

‘Humblewise’: Deference and Complaint in the Court of Requests

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Abstract

When servants, laborers, and apprentices sued their masters for back wages or mistreatment in the Court of Requests they took advantage of the court’s doctrine of equity. Since these plaintiffs often lacked the strict written proofs required by common law, or were bound by unfair written contracts, they badly needed an equitable jurisdiction where fairness, extenuating circumstances, and broad social mores could overrule the letter of the law. The formal tropes of their Complaints negotiate the tension between these two conceptions of justice and reveal how that tension relates to early seventeenth century economic culture, where customary ideas about patronage and hierarchical obligations coexisted with emerging notions of self-interest and contractual equality. In appealing to the court with older but still vibrant discourses of social justice and mutual obligation, plaintiffs modulated their Complaints with expressions of deference and helplessness. Their pleadings therefore take the sophisticated rhetorical form of self-assertion articulated as abject submission. The documents are highly mediated by lawyers and institutional constraints, but nevertheless reveal subordinates tactically using expressions of weakness to elicit pathos and use the ideology of paternalism against their masters.

Keywords: Court of Requests, Employment, Equity, Paternalism, Service

When Thomas Dekker attempted to describe bear and bullbaiting in a 1609 plague pamphlet, he thought first of Hell itself, then the grim spectacle of unfair legal wrangling: ‘for the *Beares*, or the *Buls* fighting with the dogs was a lively representation (me thought) of poore men going to lawe with the rich and mightie’. The gruesome defeats of the crushed and mauled dogs (which he equates with the overmatched poor men) motivate this simile, but the comparison cannot avoid linking the discourse of poor litigants with the din of curs ‘whining and barking at their strong Adversaries, when they durst not, or could not bite them’ (1963, 98). Thus, even Dekker’s sympathetic portrait associates underdog plaintiffs with rhetorical, as well as financial, poverty. While historians have found that poor men and women did in fact have some bite in the early modern legal system, the records of the Court of



Requests provide an opportunity to ascertain how (with the help of lawyers and clerks) lower-status individuals could submit complex and tactically formidable legal pleadings.

The Court of Requests, designed for anyone unable to afford common law suits, became a popular venue for servants, laborers, and apprentices to sue unjust masters. The court was relatively inexpensive, ‘a poor man’s Chancery’ (Seaver 1989, 51), but its most salient feature may have been its status as a court of *equity*, which meant that ‘principles of natural justice, common sense, and common fairness’ could ameliorate or override the rigidities of common law (Elton 1982, 152).¹ This article attends to the formal qualities of Bills of Complaint (the long documents in which plaintiffs outlined their grievances and initiated a case) submitted by social inferiors, since these narratives often harness broader attitudes surrounding service, status, and justice while telling the litigant’s specific story in some detail. I end with an extended look at one instructive lawsuit to showcase these attitudes at work beyond the initial Complaint, in the defendant’s Answer and several witness depositions. The cases under study here all occurred between 1603 and 1625, and generally involve people in the greater London area. They primarily (but not exclusively) express relationships of service and mastery, though distinctions between service, apprenticeship, and employment – as well as degrees of status – are often blurry or contested. In fact, the institutional pressures imposed by the court make these records unreliable guides to the exact truth of the litigants or their conflicts, but they do reveal cultural expectations surrounding master/subordinate conduct, and they let us hear some specialized discourses employed when those expectations were violated. Overall, the documents indicate that in this court a plaintiff made a stronger case by emphasizing her or his condition as a dependent, not a contracting equal.²

¹ Requests ‘could determine suits not on the basis of a strict reading of the law, but rather on the basis of the principle of equity or fairness’ (Seaver 1989, 51). Seaver’s article describes a single conflict between a Bristol notary and an apprentice who defied him. For a history of the court, see G.R. Elton’s *The Tudor Constitution* (1982, 187-199). Tim Stretton’s *Women Waging Law in Elizabethan England* describes the origins of the court and its business under Elizabeth (1998, 7-9, 70-100).

² Despite the intention that this court serve the poor, it was deluged with more conventional lawsuits. Complaints directed from plaintiffs against defendants of higher status represent only a minority of the court’s business (at the end of Elizabeth’s reign, only 17% of cases [Stretton 1998, 94]). For this reason, nothing in this article should be taken as an attempt to describe the overall archives of the court, which are quite diverse. Some cases may, in reality, certainly have involved conflicts between individuals actually quite proximate in social rank, or closer to business partners than masters and servants. In other cases, social status can be complicated by life-cycle mobility, as in cases when fathers sued on behalf of their apprentice sons. In such cases plaintiffs may be partially ventriloquizing the doctrines of paternalism to gain a better footing in the court.

I focus on four broad patterns in the Complaints: first, they tend to describe economic relationships reliant on mutual trust. Second, they carefully signal submission to both the court and established social hierarchies, including descriptions of the plaintiffs' deference to their masters. Third, they foreground the plaintiffs' own abjection and weakness, but such self-abasement prods the court to act on their behalf. Finally, the trials often set an informal sphere of verbal agreements and traditional social codes articulated by the plaintiffs against a formal sphere of written contracts and impersonal financial relationships preferred by their masters. This opposition almost always dovetails with the plaintiffs' assertions that, because they either lack written proof or are burdened by unfair contracts, they will not receive justice through common law.³ The Complaints carefully leverage a 'public transcript' of fair and proper master-servant conduct, what James C. Scott describes as a set of cultural rules for interactions between elites and subordinates that, while negotiable, remains largely a product of the powerful (as opposed to the 'hidden transcript' of covert plebian dissent). This court's archive may usefully test Scott's argument that 'any ideology which makes a claim to hegemony must, in effect, make promises to subordinate groups' (1990, 77). What appears to be false consciousness may instead represent tactical victories where subordinates 'call upon the elite to take its own rhetoric seriously' (106).⁴ Subordinates suing in the Court of Requests often managed to mount effective critiques of their superiors in part *by* signaling their adherence to dominant values.

³ Common law did privilege bonds, bills, and sealed obligations and technically refused to hear pleas without written evidence. In practice, however, the actions of many courts could be broader and more complex, especially given the rise of pleas of *assumpsit*, described by Craig Muldrew as a way of litigating informal agreements as trespass on the case (1998, 204-209). But Lamar M. Hill explains that, for many, against 'the harsh inflexibility of the law ... equity remained the only avenue of redress'. Hill further reminds us that 'Since the working poor had neither desks, offices, strongboxes, nor sturdy chests, indentures, bonds, and sureties were frequently lost, destroyed or stolen. Fraud was a further risk' (2007, 139), and these are precisely the problems addressed in the suits examined here. Some suits in Requests were also intended to override prior suits in different venues.

⁴ Scott may underestimate hegemony and exaggerate the agency of marginalized populations, but his work remains useful for many contexts. One of his most sophisticated arguments seeks to establish how elites themselves depend on performances of the public transcript and may be manipulated by it: 'the masks domination wears are, under certain conditions, also traps' (1990, 55, see 49-50). The best account of Scott's work for early modern studies remains Braddick and Walter's introduction to their anthology *Negotiating Power in Early Modern Society* (2001, especially 5-11). For a thoughtful critique of Scott, see Andy Wood's work, (especially 2002, 18-23 and 2006b, 41-46). Scott, it should be noted, underestimates and sometimes even caricatures other schools of thought on ideology. The Marxist tradition, for example, has long sought to emphasize how ideology 'can never be purely *instrumental*' since 'a class that *uses* an ideology is its captive too' (Althusser 1990, 234-235).

