of these records; for example, the decisions and sentences of the London consistory court were kept in separate books - none of which have survived.²¹ The four deposition books contain the examination of witnesses and provide the context and facts of marriage cases.

Witness statements were based on the general rule that the claimant bore the burden of proof.²² The arguments made by the plaintiff were contained within his or her petition (known as the libel) to the court, which outlined the particular grievance on which the suit was based.²³ Suits to enforce a marriage typically feature an allegation (the positions of the plaintiff) that both parties had contracted marriage through words of present or future consent, and that this act had been witnessed and accepted as a legitimate marriage by people from the couple's local community. The defendant was asked by the court to answer to these positions and witnesses named by both parties were called once a libel was submitted to the court. Witnesses in marital litigation trials were asked a series of questions based on

¹⁹ McSheffrey, *Marriage*, Appendix: Legal Sources, 195-6.

²⁰ Richard M. Wunderli, *London Church Courts and Society on the Eve of the Reformation* (Cambridge: Medieval Academy of America, 1981), 7, and 13.

²¹ Richard Helmholz, Helmholz, *Marriage Litigation in Medieval England* (Cambridge: Cambridge University Press, 1974), 7-11; Wunderli, *London Church Courts*, 8.

²² Wunderli, *London Church Courts*, 41.

²³ Helmholz, *Marriage Litigation*, 13.

the arguments proposed by the plaintiff, known as the articles of the case, and upon interrogatories introduced by the opposite party, once they had seen the articles put forward by the plaintiff.²⁴

The London consistory court deposition books only recorded the witnesses' responses to the articles and interrogatories rather than the positions themselves, which (along with the judgements of the court) were written up in a separate set of documents which have not survived the passing of time.²⁵ A court official examined witnesses in private, usually in a separate house or chamber. A scribe (registrar) recorded the responses made by the witnesses, which he would then write up in a formal manner. These formal depositions were then read aloud in court, and the court made its decision based on these oral testimonies, with many suits being completed quickly after the reading of the depositions. In London the deposition books were stored alongside the Act books as part of the court's official records, but only one Act book from the pre-Reformation period has survived, the 'Liber assignationum' (1500-1505), which covered a period for which we have extant deposition books.²⁶

The questions asked of witnesses were framed around the legal issues of a particular case, and what was required for canonical proof of a marriage consent. Although the principal concern of the court was whether or not a couple had exchanged marital consent, many cases include lengthy descriptions of the marital process. The judge or his examiner was also able to pose questions beyond the particular articles of the case and the court was interested in the events surrounding an exchange of marital consent, and whether its participants had consented freely without coercion.²⁷ The depositions are not free-running speech but rather tailored to the specific questions proposed by the plaintiff, defendants and, in some cases, the court officials themselves. The language of the texts was also changed from the vernacular into Latin, the language of the church courts, but the words of consent

²⁴ Helmholz, *Marriage Litigation*, 13-19.

²⁵ It is here pertinent to note that The York Cause Papers are a body evidence comparable to the records of the consistory court which do contain testimonial evidence as well the decisions by the court. For further information see P.J.P. Goldberg, *Women, Work and Life Cycle in a Medieval Economy: Women in York and Yorkshire c. 1300-1520* (Oxford: Clarendon Press, 1992), 27, and appendix II; and Frederik Pedersen, *Marriage Disputes in Medieval England* (London: Hambledon, 2000), 18-19.

²⁶ Helmholz, *Marriage Litigation*, 20; and Wunderli, *London Church Courts*, 7.

²⁷ McSheffrey, *Marriage*, 195-6.

and other direct speech was increasingly recorded in the vernacular in the period 1467-1524.²⁸ Testimonies were edited, translated, and shaped by memory, legal requirements and societal expectation, but they remained fundamentally personal accounts of events.²⁹ It is important to reiterate that we do not have the outcomes of the vast majority of these cases, with our evidence for disputed marriages coming solely from the deposition books. It is not the aim of this thesis to understand how the court determined whether a marriage was legal or not, but rather to learn how the people who appeared before the courts argued what was, and was not, a legitimate marriage before both the court and their neighbours. The court itself was not just formed of a judge and his administrator but was also a gathering of people where social expectations of gender, social status, trustworthiness, and sexuality were brought into play.

Charles Donahue's comparative survey of marriage cases across different European court systems has revealed the extent to which the courts differed in practice. What such comparative studies have shown is that local norms and expectations of marriage making had an influence on the decision making process of the courts.³⁰ In regards to late medieval London, Richard Wunderli has suggested that people became frustrated with the expense and procedure of the consistory court and that this led people to pursue justice through the commissary court and London secular courts, although very little documentation from the latter has survived.³¹ Chapters 2 and 3 of this thesis argue that this period saw a tension between legal and social forms of proof, with objects playing a crucial role in how people,

²⁸ When I have used quotes in this thesis I have translated them from Latin, but I have left the Middle English in its original, a reversal of the scribe's original decisions. For further discussion of the language of church court records see Charles Donahue Jr., 'Female Plaintiffs in Marriage Cases in the Court of York: What Can We Learn from the Numbers?', in *Wife and Widow in Medieval England*, ed. Sue Sheridan Walker (Ann Arbor: University of Michigan Press, 1993), 183-205.

²⁹ Robert N. Swanson, "...et examinatus dicit...": Oral and Personal History in the Records of English Ecclesiastical Courts', in *Voices from the Bench: Narratives of Lesser Folk in Medieval Trial*, ed. Michael Goodich (Basingstoke: Palgrave Macmillan, 2006), 203-4, and 206-9.

³⁰ Charles Donahue, Jr., *Law, Marriage and Society in the Later Middle Ages* (Cambridge: Cambridge University Press, 2007), in particular his chapters on England, and the church courts in Ely and York, 63, 90, 152, and 218.

³¹ Wunderli has argued that in the 1490s litigants began to drift away from the church courts to seek justice in the secular city courts, which were more aligned with popular expectations. However, unlike the consistory court marriage cases heard before the commissary court were often claims about third parties impeding a marriage contract rather than a breach of contract. Additionally, our information about these cases is restricted as the records of this court are not as rich as those produced by the consistory, as the procedure of commissary court was more like disciplinary rulings rather than the questioning of a marriage's validity and the summoning and questioning of witnesses, which were the business of the consistory court. Wunderli, *London Church Courts*, 137, and 118-9.

rather than the courts, viewed the creation of marital relationships. I argue that this fits within Wunderli's model of an increased dissatisfaction with the consistory court. Furthermore, between 1467 and 1524, in the marriage cases that were heard before the consistory court, there is a rise in the percentage of cases which mentioned the exchange of gifts in successive deposition books: 1467-76, 48%; 1487-96, 64%; 1510-16, 61.5%; and 1520-24, 58.3%. It is important to note here that scholars working on marriage litigation cases in early modern England have noted a substantial increase in the descriptions of gifts as proof of marriage from around 1550.³² It is possible that this change, and the increase in gifts within the late medieval consistory court records, is a reflection of a more assertive consumption of justice, as people began to increasingly argue their cases based not just on legal categories of proof but more socially rooted ones.

The legal records of the London consistory court constitute the core of this thesis, supplemented, where appropriate, with literature, visual images, archaeological finds, and miscellaneous sources on late medieval culture and marriage. Supplementary sources provide context to the practice and concepts of gift exchange in the later middle ages, archaeological finds, middle English romances, letters and testamentary bequests are of particular importance, and I have incorporated detailed discussion of the source types, the methodologies used in the interpretation, and intellectual criticism within relevant chapters. However, legal records remain my primary focus and in the analysis of descriptions of gift exchanges I employ a mixed methodology, incorporating anthropological 'gift' scholarship alongside a material culture perspective. I examine how the act of giving, the thing given, and the story told about it, were all used by deponents in their presentation of evidence to the court.

³² Diana O'Hara, *Courtship and Constraint: Rethinking the Making of Marriage in Tudor England* (Manchester: Manchester University Press, 2006), 57-62; and Loreen Giese, *Courtship, Marriage Customs and Shakespeare's Comedies* (Basingstoke: Palgrave Macmillan, 2006), 82-91.

The Story

This study is a consideration of the meaning of material exchanges as multivalent and shifting, and how people used the courts to establish, confirm, and determine such exchanges as proof of matrimony. The last twenty-five years have seen realignment in how we read legal records, and there is now a wealth of historical works on the socio-cultural formation of legal texts, and a re-focus on the development of law in its political context.³³ This ‘new legal history’ is a reaction against the traditional wing of legal history with its focus on empowered institutions, court procedure, and the imposition of legal norms, which disregarded witness testimony as unreliable. This positivist approach to the legal evidence was realised through the acceptance of institutionally imposed concepts of law and the legal process to the detriment of social and communal agency in the making and shaping of laws and justice.³⁴ Additionally, scholarship has shown a renewed appreciation for what constituted ‘the law’, that is not as a set of fixed and prescribed legal codes, but rather an active negotiation within particular communities on both a micro or macro scale.³⁵ The study of law, anthropology, and history has recently been forged together to create the concept of ‘legalism’, which looks directly at the interplay between law and society, and recent scholarship has used this concept of legalism to look at systems of rules, categories, and justice from an interdisciplinary and cross-cultural perspective to draw parallels on legal concepts across a wide range of sources and methodologies.³⁶ This thesis’ discussion of the law is influenced by such theoretical and historical developments to consider law not as hierarchical and fixed but rather as an active socially based process, that could reflect the concerns and assumptions of ordinary people.

³³ For an academic overview of such works see, Anthony Musson, *Medieval Law in Context: The Growth of Legal Consciousness from Magna Carta to the Peasants’ Revolt* (Manchester: Manchester University Press, 2001), 1-5.

³⁴ Helmholz, *Marriage Litigation*, 2. Helmholz was also weary of depositions, which he described as ‘stories of marriage negotiations, market-place haggling, domestic squabbles...’, 11. Donahue also favours this approach, arguing that to achieve a true picture of medieval marriage one should use a quantitative approach in order to avoid being seduced by the depositions. Donahue, *Law, Marriage and Society*, 6-7. For studies of the procedure and role of the church courts in later medieval and early modern England see L.R. Poos, ed., *Lower Ecclesiastical Jurisdiction in Late-Medieval England* (Oxford: Oxford University Press, 2001), xi-lxiii; Ralph Houlbrooke, *Church Courts and the People During the England Reformation, 1520-1570* (Oxford: Oxford University Press, 1979), 7-89; and Brian L. Woodcock, *Medieval Ecclesiastical Courts in the Diocese of Canterbury* (Oxford: Oxford University Press, 1952).

³⁵ Garthine Walker, *Crime, Gender and Social Order in Early Modern England* (Cambridge: Cambridge University Press, 2003), 7.

³⁶ For example, Paul Dresch, ‘Introduction: Legalism, Anthropology, and History: A View from Part of Anthropology’ and Hannah Skoda, ‘A Historian’s Perspective on the Present Volume’, in *Legalism: Anthropology and History*, eds. Paul Dresch and Hannah Skoda (Oxford: Oxford University Press, 2012), 1-37; and 40-54.

Historians and literary scholars have shown a specific interest in the deconstruction of medieval legal records, in particular the depositions made by deponents to legal disputes, and scholarship is now at a point where, ‘we no longer have to worry too much about whether the events or ideas described in depositions are ‘true’ or ‘false’, because the way they were constructed to be convincing can reveal something about the social discourse into which such narratives fitted’.³⁷ The original wave of ‘fiction in the archives’ scholarship, with its focus on the formation of narrative and its interpretation, owes its debt (and pithy title) to Natalie Zemon Davis and her work on pardon tales (namely, personal petitions for a royal pardon) in mid-sixteenth century France.³⁸ Davis re-addressed how we can use legal records, arguing that these ‘tales’ should be examined for their literary components, particularly how recurrent literary motifs can inform us about social and gender norms. In recent years literary scholars have further waded into the recent debate on the deconstruction of witness testimony, and have nuanced our understanding of how sworn statements should be evaluated as texts.³⁹ Frances Dolan has been particularly critical of historical analysis of early modern legal narratives, and has emphasised the importance of reading them with a literary eye and to observe ‘the relations among the person telling the story, the character he or she describes, and the clerk who teases out and takes down depositions: the texts’ status as stories with beginnings, middle and ends, and their debts to genre as well as event; settings and props; language and use’.⁴⁰

In the last few decades there has been a significant refinement of the methodological investigation into how we might capture the concerns and opinions of ordinary people within these sources. Much of this was in reaction to the empirical approach to witness testimony made famous by Le Roy Ladurie’s *Montaillou*, which used Jacques Fournier’s heresy inquisition records from the early

³⁷ Tom Johnson, ‘The Preconstruction of Witness Testimony: Law and Social Discourse in England before the Reformation’, *Law and History Review* 32 (2014): 137-8.

³⁸ Natalie Zemon Davis, *Fiction in the Archives, Pardon Tales and Their Tellers in Sixteenth-Century France* (Stanford: Stanford University Press, 1987), 3-5.

³⁹ Richard Firth Green, *A Crisis of Truth: Literature and Law in Ricardian England* (Philadelphia: University of Pennsylvania Press, 1999); Steven Justice, *Writing and Rebellion: England, 1381* (Berkeley: University of California Press, 1994); and idem, ‘Inquisition, Speech and Writing: a Case from Late-Medieval Norwich’, *Representations* 48 (1994): 1-29.

⁴⁰ Frances E. Dolan, *True Relations: Reading, Literature, and Evidence in Seventeenth-century England* (Philadelphia: University of Pennsylvania Press, 2013), 153.

fourteenth century register to try and recapture the ‘voices’ of the people living in this small mountainous French village.⁴¹ Subsequent work has highlighted the problems associated with using inquisitorial sources, whilst Leonard E. Boyle’s offered a detailed critique of Ladorie’s presentation of these ‘voices’ as unmediated speech.⁴² There has also been a greater appreciation of the construction of legal records rather than an acceptance of depositions as unmediated free-running speech. A linguistic analysis of legal texts has often been associated with discussions on the construction of discourses such as, for example, gender. The early modern historian Garthine Walker has employed Bakhtin’s linguistic theory of heteroglossia and multi-vocality in her study of the relationship between crime and gender in sixteenth and seventeenth century English legal records. Walker argued that the descriptions of crime and violence in legal records drew upon a range of social concepts, images and metaphors, which were themselves influenced and shaped by contemporary ideas about class, law, gender and more.⁴³ An appreciation of the importance of the power structures at play in these records is thus fundamental, and this is something that will be developed in the chapters of this thesis.⁴⁴ Power was not just held in the hands of legal institutions but also in the hands of those with wealth, status and the good fortune of having been born a man. Many litigants’ and witnesses’ stories would have been formed before they came to the court, which represented a last resort when other forms of negotiation had broken down; indeed, pre-trial arbitration was probably more common than the legal records indicate and mediations could either be formal or informal.⁴⁵ Testimonies were framed by the ideas and assumptions of the day

⁴¹ Emmanuel Le Roy Ladurie, *Montaillou: Cathars and Catholics in a French village, 1294-1324*, trans. Barbara Bray (London: Penguin Books, 1980), vii-xvii.

⁴² Carlo Ginzburg, ‘The Historian as Anthropologist’, in *Clues, Myths, and the Historical Method*, trans. John and Anne C. Tedeschi (Baltimore: The Johns Hopkins University Press, 1992), 160-2, and 164; John Arnold, ‘The Ethics of Interrogating Subaltern Voices’, *Rethinking History* 2 (1998): 379-385; and Leonard E. Boyle, ‘Montaillou Revisited: Mentalité and Methodology’, in *Pathways to Medieval Peasants*, ed. J.A. Raftis (Toronto: Pontifical Institute of Medieval Studies, 1981), 119-140.

⁴³ Walker, *Crime, Gender and Social Order*, 7.

⁴⁴ John Arnold has proposed that we treat inquisitorial depositions as ‘texts’ which were born in a context of power between the inquisitor and the ‘confessing subject’. In ‘Inquisition, Texts and Discourse’, in *Texts and the Repression of Medieval Heresy*, eds. Caterina Bruschi and Peter Biller (Woodbridge: York Medieval Press, 2003), 63-80, and especially 63.

⁴⁵ A more formal case of pre-trial arbitration can be found in the marriage case launched by Alice Cademan against Nicholas Vavecer in 1474. A number of witnesses claimed that they had been present in the hospital cloister of St Thomas Acorn when the question of whether or not the couple had exchanged consent was discussed; a consensus, however, could not be reached. LMA DL/C/205; 241v-242r, 242r-v, and 246v-247r. Other cases offer suggestions of more informal meetings between potential witnesses, in churchyards and streets. LMA DL/C/09065, 1987, *John Polleyn c. Agnes Parker*, 24v-25r, 25v, and 26r; LMA DL/C/206, 1515, *Alice Fantell c. William Hilton*, 457v-458r, and 458v-459r.

but they were not just simply an example of cultural discourse;⁴⁶ they originated in local communities and were structured according to individual status and personal circumstance; and – of course- gossip.⁴⁷

Historical inquiry into the language of legal records in the medieval and early modern period has resulted in pioneering work on revealing subaltern attitudes to status,⁴⁸ gender and sexuality,⁴⁹ and emotional expression.⁵⁰ Marriage disputes in particular touched on all of these subjects as the actors in legal suits adopted and utilised cultural touchstones within their society.⁵¹ These debates about law, records, voices and stories have shaped my reading of the depositions in marriage cases as whole narratives based around key plot points, with the exchange of consent and gifts being paramount. In particular the social context of these stories is a crucial element of my analysis, especially the late medieval concern about the governance of social behaviour, which has been identified by, among others, Marjorie McIntosh. McIntosh argues that England between 1370 and 1600 was made distinctive by its regulation of social behaviour.⁵² Similarly, Frank Rexroth has - somewhat controversially - argued that the elite of later medieval London was deeply concerned by what it saw as a morally dubious counter-culture within the city.⁵³ Later medieval Londoners and the wider society were greatly

⁴⁶ Johnson has critiqued the examination of witness testimony as examples of social discourse calling it 'reductionist'. In 'The Preconstruction of Witness Testimony', *Law and History Review*, 127-8.

⁴⁷ For gossip and witness testimonies see Chris Wickham, 'Gossip and Resistance Among the Medieval Peasantry', *Past & Present* 160 (1998): 3-24.

⁴⁸ For example, the rather stubborn debate between Goldberg and Pederson. Frederik Pederson, 'Demography in the Archives: Social and Geographical Factors in Fourteenth-Century York Cause Paper Marriage Litigation', *Continuity and Change* 10 (1995): 425; P.J.P Goldberg, 'Fiction in the Archives: the York Cause Papers as a Source for Later Medieval Social History', *Continuity and Change* 12 (1997): 425; and Frederik Pederson, 'The York Cause Papers: a Reply to Jeremy Goldberg', *Continuity and Change* 12, (1997): 448.

⁴⁹ Kim M. Phillips, *Medieval Maidens: Young Women and Gender in England, 1270-1540* (Manchester: Manchester University Press, 2003), 177-196; Laura Gowing, *Domestic Dangers, Women, Words and Sex in Early Modern London* (Oxford: Oxford University Press, 1996), 3-10; and Cordelia Beattie, 'Your Oratrice: Women's Petitions to the Late Medieval Court of Chancery', in *Women, Agency and the Law, 1300-1700*, eds. Bronach Kane and Fiona Williamson (Abingdon: Routledge, 2013), 43-62.

⁵⁰ Daniel Lord Smail, *The Consumption of Justice: Emotions, Publicity and Legal Culture in Marseille, 1264-1423* (London: Cornell University Press, 2003) 91-99; Merridee Bailey and Kimberley-Joy Knight, 'Writing Histories of Law and Emotions', *Journal of Legal History* 38 (2017): 117-129; and Paul Hyams, *Rancor & Reconciliation in Medieval England* (London: Cornell University Press, 2003).

⁵¹ Johnson, 'The Preconstruction of Witness Testimony', 145.

⁵² Marjorie K. McIntosh, *Controlling Misbehaviour in England, 1370-1600* (Cambridge: Cambridge University Press, 1998); and idem, 'Finding Language for Misconduct: Jurors in Fifteenth-Century Local Courts', in *Bodies and Disciplines: the Intersections of Literature and History in Fifteenth-Century England*, eds. Barbara A. Hanawalt and David Wallace (London: University of Minnesota Press, 1996), 113.

⁵³ Frank Rexroth, *Deviance and Power in Late Medieval London*, trans. Pamela E. Selwyn (Cambridge: Cambridge University Press, 2007).

concerned with questions of social status and reputation, and such concerns were a common feature of the gift narratives discussed in this thesis.⁵⁴ The study of the language used in misconduct and defamation cases has likewise produced a number of works citing a growing concern with social behaviour in the later middle ages.⁵⁵ McIntosh herself studied the language of late medieval litigation records which she argued described an increasing concern for certain forms of misconduct seen to threaten social cohesion. These ranged from the words and behaviours of malicious gossips and scolds who were targeted by local elites who operated within an intellectual framework, shaped by concepts of correct moral behaviour.⁵⁶ Shannon McSheffrey has argued that the formation of marriage in later medieval London was closely tied to a late medieval Londoner's moral code of civic responsibility and governance.⁵⁷ A particular concern in late medieval London was the regulation of sexual behaviour, and historians have highlighted the –often extreme- gendered divisions of this concern.⁵⁸ It is within this social context in which people were compelled to police the behaviour of their friends, family and neighbours – particularly during transitory and ambiguous life stages such as the formation of marriage - that questions of who had exchanged gifts with whom, and why, was seen as important.

The marriage disputes heard before the late medieval London consistory court involved people who were in competition with each other to determine the 'truth' of a particular case, that is, whether a marriage was legitimate or not. Legal narratives were grounded within a social reality in which expectations of cultural constructs - such as a gender and status – were consciously and unconsciously employed to argue the merits of a particular case. Testimony was, thus, shaped by the legal process and

⁵⁴ Barbara Hanawalt's thesis is a very good survey of how concerns over social status navigated into public discourse, and practice. *Of Good and Ill Repute: Gender and Social Control in Medieval England* (Oxford: Oxford University Press, 1998), 1-14.

⁵⁵ McIntosh, 'Finding Language for Misconduct', 87-9; and L.R. Poos, 'Sex, Lies and the Church Courts of Pre-Reformation England', *Journal of Interdisciplinary History* 25 (1995): 585-7. Swanson has worked on language within a court setting, particularly highlighting the importance of *fama*, public fame, and the reception of a story; concluding that all testimonies were to some extent influenced by a need to portray the contested event in a way, which would be accepted by local communities. Swanson, "Et Examinatus Dicit...", 203-6. For a more in-depth look at the influence of *fama* within a community see Chris Wickham, 'Fama and the Law in Twelfth-Century Tuscany', in *Fama: the Politics of Talk and Reputation in Medieval Europe*, eds. Thelma Fenster and Daniel Lord Smail (London: Cornell University Press, 2003), 15-27.

⁵⁶ McIntosh, 'Finding Language', 113.

⁵⁷ McSheffrey, *Marriage*, 188-9.

⁵⁸ P.J.P. Goldberg, 'Pigs and Prostitutes: Streetwalking in Comparative Perspective', in *Young Medieval Women*, eds. Katherine J. Lewis, Noël James Menuge, and Kim M. Phillips (Stroud: Sutton, 1999), 182-5; Ruth Mazo Karras, 'The Regulation of Brothels in Later Medieval England', *Signs* 14 (1989): 399-433; and Henry Ansgar Kelly, 'The Bishop, the Prioress, and Bawd in the Stews of Southwark', *Speculum* 75 (2000): 342-88.

social norms, and witness statements were shaped by legal counsel, the requirements of the court and social expectations. The challenge therefore is not to try and uncover the ‘truth’ of these testimonies – a near impossible task⁵⁹ - but rather to place these fictions within their social framework whilst remaining sympathetic to the fact that these texts are not examples of literary artifice or discourse but had an impact, sometimes a profound one, on the life and happiness of the participants. In light of this I analyse the evidence on a case-by-case basis, reading legal testimony as ‘real’ life narratives, with key plot points and characterisations to examine how people communicated their beliefs, desires, and assumptions about the making of marriage.

The reading and deconstruction of the language within legal narratives is now largely an accepted methodological model. However, recent socio-cultural studies have seen a movement away from the study of words, to instead emphasise the importance of the spatial and material background to the formation of late medieval legal narratives and the law.⁶⁰ Drawing upon the ideas of other historians this thesis will consider law not just as an intellectual exercise but the very thing which maintained social cohesion. It was a process which included a form of categorization, and this was particularly the case with issues of property - what things belong to who, and why. Tom Johnson has argued that most people’s understanding of ‘the law’ was through the division of land and material culture; the law was present in physical stuff, ‘it resided in trees and boundary stones that divided land, in deer that belonged to the king, and even in shipwrecked detritus that washed up onshore’.⁶¹ Catherine Richardson has examined early modern cases of personal misdemeanour and how the details of clothing added an authenticity to the creation of legal narratives.⁶² The material turn has shown how things played a crucial

⁵⁹ Shannon McSheffrey, ‘The Slaying of Sir William Pennington: Legal Narrative and the Late Medieval English Archive’, *Florilegium* 28 (2011): 170.

⁶⁰ On the law and the construction of materiality see Tom Johnson, ‘Medieval Law and Materiality: Shipwrecks, Finders, and Property on the Suffolk Coasts, ca. 1380-1410’, *The American Historian Review* 120 (2015): 407-432, and his doctoral thesis on, ‘Law, Space, and Local Knowledge in Late-Medieval England’ (PhD thesis, Birkbeck, University of London, 2014); and Catherine Richardson, ‘“Havyng Nothing Upon Hym Saving Onely His Shert”: Event, Narrative and Material Culture in Early Modern England’, in *Clothing Culture 1350-1650*, ed. idem (Aldershot: Ashgate, 2004), 209-221. Shannon McSheffrey has examined the relationship between space and marriage controls in late medieval London in ‘Place, Space, and Situation: Public and Private in the Making of Marriage in Later-Medieval London’, *Speculum* 79 (2004): 960-990.

⁶¹ Johnson, ‘Medieval Law and Materiality’, 408.

⁶² ““Havyng nothing upon hym saving onely his sherte””, 213.

role in the argumentation of legal disputes, and in turn how materiality was defined and categorised by the legal process (a point which will be discussed further detail below). This thesis' reading of the marriage records of the consistory court thus pays a particular attention to how people argued in court with and through objects.

Scholarship has addressed the making of medieval marriage from legal, cultural and social perspectives, and recent years have seen a particular drive to understand the formation of marriage through a gendered lens, a further category of analysis which is central to my concerns.⁶³ Jeremy Goldberg's work on the York Cause Papers has shown that the social and economic opportunities of urban women (boosted in a post-Black Death economy) gave them significant agency in their decision to marry.⁶⁴ However, as Shannon McSheffrey has emphasised, late medieval London was very different from late fourteenth century York, with, in London, power concentrated within the confines of patriarchal households and a cultural expectation of the exertion of didactic authority.⁶⁵ Indeed, many of the women involved in marriage disputes at the London consistory court were servants whose masters shouldered the financial cost of their marital suits, partly born out of a desire to retain the good reputation of their household which could be damaged by a suggestion of sexual or social impropriety.⁶⁶ This is an indication of one of the most important roles played by the London consistory court, to be a place of self-justification and exoneration of not just the individual and their actions but the people who may have been morally responsible for them. Felicity Riddy has influentially argued that the later medieval urban household was expected to play an important role in the moralising of its inhabitants

⁶³ James Brundage, *Law, Sex and Christian Society in Medieval Europe* (Chicago: University of Chicago Press, 1987); Susan Mosher Stuard, 'Burdens of Matrimony; Husbanding and Gender in Medieval Italy', in *Debating the Middle Ages: Issues and Readings*, eds. Barbara Rosenwein and Lester Little (Oxford: Blackwell, 1998), 290-8; Ruth Mazo Karras, *Unmarriages: Women, Men and Sexual Unions in the Middle Ages* (Philadelphia: University of Pennsylvania Press, 2012); Mia Korpiola, *Between Betrothal and Beddings: Marriage Formation in Sweden 1200-1600* (Leiden: Brill, 2009); Dyan Elliott, *Spiritual Marriage: Sexual Abstinence in Medieval Wedlock* (Princeton: Princeton University Press, 1993); Sara Butler, "'I Will Never Consent to be Wedded With You'", *Canadian Journal of History* 39 (2004): 247-70; and Dana Wessell Lightfoot, *Women, Dowries, and Agency: Marriage in Fifteenth Century Valencia* (Manchester: Manchester University Press, 2013).

⁶⁴ Goldberg, *Women, Work and Life Cycle*, 272-79.

⁶⁵ McSheffrey, *Marriage*, 8.

⁶⁶ *Ibid*, 197.

and that the reputation of a household was tied directly to the behaviour of its occupants.⁶⁷ It is in this socio-cultural milieu that courtship and marriage operated in later medieval London, and it is the purpose of this thesis to demonstrate how the exchange of gifts operated within this framework. This thesis is also inspired by the social and economic focus employed by Goldberg who addresses the making of marriage as an everyday reality, an approach that is especially important with regards to the economic access and exchange of material goods discussed in Chapter 1.

Ruth Mazo Karras and Cordelia Beattie have shown that a significant minority in the middle ages went against the expected marital norm.⁶⁸ In light of this scholarship I address the gendered experience as crucial to the understanding of marriage and courtship gifts, but also how social, economic, ethnic, and geographical status could determine experiences during gift exchanges and in the creation of legal narratives. The interaction between medieval women and the law has also highlighted a complex power dynamic that was experienced by women who navigated patriarchal authorities.⁶⁹ Gendered expectations did not just apply to women but were crucial in determining male identity and status.⁷⁰ Negotiations of marriage occurred at a crucial juncture in the life-course of both genders and can be seen as a specific liminal time when social and gendered expectations were particularly accentuated.

This thesis also draws upon recent work in the history of emotions. As a body of work emotion scholarship explores the manifestation, performance and function of emotion in past societies and how

⁶⁷ Felicity Riddy, 'Mother Knows Best: Reading Social Change in a Courtesy Text', *Speculum* 71(1996): 66-86. For studies of the later medieval household see Maryanne Kowaleski and P.J.P. Goldberg, eds., *Medieval Domesticity: Home, Housing and Household in Medieval England* (Cambridge: Cambridge University Press, 2008). For the governing of female sexuality see Katherine French, "'To Free Them from Binding': Women in the Late Medieval English Parish", *The Journal of Interdisciplinary History* 27 (1997): 387-412.

⁶⁸ Ruth Karras' work on 'unmarriages' demonstrates the importance of non-traditional relationships in late medieval society, *Unmarriages*; and Cordelia Beattie has looked at the lives and experiences of women who remained unmarried, *Medieval Single Women: the Politics of Social Classification in Late Medieval England* (Oxford: Oxford University Press, 2007).

⁶⁹ See essays in Kane and Williamson, ed., *Women, Agency and the Law, 1300-1700*; and Cordelia Beattie and Matthew Frank Stevens, ed., *Married Women and the Law in Premodern Northwest Europe* (Woodbridge: The Boydell Press, 2013).

⁷⁰ John H. Arnold and Sean Brady, eds., *What is Masculinity? Historical Dynamics from Antiquity to the Contemporary World* (Basingstoke: Palgrave Macmillan, 2011); Barbara Hanawalt, *Growing Up in Medieval London: The Experience of Childhood in History* (Oxford: Oxford University Press, 1993); Ruth Mazo Karras, *From Boys to Men: Formations of Masculinity in Late Medieval Europe* (Philadelphia: University of Pennsylvania Press, 2002); Rachel Moss, *Fatherhood and Its Representations in Middle English Texts* (Cambridge: D.S. Brewer, 2013); and Derek G. Neal, *The Masculine Self in Late Medieval England* (Chicago: University of Chicago Press, 2008).

society shaped, and was shaped, by emotion.⁷¹ The role of emotion in marital relationships was much debated in the later middle ages. Thomas Hoccleve (d. ca. 1426), the English scribe and court poet, discussed the relationship between love, lust and marital choice in his *Regement of Princes*, a didactic text written for the future King Henry V.⁷² A section of his text is devoted to the relationship between love and lust: and how marriages which were entered into purely because of lust were doomed to fail, whereas successful marriages were based on love and loyalty.⁷³ When it came to the everyday there is strong evidence to suggest that there was a similar belief in the importance of fidelity and affection in a marriage. Shannon McSheffrey has discussed how the language of courtship was evidence of contemporary belief in the role of love during marriage. The question ‘will you find it in your heart to love me’ was commonly used in the contracting of marriage, as we have seen. This question suggests that the expectation was that these bonds would develop during marriage.⁷⁴

However, such emotions were tied to questions of conduct and behaviour. The model household was seen as the pinnacle of good moral rule in the later middle ages and at its centre were the master and his wife.⁷⁵ The relationship between a wife and her husband was one of both subjugation and mutual love and honour. Social forces and legal codes expected women to obey and respect their husbands and in return men were expected to honour but also to govern the behaviour of their wives.

⁷¹ Barbara H Rosenwein, ‘Worrying about Emotions in History’, *The American Historical Review* 3 (2002): 821-845; W.M. Reddy, *Navigations of Feeling: A Framework for the History of Emotions* (Cambridge: Cambridge University Press, 2015); and an introductory discussion on the study of emotions can be found in N. Eustace, E. Lean, J. Livingston, J. Plamper, W.H. Reddy and B.H. Rosenwein, ‘AHR conversation: the historical study of emotions’, *American Historical Review* 117 (2012): 1487-1531; see also Barbara H. Rosenwein, *Generations of Feelings: a History of Emotions, 600-1700* (Cambridge: Cambridge University Press, 2016). In the classic study of the later middle ages Johan Huizinga characterised this period for its violence and extreme emotional outbursts. In *The Autumn of the Middle Ages*, trans. Rodney J Payton and Ulrich Mammitzsch (Chicago: University of Chicago Press, 1996), 20. Recent studies of medieval emotions have been more nuanced, for example: John H. Arnold, ‘Inside and Outside the Medieval Laity: Some Reflections on the History of Emotions’, in *European Religious Cultures*, ed. Miri Rubin (London: IHR, 2008), 107-129; Barbara A. Rosenwein, *Anger’s Past: The Social Uses of Emotion in the Middle Ages* (Ithaca: Cornell University Press, 1998); Rita Copeland, ‘Affectio in the Tradition of the *De Inventione*: Philosophy and Pragmatism’, in *Public Declarations: Essays on Medieval Rhetoric, Education, and Letters*, eds. Georgina Donavin and Denise Stodola (Turnhout: Brepols, 2015), 3-20; William L. Miller, ‘Emotions in the Sages’, in *From Sagas to Society: Comparative Approach to Early Iceland*, ed. Gísli Pálsson (Enfield Lock: Hisarlik Press, 1992); Daniel Lord Smail, ‘Emotions and Somatic Gesture in Medieval Narratives: The Case of Raoul de Cambrai’, *Zeitschrift für Literaturwissenschaft und Linguistik* 35 (2005): 34-48; and Carolyne Larrington, ‘The Psychology of Emotions and the Medieval Period’, *Early Medieval Europe* 10 (2001): 251-6.

⁷² Albrecht Classen, ‘Love and Marriage in Late Medieval Verse: Oswald von Wolkenstein, Thomas Hoccleve and Michel Beheim’, *Studia Neophilologica* 62 (1990): 170.

⁷³ *Ibid.*, 171-2.

⁷⁴ Shannon McSheffrey argues that couples ‘hoped to choose marital partners in whom they could realise the *potential* for love’, in *Marriage*, 19.

⁷⁵ *Ibid.*, 138-9.

There was also the expectation of love, as the fifteenth-century moralist Peter Idley wrote: ‘thy wife thou love in perfect wise, in thought and deed, as heartily as thou can. This shall make her a good woman’.⁷⁶ Marriage was conceived of as an institution in which both partners showed the other respect and love which in turn facilitated their moral development, and thus the moment in which a marriage was made was an important moment in a person’s life course, and one which others paid close attention to.

The question is, what role did emotion and emotional expression play in the making of such socially important matches? In 1997 William Reddy coined the term ‘emotive’ to describe a socially dynamic and internal process of emotional expression, thus an ‘emotive’ is essentially the manifestation of a process through which an individual communicates an internal feeling using culturally recognized practices- such as smiling or crying.⁷⁷ In particular I develop Reddy’s argument that ‘emotives’ create and facilitate social and cultural change,⁷⁸ such as the change from being thought married to being thought unmarried, or *vice versa*. I argue that in late medieval London, and its hinterlands, marital consent was seen as a psychological and emotional transition, as well as a legal one, one in which objects were crucial in demonstrating the transitional nature of marital consent. Certain words spoken at a particular time, such as the exchange of marital consent, were recognized for bringing about a social and emotional change in the identity of the person speaking them. Chapter 3 of this thesis proposes that popular understanding of consent to matrimony was recognized not just as the public declaration of verbal consent but also as an internal emotional process, communicated and made legitimate through the performance of certain acts and rituals, in particular, the exchange of gifts. This thesis will argue that marital, and sexual, relationships were established and maintained through the performance of specific acts, namely, acts that anticipated the future and, if done properly, brought about a change in the status

⁷⁶ Charlotte D’Evelyn, ed., *Peter Idley’s Instructions to his Son*, EETS (London: Oxford University Press, 1935), lines 1227-1229, 101.

⁷⁷ Reddy first introduced this theory in his ‘Against Constructionism: the Historical Ethnography of Emotion’, *Current Anthropology*, 38 (1997): 327-51; and developed it in *The Navigation of Feeling: A Framework for the History of Emotions* (Cambridge: Cambridge University Press, 2001). For further discussion of Reddy’s contribution to the study of historical emotions see, Rob Boddice, *The History of Emotions* (Manchester: Manchester University Press, 2018), 62-74.

⁷⁸ Reddy, *Navigation of Feeling*, 105-7.

and identity of its participants.⁷⁹ Medieval historians have examined the words used to describe an emotion in a specific historical context. For example, Barbara Rosenwein's methodology for the study of emotional communities recommends the study of all contemporary texts related to a social group, in which people shared values and interests, in order to identify dominant emotional norms.⁸⁰ However, I argue that historians ought not to regard the textual word as the only operant, objects could perform this function too, carrying meaning and performing emotions. This thesis is concerned more with how objects were used to express or demonstrate an emotion, not only to bring about social change through marriage but also to maintain marital identity after contract.⁸¹ In this vein the philosopher Guy Fletcher has discussed how certain objects attain sentimental value, that is an ability to inspire an emotional response or experience, through their 'relational property, where the properties include any or all of having belonged to, having been given to or by, or having been used by, people or animals, within a relationship of family, friendship, or romantic love, or having been used or acquired during a significant experience'.⁸² Following Fletcher, I therefore treat memory and objects as intrinsic parts of a process of communication about emotions used to facilitate and develop a close and personal relationship (namely, marriage), and which prompts an emotional reaction in people because of their vibrant mnemonic connection with specific people, experiences, and places.

⁷⁹ The way in which certain speech acts could be termed performative, that is expressing and fulfilling an action, is famously laid out by John Austin in *How to Do Things with Words*, eds. J.O. Urmson and Marina Sbisa (Cambridge: Harvard University Press, 1975), 14-15. Gesture as a vehicle for social change has addressed in Kathryn Starkey, 'Performative Emotion and the Politics of Gender in the *Nibelungenlied*', in *Women and Medieval Epic: Gender, Genre and the Limits of Masculinity*, eds. S.S. Poor and J.K. Schulman (London: Palgrave Macmillan, 2007), 257-8; and J.A. Burrow, *Gestures and Looks in Medieval Narrative* (Cambridge: Cambridge University Press, 2002), 1-10.

⁸⁰ Barbara H. Rosenwein, *Emotional Communities in the Early Middle Ages* (London: Cornell University Press, 2006).

⁸¹ Similar questions on the interaction between objects and emotions has recently been addressed by Stephanie Downes, Sally Holloway and Sarah Randles in *Feeling Things: Objects and Emotions through History* (Oxford: Oxford University Press, 2018), 8-23.

⁸² Guy Fletcher, 'Sentimental Value', *Journal of Value Inquiry* 43 (2009): 56.

The Thing

This thesis puts the analysis of material culture (broadly defined as ‘things’) at the centre of marriage litigation records, as I examine what disputed objects can reveal not only about everyday attitudes to marriage but also the social, political and cultural boundaries of late medieval urban society. My analysis incorporates insights from material culture studies, namely that ‘all objects are created, changed, decorated or otherwise and provide a mirror into larger cultural dynamics, be they related to social relationships, ritual practice, or any other dimension of human activity’.⁸³ Material culture studies unite approaches developed in archaeology and anthropology, the former providing object-focused analysis, the latter ways to integrate objects into cultural networks.⁸⁴ My analysis thus adopts these two methodological approaches (archaeology and anthropology) and develops the idea that we can gain historical insight to a person’s understanding of the world through not only the things they bought and exchanged, but also through the powers and properties they ascribed to such things. The objects discussed in this thesis held multiple meanings that were associated with specific memories and cultural events. Meaning, as James Daybell has argued, was attributed to objects through their association with particular events or people, and through their iconographic or material make up, consumption, exchange, storage and sensory existence.⁸⁵ The processes whereby certain things were given meaning or turned into what I have coined a ‘material mnemonic’, as a courtship or marriage token is thus the primary subject of this thesis. I will investigate this by examining the relationships between how the meaning of an object was determined by whether or not it was exchanged as a gift, or more generally given in the ‘spirit’ of matrimony. This thesis is informed by anthropological and historical works on the ‘gift’ (which I discuss in more detail below), and in light of this my reading of the marriage litigation records begins with the hypothesis that the exchange of an object created a bond of reciprocity between

⁸³ Mark Cruse, ‘Material Culture’, in *Handbook of Medieval Studies: Terms, Methods, Trends*, ed. Albrecht Classen (New York: De Gruyter, 2010), 1:836.

⁸⁴ Ulinka Rublack, ‘Matter in the Material Renaissance’, *Past and Present* 219 (2013), 42-5; and Bert De Munck, ‘Artisans, Products and Gifts: Rethinking the History of Material Culture in Early Modern Europe’, *Past and Present* 224 (2014): 39-45.

⁸⁵ Cited in an unpublished paper given by James Daybell as part of the AHRC project on *Gender, Power and Materiality*. Idem, ‘Gloved: The Gendered Power of Materiality in Early Modern English Handwear’ (lecture, University of Plymouth, April 7 2016).

people, a bond which in the context of late medieval marriage negotiations could be understood to be consent to matrimony.

This thesis shares in the interest of many social and gender historians to bring unrecorded experiences to historical attention through the study of past things.⁸⁶ Material culture studies of pre-modern Europe have brought everyday life to the forefront of scholarship, consciously and subconsciously influencing day-to-day experience in the past.⁸⁷ Moreover, I share the belief that the stuff of everyday life can act as a stepping-stone to an analysis of how historical individuals and groups interacted with overarching systems and ideologies. What a study of the past through its material culture offers us is a deeper understanding of how macro shifts and social doctrine – including the growth of commercialisation, gendered expectations, social mobility, consumerism and capitalism, religious change and the development of individualism - were mediated and experienced on a micro and even individual level.⁸⁸

My sources are documentary, and so the objects I discuss are identified through what might be called ‘documentary archaeology’. This method of studying past things arose as an approach through the recognition that the vast majority of everyday material culture has not survived the passing of time. Descriptions of objects within documentary sources gives us an insight into historical material culture beyond extant things found in museum collections or through archaeological activities.⁸⁹ On the surface this appears to create a problem because of central importance of the concept of materiality, namely, the physical quality of a particular object, or rather its ‘thingness’:⁹⁰ the material characteristics of an object,

⁸⁶ Roberta Gilchrist, *Gender and Archaeology: Contesting the Past* (London: Routledge, 1999); and Judith M. Bennett, ‘Two Women and their Monumental Brass, c. 1480’, *Journal of the British Archaeological Association* 161 (2008): 163-84.

⁸⁷ Tara Hamling and Catherine Richardson, eds., *Everyday Objects: Medieval and Early Modern Material Culture and its Meanings* (Farnham: Ashgate, 2011); Roberta Gilchrist, *Medieval Life: Archaeology and the Life Course* (Woodbridge: The Boydell Press, 2012); and Eleanor R. Standley, *Trinkets & Charms: The Use, Meaning and Significance of Dress Accessories, 1300-1700* (Oxford: Oxford University School of Archaeology, 2013).

⁸⁸ For further discussion see Hamling and Richardson, *Everyday Objects*, 7, and David Gaimster and Roberta Gilchrist, eds., *The Archaeology of Reformation 1480-1580* (Leeds: Maney Publishing, 2003), 1-6.

⁸⁹ The Documentary Archaeology of Late Medieval Europe (DALME) is a project based at Harvard University that ‘seeks to lay the foundations for a documentary archaeology of later medieval Europe from 1250-to the early sixteenth century’. This project is focussed around creating an accessible online corpus of household objects identified through household inventories made during legal proceedings. For further information see, ‘DALME, Description’, accessed June 25 2018, <http://dighist.fas.harvard.edu/projects/DALME/project/description/>

⁹⁰ Gilchrist, *Medieval Life*, 12.

such as weight, texture, and feel. This thesis, however, will analyse the materiality of extinct objects based on people's impressions and descriptions of its physicality, which provides important information about people's attitudes to an object's iconography or materiality in relation to its wider value as something that could be representative of a marriage, or not. Furthermore, this thesis agrees with Daniel Lord Smail that the aim of documentary archaeology is not just to look at the types of things people owned but also the context in which things were acquired, exchanged and discussed, which gives us an unique insight into people's attitudes and beliefs about the relationship between materiality and meaning making.⁹¹ Recent studies on the possessions of early modern Londoners have, for example, shown the relationship between things, social identity, and ideas of 'worth'.⁹² In Chapter 1, I will show that the most common type of token exchanged during courtship and marriage negotiations were dress accessories such as rings, beads, and girdles: things that have been shown to have had particular associations with expressions of love, intimacy and sexuality in the later middle ages.⁹³ I will argue that the exchange of tokens in documentary evidence challenges some of our preconceptions about the value and use of objects such as coins.⁹⁴

The objects examined as part of this study fall into two categories: things designed to serve a specific purpose (for example a dress accessory), and objects which were appropriated to serve a purpose different to that which they were created for. 'This thesis' approach to the physicality of an object is that the iconography (inscriptions or patterns) or materiality of an object (what material or materials it was made from) could give an object a value or quality; for example, the gift of a piece of fish was different to that of a gold ring – and this could and did have an impact on the meaning of its exchange and the relationship it denoted. I also argue that the use and value assigned to an object could go beyond its material and economic worth to represent an emotional, psychological and social bond

⁹¹ Daniel Lord Smail, *Legal Plunder: Household and Debt Collection in Late Medieval Europe* (London: Harvard University Press, 2016), 7-11.

⁹² Alexandra Shepard, *Accounting for Oneself: Worth, Status and the Social Order in Early Modern England* (Oxford: Oxford University Press, 2015), 1-2.

⁹³ Standley, *Trinkets & Charms*, 27-62.

⁹⁴ Richard Kelleher, 'The Re-Use of Coins in Medieval England and Wales c. 1050-1550: An Introductory Survey', *Yorkshire Numismatist* 4 (2012): 183-200.

between two people.⁹⁵ Indeed, the study of material culture in documentary evidence has challenged our understanding of the separation between ‘people’ and ‘things’. Tom Johnson in his recent study of the materiality of later medieval laws on shipwreck has proposed that ‘the dichotomy between ‘subject’ (human, social, representational) and object (thing, material, real) is illusionary, the product of hierarchical orderings rooted in historical processes’.⁹⁶ A material culture focus illustrates how the legal system not only helped define what an object was, but also what it could do.⁹⁷ Although this thesis argues that social practice and exchange created material mnemonics and bestowed objects with the power to act as symbolic reminders of events, people, and emotions; it also stresses the ambiguity of things as specific evidence of a marital contract. Objects may have had the power to act as proof of a changed relationship, but the definition of this relationship was dependent on social perception, which was often shaped by the demands of the legal system. Daniel Miller’s essays on ‘stuff’ emphasised the immense semiotic power of physical things as communicators of social identity,⁹⁸ and I argue that objects that were associated with particular people or events were seen as suggestive of social behaviours. Material mnemonics can also be understood in relation to current trends in art historical scholarship that consider objects not as passive receptacles but active social agents. For this I draw upon Alfred Gell’s theory that objects have a particular ability to prompt an emotional response, although he argued that this capacity of objects to act as social agents was through human attribution.⁹⁹

The Gift

Gell’s work can be traced back to Marcel Mauss and his theories on the inalienability of possession and gift exchange, and the gift is the particular sort of object at issue in this thesis.¹⁰⁰ Scholarship on pre-

⁹⁵ David Graeber, *Toward an Anthropological Theory of Value: The False Coin of Our Own Dreams* (New York: Palgrave, 2001); Janet Hoskins, *Biographical Objects: How Things Tell the Stories of People’s Lives* (London: Routledge, 1998); and Arjun Appadurai, ed., *The Social Life of Things: Commodities in Cultural Perspective* (Cambridge: Cambridge University Press, 1986).

⁹⁶ Tom Johnson’s approach to question the subject/object relationship is inspired by Bruno Latour’s actor-network theory. Idem, ‘Medieval Law and Materiality’, 408-10.

⁹⁷ Johnson, ‘Medieval Law and Materiality’, 431.

⁹⁸ Daniel Miller, *Stuff* (Cambridge: Polity Books, 2010), 12-13, 40-41, and 48.

⁹⁹ Alfred Gell, *Art and Agency: An Anthropological Theory* (Oxford: Clarendon Press, 1998), 3-11, and 13-19.

¹⁰⁰ Marcel Mauss suggested that gifted objects still remained, in some sense, a belonging of their owners by retaining something of their personality. This conclusion was reached after an examination of gift-exchange amongst two tribes; the

modern gifts has addressed how they acted as social glue, binding together societal structures whilst simultaneously acting as a social lubricant facilitating interactions.¹⁰¹ Scholarship has particularly looked at patronage and the gift, and how the gift could both challenge and maintain social hierarchies, particularly at the higher end of medieval and early modern society.¹⁰² Natalie Davis and Valentine Groeber have shown how the language of the gift was often purposely ambiguous, and that the descriptions of particular gift exchanges can add to our understanding of the politics of social relationships and their margins.¹⁰³ This is an insight that certainly contributes to the analysis that follows, but I am particularly concerned with recollections of gift exchanges after the events. The memories of a gift exchange emphasise the flexibility of gifts post exchange, and how the categorising of whether something was, or was not a gift, was often based on social and cultural expectations (what Davis has termed ‘the register of the gift’), which in turn gives us insight into late medieval structural inequalities and the process of marginalization, particularly of women. The efforts that people made in persuading or denying the existence of a gift is particularly illustrative of social belief about a gift’s power to classify relationships, not only, between men and women, but also within wider society. Chris Wickham has called attention to the importance of studying the ‘giftly’ words used by historical actors in their description of particular exchanges,¹⁰⁴ and the language of the gift will form an important part of my analysis of the description of gift exchanges. I will also incorporate a discussion of performative

friendly reciprocal exchanges of Polynesians and the competitive, and often violent, giving of the Potlatch. Marcel Mauss, *The Gift: the Form and Reason for Exchange in Archaic Societies*, trans. W.D. Halls (London: Routledge, 1990), 15.

¹⁰¹For an overview of medieval scholarship on gift exchange, see Arnoud-Jan A. Bijsterveld, ‘The Medieval Gifts as an Agent of Social Bonding and Political Power: A Comparative Approach’, in *Medieval Transformations: Texts, Power and Gifts in Context*, eds. Ester Cohen and Mayke B. De Jong (Leiden: Brill, 2001) 126-37. For early modern gifts see; Llana Krausman Ben-Amos, *The Culture of Giving: Informal Support and Gift-Exchange in Early Modern England* (Cambridge: Cambridge University Press, 2008); and Alison V. Scott, *Selfish Gifts: The Politics of Exchange and English Courty Literature, 1580-1628* (Madison: Fairleigh Dickinson University, 2006).

¹⁰²G.F. Little and Stephen Orgel, eds., *Patronage in the Renaissance* (Princeton, 1981); Sharon Kettering, ‘Gift-giving and Patronage in early Modern France’, *French History* 2 (1988): 131-51; and Felicity Heal, *The Power of Gifts: Gifts-Exchange in Early Modern England* (Oxford: Oxford University Press, 2014).

¹⁰³Valentin Groebner, *Liquid Assets, Dangerous Gifts: Present and Politics at the end of the Middle Ages*, trans. Pamela E. Selwyn (Philadelphia: University of Pennsylvania Press, 2002); and Natalie Zemon Davis, *The Gift in Sixteenth Century France* (Oxford: Oxford University Press, 2000).

¹⁰⁴Chris Wickham, ‘Conclusion’, in *The Languages of Gift in the Early Middle Ages*, eds. Wendy Davies and Paul Fouracre (Cambridge: Cambridge University Press, 2010), 242-7.

actions – such as kissing and smiling- that accompanied the exchange of gifts, and how these actions were tied to the articulation of marriage consent through an exchange of tokens.

One important aspect of gifts as a category is their distinction from commercial exchange. For Mauss, gift exchange was separate from, and opposed to, commercial exchange as the latter implied no social bond.¹⁰⁵ Subsequent interpretations of the gift/commodity relationship have shown a blurring of the boundaries between gift and sale, which were often dependent on the needs of the participants involved in these exchanges,¹⁰⁶ but the distinction is important because when defendants and plaintiffs told stories about the nature of the gift, they used the commercialization of a gift as a strategy to rid themselves of an emotional and social debt. Raising the question of whether an exchanged object was a commodity, or a gift could happen after it had already changed hands. What this meant in practice was that the nature of the gift/commodity was up for debate based on the possession of the object in question, the narratives of an exchange, the believability of a particular story, and the reputation of the person who told it. The socio-cultural circumstance of particular exchanges will be viewed in detail with attention paid to the deployment of language and gesture, the thing exchanged, the impression it created on its recipient, giver and any witnesses, the incorporation of cultural norms, the location of the exchange, and whether or not it had been exchanged in public or private.¹⁰⁷

The meaning of a gift was also tied to the cultural norms of a given society. In late medieval and early modern England, gifts did not mean only one thing, with a significant though ambiguous and negotiable distinction made in the records between ‘gifts’ (*dona*) and ‘tokens’ (*intersigna*). Tokens were a sub-category of gifts although in practice the meaning between gifts and tokens was often interchangeable. In late medieval texts a ‘token’ was most closely connected with the word ‘sign’. In 1495, for example, Richard Fitzjames - who in 1506 was appointed to the bishopric of London to become head of its church courts - made reference in a sermon to ‘vysyble synges and outward

¹⁰⁵ Mauss, *The Gift*, 45-6, and 50-4.

¹⁰⁶ C.A. Gregory, *Gifts and Commodities* (London: Academic Press, 1982), 71-101; and Felicity Heal, *The Power of Gifts*, 6-7.

¹⁰⁷ Helmuth Berking has four key elements to differentiate transactions, namely: ‘the object exchanged, the sequence of giving and taking, the understanding of actors and their motives, and finally the rule or norms governing the behaviour observed. Idem, *A Sociology of Giving*, trans. Patrick Camille (London: Sage Publications, 1999).

tokens'.¹⁰⁸ The language of tokens and signs was generally applied to things that were either hidden or internalised. They were usually used to identify or authenticate the bearer of a message and Felicity Heal has stated that the token was more explicitly directed to the signaling of intent.¹⁰⁹ Tokens were a common form of material communication, and frequently used in the creation of new relationships. For example, on the 4th of June 1481 Richard Cely sent his brother, George Cely, a letter saying that he had received an invitation to breakfast with the mother of William Daulton. This invitation had, according to Richard, been extended after he had delivered her a 'tokyn', in response to one she had delivered to him through her son William. New social connections were created through material exchanges. Richard Cely was given a token that had fostered a new relationship by acting as a material manifestation of their mutual intention for further social interaction. A reciprocal exchange was then necessary, and it was only after each had given the other their respective tokens that Richard was invited to breakfast the next day, described as a 'gret welfar'.¹¹⁰ The exchange of tokens and gifts was a crucial component in the evidence people gave of their own relationships and the relationships of others, because they were seen as evidence of a person's intentions. But the meaning of exchanged objects was also deliberately manipulated to deploy and destroy meaning (as we shall see in Chapter 2). And whilst gifts and tokens were seen as physical proof of an emotional commitment, if not a marital promise, this meaning was dependent on the perspectives of the participants, and thus potentially ambiguous.

The Diocese of London in the Later Middle Ages

The social and geographical context of this study is later medieval London and its hinterlands within the diocese of London, the area subject to the consistory court; namely the city of London and the adjacent counties of Middlesex, Essex, and parts of Hertfordshire. The medieval City of London was home to

¹⁰⁸ Felicity Heal, *The Power of Gifts*, 31

¹⁰⁹ Ibid.

¹¹⁰ Richard Cely to George Cely, 21 March 1481/2. Alison Hanham ed., *The Cely Letters: 1472-1488*, EETS (Oxford: Oxford University Press, 1975), 133.

some 50,000 people living, roughly, within the space of one square mile.¹¹¹ There were also a number of parishes outside the city walls, including Farringdon and Southwark and it was here where the majority of alien and foreign populations dwelt.¹¹² London and the southeast was the centre of England's economic production and had trade links throughout Europe and beyond, and in the fifteenth century it dominated the European cloth trade.¹¹³ As a result, London was home to a number of foreign travellers and merchants, who remarked on the extreme wealth of the city and country.¹¹⁴ Social regulation was an important part of daily life, and social behaviour in the city was largely administered on a local level. The city was divided into semi-autonomous wards responsible for regulating social behaviour and each ward was governed by a wardmote. Their meetings were held periodically and attended by all male householders, and servants, who gathered together to hear cases pertinent to the moral governance of the ward. In the middle ages it was the ward, the wardmote, and aldermen who formed the basic structure of localised governance, although the sixteenth century saw the development of the parish as an administrative unit.¹¹⁵ The ward, and its constable, were responsible for upholding moral order; a task which in itself could lead to social advancement.¹¹⁶ This was the social environment in which courtship and marriage negotiations took place. Social behaviour was officially and unofficially policed, and people saw it as their duty to report suspicious and immoral behaviour, such as adultery and premarital sex, to the officers of the wardmote.

¹¹¹ Caroline Barron's work on medieval London has yet to be surpassed, her, *London in the Later Middle Ages: Government and People, 1200-1500* (Oxford: Oxford University Press, 2004) is particularly useful for the social, political and economic history of the city. See also her essay, 'London 1300-1540', in *Cambridge Urban History of Britain*, vol. 1, ed. David Palliser (Cambridge: Cambridge University Press, 2000), 395-440. Sylvia L. Thrupp's, *The Merchant Class of Medieval London, 1300-1500* (Chicago: University of Chicago Press, 1948) remains a classic. For recent evaluations on the concept of medieval London communities see, Justin Colson, 'Commerce, Clusters, and Communities: A Re-evaluation of the Occupation Geography of London, c. 1400-1550', *The Economic History Review* 69 (2015): 104-30.

¹¹² Justin Colson gives a good overview of the intersectionality of 'alien' communities in later medieval London in, 'Alien Communities and Alien Fraternities in Later Medieval London', *The London Journal* 35 (2010): 111-43.

¹¹³ Barron, *London*, 46-7.

