

Testamentary Identities: The Evidence of Selected Wills
and Testaments from the Dioceses of Norwich and
Canterbury, 1450-1530

Alex Marchbank

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Abstract

Historians have long argued over whether the will and testament can be used as accurate evidence of an individual's life and particularly their religious interests. This project argues for a reconceptualization of these documents, and demonstrates that the will and testament was a document where testators made, rather than just reflected upon, their identities. By comparing the market towns of Faversham (Kent) and Thetford (Norfolk), it specifically questions how the location of production and the gender of the testator shaped the testamentary subject that was produced.

In order to assess how testators used their wills and testaments to undertake identity work, this project uses a combination of quantitative and qualitative approaches. Statistical analysis is used to identify trends and detailed study of the language of the wills and testaments is employed to provide examples and illustrative detail. Chapter 1 considers the process of will-making in this period, and examines how this process was an act of identity work in and of itself. The subsequent four chapters in turn examine different aspects of the content of these documents in order to further examine identity and its construction in the will and testament.

Ultimately this research demonstrates that the self that is produced in a last will and testament is a construction shaped by a range of forces including legal formulae, local will-making practices, gender, and the agency of the testator.

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List of Abbreviations

ANF	Archdeaconry Court of Norfolk
ANW	Archdeaconry Court of Norwich
FTB, I	<i>The Early Town Books of Faversham c. 1251-1581</i> , ed. by Duncan Harrington and Patricia Hyde, 2 vols (Folkestone: History Research, 2008), I.
FTB, II	<i>The Early Town Books of Faversham c. 1251-1581</i> , ed. by Duncan Harrington and Patricia Hyde, 2 vols (Folkestone: History Research, 2008), II.
KHLC	Kent History and Library Centre
LCCP	<i>Lexis of Cloth and Clothing Project Database</i> < http://lexisproject.arts.manchester.ac.uk/ >
MED	<i>Middle English Dictionary</i> < https://quod.lib.umich.edu/m/middle-english-dictionary/dictionary >
NCC	Norwich Consistory Court
NRO	Norfolk Record Office
OED	<i>Oxford English Dictionary</i>
PCC	Prerogative Court of Canterbury
SRO	Suffolk Record Office
TNA	The National Archives
VCH, Kent	<i>The Victoria County History of the County of Kent</i> , ed. by William Page, 3 vols (London: The St Catherine Press, 1926) II.
VCH, Norfolk	<i>The Victoria County History of the County of Norfolk</i> , ed. by William Page, 2 vols (Folkestone: Dawson for the University of London, Institute of Historical Research, 1975) II.

Note on the Text

The wills and testaments which form the source base for this thesis have been transcribed from manuscripts. The aim of this thesis is to examine what we can learn from the content of these documents, rather than to examine the linguistic content, and so for the reader's ease, the following editorial procedures are followed.

Quotations from manuscripts and contemporary printed sources retain the original spellings. Where a word has been misspelled in the manuscript, or looks considerably different to the modern equivalent, a transcription is provided with the corrected version immediately following in square brackets. Where necessary, glosses have been provided in footnotes.

Abbreviations have been silently expanded. Where there is more than one option for the spelling of an expanded abbreviation, the majority spelling in the document being quoted is observed. Modern punctuation and capitalisation have been added and modern word division has been observed. Original punctuation (e.g. virgules) have been removed.

Words that have been crossed through indicate that they have been deleted in the manuscript, but are still legible. If the word is illegible, it has been omitted from the transcription.

Place names have also been modernised where known, except in quotations. The spellings of personal names have been modernised apart from in quotations.

Translations from Latin are given in the footnotes. Such translations are ‘sense for sense’ rather than ‘word for word’.

The location and the date of the will (not the date of probate) follow the testator’s name in brackets.

Any figures given have, where necessary, been rounded to one decimal place.

All dates are based on the year beginning 1 January.

Chapter One: Introduction

1.1 Overview

What dying threatens, in large part, are these elements of our lives: the ongoing engagement in and projection into the future of the threads that constitute our individual existences.¹

Late medieval wills and testaments are fascinating, rich, and frustrating documents that survive in their hundreds of thousands. In making them, testators knew that they were creating documents which would continue to exist after they did. The threads that constituted their individual existences might well be threatened by death, but the will and testament to some degree at least, allowed for those threads to continue to weave their way into the fabric of family, community, and institutional life for some time after they passed away. At the centre of this thesis is the question: in what ways did the late medieval will and testament provide testators with opportunities for identity work? To answer this question, it examines how testators would creatively use the resources around them in different ways to construct testamentary identities. This project takes a comparative approach, looking at wills and testaments from two market towns in the period from 1450 to 1530. The towns themselves are Thetford, in the diocese of Norwich, and Faversham, in the diocese of Canterbury. A side-by-side study of these locations facilitates an evaluation of the impact of settlement on testamentary possibilities for testamentary self-expression.² The period from 1450 to 1530 has been chosen because of the large number of wills and testaments which are made from the mid-fifteenth century onwards: situating this study in an earlier period would make statistical analysis of large numbers of wills impossible, as too few survive. This period is one of great diversity particularly with regard to religious belief and practice, and has also been extensively studied by historians concerned with the Reformation. The idea of identity is, for some scholars, tied up with the notion of periodization: Anthony Giddens for example has theorised that in the period before modernity, individuals' identities were shaped by the rites of passage through which they lived.³ Modernity, the period established

¹ Todd May, *Death* (London: Routledge, 2014), p. 54.

² The need for comparative study has been identified in existing scholarship. Elisabeth Salter for example has noted that 'Further comparative studies of cultural creativity in single towns or localities are also needed to test the extent to which locality is significant in determining the particular ways that sites of practice are used'. Elisabeth Salter, *Cultural Creativity in the Early English Renaissance* (Basingstoke: Palgrave Macmillan, 2006), p. 48.

³ This is explored further in section 1.4.

in ‘post-feudal Europe’, is according to Giddens, the birthplace of the construction of identity.⁴ By examining this period, heralded by some as the ‘end of the Middle Ages’, this thesis modifies this history of identity.⁵

This chapter begins by setting the scene for the analysis which follows. Section 1.2 outlines the use of the will and testament in historical research and describes how the study of these documents has changed over the course of the last two hundred years. The following section (1.3) gives an overview of religious belief and practice in this period, which helps to contextualise the thesis. We then turn in section 1.4 to examine identity. This section establishes the theoretical basis for this thesis, namely by explaining how the idea of identity has been developed, and how it is to be applied in the following analysis. Histories of Thetford and Faversham are outlined in section 1.5. Section 1.6 discusses the survival of the wills and testaments themselves, which also touches on methodological questions arising over the use of these documents. Finally, section 1.7 gives an overview of the structure of the thesis which follows.

1.2 The Place of the Last Will and Testament in Historical Research

Wills and testaments are among the most extensive sources of information for life and death in late medieval period, surviving as they do in their hundreds of thousands in archives across England. They have been employed in a diverse range of studies, from studies which seek to examine death and dying in the Middle Ages to others which have used these documents to reconstruct kinship networks and as evidence of affection.⁶ The volume of extant evidence means that these documents have been used in vast numbers in quantitative studies to generate statistics; others meanwhile have been closely examined individually as evidence for the life of particular individuals.⁷ Wills and testaments can give insights into religious beliefs and practices,

⁴ Anthony Giddens, *Modernity and Self-Identity* (Cambridge: Polity Press, 1991), pp. 15, 33.

⁵ John Watts, ‘Introduction: History, the Fifteenth Century and the Renaissance’, in *The End of the Middle Ages? England in the Fifteenth and Sixteenth Centuries*, ed. by John Watts, Fifteenth Century Series, 6 (Stroud: Sutton, 1998), pp. 1–22 (pp. 12–15).

⁶ Mary Prior’s study of wives and wills in the early modern period for example examines shared family will-making practices. Mary Prior, ‘Wives and Wills 1558-1700’, in *English Rural Society, 1500-1800: Essays in Honour of Joan Thirsk*, ed. by John Chartres and David Hey (Cambridge: Cambridge University Press, 1990), pp. 201–25. Sharon Teague’s doctoral research considers how testators used their wills and testaments to provide for their families: Sharon Teague, ‘Patterns of Bequest within the Family: Testamentary Evidence from the Ecclesiastical Registers of Canterbury and York, c. 1340-1440’ (unpublished PhD Thesis, University of Toronto, 2013). The use of wills and testaments to construct affect is considered by Catherine Richardson. See: Catherine Richardson, ‘“A Very Fit Hat”: Personal Objects and Early Modern Affection’, in *Everyday Objects: Medieval and Early Modern Material Culture and Its Meanings*, ed. by Tara Hamling and Catherine Richardson (Farnham: Ashgate, 2010), pp. 289–98.

⁷ One early quantitative survey of wills and testaments was Robert S. Gottfried’s investigation into epidemic disease in the fifteenth century, in which he used approximately 15,000 wills to survey mortality. Robert S. Gottfried, *Epidemic Disease in Fifteenth Century England: The Medical Response and the Demographic Consequences* (Leicester: Leicester University Press, 1978). More recent studies include Kristen Burkholder’s assessment of wills as evidence of clothing ownership and utility along lines of gender and social (and clerical) status. Kristen M.

serve as evidence of book ownership and literacy, as well as providing valuable evidence for studies of the law.⁸ Each of the chapters which follows includes a focussed discussion of the historiography pertinent to the themes discussed therein in order to contextualise the discussion. This present section instead outlines the historiographical background to the thesis more generally, and reviews some of the debates which relate to the broader themes of the project.

It should be noted that although the terms ‘last will’ and ‘testament’ are often used interchangeably, the two forms to which they refer are distinct. The testament, generally speaking, opens with a religious preamble, and goes on to dispose of a testator’s moveable goods. Almost all testators disposed of their possessions in this way. The last will, in contrast, contains no religious preamble and deals with a testator’s landed property.⁹ Not all testators therefore made a will as they did not necessarily own land.

1.2.1 Early Interest in the Will and Testament

Wills and testaments as sources of evidence for the past appear to have caught widespread interest among historians in the nineteenth and early twentieth centuries. Scholars such as James

Burkholder, ‘Threads Bared: Dress and Textiles in Late Medieval English Wills’, in *Medieval Clothing and Textiles*, ed. by Robin Netherton and Gale R. Owen-Crocker, 16 vols (Woodbridge: Boydell Press, 2005), 1, pp. 133-153. Hannah Ingram’s prosopographical reconstruction of the users of the Westminster staple court has used statistics generated from wills and testaments to aid with the construction of archetypes: Hannah R. Ingram, ‘Archetypes and Individuals: Reconstructing the Users of the Westminster Statute Staple Court, 1485-1532.’ (unpublished PhD Thesis, University of Nottingham, 2018). Meanwhile, individuals and their wills have been examined closely to reveal individuals’ religious beliefs, daily lives, and as evidence of autobiography. Lisa MacKinney, ‘Rosaries, Paternosters and Devotion to the Virgin in the Households of John Baret of Bury St Edmunds’, *Parergon*, 24.2 (2007), 93–114; Alison Spedding, ‘Hoc Est Testamentum: The Structure and Development of Introductory Clauses in Latin Testamentary Writing’, *Viator*, 45.1 (2014), 281–310; Caroline M. Barron, ‘The Will as Autobiography: The Case of Thomas Salter, Priest, Died November 1558’, in *Medieval London: Collected Papers of Caroline M. Barron*, ed. by Martha Carlin, and Joel Thomas Rosenthal, Research in Medieval and Early Modern Culture (Kalamazoo: Medieval Institute Publications, 2017), pp. 213–64.

⁸ Wills have been used in a variety of studies, including those considering the development of property transfer: Michael M. Sheehan, ‘The Bequest of Land in England in the High Middle Ages: Testaments and the Law’, in *Marriage, Property, and Succession*, ed. by Lloyd Bonfield, Comparative Studies in Continental and Anglo-American Legal History, 10 (Duncker & Humblot, 1992), pp. 327–38; Lloyd Bonfield and L. R. Poos, ‘The Development of the Deathbed Transfers in Medieval English Manor Courts’, in *Medieval Society and the Manor Court*, ed. by Zvi Razi and Richard Michael Smith (Oxford: Clarendon, 1996), pp. 117–42. Studies of probate practice have also used wills and testaments as evidence: David M. Smith, ‘The Exercise of the Probate Jurisdiction of the Medieval Archbishops of York’, in *Life and Thought in the Northern Church, c. 1100-c. 1700: Essays in Honour of Claire Cross*, ed. by Diana Wood, Studies in Church History, 12 (Woodbridge: Boydell Press, 1999), pp. 123–44; Jeff Cox and Nancy Cox, ‘Probate 1500-1800: A System in Transition’, in *When Death Do Us Part: Understanding and Interpreting the Probate Record of Early Modern England*, ed. by Tom Arkell, Nigel Goose, and Nesta Evans (Oxford: Leopard’s Head Press, 2000), pp. 14–37. Wills and testaments have also been valuable evidence for studies considering the legal place of women: Michael Sheehan, ‘The Influence of Canon Law on the Property Rights of Married Women in England’, *Mediaeval Studies*, 25 (1963), 109–24; Rowena E. Archer and B. E. Ferme, ‘Testamentary Procedure with Special Reference to the Executrix’, *Reading Medieval Studies*, 15 (1989), 3–34.

⁹ A fuller account of the distinction between the last will and testament and the reason for the development of these separate forms is given in: Spedding, ‘Hoc Est Testamentum’, p. 281, n. 1.

Raine and C. W. Foster compiled volumes of wills and testaments from particular counties.¹⁰ Others including F. J. Furnivall brought together documents united by a common theme, allowing for comparison of different documents. Some transcribed the wills and testaments of notable individuals and published these in journal articles, producing useful resources for those studying the great and the good of medieval England.¹¹ Slightly later scholarship, by contrast, placed the emphasis on what this source base can tell us about life in the Middle Ages, and organised the information in these sources by their relationships to particular churches and monasteries.¹² The tradition of editing volumes of these documents has continued into the twentieth and twenty first centuries. Dorothy Whitelock compiled an edition of Anglo-Saxon wills, drawing attention to this early form of the source. More recently still, David Hickman has continued the work of C. W. Foster with another volume of Lincoln Wills. Following developments to scholarly conventions, both Whitelock's and Hickman's editions include information about their editorial processes, making the hand of the editor somewhat more visible in the resulting texts.¹³ These volumes make wills and testaments more readily available to a wide audience of scholars and students.

Another important movement in drawing attention to the will and testament was the growth of interest in English legal history in the first decades of the twentieth century. W. S. Holdsworth, in his *History of English Law*, first published in 1908, outlined the laws around will-making and testamentary process and also noted some of 'the many human and humorous and intimate touches' which he found in these documents.¹⁴ Holdsworth did no more than present the quotations which he considered to be of interest, but his note that 'these wills bring us into closer touch with actual men and women than any other kind of legal, perhaps than any other kind of historical document of the period' has certainly been influential.¹⁵ F. Pollock and F. W. Maitland, in their *History of English Law Before the Time of Edward I* (1911) also drew attention to

¹⁰ *Testamenta Eboracensia*, ed. by James Raine, 6 vols (London: J. B. Nichols, 1836), I; *Lincoln Wills Registered in the District Probate Registry at Lincoln*, ed. by C. W. Foster, 3 vols (Lincoln: Lincoln Record Society, 1914), I.

¹¹ One such example is: Albert Way, 'The Will of Sir John de Foxle, of Apuldrefield, Kent; A.D. 1378', *Archaeological Journal*, 15 (1858), 267–77.

¹² F. J. Furnivall's collection brings together an edition of the earliest English wills registered in London: F. J. Furnivall, *Fifty Earliest English Wills in the Court of Probate, London* (London: Published for the Early English Text Society by Trübner, 1882). Arthur Hussey's edited collection brings together wills which relate to specific institutions (e.g. churches or monasteries) as evidence of architectural features or spiritual services. In Hussey's collection, only the relevant testamentary clauses are reproduced: Arthur Hussey, *Testamenta Cantiana* (London: Mitchell Hughes and Clarke, 1907), EAST KENT. In many such cases, however, there is little indication of editorial procedure, both in terms of content and also linguistic editing. For instance, in volume II of the *Lincoln Wills*, 'a good deal of common form, and many unimportant bequests' have been omitted. *Lincoln Wills Registered in the District Probate Registry at Lincoln*, ed. by C. W. Foster, 3 vols (Lincoln: British Record Society, 1918), II, p. ix.

¹³ *Anglo-Saxon Wills*, ed. by Dorothy Whitelock (Cambridge: Cambridge University Press, 1930), pp. xlii–xliii; *Lincoln Wills: 1532-1534*, ed. by David Hickman (Woodbridge: Boydell Press, 2001), pp. xxvii–xxviii.

¹⁴ William Holdsworth, *A History of English Law*, 5th edn., XVI vols (London: Methuen, 1942), III, p. 549.

¹⁵ Holdsworth, III, pp. 549, 550.

wills and testaments in a chapter on inheritance, which included sections on descent and intestacy as well as the last will.¹⁶ These publications helped historians to better understand these documents and are still regularly used by scholars when outlining the various limitations of will-making and property disposal, for example.¹⁷

1.2.2 Michael Sheehan and *The Will in Medieval England*

One of the most significant contributions to the historiography of wills and will-making is Michael Sheehan's monumental work, *The Will in Medieval England*, published in 1963. This important volume changed how historians looked at and used these documents. Sheehan's study took the period from c.597 (with the arrival of Augustine in Canterbury) to c.1300 as its basis, and it examined the theories, laws, and customs which all shaped the practice of will-making and how it developed over the course of that seven-hundred year period. Sheehan was one of the first to consider the testamentary rights of women at any length.¹⁸ Sadly, Sheehan died before he could complete a second volume, which was intended to survey the period from 1300 to the end of the Middle Ages.¹⁹ His other papers and works include a number of articles on the laws surrounding marriage and property transmission, all of which have greatly enriched the historiographical landscape of will and testament studies. The publication of Sheehan's work marked the beginning of a period of increased interest in wills and testaments, and their use for historical research. A 1979 article by Michael Zell for instance discussed the different kinds of evidence which could be gleaned from wills and testaments, and showed how this could be employed in a variety of different studies of life in the Middle Ages.²⁰

1.2.3 Female Testators

Sheehan was one of the first historians to examine the place of women in testamentary process.²¹ Although women were limited by law when it came to will-making, testamentary evidence remains one of the most substantive sources for the lives of individual women who had some wealth in this period. Historians such as Ann Kettle, Mary Prior, Nesta Evans, Rowena Archer

¹⁶ Frederick Pollock and Frederic William Maitland, *The History of English Law Before the Time of Edward I*, 2nd edn., 2 vols (Cambridge: Cambridge University Press, 1899), II, pp. 240–363.

¹⁷ See for instance: Cordelia Beattie, 'Married Women's Wills: Probate, Property, and Piety in Later Medieval England', *Law and History Review*, 37.1 (2019), 1–32 (p. 4, n. 11).

¹⁸ See: Michael Sheehan, *The Will in Medieval England* (Toronto: Pontifical Institute of Mediaeval Studies, 1963), pp. 234–41. Sheehan also examined the laws around marriage, property ownership, and will-making and what this meant for women in a journal article of the same year: Sheehan, 'Influence of Canon Law'.

¹⁹ James K. Farge, 'Foreword', in *Marriage, Family, and Law in Medieval Europe: Collected Studies*, ed. by James K. Farge (Toronto: University of Toronto Press, 1996), pp. vii–xii (p. vii).

²⁰ Michael Zell, 'Fifteenth- and Sixteenth-Century Wills as Historical Sources', *Archives*, XIV.62 (1979), 67–74.

²¹ Teague, p. 4.

and B. E. Ferme were all relatively early users of testamentary evidence to examine the lives of women, particularly with regard to their marriages.²² As interest in women's history and gender history has grown more broadly, the number of studies of women's wills and the laws governing the creation of these documents has increased greatly. Married women's wills, which are especially uncommon, have received attention from legal scholars and historians in particular Michael Sheehan, Richard Helmholz, and Cordelia Beattie.²³ Wills and testaments have also been used as evidence for the lives of single women (and extensively for widows).²⁴ Both literary scholars and historians alike have examined wills and testaments for what they can tell us about women's lives. Katherine French for instance has used the evidence of wills and testaments to assess women's roles within their parishes.²⁵

1.2.4 Religion and Lay Piety

One of the main areas of historical study in which wills and testaments have been used is the study of late medieval religion, in particular lay piety. Early investigations emphasised the reliability (or lack thereof) of the religious declarations found at the start of almost every testament.²⁶ A quantitative approach to these texts, argued Eric Carlson, would enable historians to identify which declarations were formulae employed by scribes and which were markers of distinctive forms of piety.²⁷ The usefulness of this approach has however been questioned

²² Ann J. Kettle, 'My Wife Shall Have It': Marriage and Property in the Wills and Testaments of Later Mediaeval England', in *Marriage and Property: Women and Marital Customs in History*, ed. by Elizabeth Craik (Aberdeen: Aberdeen University Press, 1984), pp. 89–103; Prior, pp. 201–25; Nesta Evans, 'Inheritance, Women, Religion and Education in Early Modern Society as Revealed by Wills', in *Probate Records and the Local Community*, ed. by Philip Riden (Gloucester: Sutton, 1985), pp. 53–70; Archer and Ferme, pp. 3–34.

²³ R. H. Helmholz, 'Married Women's Wills in Later Medieval England', in *Wife and Widow in Medieval England*, ed. by S. Sheridan Walker (Ann Arbor: University of Michigan Press, 1993), pp. 165–82; Beattie, 'Married Women's Wills'.

²⁴ Individual single women as well as single women as a social group have received attention in a number of studies, including: Christine Peters, 'Single Women in Early Modern England: Attitudes and Expectations', *Continuity and Change*, 12.3 (1997), 325–45; Judith M. Bennett and Christopher Whittick, 'Philippa Russell and the Wills of London's Late Medieval Singlewomen', *The London Journal*, 32.3 (2007), 251–269; Cordelia Beattie, 'Meanings of Singleness: The Single Woman in Late Medieval England' (Unpublished PhD Thesis, University of York, 2001).

One of the most important studies of the testaments of widows is the 1994 collection edited by Caroline Barron and Anne Sutton: each of the chapters considers testamentary evidence for widows' lives: *Medieval London Widows, 1300–1500*, ed. by Caroline M. Barron and Anne F. Sutton (London: The Hambledon Press, 1994).

²⁵ Katherine L. French, "'I Leave My Best Gown as a Vestment': Women's Spiritual Interests in the Late Medieval English Parish', *Magistra*, 4.1 (1998), 57–77; Katherine L. French, 'Women in the Late Medieval English Parish', in *Gendering the Master Narrative: Women and Power in the Middle Ages*, ed. by Mary Carpenter Erler and Maryanne Kowaleski (Ithaca: Cornell University Press, 2003), pp. 156–73.

²⁶ See, for example: A. G. Dickens, *Lollards & Protestants in the Diocese of York, 1509–58* (London: Hambledon Press, 1982), pp. 215–17; Margaret Spufford, 'The Scribes of Villagers' Wills in the Sixteenth and Seventeenth Centuries and Their Influence', *Local Population Studies*, 6 (1971), 28–44; Michael Zell, 'The Use of Religious Preambles as a Measure of Religious Belief in the Sixteenth Century', *Bulletin of the Institute of Historical Research*, 50.122 (1977), 246–49.

²⁷ Eric Carlson, 'The Origins, Function, and Status of the Office of Churchwarden, with Particular Reference to the Diocese of Ely', in *The World of Rural Dissenters, 1520–1725*, ed. by Margaret Spufford (Cambridge: Cambridge University Press, 1995), pp. 164–207 (p. 201).

perhaps most notably by J. D. Alsop, who concluded that such statements could well be ritualised or impersonal.²⁸ Indeed, further studies have shown that many of those preambles which appear to be individualised are in fact based on stock phrases, casting further doubt on the utility of this section of the will as indicative of a testator's religious feelings.²⁹

Other studies have taken a holistic approach to the will in order to discern what it can tell us particularly about popular piety in this period. Work by Rob Lutton, R. B. Dinn and Matthew Groom among others largely uses the evidence of wills from particular locations or social groups in order to reconstruct more generally the salient features of late medieval religion.³⁰ Peter Heath's study of the Hull wills was an early foray into the use of wills and testaments as evidence of lay piety. Heath was critical of what he found, identifying those aspects he considered to have been omitted, rather than examining the evidence for that which it did say.³¹ Norman Tanner's study of Norwich is altogether more positive, showing that wills and testaments could be used as evidence for a wide range of pious activities, including traditional and new devotions, and finding expression in well-established institutions.³²

Use of these documents has however not been without contest. Many of the historians who take issue with the use of wills as a source base seem particularly concerned with the proximity of will-making to death. Their argument, briefly summarised, is that because wills were made at a time when death was perceived to be near, their content was overwhelmingly influenced by fear and concern to do as much as possible for the health of the testator's soul.³³ Certainly many of these documents do contain a great number of requests for masses and prayers which, it was believed, would aid the soul's journey through purgatory. I do not believe, however, that we can separate the making of these documents from the testator's awareness – and perhaps fear – of death. The will and testament could not be made without contemplating one's own death. The concern that death *distorted* the will's contents is, I think, therefore to misunderstand the will-making process. These documents were made *because* an individual feared

²⁸ J. D. Alsop, 'Religious Preambles in Early Modern English Wills as Formulae', *Journal of Ecclesiastical History*, 40/1, (1989), p. 27.

²⁹ Stephen Coppel suggests comparisons of unusual preambles to those collected in William West's *Symbology* (late sixteenth-century). Stephen Coppel, 'Wills and the Community: A Case Study of Tudor Grantham', in *Probate Records and the Local Community*, ed. by Philip Riden (Gloucester: Sutton, 1985), pp. 71–90 (p. 83).

³⁰ Rob Lutton, *Lollardy and Orthodox Religion in Pre-Reformation England: Reconstructing Piety* (Woodbridge: Boydell Press, 2006); Norman Tanner, *The Church in Late Medieval Norwich, 1370-1532* (Toronto: Pontifical Institute of Mediaeval Studies, 1984); Robert Dinn, 'Popular Religion in Medieval Bury St Edmunds' (unpublished PhD Thesis, University of Manchester, 1990); Matthew Groom, 'Piety and Locality: Studies in Urban and Rural Religion in Surrey, c. 1450-1550' (unpublished PhD Thesis, University of London, 2001).

³¹ Peter Heath, 'Urban Piety in the Later Middle Ages: The Evidence of Hull Wills', in *The Church, Politics and Patronage in the Fifteenth Century*, ed. by Barrie Dobson (Gloucester: Alan Sutton, 1984), pp. 209–29.

³² Tanner, *Late Medieval Norwich*.

³³ R. N. Swanson, *Religion and Devotion in Europe, c.1215-c.1515* (Cambridge: Cambridge University Press, 1995), p. 226.

that the end of their life was near, and they cannot be divorced from this. As we shall see in section 1.4, identity is constantly being produced and reproduced by individuals, using the resources which they have available to them at that time.

Other, related, criticisms of the use of wills and testaments for the lives of those who wrote them stem from the fact that they do not comprehensively survey an individual's lifetime practices. Clive Burgess's work on the wills from medieval Bristol for example has led him to conclude that used alone, these documents do not provide sufficient evidence for testators' lifetime religious beliefs and practices. Whilst there certainly are benefits to using wills in combination with other primary materials, Burgess' argument that 'to press wills into historical service must result in serious misjudgement of the intensity and character of late-medieval piety' seems to overlook the wealth of information contained therein, and raises fundamental questions about methodologies.³⁴ Historians such as Rob Lutton have demonstrated through studies of individuals and their families that although wills might not offer entirely adequate the extent of lifetime religious activity and giving, they do not wildly depart from a testator's lifetime practices.³⁵ This research is concerned less with the factual 'accuracy' of the last will and testament as a biographical mirror of a testator's life and pious action, and is instead more interested in the ways in which a testators was able to shape and communicate their identities through these documents. The critique that wills and testaments are 'incomplete snapshots' seems similarly unfair: wills and testaments were never intended to survey the whole landscape of an individual's life.³⁶ Furthermore, comparisons to 'snapshots' makes these documents seem informal or spontaneous, when they were often carefully and thoughtfully composed. The purpose of these documents was not to represent a lifetime of pious action. To paraphrase Norman Tanner: there is no material that gives a comprehensive view of what it was like to be a Christian in this period: critics perhaps are asking too much.³⁷

1.3 Religious Diversity in Late Medieval England

Given that wills and testaments in this period were often largely comprised of bequests that can be characterised in some way as spiritual, it is firstly necessary to outline the religious context in which they were made. The period before the Reformation is somewhat of an intellectual battleground for historians of late medieval religion who have characterised it as a period of

³⁴ Clive Burgess, 'Late Medieval Wills and Pious Convention: Testamentary Evidence Reconsidered', in *Profit, Piety and the Professions*, ed. by M. A. Hicks (Gloucester: Alan Sutton, 1990), pp. 14–33 (pp. 15, 29).

³⁵ Lutton, *Lollardy*, p. 17.

³⁶ Swanson, *Religion and Devotion*, p. 226.

³⁷ Tanner, *Late Medieval Norwich*, p. 167.

ignorant lay apathy on the one hand and parochial vitality on the other.³⁸ More recently historians of this period have attempted to reconcile these two stances, showing that ‘orthodox piety’ was not necessarily the same thing for everyone.³⁹ Whilst this present project does not set out to make any significant contributions to this debate, it is important to note that there were a range of religious experiences in late medieval England, some characterised by enthusiasm, but others which were critical (whether openly or privately) of the established Church. Variety, rather than uniformity, characterised the period in which these wills and testaments were made. We should not be too hasty to ascribe this all to the work of John Wyclif, or to individuals subsequently identified as lollards: there was, as Kathryn Kerby-Fulton has demonstrated, a long history of radical religious thought in England.⁴⁰ Furthermore, identifying a single set of ‘lollard’ beliefs and practices is problematic, for a number of reasons but it is clear that a number of ‘orthodox’ beliefs and practices were being questioned, opposed, or had been identified as being in need of reform.⁴¹ Devotion to saints and images, as well as the sacrament of the Eucharist to name but a few aspects came under critique to varying degrees.⁴² Yet these practices and the beliefs around them are perhaps some of the most common bequests found in wills and testaments, and we often find bequests of objects to assist in the practice and enhancement of the Eucharist such as towels for the altar, vestments, or money to beautify the tabernacle where the elements were stored.⁴³ Bequests to saints’ lights are also commonplace in these documents. These gifts were neither neutral nor uncontroversial, and the individuals making these bequests would certainly have been aware of the statements that they were making by leaving money to affirm and uphold these practices.⁴⁴

³⁸ A. R. Myers, *England in the Late Middle Ages*, 2nd edn (Harmondsworth: Penguin, 1969), pp. 237–39; Eamon Duffy, *The Stripping of the Altars*, 2nd edn (New Haven: Yale University Press, 1992).

³⁹ Much of this work has been done by those who have taken ‘heresy’ as their subject matter. See, for instance: Lutton, *Lollardy*, p. 196.

⁴⁰ Kathryn Kerby-Fulton, *Books under Suspicion: Censorship and Tolerance of Revelatory Writing in Late Medieval England* (Notre Dame, Indiana: University of Notre Dame Press, 2006), p. 12.

⁴¹ The term ‘lollard’ has itself been the subject of much debate. Whilst scholars generally agree that ‘lollard’ and ‘Wycliffite’ can be used interchangeably, thanks to work by Anne Hudson, lively debate is ongoing over the use of the capital ‘L’. Use of the upper-case form, it is suggested, implies distinctiveness and coherence in a movement which has been shown to be somewhat sporadic in its organisation. Fiona Somerset has also advocated for adjectival use of the term where possible to emphasise that a lollard identity (much like any other identity) was unfixed and always changing. Where possible, this thesis also seeks to use the term adjectivally, and observes use of the lower-case ‘l’ (except in quotations from other scholarly works). Anne Hudson, *The Premature Reformation* (Oxford: Clarendon Press, 1988), pp. 2–4; Fiona Somerset, *Feeling Like Saints: Lollard Writings after Wyclif* (Ithaca: Cornell University Press, 2014), p. 18; J. Patrick Hornbeck II, *A Companion to Lollardy* (Boston: Brill, 2016), pp. 18–19.

⁴² Hornbeck II, pp. 105–11.

⁴³ See, for example: French, ‘I Leave My Best Gown’; Tanner, *Late Medieval Norwich*, pp. 118–40; Marianne Wilson, ‘A Reformation of Remembrance? Devotional Practices of Female Testators in Lincolnshire 1509–1558’, *Midland History*, 44.2 (2019), 176–89 (p. 186).

⁴⁴ That is not to say that an absence of testamentary bequests to saints’ lights (for example) indicates that the testator objected to their presence in late medieval religion. Nor can we say with any certainty that an individual who *did* leave money to a saint’s light was ‘orthodox’ in all of their religious beliefs and practices. J. Patrick Hornbeck II has drawn attention to the difficulties in placing religious belief on a sliding scale, arguing that a ‘person might hold a

The act of making a last will and testament perhaps can be considered as part of the construction of a Christian identity, but generally speaking, religious belief, however it was felt by the testator, had to be made in the last will and testament in order for it to be visible. The religious provisions made must have depended not only on an individual's personal piety, but also the image of themselves that they wished to be recorded, their material circumstances, including wealth and nearby religious institutions, and their social status. This is an important point for the present study, as it demonstrates that even those individuals who did leave bequests to support traditional activities and belief systems might have been doing so in order to produce an orthodox identity. Throughout each of the chapters that follow, major points of contention are noted and discussed, helping to contextualise the bequests and develop further our understanding of the kinds of identities that testators were constructing. The section which follows further examines the notion of identity and how it could be 'made' in the last will and testament.

1.4 Identity

This section explores the idea of identity, firstly outlining how the concept has been developed and used in previous studies, then establishing how the term is to be used in this thesis. Section 1.4.2 examines the place of gender, and how this relates to testamentary identity formation. The following section, 1.4.3, briefly discusses racial identities which, although not directly addressed in this study, are important for understanding identity more broadly. Belonging is then examined in section 1.4.5 as a facet of identity studies, and one which this thesis draws upon throughout. Section 1.4.6 then focusses in on how the making of a will and testament can be considered to be identity work, before 1.4.7 surveys more broadly the potential for identity making in a wider range of medieval texts. The final section of this chapter draws the previous sections together, outlining how the terminology around identity is to be used in this thesis.

1.4.1 Identity Theory: Relevant Aspects

Approaches to and understandings of identity have changed greatly since interest in the subject grew in the early twentieth century.⁴⁵ It is now widely understood by scholars that identities are

position of church leadership and conduct himself unimpeachably as a leading member of his community, yet privately hold heterodox views'. Hornbeck, p. 18.

⁴⁵ Sociologists undertaking research in the nascent field such as George Mead and Irving Goffman both stressed the role of relationships with other people in the formation of self-identity. Since their work was published, scholars from a range of fields have made diverse and valuable contributions to identity theory. There is of course too much scholarship to adequately do justice to the breadth and depth of the field here, but significant contributions for this present study include: Miri Rubin, 'Small Groups: Identity and Solidarity in the Late Middle Ages', in *Enterprise and*

never fixed, and that the production of identity is an ongoing process which varies with an individual's given circumstances.⁴⁶ This section examines some of the themes which are most important for this particular thesis, namely periodization and the place of language within identity production.

Section 1.1 introduced the idea that identity, for some, is closely tied to periodization. Anthony Giddens, for instance, has argued that in 'modernity', identity is a self-mastering project, in comparison to a pre-industrial, pre-capitalist, and pre-nation state society, in which an individual's identity was shaped by and large by rites of passage.⁴⁷ This view of the past as an unchanging, stable and conservative place is arguably a misrepresentation, which establishes the past as 'other' and which also privileges the present.⁴⁸ Whilst it is important to note the differences between the present and the past in terms of opportunities for self-expression and the construction of identity, Giddens fails to recognise the continuity which is largely disrupted by imposed structures of periodization. Giddens's ideas are outlined here because of the questions they raise about how applicable modern identity theory can be to the past.⁴⁹ Although the term does not appear in any of the wills which form the corpus for this research that does not indicate that these people had no perception of the notion of 'identity', even if the term was not in use. In contrast to Giddens' arguments which situate identity-making in 'modernity', Stephen Greenblatt has argued that selves have *always* existed, along with an ability to deliberately shape those selves. He goes on to explain that whilst humans have always been able to fashion their identities, the self-consciousness surrounding this 'self-fashioning' increased markedly during the sixteenth century.⁵⁰ Greenblatt argues that fashioning oneself and *being* fashioned by surrounding institutions are inexorably intertwined.⁵¹ This present project builds on Greenblatt's work, and examines how individuals were able to do this work of fashioning in their wills and testaments.

Individuals in Fifteenth-Century England, ed. by Jenny Kermode (Stroud: Alan Sutton, 1991), pp. 132–50; Anthony Elliott, *Concepts of the Self* (Cambridge: Polity Press, 2001); P. J. Burke and J. E. Stets, *Identity Theory* (Oxford: Oxford University Press, 2009); Stephanie Taylor, *Narratives of Identity and Place* (Hove: Routledge, 2010).

⁴⁶ Judith Baxter, 'Positioning Language and Identity: Poststructuralist Perspectives', in *The Routledge Handbook of Language and Identity*, ed. by Sian Preece (London: Routledge, 2016), pp. 34–49 (p. 38).

⁴⁷ Giddens claims that changes in modern society necessitate a reflexive construction of self, unlike the unchanging societies of what he terms 'traditional cultures'. Giddens, pp. 15–16, 33.

⁴⁸ Rubin, 'Small Groups', p. 134.

⁴⁹ An early instance of the word 'identity' as used to mean 'the fact that a person or thing is itself and not something else' is recorded in Morton's *A Treatise of the Threefold State of Man*, published in 1596, well after the period which this study considers. *OED*.

⁵⁰ Although Greenblatt never explicitly states what he means by 'identity' he does explain in great detail what he means by the term 'self-fashioning'. This is, he explains, a process which 'crosses the boundaries between the creation of literary characters, the shaping of one's own identity, the experience of being molded by forces outside one's control, the attempt to fashion other selves'. Stephen Greenblatt, *Renaissance Self-Fashioning: From More to Shakespeare* (London: University of Chicago Press, 1984), pp. 1, 3.

⁵¹ Greenblatt, p. 256.

More recent studies of identity have tended to focus on language as the place where identities are made. For many poststructuralist scholars, language is central to the creation of social reality.⁵² It is therefore the place where identities are formed and re-formed, and indeed, for some scholars, being the speaker of a particular language might well confer identity as well.⁵³ Although some might argue that identity *only* exists because of its construction through language, this thesis takes a more moderate view, and argues that identity production draws on a wide range of resources, with language prominent among them.⁵⁴

1.4.2 Gender

Gender is an important aspect of identity, and perhaps of all the aspects considered here it has received most attention as a ‘performed’ identity. Following on from theorists such as Simone de Beauvoir and Judith Butler, it is now widely accepted that gender is not a biological given, but a repetition of acts which code an individual as ‘male’ or ‘female’.⁵⁵ The case of John/Eleanor Rykener from 1395 demonstrates that whilst these ideas have only relatively recently received scholarly attention, the performative nature of gender (and the corollary coercion to conform to gender norms) is nothing new.⁵⁶ This relates to the production and authorship of wills and testaments in two significant ways. Firstly, the act of will-making was legally limited by gender and marital status. Married women for instance were not considered to own property, and could only make testaments with their husbands’ permissions. Secondly, the content of the will and testament itself – what was left, who it was left to, and how it was described – was also influenced by the need to conform to normative gendered behaviours.⁵⁷

⁵² See, for example: Ferdinand de Saussure, *Course in General Linguistics*, trans. by Roy Harris (London: Bloomsbury, 2013).

⁵³ Baxter, p. 36; John E. Joseph, ‘Historical Perspectives on Language and Identity’, in *The Routledge Handbook of Language and Identity*, ed. by Sian Preece (London: Routledge, 2016), pp. 19–33 (p. 20).

⁵⁴ In this I draw on the work of James Paul Gee, who argues that identity work is done not only through language but through Discourse (differentiated in Gee’s work from lower-case ‘discourse’). Gee argues that the production of identity is contingent on being able to ‘talk the talk’ but also ‘walk the walk’, and think, value, act, and use objects in the right places at the right times in order to identify oneself with a particular group or network. James Paul Gee, *Introduction to Discourse Analysis: Theory and Method*, 3rd edn (London: Routledge, 2010), pp. 28–42.

⁵⁵ Simone de Beauvoir, *The Second Sex*, trans. by Constance Borde and Sheila Malovany-Chevallier (New York: First Vintage Books, 2011); Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (New York: Routledge, 1990). Butler in particular challenges the idea that individuals become a gender in the sense that it is chosen at will by the individual. She stresses the coercive aspect at play in ensuring that people comply with accepted ways of producing gender, noting that the threats of ostracism and even death play important parts in controlling and compelling how gender is performed. Judith Butler, *Bodies That Matter* (Abingdon: Routledge, 2011), p. 60.

⁵⁶ Cordelia Beattie, ‘Gender and Femininity in Medieval England’, in *Writing Medieval History*, ed. by Nancy Partner (London: Hodder Arnold, 2005), pp. 153–70. Carolyn Dinshaw has also used this example as evidence that even in this late-fourteenth century context, the binary between male and female was not as stable as we might assume. Carolyn Dinshaw, *Getting Medieval: Sexualities and Communities, Pre- and Postmodern* (London: Duke University Press, 1999), pp. 100–142.

⁵⁷ Lucinda Becker has applied these ideas to early modern women’s wills, and has argued that for these women the need to perform accepted images of femininity on their death-beds would have been overwhelming, resulting in

1.4.3 Race

Race was a part of identity in the late Middle Ages. It is defined here as ‘a structural relationship for the articulation and management of human differences, rather than a substantive content’.⁵⁸ Although not necessarily known as ‘race’ in this period, the term is useful for interrogating the past.⁵⁹ Thomas Hahn has drawn attention to the different ways in which race operated in various contexts, and we should remember that the significance of race was culturally mediated.⁶⁰ It is important to mention race in studies of the Middle Ages because of the use and abuse of the notion of a ‘white middle ages’ in contemporary white-supremacist rhetoric.⁶¹ The testators studied as part of this project were probably Western European Christians, but they lived in worlds which were occupied by a number of different racial groups, some marked by physical markers and others by cultural ones.⁶²

Skin colour was, and still is, one location in which race is constructed.⁶³ Miriamne Krummel has for example shown how racial alterity was depicted in manuscript images of Jews in a number of ways, one of which was skin colour. By the fourteenth century, European art, which had once conceptualised ‘white’ skin as layered tones of brown, grey and pink, now showed the same individuals as pure white.⁶⁴ Although the wills and testaments which form the basis of this study never mention race, many of these testators were probably what would be considered ‘white’ today. It is likely that they would have been aware of the differences that separated them from non-white people, because of the trade routes which connected the world.⁶⁵ Indeed, some wills and testaments speak to the existence of goods which must have crossed a number of continents before they ended up in the hands of their owners. For instance Florent

wills devoid of any individuality. Yet as Becker herself goes on to argue, forms of deathbed self-expression are of interest regardless of whether they assert individuality, or whether they conform to gender norms. Lucinda M. Becker, *Death and the Early Modern Englishwoman* (Aldershot: Ashgate, 2003), pp. 2, 38.

⁵⁸ Geraldine Heng, *The Invention of Race in the European Middle Ages* (Cambridge: Cambridge University Press, 2018), pp. 27; 42–45.

⁵⁹ Race, according to this definition therefore has multiple locations, not just skin colour. Geraldine Heng’s 2018 monograph *The Invention of Race in the Middle Ages* shows the constructedness of race and argues for the need for a long history of race which has roots in a ‘pre-modern’ period. Heng, pp. 23, 26.

⁶⁰ Thomas Hahn, ‘The Difference the Middle Ages Makes: Color and Race before the Modern World’, *Journal of Medieval and Early Modern Studies*, 31.1 (2001), 1–38 (p. 7).

⁶¹ See for instance: Jennifer Schuessler, ‘Medieval Scholars Joust With White Nationalists. And One Another.’, *The New York Times*, 5 May 2019 <<https://www.nytimes.com/2019/05/05/arts/the-battle-for-medieval-studies-white-supremacy.html>> [accessed 2 December 2019].

⁶² Heng, p. 39.

⁶³ Heng, p. 181.

⁶⁴ Miriamne Ara Krummel, *Crafting Jewishness in Medieval England, The New Middle Ages* (New York: Palgrave Macmillan, 2011), p. 38; Madeline Caviness, ‘From the Self-Invention of the Whiteman in the Thirteenth Century to The Good, The Bad, and The Ugly’, *Different Visions: A Journal of New Perspectives on Medieval Art*, 1 (2008), 1–33 (pp. 13, 17).

⁶⁵ Heng, p. 184.

Kempe (Thetford, 1519) made a gift of ‘ivery bedis [beads]’, whilst William Bolde (Thetford, 1525) bequeathed his ‘chamlet jacquet’.⁶⁶ To the best of my knowledge, race is never mentioned in wills, and this contributes to a prevalent white reading of these sources which should be challenged. Imtiaz Habib notes that given the lack of explicit documentary evidence, it is necessary to use surnames as evidence of ethnicity, even if the giving of these baptismal names serves to elide these individuals’ other identities.⁶⁷ This is significant for this present project because although none of the testators in this source base have surnames which could indicate that they were people of colour it is important to note that these people were not necessarily all white.⁶⁸ Given the paucity of sources by or about people of colour in this period it is difficult to know the extent to which they viewed themselves as having an identity distinct from their white contemporaries. Whilst work by Onyeka has demonstrated that Tudor England was less racially-conscious than other contemporary European societies, he does argue that Africans living in England in this period probably perceived themselves as different, and may have helped writers in the descriptions given to them in the sources where they are mentioned. Race, argues Onyeka, was less important than integration into a parish community, and the skills which an individual could bring.⁶⁹ Habib has taken a different angle, and argues that black people were found throughout medieval England as slaves, but that they rarely appear in sources from this period.⁷⁰ As we cannot access the lived experiences of people of colour from medieval England, it is instead worth reflecting on Hahn’s argument instead:

represented color difference is never “innocent”, neutral, or without cross-cultural evaluative meaning. While skin pigment (and physiognomy) in the ancient world did not at all signify racial difference in the same way as in nineteenth-century America, or within eighteenth-century European-African relations, it nonetheless signalled conscious and conventionalized distinctions based upon appearance, territorial and geopolitical diversity, and power relations.⁷¹

⁶⁶ NRO, ANW Gloys, fol. 342v; TNA, PCC PROB 11/22/203, fol. 80r. Camlet was ostensibly a fabric made from camel hair, but could have been any rich fabric which was usually of Eastern origin. Whether or not the beads were in fact ivory, or the jacket was in fact made of camel hair, these bequests demonstrate that testators were aware of these kinds of items and that they were available within the economy of late medieval England. *LCCP*.

⁶⁷ Imtiaz H. Habib, *Black Lives in the English Archives, 1500-1677: Imprints of the Invisible* (Aldershot: Ashgate, 2008), p. 36.

⁶⁸ Habib, p. 13.

⁶⁹ Onyeka, *Blackamoors: Africans in Tudor England, Their Presence, Status and Origins* (London: Narrative Eye Ltd, 2013), pp. 152, 241, 305.

⁷⁰ Habib, pp. 4–5.

⁷¹ Hahn, p. 6.

Race was therefore one aspect of identity in this period and skin colour was one place where race was materialised.⁷² What I hope to have achieved by addressing questions of race here in this introduction is to draw attention to this important category of identity, and to challenge the idea that the testators studied here lived in a world which was characterised by racial homogeneity.

1.4.4 Belonging

The idea of ‘belonging’ is important to many conceptualisations of identity. Henri Tajfel’s ‘social identity theory’ for instance stresses the importance of belonging to social groups as part of the constitution of an individual’s identity.⁷³ More recently scholars have taken up the concept of ‘belonging’ as a complementary or indeed as an alternative approach to identity.⁷⁴ Scholars such as Floya Anthias have rejected the term ‘identity’ entirely, preferring to instead focus on narratives of location and positionality. Anthias notes that use of the concept – even when modified by terms such as ‘multiple’ and ‘layered’ – still suggests that identity is something that an individual *has* rather than something that an individual constantly *does*.⁷⁵ I take Anthias’s point here, but consider it to be less relevant to this thesis, which has at its centre a concern to explore how identities were made in the last will and testament. Peter Burke and Jan Stets meanwhile instead use the term ‘social identities’ instead of ‘belonging’. They have shown that ‘one is always and simultaneously in a role and in a group’, but that division of these two categories is analytically (rather than empirically) possible.⁷⁶ The term ‘belonging’ is used throughout this thesis because of the various opportunities that wills and testaments provided for the construction of social identities, although the former term is preferred here for clarity and conciseness.

1.4.5 Identity in Last Wills and Testaments

This section examines the historiography of wills as evidence for identity, and briefly summarises the different ways in which some studies have used these documents. Using wills and testaments

⁷² Heng, p. 182. The significance of race as a category of identity must also have varied with time and place although this is outside the scope of this present study.

⁷³ Henri Tajfel, *Differentiation between Social Groups: Studies in the Social Psychology of Intergroup Relations* (London: Academic Press for European Association of Experimental Social Psychology, 1978).

⁷⁴ Elspeth Probyn for example argues that ‘Identity has become a set of implacable statements that suppress, at times, questions about what identity really is for.’ Elspeth Probyn, *Outside Belongings* (London: Routledge, 2016), p. 9.

⁷⁵ In the context in which Anthias works, this approach is helpful: her studies are concerned with modern migration, race and ethnicity. Her subjects are living interviewees, and it is perhaps easier for individuals to reflect on their identities when asked to give narrative accounts of their lives with relation to places and groups, as opposed to broader questions about ‘who they are’. Identity, she argues, might suggest something fixed and unmoving; a possession rather than a process. Floya Anthias, ‘Where Do I Belong?: Narrating Collective Identity and Translocational Positionality’, *Ethnicities*, 2.4 (2002), 491–514 (pp. 494, 495, 498).

⁷⁶ Burke and Stets, pp. 118–24.

as evidence for identity has proved to be somewhat of a prickly subject. A number of historical enquiries using wills have asserted that these documents can be used as windows into, or reflections of the lives of the individuals who made them. There is some truth to this assertion, but perhaps not to the extent that some researchers have claimed. Few would agree wholeheartedly with W. K. Jordan's assessment that wills 'are completely honest documents, since men examined their consciences and defined their aspirations with searching of soul and in the sight of God, as they came at last to order their charitable dispositions'.⁷⁷ Similarly, Laquita Higgs, writing in 1998, argued that 'wills were almost always drawn up on the deathbed, so they are as honest a group of documents as one can expect to find'.⁷⁸ More recently, Susan James emphasised the value of these documents for the study of a large proportion of society, claiming that 'only in their wills do we hear the voices of ordinary women'.⁷⁹ These arguments all fail to recognise that testators were subject to a number of norms governing the will-making process. In contrast, wills and testaments have also attracted a lot of criticism as evidence for examining testators' identities. Some scholars caution that these documents suffer from distortion, scribal insertions and bias, as well as being aspirational rather than reflecting reality.⁸⁰ In section 1.2.4 we saw how historians such as Clive Burgess have also criticised these documents for their incompleteness, 'emphasising some aspects of testators' priorities and excluding others, shedding little or no reliable light, for instance on the concerns with which individuals had been occupied during life'.⁸¹ These arguments both underestimate the agency of the testator and also misunderstand the purpose of the will and testament. Both sides of the debate over the usefulness of wills and testaments as evidence of identity would benefit greatly from a more thorough understanding of the will-making process as well as the function of these documents.⁸²

1.4.6 The Act of Making a Will and Testament as Identity Work?

The following section explores the legal requirements which accompanied the making of a will and testaments, and evaluates the extent to which we can consider the act of making these documents to be identity work in and of itself. To 'be a testator' in medieval England was already a statement about one's identity. Being sound of mind was a legal requirement for will-making to

⁷⁷ W. K. Jordan, *Philanthropy in England, 1480-1660: A Study of the Changing Pattern of English Social Aspirations* (London: Allen & Unwin, 1959), p. 16.

⁷⁸ Laquita M. Higgs, *Godliness and Governance in Tudor Colchester* (Ann Arbor: University of Michigan Press, 1998), p. 90.

⁷⁹ Susan E. James, *Women's Voices in Tudor Wills, 1485-1603: Authority, Influence and Material Culture* (Farnham: Ashgate, 2015), p. 4.

⁸⁰ S. K. Wray and R. Cossar, 'Wills as Primary Sources', in *Understanding Medieval Primary Sources*, ed. by Joel T. Rosenthal (Abingdon: Routledge, 2012), pp. 59–71 (p. 64); Swanson, *Religion and Devotion*, p. 213.

⁸¹ Burgess, 'Wills and Pious Convention', p. 16.

⁸² This is explored in greater detail in chapter 2.

take place: Bracton's law code explains that nobody could make a gift of any kind if they could not consent to it. This not only excluded those who were classed as 'furiosus [...] mente captus' (a 'lunatic' or someone who was 'insane') but also those who were profoundly deaf, those who could not speak, and lepers.⁸³ Will-making was to some degree, then, tied up with bodily ability and contemporary perceptions of what signified consent.

There do not appear to have been any laws ruling on the religion of a would-be testator: Sheehan asserts that aliens and Jews had testamentary capacity, and he also notes that a patent roll (entry) of 1270 mentions that Cresseus, a Jew living in London, 'made his will according to the custom of the Jewry'. Cecil Roth has suggested that medieval Jews living in England before the expulsion of 1290 made wills in accordance with 'Talmudic guidelines, and were recognised by the courts.'⁸⁴ It seems, then, that the customs governing the creation of these documents were different for Jews and for Christians. Although this might seem largely theoretical, given that Jews were expelled from England in the late thirteenth century, ideas of Jews and Jewishness continued to inform English identities for hundreds of years afterwards.⁸⁵ Throughout this thesis, we shall see that the very making of a will and testament was an important act of identity work. Further research would help to ascertain the extent to which the Christian character of the will-making process was informed by a sense of racial identity, but this is outside the scope of the present thesis.

A number of groups were technically excluded from will-making because they were not able to own property, or, if they did, they may not have had administration over it. Minors did not have full control over their affairs, and so were not considered able to make gifts of their property.⁸⁶ It is clear that testators were expected to be above the legal age of majority, but how this was defined seems to have depended much on place and gender. Married women's possessions were subsumed into their husbands' property at marriage, but according to English common law they were able to make wills with their spouse's permission.⁸⁷ Members of religious

⁸³ Henry Bracton, *On the Laws and Customs of England*, trans. by Samuel E. Thorne, 4 vols (Cambridge, MA: The Belknap Press of Harvard University Press, 1968), II, p. 52. If one was unable to speak but still make one's meanings clear, then it was possible to make a will, as indicated in the 1613 case of Everard Wright from St Albans, who was speak but made his wishes clear thorough figures and demonstrations of meaning in presence of witnesses. Nigel Goose and Nesta Evans, 'Wills as a Historical Source', in *When Death Do Us Part: Understanding and Interpreting the Probate Records of Early Modern England*, ed. by Tom Arkell, Nigel Goose, and Nesta Evans (Oxford: Leopard's Head Press, 2000), pp. 38–71 (p. 48).

⁸⁴ Sheehan, *The Will* p. 234, n. 9; Cecil Roth, *A History of the Jews in England* (Oxford: The Clarendon Press, 1941), p. 117.

⁸⁵ Krummel, p. 157.

⁸⁶ Bracton, II, p. 51.

⁸⁷ Canon law conversely held that women were able to make a testament of their separate property. We know that married women did make wills because a small number of these documents survive, showing that married women were able to challenge convention. Helmholz, 'Married Women's Wills', p. 166. Cordelia Beattie's work on married

orders – who held no property – also were not eligible to be testators.⁸⁸ Yet wills and testaments *were* made by legally prohibited groups: examples survive for married women, individuals suffering from leprosy, and Michael Sheehan has even identified one will made by a child.⁸⁹ We should bear in mind Cordelia Beattie’s exhortation that ‘we need to be cautious in assuming that, just because common lawyers set out a particular position, medieval people followed it’.⁹⁰ Settling one’s estate was, then, perhaps more than a final spiritual act: it enabled an individual to publicly proclaim that one met the conditions necessary in order to ‘be a testator’, such as being ‘whole of mind’, being over the age of majority and owning property.

1.4.7 Identity Making in Legal Texts

This thesis draws on a rich historiographical tradition to conceptualise what these documents can tell us about identity in this period, and this section explores this inheritance in greater depth. Building on work which has considered the production of narratives in legal texts, the argument that runs throughout this thesis argues that wills and testaments provided testators with opportunities to construct – rather than reflect – their identities. One of the foundational studies for this present research is Natalie Zemon Davis’s *Fiction in the Archives*, which considers the stories told by supplicants in letters of remission from sixteenth-century France. Davis explored the ways in which supplicants were able to construct narratives within texts which were constrained in form by law.⁹¹ A study by Garthine Walker of women’s stories of infants’ deaths in Early Modern England has similarly emphasised the role of the law in producing a subject within these testimonies. Walker shows how the questions asked of these women were determined by the law, and that in many cases the voices that are recorded were constructed within cultural constraints.⁹² Martha Howell has applied similar ideas to a study of wills and testaments in northern France. She argues that ‘wills in Douai were not vehicles for the direct expression of socio-economic realities or personal desires, but rhetorically complicated

women’s wills examines why and how these women might have made these documents: Beattie, ‘Married Women’s Wills’.

⁸⁸ It does however appear that from the twelfth century onward the heads of religious houses were able to make wills and testaments. Sheehan, *The Will*, pp. 241, 250.

⁸⁹ For a will made by an individual living with leprosy see the testament of Henry Wells (Norwich, 1448), NRO, NCC Aleyn 9. A number of married women’s wills survive: see for instance Agnes Champnes (Faversham, 1522) KHLC, PRC 17/15/133b. On will-making before the age of majority, see: Sheehan, *The Will*, pp. 239–41.

⁹⁰ Beattie, ‘Married Women’s Wills’, p. 32.

⁹¹ Natalie Zemon Davis, *Fiction in the Archives: Pardon Tales and Their Tellers in Sixteenth-Century France* (Cambridge: Polity Press, 1988).

⁹² Garthine Walker, ‘Just Stories: Telling Tales of Infant Death in Early Modern England’, in *Culture and Change: Attending to Early Modern Women*, ed. by Adele F. Seeff (London: Associated University Presses, 2003), pp. 98–115.

compositions, authored in part by a legal culture'.⁹³ Howell's argument emphasises the role of the legal framework in the production of these texts, and whilst important, this serves to minimise the role and agency of the testator themselves. This thesis instead emphasises the agency of testators in controlling and constructing their testamentary identities, but it should be remembered that there are other agents at play too in such constructions. Testators were one part (albeit a substantial one) of this production process.

John Arnold has made important contributions to understanding the production of the subject in his work on heretical confession in documents produced as part of heretical inquisitions in thirteenth-century France. He has shown that the speaking subject is called into existence in different ways by particular contexts.⁹⁴ Drawing on work by Michel Foucault, Arnold argues that the self is produced through discourse. Different discourses produce different subjectivities: different types of textual production produce different selves. This thesis takes as a central tenet that the late medieval will and testament was a particular type of discourse which produced a particular subject: a testator. Arnold argues in his work on inquisition that 'subjectivity is produced in various ways and with different effects by altering circumstances'.⁹⁵ My research investigates the agency of the subject (the testator) in producing that subjectivity, and explores some of the circumstances around that production. The circumstances considered here are place and gender, although there are many more which could be investigated.

