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Katherine E. Wilson

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The York Cycle and the Law

Katherine E. Wilson, PhD

Stephen K. Wright, PhD

The York Cycle Passion sequence yields numerous references to fifteenth-century laws and the practice of law. The trial of Jesus is conducted using the language of contemporary English trials, and during the trial, Jesus is accused of such fifteenth-century crimes as witchcraft, defamation, preaching without a license, and high treason. Many scholars have studied the trial and Passion sequence, noting the references to contemporary law practice and debating how Jesus’ trial follows or flouts the justice system. What has not yet been discussed thoroughly is the pervasive reference to law and law-breaking throughout the cycle as a whole. Throughout the Old Testament plays and the New Testament plays that precede the Passion sequence, characters are accused of English crimes from scolding to adultery to high treason. Furthermore, these crimes cut across jurisdictional boundaries, including deeds that would be tried before ecclesiastical courts, local law courts, and royal justices.

This dissertation examines not only the trial and Passion sequence but also focuses on the more neglected legal aspects of the earlier plays. As stated above, the crimes described encompass many jurisdictions; what they also include is a genuine cross-section of contemporary English society. Peasant farmers (Adam and Eve) break their promise to their lord, middle-class wives scold their husbands (Noah and his wife), and Jesus, who is often depicted as royal, especially in “The Entry into Jerusalem,” is put to death for crimes against
the state. What seems true in all cases is that when God is involved directly in judgment, innocent parties are exonerated; however, when earthly justice comes into play, judgment is no longer impartial, fair, or correct. Attention to the many nuances of laws, judges, jurisdictions, and legal practices can profoundly alter our understanding of the York Cycle and its legal contexts.
This dissertation by Katherine E. Wilson fulfills the dissertation requirement for the doctoral degree in English approved by Stephen K. Wright as Director, and by Michael Mack, PhD, and Daniel Gibbons, PhD as Readers.

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Stephen K. Wright, PhD, Director

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Michael Mack, PhD, Reader

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Daniel Gibbons, PhD, Reader
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The York Cycle and the Law

Kate Wilson

Introduction

What might a visitor to York, or indeed a York citizen, have witnessed, should he have been in the city on Corpus Christi day between the years of 1376 and 1569? On this moveable spring feast\(^1\), he would probably have had his choice of celebratory processions to observe: on Corpus Christi Day itself, the York Minster staged a procession, as did the Abbey of St. Mary (Cowling 5-6). But he was probably coming to see the huge civic procession that circled through the streets of York, the procession that at times in its history began in the wee hours of the morning and preceded a series of guild-sponsored pageants that traced human history from creation to the day of judgment, known today as the York Cycle. Of course, what he saw would change subtly, and occasionally rather drastically, depending on the year. But what he could not see—the “backstage dramas”—were as important to the life of the procession and pageants as anything on display. The backstage drama of particular interest in this dissertation is the influence of contemporary law and justice on the procession and the pageants.

The inspiration for beginning this dissertation with a description of the Corpus Christi procession comes from Robert Darnton’s “A Bourgeois Puts His World in Order: the City as a Text,” in which he translates a 1768 description of Montpellier as a “procession generale” (116), a “statement unfurled in the streets through which the city represents itself to itself” (120). Darnton’s aim in his description is to draw attention to the “complexities and

\(^1\) Corpus Christi occurred on a Thursday between May 23 and June 24
contradictions” (121) inherent in this, or any, procession; he argues that processions both reveal social status and power and attempt to mask contemporary reality, such groups that were no longer truly powerful that retain their position of prominence, and the role of “non-paraders” who “inflected the perceptions of the onlookers” (122). Darnton observes that a procession “could not be taken literally as a model of society because it exaggerated some elements and neglected others” (122). In other words, a spectator at a Corpus Christi procession would gain some insights into the power structure of the town, but just as much might be hidden from him. This dissertation aims to scrutinize this experience of the spectator, especially the York spectator who would have seen the procession and pageants many times in his or her lifetime, and expose what else these civic ceremonies might have meant, beyond simply a display of town power or a pious or didactic religious experience. What would he have “seen”? What was “hidden”?

So, to return to our spectator, what he first saw were torches, the lights carried by the guildsmen at the front of the procession. If it was before 1468, these torches were the most dramatic light source, since in these years the procession gathered between 4 and 5am: “at the mydhowre betwix iiiith & vth of the cloke in the morning” (REED i, 25). The porters (8 torches) and cobblers (4) walked first with their twelve combined torches, followed by the weavers’ servants (4) and the cordwainers (14 torches, the greatest number for a single guild) from the right. After that would enter the fullers (4), cutlers (2), girdlers (?), chaloners (4), carpenters (6) and tailors (?) from the “other side” (REED ii, 709). This order is from 1415; by 1501, our viewer might have seen a much larger procession of guildsmen, including the addition of ropers, glovers, butchers, bakers, smiths, coverlet-weavers, fishmongers, fishers,
an and mariners (REED i, 186). These guildsmen parading through the streets of York were perhaps wearing blue or grey clothing, as other important civic processionals (such as the 1483 royal entry of Richard III) required that “servauntz shalbe in blew” and “all odir persons of euery occupacion in blew viable & Musterdivyles [grey woollen cloth]” (REED i, 130).  

After the guildsmen passed by, the town elite came into view, also carrying torches—the mayor, the twelve aldermen, the twenty-four members of the city council, and the Corpus Christi Guild members, all marching “processionally in the age-old order” (Johnston, “The Guild of Corpus Christi” 376; REED II, 701). The “onest Men of the Cite” (REED I, 130) might have been dressed in scarlet, an expensive and restricted color reserved for the important citizens such as mayors, aldermen, and councilors, and the new “norm” in dress for York ceremonials (Murphy 254; REED i, 130). The Corpus Christi Guild marchers, who also walked toward the end of the procession, were numerous: “every rector and perpetual vicar of the said city of York and any chaplain of the same city (who is a) secular brother of the said fraternity be present in the said procession and march personally in it” and “dressed in a proper surplice” (REED ii, 780). At the head of the delegation, the Corpus Christi master, alongside two former masters, “dressed in a silken cope, shall take his place as the principal presiding officer. We know a bit more about these silk copes from the 1465 guild inventory. They were “7 stomes made anew, arranged for this purpose: that they might be worthy to be

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2 The dress described here and in the next paragraph is from a royal entry rather than a Corpus Christi procession. It is not unreasonable, however, to imagine that another very important civic procession would have similar sartorial demands. As will be described in later chapters, the Corpus Christi procession and royal entries had much in common.
worn suitably over the shoulders of the master and of the 6 wardens of the fraternity in the solemn procession of Corpus Christi” (REED ii, 859-60). He was accompanied by six wardens who wore “silk stoles on their necks to distinguish them from their other brothers and for the reverence of the abovesaid body of Christ” (REED ii, 780). The six wardens surrounded the Host as guardians, walking “decently and reverently” (780). In other words, our viewer was treated to a truly grand spectacle—a highly organized, tightly controlled gathering where even the number of torchlights and colors of clothing were prescribed and yet also somehow natural or inevitable: as Darnton would put it, a city representing itself to itself (and to others).

What else did the rear of the procession bring? The six wardens, in addition to their stoles, carried white rods to help manage the crowd. And “those who know how to sing better” walked “near those who wear silken copes in the middle of the procession, singing devout praises with them to the most glorious body of Christ, to the best of their ability” (REED ii, 780). Indeed, the procession would have engaged not just the eyes of our spectator, but also his ears. At the very end of the procession was the shrine bearing the Host, escorted in the front and at the four corners by these wand-wielding wardens. If our spectator was in the audience before 1449, he would have seen a shrine that was “a simple affair of carved wood (figneum sculptum) ornamented with gold and silver” (Johnston, “The Guild of Corpus Christi” 378). But in 1449 Bishop Spofford of Herefordshire (and also a Corpus Christi Guild member) gave a new shrine to the Guild, one that was significantly more elaborate and impressive (378). The 1449-51 Corpus Christi Guild inventory includes the following description of the expenses associated with the new silver shrine, which had
1 jewel, silvered and gilded, called the brooch, set at the top of the bell tower. Item, on roofing and covering of the 4 parts of the same shrine, called izles or roofs, gilded with silver, together with the ornamenting and beautification of the northern side of the same shrine with gold and silver chains and rings. (REED ii, 853)

Eight men, with white cushions to protect their shoulders, carried a gilt bier that supported this miniature silver castle (REED ii, 860). The 1465 Guild inventory includes many other items to be carried through the streets of York during the procession:

4 images of the evangelists and 16 angels newly painted with shields and rolls . . . 2 crystals for supporting the said bier and shrine . . and 2 small pieces of buckram cloth embroidered with gilt chalices for the said bier, and 1 square wooden canopy and 4 poles . . . . And a piece of cloth embroidered with the image of the most high Trinity . . . and 4 pieces of blue drapery with chalice and gilt stars. (REED ii, 860-61)

Even the torches carried by marching Guild members were decorated with painted banners (REED ii, 771). The Host itself was in a “great and concave crystal called a monstrance” (REED ii, 856). Our York visitor must truly have been awed.

If he had followed along with the procession (if such a thing would even have been possible in the throng), he would have been led from the gates of Holy Trinity to Micklegate, past St. John’s Church, across Ouse Bridge, past the city jails on Coney Street at Castlegate (Beckwith, “Ritual, Theater and Social Space”), past the Chapel of St. William (where the shrine was stored when not in use and where the city council chamber was), by the Guildhall (after 1445), and eventually to the York Minster Gates. From the Minster, the procession
turned and ended at St. Leonard’s Hospital, where the Host was deposited. If the year was before 1468, the civic procession would have been followed by a massive series of short “pageants” that dramatized salvation history from creation to doom. These pageants were played by the York guilds, with different guilds responsible for each pageant (although not every guild had a pageant). They were staged on wagons that were pulled through the streets in a path that matched the procession until the point of the Minster, then continued to the right (instead of bearing to the left for St. Leonard’s) and ended at the Pavement, the site of public gatherings, a large market—and public punishments. The wagons stopped at a number of prearranged locations, where some lucky spectators viewed them from rented scaffolds. If instead our spectator was in York after 1468 (and certainly by 1476), he would have seen the play on Corpus Christi Day itself and the procession the following day.

What would this fantastic scene have “shown” to a viewer? What would have remained hidden? Corpus Christi celebrations were a huge civic and religious ceremonial, a massive undertaking for the honor of God and worship of the city. The procession displayed York society—who was most important and the relative importance of certain groups. And it purported to display these groups in harmony, all marching in the “age-old order.” What a spectator would have known was that the order of a procession had everything to do with rank and power; those at the head represented the least powerful guilds in the town. Our spectator could see by their placement that the cobblers and porters were small, poor and politically weak guilds. The end of the parade was the place of the most “worship” or honor,

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3 For more detailed information about the procession and play route, see Eileen White, “Places to Hear the Play: The Performance of the Corpus Christi Play at York.”
reserved for the town governing elite (mostly merchants) and the Corpus Christi members, with the shrine and Host at the rear in the place of greatest respect. In the middle marched those guilds who fell somewhere in between. Perhaps our viewer might have wondered a bit that the cordwainers, who marched with the greatest number of torches, did not hold a place of greater honor. Furthermore, the elaborate dress that so impressed the spectators was also a barrier—a visible reminder of those who participated and those who looked in from the outside.

But there was much that a visitor could not see as well. While the procession might at first seem inclusive, since many guilds were represented, plus the town elite and members of the important Corpus Christi Guild, a large part of the town was, of course excluded: women (the procession was all-male), those without the franchise of the city who would not have been considered full citizens and could not fully engage in civic life, and any foreigners or “strangers” to the city. York spectators would also have known that the seemingly stable hierarchy was anything but. Individual pageants periodically changed hands as guilds fell on hard economic times.

The procession was also the locus where invisible fissures in the town suddenly—and sometimes mysteriously—became very visible challenges to authority; indeed, a spectator in 1420 might have wondered if the procession would degenerate into violence the way it did in 1419, when the cordwainers and carpenters came armed with staves and Carlisle axes and attacked the carpenters, dragging down their torches and committing “other enormities to the grave disturbance of the king’s peace and to the hindrance of the play and procession of Corpus Christi” (REED ii, 718). If our spectator had attended the procession in 1475, he
would perhaps have seen John Smyth, a cordwainer officer-holder called a searcher (he was also a stationholder this year, meaning he rented one of the stops along the play route), marching to the right of the weavers, while at the end of the procession was alderman Thomas Wrangwissh. But by 1476, the now-Mayor Wrangwissh and his council moved the cordwainers to the left of the weavers, a loss of prestige that caused significant trouble in York off and on from 1482 to 1493 (see Chapter One). Several cordwainers were jailed—including John Smyth—and even the king was drawn into the fray. Perhaps the guild that carried the most torches of any of the participating guilds was not so willing to accept the place assigned to them in the town hierarchy.

What also could not be seen easily by contemporary spectators was how caught up the procession and play were in town ordinances and legal mechanisms. The rules for where the pageant wagons were to stop were inscribed in civic documents alongside other local laws. When pageants were transferred, guild members needed to appear in court before mayor and council. The banners and rushes throughout York were legislated—citizens had to display them or they faced potential legal troubles. In fact, a tremendous amount of energy and legislation surrounded the production of the procession and plays, none of which would have been accessible to the typical viewer.

When a modern reader studies the texts or sees the York pageants performed, she also is caught between the visible and invisible. The plays are Biblical in subject, of course, with intriguing contemporary anachronisms throughout, especially in the Passion sequence where Christ’s trial takes place in a variety of fifteenth-century courtrooms. In this dissertation, I argue that in fact much of the material in the York cycle explores concerns about judgment
and justice, featuring a variety of law courts familiar to those who organized, policed, and put on the pageants and to spectators who watched them for hundreds of years. The fifteenth-century justice that is more obvious in the Passion sequence may be less visible in other pageants, but it can be revealed by placing the pageants in the context of local, canon and civil law. In Chapter One, I examine the Corpus Christi procession in detail and its enmeshment in York legal structures. In Chapter Two, I explore the influence of the law on the pageants before the Passion sequence, an area previously rather lightly treated by scholarship. These earlier plays grapple with a variety of crimes, including defamation, sumptuary laws, prostitution, and scolding. Chapter Three looks at the Passion sequence, Harrowing of Hell, and the Last Judgment and the relationship of these pageants to contemporary law, especially laws governing the trial, conviction and execution of traitors. In all of the chapters, I argue for how a York spectator might have viewed these pageants—how the crimes and punishments dramatized would have resonated with viewers who might have experienced similar events in their own or their neighbors’ lives. I have in most cases kept my focus tightly on York, tensing the play texts against texts such as the House Books, the A/Y Memorandum Book and other civic documents, and local ecclesiastical records; I also discuss the plays in light of English statute law.

So, what would it mean to a female spectator to see Mary accused of adultery? Or a local prostitute to stand at a station located near the “red light district” of York as “The Woman Taken in Adultery” was played? And what might a spectator have thought as the procession and plays marched below the severed heads and pickled bodies of traitors executed and put on public display?
Chapter One: The Law, Justice, and the Corpus Christi

Procession Reconsidered

Many critics have commented on the appearances, use, and abuse of the law in the York Cycle, with much of the attention focusing on the trials of Christ and the injustice leading to his execution. In fact, the plays are very legalistic in nature—not simply the subject matter of the pageants themselves but the sheer amount of time and energy York’s mayors, through the use of the mayor’s court, spent on managing the Corpus Christi procession and plays; maintaining control over the plays and the guilds who produced them was an ongoing struggle throughout the history of the York Cycle, and one that was closely tied to legal structures in York, including town and guild ordinances, the keeping of the peace, and the city courts (sometimes augmented by royal authority). The York Corpus Christi procession and plays were enmeshed in all levels of legal jurisdictions in York. While ostensibly administrated by the York civic authorities, there is much evidence that this control could and did falter throughout the time period of the plays. If the purpose of law is to control violence and civil unrest, there is evidence that it was a problematic control in the case of the Corpus Christi celebrations.

In this chapter, I will first examine the plays as a part of the rather complicated legal system at work in York during the period of the plays. In the next section, I consider the Corpus Christi procession. The procession, and especially the frequent fifteenth-century struggles of the cordwainers over the bearing (or more accurately, non-bearing) of torches, have received considerable attention, especially from scholars wishing to complicate or even
refute the notion that Corpus Christi celebrations promoted civic unity. In fact, the situation is probably even more complicated; while the cordwainers provide the most spectacular and well-documented example of resistance to the power of York’s ruling elite, they were by no means alone.

Anyone living in York in the late middle ages would have been subject to multiple, and sometimes competing or even conflicting, legal systems. First, York citizens were, of course, subject to the laws of the realm. Separate from the laws of the realm was canon law, or the international law of the church. Furthermore, York’s unique position as a county created another layer of courts run by the mayor. Miller notes that the city was “a honeycomb of other franchises,” with St. Mary’s, St. Leonard’s, and other jurisdictions functioning outside the control of the mayor’s courts (38). Depending on who one was (ordinary citizen or clergyman), where one lived, and what crime was committed, different courts controlled one’s life and behavior. Guild members also fell under the control of guild ordinances, the rules which were inscribed in the York Memorandum Book and which governed the various crafts. Violators of these ordinances were generally tried by the mayor’s court, except in extraordinary circumstances.

The law (especially the experience of injustice) and access to the law is inextricably tied to guild life, both craft and religious. For example, the 1388-9 Pater Noster Guild return4 indicates that one of their goals was to assist brothers with legal problems: “If by chance any one of these brothers be robbed, or their goods or chattels accidentally burned, or they be

4The guild produced the Pater Noster Play until 1446; afterwards it was produced by St. Anthony’s Guild; eventually the guilds were dissolved, and the plays passed into city hands (REED i, xvi). For more information, see Alexandra Johnston, “The Plays of the Religious Guilds of York: The Creed Play and the Pater Noster Play.” Speculum 50 (1975): 55-90.
incarcerated for an unjust reason . . . then the rest of his brothers devise charity for him immediately” (REED ii, 864). This would indicate that guild members had at least some concern for abuse at the hands of the law and those in charge of administering it, and unjust incarceration was perceived as a problem.

It would also seem that guild members were in need of regulation and perhaps not above abusing the law themselves. The Pater Noster guild sought to regulate frivolous lawsuits: “it is forbidden for any brother to be so confident of help from the brotherhood that he boldly enters into litigation or fighting, or maintains some unjust cause, under pain of losing all aid and friendship or succour from the aforesaid fraternity” (864). The document also contains the pledge that members of the fraternity will not “be rebellious or resist against our ordinances or those of [their] successors” (865). In other words, the reverse of unjust punishment is inflicting injustice on others, or, potentially breaking the king’s peace by rebelling against lawful guild ordinances. In fact, there is much evidence that the guilds, at least the craft guilds, were quite contentious; Palliser notes that annual and quarterly guild meetings “could be disorderly,” leading to “penalties laid down for brawling and bad language,” and fines for “calling . . . colleagues ‘knave, slave, villayne or anye evill words” (Palliser 95). Clearly, the guilds needed both protection from the law and from each other.

Even the play texts themselves have something of the quality of a legal document. Like the various laws enacted—local ordinances, guild ordinances, punishment of criminals, and so on—elements of the play were on file with the city of York. In describing the guild business meetings, Palliser notes that the purpose was to “agree on draft regulations or ordinances for their government and protection, which they then submitted to the corporation. The corporation
would, if they approved, ratify them with or without amendment, and enter a copy into their own records [the Memorandum Book], while giving another copy to the guild, who entered it into their own “ordinary” or “ordinal,” a book in which all their earlier regulations had been committed” (Palliser 96). Included in the ordinances were “regulations relating to the coming Corpus Christi festival and listing the penalties for disobedience” (Weissengruber 128). In the same Memorandum Book which contained the guild ordinances is the 1415 *Ordo Paginarum*, an early official list of the pageants and the guilds responsible for them. As Beadle notes, this document is “enshrined in the city’s principal register of its official instruments,” inscribed by town clerk Roger Burton in 1415 (Beadle 95). Just as laws and ordinances were written in the city’s Memorandum Book, so too was the list of the Corpus Christi plays, which included the sponsoring guild and a brief description of the pageant’s content. Furthermore, Jeremy Goldberg states that “the crafts that are associated with gild ordinances in the Memorandum Book are precisely those crafts associated with pageant productions” (Goldberg 153). In other words, York laws, guild ordinances, and play descriptions can all be found cheek by jowl in one of the major administrative documents of the period. The inclusion of the pageant list here ties them to York laws and administration of justice.

The one complete surviving copy of the cycle, the “register,” was also compiled by civic authorities between 1463 and 1477 (Beadle 90), and actors and guilds were expected to adhere to the official texts. As Beadle notes, the manuscript had “official status” in York, and was written by collecting and transcribing copies of the guild originals (individual play texts). While the impetus for this collection is unknown, Beadle notes that it came at a time when the cycle was displacing the procession and when the city was already establishing an “official vetting
procedure for the cycle” (90): “iiglii of [THE] moste connyng, discrete and able players within
[THIS] Citie to serche, here and examen al [THE] plaiers and plaies and pagentes throughoute all
[THE] artificers belonging to Corpus Christi plaie.” These four men were given the power to
judge who was able and fit to honor the city; those who weren’t deemed able were discharged.
By 1501, the common clerk observed the plays at the gates of Holy Trinity, perhaps using the
register to compare text and play (Goldberg 159). The town clerk was, in fact, a lawyer.

Control of Misbehavior: Keeping the Peace

It is clear from the surviving records that the Corpus Christi procession and pageants
required significant intervention from the mayor and council to get the guilds to meet their
obligations and to keep the peace in town. The staging of the plays was itself fraught with
difficulty, both financially and in terms of possible—and actual—disorder and violence. These
dangers were not restricted to York; other towns also experienced disorder, violence, and even
death during dramatic performances. Alexandra Johnston describes a 1414 episode in Exeter in
which skinner John Benet expressed a “vigorous opposition” when the city wanted to move the
Skinner play usually done on Corpus Christi to the Tuesday of Whitsun. The Skinners objected
and convinced the other crafts to go along with them. Johnston comments that the “result was
chaos” (Johnston, “The Politics of Civic Drama” 23). Also, an early sixteenth-century Chester
proclamation attempted crowd control during plays by asserting that “every person or persons
disturbing the same plays in any way [is] to be cursed by the authority of the said Pope
Clement’s bulls until such time as he or they may be absolved from it”; the town authorities also
ordered that “people not use or wear any unlawful weapons within the precinct of the said City
during the time of the said play . . . under penalty of imprisonment” (Meredith and Tailby 68). In
1380, Charles V of France gave a royal exoneration after a Passion play in Paris in which a misfiring cannon killed a man (191-2).

In the case of York, the Corpus Christi celebration could potentially get tied up with the legal system simply because of the enormous expense and large number of people—participants and audience members—involved. As Beadle notes, the plays were a massive undertaking: fifty separate pageants, over 14,000 lines of verse, in excess of 300 speaking parts, and another, undoubtedly very large, group of non-speaking participants who prepared the wagons, provided music, and helped in other ways to produce the pageants (88). The plays began in the dark at 4:30 am and walked along a prescribed route “marked by official civic banners set up the night before” (93), continuing through the day and into the night. As early as 1399, an entry in the A/Y Memorandum Book indicates that the plays were both financially stressful for the sponsoring guilds and well-attended by both York citizens and visitors, to the point that the guilds felt they needed the support of the mayor and the York council, who served as the legislators and judges of the city since it became a county in 1396, to limit the number of places the plays would be staged:

To the honorable men, the mayor and aldermen of the city of York, the commons of the same city beg that, inasmuch as they incur great expense and costs in connect in with the pageants and plays of Corpus Christi day, the which cannot be played or performed on the same day as they ought to be, because the aforesaid pageants are played in so many places at considerable hardship and deprivation to the said commons and strangers who have traveled to the same city on the same day for the same purpose, that it please you that the said pageants are maintained and supported by the commons and the craftsmen of the
same city in honor and reverence of our Lord Jesus Christ and for the glory and benefit of the same city. . . . that you decree that the aforesaid pageants be played in the places to which they were limited and assigned by you. (REED ii, 697)

The entry goes on to list the fines to be incurred: 40s for anyone who acts “in contravention of the aforesaid ordinances,” and 6s 8d to any of the players who delay the progress of the plays. But even at this early date there are indications that the relationship among mayor and council, the guilds and the Corpus Christi performance was fraught; the commons make the veiled threat that if the mayor does not limit the stations, “the said play shall not be played by the aforesaid commons” (REED ii, 698). Although the appeal is to the mayor and council, the commons recognize their own power to interfere in this civic ceremonial.

Furthermore, one must consider that in the crowds of people both from York and from the surrounding areas who turned out for the celebration, not everyone must have behaved him or herself; in fact, a 1426 entry in the A/Y Memorandum Book contains the complaints of one William Melton, a “very religious man . . . of the orders of the Friars Minor”:

[William Melton] has commended the said play [the York Corpus Christi pageants] to the people in several of his sermons, by affirming that it was good in itself and most laudable; nevertheless, he used to say that the citizens of the aforesaid city and the other foreigners coming in to it during the said festival, attend not only to the play but also greatly to feastings, drunkenness, clamours, gossiping, and other wantonness.” (REED ii, 728)

While religious in nature, a gathering that large certainly had the potential to—and did, on few occasions—turn into disruptiveness, destruction, and even riot. What is also interesting about Melton’s comment is his emphasis on both citizens and foreigners in York, perhaps people who
would be unaware of or unwilling to follow civic ordinances. A large number of “outsiders” had the potential to disturb the peace. As Stephen K. Wright notes, in late medieval Germany, “two . . . disasters were explicitly associated with the presence of non-residents in the midst of the performance” (Wright 10). In 1519, a “genuine devil” showed up during a performance of a Passion play and “threw the town into utter chaos”; part of the problem, the chronicler noted, was the presence of both locals and strangers. The other event occurred in 1497, when the actor playing Longinus in a Passion play stabbed the actor playing Christ on stage and killed him (5); this “homicidal spree . . . underscores the fact that the crowd that had assembled to see the performance consisted of a dangerous mix of local citizens and unknown outsiders” (10). In the case of York, most of the problems surrounding the Corpus Christi celebration involved its own citizens, with some guilds proving to be quite problematic for quite long periods of time. This required significant intervention of the mayor and the council to act as the “administrators of the law” (Jones 111).

So, what could be done to control misbehavior by both the citizens of York and by outsiders? To what extent was this even practical or necessary? And what would control of the procession by the mayor and council mean to the citizens of York? Would “interference” always be seen as unwelcome, or did some groups need the power of the mayor and council?

Controlling Misbehavior: The Cordwainers and Other Craft Guilds in the Corpus Christi Procession
While some critics, such as Mervyn James, Charles Phythian-Adams, and Martin Stevens, have emphasized medieval drama as promoting social wholeness in their massive undertaking to celebrate town “honor,” others have come to question that view. A variety of scholars, including Claire Sponslor, Erik Paul Weissengruber, Benjamin McRee, and Heather Swanson see medieval drama as anything from somewhat to highly divisive. As Stephen K. Wright states, these scholars all “have pointed to various ways in which public performances revealed treacherous ideological fault lines within the sponsoring communities” (Wright, “Religious Drama, Civic Ritual” 2). Wright poses the question “did large-scale religious spectacles promote reverence and cooperation or anxiety and danger?” (3). Those who attempt to answer this question for medieval York often use the example of the conflict between the cordwainers and weavers over placement in the Corpus Christi procession as evidence of how the drama fomented rebellion rather than encouraging harmony. In “The Trade Guilds of Tudor York,” D.M. Palliser discusses the guild as the singular York example of intra-guild class and age conflict and as “the most spectacular case of a struggle between guilds” (104). Erik Paul Weissengruber and Zina Petersen also look at the havoc created by the cordwainers during the procession. Weissengruber (to some extent following Heather Swanson) emphasizes the power struggle between the merchant oligarchy in York and the guilds it sought to control and Petersen the problematic “utopian” view of medieval ceremony espoused by Mervyn James and others; she writes that “the fact that the records show increased discord at the season of Corpus Christi

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indicates that for the cordwainers, who performed Pageant 28, “The Agony in the Garden and the Betrayal,” and weavers the celebration did not lead to, but actually prevented, social integration and wholeness” (103).  

Still, the case of the unruly cordwainers merits another look for a number of reasons. First of all, the guild was a highly problematic one in the city of York—more troublesome than even these authors have noted—throughout its history. If medieval people were “socialized” to regard as normal both a social hierarchy and their position in it (Goldberg, “Medieval England” 3), the cordwainers are perhaps the exception that prove the rule; periodically they revolted in rather dramatic ways. Some attention to the cordwainers’ history that does not connect directly with Corpus Christi celebration proves enlightening in exploring why exactly this particular guild caused so much trouble. Furthermore, the fact that they chose some of their most visible “protests” to occur during Corpus Christi indicates that this celebration of wholeness provided an intriguing intersection of vulnerability and power. Perhaps the cordwainers put on their most spectacular and egregious displays because they considered the procession and play to be a moment of vulnerability for the city of York. Or perhaps there was something particular about the procession that led them to cause so much disruption here as opposed to interfering with the plays themselves. What also needs more attention are other sorts of conflicts that surrounded the procession. While the cordwainer/weaver conflict is certainly the most “spectacular,” other guilds also came into conflict with each other and with the mayor and council. These conflicts required legal action from the ruling elite—either new ordinances or reminders of ordinances

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6 See Zina Petersen, “As Tuching the Beyring of their Torchez: the Unwholesome Rebellion of York’s Cordwainers at the Rite of Corpus Christi” and Erik Paul Weissengruber, “The Corpus Christi Procession in Medieval York: A Symbolic Struggle in Public Space.”
already on the books. Furthermore, even the town elites needed periodic “encouragement” to fulfill their Corpus Christi responsibilities. As Benjamin McRee notes:

> guild processions, however simple or elaborate their external trappings, were, at heart, public declarations of autonomy. They announced that the marchers were part of an independent body with its own goals, its own rules, and its own corporate identity. Even if stripped of banners, candles, representations of saints, and other paraphernalia, guild processions would still have represented their members to the public as socially distinct groups. (195)

The emphasis on division did not have to be threatening; it could be what McRee terms “passively divisive,” meaning that, while the procession accented difference and boundaries, it did not “exploit the division . . . for partisan gain.” Processions could, however, also be “actively divisive, seeking to undermine the existing order and widen rifts between social groups” (McRee 195). For example, the mayor, sheriffs, and aldermen in Norwich made a highly public and ceremonial fishing trip—a procession, in fact—to an area involved in ongoing litigation between the prior of Norwich. When they returned, they publicly distributed the fish. The city used the public ritual of the procession as a valid way to authorize their behavior and set their rights against those of the prior (Maddern 181).

Miri Rubin asserts that Corpus Christi processions had a history of disorder, lawsuits, and riots (263). For an example from outside York, in 1399 the Chester masters of the weavers, the shearers, the challoners and the walkers brawled with their journeymen on Corpus Christi in front of St. Peter’s: “they came with force and arms (“vi et armis”) with pole axes, staves, daggers and other diverse armaments by a premeditated plan” (qtd. in Mills 106) and “in a great
affray of the whole population of the city” (Mills 107). David Mills theorizes that the procession was going on while the guilds warred on the sidelines. This attack on the hierarchical order of the city showed “the dangerous tensions that always lurked within the community and were a constant threat to public order” (107). In *Signifying God*, Sarah Beckwith makes a related argument about ritual, arguing that “ritual does not so much assert a set of monolithic beliefs as construct a series of tensions” (28). Although the mayor and council may have seen the procession as part of the worship and honor of the city and as both an illustration of and proving ground for their control over the guilds, the craftsmen who marched sometimes had a different agenda—one which could be either passively or actively divisive. And while the mayor and council may have strived to create or control certain sorts of “tensions” for various political or economic purposes, these tensions could explode into rebellion or even violence. The cobblers, the marshals and smiths, the town elite themselves and the cordwainers each illustrate different sorts of divisiveness, all of which required legal intervention from the mayor, council and even the king.

Before considering the case of the cobblers, it is worth pausing to consider the Corpus Christi procession as a part of Corpus Christi drama proper. Mervyn James and others are quick to dismiss the procession as “something else”—a flip side to the pageants themselves with an “essentially synchronic form of static hierarchical structure, defined by the magistracy, in which change therefore could take place only by publicly dramatized conflict, resolved by arbitration or judicial decision” (15). This view, of course, allows them to conveniently ignore the conflicts that arose around the procession in favor of the social wholeness exhibited by the plays themselves. It is not clear, however, that an audience or the participants would necessarily have
seen this separation so easily. First of all, for many years the pageants would have followed on the heels of the procession and been part of the same event; it is not until 1476 that the procession moves to the day after Corpus Christi. And, in fact, the most violent of the disruptions occurred in 1419, when the cordwainers attacked the processing skinners (see below)—a time long before the procession and pageants split. Furthermore, the pageant and procession route were quite similar. This route might have seemed inherently “dramatic” to the people of York; in addition to the Corpus Christi plays and procession, the same path would have been used for royal entries which also featured dramas of various sorts (see below). It would also have been used for other sorts of events, including the “drama” of public penance and even executions. Familiarity with these different “texts” would encourage a reading that saw the procession and plays as “drama.” Also, both the procession and the pageants involved a complicated relationship between the guilds and the mayor and council, who were in charge of civic ceremonials, of which the Corpus Christi celebrations were a huge part. My intent in looking closely at the Corpus Christi procession is to explore the purely local laws and ordinances that governed this important show of piety and civic pride and to place the Corpus Christi procession and those who disrupted it against a larger background of York guild politics. When the cordwainers rebelled, it was about much more than their placement to the left of the weavers. Nor were they the only guild who made the Corpus Christi procession a locus for their discontent. The procession, under the control of the civic elite, was a moment of both power and vulnerability which the cordwainers and other craft guilds attempted to exploit for a variety of reasons.

Interaction between craft guilds and the mayor and town council took several forms. Periodically the individual pageants were reassigned by the mayor and council. For example, in
1431-32, the masons gave up “Fergus” and acquired one of the goldsmiths’ Herod pageants. This realignment appears to have pleased both guilds: the masons were released from a play they found embarrassing, and the goldsmiths, who had fallen on more difficult financial times, were released from the burden of presenting two pageants (REED ii, 732). At other times, however, the mayor and council and the guilds had more difficulty coming to an agreement. Two cases will be examined here: that of the marshals and smiths and the cordwainers and weavers. Still, it is an error to think that the relationship between the guilds and the ruling elite was strictly one of oppression. While the most vivid and astonishing conflict—that between the cordwainers and the city over torches in the Corpus Christi procession—seems to be a more clear-cut case of a “merchant oligarchy” enforcing its will on politically less-connected guilds, it is probably not accurate to see the Corpus Christi drama—especially the procession—as one forced upon the craftsmen of York. The cobbler, for example—a poor, politically unimportant and probably somewhat oppressed guild—petitioned the mayor and council for aid in getting their members to contribute to procession torches. There is also some evidence that the mayor and council had trouble getting even the leading citizens of York to comply with their Corpus Christi duties. Each of these cases represents a slightly different view of the relationship among mayor and council, guilds, and the drama of Corpus Christi.

It is not clear that mayoral attention was always resented by the guilds. In fact, the relationship between the civic elite and the craft masters was one of mutual dependence: the town leaders needed the guilds to cooperate, and the craft masters needed the town leaders to help them maintain control over journeymen, other crafts, foreigners, and sometimes even

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7 See, for example, Heather Swanson, *Medieval Artisans*, pp119-20; Sara Beckwith, *Signifying God*; see Clifford Davidson, “York Guilds and the Corpus Christi Plays: Unwilling Participants?” for an opposing point of view.
members of their own craft (Goldberg, “Medieval England” 67). The 1476 case of tapiter John Sharp illustrates this symbiotic relationship. Sharp was brought to the council’s attention by members of his craft, who testified before the mayor and council that he had sold items “contrary to the statutes of their craft.” For this offense he at least briefly was dismissed from the freedom of the city (HB i 29). Later, Sharp was thrown in jail until he paid a fine “concerning all transgressions, offences, disobediences, and other illegal and dishonest words done and said by John against the mayor and his own (suam artem factis) craft” (HB i 36-37). This case illustrates that while the mayor and council were eager to maintain control over the guilds, they depended on the guild masters to report problems. The guild masters needed to maintain control over their craft but often required the support of the ruling elite to do so.

This dependence is also seen in a 1464 cobblers’ ordinance in the House Books in which the mayor, John Gilyoit, and the city council—at the behest of the franchised men and masters of the guild--reminding the craft that “according to the auncient Costome of the said Cete That they and there successors from hencefurth yerly in the procession of Corpus Criste fynde & brynge furth of there proper Costes & Charges iii torches to thonor and worship of god & this said Cete” (REED i, 96-97). The council also reiterated that, according to the original ordinance, anyone occupying the craft of cobbler needed to contribute to the torches. Apparently this one reminder was not enough. One wonders if the mayor and council were growing a bit tired of the cobblers; a 15 May 1490 entry in the A/Y Memorandum Book refers back to the 1464 ruling entry and makes very specific reference as to where the previous decision could be found (“an ordynance maid & Registered in the thik pauper boke”) and notes that the 1464 entry states “plenelie” who is required to support the torches and who is exempted (REED i, 160). The entry
also makes clear that it was the cobblers themselves whose “instance and prayer” which helped reestablish the ordinance (REED i, 160). After this, the cobblers disappear. It would seem that the support the guilds received from the city council worked; in 1501 they are still listed as walking first in the procession and carrying four torches (REED i, 186).

The situation of the cobblers is particularly interesting for several reasons. As Margaret Aziza Pappano and Nicole R. Rice note, of the craft guilds required to provide torches in the procession, only the cobblers and the porters did not also support pageants (277). In fact, the cobblers were a very small and poor group, kept in check by the cordwainers. Palliser describes the two guilds as “always poaching on each other’s territory” ("Trade Guilds of Tudor York," 105), locked in a struggle because they were essentially working in the same field (it would seem that the biggest difference was that the cordwainers made the shoes that the cobblers repaired). The cordwainers sought to dominate the cobblers for years (105). In the period from 1350-1449, only eight cobblers were admitted to the freedom of the city, although certainly there were more cobblers that this in York (Miller 115). In the period from 1450 to 1509, however—the period in which the cobblers sought aid from the mayor and council--seventeen cobblers became freemen (115). While this number is dwarfed by the 172 new cordwainer freemen, the cobblers were gaining more members (although Palliser notes a cobblers’ guild probably did not come into being until 1579 (“Trade Guilds,” 105)). At a time when the cobblers were perhaps gaining a little more economic stability, the guild saw the value of inclusion in the procession and were prepared to suffer mayoral and council meddling to keep it. To use McRee’s terms, to be “passively divisive” was considered valuable to at least some members of this group; by retaining torches they maintained autonomy and also some prestige. For the cobblers, perhaps
the procession simply “accented difference and boundaries” without creating active tension with a rival guild.

At other times, the mayor and council intervened uninvited in inter-guild conflict that had the potential to become more actively divisive. For example, the marshals and the smiths appear as Corpus Christi troublemakers in 1428. Like the cobblers and cordwainers, the crafts of the marshals and smiths were engaged in something of a turf battle; as Heather Swanson points out, “by the fifteenth century the two crafts were doing identical work” (Swanson, “Medieval Artisans” 68). This led to conflict, with both sides claiming that the other occupied their craft and impinged on their livelihoods. Because there was so much crossover in what the two crafts made, each felt the other ought to be contributing “pagand syluer” toward the procession torches and their respective plays (REED i, 45). The disagreement had lasted for a long time; the 1428 entry in the A/Y Memorandum book describes the issues between the smiths and marshalls as “a lang stryfe and debate” lasting “many dayes and yerys” (REED i, 45) and notes that for “many yerys Mairs and þe chamber was hugely vexed with þam” (45). Apparently the bad blood between the crafts and also between the crafts and the mayor and council was severe enough to require the services of legal arbitration: skinner William Barton (took out the freedom of the city in 1409; later became chamberlain in 1432; joined the Corpus Christi Guild in 1433)8, tailor John Huthwayt, baker Robert Allerton, and glover John Neuton served as arbiters. After what seems to have been a careful and lengthy examination of the “euidence of bathe sides” (45), they

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8 Crouch, “Piety, Fraternity,” 270. Being an arbitrator seems to have helped Barton’s political career as he became a chamberlain in 1432. At this point in York’s history, chamberlains would have been chosen by the mayor, aldermen, and councilors (Miller 72); perhaps they recalled Barton’s successful arbitration for the marshals and smiths. The position required wealth, as shortfalls were covered by the chamberlains from their own pocket. Probably the other mediators were men of wealth and social standing as well.
presented their findings to the mayor, recommending that both crafts should have the right to search each other and that both would support the pageants and the procession torches. Any leftover money would go toward the support of both crafts (46). The judgment made by arbitration had the force of law.

In 1442, however, the relationship between the two guilds needed some further refereeing from the mayor and council. A 14 December entry in the A/Y Memorandum Book reiterates that the marshals and smiths both need to contribute to each others’ torches and pageants. The second part of the entry stipulates that both the crafts should be privy to the expenses and receipts related to the Corpus Christi festivities and instructs the pageant masters to finish their accounting by Midsummer Day or face a fine (REED i, 60). Knowing the history of hostility between these two crafts, it is perhaps not reading too much between the lines to think that there had been some problems in the intervening fourteen years that involved the money and accounting of pageant silver. As Heather Swanson notes, the relationship between the guilds had remained contentious enough that council had even “found [it] necessary to reissue their ordinances in 1443” (68). Eventually, however, the efforts of mayor, council, and the crafts themselves to stay separate failed. In 1480 the marshals, blacksmiths and bladesmiths merged and took over responsibility for both the pageants, the “Flight into Egypt” and the “Temptation.”