¹¹⁴ In 1500 an unknown Venetian visitor commented that, 'There is no small innkeeper, however, poor and humble he may be, who does not serve his table with silver dishes and drinking cups'. Unknown, *A Relation or Rather a True Account of the Island of England*, trans. Charlotte Augusta Sneyd (London: Camden Society, 1847), 29.

¹¹⁵ Barron, *London*, 121-2.

¹¹⁶ Charlotte Berry, 'To Avoide All Envye, Malys, Grudge and Displeasure': Sociability and Social Networking at the London Wardmote Inquest, c. 1470-1540', *The London Journal* 42 (2017): 1-17. With thanks to the author for providing me with an advance copy of this article.

The regulation of social behaviour and relationships was a strictly enforced daily experience in the city of London and its hinterlands. Social policing was also a feature of the more rural areas discussed in this study. For example, in 1487 John Gosnell gave evidence that several years previously the people of the parish of Walthamstow had publicly commented on Richard Heth's suspiciously frequent visits to Agnes Waltham's house – the couple eventually mutually consented to contract when confronted with their impropriety.¹¹⁷ In the city of London the wardmote was responsible for the social and economic morality of the ward and the jurymen of the ward were required to adjudicate on people in the ward who had brought it ill repute. The social and political power of the wardmote could be extended to persuading those in illicit relationships to marry. This was the case of Thomas Rote and Joan Chylde, who in 1472 were asked to appear before the wardmote, where they agreed to exchange marriage consent.¹¹⁸ Everyone in the ward policed crimes of sexual immorality, but there were also constables appointed to the ward to punish wayward behaviour.¹¹⁹ These men had the power to enter private property if it was suspected of hosting immoral practices, including sex outside marriage. In 1471 the father of Thomas Wulley alerted a constable, that Thomas and Margaret Isot were associating 'suspiciously' at a neighbouring house. When the constable arrived to arrest the couple, he found them in various stages of undress, Thomas was spotted wearing only his doublet and with his gown around his head whilst Margaret was found trying to tie up her gown. The couple was then faced with an ultimatum, to legitimise their relationship or face being jailed in the Counter, the London Sheriff's prison. The couple duly contracted before the constable and his men.¹²⁰ Disputes over courtship and marriage, and the importance of objects and stories, can only be understood within this wider context of observation and judgement. Marriage negotiations took place within a semi-public sphere as couples navigated their own feelings and intentions in the sight of their friends, families, employers, and neighbours. Objects acted as a physical manifestation of marital intention and emotion and the

¹¹⁷ LMA DL/C/09065, 12v.

¹¹⁸ LMA DL/C/205, 191r-192v. For further discussion of this case see McSheffrey, *Marriage*, 160-1.

¹¹⁹ Barron, *London*, 124-5.

¹²⁰ LMA DL/C/09065, 48v-49v, and 53v-55r. For further discussion of this case see McSheffrey, *Marriage*, 150-2.

following chapters will outline how the exchange of courtship and marriage tokens was seen from both a personal and public perspective.

Structure of the Thesis

The chapters of this thesis are organised to reflect the relationship progression, from courtship to married life, examining how, why and what objects were used at specific times.

Chapter 1 (*What Objects?*) acts as an introduction to what things were exchanged during courtship and at marriage in later medieval London, showing what the economy of gift exchange tells us about the gender and social status of those involved in marital disputes. This chapter also places these documentary gifts within archaeological and art historical contexts and concludes that although the physicality of an object might be suggestive of a particular relationship, the manner of its exchange gave it specific social meaning, and it is this which gave these objects their agency as proof of marriage.

Chapter 2 (*Pre-Contract*) looks at token exchange prior to a public exchange of marital consent, and how objects were used to navigate social relationships by testing and demonstrating intention and affection. The flexibility of the gift and the potential for misinterpretation of meaning are highlighted in this chapter. The idealised depictions of courtship gifts in middle English literature form a stark contrast to the messy realities of everyday life. However, the fact that an object had been exchanged was testament to the existence of a potentially intimate social relationship; the result of which was a critical evaluation of the social behaviour of the participants in its exchange. Chapter 2 also considers the notion of ‘un-gifts’ in the statements made by the defendants to marriage cases, and the narrative strategies defendants used to dissociate themselves from the social meaning of gifts.

The tokens exchanged *At Contract* are the focus of the first part of Chapter 3 which looks at how objects exchanged at contract became mnemonics of the creation of a legal agreement. The chapter looks at the descriptions of how gifts came to represent the marital union as part of a wider

social practice, which saw the use of solemnisation rituals during domestic contracts. The second part of this chapter looks at gifts which were exchanged between contract and the solemnisation of a marriage and argues that after contract we see a change in the pattern of gift giving. This change was reflected in the materiality of the gifts themselves and who they were given to, as gifts began to be given to the couple by family members to mark the creation of a new household and to celebrate, rather than to provide proof of, a marriage.

The final chapter (*Gifts and the Marital Life Course*) is divided into two parts to examine the gift as part of both marital and spousal identity. It looks at how objects were used to connect separated spouses, acting as mnemonics of a loved one. The first part uses the letter collections of the Paston and Cely families to show how gifts were used by a new spouse to develop and demonstrate the marital bond. The second part looks at the testamentary bequest of objects that were associated with marriage, used in the marriage, or which were mnemonic of a departed spouse. This final chapter also places the exchange of marriage gifts within the marital life course to show how objects were seen as an important part of a person's personal and marital identity, and why they can be seen as such powerful proofs of marital intention.

An undercurrent to the structure of the thesis reflects the biography of objects as active mnemonics of particular relationships. The first part of this thesis looks directly at what objects were exchanged as courtship and marriage tokens and how the materiality or iconography of things may have impacted on how they were perceived. Chapters 2 and 3 look directly at the context of the transfer of objects, and how people shaped – and even manipulated- exchange narratives to impart particular meaning on objects. The final chapter (particularly part two on testamentary bequests) looks at objects which had acquired specific meaning and associations, what this says not just about how objects exchanged at marriage were perceived but also how these meaningful objects were given to close relatives to incite memories of the newly departed.

Chapter 1: What Objects?

Introduction

Love tokens both shaped and were shaped by contemporary discourse on the creation of matrimony and sexual relationships. This chapter will discuss the specific materiality of objects and how iconography and design had an effect on the perceptions of their recipients and bystanders. Social archaeologists have proposed that young people in medieval England exchanged tokens, which carried with them the ‘personal essence of the giver’¹ and have argued for the capacity of objects to act as social agents through human attribution.² Such investigations are rooted in anthropological and art historical approaches that propose that meaning is attributed to objects through their association with particular events or people, and through their iconographic or material make up.³ Janet Hoskins, however, has argued that ‘it is not the physical characteristics of objects that make them biographical, but the meanings imputed to them as significant personal possessions’.⁴ Roberta Gilchrist has argued that such discourses on the exchange of things have not fully incorporated the importance of materiality in the construction of an object’s value.⁵

Gilchrist has further argued that, to put it simply, the physical make-up of particular objects has been side-lined in the study of the social value of objects. In addition, a focus on the materiality of an object emphasises the importance of its manufacture and the materials that went into making it thus contributing to its social, as well as economic, value.⁶ This chapter, and the thesis as whole, seeks to combine Gilchrist’s and Hoskin’s approaches to argue that although it was context which gave objects

¹ Roberta Gilchrist, *Medieval Life: Archaeology and the Life Course* (Woodbridge: The Boydell Press), 234.

² See *ibid.*, 1-13; and Eleanor R. Standley, *Trinkets & Charms: The Use, Meaning and Significance of Dress Accessories, 1300-1700* (Oxford: Oxford University School of Archaeology, 2013), 7-8.

³ Arjun Appadurai, ed., *The Social Life of Things: Commodities in Cultural Perspective* (Cambridge: Cambridge University Press 1986), 2-13.

⁴ Janet Hoskins, *Biographical Objects: How Things Tell the Story of People’s Lives* (London: Routledge, 1998), 195.

⁵ Roberta Gilchrist, ‘The Materiality of Medieval Heirlooms: From Sacred to Biographical Objects’, in *Mobility, Meaning & Transformation of Things: Shifting Contexts of Material Culture Through Time and Space*, eds. H.P. Hahn and H. Weiss (Oxford: Oxbow Books, 2013), 3.

⁶ Gilchrist, ‘The Materiality of Medieval Heirlooms’, 3-4; and T. Ingold, ‘Materials against Materiality’, *Archaeological Dialogues* 14 (2007): 1-16.

specific mnemonic meaning, the iconography and materiality of an object was, nevertheless, an important part of this process. Furthermore, this thesis asks how witnesses to an exchange interpreted (and potentially misinterpreted) the meaning of objects based on socio-cultural expectations. The overall aim of this chapter is to outline what these cultural associations were, with reference to descriptions of tokens in the evidence given by deponents in the London consistory court records.

The chapter therefore looks firstly at the social and economic status of the people within the records of the consistory court, and how the financial cost of the exchange of objects as part of marriage was related to social and gendered status. It then moves to address the specific materiality of courtship and marriage tokens through an analysis of later medieval dress accessories (in particular objects such as rings and badges), and other things used as gifts during the marriage. Documentary archaeology (objects mentioned in written records) and archaeological finds (excavated objects) will be compared to provide a fuller and more balanced indication of the types of material culture people from the middling classes had access to. This discussion will focus on what archaeological sources say and do not say about how meaning could be imputed from objects.

Objects, Financial Value, and Social Status

The wealth and status of the consistory deponents is hard to quantify, they do not seem to have been the very wealthiest merchants and citizens, though some were connected with those circles.⁷ We do find a variety of socio-economic backgrounds represented in the consistory court, but the expense of pursuing litigation would have excluded the very poorest, and those who could not call on their friends, neighbours or employers to pay their fees should they lose their case.⁸ The late medieval and early modern population of the diocese of London lived within a culture where ‘worth’ and status were often

⁷ For example, in 1469 John Bramager claimed to have witnessed the exchange of consent between Robert Pope and Lucy Braggis in the *sumer parlour* of a certain Lady Cumbes household in the Parish of St George, Pudding Lane. LMA DL/C/205, 42r-v. The lady in question was Katherine Combes widow of the prominent alderman William Combes, the title lady was a common honorific given to the wives of the urban elite. In 1452 William Combes died leaving his wife considerable property. TNA PRO/ PCC/ 11/1, 132v-135r. With thanks to Shannon McSheffrey for this reference.

⁸ For details on the consistory court’s fees and the further costs of litigation see, Richard M. Wunderli, *London Church Courts and Society on the Eve of the Reformation* (Cambridge: Medieval Academy of America, 1981), 54-5.

measured by the value of a person's goods and chattels.⁹ This was a world in which people paid close attention to their own, and each other's, material goods. Where credit, trust, and economic vitality were tied closely together, and the value of a person's goods was an indicator of the health of their business. The occupations of deponents were infrequently recorded, but those that were included cheesemongers, linen drapers, weavers, blacksmiths, yeomen, husbandmen, servants, grocers, fishmongers, and brewers.¹⁰ This evidence of occupations is ambiguous. A London grocer, for example, could be extremely wealthy and a member of the urban elite, but he could also be much less wealthy.¹¹ We have even less information on women's socio-economic position as women's employment was rarely professionalised, and thus their occupations are not present in the records (with the exception of domestic servants).

Although it is difficult to determine the absolute levels of wealth commanded by the people who appeared before the consistory court, the evidence strongly suggests that the objects mentioned in marriage litigation were a considerable investment for some, if not for many, of the people concerned. The absolute economic value of gifts was probably dependent on the relative wealth of the participants involved (though this can be difficult to determine): for instance, a ring could be more or less adorned, more or less finely-worked, and this might not be ascertainable from the written record. Whilst the economic status is difficult to ascertain with certainty, the evidence of occupations, and some of the values attributed to tokens, indicates that we are dealing with the urban middle classes. For people within this wealth bracket the purchase of a token would have represented a significant economic investment, which in turn would be interpreted by their neighbours as an external sign of their social and economic 'worth'.

⁹ Alexandra Shepard, *Accounting for Oneself: Worth, Status and the Social Order in Early Modern England* (Oxford: Oxford University Press, 2015), 1-2.

¹⁰ LMA DL/C/09065.

¹¹ Christopher Dyer, *Standard of Living in the Later Middle Ages: Social Change in England, 1200- 1520* (Cambridge: Cambridge University Press, 1989), 193; R.H. Hilton, 'Some Problems of Urban Real Property in the Middle Ages', in *Class Conflict and the Crisis of Feudalism*, ed. R.H. Hilton (London: Hambledon Press, 1985), 165-74.

It is rare to find a discussion of the economic value of the tokens exchanged during marriage negotiations. John Holder in his 1471 marriage case against Agnes Chamberlyn described how he had given Agnes a number of tokens before and after their marriage contract. Before contract this included a hairnet worth 20d.; a pair of coral beads, and a gold ring worth 6s 8d; after contract there were two gold rings worth 6s 8d, 2s in gold and a gold aglet¹² worth 10d.¹³ John Holder's occupation is not recorded although two of his witnesses were respectively described as a silkwoman and a print maker, both respectable if not prosperous trades.¹⁴ Based on the things he purchased, as part of marriage negotiations, John Holder appears to be towards the top end of the scale. It is impossible to tell whether these prices have been artificially inflated or are a true reflection of the value, but they indicate the high expenditure that *could* be expected as part of the marital process. As we shall see later on in this chapter the variety of material things that have been classed as 'love' objects include a number of artifacts with similar iconographical designs but made from starkly different materials. These vary from the very luxurious to the very commonplace which attests to such things being exchanged across social and economic boundaries. This suggests that although expenditure may have been relative to a person's purchasing power, the social value placed on objects as evidence of marriage and marital intention remained.

The economic value of an object itself could be an important indicator of marital intention. Chapter 2's examination of what was exchanged during courtship suggests that the economic value of objects increased in line with the surety of a marriage contract. However, the greatest noticeable disparity with regards to wealth and the value of tokens is a gendered one. And the question of what a woman could and could not afford to buy feeds into the hotly disputed question as to whether late medieval England saw a 'Golden Age' for women as independent social and economic agents. Caroline

¹² OED 2: An ornament **a.** gold or silver tag or pendent attached to a fringe, or any metallic stud, plate, or spangle worn on the dress.

¹³ Et dicit quod ante dictum contractum inter eos celebratum, iste iuratus dedit dicte Agneti unum reticulum precii xx d., unum par preclarum de Corall cum uno anulo de auro precii iii s. iii d. Et post dictum contractum iste iuratum dedit eidem Agneti duos anulos de auro precii vi s. viii d. et ultra, et alia vice ii s. vi d. in auro et i aglet de auro precii xx d. et aliis diuersis temporibus ad vices iii denarios et quandoque duos denarios. DL/C/205, 112r.

¹⁴ Anne F. Sutton discusses the will of a particularly wealthy silkwoman in, 'Alice Claver, Silkwoman (d.1489)', in *Medieval London Widows, 1300-1500*, eds. Caroline M. Barron and Anne F. Sutton (London: Hambledon Press, 1994), 129-42.

Barron and Jeremy Goldberg have maintained that women enjoyed greater economic and social agency as a result of population decline following the Black Death and its successive reappearances during the latter half of the fourteenth, and into the fifteenth century. They argued that this period saw the emergence of the *femme sole*, women who were either independent of their husbands or chose to delay marriage.¹⁵ However, both Maryanne Kowaleski and Judith Bennett have countered this and have argued that instead of a golden age, women remained consistently in low-wage jobs with no, or hardly any, occupational identity or security.¹⁶ Marjorie McIntosh and Jane Humphries have sought to find a middle ground amongst these opposing viewpoints. McIntosh has proposed that some women had greater economic opportunities and were able to live independently.¹⁷ However, what has not been examined is women's relative ability to purchase consumables such as dress accessories, which might later have been given as tokens during negotiations of marriage.

Women did partake in the exchange of marriage gifts (albeit to a lesser degree than men) but a focus on what things women were alleged to have given highlights the everyday reality of the gendered inequality of courtship. A good example of this can be seen in the marital relationship described by Alice Scrace in 1489. She told the consistory court that Richard Cressy had given her many gifts during their courtship, including a smock, two kerchiefs, a pomander, an ivory mirror, two gold rings, a silver earpick, a St James' Shell, a small staff of silver, and a silver heart.¹⁸ Alice Scrace herself only gave Richard Cressy one gift during their courtship, a small piece of wood carved with the figure of a crucifix. It is unclear whether Alice herself carved this piece of wood, but its religious iconography

¹⁵ Caroline M. Barron, 'The "Golden Age" of Women in Medieval London', *Reading Medieval Studies* 15 (1989): 35–58, esp. 40; and P. J. P. Goldberg, *Women, Work, and Life Cycle in a Medieval Economy* (Oxford: Clarendon Press, 1992).

¹⁶ Maryanne Kowaleski, 'Women's Work in a Market Town', and Judith Bennett, 'Medieval Women, Modern Women: Across the Great Divide', in *Culture and History, 1350–1600*, ed. David Aers (London: Harvester Wheatsheaf, 1992), 147–75. Judith Bennett, 'Theoretical Issues: Confronting Continuity' *Journal of Women's History* 9 (1997): 73–94; and *Ale, Beer, and Brewsters in England: Women's Work in a Changing World, 1300–1600* (New York: Oxford University Press, 1996).

¹⁷ For further discussion see Marjorie K. McIntosh, 'The Benefits and Drawbacks of *Femme Sole* Status in England, 1300–1630', *Journal of British Studies* 44 (2005): 410–38. In an examination of real wages, GDP and labour supply Jane Humphries and Jacob Weisdorf have argued that although there was a gender gap, women on day wages, for example agricultural labourers, did fair better but women under annual contracts lost out. Humphries and Weisdorf, 'The Wages of Women in England, 1260–1850', *The Journal of Economic History* 75 (2015): 405–431.

¹⁸ LMA DL/C/09065, 55r–56v. For further discussion of this case and its gifts please refer to Chapter 2 on Pre-Contact, pages 61–4.

suggests that, although it was made from a cheap material, it was a symbolically valuable object.¹⁹

During their courtship Alice was employed as a servant and was embroiled in a legal dispute with her brother to gain access to her portion of their father's estate, thus her income, which would have already been low, would have made the purchase of a token difficult.²⁰

There is also evidence that the objects women exchanged during courtship and after consent were ones already in their possession, rather than having been specially purchased for the occasion. This serves to emphasise the difficulty that women had, relative to men, in purchasing suitable gifts during courtship and marriage. In 1470, for example, Arnold Snarynge told the consistory court that he had seen Maude Knyff give Robert Grene her wedding ring from a previous marriage in token of their private contract of marriage (see page 108 for further discussion of this exchange), and in 1510 Alice Petit was reported to have given Thomas Purcyvant one of her possessions as a token.²¹ Kerchiefs, a dress accessory worn by women to cover their hair, were often given by women as tokens and this further suggests that the things women gave were part of their belongings rather than specially purchased.²² For example, in 1470 Maude Knyff also alleged that Robert Grene had stolen her kerchief to use as a token of marriage.²³ Women were also more likely than men to use food as a form of love token. In 1487 Agnes Vaghan recalled how Beatrice Smyth had brought John Crote a caudle of almonds, which she made him eat before the pair exchanged marriage consent.²⁴

The economic disparity between men and women is further suggested by the time when women were most likely to give gifts, that is when a marriage was more definitely established, at contract or subsequent to the exchange of consent. For example, in 1470 Potenciana Eustas was said to have given

¹⁹ On material culture and religious iconography see Gilchrist, *Medieval Life*, 154-68; and Standley, *Trinkets & Charms*, 62-79.

²⁰ In later medieval and early modern England female domestic servants were often remunerated in money and kind, board, lodging, and clothing. Jane Humphries and Jacob Weisdorf have argued that the result of this was that women on annual contracts had lower wages than those on short term contracts. Idem, 'The Wages of Women in England, 1260-1850', 410-11.

²¹ DL/C/205, 60v-61r; and DL/C/206, 12r.

²² DL/C/205, 64v-65r; and DL/C/09065, 35r-v.

²³ DL/C/205, 164v-65r.

²⁴ DL/C/09065, 35r-v. OED: caudle: a warm drink made from a thin gruel and often sweetened and spiced, chiefly given to sick people.

John Jenyco a decorated silver ring after an exchange of consent and his gift of a gold ring.²⁵ However, there was an expectation that a woman's father or master would pay for the material required for the celebration of marriage, and thus women, may not have carried the financial burden.

During courtship women rarely gave gifts to the men who courted them, and the materiality and context of gift exchanges also suggests that, when they did, the objects were often made of cheap materials such as wood, foodstuffs, or other perishable materials. Although these objects were still proof of an intention to pursue a courtship or contract marriage the fact that they were of a lower economic value is evidence of women's unequal economic position, which may have had a subconscious impact on how negotiations of partnerships were played out. And it is only by looking at what kinds of objects women exchanged during marriage negotiations can we see that a woman's ability to partake in marriage negotiations was not just hampered by parental, gendered, and societal expectations but also by relative economic status and purchasing power.

The Specific Materiality of Courtship and Contract Tokens

Archaeological excavations are the cornerstone of the study of historical objects, but these finds represent only a small proportion of the objects that circulated in the later middle ages. Documentary archaeology (in this case the descriptions of objects exchanged as part of courtship and marriage rituals in the records of the London consistory court) provides an additional evidentiary basis for the material culture of London but also gives evidence of how people described and conceived of these artefacts. Specifically, in archaeologically based studies women's participation in the exchange of courtship and marriage tokens has been assumed to be that solely of the recipient. An understanding of how these two source types differ and complement each other is crucial.

²⁵ LMA DL/C/205, 69v-70r. Other cases of women giving gifts at or post contract are: DL/C/205, 230v-131r; DL/C/09065, 4r-v; and DL/C/09065b 2v-3r, 168 r-v, and 200r-v.

Archaeological finds do provide the opportunity for an in-depth analysis of an object's physicality and production. There remains, however, an ambiguity about the social context of the objects, and meaning is thus derived from an object's location (if known), its physical makeup and from comparison with similar contemporary finds. Documentary archaeology adds an important layer of evidence as our archaeological knowledge of the city is skewed towards cheaper finds and is largely based on the excavation of sites such as Milk Street, excavated in 1978, and the on-going excavations of the Thames waterfront on the North bank of the river.²⁶ There are fewer archaeological finds from the late medieval period as the waterfront of the Thames, which had been used as a rubbish dump, stopped expanding after 1450 as stone walls began to be used along its perimeter.²⁷ Archaeological excavation of riverside sites outside the city of London in Southwark, dated to 1450-1700, found very few surviving example of finger rings, and none of precious metals.²⁸

The limitation of London-based excavations for this study is twofold. Firstly, the archaeological evidence largely ends in 1450 which is before the start date of this study. Secondly, the objects excavated along the Thames waterfront tend to be cheaper, or even disposable.

The marriage tokens that are the focus of this study were, by contrast, often of a greater economic value, made from gold or silver. Our best archaeological evidence of these more expensive kinds of object comes from chance finds, objects that were lost or buried in hoards and more frequently found in rural locations. Our knowledge of later medieval artefacts has increased substantially since the creation of the Portable Antiquities Scheme (PAS) in 1997.²⁹ The PAS database has a high number of late medieval rings made from precious metal, including gold and silver, found in London, Essex, and

²⁶ Geoff Egan, *Material Culture in London in an Age of Transition: Tudor and Stuart Period Finds, c1450-c1700 from Excavations at Riverside Sites in Southwark* (London: Museum of London Archaeology Service, 2005); and Geoff Egan, 'Archaeological Evidence for Craft Working in London c.1100-1800', in *Lübecker Kolloquium Zur Stadtarchäologie Im Hanseraum: Das Handwerk*, ed. Mandred Gläser (Lübeck: Schmidt-Römhild, 2006), 47–70.

²⁷ John Schofield, *Medieval London Houses* (London: Yale University Press, 2003), 94–5; Brian Spencer, *Pilgrim Souvenirs and Secular Badges* (Woodbridge: The Boydell Press, 2010), 317; and Geoff Egan, *Dress Accessories, c.1150 - c.1450* (Woodbridge: The Boydell Press, 2002), 1–4.

²⁸ Egan, *Material Culture*, 53–4.

²⁹ *Ibid.*

Middlesex.³⁰ Many of the PAS finds discovered in London and its surrounding areas are now housed in museum collections such as those in the Museum of London and the British Museum. It is these collections which form the basis of my archaeological evidence for this chapter, alongside the documentary descriptions. Which often provide a social context although the physicality of the objects mentioned is ambiguous because it has to be inferred from a deponent's impressionistic description

During a marital dispute the witnesses to marriages supplemented their narratives with specific details of the material environment and the things that formed the backdrop of their testimony, including witnesses' impressions of an object and any details that the parties thought relevant. For example, the material details could include the layout of the room or the dress of the couple in question. Thirteen of the twenty-four marital litigation cases featuring a reference to courtship gifts include the exchange of a ring, or rings, whilst there are thirty-nine cases discussing the exchange of rings either during or after marriage contract. The descriptions of rings in marriage cases often provide the litigants' perspective of the physical make-up of a ring, and in these descriptions, it was the cast of a ring, as gold or silver, which was the dominant mnemonic. There are also ten references to gilded and decorated rings (*anulum deauratum*) but this rather vague description has the potential to hide a number of different iconographical designs.³¹ There were cultural associations between the incorruptibility of gold and emotional ties of marriage and affection.³² The excavation of gold finger rings in London, 1350-1450, has shown that their gold content varied from 45% to 75%.³³ The quantity and quality of gold used in the making of a ring impacted on its appearance, higher gold content is indicated by a shinier and more brilliant look whilst a duller colour suggests that it has been debased; this physical make-up of

³⁰ A search for rings dated to between 1300 and 1600 yielded 19 and 59 results (respectively) for the Greater London Authority (this includes the historic county of Middlesex) and Essex; no finds have been recorded for Hertfordshire. PAS, Accessed 8 August 2017, <https://finds.org.uk/database/search/results/objecttype/RING/fromdate/1300/todate/1600/countyID/41441#> and accessed 6 September 2017, <https://finds.org.uk/database/search/results/objecttype/RING/fromdate/1300/todate/1600/countyID/19687>.

³¹ LMA DL/C/205, *John Jenyco c. Potenciana Eustas*, 69v-7-r; *Katherine Hery c. John Hertford*, 73r; *John Holder c. Agnes Chamberlyn*, 112v-113r; *William Tnygge c. Christian Bate*, 216r-217r; *John Wymand c. John Roger*, 220r-v; *John Wylkeynson c. Agnes Ward*, 250r-v; and LMA 09065, *Agnes Whitingdon c. John Eby*, 11r-12v; *John Jenyn c. Alice Seton*, 64r; *Mark Patenson c. Margaret Flemmyng*, 82v; *John Austen c. Maude Gyll*, 249v.

³² Egan, *Dress Accessories, c.1150 - c.1450*, 327.

³³ *Ibid.*

a ring can thus give a relative indication of its value. The archaeological evidence suggests that many rings were made of cheaper metals to mimic the appearance of gold and other precious metals, perhaps corroborating the impression of people extending themselves to purchase tokens that were expensive *for them*, as discussed above. However, those of cheaper materials were not mentioned in any of the marriage cases surveyed, and I would suggest that this is not because the relative value of a ring was not important but because the majority of people who described gift-exchanges were not party to this information.

The number of testimonies that described the exchange of plain bands suggests a further ambiguity as to what deponents knew about the physicality of an exchange object. There are 60 rings described as silver or gold, 21 occurrences of rings described as either enamelled, decorated, or otherwise gilded, but only 9 examples of rings with a stone.³⁴ The predominant description of plain marital bands does not automatically suggest that these objects did not have any iconographical details. The Museum of London, for example, holds a number of plain gold posy rings, with messages of love inscribed on the inner band, suggesting that these were private messages to be seen by the couple alone.³⁵ The exchange of posy rings became increasingly common from the fifteenth to the seventeenth centuries,³⁶ and the inner bands of these rings were inscribed with rhyming words or decorated with symbols, which spoke of private and intimate relationships. This suggests that there was some degree of privacy and intimacy in the symbolism of rings, with the same object being capable of functioning differently as a mnemonic for different people. Archaeological finds indicate that there may have been a tension between the private appreciation of tokens (that is the meaning they invoked in their giver and recipient), and the more public understanding of such exchange as proof of matrimony. Our evidence for the exchange of marriage gifts is predominantly based on witness testimony, or statements given, by and large, to dissuade the court of a marriage's legitimacy. However, it is impossible to rule out the

³⁴ These figures are based on every example of a description of a ring in the records. Gilded rings include both gimmel and fede rings.

³⁵ An example of which can be seen in Joan Evans, *English Posies and Posy Rings: A Catalogue with an Introduction* (London: Oxford University Press, 1931), 14.

³⁶ Diana Scarisbrick, *Rings: Symbols of Wealth, Power and Affection* (London: Thames & Hudson, 1993), 17-18.

likelihood that some of the 90 rings described in the marital deposition records of the consistory court contained internal inscriptions, especially when we consider the number of surviving archaeological finds of posy rings.

This question of privacy has further implications for the study of courtship and the making of marriage. The gifting of small and portable objects which could be easily concealed in a purse or on the person's body has led archaeologists and art historians to suggest a connection between love and secrecy in the middle ages.³⁷ This contradicts historical scholarship on courtship, which emphasises instead the importance of familial control to prevent private displays of affection which might have called the honour and reputation of the couple into question.³⁸

Historians would be advised to listen to archaeologists, and vice versa. In terms of the question of privacy I would argue that the courtship and marriage contract took place within a more public sphere in order to reinforce (and, even, enforce) its validity but that there were some aspects of the things exchanged between couples which held more private and symbolic meanings. The documentary evidence suggests that when it came to the use of the exchange of rings as evidence of courtship and marriage it was the context of their exchange (for example, whether it had been accepted, and how), rather than the physicality of the object that was considered more important. But as most of the marriage litigation testimony comes from witnesses to, rather than participants in, marriages, some of the specific personal meanings of objects are hidden from us. It is here where surviving archaeological finds can give us increased insight into the kinds of things which might have been exchanged during marriage negotiations.

I have already suggested above that surviving late medieval finger rings give us a deeper insight into why particular objects were seen as proof of marital interest and intention. The inscriptions on

³⁷ See Standley, *Trinkets & Charms*, 32; and Michael Camille, *The Medieval Art of Love: Objects and Subjects of Desire* (London: Laurence King, 1998), 16, and 52–3.

³⁸ Shannon McSheffrey, 'Place, Space, and Situation: Public and Private in the Making of Marriage in Late-Medieval London', *Speculum* 79 (2004): 960–90; and idem, *Marriage, Sex and Civic Culture in Late Medieval London* (Philadelphia: University of Pennsylvania Press, 2006), 67–8.

these rings are of particular interest as the messages inscribed are explicitly tied to courtship and displays of marital affection.³⁹ Standley has argued that posy rings were popular love tokens because ‘[whilst] the text would have expressed the giver’s sentiment, the circular design of the ring would also perpetuate it’.⁴⁰ Messages of fidelity were popular posies: one found in Old Market Street in Usk, for example, read ‘CONTINV FAITHFVL’.⁴¹ Posies could also be inscribed on the outside of the ring, with one mid-fifteenth century beautiful gold ring set with a coloured stone inscribed with the words ‘pour amor, say duoc’ (for love, so sweet).⁴² Some posies had more explicit references to marital choice. For example, a ring found in Cawood, near York, read ‘MY BETHROTHED IS WILLING’, and another from Bishops Hull (Somerset) was inscribed with the words ‘I licke my chois’.⁴³ It is impossible to say in what context surviving posy rings were given, either prior to, or after marriage, or even to affirm a non-marital relationship. Posy rings are testament to how certain objects were used to communicate marital intention and give us a unique insight into popular perceptions of love and fidelity. Excavated finger rings also indicate that they were potentially used as vessels for communication on the importance of marital fidelity and the ethics of marriage. The inscriptions on posy rings bear a similarity with the words of marriage consent and wider concepts of marital fidelity: they were private reminders of the fact that a wearer had consented to marriage and should be faithful to their partner.

Fede rings were another type of love ring, formed of a narrow band, which at the join formed two clasped hands. A good example of such a ring can be found amongst those excavated in London and registered through the PAS. This silver fede finger ring has been dated to the fifteenth century. The ring is described as such, ‘the bezel of this finger ring has been decoratively cast to form two clasped hands, and is [decorated] with double incised transverse lines to depict sleeve cuffs’.⁴⁴ Such rings

³⁹ There are large collections of posy rings (dated to the fifteenth to seventeenth centuries) in the Ashmolean and the Victoria and Albert Museum.

⁴⁰ Standley, *Trinkets & Charms*, 34.

⁴¹ Standley, *Trinkets & Charms*, table 3.1, 34; and a deformed copper alloy ring dated to the late middle ages was found in Oxfordshire and inscribed with the words ‘...IKE MY CHO’. PAS BERK-7B7F25.

⁴² This ring was found on the Thames foreshore at Bankside and dated to the mid-15th century. In the Museum of London, ID no. 80.33.

⁴³ Another common posy was AUTRE NE VEUX (I wish for no other). Gilchrist, *Medieval Life*, 239; and Scarisbrick, *Rings*, 18.

⁴⁴ PAS LON-3E20A2. This ring is currently listed as located in the Museum of London.

symbolised faith, loyalty and fidelity, mirroring the handclasp that couples enacted during the exchange of marital consent (for a discussion of the symbolism of the marital handclasp see Chapter 3, pages 147-50).⁴⁵ A silver gilt ring found in Surrey depicts two clasped hands at the base of the ring, with a bezel in the form of a quatrefoil and incorporating a heart against a field of crossing lines.⁴⁶ *Fede* rings were exchanged up and down the social scale. In the fourteenth century King Jean le Bon of France owned a *fede* ring in which the hands clasped a diamond, but examples of *fede* rings and brooches have also been found that used gilded copper and silver gilt.⁴⁷ *Fede* brooches became popular in Europe from the late thirteenth century, and badges depicting clasped hands have been recovered from Vintry House in London,⁴⁸ One such badge was found at the Thames waterfront in Billingsgate and shows two hands supporting a heart pierced by an arrow.⁴⁹

The gimmel ring was another token attributed to courting couples, made from two intertwined halves and getting its name from the Latin *gemellus* (twin).⁵⁰ There are five cases from the consistory in which a ring exchanged between a couple was described as a gimmel ring.⁵¹ In four of the cases the exchange of the ring followed an exchange of consent or another form of commitment to matrimony.⁵² This suggests that the iconography of the gimmel representing a marital partnership was recognised and adhered to in social practice and that the iconographical details of such a ring were a determining factor in the creation of its value. In the one case in which a gimmel was presented as part of courtship it was refused, which suggests that the acceptance of such symbolically laden rings would have been taken as evidence of marital intention, or even a private contract. In this case from 1488 John Wellis was reported to have used ambiguous words of marriage in his apparent courtship of Alice Billingham: ‘if

⁴⁵ Peter R. Coss, *The Lady in Medieval England, 1000-1500* (Stroud: Sutton, 1998), 93–105.

⁴⁶ PAS SUR-A6A0F4. Other examples include a 15th century silver gilt *fede* ring from Prudhoe, Northumberland and a gilded copper alloy example from Norwich. Standley, *Trinkets & Charms*, 35.

⁴⁷ Standley, *Trinkets & Charms*, 35.

⁴⁸ Gilchrist, *Medieval Life*, 112, and appendix 7. For further examples of such badges see Brian Spencer, *Pilgrim Souvenirs*, 321–3.

⁴⁹ Spencer, *Pilgrim Souvenirs*, 321i, and 322.

⁵⁰ Scarisbrick, *Rings*, 18.

⁵¹ The descriptive used in the records was, gemew. OED 3: a double ring.

⁵² The cases which included an exchange of a gimmel ring are as follows: LMA DL/C/09065, *Beatrice Smyth C. John Crote*, 35r-35v; *Nicholas Sager c. Elisabeth Leg*, 47r-v; *Alice Billingham c. John Wellis*; LMA DL/C/09065B 8r-v; *Mark Patenson c. Margaret Flemmyng*, 80r-v; LMA DL/C/206, *William Cutt c. Katherine Ridley*, 291v-292r.

her frendes wal par with her, it may fortune I want mory wit her'. Alice Billingham, subsequent to this declaration, sent him a 'jemew (gimmel) of silver gilt' (perhaps with the motive of eliciting a more explicit suit of marriage). John Wellis, however, returned it, saying 'hath she send me this? Commend me to her and she shall have it again'.⁵³ The iconography of gimmel rings conveyed particular associations and the implication is that the acceptance of such a ring denoted a marital relationship, which Wellis is presented as rejecting. However, although the gimmel ring was the natural choice to represent lovers it could also represent male friendship, and it was often used to denote pledges of friendship. When Henry III met the Count of Gynes in 1204 he gave him a gimmel ring set with a ruby and two emeralds.⁵⁴

The stone set in a ring itself could speak to the marital fidelity its exchange suggested. For example, in 1512 Ann Leventhorp admitted receiving a 'unu[m] anulu[m] aure[m] eu[m] lapide vocat diamond' from Robert Campyon, and Robert Campyon's witness William Jenyns recalled that Robert gave Ann 'quenda[m] annulu[m]aure[m] cu[m] quidam lapide'.⁵⁵ Diamonds are extremely hard stones, and this was recognised in the middle ages, as diamonds were known for their unbreakable quality which was seen to symbolise the constancy of the marital vow. The thirteenth century French canonist Guillaume Durand described the diamond as, 'unbreakable and love unquenchable, and stronger than death'.⁵⁶ However, as we shall see in Chapters 2 and 3, materiality and iconography alone did not create meaning: the context in which objects were exchanged was crucial to the creation of specific meaning when it came to proving marital intention and consent.

The exchange of heart shaped tokens was also recorded in marital disputes,⁵⁷ and fifty such badges and brooches have been excavated along the Thames foreshore, which gives an indication of the

⁵³ LMA DL/C/09065b, 8r-v.

⁵⁴ Scarisbrick, *Rings*, 17–18.

⁵⁵ LMA DL/C/206, 174v, and 187v.

⁵⁶ Rachel Church, *Rings* (London: V&A Pub., 2011), 18.

⁵⁷ Heart tokens exchanged during courtship include: LMA DL/C/09065, *Richard Cressy c. Alice Scrace*, 55r-56v. At or after contract: LMA DL/C/205, *Alice Cademan c. Nicholas Vanever*, 230v-241r; LMA 09065, *William Yewle c. Katherine Garyngton*, 168r-v, 170v-171r; LMA 206, *Alice Fantell c. William Hilton*, 457v-458r, 458v-459r; LMA 207, *Alice Burden c. William Pyn*, 221v.

popularity of this device within the region.⁵⁸ The heart-shaped design of an object, or the presence of the heart on them, had the potential to symbolise the giving of the self as the heart was seen as the seat of emotion and the location of self-identity.⁵⁹ The symbolism of these tokens was rooted in their later medieval context. For example, in the *Livre du cuer d'amours épris* written by King René of Anjou in 1457 the figure of Love tears the heart out of the sleeping body of King René. This heart takes on the identity of King René to become the knightly hero of medieval romance with a quest to win the love of its lady.⁶⁰ The link between the heart and identity is particularly profound in this text and Eleanor Standley has argued that some of the ideas on the heart expressed within it can also be read into archaeological finds. A late fifteenth or early sixteenth century ring from Montacute in Somerset, for example, depicts an angel holding a heart and Standley has said that it depicts God or an angel handing over the man's heart to his love, in the form of the ring. The wearer of this ring can be argued to now own, and possibly control the heart, body and soul of the person who gave it. Standley has also suggested that the angel may symbolise the figure of Love as depicted in René's *Livre du cuer*.⁶¹

Medical and philosophical principles placed the heart at the centre of the body from which all other bodily functions were directed.⁶² Augustine confessed that the heart 'is where I am, whatever I am',⁶³ whilst John Gower placed the body's governance of reason within the heart and declared that 'the herte [is] principal'.⁶⁴ The gift of such a token can be read as a metaphor for the giving of a person's heart which became materially manifested in these tokens. In later medieval London there seems to have been a trend for the wearing of heart badges on hats,⁶⁵ and in 1515 William Hilton was reported to have worn a heart shaped badge on his hat for three years.⁶⁶

⁵⁸ Spencer, *Pilgrim Souvenirs*, 323.

⁵⁹ Danielle Westerhof, *Death and the Noble Body in Medieval England* (Woodbridge: The Boydell Press, 2008), 53.

⁶⁰ King of Naples and Jerusalem René I, *Le Livre du Coeur D'amour Épris*, ed. Florence Bouchet (Paris: Livre de poche, 2003). For a translation see René of Anjou, *The Book of the Love-Smitten Heart*, trans. Stephanie Viereck Gibbs and Kathryn Karczewska (London: Routledge, 2001), 5-9.

⁶¹ Standley, *Trinkets & Charms*, 43.

⁶² Heather Webb, *The Medieval Heart* (New Haven: Yale University Press, 2010), 21, and 32-3.

⁶³ Augustine of Hippo, *Confessions*, ed. James Joseph O'Donnell (Oxford: Oxford University Press, 2012), book x. iii.

⁶⁴ John Gower, *Confessio Amantis*, ed. Russell A. Peck (Kalamazoo: Medieval Institute Publications, 2004), VII: 487; and Victoria Blud, 'Emotional Bodies: Cognitive Neuroscience and Mediaeval Studies', *Literary Compass* 13 (2016): 461.

⁶⁵ Spencer, *Pilgrim Souvenirs*, 321-3.

⁶⁶ LMA DL/C/206, 548v-549r.

The heart was also a more generally used symbol of loyalty, signet rings with hearts being given as livery to ensure loyalty and good faith.⁶⁷ The heart token was a popular dress accessory, which linked to ideas of sincerity and trust, but it did not exclusively denote a marital relationship. There were strong cultural connections between heart tokens and erotic relationships, and this distinction between erotic and romantic fidelity on the one hand, and a more general sense of good faith on the other, was dependent on the specificity of the exchange. For example, Criseyde, in Chaucer's *Troilus and Criseyde*, pinned a heart-shaped brooch to her lover's chest with the words, 'a broche, gold and asure (set with a ruby), was lik an hert'.⁶⁸ The inscriptions and iconography of some heart badges explicitly distinguished them as love tokens. Messages of fidelity were engraved upon a number of such badges; some of those recovered from London and Salisbury featured the message 'herte be trewe'.⁶⁹ Furthermore, the wearing of a brooch, in the shape of a heart or otherwise, on the breast was also an indication of an amorous relationship. A brooch from Writtle, Essex, incorporated an inscription which has been translated as, 'I am a brooch to guard the breast, so that no churl may put his hand there'; the warning suggests that this token may have been given to signal to others that its wearer was sexually unavailable.⁷⁰ In late medieval literary texts and art it was predominantly men who were depicted giving their hearts to their lady loves.⁷¹ In the margins of the Bodleian's *Alexander Romance* (figure 1.) is an illustrated scene in which a lady accepts the heart of her lover, the woman contemplating the heart whilst the man touches his breast to indicate the organ's origin and the source of his gift.⁷² The location of a heart brooch on the body (close to the heart or on a cap) could work with its appearance signalling to others its wearer's relationship status, single or otherwise.

⁶⁷ References to the heart or the exchange of heart token were not confined to courtship and marriage. In 1472 the king granted Peter Curteys, a custodian of the king's wardrobe and a defendant in a London consistory marital suit, 8d daily, in consideration of 'his true heart and service'. *CPR 1467-1477*, 324.

⁶⁸ Geoffrey Chaucer, 'Troilus and Criseyde', in *The Riverside Chaucer*, ed. Larry D. Benson (Oxford: Oxford University Press, 2008), III, 1370-2, 531-2.

⁶⁹ Gilchrist, *Medieval Life*, 265.

⁷⁰ Standley, *Trinkets & Charms*, 43; J. Alexander and Paul Binski, eds., *Age of Chivalry: Art in Plantagenet England, 1200-1400* (London: Royal Academy of Arts, 1987), n.644.

⁷¹ Camille, *The Medieval Art of Love*, 113-9. Camille adds that men were often depicted presenting their hearts in images whereas women tended to keep their hearts to themselves.

⁷² Camille, *Medieval Art of Love*, 113.

Chapter 3 (pages 121-2) will discuss the connection between the heart and marital relationships, and how the exchange of consent was often presupposed by the request to ‘find it in your heart to have or to love me’. Heart brooches and badges were popular during the marital process because they were analogous to the self and indicative of earnest emotional expression, and the marital purpose could also be written into its iconography. However, despite the heart’s link to sincerity this did not automatically denote marital intention. The context of an exchange was crucial to the imparting of meaning; Chapter 2 (pages 95-9) will discuss Alice Fantell’s marital suit against William Hilton, a case in which the iconography and object biography of a heart shaped brooch was crucial to the believability of Alice’s story that it had been exchanged alongside a promise of marriage.

Figure 1. *Romance of Alexander*, Flemish.
Oxford, Bodleian Library, MS Bodley 264, pt.1. fol., 59r. The Bodleian Libraries,
University of Oxford. [image removed from ORA edition]

Coins were also exchanged between lovers. Unlike rings and heart tokens their iconography and materiality were not in themselves suggestive of courtship or a marital relationship. However, they were the second most common courtship token exchanged in the marital litigation records of the London

consistory, and ranged from a groat (4d) to a gold noble (6s 8d). The primary function of coins was monetary, but some archaeologists challenge this one-sided analysis of coins and are re-evaluating the significance of coins as material objects, imbued with monetary and non-monetary functions.⁷³ In the scholarship on the material culture of the middle ages there is a separation between the archaeology of ‘things’ and numismatics. This artificial division is not representative of the interaction between people and coins in the middle ages since coins could signify important social and ritual moments, which went beyond their economic value. The records of the London consistory testify to the importance of coins as tokens of marriage, in particular because of the strong connection between pledging and the exchange of coins. However, it is only through an analysis of the documentary evidence that such social behaviours emerge. Deponents did not distinguish between coins and other courtship tokens; instead they described the way in which they had been given or received as courtship or marriage tokens. Gold and silver coins were especially important because these precious metals were rarely found other than in coins, and it is therefore unsurprising that these coins were frequently used as tokens.⁷⁴ Coins were closely associated with the making of contracts (see Chapter 3, pages 135-46, for the historical context of this practice) and it is therefore unsurprising that they were frequently given as tokens of marriage. However, because the primary function of coinage was as money their status as evidence of courtship or marriage tokens was often ambiguous.

Late medieval dress accessories were laden with symbolism, and these cultural assumptions led to further assumptions about the nature of a specific relationship. In particular, the way people dressed was seen as an indication of their morality, with clothing and accessories being used either to reinforce or subdue sexuality. Standley has, for instance, emphasised the ritualistic aspects of late medieval

⁷³ Roberta Gilchrist, 'Magic for the Dead? The Archaeology of Magic in Later Medieval Burials', *Medieval Archaeology* 52 (2008): 141.

⁷⁴ The cases featuring the exchange of silver and gold coins are: MS/DL/C/205, *John Holder c. Agnes Chamberlyn*, 112r; *John Sewale c. Alice Botbe*, 205r; *Joan Chamberlyn c. John Parker*, 213r; LMA 09065, *Robert Warde c. Joan Qualley*, 7r; *Thomas Lawrence c. Agnes Jaro alias Sawier*, 194v-195r; *William Yewle c. Katherine Garyngton*, 168r-v; *Herbert Rowland c. Elizabeth Croff*, 188r-v; LMA 09065b, *William Hawkyyns c. Margaret Heed*, 11v; LMA 206, *Thomas Puryvnt c. Alice Petit*, 12v-13r; *Alice Langton c. Richard Wilkyynson*, 141r; *John Nicoll c. Julian Fantell*, 253r-v; *Isabel Wood c. Roger Calton*, 447r; *Robert Campyon c. Agnes Leventhorp*, 186v-187r; LMA 207, *Agnes Sutton c. John Joryys*, 36v-87r; *Robert Wyer c. Jane Cresset*, 152v; *Henry Forest c. Thomasina Baker*, 75v-76r; *John Frysour c. Elizabeth alias Agnes Powell alias Powlter*, 277r.

dressing, and how the tightening of laces formed provocative and desirable bodies.⁷⁵ Similarly, Bennett and McSheffrey's analysis of cross dressing highlights assumptions about sexual ideology and status. In later medieval London the act of cross-dressing was perceived as an embodiment of male desire, and the London commissary court recorded details of a number of cases in which female sex workers were caught in male clothes, worn – as Bennett and McSheffrey argue - to enhance the desire of their male clients.⁷⁶ This in turn reflected a wider trend in male fashion which emphasised male bodies and sexuality, particularly through the wearing of items such as short doublets, hose and codpieces.⁷⁷ Similar patterns can be observed in the gifts of dress accessories during courtship. In particular, gifts of laces and aglets (to fasten and tighten clothing) during courtship actively played with concepts of sexuality. It cannot be ruled out that some of these gifts may have communicated private messages about illicit pleasure. The sexually suggestive nature of these gifts lends themselves to the classification of flirtatious courtship ritual gifts, but such gifts also posed problems of propriety should the giving of such items be later raised in court.

Cloth and clothing had an intimate relationship with the body, absorbing fluids and being moulded and torn by human movement.⁷⁸ Textiles were another popular courtship gift in late medieval London and reflected cultural associations between courtship and intimacy in items such as kerchiefs, gloves and purses. In later medieval romance erotic tension is articulated through a description of female dress. When the protagonist of Thomas Chestre's *Sir Launfal* was out hunting he was met by two beautiful maidens, who wore tightly laced silks, and whose heads were coiffed with jewels.⁷⁹ Kerchiefs were a practical part of a woman's everyday dress and hair was also the focus of male lust in romances. The kerchief, a piece of long cloth worn as a headdress, was a common courtship gift. In 1489 Richard

⁷⁵ Standley, *Trinkets & Charms*, 49.

⁷⁶ Judith M. Bennett and Shannon McSheffrey, 'Early, Erotic and Alien: Women Dress as Men in Late Medieval London', *History Workshop Journal* 77 (2014): 8-10.

⁷⁷ Ulinka Rublack, *Dressing Up: Cultural Identity in Renaissance Europe* (Oxford: Oxford University Press, 2010), 13-18.

⁷⁸ Maureen Miller, *Clothing the Clergy: Virtue and Power in Medieval Europe, 800-1200* (Ithaca: Cornell University Press, 2004), 141.

⁷⁹ 'Har manteles were of grene felvet, Ybordured wyth gold, right well ysett... har heddys wer dyght well wythalle: Everych had oon a jolyf coronall, Wyth sixty gemmys and mo'. Cited in Louise M. Sylvester, Mark. Chambers and Gale R. Owen-Crocker, eds., *Medieval Dress and Textiles in Britain: a Multilingual Sourcebook* (Woodbridge: The Boydell Press, 2014), 318-9.

Cressy gave Alice Scrace two kerchiefs as a token of marriage.⁸⁰ During the fourteenth and fifteenth centuries moralists accused women of using their bodies, clothes or otherwise, to ensnare men. In Robert Brunne's 1303 *Handlyng Synne*, women's skirts were described as long enough for devils to sit on.⁸¹ A woman's wardrobe was part of her everyday persona, but certain items also had a strong cultural association with the expression of female sexuality. The giving of these items as courtship and marriage tokens can be a reference to the wider cultural identities of these objects, and such dress accessories may have been given to allude to a woman's sexual role as a spouse.

Hair was a further integral element of female identity with very specific cultural connotations; long and untied hair was a sign of maidenhood whilst tied up and covered hair was a sign of marriage.⁸² A woman's face, which had been framed by hair, was seen as particularly alluring, as illustrated by a comment in the romance *Sir Degrevant*: 'the headdress was set with topazes for the occasion. She would be received with an embrace at the hands of any living man. The red-gold trimming made her dress shine. Her hair was pinned up with a circlet of gold'.⁸³ Headdresses and their fastenings were of equal importance and there are numerous archaeological finds of such accessories from fourteenth to sixteenth century London. These finds include silk mesh hairnets, the wire frames to which veils would have been attached, hair ornaments made from copper wire with hooks to attach cloth, fragments of silk covered wire, and coiled wires known as purls.⁸⁴ The testimonies made to the London consistory court allude to the gift of hair accessories during courtship, for example, in 1471 John Holder told the court that he had given Agnes Chamberlyn a hairnet worth 20d as a gift.⁸⁵

Hair was seen as a signifier of sexuality, and the way a woman wore her hair was suggestive of a variety of sexual states such as virginity, availability, or marital fidelity. Courtship gifts of hair accessories

⁸⁰ OED 1. a: s.v. kerchief. LMA DL/C/09065, 55r-56v.

⁸¹ G. Luijten, 'Frills and Furbelows: Satires on Fashion and Pride around 1600', *Simiolus: Netherlands Quarterly for the History of Art* 24 (1996): 147.

⁸² Standley, *Trinkets & Charms*, 52-3.

⁸³ With topyes the trechour, overtrasyd that tyde. She was recevyd aspanne, of any lyvand manne; of Rede golde the rybanne glemyd hur gyde. Hyr here was hyghthtyd on hold, With a coronal of golde'. Cited in *Medieval Dress and Textiles*, 334-6.

⁸⁴ Egan, *Dress Accessories, c.1150 - c.1450*, 291-6; Hazel Forsyth and Geoff Egan, *Toys, Trifles & Trinkets: Base Metal Miniatures from London 1150-1800* (London: Unicorn, 2005), 226-9; and Egan, *Material Culture in London*, 52; and 55-6.

⁸⁵ LMA DL/C/205, 112r.

had the potential to draw attention to the marital status and sexuality of its recipient. For example, a headdress could also draw attention to a woman's high forehead, a sign of beauty in the middle ages. But this could also lead to a questioning of a woman's propriety. In 1441 the Bishop of Lincoln, William Alnwick, issued an injunction against the priory of Ankerwyk, and accused its prioress, Clemence Medforde, of improper dress. The description of her impropriety focused on her head, 'she wears her veil too high above her forehead, so that her forehead, being entirely uncovered, can be seen by all'.⁸⁶ This questioning of a woman's social and moral status based on her dress accessories can also be observed in the records of the London consistory. The exchange of a kerchief between couples had the potential to signify an amorous encounter to the detriment of a woman's reputation. For example, in 1470 a widow, Maude Knyff, alleged that Robert Grene took her kerchief, which she had used to tie around a wound on her finger, when it fell to the ground, and kept it against her will- we presume as fake evidence of her intention to wed him. In this deposition Maude Knyff not only tried to exonerate herself from an unwanted marital suit but also emphasised her own modesty through her insistence that this token had not been given freely, and to counteract the rumours surrounding her and Robert Grene.⁸⁷

Laces, purses and girdles were other courtship gifts that could evoke ideas of sex and lust. Laces were made of braided or interwoven silk, threads of gold, or other cheaper materials, secured at the end by a pair of lace ends, and used to tighten and secure clothing.⁸⁸ In 1487 John Pollyn gave Agnes Parker silken lace,⁸⁹ and, two years later in 1489, Robert Philipson reportedly gave Joan Corney a silk lace.⁹⁰ Lace ends, or aglets, were put on the end of lace to protect the fabric and to allow them to be threaded through eyelets in a garment.⁹¹ Aglets made from brass and other cheaper metal survive in large numbers in London for the period 1400-1550 and indicate that these objects were part of everyday life

⁸⁶ *Medieval Dress and Textiles in Britain*, 214–5.

⁸⁷ LMA DL/C/205, 64v-65r.

⁸⁸ Egan, *Dress Accessories, c.1150 - c.1450*, 281–90.

⁸⁹ LMA DL/C/09065, 24v.

⁹⁰ LMA DL/C/09066, 53r.

⁹¹ Egan, *Dress Accessories, c.1150 - c.1450*, 281.

and dress.⁹² In 1522 Robert Wyer gave Jane Cressett a pair of silver aglets, which followed a trend in courtship gift giving, namely to transform an everyday functional object into something with economic, mnemonic and symbolic value.⁹³

Some dress accessories can be seen to have had strong gendered associations, and this is something that was often made explicit in the records. For example, in 1515 Margaret Norton told the court that when Roger Carlton had given Isabel Wood a purse during their courtship she identified it as a ‘woman’s purse’.⁹⁴ Indeed, in medieval literature and art, the purse was closely associated with female sexual anatomy in terms of its shape, function and position on the lower part of the body.⁹⁵ Gifts of purses in the marital litigation records can be seen to toy with female sexuality, in particular as the colour and materiality of these purses adds to this suggestion of sensuality. Robert Campyon gave Ann Leventhorpe a purse of tawny velvet, whilst Robert Wyer gave Jane Cressett a purse of crimson.⁹⁶ These were sensual and flirtatious gifts, designed to be worn close to the body, at the hip, and we could read these gifts as designed to suggest the colour and texture of the vagina, although despite the potential for hanging purses to be associated with the scrotum, this does not seem to have happened in medieval culture.

Girdles also had connections with female sexuality. A girdle was comprised of a narrow belt which was fastened with a buckle. The girdle given to Sir Gawain in *Sir Gawain and the Green Knight* is, for example, charged with symbolism and female agency, which encircles and controls him.⁹⁷ In late medieval medical writing the body was said to be divided between the rational human above the waist and animal lust below, thus the girdle’s position on the female body was also a strong suggestion of female sexuality.⁹⁸ The decoration and expense of girdles varied considerably: they were favoured gifts

⁹² Ibid., 282–4; and Egan, *Material Culture in London*, 52–3.

⁹³ LMA DL/C/207, 152v.

⁹⁴ LMA DL/C/205, 436v.

⁹⁵ Camille, *The Medieval Art of Love*, 64–5.

⁹⁶ LMA DL/C/206, 186r-v; and LMA DL/C/207, 152v.

⁹⁷ Standley, *Trinkets & Charms*, 39; and R.A. Waldron, ed., *Sir Gawain and the Green Knight* (London: Edward Arnold 1970), 1829-1840, and 2358-2400. For further discussion of these gifts see Jessica Cooke, ‘The Lady’s “Blushing Ring” in Sir Gawain and the Green Knight’, *The Review of English Studies* 49 (1998): 1-8.

⁹⁸ Standley, *Trinkets & Charms*, 39.

between royal couples and these were often richly bejewelled and decorated. In the south of England there seems to have been a trend for silver girdles being given or used as part of wedding celebrations. For example, in 1551 Alice Derell of Merkesbury in Somerset gave her granddaughter her 'wedding girdles' as part of her testamentary bequests.⁹⁹ The materiality of girdles in late medieval London was often unspecified but they were probably decorated; such as the one given by Thomas Lawrence to Agnes Jaro in 1494, described as decorated with silver.

Conclusions

The survival of objects and references to them in literary and documentary contexts is testament to the abundance of potential courtship and marriage tokens available to suitors. There were differences in the cultural meaning attached to specific tokens that would have been appreciated by both the giver and the recipient. Gifts of clothing were intimate and often loaded with implicit messages, suggestive of a change in social status, from single to married, and the potential for future sexual activity- or even a private reference to illicit sexual activity. *Fede*, gimmel and posy rings were imbued with social meaning and were suggestive of fidelity and companionship whilst gold, and to some extent silver, rings demonstrated a financial investment in a given marital relationship.

In archaeologically based approaches the object itself is the primary source of information and thus objects with explicit reference to amorous relationships have been used as evidence of the kinds of things exchanged between lovers. Documentary evidence complicates this picture as the predominance of plain and undecorated rings in marital relationships demonstrates. The problem of a solely material culture-based approach is that objects do not provide the specific social context of their exchange, specifically how and why objects became gifts or symbolic of a particular relationship, and how they were received and remembered.¹⁰⁰ This thesis places objects within a social and cultural context but also

⁹⁹ Ibid.