The conflicts at issue often involved people left vulnerable by fluid and informal arrangements. For example, Thomas Walklate agreed to serve John Field ‘for soe longe tyme as they should agree or like well one of another’, and he gave over a security deposit for his ‘Just and honest Carriage’. Walklate ‘dulie and trulie’ worked as a tapster in Field’s Westminster ‘victuallinge howse’, but Field cashiered him ‘without anie Just cause’ and kept the money. Because their agreement was unwritten, Walklate correctly told the court that he had no recourse to common law, and bemoaned ‘gyveinge overmuch Creditte’ to an unworthy master (REQ2.310.11).⁵ Other plaintiffs likewise regretted entering into agreements for service, labor, or business ‘relyeing ... upon the faire speaches’ of people who promised to ‘deale liberally’ with them (REQ2.403.74).⁶ Conversely, some plaintiffs found that unfair written contracts gave their superiors undue power over them, but on the whole the documents indicate that participation in a fluid ‘economy of makeshifts and expedients’ often meant relying only on glib spoken promises that could not easily be enforced (Wrightson 2000, 57).⁷ Requests documents therefore give glimpses of the individuals ‘Toiling in the largely unregulated and overcrowded labor sector that existed beyond the protected confines of the guilds’, a sector usually less visible in the historical record (Hubbard 2012, 4).

However, it would be a mistake to consider the informal economy that appears in these records to be an *unregulated* economy. Plaintiffs describe

⁵ Unless otherwise noted, all quotations come from the Bill of Complaint (frequently the only document in a case file). I have preserved original spellings, but silently modernized *i/j*, *u/v*, and expanded common scribal contractions.

⁶ This interesting Complaint represents the different expectations that could arise in bargaining and the dangers of oral agreements. This plaintiff told the court he had already achieved independent status, but (after the defendant ‘did very earnestly intreate’ him) he broke up his house, sold his wares and belongings ‘at under rates’, and moved into the defendant’s glasshouse near Blackfriars. He worked hard to fix up the glasshouse furnace so he could be a factor in charge of sending glasswares to the defendant’s warehouse, but he was promised opportunities to profit with any ‘surplusage’. He thus ‘wholly betooke and imployed himself and all his tyme in the busines of [the defendant]’, trusting in the ‘performeance of his promises and protestations’. And ‘to give color to those his promises’ the defendant allegedly even offered to show him his account books to prove he had a lucrative business and was a generous man. Their ‘bargaine and agreement’ was never set down, and so (it was alleged) the defendant ‘purposely and in Cuning’ waited until the glasshouse was fully functional, then ‘Comaunded him to depart from the same and to provide for himself ells where and so turned out’ the plaintiff. Lacking written evidence, he lost much ‘attendaunce paines & travell’ thereby. Fitting a trend I will later describe, this plaintiff claimed that the defendant’s superior status initially cowed him (he ‘did quietly depart and goe his waye’), but further financial difficulties moved him to sue. He knew his antagonists’ behavior went ‘contrary to all right reason and equetic’ (REQ2.403.74).

⁷ On the ‘economy of makeshifts’, Steve Hindle’s *On the Parish?* describes how a large and mobile pool of surplus labor survived through piecemeal work, short term employment, and highly diversified economic activities (2004, 17-26).

a world structured by emphatic verbal assurances, mutual obligations, long familiarity, custom, fairness, and trust. One man who lived in Ralph Keyes' house had scraped together five pounds for old age 'by his hard labour', but since he 'repos[ed] greate trust and confidence in the sayd Keyes and wyffe that they would have dealt well with him' he left his money in their hands. They 'faythfully promised ... in private betweene themselves' to keep the money safe and give it to him 'whensoever he should demand the same', but Keyes and his wife allegedly broke their promise (REQ2.390.62). And when George Somers' master began 'as he then said takeing Likeinge' to him, they discussed his transition from service to apprenticeship but the young man did not insist on strictly detailed terms: 'suspecting noe fraude nor guile to be in [his master] but hoping for good & just dealings' from the man who 'did then professe great love & affeccon', Somers operated 'uppon this trust' and came to regret it. His master blocked him from setting up for himself, Somers claimed, on the grounds that he had not completed an apprenticeship (REQ2.308.7). Plaintiffs characterize the breaking of verbal agreements as cutting betrayals, and often speak of masters or employers 'maliciously intended ... carying nether for breaking covenants nor anything else' but their own gain (REQ2.404.67).

Unscrupulous masters could also use their social position to pressure or mistreat dependents. The court would often hear about excessive workloads, like the extra tasks given to one plaintiff, 'which he did not refuse to doe for that he knew he was servant to the said Sir Thomas'. This powerful master (a Justice of Peace in Essex) allegedly then dismissed the servant (a clerk and tutor from London) but detained his wages and belongings, leaving him 'altogether remedlesse ... yf he be not ayded and releved' by the court (REQ2.390.49). Other plaintiffs complained of outright cruelty, but most said they tried hard to fulfill their callings: one 'performed unto his said Master faithfull and painefull service by day and night' despite 'harde, cruell, and ungodly usage', including 'unmercifull, and unmeasurable beating' (REQ2.416.110).⁸

These individuals' stories were told in a relatively bleak economic climate. Keith Wrightson's *Earthly Necessities* describes how a century of population growth, inflation, and expropriation caused real wages to decline and strengthened the bargaining hand of employers (2000, 145-148).⁹ Craig

⁸ Such hard usage is a frequent enough complaint, but this master allegedly included some unique spiritual torment 'by debarring [the plaintiff] for repairing to the Church ... halfe a yeare together' though the young man 'much desired the same'. In another form of abuse, one Complaint from the 1590s alleges that a master forced his apprentice to falsely confess that he had 'carnall knowledge & copulacion' with a maidservant (REQ2.283.38).

⁹ Although Wrightson notes that this trend was less severe in London, the relative vibrancy of the London economy may have been counterbalanced by the disadvantages thousands of migrants encountered starting at the bottom of an unfamiliar and still highly structured economic environment.

Muldrew's account of macroeconomic change matches Wrightson's and confirms the consensus view that social polarization and economic instability grew over the sixteenth and early seventeenth centuries as the labor market became more competitive (1998, 15-17). These changes naturally affected the culture of service. Alexandra Shepard explains that 'the system of transitional, life-cycle service ... was beginning to splinter by the late sixteenth century. Increasing numbers of men were becoming primarily and permanently dependent on wage labour ... employment was scarce, irregular, and not particularly fruitful' (2003, 209). Long term positions within a single household were often harder to find in Jacobean England.¹⁰ But Shepard has elsewhere helped to show that distinctions between wage work and service were not absolute:

That wage earning of any kind could be represented as a form of servitude and an insubstantial means of living meant that a distinction between labour and service went readily unheeded ... In this conceptual framework, providing work was constructed as a form of patronage benefiting the labourer rather than the employer. (2008, 85)

This sense of overlapping roles – servant and laborer, patron and employer – helps explain the Requests documents, since the plaintiffs (whatever their status) sought to activate the ideology of patronage that Shepard mentions and turn it to their own ends by reminding the court that an ideal master was (as William Gouge decrees in *Domesticall Duties*) 'fatherlike' in responsibility as well as in authority (1622, 687). Gouge emphasizes the parental role of both employers and masters within his general discussion of 'equitie', and Dod and Clever agree that they should act 'as loving parents' (1622, sig. Z5r).¹¹ Overall, as Bernard Capp notes, 'early modern conceptions of social order were rooted in the principle of reciprocal obligations, and many authors pulled no punches in condemning employers guilty of cruelty, exploitation, or neglect' (2003, 131). So although their Complaints may have run against the grain of orthodox conceptions of hierarchy by challenging superiors, in another

¹⁰ On the decline of annual contracts, see Ilana Krausman Ben-Amos (1994, 70-71, 175, 181-182). Bernard Capp agrees that, in towns and cities, service 'periods were more variable' (2003, 130, and see also Hubbard 2012, 30-32), but Capp points out that market forces could also sometimes work to the advantage of employees. Speaking about maidservants, he claims that 'the massive demand for domestic labour' in London 'gave the well-qualified considerable leverage over pay and conditions' (153).

