



EARLY MODERN CULTURAL STUDIES, 1500–1700



VIOLENCE, POLITICS,  
AND GENDER IN EARLY  
MODERN ENGLAND

EDITED BY  
JOSEPH P. WARD



# EARLY MODERN CULTURAL STUDIES

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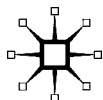
*Violence, Politics, and Gender in Early Modern England*  
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## SERIES EDITOR'S PREFACE

In the twenty first century, literary criticism, literary theory, historiography and cultural studies have become intimately interwoven, and the formerly distinct fields of literature, society, history, and culture no longer seem so discrete. The Palgrave Early Modern Cultural Studies Series encourages scholarship that crosses boundaries between disciplines, time periods, nations, and theoretical orientations. The series assumes that the early modern period was marked by incipient processes of transculturation brought about through exploration, trade, colonization, and the migration of texts and people. These phenomena set in motion the processes of globalization that remain in force today. The purpose of this series is to publish innovative scholarship that is attentive to the complexity of this early modern world and bold in the methods it employs for studying it.

As the series editor, I welcome, for example, books that explore early modern texts and artifacts that bear the traces of transculturation and globalization and that explore Europe's relationship to the cultures of the Americas, of Europe, and of the Islamic world and native representations of those encounters. I am equally interested in books that provide new ways to understand the complex urban culture that produced the early modern public theater or that illuminate the material world of early modern Europe and the regimes of gender, religion, and politics that informed it. Elite culture or the practices of everyday life, the politics of state or of the domestic realm, the material book or the history of the emotions—all are of interest if pursued with an eye to novel ways of making sense of the strangeness and complexity of the early modern world.

IVO KAMPS  
*Series editor*



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## INTRODUCTION



*Carole Levin and  
Joseph P. Ward*

This volume participates in the ongoing, interdisciplinary study of the establishment—and testing—of gender roles in early modern England, a time and place in which religious and political change undermined the assumptions that supported political authority. Men exerted considerable energy to keep the debates and controversies of the period their exclusive domain but, despite the sweeping claims they might make about their patriarchal power, they had to acknowledge that their authority over women was limited. At the same time, men were hardly engaged in a collective conspiracy against women. Rather, they were raised in a culture that assumed that men rightly and naturally governed society.<sup>1</sup> The political stresses of the early modern period did not overturn that assumption, but they did create opportunities for men to display their disagreements over, among other things, the extent of their power over women.

Early modern claims of political authority were often expressed through violence. States and factions tested one another through warfare, but violence was also displayed in more routine encounters between those with and those without power. The right to the legitimate use of violence was a possession of most adult men, from the top to the bottom of the social hierarchy. In the words of Susan Amussen, a leading historian of social authority in early modern England, “Just as government officials from the king’s council to the village constable were responsible for discipline in their bailiwicks, so was the head of household responsible for maintaining order in his.

This responsibility included the right to ‘correct’ (i.e., punish) his dependents . . . The legitimate use of violence was not centralized.”<sup>2</sup> Because it was both dispersed and monopolized by men, the right to violence had the potential to unite them in a shared, common responsibility to care for, and provide discipline to, the women and children in their families. Although their gender status did not give all men an equal share of patriarchal authority in society, their socialization as men gave them a common interest in defending the theory of patriarchal authority rights.

Practice did not always conform to theory. Through an analysis of a particular type of gendered violence, each of the essays in this volume enhances our understanding of the evolving nature of early modern authority. Collectively, they focus on experiences of the elite and the nonelite, of men and women, and they draw upon canonical and noncanonical works of literature as well as archival sources. The common theme that unites the essays is the tenuous nature of patriarchal authority in early modern England. Time and again early modern men and women demonstrated their compliance with a system that distributed the right to violence unequally among the sexes, but time and time again they, too, demonstrated their lack of confidence in that system.

\* \* \*

The essays share a broader historical milieu in which violence that either resulted from or expressed hostility toward the established gender system was a regular feature of political life. The Tudor/Stuart Age began, and the dynastic battle for kingship later known as the War of the Roses ended, with the violent death of the king in battle. The unstable foundations of royal legitimacy generated and regenerated the violent nature of early modern English politics throughout the sixteenth and well into the seventeenth century. This endemic violence moved in a trajectory that climaxed in 1649 with another brutal death of a king of England, this time not in battle but executed on the charge of treason, newly defined. Though relatively few died in the War of the Roses, it cast a shadow over the sixteenth century as the Tudors attempted to create a strong dynasty amidst constant fear of what would happen if they failed. Henry VII lost two of his sons before his own death, most tragically for him his eldest son Arthur, leaving only one living male heir, his younger son Henry.

Henry VIII became king in 1509 at the age of seventeen; his reign would clearly demonstrate the interconnections of gender and politics

with violence that would echo on throughout the rest of the sixteenth and seventeenth centuries in England. Two events at the beginning of the reign started a pattern. The first was the executions of Richard Empson and Edmund Dudley, his father's most notorious tax collectors. While this would be a highly popular move on the young king's part, the two men had in fact done nothing legally to deserve this fatal punishment. Henry also began his reign by marrying his dead brother Arthur's widow, Catherine of Aragon. Though Henry claimed this had been the command of his dying father, it is far more likely this marriage was of Henry's own choosing, and unlike many royal arranged marriages, Henry was already at the time of wedding familiar with Catherine, who was an intelligent, forceful, brave, and deeply loyal woman.<sup>3</sup> But those qualities made Catherine all the more willing to fight Henry when, twenty years later, he claimed this marriage was invalid since there were no living sons, only his daughter Mary. Henry broke with the Catholic Church and turned his world upside down to end the marriage with Catherine for a love marriage with Anne Boleyn, whom he was sure would provide him with the son he craved. But Anne Boleyn's child was another daughter, the eventual queen Elizabeth.

After the break with Rome, Catholics were executed for their treason while Protestants died for their heresy. In 1540 three of each were executed on the same day in one of Henry VIII's brilliant theatrical strategies that kept potentially everyone terrified. Both men and women in early modern England died for their beliefs. Sixty-seven-year-old Margaret Pole, a Catholic with ties to the throne, was executed for treason in May 1541 on what were clearly trumped up charges. While the story that Margaret refused to submit since she argued she was innocent and had to be chased and then dragged to the scaffold is legend, the young executioner was so inexperienced and incompetent, to the horror of the small group witnessing her death, that he hacked her head and shoulders to pieces in his attempt to behead her.<sup>4</sup> When Lord Chancellor Thomas Wriothesley and Solicitor-General Sir Richard Rich, members of Henry's Privy Council, themselves racked Anne Askew in the Tower in June of 1546, they did so hoping she would incriminate the ladies in waiting of Henry VIII's sixth wife and even Queen Katherine Parr herself, but Askew kept silent. She would only talk about her views of Scripture; she would not reveal the names of any others who shared her beliefs.<sup>5</sup> At only twenty-five years of age the passionately Protestant Askew died at the stake at the end of Henry's reign. She had to be carried there as the racking she had experienced had so broken up her body



she could no longer walk. Askew's fate horrifically demonstrates how inescapably intertwined violence, gender, and politics were in early modern England. Executions such as Askew's continued throughout the century; over three hundred were executed for heresy in the last three years of the reign of Henry's eldest daughter Mary, who died in 1558.

Londoners in the early sixteenth century had loved Henry's first wife but hated his second and felt little sympathy when Anne was beheaded. Anne, however, was not the only wife executed for adultery; the same fate was meted out to Henry's fifth wife, Katherine Howard.<sup>6</sup> While Katherine had taken a lover before her marriage and one during, her foolish behavior received the most brutal punishment. Katherine's probable lover, Thomas Culpeper, was also executed for treason for the affair with the queen. Two years earlier Culpeper was said to have raped the wife of a park-keeper, with three or four of his servants holding her down, and killed a villager who tried to intervene.<sup>7</sup> For this earlier crime Henry VIII pardoned Culpeper, suggesting that while rape and murder were acceptable, adultery with the king's wife was not.

The periodically bloody events at court were perhaps only extreme examples of the violence that permeated early modern society. At Oxford and Cambridge, university students hid swords and clubs under their robes to pull out whenever they felt they were needed, and murders occurred all too frequently. Arguments on the street often led to killings. While men were far more likely than women to engage in violent crimes in early modern England, it was also far more likely they could avoid execution. If men were found guilty of a capital crime they could claim benefit of clergy, the commonest method of avoiding execution. Benefit of clergy was available to the literate laymen in all cases of murder and felony. Once the claim was made, the prisoner would be asked to read a prescribed passage from a Psalter. Laymen could make this claim only once; after the successful plea a man was branded on the left thumb.<sup>8</sup> A woman convicted of a capital crime could not make a similar plea. Her recourse was to plead pregnancy, but this was far harder to prove and had much less reliable results. Though some were reprieved, even a number of women who could prove they were pregnant were executed after the birth of the child.<sup>9</sup> Further, many men were not even indicted, much less convicted, for violent crimes against women. Throughout the early modern period in England, rape was a common occurrence but successful prosecution for rape was not. Only about 1 percent of the indicted felonies were for rape, and even then the conviction

rate was notoriously low. Indeed, a man was more likely to be executed for having sex with a sheep than for forcibly raping a girl or woman.<sup>10</sup>

This gendering of violence and power was especially significant in the second half of the sixteenth century, for despite all of Henry's concerns for a male heir, his daughters, Mary I (1553–58) and Elizabeth I (1558–1603), ruled for the rest of the century. While Catherine of Aragon believed her daughter Mary could be raised to be a successful ruler, Henry had been convinced that Catherine's miscarriages were God's punishment and that having a daughter was the same as being childless. Anne Boleyn was not given the opportunity to make that case for Elizabeth. Henry had Anne executed for adultery and treason on what was most likely trumped up charges before Elizabeth turned three. Henry had both his daughters declared illegitimate. One of Henry's stated reasons why a woman could not rule was that the most important role for the king was on the battlefield, conveniently ignoring the stories about Catherine of Aragon's mother Isabella of Castile leading troops into battle. Both Mary and Elizabeth had to deal with men perhaps gaining too much power since neither queen did actually lead troops in battle, and their male courtiers had to accustom themselves to being subservient to a woman.

Those at Elizabeth I's court would well know the story Fulke Greville told of how Sir Philip Sidney died, another example of the intertwining of gender, violence, and politics. In an attempt to stop a Spanish convoy on its way to Zutphen, the English charged against overwhelming odds. Sidney had put on his full armor when he came across Sir William Pelhalm, the Lord Marshal, who was not wearing his thigh pieces because of a minor wound. Sidney stated he would be dishonored to wear more armor into battle than Sir William, and removed his thigh pieces also. While saving the life of Peregrine Bertie, Lord Willoughby, Sidney was hit by a musket shot just above the left knee and after sixteen days died from gangrene.<sup>11</sup>

The early modern period began with violence at Bosworth field and the violence continued throughout the reign of Henry VIII and into the reigns of his children and later his Stuart descendents. When James I succeeded Elizabeth in 1603, following the reigns of two childless queens, the new English king, who already had two male heirs, doubtless assumed that the deployment of patriarchal language would help him to establish common ground with his leading subjects. James I used the following words to ask his first English

Parliament to allow him to merge England with Scotland, where he had ruled for more than a generation:

What God hath conioyned then, let no man separate. I am the Husband, and all the whole Isle is my lawfull Wife; I am the Head, and it is my Body; I am the Shepherd, and it is my flock: I hope therefore that no man will be so vnreasonable as to thinke that I that am a Christian King vnder the Gospel, should be a Polygamist and husband to two wiues; that I being the Head, should have a diuided and monstrous Body; or that being the Shepheard to so faire a Flocke (whose fold hath no wall to hedge it but the foure Seas) should haue my Flocke parted in two.<sup>12</sup>

James employed the patriarchal language in common usage among the governors of early modern Europe, language that assumed a wife could no more disobey her husband than a body could disobey its head. The king was responsible for guiding and disciplining his people as a shepherd would his flock and, by extension, a husband would rule over his wife. For a variety of reasons, James's appeal to common patriarchal values did not win the argument, and so the union of the two kingdoms would be delayed for over a century.<sup>13</sup>

The outbreak of Civil War in 1642 underscored the inability of James's eventual heir Charles I to find common ground with his Parliament. The capture, trial, and eventual execution of Charles in 1649 shook the foundations of the English political system. Nevertheless, in his final hours, Charles clung tenaciously to his father's patriarchalism, urging his sons to defend the traditional order of succession through the male line:

Then the King taking the Duke of Gloucester upon his knee, said "Sweetheart, now they will cut off thy father's head," upon which words, the child looked very steadfastly upon him. "Mark, child, what I say. They will cut off my head, and perhaps make thee a king. But mark what I say, you must not be a king so long as your brothers Charles and James do live, for they will cut off your brothers' heads (when they can catch them) and cut off thy head too at last. And therefore I charge you, do not be made a king by them." At which, the child, sighing, said, "I will be torn in pieces first." Which falling so unexpectedly from one so young, it made the King rejoice exceedingly.<sup>14</sup>

The failure of James's political model, with its insistence that the king was the head and the island of Britain the body, expressed itself violently through his son's decapitation.<sup>15</sup>

Although the Restoration of monarchy in 1660 ended a highly violent period, it did little to downplay the centrality of gender relations to political authority. Charles II died without legitimate heirs in 1685, paving the way for his Catholic brother James, the Duke of York. At the time of James II's accession, his heir was his eldest daughter, Mary, the wife of William of Orange, the leading Protestant ruler in Europe and the archrival of Louis XIV. Three years later, however, James's second wife, Mary of Modena, bore him a son, at which point the infant Prince James Edward supplanted his half-sister as heir. Rather than respect this new order of succession, William and Mary worked with leading members of the English political nation to overthrow Mary's father. Although largely bloodless, the Glorious Revolution involved the armed invasion of England by a robust Dutch force. Like the earliest Tudors, the later Stuarts understood that a resort to violence was often a requirement for political success; the case of Princess Mary suggested that this may have been especially the case when the contest involved a daughter's challenge to her father's authority. That said, as Belinda Roberts Peters has argued, the metaphor of monarch married to kingdom, so central to James I's political theory, did not survive the crisis of the mid-seventeenth century. Instead, political theorists began to divide themselves sharply between those who adhered to divine right patriarchalism and those who asserted contract as the basis for social authority.<sup>16</sup>

\* \* \*

The interconnection of violence and gender often marked the fault lines of the early modern English political world, but similar faults were evident in the daily practices of gender relations in the home, neighborhood, and parish. The failure of James I's model of patriarchal authority had disastrous consequences for his family and his English kingdom. The failure of patriarchal authority on the local level could be similarly, if less spectacularly, significant. As Lawrence Stone famously asserted, early modern men and women were easy to provoke:

The extraordinary amount of casual inter-personal physical and verbal violence, as recorded in legal and other records, shows clearly that at all levels men and women were extremely short-tempered. The most trivial disagreements tended to lead rapidly to blows, and most people carried a potential weapon, if only a knife to cut their meat. As a result, the law courts were clogged with cases of assault and battery.<sup>17</sup>

Most men subscribed to a patriarchal theory that lent to each of them, though unequally, a share of social power, but that shared theory did not prevent men from attacking one another, and it did not prevent at least some women from inserting themselves into local disputes and contests for power.

Consider an anecdote from Elizabethan Cambridge. A dispute of 1594 began when tanner John Durant quarreled with waterman and constable Henry Elwood, who sought the arrest of one of Durant's friends. Insults were tossed, followed by punches. Despite Durant's apparent attempt to appear nonaggressive, Elwood bloodied his face and then challenged him to the field, which Durant accepted. Elwood relented somewhat, choosing a final volley of threats over an escalation in the violence, at which point Durant's wife entered the scene, first insulting then attempting to strike Elwood. Elwood responded to this attack by advising Durant to allow his wife to wear his breeches, for she was the better man in his household. Alexandra Shepard relates this story in her recent study of early modern manhood in support of her view that "Violence was one of the main props of patriarchy in early modern England, and as such was central to the regulation of social relations between men as well as between men and women."<sup>18</sup>

While the dispute certainly supports Shepard's contention that men could use violence to assert their authority over one another, the role of Durant's wife merits further scrutiny. Why did she intervene in the matter? What does it suggest about female agency that she apparently felt the need to involve herself? If violence were, as Shepard describes, a prop of patriarchy, why did Durant allow his wife to join the fray, thereby undermining his own social authority? Elwood's taunt about Durant's breeches, his assertion that a household could have only one true man, illustrates Frances Dolan's observation that early modern marriage was an "economy of scarcity" in which there was room for only one person, the husband, with full capacity to act as a social agent. When both spouses agreed on a forceful course of action, as it would appear was the case with Durant and his wife, their society would allow only one to express their view. When the spouses disagreed, only one could be right, and social norms expected the outcome of such disagreement to be the unification of both parties behind the husband's position. If husband and wife were unable to resolve their dispute, the result often would take a violent form.<sup>19</sup>

The chapters that follow seek to test the extent to which violence supported such gender norms by exploring the uneven implementation of patriarchal theory in early modern England. The book is

broken into two sections. The first, “Venerable Patriarchs/Vulnerable Patriarchs,” addresses the instability of patriarchal power in the sixteenth and seventeenth centuries. Men were the natural leaders of society, but in practice their authority faced several limits. Paul Seaver demonstrates that the claims of London’s magistrates to be unable to quell the frequent riots of London apprentices against bawdy houses or the workshops of foreigners was something of a feint because the animus of the apprentices was shared by their masters. The riots were, in essence, a type of male right of passage into political adulthood. Rather than reflecting class conflict, the riots were expressions of the urban moral economy in which some types of male violence, no matter how loudly the Privy Council or the lord mayor may have protested against them, were effectively sanctioned by London’s citizens. The extent to which rape was effectively sanctioned is the focus of the next two chapters. Cristine Varholý’s essay on violence and female agency in early modern London analyzes rape narratives found in the Bridewell court records in which women testified that their sexual behavior was caused by violence or compulsion. Extending the argument made by Natalie Davis in *Fiction in the Archives* (1987), Varholý demonstrates how these narratives were carefully shaped so that these women could present themselves as behaving appropriately according to early modern gender norms.<sup>20</sup> Celia Daileader then discusses two poetic versions of the rape of Lucrece. The first is the famous poem by Shakespeare, which Daileader argues is not only bad politics but also bad poetry. More interesting is the retelling by Thomas Middleton, *The Ghost of Lucrece*, where Lucrece summons her rapist to follow her to hell, demonstrating Lucrece’s power. By, in essence, resurrecting Lucrece, Middleton allows for both her rape and her redemption. Resurrection is also a principal theme of this section’s final chapter: Katharine Gillespie reads Lucy Hutchinson’s *Order and Disorder* as calling for a new interpretation of Eve’s fall, one that emphasized Eve’s willful introduction of sin and death into the world in order to make resurrection a future necessity. In this way, Hutchinson reads Eve’s story not as a sign of female weakness that would justify male rule over the world but rather as an example of feminine authority serving the true interests of divine will and social good.

The book’s second section, “Gender and State Violence,” explores the exercise of male authority by focusing on the gendered implications of state-sponsored discipline. Violence was a language states used to communicate their authority, and in early modern England, with its diffuse power structure, the right of men to use appropriate violence against women extended from the leaders of church and state all

the way to the heads of individual households. By examining this language, the chapters in this section offer new perspectives on the issue of patriarchal authority raised in the first section. Muriel McClendon provides us with a close look at women who were executed for heresy in Norwich during Mary I's reign. Against the backdrop of persistent efforts by the town's elite to sweep religious controversy from plain view, their decision to execute female heretics reflected their anxieties as much as it displayed their power. Myron Noonkester's discussion of the violence of the sheriff's office as a function and consequence of strategies of legitimization similarly explores the dilemmas that early modern male magistrates faced when they tried to exercise violence without promoting it. Next, Shannon Miller reads Aphra Behn's *Oroonoko* against the intense violence directed against opponents of the Restoration Crown. Arguing that Behn located anxieties about the self-destructive nature of kingship onto the violently mutilated body of her novel's main character, Miller shows how Behn's main goal was to explore the status of the male-gendered state. The remaining two chapters also focus on the later Stuart period. Like Varholý in her earlier chapter, Melissa Mowry analyzes Bridewell records, only she does so for the late Stuart period. Mowry discovered how the violence directed at sexually dissident women was conflated with violence toward vagrants. Finally, Jennine Hurl-Eamon uses Old Bailey proceedings to reveal the extent to which husbands understood that they could face criminal proceedings for their violent acts against their wives. Although the conviction rate was low, Hurl-Eamon's research demonstrates that tyranny was no more acceptable within the household than it was in the political nation.

Drawing upon the methods and sources of literary criticism and social history, the chapters that follow show how, in the words Frances Dolan uses in her Afterword, "different forms of violence meant different things at different moments for different people." The chapters, on the whole, take a generally supportive view of Stone's sense that violence, or perhaps more precisely the threat of violence, helped to shape social relations in ways that may not always appear in the archival remains of criminal proceedings. More precisely, when read together they emphasize the ways in which violence expressed the politics of gender in early modern England.

## NOTES

1. Two recent books discuss the culture of manhood in early modern England: Elizabeth A. Foyster, *Manhood in Early Modern England*:

- Honour, Sex, and Marriage* (London, 1999), esp. pp. 177–93; and Alexandra Shepard, *Meanings of Manhood in Early Modern England* (Oxford, 2003), pp. 127–51. Tim Hitchcock and Michèle Cohen, eds., *English Masculinities, 1660–1800* (London, 1999); and David Kuchta, *The Three-piece Suit and Modern Masculinity: England, 1550–1850* (Berkeley and Los Angeles, 2002) are also valuable guides to the general subject of early modern masculinity. For women’s perceptions of male authority, see Sara Mendelson and Patricia Crawford, *Women in Early Modern England* (Oxford, 1998), esp. pp. 15–74 and 345–430.
2. Susan Dwyer Amussen, “Punishment, Discipline, and Power: The Social Meanings of Violence in Early Modern England,” *Journal of British Studies* 34 (January 1995), 5. See also, Amussen, *An Ordered Society: Gender and Class in Early Modern England* (New York, 1988); and Tim Meldrum, *Domestic Service and Gender 1660–1750: Life and Work in the London Household* (Harlow, Essex, 2000).
  3. For more on Catherine, see Timothy G. Elston, “Transformation or Continuity? Sixteenth-Century Education and the Legacy of Catherine of Aragon, Mary I, and Juan Luis Vives,” in *High and Mighty Queens of Early Modern England: Realities and Representations*, Carole Levin, Jo Eldridge Carney, and Debra Barrett-Graves, eds. (New York, 2003), pp. 11–26; Elston, “Widow Princess or Queen? Catherine of Aragon, 1533–1536,” in *Queens and Power in Medieval and Early Modern England*, Carole Levin and Robert Bucholz, eds. (Lincoln, Nebraska, forthcoming).
  4. Hazel Pierce, *Margaret Pole, Countess of Salisbury, 1473–1541: Loyalty, Lineage, and Leadership* (Cardiff, 2003), p. 178.
  5. For more on Askew, see Megan Hickerson, *Making Women Martyrs* (Palgrave, 2005); Elizabeth Mazzola, “Expert Witnesses and Secret Subjects: Anne Askew’s Examinations and Renaissance Self-Incrimination” in *Political Rhetoric, Power, and Renaissance Women*, Carole Levin and Patricia A. Sullivan, eds. (Albany, New York, 1995), pp. 157–71; Elaine Beilin, “Anne ‘Askew’s Self-Portrait in the examinations,” in *Silent but for the Word: Tudor Women as Patrons, Translators and Writers of Religious Works*, Margaret P. Hannay, ed. (Kent, Ohio, 1985), pp. 77–91.
  6. Anne Boleyn was most likely innocent of the charges against her. For more on Anne Boleyn, see Eric Ives, *The Life and Death of Anne Boleyn* (Oxford, 2004); and Retha Warnicke, *The Rise and Fall of Anne Boleyn: Family Politics at the Court of Henry VIII* (Cambridge, 1989). On the attitudes of Londoners toward the affairs of Court during this period, see Susan Brigden, *London and the Reformation* (Oxford, 1989).
  7. The account appears in a letter from a London merchant to Bullinger in Germany written around the time of Culpeper’s execution. Lacey Baldwin Smith, *A Tudor Tragedy: the Life and Times of Catherine*



- Howard* (London, 1961), pp. 165–66; Retha M. Warnicke, “Katherine [Katherine Howard],” *Oxford Dictionary of National Biography* (Oxford, 2004), pp. 906–10.
8. J. S. Cockburn, *Calendar of Assize Records: Home Circuit Indictments Elizabeth I and James I: Introduction* (London, 1985), p. 114; J. H. Baker, “Criminal Courts and Procedure at Common Law, 1550–1800,” in J. S. Cockburn, ed. *Crime in England, 1550–1800* (Princeton, 1977), pp. 41–42. See also, Luke Owen Pike, *A History of Crime in England* (London, 1873), I, pp. 297–303.
  9. Carole Levin “‘Murder not then the fruit within my womb’: Shakespeare’s Joan, Foxe’s Guernsey Martyr, and Women Pleading Pregnancy in Early Modern English History and Culture,” *Quidditas* 20 (1999), 75–93. See also James C. Oldham, “On Pleading the Belly: A History of the Jury of Matrons,” *Criminal Justice History* 6 (1985), 1–64.
  10. Garthine Walker, *Crime, Gender and Social Order in Early Modern England* (Cambridge, 2003), p. 55. Cockburn, *Calendar of Assize Records*, numerous examples.
  11. Frederick S. Boas, *Sir Philip Sidney: Representative Elizabethan, His Life and Writings* (London, 1956), pp. 184–85.
  12. King James VI and I, Speech to Parliament, March 19, 1604, in *Political Writings*, ed. Johann P. Sommerville (Cambridge, 1994), p. 136.
  13. On the important consequences for James’s reign and that of his successor of the lack of union among his kingdoms, including Ireland as well as England and Scotland, see Conrad Russell, *The Causes of the English Civil War* (Oxford, 1990), esp. pp. 28–57; and Russell, *The Fall of the British Monarchies, 1637–1642* (Oxford, 1991).
  14. David Lagomarsino, *The Trial of Charles I: A Documentary History* (Hanover, New Hampshire, 1989), pp. 133–34.
  15. Among the best recent discussions of Charles’s political acumen are Mark Kishlansky, “Charles I: A Case of Mistaken Identity,” *Past and Present*, 189 (2005), 41–80; and Richard Cust, *Charles I: A Political Life* (New York, 2005).
  16. Belinda Roberts Peters, *Marriage in Seventeenth-Century English Political Thought* (New York, 2004).
  17. Lawrence Stone, *The Family, Sex and Marriage in England 1500–1800* (New York, 1977), p. 93. Stone’s thesis has not gone unchallenged. See, e.g., J. A. Sharpe, “The History of Violence in England: Some Observations,” *Past and Present* 108 (1985), 206–15.
  18. Shepard, *Meanings of Manhood*, pp. 127–28; quotation on p. 128.
  19. Frances Dolan, “Introduction” to *Marriage and Violence: The Early Modern Legacy* (Philadelphia, forthcoming). We are grateful to Professor Dolan for sharing her unpublished work with us. She first discussed an “economy of marital subjectivity” in her book *Dangerous Familiars: Representations of Domestic Crime in England, 1550–1700*

- (Ithaca, New York, 1994), pp. 36–38. In her new book, she draws upon recent research into early modern notions of contract when expanding her earlier idea into her model of marriage as an economy of scarcity; see Victoria Kahn, *Wayward Contracts: The Crisis of Political Obligation in England, 1640–1674* (Princeton, 2004); and Craig Muldrew, “‘A Mutual Assent of her Mind’? Women, Debt, Litigation and Contract in Early Modern England,” *History Workshop Journal*, 55 (2003), 47–71.
20. Natalie Zemon Davis, *Fiction in the Archives: Pardon Tales and Their Tellers in Sixteenth-Century France* (Stanford, 1987).

