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Defining a community: Controlling nuisance in late-medieval London

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Defining a Community: Controlling Nuisance in Late-Medieval

London

by

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A thesis submitted in partial fulfillment
of the requirements for the degree of
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To All of My Supporters

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DETER AND PUNISH: CONTROLLING NUISANCE IN LATE MEDIEVAL LONDON

Natalie J. Ciecieznski

ABSTRACT

Using municipal sources from late medieval London, this study examines nuisance as a sub-topic of social regulation. In addition to defining nuisance, it analyzes who controlled nuisance and how it was controlled from the late thirteenth through the early fifteenth centuries. During this period, nuisance comprised building and boundary disputes between neighbors, such as conveying rainwater onto a neighboring property instead of to the street; environmental issues, such as blocking passageways with rubbish and not properly disposing of waste; certain groups of people and places, such as vagrants and brothels; and certain forms of speech, such as insults and threats. Many nuisances might have been nothing more than something that caused irritation or inconvenience, while others were potentially harmful. An insult could have damaged someone's reputation and a poorly-constructed wall could have fallen onto passers-by.

This study argues that the large population and crowded urban environment of London led to nuisances that the inhabitants of England's smaller towns did not experience, such as the boundary disputes among closely-packed neighbors. Moreover, concerning reputation, certain nuisances only applied to one sex or the other; men who were perceived nuisances within the community were commonly labeled as vagrants,

while women who acquired a bad reputation (as defined by the community) were labeled as sexual deviants.

Lastly, this study argues that nuisance was controlled primarily by the community of London, rather than the sovereign. Although the king was involved in controlling nuisance by issuing regulations, the community of London, including both the municipal authorities and city's dominant merchant class, experienced the nuisances of late medieval London on a daily basis. They defined nuisance; their complaints stimulated the creation of and were responsible for the enforcement of most of the regulations that focused on controlling nuisance.

CHAPTER I

DEFINING NUISANCE AND THE URBAN COMMUNITY

Looking only at late-medieval London, this study examines nuisance and social regulation through an analysis of secular court records, as well as other relevant municipal sources. While some aspects of social regulation, such as issues surrounding marriage and sexuality, were overseen by church courts, this thesis will further add to the work of social historians who have analyzed developments in social regulation that have occurred on the secular stage. Secular concerns are as relevant as religious concerns for providing stimulus for various types of social regulation in late-medieval London. Even more specifically, this thesis focuses on nuisance: that which can be described as bothersome, annoying, and potentially harmful. These acts of nuisance, while certainly not on the same level as violent crime, could still cause harm through humiliation, bad influence, and creating potentially harmful situations. However, nuisance did not necessarily cause obvious harm; a particular nuisance might simply have been just that—something that created general discomfort or a feeling of irritation.

Nuisance might best be defined as both a sub-category of crime and a sub-category of social regulation. *The New Oxford American Dictionary* defines nuisance as “a person, thing, or circumstance causing inconvenience or annoyance.” However, the etymology of nuisance indicates that the word formally had a more direct connection to injury, as both the late Middle English and Old French definition was closer to “hurt,”

which came from the original Latin word “nocere”: to harm.¹ The meaning of nuisance as it was presented in the *Assize of Nuisance* from late medieval London reflects a combination of these two definitions: a particular nuisance may have been simply annoying or potentially harmful. However, nuisance, whether or not it was formally defined during the period, certainly applied to other issues beyond the *Assize* that fell within this “gray area” between what was defined as acceptable behavior within the community and what has been studied as a crime, such as theft or murder.

Within the context of late-medieval London, nuisance took the form of insults and threats; environmental contamination, such as noise, leaving obstructions in the streets, and dumping foul waste into the water; certain groups of people and places, such as nightwalkers and brothels; and any number of building violations that might have conflicted with the property and privacy of one’s neighbor. While many of these nuisances might have been nothing more than something that caused irritation or inconvenience, such as a blocked street, others were potentially harmful, such as the insults that could damage one’s reputation or the poorly-constructed wall that could fall on passers-by.

This first chapter not only introduces nuisance, but also the community of London. The large population of London, including its crowded living space, led to many of its nuisances that did not have their counterparts in other, smaller English communities. After introducing the city of London and its community, the final two sections of this chapter introduce how the crowded urban setting of London, as well as its merchant class, contributed to how the community of London perceived nuisance during

¹ Elizabeth J. Jewell and Frank Abate, eds., *The New Oxford American Dictionary* (Oxford: Oxford University Press, 2001).

this period. The other two chapters build on these two distinctions: one chapter focuses on urban space while the other is devoted to reputation and identity within the community.

More specifically, the second chapter analyzes how the community of medieval London perceived and controlled environmental nuisances. Specifically, it analyzes how the community, both in the form of city officials and citizens, treated environmental concerns that affected both public and private spaces. Consistently, the records show that citizens demonstrated concern toward public environmental nuisances when they either posed a threat to their personal health and well-being or their personal, private spaces. While their complaints stimulated many environmental regulations, others were created by the king or the city's officials in an attempt to manage and maintain the city's public spaces.

In the final chapter, identity and reputation within the community receive attention. As revealed through an analysis of who and what the community perceived as nuisances, some nuisances only seemed to be identified with one gender or the other. While it may have been more difficult for women to maintain a positive sexual reputation, men likewise valued their reputation and identity within the community and faced the threat of acquiring a bad reputation—a bad label—within the community if they violated certain community standards. Defamation also threatened one's highly-valued reputation within the community, representing a nuisance in itself.

In general, this thesis focuses on how the community of late-medieval London defined itself through defining and controlling nuisance. Although the records only reveal part of the picture, either through the subjectivity of their recorders or due to

missing data, this study has addressed an aspect of medieval life that had not yet been directly analyzed by other historians, at least not as a separate and distinct area of study. In addition to crime and social regulation, nuisance represents a significant category of historical analysis that has revealed much about society during this period in London's history, including its social values, ideals, and boundaries.

Studies and Sources

Nuisance has been included in many studies that have focused on crime, environmental history, and social regulation, but medieval historians in general have not attempted to examine nuisance as the central topic of a particular study, let alone for medieval London. However, since nuisance is obviously connected to crime, social regulation, and environmental regulation, appropriate English works that feature these topics have been consulted in an attempt to narrow down how nuisance can be defined and how it was perceived in late-medieval London.

Many historians have focused on some aspect of social regulation in medieval England, inspired by both religious and secular sources. Sylvia Thrupp, in her 1941 article "Social Control in the Medieval Town," cited the church as a highly influential—if not the most important—source of attitudes surrounding social control in towns during the Middle Ages. Setting the stage, Thrupp began her article with this sentence: "The power of the church in the medieval town was ever-present and all-pervasive."² She also

² Sylvia Thrupp, "Social Control in the Medieval Town," *The Journal of Economic History* vol. 1 (Dec., 1941): 39.

discussed the role of guilds, municipal authorities, and the family with regards to social control, but the influence of “canonist ethics” was a recurring theme.³ Still, many historians have studied social control and similar topics without necessarily focusing on the medieval church and canonist ethics as major sources of social attitudes and regulations. Over the years, many works have touched on a wide variety of topics that can be described as secular social regulation and, more specifically, nuisance. Within this category, Marjorie Keniston McIntosh and Barbara Hanawalt represent two key figures.

In *Controlling Misbehavior in England, 1370-1600*, Marjorie Keniston McIntosh analyzed court records from 255 small towns and communities throughout England. In her study, she demonstrated that concerns over social regulation had a long history of growth prior to the Puritan influence of the Early Modern period. This is not to say that she focused on a shift from one religious institution to another; while the jurisdiction of medieval ecclesiastical courts over certain aspects of social regulation is mentioned, McIntosh used records from public secular courts to draw her conclusions.⁴ In a sense, she not only demonstrated that social regulation had a long history of growth, but also that the development of social regulation was not necessarily dependent on religious influences.

Even though this thesis focuses on London rather than small English towns, McIntosh’s argument, including her timeline, provided a good point of reference for

³ Ibid., 39-52.

⁴ Marjorie Keniston McIntosh, *Controlling Misbehavior in England, 1370-1600* (Cambridge: Cambridge University Press, 1998), 1-9, 49.

some of the questions that were addressed for London. For instance, not only does this thesis confirm that concerns over social regulation had a long history of growth prior to Puritanism, but that, for London, this period of growth can be extended back much farther than her starting date of 1370.

Barbara Hanawalt, whose work began to emerge during the 1970s, has focused not only rural and smaller English communities, but also the city of London. For London, her research on crime and social control has included children, family, gender, and public space, to name a few general topics. Although the significance of her research in medieval English social history extends far beyond the topical scope of this thesis, several titles, such as *'Of Good and Ill Repute': Gender and Social Control in Medieval England* (1998), are indispensable for any study of medieval social regulation.⁵ The specific topics that she addressed in this work and others will be explained in more detail as they are addressed throughout the following chapters.

Several historians have studied social regulation in London from an environmental perspective. In the 1930s, Ernest L. Sabine published three articles dealing with the subject of environmental regulation in the city of London: "Latrines and Cesspools of Mediaeval London," "City Cleaning in Mediaeval London," and "Butchering in Mediaeval London." In these articles, Sabine argued that medieval Londoners had some concept of environmental concern beyond preconceived notions that

⁵ See especially Barbara Hanawalt, *'Of Good and Ill Repute': Gender and Social Control in Medieval England* (Oxford: Oxford University Press, 1998) and Barbara Hanawalt and David Wallace, eds., *Medieval Crime and Social Control* (Minneapolis: University of Minnesota Press, 1999).

medieval people had no qualms about living in filth and disarray.⁶ Quite recently, Caroline M. Barron included similar urban environmental topics in her broad-based book on London entitled *London in the Later Middle Ages: Government and People 1200-1500* (2004).⁷

While much of this thesis consults and interacts with the historians mentioned above, most of the data comes from the *Calendar of Letter-Books of the City of London, A-L*, which are the governmental records of the city for the late thirteenth century through the end of the fifteenth century; the *Calendar of the Plea and Memoranda Rolls of the City of London: 1323-1412*, which are similar to the *Letter-Books*, but less administrative and more legal in composition; and the *London Assize of Nuisance 1301-1431*, which primarily dealt with building violations between neighbors. A few scattered fourteenth-century references have also come from the London *Liber Albus*, a compilation of London's laws completed by John Carpenter in 1419.⁸ A more thorough, temporal analysis of this source was not attempted due to the uncertainty of what may have been purposely left out or included by its compiler.⁹ Although the timeframe of this work is

⁶ Ernest L. Sabine, "Latrines and Cesspools of Mediaeval London," *Speculum* 9, no. 3 (July 1934): 303-321; idem, "City Cleaning in Mediaeval London," *Speculum* 12, no. 1 (Jan. 1937): 19-43; idem, "Butchering in Mediaeval London," *Speculum* 8, no. 3 (July 1933): 335-353.

⁷ Caroline M. Barron, *London in the Later Middle Ages: Government and People 1200-1500* (Oxford: Oxford University Press, 2004), 237-266.

⁸ *Calendar of Letter-Books of the City of London: A-L: 1275-1509*, ed. Reginald. R. Sharpe (London, 1899-1912). [Hereinafter *CLB*]; *Calendar of the Plea and Memoranda Rolls of the City of London: vols. 1-3: 1323-1412*, ed. A. H. Thomas (London, 1926-1932). [Hereinafter *PMR*]; *London Assize of Nuisance 1301-1431: A Calendar*, eds. Helena M. Chew and William Kellaway (London, 1973). [Hereinafter *Nuisance*]; H. T. Riley, ed. and trans., *The Liber Albus: The White Book of the City of London, Compiled in A.D. 1419 by John Carpenter, Common Clerk and Richard Whittington, Mayor* (London, 1861). [Hereinafter, *Liber Albus*]

⁹ See especially John Carpenter's "conservative agenda" in Helen Carrel, "Food, Drink, and Public Order in the London *Liber Albus*," *Urban History* vol. 33, no. 2 (2006): 176-194.

roughly from the late thirteenth century to the early fifteenth, when possible and where it seemed relevant, a few references from the *Letter-Books* have come from later in the fifteenth century. Additionally, the analysis of the contents of the *Plea and Memoranda Rolls* ends roughly at the end of the fourteenth century. After this point, the types of cases included in the *Rolls* appears to shift away from the topics that are covered in this study. While a few useful references may exist from the fifteenth-century *Rolls*, for the purpose of more accurately and consistently tracing changes over time, only the fourteenth-century references have been used. Due to limited access to only English translations of these sources, a deeper analysis of the Latin—the terminology—was not possible.¹⁰ While this obstacle may have limited the analytical scope of this thesis, it will easily add a new level of depth to the analysis as it is expanded in future editions.

City and Community

This thesis focuses on late-medieval London, not England as a whole. This distinction must be kept in mind as many historians have merely included London within a general study of England or have excluded London altogether. Too often, studies that focus only on one aspect of the history of medieval England appear to represent medieval English history as a whole. Evidence that might only apply to one place within England simply becomes representative of England. In many respects, London's large urban

¹⁰ Access to English translations of the *CLB* and *PMR* provided by British History Online at <<http://www.british-history.ac.uk>>; although translated into English from Latin, some Old English spellings were used/maintained, especially in regard to place-names.

setting cannot effectively represent the rest of England, and vice versa. From its population to its urban environment, medieval London certainly differed in numerous ways from the smaller communities of medieval England.

Merchants and craftsmen dominated the community of London—what Sylvia Thrupp defined at the “merchant class.”¹¹ Of course, the city was also home to members of the clergy, the gentry, and the poor, as well as many foreigners and aliens, but its merchant class played the primary role in controlling the types of nuisances that represent the focus of this thesis.¹² As the dominant group, their population was the dominant voice reflected in the secular records; the actions and complaints of this group demonstrated their community needs, concerns, and desires. This was the main group responsible for controlling nuisance in late medieval London. Within the merchant class, a wide range of wealth and status existed; for instance, fishmongers were among the most powerful citizens.¹³ Although this project does not (or was not able to) analyze the role of merchant status in detail, it receives some attention during the discussion of the environmental regulation of trades in the next chapter.

The impact of status differences between ordinary free citizens and authority figures receives direct attention in the final chapter during the discussion of defamation.¹⁴

Generally speaking, the citizens played the biggest part in controlling nuisance in late

¹¹ Sylvia Thrupp, *The Merchant Class of Medieval London, 1300-1500* (Michigan: The University of Michigan Press, 1948).

¹² Ibid., ix-14; to clarify, for all intents and purposes, the merchant class was most affected by and played the largest part in controlling nuisance as a whole. However, since only secular records were examined, “types of nuisances” most directly refers to the examination of “secular” nuisances only, as opposed to those that were handled by the Church courts.

¹³ Ibid; and see Barron, 308-355, for a list of the mayors and sheriffs of late medieval London.