¹¹ Gouge rarely addresses the distinction between servants and laborers, but when he does he groups them quite closely. In one place Gouge foresaw that readers might object that his prescriptions apply not to servants but only to 'labourers hired by the day'. He countered that 'servants are in the same ranke: and the ground for both is the same: For both worke for wages' (1622, 684-685).

important sense the plaintiffs had powerful ideological currents on their side, and Eleanor Hubbard's recent book helps show how 'promoting and upholding conservative hierarchies and values' could garner support for mistreated servants or workers (2012, 5). One relevant issue she traces involves how pregnant maidservants could enlist social sanctions against their masters since 'fathering illegitimate children was an offense against early modern patriarchal values' and 'a danger to the order and prosperity of the community' (80).¹² The cases of sexual exploitation Hubbard finds capture some of the attitudes pertinent to the allegations of economic exploitation surfacing in the Requests documents; bad masters not only abused their servants but also abused their neighborhoods by creating social problems including poverty, strife, and even vagrancy. Ideally, Hubbard remarks, 'Service was a crucial stabilizing institution' (25), but only when service was itself stabilized by conventions of paternalism. Capp in fact argues that broad cultural expectations structured hierarchical relations more than the law: 'the courts thus offered some measure of protection. It is likely, though, that most employers were constrained more by social convention ... the very ubiquity of service must have encouraged some sense of communal norms' (2003, 138). The Court of Requests presented a unique venue for institutional observance of social conventions, and its records display some of the practical problems and uncertainties surrounding the system of reciprocal obligations. Ilana Krausman Ben-Amos points out that those conventions could be vague and contradictory:

There is some difficulty in capturing the nature of the norms governing the support and assistance of masters to their servants and apprentices, for there was some ambiguity in these norms. That ambiguity had to do with the fact that the interaction involved in any service or apprenticeship arrangement – whether made for a short or long period, in writing or not – was, in addition to being an interaction based on contract, something akin to the special obligations associated with kin and even parents ... This lack of clear boundaries between the contractual and the moral aspects of the arrangement of service could lead to many expectations, but at the same time to frustrations and disappointments. (1994, 170-171)¹³

¹² Hubbard's third chapter addresses 'bastard bearers', but she finds similar patterns through a range of issues where public economic concerns carried great weight, including divorce (2012, 171-172) and women's work (189-191). What her findings underscore for the purposes at hand is how early modern culture expected masters to be not only patriarchs, but *responsible* patriarchs for the economic health of their communities.

¹³ REQ2.381.1 provides an instructive example of some ambiguities: Richard Snelling, a London journeyman, juxtaposed the vocabularies of service, employment, and trade in his Complaint: 'should soe long serve and bee a Jorniman'; 'should bee in service or Imploied with or by'; 'by his said service & trade of Poulterrie'; 'entred into the said service of a Jorniman in the said Trade'. The conflict, moreover, hinged in part on how much he was truly his master's man or his own – could he conduct his own business while out delivering poultry or should

To be sure, many of the allegations made in Requests concern clear crimes and transgressions. Savage beatings, detained wages, and starvation diets obviously breached both the contractual and the moral orders, not fuzzy areas of unclear expectations. But the straightforward conflicts as well as the messier ones took place in a world where contract and covenant, as well as wage-work and long-term service, coincided. Plaintiffs thus invoked the public transcript of what Ben-Amos calls ‘aids and benefits which were not made explicit in the terms of employment agreed upon in the contract, whether orally or in writing’ (171). To be eligible for those benefits, however, they had to stress their own subordination, a trend I turn to now.

As the earlier examples began to illustrate, servants took care to signal that their pleas should not sound overweening, so they often larded down their Complaints with deferential, even obsequious language. Plaintiffs commonly began with formulaic markers about how their petition to the court will ‘humbly shew’ how they have been abused – one popular opening was ‘in most humblewise complaining’. These rhetorical tags likely indicate the influence of lawyers and scribes. But their descriptions of prior interactions with their masters may be the most interesting feature of the Complaints, and are (like the rest of the narratives) far more personalized. Since lawsuits are by nature adversarial, even the lowliest plaintiffs vigorously accuse the defendants of injustice or criminality. However, when litigating upwards, plaintiffs usually assured the court that they tried to preserve decorum by addressing their superiors ‘in gentle and frindly mannor’ (REQ2.390.62) or petitioning them only with ‘very humble termes’ (REQ2.308.7). One explained how he ‘oftentimes in submissee mannor Demanded’ fair treatment (REQ2.308.1). They went to court, they claimed, only after politeness had failed. Some recounted their desire for community mediation, and even maintained that they were ‘allwayes desirous of peace and quietnesse and willing rather to embrace it with losse and expence then by suites in lawe to be a gayner’ (REQ2.404.67).¹⁴ Often they stressed the superiority of their antagonists; one initially accepted a raw deal ‘to avoid contention and suites in law which he was neither willing nor able to sustaine [against] a great rich man’ (REQ2.403.74). Nearly oxymoronic constructions like ‘submissive demands’ and ‘humble complaints’ reveal the ideological contradictions

he only mind his master’s business? Could he use the return journey to transport things for his own profit or not?

¹⁴ This case concerned an apprentice purportedly of gentle status who had been serving as his master’s factor in London when they fell out. But despite that status, he and his father still protested the ‘unnecessary expences and wrongfull vexation’ by harassment and expensive legal bullying in other venues – they claimed Requests was their only defense against the master’s ‘underhand dealing without great trouble and expence of money’ (REQ2.404.67).

that arose when ideals of hierarchy and justice collided, but rhetorically deft plaintiffs could turn constraints into advantages.

One John Goldsmith's Complaint uses several of these rhetorical tactics to leverage his own relative weakness into an asset. First, it contrasts his deference with his master's imperiousness: Goldsmith wanted 'arrearages' due him 'in liewe & recompence of his said service & paines', so he approached Nicholas Bradshaw in 'gentle & quiet manner', 'no way urging him or offending him'. But Bradshaw spurned him, 'rayling at him & revyling him in the basest termes onely for demanding his due'. Goldsmith suggested mediation by neutral parties chosen by Bradshaw, which should have been amenable to Bradshaw (who was a parson), but he 'never would yelde to anie such peaceable meanes'. Second, the Complaint maps out the extreme power asymmetry between Goldsmith, a clerk 'aged poore and utterlie voyde of other means', and his opponent 'of so greate friends wealth & estate'. By pointing out his reluctance to take such a powerful man to court, Goldsmith began to turn Bradshaw's power and prestige into a legal weapon against him; Bradshaw felt free to withhold money with impunity, the Complaint states, 'knowing howe unable [Goldsmith] was to Contest with him in suites of Law'. Third, even as the Complaint points out that Bradshaw is 'of an evell Conscience' it expresses a paradoxical confidence that if Bradshaw is required to answer the charges against him, then even this 'Cruell & unjust' parson will do the right thing: Goldsmith 'is perswaded that the said Nicholas Bradshawe will uppon his Corporall oath Confess & acknowledge the said agreement' even though they had only 'Communicacion ... in private' (REQ2.416.47). Suggesting that an overbearing enemy will freely confess occurs with some regularity and represents a curious but important trope of the pleadings. When a widow sued the powerful people that owed her money, she also added that she 'hath noe bonds or specialtyes to shew ... for the prooffe thereof as the exact rule of lawe doth require but hopeth that they beinge called into this honorable Courte will uppon their severall oathes acknowledge and Confesse'. Though perhaps wishful thinking, such claims also made a key rhetorical move. Plaintiffs thereby acknowledged their inability to prosecute the case at common law, but simultaneously moved the conflict onto the moral terrain of equity, framing the case not as a test of law but as a test of their opponent's character. These formulations also sent a tactful signal that the plaintiffs depended wholly on the court and endorsed its infallibility. This widow was a seamstress, not a live-in servant or full-time employee, and the sums she mentioned add up to far more than bare subsistence wages (she may have been something more like a pawnbroker or an informal retailer), but she still worked from the same cultural script; she told the court that the money owed her for various wares and 'parcells of semestrye' amount to 'the greatest parte of [her] estate and mainteyneance'. She feared 'great