The craft guilds were not the only ones in need of regulation by the city and council. Well-off and potentially very powerful citizens of York, including Corpus Christi Guild members and government officials, also needed period reminding of Corpus Christi duties. Alexandra Johnston describes the Corpus Christi guild as a “prestigious organization among whose members are listed the archbishop of York, the bishops of Carlyle, Durham, Exeter and
Hereford, the abbots of St. Mary’s York . . . as well as such prominent secular figures as Richard Duke of Gloucester (later Richard III)” and many others (Johnston, “The Guild of Corpus Christi and the Procession of Corpus Christi in York” 372-73)—in other words, a regional or even national guild. Even as early as 1432, however, there was a hint of tension in an agreement between the city and guild about the Corpus Christi procession. At this time, the shrine used in the procession was housed at St. William’s Chapel. In addition to specifying that the Corpus Christi Guild would now be responsible for retrieving the shrine and carrying it in the procession, the agreement also states that this would occur “without any impediment of the aforesaid mayor and citizens” (REED ii, 736). Also stipulated was that the mayor, John Bolton, would keep the key to the box which stored the shrine when it was not in use. While the agreement does indicate a new and more prestigious position for the guild, it also shows some hesitancy on the part of civic authorities to surrender too much control to the Corpus Christi guild (interestingly enough, the mayor, John Bolton, was himself a Corpus Christi Guild member, as indeed were almost all of the mayors of York). The suspicion went both ways: the Corpus Christi guild also seemed concerned that they would be subject to the same sort of regulation as the craft guilds.

In 1477, “new statutes were drawn up for the Guild of Corpus Christi . . . . Those which pertain to the procession are of particular interest” (Johnston, “The Guild of Corpus Christi and the Procession of Corpus Christi in York” 380). While Johnston’s attention to these new statutes is more concerned with examining how the guild participated in the celebrations of Corpus Christi but was never in charge of these celebrations, these new statutes also prove of interest for

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9 Johnston notes that this is the first evidence for a special presence of the Corpus Christi Guild in the procession (“Guild of Corpus Christi” 378).
what they may indicate about the willingness to participate in the procession without some outside encouragement. The 1477 statutes establish that the master of the guild will march with two other former guild masters, while six senior wardens will walk “decently and reverently” (REED ii, 780) and guard the shrine. All will be dressed in silk copes or stoles. Also, all rectors, perpetual vicars, and chaplains in York who were Corpus Christi members were required to walk, with the best singers “standing near those who wear silken copes in the middle of the procession (780). But there is some indication that the guild expected some non-compliance; anyone who did not appear and lacked a sufficient excuse would have to pay a fine of 6d to the guild “to be collected and demanded by the aforesaid master or his immediate successor if they are able to, and if not, by the aforesaid lord, the official of the court of York” (780). Johnston points that “it is clear from the 1477 statute that it was the Guild which had the right to fine the priests for not taking part in the procession . . . [yet] it was the city who continued to regulate the participation of the craft guilds” (“Guild of Corpus Christi” 382); it also seems clear that the Guild relied on the city courts to collect if they could not do so themselves.

Members of the ruling elite also were not necessarily eager to participate in the procession. This also required legal intervention, sometimes against the council’s own members. Aldermen and other prominent York citizens periodically needed reminders to do their part (or to pay fines for not upholding their responsibilities). In fact, a 1 June 1492 House Books entry serves as a reminder that the mayor, all the aldermen, the sheriffs and all of the common council needed to carry a torch in the procession or face a 40s fine to be paid to the city. If they did not march, and they did not pay the fine, the current mayor had to pay the fines “out of his personal goods” (REED ii, 795). A mere twenty-eight days later, two members of the twenty-four, Roger
Appleby and William Barker, were fined for not bearing torches (as were the cordwainers—see below) (REED i, 165). In 1493, another warning was issued:

> every alderman & oðer of the xxiii & common counseillors of Pis Citie shall at all tymes herafter to come to counsseills offerantes processions sermons & oðer assemblezthey and euery of theym laufully warned That is to say thaldermen by the maiers Esquyers and every of the xxiii by the common sergieantes to the Maise and whoso makes defaut and comys not at all suche counseills sermons offerantes processions & oðer assemblez … without an reasonable & lauful excuse to pay at every tyme so making default iii d and if they be not laufully warned by the Esquyers and common sergieantes then they to paye þe said payn of iii d.” (REED i, 169)

Similar reminders to aldermen and sheriffs to carry torches or a face a fine occurred in 1536 and 1541, and in 1547 a former mayor, William Dogeshon, was fined for “wanting” his torch (REED i, 289). Resistance to participation in required ceremonies happened at all rungs of York society.

Even the average citizen of York could get caught up in the legislation that surrounded the Corpus Christi procession, as is evidenced by a 1544 House Books entry:

> Every howsholdr that dwellith in the hye way ther as the sayd procession procedith, shall hang before ther doores & forefrontes beddes & coverynges of beddes of the best that thay can gytt and Strewe before ther dorres resshes and other suche fflowers & Strewing

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10 Dogeson seems to have been generally a bit troublesome. A 1541 House Books entry indicates that he was in trouble for misuse of public funds. During his mayoralty in 1540 he appears to have strong-armed the chamberlains to use money from the “common Chambre” (REED i, 270) to pay for “straunge mynstrelles” and, better yet, “barwardes”—bear-keepers that “lead the animal about for public exhibition” (REED ii, 912). This behavior led to a new York by-law that forbade mayors to command the chamberlains to pay for minstrels or bear-keepers, unless they were king’s or queen’s minstrels. Offending mayors, naturally, would have to pay a fine (REED i, 271).
as they thynke honest & clenly for the honour of god[d] & worship of the Citie and this to be firmely kepte hereafter vppon payn of every man that dothe the contrary this agreement shall forfeit & pay to the Common Chambre of this Citie iiis iiiid. (REED i, 283)

If one lived along the path of the procession, the mayor and council could require certain behaviors and levy a fine if expectations were not met. According to Sarah Rees Jones, the civic authorities had considerable scope for balancing (and offending) different interests and determining the all-important detail of enforcement of the law. From the perspective of the ordinary resident, the power of the civic government to regulate markets, control labour, police and cleanse the streets, deal with petty criminals, regulate building, monitor the local mint, register transactions of property, hear debt cases, to legislate on any matter of anti-social behaviour and exclude the officers of the king must have seemed pretty comprehensive. (127)

Perhaps this 1544 entry illustrates the absolute legal control that the mayor and council had (or attempted to have) over the procession, which extended to ordinary citizens who lived along the procession route. Comprehensive power indeed!

The most striking example of conflict over the Corpus Christi procession is certainly that of the cordwainers who, off and on from 1419 to 1493, caused all manner of headaches for the York civic officials. The disruptions that they caused were definitely what McRee would term the “active” kind, which sought to “undermine the existing order and widen rifts between social groups.” As will be described in detail below, some of the cordwainers’ most visible acts of violence centered around Corpus Christi. The guild, however, had a history of disruptive, even
rebellious behavior in general. As Heather Swanson notes, the leather industry (which included cordwainers) was both huge (53) and heavily regulated (54) with “a constant battle between cordwainers and tanners for control of the supply of tanned leather” (54-55). Statute law of 1389 and 1423 prohibited cordwainers in England to tan leather, which led the guild to “change tactics” (Swanson 55) and turn instead to searching the quality of tanned leather. In 1428, the York cordwainers and tanners “erupted into physical violence” (57) over the right to search; this led to years of power shifts between the two guilds (mediated by the mayor and council) (58). Furthermore, relationships within the guild itself were tense. Cordwainer apprentices in York engaged in disruptive behavior even toward their own masters: “in the early fifteenth century groups of cordwainer servants intended to ‘publically, proudly and boastfully deny the authority of their masters’” (YMB I, 190-91; quoted in Swanson 56). Of course, they had a point. The city council had to step in and remind the cordwainer masters that they could not poach servants from each other\textsuperscript{11}, and in 1420s the council raised the servants’ wages despite opposition from the master cordwainers (YMB I, 190-94; quoted in Swanson 114), who accused the groups of servants of “suborning newcomers to the city who belonged to the craft, enticing them into illicit gatherings at the Friars Preachers and in various other locations” (Swanson 115)\textsuperscript{12}. There is evidence that cordwainer journeymen, in a highly unusual move, established their own confraternity in St. Mary’s of St. Augustine. Unrest among the cordwainers was not quick to die out. Traces of discontent between masters and younger members of the craft can be seen even as

\textsuperscript{11} The date of this ordinance is unclear. The cordwainer ordinance referred to here is dated only “in the time of the mayoralty of William Bowers,” who was mayor in 1417 but also in 1427-28 and 1442-43 (REED ii, 869).

\textsuperscript{12} Palliser notes (in “Urban Society.” \textit{Fifteenth-Century Attitudes: Perceptions of Society in Late Medieval England.} Ed. Rosemary Horrox. Cambridge: Cambridge UP, 1994: 132-149) that in using the friary the cordwainer journeymen exploited the exempt liberties in York to escape the power of mayor and council (136). A clever move from a guild that seems to have been rather conversant with the law and on pushing boundaries.
late as 1603 when the “yong men” (REED i, 512) petitioned the mayor, sheriffs, and the twenty-four about the way searchers and other guild officers were elected and how the accounts were audited. The younger members of the guild were clearly chafing under the custom of the “ancient” men, who had already served as searchers, electing the next year’s officers. The alderman did grant them some voice in the elections, although not an equal voice with their elders: three of the “yonger sorte” and six of the “Auncient Brethren” were to select the searchers and pageant masters (REED i, 512). With the cordwainers, there never much agreement within the ranks. Furthermore, there is some evidence that even in the early period of the plays (1417-43) the cordwainers were already causing some problems; a cordwainer ordinance specifies that twelve honorable men needed to accompany their play on the feast of Corpus Christi as ordered by the four craft masters; failure to do so would result in a fine of 10s (REED ii, 715).

The cordwainers also caused trouble in York—Independent from their participation in the Corpus Christi celebration—that brought the full force of the law down upon themselves. Some offenses were quite severe, including rioting, as a 21 June 1476 House Books entry indicates:

William Harpham, William Paynot, John Ashewraa, Thomas Mote, William Misterton and Thomas Saxton, cordwainers, appeared on behalf of their craft for certain riots, crimes and offences committed by themselves and others of their craft against the king’s peace, the precept of the mayor, and the constitutions, ordinances, and statutes of the council. In all humility and obedience, they undertook to obey the judgment and correction of the mayor and council without deceit or fraud. (40-1)
While it is not certain from the entry what made the guild members so upset, the entry is quite clear that the mayor and council were enraged; the cordwainer offense was not just against the city but against the king.

At other times, the cordwainers argued with members of other craft guilds and were a part of what seems to have been the more typical way of administering justice by the mayor and council: arbitration. Cordwainer John Spynke and others agreed to arbitration in their dispute with tiler Christopher Bell (49-50): the arbitration was resolved in September 1476 by ordering the parties to “stand full frendes ever icheon” and avoid any trespasses against each other. If things were to flare up again, there would be a fine against the offender (58-9).\(^{13}\)

Cordwainers could also behave violently toward each other and toward other artisans. In March 1484, cordwainers Miles Grenebank, Henry Hikes, and Richard Jakson, and chaplain William Burgeys were mainpernors\(^ {14}\) for William Herper, son of cordwainer William Herper, who was ordered to “do no damage or bodily harm to his father or anyone else under penalty of 20 pounds” (HB 429-30). This episode pales in comparison to 28 March 1489, when cordwainer John (Martyndale) Barrowdale got himself in trouble for brawling in the streets with another York citizen. Dyer Brian Dereson claimed that he was walking down Ousegate when John Barrowdale came up and said “I owe you a stripe,” hit him in the ear, threw him to the ground and promised that the next time they met he would strike him through with his dagger. Then he left. The mayor sent yeoman Roland Armor to fetch Barrowdale from John Sponer’s house;

\(^{13}\) Christopher Bell is an interesting character. In addition to his quarrel with Spynke, he got himself into more serious trouble in 1479. Tailor William Wiseman was a witness before mayor John Fereby and swore “he knewe neyther treson ne felonie by one Christopher Bell tyler nor non unsitting wordes said upon the said Christofor Bell within this cite nie elsewhere and that he is redy and wilbe redy to prove that at all tymez” (HB 206). An entry of this sort indicates that someone had accused Bell of some sort of highly unsuitable speech.

\(^{14}\) A mainpernor was someone who “acted as bail or surety for another, assuring that the accused would appear in court” (HB 745).
Barrowdale refused to leave and instead fled for Mitford Tavern. At this point, cordwainer Thomas Smyth became Barrowdale’s surety until the mayor sent for him. Barrowdale must have been a troublemaker extraordinaire, as his neighbors went to the mayor and told him they would not put up with fellow citizens being beaten up in the street. In what seems to have been a rather unusual move, a posse of the mayor and his “fellowship” went to the tavern and sent Armorer in again; he found Barrowdale in a chamber and confronted him with “my lord maior is at the dore and woll that ye shal com to speke with hym.” Barrowdale refused and attempted to draw his dagger, but Armorer beat him to the punch by grabbing his own dagger and arresting him. The mayor committed him to prison until he could find “suretie of his goode bering” (HB 643-4). Cordwainer Barrowdale certainly knew how to cause trouble. He reappears in 1490, this time in a fight with Henry Barbour, one the mayor’s macebearers, and Barbour’s sons George and John; all parties were warned to do no bodily harm to each other (HB 677). What is particularly interesting about these episodes is that they demonstrate a willingness on the part of individual cordwainers to defy the authority of the mayor himself through violence, rioting in the streets and resisting arrest. This willingness comes back into play but a few years later.

The cordwainers probably had some good reasons to challenge authority even at some cost to themselves. Heather Swanson notes the oddness of the cordwainer guild: although there were many well-off cordwainers in the fifteenth century, this stands in what she calls a “striking contrast” to the general reputation and standing of the craft (Swanson 158). Indeed, within the

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15 This Barrowdale may be the same as a man named Borowdale, who was assaulted by a gentleman of St. Mary’s Abbey in 1487 (HB 588). Borowdale is also mentioned in 1489 as a surety for William Brettan (may be fuller William Brotton). Brettan was also a huge troublemaker; he was dragged before the mayor and several aldermen and threatened with a 40 pound fine if he “trespassed against or disturbed the peace of any of the king’s subjects by way of insurrections, confederations, or illegal gatherings, or by threats of any kind that disturbed the peace of the commonality or any member of the said city” (HB 662-3).
ranks of the cordwainers was a great discrepancy of wealth; while some cordwainers, such as John and Mary Marton (Swanson 158) and Matthew Cotez (Crouch, “Paying to See the Play” 95) accumulated great wealth, cordwainers in general had a reputation for being “poor and rowdy” (Swanson 158). In fact, few sons followed their fathers into the trade; the guild was “disliked and distrusted” (Swanson 168), was often in trouble with the town council, and was not given council representation in the 1517 reworking of York’s constitution (168). The cordwainer guild, while large and potentially profitable for its members, was also unpopular and internally fractious.

Clearly, however, the most interesting part of the cordwainers’ history is the long-term trouble they caused various mayors and town councils over the Corpus Christi procession. Problems began in the early fifteenth century. In 1415, the York council issued a rather ominous (and quite specific) ruling:

We comand of þe kinges behalue and þe Mair & þe shirefs of þis Citee þat no man go armed in þis Citee with swerdes ne with carlill axes ne none other defences in distourbance of þe kinges pees & þe play or hindering of þe processioun of Corpore Christi and þat þai leue þare hernas in þare Ines . . . of payne of forfeiture of þaire Wapen & imprisonment of þaire bodys. (REED i, 24-25)

While there is no evidence that a violent outbreak occurred before 1415, it certainly did in 1419. On the day following Corpus Christi, the mayor and council met in the Council Chamber to deal with the “serious complaint” of the skinners (REED ii, 718): that the cordwainers and the carpenters had broken their procession torches as they carried them through the streets, then “dragged them down with their staves and Carlyle axes . . . and committed other enormities, to
the grave disturbance of the king’s peace and to the hindrance of the lay and procession of Corpus Christi” (REED ii, 718). One can only imagine what a scene this attack must have been: the marchers gathered at 4:30 in the morning when the torches would have been the only good light source. The cordwainers and carpenters would have attacked from the dark, the place outside the illuminated column of the solemn procession. And breaking the peace was a serious offense; two carpenters and one cordwainer were arrested and tossed in jail. The carpenters threw themselves on the mercy of the court and were released and fined 100 pounds sterling; the record does not indicate if the incarcerated cordwainer, Thomas Durem, repented (REED ii, 718).

It would seem that York and the cordwainers experienced some years of peace before the next outbreak of rebellion. However, trouble began again in 1482, several years after the procession and plays were separated. A May 31 entry in the House Books indicates that the Weavers and the Cordwainers are to go with their torches in the procession on the day after Corpus Christi in the form below. That is to say, one of the weavers is to begin from the right and one of the Cordwainers from the left, and then one of the cordwainers from the right and one of the weavers from the left, and in this way all the members of those crafts.

This ordinance would seem to be reinforcing one made during the mayoralty of Thomas Wrangwissh (1476), which indicated that the cordwainers needed to go peacefully in the correct procession order as determined by the common clerk (REED ii, 777) without specifying the

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guilds’ relative positions. The threat for disobedience was severe: a 10 pound fine or imprisonment at the pleasure of the mayor (“ad voluntatem maioris” (REED i, 126; ii, 785). But this decision is voided on June 1; the new regulation stipulates that all the cordwainers will march to the left of the weavers and has the added directive that each craft was to have sixteen candles in the procession.

There are a few interesting things to note about these two entries. One issue that has received significant coverage from scholars is the realignment of the guilds’ positions in the procession; while the May 31 entry indicates a right-left alternation (one cordwainer from the right, one weaver from the left, followed by the reverse), the June 1 entry puts the weavers firmly on the right and the cordwainers firmly on the left. Why the cordwainers might have found this unacceptable will be discussed below. What has not received as much attention, however, is the significant stiffening of the punishment. If failing to walk in the correct order earns the disobedient cordwainer a fine or (“sive”) a trip to the lock-up at the discretion of the mayor in the initial entry, by June 1 it gets him a fine and (et) imprisonment at the king’s pleasure (ad voluntatem Regis) (REED i, 126; ii, 785). What was first a local issue is now much larger. One wonders what happened overnight that necessitated such an adjustment. Had the mayor and council heard rumors of another riot? Or was there some sort of internal disagreement in the council, many of whom were present at both the 1476 and 1482 council meetings, including

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17 The 1476 House Books entry simply says that craftsmen need to go peaceably in the correct order in the procession as determined by the common clerk (REED ii, 777).

18 One last thing of note in this entry is the reference to the mayoralty of Thomas Wrangwish (1476), when ostensibly this order of the procession was originally agreed upon. Wrangwish was a quite prominent merchant of York, and one who some of the cordwainers who were station-holders (certainly John Smyth) might have known, as will be discussed below. He was a favorite of Richard III who commanded the York troops fighting for Richard in 1481 and 1483. He and his wife were also Corpus Christi Guild members (Kermode 346). He certainly was one of York’s most powerful citizens. At any rate, it is his mayoralty that also seems to have split the procession and pageants onto two days (plays first on Corpus Christi itself, followed by the procession on the next day.
Thomas Wrangwissh, Richard York, William Snawsell, William Lambe, John Tong, William Welles, John Fereby, Alan Wilberfosse, Thomas Scotton, Thomas Catour, Robert Amyas, and Henry Williamson)? While we may never know what spurred the demotion of the cordwainers, the situation should still be seen in light of the fact that the same people had been making the decisions for a long time. The same town elite that had placed the procession on the day following the plays also demoted the cordwainers.

The 1482 ruling hardly solved the problem; if anything, it seems to worsen an already difficult situation. Despite a reiteration in 1485 that the cordwainers were to process from the left (Toulmin-Smith 295), more trouble erupted in 1490. On 16 June, the council declared the cordwainers to be “rebel and disobeant” for failing to carry their torches; a fine was levied and the searchers of the craft were sent to jail (REED i, 158). By the 28 June council meeting they were still refusing to pay the fine, “notwitstonding the Seircheors of the sam was in prison for the novnpayment” (REED i, 159). The searchers were thrown back in jail until 2 July, when it appears that Thomas Chapman, John Ellis 19, William Stubbes and Richard Raby bailed them out (REED i, 159). By 9 July, there was a détente; the cordwainers heard the ordinance about the procession read in full council, paid the penalty, and were warned that further failure to obey would result in fines and loss of the franchise (REED i, 160).

The nature of the conflict had escalated; the cordwainers seem to have been angry about much more than their relative position in the procession and had instead become truly rebellious, even potentially becoming involved with other rebellious parties in the city. During the council’s investigation, William Cooke, a tailor, testified before the mayor and council that cordwainer

19 Chapman and Ellis appear to have been chamberlains (Chapman in 1487 and Ellis in 1491). See Appendix 3 in Crouch, “Piety, Fraternity” 269ff.
John Smyth (who was soon to be even more involved in this conflict) “was at him showing that where the Mayor, Aldermen and City council hath determined upon his craft they to pay ten pounds for non-bearing of their torches, saying that if the Mayor, aldermen, and city council obtain against them in that than his craft to beware for they should be the next craft that should be in trouble” (Pappano and Rice 285, n51). A priest, Thomas Gribthorpe, was reported to have said that the cordwainers had the support of three or four hundred other craftsmen and that “if thai might get a capitam to set thame apon werke they sholde strike ther adversaries down” (Palliser, “Trade Guilds” 106).\(^\text{20}\) He also stated that “there shold be two hundred men that were no shoemakers, to take the part of the shoemakers, an thai might get a furiose man to set thame apon work” and that “there wold be three ot four hundred men not being sowters [makers or repairers of shoes], that wold name thame self sowters and tak part with the sowters” (Davies 251).\(^\text{21}\) The struggle with the weavers over precedence seems to have been merely a “front” for the real subject for the cordwainers—an uprising against the ruling elite.

By this point in the conflict, even the language used to describe the situation of the cordwainers and council had become increasingly legalistic. For example, the searchers are described as “in larged of prison” (REED i, 159) the legal term for being released from prison.\(^\text{22}\) The 28 June and 9 July entries also use the word “enlawed” to describe the cordwainers’ appearance before the council. The REED editors define this term to mean “brought within the authority of the law” (REED ii, 915); in her glossary to the York House Books, Lorraine Attreed

\(^\text{20}\) No reference to these statements appear in REED or in Lorraine Attreed’s edition of the York House Books.
\(^\text{21}\) The source for these references, Robert Davies’ *Extracts From the Municipal Records of the City of York*, is not completely unproblematical. The sources for intriguing quotes are not footnoted in his book, although Palliser has clearly found them reputable.
\(^\text{22}\) See the third definition for “enlaren” in the *Middle English Dictionary*: to set at large, to release (a prisoner). Example quotations are taken from the 1450 and 1472-73 Rolls of Parliament.
supplements this definition: “to receive, or to bring under the protection of the law; opposite of outlaw” (744). It would appear that for a brief time the cordwainers were actually considered to be outlaws.

By 1491, the “diuisions, discords, and debates” (REED i, 162) between the weavers and the cordwainers had gotten the attention of the king, Henry VII. A letter dated 19 February expressed the king’s concern about the “breche of oure peas” (REED i, 162) and encouraged the mayor to haul in both guilds (the weavers and the cordwainers) and convince them to get with the program (REED i, 162). It does not seem, however, that the mayor and council acted with much alacrity in this matter; the king’s letter does not appear to have been read to the council until 26 April, and the cordwainers did not make an appearance until the 14 May meeting. At this meeting, a few intriguing things happened—or did not happen. First, there is no evidence that the weavers were there; despite the clearly stated desire of Henry VII, the House Books entry only references the cordwainer searchers being in attendance. Next, the council appears to be negotiating with the feisty guild, giving them options that had not been on the table formerly: “To bere theyr torchez ather by theym self on both sidez the Strete afore the wevers or elles to go on þe left hand & þe wevers on þe right hand or eles to [go] make fine with þe Chambre and be dysmysed of beryng any torches for this yere.” These terms, however, still left the cordwainers with the short end of the stick: a position in front of the weavers would still signal a loss of prestige, as processions were ordered from least to most important (the lowly cobbler and porters marched first, with the town council, Corpus Christi Guild members and the Host itself at the end). The cordwainer searchers asked for some time to think about it, returning on 30 May to agree to the terms offered by mayor and council (REED i, 163). Perhaps expecting some sort of
trouble from the unruly guild, a 1 June 1492 entry in the House Books restates the ruling from
the year before that the cordwainers must march to the left of the weavers or face the established
penalty.

It should come as no surprise that a short twenty-seven days later, the council fined the
cordwainers for non-bearing of torches. In general, the council seemed to be at its wit’s end to
control the cordwainers; a 6 July entry once again makes some more formal attempt at
arbitration: “the Cordwaners of this Citie shall goo to ye Weuers of the same to thentent yat a
louing Communicacion betwix may be had as tuching the beryng of their torchez” (REED i,
165). If the two guilds cannot agree, however, the mayor and council would once again step in
and order the guilds as to what is most “exspedient” to do (165). This was a slightly different
approach for the council; the initial responsibility to come to an agreement was placed upon the
guilds. On the other hand, it is difficult to imagine that the weavers would peaceably lose
prestige to the cordwainers, especially since all evidence points to the mayor and council
supporting the position that put the cordwainers either in front of or to the left of them. At any
rate, no evidence survives that indicates any such meeting ever happened. By 26 October 1492,
the cordwainers had still not paid the fine which the “lord maier hath oft & many tymes
comauded the serssours & diuere oþer of þe said Craft to bryng in” (REED i, 167), so the mayor
had the searchers John Smyth and Thomas Richardson arrested and thrown in jail. Searchers
John Crake and Thomas Chaloner resisted arrest, infuriating the mayor, who sent out the
sergeants and chamberlains to raid cordwainers’ homes to collect fees owed (which the record
indicates that they did successfully) (REED i, 167). But by 12 November 1492, the cordwainers
appear to have succumbed to the will of the mayor and council. They paid the fine for non-
bearing of torches, agreed to the council’s terms, and, to borrow a twenty-first-century expression, threw searchers John Crake and John Smyth under the bus, claiming that they alone were responsible for the nonbearing of torches (REED i, 167-8). On 7 January 1493, Crake and Smyth were summoned to a council meeting where it was made very clear to them that the cordwainers would march to the left or face a fine; Crake and Smyth were ordered to “shewe & publishe” this ordinance to all the cordwainers in the city and suburbs (REED i, 168-9). All evidence points to the fact that the city government simply was not going to allow the cordwainers to get away with anything in 1493.

Despite their ire toward the cordwainers, the mayor and council were not receptive to outside interference in the legal rights of York, even from the king. A long entry in the House Books on 8 May 1493 indicates that Henry VII and his representatives—in the form of William the abbot of Saint Mary’s in York and one Richard Chomley—were prepared to step in to “assist” the mayor, Nicholas Lancaster, and the council by meeting with the weavers and cordwainers and settling matters once and for all. While Zina Petersen notes that the mayor “expressed hesitation” about allowing the abbot to interfere in civic affairs, a closer look at the record indicates perhaps a stronger noun than “hesitation” might be in order (101). Lancaster and the council responded quite angrily that only the mayor, alderman, council, and sheriffs of York had the power to make ordinances in the city; attempts by the abbot or anyone else to mediate civic conflicts within the city would be a breach of the franchise and liberties of York. This led to a huge backpedaling on the part of Abbot William and his associates, who claimed they would rather throw a thousand pounds from the monastery treasury into the Ouse rather than interfere with city business. Instead, they wrote a letter, approved by the mayor and council and read
before the cordwainers and weavers, that essentially put the power of the king behind what had already been determined: the cordwainers were to walk to the left of the weavers and would have to pay a fine if they failed to do so. Should the cordwainers fall upon hard times, it would be up to the mayor and council to renegotiate the number of torches. John Crake and John Smyth received the letter from Abbot William and thus disappear from the records (REED i, 169-174).

The sometimes violent and always fierce battle between the cordwainers and the city of York, which stretched for almost 75 years, was over. One last ordinance appears in 1580:

All and euery persone and persones of the said occpacion [corwainers] shall dewly pay their Subsidies and pageant money to the Maisters and gatherars of the same dewly when as the same shalbe dewe withowte any grudging or gevyng any evill woordes to the said gatherars apon payne of euery one offending herin to forfaite and pay for euery such offens x s. (REED i, 396)

The cordwainers were reminded that if a play was produced, they had to march with their pageant or pay a fine. What began in 1419 with Carlyle axes ended with grumbling. For all intents and purposes, the various mayors and town councils had “won”: the cordwainers never received any quarter, and all evidence indicates they continued to march to the left of the weavers.

To some extent, what has been outlined above is old news; many scholars have focused on the intense conflict between the cordwainers and the powerful and elite of York. What Weissengruber and others downplay in their analysis of these events is the extent to which cordwainers were attempting to be a part of the city power structure during this same time period, if not as members of the political elite then in other ways. Although the cordwainers
made the procession and plays a locus for discontent, they also used them to establish a heightened civic presence in York. An interesting tale can be traced by looking at the cordwainers’ attempts to engage in the production of the plays and procession rather than just the ways that they disturbed them. The following discussion surveys the stationholders, that is, the people who paid to rent out the places where the pageant wagons stopped to perform. What becomes evident is that during the time when the cordwainers were rebelling against council authority over the Corpus Christi procession, they were busy establishing themselves as stationholders on the play route. They also were a part of the judicial system and governance of York as well, but never major power-holders. A look at the discrepancy between the cordwainers’ size and presence in city judicial mechanisms and their almost complete lack of power goes a long way toward understanding more deeply why the guild rebelled against this major civic ceremonial and why their rebellion so disturbed the merchant elite.

As seen above, a 1399 entry in the A/Y Memorandum Book notes that the mayor and the town council took control of the play stations; this step was necessary because the pageants were stopping in so many locations that they could not all be played on the same day to the great dismay of all of those who had traveled to York for the event (REED ii, 697). The early stationholders were, inasmuch as can be gleaned from the records, rich and politically well-connected men, including John de Gysburn, a mercer who was several times mayor; his close friend, mercer Adam del Brigg who served as sheriff; and Henry Wyman, a mercer and goldsmith who was also mayor (Crouch, “Paying to See the Play” 68-71). The play and

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23 In “Paying to See the Play,” David Crouch notes that the procession and play followed a similar route through the city, although the procession ended at St. Leonard’s Hospital rather than the Pavement (65). By the end of the fifteenth century, the procession and play route and the route for royal procession through the city were the same (66).
procession route are mentioned again in 1417, when the mayor and the council established new rules for the stations. At this point, it is clear that the mayor and council have started to view the stations as a source of city revenue, especially from those stationholders who were in the habit of erecting scaffolds and charging admission. The council decreed that anyone taking money must "pay every third penny of their receipts to the common purse" (72). Also, it was no longer deemed profitable to keep the stationholders the same from year to year; instead, stations were to be auctioned off to “those who offered the most to the commons for this privilege” (72).

However, as David Crouch notes, the stations did not stay in the hands of the merchant elite for much longer; as years passed, fewer merchants and more master craftsmen appear on the list of stationholders. By 1454, the date of the first list of station-leasers (Crouch, “Paying to See the Play” 65), there are many more names, and some of those names belong to cordwainers. Among the lessees of the ninth station was a cordwainer, Thomas Brignall, and the Augustinian brothers, whose “Friary was adjacent to the site” (78). The Augustinian Friary was also the site of a religious confraternity associated with the cordwainers, or perhaps their apprentices. In 1462, the first station was held by a conglomerate that included cordwainer Nicholas Haliday, who also held the station in 1468; he was joined in 1468 by another cordwainer, Christopher Thomlynson, who, with others, held the fourth station (Crouch, “Paying to See the Play”). The fifth station was rented by cordwainer John Smyth in 1468 and 1475-- the same John Smyth who, with his fellow searcher John Crake, caused all the problems in 1492 and 1493. More cordwainers were stationholders in 1499, including William Catterton, whose son was an apprentice to Thomas Whittingham, who leased the same station in 1506 and 1508. In 1499, 1508, and 1510 the third station was leased to Richard Gibson, former apprentice to known
trouble-maker John Smyth and future chamberlain. Also in 1499, Matthew Cotez, a wealthy cordwainer, rented the fourth station.\textsuperscript{24} Many of these men appear to have been more than “ordinary citizens” of York, as will be discussed below. It would seem that cordwainers were gaining more economic power in York. They were able to rent stations, which were presumably highly visible and prestigious.

They were also part of the legal fabric of York in other significant ways, namely as arbitrators and jurors. Arbitration seems to have been a preferred, or at least a common, way to mend relationships in York; in her introduction, Attreed notes that “the most common entry in the House Books is a bond to settle a dispute by arbitration (HB xix). Arbitrators were chosen for their “moral authority,” inclination toward justice, and for having enough influence with the feuding parties such that they would accept the terms given to them (Attreed, “Arbitration and the Growth of Urban Liberties,” 210). The mayor and council or the parties themselves agreed to arbitrators who could render a judgment, especially since a failed arbitration would require more action by a figure called an umpire. Arbitrators were law-abiding citizens who were knowledgeable about the law and their neighbors—people who could make a decision that would settle a dispute satisfactorily.

The use of juries in this time period was growing exponentially; this gave many people from a wide variety of backgrounds, including cordwainers, an opportunity to participate in government: “social groups that had once been on the periphery of power structures were increasingly asked to serve as decision-makers” (Masschaele123). Masschaele takes issue with the idea that all medieval jurors were gentry and provides evidence that in fact they were from a

\textsuperscript{24} All of this information is from David Crouch, “Paying to See the Play.”
wider spectrum of society (see especially chapters four and five). The common denominator was that jurors needed to be “free and lawful men,” meaning they could not have been outlawed, abjured the realm or been convicted of a felony or treason, and they must have “lived within the sphere of the law and . . . could therefore be trusted to uphold the law” (131-2).

So, who were these cordwainers who were renting play stations and challenging the authority of mayor and council? John Crake, who caused so much trouble from 1490-93, had quite a career. Although he eventually allied himself with John Smyth and the cordwainer “cause,” he also seems to have been something of an upstanding citizen of York who served as an arbiter a number of times. For example, on 3 February 1477 Crake and others were asked by the mayor and council to arbitrate a dispute between John Fattyng, bladesmith, and Robert Dowe, saddler (HB 82). Crake again served as an arbiter in 1487 to settle a dispute between Thomas Coke and Robert Rede (HB 539).

Cordwainer Christopher Thomlynson, a stationholder in 1464, is another interesting case. He seems to have been a rather well-regarded citizen of York and was also frequently called upon to serve as an arbiter. Thomlynson helped to arbitrate a dispute between Richard Wellys and John Michell in August 1476 (HB 41) and another dispute in January of 1478 along with fellow cordwainer William Paynot (HB 134). In 1489 he again served as an arbiter, along with cordwainers Thomas Smyth and Richard Crokelyn, in a suit between vintner William Mason and

25 By the time the dispute was resolved (20 May and 25 July 1477), another familiar name had gotten involved; John Smyth had become part of John Fattyng’s party (HB 121). Smyth, in fact, seems to have been more of a troublemaker than Crake. In addition to possibly attempting to incite rebellion in 1490, he also was involved in a dispute in 1483 with vintner Thomas Cok which required arbitration (see HB 730).
26 Thomlynson was frequently called upon to arbitrate or to serve as surety (see HB 134, 310, 344, 447, 490, 567, 614, 646, 720, 725).
27 The parties in this case were cordwainer John Pycher and his servant Richard Clark, and coverlet-maker John Thorneton and his servant George Story. In 1490, Pycher was one of the cordwainers jailed for non-bearing of torches (REED II, 793).
fuller Henry Toppan (HB 614). Thomlynson appears to have been the sort who could be called on in difficult situations. In 1483, glover Richard Davyas and scholar Richard Karlell bound themselves to abide by the decision of Thomlynson, fellow cordwainer William Herryson, and Thomas Watson (occupation unknown), in a dispute that had already escalated: Karlell agreed to pay the sheriff for the “affray and bloodshed” between him and Davyas (HB 190). Here was a man considered fair by both parties involved in a violent dispute. Thomlynson was also a juror who served at the 1476 assize of wine (HB 8) and later in 1486 at the inquisition into the lands of the late merchant John Giliot (HB 499-502), where he is described as one of twenty “worthy and lawful men” (HB 500). Thomlynson’s service as a juror marks him as a free man of good social standing, someone who was trustworthy and knowledgeable of the law. Here was a man who had the respect of York’s power elite.

Even one of the cordwainers who was thrown in jail in 1490—Richard Rawlyn—turns up as an arbiter or as a surety a number of different times (HB 138, 430, 458, 491). In fact, Rawlyn was tasked to be something of a “super-arbiter” in 1484; he and several others were assigned by the mayor to speak with the commons as to how to punish three gentlemen who had instigated a riot the week before (HB 336). The men who bailed out the cordwainers in 1490 also appear in other roles: Thomas Chapman was a chamberlain in 1487 (Crouch, “Piety” 272), William Stubbes and Richard Raby were active as arbiters, and John Elis (Ellys) was the Ouse Bridge keeper in 1489 (HB 631). Ellys also appears to have been a stationholder (Mickelgate) in 1499 along with Richard Gibson. Both Ellys and Gibson were Holy Trinity parishioners (Crouch, “Paying” 89). Furthermore, cordwainers accused of crimes could have high-profile defenders. When cordwainer John Key was slandered 1483 by “ewyll persons” who called him a horse
thief, many prominent York citizens, including Thomas Wrangwissh and members of the twenty-four, swore to his good name and that he was of “good disposition.”

The cordwainer guild involved a large range of members, from those who were wealthy and probably generally respected citizens to those who were a headache for mayor and council—some were even both simultaneously. Even John Smyth, who appears to have been responsible for much of what happened between 1482 and 1490, was a part of “the establishment.” Although he appears to have been inciting riot in 1490, by 1492 he was a searcher. And while searchers would not have attended council meetings, they would probably have been a part of the forty-eight or “commons.”

What still remains to be addressed is the following: what might have upset the cordwainers enough that they engaged in a protracted battle with the council that they eventually lost? And what is it that made the Corpus Christi procession their chosen battleground? Why not refuse to perform their pageant? And what was it about this particular conflict that brought down the full force of council authority and the law when there is ample evidence that the council preferred to negotiate with the guilds? Examining the political situation in York during this time period (with the focus on the late fifteenth century) reveals significant schisms between town and council. It also reveals a connection between light and worship that may have played into the cordwainers’ decision to rebel against position in the procession.

Perhaps particularly irritating to the cordwainers was that trouble-making in York was not necessarily disastrous. In fact, trouble-makers (although not cordwainer troublemakers) had great success in York from time to time. For example, Sheriff Thomas Fynch was thrown in

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prison in January of 1485 for what must have been a rather singular set of events. The mayor, Thomas Wrangwissh, ordered Fynch to release a prisoner, William Friston. Unfortunately for Friston, Fynch’s servant, Raby, disobeyed the order and left Friston “in the stokes” without food or water. As punishment, the mayor ordered Raby to the stocks without food or water, but a second Fynch servant, Dauson, defied the mayor and brought him food and water anyway. Although Fynch denied that he knew anything about this, Wrangwissh sent him and his six servants at the mace to jail. Fynch answered that “he wold be his owne galore and theropon departed furth of the counsaill chamber toward the said prison” (HB 350-1). This led to a huge melee involving members of Fynch’s retinue attacking with “glaves, billes and glubbes,” and a “grete and juperduse scrymisse” among the commons with many men injured. The mayor and council eventually had to deliver Fynch to jail themselves. The punishment for all of this disruption? A few hours in jail for Fynch, and an overnight stay for Dauson and Raby. Fynch appears to have retained his office as he is listed as “sheriff” in the attendance lists at later council meetings (351). It would seem that extremely disruptive behavior was no real impediment to power.

Another reason that the cordwainers may have been primed for rebellion was that, despite their large numbers, the guild lacked access to real political power. In his work on religious guilds in late medieval Yorkshire, David J.F. Crouch has assembled a list of York city officials from 1397-1550 (roughly the period of the plays); during this time, only four cordwainers held

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29 Glave: broad-bladed pole arm or thrusting weapon on a long handle, the edge curving backward near the point (HB 743). Bille: broad blade mounted on a long pole, often with spikes and hooks projecting from the back and end, used as a weapon though with agricultural origins (HB 742). Glubbe: Attreed does not supply a definition. It could just be a glove; “glubbe” can also be a company or multitude of persons, but this definition does not seem to fit with the rest of the sentence (see MED for “glubbe” At any rate, this was certainly describing a violent attack.
office: John Bacheler, Richard Gybson, Brian Tesymon, and Charles Wedderall (Crouch, “Piety, Fraternity and Power” 269-285) were chamberlains. Of the elected town officials, chamberlains were the least prestigious and would not even have been on the council of twelve (Rees Jones 122). So, although cordwainers served as arbitrators and jurors and held stations along the play route, they had little access to true power. Attreed refers to the cordwainers as a “humble” profession whose members could not progress beyond the office of chamberlain (HB xxix, n41), and Peter Meredith reminds us that “individual power existed only in the higher echelons of the city government” (Meredith, “City of York” 32). Of course, the cordwainer searchers would have theoretically given the cordwainers a voice in local government, it was not much voice (see Rees Jones 64-5). Also intriguing is the fact that another man, Thomas Wrangwissh, who was a stationholder in 1462 (Crouch, “Paying” 80), went on to quite a prestigious career (although the end of his life was marred by accusations of treason—see Chapter Three). Only twenty-six when he was a stationholder, Wrangwissh went on to a “dazzling mercantile career” and political life. Crouch theorizes that renting a station was a first step toward civic office, and indeed Wrangwissh became a chamberlain in 1463 (“Paying” 84). But unlike the cordwainer stationholders, Wrangwissh became mayor—twice. In her work on towns in the later middle ages, Attreed argues that the balance between “elite entitlement” and “broad participation in civic affairs” was extremely tenuous (“King’s Towns” 305). Although the ruling elite and the crafts (or at least the masters) depended each other to keep the peace (Goldberg, “Medieval

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30 What is most interesting about these men is that one, John Bacheler, was a chamberlain in 1534, and all the others were chamberlains in 1537—a good year to be a cordwainer. Perhaps not, however, as the city was in dire financial straits. An act of Parliament was required in 1536 to reduce the amount the city owed (Miller 123-124). 1537 was also the year after the initial huge uprising of the Pilgrimage of Grace; the city of York was most definitely in a precarious position (145).
England” 67), periodically events transpired which upset the balance and led to disruption and violence between the elite and the less powerful members of the town (Attreed 305). The violent and disruptive behavior of the cordwainers in this period seems to be one of those moments when a group of non-elites suddenly became discontent with their lack of power.

