

**‘SIR YE BE NOT KYNG’: CITIZENSHIP AND SPEECH IN LATE
MEDIEVAL AND EARLY MODERN ENGLAND***

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Running head:

CITIZENSHIP AND SPEECH

Abstract:

Few would argue against the intimate relationship between citizenship and speech in early modern England. Historians of political thought and literary scholars have explored the cultural and political impact of the English Renaissance, which turned subjects into citizens and which produced a learned, humanist, and oratorical model of citizenship, centred upon the virtues of the ‘articulate citizen’. But the English Renaissance did not give birth to citizenship. There was an older, vernacular, civic-based concept of citizenship, which was grounded in social practice rather than in intellectual tradition. This citizenship was shaped by multiple, competing, and conflicting impulses: inclusive, yet exclusive; participatory, yet discriminatory; a mixture of rights and duties. Speech both exposed and amplified these different senses of citizenship: who could speak and act against authority, and were there limits on what citizens could say and do? The tensions between urban citizenship and speech persisted throughout the late middle ages and into the early modern period. Local power struggles about the nature of civic authority helped to define ideas of citizenship and of free speech.

In 1615 the mayor of Plymouth disenfranchised one of the town's burgesses. Divested of his freedom, the burgess was no longer to enjoy the exemptions and privileges that pertained to the freemen of the town.¹ His crime was offensive language, which he had aimed at a number of Plymouth's mayors over several years. The burgess, James Bagg, had made no effort to conceal his contemptuous remarks; they had been spoken 'openly and publicly', and 'openly, publicly, and with a loud voice', in numerous locations, mostly the town hall. Turning his bottom to one mayor in August 1611, he had told the chief magistrate, 'uncivilly, with a loud voice ... "Come and kiss"'. Coarse and scatological though they were, the words nevertheless signalled a more considered and sustained politics. The burgess had a history of outspoken comments. In May 1608 he had asked a mayor, "'You ... are some prince, are you not?'" In comparing the mayor to a sovereign ruler, the burgess's tone was sarcastic – he patently did not think that the mayor was as powerful as he liked to believe – but the insinuation cut deeper. Monarchical pretensions were not only delusional, but illegitimate. His ire was trained specifically upon the royal charter granted in 1601, which made the outgoing mayor a justice of the peace, alongside the incumbent mayor and the town's recorder, and which could be seen as an extension of urban oligarchy.² The disenfranchised burgess was alleged to have said, on multiple occasions and to 'divers inhabitants of the borough', that he would "'overthrow and make void the charter'". His speech acts, impelled by an active and disputatious idea of citizenship, were a protest at the exercise of oligarchic power.

The burgess won his case – and his civic freedom – before the royal court of King's Bench. The judges concluded that the dispute boiled down to two questions.³ The first was whether his insulting words were disrespectful and discourteous; the second was whether they infringed his obligations as a freeman of Plymouth. Had he

behaved in a way that was inimical to ‘his loyalty and faithfulness’ (*son loyaltie et fidelitie*) as a burgess and that was detrimental to ‘the public good’ (*le bien publick*) of the town and of its privileges and franchises? In short, what was at stake was whether the Plymouth burgess had broken the oath that he had sworn on becoming a freeman. The judges decided that the injurious language was ‘against good manners’ (*contra bonos mores*). However, his speech was found to be ‘not against his duty either as a citizen, alderman or burgess’.⁴ Abusive words said by one member of the town’s civic corporation to the mayor were socially unacceptable, but they were insufficient cause to ‘remove or depose him’ (*remouer ou deposer luy*) from his place as a freeman.

Practical concerns lay behind the judgement. Chief Justice Sir Edward Coke and his fellow judges drew a fundamental line between words and deeds so as to declare that, if a freeman could lose his civic status merely for wishful thinking and for what he might say, then even ‘the best citizen or burgess’ could suffer this fate and ‘faction and contention’ would arise ‘in cities and boroughs’.⁵ The judges were also of the view that Plymouth’s governing elite had acted without due legal process. Coke referred to chapter twenty-nine of the 1225 text of Magna Carta, which he interpreted as the right of a defendant to a fair trial, where he could respond to the charges levelled against him.⁶ Coke stated further that the burgess’ invective against Plymouth’s 1601 charter was motivated by loyalty, not by disobedience. New charters ‘merit no special treatment under the law’ (*deserve nul favor in loy*), he said, because, like new courts and new fees, they subverted ‘the public weal’ (*le weale Publick*). None of this should surprise. The legal discourse and judgement reveal the operation of Coke’s common law mind, which valued custom over novelty, which equated the administration of law with the promotion of the public good, and which held the common law to be superior to other sources of authority.⁷ But what stands out, in both

the printed and manuscript law reports of the proceedings, is the court's empathy for the 'fractious' quality of urban politics. The judges, as Chris Brooks observed, 'were clearly aware that the case raised the question of how dissent might legitimately be expressed within a corporation'.⁸

This article explores the problem that Coke and the other justices of King's Bench had to resolve in order to complete their judicial review: what was the connection between citizenship and speech? The trouble in Plymouth exposed conflicting answers to this question. The mayor and his brethren regarded the burgess' speech as contrary to the tenets of urban citizenship and as a challenge to good governance. The judges came down on the side of the burgess to defend the freeman's right to speak out against the civic authorities. In fact, in framing speech in terms of the freeman's oath of loyalty and fidelity to the mayor, the justices were close to implying that it was a requirement, as well as an entitlement, of the good citizen. This fluid and contestable character of citizenship, and its relationship to speech, is the focus here. In approaching citizenship from the vantage point of speech acts which, like the dissenting words of the Plymouth burgess, could be considered indecorous, but not illegitimate, the argument is that competing notions of citizenship were reflected in, and constituted by, struggles over speech. Speech offences testify to the presence of inescapable tensions within urban citizenship. There were potential internal contradictions in the freeman's oath. But it was the dense social world of English towns that brought into sharper focus the complex identity of the citizen, and it was social proximity – in both a literal and metaphorical sense – that provided the conditions, and the stimulus, for citizens to speak out against erstwhile neighbours who governed them.

This argument about the symbiotic relationship between speech and civic identity has a wider importance. Ever since Patrick Collinson conceived of the Elizabethan polity as a ‘Monarchical Republic’ – that is, ‘a republic which happened also to be a monarchy’, whose inhabitants were ‘citizens ... concealed within subjects’ – the relationship between citizenship and speech has been of special interest to historians of early modern England.⁹ The intellectual roots of quasi-republican sentiments have been traced to the appearance, in sixteenth-century England, of a mode of citizenship that was learned and humanist, nurtured in the classically-inspired curricula of the new grammar schools. Political historians have demonstrated how education in classical humanism encouraged England’s political elites to see themselves as virtuous citizens, who were committed to public service and who were able to deploy their training in rhetoric and eloquence for the commonwealth.¹⁰ Towns were a local setting in which new ideas about citizenship and speech took hold. They absorbed the classical precepts of civic humanism, embraced the cultural norms of decorum and civility, and cultivated the Ciceronian ideal of the articulate citizen, a personification of honesty and wisdom, whose conversation was civil and discreet, moved by reason and moderated by self-control.¹¹ Intellectual historians have opened up the subject through their attention to the ways in which a new model of citizenship that was perfectly compatible with monarchy could yet entertain anti-monarchical ideas.¹² And literary scholars have suggested that humanist values crystallized the increasing friction between the English parliament and the crown around the issue of freedom of speech, the right to which was claimed and enacted in the House of Commons in the first three decades of the seventeenth century. Ideas of free speech did not emerge seamlessly out of parliamentary conventions, but from the self-conscious emulation of the classical virtue of *parrhesia* (free speech).¹³

This article, by contrast, argues for the existence, before the cultural changes of the sixteenth and seventeenth centuries, of a late medieval, vernacular citizenship, which was urban-based and which was grounded in social practice rather than inflected by classical tradition. This urban citizenship had contradictory tendencies, which continued to animate town politics from the late middle ages through to the early modern period. It was as much a source of popular empowerment as a form of magisterial control. The 1615 episode in Plymouth can be seen as a moment in a much longer history of vigorous debate about the definition of citizenship and the nature and limits of citizens' speech, the repercussions of which would be felt beyond the town walls in the seventeenth century.

I

The meaning of urban citizenship was inherently ambiguous. On the one hand, the acquisition of citizenship was a voluntary act and a personal choice, determined by the citizen's own free will.¹⁴ Citizenship was actively obtained through a process: it was inherited, purchased, or attained at the end of an apprenticeship. Citizens and burgesses – technically, citizens in cities, and burgesses in towns and boroughs – were the enfranchised heads of households and workshops, and they were almost entirely men.¹⁵ On the other hand, if citizen status was neither compulsory nor universal for town residents, an individual could become a freeman only after he had sworn an oath before the town government. The oath could not be avoided in any circumstances, even by those seeking the civic freedom through inheritance.¹⁶ In Bristol, where daughters and wives of burgesses might be carriers of privileges transmissible to, and inheritable by, others, a man who married the widow of a Bristol freeman was fined 2s. in the early 1530s because 'he opynd his or [i.e. before] he was sworn'.¹⁷ He had

committed the mistake of opening a shop – the hallmark of the urban freeman, since only citizens could start a business to sell their goods freely by retail –¹⁸ before he had made his vow. The oath was comparable to other kinds of promissory oath, which were ordinarily sworn upon the Gospels.¹⁹ The words ‘so help me God’, or a variant of the same formula, were the customary conclusion to the citizen’s oath, by which he made his formal entry into the civic franchise. Citizenship was at once optional and binding.