impoverishinge and decaye ... being but a poore widdowe'. In contrast, the people she sued used their social station to make grand promises but then continually delayed payment, despite the widow's 'quiett and friendly' entreaties (REQ2.391.48).¹⁵

Overall, when plaintiffs represented themselves as downtrodden victims, they engaged in polyvalent gestures of submission and self-assertion. They attempted to shame their adversaries, and rhetorically constructed the trial as a means to merciful redress of injustices perpetrated by the strong upon the weak. As Scott explains, 'the dominant elite's flattering self-portrait ... can become a political resource for subordinates' (1990, 54). Moreover, plaintiffs who turned poverty into a badge of honor inverted some prejudices that Alexandra Shepard notes 'could make witnesses of little or no worth highly vulnerable to discrediting techniques'; her survey of social evaluation in church courts shows that 'More routinely the bottom end of the social hierarchy was elided with the depths of the moral hierarchy, and poverty was often readily linked with dishonesty' (2008, 81-82). In Requests, in contrast, plaintiffs stressed their economic vulnerability in a form of what Scott calls 'symbolic jujitsu' (1990, 98). Moreover, while surely not all of them entered into their agreements thinking of traditional forms of patronage, they rhetorically labored to suggest that their antagonists have violated a social contract even if a formal contract did not exist or worked against them.¹⁶ Scott casts himself as an antidote to theorists who overstress false consciousness, among whom he includes Pierre Bourdieu. While Bourdieu's work primarily tries to account for the durability of domination, often focusing on social reproduction more than resistance, he also consistently points out that 'the "great" can least afford to take liberties with the official norms and they have to pay for their outstanding value with exemplary conformity to the values of the group' (1990, 129). Plaintiffs poor in economic and social capital could still draw upon this specific bank of cultural capital, this reservoir of collective values, and so might hope to benefit from such exemplary conformity.

¹⁵ Such abuse of status is the subject of the third case Lamar Hill examines in his article on debt litigation. A Cumberland tailor did business with a local gentleman and 'whether he liked it or not, [he] had little choice but to extend unsecured credit' (2007, 147).

¹⁶ Tim Stretton's study of women in the Elizabethan Court of Requests notices a similar trend: 'the pleadings of women are marked by the variety and intensity of the imagery of weakness and poverty' and he calls that imagery 'perhaps the clearest distinction which can be identified between the pleadings of women (excepting married women) and the pleadings of men' (1998, 180). I agree with Stretton, but some male servants, laborers, and apprentices employed similar language. The emotional impact of vulnerability clearly had some hold on the judges (called Masters of Requests) and could be exploited by men as well. But the overall picture of male plaintiffs has been muddled by the large numbers of wealthier men who sued in this court, drawn by its low costs, speedy process, and ability to override common law. The concept of a 'social contract' gives Seaver's article on the breakdown of a Bristol apprenticeship its title.

The Complaint of an apprentice tricked into signing a ‘fraudulently appoynted’ indenture reinforces these points and ends with a good example of the ways economically marginalized plaintiffs shifted the debate from written documents to broad cultural values. He entered into an apprenticeship as ‘a poore younge ladd resting in fyrme hope of his future good and that his said new Master would not faile in performance of his word’. Upending the stereotypes about shifty subordinates, he explained how ‘his said master Thomas Wildsmith offered in outward shew to performe his former promise honestly’, but the young man eventually learned that he (‘beinge wholly illiterate’) had signed an agreement, ‘without anie Doubt or suspicion’, stipulating that his final payment would not be due for 100 years. This victim of an outrageous fraud still took pains to demonstrate that his high moral ground should not be misinterpreted as presumption above his low social station:

[He] beinge thereat much agreaved yet notwithstandinge thinkinge yt to bee his Dute to construe his said masters bill rather to bee a mistakeinge of the Scrivener before named then a voluntary combinacion of his master with the said Scrivener to deceave him ... [he] moved his said master Thomas Wildsmith in as humble and good manner (as became a dutifull servant) touchinge the said bill ... But receveing noe reasonable or Contentive answer from him therein he was advised it was not meet or fitt for him then to make anie great question or to contest with his said master farther until the true daye of payment should come.

This apprentice thus argued that he observed the proper decorum even in the face of a gross injustice. He patiently trusted in his master until (after seven years) he asked ‘in peacefull and quiet manner’ but received a ‘delatory and mocking answer’ from his master’s family ‘to come unto them about an hundred yeares hence’. Deportment, as reported in these pleadings, is therefore not merely window-dressing, but an alternative form of proof; lacking strict legal footing, social subordinates set their respectful manners against the domineering conduct of their masters as behavioral evidence that the conflict arose from serious breaches in the reciprocal ethics of service. Like many others, this plaintiff wanted basic but unwritten expectations of fair play to overrule the letter of the law and exploitative contracts. He admitted (like virtually all other plaintiffs) ‘that by the strict rules of the Comon lawes of this Realme hee can have noe remedy’, but he also pointed out that ‘noe man of judgement’ could defend a 100 year delay (REQ2.403.14). Such plaintiffs negotiated a tricky social and legal position created by the hazy interstices of contract law, natural law, hierarchy and equity. Self-effacing yet carefully forceful, they skillfully walked a tightrope between impotence and impudence.

Likewise, they used intense descriptions of their abjection to trigger the *raison-d’être* of this court designed for the disadvantaged. When Richard Popkin ‘beinge a poore servant’ discovered his master and mistress cheating

