Debatable Deeds, Indisputable Identity: Negotiated Structural Violence and Honor Culture of the Anglo-Scottish Borderers

Nina Willms
Debatable Deeds, Indisputable Identity:
Negotiated Structural Violence and Honor Culture of the Anglo-Scottish Borderers

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Nina Parker Willms

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Nicholas Popper, Director

Amy Limoncelli

Audrey Horning

Williamsburg, VA
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The Irish Sea flows into the Solway Firth, the western-most feature that divides Scotland from England. Standing here on the Scottish side of the firth, I could see England’s blue hills on the other side of the ever-changing watery-muddy border. There was not a single person in sight all along this lonely edge of the sometimes land, sometimes water divide. The only sign of human existence found itself in a rowboat chained to the mud, beaching itself as the tide continued to expose more mud to the cloudy sky. It was raining in England, but the weak sun still shone down in Scotland.

I searched for a meeting place of old, a massive stone that once bore witness to the diplomatic meetings of the people who inhabited the border region. Their ancient laws called upon the land to serve as a guide for these borderers’ chosen locations for truce and justice. The Lochmaben Stone’s proximity to the firth allowed the Englishmen to cross the muddy zone during low tide into Scotland – but where did Scotland begin when the water was all but gone?

Today, the Lochmaben Stone resides in a farmer’s field, surrounded by tall grasses and no longer serving as judge over the meetings of a people whose relationships were intermingled, just as the tide mixed the firth’s water and mud. The border never seemed to matter in a place as desolate as the firth – where sky, sea and sand met as one.
The road hugged the border, weaving between England and Scotland until I found it difficult to tell one country from the other. I searched for a line of dense trees, the Scots’ Dike, rising from the rich farmland to create a wall. An old map, dating 1552, told me I’d find it at a bend in the River Sark. The map was right. Although I knew that there would’ve been no road to aid in crossing through this embankment then.

The Scots’ Dike (or March Bank) was commissioned in 1552 to mark the negotiated border that divided a region known as the Debatable Land. The far-away Crown governments wanted to control their subjects, seeing a neutral zone as a threat to their sovereign power. A man-made division sprung up, attempting to separate the borderers from marrying, raiding and killing one another. But the land didn’t change when the Dike appeared. Neither side looked any different, and the Debatable Land continued to be a place of continuous cross-border interaction.

Looking back to England from the Scottish side of the Dike, it’s hard to see a border here. The dense wood intimidates, but the grass remains the same and the sky is one continuous shade of grey. A border is a strange place, to be sure. Sheer power shrinks as human social inclinations make a physical space impossible to define or claim. A map may tell one story, but the land tells another.
Another border once dictated this region, one built by the Romans to divide the conquered world from the barbarians of the North. Emperor Hadrian commissioned a wall in 122 AD that spanned the island from coast to coast. The border moved north when the Roman Empire fell away and new kingdoms arose, but the wall remains, paying tribute to another chapter of the human occupation of this land.

Today’s inhabitants of the border region occasionally come across a relic of the past, left behind by some careless Roman centurion seeking warmth on a long, cold night watch. A bronze helmet, a coin, a scrap of wood – everyday objects that tell stories of the moving parts of conquest and empire. Trifles become treasures as the people who live on the border curate the story of their unique past, a past tied so explicitly to the land that it can be found in the soil surrounding a ruin.

The blue sky stretched over the wall and the green grass and yellow flowers looked no different on either side. The wall seemed to have been dropped from above, a fortification that ripped the earth in two. I found it easy to imagine the land without the wall. The continuity on either side overpowered a structure whose message was power itself. Which was the side that housed the barbarians? When all that’s left is a wall, it could be either one.
The graveyard in Canonbie is full of headstones made from the local red clay, giving them a distinctive and somewhat haunting aura. Names of border families are etched upon the markers, names such as Armstrong, Graham, Storey and Elliot. These families have resided on the border for centuries, acting as the lifeblood of a society that operated on its own terms. Familial loyalty and honor proved to be of utmost importance. Alliances formed through marriage ties that crossed over the border, bringing friendship and feelings of a common identity. Feud defended the honor of wronged family members, bringing death to those who dared threaten the bonds of blood and spirit.

Situated next to the River Esk, another river that contributes to the border between England and Scotland, the Canonbie graveyard adds another level to the idea of border. A cemetery, after all, serves as a border between the living and the dead. The dead lie beneath the grass as the living seek the names of the people who once walked upon the same ground. Records of the lives and deaths of the border people point to the fact that many walked this border daily, never knowing when they could suddenly find themselves on the other side.

In a place where family meant everything, the names of the dead ring with the memory of an individual whose name bore great power. One’s very life (or death) could depend on it.
Hermitage Castle is known for its eerie and enormous ruins. The Scottish fortress’s great stone walls remain intact after hundreds of years, even after the wooden floors inside fell away. The small door on the side of the castle opened to a massive space full of crumbling staircases and open ceilings, with arched doorframes and strong interior walls providing clues to the original layout of the fortress. The beautiful sky formed the roof of this place, and the sun shone upon the stones, gently illuminating a space once known for its safety founded in strength.

The tower with the arched window was home to Scottish nobility. The floors have all given way, but the indents in the walls show where the fireplaces on each level were. The upper room with the beautiful decorative window was a sleeping quarter for the elite, followed by a dining hall, a kitchen and a storeroom below. Although castle life was dictated by hierarchy amongst its residents, the floors that reinforced these ranks are gone, taking with them the conflicting sense of power and servitude.

Even queens have graced these walls, figures such as Mary, Queen of Scots. Her journey to Hermitage Castle brings with it tales of danger and romance, but the most common visitor to these walls were the borderers who attacked them and the prisoners who tried to escape them. Symbols of power always have many more tales than those of their most esteemed guests.
Berwick-upon-Tweed sits on the coast of the North Sea, layer-upon-layer of old fortification walls making up the outermost edge of the town. Berwick was once the English stronghold of the eastern border, strategically positioned next to another water border, the River Tweed. Although Queen Elizabeth I ordered these walls built to strengthen the fort, borderers continued to trade, marry and raid over the border.

Today the walls serve as a site of exploration. Tourists and townspeople alike walk the paths that traverse the sides of the walls and bastions that continue to keep watch for signs of attack. Houses sprang up on the outside of the fortifications, where families with both English and Scottish heritage live as neighbors and friends. Pubs down the road play host to flyers advertising a ‘Two Nations Run’ and beer from both sides of the border. The walls have done anything but separate a people whose regard for borders does not amount to much.

The sea air filled my lungs as I sat atop the Elizabethan barricades and listened for the sound of the wind. As with everywhere else upon the border, the sun shone just the same and the grass gleamed its fantastic green.
Note on Sources

Most of the documents from this period are administrative documents, particularly from the English state. The ‘Border Papers’ comprise a collection of these documents found in the National Archives in London. I have used this collection and its *Calendar of Border Papers*, edited by Joseph Bain from 1894-1896, for many of my primary source analyses. Other sources include John Leslie’s *The historie of Scotland*, written by a Scottish bishop from 1568-1570; the memoirs of Robert Carey, an English border warden; and the *Minstrelsy of the Scottish Borders*, recorded by Sir Walter Scott at the beginning of the 19th century. Although this last source was not written in the 16th century and could include inaccuracies, its value comes from the oral histories and the perspective it lends toward the cultural history of the region. Sources that were written in old Scottish dialect or unstandardized English have been translated within the text. Their original text can be found in the footnotes for reference.
Introduction

Borders are fraught with contradiction. Although a symbol of state power and division, a border itself does not always perfectly reflect these ambitions and their underlying constructs. Instead, the people living on and around a border sometimes treat it with indifference, crossing it at will and developing social dynamics that breed apparent challenges to a political status quo. Borders, that is, create liminal spaces, the places where efforts to impose division fail in an almost poetic fashion.

Liminality as a concept involves ‘an attempt to transform the structuralist understanding of the world into a vital field of immanence where there is no “outside”, but rather a continuous flow between different forms and ways of being.’ This ‘flow’ challenges the strict lines that political borders attempt to dictate, blurring the lines of political states to reveal the constant transition and flux of social dynamics and existence. The ‘physical liminality’ of living on a border calls for further study of borderlands as an experience not only for the related governments, but the people living in these regions.

Baud and van Schendel proclaim the importance of the study of borders and borderlands. Their work includes a detailed taxonomy of different types of borderlands, following spatial and temporal dimensions while investigating the overlap of political, economic and cultural networks. They call for a shift in focus from the ‘center’ to the ‘peripheral’, a perspective that drives an understanding of borderlands as ‘broad scenes of intense interactions in which people from both sides work out everyday accommodations based on face-to-face relationships.’

3 Ibid, 212, 216.
should be directed at the ““common people”” of the borderlands, they argue, and their relationships with the states and regional elites that declared the existence of a border from far away. The existence of a border always drives these types of power dynamics, but the attention of scholars is all too often placed on the centers of power and their relationships with each other rather than the complex interactions taking place on their ‘peripheral’ fringes.

This thesis will examine the border between England and Scotland during the 16th century, a time when the political ambitions of both kingdoms sought to enforce a border upon a region whose people continued to interact through complex societal structures that had developed in the previous centuries of warfare. This was a border whose society and culture was founded on networks built and entrenched, whether they be marriage alliances or destructive raids, long before the attempted solidification of a rigid border. The term ‘borderless’ will be used to describe this society throughout the thesis because the society was just that – borderless. While the region and its inhabitants fit into the terminology of ‘borderlands,’ the term ‘borderless’ eliminates the idea that the border’s presence was instrumental in creating intra-societal division. The border did not divide the inhabitants of these borderlands – rather, it ‘create[d] political, social, and cultural distinctions, but simultaneously impl[ied] the existence of (new) networks and systems of interaction across them.’

Historical Background

The Anglo-Scottish border was fixed in 1237 through the Treaty of York, an agreement between Alexander II of Scotland and Henry III of England. The Scottish king had lost a rebellion twenty years before in his efforts to lay claim to territory in northern England. As part of his attempts to maintain peace after his defeat, Alexander relinquished his claims to the

5 Ibid, 216.
territory in return for several English estates, thus establishing the border at its approximate present location. In 1248, an inquiry was held to determine the customary laws of the border. Scottish and English knights who were familiar with the laws collaborated on a written code to ensure legal enforcement. In 1249, this document came to fruition as the earliest surviving text of the border laws, including 14 articles and a list of the names of the 12 English knights and the 12 Scottish knights who recorded and certified the articles.6 This original legal code for the Anglo-Scottish border enshrined customary border law in writing, creating an important layer of tradition that would characterize future treaties and law enforcement.

Intermittent warfare between England and Scotland lasted for nearly 200 years over the course of the 14th and 15th centuries. Naturally, many of these battles took place in the borderlands, making it a place familiar with conflict. The First War of Scottish Independence began in 1296 when Edward I of England invaded Scotland, sacking the border town of Berwick as a reaction to the formation of a Franco-Scottish alliance by John Balliol, the new king of Scotland. As an important border stronghold and contested territory, Berwick was often under siege during warfare between the two kingdoms. The English victory over risings led by William Wallace and Andrew de Moray was threatened by the crowning of Robert the Bruce as king of Scotland in 1306. In 1328, the Scots invaded England and forced Edward III to recognize Bruce’s kingship and Scottish independence, ending the war with the Treaty of Edinburgh-Northampton that same year.7

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The unrest did not end, however. The Second War of Scottish Independence began in 1332 when Edward Balliol, son of the deposed King John Balliol of Scotland, and his forces invaded Scotland with the support of Edward III of England. Continuous attacks took place between the Bruce Scots and the Balliol-led English forces. In 1336, tensions between the English and the French grew, leading Edward III to face a two-front war. Continued attacks, many of which took place in the Anglo-Scottish borderlands, meant that borderers were continuously at odds with the raids and battles of the two militaries. Invasions between England and Scotland slowly began to subside in 1347 as truces were discussed over the next decade. When France suffered a major defeat to the English, the Scots were also forced to negotiate with the English. In 1357, the Treaty of Berwick declared peace between the two kingdoms. A captive David II of Scotland was released and focused the rest of his reign on securing a Bruce heir and keeping peace on the border.²

The 15th century saw more conflict on the Anglo-Scottish border but no official warfare. The Wars of the Roses meant that official war with Scotland was not a priority for England. The 16th century began with the Treaty of Perpetual Peace in 1502 between Henry VII of England and James IV of Scotland. James married Henry’s daughter, Margaret Tudor, and an uneasy alliance was established between the kingdoms. However, when Henry VIII declared war on France in 1512, James IV invaded northern England in accordance with the Auld Alliance with France. In response, Henry VIII sent troops to do battle at Flodden in 1513, resulting in an English victory on the border and the death of King James and many Scottish nobles. Tensions between the two kingdoms grew again when James V renewed the Auld Alliance with France

through marriage to Mary of Guise. The Battle of Solway Moss took place on the English side of
the border in 1541, resulting in another English victory. James V died soon after, and Mary
Stuart ascended to the Scottish throne, with Mary of Guise as Regent. Henry VIII sought to form
an alliance by securing the betrothal of Mary to his son, Edward. When it was made clear that
Mary of Guise was more interested in maintaining Scotland’s alliance with France, Henry
embarked on a ‘Rough Wooing,’ a series of violent campaigns throughout the borderlands to try
to force Mary Stuart’s marriage to Prince Edward.