¹⁴ Refer to pages 78-79.

medieval London; however, city officials, both elected and appointed, were certainly involved, as was the crown. Below the king, the mayor, aldermen, and sheriffs were the most significant officials when it came to responding to complaints, settling disputes, and ensuring that the city continued to run smoothly.¹⁵

The population estimates of London during this period, before and after the mid-fourteenth century Black Death, vary considerably. Gwen Williams, along with other historians, estimated that the population hovered around thirty to forty thousand at the beginning of the fourteenth century, while Caroline M. Barron suggested that it could have been as high as one-hundred thousand. By 1377, Sylvia Thrupp estimated that the population had recovered from the immediate post-plague depopulation to around thirty-three thousand based on the poll tax returns, which could have possibly matched the pre-plague population of 1340, according to Williams (but in contrast to Barron). Regardless of the accuracy of these figures, London contained a larger population than any other English town during this period; consequently, Londoners lived within very close proximity to one another.¹⁶

The remainder of this first chapter examines some of the social effects of London's large, closely-packed population compared with the smaller communities of England. The following section analyzes the community through the concerns of individual residents and their neighbors. More specifically, these concerns revolved around the desire of citizens to maintain small, yet safe pockets of private spaces within

¹⁵ Barron, *London*, 121-172; through this work, the distinction is made between those members of the community who served as city officials and the rest, which have simply been labeled as "the citizens."

¹⁶ Ibid., 237-239; Thrupp, *The Merchant Class*, 1, 41-52; Gwyn A. Williams, *Medieval London: From Commune to Capital* (London: The Athlone Press, 1970), 315-317; Philip Ziegler, *The Black Death* (New York: Harper & Row, 1969), 151-160; for an explanation of Barron's estimate, see Barron, *London*, 238.

the large crowded city. Continuing with the theme of community-related situations that resulted from London's large urban population, the final section focuses on the care of orphans. Due to London's large merchant community, which included many orphans with inheritances, city officials oversaw the care of these merchant orphans, ensuring that they remained within the community of merchants. While Hanawalt credited a caring culture with the care of orphans, it seems highly likely that other factors, such as the desire to protect the city from prospective vagrants, played a role.

Private Space and Community

The large urban setting of London led to different ways of attempting to control community-related nuisances that stood apart from smaller English communities, of which Marjorie McIntosh analyzed social regulation and community concerns. Despite concentrating on small communities alone, her work still provides a good beginning point for analyzing specific aspects of the community concerns of Londoners. By comparing her research to that of the larger city of London, different neighborhood concerns emerge between the two communities—different nuisances. Both London and small communities valued privacy, but they regulated nuisances that infringed on privacy in different ways due to differences in population density, building density, and the boundaries—or lack thereof—between neighbors. The smaller community members' desire to protect their privacy has been revealed mainly through eavesdropping complaints, which were not included in the records for London. However, even though

London's records do not indicate that eavesdropping was a concern, the residents of London vividly demonstrated their value of privacy and private space in other ways.

McIntosh paired eavesdropping with nightwalking in her study, mainly because both offenses most commonly occurred at night. According to McIntosh:

“Eavesdroppers stood outside other people’s houses, often at night, listening to their conversations or sometimes observing their private acts, while nightwalkers, found wandering around after sunset with no reason that seemed legitimate to respectable people, were suspected of having more nefarious intent.”¹⁷ While McIntosh classified both offences as less common than others in medieval towns, nightwalking, which will be discussed in more detail in chapter three, appears fairly often in the records from London. However, eavesdropping has not shown up once in the sources which have been examined. Perhaps an increase in anonymity associated with a larger urban population decreased the temptation to eavesdrop, or perhaps the walls that separated the city’s tenements offered more protection from possible offenders.¹⁸ The *Assize of Buildings*, supposedly first organized in 1189 with subsequent versions in the records from the start of the fourteenth century, called for strict regulations concerning various aspects of neighboring properties, such as the construction of boundary walls: “When it happens that two neighbours wish to build between themselves a stone-wall, each of them ought to give one foot and a half of his land; and so at their joint cost they shall build a stone-

¹⁷ McIntosh, *Controlling Misbehavior*, 65.

¹⁸ The “relative anonymity” of urban life was also suggested by Ruth Mazo Karras. See Ruth Mazo Karras, *Common Women: Prostitution and Sexuality in Medieval England* (New York: Oxford University Press, 1996), 14.

wall between them, three feet in thickness and sixteen feet in height.”¹⁹ It seems that it would have been more difficult for someone to eavesdrop if many of London’s neighbors had these boundaries.²⁰ Good walls made good neighbors.

Even with no specific evidence of eavesdropping in medieval London, sources reveal that the protection of privacy was still a concern. Within the *Assize of Nuisance*, various complaints appear concerning apertures, or windows, overlooking tenements through which a neighbor could “see the private affairs of the plaintiff’s tenants.”²¹ As also noted in the introduction to the *Assize of Nuisance*, this type of complaint did not find its ordinance counterpart within the *Assize of Buildings*. The *Assize of Buildings* only touched on windows when it allowed a neighbor’s view to be obstructed by the construction of a neighboring residence.²² Within the *Assize of Nuisance*, window height appears to have been set at no less than sixteen feet by 1316, with lower windows and apertures drawing complaints throughout the rest of the *Assize*: “...Austin and Maud complain that John de Hadham...has two windows in one of his houses overlooking their land only 9 ft. from the ground, four windows in his hall only 4 ½ ft. from the ground and two apertures 9 ft. from the ground....”²³ Since boundary walls needed to be a least

¹⁹ H. T. Riley, ed., “Additions to the Chronicles: Assize of Buildings (Richard I),” in *Chronicles of the Mayors and Sheriffs of London: 1188-1274* (1863), 179-187. [Hereinafter *Buildings*]; see also the introduction to *Nuisance*, ix-xxxiv.

²⁰ See McIntosh, *Controlling Misbehavior*, 65-66 for clarification.

²¹ *Nuisance*, 28, 24-35, 92, 100-101.

²² *Buildings*, all.

²³ *Nuisance*, 83, 49, and xxvii.

sixteen feet high, the rule for windows seems to have applied only to the sides of neighboring buildings that served as boundary markers.

The complaints about invasions of privacy appear to have arisen from the tenants themselves and their concern for privacy. From 1301 to 1346, there were approximately thirty-three reported complaints about a window or aperture infringing upon someone's private business. From 1347 to 1427, there were approximately forty complaints, and fifteen of those occurred between the years 1379-1427. The largest chunk of complaints occurred between the years 1339 and 1356.²⁴ Considering any effects of the Black Death, the high number of pre-plague privacy-related complaints that were recorded from 1339-1347—about same amount as in 1347-1356—makes a plague/privacy connection seem unlikely. Conceivably, a connection may have existed between this apparent increase in the desire for privacy and the outbreak of the Hundred Years' War (1337-1453), but without more direct evidence, it remains speculation.

Other than the complaints concerning privacy between neighbors, the *Assize of Nuisance* contains various other annoyances conveyed from one neighbor to another, such as the accounts of a neighbor's gutter conveying water onto another's land instead of to the street: "William le Spicer...complains that Nicholas Pycot and Alice his wife have built the gutter receiving and carrying off the water from their house...upon his land, which it floods, whereas they ought to receive and carry of the water from his house since he provides the stone wall enclosing their land" and "The plaintiffs²⁵...complain

²⁴ Ibid., all.

²⁵ Hereinafter "pls" or "pl."

that the rainwater from the west side of the defendant's²⁶ house falls upon their land. Judgement that the def. convey it into the street or on to his own land."²⁷ These complaints not only reflect urban nuisances between neighbors, but also highlight that Londoners were very protective of their private spaces. Within the busy, densely populated city of London, one's own territory of private space represented a valuable commodity—an escape, to which next-door neighbors represented a significant threat. Other disputes between neighbors included the placing of timber or other materials onto a neighbor's wall, building a chimney too close to a neighbor's house at the risk of setting that house on fire, and building a cesspool improperly and/or too close to a neighbor's wall: "William Sprot complains that the cess-pit of Adam and William...is too near his tenement, and is so full of sewage that it overflows and penetrates his stone wall, and enters his house and collects there, causing a great stench...Judgment that within 40 days etc. the defs. wall the cess-pit with stone and remove it 2 ½ ft. from the pl.'s wall" and "Hugh de Waltham and Juliana his wife...appear against Robert Mustrel...They complain that the cess-pit of his privy and a pit...receiving the water from his cistern and from a well not walled in stone adjoin their land too closely...Judgment that...the defs. remove them to a distance of 2 ½ ft. at least or 3 ½ ft. if they are not walled in stone."²⁸

Boundaries between neighbors in late-medieval London were important both for the protection of private space and for the general desire to protect one's privacy within the city. Those living in McIntosh's small towns likewise valued their privacy, as seen in

²⁶ Hereinafter "defs" or "def."

²⁷ *Nuisance*, 20 and 45.

²⁸ *Ibid.*, 16, 33, 44, 61-62, 68.

the eavesdropping prosecutions; yet, the close proximity of London's neighbors to one another led to other types of boundary infractions—other types of nuisances—beyond the invasion of privacy. Even if a properly-constructed wall and a lack of apertures kept peeping eyes out, cesspools and chimneys could still become nuisances and threats to one's private space if constructed improperly or if located too close to a neighbor's property. Far from eliminating boundaries, the close proximity of London's neighbors led to a tightening of boundaries in order to control the nuisances that arose from a larger population sharing a smaller space.

The complaints listed above, while shedding light on some aspects of the relationship between fourteenth-century London neighbors, also give an indication of the frequency of nuisances between neighbors. Of course, without population figures and an indication of population density throughout the time period, a more precise numerical figure for the frequency of nuisances between close neighbors cannot be attained. Nevertheless, the statement that nuisances were most common between close neighbors is not far-fetched, especially when compared to Barbara Hanawalt's analysis of the frequency of crime between rural neighbors. No, London was not rural England, and nuisance was different from violent crime; however, an examination of her argument for the proximity of rural crime inadvertently adds more support to the argument that there was a strong connection between nuisance and neighbors in London. Considering the rural situation in the early fourteenth century, Hanawalt, in *Crime and Conflict in English Communities, 1300-1348*, stated that "The criminal records clearly show that villagers were more likely to suffer felonious attack from neighbors, friends, or acquaintances than

from strangers, family members, or from a lord.”²⁹ The evidence that she cited from criminal records concerns the proximity of the victim and the accused. In her records, 46.3% of cases show that the victim and accused “must have know each other” because they either came from the same village or were within five miles. Furthermore, according to Hanawalt, the additional 9.8% living within ten miles “would also have known each other.” To conclude this section, she stated that “In the bulk of the cases, therefore, the victim and the accused lived sufficiently close to each other that they would have been acquainted. Medieval crime would thus seem to be predominantly a neighborhood affair.”³⁰ Now, the proximity factor seems to be fairly obvious for village crime, but it might be a bit of a stretch to say that because all villagers within ten miles knew each other, they were all neighbors, and therefore medieval crime as a whole was “predominantly a neighborhood affair.” In the end, she still did not seem to know which crimes occurred between *close* neighbors.

When considering nuisance in London, it seems obvious that there was a direct correlation between nuisance and proximity—between nuisance and neighbors. This is not to say that other types of nuisance, such as the insults, vagrancy, or road blockages discussed in later chapters, did not occur away from the “neighborhood,” but that the more common, more frequent nuisances occurred between neighbors simply due to their more regular contact between one another and their inescapable proximity to one another. Unlike in Hanawalt’s analysis of violent crime, the neighborhood element with regards to

²⁹ Barbara Hanawalt, *Crime and Conflict in English Communities 1300-1348* (Cambridge: Harvard University Press, 1979), 168.

³⁰ *Ibid.*, 168-170.

nuisance can be narrowed down to occurring most frequently between the closest neighbors.

Despite the regulations aimed at keeping the peace and maintaining boundaries between neighbors, a more cooperative community element was also present in London. Rural England may have experienced closer neighborhood relationships—both good and bad—simply because of the size and increased anonymity associated with urban life in London, an element of neighborly cooperation still existed among Londoners who shared a common “neighborhood,” especially when it came to solving a common problem. For instance, according to a case from 1343, “complaint was made by the inhabitants of the neighbourhood of Gracechurch that the shadows under a house built on beams...were the resort of bad characters, who sprang out on passers-by and robbed them...order was given to demolish the house at the owner’s expense, and the latter was fined 40s for contempt.”³¹ Furthermore, the community also demonstrated this element of cooperation when it came to caring for children and the prevention of nuisance in this regard.

Orphans and Community

Barbara Hanawalt, in her chapter entitled “Narratives of a Nurturing Culture: Parents and Neighbors in Medieval England,” cited London neighbors as actually being more involved in child protection and care than their rural counterparts because they were surrounded by a greater number of children.³² However, concerning orphaned children

³¹ *PMR*, Roll A 5.

³² Hanawalt, ‘*Of Good and Ill Repute*,’ 166-172.

specifically, city officials were more responsible for their protection and care than neighbors.

According to Hanawalt, Londoners tended to rely more on city officials and official regulations when it came to the care of orphans than on making personal decisions concerning the fates of homeless children; yet, according to Hanawalt, this did not mean that the community was less concerned about children as a whole, and it would be inaccurate to suggest that all children were regarded as nuisances to the neighborhood. She cited several examples from London records illustrating the protective role of neighbors over their local children, including a man who was killed in his attempt to protect a mother and child from a galloping horse.³³

Regarding the care of orphans specifically, Hanawalt credited London's general system of "guardianship" with a culture of protection and care, whether it directly involved relatives, neighbors, or the citizens of London as a whole. As mentioned above, the fate of orphans in London, as opposed to many rural settings, was primarily in the hands of city officials, represented by the mayor and aldermen. Along with this, many laws and regulations aimed at protecting the interests of orphans. To be clear, most of the children who were defined as "orphans" were not poor: they had inheritances. Also, orphans were the offspring of free citizens of London, and might still have one surviving parent, usually the mother, for example:

...Johanna, late wife of John le Platier, John Maheu...and Henry de
Thele...before Sirs John le Blound, Mayor...Aldermen, and...the

³³ Ibid.

Chamberlain...received from the said Mayor and Aldermen the custody of Andrew, Richard, and Henry, sons of the said John le Platier, and of the property left to them by their said father to the value of £47; to have the custody of the same until the said children shall arrive at full age. And for so doing the said guardians pledge themselves and their property (1305).³⁴

To summarize, the mayor's court aimed at protecting the well-being and inheritances of orphans by ensuring that they received adequate guardianship, that they received all of their inheritance from the guardian when they came of age, and that guardianship did not to pass to anyone who could profit from the death of the child.³⁵ Even though many of the orphans still had a surviving parent, they could not be entrusted to that parent if they did not have a separate inheritance. In addition to protecting an orphan's wealth, the court also controlled the orphan's marriage and apprenticeship to ensure that they did not lose their original social status. Most of the time, the mayor and alderman (or the will of the deceased) sought to entrust orphans into the custody of kin, but if no adequate guardian could be found, the child was entrusted into the custody of the chamberlain. If the child was poor and had no goods to bring into the relationship, then the city paid any expenses necessary for the raising of the child. In short, the city strove to ensure that no child of a London citizen was left behind.³⁶

³⁴ *CLB: C : 1291-1309*, ed. R. R. Sharpe (London, 1901), folio cxxv.

³⁵ Of course, other types of orphan care, such as the taking in of a poor orphan by a relative or friendly citizen, may also have occurred regularly, even though they did not show up in the records.

³⁶ Barbara A. Hanawalt, *Growing Up in Medieval London: The Experience of Childhood in History* (Oxford, Oxford University Press, 1993), 90-97.