¹⁰⁰ Eleanor Standley has emphasised the importance of the context of an exchange, and has used documentary sources to bring to life her archaeological finds. Standley, *Trinkets & Charms*, 1.

asks how the materiality and the iconography of a particular object might have added a particular value to its exchange. Documentary evidence of courtship tokens must be read through an archaeological lens to understand that the iconography or biography of an object had an important impact on its specific value and mnemonic power. Moreover, the London consistory court records give us a deeper and more nuanced understanding of women's experiences as both recipients and givers of gifts, although social, cultural and economic pressures naturally limited their participation.

The following chapters on courtship and contract gifts offer a comparative approach to the study of late medieval courtship tokens in late medieval London, using both documentary and archaeological sources, to allow a dialogue between the two approaches.

Chapter 2: Pre-contract

Introduction

The previous chapter discussed the types of objects given during marital negotiations, and in later medieval society more generally, and what this can reveal about, but also obscure, the role-played by objects in the making of marriage. This, and the next, chapter will discuss the gift-giving process in context, and ask whether the way an object was exchanged, combined with its materiality, had an impact on the making of marriage in the diocese of London in the period 1467-1524. Prior to the exchange of the words of consent a period of courtship was required, and this was an ambiguous but expected part of the medieval and early modern life-course, characterised by private and public negotiation of marital intention.¹

We know more about how ordinary people married each other than how they met and initiated potential marriages. Scholarship on courtship in late medieval London (and England) has largely focused on the economics of marital negotiations and the influence of parental control, with courtship used as a lens through which to see society's attempt to control the exchange of wealth and sustain patriarchal control.² Less emphasis has been placed on the emotional side of courtship. It goes without saying that the decision of who to marry was heavily influenced by a number of economic, political and social factors³, but how people communicated an intention to marry and persuaded one another of this intention is something of a lacuna in medieval scholarship.⁴ This chapter will argue that gifts were

¹ Diana O'Hara, *Courtship and Constraint: Rethinking the Making of Marriage in Tudor England* (Manchester: Manchester University Press, 2000), 1.

² Barbara Hanawalt, *The Wealth of Wives: Women, Law, and Economy in Late Medieval London* (Oxford: Oxford University Press, 2007), 121-59; Shannon McSheffrey, *Marriage, Sex and Civic Culture in Late Medieval London* (Philadelphia: University of Pennsylvania Press, 2006), 74-109; and Joel Thomas Rosenthal, *Patriarchy and Families of Privilege in Fifteenth-Century England* (Philadelphia: University of Pennsylvania Press, 1991), 29, 62, and 139.

³ P. J. P. Goldberg, *Women, Work, and Life Cycle in a Medieval Economy: Women in York and Yorkshire c. 1300-1520* (Oxford: Clarendon Press, 1992), 324-30; Shannon McSheffrey, "'I Will Never Have None Aynst My Faders Will': Consent and the Making of Marriage in the Late Medieval Diocese of London", in *Women, Marriage, and Family in Medieval Christendom: Essays in Memory of Michael M. Sheehan, C.S.B.*, eds. Constance M. Rousseau, Joel Thomas Rosenthal, and Michael M. Sheehan (Kalamazoo: Medieval Institute Publications, 1998), 153-74; and Shannon McSheffrey, 'Man and Masculinity in Late Medieval London Civic Culture: Governance, Patriarchy and Reputation', in *Conflicted Identities and Multiple Masculinities: Men in the Medieval West*, ed. Jacqueline Murray (New York: Garland, 1999), 243-78.

⁴ Shannon McSheffrey has examined some of the practicalities of courtship in late medieval London, including a section on gift exchange, but she does not focus on the material construction of such exchange narratives, *Marriage*, 58-62. For gift

intended to initiate, reciprocate, and consolidate pre-marital unions. The important role played by the exchange of objects has been noted in scholarship on early modern courtship.⁵ Although the later medieval evidence is not quite as rich, it nevertheless permits an exploration of meaning and misinterpretation relating to material objects and gender, sexuality, trustworthiness, and marriage.

I begin with a hypothesis, namely that the giving and accepting of gifts was recognised as tacit approval of, for want of a better term, the spirit in which a gift was given.⁶ The ‘spirit’ in this context refers to the agency or force, representing the acceptance and the creation of an amorous relationship through the material gift. Certain regimens were required to define the meaning behind such material exchanges. In order for a gifted object to represent the tenor of a relationship there had to be a shared understanding or agreement between the giver and recipient about what this new relationship entailed. This could be achieved through the use of recognisable cultural symbols, including the type of object used, the method of exchange (for example whether in public or private), a verbal articulation of meaning, or the acceptance and continued possession of an object.

In everyday life such a strict regimen was not a practical, or desirable, way of developing a potential marital relationship. This is shown by testimonies made to the London consistory court which attest to the ambiguity of gift-giving during the making of marriage, and the prevalence of miscommunication as to the meaning of the gift. This was especially so during cases featuring pre-contract gift exchanges. The following chapter will discuss the giving of gifts during, and after, public exchanges of marital consent, where we find that the ambiguity of meaning behind the gift is less of a problem. It was the social setting of a marriage contract that was crucial to removing this ambiguity. Medieval marriage contracts were ideally public affairs; publicity being a key part to making these contracts legal and licit. It is this idea of marriage consent being a public performance that ultimately

exchange and courtship in late medieval Paris see Ruth Mazo Karras, *Unmarriages: Women, Men, and Sexual Unions in the Middle Ages* (Philadelphia: University of Pennsylvania Press, 2012), 87–9.

⁵ For early modern gift exchange during courtship, see O’Hara, *Courtship and Constraint*; 57–62; and Loreen L. Giese, *Courtships, Marriage Customs, and Shakespeare’s Comedies* (Basingstoke: Palgrave Macmillan, 2006), 81–112.

⁶ This term was first coined by Marcel Mauss to describe the Maori concept of ‘hau’, which was the belief that a part of the givers spirit was left with their gift. Idem, *The Gift: the Form and Reason for Exchange in Archaic Societies*, trans. W.D. Halls (London: Routledge, 1990), 13–18.

distinguishes marriage contract from courtship. Witness testimony on pre-contract relationships were often based on signs and rumours about things that may, or may not, have happened between a couple in private.

Evidence of the practicalities of courtship and the use of objects in developing romantic relationships is relatively limited. There is some witness testimony in the records of the consistory court describing courtship rituals including, for example, the adoption of specific behaviours and acts to demonstrate, persuade, and establish a relationship. These testimonies were based on memories of past events that were framed according to social, personal and legal agendas, to either affirm or dismiss a potential marriage. As such we find that courtship behaviours and actions that were adopted to initiate rather than confirm marital intention were subsequently reframed and used in court as evidence of matrimony.

We also find cases where a private consent between a couple was witnessed, either by design or accident, to try and enforce an ambiguous match, usually against the wishes of one or both parties. It is important to recognise that the depositions were recorded to fulfill a purpose and in turn were shaped by the conjunction of different discourses, with particular narratives depending not only on the sex of the petitioner, party or deponent, but also on their occupation and social status.⁷ The descriptions of courtship reflected an agenda and it is because of this that they give us unparalleled access to how gifts could figure in post-facto justification and excuses.

The fact that cases based on pre-contract relationships reached the consistory court is also evidence that certain rituals, in particular the exchange of gifts, could be misinterpreted - at the time, subsequently, or even deliberately - as evidence of marital intention. For example, it appears that a number of women were persuaded by the authenticity of a pre-contract arrangement as proof of an earnest desire to wed, and on this basis engaged in sexual activity with men who had given them gifts. Marriage cases were then brought by women to uphold a marital promise, with gifts used as the primary

⁷ Bronach Kane and Fiona Williamson, eds., *Women, Agency and the Law, 1300-1700* (Abingdon: Routledge, 2013), 8.

evidentiary basis but with men dismissing them as empty promises designed to bed the woman. It is important to remember that such actions were performed to communicate internal thoughts and feelings and it is easy to see how such emotive acts could be interpreted as marital intention or consent. In light of this, the cases I will use for this chapter have been selected because they fall under the broad category of ‘pre-contract’, namely cases and testimonies that describe a relationship prior to a public exchange of consent.

This chapter classes pre-contract as a highly ambiguous and liminal time, which in practice often had significant repercussions to a person’s reputation, and this was especially the case for women. It begins with an examination of the exchange of tokens from a first-hand and emotional perspective, before moving onto third party recollections of courtship and the formation of intimate relationships.

Reputations were forged and broken by disputed marriages, and this was particularly the case for women because of the links between female chastity, modesty, and reputation in the later middle ages. The social and sexual marginalisation of women through the exchange of ambiguous pre-contract tokens is a crucial aspect of this chapter, and it concludes with a study of a number of defense statements made to the consistory court where we find vivid and personal accounts of why, and how, it was potentially dangerous for women to accept gifts as proof of a marital promise. For this section, I have coined the term ‘un-gifting’ to refer to the different narrative strategies employed by defendants to disassociate themselves from an unwanted marriage. Defendants in marriage cases tried to ensure that any object that might have been seen as proof of marriage or a promise to marry were neutralised.

Objects and the Development of Intimacy

The majority of cases from the consistory court offer the perspective of witnesses in the aftermath of courtship, rather than the experience of its protagonists. The exception is the 1489 marital suit to enforce the marriage between Richard Cressy and Alice Scrace. The only surviving documentation for this case is Alice Scrace’s defence testimony, which testifies to the use of objects in the development of

her relationship with Richard Cressy. Before delving into the details of this case and others from the consistory court, I will examine how the exchange of objects was used in the middle English romance *Amoryus and Cleopes* to demonstrate the development of an intimate pre-marital relationship. Romance literature can provide us with an imaginative framework for late medieval ideas about the importance of tokens in the creation and maintenance of social relationships. What *Amoryus and Cleopes* offers the historian of gift objects is a perspective from the viewpoint of the protagonist in a relationship - albeit an imaginary one - on the exchange of tokens and their impact on the development of an emotional relationship. In *Amoryus and Cleopes*, John Methan uses objects as communicative instruments to demonstrate the development of the protagonists' relationship. Moreover, objects were not merely symbols of an emotional development; their very materiality was a crucial aspect in romantic communication.

Middle English romances took their audience outside the norms and structure of everyday life by subverting the everyday into stories of the wondrous, complete with magic rings, fairies and the grotesque.⁸ Romances played upon real life expectations and assumptions, sometimes mirroring them, and sometimes subverting them, for particular narrative purposes. Kim Phillips suggests that the popularity of romances was based in these fantastic realisations of social situations; and that romances were especially popular with women because of their flexible concepts of gender and power.⁹ For example, she argues that 'romance literature... presents a model of femininity which differs in significant ways from that offered in clerical and conduct literature'.¹⁰ Romantic literature thus presented its audience with an idealised version of everyday life and its tribulations, and one of the most important and popular literary subjects was that of love and marriage.

⁸ Nicola McDonald, ed., *Pulp Fictions of Medieval England: Essays in Popular Romance* (Manchester: Manchester University Press, 2004), 14–5.

⁹ *Ibid.*, 87–8.

¹⁰ Kim Phillips, *Medieval Maidens: Young Women and Gender in England, 1270–1540* (Manchester: Manchester University Press, 2003), 87.

The fifteenth century, certainly in urban areas like London, saw an advancement in literacy rates as a result of the professionalization and urbanisation of industry.¹¹ Various estimates have placed the literacy of London's male population at fifty per cent,¹² although – of course- what constituted 'literacy' has been the subject of much debate.¹³ We do know though that people were reading for pleasure, and in London the market for literary texts can be appreciated by the success of William Caxton's production of printed books, of which there were some one hundred titles printed between 1476 and 1492.¹⁴ The people who would have purchased such books have been described as 'merchants, clerics, lawyers, landed families, servants of the nobility and state officials', so, the middling to elite members of urban and rural life.¹⁵ For example, the British Library's MS Harley 2252 contains a collection compiled by the mercer John Colyns in the early sixteenth century and includes the *Annals of London*, *Lyf of Ipomdyne* and a copy of *Morte Arthur*.¹⁶ Although the people who owned such texts fall towards the upper end of the social scale of the people who appeared before the consistory court, in general, we find that later medieval Londoners were avid consumers of middle English romances; even if they did have the finances to purchase their own copies. Therefore, the tropes used in such tales were likely to have been familiar to most of the people discussed in this thesis. And what the tropes in middle English romances and legal testimonies suggests is a shared understanding of the importance of objects to the formation and development of pre-marital relationships, and a belief in the abilities of objects to embody and symbolise emotional commitment. As we shall see in Chapter 4 (Pages 170-4), objects in romances were

¹¹ Rachel E. Moss, *Fatherhood and its Representation in Middle English Texts* (Cambridge: D.S. Brewer, 2013), 25.

¹² Barbara Hanawalt, *Growing Up in Medieval London: The Experience of Childhood in History* (Oxford: Oxford University Press, 1993), 82; and Judy Anne Ford, *John Mirk's Festial: Orthodoxy, Lollardy and the Common People in Fourteenth-Century England* (Cambridge: D.S. Brewer, 2006), 27.

¹³ Medieval literacy was not just defined by the ability to read. This has further been characterised into 'phonetic literacy' and 'comprehension literacy'. Phonetic literacy was the ability to sound out words, if not understand them, whilst comprehension literacy implied an intellectual grasp of what was written on the page. Pre-modern literacy was not based on a shared level of understanding of words and thus literacy rates are problematic. Moss, *Fatherhood*, 25. The records of the London consistory court provide an example of the complexity of measuring literacy. A number of deponents –only men- were recorded as 'literate', however, it is unclear as to what language this might be in reference to; Middle English or Latin.

¹⁴ Rachel Moss, *Fatherhood*, 29; and N.F. Blake, *William Caxton and English Literary Culture* (London: The Hambledon Press, 1991), 4.

¹⁵ Yu-Chiao Wang, 'Caxton's Romances and Their Early Tudor Readers', *Huntington Library Quarterly* 67 (2004): 188.

¹⁶ The latter two were transcribed c.1460-80 and it is thus unlikely that they were copied by Colyns himself. Carol M. Meale, 'The Compiler at Work', in *Manuscripts and Readers in Fifteenth Century England: The Literary Implications of Manuscript Study*, ed. Derek Pearsall (Cambridge: D.S. Brewer, 1983), 82-103.

also used to mark the plighting of troth, and to allow protagonists to remain connected during a period of separation.

John Metham's *Amoryus and Cleopes* (1448/9) is a middle English retelling of Ovid's *Pyramus and Thisbe*, the legend of two lovers separated by a wall thanks to their parents' rivalry.¹⁷ In the text, Amoryus and Cleopes meet during the consecration of the temple of Venus, each catching sight of the other, they immediately fall in love.¹⁸ Amoryus is prevented from approaching Cleopes because he fears arousing suspicion: 'the starerrys [those who stare] a-boute schul perseyue [perceive]... and nere as he durst euer he yede forby the closet, Qwer Cleopes sat: but euer fere off tungys [gossips]'. It is Cleopes who creates a way for the lovers to communicate by using an image from her prayer book.¹⁹ This illumination is described in detail as 'an hynde lying as yt had bene on stonys, Holdyng an hert... [that was] bordyryd was wyth trw lovys, Be-fforn qwyche depeyntyd was a knight knelyng, Holding in one hand an hart, in the odyr [a] ryng'.²⁰ The image included a number of recognisable courtship tropes (such as the ring and heart), but Amy Vines has proposed that this image does not represent the traditional courtship dynamic of the hunter and the hunted, rather it is one of female power in which the woman (personified by the hind) has the option to either accept or reject the knight's offer.²¹ Female agency is further reinforced as Cleopes gesticulates to the image, enabling the lovers to communicate and the narrative to progress. It was through an object that the couple were able to communicate and develop their relationship, with the prayer book acting as a bridge to allow the couple to externalise their interest without arousing suspicion.

¹⁷ Stephen Page, 'John Metham's "Amoryus and Cleopes": Intertextuality and Innovation in a Chaucerian Poem', *The Chaucer Review* 31 (1996): 202.

¹⁸ John Metham, *The Works of John Metham: Including the Romance of Amoryus and Cleopes*, ed. Hardin Craig (London: Oxford University Press, 1916), 28–29.

¹⁹ *Ibid.*, Lines 761–4, 28.

²⁰ Metham, *The Works of John Metham*, lines 803–6, 30.

²¹ Vines argued that as the hind was shown reclining, rather from fleeing from the hunter, and the knight was described as on his knees submissively bending his knees before his prey. The implication is that it was the hind, which held the power out of the two. This depiction of female agency is an unusual feature of the romance, and its inclusion in the text was presumably inspired by Metham's patron, Lady Katherine Stapleton. Vines, *Women's Power in Late Medieval Romance*, 65, and 80–2.

After the scene in the temple, further objects function as an emotional medium to connect the lovers. Amoryus directs a painter to decorate a kerchief with the image from Cleopes's prayer book, which he then wears as a token throughout the succeeding tournament.²² This everyday object was transformed into a token which allowed Amoryus to communicate his intentions to Cleopes and, crucially, its symbolic power was only understood by the two protagonists, allowing them to pursue their relationship in secret. Indeed, when Amoryus' father confronts his son about the kerchief, he deflects his father's curiosity by saying that the kerchief was a gift from Venus. For Amoryus and Cleopes the exchange of mundane and unsuspected gifts connected them and allowed them to develop their relationship in secret. It shows a belief in how seemingly everyday objects could be transformed into active agents of emotion and marital intention. The objects become important to the couple at the moment of exchange but their materiality (such as its iconography in the case of the prayer book) also had a significant impact on its meaning.

The records of the consistory court indicate that the number and value of gifts exchanged between courting couples mirrored the build-up of a relationship, from an initial display of interest to the exchange of private marital contract. Diana O'Hara's work on marriage in early modern Kent has shown that cheap trinkets were often given at the start of courtship.²³ However, it was not just the economic, but also the socio-cultural value of these objects that increased during courtship. To give an illustrative example, Alice Scrace was a servant in the house of John Scot when on the 28th of March 1489 she appeared before the consistory court to legitimise her relationship with the young lawyer, Richard Cressy. Her deposition tells a detailed story of their courtship, gifts given and received, and their secret marriage made against both her employer's and her brother's wishes. In her statement Alice described how the couple had met, how Richard Cressy had courted her, and their marital contract. Her deposition is a demonstration not just of the legitimacy of their courtship and contract but of the

²² Metham, *The Works of John Metham*, lines 856-7, 32.

²³ O'Hara, *Courtship and Constraint*, 68-72.

respectability of their behaviour. Gifts brokered their relationship, simultaneously demonstrating their emotional commitment and preserving the reputation of both.

Richard and Alice's courtship began at the beginning of February 1489. Six years previously Richard had stayed at Alice's father's house in Sussex; on his departure from their home Richard sent Alice, her brother and the household servants thank-you gifts. Alice received a pair of hair accessories known as 'tires', whilst the servants each received pin cases, and her brother a hanger (either a knife or a smaller sword). Alice's gift, a decorative accessory designed to be worn in the hair, was a typical gift for a young girl and does not appear to have been given in the spirit of courtship.²⁴ Nevertheless, in 1489 Alice Scrace asserted that she told her friend Elizabeth that she first came to love Richard Cressy because he had been so kind when he had stayed at her father's house, a kindness that was made tangible through the gifts which he gave to members of the household on his departure.²⁵ The 1483 gifts appear to have acted as an aide-memoir for Alice of Richard's kindness, the reason why she sought his help out when she came to a difficult position. Historians of emotions have often focused on how the use of particular words, at particular moments, reveal hidden attitudes in past communities.²⁶ The next chapter will examine how words of consent were recognized as emotional, legally, and socially transformative. Here, we find objects acting as an emotional – and even mnemonic- bridge between two people.²⁷ When Alice reunited with Richard in 1489 she asked him to act on her behalf and persuade Alice's brother to give Alice her rightful portion of their father's inheritance. Richard agreed, and it was only after this that he expressed an interest in Alice as a potential spouse. Their courtship took place over a period of two weeks but during this time they did not meet in person but rather exchanged gifts via go-betweens, two servants, both called Elizabeth.²⁸

²⁴ McSheffrey, *Marriage*, 63-4.

²⁵ LMA DL/C/09065, 55r-56v.

²⁶ For example, Barbara Rosenwein's recent work on the emotion words of historical communities, in particular Chapter 6 which discusses the words used by the Pastons in their familial correspondence. Idem, *Generations of Feeling: A History of Emotions, 600-1700* (Cambridge: Cambridge University Press, 2016), 210-24.

²⁷ McSheffrey, *Marriage*, 63-4.

²⁸ LMA DL/C/09065, 55r-56v.

Richard's first gifts to Alice included a smock, two kerchiefs, a pomander and a mirror encased in ivory.²⁹ As we have discussed in Chapter 1 (pages 57-8 and 59-61) gifts of clothing and dress accessories, particularly things which were designed to be worn close to the body, can be read as suggestive of intimacy, but also sexuality and lust. However, they were also part of everyday dress and thus closely associated with a person's identity. The decision to accept and wear such a gift can also be read as an implicit acceptance of its giver (and the message of the gift) into its recipient's life. Mirrors were a dress accessory with particular associations with courtship.³⁰ Cosmetic items were frequently depicted in amorous encounters to draw attention to a woman's beauty and sexuality.³¹ Two mirror cases have been excavated from Billingsgate in London and the iconography of both of these objects depicts images of hunting. Hunting, in particular falconry, was closely associated with courtly love to symbolise the metaphysical quest for love. Eleanor Standley has connected mirror cases featuring images of the hunt to the practice of courtship.³² The initial gifts that Richard Cressy bestowed on Alice Scrace were provocative and with strong cultural connections to courtship and declarations of marital interest. Richard Cressy's gift of these objects, and Alice Scrace's acceptance of them, allowed the couple to express their mutual interest whilst preserving their reputations: all of the gifts were exchanged through a go-between. Intimacy could thus be reached through objects whilst simultaneously developing the relationship through each successive exchange. During the later stages of their courtship Richard sent Alice 'two gold rings, a silver earpick, a St James' Shell and a small staff of silver and a silver heart'.³³ The increase in the value and number of objects exchanged was an indication of a deeper commitment and intention to marry. Furthermore, as discussed in Chapter 1 (pages 49-54) the iconography of certain objects, particularly the ring and the heart, was closely associated with marriage and contract. What this case tells us is that the economic and symbolic value of these objects - a number

²⁹ Unam interulam, ii kerchers, et unum le pome ambr, a glasse of ivery. LMA DL/C/09065, 56r.

³⁰ As well as featuring in Alice Scrace and Richard Cressy's courtship the exchange of a looking glass also features in the court records of Ely and York. Eric J. Carlson, *Marriage and the English Reformation* (Oxford: Blackwell, 1994), 111.

³¹ Standley, *Trinkets & Charms*, 36-7.

³² Eleanor R. Standley, 'Ladies Hunting: A Late Medieval Decorated Mirror Cases from Shapwick, Somerset', *The Antiquities Journal* 88 (2008): 200.

³³ Delicet duos anulos aureos, et unum er pike de argento, unum seynt James shel et parvum baculum de argento, et unum cor de argento. DL/C/09065, 55r-56v.

of the items were made from precious metals with recognisable cultural associations with matrimony - was representative of a development indicating the increased sincerity of the relationship as the couple progressed towards an exchange of marital consent.

Without the exchange of marital consent there was still an element of ambiguity attached to objects, as without a communal agreement that an object represented a marital promise their meaning could be shaped or altered after the fact (and this appears to have happened quite frequently, a subject that will be discussed below). In her statement to the court Alice Scrace alluded to this ambiguity herself, when she stated that although she had received all of Richard Cressy's gifts 'in the spirit of contracting', this was dependent on '*if Richard wanted in a similar way to contract with her*'.³⁴ This suggests that, despite his gifts via Elizabeth, there still remained an element of ambiguity concerning his intentions. Alice was an orphan, at odds with her brother, and her employer had tried to prevent her marriage to Cressy. In this light her caution is unsurprising given the dangers that could befall women who mistook a gift for a legally binding promise of marriage (see pages 93-103). Moreover, the flexibility of meaning attached to courtship tokens appears also to have mirrored the liminality and pragmatism of courtship as a period of negotiation. For example, in 1515 Roger Carlton admitted giving Agnes Buntynge a silver groat a year previously but added that it was given 'to win her benevolence'. Carlton admitted that at the time of exchange he had wished to contract with her; Agnes was unwilling and wanted to wait until he had completed his apprenticeship. In this case the coin was used to demonstrate an interest in Agnes as a potential spouse but, as it was not given with a promise of marriage, the couple had an element of pragmatic flexibility; this enabled Roger to move on to take Isabel Wood as his spouse.³⁵

The question of what happened to courtship gifts upon a relationship split can be addressed using Robert Cely's failed courtship of Joan Hart from 1480. This case involves members of the gentry,

³⁴ Elisabeth transmissa ab eodem Ricardo animo contrahendi cum dicto Ricardo matrimonium casu quo ipse vellet cum ea modo consimili matrimonium contrahere recepit (my emphasis). LMA DL/C/09065, 56r.

³⁵ LMA DL/C/206, 447r.

who were not representative of the majority of people who appeared before the consistory court, and as such the economic value of the things exchanged was an important consideration when it came to how these things should be redistributed. Courtship tokens remained important markers of elite - as well as non-elite relationships- and the question as to what happened to these things had important ramifications for the reputation of the people involved. The relationship appears to have broken off suddenly, at which point Joan Hart sued Robert Cely for breach of promise in the courts.³⁶ The Celys managed to persuade Joan not to bring her case to the consistory court, but only once they had struck a deal. They agreed that Joan Hart could keep the courtship gifts Richard had bestowed on her as well as the gifts she had given him. However, the Celys demanded that she return a girdle of gold with a buckle, a pendant of silver and gilt, a gold ring with a diamond, and a tippet of damask.³⁷ This case not only shows that the value of courtship and marriage gifts could be extremely high, but it is also suggestive of the social value that was placed upon such objects as agents in the advancement of marital matches. Indeed it was only upon the striking of this agreement and the return of the said objects that the relationship was recognised as having officially ended, as shown by Richard Cely's letter to his brother George, 'it is by great labour that the woman that our brother Robert was tangled with, she has made him a quittance'.³⁸ And when George Cely courted the wealthy widow Margery Rython some years later, one of his methods was to shower her and her friends with jewels and expensive gifts – allegedly spending all the stock which he and Richard had inherited - but in this case George was successful and the couple married in May 1484.³⁹

The importance of gender and gendered inequalities in late medieval courtship is of fundamental importance to the study of the gifts that were exchanged as part of this process. Conduct

³⁶ After the affair had ended Robert Cely fled to Calais, but since the Archbishop of Canterbury had jurisdiction over Calais, Robert moved to Bruges to avoid the Bruges in an attempt to avoid the authority of the church court. Alison Hanham, *The Celys and Their World: An English Merchant Family of the Fifteenth Century* (Cambridge: Cambridge University Press, 1985), 87.

³⁷ Hanham, *The Celys and Their World*, 88.

³⁸ *Ibid.*

³⁹ Rachel Moss, 'An Orchard, A Love Letter and Three Bastards: the Formation of Adult Male Identity in a Fifteenth Century Family', in *What is Masculinity?: Historical Dynamics from Antiquity to the Contemporary World*, eds. John Arnold and Sean Brady (Basingstoke: Palgrave Macmillan, 2011), 239.

literature from the later middle ages warned young women of the danger of accepting gifts from young men:

Also that you accept no gifts for any covetousness, Unless you know very well why, else you forsake him soon, For with gifts men may women overcome, Though they were as true as steel or stone. Bound forsooth is she, That takes gifts of any man.⁴⁰

Also, for no coueitise, ȝiftis þat þou noon take; but þou wite riȝt weel whi ellis, soon þou hem forsake, for with ȝhem f men may women ouer goon þouȝ þei were as trewe as steel eiþer stoon, Bounden forsoþe sche is, þat of ony man takip ȝiftis.⁴¹

How the Good Wife Taught Her Daughter, the source of this advice, circulated from the mid-fourteenth century to the late fifteenth, and is one of the few didactic texts to have survived from the period that is explicitly directed at women. This text was read within mercantile households and was used to train and educate the young women who had arrived from the countryside to work as servants in urban households.⁴² The poem was written from the perspective of a mother, giving advice to her daughter about living a modest life, which in the text is intricately connected to her path to marriage.⁴³ The desired effect of late medieval conduct literature was to shape social codes and behaviour in a way that mirrored the social ethos of the period.⁴⁴ These texts were popular as this period saw an increased concern with moral identity and misbehaviour, a concern that was particularly prominent in London.⁴⁵ The above passage highlights a concern that accepting gifts from men whose reputations and intentions were not honest could harm a young women's modesty and reputation. Even women who were 'as true

⁴⁰ Translated by P.J.P. Goldberg, ed., *Women in England, 1275-1525* (Manchester: Manchester University Press, 1995), 100.

⁴¹ *How the Good Wyf Tauȝte hir Douȝtir*, lines 94-100. In Frederick James Furnivall, ed., *Education in Early England*, EETS (London: Trübner, 1867), 40. 'The Good Wyfe Wold a Pylgremage' also warned young women of the dangers of accepting gifts. This warning was included as part of a didactic section on entering into a legally binding marriage. 'Doȝttor, O thing I the forbade: vse not for to swer. Keppe thy hondys and geyfe no trevthe, for weddynggys bythe in wer... A lowely lokyng and a porse makys follys her and ther... When dede ys doun, hit ys to lat be war of 'Had-Y-wyst!'. In Tauno F., Mustanoja, ed., *The Good Wyfe Taught Her Daughter: The Good Wyfe Wold a Pylgremage [and] The Thevis of Gud Women* (Helsinki: Suomalaisen Kirjallisuuden Seuran Kirjapainos Oy, 1948), 174-5.

⁴² Felicity Riddy, 'Mother Knows Best: Reading Social Change in a Courtesy Text', *Speculum*, 71 (1996), 69.

⁴³ Ibid.

⁴⁴ Merridee L. Bailey, 'In Service and at Home: Didactic Texts for Children and Young People, C. 1400-1600', *Parergon* 24 (2007): 26.

⁴⁵ Marjorie K. McIntosh, *Controlling Misbehavior in England, 1370-1600* (Cambridge: Cambridge University Press, 1998); Frank Rexroth, *Deviance and Power in Late Medieval London*, trans. Pamela E. Selwyn (Cambridge: Cambridge University Press, 2007).

as steel' could be undone by accepting gifts from a man, because gifts bound her to a man and 'men ben not trewe, þat kunne fair her wordis schewe'.⁴⁶ The implication of this text is that it was the acceptance of tokens which precipitated greater social scrutiny of a woman's social conduct and potentially cast down her sexual reputation. Conduct literature warned women against initiating relationships, advising them to appear chaste but receptive to male advances under the guidance of their friends and family; and in the narrative strategies deployed by women in consistory court cases we can observe how such warnings were taken on board. For example, the acceptance of courtship gifts on the condition of familial approval was a method used by women to adhere to expectations.

Literary scholars have highlighted the close relationship between concepts of love and the construction of honour in fourteenth and fifteenth century literary works such as Chaucer's *Troilus and Criseyde* and Christine de Pizan's *Lives des Troise Vertus*.⁴⁷ In literary texts objects were exchanged to unambiguously create matrimony; they were an ideal narrative not reflected in the messiness of everyday life. Courtship did not always result in marriage, and love did not always equal marriage. Indeed, Cathy Hume has noted a similar discourse on love and courtly culture in the letters written by John Paston II to his brother John Paston III in their discussion of pleasure that could be attained from the flirtatious atmosphere of a noble household, a culture in which gift-giving was commonplace.⁴⁸ The aim of these flirtations was not marriage but social enjoyment, and (sometimes) even extra-marital sexual relationships. Kim Phillips has suggested that such sexual relationships at the royal court, which often resulted in pregnancies, received little commentary and strikingly few social repercussions for the women involved – such as in the case of Elisabeth Lancaster who fell pregnant with Sir John Holland's child prior to their marriage.⁴⁹

⁴⁶ Furnivall, *Education in Early England*, lines 92-3, 40. Felicity Riddy argued in her seminal article that this text would have been used primarily in a late 15th century London mercantile household. It would have been used to train and educate rural servant girls. Riddy, 'Mother Knows Best', 66–86.

⁴⁷ Cathy Hume, *Chaucer and the Cultures of Love and Marriage* (Cambridge: D.S. Brewer, 2012), 146-7; David Aers, *Community, Gender and Individual Identity: English Writing, 1360-1430* (London: Routledge, 1988), 123; and John Stevens, *Medieval Romance, Themes and Approaches* (London: Routledge, 1973), 51-2.

⁴⁸ Hume, *Chaucer and the Cultures of Loves*, 148.

⁴⁹ Phillips, *Medieval Maidens*, 154-5.

Objects were not just a feature of courtship and marriage negotiations, they were also used to bring about sexual relationships. John Paston II, for example, wrote to his brother Sir John Paston III to ask if Jane Rotherham had received his ring, and wrote that he hoped, ‘ye shall geet me thank moore than the ryng and I are worth ore deserve’.⁵⁰ The implication of the sentence, ‘Ye will get more from this ring than I deserve’, was that Jane Rotherham’s acceptance of it would anticipate the formation of a sexual relationship.⁵¹ In late medieval London, Shannon McSheffrey has highlighted a disparity between the sexual morality of the court and that of the city, as civic records indicate that a tightening of social regulation demanded stricter social behaviour as self-governance came to represent political and social authority.⁵² Sexual reputation and politics were highly gendered in later medieval London, and women often claimed a loss of marriageability as a result of sexual defamation.⁵³ As John Paston II’s letter indicates the acceptance of tokens suggested the formation of a relationship that could be sexual. And without a witnessed consent the nature of such a relationship was in doubt

The acceptance of tokens prior to a more public declaration of consent was a social worry, particularly concerning the reputation of young women. As in everyday life there was often a thin line between legitimate courtship aimed at marriage, and short-term sexual relationships. To help preserve the reputation of the courting couple it was expected in late medieval society that courtship would be witnessed by the couple’s family, friends and acquaintances.⁵⁴ And to keep the development of romantic relationships public, courtship often took place in public places such as churches, but also in inns or shops, or within the potential bride’s household.⁵⁵ Although more rural areas within the diocese seem to

⁵⁰ Norman Davis, ed., *Paston Letters and Papers of the Fifteenth Century* (Oxford: Clarendon Press, 2004), 1:452.

⁵¹ Young men of John Paston II’s status had a reputation for this type of behaviour. In 1479 George Cely was stationed in Calais where he lived with his mistress, a certain ‘Lady Clare’, and in 1482 his brother Richard impregnated a woman called ‘Em’. Cited in Moss, ‘The Formation of Adult Male Identity in Fifteenth Century Family’, 232-3.

⁵² Shannon McSheffrey, *Marriage*, 166-174, and in particular 173.

⁵³ Shannon McSheffrey, *Marriage*, 177.

⁵⁴ McSheffrey, “‘I will never have non ayenst my fader’s will’”, 158-64.

⁵⁵ Shannon McSheffrey, ‘Place, Space and Situation: Public and Private in the Making of Marriage in Late Medieval London’, *Speculum* 79 (2004): 973-85.

have offered less variety of places for courtship, couples often met in semi-public areas such as fields,⁵⁶ fairs,⁵⁷ and in neighbouring households.⁵⁸

Recalling Courtship

In *Amoryus and Cleopes* the lovers first catch sight of each other and exchange mutual affections during a religious ceremony.⁵⁹ Likewise in practice, church services also provided an ideal setting for couples to meet and communicate their intentions of courtship. To give an illustrative example, in May 1482 Richard Cely met the daughter of Thomas Limerick in a meeting orchestrated by a family friend of the Celys, called William Midwinter. Richard expressed an interest in courting this young woman after hearing that she would receive £40 a year from her family. The meeting itself took place during mass when Richard sent a pot of wine to the Limerick family, and it was only after this exchange that he approached her.⁶⁰ The way such flirtations were conducted was also commented upon in didactic literature. For example, in *The Book of the Knight of the Tower* (printed as an English translation of the original French in 1493),⁶¹ advising against flirtation at church: ‘no body shulde do that orible synne of the delyte of the flesshe in the chirche’. Moreover, men should not ‘loke nor behold maide ne woman’, unless ‘by thought and weye of maryage’.⁶² Thus whilst the church may have been a scene for meeting potential lovers, the gazes and introductions had to be ‘performed’ with an earnest intention of matrimony, lest they be mistaken for lust. The act of gazing for the sake of sexual or flirtatious enjoyment was thought to be inspired by the devil, as with ‘suche folisshe fals lokes, he temptithe and

⁵⁶ Joan Corney and Robert Philipson were reported to have exchanged words of marriage in a field called Coxlond, in the parish of Raleigh, Essex. LMA DL/C/09065, 52v.

⁵⁷ O’Hara has argued that a number of tokens were purchased at fairs, and it is likely that their exchange would also have taken place in situ. *Courtship and Constraint*, 68.

⁵⁸ DL/C/207, 72r-v, and 147v-149r.

⁵⁹ Metham, *The Works of John Metham*, 30.

⁶⁰ Hanham, *The Cely Letters, 1472-1488*, 151-2. See also Rachel Moss, ‘An Orchard, A Love Letter and Three Bastards’, 231.

⁶¹ A hybrid collection of four Caxton texts, including *The Book of the Knight*, and dated to the beginning of the sixteenth century is thought to have belonged to a number of different Londoners: including Richard Story, a citizen and fishmonger of London. Julia Boffey, *Manuscripts and Print in London, c. 1475-1530* (London: The British Library, 2012), 76-77.

⁶² *The Book of the Knight of La Tour-Landry*, ed. Thomas Wright, EETS (London: Kegan Paul, Trench, and Trübner, 1906), 36:52.

enflamithe, and makithe hem to falle in the foule orible synne of lechery'.⁶³ Because the late medieval parish church was a popular site for all forms of social activities, including meetings between would be lovers, we see an anxiety in didactic literature about the liminality between 'legitimate' courtship and the creation of less savoury liaisons.

Despite this anxiety about the propriety of pre-marital relationships, one of the first signs of courtship commented on by witnesses in marital litigation was a noticeable increase in intimacy between men and women. In particular, certain words, gestures of intimacy and food were also seen as importance signifiers of courtship.⁶⁴ In 1522 Thomasina Hardwyn said about the courtship of Joan Cresset and Robert Wyer in St Margaret's, Westminster:

In the morning of certain day between the festival of Saint John the Baptist and St Thomas the Martyr, Joan Cressett came to this witness' house and asked this witness ' where doth Robert Wyer dyne to day' and she responded 'at London I trowe he dyneth' and Joan said ' when I wulde talke with hym then he ys owte off the way and when he wolde talke with me than i can have no leysir wherfore i pray yow goodwyff gyllham to bedde Isabel to goo unto hym and to pray hym to tary at home'. Joan later said to Thomasina ' so yt ys i love this man well and yff he doo nott love me so well ageyn then my love ys lost' the witness responded ' dowbte not mastres Joan butt he lovyth yow as well agayn as yow do hym' and she responded 'by my trowght goodwyff gyllym i wall hav hym or else I will never have none'. Later they spoke to Robert, and Thomasina said 'what doo yowe tweyn fell' and in response Robert Wyer took Joan and kissed her saying ' well godbe wyth you i wyll goo walke you to the felds', and Joan said 'nay tarry master Robert ye shall knowe more soon ' and this witness said 'come Robert we twayn wyll goo playe at the tabbles the whyles for a pennyworth off strawberries' and Joan said ' and i wyll goo geyther them', then Joan left. After a little while this witness and Robert went into the hall of this witnesses' house, and they played at the tables, and then Joan came in and sat at a table away from Robert. Robert saw Joan

⁶³ *The Book of the Knight*, 57. For further comments on sinful looking in the *The Book of the Knight* see Cathy Hume, *Chaucer and the Cultures of Love and Marriage*, 163-164.

⁶⁴ In late medieval French calendars, courting couples were often depicted holding hands; and Sara Gordon has argued that this foreshadowed the body language of the betrothal and marriage ceremony. Modesty was retained as couples held hands but kept their bodies firmly apart. Idem, 'Reading and Imagining Family Life in Later Medieval Western Europe' (D.Phil., University of Oxford, 2016), 66-7.

and said 'my thynke ye love me nott mastres Jane to sytte so fere from me', and then Joan left her table and went to Robert saying ' and i lowyd yow nott i wolde not doo as i doo' and Robert responded ' and yff ye love me well fare you come'⁶⁵

The ambiguity of courtship is emphasised here, with Joan and Robert repeatedly asking the other for signs of commitment, making the emotional anxiety of the time before a contract of marriage the prevalent aspect of this case. According to Thomasina Hardwyn, Joan and Robert made repeated attempts to elicit an emotional response from the other, guided by a concern to preserve their reputations. Joan told Robert that she would not accept a token from him, because she had promised her mother she would not accept a token from any man. This refusal to accept a token was, according to Thomasina, interpreted by Robert as a lack of commitment, when he wished to be 'at a point with Joan'. The events described in the passage above took place during this period of emotional limbo, when both Robert and Joan had expressed an interest in the other, but a commitment to marry had not yet taken place. In its place, the couple used words and gestures to display, and prompt, further signs of commitment. Joan asked Thomasina to intercede with Robert so that the couple could arrange a meeting, with the implication that it would be to discuss their courtship. Upon meeting, they exchanged words of love and commitment, followed by a kiss, mirroring the exchange of consent; although the actual words used by the couple were ambiguous. This suggests knowledge of the importance of specific words to create a marital union, but also that ambiguous words of consent could be used as part of courtship.

Immediately after this exchange, Robert said that he would walk Joan to the fields, meadows and open grassland, common sites for courtship in open and rural areas. Joan declined, presumably to preserve her modesty, and insisted that she would pick strawberries by herself. The party then reconvened to play at 'le tables' in Thomasina's house, where Robert Wyer chastised Joan Cresset for sitting away from him, saying she could not love him because of her lack of intimacy. Thomasina

⁶⁵ LMA DL/C/207, 147v-49r.

Hardwyn linked courtship behaviour to verbal expressions of emotion and physical intimacy, and with a movement from private to more public declarations.⁶⁶ The development of intimacy, whether through the exchange of gifts or gesture, was thus a recognizable sign of the procession of a pre-marital relationship. However, intimacy between unmarried couples was discouraged in didactic works and was seen to harm not only the reputation of its participants but also the morality of wider society.⁶⁷ For example, in Peter Idley's *Instructions to his Son*, from mid-15th century London, the author explained how 'in Englon d ys now a comun custome, kyssyng off woman and þem handle and touch; and off yt myche synn doth arysse and come'.⁶⁸ Intimacy was an accepted part of marriage making, but as such advice shows, it had the potential to be misinterpreted and could damage the reputation of the couple involved. Furthermore, as such acts of intimacy often prefigured the actions expected during the exchange of consent, it is understandable how miscommunication, in regard to how advanced a relationship was, could occur.

In medieval society food was used to create social bonds and was an accompaniment to negotiations, whilst the sharing and consuming of food was also seen to symbolise the making and cementation of new relationships in general.⁶⁹ Thus the exchange and sharing of food was seen as a further important signifier of courtship, with food acting as a form of consumable gift. In late medieval and early modern English political society food was the mostly commonly exchanged commodity, and the gift relationship could in fact be said to be at its most explicit in the case of food.⁷⁰ This is because of its direct association with ideas of hospitality and generosity. The giver can prepare the gift, whilst the recipient can return the favour and display gratitude through consuming the gift.⁷¹

⁶⁶ In her study of early modern courtship O'Hara has likewise noticed the importance physical intimacy in the making of marriage. Idem, *Courtship and Constraint*, 58.

⁶⁷ McSheffrey, *Marriage*, 178-82.

⁶⁸ Charlotte D'Evelyn, ed., *Peter Idley's Instructions to his Son* (London: Oxford University Press, 1935), 2:2787-9.

⁶⁹ C. M. Woolgar, *The Culture of Food in England: 1200-1500* (New Haven: Yale University Press, 2016), 126-7.

⁷⁰ For a discussion of food as gift see Felicity Heal, *The Power of the Gift, Gift Exchange in Early Modern England* (Oxford: Oxford University Press, 2014), 35-43.

⁷¹ Heal, *The Power of the Gift*, 36.

Eating as one is furthermore a powerful symbol of the ‘togetherness’ of a courting couple and was used by witnesses to make what could well have been early courtship seem as though it was in fact the more formal making of a marriage. In 1488 Thomas Anne stated that two weeks before the Feast of the Epiphany he saw Robert Philipson and Joan Corney near a field called Coxlond, in the parish of Raleigh in Essex, talking and eating a certain flan. He said that he stood two cart ways’ width apart from them and heard Joan implore Robert that they be immediately wed, and that they agreed they would ‘wedde’ within the fortnight.⁷² The details of Thomas’ recollection of the meeting that took place between Joan and Robert reinforces the legitimacy of his memory and argument, and this can be seen in his description of the setting, the actions of the couple, and the witnesses’ own actions. Firstly, Thomas describes how he overheard the couple’s words not by his own design, which would imply eavesdropping, but because he passed by them on his way to work in the mill on the other side of the field.⁷³ Furthermore, in the description of his encounter with the couple he describes how he saw them talking and eating a flan together, an action which appears innocent but also had certain social implications. Food symbolised the courting couple and implied an element of preparation for their meeting. The origin of the flan is not stated but we can infer that it is most likely to have come from Joan, who presumably prepared it and gave it to Robert with the expectation that they would consume it together. A similar case can be found in the 1455 Florentine marital dispute between Giovanni and Lusanna; a peasant testified that he saw the couple collecting salad together for a meal and inferred that they were married.⁷⁴ Brucker tied the alleged collecting and sharing of food by Giovanni and Lusanna to

⁷² The precise words he claimed to have overheard were: ‘whyle it is so forward as it is between us I pray to you let us be wedded for I shal have much anger specially with my dame’. The term ‘wedde’ probably refers to the official church solemnisation ceremony, or wedding, rather than a public exchange of consent. LMA DL/C/09065, 52v.

⁷³ Witnesses often adopted the guise of the accidental passer-by in their testimony, as eavesdropping was seen as a social misdemeanour. For further discussion see L.R. Poos, ‘Sex, Lies and the Church Courts of Pre-Reformation England’, *Journal of Interdisciplinary History*, 25 (1995): 601-3. Marjorie McIntosh discusses how eavesdropping was seen as socially harmful in ‘Finding Language for Misconduct: Jurors in Fifteenth Century Local Courts’, in *Bodies and Disciplines: the Intersections of Literature and History in Fifteenth-Century England*, eds. Barbara A. Hanawalt and David Wallace (London: University of Minnesota Press, 1996), 93.

⁷⁴ Gene Brucker, *Giovanni and Lusanna: Love and Marriage in Renaissance Florence* (London: George Weidenfeld and Nicolson, 1986), 22; and Daniel Lord Smail, *The Consumption of Justice: Emotions, Publicity and Legal Culture in Marseille, 1264-1423* (London: Cornell University Press, 2003), 101.

the rural background of the five witnesses who reported these scenes.⁷⁵ However, using food as a courtship gift in the diocese of London was not a predominantly rural phenomenon.⁷⁶

Because courtship was an ambiguous process trust was a crucial component of the exchange of pre-contract tokens; indeed, reputation and trustworthiness were crucial to the maintenance of social cohesion in later medieval society.⁷⁷ Tokens were often transferred between lovers via go-betweens in late medieval London. The people chosen to carry messages were usually friends and servants, people who could be trusted to deliver a message as intended. For example, in 1521 Thomasina Baker went to see her neighbour Joan Lincoln to ask her to help her in her courtship of a certain Henry Forrest, because as Thomasina said to Joan, ‘there is none that I dare trust so well as yow, I trust you as a sister’.⁷⁸ When men used male go-betweens they also picked trusted companions, or mutual acquaintances. For example, when John Tailour courted the widow Agnes Fry in 1487, his go-between was Robert Swete, a long-term friend of Agnes and her former husband John Fry.⁷⁹ On the other hand, Agnes Agar was a twenty-two year old still living with her father when she was asked by Mark Patenson to solicit Margery Flemmyng in his name; Agnes was presumably chosen by Mark because she had known Margery for sixteen years and would be able to exchange his token without arousing suspicion.⁸⁰ Go-betweens tended to be people who had established social ties to both parties, allowing them to move between the courting couple without arousing gossip. Trust was important to ensure that gifts and messages were given in accordance with the wishes of the sender and messengers were often required to communicate the intention of the gift-giver and would be given specific instructions about their task. Quentin Brakvale told the consistory court that John Arnold asked him to deliver a pair of beads and a groat to Marion Filders, and to ask her to keep her promise to him, which Brakvale

⁷⁵ Brucker, *Giovanni and Lusanna*, 22.

⁷⁶ As well as the cases cited, urban examples of the use of food as a courtship gift include: *William Heley c Joan Kenryk*, 1469. In Joan’s defense depositions she said that William Heley had given her a gilt ring and a ham via go-between. We do not have parish for Joan but one of the plaintiff witnesses, Richard Gylle lived in St. Peter Cornhill in the City of London, LMA DL/C/205, 48r, and 49r-v.

⁷⁷ For a discussion of trust in the administration of the later medieval church see Ian Forrest, ‘Trust and Doubt: The Late Medieval Bishop and Local Knowledge’, *Studies in Church History* 52 (2016): 164-185, and Idem, *Trustworthy Men: How Inequality and Faith made the Medieval Church* (Princeton: Princeton University Press, 2018).

⁷⁸ LMA DL/C/207, 72r-v.

⁷⁹ LMA DL/C/09065, 20r.

⁸⁰ LMA DL/C/09065, 82v.

reported she had.⁸¹ Anne Isaac was asked by Thomas Purcyvant to give Alice Petit a gold ring, which Anne was asked to deliver ‘freely’.⁸² Anne Isaac added, when prompted by a court official, that she believed Thomas had sent it to Alice because he loved her and intended to contract with her.⁸³ The people who were engaged as go-betweens had to be trusted to deliver these tokens with the correct message and by engaging in these courtship rituals they became active participants in negotiations of marriage. Therefore, whether a token had been accepted as a token of marriage was vital not just to the development of a relationship but as evidence of a woman’s consent to the process. Their reputation had to be impervious to doubt should the courtship or marriage be questioned.⁸⁴

Gossip about how a marriage had been formed made the ambiguous stage of courtship open to rival interpretations and local opinions in the memories of witnesses. The importance of gossip and the questioning of a person’s reputation was vital to determining the truth of an alleged marriage. And if a couple were rumoured to have contracted in private, a meeting could be called to settle the matter informally through arbitration. Such a meeting between two parties would take place (sometimes under the guidance and advice of friars or other important men of the parish) to determine whether a valid exchange of consent had taken place.⁸⁵ A good example of how gossip, the questioning of social reputation, and the making of marriage coincided can be shown by John Pollyn c. Agnes Parker, a case in which a failed arbitration features prominently. In 1487, Agnes Parker admitted that John Pollyn had, on many occasions, spoken to her about contracting marriage between them but argued that she had told him that she would be governed by her parents and her friends. She admitted giving John Pollyn a

⁸¹ LMA DL/C/09065, 139r-v.

⁸² LMA DL/C/206, 12r.

⁸³ LMA DL/C/206, 12r.

⁸⁴ To give an illustrative example, John Harries challenges the testimony and trustworthiness of Margaret Smith, alias Morgan, because of her ill fame and reputation. He reported that in 1491 she had been expelled from the parish of Fenchurch alongside 40 prostitutes and bawds. LMA DL/C/09065, 89r-v.

⁸⁵ Richard Helmholz, *Marriage Litigation in Medieval England* (Cambridge: Cambridge University Press, 194), 191. Arbitration prior to an appeal to the courts was probably quite common. McSheffrey noted that in the ecclesiastical court of the Abbey of Whalley, which held a peculiar jurisdiction over parts of Lancashire, at least one case of 1524 was committed by the Commissary to arbitration by a panel of laymen, and the judgement in the case was given ‘with the counsel, assent and consent (cum consilio, assensu, et consensu), of the arbitrators’. Alice M. Cooke (ed.), *Act Book of the Ecclesiastical Court of Whalley, 1510-1538* (Manchester: Chetham Society, 1901), 93, cited in McSheffrey, *Marriage*, 112. A 1326 marriage case from York featuring evidence of pre-trial arbitration has been discussed by Frederik Pedersen in, *Marriage Disputes in Medieval England* (London: Hambledon, 2000), 111-6.

silken lace, and that he had given her a finger ring and two offering pennies but denied Pollynn's libel that they had contracted marriage.⁸⁶ The depositions of Pollynn's witnesses have not survived, but we do have three depositions discrediting Thomas Cordrey, and his evidence about Agnes Parker's and John Pollynn's alleged marriage. Thomas Sele, a husbandman from Twickenham, said that on a Sunday during Lent, 1487, John Selot called him over, between Matins and Mass, to assist in arbitration taking place in the cemetery of Twickenham parish church. There, John Selot and two other men were questioning Thomas Cordrey as to whether he knew of a contract of marriage between John Pollynn and Agnes Parker, exhorting him to tell the truth as if he were sworn to testify before a judge. Thomas Cordrey then swore by his faith that he knew of no contract of marriage between the couple and swore that he would not testify about any contract of marriage between them.⁸⁷ Thomas Sele proceeded in his testimony to tarnish the reputation of Thomas Cordrey, referring to him as 'a man of loose tongue and a liar, for which he was expelled from the parish of Isleworth'. The question of how John Pollynn had bestowed gifts on Agnes Parker was one aspect of a complex case in which the reputation of its actors was challenged and defended. A comparison can be drawn with the scholarship on church court litigation records involving defamation and sexual offenses, in which there is a complex navigation between the public and the private, and witnesses justified their role as innocent witnesses, as opposed to a purposeful 'peeping Tom'.⁸⁸

As a rule, it was men who initiated courtship through the exchange of gifts, and McSheffrey has argued that direct action by women during courtship was ineffective and often to the detriment of a

⁸⁶ Johannes sepius allocutus est istam juratam pro matrimonio inter eos contrahendo et ista jurata dixit quod voluit gubernari secundum parentes et amicos suos et aliter non... ista jurata donavit dicto Pollynn unum laquear de cerico et ipse donavit huic jurate unum anulum, ii denarios plicatos. LMA DL/C/09065, 24v.

⁸⁷ Johannes Selot advocavit ad se in cimiterium ecclesie parrochia de Twyknam predicta post matutinas finitas et ante missam in cimiterium dicte ecclesie Thomam Cordrey et subsequenter ac immediate istum juratum, Johannem Ward, Johannem Thaccum, et rogavit istum juratum et dictos Johannem Ward et Johannem Thaccum ad perhibendum testimonium de verbis movendis per eum adtunc ibidem et de responso dicti Thome Cordrey et ibidem coram isto jurato et dictis Johanne Ward et Johanne Thaccum idem Johannes Selot interrogavit prenominatum Thomam Cordrey an unquam scivit de aliquo contractu matrimoniali inter dictos Johannem et Agnetem Parker et horabatur eum instanter quatenus diceret adtunc coram eis veritatem ac si juratus deponeret coram aliquo iudice qui, sic interrogatus, dixit et juravit per fidem suam quod nunquam scivit vel novit de aliquo contractu matrimoniali inter eosdem et quod nunquam vellet testificari de aliquo contractu prout ibidem juravit per fidem suam. LMA DL/C/09065, 24v-25r.

⁸⁸ McIntosh, 'Finding Language for Misconduct', 89; and Poos, 'Sex, Lies and the Church Courts', 605-6.

woman's reputation.⁸⁹ Women who initiated relationships were chastised in conduct literature for their over-familiarity. For instance, in William Caxton's translation of *The Knight of the Tower*, a man rejected a woman because of her pertness and lightness of manners, a perceived sign of inner sexual wantonness; the knight's lesson was that marriages could be destroyed by indiscreet women who spoke too much.⁹⁰ An interesting example of this can be found in the case *Robert Philipson c. Joan Corney* dated March 1489. The plaintiff's witness, Thomas Anne, portrayed Joan's behaviour as rash and the gifts that were allegedly exchanged between the couple played an important role in his denunciation. He alleged that Joan told him that she had received a gift from Robert, namely a pair of socks (pedicarium), and that she had, in exchange, offered Robert 30d, a ring and a pair of gloves but that he had refused them.⁹¹ Social rules on gift giving were complex and interconnected with the expectation of gendered behaviour. In both his witnesses' testimonies Richard is described as having turned down Joan's offer of a gift, not because they wanted to give the impression that Richard had not contracted with Joan but because it was part of their narrative dismantling of Joan's testimony, by labeling her as rash and impulsive. Reputation – so central to how courtship and its gifts were remembered and interpreted – was tied to a person's conduct, and this was especially the case when it came to relationships between the sexes. We have examined how courtship was initiated and sustained through the exchange of gifts, objects being used to create intimacy whilst maintaining one's own good reputation. Richard Cressy and Joan Scrace's courtship has demonstrated how the meaning or register of the gift developed in line with the maturation of a relationship. At some point a couple had to decide if they wished to move from a position of courtship towards a commitment to matrimony. We will now turn to marriage dispute cases in which the lines between courtship and consent were particularly ambiguous, cases in which it was implied or suggested that a couple had exchange marriage consent in private prior to a more socially and legally valid public declaration.

⁸⁹ McSheffrey, *Marriage*, 49.

⁹⁰ The knight's assumption of this 'pert' woman is proved correct when less than a year later she was embroiled in a sexual scandal and died soon after. Wright, ed., *The Book of the Knight*, 18-19.

⁹¹ LMA DL/C/09065, 52v.

Private Consent and the Exchange of Tokens

Private consent was only legally admissible if both individuals admitted to it but given that these cases are the result of a dispute it is clear that disagreement as to whether consent had been exchanged was relatively common. A number of cases from the consistory court featured the exchange of consent in which one of the couple was unaware that they had been overheard, and thus believed that their words were not legally binding.⁹² When a disagreement arose, we find that not only were objects used as evidence of mutual consent but that they were more generally regarded by friends and family as an indication of marital commitment; and were seen as implicit evidence that a couple had reached an accord. The register of these gifts is very different from contract gifts which are distinctive because of their dual role as both private and public facing tokens of a marital promise. As a result, we find that ambiguity remains a strong feature of these private tokens of consent because their meaning was more easily contested given the private and intimate setting of their exchange.

The sharing of food was sometimes used as evidence of consent. Agnes Vaghan recalled in 1487 that five years previously she had witnessed a covert exchange of consent between Beatrice Smyth and John Crote whilst John was convalescing within the bell tower of the parish church of St. Michael Queenhithe.⁹³ Beatrice Smyth had visited John Crote on his sick bed and sat on his bed to exchange marriage consent. Agnes Vaghan stated that Beatrice Smyth had then left but returned an hour later with a caudle of almonds, which she fed to John Crote whilst consoling him.⁹⁴ There is a suggestion that Beatrice Smyth may have manipulated John Crote into exchanging consent, indeed Agnes Vaghan stated that Beatrice had trod on her foot prior to John Crote's admission of consent, to remind her to bear witness to the exchange. Nevertheless, this contract would not have been legally binding as only

⁹² For example, Alice Parker's case against Richard Tenwinter in 1488. LMA DL/C/09065, 2r-v.

⁹³ LMA DL/C/09065, 35r-v.