The oath itself was a reflection of the ambivalent relationship between the individual and the collective, a relationship which was central to the tradition of corporate citizenship. The city was an artificial creation: a plurality of individuals, but also a community that was something greater, and more abstract, than the sum of its parts, to which citizens had to be encouraged to pay their allegiance. When Norwich’s common assembly discussed the election in 1483 of one of the city’s MPs, who was not yet a freeman of the city, the decision was made that he should swear his oath ‘to be a citizen and to become part of the body of the city’.²⁰ Townspeople were accustomed to think of their political community through the naturalizing metaphor of the body because the opposite was true. The oath helped the citizen understand that through the labours of his own body, he would serve the urban body politic; the personal and the collective, the human and the artificial, were indivisible. ‘I xal [i.e. shall] from this day forward y^e fraunchise and liberties of this Cyte of Norwich mayntene and sustene’, with ‘my body and goodes’, the freeman declared.²¹ In fourteenth-century Bristol the burgess was to do all he could to aid the town (*la ville eyderay a mon poair*).²² The oath was an admission that urban corporate life was inherently difficult to maintain. Cohesion had to be manufactured.

The relationship between the person and the corporate personality of the town was uncertain because the organic metaphor had several connotations. The civic body could be imagined in purely hierarchical terms. The fifteenth-century London oath, which began with the promise to be ‘good and trew’ to the monarch, and then with a pledge of obedience ‘to the Mayor & to the minystres of this Cite’, was typical.²³ If the words were a reminder that the independence that English towns enjoyed was never total, and that an urban citizen was also a royal subject, the coupling of monarchical and mayoral power could embolden civic magistrates. At the Coventry leet court in Easter 1494, the city’s rulers proclaimed that ‘vnyte, concorde, & amyte’ were the principal goals of ‘all Citeez & Cominalteez’; few would have disputed this premise. But civic harmony was to be achieved through the dispensation of justice and the ‘pollytyk guydyng of þe same’; in other words, from the guidance and governance of those in positions of higher authority. No one was to be ‘oppressed’, but ‘euery persone’ was to be ‘contributory’ to ‘euery charge’, so far as he was able, because it was ‘for the welth & worship of the hole body’.²⁴ Citizens were to perform their civic duties, but at least they would have the satisfaction of knowing that the charges to which they were liable were for the common good. And yet, were the citizens of Coventry, or for that matter the freemen of London, who swore to be ‘Obeisaunt & obedyent’ to the mayor and his colleagues,²⁵ really willing to accept that they were subjects of the civic government within the city, in the same way that they were subjects of the king outwith the city walls? The metaphor of the body, implicit in the freeman’s oath, gave them grounds for thinking that the exercise of corporate power should be different.

The civic body might need a head, but self-government demanded rather more from the citizens than the passive acceptance of, and compliance with, commands

delivered by the town council. In fourteenth-century Bristol the burgess was not only to maintain the king's peace in the town; he was to do all in his power (*a mon poayr*) to restrain felons, malefactors, and disturbers of the peace.²⁶ The well-being of the town was dependent upon the active participation of all freemen. The fifteenth-century London oath conveyed the full extent of this inclusive notion of citizenship, in which every citizen was to contribute equally: 'Ye shalbe contributory to al maner charges within this cite as somons, watches, contribucions, taskes [i.e. taxes], tallages, lotte & skotte, and all other charges bere your parte as another freman shall.'²⁷ The London freeman was to subject himself to the mayor's commands, but he was also to keep the peace, pay tax, and be ready to hold office. These last two requirements were the essence of citizenship: to be in 'lot and scot'.²⁸ In the Norwich oath, the citizen gave his word that he would 'truly paye myn taxes and my talliages, alle offices to y^e which I xal be chosen, them and iche of them accepten dilligently and non refusen'.²⁹ Without the assistance and cooperation (personal, political, financial) of the citizenry, the corporate body would wither and die. Mutual responsibility, equality, and political engagement were not necessarily antithetical to the values of hierarchy and social order, but there was no dominant set of ideas or dispositions within the oath of citizenship.

The problem was that, in trying to unite hierarchical and participatory models of citizenship, the freeman's oath actually generated further questions. It situated the new freeman, who was also a householder and an employer, in a power structure that was organized vertically and that stretched from the household and the workshop to the civic government and to the crown. Simultaneously, it elevated the citizen into membership of the corporate body of the city, a single community of enfranchised freemen, within which there was no differentiation. Having taken his oath, the

freeman became a *conclivis* or *comburgensis*, the prefixes indicative of a common fellowship.³⁰ But the emphasis upon civic duties, while essential to the operation of town government, was only to lay the seeds of new fields of conflict: around the relationship between interdependence and reciprocity; and about the basis of civic authority. First, what did the citizen expect to gain, if anything, in return for swearing his oath, the substance of which suggested that citizenship was but an inconvenience, an endless series of public services from which it was not easy to escape? The trade-off between what one gave and what one received was not immediately obvious. In Bristol the new burgess was knowingly ‘neither to buy or sell nor work against the franchise’ of the town; what was left unsaid was that the burgess alone had the freedom to buy and sell in the retail trade without restriction.³¹ The oath contained only oblique references to the special claims of citizens; it did no more than hint at the particular liberties that they might possess and assert. Secondly, if office-holding was the singular burden of freemen, if it was from the citizenry that office-holders were to be selected, and if civic magistrates could present themselves not only as a ruling authority, but as ‘also citizens and members of the community of the city’,³² what separated town leaders from other citizens, and why should their word be obeyed?

The issue of speech was emblematic of these dual tensions within citizenship: the thin line between rulers and ruled; and the balance between duties and rights. The freeman’s oath in most towns included a clause about speech. The Bristol burgess was ‘to conceal the secrets of the town’ (*celerey le counseyl de la ville*); the oath of burgesses of the east Riding town of Beverley had an almost identical stricture.³³ The wording of the clause in the late fifteenth-century oath of the citizens of York was exhortatory and admonitory, not empowering and enabling: ‘The counseyle and privatez of this sade Citie ye shall kepe.’³⁴ Citizens could be defined through the

absence, rather than the presence, of speaking. Citizens were to hold their tongue; they were not to speak freely outside the town hall. The obligation to keep quiet was fundamentally a means to protect and impose the authority of civic governors.³⁵ But the duty of silence was predicated on the unstated assumption that citizens could be defined, more actively, through the prerogative of speech. Urban freemen were not to disclose confidential information; the secrets were the conversations and deliberations of the town council to which they were privy. When in 1430 the citizens of Canterbury compiled an itemized list of twenty-three ‘privileges and benefits that freemen of Canterbury have, more than others who are not free of the same city’, the very first of these corporate liberties was ‘that freemen may come to the council of the city and there speak and be heard, whereas others must keep away or be put out’.³⁶ To speak was to be a member of the political community of the city. It was the meaning of political participation. It was, as the Canterbury citizens made explicit, an exclusive right that was denied to others.

Silence and speech could be conceived as two sides of the same coin for citizens. Both were markers of their status as privileged insiders rather than outsiders within the urban community. A York ordinance in 1364 ‘against the disclosing and revealing of counsel’ had in mind not only the councillors, but other officers, ministers and ‘concitizens’, who were not to divulge ‘þe counsailes and preveties of þe said citie’, about which they themselves had ‘spoken and tretyd’.³⁷ But if there was no inevitable contradiction, these two modes of behaviour were evidently not the same. Speech could be thought of as an entitlement or as a responsibility; an active right or an act of self-denial; a method of inclusion, but also of discrimination; a source of agency and an object of regulation. The relationship between speech and civic identity – like the nature of citizenship – was thus complex and open to debate.

II

The spatial environment of late medieval towns created the social conditions within which the ideological tensions in the freeman's oath were aggravated and exposed in speech. To be sure, cities depended for their growth upon the influx of newcomers from the countryside, and the social implications of migration and mobility did not go unnoticed. It was easy to lose oneself in a city. Such disorientation is vividly present in the fifteenth-century Middle English poem, *London Lickpenny*, where a ploughman from Kent finds himself confused by the hustle and bustle and deceived by the rampant consumerism of the metropolis.³⁸ Implicit in the satirical verse of *London Lickpenny* was the idea of a prelapsarian rural idyll, which was untarnished by the anonymity, immorality, and superficiality of urban culture. Yet these contrasting depictions of the country and the city were, of course, literary conceits and rhetorical tropes.³⁹ Towns were characterized by their crowded living arrangements, where houses were closely packed together and where population densities surpassed those of some modern cities.⁴⁰ They consisted of smaller, face-to-face communities, of parish, ward, and neighbourhood, in which much of daily life was conducted in public, through the personal media of speech and gesture, and in which people knew each other's affairs.⁴¹

The topography of English cities was not determined by social zoning to any great extent; rich, poor, and middling sort lived and worked cheek-by-jowl.⁴² As a result, members of the civic elite were not remote figures, physically isolated, behind moated manor houses and crenellated towers, from the townspeople they governed. Their tenements tended to be more substantial and more visually impressive, configured around an open hall that was, from the fifteenth century, used chiefly for

the purposes of entertainment and social display;⁴³ but they occupied the same urban space and travelled regularly around the city on municipal business. Likewise, there was no official base for the mayor or for the sheriff. The town hall was a centre of political authority, but unlike a castle or palace, it was a public building in which those with power did not live.⁴⁴ On his election to office on 15 September, before his formal swearing in at the end of the month during a ceremony in the Guildhall, the mayor of Bristol was given two weeks to transform his modest urban domicile into something more noble. Authorized to requisition provisions for ‘his worshipfull householde’ and to make ‘the honourable apparailing of his mansion’, the mayor’s house was to take on the appearance of a seigneurial dwelling, from which he was to offer a commensurate hospitality.⁴⁵ In London the same was expected of the sheriff, and the painting and decorating of hitherto private dwellings must have been a pretty common sight in English towns around the start of the civic year. A Londoner’s refusal to ‘paint his howse nor chang it’, having been elected to the office of sheriff against his wishes in the 1540s, was significant and unusual enough to be recorded by one chronicler.⁴⁶ Redecorated and refurbished, the mayoral seat was identified as a site of authority, which did not separate its owner from the populace: it made him even more accessible.