him by manipulating debts and tallies ‘hee perceaved hee was abused therein yett knewe not how to finde out the same Injury and wronge nor how to help himselfe’. His adversaries involved a constable, and ‘with diverse menaces and unchristian speeches threatned that he should die and rott in prison’ until he became so ‘terrified with their threateninge hee was att his witts end not knowinge what to doe beinge destitute of frends and beinge himselfe veyry poore’. Fraudulent papers remained ‘a bridle to restreyne [him] from seekinge his due’, and he ‘is Constreynd to obscure himselfe’ for fear of arrest. But even he suggested that his oppressors would ‘sett forth and Confesse the truth’ in court (REQ2.305.48). And the Complaint of two men retained to excavate a patch of ground that turned out to be ‘a quicke sande full of springes’ illustrates both the vagaries of employment conditions and the discourses of desperation. These ‘poore daie Laborers’ thought they had made a good deal with a knight who ‘greatlie entreated’ them with ‘faire speaches’ to make ‘articles covenantes and agreementes’ about digging a pond at his Highgate estate, but that agreement became a trap rather than a mutually agreeable bond. They were covenanted for the completion of the pond, rather than paid by the day, because (they claimed) the knight had tested the ground and knew the job would prove extremely difficult. The laborers soon ‘were compelled to pawne and sell their poore bedding from under them’ and were ‘scarce able to put bread into their mouthes’ yet could not complete the job. As they struggled with this Sisyphean task, the knight undid each day’s labor by driving over their work: ‘by his great and weightie carriages over the pond hedd he made spoile thereof’, so they had to daily watch how ‘the worke sunke downe and decaied instantlie’ under the carriages. The knight threatened ‘the utter ruine and impoverishment of them, their poore wives and Children ... without anie remorse of Conscience’, and he eventually had them hauled into the Marshalsea. He refused ‘mediation’ and ‘all possible perswasions’ of third parties (REQ2.402.85). Plaintiffs like these men placed their last hope in the court and asked it to restore the moral order by asserting ‘Conscience’ over contract. And such language of ruin, downfall, despair, and ‘grievous hinderaunce’ made conventional but powerful flourishes (REQ2.416.47). ‘Poore & distressed’ William Gethin of Chancery Lane spent years as ‘Covenante servant’ to a great lady, a widowed Dame, until he was mistreated ‘againste all equitie and justice & to [his] utter undoeing’. The chief abuse he recounted involved a complication of credit; in the course of keeping the household stocked he ‘was dryven at sundrie tymes to borrowe & make hard shiftes for money to paye for the same provision to advoid the clamor of the poore people that sold the same’. He assumed these were the widow’s debts, not his own expenses, but his mistress allegedly stuck him with them (REQ2.300.52). Such tensions between overlapping roles and unclear responsibilities – a servant as an extension of a master vs. a servant as an autonomous economic individual – feature prominently in the final

case I discuss, a case rooted in the ‘hard shifts’ and ‘clamor’ of early modern market culture. At their most extreme, vulnerable plaintiffs even invoked the specter of death: an orphaned apprentice was ‘meanly employed’ and deprived of ‘Competent meate drinke or lodginge’, and he ‘had perished if his friends had not provided for him’ (REQ2.391.140).

In their overall rhetorical blend – desperation and indignation leavened with politeness and humility – the Complaints resemble the petitions to charities and municipal poor relief studied by Steve Hindle; those ‘narratives of distress’ are likewise ‘far from standardized, and the scrivener or clerk who drew them up seems to have done so with the claimant at his elbow’, but they usually mix a ‘popular discourse of pity’ with an insistence on the good character, reputation, honesty, and former industriousness of the petitioner (2004, 155-162). Lawyers and clerks undoubtedly did shape the narratives of victimization submitted to Requests, though diverse historians (prominent among them Davis 1987; Gowing 1996; and Fox 2000) have provided models for productively reading court records, and Hindle himself traces the migration of discourses across pulpits, pamphlets, and petitions. Lamar Hill represents an optimistic yet careful reader of Requests documents, one who insists that ‘although the records of their litigation may be highly mediated, we can still hear with some confidence the unmediated voices of the litigants through the filters of legal counsel’ (2007, 136). In his article on four cases of debt litigation, Hill finds that ‘a world of richly textured detail is revealed that allows us to “hear” the approximate voices of the participants’ in the narratives taken down by scribes who, he reminds us, ‘were trained listeners’ (139, 155). If that sounds too confident, in practice Hill is less emphatic about authenticity and more concerned with hearing ‘multiple discourses’ and ‘overlapping voices, each speaking to a different audience, be it the Crown, the masters of requests, the opposing party, or the witnesses’ (140-141). He confirms that the masters of Requests (the judges) valued hierarchy and deference and, ‘in fact, whenever the masters applied equity they reaffirmed the hierarchical order’ (153). So much is absolutely true, but the ambivalent nature of an equitable venue that worked both for and against hierarchy – that could locally overrule a master’s will while globally validating the dominant ideologies of degree – placed subordinates in a tricky rhetorical situation. A further potential interpretive pitfall is that very few cases went to final judgment (which involved an oral stage lost to us), and those few decrees are terse, so we have no sure guide to exactly what language worked and why.¹⁷ But proceeding to final decree was rare in most courts, and Muldrew points out that in civil debt litigation ‘making a complaint with a court clerk would also have been a way of communicating the threat of litigation’, a forceful but not

¹⁷ ‘Whenever they could, the Masters encouraged alternative methods of settlement’ (Stretton 1998, 81-83).

necessarily radioactive escalation of an ongoing conversation (1998, 202, though I suspect a Requests Complaint was a more serious step). So while we should be skeptical about genuine voices in the Complaints, we may just as easily recast that apparent problem as a useful opportunity to eavesdrop on a specialized cultural language, a nuanced and polyphonic form of communication between servants and masters – communication paradoxically made more powerful by being filtered and arbitrated by a powerful institution. Listening in on this language, while being mindful that subordinates helped produce some of the multiple discourses Hill wants to track but also recognizing that some things would be imposed on them, may shed further light on the ongoing debate about individual agency in early modern England.

The difficult rhetorical task servants and the poor faced was embedded in their uncertain social position, one of only limited and contingent rights. Social historians of the Braddick and Walter school of ‘negotiation’ have followed James Scott and demonstrated (and perhaps at times overstated) the agency of low status individuals. Keith Wrightson summarizes a certain consensus about the limited power of the powerless:

they could certainly influence the terms and conditions of their own subordinate place, by contractual negotiation, by their mode of conduct in the performance of their work, and on occasion – especially when legitimate expectations had been betrayed – by open insubordination. Servants could dispute the appropriateness of the tasks allocated them, or protest at failure to pay them as promised. Apprentices could and did lay out complaints against their masters and mistresses for maltreatment or neglect. (2000, 66)

The Court of Requests gave them an important forum for such disputes (no matter how much it was clogged by run-of-the-mill debt litigation). However, attending to the formal qualities of the self-presentational and rhetorical tactics employed by subordinates within the institutional confines of the court may help flesh out these negotiations and trace the lineaments of both the opportunities and oppressions those negotiations produced. Requests was less expensive than most legal venues, but it placed other all-too-familiar costs upon poor plaintiffs. Like so many other interactions and institutions, it extracted what Bourdieu calls ‘symbolic taxes’: ‘the concessions of *politeness* always contain *political* concessions’ (1977a, 95).

Scott dismisses Bourdieu and lumps him in with less sophisticated theories of false consciousness and mystification. But for Bourdieu, ‘the seemingly most insignificant details of *dress, bearing, physical and verbal manners*’ do not instantly produce the conscious consent of deluded social inferiors.¹⁸ Instead, such symbolic taxes build a generative matrix, deep in the body, of preconscious

¹⁸ ‘Practical belief is not a “state of mind”, still less a kind of arbitrary adherence to a set of instituted dogmas and doctrines (“beliefs”), but rather a state of the body’ (Bourdieu 1990, 68).

schemes of perception and action – ‘values given body, *made* body’ (1977a, 94). These matrices Bourdieu calls ‘*habitus*, systems of durable transposable *dispositions*’ that govern human practice and, though richly improvisational, limit agency (1977a, 72).¹⁹ Gouge’s recommendations for a well ordered household also stress what Bourdieu calls the ‘small change of the compliance’ of everyday routine (Bourdieu 1990, 68). Servants, writes Gouge, must ensure ‘that all their words spoken to their master be meeke, milde and humble’, and they must always display ‘Reverence in cariage’ – standing and removing their hat, for example, as ‘a signe and token of subjection’ (1622, 598, 601-602). Such tokens may be small, but Gouge wants them to amount collectively to a subordination and ‘modestie’ transmitted in (using one of Bourdieu’s own favorite formulations) ‘the whole disposition of bodie’ (1622, 602). *Domesticall Duties* is a prescriptive text, full of authoritarian ideals, and exactly the kind of public transcript Scott insists plebeians easily see through and manipulate.²⁰ But Gouge clearly hopes the formal aspects of deference will help inculcate the constructive ‘*feare and trembling*’ subordinates should continually feel:

Feare is both as a *fountaine* from whence all other duties flow: and also as a *sawce* to season them all ... This trembling feare is needful in regard of the small love that servants commonly beare to their masters ... servants must labour to nourish it, as a meanes to keepe them from over-much boldnesse. (1622, 615-616)

From that nourished and nourishing fear, Gouge makes the short step to ‘*serving with sincerity ... in singleness of heart*’ (616). The stories of polite submission that plaintiffs offered up to Requests, and the experience of working with clerks to craft pleadings that paid lavish tribute to hierarchy, operated in at least partial complicity with the early modern world’s ceaseless labor of symbolic domination.²¹

So, on one hand, the court lent special attention to the weak, but it only seems to have listened for the rhetorical modes and micro-genres it wanted to hear: carefully articulated pleadings for mercy, *not* demands for justice between social equals. The court must therefore have been a powerful force

¹⁹ ‘Practical sense, social necessity turned into nature, converted into motor schemes and body automatisms, is what causes practices, in and through what makes them obscure to the eyes of their producers, to be *sensible*, that is, informed by common sense ... Every social order systematically takes advantage of the disposition of the body and language to function as depositories of deferred thoughts that can be triggered off’ (Bourdieu 1990, 69).

²⁰ Scott, in fact, merely inverts the process when he claims that *elites* internalize their own performances: ‘They have a collective theater to maintain which often becomes part of their self-definition’ in ‘a kind of self-hypnosis within ruling groups’ (1990, 50, 67-69).

²¹ For quick accounts of Bourdieu’s theory of symbolic power, and its contribution to hidden modes of domination, see his essay ‘Symbolic Power’ (1977b) and *Outline of a Theory of Practice* (1977a, 171-197).

constituting and enforcing oppressive class identities. As Andy Wood points out in a compelling article, the ‘cognitive dissonance’ produced by the public and the hidden transcripts appears ‘in the contradictory relationship between popular litigation – in which the plebian litigant was expected to identify her or himself as “powerless” – and the clear fact of plebian assertiveness explicit in the act of litigation against a gentleman, a lord or a master’. Wood stresses the negative effects on the self-conception of the poor, arguing that such language, even if ‘knowingly manipulated’, made ‘plebian litigants ... complicit in the maintenance of their own subordination, so they helped to maintain a kind of elite cultural hegemony’, and Wood thus amplifies the importance of even contrived expressions of deference (2006a, 811-812).²² No single case can tell us anything concrete about the real psychological makeup of the specific litigants involved. But they do shed light on the expectations this culture held about how subordinates should act and even how they should feel, and scholars like Patricia Fumerton have investigated the subjectivities of the many people experiencing ‘shallow poverty’, including the working poor and lower middling-sort householders (2006, xvii). Their geographic, social, and vocational mobility coupled with their economic vulnerability cultivated an ‘unsettled’ subjectivity that, according to Fumerton, pervaded the ‘multiple types of “selves”’ these individuals were forced to adapt in the ‘the shifting “ground” of an increasingly unsettled economy’ (5, 31). So Requests Complaints do afford a look at some of the fraught ‘role speculations (not role-playing)’ the working poor had to engage in, and how assuming these roles may have contributed to the more damaging or unpleasant elements Fumerton finds in “low” subjectivity’ (45, 4).²³ Enacting or wielding a public transcript may have been tactical, but tactical does not mean inconsequential.

On the other hand, Craig Muldrew’s influential research on debt litigation points in a more positive direction. He reveals that, although poor people comprised a smaller percentage of litigants, they sued people above them often. On the whole, ‘litigation became a leveling force’ in early modern England because it was instrumental in disseminating a specific type of equality that was reshaping the culture (1998, 247-253). ‘Equality in

²² According to Wood, ‘the public transcript of elite domination has the effect of continuously disconnecting how subordinates *feel* from how they *act*’ (2006a, 811). Further, linguistic expressions of weakness in the face of elite power ‘constructed a binary opposition between an apparently powerless commons and a clearly powerful gentry’ that ‘did more than simply *describe*; it *constituted*’ those power asymmetries and ‘helped to legitimate the existence of both ruling institutions – central courts – and ruling discourses – the language of paternalism’ (812).

²³ Fumerton insists that the working poor ‘necessarily *speculated* in different work roles’ to survive, since they could not ‘afford to be *role-playing*’ when their assumption of different identities and postures ‘involved serious economic investment’ (2006, 34, 51).

exchange', he explains, 'was moral in nature; it was equality of the potential to be trusted, and certainly not an equality of opportunity or wealth' (146, see also 97).²⁴ While Requests observed hierarchies of social inequality, it also validated this moral equality. When trying to reconcile 'politique inequality' or earthly degree with 'spirituall equality', Gouge writes that someone 'more excellent in the one, may be inferior in the other' (1622, 593). Though Gouge keeps most forms of equality safely contained in the sweet hereafter, marginalized plaintiffs might make the Court of Requests recognize spiritual or moral equality and even import it into 'civill and temporall matters' (593) – no small achievement.²⁵

In sum, while these documents indicate that deference may have been the real price of admission to this institution, they also show how such deference could become empowering. Even calculated or cynical performances of deference carry psychological disadvantages, but inverting the discourses of weakness and power represents subtle but demonstrable acts of resistance. And Complaints generally display a pattern of temporal movement towards greater assertiveness: they recount past injuries, humiliations, and servility, are couched in a present-tense of measured deference, and then call for future

²⁴ Muldrew's analysis of multiple forms of justice and equality provides an important context, especially the displacement of distributive justice by commutative justice. He links the former with patronage, hierarchy, and older ideas about market regulation and links the latter with civic humanism, natural law theory, increased litigation, and participation in a vibrant market culture: 'The distributive justice of patronage, benefits or charity based on inequality of status or rank' held that those in authority should be responsive to 'traditional paternalistic moral notions about the entitlement of the poor' (1998, 47). But Muldrew argues that market forces and the court system worked together to instill a growing emphasis on commutative justice and 'equalization in exchange' (44) that he clearly views as an egalitarian development, albeit one which created great hardship for some and would lead to 'a new more absolute utilitarian ideology of free trade' and self-interest (51). These two ideas coexisted, of course, and their sometimes uneasy coexistence registers in the Requests archives. Further, the Complaints indicate that, although legal proceedings might indeed have been the engine of a growing sense of equality, some litigants relied more upon older ideals of distributive justice and the obligations of their superiors – hence the rhetoric of submission, trust, deference, and powerlessness.

²⁵ Gouge's final pages constitute a forceful endorsement of this provisional equality: 'For howsoever in outward dignity there is great difference betwixt master and servant, yet as the servants of God they are of a like condition, and in many things may be accounted equal' (1622, 691). In another illustration of the ambiguities of service, he firmly decrees subordinates must meekly suffer all punishments from 'unjust masters', even 'though correction be unjustly inflicted, yet it is patiently to be endured' in this world (612); however, throughout his chapters on servants and masters, Gouge favors the language of both justice and equity (see especially 656-657, 665). He similarly attempts to thread a very fine needle when he maintains that a servant should constantly fear a master and attempt to internalize his will, *but* that servant must not become a 'parasite' or a 'fawning dog' (638). All told, even in Gouge's thoughtful and totalizing account of the social order, early modern cultural ideals pull in many different directions.

accountability and material reparations. To adopt a modern saying, plaintiffs who won (or triggered a favorable extra-judicial resolution) found themselves groveling all the way to the bank.

