CONCLUSION

This book began with the story of Thomas Taylor asking that Elizabeth Woosey be bound over for assaulting him with a pitchfork in 1692. In the chapters that followed, we saw that Woosey was not as unusual a woman as she might appear. Thousands of women were called before the Westminster Quarter Sessions in the decades surrounding the turn of the century to answer for assaulting other women and men. Indeed, the very commonness of Woosey’s attack hid her from history until now. Her violence—though serious to modern Western eyes—was considered rather petty to early modern mentalities used to beatings as a natural way to maintain order.

Thomas Taylor did, however, feel that Woosey’s assault was sufficiently unacceptable to merit a small prosecution. He approached the English criminal courts at their most accessible level: the magistracy. Taylor asked Justice Andrew Lawrence to bind Woosey over in a recognizance, the most popular method of dealing with assault on record. As a resident of the huge metropolis of London, Thomas Taylor felt that Woosey’s recognizance was a formal way of ensuring that her violence did not escalate. Taylor did not need to prosecute Woosey again, like most assault complainants in this period, which suggests that he and other prosecutors were satisfied with the binding-over method.

As a man, Taylor was not ashamed to depict himself as vulnerable to attacks by women. Thousands of other men and women brought complaints to Westminster JPs and were empowered by vehemently professing their own victimhood, often stressing the severity of their injuries or the lack of provocation for the attack. Without a prosecution (even one as minor as a recognizance), these men and women are just passive victims, victimized yet again by having their stories silenced for all time. By prosecuting the crime against them, however, these thousands of men and women were empowered. All of
these records of petty violence represent a victim who successfully convinced a JP of his or her victimhood and of the plausibility of the defendant’s guilt. Their credibility was only as strong as their vehemence before a magistrate. The desirability of victimhood is most apparent in the significant minority of cases where two people competed for victim status—each trying to convince the same JP that the other was the true aggressor.

These were savvy prosecutors who knew how to gain satisfaction through the law. Shouts of “bear witness” and “stop thief” exemplified Londoners’ knowledge of the lower courts. It was not uncommon for a prosecutor to resort to the law again, after once prosecuting petty violence in the past, and there were far more repeat prosecutors than repeat offenders. These persistent assault victims made London’s legal system an effective deterrent. Astute prosecutors appear in surprising guises. Female sexual assault victims who characterized the attack as a misdemeanor rather than a rape knew that they would receive much more sympathy from the courts and society as a whole. Pregnant women and battered wives were also unlikely candidates for empowerment, yet they harnessed community and court sympathies by coming forward to prosecute assault. Similarly, the aftermath of the largely fictitious Mohock attacks revealed that even relatively groundless community fears could have very real repercussions on elite masculinity. In the records of petty violence in London, women and the lower classes—usually the most disadvantaged groups in early modern society—were able to overcome the obstacles of gender or social status and actively prosecute their social superiors who attacked them.

These records of the prosecution and perpetration of assault reveal much about early modern violence. Episodes of petty violence can be found in the Old Bailey Proceedings; in the defamation depositions of the Bishop of London’s Consistory Court; and in many other pamphlets, letters, and treatises in early modern literature. However, recognizances document the fullest account of petty violence in the capital during this period. This book has built on the work of Norma Landau on the mechanics of recognizances and their value as a prosecution strategy. It has also shared Robert Shoemaker’s appreciation of recognizances as a source of broader social histories. Even more than previous work, however, Gender and Petty Violence in London imagines recognizances as an episode in the meeting of elite and popular culture. Upper-class JPs met with Londoners of all walks of life and embarked upon a joint exercise in describing misbehavior and establishing victimhood.

It is important to remember that recognizances were not meant for the general public, in contrast to documents like the Old Bailey Proceedings. First and
foremost, the Westminster assault recognizances were legal documents, informed by the law of assault and the rules governing JPs, clerks, and constables. The words found on the slip of parchment were not intended primarily for a mass audience, but rather for the legal bureaucracy that oversaw Quarter Sessions in the metropolis.

However, the recognizance had a public nature in practice. The alleged victims told their story to JPs and had to persuade them of its plausibility. If the complainants were successful, the JPs then summoned the accused assailants and had them bound over. The variety and detail of these relatively minor court documents show that JPs were highly influenced by the complainant's account of the assault. Recognizances were a very minor prosecution tool in the criminal justice system. This, along with the higher courts' general apathy toward nonfelonious violence, gave JPs and prosecutors virtually limitless freedom to describe the attacks in recognizances. The resulting one- or two-sentence accounts are a record of extralegal attitudes to petty violence, showing that the public took such acts much more seriously than did the courts.

The preceding chapters have shown that men and women of all walks of life found even fairly minor acts of aggression worthy of complaint between 1680 and 1720. In most instances I have not worried about noting that the acts described in the recognizances are only alleged—that the “assailants” are only accused, and not necessarily guilty, and the assault may never have occurred or may have occurred in a different form from that described. Because these men and women were bound in recognizances, their guilt was presumed; establishing truth was not important to the courts, and we cannot presume to determine it hundreds of years later. The “assailants” depicted in the preceding pages can best be regarded as very convincing fictitious characters—as real as they needed to be in order for JPs to bind them over.