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PART I



VENERABLE PATRIARCHS/VULNERABLE  
PATRIARCHS

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## CHAPTER 1



# APPRENTICE RIOTS IN EARLY MODERN LONDON

*Paul S. Seaver*

The apprentices of sixteenth- and seventeenth-century London achieved an unenviable notoriety for their riots, but, if such acts were infamous then and well known now, there is nevertheless little agreement about their meaning and motives. Interest in the social meaning of riots and other crowd activity that was not sanctioned or organized by those in authority is not new. Concern with popular movements, riots, and the crowd in history can be traced back at least to George Lefebvre's work in the 1930s. In England, one can cite the pioneering studies of Eric Hobsbawm—*Primitive Rebels*<sup>1</sup> published in 1962—and George Rudé—*Wilkes and Liberty*<sup>2</sup> published in the same year. The mob in eighteenth-century London turned out to be neither the “dregs of the people” nor the mindless rabble of contemporary stereotypes. Furthermore, mob action was seen as disciplined, if not ritualized, and to have a clear political or religious agenda. In Hobsbawm's 1964 study of the Luddites, he described them as engaging in a rational process of “collective bargaining by riot.” Edward Thompson saw something similar at work in the late eighteenth century in his *Making of the English Working Class*<sup>3</sup> published in 1963, where he wrote that working class riots expressed an “unwritten popular code”; in particular, Thompson saw food riots as resting on such a popular code as actions “legitimized by the assumptions of an older moral economy, which taught the immorality of any

unfair method of forcing up the price of provisions by profiteering upon the necessities of the people.” These notions were further elaborated in Thompson’s *Past and Present*<sup>4</sup> article, published in 1971, on “The Moral Economy of the English Crowd in the Eighteenth Century,” in which he suggested that the rioters “were informed by the belief that they were defending traditional rights or customs; and in general that they were supported by the wider consensus of the community.” The notion that early modern riots in England were rational protests based on traditional values, which the rioters could assume were widely shared in the community, was elaborated and modified by John Walter, John Stevenson, and others in the 1970s and 1980s and thereafter.<sup>5</sup>

Conceptions of the moral economy of the crowd would have been a reasonable way to have approached the particular case of apprentice riots in early modern London, but in fact the historical literature on these riots has been conditioned by two quite different sets of problems.

One approach has seen the London apprentices as adolescents, or rather apprenticeship as playing the same function as modern adolescence: that is, as a bridge between youth and adulthood. Following Natalie Davis’s seminal “Youth Groups and Charivaris in Sixteenth Century France,”<sup>6</sup> Steven Smith saw London apprentices as participating in a distinctive adolescent “subculture.” He then viewed the traditional apprentice riots on Shrove Tuesday as a ritual of adolescent justice, administered in particular on the houses of the hapless London prostitutes.<sup>7</sup>

A second set of problems was set in train in particular by the work of Valerie Pearl, especially by the debate triggered by her article titled “Change and Stability in Seventeenth-Century London.”<sup>8</sup> This important study gave focus to an ongoing and wide-ranging debate on the degree to which London was a polarized city where the very rich and the miserably poor lived side by side, and if so polarized, on how it was possible to explain the high degree of social stability the city seemed to manifest in the Elizabethan and early Stuart periods.

Obviously, riots, particularly the frequent apprentice riots, present a problem for those who see London as a stable society, but the problem has not proved insurmountable. Steve Rappaport, an able defender of the stable London thesis, conceded the existence of “serious social problems” in the capital, but argued that serious social problems “need not produce instability,” and did not in the case of London.<sup>9</sup> Despite the frequency of riots, he noted that even those of the mid-1590s, the most serious since the Evil May Day riot

of 1517, led to no deaths and little property damage. Since he saw London riots as rarely “organized to protest economic or political conditions,” the “moral economy” explanation does not apply and is not invoked. Rather, apprentice riots are seen as outlets “for sexual and other tensions and thus functional in the sense that safety valves release pressure.”<sup>10</sup>

Needless to say, this dismissal has not gone unchallenged. Roger Manning claimed that the riots were altogether more serious and threatening, particularly those of 1595. He dismissed the adolescent youth culture explanation as inapplicable to riots that were never exclusively populated by apprentices, and argued against Rappaport that the riots expressed real grievances.<sup>11</sup> Keith Lindley, who also viewed the riots as expressing more than the frustrations of thwarted adolescent sexuality, has suggested that crowd action in early Stuart London led ultimately to the loss of Crown control of the City in 1640–41.<sup>12</sup> And Ian Archer, while granting the fundamental stability of the City, suggested that apprenticeship riots represent “a negotiating strategy, designed to remind the magistrates of their obligations,” a thesis he did not apply to the almost annual Shrove Tuesday riots attacking bawdy houses, which he saw as some sort of ritualized response to the onset of Lent and to the sexual frustrations of the apprentices.<sup>13</sup>

From Evil May Day in 1517, when the xenophobic London mob turned on the hated alien traders, to the Whig and Tory mobs of the Exclusion Crisis in 1681–82 and beyond, unlawful assemblies, riots, and mob action of one kind or another were a regular, if rarely welcome, aspect of the metropolitan scene. If London riots in the early modern period have received considerable scholarly attention in recent years, it is not surprising, for London was the one great urban center of preindustrial England, and the social dynamics of this rapidly growing metropolis were of constant concern, both to the city magistrates and to the Crown, who were worried by their precarious control of an urban population that grew from something like fifty thousand to more than five hundred thousand between 1500 and 1700. Nor obviously has interest diminished for historians today, although, as suggested at the outset, the variety of explanations offered is evidence that historians have found it difficult to agree on how to account for the apparent stability of the city in the face of such an obviously volatile population.

For the volatility of the London populace seems beyond question. Roger Manning estimates that “there were at least 96 insurrections, riots, and unlawful assemblies in London between 1517 and 1640,”



and the mid-seventeenth-century revolution by no means put an end to metropolitan mob action. In 1668 the so-called bawdy house riots, as Tim Harris has shown, surpassed in extent and devastation any of the prewar Shrove-tide disorders, and the Whig and Tory apprentices of the early 1680s claimed to have mobilized followers in the thousands.<sup>14</sup> Two points seem evident about these urban civil disturbances. First of all, the capacity of the Crown and City to prevent or control riots was limited and largely ineffectual, even under circumstances where rioting was anticipated. Shrove-tide in particular was by tradition a time of carnival, although, as an anonymous writer noted in 1621, London Shrove-tide celebrations were notably ruder and more violent than those of French and Italian towns.<sup>15</sup> In fact, John Taylor, the water poet, claimed in 1630 that these “uncivil civil commotions” that “put play house to sack and bawdy house to spoil” were fundamentally a triumph of emotion over reason, an irrational response to “the pancake bell, the sound whereof makes thousands of people distracted, and forgetful either of manners or humanity.”<sup>16</sup> What is evident is that although Shrove-tide and to a lesser extent May Day riots could be anticipated, the instrumentalities of control were woefully inadequate. Year after year precepts from the Lord Mayor ordered the aldermen of every ward to summon their beadles “to give notice to every householder . . . not to suffer their apprentices and servants to wander abroad in the streets . . . upon Sunday, Monday and Tuesday next.”<sup>17</sup> Double watches were required routinely,<sup>18</sup> and after the apprentice riots on Shrove Tuesday 1617, which saw rioters break open the prison in Finsbury, pull the tiles from the roof, and smash all the windows, while another mob “pulled down seven or eight houses” in Wapping, and a third attacked the Cockpit theater in Drury Lane, the king ordered that the city trained bands be drawn up every May Day and Shrove Tuesday.<sup>19</sup> To little evident purpose, Shrove-tide riots took place in 1618, 1621, 1623–24, 1628–29, and again in 1641.<sup>20</sup> In 1517 Henry VIII had brutally suppressed the Evil May Day rioters by dispatching the Duke of Norfolk and his armed retainers to police the city streets; as the City grew, his successors’ measures proved notably less successful. In May 1640 King Charles ordered the Lord Mayor “to suppress, kill, destroy and apprehend all such as shall be tumultuously assembled in or about Lambeth, Blackheath, or any other parts,” but by the last days of December 1641 the Londoners mobbed Westminster itself and forced the king to remove the hated Colonel Lunsford from his lieutenancy of the Tower.<sup>21</sup> Despite the vigilance of beadles, constables, and double watches well equipped with corselets and halberds, and despite the mobilization of the London Trained

Bands, the capacity of the authorities to control the city and contain mob action in the metropolis decreased until it finally collapsed in the political excitement of 1640–41.

A second obvious point to be made about this evident volatility is the role both contemporaries and modern historians have assigned to the city apprentices as the principal participants in these tumultuous assemblies. There is nothing particularly surprising about this. Apprentices were by definition predominantly young men, in the case of London mostly between the ages of seventeen and twenty-four, and, moreover, they were young men away from home and living in other men's households, subject to a familial discipline, but not necessarily feeling much family obligation toward their masters or the city authorities. Further, there were a great many of them. It has been estimated that there were perhaps as many as thirty thousand apprentices in London at the end of Elizabeth's reign.<sup>22</sup> They were both a privileged and an exploited labor force; no one pretended that it took seven years to learn a trade, and in fact after the third year apprentices in some trades had a right to a weekly wage.<sup>23</sup> Weapons were easily available, bills and halberds being part of household furniture, even in the City, and a mayoral precept of July 22, 1616, complained that "much danger and hurt hath happened amongst the boys and youths of this City by their late meetings and marching together with pikes, shot and swords and the like."<sup>24</sup> Finally, contemporaries were well aware that apprentices rarely acted alone. At one end of our period a Shrove-tide mayoral precept of February 1578 speaks of the "uncomely and dangerous behaviors... heretofore used by servants, apprentices and light persons of and about this City," and at the other end John Strype in 1720 referred to rioting apprentices as including "apprentices of the dregs of the vulgar..., yea, perhaps not apprentices at all, but forlorn companions, masterless men... and the like."<sup>25</sup>

At least during certain periods, such as the later 1590s and 1620s, apprentice participation in mob action was eclipsed by the half-starved and unpaid or recently discharged and unemployed soldiers and sailors.<sup>26</sup> In addition to these predictable troublemakers, a third source of unruly behavior was supplied by the gentlemen of the Inns of Court. On one notorious occasion, an irresponsible Templar, a Mr. Palmes, chosen as Lord of Misrule, led his followers through Rams Alley and Fleet Street, summoning households as he went and extorting five shillings from each; where doors were barred to them, Palmes shouted "Give fire, gunner!" at which point a "robust blacksmith" beat on the offending door "with a huge overgrown smith's

hammer.” These jolly post-Christmas festivities were finally stopped by the Lord Mayor accompanied by a reinforced watch who surrounded Palmes and his cronies. A scuffle ensued, but even swords wielded by gentlemen were no match for city halberds, and the mayor’s men soon escorted the wounded Palmes off to the Counter.<sup>27</sup> On another occasion, on the evening of September 21, 1590, the peace was broken by a riotous confrontation between gentlemen from the Inns and the City apprentices, which in turn led the Lord Mayor to order a watch of two hundred to patrol Chancery Lane to prevent a further confrontation anticipated between the two groups the following night.<sup>28</sup>

Nevertheless, if soldiers, sailors, and the gentlemen of the Inns of Court were on occasion sources of formidable riots, apprentices seem to have been the perennial culprits involved in such affairs and in fact made no secret of their involvement. The cry of “prentices and clubs” heard in 1517 echoes down the years, and people at the time, although well aware that others might be involved as well, were in little doubt that apprentices were the chief actors. In 1576 the Lord Mayor enjoined apprentices from mobbing and mistreating the pages and lackeys of the well born; almost a century later in 1668 Samuel Pepys noted that the “prentices made fools” of the guards and militia mobilized to stop their depredations, for despite the men at arms “a great many houses [were] pulled down.”<sup>29</sup> In fact, the apprentices normally advertised their gatherings with “shoutings, whooping noises, sounding of drums or instruments, shooting of guns or using of cymbals,” and in 1592 the Lord Mayor had to order the city watch to go about their business quietly “without any manner of noise of drums, fifes, trumpets and other musical instruments,” evidently for fear that such would bring the apprentices into the streets.<sup>30</sup> John Taylor claimed that the Shrove-tide rioters assembled around an “ensign made of a baker’s mawkin fixed upon a broom staff,” and a generation later a government informant reported that the apprentices who gathered in Moorfields at Shrove-tide in 1668 marched behind a flag made of an apprentice’s green apron.<sup>31</sup> Late in King James’s reign a feltmaker’s apprentice, aggrieved over an injury inflicted by a Mr. Baxter, published “a turbulent and rebellious writing” in which he promised that if Mr. Baxter failed to make suitable restitution, he would call out his fellows. The apprentice was apparently as good as his word, for shortly after a true bill was entered against him for assembling “one hundred persons . . . riotously at Clerkenwell . . . to the terror and disquiet of persons dwelling there.”<sup>32</sup> A public announcement, either by libel or trumpet and drum, was a necessary ingredient for the

mobilization of these affairs; there was nothing surreptitious about the apprentice riots in early modern London.

If it is not hard to imagine why a labor force of young men, subject to a master's discipline both during work hours and after, should celebrate traditional holidays and other occasions with riotous displays of mob action, it is nevertheless difficult to explain why the authorities were so singularly helpless to control and repress what they clearly regarded as dangerous breaches of public peace. Certainly the metropolitan area was growing and much of the rioting occurred well beyond the city walls, a fact the city authorities were not above using on occasion as an excuse for their failure to act effectively and quickly against such disorders. If the metropolis now extended more or less from Westminster in the west to Wapping in the east, it was nevertheless not so large an area as to defeat the primitive communications of the time. The apprentices seemed to have had no difficulty in communicating with each other from Finsbury and Moorfields in the north to Southwark across the river. Further, the mayor and aldermen had instrumentalities ranging from their deputies and beadles and the constables and the watch to the trained bands, and the capacity to inflict exemplary punishment by means of Bridewell and the Sessions Court. Nevertheless, what is striking is the apparent futility of the annual orders for "substantial double watches" and for the "keeping in" of apprentices at Shrove-tide and May Day and frequently double watches as well during the summer months from mid-June to Michaelmas.<sup>33</sup> It is revealing that a year after the wide-ranging and destructive Shrove Tuesday riots of 1617, John Chamberlain is found writing, clearly in a singularly congratulatory mood, that "there was so good order taken and so strong watches and guards set in divers places that our prentices did little harm on Shrove Tuesday"; nevertheless, although eight hundred of the London-trained bands were standing in arms, Chamberlain does admit that the apprentices attempted a raid on new Bridewell "and pulled down two or three houses in other places." Three years later he noted that Count Gondamar, the Spanish ambassador, aware of the "ill affection generally born him," had retreated to Nonsuch "to avoid the fear and fury of Shrove Tuesday."<sup>34</sup> Obviously the heroic measures mounted following the 1617 riots had no lasting effects. Altogether it seems a rather pathetic performance in the face of constant letters from the Privy Council urging effective action and the total mobilization of the city's resources of law and order. In fact, the city fathers could not even stop the apprentices from playing football in the streets, as is testified by their repeated orders to cease and

desist, despite the injuries to the players, as well as the inconvenience to everyone else, that inevitably ensued.<sup>35</sup>

If the riots are seen simply as a perhaps excessively exuberant display of a London youth culture, of a piece with football and sword and buckler play in the streets—a public nuisance but little more than that, and one the authorities preferred to tolerate rather than to repress—then the evident failure of magisterial control can be seen as a sensible double policy: much huffing and puffing, orders given and troops mobilized, to satisfy a nervous Crown and Privy Council, while at the same time little real action taken against apprentices who in many cases must have been their own servants and who must have recalled to the magistrates their own past at an earlier, more irresponsible stage in their careers.<sup>36</sup> The riots then can be seen as a kind of licensed merrymaking, and although sanctions were created, they were seldom invoked with any rigor.

Attractive as this view is, and doubtless there is something in it, it does fail to explain the vehemence of the magisterial rhetoric, for even their official, normally unemotional pronouncements strike anything but a tolerant note. Boys will be boys, but rioting apprentices breached the king's or queen's peace, and it is hard to believe that such actions could be dismissed by magistrates with a tolerant shrug. Reference is made in a mayoral precept of September 1586 to the "dangerous and seditious practices . . . of late intended by sundry lewd and ill-disposed apprentices"; a later precept of September 1590 refers to the "very riotous and dangerous assemblies and manifest breach of her majesties peace" brought about by "certain servants, apprentices and other persons of London"; in 1593 even "the outrageous play at football" was condemned for leading to the "late great riots."<sup>37</sup> In 1595 apprentices who rioted in Southwark are referred to as "lewd and insolent," and when the Lord Mayor in July 1599 alluded to the "outrages" committed by "riotous and unruly" young men, he was surely not indulging in hyperbole, for "troops to the number of two or three hundred," armed with "long staves and other weapons," had gathered in the summer evenings, "under color of going to a place called the Old Ford to bathe themselves," in the course of which they had gone about "setting men's corn growing in the fields on fire, breaking down glass windows and signs hanging at men's doors, thrusting down of bricks with their staves from the tops of brick walls, pulling up of gates and stiles, breaking into orchards and stealing of fruits, beating of her Majesty's watches and divers other rebellious parts."<sup>38</sup> The mayoral precept in January 1627 ordering the usual Shrove-tide precautions, refers to the "great and notorious

outrages" committed in late years, and while the Lord Mayor does not seem to have referred to the London mob as that "barbarous rabble," as did the Reverend Joseph Mead in a letter of 1628, the tone of mayoral precepts throughout the period is scarcely forgiving or dismissive.<sup>39</sup> Unless we are to suppose that magisterial rhetoric was all part of an elaborate charade, and that the Privy Council next door in Westminster was taken in by it, it seems more plausible to suggest that the London authorities, as property-holding magistrates, were indeed worried by what they saw as outrageous and destructive breaches of the peace and did their best to prevent and suppress such mob action.

There is another way of viewing these events. If the focus is switched from the responses of the magistrates to the intentions of the apprentices, a very different prospect comes into view. While it may be difficult to see in some actions more than youthful exuberance or carnivalesque excess, and while it is difficult to see any larger intention in the playing of football in the streets or in the propensity of apprentices to indulge in dangerous cudgel and sword and buckler play, the recreational aspect of many apprentice riots seems subordinate to larger purposes and, more importantly, seems to have been understood as such by contemporaries. Ian Archer has argued suggestively that rather than as acts of mindless violence, "the threat of popular action should be seen as a negotiating strategy, designed to remind the magistrates of their obligations to redress apprentice grievances."<sup>40</sup> It may in fact be possible to push this interpretation further and to suggest that in some instances apprentices were simply carrying out by demonstrative and violent means objectives and ends of which the magistrates thoroughly approved, however much they might deplore the illegal actions by which they were pursued.

Archer identifies four targets of apprentice riots in the years surrounding the unusually troubled time of 1595, none of which were chosen randomly or mindlessly. In those years apprentices participated in food riots, in attacks on stranger and alien traders, on gentlemen and their servingmen, and on brothels, to which list should be added theaters.<sup>41</sup> In the summer of 1595, when, as John Stow remarks, the "prentices and young people about the city of London" were more "pinched of their victuals . . . than they had been accustomed to," two food riots took place in close proximity. The exculpatory language with which the Lord Mayor explained and excused these affairs in letters to Lord Burghley suggests not so much violent negotiations aimed at catching the attention of city magistrates as forcible reactions to violations of market relations with which the mayor was in

fundamental agreement. On June 14, the Lord Mayor reported to Burghley that during the previous afternoon a group of apprentices and servants, sent to Billingsgate to buy mackerel, discovered that the whole of that day's catch had been carried off by fishwives from Southwark, "contrary to order." The apprentices "without any weapons, only with baskets under their arms," followed fish and fishwives to Southwark, where they took the mackerel, paying "four the groat, according to a former price set by myself." At that point, according to the mayor, one of the fishwives lay about her with her fish basket, whereupon the constable, "seeing disorder, commanded those rude and unruly persons to surcease their strife and to depart," which they all did "without farther . . . breach of the peace." Although the mayor promised to hold an inquest and to indict offenders, it seems clear that he saw the Southwark fishwives as having attempted to corner the market, "contrary to order," and the apprentices as the injured party who had done no more than enforce the sale at the prescribed price; again, it was one of the Southwark fishwives who broke the peace by attempting to strike some of the apprentices with her fishbasket, an incipient riot quickly quelled by the constable. The purported butter riot of two weeks later followed a similar pattern: it occurred when "certain butter women" in Southwark attempted to sell butter at the exorbitant rate of five pence a pound, when the assize price was but three pence a pound; the mayor blandly assured the Lord Treasurer that "upon good enquiry I find nothing else but a great concourse and press of people for buying of butter . . . without any force or other disorder." When the Council in Star Chamber insisted on the punishment of some of the apprentices as a "public example to all others," the Lord Mayor, rather than summon the populace to witness such an exemplary event, issued a precept, requiring householders to keep their servants and apprentices within doors and their weapons out of reach on that day.<sup>42</sup> Clearly, the mayor saw the Star Chamber act as provocative and the apprentices as more sinned against than sinning.

The mayor and aldermen viewed a threatened attack on members of the French Church in early September 1586 altogether more seriously, and a group of apprentices, implicated in the threat, were arrested and sent to Newgate. When libels were published a month later, "threatening the hurt and destruction of strangers," the apprentices already incarcerated were questioned about their involvement. When new libels were published the following spring, apparently attacking strangers involved in the linen trade, a new investigation was launched, and the mayor offered a substantial reward for information. Although no riot actually took place, even the threat of one was taken very seriously.<sup>43</sup>

Competition by alien and stranger traders had after all been at the root of the terrible Evil May Day riot in 1517, and the magistrates could not dismiss the possibility of a repeat performance. Objection to alien manufacturers and the trading of noncitizens was a perennial one, and in 1641 a petition, purportedly signed by thirty thousand apprentices, complained about “foreigners” who “keep their residence within the liberty of this City” and “take away our custom.” It was, another petition insisted, so much cheaper for strangers to trade without the expense of a London apprenticeship that freemen who had been legitimately apprenticed were at a decided competitive disadvantage and found themselves compelled to remain journeymen, since strangers had bid up the price of shops.<sup>44</sup> While magistrates as merchants and traders themselves might sympathize with such fears, they could not countenance violence against strangers and aliens licensed by the Crown to be in their midst.

Attacks on gentlemen and their servingmen presented the city authorities with similar ambiguities. The city rulers must have understood the social anxieties aroused by the presence of “pages and lackeys attending . . . upon sundry noble and honorable personages,” but also the danger of their open expression, for a mayoral precept of March 1576 commanded that apprentices be prevented “in any sort” from attacking any “servingman, page or lackey . . . that shall go through the streets of this city . . . either in word, acts, countenance or otherwise.”<sup>45</sup> Apprentices were notoriously prickly about their social position, claiming in a 1641 petition to have blood “mingled with the nobility, although it were our fortunes to be younger brothers.” Apparently spurred on by such social insecurities, apprentices constantly dressed or attempted to dress above their station, “uncomely for their calling,” manifestly “to the great waste of their own thrift, corruption of manners, [and] maintenance of pride.” And so the Lord Mayor ruled that no apprentice should wear silk, ruffs, or Spanish leather in an order of 1582 that made clear his awareness of their social pretensions and their wish to appear in public as young gentlemen, for in a final clause he forbade apprentices to go to dancing and fencing schools or to learn masking or the playing of musical instruments, to which was added a proviso that they were not to keep a chest of forbidden finery elsewhere without their master’s knowledge.<sup>46</sup> The proximity of the Inns of Court to the western parishes of the City was another source of provocation and tension. After riots in 1590 between apprentices and the gentlemen of Lincoln’s Inn, the Lord Mayor had to assure the city that “the ancients and governors of that house” would impose as strict a charge to keep the peace on



their gentlemen, who it was admitted had provoked the affair, as he imposed on the city apprentices.<sup>47</sup>

Two incidents dating from the later 1620s suggest that the social animus of the apprentices was shared by their masters. In November of 1626, the Court of Aldermen learned that a constable in Coleman Street had been imprisoned in the Marshalsea. An ostler, suspecting that a horse had been stolen, had asked the constable to prevent a gentleman from riding off on it; the gentleman after threatening to cut the ostler's throat for his impertinence, then applied to the Lord Chamberlain for a warrant that led to the constable's imprisonment. Although the Lord Mayor had been able to obtain an order for the constable's release, the latter still remained in prison pending the payment of the substantial fees of £5 3s. 6d., which the Court of Aldermen now ordered to be paid by the city, "rather for that the petitioner, as this Court is informed, did nothing in the aforesaid but the duty of his place."<sup>48</sup> What the gentleman saw as no more than officious impertinence and a failure to acknowledge his socially privileged position was evidently seen by the mayor's court as a fully justified attempt to uphold the law, regardless of person.

Like the apprentices, the city authorities clearly resented these reminders of their socially inferior position, and, given the opportunity, were not above attempting to humiliate those gentlemen who presumed too much on the privileges of their status. Two years after the incident of the ostler and the suspected stolen horse, the Templar, Mr. Palmes, committed his Twelfth Night affray, and the Reverend Joseph Mead who reported the story noted that at its conclusion "my Lord Mayor, taking Mr. Palmes by the shoulder, led him to the Counter and thrust him in at the prison gate with a kind of indignation; and so, notwithstanding his hurts, he was forced to lie among the common prisoners for two nights," clearly treatment to which the son of a knight was not accustomed. Two days later the king's attorney sued for his liberty, which the Lord Mayor graciously granted but only on condition that Palmes and his friends submit themselves publicly at the mayor's house in the presence of "Mr. Attorney, Mr. Recorder, and six aldermen," where a suitably penitent Palmes "acknowledged his fault to his lordship and craved pardon; and besides promised to repay the money he had gathered, and to do reparations on the broken doors."<sup>49</sup> As far as the city magistrates were concerned, gentility gave no license for lawbreaking or for failing to show the proper respect to civic authority. City magistrates as justices of the peace were crown servants, and as such could uphold the law even at the expense of the gentry. Apprentices, on the other

hand, regardless of birth, were but servants of urban masters, and, as such, had to suffer the slights and humiliations visited on them by the gentry and aristocracy and their servants passing through the streets of the metropolis. However much the mayor and aldermen may have understood and sympathized with the hurt pride of their apprentices, they could not countenance retaliatory acts.

The most notorious apprentice riots of the late Elizabethan and early Stuart era were those whose object was the destruction of theaters and brothels, both as much the object of magisterial censure as of apprentice violence.<sup>50</sup> Although theaters and bawdy houses may seem to share little more than their location in the liberties and suburbs, to contemporaries the connection of the one with the other seemed evident enough. As the anonymous author of *Londons Looking-Glasse* noted in 1621, the Shrove-tide “uproar of apprentices, carters, and the rude multitude” aimed “to punish disordered persons by breaking down of their houses.” On Shrove Tuesday 1614 the apprentices “pulled down Joan Leake’s house in Shoreditch,” apparently a well-known brothel; three years later on Shrove Tuesday 1617 the apprentices attacked the Cockpit, the new theater in Drury Lane; and in 1630 the popular poet John Taylor in his *Jack a Lent* coupled bawdy houses and theaters as the traditional targets of Shrove-tide destruction.<sup>51</sup>

Shrove-tide carnival as a time of adolescent license may have been traditional, but the evidence suggests that the attacks on theaters could only occur when indeed there were theaters to attack, and there is no evidence of the pulling down of bawdy houses until the first decade of the seventeenth century.<sup>52</sup> Apprentices doubtless sought, as Ian Archer suggests, “an outlet for their struggles with their sexuality,” and the records of Bridewell show that some succeeded in their search only at the cost of getting fellow servants with child.<sup>53</sup> However, theaters and bawdy houses seem to have been new targets for the attentions of apprentices at the beginning of Lent, and the comments of the authorities suggest that such depredations had the sanction of respectable society, however much the violent and dangerous means employed by the riotous apprentices were subject to magisterial censure.

