The use of the term “community” in historical studies continues to present problems for many medievalists. Myriad studies have emphasized the inadequacy of the term when describing medieval society. Microstudies of manors and villages, especially in the English context, by historians Barbara A. Hanawalt, J. Ambrose Raftis, and Sherri Olson (among others) have highlighted the sheer variety of experiences within and among the peasantry, reminding us that the “village community” masks a much more complicated and fractious economic and social grouping of people than previously thought.1 “The mystique of the ‘village community’” tends to favor harmony over tension and conflict, thus veiling the reality that the peasantry did not all share the same experience (and for that matter, neither did the gentry, the nobility, or the ecclesiasts).2 Nevertheless, more recently, this debate over whether or not to use the term “community” seems to have come full circle.

Murmurs of disagreement have prompted warnings against rashly discarding the medieval community. Historians did not invent this fictive community; rather, as Christopher Dyer and Gervase Rosser remind us, medievalists drew on a

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contemporary sense of community to which villagers turned in times of hardship. Both Dyer and Rosser call attention to the taxing years of the later medieval period when, despite increasing economic and social strife in the postplague world, villagers became determined to preserve communal harmony by asserting a united perspective. Although it is certainly true that the community evident in the legal record was dominated by an elite, widespread efforts to uphold common values speak to the collective nature of the movement and bring to life, if only in brief moments and defined situations, the elusive medieval community. Although “the community” remains a “slippery concept,” as Shannon McSheffrey has observed, it is critical to our understanding of medieval society.

Where most English historians find themselves in agreement is on the need to place this community within regional context. Later medieval England was a land of diversity in culture, conviction, and concern. The frequently studied North/South divide best exposes the disunity of the medieval English. As A. J. Pollard notes, throughout the period, southern Englishmen held fast to a far-reaching conception of the North as “unstable, barbaric and threatening, backward and violent,” although historians still dispute whether this impression reflects a reality or simply a southern distaste for a culture distinct from its own. Yet, as Keith Stringer has contended, even the North of England lacked a socially harmonious and politically united front. Scottish alliances and quarrels preoccupied the inhabitants of the “Far North” (Northumberland, Cumberland, and Westmorland) even before the commencement of open warfare in 1296, politicizing national identities in the northern Borderlands in a truly distinct way. Thus, while a distinctively English perspective prevailed, a high degree of cultural diversity lent to the creation of a variety of English communities.


Despite the pertinence of the debate surrounding the reality of the medieval community to all kinds of historical research, it is a discussion that historians of the law have rarely participated in, let alone paid heed to. Well known for their insularity, legal historians focus on changes in the law and its institutions, and unlike historians in most other fields, they are freed from chronological and geographical restraints, sometimes wandering comfortably from medieval England to modern-day America. Because of such a selective focus on the evolution of the law and its institutions, the interaction between law and society is often relegated to a growing breed of social historians who turn to the law because of its abundant documentation. This observation does not intend to disparage the fine work of legal historians, upon whom I, as do many others, rely extensively in my own research. However, such an artificial separation between the study of law and that of society can be problematic. This recognition is particularly relevant in understanding the role played by the jury in the criminal courts of medieval England. Medieval jurors played a much more substantial role in the judicial system than do jurors today; not only did they pass judgment on cases, but as inquest or grand jurors they also initiated lawsuits by bringing crimes to the attention of royal officials. Legal historians such as Thomas Green and John Bellamy (among others) have argued convincingly that jurors in later medieval England acted as representatives of their communities, imposed communal values on the law, and convicted only those whose transgressions were widely considered deplorable and whose behavior was beyond local control. Consequently, the judgments of the English


jury reflected shared morals, especially in times of hardship and in issues of significance to the wider community. These findings, once again, demonstrate the need for a greater awareness of the reality of the medieval community. If the verdicts handed down by medieval jurors embodied public attitudes and principles, those who study the institution of the jury will certainly benefit from a greater appreciation of the historical communities from which these representatives are drawn. Moreover, when attempting to understand the role of the jury as representatives of their communities, the varied nature of English heritage remains an important consideration. Historians have long accepted the gap between the theory and the practice of the law in medieval England. In a legal system that prescribed death as a punishment for all felonies and did not allow for gradations of guilt, jurors hesitated to impose the full weight of the law. Nonetheless, traditional assumptions that pit practitioners of the law against the law itself simply erase or ignore the range of perspective that may exist between those two extremes. Cultural diversity may well present itself as the key to understanding variations in practice.

This article intends to explain why common-law historians, among others, must heed the significance of the medieval “community” and its regional character. By singling out one particular felony, suicide, and highlighting its treatment by jurors across later medieval England, this article demonstrates the dangers of disregarding regional variation within a nation and its impact on local communities—a critical, yet often overlooked, factor molding the values and priorities of medieval communities. Cultural diversity is vital to understanding why some regions were far more likely to report self-killers and find them felonious (and thus, technically, a suicide—*felonia de se*) than were others.