The reasons for these various laws and regulations, according to Hanawalt, revolved around a concern for the well-being of orphaned children. She argued that the protection of an orphan's social status, material wealth, and physical well-being, as illustrated by the abovementioned regulations, all support this position. Due to the desirability of possibly taking part in a rich orphan's inheritance, Hanawalt wrote: "With such attractive commodities on the market, London's laws had to be explicit to protect these luscious little plums."³⁷

Hanawalt acknowledged that the laws and regulations for orphans that aimed at keeping them within the same social class helped to strengthen the horizontal bonds that were valued in a society of merchants, rather than the patrilineal bonds valued by noble families outside of the city. However, rather than citing this as another motive for the actions taken to protect orphans, she described this phenomenon as "a by-product of these laws."³⁸ Yet, it seems as if the class issue could have represented a significant reason for their protection; after all, why not look after all orphans if the primary motivation was to nurture and care for them? In addition to the merchant class looking out for their own, another motive for ensuring the proper protection of young orphans could have been for the protection of the city itself and the prevention of additional nuisance. True, the more chaotic nature of urban life in general, with its high population, higher crime rate, and strangers and aliens coming and going, seems to be reflected in the official regulations that protected orphans from these very issues. However, by keeping orphans within a well-regulated "system," the laws and regulations helped to prevent additional disruption

³⁷ Ibid., 93.

³⁸ Ibid., 107.

within the city. By protecting these orphans, city officials also protected the city. Through these regulations, orphans were essentially put on a path which could add to the city's prosperity rather than its delinquency; the merchant class looked after their own and sought to prevent their class from contributing to the city's nuisances. As Trevor Dean pointed out, "ineffective parenting" was commonly identified as a cause of delinquency in the Middle Ages. This is not to say that a lack of adequate parenting can actually be identified with criminal behavior or the creation of a vagabond, but rather, that the idea of this connection could help to explain the concern of London's authorities over the well-being of the city's many orphans.³⁹

Furthermore, the well-documented rise in the general concern over vagrancy following the Black Death also coincides with an increase in cases focusing on orphan care. Not to be ignored, Hanawalt pointed out that the effects of the Black Death left the city with wealthier orphans than in pre-plague London, who had greater inheritances due to the loss of many competing siblings.⁴⁰ Thus, the surge in concern over orphans following the mid-fourteenth century, as reflected in the *Letter-Books*, could simply reflect the desire to protect the wealth of the many new orphan survivors. However, the number of cases involving orphans remained high into the fifteenth century, so it seems plausible that a secondary reason for this new level of concern was the general change in attitudes following the plague, where vagrants and idle-wanderers faced harsher penalties and more discrimination.⁴¹ By regulating an orphan's wealth, care, and apprenticeship,

³⁹ Trevor Dean, *Crime in Medieval Europe 1200-1550* (London: Longman, 2001), 21.

⁴⁰ Hanawalt, *Growing Up*, 95.

⁴¹ Refer to the beginning of the third chapter.

officials helped to prevent them from falling into a life of vagrancy and becoming part of the city's nuisances.

Whether or not one reason for the official care of orphans was favored over others, the point remains that the citizens of London entrusted the care of orphans, including decisions of guardianship, to city officials most of the time, becoming personally involved in the fate of orphans much less frequently than their rural counterparts. Thus, orphan care within the city became an official matter, another form of social regulation that made London life distinct from that of smaller communities.

In London, the citizens did not necessarily experience a lack of a "community" based on the management of orphans; rather, the differences in the way the community was regulated—and the way the community regulated itself—reflected its needs which were based on a large urban setting. Not only did many more orphans exist in London, but, as a part of the merchant community, these orphans had inheritances. The city officials, as members of the merchant community, oversaw the care of orphans; although Hanawalt credited their guardianship with a caring culture, other reasons that must be considered are the officials' desire to look after their own class—to prevent members of their class from becoming nuisances—and to protect the city by not allowing these many orphans to fall into a life of vagrancy.

Conclusion

Nuisance was a neighborhood affair. Due to the large population of London living very close to one another, private space was highly coveted. Any nuisance that

infringed on one's private space triggered complaints. Most of the nuisances that medieval Londoners dealt with occurred on this stage. In addition to private space itself, privacy was highly valued and certainly not just a modern concern as hinted in *A History of Private Life*.⁴² London's citizens sought privacy and guarded their families and personal activities from outside observers. London's large, crowded urban setting was responsible for the value that its citizens placed on their privacy and private spaces; private spaces represented the only sanctuaries where citizens could isolate themselves from the rest of the community. Additionally, this large urban setting with its community of merchants was responsible for the official status of orphan care; whether Hanawalt's argument for a nurturing culture or the officials' desire to limit vagrancy within the city deserves more credit, the urban setting of London with its community of merchants prompted this arrangement.

⁴² Philippe Aries and Georges Duby, eds., *A History of Private Life*, vols. II and III (Cambridge: Harvard University Press, 1989); see especially the introduction to volume III for Aries' direct comparison between the medieval and modern private worlds.

CHAPTER II

ENVIRONMENT AND SPACE OF THE COMMUNITY

When Marjorie McIntosh wrote her book on controlling misbehavior in England, environmental regulation received less than a paragraph of attention.⁴³ Although the point that she made with the information was pertinent, that “jurors felt a connection between good social order and public cleanliness,” she barely grazed the surface of the role of environmental regulation in her history of social regulation in England. To be fair, the necessary records in order to study small community environmental regulation might not be available, or perhaps most small communities in England simply lacked a significant amount of environmental regulations, either through a lack of need or interest. One point is for certain: the environmental needs and nuisances of a large urban population such as London demanded many clear regulations. A few historians, such as Ernest Sabine, have already explored various aspects of medieval London’s environmental history, including butchering and city cleaning.⁴⁴ However, none have really painted a complete picture of the environmental nuisances and regulations of this city. That, in part, is the aim of this chapter. London’s various environmental concerns and regulations, from keeping the streets clean to clearing the air of foul smells, were

⁴³ McIntosh, *Controlling Misbehavior*, 68.

⁴⁴ For these references, refer to page 6 of the first chapter.

interconnected and thus cannot be studied in isolation from one another if a complete understanding of environmental regulation in late medieval London is to be reached.

Furthermore, and most importantly, London's environmental concerns must be studied as a whole in order to understand the concerns of the community as a whole. Specifically, through an analysis of the environmental concerns of the community, this chapter analyzes how Londoners valued their public spaces and defined the nuisances therein. As far as the records reveal, the environmental issues of London's public spaces became the personal concerns of its citizens when they threatened either their personal safety or their private spaces. Anything that dealt specifically with the maintenance and well-being of the city, such as dumping trash in the streets, most directly concerned city officials. Citizens likely cared about these environmental nuisances as well, but the records more clearly reveal that their official complaints focused on their personal safety and the preservation of their own private spaces within the city.

Before diving into the environmental aspect of social regulation, some clarification is in order. The regulations addressed in this chapter refer to medieval, not modern, mentalities. This did not equate to urban environmental concerns based on scientific theories of disease. Health concerns stimulated many of the regulations, but they were based on medieval theories. Some parallels between medieval and modern attitudes can be seen, such as concerns with keeping traffic-ways clear and avoiding putrid smells. However, when the medieval fear of disease via air contamination is paired with the distaste for bad smells, a clear distinction emerges between medieval and modern understanding.

Most importantly, though, while the medieval idea of environment was different from the modern in many respects, the most essential distinction to be made in this chapter is that the material deals with an urban environment—with specifically urban concerns. This chapter focuses on environmental concerns which were related to, were caused by, and directly affected, the lives of people, not environmental concern for the sake of protecting the environment alone (forestry, for example). From foul smells to blocked roads, urban environmental problems were nuisances. As the examples from the sources will demonstrate, medieval Londoners wanted to protect their urban environment for the sake of the comfort and well-being of people, the practical and efficient operation of the city, and the maintenance of city business.

Lastly, many, if not most, of medieval London's environmental regulations can more appropriately be labeled as social regulations. As established above, the environmental concerns that stimulated medieval regulations aimed at protecting the people, protecting business, and the like, and thus aimed at protecting a “social” environment—an urban space. Obviously, the air, water, and physical spaces that medieval Londoners inhabited made up their “environment”; however, where this term is used, the more relevant social meanings behind the environmental concerns must be kept in mind.

Pavement and Construction

“Medieval London was a city of gardens and open spaces” wrote Caroline M. Barron, in *London in the Later Middle Ages*. She continued: “Many London houses had

gardens attached to them, and for those Londoners who had no private garden there were plenty of green open spaces. Most of the city churches had churchyards where people could meet for business or pleasure.”⁴⁵ Yes, churches had churchyards, and many people had private gardens, but the citations she gave for these statements do not indicate the sizes of such “open spaces.”⁴⁶ Furthermore, while gardens and open spaces may have existed, so did a maze of narrow streets and passageways, often tucked away within the shadows of structures two to four stories high with the upper stories projecting out over the streets.⁴⁷ Indeed, medieval London can easily fall within the pre-automobile city of rooftops category highlighted by J. B. Jackson prior to the “discovery of the street.”⁴⁸

Due, in part, to the narrowness of the streets, passageways, and lanes, the maintenance of public ways was vital to the operation of the city. This included both paving and cleaning. From the end of the thirteenth century and into the fourteenth, pavers were appointed by each ward for the purpose of constructing and repairing the pavement: “John de Brimmesgrave, Robert de Harewe, Walter Stedeman, and Nicholas de Brackele, paviors of London, were sworn to make the pavement throughout the streets and places of the City only in the manner most commodious for the public, and according to the ordinance of old approved....”⁴⁹ Later in the fourteenth century, the term “pavior”

⁴⁵ Barron, *London*, 252.

⁴⁶ *Nuisance*, 138; *CLB: G: 1352-1374*, ed. R. R. Sharpe (London, 1905), folio ccliv. Barron only cited page 265 within Letter-Book G, but she seemed to be referring to folio ccliv.

⁴⁷ Sabine, “Street Cleaning,” 20.

⁴⁸ J. B. Jackson, *The Necessity for Ruins and Other Topics* (Amherst: The University of Massachusetts Press, 1980), 55-66.

⁴⁹ *CLB: C*, folio lxx; Barron, *London*, 261.

dies out in the records; scavengers appear to have taken over this duty, along with supervising the general cleaning and upkeep of the city's streets.⁵⁰ In addition to appointing people for the task of maintaining the pavement, the citizens were expected to keep the pavement in front of their own properties in good condition.⁵¹ Several examples highlight the need for citizens to construct or repair the pavement in front of their property for safety purposes, including: "...for lack of a pavement in the road by [sub]⁵² the close of St. Paul's great damage is daily incurred by the citizens and could arise in case of fire, it is adjudged that the sheriff warn the dean and canons living near the bakehouse...and others living there that within 40 days etc. each make a pavement outside his tenement (1309)," and "...John de Watford and John Knyght, tailor, should within 40 days etc. remake the pavement outside their tenements...which in its present state is to the damage of John de Chibenherst and the other neighbours (1312)."⁵³ What is not entirely clear from the examples included in the *Assize of Nuisance* is whether the neighbors or the city officials were responsible for the initial complaints. Although the records state that the ruinous pavements endangered citizens, no records that feature ruinous pavements actually give credit to the citizens and neighbors, either by name or as a whole, for requesting that the pavements be repaired. Considering that neighbors and citizens routinely complained about other nuisances within the *Assize*, there seems to have been a difference in the way that ruinous pavements were reported. Perhaps since

⁵⁰ *CLB: G*, folio clxv; Sabine, "City Cleaning," 22; other terms, such as "serjeants of the wards" were possibly used for pavers, according to Sabine.

⁵¹ Barron, *London*, 261.

⁵² Editor's remark.

⁵³ *Nuisance*, 29 and 39.

pavements fell under the definition of public space, it became an official matter and not something that a typical citizen would take action to correct. Unfortunately, it is not possible to determine from these records whether or not the “official” orders to repair pavements were motivated first by the complaints of the citizens.

Flooding as a result of improperly constructed pavements, on the other hand, more clearly had an effect on the citizens and directly concerned those who dwelled within the flood path. Raising the level of one’s pavement could cause this type of problem: “Because it is found by testimony of the neighbours and is apparent to the men sworn to the assize that the master of the bakehouse and...changed the course of the stream formerly running through the street...by raising the level of their pavement, it is adjudged that...they lower the pavement so that the water can follow its former course (1309).”⁵⁴ Flooding, along with the proper washing-away of filth, may have been the concern here, but this next example from 1380 more clearly demonstrates that citizens were personally concerned with how the water drained within the city:

Inquest held...to discover what evildoers had destroyed a piece of wall and pavement near la Grate at London Wall, causing filth and refuse, which used to run down the streets and pass through the grate into the City’s ditch, to descend into the Walbrook and choke up the bed of the stream...the damage was done by Katherine Caleys, [etc.]...they did it because the grate was not big enough to receive the amount of water

⁵⁴ Ibid., 29.

descending in rainy seasons, whereby the houses in the neighbourhood became flooded....⁵⁵

Unfortunately, the record does not describe the solution to this conflict. Nevertheless, the nuisances caused by both flooding and the accumulation of filth are clear. The offenders destroyed part of the wall and pavement to ease the flooding problems experienced by their neighborhood, which in turn caused an excess of filth and debris to “choke up the bed” of the Walbrook. This example also highlights an additional difficulty of controlling nuisance in an environment such as London: sometimes, relieving certain people of one nuisance only created a new nuisance for others. Not to say that these citizens deliberately and knowingly caused problems for another neighborhood in order to get rid of their own inconvenience, but it does appear that they acted out of self-interest for their own neighborhood, rather than for the good of the community as a whole. Although the root of the problem was the public grate and pavement, the resulting flooding that invaded their private space motivated them to take action in the public arena.

Officially speaking, the goal of regulations was to control nuisance for the general benefit of all who shared the public spaces. The construction and repair of buildings, ditches, walls, and the like was, similar to paving, systematically regulated by the city’s officials. Anything which could either impede traffic on the streets or pose a danger to passers-by drew their attention: “...the proposed buildings would be prejudicial to the free entry and exit of the tenement of Sir John of Brittany, would hinder carts carrying

⁵⁵ *PMR*, Roll A 24.

woad...and would prevent the proper defence [sic]⁵⁶ of Ludegate and Neugate in time of war...(1312),” “Licence granted...to John Philipot and Johanna his wife to erect a building over the public lane...provided that such building be not a nuisance to the Commonality nor an obstruction of the highway (1370),” and “The mayor and commonalty...complain that Walter le Benere has a house...of which the stone wall extends from the outer gate of the Guildhall to the middle gate of the entrance of which part is ruinous, to the great danger of the passers-by...Judgment that he repair it within 40 days etc (1314).”⁵⁷ In this last example, the “commonalty” was included as part of the complaining party. If the record is accurate and the citizens did complain about the stone wall, they appear to have done so because their personal safety was at risk. Even though the space in question existed within the realm of public space, the ruinous wall endangered their physical well-being. Public space was an official matter until the citizens either feared for their personal well-being or the well-being of their private spaces. The following discussion of fire prevention within the city clarifies this point even further.

Another pertinent reason for the city officials to regulate construction was for the prevention of fire. Frequent fires occurred in the city throughout the eleventh and twelfth centuries, and after an especially devastating fire erupted in 1212, the king created the *Assize of Buildings* in order to regulate potential fire hazards. The regulations focused on

⁵⁶ Editor’s remark.