As early as 1580, when the playhouse called the Theatre was the object of a riot, the Lord Mayor wrote to the Lord Chancellor, complaining not about the actions of the rioters but about the provocation plays and players presented, for their plays “do make assemblies of citizens and their families,” and the players were themselves “a very superfluous sort of men.” Not only were plays “a great hindrance

of the service of God,” but they led to the “great corruption of youth with unchaste and wicked matters, occasion of much incontinence, practices of many affrays, quarrels, and other disorders and inconveniences”—anything clearly but innocent recreation. This was not entirely magisterial prejudice. In 1592 a riot of feltmakers’ apprentices, which aimed to rescue one of their number from the Marshalsea, “assembled themselves by occasion and pretense of their meeting at a play, which besides the breach of the Sabbath day, giveth opportunity of committing these and such like disorders.” A year later the Lord Mayor wrote to the archbishop of Canterbury begging him to use his good offices to persuade the Master of the Revels to close the public theaters, and central to his complaint was his conviction that the principal danger posed by plays and players was the corruption of youth. True, it was that theaters were the resort of “great numbers of light and lewd disposed persons, as harlots, cutpurses, cozeners, pilferers and such like,” and true it was that plays drew “all sorts in general from the daily resort unto sermons and other Christian exercises,” as well as from their work, but the real gravamen of his indictment was the pernicious influence of the theater on apprentices and servants whose manners were “infected with many evil and ungodly qualities by reason of the wanton and profane devices represented on the stages.” A later letter in 1595 from the mayor and aldermen to the Privy Council made much the same point, complaining that plays contained “nothing but profane fables, lascivious matters, cozening devices, and other unseemly and scurrilous behaviors, which are so set forth as that they move wholly to imitation and not to the avoiding of those vices,” and concluding by insisting that the theater was to blame for the “late stir and mutinous attempt of those few apprentices and other servants who we doubt not drew their infection from these and like places.”<sup>54</sup> Is it plausible to suppose that the apprentices were ignorant of the anti-theatrical opinions of their own masters and governors?

The attacks on bawdy houses needed no such elaborate defense, since neither Crown nor City was prepared to champion those institutions publicly. Samuel Pepys in commenting on the famous bawdy house Shrove-tide riots of 1668 observed that “none of the bystanders finding fault with them [the rioters] but rather of the soldiers for hindering them,” for as Pepys went on to remark, bawdy houses were “one of the great grievances of the nation.” A government informant made much the same point, noting that public opinion was on the side of the apprentices: “Some say that if they meddle with nothing but bawdy houses, they do but the magistrates drudgery.” Pepys noted

that even the Lord Admiral, the Duke of York, who lost the rents of two of the houses pulled down during the riots, was “mighty merry” at the thought that one of the chief sufferers was Damaris Page, “the great bawd of the seamen.” Fear if not condemnation only appeared when it was understood that some of the rioters said that “they did ill in contenting themselves in pulling down the little bawdy houses and did not go after and pull down the great bawdy house at Whitehall.” It was that and the cry of “reformation and reducement” that made “the courtiers ill at ease.”<sup>55</sup> Brothels, even those owned by the king’s brother, were fair game, and public opinion was prepared to excuse those apprentices and others who pulled them down. It was not that but the fear of reformation and reducement, a return of revolution under the guise of moral reformation, that induced Whitehall to call out a regiment of guards.

Apprentices were prepared to petition in 1647 for their “annual festivals” and their “set times of pleasure and lawful recreations,” but in doing so they carefully stated that “their intention in this action no way inclined to countenance profane customs or the relics of popery,” and they humbly requested that “the riots and impieties of former times” should not “deprive them of this part of their liberties, lawful recreations, for the needful refreshment of their spirit.” No one was prepared to approve breaches of peace or to defend such in public comment, but it seems evident that apprentice riots, directed as they were against foreign traders and price gouging, theaters and bawdy houses, presented respectable society, to say nothing of the magistrates, with a certain conflict of values and interests. The machinery to repress riots was constructed and elaborated; measures were ordered at the seasons of anticipated trouble, but the full force of the law was rarely invoked. On occasion as in 1617, when the Crown was thoroughly frightened, a handful of apprentices might suffer as an example to the others, but the sessions records suggest that under normal circumstances the magistrates of London and Middlesex were more anxious to punish householders who joined the rioters than the apprentices themselves. The very expressions used at the time suggested divided feelings. When the author of the *Diurnal Occurances* set about to describe the events of the last week of 1641, he referred first to the “tumultuous rising of the prentices and other inferior persons of London” who had threatened riot if Colonel Lunsford were not removed from his command, but when the author described those who flocked to Westminster to present their legitimate petition on that behalf, he described them as “citizens and prentices.”<sup>56</sup>

London was riven by divisions of interest and status, but masters and apprentices were not antithetical classes and in fact must have shared many of the same values. Apprentice riots occurred almost as regularly as the seasons, not because of magisterial indifference or impotence, not because the Lord Mayor and Aldermen wished to indulge the excesses of youth, but because of magisterial ambivalence, for magistrate and apprentice alike feared foreign competition, hated the pretenses of gentlemen and their servants, and wished to free the City of the pollution of bawdy houses and theaters. Apprentice riots in London, like so many other kinds of crowd activity in the early modern era, expressed the moral economy of the London community, values shared by the youth and the aged alike.<sup>57</sup>

## NOTES

1. Eric Hobsbawm, *Primitive Rebels: Studies in Archaic Forms of Social Movement in the 19th and 20th Centuries* (Manchester University Press, 1959, first paperback edition, 1962).
2. George Rudé, *Wilkes and Liberty: A Social Study of 1763 to 1774* (Oxford, 1962).
3. Edward Thompson, *The Making of the English Working Class* (London, 1963).
4. Edward Thompson, "The Moral Economy of the English Crowd in the 18th Century," *Past & Present*, 50 (1971), 76–136.
5. See, e.g., John Stevenson, "The 'Moral Economy' of the English Crowd: Myth and Reality," in Anthony Fletcher and John Stevenson, eds., *Order and Disorder in Early Modern England* (Cambridge, 1985), pp. 218–38; Michael J. Braddick, "Popular Politics and Public Policy: The Excise Riot at Smithfield in February 1647 and Its Aftermath," *Historical Journal*, 34 (1991), 598–601; John Walter, "Grain Riots and Popular Attitudes to the Law: Maldon and the Crisis of 1629," in John Brewer and John Styles, eds., *An Ungovernable People: The English and their Law in the Seventeenth and Eighteenth Centuries* (London, 1980), pp. 47–84; Walter, *Understanding Popular Violence in the English Revolution: The Colchester Plunderers* (Cambridge, 1999); David Underdown, *Revel, Riot, and Rebellion: Popular Politics and Culture in England 1603–1660* (Oxford, 1985); Roger B. Manning, *Village Revolts: Social Protest and Popular Disturbance in England, 1509–1640* (Oxford, 1988). Spelling and punctuation of all quoted passages have been modernized.
6. Natalie Zemon Davis, "The Reasons of Misrule: Youth Groups and Charivaris in Sixteenth-Century France," *Past & Present*, 50 (1971), 41–75.
7. Steven R. Smith, "The London Apprentices as Seventeenth-Century Adolescents," *Past & Present*, 61 (1973), 149–61.

8. Valerie Pearl, "Change and Stability in Seventeenth-Century London," *London Journal*, 5 (1979), 3–34.
9. Steve Rappaport, *Worlds within Worlds: Structures of Life in Sixteenth-Century London* (Cambridge, 1989), p. 17.
10. *Ibid.*, pp. 9–18.
11. Manning, *Village Revolts*, pp. 187–219. While conceding that not all Shrove-tide rioters were apprentices, Paul Griffiths has argued, reasonably enough, that many were and has found ample evidence to substantiate that claim. See Griffiths, *Youth and Authority: Formative Experiences in England 1560–1640* (Oxford, 1996), pp. 159–60.
12. Keith J. Lindley, "Riot Prevention and Control in Early Stuart London," *Trans. of the Royal Historical Society*, 5th s., 33 (1983), 109–26.
13. Ian Archer, *The Pursuit of Stability. Social Relations in Elizabethan London* (Cambridge, 1991), p. 3. For a much earlier and very suggestive interpretation of riot and rebellion as a forceful kind of petitioning of authority, see Mervin James, "Obedience and Dissent in Henrician England: The Lincolnshire Rebellion, 1536," *Past & Present*, 48 (1970), 3–78.
14. Manning, *Village Revolts*, p. 187; Tim Harris, *London Crowds in the Reign of Charles II* (Cambridge, 1987), pp. 82–91 and 166–80.
15. *Londons Looking-Glasse or The Copy of a Letter, written by an English Travayler, to the Apprentices of London* (London, 1621), p. 25.
16. John Taylor, *Jack a Lent* (London, 1630), in *Works of John Taylor, The Water Poet*, ed. Charles Hindley (London, 1876), pp. 9–10.
17. Corporation of London Record Office [CLRO], Journal 22, f.156v (mayoral precept, February 16, 1587/8); for similar orders, see, e.g., Journal 22, f.257r (mayoral precept, February 8, 1588/9; Journal 25, f.147v (mayoral precept, February 4, 1599/1600).
18. See, e.g., CLRO, Journal 25, f.273v, for a double watch at midsummer, 1602; Journal 27, f.38v, for a double watch on May Day, 1608; Journal 33, f.6r, for a double watch on the lord mayor's day, 1624; Journal 34, f.229r, for a double watch at Shrove-tide, 1628.
19. *The Letters of John Chamberlain*, ed. Norman E. McClure. American Philosophical Society, Memoirs XII, parts 1 & 2 (Philadelphia, 1939), II, 59; *Calendar of State Papers Domestic [CSPD], 1611–1618*, p. 449; George Gerrard to Dudley Carleton, March 20, 1617.
20. Chamberlain, *Letters*, II, p. 142; *Middlesex County Records (Old Series)*, ed. John Cordy Jeaffreson (London, 1886; reprinted 1972), I, pp. 128–9 and 151; Lindley, "Riot Prevention and Control," pp. 109–10 and fn.2.
21. Manning, *Village Revolts*, p. 197; CLRO, Remembrancia VIII, #229; *Diurnal Occurances, or the Heads of Severall proceedings in both Houses of Parliament, for the 27 of December to the 3 of January 1641* (London, 1641[42]), sig. A2r–v.

22. Manning, *Village Revolts*, p. 193, citing Roger Finlay, *Population and Metropolis* (Cambridge, 1981), pp. 66–67. Rappaport estimates that there were fifteen thousand apprentices and twelve thousand journeymen by the end of the sixteenth century (*Worlds within Worlds*, p. 11); none of these figures have a high degree of reliability, since, although we know that fewer than half the apprentices became freemen citizens, we have no idea in most cases when the other half left their apprenticeships, or how many who left their initial master went on to apprentice themselves to a new one.
23. See, e.g., schedule of wages set by the Common Council according to the Statute of Artificers of 1563, for the year 1576, which specifies that a woolwinder's apprentice, "having served 3 years," was to be paid 10d. daily (compared to a journeyman's 12d.) and a carpenter's apprentice "that hath served 3 years, with meet and drink," was to be paid 7d. "by the day" or 3s.4d. weekly, or if not in receipt of meet and drink, 11d. daily and 5s. weekly: CLRO, Journal 20, f.296v–297v; see also CLRO, Journal 22, f.49r–51r, for wages of journeymen and apprentices set in July 1586.
24. CLRO, Journal 33, f.267r (mayoral precept dated July 22, 1616); cf. the mayoral precept of July 4, 1595, ordering that "every household shall be ready at their doors with their weapons all day upon Sunday to aid and assist the Lord Mayor, Sheriffs, and such as shall have need to suppress seditious persons, if occasion happen." CLRO, Repertory 23, f.416v.
25. CLRO, Journal 20, f.390r; John Stow, *Survey of the Cities of London and Westminster*, ed. John Strype (2 vols, 1720), II, pp. 332–3, as quoted in Manning, *Village Revolts*, p. 192.
26. See, e.g., the mayoral precept for April 1, 1590, which ordered an indefinite double watch due to the problems created by the recent discharge of two hundred soldiers, CLRO, Journal 22, f.376v; the mayoral precept for June 23, 1595, Journal 24, f.19r; the mayoral precept of November 18, 1626, which ordered constables "not to suffer any mariners, soldiers or other disordered, idle or wandering persons to pass but that they do cause them to be apprehended and convented before some of his Majesty's justices of the peace within this City," Journal 34, f.16v; the mayoral precept of April 5, 1627, which ordered a double watch and ward "to apprehend all soldiers and other persons as shall offer any wrong or violence to any market people or others whatsoever," Journal 34, f.76r; and the mayoral precept of February 15, 1627/8, which ordered a double watch to prevent "tumults, disorders and outrages which have been and daily are attempted to be done and acted by soldiers, sailors and other disordered and loose persons," Journal 34, f.224v.
27. Thomas Birch, ed., *The Court and Times of Charles I* (2 vols, London, 1848), I, 313, a letter dated January 19, 1627/8; cf. Mead's letter of July 25, 1629, which tells of a Captain Stamford, one of the Duke

- of Buckingham's "creatures" who attempted a "sedition by stirring up the gentlemen of the Temple," II, 24–5. Not all residents of the Inns of Court were sober attorneys and studious law students, and it was not only the Templars who caused breaches of the peace: on June 25, 1615, Robert Bowes and Robert Cole of Gray's Inn and Edward Catlin and Caperates Mollyneux of Lincoln's Inn, gents. were all charged for assault and battery on Matthew Suger at Shoreditch, where they caused "a tumult and drawing their swords, a poor man or two being very much hurt." William Le Hardy, ed., *Middlesex Sessions Records. Calendar of the Sessions Records. New Series, v.II, 1614–1615* (London, 1936), p. 326.
28. CLRO, Journal 22, f.417v–418r.
  29. CLRO, Journal 20, f.278v; Robert Latham and William Matthews, eds., *The Diary of Samuel Pepys* (London, 1976), IX, pp. 130 and 132.
  30. CLRO, Journal 20, f.390r; Journal 23, f.114v.
  31. Taylor, *Jack a Lent*, p. 10; CSPD, 1667–1668, p. 306 (Letter from H. H. to Sir Robert Carr, March 25, 1668).
  32. Jeaffreson, *Middlesex County Records*, II, 175–6; cf. Chamberlain, *Letters*, II, p. 74, where Chamberlain notes in his letter to Dudley Carleton, May 10, 1617, that "our prentices or unruly people had cast out many cartels and libels as they meant to do some strange matters on May Day, and did animate one another by all ways they could, but there was so good order taken to repress them they durst not adventure."
  33. For example, a mayoral precept of January 1, 1598/9, complains of the "divers disorders...committed in every part of this City whereby her Majesty's subjects can hardly pass through the streets"; a precept of February 18, 1598/9, orders householders "to keep all their apprentices and servants in...good order and obedience" in order to prevent "sundry outrages" during Shrove-tide; and as a consequence of the depredations of "divers lewd, riotous and unruly persons," the mayor ordered a double watch from July 18 to September 1, 1599, during which time the disorderly were to be committed to the counters and the city gates were to be closed by ten at night. In addition, on August 20, 1599, the mayor again ordered a double watch during Bartholomew Fair. CLRO, Journal 25, f.22r, 28v, 72v, 87r. A quarter of a century later witnesses a similar series of mayoral precepts: one, dated November 18, 1626, orders a double watch to remedy "a great remissness in the suppressing of dissolute and desperate persons," an order that is supplemented eleven days later; on December 1, 1626, an order requires the appointment of ten inhabitants in each ward who are to appear with halberds to assist in the maintenance of order; on December 27, 1626, all vagrants and masterless men are to be sent to the counters; on January 17, 1626/7, constables are reminded to send warders to assist the Provost Marshall; on January 31, 1626/7, the usual Shrove-tide measures are promulgated in response to "divers



- great and notorious outrages [that] have been of late years committed in the time of Shrovetide by sundry apprentices and other idle and notorious persons”; a year later on February 15, 1627/8, a double watch is ordered to prevent “tumults, disorders and outrages which have been and daily are attempted”; and a week later the usual measures are invoked to prevent the “divers great and notorious outrages [that] have been of late years committed in the time of Shrovetide by sundry apprentices.” Journal 34, f.16v, 27r, 29r, 43r, 48v, 224v, 229r.
34. Chamberlain, *Letters*, II, pp. 142 and 343.
  35. Mayoral precepts order aldermen’s beadles to see to it that “no football play be hereafter used in the streets or lanes within your said ward” on February 16, 1587/8, and again on February 8, 1588/9. On December 24, 1593, a mayoral precept complains that “where heretofore many precepts have been to you directed to inhibit the outrageous play at football, since which time as hath most evidently appeared to the sight and effect of every citizen, the same precepts have not wrought that reformation that was expected.” As a consequence, “late, great riots have been committed,” which, if not remedied, will doubtless lead to her Majesty’s “high displeasure against us, and for want of good government inflict heavier punishment upon us than we are able well to endure.” Nevertheless, football continued to be played in the streets, and a new order forbidding such play was issued on January 1, 1598/9, and again in 1603 and 1605. Twenty years later on January 16, 1627/8, in the midst of attempting to cope with the disorder created by impressed and discharged and unpaid soldiers and sailors, the mayor complained of the tumults, breaches of the peace, “and many hurts, some extending even to the loss of lives and limbs” caused by the “suffering of men and boys to play at football together in the streets, lanes and other places in the City and the liberties thereof.” Like the Shrove Tuesday riots, football seemed beyond the reach of the instrumentalities available to the London magistrates. CLRO, Journal 22, f.156v, 257r; Journal 23, f.225v; Journal 25, f.22r; Journal 26, f.27r; Journal 27, f.14v; Journal 34, f.205r.
  36. See, e.g., Rappaport, *Worlds within Worlds*, pp. 6–17; S. R. Smith, “The London Apprentices as Seventeenth-Century Adolescents,” *Past and Present*, 61 (1973), 149–61. Alexandra Shepard has recently suggested that “at times youthful misrule was tolerated and even implicitly condoned by those in authority over them,” and further “that alternatives to patriarchal codes could, in many instances, be deemed less threatening when articulated along divisions of age than of social status.” Shepard, *Meanings of Manhood in Early Modern England* (Oxford, 2003), pp. 94–95.
  37. CLRO, Journal 22, f.54r, 417v; Journal 23, f.225v.
  38. CLRO, Journal 24, f.22v; Journal 25, f.72v.
  39. CLRO, Journal 34, f.48v; Birch, *Court and Times of Charles I*, I, p. 367. Paul Griffiths has forcefully made much the same point: “At

least from the middle decades of the sixteenth century it appears that what approval existed for Shrovetide misrule derived from the people; that any earlier consensus about the nature of holiday conduct had long since shattered; and that governors and sections of the people disputed the meaning of customary rituals and holidays.” Griffiths, *Youth and Authority*, pp. 155, 157–8. Although Griffiths does not mention what sections of the people contested customary rituals and holidays, it would be surprising if the growing community of the godly in London did not object both to brothels and theaters as well as to Shrove-tide riots that aimed at their destruction.

40. Archer, *Pursuit of Stability*, p. 5.
41. *Ibid.*, pp. 3–6.
42. John Stow, *The Annales or Generall Chronicle of England* (London, 1615), p. 768; CLRO, Remembrancia II, #97, #98; Journal 24, f.22v.
43. CLRO, Journal 22, f.97r; Repertory 21, f.330v, 337v–338r, 339r, 402v.
44. *The Petition of the Weamen of Middlesex which they intended to have presented to the High Court of parliament... With the Apprentices of Londons Petition... subscribed and presented with the names of above 30,000 Apprentices* (London, 1641), sig.A3v–4r; *The Apprentices of Londons Petition Presented to the Honourable Court of Parliament Humbly shewing unto them the manifold Abuses of their Apprenticeship, how the Frenchmen, Dutch and Waloons, doe deprive them of their ancient Customes, and former Liberties in their Trade* (London, 1641), sig.A2r–v.
45. CLRO, Journal 20, f.278v–279r.
46. *The Petition of the Weamen of Middlesex... With the Apprentices of Londons Petition*, sig.A4r; CLRO, Journal 21, f.206v–207v.
47. CLRO, Journal 22, f.417v, 418r.
48. CLRO, Repertory 41, f.13r–v.
49. Birch, *Court and Times of Charles I*, I, p. 313.
50. Ian Archer does not associate the attacks on theaters with those on bawdy houses. He writes of the latter, “Although there are no Elizabethan references to such practices, it seems unlikely that the tradition was so recently developed because the most convincing explanation for the selection of the brothels as targets lies in the onset of the stricter moral regime associated with Lent, and the quest among apprentices for an outlet for their struggles with their sexuality” (*Pursuit of Stability*, p. 3). Roger Manning does recognize that theaters and bawdy houses were both targets of Shrove-tide riots and questions, “whether the Jacobean Shrove-Tuesday assaults on theatres and bawdy houses were really traditional survivals from the Elizabethan period, revivals of rites from an earlier period, like the rural sports of Robert Dover, or inventions of the Jacobean playwrights, which the London apprentices emulated” (*Village Revolts*,

- p. 212). While it seems doubtful to me that the attacks were an instance of life imitating art, there does seem to be small reason to suppose that this Shrove-tide tradition is older than the early years of the seventeenth century.
51. *Londons Looking-Glasse*, p. 25; Jeaffreson, *Middlesex County Records*, II, pp. 96–7; Chamberlain, *Letters*, II, p. 59; *CSPD, 1611–1618*, pp. 442, 449; Taylor, *Jack a Lent*, p. 10.
  52. Manning, *Village Revolts*, p. 212; Lindley, “Riot Prevention and Control in Early Stuart London,” p. 110.
  53. Archer, *Pursuit of Stability*, p. 3; Guildhall Library, Microfilm 510, Bridewell Royal Hospital Court Minutes, vol. I, f.12r (the case of John Fludd, apprentice); f.32v and 34r (the case of Oliver Morley, apprentice); f.40r (the case of Richard Greene, apprentice, who with the consent of James Aleck fornicated with Aleck’s wife Cicely); f.51v (the case of William Wilde, apprentice, accused of frequenting Outred’s bawdy house) and so on. It should be noted that more apprentices were accused of stealing and disobedience than of sexual incontinence.
  54. CLRO, Remembrancia #9, #662, #635; Remembrancia II, #103; see also #171.
  55. Pepys, *Diary*, IX, pp. 130, 132; *CSPD, 1667–1668*, p. 310.
  56. William Le Hardy, ed., *Middlesex Sessions Records. Calendar of Sessions Records. New Series, v.III, 1615–1616* (London, 1937), pp. 120, 146, and 341; Le Hardy, *Diurnal Occurances*, A2r–v. The number of apprentices punished in 1617 seems quite exceptional. For example, those presented to enter recognizances for their part in the riot at Joan Leake’s house in Shoreditch on Shrove Tuesday, 1613, included seven yeomen, a silkweaver, a weaver, and a needlemaker’s apprentice. A year later, the following were prosecuted for assisting the apprentices in pulling down Joan Leake’s house on Shrove Tuesday: Clement Watson, silk-throwster, servant (whether apprentice or journeyman is not clear, but elsewhere apprentices are identified as such) to Francis Rubye, silk-throwster; Ralph Betts, servant of William Campion, woodmonger; John Potter, clockmaker; John Prado, locksmith; John Gaunte, haberdasher; Richard Popkin, baker, servant to Richard Millard, baker; Thomas Baker, woodmonger; John Scoper and John Willyams, blacksmiths. Le Hardy, *Middlesex Sessions Records*, I, pp. 31 and 371. It appears that although the authorities were perfectly well aware that apprentices were involved, they normally chose to prosecute masters and journeymen, who presumably should have known better than to participate in a riot. This seems borne out by the fact that, after the 1615 Shrove Tuesday riot, Roger Underwood of St. Giles in the Fields, shoemaker, was charged “to be one of the chief causes and authors” of the riot that led to the pulling down of one Goodman’s house. No one else seems to have been charged: *ibid.*, II, p. 225. Again, in March 1618, Richard Louch was bound over “for

animating a great company of boys and other unruly persons to pull down a house in Lincoln's Inn Fields, promising to give them money to effect the same": *ibid.*, IV, p. 354. When the authorities were able to identify the source or instigator of the riot, it was that person, rather than the apprentices and others, who seems to have been prosecuted, and in that respect the aftermath of the 1617 riots, which saw a number of apprentices incarcerated, at least one of whom died in prison, was clearly exceptional. *Ibid.*, IV, p. 341.

57. Although employing the language of gender rather than of moral economy, Alexandra Shepard makes somewhat the same point about the behavior of some Cambridge students in 1594: "Nightwalkers shouting sexual insults postured as self-appointed moral arbiters and, rather than simply subverting patriarchal imperatives of order and self-control, appropriated the regulative stance of those in authority," and she goes on to note that both Shrove Tuesday disorders and "college-based festivities of licensed misrule involved the exuberant appropriation of regulative authority." Shepard, *Meanings of Manhood*, pp. 98, 99.

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## CHAPTER 2



# “BUT SHE WOULD NOT CONSENT”: WOMEN’S NARRATIVES OF SEXUAL ASSAULT AND COMPULSION IN EARLY MODERN LONDON

*Cristine M. Varholy*

Act 4 of William Shakespeare’s romance *Pericles* (1607–8) depicts a scenario in which an idealized chaste woman, Marina, daughter of Pericles, avoids the threats of prostitution and then rape through her assertive chastity and through the effectiveness of her eloquence. Marina has been sold into prostitution in Mytilene by pirates who seized her and transported her from Tharsus, and she subsequently finds herself penniless, friendless, and the object of much speculation. The brothel keepers (Pander and Bawd and their servant Boulton) advertise her virginity and beauty in the town marketplace and intend to sell the opportunity to deflower her to the highest bidder. Their venture is unsuccessful, however, because, every time a client approaches Marina, she refuses to consent, admonishes him, and thereby repulses him. Some clients are converted from the very practice of visiting bawdy houses, such as the Gentleman who asserts, “I am out of the road of rutting for ever.”<sup>1</sup> Through her assertions of her own chastity and through her appeals to the clients’ pity and to the gods, Marina “would make a puritan of the devil,” according to the Bawd (4.6.9). Marina’s “quirks, her reasons, her master reasons, her prayers, her knees” (4.6.7–8) even affect Lysimachus, the governor of Mytilene

and a regular customer of the brothel, who swears off whoring and rebukes the brothel keepers after encountering Marina for the first time.

Marina's actions are extremely bad for the brothel's business, provoking the wrath and violence of the brothel keepers. The Bawd affirms, "We must either get her ravish'd or be rid of her" (4.6.4–5), because "she's able to freeze the god Priapus, and undo a whole generation" (4.6.3–4). Eventually, as a last resort, Boulton, with the approval of the Pander and Bawd, takes it upon himself to rape Marina. The brothel keepers assume that a violent sexual initiation for Marina will break both the power of her virginity and her spirit and that the experience will whet her appetite for additional sexual activity. Thus, in order to prevent the brothel from going out of business, Boulton will "[c]rack the glass of her virginity, and make the rest malleable" (4.6.142). In fewer than forty lines of dialogue, however, Marina reforms Boulton as well. First, she challenges his own moral failings, charging that he "hold'st a place for which the pained'st fiend/Of hell would not in reputation change" (4.6.163–4), and, second, she asserts that she could make more money for the brothel owners by using her talents to teach other women to "sing, weave, sew, and dance" (4.6.183), rather than by sexually servicing male clients. Boulton responds nearly immediately to Marina's proposal by promising to help her. Marina's resistance and strength in this scene come from her strict devotion to chastity, her verbal power, and her marketable skills. Thus, through her "virginal fencing" (4.6.57–8), as the Bawd refers to it, Marina not only keeps her self inviolate but also reinvents the brothel and improves the larger community.