The cordwainer episode could also be read as the most visible reaction to a deteriorating situation. Their rebellion took place during a period of general discontent with civic government. A 20 March 1482 House Books entry lists a most unusual and intriguing crime—that of ringing the common bell, which incurred a punishment of imprisonment and required a special trip by one Thomas Davyson to meet with the Duke of Gloucester (the future Richard III) to determine what the king wished to be done to the miscreants (HB 251-2). The revolt was spurred by the mayoral election between rivals Thomas Wrangwissh and Richard York, which led to a riot of the commons (Miller 82). While bell-ringing may not initially seem like a serious offense, it was in fact a breach of the king’s peace; the bell was rung to signal elections but also to gather the commons in an emergency such as an attack, and ringing it was apparently a serious offense that would signal a deep unhappiness with the election results.

Also, Jennifer Kermode points out that the late fifteenth and early sixteenth century was a period of economic decline in York. In 1489/90 the commonalty (that is, the council of 48, which probably consisted at least in part of the guild searchers) convinced the mayor and council to fire the city lawyers to save money (“Urban Decline?” 183). The citizens of York also attempted (but failed) to lower the mayor’s annual fee (189). At the same time, however, the council “chose . . . to maintain ceremony and display at a time when it had difficulty paying the fee farm” (183). Kermode also points out that the town council actively sought to control the
makeup of the governing elite, with emphasis on keeping men of “common or vulgar” occupations (like the cordwainers) out; such men had difficulty advancing beyond the rank of chamberlain (193).

In addition to a general air of discontent in York, a position to the left of the weavers may have seemed especially repugnant to the cordwainers. At this time, loss of position in processions could be used as a punishment; for example, clergy found guilty in church courts might suffer a demotion in their position in public processions (R. Swanson 178). In a somewhat earlier (1397) example cited by R.H. Helmholz, the loser in a defamation case had to march in a parish procession and announce in a “loud and intelligible voice” during Mass “that he had erred in his words” (x1). Furthermore, issues of precedence in Corpus Christi processions occurred in other town as well (although perhaps not so memorably); in 1474, the mayor and council of Chester adjudicated an argument over precedence between the bowers and fletchers on the one hand and the coopers on the other. With advice from his “breder,” the mayor ordered the coopers to carry their torches in a double line “next before the lights of the saides ffletchers & bowers” (Mills 107). There is other evidence from York about just how fraught loss of position could be. A 1486 dispute between alderman John Harper and former alderman William Tod is a good illustration of how position in procession could be used as a punishment; the mayor and council commanded that “nethre of theyme shall goo in prosession in or about the parich of Al Halows of the Payment wher thei be parichinges” until the matter is resolved (HB 479). The original argument in fact seems to have involved who had precedence over whom, with the mayor and council deciding in spring of 1486 that it was Harper “who shal have preeminence above the saide William Tod at al tymes” (481). Then things got ugly. An undated entry
indicates that the situation became violent; Todd owed Harper ten pounds as amends for the “hurt” he inflicted on Harper; the entry notes that this is what the payment was to the surgeons who healed his injuries. At some point Harper called Tod a “coyner and a moneymaker,” but whether this led to or followed Tod’s attack cannot be determined from the House Books (HB 512). Eventually Harper apologized publicly, but the mayor and council appear to have continued to take Harper’s side in the dispute; Harper retained precedence over Tod in the parish and everywhere else (HB 512). No one liked a downgrade to his precedence, especially one that would be so obvious to others in the community.

Also, being placed in a subordinate position to the weavers would very likely have offended the cordwainer guild because of the weavers’ sinking status both socially and economically. As Petersen (citing Mary Carus-Wilson and R.B. Dobson) points out, weavers were also a guild without much political clout and who probably had a low social status (102). More recent work by Heather Swanson indicates that by the 1470s the textile industry in York (and other places like Coventry and Winchester) was in freefall. Masters took on many fewer apprentices, and fights between the various weaving guilds (the linen-weavers, for example) for the remaining work broke out (29-30). In 1482, when the reorganization of the procession was enacted, the cordwainers would have lost prestige to a low-prestige group. As Miri Rubin notes, in a procession “questions of precedence and order were of the utmost concern” (263), and disagreements about order occurred in other English towns as well.32

31 Shortly after this episode, William Tod became mayor (in 1487) (HB 533) and was knighted by Henry VII (HB 588).
32 Rubin cites a 1428 dispute between two churches in Munich and a 1475 dispute in Chester between the coopers and fletchers (263).
The positioning to the left may also have been a cause for alarm. Paul Binski notes that in addition to the top-to-bottom Christian hierarchy was a “left-right axis,” with one of the Christian creeds reading that “Christ will judge the quick and the dead from God’s right hand” (167). The Gospel of Matthew reads: “He will place the sheep on his right and the goats on his left. Then the king will say to those on his right ‘Come, you who are blessed by my father. Inherit the kingdom prepared for you’” (25.33-34). To those on the left He will say “depart from me, you accursed, into the eternal fire prepared for the devil and his angels” (25.41). At this point in the history of the Corpus Christi celebration, the pageants would have been played on the feast day itself, with the procession occurring on the next day. This means that the viewing public would have heard the character of “Deus” utter the following lines in the very last pageant, the mercers’ “Last Judgment,” before arriving the next day to watch the procession:

Mi blissid children, as I haue hight,

On my right hande I schall þame see;

Sethen schall ilke a weried wight

On my lifte side for ferdnesse flee.

Þis day þer domys haue I dight

To ilke a man as he hath serued me (47.75-80)

Later Angelus III speaks:

Standis noght togedir, parte you in two!

All sam schall Þe noght be in blisse;

Oure fadir of heuene woll it be soo,

33 All citations from Beadle’s edition of the York plays.
For many of yowe has wroght amys.

Þe goode on his right hande ȝe goe,

Þe way to heune he will you wisse;

ȝe weryed wightis, ȝe flee hym froo

On his lefte hande as none of his. (47.169-76)

The rest of the play’s action sends the saved to heaven and the damned down into the hellmouth. The undesirable position of the left is clearly affirmed. In addition to the dramatic emphasis on left/damned right/saved, visitors to the York Minster could have looked up to the great east window in the lady chapel. Near the base of this complicated window are three panels depicting Last Judgment: Christ the Judge occupies the central panel, with the damned entering the hellmouth to his left and the saved at his right. Left was not the place to be in late fifteenth-century York.34

The cordwainers’ unhappiness about their demotion was multi-faceted: a large guild with some wealth and leading citizens but little prestige or political power combined with a period of unrest. But even if a move to the left was seen as undesirable to the cordwainers, what is it that brought about such a strong reaction from the council? First, what might a medieval audience have thought about attacking or the non-bearing of torches? In the 1419 case, attacking the procession would clearly have been unacceptable and a breach of the peace which required the intervention of the law, especially since there is some evidence that the cordwainers were attempting to stir up trouble generally. The long-standing feud over refusing to show up and carry torches (and afterwards to pay the fine) needs more investigation, however, especially in

light of the fact that the council did not always refuse to negotiate or react so strongly when things went wrong with the play or procession. The example of “Fergus” (Pageant 54, which is not in the manuscript) provides an interesting parallel. In 1431, the masons, with council permission, gave up the Fergus pageant:

The Masons of this city have been accustomed to murmur among themselves about their pageant in the Corpus Christi Play in which Fergus was beaten because the subject of the pageant is not contained in sacred scripture and used to produce more noise and laughter than devotion. And whenever quarrels, disagreements, and fights used to arise among the people from this, they have rarely or never been able to produce their pageant or plain daylight as the preceding pageants do. (REED ii, 732)

Like the cordwainers, the masons were none too happy about a situation that seemed below their dignity, although in this case the council negotiated a mutually agreeable settlement. The pageant then seems to have dropped from performance until perhaps 1476, when it became the property of the linenweavers, who were fined in 1486 for not performing the play at all (REED i, 143). This gets only a passing notice in the Chamberlains Rolls and nothing in any other of the important town documents. So, it seems that it was at least possible to object to something on the grounds that it was unsuitable, and to actually skip out on a part of the Corpus Christi celebration, as long as the fine got paid. While perhaps the parallel is not perfect—a pageant

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35 There are many, many examples of pageants changing hands after negotiations with the mayor and town council, generally having to do with infighting between the guilds responsible for them, lack of payment of pageant money, or the request from the guild to be released from its responsibility because of changed financial circumstances. Appendix VI in the second volume of the York REED indexes all the times the plays changed hands. I picked Fergus as my example because the Masons seemed to see it as a burden and an embarrassment rather than an economic hardship.
versus a place in the procession—it does illustrate that the town council would negotiate to keep things running smoothly. Why not in this case?

Perhaps it was something about the lights themselves. To a modern audience, a lighted procession might simply appear beautiful; this was probably true for a medieval audience as well, as an undated REED entry describes the cordwainer lights as “torches of great beauty” (qtd. in Petersen 102). But lights seem to have meant something quite different and more significant to a medieval spectator. According to Neil Murphy, torches used in processions served to reinforce hierarchy:

The use of these torches was designed to keep the royal visitor in the glare of light when moving along the procession route. . . . Aside from the royal visitor [in this case, the host], the most powerful and important civic figures are continually bathed in the light that seems to emanate from the visitor as they ride beside him throughout the ceremony. . . . The light also serves as a visual reference, outlining the boundaries of the processional route and distinguishing those areas from those the procession does not pass through. (249)

Without the cordwainer lights, the hierarchy starts to break down. No longer is the host as the ultimate “royal visitor,” bathed in light, but neither are all the civic leaders. Nor is the light that shines on “insiders” and “outsiders” quite as distinct. Furthermore, the absence of sixteen torches must have been both obvious and embarrassing—a far cry from the few torches the cobblers fought to keep in the procession.

Lights were important not just at Corpus Christi but at many other occasions, including funerals. Death in general was well-lit by candles or torches: the procession to the dead person’s
home with the *viaticum*, from the home to the church, during the office and Mass for the dead, and from the church to the place of burial (it is interesting to note that death itself was a form of procession) (Binski 55). 36% of guilds that made returns in 1389 indicate that supporting lights (for altars, before saints, for burials, and so on) was part of their purpose; in the case of a guild from Norfolk, it was their only purpose. Another primary purpose was burial and prayers for the dean of their members (Goldberg, “Medieval England,” 61). In an article about death and dying in the Middle Ages, Margaret Aston writes that the uses of light, including torches, were an essential part of devotion. She notes that even parishioners without enough means to make an expensive bequest to a church could “reach out toward the saints at death by a use of lights” (219). Wills frequently specified bequeathals of light; York wills were no exception. For example, in 1432, Nicholas Blackburn the elder, merchant and mayor, left four torches to the Corpus Christi guild for use in the procession (REED ii, 737). In 1457, Isabella Kerr left her Corpus Christi torch to John Candell (REED ii, 765). In 1466 Margaret Stapleton left the five candles that burned around her funeral bier to the priory church of St. Clement’s in York to be put to use as elevation lights (Rubin 61-2), and in 1519 Antony Middleton left a rood light to St. Michael’s, and a Lady’s light and St. Agnes light (among others) to his parish church (REED i, 219). In the clashes (noted earlier) that occurred between marshals and smiths, the 1428 ruling from the town council and arbitrators stated that the guilds needed to uphold their torches in the Corpus Christi procession and “all their lyghtes in þe mynster and in other places” (REED i, 46). The 1442 ordinance mandates the Corpus Christi torches and lights at the funeral of all craftsmen and their wives (REED i, 60). Torches were not merely handsome; they were an essential part of

36 in Edelgard E. DuBruck and Barbara I. Gusick’s *Death and Dying in the Middle Ages* Roger S. Weick provides a series of illustrations from Books of Hours that show the various stages of the funeral procession.
devotion. According to Aston, “light stood for Christ’s salvation just as darkness stood for Satan’s doom” (219), thus tying lights back to the left-hand/right-hand issue. By 1482-93 procession lights were not necessary in the way that they were earlier in the cycle’s history, when the procession would have begun at 4:30 in the morning. But in a town where the procession and plays were put on for “the honor of the city,” and the use of light so important and pervasive, refusal to bear torches took on a serious meaning. Lights were not a necessity against literal darkness but an “extravagant outpouring of honor” (220).

The use of light was also critical to eucharistic ceremony in general. In eucharistic ritual, candles were a “part of any [eucharistic] scheme of veneration” (Rubin 60). While lights would have been needed to illuminate the host in dark medieval churches, Rubin also notes that the host received special lighting when removed from the church, for example, when taken to the sick and dying (235) and, of course, when taken out into the streets for Corpus Christi processions: “of the forty-four Corpus Christi fraternities recorded in 1389, seventeen explicitly mention participation in a procession, ten of which also provided lights to either decorate the eucharistic tabernacle or to be carried by members” (237). It is perhaps not too far-fetched to imagine that a medieval audience would have reacted poorly—perhaps even with a certain amount of horror—to an attack on the lights which illuminated the host. Rubin cites the example of the Corpus Christi fraternity of King’s Lynn who were “appalled to find that on the very many occasions of taking the eucharist to the sick in this sad year [1389], the sacrament was provided with poor lighting” (236).

In considering procession, plays and civic politics in York and Chester, Pappano and Rice note the connection between procession lights and reverence for the host:
The torches indeed were intended to signify, at least ostensibly, reverence for the host and the honor of the city rather than the power of the guild. To invest the lights as signifying a guild’s individual status rather than devotion to God is to rebel against the divinely sanctioned order, which is here framed in terms of guild members’ disobedience to the mayor, the one who assigns places in the procession through his superior wisdom—and holds the power to punish and reward. (282-3)

While an intriguing argument, it probably does not go quite far enough. Refusing to carry torches is more than a rebellion against the mayor and town council (although it certainly is that as well)—it may have been perceived as an attack against eucharistic worship itself.

So, what the real “sides” were in this particular and protracted battle? The disagreement as construed by the power elite—the mayor and city council (and later the king)—certainly makes out the cordwainers and weavers to be at odds. But almost nothing else indicates this. Pappano and Rice hypothesize that the cordwainers’ battle was really with the tanners. Their evidence is that in 1493, after all the strife and royal intervention, the cordwainers got back the right to search red and black leather “for euermore” (with “certain Reasonable causes excepted”—presumably outright rebellion would be one of these causes) (REED i, 173), which they had lost to the tanners at some point in the 1490s (Pappano and Rice 285).37 This is an intriguing idea and to some extent supported even further by evidence from the House Books; two separate entries in 1491 seem to indicate that the right to search red and black leather was key to the cordwainers and part of their bargaining with the mayor and city council (REED i, 163). While my own sense of where the true quarrel lies is somewhat different from theirs, it seems to me

37 See also Swanson, Medieval Artisans, 56.
they are on the right track. Other than the machinations of the mayor and council, very little seems to show any true discord between the weavers and cordwainers. Looking beyond the records that comment directly on the relative positions of weavers and cordwainers tells a slightly different story about the relationship between these two guilds and one that may indicate the true nature of this particular power struggle.

In a 1477 case between weaver Richard Wryght and cordwainer Richard Hewer, the two agreed to abide by the rulings of arbitrators John Wryght, weaver, and William Panot (Paynot), cordwainer (HB 80-1). In 1487, weaver George Lokrik and cordwainer Richard Bewik were sureties for cordwainer William Skelding in his suit against skinner William Byngely. There is some evidence that this was a more high-profile case; one of the men who acted as a surety for Byngley was Henry Wressill, a Skinner searcher (HB 275). This also seems to have been a situation that was escalating toward violence, as the men bound to the case agreed to keep Skelding and Byngley from hurting each other (HB 578, 582). Perhaps the 1419 violence between skinners and cordwainers was having yet another flare-up.

What do these cases indicate? First, they demonstrate the cordwainers’ participation in and familiarity with legal procedures. They also may indicate that cordwainers and weavers could work together toward a desirable outcome; it seems a stretch to think that either the mayor and council or the parties themselves would agree to arbitrators who could not render a judgment. If the true conflict was between the weavers and the cordwainers, one might not expect to see them working together as arbitrators, especially during this period of time.

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38 If the arbiters could not agree, the mayor would choose an umpire to make a decision (80-1). This is, in fact, the origins of our modern baseball word.
It seems more likely that the true conflict was between the cordwainers and the mayor and council: a conflict “between ruler and ruled” (Reynolds 211). In describing towns throughout Europe, Susan Reynolds posits that the “fundamental conflict was political and not economic” (211); this seems to be the case in York as well. While not all were rich, there were, as has been demonstrated, many well-off and well-regarded cordwainers. What they lacked was true political power and access; therefore they chose as their point of rebellion a moment where hierarchy and the power of the ruling elite were most clearly on display, a moment that mayor and council strove mightily to control through their legal authority. We can also gain some insight into the conflict by invoking Victor Turner’s ideas about liminality, the moments when the boundaries blurred between structure and *communitas*, between rigid social hierarchy and times of greater equality and the breakdown of hierarchy. The mayor and council had much at stake in controlling the procession and the structure of the hierarchy; to them the potential *communitas* engendered by the procession and later the pageants themselves was dangerous and had to be “hedged around with prescriptions, prohibitions, and conditions” (108-9). Perhaps it was even this exaggeration of structure that led to pathological manifestations of *communitas* outside or against “the law” (129). In other words, the more the mayor and council attempted to surround the procession with rules to enforce the hierarchy, the more they invited groups like the cordwainers (who clearly did not always get along with each other) to move into a greater sense of *communitas*—an “us against them.”

Unfortunately for the cordwainers, it would seem that the mayor and council triumphed; the guild regained its power to search red and black leather but little else, except a unique place in York guild and drama history. Perhaps, however, this is an inaccurate statement; while the
weavers remain silent, the cordwainers interject their voice into a narrative that the ruling elite could not quite control; centuries later we hear John Crake, John Smyth and others who were able to severely disrupt one of the most important civic events in York.
Chapter Two: Crime and Punishment in Pre-Passion Sequence Pageants

While it has been established in Chapter One that the Corpus Christi procession and the legal fabric of York are tied even more closely together than had previously been explored, the question remains as to what—if any—influence the law has on the pageants themselves. Elza Tyner, Pamela King, Olga Horner, Michael A. Winkelman and others have all written about the ties between law and the York plays, with much—although not all—of the focus falling on the plays that involve the trials of Jesus before the high priests, Herod, and Pontius Pilate. Sandy Bardsley and Marjorie McIntosh have also explored the connection between English law and literature, with special emphasis on Noah’s Wife and scolding. By building upon theirs and others’ work, I wish to investigate further how the pageants reflected law and an audience’s experience of the law as it operated in medieval York. In considering aspects of the law and justice in the cycle, I begin by looking at the pageants up to pageant 9: “The Woman Taken in Adultery.” The Passion plays, which contain the trials of Jesus, will be covered in Chapter Three. While there are some problems with this organization, which will be addressed as they arise, treating the Passion pageants as a separate entity makes the most sense because they have been the focus of most critical inquiry, and they share a more specialized legal vocabulary that relates to the crime of treason.
The subject matter of the first twenty-four pageants is highly concerned with law and justice. In fact, the various pageants illustrate a number of ways in which the ordinary citizen of York might experience the law, including through sumptuary laws, accusations of scolding or adultery, tithing and taxation, oath taking (and breaking), and even physical violence and murder. The litany of crimes committed span the width of available forms of justice in York, including canon law, local ordinances, and statute law. What seems clear in the first part of the cycle is that there is a multiplicity of “justices” available, as would have been the case in York itself, a city “honeycombed with other franchises” (Miller 38), not all of which were subject to each others’ courts.

Before turning to the pageants themselves, it is important to examine exactly what law and justice might mean to a medieval audience in York, especially since these notions were quite different for them than they are for us. First of all, while perhaps most modern audiences have a dread of any sort of court appearance—traffic, small claims, or the feared mid-semester jury duty—“in the fifteenth century it [going to court] was the badge of citizenship, of the full membership in society. Men . . . went to court not just to litigate or prosecute, but to serve on juries, make indictments and record land transactions” (Powell 29). Furthermore, most of us consider justice to be blind. We get what we deserve regardless of our place in society—the multimillionaire who perjures herself goes to jail. The audience of the York play would have had a somewhat different attitude toward the law. According to Edward Powell, medieval justice was hierarchical in the same way medieval society was hierarchical. Powell cites Bishop Robert Stillington, chancellor to Edward IV, who defined “justice” in 1467 as “every person to do his office that he is put in according to his estate and
degree” (qtd. in Powell 31). Powell summarizes three essential points about fifteenth-century “attitudes to law and justice: law was of divine origin, it had to be in accordance with reason, and justice entailed giving each man his due” (31). What each man was due was not equal, and money and political power certainly affected the administration of the law (40).

There was also a hierarchy of law: law of God, natural law, law of England, and custom. The law of nature is man’s deduction through reason of the unknowable law of God. Violence was an integral part of the system, and the power to administer justice and “just violence” was delegated to earthly rulers. Kings and judges were doing what God wanted when they killed rebels, sentenced felons to death, and so on to maintain social order (Maddern 38-9). Problems arose when reason did not temper “the violence inherent in the system,” and rulers instead governed by personal whim. Powell uses as his example a 1483 petition that called for Richard III to take the throne: “Tyranny was characterized by the ruler’s willfulness and his failure to observe the law . . . Edward IV’s rule was in effect denounced as tyrannical” because he “ruled through self-will and pleasure.” The 1399 articles brought against Richard II also “alleged that ‘the king refused to keep and defend just laws and customs of the realm, but according to the whim of his desire he wanted to do whatever appealed to his wishes’” (Powell 30).

So, a contemporary viewer of the cycle would have an idea of the law that involved hierarchy: divine and human, law of England and customary law, those who get what they deserve and those who are punished unfairly (or at least in a manner unsuitable to their rank). We shall see many of these dichotomies explored in the individual pageants.
Station: Knowing Your Place and Staying in It

As has been discussed at length in the previous chapter, keeping people in their place took up a fair amount of the mayor and council’s time. The upper echelon of society did not always want to cooperate, especially with the demands of the public displays of civic power, and those lower in the hierarchy frequently rebelled, or at least resisted. Society was highly ordered, and failing to keep your place in the order often led to trouble. Even for those who were not in any legal difficulty, the outward signs of rank and authority were very real and not to be dismissed lightly. For example, an oft-cited example from 1484 gives some insight into just how much people believed in the visible manifestations of rank. Thomas Wrangwissh had been elected mayor while he was at Parliament in London (this would be the same election that led to bell-ringers being thrown in jail); the outgoing mayor and city council decided to send the swordbearer, macebearer, and all the sergeants with their maces to greet him at Tadcaster Bridge upon his homecoming. After this entry, a different hand records “and so te werd and mayce met hym at Tadcastre bot he wald not let theym be born tofore, insomyche as he was unsworn” (HB 301). Without the oath which invested him with power, Wrangwissh refused to receive the outward trappings of the office and the “worship” they indicated.

This focus on “worship” and what is due according to one’s status would certainly have resonated with a York spectator. While the Middle English word “worship” had some of the same connotations as our modern version (meaning to show honor, or bend down in honor of, or the state of being high esteem), it also could mean (as a noun) “honor” or “a person's social standing, status, rank; an office, official position; also, high rank, high
The pageants seem to use both definitions of the word; the “good angels” of pageant 1, “The Fall of the Angels,” have no fear as long as they stay stable in thought and “worschipp” God (1.63), while Lucifer feels himself to be “worthily wroghte with wyrschipp” (1.81), which seems closer to the definition of high social status. As Jennifer Kermode notes,

> Great emphasis was placed on “worship,” that is the respectability and dignity of officials and council members, and extended beyond the prestigious symbols of the upturned sword and mace which the mayors of York were allowed to have carried before them in processions. . . . The major recorded squabbles within the governing elite in York concerned financial dealings between officials and precedence in public processions. (Kermode, “Urban Decline?” 193).

Some of this dignity and worship would have been established by what one wore. Although sumptuary laws were enacted long before the plays and were never very effective (enacted 1363 and repealed the next year), people showed their social rank visually through clothing (Goldberg, “Medieval England” 4-5). For example, the ruling elite wore special robes (36), and senior guildsmen also indicated their status by their dress (67). Color, fit, and trimmings indicated one’s place in the social hierarchy (282). Various records from York indicate that citizens were concerned about dress. For example, in 1476 alderman William Holbeck left the York franchise for the Dominican Friary. Although there was not much the council could do about this abdication, the one punishment they could mete out was “dismissal from the aldermanic gown” (Dobson 13). In a passage noted earlier, the Corpus 39 See the Middle English Dictionary entries for worship (v) and worshipe (n) (online at http://quod.lib.umich.edu/m/med/).
Christi guild ordinances require that the master six senior guild wardens wear silken copes to distinguish themselves from “their other brothers” (REED ii, 780).

In his speeches in Pageant 1, “The Fall of the Angels,” Lucifer/Satan exults in his appearance. While the “good angels” sing about their love for God and steadfastness, Lucifer remarks how he is “seemly in syghte” (1.51), “lyke a lorde” (1.52) and how he will establish himself as “full seemly to seyghte” (1.89). Instead, he falls to filth and is smothered in smoke (1.117) because of his “fayrehede,” which led him and the other fallen angels “in fantasies” (1.129-30). So, their physical beauty—at least their obsession with it—had something to do with the fall. Furthermore, the word “fayrehede” is quite interesting. First, it is only used twice in the play, and both occurrences are in the “Fall of the Angels.” Also, while the word can mean “physical beauty” (this makes the most sense in the context, and this is how Beadle glosses it), it had another meaning of “spiritual beauty or excellence, purity, clarity”.  

Beauty is a double-edged sword; spiritual beauty is desirable, but obsession with physical beauty is clearly criticized here.

One can imagine the staging possibilities: Lucifer and his fellows clad in silk stoles indicating their rank before plunging into filth. Although no records exist describing Lucifer’s costume in York, perhaps it was similar to the elaborate dress provided for the archangels in the Lucerne Passion play (performed during Easter from c1450 to 1616; see Meredith and Tailby 24). These angels wore expensive, white costumes complete with stunning hairstyles, strings of pearls about their heads, and crucifixes. They also had wings.

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40 See entry for “fairhede” in the online Middle English Dictionary.
with the caveat that they not be too big or pliable (131). The outer beauty of the costuming reflected the inner beauty—and power—of these angels.

The Lucerne description of the angels also includes what the angels carried-- Gabriel and Raphael had scepters, Uriel a burning sword, Michael a chalice—and notes that the angels were to carry scepters “whenever they have something to do” (131). These scepters are the outward marks of their power and the honor due them. To return to our earlier example, Wrangwissh refused the outward honors due him because he had not yet taken the proper oaths of office. In fact, the proper administering and honoring of oaths is a theme in various pageants. One critic who has written several articles on the intersection of law and the York pageants is Olga Horner. In her article “Biblical and Medieval Covenant in the York Old Testament Plays,” Horner compares Biblical covenant to medieval contract law, which entailed a binding promise witnessed and sealed by some kind of oath (129). Her textual evidence is the revised Genesis story of the York play, where she sees Adam and Eve’s promise of love and obedience in return for Eden as the quid pro quo “which makes the covenant legally acceptable” (131). In return for land and power Adam and Eve promised God their love, obedience and care for the land; when they defaulted, the consequence was ejection (132-3). Horner describes Adam as “a tenant in chief; a lord in possession of and holding land directly of his paramount lord, God” (134). Horner also argues that the law would have been familiar to a contemporary York audience, who would have understood the covenant and the canon law which held jurisdiction over covenants and oaths (141-2). In other words, the average York viewer would have known the agreement between Adam and Eve and God was legally binding, and the price for breaking the covenant was expulsion and
redistribution of lands. She gives as her evidence various felons and traitors in and around York who lost the lands they held of the king (144-6). Indeed, the York citizens themselves, because they held their property and homes by burgage tenure, were actually tenants in chief of the King (144; see also Palliser 139 in Horrox 15th Century Attitiudes). She posits that the pageant would serve as a reminder to the audience to keep their promises or face consequences (143).

Horner’s argument is intriguing but ignores another sort of promise familiar in York. She privileges land-for-homage and broken promises that lead to loss of land and expulsion. Undoubtedly these sorts of oaths were known to at least some of the audience; York was surrounded by landed magnates, some of whom lost their lands (and heads). But it seems likely that the citizens of York would also associate Adam and Eve’s promises with the oaths that affected their own daily lives—the oaths which, as Jennifer Kermode points out, helped form the ideology of the town as an exclusive body and brought “responsibility and privilege” to the citizens of York (“Medieval Merchants” 26). After all, the plays were organized and performed by guildsmen (and perhaps women) who swore oaths of fealty not for land but to receive the franchise or, in some cases, to become part of the town government. What connections might there be between these oaths that actually governed their lives and the oaths between Adam and Eve and God?

The freemen’s oath of fealty (sacramentum pro intrantibus libertatem) was a lengthy and detailed statement that deserves to be cited in full:

This here ye mair chamberleyns & gudemen that I fro'noweforthe shall be trustye and true to the Kynge ourSou'eyne lord to this Citie of York And ye same Citie &shall
saue and maynteyne to oure saide sou'eyne ye Kyngeand his heyres and successors
And all the ffrauncheys &fredoms of ye saide Citie maynteyn & upholde at my
power& Counyng wt my bodye & my gudes als ofte tyme as ythathe myster of helpe
so helpe me god and holy dome.

And by this buke Ye shall be obeyynge to ye mair &shirriff of this Citie yt er
or shall be for ye tyme beyinge &justifyed after ye lawe accustumez & ordynauncez
of yis sameCitie. And no man knowe yt usez byyng or sellynge in onycrafte or
occupacon as Maistr & not franchesst but yeshall make it knowyn to ye mayer
Chamberleyns or the Com[m]onClerk for the tyme beynge. Nor ne gudes of Anie
Straungerne of man unfraunchest ye shall not avowe for youre owneby ye whilk the
Kyng or the Mayor & Shirraff myght loseye Tolles custumez chargez or ony oyer
maner of Dewtez ytlongys unto theyme. The counseyle and privatez of thissade Citie
ye shall kepe. And all thees poynte z & articlezafore Rehersyd ye shall holdeenst
yowe and for nothingelett. But ye shall so do. So helpe you God and Holy dome &be
this buke. (Collins, 'Preface', Register of the Freemen of the City of York)

In the first part of the oath, the swearer promises the mayor, chamberlains, and other
aldermen that he will be true to the king and his heirs and uphold the franchise and freedoms
of the city. In Pageant 2, “The Creation of Adam and Eve,” Eve makes a similar promise:
“hym for to loue we sall noght let/And worschip hym with might and mayne” (2.83-4). She
and Adam swear to love and worship God with all their might—in other words, to be true to
God. And in pageant 5, the “Fall of Man,” when Satan tells Eve that she can have more than
mastery of the beasts by eating the fruit of the forbidden tree, she hesitates, saying “to do is
vs full lothe/That shuld oure God myspaye” (5.63-4); she is aware that she will not be trusty
and true to God if she disobeys him so directly.

In the second part of the freemen’s oath, the swearer promises to obey the mayor and
sheriff and the laws, customs, and ordinances of York; he also pledges to do nothing that
would cause the king, mayor or sheriff to lose out on anything due to them by trading with
unfranchised men or “strangers.” He also promises to alert town authorities if he knows of
any unfair trading practices. These promises remind one of the ones pledged by Adam and
Eve. Obedience to God seems to be paramount. In the “Creation” Adam promises to “do þi
biddying/And fulfyll it, both more and less” (2.79-80); he promises obedience again in
“Adam and Eve in Eden” with “thy blyssed byddyng we shall fulfyll/Bothe in thought and
deyd” (4. 1-2), as does Eve (4.76). But in the “Fall of Man” Satan, perhaps the ultimate
“stranger,” arrives on the scene and tempts Eve to eat from the tree. Instead of alerting God
of Satan and his attempts to take something that rightfully belongs to God, she allows herself
to be tempted. In fact, Eve starts to sound a lot more like a lawyer after she takes the fruit.
She returns to Adam, who scolds her for her disobedience; she responds with “Nay Adam,
greve the nought at it/And I shal saie the reasonne why” (5.89-90). Instead of accepting the
“local ordinance” of God, she starts to argue.

But Adam and Eve are more than guildsmen; they are also, in some respects, the
“civic elite” installed at the top rung of society. The promises Adam and Even make to God
also are related to the mayor’s oath:

Hear this, good people, that I will be faithful and loyal to our lord the king, and I will
save and watch over the said city for our lord and king and for his heirs, and I will
maintain the franchises, rights, laws, usages and customs, and I will administer justice impartially to the rich and poor, and I will not abandon this so help me God and the saints. (YMB ii 256, translation from the French is mine)

Obviously this oath has much more to do with governance and establishing hierarchy which we also can see in God and Adam and Eve’s contract. In lines 71-2 of “Creation of Adam and Eve,” God says “Lordschipe in erthe þan graunt I þe/All thynge to serue þe þat I haue wroght.” Eve at least is aware of her role as “city mayor” when she says “lovyng be ay to suche a lord,/To vs hais geven so great reward/To governe bothe great and small” (3. 41-3) Later, in the “Fall of Man,” she tells Satan that she and Adam will win nothing by eating the fruit as “we have lordshippe to make maistrie/Of all thynge that in erthe is wrought” (5.58-9).

Just as the mayor of York is charged with maintaining good order for the king, Adam and Eve are at the top of creation and in charge of governing in God’s name.

Also in evidence in the York pageants is the theme of divisiveness inherent in any sort of oath-taking. As James Lee notes, the act of oath-taking “by its very nature” has a way of setting one group against—or above—another. He notes that “oath-taking for elite offices acted as a gateway to the . . . elite ranks of the urban community” which could separate the oath-taker from his fellow citizens (30-1). He argues that while oaths seemed to promise that town leaders would maintain liberties and privileges, they also concealed “significant divisions within the urban community” (28) and established a hierarchy between oath-taker and receiver. In the introduction the York Memorandum Book Part II, Maud Sellers states that the oath made the mayor the “supreme magistrate” whose fellow York citizens approached “with almost servile respect” (viii). These oaths provided a good way to establish
and isolate certain groups as “most worthy” (Dobson, “Freedom” 15) and certainly created even more division between the oath-takers and the “other” (journeymen, apprentices, non-residents, and so on). Eve certainly seems to realize and relish that God has given her some significant status:

To swylke a lorde in all degre

Be euirmore lastande louynge,

Pat tyll vs swylke a dygnite

Has gyffyne before all othyr thynge. (“Creation of Adam and Eve,” 3.53-6)

Even before she and Adam make their promise, Eve has noted that they have more rank than other parts of creation. After God explains what they need to do, she again comments on their superior status: “His syng sene he has on vs sett/Beforne all othir thyng certayne” (3.81-2).

The oath they make to God ties them more strongly to him than to other parts of creation; in the end, it is a desire to be like God that Satan exposes and exploits.

When Adam and Eve break their oath, they pay the ultimate price of expulsion from Paradise and a life where they must “swete and swynke/And trauayle for [their] foode (“Fall of Man,” 5.161-2); in the “Expulsion,” Adam laments “my welthe is gone” (6.117). Although as Horner notes their punishment is expulsion from their land, it also entails a loss of “welthe.” Beadle glosses this word as “happiness, felicity” (“York Plays” 531), but it can also simply mean “worldly goods” or “wealth” (MED Online “welthe”). Certainly loss of the franchise would have meant loss of “welthe” in both its senses to a York guildsman.

As we saw above in the case of the cordwainers, loss of the franchise was certainly problematic; stripping them of the franchise had the effect of bringing them to heel. In fact,
in the period from 1380 to 1480, the Freemen’s Register records “at least” 60 cases of *renovati* or *reconciliati ad liberam civitatis*—men who had lost the franchise and been reinstated, indicating that retaining the freedom of the city had importance (Dobson 8). What were some of the specific rights and privileges lost? The first, of course, comes directly from the oath itself—no trading without penalty (and it was a severe penalty; see Dobson 16). Freemen received better treatment at court (Dobson 15), and in order to take part in elections or to hold civic office one had to be a freeman (Palliser, “Urban Society” 139). The franchise tied citizen to city. In order to have the franchise, one had to live in York; leaving was tantamount to losing the franchise (Dobson 11). To be a master and aspire to public office, to truly be a part of the city’s political and civic life, required the franchise—to lose the franchise was a loss of “welthe” in its various meaning.

However, taking the freeman’s oath had a subversive side as well. As Dobson, Swanson and others note, the franchise could be a burden, particularly a financial burden in the form of purchasing the freedom and paying city taxes. Swanson considers the franchise to have been a heavy obligation rather than a privilege for those who wanted to be masters (109). Dobson argues that York, more than other towns, really enforced the need to be a freeman primarily for financial reasons (Dobson 20), and refers to admission to the franchise as “an instrument of oppression rather than liberty” (21). Even Palliser, who disagrees with Swanson about the relationship between guilds and the civic elite, notes that freemen “had to be careful not to forfeit their privileged status by defying the town council or flouting its regulations” (Palliser, “Urban Society” 140). And certainly we have seen that having the franchise was no guarantee of civic office. Again, the much-discussed cordwainers are a
good example of a large guild (meaning, many freemen) who had no political power and who took a hard fall after defying the town council. Finally, many people living in York did not have to take the oath if they resided and traded in one of the city’s many liberties, which caused considerable tension with York citizens, as shall be seen in Chapter Three.

To conclude, the oaths that Adam and Eve take have much in common with the freemen’s and mayor’s oaths. Horner rightly asserts that the pageants could serve as a reminder to the guildsmen to keep promises or suffer the consequences. But there is a more subversive reading. Adam and Eve are more than guildsmen; they are the civic elite, but this superior position does not keep them from a terrible fall. In fact, their fall echoes one of the great fears of the ruling elite and the more ordinary citizen: a fall from stability and respect to “other”—the “homeless, itinerant, . . . day labourers” that Adam and Eve become (Jones 124). While the oath both created and resolved tension, it did bind groups together in a desire to keep things stable. No matter one was, instability and disorder were threatening. Oaths tied groups to one another—sometimes in unwelcome ways—and breaking oaths brought on real, legal problems. Failing to keep one’s word was even, as we shall see, related to older understandings of the word “treason.”

**Divine Justice, Human Justice**

Another tension explored in these earlier pageants is the theme of divine justice and human justice. Divine justice, which was simple, swift and unerring, is contrasted with human justice, which was slow and sometimes caught the wrong people up in its complicated web. In the first few pageants, the emphasis is on God as the ultimate lawgiver and judge—
the highest form of justice. God is the one who administers justice, and that justice is often swift. In fact, God says in “The Fall of the Angels” that those who are “stabill in thoghte” (1.30) will get to dwell on the earth; those “mynysters” who are not will be “put to [His] presone at pyne” (1.31-2). This seems both clear-cut and quick: you are in or you are out and suffering torment. This sort of justice would certainly have been acceptable to a medieval audience, especially those members who had perhaps not always received fair treatment from earthly justice and would be looking for reassurance that “true judgment” might be coming. Maddern notes that in fifteenth-century society, people would have been quite comfortable with God’s sudden and terrible justice (Maddern, “Domestic Violence in the King’s Courts” 38). As Maud Sellers points out in her introduction to the first volume of the York Memorandum Book, guild justice was not always a fair thing (although she also points out that rigid adherence to guild regulations also would probably have proved disastrous): “under such a system glaring cases of injustice must have taken place . . . . A popular man would escape scot free, an unpopular man would pay the fines” (xliii).

The devil experiences God’s swift and sure judgment in “The Fall of the Angels.” In line 91 Lucifer says, “I sall be lyke vnto hym Þat es hyeste on heghte”; by line 92 he is crying out “Owe! Dewes! All goes downe!” A swift fall, indeed, and one that lands him in a “dongon of dole” (1. 98)—thrown into prison for his “vubuxumnes” (lack of humbleness) (1.123). Perhaps cordwainer spectators would have had some sympathy for the devil and his fall for daring to want something beyond his station in the accepted hierarchy. And the cordwainers would not have been alone. Lucifer offers up the defense that he “sayde but a thoghte” (1.114). While a more thorough investigation of types of serious crime—including
treason by words (see Bellamy, “Law of Treason” 116-118) and slander and defamation—will be undertaken in Chapter Three, it is worthwhile to note here that words alone could get one in significant trouble at this time. Sellers cites the following example from the *York Memorandum Book*: in 1392, Thomas de Lounesdall, a York tanner, was thrown in jail for saying that the assize of wine assessors had “spoken falsely.” Thomas found himself caught between jurisdictions; the jury who found him guilty of speaking these words freed him on account of his poverty, but because his crime was against statute and not simply local law, he was taken back into custody (eventually he was released after intervention from the city council) (xxiii). Similarly, after a disputed mayoral election of 1482, two York men found themselves in trouble for speaking out; one man insisted that Thomas Wrangwissh should be mayor because he was the Duke of Gloucester’s man, while another objected that of this were true, “the commons would not have him mayor.” Although both were hauled before the mayor and council, cooler heads prevailed; all parties “remembered” that what “really” was said was the commonalty and not the lord must elect the mayor (Miller 82), a much more neutral and less actionable statement. No “dongon” in this case, but a brush with the law nonetheless for “saying but a thought.”

Adam and Eve also experience God’s swift justice in Pageant 5, “The Fall of Man.” Satan tempts Eve to eat the apple so that she can be “wirshipped” (5.56). When Eve responds that she and Adam already have mastery over all the earth, Satan dismisses this argument, saying that she could be the equal of God if only she would take a bite of the apple (5. 65-74). In other words, Satan lures Eve to a fall identical to his own—caused by a desire to go beyond one’s station. Again, the fall is instantaneous; in line 15, Adam tastes the fruit, and by
line 106 he exclaims “allas, what haue I done, for shame!” Even without the fire and brimstone of the “Fall of the Angels,” Adam knows he has been judged and found wanting.