In an effort to discern regional variations in the various stages of the legal process, the present study examines in entirety the collection of coroners’ rolls at The National Archives in Kew, Surrey, as well as two sizeable

12. For example, collective values dictated the outcome of a case of homicide when there was general knowledge of and discomfort with the deceitful nature of the crime. A jury’s verdict in a gruesome case of wife murder was infinitely more meaningful than in the case of petty theft. Sara M. Butler, *The Language of Abuse: Marital Violence in Later Medieval England* (Leiden: Brill, 2007), chap. 5.


14. Coroners’ rolls record the verdicts of coroners’ inquest juries. Together with the coroner, this group of men was granted the task of examining the body of the deceased and interrogating neighbors and witnesses regarding any unnatural or suspicious deaths. The National Archives, Kew, Surrey (hereafter abbreviated as “TNA”) JUST 2.
eyre or assize rolls\textsuperscript{15} drawn from each county across England. The survival of records is such that the eyre rolls cover the years 1206–1359, with the majority concentrated in the thirteenth century; the coroners’ rolls span the years 1228–1426, with the bulk deriving from the fourteenth century. This produced 638 cases of self-killings from thirteenth- and fourteenth-century England. An important note concerning terminology: in this article, I will use the term “self-killing” to designate accusations of suicide. The term “suicide” will refer to those cases where a verdict of felony was determined by the courts. Because scribes recorded self-killings in a relatively mechanical way, this article will focus not on the cases themselves, but rather on a statistical analysis of the regional distribution of these cases, in an attempt to explain why some areas were more vigilant than others in reporting cases of self-killing.

**Suicide—a Complicated Verdict**

The law clearly spelled out the role played by each type of jury in the legal process in addressing cases of suicide. The courts treated a suicide just like any other felony. Since the creation of the office of the coroner in 1194, the kings relied on the coroners and their inquest jurors to determine preliminary verdicts. Coroners based their decisions on an examination of the corpse and the scene of death, eyewitness testimony, and the general beliefs of the neighbors and family members, who were expected to know, or at least suspect, what had happened. The coroners’ accounts then passed to the sheriff and the grand jury, who assumed the task of reporting all felonies in the hundred since the time of the last eyre or assize and presented an initial verdict on each, usually echoing that of the inquest jury. Trial jurors, as the last stage of the investigative process, then passed final judgment on the self-killing, declaring it either a suicide or a death by misadventure (an accident). The law presumed all three layers of juries to be self-informing, meaning that royal justices expected jurors to come by the evidence on their own through personal knowledge of the accused. In practice, the process in cases of self-killing was not so orderly. At times, the pronouncement of the inquest jury was treated as both the initial and final verdict in a case—most likely, in those situations where the evidence was indisputable (i.e., trustworthy witnesses to the fact had come forward), and thus there seemed no need for the case to progress

\textsuperscript{15} Eyre or assize rolls document the visitations of royal justices into the counties to hold trials for all manner of pleas, civil and criminal. For the purposes of this study, only criminal pleas were taken into consideration. TNA JUST 1.
further in the system. Moreover, the “self-informing” nature of the jury is dubious at best. Inquest jurors were probably the only jurors who were truly self-informing. As a rule, sheriffs drew their pool of grand jurors from a community’s elite; thus, grand jurors based their knowledge more on rumor and reputation than personal acquaintance with the felon. Trial jurors were the least likely to be self-informing. Overlaps in the composition of grand and trial juries, as well as the records of indictment themselves, provided the necessary information for trial jurors to reach a verdict.

Where theory and practice diverged most, however, was in the inquest jury’s willingness to report a self-killing as a suicide. A verdict of suicide was a complicated declaration for jurors, involving economic, religious, and folkloric concerns. The king greeted each suicide as an opportunity for profit; if the final verdict declared a self-killer a suicide, then the king confiscated the lands and chattels of the suicide for a year and a day. The courts excused only those deemed mentally unfit (non compos mentis) from both the verdict and the loss of property, the assumption being that a confused mental state exempted a self-killer from responsibility for his or her actions. Regardless of the king’s monetary stake in the death, several historians have argued that inquest jurors hesitated to pass sentence on self-killers, in part because the family of the suicide might now become a burden on the community. Mindful of their purses, jurors may have preferred the

16. In all likelihood, a comparison is made here with a thief taken with the mainour, that is, with the stolen goods on his person. The stolen goods act as a confession, and thus a trial is unnecessary.


18. For a discussion of the status of grand jurors, see B. W. McLane, “Juror Attitudes Towards Local Disorder: The Evidence of the 1328 Lincolnshire Trailbaston Proceedings,” in Ibid., 36–64.