This literary example, which belongs to a tradition of prostitute priestess narratives that stretches back to ancient Rome, is notable because of its unrealistic representation of how a woman might deal with potentially realistic challenges to her chastity.<sup>2</sup> The ease with which Marina counters the physical threat of rape and the economic and psychological pressure to commit sexual acts, in addition to the speed with which she transforms the brothel from a place of sexual traffic to a skills center, obscures the significant difficulties an actual woman would face were she to find herself alone, in a brothel, in an unfamiliar place, and under compulsion to engage in sexual acts. Marina's isolation from both her family of origin (Pericles) and her foster family (those responsible for her in Tharsus prior to her abduction) means that she lacks both the moral and economic support of others. Further, she is at a physical disadvantage in her encounter with Boulton or when she is outnumbered by the brothel keepers. Marina's

surprising success at preserving her chastity under these conditions is a function of the romance of which her story is a part: the threats of isolation, economic disempowerment, and physical compulsion are neutralized, almost magically, by the power of her individual chastity.

In early modern London, when actual women faced similar threats and disadvantages, it was less likely that eloquent assertions of their chastity would repulse or reform those who pressured or attacked them. And women who chose to engage, were compelled to engage, or were physically forced to engage in extramarital sexual relations were sometimes prosecuted for those actions. Unmarried pregnant women or women who were rumored to have committed illicit sexual acts were brought before ecclesiastical courts, which prosecuted sexual transgression as a moral offense, or before certain civil courts, like the one at Bridewell Royal Hospital. As part of its poor relief efforts, Bridewell prosecuted bastardy, extramarital sexual behavior, and commercial prostitution—female behaviors that were grouped loosely under the term whoredom—along with other misdemeanors, including bawdry, vagrancy, inappropriate activity by servants, and public disturbances.<sup>3</sup> The Bridewell governors viewed sexual transgression among middle- and lower-class Londoners as a potential drain on the economic stability of households and communities, especially since it could result in illegitimate children. Women who were found guilty of sexual transgression were released under the supervision of others, whipped publicly, carted, fined, or sentenced to reside and work within Bridewell.

Some women who appear before the Bridewell Court in sexual transgression cases tell how, like Marina in *Pericles*, they are able to repulse those who attack them physically or otherwise pressure them. In the following two examples, women narrate their verbal resistance to male advances, because, they assert, such strategies proved successful. In June 1577, Barsaba Rede testifies before the Bridewell Court that she countered John Shawe's advances by reminding him of his own married state:

Barsaba Rede being examined she sayeth that about a quarter of a yere sens in the strete, as she went to An Alehouse at St. Katheren Coleman's, one John Shawe, a barbor ther dwellinge, came to her and offered to give her 6d. in moneye And ther desired her to have unlawfully th' use of her bodye she tolde him that he had a wiffe of his owne And soe she went from him And she advowcheth it here to Shawe's face here present.<sup>4</sup>



In the second case, button-maker Frances Holditche explains how she repulsed a man through both her words and physical strength. Responding to a charge by a witness that she “sawe Woode and Frances abusing their bodies together” (BCB III, fo. 420), Holditche reports of Woode:

Woodde shutt the dore and moved her to have that use of her body but she opened the dore and he struggled with her and kyssed her as they stode verve nere the bedde she tolde him that he did but jeste with her he swore that he was in good earnest then she bid him goe to his wiffe . . . he offered to give her more than she woulde get in an moneth by makeinge of buttons, yf she woulde consent. And he had her againste the bed and did what he coulde to abuse her bodye as a harlott but she woulde not consent. (fo. 420v–421)

Contradicting Holditche’s story, Woode did confess that the couple engaged in sexual intercourse, and he offered a donation for the poor of Bridewell as his fine. As is true of many of the Bridewell cases, the resolution of this case for Holditche herself was not recorded, and today’s reader has no way of knowing which account—Holditche’s of a thwarted sexual assault or Woode’s of a consensual sexual encounter—is the accurate one.

These two cases are unusual because the women assert that they successfully repulsed sexual overtures; in many more cases, women admit that a sexual act took place. Often such women are confronted with evidence of that act: they are pregnant or have had children out of wedlock, or they have been seen by a witness when they were engaged in a sexual act, or they are subject to physical examination by the matrons employed by the Bridewell Court, who claimed to be able to determine whether or not a woman was a virgin. Generally, instead of denying the sexual activity itself, women facing charges of whoredom at Bridewell deny the illicit context of their sexual activity. For example, some claim that they were, are, or are to be married to their sexual partners. The proof or promise of marriage was often a successful defense, because it signified to the Court that the woman and her child, if there were one, were to be the economic responsibility of a specific man, rather than of the larger community.

This essay will consider testimonies of women appearing before the Bridewell Court who admit engaging in sexual activity, but who do not assert a related act of marriage as their defense. Such women often testify that they were “enticed” (BCB IV, fo. 84), seduced, or otherwise pressured into extramarital sexual activity, or they report

such activity as an incident of sexual assault. In other words, they offer narratives to the Court in which they succumbed to the same kinds of pressures experienced by the fictional Marina in the brothel. However, these real-life narratives differ in two important ways from the fictional scenario. First, while the fiction downplays the threat of actual physical violence against Marina by enabling her to diffuse it consistently with her words, the actual narratives emphasize physical violence and the women's general inability to combat it with their words or actions. Second, while the fiction isolates Marina in order to accentuate her self-reliance, the actual narratives often emphasize the women's places within family, household, and communal networks. Although, as we will see, some of these narratives portray women as victims of singular acts of violence, more portray them as participants in social relationships that include a component of violence and/or coercion. Such narratives suggest that the women's extramarital sexual behavior, rather than resulting from their transgression, instead results from their obedient behavior within their social networks. These narratives complicate the notion of consent: while the Court holds a woman responsible for her own sexual activity, the narratives displace responsibility for that activity to others who exert physical, authoritative, economic, or psychological control. An exploration of these narratives and the Bridewell Court's responses to them, then, enables us to study both institutional and individual understandings of women's sexual agency and personal responsibility in early modern London.

Unfortunately, narratives of violence or compulsion in this context offer scholars little concrete information about actual incidents of violence against women in early modern London. The Bridewell Court records offer only fragmentary accounts of individual incidents and their outcomes, and those accounts are obviously composed to advance the purposes of the parties involved.<sup>5</sup> Further, the Court's rulings may or may not reflect what actually took place. For example, in a given case, a woman may have been convicted of whoredom at the Bridewell Court even though, in actuality, she was raped.<sup>6</sup> Although the narratives teach us little about actual incidents, they, nonetheless, can teach us much about gender relations in this particular culture. The shared characteristics of these narratives, despite their presentation in a variety of contexts, suggest that speakers described familiar, or at least plausible, scenarios and that they drew from common notions of socially acceptable and unacceptable behaviors when they told their stories—whether they were reporting actual incidents or creating fictional ones.

## SEXUAL ASSAULT NARRATIVES: ISSUES OF AGENCY

Female defendants in sexual transgression cases before the Bridewell Court use narratives of incidents of physical sexual assault and of compulsion for similar purposes, and both kinds of narratives include similar content. As we will see, speakers use both to highlight the limits of female agency and the degree to which individuals have the ability to refuse consent in a given sexual situation. Further, they use both kinds of narratives to describe the power relations—physical, familial, economic, or spatial—in which women participate.

Generally, female defendants who appear before the Bridewell Court in sexual transgression cases and allege that they are victims of sexual assault are not believed. In most of these cases, women are held responsible for the sexual act and punished. This phenomenon can be understood within the context of the history of criminal rape prosecutions in early modern England: despite strong moral and legal rhetoric denouncing rape, the actual number of cases prosecuted was extremely low and the number of convictions even lower.<sup>7</sup>

Recent work on legal, historical, and fictional representations of rape in early modern England has demonstrated that early modern notions of female reproductive physiology and of what constituted socially acceptable female sexual behavior often worked against the recognition of rape as a crime.<sup>8</sup> Although during the late sixteenth century rape began to be understood as a crime against a person, rather than solely as a property crime, it was not until the 1680s that legal scholars writing about rape focused on the issue of consent.<sup>9</sup> Early modern understandings of female reproductive processes complicated cultural understandings of the relationship between consent and rape, since it was widely theorized that only women who experienced orgasm could conceive. Hence, if a woman conceived as the result of a rape, it was often assumed that she had had an orgasm and that her sexual pleasure signified consent.<sup>10</sup> Further, even if no pregnancy resulted from the rape, the fact that the woman had been involved in a sexual act, albeit unwillingly, could signify her unchastity, because the expression of female sexuality was generally understood as a response to male desire. Thus, even though a woman who was raped was physically overcome by a man, her submission to him was understood as an expected expression of her sexuality.<sup>11</sup>

These cultural understandings of female sexuality led rape to be perceived primarily as a sexual act, rather than as a violent act, and the woman involved to be perceived as a participant rather than as a victim.<sup>12</sup> In addition, a woman's sexual reputation could be

further compromised if she were perceived as a disruptive community member. Thus, in early modern England, where women's public speech was also perceived as both promiscuous and threatening, narrating sexual assault in a way that was compelling to an all-male tribunal was extremely difficult for women.<sup>13</sup>

Historian Garthine Walker has identified and studied common elements of sexual violence narratives from this era. Walker's consideration of cases in common and canon law courts offers a historicized "explanation for the structure and content of early modern narratives of rape and sexual violence" based in the "availability of appropriate languages, images, concepts and schemas in early modern culture." By concentrating specifically on "discourses of sex, violence and law," she elucidates how speakers constructed their narratives carefully to avoid participating in contemporaneous negative discourses about women and their sexuality, such as the ones mentioned earlier.<sup>14</sup>

My consideration of narratives of sexual assault and compulsion presented before the Bridewell Court relies on Walker's vocabulary for understanding these conventions. In particular, I will examine how two narratives of sexual assault employ several features identified by Walker as present in early modern narratives of sexual violence—the portrayal of the incident as an act of male violence, rather than a sexual act; the description of the female victim's resistance as absent or futile; the representation of the act metaphorically as a violation of intimate household space; and the use of euphemistic language that denotes male agency and female passivity—and what we can learn about some of these features by considering the Bridewell records in particular.<sup>15</sup> After examining these features in narratives that focus on singular incidents of rape, we will consider how the very same narrative features appear in compulsion narratives that are concerned with women's ongoing social relationships, rather than with specific incidents of sexual violence enacted by men against women.

In the first case, on November 28, 1604, Johan Hinson testifies that she has been sexually assaulted:

Johan Hinson dwelling with Thomas Hinson, her father, in St. John Streete, examined, saith that aboute Aprill last, her father & mother being forth of the house, a servingman came in and went upp into chamber & caled her . . . upp to him and when she went upp he stopt her mouth with a handchercher and there on a bedd had the carnall knowledg of her bodie and then rann forth; and this examinant [witness] saith she gott the fowle & lothsome dizisease of him for which she

was sent from St. Bartholmewes hospitall to be examined & ponished which was done. (BCB V, fo. 3)

It is important to note that Hinson's narrative does not result from her own decision to report the incident; rather, she is testifying as a response to a charge of whoredom against her. Following common practice, the administrators at St. Bartholomew's Royal Hospital, which treated the indigent sick, sent Hinson, an unmarried woman with a sexually transmitted disease, to Bridewell to be prosecuted for her extramarital, and therefore illicit, sexual behavior.<sup>16</sup> Rather than acting upon Hinson's testimony that she was a victim of sexual violence, the Bridewell governors punished her for that behavior.

Hinson crafts her testimony to preserve her sexual reputation; the narrative establishes her as the unwilling victim of a crime, rather than as a voluntary participant in a sexual act. First, Hinson clearly describes the rape as an act of male violence, rather than a sexual act. In this case, the rape appears to be a random act by a stranger. An unnamed "servingman" enters Hinson's father's house, calls her to him, gags and rapes her, and then runs away. Significantly, Hinson reports no prior relationship with, or even recognition of, the servingman and no verbal exchange with her attacker that would suggest his intentions; instead, the violent act is swift and unexpected.

By emphasizing the violence of the incident, rather than its sexual content, Hinson is able to distance herself from being attributed agency for it. In early modern England, it was generally perceived that violence was the purview of men, not women. Linda Woodbridge has noted, "According to the essentialist gender theory of the age, males were aggressive by nature and only men could legitimately commit violence: to commit violence was to be not-female and to be not-female was to commit violence."<sup>17</sup> Thus, in relating a narrative focused on a male act of violence rather than sex, Hinson describes her own acts as within acceptable bounds of feminine behavior. Notably, Hinson locates all agency—both physical and sexual—with her attacker: the only time she performs an action is when she goes upstairs in response to the intruder's call.

A second element of early modern English narratives of sexual violence is the absence or futility of the resistance of the female victim. Again, this narrative element avoids the attribution of violence, and therefore unnaturalness, to the woman. In Hinson's narrative, there is no mention of struggle whatsoever: the stopping of Hinson's mouth with a handkerchief appears to render her helpless. The particular assertion by Hinson that she was unable to speak when she

was attacked makes sense in light of the cultural trope that positions female eloquence and resistance as means of repelling male sexual aggression.<sup>18</sup> We might recall the fictional Marina's ability to repel both potential sexual partners and potential rapists with her words, along with Barsaba Rede's and Frances Holditch's testimonies about how they repulsed men with their words, as examples of this trope.

A third common element of narratives of sexual violence is the representation of rape metaphorically as a violation of intimate household space. In the Hinson case, the stranger's invasive presence in an upper chamber of the father's house represents a violation of the home in and of itself, which leads to the further violation of the body of the daughter.<sup>19</sup> Although the Hinson family's social class is not reported, the labeling of the attacker as a servingman most likely suggests that this was an intruder of lower class. I will discuss issues of domestic authority and sexual responsibility in more detail later; however, it is significant that, in this narrative, Hinson is home alone without an authority figure to protect her, and the servingman appears to enter the home without any household resident's permission.

Finally, Hinson describes no details of the sexual act that took place, declaring only that the stranger "had the carnall knowledg of her bodie." While this particular formulation may be a standard scribal insertion that replaces different particular language presented by Hinson, it nonetheless is one of an array of commonly used euphemisms describing sexual behavior found in the Bridewell records.<sup>20</sup> This particular formulation emphasizes male action and female passivity, much like other common examples: "to have the carnall use of her body" (BCB III, fo. 5) or the assertions that a man "had th'use" (BCB III, fo. 4v) of a woman's body, "occupied" a woman (BCB III, fo. 143v), "abused her bodye" (BCB III, fo. 295v), or "[had] his pleasure of her" (BCB III, fo. 397). Walker asserts that this kind of gendered formulation was the norm, and, especially, that "the language which signified sexual intercourse was itself one of female complicity."<sup>21</sup> However, not all of the language in the Bridewell cases portrayed sexual activity as the action of a male toward a female. Some euphemisms emphasize the shared responsibility of both parties, such as when a man is said to have "offended *with* her" (BCB III, fo. 397, emphasis mine), or couples are said to "lay together" (BCB III, fo. 295v) or to have "had carnall use together" (BCB III, fo. 149), to "have bene naughte [naughty] together" (BCB V, fo. 94), to have "abused ther bodies together" (BCB III, fo. 383), or to have been "usinge there bodyes together shamefully" (BCB III, fo. 175v).<sup>22</sup> In such formulations, not only is

agency attributed to both the male and female participants, but also each participant bears responsibility for the “abuse” or offence that has taken place. Additionally, in the Bridewell records, a woman was sometimes described as an agent who was said to “play the harlotte” (BCB III, fo. 249v), “to play the whore” (BCB III, fo. 7), to have “kept evill company” (BCB III, 107v), or to have “lyved lewdelye” (BCB III, fo. 380). Significantly, while some of the terms applied to male behavior do not reflect value judgments and simply report acts, all of the examples applied to female figures cast their active participation in sexual behavior in a negative light. The use of this terminology itself suggests how important it was for a woman under suspicion of sexual transgression to be viewed by the Court as an unwilling participant in the sexual act in question. It is therefore not surprising that, in her own defense, Hinson articulates that the act under question was done *to* her, rather than done *by* her.

Thus, in her effort to defend herself before the Bridewell Court, Hinson describes her experience in terms that could signify sexual assault to an early modern English audience. Her narrative is designed to situate her as a proper daughter who remained at home in her parents’ absence and who was surprised and assaulted by a violent intruder, who infected her. The account casts her as having little or no agency in the situation since she was both physically overpowered and prevented from speaking. This explanation ultimately proved unconvincing to the Court, perhaps because the attack remained unreported by Hinson herself for approximately seven months (from April to November) or because there were no corroborating witnesses.

Although many woman appearing before the Bridewell Court use narratives of sexual assault defensively, as Johan Hinson does, some women use such narratives aggressively. In certain cases, especially those related to bastardy, women employ narratives of sexual violence more purposefully to locate male accountability. Whether such narratives are true or false, they include many of the same narrative elements we have just considered in the Hinson case. For example, in a case heard before the Court on July 2, 1606, Johan Baker falsely accuses John Swyngborne of sexual violence by using a narrative that is comparable to Hinson’s.

The record reads:

[She] sayeth John Swyngborne hath defyled her body in her Mistress’ house and he came one night to her Mistress’ house and knocked at the doore and she asked who was at the doore and he said the kinges constable (about a moneth or six weekes after Christmas) and he must

come in to search the house. And when he was within he tooke her into a syde roome and their threw her on a bedd about a leven of the clock at night and then hadd the use of her body at the beginninge of February, her Mistress being at supper abroad and noe body but this examinat at home. (BCB V, fo. 112v)

Characteristically, the account emphasizes Swyngborne's physical overpowering of Baker and his agency, since he "defyled her body." Baker's one moment of resistance is early in the event and is verbal: she asks who is at the door. After that point in the narrative, all of the agency is Swyngborne's: he invades the Mistress's house, first by breaching the doorway as a false constable, then by moving further into the domestic space to the "syde room." Baker's reference to lateness of the hour and the absence of other household members, most notably her Mistress, supports the notion that she is defenseless against the active physical force of Swyngborne, who, she says, "threw" her on the bed and "hadd the use of her body."

After her testimony, Baker is held in custody until the next court date so that the matter can be further investigated. In response to Swyngborne's denial of the act, the Court takes the step of reconsidering Baker's character by soliciting the testimony of her former Master:

her former Master in Aldranburry [*sic*] Mr. \_\_\_\_\_ sayeth he one nyght came into his house and found a curryars man in his kitchen and they were naught [naughtie] together 3 tymes in an houer or two and also he hadd an apprentice who she would have lyne withall [lain with] who told his said Master he would not tarry with him for he kept a whore in his house, and that she could have a handfull of Gould to lett a man in Poules church yard lye with her. (BCB V, fo. 113)

The Master's testimony is meant to reveal Baker's voluntary participation in multiple consensual extramarital sexual acts, along with her indiscriminancy in her choice of sexual partners. This indiscriminancy was a key distinguishing characteristic of whoredom, which is why the Master mentions not only the currier's man and the apprentice but also the hypothetical unnamed man in the churchyard of Saint Paul's (a notable place for assignations).<sup>23</sup> The testimony presents Baker as a disruptive presence in the Master's domestic space. Clearly, this testimony aims to undermine the validity of Baker's charge against Swyngborne by questioning her sexual reputation, since that reputation was viewed as relevant to the issue of her consent.



While Baker initially denies the Master's account, it prompts her eventually to confess

that her Mistress Carroll bid her accuse the said Swyngborne and she would help her to money. And now she sayeth he never hadd the use of her body once accordinge to her former examinacion but her Mistress urgeinge her was the only cause she did accuse him and her faire promyses, for her Mistress bore malice to Swingeborne of old and knew not how to be revenged of him but she said to this examinat whether Swingebourne had to doe with her or not she should stand to yt that he hadd the use of her body...and now she sayeth she is sorry for that she hath accused him wrongfully and she sayeth Swingborne hath brought all this over his owne heade. (BCB V, fo. 114)

At the conclusion of the case, Swyngborne is given a copy of Johan Baker's testimony, and she is sent to the churchwardens, presumably to face charges of slander. This case, in addition to presenting a falsified narrative of sexual assault that is nonetheless carefully constructed to draw upon legal and social understandings of such acts, reveals the importance of the speaker's reputation to the acceptance of the testimony. In this case, the blow to reputation represented by the Master's testimony vitiates Baker's charge, even before she admits that the charge is false. Additionally, Baker displaces responsibility for her false testimony to her Mistress, an authority figure within her household, who promised that Baker would benefit economically from the accusation.

As we have seen, deponents before the Bridewell Court present narratives of sexual assault in a variety of contexts, including whoredom, slander, and paternity cases. These narratives invoke shared cultural understandings of rape to characterize the woman involved as helpless victim rather than as willing participant in a given sexual act. They also draw upon a shared sense of how agency and eloquence related to female chastity and of women's proper placement within the domestic space. Although the Bridewell Court tended to view these narratives with skepticism, their prevalence in the Court records suggests that the individuals who told such narratives considered them a viable way to redress personal injury, to reposition a sexual act within a particular context, or to shift the responsibility for a given sexual act.

### COMPULSION NARRATIVES: ISSUES OF AUTHORITY

While a woman might present a narrative of sexual assault to explain a particular incident, a woman brought before the Bridewell Court

to answer for a pattern of extramarital sexual behavior might offer instead an explanation that she was compelled to participate in such acts by a person or persons who held physical, economic, or authoritative sway over her. As was true of sexual assault narratives, narratives of compulsion could deflect responsibility for a given act away from the female defendant. Often such narratives rely on traditional notions of domestic authority: the defendant implies that she is being obedient through acquiescing to an authority figure's demand that she engage in the sexual behavior in question. Such narratives derive their power, in part, from the notion that women's obedience to domestic authority is to be valued; they also engage with the understanding that domestic authorities (parents, husbands, masters, mistresses) retain the right to physically chastise those over whom they have authority.<sup>24</sup>

Before considering narratives of compulsion presented by female defendants at Bridewell, it is useful to consider two cases in which male defendants, who are heads of households, claim that they use violence against their wives legitimately. In both cases, the husbands of allegedly promiscuous wives are implicated in the women's behavior. The two husbands seek to absolve themselves from responsibility for their wives' actions by testifying that they attempted to restrain the wives from whorish behavior through violence but failed.

In the first case, Stephen French and his wife are both charged with being bawds, and the wife is further charged with sexual transgression. In order to defend himself, French acknowledges the sexual misbehavior of his wife but denies that he played any role in her activities. He asserts "that his wyfe hath dyvers times kept evill company within his house and with oute for which he hath often fallen oute with her and beaten her as his neighbores can testyfy" (BCB III, fo. 107v). Significantly, French calls attention to the fact that he beats his wife frequently enough that the beatings are common knowledge among his neighbors. At the same time, however, he asserts that he engages in these beatings with good cause, since they are his effort to control his socially and sexually unruly wife. He also emphasizes that his wife has misbehaved both "within" and "with oute" his house, further suggesting his inability to control her actions. Not only does she wander outside the bounds of the domestic space, but also she permits other males to enter that space without authorization. This kind of behavior is directly in contrast with the female behavior we saw in the narratives of sexual assault considered earlier, where women asserted that they remained within their homes and that entry into those homes by unauthorized males was a violation. In this case,

after French's wife and several of their neighbors testify, the Court, unconvinced by French's account, finds both French and his wife guilty of bawdry and the wife guilty of sexual transgression as well. Both are "corrected" (whipped) and "delivered" (BCB III, fo. 135v).

In a similar case in February of 1576, Richard Wilson

denyeth that ever he was prevye that Elizabeth his wyfe played the harlott as yt is alledged but he sayeth that he hath beaten her and doth and hath much suspect that she playeth the whore and hath warned her from resorting to the Beare in Woodstreate where she useth comonly and to all houses and like evill place and cometh very late in every nyghte. (BCB III, fo. 174)

Like French, Wilson explains that he had beaten Elizabeth, his wife, in an attempt to control her unruly behavior and wandering outside their home. While the initial investigation of this case revolves around Elizabeth Wilson's activities at the Beare in Wood Street and her involvement with a drawer named Thomas Flood who appears to act as her bawd, eventually Alice Wickham testifies that it is Richard Wilson himself who arranges assignations for his wife. She declares that

Wilson doth carrye his wyfe forth to taverns and other ill houses and standeth at the dore and when any of his acquaintance being men fitt for his purpose he calleth them and sayeth Besse meaning his wyfe is above alone and so bringeth them up to her and she [Alice] sayeth that he is a bawde to his owne wyfe and hath long bene so. (BCB III, fo. 176v)

In his position "at the dore," Wilson himself is able to regulate the comings and goings at the threshold of his house. Wickham suggests, however, that Richard Wilson perverts his authority to encourage his wife's sexual transgression by soliciting the entry of other men. In this case, as in the previous one, the Court finds the defendants guilty; however, they receive different sentences. After remaining at Bridewell for about one month, Elizabeth Wilson was released on sureties, which are bonds by one or more family or community members that vouch for the defendant's good behavior in the future. In contrast, Richard Wilson was set to labor at Bridewell. The different sentences suggest that the Court saw Richard Wilson's role in, and responsibility for, Elizabeth Wilson's sexual behavior as greater than her own.

Thus, in both of these cases, the husbands testify that their legitimate use of force failed to discipline their wives, but the Court found

the men complicit with their wives' actions, leading them to receive sanctions of equal or greater severity. While the men attempted to defend themselves by using their positions as head of household to demonstrate their distance from the unruly behavior of their wives, the Court ultimately viewed them as responsible for that behavior.

Most narratives of compulsion told by women before the Bridewell Court gain their power from this sense that domestic authority figures retain responsibility for the actions of the members, especially the female members, of their household. Rarely do narratives of compulsion mention any resistance on the part of the women to authority figures; rather, such narratives rely upon the assumption that women are expected to submit to the wishes of such figures. Among family members, not only husbands but also parents, in-laws, and, occasionally, siblings are held responsible for the behavior of women under their influence. While it is unusual for female defendants themselves to assert that family members have compelled them to transgress sexually, in many cases, neighbors or clients charge that authoritative family members facilitate the sexual transgression of women, presumably as a way to generate income for the family.

An example is the case of Ellen Freeman, who is accused of acting as bawd for both of her daughters. Alice Furies "saith that Freman's wife of Shoreditch brought Maryan her owne daughter to a paynters' house in Smythfield... to 3 straungers at Bartholomewtyde about 3 yeres sythens... And Mr Goslinge kept that Maryan And her mother was bawde to her," and Robert Bingham "advoweth to the face of Ellen wife of Falontyn Freman, cooke, that she was bawd to Joane Bonner her owne daughter and to hym the said Bingham" (BCB III, fo. 153v). In cases such as this one, the Court generally punishes the parent but not the child, again suggesting that responsibility for the behavior rests with the authority figure, rather than with the individual who engages in it.

These cases demonstrate how the Bridewell Court often held familial authority figures responsible for the sexual behavior of women within their households, but many narratives of compulsion found in the records describe scenarios in which women are unmarried and separated from their homes of origin. These narratives describe women, especially those who come to London from elsewhere to live, work, or enter service, at peril in the absence of familial authority figures, much like the fictional Marina or like Johan Hinson, who was attacked when her family members, most notably her parents, were absent from the family home. In these narratives, women often rely on masters, mistresses, landlords, or tavernkeepers

for their well-being, and when such figures abuse their physical, economic, or social power, the women appear to have little means or understanding of how to resist.