⁵⁷ *CLB: D: 1309-1314*, ed. R. R. Sharpe (London, 1902), folio cl b; *CLB: G*, Folio cclxxxv b; *Nuisance*, 44-45.

limiting wooden buildings and straw roofs.⁵⁸ As seen in this example from the 1370s, these types of regulations continued to be enforced well after the initial *Assize*: "...it had been found by an inquest...that the houses of John Conyngton, [etc.]⁵⁹...were thatched with straw against the ordinance, the Sheriffs were ordered to warn the above persons to strip their roofs within forty days, on pain of having the work done for them at their expense and paying the Sheriffs 40s for their trouble."⁶⁰

Additional regulations which aimed at fire prevention and control included making sure that hooks and ladders were handy, and seeing that all citizens kept a water-filled vessel in front of their property, especially during dryer periods,⁶¹ while carefully watching their own domestic fires to ensure that they did not spread out of control:

...the latter complained that, whereas by the custom of the City every person was bound to guard his fire so that no damage might thereby happen to another...a fire broke out in the parish...by default of the defendant whereby two of his own shops were burnt, and...to prevent the fire from spreading, the tiles and laths were removed from the plaintiff's shop and a solar lying over a gate, and several pieces of timber were torn out with chains and hooks, to his damage 40 pounds...(1377).⁶²

⁵⁸ Barron, *London*, 247.

⁵⁹ Editor's remark.

⁶⁰ *PMR*, Roll A 22.

⁶¹ *PMR*, Roll A 20.

⁶² *Ibid.*, Roll A 22.

Nuisances that could arise between neighbors have already been discussed in the previous chapter, and not “taking the customary precautions against fire” was certainly part of that list.⁶³ Once again, the individual, self-interest of the citizen motivated his complaint. This citizen’s private space was damaged as a result of his neighbor’s negligence. As with the building regulations, fire prevention was an official matter; yet, as soon as a citizen’s personal safety or the damage of his (or her) private space was an issue, the city’s nuisance became a personal concern. In the following section, the evidence again points to this pattern.

City Cleaning and Animals

The city appointed certain officials not only to see that the pavement was kept in good repair, but also to supervise the cleaning of the streets. Rakers, for example, cleared streets of rubbish by collecting it onto carts.⁶⁴ As with the pavement, though, citizens were also expected to do their part. It is difficult to pinpoint exactly when citizens were first expected to uphold street-cleaning regulations; it may simply be that as long as general city cleaning was a concern, citizens necessarily had a role in its upkeep. In his article on city cleaning, Sabine convincingly demonstrated that London had an elaborate city cleaning regimen from at least the thirteenth century onward.⁶⁵ As part of this official regimen, citizens were either fined or arrested for blatantly contributing to the

⁶³ *CLB: K: Henry VI*, ed. R. R. Sharpe (London, 1911), folio 37.

⁶⁴ Barron, *London*, 262.

⁶⁵ Sabine, “City Cleaning,” 21.

city's filth, whether they left rubbish in the streets, Thames, or improperly disposed of it elsewhere: "Thomas Sherman and John le Soutere...were committed to prison for casting mud and rushes into the Thames (1365)," and "If the wardens found anyone casting rubbish, gravel or dung out of their doors into the said streets...they were to levy from each offender the sum of 2s...(1367)."⁶⁶

Similar to the regulations that focused on the maintenance of the city's pavement and buildings, the regulations that focused on keeping the streets clean and free of filth were also intended to keep the streets safe and passable. In addition, these regulations focused on keeping the public space of the city free from obnoxious sights and odors. While odors were obnoxious in themselves, fear of disease via contamination represented an additional concern of smelly streets. Sabine argued that occurrences of plague during the fourteenth century tended to disrupt city cleaning activities, which led to a general decline of the environmental condition of the streets and passageways. However, despite a temporary lapse in cleaning, the plague stimulated a greater fear of disease, so that once city cleaning activities resumed, officials even more zealously sought to keep the city's streets clean and safe from disease.⁶⁷ Again, it remains unclear whether these regulations were stimulated by the direct complaining of citizens or if they originated from the officials alone in their attempt to maintain an orderly urban environment. In the example below, the order to remove the heaps of filth that accumulated on Tower Hill came from the king; although the citizens did indeed complain about obnoxious smells, as the final section on butchering will show, the dumping of filth and rubbish appears to have caught

⁶⁶ *PMR*, Roll A 10 (ii) and Roll A 13.

⁶⁷ *Ibid.*, 27-29.

the eye (and nose) of city officials and the king most often, at least as far as the records reveal. If the citizens did indeed stimulate the creation of most of the city cleaning regulations through their complaints, the records did not include them.

Problematic dumping grounds for rubbish not only included public streets or streams, but also the Thames river. The Thames frequently fell victim to all sorts of filth and waste matter produced by the city. Citizens deposited filth both in the Thames and on its banks, drawing regulations that attempted to counter this activity.⁶⁸ These regulations seemed to have inspired the citizens to seek a new dumping area on Tower Hill, which was in turn the subject of various regulations during the later fourteenth century:

Writ to the Mayor and Sheriffs, drawing attention to the accumulation of refuse, filth and other fetid matter on Tower Hill, whereby the air was foully corrupted and vitiated and the lives of those dwelling or passing there were endangered. The King is unwilling that these intolerable conditions shall continue, and insists that the place shall be cleansed and kept clean under penalty of 100 marks.⁶⁹

Unsurprisingly, the Tower Hill regulations appear to have led to an increase in dumping in the Thames once again.⁷⁰ Any stream or ditch which carried water to the Thames would have also carried the waste matter it had collected along the way from latrines and the like, in addition to the public latrines that dumped their contents directly into the

⁶⁸ Ibid., 32 and 37-38.

⁶⁹ *PMR*, Roll A 17.

⁷⁰ Sabine, "City Cleaning," 38-39.

Thames.⁷¹ However, by the late fifteenth century onward, restrictions on the building of latrines over running water (directly involving the Thames and otherwise) had been put into place in favor of the more odor-concealing cesspools: "...ordinance forbidding the making of 'any priveye or sege' over the Walbrook or upon any of the town ditches, and ordering the abatement of those already in existence."⁷²

Aside from the complaints in the *Assize of Nuisance* that focused on private cesspools having been constructed too close to a neighbors wall, or rubbish having been left on a neighbors property, the general regulations for cesspool construction and city cleaning appear to have originated with the city officials and the king in their attempt to maintain the decency of the public space of the city. Not only did cesspools (or cesspits) conceal odor, but they also helped eliminate a possible source of obstruction of flowing water within the city. The dumping of waste matter and rubbish, in addition to the foul smells it produced, blocked up roadways and waterways. These regulations helped to ensure that the city ran smoothly without obstructions in the highways and pathways, and they also, quite simply, kept the city from falling into ruins. Several records have indicated that the king and officials were also concerned with maintaining the city's image and making sure that it could run smoothly if it needed to be defended from an invading force.⁷³

Despite the prominence of official reasons for the regulation of London's public space, a few reasons for citizens' complaints have already been noted: personal safety

⁷¹ Sabine, "Latrines and Cesspools," 308-318.

⁷² *CLB: L: Edward IV- Henry VII*, ed. R. R. Sharpe (London, 1912), folio 127; Sabine, "Latrines and Cesspools," 310 and 318.

⁷³ Refer to the example on page 31.

and the preservation of their private space. The maintenance of the city's streets and passageways may have been more of an official concern (at least as far as the records will show), but for reasons similar to those mentioned above, the many animals that roamed London's streets were clearly a concern of both citizen and city official alike.

Dogs, pigs, poultry, and, naturally, horses shared London's streets with its human citizens and frequently contributed to London's nuisances. Aside from keeping humans off of certain properties, the threat of roaming animals also motivated citizens to ensure that walls and fences were kept in good repair: "...parishioners complain that Roger de Euere has overthrown the fence of the churchyard, so that pigs and other animals and even men enter it by night and day, and carry off the plants growing there, and commit other enormities in contempt of God and to the great damage of the church (1304)."⁷⁴ Similar complaints are found throughout the records. In addition to being a nuisance, the presence of animals within the city also compromised the safety of citizens and other pets and livestock. A dogfight in 1307 led to the death of one of their owners, and in 1366 one citizen was accused of owning a dog that had bitten 54 sheep "which had died of the bites, to the plaintiff's damage 40s, and this was owing to the neglect of the defendant."⁷⁵ Initially, regulations from the thirteenth century to the middle of the fourteenth forbade citizens to allow their pigs to wander in the streets: "Also that no pig be henceforth found by the streets or lanes of the City or suburb, nor in the ditches of the City; and if found they shall be killed by whoever finds them, and the killer shall have them without challenge or redemption for 4 pence from the owner. Whoever wishes to feed his pigs,

⁷⁴ *Nuisance*, 13.

⁷⁵ *PMR*, Roll A12.

let him feed them in the open away from the King's highway [or]⁷⁶ in his house...."⁷⁷ In one case from 1365, a tanner was ordered to remove his pigs from the city and agreed not to rear pigs in the city in the future.⁷⁸ Since there does not seem to be any other mention of an ordinance that forbade citizens from keeping pigs in the city (unless they were simply left to wander in the streets), this may have been an exception. By the late fourteenth century, dogs had also been banned from the city's streets, except for "chiens gentilz," which may have either referred to small, pet dogs or those owned by the gentry.⁷⁹

Aside from the problematic presence of animals themselves, their waste was an additional concern. Although citizens were supposed to allow rakers to carry the dung away from their home in carts to the dung-boats or other approved dumping areas, the more convenient method of simply dumping dung anywhere within the city was a recurring threat to the cleanliness and general operation of the streets, lanes, waterways and ditches.⁸⁰ In addition to dumping it illegally, letting dung pile up could also have become a nuisance to everyone around it: "John Stockyngbury was brought before the Mayor and Aldermen for having a large dung heap on the banks of the Thames next to his house at Billingsgate, to the detriment of the Thames water, the damage of the commonalty and the disgrace of the city (1382)" and "William Burdeyn, goldsmith,

⁷⁶ Editor's remark.

⁷⁷ *CLB: A: 1275-1298*, ed. R. R. Sharpe (London, 1899), folio 129 b.

⁷⁸ *PMR*, Roll A 10 (ii).

⁷⁹ The specific meaning of "chiens gentilz" has been debated, see Barron, *London*, 255 and footnote 34 from *CLB: H*, folio ccxviii.

⁸⁰ Sabine, "City Cleaning," 24; *CLB: I: 1400-1422*, ed. R. R. Sharpe (London, 1909), folios lxi-lxx.

brought a bill of complaint against Thomas Bermyngham, cordwainer, for damage done to the fixtures in his house...and also for leaving 20 cartloads of dung there at the end of his tenancy (1373).”⁸¹ This last example most clearly demonstrates that dung piles could easily have become a nuisance to the common citizen by defiling private property, in this case, that of a landlord.

Along with generally keeping the streets clean, proclamations that aimed at keeping them free of dung were repeated beyond the fourteenth century. However, aside from a few early mentions of regulating the dumping of dung, most of the proclamations occurred after the mid-fourteenth century. As with street cleaning, a concern definitely existed prior to the Black Death, but the records more frequently repeat these regulations after the plague.

These records did not specifically show that citizens regularly complained about the smell of trash, filth, and dung within the city; yet, if it bothered officials, it more than likely bothered the citizens even though their complaints did not show up in the records, especially when they directly connected bad smells to their health and personal well-being. The next section supports this point further, and the complaints against butchers reveal these concerns more clearly.

Fish and Flesh

Many bothersome trade activities drew complaints and regulations, such as those restricting the work of blacksmiths and other tradesmen to certain times of the day in

⁸¹ *PMR*, Roll A 25 and Roll A 18.

order to control the noise.⁸² However, this section will only focus specifically on the two trades which arguably drew the most environmental regulations and were the biggest nuisances: butchering and fishing. Although in markedly different ways, the trades of fish and flesh each affected the environment of late medieval London; for instance, fishing could threaten the fish supply, while butchering contaminated the air and the streets with bothersome sights and smells. The regulations enacted to control fishing and butchering, whether to protect fish supplies or to prevent environmental contamination, further show that while city officials had their role, the other members of the community regularly complained about environmental nuisances when their health and personal safety were at risk, or when their private spaces were threatened. In the case of the fishmongers, their personal business interest, rather than their personal safety, represented their primary concern.

In late medieval London, the butchers and fishmongers each had their own guild; however, the fishmongers exercised more authority in the city government and among other trades, such as wine, wool, and the shipping industry. By the thirteenth century, the fishmongers may have been the strongest mercantile power in London based on the number of members and their political power, such as serving regularly as sheriffs, aldermen, and councilors.⁸³

Each trade had its own regulators. The butcher's guild-masters supervised their trade, and the fishmongers enforced the regulations for fishing (applying both to fishmongers and to fishermen who were not a member of the guild). Generally,

⁸² Barron, *London*, 263-266.

⁸³ Williams, 116, 124, 165-66, 172; also refer to footnote 113.

complaints or suggestions related to these trades resulted in ordinances from Parliament or from the local mayor and aldermen. Along with the tradesmen themselves, the latter were also responsible for enforcement. An entry in the *Letter-Books* from the 1380s gives an example of a paid recruit, Sergeant John Salisbury, appointed to survey fishing practices. The record does not specify exactly who appointed him, perhaps the mayor and aldermen since it was to their attention that he brought illegal activities. He received half of the forfeitures as compensation for a five-year term.⁸⁴ Complaints about the trades that resulted in regulations differed for both. Usually, fishmongers brought fishing-related complaints to the authorities themselves, but, for reasons that will soon become clear, complaints against butchering originated from citizens outside of the trade.⁸⁵

In terms of drawing regulations dealing with air contamination, water contamination, pollution, threat of disease, and general unpleasantness, butchering covered it all.⁸⁶ The records show numerous complaints against the butchering trade contaminating the streets, air, and water, negatively affecting senses of hearing, smell, and sight. As indicated in these examples, the unpleasant actions of the butchering trade was not simply a concern of city authorities: “they slaughter pigs and many other animals, and the water mixed with the blood and hair of the slaughtered animals, and with other filth from the washing [of the carcasses], flows into the ditch or kennel in the

⁸⁴ *Calendar of Letter-Books of the City of London: H: 1375-1399*, ed. R. R. Sharpe (London, 1907), folio clxxii; Sabine, “Butchers,” 335-337.

⁸⁵ *CLB: A*, folio 91; *CLB: H*, folio cxxv b.

⁸⁶ For more on Butchering than what was covered in this section, see David Carr, “Controlling the Butchers in Late-Medieval English Towns,” *The Historian* vol. 70, no. 3 (Fall 2008): 450-461.

street, through which it is carried into the friars' garden, causing a stench (1369-1374),” and “complaints having been made of the noisomeness arising from butchers of the parish of St. Nicholas within Neugate throwing entrails on the pavement near the Friars Minors (1354).”⁸⁷ In the first example, the filth washed onto the friars' property, thus clearly invading their space; however, unpleasant odors and noises did not literally have to invade someone's private space to become a nuisance. Even if the activities of butchers were contained within the public sphere, noises and smells could still easily travel into someone's private space and become more of a nuisance to the average citizen than many of the other environmental nuisances discussed in the last two sections. This is not to say that the regulation of butchers was not an official concern as well; aside from likewise having to deal with the smell that the butchering trade produced (as well as responding to the citizens' complaints), the officials were also concerned with the butchers' defilement and blocking up of streets and waterways. In short, both the citizens and the city officials contributed to the regulations of this bothersome trade.