These campaigns ended after Henry’s death in 1547 and Mary Stuart’s betrothal to the
Dauphin Francis. This further consolidation of the Franco-Scottish alliance meant that the
English government wanted more secure divisions on their northern border. Attention shifted
toward the Debatable Land, a region bounded by the rivers Liddel, Sark and Esk and known for
its traditional neutrality. For several centuries, this land had been respected by the borderers as a
place meant for pasture, where no settlement should occur and visits could only last until dusk.
Even through the many wars and battles of the 13th and 14th centuries, the borderers did not break
the law that defined this space as neutral, suggesting that the inhabitants operated along different
social dynamics than the warring kingdoms.9

But in 1551, The Debatable Land ‘now found itself at the heart of European politics. It
was a potential bridgehead for French power on England’s northern frontier.’10 Diplomatic
meetings resulted in the division of the Debatable Land by Scottish and English commissioners
(with the help of the French ambassador). They used a survey map of the region created by
English mason Henry Bullock to split the land, ending the neutral zone and enforcing a stricter

10 Ibid, 133.
sense of ‘border’ with this Partition of 1552. However, the Partition did not divide the borderers from one another – the existing society remained and the Crowns were forced to deal with a society that was consistently indifferent to the new border. The Partition symbolized not only the imposition of a strict border, but it revealed the existence of a society that did not operate with a political boundary in mind.

Elizabeth I assumed the English throne in 1558. Increasingly over the course of her reign, Elizabeth worked to assert her power in many ways, including building a network of spies to aid in the abrupt ending of any treasonous plots. Her concerns with Scotland were predominately directed towards her cousin Mary Stuart (Mary, Queen of Scots), who returned to Scotland from France after her husband Francis II’s death in 1561. Mary posed a threat for both political and religious reasons. Many Catholics saw Elizabeth as an illegitimate heir to the English throne, as she was the child of Henry VIII’s second wife Anne Boleyn, whose marriage they also believed to be illegitimate. Instead, many Catholics believed Mary to be the rightful heir to both the Scottish and English thrones. When Mary was forced to flee Scotland in 1568 after being accused of involvement in the murder of her husband, she was imprisoned by Elizabeth in the North of England. Elizabeth was persuaded that Mary was a threat when the Northern Rebellion of 1569 attempted to depose Elizabeth and replace her with Mary as Queen of England. Elizabeth’s spies watched Mary throughout her imprisonment, seeking to prove her involvement in one of many plots to assassinate Elizabeth and reinstate Catholicism. The Ridolfi plot of 1571 put more strain on the Queen’s administration, as her excommunication by the pope in 1570 encouraged more plots in collaboration with Spain and Catholic nobles. Finally, in 1586, Mary, Queen of Scots was implicated in the Babington plot and arrested for treason. She was executed the following year. During the 18 years that Mary was imprisoned in northern England, the
English administration considered the Anglo-Scottish border to be a hotbed for subversive plots and potential traitors, igniting efforts to gather intelligence and exert increased control. Following Mary’s death, concerns regarding the border continued to make it a place where both Crowns wanted to exert their authority and strengthen division.

Throughout the latter half of the 16th century, both the English and Scottish states looked to maintain the integrity of the border through increased oversight of their border wardens, the officials who acted as the Crowns’ representatives in each border March. There were six Marches – the English West, Middle and East Marches, and their Scottish counterparts. The wardens were responsible for maintaining border law, and, as the 16th century progressed, they became increasingly instrumental in the Crowns’ goals to exert increased authority in this region that had, for many years, operated within its own societal structure. The March system ended in 1603 when Elizabeth I died and James VI of Scotland, Mary Stuart’s son, jointly became James I of England. This Union of the Crowns effectively dissolved the need for a border administration, and James converted the border Marches to the Middle Shires. James disbanded the practices of the ‘borderless’ society by abolishing its warden system and criminalizing its customs. March law was replaced with the laws of both lands, and many borderers were executed when they broke the new and unforgiving laws.11 The ‘borderless’ society’s existence receded into the advent of the formation of a Great Britain under James’s personal union.

The ‘Borderless’ Society

The intermittent warfare leading up to the partition of 1552 created a liminal space in the Anglo-Scottish borderlands. From this liminality, the ‘borderless’ society was born. Maria Mälksoo explains that ‘conventional veins of social and political inquiry have understood war

not as a generative force but rather as an interruption in the normal peacetime processes of society.¹² Instead of thinking about war as a break from peace, Mälksoo suggests that war is best understood through the context of liminality, as ‘a situation of uncertainty’.¹³ Tying the intermittent conflict of war to a region already defined by physical liminality made the Anglo-Scottish borderlands a place of violence and conflict, but also of creativity and development. The warring kingdoms’ conflicts usually dealt with matters of succession or regnal claim, two problems far removed from the immediate life on the border and the constant violence witnessed by its inhabitants. But the borderers were united in their common experience of violence, a force that came to be structural to a society built on raiding and strong kinship ties.

This thesis will argue for the existence of a coherent Anglo-Scottish ‘borderless’ society, whose structure was defined by violence, honor and kinship. Chapter 1 will investigate the social, legal, economic and cultural frameworks of this society, detailing its existence while challenging the idea that conflict in this region was primarily focused on ‘national’ hostilities. Chapter 2 will argue that this society understood violence through the lens of honor, bringing cooperation and violence together to reveal the latter’s structural function. Chapter 3 will compare this understanding with that of the Crown governments of England and Scotland, both of whom understood violence through the lenses of power and authority. The differences between the ‘borderless’ society and the Crown governments were recognized as threats to Crown sovereignty, leading to state efforts to impose more authority on this region. Opposing logics of violence emphasized the existence of an Anglo-Scottish ‘borderless’ society that followed its own systems of interaction and coexistence.

¹² Mälksoo, ‘The challenge of liminality for International Relations theory,’ 490.
¹³ Ibid, 491.
Chapter 1: The Borderless Society: ‘Scottish at their Will, English at their Pleasure’

From the west, the Anglo-Scottish border follows the River Sark from the Solway Firth until the water ends, transforming from a meandering line to a straight diagonal stretch connecting with the River Esk. The line is called the Scots’ Dike to the Scots, or the March Bank to the English. Today, this line – originally drawn upon a map in 1552 by English, French and Scottish ambassadors – remains a physical boundary between the two countries. In 1552, English and Scottish laborers built a man-made forest upon a thick mud-and-stone barrier to indicate a border that would have been too difficult to notice on its own. It represented an arbitrary divide within an ambiguous space, encouraging questions about the nature of the border. Is there much of a difference between these two sides of the border? What makes one side Scotland and the other England? Passing from one side to the other does not result in any form of striking change – rather, the landscape and culture remain the same.

The Partition of 1552 sought to divide the Debatable Land between England and Scotland, splitting a neutral zone known for its rich pastoral land based on a compromise between the two kingdoms. English mason Henry Bullock created an accurate map based on his survey of the Debatable Land and its surrounding region, denoting the environmental and architectural features of the terrain. English, Scottish and French ambassadors met to divide the region, using Bullock’s survey as a guide and drawing their suggestions directly on the map. Ultimately, a line was drawn and the Scots’ Dike became the physical marker that correlated with this new border, constructed as a symbolic sign to the borderers that the new divide was not

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meant to be crossed by inhabitants for friendly or violent reasons. But crossed it was.\textsuperscript{15} Borderers were unbothered by the symbolic embankment and the message it attempted to convey – that of two central Crown authorities and a divided land which did not coincide with the border society’s disregard for royal power. The border had an identity of its own – one that possessed societal and cultural structures unique to the ‘borderless’ nature of the space.

The border society was founded upon a history of warfare between England and Scotland, existing in the physical space of battles and conquests and creating a liminal space conducive to the establishment of a different type of order. The First War of Scottish Independence began with Edward I’s invasion of Scotland in 1296, instigating a prolonged state of war as it faded into the Second War of Scottish Independence, which did not cease until the Treaty of Berwick in 1357. Hostilities continued until the Treaty of Perpetual Peace in 1502, which established rules and processes for the administration of the border. However, the border society had already established rules and processes of their own throughout the period of official war.

Mälksoo refers to the ‘post-war phase,’ which is ‘often marked by a prolonged state of juridical-political limbo … that might result in \textit{de facto} quasi-autonomous states.’\textsuperscript{16} The ‘states’ are born from the liminality of the war zone, and the formlessness of such a space allows for the creation of a different type of governance.\textsuperscript{17} The Anglo-Scottish border was, in effect, a separate entity from its namesakes – it constituted its own society that was built upon different understandings of cooperation and loyalty. The distance from the central locations of the Crown

\textsuperscript{17} Ibid, 489.
governments further added to the societal and cultural distance felt by the border society. The borderers were not simply united through the post-war zone of liminality, but found ‘common heritage’ in ‘the phenomenon of two enemies who felt somehow closer to each other than to their own supporters.’

They were united in the experience of prolonged warfare, and shared that memory through persistent conflict that did not support one kingdom or the other. Instead, their shared understanding of their marginalisation from London and Edinburgh allowed them to form a connection that overlooked a past founded in regnal conflict.

Scholars often describe remote spaces and borders as peripheral, places that are ‘often locked into essentializing perceptions of insularity or, at times, exoticized as pre-modern, wild, and timeless.’ Indeed, many modern interpretations of the Anglo-Scottish border romanticise it as a region possessing adventure and anarchy, both characterised by simplistic notions of ‘national’ hostility and mischievous reivers. However, such a construction prioritises political boundaries over actual social relations, engaging with the border through the much more recent myth of ‘national’ identity.

The Anglo-Scottish border requires a different approach – one that reverses the centre-periphery dichotomy to situate the border in a central context, operating outside regnal boundaries to form its own unique identity and culture. Such an approach emphasises both the arbitrary nature of a political border and the existence of a ‘borderless’ society, challenging modern notions of ‘national’ boundaries in the process. This chapter will investigate the


landscape, the people, family connections, the legal and reiving systems, and the ballad literature of the Anglo-Scottish border, ultimately claiming the existence of a coherent society and a level of cooperation that overlooked ‘national’ boundaries. In effect, the ‘borderless’ society of the Anglo-Scottish borderlands possessed societal and cultural structures that revealed the existence of a unique border identity.

The Landscape

Much of the political border falls along a natural border, delineated by the Solway Firth in the west, the Cheviot Hills in the middle and the River Tweed in the east. When a group of English and Scottish knights set out in 1245 to determine the border in the face of land disputes, they followed these natural formations, only facing difficulty when they reached spaces that did not have a definitive natural boundary. These were the spaces that saw the greatest development of a borderless society; the regions where a natural border did not fall allowed their inhabitants to adopt a borderless relationship. English border officials focused much of their attention on these spaces, often referring to the Debatable Land and Berwick-upon-Tweed as the most indeterminate locations upon the border. Even natural borders could be ambiguous, making the entire length of the border subject to the forces of both nature and society. For example, the Solway Firth’s water boundary transforms to a land boundary at the lowest of tides, making the sandy strait a questionable border when exposed to the sun.

For years before the Partition of 1552, the Debatable Land was established as a ‘precisely defined area in which no permanent building had been allowed.’ The land was not uninhabitable, but was categorised as “’batable,”’ containing ‘rich, fertile land on which

21 Ibid, 83.
livestock could be pastured and fattened up."\textsuperscript{22} The distinctive buffer quality of this region did not come from the need for a neutral zone between two warring kingdoms, but rather from the land’s ability to bring both sides of the border together in a transhumance society’s effort to find good pasture. The ambiguous quality of the landscape both reflected and facilitated the establishment of a ‘borderless’ society.

Unlike the border officials, the borderers mastered a knowledge of the terrain in a way that proved advantageous to the formation of their unique societal identity. An understanding of the diverse landscape allowed them to thwart Crown forces pursuing them for reiving activities, as Leslie explains that ‘their reivers through the nature of the place are so fenced about that if out of thick woods they be chased, to high mountains they repair … shortly their followers they safely deceive through certain difficult mires.’\textsuperscript{23} The thick woods, high mountains, bogs and mires created the perfect environment for a ‘borderless’ society, one that did not operate by the hard line of a border but by local knowledge of an ambiguous landscape. The notorious weather had the potential to complicate the already challenging terrain. Lord Henry Scrope, the 9\textsuperscript{th} Baron of Bolton and warden of the English West March from 1562-1592, described an expedition in 1584 where ‘there was grown such a terrible and foggy mist as is wonderful to be uttered … wherein my company were marvellously separated and dispersed of two horses.’\textsuperscript{24} Such fogs

\textsuperscript{22} Robb, \textit{The Debatable Land}, 84.
Translated from: ‘thir rieferis throuch the nature of the place ar sa fenced about that gif out of thick wodis thay be chaist, to hich mountainis thay repair … schortlie thair followers thay saiflie deceiue thouch certane difficile myres.’
Translated from: ‘their was growen suche a terrible and foggie myst as is wonderfull to be uttered … wherein my companye were mervelouslie seperated and dispersed of two howres.’
could appear out of nowhere, adding to the indeterminate nature of the border by obscuring its appearance to the point where an individual was unsure whether they were in England or Scotland.

**The Borderers**

Perhaps the most important societal elements of the border were its people, a group that was often defined as its own separate entity, fitting neither the category of English nor Scottish. John Leslie, a Scottish Roman Catholic bishop and advisor to Mary Stuart, wrote his *Historie of Scotland* while living abroad in Europe after being imprisoned for involvement in plots to depose Elizabeth I in favour of Mary, Queen of Scots. His history described the origins of Scotland, its people, customs and history, admittedly from a Catholic perspective. Leslie describes the Scottish borderers to be different from any other group:

> they’re to be a people, not only in tongue but in habit, after the political manner, and in conditions and manners of civility they differ far from that [of] other people. [F]or as in speech they differ not from their neighbours the Englishmen, in clothing, even so, and living they differ not very far from them of England, of France, and of Flanders; … some of them who inhabit the border of Scotland toward England, have manners from the rest far different.\(^\text{25}\)

Leslie emphasises that the Scottish borderers are different from the rest of the Scottish population by identifying similarities in dialect, dress and lifestyle amongst Scottish and English borderers. He structures his description of the entire Scottish population by dividing it into two groups – those who inhabit the border and ‘the reste of the peple of the lande.’\(^\text{26}\) He distinguishes between the two groups, counting borderers as more like their English neighbours than fellow

Translated from: ‘thair to be a people, nocht only in toung bot in habit, eftir the politik maner, and in conditionis and maneris of ciuilitie thay differ far frome that vthir people. for as in speiche thay differ no\' frome thair ny\'bouris the Inglise men, in cleithing, evin sa, and leiueng thay differ noght verie far frome theame of Ingland, of France, and of flandiris; … sum of thame quha inhabites the borders of Scotland toward Ingland, haue maneris frome the rest far different.’