By far, the most prevalent kind of narrative of compulsion is one in which a male master compels a female servant to engage in sexual activity with him. Such cases generally come to light when the servant becomes pregnant. For example, Margaret Wall is brought to Bridewell shortly after she abandoned a bastard child at the door of Mr. Millington, her former master. She claims that Millington is the father of the child and “the first tyme he hadd the use of her boddy was at his garden in a stable their at Michaelmas was two yeares” when he “locked the doors and put the key in his pockett.” This first time, “he gave her a french crowne when they came home.” She also asserted that “ever since he hath hadde thuse of her body at sondry tymes” and that he was presently prepared to “doe any thinge for her” if she would not disclose his role (BCB V, fo. 147). In a similar case, Margaret Preelman charges that her former master, Mr. Comock, compelled her to have sexual relations with him beginning the first week she entered his service. He would ask her to fetch him something in his room, follow her, bar his chamber door “and then would have the use of her bodie . . . But she sayeth she never had any thinge of him but her bare wages which was fiftie shillings a yeare” (BCB V, fo. 55v).

The narratives of both Wall and Preelman demonstrate some of the features of the sexual assault narratives: both emphasize the inability of the woman to defend herself physically, employ euphemistic language that attributes agency for the act to the male, and describe the violation of the woman within the domestic space. Thus, both narratives cast the masters as abusing their positions of authority by behaving like attackers rather than protectors. Both narratives are additionally concerned with the economic relationship between the master and the servant: in Wall’s case, she notes that her master pays her extra money after their first sexual encounter and offers to provide further for her if she does not reveal the sexual relationship, while, in Preelman’s account, she is careful to note that she received nothing extra for her sexual services. This difference in emphasis appears to spring from Wall’s concern for economic provision for her child; she reveals that her master saw fit to compensate her additionally for her sexual favors. In contrast, Preelman, who is more concerned with preserving her individual sexual reputation, emphasizes that her master did not compensate her in any way for her sexual favors. Rather, her narrative suggests, he treated the sexual relationship as one of his

prerogatives as master. While the outcome of Margaret Wall's case is not clear, Margaret Preelman was "punished and on submission delivered" (BCB V, fo. 55v). Thus, despite her assertions of her master's overpowering her through both physical force and his authority to command her actions, she was held responsible for her participation in sexual acts with him.

In many similar cases, the Court finds the master responsible. In a case from 1579, Anne Fenton testifies that she was compelled to service her master sexually and, additionally, that her mistress failed to protect her from that compulsion. Fenton explains, first, that she entered service after she was abandoned by her husband who "went from her almost as sone as they were married the cause was because he was in gret dett throughe his ill usage. He sold all that she had and beate her out of doores, and bid her shift for her selfe. She hath bene 5 yeres from him" (BCB III, fo. 396). During the five years since her marriage she served in various households, including, most recently, Mr. Humfrye Wynnington's. She departed from her previous position at Mr. Herne's house "with childe by her husbände" a year previously (BCB III, fo. 396). Upon further examination, she testifies:

she hath lyved lewdlye with her late Mr Thomas herne of Mymas nere Barnet And at his lodginge in Olde Fishe Strete And that she had a childe by him which is 1 yere olde begotten in his owne house while she served him. And she first before he abused her complayned on her knees of him to her Mistress Herne yet she refememed [reformed? resented?] it not, but semed contented because he coulde have noe childe by her the said Mes Herne. And this examinat beinge with child, her Mes sent her clothes for the childe to a pore man's house where she laye her Mr Herne payeth for norseing of the childe, and she sayeth that he abused her comenlye in his owne chamber by the space of one yere, the seconde yere after her cominge at his lodgeing in Olde Fishe Street most And when she was churched Herne placed her at Wynnington's to serve there for meate and drinke untill she might have a good service. She avouches all this to Herne's face. (BCB III, fo. 396)

Anne Fenton's narrative is of interest because of her appeal to her mistress, an alternate authority figure within the household, who apparently supported the master's behavior. Because Fenton's husband has sold her goods and failed to support her, she has little choice but to remain in service. Her narrative suggests that, at the Herne household, the master and mistress considered her sexual relationship with the master to be a part of that service. The Court,

similarly, found Mr. Herne responsible for the child produced through this relationship. The outcome of the case is as follows: “Anne Fenton is delivered and Thomas Herne is content to give to the pore of this house 60 elles of canvas” (BCB III, fo. 397). Herne is also required to support Fenton’s child. Although Herne initially refuses to confess, eventually he confesses and pays his fine (BCB III, fo. 397). Thus, the Court appears to accept Fenton’s narrative, in which she casts herself as both a good wife and good servant at the mercy of the commands of the heads of the households of which she is a part. For this reason, Fenton is not punished for her extramarital sexual behavior, but her master Herne not only must take financial responsibility for the resulting child but must pay the crime-related fine as well.

Although it is far more common for female servants to accuse their masters of compelling them into illicit sexual relationships, servants also accuse their masters or mistresses of compelling them to have sexual relations with third parties.<sup>25</sup> The following narrative by Elizabeth Brooke (also Love) highlights her unfamiliarity with her surroundings in London along with her disadvantaged economic position. Together, these situations render her vulnerable to the threats and compulsion of her mistress:

Elizabeth Brooke also Love brought into this house by the Marshall being examined saith that she laye at one Mistress Hollandes house...three nightes and that there came a man whose name she knoweth not and told her that she doth now lye in a Bawdye house and that he would place her in a good house and thereupon carryed her to Mistris Wilkinsons house in Southwarke who told her that she would teach her to worke and she further sayeth that her Mistris Wilkinson made her to go to bedd in the night to one Mr. Audley who laye also in her Mistris’s house and told her that yf she would not do so she would turne her out of dores being in the night but he gave her nothing at that tyme and she further sayeth that Sr. John Gilborne did usually resorte to her Mistris house and that [sic] thuse of this examine’s body and gave her 20s. And she further sayeth that she hath had to the valew of three poundes of severall men which hath had thuse of her bodye at severall tymes in her Mistris’ house and sayeth that her Mistris had all her money which was so given her and that her Mistris would buye her some apparrell with the money and further sayeth that there doth use commonlye to her Mistris house both men and women who hath committed wickednes in her Mistris house and that her Mistris did know of the same and that Alice Dickes can testifye the same. (BCB IV, fo.48v)

When Mistress Wilkinson is brought before the Court to testify on her own behalf, she asserts that Elizabeth Brooke's testimony is "in all poyntes trew saving only that ther doth not resort to her house such evill compane nor such as have had th'use of her bodye" (BCB IV, fo. 48v). The Court ruled that Mistress Wilkinson should put in sureties for her good behavior; she was also ordered to return to the Court one month after bearing the child with whom she was pregnant at the time of her appearance.

Elizabeth Brooke's narrative emphasizes her inexperience in London when the unnamed man easily moves her from one purported bawdy house to perhaps an even bawdier one. It further highlights Mistress Wilkinson's economic control over her. As a servant in Wilkinson's house, Brooke is indebted to her mistress for room, board, and perhaps wages, so the mistress's threat to "turne her out of dores" is significant. Were that to happen, Brooke would be deprived both of her home and her livelihood. By garnering all of the money that Brooke gets from the clients, Wilkinson ensures that Brooke remains helpless to leave the house or to refuse to service the clients Wilkinson provides. While it is never clear from the narrative how Wilkinson "made" Brooke go to Mr. Audley's bed or how Wilkinson would "turne her out," the threat of physical violence looms over the narrative.

The threat of violence is more palpable in the following narrative, presented by Johanne Tackett, wife of William, in 1577. Tackett offers a narrative of sexual compulsion that also shares features with the sexual assault narratives. The perpetrator of the violence in her narrative, however, is the female bawd, a figure who would appear to exercise no immediate or recognizable authority over her. Tackett asserts:

Robson's wyfe of Clerkenwell intised her to playe the harlott with certen men. Firste she brought her to a place. She thinketh it was Guylde hall. And there she sawe the man. And from there they went to the Three Tonnes without Creplegate and there they met with the gent[eman]. And Robson's wyfe left her and hym alone in the chamber where the gent did approx [approach] her to be naughte with her but she would not consent and so they came away. Robsons wyfe was angry with her because she would not consent. . . . Another tyme she entised her to playe the whore with a gent at her house. And Robson hym self procured her to come & said there was a letter which one had brote [brought] her from her mother. She would not consent to them. And therefore Robson and his wife were very angry. And the gent said that Robson & his wife would not have sent her to hym for to be



naughtie and when he came downe he said she will not learne and I cannot tell howe to begyn . . . Another tyme she likewise entised her to playe the whore in one Garrottes house in White Fryers. And the said Robsons wyfe tornd the spitt and brought her into the chamber to a man. And heringe her make a noyse & crye because she woulde not consent to be lewd, the said Robsons wyfe swore and sayde she would come and holde her legge if she would not consent. (BCB III, fo. 150v–151)

Tackett appears to have succumbed on the third attempt, in response, perhaps, to Robson's wife's threat of violence. There is no record of her conviction or punishment, but Robson's wife was eventually punished for whoredom and "that she hath entysed one Jone Tackett to playe the harlott before she was married of late"; Robson's wife was "corrected" and then set free (BCB III, fo. 155).

Tackett's narrative repeats similar physical scenarios to the ones that we've considered in the sexual assault narratives. In each of the three incidents, she is placed in a chamber—once at a tavern, twice at private homes—alone with a man who approaches her for sex. In each case she resists the man, and her language also demonstrates a resistance to taking up an active position in the sexual act that is proposed. Thus, she resists being "naughtie" or "lewd" or "play[ing] the whore." Further, she repeatedly asserts that "she would not consent," employing a legalistic phrase to make her position clear. Significantly, in this account, two of the men are not physically aggressive toward her at all: the first simply accepts her refusal; the second appears to attempt to persuade her but then gives up. It is only the third man who appears to employ force, provoking her "noyse & crye" and the intervention of the bawd. In the end, it is the bawd who presents the most obvious physical danger in all three scenarios by locking her in the chambers, expressing her anger, and, finally, threatening to intervene physically and hold her leg. Although Tackett's narrative underscores Robson's wife's involvement in each of these incidents, it also obscures the relationship between her and Robson's wife. It is never clear why Robson and his wife are so intent on her servicing these men sexually nor why she continues her association with the couple. It also does not appear that Robson and his wife are Tackett's master and mistress, since she never refers to them in this way. Hence, the basis that permits the Robsons to compel Brooke into these situations remains unclear, as is the case in many such narratives in the records.

The narratives of compulsion studied here display some of the networks of power relationships in which early modern London women

participated, particularly those in the domestic sphere. While some women portrayed in these narratives exerted power as mothers, mistresses, and bawds, most defendants portrayed themselves as disadvantaged in their relationships with both men and women, with the result that they assert, and the Court often judges, that they had an inability to exert control over their own sexual relationships. In their roles as wives, single women, daughters, and servants, women revealed themselves as subject to the influence and often the violence of not only those individuals who unlawfully manipulated and threatened them but also those individuals who outranked them legitimately and therefore had the right to control them physically. Facing charges of sexual transgression before the Court, such women had a rare opportunity through their testimony to lay these relationships open to public scrutiny or to reinvent them to their own advantage.

The narratives of violence and compulsion presented in sexual transgression cases before the Bridewell Court are simultaneously formulaic and varied. At the same time that defendants construct their testimony to harness the power of deeply held assumptions about female behavior and domestic relations, they also color such testimony with details that reveal individualized circumstances and relationships. Thus, the records teach us both about societal norms and the multiplicity of experiences of the middling sort in early modern London.

Women who faced charges of whoredom or who purposefully revealed their sexual experiences—of rape, of compulsion, or of voluntary involvement—battled to convince the Bridewell Court that they were not sexual transgressors. These women fought to salvage their reputations through narrative by linking themselves to socially acceptable feminine qualities including silence, obedience, and passivity. They presented themselves as fulfilling the roles of daughter, wife, mother, or servant in idealized ways, and they consistently portrayed themselves as the victims, rather than the perpetrators, of actual or threatened violence.

These narratives reveal inconsistencies in how early modern English culture understood sexual agency and personal responsibility for women. Accepted structures of domestic authority and of economic success ensured that women, especially single, unmarried women, were subject to the authority of others, while, at the same time, discourses of female lasciviousness positioned women as free agents responsible for sexual transgression. The narratives of sexual assault and compulsion studied here lay bare these inconsistencies and some of the real costs they bore for women in early modern London.

## NOTES

1. William Shakespeare, *Pericles, Prince of Tyre* in *The Riverside Shakespeare*, 2nd ed., ed. G. Blakemore Evans (Boston, 1997), 4.5.9. All references to *Pericles* are from this edition and will be cited parenthetically within the text by act, scene, and line number.
2. Lorraine Helms offers a thorough consideration of the origins of this scene, tracing it back to Senecan exercises in declamation ("The Saint in the Brothel: Or, Eloquence Rewarded," *Shakespeare Quarterly* 41, no. 3 [Autumn 1990], 319–32). Shakespeare appears to draw particularly from the hagiographic legend of St. Agnes who was protected by a heavenly light when she was thrown into a brothel, but he transports the legend to a pagan context (*ibid.*, 324). Jocelyn Catty, in her study of representations of early modern rape, offers two additional examples of early modern literary texts in which chaste female literary characters repulse male rapists: Robert Greene's *Philomela* (1592) and John Milton's *A Mask (Comus)* (1634) (*Writing Rape, Writing Women in Early Modern England* [New York, 1999], p. 39 and 101).
3. Ruth Mazo Karras has explained how, in medieval England, women who engaged in any extramarital sexual behavior were said to be "common"; that is, they were perceived as being willing to have sexual intercourse with any man. Such women were labeled "whore," a blanket term that signified indiscriminate sexual promiscuity and that was applied both to commercial prostitutes and to other kinds of female transgressors (*Common Women: Prostitution and Sexuality in Medieval England* [New York, 1996], p. 131). In early modern England, conceptions of sexual transgression appear to waver between an emphasis on promiscuity characteristic of the medieval discourse of commonness and an emphasis on commercial exchange more prevalent in later discourses of prostitution. Although the terms "prostitute" and "prostitution" occasionally appear, early modern English communities and institutions more often did not distinguish between prostitution, as it is presently conceived, and other prosecutable sexual activities, such as fornication, adultery, and bigamy.
4. Bridewell Court Book III, folio 225v. Citations from the Bridewell Hospital Court Books (henceforth BCB) refer to the following volumes: I, April 1559–June 1562; II, March 1574–May 1576; III, May 1576–November 1579; IV, February 1598–November 1604; V, November 1604–July 1610. These records were consulted primarily via microfilm copies available at the Guildhall Library with some consideration of the originals at Bethlehem Royal Hospital, Beckenham, Kent. When quoting from the records, the original spelling and punctuation have been retained. I/j and u/v have been distinguished and "th" substituted for "y" where appropriate, capitalization has been standardized, and the abbreviations and contractions used by the court clerks have been expanded. Occasional clerical errors (such as repeated

- words) have been silently corrected, and in a few places commas have been inserted to clarify obscure passages. Numbers have been converted to Arabic numerals. Subsequent references to these records will be cited parenthetically within the text.
5. Natalie Zemon Davis has pointed out that a person who is a defendant or a witness in a court case receives an unusual opportunity to have his or her voice and story recorded and to tell the story in a way that supports his or her aims. Thus, particular deponents often do not intend to tell the story of a crime as it happened, but instead, to tell the story as it benefits him or her (*Fiction in the Archives: Pardon Tales and Their Tellers in Sixteenth-Century France* [Stanford, 1987], p. 47). For more on the ever-present gap between events and the stories told about them, see also Hayden White, "The Value of Narrativity in the Representation of Reality," *Critical Inquiry* 7:1 [1980 Autumn], pp. 5–27. Similarly, Laura Gowing has argued that, in their court appearances, women used their opportunity for public speech to interpret legal and social mores and to assert some control over community relations (*Domestic Dangers: Women, Words and Sex in Early Modern London* [Oxford, 1996], p. 43).
  6. Garthine Walker explains that, in order to prove rape, a witness had to prove penetration of the vagina and lack of consent, and the account needed to be corroborated ("Rereading Rape and Sexual Violence in Early Modern England," *Gender and History* 10, no. 1 [April 1998], 3). For more on the difficulty of women's testifying about rape, see also *ibid.*, pp. 5–6; and Miranda Chaytor, "Husband(ry): Narratives of Rape in the Seventeenth Century," *Gender and History* 7, no. 3 (November 1995), 381, 385, and 398.
  7. In a study of Assize records, Nazife Bashar shows that "[r]ape usually constituted less than 1 per cent of all indictments" ("Rape in England between 1550 and 1700," in *The Sexual Dynamics of History: Men's Power, Women's Resistance*, ed. The London Feminist History Group [London, 1983], p. 34). Bashar also notes that the proportion of men convicted of rape declined between 1558 and 1700 from a rate of about one in four to a rate of about one in eight (*ibid.*, p. 35).
  8. There have been numerous fairly recent studies of rape and depictions of rape in early modern English culture. In addition to the studies by Bashar, Catty, Chaytor, and Walker mentioned earlier, see also Barbara J. Baines, "Effacing Rape in Early Modern Representation," *ELH* 65, no. 1 (1988), 69–98; and Karen Bamford, *Sexual Violence on the Jacobean Stage* (New York, 2000).
  9. According to Bashar, medieval understandings of rape centered on the abduction or theft of the woman, and hence on the loss of property experienced by the father or husband ("Rape in England," p. 30). Statutes related to rape, promulgated in 1555 and 1597, distinguished rape from abduction and thereby helped to usher in this new conceptualization of sexual assault (*ibid.*, p. 41). Further, because

- women of lower class began to appear in court as rape victims in the late sixteenth century, property issues were less central (*ibid.*, p. 42).
10. Catty, *Writing Rape*, p. 231. Baines argues that this association between conception, sexual pleasure, and consent served to efface rape as a crime in early modern England by blurring it with more accepted sexual behaviors ("Effacing Rape in Early Modern Representation," *passim*). See also, Garthine Walker, *Crime, Gender and Social Order in Early Modern England* (New York, 2003), p. 60.
  11. Walker, "Rereading Rape," p. 6.
  12. When perceived in this way, rape becomes a pollution of the woman, even though she has not consented to the sexual act. In fictional representations of rape, a sense of this irreversible pollution is often what drives raped women to suicide. For a more detailed discussion of Shakespeare's Lucrece in this context, see Baines, "Effacing Rape in Early Modern Representation," pp. 86–9.
  13. Walker, "Rereading Rape," pp. 5–6.
  14. *Ibid.*, pp. 18–19.
  15. *Ibid.*, *passim*.
  16. St. Bartholomew's Royal Hospital was refounded in 1546 by Henry VIII. This hospital and Bridewell Royal Hospital were two of five Royal Hospitals administered by the City of London under the authority of royal charter to provide services to the poor as a replacement for poor relief formerly conducted by the Roman Catholic Church.
  17. Linda Woodbridge, "Introduction," in *Women, Violence, and English Renaissance Literature: Essays Honoring Paul Jorgenson*, ed. Linda Woodbridge and Sharon Beehler (Tempe, Arizona, 2003), p. xii.
  18. Catty discusses this idea and its representation in numerous literary texts (*Writing Rape, Writing Women*, *passim*).
  19. For a discussion of early modern English understandings of female chastity in relation to images of domesticity, see Peter Stallybrass, "Patriarchal Territories: The Body Enclosed," in *Rewriting the Renaissance: The Discourse of Sexual Difference in Early Modern Europe* (Chicago, 1986), pp. 123–42.
  20. Walker discusses this limitation of studying court records ("Rereading Rape," p. 6).
  21. *Ibid.*, p. 6. In her discussion of this issue, Walker cites Gowing, *Domestic Dangers*, p. 78.
  22. Phrases about "being naughtie" served as euphemisms for sexual activity in the records. This association develops from the bawdy sense of nothing or naught, which referred to female genitalia as an absence or lack of a "thing." For a thorough discussion of this sense of "nothing," with specific reference to Shakespearean language, see David Willbern, "Shakespeare's Nothing," in *Representing Shakespeare: New Psychoanalytic Essays*, ed. Murray M. Schwartz and Coppelia Kahn (Baltimore, 1980), pp. 244–63.

23. Karras, *Common Women*, passim. See also note 3.
24. Susan Dwyer Amussen shows that, while men's violence against their wives was an accepted part of early modern English life, such violence was to be limited and monitored by community members ("'Being Stirred to Much Unquietness': Violence and Domestic Violence in Early Modern England," *Journal of Women's History* 6, no. 2 [1994], 70–89).
25. For more on women's authority and use of violence in the household, see Frances Dolan, "Household Chastisements: Gender, Authority and 'Domestic Violence,'" in *Renaissance Culture and the Everyday*, ed. Patricia Fumerton and Simon Hunt (Philadelphia, 1999), pp. 204–25.

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## CHAPTER 3



# “WRITING RAPE, RAPING RITES”: SHAKESPEARE’S AND MIDDLETON’S LUCRECE POEMS

*Celia R. Daileader*

*It was me, and a gun, and a man on my back.*

—*Tori Amos*

To be or not to be . . . raped. Postmodern readers and critics of Shakespeare’s poem *The Rape of Lucrece* (1594) are unlikely to equate it with *Hamlet* (1600) for artistic merit or tragic force, but that is just the comparison made by Shakespeare’s contemporary Gabriel Harvey, praising both texts as reading for “the wiser sort.” Mulling over Harvey’s comment, Katharine Eisaman Maus explains the poem’s initial popularity in terms of the “generic expectations, literary taste, and interpretive equipment” of Renaissance readers.<sup>1</sup> I would like to linger momentarily on the factor of “taste.” To modern consumers and critics of Shakespeare, rape is not tasteful—rape does not taste good, particularly as this poem has packaged it. Rape and its aftermath make less tasty a topic than—to return to the *Hamlet* comparison—filial angst, regicide, and revenge. Even suicidal depression—the subject of *Hamlet*’s most-quoted line (indeed perhaps the most quoted line in Shakespeare)—seems preferable to rape, as a subject. But wait a minute. In fact, isn’t *Lucrece* also about suicide? Isn’t it in fact her suicide that makes *Lucrece*



a tragic heroine? Isn't it her suicide—as much as her rape—that makes Lucrece Lucrece?

*The Rape of Lucrece* is the only Shakespearean title singling out a woman protagonist, rather than linking a woman's name to a man's, with his name (of course) precedent—unless we count *The Taming of the Shrew*, which can hardly be described as “naming” its heroine. We can thus tentatively say that, of Shakespeare's works, this poem comes closest to doing for a woman what plays such as *Hamlet* or *Lear* do for a man, setting up Lucrece as a tragic figure whose demise is to provoke the kind of reverential pity that is crucial to the genre. Yet here a juxtaposition emerges on the basis of gender. *Hamlet* is a story about a man who contemplates suicide but doesn't do it: instead, he opts for revenge. *Lucrece* is a story about a woman who contemplates suicide (for more than one thousand lines in Shakespeare), and finally does it, leaving revenge to her male relatives. Heroism in men consists of violence against others (revenge); heroism in women consists of violence against self.

From a feminist point of view, any treatment at all of the Lucrece myth would be ideologically suspect. Nor does taste seem an appropriate consideration—as though questions of canonicity, misogyny, and the glorification of violence were no weightier than a choice between shrimp cocktail and the soup *du jour*. Moreover, though Shakespeare's poem has declined in popularity with respect to his other works, there is no evidence that its apparent message—that suicide is the appropriate response to rape—has loosened its hold on the collective imagination. Even *Thelma and Louise*—the title alone now shorthand for feminist vendetta against rapists—ends in the victim's suicide.

As the case of *Thelma and Louise* demonstrates, there are ways of representing rape and its aftermath that depart widely from the Lucrecian tradition, even to the point of critiquing the misogyny that drives—and is in turn driven by—the myth. The surprise, for early modern scholars, is that such revisions of the story took place in Shakespeare's own lifetime. Thomas Middleton's *The Ghost of Lucrece* (1600) radically alters the Shakespearian/Ovidian literary tradition. Middleton's heroine speaks to us postmortem from metaphysical limbo and then summons her rapist to follow her to Hell; her ringing *vituperatio* against Tarquin bears little resemblance to the vacillating self-blame of Shakespeare's Lucrece. Indeed, it is one of the shortcomings of feminist criticism—or of its citation in nonfeminist readings of texts—to reduce distinctions among male-authored representations of women. A case in point is Nancy Vickers'

now seminal discussion of the blazon in Shakespeare and Petrarch.<sup>2</sup> Vickers' paradigm, useful though it is, seems to suggest that the convention is *by definition* misogynistic in its dismembering and reification of the female body. But different tropes perform different work, depending upon the narrative and rhetorical context. In this chapter I will build on Vickers' reading of *Lucrece* as well as a more recent feminist critique by Coppélia Kahn,<sup>3</sup> arguing that Shakespeare's figurative language implicates Lucrece's body in her own violation, thus enlisting the blazon in the victim-blaming voiced by Tarquin as well as by Lucrece herself. When working outside the conventions of the blazon, the narrator of the poem only mitigates this blame by infantilizing the heroine, by casting her as the perfect victim, deprived of agency and even, despite her long-windedness, rhetorical competence. Middleton's revision of the story, by contrast, confines the blazon to an epilogue and limits its descriptive content; the bulk of the poem consists of Lucrece's oratory, as she condemns her rapist and laments her lost chastity. The juxtaposition underscores the degree to which Shakespeare's Lucrece is a victim of rhetoric, rather than a rhetorician herself.

Joel Fineman presents a compelling reading of the way Shakespeare's poem, in causally linking the rape to Collatine's marital boasting, incriminates rhetoric itself. Particularly key here are the narrator's statements that "Beauty itself doth of itself persuade / The eyes of men without an orator" (29–30), and that "by our ears our hearts oft tainted be" (38–39). Fineman observes that "the poem's own rhetoricity is . . . performatively implicated in the rape that it reports, as though the poem itself, *because* it speaks rhetorically, were speaking to its readers 'ears' so as to 'taint' its reader's 'heart.'"<sup>4</sup> I think Fineman is correct, but it's worth pointing out the way the elisions of his own critical prose replicate those of Shakespeare: the word "male" should certainly precede "reader's" in the critic's gloss of Shakespeare's equally gendered "our." Likewise, Fineman's admission that "the poem quite frankly adopts the rapacious point of view" leaves the "m-word" unspoken (the other m-word, "misogynist," appears only thirty-one pages later).<sup>5</sup> It may not be fair to take issue with this particular male critic: Fineman's reading arguably differs from Kahn's only in emphasis and tone (though I would mention bulk too as a pertinent difference).<sup>6</sup> And after fifty-one pages of maddeningly elliptical, though brilliant, close-reading—complete with diagrams illustrating how, for instance, Lucrece's blood forms a heart-shaped pool around her dead body—one realizes that the gist of his argument is as feminist as can be. At the same time, and paradoxically, though,

the *effect* of so lovingly detailed an analysis—absent any polemic or explicitly feminist frame of reference—is simply to underscore *how wonderfully clever is the Bard’s misogyny!*

To quote my all-time favorite “rockumentary” spoof: “There’s a fine line between clever and stupid.” The block-headed lead singer of the fictional heavy metal group Spinal Tap fails to grasp the complaints about an album cover featuring a leashed woman on her knees: the befuddled bundle of testosterone merely says, “I thought it was clever.” In the ensuing pages I will build on the feminist and formalist complaints about the rhetoric and imagery of Shakespeare’s *Lucrece* poem, incorporating both approaches in a feminist–formalist, counter-canonical critique inspired in part by the neo-formalism emerging as a new strand of Shakespeare criticism,<sup>7</sup> and in part by Oxford University Press’ publication of *The Collected Works of Thomas Middleton*. The latter has been a major launch, and the edition’s format, design, and introductory matter explicitly invite comparison to the *Oxford Shakespeare*—and hence implicitly challenge the “Bard’s” canonical status.<sup>8</sup> Ultimately, I will take the controversial position that *Rape of Lucrece* is *both* bad politics *and* bad poetry. In other words, the poem’s formal flaws—its stylistic excesses, semantic inconsistencies, turgid and far-fetched tropic language—very often arise directly from its misogynist agenda. The heavy-handed and artless misogyny of these 1855 lines will be even more apparent when compared to the 655 lines of Middleton’s *Lucrece* poem—which the forthcoming Oxford edition lists under the heading “juvenelia.”<sup>9</sup> Whether Shakespeare’s or Middleton’s poem is more *juvenile* I leave to you to judge.