Aside from the assaults on the senses of Londoners wherever butchers operated, the biggest problem involved the disposal of offal and other beastly remains. Whether in the river or the street, within the city or outside of the city, butchers tried using all of the above as disposal areas; likewise, complaints and regulations exist in the records involving all of the above. No regulation could offer a perfect solution for everyone because, after all, the foul offal had to go *somewhere*. The street within the city did not represent an ideal area to contain butchers' waste. It was a punishable offense in the early fourteenth century as seen in this example from 1338: “John Odierno, butcher, and

⁸⁷ *Nuisance*, 142; *PMR*, Roll A 13.

Robert Odierne were attached to answer a charge of carrying trade refuse into the street at Gracechurch, and feeding their pigs on it, thus defiling the street. Both afterwards paid a fine to the Sheriffs.”⁸⁸ In addition to the foulness of street defilement, a case from 1422 pointed out that streets used as butchers’ dumping grounds were no longer passable, thus impeding city traffic as an additional nuisance.⁸⁹ Most commonly though, defilement of the street occurred as a means to an end: offal fell off of carts onto the streets during its journey to another destination, such as the Thames.⁹⁰ Frequently, Londoners complained about the “nuisance of butchers carrying offal, &c., through the streets to the river.”⁹¹

Disposal at the Thames had a variety of guises throughout this period. Most basically, butchers would throw offal into the Thames at the shore or off of docks, namely “Butcher’s Bridge,”⁹² the cause of many complaints. A 1369 writ called for the removal of “Butcher’s Bridge,” and although authorities removed the structure, citizens still complained about butchers disposing their filth into the Thames.⁹³ During the fourteenth century, several writs aimed at regulating the disposal of offal by restricting butchers to doing their slaughtering outside of the city. As Sabine pointed out, no clear evidence exists to confirm that butchers obeyed these regulations. The apparent need to renew these regulations throughout the century indicate that enforcement was a problem;

⁸⁸ *PMR*, Roll A 5.

⁸⁹ Sabine, “Butchering,” 342.

⁹⁰ *PMR*, Roll A 13.

⁹¹ *CLB*: *G*, folio ccxlv b.

⁹² Not literally a bridge, but more of a dock or pier.

⁹³ *CLB*: *G*, folios ccxxvii b and ccxlv b.

however, by the late fourteenth century, butchers were likely butchering outside of the city to some degree, enough at least to spawn a new ordinance from Parliament: “an ordinance passed in the previous Parliament forbidding the slaughtering of beasts by butchers within the City and certain limits of the same, whereby the price of meat had been unduly enhanced, and praying that the Mayor and Aldermen might be allowed to prescribe certain places within their franchise where beasts might be slaughtered” (1392-93).⁹⁴ As a final solution, a house for the use of butchers was built on the edge of the Thames, and they were allowed to dispose of offal in the river as long as they “cut up their offal and take it in boats to midstream and cast it into the water at ebb-tide.”⁹⁵ Even though complaints about butchering activities continued throughout the fifteenth century and regular enforcement was needed, this arrangement remained in place.⁹⁶

As already indicated at the beginning of this section, medieval Londoners despised the stench produced by the butchering trade. In addition to the obvious unpleasantness of bad smells, they also connected the foul odors of the butchering trade with their health, as shown in the case described below. In addition to the Thames, the Fleet was also a favorite disposal ground of London butchers. In 1342-43, city authorities gave the butchers of the parish of St. Nicholas at the Shambles land adjacent to the Fleet for the purpose of cleaning and disposing entrails. In return, the butchers paid a yearly “boar’s head” to the mayor. By 1354, complaints about these butchers had made their way to Parliament. Apparently, the stench became so awful that the

⁹⁴ Sabine, “Butchering,” 344-348: *CLB: L*, folio 85.

⁹⁵ *CLB: H*, folio cclxxviii b.

⁹⁶ Sabine, “Butchering,” 349-353.

inhabitants of the nearby neighborhood and Fleet prison feared for their health.

Consequently, authorities destroyed the Fleet wharf, forcing these butchers to find another place of disposal.⁹⁷ Again, the stench easily penetrated Londoners' private spaces; in this case, they could not escape it by retreating to their own neighborhood.

To be fair, foul smells were not the only air contaminants faced by medieval Londoners. In 1975, William H. Te Brake published "Air Pollution and Fuel Crises in Preindustrial London, 1250-1650." He argued that air pollution (as in smog, not just smell) did not originate with the industrial revolution; it existed in medieval and early modern London. Due to the common shortage, and thus high prices, of wood fuel, medieval Londoners used sea coal as a substitute. Te Brake explained that the burning of sea coal released considerably more intense clouds of smoke and fumes than the burning of wood, and thus caused many complaints. Again, medieval Londoners connected the strong odor of the smoke with their health, but in this case, their reasoning to suspect the contaminating fumes was a bit more well-founded.⁹⁸

Regardless of if their reasoning for fearing bad smells was "legitimate" or not, it certainly had its effects. In addition to the abovementioned regulations enacted to control the butchering trade, Sabine found connections between periods of plague outbreaks in London to the resurrection of complaints against butchering and the return of strict regulations against the trade. For example, he pointed out that a 1391 outbreak triggered a tightening of enforcement for butchers to only slaughter outside of the city, which in

⁹⁷ *CLB: F: 1337-1352*, ed. R. R. Sharpe (London, 1904), folio lxvii; *CLB: G*, folios xxviii and xxxvi.

⁹⁸ William H. Te Brake, "Air Pollution and Fuel Crises in Preindustrial London, 1250-1650," *Technology and Culture* 16, no. 3 (July 1975): 337-359; see also Peter Brimblecombe, *The Big Smoke: A History of Air Pollution in London since Medieval Times* (London: Methuen, 1987).

turn triggered the complaint about meat prices going up the following year. Aside from its wretched stench triggering fear of disease, butchering carried an additional stigma that encouraged its connection with disease and everything foul and dirty. It involved blood. Like surgeons, soldiers, and executioners, butchering involved the common taboo of blood and general impurity, which carried with it a certain general repulsiveness that could also be connected to sin.⁹⁹

The regulations of butchers, including the complaints leading up to them, reveal many details on what concerned medieval Londoners about their environment. On top of the general taboo against the trade, butchering overwhelmed the peoples' senses and introduced unclean elements such as unsightly blood and odor that not only interfered with the comfort of daily life, but also triggered fears of disease by way of environmental contamination (regardless of scientific accuracy). The biggest concern of the average citizen seemed to be the butchers' invasion of their private spaces, either through noise or smell as several examples have indicated. As far as the king and the city officials were concerned, the butchers also contributed to the presence of filth in the public spaces of the city, namely streets and streams, both blocking them up and becoming an eyesore. On top of these motives, the fear of disease fed the need for regulations for everyone. The fear of bad air has already been addressed; additionally, the fear of bad water was also evident in the records. According to a previous example, river water "was rendered corrupt and generated fetid smells" because of the offending butchering refuse. Medieval Londoners did not want to live in filth, sharing their space with putrid odors for reasons

⁹⁹ Jacques Le Goff, *Your Money or Your Life*, trans. Patricia Ranum (New York: Zone Books, 1990), 47.

of disease prevention and general comfort of living. By popular demand, the smelly, invasive butchering trade needed regulations.

The fishing trade also needed regulations, but for different reasons. Most of the environmentally-related ordinances for fishing and fishmongers concerned the protection of small, immature fish called “fry,” which stemmed from complaints against fishermen using nets with too small of a mesh that trapped these fish. This practice was a nuisance to other fishmongers and fishermen who wanted to ensure that the common fish supply did not become depleted. In short, their motive was largely generated by self-interest; the environment of the Thames needed to be regulated in order to protect their business. In this case, their personal interests depended on the regulation of public space. However, city officials also regulated fishing practices, likely motivated by the need to protect the fish as a food source of the city.

Generally, ordinances from the late thirteenth century through the early fifteenth prescribed at least a two-inch “mask,” or mesh, on fishing nets. Aside from some exceptions allowing nets to have a mesh half of an inch to an inch smaller (explained below), two inches remained the rule throughout this period. Numerous cases from the *Letter-Books* and *Plea and Memoranda Rolls* highlight the problem of fishers breaking the size ordinances and using nets with too small of a mesh that were “destructive of fry.”¹⁰⁰ The frequent recurrence of violations and attempts at regulation indicate both the difficulty of enforcement and the concern of the administration, including fishmongers, regarding the protection of smaller fish.

¹⁰⁰ *CLB: H*, folio cxxv b.

One specific case from 1386 sheds a little more light on the situations when one inch mesh would be used instead of two. In this case, the mayor and aldermen inquired as when and why nets of certain sizes needed to be used. The defendants argued that they needed to use smaller nets to fish for smelt, because they slipped through larger mesh, and that traditionally they only used these nets during smelt season, which was “fifteen days before Candlemas and lasted till the feast of our Lady in Lent.” As a resolution, the mayor and aldermen agreed that fishermen were allowed to fish with one-inch nets during the proper season for these fish. However, as a preventive measure against the useless destruction of other fish, after this season had passed, the fishermen needed to store the one-inch nets at the Guildhall until the season’s return, and use two-inch nets in the meantime.¹⁰¹

Another regulation of nets concerning the protection of fry fish, especially regarding trinks, aimed at fixed nets in the Thames, whether staked in the river or fixed to the back of boats. In 1380, authorities ordered “that the above-named shall remove all trinks and other engines placed in the Thames for the destruction of fish.”¹⁰² Other references to these destructive nets popped up throughout the end of the fourteenth century. A reference in the *Letter-Books*, from 1424, likewise called for the removal of trinks “fastened or anchored in the Thames and other rivers, as they destroyed the fry of fish,” only allowing these nets when “drawn by hand, at suitable seasons, and not fixed.”¹⁰³

¹⁰¹ *PMR*, Roll A 27.

¹⁰² *CLB*: *H*, folio cxx.

¹⁰³ *CLB*: *K*, folio 21 b.

The staking of nets in the Thames appears to have caused an additional problem beyond endangering fish. Shipping traffic needed to flow through the river without interference from trinks and other obstructions. While most of the records examined refer to their threat to fish, a couple of folios also refer to their threat to vessels: “William Taillour of Popelere was mainprised by . . . fishmongers, not to place in the Thames any net that was contrary to the City assize . . . , nor put any posts in the water so as to impede boats (1381),”¹⁰⁴ and a writ to the Mayor from 1421 ordered city officials to survey the Thames four times a year “for stakes unlawfully placed in the river to the danger of vessels.”¹⁰⁵ Presumably, the purpose of these posts and stakes was to anchor trinks in the Thames; in addition to their destruction of fry fish, anchored trinks also appear to have posed a danger to vessels. Here, the safety of the Thames, as a public space, was a concern in addition to the protection of fish.

As these cases demonstrate, regular enforcement was needed to maintain stability within the fishing trade; without enforcement, the fishers would have likely done as they pleased to increase their profit, whatever the consequences to the Thames fish supply and to the rest of the fishermen and fishmongers. Naturally, the regulations met with resistance, hence the violations seen in the city records. One particularly dramatic case from 1406-07 illustrates the resistance of net regulation enforcement. When Alexander Boner, described as the city’s officer, seized some nets from the Thames and Medway to see if they “were of lawful size,” twenty-eight named residents of Kent and Essex and

¹⁰⁴ *PMR*, Roll A 24.

¹⁰⁵ *CLB*: I, folio cclxiv b.

“many others . . . to the number of 2,000” (presumably exaggerated) harassed Alexander on the Thames with bows and arrows until he disembarked at Barking.¹⁰⁶ Alexander submitted the nets to the mayor for examination, but before a judgment could be made the men named in the case “had forcibly taken away the said nets.” Eventually, some were arrested, found guilty, and given permission to use their nets temporarily only if they secured replacements in the meantime “of the regulation standard.” More commonly, though, violators had their unlawful nets burnt and were possibly fined.¹⁰⁷

Overall, the regulations for fishing reveal details about what social and environmental threats concerned medieval London authorities and fishmongers. The general upkeep of the Thames, that it needed to remain unobstructed, concerned them for reasons mentioned above. Most vividly, the regulations for protecting fry fish, which included using proper sized-mesh and fishing for certain fish only during the proper seasons, protected the business supply of the fishmongers. Environmental concern was commensurate with the economic concern of guarding the fishing business; if the fish population were depleted, fishmongers had less, or perhaps nothing, to sell. Furthermore, the regulations protected not only the fishing business, but the food supply of medieval London. Unlike meat, the cheaper fish made up a very large proportion of the poor medieval Londoner’s diet.¹⁰⁸ This record demonstrates the point: “and if any one be found fishing with such net . . ., the nets should be burnt and the owner put to such

¹⁰⁶ An East-London borough.

¹⁰⁷ *CLB: I*, folios lxiib – lxii; *CLB: H*, folio cxevi.

¹⁰⁸ Thrupp, *The Merchant Class*, 95.

penance, at the discretion of the Mayor and Aldermen, as befitting one who destroyed the common food.”¹⁰⁹

While regulations of fishing nets and the protection of fry certainly dominated the concerns of London’s authorities, a few scattered references connected fish and the fishing industry with other types of environmental contamination. An entry in the *Letter-Books* from 1276-78 reads: “Also vendors of fish shall not throw their water into the highway, but cause it to be carried to the Thames.”¹¹⁰ In this case, the regulation likely referred to the fishmongers themselves, who both enforced regulations for fishing and were required to follow the regulations placed on them by city officials. Furthermore, an example from 1389-90 connected disruptive odors with fish: “an inquisition ordered to be made as to who had caused unwholesome fish to be stored in a cellar . . . it was the property of Salamon Salamon, a mercer, who had already been found responsible for stinking fish found at the bottom of a well.”¹¹¹ Even though concerns over environmental contamination dominated the concerns and regulations of butchering and not fishing, the latter could still cause this type of nuisance.

Far from going unnoticed, the environmental presence of butchers drew a considerable amount of complaints, especially those related to smell, filth, and general well-being. It demonstrated even further that the citizens of medieval London became directly involved in controlling the nuisances of public spaces most often when they threatened their personal health and safety or their private spaces, the importance of

¹⁰⁹ *PMR*, Roll A 27.

¹¹⁰ *CLB*: A, folio 129 b.

¹¹¹ *CLB*: H, folio ccxlvii.

which was discussed in the previous chapter. The fishing trade, while more aesthetically pleasing, still likewise drew many complaints about its activities and the need for strict regulations, either related to the city's desire to maintain its food supply or the fishmongers' desire to maintain its trade supply. On the one hand, the community protected themselves and their environment from butchers; on the other hand, the fishmongers protected their environment from those who abused the fish supply for the sake of their trade. As previously mentioned, the fishmongers were among the most prominent trades of medieval London—not so the butchers. Considering Sandra Billington's article on the incorporation of fishmongers and butchers into sixteenth and seventeenth-century English drama, the fishmongers were commonly portrayed as honest and noble, while the butchers appeared as representations of the devil.¹¹² Although much later in the timeline, these attitudes can easily fit this period, especially considering that the fishmongers were much more powerful than the butchers within the city and city politics.¹¹³ While the environmental aspects of these two trades may not have influenced their different positions of power, considering all of the complaints against butchers, it is difficult to believe that environmental factors did not play a role.