\(^{26}\) Ibid, 103.
Scottish subjects. Like the geography of the land itself, the borderers’ identities were often confused, where Scottish borderers could reasonably be English and English borderers could similarly be taken as Scots.

Similar to Leslie, English border officials describe specific events of mistaken identity. For example, one official reported that on 12 August 1581, Mr Roger Aston, a travelling Englishman, was pursued from Alnwick, as his ‘horse failed him at Alnwick, where he bought another, and after he was gone they thought him to be a Scot.’

Roger was travelling to Scotland, and his appearance, dialect, clothing and riding style would have made it easy to confuse him for a Scot, revealing commonalities at the surface level. The people of Alnwick mistook him for a Scottish thief, encouraging a quick pursuit towards Scotland based solely on appearance and mannerism. Simple cases of mistaken identity point to the similarities between Scottish and English borderers.

Not only did borderers possess an ambiguous identity, but they could capitalise on this quality in the face of Crown administration. In 1595, Lord Eure described consistent violence associated with raiding and looting in the English town of Durham, where ‘goods are taken in the day, men robbed on the highway, taken out of their houses and ransomed by Scottish outlaws “(or Scottish imitating)”.’

Eure, being an English border official, was unsure of the identities of the raiders. He assumed they were Scots, but acknowledged the possibility that they were Englishmen whose similarities to their neighbours made it easy to be assumed Scottish.

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27 ‘104: Hunsdon to Leicester,’ Calendar of Border Papers, vol. I, 72. Translated from: ‘horse faylyd hym at Alnwyke, wher he bowght another, and after he was gone they thought hym to be a Skott.’
Thomas Musgrave, an English March official and member of a powerful Cumberland family, famously described the borderers in 1583 as ‘a people that wilbe Scottishe when they will, and Englishe at theire pleasure.’ Not only does he imply that the borderers could choose their identities, but he points to the borderers’ lack of loyalty to their respective Crowns. Instead, borderers were much more concerned with an identity that traversed both sides of the border. This identity grew out of a complex system of family ties and feuds; the border was a place where “both feud and friendship ignored the international boundary” and where “the boundary had meaning only for those in very close contact with their respective central governments.”

Rather than counting the Crown governments as the prime recipients of their loyalty, the borderers operated with a ‘borderless’ identity whose interconnectedness relied on cross-border kinship ties and alliances.

**Interrmarriage and Family Connections**

Family ties and loyalty linked individuals and cross-border groups to one another through alliances based in marriage. These alliances were problematic to English Crown representatives on the border, as they threatened the Queen’s sovereignty in a region far from London. Henry Hastings, the 3rd Earl of Huntington and President of the Council of the North, wrote to Lord Thomas Scrope, the successor warden of the English West March in 1593. He called for the forced cessation of intermarriage and cross-border allegiances, saying:

> it seems that sundry unlawful customs have disordered the whole Border … as intermarrying with the Scots; Englishmen holding lands in Scotland, and carrying themselves as native Scots; … “also inconvenient kindnes and assuraunces enterteigned betwene the gentlemen and the ryding borderers.”

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The relationships across the border made it difficult for officials to solidify a political border, as cross-border marriages and friendships made it impossible for English borderers to count Scottish borderers as an inherent enemy. Rather, these relationships were essential to border life, as powerful families strategically formed ties that would make reiving and feud more successful.

Similar to Huntington’s missive, Thomas Musgrave’s lengthy 1583 account of the border riders provided valuable intelligence to William Cecil, Lord High Treasurer and chief advisor to Elizabeth I. Musgrave describes the powerful families of the border, listing the names of prominent members and emphasising the existence of cross-border marriages. He provides profiles of the families throughout the region, particularly the West Marches, and reveals that a majority of members of these families were engaged in some form of cross-border alliance, if not marriage. The frequency of these marriages forced Musgrave to denote the instances where individuals were not married to a family from the other side of the border, as he does in his description of the Armstrongs of Mangerton. Once again, intermarriage was described as a threat, and Musgrave sought to show Lord Burghley just how solidified these cross-border connections were.

Additionally, his descriptions of cross-border marriages point to the role of women in the creation of these alliances. In most cases, women would travel to live with their new husbands on the other side of the border, meaning that Scottish women were living in England and English women in Scotland. Not only did such a dynamic foster cultural exchange and coherence, but it created cross-border links between families. Powerful families such as the Armstrongs, Grahams and Elliots all developed connections across the border, leading to loyalties that considered

33 Ibid, 121-122.
family above ties to respective kingdoms and harkened to a ‘borderless’ identity that did not coincide with the hostilities promoted by border officials.

In the eyes of the Crown officials, cross-border marriages were illegal and a threat to the truces laid in place by the political boundary. Both governments criminalized cross-border marriages: ‘at its most extreme this imposed the death penalty on Scots who married Englishwomen without license, or who even received English men or women; on the English side, it was March treason to marry a Scotswoman, or even to befriend her, without the Warden’s permission.’

John Carey, the 3rd Baron of Hunsdon, held many posts in the English East March, specifically in Berwick-upon-Tweed. When he was sent to Berwick as mayor to develop Queen Elizabeth I’s administration of the garrison in 1593, he was instructed to enquire ‘[i]f any soldier had a Scottish wife,’ and that Carey should ‘discharge him from pay and out of the town, according to “ancient orders.”’ Informal cross-border relations were a threat to the maintenance of a kingdom whose strength was founded on loyalty to the Crown, especially during times of warfare, potential or official, with the neighbouring kingdom. Even though intermarriage was illegal, borderers continued to adopt a borderless attitude by forming alliances through familial ties.

Trade was also seen as a threat to the political boundary. In the same year, a petition from the mayor of Berwick to the Queen complained that ‘Scottish merchants and pedlars are licensed to sell by retail in open market, “eating the profit of your poor burgesses, acquainting themselves more fully with the state and strength of the same town, and carrying your Majesty’s sterling coin into Scotland.”’ Not only did trade facilitate cross-border connections with

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34 MacDonald Fraser, The Steel Bonnets, 67.
36 ‘810: Petition the Mayor of Berwick to the Queen,’ Calendar of Border Papers, Vol. I, 440.
Scotland, but, in the English Crown government’s mind, created an opportunity for the neighbouring kingdom to spy on the Queen’s northernmost garrison. Although cross-border marriage and trade were structural components of the borderless society, the Crown governments viewed these practices as problematic to the maintenance of a strong kingdom.

Some families did not simply cross the border in the name of marriage, but were characteristically borderless. The Grahams not only developed ties across the border, but did not belong to one kingdom or the other, as they were ‘Scottish in origin, English by adoption, and ready to be either, [and] they were settled within the limit of the English West March.’ The close ties the Grahams had on both sides of the border made the family a microcosm of the larger societal forces at play – a group that spanned the border and did not care for political boundaries.

Lord Thomas Scrope, 10th Baron of Bolton and warden of the English West March, described the rescue of Kinmont Willie from Carlisle Castle in 1596. Willie was a notorious Scottish reiver who was illegally captured at a day of truce by Scrope. The English warden violated the assured peace that was meant to last until all parties returned home from the diplomatic meeting. Scottish Lord Buccleuch’s forces joined with the Grahams to rescue the reiver, justifying their actions by proclaiming the illegality of Scrope’s arrest. Scrope’s account of the rescue mission highlighted the Grahams’ relations with the Scots, pointing out the pre-existing marriages and friendships that made the mission possible:

They or the most of their principals, were privy and acted with Buccleuch in the surprise of this castle and loosing Kinmont out of it. And it is public that at Buccleuch’s horse race long before, many of them were asked for their consents thereto, and being “premonished,” let him ride forward and back through them, without shout or hindrance. … They are so strong by intermarriages in Scotland and England, and united by the amity

Translated from: “eatinge the proffitt of youre poore burgesses, acquaintinge themselves more fullie with the state and strength of the same towne, and carryinge your Majesties sterlinge coyne into Skotland.”

37 MacDonald Fraser, *The Steel Bonnets*, 68.
concluded among them … If banished to Scotland, they would do more harm here than ever.\textsuperscript{38}

The friendly interactions with Buccleuch at social events and the Grahams’ decision to aid the Scots in the rescue displays a disregard for Crown loyalties and instead reaffirms the notion of a coherent Anglo-Scottish society founded in intermarriage and related friendship. The Grahams serve as a valuable example of the cross-border relations that challenged ‘the Warden’s work (to say nothing of the historian’s) since they flatly contradicted the ancient working principle that Scot and English were mutually hostile.’\textsuperscript{39} The Anglo-Scottish qualities of the Graham family firmly challenge modern notions of ‘national’ conflict and loyalty, as the border bore little importance to a family that traversed it. Intermarriage and friendly connections across the border revealed a common identity amongst border families through the alliances made in the face of reiving, feud and Crown justice.

\textbf{March Law}

Social structures were complemented by March law, the body of border law that used traditional conflict resolution techniques to place reiving activity in a legal framework. Leeson argues that in the face of difficult obstacles, such as a previous history of warfare and continued hostilities, the border law system revealed the possibility of local governance as an effective way of facilitating order between two different social groups.\textsuperscript{40} Importantly, he identifies a key aspect of March law that differentiated it from common law – that it did not seek to eliminate violence but instead regulated and reduced it to provide a degree of social order.\textsuperscript{41} The ‘borderless’

\textsuperscript{39} MacDonald Fraser, \textit{The Steel Bonnets}, 67.
\textsuperscript{41} Ibid, 474.
society involved a reiving system, which included raiding and theft by horseback, both across
and on the same side of the border. Border law recognised the reality of this raiding lifestyle and
made accommodations to incorporate its related activities into law.

The first known treaty that established working laws in the border region took place in
1249 and was formed by twelve English knights and twelve Scottish knights in their attempts to
identify and observe the laws and customs of the marches. This treaty established a cooperative
tradition that would later be reinforced by the various peace treaties between the English and
Scottish Crown governments. Consistent warfare between 1296 and 1502 established the need
for border administration in times of peace, and the Crown governments made use of the
customary march meetings to maintain truces in a region where an arbitrary political boundary
had been imposed. Hence, the Crown governments used a border custom to their advantages,
incorporating their own officials into the administration of border affairs. Their continued
adoption of border law acknowledged the usefulness of a system of both custom and political
treaties. However, the usefulness for the Crown governments began to fade as the border law
made it increasingly difficult to assert royal power. Instead, the border law retained its original
purpose – to bring both sides of the border together while allowing structural violence to
continue.

The law could be divided into two general proceedings – march meetings (or days of
truce) and the trod. Meetings were meant to take place once a month at one of the ‘trysting
places,’ distinctive locations on the border that allowed for diplomatic meetings to be held. One

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42 William Nicolson, *Leges Marchiarum: Or, Border-laws* (London: Hamilton and Balfour, 1747), 1-2,
43 Cynthia J. Neville, ‘Keeping the Peace on the Northern Marches in the Later Middle Ages,’ *The
such place, the Lochmaben Stone, is located just above the Solway Firth on the Scottish side.

The stone’s monolithic size would have been easy to recognise from a distance as it stood sentinel over the agreed-upon truce that defined any border meeting. Meetings allowed borderers to present their disputes to a public gathering in an organised manner, with individuals filing a ‘Bill of Complaint’ with their appointed warden. The wardens on either side of the border would arrange a day of truce for the bills to be heard, calling the offenders to appear at the meeting for the administration of justice. If an accused person was found guilty, they were labelled as ‘foule’ and expected to meet their punishment, which was reinforced by the wardens and a codified honour system. For many, the crime dealt with stolen goods, leading to a punishment that required compensation of three times the value of the stolen goods, covering the “principall, double, and sawffie.” The honour system ensured the attendance of accused persons, as failure to present oneself could result in public humiliation. Leslie describes the practice of ‘bawchling,’ which publically denounced an individual for going back on a promise or bond – ‘no infamy is compared to this, his companions often wish that God [would] take him out of this life [and] be an honest death.’ It appears that honour took precedence over life, and that going against one’s word resulted in social exclusion – a fate worse than death in a society fraught with violent practices of feud and reiving. Due to the cross-border nature of the complaints, jury members came from either side of the border, with ‘the Scotes to be chosenn by the Englishemen, and the Englishmen to be chosen by the Scotes men.’

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44 Robb, *The Debatable Land*, 98.
Translated from: ‘na infami is compared to this, his companiouns wissis oft that God take him out of this lyfe be ane honest deith.’
47 ‘531: Minute of Wardens’ Meeting,’ *Calendar of Border Papers*, vol. I, 266.
meant to facilitate an equal role in the administration of the border and encouraged a level of cooperation in the running of the day of truce.