Elisabeth Salter has used Greenblatt's notion of self-fashioning (section 1.4.1) and applied it to late medieval wills in her work, *Cultural Creativity in the English Renaissance*. Salter initially asks how ordinary people viewed and made their identity, although she never provides a definition of the term. A sense of how she approaches the idea of 'identity' is however communicated in the first two chapters, in which Salter notes that identity is multi-form, and self-consciously constructed from a number of categories which were available to the individual.⁹⁶ These categories might include an individual's name, title, occupation and family relationships, and would vary depending on the society in which they lived. Place is for Salter clearly an important aspect of analysis in the exploration of identity, and she focusses on the settlements of the metropolitan hinterland in *Cultural Creativity*.⁹⁷ Anthropological theory looms large in Salter's work, and she draws on a range of ideas to inform her approach. Bourdieu's

⁹³ Martha C. Howell, 'Fixing Moveables: Gifts by Testament in Late Medieval Douai', *Past & Present*, 150 (1996), 3–45 (p. 10).

⁹⁴ John H. Arnold, *Inquisition and Power: Catharism and the Confessing Subject in Medieval Languedoc* (Philadelphia: University of Pennsylvania Press, 2001), p. 12.

⁹⁵ Arnold, p. 12.

⁹⁶ Salter, *Cultural Creativity*, pp. 2, 30, 34.

⁹⁷ Salter, *Cultural Creativity*, pp. 30, 34, 48.

notion of *habitus* is used as a background to identity construction; and Salter also draws on the notion of ‘ethnicities’ used in anthropological theory to designate the different kinds of identification resources which were available to an individual. This is employed to great profit, as it demonstrates that identity is something that is always being constructed and developed within an individual’s specific circumstances. Boundaries are also discussed by Salter, and she draws on work by anthropologists such as Barth, Vermeulen and Govers, who show that the boundaries of a group are perhaps more important than the *content* of that group. This idea is echoed in sociological research on belonging.⁹⁸ Salter argues that a will is a place in which a testator could form their identity, or *represent* their identity within the terms of the textual discourse of the will.⁹⁹ This study is part of a wider project which seeks to explore the interrelationship between legal text and literature, and the role played by administrative documents in shaping (and being shaped by) the textual communities in which these texts circulated. Salter argues that:

The last will and testament is formulaic but also reveals individual or personal wishes. I argue that testators and testatrixes deployed last will and testament documents to assert or define these elements of their lives, rather than simply to report or record them – in other words, will makers enter a dialogic relationship with the legal language and formulaic requirements of the will.¹⁰⁰

This is important for this thesis which also argues that the will and testament was a place of assertion and definition – but rather than personal wishes, it is the testator’s identity which is constructed through the text. This argument has also been made by Katherine Lewis in a chapter from 2000, in which she argued that women’s wills and testaments could be considered as evidence of female life writing.¹⁰¹ Lewis’s contention, that women’s wills were places where they could undertake autobiographical writing, does suggest that wills and testaments were places where women could construct identity. Yet the constraints of space prevent Lewis from interrogating this further, and instead her argument revolves around showing that ‘wills offered late-medieval women a rare opportunity for deliberate, ‘official’ textual self-presentation’.¹⁰² This present study

⁹⁸ Salter, *Cultural Creativity*, pp. 35–36; Anthias, p. 500.

⁹⁹ Salter, *Cultural Creativity*, p. 32. On borders and belonging, see: Nira Yuval-Davis, ‘Borders, Boundaries, and the Politics of Belonging’, in *Ethnicity, Nationalism, and Minority Rights*, ed. by Stephen May, Tariq Modood, and Judith Squires (Cambridge: University Press, 2004), pp. 214–30.

¹⁰⁰ Elisabeth Salter, ‘Being Dialogic with the Pragmatic Literacies of Late Medieval England’, *English: The Journal of the English Association*, 67.257 (2018), 163–180 (p. 169).

¹⁰¹ Katherine J. Lewis, ‘Women, Testamentary Discourse and Life-Writing in Later Medieval England’, in *Medieval Women and the Law*, ed. by N. J. Menuge (Woodbridge: Boydell Press, 2000), pp. 57–75.

¹⁰² Lewis, p. 60.

acknowledges and builds upon Lewis's important foundational work in this area, outlining the ways in which we can read different clauses of the will as evidence of testamentary identity making, as well as exploring how factors such as gender and location influence these constructions of identity. More recently still, Cordelia Beattie has considered women's petitions to the court of Chancery and argued that rather than being either a fictional persona, or the revelation of a self in writing, the petitioning subject is produced through the process of petitioning.¹⁰³ This argument has been influential for the present research, which considers that the process of will making is also one of identity production.¹⁰⁴

This thesis has a rich historiographical inheritance, and draws on research from a variety of fields to show that wills and testaments were places where men and women alike could construct identities. This research contributes to this field by arguing that the creation of the will and testament facilitated the creation of a testamentary identity, which was shaped by a number of different factors, including location and gender.

1.4.8 A Note on Terminology

It is at this point that it is necessary to clarify a few terms and how they are to be used in the analysis which follows. Throughout this thesis, I talk about 'creating', 'constructing' and 'communicating' identities, and I use these terms interchangeably to refer to the process by which testators were able to position themselves within networks or groups, and make statements about who they were in their last wills and testaments. Of course, this thesis is not concerned with what was 'actually true': it focusses instead on what opportunities the will and testament provided for self-expression. These opportunities of course varied with the testator's circumstances. Gender, wealth, marital status, social status and location, along with many other factors, changed how individuals were able to produce testamentary identities. But we cannot say that the identities produced in these last wills and testaments are evidence of a reality beyond the text.

The phrase 'testamentary identities' is used here as a device to show that the will and testament were not used as places where all of an individual's identities were expressed: only those which testamentary discourse permitted.¹⁰⁵ As such, the will and testament are not mirror images of the testator's life, nor are they complete projections of all of their hopes for the future.

¹⁰³ Cordelia Beattie, 'Your Oratrice: Women's Petitions to the Late Medieval Court of Chancery', in *Women, Agency and the Law, 1300-1700*, ed. by Bronach Christina Kane and Fiona Williamson, Body, Gender and Culture, 15 (London: Pickering & Chatto, 2013), pp. 17–29 (p. 22).

¹⁰⁴ This topic is discussed further in section 2.2.

¹⁰⁵ An individual's identities cannot be simultaneously be expressed, in part because of their context-specific nature, and in part because these identities might be in conflict with one another.

The last will and testament provided opportunities for the construction of identities, both through formulaic necessity and/or through aspirational self-fashioning. The making of a will and testament produced a type of identity which conformed to the legal requirements for the will and testament, and also which was informed by the resources which the testator had at their disposal.

1.5 Faversham, Thetford and the Survival of Material

The wills that form the basis of this project are all of those from the towns of Faversham and Thetford, which date from 1450 to 1530. Subsection 1.5.1 outlines the rationale for this choice of towns, and the two subsections which follow give a brief history of each location to contextualise the following research.

1.5.1 Choice of Town

The two towns were chosen from the dioceses of Norwich and Canterbury; dioceses in the East of England, which have extensive collections of last wills and testaments. Dioceses in the east of England were home to ports such as Yarmouth and Lynn (Norfolk) and Sandwich and Dover (Kent) which facilitated trade with European nations and through which goods, people, and ideas could move. Heresy trials took place in both Norfolk and Kent during the course of the fifteenth and sixteenth centuries, further emphasising that these places were home to a diversity of beliefs and practices.¹⁰⁶

These two towns were chosen because they exhibited a number of points of similarity. Both were sizeable settlements lying on major roads between their respective county towns and London. They were significant points along trade routes, and may have been important locations along pilgrimage routes or for travellers on their way to cathedrals in Norwich and Canterbury. Both towns had large numbers of wills and testaments available relative to other towns in their respective dioceses: Thetford has the fifth most wills of all the market towns in the diocese of Norwich (with Norwich included); Faversham has the third most (including Canterbury).¹⁰⁷ Both towns also have a good proportion of women's wills: Thetford is slightly higher at 17.9 per cent (34 total women's wills) and Faversham's percentage is 16.6 per cent (or 58 total wills).

¹⁰⁶ See, for example: Norman Tanner, *Heresy Trials in the Diocese of Norwich, 1428-31*, Camden Fourth Series, 20 (London: Royal Historical Society, 1977); Norman Tanner, *Kent Heresy Proceedings 1511-12*, Kent Records ; v. 26 (Maidstone: Kent Archaeological Society, 1997).

¹⁰⁷ Statistics were generated from the respective archive webpages.

1.5.2 History of Faversham

Faversham, the Kentish market town, lies nine miles from Canterbury on Watling Street. It is well situated along the pilgrim route to Canterbury, and Sheila Sweetinburgh has identified that it would have been a good stopping place before the last day's walk into the city.¹⁰⁸ London is forty-seven miles away to the north-west, and in this period was accessible from Faversham by boat as well as over land, thanks to the town's harbour which connected it to the Swale and beyond.¹⁰⁹ The town's sheltered position with good connections made it an important trading centre, and it was a limb of the Cinque Ports.¹¹⁰ Estimating the size of the population is difficult, as few records survive. The subsidy of 1524-5 records 525 taxpayers for the hundred of Faversham, a figure which Alan Dyer has suggested could be multiplied by a factor of six or seven to achieve the full population total.¹¹¹ The hundred of Faversham was however considerably larger than the town itself, encompassing a number of settlements including Ospringe and Leaveland.¹¹² Clark has given a population estimate of 'somewhat over' 1000 for the town of Faversham in the period 1580-1640.¹¹³ It seems reasonable to place a rough estimate at around 1000 inhabitants for the town in the period 1450-1530.

Faversham was home to one parish church, dedicated to St Mary of Charity. It is a large building, with some remarkable medieval survivals, including misericords, brasses, and a thirteenth-century pillar painted with scenes of Christ's life.¹¹⁴ In the neighbouring parish of Ospringe was a hospital dedicated to St Mary, known as the Maison Dieu.¹¹⁵ Initially this offered rest to pilgrims travelling to Canterbury, but by 1450, the hospital had largely taken on the role of alms house: Valentine Baret (Preston-next-Faversham) left in his will of 1440 three shillings and four pence to the poor of the hospital at Osprenge.¹¹⁶ In nearby Davington there was a priory of Benedictine nuns, which also attracted bequests from local testators. The parish of

¹⁰⁸ Sheila Sweetinburgh, "'To Move the Mind': Scenes from Christ's Life on Faversham's Painted Pillar', in *Devotional Culture in Late Medieval England and Europe: Diverse Imaginations of Christ's Life*, ed. by Stephen Kelly and Ryan Perry, *Medieval Church Studies*, 31 (Turnhout: Brepols, 2014), pp. 291–314 (p. 293).

¹⁰⁹ Sweetinburgh, 'To Move the Mind', p. 293.

¹¹⁰ FTB, I, p. xlvii.

¹¹¹ J. Sheail, 'The Regional Distribution of Wealth in England as Indicated in the 1524/5 Lay Subsidy Returns' (unpublished PhD Thesis, University of London, 1968), p. 232. It should however be noted that the returns for Kent have been described as 'very defective' as they appear to be incomplete. Alan Dyer, 'Ranking Lists of English Medieval Towns', in *The Cambridge Urban History of Britain*, ed. by D. M. Palliser (Cambridge: Cambridge University Press, 2000), I, 747–70 (pp. 763–64).

¹¹² See map 3.

¹¹³ Peter Clark, 'The Migrant in Kentish Towns 1580-1640', in *Crisis and Order in English Towns 1500-1700*, ed. by Peter Clark and Paul Slack (London: Routledge and Kegan Paul, 1972), pp. 117–63 (p. 120).

¹¹⁴ A study of this pillar has been undertaken by Sheila Sweetinburgh. See: Sweetinburgh, 'To Move the Mind', p. 293.

¹¹⁵ Charles H. Drake, 'The Hospital of St Mary of Ospringe Commonly Called Maison Dieu', *Archaeologia Cantiana*, 30 (1914), 35–78 (p. 35).

¹¹⁶ Drake, p. 55.

Faversham encompassed Faversham town, and the abbey sat within the parish boundaries. Founded in 1148 by Stephen and Matilda, it seems that tensions between the abbot and the townsmen simmered for two hundred years, before coming to a head in the fourteenth century.¹¹⁷ The abbey was a sizeable establishment: its foundations were found to measure approximately 370 foot long, and 80 foot wide.¹¹⁸ It was torn down at the Reformation and there are no remains of it visible above the ground.

We know that Faversham was a town in which a number of different kinds of texts were bought, sold and circulated. Faversham Abbey is known to have held the *Ordines of Haymo of Faversham* and a Martyrology dating from *c.* 1400.¹¹⁹ The borough also owned a book of precedents, dating from 1493 and written in English.¹²⁰ Faversham has two town books, which span the period *c.* 1251-1581. These books have been published: their content transcribed and translated. They contain information relating to the governance of the town, including the oaths sworn by mayors, information relating to the Cinque Ports, accounts, lists of freemen and a wealth of other information.¹²¹ The second book also contains a copy of the will and testament of Edward Thomasson (1494), which bears the following introduction:

Testament with the last will of Edward Thomson written by me Robert Wythiott mayor of the town of Faversham according to a true copy in the year of the Lord 1507¹²²

The entries before and after the will date from 1563 and 1560 respectively, so quite how the will ended up where it did is a mystery. Furthermore, the alleged scribe, Robert Wythiott, made his own will on 13th January 1511, and probate was granted on 27 May 1511, so if it was he who copied the document, it must have happened in the early years of the sixteenth century.¹²³ This was, for some reason, an important document, and its entry into the town book attests to an understanding of these records as being significant in some way.¹²⁴

¹¹⁷ FTB, I, p. xlix.

¹¹⁸ Brian Philp, *Excavations at Faversham 1965: The Royal Abbey, Roman Villa and Belgic Farmstead* (Bromley: Kent Archaeological Research Groups' Council, 1968), p. 22.

¹¹⁹ *Medieval Libraries of Great Britain: A List of Surviving Books*, ed. by N. R. Ker, Royal Historical Society Guides and Handbooks, no. 3, 2nd ed (London: Royal Historical Society, 1964), p. 47.

¹²⁰ Ker, p. 47.

¹²¹ The first town book is a compilation of documents dating from 1251 which relate to the legal status of the Borough, whilst the second town book comprises a variety of town records for the period from 1436 to 1581. FTB, I and II.

¹²² FTB, I, p. 232.

¹²³ KHLIC, PRC 17/12/233, fols 233^r-235^r.

¹²⁴ The reason for the inclusion of the document into the town's book is not given, but it may well have been included because of the extensive lands and properties that Edward held in the town of Faversham. Of course, this raises the question why the testament – which dealt only with moveables – was also copied in. It is also possible that the will and testament were copied in so as to make a record of the legal forms. Or indeed, as mayor of the town in

The wills and testaments from Faversham attest to book ownership and circulation. Joan Lull (1506) left ‘to maister vycar for his labor yn this behalve [behalf] a matene boke with certayn prayers wryten’.¹²⁵ This bequest shows not only Joan’s ownership of a matins book, but also suggests that it had somehow been personalised.¹²⁶ The purchase of books is also attested to in the testament of John Bangor (1489), in which he left half of the proceeds of the sale of his property to ‘þe chirch of Feuersham and þe other half to þe church of Osprenge to by with bokes such as be mooste necessary and nedefull to both þe said chirches’.¹²⁷

1.5.3 History of Thetford

Some kind of settlement at Thetford has existed since at least the Roman period.¹²⁸ The site of the present-day town is forty-four miles south-west of Norwich, and seventy-three miles from London, and it is situated in Norfolk’s Breckland district. Sited on the Little Ouse, the town was well placed not only as a centre for trade, but also as a ‘gateway’ to East Anglia, and was therefore significant as a military position.¹²⁹ In the eleventh century it was home to a mint, demonstrating something of its political importance too. Yet the town declined, in part because of the movement of the seat of the Bishop to Norwich in the late eleventh century.¹³⁰ Forest-clearing in central East Anglia in the early eleventh century had produced rich agricultural land which was ideal for breeding cattle and growing wheat, in contrast to the sterile sands of the Brecklands. The growth of towns such as Bury, Ely, Swaffham, Lynn and Newmarket during the eleventh to the thirteenth centuries was to Thetford’s detriment.¹³¹ Although Thetford had been a place of high-quality pottery production from the ninth century, this appears to have ended with the close of the eleventh century. Indeed, the population appears to have shrunk dramatically during this time, from 4750 inhabitants in 1065 to 3600 in 1086.¹³² The decline appears to have continued, hastened by the arrival of the Black Death and other significant plagues. Population estimates for the period 1450-1530 are difficult to pin down: Thetford’s taxable wealth in 1524-5 was sufficient to place the town in the top 100 list compiled by Alan

1480, Edward’s will and testament might well have been included in the town’s book as a mark of respect for his memory.

¹²⁵ KHLIC, PRC 17/13/339, fol. 339v.

¹²⁶ It could well have been commissioned to contain particular prayers, or these could have been a subsequent addition.

¹²⁷ KHLIC, PRC 17/5/106b, fols 106v-107r.

¹²⁸ D. Gurney, ‘The Roman Period’, in *An Historical Atlas of Norfolk*, ed. by Peter Wade-Martins, 2nd edn (Norwich: Norfolk Museum Service, 1994), pp. 34–35 (p. 35).

¹²⁹ Alan Crosby, *A History of Thetford* (Chichester: Phillimore & Co., 1986), pp. 13–14.

¹³⁰ Crosby, pp. 23, 25; R. A. G. Carson, ‘The Mint of Thetford’, *The Numismatic Chronicle and Journal of the Royal Numismatic Society*, 9.3/4 (1949), 189–236 (p. 189).

¹³¹ Crosby, pp. 28–29.

¹³² Crosby, p. 26.

Dyer.¹³³ The partial census conducted in 1549 suggests that Thetford's population was, by the mid-sixteenth century, around 1500 people. David Dymond's work suggests stagnation in population size, as he argues that there cannot have been more than 1500 people in Thetford by the 1520s, although he identifies no source for this assertion.¹³⁴ The period 1450-1530 saw relative prosperity in the town, which was perhaps home to between 1000 and 1500 people over the course of the period considered by this present study.

Thetford's spiritual landscape followed a similar boom-and-bust pattern. The evidence of the Domesday book recorded six churches in the town, with only two (Holy Trinity and St Peter's) surviving to be named in the 1291 *Taxatio Ecclesiastica*.¹³⁵ Eight were probably in use in the period 1450-1530: All Saints', St Andrew's, St Cuthbert's, St Etheldreda's (also known as St Audrey's), Holy Trinity, St Mary the Less, St Nicholas's and St Peter's.¹³⁶ St Giles's may well have been occupied by a hermit, although the evidence for this is scant.¹³⁷ Frederic Youngs's work on the parishes of England shows twenty ancient parishes in Thetford, but by 1450 at least eleven of these had been absorbed into other parishes, or the parish church destroyed or transformed into a different kind of building.¹³⁸ The churches which survived into this later period were largely those which were on the northern bank of the river, in line with what we know about the depopulation of the southern side of the town in the thirteenth century.¹³⁹ Three of the medieval churches remain in the town, although all three have been subject to extensive rebuilding works. St Cuthbert's is still in use as a church although retains little of its medieval fabric; St Peter's is no longer consecrated but does retain some medieval fabric; and St Mary the Less, which is closed and inaccessible.

A number of monasteries and religious houses existed at various times in Thetford, and shaped much of the religious landscape. The histories of those which were demonstrably in use

¹³³ It is placed at number 99, with taxable wealth of £34. This is equal with that of Aylsham (Norfolk), although less than other Norfolk centres such as Yarmouth (£125), Walsingham (£58) and Wymondham (£45). Dyer, I, p. 767. This list indicates predominantly the tax paid on moveable goods in each town, and so is a better measure of the size of the business community rather than population.

¹³⁴ Crosby, p. 49; *The Register of Thetford Priory, Part 1: 1482-1517*, ed. by David Dymond, Norfolk Record Society, 59, (Oxford: Oxford University Press, 1995), p. 63.

¹³⁵ The other four churches were: St Helen's, St John's (which became a leper hospital), St Margaret's, and St Martin's.

¹³⁶ Carolyn Dallas, *Excavations in Thetford by B.K. Davison between 1964 and 1970* (Dereham: Norfolk Museum Service, 1993), pp. 208–15. These institutions are indicated on map 4.

¹³⁷ This has been suggested by Francis Blomefield, in his antiquarian study of Thetford. He claims that 'the parish was annexed to St. Cuthbert's, and the Church lett to a hermit, who lived and performed service there for his own profit', but he gives no source for this information. Francis Blomefield, *An Essay Towards a Topographical History of the County of Norfolk*, 5 vols (London: Fersfield, 1739), I, p. 422.

¹³⁸ Frederic A. Youngs, *Guide to the Local Administrative Units of England*, Guides and Handbooks, 10, 2 vols (London: Royal Historical Society, 1979), I, p. 381.

¹³⁹ Crosby, p. 27.

during the period 1450-1530 are outlined here.¹⁴⁰ The Cluniac priory was probably one of the first foundations in the town: it was established in the early twelfth century and the site moved after about a decade to the northern part of the town.¹⁴¹ The Cluniac priory, for which financial records still survive, was particularly significant for the local economy. Not only did the priory own lands across East Anglia, but it was also responsible for the rectories and spiritualities of the parish churches of St Nicholas's and St Mary's in the town, meaning that although it was responsible for the upkeep of some parts of the building, it was the recipient of the great tithes of those parishes too. The priory also owned secular buildings in Thetford, such as the Angel Inn, local watermills and warren lodges which were more widely scattered across Norfolk.¹⁴² Even into the sixteenth century the priory was making repairs to its own buildings and its other properties, spending large amounts of money to do so. Testators such as Richard Coteler were involved with supplying materials such as pitch and tar.¹⁴³ We can also see testators named in the register as suppliers of food to the priory.¹⁴⁴ So too must the other monasteries and friaries played important, if smaller, parts in shaping the local economy. The Augustinian canons for example held two fairs annually, at the Invention of the Holy Cross (3rd May) and the Exaltation of the Holy Cross (14th September) which brought visitors and trade to the town.¹⁴⁵ This house – the Augustinian Priory of the Canons of the Holy Sepulchre – was founded by William de Warenne, third Earl of Surrey, in the middle years of the twelfth century, and was one of just six such houses in England. According to J. N. Hare, the priory was indistinguishable from an ordinary Augustinian priory by the later thirteenth century, and would likely have played an important part of providing hospitality for pilgrims.¹⁴⁶ The Dominican Friars were granted a site by Henry, Earl of Lancaster in 1335, and it seems that they were responsible for taking care of the sick in a nearby maison dieu.¹⁴⁷ Augustinian friars arrived approximately fifty years later, in the late 1380s. When the patrons' funds ran out, the order was granted the chapel, hospital and hermitage of St John the Evangelist, which had been founded as a church but had ceased to be parochial well before 1368, when the Inventory of Church Goods (under Edward III) was conducted.¹⁴⁸ The nunnery of St George similarly had its origins as a parish church, until the

¹⁴⁰ Further information regarding earlier churches and ecclesiastical foundations can be found in Dallas, pp. 208–17.

¹⁴¹ Dallas, p. 216.

¹⁴² Dymond, I, pp. 24–26.

¹⁴³ Dymond, I, p. 204.

¹⁴⁴ For example, Thomas Irby (TNA, PCC PROB 11/14/463, fols 202^r-202^v) was paid 12s in return for 'j lib. of saffran' at the feast of St John in 1498-9. Dymond, I, pp. 21, 109.

¹⁴⁵ Dymond, I, pp. 21, 27, 45.

¹⁴⁶ John N. Hare, 'The Priory of the Holy Sepulchre, Thetford', *Norfolk Archaeology*, 37.2 (1979), 190–200 (p. 190).

¹⁴⁷ Dallas, p. 216; C. F. R. Palmer, 'The Friar-Preachers, or Blackfriars, of Thetford.', *The Reliquary*, 1 (1887), 196–204 (p. 197).

¹⁴⁸ Palmer, p. 197; Dallas, pp. 208, 210.

mid-twelfth century when the nunnery was established and the building was rebuilt as the conventual church to the nunnery.¹⁴⁹ The nuns followed the Benedictine order, and there was capacity for at least twenty-six, although numbers dwindled up to the dissolution in 1537.¹⁵⁰ A shared local identity must have owed much to these houses, given how heavily they impacted Thetford's economic, social and spiritual landscape, as well as its history and shape as a town.

In addition to the wills and testaments which survive from Thetford, there is a variety of evidence for other kinds of texts being bought, sold, and owned by individuals and institutions in the town. Thetford Cluniac priory is also known to have held a number of books, including a fourteenth-century codex containing both the 1257 statutes of the bishops of Norwich and the *Prick of Conscience*. The priory also held a manuscript dating from c. 1425-50 containing the *Historia Regis Waldei*, a history of the priory by Geoffrey of Rocherio, and a number of miracle stories.¹⁵¹ The wills and testaments from the town speak to a culture of book ownership: Thomas Estwegt (1451), a chaplain from the town left 'omnes meos libros michi pertinens', suggesting that he owned a number of volumes.¹⁵² Others, such as John More (1473) did not leave books but instead left money for their purchase, intending for them to be used in the town's churches. John left 'ad emptorem liberi vocat le antyphonar in dicta ecclesia occupandi ad honore dei septem marcas monete Anglie'.¹⁵³

1.6 The survival of wills and contemporary access

Having examined both the historiography of the will and testament and provided brief histories of the two towns in which this project's source base were made, it is now necessary to outline how these documents come to survive.

Once the will and testament was made and the testator had died, the probate process could begin. This process has already received much attention from a number of scholars, and its inclusion here is in large part to explain how the documents which this project considers have survived.¹⁵⁴ As with the will-making process, the probate process varied with the court and location, but generally speaking, the executor/s would present themselves to the court, where

¹⁴⁹ Neil Batcock, *The Ruined and Disused Churches of Norfolk*, East Anglian Archaeology, 51 (Dereham: Norfolk Archaeological Unit, 1991), p. 54.

¹⁵⁰ Dallas, p. 216.

¹⁵¹ Ker, p. 104.

¹⁵² NRO, NCC Aleyn, fol. 94r.

¹⁵³ 'For the purchase of a book called an antiphonal to be gained for the same church to the honour of God seven marks of English money'. NRO, NCC Paynot, fol. 10v.

¹⁵⁴ Overviews of the probate process and the documents which it produced have been given in numerous works, including: Margaret Spufford, 'The Limitations of the Probate Inventory', in *English Rural Society, 1500-1800*, ed. by John Chartres and David Hey (Cambridge: Cambridge University Press, 1990), pp. 139-74; Claire Gittings, 'Probate Accounts: A Neglected Source', *The Local Historian*, 21.2 (1991), 51-59; Smith; Tom Arkell, 'The Probate Process', in *When Death Do Us Part: Understanding and Interpreting the Probate Record of Early Modern England*, ed. by Tom Arkell, Nigel Goose, and Nesta Evans (Oxford: Leopard's Head Press, 2000), pp. 3-13; Cox and Cox.

they would swear to the due execution of the will. After the oath was made, the will was transcribed into the probate act book, and it is in these volumes that the majority of extant wills survive.¹⁵⁵ The copyists responsible for making the court's copy of the will were supposed to make sure that the two versions were identical in substance, so as to minimise queries arising over the reproduction of the text.¹⁵⁶ In practice, this generally seems to have been the case. Some work has been done comparing the copies of wills made in probate registers and the originals, with very few, if any, differences found between the two.¹⁵⁷

The wills and testaments which form the basis of this study mainly survive in probate act books produced by the court in which the will was proved. Which court depended on the size of the testator's estate. For small estates, which were all located in the same archdeaconry, the will would be proved in the archdeacon's court.¹⁵⁸ The Canterbury Archdeaconry Court was responsible for the majority of wills from Faversham. Records from Thetford are unevenly split between the Archdeaconry of Norfolk (ANF), and the Archdeaconry of Norwich (ANW).

Testators who owned property in more than one archdeaconry but within the same diocese would have their wills proved in the consistory court, presided over by the Bishop. Testators from Faversham who fell into this category had their wills proved in the Consistory Court of Canterbury. Similarly, the Norwich Consistory Court (NCC) was responsible for proving the wills of testators from Thetford whose property spanned more than one archdeaconry.

If a testator owned property in more than one diocese, and had goods amounting to £5 or more, their will would be proved in the relevant Archbishop's Prerogative Court. Testators who fell into this category and who lived in southern dioceses, as all of the testators considered

¹⁵⁵ Karen Grannum and Nigel Taylor, *Wills and Other Probate Records: A Practical Guide to Researching Your Ancestors' Last Documents* (Kew: The National Archives, 2004), pp. 9–10.

¹⁵⁶ The content of these documents is often the same, with differences arising in orthography and the use of contractions. Alison Spedding, "My Testament in English Tongue": A Study in the Use of the Vernacular in Medieval Wills' (unpublished PhD Thesis, University of Birmingham, 2010), pp. 209–10.

¹⁵⁷ Peter Heath has noted some differences in the registered and notarially-attested versions of the 1502 will of William Goodknappe (Hull). He notes that in the probate register, place names are standardised and that the reference to the will being made in Goodknappe's own hand is absent from the notary's copy. The notary's copy also includes two extra clauses, one of which was dated 1503. Heath, p. 212. Alison Spedding meanwhile asserts that 'faithful reproduction seems to have been usual professional practice', Spedding, 'My Testament', p. 174. Spedding's argument is borne out in the examples of original and registered copy wills which exist within the corpus that this present study considers.

¹⁵⁸ In some instances a 'peculiar' court would deal with these small estates. A peculiar was an area which was within a geographical area of ecclesiastical jurisdiction but was in fact under the jurisdiction of a different body (which could be ecclesiastical or lay). Neither Thetford nor Faversham were within a peculiar, so the records of these courts are not applicable to this study beyond helping to explain the vagaries of this system. Arkell, p. 16.

in this study did, had their wills proved in the Prerogative Court of Canterbury. These documents are now held at The National Archives in Kew, London.¹⁵⁹

It should be noted that not all wills and testaments were taken for probate, and that even those which were may have subsequently perished.¹⁶⁰ The costs associated with probate may have been offputting, so some may not have bothered with having registered copies made.¹⁶¹ It has been suggested that when a copy *was* made, the court usually also retained the original documents. Very few of these survive, and those which do are on loose leaves of paper or parchment, so are considerably more vulnerable to loss and damage.¹⁶² Practices of keeping these documents seems to have varied across the country. Five original wills and testaments survive for Faversham, and one for Thetford.¹⁶³ In a study of York, David Smith has shown that original wills are only to be found in private archives, suggesting regional variation in the preservation of these documents.¹⁶⁴

The documents which form the basis for this study are almost all found in the act books. Six original wills are included in this study. These wills are in bundles rather than books and have in some cases been substantially damaged.¹⁶⁵ One original will (and its attendant copy) survives for Thetford in the Suffolk archives.¹⁶⁶

¹⁵⁹ For testators living in the northern dioceses (Carlisle, Chester, Durham or York) wills would be proved in the Prerogative Court of York. These documents are now held at the Borthwick Institute, York. Grannum and Taylor, pp. 14–15.

¹⁶⁰ Wills (along with many other medieval documents) held in the church of St Nicholas, Bristol, for example, were destroyed when the church was hit during a bombing raid on the city in November 1940. Joseph Bettey, 'The Pre-Reformation Records of St Nicholas, Bristol', in *Historic Churches and Church Life in Bristol*, ed. by Joseph Bettey (Bristol: Bristol and Gloucestershire Archaeological Society, 2001), pp. 55–72 (p. 55).

¹⁶¹ Gottfried, p. 15.

¹⁶² Arkell, p. 11.

¹⁶³ The wills and testaments found in PRC 16 for the period which this thesis considers are on single leaves of parchment, and are not numbered in any way. References to these documents therefore just give the file reference.

¹⁶⁴ Arkell, p. 11; Smith, p. 132.

¹⁶⁵ These are the wills of Simon Orwell (1500, KHLC, PRC 16/1), John Mylles (1516, KHLC, PRC 16/2), Annes Hale (1525, KHLC, PRC 16/1), Richard Yalding (date missing, KHLC, PRC 16/1), and William Peckham (undated, KHLC, PRC 16/157).

¹⁶⁶ This is the will of Richard Dyckys. The two versions have been compared and are identical. The original will can be found at SRO, IC500/1/23/5 and the registered copy SRO, IC500/2/17/313.

	Faversham		Thetford	
	Archival Reference	No. of wills	Archival Reference	No. of wills
Archdeaconry Court	PRC 17	308	ANF	10
			ANW	83
Consistory Court	PRC 32	30	NCC	87
Prerogative Court of Canterbury	PROB	7	PROB	9
Unregistered wills	PRC 16	5	IC/500 (Suffolk)	1
	Total	350	Total	190

Table 1. Showing the number of wills in each town, by the court in which they are held.

Almost all of the Consistory and Archdeaconry Court wills for both towns are accessible on microfilm.¹⁶⁷ Where the microfilm has been too poor to read it has been possible to consult the original volumes of probate registers held at Kent History and Library Centre (Maidstone) and Norfolk Record Office (Norwich). PCC wills held at The National Archives are available as digitised versions of the microfilm and can be consulted online or on-site at Kew.

1.6.1 Methodology and Limitations

Having identified the towns which would provide the source base for this study it was then necessary to compile a database of wills and testaments for examination. This involved using the online catalogues from each archive and searching these by location and date.¹⁶⁸ It was then possible to create a database for each settlement. The online catalogues are easy-to-access and easy-to-search repositories of information which have made much of the work of compiling information much easier. There are however some limitations associated with both these databases and also with the wills and testaments themselves which have had to be addressed over the course of this project. These are addressed here in the name of transparency and accountability.

¹⁶⁷ Much of this work has been undertaken by staff of the Church of Jesus Christ of Latter-Day Saints. Faye Phillips, *Local History Collections in Libraries* (Westport, CT: Libraries Unlimited, 1995), p. 66.

¹⁶⁸ These are available at: <<https://www.archives.norfolk.gov.uk>> and <<https://wills.canterbury-cathedral.org/>> respectively.

Taking first the limitations of the probate process, it is clear that a number of testators had their wills and testaments recorded more than once in the probate act books.¹⁶⁹ Where this was the case, and the documents were identical in content, one has been selected for inclusion into the source base. If the documents were not identical, both are included.

There are also errors and vagaries in the online catalogues. The place name 'Faversham' appears not only in relation to the town itself, but as a marker for other nearby places. Thus a search for 'Faverhsam' also returns records for individuals from 'Preston-next-Faversham' for example. These individuals were not included in the database. There were other individuals, however, who had more than one location recorded next to their names in the catalogues. For example, the places recorded in the catalogue for Ellen Easton alias Downe (1521) are Faversham and Norton. The opening lines of her testament explain where this information has come from: 'I Elyne Easton of the towne of Fauersham, wedowe, late the wif of Richard Easton of the parishe of Norton'.¹⁷⁰ John Brakeley (1505) meanwhile described himself as 'of the parysshe of Ossprenge and of the towne and lybertie of Feuershams'.¹⁷¹ William Deryke's will (1529) conversely noted that he was 'of the towne and lybertye of Fauersham and yn the parishe of Ospryng'.¹⁷² This thesis includes all such individuals because this thesis seeks to explore how people used these documents to make identities. If they used the 'place' clause at the beginning of the will to make clear that they belonged to two different jurisdictional units then this is relevant, as it provides evidence of individuals creating attachments, constructing non-binary identities, and communicating multiple belongings. Of course, these individuals have come to light because they have been recorded in this way by the individual/s who made the catalogue. There may well be other testators whose wills record multiple places of belonging, but one of these has been prioritised by the archivist for the sake of neat categorisation. It has not been possible to check through all of the wills from nearby locations to check to see whether this parish/town discord is noted in other wills and testaments and yet unrecorded in the catalogues.

¹⁶⁹ The name John Bernham (Thetford) for example appeared four times: three instances appear in the NRO, NCC registers, and one in the TNA, PCC PROB 11 collection. One of these documents was the testament of John Bernham senior (NRO, NCC Cobald 2, fol. 2^r). The remaining three all related to his son, also John Bernham. Of these three documents, two are identical: NRO, NCC Betyns 107, fols 107^r-107^v and TNA, PCC PROB 11/5/285, fols 177^r-177^v are both Latin testaments and last wills, made on 1st October 1466. The other document, NRO, NCC Jekkys 36, fols 36^v-38^r, was made on 15th October 1466 and is in English. Whilst many of the terms of the document are similar, there are also a number of differences, with the PROB 11 document making provision for the souls of John's parents (John and Isabelle) which are absent from the Jekkys version. It is very probable that the two documents were made by the same person, as both identify a wife called Katherine, a son called Nicholas, and a daughter called Isabelle. Further study of these two documents could help to shed light on will-making practices. The two documents have both been included in this study.

¹⁷⁰ KHLC, PRC 17/14/300, fol. 300^v.

¹⁷¹ KHLC, PRC 17/10/106a, fol. 106^r.

¹⁷² KHLC, PRC 17 18/268a, fol. 268^r.

The Canterbury catalogue records some of the wills and testaments with a 'Plomer reference'. These documents were located by Henry Plomer, and the references denote a series of undated bundles located in the Cathedral archives. These were subsequently catalogued as part of the KHLC, PRC 16 series (original wills), and Plomer's numbering has not been preserved by the archive. Four wills and testaments for Faversham have only a Plomer reference.¹⁷³ One of the documents was found in KHLC, PRC 16/1, but despite searching through the all of the KHLC, PRC 16/1 and 16/2 records (which cover the period 1450-1514), KHLC, PRC 16/579 and KHLC, PRC 16/580 (which cover the sixteenth century and so may contain mis-labelled documents), and KHLC, PRC 16/581 (undated wills), these documents were nowhere to be found.¹⁷⁴

1.7 Structure of the thesis

This thesis considers the potential that wills and testaments offered for the work of identity construction. It explores how testators creatively approached these documents to construct something about who they were. The thesis therefore takes an approach which considers various aspects of the will and testament in turn. Chapter 2 explores further the argument that the act of making a will and testament can be considered identity work. It considers the various stages which were involved in the production of these documents and investigates the different ways in which an individual might come into contact with this process and these documents during their lives. The chapter goes on to examine how the content of wills and testaments – specifically bequests of moveable goods and money – facilitated identity work. Chapter 3 looks at an aspect of the testament common to almost all of these documents: the burial clause. It demonstrates how this often-overlooked clause was unique in how it enabled testators to construct identities. It emphasises how places and spaces intersected with identity-making. Commemorative practices are then explored in the following chapter, which opens with a discussion of the significance of being remembered in late medieval England. This contextualises the following discussion, which examines the place of funerary provision in the wills and testaments from Thetford and Faversham. The following section then turns to explore the guilds hosted by the two towns, and how bequests to and requests of these organisations enabled testators to construct identities in relation to these groups. Chapter 5 takes as its main theme the different institutions hosted by the towns, with a particular emphasis on the parish churches. Lights dedicated to saints are the first area of focus, and this section of the chapter examines the differences between the

¹⁷³ These are: Simon Orwell (Plomer ref. OC 6); John Lyon (Plomer ref. O.C. 3), John White (Plomer ref. O.C. 3) and Richard Wolfe (Plomer ref. O.C. 3). Only the will and testament of Simon Orwell was located (KHLC, PRC 16/1).

¹⁷⁴ My thanks go to Dr Helen Wicker for her assistance with this matter.

testaments and wills from Thetford and Faversham in how these are listed and identified. The following section looks at bequests to churches more broadly, considering tithes and gifts to churches near and far. Finally, the chapter looks at bequests to the monastic houses, friaries and other institutions which complete the landscape of devotional life in the two towns. Chapter 6 concludes the thesis, bringing together the various strands of the thesis and identifying possible avenues for future research.

Chapter Two: Making Wills, Making Bequests and Making Identity

2.1 Introduction

Authorial selfhood does not exist outside of or prior to writing but emerges as a product of the writing process¹

In the introduction to this thesis we saw how last wills and testaments have been used in historical research (section 1.2). Section 1.4.5 critiqued the arguments of critical historians such as Burgess and Swanson, but also those who perhaps overstate the transparency of these documents, such as Higgs and James. This section concluded that both camps would benefit from a greater understanding of how these documents were made. This chapter explores this process and brings attention to how each of these documents was a unique production. The epigraph above serves as a reminder that, as with writing autobiography, the very making of a testament and last will creates an identity: that of ‘a testator’. This chapter therefore begins by examining how these texts were made and outlines a possible will-making process. In this way, it brings attention back to these texts as productions made by individuals, acting often with the help of others. The second part of this chapter explores what we might consider to be one of the most common functions of wills and testaments: the distribution of moveable property, and how this facilitated identity-making in the testament and last will.

2.2 The Process of Will-Making and Literature Review

This section explores the various stages involved in making a will in late medieval England. I firstly examine how this has been conceptualised by other historians, and then go on to sketch out a possible model for this process. A better understanding of how wills were made in this period will help to contextualise this project more widely. My outline is not definitive: it is an informed suggestion of how the will-making process might have happened. By exploring the processes behind the creation of the will and testament this section shows that individuals – not just testators – could come into contact with wills and testaments in a variety of ways. This exposure contributed to testators’ awareness of the forms and kinds of content which were usual within these documents, making them conscious of how identities could be made in different

¹ Ulrike Tancke, *Bethinke Thy Selfe’ in Early Modern England: Writing Women’s Identities*, Costerus New Series, 180 (Amsterdam: Rodopi, 2010), p. 25.

ways within these texts. It has also been suggested that the various individuals involved in the will-making process constituted an audience for the performance of identity in these documents.²

Few historians have attempted to define a will-making process, but one who has is Caroline Litzenberger, who outlines the stages in the creation of these documents in an article on post-Reformation Gloucestershire preambles as expressions of faith.³ She suggests that ‘will-writing was a three-step process which included writing, reading, and signing’.⁴ Litzenberger sadly goes into no further detail on the subject of will-making beyond this outline, and whilst a useful contribution, there is much which it omits, such as the calling of the scribe and witnesses. Christopher Marsh, another scholar of Reformation religion, has also explored the will-making process in early-modern England in a number of publications.⁵ Much of Marsh’s work draws on the evidence of testamentary cause records and the records of disputed wills.⁶ On the strength of this evidence he has suggested that there were four stages to the will-making process: calling witnesses, making the will, hearing it read, and ratification.⁷ In what follows, I attempt to add colour to this outline and also offer some amendments: namely an initial stage, in which an individual recognised both the value of will making and their ability to become a testator. Given that the will’s terms would only be enacted upon the death of the testator, I argue that death was an important final stage in the will-making process.⁸ The process outlined below is a suggested reconstruction, drawing on a range of primary and secondary evidence. Where possible, illustrative examples from Thetford and Faversham are used, although it should be noted that this is only an outline of the process and that there must have been a great deal of variation.

² Lewis, p. 69.

³ Other historians who have worked on the process of will-making include Linda Tollerton, who has examined this in the context of Anglo-Saxon England. See: Linda Tollerton, *Wills and Will-Making in Anglo-Saxon England* (Woodbridge: York Medieval Press, 2011), pp. 56–79.

⁴ Caroline Litzenberger, ‘Local Responses to Religious Changes: Evidence from Gloucestershire Wills’, in *Religion and the English People, 1500-1640*, ed. by Eric Josef Carlson, Sixteenth Century Essays and Studies, 45 (Kirkville: Thomas Jefferson University Press, 1998), pp. 245–70 (p. 250).

⁵ Christopher Marsh, ‘In the Name of God? Will-Making and Faith in Early Modern England’, in *The Records of the Nation: The Public Record Office, 1838-1988: The British Record Society, 1888-1988*, ed. by G. H. Martin and Peter Spufford (Woodbridge: Boydell Press, 1990), pp. 215–49; Christopher Marsh, “‘Departing Well and Christianly’: Will-Making and Popular Religion in Early Modern England”, in *Religion and the English People, 1500-1640*, ed. by Eric Josef Carlson, Sixteenth Century Essays and Studies, 45 (Kirkville: Thomas Jefferson University Press, 1998), pp. 201–44; Christopher Marsh, ‘Attitudes to Will-Making in Early Modern England’, in *When Death Do Us Part: Understanding and Interpreting the Probate Record of Early Modern England*, ed. by Tom Arkell, Nigel Goose, and Nesta Evans (Oxford: Leopard’s Head Press, 2000), pp. 158–75.

⁶ Marsh, ‘In the Name of God?’, p. 231; Marsh, ‘Attitudes’, p. 160.

⁷ Marsh, ‘Attitudes’, p. 160.

⁸ Sheehan, *The Will*, p. 140.

2.2.1 The Limitations of Will-Making

The choice to make a will and testament or not depended in part on the amount and type of property that an individual held. Those who owned nothing – children and the destitute, for example – are not represented among this source base. In theory, some groups such as individuals living with leprosy were also excluded from will-making, although this does not seem to have always been enforced.⁹ Some people did not become testators because they chose not to make a will, preferring instead to make gifts during their lifetimes (known as *inter vivos* gifts), or make gifts on their deathbeds.¹⁰ Making a will was a statement of identity – that one met the requirements; that one had important and/or sufficient property to leave and that one valued this textual form.

2.2.2 Why make a will?

Before making a will and testament, an individual needed to be convinced of the value in will-making, and there may well have been a range of factors (probably in combination) which motivated an individual to make a will. Spiritual duty may have played a part in a testator's motivations. Caroline Litzenberger has conceptualised will-making as a religious act of charity, arguing that 'as God's steward on earth it was the Christian's duty to use the last will and testament as a means of promoting and supporting God's work in the world'.¹¹ The testament was also the place where one made provision for one's soul: preambles from across the medieval period and after almost always include a clause commending the soul to God, often in combination with Mary and the Saints, and sometimes including other religious figures such as Jesus. Quite what this meant, or indeed, the implications of *not* making such a commendation, are unclear.

Testators might make a will out of concern to make life easier for their spouse, offspring, or wider family, smoothing out as far as possible any questions over inheritance. Wills could also be used to secure future provision for loved ones.¹² We should also not overlook the role of customary practice and expectation within a group such as a family: testators occasionally

⁹ This topic receives further treatment in section 1.4.1.

¹⁰ A more complete treatment of the different kinds of property transfer is given in the following: Bonfield and Poos.

¹¹ Litzenberger, p. 253.

¹² An unusual example of such provision comes from the will of John Milles (Faversham, 1516), who was concerned to ensure that his relatives Robert and Edmund Milles were both well-clothed: 'And I will that the saide dane Thomas Lenham shall receive the said vjs viijd to th entent to bey hosys and shoes therwith for the saide Robert and Edmunde'. KHL C PRC 17/15/266b, fol. 266^v.

mention wills made by relatives, suggesting a family precedent which may well have stretched back further still.¹³

Linda Tollerton, in a study of wills and will-making in Anglo-Saxon England, has argued that the making of these documents might instead have been prompted by other significant life events, such as remarriage or widowhood.¹⁴ This argument must be source- and period-specific, as Tollerton also suggests the decision to found a monastery was a possible prompt for the making of a will. Certainly none of the testators considered in this present study were founders of monastic houses. It is likely that most of the testators considered here were of insufficient wealth to consider will-making at a time other than one of (potential) peril, although as some below examples suggest, some clearly were. We know from other evidence that will-making in periods of health was considered by some to be tempting death.¹⁵ Tollerton's point does raise questions about status and wealth, and this is something perhaps which a future study could further investigate: the timing of will making and its intersection with the testator's wealth, status and power.

Fear of dying was also an important factor in understanding why people chose to make a will and testament. The wills and testaments that were made in this period were likely drawn up when a testator was concerned that their life was in danger in some way. For many, this was probably during periods of physical ill-health, as the testament of John Harman (Thetford, 1503) attests: 'I wille that all myn other willes that I haue made in tymes past *in sekeness or disease* stande to noon effecte'.¹⁶ Some testators, such as John Lyon (Faversham, 1515) made their wills and testaments well in advance of death, and used these documents to ensure their ongoing care: 'Thomas and Margarete shall kepe me with mete and drynk, wasshyng and wryngyng clene and honestly at ther owne proper coste and charge duryng all the terme of my lyf naturally'.¹⁷ Other testators were very unwell, and did not expect to recover. Matthew Dikkis (Faversham, 1509)

¹³ Thomas Larke (Thetford, 1492) left 'to the same church of Seint Petyr vjs viij*d* and iiij marke that is onpaid of my fateres will'. NRO, NCC Cage 166^r. Thomas acted as executor for his father's will (Peter Larke, Thetford, 1483, NRO, NCC Caston, fols 192^r-194^v), demonstrating a family history of will-making. It was the executor's job to see that the terms of the will were carried out so perhaps Thomas's decision to make a will was in part influenced by his concern to see that his father's ten mark bequest was paid. For further discussion of will-making in families (in which the term 'family' itself is problematized), see: Philippa Maddern, 'Friends of the Dead: Executors, Wills and Family Strategy in Fifteenth-Century Norfolk', in *Rulers and Ruled in Late Medieval England*, ed. by Rowena E. Archer and Simon Walker (London: Hambledon Press, 1995), pp. 155–74. See also: Lutton, *Lollardy*, pp. 24–25.

¹⁴ Tollerton, p. 62.

¹⁵ William Perkins, *A Salve for a Sicke Man*, (London, 1611), Early English Books Online, pp. 146–47, <<http://name.umdl.umich.edu/A09461.0001.001>> [accessed 20 February 2020]

¹⁶ NRO, ANW Fuller Alias Roper, fol. 345^v. Italics mine.

¹⁷ KHLC, PRC 17/12/391b, fol. 391^v. Another example comes from the will of Clemence Roberd (Faversham, 1509): 'to Cicely Hart my seruant a fether bed a peier of shetes and a towell with this condicion that she be diligent to do me as good seruice as she hath done before tyme and abyd with me unto my deth'. Clemence's will was granted probate in 1511. KHLC, PRC 17/12/44a, fol. 44^v.

stated that he was ‘sore sike’ when he made his testament on 26th February. Probate was granted less than a month later, on 22nd March, so this ‘sore’ sickness was probably his last.¹⁸ Testaments such as Matthew’s were probably made – or at least ratified and dated – on the deathbed, but the evidence of John Lyon’s testament suggests that, whilst probably not common practice, these documents could be drawn up during periods of health, and finalised as death drew nearer.¹⁹ I should therefore like to suggest that before any of the four stages of will-making identified by Marsh could be implemented, an individual first needed to be convinced of the value of these documents, aware of their ability to do so, and also concerned that their life might soon be over. As deposition evidence shows, however, testators might make a will before embarking upon perilous activity, indicating not that their death was imminent but that they were concerned that they might be in danger.²⁰ Whenever the will was made, surely testators were contemplating a world without them in it. William Assheton summarised this attitude in a seventeenth-century treatise on will-making, in which he noted that ‘when a man makes his will, he is either really dying, or he dies by anticipation; *i.e.* he puts himself into a posture of dying’.²¹ The first stage of will-making thus involved a confluence of various factors, including awareness of one’s own mortality and the value and appropriateness of making such a document.

2.2.3 The Involvement of Others

Making a will was not an individual pursuit. Even if a testator was capable of writing their own will and testament, it would need to be witnessed by others for it to be considered valid.²² To be considered valid, a testator had to appoint executors to carry out the terms of the will, involving yet more people. There may well have been yet others at least tangentially connected to the will-making process, such as the carers attending to testators on their deathbeds. Even if testators wrote their wills themselves in a state of health, these documents would still need to be witnessed by other individuals. And of course, the carrying out of the terms of the will would touch the lives of others who were named as beneficiaries, who received alms by virtue of the

¹⁸ KHLC, PRC 17/11/223a, fol. 223^r.

¹⁹ Marsh has suggested that wills might be made well in advance of death, but then would be confirmed and dated as a testator was dying. This, argues Marsh, means that we get an overall sense that medieval wills were made on the deathbed, when they were probably made earlier in the life course. Marsh, ‘Attitudes’, p. 161. Whilst Marsh is right to be cautious of over-reliance on the will and the date of probate as evidence of a will made on the deathbed, his argument is not clearly substantiated with statistical evidence.

²⁰ Philippe Ariès, *The Hour of Our Death*, trans. by Helen Weaver (Harmondsworth: Penguin, 1983), p. 18. For evidence of testators making wills before undertaking pilgrimage, see Rob Lutton, ‘Richard Guldeford’s Pilgrimage: Piety and Cultural Change in Late Fifteenth- and Early Sixteenth-Century England’, *History*, 98.329 (2013), 41–78 (p. 72).

²¹ William Assheton, *A Theological Discourse of Last Wills and Testaments* (London, 1696) Early English Books Online, p. 16, <<http://name.umdl.umich.edu/A26078.0001.001>> [accessed 20 February 2020]

²² The role of witnesses is discussed further in section 2.2.3.2.

will's charitable provisions, or who benefited from improvements to the local parish church, for instance. If the will and testament was registered, probate officials would also know the content of these documents.²³ There were many points at which individuals might come into contact with the will and testament and thus learn of its usual content and forms. This section examines some of the different roles associated with will-making and the practice of probate. It shows how this process necessarily involved a great number of individuals beyond the testator, bringing a range of people into contact with these documents, and providing an audience for the identities which were constructed within these texts.

2.2.3.1 Calling the Scribe

A scribe was vital if the testator wished to create a written document and could not write it themselves. Marsh identifies the calling of witnesses as the first stage in making the will, but omits or perhaps just overlooks the calling of the scribe as part of the process.²⁴ Evidence from Clive Burgess's study of wills from Eastcheap, London, in the period from 1450 to 1570 shows that it was likely parish incumbents, clerks or local scribes who drew up these documents.²⁵ Similarly, Ralph Houlbrooke has argued that on the eve of the Reformation, the clergy were 'the most readily available source of scribal expertise', but their near-monopoly on will-writing declined in the post-Reformation period, with the rise of notaries public, local gentry, yeomen, shopkeepers, and husbandmen.²⁶ Alison Spedding's study of wills and will-making however draws attention to the importance of the size and type of location in which these documents were made in determining who was a probable scribe. She argues that in rural parishes, testament writing was probably relatively uncommon and would have been offered by one or two literate individuals such as the parish priest. Conversely, in more populated, urban settlements, where one would find a greater number of legal professionals, will-making would have been more frequent because of the greater number of people requiring such a document.²⁷ Indeed Caroline Litzenberger has identified a number of individuals who drew up wills in mid-sixteenth-century Cirencester and Tewkesbury, and notes that the most prolific of these occupied the roles of parish clerk, curate, and tucker (cloth finisher), illustrating the expansion of will-making expertise

²³ Lewis, p. 69.

²⁴ Marsh, 'Attitudes', p. 160.

²⁵ Clive Burgess, 'London Parishioners in Times of Change: St Andrew Hubbard, Eastcheap, c. 1450–1570', *Journal of Ecclesiastical History*, 1, 2002, 38–63 (p. 42).

²⁶ R. Houlbrooke, 'Death, Church, and Family in England between the Late Fifteenth and the Early Eighteenth Centuries', in *Death, Ritual and Bereavement*, ed. by R. Houlbrooke (London: Routledge, 1989), pp. 25–42 (pp. 29–30).

²⁷ Spedding, 'My Testament', p. 233; J. Middleton-Stewart, *Inward Purity and Outward Splendour* (Woodbridge: Boydell Press, 2001), p. 136.

to professions outside of the clergy.²⁸ Kitrina Bevan's research into clerks and scribes in late medieval England has argued that clerks and scribes were operating in towns outside of London as early as the thirteenth century.²⁹ Indeed, some testators from Faversham and Thetford were clearly sufficiently well-acquainted with the form and content of these documents to write them themselves. Individuals such as James Fowle (Faversham, 1528) and Thomas Irby (Thetford, 1504) both noted that they wrote their own testaments, and it is quite possible that they drew up the wills of their fellow townsfolk too.³⁰

2.2.3.2 Calling Witnesses

In order to be considered valid, a will had to be witnessed. Legally, a will had to be made before a minimum of two lawful, honest men, who had been called together for the purpose of witnessing. The law treatise known as Bracton states that the witnesses had to be able to prove the will should any dispute arise from it.³¹ Chris Woolgar's work on bishops' wills emphasises this function, and argues that witnesses served to guarantee authenticity, as their presence attested to the fact that the will had been made by the testator.³² Margaret Spufford and Motoyasu Takahashi have explored the social networks which connected testators and witnesses, and concluded that the latter played an important part in bringing harmony, alleviating discord and promoting fellowship at the deathbed.³³ The presence of witnesses, then, perhaps served other functions beyond the important work of authenticating that these were indeed the testator's wishes.

Witnesses might play particularly significant roles when a nuncupative (oral) will was made, as they were responsible for presenting the information related by the testator to the officer giving probate. A written will would then be drawn up and authenticated.³⁴ It was

²⁸ Litzenberger, pp. 254–55.

²⁹ Kitrina Bevan, 'Clerks and Scribes: Legal Literacy and Access to Justice in Late Medieval England' (Unpublished PhD Thesis, University of Exeter, 2013), p. 40.

³⁰ James Fowle, KHLIC, PRC 17/18/132a, fol. 132r; Thomas Irby, TNA, PCC PROB 11/14/463, fol. 202v.

³¹ 'Fieri autem debet testamentum liberi hominis ad minus coram duobus vel pluribus viris legalibus et honestis, clericis vel laicis, ad hoc specialiter convocatis, ad probandum testamentum si opus fuerit, si de testamento dubitetur.' Henry Bracton, *On the Laws and Customs of England*, ed. by George Woodbine, trans. by Samuel E. Thorne, 3 vols < <http://amesfoundation.law.harvard.edu/Bracton/> >, II, p. 181 [accessed 20 February 2020]

³² *Testamentary Records of the English and Welsh Episcopate, 1200-1413*, ed. by C. M. Woolgar (Woodbridge: Boydell Press, 2011), p. xliii.

³³ Margaret Spufford and Motoyasu Takahashi, 'Families, Will Witnesses, and Economic Structure in the Fens and on the Chalk: Sixteenth- and Seventeenth-Century Willingham and Chippenham', *Albion*, 28 (1996), 379–414 (p. 380).

³⁴ Michael Sheehan, 'English Wills and the Records of the Ecclesiastical and Civil Jurisdictions', *Journal of Medieval History*, 14.1 (1988), 3–12 (p. 4). Nuncupative wills could only dispose of goods and chattels (as opposed to land and immovable property). J. S. W. Helt has argued that this meant that they were more often used by the poor, but provides no statistical evidence in support of this. J. S. W. Helt, 'Women, Memory and Will-Making in Elizabethan England', in *The Place of the Dead: Death and Remembrance in Late Medieval and Early Modern Europe*, ed. by Bruce Gordon and Peter Marshall (Cambridge: Cambridge University Press, 2000), pp. 188–205 (p. 192, n. 9.).

important that the witnesses were credible and respected members of the community, and so it is not surprising to find individuals in witness lists identified as ‘burgess’, ‘gentleman’, or ‘priest’.³⁵ These lists of witnesses at the end of the will does not, however, indicate all of the individuals who were at a testator’s bedside. Studies of disputed wills have shown that deathbeds were attended by a number of women who are not listed in the wills themselves.³⁶ These were spaces around which the division of labour was heavily gendered: whilst women might attend to the dying individual’s care and support, men tended to oversee official and professional aspects such as will-making. Women were forbidden by canon law from acting as witnesses to wills, so their relative absence from witness lists is hardly surprising, even though we know that they were heavily involved in caring for the sick. Indeed, female carers might act as witnesses in court in cases where wills were disputed.³⁷ We can also see that in some cases women did formally act as witnesses, and there is an exclusively female witness list at the end of the testament of Thomas Hochyn (Faversham, 1514): ‘witnesse thes women folowyng Johan Smede, Agnes Gore, and Agnes Hobynett’.³⁸ No testamentary evidence survives for any of these women themselves, although such records survive for members of the Gore and Hobnett families more widely.³⁹ Certainly, more women were present at the making of wills than are officially recognised in these documents.⁴⁰

Some historians have suggested that the individuals at the bedside would influence the content of the will and testament.⁴¹ Robert Swanson for example has claimed that ‘the voluntary nature of the dispositions is [...] doubtful. Bequests could be “suggested” by bystanders, or by the scribe of the will’.⁴² Yet as Marsh has argued, although testators were sick when they made their testaments and wills, they were ‘certainly not putty in the hands of grasping relatives’, and, if outlining the process of will-making demonstrates one thing, it is surely that this was a complicated process: testators needed to be in control of their mental faculties.⁴³ Swanson’s

³⁵ Marsh, ‘Departing Well and Christianly’, p. 223.