The theme of God as judge continues through Pageant 7, “Cain and Abel.” While it is perhaps unwise to draw any large conclusions from “Cain and Abel,” as the play is missing two leaves, Michael A. Winkelman writes that Cain is responding to what he sees as unfair taxation, noting that “the play exposes the danger of tax evasion” (231). It also exposes the danger of murdering your brother; Cain is cursed by God, but not before he has the chance to argue with the angel: “the same curse light on thy crowne” (7. 93). In general, Cain has a poor time accepting his judgment; while perhaps he does not argue himself to exactly a better position, he does get some concessions from the angel. And, although he is an outcast, he is protected from being murdered by others (ll. 125-8). In the end, though, despite Cain’s protests and claims of unfairness, justice is divine and instant; Cain’s curse is to wander, never again to till the earth.

On the other hand, these early pageants also illustrate what can happen when earthly judges interfere with divine justice. In “Moses and Pharaoh” (Pageant 11), “Herod and the Magi” (Pageant 16) and “Christ and the Doctors” (Pageant 20), other sorts of law and judgment start to interfere with divine judgment, although at this point in the cycle to little avail. These pageants illustrate what can happen when the path from divine to natural law is not ruled by reason. For example, at the beginning of “Moses and Pharaoh,” Pharaoh claims to be a law-giver, or at least law-enforcer: “All Egippe is myne awne/To lede aftir my lawe” (11.9-10), and those who do not obey him are subject to the loss of life and limb (11.20). His counselors are his abettors, who claim they would destroy anyone who does not do his will
Pharaoh does not rule “be reasoune ryffe” (11.3) the way God does and the way an earthly king should (Carlson 350), but rather through anger and fear; upon hearing how the Jews are multiplying and of the prophesy that he will be overthrown, he orders the midwives to kill the babies and for the rest of the Jews to face hard labor to cause them to “beholden lawe (11.77) or “be brought to abide by the law” (see gloss in Beadle and King, “York Mystery Plays: A Selection in Modern Spelling” 36). Pharaoh seeks to subvert God’s power over life and death, but this interference of flawed human judgment does not get very far, as again things go downhill quickly: by l. 253, Egypt is suffering. Line 403 contains an echo of Lucifer in “Fall of the Angels”: “Owte! Ay herrowe!” just before Pharaoh falls, this time into the sea rather than into the fiery hellpit (or perhaps hellmouth). The Jews, on the other hand, are saved because they “will kenne” God’s “lawes” (11.163).

The opening of “Herod and the Magi” is like a parody of what law should be. Instead of being of divine origin, Herod claims that he is divine, with Saturn, Venus and the sun at his beck and call (16.1-13). Everyone from Caesars to lords and ladies attend him (16.15-16). Herod’s opening speech is immediately followed by one of his soldiers commenting on his administration of the law: “all kynges to youre crowne may clerly commende/Youre law and your lordshippe as lodsterne on high;/What traytoure will not attende,/Ye sall lyȝt the sain ful lowe” (16.23-26). The second soldier promises that anyone who offends Herod will experience great pain (16.26-7). Herod’s law is not according to reason but according to his whim; those whom he sees as opposing his “law” (that is, tyranny) will be severely dealt

41 Herod as a loud, evil, power-hungry and even insane ruler is a trope in medieval drama in England and elsewhere.
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with. The plan he concocts with his counselors is to slay the three kings upon their return (16.265)—hardly what is “due” to visiting royalty!

In “Herod and the Magi,” the idea of competing jurisdictions and the right to judge is also played out. Herod also exults in his power to judge and to control life and death; like Pharaoh, he boasts about his right to take a “traytoure vntrewe” and “lay Þaim full lowe” (16.25-26). The three kings, realizing that Herod has his “lawes her for to leede” (16.120), stop to see him before they pass through his lands. Unfortunately, their law-abiding behavior seems to trigger lawlessness in Herod, who plots to kill them on their return (16.265). In addition to the king as lawgiver and enforcer theme that we saw with Pharaoh, Herod also bristles at the idea of another king: “Kyng? In Þe deueles name, dogges, fye!” (16.177) is his response to the first king’s claim that Jesus will be king of Jews and Judea (l. 176) and, worse yet, a judge (16.183). Again, there are multiple laws—earthly and patently violent and arbitrary law contrasted with the divine law of God.

What makes this pageant especially intriguing is the sheer amount of legal vocabulary featured. Many of the words found in the pageant are either used by the character to describe some legal maneuver or have legal uses in addition to the meaning they carry in the play lines. An audience familiar with the law might have noticed some parallels between the world of the play and their own world. The word “traytoure” is found throughout the passage, a term that will be used again extensively in the trial of Jesus. Herod says

*For I wate of no wighte in Þis world Þat is wonnande*

*Pat in forges any feloune, with force sall be fest.*

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42 Regicide was a serious, potentially treasonous, crime; imagining the death of the king and the punishments this entailed will be explored in Chapter Three.
Arest þe þo rebaldes þat vnrewly are rownand. (16.33-5)

To “in forge” is to plot a crime; here Herod reiterates his right to “arrest” those who plot a felony. To be “unrewly” is to be unrestrained, ungoverned, anarchic—if to be “reuled” is to follow the order of a court or justice, to be “unrewly” is the opposite. “Rownand” is a form of the verb “rounen,” which means “to murmur,” but in the form found in the play can mean a talebearer or slanderer, the latter of which was an actionable offense. As in the case of Lucifer, who said but a thought, muttering under your breath in Herod’s land could land you in jail. When Herod uses the word “cas” in l. 45 to describe his soldiers’ zeal to seize and harm those who cross Herod, the overt meaning is simply “this matter,” but “cas” is also any civil or criminal question contested before a court of law. In fact, Herod is quite concerned with everyone following his laws; he warns the three kings not to “legge” (16.203) against his laws, meaning not to speak against them. But “legge” also has the legal meaning of “passing judgment on.” Herod also speaks about witnesses; while he expresses the medieval fear of false witness—“swilke gawdes may gretely greue/To wittenesse that neuere was” (16.185-6), Mary represents God’s true witness when she says “I shall witnesse full wele/All that is saide and done (16.355-6). But perhaps the most interesting legal vocabulary found in this play is in fact a play on words. Herod’s son says that Jesus is “jugge of all Jurie,” meaning that he is the judge of all the Jews (16.184). But “Jurie” can also mean “jury” (MED). It is not Herod who is in charge of judgment and justice; God is the true judge.

43 What is especially interesting is that the goldsmiths, who ended up with this pageant after jettisoning “Fergus,” got in some trouble with the town council for “murmuring” (murmurabant; REED ii, 732); they were unhappy that that Fergus was not drawn from scripture and led to laughter rather than devotion.
44 There is one other interesting double entendre, although it is more tangential to my argument about legal terminology. “Forgen” (l. 34) also means “to forge,” as in to shape or work with metal—a further connection to the goldsmiths who put on this pageant perhaps?
The attitude of Pharaoh and Herod toward law stands in sharp contrast to Mary and Joseph in the next pageant, “The Purification” (Pageant 17). Prisbeter begins the play with a long speech about the law given to Moses and the imperative to “kepe his [God’s] laws stable and styll” (17.16). While the punishment for disobeying is still harsh (being stoned “vtterly to death” for failure to make a proper sacrifice, 17.19), the law seems very clear; through Moses, what needs to be done is laid out in detail. Unlike the sort of arbitrary law practiced by Herod and his ilk, the law of God is unchanging; it is “stable.” This is in direct contrast to Herod who exults in his “sotell trayne” (16.261)—his subtle treachery to fool the three kings so he can kill them, even if they try and bribe him: “no golde shall gete them bettir grace” (16.267).

Mary and Joseph, on the other hand, embody law-abiding citizens. Mary wishes to go to the temple for purification “after Goddess awe” (17.199); Joseph argues that there is no need for her to do so as she is still a “clene vyrgyn” (17.212). Mary responds that obeying the law even though she technically has no need to is an example of her “mekenesse” (17.221).

The pair keep both the spirit of the law and the letter; Joseph states

Mary, the lawe is this:

To riche to offer bothe the lame and the byrd

And the poore ii tyrtles iwys. (17.247-7)

They have the two doves, and they have the lamb, Jesus. Unlike Herod, who abuses the law and turns it to his own purposes, Mary and Joseph follow the law even when they do not need to.

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45 In Jewish law, women went to the temple forty days after giving birth to be purified. Mary, of course, does not require purification but does so anyway.
The next set of judges encountered are the doctors in Pageant 20: “Christ and the Doctors.” They are portrayed as lawyers, men learned in the law and knowledgeable about law books who have the right to judge. The Second Doctor asserts that

For maisters in this [judgment] ar we
And has Þe laws lelly to lede,
And doctoures also in our degree
Þat deming has of ilke dede.
Laye fourthe oure bokes, belue, late see,
What mater moste were for oure mede. (20.63-8)

These are men who have carefully studied the law and have degrees. Such figures would seem familiar to a York audience; the town clerk was a lawyer, the city featured multiple courts, and even one of the mayors (Nicholas Lancaster) was a “doctor of civyl [law]” (Attreed, HB 471).

At first the doctors are dismissive of Jesus, saying that they have no time “with barnes bordand to be” (20.80) and offering to let him hear their words if he truly wishes to learn to “lyve by Moyses laye” (20.82). Jesus, on the other hand, counters with “to lerne of you nedis me nothing/For I knawe both youre dedys and sawes” (20.87-8) and “I wote as wele as yhe/How þat youre laws wer wrought” (20.93-4). Surprised to hear that such a youngster considers himself thoroughly acquainted with the law, the doctors refrain from becoming angry, instead choosing to rather mildly scold Jesus for speaking out of turn amongst his elders and to remind him that he is a child who cannot know the law “as a clerke may
knawe” (20.124). In fact, it does not take long for the doctors to move from somewhat bemused to recognizing Jesus’ saving power:

Als wyde in worlde als we haue went

ʒitt fand we neuere swilke ferly fare,

For certis I trowe þis barne be sente

Full soerandly to salue oure sare. (20.133-6)

Jesus is not the student in the doctors’ court. He is, instead, the teacher and the bringer of a new law. He immediately asserts his right “the kingdom of heuene for to preche” (20.104) and challenges the doctors to “rede” (20.144) from their “bokes” (20.142) the first commandment. He then supplies the new law, the second commandment that fulfills all the other commandments: “Þoure neghbors shall þe loue/Als youreselffe, sekirly” (20.159-60).

The doctors, instead of responding with anger or defensiveness—as Herod would or, as we shall see in Chapter Three, Annas, Caiaphas, Pilate and the second Herod—they admire Jesus’ knowledge, especially since he “neuere on boke to rede” (20.194). Although one doctor expresses some concern that his own power will diminish with the arrival of Jesus and wants to send him away from Jerusalem to prevent this from happening, he is quickly corrected by another who admonishes him not to speak in such a manner:

III Doctor: Let hym wende fourth on his ways,

For an he dwelle, withouten drede,

The Pepull schall full sone hym prayse

Wele more þan vs for all oure dede.

I Doctor: Nay, nay, þan wer we wrang,
Such speking wille we spare.

Als he come late hym go

And moue vs nowe no more. (20.197-204)

By the end of the pageant, the first doctor extends an invitation to Jesus to stay with them (20.280). The reaction of the doctors could not be more different from Herod’s. Herod abuses the law to maintain his power, while the doctors submit to Jesus’ superior knowledge. Their behavior is also in stark contrast to that of the legal authorities in Jesus’ trials, who will do anything to retain their power and right to judge (see Chapter Three).

The largest abuse of legal authority in these pre-Passion sequence pageants is, of course, in Pageant 19, “The Slaughter of the Innocents,” in which Herod orders his soldiers to kill all male children under two years of age in an attempt to murder Jesus and thus remove a rival to kingship. Herod accepts the terrible advice of his counselors that he

Gars gadir in grete rowte

Youre knyghtis kene belyue,

And biddis Þam dynge to dede

Alle knave childir kepte in clowte,

In Bedlam and all about. (19.149-53)

This suggestion to murder children is eagerly accepted by both Herod and his soldiers. Herod even addresses them as “curtayse” and “hende” “sir knyghtis” (19.163), although clearly truly courteous, noble, knightly and helpful men would not be a party to infanticide.
As Beadle notes, this “Slaughter of the Innocents” is not portrayed to “grotesque effect” as is the case in other dramatic portrayals (88). Rather, the scene is tragic, with one woman wailing

Allas, Þis lothly strife,
No blisse may be my bette,
Þe knight vppon his knyffe
Hath slayne my sone so swette,
And I hadde but hym alone. (19.210-14)

Another laments that the soldiers have killed her “semely sone” (19.195). These speeches look forward to Mary in Pageant 36, “The Death of Christ,” who mourns her “swete sone” (36.131) who, like the slaughtered infant, is so “semely to see” (36.136). Like the woman above who has lost her only son, Mary also bewails the death of her only child to swift and terrible violence: “allas, why schulde we twynne Þus in two foreuere” (36.151). In the end, the extreme violence is all for nothing as the soldiers fail in their duty. When Herod asks if the soldiers if they have killed Jesus, they respond that they have no way of knowing—they simply followed orders and killed as many boys as possible: “Lorde [Herod] tokenyng hadde we none/To knawe Þat brothell by” (19.264-5). The pageant ends with Herod and his counselors exiting to pursue Jesus and “dynge Þat dastard doune” (19.275).

In some respects, the sorrow and terrible injustice seems to require little explication. An audience contemporary with the pageant and a modern audience can easily see the lawlessness of a mass murder of innocent children. On the other hand, a medieval spectator would have had some different ideas about sudden violence inflicted by a king that is worth
consideration. As Maddern notes, medieval people were somewhat accustomed to violence (82). They also could tolerate certain kinds of violence that at least looked like the law (145). But the violence needed to be just—“godly, manly, rightful, worthy, fierce”—and not “ungodly, cowardly, unrightful, tyrannous, traitorous, cruel” to count as just violence (88-9). Particularly heinous was violence directed toward a child or innocent (92). In fact, since Herod acted outside of natural law, against a social inferior and with impure motives, he was guilty of the most improper violence (98). Maddern cites case of William Smyth/Joye (1439) who was tried for breaking into a house and killing a nine year old child. She notes that the jury considered the murder of the child to be “unpardonable” (126). Even though Herod is the king, he cannot act with this type of violence toward innocent children; he is unpardonable.

**Canon Law: Sex and Marriage**

These pre-Passion pageants are not concerned exclusively with statute or customary law; they also explore issues related to canon, or church law. The pairing of “Joseph’s Troubles About Mary” (Pageant 13) and “The Woman Taken in Adultery/Raising of Lazarus” (Pageant 24) would have had many familiar aspects to the York audience. Although the York Mary and Joseph pageants lack the easy identification with the law that the N-town “Trial of Mary and Joseph” has, and that some of pageants about Jesus’ trial and execution have, on the other hand, as Lipton notes in her article about the N-town play, careful representation of contemporary legal practice is not required; rather, she argues that “the sheer number and assortment of legal procedures entertained in the play suggests that its
main concern is not the faithful representation of legal procedures” but rather the “linguistic practice of medieval legal practice” (116). While the York “Joseph’s Trouble About Mary” does not take place in a courtroom as the N-Town pageant does, it still has much in common with how adultery was treated at the time. The pageant would remind a York viewer of the complex legal and social nature of marriage.

Although the scene where Joseph confronts Mary about her pregnancy is not as overtly legalistic as the “Trial of Mary and Joseph” from the N-Town play, nevertheless the pageant echoes the procedures for $ex officio$ ecclesiastic cases (so, cases where the bishop ordered the parties to court) and for other sorts of marriage litigation. First, in order for a case to proceed $ex officio$, the matter had to be one of public fame, meaning that people of good reputation believed the accused had committed the crime (Helmholz, “The Ius Commune” 96-7). From Joseph’s perspective, the public fame is about to occur; the first section of the play is Joseph lamenting his fate in marrying a young, lusty bride. Although the audience is well aware of the Annunciation, those in the world of the play, including Joseph, would not be, and would instead see the pregnant bride of an old man who had once been devoted to celibacy. Indeed, lacking the knowledge that the audience has, Joseph might regard his position as rather precarious. If he accuses another and is wrong, he could be sued for defamation (13.52). Later, Joseph comments directly on the effect of the coming $mala fama$ when the town discovers Mary’s pregnancy:

To me þis is a carefull cas;

Rekkeles I raffe, refte is my rede.

I dare loke no man in þe face,
While Beadle glosses “carefull cas” as “woeful circumstance,” “cas” can also refer to a lawsuit or an accusation (see above—the legal vocabulary in “Herod and the Magi”). Joseph is rightly concerned about the “hethying” directed at him by his neighbors, especially if some of them were to go to the bishop and report the situation.

What happens next is missing some elements of an \textit{ex officio} adultery trial in a commissary court, but surely has enough to remind a viewer of this legal procedure. A defendant, in this case Mary, would be accused. Joseph asks her multiple times whose baby it is; she insists that the baby is his and God’s (13.104ff). Joseph is quite insistent on the father’s name, which he would need if he were to accuse someone in court; if he did not know, he left himself open to charges of defamation. Wunderli notes that in London, if no correspondent (that is, the person the defendant committed adultery with) was named, charges were usually dropped (87).

The next step in an \textit{ex officio} trial would be compurgation. The accused would swear an oath of innocence, as Mary does when she says to Joseph that the baby is “Goddis and yours” (13.104). The defendant would then provide witnesses who would swear to the “trustworthiness of the oath (Lipton 127), that is, offer their oaths of compurgation so that charges would be dismissed. Luckily Mary has witnesses (beyond the pageant’s audience, who of course have also witnessed what really happened) to swear to her innocence in the
form of the two puellae who tell Joseph that “here come no man in þere wanes/And þat euere witnesse will we/saue an aungell (13.123-5). Both swear that no man has been with Mary as she has been always in their sight (13.120). Unfortunately, Joseph does not find them credible witnesses; in fact, he sees their mention of the angel as the real answer—“som man in aungellis liknesse” (l. 136) has seduced Mary.

Unfortunately, although Mary has two witnesses, thus meeting the legal requirement that “two witnesses [are] required to establish a fact” (Helmholz “The Ius Commune” 97), they are witnesses of an inferior type: women. In fact, in York her case might not have been particularly strong. Male witnesses were much preferred (Goldberg, “Women, work” 221); in 1432, for example, a York woman lamented that the only witnesses to her wedding were female; statements from male witnesses “carried more weight” (Goldberg, “Women, Work” 221-2). Indeed, Joseph does not believe Mary or her witnesses and continues to press. Mary does, however, have the ultimate witness and compurgator. She says “To my witnesse grete God I call” (13.156). Joseph is unimpressed, at least until the angel Gabriel comes to him in a dream. Like a bishop deciding a marriage case in favor of keeping the spouses together, Gabriel orders him back to his wife: “Leffe hir [Mary] noȝt, I forbid þe” (13.261).

With so many resonances to a canon law trial, a York audience would readily have recognized the proceedings on the pageant wagon as a form of contemporary justice that they or their neighbors might have experienced. They would also have seen other parallels between their lives and the lives of Mary and Joseph. As Katie Normington notes, the character of Mary provides a valuable insight in to medieval life. Following Bynum, Twycross and others, she examines the character of Mary and other female characters in the
cycle as having both “individual nuances” and as “representative types, such as wife, mother, worker.” Her argument is that these female characters could “act as attainable examples for the audience” (95). Her model for examining the texts is highly influenced by Bakhtin; the plays are heteroglossic, containing multiple voices beyond simply the more overt concern of dramatizing biblical history (2). In the case of “Joseph’s Trouble About Mary,” I would argue that the marriage of Mary and Joseph would have multiple resonances for a medieval audience, unleashing the sorts of tensions as described by Beckwith. While perhaps serving as a representation of the “perfect” marriage, especially for a celibate clergy, the marriage also brings to the foreground a number of tensions about marriage and contemporary marriage law (a part of canon law). While certainly a canonically valid marriage, Mary and Joseph’s union would have been far from the experience of most York citizens in a number of different ways. Also, the York audience would likely have been familiar with marriage litigation, including disputed marriage contracts, accusations of impotence, and adultery and fornication. According to Richard W. Wunderli in his examination of the London commissary court, “adultery was charged against a great many people of different social classes” (86).

As many critics have noted, and as can be seen in the analysis above, the marriage of Mary and Joseph is presented as fabliau, another occasion of an old man who marries an unsuitable, much younger wife whom he believes has cuckolded him. However, even if this was a common way to dramatize the relationship, it still seems to be highly problematic. First of all, this was not the only way to represent their marriage or St. Joseph. Rosemary Drag Hale, in her study of Joseph as mother, notes that there were two models for Joseph: one was
the much older, cuckolded, “feeble” Joseph featured in what she terms “popular drama and ritual,” and the other an “ancient wizened Church father,” found in in iconography and sermons. (101-102). Churchmen in the early fifteenth century created a new image for Joseph, one where he was younger, a tradesman, and far from the feeble, cuckolded images seen in contemporary iconography (108). She argues that with the rise of the cult of St. Joseph in the fifteenth century, Joseph is “transformed to mirror the image of the mature, productive layman, advancing from peasant to bourgeois and rising from servitude to authority and dignity” (102).46 As evidence of Joseph’s resuscitated image as a just and powerful man, Hale cites a 1487 case in which Bernard de Feltre settled a dispute between warring families in Perugia by inspiring them to establish a St. Joseph confraternity (110).

In other words, the humorous portrayal of the York cycle, while it certainly meshed with some of the iconography that the audience would know, would also have clashed with ideas about the nature of St. Joseph propagated later in the play’s long history of production. In other parts of Europe, St. Joseph confraternities were marching in Corpus Christi plays (Hale 110). In fact, even in the York play itself, there is an alternative to this weak, elderly Joseph. In the “Flight into Egypt” (Pageant 18), Joseph is a much stronger character; it is Joseph, in fact, who takes charge of the situation and serves as wise and powerful protector of the holy family.

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46 Hale notes that church fathers and theologians, including Origen and Jerome, were particularly concerned with Joseph as a virtuous man, most notably a just man. (103). Bonaventure’s Vigil of the Nativity sermon “advocated imitating Joseph as a complete model of humility, piety, justice and charity” (104). See also Stephen K. Wright, “Joseph as Mother, Jutta as Pope: Gender and Transgression in Medieval German Drama.” *Theatre Journal* 51.2 (1999): 149-66.
Also, the marriage of Joseph and Mary was surely perplexing to the majority of York citizens, for whom sexual activity and procreation were a main purpose of matrimony. The marriage of Mary and Joseph was not unproblematic for medieval theologians; Penny S. Gold in her article “The Marriage of Mary and Joseph in the Twelfth-Century Ideology of Marriage” outlines how various canonists and theologians, including Augustine, Gratian, Hugh of St. Victor, Peter Lombard and Thomas Aquinas, struggled to reconcile the celibate marriage of Mary and Joseph with the typical experience of marriage. So, although their marriage was seen as a “true” marriage even without sexual intercourse, the theological truth of marriage was certainly at odds with the typical York citizen’s experience of marriage where when impotency or other situations where sexual activity was not possible, “the marriage was null” (Brundage 140).

While they would have accepted the virginal marriage of Mary and Joseph in the church, perhaps this was more difficult to accept when the characters in the York pageants were so clearly human and of their own time period, both literally and figuratively. The actors portraying them would have been fellow townspeople, and the characterization of the pair was certainly that of fifteenth-century residents of England. Kathy Jacobs comments that the medieval audience would have identified strongly with Joseph’s trouble: “few medieval men in the audience would wish to imitate the behavior of Joseph—a man who has, at God’s reiterated behest, agreed to obey his wife rather than vice versa, while loudly welcoming his wife’s pregnancy with a child not his own” (Jacobs 102). If anything, the couple seems to be

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47 I am treating this argument quickly. For more details, see Gold’s article in Vern L. Bullough and James Brundage’s Sexual Practices in the Medieval Church, pp. 102-117.
worse off than the guild members who put on the pageants; Joseph comments that they have “neyther rentes ne lands” (17.293).

The age disparity between Mary and Joseph also might have struck a York audience member as somewhat unusual and potentially explosive. Although the marriage of an old man and a young girl was certainly not illegal, it appears to have been out of the norm in York during much of the cycle’s heyday. Again, Goldberg’s research on women in York and Yorkshire 1300-1520 casts light on potential play audiences. By examining cause paper depositions, Goldberg argues that in cases where age of both husband and wife are known, the majority of marriages are companionate (meaning there is little difference in age between partners). He believes that in the cases where there is a large age discrepancy that these are likely second marriages (“Women, Work” 227). As a result, spectators might have considered the marriage to be at least odd, with suspect legitimacy, and potentially disruptive to good order. For example, Joseph describes himself as “vnwelde,” which Beadle glosses in this instance as “impotent” (“Joseph’s Troubles About Mary,” 13. 6). Although the word has less loaded meanings of “feeble” or “weak,” in this case the more charged definition seems appropriate, especially in the context of Joseph lamenting his marriage to a young wife after an “anlepi” (celibate) life (13.40); later he claims that such “games fra me are gane” (such bodily pleasures/sexual intercourse is gone; 13.196). Legally (and undoubtedly in other ways), impotence was problematic. A wife married to an impotent man could in fact sue for divorce in an ecclesiastic court, and at York prostitutes sometimes served as jurors in impotency cases (Goldberg, “Women Work” 151) or as “expert witnesses” (Goldberg,

48 For more information, see Goldberg, Women, Work and Life Cycle, pp. 203-279.
“Medieval England” 252).\textsuperscript{49} Joseph was undoubtedly in a rather precarious position both socially and legally.

The marriage of an old man to a young wife had the potential of unleashing forces that could lead to legal action. Kathleen Ashley argues that to a medieval audience, “marriage between partners of unequal age was socially disruptive and that young women unless carefully chaperoned and instructed were liable to the seductions of handsome, glib young men” (qtd. in Normington 99). We certainly see this at work in the pageant: Joseph laments “why ne walde some yonge man ta her?” (l. 65) and later “som man in aungellis liknesse/With somkyn gawde has hir beguiled” (l. 136-7). A young wife dallying with a younger man was a potential concern; as Philippa Maddern notes in her article about medieval domestic violence, guild households were more than man, wife, and children—they also included mostly male teenage apprentices and live-in household servant who were often female (36). So, the very groups that put on the play might have had some of the same concerns as Joseph—maintaining order in their own household, over which they had significant authority. If the civic government exerted authority over the guilds, the guild masters exerted similar authority over their workshops (Goldberg, “Craft Guilds” 157). In the household is a microcosm of political order: household peace, good governance carried up the chain to larger political units (Maddern 39). There is certainly evidence that masters could keep good governance and in fact had close relationships with their apprentices. For example, in 1485 shoemaker Robert Heworth protected his apprentice from the “plage of pestilence” that had invaded the household by sending him away until such time that Jesus

\textsuperscript{49} For a rather lurid description of “examination by prostitute” from York (1432), see Goldberg, \textit{Women in England}, pp219-20.
took away the illness (HB 364). Unfortunately, servants and apprentices were often not so easily governable. In the case of servant Margaret Lassels, the master/servant relationship was significantly more fraught. Margaret was seduced by laborer John Richardson who promised to marry her and take her “to such a place that no man shall knawe nether hir ne hym” if she brought him a coffer of her master’s jewels (HB 238–9). Unfortunately—although perhaps not altogether unexpectedly—after she turned over the jewels he never returned for her (239). We hear her story in the testimony she made before the mayor’s court. Furthermore, as we have seen in the preceding chapter, the cordwainer masters had trouble with their journeymen (see above). Perhaps more toward the current point, servants and apprentices were sometimes sexually active in ways that violated church teachings, good order, and the terms of apprenticeship. York ecclesiastical depositions contain numerous references to illicit sexual activity among apprentices and servants; apprentice Isabella Wakefield and Thomas Fox “regularly slept together” before marriage (Goldberg, “Women Work” 232) as did Robert Tavarner and Margaret Goldsmyth (236). In 1417, York apprentice John Waryngton seduced a fellow servant “within his master’s home” (that the crime occurred within the home was stressed in the deposition), violating both the servant, Margaret Barker, and the authority of his master, cordwainer John Bown (Goldberg, “Medieval England” 10; “Craft Guilds” 157).

It is not perhaps so far-fetched to accept that an older man with a young wife might be concerned about one of his apprentices seducing her and the problems this would cause both socially and legally. Evidence of fornication or adultery could result in legal action and appearance in an ecclesiastical court, a potentially fraught turn of events. As Wunderli notes,
much of the gossip about unfaithful wives and husbands ended up in adultery and fornication charges or in defamation suits (85). Joseph seems to have this concern. He acknowledges that his position is a difficult one; he can either lie about the parentage of the child (which appears in the text to have some sort of legal ramification), or he can leave himself open to charges of defamation if he accuses another man of impregnating his wife (l. 41-52). Neither choice is appealing.

Finally, even the fabliau nature of the pageant may have reminded some York spectators of their experience with the law. Furthermore, some critics have also argued that the fabliau form influenced clerks and witnesses at court in depositions (Lipton 124). As Emma Lipton notes, recent research has shown just how influenced clerks and witnesses were by literary forms—such as the fabliau—when writing depositions. In discussing the N-Town “Trial of Mary and Joseph,” she argues that “in the absence of better standards for differentiating between kinds of performative language, the courts of medieval England could . . . become simply an enactment of the fabliau” (125). In Women, Work and Life Cycle in a Medieval Economy, Goldberg cites several cause papers that seem to echo the fabliau nature of court proceedings in York. For example, in 1384, Joan de Brerelay brought Thomas Bakester to court to force him to marry her. Thomas had pressured her to have sex with him with the promise that if she gave in to him he would marry her after his apprenticeship was over. By the time Joan got him to court, their child was seven years old. In another case, Alice de Wellewyk gave into Robert de Midelton’s advances when he promised her he would marry her when he had proof she could conceive a child. But by the time the child was born, Robert was contracted to marry someone else (249). These two
cases do not have the form of the mismatched old man and young bride form found in the Joseph and Mary pageant, but they do illustrate the fabliau-like nature of false promises and seduction by young men—that permeated court documents. John Hines defines the English fabliau as having certain characteristics, including a deception or misdeed that characteristically arises in either the sexual or scatological realms of human experience. The characters types are the trickster/duper and the dupe or “target figure” (276). Joseph and Mary match these characteristics; in Joseph’s world view, Mary has been fooled by a young gallant and now is trying to fool him. In the cases of Joan and Alice, the two have been duped by the false promises of their would-be husbands, who trick them into having sex then attempt to marry another.

But again, because Mary has God as her witness, any attempts to subvert canon law—or at least see it fall due to human failings—fail. Mary is vindicated by her compurgation. Perhaps a York viewer, one who had experienced the humiliation of this sort of trial, would have taken comfort in this. York spectators might also have considered “Joseph’s Troubles About Mary” as tensed against the “Woman Taken in Adultery” (Pageant 24), another pageant about illicit sex and the law. Although the “Woman Taken in Adultery” is incomplete, enough of the text exists to examine the legal structures and to compare it to “Joseph’s Troubles About Mary.” Indeed, the woman the Jews catch “in the act” is tied closely to Mary in that she is actually guilty of exactly what Mary was only falsely accused. In this play, the legal structures are more prominent; Rosemary Woolf comments that the Jews drag the adulteress “before two lawyers” (Woolf 225). The case closely mirrors accusation by public voice as described above: the woman has been caught “with her leman”
(24.8) by two witnesses, who take the case to the judge. Also, she is not guilty of simple fornication but the worse sin of adultery:

IV Judeus: What hath sche done, folye
In fornicacious and synne?
I Judeus: Nay, nay in avowtery
Full bolde and will noȝt blynne. (24.34-6)

The judges reinforce this idea, current in canon law, that adultery is the worse crime: “III Judeus: Avowtery? Nemyn it noght for schame!/It is so foule opynly I it fie (24.37-8).

The woman seems to be well on her way to conviction. There are the requisite two witnesses to her crime. Furthermore, she is not allowed (or chooses not to) speak in her own defense or call her own witnesses as Mary did; when the third Jew asks her “Is it sothe þat þei saie dame?” (24.39), she is quickly interrupted and silenced. There are some hints in the play that she is notorious and will pay dearly for her “bawdery” (24.17), which translates as “pandering, or an instance of it; a brothel; or lechery, debauchery.”50 If she were indeed of a bad fame, her words would not carry much weight in court. In any case, the woman is silenced and at the mercy of her accusers who impatiently request that she be stoned to death. Luckily for her, the four Judei turn her case into a test for Jesus. Although the leaves that show the Jews testing Jesus are missing from the manuscript, we do see the end of the episode, after the crowd has dispersed. Jesus asks the woman who has condemned her, and we hear her voice for the first time saying “Lord, no man has dampned me” (24.64-6). Jesus then forgives her and tells her to sin no more.

50 See online Middle English Dictionary: “bauderie.”
What might an audience have made of these two pageants? What did they have to say about law and justice? First, both seem to question the contemporary judicial structures available. Mary had committed no crime but her word and the word of her female witnesses were not enough; God had to serve as her witness. The woman taken in adultery had committed an identifiable crime, but her conviction is made to seem frightening and unfair; she has no voice, and her accusers are rabid in their pursuit of the death penalty. Again, without the help of Jesus she would have been convicted. In both cases, human judges do not come off so well. As we shall see in Chapter Three, these ideas about the limitations of human law and justice get played out in more detail in the trial and conviction of Jesus.

Further tensions emerge if one expands “woman taken in adultery” to “prostitute.” As mentioned above, the text hints that adultery is an ongoing problem with this woman. Furthermore, it seems an easy semantic slide from “adulteress” to “whore.” In the later medieval period, cities dealt with prostitution in a number of ways. Some places, such as Leicester and Cambridge, banned prostitution within the city walls (Bullough 178). Larger cities, such as London, specified certain areas where prostitutes could live and ply their trade (Bullough 178). In England in general, prostitution was often seen as a trade to be regulated (and as a source of income to the town) (Goldberg, “Women, Work” 150). Over time, most places established an approach that included special prostitution districts and required that prostitutes wear specific clothing, such as a striped hood (Bullough 179). This presents intriguing staging possibilities for the woman taken in adultery to wear a costume with a striped hood.
While for the most part church officials kept clear of connections to brothels, this was not always the case. Vern L. Bullough cites a 1321 case in which an English cardinal in Rome invested in a house used as a brothel—and continued to let it function. In London, priests were often clients of prostitutes, and the church owned “houses of ill repute in the red-light district in Southwark” (McSheffrey 55). Shannon McSheffrey notes that clerics were frequently tried for sexual misconduct (56). In York, the consistory court hired prostitutes in cases alleging male impotence (151; Goldberg, “Women Work” 151). In an even weirder relationship, the York Vicars Choral rented rooms to prostitutes—convenient, since the Vicars Choral were clients (151). And although religious were not the only clients, they did patronize the brothels of York; in 1424 “Elizabeth Frowe was presented as a procuress for the Austin friars and Joan Scryvener as such for friars and priests generally” (Goldberg, “Women, Work” 152). York’s Grape Lane, a street associated with prostitution, was near the Minster (154). In fact, two of the streets closely associated with prostitution—the aforementioned Grape Lane and Goodramgate—were play station sites. Station ten at Stonegate was just down the street from Grape Lane, and station eleven was quite near the base of Goodramgate. In other words, the “Woman Taken in Adultery” pageant would have been performed twice in areas where those who made a living through fornication and adultery resided.

Additional evidence from the House Books indicates that York at least occasionally had to punish women of “mysreule” (HB 656). In 1489 the council moved against Agnes and William Lister. The pair were banished, with Agnes, “a woman of mysreule and unthriftie

guyding” (HB 656—the couple were most likely a pimp and prostitute), threatened to “be burned of both hir chekes with a hote ired” should she ever return. Adultery and fornication were a dangerous business for women in contemporary York.

Noah’s Wife and Scolding

But adultery and fornication were not the only crimes that medieval women were particularly vulnerable to. Women also could commit speech crimes, including defamation—which had a legal definition—and scolding—which did not, as we shall see. Noah’s wife is one of the classic scolding, unmanageable wives of medieval literature, a sister to the Wife of Bath, a female character whose speech is most certainly highly problematic. But what is also interesting about the portrayal of Noah’s wife is how remarkably unbiblical it is. In Genesis 7.6, Noah went into the ark “together with his sons, his wife, and his sons’ wives.” This is a far cry from the angry, verbally and physically abusive Wife of some English drama. While in the N-town cycle she enters the ark rather meekly (Epp 223; Normington 121), in other cases she is far more resistant to abandoning her way of life. Noah’s wife as less-than-accommodating has a variety of antecedents. Adelaide Bennett in her study of the Psalter of Ramsey Abbey (1286-1316), describes an image in the psalter of the ark with Noah aboard while his wife still stands in the water amid drowned bodies; the devil is on her back. In the image, Noah has just reached out to seize her wrist and drag her (and the devil) aboard (2-3). Bennett also points to an eleventh-century manuscript, the Caedmon Genesis, that depicts one of Noah’s sons gesturing to a woman, presumably his mother, to come aboard (3). From these images and evidence from what she terms the “English mystery plays of the late
fourteenth and fifteenth centuries,” Bennett concludes that the trope of Noah’s obstinate wife was in fact fairly well-known (3). More detailed information about surviving images in manuscripts and church paintings can be found in Anna J. Mill’s 1941 article, “Noah’s Wife Again,” a quite thorough look at the folklore and art about Noah’s stubborn wife. More locally in York, Clifford Davidson describes the wife in the Minster Great East Window illustration of the ark as “still recalcitrant even though she is aboard the ark” (25). Although this view of the image seems to rely a bit heavily on knowledge of the treatment the wife receives in the pageant of the flood, it is possible to interpret Noah’s hand, which seems to grasp either the arm or the shoulder of a woman standing in front of him and to his right, as restraining her in some way.

Katie Normington summarizes the various schools of thought about the presentation of Noah’s wife as scolding and shrewish. One possible interpretation is that the wife indicates a second fall, perhaps most developed in the Newcastle flood play where Noah’s wife has the devil on her back. She may also be a second Eve, as she also is the mother of a new race of people (123). Normington cites Kolve, who argues that the wife’s rebellion against her husband is symptomatic of man’s rebellion against God, indicating the need for a universal order to be re-established (123). Other possibilities include links to folklore practices that allow women public dominion over their husbands during festival times (124). The interpretation that Normington embraces seems to be closest to that put forward by Natalie Zemon Davies, who sees Noah’s wife as “a role model for medieval women spectators in rejecting subjugation” (qtd. in Normington 125); she argues that the characterization answers some sort of need within the audience of the various cycles (122).
But what Normington and Garrett Epps both guard against are interpretations that somehow excuse Noah’s mistreatment of his wife, especially the physical violence seen in the Chester, York, and Towneley pageants, as acceptable or somehow sanctioned by God (Normington 123; Epps 226-227). While “domestic violence” was not a crime per se (nothing with that title exists in the time of the pageants), extreme violence toward one’s wife could land a man in court (and presumably the opposite situation as well, although that was undoubtedly more rare). In a rather sad 1396 case in York, Margery Nesfield attempted to get a judicial separation (divorce a mensa et thoro) from her husband, Thomas, through the York church court. One of her witnesses, Joan White, stated in her deposition that she saw Thomas “throw . . . his wife to the ground with a club and beat her severely with the same and afterwards he drew his bastard and gravely wounded her in the arm and broke the bone commonly called ‘le Spelbon’ and he would then have killed her that night if he had not been prevented” (Goldberg, “Women in England” 141). Unfortunately for Margery, her witnesses were women, whose voices carried much less weight than a man’s voice. The court chose to believe the male witnesses, who both claimed that Thomas only disciplined Margery when she deserved it (acceptable forms of discipline seemed to include slapping her and striking her in the face with his fist) (142). She was not granted her separation. Still, although Margery lost and disappears from the record, the case does illustrate that there was at a minimum unease with what a modern audience would call domestic violence—that there was a line to be crossed. A portrayal of Noah as a wife-beater and his wife as an obstinate scold with unsuitable speech is, as Normington, Epp and others have noted, rather odd and in need of further explication.
But when do “problematic” speeches become something more than humorous or perhaps trying to the neighbors? One result could be a defamation suit. In 1422, the York church court heard the case of Agnes Popilton, who accused Emma Lylle of defaming her. One witness, Sir Ralph Amcotes, swore that Agnes was a good and trustworthy women of sterling reputation, while Emma, who publically called Agnes a “ald munkhore and ald frerehor” (old whore of monks and friars), thief, and attainted thief, damaged Agnes’ reputation to the point that her neighbors shunned her, and she and her husband suffered material loss. What is particularly of interest in this case is the way the witness described Emma: “all who heard and saw Emmot (Emma) knew and would clearly be able to know that [she], although she appeared somewhat infirm in body, had a tongue flexible and vigorous for articulating her talkativeness” [italics mine] (Goldberg, “Women in England,” 230).

Also, as Sandy Bardsley notes, jurors were presenting scolding cases as early as the 1360s (Bardsley, “Venomous Tongues” 45). A 1483 House Books entry indicates that scolding was an actionable offense in York, at least in the case of Marjorie Gray, also known as “Cherry Lips.” Marjorie first comes to light in a 12 May entry: “the hole parishon of Saint Martyns in Mykillgate come afore my lord the mar and compleynyd apon Margery Gray, odirwys callyd Cherylipps, that she was a woman ill disposed of hyr body to whom ill dispossid men resortys, to the newsaunce of the neighburs” (HB 708). She turns up again a few months later: Marjorie Gray, alias “Cherry Lips,” prostitute: On 28 July, 1483, a great many people from the parish of Saint Gregory in Micklegate came into the council chamber before the mayor and complained that Marjorie Gray, also known as “Cherry Lips,” was of bad disposition and governance of her body, and also a scold (skald) with her
neighbors, not for the first time causing serious harm to the neighborhood. She was ordered by the aforesaid mayor to remove herself beyond the boundaries of the city by evening of the following day and not to live in the same city again, under penalty of imprisonment at the will of the mayor. [italics mine] (HB 723)

Marjorie Gray exemplifies what could happen to a woman (and scolds were generally women) who was branded a troublemaker (consider Agnes Lister (see above), threatened with actual branding) for her speech and behavior. I shall use her case to illustrate what it might have meant to be a scold, and then apply some of these traits to Noah’s wife.