The trod involved a more individualistic and informal approach to justice by allowing the accuser to pursue the accused if the situation met certain criteria determined by either the law itself or the accuser’s march warden. There were two types of trod – ‘hot trod,’ which allowed a victim of robbery to pursue the thief up to six days after the theft, and ‘cold trod,’ which took place any time after ‘hot trod’ and required permission from the pursuer’s warden, often in the form of a written notice following an appeal by the pursuer.\footnote{Leeson, ‘The Laws of Lawlessness,’ 486-487.} During the trod, “‘the pursuer on the first person he meets of that nation, into whose country he entered in pursuit, or on the person or persons he finds in the first village he comes to of that nation, takes witness that he is in a lawful trod, and prays their company and assistance in his pursuit.’”\footnote{1310: Manner of Holding Days of Truce, Calendar of Border Papers, vol. II, 724. Translated from: “‘the pursuer on the first person he meteth of that nation, into whose countrie he entreteth in pursuite, or on the person or persons he findeth in the first villaghe he cometh to of that nation, taketh witnes that he is in a lawfull trode, and prayeth ther companey and assistaunce in his pursuite.’”} In other words, pursuers were meant to interact with the inhabitants of the bordering country, facilitating a cross-border pursuit of justice at the individual level. By requiring the pursuer to declare his purpose, individuals on the other side of the border were given agency in determining the extent to which his trod was true; by requiring inhabitants to aid pursuers, this system encouraged cooperation and reciprocity.\footnote{Leeson, ‘The Laws of Lawlessness,’ 486.} The trod didn’t simply allow borderers to immediately pursue justice after having been wronged – it also brought them together through a system based on trust and collaboration.
Although these traditional practices were co-opted by both Crown governments as useful ways to maintain order in a ‘peripheral’ region, the autonomy they granted to the borderers threatened the Crowns’ control over violence. The wardens had customary roles to play in both the march meetings and the trod, as they organized the meetings and determined the validity of a cold trod. However, the customary law that originally upheld a coherent society through a shared legal framework increasingly proved a threat to both the English and Scottish Crowns’ attempts to impose their sovereign ambitions in their respective kingdoms. March law stood as a symbol of the ‘borderless’ society, and the Crown governments were increasingly motivated to divide it.

March law facilitated cooperation through its role as a customary feature of the border society, bringing both sides of the border together through a complex legal system. Organised meetings were based on compensation and honour, while arbitrary cases of individually-established justice allowed deadly force and ransoms to serve as proper forms of retribution. Both practices were highly codified, with specific rules dictating the proceedings of the days of truce, and certain qualifications needing to be met for the trod. The legal system brought the two sides of the border together to create a judicial system that acknowledged the reiving system as a reality of border life.

The Reiving System

Borderers were notorious for their raiding tradition of reiving, which involved cross-border theft by bands of riders whose main target was livestock, often resulting in violent consequences. Reiving was tied directly to the border economy, incorporating itself into all aspects of border life. The economy was seasonal, with husbandry practices dictating the summer months and systematic reiving occurring during the long nights of the autumn, winter
and spring. Reiving’s seasonality implied a sense of order that a purely anarchist form of raiding could not accomplish. Rather, reiving was done in conjunction with the pastoral activities of the inhabitants, creating a system of cattle production and consumption of stolen goods and assets. Graham Robb, a historian living on and studying the border, asks, ‘Where was the incentive to spend every waking hour rearing animals and growing their fodder when their fattened limbs would only end up on someone else’s table?’ He explains that the animals themselves travelled great distances when stolen through reiving, and that the subsequent effects of intensified natural selection were alleviated by the system of compensation associated with March law. When it came to livestock, raiding was not a way to acquire wealth – it simply moved the animals to different pastures and resulted in compensation that deprived the reiver of three times the value of the stolen livestock.

The seasonality and economy of reiving could not always be taken for granted, however. Reivers would steal other items besides livestock, sometimes taking whatever they could grab and making for a somewhat comical haul. For example, John Forster of Heathpole, a servant to Sir John Forster, filed a bill of complaint in 1590 regarding a group theft upon his employer’s house of:


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51 MacDonald Fraser, The Steel Bonnets, 51.
52 Robb, The Debatable Land, 78.
53 Ibid, 78-79.
54 ‘668: Middle March Bills, &c.,’ Calendar of Border Papers, vol. I, 348.
Translated from: ‘6 oxen, 6 kye, 4 young nowte, ane horse, a nag, a sword, a steil cap, a dagger and knives, 2 spears, 2 “dublets,” 2 pair of “breches,” a cloke, a “jerkyne,” a woman’s kertle and a paire of sleaves,” “kerchers,” 7 “railes,” 7 “partletts,” 5 “paires of line sheitis,” 2 “coverletts,” 2 “lynne sherts,” a
Although some of these goods were easy to seize quickly and carry back across difficult terrain – such as the clothing and kitchen supplies – others, such as the feather bed, were inconvenient to carry back across the border. There was a multiplicity of reasons for such a theft – some reivers embarked on one-time expeditions, others were professionals who rode with family units.55 Some were purely focused on the plunder to be had, others rode to carry out the demands of a family feud. In this instance, the randomness of the items indicates a lack of concern for which goods were stolen – rather, the sheer number of consumer materials suggests an enthusiasm for the apparent wealth of the estate. However, the items would be compensated at the day of march and the cross-border relations would be maintained in a way that reflected their flexibility.

Not only was theft an expected part of life on the border, but it was visibly expressed in the development of the pele tower system. In reaction to the common reiving practice, border family leaders built architecturally-unique towers that could protect both the people under the family’s protection and the livestock being watched by those people. The towers were built from stone and contained two sets of doors, which were meant to protect the people and livestock hidden within. The height of the towers allowed watchmen to keep a lookout for incoming raids, pointing to the commonality of such a practice and the society’s acceptance of reiving as a part of life.56 The pele towers were adaptations that sought to minimize the damage of inevitable raids, preventing and resisting riders with their unique structures and organisation. Interestingly,


55 MacDonald Fraser, The Steel Bonnets, 90.
56 Ibid, 52-53.
the families with the strongest towers were also the families running the most number of raids, revealing a dualistic approach to reiving in mastering the art of both defence and offense.

Although reiving fit into the legal structures of the borderless society, the violent consequences of reiving did not. Indeed, there was a clear ‘distinction, in the Border mind, between reiving, with its associated offences – blackmail, kidnapping, feud killing, and so on – on the one hand, and “ordinary” crimes on the other.’ Crime, especially violent crime, was regarded as abhorrent. Leslie explains that ‘whereto comes to pass that stealing and reive, they rarely seek their merit, for the shedding of blood they greatly abhor.’ While feud-related killings associated with reiving were acceptable, random killings associated with the act of raiding were not.

Leslie notes that ‘[n]either [difference] they [the borderers] make between, whether the Scots or the Englishmen, steal or reive or drive away prays of horses, oxen and sheep behind backs.’ The thefts (and accompanying violence) did not reflect Crown loyalties, but were actions tied up in a complex system of formal lawlessness that defined the ‘borderless’ society’s cohesiveness. ‘National’ hostilities were not reflected in the borderers’ raids – rather, they were indiscriminate when it came to their night rides, attacking both sides of the border. Many rides were conducted by family groups, meaning that individuals from either side of the border were practically guaranteed to be present in any formal group. The practice of raiding itself found its reasons ‘in the attitude of independence from royal authority and justice, … in the wild character

57 MacDonald Fraser, The Steel Bonnets, 99.
Translated from: ‘quhairthrouch cumis to passe that be steiling and reif, thay rayer seik thair meit, for fra scheding of blude thay greitlie abhor.’
59 Ibid, 98.
Translated from: ‘[n]athir gyue thay mekle betuene, quhither the Scottis or the Inglesmen, steil or reieue or dryue away prayis of horse, oxne and scheip behind baks.’
of the countryside, which provided shelter for criminals; and in the prevailing poverty, which encouraged theft. The landscape was perfectly suited to the reivers’ need to disappear quickly, while the poverty and economy of the region pushed groups toward raiding in the winter months. Reivers were unconcerned with political boundaries and instead relied on their own legal and economic system to dictate the terms of a raid. In essence, reiving was a system of organized plundering, one that was supported by a legal system and carried out by an interconnected community of marriage alliances and feudal enemies.

**Ballad Literature and Border Culture**

All elements of the borderless society came together in the border ballads’ representations of life on the border. The ballads were collected at the end of the 18th century by Sir Walter Scott, whose Romantic interest in the border encouraged him to travel from village to village, collecting the oral histories of local inhabitants. Although the ballads were collected some 200 years following the period of study, the content that was collected through oral history serves as a useful link to the culture of the period and the voices of the border people.

One ballad, ‘Kinmont Willie,’ recounts the story of Lord Buccleuch’s raid on Carlisle Castle in 1596 to rescue Kinmont from imprisonment. The rescue mission was founded on the fact that Lord Scrope had violated March law by arresting Kinmont during the truce established by a march meeting. The combined effort of Lord Buccleuch’s forces and the Graham family to bring Kinmont back to Scotland affirmed the ways in which borderers interpreted honor and power differently from the Crown government. The ballad says,

> O were there war between the lands,  
> As well I wot that there is none,  
> I would slight Carlisle castell high,  
> Tho’ it were builded of marble stone.

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But since nae war’s between the lands,
And there is peace, and peace should be;
I’ll neither harm English lad or lass,
And yet the Kinmont freed shall be!\(^{61}\)

The speaker recognizes that if England and Scotland were at war, violent retaliation would be acceptable. However, the speaker is bound by honor to uphold the established truce between the two kingdoms, claiming that he will not harm others but simply right the wrong that Scrope committed. Scrope violated a border custom, and Englishmen and Scots alike worked together to counteract this English official’s actions.

Another ballad that displays the complexities of the border system is ‘The Raid of the Reidswire,’ which tells the story of a border meeting that ended in a violent conflict caused by familial tensions. The beginning of the ballad describes the friendly and peaceful social interactions that took place among the gathered Englishmen and Scots at the border, with the tone changing when a group of men belonging to the Fennick family arrive. The ballad explains that:

> Carmichael bade them speik out plainlie,
> And cloke no cause for ill nor good;
> The other, answering him as vainlie,
> Began to reckon kin and blood.\(^{62}\)

Many modern perspectives would label the conflict as rooted in ‘national’ hostilities. However, deadly feud, a practice of loyalty and revenge that pitched family groups against one another through violent retaliation for previous offences, was the reason for this conflict. It does much to show that conflict was not necessarily founded upon ‘national’ tensions – it was instead found

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within a system that linked families together through alliance and feud. Kinship proved to be of utmost importance to the organisation of the border’s allegiance system.

The language of the border ballads is useful for developing a better sense of the voices of the people themselves. Most sources from this period are written by clerics or governmental officials, making it difficult to find written work from the border inhabitants. The fact that the borderers recounted their histories and stories through a unique literary and musical genre reveals cultural elements within the border society. Leslie explains that ‘[t]hey delight [to] make in their own music and harmony in singing, which of the acts of their forebearers they have learned.’ The ballads allowed borderers to connect with the stories of their ancestors and to relate to a common past. This shared identity and past could be seen through the presence of musical culture that reflected societal values and complexities.

Conclusion

The Anglo-Scottish border society existed as its own entity with unique societal structures and a shared identity that connected individuals and groups in ways that a purely hostile border could not. The ambiguity of the landscape created an interactive setting that made it difficult to define a political boundary. The similarities between English and Scottish borderers pointed to a distinctive common identity that was recognized by contemporary sources as a unifying point amongst the two groups. Intermarriages added a social element to these connections as families sought to form alliances with one another, overlooking the political implications in the process. March law proved the existence of a detailed legal system that facilitated cooperation between both parties through customary beliefs regarding honor and

justice. Reiving was not inherently chaotic, but was connected to the border society’s pastoral economy, housing design and system of cross-border familial alliance and feud. Ballad literature presents the nuanced nature of the ‘borderless’ society while acting as a part of a shared cultural identity, past and value system. Collectively, these elements of the Anglo-Scottish borderlands demonstrate the existence of a ‘borderless’ society that challenges modern notions of ‘national’ identities and boundaries through its complexity and shared customs.

Violence existed as a key feature of this society, operating under the social and cultural values of honor to support a framework of cross-border interactions. While a modern perspective considers violence as a divisive force and sign of societal breakdown, the ‘borderless’ society used violence to enforce their shared values. The next chapter will explore this connection between violence and honor, arguing for the existence of a structural violence that encouraged borderers to negotiate conflict and, paradoxically, promote societal strength.
Chapter 2: Honor at any Cost: ‘I Vow this Day, I’ve Killed a Man’

‘But I return again to our border men in whom some things are seen, not very much not to their praise, some things again rare, some things finally marvelous ... for they are persuaded that all the goods of all men in time of necessity, by the law of nature, are common to them and others: but slaughter and sick injuries by the law of God forbidden. But if they commit any voluntary slaughter, to be made in revenge of some injury: and chiefly for the slaughter of some cousin or friend to some man: they will not abstain, though the laws of the Realm command it.’

In 1596, John Leslie, the bishop of Ross, described the borderers in The historie of Scotland. Leslie alludes to a conceptual boundary line that defined the acceptable forms of violence. He explained that borderers believed in a community based on the social value of upholding life, denying murder or assault a place in any godly existence. However, Leslie contrasted these beliefs with the borderers’ justifications for deadly feud, an organized form of revenge among family groups, their allies and their enemies’ allies. Feud allowed retaliation in kind for murder or assault on one’s family members or allies. The borderers held a unique relationship with violence – they deplored it in some circumstances, but upheld it in others.

Leslie identified an important dynamic on the border – one that was contemporaneously characterized not as a contradiction, but rather, as a negotiation. The ‘borderless’ society asserted a self-reliant system that revolved around a negotiated line between acceptable and unacceptable forms of violence.