19. John Bellamy postulates that the crown may even have encouraged indictment jurors to participate in the actual trial as jurors in an effort to increase the chances of the accused being convicted. See Bellamy, The Criminal Trial in Later Medieval England, 27–29.


more financially sound choices of declaring the self-killing either an act committed *non compos mentis* or a death by misadventure.23

Money was only one among many of the jury’s concerns. Religious perspective surely played a role in the jury’s emotional and psychological reaction to the crime. Saint Augustine, in the early fifth century, articulated a straightforward position on suicide: “No man may inflict death upon himself at will merely to escape from temporal difficulties—for this is but to plunge into those which are everlasting.” He further qualified his position to discourage aspirant martyrs from rushing to their deaths, by stating “no one may end his own life out of a desire to attain a better life which he hopes for after death, because a better life after death is not for those who perish by their own hand.”24 Augustine’s unsympathetic outlook laid the foundation for medieval Christian perceptions on suicide. The medieval laity was well versed in the church’s position on the matter. The message of eternal damnation for self-killers was a popular subject of medieval sermons; preachers regularly drew upon the death of Judas as the archetype of the damned to emphasize this point, and *exemppla* (sermon stories) depicting suicides and suicide attempts were common.25 Moreover, the medieval church closely linked suicide with despair, interpreted as an abandonment of Christian faith and understood as a form of *acedia* (sloth), one of the seven mortal (thus unpardonable) sins. To emphasize the church’s position, after the twelfth century it denied burial in consecrated ground to all self-killers and excluded their families from participating in the remembrance of the dead.26 Given that remembrance of the dead, especially in the later medieval period, was “a key element in the celebrations of the church,” the inability to enroll the name of a loved one on the parish bederoll

23. Sara M. Butler, “Degrees of Culpability: Suicide Verdicts, Mercy, and the Jury in Medieval England,” *Journal of Medieval and Early Modern Studies* 36 (2006): 263–90. Obviously, confiscation of goods was a concern in all cases of felony. However, where suicide differs from other felonies is that the felon has already been executed (admittedly by his own hand); thus, the verdict was more a formality and did not commence a legal process.


and celebrate the anniversary of his or her death with prayers for the dead was surely a meaningful prohibition.27

In popular religiosity, suicide had even more ominous implications. Medieval Christians perceived dying a “good death” (i.e., a Christian death, including a final confession and extreme unction) to be of paramount importance. This is emphasized best in the latter part of the period, when handbooks teaching the *ars moriendi* (“art of dying”) became bestsellers, available in England also in block books for the medieval illiterate.28 Medieval *exempla* and popular literature depicted those who died without proper Christian rites as sorrowful, wandering souls, prone to returning from the dead in both physical and spiritual forms to seek proper burial rites. This theme is a continuation of a classical premise, one that became noticeably more popular, however, after the thirteenth-century dissemination of purgatorial doctrine, when “the gates to the otherworld were thrown wide open.” Consequently, in the later Middle Ages, “the living were quite used to rubbing shoulders with the dead.”29 As ungenial as this is to modern thinking, the medieval world had a much more fluid conception of death. As Nancy Caciola writes, from the medieval perspective, “the seen world is interspersed with another, quite crowded level of unseen reality, and the two may collide with ease.”30 Walking corpses and wandering souls were not official medieval Christian doctrine; nevertheless, these apparitions did not belong purely to popular belief. Sermon and *exempla*, even the writings of monks and canons, were replete with stories of the dead, incensed because their peers had not honored them properly in death or memory, and often posing a threat to the living. The popularity of ghost stories in medieval *exempla*, in particular, is meaningful. D. L. D’Avray has described the *exempla* as “the first system of mass communication,” ensuring the wide dissemination of these fears.31 Moreover, the active and impassioned involvement of respected churchmen, from Caesarius of Heisterbach

(c. 1180–1240) to Thomas Cantimpré (1201–1272), in perpetuating ghost stories must have given the medieval laity the impression that this perspective was endorsed by the church, thus merging traditional and official beliefs where ghosts were concerned.32 Concerns about the dead returning to haunt the living made suicide (the epitome of “bad death”) a fearsome and perilous prospect. Certainly English jurors were not exempt from such potent and consuming fears. Although the archaeological evidence remains slim, historians of suicide assert that the medieval English, fearing retribution from the dead, buried all suicides at a crossroads with a stake driven through the chest, pinning the corpse to the ground.33 Medieval communities intended such a gruesome and horrific form of burial as both a punishment and a preventive measure. If the stake did not successfully thwart the corpse’s attempts to leave its grave, the crossroad burial might confuse the corpse, causing it to choose the wrong route home and, with any luck, harass some other village.34 The obsession with the dead was reflected in the works of English literary figures, from William of Malmesbury’s (c.1090–1143) Deeds of the English Kings to Walter Map’s (c. 1140–1210) Courtiers’ Trifles.35 Indeed, surviving English “ghost stories” underscore a certain fascination with the dead. In his History of English Affairs, William Newburgh (c. 1136–98),