Whatever it was that poor Marjorie/Cherry Lips was actually guilty of, we can see from the House Books entry that scolding was often a locally prosecuted crime. Marjorie McIntosh notes that there was no statute against scolding; rather, scolding cases (along with other sorts of “social wrongdoing” such as eavesdropping, unruly alehouses, being of “bad governance,” hedgebreaking, and so on) were often handled locally, either informally by priests, craft guilds or parish fraternities, or more formally by public or city courts. Intermediate courts like church courts within dioceses or archdeaconries, or county Sessions of the Peace also might be involved, with certain types of courts favored over others at different points in the fourteenth and fifteenth centuries (McIntosh, “Controlling Misbehavior” 7). Cherry Lips’ prosecution seems to have occurred in the local city court; she was presented by her neighbors to the mayor’s court for her offending behaviors.

Marjorie Gray landed in court at a time when public officials—lay and ecclesiastic—were becoming more and more concerned with controlling speech. Sandy Bardsley puts

52 90% of scolds were women—see Bardsley, “Women’s Roles” 145 and Bardsley, “Venomous Tongues” 6.
scolding in the context of a late medieval obsession with “sins of the tongue.” Following Edwin Craun and others, she argues that the thirteenth and fourteenth century saw a greatly increased concern about sins of the tongue, that is, evil, deviant, disruptive and perhaps dangerous speech that interfered with community. While the initial concern came from the church, Bardsley argues that by the late fourteenth century, the focus on disruptive speech was both “popularized as well as laicized” (“Sin, Speech” 146). So, while confessors may have been the first to confront “sins of the tongue,” dangerous speech and the evils of the mouth and tongue came to be represented everywhere, from carvings to poetry, manuscript illustrations, paintings, church windows and, of course, plays (147). For example, the hellmouth, a “gigantic mouth that consumed sinners” featured in church art, illuminations and in medieval drama, became even more popular in this period, complete with “glaring eyes, gaping jaws, and sharp teeth (147). Also, from the late fourteenth century on, local and eventually national authorities became much more alarmed about the power of words (146-7). In a period of social and economic disruption, authorities showed increasing concern about maintaining hierarchy (“Venomous Tongues” 84). Marjorie caught the attention of her neighbors right at the moment when local elites were looking to crush deviant speech.

Furthermore, Marjorie’s neighbors’ accusations mirror those found in other jurisdictions. McIntosh states that scolds were often presented in local courts as breaking the local peace (“Finding Language” 90), and Bardsley also remarks that scolds were breakers of the “common” or “king’s” peace (“sin, Speech” 154). In essence, Marjorie’s neighbors present her for breaking the peace; by her poor control over her body and especially her mouth and words she “not for the first time caus[ed] serious harm to the neighborhood.” It
seems reasonable to think that the “harm” she brought might be the disruption of a peaceful area by the clients she solicited, or the interruption of a peaceful day—or a business transaction—by her evil language. In other words, she disrupted “harmonious social relationships” (McIntosh, “Controlling Misbehavior” 59-60) and so, peace and prosperity. We have seen before the lengths to which the York mayor and city council would go to preserve the peaceful and orderly procession and Corpus Christi play; this obsession with social control apparently extended to even scolding women. Marjorie is also presented as a prostitute; prostitution and scolding were also often linked (“Venomous Tongues” 138).

Marjorie also committed her “crime” in a period when the mayor and council were especially concerned with controlling women’s behavior. In 1482, under mayor Richard York, the council attempted to expel women they could not control: “the common women and other misgoverned women shall inhabit <thame> (within) in the suburbs (withoute) withoute the walles of this cite and not within” (HB 261). In 1486, the council again commanded that every

parissh yeve warnyng to all open boldes (arrogant, impudent, or shameless person) . . . and common chiders (scolds) and other misruled people to avode (vacate) evere parissh out of the citie to the utter partes of the suburbs before Sonday in the second weke of Lent; and if they be not avoided by that day to certifie ther names forthwith to the wardans of the ward with there demeanances (management) and of all other misruled fro tyme to tyme to thentent that they may see the due reformation herof.” (HB 465-6)
While women are not specified here, the language used to describe those to be forced from town is language used in other places in the House Books to describe women: common chiders and the misruled. The punishment here is almost exactly the same as in 1482—ejection from the city—with the ominous addition that their names are to be turned over (presumably by their neighbors) to town authorities for their “reformation.” One wonders if that threatened reformation could involve facial branding, as was threatened for Agnes Lister when she and her husband were expelled from the city in 1489 (see “Canon Law: Sex and Marriage,” above). Even if the punishment were not corporal, those women whose names were on the list would surely have suffered in their day-to-day lives as they attempted to live among their neighbors.

So, what exactly was “scolding”? It turns out this is a rather tricky question. The term is not clearly defined; rather, people used it and assumed everyone knew what they meant (“Venomous Tongues” 107)—in other words, one defined “scold” by the cases one saw in the local jurisdiction (109). For example, a 1395-6 Nottingham borough court record shows two men presenting Beatrix Matther as a “common scold in the street of Hungate where she lives against her neighbors and against the peace of the lord king” without further explanation. She was fined 6d. A 1421 manor court roll from Wellington adds perhaps a few more details to its definition of scolding: “Alyce Ryche . . . unjustly and against the peace gossiped with Joan Bole . . . and many others of their neighborhood, and the said Alyce and Joan are common scolds and disturbers of the peace.” They also were fined 6d (Goldberg, “Women in England” 235).
In general, the construction of a scold involved “her age, her appearance, the way she interacted with others, her occupation, and her position in the community . . . . Being a scold entailed looking like a scold, occupying the social position of a scold, and possessing other characteristics that might make an individual prone to the charge of scolding” (“Venomous Tongues” 109). Some qualities can be established, however. Bardsley argues that scolds had to speak in public (so, with witnesses) and voice a disagreement with someone. The way she expressed herself had to be somehow problematic for her community, although what was deemed “problematic” is difficult to define (“Venomous Tongues” 110-11). Because those presented for scolding were so often women, prosecutions, or at least the threat of them, sent a clear message to women: they had no public voice and should remain silent (“Venomous Tongues” 146-7). Karen Jones argues that fear of being labeled a scold made it difficult for women to speak out against authority as doing so was part of “the elite’s construct of disorder” (Jones 128). The stereotype of the female scold had the potential to remove women’s only defense—their power of words (128). Certainly Marjorie seems to have had little voice; the neighbors’ complaints are heard, but what she actually did and any possible explanation are completely missing.

What became of scolds—that is to say, how were they punished? Some were fined, as seen above. Others were paraded around the town in yet another procession. Some were sent to the cucking stool, where they would either be dunked in a body of water or placed in a specific—and no doubt busy—part of the city to suffer humiliation. A 1486 borough ordinance from Hereford seems to indicate an exasperation with “repeat offenders”; instead of escaping punishment through a fine, convicted scolds “shall have their judgment of the
cucking stool . . . And they shall stand there with bare feet and the hair of the head hanging loose for the whole time that they may be seen by all travelling on the road . . . and afterwards they . . . shall be taken to the lord king’s gaol and stay there until they make fine” (Goldberg, “Women in England” 234). Another possibility is what happened to Marjorie. Women could be expelled from town (“Venomous Tongues 142-4). Like Agnes Lister, Marjorie was banished from York, although her crimes must have been seen as less disruptive as the additional threat of branding is not included in her punishment.

With the background of Marjorie Gray and scolding, we can now turn to the pageant featuring Noah’s wife: the mariners’ and fishers’ pageant of “The Flood” (Pageant 9). First, a caveat. A husband could not accuse his wife of scolding, at least not in the legal sense that would lead to prosecution. On the other hand, as Sandy Bardsley, Garrett Epp, and others have noted, Noah’s wife in the various English dramas was the prototypical scold. So, while Noah would not have been able to take his wife to court, her character would be recognized widely by an audience as a woman of dangerous speech, the sort who could find herself of the wrong side of the law. Epps makes an intriguing argument about the York wife, asserting that she in fact was nowhere near so violent of word and speech as some of the other wives in other plays. She is not the wife from Chester, he argues, who physically fights with her husband, nor the wife of the Towneley play, which Epp characterizes as the “most violent” of the wives (224-5). Epps is, in fact, quite uncomfortable with any of the interpretations which excuse or ignore the fact that Noah engages in a form of domestic violence or that make a typological connection between Noah and Christ; he is “deeply troubled by the implication . . . that a ‘henpecked’ husband, or any man who does not beat his wife is somehow less human
than one who is willing to land the first blow in a domestic dispute” (226). In his reading, the various Flood plays in no way glamorize domestic violence. To return to the York wife, Epp notes that she is hardly a shrew and that critics who interpret her character in this way are reading her through the lens of other dramatizations. They are, in fact, doing what Karen Jones and Sandy Bardsley argue a medieval audience would do: if she looks like a scold, has the occupation of a scold, if she has scold-like characteristics, if she seems like other scolds prosecuted in your town, she is a scold.

Noah’s opening speech in Pageant 9 certainly seems to establish male voice and authority. He remarks that he has his wife and family at his “steven to stande”—forever at his command (9.5-6). His father, Lamech, also had a powerful voice and “prayed to god with stabill steuene” (9.19) for a son. In fact, “steven” in its various forms is almost always related to male voice; the only female characters who are associated with “steven” are the three Marys in “The Road to Calvary” (pageant 34) and that is when one of the soldiers says “wille noght ther steenis steere (34.192); and Mary herself in “The Death of Christ” (pageant 36) who tells John she cannot her “steuen for to stede or to steere” (36.170). Indeed, Noah at first does seem to have command and authority in his household, as his sons come right away to see his work:

Filius 1: Fader we are all redy here

Youre biddyng baynly to fulfille.

Noah: Goos call youre modir, and comes nere,

And spede vs faste that we nouyot spille.

Filius 1: Fadir, we shal nouyot fine

To youre biddyng be done. (9.47-52)

Noah seems like a well-run household, but one wonders why he sends his son to summon his mother to the ark—perhaps he knows what the response to his command will be?

The wife immediately attempts to establish her own voice as a counter to Noah’s authority. Upon hearing her son recite Noah’s order, she orders him back to his father to “telle hym I wol come no narre” (9.62). This is hardly the response of the obedient medieval wife, but also not exactly shrewish; she does, however, assert her voice as a powerful one. Her curiosity gets the better of her, however, and she goes to the ark, where she and Noah begin their loud and most definitely public struggle of words and blows. She informs him she is not ready to leave and at first attempts to get the children to come with her. When that fails, she orders Noah to leave off ark-building and “go do somewhat ellis” (9.84). She also tells him he is acting foolishly and is “nere woode” (9.91); she again threatens to leave until her sons restrain her (9.101). Furthermore, when she cannot get an acceptable response from him as to why he abandoned her to build the ark, her frustration with the powerlessness of her words leads to blows: “Nay, be my trouthe, thou getis a clowte” (9.120).

Noah’s response to his wife is to try to silence her. He first says that she is bringing a curse upon them—“thou spilles vs alle, ill might thou speede” (9.106)—and later tells her, essentially, to shut up: “I pray the dame, be stille” (9.121). Even at the end of the pageant, when she sorrowfully asks what has happened to their “kynne and companye” (9.269-70), his response is “Dame, all ar drowned, late be thy dyne” (9.271-2). She has but one more line in
the play which simply expresses sorrow that the world will eventually end (9.303-305); the loud, undoubtedly funny, argumentative voice—the woman unimpressed by authority—is rendered silent.

While I agree with Epp that the wife in York is not as loud and physically violent as portrayals in other plays, it is still possible to construe her as a scold and to posit an audience who would also see her this way. Like Marjorie, she “seems like a scold”—she argues in public, calls people false names, and is poorly governed (in the wife’s case by her husband). Marjorie is quite clearly marginalized. She is a prostitute, so she is poor and thus completely without power in York. She also seemed to have angered large numbers of people; even taking into account a medieval tendency for overestimating numbers, she is attacked by parishioners of Saint Martin’s and Saint Gregory’s. She has no friends, and there is no evidence from the House Books that anyone stepped forward to offer to pay a fine or attempted to mitigate the severity of her punishment. The wife is also marginalized; she is kept completely in the dark by Noah and by God’s command for secrecy. Even the wife’s “punishment” enacted a possible judicial punishment for scolds: she was sent out over the water in a public place (in fact, many public places as the wagons paraded through York), and she is compelled to lose almost everything from her previous life. She is silenced. One final note comes from Bardsley, who demonstrates that scolds were prosecuted more often in spring and summer months, when the weather got warmer and people had more public interaction with neighbors. She notes that in Middlewich, scolds were two times more likely to be prosecuted in warm weather (“Venomous Tongues” 110-11). Marjorie was prosecuted
in May and again in July; the Corpus Christi play would be performed right around these
dates as well.

An audience could have interpreted Pageant 9 in many ways. Obviously, it is very
funny, but there is a more serious undertone. Men who had served on presentment juries who
brought scolds to the court’s attention might view the play as a validation of their work.
Women might respond in other ways. As Bardsley notes, the stereotype of the scold might
convince women to stay silent. But she also discusses a more subversive interpretation,
namely that women could possibly see the wife as empowering—someone who at least
exercised the power available to her: “while a member of the local elite . . . might have sided
with Noah as he watched the mystery play, his wife . . . might instead have been cheering on
Noah’s Wife” (“Venomous Tongues” 149). Perhaps they were frustrated that a wife who
really had not “done” much could end up so powerless.

What has not yet been considered is the link between the guilds responsible for the
pageant and the subject matter of the pageant—and perhaps slightly more sympathetic
treatment of Noah’s wife. The pageant of the flood seems perfect for the sea and river-going
guilds of the mariners and fishers. Still, while sailing and fishing at first glance might seem to
be rather masculine occupations, and indeed they were,54 one must keep in mind that
“fishers” would also probably include fishmongers (people who sold fish), and there is
evidence that women did operate as fishmongers in York and other parts of England.
Swanson argues that while the most numerous of the food-selling guilds, fishers and
fishmongers were not a very organized group, and women were very likely small-scale

54 Although Heather Swanson notes that women were smiths and marshals, two metal-working occupations
which involved an ability to swing a 50 lb. hammer. See Medieval Artisans, p. 68.
sellers of fish (“Medieval Artisans” 18). Two York saltwater-fishmongers were women who left wills (19). In a larger argument about the rise of guilds and the pageants in York, Goldberg makes a variety of links between pageant and performing guild, some more subtle than others. Most pertinent to this argument is that many of the pageants which included significant women’s roles—Pageant 9 included—were performed by guilds that had significant participation by women (he draws his evidence from the 1379 (Lynn) and 1381 (Oxford and Hull) poll tax returns (“Craft Guilds” 148)). While Goldberg uses this evidence to question previous ideas that women were not involved in performance, it also seems pertinent to the treatment of Noah’s wife in the York pageant. York’s female fishmongers might have, in the words of Natalie Zemon Davies cited above, needed a role model in “rejecting subjugation” (Normington 125) and standing up to fellow male fishmongers. It seems clear, though, that asserting oneself had somewhat limited possibilities for success.

The York Cycle—its text, its management, and in some of its themes—has many ties to law and justice. First of all, the smooth running of the Corpus Christi procession and pageants occupied a significant portion of local ordinances and court time. If the “pageants [were] maintained and supported by the commons and the craftsmen of the same city [York] in honour and reverence of Our Lord Jesus Christ and for the glory and benefit of the same city” (qtd. in Goldberg, “Craft Guilds” 142), the ruling elite, the commons and craftsmen needed a lot of encouragement, at least from time to time. Fines assessed for variation infractions were divided between the mayor and pageant silver used to fund the production.

55 In theory fishmongers were divided into salt and freshwater, with separate markets. Freshwater fish were sold at the east end of Ouse Bridge, and saltwater fish at Foss Bridge (Victoria History of the County of York: City of York 488).
Major reassignment of plays from one guild to another (such as “Fergus”) were handled by the mayor and the aldermen in the mayor’s court. The mayor’s court also determined which guilds needed to contribute to which pageants as relationships between guilds shifted over time and guilds merged and separated. Eventually the town lawyer sat at a station and made sure the actors stayed true to the script.

The Corpus Christi procession provides an excellent lens through which to examine the role of local (and sometimes royal) law and justice in the “real world”—for example, the ordinances which governed the order and size of guild representation in the various celebrations. It is tempting to see the procession as “top-down” enforcement of order, and to some extent this is true. In the case of the cordwainers, the ruling elite had to step in at multiple times either to quell inter-guild violence or to force the recalcitrant cordwainers to march with their torches. Various cordwainers were dragged before the mayor’s court, jailed, and disenfranchised (at least temporarily) for their rebellious behavior. But the example of the cobbler creates some problems for understanding the legal situation at York from the top-down approach. In this case, the guild masters approached the mayor and council to enlist the necessary support to oblige their fellow cobbler’s continued participation in the procession. This hardly seems like an example of a civic elite enforcing its will. Ordinances even exist that remind members of the elite to show up in appropriate attire for processions—more of a lateral assertion of power.

In these opening pageants can be seen many different types of laws and crimes, or at least violations of social norms that could have drawn the eye of York law enforcement: murder, inappropriate dress, broken promises, bad kingship, deviant speech, adultery and
prostitution. These sorts of behaviors broke the law and could potentially end up in court and require punishment. Furthermore, evidence from York indicates that these types of cases would have been familiar to the plays’ spectators—the local people, some of whom would have been on juries, called upon to arbitrate, asked for depositions, or perhaps simply witnessed their neighbors being accused of or punished for these crimes.

Although “bad speech” does not encompass all the potentially criminal behavior in these pageants, it is a recurring theme. Satan provides a hint of what is to come with his “treason by words.” Scolding was usually a more minor offence (although not for poor Cherry Lips), but it involved bad speech. The more serious form of “bad speech” is defamation, an idea which will be developed in the next pageants. As we shall see in the next chapter, the York civic elite was very concerned about slander and defamation. Finally, even treason, the crime leveled at Jesus by the high priests and Pontius Pilate, also had a “bad speech” connotation in the sense that saying harmful things about the king could be real trouble: possibly treason, which came with a death sentence (and a horrific death at that, as we shall see).

One thing clear from examination of “actual” law and justice and the world of law and justice within the pageants is that an insider-outsider dynamic is established, a sense that justice is not exactly blind or fair. The cordwainers were numerous and at least some of them were wealthy; they were involved in the town’s justice mechanisms; they had searchers who were on the 48, and rented stations to view the performances of the Corpus Christi pageants. But at the same time they were “outsiders” with little or no political power. Still, although a failure, their rebellion was clever—their choice of target and all the resonances it had
certainly created quite a stir. Within the plays, the subjects of law and justice create
tensions—tensions that will be played out later in the cycle. Mary is saved by God’s direct
intervention into a flawed human institution, but later Christ will suffer and not be saved
from the cross. Although a laughing audience might note how Noah’s wife really gets treated
poorly, in later pageants the utter unfairness of Christ’s treatment is highlighted. The truly
rebellious and traitorous behavior of Satan is juxtaposed with the false accusation of treason
leveled against Jesus. The question of who has the right to be a judge reaches the height of
tension with depictions of Pontius Pilate. As will be shown in the following chapter, these
earlier pageants serve to set up issues of law and justice that get developed in more depth and
with even more recognizable elements of fifteenth-century legal procedures.
Chapter Three: The Trials of Jesus—Treason and Punishment

The idea of justice comes up repeatedly in the course of the trial and harrowing pageants, which feature many anachronistic English legal procedures (Tiner 103). Throughout this section of the Cycle, words suggesting law, justice, injustice and judgment occur again and again. One of the reasons Judas betrays Jesus is because he feels he has been "uniust unto [him]" (Pageant 26, "The Conspiracy," l. 128). Pilate refers to Judas in the same pageant as a "juste man" (26.225). On the other hand, Caiaphas and Annas see Jesus as a law breaker: "oure lawe he brekis with all his myght/þat is moste his desire" (Pageant 29, “Christ Before Annas and Caiaphas,” l. 43-44). The soldiers in these pageants are concerned also about law and justice; they describe Jesus in Pageant 30, "Christ Before Pilate 1," as "a lorell þat is lawles and liddir" (30.254). Furthermore, in Pageant 37, "The Harrowing of Hell" play Jesus says he will save from hell those who learn his "law" (37.313).

As R.H. Nicholson notes, the York cycle is different from the other collections of plays generally identified as “cycles” in that it “employs with great sophistication an experience of the law, as a force in temporal administration, to define the central religious subject” (125-6). What he means by this is that in the pageants scriptural material is mediated through contemporary notions of law and justice, a set of procedures and rules that would have been familiar to many in the audience, perhaps particularly a York audience, for a variety of different reasons to be explored here. Nicholson and others have argued for the presence of contemporary law in the trial sequence, focussing especially closely on the law of treason (the crime Jesus is eventually convicted of). I have argued that this “experience the law” pervades the cycle, as the York civic elite, like civic elites throughout England in
this period, struggled to control both behavior and talk (especially talk that led to—or even was—“bad” behavior). I would agree, however, that contemporary law is perhaps most noticeable in the trials. In the various trials of Jesus, there are very direct references to crimes that—if they did not exactly plague York—certainly occurred with some frequency and were noted in civic records such as the House Books. At various points in the cycle, Jesus is accused of false preaching, defamation, unlawful gathering of crowds, witchcraft, and treason. As we shall see (or have already seen in earlier pageants), all of these crimes were anywhere from a minor nuisance to a major concern.

York certainly saw its fair share of traitors. In their studies of the York trial plays, Pamela King and Olga Horner have focused on how the trials might evoke memories of Archbishop Richard Scrope (executed for treason in 1405—see below), who remained extremely popular in York long after his death. In fact, one might wonder if perhaps the Corpus Christi pageants might even have helped keep Scrope in mind as they yearly enacted the horrifying death of a man convicted for treason. Still, Scrope’s execution happened at one point, and a rather early point, in the cycle’s history. In her argument citing Scrope as a likely contemporary model for the trial sequence, King notes that his execution in 1405 and argues that this date is quite close to the 1415 Ordo Paginarum. The Ordo’s brief description of Pageant 29, “Christ Before Annas and Caiaphas,” lists a similar set of characters to those found in the later Register of the 1460s, and although Pageant 30, “Christ Before Pilate I,” seems to have undergone some revision between 1415 and the composition of the Register, King claims that it at least possible for Scrope’s trial and execution to have been in the early

56 Horner, "'Us must make Lies': Witness, Evidence, and Proof in the York Resurrection” and King, "Contemporary Cultural Models for the Trial Plays in the York Cycle."
to mid-fifteenth-century author’s mind as he composed (212). While King’s argument is compelling, it is too limited. Even if Scrope was a model—and an important model at that, since he was executed on the order of Henry IV-- the cycle continued long after his execution. Are there other events in York’s history that would be evoked by the trial sequences and keep the plays relevant to their audience as more than simply scriptural renactments? Neither King’s nor Horner’s arguments consider the multiple traitors executed in and around York during the time period of the cycle. Elza Tiner, on the other hand, does not identify Scrope as a potential model, but does argue for the representation of the abuse of contemporary legal procedures in the trial plays, especially those focused on Jesus’ arrest and trials. She asserts that Annas, Caiaphas, and Pilate transgress English legal procedures, such as arresting Jesus at night, that should have led to a dismissal of Caiaphas’ and Annas’ case against him. Again, while Tiner’s case is compelling, it is also extremely particular. As Stephen K. Wright notes (in an argument that supports a reading of Scrope as a “silent presence” in the York pageants), it was “unlikely that spectators would be familiar with the details of proper legal proceedings” (“Genres of Sanctity” 130). Tiner, King and Horner also wish to identify rather specifically exactly what English courts are being represented. Tiner argues for Pilate as the head of an oyer et terminer commission, the type of court that would have heard treason cases (108) and also sees parallels with trial procedures in the King’s Council in which “the chancellors were clerics, assisted by bishops and doctors of the civil law” (106); King, on the other hand, believes the first trial before Pilate to be in Chancery court, a court headed by the Chancellor that was a way of “short-circuiting usual procedures and possible injustices by operating a court of conscience” (King, “Contemporary Cultural
Models” 208). Horner perhaps goes the farthest in her efforts to identify exactly which courts and officials are represented (see “Horner, “Us Must Make Lies,” especially page 47 and following). I find myself somewhere in between, seeing parallels with some legal procedures but not necessarily considering it tremendously important to make an exact identification. As I have argued, York citizens (and all citizens of a certain class) would have known a fair amount about the law, so some spectators would indeed have been knowledgeable about legal procedures. But even for those who were less informed, the pageants clearly emphasize the complete unfairness of Jesus’ trial, which creates a rather interesting conundrum. While Jesus’ conviction under contemporary law was a travesty in many ways, it nevertheless was necessary for salvation history—human justice both failed and succeeded. Furthermore, arguments about resonances between Jesus and possible York contemporaries can be expanded. While Scrope was probably the most tragic and memorable of the traitors in York, he was not the only one. Many others were tried and executed in and around the city. Even Mayor Wrangwissh found himself accused of treason. Jesus is accused of all sorts of crimes, including defamation, which was a crime the York civic elite spent considerable energy trying to stamp out.

My intention in this chapter is both to expand the ties between the trial pageants and contemporary events in York and push beyond seeing Scrope as the only figure that citizens would trace onto the plays. I also make ties between the sorts of legal activity at work in the earlier pageants and those seen in these later pageants, which are often treated as being entirely separate. To do so, I include examples from the York House Books and other sources. Inasmuch as possible I have restricted my evidence to incidents from York as these
seem the most likely to be known to many of the spectators. I have used examples from other places as sparingly as possible and only when they seem to represent a generalized view of the law and justice common across England.

A set of pageants that reflects contemporary and sometimes competing legal systems seems especially appropriate for York. Indeed, all of England was under multiple jurisdictions: common/statute, customary (local), and canon law. Common law was “common” because used everywhere and was administered by royal justices. Statute/parliamentary law was added to common law, and handled felonies and some trespasses. There were two main courts—common pleas (usually at Westminster but moved to York a variety of times in the early fourteenth century), and the King’s Bench which followed the king (but was often at Westminster); this was a court of appeal and also handled felony (Goldberg, “Medieval England” 249). Commissions of oyer et terminer were appointed to combat disorder (250). Customary law was local law, which meant it was not the same everywhere; in towns like York, the local courts could come to be run by the citizens, and the law was specific to that particular community (250). Finally, there was canon law, or the law of the church (251). As seen above with “Joseph’s Trouble About Mary” (Pageant 13) and “The Woman Taken in Adultery” (Pageant 24), this law was not just for clergy but also covered areas such as tithing, sexual behavior, marriage, wills, defamation, magic and heresy (252). Indeed, knowledge of law became very valuable in this period, and Goldberg notes that lesser aristocracy had their children study law (254). Understanding the various—and sometimes--competing legal systems was important as sometimes people pursued justice in canon law courts if they couldn’t get justice in other
sorts of courts (252-3). Furthermore, familiarity with the justice systems was useful when one wished to abuse them; the motivation to pursue a legal case was not always to win—it could be to restore name, to settle out of court, to put certain sorts of pressure on your neighbors, and so on (253).

A preoccupation with justice is especially fitting for York, which was an administrative center for the north of England until the seventeenth century (Palliser, “Tudor York” 1). The capital of England for several periods between 1296 and 1336, York often housed the Exchequer, Chancery, King's Bench and Common Pleas (“Tudor York” 41). Later in the century, Richard II as well moved the government to York in 1392 to punish Londoners who refused to meet his financial demands (Miller 57). In addition, the court of the King's Bench also frequently sat at the city, meeting there twenty-four times between 1327 and 1399, and occasionally thereafter (Putnam 29-53; Miller 57). Furthermore, although the first half of the fifteenth century was one of "unprecedented neglect" by the "absence of the [King's] court," later in the century York became the seat for the King's Council in the North (1484) to be held "onys in the quarter of the yere at the leste at York, to here, examine, and ordre alle billes of compleyntes" and to have the authority to "ordre and direct alle riottes, forcible entres, distresse takinges, variaunces, debates and other mysbehaviors ayenst our lawes and peas committed and done" (Reid 504). Certainly the city of York had strong ties to royal judicial administration.

In addition to York's ties to royal authority and courts, the city was also given wide powers of self-government by Richard II. In 1396, the king made York a corporate borough and a county of itself, with the mayor and aldermen of the city able to act as ex officio
justices of the peace. The city was now detached from the shire, and responsible only to the crown in all financial, judicial and administrative matters. Only the castle was outside of the city's jurisdiction, leaving the sheriff free from the power of the York citizens (Palliser, “Tudor York” 41).

After being granted these powers of self-government, the city had two categories of secular courts at York: those held by the sheriffs and those the mayor presided over, each court had its own jurisdiction. The mayor's court met in the Guildhall and judged common pleas (wills, dower, services, etc.) as well as guild matters, nuisances, rumor-mongers, forgers, and disturbers of the peace. The court, like the court of Pontius Pilate, also tried cases and made orders for governing the city and keeping the peace (Miller 75-6).

Furthermore, just as we shall see in the Cycle, York was also the site of competing secular and ecclesiastic jurisdictions. According to Palliser, up until the Reformation York was "honeycombed with religious liberties" which had their own judicial systems for their residents (“Tudor York” 88) as well as, like the court of Annas and Caiaphas, the power to try anyone guilty of moral infractions, including heresy (Stevens, “York Cycle as Carnival” 451). The courts of the diocese and archdiocese were in York (Tiner 104). Furthermore, during the Archbishop of York's Lammas fair (July 31-August 1), the archbishop had full jurisdiction throughout York; he could even hang thieves (Stevens 453). St. Mary's Abbey had the right to a court for their tenants and to arrest thieves in their liberty and keep them in their own prison (Miller 39). Tension between the ecclesiastic liberties and the rest of the city sometimes led to violence. In 1343 and 1350, the citizens attacked the monks at St. Mary's, threatening at one point to kill and at another to crucify the abbot (Miller 68). In the
previous century (1260), York had been placed under papal interdict because the mayor had arrested and hanged a resident of Holy Trinity Priory over whom he did not have jurisdiction (Miller 39).

In fact, the pageants seem to involve all of York’s judicial structures and problems, from multiple courts to major crimes to competing jurisdictions to an obsession with violence. I will provide a brief overview here and then explore all of these areas in more depth. First of all, the various pageants have representatives of all the major types of courts that would be known to a York audience. As noted in Chapter One, participation in the legal mechanisms of a town was a significant part of citizenship, marking those who had the franchise off from “straungers” or “foreigners.” As Philippa Maddern notes, courts were “public rituals of authority” (67) and “arenas for the display of authority” (66). On the one hand, courts were where the law “could be used to protect and establish divine, social, and political order” (227); on the other, those who attended court were also potentially witness to an incredible amount of manipulation and delay by plaintiffs and defendants, who often found all sorts of ways to get people to court, to switch courts to one where a favorable verdict was likely, and so on (67). In fact, the manipulation of the judicial system is paramount in the pageants, which feature three types of courts. One court is clearly ecclesiastic, where Annas and Caiaphas are the bishop-judges. Indeed, ecclesiastical court would have been the correct place to try crimes like false preaching, witchcraft, and defamation. Jesus is also taken before Herod, perhaps a local court which, when unable to render a verdict, sent the case on to Pontius Pilate’s court. Pilate’s court has the most affinity with the court of *oyer and terminer*, which was generally responsible for hearing capital
cases (Bellamy, “Law of Treason” 139). This court would certainly have been known to York citizens at various points in the cycle’s history. For example, a commission of oyer et terminer met at York in 1489 to try Thomas Wrangwissh after the rebellion of Lambert Simnel (Atreed, “King’s Towns” 301-2). Indeed, trying Jesus for treason was very likely to lead to a conviction, as these cases almost always ended in conviction, unlike felony cases, which usually ended in acquittal (Bellamy, “Law of Treason” 138). Jesus is dragged from court to court in a procedure that seems utterly unfair, accused of crimes he clearly has not committed (in fact, the accusers are often the lawbreakers—Annas and Caiaphas certainly seem to be guilty of defamation, as will be illustrated below). In short, the pageants of the trial and execution of Jesus are courtroom-based, feature familiar transgressions, and illustrate the intense competition over jurisdiction present in York and in England in general. Finally, human judicial mechanisms are compared to Jesus’ judgment of Satan in Pageant 37, “the Harrowing of Hell,” and the final judgment of Pageant 47, “The Last Judgment,” where Jesus presides over the “grand assize.”

In organizing this chapter, I have used a similar scheme to that in Chapter Two. Rather than proceed in order through the pageants, I have grouped pageants together to describe certain crimes, such as barratry, defamation, and various types of treason, and also to examine overarching problems in the plays and in contemporary York such as the right to judge and competing legal jurisdictions. Interspersed with play text and analysis are contemporary events, generally from York but occasionally from other parts of England. This structure does have its drawbacks. First, if one were reading the pageants in order or watching them performed, the sense of unfairness and the complete perversion of human
judicial mechanisms would emerge clearly in a way that may be lost in this chapter. Also, this scheme does mean that several pageants and even particular lines come up repeatedly in a way that may seem somewhat repetitious. But since some of the crimes examined occur over multiple pageants and some lines serve to illustrate multiple arguments, topical headings are the clearest way to arrange materials.

**Barratry**

The first crime seen in the trial section of the cycle is barratry. It is exactly during the time of the cycle that laws against this offense came into being. This type of speech crime was first noted in the thirteenth century and constituted an upper-class offense in which nobles clogged the royal courts with frivolous lawsuits. Barrators’ weak cases were seen to be subverting the courts as their attempts diverted royal judges from administering true justice. By the fourteenth and fifteenth centuries, the definition of barratry had expanded to encompass many types of trouble-making—including rioting—and was prosecuted at the local level. (Bardsley, “Sin, Speech” 149). Towns passed bylaws forbidding scolding, barratry, and speaking scandalously of mayors, aldermen, and other town officials (“Sin, Speech” 163). Local and guild ordinances attempted to prohibit barratry. Bardsley cites a 1389 London guild ordinance that noted “if any brother . . . become of evil fame . . . as thief or common barrator or common questmonger . . . that anon he be put out of the fraternity” (qtd. in “Sin, Speech” 150). In York, the 1388-9 Pater Noster Guild return includes “Item, it is forbidden for any brother of the aforesaid fraternity to be so confident of help from the brotherhood that he boldly enters into litigation or fighting, or maintains some unjust cause,
under pain of losing all aid and friendship or succor from the aforesaid fraternity” (REED ii, 864). Martin Ingram, looking at a slightly later period, gives the definition of barratry as “a common wrangler, that setteth men at odds, and is himself never quiet but at a brawl with one or the other,” and notes that “the term often carried much stronger implications of legal chicanery and the stirring up of unjust lawsuits” (Ingram 50). So, when Satan describes Jesus as “in grete barett bene/Sithen he was borne” (Pageant 22, “The Temptation,” l. 27-8), the audience might already have been anticipating what kind of crimes he was to be accused of in later pageants. The viewers would also be mindful that it is Annas and Caiaphas who truly are barrators.

First, it is clear that Annas’ and Caiaphas’ initial approach to Pilate takes place in a courtroom setting, which can be seen in the various fifteenth-century legal anachronisms in the pageant. In “The Conspiracy,” Annas tells Pilate they “seke for youre socoure þis sesoune” (26.42). While this can translate to “we seek your help at this time,” “sesoune” has an additional meaning of “court.” There is also a sense of a legal “case”; Annas swears what he and Caiaphas say about Jesus is true (“for certayne owre sawes dare we seele,” 26.109), which prompts Pilate to agree that “þan may we prophite oure pele” (26.111)—that is, advance the charge in court. When Judas arrives, Pilate bids him “byd at þe bar” (26.211), just as later in the cycle Jesus must come to the bar to hear the charges against him—all actual contemporary court procedures (Putnam xcviii). There are also repeated references to the law and being lawful as well as various forms of the word “legge,” to make allegations.

\footnote{Elza Tiner also notes this line, although she attributes it to Pilate (105).}
Furthermore, Annas and Caiaphas are quickly established as highly knowledgeable of the law. From the beginning of Pageant 29, "Christ Before Annas and Caiaphas," Caiaphas claims to be someone who is both learned in the law and equipped to teach it:

For I am a lorde lerned lelly in youre lay.
By connyng of clergy and casting of witte
Full wisely my wordis I welde at my will,
So semely in seete me semys to sitte
And þe lawe for to lerne you and lede it by skill,
Right sone. (29.4-9).

He also sets himself up a judge proud of his intelligence and power (Pontius Pilate does the same thing, as we shall see later):

Ther is nowder lorde ne lady lerned in lawe
Ne bissshoppe ne prelate þat preued is for pris,
Nor clerke in þe courte þat connyng will knawe,
With wisdam may were hym in worlde is so wise.
I have þe renke and þe rewle of all þe ryall,
To rewle it by right als reasoune it is.
All domesman on dese awe for to dowte me
That hase thaym in bandome in bale or in blis;
Wherfore takes tente to my tales, and lowtis unto me. (29.14-22)

Clearly Caiaphas has a deep understanding of the law, enough to strike fear in those who try to match wits with him.
The pair is also quite eager that their allegations lead to a conviction and death sentence, no matter what they have to do to accomplish this. Certainly Caiaphas and Annas from their initial appearance in the cycle spend a lot of time in court, doing their best to burden the legal system until they get what they want. In fact, they seem quite familiar with the buzzwords that would get attention immediately. In “The Conspiracy,” Annas responds to Pilate’s question about whether there is any kind of misbehavior that he needs to address by saying that Jesus “thurgh his romour in þis reme hath raysede mekill reke” (26.34). In other words, he portrays Jesus as a rabble-rouser and a threat to the King’s peace. Certainly at this point in England’s and York’s history, an accusation of breaking the king’s peace would get immediate local and even royal attention. Attreed argues that even beyond the major upheavals in York, like the Peasants Revolt (1381) and Simnel’s rebellion (1487) it “should not be assumed that life in York was otherwise calm and safe” (HB xxiii). Rioting seemed to be something of a fact of life. As discussed in Chapter One, the cordwainers rioted at several points in direct connection with the Corpus Christi procession. Others ended up imprisoned for rioting as well. In October of 1484, the mayor threw rioters in jail until he got word from the king as to what to do (HB 335). Almost exactly a year later, the mayor again threatened that anyone misbehaving in word or deed against the chamber or rioting in the city would be tossed in jail (HB 370). 1489, the mayor and council demanded sureties of 40 pounds to guarantee that William Brettan (possibly Fuller William Brotton) to ensure that he would not disturb the peace by way of illegal gatherings, insurrections, confederations, or threats of any kind (HB 662-3).
The unruly nature of York got the attention of both local and royal authority. The mayor and council tried repeatedly to ban weapons with exception of knights and squires to no avail (HB xxiii; 354). Various gentry and even kings also warned York to maintain the king’s peace. During a 1476 visit, Richard Duke of Gloucester (later Richard III) brought five thousand men with him and warned York citizens to keep the peace: “nomaner man bere axe, bille, longdebefe, piked staff, swerde or other unlawful wepyn, except the kinges officeres, upon payne of imprisonment of their bodies at the kinges will, forfeiture of thaire wepenes and making fine and raunson at the kinges pleasure.” Those who caused trouble would go to the “kinges gaole to prison” (HB 8). Similarly, Henry VII sent a proclamation to York to keep the peace in the city during his visit (1487):

let no one “robbe, despole any dispale any church ne take out of the same any ornament therto belonging, ne touché, ne set hand on the pix wherein the blessed sacrament is contigneyd, nor yit robbe ne dispoile any maner of man or woman upon payne of dethe; and also that no maner personne ne personnes whatsoever they be make no querell to any man ne(c) sease, vex ne trouble any man by body or goodes for any offense or by colour of any offense heretofore done or committee ayenist the royall magistie of the king our souverain lord without his auctoritie or special commaundement yevene unto hyme or them that soo dothe in that behalve upon payne of deth. Also that noo maner of persone whatsoever he be ravished noo religiouse woman nor mannes wif, doughter, mayden ne noo mannys ne womans servaunt, nor take presume to take any maner of vitaill, horsmet or mannes mete
without paying therfor the resonable price therof assised by the clerke of the market or other the kinges officers ordigned upon payne of death.” (HB 586-7)

One wonders exactly what the king had heard about York. A 1488 letter to the mayor and sheriffs seems to indicate Henry’s lack of confidence in the city to punish those who encouraged citizens to “renne or falle into rebellion and disobeisaunce in subversion of all gude rule pollicie”; he orders the mayor and sheriff to turn over the names of any such “ungudelie disposed personnes” or face the consequences (HB 609). It would seem that unauthorized gatherings of people garnered a great deal of attention at this time, especially in York, a city associated with Richard III.

The phrase “cum vi et armis” (with force and arms) would get royal attention (Attreed, “The King’s Towns” 246). In fact, use of this language was sometimes a “legal strategy” rather than a reflection of reality (283) as after 1381, violent disturbances of the peace ensured rapid royal response (286-7). Although Annas does not quite use the phrase “cum vi et armis,” his speech hints in that direction: here is a man who is causing trouble and potentially breaking the peace. Annas’ use of this type of language does appear to be a legal strategy, one that is rebuffed almost immediately by Pilate, who says

I here wele þe hate hym; youre hartis are on heght,

And ellis if I helpe wolde his harmes for to eke.

But why are þe barely þus brathe?

Bees rewly and ray fourth youre resoune. (“Conspiracy” 26.35-8)

Pilate sees through this initial feint to use his court to pursue groundless litigation.
In fact, much of the pageant consists of a back-and-forth between the two ecclesiastic lawyers with a weak case and an annoyed royal judge whose time is being taken up by two legal experts pursuing an innocent man. Annas’ and Caiaphas’ next feint to try and get the desired reaction out of Pilate is to say that Jesus “sais he schall deme vs” (26.65). Pilate informs them that they are free to “noye [Jesus]” (26.67), but that he is in charge of the law. After the strategy to get Jesus in trouble for casting out the money-changers fails, Caiaphas returns to accusing Jesus of “mouing of men” (26.77) and requests the death penalty. Pilate responds in a way that indicates he sees what is going on: “ðan schulde we make hym to morne but thurgh Æoure maistrie” (26.78). In other words, if he were to give in and execute Jesus, it would only be because of their mastery of the law rather than any actual capital crime. This seems to be the very definition of barratry—nobles wasting the court’s time with frivolous lawsuits.