As the previous chapter suggests, the border’s legal and administrative structure sought to resolve conflict when local agreements fell apart. Although a traditional legal system and royal

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Translated from: ‘Bot I returne agane to our bordir men in quhome sum things ar seine, nocht verie meikle not to thair prais, sum things agane rare, sum things finalie meruellous ... for thay ar persuadet that all the gudes of al men in tyme of necessitie, be the lawe of nature, ar commoune to thame & vthiris: bot slauchtir and sik iniures be the lawe of God forbidne. Bot gif thay commit ony voluntarie slauchtir, to be maist in reuenge of sum iniure; and cheifie for the slauchtir of sum cosing or freind to sum man. Fra quhilke thay wil nocht absteine, thoch the lawes of the Realme commandet.’
administrative organization existed, extra-legal and extra-administrative violence still characterized the border way of life, exhibiting continued local autonomy. The English border officials described the borderers as barbaric and backwards, expressing confusion over the border society’s apparent acceptance of violence in daily life. For example, John Carey, an East March official, wrote to William Cecil, 1st Baron of Burghley and advisor to Queen Elizabeth, in 1595 to describe the dealings of Scottish East March warden Lord Cessford and his incessant feud against the Charletons and Stories. He expressed his shock at the borderers’ general acceptance of the feud, saying, ‘All this time no fray rose, nor any man asked him why he did so? So are they encouraged by sufferance.’ Carey believed that the feud continued because nobody stopped Cessford’s actions, not because the borderers actually saw the feud as something that inherently did not call for discouragement. He observed the borderers’ shared acknowledgement and understanding of the feud, but he did not realize that this understanding was part of a societal system of negotiated structural violence. Carey’s disbelief and concern came from his own understanding of violence that linked it with authority, power and subordination. The borderers, on the other hand, perceived and negotiated violence through a different lens.

For all societies, violence carries meaning, and certain meanings are expected and understood. For the early modern kingdoms of the British Isles, there was a difference between acceptable and unacceptable instances of violence – ‘indeed, they used the word “violence” to indicate which behaviors were unacceptable.’ There was a degree to which the functionality of

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violence was negotiated, with different groups forming different conceptual boundary lines amongst themselves. This chapter will argue that the cohesive ‘borderless’ society negotiated this boundary within itself, functioning to create its own standards of violence that were not fully understood by outsiders – namely, the Crown governments. The seemingly contradictory positions of cooperation and violence within the ‘borderless’ society together display the structural function of violence in the borderlands.

Honor: A Lens for Structural Violence

From a modern perspective, violence appears to be a divisive, chaotic force and is often treated as a taboo. Many see violence as a force existing outside of typical social and political order, a terrifying and evil presence that haunts humankind. Max Weber famously claims that the modern state monopolizes the legitimate use of physical force, along with all other means of political organization.\(^{67}\) Foucault states that the modern state makes use of an invisible power, one founded in the monopolization of violence and a surveillance system comparable to the Panopticon model.\(^{68}\) This removal of the state’s visible connection to violence grants itself ‘a perpetual victory that avoids any physical confrontation and which is always decided in advance,’ allowing the state to draw itself away from the critical eyes of its subjects.\(^{69}\)

Alternatively, violence was more visible in the early modern period, tied into the daily landscape to make itself an ever-present reality of life and a force not entirely monopolized by the state.

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\(^{69}\) Ibid.
Each instance of violence was different from others, with context playing an important role in determining whether a certain act of violence was acceptable or not. Rather than confronting violence from a teleological perspective, it is important to acknowledge how violence was perceived during a different period than our own. David Nirenberg explains the importance of understanding the context of violence in his book *Communities of Violence*. He identifies a problem with the modern interpretation of violence in medieval France and Spain:

The central dichotomy in modern studies of the treatment of medieval minorities is that between tolerance and intolerance. Thus polarized, violence, hostility, and competition can be seen only as destructive breakdowns of social relations, the antithesis of associative action. The identification of a constructive relationship between conflict and coexistence suggests that such a dichotomy is untenable.  

But, Nirenberg argues, violence is in fact a form of relationship, and the positives and negatives of conflict and coexistence could not be separated from one another. With regards to the medieval and early modern Anglo-Scottish border, Nirenberg’s conceptual coupling of violence and cooperation makes sense. As the previous chapter demonstrated, cooperative societal structures existed across the border in social, legal, economic and cultural frameworks. The concept of ‘coexistence’ is made clear by the fact of a ‘borderless’ society and its cooperative structures that integrated violence into everyday life.

The Anglo-Scottish borderers perceived violence through the lenses of honor and loyalty. In this society, honor comprised elements of respect, tradition, kinship and social legitimacy. Honor was of the utmost importance, and any violation against it held serious consequences. Honor was negotiated between individuals or members of small groups, and ‘violent incidents [were] regularly related to the violation of the personal honour of a certain person through

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71 Ibid, 10.
actions, gestures, or words.\textsuperscript{72} This negotiation facilitated ‘social integration’ by working within the society as a ‘common culture of violence that crossed and united the different social groupings’ of the region.\textsuperscript{73} Violence not only acted as an assault against someone’s honor or a defense of that violated honor – it united social groups by invoking and upholding the common cultural value of honor.

Gerd Schwerhoff describes the role of honor in interpersonal violence in early modern Europe, saying that ‘the most important forms … were ritualized struggles between men in public,’ and that ‘such struggles can be understood in the light of a process of escalation.’\textsuperscript{74} Many of these rituals involved sets of verbal and physical violence, depending on the severity of the conflict and its escalation. Schwerhoff explains that each level of any violent interaction involved actions that contained implications, with gestures, insults and threats being used to indicate a move toward the use of physical violence.\textsuperscript{75} Individuals would have understood the meanings behind each action, ultimately creating an interpersonal quarrel that was highly ritualized. The negotiation worked both ways – rituals of de-escalation depended on actions that would have lowered the offense to the point where violence was no longer needed to uphold honor.

Historically, honor was understood as a value that was closely linked to both lineage and violence.\textsuperscript{76} Generally, in a society where familial loyalty trumped all other forms of allegiance,
honor was an important value when considering what sorts of violence were acceptable. James explains that ‘aggressivity was always latent in the relationships of men of honour, although subject to the restraints imposed by the solidarities of honour: that is, by lordship, kinship, friendship, and the code implicit in honour itself.’ Honor worked alongside the inherited relationships and family names to create a working understanding that a threat to the individual or collective was a threat against a family unit. Indeed, honor found its strength and its identity within the family, making it both an individual and collective ‘possession.’

The Anglo-Scottish border society used honor and loyalty as the guiding forces when determining the difference between acceptable and unacceptable forms of violence. Borderers approached this violence from social standpoints, using honor as the lens through which interpersonal and intergroup relations were diffused. The result was that structural violence that was used not only to preserve honor, but also to maintain a cohesive society. Honor served as the central feature of the border’s culture, with family and violence following suit.

In the following sections, I will analyze the border’s negotiated violence through the same categories I used for the previous chapter – social, legal, economic and cultural. By following the same structure, cooperative qualities of the ‘borderless’ society can be seen in conjunction with the presence of violence, revealing how violence was a structural, rather than divisive, force on the border. Honor emerges as the lens through which borderers understood violence.

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77 James, ‘English Politics and the Concept of Honour,’ 5.
78 Ibid, 15.
Social Violence: Deadly Feud and Revenge

Above anything else, the Anglo-Scottish borderers prioritized kinship. These connections spanned both sides of the border through intermarriage, contributing to a social web that did not indicate the presence of any modern notions of ‘national’ hostilities. Rather, most tensions were founded in familial disputes, which often resulted in a ritualized and widely-understood system of deadly feud. When a man killed or injured another individual, the family of the deceased would enact a violent quarrel with both the offender and his entire family. Feud could last for generations, often changing meanings as violence escalated and time passed. Beginning with a dispute between two individuals, feuds often evolved into collective discord, with families continuing to attack one another for reasons found deep in the past.

Contemporary scholars and statesmen described the customs of the border families, often pointing out the unique prevalence of feud along the border. Returning to Thomas Musgrave’s 1583 account of the border families, his description of alliance and intermarriage is mixed with a testimony of the feuds that characterized the most violent of encounters upon the border: “they are grown so to seek blood, for they will make a quarrell for the death of their grandfather, and they will kill any of the name they are in feud with.” Musgrave understood that the complex border alliances involved not only amity but animosity as well. The Chorographia, written by William Grey and published in 1649, consisted of a survey of Newcastle-upon-Tyne and the areas surrounding it, including a description of the lands close to the border. Grey explains that:

the people of this country have had one barbarous custom amongst them; if any two be displeased, they expect no law, but bang it out bravely, one and his kindred against the

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Translated from: “they are growne so to seke bloode, for they will make a quarrell for the death of theire grandfather, and they will kyll any of the name they are in feade with.”
other, and his; they will subject themselves to no justice, but in an inhumane and barbarous manner, fight and kill one another; they run together clangs (as they term it) or names. This fighting they call their feuds, or deadly feuds, a word so barbarous, that I cannot express it in any other tongue. ⁸⁰

His emphasis on the nonexistence of official law points to the presence of a different sort of order – one that depended on a negotiated form of violence that worked its way into the social framework of inter-familial connections.

At a social level, borderers organized themselves by family groups and alliances rather than by ‘national’ loyalties. The existence of a coherent social network can be exhibited through the presence of deadly feud, as ‘national difference took second place; as often as not feuds were between Scot and Scot, or English and English, and frequently men and tribes found themselves involved in several feuds at once.’ ⁸¹ Rather than looking to an official state to impose order following an interpersonal conflict, borderers turned to their own customary understanding of acceptable forms of violence to initiate processes that were meant to bring order to an action deemed as wrong and/or dishonorable. The fact that ‘“feud as an organised and recognized institution is largely a phenomenon of the stateless society”’ suggests that it accompanied the development of the ‘borderless’ society in the years of intermittent warfare and persistent conflict. ⁸²

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⁸⁰ William Grey, *Chorographia, Or a Survey of Newcastle Upon Tyne* (Newcastle upon Tyne: Andrew Reid, 1649), 119-120, https://play.google.com/books/reader?id=yP1BAAAAAYAAJ&hl=en&pg=GBS.PA1. Translated from: ‘the people of this country hath had one barbarous custom amongst them; if any two be displeased, they expect no law, but bang it out bravely, one and his kindred against the other, and his; they will subject themselves to no justice, but in an inhumane and barbarous manner, fight and kill one another; they run together clangs (as they term it) or names. This fighting they call their feides, or deadly feides, a word so barbarous, that I cannot express it in any other tongue.’


Family was paramount when determining what forms of violence were acceptable and unacceptable. In the eyes of the borderers, killing and injuring was justified when one’s family member(s) were killed or injured. Paradoxically, the difference between acceptable and unacceptable forms of violence depended on which side of the conflict one stood, and switched as the conflict became retaliatory. Each side of the feud felt entitled to its own violence, and neutral observers at least tolerated, if not agreed with, the use of violence. Although paradoxical, feud itself remained an acceptable means through which to negotiate the boundaries of informal violence, serving as a framework that highlighted the importance of honor in the ‘borderless’ society.

One family that was practically always pursuing a feud was the Graham family. As discussed in the previous chapter, the Grahams were truly a ‘borderless’ family, being made up of both Englishmen and Scots through marriage links and alliances. The violence they conducted was never in the name of a ‘national’ cause – rather, they pursued feud on either side of the border, sometimes even against ‘traitors’ from within their own family. In May 1582, Lord Scrope wrote to Walsingham that:

> the borderers are encouraged to revenge old feuds, and several murders have been done – “especially on Thursday last the Grames our owne borderers, for revenge of one their kinsmen lately killed in this feud, have entered into Scotland, and slain two of the Belles, and one also of their owne name and kinsman, being a partaker with the Belles against them.” So being thus divided in several parties, it is like to be the greatest feud ever on these Borders.

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Translated from: ‘the borderers are encouraged to revenge old feuds, and several murders have been done – “speciallye on Thursdaye laste the Grames our owne borderers, for revendge of one their kinsmen latelie killed in this feaid, have entred into Scotlande, and slayne two of the Belles, and one also of their owne name and kinsman, being a partaker with the Belles against them.” So being thus divided in several parties, it is like to be the greatest feud ever on these Borders.’
Although family was a crucial value amongst borderers, betrayal was such a great offence that family allegiance could not protect this Graham from being killed alongside the two Bells. Instead, he was no longer treated as part of the family. The Grahams pursued deadly feud against one of their own, revealing that honor, in this case, held a stronger grip than family when determining the acceptability of retaliatory violent acts.

Deadly feud was an important structure of the ‘borderless’ society, as it provided a space for family groups to conduct violence that was collectively deemed as acceptable. Although feud was not conducted out of ‘national’ hostilities and did not necessarily resolve conflict, it did play a role in affirming and enacting the societal and cultural values of family and honor.

**Legal Violence: Duels and the Trod**

While feud was an informal process for the defense of family honor, border law established a formal and regulated framework for the use of violence. Customary border law incorporated systems that allowed borderers to use acceptable means of violence against their offenders, placing violence within the bounds of acceptable conflict resolution. Violence was not always physical – it could involve threats, insults, or, most importantly, a claim against someone’s honor. Such verbal attacks could escalate to a physical interaction, such as a duel. In other cases, theft or raiding could be dealt with through the trod system, as described in Chapter 1. The trod system had certain rules that were to be followed, but the retaliatory actions – and the decision whether to pursue the trod – were left to the offended party. Duels and the trod were enactments of March law, a system that was predicated on the supreme cultural value of honor.

This code was separate from the common laws of England and Scotland. These laws arose from the enshrinement of customs that existed in the region long before increased Crown involvement, meaning that the code represented a coherent society’s negotiated understanding of right and
wrong—and the corresponding violence that fit into either term. A negotiated form of violence served a structural and legal role within the customary March law of the Anglo-Scottish border.