¹¹² Sandra Billington, "Butchers and Fishmongers: Their Historical Contribution to London's Festivity," *Folklore* vol. 101, no. 1 (1990): 97-103.

¹¹³ For an illustration of how many fishmongers served as mayors and sheriffs compared to other trades, see "Appendix 1" in Barron, *London*, 308-355.

Conclusion

Considering the effects of the Black Death on environmental concern, there may have been a more dramatic effect on environmental regulation during the fourteenth century than on other types of regulation. According to Sabine, not only did the environment of London likely deteriorate immediately after the plague due to general chaos, lack of morale, and disruption of the cleanup system, but the city also rebounded to focus their efforts on city cleaning with even more dedication than in pre-plague years. The assumed connection between disease and the presence of filth and foul smells was the likely motivator. Furthermore, if the population theories of Barron are accepted, the city was either much, much filthier prior to the plague, or city cleaning was much better without the need for many regulations. According to Barron, the level of building density at the trade sites in the year 1300 compared to the same in the year 1600 indicates that the population levels might also be comparable; the population around 1300 could have possibly reached one hundred thousand, a peak not seen again until 1600.¹¹⁴ If that was the case, then one interpretation of the records could be that not only did city cleaning increase as a result of the plague, but also that even the much larger waste-producing pre-plague population did not reflect nearly the amount of environmental concern as did the smaller population. To be fair, this increase in environmental cleanliness likely began to wear off by the fifteenth century as the population grew, began producing more waste, and/or possibly became increasingly lax in its environmental duties (the references to city cleaning in the records begin to die down again after 1400). Moreover, simply because

¹¹⁴ Barron, *London*, 238-239.

more regulations were pronounced in any given period does not mean that they were necessarily effective—the opposite may have been true. However, this proclamation from 1444 may have been referring to the period after the Black Death—the period when city cleaning references are the most numerous: “Writ to the Mayor and Sheriffs bidding them to take steps for keeping the bank of the river and the streets and lanes of the City free from dirt and rubbish, as formerly they used to be kept.”¹¹⁵

This chapter began with the statement that environmental concerns for smaller English towns have not yet been analyzed in detail; one possible reason being that most small English towns simply might have lacked a significant amount of environmental regulations. However, Zupko and Laures, in their environmental study of northern Italy, have at least proven that environmental regulation was not restricted to the largest urban cities. These Italian towns focused on protecting their water from contamination, keeping their roads passable, and limiting the locations of butchering.¹¹⁶ A fair comparison cannot be made with small English towns, but the case of London has shown that northern European cities did not need to learn their environmental lessons from Italy as the introduction to *Straws in the Wind* appears to state.¹¹⁷

Environmental regulations either came from the king or other authorities, who were concerned about maintaining the well-being of the city’s public spaces and the citizens therein. However, although many regulations clearly came from the king, the

¹¹⁵ *CLB: K*, folio 220 b.

¹¹⁶ Ronald E. Zupko and Robert Al Laures, *Straws in the Wind: Medieval Urban Environmental Law- The Case of Northern Italy* (Boulder: Westview Press, Inc., 1996), 51-76; see Sabine, “City Cleaning,” 28 for his city cleaning ratios from the *Letter-Books*. Most significantly, his calculations illustrate that the 16 references concerning city cleaning for 1300-1350 dramatically grew to 65 for 1350-1400.

¹¹⁷ *Ibid.*, 5.

community of London itself, including authority figures, was much more involved in regulating environmental nuisances in their environment. To state simply that the community of medieval London cared about their urban environment is an understatement. The citizens experienced the nuisances that posed a threat to their health, their safety, their convenience, and to the aesthetics of the city on a daily basis. Furthermore, while the city's officials clearly regulated and maintained the environment of medieval London, many of the complaints that inspired environmental regulations came from others in the community. Most clearly and directly, they complained about environmental nuisance when either their personal health and safety or their private spaces were at risk. Either the records simply do not include many other types of complaints, or the citizens left public concerns, such as street cleaning, in the hands of city officials. Whatever the case may have been, the community clearly distinguished between nuisances that affected public and private spaces, and was clearly concerned about anything that became an environmental nuisance in both public and private spaces.

CHAPTER III

MANAGING IDENTITY AND REPUTATION WITHIN THE COMMUNITY

By analyzing what and who the community perceived as nuisances, it becomes clear that personal identity and reputation represented important factors within the community, both in identifying nuisances and as attributes that were themselves threatened by nuisances. The community of late medieval London, in a variety of ways, defined certain people and certain types of behavior as nuisances, such as nightwalking; despite the community more clearly identifying environmental and neighborhood issues as nuisances (especially within the *Assize of Nuisance*), the category of nuisance cannot be restricted to environment and space. The basic definition of nuisance as something that caused irritation and possible harm, without falling into the categories of crime and violence, can easily be applied to behavior as it was connected to personal reputation. Simply speaking, the community both defined acceptable behavior and perceived men and women who acquired bad reputations—who did not conform to the accepted norm—as nuisances.

In many cases, one's identity as a man or women appears to have conditioned how their reputation could have possibly become tarnished. Also, certain types of nuisances could possibly be regarded as "male" or "female" nuisances based on their own reputation within the community. These types of nuisances have shown that women with

a bad reputation were most commonly at risk of being labeled as sexually deviant, while men who acquired a bad reputation were at risk of being labeled as vagrants.

Furthermore, both men and women could threaten the reputation of others through defamation, as well as face serious threats to their own reputation and identity within the community. While some evidence suggests that women may have become associated with deviant speech more so than men, both genders clearly were involved in defamation and could become nuisances in this regard. More critically, one's reputation as an authority figure—as a respectable member of the community—often determined the guilty party in cases of defamation.

Men and Vagrancy

Vagrancy appears to have been a nuisance concerning men; more specifically, vagrancy concerned those men who were accused of wandering the city's streets with no perceived purpose. This included idle-wandering at night as well as during the day, and while it may or may not have been associated with an actual crime, it was always associated with a negative reputation. When this type of idle-wandering occurred at night, the term “nightwalker” was employed; however, idle-wandering by day became directly associated with “false” begging.¹¹⁸

Vagrancy, in the form of nightwalking and “false” begging, appears regularly in the secular records as a nuisance and as an example of how community attitudes toward

¹¹⁸ This section focuses on vagrancy, but not necessarily poverty or the poor. For poverty and the poor specifically, see Michel Mollat, *The Poor in the Middle Ages: an Essay in Social History*, trans. Arthur Goldhammer (New Haven: Yale University Press, 1986) and E. M. Leonard, *The Early History of English Poor Relief* (New York: Barnes & Nobel, Inc., 1965).

vagrancy changed during this period; within the secular records, begging did not become associated with vagrancy until after the Black Death. Prior to this point, vagrancy was most commonly associated with nightwalking. While many historians attribute changing attitudes toward begging and vagrancy to shifting religious views about begging and poverty, the economic effects—both perceived and actual—of the Black Death must be viewed as significant factors that affected the perception of vagrancy in London, especially within the secular realm.

Bronislaw Geremek, in his analysis of marginality in fourteenth and early fifteenth-century Paris, included a section on beggars. He examined stereotypical attitudes that developed toward beggars and begging during the fourteenth century, including literary and dramatic works that presented beggars as crafty and deceptive, often the subject of mockery and humiliation. On the one hand, he cited those who deliberately sought to deceive the public by pretending to be destitute as examples of beggars who fueled the fire of hostility toward the group as a whole; on the other hand, many beggars clearly worked within acceptable moral limits, allowing people to give alms to someone who was genuinely poor in exchange for the absolution of their sins. Overall, Geremek argued that hostility toward vagrants and beggars increased during the fourteenth century as a result of Parisian cultural changes, excluding a direct connection to the Black Death.¹¹⁹ However, since the secular records for medieval London do not pair begging with vagrancy until after the Black Death, this aspect needs attention.

¹¹⁹ Bronislaw Geremek, *The Margins of Society in Late Medieval Paris*, trans. Jean Birrell (Cambridge, Cambridge University Press, 1987), 179-210.

In his book on medieval crime, Trevor Dean included a short discussion on the criminalization of vagrancy. According to a common argument, the Black Death and its consequent impact on the labor market led to the criminalization of vagrancy and the separation of legitimate beggars from those who could actually work. The shortage of labor led to new frustrations over vagrancy and anyone who was seen as living a life of “voluntary unemployment.”¹²⁰ In *Standards of Living in the Later Middle Ages: Social Change in England c. 1200-1520*, Christopher Dyer acknowledged that religious attitudes toward poverty and begging had been changing during the end of the thirteenth century and into the fourteenth, drawing sharper lines between those who deserved charity and those who did not.¹²¹ Yet, the most significant intellectual developments appear to have occurred during and after the plague, and Dyer stated that a rise in discriminatory feelings against begging was “strongly influenced” by the shortage of labor that followed the Black Death.¹²² To be clear, this chapter will not attempt to trace the development of religious attitudes toward poverty. Still, it is fair to state that the economic shifts during the late fourteenth century were important factors responsible for changing attitudes—both secular and sacred—toward begging and vagrancy in London. Prior to the influence of the plague, religious charity may have been more tightly regulated to include only those who were most deserving of donations, but the effects of the plague paired illegitimate beggars with vagrancy and nuisance most directly, especially on the secular level. Focusing on vagrancy and those who could have acquired the reputation of being a

¹²⁰ Dean, *Crime*, 50.

¹²¹ Christopher Dyer, *Standards of Living in the Later Middle Ages: Social Change in England c. 1200-1520* (Cambridge: Cambridge University Press, 1989), 234-239.

¹²² *Ibid.*, 239, 253-254.

vagrant, the developments in attitudes toward vagrancy in London do indeed reflect changing attitudes toward begging; however, the issue of vagrancy as a nuisance in London did not simply begin with the topic of begging after the mid-fourteenth century.

Dean examined a few problems with the theory that the criminalization of vagrancy developed only after the plague when he applied it to Europe as a whole, one being that although vagrancy as a crime intensified after the Black Death in many areas, it also existed prior to the mid-fourteenth century.¹²³ When the records for London are examined, the history of vagrancy as a crime—or the history of the regulation of vagrancy as a perceived crime—does seem to begin prior to the Black Death; still, the records certainly reflect a change in the types of vagrancy penalized.

The criminalization of vagrancy did not begin after the Black Death as a result of the Black Death; however, the criminalization of vagrancy as it applied to begging did. When it came to the post-plague regulation of vagrancy, it went hand-in-hand with the regulation of begging. Prior to the mid-fourteenth century, vagrancy in London was usually only penalized if it occurred at night, and it was typically connected with another offense: “arrested for divers trespasses, as for homicides, robberies, beatings, assaults, and for being vagrants by night after curfew in the City with swords and bucklers...,” “...and John Wantynge are evildoers, nightwalkers, and disturbers of the peace...,” and “The jury...present Andrew le Brewere...as a man who sleeps by day and wanders about at night, and Richard le Wayte of Essex as a nightwalker with sword and buckler...”¹²⁴ Just as vagrancy was intimately connected to the regulation of begging after the plague,

¹²³ Dean, *Crime*, 50-52.

¹²⁴ *Calendar of Letter-Books of the City of London: B: 1275-1312*, ed. R. R. Sharpe (London, 1900), folio 3; *PMR*, Roll A 3.

night vagrancy was connected to being a troublemaker of one sort or another. Rather than claiming that the criminalization of vagrancy developed after the plague, it seems more appropriate to say that there was a post-plague criminalization of vagrancy by *day* as it was connected to begging and voluntary unemployment: “That no one capable of maintaining himself by art or labour pretend to be poor and beg his food on pain of imprisonment...,” “Ablebodied persons are not to counterfeit poor beggars,” and “Adam Ryebred...was brought...on a charge of wandering through the city begging and pretending that he was unfit for work...upon examination...he was strong and lusty, capable of labour and able to earn his food and clothing...and thus he was defrauding genuine beggars and poor people, and deceiving the public.”¹²⁵ Although markedly different in character, after mid-century, the idle-wandering which drew to accusations of vagrancy by night also drew accusations of vagrancy by day.

In both cases, the accusations did not necessarily refer to a specific crime. In most of the nightwalking examples from the previous paragraph, the act of wandering around the city at night was directly associated with disturbing the peace or causing trouble of some sort. However, in the example of Andrew le Brewere, the simple act of nightwalking by itself caused suspicion. It seems that once nightwalking became associated with nefarious activities, someone who simply walked around the city after dark could have easily acquired a bad reputation. Yet, the regulations for curfew reveal that certain individuals who already had a good reputation could get away with nightwalking without being labeled as an obvious troublemaker. Some of the regulations specify that certain individuals, such as “a great lord, or other respectable person of note,

¹²⁵ *CLB: G*, folio ccxcv b; *CLB: H*, folio xcvi-xcix; *PMR*, Roll A 25.

or their acknowledged retainer, bearing a light,” or those “of good character” or with a “good cause” may be exempted from remaining indoors after curfew. One’s rank or reputation within the community seemed to determine who could enjoy the privilege of being outdoors after curfew without acquiring a bad reputation for doing so. Unless an individual had already established a positive reputation within the community, by default he would be labeled negatively for breaking curfew. However, while these types of regulations represented the majority of curfew regulations, they did not represent them all; one curfew regulation from the early fourteenth century and another from the early fifteenth do not make these exceptions, simply stating that “no one shall walk the streets or places.” The last curfew regulation examined for this period (from 1413) contains this type of wording, and, although imprisonment for violating curfew had been threatened in a previous regulation from 1360, the penalty from 1413 was the more severe “forfeiture of life and property.”¹²⁶ Perhaps the authorities felt that the regulations from the second half of the fourteenth century did not adequately control the situation, either because they were simply never effective in the first place, or because, as the city’s post-plague population continued to grow, different steps needed to be taken in order to keep nuisance at bay in a larger population. By this time, a good reputation no longer appeared to suffice as an excuse for nightwalking as it became even more synonymous with bad intentions.

Returning to vagrancy as a form of illegitimate begging and idle-wandering by day, it, likewise, did not necessarily represent a specific crime. Although “false” beggars

¹²⁶ *CLB*: C, folio xvb (xxxix b); *CLB*: G, folio cvii b; *CLB*: H, folio cclxiv b; *CLB*: I, folios cxxi-cxxx.

who deliberately deceived the public have been reported,¹²⁷ the sources show that false begging only became a concern in London after the mid-fourteenth century during the post-plague labor shortage—if there was even much of a shortage in London. Despite the loss of population that occurred in England after the Black Death, the population in London likely did not suffer similar losses due to the immigration that occurred from rural areas when those survivors sought higher wages and better opportunities. However, Sylvia Thrupp traced a significant loss of London's native merchant population due to the plague, and if the population in London indeed remained relatively high due to immigration, then the population turnover—native merchants being replaced by rural peasants—was still a dramatic change for the city, and likewise could have fueled new concerns over begging and vagrancy. Although a labor shortage could still have created the impression that more people were begging instead of working, it was also possible that more beggars did indeed arrive in London from rural areas and that the newer population of strangers—whether they were perceived as beggars or not—caused an increase in anxieties toward vagrancy.¹²⁸ Whatever the case may have been, it is clear that a new category of vagrant beggars had been developed during this period in London.

After the mid-fourteenth century in London, the identity of vagrancy shifted to include those who were viewed as false beggars. Yet, identifying men as vagrants

¹²⁷ See Geremek, *The Margins of Society*, 204.