Paradoxically, urban elites worried that this habitual visibility and familiarity rendered civic authority invisible. The actions of two sheriffs of York who, it was claimed, routinely walked ‘publicly’ through the streets of the city during their year in office, unaccompanied by their mace-bearer and other members of their household, forced the town council to publish an ordinance in 1419 forbidding such practice. All occupants of the shrievalty were now to be escorted by a ceremonial convoy, whenever they travelled within the city, ‘so that they can be known as sheriffs by

other men'.⁴⁷ In 1500 York's mayor and aldermen felt compelled to recall this 'auncient ordinaunce', when they learned that one of the sheriffs had, in the course of his official duties, left his own house without the paraphernalia of office. This was contrary to the edict that a sheriff 'shall not go openly in the strete without one beryng a mayce tofore hym'. The sheriff was summoned to explain himself.⁴⁸ The argument that, where a government's coercive power was weak, authority had to be projected and performed, in order to be effective,⁴⁹ was especially true in towns. It was not simply that civic office-holders, in contrast to rural elites, lacked the human resources – the tenants – that came with the possession of land and that could be deployed to reinforce commands.⁵⁰ More to the point, they were themselves citizens, and they lived alongside other citizens. They were vulnerable to the challenge that they were of the same status as the townspeople they ruled.

The openness that is associated with the face-to-face society did not lead to consensus, conformity, and cooperation in late medieval towns. While all types of community were marked by enmity as well as commonality, officials encountered physical and verbal confrontation in towns precisely because the experience of authority was direct, personal, and immediate. The procession of the mayor and aldermen of London to St Paul's cathedral to attend church services on the feast of the Epiphany in January 1514 induced a brewer, watching events from the side-line, to say of one of the passing aldermen, 'ther goeth a starke chorle as goeth lightly'.⁵¹ When the London mayor in January 1519 undertook his customary role each winter to set the prices of billets and faggots sold down at the wood wharves for the benefit of the 'pour people' of the capital, a citizen rebuked him and told him that he should not manipulate the price of his wood. Incensed at what he saw as the double standards of the city's rulers, the wood seller advised the mayor to return home and to 'sette a

price of his fures' and instructed one of the sheriffs, who escorted the mayor, to hurry home to 'sell his wyne'.⁵² Illicit words were said 'openly' and 'publicly',⁵³ before 'very many people', 'in the presence of very many faithful people', and 'in the presence of many persons',⁵⁴ in a variety of locations, whether the town hall, a craft assembly, a marketplace, a street, all of which were sites of public gathering. These urban practices of assembly did not engender the good manners and the respect for one's superiors – the civility – that John Stow tendentiously attributed in his *Survey of London* to the 'nearenes of conuersation' characteristic of the early modern city.⁵⁵ Social interaction had the opposite effect.

In the fourteenth, fifteenth and into the sixteenth centuries, acts of verbal transgression were most frequently described in civic records as the speaking of 'opprobrious words' (*verba obprobriosa*).⁵⁶ In its literal meaning, opprobrious language was speech that impugned the probity and integrity of the victim. It was defamatory because it took away the good fame (*fama*) of the individual before other people; it injured a person's reputation.⁵⁷ A demonstrably agitated mayor of London, when faced by a butcher in the Shambles in December 1517, urged his opponent, 'take good hede what thou seyest to me here in the open strete', all too mindful of the prospect of a public audience in a part of the city where people were accustomed to congregate.⁵⁸ In Leicester, in 1300, a man was said to have 'insulted' one of the town's tax assessors in the marketplace with 'extraordinary words', which 'defamed him among the good and the great' (*apud bonos et graues*).⁵⁹ Such words were by their very nature untruths that demanded a public apology in order to remove the blemish upon that individual's good name. Words said had to be unsaid.⁶⁰ When the London draper, Robert Cristendom, confessed to speaking falsely against a former mayor in 1417, he had to make verbal reparation. He had to take back what he had

said and to make amends ‘by means of cancelling those words’ (*per resolutionem istorum verborum*).⁶¹ But what was said, and why was it so objectionable? On what grounds was citizens’ speech deemed to be defamatory?

Whatever the immediate circumstances and motives that prompted them, the choice of opprobrious words was determined by much more than personal animus. First, in ignoring the expected distinctions of hierarchy and status, either through the omission of words of esteem, or through the inclusion of words of informality, defamatory speech against persons of authority did not only devalue individual worth; its impact was collective, because honour was a group trait that differentiated the urban ruling class from the wider community of freemen. The title of *probi homines* was an appropriate group description for civic elites: they were the ‘good’ men, the ‘worthy’ men, whose wealth and wisdom went hand in hand and whose shared moral attributes legitimized their power.⁶² Reputation gave the *probi homines* their collective solidarity and moral superiority, upon which popular acquiescence to their rule was contingent. They claimed a right to respect. When George Sutton, a Canterbury glazier and freeman, was sent to the town gaol in 1500, his crime was having uttered ‘opprobrious words within the city against the honourable men of this city’.⁶³ One may suspect the existence of private grievances, but the clerk’s laconic and summary reportage did not efface the underlying, destructive power of such speech. Secondly, and most importantly, there was a language of civic insults, which was employed by citizens to contest issues of civic governance.⁶⁴ Living amidst their rulers, urban freemen could, through a one-sided reading of the freeman’s oath, imagine the urban polity as a community of equal citizens, where office-holders ruled on a temporary basis, and where power was conditional and negotiable. These

sentiments were constitutive of an ideology that might be termed republicanism *avant la lettre*.

Citizens' speech expressed a pluralist conception of power within cities, where to be mayor, for example, was not always to be the ultimate arbiter in civic affairs. When a sheriff of York went to fetch Nicholas Walker from a local drinking house in 1418, Walker told the officer that he would not have left the tavern, even if the present mayor or one of the mayor's illustrious predecessors had come in person to compel him.⁶⁵ His verbal offence was not only his flagrant disobedience of a civic summons, but his suggestion that the leadership of the city belonged to one other than the current mayor.⁶⁶ In 1485 Coventry's recorder, Henry Boteler, was reported to have 'said that he had as gret power as had the Mair'.⁶⁷ Boteler's high self-regard could be explained by his success against a local landowner in a legal suit about the enclosure of common land south of the walled city, but, in asserting his own credentials as a superior locus of civic authority, his presumptuous statement was taken to strike at the office not the person of the mayor. It was to the 'gret Reproche and gret dishonour of the meralte [i.e. mayoralty]'.⁶⁸ One of the 'many sayings' (*plura dicta*) attributed in October 1443 to Ralph Holland, a London tailor, was a patronising lecture to the new mayor that, if he wanted to get anything done within the city, he should speak to him first and give him warning of his intentions, 'because he is more powerful' (*quia ipse plus potest*).⁶⁹ However unconvincing Ralph Holland's brazen confidence, contemporaries recognized the elasticity of power within towns, where power, that is, the ability of a regime 'to get people to do what it wants, whether or not *they* want',⁷⁰ extended far beyond the formal parameters of office.

Wealth was the usual source of political power in towns. The connection was formalized in London in 1469, when the court of mayor and aldermen ruled that

aldermen, from whose ranks the mayor was appointed, could not be admitted to office unless they owned goods and chattels amounting to £1,000.⁷¹ Peter Pekham, a London freeman, taunted John Tate, the alderman of Tower ward, a few months later with the jibe that ‘he was as good as John Tate and had £1,000’.⁷² Pekham was drawing upon, and subverting, the belief that rule by the rich was justifiable because they were the more honourable and virtuous; economic inequalities were linked to relative moral worth.⁷³ But Pekham, although he professed to have the financial means, was not an alderman. This was his point, and this was why his words stung so much. They unsettled the whole governing class because those who held office were not necessarily the most powerful people in the city.

The gap between official decree and actual execution was a fertile field for dissident speech. Financial and legal officers, operating under mayoral authority on the streets of a city, were a frequent victim.⁷⁴ Tax officials were reproached because of the unpopularity of their work, which was to wrest money from sometimes unwilling citizens, but they, and other relatively minor civic office-holders, were singled out for abuse because citizens were quick to grasp the limited resources at their disposal. When the macebearer of one of the sheriffs of London went to a tailor’s house in Fleet Street in 1453 to collect a fine, the tailor replied that he would not pay it. The macebearer asked for an explanation of his obstinacy, but the tailor declined to offer a reason. When the sheriff’s official said that he wanted to seize the citizen’s goods for the unpaid fine, the tailor’s retort was that the officer did not have the power to do so without the presence of a constable.⁷⁵ Why should the word of a mere macebearer be obeyed? Although he might carry a mace as the sign of his office, it was but a symbol. He might exercise legitimate authority, but he did not have the power to make a recalcitrant citizen do something against his will.