The duel was linked to the tradition of ‘bauchling,’ which was a public display of dishonor and often linked to betrayal or someone’s inability to fulfill a promise. Leslie describes this process in detail, explaining that ‘they use … to put a glove upon the point of a spear in exhibition and shame of him who cracked his credence, riding of such a manner through all the people, showing it out, no infamy is compared to this.’ This act of public shaming could be interpreted ‘as a mortal challenge,’ leading to combat between the two parties in a fight to defend one’s own honor and life. The duel was a direct display of the relationship between honor and violence, as the formalized hostile encounter focused on the defense of morality rather than pure vengeance. Unlike deadly feud, duels were not used to avenge another’s death or retaliate property destruction. Rather, duels involved a moral conflict between two individuals and served as a mechanism to limit the potential for violence to the interpersonal level. Its individualistic nature ‘reduced the potential for large-scale, intergroup violence between borderers … “by formalizing and channeling the means of enforcement.”’ Borderers used this acceptable form of violence for the resolution of interpersonal conflict, ensuring that such disputes would not reach the same level of violence as deadly feud. However, duels were forbidden by both Crown governments in 1563, with special cases to be granted by warden permission. Although the frequency of duels was reduced, borderers still used duels, emphasizing the importance of honor-

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84 Leslie, *The historie of Scotland*, vol. I, 101. Translated from: ‘they vse … to put a glaue vpon the poynte of ane speir in exprobratione and schame of him quha crakit his creddence, rydeng of sik a maner throuch al the people, schaweng it out, na infamie is compared to his.’

85 MacDonald Fraser, *The Steel Bonnets*, 153.

driven conflict in the face of Crown punishment for their actions. The Crowns saw duels as an infringement on the states’ right to wield violence, while, for the borderers, the duel facilitated a controlled environment that was centered on morality and honor.

The trod followed a set of rules that left the retaliatory action up to the discretion of the pursuer. For example, in September 1582, a group of Scots rode into England and stole a group of livestock, driving them back to Scotland. The watch discovered the reivers and pursued them over the border, following the trod. They eventually found the reivers, who attempted to aggressively defend themselves until the watch, “‘seeing the Scottish goods near unto them and before their eyes, entered unto and seized upon certain nolte and sheep, which were all put to havock, and nutshawed, and they term it.’”87 This particular trod followed the March law’s codified rules of pursuit, which dictated that armed riders could only follow thieves across the border up to six days following the original theft – they set off as soon as they realized they had been stolen from. When they found the responsible group, the trod was met with aggression, leading them to seize Scottish assets and to destroy property as a retaliatory measure against the group that stole their livestock.

The pursuit of hot trod was a method for borderers to seek immediate justice for theft or damaged property, sometimes involving physical violence in addition to forced compensation. The time restraints on the trod were meant to prevent the single act of pursuit from turning into a feud – if the pursuit took place after six days, the trod required the permission of the pursuer’s warden. Similar to the duel, the trod was a method for one-time retaliation/justice – it did not last longer than the single act of pursuit. From a legal perspective, the vast collection of treaties and

87 ‘133: Scrope to Walsingham,’ Calender of Border Papers, vol. I, 89. Translated from: “‘seeing the Scottishe goodes nere unto them and before their eyes, entred unto and seased upon certein nolte and sheepe, which were all putt to havocke, and nutshawed, and they terme yt.’”
traditional practices sought to streamline methods for restitution, as informal settlement was understood to be a reality of border life and something to be both empowered and regulated.\textsuperscript{88} Many of these practices found their roots in border custom, which was formalized through usage and revealed a direct tie to the cultural emphasis on honor. The customary border laws sought to contain the violence to a specific kind of ritualized combat or pursuit, limiting such action to specific circumstances – those that dealt with property violation, which was construed as a violation of the honor code as well.

Not only did the trod allow borderers to determine their own punishments for their offenders in the case of theft, but it revealed a degree of negotiation within the legal code of the border. Violence was acceptable in this regulated interpersonal and autonomous exchange of honor and loyalty. The violence that was linked to duels and the trod was not chaotic – rather, it reflected a broader community understanding of the relationship between honor and violence.

**Reiving’s Blurred Lines**

Reiving, the systematic raiding tradition of the Anglo-Scottish border, manifested in both acceptable and unacceptable forms of violence. Reiving was symbolic of the ambiguity of all violent interactions on the border because of its continuous and complicated negotiation of acceptability. Honor worked its way into the fabric of reiving such that the simple act of property theft could lead to an escalation of violence that did not correspond with honorable standards.

Reiving encouraged vigilance amongst the borderers and Crown officials alike, especially during its peak season. In January 1593, Burghley exclaimed that:

“there have been of late in the west part of the marches great riding (meaning great spoiling) and men taken in their own houses and had as prisoners into Scotland, so as they do there now keep a great and strong watch and determined to lose all their lives

\textsuperscript{88} Leeson, ‘The Laws of Lawlessness,’ 485.
rather than their goods; and now at this instant they do ride and spoil everywhere (meaning upon the marches) and small help but that every man look to themselves.”

The borderers engaged in continuous offensive and defensive encounters with one another, as men kept watch at night for the sound of horses in the darkness and others rode through the difficult terrain in search of livestock to herd away. Borderers anticipated the potential for theft to go awry and injury to result. Accordingly, they were prepared to initiate feud as an acceptable form of retaliatory violence, contributing to a cycle that found its link in the economics of reiving.

Why condone reiving as a societal structure if it could result in unacceptable forms of violence? Such a question harkens back to the formation of the ‘borderless’ society, drawing on the Anglo-Scottish wars of the 14th and 15th centuries. When the border region was a common war zone between the two kingdoms, borderers recognized that ‘the continuing threat of renewed conflict offered little incentive to arable farming.’ Instead of continuing a strictly agricultural lifestyle, borderers began to pursue alternative means of making a living – such as stealing livestock and other valuables. This activity held throughout the intermittent wars, eventually forming a reiving system as a reaction to being caught between warring armies. The acceptable nature of reiving – as both a reaction to widespread destruction and as a developed societal feature – contrasted with its potential unacceptable results.

89. 794: State of the English West Borders,’ Calendar of Border Papers, vol. I, 423. Translated from: “there hath bene of late in the west parte of that marches great ridinge (meaninge greate spoilinge) and men taken in their owne howses and had as prisoners into Scotland, so as they do there nowe kepe a greate and stronge watche and determyned to loose all their lyves rather than their goodes; and nowe at this instante they doe ride and spoile everywhere (meaninge upon that marches) and small helpe but that every man looke to themselves.”
Raiding expeditions could result in haphazard death or injury, as both sides of the exchange engaged in offensive and defensive actions that could escalate to physical encounter. Personal injury or killing could lead to protracted deadly feud in the name of honor. In the case of theft or property destruction, hot trod or a duel (if the offender did not fulfill his promise to compensate) were acceptable legal means to solve the issue. Each circumstance was judged by the principles of honor and loyalty, meaning that reiving never fit into a distinct category of ‘acceptable’ or ‘unacceptable.’ Reiving, like other phenomena on the border, was an ambiguous structure that could necessitate the use of acceptable violence against its own unacceptable effects in the case of a breach of honor.

**Cultural Violence: Honor, Family and Loyalty**

Honor’s cultural significance was a motivating force for the border ballads, where accounts of deadly feud and hot trod included honor and family as justifications for the described violence. Women played a role in the invocation of honor. They could call upon men to right the wrongs of other men. In ‘The Fray of Support,’ an English woman calls on servants and friends to take up the hot trod after having been plundered in the night by Scottish reivers. She describes the offenders by grouping them by family, listing off the names of notorious Scottish raiding families rather than referring to the Scots as a collective.91 While she praises some men for their contributions to the trod, she calls others out for their negligence, saying:

Rise, ye carle coopers, frae making o’kirns and tubs,
In the Nicol forest woods.
Your craft has na left the value of an oak rod,
But if you had had ony fear o’God,
Last night ye had na slept sae sound,
And let my gear be a’ ta’en.
Fy lads! shout a’ a’ a’ a’.

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My gear’s a’ ta’en.92

While the men were mocked by the woman for their alleged inability to act, they also received pressure by the law to engage in the hot trod when called upon. The woman was not simply appealing to their personal pride and sense of honor, but also their legal obligation to uphold the customary border law. Men were both socially and legally compelled to engage in the trod upon their honor.

Honor plays an even larger role in the convention of deadly feud, such as that found in the story of ‘The Lads of Wamphray.’ The ballad recounts a skirmish that took place between the Johnstones and the Crichtons in 1593, reviving the generations-old feud between the Johnstones and the Maxwells. The Johnstones were a powerful Scottish reiving family whose feud with the Maxwells ran parallel to their competition for the march wardenship. William Johnstone of Wamphray, also known as William the Galliard for his lively reputation as a reiver, was struck down by a group of Crichtons (Maxwells) and hanged for attempted horse theft. Willie of the Kirkhill, the Galliard’s nephew, swore to avenge his uncle’s death. He gathered a group of fellow Johnstones to accompany him to fight the Crichtons, ultimately exclaiming at the end of the conflict:

“Now, Sirs, we have done a noble deed;
“We have revenged the Galliard’s bleid:
“For every finger of the Galliard’s hand,
“I vow this day I’ve killed a man.”93

Family, honor and violence converged at the visceral outbreak of a dormant feud against the background of political competition. Willie’s determination to complete ‘a noble deed’ of avenging his uncle’s death and displaying the power of his family was fueled by his sense of

93 Scott, ‘The Lads of Wamphray,’ Minstrelsy of the Scottish Border, 279.
honor and a contempt for the murder of the Galliard. Willie and the Johnstones used an acceptable (and much more bloody) act of violence to address social tensions caused by the unacceptable violence that infringed on their family’s honor.

Conclusion

Cooperation and conflict existed in harmony upon the medieval and early modern Anglo-Scottish border. The ‘borderless’ society played host to a range of societal practices that exhibited the existence of coherent customary interactions across the border. Borderers engaged in deadly feud as an acceptable retaliation for the killing of a family member. Familial loyalty and connections were paramount to the social structure of the border, and were upheld through the act of deadly feud. Duels and hot trod were permitted by the customary March law, which underlined the importance of honor while limiting physical violence to an interpersonal, yet autonomous, level. Reiving served as a space where much of this negotiation took place and where tensions were exposed, revealing the role of perspective in determining the acceptability of violent acts.

Violence was not a force that challenged the union of cooperation and conflict, but rather an element of coexistence itself. Indeed, Nirenberg explains that ‘the identification of a constructive relationship between conflict and coexistence suggests that such a dichotomy is untenable.’\textsuperscript{94} Borderers negotiated acceptable and unacceptable forms of violence through the lenses of honor and loyalty, demonstrating that such a ‘constructive relationship’ comes from the integration of societal and cultural values.

The ‘borderless’ society’s negotiation of violence confounded the Crown governments’ understandings of violence. While the borderers distinguished different forms of violence

\textsuperscript{94} Nirenberg, \textit{Communities of Violence}, 9.
according to the social and cultural values of honor and loyalty, the Crown governments characterized violence through their own ambitions for power and authority. The next chapter will investigate the differences between these perceptions, emphasizing how this imbalance ultimately affected the relationship between the borderers and the Crown governments of England and Scotland.
Chapter 3:  
Performed Crown Authority: ‘Only Force Must Bridle Them’

Robert Carey, the 1st Earl of Monmouth and warden of the English Middle March from 1596-1598, recorded his memoirs during his time on the border, often emphasizing the violence that took place through his own commentary. Toward the beginning of his time as warden, Carey described a series of events that culminated in his own negotiation between two understandings of violence – that of the borderers’ and that of his own status as a Crown official.

Carey, having discovered that two Scots who had killed a churchman in Scotland were being protected by a member of the Graham family near Carlisle, sought to surprise the runaways in the night. Although the Grahams were an English family, their extensive alliances and family connections to Scottish families made them a likely refuge for these runaway Scots. Thomas Carleton, a veteran English border official, warned Carey that the Scots were aware of his men’s presence, and that they had sent for support from the other side of the border. Carey explained that he ‘sent notice presently to all parts to raise the country, and to come to us with all the speed they could,’ eventually gathering enough forces to capture the Grahams’ tower.95 The Scots surrendered themselves to Carey’s party just before a large number of Scottish reinforcements arrived on the scene to challenge Carey and his men. Carey explained that his men approached him with a collective request at the sight of the Scots, saying:

Then had I more to do than ever, for all our borderers came crying with full mouths, “Sir, give us leave to set upon them, for these are they that have killed our fathers, our brothers, our uncles, and our cousins, and they are come thinking to surprise you, upon weak grass nags, such as they could get on a Sunday, and God hath put them into your hands, that we may take revenge of them for much blood that they have spilt of ours.”96

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96 Ibid, 58-59.
Here, the borderers asked Carey to allow them to pursue their respective feuds, placing him in a position where he was forced to negotiate between two different understandings of violence. He knew that the borderers considered feud to be an acceptable form of violence, an honorable way to right the wrongs committed against their family members. However, as an English Crown official, Carey maintained a different view: violence was unacceptable when it was not sanctioned by the state, and feud did not fit this standard. Of course, he had gathered a group of men who all had their own feuds to pursue, meaning that his force was somewhat reliant on these motivations that differed from his own.

Ultimately, Carey presented a compromise to his men: ‘I desired them for my sake to forbear, and if the Scots did not presently make away with all the speed they could upon my sending to them, they should then have their wills to do what they pleased.’

Carey recognized the role of violence within the borderers’ society, but still maintained his (and the Crown’s) understanding – one that sought to reserve the use of violence for those in authoritative positions. He asserted his own authority by attempting to control the inevitable violence, ultimately granting the borderers’ wishes if the Scots did not comply to the demands of the Crown. In other words, if the Scots proved a threat to the Crown’s power, violence would be justified to quell the infringement on authority. Carey felt that his understanding of violence was the one to be upheld,

Translated from: ‘Then had I more to do than ever, for all our borderers came crying with full mouthes, “Sir, give us leave to set upon them, for these are they that have killed our fathers, our brothers, our uncles, and our cosins, and they are come thinking to surprize you, upon weake grasse nagges, such as they could get on a sodaine, and God hath put them into your hands, that wee may take revenge of them for much blood that they have spilt of ours.”’