⁹⁴ Et accessit ad eundem Johannem et sedebat super latus lecti in quo idem Johannes jacuit, et tunc idem Johannes extendit manum suam et apprehensa manu dextera prefate Beatricis, dixit eidem sic in anglicis, 'Beatres I forsake al the world save you to my wife and therto I plizt you my trouth', et ipsa respondebat eidem sic, 'And al the world I forsake save you Jon to my husbond, and therto I plizt you my trouth'. Et tunc dictus Johannes dixit quod quamcito convalesceret vellet solemnizari facere matrimonium inter eosdem et post aliquales alias comunicaciones habitas inter eosdem, dicta Beatrix recessit ab eadem camera et ibidem dimisit istam juratam cum eodem et post aliquale intervallum quasi per spacium unius hore revenit dicta Beatrix ducens secum unum caudel de amigolis et consolans. LMA DL/C/09065, 35r-v.

one person witnessed it.⁹⁵ Whatever Beatrice's intention, the act of feeding symbolised her acceptance of the spousal role as advised by the Sarum Rite which dictated that an important part of a woman's wifely duties was to cheerfully provide bed and board.⁹⁶

Certain objects such as rings were synonymous with marital consent (as we shall see in the following chapter) and seen as signs that a couple may have exchanged words of consent in private or were at a point where they were heavily invested in a given relationship. For example, in the case of *Mark Patenson c. Margaret Flemmyng* from 1491, Agnes Agar told the court that she had seen a certain gold or gilt ring in Margaret's hands, and had asked her about it. Margaret told her that 'Mark had given it to her in the name of marriage'.⁹⁷ Agnes Agar's testimony provided evidence that Margaret was invested in this match and, according to Agnes, Margaret had then asked her to solicit Mark to contract marriage with her.⁹⁸ The ring, and Margaret's wearing of it, was evidence that the couple had either exchanged private words of consent or intended to. Agnes also told the court that Mark Patenson had told her that Margaret had given him a further gold or gilt ring, known as a *gimmel* (see pages 51-2 for the iconographical significance of the *gimmel* ring) in the name of marriage.⁹⁹ The iconography of this ring and Mark's statement that it had been given as a marriage token was used as tangible evidence of Agnes's claim that Margaret was invested in the marriage. In this case the wearing of a gifted token was an implicit invitation to pose questions about the recipient's relationship status and the meaning ascribed to the worn object. Objects could act as devices to legitimise the questioning of courting couples about their relationship status, and subsequently used as evidence in determining whether a couple might have exchanged words of consent in private.

Agnes Eston's marriage case against John Crosby in 1494 hinged on the exchange of a number of valuable gifts, which were used as evidence of his marital consent and intention. 1494 Agnes Eston,

⁹⁵ Canon law required the presence of two trustworthy witnesses to prove the validity of an exchange of marriage. On canon law's procedure regarding proof see James A. Brundage, *Medieval Canon Law* (London: Longman, 1995), 93.

⁹⁶ McSheffrey, *Marriage*, 45.

⁹⁷ LMA DL/C/09065, 82v.

⁹⁸ LMA DL/C/09065, 82v.

⁹⁹ LMA DL/C/09065, 82r.

who alleged that the couple had contracted marriage, sued John Crosby. The evidence that the couple had exchanged words of consent was based on hearsay, with witnesses alleging that three years previously Crosby had frequently visited Agnes Eston and that they communicated with ‘familiarity’, often in her private chamber.¹⁰⁰ Thomas and Alice Spencer said that John had given Agnes money for her upkeep and proclaimed that he and Agnes were ‘man and wife before God’.¹⁰¹ McSheffrey has highlighted the gendered and socio-economic context of this case in terms of the marital strategies pursued by women and their guardians. The Spencers were Alice Estons’ guardians and were complicit in her apparent seduction, a high-risk strategy whereby their ward’s sexuality was exploited in an attempt to secure socio-economic advantage through a relationship with John Crosby.¹⁰² This case seems to provide evidence of a pre-marital sexual relationship between Agnes and John, in which the associated social risks seem to have been pushed aside with the possibility of Agnes marrying John Crosby.¹⁰³

Whatever the reality of Agnes Eston and John Crosby’s relationship, Agnes and her supporters used two objects as proof of John’s intention to marry her. The papal notary, and proctor for marriage appeals to the papacy, William Dawbeney, testified to John Crosby’s acknowledgment of the contract and said that John wished to sell a gold chain worth £50 to raise the funds for the marriage.¹⁰⁴ Dawbeney had asked Crosby of his intention towards Agnes and he replied: ‘this chain, my goods, and my body are hers, because she is my wife before almighty God’. The economic value of this gold chain and John Crosby’s wish to sell it was used as proof of his good intentions to pursue the marriage, as the money raised would have been used to pay for the wedding and the necessities of domestic life. Furthermore, Alice Spencer alleged that in mid-November 1492 John Crosby had asked Agnes Eston why she did not wear the gold ring he had given to her, and she responded that it was not in her power to wear such a ring. John had responded by putting the ring on her finger and telling her to wear it out of love for him.

¹⁰⁰ LMA DL/C/09065, 208r.

¹⁰¹ LMA DL/C/09065, 201r-v, and 201v-202r.

¹⁰² John Crosby was the son of the wealthy alderman Sir John Crosby, McSheffrey, *Marriage*, 71-2.

¹⁰³ McSheffrey, *Marriage*, 71-2.

¹⁰⁴ LMA DL/C/09065, 207r. McSheffrey, *Marriage*, 71.

A few months later, during Christmas, John and Agnes had acknowledged that they were man and wife. Both chain and ring were described as an externalization of John Crosby's consent to marry Agnes Eston, but their materiality and purpose as proof of marriage were subtly different. The social value of the chain as proof of marriage was dependent on its alleged economic value. John Crosby's intention to sell it was used as proof of his marital intention and commitment. The exchange of the ring, however, provided proof of the intimate connection between John and Agnes, and was evidence that the couple may have exchanged words of consent in private. Legally, objects were insufficient proof without a witnessed exchange of consent. John Baynard told the court that he had advised Agnes Eston that she should have many trustworthy witnesses to the contract, but Agnes had replied 'I trust him greatly'. A misplaced trust but one suggestive that many women may have been persuaded to exchange private words of consent in lieu of more public ones, to demonstrate their faith in their intended spouse and because they had been persuaded of their commitment by the words and gifts they had bestowed.

Objects associated with contract were often not enough to persuade people of earnest marital intention. For example, in 1522 Thomas Robinson went to see Joan Watson with the aim of persuading her to demonstrate her consent to marry a certain Giles Slater. He brought with him a gold ring set with a stone given to him by Giles Slater. Giles appears to have made or commissioned the ring as a betrothal ring: a physical embodiment of a marital promise, purposefully created to be given to the woman whom he wished to wed, to be worn only by his wife as a vow of marriage. The animation of such a marriage token was the time when a chosen recipient placed it upon their finger: 'put it on your finger and so made a vow'.¹⁰⁵ Thomas said to Joan that this ring 'maister Giles [sent] unto you desiring yow to take this *ryng* and put it on your finger and so made a vow that when he putt this stone in it he wold geve it to no person but they should so say wit ytt'.¹⁰⁶ Joan Watson refused to receive it, and responded 'I wyll recyve non of yow but dsyre hym to me hym self and I will be gladd to recybe yt upon

¹⁰⁵ Murray, *Love, Marriage and Family*, 264.

¹⁰⁶ LMA DL/C/207, 129r-130r.

hym'.¹⁰⁷ She refused to accept the ring because it was being presented to her not by Giles, but by a go-between. Thomas Robinson told the court that Joan Watson was willing to accept the ring provided Giles Slater personally gave it to her. This case demonstrates how the relationship between the object and its exchange during negotiations of marriage was perceived as crucial. And, Joan Watson's hesitation suggests that whilst the acceptance of this ring would have been a strong public statement of marital intention, it was not as legally or socially cogent as a public exchange of consent.

A similar scenario appears in a consistory court case from 1522. Thomasina Hardwyn (who appears to have been the only witness to this exchange, falling short of the two required for proof of consent) recalled Jane Cressett initially refusing to accept a token from Robert Wyer 'in the waye off matrimony', saying 'i have promised my mother that i woll never take a tokyn off any man'. From what follows it appears that Jane Cressett's refusal to accept this token was because it was not given alongside words of consent, and to this Robert Wyer is said to have responded by saying 'Jane, yff we two shuld make a bonde of matrimony ye must forsake father and mother for my love, and i wyll for your sake for sake all the world'.¹⁰⁸ It is at this point that the couple exchanged consent and gifts. This case highlights two things. Firstly, that the act of accepting a gift was described by some as transformative to a relationship and the identity of its participants, and this seems to have been particularly the case for young women. Here, it appears that the words of consent exchange alongside gifts was recognised as sufficient proof of marital intention, despite a legally insufficient number of witnesses.

For women in particular there was a danger that the accepting of a marriage gift could damage their reputation, and women like Joan Watson might have been cautious about accepting tokens outside a public ceremony of consent. *Robert Campyon c. Ann Leventhorp*, a case heard in the consistory court in 1512, exposed how rumours about courtship and 'clandestine' marriages could originate with the alleged exchange of gifts.¹⁰⁹ There are three surviving witness depositions from this case as well as two defense

¹⁰⁷ LMA DL/C/207, 129r-130r.

¹⁰⁸ LMA DL/C/207, 147v-149r.

¹⁰⁹ For a discussion of the impact of rumours and gossip on legal cases see Chris Wickham, 'Gossip and Resistance Among the Medieval Peasantry', *Past & Present* 160 (1998): 3-24; and on the distinctions between *publica/privata fama*, idem, *Courts and Conflict in Twelfth-Century Tuscany* (Oxford: Oxford University Press, 2003), 283.

statements made by Anne Leventhorp herself.¹¹⁰ All the plaintiff's witnesses recalled being present when Robert Campyon asked Anne Leventhorp whether she was free to marry him, and whether it was true that she had received gifts from a certain Master Huntington. The rumours of gift exchanges between Ann Leventhorp and Master Huntington were of sufficient importance to call into question her freedom to exchange consent with someone else. William Jenyns said he was at Chorley Hall in Hertfordshire in 1512 and asked Ann if she wanted to take Robert as her husband, to which Anne replied, 'ye by my faith and trowth so that I may be delivered of certayn tokyns which I have receyved of master Huntynon'. Robert Campyon was alleged to have responded with the words, 'by my faith and troth I will non have woman to my wife but you' and followed this statement by giving Ann Leventhorp a certain gold ring with a gem. Immediately after this exchange Ann handed the tokens she had received from Huntington to William Jenyns who then travelled to London to return them to Huntington, with the implication that now she had returned Huntington's tokens she was free from any obligation to him. Similarly, in the case of Herbert Rowland against Elizabeth Croft from the spring of 1494, a witness claimed that Elizabeth's sister, who was unhappy at the match, instructed her sibling to 'dilever hym suche tokens as he hath gevyn yow and then he hath done with yow'.¹¹¹

If we return to *Robert Campyon c. Ann Leventhorp*, William Jenyng's testimony suggests that Ann had partly exchanged marriage consent, albeit an ambiguously worded one, with Robert Campyon in order to evade the rumoured relationship with Huntington. An exchange of consent with Robert Campyon, the acceptance of his ring, and the return of Huntington's tokens were acts which were executed with the aim of unambiguously ending her association with her former 'lover'. Ann Leventhorpe, however, denied that she had exchanged consent with Robert Campyon.

Campyon's marital suit ensured that the rumours concerning Ann Leventhorp and Master Huntington entered the legal record, and these rumours were of sufficient concern that an *ex officio* case

¹¹⁰ LMA DL/C/206: defense statements by Anne Leventhorp, 174v and 205r; witness statements, Agnes Gray, 186r-v; John Hewes, 186v-187r; and William Jenyns, 187v.

¹¹¹ DL/C/09065, 188r-v. Seven defense statements from the consistory court mention the return of gifts as evidence that a marital relationship had ended, at least from the perspective of the defendant. LMA DL/C/205, 36r-v, DL/C/09065, 19r-20r, 209r; DL/C/206, 24r-v.

was launched against Ann by the London commissary court official, Thomas Porte, who examined Ann to determine whether she was guilty of bigamy.¹¹² Although Ann Leventhorp denied that she had exchanged consent with either Huntington or Campyon, it is clear that her reputation was in a questionable position as a result of these alleged actions. Tokens could be interpreted as proof of either a commitment to exchange consent, or that this exchange had taken place in private. This exposes how gift exchanges may not have been a canonically valid form of proof, but they carried a strong social meaning that had the potential to harm a person's reputation and honour if the relationship broke down.

Douglas Gray has argued that one of the clearest morals in medieval popular literature is that of the danger of rash promises.¹¹³ And evidence from the consistory court shows that promises of marriage were frequently misinterpreted, and even used to mislead. The following section will discuss how defendants in marriage cases manipulated the meaning of pre-contract gifts in order to extricate themselves from such alleged marital promises.

Un-Gifts and Pre-Contract Relationships

In London in 1516 Alice Fantell brought her one-time lover, William Hilton, to the consistory court. Her proof that William had promised to marry her was that he had given her a silver heart, a token that he had allegedly given to Alice alongside a promise of marriage. Before this case was brought the couple took part in a pre-trial arbitration at which William flatly denied that he and Alice had exchanged words of marriage. He did admit to sexual relations with Alice and offered to pay her 20 shillings to make amends. At this meeting William Hilton reportedly denied that the 'silver heart' was his but when challenged he said that he had given Alice the heart, but not as a token of a marital promise. Later, in

¹¹² Interrogationum ex officio indices facte per Magistrum Thomam Porte commissarium. DL/C/206, 205r. Ex officio cases were those brought by the court against the accused and were often as the result of a report by concerned individuals and many of these cases were concerned with the regulation of sexuality and the punishment of sexual crimes. L.R. Poos, 'Sex, Lies, and the Church Courts', 585, and 587.

¹¹³ Douglas Gray, *Simple Forms: Essays on Medieval English Popular Literature* (Oxford: Oxford University Press, 2015), 55.

his deposition to the court William changed his mind again and insisted that Alice had stolen the heart token from him. This case encapsulates what I have termed as ‘un-gifts’, namely the different narrative strategies employed by defendants in their descriptions of exchanged objects to disassociate themselves from unwanted marriage. Defendants in marriage cases made sure that any object that might have been seen as proof of marriage, or a promise to marry, were neutralised, turning the implied promises of the gift into an ‘un-gift’.

One of the tactics used by defendants to deny the validity of a marriage gift was to claim that an object had been lent temporarily. This form of un-gift was created to deny an object’s status as a gift, as gifts required a change in ownership.¹¹⁴ Seven defense statements from the consistory court mention the return of gifts as evidence that a marital relationship had ended, at least from the perspective of the defendant.¹¹⁵ For example, in the case of Herbert Rowland against Elizabeth Croft, from the spring of 1494, a witness claimed that Elizabeth’s sister, who was unhappy at the match, instructed her sibling to ‘dilever hym suche tokens as he hath gevyn yow and then he hath done with yow’.¹¹⁶ Joan Roberts said that the couple informed her that a silver gilt ring had been exchanged; this object was a recognisable courtship gift and in Joan’s eyes evidence of marital intention. Gifts not only demonstrated a continued commitment to marriage but were also evidence of an emotional response. In this case there is evidence of cultural connections between specific objects and courtship, and generalised meanings became specific meanings for particular people when the tokens were given alongside a promise of marriage.

Although a rarity, even post-contract the exchange of objects could be dismissed. In 1487 John Ely dismissed Agnes Whitingdon’s suit of marriage and denied the exchange of consent and gifts reported by Agnes and her witnesses. Agnes Whitingdon’s witnesses argued that the couple were recognised as man and wife and their testimony was peppered with descriptions of John Ely’s gifts to Agnes and his arrangements for the solemnisation of their marriage. In his deposition to the court John

¹¹⁴ Arjun Appadurai, ed., *The Social Life of Things: Commodities in Cultural Perspective* (Cambridge: Cambridge University Press, 1986), 9–11.

¹¹⁵ LMA DL/C/205, 36r-v; DL/C/09065, 19r-20r, 209r; DL/C/206, 24r-v.

¹¹⁶ DL/C/09065, 188r-v.

Ely claimed that he had not exchanged words of consent and that the only object that passed between them was a set of coral rosary beads that he had temporarily lent to Agnes.¹¹⁷ By denying the ‘giftiness’¹¹⁸ of this object John Ely emphasised the transitory nature of this material exchange and reinforced the argument that his relationship had not proceeded beyond preliminary marriage negotiations. John Ely’s claim that he had only lent Agnes the prayer beads resolved him of the cultural associations attached to the exchange of gifts, which usually created a reciprocal bond between the giver and the recipient.¹¹⁹ John Ely’s efforts to dismiss Agnes’ claims are particularly audacious when we compare them to the testimony of the plaintiff witnesses and their detailed descriptions of a witnessed exchange of consent and multiple incidences of gift exchange and marriage preparations between the couple (for further discussion of this case see pages 159-61).¹²⁰

Male defense statements featuring the theft of objects were often focused on the sexual immorality of the woman who brought the marriage case against them, and usually involved women of a lower socio-economic status than the defendants. If we return to *Alice Fantell c. William Hilton* we find that Alice’s witnesses were a Dutchman, Cornelius Peterson, and his neighbour Thomas Gaye. Peterson and Gaye were not called as witnesses to an exchange of consent but rather because both had been present when Alice accused William of renegeing on his promise of marriage.¹²¹ Sometime in late autumn

¹¹⁷ John Ely claimed he had never exchanged consent with Agnes Whitingdon and had only discussed the prospect of marriage, after Agnes Whitingdon’s master (Hawkins) urged Ely to take her as his wife. He added that he had made inquiries about her marriage portion and said he would not take her for less than five marks. The verb used in John Ely’s deposition to describe the exchange of the coral beads is ‘prestitit’ which comes from the word ‘prestatio/praesatio’ meaning a payment or levy, and more commonly used to mean ‘loan’. LMA DL/C/09065, 10r.

¹¹⁸ Chris Wickham, ‘Conclusion’, in *The Languages of Gift in the Early Middle Ages*, eds. Wendy Davies and Paul Fouracre (Cambridge: Cambridge University Press, 2010), 242-7.

¹¹⁹ For further discussion Mauss, *The Gift*, 50-5.

¹²⁰ LMA DL/C/09065, 11v-12r. The witnesses, plaintiff, and defendant were connected by geographical proximity and occupation. Agnes Whitingdon’s witnesses belonged to the parish of St Margaret Moses, located just south of St Paul’s Cathedral. John Cok, one of Agnes Whitingdon’s witnesses, is listed as a linen draper, the trade practiced by Whitingdon’s master (Hawkins) and John Ely himself. We have a more precise location of Friday Street in St Margaret Moses for John and Joan Robert. Presumably this detail was recorded because their house was the site of the alleged contract. Richard Hawkins, A. H. Johnson, *The History of the Worshipful Company of the Drapers of London* (Oxford: Clarendon Press, 1914), i, 352; and CCR 1476-1485, 1006. Agnes Whitingdon’s two male witnesses were tradesmen, and in such an occupation the ability to earn an income was dependent on reputation and trustworthiness. John Cok’s occupation is listed as linendraper, and John Roberts a cheesemonger. LMA DL/C/09065, 11v, and 10v. For information on later medieval London cheesemongers see Walter M. Stern, ‘Where, Oh Where, Are the Cheesemongers of London’, *London Journal* 5 (1979): 228-48.

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¹²¹ LMA DL/C/206, 419v, and 457v-459r.

or early winter 1514, Alice and William had engaged in a sexual relationship, with Alice becoming pregnant and giving birth in the summer of 1515. William did not deny this, stating that he had known Alice carnally many times. However, he denied that she was his wife or that they had contracted or discussed marriage; he also denied knowledge of her pregnancy. They both agreed that during their relationship a silver heart, probably designed to be worn as a hair ornament or badge, changed hands. Alice and William told different stories about this distinctive gift. William testified that Alice had stolen it from him but that he managed to retrieve it from her. Alice, on the other hand, according to her witnesses, claimed that it had been given as a token of marriage accompanied by a marital promise. In late August, or early September, 1515 Cornelius Peterson and Thomas Gaye intervened during an altercation between Alice and William which took place outside Peterson's house in Bride Street, in the Parish of St Barbara, Fleet Street. By this time Alice's baby, according to Gaye, had died and been buried. Alice alleged that the baby's father was William, but William pleaded ignorance. Whatever the child's paternity it is clear that William had 'moved on' and was courting a servant called Margaret. It was this new relationship that had led to their public confrontation, in which Alice demanded that William fulfill his promise and marry her. William flatly refused, calling her a 'Dutch whore', but offered to pay her 20 shillings to make amends. Alice responded that she would try to find a remedy in the law.

The presence of foreigners in late medieval London is crucial to the events just described, because one of the main witnesses, and possibly the complainant herself, were Dutch. By 1516 the residency of Dutch aliens in London was well established, since the buoyancy of the English market compared to economic stagnation in fifteenth-century Low Countries drove migrants to England, particularly London.¹²² The term 'Doche' in this period could be stretched to include migrants from the Rhineland areas around Cologne as well as those from Flanders and the Low Countries. In London the majority of those labeled as Dutch came from either Holland or Brabant. The identity of Alice's

¹²² In London the majority of aliens lived in the suburbs, particularly Southwark; which lay beyond the jurisdiction of the mayor and the city's guilds. In 1436 44% of the aliens who lived in the London area came from Southwark. In London out of all the immigrants counted in the Patent Rolls between 1435 and 1467, a total of 1,547 were Lowlanders: 34% came from Holland, and 25% from Brabant. Caroline M. Barron and Nigel Saul, eds., *England and the Low Countries in the Late Middle Ages* (Stroud: Sutton Publishing, 1998), 13.

witness, Cornelius Peterson, as a Dutchman is confirmed in the source itself in which he is referred to as a *tutonicus*, a common Latinization of ‘Doche’.¹²³ We only have William’s insult, a ‘Dutch Whore’, to directly link her with the Dutch community. However, ‘Fantell’ is very likely to be an Anglicization of the common Dutch name ‘Van Tele’ or ‘Van Tell’. In her study of London’s customs accounts in the fourteenth and fifteenth centuries Vanessa Harding identified the ship masters from the Low Countries through their names: those with surnames incorporating ‘van’ or ‘van der’ or ending in ‘son’ can safely assumed to be of either Dutch or German origin¹²⁴ Alice’s connection to Cornelius Peterson suggests that she may well also have been part of an immigrant community in London. She may have been a marginal in London society on account of being a foreigner and William’s ‘Dutch Whore’ insult could be a reference to the marginalisation of Dutch women. Aliens from the Low Countries, particularly women, were viewed with suspicion in late medieval and Tudor London.¹²⁵ We find in John Stow’s 1598 account of the suppression of a Southwark brothel owned by Flemish women during the 1381 rebellion it has been written in the margin of the text that ‘English people disdained to be baudes. Froes of Flanders were women for that purpose’.¹²⁶ It was particularly commonplace that ‘Doche’ women could be easily duped into engaging in sexual relationships. However, in this particular case, the assumption backfired.

If we turn back to the dispute about the exchange of this silver heart, we see that William Hilton’s defense statement claimed that Alice Fantell had stolen it from him. His story was not consistent over time: in the testimony of Cornelius Peterson, William’s first response to Alice had not been to state that she had stolen the heart from him, but rather that he had given it to her ‘apon hire

¹²³ LMA DL/C/206, 457v-458r. Shannon McSheffrey, ‘Stranger Artisans and the London Sanctuary of St. Martin le Grand in the reign of Henry VIII’, *Journal of Medieval and Early Modern Studies* 43 (2013): 551-2.

¹²⁴ Vanessa Harding, ‘Cross-channel Trade and Cultural Contacts: London and the Low Countries in the Later Fourteenth Century’, in *England and the Low Countries*, 162. A Dedericus van Tele was recorded living on Candlewick Street, London, in 1443. England’s Immigrants 1330 – 1550, accessed 22 June 2015, <https://www.englishimmigrants.com/person/12333>.

¹²⁵ Karras writes that Flemish, Dutch and Low German women were particularly prominent in the records as prostitutes. Dutch women as brothel keepers seem to have been particularly common, particularly in the London suburbs of Southwark, Lambeth and East Smithfield. Ruth Mazo Karras, *Common Women: Prostitution and Sexuality in Medieval England* (Oxford: Oxford University Press, 1996), 56. For a detailed discussion of alien communities in late medieval London see, Justin Colson ‘Alien Communities and Alien Fraternities in Later Medieval London’, *The London Journal* 35 (2010): 111-43.

¹²⁶ John Stow, *A Survey of London: Reprinted from the Text of 1603*, ed. Charles Lethbridge Kingsford (Oxford: Clarendon Press, 1971) II, 55.

marage' but denied that the marriage was to him. To this, Thomas Gaye, Alice's other witness, was said to have responded that 'I know well it is thyn owne (William Hilton's), for thow hast worn it iii yeres upon thy capp'. By attempting to distance himself from this object William was simultaneously distancing himself from the spirit in which this gift was given, and thus any putative betrothal he may have had with Alice. He took this a step further when he tried to commercialise their relationship by offering Alice money to make amends, turning her into a whore; a sexual commodity rather than a potential partner.

Alice Fantell alleged that the silver heart was given as a token of marriage. Whether or not this had been William's intention it seems inconceivable that he would have given her the heart on her marriage to someone else. Chapter 1 (pages 52-5) has discussed how a heart was seen as the seat of cognition, and – by implication- sincerity of intention. The exchange of heart tokens had the potential to symbolise the giving of the self. This silver heart would have acted as a material metaphor of William, his desires and thoughts, and was proof, according to Alice, of William's commitment to marry her. The fact that this token was heart shaped was not the only attribute that might have persuaded Alice of William's intentions. It was also closely associated with William's identity and person, recognised by Thomas Gaye as having been worn on William's cap for the last three years. William, by giving Alice this heart, a symbol of identity but also intimately connected to William, seems to have convinced Alice of the validity of his marital promise. It was powerful enough a symbol that Alice felt confident to engage in sexual relations with William, or at the very least try to convince the court and her neighbours that this was the case.

We do not have the court's official verdict on the case. However, without a witnessed exchange of consent it is unlikely that the court found in her favour. The court would have favoured William, who was presumably aware that a private exchange of consent would not have been canonically valid if it had not been witnessed. This raises the question as to what Alice thought she would achieve when she declared that she would 'find her remedy in the law'. Perhaps her decision to take her errant lover to court was not primarily motivated by a desire to have their marriage legitimised but also to

communicate, and legitimise, her side of the story- to have her day in court. Despite her weak case, she persuaded two men, both tradesmen, to agree to vouch for her in court, suggesting that her story was both believable and sympathetic. London in 1516 was still a society in which kinship ties, respectability and trust determined social, political and financial success. By taking William Hilton to court, Alice Fantell may not have succeeded in legitimizing their marriage, but the case would have undoubtedly tarnished the reputation of the man she claimed had seduced her.

The purpose of many of the statements made by male defendants was to discredit the female accuser's honour and sexuality and thereby convince the court that she was not the type of woman a man would promise himself to. The marginalization of women in the theft narratives told by men is best demonstrated by John Remyngton's defense deposition of 1493 in which he claimed that a certain Alice stole from him a pair of gloves from a chest in his bedroom. His defense was framed around discrediting Alice's marriage case by labelling her a whore. He freely admitted that he knew her carnally, many times, but he added that this was Alice's fault because she came into the bed, in which he was lying, and three times stayed the night.¹²⁷ He added that during these three nights he shared his bed with John Clerk, Robert Wheler and Robert Bullok, respectively. John Remyngton said that she might also have had sex with any of these men if she had wanted but he doubted that she had. This scene bears a remarkable similarity to the narrative device of 'bed-hopping' in medieval literature, most famously Chaucer's *The Reeves' Tale* in which two students seeks revenge on an arrogant miller by sexually assaulting his wife and daughter.¹²⁸ In the tale, one of the students, Aleyn, sneaks into bed with the

¹²⁷ LMA DL/C/09065, 171v. The phrase 'go to bed' or to 'lie in bed' was a commonplace euphemism for sexual intercourse, Jeremy Goldberg, 'John Shathelok's Dick: Voyeurism and "Pornography" in Late Medieval England', in *Medieval Obscenities*, ed. Nicola F McDonald (Woodbridge: York Medieval Press, 2006), 109.

¹²⁸ The debate on whether this scene in *The Reeves' Tale* constituted rape is hotly debated; in a recent discussion of the Reeve as character David Stone describes 'the ravishment' of the Miller's daughters. David Stone, 'The Reeve', in *Historians on Chaucer: The 'General Prologue' to the Canterbury Tales*, eds. S.H. Rigby and A.J. Minnis (Oxford: Oxford University Press, 2014), 420. Rachel Moss has highlighted the problems of analysing this scene as a rape or sexual assault because there is no direct allusion to this within the text; however, the context makes it clear that neither woman consented to sex with the man in question. Moss argues that this text is written from the perspective of a rapist, or rather written for an audience who find rape funny. Idem, 'Chaucer's Funny Rape: Addressing a Taboo in Medieval Studies', *Meny Snoweballes* (blog), December 22 2016, <<https://menysnoweballes.wordpress.com/2014/09/11/chaucers-funny-rape-addressing-a-taboo-in-medieval-studies/>>. For a discussion of rape in the creation of legal and literary narratives see, Kathryn Gravdal, *Ravishing Maidens: Writing Rape in Medieval French Literature and Law* (Philadelphia: University of Pennsylvania Press, 1991), 1-20; and P.J.P. Goldberg, *Communal Discord, Child Abduction, and Rape in the later Middle Ages* (Basingstoke: Palgrave Macmillan, 2008).

miller's daughter, Malyne, where they had sex, as the narrator informs us that it was 'too late [for Malyne]' to cry out' [line 4196]. Meanwhile, his friend John has tricked the miller's wife into joining his bed, 'So myrie a fit ne hadde she nat ful yoore', [line 4230] after which she falls asleep and only wakes when her husband falls onto the bed she is sharing with the student. Then, thinking she is being assaulted by one of the clerks she attacks her husband, after calling for his aid. The comedic farce ends with the two students running away and a beaten and bloodied miller recognising that, 'His wyf is swyved, and his doghter als' [line 4317].¹²⁹

John Remyngton's tale of bed swapping, although it does not discuss rape, is still a tale designed to sexually marginalise a woman in order for John to achieve his aim.¹³⁰ He was trying to convince the court¹³¹ that he did not give Alice a pair of gloves as a token of marriage, but he also used humour through the medium of the 'bed-hopping' trope to persuade the court of the truthfulness of his case and the unreliability of Alice's testimony.¹³²

Sexual humour, as a persuasive tool, was a masculine device designed to discredit a female accuser, thanks to the closeness between female honour and sexuality. For example, in 1520 Alexander Jelan, the rector of Belchamp Otten in Essex, used a humorous rhyme to discredit the testimony of Marion Wilby who accused him of clerical misconduct, declaring in court as follows; 'Maryon Wylby of myche lyghs [Great Leighs] hath had as meny balokstonnes betwixt her thyes as wold make a cawcye [causeway] betwixt Brayntry [Braintree] and Moche Lighes.'¹³³ Expectations of female chastity were crucial in the medieval marriage market. For example, in 1494 William Marks pursued Alice Brigge but

¹²⁹ Geoffrey Chaucer, *The Riverside Chaucer*, ed. Larry D. Benson (Oxford: Oxford University Press, 2008), 82-4.

¹³⁰ LMA DL/C/09065, 171v.

¹³¹ Scholarship on the art of persuasion in the courtroom has largely focused on the tactics of advocates and lawyers; Brundage described the persuasive skills of advocates' oral pleading, whilst Musson discussed perceptions of the Sergeant at Law as a wordsmith. James A. Brundage, *The Medieval Origins of the Legal Profession: Canonists, Civilians, and Courts* (Chicago: University of Chicago Press, 2008), 351; Anthony Musson, 'The Sergeant of Law', in *Historians on Chaucer*, 209-10.

¹³² Jeremy Goldberg has outlined the importance of sex and 'clerical pornography' in the testimony of 'expert witnesses' often prostitutes, in cases of male impotence in the York consistory, and these women held the dual role of proving impotence, whilst providing an illicitly descriptive account of their efforts before the court. Goldberg, 'John Shathelok's Dick', 119.

¹³³ Vicar General's Book, LMA D/L/C/330, 60r. With thanks to Tom Johnson for this reference.

when she rejected him William responded by claiming to have had sex with her, arguing that, ‘be cause she wold not have me, ther for I seid I lay by her, that she shuld be loth to any other man’.¹³⁴

The most common defense used by men seeking to dissociate themselves from a marriage was to claim an object had been exchanged in return for sex.¹³⁵ This was the most direct method by which the *infamia* of a woman could be brought to the court in an attempt to discredit her modesty and thus the believability of her testimony. In 1493 Joan Munden brought a marriage case against John Fynke who admitted having given Joan two groats, not on the occasion of marriage but in exchange for sex. He said he gave Joan two groats in order to know her, not for the sake of marriage, but because she was a whore and had allowed herself to be known carnally by him.¹³⁶ Groats were relatively common tokens of promise, but were used in this case to emphasise the financial nature of the exchange, particularly as Joan Munden’s witnesses claimed that a number of other gifts were exchanged between the couple.¹³⁷ Joan Munden’s father, Richard Munden, said that John Fynke gave his daughter a silver groat.¹³⁸ He also alleged that John Fynke gave his daughter two pieces of lace, a fact that was told to him by Christopher Bokylfeld and his wife, suggesting that these objects were exchanged either in public or with the intention that it would be publicised. This would indirectly challenge the claim that they were payments for sexual services since marriage and courtship were ideally public events. By presenting these gifts as public knowledge Richard Munden was legitimizing them and his daughter’s actions. Joan Munden’s brother John claimed that John Fynke repeatedly promised Joan Munden that he would proclaim the solemnisation of their marriage, in the eyes of the church, and this statement was followed by a description of the gifts John Fynke had bestowed on his sister, which he said had included a pair of

¹³⁴ LMA DL/C/09065, 139r-v. Case cited in L.R. Poos, *A Rural Society after the Black Death: Essex, 1350-1525* (Cambridge: Cambridge University Press, 1991), 138.

¹³⁵ Five men used this defense: LMA DL/C/205, Robert Elyson, 35v, Robert Allerton 150r-v; LMA DL/C/09065, John Fynke 147v, John Sabbe 220r, and Richard Clerke 160v.

¹³⁶ *Dedit eidem Johanne duos grossos cognosci eandem et non aliter, non tamen occasione matrimonii, sed eo, quod [quia] meratrix fuit et eidem ipsa pateretur carnaliter cognovisse (cognosci) ab eo.* LMA DL/C/09065, 147v.

¹³⁷ For groats as gifts see: LMA DL/C/205, *Robert Smyth c. Rose Langtoft*, 166r-v; *William Langton c. Isabel Hamond*, 23r; LMA 09065, *Mark Patenson c. Margaret Flemmyng*, 80v-81r, *Robert Warde c. Joan Whalley*, 7r, *Marion Filders c. John Arnold*, 139 r-v; LMA 206, *John Nicolls c. Julian Fantell*, 253r-v; LMA 207, *Henry Forest c. Thomasina Baker*, 76v-77r; *Henry Forest c. Thomasina Baker*, 76v-77r; *William Spyke c. Margaret Palar*, 164v.

¹³⁸ LMA DL/C/09065, 149v.

hose.¹³⁹ Statements were intended to legitimise the exchange of objects as courtship and marriage tokens by highlighting the public nature of the alleged gifts and the fact that they were exchanged alongside promises of marriage.

Joan Munden c. John Fynke also provides insights into how illicit relationships could be started. John Munden, Joan's brother, claimed that the couple were commonly reported as man and wife; to substantiate this claim he alleged that they had a child together, and that John Fynke financially supported Joan Munden.¹⁴⁰ He reported a conversation he had had with John Fynke in a field in Walthamstow, when Fynke had reportedly told him 'thou hast a sister tanggllid wit a knave, I wold that thow cuddyd rede her frome hym and I wuld maryer my self and yff so that thou canne doo itt, thou shall not steke [to become joined] for no good frend of myn'.¹⁴¹ This statement alluded to a prior romantic entanglement between Joan Munden and a certain 'knave'.¹⁴² John Fynke appears to have threatened John Munden that if he did not do what he asked then their relationship would be affected: he might have withdrawn not only his friendship but also his good will (his loyalty or 'stake'), which could have had a negative impact on John Munden's reputation.¹⁴³ John Fynke had wanted to be introduced to Joan Munden as a potential romantic partner through her brother, a man whom she presumably trusted. The relationship began from a position of trust, which would have had an impact on how Joan and her family perceived John Fynke's gifts and promises.

Another case in which a man claimed the sexual dishonesty of his female accuser was *Katherine Aber c. Robert Allerton* in 1472 at the consistory court. One of Katherine Aber's witnesses, Alice Skevyngton, had said that one day, in the house of William Gregory, in the parish of St Nicholas, she

¹³⁹ LMA DL/C/09065, 149r-v. Similarly, in Robert Philipson case against Joan Corney, one of his witnesses Thomas Anne claimed that Robert gave to Joan a pair of 'pedicarium'. DL/C/09065, 52v.

¹⁴⁰ For references to late medieval non-marital relationship see Karras, *Unmarriages*, 7–8.

¹⁴¹ LMA DL/C/09065, 149r-v.

¹⁴² Probably the William Fullborn whom her father, Richard Munden, declared she was free from. LMA DL/C/09065, 149v.

¹⁴³ The importance of the 'good word' of intermediaries in economic transactions, in the medieval village, has been discussed by Chris Briggs in, *Credit and Village Society in Fourteenth-Century England* (Oxford: Oxford University Press, 2009), 65–6. For literature on pledging see Richard Firth Green, *A Crisis of Truth: Literature and Law in Ricardian England* (Philadelphia: University of Pennsylvania Press, 1998), 41–2; and David Ibbetson, 'From Property to Contract: The Transformation of Sale in the Middle Ages', *Journal of Legal History* 13 (1992): 4–12.

saw a pregnant Katherine weeping at the feet of Robert begging him to make her his wife and to not delay their marriage any longer. Katherine was in a desperate situation, and Alice Skevyngton said that Robert Allerton consoled her by promising to marry her and giving her a black gown.¹⁴⁴ Later, he clearly changed his mind. In his defense statement he said that whilst he deposited eight rings with Katherine for safekeeping, an act for which she received payment, this was nothing to do with marriage (echoing the defense used by John Fynke above), although he did admit a sexual relationship and the procreation of a child.¹⁴⁵ He accused Katherine of keeping one of these rings against his will, because she wished to use it as a sign of love to claim him as her husband.¹⁴⁶ He also admitted giving her a certain gown, two rings of gold and gilt, and a number of ribbons. These gifts were suggestive of a marital relationship and, according to Alice Skevyngton, the couple had had a protracted relationship, peppered with the exchange of objects, and it is possible to see how Katherine Aber might have trusted in his promises of marriage. The power of gifts as symbols of a promise of marriage were strong enough to persuade women to give up their modesty and Katherine Aber's obvious distress is proof that she had believed and trusted him.¹⁴⁷ Male 'un-gift' narratives questioned the sexual reputation of the female plaintiff. Alice Fantell's case indicated that men chose these women because they were of a marginal status, and thus more vulnerable to their persuasions of false matrimony. The testimonies made by women, on the other hand, actively sought to confirm their honest reputations, and that of their families, in order to persuade the court that they had not accepted such gifts immorally.

The inescapable rule of late medieval courtship was the expectation that men would lead, and women would follow. Women of high social status and independence, such as widows, often had a greater agency to choose from potential marriage partners but they were still expected to receive rather than initiate courtship proceedings.¹⁴⁸

¹⁴⁴ LMA DL/C/205, 152r-v.

¹⁴⁵ LMA DL/C/205, 150r-v.

¹⁴⁶ Dixit quod noluit eundem restituere huic iurato sed in signum amoris voluit custordire eundem ad vendicandum istum iuratum in maritum suum. LMA DL/C/205, 150r-v.

¹⁴⁷ Kimberley-Joy Knight, "'Si Puose Calcina a Propi Occhi": The Importance of the Gift of Tears for Thirteenth-Century Religious Women and Their Hagiographers', in *Crying in the Middle Ages: Tears of History*, ed. Elina Gertsman (New York: Routledge, 2012), 136–55.

¹⁴⁸ McSheffrey, *Marriage*, 48–9.

In 1489 Joan Corney denied a contract and claimed that the words she had exchanged with Robert Philipson were based on the condition that she would obtain consent from her father and master. Here, Joan Corney framed herself in the position of a meek and well-behaved young woman who would not tie herself to a man without seeking the consent of her social elders. When questioned as to whether she had received tokens from Robert she said ‘yes’, but that she only received them on the condition that she could gain the consent of her elders.¹⁴⁹ Langland in *Piers Plowman* wrote of the importance of intermediaries in the marriage process: ‘And þus was wedlock ywro3t wiþ a mene persone, Firtst by þe fadres wille and þe frendes conseille, And siþenes by assent of himself, as þei two my3te accorde’.¹⁵⁰ For example, Alice Cawode contracted with two men, Gilbert Nicolson and John Wymysbury, under the condition that she would obtain her father’s consent.¹⁵¹ McSheffrey has argued that women used this expectation of parental consent as a courtship strategy to test the commitment of their suitors, and even to play men off against each other.¹⁵² The existence of multi-party suits, which included the acceptance of gifts upon conditions, attests to this practice.¹⁵³ The adoption by female defendants of conditional gift exchanges in their defense statements is also evidence of the framing of the courtship narrative after the fact, and can be read as an active reassessment of an ambiguous gift exchange to conform to a legal agenda whilst preserving the modesty and reputation of the woman involved.

Things were often ambiguous and the rules of gift giving during courtship were set against a backdrop of social expectations and legal discourse. *John Pollyn c. Agnes Parker* should not be read as an example of what people did during courtship, but rather how actions could be influenced by social and

¹⁴⁹ Prefatus Robertus Philipson in campis de Rayleigh dixit huic jurato an voluit [vel] potuit invenire in corde suo eum diligere causa habendi eum in maritum, que dixit quod sic, casu quo ipse poterat obtinere ad hoc consensus parentum istius jurate et Johannis Pyke, magistri istius jurate. Ad iudicium articulum, dicit quod ista jurata recepit dicta intersigna causa habendi eundem in maritum suum si ad hoc poterat obtinere consensum parentum et Magistri istius jurate et non aliter. LMA DL/C/09065, 52r.

¹⁵⁰ William Langland, *Piers Plowman: a Parallel Text edition of the A, B, C, and Z Versions*, ed. A.V.C. Schmidt (Kalamazoo: Medieval Institute Publication, 2011), 1: B text, 113-116. Translation, ‘thus was wedlock wrought. With mene persone; First by Father’s will. And the friend’s counsel and then by assent themselves. As they two might accord’. In *William Langland, The Vision of William Concerning Piers the Plowman [in Verse]*, ed. W.W. Skeat, 9th ed. (Oxford: Oxford University Press, 1906), B text, Passus ix, ll. 113-6.

¹⁵¹ LMA DL/C/205, 10v-12r. For further discussion of this interesting case see McSheffrey, *Marriage*, 92.

¹⁵² *Ibid.*, 92-3; and McSheffrey, “I Will Never Have None Ayenst My Faders Will”, 164.

¹⁵³ LMA DL/C/205, 10v-12r.

legal mores, and vice versa. *William Heley c. Joan Kenryk* is another case in which the reputation of the litigants was paramount in the creation of their characters, during and after the trial. Towards the end of September 1469, Joan Kenryk told the consistory court that she had met William Heley in Leadenhall Market where she agreed to exchange consent, provided that she could attain the consent of her grandfather David Kenryk. She admitted that she had conditionally received a gold ring and a box of ham from William Heley.¹⁵⁴ William Granderby and Richard Gyll testified that the couple had exchanged unconditional consent, and William Granderby argued that William Heley had given him a gold ring to give to Joan Kenryk, which she had received ‘in the name of contract’.¹⁵⁵ The evidence of two witnesses that a freely given exchange had taken place, and that Joan had accepted a token to mark it, was enough to convince the court that the marriage should be declared valid. We know this because Joan appealed to the papal court about the consistory court’s decision, an appeal written to emphasise her good reputation, compared to that of the reputation of the plaintiff and his witnesses. On the 4th of March 1470 the papal court wrote to three bishops residing in the city of London informing them of Joan Kenryk’s appeal, and the decision of the apostolic see.¹⁵⁶ The letter stated that:

The recent petition of Joan Kenryk, of the diocese of Coventry and Lichfield, contained that William Heley, layman, of London, falsely alleged that he had contracted marriage with her per verba legitime de presenti, brought her, with the object of having her adjudged to be his wife, before the official of London, who, wrongfully proceeding, promulgated an unjust definitive sentence in favour of the said William and against the said Joan, from which she appealed to the apostolic see, afterwards petitioning to the Pope to order her to be conditionally absolved from any sentence of excommunication pronounced against her by the appeal and nullity causes to judges in England. The Pope orders the above three to summon the said William and others concerned, grant Joan conditional absolution, hear both sides, and decide what is canonical, without appeal, causing their decision to be observed by ecclesiastical censure.¹⁵⁷

¹⁵⁴ LMA DL/C/205, 48r.

¹⁵⁵ LMA DL/C/205, 48v-49r.

¹⁵⁶ The letter was addressed to John (Bishop of Ardfert), William (Bishop of Sidon), and Thomas (Bishop of Annaghdown), *Calendar of Papal Registers*, 12:802.

¹⁵⁷ *Calendar of Papal Registers*, 12:802.

Joan defended herself by saying she had been wrongly accused and judged to have exchanged words of present consent with William. A decision that had not only impacted on her social status but also potentially endangered her immortal soul as the court threatened to excommunicate her if she refused to cooperate. The letter appears to have incorporated the judicial language of Joan's appeal, which emphasised the alleged injustice of the consistory court's decision. This language of injustice was uniform in such appeals but it emphasises the importance of reputation and honour to the individuals embroiled in marital disputes.

McSheffrey has argued that there is no evidence that men directly targeted widows in late medieval London but that it was a narrative tool used by women to extricate themselves from unwanted marriages.¹⁵⁸ Five out of a total of twenty-one female defense statements from the records of the consistory court (1467-1524) denied that an object had been given or received freely: and instead argued that it had been taken or given through force or manipulation.¹⁵⁹ In 1487 John Tailour tried to uphold an alleged consent to marriage between himself and Agnes Fry, a wealthy widow from the Essex town of Prittlewell. His three witnesses all declared that they had witnessed Agnes Fry speaking words of marriage to John Tailour during Easter 1487.¹⁶⁰ Robert Swete testified that after the death of her husband, John Fry, he had tried on many occasions to convince Agnes Fry to marry John Tailour. She had replied that she would not have any man until the day of the anniversary of her husband's death. On 1st April 1487 Robert Swete, Agnes Fry, and a certain Joan Hacche, were in the parlour of Robert Swete's house when Robert said to Agnes that he wished a response, without delay, on whether she would have John Tailour as her husband. Agnes replied 'I wyl have hym or I wel nevir have non'.¹⁶¹

¹⁵⁸ McSheffrey, *Marriage*, 53.

¹⁵⁹ LMA DL/C/205, Maude Knyff, 64v-65r; Alice Markatell, 215r-v; LMA 09065, Agnes Fry, 20r; Elizabeth Willy, 110r; and Elisabeth Croft, 181v-182r.

¹⁶⁰ Robert Swete said he heard Agnes Fry telling John Tailour that she would have him or no other man. Richard Maket heard Agnes Fry say she would have John Tailour if she could 'convert herself to him', whilst Robert Brightmay said he heard Agnes tell John that she would have him as her husband. However, none of the witnesses saw an exchange of present consent. LMA DL/C/09065, 20v-21r, 21r, and 21v.

¹⁶¹ *Diversis vicibus citra mortem Johannis Fry iste juratus instancias fecit penes prefatam Agnetem Fry ad rogatum dicti Johannis Tailour ad habendum eundem Johannem in maritum, que semper respondebat huic jurato quod nunquam voluit habere eum neque aliquem alium, quousque dies anniversarius prefati Johannis Fry esset complete finitus. Tandem prefata Agnes devicta instanciis istius jurati quodam die martis contingente immediate ante dominico in passione domini ultimo vel proximo post, in domo habitacionis istius jurati, presentibus tum isto jurato, Johanna Hacchis, et dicta Agnete in parlura eiusdem cum dicto Johanne, et adtunc iste juratus desiderabat habere responsum absque ulteriori dilacione an ipsa vellet*

Robert Swete responded and asked if she wished these words to be kept secret or made public, and Agnes Fry said that she wished them to be made public.¹⁶² This vivid scene of mutual consent is missing from Agnes Fry's own testimony, which instead argues that no words of marriage had been exchanged between herself and John Tailour. She accused Robert Swete of emotional blackmail as he had told her that if she did not accept John's love token, he, Robert, would lose all of his possessions as a consequence.¹⁶³ Agnes Fry said that she still refused to accept these gifts, and accused Robert Swete of stealing a ring from her purse and presenting it to John Tailour as evidence of her, falsified, amorous feelings towards the match. Both narratives used socio-cultural, gendered, and material culture tropes, which are the feature of such legal narratives.

Women also used defamation to extradite themselves from unwanted marital suits; but they also tended to emphasise their own modesty in defense statements.¹⁶⁴ Agnes Fry used similar linguistic tools in her description of Robert Swete's actions against her. The implication of her testimony is that, by refusing to take the ring despite Robert Swete's threats, she presented herself as an honest woman. She also accused Robert Swete of stealing and using an object as evidence of a false promise and subverting a token of proof for his own ends. Robert Swete stated that he had known Agnes and her husband John Fry for thirty years and that in 1477 he and John Fry were part of a community of men from Prittlewell who set up the Guild of Jesus. Agnes Fry remained committed to this fraternity and made two bequests to the organisation in her will.¹⁶⁵ Richard Swete was certainly a well-known acquaintance of John and Agnes Fry, and all three seem to have been longstanding and active members of the community of

habere eundem Johannem Tailour in maritum suum, que ad tunc respondebat eidem sic, 'I wyl have hym or I wel nevir have non'. LMA DL/C/09065, 20v-21r.

¹⁶² Upon this statement Robert Swete summoned from the hall and into the parlour John Tailour, Agnes' father and a man named Hunt. Robert Swete repeated Agnes Fry's words to John Tailour, John then thanked Agnes and kissed her. LMA DL/C/09065, 21r. The division of space and the process from private to public words of consent is an important distinction in this case; McSheffrey has argued that private words of marriage and consent were often exchanged within a parlour whilst public words of marriage often took place within the more public sphere of the hall. McSheffrey, 'Place, Space, and Situation', 976–7; and idem, *Marriage*, 123–4.

¹⁶³ LMA DL/C/09065, 20r.

¹⁶⁴ Laura Gowing has shown how in early modern London women attained legal and verbal agency through slanderous words directed at other women, and that by declaring their counterparts as 'whores' women effectively portrayed themselves as honest women. Idem, 'Language, Power and the Law: Women's Slander Litigation in Early Modern London', in *Women, Crime and the Courts in Early Modern England*, eds. Jennifer Kermode and Garthine Walker (London: University of North Carolina Press, 1994), 35–6.

¹⁶⁵ CPR 1476-1485, 34.

Prittlewell: the responsibility of maintaining the Guild of Jesus Christ would have carried with it a certain level of trust and social standing. This dispute had wide ranging contemporary ramifications, beyond the question of whether Agnes Fry had exchanged words of marriage with John Tailour. It is important to consider its implications within the community as two established and prosperous members declared each other a liar. It appears that Agnes Fry won her case and remained unmarried until her death in either 1501 or 1502. She died a wealthy and independent widow, and her will recorded that she had properties in both Prittlewell and Putney.¹⁶⁶

Maude Knyff was another socially prominent widow who argued that she was the victim of the false presentation of objects as marriage gifts. According to Knyff, Robert Grene took a blue coloured stone from her little finger, against her will, whilst they were sitting in the shop at her house. She further alleged that Robert Grene took a kerchief, which she had used to tie around a wound on her finger, when it fell to the ground, and that he kept it against her will. The ring and the kerchief were common courtship tokens, and it is such objects which were allegedly stolen from Maude Knyff to use as evidence of marital intention. They were common dress accessories that made up the social identity, or ‘social skin’, of the women who wore them.¹⁶⁷ Dress accessories were popular marital gifts because of their close association with the body and identity. Theft cases illustrate how a woman’s everyday ensemble could become a point of vulnerability, as these objects became evidence of an unwanted relationship. Agnes Fry and Maude Knyff’s cases demonstrate that whilst wealthy widows appear to have been, to some extent, the targets of false amorous claims, they still had the wealth and social connections to withstand these accusations.¹⁶⁸ However, the social and economic agency demonstrated by Agnes Fry and Maude Knyff was not the experience of all later medieval London widows.

Christine de Pizan advised women against re-marriage and argued that, ‘if she [widows] has no children and anyone wishes to cheat her out of what belongs to her (as often happens to widowed

¹⁶⁶ Will of Agnes Fry d. 1502 [TNA PROB 11/13/217].

¹⁶⁷ For further discussion of clothing and social performativity see Gilchrist, *Medieval Life*, 68-9.

¹⁶⁸ We do not have concrete evidence that Maude Knyff was successful in disproving Robert Grene’s libel, but she did have strong evidence and a number of witnesses to argue that she had pre-contracted with Thomas Torald. LMA DL/C/205, 64v-65r.

ladies), she will summon good assistance and will use it to protect and defend her rights boldly by law and reason'.¹⁶⁹ Economic necessity demanded that poor widows remarried quickly after their husbands' deaths, to sustain themselves, and often their children. In 1480, for example, Robert Lankiston and Margaret Geffrey appeared before the Commissary Court, charged with practicing sorcery. Robert Lankiston had promised to help Margaret Geffrey find a husband worth £1000. Robert's wife knew a 'cunning man' who could cause a woman to have any man that she wanted. Margaret Geffrey could not afford his services, and possessed only two mazors to support herself, her children and her mother and if they were to be sold and the soothsayer failed in his promise they would be undone.¹⁷⁰ This case demonstrates the extreme vulnerability of poorer widows and their families. Margaret Geffrey's decision to hand over her last possession is indicative not only of her trust in this magic and Robert Lankiston, but also a lack of economic opportunity for a woman in her position. On the other hand, Agnes Fry was left with independent wealth upon the death of her husband and as a result became an attractive proposition for men like John Tailour.¹⁷¹ A gendered reading of these narratives and female experiences of courtship is nuanced by a greater appreciation of the importance of social status in the stories about exchanged objects within marriage dispute records.

Conclusions

Courtship gifts were used to test the waters of a new relationship and were mediated by a series of unwritten rules concerning the type of gift given, the moment during courtship when they were given, and the method of giving. Flexibility was an important aspect of courtship across the social spectrum, a time of negotiation in which the personal, political and financial interest of a potential marriage was under discussion. McSheffrey has argued that from the moment a couple exchanged words of present

¹⁶⁹ Christine de Pizan, *The Treasure of the City of Ladies, or The Book of the Three Virtues*, trans. Sarah Lawson (London: Penguin Books, 1985), 1: 21, 82.

¹⁷⁰ LMA 9064/5, 31v-32r. Sophie Page, 'Richard Trewythian and the Uses of Astrology in Late Medieval England', *Journal of the Warburg and Courtauld Institute* 64 (2001): 205.

¹⁷¹ The attractiveness of widows in the medieval marriage market can be seen in the case of *Agnes Whitingdon c. John Ely*, when John Robert recalled how Agnes Whitingdon had accused John Ely of courting a certain widow and which prompted John to promise that he would take no other woman except Agnes. LMA DL/C/09065, 10v.

consent they stepped upon a train they could neither stop nor leave, but faced a long journey from the exchange of consent to the public recognition of a legitimate marriage.¹⁷² This concept of a linear process is also useful to the study of pre-contract relationships, but the ability of couples to leave the courtship train was determined not by law but by social expectation and the perception – and willingness- of its participants, on both an individual and communal level.

The exchange of objects was simultaneously both a private and a public affair and the meaning of the token and its exchange worked differently in the minds of those who received it, gave it, witnessed it or heard about it. People attributed different meanings to an exchange and these were mediated by cultural ideas, social practice and the socio-legal aftermath of a marriage dispute. The aim of a marriage dispute was to remove the ambiguity of object exchanges after they had occurred and by presenting alternative memories of what had happened. Litigants emphasized the connection between objects and marital relations, whilst defendants disassociated themselves from any emotional exchange. Similar to the tokens of recognition in romances, exchanged tokens were seen as a material metaphor of the emotional commitment of a courting couple and the act of accepting a token could be interpreted as a form of marital consent. The act of exchange transformed objects into material mnemonics and the link between memory, emotion, and object is made explicit within these texts. In legal records tokens were similarly viewed as 'active' and used as evidence of marital consent, or the intention to give consent, whilst the possession of a token was seen as an indication that a couple may have exchanged consent privately. But although such gifts may have been interpreted as evidence of marital consent, this was not provable without a witnessed exchange of consent. And without publicly witnessed consent, the meaning of things was not concrete but fluid, inherently ambiguous and dependent on the interpretation of others, often with vested interests.

We can learn a lot about social biases, particularly gendered expectations, in late medieval society from how men and women framed their arguments about such gifts. Defendants used stolen objects to distance themselves from the idea that these objects were gifts which had been freely

¹⁷² McSheffrey, 'Place, Space, and Situation', 966.

exchanged, thereby denying that objects were connected to a promise of marriage and an emotional commitment. Gender and social status played a huge role in how these narratives were formulated. Male defense narratives were framed around an effort to discredit the female accuser's honour and sexuality and thereby convince the court that she was not the type of women a man would promise himself to. The sexual *infamia* of women was emphasised to convince the court that an object had been stolen rather than freely given. Sexual dishonour was the most damning accusation that could be brought against women in this period and, as a result, it is unsurprising that it was the narrative trope used by men to extricate themselves from unwanted marriages. Women, on the other hand, utilised their good reputation to present themselves as victims of theft. But the women using this defense were often of a far higher social status than the women who were defamed by their would-be husbands and indicates that experience was determined not just by gender but social status.

These findings fit well with the observations made by Barbara Hanawalt and Marjorie McIntosh that the later middle ages was a period of intense social scrutiny.¹⁷³ The women who tried to uphold an ambiguous promise of marriage were often on the social margins of society, and thus easier to exploit both during courtship and at trial. The ambiguous nature of pre-contract relationships was a necessary part of the process of matrimony, and objects were a practical way for couples to develop their relationships. Literary and legal narratives demonstrate the emotional importance of these objects as a communicative device between couples constrained by social expectations and family commitments. They had to communicate in this way, but the ambiguity of courtship rituals left participants vulnerable to social judgements.

In John Metham's *Amoryus and Cleopes* objects allowed the couple to establish their relationship at a point where they decided to commit to each other. However, it was a pair of gold rings 'for trw louys euerlastyng contyauns', that was exchanged, through a hole in the wall that separated their fathers' gardens, to symbolise their trothplight.¹⁷⁴ The next chapter examines what and how things were given

¹⁷³ McIntosh, *Controlling Misbehaviour in England*, 24-34; and Barbara Hanawalt, *Of Good and Ill Repute: Gender and Social Control in Medieval England* (Oxford: Oxford University Press, 1998), 1-14.