¹²⁸ See Thrupp, *Merchant Class*, 199-200, Dyer, *Standards of Living*, 239 and 253-254, Ziegler, *The Black Death*, 160, Colin Platt, *King Death: The Black Death and Its Aftermath in Late-Medieval England* (Toronto: University of Toronto Press, 1997), 19-20, M. M. Postan, "Some Economic Evidence of Declining Population in the Later Middle Ages," *Economic History Review*, New Series, vol. 2, no. 3 (1950): 221-246, and Roy Porter, *London: A Social History* (Cambridge: Harvard University Press, 1994), 28-29. Although the population may not have declined as sharply as the rest of England, it was still significantly reduced from the initial surge of deaths; see Barron, *London*, 239-242.

seemed to remain the same. Although female beggars existed, men were the typical targets of the post-plague labor legislation, and thus represented false, vagrant beggars in the records.¹²⁹ As already explained above, reputation was intimately associated with nightwalking, especially the negative variety; yet, this too only seemed to be a reputation that could become associated with men.

“Nearly all nightwalkers were men,” stated McIntosh when referring to the incidents of nightwalking in England’s smaller communities.¹³⁰ At least the same can be said for London; in fact, the records convincingly show that “nightwalker” was chiefly a “male” term: “Roger de Ware, cook, who was presented as a common nightwalker, confessed his offence and put himself on the mercy of the Court.”¹³¹ Many times, the “nightwalker” label was associated with another type of offense, but as the examples have demonstrated, this did not always have to be the case. Perhaps the reason for the lack of female participants was simply that women were generally more interested in remaining inside the safety of their homes, and thus stayed away from suspicious nightly activity. Although, men were the typical offenders in almost every category of regulated activity, so a male predominance in nightwalking merely reflects this statistic. Men may have been the typical offenders of this type of violation, but perhaps, in general, men attracted more attention as suspicious persons, which added to their susceptibility of being labeled as nightwalkers.

¹²⁹ For example, *CLB: G*, folio ixxviii; *CLB: I*, folios ccxi-ccxx.

¹³⁰ McIntosh, *Controlling Misbehavior*, 65.

¹³¹ *PMR*, Roll A18.

Whatever the case may have been, nightwalking, along with the larger category of vagrancy, was not associated with women, but with men. Most specifically, the regulations that focused on vagrancy and nightwalking either targeted men who already had a bad reputation within the community, or led to their being labeled as individuals who violated what the community defined as acceptable behavior. As a result of shifting attitudes within the community, the definition of what was perceived as a negative reputation within the community also shifted; although Geremek saw this cultural shift as independent from the effects of the plague in Paris, the evidence for London clearly illustrates that a cultural shift that paired begging with vagrancy occurred after the Black Death as a result of its effects on the economy and population. Yet, men alone did not face discrimination if they violated certain behavioral norms within the community; women who acquired a bad reputation within the community were also labeled in specific ways.

Women and Sexuality

Many historians have analyzed the religious and moral issues of prostitution in the Middle Ages, such as Ruth Mazo Karras, who argued that prostitution strengthened and encouraged the association between a woman's sexuality and sin, thus providing justification for a net of control that medieval contemporaries cast over all women. The independent woman who did not live under the authority of a father, husband, or other domestic master was dangerous and likely associated with prostitution even if she did not avail her body for that purpose. Karras also analyzed the terminology that was used to

describe women who became associated with sexual deviance; since medieval contemporaries lacked a term commensurate to the modern label of “prostitute,” Karras stated that any woman who made her body publicly available to men, whether she took money or not, fell under the category of “whore,” and was labeled accordingly.¹³² Even though brothels and the actual practice of prostitution did exist, Karras demonstrated that sexual labels were used to describe any woman who had acquired a bad reputation within the community—who had become a nuisance. This included not only those women who actually violated sexual norms, but also single women and working women.¹³³

According to Karras, the sexual reputation of women was always in danger of becoming tarnished, a danger that they did not share with men. The regulations that focused on prostitutes and other women of “bad character” clearly regulated women alone; no male counterpart to these regulations existed. In short, although authorities regulated prostitution, they did not eliminate the practice due to its status as a necessary service that protected “honest” women from male sexuality. Even while brothels were ordered to remain outside of the city due to their association with criminals, disruptive

¹³² Karras, *Common Women*, 1-24, 131-142; however, for clarification purposes, the term “prostitute” or “prostitution” will be used throughout this section.

¹³³ Unfortunately, as this section focuses on an examination of English translations of secular records alone, neither a moral analysis nor an analysis of the terminology for London alone was possible in order to draw a direct comparison with Karras’ work. (Despite Karras’ sweeping analysis of English prostitution, the records for London represented only a small portion of her evidence.) However, her basic arguments are still relevant and can still be applied to this section with confidence; for more on medieval prostitution in general, see Geremek, *The Margins of Society*, and Leah Lydia Otis, *Prostitution in Medieval Society: The History of an Urban Institution in Languedoc* (Chicago: The University of Chicago Press, 1985).

activity, and disreputable people, prostitutes were still allowed within the city because officials justified their practice as a necessary nuisance.¹³⁴

In *Controlling Misbehavior*, McIntosh wrote: “In virtually all communities prior to around 1460, even prostitutes seem to have been ignored unless they had done something else wrong too.”¹³⁵ In terms of actively punishing women who engaged in prostitution, this seems to have been the case for London, as least as far as the secular authorities were concerned. Despite the association of prostitution with criminals and bad behavior, there is no example in the records for this period of a woman having been arrested and/or punished for this practice alone. However, prostitution itself was far from ignored; it was regulated due to its association with other “negative” acts and people. According to the *Liber Albus*, a proclamation was made during the time of Edward I (1272-1307) that “no courtesan [or]¹³⁶ common brothel-keeper shall be residing within the walls of the City, under pain of imprisonment.”¹³⁷ This next example provides the explanations used for why the abovementioned regulation was enacted:

And whereas thieves and other persons of light and bad repute are often, and more commonly, received and harboured in the houses of women of evil life within the City than elsewhere, through whom evil deeds and murders, by reason of such harbouring, do often happen, and great evils

¹³⁴ London’s brothels, with the exception of those located on Cock’s Lane, had been exiled to Southwark, a suburb of London; see Ruth Mazo Karras, “The Regulation of Brothels in Later Medieval England,” *Signs* vol. 14, no. 2 (Winter 1989): 399-433.

¹³⁵ McIntosh, *Controlling Misbehavior*, 70.

¹³⁶ Editor’s remark.

¹³⁷ *Liber Albus*, 239.

and scandals to the people of the City.—The King doth will and command, that from henceforth no common woman shall dwell within the walls of the City. And if any such shall hereafter be found within the City residing and dwelling, he shall be imprisoned forty days. And let the Warden cause search to be made throughout the City in the best manner that he shall see fit, where such women are received, and who they are; and then, when they shall be found, let their limits be assigned unto them....¹³⁸

Although prostitutes faced certain regulations, the brothel keepers and those who housed prostitutes (or those women who had been labeled as such) were the ones who were actively punished through imprisonment for violating the regulations. This case from 1338 illustrates the concept: “Robert de Stratford, cordwainer, was attached to answer a charge of harbouring Alice Donbely, Alice Tredewedowe and other prostitutes...he was found guilty....”¹³⁹ The case does not describe his eventual punishment, but only that he, not the prostitutes, faced punishment.

At the most, it seems, prostitutes could have been imprisoned or punished by having furs and other expensive clothing confiscated if they violated specific dress regulations; however, these regulations did not focus only on women who were associated with prostitution and sexual deviance. The first proclamation of this type included in the *Letter-Books* is from the end of the thirteenth century: “...no woman of the town shall henceforth go to market nor into the highway out of her house with a hood

¹³⁸ Ibid., 247.

¹³⁹ *PMR*, Roll A 5.

furred with budge...upon pain of forfeiting her hood....And whereas brewsters, nurses, other servants, and women of disreputable character, adorn themselves...after the manner of reputable women....”¹⁴⁰ Here, perhaps “woman of the town” refers to a prostitute, but, clearly, other women of “disreputable character” were included. Another proclamation from 1352 forbade “the wearing of furs, silk-linings, &c., by women of bad character in the City.” A sexual connection can only be assumed here; yet, a similar proclamation from the 1380s is more specific: “...common harlots and all women of bad character shall wear rayed hoods and use no manner of fur, either “perreie” or “revers,” on pain of imprisonment and the forfeiture of the fur to the Sheriffs.”¹⁴¹ In this example, the connection to a woman’s sexual reputation is more clearly displayed, and the purpose of regulating for the purpose of identifying “common harlots and all women of bad character” is more pronounced, as they are not only forbidden from wearing fur, but also ordered to wear “rayed hoods.” Furthermore, it also seems likely that, by this time, the practice of identifying any woman who had a bad reputation within the community through sexual labeling was more pronounced than in the late thirteenth century since “brewsters, nurses, [and] other servants” were not distinguished in the later examples.

It must be acknowledged that while prostitutes were not ignored through regulations, the records fail to show that these regulations were actively enforced. However, both the regulation of dress and especially the regulation of brothels call into question McIntosh’s remark that “prostitutes seem to have been ignored unless they had done something else wrong too.” What may have been apparent within the context of

¹⁴⁰ *CLB: A*, folio 130 b.

¹⁴¹ *CLB: H*, folio cxxxix.

small communities does not apply to London as well. Furthermore, McIntosh did not seem to take Karras' argument into account—that any woman with a bad reputation was in danger of being regulated like someone who actually practiced prostitution; the issue of “being ignored” certainly did not apply to the independent women who were being labeled in a negative, sexual way. Women who had acquired a bad reputation within the community, whether they worked as prostitutes or not, clearly represented a nuisance to the community and were not “ignored” as such through labeling.

Curiously, though, it seems that while brothels were pushed out of the city, those who practiced prostitution were still allowed within the city as long as they adhered to the dress regulations and could clearly be “identified” as women who participated in this type of “negative” activity. However, while it seems as if imprisonment was reserved for the brothel-keepers—the “root” of the evil—this did not mean that they always escaped some sort of visual, public punishment in addition to imprisonment; punishment in the form of visual identification or humiliation was not reserved for prostitutes alone. The *Liber Albus* shows that, during the time of Richard II (1377-1399), any man or woman who was found to be a “common whoremonger or bawd” or a “common receiver of courtesans” had to have his or her head shaved in a specific fashion before standing on the pillory or thew¹⁴² for a specified period of time, depending on the number of times he or she had been an offender. For a woman, her hair was “to be cut round about her head,” and a man was required to have his head shaved “except a fringe on the head, two inches in breadth.”¹⁴³

¹⁴² A special pillory for women.

¹⁴³ *Liber Albus*, 394-395.

Brothels were seen as establishments that could lead to all sorts of trouble, and authorities did not want them corrupting the streets and neighborhoods of London and becoming nuisances by harboring criminals or anyone with a bad reputation.¹⁴⁴ Yet, the brothel-keepers and not prostitutes faced the harshest punishments; the practice of prostitution, albeit regulated, was still tolerated. As explained by Ruth Mazo Karras, officials did not eliminate brothels completely because the act of prostitution was justified as an outlet where men could find fleshly pleasure without corrupting respectable wives and daughters. It provided what was perceived as a necessary outlet for male tensions.¹⁴⁵ Prostitution, in this respect, was tolerated in late medieval London as a “necessary evil.”¹⁴⁶

If women of “bad character” showed up in the regulations, then it seems fair to state that women specifically were targeted by certain regulations in medieval London. Even if many women did not immediately fall under the category of a sexual deviant, they were still “regulated” in that, unlike men, the need to maintain a positive sexual reputation within the community was extremely important; it not only protected their identity as honest women, but it also kept them from falling under the umbrella of these regulations, which associated women with sexual deviance even further. After all, even though a man could acquire a negative label, he did not have to dress a certain way in order to identify himself as a vagrant wherever he went.

¹⁴⁴ Refer to the example on pages 68-69.

¹⁴⁵ Karras, *Common Women*, 32-33.

¹⁴⁶ *Ibid.*, 33.

Clearly, any woman with a bad reputation in late medieval London could have been labeled as a sexual deviant. However, as the next section will demonstrate, the specific labeling of “whore” or “vagrant” was not the only threat to the reputation of medieval Londoners. Insults and false accusations could come in a variety of other forms, and both men and women appeared in the records as victims and defamers.

Defamation and Reputation

Defamation could have easily harmed one’s reputation or led to physical harm. Deviant speech as a category, while clearly becoming synonymous with women at a later time or in a different location, was plausible for this period in London, but cannot be strongly supported with the existing evidence. More specific speech-related offenses, such as insults and threats, were what required controlling and what made deviant speech such a nuisance; even though a greater number of male perpetrators were recorded in the sources, these offenses involved both sexes. The possible harm that could come from such offenses, rather than connecting them to one gender or the other, was the focus of control.

In *Venomous Tongues: Speech and Gender in Late Medieval London*, Sandy Bardsley argued that scolding, gossiping, and other verbal offenses became intimately associated with women.¹⁴⁷ Gender, more than any other factor, determined the pattern for speech-related offenses, and this pattern developed over the course of the fourteenth

¹⁴⁷ Sandy Bardsley, *Venomous Tongues: Speech and Gender in Late Medieval London* (Philadelphia: University of Pennsylvania Press, 2006), 151.

and fifteenth centuries. As she explained: “By the fifteenth century, women were to words as geese were to excrement. Women were gossips and chatterers, scolds and shrews, and gossipy or scolding men were like women.”¹⁴⁸ Instead of being viewed as a scold or a nag, a man who was found guilty of employing disorderly speech was either accused of being effeminate, as explained in the quote above, or the offense was simply explained with a more masculine descriptor, such as “rebelliousness” or “contempt,” to use Bardsley’s examples.¹⁴⁹ Although she never appears to have acknowledged the possibility that women were indeed guilty of a greater amount of disorderly speech beyond the stereotypes, she convincingly argued that they were at least viewed as the greater nuisance when it came to speech. Late-medieval English society paired deviant speech with women. Yet, as far as the reasoning behind this trend is concerned, Bardsley simply discussed it in terms of gender tensions. The aim of her book was to discuss scolding “on its own terms” as it related to deviant speech and not as something that developed as a by-product of a much larger picture, such as Maryanne Kowaleski’s explanation of the increase in scolding prosecutions following the Black Death as a result of a newfound resentment among male workers who experienced post-plague competition from their female counterparts.¹⁵⁰

Bardsley used secular and ecclesiastical sources from the whole of England for her research; when secular London is set apart from other communities, it becomes more challenging to extract such a decisive argument for deviant speech and gender from the

¹⁴⁸ Ibid., 25.

¹⁴⁹ Ibid., 6.