Indeed, at many points Pilate reminds Caiaphas and Annas and their companions to be careful with their accusations lest they be accused of wasting the court’s time or of malicious prosecution. After yet another failed attempt to get him to condemn Jesus to death, this time for healing men on the Sabbath, Pilate responds as follows:

A hoo sir nowe, and holde in.
For þoff þe gang þus gedly hym gilteles to graue,
Withouten grounde Æow gaynes noght swilke greff to begynne;
And loke youre leegyng be lele,
Withootyn any tryfils to telle. (26.104-8)
This is a clear warning that he is losing patience with their case. In fact, it is not until Annas and Caiaphas and their retainers claim that Jesus calls himself king that Pilate is willing to act (26.133 and following).

Once Judas turns over Jesus to Annas and Caiaphas, the abuse of the legal system continues. Annas and Caiaphas use Jesus’ words against him, claiming that now that he has “defamed” God, they “now nedis vs no notes of new/Himself with his sawes has he schamed” (“Christ Before Annas and Caiaphas,” Pageant 29.298-9); Annas adds that they “nedis nowder witteness ne counsaille to call” (29.300) as Jesus is incriminating himself. Jesus points out that he is being treated unfairly; those who would witness for him are not there (29.309), and they should have been; Tiner argues that in criminal cases brought before ecclesiastical and secular justices, the defendant would be questioned as would trustworthy citizens serving as witnesses (107). Jesus also notes that the high priests had many opportunities to take him while he was preaching but instead chose to “noye [him] by nyght” (29.319), which in contemporary law was illegal. Unless caught in the act, a defendant could not be brought into court by force (Tiner 109). Jesus also claims that those who speak against him are a “wronge wittenesse” (29.329). Another example of concern over witnesses comes in Pageant 33, "Christ Before Pilate 2: The Judgment," when Pilate and Caiaphas have an exchange about the quality of the witnesses Caiaphas wishes to call to testify against Jesus:

Caiaphas: I can reken a rable of renkes full right,

Of perte men in prese fro this place ar I pas,

þat will witnesse, I warande, þe wordis of þis wight,
How wikkidly wrought þat þis wrecche has. (33.108-111) . . . .

Pilate: Ya, tussch for youre tales, þai touche not entente.
þer witnesse I warande þat to witnesse ye wage,
Some hatred in ther hartis agaynes hym have hent
And purpose be this processe to putt doun þis page. (33.120-124)
Certainly concern about the truthfulness of witnesses was also a worry of the fifteenth century:

A witness was as open to corruption as any man who participated in the carrying out of justice; indeed since his appearance was perhaps the most fleeting he was the most vulnerable of all. As the use of witnesses grew more popular so did efforts to influence their testimony, and there must have been many occasions when men lamented, like a correspondent of Sir John Paston, that against them were likely to appear testifiers who knew nothing about the matter at issue beyond that which they had been told to say. (Bellamy, “Crime and Public Order” 148)

Lists of supposed crimes, expert lawyers clogging up the court’s business, malicious prosecution, suborning perjury: Annas and Caiaphas represent a crime that held sway in contemporary York and in England—they are barrators.

Defamation

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58 Tiner also briefly notes that Annas and Caiaphas are guilty of malicious proseuction although she does not make the argument that they are barrators as I have done (108).
I turn now to an analysis of the particular crimes Annas and Caiaphas attempt to impute to Jesus and what a York spectator might have known about them. In their long list of charges, one of crimes that the high priests emphasize is defamation. Defamation has, of course, already been introduced in the cycle back in Pageant 13, “Joseph’s Troubles About Mary,” when Joseph fears (perhaps rightly) that accusing another man of adultery could lead to defamation charges against him. It comes up again in Pageant 29, “Christ Before Annas and Caiaphas,” but this time in a more formal way in that the audience is privy to the ways Annas and Caiaphas attempt to set up their bogus legal case against Jesus. In the time period of the York cycle, defamation was actionable at law. In fact, defamation, like scolding and treason by words, fits into the world of “sins of the tongue” and that things said can cause real damage to a person’s good fame. Records of defamation cases indicate that control of speech and respectful speech were of great practical concern (Forest-Hill 13).

In order for an angry speech to rise to the level of defamation, several criteria needed to be met. The speech needed to accuse another person of a specific crime or, by the fifteenth century, to accuse someone of something that would damage his or her reputation (Helmholz xxvi, xxix). So, calling someone a thief, perjurer, adulterer, harlot, and the like could potentially be defamation. Helmholz notes that some records indicate defamation cases could at least occasionally stem from other insulting language such as calling someone a leper or of having “Scottish sympathies” (xxviii). The motive of the speaker was also critical; it was only defamation if the speech was malicious (Helmholz xxxii; Wunderli 65). The defamatory speech could
not occur in private; rather, it needed to have occurred before “bonos et graves”—people themselves of good fame whose good opinion was worthwhile and were considered to be of “sound judgment” (Helmholz xxxv). In court, defamation cases required witnesses (Forest-Hill 16). Furthermore, an actionable speech needed to have done real damage, or else it was just considered abuse (Forest-Hill 14). If the one defamed was a great lord, defamation could start to bleed into accusations of treason (Forest-Hill 19). Finally, defamation was generally prosecuted in ecclesiastical courts rather than common law or local courts for reasons that are not clear to scholars. Local courts did, however, continue to prosecute defamation cases that involved scolding or slandering local officials (Helmholz lxiii). Clearing one’s name generally involved compurgation, or gathering a group of people who would swear to one’s good name (Poos, “Sex, Lies, and the Church” 588; see also Chapter Two’s discussion of “Joseph’s Troubles About Mary”).

Damage from sins of the tongue, including defamation, carried a high price at this time. Society was “dependent on reputation as social currency” (Hunt 18), making defamation and slander a huge problem in society (19) because loss of good name was potentially quite serious (Helmholz xxxviii). Hunt notes that a bad reputation would make life “intolerable” in a medieval town (15). Guilds had anti-slander ordinances (Hunt 19-20), and local elites were very sensitive about their reputations (Jones 112). Furthermore, punishment for those convicted of defamation could be serious. They could be excommunicated, which would separate them from church and society (Helmholz xxxviii). Those convicted of slandering a public
official, such as the mayor, faced a fine and possible imprisonment (HB xix). The punishment could also be very public. Like scolding, defamation might require a trip to the pillory or cucking stool (Forest-Hill 20). It might also involve a sort of procession:

The order from one York cause, for example, required the defendant to march in the parish procession in penitential garb and ‘at the time of High Mass, the parishioners being present, [to] say in a loud and intelligible voice that he had erred in his words, which were uttered from false information of others, and [to] humbly ask pardon’ of the complainant. In a Hereford cause, the defendant had again publicly to ask pardon during divine service and to say that ‘he had uttered the words out of evil will, not from zeal and that he had been moved to anger’ . . . [T]he evident goal of all of [these punishments]: the public humiliation of the defamer and the restoration, as far as possible, of the reputation of the person defamed. (Helmholz xl)

The private body of the individual was exposed to public shame (Normington, “Medieval English Drama” 49). It is at least possible that a viewer watching the Corpus Christi procession or pageants might have recently witnessed another sort of procession. Finally, defamation construed as treason was a capital offense. In other words, defamation was serious business.

When Annas and Caiaphas accuse Jesus of defaming God, they do so to attempt to come up with a capital crime. They first level defamation charges at Jesus in Pageant 29, “Christ Before Annas and Caiaphas”: 
Cayphas: I coniure þe kyndely and commaunde þe also,

By grete God þat is liffand and laste schall ay,

Yf þou be Criste, Goddis sonne, telle till vs two.

Jesus: Sir, þou says it þiselffe, and sothly I saye

Þat Ischall go to my fadir þat I come froo

And dwelle with hym wynly in welthe allway.

Cayphas: Why, fie on þe, faitoure vntrewe,

Thy fadir haste þou fowly defamed. (29.290-7)

A few lines later, Annas adds that Jesus “sclaunderes þe Godhed and greues us all/Wherefore he is wele worthy to be dede” (29.302-3). Furthermore, as stated above, Annas and Caiaphas propose that these words are enough to convict Jesus and they no longer require witnesses: “Now nedis we nowder witnesse ne counsaille to call/But take his sawes as he saieth in þe same stede” (29.300-1). Unfortunately for Annas and Caiaphas, anyone familiar with defamation criteria at all (audience members and characters in the play included) would know that they are the defamers, not Jesus.

First of all, the pair engage in the sort of verbal attacks that aim to hurt a reputation of a man of good fame and do so in public—the public of Pilate’s palace and, of course, the public of contemporary York. In “Christ Before Annas and Caiaphas,” Caiaphas asserts that Jesus is a “harlott” (29.305) and in Pageant 32, “The Remorse of Judas,” Annas also refers to Jesus a “harlotte” (32.108), a term that could bring on defamation charges. A case from Finchley indicates that John Nichol

59 “Harlotte” when applied to Jesus does not necessarily have the sexual connotation of the modern term; it can simply mean a knave or rascal (Poos, “Sex, Lies and the Church” 591).
and his wife called John Perkyns a “false harlott”; in another case from Essex in 1496, the defendant is accused of calling Edward Harrison a “false man and false harlott to me” in court (Poos, “Sex, Lies, and the Church” 592-3). By calling Jesus a “harlott,” Annas and Caiaphas are moving toward an actionable offense.

Also, Annas and Caiaphas’ refusal in “Christ Before Annas and Caiaphas” to let Jesus call witnesses is highly suspect. They assert that his words are self-incriminatory, but defamation suits required witnesses both for the plaintiff (the defamed) and the defamer (to clear his or her good name through compurgation). Jesus recognizes that their treatment is unfair (and clearly illegal to the audience) when he objects to Caiaphas that “nor they þat myght helpe me are noȝt here nowe” (29.309). A few lines later he again asks them to seek witnesses: “Sire, sen þou with wrong so me wreyes,/Go spere thame þat herde of my spekyng” (29.322-3). His request is met by abuse from the soldiers and the high priests. Furthermore, the witnesses Caiaphas and Annas call are not men of good fame whose word would be valued in ecclesiastical courts. The first to recognize this is Jesus, who accuses one of the soldiers of being “a wronge witteness” (29.329). Pilate also realizes that the witnesses called by Annas and Caiaphas are problematic. In Pageant 30, “Christ Before Pilate I: The Dream of Pilate’s Wife,” Pilate notes “full fewe are his [Jesus’] frendis but fele are his fooes” (30.434) as Jesus, who should be accompanied by witnesses, is instead alone. Pilate even seems to doubt the validity of the defamation charges leveled by the high priests; he accepts Jesus’ answer that he is, indeed, the son of God (30.470-82).
Finally, Annas and Caiaphas are the ones who are acting with malice to destroy another’s good name, which would make them the defamers. At several points, Pilate notes that they are motivated by malice, including right after he refutes the charge that Jesus has defamed the Godhead:

“Lord bussshopis, why blame ye þis boye?
Me semys þat it is soth he saies.
Ye meve all þe malice ye may
With youre wrenchis and wiles to wrythe hym away,
Vunjustely to juge hym fro joie. (30.481-5)

A short time later he again notes their motivation: “Thanne mene yhe of malice to marre hym of myght/Of cursidnesse convik no cause can yhe knawe” (30.506-7). Annas and Caiaphas have themselves become defamers by speaking maliciously in front of good and true men in a manner that causes real damage, as we shall see in the following sections. Furthermore, their refusal to allow Jesus to call the witnesses he is entitled to aligns them with other corrupt judges like Pharaoh and Herod from earlier in the cycle. Indeed, the fact that the two high priests act together to convict an innocent man is especially interesting. Although at the time of the cycle defamation cases were tried in ecclesiastic courts, there were some cases closely aligned with defamation that could be tried in common law courts. Helmholz points out that two or more people who conspired to get an innocent man indicted of a crime could in fact lead to a “cause of action against the conspirators” (lxviii). Indeed, if Annas and
Caiaphas were not actually the ones in charge, they would be on legally shaky ground.

What might a York audience have thought of the defamation charges brought against Jesus? For some, especially lawyers in the crowd, the legal niceties might seem obvious. For those who were not as versed in the law, there would still be discomfort with the knowledge that they were witnesses who were unable to testify. And everyone would realize the unfairness of the malicious prosecution. One also wonders what the religious orders whose liberties honeycombed the city thought about a clearly corrupt ecclesiastic court where the innocent were punished along with the guilty. In turning to contemporary records, it is clear that the citizens of York might have had rather mixed feelings about the courts that dealt with speech crimes.

It is clear from looking at the records that the price of *mala fama* could be high. The women who were convicted as scolds (see Chapter Two) ran the risk of disfigurement. A bad reputation could lead to a loss of position; in 1476, the priest John Usworth was removed from office “because of his evil and dishonest disposition” and was to be replaced by an “honest and able priest . . . . for the praise of God and the honour of the city” (HB 36). The implication is that his lack of honor was affecting the city at large. There is also evidence that people went to great extents to restore their good name. A 1487 House Books entry is a “Declaracio bone fame” and refers to John Smyth and twenty-one other swearers as “personnez of good name and fame” in York. These men swore to the mayor, chamberlains and ministers that they knew Elizabeth Ricardby, wife of Thomas Panyerman for eight years, and that
at all tymes [she] was reputid to an honest maydyn, clene of body, true of handes and
tong and in all thinges appertigneying to hur womanhode a madyn of honest
conversacion and good disposicion, never noted of any cryme or other thing sinister”
. . . . and would “testifye in court or out of court.

“All other honest neigbours” will also testify to this as well (HB 540).

The oath is specific about both her chastity and her words—she has a “true tongue” and is an
honest woman of good speech. Although the entry is not clear on exactly what Elizabeth’s
situation was, it is not unreasonable to think that she had been accused of scolding or perhaps
even worse and was attempting to salvage her reputation. It would seem that proving she was
of good fame was important enough to her that she found a great number of witnesses to
swear to her character. One also sees this in the case of Christopher Bell, whose reputation
was defended by tailor William Wiseman before the mayor and council in 1479. Wiseman
swore “he knew neither treason nor felonie . . . nor non unsytting words [by Bell] within this
cite nie elsewhere and that he wilbe redy to prove that at all tyme” (HB 206).

The House Books also include entries about defamatory language directed at various
York citizens. John Saunderson and John Colyn took it poorly when they were “defamed by
various children of iniquity” as Scots; both found witnesses to swear to their English
parentage (Colyn appeared with the entire craft of saddlers and produced a letter from
Darlington, Durham, to prove his case) (HB 109-10). Accusations of being a thief also
seemed to be popular. In 1476, Thomas Welles, Herman Goldsmith, Nicholas Pereson, John
Garyas (one of the goldsmith searchers), Thomas Osboldson, John Cullan and John Tirell all
became involved in a case of whether or not Welles called Herman an “untrewe man and a
theiffe,” a “false man,” and a “false theiff” (HB 28). Each reported hearing Welles’ words in various (presumably public) locations. A 1483 entry indicates that Thomas Wrangwissh and others testified to the good name of cordwainer John Key, whom “ewyll persons” called a “theyff” who stole a horse (HB 416-17). Another 1483 entry notes the trouble that one Thomas Watson got into when it was “opunly nosyd in the cite that the said Watson shold call my said Master Wrangwish theiff”—he was imprisoned until he made an elaborate apology to Wrangwissh before the mayor and council:

   My lord the mair and all my maisterz (your bredyr), for asmoch as I have mysbyhad me ayanst you in sayng of unsytyng langwygh in the presens of you my lord the mair and the presens of odir of you my maisterz, to one of my mastairz your brodyr Maister Wrangwesh alderman of thys full worshipfull cite, for the wych langwage I am right sory, wher I besek you my lord the mair and you my maisterz all to forgeve me. (HB 278-9)

Imprisonment plus a public and humiliating apology --Watson definitely suffered. He and others like him must have felt a special connection to the plight of Christ before Annas and Caiaphas.

   York also saw its fair share of cases brought against those who verbally abused--or were at least accused of abusing--town officials (these were the sorts of defamation cases that would have been tried in local rather than ecclesiastic courts). Bardsley notes a rise of the administrative classes in the fourteenth and fifteenth century led to a corresponding rise in attempts by the civic elite to control the speech of subordinates in order to maintain their authority and power (“Sin, Speech” 163); these efforts to control speech were clearly present
in York. As we saw above in the case of Thomas Watson, the punishment could be rather
dire. John Davyson was discharged of the franchise for slandering one of the sheriffs. Also
losing the franchise was Richard Wedyrby (also Gaskwyn) for his “unsytying langage”
against John Newton during his term as mayor. He was only to regain the franchise after
apologizing to Newton in the same vein as Thomas Watson above (HB 301-2). Thomas
Fissher was thrown in prison for “unsittyng language” against the mayor and sheriffs that he
spoke in Richard Gascoign’s tavern. He was there until he provided sufficient “suretie” (that
is, money). John Toppan was also imprisoned for his words against mayor and council (HB
224). The case of tailor Miles Grenebank (who was chamberlain in 1481 and sheriff in
1482—see Crouch, “Piety” 275) seemed particularly problematic. In March of 1484 he called
Mayor Newton (same Mayor Newton who tangled with Richard Wedyrby, above) “a fals
harlot and odyr unsittyng language” and had to ask for forgiveness. The next year he
slandered Thomas Wrangwissh and again had to apologize (no fines, apparently, for someone
of his social stature) (HB 305; 354).

During the time of the cycle, York’s citizens would have been familiar with the
reality of defamation charges, perhaps as defendants themselves or perhaps because they
witnessed the public apologies. Guilds whose members lost the franchise would potentially
have been affected. Perhaps some of the play spectators would have been witnesses in
defamation cases or would have seen their neighbors get into trouble. Some of them, like the
cordwainers, might even have been suspicious about the power structure that brought about
punishment. While this is truly speculative, it is not unbelievable to imagine that some cases
above were brought against those who were merely troublesome or those who would not
“keep their place” in the hierarchy as a form of social control. John Newton, a dyer by trade, seemed awfully sensitive about his position; perhaps this was due to his mayoralty falling between those of two prominent York merchants and citizens, Richard York and Thomas Wrangwissh. If he were concerned about his own position in the hierarchy, he might be particularly anxious to quell any hint of disrespect. Furthermore, it is easy to see that there is a real discrepancy in the types of punishments meted out. Members of the civic elite, like Wrangwissh, could have men thrown in prison for calling them thieves, while men of more ordinary means would not get this kind of result. Those who slandered mayors and sheriffs were dealt the huge blow of losing the franchise; this meant they could not serve on juries or engage in trade, and would face other hardships that would make their life in York potentially very difficult. Fines were undoubtedly hard for some to pay, and conditions in prison were undoubtedly abysmal. The case of Miles Grenebank is particularly interesting as he was both a member of the civic elite and a troublemaker, which makes his situation somewhat parallel to that of John Smyth, a cordwainer searcher and thus a part of the civic government and also a huge malcontent. One wonders if perhaps Grenebank also refused to bow to the authority and power of mayor and council and had to be put in his place—but gently, since he also wielded power. At any rate, the idea that Annas and Caiaphas would use defamation charges to humiliate and exert power over Jesus must have rung true to York citizens from many walks of life who saw neighbors and fellow citizens prosecuted for similar offenses at great cost to them. What also must be kept in mind is that barratry, defamation and even treason (a large concern in the trial plays) were also closely linked (Bardsley, “Venomous Tongues” 30).
Treason, Petty and High

As Bardsley notes, there are links among barratry, defamation and treason, with the “distinction between treason and defamation of the king . . . sometimes hard to call” (“Venomous Tongues 30-31). By 1402, the mere act of speaking ill of the king could be construed as “treason by words” (see Bellamy, “Law of Treason” 116; also below for a discussion of treason by words and the York pageants). Certainly the accusation of treason appears almost immediately in Caiaphas and Annas’ accusations of false preaching, defamation, and sorcery (another behavior that could be considered treason under certain circumstances, as we shall see). But Jesus is not the only character called traitor. Judas is also branded a traitor in a number of the pageants by characters ranging from the humble janitor to the high priests and Pontius Pilate himself. Furthermore, the conviction and punishment for treason is highly dramatic—spectacular even, both in the sense of being unbelievably gruesome and an actual spectacle. Executions for treason were public and potentially dragged on beyond the moment of death—in some cases, body parts of traitors were displayed around the city for citizens to see long after the actual execution took place. The York audience might also have realized that conviction of treason was almost a given; while trials for felony had a high rate of acquittal, treason trials usually ended in conviction (Bellamy, “Law of Treason” 138). It would also seem that execution for other felonies would have been known to a York audience; Maddern points out that although rare, enough hangings occurred in East Anglia that people would have considered them normal (72). In any case, a citizen would have known that felony trial had the potential for a grim ending. York itself had a series of
bizarre, painful punishments for its citizens who were convicted of non-felonious offenses. Women banished for scolding or for prostitution were to be branded on both cheeks with a hot iron if they returned to town (HB 656). In a letter dated 1488, Henry VII ordered that York citizens Thomas Sturgeon and William Willemot be set in the pillory for their sedition, then have their ears cut off and be thrown in prison (HB 402). Wiredrawer Richard Symson was ordered to the pillory for forestalling three last of red herring and sprats against York ordinances (he could avoid this humiliation by paying a fine) (HB 232-3). These sorts of nasty punishments could be found throughout England in the fifteenth century: pickpockets in Lydd had to cut off their own ear which was nailed to a post, in Sandwich murderers could be buried alive, and “Dover felons sentenced for stealing church goods might be ‘brend in the forhed with the key of the chirche’” (Maddern 70). When Jesus is accused of a major felony, the audience would expect a certain sort of grisly punishment, one that they might have witnessed in their “real” lives.

Before turning to statute law and legal procedures and applying these ideas to the pageants, it makes sense to step back and examine some more generalized ideas about the nature of treason. Pollock and Maitland note that “treason is a crime which has a vague circumference, and more than one centre” (qtd. in Bellamy, “Law of Treason” 1). An early way of imagining treason was the breaking of a personal agreement, such as an oath (Green 209)—a traitor was one who “betrayed a trust” (Green 214). Bellamy also notes that treason had two parts: the betrayal of an oath and “insult to those with public authority” (“Law of Treason” 1). In order to be treasonous, the breaking of faith also needed to be covert (Green 211). Treason, seen in the older, non-statute light, might even apply to Adam and Eve. If
indeed the pair are oath-breakers who disobey the ultimate “public authority,” the crime of eating the apple could be a form of treason, a breach of faith. Their treason is of a more personal nature and of a more ancient form; they broke faith with their lord. Luckily for Adam and Eve, their sentence was at least partially commuted; they lost their lands but were not executed (at least not in the expected spectacular fashion).

Of course, by the time of the York cycle, treason also had a legal definition. The statute of 1352 established the parameters of treason in its more legalistic sense, which included such crimes as imagining the king’s death, levying war against the king, and making false coins. Other acts added details or glossed parts of this statute; periodically more novel ideas about treason arose in court cases. The statute also gave rise to two different kinds of treason, petty and high. While high treason was against the king, petty treason corresponded perhaps to the older notions of treason—certain sorts of crimes against one’s immediate lord (such as killing him, sleeping with his wife or daughter, and so on (Bellamy, “Law of Treason” 228). It seems that Judas’ treason, at least at first glance, falls into the category of petty treason.

Many of the characters in the pageants—from the humble to the high-ranking—immediately recognize Judas as a traitor. For example, in Pageant 26, “The Conspiracy,” the janitor tells Judas that the tales he brings are “some tresoune” (26.160), which he discerns through Judas’ “fals face” (26.161). Miles II also refers to Judas as a “traytour tyte” (26.236) and later Miles I tells him “go forth, for a traytoure ar þe” (26.264). After Judas has carried out his betrayal of Jesus, Caiaphas comments “Nowe trely, þis was a trante of a traytoure”

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60 For more details on older, folklaw notions of treason, see Green, Crisis of Truth, especially the chapter “Truth and Treason.”

Say bittilbrowed bribour, why blowes þou suche boste?

Full false in thy face in faith can I fynde.

Þou arte combered in curstnesse and caris to þis coste,

To marre men of myght haste þou marked in thy mynde. (“Conspiracy,” 26.169-72)

These lines mark out some of the territory of petty treason: breaking faith and attacking a “man of might,” presumably one’s lord. Miles I also is rather scornful that Judas “laykis with his lord” (“Conspiracy,” 26.238). Judas’ untrustworthiness is perhaps best shown by Pilate in “The Remorse of Judas.” Judas has begged Pilate to let Jesus go and has offered to be his man in return:

Judas: I will me bynde to be your man.

Youre bondeman lorde, to be

Nowe euer willl I bynde me.

Sir Pilate, ye may trowe me, Full faithful schall þe fynde me.

Pilatus: Fynde þe faithfull? A, foule mot þe falle

Or þou come in oure companye,

For by Mahoundes bloode þou wolde selle vs all.

Thi service will we noght, forthy

Þou art vnknownen.
Fals tiraunte, for þi traitoury

Pou art worþi to be hanged and drawen. (“Remorse,” 32.219-230)

So, although Judas attempts to swear an oath of fealty, he is roundly rebuffed. Pilate sees him as faithless and one who would betray his lord again if given an opportunity. The punishment he sees as just is in fact the very punishment someone guilty of petty treason in the fifteenth century might receive: hanging and drawing. Judas himself even acknowledges his own treason: “Of me he triste, no man mare/And I betrayed hym traytourly/With a false trayne” (“Conspiracy,” 26.138-40). He has broken faith with one who trusted him and this is an available definition of treason. Of course, Judas as petty traitor depends on one’s perspective. As far as the janitor, soldiers and even Pilate are concerned, Judas’ offense is the lesser one; they lack the knowledge that Jesus is God. To the York audience, however, this was the highest of high treason.

Jesus as Traitor

Jesus, of course, is set up by Caiaphas and Annas to be a traitor to the state: a case of high treason. Many fifteenth-century law anachronisms are included in the plays which would certainly have resonated with an audience from this city which was the site of so many different courts. First of all, the form of the trial beginning at line 370 in "Christ Before Pilate I" (Pageant 30) is very similar to that of a fifteenth-century treason trial. An "oyas" is made to begin proceedings, just as would have been the case in a court at York (Putnam, xcviii). Jesus is then called "to þe barre" (30.378) to hear his "indictment" as presented by the witnesses, Annas and Caiaphas. In no sense is Pilate a "passive hearer of evidence;"
instead, he is an "active protagonist for the crown," questioning all the accusations made by the high priests. The only words Jesus as the accused is allowed to speak are his "plea:"
"withouten trespas or tene am I taken þe till" (30.480). Elza Tiner notes that the trial sequence has much in common with what is known about medieval court practices and draws parallels between the plays and both common law and proceedings before the King’s council (106-7). She argues that Pilate is much like the head of an oyer et terminer commission in his investigation of the case, especially since Jesus, much like a fifteenth-century person accused of treason, was “not given a copy of the indictment beforehand, nor was he allowed to retain counsel . . . . All he could do in court was answer with a plea of guilty or not guilty to the charges” (108). This also fits neatly with fifteenth-century practice: the accused was not permitted to make any statement at all beyond entering a plea of guilty or not guilty (Bellamy, “Law of Treason” 166).

Furthermore, fifteenth-century legal term for “convicted” is used throughout the cycle. By the fourteenth century, the word “atteinten” was used to describe a person convicted of a crime, usually by a common law court but also potentially by other legal means (trial by battle, outlawry, the general power of the crown to declare someone guilty) (Bellamy, “Law of Treason” 177-8). 61 The Middle English Dictionary further specifies that “atteinte” indicates “a charge of felony (such as treason or misconduct in office); conviction of such an offence” (“Atteinte,” MED). The term appears repeatedly in the York pageants. The power to convict traitors is asserted by various “lords” in the pageants, including Pilate, who declares it his right as a leader to “taynte” traitors (“Conspiracy,” 26.6). Satan also tells

61 See also the definitions for “atteninen” and atteinten” in the online Middle English Dictionary.
Jesus that he shall be “atteynted” in his court for trying to free the souls in hell (“Harrowing of Hell,” 37.278). Both Judas and Jesus are held to be convicted traitors (although in the case of Judas he has never been tried, of course). In the “Remorse of Judas,” Caiaphas calls Judas a “traytoure attaynte” for betraying his lord (32.288). The first soldier in Pageant 35, “The Crucifixion,” says of Jesus

This traitoure here teynted of treasoune,

Gose faste and fetter hym þan ye thre;

And sen he claymeth kyngdome with croune,

Even as a kyng here hange schall hee. (35.77-80)

The term is used in the pageants almost exclusively to indicate conviction for treason.

One of the most intriguing uses of “atteynte” occurs in Pageant 45, “Assumption of the Virgin.” The pageant opens with Thomas summarizing the action thus far concerning Jesus’ life, conviction, and crucifixion:

Sone Pilate in parlement

Of Jesus gaffe jugement,

To hynge hym þe harloittis hym hente;

Þer was no deide of þat domesman denyed . . . .

His true titill þei toke þame no tome for to attende it,

But as a traitour atteynted [italics mine] þei toled hym and tuggid hym. (45.49-52; 57-8)

My interest hinges on the combination of “atteynted” and the word “parlement,” which Beadle glosses as “conference,” which it certainly could mean. The *Middle English*
Dictionary, however, provides additional meanings, including a council of nobles summoned by the king “sitting in a court of law” and also the parliament of England, especially when “sitting as a court to try cases of treason.” An act of attainder is essentially a parliamentary act that declared a person to be convicted of a crime—often treason—without a regular trial necessarily having taken place (Bellamy, “Law of Treason” 177). For example, a 1459 act of attainder ordered the Yorkist leaders who rebelled against Henry VI to be “reputed, taken, declared, adjudged, demed and atteynted of high treason” (qtd. in Bellamy, “Law of Treason” 187). This formulation looks remarkably like Thomas’ summary of what happened to Jesus; he was taken by Pilate because he “mustered his miracles amonge many men” (“Assumption,” 45.21), earning a poor reputation among the high priests who claimed his tales were “vntrewe” (45.26); he was taken into custody; he was judged by Pilate and “parlement,” and “atteynted” of treason. Of course, Thomas’ words have some disconnect with what happens in the trial plays, as we shall see; certainly Jesus is subjected to what looks like a fifteenth-century trial for treason. On the other hand, in this late pageant, the author has reformulated Jesus’ conviction into yet another type of fifteenth-century legal terminology.

But how exactly is Jesus’ “crime” construed as treasonous, and how does the accusation fit with contemporary legal understanding? First of all, Annas, Caiaphas, and other characters repeatedly refer to Jesus as a traitor, and they seem to know quite well how to establish the grounds for this charge, first by attempting to make Jesus as a political threat capable of rallying the people to his cause (see above), perhaps the first step toward levying

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62 See entry for “parlement” in the online Middle English Dictionary
war against the king. While Pilate is not immediately swayed, he is angered when he hears that Jesus claims to be a king (“Conspiracy,” 26.115-19); this charge could certainly be construed as meeting the definition for “imagining the king’s death.” The pageants do supply one moment when Jesus is established as a temporal lord, at least in the eyes of Jerusalem’s citizens: the entry into Jerusalem. As Martin Stevens has argued, Pageant 25, “The Entry Into Jerusalem,” is “almost literally at the center of the York cycle, both physically and dramatically” (50). It is in this pageant that city, civic ceremony and drama come together—the pageant itself is a procession that takes place during a procession. This is no ordinary procession; indeed, it is a royal entry, albeit one of a simpler nature than would have been seen during an actual royal entry to York (51). The self-referential nature of this pageant is intense; the procession probably closely resembled the Corpus Christi procession itself, which involved aldermen and guildsmen walking before the Host; and the Corpus Christi procession, the pageants and royal entries would all have followed very similar paths through the streets of York. Stevens argues that spectators would have recognized this “powerful link” between their city of York and Jerusalem (52), the “place of corruption and injustice, the city in which Jesus was to undergo the Passion” (57). The “self-congratulatory” York that put on this marvelous festival is now linked to the place and time that convicted Jesus (57). While Stevens compares the pageant to Henry VII’s royal entry in 1486, he does not consider other, perhaps darker mirrorings of York entries: those that were politically fraught due to friction with king or those that involved the entry of a rebel leader. These less triumphant entries will be considered here.
The first part of the Entry seems to have much in common with a medieval city council meeting. The Janitor goes to the “citzens” of the “cyte” (25.102-3) to announce Jesus’ arrival. These men (Stevens also identifies them as aldermen) gather together to consider whether or not to greet him as their king. Various councilors bring forth their arguments: he has healed the sick (25.130), fed the hungry (25.134-37), raised the dead (25.139-40), and is bringing a new Law (143ff). Eventually they determine that they will “go we hym meete as oure owne kyng/And kyng hym call” (25.172-3). They then process toward Jesus as he processes towards them in a small-scale reenactment of what would have occurred during an actual royal entry. The pageant ends with a beautiful series of “hails” welcoming Christ to Jerusalem. The irony is, as Stevens points out, that this triumph will quickly fall into injustice, pain, and death. Like Stevens, Sarah Beckwith also ties the “Entry” play to royal entries, although her emphasis is somewhat different. She argues in part that the entry functions as the visible community of Christians which gathers around Jesus as he enters Jerusalem. This community later becomes invisible during the crucifixion. The Entry then sets up the “scandalous, devastating series of pageants” which makes Christ’s body both invisible (that is, not surrounded by the community) and visible (in the torture scenes) (“Signifying God” 102-3). The hails which greet Jesus in the Entry are mocked in the trial plays, which also mark the breakdown of the Christian community; if Christ was “made” a king in the Entry, he is later “undone” by torture and execution of the trial pageants (108). What seems to be missing, however, in both these readings is a sense that procession itself—royal or otherwise—was extremely complicated. As I have argued above, the Corpus Christi
procession could be downright dangerous. Royal entries also had a fair amount of baggage attached to them.

To some of the contemporary spectators, there may have been a certain amount of discomfort with the idea of a royal entry, or perhaps large entries of any kind. While the York citizenry hosted what seem to have been some rather spectacular royal entries, they also welcomed (or at least grudgingly gave entry to) rebels. The meeting of the Jerusalem aldermen in the “Entry” to decide whether or not to admit Jesus to the city must have appeared at least somewhat familiar to the aldermen of York. As we shall see below, the pretender Simnel petitioned (unsuccessfully) for entry to the city. Henry Lord Clifford, who “expected to become York’s good lord” after the murder of Henry Percy, earl of Northumberland, was refused entry into York (Attreed, “King’s Towns” 122-3): while the mayor and council agreed he could enter for the “space of a day and a nyght,” the commons refused, asserting that the “maiour, aldermen, shireffes and the commonaltie to kepe this same cite to the kinges most roiall person” (HB 649). Others fared a little better. For example, in 1489, alderman Thomas Wrangwish allowed rebel leader Sir John Egremont to enter York and take over the city. Eventually the mayor, John Harper, agreed to give Egremont twenty horsemen to ride with him to Richmondshire (Attreed, “King’s Towns” 301). What is of interest here, and what plays into the succeeding pageants, is the interpretation of “royal entry.” What seems like a royal entry to one party will look suspiciously like welcoming a rebel to another. To a York spectator, Jesus’ entry into Jesusalem is a proper royal welcome, with all the trapping that go along with such an event. To Pilate and the high priests, however, it constitutes treason.
Furthermore, like other processions, royal entries caused tension because they served to mark the “ins” from the “outs.” Neil Murphy notes that much study of royal entries has been “top-down,” focusing on the event from the perspective of the royal (241). His examination of York royal entries from 1478-1503, on the other hand, looks at royal entries through the eyes of the civic groups in charge of arranging the processions (242). He concludes that royal entries were not necessarily moments of civic unity but rather dominated by the civic oligarchy who guarded their control of the processions jealously. For example, although the civic authorities often sought outside advice on how to conduct the most appropriate and magnificent entry, they could also be quite touchy when it came to uninvited outside interference; they firmly rejected Lord Clifford’s interference in preparations for Henry VII’s entry in 1486 (245). There also was a certain amount of angst surrounding royal entries. While the path through the city was predetermined, other parts of the ceremony required case-by-case determination. For example, in 1483 Richard III was met by a delegation of the mayor, the aldermen, the chamberlains, all the past chamberlains, the current and past Bridgемasters and others at Brekles Mills, outside the city walls. On the other hand, in 1486, Henry VII was first met five miles outside the city walls and by much larger groups of important citizens. The difference was that Henry VII was quite suspicious of York, and the town attempted to “bestow more honour upon the King” with a more elaborate spectacle (Murphy 252-3). The House Books also contain a description of Henry VII’s second entry into York in 1487, where he was welcomed by the mayor, aldermen, the common council in “there most goodly array” (qtd. in REED i, 154). Royal entries were also very expensive for the town and for the civic elite themselves. The mayor and council
spent a lot of money on clothing for the procession (Murphy 254). To further cultivate favor with the royals who were passing through, the city presented large gifts, often of goods (bread, wine, meat), money, and silver or gold plates or cups. In 1386, the city paid 200 pounds on two silver plates for Richard II. Gifts to Richard III and his wife were paid for by council members (Murphy 250).

Additionally, as was noted in the section above concerning the cordwainers’ Corpus Christi struggles, royal entries (and processions in general) were hardly models of civic unity. Not everyone took part in the royal entry: “the privileged few who marched in procession with the royal visitor were physically imposing their authority over this public space, while denying it to those less honoured members of the city who were excluded from the procession” (246). Only those who had “substantial political power” could march (253). While a York spectator would most likely identify York and Jerusalem, he might also sense a tension between the ideal of a royal entry and what he had heard about or experienced in his own lifetime.

So, not all entries were strictly joyous occasions but in fact might be rather stressful. The 1486 entry cited by Stevens was absolutely necessary to restore good relations with Henry VII, who regarded York as dangerous and a bastion of support for Richard III (Murphy 244). Henry VII’s entrance in 1487 had even clearer ties to both Corpus Christi and to justice. In March, the city reported the treason of the Earl of Lincoln to the king and to the Earl of Northumberland after he and Lord Lovell, both “diehard Yorkists,” wrote to the city requesting entry and support for the pretender Lambert Simnel (Attreed, “King’s Towns” 201), who arrived in England after being crowned Edward VI in Dublin:
Trusty and welbeloved we grete you wele, and forsomuch as we beene commen within this our realme not oonly by Goddes grace to atteyne our right of the same but also for the relief and well of our said realme, you and all othre our true subgiettes which hath bene gretely injuried and oppressid in default of nowne ministracion of good rules and justice, desire therfor and in our right hertly wise pray you that in this behalve ye woll show unto us your good aides and favourez, and where we and such power as we have broght with is by meane of travayle of the see and upon the land beene gretely weryd and laboured, it woll like you that we may have relief and ease of logeing . . . and for the same find us your good and souverain lord at all tymes herafter . . . (HB 570)

By June, armed men numbering six thousand had gathered in York; when they left, John Lord Scrope of Bolton and his cousin Thomas Lord Scrope of Masham attacked the city at Bootham Bar. The House Books describe the battle: “The lوردes Scropes . . . cam un horsbak [to] Bowthom Barr, and ther cried ‘King Edward’ and made asalt at the yates, bot the comons being watchmen ther well and manly defendid tham and put tham to fflitht” (HB 572). Henry later defeated Simnel’s forces at Stoke and ordered the celebration held at York Minster (Attreed, “King’s Towns” 300-1; Miller 63): “in the moost solempe churche of our citie ther your brethren thaldremen and othre, ye doo lovinges and praisinges to be yevene to our said salveour after the best of your powers” (HB 577).

The rebellion had caused the Corpus Christi celebration to be moved twice: upon Corpus Christi evene proclamacion was made throughe the citie that the play of the same name for diverse consideracions moveing my lord maier, my masters
aldremen and othre of the commune counsaill (that the play of Corpus Christi) shuld be differd unto the Sonday next after the fest of Saint Thomas of Canterbury, and than after it was differd to the Sonday next after the fest of Saint Petre called Advincle because of the kinges commyng hidder. (HB 572-3)

Finally, however, Henry entered the city in royal fashion on Monday, July 30 (REED i, 155). On Wednesday the pageants were played for him while he sat at the Coney Street play station (Murphy 247). The very next day

in the mornyng Roger Layton squire was juged at the guildhall to be heded for certain poynetes of treason committed by hyme ayesnt the kinges highnesse and of Satterday next after at ii of the Clok at after none the said Roger was heded vpon the payment and his body and hede beryn togidder in his parissh chirch of the holy Trinitie. (REED i, 155)

In essence the Corpus Christi play was delayed amid rebellion and treason, played almost directly after a royal entry, and followed by an actual execution for treason in a place very recently marked by the trials and execution of Christ. The Pavement, in fact, was the very place for the very last pageant, “The Last Judgment.”

Jody Enders has written extensively about the links between theatrical and real violence, and one example from Death by Drama and Other Medieval Urban Legends seems to be an intriguing comparison with events in York. In 1549, a convicted criminal was allegedly chosen to play Hollofernes, and a young man who was to be banished to play Judith. The young man was to be pardoned if he actually beheaded the criminal during the

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For more on parading criminals, see Katie Normington, Medieval English Drama: Performance and Spectatorship, p. 66.
performance of the show (182-3). Although it is not at all clear that these events actually occurred, Enders notes that the story is still that of “death penalty as entertainment. It shows that the only difference between murder and state execution is that the former is illegal while the latter is not” (184-5), a situation where “theater, law, and reality have become so fused it is impossible to determine whether the audience was applauding the death of Holophernes or that of the criminal” (Enders, “Rhetoric and the Origins” 103). The 1487 production of the Corpus Christi play also fuses theater, law, and reality. The site of theater is the very site of actual judgment, and a traitorous man was spectacularly put to death on the very spot of Jesus’ conviction and execution—and in this case there is little doubt that these events really occurred. The House Books links the royal entry, the Corpus Christi play and the execution of a traitor all into one long entry; this is at least some indication that he and others in York saw them as being all of a piece.