¹⁷⁴ Metham, *The Works of John Metham*, line 1162, 43.

during public ceremonies of marriage consent in later medieval London. A noticeable difference between courtship and contract can be observed in terms of what and how an object was given. Although fewer gifts were exchanged at contract, such objects become more valuable and thus more definitive markers of marital identity and consent. There is also a contraction of the parameters for disagreement about a gift in the testimonies of witnesses to marital contracts. Contracts were more likely to have been deliberately set up to be witnessed than courtship rituals and tended to follow a choreographed pattern of ritual. It is how such public rituals, and the things which underpinned them, were practiced and understood that will now be examined.

Chapter 3: At Contract

Introduction

Marriage was, in theory, a relatively easy process in the later middle ages. A couple had to verbally consent to take each other as spouse, and there had to be at least two people present to testify that the correct words had been spoken should the marriage's validity be challenged. This contract of marriage was an intentionally witnessed, solemnised and choreographed exchange of consent, and as such the ambiguities of intention that are a feature of the pre-contract narratives, surveyed in Chapter 2, are less of a problem. As contract tended to be more public it was much harder for defendants to deny the meaning of their actions. It is the performance of consent that will be examined in this chapter.

Historians have written in detail about what the church thought constituted the making of marriage, and how the church's ideas of marital sanctity were communicated and adopted by lay society.¹ In particular, David d'Avray has forcefully argued that the church and its people saw marriage as a Christian institution, and a sacred act.² This chapter will examine the witness testimony made to the London consistory court on its own terms, asking what ordinary people understood to be important in the making of a marriage, and how this was connected not just to church ideology and law, but also to beliefs in the capacity of gift exchange to communicate earnest intentions.

Clerical involvement was crucial to the church's idea of marriage. Manuscript illuminations depict a number of idealised ceremonies, which usually involved a priest, often portrayed as positioned between the couple, bringing their hands together to symbolise the creation of the marriage contract.³ It

¹ Christine Peters has argued that the visual imagery of church windows was an important method through which the church disseminated its ideas on rituals associated with the sacrament of marriage. In 'Gender, Sacrament and Ritual: The Making and Meaning of Marriage in Late Medieval and Early Modern England', *Past and Present* 169 (2000): 65-6.

² There is an exhaustive literature on the church's attitudes to marriage, but important works are: David d'Avray, *Medieval Marriage: Symbolism and Society* (Oxford: Oxford University Press, 2015), 1-2, 8-10, and 18-20; and Emma Lipton, *Affections of the Mind: the Politics of Sacramental Marriage in Late Medieval English Literature* (Notre Dame: University of Notre Dame Press, 2007), 1-7.

³ Sara Gordon, 'Reading and Imagining Family Life in Later Medieval Western Europe' (D.Phil., University of Oxford, 2016), 66-7.

is likely that these are illuminations of the marital mass, otherwise known as the solemnisation of marriage. The boundaries between the exchange of consent and solemnisation have been challenged in recent years. Traditionally, historians of medieval marriage have discussed ‘clandestine’ marriages as potentially marginal partnerships formed without the blessing of the church.⁴ However, Shannon McSheffrey and Ruth Karras have both argued for a reappraisal of extra-ecclesiastical marriages. McSheffrey has argued that present-tense domestic marriage contracts were typical and respectable in later medieval London and not inherently secret or illicit.⁵ Karras has taken the argument a step further by arguing that there were multiple forms of non-traditional heterosexual bonds that were not only practiced but also accepted throughout medieval Christian Europe.⁶

How were these domestic marriage contracts made? I argue that ritual was a crucial component of domestic consent, in ways that will be examined in this chapter, with a particular emphasis on the symbolism of gift exchange to convey the solemnity of the marriage contract. This entails a reconstruction of the processes by which certain objects were transformed into things which visually and symbolically represented the marital bond, to externalise and reinforce the consent of the couple to the making of a marriage.

In order to understand why objects played an important role in late medieval marriage ceremonies it is important to consider the wider history of objects in medieval legal contracts. The exchange of an object upon making an agreement was a common feature of the early and high medieval legal system in England, and elsewhere in Europe. The giving of such tokens worked as an unspoken accord that these objects symbolised the confirmation of an obligation between the parties, and that both accepted a fidelity to the undertaking. David Ibbetson has argued that this custom was created to

⁴ Shannon McSheffrey, *Marriage, Sex and Civic Culture in Late Medieval London* (Philadelphia: University of Pennsylvania Press, 2006), 29; and Michael M. Sheehan, *Marriage, Family and Law in Medieval Europe: Collected Studies*, ed. James K. Farge (Toronto: University of Toronto Press, 1996), 137-66. For early modern concerns over ‘clandestine’ marriages see Eric Joseph Carlson, *Marriage and the English Reformation* (Oxford: Blackwell, 1994), 91-3; and R.B. Outhwaite, *Clandestine Marriage in England, 1500-1850* (London: Hambledon Press, 1995), 1-19.

⁵ Shannon McSheffrey, ‘Place, Space, and Situation: Public and Private in the Making of Marriage in Late-Medieval London’, *Speculum* 79 (2004): 971-87; and idem, *Marriage*, 28-31.

⁶ Ruth Mazo Karras, *Unmarriages: Women, Men and Sexual Unions in the Middle Ages* (Philadelphia: University of Pennsylvania Press, 2012), 165-7.

maintain the medieval prevalence of bilateral contract in which the agreement of sale and its payment and delivery were separated by a period of time. The exchange was part of the system to ensure the finalization of contracts, and ensure that the parties stuck to their agreements.⁷ The later middle ages saw the spread of literacy and written culture, especially in urban centres such as London, with the result that it became increasingly common for economic and political deals to be based on written contracts.⁸ Marriages were still created through oral contracts and such contracts were dependent on the memory and amity of the participants and witnesses.⁹ In many contexts, but especially in making marriages, objects continued to be exchanged to ensure the stability and trustworthiness of a contract, not only by making an exchange a memorable event, but also by providing physical evidence of its occurrence.¹⁰ The marriage litigation records of the London consistory court reveal that objects played an active role in marriage contracts, and in the narratives of those who sought to prove or disprove the validity of these matches. To give an illustrative example, in 1512 Richard Wilkynson denied having contracted marriage with Alice Langton, although he did admit to a long term sexual relationship which had produced four children. He promised the court that he would financially support one of these children, as long as Alice did not allude to the existence of a marriage between them. In the presence of trustworthy people Alice had sworn that they were free from any bond of marriage and that Richard was free to contract marriage with another; Richard had then given Alice a noble.¹¹ This is an unusual

⁷ David Ibbetson, 'From Property to Contract: the Transformation of Sale in the Middle Ages', *Journal of Legal History* 13 (1992): 2-3.

⁸ For further discussions of London literary cultures see: Julia Boffey, *Manuscripts and Print in London, c.1475-1530* (London: The British Library, 2012); Ralph Hanna, *London Literature, 1300-1380* (Cambridge: Cambridge University Press, 2007); and Sheila Lindenbaum, 'London Texts and Literate Practice', in *The Cambridge History of Medieval English Literature*, ed. David Wallace (Cambridge: Cambridge University Press, 1999), 284-309.

⁹ Richard Firth Green has argued that the later middle ages saw a movement away from oral evidence to be replaced by written proofs. This, he argues, was part of a wider shift towards a belief in an objective and institutionally derived 'truth', and away from a more personal and socially based 'troth'. Idem, *A Crisis of Truth: Literature and Law in Ricardian England* (Philadelphia: University of Pennsylvania Press, 1999), 154-64. This thesis, however, follows the argument made by Ian Forrester that this transition from 'trust in people to trust in institutions' is far too simplistic, and ignores the continued importance of 'community-based good faith' in everyday social and legal transactions, a system that was maintained through memory of people and events. Ian Forrester, *Trustworthy Men: How Inequality and Faith made the Medieval Church* (Princeton: Princeton University Press, 2018), 35.

¹⁰ Objects, for example, appear in proof of age inquests, and gifts were given as mnemonic devices at baptism in case a child's paternity or birth was questioned. For further discussion see, John Bedell, 'Memory and Proof of Age in England 1272-1327', *Past & Present* 162 (1999): 3-27; and William S. Deller, 'The First Rite of Passage: Baptism in Medieval Memory', *Journal of Family History* 36 (2011): 3-14.

¹¹ LMA DL/C/206, 141r.

case in that it describes the giving of a token to mark the non-existence of a marital bond rather than its creation. Nevertheless, the gift of this coin demonstrates how things were used as proof of a contractual agreement, even though this agreement was to end rather than begin a marriage. This object was symbolic in so far that it was given to represent this legal agreement, and the veracity of Richard's intention.

Objects were more than just symbols relevant to the moment of consent. Here I use the term 'material mnemonic' to describe the way that objects did not just represent the sanctity of marriage (for the couple themselves and their witnesses) but were also the bearers of memories about the creation of a legal agreement, memories that could prove useful if the marriage were challenged at a later date. Their usefulness lay in there being more than a reminder of the mere fact that a marriage had taken place, acting also as the emotive agents of a person's promise of matrimony, the bond that this represented, the person it represented and the specific morality of matrimony in late medieval society. Furthermore, the materiality of an object could impart its own particular meaning. Different objects could mean different things, for example, messages of matrimonial consent could be written into the iconography of an object, reinforced through the particularities of its exchange. A focus on the role of objects in marriage contracts leads to questions about the popular perception of marriage consent, in particular whether people thought that words alone were sufficient for the creation of the marriage bond. Here, I argue that people in late medieval London held sophisticated beliefs about the nature of marriage consent, as something that was a psychological and emotional experience and was communicated, or externalised, through the transfer of objects.

Marriage Consent in Law and Historiography

By the fifteenth century the canon law on marriage was firmly established. The sacrament of marriage was created through the free consent of the man and woman who were marrying. In order to prove the legitimacy of a marriage, should it be questioned, consent merely had to be witnessed by at least two

adults.¹² Consent words spoken in the present tense, 'I take you', made a marriage instantaneously valid under canon law. Words of marriage could also be exchanged in the future tense, 'I will take you'. In practice there are many words that the courts seem to have accepted as reasonable present and future tense contracts, for example, another formulation was 'I may find it in my heart to have you'.¹³ In theory marriage contracts made using future consent clauses became valid upon a second speaking of present consent, or if the couple subsequently engaged in a sexual relationship.¹⁴ In practice the evidence is that the church courts were more likely than not to find in favour of a marriage's legitimacy.¹⁵

The only way to end a marriage was to convince the court that it had not been legal or legitimate in the first place. The canonical rules of marriage consent and its impediments were that a marriage could only be annulled if, subsequent to the making of the marriage, certain impediments to its legitimacy were discovered.¹⁶ Grounds for the annulment of a marriage included: consanguinity and affinity, previous contract, being under a religious vow or in major orders. Defection in the formation of a marriage could also be used to declare it illegitimate. People who lacked the mental capacity to consent, for example, the insane or children were deemed incapable of understanding the importance of words and any marriage was declared invalid.¹⁷ Healthy adults who were not related by blood¹⁸ were deemed capable of understanding the solemnity of the exchange of consent and any marriage they entered into, unless another impediment could be found, was declared valid. The exception was if they could prove that they had spoken the words under duress or in fear of their lives, however, this is the

¹² For further discussion of consent and marriage see McSheffrey, *Marriage*, 23-4.

¹³ McSheffrey, *Marriage*, 22.

¹⁴ R.H. Helmholz, *Marriage Litigation in Medieval England* (London: Cambridge University Press, 1974), 34-5.

¹⁵ P.J.P. Goldberg, *Women, Work and Life Cycle in a Medieval Economy: Women in York and Yorkshire c. 1300-1520* (Oxford: Clarendon Press, 1992), 241-2; and Charles Donahue Jr., *Law, Marriage, and Society in the Later Middle Ages: Arguments about Marriage in Five Courts* (Cambridge: Cambridge University Press, 2007), 71-89.

¹⁶ Charles Donahue has said that from the 'thirteenth century the impediments to marriage were divided into two kinds, diriment and impedient, the former invalidated any marriage and the latter did not invalidate the marriage but made it unlawful. Those who married despite an impediment could be penalized but the marriage was valid'. Donahue, *Law, Marriage, and Society*, 18.

¹⁷ Donahue, *Law, Marriage and Society*, 18-19. See for example *Alice Cademan c. Nicholas Vavecer*. This case appears to have been resolved after a lengthy dispute when Nicholas Vavecer (as a last resort) had himself declared impotent in 1475. LMA DL/C/205, 286 r-v.

¹⁸ The church's rules on consanguinity were complicated and controversial. For further discussion see Helmholz, *Marriage Litigation*, 77-87.

limit of how canon law historians have understood impediments and invalidation.¹⁹ The testimony of deponents in London marital litigation records reveals a more nuanced understanding of marriage consent and much of this chapter is concerned with the tension between the canonical understanding of consent and socio-cultural concepts of marriage making.²⁰

The statements made to the consistory court indicate a more flexible concept of consent and its impediments, even to the point where defendants seem to have directly contracted canon law. It is important here to note that we do not have the outcomes of the marriage cases surveyed, and thus cannot categorically state whether the courts accepted the arguments made within the depositions. But we can get at the social practices and attitudes on what made a marriage from examining how people argued and what they assumed would be accepted by the courts. One of the most striking points of divergence between canon law and the arguments made to the London consistory court is the question of sincerity when speaking the words of consent. Under canon law insincerity was not admissible as a defense because the meaning of the words was taken to be the understanding of the hearer.²¹ Defendants in marriage cases did use insincerity as a defense. Richard Clerk admitted, in 1493, speaking to a certain Avice about marriage, but said that he did not want to contract with her, nor was he about to, he just wanted to know her carnally. Avice would only do so if they contracted marriage, and thus his words of marriage meant nothing because he did not mean them. Similarly, Thomas Sylvester admitted that a certain Margaret gave him seven groats as gifts but that he did not receive them as from a wife, even if he believed that they were given as such.²² Their claims directly contradict the canon law

¹⁹ An example of such a case is *Agnes Wellys c. Edward Rote* from 1475. In his defense statement to the court Edward Rote claimed that Agnes's father had forced him at dagger point to exchange words of marital consent with his daughter, after he had discovered their illicit relationship. LMA DL/C/205, 265v-266v. For a discussion of this interesting case see McSheffrey, *Marriage*, 1–2. Error was also a potential impediment but only under very specific conditions, none of which are present in the London consistory court records, Donahue, *Law, Marriage, and Society*, 22.

²⁰ Ruth Mazo Karras forcibly argues against the imposition of social categories (including marriage) on medieval society. Instead Karras analyses different ways sexual unions were understood by a variety of social groups. Idem, *Unmarriages: Women, Men and Sexual Unions in the Middle Ages* (Philadelphia: University of Pennsylvania Press, 2012), 2.

²¹ For further discussion on the interpretation of words of consent see Helmholz, *Marriage Litigation*, 36–56.

²² DL/C/205, 196r-v.

on marital consent, under which lack of intent whilst speaking words of consent was only admissible as an impediment in cases of forced or coerced words.²³

Such statements were part of wider narratives to discredit the believability of female plaintiffs by suggesting that they were not the sort of women with whom men would contract marriage. As we saw on page 101, John Fynke called Joan Munden a whore as she allowed herself to be carnally known by him, and he placed the blame for their sexual indiscretion on her rather than himself, implying that if she had been an honourable woman she would not have let him have his way.²⁴ Men might admit to sexual relationships but not to marriage contracts. Men like Richard Clerk and Robert Hilton admitted that they had misled women with promises of marriage in order that they could sleep with them. Women also used insincerity as a defence. For example, in 1491 Margaret Flemmyng told the court that at the time of speaking words of consent to Mark Patenson she had meant to have him as her husband but had since changed her mind after being reunited with a former betrothed.²⁵ Here we see defendants using a lack of emotional engagement whilst speaking words of consent, or a change of heart, as an impediment to marriage, illustrating a clear dichotomy between social and legal concepts of marriage making.

Historians have noted the importance of individual choice in medieval marriage and McSheffrey has studied how choice in marriage partners was determined by societal and familial pressure.²⁶ The historiography of medieval marriage-making has emphasised the performative aspects of words of consent and how specific words spoken at specific times could transform personal identities, in this case from single to married.²⁷ What historians have not discussed is how people articulated this consent, and

²³ Under canon law a marriage could be dissolved if it was found that words of consent were spoken under duress. Helmholz, *Marriage Litigation*, 90. Donahue has said that from the 'thirteenth century the impediments to marriage were divided into two kinds, diriment and impedient, the former invalidated any marriage and the latter did not invalidate the marriage but made it unlawful. Those who married despite an impedient impediment could be penalized but the marriage was valid'. For further discussion of canonically valid marriage impediment please refer to Donahue, *Law, Marriage, and Society*, 18.

²⁴ Ruth Mazo Karras, *Common Women: Prostitution and Sexuality in Medieval England* (Oxford: Oxford University Press, 1996), 12–13.

²⁵ LMA DL/C/09065, 80r-v.

²⁶ McSheffrey, *Marriage*, 18-20, and 101-2.

²⁷ Ibid, 22; Frederik Pedersen, 'Marriage Contracts and the Church Courts in Fourteenth Century England', in *To Have and To Hold, Marrying and its Documentation in Western Christendom, 1400-1600*, eds. Philip L. Reynolds and John Witte jr. (Cambridge: Cambridge University Press, 2007), 289; and Helmholz, *Marriage Litigation*, 27-8.

how and why it was important to visually display genuine consent beyond the speaking of its words.

The question of sincere consent was tied to a concern that individuals were not consenting of their own free will. The appearance of such questions had an antecedent in Roman law, under which marital intention legally distinguished a marriage from concubinage. Roman law placed an important emphasis on *maritalis affectio*, ‘marital affection’, namely a man’s intention to take a woman as his wife or not.²⁸

Maritalis affectio was often determined by the status of the woman – Roman law determined that freeborn women ought to be immediately considered wives in marital disputes- and the way the couple treated each other.²⁹ The question of whether the words of contract represented a true willingness to contract marriage was a strong feature of many of the marital litigation records of the late medieval London Consistory. The following sections outline how people sought to articulate this consent as a sincere declaration of marriage. I will show how witnesses to marriage contracts discussed not just the words of consent but the social contexts in which they were spoken, and how alongside the performative words of consent words, gesture and objects were used to create the marital bond and convince people of its sincerity.

Articulating Consent

1. Words of Marriage

Words were taken to signify consent in the eyes of the law and the evidence of the London consistory court is that the transformative power of these words was recognised. The way in which these words were spoken was used as proof or not that a person’s context was free and honest. Intention was crucial to consent, and people argued for, or against, sincere or free consent. For example, in 1489 Alice Scrace told the consistory court that she had spoken the words of consent intending to have Richard Cressy as her husband.³⁰ Whilst, as we have already seen, defendants tried to deny the validity of these words by

²⁸ Karras, *Unmarriages*, 17.

²⁹ Judith Evans-Grubbs, ‘Marrying and its Documentation in Later Roman Law’, in *To Have and to Hold*, 92-94.

³⁰ LMA DL/C/09065, 55r-56v.

claiming that they had not meant them, this section will examine how people sought to prove or disprove the veracity of consent by using external signs, such as outward displays of emotion (using facial expressions or voice), as evidence.

During the spring of 1487 Joan Cardiff exchanged words of consent with John Brocher but several months after this exchange Joan appears to have had doubts about the marriage. John Monk recalled how Joan had admitted the contract of marriage but denied its validity because at the time of the contract she did not think in her heart the words that her mouth spoke.³¹ As we have seen on pages 52-5, the heart was thought to be the centre of cognition, and for Joan the marital contract was viewed not just as an exchange of words but as an active mental process, one in which she had not been fully engaged. A proverb from the mid-fifteenth century (collected by Walter Pollard of Plymouth) echoes the sentiment expressed by Joan: ‘that [which] the hert þynkyt the mowte spekyt’.³² Joan Cardiff did not deny that she had spoken the words of consent with John Brocher, but she denied their legitimacy because she had not meant them at the time. Similarly, in 1522 Robert Wyer asked Jane Cresset whether her words of consent were spoken from the heart, asking ‘do yow thynke thys yn yor harte that ye speke with your mowthe?’, to which she replied, ‘yea yn good faythe.’³³ What such cases demonstrate is that consent was understood by people as deriving from more than the words used, being rather an active process in which the intention to consent was crucial. It is unlikely that the court accepted this latitude of interpretation in all cases, but as noted above, we do not have a record of its decisions so cannot be certain.

We now come to consider how witnesses to these exchanges articulated their impressions of the intentions behind words of consent? It has been noted that in late medieval London the exchange of consent was often presupposed by the request to ‘find it in your heart to have or to love me’.³⁴ In Henry

³¹ Sed dixit quod non cogitabat in corde tempore huiusmodi contractus prout or locuta est. Ad vtum articulum dicti libelli. LMA DL/C/09065, 23v.

³² Bod. MS. Rawl. D328, 140v. For further discussion on the proverbs contained in this manuscript see Sanford B. Meech, ‘A Collection of Proverbs in Rawlinson MS D 328’, *Modern Philology* 38 (1940): 113-32.

³³ LMA DL/C/207, 148r.

³⁴ For further discussion see McSheffrey, *Marriage*, 18-21.

Forrest's marital suit against Thomasina Baker in 1521, for example, one of his witnesses, Margery Wharley, told the court that she had heard Henry asking Thomasina 'how say yowe, may you fynde in your hert all other to forsake and take me to your husband?' and Thomasina replied, 'yea I am content'.³⁵ Chapters 1 and 2 outlined how heart badges were used to illustrate marital intention and sincerity because the heart was understood to be the centre of cognition in religious, philosophical and medical theory.³⁶ It is therefore possible to make a connection between the intention to consent and the invocation of the heart during the words of consent. The heart was also thought to symbolise the expression of truth (see Chapter 1, pages 52-5, for further discussion).³⁷ In Chaucer's epic romance *Troilus and Criseyde*, for instance, the courtship and emotional status of the central couple is demonstrated by various references to bursting and swelling hearts.³⁸ The inclusion of a reference to the heart in late medieval marital contracts was likely to be the result of a deliberate allusion to this set of associations.

Witnesses recognised that the words of consent were not spoken in a vacuum but were given meaning by a wealth of social rules and expectations. For example, McSheffrey has discussed how the location and spatial aspects of an exchange of consent was also designed to demonstrate the solemnity of the occasion, and to emphasise the decisiveness of the contract.³⁹ The way in which witnesses interpreted sincerity in context is illustrated in Margaret Bewick's marital suit against Thomas Hadley in 1514. Thomas Hadley's defense witness, Richard Taylour, told the court that his marriage to Margaret could not be upheld because Thomas was already married to a certain Ann Titley. Three years previously, Richard Taylour had been in an inn selling beer to the landlord when he saw Thomas Hedley holding the hand of another woman, Ann Titley, asking her 'Ann, be ye the same woman that ye were wont to be?' to which she replied yes, and they proceeded to exchange words of consent.⁴⁰ Richard

³⁵ LMA DL/ C/207, 72 r-v.

³⁶ Victoria Blud, 'Emotional Bodies: Cognitive Neuroscience and Mediaeval Studies', *Literary Compass* 13 (2016): 460-1.

³⁷ Standley, *Trinkets & Charms*, 43.

³⁸ S.L. Clark and Julian N. Wasserman, 'The Heart in "Troilus and Criseyde": The Eye of the Beast, The Mirror of the Mind, The Jewel in its Setting', *The Chaucer Review* 18 (1984): 316-328.

³⁹ McSheffrey, *Marriage*, 123-4.

⁴⁰ LMA DL/C/206, 237v.

Taylor told the court that at the time he had assumed they were joking but was later assured that they had been serious. Taylor told the court that some three weeks before his testimony he had attended the solemnisation of the couple.⁴¹ The time it took for Thomas and Ann to solemnise their marriage - three years - suggests that they only did so in order to counteract Margaret Bewick's suit.

Courts certainly recognised the importance of the way in which words of consent were spoken, which is why litigants and witnesses drew attention to this. On the 13th of March 1494 the Lord Chancellor, who presided over the consistory court, asked Robert Howlett for further details about the exchange of consent he had witnessed between Thomas Grey and Katherine Garyngton. Robert Howlett replied that Katherine had spoken the words of consent without hesitation and 'not jokingly, nor for the sake of extorting sexual intercourse, but in the spirit of contracting, they contracted with happy faces, without any coercion or fear'.⁴² The space and manner in which the words of consent were spoken was seen to reinforce the intention behind them, and the exchange of objects was – notably – an important aspect of this solemnisation process.

Mothers and fathers often emphasised the free will of their offspring during the words of consent, presumably to avoid the accusation of undue coercion. To give an illustrative example, on 31 May 1488 William Hawkyns and Margaret Heed exchanged words of consent in the house of her father, Henry Heed. Prior to this exchange there had been doubts about Margaret's intentions to marry William Hawkyns, even though her parents had organised banns to be read in their parish church and had purchased many ornaments to adorn Margaret on her wedding day.⁴³ William Flete, Margaret's grandfather, told the court that two days before on 29 May Margaret had arrived at his house and told him that her father was compelling her to make contract with William Hawkyns. William Flete chastised his granddaughter for not revealing her feelings sooner but allowed her to stay with him until the next day when they returned to her father's house together.⁴⁴ William Flete then revealed that on the same

⁴¹ LMA DL/C/206, 237v.

⁴² Dicte Katerine sub forma superius notata et non ludendo neque causa extorquendi carnalem copulam sed animo contrahendi ut credit, et hilaribus vultibus absque coactione nec metu. LMA DL/C/09065, 191v-192v.

⁴³ LMA DL/C/09065 11v-12v.

⁴⁴ LMA DL/C/09065 13v-14r.

day that Margaret Heed visited him he had told her father Henry about the rumours that Margaret loved a certain Copwode more than William Hawkyns. Upon discovering this Henry Heed called his daughter a ‘whore’ for not telling him this before he had organised the Hawkyns match, and struck her with a key clog.⁴⁵ Margaret Heed’s mother confirmed that her husband had beat their daughter many times, whilst Margaret said ‘I wil nevir have Hawkyns’.⁴⁶

Margaret Heed’s defense has not survived, but the implication of these statements is that she denied the validity of the contract by citing the force and fear impediment, her free will to consent having been impaired because she was under pressure from her parents to pursue the marriage. In their testimony Margaret Heed’s friends and family emphasised their contrary impression of Margaret’s active consent and articulated this through a description of her facial expressions and actions. Margaret’s grandfather affirmed that during the exchange of consent Margaret appeared happy and willing to take William as her husband.⁴⁷ Her father agreed and alleged that Margaret was happy in spirit whilst speaking the words of marriage.⁴⁸ He also told the court that the words of consent were spoken whilst the couple held hands, and that Margaret had shown him a gold ring and a rial that William Hawkyns had given to her. The acceptance and display of these gifts, the words used and the intimacy of the couple were all used in these statements to articulate the sincerity of Margaret’s intention to take William Hawkyns as her husband.⁴⁹ Margaret’s mother also emphasised her husband’s desire for his daughter to choose a husband of her own free will. On the 30th of March 1488 Henry Heed told his daughter that he had approached her uncle, the prior of Hereford, who said that ‘it is his wil and myn also that thou shalt have thi free liberte to take an husbond wher thou wilt and not to take Hawkyns but

⁴⁵ LMA DL/C/09065, 13v-14r. OED: Clog, s.v. a block or lump tied to anything for use or ornament; e.g. to a key to prevent its being lost.

⁴⁶ LMA DL/C/09065, 12 r-v.

⁴⁷ *Dicta Margareta erat satis hilaris et benevola ad habendum eundem W[illhelmum] in maritum suum.* LMA DL/C/09065, 13v-14r.

⁴⁸ *Respondebat hillari animo.* LMA DL/C/09065, 11v.

⁴⁹ *Isto jurato sic dicente, ‘Margarete, will ye have William Hawkyns here to your husbond and hym to honour and worship for your husbond?’ Que respondebat hillari animo ut apparuit huic jurato, ‘Ye forsoth’.* LMA DL/C/09065 11v.

it comn of thyne own stomak?. To which Margaret replied that she would find it in her heart to have Hawkyns as her husband, and she desired him or no other.⁵⁰

The giving of consent was understood as a process that incorporated the entire body and mind (as well as the expectations of the family) of the person speaking it. Bodily reactions and behaviours were thus crucial to the communication of consent. Margaret Heed's family used her physical reactions during the exchange of consent as evidence of her free will during the ceremony of consent with William Hawkyns.

External signs provided the evidence of earnest consent to matrimony, and it is in this context that the deployment of gesture and gift exchange was seen as a social necessity in order to further demonstrate and articulate marital intention.

2. Articulating the Gift

In 1469 William Multon told the consistory court that in 1445 he had witnessed a contract of marriage between John Colyn and Joan Stocton. After the exchange of consent John Colyn was said to have given Joan Stocton a red velvet purse with the words 'I give this purse to you as my wife' and she had accepted it with the words 'I accept this purse from you as my husband'.⁵¹ Gifts were exchanged in 'the name of marriage' to stress the legitimacy and solemnity of the previous words of consent.⁵² Witnesses to these exchanges told the court that a gift had been exchanged between the couple explicitly in recognition of their new roles as spouses. In 1474 a witness, Agnes Smith, said that after their exchange of consent Joan Wymand had given John Roger a 'rope of coral' beads (presumably a rosary) and John had given Joan a gilt ring. These gifts were said to have been received as husband from wife and as wife from husband.⁵³ Similarly, in 1487 Agnes Vaghan said that after exchanging words of consent John

⁵⁰ LMA DL/C/09065, 12 r-v.

⁵¹ LMA DL/C/205, 46v-47r.

⁵² The consumption of alcohol after the exchange of contract was also seen to act as a symbolism of matrimony. For example, in 1491 Mark Patenson and Margaret Flemmyng were said to have drunk together in the name of the pledge of marriage. *Biberunt adinvicem nomine arrarum matrimonii ut dicit.* LMA DL/C/09065, 82r.

⁵³ LMA DL/C/205, 220r-v.

Crote had given Beatrice Smith a ring, and she had given him a kerchief worth 16d, and that these gifts were given as husband and wife.⁵⁴ Thus, in a similar fashion to the words of consent, gift exchange was used during and after contract to communicate a couple's dedication and commitment to each other. Such gifts could then become useful as mnemonics available for the construction of witness testimony.

Richard Helmholz has argued that the exchange of gifts at contract could only be legally binding *if* their exchange was a condition set out during the exchange of marriage consent; 'the law was... that the gift must have been made as a condition of the marriage's existence'. He has stated that the phrase 'immediately' or 'in the very act of contracting' was used to emphasise that a gift had been made as a condition of the marriage.⁵⁵ But the articulation of the meaning of gifts through descriptive phrases such as 'immediately' was also used by witnesses in marriage litigation to demonstrate the intention of prospective spouses and highlights a lack of doubt in the decision to enter the marital bond. The phrases ('immediately' or 'in the way of marriage') should also therefore be read as a method to articulate and conform to the social expectations of marriage making. For example, in 1574 Eleanor Acton told the court that 'immediately' upon the acceptance of a marriage gift Alice Cademan had given Eleanor a golden heart, to give to Nicholas Vavecer as to a husband', and this token Nicholas received gratefully.⁵⁶ This lack of hesitation in the returning of a gift and Nicholas Vavecer's acceptance of it were used by Eleanor Acton as evidence of the consent of both to the marriage.⁵⁷ In this case Eleanor Acton emphasised the legitimacy of these gift exchanges and the mutual recognition of their status as marriage gifts because Nicholas Vavecer denied that he had received or given any gifts on the occasion of marriage.⁵⁸

⁵⁴ LMA DL/C/09065, 35r-v.

⁵⁵ Helmholz, *Marriage Litigation*, 48-9.

⁵⁶ LMA DL/C/205, 230v-231r.

⁵⁷ Cases that referred to the 'immediate' transfer of gifts post contract are: LMA DL/C/205, *Gilbert Micolson c. Alice Canode*, 10v-11r, and 11v-12r; *Portenciana Eustas c. John Jenyco*, 69r-70r; *Katherine Hery c. John Herford*, 73r; and *John Wylkynson c. Agnes Ward*, 250r-v; LMA 09065, *Robert Warde c. Joan Qualley*, 7r.

⁵⁸ LMA DL/C/205, 240v-241r.

Gifts were also said to have been exchanged ‘in the way’ or ‘as a sign of’ marriage.⁵⁹ In 1488, Beatrice Stoughton told the court that after Agnes Skern and Piers Curtes had exchanged words of consent, Piers gave Agnes a ring saying ‘I geve you this by the way of marriage’, Agnes returned the favour and gave Piers a ring with the same sentiment. After these gifts had been exchanged the couple kissed (20 times), and each declared that the other was their spouse before God.⁶⁰ In 1493, Katherine Garyngton was said to have received a silver gilt heart, 5 pieces of gold and a pectoral as *a sign of marriage*.⁶¹ A witness Margery Kyrkeby, told the court that she believed in her conscience that these gifts were received as *a sign of marriage*. A further witness said that she had not only seen Katherine Garyngton exchange words of consent with Thomas Grey, but that after contract he had given her a gold ring, which she received gratefully as *a sign of marriage* between them.⁶² This phrase was associated with the legitimization of the exchange of marriage gifts and was used as evidence of consent.

Gifts given in anticipation of a marital contract were used by witnesses as proof of marital intention, and were similarly said to have been given on the ‘occasion of’ marriage.⁶³ References to the receipt of gifts on the occasion of marriage did not refer to a fixed temporal point, before or after a couple had exchanged words of consent, but are rather used to articulate the spirit in which a gift had been given.⁶⁴ In 1491 Richard Lynch told the court that in late June 1490 he had witnessed a contract of marriage between Robert Walsh and Margaret Flemmyng.⁶⁵ Prior to this exchange Robert Walsh had informed Richard Lynch that Robert intended to take Margaret Flemmyng as his wife and that ‘on the

⁵⁹ The meaning behind these phrases were analogous may but recorded differently depending on whether or not it had been translated into Latin or not. Cases that featured either the colloquial phrase ‘by the wey of matrimony’, or the Latin term ‘in signum matrimonii’, also conveyed a similar meaning.

⁶⁰ Et tunc ipse Petrus tradidit dicte Agneti unum anulum dicendo, ‘I geve you this by the wey of matrimon’. Et ipsa Agnes tradidit eidem Petro alium anulum dicendo ‘I gef you this by the wey of matrimon’. Et osculatus est eam vigesi[es] et dixit ‘Ye be my wif a for god’. Et ipsa dixit, ‘Ye be my husbond afor god’. LMA DL/C/09065B, 2v-3r.

⁶¹ Ad tercium articulum, dicit quod dictus Willhelmus contulit una vice unum cor argenteum et deauratum in signum matrimonii, et altera vici misit per Margaretam Brama unum pecium auri quinque solidis. Et postea dicta Katerina misit Thomam Elys fratrem suum eidem Willelmo pro uno pectoral. LMA DL/C/09065, 168r-v.

⁶² Et credit in consciencia sua quod ipsa Katerina recepit in signum matrimonii huiusmodi dona ut dicit. LMA DL/C/09065, Margery Kyrbeby, 168r-v. Thomas contulit eidem Katerine unum anulum aureum, et hoc se dicit scire eo quod presens fuit quando idem Thomas eidem contulit. Et ipsa Katerina huiusmodi anulum gratanter recepit in signum matrimonii inter [eos] habendi. LMA DL/C/09065, Robert Howlett, 191v-192v.

⁶³ Gifts given on occasion of marriage include: LMA/DL/205, 149v-150r; and LMA DL/C/09065, 223v-224r, 80v-81r, and 251r.

⁶⁴ OED a: occasion, ‘a conjunction of circumstances favourable or suitable to an end or purpose; an opportunity’.

⁶⁵ LMA DL/C/09065, 80v-81r.

occasion of contracting marriage with her he had conveyed a groat and a ring, and she had given him forty pence'.⁶⁶ Agnes Jaro was said to have received from Thomas Lawrence three or four pieces of gold, a pair of coral beads and a girdle decorated with silver on the occasion of exchanging words of consent, but it is unclear whether this referred to the very moment of marital consent or not.⁶⁷ Gifts given on the occasion of marriage were thus seen as evidence of marriage, even if a witnessed verbal consent of matrimony was ambiguous.

Emotional expression at the point of an exchange was also used as evidence of consent. In 1491 Eleanor Knap told the consistory court that Joan Qualley had exchanged consent with Robert Warde, and afterwards she had given him a silver groat with a happy look on her face (*hillari vultu*). The perception of an outward display of emotion was used here to demonstrate, and prove, a willing and legal exchange of consent.⁶⁸ In general, objects that were worn or were in the possession of their recipients were used by witnesses as proof that a marriage had been made. For example, in 1515 Katherine Riche and Katherine Swan both used the fact that Isabel Wood possessed a green silk satin purse, a gift from Roger Carlton, as evidence of contract.⁶⁹ The continued possession of an object was used as evidence of an emotional connection, and thus implicit evidence of matrimony. In 1491 Joan Qualley was said to have received a gold ring from Robert Warde after they had exchanged contract, and a witness to this match said that 'she [Joan] gratefully accepted it and still keeps it with her'.⁷⁰ The connection between gifts and the advertisement of a new marriage was, often, made explicit. For example, in 1488 Henry Heed told the court that his daughter, Margaret Heed, had on the day of contract shown him a gold ring and a rial, which William Hawkyns had given to her.⁷¹ The transfer of personal possessions was also used as evidence of marital commitment. In 1510 Anne Isaac told the

⁶⁶ Robertus retulit huic jurato quod ipse vellet habere eandem Margaretam in uxorem, et quod ipse occasione matrimonium contrahentis inter eosdem contulit eidem Margarete unum grossum et unum anulum [...] et quod ipsa contulit et donavit eidem xl d. LMA DL/C/09065, 80v-81r.

⁶⁷ Thomas contulit eidem Agneti iii vel iiii pecias auri et unum par preclarum de corallo et unam zonam harnesiata cum argento, que dona ipsa asseruit se recepisse ab eodem occasione huiusmodi matrimonii. LMA DL/C/09065, 194v-195r.

⁶⁸ LMA DL/C/09065, 7r.

⁶⁹ LMA DL/C/206, 237r-v, and 438r.

⁷⁰ Quem anulum dicta Johanna gratanter recepit et ad huc retinet eundem penes se. LMA DL/C/09065, 7r.

⁷¹ LMA DL/C/09065, 11v.

court that she had given Alice Petit a gold ring on behalf of Thomas Purcyvant, because he loved her and wished to contract with her. Upon receiving this ring, Alice had given Anne Isaac one of her possessions, a 'littell tablet' of silver, to give to Thomas.⁷² The acceptance of a gift was used as proof of consent in cases where the exchange of the words of consent was disputed or not admissible because of lack of evidence.

The exchange of such gifts was understood and recognised by witnesses as indicating the creation of a new and formal relationship between betrothed couples. The mutual recognition between couples that these gifts were given at contract and as marriage gifts was emphasised and used as evidence of marital consent and proof of marriage. In this way the objects were mnemonics for the intentions that were thought to make a marriage. We will now turn to cases that described the materiality and iconography of particular objects, and what this says about the relationship they were meant to represent.

3. Rings and Words of Marriage

In southern Europe, the exact moment of a marriage was thought to occur when a ring was placed upon the bride's finger, and this event was known colloquially as the 'ring day'.⁷³ In England a manuscript produced in Norwich around 1400 holds an illumination which mirrors this idea of the ring day. The image (Figure 2.) depicts the marriage of a well-to-do couple, and the creation of matrimony is indicated by placement by the groom of an outlandishly large ring on his bride's finger. In England the exchange of rings was also a key element of the medieval marital mass. Special emphasis was placed on the ring during the marriage liturgy: the groom would place it on a dish or a book and the priest would then sprinkle it with holy water.⁷⁴ The ring embodied the words of the marital vow, 'with this ryng I

⁷² LMA, DL/C/205, 12r.

⁷³ Deborah Youngs, *The Life Cycle in Western Europe, c.1300-c. 1500* (Manchester: Manchester University Press, 2006), 140.

⁷⁴ McSheffrey, *Marriage*, 45.

thee wed and this gold and siluer. I the geue and with my body. I the worshipe'.⁷⁵ The ring was placed upon the thumb or the fourth finger, and John Mirk remarked that the wedding ring was placed upon the finger of the bride that, 'haþe a veyne to hure herte'.⁷⁶ For Mirk the marriage ring was a material metaphor of the marriage sacrament, 'þat betokeneth God þat hath neyther begynnyng ne ending'.⁷⁷ And the author(s) of the fifteenth-century text *Dives and Pauper* wrote that the circular form of a ring further reinforced the social bonds of matrimony:⁷⁸ 'thr ryng is round aboute & hath non ende in tokene þat her loue schulde ben endeles & noþing departyn hem but deth alone'.⁷⁹

Besides solemnisations before a priest, similar weight and significance was placed on rings during domestic contracts of marriage. In 1469 William Love told the court that he had seen Lucy Braggis and Robert Pope exchange words of consent. After these words Robert kissed Lucy and gave her a ring, putting it on her finger whilst saying a blessing, 'in the name of the father and the son and the holy spirit'.⁸⁰ In the later middle ages the saying of a prayer was perceived as an elevated form of speech, seen to come directly from the heart.⁸¹ Robert Pope's actions imprinted this ring with a sacramental meaning similar to the performance of the priest during the marriage ceremony,⁸² as during the marriage liturgy the priest blessed the ring saying 'Bless, Lord, this ring which we bless in your holy name, that whoever shall wear it, may abide in your peace and remain in your will, and live, and prosper'.⁸³ Lay blessings of rings harnessed the sacramental power of the marriage rite, which animated objects to become spiritual entities symbolizing the bond of marriage.

⁷⁵ A. Jeffries Collins, ed., *Manuale ad usum percelebris ecclesie Sarisburiensis*, Henry Bradshaw Society 91 (Chichester: Moore and Tillyer, 1958), 48.

⁷⁶ Sermo de Nupcijs. In John Mirk, *Festial*, ed. Susan Powell, EETS (Oxford: Oxford University Press, 2011), 254, and 69-70; and Priscilla Heath Barnum, ed., *Dives and Pauper*, EETS (Oxford: Oxford University Press, 2004), 2:194-5.

⁷⁷ Sermo de Nupcijs. Mirk, *Festial*, 68-9. See also Susan Mosher Stuard, 'Marriage Gifts and Fashion Mischief', in *Considering Medieval Women and Gender*, ed. idem (Farnham: Ashgate, 2010), 169-85.

⁷⁸ Ibid, 124; and Standley, *Trinkets & Charms*, 33-4.

⁷⁹ Barnum, ed., *Dives and Pauper*, 1:61.

⁸⁰ LMA DL/C/205, 33r-34r.

⁸¹ C.M. Woolgar, *The Senses in Late Medieval England* (London: Yale University Press, 2006), 90-1.

⁸² *Manuale ad usum percelebris ecclesie Sarisburiensis*, 48. For an English translation see Jacqueline Murray, ed., *Love, Marriage and Family in the Middle Ages: A Reader* (Omskirk: Thomas Lyster, 2001), 261-70.

⁸³ Murray, *Love, Marriage and Family*, 264.

Rings were the most commonly given objects at marriage contracts and were used as a physical manifestation of a couple's marital bond. But this practice can also be read as the cementation of a hierarchical relationship, as it was often the man who placed a ring on his new wife's finger, a practice that was often not returned. In June 1521 Alice Gadbery and Thomas Chamberlyn discussed their marriage in the parish of St Alphege, Cripplegate. Together they travelled to the house of William Brocket and proceeded to exchange words of contract in front of him and other assembled witnesses. The couple then kissed, and Thomas Chamberlyn took a gold ring from his purse and placed it on his new spouse's finger as a token of marriage.⁸⁴ The transition to marital intimacy is a key aspect of this case, manifested through the image of the two persons travelling to the place where they were to contract marriage, speaking words of marriage, kissing, and then, finally using a ring to seal their new relationship as spouses. But crucially it was only Alice who received a ring from Thomas, a practice that is mirrored in the alleged marriage between John Melson and Joan Watson. In 1522 Lawrence Auworth told the consistory court that after exchange of contract John Melson had kissed Joan Watson and then put a gold ring with a stone on her finger in token of marriage.⁸⁵ The placement of a ring on a finger after the exchange of marriage vows and a marital kiss reinforced the new intimacy between the couple, but unlike the marital mass, it was often only the groom who gave his bride a ring and this emphasised her new role as his wife, who was expected to follow her husband's wishes. It also worked to create a material mnemonic of marriage, available for witnesses to recall if ever the contract was questioned.

⁸⁴ LMA DL/C/207, and 79r-81r.

⁸⁵ Ibid, 124v-125r. Other cases that featured the placement of a ring on a finger are: LMA DL/C/09065B, 1v-2r; and DL/C/206, 269r-v.

Figure 2. *De nuptiis Philologiae et Mercurii*. Norwich c. 1400. Bodley. MS. Canon. Misc. 110. fol., 123r. The Bodleian Libraries, University of Oxford. [image removed from ORA edition]

4. The Specific Materiality of Contract Gifts

The materiality of a gifted object imbued it with a particular quality, which could be related to its iconography, materials, or design. For example, in 1494 William Gilbert was reported to have given Ellen Harrison six cushions, decorated with pelicans, in the name of marriage. Ellen herself gave William a gilt Lamb of God and a reliquary of gold with nails, which he gratefully received in the name of marriage.⁸⁶ The iconography of both these objects was a representation of Christ. The pelican was thought to symbolise Christ's suffering and sacrifice at the cross, and also came to symbolise the Eucharistic Sacrament. The pelican was associated with Christ because it was believed that mother pelicans would tear at their chests to feed their young, and this sacrifice connected the birds with Christ and his passion. It is interesting that the pelican cushions were given by a husband to a wife, perhaps

⁸⁶ LMA DL/C/09065, 200 r-v.

they were also a humorous signal to the wife's duty to bring forth offspring or maybe even – less humorously - the sacrifice that could be expected of motherhood.⁸⁷

The Lamb of God is a more straightforward symbol but both gifts bore representations of Christ common to the later middle ages. The depictions of Christ, and his passion, may have reminded the recipients of their sworn oaths and Christian duty. Images of God were thought to guide and teach the laity. The fifteenth century text *Dives and Pauper* argued that images had been 'ordeyned to steryn manys mende to thynkyn of Chritys incarnation and of his passioun and of his holye seyntes lyvys'.⁸⁸ Marital gifts featuring religious iconography would have acted not just as a mnemonic to keep a marital promise but a reminder of their duty as a husband or wife. Oaths were often sworn upon a Bible to ensure the truthfulness of the spoken word, and marital gifts featuring Christian iconography would have acted in the same way.⁸⁹ A reading of these objects as material representations of Christ, given to demonstrate the substance of an oath, gains credence when we consider the late medieval belief in the animation of religious objects, which would come alive, as it were, upon reacting to irreligious behaviour, such as the betrayal of an oath.⁹⁰

The ceremonial presentation of marriage gifts was another aspect in which the materiality of objects was manipulated to create meaning. Objects were also wrapped within other objects to reinforce the 'giftiness' of an exchange, for example in 1521 Thomas Chamberlyn took from his purse a gold ring and gave it to Alice Gadbery as a token of marriage.⁹¹ And in 1474 William Stephenson told the consistory court that around Easter 1453 in Queenborough, Kent, John Parker and Joan Chamberlyn had exchanged words of consent; after which John had given Joan a purse of gold cloth filled with gold.⁹² The wrapping of gold coins within a piece of gold cloth reflected their value and symbolic

⁸⁷ George Ferguson, *Signs & Symbols in Christian Art* (Oxford: Oxford University Press, 1961), 23.

⁸⁸ Priscilla Heath Barnum, ed., *Dives and Pauper*, EETS (Oxford: Oxford University Press, 1976), 1:82. For further discussion see Richard Marks, *Image and Devotion in Late Medieval England* (Stroud: Sutton Publishing, 2004), 16-7.

⁸⁹ For example, in 1487 William Edmunde told the court that he was present when Thomas Cordney swore he did not know of a marriage contract between John Pollyn and Agnes Parker. Thomas was reported to have said, 'if there were he[re] a book ready, I would swear that I know no such things between them'. LMA DL/C/09065, 25v-26r.

⁹⁰ Gilchrist, *Medieval Life*, 218-9; and Walker-Bynum, *Christian Materiality*, 37-53, and 105-21.

⁹¹ LMA DL/C/207, 79r-v.

⁹² LMA DL/C/205, 213r.

significance. In the sixteenth-century gifts of coins during courtship and marriage were often presented wrapped in paper or placed within a purse to mark the gift as individual and unique.⁹³ These practices are perhaps unsurprising given the value of the items and the need for a method to transport them safely to the scene of contract. Nevertheless, it does demonstrate that the exchange of contract gifts included a moment of revelation which was commented on by witnesses. It could be a mnemonic for the ritual aspects of exchange. As discussed on pages 59-60, there were also strong connections between female sexuality and purses, and this gift can be read as a playful suggestion of the conjugal roles of man and wife.

In another case, *Joan Stocton c. John Colyn* (1469), a witness reported that after exchanging words of consent with Stocton, John Colyn had taken from his pocket a handkerchief in which was wrapped a purse of red velvet. He gave this purse to Joan: 'I give this purse to you as my wife', and she replied, 'I accept this purse from you as from my husband'. Joan then wrapped the purse in her own napkin and put it in her sleeve.⁹⁴ There are two things which can be drawn from this exchange. Firstly, it was carefully wrapped, first by John and then by Joan, suggesting a desire for it to be protected from wear and tear. Secondly, on receiving this purse Joan placed it in her own napkin and put it in her sleeve, indicating the intimacy of the gift. What this suggests is that objects were valued both financially and emotionally. They were kept close to the body but were also protected from the rigours of everyday life. A purse could also be public, and function as a mnemonic, and witnesses referred to seeing the possession of a new purse as proof of contract.⁹⁵ Purses and other dress accessories signalled a change in status both for a public audience and for private reflection; they had a dual role in advertising the new social status of its recipient and was also a private reminder of a marital promise between two individuals.

⁹³ Heal, *The Power of Gifts*, 56; and O'Hara, *Courtship and Constraint*, 66-71.

⁹⁴ Johannem Colyn extravit de sino suo unum manutergium in quo erat una bursa de rubeo veluet, quam bursam idem Johannes eideim Johanne dedit, dicens sub hac forma 'hanc bursam do vobis ut uxori mee', et ips eandem recepit sic dicens. 'Et ego hanc bursam accipio a vobis ut a marito meo'. Et eandem bursam ipsa Johanna inuoluit in manutergio suo proprio et inposuit in manica sua'. LMA DL/C/205, 46v-47r.

⁹⁵ LMA DL/C/206, 237r-v, and 438r.

Objects were also combined with one another to facilitate specific meanings. Joan Boon told the court that during Lent in 1467 she witnessed an exchange of marital consent between John Yonge and Joan Blacman, after which John offered Joan a silk purse with three groats.⁹⁶ However, in her defense statement to the court Joan Blacman denied this and gave a fuller account of the exchange of this filled purse. She stated that John Yonge had initially offered her a groat as payment for a meal, which she declined arguing that he was under no obligation to pay. Yonge then offered two further coins, put them in a silk purse and gave the purse to Joan, although we do not know whether she accepted it or not.⁹⁷

John Yonge c. Joan Blacman provides us with an insight into multiple late medieval thought processes. First John Yonge, if we are to believe the veracity of the deponent's words, appears to have recognised that a gift of a groat might have been misconstrued and thus created a less ambiguous token and placed two coins within a purse (and with it an implicit sexual invitation), and presented it as a marital gift. Secondly, the deponent recognised the importance of these acts and she included them in her testimony to demonstrate the validity of these gifts as tokens of marriage. Groats and other coins were commonly used during courtship as tokens of affection, demonstrating that the practices of gift exchange did not follow strict or linear patterns. It is the context of the gift exchange, rather than the objects themselves, which determined whether or not the things exchanged were perceived as proof of marriage.

5. Coins, Ritual, and Marriage Making

The uses of coins provide an interesting case study for how the materiality and function of an object could be changed to perform a ritual purpose. Coins were not only exchanged but sometimes broken

⁹⁶ LMA DL/C/205, 4v-5v.

⁹⁷ Johannes Yonge extraxit grossum a bursa sua ad soluendum pro prandio sua, Thoma Boon et uxore eius iurantibus se nichil soluere debere ibidem ipso Johanne Yonge iurante et affirmante se illum grossum nunquam imbursare, et tunc dictus Johannes accepit eundem grossum cum duobus aliis gross [is] et [posuit] suit in qua[dam] bursa cerica et dedit huic iurate. LMA DL/C/205, 3r-4r.

during the exchange of consent. This act of destruction⁹⁸ changed these objects from things with an economic function, to things that held cultural value. The altering of the materiality and use of a coin can be seen to represent, and even emphasise, the socio-legal change that accompanied the fulfilment of a legal agreement. Coins and their uses in cultural transactions offer an insight into the sheer variety of different things people in the middle ages thought objects could do, and the records of the consistory court demonstrate how people utilised these different meanings

Coins in the middle ages were prized for more than just their monetary purposes and were frequently adapted, for example, into jewellery or dress accessories to perform a number of different roles, including as status objects, decorations, mementos, amulets etc. Coins were also used in marriage making; for example, in 1512 Christopher Hawys was reported to have given Ann Chauncy an enamelled silver florin,⁹⁹ which was to be placed in her headdress as a token of the marriage between them.¹⁰⁰ Certain coins, particularly gold ones, were favoured above others as they were desired for their iconographic design, colour and size.¹⁰¹ In the sixteenth century gold coins were often gifted to be transformed into rings, with rials and angels being particularly popular because of their size and gold content.¹⁰² Angel and half-angel coins were issued in 1465 and were worth 6s 8d and 3s 4d respectively, their inscriptions were also thought to give them amuletic powers.¹⁰³ On the angel's surface was a depiction of a ship and St Michael slaying the dragon with the inscription, 'By Thy cross, save us, O Christ, our Redeemer'.¹⁰⁴ Their protective qualities made them particularly popular with sailors and they were also found alongside skeletal remains.¹⁰⁵ Gold coins were prized not just for their value but also for

⁹⁸ A technical term used by numismatics to refer to the repurposing of coins for ritual purposes.

⁹⁹ This is a bit of an ambiguous coin. There were no silver coins known as florins minted in Florence, however, the silver grosso was commonly known as a silver florin. It is likely that this silver coin is of Italian origin, and falsely given the assignation of a silver florin. This case is a good example of the exotification of foreign coinage. Peter Spufford, *Money and its use in Medieval Europe* (Cambridge: Cambridge University Press, 1988), Appendix 2, 413.

¹⁰⁰ '[Christopher Hawys] dedit... [Ann Chauncy] unum floren argentum deauratus le inamyld ad ponend illud super frontale dicti Anne'. LMA DL/C/206, 158v.

¹⁰¹ Richard Kelleher, 'English Reused Coins in the Later Medieval Period (c.1200-1600)', in *The Archaeology of Medieval Europe, Twelfth to Sixteenth Centuries*, Vol. 2, eds. M. Carver and J. Klapste (Aarhus: Aarhus University Press, 2011), 267.

¹⁰² Standley, *Trinkets & Charms*, 96-7.

¹⁰³ J.L. Bolton, *Money in the Medieval English Economy, 973-1489* (Manchester: Manchester University Press, 2012), 52.

¹⁰⁴ PER CRUCEM TUAM SALVA NOS CHRISTE REDEMPTOR, Bolton, *Money*, 97.

¹⁰⁵ Ibid.

their beauty. Middle English writers, in particular Chaucer, used coins as literary devices throughout their texts to communicate ideas of beauty. In *The Miller's Tale* the beauty of Alisoun, the Miller's wife, is compared to that of a newly minted noble: 'Ful brighter was the shynyng of hir hewe... Than in the Tour the noble yforged newe'.¹⁰⁶ The physicality of coins was seen to give them cultural value beyond their immediate economic value, as certain coins were seen as having 'special' qualities thanks to their design, iconography or beauty. The wearing of these objects was seen to protect the wearer, whilst the public display of certain coins as dress accessories was used to communicate social and economic worth. But what will now be addressed is how particular meaning was given and attributed to coins through ritual practice

The use of coins as ritual objects in the middle ages is well attested. Archaeological finds have shown that the mutilation of coins was widely practiced.¹⁰⁷ In Italy, coin halves were used to provoke a potentially emotionally charged mnemonic reaction of a lost parent or loved one, and abandoned babies were often found with a half-coin stitched into their clothing.¹⁰⁸ Perhaps the most famous association between coins and ritual practice comes from the royal ceremony patronised by Edward the Confessor in the eleventh century, in which coins took on a sacred power through their association with God and the anointed King. Every year on Good Friday the monarch would prostrate himself at the foot of the cross, and from the reign of Edward II onwards an additional ceremony was performed during this genuflection.¹⁰⁹ After prostrating himself at the cross the King would approach the altar and 'place upon it an offering consisting of gold, silver, florins, nobles or sterling'. It was thought that God then blessed these coins, and the King would receive back these now blessed coins and replace them with an equivalent sum.¹¹⁰ From these 'blessed' coins cramp rings were made which were thought to cure certain

¹⁰⁶ Donald C. Baker, 'Gold Coins in Mediaeval English Literature', *Speculum* 36 (1961): 282–87; Geoffrey Chaucer, 'The Miller's Tale', in *The Riverside Chaucer*, ed. Larry D. Benson (Oxford: Oxford University Press, 2008), lines 3255–6, 69.

¹⁰⁷ Eleanor R. Standley, *Trinkets & Charms: The Use, Meaning and Significance of Dress Accessories, AD 1300-1700* (Oxford: Oxford University School of Archaeology, 2013), 95–8.

¹⁰⁸ Lucia Travaini, 'Fragments and Coins, Production and Memory, Economy and Eternity', in *The Fragment: An Incomplete History*, ed. William Tronzo (Los Angeles: Getty Research Institute, 2009), 158.

¹⁰⁹ Marc Bloch, *The Royal Touch: Sacred Monarchy and Scrofula in England and France* (London: Routledge & Kegan Paul, 1973), 92–4.

¹¹⁰ Bloch, *The Royal Touch*, 92–3.

ailments, particularly epilepsy.¹¹¹ This ceremony was performed to demonstrate the King's divinely appointed status, for only he was able to perform this ritual as he alone was chosen by God. The moment the coins were imbued with healing powers they became tangible proof of the King's power, and his divine right to protect and nurture his people. As these coins were dispersed to the sick they travelled the country acting as tangible reminders of the King's power and his divinely appointed role.¹¹² The success of the Good Friday ritual was determined by the fulfilment of mutual obligation between the King and God. The King would present to God a gift of coins that God blessed and, crucially, upon the receipt of newly blessed coins the King then replaced them with other coins of an equivalent value. The power of the King was demonstrated by his ability to engage in a gift exchange with God. It was through this exchange that God's blessing was bestowed upon the sick using the medium of material culture.

Such ritual and mnemonic practices were not just the preserve of the King. In thirteenth century England mercantile communities practiced the exchange of 'God Penny', a token payment used to mark the completion of a sale.¹¹³ Scholarship of medieval religious practice has emphasised the bending of coins to create a contract between people and saintly intercessors. Famously in 1307 a papal emissary commissioned to investigate the canonization of Thomas Cantilupe called the habit of coin bending the 'English custom'.¹¹⁴ Eamon Duffy has argued that the relationship between a saintly intercessor and their earthly clients was one based on reciprocal ties; a saint depended on visits to his shrines alongside material offerings. Vows were made alongside requests for help (particularly a cure for sickness), and one of the most popular methods of signifying these promises was to bend a silver coin and place it at a shrine.¹¹⁵ Vows did not need to take place at the site of a saint's shrine, and most requests were made *in situ* with a promise to visit the saint's shrine in the future and deliver the bent coin. For example, on the

¹¹¹ Standley, *Trinkets & Charms*, 96.