³⁶ Elizabeth A. Hallam, ‘Turning the Hourglass: Gender Relations at the Deathbed in Early Modern Canterbury’, *Mortality*, 1.1 (1996), 61–82.

³⁷ Robert A. Wood, ‘Poor Widows, c. 1393-1415’, in *Medieval London Widows, 1300-1500*, ed. by Caroline M. Barron and Anne F. Sutton (London: The Hambledon Press, 1994), pp. 55–67 (p. 64); Hallam, pp. 66–78.

³⁸ KHLIC, PRC 17/12/309, fol. 309^v.

³⁹ For example the testaments of Richard Gore (Faversham, 1504), KHLIC PRC 32/8/33, fols 32^v-33^v, and his wife Lora Gore (Faversham, 1506), KHLIC, PRC 17/10/221, fols 221^r-222^v, and the testament of Reginald Hobnett (Faversham, 1515), KHLIC, PRC 17/12/400, fols 400^r-401^r.

⁴⁰ The number, capacity and gender of witnesses were in some places legally restricted: women were forbidden from acting as witnesses, but their names are still found in testamentary witness lists across medieval England, particularly London: Wray and Cossar, p. 64; Wood, ‘Poor Widows’, p. 64. Archer and Ferme have questioned how strictly this prohibition was adhered to, and have shown that women could act as witnesses in non-testamentary cases: Archer and Ferme, p. 10.

⁴¹ Wray and Cossar, p. 64; Coppel, ‘Wills and the Community’, p. 81.

⁴² Swanson, *Religion and Devotion*, p. 213.

⁴³ Marsh, ‘Attitudes’, p. 164.

assertion also negates the testator's own agency and knowledge. Evidence from this corpus shows that testators were capable of composing their own wills and testaments, and we have seen that some stated that they were written in their own hands.⁴⁴ This suggests that some individuals were sufficiently familiar with testamentary processes and the forms of the will and testament – the clauses, order and phrasing – to compose these documents themselves.⁴⁵ Witnesses were vital to the creation of a valid will and testament, but we should not forget that these were probably not the only people who were present as the testator made their wishes known.

2.2.3.3 Appointing Executors, Supervisors and/or Overseers

In order for the will to be valid, the testator had to appoint an executor. This role could prove onerous, especially in the case of lengthy or complex documents, and it is common to find testators identifying close family members and trusted friends for the role.⁴⁶ John Parkin of Thetford (date unknown) for instance bequeathed to 'John Toftes of Thetford my trewe and feythefull executor [...] I gyff for his laboure j ewe and j lambe and eury day iiiij^d.'⁴⁷ The description of John Croftes as 'true and faithful' perhaps shows the trust that John was placing in his executor, and the daily payment of 4^d suggests the extent of the executor's labour. It is possible that an executor would be in attendance as the will was made, particularly as a close friend or relative would likely have been at the deathbed.⁴⁸ Sheehan argues that because of the expectations of the executor – that they bring the will for probate, that they know the document's content, and of their own appointment – that it was likely that they *were* present at the making of the will.⁴⁹ This does not seem to have been a legal requirement, however, and it is quite possible that the executor was not present when the will was made.

Another role which appears in the wills and testaments studied here is that of supervisor or overseer. An overseer's duty was to take the executor/s to court if they failed in their roles.⁵⁰ They may have also been tasked with aiding the executors, as noted in the will of Philip Mores (Faversham, 1519): 'I make Richard Matres of Borden myn ouersear of this same testament and the seid Richard to medill with noo thyng but onely to helpe and strenght [strength] my seid wiff

⁴⁴ James Fowle, KHLIC, PRC 17/18/132a, fol. 132^r; Thomas Irby, TNA, PCC PROB 11/14/463, fol. 202^v.

⁴⁵ Spedding, 'My Testament', p. 127.

⁴⁶ The role of the executor was to ensure that the will was brought for probate and to ensure that its terms were carried out. Sheehan, *The Will*, p. 182. An overview of the role of the executor is beyond the scope of this thesis, but treatment is given in various works, including those by Archer and Ferme; Maddern, 'Friends of the Dead'.

⁴⁷ NRO, ANF Liber 3a, fol. 38^v.

⁴⁸ Lutton, *Lollardy*, pp. 42–43.

⁴⁹ Sheehan, *The Will*, p. 182.

⁵⁰ Cox and Cox, p. 23.

[named as executrix] in her right'.⁵¹ Philip's request that Richard meddle with nothing corroborates Amy Erickson's observations of the role of overseer: that they were appointed to cooperate with and assist the executor/s, rather than control them.⁵² The difference between supervisors and overseers appears to have been nominal, with regional custom dictating which term was used to refer to the role of ensuring that the executor was doing their job correctly. It has been noted that overseers were often (male) friends of the testator, rather than individuals in authority, so may well have been at the deathbed, but again, this does not seem to have been mandated for the validity of the will.⁵³

2.2.4 Making the will

Once the scribe was in attendance, the business of writing the will and testament could begin. If a scrivener, clerk, or parish priest were involved in drawing up the will it is likely that they would have asked questions of the testator, made notes, and then organised these into a recognisable will and testament. The writing up of the requests into the recognisable format of the will and testament may well have taken place away from the home of the testator, and may have taken a number of days, weeks, or even months.⁵⁴ Much of this must, however, have depended on the state of the testator's health. These documents are structured according to a formula, with many using similar wording and shared conventions. Whilst any two wills might share a great number of similarities, as Alison Spedding has argued, each is as individual as the testator who made it.⁵⁵ As such, testaments are powerful statements of individuality, and whilst many of the same *kinds* of bequests are made in each document – such as money given for tithes forgotten, bequests of clothing, or the division of property – any given testator would use the resources around them in different ways to create testamentary identities.

2.2.4.1 Questions of Language

An important decision in making a will and testament was the choice of language – either English or Latin.⁵⁶ Although we know that some testators were able to make choices about the

⁵¹ KHLC, PRC 17/14/8b, fol. 8^v. Richard was not named as a witness.

⁵² The work of executing a will could be burdensome and so the assistance of an overseer could be of great help. In a study of the period from the late sixteenth to the early eighteenth centuries Amy Erickson has argued that the presence or absence of overseers was not related to female autonomy, but whether this is the case for an earlier period is unclear. Amy Louise Erickson, *Women and Property in Early Modern England* (London: Routledge, 2002), p. 161.

⁵³ Burgess, 'Wills and Pious Convention', pp. 71, 161.

⁵⁴ Marsh, 'Attitudes', p. 162.

⁵⁵ Spedding, 'My Testament', p. 15.

⁵⁶ French was common in an earlier period, particularly among higher ranking individuals such as Phillipa, Duchess of York, who made her testament in 1431. Timothy S. Haskett, "I Have Ordeyned and Make My Testament and

language in which their testament was made, this kind of evidence does not survive for the majority of testators.⁵⁷ Most testaments up until the sixteenth century were written in Latin, but might be written in French, English or a mixture of English and Latin. Alison Spedding's research on testamentary languages suggests that we will never know why an individual might choose Latin or English for their testament. Ultimately, she has shown that the movement toward use of the vernacular for these documents was probably borne out of a number of factors, including broader changes in administrative practices, and a growing interest in composing vernacular wills among the merchant class.⁵⁸ Timothy Haskett meanwhile has argued that the choice to make a vernacular will and testament might be influenced by a number of factors, including family precedents, and a desire to understand the document without having to have it translated.⁵⁹ Certainly there is some evidence that individuals wished to make their testaments in their mother tongue. Given that many individuals were unable to read and would have had to find someone to read their wills and testaments to them anyway, it is unclear how significant the choice of language would have been. It may well have been easier to find someone who could read English rather than Latin, but ultimately the decision over testamentary language must have depended greatly upon location, scribal ability and personal preference.⁶⁰

2.2.5 The Checking of the Will

If the document had been made well in advance of death, or prepared by the scribe away from the home, the reading of the will provided an opportunity to make any alterations.⁶¹ Evidence for this practice is scant, but Marsh points to a 1569 example from the Diocesan Records of Ely which shows that a will made by Father Stacy during a period of illness in September that year was then read back to him in a subsequent period of illness in the Lent of 1570. Amendments were made, and the vicar, Sir Curtis, acting here as a scribe, took the document away to make a fair copy. This process took four months, and upon completion, Curtis brought the will and

Last Wylle in This Forme?': English as a Testamentary Language, 1387—1450', *Mediaeval Studies*, 58.1 (1996), 149–206 (p. 163).

⁵⁷ See for instance the testament of Anne, Countess of Stafford (1438), which explains her choice of language: '[I] make my testament in English tonge, for my most profit, redyng, and understanfing in [his] wise'. John Nichols, *A Collection of All the Wills, Now Known to Be Extant, of the Kings and Queens of England, Princes and Princesses of Wales, and Every Branch of the Blood Royal: From the Reign of William the Conqueror, to That of Henry the Seventh* (London, 1780), pp. 278–80.

⁵⁸ Spedding does however show that testators might continue to use Latin even as use of the vernacular grew, perhaps because this was understood to be a requirement. This seems to have been the case in particular in rural, sparsely populated areas, such as the archdeaconry of Sudbury. Spedding, 'My Testament', pp. 219, 232, 243, 271.

⁵⁹ Haskett, p. 191.

⁶⁰ Bevan, pp. 177–81.

⁶¹ Marsh, 'Attitudes', p. 163.

testament back to Stacy, stating ‘I have brought your will...will you have it redd?’.⁶² This evidence, whilst originating from a period later than that considered here, probably reflects earlier practice too. Some wills from Faversham hint at the reading of the will as a stage in its making and ratifying, and could indicate that the making and reading happened consecutively and on the same day. The first and more tentatively suggested of these is from the will of Richard à Wood (Faversham, 1483) which opens with the following: ‘Bet [be] it knewyn to all faithfull people that this is the last wille and devise of me Richard a Woode of the parissh of Feuersham in the countte of Kent made and *declarid* the xxix day of January’.⁶³ Whilst the term ‘declare’ could in this context mean ‘to make clear’, it could also indicate that the will had been made known publicly, or formally.⁶⁴ More explicit is the following example from the will and testament of Nicholas Warencourt, also of Faversham, dating from 1479: ‘Presens testamentum cum ultima voluntate *publice lectum recitatum et declaratum* fuit coram venerabilibus viris domino Ricardo vicario, Johanne Orwell, William Thornton, Johane Chowne et aliis’.⁶⁵ This makes explicit that the will was read out publicly before the witnesses listed, making them aware of the will’s content as well as ensuring that they were certain that the testator, too, knew what had been written. The reading of the will and testament in front of witnesses was likely an important stage in the creation of all of these documents, although this is often not referred to as explicitly as in the example above.⁶⁶

2.2.6 Ratification

Once the testator was satisfied with the content of the will and testament, they would seal or sign the document. It is unclear whether all wills and testaments were sealed in their original form, although some originals do show signs of having had a seal attached.⁶⁷ Many of the wills which have survived have done so because of their having been copied into probate act books: it is largely these copies, rather than the original documents, which are preserved.⁶⁸ Whilst we know

⁶² Marsh, ‘Attitudes’, pp. 163–64.

⁶³ KHLC, PRC 32/2/593, fol. 593^v. Italics mine. This is a particularly unusual opening to a will, as this is the text which is used instead of the pious preamble.

⁶⁴ *OED*

⁶⁵ ‘The present testament and last will were publicly read, recited and declared before the venerable men, Master Richard, vicar, John Orwell, William Thornton, John Chowne and others’. KHLC, PRC 17/3/230b, fol. 231^r. Italics mine.

⁶⁶ Salter, ‘Being Dialogic’, p. 172.

⁶⁷ Michael Sheehan argues that seals were the preferred method of authenticating these documents during the thirteenth century. Sheehan, *The Will*, p. 191. Judith Bennett and Christopher Whittick suggest that attaching a seal was common practice in a later period (c. 1450), too: Judith M. Bennett and Christopher Whittick, ‘Philippa Russell and the Wills of London’s Late Medieval Singlewomen’, *The London Journal*, 32.3 (2007), 251–269 (p. 252). I am grateful to Alister Sutherland for his thoughts on this matter.

⁶⁸ This receives further attention in section 1.6.

that court scribes took great care to copy the words of the original wills, it was not possible to copy over the seals or signatures which ratified the document.⁶⁹ Indeed, the process of enregistering the will declared its legitimacy, making the seal or sign superfluous. Some testators made reference to the sealing of the document: ‘In wittnes wherof to this present testament I haue set to my seale’ declared the will of John Bernard (Thetford, 1511).⁷⁰ Other testators such as Thomas Irby (Thetford, 1504) described how their own authorship of the will and testament made it a legitimate document:

alle other testamentes or last willes before this daye by me made or written I utterly renouunce and them refuse foreuir. In witsesse wherof that this is the last will of me the said Thomas Irbye of Thetford I have written the effecte of alle the same will with my owne hand in a papir the daye and yere aboue written⁷¹

Thomas’s will lists no witnesses but probate was granted, suggesting that this clause was sufficient evidence to prove that the will was, in the eyes of the court at least, an accurate reflection of Thomas’s wishes.

2.2.7 The Death of the Testator

The will and testament were made in part because of the testator’s concern that their life was soon to be over. Once the will was made and ratified, the will-making process was complete. The testator could of course decide to amend their will, or indeed start again from scratch, but if they were happy with their decisions or did not have the chance to amend it again before death then it would remain as it was. It would be possible to begin enacting its terms only after the testator had died.

2.2.8 Section Conclusion

This section has shown that although last wills and testaments were often drawn up on the deathbed, knowledge and awareness of these texts might be part of individuals’ lives at various points during their life courses. We have seen that for many testators almost every stage of the will-making process necessarily involved other people: a scribe to write, witnesses to ratify, an executor to enact, an overseer to supervise. And even this account overlooks all of the *other*

⁶⁹ Spedding, ‘My Testament’, p. 209; Bennett and Whittick, p. 252.

⁷⁰ TNA, PCC PROB 11/17/156, fol. 45v.

⁷¹ TNA, PCC PROB 11/14/463, fol. 202v.

‘other people’ – especially women – whose labour is not explicitly recorded, but who cared for the testator in their sickness, and would have been conscious of the will being made, read, and ratified. Friends and family at the deathbed may well also have witnessed the creation of these documents, and they may have been involved further as witnesses or executors.⁷² Beneficiaries, who might not have been present at the making of the will, who might not have even known that a will was made, nevertheless came into contact with the property, and so must have had some awareness of the existence of the document and its effect. Individuals might come into, and sustain contact with wills and testaments because of legal disputes arising from them. At any stage in the execution of the will a dispute might arise regarding the testator’s debts, credits, chattels, lands or the executor’s delivery of goods.⁷³ In the Kentish visitations of Archbishop Warham in 1511-12 for instance, four of the eight complaints recorded from Faversham related explicitly to the terms of wills and testaments which had not been carried out.⁷⁴ And those who benefitted indirectly, too, may well have become more aware of the will, its contents and its function, for example when building work was undertaken in the parish church, when roads were repaired, and when their friends and neighbours received new apparel or household goods. That is not to say that these things never occurred at other times, too, but one can imagine that town dwellers might enquire about new building works, question funding sources, or ask about the provenance of a neighbour’s new dress. Whilst perhaps not implicated in the will in any way, there were more people aware of the creation of this document than were recorded within it.

Wills and testaments were not just written documents. We also know that wills and testaments were read aloud both at the deathbed and during communal events such as guild meetings.⁷⁵ It is unclear whether the documents were read in their entirety or summarised: whatever the case, much must have depended on the audience and the standing of the testator. Regardless of how the will was read, readings such as these served to make their audiences more familiar with the form as well as the content of these documents.

Wills and testaments were also parts of the life of a town community in this period, and these documents might also be tied up with a sense of civic identity. In Faversham extracts from wills and testaments made by townspeople were copied into the town books, demonstrating their importance to town life.⁷⁶ Andrew Butcher has suggested that seemingly pragmatic records are

⁷² Hallam.

⁷³ Sheehan, ‘English Wills and the Records of the Ecclesiastical and Civil Jurisdictions’, p. 5.

⁷⁴ K. L. Wood-Legh, *Kentish Visitations of Archbishop William Warham and His Deputies, 1511-1512*, Kent Records, 24 (Maidstone: Kent Archaeological Society, 1984), pp. 247–48.

⁷⁵ Salter, ‘Being Dialogic’, p. 179.

⁷⁶ The will and testament of Edward Thomasson (1507) is recorded in Faversham’s Town Book. It was also registered in Canterbury’s Consistory Court (KHLC, PRC 32/4/59, fols 59^r-61^v). *FTB*, 1, pp. 232-35. Elsewhere in the country, Elaine Clark has noted that wills might be entered into the records of manor courts in the case of

stored by communities as evidence of networks of individuals as well as more general moral and political standards: in sum, records which express the nature of the community.⁷⁷ Whilst Butcher does not specifically identify wills and testaments as belonging to this genre of record, it is clear that these documents do (to varying degrees) draw upon the resources of the communities in which they were written, and speak to shared cultural values.

Wills and testaments were thus not exclusively accessories of the deathbed: they pervaded everyday life, where these texts were created and circulated, disputed, proved and kept.⁷⁸ They might also form part of the community's written record. Indeed, by the later sixteenth century the form of the will and testament was so well known that women in particular used this genre as a template for writing advice literature, passing on wisdom rather than possessions.⁷⁹ This was possible *because* of the awareness of the form and function of the will and testament shared by members of the communities in which they were written.

2.3 Bequests to Individuals

This section now moves on to examining the implications of bequests of objects that were made in the will and testament. As the previous section showed, being named as a beneficiary in the will and testament of a friend or family member brought individuals into contact with the will and testament, regardless of whether they went on to make these documents themselves. Testators in both locations – and throughout the country – left their personal possessions to those who survived them.⁸⁰ This section examines these bequests of objects, in particular considering the implications that testamentary descriptions of property, particularly moveable

disputes: Elaine Clark, 'Mothers at Risk of Poverty in the Medieval English Countryside', in *Poor Women and Children in the European Past*, ed. by John Henderson and Richard Wall (London: Routledge, 1994), pp. 139–59 (p. 141).

⁷⁷ Andrew Butcher, 'The Function of Script in the Speech Community of a Late Medieval Town, c. 1300-1550', in *The Uses of Script and Print, 1300-1700*, ed. by Julia Crick and Alexandra Walsham (Cambridge: Cambridge University Press, 2004), pp. 157–70 (p. 162).

⁷⁸ Salter, 'Being Dialogic'.

⁷⁹ Tancke, p. 117.

⁸⁰ Studies have tended to focus on particular localities rather than attempting to survey the entire country. The following studies represent just some of the work on material culture in specific cities or counties. Work on Kent includes Elisabeth Salter, 'Some Differences in the Cultural Production of Household Consumption in Three North Kent Communities, c. 1450-1550', in *The Medieval Household in Christian Europe, C. 850 – C. 1550*, ed. by Cordelia Beattie, Anna Maslakovic, and Sarah Rees Jones, *International Medieval Research*, 12 (Turnhout: Brepols, 2003), pp. 391–40. Catherine Richardson focusses in particular on Sandwich: Catherine Richardson, 'Household Objects and Domestic Ties', in *The Medieval Household in Christian Europe c. 850 - c. 1550*, ed. by Cordelia Beattie, Anna Maslakovic, and Sarah Rees Jones, *International Medieval Research*, 12 (Turnhout: Brepols, 2003), pp. 433–48. Lisa Liddy has considered wills alongside archaeological data in her doctoral research which considered the material culture of households in late medieval and early modern York. Lisa Liddy, 'Domestic Objects in York c.1400-1600' (unpublished PhD Thesis, University of York, 2015). London has been the subject of multiple surveys, which include Robert Wood's doctoral work on books. Robert A. Wood, 'Life and Death: A Study of the Wills and Testaments of Men and Women in London and Bury St Edmunds in the Late Fourteenth and Early Fifteenth Centuries' (unpublished PhD Thesis, University of London, 2012).

possessions, had for the construction of testamentary identity. Describing one's possessions in the last will and testament not only communicated something of the significance of these items, it also gave testators opportunities to remember aspects of their own lives and construct their identities. Testamentary gifts of moveable property have been used as sources of information about relationships and emotion, perceptions of luxury, as well as evidence for changing patterns of consumption.⁸¹ Drawing on these ideas and developing them further, I suggest that testamentary bequests of objects were opportunities for testators to construct identities. To do this, the following section is split into three subsections. The first two consider how bequests of objects served as conduits for identity construction. The second, which considers the individuals to whom the objects were bequeathed, explores how bequests made possible testamentary requests for commemoration. It also examines how the giving of objects facilitated the construction of identities through the creation of personal and community networks.

2.3.1 The Function of Objects

This section examines the range of identity work which was possible through the description of objects in wills and testaments. Historians have suggested a number of reasons as to why individuals might have described objects in detail in their wills and testaments.⁸² This thesis builds on this historiographical inheritance and argues that the inclusion of objects in testaments is in addition a medium for the creation and communication of a testator's identity.

The making of a will and testament gave testators a chance to construct testamentary identities by describing the objects that they wished to give away. In her will Margaret Knyght (Faversham, 1497) left to Joan Cheney 'my wyndyng wyddyng ryng of gold with a stone'.⁸³

Description of the ring as a 'wedding ring' helped Joan to identify the item which she meant, but

⁸¹ Lisa Liddy, 'Affective Bequests: Creating Emotion in York Wills, 1400-1600', in *Understanding Emotions in Early Europe*, ed. by Michael Champion and Andrew Lynch (Turnhout: Brepols, 2015), pp. 273–89; Richardson, 'Household Objects'; Richardson, 'A Very Fit Hat'; Salter, 'Some Differences'; Salter, *Cultural Creativity*.

⁸² Elisabeth Salter has argued that detailed description suggests either that this was required to identify the particular object required, or that these details were significant features of the experience of that object: Salter, *Cultural Creativity*, p. 77. Work by other historians has shed light on what these experiences might mean. Some of these relate to the creation of affect or emotion: Catherine Richardson has for instance demonstrated that gifts could be used to demonstrate the feelings the giver had for the recipient: Richardson, 'A Very Fit Hat'. Lisa Liddy has focussed specifically on how emotion was created not only through the objects but how they were described in the will, concluding that descriptions enhanced the value of the item, and thus also enhanced the affection felt by the donor for the item and the recipient, too: Liddy, 'Affective Bequests', pp. 278–87. Joel Rosenthal has looked at how bequests of heirlooms were described in terms which served to reinforce the concept of patrilineage: Joel T. Rosenthal, *Patriarchy and Families of Privilege in Fifteenth-Century England* (Philadelphia: University of Pennsylvania Press, 1991), p. 86. Finally, Renata Ago has shown that objects did not only connect the recipient to their past, but also could connect the donor to the future. She argues that because objects 'absorbed something of the person to whom they had belonged, these things were able to preserve and transmit aspects of this individual to future generations': Renata Ago, *A Gusto for Things*, trans. by Bradford Bouley, Corey Tazzara, and Paula Findlen (Chicago: University of Chicago Press, 2013), p. 225.

⁸³ KHLIC, PRC 32/4/149, fol. 149^v.

it also helped Margaret to construct her identity as a once-married woman.⁸⁴ Bequests of objects also allowed testators to communicate something of their daily lives. Women and men alike could use their wills to bequeath the objects and materials that they used as part of their craft. Katherine Dolly (Thetford, 1500) left her daughter Margaret ‘all my brewing vessell’.⁸⁵ Katherine’s bequest facilitated the construction of her knowledge and skill within her will. The gift of these items to her daughter constructs Katherine’s identity as a mother and as a provider, and her daughter could use these vessels to brew beer or ale for her own family, or to supplement her income.⁸⁶

Objects might be used to construct an individual’s status. Henry Houghton (Thetford, 1505) left to his son Robert a wide range of household objects, among which were ‘the best candilstyrkke of laton and a wrytyng candilstyrkke’.⁸⁷ The different descriptions accorded to these candlesticks enabled Henry to construct his status. By describing them in these different ways, he showed that he owned specific objects for specific uses, with his bequest of ‘the best’ candlestick constructing his ownership of many more. The information that one of these was a ‘writing’ candlestick enabled Henry to create his interest in writing, and perhaps suggests ownership of other paraphernalia associated with this act. His bequest moreover constructs his household, as a place of literary production, and he, as head of that household, as a creative, wealthy individual. By passing these objects on to his son, Henry was able to produce a testamentary identity as an individual with interests in literacy.⁸⁸ In this way we can see that testators were able to use objects to create identities and communicate their interests and priorities in their last wills and testaments.

2.3.2 Life Experiences and Objects

As well as daily life, wills and testaments were places where testators had an opportunity to remember periods of disruption and momentous life-course events which they could use to construct testamentary identities. Thomas Tylney (Thetford, 1515), for instance, left to ‘Margaret Sutby of Bury Sancti Edmundi my wife’s beste gowne. Also I bequeth to Isabell my wife’s daughter my wife’s best kyrtil’.⁸⁹ These gifts of his deceased wife’s clothing allowed Thomas to memorialise a previous relationship, construct his status as a widower, and create his connections

⁸⁴ Margaret requested to be buried next to her late husband Steven Knight.

⁸⁵ NRO, NCC Craforde, fol. 85^v.

⁸⁶ Judith M. Bennett, *Ale, Beer and Brewsters in England: Women’s Work in a Changing World, 1300-1600* (New York: Oxford University Press, 1996), p. 7; Beattie, ‘Married Women’s Wills’, p. 20.

⁸⁷ NRO, ANW Bemond, fol. 5^v.

⁸⁸ Richardson, ‘Household Objects’, pp. 339, 341.

⁸⁹ NRO, ANW Gloys, fol. 138^r.

to other individuals. The bequest of the kirtle situated Thomas within a wider network of kinship, and both bequests construct Thomas's testamentary identity as a caring husband who noted his wife's sartorial preferences.

Sheets were often left as testamentary gifts, and seem to have provided a number of testators with opportunities for identity work.⁹⁰ John Sonte (Faversham, 1514) left to his daughter Mildred 'iiij paire of shetes wherof one of the paire of shetes that I did make whan I was a wydower'.⁹¹ His description serves to identify the sheet he meant, suggesting that he was wealthy enough to own multiple sets, but more importantly for this study, the will provided John with the opportunity to construct a discourse of memory around the object. It is notable that whilst John used his widowerhood to define a period of his life, female testators, who were often widows and may well have experienced more than one period of widowhood, rarely use this as a descriptor for their property.⁹² This sheet was to John, and perhaps his daughter as well, a concrete instance of his widowerhood, and its description in his will allowed him to communicate his life experiences.⁹³ References to John's late wife Gertrude pervade his will: not only did he ask to be buried next to her, but he also described objects in terms of her ownership. For example to Agnes Pratte he left 'a red kyrtell that was Gertrude my other wife's'.⁹⁴ John's bequests are excellent examples of a testator using their will to create testamentary identities through the objects that they left.

Margery Baker's bequest (Faversham, 1505) to her servant Elisabeth included 'ij peier sheetes whych were of here owne spynnyng and a couerlett of grene'.⁹⁵ In this case we can see that Margery remembered Elisabeth's work in making the sheets, and that this was the feature by which they were defined. Unlike the sheets that John Sonte spun as a widower, they did not mark a past event in the life course, but instead, the sheets would pass onto Elisabeth at Margery's death, presumably marking the end of her employment in that household. In this way, Margery's gift of sheets to Elisabeth was a concrete instance of the relationship between the two women, which simultaneously looked back to the term of Elisabeth's employment, but also looked to a time when that relationship would end and continue to connect her to it.

⁹⁰ Catherine Richardson has shown that these items were not only particularly common, but also that they could have significant implications for raising the recipient's standard of living. Richardson, 'Household Objects', pp. 440–41.

⁹¹ KHLC, PRC 17/12/388, fol. 388^v.

⁹² Richardson, 'Household Objects', p. 442.

⁹³ Whilst not common, women do occasionally refer to periods of widowhood in their wills, but this is usually in reference to property transactions. Such descriptions would have helped to legitimise their ownership of the land. For example Alice Hille of Faversham was married when she made her will in 1487, and she left to her husband Richard 'ij closes of land and mede [meadow] conte by estimacion xij acres lyeing and beyng in the parish of Otforde which I purchased of Water Bery of Sevenok whils I was sole widowe'. KHLC, PRC 32/3/129c, fol. 129^v.

⁹⁴ KHLC, PRC 17/12/388, fol. 388^v.

⁹⁵ KHLC, PRC 17/10/36, fol. 36^v.

Some testators made testamentary bequests for the payment of outstanding debts, which in some cases may have been connected to periods of disruption during their lives. No testator however gave as much detail as Robert Thornvall (Faversham, 1528), who requested that:

the said Thomas Thornevall my sonne uppon my blessing to paye to my said wif vjs viij*d* that I lent hym uppon his wyves harnysed gyrdell. And I toke hym the gyrdell agayne uppon Cristmas day yn the mornyng uppon a condition he shuld bryng the said gyrdell agayne or else vjs viij*d* for the said gyrdell⁹⁶

In this example we can see that Robert had lent 6*s* 8*d* to Thomas using Thomas's wife's girdle as collateral for the loan. Robert, now concerned that he will soon die, requires the money to be paid back (albeit to his wife rather than to him directly) after his death. In Robert's remembering of the events around the loan he was able to construct some of his relationships: to his wife, son, and daughter-in-law, and thus construct his identity as husband, father, and father-in-law. We can see that he used his testament to reconstruct the events around the loan being made, and in so doing creates an identity for himself as a fair and equitable moneylender. We could also read this request as Robert providing for his wife after his death, constructing a testamentary identity as a caring husband.

The will and testament thus offered testators an opportunity to bequeath objects and construct identities. Testators bequeathed objects which belonged to deceased loved ones and constructed their identities in relation to these individuals. They referred to specific items by describing them in terms of periods of disruption in their lives, and in so doing were able to create histories for these things and for themselves. Objects could serve as vehicles for memory and could be endowed with different kinds of detail, facilitating a variety of different kinds of identity work. In this last section we have seen how testators could also use objects to remember difficult periods in their lives and construct identities in relation to these experiences.

2.3.3 Bequests to Religious Individuals

This subsection moves away from objects and their description, and instead considers how endowments might enable testators to construct relationships to particular groups of individuals. Bequests to individuals identified as monks, nuns, friars, vicars, priests and other religious appear in the wills and testaments from Thetford and Faversham and across England more widely. The

⁹⁶ KHLC, PRC 17/18/82b, fol. 83r.

naming of these individuals and the identification of their position made it possible for testators to construct networks and indicate their own place within them.

Testators from both locations regularly left money to whole religious communities, which facilitated construction of their knowledge of these institutions. Robert Alen (Thetford, 1505) left ‘to the bretheren and couente of the munkys of the same towne [Thetford] vjs viij*d*.’⁹⁷ Sometimes there was a distinction made between the amount given to the prior or prioress, and the rest of the brethren. John Bellinger (Faversham, 1529) for example left ‘to my ladye prioresse of Shapey [Sheppey] iij*s* and to euery ladye beside yn the saide monasterie xx*d*.’⁹⁸ Still others made yet further distinctions between the monastery’s brethren. Isabel Love (Thetford, 1513) left ‘to euery monke of the forsaid monastery [Priory of St Mary, Thetford] beyng a preste vjs viij*d* ande to euery novice iij*s* iij*d*.’⁹⁹ Often these bequests were also associated with requests for prayers, with more paid to those who were priests who could conduct the mass, and less to the novices, who could not. These bequests enabled testators to construct their proximity to these institutions, and communicate that they had some kind of relationship with them: how else would a testator know that they were making a bequest that was within their means? Bequests such as these could be read as expressing a testator’s confessional identity, support for this kind of pious expression, or indeed, wealth and generosity.

Making a bequest to a particular individual – especially when that individual was part of a wider community such as a monastery – facilitated a different kind of identity work.¹⁰⁰ Naming a particular monk, nun or friar for instance and identifying them apart from the rest of their community could construct a significant relationship between them and the testator. Sometimes this relationship was described: William Reve (Thetford, 1504) requested that ‘*my brother* freter [frater] Thomas Reve syng ij trentalles for my soule and my frendes’.¹⁰¹ In many cases, however, where a particular monk, nun or friar is named, no clue is given as to the nature of that relationship. Instead, these bequests create the significance of that individual to the testator, and

⁹⁷ NRO, ANF Bulwer, fol. 34^v. Bequests to religious institutions are discussed further in chapter 5.

⁹⁸ KHLC, PRC 17/17/224, fol. 224^v.

⁹⁹ NRO, NCC Johnson, fol. 235^r.

¹⁰⁰ Renata Ago’s work on objects and collections in seventeenth-century Rome perhaps provides a useful starting point here for considering bequests to named individuals against bequests to an entire community. Ago notes that ‘the piece of silver worked in a particular manner was listed separately in a will’. In removing an object from the wider grouping to which it ‘belonged’, Ago argues, the testator communicated something special about the relationship that they had with that particular item. Doing this also communicated something about the owner: their tastes, their priorities, and their curatorship of their own objects. This framework suggests that the isolation of an individual from a group is to communicate something special about the relationship between testator and that individual, whether that be an individual or an item. Ago, p. 225.

¹⁰¹ TNA, PCC PROB 11/15/60, fol. 26^v. Italics mine. The term ‘brother’ may have been used here to refer to a blood relation or to an individual loved and valued as a brother: in either case the term constructs proximity between the two men. Their shared surname suggests however that they were related by blood.

thus construct the testator as having particular priorities for their commemoration and as being part of networks within the town in which they lived.

2.3.3.1 Monks, Nuns and Friars

The religious institutions – particularly the parish churches, monasteries and friaries – in Thetford and Faversham had a significant impact on the towns' histories and these subsequently influenced the identities of that town's inhabitants. Testators from both towns often identified particular monks or friars as beneficiaries of bequests in order to make specific bequests to those individuals, or to make particular requests of them. This phenomenon is particularly marked in the wills and testaments from Thetford, where the large number of religious individuals, particularly friars, must have meant that the town's inhabitants were not only more likely to have contact with these men and women than the testators from Faversham, but also that the chance of their being related to a religious individual was much greater. This section asks how bequests to and requests of religious people for commemorative acts facilitated identity work in the wills and testaments from Thetford and Faversham.

Sybil Young alias Skepper (Thetford, 1484) left money for commemorative masses to 'domino Ricardo Skepper filio meo capellano'.¹⁰² Sybil's preamble states that she was wife of Thomas Younge of Thetford and sometime the wife of John Skepper. She was thus both a wife and a widow at the time of making her will.¹⁰³ If Sybil had just named 'Ricardo Skepper' we might be instead pondering if (and if so, how) the two were related; similarly if she had identified him as 'filio meo Capellano' without naming him we might have wondered whether he was a son from her first or second marriage. Her framing of her son in this way cemented her links to him and to her previous husband, making the relationship between all of these individuals clear. Sybil's use of the terms 'domino' and 'capellano' affirmed Richard's status as a chaplain but also constructed Sybil's identity as mother of an educated man of the church. Sybil's bequest of money to him for commemorative masses facilitated a construction of Richard in this way, but also enabled Sybil to commemorate her own various roles and relationships within her will and testament.

The testament of Walter Park (Faversham, 1523) lists the names of twelve individual monks (including the prior) at Faversham abbey as beneficiaries. Bequests were made to two individuals and three groups of monks, and were in each case bequests of objects:

¹⁰² NRO, ANW Fuller alias Roper, fol. 55r.

¹⁰³ 'Ego Sibilla uxor Thome Yonge de Thetford quondam uxor Johannis Skepper de eadem Norwichen diocesi'. NRO, ANW Fuller alias Roper, fol. 55r.

I wull to Master Prior a silken cloth of iij yardes desieryng hym to praie for me yn his masse. Item I wull to Master Godynston, Master Supprior, Master Barmesey and Master Harton a playne chest with lock and keye. Item I wull to Master Ware, Master Shepey and Master Bondisshen a brasse pott ~~pote~~ of iiij galons. Item I wull to Master Lynsted, Master Elham and Master Hadley iij platies [...] I wull to Master Sellerer a pewter basyn to saie masse for me, Thomas and John¹⁰⁴

It would of course have been possible for Walter to leave these objects instead ‘to the prior and convent of Faversham Abbey’ but his bequests here instead allowed him to record something of his perceptions of these monks, perhaps their social groupings or their relative status within the monastery. It might even have been the case that the objects bequeathed related to their roles in some way – although this is largely speculation.¹⁰⁵ By naming them individually, Walter communicated something of his own social network and his relationships with these individuals, constructing an identity as an individual well-acquainted with this particular institution. By listing these named monks Walter was able to create something of his social connections and property and construct a pious concern to be remembered in masses and prayers by this group of religious men.

2.3.3.2 Anchorites

An anchorite was an individual – male or female – who lived often in solitude in a cell attached to a parish church. Distinct from a hermit, who could move about, anchorites were enclosed in their lodgings until death, and remained dependent on others for sustenance, sanitation, warmth and spiritual needs.¹⁰⁶ Community involvement was therefore significant to ensuring the anchorite’s survival: it is perhaps unsurprising that prospective anchorites were advised to choose a reclusorium within a town rather than the countryside because of the greater resources available there.¹⁰⁷ Once enclosed, the anchorite was expected to devote their life to contemplation. The *Ancrene Wisse*, a thirteenth-century guide for anchorites, advised a life of prayer, reading, observation of mass, and meditation.¹⁰⁸ Faversham hosted an anchorite, whose

¹⁰⁴ KHLC, PRC 17/15/257, fol. 257^v.

¹⁰⁵ It may well be the case that Walter was involved in supplying the abbey in some way, bringing him into contact with these individuals and growing a relationship with them. Unfortunately his will and testament give no further hints as to his trade or occupation, and no record of him exists in Faversham’s Town Books.

¹⁰⁶ Ann K. Warren, *Anchorites and Their Patrons in Medieval England* (London, 1985), pp. 7–8, 15; Barry Windeatt, ‘Introduction’, in *Revelations of Divine Love*, trans. by Barry Windeatt (Oxford: Oxford University Press, 2015), p. x.

¹⁰⁷ Warren, p. 40.

¹⁰⁸ *Ancrene Wisse*, ed. by Hugh White (London: Penguin, 1993), p. 14.

first mention in a will and testament comes from the mid-fifteenth century.¹⁰⁹ Sixty-six years later, at the end of the time period which this research considers, the anchorhold was still in use, as Simon Lacy's testament of 1530 demonstrates: 'to my lady ancesse xij*d*'.¹¹⁰ Thirty-one testators made bequests to the anchorite or her servant, but these represent just 8.9 per cent of the total wills and testaments made in Faversham in the period 1450-1530. All of these bequests were of money rather than of objects, indicating testators' awareness of her reliance on alms for survival.¹¹¹ Making a bequest to the anchorite was not a ritualised part of will-making in the town, as not every testator did so. A testamentary decision to support the anchorite and/or her servant was clearly voluntary: a choice rather than a standardised or formulaic insertion.¹¹² How, then, might a bequest to the anchorite enable a testator to construct their identity?

Gifts to the anchorite in testaments and last wills may have been made to construct support for this particular kind of pious expression. Some testators made bequests of money in return for spiritual services, such as Harry Sayer (1502) who left 'to the ances there [Faversham] to pray for my soule and all christen soules xx*d*'.¹¹³ This bequest creates something of Harry's charitable identity, but also illustrates that the anchorite and her patrons existed in an economy of exchange, which Liz Herbert McAvoy and Mari Hughes-Edwards have termed 'a tightly woven circle of material and spiritual reciprocity'.¹¹⁴ We can see this illustrated also in the bequest of Clement Perchild (1509), who left 'to *my* anchoresse of Fauersham x*s*'.¹¹⁵ Clement's bequest creates a sense of his belonging to the community which supported the anchorite, but might also indicate a proprietorial element over her. Patricia Rosof's work on twelfth and thirteenth-century anchorites has argued that 'As a recluse, she was uniquely *their* recluse'.¹¹⁶ It may well have been that Clement did feel that the community somehow owned the anchorite, but equally, the term may well have been used out of respect, akin to 'my lord' or 'my lady', as in the testament of Margaret Gebon (1512) who willed that 'my lady ankerise shal haue xx*d*'.¹¹⁷ Indeed although

¹⁰⁹ 'Item lego anacarit ij*d*, Richard Wynston (1464), KHLC, PRC 17/1/58b, fol. 58^r. Although anchorites could be female or male, most of the wills from Faversham refer to a female anchorite, so it is the female pronoun which is used to refer to the anchorites which were resident in the town.

¹¹⁰ KHLC, PRC 17/19/39a, fol. 39^r.

¹¹¹ Patricia J. F. Rosof, 'The anchoress in the Twelfth and Thirteenth Centuries', in *Medieval Religious Women: Peacemakers*, ed. by Lillian Thomas Shank and John A. Nichols, Cistercian Studies Series, 72, 3 vols (Kalamazoo: Cistercian Publications, 1987), II, 123–44 (p. 131). John Styler (Faversham, 1524) left his wife's kirtle to 'the woman that kepith the ankes' but this was intended for the anchorite's servant and not the anchorite herself. KHLC, PRC 17/16/91c, fol. 91^v.

¹¹² Warren, p. 235.

¹¹³ KHLC, PRC 17/8/207b, fol. 208^r.

¹¹⁴ Liz Herbert McAvoy and Mari Hughes-Edwards, 'Introduction: Intersections of Time and Space in Gender and Enclosure', in *Anchorites, Wombs and Tombs: Intersections of Gender and Enclosure in the Middle Ages* (Cardiff: University of Wales Press, 2005), pp. 6–26 (p. 22).

¹¹⁵ KHLC, PRC 32/10/28, fol. 29^r. Italics mine.

¹¹⁶ Rosof, II, p. 129.

¹¹⁷ KHLC, PRC 17/12/126b, fol. 126^v.

anchorites attracted numerous bequests from the individuals who lived within those towns, no such bequests came from individuals living outside of those places. Arthur Hussey's compilation of testamentary bequests to churches, their lights, altars and other features lists sixteen bequests to the anchorite in Faversham churchyard, all of which are made by testators from the town.¹¹⁸ Clement's bequest to 'my anchoresse' may well have been intended as a mark of respect, but it also (unwittingly) seems to point toward an unwritten code of conduct that only those individuals living within that community would leave a bequest to the anchorite. Lights in churches, images, and statues may well all have been most frequently remembered in the testaments of local people but it was clearly acceptable for individuals outside of those places to remember them too.¹¹⁹ Further research here would help to shed light on the nature and scope of that community around the anchorite: was it the responsibility of the parish or the town to support them? Certainly the testamentary evidence considered here suggests that testators could construct their belonging to the town and parish of Faversham through making a bequest to the anchorite.

Turning to consider Thetford, Blomefield's study makes reference to a hermit who lived in the church of St Giles there, but does not indicate the period in which the hermit was in residence.¹²⁰ None of the town's testamentary collections refer to such an individual, suggesting that the hermit's residential period was earlier than 1450, or perhaps that testamentary bequests were not the usual methods of support. Thetford appears never to have been home to an anchorite, but Norwich in the fifteenth and early sixteenth centuries hosted around forty such individuals, an unusually large number.¹²¹ Thetford's testators never made reference to these recluses – although generally speaking, testators from Thetford rarely left money to any other institutions or individuals in Norwich either.¹²² Further research on the wills and testaments of other locations which hosted anchorites and their surrounding communities would help to ascertain whether bequests to anchorites are exclusively made by individuals who identify

¹¹⁸ Hussey, pp. 128–29.

¹¹⁹ This is discussed further in section 4.3.5.

¹²⁰ Blomefield suggests that this could have been between the time of the reign of Edward IV and the Dissolution. Blomefield, I, p. 422. St Giles's appears to have ceased to function as a church by 1368. The building was on the other side of the road to St Cuthbert's, forming a triangle with the churches of St Peter's and St Andrew's (map 4) Dallas, pp. 205, 209–10.

¹²¹ Norman Tanner, 'Religious Practice', in *Medieval Norwich*, ed. by Carole Rawcliffe and Richard Wilson (London: Hambledon and London, 2004), pp. 137–55 (p. 139).

¹²² Four testators made bequests to Norwich Cathedral (Edmund Ballis, 1529, NRO, NCC Attmere, 74, fol. 74^v; John Ketelon, 1464, NRO, NCC Cobald 23, fol. 23^v; William Sheene, 1521, NRO, ANW Randes 85, fol. 85^v; Thomas Wells, 1522, NRO, ANW Randes 111, fol. 111^r). Two testators made bequests to a church in Norwich identified as 'Christ Church' (William Bassingwhite, 1520, NRO, ANW Randes 308, fol. 308^v; John Goolde, 1525, NRO, ANW Randes 309, fol. 309^r). One testator made a bequest to the white (Carmelite) Friars in the town (Robert Love, 1511, NRO, NCC Johnson 108, fol. 108^v), and one made a bequest to the church of Holy Trinity there (John Swan, 1468, NRO, NCC Jekkys 129, fol. 129^v).

themselves as belonging to a particular community, or whether it was possible to make such a bequest as an ‘outsider’. Certainly in the testaments from Faversham, bequests to the anchorite appear not only to facilitate the construction of a charitable and pious identity for the testator, but also as a marker of belonging to a community which was home to an anchorite. Making a bequest to the anchorite and requesting her prayers enabled testators to construct individual testamentary identities, and also perhaps have implications for the construction of community identities, too.

2.3.4 Section Conclusion

Bequests of objects in wills gave testators opportunities for the construction of a number of different testamentary identities. We have seen in the sections above that testators could use bequests of objects to construct marital status, their specific knowledges and skills, and their wealth and interests. Descriptions of objects could facilitate reconstruction of particular life-course events: John Sonte’s sheets that he made when he was a widower, for instance, facilitated the construction of this aspect of his identity.¹²³ And in the last two sections, we saw some of the ways in which not the object, but the recipient of a gift might facilitate testamentary identity work. Bequests of items or of money could enable testators from Faversham and Thetford to construct their connections to a particular monastery, or indeed to particular individuals within it. These relationships facilitated identity work by enabling testators to construct social and religious connections, which could be read as expressing particular forms of piety or indeed sociability. Bequests to the anchorite in Faversham enabled testators to construct different identities: namely their belonging to the town and their support for this kind of religious expression. As the above sections have shown, the implications of bequests of objects that were made in the will and testament could be extensive.

2.4 Chapter Conclusion

This chapter has provided an introduction to the concept of ‘testamentary identity’. It has shown that the creation of wills and testaments was a process of identity construction, producing a testator. It has also shown that the content of wills and testaments contributed to testamentary identities through analysis of bequests of objects. A fuller understanding of how these documents were created is vital for contextualising the bequests which were made, and the chapters which follow all draw on this important aspect. The overview of the will-making process has demonstrated the many ways in which individuals came into contact with last wills

¹²³ KHLC, PRC 17/12/388, fol. 388v.

and testaments in this period. It is clear that each will produced was a unique document, produced under unique circumstances, and it has still been useful to consider the different stages which likely were part of making a will and testament for many of those that did so. We have seen that people engaged with these documents and the processes by which they were made in multiple ways: as witnesses, executors, beneficiaries, deathbed carers, overseers, scribes and as testators. Consideration of the will-making process sheds important light on the agency of the testators themselves, the choices that they were able to make, and the ways in which they were able to control the kind of document that was produced.

This chapter has also shown how, in part because of these experiences of will-making, testators were able to create testamentary identities through gifts of objects and money. In describing objects, testators were able to construct and record aspects of their lives and selves and project them into the lives of those who would survive them. Objects could be closely connected to momentous life course events, disruption, or distress, but they might also be used to construct knowledge, status, or wealth. Gifts to religious individuals such as monks, nuns, friars, and Faversham's anchorite also gave testators the chance to situate themselves within social networks and construct their pious preferences. Such bequests enabled testators to create their enthusiasm for the dominant religious climate of the day, and situate themselves within community networks. In the case of the anchorite in Faversham's churchyard, it has also been hypothesised that these gifts may well construct a community identity, although further research into other communities which hosted anchorites will help further to support this assertion. Testators were able to construct identity through gifts and the networks of beneficiaries that such gifts facilitated. Yet testamentary identity making was not just limited to the disposal of objects. What happened to one's body after death was of the utmost importance and it is now to interment that we shall turn.

Chapter Three: The Burial Clause: a Place of Testamentary Identity Making

3.1 Introduction

my body to be buried yn the churchyard of Fauersham before the trynyte chapel¹

my body to be bured in the Chirche yered of seynt Audri of the same towne at theste [the east] ende by the sepulchre of Rose my wife and our children²

corpusque meum sepiendum in christiana sepultura³

For the late medieval testators whose wills and testaments form the basis of this study, religious beliefs assured a life beyond the grave, as well as the promise of resurrection at the Last Judgment. And in reading through hundreds of burial clauses from late medieval English testaments, one also gets the sense that ‘where one’s corpse goes when one dies’ was for these testators much more than just a hole in the ground. The three quotations above provide a flavour of the variety of descriptions given to the place of burial in last wills and testaments. They show that these places were described in various ways by testators, some using topographical features, others referring to the burials of loved ones nearby, and yet others emphasising the spiritual aspect of burial over the location. This chapter examines the burial clause and re-evaluates it as a place where testamentary identities could be constructed.

Whilst testaments are to a degree formulaic documents, testators clearly were able to exercise choice and creativity when describing where and how they wished their body to be interred.⁴ Used individually, testamentary burial clauses show how individuals were able to describe the spaces which they occupied in life and anticipated occupying in death. When used in larger numbers, patterns begin to emerge. We can see for example that female testators more

¹ Agnes Mores (Faversham, 1527), KHLC, PRC 17/17/346a, fol 346^r.

² John Dewe (Thetford, 1509), TNA, PCC PROB 11/17/499, fol 238^r.

³ Margaret Perkyn (Thetford, 1492), NRO, NCC Woolman 144, fol 144^r.

⁴ This builds on work by Elisabeth Salter who has shown some of the ways in which testators were able to use their wills as part of the process of ‘death-fashioning’, which she defines as ‘the culturally creative process of defining and representing the self’. Salter, *Cultural Creativity*, p. 125.

frequently gave detailed descriptions of their burial locations than lay men.⁵ They also offer some insight into the various burial practices observed in the two towns, which were quite different in terms of burial location options: Thetford had a range of monastic houses and parish churches whereas Faversham only had one monastic house and one parish church.

Gender plays an important part in this study, and the element of burial allows us not only to consider how male and female testators approached and described burial in their wills, but also sheds light on attitudes to the body in this period. This chapter seeks to explore the ways in which gender shaped requests for burial, and the ways in which such a placement is described in the will. This chapter explores burial clauses in a new way by considering the ways testators constructed their burial spaces and discussing the possible implications for our understandings of late medieval identities.

Historians and archaeologists have used the testamentary burial clause as evidence for attitudes to sacred space, for the interplay between religion and social status, and as evidence for gendered negotiations of space.⁶ The present chapter is a new intervention into this field. Drawing on ideas developed in recent historical and sociological research around place, space and the creation of identity, it analyses the language of the burial clause to examine how testators constructed testamentary identities in this clause. Unlike studies which consider the burial clause as *expressions* of status, piety, or a particular relationship, this chapter instead demonstrates that this was an important place where such identities were *made*.⁷

This chapter explores how the construction of the place of burial varied with gender and location, and the implications this had for identity creation. By considering burial clauses from testamentary materials it uncovers some of the ways in which testators used the resources available to them to create identities within the text of their testaments and last wills. To do so, the significance of the practice of burial (section 3.2) and the importance of descriptive detail within the burial clause (section 3.3) is firstly established. These sections also review much of the literature surrounding burial and the place of the burial clause. Section 3.4 then goes on to consider theoretical aspects, and lays out a vocabulary for discussing space and place, and how these terms are applied within this study. Section 3.5 examines the significance of the spaces

⁵ This is shown by Robert Dinn in a study of burial patterns in Bury St Edmunds, using 1,181 wills from the town, 1439-1530. Robert Dinn, "Monuments Answerable to Mens Worth": Burial Patterns, Social Status and Gender in Late Medieval Bury St Edmunds', *Journal of Ecclesiastical History*, 46/2 (1995), pp. 237-55.

⁶ C. Pamela Graves, 'Social Space in the English Medieval Parish Church', *Economy and Society*, 18.3 (1989), 297-322; Christopher Daniell, *Death and Burial in Medieval England, 1066-1550* (London: Routledge, 1997); Dinn, 'Monuments'; Barbara J. Harris, 'Defining Themselves: English Aristocratic Women, 1450-1550', *Journal of British Studies*, 49.4 (2010), 734-52.

⁷ See for instance: R. Houlbrooke, *Death, Religion, and the Family in England, 1480-1750* (Oxford: Clarendon Press, 1998), p. 135; Middleton-Stewart, p. 68.

available for burial. The following section (3.6) sets out the methodology which is used to analyse burial clauses in section 3.7. This latter section is divided into four subsections in which the evidence from Faversham and Thetford is scrutinised. To do so, each subsection considers burial clauses from the two towns thematically, exploring in turn social status, gender, family identities, and religious identities. The chapter argues that the burial clause has long been overlooked as a part of the testament with significant implications for the understanding of identity in this period. It will demonstrate the importance of the burial clause as a place for testamentary identity construction, as an important place where identity work could be undertaken by a testator, because it provided an opportunity to construct previous relationships in a way which the rest of the testament could not. Moreover, the burial clause was a place within the testament where individuals could construct important places and spaces, record their personal histories, and also communicate their devotional interests. Burial clauses, I argue, are also important places within the will and testament where testators created and repeated gendered behaviours. This chapter also explores how the construction of gender varied with place.

3.2 The Practice of Burial as Identity Work

In order to interpret burial requests in testaments it is necessary to consider the significance of burial and its place within the life course. For Christians in the late Middle Ages, burial in consecrated ground was expected at the end of a Christian life. Burial within a church or its cemetery was technically the only option for all those who had been baptised.⁸ Looking at the list of those at least hypothetically excluded from churchyard burial this statement raises questions about what it meant to ‘be a Christian’ in this period. Non-Christians such as pagans, Jews, and unbaptized children were excluded from the church and its cemetery, but the burials of some others are much less clear-cut. Mirk’s *Festial* forbade churchyard burial to those who died in jousts, and those who were adulterous, among others, and R. C. Finucane has argued this exclusion extended to laymen who failed to pay tithes or individuals who died intestate.⁹ It has also however been noted that such regulations were not always enforced, and that there were

⁸ Daniell, p. 103. Canon law allowed individuals to choose where they wanted to be buried, whether that be in their own parish churchyard or elsewhere. Vanessa A. Harding, “‘And One More May Be Laid There’: The Location of Burials in Early Modern London”, *The London Journal*, 14 (1989), 112–29 (p. 113).

⁹ R. C. Finucane, ‘Sacred Corpse, Profane Carrion: Social Ideals and Death Rituals in the Later Middle Ages’, in *Mirrors of Mortality: Studies in the Social History of Death*, ed. by Joachim Whaley (London: Europa Publications, 1981), pp. 40–60 (pp. 54–55); John Mirk, *Mirk’s Festial: A Collection of Homilies*, ed. by Theodor Erbe, Early English Text Society. Extra Series, 96 (London: Published for the Early English Text Society, by K. Paul, Trench, Trübner & Co, 1905), p. 298.

often disagreements about burial within or without the cemetery, such as the burial location of a foetus when a pregnant woman died.¹⁰ Whilst Mirk argued for the separation of mother and child, and the burial of the foetus in non-consecrated ground, archaeological evidence shows that this advice was not always followed.¹¹ Ultimately the decision to accept or refuse an individual's body for burial lay with the parish priest, and if matters were complicated, could require the involvement of the bishop. Such a decision was not without consequence: from the mid-thirteenth century onward, anyone who knowingly buried a heretic in consecrated ground could be excommunicated. The *Dialogues* of Gregory the Great recount a tale of the exhumation of heretics by devils, while those who were responsible for the burial in the first place were forced to watch.¹² The burial of proscribed individuals in churches or their associated churchyards would also result in the pollution of the ground, which would then need to be re-consecrated before it could be used for burials again.¹³ Expressing a desire to be buried in a church, monastery or churchyard in the testament can thus be read as a construction of an identity that meant that an individual could be buried there. Such an expression is simultaneously positive: 'I am baptized', 'I am a Christian' and negative: 'I am not a pagan or a Jew'. This assertion of inclusion, of participation in the norms of Christian life and death is made within the testament through the burial clause, but it is also physically manifest in the fact of the individual's burial in holy ground. The sacred space of the graveyard itself was constructed in part by those bodies which were buried there: excommunicates, pagans, Jews and unbaptised infants were excluded from heaven and so were buried outside of the cemetery.¹⁴ The walls of the churchyard, within which both cemetery and church were situated, marked the limit of consecrated land, made holy by ritual water sprinkling, masses and prayers.¹⁵ The cemetery was a holy place, and was known to be such. Requests for burial within testaments demonstrate testators' understandings of what it meant to die as a Christian, and that they understood the social implications of inclusion or

¹⁰ Daniell, *Death*, p. 104.

¹¹ Daniell, *Death*, p. 127.

¹² Finucane, pp. 56–57; Gregory I, *The Dialogues of Saint Gregory the Great*, ed. by Edmund G. Gardner, trans. by Philip Woodward (London: Philip Lee Warner, 1911), pp. 247–48.

¹³ Finucane, 'Sacred Corpse', p. 42.

¹⁴ It is hard to know the extent to which this was put into practice. After the expulsion of the Jews from England in 1290, Jewish cemeteries went out of use. Furthermore, as midwives were able to baptise newborn babies in danger of dying, the number of unbaptised infant burials should technically be quite low. As it is impossible to tell from archaeological remains whether an infant was baptised or not, we can never be entirely certain. Finucane, p. 60; Daniell, p. 128; Jane McComish, 'The Medieval Jewish Cemetery at Jewbury, York', *Jewish Culture and History*, 3.2 (2000), 21–30 (p. 25). On the constituting and constitutive nature of objects in space, see Rachel M. Delman and Anna Boeles Rowland, 'Introduction: People, Places and Possessions in Late Medieval England', *Journal of Medieval History*, 45.2 (2019), 129–44 (p. 130).

¹⁵ A. J. Schulte, 'Consecration', ed. by Charles George Herbermann, *The Catholic Encyclopedia* (New York: The Encyclopedia Press, 1907), 276–83 (p. 276).

exclusion from the churchyard. Burial clauses are therefore powerful constructions of identity as they gave testators the opportunity to situate themselves within the community of the faithful.