The constraints of office enabled such talk. In 1355 a London vintner declared that, “if he could only catch the said Mayor outside of the city”, then the Mayor “should never return to the City alive”.⁷⁶ Past the city walls, the mayor was impotent. If civic authority was geographically circumscribed, it was also impermanent. Continuity was an illusion, perhaps best represented in the image, which adorns the late fifteenth-century civic customal of Bristol, of the inauguration of the town’s mayor, who swears his oath of office upon a Bible held by his predecessor.⁷⁷ Office was generally elective and power-holders were vulnerable to rotation and replacement. John Sponer, York’s macebearer, who came before the town council in 1477 to account for money that was outstanding to the city treasury, delivered a brusque assessment of the mayor’s tenure. He maintained that he was the worst mayor the city had ever known and that he had deprived him of his living, but he looked forward to a new year: “I trust to God to have a better lorde next yere to bere me furth than ye shall have”.⁷⁸ In 1496 a citizen of Canterbury faced examination in the city’s burghmoot court because he was reputed to have said to the late mayor, Edward Bolney, that ‘though’ he was mayor this year, ‘ye shalbe Bolney the next yere’.⁷⁹ High office might ennoble its holder, exemplified by the practice in London and York to grace the senior magistrate with the official title of ‘Lord Mayor’,⁸⁰ but the honour was temporary. Horizontal relationships within the citizenry were more durable.

The entire urban space could thus be conceived as a neighbourhood, in which the social tie that bound together the body of freemen was that of neighbourliness. Citizens might not live next to each other or, indeed, occupy a property in the same street, but one’s ‘neighbour’ could be a fellow ‘citizen’.⁸¹ And although it might denote an equally privileged resident of a city, with whom there was a community of

interest, ‘neighbour’ could have more menacing connotations. The rhetoric of neighbourliness could communicate the ideal of social harmony and consensus; but it could have an abrasive edge, which conveyed the reality of conflict and division. To speak of a figure in the town government as a ‘neighbour’ was to indicate a social parity and equality that diminished his claim to authority. In July 1519 one Norwich citizen talked to another about the late mayor, Master John Mersham, who had been elected in May 1518. His stint had now ended and he was ‘oute of his roiall office’, so truly ‘he is as stark a knaue as any is of his neyboures’.⁸² The York baker who told the city’s mayor, “‘Man, the next yere I shalbe your neighbour’”, was speaking a painful, but commonly held maxim about the transitory nature of civic power.⁸³ The idiom of fellowship likewise could express a spirit of fraternity, but it was another of the keywords in the citizens’ arsenal to deflate and critique magisterial ambitions. A York citizen disturbed the burial of a former mayor of the city in 1503 with an admonition to the current mayor, ‘if ye do me wrong this yere I trust to be your felawe the next yere’.⁸⁴ The term ‘fellow’ was a synonym for ‘neighbour’, and the citizen’s message was uncompromising: the mayor might be able to commit offences unfettered, during office, but there would be a day of reckoning once the year was over, when the two men would be equals. That day was the third of February. A York baker was charged in 1539 with exclaiming to the mayor, in the mayor’s ‘owne house’, that “‘he might be mair no longer then Candylmes and then he wolde be evyn with hym’”.⁸⁵ Candlemas, the second of February, was the last day of the civic calendar year in York, and on the following day, the feast of St Blaise, a new mayor entered office. From the third of February, the baker and the old mayor would be indistinguishable. They were fellow citizens.

All who held municipal authority were supposed to be citizens. This principle of self-governance was set out in the founding charter of the Somerset town of Bridgwater. In the third quarter of the thirteenth century, in a communal initiative characteristic of urban centres across England in the late middle ages, the burgesses devised their own written constitution, which they authenticated and publicized with their common seal on behalf of ‘all the Burgesses and Community of the Borough’. The charter brought into being a new government of two stewards and one bailiff, who were to be elected annually ‘by us from among us’.⁸⁶ This was not a rule that towns later cast aside. In 1455 the mayor of Norwich informed the city’s common assembly that no one should hold office in the city or assume a place in the household of either the mayor or sheriff unless he were first a citizen (*nisi esset Conciuis Ciuitatis*).⁸⁷ The ramifications of this prerequisite were exposed repeatedly in speech infractions. In his observation in 1463 that one of the aldermen would very soon have his cloak taken from him, Thomas Ungle, the London carpenter, ridiculed the aldermanic custom of wearing an official livery.⁸⁸ The York citizen who announced to the mayor that, if he “‘had not the swerd tofore [i.e. before] hym””, he would have paid him little notice, implied that the mayor’s authority was reliant upon the accompaniment of a ceremonial sword.⁸⁹ Otherwise, it was not possible to tell the mayor apart from an ordinary citizen. Despite their asymmetrical political relationship, there were common social bonds between citizens and governors derived from residential and spatial propinquity, regular and personal interaction, and the corporate character of citizenship. Speech acts betrayed the conviction that the two groups were of one social condition.

Civic office-holders, who were prey to the vicissitudes of election and the uncertainty of appointment, lived among the people they ruled, in parishes that were

socially and economically mixed. They knew, at first hand, that the concept of authority was habitually undercut by the reality of power. And, in an environment where power was not always anchored to the tenure of office, there were multiple loci of power. This was the terrain in which a levelling language of citizenship flourished. When the Canterbury citizen came to court in 1496 because of his verbal disparagement of the mayor, who was but mayor for a year, the mayor bid the citizen leave his sight, a command to which the citizen countered that he had no such right: ‘Sir ye be not kyng’.⁹⁰ The insinuation was that peremptory behaviour of this sort could be tolerated in a king, but not in a mayor. To talk like a citizen was not to use a republican discourse in its absolute sense; urban citizenship was not anti-monarchical.⁹¹ Yet it did understand the difference between monarchical and urban constitutions.

III

Apprehension about the spoken word was shared by many different associations in the late medieval town, notably the guilds, where the Christian injunctions of mutual aid, charity, and friendship found a receptive audience. The message of brotherly love, social harmony, and peace spoke loudly to the absences and hazards that accompanied town life. Within a fluid and unstable society, where new arrivals sought to establish themselves economically, without the support of family and friends, social bonds had to be created anew. Business and trade were more difficult without financial credit, so townspeople had to gain the trust of creditors, and an individual’s trustworthiness was inseparable from his reputation. To obtain credit, trust, and a good reputation, artisans entered into several types of collaboration. Fraternities and craft organizations were a means for the establishment of trust and for the negotiation of work.⁹² Whether it was

quarrelling between brethren, chattering during guild assemblies, telling lies about a fellow member, or backbiting – all of which, under the influence of the thirteenth-century pastoral movement to widen and strengthen the faith among the laity, were classed as sins of the tongue –⁹³ the principal danger of speech among fraternities and crafts was that it could destroy the social cohesion and mutuality upon which trust was built.

Urban corporations had their own rules for the punishment of abusive speech against civic officials, which was contemptuous not only of their person, but of their authority.⁹⁴ In 1415 Winchester's council made a law that prohibited blasphemous and slanderous speech from the mouth of any 'fre ma[n] w[ith]in the libertye of the cytie', against past, present or future mayors, and other civic officers.⁹⁵ In the 1490s the mayor of Canterbury and his brethren made an 'acte' ('amonge theymsilf') that, should an inhabitant of the liberty of the city 'speke any wordes of obloquye slaundre and reprof' to a common councillor ('the xxxvj Burgeisez'), an alderman or mayor, and should he be found guilty in the city's burghmoot, he would pay a fine or face a long stretch of imprisonment.⁹⁶ More than sixty years earlier, Canterbury's town council had issued a similar edict against the abuse and slander of those holding civic office.⁹⁷ Laws against speech crimes were, in fact, as old as the towns themselves.

In the prosecution of illicit speech, London had recourse to a local body of custom and precedent, the memory of which was purposely maintained by the city's rulers to their own advantage.⁹⁸ In October 1514 the mayor and aldermen of London decided that a search was to be made of 'the olde presidentes for the punyshment of suche persones as haue had eny sedicious & obpropbrious wordes of eny alderman mair or Sheryff spoken in Reproche of theym or eny of theym'.⁹⁹ The English capital was not the only city where official anxieties about speech had a long history. In

York, in 1424, a citizen who had ignored a mayoral injunction to remove a house, which exceeded the line of his neighbours' adjoining properties, came before the city council to account for his obduracy. The tanner delivered 'many words of disobedience and opposition' to the mayor and councillors, for which reason he was ordered to pay a fine of £10, 'according to the ancient ordinance of the city decreed on this matter'.¹⁰⁰ No ordinance has been found, but the assertion of antiquity should not be dismissed lightly. In Bristol, in 1344, the newly-established common council was commissioned to scrutinize the town's 'customs and ordinances' of 'ancient usage'.¹⁰¹ Those intended for perpetual remembrance were codified, enumerated and inscribed in the opening pages of the new civic register, the *Little Red Book*. The very first of these thirty-five statutes treated the problem of unlawful speech directed towards the town's officers, who might be slandered by 'abusive words' in the course of their work.¹⁰² Bridgwater could not have been more dissimilar to London, Bristol and York. The thirteenth-century charter, which freed the town from seigneurial lordship, was a sign of uncertainty rather than confidence about the achievement of civic autonomy. Among the town's founding principles of social and political organization was the rule that no burgess should slander the bailiff on pain of a fine to the community.¹⁰³

This diversity of written documents attests an enduring and deep-rooted concern among town governors about speech. Opprobrious words collapsed the distinctions between rulers and ruled; their damage was structural, not personal. In turn, speech was punished to superimpose a hierarchical structure upon urban society: one that was sharply polarized and highly stratified. The London brewer, whose 'opprobrious words' resulted in his appearance in 1375 before the mayor and aldermen, had to be reminded by the court that 'all citizens ... are bound to honour, as

far as possible, their superiors and their Aldermen, especially those who have been Mayors'.¹⁰⁴ Citizens needed to be told that the social order was divinely ordained, that social inequality was God-given, and that illicit speech was a sin. Citizens were to 'confess' their offence (*confessus fuit; fatetur*) through a scripted apology and to seek absolution from the town government (*pardonatum fuit; pardonatur; condonatur*).¹⁰⁵ Their words made plain that they did not accept their inferiority; through punishment, they were to learn to know their place. The apology did not represent power relations; its purpose was to produce and impart them.