¹⁵⁰ Ibid., 8, 13; here, Bardsley cited a forthcoming work by Maryanne Kowaleski, entitled “Gossip, Gender, and the Economy: The Origins of Scolding Indictments in Medieval England.”

records. This discrepancy could simply be due to a difference in the source material available for London; as explained in the introductory chapter, there appears to have been a shift in the types of cases recorded in the *Plea and Memoranda Rolls* during the end of the fourteenth and the beginning of the fifteenth century, which may have excluded future occurrences of deviant speech. In the *Liber Albus*, one mention of “scolds” from the late fourteenth century does not single out either women or deviant speech: “Item, if any man or woman shall be attained of being a brawler or scold, let such person be taken unto the thew...and be set thereon for a certain time, at the discretion of the Mayor and Aldermen.”¹⁵¹ One could make the argument that the “man” referred to “brawler” and the “woman” referred to scold, but this case from 1364 indicates that the terms “brawler” and “scold” may have been commonly used together as a single legal term, and thus may have applied to both the man and the woman in the above example: “John Cotyller and Joan his wife, John Irlond and Agnes his wife, and Isabel Hemyng were charged with creating a disturbance. A jury found them guilty and added further that the women were common scolds and brawlers. They were committed to Newgate.”¹⁵²

Furthermore, for the example from 1364, the original Latin word for “scold” was included with the English translation: “garulatores.” According to Bardsley’s research:

When scolding was mentioned in documents written in Latin, the noun for “scold” was typically feminine. The terms...”*garulatrix*”...and the like mean...not merely “scold” but “female scold.” In the context of a court session, one might understand that the term used was gendered female

¹⁵¹ *Liber Albus*, 395-396.

¹⁵² *PMR*, Roll A 9.

when a women was presented and (almost always) gendered male when a male was presented—hence “*garulatrix*” became “*garulator*”...But what is interesting is that the generic masculine form of the noun was seldom used when scolds were discussed in the abstract or en masse.¹⁵³

According to her findings, the use of the masculine form “*garulatores*” *at most* referred to both men and women as a group and not *only* women, so any feminization of the word does not appear to have been used in London’s records by 1364. Unfortunately, Bardsley did not give a specific time frame for the feminization of the Latin words used for deviant speech. By the late-fifteenth century, the transformation appears complete, but she does not indicate if her research of various English communities showed a transformation to the feminine forms prior to the fifteenth century, let alone prior to 1364, in which case it might have been a later development in London. Furthermore, while it is true that her analysis of the Latin comes from documents other than court records, her findings for the secular courts from 1350-1399 showed that women were prosecuted as scolds ninety-four percent of the time. Were masculine forms of the Latin terms still used in many of these cases during this time period, despite the obvious discrepancy toward women? It is unfortunate that she did not answer this question in her analysis. With the overwhelming instances of female scolds, it seems unusual that the female forms would not have been adopted for the court records as well. Without this additional evidence for comparison, as well as the Latin forms of these terms from fifteenth century London records, the degree of feminization of these words in London cannot be determined.

¹⁵³ Bardsley, *Venomous Tongues*, 88.

While the issue of gender and the use of deviant speech is not particularly clear-cut in the records for London, one factor remains: there does not appear to be convincing evidence that men alone were ever accused of *being* speech offenders, even though on many instances they were accused of *using* inappropriate speech. Since there are so few examples of women accused of being speech offenders, the issue of the feminization of scolding in London still remains far from conclusive. Women frequently appear in these records for other offenses, so an overwhelming masculine presence does not seem to be the issue. If women's speech was a concern, regulations similar to those focusing on women's dress, nightwalking, keeping the peace, and the like might have been recorded. Nevertheless, a slight deviation toward this trend does at least seem plausible: "Alice Shether charged before the Mayor with being a common scold...she is condemned to the pillory called 'le Thewe,' ordained for women, for one hour (1375)."¹⁵⁴

"Scolds" and labels aside, both women and men were indeed guilty of using deviant speech, typically in the form of threats or insults. These offenses did not merely annoy people. Insults and threats needed to be controlled due to their potential harm, either directed at someone's reputation or their physical well-being. This aspect of deviant speech, more so than any discernable pattern between gender and speech, was the primary reason for controlling speech in late medieval London.

Whether it was insulting another citizen, spreading bad rumors, or threatening city officials, numerous vocal violations from both sexes can be cited from the records for medieval London. Although more men appear in the records for these offenses, women certainly were not excluded. For example: "Stephen Page...was attached...to answer a

¹⁵⁴ *CLB: H*, folio xxi.

charge of having abused the jury of the Sheriffs' Court, which found a verdict against him in a plea of covenant, by shouting out, as he went through St Laurence Lane, Cheap and Coleman Street, that the jurors were liars. A jury drawn from those streets found him guilty," and according to a record from 1364, "Beatrice Langbourne was committed to the custody of the Sheriffs for calling Simon de Worstede, Alderman, a false thief and a broken-down old yokel, when he arrested her for throwing filth in the street."¹⁵⁵ Not only does this record illustrate an environmental violation committed by a woman, but also an unacceptable use of speech. As in the previous record with Stephen Page, her insults became a separate concern apart from the original offense.

Insults and threats were the two main types of verbal offences. An insult could have represented a false accusation, which either could have led to a false conviction or could have simply "scarred" a person's reputation. If the offender attacked the victims' reputation, this could have affected someone's business—someone's livelihood— or simply built up a rumor that could have become synonymous with the person's (or the city's) name: "Richard Leukenore...was mainprised to keep the peace and not to use shameful, indecent or evil words to any stranger or freeman whereby the city of London might be defamed."¹⁵⁶ The attachment of labels such as "common evildoer" or "thief" could follow a person long past a particular crime, even if the accusation was unwarranted. In this example from 1382, a woman's reputation was attacked by way of a false accusation, and the punishment for the offender focused on restoring the reputation of his victim: "Robert Berewold condemned to the pillory for having...falsely accused

¹⁵⁵ *PMR*, Roll A 10 (i).

¹⁵⁶ *Ibid.*, Roll A 26.

Johanna Wolsy of having stolen a mazer cup from the house of Matilda de Eye...at the instigation of Alan “waterberere,” who was ordered to make public confession of having defamed the said Johanna.”¹⁵⁷

Aside from damaging one’s reputation, another way insults were perceived as harmful was that they could lead to more direct violence: “...A jury found him not guilty of an affray, but said that he had struck a certain Henry de Asshendon, tiler, under the jaw because the latter used abusive words to him....”¹⁵⁸ In this next example, a preventive measure was taken: “William Spaldyng, tailor, was brought before the Mayor and Aldermen...for speaking evil and shameful words against Robert Croule, tawyer, whence discord might have arisen between the two misteries of Tailors and Tawyers.”¹⁵⁹

Threats, for obvious reasons, created alarm, and were usually associated with an actual crime. For instance: “Nicholas de Bokhirst brought a bill of complaint to the Mayor setting forth that he had been a juror in the recent inquest...and that Andrew Turk and others had threatened to kill him with a dagger, if he dared to indict any one...” and “Nicholas Stoke...detained in prison for a year on a charge of violent behavior and for having threatened to burn divers houses....”¹⁶⁰ Yet, on many other occasions, there was no obvious crime to tie to a particular threat, and, without any additional evidence, it became even more difficult to distinguish between a legitimate threat made by one person and a false accusation made by another. The line between making a threat, spreading a

¹⁵⁷ *CLB: H*, folio clv.

¹⁵⁸ *PMR*, Roll A 3.

¹⁵⁹ *Ibid.*, Roll A 26.

¹⁶⁰ *Ibid.*, Roll A 4 and Roll A 26.

false rumor, and making a legitimate accusation, could easily have become muddled, and the guilty party might have been determined solely from the social positions of those involved. In this relevant example from 1339, a certain Gerard Corp accused Henry Darcy, the previous mayor, of spreading false rumors about him, but was himself found guilty of threatening the former mayor and spreading a false rumor:

Gerard Corp...used opprobrious words to Henry Darcy, saying that the latter had called him an evildoer and a riffler, and that these words would cost Henry Darcy dearer than any words which had been spoken in the City for twenty years; and he went on to say that he could produce twenty witnesses to prove that he never had been a riffler. On hearing these threats, the [current] Mayor, Aldermen and Commonalty committed Gerard Corp to Newgate. On the Wednesday following he appeared before the Mayor etc. and apologized to the above Henry. He was bound over in forty casks of wine for his good behavior towards him and the other officers of the City, and was mainprised by twelve persons to keep the peace.¹⁶¹

In this case, Gerard may have been the guilty party simply because he had used a “threat” as opposed to starting a rumor. However, because he had verbally attacked one of the “officers of the city,” the former mayor’s social rank might also have been to blame for Gerard’s predicament. Despite his claim to have been able to produce “twenty witnesses” to prove that the former mayor had violated his reputation, Gerard’s proposal appears to have been ignored in favor of respecting an authority figure. Although Henry

¹⁶¹ Ibid., Roll A 3.

Darcy was the former mayor at the time of this case, the current city officials still referred to him as an officer of the city. In these examples, the issue of authority was more clearly addressed: “Nicholas Bethewar...was committed to prison for opprobrious words spoken to the Mayor in court...(1365),” “John Croydon...committed to prison for using opprobrious words to the Mayor in the market within Newgate...(1370),” and “Gilbert Daventre...brought before the Mayor and Aldermen for having spoken opprobrious words about John Chichestre, Alderman and late Mayor, to the scandal of the same John and of all citizens, who are bound to honour, as far as possible, their superiors and their Aldermen, especially those who have been Mayors (1375).”¹⁶²

Clearly and logically, insults and threats, when directed at authority figures, could have gotten the offender into trouble more easily, whether a guilty conviction came more quickly or the punishment was made more severe. However, the records have also clearly shown that disruptive speech, whether aimed at authority figures or not, was a punishable offense. Defined more specifically as insults and threats, disruptive speech included both men and women as victims and perpetrators. The offense itself was not an abstract concept—something that simply generated annoyance and discord within the community. Disruptive (or deviant) speech was almost always more specifically defined and distinguished. An insult was not the same as a threat. The potential—or obvious—harm that insults and threats caused was the focus of controlling speech during this period in London. While a deeper gender issue may have been probable, there is not enough evidence from this period in London’s history to claim with confidence that there was a significant bias toward women or a significant legal category for women as the sex that

¹⁶² Ibid., Roll A 10 (ii), Roll A 16, and Roll A 20.

became representative of deviant speech as a whole. More evidence suggests that one's identity as an authority figure mattered much more than gender when it came to determining the guilty party in defamation cases.

Conclusion

Within the community of late medieval London, reputation and identity were extremely valuable for both men and women alike. Through regulations that focused on nightwalking, common women, bawds, or scolds, city officials both targeted those who already had a negative reputation within the community—as defined by both the citizens and authorities—and scarred one's identity with a specific offense. Furthermore, men and women who had acquired bad reputations within the community were commonly distinguished as male vagrants and female whores.

Attaching a negative label to someone that was easily spread and not so easily forgotten could permanently sour his or her reputation within the community, perhaps adding to the punishment of any future crimes. As explained in the last section, insults or false rumors were punishable offenses due to the harm that they could bring to one's reputation; it is logical to assume that this fear of spoiling one's reputation also deterred behavior that would attract negative labels, such as “nightwalker,” “evil-doer,” and the like, and thus helped the community control nuisance. In other words, defamation itself represented a nuisance as a threat to someone's reputation, but verbal labeling could also have helped the community as a whole control unwanted nuisances by both deterring

behavior that would have attracted negative labels and by helping the community keep track of those they perceived as nuisances.

CONCLUSION

The effects of the plague had a significant impact on how the perception of nuisance evolved after the mid-fourteenth century, such as pairing begging with vagrancy. Yet, efforts at controlling nuisance in medieval London, like social regulation as a whole, began well before the influence of the Black Death in the mid-fourteenth century. Although the social upheaval caused by the Black Death, including a new fear of disease, likely spawned additional regulations or a tightening of existing regulations, the history of social regulation must begin sooner. This study extends McIntosh's argument that social regulation began prior to protestant influences by demonstrating that the history of social regulation can easily be extended further back than her start date of 1370.

Furthermore, after examining the secular municipal records for late-medieval London for the fourteenth and early fifteenth centuries, controlling nuisance most significantly illustrated how the community of London defined itself in this period. By defining nuisance—by defining what bothered them—they defined the concerns of the community.

The community of London was made up of a community of merchants and craftsmen, including those who became city officials, and the concerns of this group—this social class—dictated the regulations that focused on controlling nuisance. Moreover, the concerns of this community reflected its crowded urban setting. In terms

of space, the examination of the most popular nuisances has revealed that one's private, personal space within the community represented a valuable sanctuary that needed to be closely guarded. A citizen's private space was the only way to find privacy within the hectic, crowded atmosphere of London; as a result, citizens frequently took advantage of the regulations for wall and window height and complained when their privacy was threatened.

Furthermore, the citizens of London guarded their private spaces against the physical threats posed by neighbors who violated building and boundary regulations such as building their chimneys too close to neighboring properties, allowing water to run off of their property onto a neighbor's, and building cesspools too close to a neighbor's wall. Even though, in this regard, neighbors and neighboring properties were the biggest threats to one's private space and seemed to represent the most common nuisances, other types of nuisances commonly occurred on the public stage. Many of these nuisances, such as keeping the city's streets clean and free from obstructions, seemed to be official matters that concerned the city officials and the king more than the citizens themselves, at least as far as the records reveal. When the citizens complained about public nuisances, they either posed a threat to their personal well-being or their private spaces. An unpleasant and harmful odor, while originating in public space, could have easily penetrated one's private space and become a nuisance. While further demonstrating that the citizens of London valued their private spaces, the environmental nuisances of London also revealed that a clear distinction existed between public and private space.

In terms of people, London's large population of merchants led to a more official approach to orphan care than that of England's rural communities. The city officials

ensured that the orphans of free citizens received proper care, protection, and guidance, and while Hanawalt cited the nurturing nature of London's officials as the primary motive for caring for orphans, the status of these orphans as the children of merchant citizens only calls this seemingly pure motive into question. Another motive that must be considered is that the city officials, as members of the community of merchants, desired to keep these orphans within the community. By protecting their inheritances and keeping them from falling through the cracks, they protected the city from the additional nuisances it might have faced from more vagrants and delinquents.

Certain groups, such as vagrants and brothel-keepers, had been defined as nuisances by the community. The authorities excluded brothels from the city because they were perceived as a both nuisances and bad influences to the neighborhoods that they occupied, frequently becoming associated with criminal activity. Additionally, certain nuisances could possibly be described as "male" and "female" nuisances; men with bad reputations frequently became associated with vagrancy, while women who had negative reputations within the community were in danger of being labeled as sexual deviants. Due to the effects of the Black Death, illegitimate begging was added to nightwalking as part of the nuisance of vagrancy. Regulations aimed at controlling both types of nuisance only seemed to have been violated by men, or at least men were the only ones cited in the records as having broken these regulations and having received the negative label of "nightwalker." However, certain regulations targeted women directly, such as those focusing on regulating the dress of women of bad character, such as servants, prostitutes, and any other woman who acquired the reputation of a whore either by living as an independent woman or by deviating from social norms in other ways.

Regarding defamation, while some evidence suggests that deviant speech may have been more of a female nuisance, the cases that focused on insults and threats clearly involved both sexes. These cases clearly demonstrate that the community valued their personal reputations, that one's personal reputation within the community could have easily become tarnished, and that the community defined and valued identity as it was connected to one's authority and positive reputation within the community.

Although the king controlled nuisance in London to a certain extent through proclamations and regulations that focused on the well-being of the city and the citizens therein, such as the *Assize of Buildings*, the community of London represented the key to defining and controlling nuisance within the city. In the form of merchants, craftsmen, and city officials, the community experienced the nuisances of London on a daily basis and regularly took action to keep them under control. While the city officials often acted for the good of the entire community, the individual citizens usually acted out of self-interest, seeking to protect their health, their safety, their reputations, and their personal spaces from any nuisance that might arise from London life.

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