We should also be mindful that burial was associated with a number of costs. Wills from the tenth and eleventh centuries frequently attest to a mortuary payment, known as ‘soul-scot’, which was made in return for burial.¹⁶ This came under fire from some canonists, who considered this to constitute simony. Those who defended the payment used Abraham’s purchase of land for the burial of his wife Sarah as biblical justification.¹⁷ Reference to this payment, known as ‘soul-scot’, is made in Archbishop Wulfstan’s law code, which states that ‘it is best that saulsceat be always paid at the open grave. And if any body is buried elsewhere, outside the proper parish, saulsceat is nevertheless to be paid at the minster to which it belonged’.¹⁸ John Blair has suggested that this law could have been motivated by higher-status families seeking burial amongst the tombs of their ancestors in minsters outside of their parishes.¹⁹ Thus as early as the eleventh century, individuals were choosing the location of their burials, even if those who made wills and testaments were not in the habit of writing this down as part of these documents.

In the later period, which this research considers, wills and testaments from elsewhere in England also make reference to mortuary fees (‘Lego pro mortuario meo...’).²⁰ These are often found in the testaments and wills of the northern English dioceses, particularly those of York, Durham and Lincoln in the period from the fourteenth to the early sixteenth centuries.²¹ Richard Helmholz has noted that ‘when examined with any care, the mortuary looked very like a burial payment. Indeed, it was a burial payment’.²² He claims that during the thirteenth century, these payments were reframed as gifts made in recompense for forgotten tithes, which enabled churches to collect money without being accused for charging for spiritual services.²³ These

¹⁶ Patrick Wormald, *Papers Preparatory to The Making of English Law: King Alfred to the Twelfth Century*, ed. by Stephen Baxter and John Hudson, 2 vols (London: University of London, Early English Laws, 2014), II, p. 27; John Blair, *The Church in Anglo-Saxon Society* (Oxford: Oxford University Press, 2005), p. 437.

¹⁷ Genesis 23.4; Blair, p. 437.

¹⁸ Francesca Tinti, ‘The “Costs” of Pastoral Care: Church Dues in Late Anglo-Saxon England’, in *Pastoral Care in Late Anglo-Saxon England*, ed. by Francesca Tinti, Anglo-Saxon Studies, 6 (Woodbridge: Boydell Press, 2005), pp. 27–51 (p. 34).

¹⁹ Blair, pp. 444, 470.

²⁰ Quotation from the testament of Margaret Stapleton (Clementhorp, 1465) Raine, I, p. 271.

²¹ Margaret Harvey, ‘Some Comments on Northern Mortuary Customs in the Later Middle Ages’, *The Journal of Ecclesiastical History*, 59.2 (2008), 272–80 (p. 274); Foster, II, p. xxiii.

²² R. H. Helmholz, *The Oxford History of the Laws of England*, 13 vols (Oxford: Oxford University Press, 2004), I, p. 468.

²³ In many cases, however, this opened up even more complex questions, such as whether infants who had died were still required to pay the sum. Helmholz, I, p. 468; Harvey, p. 272. The significance of the ‘tithes forgotten’ clause is discussed in more detail in section 5.3.1 but here it is perhaps enough to acknowledge that burial attracted a number of costs.

payments might also be justified by appeals to custom, and so were not considered simony.²⁴ Perhaps the best-known case regarding payment of a mortuary however is the case of Richard Hunne, a London merchant who lived in the parish of St Margaret's, Bridge Street. In 1511 Richard's infant son Stephan died whilst nursing in the parish of St Mary Matfelon. The rector of that parish, Thomas Dryffeld, demanded a mortuary payment for the child, but Richard refused. Put in very simple terms, the subsequent dispute between Thomas and Richard ended with accusations of heresy levelled at Richard, his subsequent excommunication, and ultimately his death in the Lollards' Tower.²⁵ This case, contemporary with the period considered in this thesis, demonstrates the significance of the payments associated with burial. Payments specifically for mortuaries are absent from the testaments from Thetford and Faversham, although a great deal of testators did make recompense for forgotten tithes.²⁶ Other costs were also associated with burials, particularly those involving the erection of lavish tombs, incised slabs, or monumental brasses. Intramural burial (being interred within the church itself) was not available to everyone, and greater fees were probably associated with burial in prime locations.²⁷

Issues of burial location and the associated income caused a great deal of conflict in the later medieval period. In particular, we can see that this issue aggravated the tensions between friars and the secular clergy.²⁸ This is illustrated in the text of *Piers Plowman*, the late fourteenth-century allegorical poem, at the point at which the Dreamer confronts his friar-confessor about the priorities of his order:

And tho fond I the frere afered and flittyng bothe
 Ayeins oure firste forward, for I seide I nolde
 Be buried at hire hous but at my parisshe chirche
 (For I herde ones how Conscience it tolde
 That there a man [cristned were], by kynde he sholde be buried).
 And for I seide thus to freres, a fool thei me helden,
 And loved me the lasse for my lele speche.
 Ac yet I cryde on my confessour that heeld hymself so konnyng.
 'By my feith, frere!' quod I, 'ye faren lik these woweris

²⁴ Harvey; Helmholz, I, p. 468.

²⁵ R. H. Helmholz, *The 'Ius Commune' in England: Four Studies* (Oxford: Oxford University Press, 2001), pp. 146–47.

²⁶ This is discussed further in section 5.3.1 of this thesis.

²⁷ Harding, 'And One More', p. 121.

²⁸ For a general background to this dispute see R. N. Swanson, 'The "Mendicant Problem" in the Later Middle Ages', in *The Medieval Church: Universities, Heresy, and the Religious Life*, ed. by Peter Biller and Barrie Dobson (Woodbridge: Boydell Press, 1999), pp. 217–38.

That wedde none widwes but for to welden hir goodes.
Right so, by the roode, roughte ye nevere
Where my body were buried, by so ye hadde my silver!²⁹

As Wendy Scase has argued, this focus on burial is particularly pertinent in its late fourteenth-century context at a time when understandings of pastoral care were being challenged.³⁰ As the above excerpt shows, Langland is critical of the friars' attempts to divert income from parish churches by persuading individuals to be buried in friaries instead. This demonstrates not only that individuals had a choice in their burial location, but that such decisions were politically freighted.³¹ As the following section demonstrates, throughout this period testators continued to exercise choice over their burial location up to and beyond the end of the period which this study considers, in ways which proved antagonistic and controversial.

Regardless of location, fees were always charged by gravediggers and other involved persons.³² This is noted by some of the testators in their testaments. Ellen Easton alias Downe (Faversham, 1521) for example left for 'diriges and masses at my burieng forth with the sexten's dutie x*s*'.³³ Other elements required for burial were burial cloths. Margaret Carman (Thetford, 1525) left 12*d* for her 'bere cloth' and a further 8*d* for her 'under cloth', indicating just some of the other costs associated with burial.³⁴ It is perhaps tempting to focus in on those affluent individuals whose burial clauses were, by virtue of the testator's wealth, expansive and detailed. This is of course valuable evidence for the ways in which wealthier testators were able to use this clause in the construction of their testamentary identities. But poorer testators, too, were able to use this clause to create statements about themselves, where they belonged, and how they related to the institutions and spaces around them. Wealth may have played a role in determining how individuals performed identity work in this part of their testaments, but it was not the only factor at play.

²⁹ William Langland, *Piers Plowman*, ed. by A. V. C Schmidt, 2nd edn (London: Everyman, 1995), p. 169.

³⁰ Wendy Scase, *Piers Plowman and the New Anticlericalism* (Cambridge: Cambridge University Press, 1989), p. 34.

³¹ For disputes over burial rights between churches and dependent chapels see: Christine Patricia Lutgens, 'The Case of Waghen vs. Sutton: Conflict over Burial Rights in Late Medieval England.', *Mediaeval Studies*, 38 (1976), 145–84; R. N. Swanson, 'Parochialism and Particularism: The Dispute over the Status of Ditchford Friary, Warwickshire, in the Early Fifteenth Century', in *Medieval Ecclesiastical Studies: In Honour of Dorothy M. Owen*, ed. by M. J. Franklin and Christopher Harper-Bill, *Studies in the History of Medieval Religion*, 7 (Woodbridge: Boydell & Brewer, 1995), pp. 241–57. For disputes between parish churches and cathedrals see: Ian Forrest, 'The Politics of Burial in Late Medieval Hereford', *English Historical Review*, 125.516 (2010), 1110–38.

³² Ellen K. Rentz, *Imagining the Parish in Late Medieval England* (Columbus, OH: The Ohio State University Press, 2015), p. 23.

³³ KHLC, PRC 17/14/300, fol. 300^v.

³⁴ NRO, ANW Randes, fol. 321^v.

3.3 The Significance of Descriptive Detail in the Burial Clause

It is firstly worth considering *why* testators would – in some cases – provide information about their selected burial location. John Judy (Thetford, 1509) for instance wished to be buried ‘in the chapel of Seynt Cuthbert being annexid to the churche of Seynt Cuthberd in the said towne [Thetford] byfor the image of ower blessyd lady by the sepulture of my wyff’.³⁵ In this clause, John provided a wealth of detail about his intended burial location, far more than would be needed to identify the correct place. We have already examined Elisabeth Salter’s argument that detailed descriptions might be accorded to objects for a number of different reasons, and that such description might provide insight into an individual’s lifestyle and consumption.³⁶ In much the same way that descriptions would help to identify particular objects, a more detailed description of a burial location could help executors to identify the specific place in which a testator wished to be buried. Perhaps of greater importance for this study is the second part of Salter’s argument: that an object’s appearance plays an important part in experiencing it. The appearance of a burial space might well be an important part of experiencing it: for those testators who requested to be buried before particular images it may well have been the determining factor in deciding to be interred there. But *descriptions* of burial spaces might also signify something else significant for the experience of that place which was not necessarily visible. The presence of a particular individual’s body in a space was clearly a significant factor for some testators who wished to be buried nearby. Thus descriptions of burial spaces might communicate something of their significance to the testator. This is demonstrated in clauses such as this one from the testament of Katherine Roberts (Thetford, 1512): ‘my body to be buried in the church of Seynt Petir by my husbond’, which tells us *why* the space was significant to her.³⁷ We can therefore see that Salter’s explanations as to why testators gave particular objects detailed descriptions also hold true for some degree for burial spaces as well. Testamentary descriptions helped testators to identify the particular place in which they wanted to be buried, and also provided opportunities for testators to construct the significance of that location. Descriptions of burial locations were therefore opportunities for testators to construct their priorities and concerns and, in so doing, create testamentary identities.

Some testators used their burial clauses to emphasise that the fact of a decent Christian burial was, for them, more significant than location. John Sampson (Thetford, 1529) for instance

³⁵ NRO, NCC Spyltymber 159, fol. 159^v.

³⁶ See section 2.3.1. Salter, *Cultural Creativity*, p. 77. Salter’s work also considers burial locations, and describes testators’ selection of a burial place as ‘a prime site for the self-conscious representation of individual tastes and concerns’, but her work is in most part concerned with the construction of tombs and memorials rather than the description of the location in the burial clause. Salter, *Cultural Creativity*, p. 117.

³⁷ From the testament of Katherine Roberts (Thetford, 1512). NRO, NCC Johnson, fol. 200^v.

noted that he wished to be buried ‘in Cristen buriall where as it shall please almighty God to dispoase’.³⁸ Burial was and remains a socially-sanctioned way of disposing of a body, but it was clearly understood as an important religious act. As one of the corporal works of mercy, burial held great significance as an act of charitable compassion. Its importance can be seen in part in the treatment of those who were denied burial: people who were burned as heretics had their ashes cast into the wind or poured into rivers or streams, thus denying them any kind of burial at all.³⁹ The notion of burial as a spiritual act thus helps to explain the inclusion of this clause in the testament rather than the last will.⁴⁰

Testamentary burial requests, whilst a common feature of late medieval wills and testaments, were not neutral statements and can be read as powerful constructions of religious inclination. The testaments from Thetford and Faversham are largely conventional, although some testators used their burial clauses to communicate their beliefs about life after death. John Redborne, vicar of Faversham, whose testament dates from 1527, for example requested ‘to be buried withyn the lymytes of Criste’s church where as it shall please Hym to visite me’.⁴¹ This request, which does not specify a particular burial location, foregrounds John’s requirement to be buried in consecrated ground. The latter part of the request is highly unusual and provided John with a place to communicate his unusual beliefs about what happened after one died. Some historians have examined the wills and testaments written by the ‘Lollard Knights’, and in particular used the evidence of their burial clauses as proof of these men’s beliefs.⁴² K. B. McFarlane argued that the vividness of the contempt that these particular testators had for their earthly bodies – expressed through phrases such as ‘my wretched stinking carrion’, for instance – set them apart from the majority of testators, who, presumably, he considered to be orthodox in their beliefs.⁴³ McFarlane however also found that Archbishop Thomas Arundel, opponent of

³⁸ TNA, PCC PROB 11/23/122, fol. 57r.

³⁹ Judit Majorossy, “‘I Wish My Body to Hallowed Ground’: Testamentary Orders of the Burghers of Late Medieval Pressburg about Their Own Burial’, in *On Old Age: Approaching Death in Antiquity and the Middle Ages*, ed. by Christian Krötzel and Katriina Mustakallio, *Studies in the History of Daily Life*, 2 (Turnhout: Brepols, 2011), pp. 89–124 (p. 89); Finucane, p. 60.

⁴⁰ Paul Binski, *Medieval Death: Ritual and Representation* (London: British Museum Press, 1996), p. 33; Marsh, ‘Departing Well and Christianly’, p. 209; Charles Gross, ‘The Medieval Law of Intestacy’, *Harvard Law Review*, 18.2 (1904), 120–31 (p. 120). In cases from Thetford and Faversham where a will was made without a testament, none of these documents contains a burial clause. This probably owes more to the legal conventions surrounding the construction of the will than any coincidental omission of this clause by these testators. A total of seven wills from this corpus contain no burial clause, all of which are from Faversham. Five of these (three women’s wills and two men’s) were made just as last wills and no testament appears to accompany these documents. The other two documents which contain no burial clause are nuncupative testaments (both made by men).

⁴¹ KHLC, PRC 17/19/179, fol 179v.

⁴² K. B. McFarlane, *Lancastrian Kings and Lollard Knights* (Oxford: Clarendon Press, 1972), p. 213.

⁴³ McFarlane, pp. 210–11.

heresy and upholder of established doctrine used similar phraseology in his testament of 1414.⁴⁴ Contempt for the body in one's testament is not conclusive proof of heretical thought: indeed, it might demonstrate the testator's affinity for fashionable religious expression. In a similar expression of disdain for the material world, cadaver (or 'transi') tombs, became popular in England from the 1420s. They served as reminders of the certainty of death, the frailty of the body, and the sinfulness of the soul.⁴⁵ Paul Binski has argued that these tombs emphasised the need for humility, and indeed, across the fifteenth century, the number of testamentary requests for humble burial gradually increased.⁴⁶ Whilst the evidence of the burial clause cannot therefore be used to prove heretical belief, it is important to note that this was a place which was significant in the construction of religious identities. Requesting to be buried in a particular location or in a particular way can therefore be read as a significant intervention in the creation of testamentary identities.

3.4 Theoretical Foundations: The Language of Space and Place

It was not a legal requirement to identify one's burial location in one's will, and indeed, making a request for burial in a particular spot was no guarantee that when the time came, one would be interred there. Yet a majority of testators from Faversham and Thetford, and across England, continued to include this clause as part of their testaments, suggesting that their wishes were carried out, or at least that making a record of their wishes was important to testators. In a study of burial choice and location in London, Vanessa Harding has shown that between 90 and 98 per cent of testators identified where they wanted to be buried in the period from 1380 to 1520.⁴⁷ Similarly, Robert Dinn uses evidence from Bury St Edmunds to argue that 24 per cent of testators mentioned a 'specific burial place' in their testaments, although quite what is meant by 'specific burial place' is unclear.⁴⁸ Does Dinn mean those testators – such as John Dewe whose burial clause we have seen at the beginning of this chapter – who named a particular individual next to whom they wished to be buried, or does 'specific' also cover requests for burial in a particular part of the churchyard, such as the northern side? These questions demonstrate the

⁴⁴ McFarlane, pp. 207–20; Peter McNiven, *Heresy and Politics in the Reign of Henry IV* (Woodbridge: Boydell Press, 1987), p. 66.

⁴⁵ Daniell, p. 184; Binski, p. 139.

⁴⁶ Binski, p. 146; J. A. F. Thomson, 'Clergy and Laity in London, 1376-1531' (unpublished PhD Thesis, University of Oxford, 1960), p. 39.

⁴⁷ Vanessa A. Harding, 'Burial Choice and Burial Location in Later Medieval London', in *Death in Towns: Urban Responses to the Dying and the Dead, 100-1600*, ed. by Steven Bassett (Leicester: Leicester University Press, 1992), pp. 119–35 (p. 122).

⁴⁸ Dinn, *Monuments*, p. 240.

need for a methodology and a vocabulary to be defined in order to talk about burial clauses without ambiguity.

Testators themselves used the word ‘place’ in different ways. Sometimes this was in a specific sense: ‘bysid [beside] the *place* where the body of Lucy my doughter [...] lyghe beryed’.⁴⁹ Others conversely used ‘place’ to refer to a wider location which contained multiple possibilities for burial: ‘*in such place* of the church of Faversham aforesaid as myn executours and ouerseer thinkyth most best convenient’.⁵⁰ And yet others used the term ‘place’ in a slightly different sense: ‘to þe Blacke Fryers to the advaunces of *the place for my buryall*’, a reference to the making of the grave itself.⁵¹ The term ‘space’ was not used by any testators in describing their burials. This could be because of the contemporary usage of the term to denote time or duration, although some writers from this period also used it to indicate distance, extent or area.⁵² Although testators would not have recognised the use of the terms ‘space’ and ‘place’ in the same way that they are used here, these terms provide a useful analytic framework for the present research.

Both space and place have been the subject of scholarship in a range of fields including psychology, human geography and history.⁵³ Indeed, cross-disciplinary study appears to be particularly fruitful in such considerations.⁵⁴ In contemporary research the terms ‘place’ and ‘space’ have often been treated as two ends of a spectrum, with general space at one end and particular place at the other.⁵⁵ This present study rejects a place/space binary and instead considers the content of the burial clause entirely as ‘place’.⁵⁶ Following John Agnew’s definition

⁴⁹ Italics mine. Richard A Wode (Faversham, 1483), KHLc, PRC 32/2/593a, fol. 593v.

⁵⁰ Thomas Reade, KHLc, PRC/17/9/224b, fol. 224v.

⁵¹ William Bassingwhite, NRO, ANW Randes, fol. 308v.

⁵² *OED*

⁵³ Psychologists such as Stephanie Taylor have explored, in a modern context, how changes in place of residence shape how identity is constructed: Taylor. Human geographers such as Doreen Massey have emphasised the bearing of gender on the construction and experience of space: Doreen Massey, *For Space* (London: Sage Publications, 2005). Elizabeth Teather has explored the relationship between body, place, space, and life course events, and what impact these factors have on identity: Elizabeth K. Teather, ‘Introduction: Geographies of Personal Discovery’, in *Embodied Geographies: Spaces, Bodies and Rites of Passage*, ed. by Elizabeth K. Teather, *Critical Geographies*, 2 (London: Routledge, 1999), pp. 1–26.

⁵⁴ For instance, the *Journal of Medieval History* special edition ‘People, Places, and Possessions in Medieval England’ co-edited by Rachel Delman and Anna Boeles Rowland brings together medieval and early-modern historians, art historians, and historical geographers to further investigate the place of physical space in historical scholarship. *Journal of Medieval History*, 45/2 (2019).

⁵⁵ Yi-Fu Tuan for example argues that places are spaces which have been endowed with meaning, but that the two are mutually exclusive. Yi-Fu Tuan, ‘Space and Place: Humanistic Perspective’, in *Philosophy in Geography*, ed. by Stephen Gale and Gunnar Olsson, *Theory and Decision Library*, 20 (Dordrecht: Reidel, 1979), pp. 387–427 (p. 411).

⁵⁶ This is a position adopted by a number of scholars, including political geographer John Agnew who has argued that polarisation of the terms ‘place’ and ‘space’ is ‘untenable’, as they are mutually dependent. Agnew argues that places are made by human agency, and emphasises that experience and familiarity are key to making spaces into places. Thus, places are subjective, and depend entirely on individual experiences. John Agnew, ‘Place: Space’, in *Spaces of Geographical Thought Deconstructing Human Geography’s Binaries*, ed. by Paul J. Cloke and Ron Johnston (London: Sage Publications, 2005), pp. 73–85 (p. 80).

that places are always made through human action, then the church, and churchyard, monastery and friary can all be considered to be places. Distinctions are therefore drawn between more and less specific places. The latter includes areas such as churches or churchyards, whilst more specific places are those locations which are described in more detail –the east end of a church, for instance, before a named image, or next to an individual.⁵⁷ The following section considers places available for burial and how the meanings of these might have played a part in constructing identities through the burial clause.

3.5 The Significance of Specific Places within Parish Churches

In order to understand the significance of requests for burial in particular places it is necessary to explore the ways in which various spaces of parish churches were invested with meanings. This is not to suggest that different locations within the church had essential meanings to them: as established in section 3.4, spaces and places are always constructed and so the significance of a given place is always socially created and performed. One place where these meanings were constructed was the text of the will and testament, and it is necessary to briefly outline how and why some burial places were especially desirable. As this thesis is concerned with the construction of testamentary identities, the *realities* of a testator's burial – i.e. whether they were indeed buried where they wished to be – are not of concern to this project.⁵⁸

The desirability of a particular place may have been related to a number of factors. The first of these is proximity to the consecration of the Eucharist at the High Mass. This took place at the high altar, a feature which appears in a number of burial clauses. Edward Thomasson (Faversham, 1494) for instance requested to be buried 'in the parisshe church of Feuersham afore the hye auter ther called Ihesu auter', demonstrating the desirability of this place.⁵⁹ Christopher Daniell has argued for an image of the church as a 'series of concentric rings' with the centre at the east end, around the high altar.⁶⁰ The holiness of the space, according to Daniell, decreased with distance from the high altar, but this argument overlooks the guild and chapel altars which must have had spiritual significance for a great number of individuals, and which also attracted burial requests. William Dobbis requested for instance to be buried 'in the

⁵⁷ A fuller vocabulary and typology is outlined in section 3.6.

⁵⁸ Vanessa Harding has argued that it was probable that such wishes were observed. Harding, 'Burial Choice', p. 128. It seems unlikely that testators would continue to specify the place of burial if their wishes were not carried out.

⁵⁹ KHLC, PRC 32/4/59, fol 59r.

⁶⁰ The chancel, where the high altar was situated, was an area reserved for the clergy, and to which the laity had limited, if any access during their lifetimes. In an earlier period the area of the chancel was reserved for clerical burials, but by the mid-fifteenth century at least, the wealthy and important members of the laity were able to be interred in these spaces too Daniell, pp. 95, 97.

parishe church of Fauersham bifore the aulter of Saynt Kateryn there'.⁶¹ In this location, William's body would have been close to the focal point of masses celebrated at this altar.

Another factor in determining the place of burial might be the different sides of the church, which also had meanings ascribed to them. Compass points were used to help determine burial place by testators in both towns, as in this example from the testament of John Salman (Faversham, 1482), who requested to be interred 'yn the church yerde of the parishe church of Feuersham on the north side beside Ione my wiffe'.⁶² Requests including a compass point are much more common in the testaments from Faversham than Thetford, in line with wider trends of burial location description. Scholars have debated the possibilities of the meanings of the different sides of the church building. Pamela Graves for instance has argued that the north side of the church was associated with evil, and the south with good.⁶³ A number of studies have demonstrated that the space of the parish church was not as straightforward as Daniell's conception of 'concentric rings' or Graves's 'north-south divide' might make it seem.⁶⁴ This is

⁶¹ KHLIC, PRC 17/10/124, fol. 124r.

⁶² KHLIC, PRC 17/4/27, fol. 27v.

⁶³ This may be in large part due to the action of the Mass, during which the south side of the church was prioritised. This is because when facing east, the priest's right hand was turned toward the south, and the right hand was always prioritised. The north and south sides of the church might also be decorated to reflect the respective negative and positive associations. See: Graves, pp. 308–10. Judith Middleton-Stewart's work on the diocese of Dunwich in Suffolk argues that the south side was preferable to the north, but that this did vary with locality: Middleton-Stewart, p. 75. Christopher Daniell argues that there is little evidence to show that these ideas were put into practice. For example, Jean Dawes and J. R. Magilton's study of St Helen-on-the-Walls in Aldwark (Yorks.) notes a northern English custom whereby the northern side of a church was reserved for the burials of individuals who had taken their own lives, or unbaptised infants, and would only be used when space elsewhere ran short. This study seems to use the terms 'churtyard' and 'church' interchangeably, so it is hard to know what is meant, exactly. The evidence from the cemetery which the associated archaeological research uncovered, however, demonstrates that burial density was the same in the north-west and south-east parts of suggesting that a preference for burial on the south side was not necessarily observed. Daniell, p. 99; Jean D. Dawes and J. R. Magilton, *The Cemetery of St Helen-on-the-Walls, Aldwark*, *The Archaeology of York* (York: Council for British Archaeology for the York Archaeological Trust, 2012), XII, p. 10.

⁶⁴ Using the evidence of wall paintings, Kate Giles argued that there were different kinds of topographies which ordered the parish church on different days, and even at different times as the light levels in the building changed. Giles's work reminds us that the space of the parish church was not fixed: liturgy and architecture changed and so must the experience of the space have differed for those within it. Kate Giles, 'Seeing and Believing: Visuality and Space in Pre-Modern England', *World Archaeology*, 39.1 (2007), 105–21. These experiences were not necessarily positive: Gabriel Byng draws attention to how seating in churches could cause disputes and discord among parishioners for whom seating was also linked to social differentiation. Gabriel Byng, "'In Common for Everyone": Shared Space and Private Possessions in the English Parish Church Nave', *Journal of Medieval History*, 45.2 (2019), 231–53. Katherine French's work demonstrates how the introduction and management of seating intersected with gender to shape the dynamics of church space, and that this could vary greatly between churches. Katherine L. French, 'The Seat under Our Lady: Gender and Seating in Late Medieval English Parish Churches', in *Women's Space: Patronage, Place, and Gender in the Medieval Church*, ed. by Virginia Chieffo Raguin, and Sarah Stanbury (Albany: SUNY Press, 2005), pp. 141–60. David Postles's work on what he has termed the 'micro-space' of the church porch shows that although the south porch was identified as a burial location, the significance of the space was socially mediated. Its meanings, he shows, were contingent on its physical decoration, public use (or lack thereof), or the location of family buried in the church and/or churchyard. Dave Postles, 'Micro-Spaces: Church Porches in Pre-Modern England', *Journal of Historical Geography*, 33.4 (2007), 749–769. These studies all show that although the parish church was a site of holiness, it could also be one of discord, of the meeting of multiple meanings, of the tension between the organisation of the space and the subjectivity of experiencing it. Much therefore must have depended on the practices observed in each parish, making generalisations such as 'north, bad; south, good' difficult to substantiate.

made more complex when we consider that each individual experienced the parish church in different ways at different times during their life course.⁶⁵ An insight into this comes from the testament of Eleanor Fortune (Faversham, 1503) who requested:

to be buried in the churchyerde of the parish church of Fauersham beside the bodies of my chyldre there or els me to be buried in the church of Fauersham beforesaid befor the auter of saynte John Baptiste ther after the distrecion of myn executors⁶⁶

Eleanor's request constructs her uncertainty as to the location of her burial, but also creates a kind of equivalency between the significance of each of these spaces to her. The space of the parish church was home to the altar of St John the Baptist, possibly one of Eleanor's preferred saints, whilst the graveyard was significant as the place where her children were buried. These places had different kinds of importance for Eleanor, and she was able to construct them as significant through her burial clause. Testamentary burial clauses are thus excellent examples of how testators could encounter and construct meaning within their parish churches and churchyards in different ways, and in so doing create testamentary identities.

3.6 Burial Clauses and Identity Making: A Methodology

Describing one's burial location enabled a testator to make clear the precise place in which they wished to be buried, and gave them an opportunity to construct their religious, social and familial identities. This section outlines a methodology and typology for the study of burial clauses. It combines a quantitative as well as a qualitative approach, using the former to create an overall impression of the source base, and following this up with close analysis of individual documents. The argument presented here is that directions for burial can be conceptualised as linguistic resources for constructing identity.

In undertaking this research, the burial clause from each testament was identified. These were then recorded according to their constituent parts: firstly the words which requested burial either in English (my body to be buried) or the Latin equivalent (*corpus meum ad sepeliendum*). The information which follows is usually organised according to the following format: institution, and additional details. The information about the institution usually went no further than naming the kind of place (for example, the churchyard or monastic house), the dedication,

⁶⁵ See, for example, Miri Rubin, 'What Did the Eucharist Mean to Thirteenth-Century Villagers?', in *Thirteenth Century England, IV: Proceedings of the Newcastle upon Tyne Conference, 1991*, ed. by P. R. Coss and S. D. Lloyd (Woodbridge: Boydell & Brewer, 1992), pp. 47–55.

⁶⁶ KHLIC, PRC 17/8/308a, fol. 308r.

and the town in which it was located. For example, Robert Aleyn (Thetford, 1505) requested to be buried ‘in the chyrch yerde of Seynt Nycholas in Thetford’.⁶⁷ Additional details varied greatly, but were most often either information about any individuals next to whom the testator wished to be buried, or were features by which the space could be identified. By including this additional information, testators were able to construct the specific place of their burial.

The majority of testators, regardless of sex or settlement, indicated the institution in which they wished to be buried, whether that be a church, churchyard, monastic house, chapel or other consecrated ground. Such burial clauses have been categorised as ‘primary descriptions’ as they tell us about the general, less specific, place of burial but provide no further details. For example Thomas Estwegt (Thetford, 1451), requested ‘corpusque meum ad sepeliendum in cimiterio Beate Marie de Thetford’.⁶⁸ Joan Newenton (Faversham, 1521) similarly requested ‘to be buried in the churchyarde of Fauersham’.⁶⁹ Burial clauses such as these are the most common and construct a relationship between the testator and the institutional place in which they wished to be buried.

Burial clauses which included additional information have been categorised as ‘secondary descriptions’. These tell us not only about the less specific place of burial but also augment this with further detail. This can might include architectural features (‘beryed in þe chirch of Seynt Petir of Thetforde ageynste þe west doore’), the graves of other individuals (‘bured in the parishe church of Feviresham next to the grave of my father there’) or devotionally significant markers (‘buried yn the churchyard of Fauersham before the Trynyte chapell’).⁷⁰ Testators also combined different features to construct specific places: Margaret Knyght (Faversham, 1497) requested to be interred ‘in the church of Mary Mawdelyn of Davyngton next my husbounde Stephen Knyght whyche lyeth before the hye auter’.⁷¹ Similarly, Edmund Ballis (Thetford, 1529) requested to be ‘buried in the chapell of Saynt Anne within the church of Saynt Peter before my seate’.⁷² These clauses were parts of the testament where testators could make known their relationship to these locations and establish their experience. Burial clauses which describe the place of burial in greater detail are of particular interest for this chapter, as they provide evidence

⁶⁷ NRO, ANF Liber 2a (Bulwer) fol. 34^v.

⁶⁸ ‘and my body to be buried in the cemetery of St Mary of Thetford’. NRO, NCC Aleyn 94, fol. 94^r.

⁶⁹ KHLC, PRC 17/14/307a, fol. 307^r. Testators from Faversham did not need to give the dedication of the parish church as there was only one parish in Faversham. Thetford hosted a number of parishes, so testators always specified the dedication of the church, churchyard or other institution where they wished to be buried.

⁷⁰ Quotations taken respectively from the testaments of Thomas Roberts (Thetford, 1504, NRO, NCC Popy 520, fol. 520^v), Richard Norton (Faversham, 1501, KHLC, PRC 17/16/348, fol. 348^v); Agnes Mores (Faversham, 1527, KHLC, PRC 17/17/346a, fol. 346^r).

⁷¹ KHLC, PRC 32/4/149, fol. 149^v.

⁷² NRO, NCC Attmere 74, fol. 74^v.

for how people constructed these places in their testaments, as well as how they could make testamentary identities through this clause.

	Faversham		Thetford	
	Female	Male	Female	Male
General Space (Primary description)	25 (43.1%)	192 (65.8%)	21 (61.8%)	114 (73.1%)
Constructed Place (Secondary description)	29 (50.0%)	93 (31.9%)	12 (35.3%)	39 (25.0%)
More than one place identified	1 (1.7%)	3 (1.0%)	0 (0.0%)	3 (1.9%)
No burial clause	3 (5.2%)	4 (1.4%)	0 (0.0%)	0 (0.0%)
Burial clause missing owing to damage⁷³	0 (0.0%)	0 (0.0%)	1 (2.9%)	0 (0.0%)

Table 2. Showing the number and proportion of testators by sex ascribing different amounts of detail to their burial locations

The above table shows some clear contrasts between the amounts of detail given to burial location in the two settlements. Thetford's female testators were 1.4 times less likely than Faversham's testators to give descriptions of their burial place, with the male testators 1.3 times less likely to do so. This could relate to the wider variety of options of burial space for testators from Thetford: as we have seen in section 3.2, individuals did not have to be buried in their parish churches, and indeed, in Thetford thirty-five testators (18.4 per cent) requested to be buried in the church or cemetery of a monastic house, a friary, or the house of Augustinian canons in the town. In comparison, just seventeen of Faversham's testators (4.9 per cent) requested to be buried in the town's abbey, with a one further individual requesting to be buried

⁷³ Margery Brightmer's testament (1501, NRO, ANW 3a Bemond, fol. 6^r.) belongs to a volume which was damaged at some point before the microfilm was made. The top right corner of the entire volume of Archdeaconry of Norwich will register 3a ('Bemond') has been eroded and unfortunately for this present study this was the place where Margery's burial clause was recorded. We know that she left instructions for the placement of her body as the top line begins 'my body to be buried in the chy[...]' but the rest of the sentence has been destroyed. This volume contains four other wills and testaments from Thetford but the damage does not affect these other entries to the same extent. It has not been possible to examine this volume as it went missing at some point: its disappearance was noted in November 2014 and it has not been recovered. See the catalogue entry at <<http://nrocat.norfolk.gov.uk>> [accessed 18 February 2020]

in the churchyard of St Augustine's Abbey in Canterbury.⁷⁴ It may well have been the case for Thetford that with the wide variety of locations in which individuals could choose to be buried it was possible to do identity work by requesting to be buried in a general place. A request to be buried in a location other than the parish church can be found in the testament of Catherine George who described herself as being 'in the parysshe of Seynt Andrew' but requested to be buried 'in the chirche of the monastery of the monkis in the town aforseid [Thetford]'.⁷⁵ In this way we can see Catherine creating distance between herself and her home parish, but we cannot recover the significance of her request, even though it may have been clear to her family. Certainly these requests also construct something of the wealth of these individuals as they would have had to pay more than if they had just been interred in their parish churches. It is possible that there were differences between seeking burial in one of the monastic houses versus one of Thetford's friaries but this is not communicated in the testaments. In Faversham, it seems that requesting to be buried in the abbey was a way of constructing status and wealth, particularly given that such a small proportion of testators identified this space for their interment.⁷⁶ But given that testators in Faversham had only two different institutions available to them, it is perhaps not surprising that we find a greater proportion of detailed descriptions of burial places in this town. The implications of one's burial may well therefore have been constructed through the general place of burial in Thetford more so than in Faversham. Those who wanted to make more elaborate statements of identity in the Kentish town had to do so using the resources of the space and make their burial place by giving more detail about the location.

Table 2 also shows that female testators in both towns were more likely to describe their burial location in more detail than their male counterparts. This may be because most female testators were widows, and so often had at least one husband next to whom they could be buried should they choose so. Of the female testators who provided a secondary description, eighteen from Faversham (62.1 per cent) and nine from Thetford (75 per cent) used the location of a husband's grave – either alone or in combination with other features – to define their burial place. This functions to emphasise the significance of these relationships for many of these women. Indeed, for female testators from Thetford, this was the only personal relationship expressed through the burial clause: with only one exception (discussed in section 3.7.2) no female testator from the town requested burial next to other relations such as parents or children. This serves to emphasise the conjugal unit as a resource for identity work for women in Thetford. Of course, the remaining 25 per cent of female testators from the town who gave a

⁷⁴ This request comes from the testament of Thomas Knyght, KHLC, PRC 17/9/307b, fol. 307^v.

⁷⁵ NRO, ANW Randes, fol. 190^r.

⁷⁶ This is discussed further in section 3.7.1.

secondary description were able to use features such as porches or chapels to define the places for their interment. The absence of relationships other than the marital bond from women's burial clauses in Thetford reinforces the socially-held importance of this connection for women's identities in the town.

For female testators from Faversham, burials of husbands were not the only features by which women were able to describe their burial locations and create testamentary identities. They appear to have been able to draw on other kinds of familial relationships, and so requested burial next to parents, children, and/or near to religious foci. In this way, testators such as Margaret Tryge (Faversham, 1526) were able to emphasise different aspects of their identities. Margaret's request to be buried 'yn the churchyard of Fauersham besydes my childer' privileges her role as a mother and parent over that of a wife, which we know she must have been as she describes herself elsewhere as 'wedow'.⁷⁷ Female will-makers perhaps had more choices to make about how they wished to be remembered than male will-makers. As Barbara Harris has noted, in deciding where to be buried, women 'made a public statement about the family with which they wanted to be identified forever'.⁷⁸ For men, whose marriages did not entail a change of family and a concomitant change of identity, this was considerably less significant. Women's burial requests from both locations were, perhaps more detailed than those of their male counterparts, because of the multiple marital identities which they likely accumulated over the course of their lives.

Three other categories exist in this table. The first of these is the category titled 'more than one option given', which encompasses those testaments which contain options for burial location and suggest that they had the choice of being buried in a number of places. In most of these cases the two options given related to the same institution and expressed uncertainty as to whether their interment would be in the building or the churchyard. For example, Denis Hardyman (Faversham, 1520) left this decision to his spouse, noting 'my body to be buried in the churche or churchyard of oure blisshed Lady of the parishe churche of Fauersham aforesaid there and in suche place where as it shall please God and Alice my wif'.⁷⁹ In such cases we can see Denis constructing his ambivalence about the space of his burial and granting discretion to his wife to make this decision. Only one testator identified two separate institutions as possible burial locations. Robert Browne (Faversham, 1509), who described himself as 'controller of the honerable house of the right noble Lord Thomas, Erle of Arundell', requested:

⁷⁷ KHLIC, PRC 17/17/186b, fol. 186^v.

⁷⁸ Harris, p. 741.

⁷⁹ KHLIC, PRC 17/14/212, fols 212^v-213^r.

to be buried in the abbey of Feversham in Kentt before the rode of pittie in the
ouerhand⁸⁰ of the church or els in the college of Arundell within Our Lady chapell there
next unto Th'eorle Thomas sometyme Erle of Arundell⁸¹

Robert's request for burial constructs his connections to and status within the town of Feversham but also creates something of his status within his occupation, too. In both options which are given, Robert described places for burial which were in locations close to the focal point of the Mass. This is however a very unusual request and it is likely that the two different options were given so as to cover the eventuality of Robert's dying in Feversham or Arundel.

Seven testators – all from Feversham – did not include a burial clause in the documents that they made (the 'no burial clause' category). In two of these cases these individuals made nuncupative testaments, which suggests that the testator died a very short time after making their wishes known. Not all testators who made nuncupative testaments omitted instructions about where they were to be buried but in the cases of Simon Orwell (1500) and Thomas Malpas (1505), both men were survived by their wives who were in each case to act as executrix, and thus determine the place of their husband's burial.⁸² In the remaining five cases these individuals made last wills and it would appear that they did not make testaments – although it is possible that these were made but have been lost. The burial clause was a formulaic part of the testament rather than the last will, and so those testators who apparently just made this latter document were unable or chose not to include it.

Table 2 provides a useful overview of how testators in each location used institutions known to them to construct their burial clauses. This section has demonstrated that although the majority of testators chose just to identify the space of their burials, some used descriptive detail to construct places for their burials. The table demonstrates that this is much more often found among the testaments of women than of men, but that testators from Feversham were more likely to describe burial location in detail than their counterparts in Thetford. This, I suggest, relates to the wider variety of possible spaces for interment in Thetford than in Feversham, which may have enabled testators to construct and communicate meaning in different ways. Statistical analysis of burial clauses has also shed light on different forms of burial clause, such as

⁸⁰ It is unclear what Robert meant by this designation. The Rood of Pity is attested to in Theband Evyas's testament of 1478, in which she left 'to a newe picture to be made vpon the rode of pytes in the foresay monastery in Feversham xxxs' (KHLC, PRC 32/2/426, fol. 427^v). Richard Cater's testament of 1529 notes that there was an image of Our Lady of Pity in the South aisle of the monastery, which may well have been where the chapel was located (KHLC, PRC 17/18/215, fol. 215^r).

⁸¹ KHLC, PRC 32/10/12a, fol. 12^r.

⁸² KHLC, PRC 16/1; TNA, PCC PROB 11/15/267, fol. 92^v.

the testators who gave more than one option for the place of interment. Such clauses are more common among male testators and in many cases, where the options given are the church or churchyard of the same institution, serve to create the testator's ambivalence about the place of burial but stress the importance of the institution. The category of 'no burial clause' raises interesting questions about will-making practices in Faversham, where it was not unheard of that individuals might apparently make a last will without making a testament. Further research is required here to establish whether this was a regional approach to testamentary practice where the testator owned few moveables or whether it is more likely that these testators did in fact make testaments which have subsequently been lost. Issues of damage and loss are reflected in the final category listed in this table: 'missing owing to damage' which has only affected one testament in the whole corpus. This quantitative analysis provides a useful overview of the source base which is considered here, but this approach can only do so much. The following sections delve into this material and explore the language used in the burial clause to explore further how individuals approached this part of the testament and used it to make statements to construct their identities.

3.7 Qualitative Analysis of identity-work

The examples given above demonstrate the great variation that can be found between burial clauses. This section and the subsequent sub-sections will explore in detail the significance of the construction of place for the performance of identity. This qualitative analysis is done thematically, and will explore how testators might create something of their social status, familial connections, and piety through their burial clauses. This is to some degree an artificial division, as any one burial clause could be the site for the performance of a number of identities. This methodology does however enable similarities and differences to be explored in more detail and provides a useful framework for exploring the different ways in which the burial clause could facilitate identity work.

3.7.1 Constructing Social Status

We have seen in section 3.5 that the parish church and churchyard were places which could be ascribed innumerable meanings for the people who wished to be buried there. This section explores how testators could ascribe significance to these spaces to create their social status in their testaments. I shall also explore how testators might use features such as the burials of high-status individuals to create association and proximity.

Testators might construct their status by requesting burial within the body of their parish church, rather than in the churchyard.⁸³ Burial in particularly desirable places, such as before the high altar, before particular saints, or in a chapel may well have attracted yet further costs.⁸⁴ In requesting burial in such a location, testators were able to project their identities as wealthy individuals who could cover the associated costs, as well as being of suitably high status to be allowed to be buried there.⁸⁵ Some of the anxiety around permission to be buried in a particular location is created in the testament of John Clarke (Faversham, 1473), who requested ‘*corpusque meum sepeliendum in ecclesia parochiali de Fauersham ante hostium [ostium] capelli sancti Xpofori [...]* Item lego reparacioni predictae ecclesie [St Mary’s, Faversham] *xxd si sepultura mea in ecclesia predictae ut predictum est non denegetur*’.⁸⁶ In this way, John was able to construct his wealth and status, but also create his uncertainty as to whether this burial location would be approved.

Requests for burial in the churchyard enabled individual testators to construct their social standings in other ways. Male testators from Faversham could seemingly also use the burials of high-status male individuals in order to construct testamentary identities. This is the case for William Thornton, whose testament from 1491 states his desire to be buried ‘in the chirchard of the chirch of [the] Assumpcion of Oure Lady on the north side besyde the burying of John Drylond’.⁸⁷ What, then, can such a description mean for William and his request to be interred next to John? The Dryland family were important contributors to the governing of Faversham from the fourteenth century onward, so it is perhaps unsurprising that other individuals wished to be buried near them.⁸⁸ William’s burial clause could be read in a number of ways: a desire to be buried in a specific area of the north part of the churchyard, or a desire to be buried specifically next to John Dryland, who was incidentally buried on the north side. Perhaps other possibilities exist: would burial next to John place William near to another individual whom he did not wish to name? Such suggestions must however remain within the realm of possibility, as we can never know for certain. It does however seem likely that William wanted to be buried next to John, rather than preferring the northern part of the cemetery for his interment. ‘John Dryland’ appears as mayor in 1381, and ‘John Dryland senior’ is listed as mayor in 1421 and

⁸³ Intramural burial was much more expensive than being buried outside, and also afforded testators proximity to the various altars, lights, images and other significant spaces within the building. A burial clause which specified that an individual was to be buried within the body of a church therefore created something of their wealth, and projected their eligibility to be buried in such a location.

⁸⁴ Harding, ‘And One More’, p. 121.

⁸⁵ Middleton-Stewart, p. 68.

⁸⁶ ‘and my body to be buried in the parish church of Faversham before the door to the chapel of St Christopher. Item I leave to the reparation of the said church 20*d* if my burial in the said church as aforesaid shall not be denied’. Italics mine. KHLC, PRC 17/2/455a, fol. 455^r.

⁸⁷ KHLC, PRC 32/3/282b, fol. 282^v.

⁸⁸ *FTB*, I and II, pp. 80, 552.

1424 as well.⁸⁹ Again in 1431, 1433 and 1434, 'John Dryland' is named in the role.⁹⁰ William Thornton was also mayor of the town in 1481, 1489 and 1490 – so should his request for burial therefore be read as an expression of a status shared by the two men? Perhaps. Given that William does not specify which John Dryland he wished to be buried next to it is possible that he relied on the memory of the community, specifically his executors and overseers, to ensure that he was buried next to the individual who was known to have shared his status in life. We can therefore see that by requesting to be buried next to another male, William was able to create his status through his burial – something which would not have been possible had he been buried next to a woman, or buried elsewhere in the churchyard.

The construction of status through burial clauses in Thetford is in some ways similar to the construction of status and wealth in Faversham's testaments in that a request to be buried in an institution that was not one's own parish church would cost more. Similarly, intramural interment, or interment by an altar or in a chapel also served to create the significance of the individual who requested to be buried there. Thomas Barnard's request to be buried 'in the chyrche of Seynt Cuthbert in the seid town [Thetford] be the fonte in þe aly by ledyng onto the heyth auter of the seyde chyrch' constructs Thomas's status through the proximity of this space to the focal point of the font, and the direct line of sight connecting this 'alleyway' to the front of the church.⁹¹ It seems that it was not at all common for testators from Thetford to request burial next to an individual without an explanation of the (familial) relationship which connected the two individuals.

Requesting to be buried in a religious institution could also be considered as a strategy of testamentary identity formation. A request to be buried in the churchyard of a particular monastic house, as we find in the testament of Alice Bocher alias Peperard, is significant in that she requested burial outside of her home parish. She requested that 'corpusque meum sepeliendum in cimiterio monasterii monachorum Beate Marie de Thetford predicte'.⁹² The specific meanings that this burial location had for her are however unclear, and Alice gave no further information about the specific place of her burial to shed any light on this. Studies have shown that in London, burial in a religious house could be a mark of importance, and David Postles has remarked that: 'Religious houses then offered burial [...] for its symbolic value for the house within its locality', reflecting the symbiotic relationship between the status of the house

⁸⁹ *FTB*, II p. 552.

⁹⁰ *FTB*, II, p. 553.

⁹¹ NRO, ANW Fuller alias Roper, fol. 426, fol. 426^v.

⁹² 'And my body to be buried in the monastery cemetery of the monks and St Mary of Thetford aforesaid'. NRO, ANW Fuller alias Roper, fol. 35^v.

and the status of the individuals buried there.⁹³ The variety of institutions available in Thetford may well have offered testators ways of constructing social status: these meanings may well have been obvious to contemporaries. In Faversham a smaller proportion of testators requested to be buried in the town's abbey, suggesting something of the exclusivity of burial in this space.

Women, who were unable to hold public office, had to construct status in different ways. They could do this through burial next to their highest-status husband, and as Barbara Harris has demonstrated, this could be an important factor in determining a widow's burial location.⁹⁴ Indeed, this might be the reason behind Katherine Martin's (Faversham, 1495) request 'to be buried in the paryssh church of Seint Nicholas of Asshe in the same towmbe where the body of John Sepvans sumtyme my husbounde restyth'.⁹⁵ John was esquire of the body to King Henry VI, and given the relative anonymity of Katherine's later husbands, it is unlikely that either of them were as high in status.⁹⁶ Although Katherine's motivation for choosing John as the husband next to whom she wished to be buried are now unclear, through her request to be buried next to him she was able to record her personal history and create a testamentary identity as a high-status individual.

Other women perhaps chose burial apart from their husbands which may have enabled them to construct their standings independently of them. Agnes Dunston (Thetford, 1483), requested burial 'in capella Beate Marie infra ecclesiam fratrum Augustinieni de Thetford'.⁹⁷ Her husband Henry, whose will was made more than ten years before, in 1472, was buried in the parish churchyard of Holy Trinity in Thetford.⁹⁸ Agnes's request to be interred in a desirable location served to create her power and social standing as a widow. Similarly, Elizabeth Hudson alias Feknam (Faversham, 1503) who was married when she made her last will and testament, requested to be buried 'in cancello ecclesie parochie Beate Marie Virgine de Norton', whilst her first husband, Robert Fekynham, was buried in the churchyard at Faversham.⁹⁹ In both of these cases we can see that these women rejected burial and subsequent memorialisation next to their husbands in the churchyard, instead preferring burial within religious buildings where they would not only be closer to the Eucharist, but also where any commemorative markers such as

⁹³ Harding, 'Burial Choice', p. 124; David Postles, 'Monastic Burials of Non-Patronal Lay Benefactors', *Journal of Ecclesiastical History*, 47.4 (1996), 620–37 (p. 637).

⁹⁴ Harris, p. 742.

⁹⁵ KHLIC, PRC 32/4/196, fol. 196r.

⁹⁶ J. R. Planche explored this in further detail in his study of the tombs of Ash parish church. J. R. Planche, *A Corner of Kent; or, Some Account of the Parish of Ash-Next-Sandwich* (London: Robert Hardwicke, 1864), p. 223.

⁹⁷ 'In the chapel of St Mary in the church of the Brothers Augustines of Thetford'. NRO, ANW Fuller alias Roper, fol. 66r.

⁹⁸ NRO, NCC Paynot, fol. 33v.

⁹⁹ 'in the chancel of the parish church of St Mary of Norton [Kent]', KHLIC, PRC 17/9/174, fol. 174v. Robert Fekynham meanwhile requested to be buried next to his former wife Isabell in Faversham churchyard. KHLIC, PRC 17/6/93, fol. 93v.

gravestones would last much longer. Such locations were desirable, and would have been likely to attract higher costs. Elsewhere in their testaments, these women were able to construct their wealth: Agnes left 33s 4d for three months' commemorative masses, a sizeable sum.¹⁰⁰ Elizabeth meanwhile was a married woman when she made her testament, and as such she was more limited in terms of what she owned and could bequeath. Nevertheless she bequeathed silver to a total value of over £30, creating her identity as a wealthy individual even when acting independently of her husband.¹⁰¹

We can therefore see that the burial clause was one way in which testators could construct testamentary identities as wealthy, high-status individuals. There was no fixed rule as to how this could be done, and this section has demonstrated that testators were able to creatively use the different topographies available to them in order to create their social standings. Whilst in Faversham, for instance, it was possible for the leading men of the town to create identity through proximity to other significant (and non-related) males, this was not something that appears to have been possible for men in Thetford. Women, too, were excluded from this kind of testamentary identity-making, as their gender prohibited them from taking leading roles in town government, and so burial next to named individuals of high-status may well have constructed a different message. Women were however able to create identities for themselves by identifying burial locations next to high-status husbands, for example, or indeed in some cases by requesting to be buried separately from them. In the burial clause, then, we can see a great deal of creativity and variety in how wealth and social status was created. It would seem that some testators were able to construct these testamentary identities by requesting to be buried in or near to those places (such as the high altar) which have traditionally been deemed to be reserved for elites. But this was not the whole story, and as this section has shown, testators were also able to innovate and construct places of meaning which communicated their status and affluence in other ways.

3.7.2 The Gendered Limitations of Space

This next section examines how men and women described burial places in different ways, and how this related to the place in which they lived. There do not appear to be any places where men were buried that were closed off to women, and similarly, there do not appear to have been

¹⁰⁰ NRO, ANW Fuller alias Roper, fol. 66r.

¹⁰¹ KHLC, PRC 17/9/174, fol. 175r. At marriage, a woman's chattels became her husband's, according to common law, and this extended to chattels which she received after marriage too. Her husband would also become guardian of her lands. Married women were considered therefore to own very little beyond their clothing and jewellery. Beattie, 'Married Women's Wills', pp. 3–4.

any special ‘female-only’ burial locations. In terms of the descriptions of these spaces, however, women do not appear to have been able to describe their burial space in terms of unrelated individuals – with two exceptions, one from each town. Clemence Roberd of Faversham (1509) requested ‘to be buried in the parishe churchyard of Oure Lady in Feuershams by Edward Bownd’.¹⁰² Clemence noted at the start of her testament that she was a widow but she made no reference to her husband by name. Although it could be the case that she had been married to Edward at some point it seems unlikely, given that their deaths were forty-one years apart. Some traces of an ‘Edward Bounde’ survive in the records: he is mentioned in Faversham’s Town Books once in 1466, listed as a commoner, and a will and testament for an Edward Bounde survives, dated 1468.¹⁰³ It seems possible that this was the individual next to whom Clemence wished to be buried, as no other individuals with the name ‘Edward Bounde’ can be found in the testamentary records or in Faversham’s Town Books. Edward’s testament contains a burial clause which is as follows: ‘corpusque meum ad sepeliendum in cimitorio ecclesie Beate Marie virgini de Feuershams’.¹⁰⁴ This has been categorised as a primary description of the space, as Edward gives no information beyond wishing to be buried in Faversham churchyard. He might have been buried in a part of the churchyard that had some significance for Clemence, but given that neither individual refers to the location of the burial it is impossible to know. What Clemence’s request does tell us is that she was able to navigate the space using Edward as a reference point. Given that he died a long time before her this presents us with a few possibilities. Clemence may have known Edward in life, was aware of his death and burial location and subsequently used it to frame her own place of interment. Edward’s will mentions a wife and a daughter alive at the time of his death, but no Christian name is given for either woman. It could be the case that Clemence was Edward’s daughter, although if this were the case one might expect her to mention this fact.¹⁰⁵ It is also possible that there was no personal connection between Clemence and Edward, and that his grave was marked in some way, which enabled Clemence to navigate the space. If this were the case, however, we might expect a description which made reference to the marker.¹⁰⁶ Testators could refer to the sepulchre, burial,

¹⁰² KHLC, PRC 17/12/44a, fol. 44r.

¹⁰³ Bounde’s will (KHLC, PRC 17/1/284a, fols 284r-284v) is dated 1468. *FTB*, I, p. 83.

¹⁰⁴ ‘my body to be buried in the churchyard of the church of the blessed Virgin Mary of Faversham’, KHLC, PRC 17/1/284a, fol. 284r.

¹⁰⁵ It is uncommon for women to ask to be buried next to their fathers, as only one woman from Faversham makes such a request. Margaret Gebon (1512): ‘my body to be buried in the chappell of the south syde of the churchyard of the church of Oure Lady of Fauersham beside my fadre’. KHLC, PRC 17/12/126b, fol. 126v.

¹⁰⁶ For example Alice Lacy (Faversham, 1525) requested to be buried ‘yn the churchyard of Oure Lady in Fauersham beside the sepulture of Robert Lacy my husbond’ (KHLC, PRC 17/16/289b, fol. 289v), making explicit reference to her husband’s grave. It is possible that ‘by Edward Bownd’ could be a shorthand for ‘the *tomb of* Edward Bownd’, but both phrases appear to be in use.

grave or stone of another individual, suggesting knowledge of the space if not knowledge of the individual buried there.

The other request by a female testator to be buried next to an apparently unrelated man comes from the testament of Margaret Carman (Thetford, 1525). She wished ‘to be bureyed in the chirch yard of the monkys on the north syde by the body of Clement Tovey nyeth unto the north door’.¹⁰⁷ In this case, ‘the monks on the North side’ probably refers to the north side of the town, and the Priory of St Mary there. Margaret does not identify herself as a widow, and although her testament names three godchildren there is no individual identified as her child, nor is there mention of grandchildren. Margaret constructed herself as well-acquainted with the monastery, its inhabitants and its workings through the bequests she made to the monks there. She bequeathed ‘to Dane William Colchester monke of Thetford xxvjs viij*d*’ and constructed her awareness of the processes and costs associated with burials at the monastery, as she left ‘to the sexten at the monastery of the monkis for my bere cloth xij*d*. And also to John Kynngsmith at the foreseyd monastery, clerke, for my under cloth viij*d*’.¹⁰⁸ Margaret’s detailed burial request created her intimate knowledge of the monastery and its grounds, and elsewhere in her testament her identification of named individuals with particular roles constructed a close relationship not only with the monastery’s buildings and spaces but the people who lived and served in them. It seems unlikely that Margaret was related to Clement, as they did not share a surname and she made no mention of any other individual with the name ‘Tovey’ in her testament. If Clement made a will, it does not survive. It is unusual for such a description of the burial place to be found in a woman’s testament, but it is also quite unusual for testators from Thetford to demonstrate such detailed knowledge of the monastery and its workings. Margaret’s burial request served to create a close relationship between her and the Priory of St Mary, constructing both her familiarity with the space, as well as her religious proclivities and transgressing what was usual for female testators.

These two women, Clemence Roberd and Margaret Carman, are both unusual in that they asked to be buried next to individuals without clarifying their relationships to them. We cannot say for sure why they asked to be buried next to these men, nor whether their wishes were carried out. What is certain is that the framing of their burial space in this way is found in no other testaments made by women. This suggests that it was not a widely accepted practice for a woman to request to be buried next to an individual outside of her family. Clemence’s and Margaret’s requests show that such requests were *possible*, if outside of the norm. By the same

¹⁰⁷ NRO, ANW Randes, fol. 321v.

¹⁰⁸ NRO, ANW Randes, fol. 321v.

token, it appears that it was equally unusual for men from either town to ask to be buried next to unrelated women. One of the men who did this was Thomas Knight (Faversham, 1511), who directed his body ‘to be buried in the parishe church of Fauersham bytwene Herry Paye and Alice Knott’.¹⁰⁹ Thomas is the only individual to use the word ‘between’ to identify his burial location, and indeed no other testator from either location specifies their burial position by naming two other individuals. In so doing, Thomas’s burial clause suggests that the two burials that he was using to triangulate his own interment were either well-known within the community or that they were marked by some kind of monuments or tombs. This second instance would seem to be the case here. A (damaged) brass to Henry Pay still exists in Faversham parish church, although no such evidence remains for Alice Knott.¹¹⁰ Henry, who died in 1419 in receipt of a royal pension was buried in the north transept of the church and so it seems that Thomas was using the monument to navigate the space, rather than drawing on a shared community memory of Henry and his burial place.¹¹¹ Through his request to be buried inside the church Thomas constructed his high social status reinforced by his request for ‘a conueniant stone to be leyd ouer my grave’, marking his place as, we suppose, Alice and Henry were also memorialised. Thomas’s burial clause creates distance from his family, as if he were related to either Alice or Henry he makes no note of their relationship. Thomas named his daughter Margaret as a beneficiary in his testament, and so he must have had a partner although no wife is identified. His burial clause constructs his identity as a wealthy man of status, and serves to create his independence from parents, wife or children.