33. MacDonald and Murphy, Sleepless Souls, 18–19; Minois, History of Suicide, 36.


an Augustinian canon, recounted four grisly and terrifying tales of the undead. In the midst of narrating the story of a sinful man who left his grave to return to his widow’s bed, almost crushing her with his weight before attacking and terrorizing the rest of his family, William comments that “such things often happened in England.” His stories imply that communities expected those who died a bad death to rise from the dead. William tells us of a friar at Melrose on the Scottish Borders, who kept watch in a cemetery, specifically to attack a corpse he assumed would rise and chase it back to its grave. In three of William’s four stories, the nighttime wanderings of the dead ended only after the destruction of the corpse, usually by mutilation and then burning, and often at the request or hands of the clergy. Although William displayed a suitably modest degree of caution in noting that he was uncertain what supernatural being caused the dead to rise, he recorded that others claimed they did so “by the operation of Satan.” Destruction of the corpse, then, functioned specifically as a form of exorcism. William of Newburgh’s accounts are not unique. William of Malmesbury argued that it was “well known that the Devil causes the bodies of the evil dead to walk.” Walter Map’s description of a Hereford corpse who wandered the streets, calling out the names of villagers who then proceeded to die, also speaks of the demonic origins of living corpses: the murders halted only after villagers decapitated the body and returned it to its grave. A collection of twelve ghost stories from Byland Abbey (Yorkshire), dating to roughly the year 1400, demonstrates that, while most of the undead were still violent and dangerous, destruction of the corpse was not always necessary to stop their hauntings. Only one of the twelve undead in the Byland Abbey stories required desecration of the body, this time by throwing it into the lake. In the rest, the ghosts sought absolution for their sinful lives and departed after receiving it. The absence of bodily destruction does not remove the diabolic taint. As Jacqueline Simpson has argued, the word *conjuro*, used repeatedly in the Byland Abbey stories commanding ghosts to explain their presence, is reminiscent


39. Ibid.

of the Christian rite of exorcism, indicating that the devil was, indeed, the reason
behind their unnatural states.\textsuperscript{41}

England’s obsession with the demonic origin of reanimated corpses is particu-
larly central to our concerns here, and is, in large part, what makes the English
ghost tales stand out from those of Continental Europe. While the continental
undead are just as violent and dangerous, they do not need the devil to rise from
the grave; rather, “they simply come back to life on their own and interact with the
tangible world.”\textsuperscript{42} The unholy trinity of the devil, bodily possession, and earthly
violence, abounding in English ghost stories and miracle stories of demoniacs, was
not a popular continental theme.\textsuperscript{43} Rather, continental demoniacs preferred intel-
lectual debate and disciplining sinful priests to attacking and murder.\textsuperscript{44} This grisly
and gruesome English obsession with the walking dead must be taken into
consideration when thinking about suicide verdicts. Medieval jurors would have
been well aware of these traditions, if not through these specific sources, then
through the oral tradition which the ghost stories reflect, and thus apt to draw
upon them when faced with self-kiltings thought to have been incited by the devil.

Owing to the ramifications of a declaration of suicide on the community, both
spiritual and economic, this period witnessed the emergence of local cultures of
suicide. In some regions, ghostly concerns shaped the juridical response. Else-
where, prevailing concerns centered on the impoverished families of the dead.

\textbf{Regional Variation in Reports and Findings of Suicide}

An analysis of the distribution of self-killings across England allows us to discern
both regional distinctions and a typically English approach to declarations of
suicide. In some areas, inquest jurors proved unwilling to report cases of self-
killing. For example, a person living in Worcestershire in the thirteenth or four-
teenth century had little to fear if he or she wished to commit suicide. In all

\textsuperscript{41} Simpson, “Repentant Soul,” 396. C. S. Watkins also finds a common connection between
demons and the undead in his exploration of Anglo-Norman ghost tales. See his “Sin,
Penance and Purgatory in the Anglo-Norman Realm: The Evidence of Visions and Ghost

\textsuperscript{42} Caciola, “Wraiths,” 19.