The public rituals of confession and pardon were to leave their mark upon the body of the wrongdoer, so that he might not forget or ignore their message. Confession was made habitually in a submissive pose. John Sutton, the London tailor who, in 1460 had used opprobrious words against the mayor and one of the city's aldermen, was reported to have given his admission of guilt 'humbly bending down and kneeling before the mayor and aldermen'.¹⁰⁶ The speaker had to genuflect and thereby contort his body into a position of vulnerability. Then, politely and deferentially, he had to speak a language of subservience to his governors, who were not just 'good men', but his 'good masters' and 'good lords'. The dual effect was to instil social distance and dependence. In 1477 the York citizen who, when questioned about the money for which he was accountable as the macebearer, had answered the mayor back with the derogatory comment that he wished to have a better mayor next year, was made to read out a text that was written for him, in the first person, 'in fourme following'.¹⁰⁷ The script was couched in a discourse of lordship that was self-consciously at odds with the civic discourse evident in popular speech acts. On bended knee, the York citizen swore an oath of obedience to his 'lorde the maire', 'my gude lord'. Scripted and formulaic though they were, these ritual performances of

officially sanctioned speech had a dialectical relationship with the examples of illicit speech that provoked them.

The physicality of the punishment also reflected an understanding of the material effects of speech, the injury from which was never merely verbal.¹⁰⁸ When Robert Staffertone, a London householder and citizen, insulted the alderman of the ward in which he lived in 1388, his crime was described as ‘a rebellion against his alderman’ (*rebellio contra Aldermannum suum*).¹⁰⁹ Opprobrious speech against town officials was an act of resistance. To guarantee his future good behaviour, the citizen who had uttered the offensive words was bound by a recognizance to keep the peace and to obey the mayor and aldermen, ‘both in word and deed’ (*tam in dictis quam in factis*).¹¹⁰ The judicial bond was an indication that illicit speech was a criminal offence and a breach of the peace. Its greater importance lay in the conjoining of the practices of speaking and doing.

In coupling words and actions, civic authorities sought to impress upon rebellious citizens that obedience was verbal as well as behavioural. It was not enough that citizens paid taxes, kept the peace, and complied with town decrees – as they vowed explicitly in the freeman’s oath – they had to refrain from verbal criticism of those who ruled them. And where the oath itself envisaged improper speech as the revealing of secrets, it was deployed to punish those who traduced a town official. Citizens could, therefore, be charged with perjury. In 1305 the two taverners of London, who were accused of slandering the collectors of a tax in the capital, were said to have acted ‘against their oath’. In the same year, another London citizen was indicted – but subsequently exonerated by a local jury – of ‘abusing the Alderman and collectors of the tallage’ in his ward, ‘against his oath as a freeman’.¹¹¹ Their crime was not the failure to hand over money – which, of course, they were compelled to

do, since the payment of taxation was a civic duty – but the verbal abuse that they directed at those who were making them pay. In 1469 Peter Pekham, the London citizen who had ‘used opprobrious words’ to one of the city’s aldermen, was said to be ‘thereby breaking the oath of obedience’ that he had sworn ‘on admission to the freedom of the City’.¹¹² In York, in 1512, a carpenter was ordered to renew his oath and to promise to be ‘of gode demeanour & report’ towards not only the alderman he had verbally attacked, but the town council, otherwise he would lose his citizenship and suffer banishment from the city.¹¹³ In the process of controlling the boundaries of acceptable and unacceptable verbal conduct, town governors extended the duties of the citizen.

This expansion narrowed the meaning of citizenship. There was an accompanying linguistic shift. In 1518 a London fletcher was commanded to appear in the fletchers’ hall, before an official group of two aldermen, the wardens, and the craft’s court of assistants. He was to concede publicly that, in defying his wardens, he had acted against the ordinances of both the city and his fellowship, ‘contrary to the good & due ordre of Obedience’ that was required of him. He had to swear that he would in future be ‘of a good Conformyte’ to his wardens, ‘as shalbecumme a good Citezen to be’, and that he would abide by the judgement made ‘by my lord mayre & my masters his brethern thaldremen’.¹¹⁴ The London citizen who chided the mayor at the wood wharves in 1519 that it was none of his business what price he charged for his wood, was then warned by a sheriff, sent to the scene to strengthen the mayor’s hand, that he should be ‘ordred & Ruled by my lord maire as good Citezen shuld do’.¹¹⁵ Conformity – behaving as others did – and compliance – doing as one was told, without demur: these were the traits of the ‘good’ citizen.

From another angle, to scrutinize and suppress speech was to canalize citizenship: to turn active, assertive citizens into passive, submissive subjects. The tensions *between* citizenship and speech were conflicts *within* citizenship. The discourse of ‘good’ citizenship was partial; it admitted the prospect of variance and exception. If there could be ‘good’ citizens, presumably there could be ‘bad’ citizens. The role of the ‘good’ citizen was in the eye of the beholder. The saying and unsaying of illicit words laid bare the contradictions between two impulses: one leaning towards equality, participation, community, and rights; the other privileging subordination, obedience, hierarchy, and responsibilities. Speech acts lay at the nexus of competing claims of citizenship by the local populace and by the local authorities. They defined different ideas of the citizen between the thirteenth and sixteenth centuries.

IV

To view medieval corporate citizenship through the prism of speech is to see, more clearly than ever, its multivalent and labile character. The story has not been of change over time. This conclusion has two implications for the study of early modern England. The first relates to the politics of the post-Reformation town and the second concerns the right of freedom of speech.

Interest in the political culture of early modern cities has been dominated, until relatively recently, by the paradigm of urban oligarchy.¹¹⁶ Phil Withington has offered the most sustained critique of ‘the remorseless “rise of oligarchy” of historiographical orthodoxy’ among sixteenth-century historians.¹¹⁷ He has shown that the influx of neo-classical ideas into the urban body politic did not move in one direction; that civic humanism embraced several political positions – the authoritarian and the

participatory – represented by Aristotelian notions of ‘civic aristocracy’ and ‘civic democracy’; and that the vernacularization of humanism helped to circulate ‘democratic’ attitudes and ideas within English towns. This acculturation encouraged urban freemen to resist the trend towards the more formal, institutionalized oligarchy of the later sixteenth and early seventeenth centuries.¹¹⁸ But the argument that the politics of the early modern town were shaped, to a significant extent, by an urban citizenship reinvigorated by an Aristotelian lexicon rests, at least in part, upon an assumption that citizenship was in need of renewal. Urban historians might find greater continuity than novelty in the terms with which oligarchy was consolidated *and* challenged once they recognize the potency and plasticity of an older concept of urban citizenship, which ideologically was open to multiple interpretations and which, in practice, was always entangled in the issue of speech.

Before the creation of an ‘English corporate system’ in the sixteenth and seventeenth centuries,¹¹⁹ there was the phenomenon of the ‘close corporation’, when town constitutions were remodelled to make civic government more hegemonic and self-selecting.¹²⁰ On 1 February 1490, just at the moment when a petition to reduce the power of the freemen at large to elect the town’s officials was going through parliament, Northampton’s mayor and his colleagues were gathered in the town’s guildhall. There they published a new crackdown on citizens’ speech.¹²¹ Northampton’s leaders were worried by direct speech: words that were said to the mayor, past mayors, or the mayor’s council of twenty-four; slanderous words that damaged their good name. The ordinance was composed in anticipation of opposition to the new civic constitution from the town’s burgesses. The oath of citizenship was invoked to close down the possibility of verbal dissent. No one was to become a freeman and to swear his oath before the mayor unless (‘but that’) he undertook, ‘w^t

all his power and diligens to be Justifiable to the meire and bailiffz of this toun'. To be 'Justifiable' was to be subject to the jurisdiction of the mayor and bailiffs, from which there was to be no appeal.¹²²

Ordinary citizens did not accept what they saw as a violation of their rights of citizenship. In 1495 the mayor and bailiffs of Northampton again turned to the crown for assistance. They received what was ostensibly a confirmation of the town's existing liberties, but what was in fact less descriptive than normative. Henry VII's view of the proper distribution of power within the town was in keeping, locally, with a magisterial notion of civic authority, but it bore little relationship to the reality on the ground.¹²³ The king declared 'There to be oon maire', who was the 'hedde gouvernoure and ruler', who served as his justice of the peace, clerk of the market, and escheator, and who ruled the town in the king's absence.¹²⁴ He went on to explain that freemen of the town were sworn on the Bible to be faithful and loyal to the king, and to be subject to the mayor and bailiffs. Freemen who were not obedient to the mayor, bailiffs, and the mayor's brethren, in spite of the assurance of their oath, were guilty of perjury. The mayor, during his year of office, was the 'kyngs Chaunceler'. Like the royal chancellor, therefore, he was able to use discretion in the exercise of justice. He was to deal with rebellious burgesses as he wished.