The other male testator who requested to be buried next to a named woman without clarifying the relationship between them was Robert Car, described as ‘prest in the parish of Fauersham’ (1526). He requested ‘to be buried in the church yarde of oure blessed lady of Fauersham in the way to the church besydes Mother Andrew there’.¹¹² It seems unlikely that ‘Mother Andrew’ was Robert’s own mother, as testators usually refer to such an individual with use of the personal pronoun.¹¹³ The term ‘mother’ may in this period have also been used to refer to a mother-in-law, as a form of address to an elderly woman, or as a title for a female head

¹⁰⁹ KHLC, PRC 17/12/253, fol. 253v.

¹¹⁰ Edward Jacob’s *History of the Town and Port of Faversham* records the burial of one Eleanor Knotte, wife of John, in the parish church in 1419. No other records survive for this family. Edward Jacob, *The History of the Town and Port of Faversham in the County of Kent*, (London: J. March, 1774) p. 146.

¹¹¹ Susan Rose, ‘Henry Pay’, *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004). Available online at <<https://doi.org/10.1093/ref:odnb/21638>> [accessed 27 February 2020]

¹¹² KHLC, PRC 17/17/199, fol. 199r.

¹¹³ For comparison, Richard Skepper, clerk of Thetford, requested to be buried ‘in the porche of the parish church of Our Lady of Thetford forsaied by the sepultur of *Sibylly my modir*’ (italics mine). NRO, NCC Spyltymber 244, fol. 244r.

of a religious community.¹¹⁴ Given Robert's status as a priest, it is unlikely that he was using the term to refer to his mother-in-law. His use of the title serves however to construct his respect for this woman. Sadly no other information exists for 'Mother Andrew' and no other testator uses her as a reference point for their own interment, so it is impossible to reconstruct any further biographical detail. As a member of the clergy, Robert may well have used a north door to gain access to the church.¹¹⁵ His understanding of 'the way to the church' may then have referred to the path through the north part of the churchyard. We know from other testaments that the anchorite resident in Faversham's church was resident on the north side of the building, and that other individuals used the location of her cell in order to request burial nearby.¹¹⁶ It could be the case that in requesting burial 'besydes Mother Andrew' Robert was referring to the anchorite. This is of course speculative, and sadly no extant records contain the anchorite's name. We can however be more certain in arguing that Robert's burial clause was a place where he could construct his respect for this particular woman and in so doing create the place of his burial.

Testators might also navigate the space of the parish church using the burial locations of other individuals in combination with images within it to create their pious preferences and to construct their burial locations. One such request comes from the testament of Robert Wythiott (Faversham, 1511) who wished to be interred in 'the parishe church of Fauersham before the image of Ihc in the said church on the south side of the stonne of Edward Thomson'.¹¹⁷ There could be many reasons why Robert chose the place before the image of Jesus for his burial, and factors such as the availability of space, affection, status and devotional interests in Jesus may have all played a role in this decision. Certainly, in making this request, Robert was able to construct his devotional interests in Jesus, which is further developed through his request for commemorative masses. He desired 'that an honest preste to singe for my soule and my wifes soule at the auter of Ihc in the foresaid church by the space of a hoole yere and he to haue x marke'.¹¹⁸ This constructs Christocentric devotional leanings and would ensure that Robert's body would be close to the sacring of the mass for a year at least. And in the event of his

¹¹⁴ *OED*

¹¹⁵ Postles, 'Micro-Spaces', p. 750.

¹¹⁶ John Beverley (Faversham, 1470) requested to be buried 'in cimiterio ecclesie beate Marie de Fauersham predicte ex parte boreali ex opposito hostilagium anachorisse ibidem'. KHLC, PRC 17/1/364, fol. 364r.

¹¹⁷ KHLC, PRC 17/12/233, fol. 233r.

¹¹⁸ KHLC, PRC 17/12/233, fol. 233r. Edward Thomasson's will also survives and his burial clause shows his desire to also be buried before the high altar: 'to be buried in the parisshe church of Feuershams afore the hie auter ther called Ihus auter' (1494, KHLC, PRC 32/4/59, fol. 59r). One request for commemoration at the Jesus altar is also found within this time period (John Bellinger, 1529, KHLC, PRC 17/18/224b, fol. 225r) but after 1530 three bequests are made to the altar (maintenance of light, Vestment, maintenance of Mass). There also seems to have been an image of Jesus in Faversham church, which attracted two burials before it: Roger Harrison (1497) and Richard Ledmede (1497). We cannot tell whether the image of Jesus was near the altar or whether it was in another location. Hussey, p. 127.

children dying without heirs, Robert appointed the proceeds from the sale of his lands to be used to fund another three years' worth of divine service at the same altar.¹¹⁹ Burial before the Jesus altar thus served to construct Robert's pious preferences as part of a much wider commemorative scheme which his testament created. What, therefore, is the significance of the inclusion of the second part of Robert's burial clause: 'on the South side of the Stonne of Edward Thomson'? Given Robert's devotional interest in Jesus it is quite likely that his inclusion of Edward's stone in his description was navigational, and was included to ensure that Robert got the precise location that he wanted, rather than expressing a social connection between the two men. This interpretation is further supported when we consider that it is the *stone* of Edward Thomson that Robert mentions. Unlike other clauses in which testators asked to be buried near to named individuals, it was the 'stone' by which Robert identified the space, rather than the 'burial' or 'body'. He was therefore navigating the space by using recognizable features which already existed in it, rather than appealing to the community's memory of another individual in order to secure his favoured location. Further evidence which refutes the idea of a social bond between the two men comes from the will and testament of Edward Thomasson himself. This is dated 1494, seventeen years before Robert's.¹²⁰ Edward's testament makes no mention of Robert or anyone sharing his surname. We cannot use a lack of evidence to say for certain that the two men were *not* acquainted in life, but given the time difference and the absence of references to either man in the other's will, a social connection is unlikely. If this is the case, it raises pertinent questions about the nature of memory and the importance of commemoration within the parish in this period. It demonstrates that seventeen years after Edward Thomasson's death, people still recognised his burial and were able to use it as a point of reference. This is significant, because women do not seem to be able to talk about space in this way, arguably preventing them from securing the precise space they wanted, should it happen to be next to an unrelated man.

The vast majority of testators did not describe their burial location in terms of an unrelated individual of the opposite sex. Whilst in practice no doubt bodies would have lain next to unrelated individuals of the opposite (or indeed, the same) sex, constructing one's burial location in these terms was not common practice. Whilst no women requested to be buried next to another unrelated woman, twelve men from Faversham asked to be buried next to a man whose relationship to the testator was unspecified. Requesting burial next to another man could offer male testators from Faversham opportunities for self-expression and memorialisation which were not available to women from the town, and seemingly also unavailable to men in

¹¹⁹ KHLC, PRC 17/12/233, fols 234^r-234^v.

¹²⁰ KHLC, PRC 32/4/59, fol. 59^r.

Thetford. Some of these burial clauses, along with other clauses from the two towns will be discussed in the following sections. These will clearly demonstrate the significance of comparative, location-based studies in explorations of the construction of gender. Overall, we shall see that gender played an important part in the experience of space in the medieval parish, and that this experience was a resource which informed the testamentary construction of place and identity.

3.7.3 Creating Family Identities

In providing descriptions of the place of burial, testators often mentioned the graves of other individuals buried nearby. In naming these people, testators were able to create their proximity to them, memorialise the relationship, and in so doing, create identities. The burial clause was thus one place where testators could construct relationships to individuals who had predeceased them. This was therefore an important place in the testament where testators could create identities which might not otherwise be visible. This section explores the different kinds of relationships which were created in the burial clause, and questions how such constructions could be limited or facilitated by the gender of the testator.

Men and women alike could use their burial clauses to construct their family connections and their identities within kinship groups. Across both settlements, where a secondary description was given, the most common request was for burial next to a spouse.¹²¹ For Thetford's female testators, as we saw in section 3.6, this was the *only* familial relationship made through the burial clause. In contrast, male testators from Thetford might ask to be buried next to their wives, their parents or their children, creating a number of identities. In Faversham, too, these same relationships are created in the burial clause. No testator from either town requested to be buried next to siblings, nieces, nephews, or cousins. This in itself suggests the significance of parents, spouses and children in the production of identity.

Isolating the burial clause allows for the revision of established views about gender and will-making, which emphasise how women's networks tended to be broader and more 'horizontal', in contrast with men's more 'vertical' awareness of kin.¹²² Certainly this seems to be true for bequests of objects, but this does not seem to be the case for the burial clause, where

¹²¹ In total, fifty-four testators requested to be buried next to a spouse: thirty-six from Faversham (seventeen female testators and nineteen male) and eighteen from Thetford (ten female, eight male). A further four testators (all male; two from each town) requested to be buried next to a spouse and other relations, such as parents or children.

¹²² In her study of women's wills from Tudor England, Susan James has argued that female testators tended to consider a wider 'horizontal' network of family relationships, encompassing siblings, godchildren and other dependents in their last wills and testaments. Men, she argues, tended to view descent in a more 'vertical' fashion (i.e. parent to child). Susan E. James, p. 1.

women more than any other group seem to be limited in how they described their burial places. Whilst women may have looked to extended family to give away their prized possessions, they defined their burial locations almost exclusively by the graves of their spouses, children and parents. In doing so, they were able to create testamentary identities as mothers, wives, or daughters and emphasise their belonging to particular families. As we saw in section 3.6, this appears to have been culturally mediated: whilst Faversham's female testators identified parents, children and husbands in their burial clauses, Thetford's female testators almost always looked to their husbands. This provides fascinating evidence for contemporary attitudes to identity construction and performance in different locations.

Marriage was clearly an important facet of one's identity, given that spouses are so often mentioned in burial clauses.¹²³ In a study of marital status in late medieval England Cordelia Beattie has shown that marriage had to be acted out in order to be visible.¹²⁴ We can see evidence of this performed aspect of marriage in wills made by men and women alike. As we shall see, burial clauses alone reflect various 'degrees of marriage' within them, and indeed offered men and women alike an opportunity to reflect on these varying 'degrees'. Testators such as Helen Vale (Thetford, 1517) expressed that she wanted to be buried 'in the chirche yerd of Seynt Petir in Thetfford by my laste husbond John Vale'.¹²⁵ Here we can see that the burial clause allowed Helen to perform more than one relationship: she communicated not only that John was her husband but that she had also had other husbands; that she was widowed more than once. Male and female testators alike were able to include this kind of information. Richard Vulsse (Faversham, 1495) requested burial 'prope uxores meas' constructing his multiple marriages, and Robert Wall (Thetford, 1500), asked to be buried 'by my first wyfe and chylder'.¹²⁶ Testators were thus able to use their burial clauses to construct biographical detail about themselves and their families which might otherwise be invisible in the will and testament. Marriages are made visible in burial clauses such as Annes Hale's (Faversham, 1512), in which she requested to be buried 'in the chirche yerd of the parishe chirche of Fauersham afore said on the south syde there next unto the graves of Harry Coley and Robert Newman my late husbondes'.¹²⁷ Although Annes

¹²³ Female testators, who are much more likely to be predeceased by a spouse than male testators, were thus more likely to have the opportunity to be buried next to a deceased spouse.

¹²⁴ Beattie has argued that there were many ways in which individuals could perform life as a married person: living with a partner as a couple, the pooling and joint management of property, and having sexual relations. Marriage and singlehood is not a binary, and there is an expansive grey area in the middle of these categories occupied by widows, couples whose marriages had been annulled, people with absent partners, and couples who lived together but were not married. Cordelia Beattie, 'Living as a Single Person': Marital Status, Performance and the Law in Late Medieval England', *Women's History Review*, 17/3, (2008), pp. 327, 334.

¹²⁵ NRO, ANW Gloys 243, fol. 244r.

¹²⁶ KHLC, PRC 17/6/115a, fol. 115r; NRO, NCC Cage 173, fol. 173v.

¹²⁷ KHLC, PRC 16/1.

mentioned Harry Coley again in her will the burial clause was the only place in her testament where she was able to create her relationship with Robert Newman. In so doing, Annes was able to establish herself as both Harry's and Robert's widow, and to commemorate herself as wife to each of them. We can read her burial clause as a way of constructing the different identities which she assumed in marriage and widowhood. Vanessa Harding's study of burial clauses from London wills has shown that burial next to a spouse was the most common request.¹²⁸ In Thetford and Faversham, as in London, husbands and wives tended to include their spouse in their arrangements. Given that the spouse was already deceased, it is not common to find these individuals named elsewhere in the testament. The burial clause was thus an opportunity to memorialise a deceased family member and also to construct the identity of the testator as partner to that individual. Testators were thus able to perform their marriages within their testaments, regardless of any changes in marital status or indeed, whether the sacrament of marriage had even been conferred at all.

Testators from both locations also used their burial clauses to construct their identities as parents whose children had predeceased them. Given that these children could not inherit any of the testator's possessions, the burial clause was likely to be the only place in the testament where these relationships could be created. References might be made as Robert Mayster (Thetford, 1529) did, to unspecified numbers of children. He asked 'to be buried in the chirche yerd of Seint Nicholas at the ende of the south yle by my children'. Later on in his testament Robert bequeathed a black gown to his son Robert and a lamb to his son John (i.e. Robert senior's grandson). Robert senior had another son, John, who also survived him, and to whom he bequeathed twenty shillings.¹²⁹ Robert thus had the opportunity to construct his identity as a parent in other ways in his testament as well as communicating his fatherhood through his burial clause. Yet in describing his burial place in this way Robert was able to construct his personal history and reinforce his connections to his family. Other testators such as Alice Beauld (Faversham, 1483) named a specific child next to whom they wish to be interred: 'corpusque meum ad sepeliendum in cimiterio ecclesie parochie Beate Marie de Fauersham iuxta tumulum Alicie filie mee'.¹³⁰ Alice's request enabled her to construct her identity as a mother. Nowhere else in her testament did she mention other children, and it could well be the case that none had survived her. Alice's burial clause therefore allowed her to create and memorialise an identity which she might otherwise not have been able to construct. Requesting to be buried in the same

¹²⁸ Harding, 'Burial Choice', p. 127.

¹²⁹ NRO, ANW Bakon, fols 7^v-8^r.

¹³⁰ 'and my body to be buried in the cemetery of the church of St Mary of Faversham next to the grave of Alice my daughter'. KHLIC, PRC 17/3/449b, fol. 449^v.

location as one's deceased relatives enabled testators to construct their identities, and also create the identities of those who had died as members of that same family.

Some testators requested to be buried next to their mother, father, or in some cases, both of their parents. Barbara Harris has argued that the decision to be buried with one's natal family had different implications for men and women. Whilst men remained members of their natal families throughout their lives, women 'collected families as they moved through their life cycles'.¹³¹ Describing one's burial place in terms of one's parents constructed the identity of a testator as belonging to a particular family. Geoffery Champness (Faversham, 1527) requested burial 'in the churchyard of Oure Lady of Fauersham besides my father and mother ther'.¹³² His burial clause thus connected him to his parents but also created an expectation that their location was known to others. Other testators, such as John Elfryth (Faversham, 1528) gave more details so as to avoid any ambiguity: 'my body to be buried yn the parishe churchyard of of [sic] our blissed ladye Sainte Marye of Fauersham yn the cornar besides Master Lewkenor's hous by my father and mother there'.¹³³ The level of description accorded to this space served to create certainty over the particular place in which John wished to be buried, and suggests that the place of his parents' burial was not necessarily known to his contemporaries. Burial next to one's parents might serve to create proximity to one's natal family, perhaps to the detriment of other families of which one might be part. Few women requested burial next to a parent, but one who did was Joane Hichcoke (Faversham, 1527). Joan is described as 'wedow of the parishe of Fauersham' and in her burial clause she requested 'my bodi to be buried yn the churchyerd of Oure Ladi [Faversham] besidis my mother there'.¹³⁴ Neither Joan's testament nor last will made any reference to her late husband, and her burial clause constructs her proximity to her natal family and her distance from that of her husband's. This distancing is further reinforced by her bequest for a 'dirige as fayre as the money will extend for my soule my father and mother soules and Thomas Knight soule and all christen soules', without any reference to her husband's soul at all.¹³⁵

We should of course be mindful of the logistical implications associated with choosing a burial location. Testators might not live in the same town as the family members next to whom they wished to be interred. For some, this presented no issue, as we can see in the burial clause of John Parcivall (Faversham, 1522), who wished to be buried 'yn the churchyard of Saynt

¹³¹ Harris, p. 741.

¹³² KHLC, PRC 17/17/294a, fol. 294r.

¹³³ KHLC, PRC 17/18/42b, fol. 42r.

¹³⁴ KHLC, PRC 17/17/274b, fol. 274v.

¹³⁵ KHLC, PRC 17/17/274b, fol. 274v..

Martyn yn Herne by my father and my mother'.¹³⁶ John made his will on the 17th September 1522 and probate was granted on the 23rd October the same year, so it seems likely that he made his will on his deathbed. Evidence from his testament suggests that he died in Faversham, as he made the following bequest: 'all the prestis and clerkis of Fauersham shal haue for there duety as I ware buried *here* yn Fauersham personally'.¹³⁷ Herne is around eleven miles north-east of Faversham, so the conveyance of the body from Faversham must have been quite an undertaking (if it was undertaken at all). Not everybody had the resources to support such a request, although we should not assume that this prevented such requests being made. And indeed, if one's family were buried in a number of different locations, decisions would have to be made about which of them one wished to be buried near. It would appear that some testators had parents buried in different locations: John Bernard (Thetford, 1511) requested 'to be buried in the church of Seynt Cuthbert in Thetford forsaied nere the sepulture of John Bernard my fader'.¹³⁸ He makes no mention of his mother's burial: perhaps she was still alive. It is also possible that his mother *was* buried there and this was a conscious choice on John's behalf to emphasise his patrilineage and construct his proximity to his father. What is certain is that when it came to interment, testators potentially had to make important decisions which must have depended at least in part on their financial means and other pragmatic constraints.

Testators could therefore identify a range of close familial relationships in order to construct their identities in their burial clauses. In identifying individuals next to whom they wished to be buried, testators might create proximity or suggest distance. The naming of family members as a method of testamentary identity construction appears to have been most widely used by male testators from Faversham, who frequently identified a range of different relationships in their burial clauses as the place for their own interment, and indeed did not seem to be limited to just family members. Female testators from Thetford conversely appear to be the most limited in terms of diversity of expression, as they only ever requested to be buried next to a spouse. Susan James has argued that female testators recognised a broader range of kin within their wills, but this evidence shows that in terms of the burial clause, women in fact seem to have been more limited than their male counterparts.¹³⁹ Women and men in this period were involved in a wide range of networks throughout the course of their lives, and yet it seems that the burial clause did not necessarily provide the opportunity for testators to construct the breadth of their kinship networks. Yet this clause gave testators the chance to construct identities

¹³⁶ KHLC, PRC 17/15/137a, fol. 137^r.

¹³⁷ KHLC, PRC 17/15/137a, fol. 137^r. Italics mine.

¹³⁸ TNA, PCC PROB 11/17/156, fol. 43^r.

¹³⁹ Susan E. James, p. 1.

which might otherwise be invisible in the will and testament through the mention of the graves of deceased relatives. This clause raises important questions about privilege and the construction of gender in different locations, as well as indicating some of the possibilities and limitations of the testament as a site of self-expression.

3.7.4 Constructing Religious Identities

The possibilities for burial in Thetford and Faversham were quite different. Whilst the former was home to a number of monastic houses, friaries, and parish churches, Faversham hosted just one parish church and one abbey. This following section explores how individuals employed religious dimensions within their burial locations to construct identity. It also asks how individuals such as priests might make identities in their burial clauses. It has been asserted that priests and chaplains usually requested to be buried in the chancel of the church, a location in which they would have stood to perform the Mass.¹⁴⁰ Certainly this is true for a number of individuals who identified themselves as priests in their testaments. Thomas Hog, chaplain of Thetford (1453) requested to be buried ‘in ecclesia parochi Sancte Nicholai [de] Thetford videlicet in cancello ante altare in medio chori’.¹⁴¹ This description serves to place Thomas right in the middle of the chancel near to the high altar. In contrast, almost fifty years later, Robert Sweyn, also a chaplain of Thetford (1509) requested to be interred ‘in cancello Sancti Nicholai eiusdem ville’, but did not identify a specific part of the chancel as Thomas Hog did.¹⁴² Only one lay individual from this whole corpus requested to be buried in the chancel of a parish church and that was Elizabeth Hudson alias Feknam, who asked to be buried ‘in cancello ecclesie parochie Beate Marie Virgine de Norton’.¹⁴³ Robert Rey, also of Faversham (1497) used the chancel to construct the place of his burial: ‘my body to be buried in the churche yerd of Oure Lady of Feuersham on the southe side agayn the chauncell’, but this really served to create his proximity to this part of the church without actually being buried in it.¹⁴⁴ Certainly, it seems that burial in the chancel was a privilege restricted to a few, often clerical, individuals. In requesting to be interred there testators were able to construct their privilege either as members of the clergy or as enjoying a particularly high-status.

Yet not all priests requested to be buried in the church, and indeed there are examples of such individuals requesting to be buried in the churchyard. We have already seen one example of

¹⁴⁰ Daniell, p. 98.

¹⁴¹ ‘in the parish church of St Nicholas, Thetford, namely in the chancel before the altar in the middle of the choir’. NRO, NCC Aleyn 139, fol. 139^r.

¹⁴² ‘in the chancel of St Nicholas of the same town’ NRO NCC Spyltymber 248, fol. 248^v.

¹⁴³ KHLC, PRC 17/9/174, fol. 174^v.

¹⁴⁴ KHLC, PRC 17/7/46b, fol. 46^v.

this in the burial clause of Robert Car, who wished to be interred ‘besydes mother Andrew’.¹⁴⁵ We can see similar requests in other testaments from priests and chaplains from Faversham and Thetford alike. For instance, John Ketelon, who described himself as ‘rectore ecclesie parochie Sancti Petri de Thetford’ (1464), requested to be buried ‘in cimiterio ecclesie parochie Sancti Petri de Thetford predicte’.¹⁴⁶ In Faversham in 1527 William Gilbert, ‘preste late of the parishe of Fauersham’ requested to be buried ‘yn the churchyard of our blisshed Lady at Fauersham aforesaid’.¹⁴⁷ These requests created a connection between the individuals and the churches in whose cemeteries they wished to be buried, and we can see from elsewhere in their testaments that these men had worked within these parish churches. In this way, these men were able to construct a link between themselves and the parish church in which they had served their parishioners. Their burial clauses create their humility, and emphasise their status as individuals with identities beyond their roles as clergymen.

Some burial requests point toward the importance of place within religious devotion. This is something which can be identified in a great number of testaments from across the two market towns: testators could ask to be buried before a particular image, altar, or cross. Margaret Smyth, widow of Faversham, made her testament in 1496 and described her burial location in the following terms: ‘in the chirch of our lady assumpcion byfore the ymage of Seynt Antony in the parisch chirch of Feuershams before and a neat þe seate where I am wont for to knele’.¹⁴⁸ Her burial clause constructs her piety, her agency, and her continued place within her community after her death. Through this burial clause Margaret created her identity as an individual with lifetime devotional interests in St Anthony. It is interesting that Margaret used her burial clause to construct her devotional acts in this space when the other testators who requested burial in a similar location gave no such comparable information.¹⁴⁹ In constructing her devotional practice, Margaret was able to create an aspect of her piety as a devotee to St Anthony. In making this request she constructed her identity as a seat holder within the church, and by describing the proximity of the seat to a particular image Margaret created its desirability. In this description of her seat and its location, Margaret was also able to perform her wealth – seats had to be

¹⁴⁵ KHLC, PRC 17/17/199a, fol. 199r.

¹⁴⁶ NRO, NCC Cobald 23, fol. 23v.

¹⁴⁷ KHLC, PRC 17/17/313, fols 313r-313v.

¹⁴⁸ KHLC, PRC 17/6/187b, fol. 187v.

¹⁴⁹ These are as follows: John Brode (Faversham, 1512) requested ‘my body to be buried in the body of the parishe church of Fauersham aforesaid before the image of Saint Anne in the south ile ther undre the pewe where I sytt and for my lyeng ther I bequeith to the said church xxs’ KHLC, PRC 17/12/247b, fol. 247v. Also Edmund Ballis (Thetford, 1529): ‘my bodye to be buryed in the chapell of Saynt Anne within the church of Saynt Peter before my seate’ NRO, NCC Attmere 74, fol. 74v.

purchased – and hint at her status within the parish community.¹⁵⁰ Through her burial clause Margaret constructed her identity as a pious, wealthy woman.

We can see testators from Thetford also using religious imagery in order to construct devotional interests in line with wider familial traditions. In 1483 Peter Larke of Thetford requested ‘corpusque meum ad sepeliendum in ecclesia parochie Sancte Petri ibidem coram imagine Sancti Jacobi apostoli’.¹⁵¹ Within ten years of Peter’s death his son Thomas Larke made his testament, and also requested ‘to be buried in the church ~~yard~~ of Seint Petir afore the ymage of Seint James in Thetford’.¹⁵² It is interesting that although both asked to be interred in the same place, Thomas made no reference to his father’s body, grave or interment. This could suggest that Peter was not in fact buried in his desired position, or indeed indicate that Thomas chose not to prioritise the burial of his father in the description of his own burial place. Regardless, it is important that both men asked to be buried before the same image, demonstrating their shared commitment to construct their religious devotion to St James. It is perhaps unsurprising that Thomas made no reference to his father as it does not seem to have been customary for testators from Thetford to name others – beyond spouses and children – in their burial clauses.

William Tyllys (Thetford, 1500) used his burial clause to construct his wealth and generosity as well as his pious interests. His burial clause: ‘to be beryed in þe chapell of Seynt Kateryne qweche newly I haue begunne to mak’ enabled him to construct his identity as a patron of his parish church, as well as his high social status.¹⁵³ This clause also created his devotion to St Katherine: not only did he wish to be buried in a space devoted to her, it constructs his identity as a wealthy patron with responsibility for the creation of the chapel.

To conclude, we can see that the burial clause was a place in the testament which provided a wealth of opportunities to create religious identities. Testators might use the burial clause to construct the actions that they performed in life, as we have seen with clerical testaments, and more explicitly in the testament of Margaret Smyth. Places within the church, such as named altars and chapels were also used to create devotional identities, but might also create something of a family piety or an individual’s wealth and status.

¹⁵⁰ French, 'The Seat', 142.

¹⁵¹ '[A]nd my body to be buried in the parish church of St Peter there [Thetford] before the image of St James the apostle'. NRO, NCC Caston 192, fol. 192^r.

¹⁵² NRO, NCC Cage 166, fol. 166^r. This is the only aspect of the testament which bears a strong likeness to Peter’s (beyond the usual similarities between testaments and last wills).

¹⁵³ NRO, NCC Popy 6, fol. 6^r.

3.8 Chapter Conclusion

This chapter has drawn attention to the importance of the burial clause as an important location for the creation of testamentary identities. There were multiple ways in which burial clauses afforded testators opportunities for constructing religious devotion, familial connections, personal history and social status. Given the prevalence of the burial clause in testaments from across England in this period, comparison and statistical analysis of this clause is not only possible but also a profitable avenue of research.

This chapter has also proposed a new typology for the description and categorisation of burial clauses. The division of burial clauses into ‘primary’ and ‘secondary’ descriptions has facilitated analysis of how testators constructed place in their testaments. A majority of testators from both settlements indicated the general place which they wished to be buried, which demonstrates the importance of the clause in the testament and the importance of burial as the final act of a Christian life. Testators who did give more information about their burial locations were able to do so in a variety of creative ways, and could use a wide range of features to identify the specific place of their burials. These could include descriptions of the church fabric, use of compass points, or naming particular individuals next to or near to whom they wished to be interred. In giving more details about the space where they were to rest eternally, testators also constructed their identities: as pious or wealthy or as parents, for example, and sometimes they were able to construct these identities in combination. We can see therefore some of the problems with thematically examining burial clauses: they do not always neatly fit into categories of ‘piety’ and ‘social status’, and instead might express something of an identity or interest shared among individuals.

Whilst generally speaking men and women had the same kinds of options available to them when describing their burial locations, there are some significant gendered differences. Overall we can see that female testators were more likely to ascribe descriptive detail to their burial clauses than men, suggesting perhaps something of the significance of the movement of women between families over the course of their lives. It is also of great interest that whilst women might recognise a wider range of kin in other parts of their last testaments and wills, in their burial clauses they seem to be much more limited than their male counterparts. Nowhere is this more pronounced than in Faversham, where male testators not only seem to be able to identify a wide range of family members next to whom they could be buried, but also individuals who are not clearly related to them. This includes other men, and in some cases such as that of Thomas Knight (Faversham) unrelated women too. This demonstrates the importance of the

construction and expression of gendered identities, and of comparative study in order to highlight regional variation and difference.

Perhaps most importantly for this study we can see that there are some significant implications for the making of testamentary identities through the burial clause when we compare the two different locations. It certainly seems that the different numbers of institutional spaces where burial was possible may have had an impact on the ways that burial spaces and places were harnessed, described, and constructed in testaments. Further research encompassing a wider range of towns with varying numbers of religious institutions would help to shed further light on the impact of this on the ways in which burial clauses were formulated.

Chapter Four: Commemorative Practices, Social Relationships, and Identity Making in the Testament and Last Will

4.1 Introduction and Structure

Requests for commemorative masses, prayers and other formal religious ritual can be found in last wills and testaments from across medieval Europe. These requests have been used in diverse studies and are valuable evidence for how people wished to be remembered, by whom, and when. Although last wills and testaments are used in such studies, they are usually employed as supplementary materials rather than as avenues of enquiry in their own right.¹ This chapter centres on bequests for commemoration as opportunities for identity formation offered by the last will and testament.² It begins by exploring the ideas behind commemoration and why a testator might include this kind of provision in their will and testament. Building on the theme of burial explored in chapter 3, section 4.2 explores how testators could make identities through their directions for their funerals, which included masses, services and other ceremonies (or indeed lack of ceremonies) around their interment. It also considers one particular social group – ‘the poor’ – and examines how they were described by testators in order to construct their own identities. This section adds to the evidence for the importance of local practices in the formation of identity provided in earlier chapters. Section 4.3 turns its attention to guilds and the work of these groups as communities which performed memorial functions. It considers how testators used these groups to create identities. Expressions of inclusion and exclusion in wills and testaments shed light on how testators perceived themselves as members, patrons, or outsiders in relation to different communities, and as such, these expressions enabled identity to be performed in these documents. Ultimately, this chapter demonstrates the wealth of identity work that was possible through a variety of commemorative strategies.

¹ Much work has been done using wills and testaments as supplementary evidence, and the following are examples of studies which have employed this source base: Robert Brentano, *Rome Before Avignon: A Social History of Thirteenth-Century Rome* (London: British Museum Press, 1991), pp. 268–71; Sally Badham, *Seeking Salvation: Commemorating the Dead in the Late-Medieval English Parish* (Donington: Paul Watkins Publishing, 2015), pp. 7–21.

² Elisabeth Salter’s focus on the will as a site of creativity emphasises the will itself as a self-conscious and self-expressive act. Whilst her work does touch on the possibilities for self-expression through funeral and commemorative bequests, her focus in this area is largely restricted to testamentary descriptions of memorials. Salter, *Cultural Creativity*, pp. 14, 111–36.

4.1.1 Death, the Afterlife, and the Importance of Commemoration

In his will of 1520, Richard Fowell (Faversham) left the residue of all his goods to his wife Johane, ‘trustyng that she wull pray for my soule and all christen soules’.³ Being remembered – and particularly, being prayed for – by others was of considerable spiritual significance as the prayers of other people helped one’s soul in its journey through the afterlife. In order to contextualise testators’ concerns to be remembered, this subsection firstly explores why commemoration was important to individuals in the late medieval period.

It was widely accepted that the majority of the faithful did not immediately proceed to heaven once they had died, but that they first had to be purged of their sins in an intermediary state and place: purgatory. By the mid-fifteenth century, purgatory was a well-established doctrine.⁴ The duration of purgation would vary depending on the number of good works done and indulgences purchased whilst alive, and, once dead, the number of prayers, masses and indulgenced works completed upon one’s behalf by the living. The concept of purgatory helps to explain the hundreds of requests for commemorative masses and prayers which are found in last wills and testaments.⁵ Yet it is also important to note that commemoration played an important role in the lives of the living. Not only did remembrance of the dead through prayers and masses provide the living with the opportunity to do good works for their souls, but remembrance and commemorative activities helped the living express their grief, as well as providing a focal point for group identities such as guilds, a topic which is explored further in section 4.3.⁶

³ KHLIC, PRC 17/14/253c, fol. 253v.

⁴ The chronology of the emergence of the doctrine of purgatory has been debated, notably by Jacques Le Goff, who places its establishment in the later twelfth century, whilst Brian McGuire argues that it has always existed in some form within Christianity. By the period this study considers, it was an important aspect of religious life which was increasingly being attacked from around the 1520s onwards: Jacques Le Goff, *The Birth of Purgatory*, trans. by Arthur Goldhammer (Aldershot: Scolar Press, 1990); Brian Patrick McGuire, ‘Purgatory, the Communion of Saints, and Medieval Change’, *Viator*, 20 (1989), 61–84. A similar stance was taken by R. W. Southern, who argued that although the idea of purgatory had always been in existence, it was only developed and expanded upon from the mid-eleventh century onwards: R. W. Southern, ‘Between Heaven and Hell’, *Times Literary Supplement*, 18 June 1982, 651–52. Alan Krieder has shown how legislation put an end to the perpetual chantry: Alan Krieder, *English Chantries: The Road to Dissolution*, Harvard Historical Studies, 97 (Cambridge, Mass.: Harvard University Press, 1979), pp. 84–85.

⁵ Historians have questioned whether purgatory motivated testators to secure good works for their soul out of fear, or whether belief in its existence in fact alleviated concerns about the afterlife. See: Clive Burgess, ‘“A Fond Thing Vainly Invented”: An Essay on Purgatory and Pious Motive in Later Medieval England’, in *Parish, Church and People: Local Studies in Lay Religion 1350-1750*, ed. by S. J. Wright (London: Hutchinson, 1988), pp. 56–84 (p. 64). The evidence of the wills does not enlighten us as to beliefs about purgatory, for example where it was believed to be situated, or what could be expected to be found there, but wills do indicate widespread anxiety for the living to say prayers for the souls of the departed. Requests for prayers and good works demonstrates belief in the necessity for such provision in the afterlife, showing that purgatory was, for many will-makers, an important part of their beliefs in some form or another. McGuire, p. 83.

⁶ Virginia R. Bainbridge, ‘The Medieval Way of Death: Commemoration and the Afterlife in Pre-Reformation Cambridgeshire’, *Studies in Church History Subsidia*, 10 (1994), 183–204 (pp. 192, 200). It is important to note that there is a distinction between ‘grief’ and ‘the expression of grief’. The former is hard to quantify regardless of the period of study. Joachim Whaley, ‘Introduction’, in *Mirrors of Mortality: Studies in the Social History of Death*, ed. by Joachim Whaley (London: Europa Publications, 1981), pp. 1–14 (p. 14). The late fourteenth-century poem *Pearl* suggests that grief is a human failing which is only mitigated by Christ’s comfort: Ann Chalmers Watts, ‘Pearl,

Making requests for post-mortem commemoration can be read as constructing a confessional identity. These beliefs were of course not universal, and a number of groups rejected the idea that prayers said after one's death could influence the fate of one's soul.⁷ Heresy trial records show that beliefs about death and the journey of the soul could diverge greatly from orthodox teachings.⁸ Evidence from Wycliffite sermons appears to ridicule those who seek to buy their way into heaven without making changes to their sinful ways.⁹ Testamentary bequests for masses, for instance, might serve to construct an orthodox religious identity, but we should not forget that other beliefs existed. Requests for post-mortem commemoration are positive constructions of a particular stance on what happened after death but the evidence of the wills and testaments tells us little more than this.

As with all other aspects of this study, this chapter concerns itself with how identities were made in the last will and testament. It does not attempt to use these documents as evidence of belief or faith, although lifetime pious practices may well have informed some of the requests which were made in the last wills and testaments. Whilst some testators constructed pious identities for themselves through elaborate commemorative schemes, others omitted any directions for how they wished to be remembered. These different approaches are understood not as reflections of the testator's pious leanings but rather as identities made in the text of the testament and last will. In this way, the provision and description of commemorative practices in the text of the will and testament provide valuable insight into practices of identity-making.

Inexpressibility, and Poems of Human Loss', *PMLA*, 99.1 (1984), 26–40 (p. 26). Other evidence for grief in the late medieval period is scant, however, and considerably more Early-Modern sources survive. Ralph Houlbrooke has suggested that in the period before the Reformation, teachings about purgatory supported the idea that grief might encourage prayer for the dead: R. Houlbrooke, 'Royal Grief in England, 1485-1640', *Cultural and Social History: The Journal of the Social History Society*, 2.1 (2005), 63–79 (pp. 64, 65–66); Claire Gittings, 'Urban Funerals in Late Medieval and Reformation England', in *Death in Towns: Urban Responses to the Dying and the Dead, 100-1600*, ed. by Steven Bassett (Leicester: Leicester University Press, 1992), pp. 170–83 (p. 172). Stephen Pender's study of the early modern period argues that moderate grief was seen as natural in the sixteenth and seventeenth centuries, but that this developed alongside a shift in burial and bereavement practices, as well as theological attitudes which all combined to be less concerned with predestination and purgatory: Stephen Pender, 'Rhetoric, Grief, and the Imagination in Early Modern England', *Philosophy and Rhetoric*, 43.1 (2010), 54–85 (p. 57).

⁷ For example Gabriel Biel (d. 1495) was a contemporary philosopher who espoused a theology of predestination, which is the idea that all individuals were, unknown to them, predestined by God either for damnation or salvation. See: Heiko Augustinus Oberman, *The Harvest of Medieval Theology: Gabriel Biel and Late Medieval Nominalism* (Grand Rapids: Eerdmans, 1967), pp. 20, 185–215. Predestination was an important aspect of John Wyclif's beliefs and writings. Hudson, pp. 314–15.

⁸ The records of the Coventry trials from 1511–12 record the beliefs of three men who asserted that there was no purgatory, and that one's soul would go directly to heaven or hell after death. Others meanwhile asserted that the Crucifixion eliminated the need for post-mortem suffering. Hudson, pp. 194; 309–10.

⁹ Binski, p. 12, n. 29. See also *English Wycliffite Sermons*, ed. by Anne Hudson, 5 vols (Oxford: Clarendon, 1983) I, set 1, sermon 24, p. 319, which probably dates from the fifteenth century. I am grateful to Wendy Scase for her advice on the date of this sermon.

4.2 The Funeral: Commemorative Services and Memorialisation

We can see in the testaments and last wills from Thetford and Faversham – and the latter in particular – that a great deal of specificity could be demanded of one’s funeral, from outlining when the various masses were to happen to the nature of those masses, the number of poor who were to attend, and how much was to be spent on post-funeral refreshments. This section examines how testators outlined their funeral arrangements, what that might tell us about how they constructed their identities, and how this differs with location.

Funerals and their attendant ceremonies and rituals marked the first widespread outpouring of prayers of intercession for the deceased, so were understood to be advantageous for the progress of their soul.¹⁰ Generally speaking, there were a number of aspects to the funeral: a procession of the body and mourners to the church, the performance of the Office of the Dead, the saying or singing of a Dirige, and then the interment of the body.¹¹ Much must have varied with settlement type, size, the availability of priests and the wealth and status of the testator. We know for instance that in Bristol, funerals (and interment) usually occurred three days after death, whilst in Bury St Edmunds, the burial of the dead took place the day after death.¹² Overall this section will demonstrate that funerals and formalised commemorative practice offered a range of opportunity for identity work, as a testamentary site for the performance of wealth, knowledge, and piety. It also draws attention to the significance of local testamentary practices in the provision for funerals and attendant ceremonies.

4.2.1 Funerary Provision and Identity Work

This first section explores how individuals could construct testamentary identities through their directions for their funerals. Testators from Thetford and Faversham gave varying amounts of detail regarding the ceremony. Whilst many made no mention of it, others gave very precise instructions for the funeral and its subsequent anniversaries. Some historians have examined the relationship between testamentary funeral arrangements and the testator’s wealth and status, but this section explores further what these clauses tell us about how identities were constructed in

¹⁰ Philip Morgan, ‘Of Worms and War: 1380-1558’, in *Death in England: An Illustrated History*, ed. by Peter C. Jupp and Claire Gittings (Manchester: Manchester University Press, 1999), pp. 119–46 (p. 134).

¹¹ Daniell, pp. 44–48.

¹² Clive Burgess, ‘“By Quick and by Dead”: Wills and Pious Provision in Late Medieval Bristol’, *The English Historical Review*, 102.405 (1987), 837–58 (p. 840); Robert Dinn, ‘Death and Rebirth in Late Medieval Bury St Edmunds’, in *Death in Towns: Urban Responses to the Dying and the Dead, 100-1600* (Leicester: Leicester University Press, 1992), p. 154. Rowena Archer and B. E. Ferme have questioned the extent to which elaborate funerals requirements were possible, given the short period between death and the ceremonies. This reinforces the argument that testaments could be aspirational documents which constructed identity, rather than being reflections of reality. Archer and Ferme, p. 14.

the will and testament.¹³ Rather than seeing such bequests and requests as indicative of reality, this section argues that the inclusion of information regarding a testator's funeral may have helped them to project an identity as a wealthy individual of status within the text of the will itself, notwithstanding any questions regarding their actual assets. Directions for the conduct of the funeral could also be used as a site for the performance of the testator's pious priorities. This section will also argue that the expression and construction of identity within the testament is closely linked to will-making practices and regional customary testamentary forms and therefore that opportunities for identity work vary greatly with location.

Directions as to funerary conduct became more common in testaments from Faversham as the period progressed. From around 1491 onward, both male and female testators from Faversham began to include clauses in their wills and testaments regarding their funeral requirements. These ranged from relatively modest requests to longer and more detailed information, such as this request from the testament of Robert Wythiott from 1511:

I wull that ther be at my buryeng at dirige and masses but xiiij preestes euery preest being at dirige and synging a lowe masse to haue vjd euery preest being at dirige and synging one of the thre masses be note to haue viijd to euery of the parishe clarkis viijd to vj children ther being with surplices to euery of them jd. To xiiij poure people of men and women of moost nede that longest hath taried and contynued within the towne of Fauersham to euery of them iiijd. Item for the wast of waxe, the belles and other charges of my burieng to be after the ~~disposition~~ discretion of myn executours withoute any gret pompe for the plesure of the worlde but as it may be for the welth of my soule and to the plesure of almighty God. And in like maner I wull ther be disposed on my monethis day and yeris mynde¹⁴

Robert's request is very detailed, giving information about the number of priests, the type of masses, the ancillary involvement of boy choristers and parish clerks, as well as doles to the poor. This intricacy surrounding his funeral arrangements enabled Robert to construct himself as a

¹³ Robert Dinn has explored the correlation between specificity in testamentary funeral arrangements and the wealth and status of the individuals who made such requests. He concludes that 'The tendency to make specific funeral arrangements in Bury wills increased with the testators' social status'. This assertion is however based on nothing more than the correlation between the amount a testator bequeathed to the high altar and their mention of their funeral requirements. Dinn, 'Death and Rebirth', p. 153. Rob Lutton has noted that there is some correlation between wealth and high altar bequests, but has problematized this further, noting that 'There was no straightforward relationship between available wealth and the material value and character of religious bequests.' Lutton, *Lollardy*, p. 51.

¹⁴ KHLC, PRC 17/12/233, fol. 233r.

pious and wealthy individual who was able to afford this kind of ceremony. And yet having made such detailed requests, Robert then noted that it was all to be performed ‘without any gret pomp for the pleasure of the worlde’. Eschewal of worldly display appears to have been common amongst individuals who have been identified as lollards, but this could also be indicative of an affiliation with a wider tradition within orthodoxy.¹⁵ Elsewhere in his testament, Robert constructed an orthodox piety: he made bequests to the guild of St Anne, to the lights of St Thomas, St John the Baptist and St Katherine, as well as gifts towards building work at Faversham Abbey, and money to the nuns at Davington. Such gifts are not commensurate with lollard beliefs.¹⁶ He also made provision for a priest to pray ‘for the soule of me Robert Wythiott, for the soules of Elisabeth and Katerine my wiffes departid, and for the soule of John Wythiott my fader and Mawde my moder and all Cristen soules’.¹⁷ Arguably, Robert’s denial of ceremony at his funeral reinforces his testamentary identity as an individual of means and of high social standing. Requests such as these are often found in the testaments of the wealthy rather than the poor, and indeed, Elisabeth Salter has noted that although a testator might request burial ‘without pomp’ this did not stop them from requesting elaborate funerary or commemorative rituals.¹⁸ Certainly Robert created great contrast in his will between this request for modesty and the details he gave for the number of individuals involved in the conduct of his funeral. He was thus able to project himself as a wealthy but also humble individual.

Other testators from Faversham were able to construct something of their piety through the funeral clauses in their wills. Eleanor Fortune, who made her testament in 1503, specified which masses she wanted both at her funeral and month’s mind and how they were to be performed: ‘wythin the said church of Fauersham ix prestes and iij of them to synge iij solempne masses be note, that is to say the masse of the Trenite, the masse of Oure Lady and the masse of Requiem’.¹⁹ The standard funeral service consisted of Vespers of the Office of the Dead (‘placebo’), sung the evening before the burial. At any time from midnight onwards the priest would celebrate Matins of the Office of the Dead (‘dirige’). The third mass – the Requiem Mass, also known as the Mass of the Dead would then take place, and finally the body would be

¹⁵ McFarlane, pp. 210–13; Lutton, *Lollardy*, p. 66.

¹⁶ KHLC, PRC 17/12/233, fols 233^r, 235^r. Much work has been done on the subject of ‘lollard beliefs’, more than can be fruitfully summarised here. The non-homogeneity of what lollards believed as accessed through writings and heresy trials suggests a great diversity of belief among dissenters. However difficult it might be to come up with a single ‘lollard creed’, it seems unlikely that Robert Wythiott could be identified as somehow heretical, not least because his desire to eschew funerary pomp fits in with wider trends of testators desiring simpler funerals from the early fifteenth century onwards. Hornbeck II, pp. 138–39; Daniell, p. 51.

¹⁷ KHLC, PRC 17/12/233, fol. 234^v.

¹⁸ D. M. Hadley, *Death in Medieval England: An Archaeology* (Stroud: Tempus, 2001), p. 91; Salter, *Cultural Creativity*, p. 116.

¹⁹ KHLC, PRC 17/8/308a, fol. 308^r.

interred in the grave.²⁰ Eleanor's directions therefore amended this standard funeral service to include more masses and in so doing constructed her awareness of these different forms, her own devotional preferences and her affiliation with particular saints' cults. Eleanor's testamentary funeral requests create her agency and choice, which is significant for this period during which women's involvement in orthodox religion has been questioned.²¹

Opportunities for self-expression in the funeral clause do seem to vary with location. Directions concerning funerals and obits do appear in wills and testaments from Thetford, but considerably less often. One particularly rich example of this kind of request from Thetford can be found in the testament of Richard Coteler (Thetford, 1515) who left:

for the helth of my sowle and day of my sepulture x*li* of good mony in thys wyse: that euery preste secular and regular beyng at my dyryge shall haue iiiij*d*, and euery parysh clerke then and there beyng ij*d*, and euery man and child hauyng a surplyce j*d*, and also euery man woman and child comyng to the said church for there almes and dole j*d*, and to iiiij bede men holdyng iiiij torches at my sepulture viij*d*. Item I bequeth to the priore and covent of the Chanos [canons] in the said town x*s* for kepyng solempne dyryge and a masse of requem at the day of my sepulture. Item I bequeth to the master of the chapell and hys brodern than and there beyng conductes of the said chapell in Thetford forsaid x*s* in lyke condycons²²

In this extensive burial clause Richard constructed his wealth and status but also situated his knowledge of the conduct of funerals in the town of Thetford. His mention of 'euery preste secular and Regular' is situated in the topography of the town, with its numerous parish churches and monastery. Richard expanded the action of his funeral out to the prior and convent of the Augustinian Canons, and to the chapel of St Mary in the Bailey. Richard's funeral is constructed in his testament to encompass the whole town, creating his wealth and status and his knowledge of the various institutions there. These directions are however very unusual: no other testator from Thetford makes such extensive provision for their funeral in their testaments. That Richard

²⁰ Claire Gittings, *Death, Burial and the Individual in Early Modern England* (London: Croon Helm, 1984); Julian Litten, *The English Way of Death: The Common Funeral Since 1450* (London: Robert Hale, 2002), p. 150.

²¹ Margaret Aston has for example argued that 'unorthodoxy offered women outlets for religious activity that were not to be found in the established church'. Margaret Aston, 'Lollard Women Priests?', *The Journal of Ecclesiastical History*, 31.4 (1980), 441–61 (p. 441). This has however been challenged in later scholarship, notably by Shannon McSheffrey, who has argued that women played an important part in shaping late medieval religious practices. Shannon McSheffrey, *Gender and Heresy: Women and Men in Lollard Communities, 1420-1530* (Philadelphia: University of Pennsylvania Press, 1995).

²² NRO, NCC Spurlinge, fol. 62^r.

does so suggests a certain flexibility, perhaps, or indeed awareness of what was learned from other locations.²³

Few testators from Thetford gave any kind of detail as to the content of their funeral services or any variations to the format. Whilst there is no doubt that Thetford's faithful dead would have all received a Christian burial, their opportunities for self-expression through a testamentary funeral clause seem to have been quite different from their counterparts in Faversham. It is therefore unclear how Thetford's inhabitants made their funerary wishes known. Perhaps provision was made well in advance of death, with testators discussing the event with their relatives, friends or the clergy who would perform the service. We are left wondering why more wills from Faversham (41.4 per cent) contain information about the conduct of the testator's funeral and/or their burial arrangements than those from Thetford (16.8 per cent). We could ascribe some of this to funerary custom in each settlement, although there is little other evidence to illustrate what this was or how it was observed in each town. Perhaps more significant is the greater number of wills and testaments made in Faversham than in Thetford in this period. This frequency of will-making brought more would-be testators into contact with wills and testaments, as witnesses, kin, executors, or plaintiffs in disputes, making them more aware of the creative possibilities of these documents. It was not only for the testators that this was significant. Alison Spedding has shown that the proximity of scribes working in a given settlement would help with the sharing of ideas and practices, and the changing fashions of testamentary phrasing. Spedding's work considers different kinds of settlement: from the town of Bury St Edmunds through to the sparsely populated archdeaconry of Sudbury.²⁴ Thetford and Faversham were similar kinds of settlement – both were market towns on major trade routes – so we perhaps need to consider frequency of will-making as well as density of population in exploring why some of these documents are richer and more creatively expressed than others.

4.2.2 The role of the poor in funerary ritual

Testators referred to a number of social groups who would be present at their funerals: as we have seen in Richard Coteler's testament, the ceremony around interment might involve choristers, clerks, priests (regular and secular) and poor men and women coming to the church for doles. This last group – the poor – are mentioned in wills and testaments from both towns,

²³ Tanner's study of Norwich shows that the number of requests for elaborate funerals was small, although this was probably relative to the number of wills considered. Judith Middleton-Stewart's study of the deanery of Dunwich, in the neighbouring county of Suffolk, identifies that intricate and costly funeral processions were specified by testators, and that their occurrence was directly proportional to the testator's wealth. She makes no mention of place or testamentary custom. Tanner, *Late Medieval Norwich*, p. 99; Middleton-Stewart, p. 116.

²⁴ Spedding, 'My Testament', p. 232.

and the provision made for them at the funeral gave testators an opportunity to construct testamentary identities through the process of othering.²⁵ This section focusses in particular on the ways in which the poor are described as part of the funerary ritual, what was given to them and what was expected of them. In the first instance, just by mentioning ‘poor people’, testators were able to communicate something of their own position as ‘not poor’ individuals. Charitable giving to the poor was expected of every Christian, and feeding the hungry, giving drink to the thirsty and clothing the naked were three of the seven Corporal Works of Mercy.²⁶ By giving alms to ‘the poor’ whether discriminately or generally to the poor of a particular parish or town, testators were able to construct themselves as generous individuals with pious motives.

Testators most often arranged for money or food and drink to be distributed to the poor at their funerals. Some individuals explicitly requested the prayers of the poor in return: John Willard (Faversham, 1526) for instance left ‘at my burieng daye for direge and masses and to pover people to praye for my soule xs’.²⁷ Most testators did not mention the prayers of the poor, however, but arguably this was implied through the request for their attendance at the funeral. In some cases, however, testators were not concerned to secure the attendance of the poor *at* the funeral. Thomas Hewett (Thetford, 1519) left:

to the poore folkes of euery towne here aboutes, that is to say Downham [Market],
Elveden, Barnham, Euston, Brettenham, Kyluerston, and Croxton, to every towne xij*d* to
be distributed there by the discretion of myn executours within ij daies after my buryall²⁸

Through these bequests, Thomas was able to construct his testamentary identity as a generous donor and he was also able to create a network of places which were significant to him. Although he described the locations as ‘euery towne here aboutes’, Downham Market is approximately twenty miles north-west of Thetford. The other towns that Thomas listed are much closer, all lying within a five-mile radius of Thetford. It is unusual to find testators leaving

²⁵ The history of ‘othering’ is rich and varied, and has developed greatly in recent years with the growth of postcolonial studies. Broadly defined, the term relates to a process by which an individual or group develop awareness by conceptualising what they are not. Chris Gosden, ‘The Past and Foreign Countries: Colonial and Post-Colonial Archaeology and Anthropology’, in *A Companion to Social Archaeology*, ed. by Lynn Meskell and Robert W. Preucel (Oxford: Blackwell, 2004), pp. 161–78; *OED*

²⁶ The ideas behind the Corporal Works of Mercy derive from biblical teachings found in Isaiah 58 and Matthew 25. Duffy, *Altars*, p. 358. This charity benefited not only those in need in this life, but also the souls of the donors in the next, as the deserving poor were believed to act as judges of the soul along with Christ, punishing those who failed to distribute excess wealth. Robert W. Shaffern, ‘Death and the Afterlife in the Middle Ages’, in *The Routledge History of Medieval Christianity*, ed. by R. N. Swanson (Abingdon: Routledge, 2015), pp. 173–84 (p. 181); Duffy, *Altars*, p. 361. Lollard sermons and other writings encouraged charitable gifts to the poor, although emphasised that this should be done during life rather than on the deathbed. Hudson, pp. 308, 469.

²⁷ KHLC, PRC 17/17/42c, fol. 42^v.

²⁸ NRO, NCC Briggs, fol. 77^r.

money to the poor resident in towns outside where the testator lived. In making these donations, Thomas perhaps sought to recruit more individuals to pray for his soul, which in turn perhaps served to construct Thetford as a place with few, if any, people living in poverty.²⁹ Thomas made no other bequests to the poor of Thetford elsewhere in his testament and last will, which raises questions about how he was constructing not only his personal identity but the civic identity of Thetford in his testament. Certainly these gifts create Thomas's magnanimity, but perhaps also communicate something about his attitudes to the society of the town in which he lived.

The refreshing of the poor at or after the funeral offered opportunities for testators to do good works, but served to distinguish 'the poor' from the rest of the parish or town community. In the case of Roger Harrison, a baker from Faversham, his bequest to the poor was an opportunity for him to construct something of his knowledge of his craft:

at the same tyme [of my burying] a seme of my wete to be bake in halpeny louys and to be delte to euery poure man, woman, and childe one lofe. Item on the day of my monyth mynd to be bake xij bulchellis of wete in halpeny louys and to be delte to euery poure man, woman, and childe one lofe. Item at the same tyme ij barellis of ~~barrellys~~ ale to be spent to ther refressyng. Item to be spende at the said tyme ij of the greteste chesis that I haue. And to euery preste there beyng at direge and sayng masse to haue *vjd*.³⁰

Roger's bequest thus tied together his identity as a purveyor of foodstuffs with formal commemorative practices. A seme of wheat was a measure equivalent to eight bushels, meaning that Roger's gift of wheat was approximately equal to sixty-four gallons.³¹ Along with two barrels of ale and two great cheeses, there must have been a substantial amount of food.³² These bequests serve to create Roger's generosity and charity and also provided an opportunity for him to construct his experience and knowledge of his craft.

In some cases we can see that testators used their wills and testaments to create expectations around the behaviour of the poor, and to reinforce what they considered to be

²⁹ It is possible that gifts to Thetford's poor were a standard part of funeral arrangements and so it would therefore not be necessary to make testamentary provision, but it does seem unlikely that this was the case.

³⁰ KHLC, PRC 17/6/243a, fol. 243r.

³¹ *MED*

³² Although this seems very generous, Phillipa Maddern has noted in a similar case from the will and testament of Bishop Goldwell (1499), no recipient of this kind of provision would benefit for any longer than a day at a time over the course of a month. Phillipa C. Maddern, 'A Market for Charitable Performances? Bequests to the Poor and Their Recipients in Fifteenth-Century Norwich Wills', in *Experiences of Charity, 1250-1650*, ed. by Anne M. Scott (Farnham: Ashgate, 2015), pp. 79–103 (p. 88). Bishop Goldwell's will can be found at TNA, PCC PROB 11/11/565.

acceptable behaviours. The testament of Theband Evyas (Faversham, 1478) specified the role of the poor at her funeral and month's day, and she also left distinctive clothing for them to wear:

I ordeyne to xij pore men xij gownys of whyte cloth with whodes of the same xij schyrtys [shirts] xij peyr of shoes and xij grotes³³ to the entent that they xij pore men shal hold xij torches abowt my corps the day of my burying and my monethes day and to pray for my soule. Also I ordeyne to v pore women v blak gownys v hodys v smokkes v keucherys [kerchers] v peyr shoes v grotys and vd to the entent that thei v shalbe abowt my corps the dayes aforesayde to pray for my soule³⁴

In this example the purpose of Theband's charity is very clear: she left clothes and money in return for the individuals 'to pray for my soule'. By giving clothes as well as money to the poor men and women, Theband fulfilled two of the works of mercy, and probably created a striking display of mourners around her corpse.³⁵ Whilst her bequest must have cost a considerable amount of money, it was not intended to lift the recipients or their wider families out of poverty – presumably they still needed to be poor in a month's time in order to satisfy the condition of her month's mind. This repetition of acts, whether it be participation by the poor in funerals, or their reception of money or food at set times was a visible and public marker of their poverty, as well as a performance of the testator's generosity.

We can thus see that 'the poor' was an important commemorative group which could be mobilised by testators in order to demonstrate their own identities as generous donors, but also as a social group to which they could define themselves in opposition. Bequests such as those given by Roger Harrison allowed testators to communicate something of their knowledge of their craft in the service of the needy, allowing testators to identify their own interests, experience and expertise. Bequests to the poor might also construct something not only of a testator's own identity, but the identity of the town in which they lived, as we have seen in the case of Thomas Hewett. Inclusion of the poor as a generic category in the wills of the ostensibly 'not-poor' demonstrates more about the giver than it does about the recipients of their charitable relief: often 'the poor' are represented as a generic group in need of non-specific relief.³⁶ Some bequests provide insight into the needs that were prevalent, but one wonders whether testators'

³³ It is unclear what was meant by this term.

³⁴ KHLC, PRC 32/2/426, fol. 426^v.

³⁵ There is also a symbolism to her request: the twelve men may have been intended to symbolise the twelve disciples whilst the five women may well have represented the five wounds of Christ. Duffy, *Altars*, p. 362.