\textsuperscript{43} The miracles of King Henry VI include several examples of violent demoniacs. See Basil
Clarke, \textit{Mental Disorders in Earlier Britain: Exploratory Studies} (Cardiff: University of

\textsuperscript{44} Barbara Newman, “Possessed by the Spirit: Devout Women, Demoniacs, and the Apostolic
All population estimates are drawn from Josiah Cox Russell, *British Medieval Population* (Albuquerque: The University of New Mexico Press, 1948), 132–33. Russell bases these estimates on the Poll Tax returns of 1377. It should be noted, that for the thirteenth century (preplague), the populations were probably higher, although we do not have tax records in order to provide trustworthy estimates for this period. These population figures are offered in order to give the reader a sense of the size of each county. Unfortunately, there is no enrolment in the tax records for the county of Durham.

### Table 1. Self-Killings by Judicial Circuit

<table>
<thead>
<tr>
<th>Circuit</th>
<th>County (Population)</th>
<th>Total Number of Self-Killings</th>
<th>Number Described as Felonious in Either Margin and/or Narrative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northern</td>
<td>Cumberland (18,778)</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Durham</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Lancashire (35,820)</td>
<td>13</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>Northumberland (25,210)</td>
<td>9</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>Westmorland (11,084)</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>York (196,560)</td>
<td>93</td>
<td>76</td>
</tr>
<tr>
<td></td>
<td>Circuit total:</td>
<td>130</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Percentage of suicides:</td>
<td>82%</td>
<td></td>
</tr>
<tr>
<td>Midland</td>
<td>Derby (36,433)</td>
<td>13</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>Leicester (50,748)</td>
<td>17</td>
<td>16</td>
</tr>
<tr>
<td></td>
<td>Lincoln (142,678)</td>
<td>42</td>
<td>40</td>
</tr>
<tr>
<td></td>
<td>Northamptonshire (62,553)</td>
<td>43</td>
<td>42</td>
</tr>
<tr>
<td></td>
<td>Nottingham (43,328)</td>
<td>36</td>
<td>22</td>
</tr>
<tr>
<td></td>
<td>Rutland (8,991)</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Warwickshire (45,396)</td>
<td>10</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Circuit total:</td>
<td>163</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Percentage of suicides:</td>
<td>84%</td>
<td></td>
</tr>
<tr>
<td>Oxford</td>
<td>Berkshire (34,084)</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>Cornwall (51,411)</td>
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<td>12</td>
</tr>
<tr>
<td></td>
<td>Devon (78,707)</td>
<td>14</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>Dorset (51,361)</td>
<td>11</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>Hampshire (60,849)</td>
<td>18</td>
<td>16</td>
</tr>
<tr>
<td>Circuit</td>
<td>County (Population)</td>
<td>Total Number of Self-Killings</td>
<td>Number Described as Felonious in Either Margin and/or Narrative</td>
</tr>
<tr>
<td>----------</td>
<td>---------------------</td>
<td>-------------------------------</td>
<td>---------------------------------------------------------------</td>
</tr>
<tr>
<td>Western</td>
<td>Gloucester (68,016)</td>
<td>16</td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>Hereford (25,831)</td>
<td>7</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>Shropshire (40,242)</td>
<td>22</td>
<td>19</td>
</tr>
<tr>
<td></td>
<td>Stafford (33,734)</td>
<td>12</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>Worcester (24,148)</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Circuit total:</td>
<td>61</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Percentage of suicides:</td>
<td>84%</td>
<td></td>
</tr>
<tr>
<td>Norfolk</td>
<td>Bedford (30,508)</td>
<td>10</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>Buckingham (37,008)</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Cambridge (46,461)</td>
<td>21</td>
<td>21</td>
</tr>
<tr>
<td></td>
<td>Huntingdon (21,243)</td>
<td>9</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>Norfolk (146,726)</td>
<td>27</td>
<td>22</td>
</tr>
<tr>
<td></td>
<td>Suffolk (93,843)</td>
<td>13</td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>Circuit total:</td>
<td>84</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Percentage of suicides:</td>
<td>88%</td>
<td></td>
</tr>
<tr>
<td>Home</td>
<td>Essex (76,375)</td>
<td>21</td>
<td>21</td>
</tr>
<tr>
<td></td>
<td>Hertford (29,962)</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Kent (89,551)</td>
<td>36</td>
<td>34</td>
</tr>
<tr>
<td></td>
<td>Middlesex (51,835)</td>
<td>23</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>Surrey (27,058)</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Sussex (54,292)</td>
<td>16</td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>Circuit total:</td>
<td>104</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Percentage suicides:</td>
<td>87%</td>
<td></td>
</tr>
</tbody>
</table>
likelihood, neighbors and friends would not even convey news of the fatality to the coroner as a self-killing; inquest jurors probably concealed the death as a misadventure, or perhaps even one as of the many thousands of cases of homicide by strangers or unknown perpetrators. If inquest jurors did report the death as a self-killing, they might also choose to declare the self-killer non compos mentis. Surviving coroners’ and eyre rolls record only four cases of self-killing for this county in the later Middle Ages, three of which jurors declared felonious. Unless medieval Worcestershire folk were an exceptionally joyful and well-balanced people, this figure cannot represent the total number of deaths at one’s own hand for the period. Worcestershire was not unique in its reluctance to report self-killings; Table 1 demonstrates that Buckinghamshire, Cumberland, County Durham, Herefordshire, Hertfordshire, Rutland, Surrey, Sussex, and Westmorland all experienced a similar unwillingness on the part of jurors to deliver judgments of self-killing, felonious or otherwise. The few cases of self-killing that appear in the records for these counties, then, were most likely of such an egregious or public nature that officials simply could not disregard them. On the other hand, some counties (such as Cambridgeshire, Essex, Kent, Lincolnshire, Norfolk, Northamptonshire, Nottinghamshire, Shropshire, and Yorkshire) appear to have been conscientious, even vigilant, in reporting self-killers. These counties all note high numbers of reports of self-inflicted deaths. Certain judicial circuits report higher figures than do others; the predominance of the Northern and Midland circuits at 130 and 163 self-killings, respectively, is noteworthy.