Let me finish with a more extended look at one case which includes three pleadings and several witness depositions (this is a relatively rare opportunity, since few cases went beyond the initial Complaint with any substance). When John Honneyborne died his widow sued his master for almost three years of wages that she said her husband never received. Reading this suit in full underscores that the Court of Requests did value facts – cold finances and technical legal rights – but also entertained more subjective considerations including pathos, motivation, fairness, and broad social codes. The two sides of this conflict engaged in a tug-of-war over that terrain: the defendant and his witnesses stressed written records and numbers, while the plaintiff and her witnesses emphasized the emotive aspect of economic relationships.

A baker in St. Clement Danes named Peter Wraxall made ‘private Comunicacion & agreement’ with John Honneyborne (‘a Jorney man and worker’ in the ‘misterye of Bakeinge’) for eight pounds yearly, and this case again exemplifies the difficulties such private agreements could create. ‘In moste humblewise complayning’ Lettice Honneyborne – John’s widow – told the court that her husband died ‘very poore’ after five years with Wraxall, leaving her almost nothing but some money owed by Wraxall. ‘Diverse & sundry tymes’ she has requested the unpaid wages, but Wraxall ‘still doth refuse contrary to all Right equity & good Conscience’. If she ‘should be deceived or yf the same should be longe detained’, she and her children will become utterly destitute. She lacks written proofs, so ‘hath noe ordynary remedy by the Course of the Common Lawes’. Nevertheless, she believes that Wraxall ‘being urged & pressed ... upon his Corporall oath Cannot denye the same but must of necessitye confesse the same to be true’ (REQ2.414.76: Complaint).²⁶

The Complaint is a bit formulaic, but effective enough that the court agreed to hear the case. According to Wraxall’s Answer (his formal defense) John did ‘come to serve this defendant in the trade of a baker’ five years ago. But later he did ‘covenant and agree’ with John for a slightly different job. To encourage John ‘to be a trewe and faithfull servant’, Wraxall ‘was perswaded to give the said John Honnyborne some better place of service as in Caryinge of his bread to his Customers and receavinge of the monyes for the same’. In this position John moved out of direct supervision in the bakehouse and enjoyed some independence at the same yearly wage, but on the condition that he ‘behave himself well in his service’. But this new relationship also allowed Wraxall some

²⁶ This suit has been archived in two separate files, which is not uncommon. The Complaint, Wraxall’s Answer, and the plaintiff’s Replication are found in 414.76, but all depositions are found in 406.47.

advantages. In answering the charges, Wraxall not only denied owing any back wages (claiming the wages were simply deducted from bread payments), but claimed that John owed *him* large sums for bread he had delivered on credit. In fact, Wraxall ruthlessly pushed a countercharge that the widow was willfully failing to pay that debt as she sold off her dead husband's belongings and hid the money. He rather snidely promised to pay the disputed wages (about 22 pounds) as soon as he receives satisfaction for over fourscore pounds worth of bread (REQ2.414.76: Answer).

The depositions of Wraxall's brother, apprentice, and another servant confirm the baker's story, and describe his accounting system. Bread tallies were kept upon 'greate broade Boardes', and as a servant brought in payments from customers his tallies were 'Strucken out as he payeth', but John Honneyborne had allegedly fallen badly behind. John had been delivering bread 'uppon truste and Creddeytt' and could make 'no Satisfaccion or Accompte' for most of it, so one day Wraxall's apprentice had made deliveries with John to try to record the amounts owed by his customers. The apprentice took the notes, which perhaps hints that John was either illiterate or not fully trusted. This note was submitted as evidence and the situation confirms how, in a cash-scarce society, middlemen relying on the complex chains of credit Muldrew describes could easily become overextended.²⁷ Nevertheless, the apprentice and another servant insinuated that Wraxall had earlier examined Honneyborne about some 'Dishoneste Daleing' concerning 40 shillings worth of yeast, and that some customers later contested the debts John attributed to them. When John fell severely sick, his master's efforts to recoup or at least clarify these debts assumed a new urgency, so at least three more times Wraxall tried to get the accounts down on paper. First he dispatched his brother to the sick man's house to interrogate him about the amounts, but 'that Reconinge was very shorte'. Then Wraxall sent his servants 'to see his table booke', but 'they Could fynd none wherein any of such his Reconinges were'. John Honneyborne, whether literate or illiterate, creditor or debtor, honest or dishonest, moved primarily in the informal economy of verbal assurances, interpersonal trust, and unwritten balances so familiar from Muldrew's work (REQ2.406.47: Depositions of John Weeks, Abraham Wraxall, and Francis Plant).²⁸

²⁷ Muldrew 1998, *passim*, but see especially 95-98. Hill finds Requests to be an excellent archive for testing Muldrew's arguments, since it shows Muldrew's 'ideal types' in conflict. The court, Hill argues, had to juggle the conflicting demands of hierarchy, equity, and credit: 'the masters were obligated to restore order, one of the principle functions of the elites. At the same time, however, they assisted in preventing the collapse of a credit economy frequently driven by the demands of deference. The balance between the interests of hierarchy and of credit was difficult to maintain. Without sufficient circulating coin the task was all the more difficult' (2007, 153).

²⁸ One of those servants reported that Wraxall sent to the Honneyborne household 'for diverse of such goods and things ... because hee [Wraxall] would have had some things

Wraxall finally brought a scrivener to John's deathbed to notarize everything John could remember of his customers' debts, but the sick man could not remember much. The scrivener was called as a witness on Wraxall's behalf, but he claimed that John 'was reputed an honeste man' and he thought the customers disputing their debts would not be doing so had he lived. He did acknowledge, though, that John probably died in Wraxall's debt, not vice versa. The scrivener's deposition records an uneasy moment of contact between the world of papers and the world of promises. As Wraxall asked him about his customers, the sick man 'Answere verry slolye, but tould [Wraxall] Justlie what was owing by some of his Customers but not what was owing by them all' while the scrivener took notes. When Wraxall could squeeze no more out of John he 'seeinge his weakenes ... used these words or the lyke in effecte vz [videlicet] I shall loose muche monney by this manes death. And soe they Came Away. And within a daye or twoe or three dayes after he departed this lyffe' (REQ2.406.47: Deposition of John West).

The defense documents (Wraxall's Answer and the depositions of his allies) steer the conflict both in theme and in mode. Instead of discussing wages, they make John's debts the central topic – indeed, a reader could forget that Wraxall is the defendant. They also employ a drier, more detached tone amounting to a tactically different mode of legal discourse, one centered on concrete facts and amounts and generally avoiding comment on interpersonal relationships. Indeed, perhaps the only emotional moment is the scrivener's account of Wraxall's cold conduct. But Wraxall sidestepped some key questions: to what extent were the men whom he calls servants acting as his representatives? They could not possibly expect frequent cash payments from bread recipients, so did they willingly assume risks themselves, or did they believe that they were extending their master's credit, not their own? In short, were Wraxall's delivery men *servants* within a full-fledged ideology of reciprocal obligations familiar from prescriptive literature, or were they considered independent economic agents in a market culture of contractual equality? Though both sides wanted money, the tension between raw numbers and social bonds represents a crucial but only partially articulated field of struggle.