³⁶ Anne M. Scott, 'Remembering the Poor: Signs of Charity in Late Medieval Images and Texts', in *Experiences of Charity, 1250-1650*, ed. by Anne M. Scott (Farnham: Ashgate, 2015), pp. 257–74 (pp. 262, 267).

directing of specific resources and requiring particular behaviours was concerned with meeting those needs. In either case, these bequests enabled testators to communicate much about themselves and their concerns about society at large.³⁷

4.2.3 Section Conclusion

Inclusion of detail as to the conduct of the funeral was therefore a means by which testamentary identities could be made. This kind of work appears to be associated with those testators who wished to project their status or wealth, but detailed information regarding the kinds of masses which were to be said might also serve to create their piety and devotional preferences. We have also seen that the funeral might be a place for the performance of fashionable identities, such as in Robert Wythiott's request for the ceremony to be performed without pomp. Not only was this in keeping with wider pious trends, but it also projected his identity as a humble individual, despite his extensive funeral provision. The performance of identity in this way does however seem to be largely absent from the wills and testaments of Thetford, although there are a few individuals who were not shy about identifying their preferences for the ceremony.

The community of the poor is also mentioned in wills from both towns. Testamentary bequests to or provision for the poor enabled testators to express much of their own identities. Initially making a bequest to the poor enabled the testator to perform an identity as a good Christian and generous individual. Leaving money to 'poor folk' enabled the testator to construct their identity as an individual who was not poor, and in some cases we can see how bequests to this group – particularly when coupled with funeral arrangements – enabled testators to construct other aspects of their identities too. Ultimately, we can see that the testamentary funeral arrangements facilitated testamentary identity construction. Whilst Faversham's testators were more likely to prescribe how the ceremony was to be carried out than the testators in Thetford, individuals from both towns made use of 'the poor' to make statements about themselves. Requests for poor men and women to pray for the testator's soul are common, but they were not the only social group who were charged with remembering the testator in this way.

4.3 Guilds and Commemoration

This following section explores how testators in Thetford and Faversham used their wills and testaments to construct their affiliations with guilds and made claims to be remembered by them. We shall see that guilds offered a range of opportunities for identity work – even for those who

³⁷ Section 5.5 also discusses the poor and the making of testamentary charitable institutional provision as identity work.

had not been members during their lives. Testators' bequests speak to their priorities for their remembrance and also the guild's activities, organisation, and shared identity.

Religious guilds existed in England from the early medieval period onwards.³⁸ Although it is tempting to oppose membership of the parish (involuntary, geographically bounded) and guild membership (voluntary, not limited by location), we must remember that individuals participated to varying degrees at different times in each of these groups and would have identified with them in different ways over the courses of their lives.³⁹ There may have been a number of reasons why an individual might want to join a guild, and much of this depended on the guild itself. Membership of such an institution usually conferred a number of benefits to its members after death, as well as during life, and individuals could be members of as many guilds as they wished, as long as they could pay their dues. Living members of a guild might enjoy attendance at the guild mass and feast, a heightened sense of social respectability, and financial aid in times of hardship. Guilds may also have provided for the burial and commemoration for their members, ensuring that the dead were adequately interred and subsequently not forgotten.⁴⁰ Membership was voluntary – at least for those with the means to pay the fees to join – and the motivations for enrolling were borne of multiple, complex factors, many of which must have related to how an individual saw themselves, and how they wished to be perceived by others, too. But the guild itself also had a collective identity, made and re-made constantly through foundation stories, the actions of its members, the patron saint, involvement in festivals, and so on.⁴¹ This identity survived individual members, and guilds were capable of enshrining the existence of individuals who had died and provided a framework by which the memory of past members could be continued.⁴² The decision to join a guild (or to endow it with funds or land) was not only a statement about who one was, but also a claim to be remembered by the collective long after one had died.

³⁸ Herbert Francis Westlake, *The Parish Guilds of Mediaeval England* (London: Society for Promoting Christian Knowledge, 1919), esp. chs. 1 and 2.

³⁹ Lutton, *Lollardy*, p. 10. The impetus for the foundation of these voluntary associations is a matter of historiographical debate, but it is clear that religious guilds were often lay initiatives in which members participated to varying degrees. Groom, p. 132. Some have suggested that lay participation in guilds may have been an indication of dissatisfaction with the established Church whilst others have characterised guilds as effectively sub-parochial units which worked to support the parish church. Gervase Rosser, 'Parochial Conformity and Voluntary Religion in Late-Medieval England', *Transactions of the Royal Historical Society*, 1 (1991), 173–89; Duffy, *Altars*, p. 145.

⁴⁰ Gervase Rosser, 'Going to the Fraternity Feast: Commensality and Social Relations in Late Medieval England', *Journal of British Studies*, 33.4 (1994), 430–46; Gervase Rosser, 'Communities of Parish and Guild in the Late Middle Ages', in *Parish, Church and People: Local Studies in Lay Religion 1350-1750*, ed. by S. J. Wright (London: Hutchinson, 1988), pp. 29–55 (pp. 36, 37–38).

⁴¹ Gervase Rosser, 'Myth, Image and Social Process in the English Medieval Town', *Urban History*, 23.1 (1996), 5–25.

⁴² Virginia R. Bainbridge, *Gilds in the Medieval Countryside: Social and Religious Change in Cambridgeshire, c. 1350-1558* (Woodbridge: Boydell Press, 1996), p. 84.

4.3.1 Guilds and Contemporary Religious Culture

This first subsection outlines how individuals might use their wills and testaments to create proximity to these groups in order to construct particular identities. A testamentary bequest to a guild probably indicates that the testator was a member, but this is not always a certainty.⁴³ For the present analysis, it is important to note that making such a bequest could be read as expressing support for this kind of religious organisation and their attendant aims and beliefs. Guilds and guild membership did of course attract some criticism in the later Middle Ages. Religious guilds were often organised around a central patron saint, were usually involved in sustaining a light or altar to that figure, and may well have organised special feast-day celebrations.⁴⁴ The evidence of heresy trials from across England shows that a number of individuals who have subsequently been labelled as lollards opposed these kinds of practices.⁴⁵ Drawing a line to try to separate religious from trade guilds is tricky indeed, as a number of trade guilds had their origins in religious fraternities, and may well have played important parts in feast day celebrations, such as Corpus Christi processions.⁴⁶ There is however evidence of known dissenters having been members of trade guilds. In Bristol, John Colchester acted as one of the masters of the barbers' guild; Jordan Covesser was master of the cordwainers' guild, and Richard Marche who offered shelter to a known dissenter, was master of the dyers' guild.⁴⁷ This is not the place to investigate these individuals' roles within these groups any further, fascinating though such a project would be. The involvement of these men in these guilds serves instead to

⁴³ For instance, Ken Farnhill has shown that most individuals making a bequest to a guild in Norfolk in the period 1470-1550 were already members, but that some were not. Farnhill interprets testamentary bequests to guilds by non-members as 'entrance fees for the dead'. Ken Farnhill, *Guilds and the Parish Community in Late Medieval East Anglia, c. 1470-1550* (Woodbridge: York Medieval Press, 2001), pp. 42-44, 71, 92. Nicholas Terpstra, meanwhile, has shown that in Bologna, donations and legacies given to guilds mostly came from non-members. These bequests were often in return for post-mortem masses and were not membership fees. Nicholas Terpstra, *Lay Confraternities and Civic Religion in Renaissance Bologna* (Cambridge: Cambridge University Press, 1995), pp. 158-9.

⁴⁴ Reverence to saints in any form (for example through prayer, the celebration of feast days, or the use of religious images) was a point of contention from the period of Wyclif through to the Reformation. Hornbeck II, p. 139.

⁴⁵ For instance the record of the trial of Richard Grace of Beccles in 1431 states that prayers should be made to God and not to the saints, that worship should not incorporate images of saints (or any other kind), and that the costs of pilgrimages should be donated to the poor. Tanner, *Heresy Trials in the Diocese of Norwich, 1428-31*, pp. 121-22. Similarly William Emayn of Bristol stated in 1428-9 that 'every parier [prayer] should be maad immediatly to God and not to seintes'. *The Register of John Stafford, Bishop of Bath and Wells, 1425-1443*, ed. by Thomas Scott Holmes, Somerset Record Society, 31, 2 vols (London: Harrison and Sons, 1915), 1, p. 78. My thanks to Esther Lewis for supplying me with this reference.

⁴⁶ Gervase Rosser, 'Crafts, Guilds and the Negotiation of Work in the Medieval Town', *Past & Present*, 154 (1997), 3-31 (p. 12); M. James, 'Ritual, Drama and the Social Body in the Late Medieval Town', *Past & Present*, 98 (1983), 3-29 (p. 5).

⁴⁷ Charles Kightly, 'The Early Lollards' (unpublished PhD Thesis, University of York, 1975), p. 249. For a study of occupations and status in Lollard groups see: Maureen Jurkowski, 'Lollardy and Social Status in East Anglia', *Speculum*, 82.1 (2007), 120-52; Derek Plumb, 'The Social and Economic Status of the Later Lollards', in *The World of Rural Dissenters, 1520-1725*, ed. by Margaret Spufford (Cambridge: Cambridge University Press, 1995), pp. 103-31. Anne Hudson has identified that in some cases there was a strong correlation between heretical thought and occupation, and that occupation may well have been the most important factor connecting these individuals: Hudson, pp. 130-31.

demonstrate that the waters are indeed muddy when it comes to trying to define ‘heresy’ and ‘orthodoxy’. We can read the overt giving of money and goods to guilds in wills and testaments as indications that a testator wished to construct an identity as someone who willingly and enthusiastically participated in guild culture. Yet doing so required means: a lack of bequests to guilds may not have indicated a lack of enthusiasm for the dominant religious culture of the day. We must use positive evidence – i.e. that which *is* given – in order to understand how testators used their wills and testaments to do identity work, and cannot simply read an absence of such bequests as definitive proof for hostility to these institutions.⁴⁸

4.3.2 Faversham’s Guilds

Testamentary bequests to a guild might not indicate membership of that guild, but could construct the testator’s support for this form of pious expression. This section examines the kinds of testamentary identities that individuals could construct through bequests to guilds in Faversham. These guilds left very little, if any, evidence for their existence, and hunting for them in the testaments and last wills is made somewhat more complex by the vast numbers of saints’ lights in the parish church (discussed in further detail in chapter 5). From the town’s testamentary records it has been possible to identify four guilds with some certainty: St Anne’s guild, St Erasmus’s guild, the bachelors’ guild, and the morrow mass guild.⁴⁹ Yet the terms ‘light’, ‘brotherhood’, ‘fraternity’ and ‘altar’ could all be used interchangeably with the term ‘guild’ to denote the same institution, and, as we shall see in section 5.2, as many as forty-three lights existed in Faversham’s parish church. Were some of these lights supported by the town’s guilds which are otherwise unnamed in the testamentary evidence? Much must depend on definition. The differences between lights and guilds were not always very clear, and a smaller guild might only have existed in order to provide a candle to burn before a particular image.⁵⁰ Indeed, providing a light to burn before the guild’s patron was an important element of the function of

⁴⁸ From the point of entry into one of these organisations, which involved swearing an oath, there were many aspects of guild life which were seen as problematic. The claim made by guilds to be organisations which ‘fostered good’ did not go unchallenged: these were exclusive groupings after all, and their goodness was not seen to extend beyond the limits of their membership. Wycliffite sermons emphasised that brotherhood was between all Christian men, and should not be privatised by guilds or by friars. The shared spiritual aspect of guild life was implicitly challenged by ascetics such as Richard Rolle, who, writing in the early fourteenth century, argued that no model of human devotional association was comparable with a solitary life. Gervase Rosser, *The Art of Solidarity in the Middle Ages: Guilds in England 1250-1550* (Oxford: Oxford University Press, 2015), pp. 52–53, 76.

⁴⁹ The guild of St Anne (also known as SS Mary and Anne) is attested to in the 1514 testament of John Love (KHLC, PRC 17/13/380b, fol. 381^r). St Erasmus’ altar was endowed with a bequest by Richard Marley in 1518 (KHLC, PRC 17/13/219b, fol. 219^r) and the eponymous guild appears in Thomas Shreve’s testament of 1520 (KHLC, PRC 17/14/258b, fols 258^v-259^r). Robert Withiott (1511) left money to the bachelors’ guild (KHLC, PRC 17/12/233, fol. 233^r), and the morrow mass guild received a bequest from Clement Perchild in 1509 (KHLC, PRC 32/10/28, fol. 29^r).

⁵⁰ Groom, pp. 124–25.

many guilds across the country, with 78 per cent of fraternities in Cambridgeshire in the late fourteenth century providing lights before images at various times, if not perpetually.⁵¹ Bequests made in Faversham to particular lights may therefore have been supporting the work of guilds, even though this is not made explicit in the text. The generalised wording of these gifts indicates an understanding of the intention behind the bequests, and suggests too an administrative structure which was able to interpret and distribute the money accordingly.

Few testators indeed from Faversham left money specifically to a guild or brotherhood, and their bequests often invoked one of the functions of the institution, with testators often requesting prayers for their soul. Richard Marley (Faversham, 1518) left ‘to the ~~high~~ auter of Saynt Erasmus within the same church [Faversham] to be prayed for there *as one of the brethern* iij*s* iij*d*’.⁵² Without other evidence we cannot know whether this payment was equivalent to the guild’s entry fee, but it certainly seems as though Richard’s bequest does equate to a kind of membership whereby Richard’s soul would benefit from the guild’s resources. This bequest served to construct Richard as an outsider to the guild, but also as someone who was aware of the guild’s work and services. It tells us that involvement was perhaps not significant, affordable, or perhaps even wanted by Richard in life, but that at the point of death it became something that was desirable and indeed accessible.

Other testators used their testaments to make overt their lifetime participation within these fraternities. This helped them to produce social identities by demonstrating their belonging to a particular group. Thomas Shreve (Faversham, 1520) for example left ‘to the brodrred of Saynt Erasmus iij*d* beside my duetes by the quartere’.⁵³ Eight years later, John Wilshire requested that his wife ‘do kepe my brotherhed at the morow masse auter as long as she is hable’.⁵⁴ It is unclear whether John intended for his wife to maintain the payments that he made to the guild for membership, or whether she was to replace him as a member. Membership of a guild during life was sufficient to ensure that an individual was commemorated after death, and there would have been no need to ensure that the membership fee was paid once that member had died.⁵⁵ Both of these bequests serve to construct the lifetime membership of these two testators in a way which is not found in the other wills and testaments from Faversham or Thetford, many of which do not clarify whether testators were members or just supporters of the guild in question. The gifts that these two men made to their respective guilds enabled them to construct their membership of these institutions within their wills and testaments, and fashioned them as

⁵¹ Bainbridge, *Guilds*, p. 68.

⁵² Italics mine. KHLC, PRC 17/13/219b, fol. 219^r.

⁵³ KHLC, PRC 17/14/258b, fol. 258^v.

⁵⁴ KHLC, PRC 17/17/363, fol. 364^r.

⁵⁵ Farnhill, p. 70.

belonging to that group. This constructs something of their testamentary identities through communicating their pious interests, wealth and status. These bequests demonstrate also that in life as well as death they valued what guild membership offered.

4.3.3 Gender, Marital Status and Appropriate Behaviour

Bequests to a guild might enable a testator to construct testamentary identities as individuals who supported particular lifestyles and modes of behaviour. Faversham hosted a bachelors' guild, attested to in four of the town's wills and testaments from this period.⁵⁶ The guild's work included funding lights within the parish church, and it also played a part in commemorative acts, with John Wilshire leaving 'to the bachelars one torche to go before me at my burial day'.⁵⁷ The term 'bachelor' could in this period be used to refer to an unmarried man, but could also be used to refer to young knights, junior or inferior members of trade guilds, or graduates who had taken their first university degrees (to become Bachelor of Arts).⁵⁸ It seems most likely that the guild was intended to act as a group for unmarried men, but without any other information we cannot say for certain. Other locations in Kent such as Reculver hosted lights referred to as 'the bachelors' light' and another known as 'the youngmen's light', but it is unclear whether these were distinct from one another or whether they were just different names for the same light.⁵⁹ Eamon Duffy's study of Morebath sheds light on the work of the young men's store, which drew membership from the unmarried men of the parish over fourteen years of age.⁶⁰

It is of interest that many of the individuals who left bequests to the guild or the light appear in fact to have been *married* men.⁶¹ Rather than using bequests to the guild to create something of their marital status, I argue that such bequests instead enabled the testators to construct further aspects of their social status, as well as their beliefs about suitable behaviour for young, unmarried men. Faversham's bachelors' guild received no bequests from the town's female testators, although this could be because of the relative scarcity of these documents.

⁵⁶ These are the testaments of William White (1509, KHLC, PRC 17/11/73b), Robert Wythiott (1511, KHLC, PRC 17/12/233), Richard Marshall (1521, KHLC, PRC 17/14/214) and John Wilshire (1528, KHLC PRC 17/17/363). The testament of Henry Hache (1533) also mentions the bachelors' guild. *Testamenta Cantiana*, East Kent, ed. Hussey, p. 127. Although no records from the guild survive, these organisations generally speaking were established to give religious and social expression to particular groups, often limited by age or marital status. Duffy, p. 150. Little has been done on young men's guilds, but Katherine French has written extensively on women's parochial groups, including maidens' and wives' guilds. See Katherine L. French, *The Good Women of the Parish* (Philadelphia: University of Pennsylvania Press, 2008), pp. 118–56.

⁵⁷ KHLC, PRC 17/17/363, fol. 364r.

⁵⁸ *OED*

⁵⁹ Hussey, p. 255.

⁶⁰ Eamon Duffy, *The Voices of Morebath* (London: Yale University Press, 2001), p. 27.

⁶¹ This is perhaps skewed by the will-making demographic: it is likely that most testators were older individuals so the chance of their having been married is higher than younger men.

Some of these appear to have had leading roles within town government: Robert Wythiott for instance was mayor of the town in 1506 and 1509.⁶² The marital and social statuses of the testators who left bequests to the guild supports the idea that they supported this organisation not because they were members themselves, but because it was the proper thing to do. Gervase Rosser has argued that membership of a medieval guild evoked a sense of collective responsibility: a shared obligation, a common burden.⁶³ This might help to explain why individual members of the guild might have made bequests. But what of those who were not necessarily members? We cannot say with any certainty that the men who made testamentary bequests to the bachelors' guild would have identified themselves as belonging to that group. Katherine French has shown that men might leave money to a light run by a female-only group, and notes also that the relative lack of testamentary bequests to such groups by erstwhile members suggests that these were groups which were left behind when one's life moved on.⁶⁴ The evidence presented here however tells a different story, with men who were now married leaving bequests to this organisation. These bequests may reconstruct these testators' past memberships, or convey a sort of paternalistic patronage: certainly they create the testator's support for this kind of organisation and the employ of this demographic in this work. Bequests to these groups enabled individuals to construct a testamentary identity as a supporter of this kind of endeavour, and also indicated the appropriateness of this kind of giving.

The equivalent groups for young women, the 'maidens' guilds', were organisations in which unmarried women could socialise with one another within a setting which promoted female submission as 'proper activity'.⁶⁵ Considerably less work has been done on the ways that these organisations served as conduits for the behaviour and collective action of young men, particularly male servants and apprentices living away from their family homes. It seems likely however that these groups did fulfil some of the same functions for unmarried young men as they did for unmarried young women. The evidence that survives for bachelors' guilds suggests that they were also involved in supporting parish lights and raising emergency funds when necessary.⁶⁶ Guilds for young men probably also supported those working as apprentices or servants, as they did for the young women's guilds. Gervase Rosser has argued that regardless of gender, guilds offered great potential for forming new relationships, both for migrants and those

⁶² *FTB*, II, p. 554.

⁶³ Rosser, *Art of Solidarity*, pp. 192–93.

⁶⁴ French, *Good Women*, p. 146.

⁶⁵ These groups were also places of support for young female servants working outside of their home towns, and they may have offered opportunities for socially-sanctioned mingling with the young men's guilds in the name of parish fundraising. French, 'Late Medieval English Parish', p. 168.

⁶⁶ Duffy, *Morebath*, pp. 27, 81–82.

who had grown up in that area, and so must have appealed to those seeking out companionship.⁶⁷ Supporting these groups with a testamentary bequest not only enabled testators to lend their support to socially-sanctioned forms of religious organisation, but also facilitated the construction of the testator's identity as a responsible individual.

Richard Marshall (1521), whose testament made no mention of a wife or any children, was perhaps the only never-married man among all of the testators who mentioned the bachelors. He left 'to the bachelers' light within the same church [Faversham] viij*d*.⁶⁸ Notably his bequest specified the light, rather than the guild, once again affirming the difficulties of using wills and testaments in reconstructing the existence of these institutions.⁶⁹ A tantalising bequest from the testament of William White (1509) further blurs this distinction. William's bequest was 'to the crosse light withyn the same church [Faversham] callid the bachelers' light xij*d*, which suggests that this group had involvement in sustaining a light before the rood in the parish church.⁷⁰ This raises questions about the framing of Richard Marshall's gift: his emphasising that the light was the work of the bachelors' guild rather than referring to it by its location in the space of the parish church constructed something of his priorities. Richard's gift to this light coupled with his mention of 'William Filpott my maister' and a lack of bequests to a wife or children suggests that Richard was an unmarried man, and it is probable that he was in service.⁷¹ Richard may well have been a member of this guild, and certainly he appears to have been a bachelor. Yet many of the other bequests that the guild received were from men who were married. Robert Wythiott left 'to the helpe of the mayntenaunce of the torchis and tapers belonging to the bachelers of Fauersham xx*d* in his testament of 1511, at which point he was married to his wife Katherine, and he named her as recipient of a number of legacies.⁷²

Whilst the bequests to the bachelors' guild do not appear to necessarily correlate with what we know about the testator's marital status, we can still say something about the construction of the testators' sense of propriety and what was perceived as appropriate behaviour for parochial groups. All of the bequests to the guild involve lights, some of which were permanent features within the parish church: 'the crosse light' (William White, 1509), whilst others relate to specific events: 'to the bachelars one torche to go before me at my burial day' (John Wilshire, 1528).⁷³ Taken individually, these bequests signal which of the guild's activities

⁶⁷ Rosser, *Art of Solidarity*, pp. 110–11.

⁶⁸ KHLC, PRC 17/14/214, fol. 214^r.

⁶⁹ Groom, p. 123.

⁷⁰ KHLC, PRC 17/11/73b, fol. 73^r.

⁷¹ KHLC, PRC 17/14/214, fol. 214^v.

⁷² KHLC, PRC 17/12/233, fol. 233^r.

⁷³ KHLC, PRC 17/11/73b, fol. 73^r; KHLC, PRC 17/17/363, fol. 364^r.

were valued by particular testators. Taken together, these bequests construct the collective importance with which members and associated individuals viewed the guild's work in providing lights at different points in the life of the parish. They also supported the industry of those involved in the guild as administrators, fundraisers, and torch-carriers. Implicitly, these bequests supported an idea of what was 'proper behaviour' for a particular demographic, not only for the bachelors but also the married men of the town.⁷⁴ In the absence of guild records, it is hard to reconstruct the precise details of the aims and ambitions of this fraternity, and the limits of their membership. We can however see that the testators who made bequests to the guild indicated their perceptions of the value of the guild as an institution which provided lights in the parish church, but also as a group which brought together a particular demographic in a way which was socially-sanctioned. Their gifts may also have helped them to construct their own social status and values. None of these testators overtly indicated their membership of the guild, but their bequests enabled them to construct their involvement with its future, and their concern for the ongoing good work and appropriateness of this kind of endeavour. Thetford's testators made no reference to any such guild in their town, which in turn has implications for identity work and the ways in which testamentary identities were constructed. It is difficult to say whether the apparent lack of bachelors' guild in the town is indicative of the guilds of Norfolk more generally: Ken Farnhill's list of Norfolk's guilds provides information about the settlement, church and guild dedication but there is no indication of the demographic associated with each group (if at all).⁷⁵ Records for Norwich indicate the existence of the 'bachelery' confraternity from 1414, and it seems that this group was involved in city governance, although it is unlikely that it was made up of unmarried young men.⁷⁶

4.3.4 Guilds in Thetford

Thetford's many religious institutions hosted at various points a number of guilds over the course of the medieval period, and bequests to these groups – as in Faversham – facilitated identity work in the wills and testaments from the town. Evidence indicates the existence of eight guilds dedicated variously to John the Baptist, St Anne, the Nativity of Our Lord, St Mary,

⁷⁴ Virginia Bainbridge has also commented upon this, claiming that different groups supported activities which were seen as appropriate at various life-cycle stages. She gives as an example the single men's group at Holy Trinity, Cambridge, who held stock for the rood light. Bainbridge, *Guilds*, p. 48.

⁷⁵ See: Farnhill, pp. 172–211.

⁷⁶ Tanner, *Late Medieval Norwich*, p. 78. Records show that members were highly influential individuals in the city, and included merchants and other individuals of high status. The name perhaps invokes a now obsolete meaning of the word, referring to the quality of a young knight. William Hudson and John Cottingham Tingey, *The Records of the City of Norwich*, 2 vols (Norwich: Jarrold and Sons, 1906), I, pp. lxxiv–lxxv; *OED*.

Corpus Christi, St Thomas the Martyr, St Mary in the Bailey and St Agnes.⁷⁷ We know that Norfolk was home to a large number of these kinds of organisations: 50 per cent of the county's parishes hosted fraternities, and it is quite possible that yet more existed.⁷⁸ As a town which was home to a number of parishes, the existence of Thetford's guilds raises interesting questions about the relationship between these two forms of religious organisation.⁷⁹ Our picture of Thetford's guild activity is incomplete, and doubtless there were other guilds which existed but for which no records survive, although it is doubtful that there were hundreds more guilds, as in the case of Lynn. The testamentary materials show the multiplicity of testamentary identities which were constructed through bequests to (and requests of) those guilds mentioned in the surviving evidence.

Firstly, the wills and testaments from Thetford indicate a much greater range of interactions between testators and the guilds than those from Faversham. Thetford's testators bequeathed objects and animals, and occasionally made reference to the debts that they owed to

⁷⁷ The first five of these are attested to in Ken Farnhill's list of East Anglian Guilds. Farnhill also lists the guild of the Nativity of Our Lord (hosted in the chapel of the Nativity), but this is not mentioned in any of the town's testamentary evidence. Farnhill has suggested that this ceased to function c. 1389. See: Farnhill, p. 205. The remaining three guilds listed above are evidenced in the wills and testaments of Thetford. For evidence of the guild of St Thomas the Martyr, see William Reymers's testament (1491), NRO, ANW Fuller alias Roper, fol. 190^v. For the guild of St Mary in the Bailey see John Tolye (1473), NRO, ANW Fuller Alias Roper, fol. 176^r. For the guild of St Agnes, see Estelyne Irby (1505), TNA, PCC PROB 11/14/663, fol. 275^v.

⁷⁸ Some single-parish communities such as nearby Wymondham hosted twelve guilds, and Lynn, with two parishes, had over a hundred. Farnhill, p. 31.

⁷⁹ Gervase Rosser's work on guilds suggests that in places where levels of immigration were high and parochial and family structures lacking, guilds were used by the newly-settled to help create social, political and commercial networks. Rosser, 'Communities of Parish and Guild', p. 33; Richard Holt and Gervase Rosser, 'Introduction: The English Town in the Middle Ages', in *The English Medieval Town: A Reader in English Urban History 1200-1540*, ed. by Richard Holt and Gervase Rosser, Readers in Urban History (London: Longman, 1990), pp. 1-18 (pp. 11-13). We know that nearby Wymondham had a population of around 2,700 in 1600, that it was a wealthier settlement than Thetford, and that it held locally significant fairs and markets. Whether it had high levels of immigration is unclear, although Ken Farnhill has noted that the town was subject to endemic plague in the fifteenth century, which may have meant that workers had to be recruited from further afield. Farnhill, pp. 81, 84. David Crouch's study of Yorkshire's guilds in the late Middle Ages has focussed on economic and demographic correlations, and has argued that guilds are much more likely to be found in larger, more prosperous, and well-placed locations (such as near navigable rivers or major roads). The parish is less significant for Crouch, but he does note the relationship between friaries and guilds, not just in Yorkshire, but also in London. Crouch does caveat this suggestion, nothing that places with larger, wealthier populations were more likely to produce greater numbers of wills, and that persons with more wealth had more economic resources to channel toward the guilds. David J. F. Crouch, *Piety, Fraternity and Power* (York: York Medieval Press, 2000), pp. 52, 59, 61. For John Bossy, the spread of institutional fraternities 'owed a lot to the friars, who were institutional brothers themselves'. John Bossy, *Christianity in the West 1400-1700* (Oxford: Oxford University Press, 1985), p. 58. Eamon Duffy, who argues that we should not separate the kinds of religious expression fostered by parish and guild notes that 'in urban communities there might be many guilds within a single parish', appearing to correlate size of settlement with the formation of guilds, rather than the size of the parish. Duffy, *Altars*, p. 144. Meanwhile Caroline Barron's study of parish fraternities argued that the size of the parish was an important factor in determining whether or not it hosted a guild. She has argued that the large size of London's extra-mural parishes, almost all of which hosted at least one guild, meant that parishioners were keen to create smaller groups with which they could more readily identify. It is however unclear whether the 'size' of the parish in Barron's work refers to geographical footprint or population size. Caroline M. Barron, 'The Parish Fraternities of Medieval London', in *Medieval London: Collected Papers of Caroline M. Barron*, ed. by Martha Carlin and Joel Rosenthal (Kalamazoo: Medieval Institute Publications, 2017), pp. 135-63 (p. 148).

the guild in question, indicating the array of functions that these organisations performed.⁸⁰ A number of testators from Thetford left money in their testaments to *join* these fraternities, indicating that they were not members in life but valued what the guild offered them in death: entry into a community which would remember them. John Sewell alias Smyth (Thetford, 1521) for example made the following request:

I bequeth to þe broderhood of Ihesus in the churche aforseid [St Peter's] x.s, wyllynge and desyrynge that I and Isbell my wiff may be admitted for a brother and a syster of the seid brotherhood, and that we may be specially preyed for in xxxⁱⁱ masses of Ihesu. Item I will that myn executors be good and beneficiall to þe seid brotherhood and that they delyuere certayn brasse and pewter as they thynk beste to þe mayntenauns of the seid brotherhood⁸¹

This quotation demonstrates John's desire to be commemorated by this particular guild along with his wife, even though neither of them were members during their lives.⁸² Post-mortem entry into a guild in this way foregrounds the guild's commemorative function over and above its other more broadly religious, economic, social and political benefits. Whilst the testators which entered into a guild at the point of their deaths might benefit from a guild funeral and entry into the bede roll, benefits such as assistance in business dealings and charity in times of illness or poverty would have eluded those who delayed membership until their deathbeds. John's request constructs his interests in the commemorative aspect of guild life, as well as his concern to maintain the guild's work after his death. Perhaps we can read this request as evidence of John's anxieties about being remembered: his otherwise brief testament mentions no children or other family members who might be trusted to remember him or his wife. John's bequest also constructs his devotional interests: not only was the guild dedicated to Jesus, but he also requested thirty Masses of the Holy Name of Jesus. This particular form of the mass increased in popularity from the mid-fifteenth century, and by the first and second decades of the sixteenth century was one of the most popular votive masses.⁸³ In making this request, John was able to construct his fashionable pious interests, as well as his concern to be remembered along with his wife long after their deaths.

⁸⁰ For example Estelyne Irby's bequest 'to Seynt Agnes gilde for dett vjs viij*d*. TNA PROB 11/14/663, fol. 275v.

⁸¹ NRO, ANW Randes, fols 61^r-61^v.

⁸² Rosser, 'Communities of Parish and Guild', p. 37; Farnhill, pp. 60, 70, 42.

⁸³ Lutton, *Lollardy*, p. 69.

Testators from Thetford used testamentary requests for entry into guilds to record their personal histories and create relationships which facilitated identity making. In 1484, Sybil Young alias Skepper left 13s 4d to the guild of St Mary in the Bailey: ‘ad intrandum nomen meum et nomen viri [virum] mei [meum] Johanis Skepper in confraternitatem eiusdem gilde’.⁸⁴ Sybil was married to Thomas Young at the point at which she made her testament, but the naming clause records that she was also ‘quondam uxor Johanis Skepper’⁸⁵, creating another aspect of her identity.⁸⁶ Sybil’s request shows us a number of ways in which she constructed her testamentary identity. Firstly, she was memorialised along with her husband, John through their membership of the guild, which suggests a prioritising of this relationship over Sybil’s marriage to Thomas. Secondly we can see that she wished to be remembered along with her husband as a guild *member*, rather than as a benefactor. The entry of their names into the guild membership lists brought them into community with other guild members, past and present, which served as an important repository of shared identity.⁸⁷ Sybil’s request therefore was not just about constructing an individual testamentary identity, but also about making visible her relationship to her husband and ensuring that they were remembered together within the context of a socially significant group.

Thetford’s testators also were much more prolific than their counterparts in Faversham in leaving bequests of objects to guilds, which in some cases enabled them to construct gendered testamentary identities. Feasting and celebrations on the patronal feast day were defining activities of many guilds, which ranged from modest communal drinking through to extensive and elaborate meals of multiple dishes.⁸⁸ In 1416 the guild of St Mary in the Bailey spent 56s (£2 16s) on the annual feast, over four times as much spent by many other guilds on this event.⁸⁹ Women likely played an important part in the guild’s feast, and it is interesting to note that

⁸⁴ ‘To the entrance of my name and my husband John Skepper’s name into the confraternity of the same guild.’ NRO, ANW Fuller alias Roper, 55, fol. 55r. The guild of St Mary in the Bailey was one of the most important and wealthiest guilds in the town. By 1539 the total value of the guild’s moveable property was over £54, indicating just part of its substantial wealth. Thomas Martin, *The History of the Town of Thetford, in the Counties of Norfolk and Suffolk, from the Earliest Accounts to the Present Time* (London, 1779), pp. 206, 214.

⁸⁵ ‘formerly the wife of John Skepper’.

⁸⁶ No testament survives for John, so we cannot estimate when he died, how long they were married, or whether he made a similar wish to become a member of the Guild of St Mary in the Bailey.

⁸⁷ Jill Hamilton-Clements, ‘Writing and Commemoration in Anglo-Saxon England’, in *Death in Medieval Europe: Death Scripted and Death Choreographed*, ed. by Joëlle Rollo-Koster (Abingdon: Routledge, 2017), pp. 9–39 (p. 16).

⁸⁸ Rosser, ‘Going to the Fraternity Feast’, p. 431.

⁸⁹ Ken Farnhill has suggested that most of Norfolk’s guilds had a much smaller fund to support the feast, setting aside around 13s 4d for the festivities. The figure of £2 16s is comparable to that spent by the Guild of St George in Wymondham (approximately 20 miles north-east of Thetford): an undated fragment shows that provision of two calves, six sheep, eight pigs and twenty-six geese cost £3 15s 1½d. Farnhill, pp. 53, 78.

female testators seem to have been particularly generous in donating culinary items.⁹⁰ Their bequests to Thetford's guilds enabled these women to construct their expertise, knowledge and experience within their testaments, producing gendered testamentary identities. In 1483, Lettice Alwicke left 'to the gild of Our Lady's Assumpcion my best speet', constructing her ownership of more than one spit, as well as demonstrating that she valued the guild highly enough for it to receive this prized form.⁹¹ Another female testator from Thetford, Isabell Love, left a range of culinary items to two of Thetford's guilds in her testament of 1513: 'to Seynt Andrew Anne gilde an iron spitt and a towhill. And I assigne to the chappell gilde [of St Mary in the Bailey] a dropyng [dripping] panne⁹² and half a garnesh of pewtre'.⁹³ From the rest of her testament we can see that Isabel made substantial cash bequests to other institutions and individuals: 6s 8d was left to every monk at St Mary's Priory in Thetford, and a further 3s 4d to every novice.⁹⁴ It would therefore seem that Isabel was of sufficient means to have been able to make a cash bequest to the guild had she so desired – but in fact it was these utensils and crockery which were bequeathed instead. Men also might be involved: John Fletcher left in his testament of 1499 'to the chapel of our lady in the bayly to the profythet of the gylde and of the same halfe a garnysche [half a garnish] of pewter vessell'.⁹⁵ John's testament notes that he was 'fyssher, burgeyse of the towne and borogh of Thetford': his occupation as 'a fisher' (an earlier form of 'fisherman') may well have connected him with the feasting aspect of guild life.⁹⁶ As a burgess, he was doubtless involved in town government, and so may have been involved with the guild of St Mary in the Bailey during his life given the guild's role in governing the town. We can see therefore that testators may well have used their gendered experiences as well as drawing on their expertise to construct testamentary identities and demonstrate their support for the guild.

This section has shown that bequests to guilds in Thetford facilitated a breadth of identity work. Thetford's testators were able to do this identity work by bequeathing items and objects which communicated their experiences of guild life. Others meanwhile used their wills and testaments in order to join these organisations, with the effect that they were able to memorialise important relationships and therefore construct these aspects of their identities. As

⁹⁰ Evidence from guild accounts shows that it was female guild members who supplied much of the table linen and livery for the service, and kitchen staples such as ale, milk and flour. Women were also hired on the day of the feast to tend the kitchen, wash dishes and scour pots. French, *Good Women*, p. 125.

⁹¹ NRO, ANW Fuller Alias Roper, fol. 62v.

⁹² A dripping pan is one used to catch the fat and juices from roasting meat. *OED*

⁹³ NRO, NCC Johnson, fol. 235v.

⁹⁴ NRO, NCC Johnson, fol. 235r.

⁹⁵ NRO, NCC Sayve, fols 13r-13v. A 'garnish' is a set of vessels (often pewter) for use at the table. *OED*

⁹⁶ *OED*

with testators from Faversham, bequests to guilds also made possible the construction of pious testamentary identities.

4.3.5 Guilds and Social Networks

A bequest to a guild might enable a testator to construct their connections to institutions outside of the town in which they lived, and may well hint at their business or social networks.⁹⁷ We can see this in the bequests made by William Reymers (Thetford, 1491).⁹⁸ He left barley (hordeum) in varying measurements to guilds in Thetford and Norfolk more widely:

Item [lego] gilde Sancte Anne unum quart ordeum in Fakenham. Item [lego] gilde Sancti Thome Martiris de Thyrford [Thetford] unum cumb [comb] ordeum. Item [lego] gilde Corporis Christi in Berney [Barney] unum cumb ordeum. Item [lego] gilde Sancti Albani in Bynham [Binham] unum cumb ordeum⁹⁹

These bequests suggest (although do not prove) that William was a member of these groups, but certainly by naming their patron saints William demonstrates his familiarity with these guilds. Barney was home to two guilds, Fakenham hosted six, Binham seven: it was insufficient, then, to identify the guild by the town or village alone.¹⁰⁰ William's naming of each guild creates specificity and also constructs familiarity. These guilds were probably small groups which drew membership from the local community: certainly they were not national foundations which attracted membership from far and wide. William's bequests to these groups align with what we know of the agriculture of the area of North Norfolk: the soil was light and sandy, and was often grazed by sheep whose dung made for excellent conditions for barley growing.¹⁰¹ By naming the three guilds in these settlements, William shows himself as someone well-acquainted with the area. Indeed, one of the executors named by William was 'Willelmi Harydans de Fakenham', further cementing his connection to this settlement in the north of the county.¹⁰² In making gifts of barley rather than cash, William demonstrated his familiarity with the grain and suggests that he had reserves of it in his possession at the time of his death, perhaps constructing his business

⁹⁷ Barbara Hanawalt and Ben McRee have argued that individuals might be motivated to join guilds outside of their home parishes because of the potential they offered for making new contacts in business and politics. Barbara A. Hanawalt and Ben R. McRee, 'The Guilds of Homo Prudens in Late Medieval England', *Continuity and Change*, 7.2 (1992), 163–79 (p. 167).

⁹⁸ See map 1 in appendix.

⁹⁹ NRO ANW, Fuller alias Roper, fol. 190^v.

¹⁰⁰ Farnhill, pp. 183, 177.

¹⁰¹ K. J. Allison, 'The Sheep-Corn Husbandry of Norfolk in the Sixteenth and Seventeenth Centuries', *The Agricultural History Review*, 5.1 (1957), 12–30 (pp. 12–13).

¹⁰² NRO ANW, Fuller alias Roper, fol. 190^v.

involvements and interests. It is interesting that William did not make bequests to the parish churches in these locations, naming only these guilds as the only institutional beneficiaries outside of Thetford. Listing the guilds in this way therefore enabled William to construct an identity as an individual with religious, social, and perhaps also business connections outside of the parish he lived in when he made his testament.

4.3.6 Section Conclusion

Bequests to guilds in the wills and testaments of this period offer useful insights into the functions which these groups performed in medieval society, and the ways in which individuals might have interacted with them. By including bequests to a guild or several guilds in their wills and testaments, testators were able to construct themselves as sympathetic to the guild's work. Rarely are we able to say from the evidence of a last will and testament alone that an individual was a member of a particular guild. A testamentary bequest to a guild enabled a wealth of identity work to take place, not only constructing the testator as sympathetic to these organisations, their work, and aims, but also the dominant religious culture of the day. Bequests to guilds did in some cases enable testators to explicitly request entry and commemoration, but in many cases we can see that gifts of money and items were made to these groups without any conditions attached to their receipt.

In the case of some guilds, such as the bachelors' guild hosted in Faversham, testators might not have been eligible for membership but were still able to make bequests to the organisation. Such gifts might not have aided these testators' constructions of their own marital statuses, for example, but certainly did create their social standing and support for this kind of parochial organisation. Thetford may well have been home to similar groups, but no testators mention such a guild, nor are there references in other sources. Whilst both towns hosted guilds, it would seem that the kinds of bequests made in Thetford were much more varied in form than those in Faversham, which were largely bequests of cash. A number of Thetford's female testators made bequests of objects associated with food preparation and eating which may well have related to their gendered experiences of the guild's feast day. Men's bequests to this aspect of guild life are considerably more limited. We have also seen that bequests to guilds served to create an individual's networks across parishes, too, constructing the testator as a well-connected individual, and also facilitating testamentary identity making through access to resources, indicating business interests. Different kinds of identity work were possible in Thetford and in Faversham because of what appear to be normative practices of testamentary giving to the guilds in those towns. In Faversham, where bequests to guilds were largely made in cash, it was

possible to create association and proximity to these groups, as well as indicating one's support for the kinds of social expressions which they fostered. In Thetford, this form of identity work was also possible, but by giving gifts testators were able to make much broader claims to testamentary identities along gendered and economic lines.

4.4 Chapter Conclusion

This chapter has shown the many ways in which commemorative practices as described in wills and testaments gave testators opportunities for identity work. In particular, it has focussed on testators' various social relationships, and how these were used by the testator to request prayers and also to record their lives and experiences. We have seen that opportunities for identity work depended in some cases on the will-making customs which developed in each of these market towns. This is illustrated perhaps most clearly in the directions for the testator's funeral. These descriptions gave testators an opportunity to express their preferences as to how the public funerary ceremony should be carried out. These directions might enable the testator to express something of the testator's piety, or their interests and expertise. Although some of Thetford's testators did make reference to the conduct of their funeral, this seems to be limited to the very wealthy, and even then, not all of the affluent will-makers from this town left this kind of direction in their wills. This suggests that there were perhaps other mechanisms available in Thetford for communicating funerary preferences. Further research could consider more towns from the diocese of Norwich and explore how widely spread this phenomenon is in the testamentary evidence.¹⁰³

Bequests to 'the poor' by testators can be read as methods of self-expression: such gifts marked the testator out as *not* poor. These gifts are also arguably performances of the testator's piety, and charity to the poor was of benefit not only to the living recipients but also to the donor's soul. Bequests to the poor vary widely from general bequests to the poor of the town to specific endowments to particular individuals, and this tells us much about the testator, who they knew and the circles they moved in. The behaviours which the poor recipients were then expected to perform in response to this charity are also indicative of the testator's own attitudes to and ideas about society, and arguably suggest something of where they saw their own place within it.

Section 4.3 explored the ways in which bequests to guilds facilitated the construction of different testamentary identities. Guilds existed in both towns and testators could be members in life as well as joining at the point of death, which could facilitate the construction of past

¹⁰³ Tanner's work on Norwich suggests that testamentary requests for funerals in the city were also relatively infrequent. Tanner, *Late Medieval Norwich*, pp. 98–99.

relationships, as in the case of Sybil and John Skepper. This section also showed how wills and testaments offered testators the chance to create proximity to the guild and support it, even if the testator was not a member – for example in the case of Faversham’s bachelors’ guild. There appear to have been some differences in how testators approached giving to guilds in the two towns, with the possibilities for testamentary giving to the guilds of Thetford somewhat broader than those in Faversham. We have seen that bequests of objects perhaps facilitated the construction of gendered forms of engagement with these kinds of groups, a construction which was more limited in Faversham where bequests seem to have been entirely made in cash.

Ultimately, this chapter has shown that testamentary commemorative provisions offered testators a wealth of possibilities for testamentary identity construction. These requests for memorialisation tell us much about the testator’s own sense of self, where they thought they should belong, and the memorial practices which would befit their station. Although expressed in a formulaic fashion, memorial provision was largely determined by the testator themselves. Location and wealth would have had some bearing on what was possible, but we can see that testators were able to make choices. They made requests of and bequests to communities of which they were part, which they aspired to be part of, and to which they did not belong in order to ensure that prayers were said for their souls. In this way, testamentary descriptions and discussions of communities and individuals in relation to post-mortem commemoration provide fertile ground for testamentary self-construction. The following chapter further compares the use of testamentary resources in Thetford and Faversham to examine ideas of belonging with regard to the construction of testamentary identities.

Chapter Five: Bequests to Religious Institutions as Mechanisms for Identity Making

5.1 Introduction and Structure

This chapter considers bequests to religious institutions as opportunities for the creation of religious identities, and also asks what else a testator was able to construct about themselves through such bequests. Historians have long argued that the will and testament – whilst a legal document – performed important religious functions in that it offered testators the opportunity to make provision for their souls.¹ This chapter however argues that there is much more to these bequests than their simply being indicators of ‘pious intent’.² Although religious bequests construct something of a testator’s spiritual interests and preferences, they provide testators with the opportunity to do much more than this. They construct the testator’s lifetime experiences and the locations with which they were familiar and they enabled individuals to create their expertise, wealth, gender and status. Whilst much attention has been drawn to the making of a bequest to a particular institution as evidence of belief and/or practice, we should also consider the ways in which these bequests are framed, as well as the climate in which they were made. For example making a bequest to a saint’s light in the town of Faversham was very common, and arguably indicates alignment with hegemonic religious practices. Making such a bequest in Thetford was highly unusual, so has different implications for identity work.

The following analysis focusses namely on those institutions which appear prominently in the testaments from either or both towns. Section 5.2 scrutinises bequests to saints’ lights in each location, which has proved to be one of the most startling contrasts in the form of testaments from each town. It also discusses the importance of location and testamentary practice on the forms of testamentary identity which are produced. The section which follows (5.3) considers testamentary bequests to churches, which are common to wills and testaments from across medieval England. Although there are many similarities in the treatment of parish churches in the testaments from the two towns, the institutional landscapes of each town were very different. The impact of this on the potential for identity work is acknowledged and explored, and this section also examines the implications of giving to a range of parish churches for the construction of an individual’s sense of belonging and identity. Some testamentary clauses – such as payments for forgotten tithes (section 5.3.1) – are almost universal in the wills

¹ Binski, p. 33.

² Burgess, ‘Wills and Pious Convention’, p. 15.

and testaments from across the country. Yet the religious institutions which peppered the English landscape (with notable areas of concentration), whilst acceptable recipients of testamentary provision, were not universally *expected* to feature in the wills and testaments of the time. As such, a study of the bequests made to these institutions, considered in section 5.4, constructs the place of a testator in the spiritual landscape that they constructed in their will and testament. This section explores religious institutions, covering the monastic houses, friaries, hospitals and almshouses which played important parts in the religious lives of these two towns, and have been included because of the different opportunities for self-expression that they gave to testators. Bequests to cathedrals, whilst common in counties such as Lincolnshire, are almost entirely absent from the wills and testaments from Thetford and Faversham, and so are not considered here.³

Before beginning the analytical work of this chapter it is firstly necessary to make a few observations regarding religious life and practice in this period, so as to better understand the identity work that was possible in the will and testament. In the climate which this study considers, bequests of jewellery to decorate a saint's statue (for instance) were not neutral. As Margaret Aston has noted, opposition to images was one of the most enduring facets of lollard belief: Wyclif, for instance, was concerned about the potential for idolatry.⁴ And in the heresy trials of the fifteenth century, suspects voiced their objections to images, church decoration and pilgrimages, which, they argued, diverted worship away from God, and funds away from the poor.⁵ Testators must have been aware of the implications of making such a bequest and what that enabled them to construct about their religious priorities and beliefs. Bequests to institutions create testamentary piety produced within the limits of genre, convention, accepted religious practice and fashion.⁶ This thesis considers identity as something which is constantly constructed and performed, and that the will and testament is a place where this performance could take place. This project looks at wills and testaments as places for identity work; places where individuals were able to create identities through language: they claim neither for completeness nor 'accuracy' in the construction of the testamentary self which is produced.

Ultimately this chapter demonstrates that the resources available to any given testator had a great impact on the form of the last will and testament. Religious institutions including saints' lights, monastic houses and friaries represent just some of these resources. Bequests to these institutions within a last will and testament enabled testators to construct much about

³ Hickman, pp. xxvi–xxvii.

⁴ John Wyclif, *Wyclif: Trialogus*, ed. by Stephen Lahey (Cambridge: Cambridge University Press, 2013), p. 189.

⁵ Lutton, *Lollardy*, p. 83; Margaret Aston, *England's Iconoclasts* (Oxford: Clarendon Press, 1988), I, pp. 99–102, 105–25.

⁶ Lutton, *Lollardy*, pp. 6–7.

themselves, as well as their religious interests and priorities. This research demonstrates that by including statements about devotional practices and directions for future giving, testators performed identity work in their wills. The language of religious bequests enabled testators to construct social belonging, their roles within kin networks, and other identities, such as their wealth, status and gender.

5.2 Saints and Devotion

Bequests to saints' lights, altars, and images are frequently found in testaments from across England in this period, even those documents which have been characterised as 'mundane'.⁷ This section explores the ways in which these bequests could be used by testators to construct religious identities and devotional practices as well as creating a sense of belonging and communicating gendered experience. It also questions the significance of an absence of bequests to saints, and the implications of this for how testamentary identities were constructed in different localities. Saints' shrines of local or national importance could be found all across England, and there was regional variation in terms of which saints were venerated.⁸ This section seeks to address to what extent testamentary giving to saints' lights and religious institutions were locally and culturally embedded expressions of a testator's agency, decisiveness and preference.

Faversham in particular is noted for the large numbers of saints' lights in its parish church, up to forty-three of which have been identified.⁹ Whilst we can use wills and testaments as evidence of a construction of a testator's preferences with regard to devotion to different saints, such bequests also construct other aspects of a testator's identity, as this section will show. Bequests to saints' lights appear in 54.6 per cent of testaments from Faversham. They are often found after the testamentary preamble, after directions for burial and the tithes forgotten clause. Bequests to lights are largely formulaic, listing one or more saints and leaving often relatively small amounts of money to each. A typical example from the testament of Alice Long (Faversham, 1492) is as follows: 'to the light of Seynt Katern xij*d*, to Our Lady light in the quere xij*d*, to the light of the Trinite viij*d*, to the light of Seynt Thomas the Martir xij*d*'.¹⁰ Lists such as these are found exclusively in the testament, rather than the last will, and it has been suggested

⁷ Salter, *Cultural Creativity*, p. 114.

⁸ Richard Marks has identified for example that St Christopher was the patron of more churches, chapels, and lights in Kent than elsewhere. Richard Marks, *Image and Devotion in Late Medieval England* (Stroud: Sutton, 2004), pp. 96, 101. Local saints, such as 'Saynt Robertes of Newenton parish' (Newington next Sittingbourne, Kent) is for instance mentioned in the testament of William at Wood (Upchurch, 1504, KHLIC, PRC 17/9/82b, fol. 83^v). Such saints may well have been venerated in parishes with which they were connected, but did not receive much if any attention outside of that area.

⁹ Hussey, pp. 119–27.

¹⁰ KHLIC, PRC 17/5/347a, fol. 347^r.

that their inclusion indicates belief in the intercessory role of saints.¹¹ This study is not interested in drawing such a conclusion as it instead sees wills and testaments not as evidence of belief, but as evidence of identity construction. I instead argue that testamentary bequests such as Alice's enabled testators to construct identities in a variety of ways, many of which relate to gender, place, belonging and pious preference. For example, Alice's testament tells us something about her devotional preferences: the lights of St Katherine, Our Lady in the choir, and St Thomas all received 12*d*, but the Trinity only received 8*d*. They are however all important enough to be mentioned and to receive a gift.¹² We know from other testaments from Faversham that there were multiple lights in the church dedicated to Mary, and Alice's evidence shows that there was one in the choir of the church, possibly dedicated to the Assumption.¹³ The specification of 'Seynt Thomas the Martir' was similarly probably included to distinguish the light from another dedicated to St Thomas the apostle. These bequests construct Alice's piety, display a hierarchy of her religious preferences, and create something of a sense of belonging to her parish church. We have seen in section 4.3.2 that bequests to 'lights' may well have encompassed guilds, too, particularly in Faversham, where such bequests are widespread. As these gifts were explicitly made to the 'light' rather than to the 'guild' we can only assume that these were given to sustain that light rather than to the guild's work more generally. The evidence presented in section 4.3.3 demonstrated that the provision and maintenance of lights could be an important aspect of a guild's work. Although by making such bequests testators may well have bolstered guild finances, we should avoid making claims about membership or belonging to that guild beyond a desire to support the light in question.

An immediate difference between the testaments from Thetford and Faversham is that those from Thetford very rarely contain bequests to saints' lights and images: just 10 per cent of testators made this kind of bequest.¹⁴ Saints' lights and images are much more often identified as the recipients of bequests in the testaments from Faversham, with 164 testaments from this town containing bequests to between one and nineteen individually-named saints.¹⁵ Bequests to saints' lights in Thetford do not appear to have been considered a standardised part of will-making practice, and the associated material evidence such as niches in church walls, images or

¹¹ Hickman, p. xxv.

¹² The order in which such saints (or lights) are listed does not appear to indicate a testator's pious preferences: whilst there is often a grouping of saints by how much money they are to receive, there is no clear rule as to whether those who receive most are named first or last.

¹³ Hussey, pp. 120–21.

¹⁴ Nineteen testaments from Thetford from a total of 190 contain bequests to saints in any form.

¹⁵ This represents 56.0 per cent of testaments from the town. The testament of Elizabeth Overton (1522) contains bequests of 4*d* to nineteen of the lights in Faversham parish church, a total bequest of 6*s* 4*d*. KHLC, PRC 17/15/285b, fols 285^v-286^r.

statues has not survived in the town's churches. We do however have textual sources which confirm the existence of saints' lights and images. Testamentary burial clauses attest to images in a number of Thetford's churches and friaries: in 1519 for instance Thomas Hewett requested that he be interred in the Dominicans' church, 'bifore Saynt Appolyne in the walle on the north side of the said churche'.¹⁶ A number of bequests from the wills and testaments from the town also demonstrate that testators were keen to provide images and leave money for the maintenance of images: William Mussell (Thetford, 1473) for instance left forty shillings to the tabernacle or the image of St Paul in St Peter's church.¹⁷ Edmund Ballis (Thetford, 1529) similarly left money for projects specifically connected to particular saints: he left 'to the gylding of the tabernacle of Saynt Anne in Saint Peter's churche iij*l* vjs viij*d*. Item I bequethe to the reparacion of the rouffe of the sayd chapell of Saynt Anne xl*l*'.¹⁸ Antiquarian sources similarly attest to the presence of images in Thetford's churches. Francis Blomefield's *Topographical History of the County of Norfolk* (1739) noted that a number of saints were painted on the screens in St Cuthbert's church, but that they had been defaced, probably at the Reformation.¹⁹

This section will explore the differences between giving to saints' lights in Faversham and Thetford, and ask what implications this had for testators' ability to construct testamentary identities. Bequests to saints' lights were, I shall argue, used by testators to indicate belonging, demonstrate intimate knowledge of a particular church, express their religious interests, and perhaps to indicate their gendered experiences of space. The following subsections demonstrate that past studies have overlooked the significance of local will-making practices, and will show that a consideration of piety in late medieval wills and testaments should first and foremost consider the limitations of testamentary practice in that settlement.

5.2.1 Giving by Location

As we have seen, statistical analysis shows testators in Faversham were much more likely to make bequests to saints' lights or images than their counterparts in Thetford. But seven testators from Thetford did identify particular lights or images that they wished to endow with money or gifts of some description. One of these testators, Robert Reeve (1483) made a bequest to fund two new candles for St Cuthbert's church: one to burn before the image of the cross and the

¹⁶ NRO, NCC Briggs 76, fol. 76^v.

¹⁷ 'ad tabernaculum vel ad picturam'. NRO, NCC Paynot, fol. 71^v.

¹⁸ NRO, NCC Attmere 74 fol 74^v.

¹⁹ 'On the screens, there were painted several saints, and the history of our Saivour's Passion, but the are not much defaced'. Blomefield, I, p. 415.

other to burn before the image of St Mary.²⁰ Each of the other seven testators from Thetford identified just one saint to receive a bequest in this part of their testament.²¹ In Thetford, it therefore seems unusual for testators to mention saints at all, even though we know that lights and images existed in the town's parish churches.

We know that saints' lights and images offered numerous opportunities for testamentary giving. Lights might be maintained with funds from donated money or property whilst saints' images and statues might be adorned with jewellery or left money for refurbishment.²² If we put the lack of bequests to saints' lights and images in Thetford down to local will-making customs then perhaps we should interpret this phenomenon as an expression of belonging to that will-making community, speaking to a group identity among testators within the town. An alternative explanation could be that testators from Thetford simply were not interested in leaving money to saints in the churches in their town in their wills. Possibly testators were never asked by the individual writing the will about whether they wanted to leave money to saints' lights in their testaments, but this over-emphasises the passivity of the testator. Should we then see the form of the testament as it developed in Thetford as limiting the opportunities for self-expression? And what of those individuals who *did* leave money to saints' lights in Thetford? Are these bequests perhaps expressions of belonging elsewhere? An overview of these bequests is given in the table below.

²⁰ 'Item lego et volo habere candelas cereas an wex echis valorem unus denarium ad ardendum coram ymagnem sancta crucis in ecclesia predicta [St Cuthbert] ac coram ymagne Sancta Marie in eadem ecclesia'. NRO, ANW, Fuller Alias Roper, fol. 63^r.

²¹ In contrast, 164 testators from Faversham left money or gifts (such as wax, for example) to up to nineteen different saints' lights and images. A further 22 bequests were made to 'every light in the church'. Such bequests are discussed in further detail in section 5.2.3.

²² Funds to support lights might be generated in other ways, too. Sir William Gilbert (Faversham, 1527) for instance left 'unto Stratton Awdeley in Oxforthshyre xs to the bieng of a cow to fynde a Taper to brenne afore the ymage of the Natyvyte of Oure Lady' (KHLIC, PRC 17/17/313b, fol. 313^v). Joan Littleprowde of Thetford (1510) left 'unto oure lady of the seid chirche [St Mary's, Thetford] my best bedes' but it is unclear whether these were intended to adorn an image or be sold to fund a light, as Joan does not specify (NRO, ANW Gloys, fol. 19^r).