In those cases reported to royal justices as self-killings, jurors also addressed them in regional ways (Figure 1). While English jurors declared most cases (556 out of 638, or 87 percent) felonious, a self-killer’s chances of being held accountable for his actions varied tremendously from county to county. In the eastern counties, in particular, jurors exhibited an impressive dedication to presenting and prosecuting self-killers. At the two extremes, a Cambridgeshire native who killed


47. JUST 1/1022, m. 32; TNA JUST 1/1025, m. 20; TNA JUST 1/1025, m. 14; TNA JUST 2/258, m. 1.

48. Emile Durkheim has argued that the close-knit village environment of the medieval era was more capable of assisting the depressed and thus preventing suicides. It is entirely possible that Durkheim’s thesis holds some validity for the medieval period, although it does not explain the wide variation in suicide totals across England. See Hanawalt’s discussion of Durkheim in her Crime and Conflict, 102.
49. This map of medieval counties and judicial assizes post-1328 was reprinted from Anthony Musson, *Public Order and Law Enforcement: The Local Administration of Criminal Justice, 1294–1350* (Woodbridge, Suffolk: Boydell and Brewer, 1996), xiv, and altered in order to highlight high-reporting counties. The maps that appear toward the end of this article are drawn from the same source and similarly altered. Many thanks to Boydell and Brewer for permission to reprint this map.
himself or herself was certain to be found guilty of felony (twenty-one out of twenty-one self-killings), while Yorkshire jurors judged a self-killer’s actions as felonious in only seventy-six of ninety-three cases (only 82 percent of the time). This disparity is evident, too, at the level of judicial circuits. On the Northern circuit, jurors adjudged 106 of 130 self-induced deaths (82 percent) as felonious. By contrast, jurors on the Oxford circuit held ninety-eight of 106 self-killers (or 93 percent) accountable for their actions. The remaining circuits fell somewhere between these extremes.50

In examining these figures, it is important to note that sometimes it is difficult to ascertain the final verdict in a case. Final verdicts are most often recorded in the marginalia. Where the marginalia are lacking, felonious descriptions by jurors in the narrative have been included as verdicts of felony; it is possible, however, that narrative verdicts may not represent final verdicts.

Cultures of Mercy
The figures suggest striking differences in the ways English jurors showed compassion to self-killers. In Worcester and other low-reporting counties, jurors routinely transformed a self-killing into a death by misadventure. In other regions, such as Nottinghamshire, for example, inquest or grand jurors reported self-killings as self-killings and left it to jurors later on in the process to excuse the act by either asserting mental incompetence or declaring it an accident. Note that where the modern Western world responds to suicide with compassion, later medieval English jurors did not necessarily consider merciful treatment of suicides appropriate. Religious conviction must have played an important role. Where the