¹¹² Bloch, *The Royal Touch*, 92–4.

¹¹³ Ibbetson, 'From Property to Contract', 4, and 9.

¹¹⁴ Ronald C. Finucane, *Miracles and Pilgrims: Popular Beliefs in Medieval England* (London: JM Dent, 1977), 95.

¹¹⁵ Eamon Duffy, *The Stripping of the Altars: Traditional Religion in England c.1400-c.1580*, 2nd ed. (London: Yale University Press, 2005), 183.

riverbank of the Thames in London in 1499 a distraught father bent a coin over the forehead of his drowned daughter and made a vow to Henry VI. The girl later recovered, and the family travelled to Windsor to give thanks for this miracle.¹¹⁶

What such practices show is a general belief in the agency of certain objects, which we then see enacted in witness depositions involving gifts. What lay behind these actions was the concept of contract, a promise to perform an action; a vow sealed with the bending of a coin.¹¹⁷ The breaking of one of these contracts risked often serious ramifications. In one case a woman made several vows to several saints, with candles representing the different saints. When she accidentally used the wrong one, the candle bled in protest.¹¹⁸ This shows that the physicality of tokens was crucial: it mattered if the wrong object was exchanged. Objects represented a relationship, as well as a pledge, and thus the use of the wrong object was seen to invalidate the agreement it represented. In response to these kinds of scenarios Caroline Walker Bynum coined the term 'living holy matter', a phenomenon that she argues appeared from the twelfth century onwards. The later middle ages saw a strong belief in the communicative power of saints through the material world with 'the animation of statues, the bleeding of hosts, walls and images... [and] holy dust or cloth that itself mediated further transformation'.¹¹⁹ It was the potential of certain objects to channel supernatural or divine presence that gave these objects power.¹²⁰ Objects were not only a material manifestation of a promise, but also the means by which a divine spirit communicated with the person they had entered into a contract with.

The coins exchanged after marriage contracts were illustrative of a similar contract between two parties, but not one which directly involved a supernatural or heavenly presence. Nevertheless, the use

¹¹⁶ Brian Spencer, 'King Henry of Windsor and the London Pilgrim', in *Collectanea Londiniensia: Studies in London Archaeology and History Presented to Ralph Merrifield* (London: London and Middlesex Archaeological Society Special Publication, 1978), 243. Coins were bent for numerous reasons, including: to prevent the spreading of fire, to avoid shipwrecks, and to cure animals of blindness. Finucane, *Miracles and Pilgrims*, 94; and Richard Kelleher, 'The Re-Use of Coins', 195–6.

¹¹⁷ For further discussion of contract and contract tokens see Ibbetson, 'From Property to Contract', 1–22.

¹¹⁸ Finucane, *Miracles and Pilgrims*, 94.

¹¹⁹ Caroline Walker Bynum, *Christian Materiality: An Essay on Religion in Late Medieval Europe* (New York: Zone Books, 2011), 20–1.

¹²⁰ Walker Bynum explains that her essay does not intend to contribute to the debate on object agency but rather, looks at a historical time when some material objects were seen to manifest particular supernatural and holy powers, *Christian Materiality*, 31–32.

of objects to communicate and bargain with supernatural forces is evidence of a prevalent assumption about the ability and power of objects, and coins in particular, to represent a binding promise. The next section returns to the records of the consistory court and discusses how breaking coins after the exchange of marital consent was used in practice, and what it meant to the people involved.

The act of breaking a coin in two created a reciprocal union between the two coin halves, a reflection on the creation of the bond between a man and wife. It also had a practical function as physical evidence of contract. McSheffrey has convincingly argued that in late medieval London domestic contracts were accepted as legally, socially and culturally valid unions, rather than improper or ‘clandestine’ matches.¹²¹ For some couples at least, marital unions were not legitimate until they had been verified in church through the celebration of the nuptial mass: it is in this stage between contract and solemnisation that we see the majority of marriage disputes emerge.¹²²

Broken coins acted as proof of contract if a dispute were to emerge. A comparison can be made between such mutilated coins and the use of chirographs, documents which recorded an agreement between two parties where at the point of contract each party would receive one part of the document, cut in half using a jagged line so as to authenticate each part as genuine should the two documents be joined once more.¹²³ John Nicolls’ alleged marriage to Julian Fantell (a woman, and no relation of the Alice Fantell discussed on pages 95-9) in the spring of 1514 demonstrates the importance of broken coins as proof of contract. Stephen Sawner describes how John Nichols and Julian Fantell had exchanged words of consent; they kissed and drank in token of marriage. It was at this point that John gave Julian a silk ribbon and half a silver groat in English money. The effort which went into breaking this silver groat was visibly brought to life by Stephen Sawner: ‘he [Stephen] at John’s request broke the groat in half with his teeth and his hands because John could not break it’.¹²⁴ Sawner offers a tantalizing suggestion of the force needed to break these coins. The violence is indicative of the

¹²¹ McSheffrey, *Marriage*, 17-48, and particularly 28-32.

¹²² An example of such a dispute is *Agnes Whitingdon c. John Ely* from 1487. LMA DL/C/09065, 10r-12r.

¹²³ M. T. Clanchy, *From Memory to Written Record: England, 1066-1307*, 3rd ed. (Oxford: Wiley-Blackwell, 2013), 89.

¹²⁴ Another witness (John Shipley) also attested to the breaking of a silver groat after contract. LMA DL/C/206, 269r-v, 253r-v.

importance that was placed on the dismemberment of coins. Their practical function as proof of contract was achieved through mutilation, as each part became material evidence of contract. Coin halves may not have been absolute proof of contract, but each part may have been used as partial evidence to demonstrate the potential veracity of a person's claim. Furthermore, in the moment of exchange, the breaking of coins was also to materially demonstrate the consent of the couple.

In 1511 John Gyttons witnessed an exchange of consent between William Erle and Agnes Colson, at a house in Fleet Street just outside the City of London. Prior to this exchange William Erle had said to Agnes 'I pray you show me your mind [and] how you are disposed towards me, because my friends tell me that you trifle with me and will not perform the thing that you have promised'. Agnes responded and agreed to exchange words of consent. After these words had been spoken William broke a coin in half, keeping one half and giving the other to Agnes in the name of marriage.¹²⁵ The breaking of a coin sealed the marriage contract and mutilated coins acted as personal and social proof of consent, both during and after contract.

These practices also reveal interesting attitudes to coins as both currency and object. The act of breaking coins robbed them of their monetary value and instead imbued them with a new function: an object valued for its mnemonic and emotional significance. Silver groats were the most commonly mutilated coins although more valuable coins such as gold nobles were also used. The gold noble was worth a mark, and represented a significant investment, suggesting that such coins were chosen specifically to be broken in order for its economic value to be clearly transformed into an equivalent socio-cultural one.¹²⁶ The breaking of a valuable coin became evidence of the commitment a man showed to his future spouse. For example, in 1521 John Jarvis entered the house of a man named Harrop, the master of Agnes Sutton. Upon his arrival John found Agnes crying because she was unsure

¹²⁵ DL/C/206, 89r-v.

¹²⁶ The silver groat was introduced into circulation in 1279, and it was worth four pence, but it failed because its value was twice the daily wage of a skilled labourer. It was successfully reintroduced in 1351 thanks to a rise in wages, and the subsequent demand for gold coinage in the mid-fourteenth century. As a result, Edward III issued the first gold coins for general circulation in 1344: the leopards. In 1344 they were replaced by the more stable noble, half noble, and quarter noble which were respectively valued at 6s 8d, 3s 4d, and 1s 8d. The main noble in circulation by 1467 was the rose noble which was introduced in 1465. The rose noble, or noble rial, was worth 10s and included halves and quarters. Bolton, *Money*, 51-2.

of John's feelings towards her. At this point he took her by the hand and said: 'leve your mopying i trust to God to make you laugh as often as yowe wepis for me'. They then proceeded to exchange words of consent and John broke a gold mark with his teeth, giving one part to Agnes, and keeping the other.¹²⁷

What this passage demonstrates is a movement from emotional doubt to certainty; John Jarvis is described as using word, action and object to demonstrate his firm intention to marry Agnes Sutton.

There were limitations, however, to the perception of broken coins as symbols of marital union. Upon giving Agnes Sutton a half mark, John Jarvis stated: 'I geve the thys *onward*¹²⁸ and thow ishall have a bettyr token to morrow'.¹²⁹ This suggests the limitation of broken coins as proof of marital union. John Jarvis described this token as an 'onward', a middle English word used to mean an advance payment, or more generally an advance.¹³⁰ The phrase 'onward' to describe the gold token adds credence to the idea that broken coins were seen to symbolise the contract rather than the marriage itself. For example, rings were more closely associated with the creation of marital identity, and were the most popular form of contract token, as we shall see later on in this chapter. Contract assumed a future action, be that the paying of a debt or a promise to have a marriage solemnised in church. However, this picture is not clear-cut since John Jarvis returned to Agnes Sutton with a gift of three further gold coins.¹³¹ John Jarvis' qualification of a 'bettyr token' was the giving of more coins rather than the alteration of object type. The coin as a medium of expressing marital commitment was clearly sufficiently recognised in their social circle. The act of breaking the coin in half designated it as proof of contract although the giving of coins at contract did not follow a strict rubric. Customs were mixed and determined by personal preference.¹³² In his deposition Stephen Sawner noted that John Nicholls broke a silver groat in half, 'as was the custom of John's [Nicholls] country'. John Nicholls was said to have

¹²⁷ LMA DL/C/207, 86v-87r.

¹²⁸ My emphasis.

¹²⁹ LMA DL/C/207, 86v-87r.

¹³⁰ OED 1: 'onward'; MED d: 'onward' (adv.).

¹³¹ LMA DL/C/207, 86v-87r.

¹³² Finucane, *Miracles and Pilgrims*, 95.

originated in 'Normandy or thereabouts', suggesting that the practice of breaking coins may have been perceived as having a Gallic origin, although there is no contextual evidence to support this claim.

A comparison of the practices of coin bending to elicit saintly help, and the breaking of coins at marriage contract illustrates that, whilst both were seen as a form of contract, the function of these objects was distinctly different. Bent coins were both a physical manifestation of a contract between a man and a supernatural presence but also the method through which a saint communicated his pleasure or displeasure at its progression (for example, whether or not a person had fulfilled his promise to the saint in return for their intervention). This object was thus more than a mnemonic for the promise but an active agent until the bargain was fulfilled. Whilst bent coins were seen to act as a contract between this world and the next (and as a result became a material conduit between the two), the coins broken during marriage contracts were broken because they acted as proof of contract between two living people and both received a part of the whole as evidence of contract. The marital litigation records demonstrate that material proofs were dependent on whether either reliable witnesses could prove a contract, or, on the desire of both parties to keep to the promise they had made in good faith. The material proofs could not prove a marriage but were seen as strong indicators that a contract had taken place and called into question the honesty of the individual who denied it.

Whole coins, particularly gold coins, were also popular love tokens between couples given before and after the exchange of consent. For example, in 1491 Robert Walsh told Margaret Flemmyng that he wished to take her as his wife, and that he wished to solemnise the marriage as soon as he returned from overseas even if she didn't have a halfpenny from her friends. They then exchanged words of consent, during which he gave Margaret a groat and a gold ring, and she gave him 40 pence on the occasion of marriage. Similarly, in 1510 Eleanor Byttyndike told the court that Alice Petit and Thomas Purcyvant had exchanged contract, and that after contract she had seen a gold coin in Alice's hand.¹³³

¹³³ LMA DL/C/205, 12v-13r.

Coins therefore had the potential to become symbols of matrimony and promises, with the context in which they were given being crucial to their perception. Money that had been exchanged for services or which had not been freely given as a gift could not have been perceived as a physical embodiment of emotional meaning. *Herbert Rowland v. Elizabeth Croft* in 1494 provides further details on the boundary between money as gifts and money as an exchange for goods or services, particularly how the method of exchange had an impact on the creation of meaning. Elizabeth Croft denied that she was betrothed to Herbert and argued that the 4d he had given her was payment for alcohol. The way in which the 4d was exchanged was crucial to her argument that the coins were not given as a token of marriage; she said that after he had asked her to marry him, and she had refused him, he had thrown her the money as he left.¹³⁴ The act of throwing not only implies the informality of the exchange but also a lack of personal connection. Bodily contact was an important signifier of a meaningful and romantic exchange with many cases emphasising either the placing of an object directly into the recipient's hand, or that the exchange was preceded or followed by a kiss. Intimate physical contact and the exchange of gifts was, by contrast, emphasised in one of Herbert Rowland's witness statements. William Tommys testified that whilst Elizabeth Croft exchanged contract with Herbert they held hands, after which Herbert gave Elizabeth a rial and a pair of gloves.¹³⁵ Elizabeth Croft's defense mentioned the exchange of a rial but in different circumstances. She said that Herbert Rowland left her a rial after he had been drinking, requesting that she keep it secure for him as he had just lost a great deal of money.¹³⁶ These contrasting statements demonstrate that the perception of why an object was exchanged was intricately tied to the method of its exchange, the memories of which emphasised how the emotionally and physically intimate moment of an exchange was transferred onto an object.

Returning to the John Jarvis and Agnes Sutton marriage it is clear that the coin tokens in themselves were seen as evidence of a change in their relationship, albeit an ambiguous one. In 1521

¹³⁴ *Projecit in recessu suo pro potu iiii d.* LMA DL/C/09065, 110r.

¹³⁵ LMA DL/C/09065, 189 r-v.

¹³⁶ A rial was a gold coin, it was issued under Edward IV and was worth 10s; it was also a common gift exchanged at contract. Spufford, *Money and its Uses*, 409.

Joan Fortune told the court that Agnes Sutton had approached her to ask if she would take these four tokens out of fear of her mother finding out about the contract. Agnes reportedly said: ‘these same Jervys dyd geve me yisterday before yow and the other afterward, I pray you kepe them to I spoke wit my mother and then she shall have them sone with hyr’.¹³⁷ Women like Agnes Sutton, and indeed some men, were expected to consult their parents and guardians in their quests to find spouses, and it was common for consent to be sought at the exchange of contract.¹³⁸ It appears that Agnes Sutton did not follow social expectations but had contracted with John Jarvis without her mother’s knowledge. She was aware that her behaviour had traversed social boundaries of marriage making because they were of different social classes. Her concern that her mother would find out about the contract was focused upon her possession of these four tokens because they were evidence that she had engaged in marital negotiations. The tokens, however, remained ambiguous; they might be representative of an exchange of consent or merely be love tokens; they did not prove the legality of the marriage or its circumstances.

This reveals a tension with the use of coins and other objects as evidence of a contract. Broken and bent coins were recognised as tokens of contract but did not speak as to the details and nature of the event itself. For example, in 1524 Elizabeth Powell told Richard Denton that she and John Frysour were ‘seuer togyther’ and that afterwards she had given him both a rial and a noble, however, ‘he thowht lytell off hyt’.¹³⁹ The use of things as evidence of contract was strongest when it was witnessed, or when the consent of the couple was not in question. In themselves coin tokens were seen as proof that a contract had taken place, but they were not evidence of the words used, the location of the contract, any witnesses or anything else that might have legitimised an exchange of consent in the eyes of the law. Certain material practices were accepted as social proofs of matrimony, but they were not admissible to the courts. So, whilst coins and other objects were recognisable as evidence of contract, without legal validity they were vulnerable to manipulation in marriage disputes.

¹³⁷ LMA DL/C/207, 88r-89r.

¹³⁸ McSheffrey, *Marriage*, 74-110.

¹³⁹ LMA DL/C/207, 208v.

Evidence from the consistory court suggests that when it came to marriage consent words alone did not cut it. Because consent was understood to be a transformative moment, both psychologically and emotionally, and because the veracity of intention was communicated both verbally and through the exchange of objects, it was important that gifts were unambiguously given and received in the name of matrimony. Witnesses to disputed marriages recognised the importance of gifts as vital proof of the legitimacy of a match, and even before a formal exchange of contract gifts were seen as a form of marital consent, and friends and family of the couple were sent to ensure that a gift was given and received as intended. Things could inspire both a memory and symbolism of a legal agreement such as matrimony. And the objects exchanged represented not just matrimony but also the spirit in which such promises were made. Thus, the breaking of such a contract was likely to have been frowned upon, perhaps with some of the same connotations as breaking pacts with saintly intercessors. Certain objects, particularly rings, were also more directly associated with the creation of the marital bond. The objects exchanged at contract represented both the spirit of matrimony and the spirit of a freely and happily given consent to contract. However, the timing and rituals of gift giving was all important. We will now turn our attention to the role of gesture in marital consent.

6. Gesture and Marriage Making

Marital vows created an intimacy between couples as they became joined as man and wife, and the intention or emotional animus behind words was further communicated and reinforced through gesture, used alongside the giving of gifts. *The Oxford English Dictionary* defines a gesture as ‘movement of the body or limbs as an expression of feeling’, and an earlier use of the word referred to, ‘the employment of bodily movements, attitudes, expression of countenance, etc., as a means of giving effect to oratory’.¹⁴⁰ A gesture is thus a form of bodily communication such as, for example, a wink or a smile, to impart culturally recognised messages, intentionally or not; some of them were designed to

¹⁴⁰ OED 3b, and a.

accompany performative speech.¹⁴¹ The cultural turn has established an interest in the symbolic and communicative value of the body in its historic context, particularly in regards to the expression of emotion. Gestures were an important aspect of both public and private rituals, and were used in non-verbal, and often emotionally charged, communications.

The exchange of gifts had its own customs, and gestures and language, which were often strongly dependent on its social context. For example, Natalie Davis has argued that in sixteenth century France the sale mode and the gift mode of exchange coexisted, with each having their own etiquette of language and gesture. Gift presentation was recognised for the adoption of a posture of submission by the giver at the recipient's knee.¹⁴² Felicity Heal noted that early modern royal gift-giving ceremonies were performative displays of benevolence and tied to the majesty of royalty encompassing all of the ritual behaviours of the court. Ceremonies of generosity were carefully staged to reinforce royal power and patronage; the message of the gift was that of royal prerogative and majesty, materially transmitted.¹⁴³ The 'ceremony of the gift' was also a feature of the exchange of late medieval marriage gifts and was used by witnesses to argue for the validity of a marital contract.

The display of intimacy was an important part of this ceremony or performance and words of contract were often spoken whilst the couples clasped hands. Our knowledge of this practice comes from instructions given in the Sarum Rite, which described the rituals of the marital mass.¹⁴⁴ During contract a couple would take each other by the right hand whilst speaking words of consent. In artistic representations of matrimony, the creation of marriage was also visually described using the image of the handfast (hands tied together with ribbon). For example, in a Franciscan missal produced in the mid-fourteenth century, in the parable of the wedding of the king's son (Matthew xxii. 1-14) the couple are depicted handfasting to symbolise their union.¹⁴⁵ There are no descriptions of the handfast in the

¹⁴¹ Keith Thomas, 'Introduction', in *A Cultural History of Gesture*, ed. Jan Bremmer and Herman Roodenburg (Cambridge: Polity Press, 1991), 1; and J.A. Burrow, *Gestures and Looks in Medieval Narrative* (Cambridge: Cambridge University Press, 2002), 1-10.

¹⁴² Natalie Zemon Davis, *The Gift in Sixteenth-Century France* (London: The University of Wisconsin Press, 2000), 56-66.

¹⁴³ Felicity Heal, *The Power of Gifts: Gift-Exchange in Early Modern England* (Oxford: Oxford University Press, 2014), 89.

¹⁴⁴ *Manuale ad usum percelebris ecclesie Sarisburiensis*, 47-8.

¹⁴⁵ Bod. MS. Douce. 313, 223v.

consistory court records, but in 1514 John Shipley recalled how John Nicholls had taken Alice Darby as his 'handfast wife'.¹⁴⁶ The handclasp was also recognised as a gesture of contract, marital or otherwise. For example, a lord would clasp his vassal's hand between his own during the ceremony of homage.¹⁴⁷ In the consistory court record the predominant gesture was the joining of hands during the exchange of consent and this was both a demonstration of contract and a recognizable symbol of matrimony and marked the increased intimacy that was expected of married couples.

The handclasp was also depicted on late medieval objects.¹⁴⁸ Chapter 1 (pages 50-1) discussed the strong associations between *Fede* rings and badges, and the making of marriage. The concept of the marital union was reflected in the design of other material things, with handclasps depicted on funerary monuments from 1360-1410, which Peter Coss has argued was used selectively to communicate a particularly deep bond of love experienced by certain married couples.¹⁴⁹ The survival of such objects is testament to the recognition of the importance of gestures in marriage making. Legally speaking, gestures were not necessary for the making of a marriage but evidence from the consistory court demonstrates that gesture was an expected and important part of the ceremony of consent.

In the consistory court records gestures of hand and mouth were commonly practiced during the ceremony of consent. There was often a temporal logic to the sequence of these gestures. The couple would clasp each other by the right hand whilst speaking words of consent and to seal these words they would kiss upon completion. A gift was then exchanged to mark the end of the ceremony of consent,¹⁵⁰ and to advertise the new social identity of the recently married couple.¹⁵¹ For example, in 1491 Thomas Wilby went to the house of Maude Gyll's father to witness her exchange of marital

¹⁴⁶ LMA DL/C/206, 253r-v.

¹⁴⁷ Burrow, *Gestures and Looks*, 11-13.

¹⁴⁸ Michael Sheehan stated that the gift of the ring at marriage contract was connected the joining of hands, in 'Choice of Marriage Partner in the Middle Ages: Development and Mode of Application of a Theory of Marriage', in *Medieval Families: Perspectives on Marriage, Household, & Children*, ed. Carol Neel (London: University of Toronto Press 2004), 179.

¹⁴⁹ Gilchrist, *Medieval Life*, 112-3; Nigel Saul, *English Church Monuments in the Middle Ages: History and Representation* (Oxford: Oxford University Press, 2009), 302-7; and Peter Coss, *The Lady in Medieval England* (Sutton: Stroud, 1998), 93-105.

¹⁵⁰ For example, LMA DL/C/09065, 249v-250r.

¹⁵¹ Post contract gifts given 'in the name of marriage' are found in the following: LMA DL/C/205, 46v-47r; and DL/C/09065, 199v-200r, 200r-v, and 250 r-v.

consent with John Austen. Wilby recalled that after the couple had exchanged words of consent Maude Gyll gave John Austen a pair of gloves in the name of marriage, which he gratefully accepted.¹⁵² The glove was a popular gift in late medieval and early modern England and have a close association with the body (gloves were often tailor made to fit a person's hand). A glove can thus be read as a uniquely intimate gift, as it either suggests that the giver had a good knowledge of the recipient's hand size and shape, or – if it were second hand - it can read as an embodiment of the person who has given it. Its unique connection to a person's body can be thus read as a material mnemonic of that individual, and of the promise that it was given to represent.¹⁵³ John Austen then returned the favour and gave Maude Gyll a gilt ring in the name of marriage that she received gratefully, also in the name of marriage.¹⁵⁴ The witnesses to these exchanges emphasised that the objects had been given and accepted as marital gifts, thus implying that the gift-making process was symbolic, with word, deed and object all required for creating meaning and memory amongst the witnesses.

The two-party suit launched against the wealthy widow Maude Knyff in 1470 offers a comparison between different scenes in which gesture was used to help prove marital legitimacy. In the summer of 1470 Arnold Snarynge was in conversation with Robert Grene who told him that he had privately contracted marriage with the widow Maude Knyff. Robert asked Arnold to go to her house, with a friend, to witness a second contract. A few hours later Arnold Snarynge and John Pomeys stood outside Maude's house and peered through her window. They told the court that they then saw Maude Knyff embracing Robert Grene around the neck with her right arm, with Robert holding her right hand in his. Robert Grene then took from Maude's left hand a golden ring and Maude asked him to guard the ring well, out of love for her, because she would not want the ring to be lost, out of love for her deceased husband. It was at this point that the couple exchanged words of consent.¹⁵⁵ The intimacy

¹⁵² Dicta Matilda dedit eidem Johanni unum par seroticarum nomine matrimonii et ipse gratanter recepit. LMA DL/C/09065, 249v-250r.

¹⁵³ Peter Stallybrass and Ann Rosalind Jones, 'Fetishizing the Glove in Renaissance Europe', *Critical Inquiry* 28 (2001): 116.

¹⁵⁴ Johannes Austyn contulit eidem Matilde unum annulum deauratum nomine matrimonii et ipsa gratanter recepit nomine matrimonii. LMA DL/C/09065, 250 r-v.

¹⁵⁵ LMA DL/C/205, 60v-61r.

between the couple was played out using gesture, words and objects to demonstrate their consent to marry. The words of consent were symbolically represented through their close physical contact, their gestures suggestive of their acceptance of their new roles as husband and wife. Maude's gift to Robert of her marriage ring, that of her deceased husband, is shown as further proof of her commitment to the marriage. Maude acknowledged the love she felt for her dead husband but accepted Robert as her new husband by giving him her ring which became an embodiment of the complex social, moral and emotional status Maude faced, but was nevertheless proof of her intention to re-marry.

Maude Knyff denied that she had exchanged contract with Robert Grene.¹⁵⁶ She argued that she had contracted with Thomas Torald, a self-styled gentleman who in 1469 was given a life grant of 6s. 8d per annum for services to the city.¹⁵⁷ The exchange of contract between Maude Knyff and Thomas Torald had taken place around the same time as her alleged contract with Robert Grene, and in contrast to that exchange this ceremony was noticeable for its publicity. Five witnesses testified at the consistory court that they had witnessed the marriage.¹⁵⁸ Joan Bristall recalled how she went to Maude Knyff's house to hear how she was pledged to a certain man and upon arrival she found Thomas and Maude sitting together in the hall at its high table.¹⁵⁹ Maude then said to Joan, 'behold, here sits my husband', and Thomas called Maude his wife. The couple then exchanged consent whilst clasping hands. After this Thomas Torald declared to the assembled witnesses 'behold, Maude, my wife', and Maude replied similarly, 'and you are my husband, behold the sign'; at this point Maude held up the gold ring on her index finger of her right hand, and they exchanged consent once more.¹⁶⁰ The multiple

¹⁵⁶ Maude Knyff denied this marriage contract and instead accused Robert Grene of stealing this ring from her finger, for further discussion of this case see Chapter 2.

¹⁵⁷ CLBL, 82 and CLRO, Journal 7, 185v. In McSheffrey, *Marriage*, n15, 237.

¹⁵⁸ DL/C/205, 62v-63r, 63v-64v, 64v-65r, 65v, 67r-68v, and 68v-69v.

¹⁵⁹ In many late medieval London homes the hall was the post public place, and it was a popular venue for the exchange of consent. McSheffrey, *Marriage*, 124.

¹⁶⁰ Et statim dicta Matilda asseruit huic iurate, 'Ecce, hic sedet maritus meus'. Et tunc dictus Thomas asseruit publice tunc ibidem quod ipsa Matilda erat uxor sua, et dixit huic iurato sub hac forma videlicet, 'Pro maiori et evidenciari huius rei noticia scietis quod ista Matilda est uxor mea'. Et cepit eam per manum et dixit eidem, 'Ego Thomas accipio te Matildem in uxorem meam, quamdiu vita mea durauerit et ad hoc do tibi fidem meam'. Et retraxerunt manus. Et tunc ipsa Matilda cepit ipsum per manum et dixit eidem sub hac forma in Anglicis, '*So am y as longe as my hyf lastyrb, and perto y phyght you my trouth*'. Que deponit ista iurata de visu et auditu suis propriis. Et tunc ista iurata recessit ad domum suam et statim postea revenit ad et in eandem aulam, et ibidem in presencia istius iurate, Jacobi Mamford, Johanne Davy, et Awdry Quynson, et non plurium ut credit, dictus Thomas Torald asseruit publice sub hac forma, 'Ecce ista Matilda est uxor mea' et ipsa asseruit, 'Et vos estis

exchanges of consent and proclamations of marriage represented an extensive public display of matrimony. This was presumably enacted in an attempt to withstand the accusation made by Robert Grene. Domestic contracts usually took place in front of a select group of trustworthy friends and family.¹⁶¹ This marriage, however, was broadcast widely among the couple's circle of friends and acquaintances. Both of Maude Knyff's supposed marriage contracts were described in terms of gesture and the presentation of the marriage ring. Both of the suits launched against her emphasised the importance not just of gesture and the exchange of things but also the participation of witnesses.

There could be limitations to the mnemonic power of gift-exchange and gesture at contract; some witnesses might simply forget. In 1512, for example, John Whych was questioned about a marriage contract from 1488. He recalled that when he was an apprentice he had witnessed a marriage contract in the Saracen's Head tavern between John Stuttbery and a woman he could only remember as being very tall. He remembered that the couple had said they would take each other but could not remember a kiss, any gifts, or handclasping.¹⁶² Given that twenty-four years had elapsed – and perhaps also considering the location of the contract and its propensity for alcoholic beverages- John Whych can be forgiven for his failure in memory. Despite this case, gestures and the simultaneously intimate and public exchange of gifts at contract were remembered, and were used to legitimise, and add solemnity to, these ceremonies.

A kiss usually followed the exchange of consent. In the twelfth century Aelred of Rievaulx wrote that a kiss between two people intertwined their 'spirits', binding together the minds of its participants.¹⁶³ The kiss had an important social role in the middle ages, and was used to mark reconciliation, convey a liturgical blessing and more generally as a show of affection between friends,

maritus meus', dicendo, 'Ecce signum', demonstrando anulum aureum super indicem dextere sue manus. LMA DL/C/205, 67r-68v.

¹⁶¹ McSheffrey, *Marriage*, 30.

¹⁶² LMA DL/C/206, 164r.

¹⁶³ Aelred of Rievaulx, 'De Spirituali amicitia', in *Aelredi Rievallensis opera Omnia, 1: Opera ascetica*, eds. A. Hoste and C.H. Talbot (Turnhout: Brepols, 1971), 306-7.

spouses and family.¹⁶⁴ According to Aelred of Rievaulx amorous kissing was only allowed between spouses,¹⁶⁵ and a kiss was used to symbolically seal the confirmation of a marriage.

Henry Wilkyn described how in 1523 Bernard Rych was presiding over the marital contract between John Warmer and Margaret Holteman. Bernard asked Margaret if she would take John as her husband, and she said she would. Bernard then proclaimed, ‘then let us see some tokyn of love and promyth ye hands and drynke to gether that we may bere record’. The couple then struck hands together and kissed.¹⁶⁶ However, another witness, Francis Baton, had a different memory of Bernard Rych’s words, and told the court that Bernard asked the couple ‘to kyss to gether that we may know that is your mind and purpose’.¹⁶⁷ This case demonstrates how gesture was seen to be crucial to the validity of the contract; it was not the words of marriage or contract that were required by Bernard Rych as proof of their marital intention, it was the handclasp and the kiss.

The kissing of objects at exchange was also used to emphasise the emotional status of an individual and used as evidence of marital consent. In 1488 Thomas Clarell recalled how after exchanging words of consent with Margaret Niter, Piers Curtes had taken a ring from his finger, kissed it and put it on Margaret’s finger.¹⁶⁸ This intimate bodily act was transferred onto the ring, thus materially connecting the couple through an emotionally charged mnemonic moment. Outside the ceremony of consent, the kissing of an object was more generally understood as evidence of an important emotional connection, particularly between lovers. In medieval narratives objects representing a lover were kissed. In Chrétien’s *Cligés*, for example, Alexander kisses a shirt that had been made with his mistress’s hair, and in Chaucer’s *Legend of Good Women*, the lovers Pyramus and Thisbe kiss the wall that separated them.¹⁶⁹ While not signs of marriage, these literary examples speak to a culture in which kissing objects was thought to signify emotion and intention, and in the context of

¹⁶⁴ Woolgar, *The Senses*, 40.

¹⁶⁵ Burrow, *Gestures and Looks*, 50.

¹⁶⁶ LMA DL/C/207, 167v-168r.

¹⁶⁷ Ibid.

¹⁶⁸ LMA DL/C/09065B, 1v-2r.

¹⁶⁹ Burrow, *Gestures and Looks*, 54.

marriage making the kissing of an object was seen as proof of consent. Thus, in 1491 Richard Braunthwayte told the court that he believed John Kendall and Elizabeth Willy had contracted marriage. He recalled that in the previous year he had asked Elizabeth whether she had contracted with John, and she replied that she had. He added that in Michaelmas 1490 Richard Braunthwayte was asked by John Kendall to present a galleyman's brooch to Elizabeth Willy.¹⁷⁰ This brooch probably had a depiction of a galleyman, a man who rowed a ship, on its surface.¹⁷¹ It was an object to which, according to Richard Braunthwayte, Elizabeth Willy was emotionally attached. Richard described how she received it gratefully, kissed it, and put it in her purse, saying, 'I know it well; I know I gave it him before for a token'.¹⁷² This brooch had been transformed from what was either a trade or secular badge, into an object that represented the emotional bond between Elizabeth and John Kendal. Richard Braunthwayte used Elizabeth's acceptance and kissing of this object as tacit evidence of her consent to the marriage. The kissing of objects was used as evidence of consent because it suggested a genuine emotional commitment. Moreover, it demonstrated a belief that a person's possessions could act as a substitute for them, and the kissing of such things can be read as a desire to forge an emotional bond.

The gift-giving process was thereby used to imprint specific meanings upon an object, and in the context of marriage making, gifts were exchanged with specific reference to the preceding ritual of consent. Beyond words of consent, deponents in matrimonial suits sought to prove a valid and legitimate union by enacting and describing a combination of word, gesture and object. The meaning of a gift was directly tied to marriage consent, but we shall now examine how the register of the gift was developed and refined between domestic contract and the solemnisation of marriage in church.

¹⁷⁰ LMA DL/C/09065, 108v-109r.

¹⁷¹ A galley man rowed on a galley ship, and as it is unlikely that Elizabeth herself was a galley man this object may have been a gift from a former lover, friend, or a relative.

¹⁷² 'I know it wel, I now I gaf it him befor for a tokyn'. LMA DL/C/09065, 108v-109r.

Gifts Leading up to Solemnisation

The exchange of contract may have created the sacrament of marriage, but the marital blessing was often the point at which society accepted a couple as man and wife. The will of an English merchant (based in Bruges) in the latter half of the fifteenth century provides an insight into this position of social liminality, between consent to wed and its solemnisation. He was betrothed, but not married, and was concerned about the status of his fiancé. On the 12th of September 1472 William Stepham delivered his last will and testament in front of a number of his acquaintances and other distinguished people in the town of Bruges. This public statement was recorded and transcribed by Lucas de Via, a public clerk in the diocese of Tournai, on the 24th of September 1472 after William Stepham's death.¹⁷³ The will provided for William's betrothed lady Margaret Wodehows, and 'gave and left to the lady Margaret, his betrothed, all the jewels, garments, precious objects or other womanly adornment of the body, which were intended for the body of his betrothed on account of the solemnisation of the marriage'.¹⁷⁴ This bequest was the first in his will, and immediately followed the instructions for his outstanding debts to be made. It also declared that Margaret should keep the movable and immovable goods she had held prior to their promise of marriage, and that no further share or division of these goods was to be given to his heirs or successors. The primacy of these bequests expressed the importance to William Stepham of securing the financial and legal position of his betrothed.

By writing this document William Stepham was providing legally secure written proof that Margaret Wodehows' property and his gifts to her were hers and hers alone. He further declared that he required his executors to treat lady Margaret in such a manner that 'would give her no cause for disagreement with him, so that in the future the lady would be bound to say and maintain that her betrothed's behaviour towards her had ever been that of a good, just and honourable man'. William

¹⁷³ William Stepham in *The Logge Register of the Prerogative Court of Canterbury Wills 1479-1486*, eds. Lesley Boatwright, Moira Habberjam, and Peter Hamond (Knaphill: Richard III Society, 2008) 2: 477- 483.

¹⁷⁴ 'Donavit et legavit predicte domicelle Margarete sue sponse omnia et singular jocalia, vestes, clinodia et quecumque ornamenta mulierum ad corpus eiusdem sue sponse spectantia et pertinentia propter solemnisationem huiusmodi matrimonii ordinata'. Ibid, 478, and 481.

Stepham's behaviour towards Lady Margaret was not just prompted out of a desire to ensure the financial security of his would-be wife but also to secure his own reputation as an honourable man. Indeed, he also stipulated that his executors were to urge and request his betrothed to behave with temperance, piety and kindness in her dealings with his household and servants. William Stepham's bequest to the lady Margaret should not be read as simple affection towards his betrothed but as a reflection of the legal vulnerability that existed in the stage between betrothal and marriage. It is clear that some form of promise of marriage had been exchanged between the couple, yet it is unclear whether this was a witnessed exchange of consent or not. What is clear is that the rite of solemnisation was perceived here as the final stage of matrimony.

Acceptance of a marriage was not, however, uniform, and the time between the exchange of contract and the marital mass or solemnisation was in some cases a period of social liminality. The receipt of a gift subsequent to the exchange of contract had the potential for misinterpretation, especially if the words of contract had been ambiguous or informal. In the autumn of 1471, Richard Cordell recalled that he had discussed marriage with Margery Ford in a field in Enfield, Essex. He told the court that he had taken Margery by the hand and asked her to marry him; she replied that she would, but she did not wish to have the banns of marriage arranged. After hearing these words Richard had thought of Margery as his wife, and asked Denise Cordell to give Margery a pair of gloves and a gilt ring on occasion of marriage, gifts which were received gratefully by Margery.¹⁷⁵ In her defense statement Margery admitted that she had received these gifts but denied that she had received them on the occasion of marriage.¹⁷⁶ This case rests on a disagreement about what constituted a legitimate marriage, with Richard arguing that Margery's private words of marriage and her acceptance of his gifts were proof of their marriage. Margery, on the other hand, argued that because these words had been exchanged privately they had not proceeded beyond informal discussions of marriage, and thus any gifts received were not 'on the occasion of marriage', but were rather tokens from an interested suitor.

¹⁷⁵ LMA DL/C/205, 138v-139v.

¹⁷⁶ LMA DL/C/205, 138v-139v.

Richard Cordell appears to have persuaded the vicar of Enfield that the marriage was legitimate, and he agreed to proclaim the banns of marriage. Margery's parents then visited the cleric and told him to halt the matrimonial process until the couple were better agreed.

The fact that this case was argued in court is proof in itself that exchanging ambiguous words of marriage, followed by the acceptance of marriage gifts, could be accepted as a legitimate union. In 1474 Elisabeth Brygge told the consistory court that after she had witnessed the exchange of consent between William Twygge and Christian Bate a certain Robert Smyth had brought an enamelled gold ring to Christian as a gift from William. Christian was said to have received the ring 'freely and, she believes, in matrimony'.¹⁷⁷

The meaning of these gifts was dependent on whether or not they were believed to have been exchanged after an exchange of consent. On 23 October 1514, Ann Hawkswell told the consistory court that she had overheard a private exchange of consent between William Cutt and Katherine Ridley. She further testified that around this time William had sent Katherine gifts, and had given a gimmel ring to a servant of Katherine's father to give to her (see Chapter 1, pages 51-2, for an iconographical discussion of gimmel rings).¹⁷⁸ The exchange of these gifts, and the implicit consent of Katherine Ridley's father, was used as evidence of the legitimacy of this marriage contract. The authority of objects as evidence of a determination to marry was altered because they had been exchanged after contract.

The marriage dispute between Nicholas Vavecer and Alice Cademan is one of the longest in the later medieval consistory court records; it reached the court on 23 July 1474. As Vavecer had sought to discredit Cademan, and her witnesses' claims that the pair had exchanged words of consent. On the 24 October 1474 the official of the consistory court examined them both, and both admitted to having discussed contracting marriage in Alice's home. Nicholas Vavecer denied that these discussions had led to a contract of marriage. Alice Cademan told the court that in May that year Nicholas had come to her

¹⁷⁷ 'Libenter suscepit... et ut credit et a marito'. LMA DL/C/205, 216r-217r.

¹⁷⁸ LMA DL/C/206, 291v-292r.

house and that they had both exchanged words of marriage, albeit ambiguous ones; they both swore that there was no other they wished as their spouse.¹⁷⁹

Alice said that these words were exchanged whilst they held each other by the right hand and had been followed by a kiss; Nicholas denied the latter. He did admit that around this time he had sent Alice Cademan two gold rings but denied that they had been sent as an acceptance of having taken Alice as his wife; he also admitted that Alice had sent him a further gold ring and a heart of gold. One of Alice Cademan's witnesses, Eleanor Acton, informed the court that during Easter of that year she had witnessed an exchange of marriage between Alice Cademan and Nicholas Vavecer. Two or three days afterwards she had, at Nicholas' request, given Alice a half a quarter of apples, eight oranges and a gold ring which Alice received in Nicholas' name, as from her husband.¹⁸⁰ In this case the question of consent was implicitly tied to how a gift had been given and received; the fact that objects had been exchanged was undisputed: it was materially evident and a witnessed event. In regard to the exchange of consent, Nicholas Vavecer denied that this had taken place but did not deny that gifts had been exchanged. These exchanged objects acted as a point of doubt concerning Nicholas Vavecer's testimony that a contract had not taken place and the court seems to have sided with Alice Cademan since a year later Vavecer had himself declared impotent, an act that nullified any existing marriage.¹⁸¹

The preparation for a marriage and the purchase of nuptial clothing and dress accessories was also discussed in the depositions as proof of marital intention. Cloth was a particularly potent material communicator in the middle ages, and Maureen Miller has discussed how the high middle ages saw the development of a language of clothing to communicate holiness and power, and to channel God's

¹⁷⁹ Prefatus Nicholaus venit ad domum istius iurate ubi et quando idem Nicholaus et ista iurata insimul communicauerunt de matrimonio inter eos contrahendo, et tandem prefatus Nicholaus accepit prefatam Aliciam per manum et dixit eidem ista verba, 'Ego nunquam volo habere aliam mulierem in uxorem meam preter te, et ad hoc do tibi fidem meam'. Et tunc ista iurata dixit eidem incontinenti, 'Et ego nunquam volo habere alium virum in maritum meum preter te, et ad hoc do tibi fidem meam'. Et osculati sunt adinuicem, et de osculo fatetur dictus Nicholaus. LMA DL/C/205, 240v-241r.

¹⁸⁰ LMA DL/C/205, 230v-231r.

¹⁸¹ On the 14th of July 1475 Adam de Negro, who described himself as Nicholas Vavecer's physician, confirmed his impotence, and this diagnosis was back up by three fellow surgeons. LMA DL/C/205, 286r-287v. For a discussion of canon law on impotence and marriage annulment see Catherine Rider, *Magic and Impotence in the Middle Ages* (Oxford: Oxford University Press, 2006), 113-134.

grace.¹⁸² Similarly, the purchase of clothing, and the subsequent wearing of it were used to communicate marital matches. For example, in his will William Stepham described the ‘womanly adornments’ purchased for the body of his bride which were to be worn at the ceremony of solemnisation; clothing and dress accessories would have formed a crucial role in the celebration of their marriage. This ritual aspect was particularly important for women, as the preparation of the bridal body was an important aspect of the lead up to marriage.

In January 1469 Anne Horton told the consistory court that two years previously she frequently visited Anne Boteler’s house in the parish of St Leonard, Foster Lane. One day around Christmas 1467 she had found Robert Elyson sitting in Anne’s bedchamber, and upon his departure Anne Horton enquired as to who he was and why he frequented her friend’s house. Anne Boteler replied that she wished to have him as her husband, and he wished to have her as his wife; and many times, they had discussed solemnisation and the purchase of wedding clothes.¹⁸³ Anne Horton’s only evidence that this couple had a marital relationship was their physical intimacy and their descriptions of the plans for the solemnisation of their marriage. Robert Elyson denied contracting with Anne Boteler. He admitted a sexual relationship but denied that he was ‘espoused [to] her, nor gave her any goods nor received any from her for the sake of a contract of marriage or to contract marriage with her’.¹⁸⁴ Anne Horton’s evidence that the couple were betrothed hinged on the implicit assumption that because the couple were discussing the celebration of their nuptials they must have exchanged marital consent. However, without proof of such an exchange, any testimony of these discussions was insufficient evidence of marital consent. Nevertheless, witnesses routinely used the planning of the ceremony of solemnisation, in particular the purchase of wedding clothes as evidence of an intention to marry.

The purchase of nuptial clothing was a costly business and provided an economic driver for the successful completion of a marriage. Fathers and guardians of the bride or groom seem to have been responsible for financing the purchase of nuptial clothing, which further emphasises the importance of

¹⁸² Maureen Miller, *Clothing the Clergy: Virtue and Power in Medieval Europe, c. 800-1200* (Ithaca: Cornell University Press, 2014), 2-3.

¹⁸³ LMA DL/C/205, 30v-31r.

¹⁸⁴ LMA DL/C/205, 35v.

trust in the pre-solemnisation marital process.¹⁸⁵ Trust in the honest intention of a potential son or daughter in law and the veracity of the exchange of consent was crucial. Greater levels of trust seem to have been placed on the potential groom because he was charged with selecting and ordering nuptial clothing, if not financing it. In 1487 Robert Rokewode declared that he wanted Peter Hanham to solemnise marriage to his daughter, Alice Rokewode, because his potential son-in-law had purchased a number of ornaments for the marriage, for which he had paid £9.¹⁸⁶ Details as to what kind of goods these ‘ornaments’ may have been can be found in other disputed marriage cases. Joan Saye was alleged to have sent Richard Stacey a number of items of dress after an exchange of consent, including a breastplate made of cloth and a piece of green silk.¹⁸⁷ The purchase and selection of marital clothing was seen as evidence of a commitment to matrimony as it anticipated a couples’ future life together as husband and wife. Also, negotiations with the father or guardian of the bride over the purchase of wedding clothes were evidence of the beginnings of a relationship with a future father in law.

The most detailed discussion of the organising of nuptial dress is to be found in the alleged marriage between Agnes Whitingdon and John Ely. John Robert testified that on a proceeding day after he had witnessed the exchange of consent there had been a meeting in his house at which Agnes Whitingdon’s master, a certain Hawkyns, questioned the couple about the marriage. Master Hawkyns asked John Ely if he wanted to take his servant as his wife and John Ely replied that he had ‘made her a promise that he never wished to break’. John Robert stated that following this announcement John Ely had asked Master Hawkyns to make an order to master Percyvale for a piece of cloth for a wedding gown for Agnes, and Hawkyns then agreed to pay 6s 8d for a girdle for Agnes. Another of Agnes Whitingdon’s witnesses said that he heard John Ely asking John Robert to inquire about a wedding gown of violet for Agnes and a gown for himself.¹⁸⁸

¹⁸⁵ Robert Hudson testified that after Laurence Wyberd and Maude Gyll had exchanged consent John Wyberd, Laurence’s father, had brought his son a piece of cloth to be used in the making of Maude’s nuptial dress. LMA DL/C/09065, 4v-5r.

¹⁸⁶ Dixit quod voluit hoc facere quod ipse Petrus emit tot ornamenta pro nupciis pro quibus iste juratus solvit nonem libras sterlingas. LMA DL/C/09065, 39v-40r.

¹⁸⁷ LMA DL/C/09065, 223v-224r.

¹⁸⁸ Quod desiderabat dictum Johannem Roberd ad inquirendum pro toga nupcialia pro dicta Agnete de violet, qualis ipse Johannes pro eius persona propria habuit unam togam paratam. LMA DL/C/09065, 11v -12r.

Witness testimonies demonstrate that the purchase of nuptial clothing acted as persuasive evidence of a groom's personal investment in the completion of a marriage, despite the fact that the financial burden of the purchases lay with the bride's guardian. John Robert's statement suggests that John Ely used his wish to purchase a wedding garment for his betrothed to persuade her guardian of his intention to marry Agnes Whitingdon. In the other cases surveyed the expectation was that guardians would pay for the cost of nuptial clothing, and the groom would carry out the purchase. The groom and father-in-law thus entered into a contract based on trust and the fulfilment of an obligation. It is this suggestion of a private financial agreement between these two men that might also explain why the purchase of wedding clothes was seen as proof of marital intention.

Diane O'Hara has suggested that in early modern England, upon remarriage a widower would give his new wife her predecessors' finest gown, as a 'transfer of sentiment', and relocated marital 'expectation to the new spouse'.¹⁸⁹ Such a trend can also be seen in later medieval London. For example, John and Joan Roberts stated that one evening around the 29 November 1487 John Ely and Agnes Whitingdon had exchanged words of consent in their home.¹⁹⁰ Some two weeks after they had witnessed this, John Ely and Agnes Whitingdon hosted a dinner at John Ely's house to celebrate this new marriage. After dinner, Ely led the company to his bedchamber and showed them his bed and bedding, and a blue gown that had belonged to his dead wife, which he indicated that he wished Agnes to wear at their nuptials.¹⁹¹ Joan Roberts added to her husband's testimony and stated that John Ely had said to Agnes Whitingdon, "by the feith of my body, ther shal non body ly in this bed tyll you and I lye in hit to gedir".¹⁹² John Ely's insistence that Agnes Whitingdon wear one of his dead wife's blue gowns

¹⁸⁹ O'Hara, *Courtship and Constraint*, 84.

¹⁹⁰ LMA DL/C/09065, 11v-12r.

¹⁹¹ Et dicit ulterius quod circiter vii^{ma} vel quindenam extunc sequentem iste juratus et Johanna eius uxor invitati per dictum Johannem prandebant cum dictis Johanne et Agnete Whitingdon in domo eiusdem Johannis Ely, et post prandium eadem die idem Johannes duxit dictam Agnetem, istum juratum, et eius uxorem in cameras suas et ostendebat eisdem lectos et apparatus, togas alterius uxoris sue defuncte et zonas eiusdem harnesiatas et limitavit qua zona ipsa uteretur primo die nupciorum, et qua zona secundo die, et quod eadem die uteretur toga blodio que fuit prioris uxoris sue mortue, et ostendit eidem lectum, dicendo quod nunquam dormiret in eodem quousque p[ost] nupcias ipsa et idem Johannes in eo simul quiescerent ut dicit. LMA DL/C/09065, 10v-11r.

¹⁹² Hoc [addito] quod dicit quod tempore ostensionis camerarum et bonorum suorum dicte Agneti, idem Johannes in presencia istius jurate et eius mariti dixit dicte Agneti, acci^{pi}endo eam per 'anum [dixit] sic, 'Agnes, by the feith of my body, ther shal non body ly in this bed tyll you and I lye in hit to gedir'. DL/C/09065, 11r.

for the solemnisation of their marriage was to prove his intention to have their contract finalised in church. The selection of this specific gown for Agnes to wear is so telling about his intentions as it implies a thought process indicative of a genuine commitment to wed. This piece of clothing, belonging to his deceased wife, was representative of significant economic, symbolic and mnemonic worth. Maude Knyff was accused of giving her husband's wedding ring (for the providence of this ring see pages 159-60 of this chapter) to Robert Grene and she had allegedly asked him to look after it out of love for her husband. A similar sentiment can be seen here. As John Ely's gift to Agnes Whitingdon of his wife's clothes marks his decision to take her on as his new spouse and Agnes' role as his new spouse is emphasised by her putting on these clothes.

The location of this exchange, John Ely's bedchamber, is another interesting aspect of this case. The intimacy of inviting the company into his bedchamber underlines the importance of the gown as a sign of close personal commitment. Shannon McSheffrey has labelled the bedchamber a problematic space in marriage making, as marriage contracts made in the bedchamber were often labelled clandestine because of their associations with sexuality and intimacy.¹⁹³ As well as evidence of intention these gifts of cloth provide evidence of an emotional attachment, they act as an externalization of John's Ely's care for Agnes Whitingdon's well-being and appearance, fitting with his proclaimed desire for her to become his wife. It is also evidence of male control over the female body as John Ely's desire for Agnes Whitingdon to wear this gown is a metaphor for the legal, social, and economic control he would have over her body as her husband.

We find that the later stages of the marital process saw a widening of the network of marriage gifts, as it moved from exchanges between the couple to demonstrate their own commitment to widen out to friends and family who wished to celebrate the marriage, something which was particularly evident on the day of solemnisation.

¹⁹³ McSheffrey, 'Place, Space and Situation', 977.

Solemnisation

Thirteenth century English synodal sentences prescribed that the exchange of contract had to be followed by its publication in the couple's respective parishes. Banns of marriage were to be read three times in the parish church to ensure that there was no impediment to the marriage's legitimacy. It was only after these steps had been taken that a couple completed their marriage at a nuptial mass, a ceremony conducted by a priest.¹⁹⁴ The ceremony of solemnisation itself was recognised by many as the final part of the medieval marital process as a couple's consent to marry became formally legitimised by the church through the performance of the nuptial mass.

It is likely that by 1467 most people in the diocese of London would have solemnised their marriages and received the church's blessing.¹⁹⁵ But it is also true that a significant minority did not solemnise their marriage but considered themselves married immediately following some form of domestic contract. If a marriage had been solemnised witnesses often referred to it, or the priest might be called to testify its validity,¹⁹⁶ but the fact that a number of deponents testified to marriage contracts (sometimes years previously) without reference to solemnisation is an indication that solemnisation was often bypassed. For example, William Rokyston testified that two years previously he had witnessed the exchange of consent between Richard Colyn and Joan Deynes in a tavern, but we have no evidence that this marriage was ever solemnised.¹⁹⁷ In the cases surveyed in this section solemnisation was described as the point at which a couple were legally, socially and religiously bound as husband and wife.

¹⁹⁴ McSheffrey, *Marriage*, 28-9; P.J.P. Goldberg, *Women, Work, and Life Cycle in a Medieval Economy: Women in York and Yorkshire, c.1300-1520* (Oxford: Clarendon Press, 1992), 241-3; and L.R. Poos, 'The Heavy-Handed Marriage Counsellor: Regulating Marriage in Some Later-Medieval English Local Ecclesiastical-Court Jurisdictions', *American Journal of Legal History* 291 (1995): 291-4.

¹⁹⁵ McSheffrey, *Marriage*, 28-9.

¹⁹⁶ For example, in 1491 William Powle, a parish clerk in the parish church of St Botolph, remembered holding the book for the priest who solemnised the marriage between William Newport and Isabel Newport. LMA DL/C/09065, 79v. Similarly, Sir Thomas Gilderson, a chaplain from Basildon, confirmed the contract of marriage between Richard Chevircourt and Margery Phillips in 1490. LMA DL/C/09065, 76v-77r.

¹⁹⁷ If a marriage had been solemnised a priest was often called as a witness to a marriage's validity, and the fact that a number of deponents referenced contracts that had taken years previously is an indication that solemnisation was often bypassed. For example, William Rokyston testified that two years previously he had witnessed the exchange of consent between Richard Colyn and Joan Deynes. LMA DL/C/205, 25r-26v. Other cases with discussion of historic (more than 1 year) contract sans solemnisation include: LMA 205, *Robert Pope c. Lucy Braggis* (1469), 36r-v; *John Mendham c. Elisabeth Seyve* (1469),

The medieval liturgy on marriage and various synodal statutes of the thirteenth- and-fourteenth- centuries dictated that the ceremony of solemnisation be composed of two parts. Before the nuptial mass a couple would exchange consent *in facie ecclesie*, a phrase that was ambiguous and has remained so. *Facies* had two potential meanings in its late medieval context. A literal interpretation, at the entrance or in front of a church, was made famous by Chaucer's Wife of Bath who proclaimed, 'Housebondes at chirche dore I have had fyve'.¹⁹⁸ In later medieval London it seems that *in facie ecclesie* was understood to be 'in the presence of the people of the church gathered in the church'.¹⁹⁹ The marriage liturgy was outlined in mass books but the extent to which these instructions were carried out in practice is not clear-cut. The descriptions made by witnesses of solemnisations were largely focussed on the words of consent rather than the more ritual elements of this ceremony.

The exceptions to this are the two witnessed accounts of the solemnisation of marriage between Thomas Walker and Katherine Williamson in 1490. Sir William Tailour testified that he was present in the chapel of the infirmary of St Bartholomew's hospital during the solemnisation of the marriage between Thomas and Katherine. He told the court that whilst he did not hear the words they exchanged he saw the couple genuflecting before the high altar. John Cruse confirmed this account and described how the couple's actions were 'in the custom of the groom and bride'.²⁰⁰ The Sarum rite described how towards the end of the marriage ceremony the couple were to prostrate themselves in prayer before the altar whilst four clerks held a linen cloth over them and prayed.²⁰¹ McSheffrey has argued that it is unlikely that many of the rituals described in the missal were included in every marriage rite, given the

53v-54v; LMA 09065, *John Austen c. Maude Gyll* (1491), 249v-251r; *John Grey c. Josia Milner* (1494), 187v-188r; LMA 206, *Cecily Haylys and John Fulwode* (1511), 76r-77v-r.

¹⁹⁸ Chaucer, 'The Wife of Bath's Prologue', in *The Riverside Chaucer*, line 6, 105. Meanwhile, Christopher Brooke took a literal interpretation of *in facie ecclesiae* and discussed the architectural implication of a church door wedding in *The Medieval Idea of Marriage* (Oxford: Oxford University Press, 1989), 248-57.

¹⁹⁹ This interpretation was argued by the fifteenth century canonist William Lynchwood in the gloss of his commentary on medieval canon law and marriage. Idem, *Provinciale; seu Constitutiones Angliae* (Farnborough: Gregg International, 1968), 3:4. I. 271. For further discussion of late medieval Londoners understanding and practice of *in facie ecclesie*, see McSheffrey, *Marriage*, 42-3.

²⁰⁰ 'Eis coram altari more sponsi et sponse genuflectentibus'. LMA DL/C/09065, 78r.

²⁰¹ *Manuale ad usum percelebris ecclesie Sarisburiensis*, 49; McSheffrey, *Marriage*, 46.

requirement for four priests. However, these statements demonstrate that at least the rituals of solemnisation were all ecclesiastical.²⁰²

The materiality of nuptial clothing held specific significance during the celebration of solemnisation, particularly for women. In 1490 Thomas Gyseby told the court that he believed that John Grose and Alice Seton were married because he saw her sitting in high mass, next to John Grose's mother, dressed in wifely apparel.²⁰³ During the ceremony dress accessories, designed to be worn on the head, were also used to distinguish a bride, and designate her sexual status. A maiden was expected to leave her hair uncovered during the ceremony, whilst a widow was expected to have her head covered.²⁰⁴ The parish of Westminster owned a 'circlet for maidens when they be married', to wear in their hair'.²⁰⁵ Marriage disputes also suggest that everyday items such as ribbons were 'up-cycled' to be worn during the celebration of matrimony, as shown by the testimony of Thomasina Hardwyn who said that in late 1521 Jane Cresset had given her a pair of silver aglets, saying, 'I pray yow befre (bring) these to Robert Wyer and pray him to gyld them for they shall be my marying rybon'.²⁰⁶ Witnesses did not seem to take note of particular ornaments but rather the impression created by them. For example, in 1422 Richard Staberton recalled attending the solemnisation of marriage between Joan Watson and John Melson and noted that Joan had been dressed 'lyke a bryde'.²⁰⁷ The white gown now characteristic of marriage did not become a social custom until the eighteenth century,²⁰⁸ and the nuptial dress referred to in London marriage disputes was presumably distinctive because of its expense and the fact that it has been purchased especially for the celebration of a marriage.²⁰⁹

An important distinction between domestic contract and solemnisation was the active role played by clerics in the latter, whereas it was the laity – as witnesses and participants- who largely

²⁰² Sir William Tailour is described as a canon at the house of St Bartholomew, whilst John Cruse was a clerk. LMA DL/C/09065, 77v-78r.