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Shakespeare twice extensively blazons *Lucrece*, once when Tarquin first sees her, and once when he steals upon her sleeping, semi-nude body and determines to violate her. The early blazon likens her blushing face to a “silent war of lilies and of roses” resulting from the fact that “beauty and virtue strived” in her face: “When virtue bragged, beauty would blush for shame / When beauty boasted blushes, in despite / Virtue would stain that or with silver white.”<sup>10</sup> In an elaborate and extended conceit, Shakespeare dilates on the theme of heraldry and male combat, likening *Lucrece*’s face to a battleground, wherein “beauty’s red” (i.e., the blood associated with her sexuality and visible in her blush) struggles with “virtue’s white” (the pallor of the idealized, chaste, aristocratic lady). Vickers notes that

“What we read in Lucrece’s face is the story of a competition that, although between allegorical queens, is entirely cast in the vocabulary of gentlemanly combat.”<sup>11</sup> Here we are reminded of the homosocial rivalry that begins the poem: it is her husband’s boasting that whets Tarquin’s appetite for Lucrece, and after her death her husband and father fight over their rights to her body.<sup>12</sup> I would like to build on Vickers’ close-reading, but with a slightly different emphasis. For the conceit of the battleground not only evacuates any claim Lucrece might have to her own face; it also implies that Lucrece’s own blood—that is, metonymically, her body—is at war with her will *not* to be raped by Tarquin. And this resonates quite powerfully with the narrator’s statement that “Beauty itself doth of itself persuade.” In sum, Lucrece’s beauty/blood/body works against her volition and on behalf of her assailant.

Her blood—in the first blazon notably active—also represents her vitality. In the second blazon, the focus shifts from the beauty/virtue dichotomy to the life/death dichotomy. The sleeping Lucrece’s head is (uncomfortably enough) “entombed” by her pillow, “where like a virtuous monument she lies” (390–1)—the term “monument” meaning in early modern English specifically a funerary monument. Lucrece is dead-still except for one detail:

Her hair like golden threads played with her breath—  
 O modest wantons, wanton modesty!—  
 Showing life’s triumph in the map of death,  
 And death’s dim look in life’s mortality.  
 Each in her sleep themselves so beautify  
 As if between the twain there were no strife,  
 But that life lived in death, and death in life. (400–406)

This stanza touches on the theme of “strife” set forth in the first blazon but downplays it, as life and death seem to comfortably co-habitate in this bodily “map of death.” As in the first blazon, however, the evidence that she is *not* dead becomes evidence that she is sexual, as the narrator ascribes wantonness to the movement of a few strands of hair near her mouth. Like the reflexive action of her blushing, the mere fact that she breathes eroticizes her. Lucrece’s chastity—even in her pre-raped state—is always-already contested.

Within the next couple of stanzas the metaphors grow more consistently martial, as Tarquin moves from voyeurism to molestation.

His drumming heart cheers up his burning eye,  
 His eye commands the leading to his hand,

His hand, as proud of such a dignity,  
 Smoking with pride, marched on to make his stand  
 On her bare breast, the heart of all her land,  
 Whose ranks of blue veins as his hand did scale  
 Left their round turrets destitute and pale. (435–9)

I will not take the time to untease the far-fetched and overwrought series of military tropes by which Tarquin's hand becomes an enemy scaling not just the *tower* of Lucrece's breast, but the "ranks of blue veins" in it. In the next stanza, anyway, the metaphor shifts from the architectural to the political as the "ranks"—seemingly not the veins themselves but the blood in them—become ministers who "must'ring to the quiet cabinet / Where their dear govern-ess and lady lies, / Do tell her she is dreadfully beset . . ." (442–4). Lucrece then "breaks ope her locked-up eyes / Who, peeping forth this tumult to behold, / Are by his flaming torch dimmed and controlled" (446–8). Here the faculty of vision—which should be empowering—only increases her vulnerability, allowing her to be "controlled." The narrator continues,

Wrapped and confounded in a thousand fears  
 Like to a new-killed bird she trembling lies.  
 She dares not look, yet, winking, there appears  
 Quick-shifting antics, ugly in her eyes.  
 Such shadows are the brain's weak forgeries,  
 Who, angry that the eyes fly from their lights,  
 In darkness daunts them with more dreadful sights. (456–62)

Lucrece just can't win: whether looking or "winking," sighted or blind, Lucrece suffers, as, winking, her imagination torments her with even "more dreadful sights" than the sight of this nighttime intruder. More disturbing still, rhetorically, is the trope of the "new-killed bird." As with the "entomb[ing]" pillow and the "virtuous monument," this figuration partakes of a proto-Gothic death-in-life rhetoric that fits snugly alongside the narrator's scrutiny of Lucrece's vital signs. The victim, not even raped yet, is *dead already*. Her movements are likened to the purely reflexive spasms of a brain-dead or perhaps beheaded animal.

This is typical of the way the text deprives Lucrece of agency even while describing her body as active. Signs of vitality become signs of her body's essential antagonism toward the moral qualities for which she is famed, even toward volition and personhood. This is especially

remarkable in a passage that presents a new twist on another old trope, that of the virginal body as a city besieged by the deflowerer:

His hand that yet remains upon her breast—  
 Rude ram to batter such an ivory wall—  
 May feel her heart, poor citizen, distressed,  
 Wounding itself to death, rise up and fall,  
 Beating her bulk, that his hand shakes withal.  
 This moves in him more rage and lesser pity  
 To make the breach and enter this sweet city. (463–9)

To provide a quick gloss: his hand assaults the “ivory wall” of her breast; her heart, a citizen of the besieged town, beats her breast from within, with such force that the assailant’s own hand shakes. Lucrece’s own heart is beating from within at least as forcefully as Tarquin’s hand without: that is, the “citizen” of her heart replicates the violence of the figurative battering ram against the city walls. The citizen thus collaborates in the action of the besieger, weakening the city from within. Lucrece’s heart, in effect, proves traitor to her besieged chastity, just as the blood rising to her cheeks, in the first blazon, silently but visibly warred with her virtue, ostensibly inciting Tarquin’s lust. And indeed, the effect is identical in this second blazon, as we read in the final couplet of the stanza: her agitation heightens his will to rape her. Just two stanzas later he testifies to this: “The colour in thy face . . . shall plead for me . . . / Under that colour am I come to scale / Thy never-conquered fort. The fault is thine, / For those thine eyes betray thee unto mine.” This is victim-blaming at its most outrageous; by merely *opening her eyes* she is said to abet her stalker. Again mere reflexes—blushing, blinking, awakening to a stranger’s molestation of one’s naked breast—are enlisted in the war against the heroine’s chastity. Two lines later Tarquin says, “Thy beauty has ensnared thee to this night” (476–83).

Tarquin’s victim-blaming only replicates the logic of Shakespeare’s figurative language. The familiar conceit of chaste-woman-as-besieged-city normally inspires feminist comment for the passivity and objectification of its female referent, but Shakespeare renders the figure surprisingly active. I’m struck in particular in these passages by the *violence* Shakespeare attributes to Lucrece herself—a violence that is unerringly self-directed: a blush becomes an internal battle; the mere opening of her eyes is described as a “breaking” from within; her heart “wound[s] itself to death” against the walls of her chest cavity. These tropes hollow her out from within, leaving little

sense of Lucrece as an autonomous human being, no less a woman capable of defending herself against an assailant like Tarquin. The text harps on her weakness and impotence—indeed, on the weakness of all women—calling her “harmless” (510) and “poor” (1217); she is “a weak mouse” (555); “a poor lamb” (577) seized by a wolf; a “weak hive” (839) robbed of honey; she is a “poor frightened dear” (1149) with a “faint heart” and “poor hand” (1030) and “poor tired tongue” (1617). In her own words, she is “poor” and “weak, / And far the weaker with so strong a fear” (1646–7). Indeed, she can scarcely call upon words with which to defend herself: “Midst the sentence so her accent breaks / That twice she doth begin ere once she speaks” (566–7).

Lucrece does verbally defend herself, and at length. Yet the terms of her protest, as Kahn points out, simply reinscribe her subordination:

She conjures him by high almighty Jove,  
By knighthood, gentry, and sweet friendship's oath,  
By her untimely fears, her husband's love,  
By holy human law and common troth,  
By heaven and earth and all the power of both,  
That to his borrowed bed he make retire,  
And stoop to honour, not to foul desire. (568–71)

Even worse, she begs to be spared not for her own sake, but for her husband's *and for his own sake*, her would-be rapist's:

My husband is thy friend, for his sake spare me.  
Thyself art mighty; for thine own sake leave me.  
Myself a weakling: do not then ensnare me. (582–4)

These appeals to Tarquin's (political) might only fan the flames of his lust to abuse that power—he himself says her protests are arousing (645–6). I suppose it is theoretically possible that a victim of assault—feeling utterly overpowered—might resort to *flattering* her assailant out of sheer desperation, but I for one find the psychology of this as implausible as its politics are offensive. Kahn writes, “Lucrece's resistance . . . in effect cancels itself out, because it is inscribed within the same structures of power as the rape is.”<sup>13</sup> Similarly, Fineman notes the way Lucrece's speech “ends up crossing itself” and refers to her as Tarquin's “rhetorically willing victim.”<sup>14</sup> Later, after the rape, she tries to write to her husband, and once again the focus is her weakness, indecision, and self-conflict: “First hovering o'er the paper with her quill / Conceit and grief an eager combat fight” (1297–8).

Eleven lines later she has managed to write a letter that concludes “My woes are tedious, though my words are brief” (1309).

Her woes *are* tedious, at least to my students. And her words are *not* brief. But in the 1029 lines between her rape and her suicide she spends very little time berating the rapist himself. The victim blames, in this order: Night (personified as female), herself (“I am guilty of [Collatine’s] honour’s wrack” [841]), Opportunity, and Time. I am not the first to note the way the address to Night implicates Lucrece in her rapist’s logic; in the essay from which she culled parts of the Norton introduction, Maus writes: “Addressing ‘hateful, vaporous, and foggy night, insisting that ‘thou art guilty of my cureless crime [ll.771–2], she simultaneously displaces responsibility from Tarquin and creates a plausible alternative culprit.”<sup>15</sup> Only in line 967—about halfway through the poem—does she turn her thoughts to Tarquin, calling upon time to punish him, and to “teach [her] to curse him” (996). Notably, she must be *taught* to curse her assailant: she cannot do it herself.

One thing Lucrece has no problem with is cursing other women. After her harangue against night, time, and opportunity, she contemplates a tapestry depicting the fall of Troy, and cries out in a rare instance of unmitigated rage: “Show me the strumpet that began this stir / That with my nails her beauty I may tear” (1471–2). Here she proposes a violence against another raped woman—Helen of Troy—that she has already inflicted on herself (“She, desperate, with her nails her flesh doth tear” [739]). Having been “afear’d to scratch her wicked foe” (1035), Tarquin, she punishes her own body, and would similarly punish other victims of rape.

Finally, it is this aspect of Lucrece’s characterization by Shakespeare that I find hardest, as a feminist, to stomach. Her decision to commit suicide, her final answer to the rape victim’s “to be or not to be,” is expressly *about other women*. In this sense, Vickers reading of Lucrece’s status as homosocial pawn calls for completion in a reading of the poem for its *female* homosocial subtext. Here are her words just before turning the knife on herself: “‘No, no’ quoth she, ‘no dame hereafter living, / By my excuse shall claim excuse’s giving’” (1715). Lucrece kills herself to influence the behavior of other women “hereafter living.” Lucrece kills herself, in effect, so that other raped women will also kill themselves. And her very last words underscore her inability to blame the perpetrator, manifesting her impotence at all levels, even the rhetorical:

Here with a sigh as if her heart would break  
She throws forth Tarquin’s name. “He, he,” she says—



But more than he her poor tongue could not speak,  
 Till after many accents and delays,  
 Untimely breathings, sick and short essays,  
 She utters this: "He, he, fair lords, 'tis he  
 That guides this hand to give this wound to me." (1716–22)

In Shakespeare's version of the story, even her suicide—the one decisive action history affords Lucrece—falls to someone else's credit.

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Thomas Middleton undoubtedly read Shakespeare's poem, and the rhetoric of his *Lucrece* seems calculated for contrast (I'll call her "Ghost" to avoid confusion). Here are her first lines: "Medea's magic, and Calypso's drugs, / Circe's enchantments, Hecate's triform / Weans my soul, sucking at revenge's dugs, / To feed upon the air" (59–62).<sup>16</sup> This smoldering rage characterizes her speech, as does her preoccupation with revenge against Tarquin. The Ghost continues,

Right hand, thou act'st revenge's hand aright.  
 This knife and thou have sworn to kiss my breast.  
 Thou art my Vesta's antidote, to fright  
 Lust from the bed of Collatinus' rest.  
 Performer of thy vow, hand, be thou blest,  
 For thou in this hast shown me what thou art,  
 Driving the foe from scaling of my heart. (107–114)

Note that the Ghost, in the last line of the stanza, invokes the usual metaphor of the siege, but in doing so presents herself—or at least her hand—as the victor. And if we're tempted to feministically quibble about the speaker's disassociation from her own hand (i.e., if we want to call this another rhetorical dismemberment), let's compare the passage to the corollary in Shakespeare. After vowing to "let forth [her] foul defiled blood," Lucrece, far from blessing, berates her hand:

"Poor hand, why quiver'st thou at this decree?  
 Honour thyself to rid me of this shame,  
 For if I die, my honour lives in thee,  
 But if I live, thou liv'st in my defame.  
 Since thou would not defend thy loyal dame,  
 And wast afraid to scratch her wicked foe,  
 Kill both thyself and her for yielding so." (1030–36)

She doesn't—not for another 686 lines anyway. Not to blame the poor girl—Hamlet, after all, was the darling of the Romantic critics for his perceived inaction. “Why, what an ass am I?” he berates himself. “Ay, sure, this is most brave, / That I... / Prompted to my revenge by heaven and hell, / Must like a whore, unpack my heart with words / And fall acursing like a very drab, / A scullion!” (*Hamlet*, 2.2.560–65). The gendering of Hamlet's language here deserves at least a brief look, in light of Lucrece's “tedious” woes. The early modern association of female speech with sexual incontinence is well noted in feminist criticism. I would suggest that Lucrece's meandering, undisciplined, and excessive speech is at least subtextually linked to her status as a raped woman (a status Lucrece herself associates—when railing against Helen of Troy—with being a “strumpet”). The narrator too comments on her garrulousness:

Thus cavils she with everything she sees:  
 True grief is fond and testy as a child,  
 Who, wayward once, his mood with naught agrees;  
 Old woes, not infant sorrows, bear them mild.  
 Continuance tames the one; the other wild,  
 Like an unpracticed swimmer plunging still,  
 With too much labour drowns for want of skill. (1092–9)

The immediate sense of this stanza is that new or “infant sorrows” create “wild” speech, but as in other passages this assortment of tropes subliminally effects our perception of the poetic subject, here infantilized in her grief. The next stanza concludes “Sometimes her grief is dumb and hath no words, / Sometimes 'tis mad and too much talk affords” (1105–106). Lucrece is either excessive in her speech, or impotent (“dumb”) for lack of words. She remains both verbose and verbally ineffectual

The infantilizing tropes of the unskilled swimmer and the testy child—as well as the poem's more globally patronizing approach to the heroine's speech—stand in stark contrast to Middleton's treatment of the same famous figure. The Ghost is not on stage long before launching into an eighteen-stanza *vituperatio* against her rapist—*this* woman clearly need not be *taught* to curse her enemy. The passage begins as an explicit conjuration of Tarquin:

Come, spirit of fire, bred in a womb of blood,  
 Forged in a furnace by the smith of hell,  
 Begot and formed in that burning flood  
 Where Pluto's Phlegethonic tenants dwell,

And scalded spirits in their fiery cell  
 Breathes from their soul the flame of luxury.  
 From that luxurious clime I conjure thee.  
 Now is my tide of blood. Come, quench thy soul.  
 The sluices of my spirit now runs again.  
 Come, I have made my breast an ivory bowl  
 To hold the blood that streameth from my vein.  
 Drink to my chastity, which thou hast slain.  
 But woe the while, that labour is in vain,  
 To drink to that which cannot pledge again. (115–28)

The repetition of “come” and the string of imperatives grant this invitation an eerie rhetorical force. She continues,

Thou art my nurse–child, Tarquin, thou art he.  
 Instead of milk, suck blood and tears and all.  
 In lieu of teats, Lucrece thy nurse, even she,  
 By tragic art seen through a crystal wall  
 Hath carved with her knife thy festival.  
 Here’s blood for milk; suck till thy veins run over,  
 And such a teat which scarce thy mouth can cover. (136–42)

In a stunning reversal of the dynamic of abuse, here the victim infantilizes her rapist, calling him “nurse–child” and presenting her bloody breast so that he can partake in a quasi-cannibalistic “festival” of abjection. If the weird eroticism of this constitutes it as further self-victimization, it is also, as a conjuration, *forced upon him*—a force-feeding of her violator that reduplicates the rape upon *him*. For this reason, I resist dismissing this moment as another instance of the pervasive Renaissance trope of woman as “leaky vessel” (a paradigm famously argued by Gail Kern Paster, and applied by G. B. Shand to Middleton’s poem in the Oxford introduction). For this is not a *passive* bleeding—and certainly not a shameful one. On the contrary, the summons is deeply aggressive. There is even a touch of braggadocio in the final line, as those white breasts so obsessively fetishized by Shakespeare become weapons against their molester—too big, she boasts, for his mouth. Moreover, this proposed vampiric suckling will have the effect of transforming Tarquin himself into a feminized leaky vessel: she dares him to drink until his “veins run over.” No, this Lucrece may weep, but she is no child; she may bleed, but she is no martyr. In her commanding Tarquin to “suck,” she reminds me less of Shakespeare’s Lucrece than the heroine of *G. I. Jane*, when she tells male authority to “suck [her] dick.”

The Ghost's voice persists in this register for the remainder of the passage, tolling out a fourteen-stanza *anaphora* based on the name of the rapist: "Tarquin the ravisher" (143), "Tarquin the Roman" (145), "Tarquin my guest" (146), "Tarquin my kinsman" (150), "Tarquin the prince" (164), "Tarquin the traitor" (185), "Tarquin the lecher" (192), and finally (six times out of the twenty repetitions), "Tarquin the night-owl" (206). In light of the fact that Shakespeare's Lucrece cannot bring herself to utter the name of her abuser, it is hard not to view this virtuoso performance as the poet's comment on the former. Moreover, Middleton's heroine is not just an orator; she is also an author, conjuring the spirits of Hell to "Send [her] Prometheus' heart t'indite withal, / And from his vulture's wings a pen of blood / Thrice steeped and dipped in the Phlegethontic flood." She goes on "Then shall I stamp the figure of the night / On Tarquin's brow, and mark him for her son, / The heir of darkness" (413–17). This is one of several references to her authoring of her own story, but this passage particularly interests me for its resonance when set alongside a stanza of Shakespeare—not surprisingly, one of the passages that critics cite in demonstrating Shakespeare's denial of female subjectivity.<sup>17</sup> One needn't, however, read closely to get the point:

For men have marble, women waxen minds,  
And therefore are they formed as marble will.  
The weak oppressed, th'impression of strange kinds  
Is formed on them by force, or fraud, or skill.  
Then call them not the authors of their ill,  
No more than wax shall be accounted evil  
Wherein is stamped the figure of a devil. (1240–6)

In Shakespeare's poem, women are the passive, soft materials to be "stamped" by male agency; in Middleton's poem, a woman does the stamping, the authoring, the marking. In Shakespeare's poem, the victim blames the female goddess Night for her rape; in Middleton's, the victim blames her rapist and blackens him in association with night. In Shakespeare's poem, the victim speaks of herself as "spotted," "defiled," and "stained"; in Middleton's, the victim hurls the stain—by way of the ink/blood with which she writes—back at the rapist.

There are other signs of Middleton's less oppressive gender politics in this poem. The rhetoric of thievery, usurpation, and pillaging with which Shakespeare's poem is rife implies Lucrece's status as a mere possession of her husband's. Hence, Shakespeare describes Lucrece as

“bearing [the] yoke” of her “lord,” and in the same breath speaks of Tarquin as a “foul usurper” wishing “from this fair throne to heave the *owner* out” (409–413; emphasis mine). In one of many tropes that liken the heroine to concave object (a tomb, a house, a walled city, etc.), Lucrece becomes the “fair throne” that (sexually) bears its lord and “owner.” Lucrece herself endorses this hollowing rhetoric: “If, Collatine, thine honour lay in me / From me by strong assault it is bereft” (834). Middleton elaborates on this notion, but mitigates the sense of absolute ownership: “Come Collatine,” the Ghost incants, “the foe has sacked thy city... What is *thine* / Is seized upon long since, and what is *mine* / Carried away” (269–75; emphasis mine). The metaphor of woman-as-sacked-city persists, but the end-rhyme “thine/mine” hints that husband and wife are joint owners of that which rape wrests away.

In lieu of the trope of the fair throne, Middleton supplies a stanza bemoaning the staining of Lucrece’s bed “which had fair canopies / Spangled with stars like to the firmament, / And curtains wrought with many deities” (283–5). The feminine employments of spinning and weaving are only touched on the “Argument” of Shakespeare’s poem (Lucrece passes the chastity test when she is found at home spinning with her maids) and alluded to by way of Philomela.<sup>18</sup> Middleton, however, celebrates these traditionally feminine tasks. Ghost boasts of having “deified” the gods and goddesses she wove into her bed’s canopy, and then turns to a nostalgic depiction of the peaceful domesticity that the rape disrupted:

The night before Tarquin and lust came hither—  
 Ill token for a chaste memorial—  
 My maids and I, poor maid, did spin together  
 Like the three sisters which the fates we call,  
 And fortune lent us wheels to turn withal.  
 Round goes our wheels like worlds. On mine alone  
 Stood fortune reeling on a rolling stone. (290–96)

She goes on to recount the evening spent “merrily” singing and spinning with her female companions: “Yet was my heart so light that still I said, / ‘Sing merrily, my maids...’” (297–8). The latter imperative becomes a refrain that poignantly underscores Ghost’s current anguish. More pertinently, though, the digression presents us with a female world seemingly removed from masculine authority:

Who would not sing and spin and be a maid,  
 To serve so sweet a goddess, and be bound

Apprentice where such mistresses abound?  
 “Sing merrily, my maids maids” (again she says)  
 “For Vesta is the goddess of our lays.” (299–303)

From the Ghost’s creation of the “deities” in her weaving, to this deification of the act of spinning, the poem valorizes Lucrece’s former feminine domestic employments in a way that nicely balances her (justified) verbal aggression in other passages. Both aspects of the Ghost’s lament together make for pathos without rendering the heroine merely pathetic, and celebrate the feminine without reinscribing gender hierarchy. The Fates to which the Ghost compares herself and her maids *might* have been blamed for *her* fate, lower-case “f.” But instead of blaming these feminine deities—as Shakespeare’s Lucrece does with the feminine supernatural entity of “bawd” night—Ghost uses them to sacralize and uplift the very values (chastity, honor, industry) that Shakespeare’s poem praises in purely masculine terms. Even more surprisingly, Middleton invokes a golden age in which female deities reigned:

It was a merry age in golden bands  
 When Saturn sowed the earth and did begin  
 To teach bad husbands a new way to win.  
 Then was true labor exercised and done,  
 When gods did reel what goddesses had spun. (326–31)

The term “husbands” in this quote seems to be meant in its agricultural sense, but in the context of the Ghost’s nostalgia for virginity it is hard not to see “bad husbands” as referring obliquely to Collatine, who even Shakespeare chastises for the boasting that provoked Tarquin’s rapacious lust.

One thing both Lucreces do share is the desire for redemption. Shakespeare’s heroine imagines it thus: “My blood shall wash the slander of mine ill; / My life’s foul deed my life’s fair end shall free it” (1207–208). In fact, her death is anything but “fair.” Her blood “bubbling from her breast” is as grotesquely self-divided as her psyche: “Some of her blood still pure and red remained / And some looked black, and that false Tarquin stained” (1241–2). Shakespeare elaborates on the medical improbability of multicolored blood:

About the mourning and congealed face  
 Of that black blood a wat’ry rigol goes,  
 Which seemed to weep upon the tainted place;  
 And ever since, as pitying Lucrece’ woes,

Corrupted blood some watery token shows;  
 And blood untainted still doth red abide,  
 Blushing at that which is so putrified. (1744–50)

The notion of rape as irreversible physical and spiritual defilement is one of the most stubborn tenets of misogyny, but it by no means was universally maintained in the Renaissance. Indeed, as early as the fifth century, Augustine disputed the idealization of Lucrece's suicide on the basis of her soul's purity despite the rape. As it is a crucial element of the debate surrounding the legend, it may be worth quoting at length:

If there is no unchastity when a woman is ravished against her will, then there is no justice in the punishment of the chaste. I appeal to Roman laws and Roman judges. To execute a criminal without trial was, accorded to you, a punishable offence. If anyone was charged in your courts with having put to death a woman not merely uncondemned, but chaste and innocent, and this charge had been proved, would you not have chastised the culprit with appropriate severity?

This is what Lucretia did. That highly extolled Lucretia also did away with the innocent, chaste, outraged Lucretia. Give your sentence. Or if you cannot do this, because the culprit is not present to receive the punishment, why do you extol with such praises the killer of the chaste and innocent?<sup>19</sup>

Maus is right, of course, in highlighting the moral double-bind in which this reasoning places Lucrece: "Ironically, her sexual blamelessness rendered her suicide completely inexcusable. Augustine considered her a murderess who had taken her life out of unchristian pride."<sup>20</sup> It was perhaps this moral conundrum that led Middleton to imagine the Ghost summoning Tarquin to join her in hell. Yet he nowhere explicitly chastises Lucrece, nor portrays her as indelibly morally stained.

Moreover, Middleton's treatment of Lucrecian abjection differs markedly from Shakespeare's, particularly in light of his reworking of the earlier-quoted stanza describing her bleeding corpse. Middleton was intrigued enough by Shakespeare's characterization of Lucrece's blood as weeping that references to her blood and tears saturate *The Ghost of Lucrece*. But whereas Lucrece's blood in Shakespeare signifies her essential susceptibility to rape in the first place (the blush) and then her absolute and ineradicable defilement in the end, Lucrece's blood in Middleton's poem exhibits cleansing properties, particularly in combination with her tears, described as "quenching the fire of lust"

(52). Indeed, the Ghost, invoked in the epistle as a “bloody crystal” and compared to the Phoenix in line fifty-seven, holds out hope for redemption. Furthermore, the trope of the bloody crystal itself logically inverts Shakespeare’s representation of the bleeding Lucrece, as well as the notion of women’s “waxen minds”: the essential form and composition of a crystal is unalterable; any soiling will be superficial. The crystal, moreover, can be seen as itself a weapon, though less overtly phallic than the blade with which she commits suicide; the image thus suggests agency and force of will as well as representing absolute spiritual integrity. The bloody crystal can be washed.