This struggle becomes most evident when comparing Wraxall's defense with the discourse produced by John's widow, Lettice, and her allies. While the defense fought dispassionately, the prosecution went right for the heartstrings with emotional arguments and moral evaluations. The widow's Replication (her formal reply to Wraxall's Answer) foregrounds how John Honnyborne, falling sick, was motivated 'out of Conscience towards god & care towards his wife & children & the Defendant ... to sett all reconninges straight betweene hym

towards Satisfaccion of his debts'. The widow, allegedly, 'had pawned them: whereby yt appeared shee made some of hir husbands goods away Least [Wraxall] should Recover them from her for his Debts' (REQ2.406.47: Deposition of Francis Plant).

& his saide Master the Deffendant'. He wanted to be paid for the last three years of service, but he also wanted to discharge whatever amounts he owed his master (and under this account those were very small). Wraxall ignored him until John desperately braved 'daungerous sicknes [and] went heance to the house of the Deffendant & then & there required him to accompt' of all tallies and wages. Wraxall would not even deign to answer, but 'cuningly withdrew himself ... & went out of a backe doore' until John was 'enforced for very sicknes and faintnes to depart'. At home, John 'with weepeinge teares' told his wife the bad news. John had not yet lost faith in his master, and as he languished 'his comfort was' that his master would give his family three years' wages at the least 'for saide he wee accompted at Christmas laste' and came to that understanding after clearing up all tallies and debts. But he could not 'be quiett in his mynde' so kept sending friends to his master asking him to come meet with him. According to this document Wraxall refused until he heard that 'John was both speechles and without memory & then indeed he came & tooke ... all the tallyes and scores in the saide Johns house', but did casually acknowledge to Lettice that 'all was well' between them and that he would pay at least *some* back wages. All told, the preponderance of the Replication is given over to moral evaluations of the two men; John Honneyborne's religious sense of duty to his family and master, his diligence, and his sorrowful tears upon his return home draw a stark contrast to the rude and grasping master who ignored a dying man's pleas and only came to ransack the home and the mind of his servant for his own gain (REQ2.414.76: Replication).

Witnesses for the prosecution corroborated these accounts, and likewise spent their rhetorical energy stressing character, conduct, and sentiment. One witness said he knew nothing of the details but insisted that 'Hunnyeburne Carried him selfe verrye honestlie and well, dealing Justlie and uprightlie with all men' (REQ2.406.47: Deposition of Thomas Hodges). A neighbor acting as an intermediary went to the bakehouse to speak to Wraxall but received only curt answers:

Master Wraxhall I pray you Lett me Intreate you to goe unto John Hunnyburne and Lett him and you Reccon and Accompte togeather before he dies that yt maye be openlye knowne to the worlde what is betweene you and he for his poore wyffe and Childerins sakes, then the defendant Wraxalle Answered her nothings but only said he hoped he would not then die. (REQ2.406.47: Deposition of Anne Dawson)

A maid recounted a painful rebuttal when John, 'verry sycke and weake', was spurned by Wraxall who 'Onlye said to him "howe nowe" and went out of his backe doore'.²⁹ These witnesses excoriated the baker for coming too

²⁹ The scribe set parentheses around 'Howe nowe' in an attempt to set off reported speech. I have changed them to quotation marks for clarity.

late to John's house, waiting 'untill he was almoste speecheles' and then only coming to bully a dying man 'not capable of any busynesses nor A man of this world'. A sister-in-law dwelt on how Lettice felt the pressure as she grieved; the 'morninge after [she] had buried her husbande' she demanded that Wraxall's servant explain how her husband could possibly be so deeply indebted. These witnesses also described how Lettice 'wepte to the defendant sayinge that her husband and shee had often sent for him to make even togeather before god Called him'. These witnesses did address the back wages and some claimed they heard Wraxall promise to pay them, but the rhetorical tactics are clear: while the defense fixated on tallies, tears carried the prosecution's argument (REQ2.406.47: Depositions of Anne Dawson, Elizabeth Campion, and Cycelye Honneyborne).

Tim Stretton notes that, in Requests, 'judges were asked to choose between two or more conflicting representations of the truth, rather than to attempt to reconstitute the truth itself' (1998, 14). In the conflicts I have been describing between (relative) elites and the people who served them, those representations of truth not only diverge into competing narratives, but into competing visions of social organization and competing modes of expression. In the case of Honneyborne vs. Wraxall, one witness for the prosecution closed with an intriguing comment that may illuminate some of these ideological forces at work in this archive: she heard two bakehouse servants 'saye the greate Booke wherein the truthe would appeare betweene them the plaintiff and defendant was kepte out of the waye they Could not see yt. And woondered the defendant did deny to pay her husbands wages' (REQ2.406.47: Deposition of Elizabeth Campion). The statement primarily implies that Wraxall kept secret accounts while manipulating the public tallies, and thus unfairly withheld wages. But beyond that immediate meaning, the resonance these carefully corrected words have to a major trope of Christian millenarianism is unmistakable – an unknowable 'greate Booke' where absolute truth resides cannot fail to connote divine judgment. The comment retroactively elevates this story of a dying servant struggling to earn a final reward via his last reckoning with an inaccessible master to a grander scale. In this murmuring about a secret book and an unpaid debt the various issues of the case appear to coalesce: two economies (informal vs. formal), two forms of master-servant relationships (mutual obligation vs. strict economics), two modes of pleading (emotional vs. numerical), and two conceptions of justice (distributive vs. commutative).

In the Court of Requests the harsh laws of money and masters had to contend with the more charitable justice of equity, and I have stressed how those conflicts often fell out along a written-oral divide and how those conflicts were fought in the discourses of the elite. But this confrontation may hint at a radical alternative where debts, tallies, and contracts will be overwritten by the fulfilled promises of a higher justice. 'The language of spiritual accounting

also continued to be related to credit relations', says Muldrew (1998, 146), and such language plays a key role in Gouge's explication of the relationships between masters and servants; he reminds his readers that God 'will require an account of them for all that are under their government' (1622, 666). And while he grants masters wide authority, he concludes his tract by forcefully invoking Ephesians 6:9: '*your master also is in heaven: neither is there respect of persons with him*' (689). All worldly authority will end and there will finally be 'no difference betwixt master and servant', he writes, again emphasizing spiritual accounting:

The first reason which declareth the subjection of masters, in that they have a master over them, putteth them in minde of that account which they are to make, and reckoning which they are to give of the well using of their authority and of their cariage towards such as are under them. For they are but as stewards over fellow servants: every one of them therefore shall heare this charge, *give an account of thy stewardship*. (689)

Servants and laborers presumably were not often buying and studying conduct literature and household advice tomes like *Domesticall Duties*.³⁰ But Gouge articulates something of the larger cultural air they breathed, and even the dominant discourses that spoke from pulpits and political offices afforded subordinates a social position not entirely without rights and ideological resources.³¹ Servants and employees held a liminal and contradictory status; in Requests they responded to that ambiguous status with pleadings that were necessarily dialogical in the fullest Bakhtinian sense – layered and multiaccental discourse that is effective because of, not in spite of, its blend of personal utterance and cultural quotation.

³⁰ This is not to say it never happened. Ben-Amos records that 'conduct books and books of advice and instruction ... were sometimes purchased by adolescents and youths' during their periods of life-cycle service, and in church 'there were apprentices who followed the sermon intently and even took notes' (1994, 190).

³¹ Many of Gouge's points are entirely conventional, and are echoed by other conduct writers. For example, Dod and Cleaver likewise use Ephesians 6:9 to insist that masters should inflict punishment 'remembring always that they have a maister in heaven, before whom they must make an account for their doings' and repeating that 'they must yield to God their maister a straight account' (1621, sigs Z5r-Z6r). They also decree that 'obedience and service must be done with feare and trembling, in singleness of heart' while servants always 'be reverent and lowly ... in their words and gestures' (sig Aa5r).

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