97 Carey, Memoirs of the life of Robert Cary, 60.

Translated from: ‘I desired them for my sake to forbeare, and if the Scotts did not presently make away with all speede they could upon my sending to them, they should then have their willes to do what they pleased.’
contrasting it with the inevitable violence of warring families who saw violence differently and (in his mind) incorrectly.

Violence was one form of negotiation between the state and its public that the Crown governments wanted to dominate. Susan Amussen describes the role of violence in the early modern period as a common disciplinary tool, one that was used to assert power and authority as well as to ‘punish those by whom [people] felt wronged.’ Violence had meaning at all levels of society and chiefly represented power for those at the highest positions. The state used violence directly, often punishing convicted persons in public to display power and to encourage subjects to remain loyal to the law and the monarch. However, the intended effect of violence was not always maintained, as the public might reject public punishment and shaming rituals in their own interpretation of the acceptability of violence – in short, ‘violence could as easily emphasize division as unity and was rarely embraced unanimously.’ Even in places that were closer to the seat of power, the Crown governments were forced to constantly contest their respective understandings of power and dominance with the public opinion. Violence never guaranteed authority, making any unsanctioned violence seem all the more threatening in the eyes of the state. The borderers’ use of violence felt threatening to two governments who understood violence differently.

While the ‘borderless’ society perceived violence through the lens of honor, the Crown governments understood violence as a method to assert power and authority. The Crowns’ wardens played an intermediary role as they attempted to make this negotiation. The English and

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99 Ibid, 4-6.
100 Ibid, 9-10.
Scottish governments had similar goals for the administration of the border and the subsequent assertion of their power. However, as this chapter will show, the execution of these goals was different, as their respective wardens performed different authoritative roles that reflected their statuses as ‘insider’ versus ‘outsider’ to the ‘borderless’ society.

**Governmental Pressures**

Over the course of the 16th century, march officials’ descriptions of the borderers and their conflicts exhibited an increasingly anxious tone as concern for the Crown’s ability to maintain order grew alongside long-lasting suspicions of treason and betrayal.\(^{101}\) When Elizabeth I’s reign began in 1558, the border was regarded as a place where potential enemies of the state could reside. Officials reported on international, border and domestic affairs. Intelligence on the border proved crucial to the Crown’s efforts to retain power and squelch treasonous plots.

The English Crown was suspicious of dissenting religious groups for political reasons, as Catholics were considered subversive and linked with efforts to replace Elizabeth with her cousin Mary, Queen of Scots. Many Catholics believed Mary Stuart to be the rightful heir to the English throne and considered Elizabeth as the illegitimate result of Henry VIII’s marriage to Anne Boleyn. The Auld Alliance between Scotland and France, a Catholic kingdom and enemy of England, added an additional layer to these threats. Lord Henry Scrope, the English West March warden, wrote to Lord Walsingham, the principal secretary and ‘spymaster’ to the Queen, in 1586, saying, ‘the “Plott” for the general subversion of religion still holds – and the “masse of money” ready in France is kept untouched for this purpose.’\(^{102}\) Catholic, Scottish and French

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enemies were all seen as colluding with one another in a massive “Plott” to dethrone the Queen. In December 1587, ten months after the execution of Mary, Queen of Scots in February 1587, her son, King James VI of Scotland, explained his hopes for a more amicable relationship with the English Queen to Lord Hunsdon, the governor of Berwick: ‘He wished that the Queen’s Majesty would make some honorable offer to the King, whereby he might find her Majesty’s good will and favor towards him, and show that she is willing to have his amity and friendship.’

After explaining to the Queen’s official that he was not interested in foreign alliances or Catholic plots, the King hoped to forge an alliance with the Queen – perhaps after learning of growing English military forces and anticipating his newfound role as the next in line of succession.

However, the violent events on the border challenged both the English and Scottish monarchs’ hopes for peace and control over their respective kingdoms. Not only did the violence cause increased tension along the border, but the frequency and breadth of border violence challenged the authority of two Crown governments already under pressure to both assert and defend their power. As the English Crown sought to minimize any threats to its rule, the Scottish Crown pursued an alliance that would require trust and cooperation with the Anglo-Scottish borderers. Pressures from the borderlands meant that Crown perspectives overlapped significantly. Violence on the border was regarded as a crime as it was considered ‘within the context of the crown’s increasing intolerance of violent crime and the evolution of judicial

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Translated from: ‘Then he wyshte that the Quenes Majesti wolde make sum honorable offer too the Kynge, therby he myght fynde hyr Majestis good wyll and favor towards hym, and too shew that she ys wyllynge too have hys amyty and frendshyppe.’
systems throughout the kingdom.\textsuperscript{104} The border carried its own weight in the eyes of both states – not only was it geographically distant from the seats of the two kingdoms’ power, but its use of violence as a structural societal component indicated a threat founded in differing understandings of violence. While both Crown governments linked violence with power and authority, the borderers linked it with their own cultural value of honor. Hence, the English and Scottish Crown governments found a common ground when it came to their attempts to assert authority in a space that challenged their respective goals.

**Legal Systems**

As discussed in the previous chapters, the Anglo-Scottish ‘borderless’ society possessed its own legal structure that reflected its cohesive and cooperative qualities as well as the role of structural violence upon the border. For a period leading up to the second half of the 16\textsuperscript{th} century, both Crown governments made use of the border law, allowing it to fulfill its customary role. However, in the second half of the 16\textsuperscript{th} century, the two states increasingly sought to subordinate border law in their efforts to exert control over judicial and punitive systems.

In a time when central judicial systems were evolving quickly to support the increasing aspirations to power of the monarchical states, the border laws continued to uphold custom and negotiation as the key tenets of operation.\textsuperscript{105} After all, the development of border law resulted from the ongoing warfare that took place over the previous centuries. The border law’s purpose was to maintain the truces that were put in place in times of peace, looking to its own diplomatic and legal codes to govern a region that was considered apart from the rest of the two kingdoms.

\textsuperscript{105} Ibid, 131.
Before the 16th century, the English Crown accepted the border laws ‘as a set of procedures designed to supplement the deficiencies of the common law in a region over which an artificial political boundary had been imposed.’ The Crown acknowledged the difficulty of imposing common law on a society that existed in spite of a political border. Instead, the region was permitted its own unique legal system, supplementing any predicted failures of or gaps in the common law. However, the growing ambition and power of the English state pushed the Crown to instigate attempts to impose a more ‘central’ approach to justice, applying a power-driven interpretation of violence to the region’s honor-driven legal system.

Following the Treaty of Perpetual Peace in 1502, the Tudor dynasty enacted new legal procedures on the border, ‘among them a more reliable system of extradition for the trial and punishment of persons accused of committing homicide, larceny, burglary and other misdeeds.’ The desire to enforce increased control on the border led to a reorganization of its administration, chiefly by reforming the office of march warden and applying the state’s understanding of violence to the system. The people’s own negotiation of violence was not seen as a viable way to maintain power – rather, the Crown saw a need to impose its own judicial and punitive codes upon the border laws. As the century progressed, the wardens exhibited increased efforts to apply the state’s understanding of violence to the ‘borderless’ society’s legal system.

One way the English wardens attempted to enforce this new legal code was through their efforts to add more violent crimes to the list of punishable offences at traditional march

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107 Ibid.
108 Ibid.
109 Ibid.
meetings. For example, Sir Simon Musgrave, the constable of Bewcastle, wrote in 1583 that the reasons for the continued ‘border offences’ were the corrupt and unstable Scottish government and the continuous changing of Scottish border officials. Many of these Scottish officials did not deal with bills of murder, meaning that many acts of violence went unpunished by the state. Musgrave explained that, “‘everyone has utterly denied to make redress for murder, which hath been the cause of the greatest disorders upon the Borders, and the greatest encouragement to offenders.’”¹¹⁰ Musgrave believed that by not addressing murder at march meetings, borderers were encouraged to continue with feud and their own private forms of settlement. He suggested that ‘the commissioners for Border causes should order that redress be made for bills of murders as well as robberies, “without forgiveness or remission to any party, for that the remission and forgiveness of bills, do only profit and help thieves and murderers, and utterly impoverish her Majesty’s true subjects.”’¹¹¹ Not only did Musgrave suggest that murder be compensated in addition to theft at the traditional border meetings, but he explained that the current system was a threat to the Queen’s loyal subjects – or rather, to the authority of the Queen herself. Rather than allowing the borderers to continue to pursue feud – thus encouraging the unacceptable use of violence from the perspective of the Crown – Musgrave implied that murder should be enforced more regularly as a punishable offence at the official legal level.

¹¹⁰ ‘165: Sir Simon Musgrave on Border Offences,’ Calendar of Border Papers, vol. I, 105. Translated from: “‘everie one have utterlie denaiede to make redresse for murder, which hathe bene the cause of the greateste disorders upon the Borders, and the greateste in couradgement to offenders.’”

¹¹¹ ‘165: Sir Simon Musgrave on Border Offences,’ Calendar of Border Papers, vol. I, 105. Translated from: “…‘without forgiveness or remission to anie partie, for that the remission and forgiveness of bills, doethe onlie proffitte and helpe theeves and murderers, and utterlie impoverishe her Majesties true subjectes.’”
Another example that relates to the conduct of march meetings involves a notice sent in
November 1593 from the Scottish king and his Council to Bowes, and their attempts to settle a
dispute that befell the Liddesdale region. The Council wrote that

omitting all delays upon the appointment of new officers for Liddesdale and public
meetings on the March when the days were longer, and weather better, and the dangers of
such open meetings by great numbers of armed men, with quarrels and feuds standing
among them, “we will file this bill ourselves upon three of the people contained within
…” and deliver a gentleman made worth the bill to the Warden of the Myddle Marches of
England or his deputy … to remain till the principals are delivered for his relief or the bill
paid.112

March meetings brought groups together that were engaged in feud or other forms of structural
violence upon the border, threatening the power of the state forces that were meant to conduct
the administration of these meetings. Border law dictated that the offended party should file the
bill, allowing for local disputes to be solved through the wardens and the day of truce. When the
King’s Council decided to supercede these rules and file a bill on behalf of the offended parties
in Liddesdale, they demonstrated a lack of faith in a system that was seen as customary on the
border, issuing a call for justice from one seat of administrative power to another. The King’s
Council’s decision to send a bill of complaint directly to the English Warden reflected the state’s
distrust in the customary legal proceedings of the border. As the royal states grew increasingly
invested in their power over the use of violence, march meetings were seen as a threat to their
authority and ability to administer justice effectively.

Scotland engaged in a similar legal response to the traditional use of violence. The case
of Scotland was different, however, because feud was practiced throughout the kingdom. The
Scottish government’s criminalization of feud in 1598 reflected an increased effort to control

Translated from: ‘… “we will fyle tis bill ourselfe upon three of the persones containede therin” …’
violence and private settlement throughout Scotland, moving the disputes that were normally settled through feud to a court setting.\textsuperscript{113} This shift allowed the Scottish government to become increasingly involved in the arbitration of specific regions, particularly the Highlands and the Borders, where control over nobles was prioritized.\textsuperscript{114} However, the Scottish state continued to use border laws until the Union of the Crowns in 1603, meaning ‘that the Borders remained marked out as a peculiar region, even after the subsidence of the hostility that had inspired the original laws.’\textsuperscript{115} The new process reflected a similar desire to that of the English state – apply stricter administrative and judicial systems to the ‘peripheral’ regions. Both the English and Scottish Crowns were focused on exerting more control over the use of violence on the border, allowing the border laws to remain while adopting stricter policies regarding the customary usage of violence.

The continued use of border laws by both kingdoms, coupled with the states’ interference in legal administration and process, meant that two different understandings of acceptable and unacceptable violence were present on the border. The borderers’ honor-based negotiation of violence remained, while both kingdoms attempted to assert their power through stricter and more centralized justice systems.

\textbf{The Border Wardens: Performative Authority}

Wardens were appointed by their monarch to govern one of the three marches on their side of the border – West, Middle, or East. Their positions offered them opportunities for influence and enrichment – but also came with their demands. While they enjoyed the rank and status of being royal officials, wardens were required to serve a challenging intermediary role.

\textsuperscript{113} Groundwater, ‘Crime, Feud and Violence,’ 128-129.
\textsuperscript{114} Ibid, 128-129, 132.
\textsuperscript{115} Ibid, 132.
Wardens rode throughout their Marches, often crossing the border to pursue reivers, thieves and/or murderers. Indeed, they were included in the process of the trod, as any cross-border pursuit taking place after six days, or ‘cold trod’, required a warden’s approval. The distinction between hot trod and cold trod made sure that any violence that resulted from a ‘cold trod’ was indeed justified and acceptable, rather than dishonorable and unacceptable.\textsuperscript{116} The fact that the wardens fulfilled a role in this negotiation meant that they had some part to play in the borderers’ own negotiation of violence, ultimately drawing from both understandings to decide whether a trod (and its potential violent consequences) was acceptable. The border wardens held a unique position – they were agents of the state, but lived and interacted with the ‘borderless’ society in ways that challenged their attempts to maintain administrative performance.

The English and Scottish wardens, however, often negotiated this challenge in different ways. In the late 16\textsuperscript{th} century, the English wardens remained loyal to the Crown’s understanding of violence and power, displaying a punitive use of force that did not coordinate with the borderers’ understanding of violence. Many of the Scottish wardens were reivers themselves, participating in group raids and deadly feud. Over the course of the 16\textsuperscript{th} century, all wardens had to negotiate an authority located at the intersection of state and border perceptions of violence.