The internal political struggles triggered by the multiplication of royal charters of incorporation among English towns from the middle of the sixteenth century were marked by a similar dynamic between urban oligarchy and citizens' speech. In Jacobean Plymouth the town's purchase of the 1601 royal charter, which made the former mayor a JP, was the occasion of a burst of legislative activity – in 1602, 1605, and in the 1610s – concerning slanderous speech against the mayor, aldermen, and common councillors.¹²⁵ This was the charter that the Plymouth burgess, James Bagg,

had publicly decried and expressed his intention to ““overthrow and make void””.¹²⁶

The Plymouth episode, with which this article began, captured the continuing tensions between citizenship and speech, and between urban freedom and urban oligarchy, and the competing ideas of the ‘good’ citizen that heightened them both. Citizenship could incite dissent, but it could also insist on verbal obedience. It might empower citizens to voice their opinions directly in the face of authority, yet it might curb what they could say in the interests of authority.

Freedom of speech was thus at the paradoxical heart of a native tradition of urban citizenship. Early modernists have looked elsewhere for the crucible in which questions of free speech were debated: to institutions, such as parliament, rather than to towns. It was in parliament that citizens used classical exempla and precedents, and the verbal skills of rhetoric, eloquence, and persuasion, derived from rhetorical handbooks, to speak frankly and truthfully as counsellors of the king. There they also defended free speech as a guarantee of good counsel for the benefit of the commonwealth and as one of the essential ‘liberties of the subject’. Through the request of free speech and the practice of frank speaking, they developed a discursive strategy to discuss, oppose, and criticize, the crown’s policies.¹²⁷

Yet Sir Edward Coke, Chief Justice of King’s Bench in the early seventeenth century, who would become the leading spokesman in parliament on the liberty of the individual and a prominent opponent of the Jacobean regime, knew that there was another tradition of citizenship, and another context – neither parliamentary, nor literary – in which different conceptions of political participation and free speech were demanded and performed. So, too, it might be added, did urban parliamentary representatives, who formed the majority in the House of Commons. It was in towns that urban citizens had long asserted the right to speak and to be heard; this was a

fundamental, but not universal, political right, for to speak was to stake a claim to be part of the urban political community.¹²⁸ And the speech acts of urban citizens were inflected by a mode of frank speaking, which was neither decorous nor dissembling. It was prone to be direct in tone, adversarial in character, and disrespectful of place. It was both a form of personal contempt and a political critique.

In 1615 the justices of King's Bench had to decide whether the words of the Plymouth burgess were legal grounds on which to remove him from the civic franchise and to strip him of his freedom. This was the freedom that he could enjoy not as an individual, but by virtue of his place within the civic community as a holder of corporate citizenship.¹²⁹ But in considering whether there were – and should be – restrictions on what urban citizens could say and do against the mayor and the town council, the judges were engaging with far-reaching issues about the extent of personal freedom, the constraints of political speech, and the circumstances in which it was possible, even desirable, to criticize government. These subjects were of the widest significance in the early seventeenth century.¹³⁰ In discussing the case and agreeing on a verdict, it is difficult to imagine that the justices were not thinking about another constitutional debate: one that bore on the powers of the king. Sir Edward Coke noted to the reader of his printed account of the hearing that, 'in the argument of this case much was said to exhort citizens and burgesses to yield obedience and reverence to the chief magistrates in their cities and boroughs'. Their authority came from the king and 'obedience is the essence of law' (*obedientia est legis essentia*).¹³¹ To restore the Plymouth burgess to the freedom of the town – and to reverse the action of the mayor who had dismissed him – was to pose an awkward question: if the mayor could not disenfranchise a citizen for his words alone, was it unlawful for the king, whom he represented, to act in an equally arbitrary way?

In detaching dissent from disloyalty, the judges made another crucial intervention. Coke's colleague, Sir John Dodderidge, was of the belief that it was 'loyal for anyone of the corporation to tell the mayor that he was not doing well in his office', and burgesses had to be able to scrutinize the mayor's actions and to ask of him, "'Sir why doe y^s soe'", otherwise he 'could do whatever he pleased'.¹³² The liberty to speak freely was a defence against tyranny. Two things are striking about this legal opinion. First, the ability to speak directly and censoriously to the mayor was an entitlement of members of the civic corporation. It was an intrinsic right of citizens. Secondly, although the judges reasoned that the burgess' 'words of contempt' were 'against good manners' (*contra bonos mores*) and 'offensive' (*insolent*),¹³³ their conclusion that language might be uncivil, yet not un-civic, insulting, but imperative, was ultimately to praise this kind of frank speaking as a civic virtue. Free speech was associated with urban citizenship and with potentially slanderous words.

Citizenship does not have to be seen through a classical lens: to the city-based political world of ancient Greece and Rome, and to the rhetorical treatises and philosophical texts it produced. A learned, humanist, and oratorical model of citizenship never entirely replaced an older citizenship, which was embedded, locally and through day-to-day practice, in English towns. And it was in the kinds of local power struggles which continued to be played out in towns such as Plymouth in the early modern period that ideas about citizenship and free speech were forged.

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¹ For what follows, see the eleventh of Sir Edward Coke's published reports, printed in *The English reports*, vol. LXXVII: *King's Bench division VI* (London, 1907), pp. 1273-7.

² There is a brief note about the charter in M. Weinbaum, ed., *British borough charters, 1307-1660* (Cambridge, 1943), p. 26; but see also *English reports*, p. 1272.

³ For what follows, see Timothy Turner's report of the case: British Library (BL), Additional MS 35957, fos. 6v-7r.

⁴ *non contra officium suum quatenus est civis Aldermannus vel Burgensis*.

⁵ *English reports*, pp. 1278-9.

⁶ BL, Additional MS 35957, fo. 7v.

⁷ A. Cromartie, 'The constitutionalist revolution: the transformation of political culture in early Stuart England', *Past and Present*, 163 (1999), pp. 76-120.

⁸ C. W. Brooks, *Law, politics and society in early modern England* (Cambridge, 2009), p. 398.

⁹ P. Collinson, 'The monarchical republic of Queen Elizabeth I', *Bulletin of the John Rylands Library*, 69 (1987), pp. 394-424, at p. 407; idem, 'De Republica Anglorum: or, history with the politics put back', in idem, *Elizabethan essays* (London, 1994), p. 19.

¹⁰ S. Alford, *The early Elizabethan polity: William Cecil and the British succession crisis, 1558-1569* (Cambridge, 1998); idem, *Kingship and politics in the reign of Edward VI* (Cambridge, 2002). For Collinson's own ideas on the political resonance of humanist ideology, see 'De Republica Anglorum', pp. 20-1, and 'Monarchical republic', p. 408.

¹¹ P. Withington, *The politics of commonwealth: cities and freemen in early modern England* (Cambridge, 2005); idem, 'Public discourse, corporate citizenship, and state formation in early modern England', *American Historical Review*, 112 (2007), pp. 1016-38.

¹² M. Peltonen, *Classical humanism and republicanism in English political thought, 1570-1640* (Cambridge, 1995); idem, 'Rhetoric and citizenship in the monarchical republic of Queen Elizabeth', in

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- J. F. McDiarmid, ed., *The monarchical republic of early modern England: essays in response to Patrick Collinson* (Aldershot, 2007), pp. 109-27; idem, *rhetoric, politics and popularity in pre-revolutionary England* (Cambridge, 2013).
- ¹³ D. Colclough, *Freedom of speech in early Stuart England* (Cambridge, 2005), chs. 1, 3. See also Peltonen, *Rhetoric, politics and popularity*, chs. 9-10.
- ¹⁴ F. Pollock and F. W. Maitland, *The history of English law before the time of Edward I* (2 vols., Cambridge, 1895), I, pp. 671-3.
- ¹⁵ S. Rees Jones, 'York's civic administration, 1354-1464', idem, ed., *The government of medieval York: essays in commemoration of the 1396 royal charter* (York, 1997), p. 130; P. Withington, 'Two renaissances: urban political culture in post-reformation England reconsidered', *Historical Journal*, 44 (2001), pp. 239-67, at pp. 251-2; J. Barry, 'Civility and civic culture in early modern England: the meanings of urban freedom', in P. Burke, B. Harrison, and P. Slack, eds., *Civil histories: essays presented to Sir Keith Thomas* (Oxford, 2000), p. 186. While the proportion of adult males who became citizens varied from town to town, and over time, freemen never constituted a majority of the urban population.
- ¹⁶ On the 'gravity' of the burgess' oath, see R. Tittler, *The reformation and the towns in England: politics and political culture, c.1540-1640* (Oxford, 1998), p. 202.
- ¹⁷ Bristol Record Office (BRO), 04026/1, p. 42.
- ¹⁸ S. Reynolds, *An introduction to the history of English medieval towns* (Oxford, 1977), pp. 124-5; Barry, 'Civility and civic culture', pp. 186-92.
- ¹⁹ J. Spurr, 'A profane history of early modern oaths', *Transactions of the Royal Historical Society* 6th ser., 11 (2001), pp. 37-63, at p. 38.
- ²⁰ Norfolk Record Office (NRO), NCR, 16d/1, fo. 124v: *fore Ciuis et de Corpore Ciuitatis existere*.
- ²¹ W. Hudson and J. Cottingham, eds., *The records of the city of Norwich* (2 vols., Norwich, 1906-10), I, p. 129.
- ²² F. B. Bickley, ed., *The little red book of Bristol* (2 vols., Bristol, 1900), I, p. 51.
- ²³ L. Jefferson, ed., *The medieval account books of the Mercers of London: an edition and translation* (2 vols., Aldershot, 2009), II, p. 1031. For earlier and slightly later versions of this oath, see R. R. Sharpe, ed., *Calendar of the letter-books of the city of London* (11 vols., London, 1899-1912), *Letter-*

book D, p. 195, and R. Arnold, *The customs of London, otherwise called, Arnold's chronicle*, ed. F. Douce (London, 1811), p. 96.