Name of Testator	Archival reference	Date	Dedication of light/s	Location of light (Town, church dedication)	Location of testator's burial
Elizabeth Oldman	NRO, NCC Gelour 170, fol. 170 ^v	1477	St Mary	Worstead (Norfolk), St Mary	Thetford, Dominican friary
Robert Reeve	NRO, ANW Fuller alias Roper 63, fol. 63 ^v	1483	St Mary, St Crucis	Thetford, St Cuthbert	Thetford, St Cuthbert
George Boninge	NRO, ANW Fuller alias Roper 115, fols 115 ^v -116 ^f	1487	St Anne	Thetford, St Cuthbert	Thetford, St Cuthbert
John Kent	NRO, ANW Fuller alias Roper 251, fol. 251 ^f	1494	St Mary	Thetford, St Cuthbert	Thetford, St Cuthbert
Agnes Sparke	NRO, ANW Fuller alias Roper 310, fols 310 ^f -310 ^v	1500	St Mary	Thetford, St Mary	Thetford, St Mary
John Spany	NRO, ANW Gloys 314, fol. 314 ^v	1518	St Mary	Thetford, St Peter	Thetford, St Peter
William Sheene	NRO, ANW Randes, 85, fols 85 ^v -86 ^r	1521	St Mary	Thetford, St Nicholas	Thetford, St Nicholas

Table 3. Showing the testators leaving money to saints' lights in Thetford.

Given the correlation between the above testators' burial locations and where the lights to which they made bequests were located, I should like to suggest that these gifts were often made precisely *because* these testators felt a strong sense of belonging to a particular church. I shall use two examples from the above table to illustrate this argument. For Elizabeth Oldman (1477), this

was a church outside of Thetford. She made three bequests to St Mary's, Worstead: 12*d* to the high altar, 40*d* to the reparations, and 20*d* to the light of St Mary.²³ In contrast, Elizabeth left 12*d* to the high altar of St Nicholas's church in Thetford, and 8*d* to its sustentation. The light of St Mary at Worstead to which she gave 20*d* thus received the same amount as the total which she gave to the altar and work at St Nicholas's, Thetford. Given the privileging of Worstead in this way, it seems likely that Elizabeth had spent a significant amount of time there, perhaps moving to Thetford at or after her marriage to her husband Roger. It should be noted that Elizabeth was a married woman when she made her will, and her will and testament opens not with the pious preamble but with acknowledgement that she had her husband's permission to make the document. This perhaps goes some way to explaining its unconventional form: it opens by listing all of the lands which Elizabeth owned, many of which were in Worstead and some of which were in Worstead's adjacent parish of Dilham. By naming the light in Worstead's church Elizabeth performed her devotion to Mary as well as her personal connection to the town and church of Worstead. The amount left to St Mary's Worstead and its light also helps to construct its significance to her, as it was a larger amount than she left to St Nicholas's in Thetford, suggesting personal preference. Elizabeth's bequest to this light enabled her to make visible her connection to St Mary's Worstead, even though much of her public memorialisation must have happened in the Dominican house in Thetford where she requested to be buried.²⁴

Evidence from the testament of John Spany also constructs a sense of belonging as well as long-term involvement with the parish church of St Peter in Thetford. His request that 'Agnes my wiff shall kepe the lyght afore Our Lady as it haue be keped in tymes paste' creates his long-held relationship with the church of St Peter and the light which burned there.²⁵ It also indicates the possibility of women having the responsibility for maintaining lights in parish churches. This bequest creates John's own sense of belonging, as well as a desire for a well-established practice to become enhanced with the new meaning of his memory. It speaks to John's creativity, and the empowering of his wife Agnes to publicly and visibly participate in the maintenance of the church and John's commemoration within it.²⁶

²³ NRO, NCC Gelour, fol. 170^v. Blomefield and Palmer both erroneously state that Elizabeth's bequest was to an image of St Mary in the house of the Dominicans. This is false, and likely borne of a mis-reading of the will, which states 'lego ad lumine Sancte Marie in dicta ecclesia xx*d*'. The 'dicta ecclesia' here refers to St Mary's of Worstead, not the Dominican's church. Blomefield, I, p. 429; Palmer, p. 201.

²⁴ It has been suggested that Elizabeth was mother of Peter Oldman D. D, prior of the Dominican Friars in 1475. Blomefield, I, p. 429; Palmer, p. 203. Peter is listed as an alumnus of Cambridge for the year 1461 and he became a doctor of divinity *c.* 1471, so the relationship is possible, given that Elizabeth's will was made in 1477. J. A. Venn, *Alumni Cantabrigienses*, 4 vols (Cambridge: Cambridge University Press, 1922), PART I, I, p. 278. All of the evidence that Peter was Elizabeth's son comes from their shared surname, but if Elizabeth was Peter's mother this could explain why Elizabeth chose to be buried in the friary rather than in her parish church of St Nicholas.

²⁵ NRO, ANW Gloys, fol. 314^v.

²⁶ French, *Good Women*, p. 119.

Testators who left bequests to saints' lights in Thetford in their wills and testaments thus performed their familiarity with their parish churches as well as something of their devotional practices. What of those individuals from the town who did not make this kind of bequest who were, after all, in the majority? Did they perhaps not feel a sense of belonging or affection for their parish churches, or have devotional interests in the saints venerated therein? It seems unlikely. I should like to argue instead that this is the manifestation of locally prevailing forms of the will and testament rather than extensive opposition to, or lack of engagement with saints' lights and images in the town.²⁷ The absence of bequests to saints' lights instead suggests that will-making practice in Thetford did not generally speaking encompass gifts of this kind as standard. Whether this is isolated to Thetford or is a feature of the wills and testaments in the town's hinterland would require further examination. The implications of this practice for testamentary identity-making are significant. The testator's preferred saints, generally speaking, go unannounced in these documents, there is less opportunity for communicating knowledge of the parish church, and also a reduced potential for constructing connections to churches outside of Thetford. Further exploration of the history and practice of will making in Thetford could also explore why this approach arose in the first place.

5.2.2 Belonging Elsewhere?

Testaments from Faversham attest to frequency of giving to the saints' lights in the parish church. Some testators however looked to other locations, identifying saints' lights further afield as recipients of cash or goods. This section explores the ways in which identities could be constructed through such gifts.

Richard Carter's testament (Faversham, 1529) provides fascinating evidence of this. Richard's preamble stated that he was 'of the abbey of Faversham', suggesting that he lived within the abbey grounds.²⁸ Richard requested burial within the abbey, 'byfore the picture of Oure Ladye of Pytye yn the south ile there', but left 12*d* for tithes forgotten at Crundale parish church, around eight and a half miles south-east of Faversham (as the crow flies). He then left

²⁷ Rob Lutton has noted a similar lack of engagement with the cult of saints in the town of Tenderden, which was an important centre of lollard activity, which is not the case in Thetford. Lutton views this absence from these wills as evidence of the decline of Marianism and the cult of saints, but does not consider the possibility that locally-prevailing forms of the will and testament may also have had an impact on the relative lack of bequests to saints' lights and images. Lutton, *Lollardy*, pp. 82–85.

²⁸ KHLC, PRC 17/18/215, fol. 215^r. It is likely that he was a corrodian: someone who lived in a monastery (or hospital) as a paying guest, and received bed and board. Miri Rubin, 'The Poor', in *Fifteenth-Century Attitudes: Perceptions of Society in Late Medieval England*, ed. by Rosemary Horrox (Cambridge: Cambridge University Press, 1994), pp. 169–82 (p. 171).

money to a range of lights in Crundale church, sometimes detailing their locations in the building:

to Oure Ladye lyght yn the chauncell there *iiijd*. Item to the light of Saynt John yn the quyre there *iiijd*. Item to the Trinite light yn the bodye of there *iiijd*. Item to the crosse light there *iiijd*. Item to Oure Ladye lyght yn the bodye of the church there *iiijd*. Item to the lyght of Saynt Christophor there *iiijd*²⁹

The information that Richard gave as to the location of the lights firstly helped to distinguish which ones he meant: clearly there was more than one light dedicated to ‘our lady’ and so the information about where it was found serves to identify which was meant. These descriptions also construct Richard’s acquaintance with this building and the saints which were worshipped there. In describing the lights in this way, Richard not only created a testamentary piety, but also evidence of his experience and belonging. The format of the will and testament often did not allow testators to express their previous places of residence: occasionally a preamble might declare that the testator was, for example, ‘of the towne of Fauersham late of the parissh of Lenham’ as in the testament of John Milles (1516).³⁰ But by leaving money to parish churches and specifically the saints which could be found therein, testators were able to create a record of their past belonging to a place, and we can read these bequests as constructions of these identities. Furthermore, the lights which Richard identified at Crundale all had equivalents at Fauersham, demonstrating that whilst some of these saints might be universal, it was the experience of those particular lights in that particular church which were resonant for him.³¹ In some instances bequests to lights in other churches enabled a testator to perform their devotional preferences. Thomas Bedmanton (Fauersham, 1524) left ‘to þe crosse light there [Wormshill] *iiijd*. Item to Oure Ladie’s light there *iiijd*. Item I bequeith to the crosse light of Fauersham *iiijd*. Item to Owre Ladie’s light there *iiijd*’.³² In this case, bequests to the same lights in both churches enabled Thomas to construct his devotion to the cross and to the Virgin Mary, as well as providing him with an opportunity to create a connection to the parish church of Wormshill.

It was not common for Fauersham’s testators to make bequests to saints’ lights in institutions in other towns but in so doing, these testators were able to construct their

²⁹ KHLC, PRC 17/18/215, fol. 215^v.

³⁰ KHLC PRC 17/15/266b, fol. 266^r.

³¹ Salter, *Cultural Creativity*, p. 114.

³² KHLC, PRC 17/16/201, fol. 201^v.

connections and demonstrate their knowledge. Ten different lights were for instance identified in the testament of Alice Walter (Faversham, 1481):

Item lego lumini summe crucis ibidem [Faversham] *iiijd*. Item lumini Sancte Trinitatis ibidem *iiijd*. Item lumini Sancte Marie in cancella ibidem *iiijd*. Item lumini Sancte Johannis Baptiste *iiijd*. Item lumini Sancte Katerine *iiijd*. Item lumini Sancte Barbari *iiijd*. Item lumini Sanctoris Christopheri et Jacobi *iiijd*. Item lego operibus ecclesie predicte *xijd*. Item lego summo altari ecclesie Beate Marie de Northgate in Cantuaria *iiijd*. Item lego operibus predicte ecclesie de Northgate *xijd*. Item lego lumini summe crucis ibidem *iiijd*. Item lumini Sancte Marie ibidem *iiijd*. Item lumini Sancti Christophori ibidem *iiijd*³³

Seven of these were found in Faversham's parish church, but the final three were within the church of St Mary Northgate in Canterbury. Alice left money to both churches for reparations (12*d* to Faversham and 4*d* to St Mary's Northgate), as well as money to Faversham's high altar for tithes forgotten, and 4*d* to the altar of St Mary's, Northgate. Alice's last will reveals that she owned a tenement in the parish of Northgate, explaining something of her connection to the church there. We can contrast her treatment of the tenement in Northgate and her treatment of the saints' lights in the church there with another tenement in her will, which was in Canterbury's parish of St Alphege. Whilst the Northgate tenement was to pass to her daughter, Jone, and then be passed on to Jone's daughter, the tenement in St Alphege was to be sold and the money divided between Alice's three daughters. Alice's bequests to the lights in Northgate parish church constructed her attachment to the parish which fits in with her plans for her tenement there. The absence of bequests to lights (or any other aspect of the church, its building or furnishing) in the parish church of St Alphege similarly echo her plans for the tenement there to be sold. In bequeathing money to the lights of St Mary's, Northgate, Alice constructed her knowledge of the space of the parish, her spiritual connection and financial interests, in contrast with the treatment of the parish of St Alphege, which received nothing.

5.2.3 Gendered Practices in Faversham?

There are differences between Thetford and Faversham in terms of the number and type of bequests to saints' lights and images, and we can also see that there appear to be differences within Faversham, too, in how men and women approached this kind of giving.³⁴ We have

³³ KHLC, PRC 17/3/361a, fol. 361r.

³⁴ There are insufficient bequests to saints' lights in the wills and testaments from Thetford to be able to make comparisons between men and women.

already seen that Faversham's parish church hosted a great variety of saints' lights and images. Some male testators such as Richard Bedyll (Faversham, 1494) left 4*d* to 'cuilibet lumini in dicta ecclesia [Faversham] videlicet a beame light iiij*d*', encompassing all of the available options.³⁵ Conversely, female testators such as Elizabeth Overton (Faversham, 1523) named nineteen saints and religious figures individually:

I bequeith to the light of Our Ladie in the high chauncell iiij*d*. Also I bequeith to the light of the high crosse iiij*d*. Item I bequeith to the light of Our Ladie of pietie iiij*d*. Item I bequeith to the light of Saynte Anne iiij*d*. Item I bequeith to the light of Saynte Kateryne iiij*d*. Item I bequeith to the light of Saynt John Baptist iiij*d*. Item I bequeith to the crosse light in Trinite chappell iiij*d*. Item I bequeith to the light of Saynt James iiij*d*. Item I bequeith to the light of Saynt Michell iiij*d*. Item I bequeith to the light of Saynt Clement iiij*d*. Item I bequeith to the light of Saynt Erasmus iiij*d*. Item I bequeith to the light of Saynt George iiij*d*. Item I bequeith to the light of Oure Ladie of Bedlem [Bethlehem] iiij*d*. Item I bequeith to the light of Saynt Peter iiij*d*. Item I bequeith to the light of Saynte Thomas iiij*d*. Item I bequeith to the light of Saynte Barbara iiij*d*. Item I bequeith to the light of Saynt Luke iiij*d*. Item I bequeith to the light of Saynt Nicholas iiij*d*. Item I bequeith to the light of Saynte Margarete iiij*d*.³⁶

Through this list Elizabeth constructed her devotion to particular saints represented in her parish church, and although it is an extensive list, she was not indiscriminate in her devotions. Her naming of these saints also enabled her to perform her extensive knowledge of the church and its furnishings. Certainly the naming of these saints individually was a way of Elizabeth expressing and projecting her piety, drawing on the resources available within the parish church and using the locally accepted format of the testament to express this aspect of her identity.

These are isolated examples, but ones which perhaps speak to a wider pattern. A total of 186 testators from Faversham left money to saints' lights and images. Looking at the breakdown of this data by gender, we can make some observations about the correlation between the numbers of saints named and the gender of the testator.

³⁵ 'To every light in the said church that is a beam light'. KHLC, PRC 17/6/21b, fol. 21^v.

³⁶ KHLC, PRC 17/15/285b, fols 285^v-286^r.

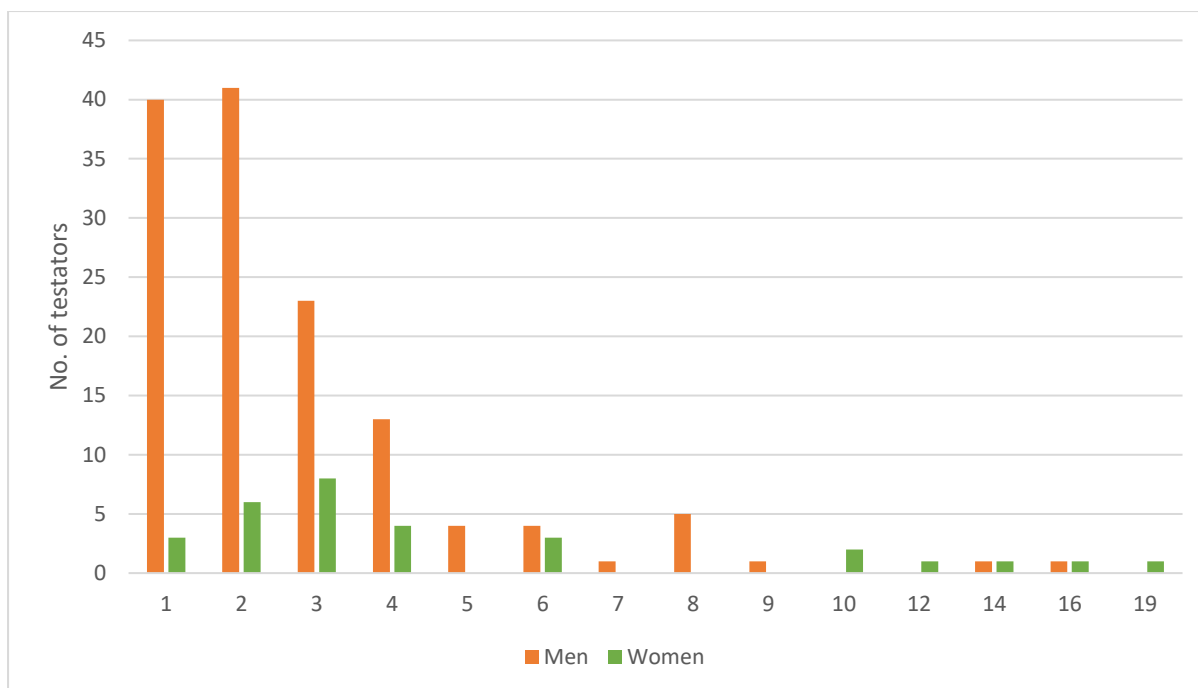


Figure 1. Graph showing the number of bequests to saints' lights in wills from Faversham by gender.

This graph indicates the number of saints' lights which were patronised in the testaments from Faversham. The large number of male testators' bequests to between one and four saints is likely not an indication of a particularly masculine piety, but instead a reflection of a source base skewed heavily toward male testators. Generally, we can see that most testators, whether male or female left money to between one and four named saints' lights. This accounts for 84.2 per cent of all bequests to lights in Faversham's parish church. Just twenty-two testators (thirteen male and nine female) left money to six or more saints' lights, but it is female testators who most consistently left money to these longer lists of individually named saints. This suggests sustained interest by women in leaving money to large numbers of named saints' lights, as we saw in the example from Elizabeth Overton above. This section will explore further the gendered implications of these kinds of lists.

One of the male testators who listed a large number of saints' lights was John Bryngburne (Faversham, 1515). He left money to fourteen individually named saints, which accounted for eight of the twenty-seven lines of his testament. A possible reason for his doing so can be found toward the end of his testament, when he left to 'John Bryngborn myne elldest sun all that belongeth to my craft of makyn of wax'.³⁷ In this instance it is quite likely that John was well acquainted with the lights of the parish church because of his work as a wax maker. His

³⁷ KHLC, PRC 17/12/480, fol. 480r.

listing of large numbers of saints' lights constructs his piety, but can also be read a construction of his professional knowledge and interests.

Thomas At'Sole (Faversham, 1492) similarly named sixteen lights to which he left bequests of either 12*d* or 4*d*. The list is as follows:

lumini ante summa altari in eadem ecclesia [Faversham] xij*d*, lumini Sancte Crucis ibidem [St Mary's, Faversham] xij*d*, lumini Beate Marie de Pety ibidem xij*d*, lumini Beate Marie de Jesyn [gesin³⁸] xij*d*, lumini Corporis Christi xij*d*, lumini Sancte Barbare xij*d*, lumini Sancti Johanis Baptiste xij*d*, lumini Sancti Petri xij*d*, lumini Sancte Katerine xij*d*, lumini Sancti Cristofori et Sancti Jacobi xij*d*, lumini Sancti Michaelis et Sancti Clementis xij*d*, lumini Sancti Georgij iiij*d*, lumini Sancti Edwardi iiij*d* [...] vicar de Sellyng xij*d*, lumini Beate Marie in ecclesia ibidem iiij*d*, lumini Sancte Crucis ibidem iiij*d*, vicario de Preston xij*d*, lumini Sancte Crucis ibidem iiij*d*³⁹

Thirteen of these sixteen lights were within Faversham's parish church, two were at the church of St Mary's, Selling, and a final one at St Katherine's, Preston-next-Faversham. Thomas also left money (12*d* apiece) to the vicars of each of these last two parish churches, although gave no information beyond the amount he wished to give (for example requesting to be prayed for). Thomas's testament gave no hint as to his occupation, so whether he too was involved in the craft of making wax we do not know. But we can ascertain some information from these documents. Thomas's testament emphasised his devotion to the Blessed Virgin Mary, leaving money to the lights of 'Beate Marie de Pety' and 'Beate Marie de Jesyn [gesin]' in Faversham, and 'Beate Marie' at Selling. The rood lights at all three parish churches received bequests, too, constructing his devotional interests, as well as an awareness of local churches which lay beyond Thomas's home parish.

The listing of saints in some wills and testaments perhaps enabled the testator to construct their own knowledge and priorities, which might have gendered significance. Joan Monyn (Faversham, 1472) left money to sixteen individually named saints, and was careful to note their saintly attributes. The list includes:

Item lego lumini Sancti Petri apostoli vj*d*. Item lego lumini Sancti Georgij martyris ibidem vj*d*. Item lego lumini Sancti Thome martyris vj*d*. Item lego lumini Sancte Barbare

³⁸ 'Gesin' is a Middle English word for childbed, and images of this type (also known as 'St Mary of Bethlehem') showed Mary in bed holding the Christ child with other individuals or animals attendant. Marks, pp. 143–44.

³⁹ KHLIC, PRC 17/5/342, fol. 342r.

virginis et matyris vjd. Item lego lumini Sancti Johanis Baptiste ibidem vjd. Item lego lumini Sancte Katerine virginis et martyris ibidem vjd. Item lego lumini Sancte Anne matris Marie ibidem vjd.⁴⁰

No other testator within the scope of this research recorded this much detail about the lives of the saints they patronised. Certainly the list communicates a good understanding of each of these saints and some of their characteristics which serves to construct Joan's knowledge and piety.⁴¹ It is of note that the virginal or marital status of the female saints is always mentioned, which perhaps enabled Joan to construct her own attitudes to female sexuality and communicate a sense of propriety. In naming these saints individually and recording those aspects of their lives which were important to her, Joan was able to construct her devotional interests and knowledge, as well as her understanding of the significance of sex to the identities of saintly women.

In contrast to this careful identifying of individual saints, twenty-two testators from Faversham left money to 'every light' in a particular church. Most often these bequests related to the lights in Faversham's parish church, but some of these bequests were made to churches outside Faversham, too.⁴² None of these individuals are represented on Figure 1, as we cannot say for certain how many lights were present in Faversham parish church or the other churches which were identified in this way. Twenty of these twenty-two individuals were men, suggesting that men wanted to leave bequests to a large number of saints' lights. This also suggests a different framing of these kinds of gifts by men and by women. What, then is the difference between the listing of large numbers of saints' lights by women and the more popular practice among men of making a bequest to 'every light' in a given church? Firstly male testators, generally speaking, had more resources at their disposal than their widows, who usually inherited between one half and one-third of that which their husbands had owned. That said, of course, widows may well have had more freedom to do what they wished with their assets, given that they were likely to be making their testaments later on in their life courses when they probably had fewer dependents. Much must have depended upon personal circumstances. Making a blanket bequest of a given amount to every light in the church could construct something of the testator's generosity and largesse, and suggests that they were able to marshal sufficient resources

⁴⁰ KHLC, PRC 17/2/136, fol. 136r.

⁴¹ Elisabeth Salter gives the example of John Scott, whose 1485 will included a long list of saints at the beginning of their will, and went on to bequeath a copy of *Lives of Saints*. Joan left no books in her testament but this does not necessarily indicate that she did not have access to this knowledge. Salter, *Cultural Creativity*, p. 142.

⁴² John Keer (Faversham, 1510) left 4*d* to every light at St Peter's church, Milton next Gravesend, as well as every light in Faversham parish church. TNA, PCC PROB 11/17/32 fol. 21v. John Route (Faversham, 1482) left 2*d* to every light in Ospringe parish church, KHLC PRC 17/3/432a, fol. 432r.

to fulfil the gift. In contrast, naming and prioritising the different saints whose lights were to receive a gift constructs concern both over the scarcity of resources and also something of the testator's devotion to the saints in question.

We can also approach this phenomenon using the evidence of the different roles that we know men and women played during their lifetimes. It has been noted that women tended to be excluded from roles in parish decision-making, but that they were able to be involved with furnishing, decorating and caring for the church building.⁴³ We can read the carefully enumerated bequests to individually-named saints that are made by Faversham's female testators as attempts to assume some of this decision-making. We might also read these bequests as manifestations of women's lifetime relationships with these saints. Women cleaned, adorned and cared for saints' images and statues in service of the parish and as expressions of their personal devotion.⁴⁴ In noting which saints were to receive money female testators perhaps convey something of the specificity of the relationship between themselves and each saint.

5.2.4 Other Forms of Devotion

Devotion to saints also featured in other forms in the wills and testaments from Faversham and Thetford alike. This offered testators opportunities for testamentary identity construction beyond the listing of saints at the beginning of the testament, seen so often in the testaments from Faversham, and so allowed for different kinds of requests and bequests to be made. Although no testator from this corpus used the term 'pilgrimage', some did require that objects or money were taken to shrines of national or international importance. For example, Richard Vulsse (Faversham, 1495) directed his feoffee Thomas Read as follows:

the said Thomas to delyuer unto the said William a gold ryng, and I will the said William or his assigneis bere hit to Oure Lady of Walsyngham and there offyr it uppe unto hir and iiij*d* of money there with. Item I will the seid William offir to the Rode of Grace iiij*d*, and also I will he offyre to Seynt Radygundes iiij*d*⁴⁵

In making these modest bequests Richard conveyed a spiritual geography which was clearly of significance to him. 'Oure lady of Walsyngham' was an internationally significant Marian shrine in north Norfolk. The Cistercian Abbey of Boxley (Kent) was home to the Rood of Grace, an

⁴³ French, 'I Leave My Best Gown', p. 67.

⁴⁴ French, 'I Leave My Best Gown', p. 70.

⁴⁵ KHLIC, PRC/17/6/115a, fol. 115r.

animated crucifix that responded to penitents by nodding its head, moving its eyes and even shedding tears.⁴⁶ ‘Seynt Radygundes’ is somewhat more puzzling, but probably referred to the Premonstratensian Abbey of St Radegund in Bradsole near Dover.⁴⁷ This ambiguity is significant: clearly the information was sufficient for Thomas and William to know what was meant by ‘Seynt Radygundes’, perhaps indicating a shared devotional interest or at least a sharing on Richard’s part of his pious interests. Through this listing of locations Richard created a list of extra-parochial places which he perceived to be important, and through his will he was able to construct specific spaces of these devotional foci as personally significant, creating a testamentary piety which was well-informed. The careful naming of these specific places is notable as lights and images dedicated to Mary and Jesus were present in Faversham’s parish church.

Theband Evyas (Faversham, 1478) was the only testator in this corpus who made bequests to saints whose shrines were found outside of England, constructing her international awareness if not also the means to travel and perhaps personal experiences abroad. No money is left for saints’ lights or images in Faversham parish church nor in the Abbey, where Theband wished to be buried. Instead, she requested:

þte my crosse of goold whyche I were abowt my nek be ofred after my dyscese to the shryne of Seynt Richarde in Chycester [Chichester], my bedys of goolde to Seynt John hys hed in Amyas [Amiens], my ryng of goold with þe rubie to the sepulchre of the iij Kynges of Coleyne [Cologne]⁴⁸

The listing of these shrines enabled Theband to perform her knowledge of nationally and internationally significant shrines, and created an identity as a pious and worldly individual. The different descriptions accorded to each location (‘shrine of Seynt Richarde [...] Seynt John hys Hed in Amyns [...] the sepulchre of the iij Kynges’) also construct Theband’s knowledge of the different kinds of places which were to receive her treasured possessions. She did not concern herself with bequests to parish lights and instead identified those places where the relics of particular saints could be found. The gifts themselves are constructed as valuable items, made of gold and in one case with a ruby, which serve to communicate Theband’s wealth and status. She was able to create physical proximity between herself and these internationally significant

⁴⁶ Gail McMurray Gibson, *The Theater of Devotion: East Anglian Drama and Society in the Late Middle Ages* (Chicago: University of Chicago Press, 1989), p. 15.

⁴⁷ VCH Kent, pp. 172–75.

⁴⁸ KHLC, PRC 32/2/426, fol. 427^v.

religious foci: the bequests that she made were all objects which were worn close to her body and which may well have gendered significance in the context of the will and testament.⁴⁹ These gifts also create something of Theband's appearance within the text of her testament, and also proclaimed that this woman owned and used quotidian objects of sufficient value and status for them to be conveyed over the long distances to France and Germany. Her bequest to the Three Kings' shrine can be read as constructing a distinctive family piety. The testament of Theband's first father-in-law Sir John de Foxle (1378) contains a bequest to the Abbot of Waltham of a large gold ring with a sapphire which was engraved with the names of the Three Kings.⁵⁰ Although John made his will one hundred years before Theband made hers, it is possible that his devotional interests were shared by his son and subsequently with Theband, too. These bequests thus serve to create Theband's wealth, status and pious preferences, and when viewed in conjunction with other family documents, we can see that her testament also drew on a shared family piety to create her own devotional interests.

During their lifetimes, individuals might embark on creative and constructive acts ostensibly out of devotion to their preferred saints. The testament of William Tyllys (Thetford, 1500) opens with a request to be buried 'to be beryed in þe chapell of Seynt Kateryne qweche newly I haue begunne to mak, þe wech chapell I wyll yt be mad up and fenysched'.⁵¹ It is unclear as to how far the building of the chapel had progressed by the time of William's death, but in his wife Sybil's testament of 1503, she made reference to the chapel and its furnishings, suggesting that it was completed by then. In her testament, Sybil requested to be buried 'by William Tyllis my laste husband before the image of Seynt Pawle'.⁵² If we believe that was indeed buried in the chapel of St Katherine, which is likely, given the evidence of subsequent antiquarian surveys, then we can see how Sybil, who was directed by William to 'performe the seyd chapell with my goodys', was able to decorate this space with other devotional images and objects.⁵³ Not only was the image of St Paul now in the newly-finished chapel, Sybil also left 'for a tabernacle and an image of Our Lady of pety on the south syde of the chapell of Seynt Katerine xxvjs viij^d', further populating the space with images and devotional aids. Sybil also left money for another tabernacle as well as a vestment to further enrich worship in the church, specifically in and around the chapel of St Katherine.⁵⁴ In so doing, both William and Sybil constructed their shared

⁴⁹ I have shown elsewhere that a testamentary bequest of prayer beads had particular significance for female testators. See: Alex Marchbank, "'Things given and Granted Her': Prayer Beads and Property in Late Medieval England", *The Mediaeval Journal*, 8.2 (2018), 57–78.

⁵⁰ Way, p. 270.

⁵¹ NRO, NCC Popy, fol. 6^r.

⁵² NRO, NCC Popy, fol. 286^r.

⁵³ Martin, pp. 63–64. NRO, NCC Popy, fol. 6^r.

⁵⁴ NRO, NCC Popy, fol. 286^r.

devotion to Saint Katherine, creating identities as devout and wealthy patrons of the church. The furnishing of the chapel undertaken by Sybil perhaps echoed the bringing of property to her marriage, further emphasising her identity as a wife.⁵⁵ The inclusion of testamentary details regarding the chapel in both William's and Sybil's testaments facilitated the construction of their pieties, wealth and status, and their identities as a married couple through joint efforts to bring about the completion of the project.

5.2.5 Section conclusion

The wills and testaments of Thetford and Faversham show distinctive patterns in how testators left bequests to saints' lights in their parish churches and beyond. Whilst Faversham's testators identified multiple lights, it is rare to find such bequests in the testaments from Thetford. It would be easy to dismiss saints' names and the amounts given to their lights as 'repetitive', particularly in the Faversham testaments. Yet being able to identify saints' lights and images in this way gave testators ways to create a wealth of testamentary identities. The evidence presented in this section shows that in naming saints testators could construct their devotional interests and even perhaps indicate gendered knowledges. Furthermore, we have seen that testators from Faversham were seemingly not just limited to the town's parish church: lights in other locations also received bequests. These donations enabled testators to create their connections belonging to places beyond their own parishes. We have seen that testators from Thetford also used saints' lights and images to construct their belonging to parish churches, most commonly those in Thetford, but in one instance a parish church outside of the town. It is almost certainly not the case that the shape of pious practice in Thetford excluded devotion to saints, and written evidence indeed confirms the existence of lights and images. It is however much more likely that questions about bequests to saints' lights were not a standard part of *will-making* practice in the town. Some testators from the town *did* include bequests to saints' lights, but rather than reading such bequests as evidence of somehow not belonging, the qualitative evidence of these wills shows evidence of the construction of an intimate knowledge of the parish church in which the light was situated.

Bequests to saints' lights thus offered testators a number of opportunities for testamentary identity work. It is however vital to contextualise these kinds of bequests within the other wills and testaments from the location in which they were made. Comparison of the testaments from Faversham and Thetford demonstrates significant differences in terms of local

⁵⁵ Roberta Gilchrist, *Medieval Life: Archaeology and the Life Course* (Woodbridge: Boydell Press, 2012), p. 124; Hollie L. S. Morgan, 'Between the Sheets: Reading Beds and Chambers in Late-Medieval England' (unpublished PhD Thesis, University of York, 2014), p. 190.

expectations as to the content of these documents. The testaments we have seen here suggest that the construction of belonging in each location was contingent on the dominant form of the testament in each location. But they also prove that although a given form might dominate, testators were in some cases able to subvert these norms.

5.3 Bequests to Churches

We have already seen how bequests to a light (or lights) in a particular church enabled a testator to craft an identity of belonging to a particular place, of knowledge of the resources available and perhaps also the pressures and concerns present in that location. Testators also made bequests to a number of churches both in the vicinity of their town and further afield. This section questions how identity work was possible through such gifts.

5.3.1 Bequests of Forgotten Tithes

The following section explores what payments for forgotten tithes facilitated with regard to testamentary identity work, and takes particular interest in testaments with an unusual or absent clause.⁵⁶ A bequest for forgotten tithes can in a majority of testaments from this period, perhaps as remittance in cases where debts were owed, or as a ‘catch-all’ bequest to ensure that nothing was even accidentally outstanding.⁵⁷ Rather than consider the amounts bequeathed, this section explores the ways in which making recompense for forgotten tithes enabled testators to create testamentary identities.⁵⁸ It should also be noted that a number of testators from both towns made gifts to a church, often specifically to that church’s high altar, but did not specify that these were in remittance for forgotten tithes. Norman Tanner has argued that these payments were in fact one and the same thing, so it is only those testaments which omit either kind of payment that are considered here.⁵⁹

⁵⁶ Section 3.2 showed how burial payments might be couched as payments in recompense for forgotten tithes. It is interesting to note that of the seven testaments from Faversham which omitted a burial clause none of them included a payment for forgotten tithes, which would initially appear to strengthen the argument that this was a payment made in exchange for burial. Yet the bodies would have had to be buried somewhere, so some payment would presumably have to have been made. As this section will show, a number of Faversham’s testators who did specify a burial location also omitted a ‘tithes forgotten’ payment, further suggesting that in Faversham at least, this payment was not as closely tied to burial as in Thetford.

⁵⁷ Full payment of tithes was vital to ensure that an individual’s soul was not delayed in its journey through purgatory. Duffy, *Altars*, p. 357.

⁵⁸ These testamentary payments have been characterised as ‘nominal’ and may well demonstrate that testators were able to determine for themselves how much they wished to give to ensure that their souls were not delayed in reaching heaven. Norman Tanner and Sethina Watson, ‘Least of the Laity: The Minimum Requirements for a Medieval Christian’, *Journal of Medieval History*, 32.4 (2006), 395–423 (p. 415).

⁵⁹ Tanner, *Late Medieval Norwich*, p. 5.

Given that tithe payment was made to the church where an individual received the sacrament, it is unusual to find such payments made to more than one church.⁶⁰ There are however some examples where this is the case. John Hardy (Faversham, 1508), who requested to be buried in Faversham parish church, left the following:

to the high aulter of the foresaid [Faversham] parishe church for my forgotten tithes and oblations not don according ther ijs [...] to the high awter of Preston church beside Fauersham for my forgottyn tithes ther not done according, ijs. To the high awter of [the] parisshe church of Osprenge for like maner, xij*d*. To the high aulter of the parisshe church of Luddenham for like maner, vs. Also to the high aulter of the parisshe church [of] Davyngton for like maner, ijs.⁶¹

It should be noted that the ellipsis in the above quotation marks a sizeable gap, with the bequest to Faversham's parish church found immediately after John's burial clause, and the subsequent bequests on the verso of that same folio. The bequests to the other four parish churches are located much later on in his testament, after a bequest to the monks at Faversham Abbey for commemorative masses, and before bequests of money and clothing to family and friends.⁶² It is therefore a departure from the usual format of the testament. Perhaps the siting of these bequests to other parish churches elsewhere in the testament was meant to distinguish these gifts

⁶⁰ Parish churches received tithes from individuals who generated produce from the land in that parish as well as from those who received the sacrament in that church. The praedial tithe related to the first of these two categories, and was calculated as a tenth of the products of the earth such as grain or fruit. This was paid to the parish church where the crop-bearing land was situated. The second form of tithe was the personal tithe, which was made to the church where the person resided and received the sacraments. Its value was one tenth of the income of an individual's industry (e.g. from fishing). A further two types of tithes were regulated more by local custom and agreement than the praedial and personal tithes, which were outlined in formal canon law. These are the 'great' and 'small' tithes. Usually the 'great' tithes would go to the rector of the church whilst the 'small' tithes went to the vicar of the church which served the land where the crops were grown (for example). Helmholz, i, pp. 437–38. J. A. F. Thomson argued that it was the personal tithe that was referred to in the 'tithes forgotten' clause in the testaments of late medieval England, an argument which is based on the notion that personal tithes were not subject to exact calculation. J. A. F. Thomson, 'Tithe Disputes in Later Medieval London', *The English Historical Review*, 78.306 (1963), 1–17 (p. 2). In most cases we can see that testators were leaving money for forgotten tithes to the church in the parish where they lived, which supports the idea that testamentary clauses making recompense for this payment related to the personal, rather than the praedial tithe. In either case, the payment of a tithe to a particular church served to construct a relationship between the testator and that institution based on geographical location. Sylvia L. Thrupp, *The Merchant Class of Medieval London, 1300-1500* (Ann Arbor: University of Michigan Press, 1989), p. 185. Finally it should be noted that Faversham's testators were not necessarily of the town *and* parish of Faversham. See section 1.5.2 and map 2 for further details. Testators from Thetford do not always indicate which parish they lived in, but when they do, we can see that they made 'forgotten tithe' payments to the church in that parish. For instance, William Neal was 'of the paryshe of Seynt Mary in Thetfford' and he left *12d* to the high altar of the same for his forgotten tithes. NRO, ANW Randes, fol. 209^v.

⁶¹ KHLIC, PRC 17/9/334, fols 334^r, 334^v.

⁶² KHLIC, PRC 17/9/334, fol. 334^v.

from that made to the parish church where John lived.⁶³ It is also possible that John had forgotten these other churches and included them later, although if this were the case it suggests that there was no process of revision in the making of the document. John owned one other property which he mentioned in his will, a ‘litill tenement’ in the parish of Ospringe.⁶⁴ The parishes in question are all close together, but given that the laity in theory only received the sacrament once a year (at Easter) in their home parishes, it seems more likely that John received the sacrament in all of these parishes over the course of his life. As such, this bequest might indicate his lifetime’s movement and worship within the parishes in the area around Faversham. Through these bequests John was able to construct a sense of geographical connectedness and proximity.

Bequests to cover financial obligations such as tithes were clearly an important part of the form of testaments, as most of the testators in this corpus made these kinds of gifts.⁶⁵ Just fifty three testators omitted such a bequest (forty-three individuals from Faversham; ten from Thetford), suggesting that for many testators in both locations a bequest to one’s parish church for tithes forgotten was an important part of will-making practice. Those who did not leave bequests for tithes forgotten fall into four main groups: individuals who made a last will (and not a testament), members of the clergy, individuals who made nuncupative testaments and others.⁶⁶

	Number of testators			
	Faversham		Thetford	
	Female	Male	Female	Male
Last will only	3	1	0	0
Clergy	0	5	0	5
Nuncupative testament	0	3	1	0
Others	4	27	1	3
Total by gender	7	36	2	8
Total	43		10	

Table 4. Comparing testaments which omit the ‘tithes forgotten’ clause in Faversham and Thetford, and which make no payments to any high altar.

⁶³ John’s last will tells us that he lived in a tenement in Faversham’s West Street. KHLC, PRC 17/9/334, fol. 335v.

⁶⁴ KHLC, PRC 17/9/334, fol. 335v.

⁶⁵ Spedding, ‘Hoc Est Testamentum’, p. 286.

⁶⁶ It is interesting to note that of the seven individuals from Faversham (three women and four men) who did not include a burial clause in their testamentary materials, none left any money for tithes forgotten. The majority of testators who left no recompense for this payment did however specify where they wished to be interred.

Making a last will without making a testament seems to have been a practice exclusive to Faversham, as Thetford's testators all made a testament to dispose of their moveable goods, with many also making a last will along with their testament to distribute their immoveable property.⁶⁷ Four of Faversham's testators (one man and three women) chose however to make just a last will to distribute their property. This may well have been in the name of efficiency. The last will, unlike the testament, contained none of the preambles which we are so used to finding at the beginning of these documents. None of these four testators therefore made any bequests for their forgotten tithes. For Alice German (1475) and Alice Hill (1487), who were both married at the time that they made their wills, this responsibility may well have fallen to their husbands. Yet in the case of Joan Andrew (1510), who was a widow, it is likely that her executor would have had to deal with any outstanding payments.⁶⁸ William Thornbury (1483), vicar of Faversham, perhaps did not feel that a payment for forgotten tithes was necessary anyway, given that a number of other clergymen did not leave such a bequest. Ultimately the evidence of these last wills demonstrates the importance of the form of the document in how a testamentary identity was produced. The relative lack of formulaic structure in the last will in comparison to the testament meant that bequests for tithes forgotten were omitted from these documents. The opportunity for communicating a sense of belonging to a particular parish through this particular clause is therefore absent in these documents.

Nuncupative testaments often do not include payments for tithes forgotten. A total of five testators – three from Faversham and two from Thetford – made nuncupative testaments, and only one left a bequest to the high altar of a parish church.⁶⁹ John Billing (Thetford, 1529) made a bequest to the church of St Nicholas: 'to the whiche heye auteir he bequethid ij lambes'. John also requested to be buried in the churchyard of that same church.⁷⁰ Notably this was not framed as recompense for his forgotten tithes, but shows his willingness to remember his parish church even under extreme circumstances. The other four individuals, whose testaments in many

⁶⁷ As noted in section 1.6, it is possible that these testators did make testaments that were not copied into the probate act books and so did not survive. Further research is required to ascertain whether this is more likely an explanation than their not having made testaments at all.

⁶⁸ On repayment of debt as justice, see Valerie Allen, 'Impossible Piety', in *Theorizing Legal Personhood in Late Medieval England*, ed. by Andreea D. Boboc (Leiden: Brill, 2015), pp. 142–65 (p. 158); William M. Jr. McGovern, 'Contract in Medieval England: Wager of Law and the Effect of Death', *Iowa Law Review*, 1, 1968, 19–62 (p. 38). For the role of executors in administering debts, see Gross, p. 128.

⁶⁹ These are from Faversham: John Chamber (1510; KHLC, PRC 17/11/196b, fols 196^r-196^v), Simon Orwell (1500; KHLC, PRC 16/1) and Thomas Malpas (1505; TNA, PCC PROB 11/15/267, fols 92^v-93^r). From Thetford: John Billing (Thetford, 1529, NRO, ANW Randes, fols 538^r-538^v). The only female testator to make a nuncupative testament was Christian Johnson (1529; NRO, ANW Randes, fols 531^r-531^v). Information about burial is omitted from the testaments of both Simon Orwell and Thomas Malpas. The other three nuncupative testaments did include a burial clause: John Chambyr requested to be buried in the churchyard in Faversham, and John Billing and Christian Johnson both wished to be buried in the churchyard of St Nicholas's, Thetford.

⁷⁰ NRO, ANW Randes, fol. 538^v.

ways conform to the usual formulae, did not include the clause making recompense for forgotten payments. The making of a nuncupative testament has been characterised as ‘a makeshift, emergency measure’, as these were made a testator lay dying and were spoken by the testator in the presence of witnesses.⁷¹ The testator’s requests and bequests were then compiled into a written document, which is how these records survive. Nuncupative testaments tend to follow the same conventions as other testaments, but do tend to be ‘more concisely worded, consistent with provisions made in haste’.⁷² Testators making a nuncupative testament perhaps did not consider a bequest for tithes forgotten to be a priority. Perhaps it was expected that the executors named in the testament (a requirement for any testament to be considered valid) would ensure that all debts were paid: Simon Orwell’s testament (Faversham, 1500) requested that ‘terre vocatur Wadestrofte pro suos executores venderetur et pecunia inde recepta conuerteretur in plena presolucionem debitorum suorum’.⁷³ In the case of a nuncupative testament, the absence of these bequests speaks to the circumstances under which these testaments were made.

Another group of individuals who omitted the ‘tithes forgotten’ clause from their testaments were priests. Their salaries were often drawn from the tithes that parishioners paid, and so perhaps unsurprisingly did not make bequests for any such forgotten payments in their testaments. Although some left money to churches generally, this was seldom framed as money for tithes forgotten. John Pyk’s testament (Thetford, 1458) identified him as ‘capellanus de Thefford’ and he made the following bequests to the town’s churches:

Item lego summo altari Sancti Cuthberti de Thefford predicta ijs. Item lego ad emendationem eiusdem ecclesie vjs viij*d*. Item lego summo altari Sancti Nicholaus de Thefford predicta iij*s* iij*d*. Item [lego] ecclesie parochie predicte vjs viij*d*⁷⁴

Indeed, a number of members of the clergy made bequests as John did to parish churches both within and without the towns in which they were living when they made their testaments. They were thus able to support the work of these institutions and communicate their desire to aid them and their parishioners. But by omitting the otherwise standard payment for tithes forgotten, they were able to construct a clerical identity within their testaments. Only one self-identified ‘capellanus’ left money to cover forgotten tithes, and that was Thomas Estwegt

⁷¹ Stephen Coppel, ‘Willmaking on the Deathbed’, *Local Population Studies*, xl (1988), 37–45 (p. 39).

⁷² Spedding, ‘Hoc Est Testamentum’, p. 287.

⁷³ ‘the land called Wadestroft is to be sold by his executors and the money thereof coming is to be used to pay his debts’. KHLIC, PRC 16/1.

⁷⁴ NRO, NCC Brosyard, fols 143^v-144^r.

(Thetford, 1451), who made the following bequest: *‘lego summo altari ecclesie Sancti Michaelis de Cressyngham Magna pro omnibus decimis oblites xld’*.⁷⁵ This is the only example that I have found of such a bequest made by an ordained individual from this corpus, and could suggest that although Thomas described himself as ‘de Thetford’, he was receiving (or at some point had received) the sacrament in Great Cressingham, around twelve miles north of Thetford. Generally speaking, omission of this kind of bequest is, I argue, a conscious choice by the testator and in this case serves to construct a clerical identity within the last will and testament.

It is somewhat harder to identify a common factor linking together the majority of individuals, many of whom were from Faversham, who did not make testamentary recompense for forgotten tithes. This does not appear to be related to the testator’s wealth or gender. Indeed, some of these individuals were clearly very well-off: Theband Evyas (Faversham, 1478), who as we saw in section 5.2.4, left an assortment of valuable items to saints’ shrines across Europe and outlined elaborate funeral arrangements, but made no provision for any forgotten tithes beyond distributing the twelve torches that were to surround her body at her funeral.⁷⁶ Similarly, Richard Gore (Faversham, 1504), a man of great wealth left nothing to any parish church at all, despite holding lands throughout Kent.⁷⁷ It is perhaps significant that both Theband and Richard both requested to be buried in Faversham Abbey, and so may not have felt that tithe payment was necessary. In contrast, Eleanor Johnson’s brief testament (Faversham, 1521) served to emphasise her modesty – perhaps even poverty – as the only bequest that she made was: ‘my littell good I bequeth them to Magister Redbourne, vicar of Fauersham, to dispose them at his discrecyon for the helth of my soule’.⁷⁸ In this case Eleanor’s lack of remittance for forgotten tithes helps her to further construct herself as an impoverished individual.⁷⁹ Some testators with moderate wealth also omitted bequests of any kind to parish churches. William Buns (Faversham, 1513) requested to be buried in Faversham’s parish church, and left five marks to a priest to sing and say dirige and masses in Sheldwich parish church to the benefit of his and his grandfather’s souls.⁸⁰ It is difficult to identify a shared identity which testators were able to construct through omission of this clause: quite possibly the decision to omit the payment was, in Faversham at least, a personal one made according to each individual’s circumstances, means and priorities.

⁷⁵ NRO, NCC Aley, fol. 94r.

⁷⁶ Four of the torches went to Faversham Abbey, two to Faversham’s parish church, two to the parish church of Murston, two to the parish church of Minster in Sheppey, one to Davington Priory and one to the parish church of Preston next Faversham. KHLC, PRC 32/2/426, fol. 426v.

⁷⁷ KHLC, PRC 32/8/33, fols 32v-33v.

⁷⁸ KHLC, PRC 17/16/61, fol. 61v.

⁷⁹ Given the brevity of Eleanor’s testament it is unclear why she went to the trouble of making it at all. Given that John Redbourne was not her next of kin, perhaps it was necessary to clarify her wishes in the testament as her possessions would not automatically have been passed on to him.

⁸⁰ KHLC, PRC 17/12/279, fol. 297v.

5.3.2 Bequests to Thetford's Parish Churches

Thetford's testators, in contrast with Faversham's, rarely neglected to include a clause making amends for forgotten tithes. This may have something to do with the much greater number of parish churches (and attendant clergy) in Thetford. There may well have been a greater onus on parishioners to support their local clergy in Thetford, which might help to explain this. Testators variously left money for tithes forgotten to the churches of St Nicholas, St Mary, Holy Trinity, St Cuthbert, St Etheldred, St Andrew, and St Peter (sometimes referred to as Saints Peter and Paul). These same churches again appeared in lists of beneficiaries of money for reparations and maintenance, alongside bequests to religious houses (which will be discussed in section 5.4). These bequests provided opportunities for identity work as testators were able to construct a 'home' parish for themselves, but also express attachment to the other churches within the town. Although uncommon, some testators from Thetford did leave money in recompense for tithes forgotten to more than one parish church: Richard Coteler for instance left:

to the hygh awter of the said church [St Audrey, Thetford] in recompence of all and syngular tythes unpayd or neglygently withholdyn vjs viij*d* [...] to þe chyrch of Sanct Jamys in Wilton xx*d*. Also I bequeth to the hey altar of the sayd churche of my teythes ther unpayd xx*d* ⁸¹

Much like the example in the testament of John Hardy explored above (section 5.3.1), the ellipsis in this quotation marks a gap of a number of folios. The bequest for forgotten tithes paid to St James's, Wilton sits among Richard's provisions for his soul, paid for out of the sale of his lands. Richard's bequest demonstrates that it was possible for individuals from Thetford to make this kind of payment to more than one church. This gift constructs Richard's connection to the parish church of Wilton, around ten miles north-west of Thetford. It is however much more common that testators left money or gifts to other parish churches for reparations or sustentation than leaving bequests for forgotten tithes to more than one parish church.

5.3.3 Bequests to Parish Churches Outside of the Testator's Home Parish

If bequests to the saints' lights of another parish church constructed something of a testator's acquaintance with the church building and the spaces therein, what possibilities for identity making were made through bequests to named churches outside of one's parish? Perhaps such

⁸¹ NRO, NCC Spyrlynge, fols 60^v, 64^v.

bequests also communicate awareness of that church and its spaces – but the intimate knowledge which is constructed through the naming of specific saints, lights, or likenesses is not foregrounded in the same way. Yet bequests to parish churches more generally do provide some opportunities for identity work.

For testators in Thetford, acquaintance with other parish churches must have been part of daily life, given their proximity to one another in the town. This is not, however, as with the wills and testaments from Faversham, manifested in bequests to saints' lights. In assessing testators' senses of belonging and connectedness we therefore need to approach the sources in a different way. Testators from Thetford instead used bequests to parish churches to construct their personal preferences, respond to local needs, and perhaps indicate something of a sense of civic obligation. Robert Love, burgess of Thetford, made his testament in 1511 and must have died at some point in the following two years, as his wife Isabel described herself as his widow in her testament of 1513. Both Robert and Isabel left money to all of the town's parish churches, but went about this in different ways. Robert left:

to the chyrch of Sayent Nicholas to the pathyng [paving] xls, and to the chyrch of Sayent Peter to the roode loft xls, and to the church of Sayent Cutbert xxs, and to the chyrch of Our Lady xxs, and to the chyrch of the Trynyty xxs, and to the chyrch of Saynt Andrew xxs, and to the chyrch of Sayent Awdry xxs. Also I bequeyth to the church of Dunham⁸² v marc and to bothe churchys of Garboldesham to ych of them iij*s* iij*d*⁸³

Whilst Robert's testament named each church in turn, Isabel left a bequest which covered them all: 'to euery parych church in Thetforde v*j**s* viij*d*'.⁸⁴ As with the lights discussed in section 5.2, naming churches individually provided Robert with the opportunity to specify how the money was to be used, as well as designating different amounts for each church. Robert was mayor of the town in 1506-7 and acted as coroner in 1507-8.⁸⁵ His bequests to each church in this way may have helped to construct a sense of his own obligations within the town. Certainly these bequests enabled him to construct his awareness of some of the works that were being done (or perhaps which he felt needed to be done) within these churches at the time that he made his testament. As far as it is possible to tell, Isabel's bequest 'to euery parych church' would have concerned all of the Thetford churches listed by Robert, too, and this bequest required her

⁸² As Robert provided no dedication it is unclear whether he intended the parish church of Great or Little Dunham to receive this bequest.

⁸³ NRO, NCC Johnson, fol. 109^r.

⁸⁴ NRO, NCC Johnson fol. 235^r.

⁸⁵ Martin, p. 252.

executor to identify which institutions were considered a parish church and also delineate which were ‘in Thetforde’. Her bequest also constructs her trust placed in the wardens of each church that they would divide the money as they saw fit, as she left no directions as to how it was to be spent. Their bequests in different ways both communicate a sense of civic duty, and perhaps create the importance of their place in society.

The bequests made by Richard Enmyth (Thetford, 1500) also encompassed a number of the town’s religious institutions. Each of them received lime, in varying amounts, rather than cash, communicating Richard’s proximity to this material – either as a producer, trader, or consumer. He left:

to the church of Seint Cutberd I bequeth j chalder of lyme. Item I bequeth to Sent Nicholas’s church j chalder of lyme. Item I bequeth to the church of the Trinite a chalder [of] lyme. Item [I] bequeth to the church of Our Lady in the same town a seme of lyme. Item I bequeth to the Blake fryeres halfe a chalder lyme. Item I bequeth to the Austener fryeres half a chalder of lyme. Item I bequeth to the nunnes half a chalder of lyme.⁸⁶

A chalder was a dry measure, between 32 and 40 bushels.⁸⁷ A seam of lime, as Richard left to the church of Our Lady, was equivalent to around eight bushels.⁸⁸ Richard made no further reference to his source of income or his work in his testament, and I think it probable that in the bequests to these churches he was able to create an identity as someone involved with the lime trade. Lime – the product of burning chalk or limestone – was needed to make mortar so is often found in building accounts.⁸⁹ Were, then, all of these institutions and their associated buildings undergoing restoration or building work simultaneously? It would seem unlikely. The lime could of course be kept until it was needed, or sold by the beneficiary to raise cash. I should like to argue that Richard was distributing lime within the usual formula of the will: in other words, naming an institution and leaving an asset. Whilst for many testators these assets were cash, Richard used what he had available. His testament serves to create his proximity to this material, and construct his ownership and knowledge of its value and use. We can thus see that bequests to churches outside of one’s home parish offered a number of options for identity

⁸⁶ NRO, ANW Fuller alias Roper, fol. 311^r.

⁸⁷ At Salisbury in 1483, a bushel of lime cost 3½*d*, so although we do not know how many bushels were considered to be a chalder, it is clear that even at the lower end, Richard’s gifts must have been roughly the monetary equivalent of at least 112*d* (equivalent of 9*s* 4*d*) per chalder. L. F. Salzman, *Building in England down to 1540* (Oxford: Clarendon Press, 1992), p. 149.

⁸⁸ *MED*

⁸⁹ Salzman, p. 149.

work in the testament, not just limited to constructing personal networks and awareness of different places, but also facilitated constructions of one's knowledge or place in society.

5.3.4 Absence of Tithe Payment as Identity Work

There was of course widespread objection to the payment of tithes in this period, in part from individuals who have been described as lollards, and from other quarters, too.⁹⁰ Non-payment of tithes does not necessarily indicate heterodox religious beliefs, and indeed many of the testators who omit tithe payments do say something which would be considered unacceptable to individuals who were tried for heresy in this period. Theband Evyas's torches were for example to burn during the consecration of the Eucharist, and Richard Gore left money for the creation of a cage to protect a light which burned in the chapel of St Anne at Faversham Abbey. Absence of this payment might indicate hostility to tithes, a desire for reform, or simply a belief that these payments were unnecessary. It could also relate to the will-making process: the testator (or their scribe) may have simply forgotten to include it. Omission of payment for forgotten tithes could be read as an indication of the testator's ability to choose what was or was not included in their testaments. Indeed, for some individuals such as the clergy, a lack of payment for tithes forgotten might even be a conscious choice to create a particular shared identity. In this way, the exclusion as well as the inclusion of this clause contributed to the production of a testamentary identity.

5.3.5 Section Conclusion

Bequests to parish churches enabled testators to do identity work in a range of ways. The payment of tithes enabled individuals to construct their connections to a particular parish church, and indeed, non-payment of tithes can also be considered in some cases to be a strategy of identity making, too. Clerical testaments do not contain bequests for tithes forgotten, and the omission of this clause helped to create a shared clerical identity. Other testators, especially those from Faversham, also omitted this clause although their motivations for this are now unclear. Payments for tithes forgotten are almost always found in the testaments from Thetford, and this section has argued that this might have something to do with the size of settlement and relatively large number of clergy within the town. We have also seen that bequests to churches enabled testators to create something of their social status and knowledge as well as constructing their and affiliation with and experience of the different churches which were part of their religious landscapes.

⁹⁰ Hornbeck II, p. 137. See also section 3.2 in which the case of Richard Hunne is discussed in further detail.

5.4 Testamentary Bequests to Religious Houses

This section explores the ways in which testators used bequests to religious institutions to shape their testamentary identities. It asks again about the significance of settlement examining how the wills and testaments of a town such as Thetford, with its wide selection of monastic houses and friaries, differ from those of Faversham, home to an abbey which was equal in size to that of St Augustine's Abbey in Canterbury.⁹¹

5.4.1 Monastic Houses

Testators might make bequests to monastic houses and in so doing create testamentary identities. This following subsection explores how these bequests facilitated this work and examines some of the differences between the two settlements. As with other aspects of testamentary giving, the type and amount of giving varied widely, as did the expectation which accompanied such giving. In Thetford, which was home to three monasteries and two friaries, testators listed these institutions as recipients of cash bequests much more frequently than their counterparts in Faversham. Faversham's testators made fewer bequests in this manner, perhaps because of the absence of friaries in the town. Testators might create expectations for the institution to respond to the gift which was made: some asked for prayers, others for masses. Many however simply made gifts without specifying how the money was to be used. In section 1.5.3 we saw how Thetford's history was much shaped by the religious houses that were established there. This must have contributed at least in part to a sense of a town identity as a place which was made significant in large part because of the presence of these institutions. We can thus read these lists of bequests to these houses not only as constructions of an individual's identity as a patron and benefactor, but also as evidence of a social identity which was shared by many of the town's testators and shaped by the various institutions.