**Treason by Words**

Furthermore, Jesus as traitor and disturber of the peace has a fifteenth-century implication. Jesus is constantly accused of stirring up the people and causing "many lordis of oure landis" to depart from the "lawe" ("Christ Before Pilate I," 30. 333). There are several more instances of Jesus being accused of "disturbing the peace": in "The Conspiracy," Christ causes the "comons" to be "casten in care" (26.116); Annas again emphasizes that Christ has "stirrid mekill striffe" (30.439) in "Christ Before Pilate I;" Christ "marres . . . men in all þat
he may" ("Remorse of Judas," 32.45). These are a few of the many times characters try to convince Pilate to execute Jesus simply for his words.64

Of course, this idea of Christ disturbing the people is biblical:

And the whole multitude of them rising up, led him to Pilate. And they began to accuse him, saying: We have found this man perverting our nation, and forbidding to give tribute to Caesar, and saying that he is Christ the king. And Pilate asked him, saying: Art thou the king of the Jews? But he answering, said: Thou sayest it. And Pilate said to the chief priests and to the multitudes: I find no cause in this man. But they were more earnest, saying: He stirreth up the people, teaching throughout all Judea, beginning from Galilee to this place. (Luke 23: 1-5)

However, the constant repetition and emphasis on stirring up strife with words as traitorous behavior is not biblical, nor does it seem to come from the Gospel of Nicodemus. However, there is a fifteenth-century law connection: treason by words.

According to J.G. Bellamy, treason by words was a "novel and important" construction introduced by Henry IV and his judges. The crime seems to have consisted of “conspiring and imagining to raise a new insurrection with the intention of killing the king, his magnates and all his faithful subjects” (Bellamy, “Law of Treason,” 118). In 1402 there were five of these cases, four of which had to do with Richard II. For example, in 1402 John Sperhauk of Cardiff confessed to having heard a tailor's wife say that the Earl of March was the rightful king, not Henry IV. He also heard her claim that Owen Glendower was not a

64 Of course, what actually does convince Pilate to execute Christ is a mystery as a leaf is missing from the manuscript at a crucial spot. The Jews, however, do frequently use the argument that Christ is a disturber of the peace frequently, often eliciting a strong reaction from Pilate—a reaction of anger, directed either towards Jesus or towards themselves.
traitor but loyal. Sperhawk confessed to repeating these speeches to others in Cambridgeshire. It was decided that Sperhawk had spoken these words "wilfully" and intended by them to "excite the king's lieges against their lord." He was sentenced to be drawn, quartered and hanged (116-17). Other, similar cases came up over the course of the fifteenth century. In fact, a case of "treason by words" seems to have occurred at York as well; in 1403, a "prophesying hermit who inveighed against Henry [IV] . . . was beheaded" (Miller 58). Similar cases occurred in 1444 and 1461 (“Law of Treason” 118-19). In none of these cases did the accused raise an army or attempt to harm the king. Bellamy points out that treason by words was not “merely ancillary to other treasons,” meaning that the speaker had not raised armies or adhered to the enemies of the king, but rather the words themselves were the treason (120). As in the case of Jesus, the accused were sentenced to a traitor's death for their words alone.

Once again the potentially criminal nature of “unsyttting” words is raised; speaking incorrectly or seditiously left one open to accusations of a variety of speech crimes, some of which came with deadly consequences. Lucifer speaks seditiously and is thrown out of heaven, Joseph fears accusations of defamation, and Annas and Caiaphas assert that Jesus has defamed God. The unsuitable speech of Noah’s wife is silenced by the end of the pageant. In York itself, barratry, seditious speech and scolding appear to have been problematic for town officials and indeed for those who committed these crimes as they could end up in prison, expelled from the city or even disfigured through branding. As Bardsley points out, defamation and treason were closely linked, and the “distinction between treason and defamation of the king was sometimes hard to call” (“Venomous
Tongues” 30-1). If indeed Jesus’ treason has aspects of “treason by words,” we can see this hard-to-call-line crossed; although Jesus raises no army, his words alone are enough to at least partially convict him.

**Jesus as Warlock**

It seems clear, however, that the case against Jesus is tenuous enough that treason by words (a somewhat novel construction) is not enough to convict. The high priests also accuse Jesus of being a warlock. In “Christ Before Annas and Caiaphas” (Pageant 29), Annas wonders at the “mervayles” (29.56) Jesus accomplishes; Caiaphas assures him “with wicche-crafte he fares withall” (29.58). Caiaphas again accuses Jesus of witchcraft in “Christ Before Pilate I” (Pageant 30) when he tells Pilate that his wife’s dream was caused by Jesus: “he with wicchecrafte þis wile has he wrought” (30.293). He also ties Jesus’ alleged sorcery to causing fear and even leading the people astray; he follows Annas’ speech about Jesus having “stirrid mekill striffe/of ledis þat is lele to [Pilate’s] liffe” (30.339-40) with:

Sir, halte men and hurte he helid in haste,

The deffe and þe dome he delyuered fro doole

By wicchecrafte, I warande—his wittis schall waste—

For þe farles þat he farith with loo how þei folowe yone fole,

Oure folke so þus he frayes in fere. (30.441-5)

He does this again a short time later:

Sir, fro Galely hidir and hoo

The gretteste agayne hym ganne goo,
Yone warlowe to waken of woo,
And of þis werke beres witnesse ywis. (30.509-12).

According to Caiaphas, Jesus’ witchcraft-produced miracles are both attracting followers and stirring up fear among the people, both of which might cause concern for Pilate. Annas continues to tie witchcraft and Jesus’ potential adherents when he accuses the soldiers of bowing their spears in reverence to Jesus: “3a, ther cursed knyghtes by crafte lete them croke/To worshippe þis warlowe vnworthy in wede” (“Christ Before Pilate 2,” 33.170-1). From Annas’ perspective, Jesus the warlock is gathering supporters right in front of them.

Interestingly, Jesus is identified as a sorcerer by characters other than Annas and Caiaphas, who certainly have their own agenda. The woman who points out Peter to the soldiers in “Christ Before Annas and Caiaphas” refers to Jesus’ “sorssery” (29.97). Furthermore, the soldiers who capture Jesus and bring him to Caiaphas’ house also refer to him as both a warlock and a king:

IV Miles: Why sir, it were worthy to welcome vs home,
We haue gone for þis warlowe and we haue wele spedde.

II Miles: Why, who is þat?

III Miles: The Jewes kyng, Jesus by name. (29.184-6)

It is clear that perspective is everything; what looks like sorcery to the unenlightened audience within the play are miracles to the real York spectators. On the other hand, it is curious to note that accusations of witchcraft do not seem to be simply trumped up charges by the high priests; others recognize sorcery and even tie it to treasonous behavior, such as calling oneself the king.
Furthermore, as mentioned above, R.H.Nicholson has made a case that the trial of Christ actually closely follows that of a fifteenth-century trial for witchcraft in an attempt to make biblical history fully intelligible through the use of English expectations and judicial experience (129). Nicholson makes the point that Jesus is condemned for blasphemy and witchcraft by the "ecclesiastic" court of Annas and Caiaphas. They, however, in keeping with fifteenth-century canon law in which ecclesiastics are forbidden to spill blood, cannot condemn Jesus to death themselves (see 29.336-337 in "Christ Before Annas and Caiaphas:"
"Nay, sir, ðan blemyshe yee prelatis estate/Ye awe to deme no man to dede for to dynge") (133-4). They must take the case to Pilate if they want an execution--they must move from ecclesiastic to secular courts in fifteenth-century terms, just as often happened in English witchcraft trials. Pilate, however, is not interested in "executing the judgment of an ecclesiastical court, although he is prepared to hear accusations of treason" (135). Christ, like various fifteenth-century figures such as Eleanor Cobham, is made to seem a traitor who works through witchcraft, enabling Caiaphas and Annas to force Pilate into trying the case with them (160).65

Indeed, the author (or authors, although it is generally agreed that these pageants had a single writer) of the pageants seems to be rather familiar with the crime of witchcraft and its trial procedures. In general, during this period witchcraft was considered a religious offense—a form of heresy, in that it involved cooperation with devils—and as such tried in ecclesiastic courts. Until the reign of Elizabeth, cases ended with compurgation or with excommunication if convicted. On the other hand, there is some evidence that witchcraft

65 Nicholson cites various fifteenth-century witchcraft trials to strengthen his case.
could be a matter for secular courts (Bellamy, “Criminal Trial in Later Medieval England” 191). The late thirteenth century law collection entitled Britton mentions that while witchcraft cases should first be tried in ecclesiastic courts and then turned over to secular authorities if the accused was found guilty, it also indicates that the king could initiate procedures against suspected witches in his role as a “good marshal of Christianity” (Bellamy, “Crime and Public Order” 63). Bellamy notes that sorcery did play into many late medieval trials due to the fascination with and fear of magic at the time (61). Still, neither ecclesiastic nor secular courts seemed to have been tremendously concerned with sorcery or witchcraft—unless it led to an actual felony. If the king decided the sorcery was dangerous enough to him, then it became a matter for secular authorities, in particular, the king’s council, according to Bellamy (“Crime and Public Order” 156).

The trial of Eleanor Cobham, duchess of Gloucester, and Roger Bolingbroke in 1441 is one of the examples generally cited for the crime of “use of necromancy for traitorous purposes.” Eleanor sought help from Bolingbroke to determine, through sorcery, when the king (Henry VI) would die. Bolingbroke and parson Thomas Southwell, who assisted him in attempts to contact demons, were accused of “feloniously and traitorously disclos[ing] that the king would soon meet his death (Bellamy, “Law of Treason” 126-7). The investigation of the case was done by the king’s council; Bolingbroke confessed his crimes and implicated Cobham, who was questioned a few days later to appear before such important personages as the archbishops of Canterbury and York (153). Shortly after that a commission of oyer et terminer indicted the three. Southwell died in prison, Bolingbroke was drawn and hanged, and Eleanor “abjured her heretical deeds before the clergy” (154). Unfortunately, no legal
records have survived, so it is impossible to tell exactly how the treason was construed. Bellamy posits that it was likely to have been imagining or compassing the death of the king (127).

It would seem that the way that Jesus is accused of witchcraft in the York cycle is one that is tied closely to witchcraft as treason. The first mention of witchcraft (“Christ Before Annas and Caiaphas” 29.58) seems to refer only to his miracles, which would be under the purview of ecclesiastical law. Pilate immediately moves to discredit their accusation, responding that curing the sick and raising the dead—even through witchcraft—is not treason: “Go layke you sir, lightly; wher lerned ye suche lawe?/This touches no tresoune I telle you” (“Christ Before Pilate I,” 30.453-4). Fairly quickly, though, Caiaphas and Annas tie witchcraft to secular crimes. By making Jesus more than simply a warlock, which, if it were tried at all would most likely lead to a more minor punishment, the high priests carefully make sure that this case was one that would need to be tried in a secular court and potentially result in the death penalty. Jesus may be a heretic but he is also a traitor, a crime “punished in a manner whose brutality was quite out of keeping with other English punishments” (Bellamy, “Criminal Trial” 9).

Of course, the York spectators would have known that Jesus was neither defamer nor traitor nor warlock. His words were the truth and not spoken in malice. The “rebellion” he led was not political (although it was a threat to the authority of Annas and Caiaphas). The sorceries Jesus is accused of are instead miracles. A viewer in contemporary York would be conscious of the intense unfairness of the trials in which a clearly innocent man is convicted and executed as a fifteenth-century traitor. In “The Conspiracy," the Second Soldier
demands not a crucifixion for Christ but instead that he be "hanged . . . and þat by þe halse" (26.103)—the punishment for contemporary traitors (Pollock and Maitland 500). And although Pilate in “Christ Before Pilate 2” condemns Jesus to crucifixion, the words of his judgment echo those of the fifteenth-century punishment: “þerfore þerþe þyngis þym [italics mine] on hight vpon þat high hill” (33.453). What also might strike the spectator is the stark contrast between this miscarriage of human justice and earlier moments when divine intervention staved off a miscarriage of justice.

**Treason in York**

There are multiple ties between the judicial processes seen in the trial plays and fifteenth-century legal practices. Jesus is tried, convicted, and executed as a traitor through the use and abuse of structures that would be familiar to many spectators for many different reasons. It is safe to say that an experience of the legal system was one shared by many residents of York. Eligibility to serve on juries and take part in the courts was a mark of full citizenship. Also, as mentioned earlier, York was a judicial town, housing at various points in its history the Exchequer, Chancery, King’s Bench, and Common Pleas. In the later fifteenth century, it was the site of the King’s Council in the North. Of course, York also had its own local courts, including the Guildhall court presided over by the mayor (Miller 76). The religious liberties had their own courts apart from the city. There were also various canon law courts for trying those accused of religious infractions. This large variety of courts, which did always coexist happily, will be the subject of the next section, which reflects on the portrayal of competing jurisdictions in the York cycle. But this number and variety also indicates how
present the justice system in its many forms was in spectators’ lives, especially those who were full citizens of York.

But while many or most citizens might be at least passingly familiar with contemporary courts, to what extent would they have experienced or at least remembered cases of treason? There is evidence that in fact treason was something in the York spectators’ direct experience or in preserved memory, especially in the case of Archbishop Richard Scrope, whose execution as a traitor potentially cast “a long shadow across subsequent performances of Christ’s Passion on the York pageant wagons for years to come” (Wright, “Genres of Sanctity” 115). Still, while Scrope is the most compelling and tantalizing model, citizens of York had a multitude of other traitors as examples, some of whom were also local men. Many accusations and executions for treason--both warranted and unwarranted in the eyes of the citizens--occurred in York during the time when these pageants were being written down and performed, and an audience from this city would very possibly have had such incidents in mind while viewing the trial sequence of Christ. In 1402, York "found room over its gates for the quarters of Scottish traitors" (Miller 57). In 1408, the quarters of Northumberland and his rebels were displayed on the gates of the city (Northumberland's corpse having been pickled in cloves, cumin and anise—see Miller 59). In 1483, Richard III sent a letter to York declaring the Duke of Buckingham to be “rebel and traitor” and warning that no one had better take the duke’s side. The contents of the letter was to be proclaimed throughout the city by the mayor, aldermen, and sheriffs (HB 413-14).

Other physical evidence of what happens to traitorous bodies was displayed at York. For example, the Wars of the Roses also brought unrest to York and further executions for
treason. In 1460, with Richard, Duke of York having been acknowledged as the heir to Henry VI, a group of Lancastrians gathered in York and prepared to resist the change of rule to the house of York. The Duke of York rode north to the city in December and was defeated and killed on 30 December at Wakefield (Miller 59). Although the Duke was killed in battle, his corpse was treated as a traitor's since he and the other Yorkist leaders had been declared "fals traitours" by Henry in 1459; Richard's body was beheaded and the head was placed on Micklegate, decorated with a paper crown (Bellamy, “Law of Treason” 199). Earl Neville of Salisbury's head joined the Duke of York's, as did his own son's (Edmund, Earl of Rutland), and the heads of other Yorkist leaders (Simons 49).

No doubt the people of York had at least mixed feelings about these executions, as they had welcomed the Duke of York "with great worship in the city" in 1454 (Miller 59). However, a change in secular power was to reverse who was--and was not--considered a traitor. Edward IV (the Duke of York's son) was given the crown in 1461 and defeated Lancastrian troops under Queen Margaret at Towton; he then marched on York to replace the heads of his family with the heads of Lancastrian "traitors" (Simons 72). Interestingly enough, these men were legally executed for high treason because of their murder of the Duke of York; when Richard had been named heir to Henry VI, a memorandum had been presented to Parliament with a clause stating that "if any person imagined or encompassed the death of the duke . . . he should be deemed guilty of high treason" (Bellamy, “Law of Treason” 132). Following the letter of earthly law led to legal executions on both the Yorkist and Lancastrian sides; again, as in the case of Jesus, earthly justice was manipulated by powerful men to arrive at questionable verdicts. Over the next ten years, troubles in the north
and at York continued, with more executions of traitors--both Lancastrian and other--at York in 1464 and 1469 (Miller 60). The Yorkists had changed from being traitors to executioners very quickly; secular justice certainly must have seemed rather arbitrary to the people of York.

Not all those accused of treason were high-ranking lords who lived in the environs of York. John Eglisfield, swordbearer, was “impeached of treason” for counterfeiting. In the end he was “convicte of incontiencye of his bodie with may wifes, sevauntes, and other women” (HB 378). Although he escaped the horror of a traitor’s death, Eglisfield found himself in trouble again for wounding unto death the Earl of Northumberland’s bailiff, Robert Robynson, in 1485 (HB 395). Also in 1485, Henry VII gave a special pardon to those who rose against him in the north for all their “riottes, murders, tresons, ffelonyes, insuureccions, consideracions, conspiracies ayenst ther liegiaunces done and committed” except for Sir Richard Ratcliff, Sir James Haryngton, Sir Robert Haryngton, Sir Thomas Pilkyngton, Sir Thomas Broghton, Sir Robert Medilton, Thomas Metcalfe and Miles Metcalfe, who was the city’s recorder at that time (he was eventually pardoned) (HB 372). Thomas Metcalfe received his pardon during the aforementioned 1486 royal visit when Roger Layton was executed for treason (REED i, 155). Although Thomas was sentenced to be beheaded by Sir John Troubleveile, he obtained a pardon upon the king’s grace and was spared Layton’s fate (REED i, 155). Thomas Sturgeon found himself in hot water in May of 1488 for speaking words against the “savegard of the kinges person” (a dangerous crime bordering perhaps on “treason by words”). Although it would seem the charge he was convicted of ended up being sedition, the punishment allotted was still brutal; Henry VII
ordered that Sturgeon on the next market day be placed in the pillory and then “both his eers to be cut off, and afterward to be committed to prison thare to remaign withoute baille or maunprise till ye understand our forther pleaser” (HB 402). In December he was finally pardoned and delivered from jail (the kidcote of York) after swearing himself to be a man faithful to the king (HB 460; 627). Surely this turnabout must have seemed frightening and arbitrary to York citizens: from seditious criminal to maimed victim to forgiven member of the community.

Even a mayor of York found himself in trouble at one point. Thomas Wrangwissh was accused of treason in 1489 by a commission of *oyer et terminer* held in the York Guildhall and Castle for his role in allowing Egremont and his men into the city; the jury consisted of aldermen and city merchants. He was sentenced to death but later received a pardon and died a short time later in 1490 (HB xxiii; Attreed, “King’s Towns” 302). One should keep in mind that this is the same Thomas Wrangwissh who joined the Corpus Christi Guild in 1461 (Crouch, “Piety” 284), held a play station in 1462 (Crouch, “Paying to See the Play” 80), and served as chamberlain, sheriff, mayor (twice) and alderman in York (Crouch, “Piety” 284) and whose ruling about the cordwainers’ position in the Corpus Christi procession ruffled feathers for so long. Furthermore, he is the same Wrangwissh who is noted as refusing the trappings of mayor before he had been sworn in to the post—someone unusual and memorable, perhaps, and someone that York citizens would perhaps have had dealings with. In his years as mayor and on the council, he would have encountered all kinds of citizens to judge them, to approve wills, to organize the Corpus Christi procession

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and pageants, to approve guild ordinances, and so on—a leading man of York. His conviction for treason must have been at least unnerving and to some seemed arbitrary and unjust.

There is, however, one case that does stand out from the rest as having particular resonance with the York trial pageants, and that is the case of Archbishop Richard Scrope of York, which closely matches the theme of "traitors" unjustly sentenced to death. In 1405, York rebelled against Henry IV under the leadership of Archbishop Scrope and Thomas Mowbray, who had been drawn into the fray by the powerful Henry Percy, Earl of Northumberland. Scrope "posted a manifesto on the Minster door, on the city gates, and in the streets; he went among the people, crosier in hand, urging the rebel case; he preached in the Minster about the poverty of the merchants and the burdens of taxation, royal borrowing and purveyance." The rebellion, however, was unsuccessful; Percy abandoned Scrope and Mowbray, who reached a stalemate with loyalist troops at Shipton Moor. Scrope was then tricked into giving himself up to Ralph Neville, Earl of Westmorland (one of the loyalist army leaders), who arrested Scrope after he disbanded his troops. Scrope was put on trial and beheaded for treason, although, according to the Martyrium Ricardi Episcopi, he never "intended any harm against the person of Henry IV." 67

What makes Scrope’s execution as a traitor so intriguing in a town with a certain familiarity with treason is the strong tie between Scrope’s fate and Jesus’ trials and death. First of all, if Jesus is accused multiple times by Annas and Caiaphas of trying to stir up the

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people, Scrope did exactly that. Furthermore, as is the case of Jesus’ multiple trials, Scrope’s trial and death are portrayed as at the least unfair and perhaps even illegal. In fact, Chief Justice William Gascoigne left York rather than sit in judgment over Scrope (Bellamy, “Crime and Public Order” 15). Danna Piroyansky notes that Scrope’s chroniclers, Clement Maidstone and Thomas Gascoigne, wrote that Scrope was led “like a lamb to the slaughter” (Isaiah 53:7), accenting his “steadfastness through the injustice of his trial” and portraying his sacrifice of himself for the people of York as an “imitation of Christ” (“Martyrio pulchro finitus” 102). Piroyansky also argues that the spectators at Scrope’s execution were “the very people who were to become his adherents, those who . . . prayed for his help. They were not a hostile or indifferent audience, but an involved one” (106). There are parallels here to the spectators at the pageants, who would watch Jesus be tried and executed while simultaneously being “adherents” to Christianity. The trials of Christ are fifteenth-century trials with resemblances to the trial of Scrope.

Other incidents further link Scrope and Jesus. Scrope is described as asking for five blows of the sword to parallel Christ’s Five Wounds. The Five Wounds were a potent symbol in this period, a reminder of Jesus’ humanity and his sacrifice of himself for man’s sins; by requesting the blows, Scrope (or at least those who wrote about his martyrdom) linked his own suffering and death to Jesus (Piroyansky, “Martyrs in the Making” 57-8). Furthermore, during his lifetime, Scrope expressed his devotion to Christ’s body by donating a silver reliquary to the Minster (“Martyrs in the Making” 58). It would seem that there was an effort to connect the executed archbishop to the body, trial and the death of Jesus, a strong focus in the set of pageants performed to celebrate Corpus Christi day.
But Scrope is not just linked to the passion and death of Jesus, as perhaps would be expected of a martyr; he has ties to both Corpus Christi day and the York Corpus Christi guild. Obviously, Scrope was not a member of the guild, which was not formed until 1408, three years after his death. But Piroyansky points out that the date of Corpus Christi in the year following his execution (10 June 1406) and in the year of the Corpus Christi guild’s foundation (14 June 1408) were in close “chronological proximity” to Scrope’s execution date (8 June 1405), which leads her to posit some sort of link between the guild and the archbishop (108). While this all seems a bit speculative, there is other evidence of a connection between Scrope and the guild. Some of the founding members of the Corpus Christi Guild are also linked to Scrope’s cult (Pironsky, “Martyrio” 109). Corpus Christi Guild member John Sandale left money to Scrope’s shrine in 1467 (“Martyrs in the Making” 67). In 1413, Agnes Wyman, the widow of Mayor Henry Wyman, bequeathed a mazer blessed by Scrope to the Corpus Christi Guild (68). As late as 1465 the York Corpus Christi Guild expressed its reverence for the archbishop in its inventory listing:

Et unus ciphus magnus de muirro cum ligatura plana ex argento deaurata qui vero ciphus indulgencialis digno nomine censetur & hac de causa Beate quidem memorie dominus Ricardus Scrop quondam archiepiscopus Ebor vere penitentibus & confessis qui si de hoc cipho sobre tamen cum moderamine & non excessiue nec ad voluntatem mente pura potauerint quadraginta dies indulgencie contulit graciose.68

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68 And one large goblet of costly stone with a plain guilded silver binding, which goblet of indulgence, indeed, is distinguished with a worthy name, and for this reason, indeed, Lord Richard Scrope, late archbishop of York, of blessed memory, graciously gave forty days of indulgence to penitents and confessed persons who drank
Even though the people of York failed in their rebellion, they never became "altogether repentant." Scrope's reputation as a holy man, despite his execution by the secular court for treason, continued to grow after his death; he was seen as a martyr and a saint with many miracles associated with him, including one in which the field where he was executed bore a wonderful crop of barley without any human effort at all. Immediately after the execution, Scrope’s tomb in the York Minster began attracting visitors seeking to venerate the man (Attreed, “King’s Towns” 289). In fact, Scrope's tomb attracted enough visitors that in 1407 the king ordered the city sergeants to investigate, and in 1410 the Archbishop of Canterbury intervened to try to counteract Scrope's reputation as a martyr (Miller 58; Wright 316-17; 325). The Minster also was the site of stained glass images of Scrope, and his cult continued to be fostered through images, Books of Hours, liturgies, and bequests to his shrine (Pironsky, “Martyrio Pulchri” 109). One should keep in mind that this tomb was located in the York Minster, one of the play stations, meaning that the Corpus Christi pageants, including of course the trial plays, would have been performed in some sense right before the archbishop’s grave.69 Furthermore, the period of the archbishop’s cult spans from very near the first records of the pageants through their heyday; as late as 1509, Scrope’s shrine attracted gifts such as “silver images of men and women, oxen, hearts and quite a few ships” (Pironsky, “Martyrio” 111).

Certainly Scrope is a real-life York example of, at least in the people's opinion, secular justice gone awry. But he is more than that. While the people of York and Corpus

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soberly with a pure mind, if from this goblet, with moderation and not excessively or at will. Alexandra Johnston and Margaret Rogerson, York (Toronto: University of Toronto Press, 1979), 637 and 859.

69 See also Stephen K. Wright, “Genres of Sanctity” 128-9.
Christi Day spectators would likely have been familiar with traitors and their punishments, and at a certain level of society might have counted some of the convicted as colleagues or friends, these were, in fact, isolated incidents—if not exactly quickly forgotten, then at least localized in experience. The cult of Archbishop Scrope, however, remained a constant for much of the cycle’s history. If the pickled remains of Northumberland cast a short shadow, then Scrope’s shrine at the Minster surely cast a longer one. And yet, it is intriguing to note that traitors were found at multiple levels of York society, from a prophesizing hermit to a gentleman swordbearer to the mayor to the town’s recorder to the local gentry. The emphasis on accusation of and conviction for treason found in the pageants seems apt for a town that struggled throughout the history of the cycle with traitors. Watching the trial plays enacted before the Minster must have conjured up memories of Archbishop Scrope for many spectators, as well as memories of other, lesser executions, a number of which also must have seemed arbitrary or unfair.

**York, the Right to Judge, and Competing Jurisdictions**

In addition to being about a variety of crimes and legal procedures familiar to a fifteenth-century York spectator, the Corpus Christi pageants also illustrate and complicate notions about the right to judge, who has jurisdiction over whom, and manipulation of available judicial mechanisms to get the desired result. The cycle contains many judges with the power of life and death, including Pharaoh, the two Herods (in Pageant 16, “Herod and the Magi”; Pageant 19, “Slaughter of the Innocents”; and Pageant 31, “Christ Before Herod”), Caiaphas, Pilate, and, at the end, Jesus. Most of these judges (with the exception of
Jesus, of course) are anywhere from mildly to clearly corrupt, as we have seen, wielding their power of judgment as a weapon and manipulating the system to meet their needs. Pilate, however, is a more nuanced representation of a judge, at least in the trial plays.

As many critics have noted, Pilate is a very complex character; he is linked to evil characters like Herod and Satan while at the same time he attempts to operate as a just judge. On the one hand, Pilate, like many of the evil characters in the pageants, is particularly vain and proud, as can be seen from the introduction of his character in "The Conspiracy:"

Pounce Pilatt of thre partis þan is my propir name,
I am a perelous prince to proue wher I peer.
Emange þe philosofers firste ther fanged I my fame,
Wherfore I felle to affecte I finde noyt my feere.
He schall full bittirly banne þat bide schall my blame,
If all in my blee be as bright as blossome on brere,
For sone his liffe shall he lose or left be for lame
þat lowtes noyt to me lowly nor liste not to leere. (26.15-22)

Pilate is proud of his heritage, intelligence and power. This pride in his lineage continues in "Christ Before Pilate I: The Dream of Pilate's Wife," when he claims that "Sir Sesar was my sier and I sothely his sonne,/That exelent emperoure exaltid in hight" (30.10-11). Finally, Pilate is quite vain about his appearance, as seen in "The Remorse of Judas:"

For I am þe luffeliest lappid and laide,
With feetoer full faire in my face,
My forhed both brente is and brade
And myne eyne þei glittir like þe gleme in þe glasse.
And þe hore þat hillis my heed
Is even like to þe golde wyre,
My chekis are bothe ruddy and reede
And my colour as cristal is cleere. (32.18-25)

As a judge, Pilate has great power. He has been entrusted by Caesar to "justifie and juge all þe Jewes" ("Christ Before Pilate I," 30.24); he is, as Annas notes in "Christ Before Annas and Caiaphas," "domysman nere and nexte to þe king" (29.341). Judas also comments that "it langes to youre [Pilate's] lordschippe þe lawe of þis lande/As souerayne youreselffe to sitte of enquery" ("Remorse," 32.110-111). Throughout the Cycle, Pilate is repeatedly referred to as a judge of the Jews; his wife goes as far as to flatter him as follows:

Was nevir juge in þis Jurie of so jocounde generacioun,
Nor of so joifull genologie to gentrys enioyned
As yhe, my duke doughty, demar of dampnacion
To princes and prelatis þat youre preceptis perloyned. ("Christ Before Pilate 1," 30.28-31)

Pilate, despite his vanity and pride, does attempt to be a good judge. Although he shows from his first appearance in the cycle that he is willing to convict "traytoures" ("Conspiracy," 26.6), he must, however, be convinced that a crime really has occurred; in fact, he tells Caiaphas and Annas that if Jesus' "sawe be lawfull, legge noyt to lange,/For we schall leue hym if us list with luffe here to lende" (26.45-46). Over and over again, Pilate clashes with Caiaphas and Annas who wish him to condemn Jesus to death; Pilate, however,
attempts to resist them. For example, Pilate will not convict Jesus for raising Lazarus; according to him, such a matter "toucheth no tresoun" ("Christ Before Pilate I,” 30.454). Furthermore, Pilate is unwilling to condemn Jesus to death for breaking the Jewish Sabbath, claiming that it is to the Jewish law that such a judgment belongs (30.425). In fact, Pilate refuses to condemn Jesus at least eleven times; albeit in vain, he does make a great effort to find Christ innocent of any wrongdoing.\(^{70}\)

What seems to really alarm Pilate and others is the idea that Jesus also has the power to judge. Christ's assertion of his right to judge angers many other characters. Annas and Caiaphas are both offended by Jesus' alleged judicial powers: "For he [Jesus] sais he schall deme us, þat dolte/And þat till us is dayne or dispite" ("The Conspiracy” 26.65-6). Again in "The Remorse of Judas," the II Miles claims that Jesus said "he schall haue us to heuene or to hell/To deme us aday aftir oure dedis" (32.86-87). Pilate, the secular judgment figure, is also incensed by this claim, saying, "To deme us, in þe deuyll name? Say whedir? Saie whedir, to þe deuyll?/What, dastardis, wene ye be wider þan we?" ("Remorse of Judas,” 32.88-89). So, while the claim that Jesus is a king leads eventually to his execution as a traitor, his claim (or the claim made of him) to be a judge also infuriates.

Ideas about who could judge were fraught in the real world of York as well. To be a judge was to be something truly significant; to be a judge meant one had authority—the authority to make someone else to appear in court and be subject to the law (Maddin 227). A "fundamental prerogative" of a manorial lord was to hold court and exercise judgment (Goldberg, "Medieval England” 30). Furthermore, there were sometimes tensions between

local courts and royal courts, such as Chancery or the King’s Council in the North, as local
courts often guarded their rights to make judgments even in the face of royal opposition. A
1393 charter gave York the power to elect their own justices of the peace from among the
aldermen (Rees Jones 116), and the 1396 charter that created the county of the city of York
separated the city from the county courts, establishing city courts and giving the mayor the
right to have the “sword of justice” carried before him (119). A 1484 House Books entry
notes that mayor Thomas Wrangwissh ordered aldermen Richard York, Robert Hancock,
Richard Marston and John Hag to order twenty-four “good and lawful” men and the
constable from each parish to “listen and do justice” (HB 446–7). By the late fifteenth
century, however, Attreed argues that no town was so convinced of its privileges that “the
existence . . . of an alternate form of justice did not cause some apprehension,” and towns
sometimes worked the system to keep cases out of Chancery and in town courts (Attreed,
“King’s Towns” 254).

The push and pull between local and royal courts can be seen in the case of the
murder of former mayor William Welles. On 14 May 1487, the mayor and council wrote to
the king informing him of Welles’ murder and requesting the letters of commission to
proceed against the accused, milliner John Robson. They expressed the wish that he be tried
at York as an “example of all other herafter as for the more surtye of your justices of peax
and wardeyns within your said citie” (HB 561-2). Unfortunately, the council’s letter and the
king’s crossed in the mail; the city received a letter commanding that the city send Robson
and Roger Layton (eventually executed in 1487 the day after Henry VII watches the delayed
Corpus Christi plays—see above) to Sir Richard Tunstall for delivery to the king (HB 564).
Another letter from the king followed, which sent the commission but still requested that Robson be turned over to him (HB 564). The council acceded, but also sent along one of the chamberlains; the council seemed to have some fear of backlash should Welles be judged not guilty through “senistre reports” made to the king. They claimed “certain persones” were “entending the subversion of us and this your chamber, if the same [Robson] should passe unpunished” (HB 565). On 3 June 1487, the mayor and council received a letter indicating the king’s cooperation and willingness to turn Welles back over to York for judgment and execution (HB 567). The town responded on 4 June, thanking the king and stating that they would proceed against Robson (HB 568).

But York certainly had moments when the local courts resented or even rejected royal assistance. In the late fifteenth-century situation between the weavers and cordwainers discussed earlier, the town had no use for the arbitrator sent by the king. The House Books also contains an entry that hints at tension between the local courts and York Castle court. John Davyson (in addition to getting himself in trouble for “unsyting language,” also offended by putting a “childe” of his “into the castell <oute of the ffraunches of this cite> and ther left hym with the gaoler for a trispas by the same childe don to hym, ayanest the right of the (ffraunchest) ffraunches of the cite” (HB 223–4). The mayor of York also responded to the arrest of a York citizen by a sheriff of Yorkshire by sending his macebearer with an explanation of how the sheriff was out of line (HB xx). In 1491, following all the trouble with Egremont’s entry into York, Henry VII wrote to the mayor and council, angry that three convicted traitors were living openly in York. He attempted to assign a head of the Council in the North to oversee the mayor and council. The mayor, William White, responded that he
and the aldermen—and no one else—sat in judgment at York (he blamed recent lapses in justice on financial problems) (Attreed, “King’s Towns” 302-3).

Conflicts also arose between the city and the various religious liberties in York. As noted above, the Archbishop of York’s Lammas fair extended his jurisdiction temporarily, and St. Mary’s Abbey had the right to a court for their tenants, to arrest thieves in their liberty and to keep them in their own prison (Miller 39). In fact, tenants of St. Mary’s often clashed with York citizens and then fled back to their protected liberty (HB xxiii). Tension between the ecclesiastic liberties and the city arose at various points in the thirteenth and fourteenth centuries (Miller 39; 68). These tensions continued into the fifteenth century as evidenced by a number of cases. The 1483 attack on cordwainer Brygham by a servant of the dean of the Minster, Haryngton led to Haryngton’s apology to the mayor and council for striking a franchised man of the city (HB 277; 280). In 1487, the abbot of St. Mary’s Abby sent men under his jurisdiction to the council for judgment after they attacked a cordwainer (HB 588). The Minster vicars could also be huge troublemakers, as events from 1487 demonstrate:

Certain vicars of the church of York with other lately assembled riotously to the nowmembre of xxx personnes or moo within the saide citie, and thereupon walking thrugh the citie by nyght hurt certaine personnes of the same citie, and also wher certain personnes of the clouse of York assembled them in grete nowmbre in maner of warre and thereupon commying into the citie shot many arrous ayenist the sheriffs and ther foulkes commying with theme for the conservacion of the peax. (HB 530-1)
This resulted in injuries to several people. Because the Minster vicars were outside the jurisdiction of the mayor, they were not thrown in jail, but the matter was referred to lord of Northumberland (HB 531).

Competing jurisdictions are seen in the trial pageants as well, as Jesus gets dragged from court to court by those either seeking his death or seeking to avoid condemning him. It would seem that Jesus was subject to judgment in all available courts: ecclesiastical, local, and royal. First, Annas and Caiaphas move Jesus’ case in the hopes of pinning a crime with capital punishment on him. As they are unable to mete out a death sentence on their own, they move the case to Pontius Pilate’s secular court to develop their trumped-up charges. Pilate, however, is unwilling to act at the whim of the church courts and sees an out when the high priests mention that Jesus is from Galilee (“Christ Before Pilate I,” 30.513). Pilate is more than happy to get this tricky case off his hands by deferring to a local court, stating that “þe dome of þis boy, to deme hym to dye,/Is done vponne hym [Herod] dewly” (30.533-4). Herod’s local court, though, seems completely corrupt. Pageant 31, “Christ Before Herod,” opens with the familiar pattern of the tyrant shouting to the audience to keep quiet or feel his wrath as he is the “lorde þat is lerned to lede you be lawes” (31.22) and has the power of life and death. His court, however, seems mostly a venue for his entertainment rather than for upholding the law. He is excited to hear the prisoner arriving is Jesus, whom he has wanted to meet:

    O, my harte hoppis for joie
    To se nowe þis prophette appere.
    We schall haue goode game with þis boy—
Takis hede, for in haste Þe schall here.

I leve we schall laugh and haue likyng

To se nowe þis lidderon her leggis oure lawis. (31.163-8)

Unfortunately for Herod and his court, Jesus remains completely silent, thus thwarting their desire for entertainment. His refusal to speak stands in stark contrast to Herod and others who shout, dress him in fool’s clothes, and speak in both Latin and nonsensical French. Court procedures are mocked, as when all the “chylder” shout “Oȝez! Oȝez! Oȝez!” at 31.333.

Ironically, however, despite the ridiculousness of the courtroom, Herod and his council do actually come to the “right” legal decision (although of course the “wrong” decision for salvation history). When Dux I demands that witnesses to Jesus’ crime come “to þe barre” (31.377), none do: “My lorde, here apperes none to appeyre his estate” (31.379). Since none appear as witnesses, Herod turns Jesus back over to Pilate, using the legal terminology: “Wherfore schulde we flaye hym or fleme hym/We fynde no ȝt in rollis of recorde” (31.400-1). Herod cannot find on the “rolls,” the documents of record associated with Chancery, any precedent for condemning Jesus.  

He does not, however, release Jesus, but simply returns him to the previous court to do what they will with him. The fact that Jesus is innocent and that the court case is poor has little bearing on the outcome; he is simply shifted from court to court.

The idea of feeling helpless in the face of multiple jurisdictions was one familiar to both the ordinary citizen of York and its ruling class. Lowly Cordwainers could get as caught in the middle as mayors and aldermen as they experienced the various mechanisms of justice.

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71 See entry for “rolle” in the online *Middle English Dictionary*. 
in the town. The sense of motion, albeit futile motion, is certainly quite strong, both in the
dramatic material of Jesus’ body dragged from court to court and the reality of the play
staging—individual pageants played upon wagons dragged from station to station. It is this
very sense of motion, of a body displayed and punished publically, that leads me to my final
point about the highly processional nature of both the Corpus Christi play and a public
execution.

In the various trial pageants, Jesus’ body is pulled simultaneously through the streets
of Jerusalem and the streets of York. Of course, as has been noted earlier, punishment as
procession was not limited to felons on their way to the gallows. Adulterers also could
receive a penance of processing through town, as could women convicted of being scolds.
But obviously the public execution was the most horrible of these processions; in this case,
the march through town was merely a part of the judicial punishment, although, according to
Foucault, the display of the body was fundamental to the execution. In public execution, a
“judicial but also political ritual” belonging to the “ceremonies by which power is
manifested” (47),

The body of the condemned man was . . . an essential element in the ceremonial of
public punishment. It was the task of the guilty man to bear openly his condemnation
and the truth of the crime that he had committed. His body, displayed, exhibited in
procession, tortured, served as the public support of a procedure that had hitherto
remained in the shade; in him, on him, the sentence had to be legible to all. (43)

According to Foucault, this judicial and political ritual served to “reconstitute” an
injured sovereign. If the condemned broke the law, he not only injured parties affected by his
crime but also the sovereign, who represents the law, and must be punished spectacularly for his crime (47-8). The execution then

restores that sovereignty by manifesting it at its most spectacular. The public execution . . . belongs to a whole series of great rituals in which power is eclipsed and restored (coronation, entry of the king into a conquered city, the submission of rebellious subjects) . . . . It deploys before all eyes an invincible force. (48)

In other words, the procession and execution are judicial punishments handed down by law courts and moments when political leaders remind their subjects of the great power they hold over their actual bodies.

Annas and Caiaphas and later Pontius Pilate do perceive themselves as injured by Jesus in a variety of ways. Annas and Caiaphas resent his preaching and his miracles, they are angry about his attack on the money-changers, they fear his teaching in the temple and are furious about what they see as blasphemy. They realize that Jesus comes with a new law that will turn people from their law and threaten their power. Pilate may be able to abide Jesus’ behavior as long as it stays in the realm of religion, but he will not stand for hints that Jesus aims for secular power such as being a true king or having the closely guarded right to judge. It would seem that these three need the power of a public execution to “reactivate” (Foucault 49) their power. They need the public spectacle of the execution to both fulfill a judicial punishment and reestablish their political authority before the people of Jerusalem.

Although a public execution is a narrative of power, it does not always follow that the narrative remains under the control of those who seek to harness its power. As Foucault points out, audiences—a vital part of the ceremony—do not always react in predictable ways:
in the “scene of terror, the role of the people was an ambiguous one.” They needed to witness and in some way to take part (perhaps by screaming insults or even attacking the prisoner), but they could also “express [their] rejection of the punitive power and sometimes revolt” (Foucault 58-9). Piroyansky also notes that the narrative produced by an execution was not singular; instead, “public executions were such spectacles [that] they created simultaneously different narratives for the central authority, for the victim, and for the spectators” (“Martyrio” 104). In Pageant 38, “The Resurrection,” it becomes clear that the narrative Annas, Caiaphas and Pilate tried to create to reestablish their political power has had the side effect of making them utter, blind fools in the eyes of the spectators.