50. These figures are based on an analysis of coroners’ and eyre/assize rolls. Cases are drawn from the following eye/assize rolls (TNA JUST 1) (Please note: the dates of the eyes or assizes appear in parentheses): Beds. 24 (1330–33), 26 (1330–31); Berks. 36 (1224–25), 44 (1284); Bucks. 55 (1241), 63 (1286); Cambs. 86 (1286), 95 (1299); Cornwall 111 (1284), 118 (1302); Cumberland 133 (1278–79), 135 (1292–93); Derby 148 (1281), 166 (1330–31); Dev. 175 (1244), 181 (1281–82); Dorset 204 (1289), 213 (1288); Co. Durham 223 (1242); Essex 238 (1272), 242 (1285); Glos. 274 (1248), 278 (1287); Hants. 780 (1272), 787 (1280–81); Hereford 300C (1255), 302 (1292); Herts. 318 (1248), 325 (1287); Hunts. 343 (1261), 345 (1286); Kent 369 (1279), 374 (1293–94); Lancs. 409 (1292); Lancashire 436 (1355–57), 437 (1356–59); Leics. 455 (1247), 461 (1284); Lincs. 480 (1206–07), 488 (1281–84); Middlesex 538 (1274); Norfolk 568 (1257), 573 (1286); Northants. 623 (1285), 635 (1329–30); Northumberland 642 (1256), 653 (1293); Notts. 664 (1280–81), 683 (1229–30); Oxon. 700 (1247), 705 (1285); Rutland 722 (1286), 725 (1286); Shropshire 737 (1272), 739 (1292); Somerset 756 (1243), 759 (1280); Staffs 802 (1272), 806 (1293); Suffolk 818 (1240), 827 (1286–87); Surrey 872 (1255), 876 (1279); Sussex 915 (1279), 930 (1288); Warwick 951A (1232), 956 (1285); Westmorland 982 (1278–9), 986 (1292); Wilts. 996 (1249), 1005 Pt. 2 (1281); Worcs. 1022 (1255), 1025 (1275); Yorks. 1078 (1279–81), 1101 (1279–81). Cases are drawn also from an examination in entirety of the surviving coroners’ rolls (TNA JUST 2), covering the years 1228–1426.
established church exerted a strong presence, jurors seem to have been less inclined toward merciful reporting. Frequent access to preachers meant constant repetition and exposure to exempla recounting the tales of the walking dead. The clout which their clerical status lent these stories surely must have heightened ghostly fears. Medieval York, which boasted a high population of mendicants, most certainly fell into this category.\(^{51}\) Where parishes were not so tightly organized and religiously focused (as was the case for the county of Worcester, where the monastic environment overshadowed the parish church), jurors had the luxury of relying instead on an emotional appeal, failing to report a suicide out of simple pity for the family of the dead.\(^{52}\)

Regional character also influenced the ease with which some jurors dispensed mercy. The relative lenience of the northern counties best illustrates this trend. The North of England was exceptional in a number of ways; its unique traits seemingly permitted northern jurors the confidence to proceed compassionately. First, northern jurors were accustomed to exploiting the law to their best advantage. Cynthia Neville argues convincingly that northern jurors in the fourteenth and fifteenth centuries implemented the common law in imaginative ways in order to tackle the perils of life in a region ravaged by constant war, even going so far as to declare Englishmen who abetted Scots in felonies as traitors.\(^{53}\) Experienced in the art of curial manipulation, northern jurors were secure in their capacity to offer mercy to self-killers, while still maintaining clear consciences that they had reported all serious crimes (and sins).

Second, the astonishing popularity of the saints in the diocese of later medieval York may have helped assuage jurors’ sense of powerlessness to deal with suicides rising from the dead. Later medieval Yorkshire exhibited “a level of hagiographical activity unequalled elsewhere in England.”\(^{54}\) Late medieval York became “the

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most important centre for the cult of saints in the country.” 55 That many of the “saints” to whom plentiful miracles were attributed were never canonized indicates the high degree of lay religious enthusiasm in the diocese. 56 Among the more popular tombs to which devout northerners flocked were those of Richard Rolle of Hampole (1290–1349), Robert of Knaresborough (1160–1218), Archbishop Richard Scrope (1350–1405), John of London (c. 1270–1330), and John of Bridlington (1319–79); of all of these men, only John of Bridlington was ever formally canonized. More important still, many of the North’s holy men were suited especially to curing demoniacs. Richard Rolle and John of Bridlington both purportedly cured the insane and the possessed; one demoniac traveled over 160 miles to be exorcised at the shrine of Richard Rolle. 57 Popular associations between suicides and the devil provide a good reason to suggest that northern saints were deemed more competent than many others in protecting parishioners from the walking dead. With such a proliferation of powerful saints watching over them, northern jurors had little to fear from suicides. By eliminating these popular concerns, northern jurors did not need to condemn the dead in order to ensure a burial appropriate to a suicide.

CULTURES OF VIGILANCE

Folkloric obsessions with the dead also explain the meticulous reports of self-killings that characterize a number of medieval counties. The disparity between English and continental revenants, discussed earlier, has prompted at least two scholars to draw comparisons between the English dead and the draugar of Icelandic sagas, walking corpses who return to attack both people and livestock, whose nightly terrors cease only once they are wrestled to the ground, decapitated, then burnt. 58 Jacqueline Simpson argues that the tradition of the draugar survives in the English stories courtesy of the descendants of Scandinavian settlers in what