This book recognizes that JPs, constables, and other state officials could operate out of venality, and prosecutors’ testimony could be more vengeful than truthful, but it argues that recognizances depict a reasonable image of violence. Other historians have lamented that malicious prosecutions distort our image of real crime levels. In this study we have not tried to ignore malicious prosecutors but instead have accepted them as a part of the landscape of the early modern criminal justice system. Along with corrupt officials, malicious prosecutors reinforce the gendered norms of misbehavior. Because being believed was essential, these dishonest men and women constructed accounts of typical, plausible forms of petty violence. In addition, the very existence of malicious prosecutors reveals the power available to “victims”—real or imagined—when they approached their local magistrates.
Hitherto largely unheard, their tales of assault revise the traditional image of the role of gender in early modern violence. These records show that women were significant perpetrators of petty violence. Both men and women could do serious injury to their victims. Women were also as likely as men to issue bloodthirsty threats. Many assaults are comparable to a sort of physical language that was understood and used fairly widely. When shaming was the goal of an assault, there were often specific ways to humiliate victims, depending on the victims’ gender. The location and circumstances of assaults could also be patterned. Highways, red-light districts, and the night were equated with danger in assault cases, and both the laws and public opinion seem to have caused them to appear as a factor in the official record of the crime. Not surprisingly, drink, money, or intrafamilial feuds were often the source of assaults, but violence could also erupt from street recreation, such as a sporting event. The violence that was prosecuted in Augustan London was highly varied in its forms and causes, and women were significant participants among the defendants.

Women were much less prominent in cases of violent resistance to the state. Although all Londoners were remarkably passive toward rises in taxation and increasing government involvement in their lives, much of the active resistance that did occur was perpetrated by males. Violence against government officials, the military, constables, bailiffs, and marshal’s men was largely masculine. This is not surprising. The political arena was considered male terrain, and masculine petty violence in this arena can be seen to make statements about issues such as the illegitimacy of debt as a crime and the unfairness of military recruitment practices.

Women were instead more often mobilized to petty violence by immediate concerns, such as neighborhood tensions. Here, they were confident enough to lead the attacks, inciting crowds to riot against a particular individual or group. When their violence did stem from political concerns, as with Jacobite riots, women were not nearly so prominent. Nevertheless, they were present, and their threats against the non-Stuart monarchs could be just as bloodthirsty as those of their male counterparts. Women could also be driven to acts of violence against the state when their husbands, sons, or other relatives were jailed. Far from simply providing a rope or smuggling a file into the prisoner, these women were aggressive liberators, sometimes grappling with jailers to facilitate a man’s escape. Female rioters and rescuers seem to defy the prescribed bounds of femininity in early modern society, yet they remained within them to a certain extent. Women tended to riot based on smaller community concerns rather than broader political reasons, and their rescues could have been construed (by them and others) as a natural exten-
sion of their role as assistants to husbands and protectors of sons. Though visible only on the peripheries of assaults on law officials or seditious words prosecutions, these women reveal a very interesting aspect of eighteenth-century femininity.

After summarizing the main contributions of this book, it is also important to consider the areas where further research is necessary. The study of assault needs to be extended to the end of the eighteenth century, enabling a sense of the changes in petty violence, and its prosecution, over time. Interesting insights might also emerge from a study of the changes in women's prosecution activity over time. More work also needs to be done to obtain a sense of the differences in experience of the poorest classes. Perhaps jail records might provide additional evidence of plebeian violence, or perhaps the poor had alternative means to gain retribution for the assaults upon them. The history of assault recognizances might also benefit from a more thorough overview of the other types of recognizances—those binding only “for the peace,” for example, might be linked with those to answer assaults in a more systematic way than they have been here. The limits of space prevented my study from testing the data for a variety of factors that might affect petty violence and its prosecution: the different seasons, for example, or economic factors. Perhaps modern criminological studies of interpersonal violence might shed light on some of the causes of assault in the early eighteenth century. Petty violence is a new field of history, and many questions remain to be addressed.

Though perhaps the tip of the iceberg, this book has brought to light thousands of hitherto unknown episodes of petty violence in London between 1680 and 1720. The Westminster Quarter Sessions recognizances for assault are a powerful source in illuminating these stories. Taken alone, they communicate little, but together in these massive numbers, they reveal much more than crime patterns. They speak of the empowerment available to some of the least likely men and women of Augustan London and of the amazing degree of popular knowledge of the law and its potential to resolve differences. London stands starkly apart from the countryside, where conflicts were more often concluded informally. Some of the most captivating pictures of London life are also made visible through these records. At a time when the bureaucratic arm of the state was reaching ever further, Londoners protested only at a direct personal level, by attacking impressment officers and parish constables. Even more fascinating, the recognizances expose women as legal actors in their own right. Cooperating with JPs, thousands of female victims came forward to define the many varied forms that nonfatal violence could take in the capital. From these descriptions early modern
femininity appears surprisingly assertive and aggressive. The accounts make it clear that both sexes were inclined to deploy violence in early modern London. Though not as prominent in political violence, women were valiant rescuers and wild rioters. This book has, hopefully, established beyond a doubt that neither the perpetration nor the prosecution of petty violence was entirely subject to gender limitations.