Seventy of the testaments from Thetford (representing 36.8 per cent) made some kind of bequest to at least one of the town's religious houses. Many of the testators from Thetford listed the religious houses individually.⁹² One example comes from the testament of Thomas Hewett (1519):

I bequeth to the monastery of our blessed [Lady] in the said towne [Thetford] x*s*. Also to the chanons of the said towne iij*s* iiij*d*. Also I bequethe to the nunnys there xx*d*. Also to

⁹¹ Philp, p. 86.

⁹² Some however grouped them: Robert Rokewood (Thetford, 1487) left to 'cuilibet domui religionis de Thetford xx*s*' ('[to] every house of religious of Thetford twenty shillings'). NRO, NCC Caston, fol. 432*v*.

the towne chapell of the said towne xx*d*. Also to the Blakke freres there x*s*. Also the Austen freers there iij*s* iiij*d*⁹³

As we have seen in previous sections, lists of bequests enabled testators to identify and prioritise the institutions which they wished to endow with money.⁹⁴ In Thomas's example above we can see that he identified a selection of the town's monastic houses and both of the friaries, but that the amount of money he left varied. This perhaps provided Thomas with the opportunity to construct his emotional attachment to each institution or communicate his devotional preferences. The style of listing of religious institutions in this way is rarely found in Faversham, probably because of the absence of multiple religious houses. We can therefore see a relationship between testamentary form and the settlement in which that testament was made.

Testators from Faversham were much less frequent benefactors of the abbey in the town, with just thirty two testators (9.1 per cent) leaving it a bequest of some kind, most often cash. Bequests to the abbey in some cases allowed for the construction of the relationship between testator and the institution. John Brode (Faversham, 1512) left 'to my lorde abbot and the covent of Fauersham to pray for my soule iiij*li* whiche summe the said abbott owith unto me'.⁹⁵ In this case, John's forgiveness of the debt creates the connection between him and the abbot, and implicates the monks of the abbey as well in the repayment of the abbot's debt. It was more common for testators from Faversham to look to monastic houses beyond the town for commemorative masses, prayers or to endow new projects. Bequests for building work are not common in the testaments from Faversham, but in one unusual example John Bellinger noted 'I will that there be glased one wyndow yn the cloystre of the monasterie of Saynte Sexborge yn Shapey'.⁹⁶ This bequest served to construct John's knowledge of the monastery and the space of the cloister there, creating a testamentary identity based around more than just one parish.

5.4.2 Friars and Friaries

Bequests to individual friars and the friaries in which they were based also provided testators with opportunities for the creation of testamentary identities. Thetford hosted two friaries in this period: a house of Augustinian (Austin) Friars and a house of Dominicans. These were located in

⁹³ NRO, NCC Briggs, fol. 76^v.

⁹⁴ Testators from both Thetford and Faversham might eschew listing institutions in this manner and instead make requests of specific monks, or ask for particular masses to be said for them. Such bequests are treated in more detail in chapter 2.

⁹⁵ KHLIC, PRC 17/12/247b, fol. 148^r.

⁹⁶ KHLIC, PRC 17/18/224b, fol. 224^r. Minster-in-Sheppey was, in this period, a house of nuns who followed the Benedictine rule. Sally Thompson, *Women Religious: The Founding of English Nunneries after the Norman Conquest* (Oxford: Clarendon Press, 1991), pp. 201–2.

the west and east sides of the town respectively. Both houses proved popular with testators, attracting a number of requests for burial as well as bequests in cash and gifts in kind.⁹⁷ There were no friaries in Faversham, but it appears that testators could look beyond the town to make bequests to these institutions and in so doing undertake testamentary identity work.

Bequests to Thetford's friaries enabled testators to indicate something of the history of the town, their awareness and belonging to it, as well as their awareness and use of a local vernacular. The testament of Edmund Hackfield (Thetford, 1507) made a number of bequests to the religious institutions of the town, including 6s 8d to the 'weelfare' of St Andrew's church where he wished to be buried, and a bequest of 3s 4d to the Austin Canons of the same town. His request to 'þe olde fryerres of þe same townne iij s and iiij d' was his only bequest to the mendicants: from this document alone it is unclear as to which of the town's two friaries he intended.⁹⁸ An earlier testament – that of Richard Awngewell, burgess of Thetford, (1499) made similar bequests: he left 'to the nowe [new] freres vj s viij d. Item to the old freres vj s viij d'.⁹⁹ The only other testator who did this was John Fletcher, another burgess of the town, who made his testament in 1499. He left 'to þe prior and couent of the newe freyers vj s viij d. Item to the prior and clouent [convent] of the holde [old] freyers iij s iiij d'.¹⁰⁰ Francis Blomefield states that 'There were two houses of friers in this burgh, called in antient evidences, the friers the Old, and New House' although no evidence for this is supplied. The 'old house', according to Blomefield, refers to the Dominicans, and the 'new house' to the Augustinians.¹⁰¹ The terms 'old' and 'new' in relation to these two orders of friars likely originated in the mid-fourteenth century and must have been sustained within the town until at least 1507, when Edmund Hackfield made his testament. Whilst the term 'Blackfriars' for example is ubiquitously and unambiguously used throughout England to refer to the Dominicans, the expressions 'old' and 'new' seem to be specifically used within Thetford to refer to these orders. These relative terms refer specifically to the history of Thetford and the arrival of these houses in that town. The references to the 'old' and 'new' friars thus communicate something of the history of the town, and perhaps the

⁹⁷ The house of the Dominicans was more popular as a burial location, with eight testators asking to be interred in the church there. Only two testators requested burial in the church of the Austin Friars, and in both cases these testators' burial clauses suggested knowledge of the space, as they named the chapels in which they wished to be buried.

⁹⁸ NRO, ANF Liber 5 (Cooke), fol. 20r.

⁹⁹ NRO, NCC Cage, fol. 93r.

¹⁰⁰ NRO, NCC Sayve, fol. 13r.

¹⁰¹ Blomefield, I, p. 427. Certainly it would seem that the Dominicans were the first to be established in the town: C. F. R. Palmer gives a date for this of 1335; Palmer, p. 197. The reference to the Dominicans as 'old friars' may therefore also relate to their use of an older building, as well as their having been established first in the town. The Augustinians came to Thetford some fifty years later, around 1387; Martin, p. 195. In contrast to the Dominicans' repurposing of an old hospital, the Augustinians had a new church and conventual buildings erected on the west side of the town. VCH Norfolk, p. 434.

testator's awareness of that history. Even if they were not aware of the precise dates when these orders of friars arrived, the use of these terms by these testators indicates their involvement and perpetuation of a local method of differentiating the houses which developed within the town at least one hundred years before these testators made their wills. Using the terms 'old friars' and 'new friars' also speaks to a wider awareness, if not also a wider use of these terms within the town and specifically among the executors of these wills. Decodable only by those who had this local knowledge, these terms served to create an in-group and an out-group, and their use in these wills demonstrates that these men were not only part of this in-group, they also helped to sustain it. These testators would surely have referred to the 'Dominican Friars' or the 'Augustine Friars' if they had been concerned that their meaning would not be understood. By referring to the 'old friars' and the 'new friars' these individuals also perhaps created something of their sense of Thetford's rich institutional religious history, and its identity as a place shaped by these religious houses. These three bequests thus offer a fascinating insight to how testators could create testamentary identities by using language relating to their understandings of the spaces and institutions around them, and in so doing construct a sense of belonging to their community.

Although Faversham hosted no mendicant orders, Canterbury was home to three houses of friars in this period: Dominican, Franciscan and Augustinian.¹⁰² These were the closest houses of friars to Faversham, and a number of testators from the town looked to the cathedral city to make bequests to and requests of these particular orders. Simon Orwell (Faversham, 1475) left 'to the iij houses of freres in Caunterbury to pray for me xxj'.¹⁰³ This request suggests that he privileged the prayers of the friars in particular, as well as familiarity with the city and its institutions. Other testators such as Richard Maye (Faversham, 1518) looked yet further afield to London: Richard made a bequest 'unto the Crochid friers of London to praye for the soules of my father my mother and myn xs'.¹⁰⁴ No other reference to London is made in Richard's testament: all of his other commemorative requests are focussed on Faversham. This is also the only reference made to his parents in his testament, and this bequest enabled Richard to construct a shared connection to the friary. It is perhaps significant that he this particular order for the commemoration of the family as a unit, and could communicate a shared familial piety centred on the Crutched Friars.¹⁰⁵ There are a number of possibilities for this request and we

¹⁰² In the years to *c.* 1314 there was a house of Friars of the Sack, but this had ceased to function by the early fourteenth century. VCH Kent, p. 205.

¹⁰³ Simon also left a bequest to Faversham abbey in return for the monks' prayers, but he identified no other monastic house in this way, suggesting that it was the friars to whom he was especially devoted. KHLIC, PRC 17/2/461, fol. 461r.

¹⁰⁴ KHLIC, PRC 17/13/214b, fol. 214v.

¹⁰⁵ Technically not a mendicant house, the Crutched Friars were the smallest friary in London. Their size meant that they were probably more limited in terms of the number of services that they could perform for their benefactors,

shall never know for certain why Richard chose this particular location – but what is significant for this thesis is the very fact that he could and did make such a request. In so doing, Richard was able to construct a testamentary identity as an individual connected to a small but important London institution.

5.4.3 Section Conclusion

Naming and leaving money or gifts in kind to monasteries, friaries or other foci of religious life facilitated the creation of networks, made possible identity work through othering, and gave testators opportunities for the demonstration of their knowledge and skills. Again, there appear to be a number of differences between Thetford and Faversham in how religious institutions are treated in the wills and testaments. Thetford's testators tended to list religious houses and parish churches, creating a religious landscape within their testaments, and perhaps providing the opportunity to fashion testamentary identities through leaving different amounts of money to each house. Testators from Faversham meanwhile approached bequests to these institutions differently, often just leaving bequests to the town's abbey, but also occasionally looking to other institutions too. Bequests to religious institutions not only gave testators the chance to fashion more of their testamentary religious identities, they also provided an opportunity for testators to express something of their attachments and belongings. This is particularly evident in the bequests made to the 'old' and 'new' friars in Thetford, through which these testators were able to construct their belonging to a group which understood and used these terms.

5.5 Hospitals and Alms Houses

Testamentary identities could also be constructed through testators' bequests to hospitals and alms houses within their towns and beyond, as this section will show. Hospitals in the medieval period fulfilled a variety of social and religious functions, and acted variously as houses for the poor, for lepers, for the sick, and as places where passing pilgrims could stay on their journeys.¹⁰⁶

so it is interesting that Richard identified this friary over and above the others which existed in the city at that time. Jens Röhrkasten, 'Londoners and London Mendicants in the Late Middle Ages', *Journal of Ecclesiastical History*, 47.3 (1996), 446–77 (p. 473); Thomson, 'Clergy and Laity', p. 202.

¹⁰⁶ With interest in social history growing since the 1950s, hospitals have been the subject of a number of studies, some which have considered their general development and place in medieval society and others which have looked at their roles in specific communities, towns or counties. On the role of the hospital from the eleventh to the sixteenth centuries see: Nicholas Orme and Margaret Webster, *The English Hospital, 1070-1570* (New Haven: Yale University Press, 1995). Much work has been done on hospitals and charity in particular counties, especially Sheila Sweetinburgh's extensive examination of Kent, including: Sheila Sweetinburgh, 'The Hospitals of Medieval Kent', in *Later Medieval Kent, 1220-1540*, ed. by Sheila Sweetinburgh (Woodbridge: Boydell Press for Kent County Council, 2010), pp. 111–36. Patricia Cullum and Jeremy Goldberg have situated the role of the hospital within the context of late medieval York: P. H. Cullum and P. J. P. Goldberg, 'Charitable Provision in Late Medieval York: "To the Praise

Hospitals provided a number of spiritual and material benefits for their founders, for those who lived within their walls, shorter-term residents, and for the local communities in which they were situated.¹⁰⁷ Faversham itself did not host a hospital, but Thetford appears to have hosted a number of these institutions at various points in its history. Bequests to hospitals are uncommon in the wills and testaments from these towns, so this section explores both the significance of those bequests which *were* made, and also suggests some possible explanations for their more common absence.

5.5.1 Hospitals in and around Faversham

Although the parish of Faversham was home to a hospital, it received few bequests in the wills and testaments from the town. This section examines this phenomenon, and explores what testamentary identity work was possible when an individual did make a bequest to this institution. The Hospital of St Mary of Ospringe, known as the Maison Dieu ('House of God') lay within Faversham's parish boundaries, although was closely associated with Ospringe, the parish of which lies to the south-west (map 2).¹⁰⁸ The hospital appears to have been severely limited – in theory at least – in terms of the services it could offer to those living within Faversham's parish. Burial in the grounds of the Maison Dieu was, for instance, restricted to those who were brethren there; any profits arising from offerings, confessions, and crucially for this study, wills and testaments, were to be surrendered to the parish church in Faversham. The priests of the hospital were not to hear confession from anyone but the sick, poor, or brethren living in the house, and they were to forbid any of Faversham's parishioners to attend divine service on solemn days.¹⁰⁹ This may well explain the relative lack of bequests to the hospital in the wills and testaments from the parishioners in Faversham.

One of the testaments which does make reference to the Maison Dieu was that of Sir Richard Butler, made in 1517. Many testaments from Faversham begin with a declaration that the testator was 'of the town' 'of the liberty' or even sometimes 'of the parish', but Richard's testament describes him as 'dwellyng in the Measen Due of Ospring'.¹¹⁰ This raises questions

of God and the Use of the Poor", *Northern History: A Review of the History of the North of England and the Borders*, 29 (1993), 24–39.

¹⁰⁷ Sheila Sweetinburgh, 'The Role of the Hospital in Medieval Kent, c. 1080 - c. 1560' (Unpublished PhD Thesis, University of Kent, 1998), p. 25.

¹⁰⁸ By the period which this research considers, Ospringe's Maison Dieu was in a sorry state of repair and had been sadly mismanaged. In part this seems to have been because of abuse and mismanagement of those appointed to oversee the institution but may have also owed something to the hospital's royal patronage. Although this latter factor must have helped to increase the prestige of the institution, it also meant that kings sent retainers to live there at the hospital's expense, which proved to be a heavy financial burden. Sweetinburgh, 'The Role of the Hospital', pp. 32, 81; Sweetinburgh, 'Hospitals of Medieval Kent', p. 130.

¹⁰⁹ Drake, p. 40.

¹¹⁰ KHLC, PRC/17/13/256a, fol. 256r.

about the function of the location clause.¹¹¹ Was there some uncertainty as to where the Maison Dieu lay within these boundaries? Almost certainly not: whilst knowing which parish one lives in is perhaps esoteric knowledge to many of us now, individuals in this period were aware of the parish boundaries within which they lived. I should like to suggest that instead of being a product of geographical ambiguity, the identification of Richard as ‘dwellyng in the measendue of Ospring’ located him at the point of the making of the document and served to create a certain ambiguity of belonging. The rest of his testament does some work to construct his personal history: later on in his testament, Richard noted that ‘I was born in Potton [Beds.] aforeseid’ and that his mother in law Margery still lived there.¹¹² Yet he owned property of some description (he is vague about what kind) in the county in which he was dwelling when he made his testament describing it as ‘suche other stuff as I haue yn the countie of Kent’.¹¹³ The description of his dwelling in the Maison Dieu at the point of making his testament serves to obscure his identity as an inhabitant of a particular place, and leaves open the possibility of multiple belongings. We know little else about Richard. It is probable that he was a priest of some description because of the items that he owned and bequeathed in his testament: among his other bequests, he left a ‘surples and my masse booke’ to the church of Potton. Richard’s relationship with the priest at Potton is also created in the text of the testament through his bequest ‘to Master vicar of Potton aforeseid all suche books as I lefte with hym’. Yet Richard’s name is not recorded in a list of rectors and vicars of Potton.¹¹⁴ Nor is he listed among Faversham’s clergy. Indeed, his burial clause states that he wished to be buried in Faversham’s churchyard, rather than the Maison Dieu which suggests that he was not a brother there.¹¹⁵ As with many other testators, we cannot be certain of Richard’s occupation but what is most significant about his testament is his attachment to a number of locations.¹¹⁶ In the ambiguity of

¹¹¹ Alison Spedding has noted that the location given in the location clause was usually given in general terms ‘rarely more specifically than a particular town or parish’. Further research into the different framings of an individual’s location at the point of will-making would help to expand what we know about perceptions of space in this period. Spedding, ‘Hoc est testamentum’, p. 285.

¹¹² KHLC, PRC/17/13/256a, fol. 256^r. The term ‘mother in law’ could refer to one’s spouse’s mother, or to a stepmother. *OED*. This latter possibility seems more likely: Richard made no mention of a wife or children in his testament.

¹¹³ KHLC, PRC/17/13/256a, fol. 256^r.

¹¹⁴ KHLC, PRC/17/13/256a, fol. 256^r. Bedfordshire Archives, ‘List of Potton Rectors and Vicars’, <<http://bedsarchives.bedford.gov.uk/CommunityArchives/Potton/ListOfPottonRectorsAndVicars.aspx>>, [accessed 27 February 2020]

¹¹⁵ Only the brothers of the Maison Dieu, and those sick or diseased who died there had the right to be buried there. Drake, pp. 39–40.

¹¹⁶ It has not been possible to find Richard in any of the following volumes, where one might find members of the clergy from this period: *Fasti Ecclesiae Anglicanae 1300-1541*, 12 vols (London: Athlone Press for the University of London, Institute of Historical Research, 1962); Joseph Foster, *Alumni Oxoniensis, 1500-1714* (Oxford, 1891) <<https://www.british-history.ac.uk/alumni-oxon/1500-1714>>; Venn, PART I, I. Entries for the Clergy of the Church of England Database commence in 1540, well after Richard died. *The Clergy of the Church of England Database*, <<https://theclergydatabase.org.uk/>> [accessed 20/02/20]

the location clause at the beginning of his testament, as well as his rarely-seen use of his testament to record his place of birth, Richard was able to create attachment to a number of locations and construct something of his personal history.

5.5.2 Hospitals in Thetford

Testamentary bequests to Thetford's hospitals are entirely absent, even though at least one such institution is known to have existed in the town in this period.¹¹⁷ The hospital of St Mary Magdalene is listed in the 1535 *Valor Ecclesiasticus*, but was clearly quite impoverished by this point.¹¹⁸ The five other hospitals which are recorded at various points in Thetford's history had either been dissolved or absorbed into other institutions by the year 1400.¹¹⁹ This section explores how we might account for the absence of these bequests in the wills and testaments from the town.

It is possible that bequests to Thetford's charitable institutions were couched in terms of bequests 'to the poor'. This raises questions about how executors understood the meaning of such bequests. Yet if we interpret the bequests to the poor as bequest to charitable institutions, then we are overlooking a number of aspects of hospital provision that were important to these communities, such as caring for the elderly and infirm, providing lodging for pilgrims, and providing spiritual services. Yet we have already seen in earlier sections in this chapter that Thetford was already very well-served in terms of religious provision. Whatever the reason for the lack of bequests, be it that Thetford's testators did not feel the need to support their local hospitals, or because lifetime gifts rather than deathbed offerings were customary, we should question what an absence of such bequests meant for testamentary self-expression. Testators from Thetford did still make bequests to 'poore folkes', so it was still possible for them to perform their status as wealthy individuals and construct their testamentary identities as generous and pious individuals.¹²⁰ These gifts are however often cash bequests, and we are unable therefore to say much about the kinds of resources that these testators controlled, and how this may have related to their gender and roles within the household.

¹¹⁷ The Victoria County History of Norfolk records six hospitals in Thetford: St Mary and St Julian, St Mary Magdalen, St John the Baptist, St John, St Margaret, and the Domus Dei. These institutions have varied and diverse histories, during which their functions changed as a result of changing social, economic, and religious forces. VCH Norfolk, pp. 450-452.

¹¹⁸ The survey recorded an annual value of just 33s 6d. *Valor Ecclesiasticus*, ed. by John Caley and Joseph Hunter, 6 vols (London, 1817), III, p. 315. VCH Norfolk, p. 452.

¹¹⁹ The hospital of St John the Baptist was for example suppressed at some point between 1232 and 1272. The hospital of the Domus Dei was annexed to the Priory of the Canons of the Holy Sepulchre in 1347. Dallas, p. 216.

¹²⁰ From the testament of Robert Mayster (Thetford, 1529). NRO, ANW Bakon, fol. 8r.

Patricia Cullum and Jeremy Goldberg have used wills and testaments as evidence of giving to hospitals and Maisons Dieu. Their argument, that these institutions were popular objects of almsgiving among the class of people who made wills and testaments may well apply to their testamentary sample from York but does not apply to either of the towns of Thetford or Faversham.¹²¹ It may well have been the case that the bequests that were made by testators from these towns ‘for deeds of charity’ would have been understood as encompassing the work of hospitals in and around the local area. It is also possible that bequests to poor and sick individuals resident in these hospitals were made, but appear in the testaments as bequests to named individuals. It is difficult to substantiate either of these speculations. The hospital of the Maison Dieu in Ospringe appears in some of Faversham’s wills and testaments, but only very few. More common are bequests to almshouses, both those which existed and those which were expected to exist in the years to come.

5.5.3 Gendered Provision? Faversham’s Alms Houses

We shall now turn to the bequests made by Faversham’s testators for the establishment and maintenance of alms houses in the town. Given that testators’ bequests to Faversham’s Maison Dieu were to be passed on to the parish church of Faversham it is perhaps unsurprising that such gifts do not feature prominently in the testaments from the town.¹²² Yet a number of testaments did make references to almshouses, suggesting that testators wished to perform their generosity within an institutional setting for the locally needy.¹²³ Johanna Porter’s bequest of 1459 is one of the earliest to make mention of an alms house in her testament. She noted: ‘I will þat what tyme there is ordeyned an almesse hous for powre pepill in Feuesham that there be deliuered of my bedding a matteras, and a payer of shetis, and a couerlete’.¹²⁴ Clearly there was no alms house in this period, but there was concern that one should be established. Later, in 1478, Theband Evyas made reference to ‘myn almes hous’ although the location of this is unclear. She left the profits and revenues from her land for ‘the renewyng of the beddyng in the seyde house be made, and the rewarde of hym that shall haue the governaunce and ouersyght of

¹²¹ Cullum and Goldberg, p. 32.

¹²² That is not to say however that no bequests were made. John Melcam (Faversham, 1487) for instance left a black gown and cloak to the Maison Dieu. KHLC, PRC 17/5/2a, fol. 2^r.

¹²³ Keith Wrightson has shown that charity is bound up with ideas of place, knowledge, reciprocity and reconciliation to create a sense of neighbourliness. Bequests to the poor within one’s own parish, town, or other area thus serve to create an identity as a resident and contributor to that neighbourhood. Keith Wrightson, ‘The “Decline of Neighbourliness” Revisited’, in *Local Identities in Late Medieval and Early Modern England*, ed. by Norman L. Jones and Daniel Woolf (Basingstoke: Palgrave Macmillan, 2007), pp. 19–49 (p. 31).

¹²⁴ KHLC, PRC 32/2/116, fol. 116^v.

the seyde house to be yerly payid'.¹²⁵ Robert Billesdon (1502) effectively established an alms house in his testament when he left to:

Margery my woman shall haue my house in the church lane [...] with iij cotages to the same house [...] And to thentente that thesaid iij cotages shalbe alway occupied with iij powere women wych women shal be at the nomination of the vicar of Fauersham for the tyme beyng¹²⁶

Four years later, Joan Lull in 1506 left 'to the sustentation and mayntenaunce of a pover almesse hous yn Fauersham at the keysyd [quayside]: ix payr of shetes and a matresse with ij payr of old blankettes meete¹²⁷ for suche a hous'.¹²⁸ These bequests construct these testators' attitudes to the poor, and also create something of the testators' own identities and concerns. By talking about 'poor people', testators communicate something of their own position as 'not poor' individuals, and in this way, were able to perform identity work.

There is a gendered aspect to this kind of provision, too. Perhaps most notably it is the female testators who without exception leave sheets and bedding to alms houses, be they already in operation or whether, as with Johanna Porter's bequest, were not yet established. In contrast, Robert Billesdon's bequest of the properties which he owned to be used as alms houses produces his own wealth and status. Considered together, these bequests all fit within previously-identified gendered narratives of charitable giving. The female testators from Fauersham constructed their roles as household managers by giving those items which related to clothing and shelter.¹²⁹ Conversely, the male testators had control over land and property were able to alienate this in their last wills to create testamentary identities as wealthy individuals who were concerned to provide for others.¹³⁰ Furthermore, Robert Billesdon's bequest in particular communicates his concern to monitor and control female behaviour. He left one hundred shillings:

¹²⁵ KHLC, PRC 32/2/426, fol. 427^v.

¹²⁶ KHLC, PRC 17/9/150, fol. 153^r.

¹²⁷ Suitable, fit or proper. *OED*

¹²⁸ KHLC, PRC 17/13/339, fol. 339^r.

¹²⁹ P. H. Cullum, "'And Her Name Was Charitie'": Charitable Giving by and for Women in Late Medieval Yorkshire', in *Woman Is a Worthy Wight: Women in English Society c. 1200-1500*, ed. by P. J. P. Goldberg (Stroud: Sutton, 1992), p. 205.

¹³⁰ Patricia Cullum has noted that 'For men the practice of charity more often confirmed both their own status and that of recipients than it challenged them': P. H. Cullum, 'Gendering Charity in Medieval Hagiography', in *Gender and Holiness: Men, Women and Saints in Late Medieval Europe*, ed. by Sam Riches and Sarah Salih (London: Routledge, 2002), pp. 135–51 (pp. 136–37).

to the mariages of v poure maydyns to be maried in the said parisshe churche, euery of theym xx.s. And the said maidonys to be at the nomination of the said abbot of the said monastery [of Faversham] and myne executours.¹³¹

Although these women are constructed as worthy recipients, we can also see that their selection is tightly controlled and their behaviours are regulated. Robert's extensive conditions for the receipt of this money can be read as a construction of his own testamentary identity and his ideas about what was socially appropriate. His bequest to these women constructs them as in need of and deserving of aid – but their deservedness is tightly monitored, controlled, and prescribed by the wealthy.

Charitable provision for the poor was an important part of the construction of a wealthy identity among the citizens of Faversham across the period from 1450 to 1530. Eager to ensure that individuals were institutionally supported, testators made provision for alms houses in their wills and testaments. Yet this provision took different forms, in large part depending upon the resources which a testator had available to them and which they considered to be under their control. Widowed female testators possessed less than their husbands had owned, but may have had more freedom to use their resources as they wished. These factors may in part at least help us to understand these gendered patterns of giving. Bequests to Faversham's alms houses in this period construct something of the concerns that pressed upon the minds of these testators, but they also enabled testators to create gendered testamentary identities through their gifts.

5.5.4 Section Conclusion

Hospitals in this period were important institutions which served social and religious functions. Gifts to these organisations are conspicuously absent from the testaments from Thetford and are only rarely found in the testaments and last wills from Faversham. Instead we see testators from the Kentish town making plans for their own institutions in the form of alms houses. The bequests made by these testators provided them with the opportunity to construct their wealth as well as their gendered roles within their own households. In contrast, we know that at least one hospital in Thetford was operating at some point during the period which this study considers, and we might expect it to have received some bequests. Possibly these were understood by executors as being part of the gifts 'to the poor' which we find in the testaments from the town, or that individuals were expected to make these gifts in a different way. An

¹³¹ KHLC, PRC 17/9/150, fol. 152r.

absence of charitable bequests to hospitals seems to have been standard practice in the testaments of the town.

5.6 Chapter Conclusion

This chapter has shown the significance of the local religious landscape and the importance of local testamentary practices and forms for testamentary self-expression. Testators' bequests to religious institutions within these towns – whether they were gifts of wax to lights in the parish church or money to a monastery – enabled them to construct their knowledge of these institutions. Such gifts also facilitated the creation of a testator's religious interests and priorities. Bequests might also construct a sense of belonging to a particular community, or indeed communities, as we have seen, with testators leaving bequests to churches and monastic houses locations beyond the town which they identified as home. Lists in testaments, whether of saints' lights, parish churches or monasteries, indicate something of the socially accepted ways of expressing agency and choice, and communicate much about the society in which the will was made, as well as the testator's own individual preferences.

Ultimately this chapter has shown that the different kinds of resources available to testators had a great impact on the content of the last will and testament. These resources and the local practices which surrounded how they were treated in these documents also shaped their form. For instance, the listing of lights in the testaments from Faversham is usually found at the beginning, just after remittance is made for forgotten tithes. Comparison of the kinds and number of bequests made to saints' lights in the parish churches of Faversham and Thetford provides a striking contrast, but we can also see differences in the treatment of guilds across the two settlements. The kinds of religious institutions which were available to testators in the two towns are also important as they allowed for the communication of different kinds of knowledge and therefore identities. As we have seen with bequests made to Thetford's 'old' and 'new' friars, testators were able to draw on their knowledge of the history of the town to demonstrate their participation in that dialogue.

The language of religious bequests facilitated the construction of a testator's social belonging, their roles within networks, and other identities, such as their wealth, status and gender. Gifts made to a religious institution such as a religious house, parish church or hospital enabled individuals to participate in contemporary mainstream religious culture and construct orthodox identities for themselves. Testators used the institutions around them in a variety of ways to create identities within the texts of their wills and testaments. The resources on which they drew to do so included the parish churches, monasteries, saints' lights and hospitals in the towns in which they lived and further afield. The form of the will and testament is another

important resource with a great bearing on how testamentary identities were produced. The comparative aspect of this research has drawn attention to the significance of place and local practice on will-making. It shows that the kinds of testamentary identities that were produced depended not only on the kinds of institutions which surrounded any given testator, but also the limits of accepted and acceptable will-making practice in that place.

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I, **Alice Long**, of the County of Middlesex, in the Parish of St. Martin in Vintria, London, do hereby certify that the foregoing is a true and correct copy of the last will and testament of the said **Alice Long**, as the same is contained in the original thereof, which is now deposited in the custody of the said **Alice Long**, and which is a true and correct copy of the original thereof, as the same is contained in the original thereof, which is now deposited in the custody of the said **Alice Long**, and which is a true and correct copy of the original thereof, as the same is contained in the original thereof, which is now deposited in the custody of the said **Alice Long**.

In the name of God Amen I, **Alice Long**, of the County of Middlesex, in the Parish of St. Martin in Vintria, London, do hereby certify that the foregoing is a true and correct copy of the last will and testament of the said **Alice Long**, as the same is contained in the original thereof, which is now deposited in the custody of the said **Alice Long**, and which is a true and correct copy of the original thereof, as the same is contained in the original thereof, which is now deposited in the custody of the said **Alice Long**.

This is the last will and testament of the said **Alice Long**, as the same is contained in the original thereof, which is now deposited in the custody of the said **Alice Long**, and which is a true and correct copy of the original thereof, as the same is contained in the original thereof, which is now deposited in the custody of the said **Alice Long**.

Under more done I, **Alice Long**, of the County of Middlesex, in the Parish of St. Martin in Vintria, London, do hereby certify that the foregoing is a true and correct copy of the last will and testament of the said **Alice Long**, as the same is contained in the original thereof, which is now deposited in the custody of the said **Alice Long**, and which is a true and correct copy of the original thereof, as the same is contained in the original thereof, which is now deposited in the custody of the said **Alice Long**.

Alice Long

Plate 1. Photograph of the last will and testament of Alice Long, KHLC, PRC 17/5/347a, fol. 347r.

Chapter Six: Conclusion

In the name of god amen iij Septembre anno 1492. I Alice Long of Feuersham, widow, of hole mynd sore enfebled by age and siknesse dreding the hasty calling of deth make my testament in this maner. Furst I bequeith my soule to almyghti god et cetera and my body to be buryed next the sepulture of Richard Long late my husbond in the parissh church of Feuersham. Also I bequeith to the high autier there iij*s* iij*d*. Also to the church werkes *x*s**. To the light of seynt Kateryn *xij*d**, to our lady light in the quer *xij*d**, to the light of the Trinite *viiij*d**, to the light of Seynt Thomas the Martir *xij*d**. Also I bequeith to Iohan my seruaunt ij paire of shetes, iij siluer spones, a litle maser, a grete brasse pot, ij platers, ij saucers, ij disshes, a mattas [matteras], ij pelowes, a couerlet of grene tapstrewerk, a spit, a paire cobardes¹. Also I bequeith to the making of an antiphoner in the abbey of Feuersham *xx*s**. To the freres of Modynden *v*j*s* *viiij*d**. To the grey freres of Canterbury *v*j*s* *viiij*d**. To the ladies of Davyngton *v*j*s* *viiij*d** to Iohn Poleyn *xii*s** *iiij*d**. Also I will ther be dealed at my buryeng among poer people *xx*s** and as moch at my moneth day. Also I bequeith to a pore scoler of Oxenferd or Cambrigge for ij yeres *xl*s** to pray for the said soulez. The residue of my godes Y commyt to the disposicioun and discrecioun of myn executours that is Robert Billesdon and Thomas Redo and to eithir of theym for their labour *xx*s**. This is the last will of me Alice Long made the day and yere aboue seid. I will my seid executours receyue the revenuez and dettes that shall growe of my houses that I haue sold, And I will thei sell my tenement and mesuage that I dwell in and the seid money to dispose for the soulez of Thomas Arton and Richard Long and of me and of all Cristen soulez after their discreccioun. Also I will that Iohan Smyth my seruant shall haue after my discesse my mesuage in the Myddell rowe that Elizabeth Hode dwellith in to haue to her and to her heirez and assignes for euermore to pray for me²

This thesis has examined a number of different clauses which are commonly found in the last will and testament in order to assess the opportunities that these documents offered for the construction of testamentary identities. It seems fitting therefore to conclude with the transcript of an entire will and testament in order to show how these various clauses functioned within their broader context.

The above transcript of the testament and last will of Alice Long (Faversham, 1492), whilst relatively short in length nevertheless contains many of these clauses, including her request for burial, bequests of objects to individuals and information about her funeral, as well as bequests to religious institutions and money to the poor. We can see that Alice used her will and testament to construct her marital status as a widow: 'I Alice Long of Feuersham widow', whilst also cementing her connection to her husband Richard through her burial clause. She created her connections to Faversham's parish church through her bequests to the high altar (although it is notable that she made no bequest to cover forgotten tithes), along with gifts for the church

¹ Cupboards.

² KHLC, PRC 17/5/347a, fol. 347r.

works and four named saints. Of these saints, the lights of St Katherine and Our Lady in the Choir received the most (twelve pence apiece), perhaps constructing something of Alice's devotional preferences. Alice named no children in her testament, creating her identity as a childless woman, and she left the bulk of her household possessions – and indeed her house itself – to her servant Joan. In this way we can see Alice constructing the proximity between the two women in a way which echoes some female testators' bequests to their daughters, who may well – like Joan – have been tasked with preserving the memory of their kin.³ Although Joan was not Alice's daughter, the kinds of bequests which Alice left to her construct the significance with which she considered their relationship.

Alice was also able to create a pious testamentary identity by making bequests to a range of religious institutions, constructing her knowledge and awareness of them. Her patronage of two friaries created her support for this particular form of religious expression, particularly as they were located at some distance from Faversham. Moatenden Friary was approximately fifteen miles to the south-west of Faversham, whilst Canterbury, home to the Grey Friars, is closer, albeit still nine miles away as the crow flies. Local institutions also received support: the Benedictine nuns at Davington received a modest sum but the largest bequest was to Faversham Abbey, to whom Alice left 20s for the creation of a book of antiphons.⁴ This bequest facilitated construction of her testamentary identity as a pious patron of the abbey, attuned to the needs of the performance of the mass. Alice's testament makes little provision for her funeral beyond a bequest to the poor, which enabled her to construct a number of identities: as a not-poor individual and as a charitable Christian. The stipend which she arranges for a poor scholar at Oxford or Cambridge is very unusual for wills and testaments from this corpus and indeed more widely.⁵ Although ostensibly this has a commemorative function ('to pray for the said soulez'), this gift constructs Alice's awareness of these institutions as well as creating her testamentary identity as an individual who valued clerical learning. Although Alice's last will is quite brief, and

³ Alison Spedding has shown how women would remember deceased family members in their daily prayers. See: Alison Spedding, "'At the King's Pleasure': The Testament of Cecily Neville", *Midland History*, 35.2 (2010), 256–72 (p. 260). More recently, however, Bronach Kane has challenged the idea that women exclusively were responsible for guarding family memories: Bronach C. Kane, *Popular Memory and Gender in Medieval England: Men, Women and Testimony in the Church Courts, c.1200-1500*, *Gender in the Middle Ages*, 13 (Woodbridge: Boydell Press, 2019), pp. 137–38.

⁴ An antiphonal was a choir book which contained antiphons, texts sung before or after a psalm or canticle, which made up a great part of the choral Office chant. John Martin Harper, *The Forms and Orders of Western Liturgy from the Tenth to the Eighteenth Century* (Oxford: Clarendon Press, 1991), pp. 62, 287.

⁵ Two other testators from Faversham left bequests to university scholars. William Clerke (1508) left four marks a year to an honest scholar at either Oxford or Cambridge, KHLC, PRC 17/9/324a, fol. 324r. In his testament of 1529, Robert Fale left to 'the mastrer, felloues and scholars of Saynt John's college yn Cambrege have to theym and to there successours foreuer asmoche of the saide landes as shall amownte unto the yerely value of iij*l*i for the fyndyng of one scholar there foreuer, whiche shal be a mannys sone of the hundrethe of Fauersham', KHLC, PRC 17/19/111b, fol. 114r.

says little about the immovable property which she owned, her disposal of it facilitated the connection of a network of individuals for whom she sought commemoration. We know from her testament that Richard Long was her husband but Alice's request also included Thomas Arton, whose relationship to Alice is unspecified. The order of these names perhaps suggests that Alice was married first to Thomas and then Richard, although this is largely speculative. Certainly these individuals were significant to Alice, and her generous provision ('sell my tenement and mesuage that I dwell in and the seid money to dispose for the soulez') creates the regard and importance with which she held these relationships.

This thesis has outlined a framework for the reading and interpretation of these documents, addressing different themes in each of the chapters. Each of the chapters has shown how various testamentary clauses could be used by testators to undertake identity work. This final analysis of Alice Long's will and testament brings together these various strands, and shows how this wider framework might be used in practice.

6.1 Overview of this Project

The central question which runs throughout this thesis is 'in what ways did the late medieval will and testament provide testators with opportunities for identity work?' In answering this question, subsequent questions have also necessarily been asked. What is the bearing of gender of the kinds of identity-fashioning opportunities that were available to individuals? And how might location have changed the way in which people were able to create testamentary identities? This thesis has explored these questions in a number of different ways, beginning by asking in chapter 2 how these documents were made in the first place. This chapter outlined a possible will-making process, showing that the making of these documents involved a number of people, which in turn would have widened awareness of the form and content of the last will and testament. The second part of chapter 2 examined the ways in which bequests could facilitate the construction of testamentary identities, both through descriptions of objects and through the connections which testamentary gifts claimed. Chapter 3 looked at burial clauses and the ways in which they enabled testators to create relationships to people and to places. In the following chapter we saw how commemorative practices offered individuals different ways of constructing identities. By examining funerary directions and bequests to guilds we saw that testators could use their wills and testaments to construct identities in relation to groups of which they were or were not part. Chapter 5 addressed 'religious institutions', which considered variously bequests to saints' lights and images, payments to churches in a range of different forms, gifts to religious houses, and finally bequests to hospitals and alms houses. This chapter showed perhaps more

than any other how the differences in the religious landscape of the two towns shaped the possibilities for testamentary identity work in each location.

This thesis has shown that the creation of the will and testament brought into existence a testamentary identity. This identity was shaped by the resources available to any given testator, which included both the institutions which surrounded them as well as the usual form of the will and testament in the town in which they lived. Beyond this, the structure of society, shaped by economic forces, legal codes, cultural resources and gender norms also changed what was possible. The testators whose wills and testaments are examined here experienced different material realities in their lives, in part because of their gender, and in part because of other factors, such as wealth and status. These lived experiences to varying degrees informed the kinds of constructions that were possible within the last will and testament. That is not to say that the will and testament faithfully reproduces those lived experiences, or is some way indicative of *the* reality of the life of any given testator.⁶ The identities made in last wills and testaments are not reflections of a reality. They were informed by the testator's lived experiences, access to resources, and social networks, but they are ultimately constructions of self, intention, and aspiration.

6.2 The Practice of Will-Making

One of the central threads which runs throughout this thesis was introduced in chapter 2, which began with an exploration of the processes involved in the creation of a last will and testament. It demonstrated that these documents were intensely social, and a large number of people were involved directly and indirectly with their production and recording. The implications of this research are important for the thesis which follows, because it demonstrates that there were a number of different ways in which individuals could (and did) come into contact with wills and testaments during their lives, long in advance of their deaths. Awareness – even a vague idea – about the form and content of the will and testament was part of life in these towns in this period, and would have had an impact on how individuals then produced these documents themselves. Examination of the will-making process also drew attention to the way in which the very making of a last will and testament produced an identity: that of a testator. The research which followed this initial reconstruction of the will-making process shows how the testamentary text built upon this foundational statement of identity. In outlining the will-making process it became clear that much more work is needed in this area to create a more complete picture of

⁶ This position is untenable for a number of reasons. Firstly these are practical: the will and testament was made on the deathbed and therefore communicates the ambitions, property and social networks which were available to the testator *at that time*.

how this might have unfolded in different settlements and for different groups of people in the late Middle Ages. This research would help scholars working in a number of areas to understand better why individuals made wills and testaments.

It has become clear throughout this thesis that there were a great many differences between Faversham and Thetford as settlements where will making took place. Faversham's wills and testaments generally speaking contain more descriptive detail, a greater range of bequests, and more information about testators' wishes. Chapter 3, which considered burial clauses from the two towns, showed that more detailed description of burial place was given in Faversham than Thetford. This raised questions about the differences between the institutional landscapes of each settlement: the greater variety of options for one's burial location in Thetford was perhaps accountable for the smaller number of detailed descriptions of these places. Yet in chapters 4 and 5 we saw again that the testaments from Faversham were consistently more detailed, in terms of funeral provision (section 4.2), and in terms of bequests to saints' lights (section 5.2). The two towns were chosen for study on the basis on a number of similarities, including type of settlement, proximity to a main road, and situation in an east-coast county. I should also like to tentatively suggest that Faversham hosted a stronger culture of literacy than Thetford. The existence and survival of the town books in the former settlement speak to a literate culture embedded in the administration of the town which does not appear to have been as prevalent in Thetford. Certainly the number of wills and testaments in each location is quite different, and this is perhaps an important factor in explaining the relative richness and paucity of the documents of each town. Faversham has 350 wills and testaments from the period from 1450 to 1530 compared with 190 from Thetford.⁷ It has been posited that the frequency with which wills and testaments were made was significant in the development of phrasing and standardisation within these documents.⁸ The occurrence of will-making in a given location would have brought more people into contact with these documents in a variety of different roles, ultimately making them more aware of the creative possibilities that the will and testament offered. This perhaps raises further questions about agency and choice. This research suggests that testators were aware of the potential of these documents for shaping the record of who they were – albeit probably to various degrees. We have seen in section 2.2 how individuals might encounter these documents and act as audiences to them, in so doing becoming aware of the ways in which testamentary identities could be produced. Throughout this thesis we have seen

⁷ Of course, these numbers do not necessarily indicate higher will-making frequency, as the survival of these documents depends on other factors such as record-keeping, archiving practices, and the willingness of executors to register the wills in the first place.

⁸ Spedding, 'My Testament', p. 232.

examples of bequests and requests which executors must have been hard pressed to carry out. One wonders how elaborate funerary rituals – which were expected to happen within a short time after the testator’s death – could ever have been realised. Did testators know how much cash the sale of their property would generate in order to make wide-ranging, generous bequests? It is perhaps unlikely. Were wills and testaments – at least in part – made out of a conscious desire to undertake identity work? The answer must be ‘maybe’. As we have seen, so much of these documents depended on personal circumstance and the culture in which they were made that it is impossible to provide a universal ‘yes’ or ‘no’.

6.3 Gendered Testamentary Identities

One of the questions that this research has addressed asks what the bearing of gender was on the construction of identity in the last will and testament. The reconstruction of the will-making process at the beginning of chapter 2 showed how much easier the production of a will and testament was for men than for women. Future research could examine the *ars moriendi* texts in more detail in order to establish the extent to which making a will and testament was indeed part of the performance of ‘a good death’ for women, as well as men. We have seen throughout this thesis that the will and testament was a place where ‘proper conduct’ for men and women was observed and upheld, and it has emphasised that accepted performances of gender were contingent upon place. Examination of the burial clause in chapter 3 for example showed that it was possible for men in Faversham to ask to be buried next to other men: something for which there is no evidence for in Thetford. This finding raises questions about gender and status, and further research could examine the extent to which this was also possible in other locations. We have also seen that the notion of proper conduct governed not only the performance of a testator’s own gender, and how they constructed this in their wills and testaments, but also that it shaped what a testator expected of others. Guilds, for example, could be limited by age, sex, or marital status (and sometimes in combination). Bequests to these organisations enabled testators to create identities as wealthy patrons who were able to support these groups which promoted appropriate behaviour – but they must also have anticipated the behaviour of others in their communities. We have also seen how women in particular engaged with guilds through gifts of objects associated with food and feasting, in which they may well have participated either as members of the guild, or as individuals who assisted.

6.4 Religion and the Construction of Testamentary Identities

The construction of piety and religious belief has been an important theme in each of the chapters of this thesis, which has demonstrated the ways in which testators could use the

spiritual and material resources around them to construct their religious preferences. Throughout this thesis, attention has been drawn to the various points of tension and conflict which surrounded acts of testamentary religious expression in this period. Whilst this project did not set out to examine the boundaries of 'orthodoxy', or investigate religious belief and its intensity, it has become clear throughout this thesis that testamentary pious acts were never neutral. It has shown that individuals were able to make bequests which could be read as constructing orthodox beliefs. Yet these gifts should not be taken as evidence of essentially-held truths. Instead, this thesis has argued throughout that these gifts serve to construct a testator's religious sensibilities, although they might use lifetime religious beliefs and practices as resources for the creation of these testamentary pious identities.

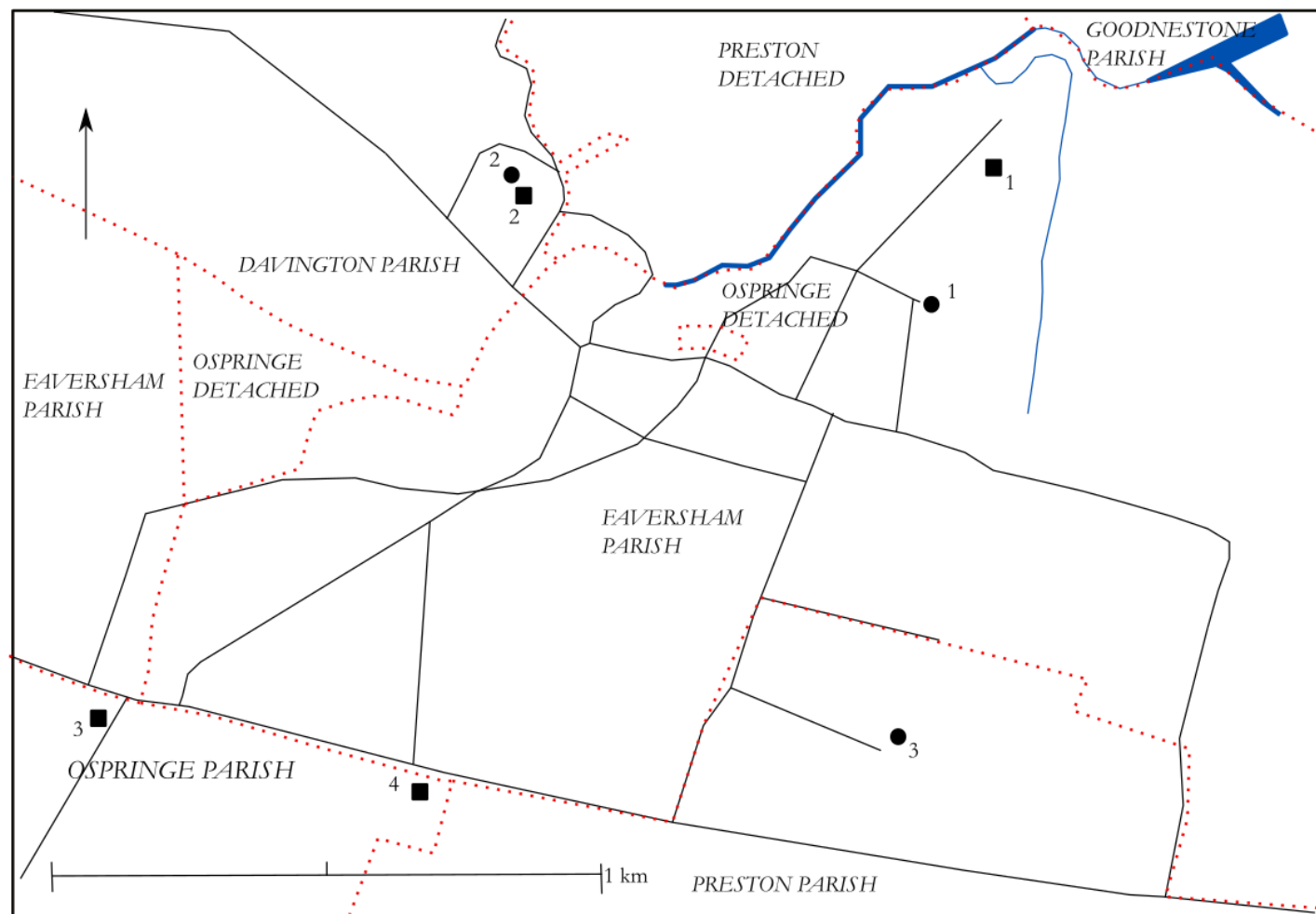
6.5 The Contributions of this Project to Historical Research

This thesis makes a number of contributions to the field of late medieval social and cultural history. It has in the first instance called for a reconceptualization of the will and testament, as a text which creates identity rather than reflects it, in line with a historiographical tradition which challenges conventional readings of (legal) documents. Following work by Natalie Zemon Davis, Cordelia Beattie, Katherine Lewis and many others, I have argued that the will and testament offered a wealth of opportunity for the creation of identities. I hope that I have demonstrated the possibility of approaching the will and testament from this angle, and, furthermore, the value of doing so. This project has also raised questions about the process of making a last will and testament and has drawn attention to the importance of this process for how we understand the documents that were produced. It calls for further studies into this process in order to come to a fuller understanding of the place of will-making in life as well as in death.

Appendices



Map 1. Showing the location of guilds in William Reymers's testament.



Map 2. Map of Faversham showing key features and parish boundaries.

KEY:

Church ●

Monastery, chapel, hospital ■

Parish boundaries : (red dotted line)

Roads: _____ (solid black line)

CHURCHES:

1: Faversham parish church

2: Davington parish church

3: Preston parish church

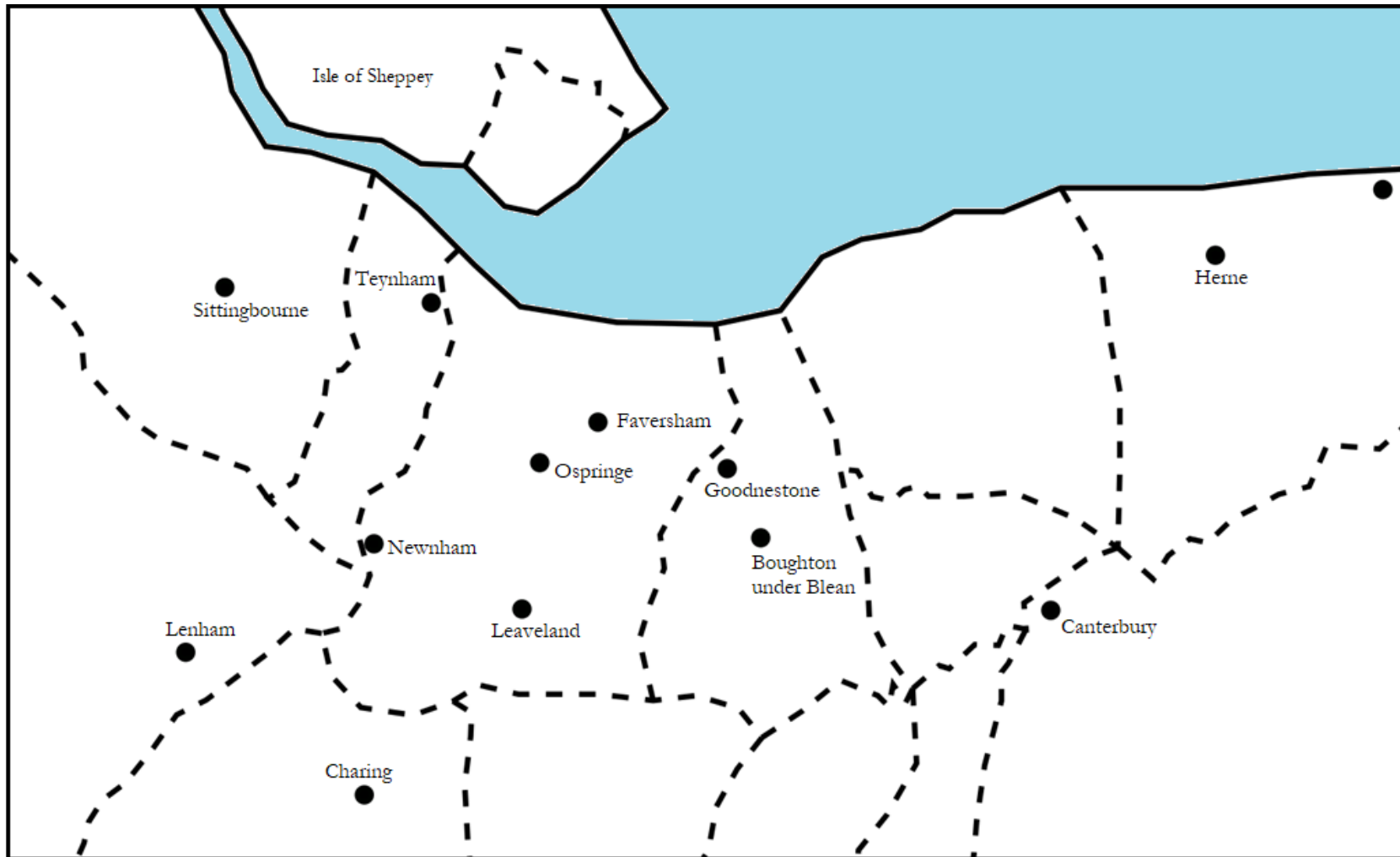
MONASTERIES, CHAPELS AND HOSPITALS:

1: Faversham Abbey

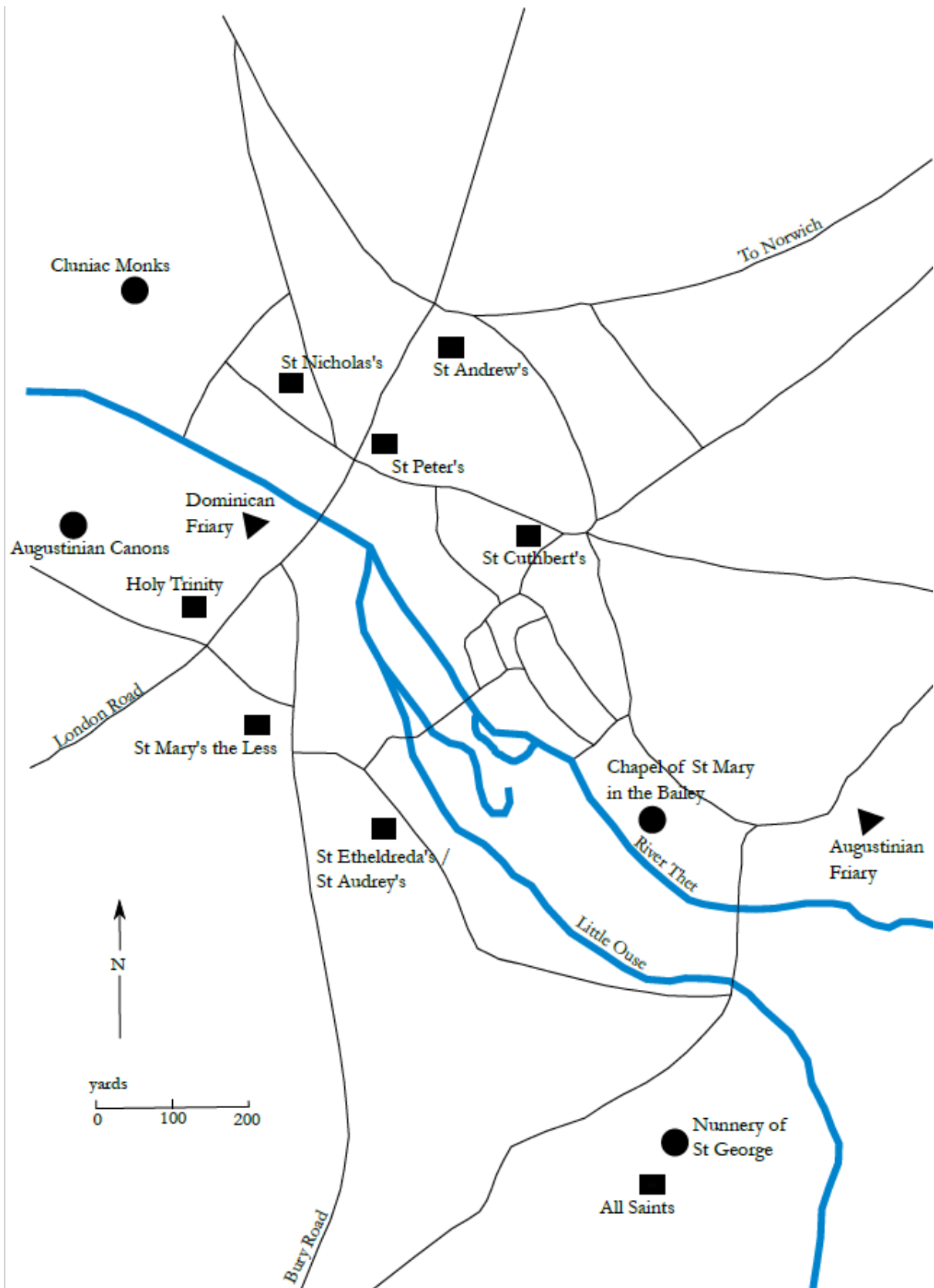
2: Davington Priory

3: Ospringe Maison Dieu

4: St Nicholas' Chapel



Map 3. Showing the Hundreds of Kent around Faversham



Map 4. Map of Thetford showing ecclesiastical foundations in use in the period 1450-1530

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PCC PROB 11/11
PCC PROB 11/14
PCC PROB 11/15
PCC PROB 11/17
PCC PROB 11/21
PCC PROB 11/22
PCC PROB 11/23

Maidstone, KHLC

Canterbury Archdeaconry Court Original Wills
PRC 16/1
PRC 16/5
PRC 16/157

Canterbury Archdeaconry Court Probate Registers
PRC 17/1-19

Canterbury Consistory Court Probate Registers
PRC 32/2-4
PRC 32/8
PRC 32/10

Norwich, NRO

Archdeaconry of Norfolk Will Registers
Bulwer
Bemond
Cooke

Archdeaconry of Norwich Will Registers
Fuller alias Roper
Cook
Gloys
Randes
Bakon

Norwich Consistory Court Will Registers
Aleyn

Brosyard
Betyns
Jekkys
Cobald
Gelour
Paynot
Caston
Typpes
Woolman
Sayve
Wight
Cage
Popy
Ryxe
Spyltimber
Johnson
Coppinger
Spurlinge
Robinson
Briggs
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