55. Ibid., 305.
56. It was not uncommon for localities to worship saints that the church never recognized. For a discussion of the evolution of the cult of saints and changes in the process of canonization, see Barbara Abou-El-Hajn, The Medieval Cult of Saints: Formations and Transformations (Cambridge: Cambridge University Press, 1997), pt. 1.
was once the Danelaw, the area of England occupied and settled by the Vikings during the ninth century.\textsuperscript{59} English tales of walking corpses have obvious ties to suicide folklore, from the sinful lives of their protagonists, their unchristian deaths and burials, violent risings from the dead, and the destruction of their corpses. Appropriately, the former Danelaw, where these graphic and gruesome stories persisted and evolved, incorporates also those counties most dedicated to reporting self-killers (see Figure 2). Related to this, those few cases where jurors specifically attributed the deaths of suicides to the devil also fall largely into this area.\textsuperscript{60} The enduring beliefs in the undead undoubtedly gave inquest jurors in these counties a tangible reason to report self-killers, condemning their corpses to a burial appropriate to their deaths.

Apart from their Viking heritage, jurors had additional incentives to report self-killers to the authorities in a conscientious manner. Proximity to London surely reinforced the powerful hold of suicide lore in the Midlands. Pressure from the crown, eager for the profits of justice, must have made it difficult for royal officials to overlook lucrative felonies so close to home. In the Palatinate of Durham, a traditionally independent county where bishops reigned as princes, the county coroner submitted to much less rigorous supervision than did his counterpart in Kent, for example. This relationship with the crown was reflected in jurors’ reports of self-killings: three for Durham, while the records of Kent boast thirty-six reports of self-killings.

The regional pattern also ties in with growing concerns over personal accountability for antisocial activities. Fourteenth-century England experienced a shift in cultural values. Over the course of the fourteenth century, municipal law interpreted personal behaviors that communities had once perceived merely as boorish and socially divisive as quasi-criminal acts. Scolding, eavesdropping, gambling, scolding, eavesdropping, gambling,
Figure 2. Map comparison. (A) The Danelaw. (B) Vigilant reporting counties (with at least twenty reports of self-killings.)
Figure 2. Continued.
and disrupting the peace are just a few examples of behaviors that fell victim to new legislation. Suicide, a personal act with public ramifications, very much fell into this new category of social misbehaviors. A comparison with Marjorie McIntosh’s data on the growing prosecution of social misbehaviors reveals that almost all counties exhibiting a marked dedication to reporting self-killings were also highly enthusiastic in the early stages of regulating social disharmony. McIntosh sees single women, young people, outsiders, and the poor as the primary subjects of this growing anxiety. This pattern, in part, is also evident in the trials of self-killers. As I have noted elsewhere, fourteenth-century England was especially determined to prosecute the suicides of single women; juries even willingly reinterpreted single women’s criminal acts as suicide, when necessary.

These findings emphasize that jurors’ actions reflect a heightened awareness of personal liability. Jurors felt compelled to report self-killers, not only to hold them responsible for their actions but also to act as a deterrent to others in society who might condone such socially disruptive behavior. This legal movement in England did not take place in a social and political vacuum. Rather, English municipal laws mirrored a much broader trend. As Trevor Dean notes, fourteenth-century Europe in general witnessed communities no longer willing to tolerate antisocial behaviors turning to the law to reflect their changing values. Given the progressive nature and popular appeal of this movement, many medieval Englishmen as jurors may have considered higher numbers of suicide verdicts as a sign of sophistication. Certainly, Michael MacDonald and Terrence Murphy’s study of suicide makes it clear that, with a few exceptions, early modern Englishmen embraced wholeheartedly the prosecution of suicides as felons.

**CONCLUSION**

If legal historians wish to understand better the medieval jury and its sometimes-inexplicable behavior, they need to step outside the bounds of the law. Jurors were

62. Ibid., 191.
65. MacDonald and Murphy, *Sleepless Souls*, 16.
not only preoccupied with the legal aspects of self-killing (such as the harshness of the law, confiscation of goods and properties, and definitions of culpable insanity). They had a much broader array of concerns influencing their judgments. As representatives of their communities, jurors often drew on communal values in order to arrive at a verdict. Most important, the principles that informed juridical verdicts were mixed and, at times, surprising. The role played by the parish in the life of its parishioners, the comfort and expertise of local saints, regional folklore, proximity to the crown, and broader trends in changing values worked together to shape jurors’ verdicts over the course of the thirteenth and fourteenth centuries. These are just some of the factors that influenced the decision-making process of medieval jurors. Certainly, with inquest jurors, the individual circumstances of a self-killer and his or her family added a new filter through which they viewed the dead. Robin Frame has argued, “we should not deny to medieval men the complex layers of identity and the ability to live with inconsistencies that we take for granted in ourselves.” Jury behavior in cases of self-killing offers just one more example of medieval men exhibiting their many layers of identity, refusing to fall neatly into the categories laid out for them by historians.