The execution should have gone well for them. Annas and Caiaphas successfully steered their trumped-up case into a court that could inflict the death penalty, and Pilate, although not always thrilled at his role in the case, asserted his power over a potential usurper. Of course, the problem is their understanding of the narrative. While they saw themselves as reiterating their power, the true story is that Jesus had to die to redeem mankind. Pilate, Annas and Caiaphas never had the power they thought, and in Pageant 38, “The Resurrection,” they become ridiculous to a spectator. The modus operandi of Pilate and the high priests is “vs muste make lies” (38.321).

The play begins with the three conspirators attempting to confirm that what they did was legal:

Caiaphas: Ȝis sir, þat dede schall we mayntayne,

By lawe it was done all bedene,

Ȝe wotte yourselue withouten wene
Als wele we.

His sawes are now vpon hym sene
And ay schall be.

Annas: þe pepull, sir, in þis same steede,

Before þou said with a hole-hede

þat he worthy to be dede,
And þerto sware.

Sen all was rewlid by rightis rede

Nevyn it no more.

Pilate: To neuyn methink it nedfull thyng.

Sen he was hadde to beriung

Herde we nowthir of olde ne þing

Thithynges betwene. (38.13-28)

Their speeches seem to mirror Foucauldian ideas of a successful execution: legal punishment, witnessed by the people, successful in establishing power—after all, they have not heard any news since Jesus was buried. Still, the speeches have an odd character. After showing a certain comfort level with manipulating the law to their own purposes, they now seem nervous that not everyone will buy into their schemes. There is other evidence that they have doubts about the reaffirmation of their power; despite the opening lines of the play, they are concerned about spectator reaction. Pilate comments that they must await news from the Centurion:
We lefte hym þere foe man moste wise,
If any rebelles wolde ought rise
Oure rightwise dome for to dispise
Or it offende,
To sese þame till the nexte assise
And þan make ende. (38.31-36)

Since spectator reaction could be unpredictable or even rebellious, Pilate assigned the Centurion, an agent of the law, to be on hand.

When the centurion arrives, Pilate, Annas, Caiaphas and the actual York spectators hear of an alternative narrative, one that contradicts the successful reestablishment of law and order. The Centurion says “I drede me þat Þe haue done wrang” (38.59). The competing story is what happened after the execution:

All elementis, both olde and Þing,
In ther maneres þai made mornyng
In ilke stede,
And knewe be countenaunce þat þer kyng
Was done to dede.
Þe sonne for woo he waxed all wanne,
Þe mone and sterres of schynyng blanne,
Þe erthe tremeled and also manne
Began to speke;
Þe stones þat neuer was stered of þanne
Gune asondir breke,

And dede men rose, both grete and small. (38.86-97)

Although Pilate and the high priests had attempted to assert their earthly power over Jesus’ body, it is clear after the execution that a higher power is at work.

Although they try to regain control over the narrative, their explanations serve simply to make them seem powerless and foolish. Pilate and Annas try to explain away what the centurion says, claiming that what the centurion saw could simply have been a “clipsis” [eclipse] (38.99) and that raising a man from the dead could be sorcery (38.104). Their much greater concern is that Jesus cannot rise from the dead himself. Although they do not believe he can do so, they know it can be made to seem so by his rebellious followers:

   Annas: He has no myght to rise and goo
   But if his menne stele hym vs fro
   And bere away.
   Þat were tille us a oþer moo
   A foule fraye,
   For þanne wolde þey saie euere-ilkone
   Þat he roose by himselffe alone. (38.146-52)

Their concern is enough to cause them to station guards by the tomb.

After Jesus rises from the dead, the high priests and Pilate experience a total loss of power, a complete reversal from what they might have hoped to accomplish through the execution of Jesus for treason. Upon the news that Jesus has left the tomb, Annas asks the soldiers:
Hadde ȝe no strenghe hym to gaynestande?

Traitoures, ȝe myght haue boune in bande

Both hym and þame þat ȝe þer fande,

And sessid þame sone. (38.371-4).

When the soldiers say that no earthly men living might do that (38.375-6), it leads to a second conspiracy among Pilate and the priests—they agree to lie. They bribe the soldiers to keep quiet and attempt to make it illegal to believe that Jesus rose from the dead:

And to þe pepull schall we saie

It is gretely agaynste oure lay

To trowe such thing. (38.443-5).

The execution has rendered them powerless and forced them to lie to their own people, whom they hope to intimidate through the law, and to the York spectator, who now sees where true power is. Pilate ends the pageant as follows: “Thus schall þe sothe be bought and solde/And treasoune schall for trewthe be tolde” (38.449-50). He and the high priests are now the lying traitors; truth can be both bought and sold.

**Temptation, Judgment, and Justice: The Devil’s Rights, “Harrowing of Hell,” and “Last Judgment”**

Truth and genuine justice is not established until the very end of the cycle, which details the end of human history. Pageant 37, “The Harrowing of Hell” opens with a scene that resonates with many aspects of the Corpus Christi drama. Jesus appears and summons a light: “A light I woll þei haue/To shewe þame I schall come sone” (37.21-22). This light is
seen by Adam, who declares “a glorious gleme to make vs gladde” (37.42), Isaiah (“his light comes all of Criste,” 37.57), John the Baptist (“his light is on vs laide/He comes oure cares to kele,” 37.83-84) and Moses (“of þat same light lernyng haue I,” 37.85). The light that conquers the darkness of Hell must surely have reminded the spectators—at least those who got up early and attended the very first pageant--of the opening of the cycle, which must have occurred under torch light. They also might have thought about the Corpus Christi procession, which, depending on the year of the performance, might have started out the day, or occurred the day before or after. If this performance was in the years in and around when the cordwainers caused so much trouble, perhaps the audience was considering what exactly a light—or lack of light—from darkness meant. Perhaps they associated torches with social unrest and potential violence. No matter what, the opening of the “Harrowing of Hell” must have been a very dramatic moment, occurring well into the cycle when natural light might have been fading.

Indeed, the “Harrowing of Hell” must be considered “in light” of what has come before. If the preceding plays have been so imbued with fifteenth-century legal procedure, to what extent does this continue? What kind of a legal mind does Jesus have? What kind of lawyer is Satan? Adding a further complication to this pageant is the notion of the “devil’s rights” and the nature of man’s redemption. To what extent does the Harrowing of Hell reflect contemporary views about how the devil is overcome? Timothy Fry, Alan H. Nelson, David L. Wee, and C.W. Marx examine the York cycle and other works of medieval drama to determine if they are examples of competing (or at least coexisting) theologies about the
nature of Christ’s passion: the patristic “abuse-of-power” or later Anselmian ideas about why Jesus’ suffering was necessary and what role the devil plays.

According to Fry, the abuse-of-power theory “was developed in the patristic era. Briefly, the theory supposes that when Adam and Eve fell into original sin, Satan was permitted to inflict death on them and all mankind and hold them captive in hell. Christ . . . was not subject to that law of death. Satan, however, was deceived by the human nature of Christ, and, in bringing about His death, abused his power, and lost the souls in hell” (qtd. in Wee 13). In other words, Jesus was a sort of “divine deception” to trick the devil into killing a sinless man. Nelson cites at length a sermon by Pope Leo the Great which also outlines the abuse-of-power theory:

The unscrupulous thief and greedy robber [Satan] persisted in assaulting Him Who had nothing of His own, and, in carrying out the general sentence on original sin, went beyond the bond on which he rested . . . . And thus the malevolent terms of the deadly compact are annulled, and through the injustice of an overcharge the whole debt is cancelled.” (“Temptation of Christ” 218-19)

In De Trinitate, Augustine also discusses Christ’s passion, noting that the devil needed to be overcome “not by the power of God, but by His justice” since justice must come before power (122). Rather than simply being defeated outright, the devil was conquered because he overstepped his bounds and “although he found in Him nothing worthy of death, yet he slew him anyway” (125). Augustine also seems to believe at least to some extent in the devil’s “right of possession” of sinners: since “the devil deservedly held those whom he had bound
by the condition of death as guilty of sin, he might *deservedly* loose them through Him who was guilty of no sin” (125). In this scenario, the devil is treated with justice.

On the other hand, Anselm (c1033-1109) in *Cur Deus Homo* and other later theologians discounted the “abuse-of-power” theology, arguing instead that the devil had no “right of possession” over sinners except as granted by God and that God was not obligated to defeat him with justice: “for Anselm, the justice of God rested not so much in God respecting the Devil’s ‘right of possession,’ but in punishing the Devil for his treason . . . . The Devil gained no ‘right of possession’ because God had delivered the human race into his power” (Marx 19). Furthermore, the devil only gained power by tricking man and not through justice, so there was no need for him to be treated with justice: “the infliction of punishment was nothing meritorious in the devil; on the other hand, he was even more unrighteous in this because he was not led to it by a love of justice, but urged on by a malicious impulse” (Anselm, *Cur Deus Homo* 202). In the Anselmian scheme, “the Devil is a servant of the king; he is a jailer, one who must do the will of the king and one who is treated in law like any of the king’s servants . . . . the Devil is one whose law-breaking activities are crimes against the king and against individuals within the state: deception, robbery and treason” (Marx 26).

Fry, Nelson and Wee see the cycles as falling into the abuse-of-power theology, especially in the “Temptation” plays. Nelson concludes that by “masking his identity from Satan, and refusing to reveal it in spite of all Satan’s wiles, Christ gives him no alternative but to set out on a disastrous course which will end with the release of souls from Satan’s power” (229). Wee argues that York (and the other traditional “cycles,” Towneley, Chester
and N-town) also exhibit “themes of divine deception” (15). Marx, on the other hand, sees the York plays quite differently, arguing that the texts “fail to reveal any references to the patristic abuse-of-power argument” (124). His analysis, which focuses on the Harrowing of Hell, leads him to conclude that any reference to deception of the devil is simply due to “the moulding of conventional interpretations of certain events in the life of Christ into a coherent theme” (124). 72 Another look at the texts, though, leads to a more nuanced view. It seems hard to argue that there is no influence of “divine duplicity” in the York plays, especially in “The Temptation” and “The Harrowing of Hell.” On the other hand, the Anselmian theology that Marx highlights in his analysis is also present. I argue that both views move in and out of focus, although by the end of “The Harrowing of Hell,” one theology clearly triumphs over the other. Jesus does away with the devil’s rights completely, and true justice triumphs at the Last Judgment.

At the beginning of Pageant 22, “The Temptation,” the devil at least is convinced of his rights:

Euere haue I mustered me emell
Emong mannekyne,
How I in dole myght gar tham dwell
Þer to be pynde.
And certis, all þat hath ben sithen borne
Has comen to me, mydday and morne,
And I haue ordayned so þam forne

72 Marx disagrees with the definition of “abuse-of-power” used by Fry, Nelson and Wee. For more details, see The Devil’s Rights and the Redemption, pp 7-46.
None may þame fende.

Þat fro all likyng are they lorne

Withowten ende. (22.9-18)

The devil has had mankind at his mercy since he first went among them, and he has had rightful custody of all men born; after death, he dooms them to eternal suffering. He does not indicate here that he doubts his “right of possession,” but rather believes it will go on forever. At this point, the more patristic view is in evidence.

The next passage also hints at the patristic theology, this time the idea of “divine deception”:

And nowe sum men spekis of a swayne,

Howe he schall come and suffre payne

And with his dede to blisse agayne

Þei schulde be bought.

But certis þis tale is but a trayne,

I trowe it noȝt. (22.19-24)

There is a sense in this passage that Jesus is somehow hiding his identity from the devil. The speech also indicates that the devil has some awareness of a “trayne” or trick being played, although he is not yet aware of how great that trick might be. Unfortunately (for him, at least), the devil chooses to ignore the rumors of a secret god-man coming to redeem souls. By the end of the pageant, the devil is aware that Jesus is no ordinary man but instead one with enough power to send him back to hell:

Owte! I dar noȝt loke, allas,
It is warre þan euere it was.

He musteres what myght he has,

Hye mote he hang. (22.175-8)

He still, however, seems unaware of Jesus’ identity; in fact, he appears to have forgotten his opening speech about the “swayne” coming to rescue man. He has, it seems, been tricked.

In “Christ Before Pilate I: The Dream of Pilate’s Wife,” there is more evidence of abuse-of-power. At this point, the devil seems quite aware of Jesus’ identity:

This gentilman, Jesu, of cursednesse he can,

By any syngne þat I see þis same is Goddis sonne.

And he be slone oure solace will sese,

He will saue man saule fro oure sonde

And refe vs þe remys þat are rounde. (30.160-3)

That the devil will lose power over man because he killed Jesus is “classic abuse-of-power theory” (Marx 117). Although the devil has not yet brought about Jesus’ death, he seems quite aware here of what it will mean.

It is in “The Harrowing of Hell” where the two theologies clash most vividly. The devil, now identified as Satan, seems to have forgotten all about the dream he sent to Procula:

I knowe his trantis fro toppe to taile,

He leues with gaudis and with gilery

Þerby he brought ouте of oure bale

Now late Lazar of Betannye;

Þerfore I gaffe to þe Jewes counsaille’
Þat þei shulde always garre hym dye.

I entered in Judas

Þat forwarde to fulfille,

Þerfore his hire he has

Allway to wonne here still. (37.159-68)

In fact, he admits to knowing Jesus and his tricks, and admits to inspiring Judas and the Jews to plot his death. If during “Christ Before Pilate I” he was aware that bringing about the death of the innocent Jesus would cause his own downfall, here he proudly boasts of his role in the crucifixion. He also claims to know Jesus’ parents:

Thy fadie knewe I wele by sight,

He was a write his mette to wynne,

And Marie me menys þi modir hight—

Þe vtiremeste ende of all þi kynne. (37.229-32)

In Jesus’ response, there is the hint of divine deception, when he states that he purposely hid his identity from Satan and the other devils:

And for to make þe mased and madde,

And by þat resoune þus dewly to haue

Mi Godhede here, I hidde

In Marie modir myne,

For it schulde noȝt be kidde

To þe nor to none of thynne. (37.247-52)
In general, however, it is Satan who mouths the abuse-of-power theology and Jesus who corrects him, especially in the extended debate section between the two characters. This section begins around 37.213 and continues through to 37.348 when Satan is thrown into the hell pit. The debate is unique to the York “Harrowing” and a significant change and elaboration from source material. As Harry S. Anderson and Leanore Lieblein note, the debate is moved from before the breaking down of hell's gates until afterwards; also, the debate in the York "Harrowing" is between Christ and Satan, rather than among Satan and the other devils as in the apocryphal Gospel of Nicodemus (213).

In the passages just before the debate and in the debate itself, Satan regards himself as a powerful secular lord like Pilate. He again asserts his rights over men: “All ethely men to me are thrall” (37.134); by denying that Jesus has “neuer ȝitt herberowe, house, ne hall” (37.136), he tacitly indicates that these are things that he has and that give him power. In fact, he is so confident of this power that he orders his “men” to simply hold on to Jesus and prevent him from breaking down the gates of hell: “Loke þat he passe noght, I þe praye” (37.152) and later “I bade ȝe shulde be boune/If he made maistries more” (37.201-2). These lines foreshadow those in the “Resurrection,” when Pilate and the high priests demand to know why the soldiers simply did not bind Jesus and prevent him from rising. Furthermore, when Satan greets Jesus in hell, he questions what “maistries” or what high-handed sorts of deeds he dares to do in another’s kingdom:

Howe, belamy, abide,

With al thy booste and bere,

And telle to me þis tyde
What maistries makes þou here? (37.213-16)

Here, as in the “Temptation,” Satan regards himself as having rights of possession and property.

Jesus’ response paraphrases Anselm in *Cur Deus Homo*:

I make no maistries but for myne,

Þam wolle I saue I telle þe nowe.

Þou had no poure þame to pyne,

But as my prisounes for þer prowe

Here haue þei soiourned, noght as thyne,

But in thy ward—þou wote wele how. (37.217-22)

Satan never had any mastery over man but was simply God’s jailer—the true power over man was always God’s. Anselm addresses the nature of the devil’s right of possession at the beginning of Chapter VII of the *Cur Deus Homo*:

It is true that this [that God needed to defeat the devil with justice since he had “rightful ownership of man”] might well enough be said, if the devil or man belong to any but God, and neither can exist without the exertion of Divine power, what cause ought God to try with his own creature, or what should he do but punish the servant, who had seduced his fellow-servant to desert their common lord and come over to himself; who, a traitor, had taken to himself a fugitive; a thief, had taken to himself a fellow-thief, with what he had stolen from his Lord. (201)

So much for the devil’s rights. Satan’s power is merely at the will of “the state,” and he is a functionary of that state, not the head of state.
If Satan is not the ruler of hell, in his capacity as jailor he also seems to have learned to be a lawyer. He is not quick to allow Jesus to walk off with the souls in hell without challenging his reason and knowledge of the law as he understands it.

I schall proue be right resoune

Þou motes his men into þe myre.

To breke his bidding were þei boune,

And, for they did at my desire,

Fro paradise he put þame doune

In hell here to haue þeer hyre. (37.255-60)

He sticks to the “abuse-of-power” theology, asserting that he has rights over those whom he has tricked into sinning. He also attempts to assert that Jesus is over-reaching his power and acting unjustly:

And thyselfe, day and nyght,

Has taught al men emang

To do reason and right,

And here werkis þou all wrong. (37.261-4)

Here we see echoes of an obligation on God’s part to treat the devil with justice; Satan claims Jesus is acting unjustly by preaching about doing right while doing wrong himself.

Satan also invokes fifteenth-century legal terminology of the sort seen before in the plays:

Nowe sen þe [Jesus] liste allegge þe lawes,

Þou schalte be atteynted or we twynne,
For þo þat þou to witnesse drawes

Full even agaynste þe will begynne. (37.277-280)

Satan is planning on acting within the law as he—and potentially the audience—was aware of it; if Jesus was going to cite a law defending his right to take the souls—in other words, if this was to be a court case—he was going to call witnesses and defend himself. He cites Solomon and Job, claiming that these authorities prove that “nowthir frende nor foo/Shulde fynde reles in helle” (37.287-8). Clearly Satan still believes in the devil’s rights. Jesus, however, quickly disabuses him of this notion by once again reasserting that Satan’s powers do not really exist; men were in hell only at God’s will:

Þai were here with my wille,
And so schall þei fourthe wende,
And þiselue schall fulfille
Þer wooe withouten ende. (37.297-300)

The debate ends with a rather intriguing arbitration, albeit one that Satan has no choice about accepting. Jesus agrees that he will still have some souls, but souls of a certain type:

Satan: But some schalle always with vs dwelle.
Jesus: Þa, witte þou wele, ellis were it wrang,
Als cursed Cayme þat slew Abell,
And all þat hastis hemselue to hange,
Als Judas and Archedefell,
Datan and Abiron,
And all of þare assente,
Als tyrantis euerilkone

Þat me and myne turmente. (37.304-12)

This is quite an interesting list, as many on it were themselves actual traitors. Judas, as I have argued, was a traitor, one recognizable to a contemporary audience, as well as a suicide.

“Archedefell” is Achitophel, David's traitorous counselor who followed Absalom (and eventually committed suicide; see 2 Samuel 15-17). Dathan and Abiron rose up against Moses; they were swallowed up by a pit in the earth as punishment (see Numbers 16). Satan, whom Anselm links to treason (see above), is the rightful lord of traitors, while “all þat likes to leere/My [Jesus’] law and leue þerbye/schal neuere haue harmes heere [in hell]” (37.321-3). Jesus, on the other hand, who was unjustly accused of treason, is now the powerful one.

While it would seem that this might be the end of Satan’s belief in his right of possession, he makes one more attempt to sidestep Jesus’ new law:

If þis be soth þat þou hasr saide
We schall haue moo þanne we haue now.
Þis lawe þat þou nowe late has laide
I schall lere men noȝt to allowe;
If þei it take þei be betraied,
For I schall turne þame tyte, I trowe.
I schall walke este and weste,
And garre þame werke wele werre. (37.327-34)

If he is losing control of his current souls, he will simply go out and get even more. But if Satan thought he had found a way around this new law where his rights have disappeared, he
is quickly corrected. The jailor is now imprisoned: “And Deuyll, I [Jesus] comaunde þe go
doune/Into thy selle where þou schalte sitte” (37.341-2). The debate concludes with Satan
and the devils sinking into the hellpit. It is also clear by this point that the abuse-of-power
theology has been put to rest; Jesus wins the debate and Satan is forced to realize that he has
no power except that granted by God.

The York “Harrowing” is intriguing in the sense that Jesus conquers, but not exactly
by force. While it is true that the devils do a fair amount of scurrying around and arguing, the
action seems quite straightforward; Jesus commands the gates to open, and they do. There is
not a sense of a protracted battle between souls and devils. Satan is instead conquered by
logic and scholastic debate—areas in which he believes he can operate but where his
understanding is rather poor. Also, except for the speech when Jesus indicates there was a
certain amount of trickery to his incarnation, the debaters for the most part embody older
“abuse-of-power” ideas and post-patristic theology which removed any independent rights
and power from the devil. It is not that the plays show an influence of one or the other;
rather, they exhibit both, with the more modern viewpoint triumphing.

The “Harrowing” is also a foreshadowing of what is to come in Pageant 47, “The Last
Judgment,” where justice is (relatively) swift and everyone gets what is really coming to him.
In the Mercers pageant of ”The Last Judgment," Deus states: "mi fadir of heuene, he has me
sente/To deme youre dedis and make ending./Come is the day of jugement" (47.233-235).
The ultimate judgment of the Cycle has arrived, a judgment that is absolutely fair and
impartial, unlike that which occurs on earth. In fact, the word “justice” is featured in the
“Last Judgment” at line 92, when the second angel says to the good and bad souls
Body and sawle with ȝou ȝe bring,
And comes before ȝe high justise.
For I am sente fro heuene kyng
To call ȝou to þis grette assise. (47.91-4)

The first good soul agrees to come before the “high justise” (47.100).

The word choice here is very interesting. Although there are many judges in the plays, they do not administer “justice,” per se; they judge, they “deme,” but the word “justice” is reserved for the most part for Jesus. In fact, “justice/justise” appears only three times in the entire cycle: the cases noted above and in “Christ Before Pilate I,” where the beadle addresses Pilate as “gentill juger and justice of Jewes” (30.58). In this case, “justice” is used more as a synonym for “judge” rather than as a synonym for “justitia,” meaning “justice or equity.” What is also interesting is “assise,” a contemporary legal term, also sparingly used. If Caiaphas in the “Resurrection” wants to hold over rebels to the “nexte assise” (38.35), the angels summon souls to the “grette assise” where final justice is meted out. Even at the last moments, there are ties to familiar structures. And although the play is 380 lines long, it is probably fair to say that the justice found here is swift. The angels quickly separate the souls to the right and to the left, and the process is absolutely fair. There is no debate, no subtle arguments, no jargon but “endid is all erthely thyng” (47.374).

And yet it would be a mistake to say that all the plays which occur earlier in the cycle are simply a satire of justice, a holding up of the earthly kingdom to ridicule. Although earthly justice may come close to condemning Mary as an adulteress, she is saved when God serves

73 “justitia,” Lewis and Short, *A Latin Dictionary*
as her witness. Cain is found guilty, and Judas receives a traitor’s death, albeit at his own hands. Furthermore, although earthly judges such as Herod, Annas and Caiaphas, and Pontius Pilate wield significant powers of judgment, they are clearly bad judges. Finally, Pontius Pilate’s court ultimately must fail in order for humanity to be saved. In fact, the words of Christ when he condemns Judas, Datan and the other traitors seem to imply that the underlying beliefs of earthly justice are correct; human instincts for justice are good, although as humans our justice can never be the infallible heavenly justice. Certainly such an approach is more fitting to a city such as York than an all-out attack on judicial institutions, especially when one considers the city's history as a judicial center. Furthermore, as the mayor and his council were responsible both for some aspects of secular judgment in York and the administration of the Cycle, it seems unlikely that they would choose simply to satirize the institutions of secular justice they were in charge of. Instead, through emphasis on judgment and fifteenth-century anachronisms, the York Cycle defends earthly justice as based on heavenly justice, while at the same time commenting on the limited nature of justice on the earth.
Conclusion

While the York pageants of Corpus Christi were an expression of lay piety and a spectacle to demonstrate and increase the worship of the city, it is also clear that they were caught up quite thoroughly in the legal structures of the town in the form of ordinances and of the mayor’s court. The very order of the plays in the 1415 Ordo Paginarum can be found in the A/Y Memorandum Book where the town kept track of all manner of civic and legal happenings. This civic documents and others, such as the House Books and Chamberlains’ Account Rolls and Books, are full of details about the pageants, including fees incurred and how each pageant was to be supported by pageant silver collected from various guilds. Some of these documents also contain ordinances controlling the play route, the shifting responsibilities of guilds toward their pageants, even the mechanisms by which the pageants were to be policed by the town clerk. Furthermore, the civic records document the clashes between guilds and between guilds and the town ruling elite over the Corpus Christi procession and the pageants. The cordwainers’, the smiths’ and marshals’, and the cobbler’s conflicts with each other and the York civic leaders concerning the pageants are documented in great detail as has been discussed in Chapter One. These clashes between guilds and the mayor and council were resolved (or not) through city judicial mechanisms such as the mayor’s court, which adjudicated “offences against the customs and ordinances of the city, the faults of victuallers and craftsmen and civic officers, nuisances, rumour-mongers, disturbers of the peace, forgers of seals and charters, and made orders for governing the city and keeping the peace” (Miller 75).
The subject matter of the pageants themselves, while overtly enacting the story of salvation history from creation to final judgment, also are replete with references, both direct and indirect, to contemporary law and justice. In other words, the crimes—both civil and ecclesiastical, trespass and felony—that are portrayed in the pageants were ones that would be familiar to a York audience: defamation, adultery and fornication, scolding, prostitution, and even treason. Furthermore, the legal machinations that go on, including barratry, unlawful prosecution, and tensions over the right to judge and jurisdiction, would also have been familiar to a spectator and to the guildsmen performing the plays, who themselves took on judicial responsibilities when the purchased the franchise of the city. The question we are left with is what does all this mean? Does an argument for the strong influence of contemporary law and ideas about justice lead to a more conservative interpretation of the Corpus Christi procession and drama as reinforcing contemporary ideas about hierarchy? Or are these pageants more subversive? Do they in some way question hierarchy? What did the town elite and the guilds “get” out of performing this long set of plays for 200 years?

In some respects, the pageants are most certainly coercive. The pageants definitely warn against fifteenth-century crimes: do not break your oaths, do not commit adultery, do not defame your neighbors, do not drag neighbors to court because you hate them, do not abuse the court system, do not commit murder, do not misuse power. Furthermore, a prominent feature of contemporary punishments was their very public nature. Crimes like defamation, adultery and fornication, and scolding involved highly visible elements such as processions and the cucking stool. Some punishments for misruled women were permanently
on display, such as the branding Agnes was threatened with in 1489. Her scarred cheeks
would serve as a constant reminder to herself and to anyone who encountered her. The
gruedomeness and public nature of execution for treason is well-documented. This display of
power over the body was certainly intended to be a deterrent for other potential law-breakers.
So, although the innocent Mary and Joseph and the repentant woman taken in adultery
escape punishment while Lucifer received God’s swift vengeance, it is still possible that a
spectator would feel cautioned to obey the law lest he find himself paraded through the
streets of York in humiliating fashion. The case of Noah’s Wife might have been especially
ambivalent to a contemporary viewer. While she is funny and in some respects brave,
perhaps serving as a more subversive model for women in the audience, she is also powerless
in the face of male authority and reduced to the level of a common scold.

Considering the inherent dangers in staging an actual execution as outlined by
Foucault, were there related to dangers to staging a mock execution, even one that portrayed
an event well-known to the audience, such as the trial, condemnation and execution of Jesus?
It would seem the answer is yes. On the one hand, there does not appear to be evidence that
the audience ever rose up in rebellion during the trial plays. As has already been discussed,
however, the York Corpus Christi celebrations were the site for both small “rebellions” such
as aldermen not showing up in correct garb to much larger, public clashes between a
politically powerless guild like the cordwainers and the merchant elite—a conflict which
eventually attracted the attention of the king. To a large extent, the Corpus Christi plays were
also public displays of power: the merchant-dominated council over the guilds, the guilds
over their members, the members over “strangers” (those who did not hold the franchise),
and so on. The critical response to how the citizens of York felt about staging the yearly pageants is mixed. Heather Swanson is a powerful voice for those who think the pageants were forced upon an unwilling population: “craft guilds took a rather more jaundiced view of the pageants, because of the expense they entailed” (qtd. in Davidson, “York Guilds and the Corpus Christi Plays: Unwilling Participants?” 11). Clifford Davison, on the other hand, finds this viewpoint hard to sustain, since the plays survived so long, despite “social, economic, and even religious upheaval to continue from c1376 to . . . their suppression by ecclesiastical authorities” (15).

The local ordinances and judgments surrounding the procession and pageants do not support a strictly top-down reinforcement of the status quo. Instead, they sometimes show a gain or shift of power. For example, it does seem hard to believe that the merchant oligarchy held so much power over the guilds that they could force them to perform the plays. In fact, as has been noted, the guilds could approach the mayor and council to make sure their own members cooperated in supporting Corpus Christi endeavors, indicating a more mutual endeavor. Furthermore, the plays were probably something of a moneymaker for the guilds and the town. For example, a 1476 A/Y Memorandum Book entry notes that any man who is not a tanner himself but marries a tanner’s widow must pay a fine, half of which goes to the chamber and half to support the tanners’ pageant (REED i, 110-11). Another entry from 1422-23 outlines the new rules for the plasterers and tilers when their play assignments were realigned: the fine for any future defaulting on their Corpus Christi support was to be split between the guild and the mayor, “for the use of the commons” (REED ii, 724). This practice of a split between guild and council seems to have been common.
But the moneymaking and potential social control provided by the pageants was not strictly inflicted by the ruling class onto the artisans. The craft guilds also used the pageants and local ordinances to exert at least some control over those who practiced their crafts but were not freemen. For example, a 1419 addition to the tapiters’ ordinances indicates that “foreign” tapiters who wish to set up shop as a master in York must pay a sum to the chamber and to the guild in support of the pageant and “other burdens of the same craft” (REED ii, 717). A 1462 carpenters’ ordinance is similar in nature:

If any straunge Carpenter com within þe ffraunchies & liberties of þis Citee & occupie as a maistere in any poynt pertenyng unto þe saide Craft he shall pay yerely as lange & whensom euer þat any such straunger comes to this Citee to þe chariges of þair pageant & light on corpus christi day iii d and if any suche straunger walde be obstenate or refuyse to pay þe said iii d yerely when he occupies within the ffraunchies of þe saide Citee þan the Maire for the tyme beyng & the Counseill of þe Chaumbre shal supporte þe said craft to streyne the saide straunger as the lawe will.

(REED i, 92-3)

In 1475, anyone selling gloves, purses or “keybandes called ynglysshware” had to contribute to the pageant” (REED i, 105). In 1478, the shipmen’s ordinances outlined that all those occupying the craft of shipman must contribute to the Noah pageant and to bringing forth the torches for the procession. The ordinances also stipulate that “he þat is Rebell and wilnot pay his duety . . . to rynne in the contempt of xx d that to be paid without pardon the on halfe to the prefect of the Chaîmbr and the comons of this Cite and the other half to the sustenacion of the Chargez of the said Shipmen” (REED i, 118). A 1479 House Books entry notes that
“euer forant weuer from this day forward . . . be yerelie contributiori ande pay vnto the sustentacion ande bringyngfurth of þer said pageant” (REED i, 123). The entry goes on to demand that weaver *journeymen* operating in the city also pay a fee toward the pageant, with those who are “rebell ande wilnot fulfill the premissesz pay and forfet xii d withoute pardon” (REED i, 123). It would seem that not only the city of York made money but also potentially the craft guilds themselves. Furthermore, the fines were certainly a way to gain some power over those practicing the craft who were outside the control of the craft masters. The ordinances had the support of the mayor and council who presumably could supplement the efforts of the masters to protect their interests. The weavers’ ordinance that journeymen also pay is intriguing, especially since it occurred during a time when the craft was struggling and in need of funds. While it is clear from the records that guilds sometimes resented their pageant, or became too poor to fund it, it seems equally obvious that many guilds did get something out of their play, enough that they would turn to town judicial authorities to enforce their ordinances.

Guilds also received prestige from their pageant and perhaps even some social mobility. David Justice notes that of the forty-eight plays, twenty-three have some associations with the guild who performed them (48). This association could come in two ways: either a guild association with the subject matter of the play, or an association between the pageant and the work of the guild. An example of the latter is the shipwrights producing Pageant 8, “The Building of the Ark” (49). The tapiters’ and couchers’ pageant of “Christ Before Pilate II: the Dream of Pilate’s Wife” (Pageant 33) also seems apt: the tapestries and

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74 Not all of Justice’s examples are completely compelling.
coverlets made by the guild could be featured prominently in this play (53). Justice also notes
the link between the bakers and their play of “The Last Supper” (Pageant 27), which of
course features bread. The pageants had at least the possibility of being some sort of
advertising. But more profoundly, the links between guild and pageant tied the guild to
salvation history—their trade is plied not only in York but in Jerusalem and plays a role in
the story of all mankind. It is no wonder no one wanted “Fergus,” the pageant featuring the
Jew who attempted to overturn Mary’s funeral bier and in the process found his hand
magically attached to it, since it generated laughter and derision from spectators.

Of even greater interest is the first sort of link Justice defines—the connection
between the guild and the subject matter. This goes beyond potential hawking of wares and
toward a powerful expression of the guild’s piety. For example, the carpenters staged the
Resurrection play perhaps because the guild’s other name was the Holy Fraternity of the
Resurrection. The barbers produced the “Baptism of Christ” and were associated with John
the Baptist (48). The cordwainers, who were responsible for the “Agony in the Garden”
pageant, seem a good match since “their ordinances . . . forbade them to work at their craft on
[the feast day of the Vigil of the Apostles] and required that they maintain a candle in one of
the churches of York in honor of the Vigil of the Apostles” (48). These associations do not
seem to have been forced upon unwilling artisans anxious to cut costs. A quick glance
through Appendix VI in the second REED volume for York indicates that for the most part—
with a few rather glaring exceptions—the guilds used the pageants to regulate behavior
through fines.
So, were the plays “power plays”? Yes, but not necessarily in a top-down sort of a way. While the mayor and council required the pageants to be performed and punished those who shirked, the guilds themselves made use of the pageants in a variety of ways. Finally, the pageants “represent a communal project for maintaining the cultural memory of events in salvation history seen to be immensely comforting to the people and to make these events visible to them through the acting of living players” (Davidson 25). The pageants may have been about power, but they were also about piety and “worship” in its various contemporary definitions. They were about supporting contemporary judicial mechanisms while pointing forward to the perfect divine justice at the Last Judgment. The pageants examined in this dissertation show a concern with and understanding of contemporary law and justice. Furthermore, they focus on the types of crimes that would have been familiar to the York spectators, who would have seen scolds, adulterers, defamers and even traitors paraded through the streets just as the pageants were on Corpus Christi day. A knowledge of contemporary law and justice leads to a deeper understanding of both the subject matter of the pageants and of the close ties between the city and the elaborate celebration of this feast of Christ’s body. The influence of the law is far greater than just its most overt appearances in Christ’s trials. It pervades the cycle.

Finally, the presence of contemporary law in the pageants may even be responsible in part for the longevity of the Corpus Christi festivities. Kathleen Ashley argues that “such cultural productions as the York cycle do not have one producer or audience or one social function but are so situated as to require the involvement of many kinds of producers, elicit many kinds of responses, and serve a variety of social needs” (9). The social need in this case
was to both question aspects of human judgment and reaffirm ideas of final heavenly justice and the dignity—if also flawed—of human justice and institutions. York was a judicial center that often housed the Exchequer, Chancery, King's Bench and Common Pleas (Tudor York 41). The city also periodically hosted the court of the King's Bench, and later in the century York became the seat for the King's Council in the North (1484) (Reid 504). Certainly the city of York had strong ties to royal judicial administration. York was also the site of competing secular and ecclesiastic jurisdictions. Pageants that referenced and explored contemporary law and society seem especially apt for this town and a further reason to continue to perform pageants which created and explored ties between the earthly justice of York and divine justice. As Mary Carruthers notes in The Book of Memory: A Study of Memory in Medieval Culture, “where literature is valued for its social functions, works . . . provide the sources of a group’s memory and create a “textual community.” Literary works, oral or written, “become institutions as they weave a community together by providing it with shared experience and a certain kind of language” (13-14). The institution of the York Corpus Christi procession and play created a shared experience and language of, among other things, the law and justice. They mapped onto the city ideas about earthly and divine judgment and did so for a very long time.
Glossary

**Assise:** A session of a court charged with the deliberation and disposition of civil actions (esp. actions concerning land tenure and imprisonment); the deliberations of such a court (the gathering of evidence, the hearing of the plaintiff, the defendant and the witnesses before a jury, the rendering of decisions); *Theol.* The court held by God at the end of the world to assess the merits and the transgressions of all of mankind and to pass judgment upon the souls; the Last Judgment (see Middle English Dictionary, “assise”).

**Barratry:** This type of speech crime was first noted in the 13th century and constituted an upper-class offense in which nobles clogged the royal courts with frivolous lawsuits. Barrators’ weak cases were seen to be subverting the courts as their attempts diverted royal judges from administering true justice. By the fourteenth and fifteenth centuries, barratry had expanded to encompass many types of trouble-making—including rioting—and trouble-makers, and was prosecuted at the local level.

**Burgage tenure:** the rent that paid for (usually) a house and plot of land in a town. The land was owned by the king or a local lord.

**Carlyle axe:** a large axe

**Cas:** law case

**Cause papers:** paper records of cases heard in ecclesiastical courts.

**Chancery court:** court headed by The Chancellor (as royal deputy) which addressed cases that were not adequately addressed by common law.

**Commissary court:** lower-level ecclesiastical court (consistory court was the higher-level court); pleadings were given aloud (as compared to consistory court, where lawyers pleaded for clients); trial was between judge and litigants (Wunderli 10).

**Consistory court:** higher level ecclesiastical court; a more formal court that involved the use of court lawyers, and pleas and legal actions were written; procedure “followed an intricate course devised by medieval academic proceduralists” (Wunderli 8).

**Compurgation:** form of judgment in which the defendant swears and oath that he is innocent and produces a set number of compurgators (co-swearers) to swear that they believe his oath.

**Defamation:** speech crime generally tried in ecclesiastical courts in this period. Words spoken in public against another accusing him/her of criminal behavior such that the person’s reputation suffered measurable harm could result in a defamation suit.

**Ex officio:** from the office; a case in which the bishop summoned a transgressor to court.
**Fergus:** story of the Virgin’s funeral; Fergus is a Jew who attempts to knock down Mary’s funeral bier and finds his hands becomes attached to it.

**Franchise:** Freedom (as opposed to servitude), the social status of a freeman (whether by birth or by manumission); spiritual freedom; esp., the privileged state of Adam and Eve before the fall; the right to land, property, rent, income, etc.; exemption from a tax, a service, etc.; jurisdiction over courts of law, etc.; the right to buy or sell; also, the right to exclude others from buying or selling, a monopoly; the privilege of living in a place; right of sanctuary; also, a place where criminals may not be arrested; any of the privileges (e. g. that of electing a mayor) granted to a city or town; a spiritual privilege or benefit; the total body of rights and privileges claimed by: a people or nation; the Church in general; or, an individual church, a monastery; the corporation of a city or town (Middle English Dictionary, “fraunchise”).

**Guild:** the word has a rather wide semantic range—anything from a group “that clubbed together to pay for a light to burn on the altar of their parish church” to a religious brotherhood to a more powerful organization of merchants or of craft artisans (Swanson, “Medieval Artisans” 6–7). Guild was interchangeable with mistery, craft, trade, and occupation.

**King’s Council in the North:** late fifteenth-century administrative and legal body located in the north of England to increase government control of the area.

**Mala fama:** bad fame

**Mayor’s court:** “court of the mayor and aldermen described in the city custumal. It met in the Guildhall from day to day at their discretion; and dealt with matters touching apprentices, offences against the customs and ordinances of the city, the faults of victuallers and craftsmen and civic officers, nuisances, rumour-mongers, disturbers of the peace, forgers of seals and charters, and made orders for governing the city and keeping the peace” (Miller 76).

**Oyer et terminer:** “to hear and decide;” court that acted under authority of a royal commission from the king to his justices; the court looked into and judged treasons, felonies and misdemeanors as commissioned.

**Pageant silver:** money paid to support the guild’s pageant. It could come from yearly contributions from guild members and others who were not in the guild but practiced the craft; fees paid when a man became an apprentice; half of fines made for disobeying craft ordinances (other half went to the city) (REED I, xiv).

**Register:** official manuscript (1463–77) containing the Corpus Christi pageant texts; maintained by the city.
Searchers: guild officials for individual crafts who inspected goods for quality and for adhering to craft regulations.

Sessions of the Peace: courts presided over by justices of the peace (the York mayor would have been a JP) to judge misdemeanors; held four times a year.

Tenant in chief of the King: a person who held lands of the king.

Treason by words: a "novel and important" construction introduced by Henry IV and his judges. The crime seems to have consisted of “conspiring and imagining to raise a new insurrection with the intention of killing the king, his magnates and all his faithful subjects” (Bellamy, “Law of Treason,” 118).

Scolding: speech crime prosecuted locally; often women were the accused.

Worship: “worship” had some of the same connotations as our modern version (meaning to show honor, or bend down in honor of, or the state of being high esteem), it also could mean (as a noun) “honor” or “a person's social standing, status, rank; an office, official position; also, high rank, high office.” The pageants seem to use both definitions of the word; the “good angels” of “The Fall of the Angels” have no fear as long as they stay stable in thought and “worship” God (l. 63), while Lucifer feels himself to be “worthily wroghte with wyrschipp” (l. 81), which seems closer to the definition of high social status (Middle English Dictionary “worship” (v) and worshipe (n)).
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