And the Ghost passionately desires absolution, though the reader knows this is impossible for a pagan already damned. In a series of declamations shorter and more plausible than her predecessor’s apostrophes to Time, Night, and Opportunity, the Ghost appeals directly to Heaven, personified chastity, and the goddess Vesta, begging them to “Colour [her] ghost with chastity” (552). This climactic plea runs a full eleven stanzas and is replete with images of clear liquid, of crystal, of silver, pearl, and milk. Heaven, to Middleton’s Ghost, is a “bath of love” (496) and chastity is a “laundress” (513) of souls. It’s too late, of course; she ends her lament in despair. Yet the length and intensity of her prayer lends the poem, overall, a certain resistance to closure, having invited the reader to imagine a return to chastity, a spiritual un-rape of Lucrece. There is no comparable passage in Shakespeare’s poem—and his takes place while the victim still lives to be (theoretically, given her pagan status) redeemed.

It is a critical commonplace that Lucrece’s suicide—involving her body’s *sheathing* of a phallic knife—symbolically replicates her rape (“vagina” is the Latin for “sheath,” which is Shakespeare’s verb). Lucrece, in essence, hopes to redeem her honor (or rather her husband’s) by *re-rape*ing herself. In the Classical paradigm, this act in essence un-rapees her; in the Christian paradigm (as emphasized by Augustine), it damns her. But the question of the re-rapeing of Lucrece is also a textual one. The popularity of the Lucrece story for so many centuries meant that by the early modern period each narrative “rape” was redundant: Lucrece, textually speaking, was always getting “raped again.” (Indeed, the title of Ian Donaldson’s oft-cited study of the Lucrece legend puts “rape” in the plural.) The question thus becomes: to what degree does the text underscore, at the level of imagery, this theoretical redundancy? Tarquin rapes Lucrece; Lucrece “rapes” herself; the teller of the tale re-stages both rapes, and hence re-rapees her with his pen—and potentially, as I’ve tried to show, with his figurative language.



This is one of the striking ways Middleton's poem differs from Shakespeare's. Middleton does not represent the rape at all—nor even the symbolic re-rape of the victim's suicide by way of the phallic knife. Indeed, the title alone, *The Ghost of Lucrece*, signals the retrospective nature of the narrative, and signals Middleton's relative lack of interest in the violence itself as opposed to its consequences. Shakespeare, however, doesn't just represent the rape, he lingers on it, and, most disturbingly, he *eroticizes* it, employing the blazon (originally designed to praise a woman—even, in Petrarch, to deify her) in the sadistic pornographic purpose of justifying a rape.

Now, there is a blazon in Middleton's poem. I have almost forgotten to address it, as it appears an afterthought, in the form of an eight-stanza epilogue praising Lucrece's beauty in life, and mourning the theft of this beauty by death. The blazon is conventional insofar as it catalogues, stanza by stanza, her attributes: her hair (spun on Arachne's silver loom), her eyes ("Apollo's touchstones" [621]), her tongue ("Diana's silver bell" [631]), her breath ("a violet perfume" [634]), her teats ("two crystal bowls" [642]), and finally "her all.../...like the sun" (648–9). Insofar as the blazon ultimately resigns its subject to death, however, it constitutes a radical relinquishment of the male authorial power that the blazon wields over its usually female subject, a power epitomized in the abundant "eternizing conceits" of Shakespeare's Sonnets. The last line conflates Tarquin and death as one rival suitor to whom the poet-speaker has lost Lucrece in some implied homosocial contest: "Now Tarquin-death hath stol'n her life away" (654). And whereas as a feminist critic, I'm tempted to complain here about Lucrece's loss of agency, about her erasure and silencing, I also must admit that I prefer this narrator to Shakespeare's. The rapist is his opponent, not his partner-in-crime.

Samuel Johnson famously said of Shakespeare, "Great wits may gloriously offend." But I find little glory in the offensive matter of *The Rape of Lucrece*. I am not about to argue that Middleton's poem, penned in the author's teens, is great art: its imagery is at times marred by Shakespearean tropic contortions such as "For tears like waves rush at my eyelids' door" (267). But I believe it is, overall, a better poem than Shakespeare's—for its stylistic economy, for its narrative and tonal unity, and for its psychological plausibility. As I've tried to demonstrate earlier, a poem's gender politics is not necessarily separable from these formal and rhetorical elements. If I can speak personally a moment, I am simply *tired* of seeing critics justify

Shakespeare's inconsistencies and excesses under rubrics such as "complexity," "ambivalence," and "copia"—all the while dismissing his misogyny on the basis of his genius.<sup>21</sup> Kahn is right, for instance, in pointing out Shakespeare's forgetfulness of his own plot, in having Lucrece both resist her rapist, and later deny having resisted—a misogynist Catch-22 if I ever saw one.<sup>22</sup> In a move typical of the theoretical "chiasmus" formed by Fineman's reading versus Kahn's, the former speaks of the elision of Tarquin's name in Lucrece's "He, he, tis he" as though the issue were *the character's* failure to speak, rather than Shakespeare's narrative failure in relating her speech. The passage is worth looking at briefly again: "Here with a sigh as if her heart would break / She throws forth Tarquin's name: 'He, he,' she says / But more than 'he' her poor tongue could not speak" (1716–18). In these lines, Lucrece both "throws forth" and withholds "Tarquin's name" (it is Collatine who names him). I can already hear the bardophiles spring to Shakespeare's defense: this is a deliberate and artful contradiction, signaling the Bard's sensitivity to her psychological turmoil. I call this "the Pee Wee Herman defense": put on your best grin and say, "I meant to do that!"

There are many ways to retell an old tale. Christine di Pizan, in her medieval feminist manifesto *The City of Ladies* retells the story of Lucrece but follows it up with that of the Queen of the Galatians, who took revenge on her rapist and carried his head home as a trophy for her husband.<sup>23</sup> Geoffrey Chaucer was no feminist, but his version of the Lucrece story resists eroticizing the rape and highlights its brutality; moreover, he ends with an explicit condemnation of male behavior generally: citing "Crist hemselve" on the surpassing truth and steadfastness of women, he closes, "And as for men, looketh which tyrannye / They doon alday; assay hem who so liste, / The trewest is ful brotel for to triste."<sup>24</sup> The *brittle* quality Chaucer assigns to men contrasts with the "stable herte" he celebrates in Lucrece and in women generally, as well as starkly contrasting with Shakespeare's notion of men's "marble" hardness. Clearly, the Lucrece story can garner pathos without belittling its heroine. And even Augustine's seemingly cold-hearted, legalistic condemnation of the already legendary Lucrece may have derived from his sympathy toward rape victims in his own social context. Ian Donaldson notes that

During the event that prompted the writing of *The City of God*, the sack of Rome by Alaric and the Goths in 410 AD, a number of Christian nuns had been raped. The nuns had chosen to live on after

this event . . . The problem which exercised Augustine was a continuing one: suicide after rape was such a common phenomenon that as late as 1184 it was a major factor leading to the Council of Nîmes's condemnation of suicide under Canon Law.<sup>25</sup>

Given the strenuousness and rectitude of the church's opposition to the cult of Lucrece, it is surprising that this particular story continued for so many centuries as *the* canonical rape-narrative. Though the story of the Sabine women—whose forgiveness of their rapist/husbands led to the end of a war between the latter and their fathers—is bound to provoke feminist ambivalence, there is something to be said for the heroism of survival. And lest we postmodern readers be tempted to complacency about current attitudes toward rape and its victims, I find it necessary to cite some troubling statistics: according to the National Center for Post-Traumatic Stress Disorder, one in three women who have suffered rape do go on to commit suicide.<sup>26</sup> Wherever she is, Lucrece is in good company.

"To be or not to be?" Hamlet's famous question ends in a bare infinitive, one we normally link to an adjective, a participle, a noun. "To be" meaning to live, to exist. The formulation assumes an ontology, assumes that the audience will understand what "being" is, to this being, to Hamlet. But to be Hamlet is not to be Ophelia, is not to be Lucrece. To be male, to be a prince. To be female, to be subject to a male sovereign, to be the object of the crime of rape. To be or not to be—a woman who's been raped. "To be rapable," writes Catherine MacKinnon, "defines what a woman *is*."<sup>27</sup> To be rapable, "a position which is social, not biological," is what masculinist discourse makes of women. The myth of Lucrece, that is, the totality of tellings and retellings, rapings and re-rapings of the same icon of chastity, reifies women's rapable status. The myth itself, in other words, rapes.<sup>28</sup> Middleton, insofar as he resurrects Lucrece, reiterates her rape; but insofar as he revenges her and imagines her redemption, he un-rapes her. Indeed, later in his works he challenges the notion of the indelible and essential nature of a woman's sexual state of existence, demonstrating (for instance) how logic "may prove a whore an honest woman," or celebrating a prostitute who has "fifteen times" sold her "virginity." So, when his *Ghost of Lucrece* comes to me, like the ghost of Hamlet, calling for revenge, calling for redemption, calling for rectitude, I feel summoned as a feminist critic to do so by writing her back into literary history. In the end, that may be the only way to right the wrong of reviving Lucrece at all.

## NOTES

1. Katharine Eisaman Maus, "Introduction," in *William Shakespeare's The Rape of Lucrece, The Norton Shakespeare: Basic on the Oxford Edition*, gen. ed. Stephen Greenblatt (New York, 1997), p. 635. Maus' impulse to justify the poem's initial popularity is typical of its post-Harvey critical history. The poem went through eight editions by 1630, as opposed to *Hamlet's* five, and was more popular in the seventeenth century than any play by Shakespeare other than *I Henry IV*, but in the four centuries since, criticism has struggled with the possibility that the poem is fundamentally, aesthetically flawed. Even those who justify Shakespeare's artistic choices in the poem do so in remarkably equivocal language. I cite one example: "The decision may be foolish, but we are bold enough to advance the modest claim that, despite obvious flaws, *The Rape of Lucrece* is a richly textured and suggestive work unified in idea and structure..." Jerome A. Kramer and Judith Kaminsky, "'These Contraries Such Unity Do Hold': Structure in *The Rape of Lucrece*," *Mosaic* 10, no. 4 (1977): 155. Even Ian Donaldson, in a survey as obtusely celebratory of the myth as a feminist's worst nightmare, admits that "Shakespeare has not quite managed to" invest the old story "with new depth and intricacy" (Donaldson, *The Rapes of Lucretia: A Myth and Its Transformations* [Oxford, 1982], p. 44).
2. Nancy J. Vickers' seminal piece on Petrarch is "Diana Described: Scattered Woman and Scattered Rhyme," *Critical Inquiry* 8, no. 2 Writing and Sexual Difference (Winter, 1981): 95-109. Most relevant to this essay is Nancy J. Vickers, "'The Blazon of Sweet Beauty's Best': Shakespeare's *Lucrece*," in *The Woman's Part: Feminist Criticism of Shakespeare*, eds. Carolyn Ruth Swif Lenz, Gayle Greene, and Carol Thomas Neely (Champaign, Illinois, 1983), pp. 95-115.
3. Coppélia Kahn, *Roman Shakespeare: Warriors, Wounds, and Women* (New York, 1997), pp. 27-45.
4. Joel Fineman, "Shakespeare's Will: The Temporality of Rape," *Representations* 20 (Fall 1987): 25-76.
5. *Ibid.*, 36.
6. Kahn herself clarifies her position vis-à-vis Fineman in a footnote: "While I hold that patriarchy puts [Tarquin and Lucrece] in crucially different *political* positions, he sees them... as characters who occupy opposing but equal rhetorical positions." Kahn, *Roman Shakespeare*, p. 44.
7. As evidence of this new trend, witness the plenary panel on "Historical Formalism" in the program for the 2007 meeting of the Shakespeare Association of America. The neo-formalism in Renaissance studies may even be a bit belated. See, for instance, Frank B. Farrell, *Why Does Literature Matter?* (Ithaca, New York, 2004); Luc Ferry, *Homo Aestheticus: The Invention of Taste in the Democratic Age*,

- trans. Robert De Loiza (Chicago, 1993); and Gérard Genette, *The Aesthetic Relation*, trans. G. M. Goshgarian (Ithaca, 1999).
8. On Middleton as “our other Shakespeare,” see Gary Taylor, “Thomas Middleton: Lives and Afterlives,” in *The Collected Works of Thomas Middleton*, gen. ed. Gary Taylor (Oxford, 2007), p. 58. See also Taylor, “A Mad World,” *Guaridan*, June 7, 2008; “The Bawdy Bard,” *Time* (Europe), November 19, 2007; and “The Orphaned Playwright,” *Guardian*, November 17, 2007. As of June 23, 2008, Google lists 515 hits on the internet for the combination “our other Shakespeare” and “Middleton.”
  9. Shakespeare wrote *The Rape of Lucrece* at about age thirty; Middleton wrote *The Ghost of Lucrece* at age eighteen.
  10. William Shakespeare, *The Rape of Lucrece, The Complete Works of William Shakespeare* (Oxford, 1986), pp. 237–55; 1.50–77. Future citations will be from this edition and will be inserted parenthetically in my text.
  11. Vickers, “‘The Blazon of Sweet Beauty’s Best,’” pp. 105–106.
  12. I use the term “homosocial” as defined by Eve Kosofsky Sedgwick in her groundbreaking book, *Between Men: English Literature and Male Homosocial Desire* (New York, 1985).
  13. Kahn, *Roman Shakespeare*, p. 37.
  14. Fineman, “Shakespeare’s Will,” p. 46.
  15. Katharine Eisaman Maus, “Taking Tropes Seriously: Language and Violence in Shakespeare’s *Rape of Lucrece*,” *Shakespeare Quarterly* 37, no. 1 (Spring 1986), 66–82; 72.
  16. Middleton, *The Ghost of Lucrece, The Collected Works of Thomas Middleton*, gen. ed. Taylor, l. 59–61. All Middleton citations will be from this edition and will be inserted parenthetically in the text.
  17. Maus observes that “the metaphor of the wax . . . absolves Lucrece by construing her passivity as absolute.” She then asks rhetorically, “If Lucrece does not possess a will of her own . . . then what can Tarquin have violated?” (Maus, “Taking Tropes Seriously,” p. 75). Fineman reads the passage even more closely, underscoring the chiasmus of “m” and “w”: “‘For men have marble, women waxen minds, / And therefore are they formed as marble will.’” This is one of six examples in the poem in which the “m/w” chiasmus appears in a context that is “either violent or erotic,” and hence linked to Shakespeare’s rather narcissistic fascination with the (sexualized) will/Will pun as well as his shorthand for his first name, “Wm.” Fineman argues that “the MW formation . . . evokes the erotic logic of chiastically joined man and woman” and uses this to explain Shakespeare’s tendency to subsume female subjectivity within “the ‘will’ of man.” Let me see if I can replicate Fineman’s clever diagram:

“Will” → M (en)  
                   W (omen)

- (Fineman, "Shakespeare's Will," pp. 48–51). Anyone who wishes to argue that Shakespeare's misogyny is accidental and superficial to his creative unconscious stands corrected by the evidence of this minugia. To rework the adage about the anthropologist's inquiry to the tribesman ("If the world is carried on the back of the turtle, what is under the turtle?"), here we have misogyny—if not "turtles"—"all the way down."
18. Shakespeare briefly mentions Philomela—who, when her rapist cut out her tongue, wove an incriminating tapestry—but does not mention the tapestry. Instead, he has Lucrece observe the products of male art in the mural depicting the fall of Troy—in which, oddly enough, the painter himself replicates Philomela's violation: "The painter was no god to lend" Hecuba words "And therefore Lucrece swears he did her wrong / To give her so much grief, and not a tongue" (*Lucrece*, 1461–3).
  19. Quoted in Donaldson, *The Rapes of Lucretia*, p. 29.
  20. Maus, Introduction to the Norton *Rape of Lucrece*, p. 635.
  21. Even Maus, in an article that otherwise astutely exposes the inconsistency—and apparent antifeminism—of the rhetoric of the poem cops out in the final sentence: "I would suggest . . . that the unobtrusiveness and unreliability of language in *The Rape of Lucrece* is not evidence of Shakespearean incompetence, but rather of an acute and profoundly uneasy self-consciousness about poetic techniques and resources" (Maus, "Taking Tropes Seriously," p. 82).
  22. Kahn quotes Lucrece when telling her husband: "My bloody judge forbod my tongue to speak; / No rightful plea might plead for justice there" (1648–9), as though she had simply forgotten her fourteen-stanza plea for mercy from Tarquin (Kahn, *Roman Shakespeare*, p. 41).
  23. Christine di Pizan, *The City of Ladies*, trans. Earl Jeffrey Richards (New York, 1982), pp. 160–62.
  24. Geoffrey Chaucer, *The Legend of Good Women, The Riverside Chaucer*, ed. Larry D. Benson (Boston, 1987), pp. 618–20, l.1874–85.
  25. Donaldson, *The Rapes of Lucretia*, pp. 30–31.
  26. National Center for Post-Traumatic Stress Disorder, *Sexual Assault against Females*. <http://www.ncptsd.gov>. November 20, 2006.
  27. Catharine MacKinnon, "Feminism, Marxism, Method and State: Towards a Feminist Jurisprudence," *Signs* 8 (1983), 651.
  28. Stephanie H. Jed also implicates literary scholars in this process of re-raping. She observes, "If we look . . . at the legend of the rape of Lucretia from the perspective of its formation and transmission, new kind of data for understanding this rape can emerge. The focus can shift from 'what actually occurred' when Tarquin entered Lucretia's room to our own agency in making this rape occur over and over again." Jed, *Chaste Thinking: The Rape of Lucretia and the Birth of Humanism* (Bloomington, Indiana, 1989), p. 6.

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## CHAPTER 4



# EVE AS THANATRIX: SABBATARIANISM AND THE REPUBLICAN POLITICS OF DEATH AND RESURRECTION IN LUCY HUTCHINSON'S *ORDER AND DISORDER*

*Katharine Gillespie*

*And God blessed the seventh day, and sanctified it:  
because that in it he had rested from all his work  
which God created and made. Appointed it to be kept holy,  
that man might in it consider the excellency of his works  
and God's goodness towards him.*

—*Genesis 2:2–2:3, Geneva Bible (1599)*

The “Adamantine Chains and penal Fire” that greeted Satan in hell after God “Hurled” him “headlong flaming from th’Ethereal Skie / With hideous ruine and combustion down / to bottomless perdition” in the first scene of *Paradise Lost* would have been, for Milton’s contemporary readers, a violent but literal description of the defeat, imprisonment, and oftentimes death with which the defeated English republican revolutionaries and regicides such as Milton himself were threatened or to which they were actually consigned during the restoration period of Charles II throughout the 1660s and 1670s.<sup>1</sup> One of those who was jailed for years and threatened with execution for his “ambitious aim / Against the Throne and Monarchy of God” (PL 355), as Milton put it, was John Hutchinson, a staunchly republican



Civil War hero and a signatory to Charles I's execution order. Given that, it is all the more surprising that *Order and Disorder*, a recently discovered rival to Milton's Christian epic written by Lucy Hutchinson, the colonel's wife, lands its readers in a notably different universe.<sup>2</sup> Rather than moving quickly from self-authorizing preface to the ruin that both follows in the wake of and initiates further epic action, Hutchinson's alternative republican "tractatus theologico-politicus," as Armand Himy terms *Paradise Lost*, equates the invocation of her muse *with* her main plot:

O thou eternal spring of glory, whence  
 All other streams derive their excellence,  
 From whose love issues every good desire,  
 Quicken my dull earth with celestial fire, And let the sacred theme  
 that is my choice  
 Give utterance and music to my voice, Singing the works by which  
 thou art revealed. (7)<sup>3</sup>

In keeping with this conflation of inspiration with her theme of divine creation, Hutchinson follows up her invocation with a lengthy rehearsal of "the rise of everything" and thus, rather than seeking to "explain the ways of God to Man" as Milton so famously does by rehearsing Satan's ambition and fall, Hutchinson's *Order and Disorder*, begun in 1660 (just two years after Milton is believed to have started *Paradise Lost*) and partially published in 1664 (the same year when Milton completed his ten-book version of his magnum opus) concedes the opacity of those ways and omits the Satanic pre-history of man altogether from her humanist vision:

What dark Eternity hath kept concealed  
 From mortals' apprehensions, what hath been Before the race of time  
 did first begin,  
 It were presumptuous folly to inquire.  
 Let not my thoughts beyond their bounds aspire:  
 Time limits mortals, and Time had its birth,  
 In whose Beginning God made Heaven and Earth. (7)

Hutchinson, so she declares, celebrates the birth of time enunciated by Genesis rather than its death as it is depicted in Revelation by writing an epic that differs from those composed both by those "profaine Helicon of ancient poets" whom she was taught in her "wanton youth" to revere, but also those of her contemporaries who, like Milton she implies, "find not themselves without God in their world, adoring

figments of their own brains, instead of the living and true God" (3). And so in order to prevent any of the "puddle water" from these two groups of lesser practitioners from being "sprinkled about the world," she purports to "disclaim all doctrines of God and his works" except those that she "learnt out of his own word" (4). She, unlike Milton, will avoid "turning Scripture into a romance" by beginning at the beginning so to speak, that is, with the creation scene from Genesis, and continuing on from there in a linear fashion. While her "ravished soul a pious ardour fires / To sing those mystic wonders it admires" (6), she also asks, "Let not my thoughts beyond their bounds aspire / Time limits mortals and Time had its birth, In whose *Beginning God made Heaven and Earth*" (6).

By leading us from her own inspirational fire to the waters of creation that flow in sync with time and human history—God is, of course, that "eternal spring" from whence all of life and time flows, the "hidden source" that is hidden from fallen human eyes but whose byproducts may be viewed in nature that, as Hutchinson argues, like epic itself, need no human artifice to adorn its inherent beauty—rather than, inversely as Milton does, taking us from the oracular flow of "Siloa's Brook" to the smoking pits of Hell (354–5)—Hutchinson provides what we might deem a feminized life-affirming alternative to the codes of violence and destruction that govern such classical epics as *The Aeneid*. As Netta Berlin argues, Virgil legitimates the epic transfer of power from father to son through constructing a series of *pugnae imago* or shocking images of fire and devastation that, in Aeneas's case, are wrought by the fall of Troy and compel him forward to undergo a series of trials and tribulations designed to honor his father's wishes that he complete his quest to establish the city state that eventually grows into the Roman empire.<sup>4</sup> Even as he also propels the son forward to establish the New Jerusalem, Milton literally demonizes royalist pretension on anyone's part, monarchist or republican, by beginning *in medias res* with an anti-imperial subversion of this scene—the depiction of Satan whose overreaching power grab and subsequent fall into the smoldering ash heap of heaven's civil war resulted not in the acquisition of power in heaven but in the establishment of an alternative kingdom of sin and death in hell and on earth. Hutchinson, on the other hand, adheres instead to the Protestant demands of *sole scriptura* by eliding any depiction whatsoever of the Father and Son in armed combat with Satan and beginning instead with the woman-like act of God's creation as it transfers the seed from womb to womb before depositing it within God's vestal city.

Given the restoration-era context in which Hutchinson's epic was composed, it could be argued that Hutchinson's authorial, even feminist act of subversion is actually an act of antirepublican repudiation and obedience. *Order and Disorder*, like *Paradise Lost*, was written during the crackdown on all forms of religious dissent that followed the demise of the republic and Charles II's implementation of the punitive Clarendon Codes, including the Conventicle Act that outlawed all religious gatherings outside the purview of the church, and the Act of Oblivion that pardoned all those Parliamentarians not associated with the death of the king even as it ordained a kind of "official forgetting" of the war by the English populace.<sup>5</sup> Colonel Hutchinson himself, who died in 1664, spared himself the noose by signing away his loyalty to the republic and pledging it instead to the restored crown. Lucy Hutchinson then, like a good wife and subject, may have been dutifully following in her husband's footsteps by adhering to the king's dictates to forget the past and to look instead to the future and the glorious new reign of the recreated king. However, just as there is now evidence to suggest that Hutchinson disapproved of her husband's capitulation, it may also be argued that Hutchinson's pointed refusal to use the opening scene of *Order and Disorder* as an occasion upon which to look back actually constitutes an ironic resurrection of—and, as I will show valorization of—the forbidden topics of the bloody Civil War, the regicide, the implementation of the republican commonwealth, the apparent demise of that commonwealth, the return of the crown, and the imminent restoration of the Christian republic.<sup>6</sup> Indeed, by reducing the heavenly civil war to a realm of chaos that is inaccessible to fallen man, Hutchinson enantiosistically deploys here, as she will throughout her entire story, the logic of strict seventh-day Sabbatarianism, that is, the theological precept that maintained that by observing a period of rest and silent contemplation on Sunday, one could emulate and celebrate the nothingness or chaos from which God's creation of new worlds ironically but necessarily emerged.<sup>7</sup> The unmentionable prehistory of disorder gives rise to the order of new creation, which in turn gives way to the disorder of death, which in turn gives rise to the final order of Christ's saving grace as his life too enacts the cycle of birth from the emptiness of virginity, the all-too violent and human death through crucifixion, and the new life of resurrection. By narrating the events of Genesis through the lens of Sabbatarianism, Hutchinson can silently legitimate the violence that gave rise to the republic that was lost, while implicitly anticipating the republic that can still thereafter be regained as a direct result of that loss.

Hutchinson's deepening of Milton's subversive deployment of epic conventions through the multiple ways she finds to elucidate Sabbatarianism through her scene-by-scene reenactment of Genesis opens up a new opportunity to reassess two well-rehearsed claims: The first that republican radicalism was either wholly defeated or went deeply underground in the decades following the demise of the short-lived commonwealth of 1650–1660, and the second that republicanism deprives women of agency.<sup>8</sup> Regarding the former, David Norbrook and Barbara Kiefer Lewalski have recently argued that, contrary to the traditional assumption that *Paradise Lost* represents a capitulatory if not penitent retreat from politics in the wake of the death of Oliver Cromwell and his Protectorate and the restoration of Charles II in 1660 and a withdrawal into a quiescent world of spiritual concerns and interiority, the epic instead shows Milton adhering to his republican ideals in the hopes that they might survive the restoration.<sup>9</sup> Critical of the Augustan pretensions of both Cromwell and the Stuarts, Milton lets no one escape the wrath of his republican ire. Hutchinson's *Order and Disorder*, I contend, performs a similar function, thereby extending our understanding of what Reid Barbour describes as the "legacy of republican attitudes and poetics before, during, and after the [English] Civil War," particularly as those attitudes and poetics point to a broader culture of unrepentant commitment to and retrenchment of republicanism in the wake of its demise than was previously suspected.<sup>10</sup> Hutchinson's *Order and Disorder*, however, is more akin to Milton's *Paradise Regained* in that, for her, this renewal of republican activism will take the almost ironic forms of waiting and meditation and the lack of apology will consist of a theologically encoded apologetic for death.<sup>11</sup> But, as she will illustrate much more extensively than does *Paradise Regained*, these more passive forms of republican political practice were possible only because they were preceded by the laborious violence, sacrificial regicide, and failure that characterized the first republic's implementation and demise.

This emphasis upon the idea that success arises only after failure feeds directly into the issue of female agency. Whereas feminist scholars such as Stephanie Jed and Melissa Matthes have argued that, under republican regimes, women are confined to playing the role that Rome's Lucretia first set out for them, that is, the scapegoat or pharmakon (whose symbolic entombment within the foundation of the republic meant that, while the fraternity of men would perform political service within the public sphere of the polis, "women's role in the future republic" would be that of "silent signifiers who are

the carriers of cultural value” but not “makers of it”), Hutchinson imagines the English republic rising once more from its apparent entombment under the triumphantly restored crown by heroizing Eve for the fact that her consumption of the forbidden fruit brought sin and death into the world, which in turn gave rise to the very possibility of revival.<sup>12</sup> As a “thanatrix,” Eve provided the impetus for the observation of the Sabbath, which, according to proponents thereof, was necessary for remembering God’s ability to create new life out of chaos and death, not only when he created the universe “in the beginning” but also when he created a son who sacrifices himself to provide man with renewed hope after his fall. Eve is a scapegoat of sorts but her agency is deliberate, essential, and lasting; it is her seed, after all, that will continue on from mother to mother to produce the king of kings who will finally defeat the prince of darkness. “Celebrating” the Sabbath through performing the sort of rest and quietude that approximates death pays homage to Eve’s productive sin and acknowledges her essential role in paving the way for the first and second coming of the messiah and the final establishment of his “holy state.”

