Chapter 3

Threats and Intimidation in Anglo-Norman Legal Disputes

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English justice during the Anglo-Norman period lacked the administrative centralisation and widespread procedural regularity of the later English common law. Compared to subsequent periods, a greater number of disputes may have been conducted and resolved without being brought before a court, with the parties instead preferring extra-curial negotiation or low-level violence to settle the matter. Disputes which did follow a more formal legal process could be heard in a number of different courts, some pre-dating the Conquest and others introduced by the Normans, and cases could proceed with a certain amount of procedural flexibility. A number of factors, including a potential lack of clarity concerning legal norms, or power differences between the parties, meant that ‘extra-legal’ tactics are likely to have influenced the outcome of a significant number of these cases.1

This essay, drawing on William I. Miller’s work on the psychology of medieval disputing, examines the use of threats as one such extra-legal tactic.2 It focusses on disputes which came before secular courts, and on cases which might later be termed ‘civil’ rather than criminal. It thus avoids the particularly inflammatory situations which are likely to have occurred in homicide cases or other disputes arising from allegations of inter-personal violence. Likewise, cases from the period 1066–1135 are considered, but Stephen’s reign is excluded so that our picture is not distorted by the exceptional circumstances of the Anarchy.

The most obvious types of threats are those made explicitly, whereby an opponent is promised unpleasant consequences if they act, or refrain from...
acting, in a certain way. Nevertheless, as Miller explains, many threats are implicit; ‘they are simply in the air because of certain talents or blessings, or “suggestivenesses” that cause the other to fear you’. The use of both types of threat in Anglo-Norman lawsuits is therefore considered.

Some of the most important lay courts in Anglo-Norman England are mentioned in a writ issued by Henry I in 1108:

Know that I grant and order that henceforth my shire courts and hundred courts shall meet in the same places and at the same terms as they were wont to do in the time of King Edward.... And if in the future there should arise a dispute concerning the allotment of land, or concerning its seizure, let this be tried in my own court if it be between my tenants-in-chief. But if the dispute be between the vassals of any baron of my honour let the plea be held in the court of their common lord. But if the dispute be between the vassals of two different lords let the plea be held in the shire court.

Henry’s writ thus highlights the operation of the king’s own court, the county (shire) and hundred courts, and the seigniorial courts of lords.

The role of the king in hearing pleas was well established before the Conquest. Medieval kings were frequently called upon to dispense justice, and English kings and Norman dukes certainly heard pleas before 1066. The king’s court also heard a wider range of disputes than those outlined in Henry’s writ. As John Hudson points out, the fact that the king was regarded as the fount of justice meant that his court was ‘potentially omnicompetent’. Pleas might be heard as the king travelled around the country, although if he was unavailable royal administrators would sometimes hear a case. Likewise, if the king was out of the country, a family member or royal official would be designated to deal with judicial matters.

5 Hudson, Formation, 27.
6 Ibid., 28.
7 Ibid., 30.