²⁴ M. D. Harris, ed., *The Coventry leet book* (Early English Text Society, Original Series, 134-46, London, 1907-13), pp. 555-6.

²⁵ Jefferson, ed., *Account books*, II, p. 1031.

²⁶ Bickley, ed., *Little red book*, I, p. 51.

²⁷ Jefferson, ed., *Account books*, II, p. 1031.

²⁸ C. D. Liddy, "'Be war of gyle in borugh': taxation and political discourse in late medieval English towns", in A. Gamberini, J.-P. Genet, and A. Zorzi, eds., *The languages of political society: Western Europe, 14th-17th centuries* (Rome, 2011), p. 477.

²⁹ Hudson and Cottingham, eds., *Norwich*, I, p. 129.

³⁰ See, for example, Bickley, ed., *Little red book*, I, pp. 102-3.

³¹ *Ibid.*, I, p. 51.

³² H. T. Riley, ed., *Munimenta gildhallae Londoniensis* (3 vols. in 4, London, 1859-62), I, p. 20, translated in *idem*, ed., *The liber albus* (London, 1861), p. 18.

³³ Bickley, ed., *Little red book*, I, p. 51; A. F. Leach, ed., *Beverley town documents* (Selden Society, 14, 1900), p. 14.

³⁴ F. Collins, ed., *Register of the freemen of the city of York* (2 vols., Surtees Society, 96, 102, 1896-9), I, p. xiv.

³⁵ P. Griffiths, 'Secrecy and authority in late sixteenth- and seventeenth-century London', *Historical Journal*, 40 (1997), pp. 925-51, at p. 927.

³⁶ A. R. Myers, ed., *English historical documents, vol. 4: 1327-1485* (London, 1969), p. 569.

³⁷ York Civic Archives (YCA), D1, fo. 2r. For the term 'concitizens', see above, p. 000.

³⁸ J. M. Dean, ed., *Medieval English political writings* (Kalamazoo, MI, 1996), pp. 222-5.

³⁹ R. Williams, *The country and the city* (London, 1973).

⁴⁰ C. Dyer, *Standards of living in the later middle ages: social change in England, c. 1200-1520* (Cambridge, 1989), p. 189; D. M. Palliser, 'Urban society', in R. Horrox, ed., *Fifteenth-century attitudes: perceptions of society in late medieval England* (Cambridge, 1994), p. 133. See also R. Leech, *The town house in medieval and early modern Bristol* (Swindon, 2014), pp. 59-60.

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- ⁴¹ On the anthropological concept of face-to-face societies, see F. G. Bailey, 'Gifts and poison', in idem, ed., *Gifts and poison: the politics of reputation* (Oxford, 1971), p. 4.
- ⁴² P. Fleming, 'Telling tales of oligarchy in the late medieval town', in M. Hicks, ed., *Revolution and consumption in late medieval England* (Woodbridge, 2004), p. 178; C. Phythian-Adams, *Desolation of a city: Coventry and the urban crisis of the late middle ages* (London, 1979), p. 166; Leech, *Town house*, ch. 11.
- ⁴³ Leech, *Town house*, ch. 5.
- ⁴⁴ G. Schwerhoff, 'Öffentliche Räume und politische Kultur in der frühneuzeitlichen Stadt: Eine Skizze am Beispiel der Reichsstadt Köln', in R. Schlögl, ed., *Interaktion und Herrschaft: Die Politik der frühneuzeitlichen Stadt* (Constance, 2004), p. 118.
- ⁴⁵ Robert Ricart, *The maire of Bristowe is kalendar*, ed. L. T. Smith (Camden New Series, 5, 1872), pp. 70, 74.
- ⁴⁶ Charles Wriothesley, *A chronicle of England during the reigns of the Tudors* (2 vols., Camden New Series, 11, 20, 1875-77), I, p. 171.
- ⁴⁷ M. Sellers, ed., *York memorandum book* (2 vols., Surtees Society, 120, 125, 1912-14), II, pp. 86-7: 'quid pro vicecomitibus ab aliis hominibus possint cognosci'.
- ⁴⁸ A. Raine, ed., *York civic records* (8 vols., Yorkshire Archaeological Society Record Series, 98-119, 1938-52), II, p. 162.
- ⁴⁹ M. J. Braddick, 'Administrative performance: the representation of political authority in early modern England', in M. J. Braddick and J. Walter, eds., *Negotiating power in early modern society: order, hierarchy, and subordination in Britain and Ireland* (Cambridge, 2001), pp. 166-87.
- ⁵⁰ For the relationship between land and power, see C. Carpenter, *Locality and polity: a study of Warwickshire landed society, 1401-1499* (Cambridge, 1992), pp. 47-8, 283-4.
- ⁵¹ London Metropolitan Archives (LMA), COL/CA/01/01/002, fo. 168r.
- ⁵² LMA, COL/CA/01/01/003, fos. 265v-266r. The mayoral practice of regulating the price of wood sold at the quayside during the winter months was also common in Bristol, where it is mentioned by the town clerk, Robert Ricart: *Maire of Bristowe*, pp. 83-4.
- ⁵³ LMA, COL/CC/01/01/002, fo. 23r (*publice et aperte*); /005, fo. 107r (*publice*); /007, fo. 161v (*palam*); Sellers, ed., *York memorandum book*, II, pp. 75-6 (*publice in aperto*).

⁵⁴ LMA, COL/CC/01/01/001, fo. 47r-v; /002, fo. 98r; M. Bateson, ed., *Records of the borough of Leicester* (2 vols., London, 1899-1901), I, pp. 307-8.

⁵⁵ John Stow, 'An apologie or defence of the cittie of London', in C. L. Kingsford, ed., *A survey of London* (Oxford, 1908), pp. 196-9.

⁵⁶ H. E. Wicker, 'Opprobrious language and the development of the vernacular in fifteenth-century England' (Ph.D. thesis, Kent, 2007), p. 1. For some early sixteenth-century London examples, see LMA, COL/CA/01/01/002, fos. 29r, 38r, 70r, 85v, 94r, 168v, 182v; /003, fos. 65v, 112r, 264v.

⁵⁷ I use the word 'defamatory' more loosely than the private law of defamation technically allowed, for which see Richard Helmholz's introduction to his *Select cases on defamation to 1600* (Selden Society, 101, 1985). M. Ingram, 'Law, litigants and the construction of "honour": slander suits in early modern England', in P. Coss, ed., *The moral world of the law* (Cambridge, 2000), pp. 134-60, gives a nuanced account of the complex relationship between opprobrious words and reputation.

⁵⁸ LMA, COL/CA/01/01/003, fo. 188r.

⁵⁹ Bateson, ed., *Leicester*, I, p. 230.

⁶⁰ J. Kamensky, *Governing the tongue: the politics of speech in early New England* (Oxford, 1997), p. 128.

⁶¹ LMA, COL/CC/01/01/001, fo. 9v.

⁶² R. Hilton, 'Status and class in the medieval town', in T. R. Slater and G. Rosser, eds., *The church in the medieval town* (Aldershot, 1998), pp. 12-13.

⁶³ Canterbury Cathedral Archives (CCA), CC-A/C/1/47: *verba obprobriosa infra Ciuitatem predicta contra honorabiles viros istius Ciuitatis*. For Sutton's purchase of the freedom, see J. M. Cowper, ed., *The roll of the freemen of the city of Canterbury from a.d. 1392 to 1800* (Canterbury, 1903), p. 303.

⁶⁴ In interpersonal cases, social and economic historians have shown the gendered nature of defamatory language, where words could harm sexual and economic reputation: L. R. Poos, 'Sex, lies, and the church courts of pre-reformation England', *Journal of Interdisciplinary History*, 25 (1995), pp. 585-607; L. Gowing, *Domestic dangers: women, words and sex in early modern London* (Oxford, 1996), chs. 3-4. See also C. Muldrew, *The economy of obligation: the culture of credit and social relations in early modern England* (Basingstoke, 1998), especially ch. 6.

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- ⁶⁵ Sellers, ed., *York memorandum book*, II, p. 55: ‘*dixit Johanni Loftehouse, uni vicecomitum, quod ipsam tabernam dimittere nollet, eciam si maior vel Nicholaus Blakburn sibi inhiuerint*’. Nicholas Blackburn had been mayor six years earlier.
- ⁶⁶ Rees Jones, ‘York’s civic administration’, p. 125 n. 69.
- ⁶⁷ Harris, ed., *Coventry leet book*, p. 520.
- ⁶⁸ Ibid. For Boteler’s work on behalf of the city, see CRO, BA/F/10/4/3.
- ⁶⁹ LMA, COL/CC/01/01/004, fo. 11r. For Holland, see C. M. Barron, ‘Ralph Holland and the London radicals, 1438-1444’, in R. Holt and G. Rosser, eds., *The English medieval town* (London, 1990), pp. 160-83.
- ⁷⁰ P. Wormald, ‘Germanic power structures: the early English experience’, in L. Scales and O. Zimmer, eds., *Power and the nation in European history* (Cambridge, 2005), p. 105.
- ⁷¹ Sharpe, ed., *Letter-book L*, p. 85.
- ⁷² LMA, COL/CC/01/01/007, fo. 204v: *quod fuit ita bonus sicut idem Johannes Tate et habuit m^l libras*.
- ⁷³ See above, p. 000.
- ⁷⁴ See, for example, Bateson, ed., *Borough of Leicester*, I, pp. 230, 252, 271, 275, and II, pp. 30, 92, 107; A. H. Thomas and P.E. Jones, eds., *Calendar of the plea and memoranda rolls of the city of London* (6 vols., Cambridge, 1926-61), II, p. 265; LMA, COL/CC/01/01/006, fos. 144v-145r.
- ⁷⁵ LMA, COL/CC/01/01/005, fo. 116r: *quod ipse seruiens non habuit potestatem capere districtionem sine constabulario*.
- ⁷⁶ H. T. Riley, ed., *Memorials of London and London life in the XIIIth, XIVth, and XVth centuries* (London, 1868), pp. 275-7.
- ⁷⁷ The picture, from Robert Ricart’s *Kalendar*, is reproduced in D. H. Sacks, *The widening gate: Bristol and the Atlantic economy, 1450-1700* (Berkeley, CA, 1991), p. 176.
- ⁷⁸ L. C. Attreed, ed., *York house books, 1461-1490* (2 vols., Stroud, 1991), I, p. 123.
- ⁷⁹ CCA, CC-A/C/1/15. Bolney had been mayor between 1494 and 1495: CCA, DCc-ChAnt/M/490.
- ⁸⁰ D. M. Palliser, *Tudor York* (Oxford, 1979), p. 65; C. M. Barron, *London in the later middle ages: government and people, 1200-1500* (Oxford, 2004), p. 156.
- ⁸¹ *Anglo-Norman dictionary*: sub ‘veisin’ (a); *Middle English dictionary*: sub ‘neighebor’ (a).
- ⁸² NRO, NCR, 16a/2, p. 77.