Monopolizing the exercise of violence was a tactic used by the state to maintain power, but its individual officials had to find other means of promoting their own authority, particularly in places that were distant from the seat of power. Braddick explains that ‘the authority of an individual performing an office depended on the presentation of a self that conferred natural authority on them – they presented a front which represented an abstract political authority rather

than their individual will.’\textsuperscript{117} Indeed, wardens played a variety of roles, each of which conferred authority in different ways. Although they were expected to be ‘the monarch’s man,’ they also needed to be ‘a mixture of soldier, judge, lawyer, fighting-man, diplomat, politician, rough-rider, detective, administrator, and intelligence agent.’\textsuperscript{118} Each of these roles, in turn, involved a degree of performed authority that sought to show the warden’s connection to the distant Crown authority. The Scottish wardens enacted roles that aligned with the ‘borderless’ society’s culture, while the English wardens asserted their power and connection to London.

Many of the English wardens retained the central state’s understanding of the coupling of violence and authority, making their negotiations with the borderers much more difficult and strained. These wardens attempted to perform an authoritative role that found power in violence, contrasting with the borderers’ understanding of violence as something governed by honor. One warden that conducted a ‘successful’ administration on the border was Sir Robert Carey, who served in all three English marches, filling the role of warden for the East and Middle marches between 1596-1603.\textsuperscript{119} During his transition year between the West and East marches, Carey wrote to Lord Burghley in London with a forward description of his impressions of the borderers:

“\textquoteright\textquoteright We are matched with a people without laws, and we are bound to keep laws, only force must bridle them; therefore, good my lord, have some care of this poor country, and let there be such order taken as we may have help in time, for they are already very busy, and the longer the nights grow, the worse they will be.\textquotedblright\textsuperscript{120}

\textsuperscript{119} Ibid, 317.
\textsuperscript{120} ‘115: Sir Robert Carey to Burghley,’ Calendar of Border Papers, vol. II, 52.
Transcribed from: “\textquoteright\textquoteright We are macht with a poeple without laues, and we are bound to keepe laues, only force must bridell them; therfore good my lord, have sum care of this poore cuntrey, and let ther be suche
Carey believed that the only way to assert power over the borderers was through violent force, and called upon centrally-based authorities, such as Lord Burghley, to assist him in this endeavor. He linked violence to power, thinking that the borderers’ acceptance of violence applied to their interpretations of power as well. However, one group’s idea of an acceptable act of violence did not fully translate to the other’s understanding.

The Graham family’s interaction with the border wardens exhibits the disconnect between these understandings of violence. One warden who often wrote about his frustrations with the Grahams was Lord Thomas Scrope, 10th Baron of Bolton. He was the warden of the English West March and a figure who performed the role of state agent to its fullest capacity, continuously clashing with the borderers as he attempted to exhibit his connection to the Crown and to impose its authority in the process. In 1596, he wrote frequently to Lord Burghley about the Grahams, explaining that their actions did not display loyalty to the Queen – rather, they behaved outside the law and, in Scrope’s mind, deserved to be punished accordingly. Not only did he list the various crimes the Grahams were involved in, but he explained the difficulties of his own position, saying,

I protest that no man ever took office with greater desire to please and do his duty, than myself, and therefore if I be not better countenanced and comforted than yet “it seems I shall be in this matter of the Grahams,” I shall most humbly beseech her Majesty to take this burden off my shoulders, and give me leave to serve her elsewhere. “For I assure your lordship, if the Grahams be returned without severe punishment at this time, her Majesty may as soon command and have my life as stake me down in this service so discontenting to her Highness and dishonorable to myself.”

121 order taken as we have may have help in tyme, for thay are alleredey verey bise, and the longer the nightes growe, the worse they will be.”

Translated from: “… “it semeth I shalbe in this matter of the Grames,” … “For I assure your lordship, yf the Grames be returned withouete severe punishment at this tyme, her Majesty may as soone comaund and have my lyfe as stake me downe in this service so discontentinge to her highnes and dishonorable to my selfe.””
Scrope’s commitment to performing an authoritative role pushed him to exclaim his frustration at the Grahams’ apparent disregard for his connection to the Crown and his concern regarding the dangers of his post. Scrope’s desire for enforced punishment carries a similar message to that of Carey’s: the only way to communicate power is through violence, reflecting the notion that their role as warden was to promote their ruler’s political power.

Not all wardens maintained the same attitude adopted by Scrope. The Scottish wardens took part in the structural violence of the region, performing the role of borderer through the actions of reiving and feud – much to the growing disapproval of the Scottish state. The Scottish Crown wanted to increase control over its border nobles, particularly because so many of them were involved in the border customs. Many of these agents belonged to powerful border families, making the position hereditary and attached to kinship ties and their related feuds. Some wardenships were even fought over by feuding families, such as the Johnstones and Maxwells, adding another layer to the role as it became a reason for the borderers to pursue their version of acceptable violence. The Scottish wardens had a much different understanding of acceptable acts of violence than the English wardens who sought to perform strict roles of authority. For the Scottish wardens, violence expressed both authority and honor, reflecting a perception that affected their roles as Crown agents.

However, the Scottish government’s desire to exert increased control over the kingdom, especially its ‘peripheral’ areas, led to a disconnect between its wardens and their Crown. The English wardens often wrote that the Scottish wardens were not cooperative, often allowing bills of complaint to go untouched for months and for meetings to remain indefinitely postponed. In January 1591, the King of Scotland declared that certain Scottish March wardens were required
to present the offenders mentioned in the many English bills of complaint that had not been dealt with, saying that they were

all to compear before his Majesty and the lords of Secret Council on the 22\textsuperscript{nd} of January instant under pain of rebellion and putting to the horn, and there to enter and present the offenders filed in the English bills, … to be delivered to the English wardens in relief of the King and his wardens, or allege reasonable cause to the contrary.\textsuperscript{122}

The wardens named in the request were notorious reivers, men who participated in feud and group raids often. The King felt pressured, not only by his desire to maintain an amiable relationship with the English Queen, but by his need to establish his own authority amongst wardens who were, first and foremost, borderers. This meant that the Scottish Crown’s goal to assert power aligned with that of the English Crown, forming a ‘transnational’ community of sovereigns and state actors.

The Scottish and English wardens had differing understandings of the use of violence. For the Scottish wardens who found their roots upon the border, violence was interpreted through a lens of honor and authority, funneled through systems such as the border law but often being carried out through private settlement. The English wardens were sent as outsiders and understood violence differently – it was linked to authority alone and therefore could prove to be a threat if not dutifully punished. While the English and Scottish Crown governments had similar goals for their border administration, the execution of these goals differed due to their respective wardens’ differing performed roles of authority.

**Punishment: The Borderers’ Response**

The March wardens comprised a collective intermediary body between the two Crown states and the ‘borderless’ society, often shifting between performed roles. When violence was

\textsuperscript{122} ‘700: Act for the Borders,’ *Calendar of Border Papers*, vol. I, 373.
used by the state as an official tool for the maintenance of power and authority, a negotiation took place between the wardens and the borderers. The borderers responded to the official use of violence by interpreting it through the lenses of family and honor. In this sense, the borderers reclaimed their identity in the face of state-imposed rules and practices of punishment.

One such response to punishment involved the execution of members of the Armstrong family for the murder of Sir John Carmichael, the warden of the Scottish West March. Carmichael was popular on both sides of the border, finding favor with the Scottish king for his valuable skills as warden and amity and admiration amongst the English officials. He fulfilled all expectations of border warden, playing perhaps too many roles, ultimately making enemies amongst some borderers. Carmichael did not play a similar role to that of many previous Scottish West March wardens – he had good relations with Edinburgh and seemed to have a similar perspective regarding the use of force to that of his English counterpart. Carmichael was murdered in June 1600 by a group of Scots and Englishmen, led by the Armstrongs for the insult of one of their family members.\textsuperscript{123} However, Lord Thomas Scrope, the English warden and Carmichael’s counterpart, believed that his friend was murdered “for his good service and agreeing with me to keep them in order: and thus they are broken loose.”\textsuperscript{124} In short, his murder was tied to the instance of a slighted Armstrong and the fact that he was an efficient border warden.\textsuperscript{125} A year later, two Armstrong men were executed for the murder and others were caught up to five years after the initial event. Scrope’s perseverance to bring the Armstrongs to justice stemmed from his duty to rebalance the altered power dynamics between the borderers and state officials.

\textsuperscript{123} MacDonald Fraser, \textit{The Steel Bonnets}, 142.
\textsuperscript{124} Ibid.
\textsuperscript{125} Ibid.
The borderers’ response to the state’s use of violence can be heard in a traditional song that found its root in this event. Presumably written by one of the Armstrongs the night before his execution at Carlisle Castle, the lyrics reflect a relationship with violence that was anything but fearful or angry:

This night is my departing night,
For here nae langer must I stay;  
There’s neither friend nor foe o’ mine,
But wishes me away.

What I have done thro’ lack of wit,
I never, never, can recall;  
I hope ye’re a’ my friends as yet;  
Goodnight and joy be with you all!126

The unnamed Armstrong, whether these be his words or not, communicates a keen sense of brotherhood amongst his friends and foes alike. Family emerges as his central concern as he views his imminent death as a separation from his strong ties of kinship. He doesn’t see this punishment as a result of his personal opposition to Crown authority. Instead, he sees it as the consequence of his defense of something bigger – his family’s honor.

Not only does this traditional tune strike a sentimental tone, but it also points to the ways in which violence – whether acceptable or unacceptable in the eyes of the borderers – was almost always tied to some form of familial relationship. Violence had a much different meaning for the Crown officials who eventually put the Armstrongs to death – it was a means to punish, to utilize authority and to display power. The Armstrongs did not see the punishment in a similar way. As borderers, they interpreted and responded to the violence in the ways they knew how – through the cultural and social lenses of family and honor.

Conclusion

Over the course of the 16th century, the Crown governments of England and Scotland attempted to assert dominance over the border region, applying their power-driven understanding of violence to evolving legal and punitive systems. Their goals regarding the border connected them as a community of state actors looking to control a region that threatened both kingdoms. However, differences among their respective wardens meant that the execution of these goals differed, and the subsequent result was an unbalanced involvement of Crown power. While the English wardens clearly expressed violence as symbolic of power and subordination, the Scottish wardens (many of whom were borderers themselves) were ambiguous in their understanding of violence as linked to both authority and honor.

The presence of a coherent ‘borderless’ society reveals that the differences in the execution of state-powered authority and violence were rooted in a community-based interaction. For the borderers, violence was part of an honor culture, separating their society from that of two kingdoms focused on monopolizing violence for the sake of ambition and control. The more a Scottish warden was a part of the ‘borderless’ society, the weaker his ties to Edinburgh. Alternatively, the ‘outsider’ status of many of the English wardens solidified ties with the distant seat of power in London. These differences in wardens’ involvement in the ‘borderless’ society challenged the imposition of state power for the entire region.

Following the death of Elizabeth I in 1603, the English and Scottish monarchies were united with James VI and I’s ascension to the English throne. The common goals of the governments came together in this Union of the Crowns, as James VI and I further sought to solidify power throughout his new kingdoms. With the two kingdoms under one monarch, the
border way of life was disbanded when James established the Middle Shires, effectively imposing state power over a region that had, until then, operated by its own terms.
Conclusion

This thesis has examined the Anglo-Scottish borderlands of the 16th century, highlighting the existence and specific dynamic of a coherent ‘borderless’ society that developed out of the conflict of the late Middle Ages. Chapter 1 investigated the social, legal, economic and cultural structures of this society, arguing that the society was a coherent ‘center’ and establishing a foundation for the next two chapters. Chapter 2 argued that this ‘borderless’ society involved a paradoxical relationship between cooperation and violence that manifested itself in the borderers’ understanding of violence through the social and cultural lenses of honor. Chapter 3 argued that the Crown governments bore a different understanding of violence, one that was rooted in power and authority. Their shared interest in asserting more power in the borderlands was challenged by an imbalance in the execution of their goals.

This thesis demonstrates the existence of an Anglo-Scottish border society whose collective understanding of violence contrasted with two remote Crown governments’ attempts to impose power. Many scholars have struggled with viewing the border as a coherent society not only because of mistaken assumptions of ‘national’ identities in early modern Britain, but also because of the prevalence of violence on the border. However, by studying the Crowns and the borderlands on an equal footing, new explanations for the violence of this space highlight the complexity of the border. Rather than being fully divisive, this space facilitated both friendly and violent cross-border interactions. The region was home to a group whose loyalties were rooted to familial ties above any ‘national’ inclinations.

A revisit to the Partition of 1552 points to the moment that the differences between the ‘borderless’ society and the Crown governments were made fully clear. When a border was more rigidly established in a space that had, for centuries, been respected as a neutral zone by the
people of the borderlands, the presence of violence seemed more threatening in the eyes of the state. However, this violence was structural to the ‘borderless’ society, as were the many customs that threatened the integrity of the line that had been drawn upon a map. The Partition not only revealed the arbitrary nature of strict political borders, but it highlighted the existence of a society whose customs, practices and perceptions made them indifferent to any attempts to enforce division.

To modern eyes, borders and violence imply division. A society appears fragmented, chaotic and flawed when a border runs through its center. Add violence to this space and there appears to be no social relations other than mutual hostility and unrest. In this case, these assumptions reflect a nationalist reading of history and an application of modern notions of national identity to a period that had not even conceived of the idea of ‘nation.’ The drive to assume the presence of national identities distorts the fact that borders and violence take many forms, assuming different meanings in the eyes of their beholders and participants. The violence on the 16th-century Anglo-Scottish border is often read by modern audiences as the product of two clashing national identities. However, this obscures the real dynamics of a coherent society, leading to a misunderstanding that inhibits the realization of how this community might work. Violence, as this case suggests, can play structural roles, depending on how it is interpreted and understood. The liminality of a borderland gives rise to constantly changing forms of identity and interaction whose meanings transcend the lines of a political whim.

The ultimate challenge to our way of understanding this world stems from the integration of cooperation and violence within a borderland. When we set aside our understandings of violence and identity, the borderers’ society reveals the artificial nature of nationalism while proclaiming the fortitude of a community that held coherence during apparent chaos.