²⁰³ DL/C/09065, 79.

²⁰⁴ McSheffrey, *Marriage*, 44.

²⁰⁵ Katherine French, *The Good Women of the Parish: Gender and Religion after the Black Death* (Philadelphia: University of Pennsylvania Press, 2008), 67.

²⁰⁶ LMA DL/C/207, 147v-49r.

²⁰⁷ LMA DL/C/207, 126v.

²⁰⁸ P. Cunnington and C. Lucas, *Costumes for Births, Marriages and Deaths* (London: Adam & Charles Black, 1972), 60.

²⁰⁹ Roberta Gilchrist has argued that wedding gowns in this period were also distinguished because they were often made from new materials, or they were a person's best gown of red. Gilchrist, *Medieval Life*, 94.

determined the veracity of domestic contracts. It is therefore unsurprising that witnesses were more likely to remember the rituals associated with domestic contracts because the ceremony of solemnisation had less of a legal significance than the exchange of consent, precisely because they were conducted by a priest, and often in front of a larger audience than domestic contracts. There was less of a legal imperative to prove the veracity of the testimony of those who witnessed the solemnisation of marriage because there were more people involved to provide evidence and the words of consent were exchanged in front of at least one priest who held a certain authority.

In later medieval London the solemnisation of a marriage usually took place in the morning and was followed by a wedding breakfast. This celebration either took place at the couple's new home or was hosted by the father of the groom.²¹⁰ Richard Knight testified in 1494 that four years previously his wife had attended the solemnisation of marriage between Thomas and Margery Dicon, and that afterwards she had breakfasted with them.²¹¹ Whether gifts were exchanged at these events or if there were any other specific rituals involved is unclear, as we have no evidence from the consistory court depositions other than the fact that these celebrations took place. This is presumably a reflection of the fact that the wedding breakfast or feast took place when a marriage was well established rather than at an ambiguous time, and thus a dispute on its legitimacy was less likely.

There is evidence that these feasts may have been quite boisterous with music and, potentially, dancing. In 1500 the wardens and fellowship of minstrels in London lodged an appeal against 'foreign' minstrels who were accused of taking away their trade, and irritating citizens by 'pressing to their tables upon the church holidays, dedications, churching, weddings, and other feasts'.²¹² In fifteenth-century Valencia the excesses inspired by marriage celebrations were met with criticism and in one of his sermon's Vincent Ferrer commented that 'the devil loved weddings because the guests and bridal party gorged themselves on food and drink', which resulted in violence and defamation.²¹³ (However, the

²¹⁰ McSheffrey, *Marriage*, 46.

²¹¹ LMA DL/C/09065, 177v-178r.

²¹² Cited in McSheffrey, *Marriage*, 47.

²¹³ Cited in Dana Wessell Lightfoot, *Women Dowries and Agency, Marriage in Fifteenth Century Valencia* (Manchester: Manchester University Press, 2013), 23.

majority of information on matrimonial feasts can be found amongst the details of elite weddings). An example of such an elite wedding can be found in May 1484, when George and Margery Cely celebrated their wedding with a total expenditure of some £10 5s 6d on food alone, enough to sustain a household for six months.²¹⁴

The exchange of gifts was an important feature of elite weddings in early modern England and Felicity Heal has argued that wedding gifts ‘travelled vertically between generations and from those of higher to those of lower status’.²¹⁵ For example, the bridal couple gave to each person who attended the celebration a pair of gloves to mark the celebration of matrimony, and these gloves may have become a mnemonic of the high-status and identity of the newly married couple, as well as a more general reminder of the day itself.²¹⁶ There is no evidence of such en masse gifts in later medieval London marriages, but in the middle ages tokens were frequently given at baptisms, and proof of age inquests demonstrate how objects became mnemonics of such events and aptly demonstrate the gift and counter-gift relationship as these objects were later used to secure matters of inheritance.²¹⁷

In later medieval London there was a change in the practice of gift exchanges as the gift moved from purely between the couple to gifts given to the couple as a single entity, or to mark their change in marital identity. Girdles in particular were a popular wedding present, and were frequently referred to in wills (for further discussion refer to Chapter 4, pages 209-10).²¹⁸ In his testimony John Robert states that John Ely had shown Agnes Whitingdon his former wife’s ornamental girdles, and indicated the girdle she should wear on the first day, and which on the second day, of their nuptials.²¹⁹ A girdle dated 1400-1450 was excavated in Swan Lane, London and has potential links to matrimony; it was stamped

²¹⁴ Alison Hanham, *The Celys and their World, an English Merchant Family of the Fifteenth Century* (Cambridge: Cambridge University Press, 1985), 312-5.

²¹⁵ Heal, *The Power of Gifts*, 66.

²¹⁶ *Ibid.*, 66-7.

²¹⁷ Bedell, ‘Memory and Proof of Age’, 16, and 26; and Deller, ‘The First Rite of Passage’, 6-7.

²¹⁸ Janet S. Loengard, ‘Which may be said to be her own’: Widows and Goods in Late Medieval England’, in *Medieval Domesticity: Home, Housing and Household in Medieval England*, eds. Maryanne Kowaleski and P.J.P. Goldberg (Cambridge: Cambridge University Press, 2008), 175.

²¹⁹ *Zonas eiusdem harnesiatas et limitavit qua zona ipsa uteretur primo die nupciorum, et qua zona secundo die.* LMA DL/C/09065, 10v.

with the words 'tout monn coer', and decorated with two Talbot dogs, themselves symbols of loyalty.²²⁰

What such cases show is that sentimental and mnemonic attachment was attributed to objects associated with the making of marriage, and clothing and dress accessories seemed to have been particularly mnemonic of matrimony.

Parents also gave their children gifts to celebrate their weddings and these gifts tended to be small domestic items such as silver spoons, which Goldberg has argued were a particular marker of bourgeois identity by the later middle ages (for further discussion see Chapter 4, pages 211-3).²²¹ A set of matching wedding knives in a single sheath was also a popular, and symbolic, wedding gift; Gilchrist suggests they evoked 'the sense of cutting ties with the previous life stage of youth'.²²² For example, two anthropomorphic knives found in Southwark may have been exchanged as a marriage gift; they were made of copper alloy and moulded into the shape of a woman's head.²²³ A couple's friends and family in anticipation of their new life together as man and wife thus redirected the purpose of the gift from proof of interest and marital intention to a celebration of a marriage. The exchange of gifts reflected this, and couples were given items by friends and family to furnish their new household. The ritual of the exchange of gifts and the materiality of the objects all suggests that these matrimonial ceremonies were performed in anticipation of a couple's life together as husband and wife, rather than to prove their consent to marry. Thus, wedding feasts and solemnisation ceremonies were used to mark and celebrate a marriage rather than to legally bind it. If courtship was the most uncertain stage of a new relationship, open to the most doubt and challenge, solemnisation and wedding feasts were the most certain and the least susceptible to challenge.

²²⁰ G. Egan and F. Pritchard, *Dress Accessories, c. 1150-c.1450* (Woodbridge: Boydell, 2002), 44. The fact that this item was stamped with its French inscription is evidence of mass production, which suggests that similar items may have been produced to cater for London's market.

²²¹ P.J.P. Goldberg, 'The Fashioning of Bourgeois Domesticity in Later Medieval England', in *Medieval Domesticity: Homes, Housing and Household in Medieval England*, eds. Idem and Maryanne Kowaleski (Cambridge: Cambridge University Press, 2008), 127.

²²² Gilchrist, *Medieval Life*, 126.

²²³ These knives were found in the fill of a moat in Southwark, c.1530-50. G. Egan, *Material Culture in London in an Age of Transition* (London: Museum of London, 2005), 93.

Conclusions

The exchange of consent was described as legally and culturally binding, but it could still be disputed. The witness testimonies from the records of the London consistory court suggests that the exchange of consent in itself was seen as insufficient proof of marriage. Rather gestures, words and objects were combined to create social proofs of marital commitment. During the ceremony of consent objects were imbued with meaning if the protagonist demonstrated a commitment to the promise that it symbolised. This commitment to matrimony was communicated through a number of visual signs which became imprinted on an object, turning it into a symbolic memento of a promise. This made objects both emotional and moral reminders of a marital promise, but they were also evidence of a contract made, should it be disputed. It also mattered what was exchanged, the materiality of an object could determine the register of the gift. It is for this reason we find that the most commonly exchanged contract token was a ring, because it was materially and culturally connected to concepts of unity and fidelity.

The period between the exchange of consent and solemnisation was often seen as a liminal point in time between the legal creation of a marriage and the beginning of married life, but gift-giving at the celebration of nuptials was no longer restricted to the bride and groom as friends and family both gave and were the recipients of gifts. The register of the gift here was a celebration of marital status rather than a marker of intention and a proof to dispel uncertainty.

The following chapter will follow the gift as part of married life, to demonstrate how the exchange of gifts was an important part of the development of marital identity during marriage, as well as after the death of a spouse.

Chapter 4: Gifts and the Marital Life Course

Introduction

Previous chapters have explored how objects were used to initiate, express, and develop pre-marital relationships, and how in domestic ceremonies of marriage people used things to externalise a commitment to matrimony. What the records of the consistory court expose is that objects were seen to have moral, emotional, and mnemonic agency; moreover, in the context of marriage negotiations they were recognised as playing an important role in making, and proving, of matrimony. Objects, and the memories and values associated with them, bound people together. This chapter moves away from the marriage dispute records of the London consistory court, to instead examine how objects were used between married couples, and the wide role played by objects in the construction of marital identity during the life course. It is formed of two parts, each of which looks directly at an important point in the marital life course, namely, its early stages and end.

Part 1 examines the exchange of gifts between new spouses and asks what the articulation of gift giving reveals about the development of marital relationships, specifically how objects were used to navigate emotional communication between new spouses. Three letters form the basis of this study: a letter sent by Richard Calle in 1469 to his young wife Margery Paston during a time in which their marriage was being challenged by the Paston family, Margery Cely's 1484 missive to her husband George Cely, and Margaret Paston's communication with John Paston I whilst he was on business in London in 1441. Part 2 uses a sample of last wills and testaments proved in the city of London, and its hinterlands, to examine the part played by objects in the conservation of marital, personal, and legal identity upon the death of a spouse. It also, crucially, questions and develops the important interaction between memory, marriage, and material culture at the end of the life course. One of the shortcomings of the consistory court records is that they do not provide evidence of day-to-day married life. Moreover, they do not provide first-hand testimony of the role played by objects in the development of a given relationship; rather the majority of evidence is in the form of the second-hand impressions of

witnesses, not the parties to a marriage. Letters and testaments, on the other hand, are first hand testimonials, albeit mediated via social and legal expectations, which describe the exchange of objects between spouses. This gives us an opportunity to explore how material things were used within a marriage, from the perspective of its protagonists.

The background of the people behind these sources is to some extent a departure from the middling sort we find in the records of the consistory court. The distinction is most noticeable when it comes to the authors of the letter collections and the testators who proved their wills in the Prerogative Court of Canterbury, who were, by and large, members of the landed elite or the upwardly mobile gentry, who had amassed their wealth and social position through mercantile trading between London, France and the Low Countries. What this tells us is that the exchange of things to further social connections and articulate emotional states was a uniform practice across later medieval society. What connects the two bodies of sources is that they were both composed during a time of separation, or in anticipation of a separation, between spouses. Separation while living, or the separation of death, seems to have made objects an important medium for communication. This chapter examines directly how objects were seen and used as material mnemonics of a separated spouse. And crucially it examines how and why an object's biography, namely, the memories attached to things, was an important aspect of the intersection between people and things. It begins, however, with a discussion of what middle English romances can tell us about how objects were described as things which could connect spouses across long distances, and in turn how these objects became physical manifestations of a distant spouse.

Material Mnemonics in Middle English Romance

Objects in middle English romance acted as agents of change in relationships.¹ The connection between memory and objects is also a strong feature of such romances, with the recognition token being one of the most prevalent motifs of middle English romances, facilitating plot development, with recognition

¹ Kathryn Starkey, 'Performative Emotion and the Politics of Gender in the *Nibelungenlied*', in *Women and Medieval Epic: Gender, Genre and the Limits of Masculinity*, eds. S.S. Poor and J.K. Schulman (London: Palgrave Macmillan, 2007), 257–8.

tokens acting as mnemonic conduits between the protagonists. The mnemonic power of things is particularly pronounced in the romance of *King Horn*. The central relationship of the Horn romance is that between Horn and the princess Rymenhild, whom he eventually marries. They plight their troth to each other, but Horn says that he will only marry her on the condition that she assists him in becoming a knight; and to help him attain this she gives him a ring. Throughout this narrative of self-discovery, Rymenhild's ring acts as a powerful mnemonic; it is through looking at this ring that Horn is reminded of his loyalty to her, enabling him to conquer his enemies. Although the couple is separated the ring is described as a manifest mnemonic of their trothplight and a constant reminder to Horn of his promise to return to Rymenhild. The description of the moment when Rymenhild gives Horn the ring explicitly emphasises her relationship to it:

*'Tak nu ber þis goldring,
 God him is þe dubbing;
 Der is vpon þringe
 Igraue Rymenbild þe 3onge.
 Der nis non betere anonder funne
 Dat eni man of telle cunne;
 For my luue þu hit were
 & on þi fínger þu him bere:
 De ftones beoþ of fuche grace
 Dat þu ne fchalt in none place
 Of none duntas beon of drad,
 Ne on bataille beon amad,
 Ef thu loke þeran& þenke vpon þi lemman.²*

There has been much discussion about this ring, much of which has focused on whether or not it was magical. However, all are agreed that the ring was a powerful symbol of the strengthening power of love

² Joseph Hall, ed., *King Horn: a Middle-English Romance* (Oxford: Clarendon Press, 1901), lines 563-76.

rather than a purely ‘magical’ device.³ Cooper takes the discussion the furthest, and compares, in depth, the description of the ring in all three of the *King Horn* manuscripts. Her discussion begins by highlighting a common theme in courtly romances: to have the knight think of his lady during battle and emerge victorious without injury, ‘think on me’ or ‘think on your lemman’ became an extremely commonplace motif in such stories.⁴ The ring in *King Horn* is, according to Cooper, not magical but a symbol of love, the emotional power of which enables Horn to defeat his enemies.⁵ The ring’s connection to Rymenhild is enforced in its description. Graceful and unique, the ring appears to personify Rymenhild herself, and also her status as a princess, and the reason that Horn must achieve equality with her; the inscription, ‘Rymenhild the yonge’, cements the connection between her and the ring.

The materiality of the ring and its relationship to Rymenhild is the central point to its description, the effect of which reinforces for the reader the physical connection that exists between the ring and the giver. This connection is active and is described as creating a protective power for its bearer, acting as a memory made manifest. One such occasion was immediately after having been given the ring. On his mission to prove his bravery he encounters a ship full of Saracens, and after looking

³ This ring has been described as a ‘talisman’ by Barron and Stevens, a ‘wonder-working’ ring by Hibbard and, intriguingly, as ‘somewhat magical’ by Berry. W.R. J. Barron, *English Medieval Romance* (London: Longman, 1987), 67; John Stevens, *Medieval Romance: Themes and Approaches* (London: Hutchinson and Co., 1973), 43; Laura Hibbard, *Medieval Romance in England* (New York: Burton Franklin, 1960), 92; and Mary Hynes Berry, ‘Cohesion in King Horn and Sir Orfeo’, *Speculum* 50 (1975): 660.

⁴ Helen Cooper, *The English Romance in Time: Transforming Motifs from Geoffrey of Monmouth to the Death of Shakespeare* (Oxford: Oxford University Press, 2004), 150. For example, in *Eger and Grime*, ‘I will not bid you think on me, | Think on your love wherever she be’, James Ralston Caldwell, ed., *Eger and Grime* (Cambridge: Harvard University Press, 1933), text ll, lines 1413–14.

⁵ Cooper, *English Romance in Time*, 150. The 14th century romance *Floris and Blancheflour* also features a ring with powerful emotions attached; in this case a ring, given to Floris by his mother. In the romance Floris’ parents give their son a protective ring, and the cup they received in exchange for selling Blancheflour to merchants. The gifts are given to Floris when he decided to leave the parental home to rescue Blancheflour. The cup represented love both materially and symbolically. It is described as gold and ornately decorated with a depiction of the infamous lovers, Paris and Helen of Troy. The cup was also a physical reminder of the treachery of Floris’ parents and the reason he decides to leave. Ultimately, it symbolises Floris, and his transition to adulthood, demonstrated by his love for Blancheflour. This magic ring also represents Floris’ parents continued love and desire to protect their son. These objects were also the means by which Floris and Blancheflour are eventually reunited; Floris uses the cup to bribe the soldier guarding Blancheflour. The couple are then caught and sentenced to death, but their argument about who should wear the protective ring, and escape death, moved the emir watching the execution and he pardons them. In the romance the cup and the ring marks Floris’ maturation as a man whilst also symbolizing his parents continued desire to protect their son from harm. This represents the continuing emotional bond between parents and their children after they have fled the nest. ‘Floris and Blancheflour’, in *Medieval English Verse Romances*, ed. Donald Sands (Exeter: Exeter University Press, 1986), lines 374–8.

upon his ring, he slays the entire fleet, over a hundred souls.⁶ Indeed, similarly in, *Amoryus and Cleopes* (discussed in Chapter 2), during the couple's separation Cleopes' ring is transformed into a protective talisman, endowing Amoryus with the ability to defeat the dragon that plagued his father's lands.⁷ In *Amis and Amiloun* we find objects as material manifestations of the loyalty and fidelity shared by two men which mirrors the tokens exchanged between heterosexual couples. This romance is a tale of loyalty between two friends; both men are portrayed as willing to sacrifice their marriage, family and religion to aid the other.⁸ The relationship between Amis and Amiloun is juxtaposed to that which they have with their respective wives; their marital relationships are portrayed as inferior compared to that of the two friends. David Clark has recently argued that this portrayal of the validity of their friendship against their respective marriages is key to the unbroken and steadfast bond between the two friends.⁹ A key moment in the poem is the ceremony in which the protagonists plight their troth to each other. The exchange of golden goblets during this ceremony of trothplight is a key moment as it acts as a tangible embodiment of their loyalty to each other. It is because they have plighted troth to each other, before making a similar vow to their respective wives, that it is this homosocial relationship, which becomes the dominant relationship within the text. And as we see in *King Horn*, the objects exchanged during this ceremony become material mnemonics of their relationship, and feature throughout the text as they are never far from the protagonists' bodies, playing a crucial role in their eventual reunion.

Tokens of recognition are also described as representing the identity of a spouse. In *Amis and Amiloun* and *King Horn* the agency of the objects becomes manifest during the separation of the protagonists.¹⁰ The early stage of marriage was one in which couples cemented these emotional bonds

⁶ 'He lokede on þe ringe, & þoʒte on rimenilde. He floʒ þer on hafte, on hundred bi þe lafte'. Hall, ed., *King Horn*, lines 613-616. A similar event occurs after Horn has been banished, and when he defeats Saracen giant, lines 882-4.

⁷ John Metham, *The Works of John Metham: Including the Romance of Amoryus and Cleopes*, ed. Hardin Craig, EETS (London: Oxford University Press, 1916), 53-4.

⁸ The past few years have seen a number of scholars approaching this text as a portrayal of a same-sex relationship. Pugh has argued that the potential for sexualizing their relationship in death, 'their queer hermaphroditism is stripped as they enter the grave'. Tison Pugh, *Sexuality and its Queer Discontents in Middle English Literature* (New York: Palgrave Macmillan, 2008), 119, and 103. With thanks to David Clark for this reference.

⁹ David Clark, 'The Ideal of Friendship in *Amis and Amilous*', *Nottingham Medieval Studies* 60 (2016): 169-70.

¹⁰ The agency of Horn's ring as a token of recognition is limited to Horn himself. Towards the end of the narrative, when Horn arrives at Rymenhild's wedding in disguise, she is unable to recognise him by his ring when he drops it into her goblet. It is only when he wipes his face clean that they are reunited. Hall, ed., *King Horn*, lines 1160-7.

whilst negotiating their own changed status as new spouses. And we shall now turn to the letters written between spouses during the early stages of marriage to demonstrate how these emotional ideals were expressed through both word and object, as the tokens exchanged alongside these missives acted as a material mnemonic of the author's words and sentiments.

Part 1: Gifts Between Spouses

Introduction

The marriages of the Celys and Pastons were ones in which separation was a frequent and everyday reality.¹¹ This chapter will argue that in such long-distance relationships the exchange of objects and letters was the method used by new couples to explore and demonstrate marital affection. As such it demonstrates that the exchange of gifts continued to play an important role in the early stages of marriage. I will also argue that objects were used as a material mnemonic of a distant spouse and allowed couples to remain connected despite a physical separation.

Late medieval family letter collections offer an insight into the domestic lives and concerns of the burgeoning urban elite and gentry classes, showing how emotional, social, political and gendered concerns were articulated during the marital life course.¹² The fifteenth century saw an unprecedented rise in the practice of letter writing in England as a form of familial communication. For merchant families such as the Celys and Pastons these missives were often the only method of communication when spouses were separated for long periods of time whilst the family patriarch conducted business in the city. Letters are a complex combination of expected social discourse and individual expression. The collections of letters that have survived are mostly concerned with the day-to-day business of a particular social class, the late medieval gentry merchant. However, business affairs were often

¹¹ S. Haskell, 'The Paston Women on Marriage in Fifteenth Century England', *Viator* 4 (1973): 462.

¹² James Daybell, ed., *Early Modern Women's Letter Writing, 1450-1700* (Basingstoke: Palgrave Macmillan, 2001), 3.

combined with familial enquiries and other personal details.¹³ Amongst these was the development of the marital bond and the forging of a new identity as spouses. Despite the concern with business matters, the expression of emotion thus took centre stage.

Recent years have seen a renewed interest in late medieval and early modern letter writing as a source of social history and this trend has brought about a renewed appreciation of these documents.¹⁴ Scholars have considered how an emotional reading of letters can reveal insights into pre-modern family relationships.¹⁵ However, these texts must be read with care as they do not simply provide an insight into the particular concerns of their authors, but refract those concerns through contemporary discourses and the emotional standards of a given community.¹⁶

The historiography of letter writing and emotion has thus far focused on the performativity of emotion and the disjuncture between ‘lived’ emotion and its rhetorical expression.¹⁷ This has led to a hesitation in the historiographical analysis of emotion, with the language of emotion being dismissed as a form of cultural convention rather than a ‘genuine’ articulation or verbalization of a feeling. This is largely thanks to past and current debates within philosophy and psychology on the relationship between the expression of emotion through language or gesture, and the actuality of emotion as a biological and psychological experience. The effect of these debates can be seen in contemporary scholarship. For example, William Reddy has argued that, ‘inner feelings can never fully be “represented” by the emotive utterance; because the sense of human interior affect clearly preceded and exceeds the available bounds of language’.¹⁸ Reddy’s work has highlighted the tension between the psychological and physiological experience of an emotion, and how we might express it. John Arnold

¹³ Roger Darymple, ‘Reactions, Consolation and Redress in the Letters of the Paston Women’, in *Early Modern Women’s Letter Writing*, 18.

¹⁴ Fay Bound, ‘Writing the Self? Love and the Letter in England, c. 1660 –c. 1760’, *Literature and History* 11 (2002): 3; James Daybell, ‘Material Meanings and Social Signs of Manuscript Letters in Early Modern England’, *Literary Compass* 6 (2009): 647; and Rachel Moss, *Fatherhood and its Representations in Middle English Texts* (Cambridge: D.S. Brewer, 2013), 1-15.

¹⁵ James Daybell, *Women Letter-Writers in Tudor England* (Oxford: Oxford University Press, 2006), 200-228; Moss, *Fatherhood*, 40-72; and Barbara H. Rosenwein, *Generations of Feeling: a History of Emotions, 600-1700* (Cambridge: Cambridge University Press, 2016), 210-24.

¹⁶ Bound, ‘Writing the Self?’, 13.

¹⁷ Ibid. For further discussion on the social construction of emotion see Peter N. Stearns and Carol Z. Stearns, ‘Emotionology: Clarifying the History of Emotions and Emotional Standards’, *The American Historical Review* 90 (1985): 813-36; and Barbara Rosenwein, ‘Worrying about Emotions in History’, *The American Historical Review* 107 (2002): 821-45.

¹⁸ W.H. Reddy, ‘Against Constructionism: The Historical Ethnography of Emotions’, *Current Anthropology* xxxviii (1997): 331.

has argued that ‘it is not clear to me that there is any possibility of accessing something other than cultural constructions’. Indeed, ‘it is not our job to uncover whether someone truly felt an emotion’,¹⁹ but rather to try to understand what these expressions of emotion say about cultural expectations of identity and social behaviour.

Letters should be read as evidence of expressions of an emotion, albeit through the medium of a conventional language expression. Moreover, the expression of emotion was an important stage in the development of a marriage, and in keeping with the materiality of communication from courtship onwards, words were used alongside objects in the negotiation of feelings. Within the expression of spousal emotion there is an element of symbiosis in the relationship between letters and tokens. The language of the letter informed the meaning of a gift whilst the token became a material manifestation of the identity and wishes of its giver. This dichotomy was particularly pertinent to the letters and tokens exchanged between new spouses. The exchange of tokens in itself can be viewed as an expression of emotion, as couples expressed their emotional commitment to each other whilst cementing their status as man and wife.²⁰ In understanding the creation of marital identity, the performative aspect of language should also be considered. We can read the words used in letters as a means to develop a relationship, and communicate the author’s wishes, but they can also be read as a process of building its author’s identity. Judith Butler has discussed the concept of ‘performativity’, and how the performance of normative gestures helped to generate everyday learnt behaviours.²¹ The social system of letter writing can be viewed as a performative action through which women, and men, express social and gendered behaviour; but it is also an indication of how the use of particular expressions could help shape a person’s social status and identity.²²

¹⁹ John H. Arnold, ‘Inside and Outside the Medieval Laity: Some Reflections on the History of Emotions’, in *European Religious Cultures*, ed. Miri Rubin (London: Institute of Historical Research, 2008), 122.

²⁰ Katie Barclay, ‘Performance and Performativity’, in *Early Modern Emotions: an introduction*, ed. Susan Broomhall (London: Routledge, 2017), 14-15.

²¹ J. Butler, *Gender Trouble: Feminism and the Subversion of Identity* (London: Routledge, 1999), 171-90.

²² In her discussion of early modern love letters Fay Bound has argued that such letters were performative, and the means by which emotions were explored and realised. ‘Writing the self’, 13.

Gender was crucial to such constructions and historians have used the language and context of these letter collections to analyse the gendered nature of late medieval and early modern spousal relationships and the construction of family identity. James Daybell has noted how the language used by spouses in the exchange of letters reflected gender roles. Husbands were far more likely to use emotional language and terms of endearment, whilst letters written by women were articulated through the prism of wifely submissiveness. In an analysis of spousal sentiments Daybell noted that in the early stages of marriage women used overtly deferential language when addressing their new husbands.²³

Letters, Emotion and Social Relationships

In the later middle ages letters were frequently sent with gifts in the form of tokens, particularly rings, and these objects are mentioned within letters. For example, on the 24th of November 1472 Sir John Paston III wrote to his brother, John Paston II, that it would be best if, ‘my Lord Chamberlyn wryght to my lady by som preuy tokyn betwyx [between] theym’.²⁴ A month before he had asked his brother to ‘get some goodly ryng, pryce of xxs., or som praty flowyr of the same pryse, and not undyr, to geve to Jane Rother, for she hathe ben the most specyall laborer in your mater’ [get some goodly ring, priced at 20s, or some pretty flower of the same price, and not under, to give to Jane Rother, because she has been the most special labourer in your matter].²⁵ Despite the suggestion of a reward for a task completed, this particular gift may have signaled a different relationship: on page 77 we discussed how John Paston III may have in fact been engaged in a sexual relationship with Jane Rother, a relationship that was mediated through the exchange of tokens. It was a frequent occurrence for such tokens to be exchanged alongside letters- often as expressions of goodwill or friendship. Whatever the context such tokens were seen as the physical extension of their sender and their wishes.²⁶

²³ James Daybell, *Women Letter-Writers*, 200. Kristina Hildebrand has noted a similar practice in the Stonor family letters in ‘Her Desire and His Letters between Fifteenth Century Lovers’, in *The Erotic in the Literature of Medieval Britain*, eds. Amanda Hopkins and Cory James Rushton (Woodbridge: D.S. Brewer, 2016), 135.

²⁴ Norman Davis, ed., *Paston Letters and Papers of the Fifteenth Century* (Oxford: Oxford University Press, 2004), 1:583-4.

²⁵ Davis, *Paston Letters*, 1:579.

²⁶ Felicity Heal, *The Power of Gifts: Gift-Exchange in Early Modern England* (Oxford: Oxford University Press, 2014), 31-2.

The letter itself can also be conceived of as a gift, regardless of whether it has been exchanged alongside a token, or not. Gift-giving scholarship has emphasised the implicit value of the gift through the connection it maintained between the giver and recipient, and letters were reliant on these very systems of exchange, namely, the obligation to give, receive, and reciprocate. Moreover, the letters exchanged between couples during the early stages of marriage were similar to the exchange of courtship tokens because it was their purpose to facilitate an emotional response in the recipients, as well as to declare an emotional position. It is important not to lose sight of the fact that, although the primary focus of these letters is the words expressed within them they were also physical objects. Scholarship on pre-modern letters has indeed emphasised the importance of the materiality of letters – their paper, the ink used, and their seal - as important aspects of a communicative system.²⁷ As objects these letters held their own emotional value, inspired not just by the words within them but also by the author of the words.

An anonymous letter from the mid-fifteenth century is suggestive of how letters were perceived as a method for couples to maintain their relationships during times of separation. Sometime between the reigns of Henry VI and Edward IV a deeply evocative letter was written by an anonymous woman, which described in vivid detail the pain she felt at being separated from her lord.²⁸ The provenance of this letter is not all it seems. Davis argued that this letter was written in John Paston III's hand and is likely to have been an example of him copying a piece of fashionable literature.²⁹ Its language and content is of the type of discourse which was expected to be exchanged between couples, in which the expression of strong emotion was an important component. Its survival amongst the Paston collection, and John Paston III's decision to copy it, are evidence of its value as a didactic text in the writing of

²⁷ James Daybell, 'Material Meanings and the Social Signs of Manuscript Letters in Early Modern England', *Literary Compass* 6 (2009): 647-667.

²⁸ The letter is entitled 'verses by a lady', but it is unclear who wrote it or who its intended recipient was. In his commentary Gairdner has stated that there is some conjecture that the letter was written by the Countess of Oxford whilst her husband was abroad, or it may have been a literary production of Lydgate origin. James Gairdner, *The Paston Letters, A.D. 1422-1509* (London: Chatto & Windus, 1904), 6:67-9.

²⁹ Davis, *Paston Letters*, 1:571.

affective letters.³⁰ Although this letter probably followed an idealised schema it is a useful template for the way in which letters were perceived, and used, as a communicative bridge between separated couples.

The process of letter writing is described as alleviating the pain of separation: ‘And ryght so I, so it yow not dysplease, Wryght in thys wyse my peynys to apease’. The writer proceeds to describe her loss: ‘My lyfe, alas! It servyth of no thing, Sythe with your partyng, departyd my plesyer, Whysyng your presence setygh me on fyer; But then your absence dothe my hert so cold’.³¹ The language of the body is used throughout the text to demonstrate longing, and the distress of absence. These bodily metaphors are particularly focused on the heart, with frequent references to the heart as, for example, ‘cold’ or ‘trowblyd with...hevynesse’.³² As we have seen in previous chapters the heart was thought to be the centre of the body, and the language of hearts was commonly used to emphasise emotional distress, particularly that which was experienced by lovers.³³ The potential for intimacy through the exchange of letters is alluded to in this writer’s creation of an imaginative space in which lovers could communicate through the medium of the letter. This is achieved through the mimicking of direct speech, particularly in its closure. ‘Farwell, my lord, for I may wryght no more’. This expression of farewell creates a sense of intimacy with the recipient of the letter, as if they were conversing directly. Indeed, the conclusion takes up half of the letter itself, and can also be read as an allusion to the sorrow of departing a loved one. The repetition of farewells used in the letter again emphasises not only the intimacy created through these letters but the pain of separation.

³⁰ The evidence for teaching middle English letter writing is scarce, but Sarah Williams has argued that this dearth of surviving letter writing manuals is evidence that amongst the gentry and middling classes the art of letter writing was taught at an elementary, and informal, level. The survival of this letter, however, is evidence for the popularity of the model letter, in this case a love letter. Sarah Rhiannon Williams, ‘English Vernacular Letters c. 1400- 1600: Language, Literacy and Culture’ (PhD thesis, York: University of York, 2001), 35, and 43-5; and Moss, *Fatherhood*, 75.

³¹ Gairdner, *The Paston Letters*, 6:67-8.

³² ‘Your absence dothe my hert so cold’. Gairdner, *The Paston Letters*, 6:67-9

³³ The embodied heart was used to articulate a person’s emotional condition. In her discussion of the Paston letters Rosenwein argues that Margaret Paston utilised this when she described the emotional state of an acquaintance using the phrase ‘her heart is heavy’. *Generations of Feeling*, 217-8.

We shall now turn to a series of letters written by new spouses, which can be read as a distinct category of letter writing in which the declaration of affection is particularly pronounced, and how objects were used to embody these expressed emotions.

Richard Calle, Margery Cely and Margaret Paston

The letters under examination were all written towards the beginning of married life. Richard Calle's letter to his betrothed Margery Paston was written after the couple had privately contracted marriage but before the bishop of Norwich had ratified it.³⁴ Margery Cely's letter to her husband George was written in the first few months of their marriage, whilst George was working for the family business in Calais. Margaret Paston's letter was written within the first few years of her marriage to John Paston, at a time when the couple were expecting their first child. All three are evidence of the use of tokens to connect separated spouses during the early stages of marriage. The meaning of tokens and their iconography was subtly tied to the stage of married life these couples were in.

Scholarship on early modern letters has noted the development of marital identity across the life course, and how gender influenced this dynamic. Newly married women wrote the majority of letters describing the exchange of marital gifts, and women of Margaret Paston's social position were expected to act as their husband's representative and business partner. They were left in charge of the household and estate whilst their spouses were away on business, often for extended periods of time.³⁵

Letters began with a salutation, indicative of how medieval social relationships were envisioned.³⁶ For example, in December 1441 Margaret Paston wrote to her husband of one year John Paston, beginning with the deferential statement, 'right and worshipful husband, I recommend me to you', and proceeding to demonstrate a concern for his health, 'desiring heartily to hear of your

³⁴ A timeline of this marriage can be found in Castor, *Blood & Roses: The Paston Family in the Fifteenth Century* (London: Faber, 2004), 214-18.

³⁵ Jennifer Douglas, "'Kepe wysly youre wrytyngys': Margaret Paston's Fifteenth-Century Letters', *Libraries & Cultural Record* 44 (2009): 30-1.

³⁶ Moss, *Fatherhood*, 75-9.

welfare'.³⁷ On the 14 September 1484 Margery Cely used similar language in her opening address, 'ryght reuerend and worchupfull Ser, I recommend me vnto you wyth reuerence... euermore dessyryng to her if your wellfar' [right revered and worshipful sir, I recommend myself to you with reverence, ever more desiring to hear of your welfare].³⁸ The opening phrases of these letters reveal a great deal about the expectations of female marital identity within the social context of the late medieval aspirational gentry. The reference to her husband's reputation and honour demonstrates their importance not just to the individual but also as part of the family unit, whilst the expression of concern for physical health was a common trait in letters between spouses and other family members.

In the late summer of 1469 Richard Calle wrote a letter to his betrothed Margery Paston. This letter was written at a time when the couple was forcibly separated whilst her family tried to persuade Margery against the marriage.³⁹ The Pastons were powerful decision makers in mid- to late-fifteenth century East Anglia, and in 1469 Margery, the daughter of John Paston and Margaret Paston, had fallen in love and become betrothed to the family bailiff Richard Calle, a talented and ambitious man who came from humble beginnings.⁴⁰

Margery Paston's family reacted with fury when they discovered that the couple had exchanged private consent at some point in the summer of 1469. The couple were separated, and the family tried to persuade Margery to leave Richard. The Paston family appealed to the Bishop of Norwich to make a judgment on the marriage. Elite families often appealed disputed marriages directly to the bishop, circumventing the church court. In this case witnesses were not required because both Margery and Richard confessed to a private exchange of consent. On the 8th of September 1489 Margery was examined by the bishop, who reminded her of her birth and her family, and counseled that rebuke, loss

³⁷ Davis, *Paston Letters*, 1:216-7.

³⁸ Alison Hanham, ed., *The Cely Letters, 1472-1488*, EETS (Oxford: Oxford University Press, 1975), 222.

³⁹ Gairdner, ed., *The Paston Letters* (London: Chatto & Windus, 1904), 5:25-28.

⁴⁰ Kim Phillips argues that the Paston family's reaction to this marriage is key to understanding the complex construction of female sexuality. Women not only had to negotiate the boundaries between 'whore' and 'virgin', but also that of 'social status, religion, kinship and age'. Idem, *Medieval Maidens: Young Women and Gender in England, 1270-1540* (Manchester: Manchester University Press, 2003) 156-7. For further information on the Paston family and this tumultuous marriage see Frances Gies and Joseph Gies, *A Medieval Family: the Pastons of fifteenth-century England* (New York: Harper Collins, 1998), 206-10; and Castor, *Blood & Roses*, 214-18.

and shame would follow if she were not guided by them. Nevertheless, Margery remained firm and recited the words of consent she had made to Richard Calle, and added that ‘yf thoo words mad yt not suher... sche wold make that suerher or than sche went thens, for sche seyde sche thowgthe in her conschens sche was bownd, wat so ever the words wern’ [if those words made it not sure, she would make it surer before that she went thence; for she thought in her conscience she was bound, whatsoever the words were].⁴¹ After hearing their confessions the bishop decided he would postpone his sentence for a month, on the grounds that something else might emerge to stand in the way of the marriage. However, no impediment was found and in October 1469 the bishop ruled in favour of the marriage.⁴²

It was during their separation that Richard Calle wrote a letter to Margery Paston about the ambiguous status of their marriage.⁴³ This letter demonstrates how the separation of man and wife was articulated on an emotional level. Richard Calle wrote of his misery at being separated from his spouse, ‘thys lyf that we led enough is nowther plesur to Godde nor to the worlde’. He continued in this vein and emphasised the unnaturalness of their separation, as married couples ought to be together: ‘We that ought of very right to be moost together ar most asondre’. Richard Calle proceeded to chastise her family for keeping them apart, and cited Archbishop Chichele’s 1434 reissue of ‘the Great Sentence’, which listed acts leading to excommunication and which were ordered to be published in English at church on Christmas Day, Easter Day, Whit Sunday and All Saints’ Day.⁴⁴ The relevant clause is: ‘they are accursed that wittingly bring forth in judgment false witness, to hinder rightful matrimony’.⁴⁵ During their separation, the exchange of letter and tokens, if Margery’s family did not intercept them, became the only method by which the couple could communicate. However, Richard Calle writes that this form of communication was secondary, and even ‘unnatural’, to that of a close and personal connection to

⁴¹ Our knowledge of Margery Paston’s examination by the Bishop of Norwich comes from a letter written by Margery’s mother, Margaret Paston, in September 1469 to her son Sir John Paston. Gairdner, *The Paston Letters*, 5:37-40.

⁴² Castor, *Blood & Roses*, 217-8.

⁴³ I included this letter because although the marriage was not legally recognised both Richard Calle and Margery Paston were adamant that their marriage was legitimate.

⁴⁴ For further information see O.S. Pickering, ‘Notes on the Sentence of Cursing in Middle English; or, A Case for the Index of Middle English Prose’, *Leeds Studies in English* n.s. (1981): 229-44.

⁴⁵ Cited in Henry Ansgar Kelly, *The Middle English Bible: a Reassessment* (Philadelphia: University of Pennsylvania Press, 2016), 99-101.

his wife. The exchange of letters allowed couples to communicate during a time of separation but in all the letters under discussion these textual and material exchanges were seen as secondary to physical presence.

A comparison can be made between the exchange of letters and of gifts. The exchange of letters between Margery Paston and Richard Calle took place against the wishes of the Paston family. In his letter Richard Calle alluded to the secrecy with which the missives had to be exchanged. He described in his letter how on a previous occasion he had charged his 'ladde' to deliver Margery a letter. Upon arrival at the Paston household he was unable to deliver it to Margery because she was under constant watch, but John Thresher, a household servant loyal to Margery's mother Margaret, told the boy that he himself would deliver Margery a letter or token. The boy did not trust him and refused to hand over his charge.⁴⁶

The boy's refusal to give John Thresher his master's letter testifies to the importance of trust in the moment of exchange as the message of the gift was reliant on the person giving it and the precise communications used to describe the gift and its intention. We saw in Chapters 2 and 3 where the exchange of gifts during courtship and at contract was closely tied to word and gesture. The use of go-betweens was common practice and these people were often trusted friends and acquaintances of the courting couple.

On page 83 we discussed how in 1521 Thomasina Baker asked Joan Lincoln to help her court a certain Henry Forrest, because there was no one else she trusted as much.⁴⁷ Similar concerns can be applied to the exchange of letters. To ensure safe delivery a tripartite system of trust was developed between the individual with the message, the person charged with transmitting it and the recipient. The messengers employed by the Pastons were either retainers or friends, people who could be considered trustworthy. For added security, letter writers often added a postscript to vouch for the honesty of its

⁴⁶ 'Also like you to wete that I had sent you a letter be my ladde from London, and he tolde me he myght not speeke with you, ther was made so great awayte upon hym and ipon you boothe. He told me John Thresher come to hym in your name, and seide that ye sent hym to my ladde for a letter or a token weche I shulde have sent you, but he truste hym not; he wold not delyver hym noon'. Gairdner, *The Paston Letters*, 5:25-28

⁴⁷ LMA DL/C/207, 72v-73v.

bearer, for example, ‘you shall give credence to the bringer of this letter’.⁴⁸ The security of letter writing and delivery is testament to the value that was placed upon these communications, especially within a pressurised environment such as the one in which Margery Paston and Richard Calle found themselves.

Richard Calle’s description of the interference of Margery’s family and household in this communication suggests that they believed that the couple was not legally betrothed. Richard Calle wrote that after his lad had refused to hand over his previous letter, the man left and returned with a ring he claimed had come from Margery.⁴⁹ At this point John Threscher (a servant of the Paston family) commanded that Richard Calle’s letter be handed over to him. It was this command that convinced Richard Calle’s servant that the token had not been sent by Margery but by the advice of John Threscher’s employer Margaret Paston, who presumably wanted the letter to make sure it did not fall into her daughter’s hands.⁵⁰

The ring itself was insufficient proof that it had come from Margery herself. This suggests that the manner of its exchange was also crucial in creating trust, and that objects had to be freely exchanged, given and received without interference, to become markers of truthful identity. John Threscher’s command that the boy hand over his letter went against the ethos of free exchange. It is within this context that Richard Calle instructs Margery Paston to burn his letter after receiving it, because, ‘I wolde [that] no man schulde se it’.⁵¹ The words exchanged between the couple were private, and Richard Calle urged Margery Paston to keep it so. It is also possible that Richard Calle wished to avoid a scenario in which the Pastons could manipulate his words as part of their efforts to persuade Margery away from the marriage. We do not know whether Margery Paston received this letter but the fact that it was found amongst the Paston letters and papers indicates that the family were successful in intercepting its delivery. The effort this family went to prevent Margery receiving these letters and tokens is indicative of their importance in sustaining this relationship. Similar to courtship and contract

⁴⁸ Douglas, *Margaret Paston’s Fifteenth Century Letters*, 33-4.

⁴⁹ ‘After that he brought hym a ryng, seyng that ye sent it hym. Gairdner, *The Paston Letters*, 5:25-28.

⁵⁰ ‘Comaundyng hym that that he schulde delyver the letter or token to hym, weche I conveyve sethen be my ladde it was not be your sendyng, it was be my mastres and Sir James a vys’. Ibid.

⁵¹ ‘I undrestonde ye have schewyd my letters that I have sent you be for this tyme; but I prey you lete no creatur se this letter. As sone as ye have redde it lete it be Brent, for I wolde no man schulde se it in no wise’. Ibid.

gifts, the method of exchange affected the significance and meaning of these private communications, and this was especially the case during moments of dispute. The relationship between Richard Calle and Margery Paston was legitimate but had yet to be accepted as legally valid. Whilst couples used letters and tokens during the early stages of marriage as a method of strengthening and cementing marital bonds, they were seen as inferior to personal contact.

On the 14th of September 1484, Margery Cely wrote to her husband of only a few months George Cely, who was in Calais conducting the family business.⁵² Along with an expression of desire for her husband's safe and speedy return, Margery bemoaned the fact that 'it is a long sesen seen 3e depart from me, and I woll well I schall nere be mery to I see you agayn' [it is long since you departed from me, and I will never be merry until I see you again].⁵³ Such communications emphasised the importance of intimacy between spouses, especially during the early stages of marriage. Margery Cely accompanied her wishes for her husband's return with the information that she had sent him a gold heart as a token via her servant Nicholas Kerkebe. Margery also sent a gold pendant in the shape of a fetterlock (a heraldic device in the shape of a lock) containing a relic.⁵⁴ The emotional expressions used in this letter demonstrate Margery Cely's frustration that her husband was away during the early stages of their marriage. The gift itself acted as a material manifestation of her sentiments and her desire to be remembered but also represented in material form.

The iconography of these gifts was associated with specific socio-cultural ideas on fidelity and the expression of emotion. As we have seen in previous chapters the heart was associated with the sincere expression of the self, and heart tokens were a popular token exchanged between lovers. The fetterlock was a heraldic motif, in the form of a padlock, and was seen to symbolise fidelity. An enameled fetterlock was included in the Fishpool hoard, found in Nottinghamshire and dated to 1463-4, and has been classed as a potential love token. It was engraved with flowers and messages of constancy and inscribed with the words "de Tout Mon Cuer [with all my heart.]. During the Wars of the Roses,

⁵² Hanham, *The Celys and Their World*, 315-6.

⁵³ Hanham, *The Cely Letters*, 222.

⁵⁴ 'In thys letter a feterloke of gold wyth a rebe (rib) perin'. Ibid.

fetterlocks were included in a number of Yorkist inventories, worn as badges to demonstrate fidelity to the cause, and also to the sovereign.⁵⁵ The shape of the fetterlock spoke to concepts of loyalty and fidelity, but it was the context of its exchange and the object's iconography which gave these objects specific meaning. The fetterlock given by Margery Cely to her husband was also described as containing a relic, 'a feterloke of gold wyth a rebe perin'.⁵⁶

A further layer of meaning can be attributed to this object, as the inclusion of a 'rib' transformed this object into a reliquary. It is unclear from the description whether this fragment of rib was attributed to a particular saint but in this period there was an increase in the popularity of highly decorated reliquaries.⁵⁷ Relics were seen as animated objects imbued with a divine presence and were understood to influence the world around them and were used to protect their wearer from disease and ill health.⁵⁸ The gift of this fetterlock reliquary can be read as something that was intended to protect its recipient, a material accompaniment to Margery Cely's words expressing a concern for her husband's safety.

Objects associated with particular people or events also had an emotional affect, and this was especially the case with gifted objects.⁵⁹ In her letter Margery Cely asked her husband to 'take in worth'⁶⁰ her tokens; namely to treat these tokens with honour and respect and notice of their meaning and symbolism.⁶¹ Her letter and appeal to her husband to recognise the value of these objects indicates an appreciation of the potency of things as conductors for memory and emotion. Such objects were imbued with multiple affective associations given from a wife to her husband as a proxy, not just of Margery Cely herself but also her status as a wife, and the cultural expectation of this role. Wives of the middling and upper gentry were expected to contribute to their family's economic status through the proper management of the household.⁶² Margery Cely's letter indicates that an emotional partnership

⁵⁵ David A. Hinton, *Gold & Gilt, Pots & Pins: Possessions and People in Medieval Britain* (Oxford: Oxford University Press, 2005), 244-5.

⁵⁶ Hinton, *Gold & Gilt*, 245-6; and Roberta Gilchrist, *Medieval Life: Archaeology and the Life Course* (Woodbridge: The Boydell Press, 2012), 162-3, and 167-8.

⁵⁷ Hinton, *Gold & Gilt*, 245.

⁵⁸ Gilchrist, *Medieval Life*, 217.

⁵⁹ *Ibid.*

⁶⁰ OED v.2: worth, 'to honour (a person or thing); to treat with honour or respect'.

⁶¹ 'I pray you ser to [t]ake [it] in worthe at thys tyme', Hanham, *The Cely Letters*, 222.

⁶² Joanna H. Drell, 'Aristocratic Economics: Women and Family', in *The Oxford Handbook of Women & Gender in Medieval Europe*, eds. Judith M. Bennett and Ruth Mazo Karras (Oxford: Oxford University Press, 2013), 327.

was also an expectation of marriage, and it was through the exchange of tokens that such feelings were expressed and developed.

A letter written by Margaret Paston in the early stages of her marriage to John Paston provides evidence of how the ideas, and emotions, of motherhood and marriage were expressed through the medium of material culture. Barbara Rosenwein's study of the Paston family argues that a value of equanimity over passion made up their collective emotional character.⁶³ In 1441 Margaret Paston, the matriarch of the Paston family, wrote a passionate letter to her husband although Caroline Barron has argued that, 'the cares of her family and estate cramped her expressions of affection'.⁶⁴ At the time of writing, December 1441, Margaret Paston was six months pregnant and staying with her mother-in-law at Oxnead near Norwich, whilst her husband was stationed in London. She expressed a wish for her husband's return and asked him to fulfill his promise and return home. She also sent him her own token, a ring with the image of Saint Margaret writing, 'I pre yow þat ye wyl were þe reyng with þe emage of Seynt Margrete þat I sent yow for a rememrav[n]se tyl ye come hom' [I pray you that you will wear the ring with the image of St Margaret that I sent you for a remembrance till you come home].⁶⁵ Margaret's intention in sending this specific ring is left unstated but its iconography was implicitly connected to her identity. St Margaret was not only Margaret Paston's namesake but also the patron saint of pregnant women, who engendered hope for the safe delivery of mother and baby in late medieval England.⁶⁶ Monica Green and others have shown how in the later middle ages the latter stages of pregnancy and childbirth were perceived as a 'women's space', where men were either absent or marginalised.⁶⁷ Margaret Paston's request that her husband wear this ring, 'for a rememrav[n]se', has the potential to nuance this understanding of a husband's role in the reproductive cycle. A husband might

⁶³ Rosenwein, *Generations of Feeling*, 220-1.

⁶⁴ Caroline Barron, 'Who were the Pastons?', *Journal of the Society of Archivists* 4 (1972): 532.

⁶⁵ Davis, *Paston Letters*, 1:217.

⁶⁶ Gilchrist, *Medieval Life*, 138.

⁶⁷ Monica Green, 'Bodies, Gender, Health, and Disease: Recent Work on Medieval Women's Medicine', *Studies in Medieval and Renaissance History* 2 (2005): 1-49. In her study of the letters exchanged between Eleanora of Aragon and her daughter, Carolyn James has argued that the increase in the number of letters exchange during a pregnancy is evidence of advice solicited and offered. Idem, 'What's Love Got to Do with it? Dynastic Politics and Motherhood in the Letters of Eleanora of Aragon and her Daughters', *Women's History Review* 24 (2015): 535.

not be expected to be physically present in the birthing chamber, but his emotional presence might be desired, as shown by Margaret Paston's request to have her status as an expectant mother and wife recognised by her partner.

In this letter Margaret Paston also thanked her husband 'for the token that ye sent me by Edmund Peres', further evidence of how the exchange of tokens was practiced by this couple during their frequent separations. In the final clause she referred back to a token he had left here, 'ye haue lefte me sweche a rememrav[n]se þar makyth me to thynke vppe-on yow bothe day and nyth wanne I wold slepe' [ye have left me such a remembrance that maketh me think upon you both day and night when I would sleep].⁶⁸ Given that Margaret had already referred to her gift of a St Margaret as a 'remembrance', it is likely that she is here also referring to a material object. She described this token as a mnemonic of her husband whilst he was away and a method by which the couple remained intimate despite their separation. It is described as something which might also have prompted sexual imagining as she described how it was when she was in bed that its mnemonic power was at its most potent, preventing her from sleeping. The intimacy of this last address is in stark contrast to the formulaic and deferential language of the letter as a whole and can be compared to the language of desire and erotic contact that Kristina Hildebrand has discussed in reference to Margery Paston's letters to her husband John Paston III.⁶⁹

The familiar language used to describe this 'remembrance' emphasises its importance as a mnemonic connection between these spouses. It is implied that Margaret saw such memories as a poor substitute to her husband's actual presence in that her inability to sleep despite her memories suggests a longing for her husband's return, a return she tried to hasten using the St. Margaret token.

⁶⁸ Davis, *Paston Letters*, 1:217.

⁶⁹ Hildebrand, 'Her Desire and His', 137. 'I prey if ye tary longe at London þat it will plese [you] tp sende for me, for I thynke longe sen I lay in your armes'. Davis, *Paston Letters*, 1:665.

Conclusions

Unlike the exchange of gifts during courtship and marriage the tokens exchanged within letters did not possess any legal significance. Their exchange was an important element in the early stages of the marriages surveyed and was used by couples to build their relationships and communicate their desires and emotional status. Middle English romance, in particular, *King Horn*, provides a wider cultural context for the exchange of tokens during times of separation, and how objects can be seen to be material metaphors of their givers, and their intentions.

In practice objects were also used to act as a mnemonic of a distant loved one, and for the gentry classes the exchange of letters and tokens was an invaluable part of daily life as they provided a bridge between spouses separated by the demands of late medieval business ventures. These letters show that material objects were carefully chosen for their symbolism, emotional significance, and mnemonic potential, and were designed to have an emotional, physical, and spiritual impact on the recipients. The words within letters provided the context of a gift and allowed its message to be understood by the recipient. The exchange of letters was tied to the same rules that governed the exchange of gifts as material, gesture and words were all combined in a precise and controlled exchange. These gifts were exchanged at a different juncture in the marital life course and this was reflected in their intention and significance.

While the aim of the exchange of tokens prior to the establishment of a lawful and legitimate marriage was to demonstrate an interest in matrimony or to cement a person's intention to take the other as a spouse, in the letters exchanged between spouses the onus lay with the private development of marital sentiment.

An exception to this was the letter written by Richard Calle to his betrothed Margery Paston. This letter was written at an ambiguous moment in their relationship and a liminal moment at the apex of a formation of matrimony; and objects were exchanged not only for her to remain connected as a spouse but also to prove continued marital loyalty. Despite the liminal state of this marriage the sentiments expressed in the letter mirror the discourse of married couples in their emotional pain

caused by separation. The letter is thus illustrative of a couple who feel emotionally bound as husband and wife at a time when the marriage has yet to be legitimated by the law and family.

The tokens exchanged by Margaret Paston and Margery Cely fulfilled a dual mnemonic role. They were both a material reminder of a departed spouse but also a gesture to remind a husband of his promise to return home. Margaret Paston's letter and token also make an implicit reference to her sexual desire for her husband's return and her burgeoning pregnancy, which again distinguishes these gifts for their marital rather than pre-marital nature. These rather urgent semantic sentiments were a distinct feature of letters exchanged between newly married couples. After this stage in the life course it is not until death and the bequest of objects in last wills and testaments that further evidence of marital material culture emerges, the subject of part two of this chapter.

Part 2: Testamentary Things

Introduction

In 1530 Andrew Evyngar commissioned a brass monument to himself, his wife Ellen, and their children to be placed in the parish church of All Hallows, Barking by the Tower (figure 3.). In this brass we see Andrew and Ellen Evyngar standing in profile facing each other, their hands clasped in prayer. They are dressed modestly in high-necked gowns but made of what appears to be heavy and expensive cloth, and Ellen has a girdle with a set of prayer beads attached to it around her waist. The design of this brass makes it clear that the couple are married, the direction of their gaze and their similar dress are all suggestive of a married couple. Ellen Evyngar is depicted with a kerchief covering her hair, a further indication of her status as a married woman. Most importantly, they are also wearing thick-banded wedding rings and these rings are in the centre of the brass monument to emphasise their importance. The couple mirror each other, having rings displayed on the ring fingers of their hands which appear in the foreground: Andrew on his right hand and Ellen on her left. Although we have little evidence as to which hand wedding rings were worn given the artistic structure of this piece, to emphasise the marital status of the couple it is likely that it was the artist's intention to display both rings regardless of which hand wore the wedding ring in practice.

The funeral brass of Andrew and Ellen Evyngar testifies to the importance of clothing and dress accessories in the visual construction of marital status, and how objects played a crucial role in the construction of marital identity. But what happened to these things when death separated a couple? It is this question that will be the focus of this section. In previous chapters we have seen how the materiality and exchange of things was used to give meaning to ambiguous moments or phases in relationships and to define a couple by their newly acquired marital status. The letters exchanged between new spouses also demonstrate how objects could act as a material mnemonic of a spouse during times of separation. This section, on the other hand, will address how objects associated with the

construction of a household, a spouse, or matrimony itself were bequeathed, and how memory was seen to give meaning to them.

Figure 3. The Evyngar Brass 1530. All Hallows by the Tower of London. [image removed from ORA edition]

The way people bequeathed their possessions gives us a good insight into the relationship they had with both objects and other people. I contend that objects within the marital household were considered carefully in terms of what belonged (or should belong) to whom, and why. I will focus on three points of interest. Firstly, what the bequests husbands made to their wives reveal about the social-legal position of women at the end of the marital life course, and what this says about contemporary

attitudes to the possession of material goods and the rights women held as spouses. The second part examines the bequest of material goods more generally and how particular objects such as clothes and dress accessories had the potential to be conductors of memory, and how these memories were tied to particular people and events. Finally, I will discuss the life cycle of courtship and marriage tokens and how parents gave particular objects, such as rings, to their children for the purpose of matrimony and how such testamentary bequests can add a new layer of meaning to the exchange of marital tokens in the later middle ages. Two types of material mnemonic have been identified. Firstly, the bequest of a marital object, or objects, which held an existing mnemonic connection to marriage, and secondly the bequest of objects made conditionally upon the recipient's use of them in connection with their own marriage.

Much research on late medieval testamentary bequests has focussed on end-of-life gifts made to parish churches, monasteries, clerics, and individuals in return for the prayers required to ease the soul through purgatory.⁷⁰ However, wills are not just valuable as evidence for late medieval piety but also for social, gender and familial history. Studies on the objects described in wills have focused on some grey areas in the wishes and motives of testators. To give an illustrative example, Eliana Magnani's study of pro-anima gifts in early medieval Europe concludes that an interpretation of the gifting of material goods in return for spiritual benefits provided by the clergy 'fails to account for the multiplicity of implications of such a practice'.⁷¹ Also, in her study of bequests in the Kentish town of Sandwich between 1460 and 1520, Catherine Richardson seeks to examine attitudes to domestic life and the household through the gifting of objects to various people and institutions.⁷² Cohn, meanwhile, has

⁷⁰ For arguments on communal commemoration see Clive Burgess, "'An Afterlife in Memory": Commemoration and its Effects in a Late Medieval Parish', *Studies in Church History* 45 (2009): 203; Joel T. Rosenthal, *The Purchase of Paradise: Gift-giving and the Aristocracy, 1307-1485* (London: Routledge & Kegan Paul, 1972), 10; Arnoud-Jan A. Bijsterveld, *Do ut Des. Gift Giving, Memoria and Conflict Management in the Medieval Low Countries* (Hilversum: Verloren, 2007), 25-7; and Eamon Duffy, *The Stripping of the Altars: Traditional Religious in England 1400-1580*, 2nd ed. (London: Yale University Press, 2005), 330-1.