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- ⁸³ Raine, ed., *York civic records*, II, p. 106.
- ⁸⁴ YCA, B9, fo. 2v. For another example, see B9, fos. 37v-38r.
- ⁸⁵ Raine, ed., *York civic records*, IV, p. 42.
- ⁸⁶ T. B. Dilks, ed., *Bridgwater borough archives, 1200-1377* (Somerset Record Society, 48, 1933), pp. 10-11.
- ⁸⁷ NRO, NCR, 16d/1, fo. 28v.
- ⁸⁸ LMA, COL/CC/01/01/007, fo. 45r: *infra breue Cloca sua arreperetur ab ipso*. For the livery, see Barron, *London*, pp. 145-6.
- ⁸⁹ Raine, ed., *York civic records*, II, pp. 148-9.
- ⁹⁰ See above, p. 000, and CCA, CC-A/C/1/15.
- ⁹¹ Cf. M. Goldie, 'The unacknowledged republic: officeholding in early modern England', in T. Harris, ed., *The politics of the excluded, c.1500-1850* (Basingstoke, 2001), p. 180.
- ⁹² G. Rosser, 'Crafts, guilds and the negotiation of work in the medieval town', *Past and Present*, 154 (1997), pp. 3-31, and idem, *The art of solidarity in the middle ages: guilds in England, 1250-1550* (Oxford, 2015), ch. 5.
- ⁹³ E. D. Craun, *Lies, slander, and obscenity in medieval English literature: pastoral rhetoric and the deviant speaker* (Cambridge, 1997).
- ⁹⁴ Helmholtz, ed., *Select cases*, pp. lx, lxiv.
- ⁹⁵ C. Bailey, *Transcripts from the municipal archives of Winchester* (Winchester, 1856), pp. 49-50.
- ⁹⁶ The National Archives (TNA), C 1/227/29. Undated, the petition to the royal chancellor, Archbishop John Morton, can be assigned to the period 1493-8 because the city of Canterbury acquired a new written constitution in 1498, when the common council was reduced to twenty-four: CCA, CC-A/A/44.
- ⁹⁷ CCA, CC-SuppMs/6, p. 33.
- ⁹⁸ Custom was here an elite, rather than popular, resource: A. Wood, *The memory of the people: custom and popular senses of the past in early modern England* (Cambridge, 2013), pp. 31-2.
- ⁹⁹ LMA, COL/CA/01/01/002, fo. 194r.
- ¹⁰⁰ Sellers, ed., *York memorandum book*, II, p. 110.
- ¹⁰¹ Bickley, ed., *Little red book*, I, p. 27.

¹⁰² Ibid., I, p. 28. In the manuscript the folios are out of sequence, so the town customs do not follow the formation of the common council, but palaeographical and codicological evidence indicates that the two originally appeared sequentially: cf. BRO, 04718, fos. 13r, 100r.

¹⁰³ See above, p. 000, and Dilks, ed., *Bridgwater*, p. 11.

¹⁰⁴ Thomas and Jones, eds., *Plea and memoranda rolls*, II, p. 199.

¹⁰⁵ For confession: LMA, COL/CC/01/01/001, fo. 9v; /003, fo. 105r; /006, fo. 222r. For pardon: LMA, COL/CC/01/01/004, fo. 143v; /007, fos. 23r, 47v.

¹⁰⁶ LMA, COL/CC/01/01/006, fo. 222r: *humiliter inclinando et genuflectando coram maiore et aldermannis*.

¹⁰⁷ See above, p. 000, and Attreed, ed., *York house books*, I, p. 123.

¹⁰⁸ Cf. G. Walker, *Crime, gender and social order in early modern England* (Cambridge, 2003), p. 99; A. Wood, *The 1549 rebellions and the making of early modern England* (Cambridge, 2007), pp. 131-3.

¹⁰⁹ Sharpe, ed., *Letter-book H*, p. 323.

¹¹⁰ For example, LMA, COL/CC/01/01/004, fo. 144r; /005, fos. 83r, 98r; /006, fo. 252v; /007, fos. 48r-49v. See also CCA, CC-A/C/1/2.

¹¹¹ A. H. Thomas, ed., *Calendar of early mayor's court rolls, 1298-1307* (Cambridge, 1924), p. 217.

'Tallage' was the tax raised to pay the gift to the crown. For the context, see Barron, *London*, p. 12.

¹¹² See above, p. 000, and Sharpe, ed., *Letter-book L*, p. 89.

¹¹³ Raine, ed., *York civic records*, III, p. 38; YCA, B9, fo. 63v.

¹¹⁴ LMA, COL/CA/01/01/003, fos. 261r-262r.

¹¹⁵ LMA, COL/CA/01/01/003, fos. 265v-266r. The context is discussed above, p. 000.

¹¹⁶ See, for example, D. H. Sacks, 'Celebrating authority in Bristol, 1475-1640', in S. Zimmerman and R. F. E. Weissman, eds., *Urban life in the renaissance* (London, 1989), pp. 187-223; Tittler, *Reformation and the towns*, chs. 11-14.

¹¹⁷ Withington, *Politics of commonwealth*, ch. 3. The quotation is from pp. 73-4.

¹¹⁸ Idem, 'An "Aristotelian moment": democracy in early modern England' (forthcoming).

¹¹⁹ Idem, *Politics of commonwealth*, ch. 2.

¹²⁰ S. Rigby, 'Urban "oligarchy" in late medieval England', in J. A. F. Thomson, ed., *Towns and townspeople in the fifteenth century* (Gloucester, 1988), p. 76; J. Lee, 'Urban policy and urban political culture: Henry VII and his towns', *Historical Research*, 82 (2009), pp. 493-510.

¹²¹ For what follows, see C. A. Markham and J. C. Cox, eds., *The records of the borough of Northampton* (2 vols., London, 1898), I, pp. 312-14. For the petition, see R. Horrox, ed., *The parliament rolls of medieval England, vol. XVI, Henry VII, 1489–1504* (Woodbridge, 2005), pp. 60–1. Henceforth a new electoral body of forty-eight burgesses, chosen by the mayor and previous mayors of the town, would have the right of election.

¹²² This requirement repeated the civic obligation, explicit in some (but not all) freemen's oaths, that citizens were not to implead a fellow citizen in an outside court, if the matter could be dealt with within the civic community: Sharpe, ed., *Letter-book D*, p. 195; Jefferson, ed., *Account books*, II, p. 1031. The duty to sue only in the town's courts shored up the judicial powers of the town's rulers, but it could also be viewed as a privilege that promised swift justice for urban litigants and safeguarded them from the intrusive claims of non-local jurisdiction: Myers, ed., *English historical documents*, pp. 569-70. By contrast, the Northampton ordinance aimed to uphold the exclusive claims of civic magistracy.

¹²³ Markham and Cox, eds., *Borough of Northampton*, I, pp. 338-9.

¹²⁴ For similar language, see Henry VII's address to the mayor of York, also in 1495: Raine, ed., *York civic records*, II, p. 115. For analysis of the king's attitude towards towns, see Lee, 'Urban policy', pp. 493-510.

¹²⁵ For the charter, see above, p. 000. For the local ordinances, see R. N. Worth, ed., *Calendar of the Plymouth municipal records* (Plymouth, 1893), pp. 60-1. I would like to thank one of the readers for kindly supplying this reference.

¹²⁶ See above, p. 000.

¹²⁷ Colclough, *Freedom of speech*, ch. 3. See also above, p. 000.

¹²⁸ See above, p. 000.

¹²⁹ On this distinction, see D. H. Sacks, 'Freedom to, freedom from, freedom of: urban life and political participation in early modern England', *Citizenship Studies*, 11 (2007), pp. 135-50, at pp. 141-2.

¹³⁰ Brooks, *Law, politics and society*, chs. 6-7, 13.

¹³¹ *English reports*, p. 1281.

¹³² BL, Additional MS 35957, fo. 7r: *loyal pur ascun del corporacion a dire al maior que il ne fist bien in son office ... car non reson que le maior ... ferra quid luy pleist.*

¹³³ *English reports*, p. 1271; BL, Additional MS 35957, fo. 7r.