⁷¹ Eliana Magnani S.-Christen, 'Transforming Things and Persons: The Gift *pro anima* in the Eleventh and Twelfth Centuries', in *Negotiating the Gift: Pre-Modern Figurations of Exchange*, eds. Gadi Algazi et al. (Göttingen: Vandenhoeck & Ruprecht, 2003), 279; Chris Wickham, 'Compulsory Gift Exchange in Lombard Italy', and Wendy Davies, 'When Gift is Sale: Reciprocities and Commodities in Tenth Century Christian Iberia', in *The Languages of Gift in the Early Middle Ages*, eds. Wendy Davies and Paul Fouracre (Cambridge: Cambridge University Press, 2010), 215, and 225-7.

⁷² Catherine Richardson, 'Household Objects and Domestic Ties', in *The Medieval Household in Christian Europe, 850-1550: Managing Power, Wealth, and the Body*, eds. Cordelia Beattie et al. (Turnhout: Brepols, 2003), 433-5.

worked on wills in the Italian city-states and focuses on the movement of domestic objects before and after the Black Death to assess how this terrible phenomenon changed people's relations with their possessions. Cohn argues that wills, unlike inventories, did not record static objects but rather things that were on the move, and testators often left detailed instructions to direct these movements to facilitate the ability of things to act as mnemonics of 'the individual testator, his or her family, and ancestors'.⁷³ Testamentary bequests are reflective of a person's gender, social position, and age; and all play a part in end of life priorities.⁷⁴ The desire to elicit prayer through these gifts should not be dismissed, but these objects were also complex material mnemonics that could inspire a multitude of memories associated with the deceased and their relationship to the recipient. The evidence from late medieval London testaments suggests that there were a number of objects which held meaningful and personal connections to the identity of the deceased, and they were bequeathed because they held such mnemonic power, particularly for close family members.

In a discussion of anthropological theories of value David Graeber has emphasised the importance of distinguishing between top-down and bottom-up perspectives, particularly how 'between theories that start from a certain notion of social structure, or social order, or some other totalizing notion, and theories that start from individual motivation'.⁷⁵ What Graeber is suggesting is that we must be aware of the existence of more individual and personal theories of value, and this chapter integrates this methodology to consider what testators considered to be socially valuable because of its mnemonic connection to important people and events from their own life cycle.

The basis of this study comprises two collections of wills from London and its hinterlands from the period 1479-1502, chosen to overlap with and illuminate the marital litigation examined hitherto: the Logge register from the records of the prerogative court of Canterbury (1470-1485), and a sample of the

⁷³ Samuel Cohn Jr., 'Renaissance Attachment to Things: Material Culture in Last Wills and Testaments', *Economic History Review* 65 (2011): 997; see also idem, *The Cult of Remembrance and the Black Death: Six Renaissance Cities in Central Italy* (Baltimore: Johns Hopkins University Press, 1992), 233-34.

⁷⁴ Katherine L. French, *The Good Women of the Parish: Gender and Religion after the Black Death* (Philadelphia: University of Pennsylvania Press, 2008), 40-1.

⁷⁵ David Graeber, *Towards and Anthropological Theory of Value: the False Coin of Our Own Dreams* (New York: Palgrave, 2001), 20.

commissary court of London's wills, namely the register covering the years 1489-1502. The Logge register (a name acquired thanks to its first testator William Logge) includes the testaments of those in the wealthier strata of society. Whilst in theory the prerogative court of Canterbury (PCC) and the exchequer court of York were reserved for those with lands in more than one diocese, in practice anyone of sufficient means could have their testaments proved there.⁷⁶ As a result the testators came from the middling to higher echelons of society; out of the 248 testators, 220 are male and 28 female. Of the males, 23 are clerics and 197 laymen, and of the latter 53 were London citizens belonging to one of the city livery companies or were members of the civic body acting as aldermen or similar. Of the 28 women, 25 were widows, 5 of whom were the widows of such London traders.⁷⁷ The commissary court meanwhile was limited to the city of London and the deaneries of Middlesex and Barking⁷⁸ but it contained testators from a wider variety of socio-economic backgrounds; tradesmen as well as merchants; but its fees excluded the very poorest.⁷⁹ The Logge register contains testaments from several regions, and next to London the largest proportion of testators came from the south-west which encompassed Bristol, and the counties of Gloucestershire, Wiltshire and Somerset. To focus this study, I have only included testaments from the counties from which litigants in marriage disputes made their cases to the London consistory court, namely the city of London, Middlesex, and Essex, but I have also included select cases from the counties of Kent, Sussex, and Surrey where they illuminate significant practices and meanings. The wealth of testators was also varied. Many of the testators reviewed in this

⁷⁶ For more details on the process of making a will see Lesley Boatwright, Moira Habberjam and Peter Hammond, 'Introduction', in *The Logge Register of Prerogative Court of Canterbury Wills 1479-86*, eds. idem (Knaphill: Richard III Society, 2008), 1:4-5. The 'will' was supposed to refer to the disposition of land, whilst the 'testament' related to movables, in practice testators used these terms interchangeably. Caroline M. Barron, 'Introduction: The Widows' World in Later Medieval London', in *Medieval London Widows, 1300-1500*, eds. Idem and Anne F. Sutton (London: Hambledon Press, 1994), xvi.

⁷⁷ This includes Anneys Brews whose two husbands were Edward Benett and Thomas Brews, both tailors, *Logge Register*, 33-6, and *CPR 1467-77*, 226. However, this distinction does not include Elizabeth Narburgh whose husband was an auditor of accounts in 1457 as it is unclear whether he was a member of a livery company, *Logge Register*, 221-3, and *CPR 1461-7*, 53, and 186.

⁷⁸ Richard M. Wunderli, *London Church Courts and Society on the Eve of the Reformation* (Cambridge: Medieval Society of America, 1981), 12.

⁷⁹ The cost of probate varied as the court collected an admin fee based on the total value of an inventory; nevertheless, this would have been beyond the means of many people in later medieval London. As early as 1416 the Commons complained in parliament that the church courts were charging as much as 40 to 50 shillings for probate. Wunderli, *London Church Courts*, 114.

chapter were quite well off, and this increased the likelihood that they possessed, and bequeathed, a variety of objects.⁸⁰

In the Logge register a substantial number of male testators ask their spouses to dispose of their property and arrange pious provision for their souls. Whilst this process leaves the historian with fewer wills containing descriptions of objects, it does expose an important aspect of the reason for the giving of objects: that is, a desire to be remembered in the manner chosen by the testator and the importance of familial relations. The testators who asked their wives to dispose of property must have felt confident in their spouses' ability to carry out these wishes. In the commissary court wills these customs can be seen through the frequent male bequest of property and goods in the following manner; 'I geve and bequeathe theym holy unto my wife she wyth theym to do and dipose at her free will'.⁸¹ The City of London had strict customs governing the dispersal of property and the rights of a living spouse and any dependants. A widow was entitled to a portion of her husband's estate, known as a dower. It consisted of two parts, firstly a widow was entitled to occupy the marital home until remarriage or her death, and secondly, she was also entitled to a third of her husband's estate and chattels, or half if there were no children.⁸² Because London widows had more legal rights than their contemporaries from outside the city there are fewer records of spousal bequests in London wills. For example, the commissary court testamentary book covering the years 1489-1502 contains 759 wills, out of which 287 mention a living spouse but only 11 mention a gift of a specific movable object. Moreover, wills were drafted by clerks and it is unclear to what extent they influenced the wording, sentiment or nature of bequests.⁸³

However, spousal testamentary bequests of objects did occur, and my reading of such bequests follows Catherine Richardson's argument that because a will did not detail every object a testator might have

⁸⁰ Christopher Dyer has worked on affluence and its effects on consumption in the later middle ages, albeit with a focus on economic history. Christopher Dyer, *Standards of Living in the Later Middle Ages: Social Change in England, 1200-1520* (Cambridge: Cambridge University Press, 1989), 169-75.

⁸¹ See for example the will of the pewterer Robert Foster, who died in the parish of St Dunstan in the West in 1484. LMA DL/C/B/004/MS/0971/008, 369v [Hereafter LMA 0971/008].

⁸² Under this custom medieval London widows were afforded greater economic security than those living under English common law, which allowed women the right to occupy her husband's house only for 40 days. Barron and Sutton eds., *Medieval London Widows*, xvii.

⁸³ Barron and Sutton, eds., *Medieval London Widows*, xvi; and Lisa Liddy, 'Affective Bequests: Creating Emotion in York Wills, 1400-1600', in *Understanding Emotions in Early Europe*, eds. M. Champion and A. Lynch (Turnhout: Brepols, 2015), 276.

given upon death, the items that were recorded were things which the testator believed to have a higher symbolic and economic value, or legal significance, than those not mentioned.⁸⁴

Spousal Material Culture

1. Wives and Their Property

The law on married women's property was complicated, contradictory, and often dependent on geography and personal circumstances. In theory, married women in the later middle ages did not and could not own property under canon law; when they married everything they owned became the husband's personal property (a legal process known as 'coverture').⁸⁵ In practice, both English common law and canon law acknowledged, to some extent, that women had some claim over three types of property: her paraphernalia, the items she had brought to a marriage, and the things she had inherited or been given preceding her marriage.⁸⁶ The question of whether in the later middle ages the goods a woman had brought into a marriage were returned to her upon her husband's death has received a certain amount of historical attention.⁸⁷ Although many men discussed the return of goods to their widows this practice varied considerably across time, place, and social position.⁸⁸ The legal definitions of these three categories, particularly what constituted paraphernalia, were fluid and often based on local custom, or a particular situation, with the result that in order to ensure a widow's rights to her property a husband had to confirm it in his will. Material culture studies have emphasised the importance of the relationship between the possession and wearing of things, and identity. This section looks at the

⁸⁴ Richardson, 'Household Objects', in *The Medieval Household*, 435. For the disparity in pious provision to the church between wills and before death see Burgess, "By Quick and by Dead", 853-5.

⁸⁵ Matthew Frank Stevens, 'London's Married Women, Debt Litigation and Coverture in the Court of Common Pleas', in *Married Women and the Law in Premodern Northwest Europe*, eds. Cordelia Beattie and Matthew Frank Stevens (Woodbridge: The Boydell Press, 2013), 119.

⁸⁶ For further discussion see Janet S. Loengard, "'Which may be said to be her own': Widows and Goods in Late Medieval England", in *Medieval Domesticity: Home, Housing and Household in Medieval England*, eds. Maryanne Kowaleski and P.J.P. Goldberg (Cambridge: Cambridge University Press, 2008), 162-76.

⁸⁷ For example, Barbara J. Harris, *English Aristocratic Women, 1450-1550* (Oxford: Oxford University Press, 2002); and Mavis Mate, *Daughters, Wives and Widows after the Black Death: Women Sussex, 1350-1535* (Woodbridge: The Boydell Press, 1998).

⁸⁸ J Loengard, "'Plate, Good Stuff, and Household Things': Husbands, Wives, and Chattels in England at the End of the Middle Ages", *The Ricardian* 13 (2003): 328-9.

specific things husbands bequeathed to their spouses and what this says about questions of identity and ownership across the marital life course, and how a woman's contribution to, and place within, the household was connected to particular objects. The things a woman had brought with her at marriage were mnemonically tied to this event and considered important throughout the marital life course.

Bequests should not be read as testamentary 'gifts' but were rather a recognition of a wife's legal ownership over her personal possessions, to ensure that a widow could withstand a legal challenge over any contestations of ownership.⁸⁹ The examples of spousal bequests we do have do not contain any amorous terminology because they were concerned with either the restitution of a woman's pre-marital property or ensuring their economic and social position. Although I do not class such bequests as gifts *per se* they are nevertheless a transfer of things from a man to a woman, with important implications for how a woman's property remained associated with her during the marital life course, despite a legal change in ownership. This study of coverture demonstrates a tension between top down 'legal' definitions of property and how people understood their own and other peoples' social rights to property and possessions.

2. Household Objects

In her study of early modern testamentary bequests, Catherine Richardson has discussed how fathers gave their daughters dowry chests, namely chests that stored a plethora of domestic objects, which were to be transferred to daughters on the day of their marriage.⁹⁰ Richardson argues that objects could represent important periods in the life course, and she argues for an early modern 'pattern of thought in which objects come to stand for temporal progression through life'.⁹¹ Objects acted as mnemonics of important social events such as marriage, but also of the people to whom they had previously belonged. The wills surveyed in this chapter demonstrate that the things a woman brought with her into marriage

⁸⁹ Stevens, 'London's Married Women', 119.

⁹⁰ Catherine Richardson, *Domestic Life and Domestic Tragedy in Early Modern England: the Material Life of the Household* (Manchester: Manchester University Press, 2006), 72-3.

⁹¹ Richardson, *Domestic Life and Domestic Tragedy*, 72-3.

often continued to be associated with her, and her status as a wife. For example, in 1484 John Elryngton, who is described as a treasurer in the household of King Richard III, bequeathed to his wife 200 marks, £100 in plate, the plate that she brought with her on the day of their marriage, and the profits from the land which she had brought him in marriage.⁹² John Elryngton's bequest to his wife demonstrates how these material goods were specifically tied to the moment of matrimony. Such patterns can also be seen in late medieval London testaments, for example, William Askew in 1499 bequeathed to his wife 'all suche stuff of household that she browght... that is to sey bedding, brasse, pewter, tabyllys and chaures, table clothes, and towellyns, excepte a folding table in the hall'.⁹³ What these cases indicate is the importance that a woman's movable dowry played in the formation of a household. In particular, William Askew's detailed list of movables suggests that the specific items brought with the dowry continued to be recognised as such during the marital life course. The potentially ambiguous legal status of these objects was presumably the most important reason for the remembrance of their origins. They may also have played an active symbolic role during the marital life course as evidence of a woman's social position as wife, and her position as a social and economic provider within the household.

Household goods were frequently left by husbands to their wives, and such things were particularly evocative because they were things which represented not only the social, but also marital status, of a couple. Silverware was the most frequent bequest men made to their wives.⁹⁴ Outside of property silverwear would have been the most valuable item bequeathed by testators. Objects of silver and gilt held an intrinsic material value but these bequests can also be read beyond their immediate economic and pragmatic significance.⁹⁵ In the later medieval household wealth was invested in its furnishings, and this was particularly the case amongst the burgeoning urban elite.⁹⁶ In 1482 Richard

⁹² 'To my said wife Margaret... xl worgh of plate or there abowte which she brought with hir at the day ouf our mariage'. *Logge Register*, 255-7.

⁹³ LMA 09171/8, William Askew, 177v.

⁹⁴ *Logge Register*, William Bowley, 143-4; and Thomas Lytilton, 99-104. LMA 0971/008, John Burton, 40r-v.

⁹⁵ Richardson, 'Household Objects and Domestic Ties', 441.

⁹⁶ Gilchrist, *Medieval Life*, 115.

Roose left his wife Margaret a standing cup of silver and gilt, a salt cellar of silver and gilt, two basins of Paris silver, an ewer of silver, and other domestic furnishings.⁹⁷ The silverware mentioned in wills were often objects that were associated with eating and drinking. The domestic household was often a place of business and socio-economic activities, and this was particularly the case with dining. In the later medieval household, the hall and the dining table were a focal point of social display and the demonstration of power. The dining table was usually found within the hall, the most public space of later medieval London homes.⁹⁸ The apex point of the dining table was the salt cellar, and the person who sat next to this was the focal point of the dining hierarchy.⁹⁹

The gifting of a silver salt cellar, and other types of silverware designed for dining, by husbands to their wives is a reflection of the potency of these objects within the household. These bequests can be read as part of the process by which husbands transferred the headship of the household onto their widows' shoulders. In later medieval London, the death of a husband restored a woman's independent legal status, and in London women had the legal opportunity, if not socio-economic position, to trade independently.¹⁰⁰ Indeed, husbands often bequeathed their apprentices' contracts or trade goods to their wives, which suggests that women were often expected to continue their husbands' businesses after death.¹⁰¹ This can also be observed in rural areas, for example, John Alexander from Westham in Essex bequeathed his wife a cow and his bullocks, to 'to chiresshe and kepe my two youngest daughters'.¹⁰² The bequest of objects like silver plate and trade goods helped to elevate and establish a recent widows' new social position and personal power.

⁹⁷ *Logge Register*, Richard Roose, 146-9.

⁹⁸ Shannon McSheffrey, 'Place, Space, and Situation: Public and Private in the Making of Marriage in Late-Medieval London', *Speculum* 79 (2004): 975.

⁹⁹ Gemma L. Watson, 'Roger Machado: A Life in Objects', in *Writing the Lives of People and Things, AD 500-1700*, eds. Robert F.W. Smith and Gemma L. Watson (Farnham: Ashgate, 2016), 105; Gilchrist, *Medieval Life*, 125-6; and Barbara Hanawalt, *Growing up in Medieval London: the Experience of Childhood* (Oxford: Oxford University Press, 1993), 63.

¹⁰⁰ Barron, 'Introduction', in *Medieval London Widows*, xxvii.

¹⁰¹ LMA 0971/008. Nicholas Wright, 27v; and John Portland, 145r.

¹⁰² LMA 0971/008. John Alexander, 31v-32r. Spousal gifts of livestock from the *Logge Register* include: John Hogge, 57; and Jon Eston senior, 240-2.

Certain household objects could directly refer to the partnership between man and wife. In 1481 Thomas Lytilton, a knight of the justice of common pleas, bequeathed to his wife a basin of silver inscribed with both their arms.¹⁰³ Heraldry was often imprinted on objects to further emphasise personal identity and allegiance, and this case demonstrates how it could also mark the socio-political position of man and wife.¹⁰⁴ Women may have had personal associations to such objects, but during marriage their husbands held legal ownership. The death of a woman's husband provided some women with legal ownership over things from within the household. The things that made up a household held a number of different associations, sometimes complimenting but also contradicting questions of legal ownership.

3. Paraphernalia

The question of what constituted a woman's paraphernalia provides the most interesting example of the tension between legal and social ideas of ownership. The thirteenth century cleric and jurist Bracton commented that under English common law although married women lacked possessions they could bequeath certain items such as robes and jewels, which 'could be said to be her own'.¹⁰⁵ Under common law, paraphernalia constituted necessary and convenient clothing and the decision as to what this meant in practice was left to the discretion of the judiciary. Canon law's definition of paraphernalia was more generous and constituted a widow's clothing and things she used about her person.¹⁰⁶ Under City of London custom a woman's paraphernalia included her bed and chest, and the London Letter Books include the 1391 example of Alice Ancroft whose paraphernalia consisted of 'all the clothes belong to her chamber... linen and wool for the beds and all the clothing for her body'.¹⁰⁷ As a general rule

¹⁰³ *Logge Register*, 101.

¹⁰⁴ C.M. Woolgar, *The Senses in Late Medieval England* (London: Yale University Press, 2006), 181-3.

¹⁰⁵ George E. Woodbine, ed., *Bracton on the Laws and Customs of England* (Cambridge: Harvard University Press, 1968), 2:179.

¹⁰⁶ In terms of litigation questions related to property and marriage came under common law, however, canon law had its own definition of paraphernalia to determine what things women were able to bequeath freely in their wills. See Loengard, 'Which may be said to be her own', 165, and n12.

¹⁰⁷ It can be said that as a general rule canon law sought to protect widow's right to her paraphernalia where it could, although this was only possible if a widow was able to launch a suit within the church courts. Loengard, 'Which may be said

paraphernalia was defined as items, which had close, often physically close, associations with a woman's body. Clothing and dress accessories were not just economically valuable but allowed women to exert power and social control. The fifteenth century didactic writer Peter Idley wrote that wives did not leave for church until they were appropriately dressed and trussed up and criticised them for using church as a platform for competing in the fashion stakes.¹⁰⁸ For example, Margaret Paston wrote to John Paston in the spring of 1453 and asked him to buy her a necklace because of the shame she had felt at only having a pair of beads for her neck when the Queen visited the area; she wrote how she had to borrow a necklace from her cousin in order to meet the Queen and her fashionable ladies.¹⁰⁹ The decision by husbands to grant women legal possession over their paraphernalia had important ramifications for female agency as a woman's jewellery was not just economically valuable but gave women social gravitas.

Outside local custom, the decision to establish a widow's right to these objects ultimately lay with her husband and it is these testamentary bequests that were used as evidence of ownership. In 1485 John Fyssher, a mercer of London, left his wife Margaret 'all heir array, apparail, girdles, ringes, bedis, and broches to heir body belonging for her owen proper wering'.¹¹⁰ John Fyssher's bequest and other similar bequests contained things which had close associations with the female body.¹¹¹ Chapters 1, 2, and 3 have addressed how certain dress accessories were seen as part of the female form and were seen to communicate social, economic and marital status. In his will John Fyssher associates the material subjects of his bequest with his wife's 'owen proper wering' and this description, particularly

to be her own', 164-66. *Calendar of Select Plea and Memoranda Roles of the City of London, 1381-1412*, ed. A.H. Thomas (Cambridge: Cambridge University Press, 1932) 177.

¹⁰⁸ Wyves may not to churche till they be entired, Ibrideled and peytrelled to shewe hir arraye, And feeted abowte as a hakeney to be hired; Sheys double so wrothe if ony be so gay. D'Evelyn, *Peter Idley's Instructions to his Son*, 2: lines, 1042-45, 125.

¹⁰⁹ 'I pray yow [John Paston] that ye wold do yowr cost on me ayens witsontyd, that I may haue somme thyng for my nekke. When the Quene was here I borowd my cosyn Elysabet Cleris devys, for I durst not for shame go with my bedys among so many fresch jantylwomman as here were at that tym'. Davis, *Paston Letters*, 1:148-50.

¹¹⁰ To wife all her apparel, *Logge Register*: John Fyssher, 124-9; John Shelley, 435-9; and John Blount, 446-50.

¹¹¹ LMA 09171/8, 335r-v.

the use of the adverb ‘proper’ demonstrates a potential association between clothing, dress accessories, and social dignity or requirement.¹¹²

While in middle English literature clothing and dress accessories were closely tied to demonstrations of female agency, in practice they could play a role in the deprivation of female agency. For example, in 1488 Ann Styward brought her husband Richard Styward to court to seek a divorce on the grounds of spousal abuse. An important part of this case was Ann Styward’s claim that Richard had mismanaged the goods her former husband Richard Alpe had left her. Richard Styward admitted to administering these goods but denied doing so against his wife’s will. He told the court that during their separation he had given Ann all her clothes except her best gown, although he admitted that he had done so only after he was warned by the court that he should abide by its ruling and return his wife’s clothing. The withdrawal of clothing would have left Ann Styward socially vulnerable and unable to participate in wider society, and this loss of power was as a result of her husband’s assertion of control over her body, despite their separation. His refusal to give Ann Styward her best dress indicates an appreciation of the power and status that was attributed to expensive cloth and fabric, and how this power could in turn be transported onto the person who wore it. Clothing and accessories may have been recognised as part of a wife’s own possessions but at points of change or dispute the question of the ownership of possessions was in doubt. Husbands’ bequests of material goods to their wives were recognition of this social right of possession, and simultaneously placed this right beyond doubt.

Spousal Material Mnemonics

We have seen how the bequests husbands left to their wives were by and large focused on the confirmation of ownership rather than sentiment. In her study of marital bequests Janet Loengard has shown how the exception to this was the description of gifts which a husband had given his wife during

¹¹² MED 4: ‘propre’, adj. ‘A term of appropriation, indicating that a person or thing is as he or it [or she] should be, commendable, goodly, excellent’. OED: ‘proper’, adv. ‘Suitable for a specified or implicitly purpose or requirement, appropriate to the circumstances or conditions’.

their marriage.¹¹³ Legally such gifts were highly ambiguous as under coverture husbands and wives were one person, and you cannot give yourself a gift.¹¹⁴ In practice, however, as we have seen in the first part of this chapter, husbands and wives often exchanged gifts. Loengard has shown how husbands mentioned objects which had been given at marriage ‘[a] certain silver cup with a cover which I gave her on the day of our marriage’,¹¹⁵ or given without reference to a specific context ‘a cross of diamontes which I gave to hir,¹¹⁶ ‘two gyrdils silver and gilte, and one salte percer gilte, and sex of my best silver sponys’, which had been given as a gift two years previously.¹¹⁷ This section will examine how certain objects were mnemonically connected to a departed spouse, and given as such to family members.

Anthropologists, in particular Annette Weiner and Marcel Mauss, have proposed that objects are irrevocably linked to, or even inalienable, from their owners and that memories cannot be eradicated by death or new ownership.¹¹⁸ It was not just ownership which created such material mnemonics but also the association with important socio-cultural events; that is to say objects given in wills acquired meanings associated with earlier events, namely marriage. Archaeological research on late medieval burial practices has shown that the dead were buried with dress accessories in only a small number of cases.¹¹⁹ Eleanor Standley has argued that this suggests that valuable objects were not worn by or placed with the dead but rather reused, kept or given as heirlooms or recycled.¹²⁰ Wedding rings in particular were a rarity in medieval grave goods.¹²¹ Katherine French has argued that as wedding rings were consecrated objects it is likely that many of the bequests of rings to churches were in fact wedding

¹¹³ Loengard, “Which may be said to be her own”, 174.

¹¹⁴ Ibid.

¹¹⁵ Thomas Witham, senior (1481). In James Raine, ed., *Testamenta eboracensia, or, Wills registered at York* (London: J.B. Nichols and Son, 1835-1929), 3: 264.

¹¹⁶ Sir William Fitzwilliam (1534). In J.W. Clay, ed., *North Country Wills* (Durham: Surtees Society, 1908), 135.

¹¹⁷ Robert Lascelles (1507-8). In Raine, *Testamenta eboracensia*. 4:269. References from Loengard, ‘Which May be Said to be Her Own’, 174.

¹¹⁸ Annette Weiner, *Inalienable Possessions: The Paradox of Keeping-while-Giving* (Berkeley: University of California Press 1992), 8-12; and Marcel Mauss, *The Gift: the Form and Reason for Exchange in Archaic Societies*, trans. W.D. Halls (London: Routledge, 1990), 13-16. For a closer discussion of this debate see Graeber, *Towards an Anthropological Theory of Value*, 34.

¹¹⁹ Eleanor Standley, *Trinkets & Charms*, 106.

¹²⁰ Ibid.

¹²¹ Gilchrist, *Medieval Life*, 211.

rings.¹²² Wills made by married women often mentioned leaving wedding rings to a cathedral or the altar of a parish church.¹²³

The wills surveyed in this thesis do not include any examples of wedding rings having been given to an ecclesiastical institution. In the three cases where wedding rings and other matrimonial objects were part of a testamentary bequest their recipient was not the parish but people with close personal connections to the deceased. Moreover, the bequest of marital goods in testaments was usually contained within close familial circles and was more often or not connected with gifts to children. In 1494 William Lincoln bequeathed to his son John his ‘wedding gowne’ and a hood of scarlet.¹²⁴ Whilst such cases are rare they demonstrate that in particular cases an object retained its association with the marital process.

Women were far more likely than men to bequeath clothing and accessories. But since married women could not own property these women were often widows, and it is rare to find a will written by a married woman, unless their husband granted them permission.¹²⁵ An example of a married woman writing a will can be found in Emma Hopwood, who in 1492 bequeathed all of her goods to her ‘welbeloved husband afore God’. However, she is described as a ‘singlewoman’ and thus it is possible that this marriage had not yet undergone solemnisation.¹²⁶ A widow held more power than a wife, whose property fell into the hands of their husband on marriage, with the ability to dispose of their marital property. A widow was also less likely to be in a position where she had to support her family and thus was more able to dispose of her property as she wished. Nevertheless, the widows surveyed in this study often drew upon the symbolic importance of their bequeathed clothing and accessories, and Katherine French has argued that this was often an attempt to imprint virtues onto an object in order

¹²² Katherine French, *Women of the Parish*, 67.

¹²³ Two Somerset wills featured the gift of a wedding, one to the Our Lady priory church and one to Our Lady of Cleve, in Weaver. In *Somerset Medieval Wills*, 312, and 320. These references come from Loengard, “Which may be said to be her own”, 168.

¹²⁴ LMA 0971/8, 88v.

¹²⁵ Loengard, “Plate, Good Stuff, and Household Things”, 328-9.

¹²⁶ LMA 0971/8, 43v.

for it to act as a moral guide to the recipient.¹²⁷ This is an interpretation that is borne out by the London evidence.

On the 19th April 1495 the will of the London widow Agnes Sibott was proved at the commissary court in St Paul's Cathedral. She requested that her executors arrange for her to be buried next to her husband William Sibott in the south cloister of the parish church of All Hallows in the City of London.¹²⁸ Agnes had married William Sibott after his first wife had died, and in her will she bequeathed to her step-daughter Elizabeth a violet furred gown, a girdle harnessed with silver and Elizabeth's mother's wedding ring'.¹²⁹ In order to help the executors distinguish particular objects for dispersal after a testator's death the description of objects in the will referred to their materiality and iconography or their association with a particular individual. The accurate identity of things was important, and the church courts oversaw the dispersal of a testator's property and were required to make sure that the executors had carried out the wishes of the testator.¹³⁰

Agnes Sibott's will exhibits a variety of methods by which different objects could be distinguished. For example, the girdle and gown were identified through the type of fur and metal used in their manufacture. The ring was categorised by its association with the former wife of Agnes Sibott's husband, it must have passed into the possession of Agnes Sibott after she married William. The bequest suggests that the ring did not lose its identity upon this change of ownership but remained a mnemonic of its previous owner and her position as wife. Agnes Sibott makes a further bequest to her own daughter, Joan Sibott, to whom she gives 'a green gown, a girdle of violet harnessed with silver, my wedding ring, and a pair of coral beads gaudied with silver'. At the time of her death Agnes Sibott possessed not only her own wedding ring, but also that of her husband's former wife. This case suggests that a wedding ring could be tied to the person to whom it was given, and the particular marriage it represented. Agnes Sibott's bequest show how the mnemonic and emotional importance of such

¹²⁷ Katherine French, 'Gender and Material Culture', *The Oxford Handbook of Women & Gender*, 201.

¹²⁸ LMA 0971/8, 124r.

¹²⁹ 'My violet gown furred, girdle harnessed wit silver and her moders wedding ring'. LMA 0971/8, 124r.

¹³⁰ Wunderli, *London Church Courts*, 114.

objects was emphasised by the intimacy of a familial relationship, in this case Agnes Sibott recognised that her step-daughter would value the ownership of her mother's wedding ring.

Objects which were closely associated with an individual were usually given to the nearest surviving relative and in her study of wills proved in the city of York between 1400-1600 Lisa Liddy has found a similar trend in the bequest of marital goods from step-mothers to their step daughters. In one case Ellen Stockdale left her step-daughter, Isabel Dickonson: 'oon gyrdil of black sylk and gold of thold facion, wich was hir moders'.¹³¹ The biographies of objects, and their associations with important life events engendered important mnemonic associations that played upon significant personal relationships. Although the testaments do make explicit reference to the association between particular objects and the memories of a departed spouse, the pattern of giving symbolically and economically important things to close family member suggests strong, if implicit, connections between memory, indemnity, sentiment and the bequest of certain objects. It is particularly interesting that two step-mothers at almost opposite ends of England enacted similar bequests to their step-daughters, and this suggests the existence of a cultural norm that has hitherto been hidden due to the formulaic nature of most testaments. Namely, a custom whereby daughters were bequeathed their mother's wedding ring either directly by their biological parent's will or that of a step-mother. Further similarities between Agnes Sibott and Ellen Stockdale's bequests can be seen in the latter's gifts to her own daughter to whom she left a 'girdill silver harness and gilt wych was my weddyng girdill with my husband Johnson'.¹³² The gifts by mothers of items associated with their nuptials would have acted as powerful mnemonics not only of the giver, but also the importance of the institution of marriage.

A general trend was that marital goods were given to close family members, but there were exceptions. For example, in 1500 the widow Benet Jolis died, and the majority of her testamentary gifts were items of clothing which she gave to various members of her wider social circle as well as to her

¹³¹ Liddy, 'Affective Bequests', 283.

¹³² Ibid.

family.¹³³ But she also gave Ambrose de Bargis of London her best girdle of gold, a pendant, and her gold wedding ring.¹³⁴ Benet Jolis' will does not provide any further information as to the purpose of these gifts or her relationship with Ambrose de Bargis, but given the economic and symbolic value of this bequest it is possible that this was more than a casual acquaintance. As a general rule, however, personal possessions, particularly those associated with matrimony, were bequeathed to close family members.

Scholarship, including this thesis, has demonstrated the close relationship between the symbolic and mnemonic power of a given object and the gift-giving process, and based on these conclusions a possible hypothesis for this trend is that such objects were given to close relatives, in particular daughters, in order to retain these personal associations within the family and sustain the memory of the deceased. The gift of a wedding ring was a mnemonic of a departed parent but also provided its recipient with a material opportunity to forge a new relationship with this object, whilst retaining a memory of the departed.

The things which had belonged to a deceased spouse also retained this association, and here we also find a trend for such mnemonics to remain within the immediate family. The most common bequest of goods belonging to a departed spouse was made to children. The clothing and dress accessories of a former spouse were common bequests, and out of the wills surveyed for this study ten feature a gift of clothing specifically referred to as having belonged to a departed spouse; the main recipients of such gifts being children or siblings. An analysis of these gifts must consider the multifaceted meanings of clothing in the later middle ages. As we have seen in Chapter 1 (pages 57-8) clothing was a key signifier of identity; it transformed the body and acted as 'social skin'.¹³⁵ Furthermore, in later medieval London, and elsewhere, cloth and clothing were heavily invested in as a

¹³³ LMA 0971/008, 335v-336r.

¹³⁴ LMA 0971/008, 335v-336r.

¹³⁵ Gilchrist, *Medieval Life*, 68; and T. Turner, 'The Social Skin', in *Reading the Social Body*, eds. C.B. Burroughs and J.D. Ehrenreich (Iowa: University of Iowa Press, 1993), 15-39.

way of measuring, storing and demonstrating wealth.¹³⁶ In testamentary bequests clothes given the relative term ‘best’ were often given to the closest family members, evidence of both the ranking of objects and also the affection held for the recipient and their importance within a family network.¹³⁷ Robert Ingill gave his son John his best gown and two of the best gowns and kirtles¹³⁸ which had belonged to his late wife.¹³⁹ Thomas Dels gave each of his daughters one of his wife’s best gowns.¹⁴⁰ Sisters and other close family members were also recipients of clothing where personal connections attached to them. In 1499 William Hall gave a russet gown that was worn by his wife ‘when she lived’ to her sister, whilst another testator gave his own sister one of his wife’s best gowns.¹⁴¹ People outside the immediate family were also recipients of these types of clothing: a servant was given two kirtels and a black gown which had belonged wife of her master. These were unlikely to have been the best items from her mistresses’ wardrobe, as black gowns were part of day-to-day dress. In testamentary bequests we see how clothing held both economic and social value, and recipients of these goods were selected to best represent this worth. Items of clothing held associations beyond their economic worth, as mnemonics of deceased family members, and accordingly it was often the case that such objects were bequeathed within the family circle; and this was also the case with certain types of dress accessory.

As we have seen in previous chapters, girdles had strong associations with the female body and were often given as gifts during courtship, at contract, and in the lead up to solemnisation. It is therefore unsurprising that we find that girdles were often recognised as a wife’s personal property. Loengard has argued that in husbands’ bequests to their wives there was a strong sense that girdles belonged with the wife.¹⁴² In the wills of male testators the memory of their departed spouses was associated with these dress accessories. In 1486 Richard Tillus bequeathed to his daughter a demiceint

¹³⁶ Alexandra Shepard, *Accounting for Oneself: Worth, Status and the Social Order in Early Modern England* (Oxford: Oxford University Press, 2015), 1-2.

¹³⁷ Liddy, ‘Affective Bequests’, 281.

¹³⁸ A kirtle was a garment worn underneath a woman’s gown and the late medieval equivalent of a petticoat.

¹³⁹ LMA 09171/8, 62v.

¹⁴⁰ LMA 09171/8, 184r.

¹⁴¹ LMA 09171/8, 208v.

¹⁴² Loengard, “Which may be said to be her own”, 175.

girdle, which had belonged to her mother.¹⁴³ Similarly, John Barrow gave to his sister in law, Elizabeth Adon, ‘the best girdle and two rings of silver and gilt which were my wife’s’.¹⁴⁴ Testamentary evidence also reflects the popularity of the girdle as a wedding gift. In 1506, Alice Love bequeathed to her eldest son Giles her best girdle ‘that my husband Thomas Oxenbridge brought me to my weddyng’.¹⁴⁵ The girdle was a strong personal reminder of a deceased wife but was also an important mnemonic of their wedding.

Because of its connections to female sexuality the girdle may also have had undesirable connotations. John Freman’s 1486 bequest to his daughter Alice of an “honest” girdle that had belonged to her mother might be an indication of this tension because it is the only case in which an accessory was given such a value judgement.¹⁴⁶ The relationship between memory, objects, and the gift in later medieval wills is well attested and the evidence of this sample of later medieval London wills confirms this. What is striking is the potential of these objects not only to elicit remembrance of the dead to inspire prayers, but also to remember important and close family members as individuals. We find that possessions with strong personal connections, such as jewellery, were more likely to be bequeathed to close family members, indeed certain objects had the potential to spark both cultural and personal associations. The reason behind many of these gifts was not just to inspire passive remembrance but to try and actively shape the behaviour of the recipients, particularly when it came to objects given by parents to their children in relation to marriage making.

Marital Objects

The wedding ring was a signifier of matrimony, which was seen as a sacrament but also an institution of civic respectability.¹⁴⁷ Marriage was also an important stage of the late medieval life course and a sign of

¹⁴³ MED demi 2: Demi-cient- A narrow girdle made of metal scales.

¹⁴⁴ LMA 09171/8, 187r.

¹⁴⁵ Loengard, “Which may be said to be her own”, 175. Will of Alice Love (1506), TNA, PROB, 11/15/123.

¹⁴⁶ ‘I will that Alice my daughter have an honest girdill harnessid such as was heir moders’, *Logge Register*, 343.

¹⁴⁷ McSheffrey, *Marriage*, 164, and 185-9.

maturity for both men and women.¹⁴⁸ Testamentary bequests provide some evidence of how marriage ideals and practices could be communicated through material culture, and this is especially the case when we consider the wider context in which bequests to children were often attached with moral conditions. Amy Appleford's work on the literary culture of the *artes moriendi* in later medieval London has shown how such texts played an important role in the development of a householder's duty as a moral overseer, a duty which was thought to extend to the end of his dependant's lives.¹⁴⁹ A similar concern can be shown here as fathers expecting to die before their daughters were married sought to influence their behaviour and potential marital negotiations via their wills and the medium of material culture.¹⁵⁰ Some, like William Bowley, issued advice alongside a bequest to their daughters.

In 1485 Bowley helped to facilitate the dowry of his daughter Elisabeth through a bequest of the residue of his goods, on the proviso that she be married by the advice of Richard Eggescoombe and Roger Holand.¹⁵¹ In another case William Mynte bequeathed his daughter Elisabeth two covered standing cups of silver and gilt, six silver spoons, a sound bed with all its gear and all the hangings for her room, on the condition that she be good to her mother and not marry without the consent of her friends.¹⁵² Such bequests were born out of pragmatism and administered according to customary legal practice, with the conditions attached to objects illustrating how testators wished recipients to conduct themselves during negotiations of marriage. Didactic messages were invested within these material bequests and perhaps reflect a method by which fathers sought to influence the behaviour of their daughters' post-mortem whilst upholding the legal customs of the City of London.

The bequest of chattels would not only have acted as a dowry but also contributed to the furnishing of its recipient's household, upon their marriage.¹⁵³ Recently, scholarship has argued that in

¹⁴⁸ Ruth Mazo Karras, *From Boys to Men: Formations of Masculinity in Late Medieval Europe* (Philadelphia: University of Pennsylvania Press, 2003), 144-6; and Moss, 'An Orchard. A Love Letter, and Three Bastards', 227-9.

¹⁴⁹ Amy Appleford, *Learning to Die in London, 1380-1540* (Philadelphia: University of Pennsylvania Press, 2015), 7.

¹⁵⁰ A similar pattern can be found in the will from the late medieval and early modern Hustings court. See, Kate Kelsey Staples, *Daughters of London: Inheriting Opportunity in the Late Middle Ages* (Leiden: Brill, 2011), 52-3.

¹⁵¹ *Logge Register*, 143-4.

¹⁵² *Logge Register*, 297.

¹⁵³ McSheffrey, *Marriage*, 138; and for a literary perspective see, Felicity Riddy, "'Burgei" Domesticity in Late-Medieval England', in *Medieval Domesticity*, 16-36.

the later middle ages and early modern period the ideology of domesticity was implicitly tied to the consumption and possession of material culture.¹⁵⁴ In her study of early modern Londoners Alexandra Shepard has shown how social identities and ideas of ‘worth’ were demonstrated through people’s movables and possessions,¹⁵⁵ and suggestions of this practice can be found in testamentary bequests. For example, in 1467 Robert Foster and Katherine Pekke had their marriage upheld at the consistory court, and when Robert Foster died in 1484 he left their two daughters a bequest towards their own marriages.¹⁵⁶ His eldest daughter Alice received 10 marks, a salt of silver, a maser and six silver spoons. Her sister Anne received four pounds, a standing cup of silver, six silver spoons and a little maser.¹⁵⁷ These bequests provided economic security to their recipients and their physicality also had the potential to act as a mnemonic of a departed father. Indeed, upon marriage these objects fulfilled a new role within a new household whilst maintaining the memory of its original role as a gift.¹⁵⁸ There are also suggestions that these material bequests played a role in a child’s marital life in lieu of the deceased. For example, in 1490 John Portland bequeathed to his daughter six silver spoons which were to be given to her on her wedding day, the specificity of this bequest indicating a desire for these objects to inspire a mnemonic of the deceased at an important moment in his daughter’s life.¹⁵⁹

Outside the immediate family, bequests were also made to help establish dowries. William Herte, a priest, bequeathed in his will a rial towards his cousin’s daughter’s marriage.¹⁶⁰ Women in later medieval London were often employed as servants prior to marriage and during this time their master was expected to act as their moral guardian, and often provided advice and money towards their marriage.¹⁶¹ Paternal guidance over a son’s conduct during marital negotiations can also be observed.

¹⁵⁴ Jeremy Goldberg has argued that a differentiation between ‘urban’ and ‘rural’ value systems was tied to the material culture of the household, P.J.P. Goldberg, ‘The Fashioning of Bourgeois Domesticity in Later Medieval England’, in *Medieval Domesticity*, 124-35.

¹⁵⁵ Shepard, *Accounting for Oneself*, 1-2.

¹⁵⁶ LMA/DL/C/205, 4r-10v.

¹⁵⁷ Robert Foster, pewterer St Dunstan in the West. LMA 09171/6, 369v; and another case featuring monetary provisions for a daughter’s marriage is William Askew, LMA 09171/8, 177v.

¹⁵⁸ For a discussion of recycling in wills see Daniel Lord Smail, *Legal Plunder: Household and Debt Collections in Late Medieval Europe* (London: Harvard University Press, 2016), 41-5.

¹⁵⁹ John Portland, LMA 9171/8, 145r.

¹⁶⁰ LMA 9171/8, 12r-v.

¹⁶¹ *Logge Register*, 219.

For example, in 1483 Thomas Ostrich gave his son (also Thomas) a 'litle ring with a diamond if God fortune him to time coming to wede a woman [and] to geve yt unto her'. The previous chapter (pages 124-6) discussed the important role that rings played in the formation of marriage and such testamentary bequests cemented this importance, demonstrating how parents used objects to instruct their sons on expected courtship practices post mortem. The make-up of this ring further emphasised its symbolic value; it is described as 'two rings knit together at the end of a lace and placed in a flat leather box in Thomas Ostrich's study'. This description appears to be of a gimmel ring, a popular symbol for marital union (for further discussion of this ring and its symbolic meanings see pages 51-2). The placement of this ring within a secure box, away from the rigours of daily life, further emphasised this object's social and economic value to Thomas Ostrich. Testamentary description, in particular the iconographic detail of the ring, and its secure storage, confirms the importance placed upon these marital objects as signifiers of matrimony. This bequest is also suggestive of the role played by men, and in turn fathers, during the marital process.

Chapters 2 and 3 have discussed the gendered dimension of later medieval gift exchange, in particular how men were expected to bestow rather than receive marital gifts. This bequest illustrates how this social expectation may have had a role within the parent-child relationship, as a father instructed his son in expected social behaviour, and included the giving of a gift, specifically to be given to a future bride.

Conclusions

Testamentary evidence suggests the potential mnemonic origin of the things that were exchanged between couples in the making of marriage, and hints at the deeper layers of meaning that might have been associated with such objects, meanings that are hidden from us and not mentioned in the records of the consistory court. The gifts of wedding rings and similar objects that parents made to their children is further evidence of the important cultural association between objects and marriage making.

They also show how emotion, ethics and memory merged together to make these objects meaningful and socially, as well as financially, valuable. And whilst this section is based on a small sample of later medieval wills, existing scholarship on similar testamentary bequests from the later medieval and early modern period has likewise suggested that objects with close associations to the testator were bequeathed to close family members.¹⁶² Marriage rings and clothing, in particular, were far more likely to be bequeathed to children than any other type of recipient, showing that rights to the possession of such personal and symbolic items were thought to be with a next of kin or direct descendent. Indeed, Agnes Sibott's bequest to her step-daughter Elisabeth of this girl's own mother's wedding ring demonstrates that these rights of possession could surpass a father's remarriage. The value of things can be read as sentimental and emotional; moreover, the things associated with the body, in particularly clothing and dress accessories, were kept within the family to act as an emotive mnemonic of a departed spouse and family member. However, the personal possessions bequeathed to family members were also the most economically valuable and show how sentiment and memory were often intertwined with a wish to secure the financial and social stability of dependents.

Women had to right to possess the things she had brought with her to her marriage, and this right was recognised in testaments. Chapter 1 of this thesis, in particular, has discussed how things were also an important source of economic and social power, and although property during marriage was under the legal control of a woman's husband, certain portions of property could be judged to be a woman's inalienable right and allowed women to exercise economic agency.

However, the things a woman brought with her upon marriage also made up an important part of a joint marital household. It is important to recognise that such things held agency, not just in terms of legal rights of possession, but also as things that were shared, used, and displayed during the duration of a marriage. When it came to the writing up of a will this contribution to the marital home was

¹⁶² Loengard, 'Which may be said to be her own', 175; Liddy, 'Affective Bequests', 181-3; and Richardson, *Domestic Life and Domestic Tragedy*, 72-3.

remembered and would presumably continue to be remembered after the death of a spouse, as evidence of a life shared.

Evidence surveyed in both parts of this chapter has further exposed how people in the later middle ages recognised the potential for objects to act as a conductor to communicate and symbolise particular people, events and emotions. The exchange of objects was seen as an important component to the making of a marriage and certain things remained important throughout the marital life course, allowing spouses, and families, to remain connected, express themselves, be remembered and exert agency.

Conclusions

This study has shown how gifts were seen as social proof of matrimony in the later medieval diocese of London. Things were fundamental to how people viewed their own and other people's marital status. The importance of gifts to the creation of matrimony can be seen in the efforts that went into the categorisation of material transfers as gifts. Gifts, however, were not fixed or irrefutable proofs. Rather, the meaning associated with particular objects was dependent on how people perceived that they had been exchanged. I contend that people were aware of this flexibility of meaning and framed their arguments about a marriage according to an agenda. The question of who to believe when it came to the exchange of gifts during marriage negotiations is a fundamental backdrop to all the legal cases discussed in this thesis. Marriage gifts were exchanged within a social-cultural milieu in which a person's trustworthiness was closely tied to their social reputation. A reputation that was tested and challenged, before, during, and after legal disputes.

In Chapters 2 and 4 we see how in middle English romance objects were used to express marital intention and affection. In literary texts tokens were described as the embodiment of the emotional connection between protagonists, and often the means through which a couple were united. Later medieval didactic literature, on the other hand, warned young women of the dangers of accepting tokens from men, lest they be bound to men with dubious intentions. Such texts illuminate a cultural assumption that the exchange of things created a bond between couples, and the danger was – for young women in particular - that this bond might not represent a marriage but an illicit sexual relationship. This social doubt is prevalent in the depositions made to the London consistory court between 1467 and 1524. The social status of some women – particularly wealthy widows like Agnes Fry - enabled women to dispute alleged exchanges of gifts. Other cases such as *Alice Fantell c. William Hilton* and *Katherine Aber c. Robert Allerton* suggest that some men deliberately targeted marginal women and used the exchange of gifts as evidence of their supposedly honest marital intentions. Although such behaviour is not representative of all the courtship and marriage negotiations surveyed in this study, it is

nevertheless testament to the persuasive power of gifts. In any scholarly discussion of gift exchange, it is important to remember that the question of whether or not an object was seen as proof of marriage had a profound impact on the life and well-being of the people under scrutiny.

The chapters of this thesis have demonstrated how the exchange of tokens reflected a relationship's progression: from courtship to married life. Chapter 1 looked at what tokens were exchanged during negotiations of marriage and placed these objects within a wider cultural and archaeological context. An explicit meaning of a token could be inscribed on an object. This is particularly the case with rings that were inscribed and decorated with words and symbols of fidelity. However, the association between an object and marriage could also be obscured by its materiality. Coins – for example - were commonly exchanged as marriage tokens but their role is concealed because their physicality does not allude to it. The breaking of coins during the exchange of marital consent shows that it was because the primary function of coins was monetary that their mutilation into symbols of contract was such a powerful mnemonic; the act of breaking destroyed its original function and acted as a metaphor for the transformation of a couple's marital status. A focus on the materiality of the gift prepared the ground for subsequent chapters in establishing the importance of objects in the negotiation of amorous relationships. I argued that an analysis of the consistory court records shows how objects were deliberately manipulated to deploy and destroy meaning, and this was particularly the case with the exchange of tokens during courtship.

Chapter 2 looked at courtship tokens, and how they were used to navigate potential marital relationships. I argued that the momentum of courtship was echoed in the symbolism and value of the objects exchanged. The meanings of these gifts were often deliberately unambiguous, and in practice the flexibility of the gift was at its most pronounced during courtship, reflecting the negotiatory process of courtship. An important aim of marital litigation narratives was to remove this ambiguity in order to establish a legitimate marriage or destroy any potential marital meaning. The gendered disparity of legal narratives is the key aspect of the boundaries of the gift and the excuses people used to disassociate themselves from the marital meaning of exchanged things. Male defense narratives were framed around

an effort to discredit the female accuser's honour, and instead drew upon contemporary attitudes of the sexual *infama* of women. The boundaries of the gift-giving process show how the acceptance of a gift often left women vulnerable to social judgements.

Chapter 3 was a discussion of how contract gifts were given to mark the new marital identity of a contracting couple. The statements made by witnesses to the exchange of consent showed how gifts were used alongside words and gestures to signify the making of marriage. Rituals made a marriage legitimate but also acted as a prompt to strengthen the recall of witnesses. Outside the ceremony of consent the wearing or possession of a token was seen as evidence that a person had contracted, or strongly intended to contract. Witnesses discussed not just the object but also the way it was given, and how it was this combination of object and gesture that was used as evidence of consent. Moreover, contract gifts tended to be of a higher value which further demonstrated marital commitment. Certain things were given to transform the material body as, for example, the exchange of a ring reflected a person's changed social status from single to married. The gifts exchanged between contract and solemnisation further emphasised this social change as expensive cloth was purchased to clothe the body as it underwent the solemnisation of marriage. People in later medieval London and its wider diocese were keenly aware of the semiotic power of things and adopted this power not only to communicate matrimonial consent to others, but also to prepare their new identity as a spouse.

The physicality and iconography of contract gifts also had both implicit and explicit associations, which gave their exchange a particular quality with implications as to what the exchanges might suggest. This was particularly important with regards to the gendering of objects; purses and girdles, in particular, were closely associated with the female body and sexuality. Furthermore, the gift of an 'honest' girdle by a father to his daughter is the only testamentary example of a moral quality being used to describe an object. This suggests that the cultural connection between girdles and female sexuality was accepted and adopted by people in the diocese of London. Given these associations it is interesting that we do not find many examples of girdles (or purses) being given during courtship. The most frequent appearance of a girdle as a gift was in the lead up to the solemnisation of marriage, whilst

purses were most likely to be given as a contract gift. The timing of these gifts suggests that as sexually suggestive objects they were most likely to be given when a marriage was more firmly secured, and in anticipation of marital life and all it entailed.

The final chapter examined the exchange of things across the marital life course, and how objects acted as active mnemonics of a distant spouse. Part one analysed the letters written between recently married couples, and how the exchange of objects was used by couples to communicate their desires and emotions during times of separation. The meaning of a gift was often verbally articulated during courtship and at contract, and likewise the words of a letter worked in tandem with the object enclosed within it, to create an emotional and mnemonic impact upon its recipient. The emotional pain of separation is discussed in all of the letters surveyed, and illustrates how the bond of matrimony, which we saw being created in Chapter 3, was discussed in practice. The objects bequeathed in the last wills and testaments proved in the City of London and its hinterlands are further indicative of the importance of things not just in the creation of marriage but also in the conservation of marital and personal identity. Ownership of things denoted power and economic stability, but to the detriment of women in the later middle ages who were usually the recipients of gifts and bequests which limited their socio-economic agency. Furthermore, upon marriage legal ownership of an object and the decision to bestow it, rested with their husbands. This chapter also demonstrated the potential circularity of marital objects in the later middle ages. The bequest of objects by parents to their children illustrates how memories of deceased parents could be imprinted on a given object.

On the basis of these findings it is possible to make a few generalisations about the relationship between objects and social relationships. The biography and mnemonic meaning of objects was an important part of the giving of things in wills and testaments. There are very few biographical details of marriage tokens in the depositions of the London consistory court, and this is because our evidence of gift exchanges is largely reliant on witness testimony. The exception was when the biography of an object was explicitly mentioned during its exchange, such as when Maude Knyff was alleged to have given her former spouse's wedding ring to Robert Grene whilst the couple exchanged private consent.

The focus of witness testimony was on the exchange itself, and what it signified, rather than the biographical history of the object. This suggests a distinction between public and private meaning in the relationship between people and things. The biographical details of an object were apparent only if the plaintiff or defendant revealed it. For example, as in *Alice Scrace's* defense of her marriage to Richard Cressy, in which Alice described how this relationship was built upon the tokens they exchanged. Alice Scrace told the court that she had come to trust Richard because he had shown her kindness during his visit to her father's house six years previously, a kindness that included him giving each member of the household a gift. Unless the biography of an object was publicly articulated, and was pertinent as proof of individual consent, the focus on an object as evidence of consent was directed to the moment of its exchange.

Witnesses' impressions of objects, and their potential significance as indicators of a marital relationship, were dependent on external displays of emotion and consent. For example, witnesses also commented on the exchange of objects as proof of marriage, particularly in regard to a recipient's emotional response to an object. In 1491 Richard Braunthwayte recalled how Elisabeth Willy had reacted to a gift from John Kendall by kissing it, putting it in her purse, and recalling that she had previously given it to John Kendall as a token. Elisabeth Willy was emotionally attached to this object, and her method of accepting it was used as tacit evidence of her consent to marry. The personal memories that we see associated with particular objects in letters, wills, and literary texts were not accessible to third party witnesses unless expressly articulated by the courting couple. Material mnemonics took two forms: a private one experienced by those closely connected to an object and its history, and a public one based on hearsay, impression, and cultural expectations.

Witnesses commented on both the symbolic and economic value of objects as proof of marital intention. The economic value of an object was used as an indication of a person's investment in marriage, as expenditure on things was used as evidence of genuine commitment. *Richard Cressy v. Alice Scrace* is illustrative of how the number and value of objects could represent the development of a marital relationship: from a display of interest to the exchange of consent. There is also evidence that

the value of an object could be relative and based on economic opportunity. This is particularly important when we consider women's comparative lack of participation in the exchange of tokens. Alice Scrace received a number of different gifts from her suitor, including expensive items (gold rings, a staff of silver, and a silver heart), but she only gave Richard Scrace one object, namely a small piece of wood carved with the figure of a crucifix. This was a religiously evocative gift and suggestive of a care for Richard's soul, but it was made from a comparatively cheap material. I have argued that women's participation in courtship and marriage rituals was not just limited by social expectations but also by economic inequality. The social, mnemonic, and economic values of things were complementary evidence of marital intention, and a description of an object's value was usually based on the context of a particular case, as well as the relative wealth of its participants.

The objects that were exchanged reflected the momentum and emotional development of a union, and allowed for the expression of the interest, or even disinterest, in a given relationship. Although verbal consent was still recognised for its performative power in making a marriage sacrament, it was the exchange of things that externalised this marital commitment. The ring was the most commonly exchanged object at contract, and it was the gift of a ring that embodied a person's marital status to become a material signifier of their new role as a spouse. The capacity of rings to embody marital meaning remained until the end of the life course, and they were given to children as symbolically mnemonically important objects.

This study started with the objective of studying whether the exchange of gifts was an important aspect of late medieval marriage negotiations. Its most surprising discovery has been the emphasis that people placed on the meanings of such exchanges. A close focus on gift-exchange provides a new view of what it meant to go through the various stages of marriage in the later medieval diocese of London. The stories of gifts exchanged were told in a particular setting and with particular objectives. Under canon law the gift was not proof of matrimony, but the marital litigation records of the London consistory court demonstrate that people still sought justice based on the exchange of gifts, regardless of an apparent legal weakness.

The exchange of courtship and marital gifts in legal narratives is testament to the tensions between legal and social definitions of proof. The other impact of this tension was the rapid decline in marriage cases heard before the consistory court, which suggests a dissatisfaction with the procedural and legal requirements of the court. This trend fits the argument made by Richard Wunderli in his seminal work on the church courts on the eve of the Reformation; that the popularity of the church courts declined because of their expense and protracted procedures.¹ This thesis has shown that a decline in the church court's business could also reflect a frustration with the limitations of justice to be found therein. However, marital disputes were still heard by the consistory court into the early sixteenth century, and a characteristic of these cases, in particular the 1515 case *Alice Fantell c. William Hilton*, is an emphasis on the exchange of gifts as proof of matrimony. The existence of such cases based on the exchange of gifts is perhaps evidence of a more subtle pursuit of justice. Namely, the use of the court to publicly justify behaviour and actions based on the social values of the gift as proof of matrimony, and in turn accuse others of deceitful and untrustworthy behaviour. This has wider implications for the study of later medieval courts as places in which to validate social practices and social judgements. This thesis has shown that the exchange of gifts was socially and culturally recognised as a powerful and emotive expression of marital intention and consent, even if the law and its systems rejected it.

¹ Richard M. Wunderli, *London Church Courts and Society on the Eve of the Reformation* (Cambridge: Medieval Academy of America, 1981), 118-9.

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