English Christians had long supported the custom of Sunday services by appealing to the Fourth commandment.<sup>13</sup> However, by the late 1500s, the predominant Anglican argument for maintaining Sunday Sabbath was that it was customary rather than ordained by Biblical law. The Decalogue, according to proponents of this view, had no bearing on the subject because the true Sabbath, that is the seventh day of Saturday, has been abolished as the Sabbath when God raised Christ from the dead on Sunday, thereby establishing Sunday as the day for worship. Not just man’s tradition, then, but also God’s “custom” as practiced prior to the handing down of his law dictated the structure of the week.<sup>14</sup> However, as Calvinism made greater inroads into the ranks of the Anglican clergy, more emphasis was placed upon purifying the church of the rituals built up over time by the Catholic Church and replacing them with practices based solely on scripture. Thus, as John Primus writes, “The law became increasingly important to preparing for grace, as a guide for grace, and to achieve assurances of grace.”<sup>15</sup> Presbyterians pushed hard for a stricter observation of Sunday Sabbatarianism, one that would place greater emphasis upon sermonizing and thereby reach those large segments of the English population who either ignored worship services altogether (preferring instead to attend such popular entertainments as bear-bating, running races, dancing, gambling, church-ales and fairs) or, in keeping with the “semi-Sabbatarianism” ostensibly practiced by

the Anglican church, merely endured services before rushing off to participate in the much-preferred, earlier-listed sports.<sup>16</sup>

When James I came to power in 1603, both strict Sunday and seventh-day Sabbatarians believed that England had finally inherited a sovereign who would restore respect for the true practices of the primitive Christian church. In 1603 and 1604, James did in fact restrict some forms of Sunday entertainments. However, Puritans came to believe that his views continued to be more in line with the established church's emphasis upon Sabbatarianism as a custom rather than a commandment, for James based his limitations upon appeals to the traditions of church and state rather than upon the Decalogue. What is more, in 1617, after traveling through Lancashire and entertaining the complaints of local inhabitants who resented the fact that local Puritan Sabbatarians had criminalized their lawful participation in Sunday recreations altogether, James issued the *Declaration of Lawful Sports* proclaiming that dancing, archery, athletic competitions, Whitsun-ales, and other nonviolent forms of sport should take place after church services.

James's rejection of strict Sunday Sabbatarianism, much less its seventh-day variant, was met with opposition from some Anglicans and many Puritans. In the late 1620s, Theophilis Brabourne, an Anglican priest, published *A Discourse on the Sabbath Day*, advocating Saturdays for Sabbath on scriptural grounds.<sup>17</sup> Puritans agreed, adding to their complaints the fact that the *Book of Sports* violated English common law by allowing the crown to usurp forms of authority traditionally reserved for local magistrates.<sup>18</sup> Soon after, Charles I became king in 1625 and his anti-Puritan archbishop William Laud targeted Sabbatarianism, among other practices heavily identified with Puritanism, for persecution and reissued the *Book of Lawful Sports*. However, after the Scottish rebellion against the *Book of Common Prayer* forced Charles to recall Parliament, Presbyterians gained more control and they along with non-Presbyterian Sabbatarians renewed calls for a stricter observation of the Sabbath on Sunday. Their demands, of course, were almost as short-lived as the Commonwealth itself. When Charles II was restored in 1660, he expelled all non-conformists, including Sabbatarians, from their pulpits unless they signed an oath of Conformity. However, even the more extreme version of seventh-day Sabbatarianism managed to stay alive.<sup>19</sup>

Despite the element of persecution waged by the crown against Sabbatarians, it cannot be claimed that Sabbatarianism is ipso facto a republican principle in the same way that, for example, an emphasis upon election might be. Nonetheless, because Sabbatarianism was

part of a larger movement toward the “rediscovery and re-emphasis of other biblical practitioners believed to have been observed in the [early] apostolic church,”<sup>20</sup> it continued well beyond the commonwealth years to represent an important step for many toward the reform of both the church and its relationship to the state. As Edward Stennet wrote in 1679:

Oh! How happy shall that Prince be (his Name shall be perpetuated with Blessed memory, and his Government shall stand like a Rock against all opposition) that shall be so far honoured, as to be instrumental to restore again the true Sabbath, the Holy Day of the Lord Honourable? He shall sit on his Throne, and ride in his Triumphant Chariot, and his People shall have peace and riches under him; yeah, and all profitable Arts and Sciences shall flourish under his Government, and in a special manner the Medicinal Art, for then the Sons of Wisdom will begin their Works and Operations on the day that Jehovah began his . . . (qtd. in Ball, 14)

In other words, the “many precious promises annexed to the Sabbath,” as Stennet puts it, consist of nothing short of the establishment of the New Jerusalem itself; even as it will be presided over by a prince who enters the city as conqueror, decades of Fifth Monarchist republicanism have conditioned readers to equate this prince not with Charles II but with the Prince of Princes, Jesus Christ himself, and to understand his triumphant entry as a supercession of that staged before him by any prince, such as Charles II, who refuses to observe seventh-day Sabbath.<sup>21</sup> Thus, for many restoration-era English republicans—whose goal had been to found a republic that would emulate not only the religious practices of the early Christians but also the political formations of the Israelites of old, when judges ruled instead of kings, as well as of the world as it would look when Christ the true monarch returned to rule with virtue and justice—keeping the Sabbath rather than waging another round of war becomes the next logical means by which to recover the holy commonwealth.

Both Milton’s *Paradise Lost* and Hutchinson’s *Order and Disorder* include detailed accounts of the creation in their epics; both accounts culminate in an endorsement of the Sabbath. In keeping with the epic’s decorum of beginning *in medias res*, Milton does not include his account of the creation until Book 7 and then in the form of a flashback, when Raphael rapturously but also anxiously attempts to educate Adam into the way of God’s universe, including the Civil War that led to Earth’s creation, so as to better equip him to resist

the looming threat of Satan's destruction of the Edenic *locus amoenus* and to prepare himself for Christ's return. After recounting the events that defined the first six days, ending in the creation of Adam and Eve themselves, Raphael describes the way in which all the angels as well as the son congregated on the seventh day to celebrate God's creation. As Jason Rosenblatt illustrates, by blessing and hallowing the seventh day as a day of rest and worship, Milton joins with those Sabbatarians who believed that keeping the Sabbath was "a function not of tradition or church law but of an 'unabrogated Mosaic law.'"<sup>22</sup> To be sure, the heavenly party does not observe the occasion "in silence holy" but rather sang and played music; this means that Milton's form of observing the Sabbath does not conform to the sober worship services practiced in the Reformed Church, as it was described in Joshua Sylvester's English translation of the Biblical epic *La Sepmaine; ou Creation du monde*, written in 1578 by the French Huguenois soldier and poet Guillaume de Salluste Du Bartas. As Du Bartas insisted, "For, by th' Almightye this great Holy-day / Was not ordain'd to daunce and masie, and play" (Rosenblatt, 158). Thus, as Rosenblatt concludes, Milton is not a strict Sabbatarian for his approval of playing on the Sabbath implies that every day constitutes an opportunity to commemorate God's creation. At the same time, I would add, Milton does use *Paradise Lost* to lay out a greater philosophical purpose for Sabbatarianism, one that is designed not just to celebrate God's act of creation but also to prove that "Who seeks to lessen thee, against his purpose serves / To manifest the more thy might: his evil / Thou usest, and from thence creat'st more good" (PL 558). Joining in the worship and lyrical celebration of God's creation, which the day of rest appears to permit and demand, Milton's narrator, as will Hutchinson's, identifies the Sabbath as an occasion upon which to redeem new creation from destruction of the original, good from evil, life from death. Without the very ideas of nothingness and destruction, the concepts of substance and creation would not be coherent. This may also be Milton's subtle way of conserving some hope for the destroyed republic. Before it can be reborn, it must first die. Writing poetry is a form of "singing" that, like the angel's song in heaven, celebrates the Sabbath for the memory it preserves of the void from which holy form emerges.

Hutchinson's Sabbatarianism is neither so fleeting nor so subtle. Instead, Hutchinson's treatment of the Sabbath comes right where it should in her mimesis of the Bible's first book—near the beginning—and it far outstrips Milton's in length and hence, one presumes, in the



weight we are intended to attribute to it as an epic theme. In what is only a very brief excerpt from this section of her work, Hutchinson writes:

The seventh day the Lord himself did rest,  
 And made it a perpetual ordinance then  
 To be observed by every age of man,  
 That after six days' honest labour they  
 His precept and example should obey,  
 As he did his, their work surcease and spend  
 That day in sacred rest till that day end,  
 and in its number again return, Still consecrated, till it have outworn,  
 All other time, and that alone remain  
 When neither toil nor burden shall again  
 The weary lives of mortal men infest,  
 Nor intermit their holy, happy rest. (48)

Like Milton and the strict Sabbatarians, Hutchinson classifies the Sabbath as a “perpetual ordinance” that must be observed by “*every* age of man” (emphasis added), including, we presume, Hutchinson’s own Restoration generation. In addition, every seventh day must be observed so that its “number” will “back again return, / Still consecrated.” As Milton also argued, the cyclical structuring of the godly week would continue until the return of Christ when, all days be days when “neither toil nor burden shall again / The weary lives of mortal men infest / nor intermit their holy, happy rest.” Also like Milton, Hutchinson imagines that observing the Sabbath brings “joy” and pleasure to the observer; however, she defines those terms quite differently from Milton. While Milton proffered singing and dancing as acceptable forms of observance, Hutchinson eschews what she calls “idleness” and “sloth” in favor of an “active contemplation of himself and those excellent works wherein himself he shows.” As she elaborates:

Nor is this rest sacred to idleness  
 God, a perpetual act, sloth cannot bless.  
 He ceased not from his own celestial joy,  
 Which doth himself perpetually employ  
 In contemplation of himself and those  
 Most excellent works wherein himself he shows;  
 He only ceased from making lower things,  
 By which, as steps, the mounting soul he brings,  
 To th’utmost height, and having finished these,  
 Himself did in his own production please,

Full satisfied in their perfection, Rested from what he had completely  
 done;  
 And made his pattern our instruction,  
 That we, as far as finite creatures may  
 Trace him that's infinite, should in our way  
 Rest as our Father did, work as he wrought,  
 Nor cease till we have to perfection brought  
 Whatever to his glory we intend,  
 Still making ours the same which was his end.  
 As his works in commands begin, and have  
 Conclusions in the blessings which he gave,  
 So must his word give being to all ours;  
 And since th'events are not in our powers,  
 We must his blessing beg, his great name bless,  
 And make thanks the crown of our success. (49)

Revealing herself to be a strict Sabbatarian, Hutchinson declares the Sabbath as an opportunity not merely to celebrate but also to imitate God's act of creation. Rather than creating "recreation," however, the Sabbatarian would involve him/herself in the silent and cerebral birth or rebirth of the fallen self and by extension the holy commonwealth. Just as God worked his way up from lesser things to greater in the method of his creation, so must humans use the Sabbath to seek perfection in themselves, all the while recognizing that God holds all the power to confer the grace that makes the achievement of perfection possible for sinful creature. In other words, "finite" humans must do that work of tracing that which is "infinite" because their finitude is a result of their original sin. Thus, just as Milton celebrated God for taking the would-be usurper's "evil" and using it to "creat'st more good," so too does Hutchinson argue that the Sabbath provides imitative man with the opportunity to contemplate "how we in death may live." The first iteration of the republic, we can presume, was likewise only the beginning. Republicans too must emulate God by ceasing to make lower things and, step by step, mount higher to perfection. They will do so, however, through rest and contemplation rather than, as they did the first time around, through destruction. That phase of things has already been accomplished.

Within this context, the very composition of Hutchinson's epic, like that of Milton's, becomes in and of itself an act of contemplative singing designed to honor and reveal God's creation through its effects in individual imitation and human history. Hutchinson's opening lines represent her composition as an extension of God's creative powers: Just as he created the world by beginning with the lesser

and moving toward the greater, so too did Hutchinson begin in a state of confusion:

In these outgoings would I sing his praise,  
 But my weak sense with the too glorious rays  
 Is struck with such confusion that I find  
 Only the world's first Chaos in my mind,  
 Where light and beauty lie wrapped up in seed  
 And cannot be from the dark prison freed  
 Except that power by whom the world was made  
 My soul in her imperfect strugglings aid,  
 Her rude conceptions into forms dispose,  
 And words impart which may those forms disclose. (7)

From the death-like dark prison of chaos, Hutchinson's mind is freed by God's grace and brought close enough to perfection that she is able to write an epic, the highest form of literary production, which allows her to "sing his praise" and contemplate "the rise of everything." Once again, we learn "how we in death may live." Using the Sabbath as an epic method and an epic provides a model not only for Hutchinson's own entry into authorship but also for her own marriage to a defeated regicide and, by extension, for her own individual relationship as a republican activist to the ruined republic. Out of the necessarily dark rubble of her own political creations and now literary recreations, a new world will arise.

What is more, this emphasis upon an act of creation *ex nihilo*, which reveals the life that coheres within death provides both the female author as well as the first female, Eve, with a positive, indeed generative role to play in what Hutchinson views as the imperative for creating a social order whose temporalities derive from the logic of Sabbatarianism. Patriarchalist apologists such as Sir Robert Filmer saw Eve as the very engine of patriarchy and the epic that is designed to perpetuate it—literally engendering as it does the paternal genealogies that transfer power from father to son, and many modern Miltonists have argued that republicanism notwithstanding, Milton reiterates the logic of female subordination.<sup>23</sup> Alternatively modern critics such as Shannon Miller celebrate Hutchinson for revealing the degree to which she "highlights the generative role of women within what is shown to be a biological and political process" (347) through her deployment of "the politically resonant language of 'dominion'" (351) over earth and all or creation, or, that is, the garden. While Milton's Adam is given "single access to dominion" over the rest of creation, Hutchinson's God gives dominion to "a unified Adam

and Eve" (352).<sup>24</sup> This co-dominion in turn points to Hutchinson's "engagement with the complicated question of contractual relationships, both the personal contract and the marriage ceremony and the emerging social contract between citizen and state" (355–6). By rejecting Adam's sole claim to dominion and casting Eve as well as a number of Old Testament mothers in the positive role of "genetrix," Hutchinson rejects monarchy and offers an "alternative view of the role of the woman and the family in the formation of government than that which emerges within [Locke's] *Two Treatises of Government*" (375) in which the "presence of [Eve's] maternal authority" disappears during the shift from the first to second treatise in Locke as he divides the family from the state.

Despite their differences, commentators on the Eve question tend to share the assumption that, unlike her ability to give life, Eve's role in taking it away through her consumption of the fruit and the subsequent destruction of the immortality that humans enjoyed in Eden is unavailable as a means by which early modern women could lay claim to a positive form of agency. But, Hutchinson's *Order and Disorder*, not unlike Milton's *Paradise Lost* but far more pointedly, celebrates Eve both for her maternity but also for her assumption of a role that is diametrically opposed to that of genetrix, and that is the role of thanatrix or usheress of death. Indeed, like the epic form that emerges through divine inspiration from the chaos of Hutchinson's fallen mind, Hutchinson's Eve or "Man's help" is "produced in death-like sleep" through God's creative force and lives to show us how, in general, "Our choicest mercies out of dead wombs flow" (46). Hutchinson's God is, of course, prefiguring the birth of Christ and the mercy he will bring to the corrupted souls of man. From the moment she is born then, Eve functions as a vehicle through which the cycle of life, death, and rebirth are all made possible, both on the level of the personal as well as the political and eschatological. Adam's dead womb gives rise to Eve's living womb, which will in turn give rise to sin and death, which will finally give rise to the need for the new creation, sacrifice, and resurrection of Christ and the establishment of his holy city.

The need for Christ, the fulfillment of that need, and the need to publicize his gift necessitates the creation of the church as Christ's devoted and patient bride. As a result, Hutchinson constitutes the transgressive woman as an essential precondition for the creation of the true church and the city state in which it must reside. As she writes, if "God's glory" had been to "one breast confined" and if "Man's nature" had not been "the sacred shrine" and "partner and

bride of that which is divine,” then “The Church, fruit of this union, had not come / To light, but perished, stifled in the womb” (42). If Eve had not sinned, there would be no need for Christ. And without Christ, there would be no need for the Christian church; indeed the bride of Christ would have died before she was born. Without the Christian church, there would be no need for a just state to serve as its rightful home. This logic is driven home in the scene when Hutchinson depicts Christ, “the second Adam,” giving birth to the “Gospel church,” the “mystic bride,” in the same manner in which Adam gave birth to Eve, that is, through his “bleeding side.” Because “His wasted flesh our wasted flesh supplied; and we were then revived when he died” (46–7), then without the fair virgin church who grew directly out of his bloody sacrifice, Christ would have no means by which to revive the dead and the church would have no *raison d’être*. The *hierogamos* of bride and bridegroom could never have been achieved had death never come to give rise to the need for resurrection. As Christ says to his bride in Hutchinson’s text:

My spouse, my sister, said he, ‘thou art mine;  
 I and my death, I and my life are thine;  
 For thee I did my heavenly Father quit  
 That thou with me on my high throne mayest sit,  
 My mother’s human flesh in death did leave  
 For thee, that I to thee might only cleave,  
 Redeem thee from the confines of dark hell,  
 And evermore in thy dear bosom dwell:  
 From heaven I did descend to fetch up thee,  
 Rose from the grave that thou mightst reign with me (47)

Mary, Christ’s mother, also had to die so that Christ could cleave to his wife, the church and of course, these necessary interplays of life and death are iterations upon the original incarnation of this logic in the beginning when on “The seventh day, The Lord himself did rest” (48). As stated earlier, Hutchinson defines that rest as a “perpetual ordinance” that allows humans to both perform the work of seeking forgiveness for the sin that brought death into the world, but also to celebrate God’s creation, including that of the church and Christ whose return promises a time of permanent, almost death-like perfection when, as Hutchinson writes, “neither toil, nor burden shall again / The weary lives of mortal men infest, / or intermit their holy, happy rest” (48).

Of course, the circularity with which Hutchinson constructs the Old Testament creation of Eve as both the agent of death as well as the

antecedent for mother Mary's creation of Christ as both the sacrificial lamb and the vehicle for new life recalls Genesis 3:15, also known as the "Protoevangelium" or first gospel. A quote from God's curse upon Satan after the fall, this passage reads, "I will put enmity between you and the woman, and between your offspring and hers; He will crush your head, while you strike at his heel." Early Christians referred to this as the first gospel in order to, as Hutchinson herself notes, argue both that the Old Testament foreshadowed Mary's birth of Christ and that fallen humans foreshadow their own perfected selves when they are endowed with Christ's grace. Eve's role in the Protoevangelium has long been a subject of controversy. Many early commentators insisted upon positing what patristic interpreters now refers to as the "Eve–Mary antithesis," that is, the claim that the Protoevangelium's reference to "the woman" whose offspring or seed would restore man to salvation could only be a reference to Mary and not Eve. As St. Justin Martyr sums this position up: "When Eve was a virgin, and incorrupt, and when she had conceived the word from the serpent, she gave birth to disobedience and death. Mary, the Virgin, contrariwise, when she had received faith and joy, gave this answer to the Angel Gabriel...: 'Be it done to me according to your word.'"<sup>25</sup> From this perspective, Eve's transgression appears as a dead end on the road to salvation while Mary, "contrariwise," appears as the sole vehicle for salvation.

Other commentators preferred the idea of an Eve–Mary continuum. For these commentators, Eve's sin, rather than requiring Mary to redeem it, was instead a necessary precursor for the very need for and nature of Christ's victory. As Satan laments in a eulogy written by Chrysippus to the Virgin Mary:

How does it happen that the instrument which was my colleague in the beginning, is now my enemy? A woman co-operated with me to obtain tyrannical power over the race, and a woman has evicted me from that tyrannical power. The ancient Eve exalted me, but the new Eve deposed me... Rightly then have I been taken captive by her whom I conquered... by my advice He was hoisted even to the cross... He despoiled both me from the cross and death from the tomb, as the dead rose together with Him. Now who was the cause of all these things? Who else was it but she who gave birth to the workers of miracles of this kind? It would indeed have been better for me not to lead the ancient Eve into deceiving [Adam]: it would have been better for me not to deceive her by the serpent.<sup>26</sup>

As Gary A. Anderson writes, for those commentators who thought along the lines of a continuum rather than an antithesis, "Adam and

Eve did not thwart the designs of God but, paradoxically, advanced them.”<sup>27</sup> Pope St. Leo the Great exposes the degree to which the logic of continuum recalls the idea of, as he puts it, an “annual cycle,” that is, “the mystery that was promised from the beginning, that was given in the end, and that remains without end.”<sup>28</sup>

In their respective epics, Milton and Hutchinson alike adopt the continuum approach toward the Protoevangelium in that Eve is celebrated for bringing about death and the death of death. As Adam proclaims to Eve in *Paradise Lost*, “whence Haile to thee / Eve rightly call’ed Mother of all Mankind, Mother of all things living, since by thee / Man is to live, and things live for Man” (PL 664). And as Hutchinson writes after actually quoting the Protoevangelium verbatim:

More various mystery  
 Ne’er did within so short a sentence lie.  
 Here is irrevocable vengeance, here Love as immutable.  
 Here doth appear Infinite wisdom plotting with free grace.  
 Even by man’s fall, th’ advance of human race.  
 Severity here utterly confounds.  
 Here Mercy cures by kind and gentle wounds,  
 The Father here the gospel first reveals,  
 Here fleshly veils th’eternal Son conceals.  
 The law of life and spirit here taken place.  
 given with the promise of assisting grace.  
 Here is an oracle foretelling all  
 Which shall the two opposed seeds befall. (67–68)

Hutchinson’s logic bears a striking resemblance to Leo’s in its emphasis upon the cycle of transgression, punishment, mercy, and redemption. And rather than pushing the either/or line when it comes to Eve and Mary, Hutchinson reasons that the “two opposed seeds” are Satan versus Eve/Mary rather than Satan/Eve versus Mary. This paradox is what constitutes part of the “various mystery” of this mysterious prophecy.

Given how much more space Hutchinson dedicates to the logic of the Eve–Mary continuum than Milton does, it is not surprising that in her continued narration of the postlapsarian *denouement*, Hutchinson’s Adam reacts much more casually to Eve’s guilt than does Milton’s. While in *Paradise Lost*, Adam eventually forgives Eve and, as noted earlier, celebrates her for her generation of the lineage that will culminate in Christ, he still gets his share of verbal licks in beforehand, calling her the likes of “thou Serpent” (PL 650) and “this

fair Defect of Nature" (PL 651). Hutchinson's Adam, on the other hand, follows Eve's lengthy, self-lacerating *cri de mort*—"Ah! Why doth Death its latest stroke delay?"—with a relatively mild rebuke and immediate resignation to God's will, "Cease, cease, Oh foolish woman, to dispute, / God's sovereign will and power are absolute. / If he will have us soon or slow to die, / Frail worms must yield, but must not question why" (79). Reiterating the logic with which the epic began, Hutchinson's Adam continues to insist that "Though our poor, sin-benighted souls are blind, / Nor can the mysteries of his wisdom find, / Yet in our present case we must confess / His justice and our own unrighteousness" (79). Even though God warned them of this "fatal consequence," that is, "That death must wait on disobedience," they nonetheless "despised his threat and broke his law" and so they brought about this fate themselves. However, he assures her, "by his mercy yet we have reprieve, / And yet are showed how we in death may live, / If we improve our short-indulged space / To understand, prize, and accept his grace" (79–80). This precept of how "in death we may live" emerges yet again as the epic's overall theme, characterizing not only God's creation of life from nothing but also Hutchinson's own attempt at approximating that through literary production and through the establishment of a new religious and political order out of the ruins of defeat. Because many Puritans argued that observing the Sabbath was an essential step toward the recovery of the primitive church, which had used it to commemorate how man's fallen, death-like state would be remediated by the coming of Christ and the establishment of his rule, they apprehended death and sin in terms as inevitable components of the *felix culpa*. As Edward Stennet, argued in 1677, "It greatly concerns us to show ourselves the remnant of the woman's seed that keep the Commandments of God, and the Faith of Jesus; and to be Followers of those Churches of Christ which were in Judea, which (you know) did keep and observe the seventh-day Sabbath . . ."29

Likewise, Hutchinson depicts the curse that God places upon Satan through the Protoevangelium as a permanent opposition between Eve and Mary on the one side, as together they nurture the seed that flows through the true church, and Satan on the other, as he fathers the tyrannical state:

The great war hath its first beginning here,  
 Carried along more than five thousand year,  
 With various successes on either side,  
 And each age with new combatants supplied.



Two sovereign champions here we find,  
 Satan and Christ contending for mankind.  
 Two empires here, two opposite cities rise,  
 Dividing all in two societies:  
 The little Church and the World's largest State,  
 Pursuing it with ceaseless spite and hate. (68)

In keeping with the idea of the Protoevangelium as a continuum, Eve's sin both launches this great war and brings it to an end. As Hutchinson writes, "Hope in the promise the weak Church confirms, Hell and the World fight upon desperate terms: By this most certain oracle they know; Their war must end in final overthrow" (68). This culmination will be accomplished through what Hutchinson calls "the latitude for hope," that is, the cycle that begins with Eve's sin and that ends with return of "the frail woman's conquering son." Eve's role as thanatrix does not oppose but rather enables Mary's identity as the mother of God. Likewise, Republicans who birthed the republic through the violent destruction of monarchy may have experienced death and destruction at the hands of the returned monarch but they must remember that the death-like state under which they languish is merely a period of painful but productive sleep that precedes the second coming of Christ and the restoration of his church and state.

Thus, Eve must endure her well-known punishments: Suffering in childbirth and subordination in marriage. Hutchinson minces no words here, assigning God to tell Eve that "Thy husband shall thy ruler be, / whose sway Thou shalt with passionate desire obey" (69). However, Hutchinson uses this occasion as a pretense to deliver a shockingly long complaint about marriage and motherhood as they are lived under these conditions, a complaint that further underscores the epic's Sabbatarian emphasis both upon the necessity of death and the triumph of life:

In all these sentences [that God placed upon woman as a result  
 of Eve's sin] we strangely find  
 God's admirable love to lost mankind;  
 Who though he never will his word recall  
 Or let his threats like shafts at random fall,  
 Yet can his wisdom order curses so  
 That blessings may out of their bowels fly.  
 Thus death the door of lasting life became,  
 Dissolving nature to rebuild his frame.  
 On such a sure foundation as shall break  
 All the attempts Hell's curses empire make.

... Yet shall our combat end in victory,  
 Eternal glory healing our slight wound  
 when all our labors are with triumph crowned. (71-2)

Drawing a direct line from the curse of subordination placed upon Eve and the struggle to overcome that curse through combat with the demon seed, Hutchinson positions Eve as both the cause of female oppression, as patriarchalist apologists such as Filmer had done, but also as the starting point for the subaltern's liberation. By arguing that marital subordination is yet another form of death-in-life that will be overcome by the delivery of the promise of grace, Hutchinson imagines the logic of Sabbatarianism as a way out of patriarchy and patriarchalism. Like the church fighting against the Satanic state, women will prevail over the "curbs of liberty," as she puts it, that equal the "harsh tyrant's iron yoke," that are "more solely galling them whom they provoke to loathe their bondage, and despite the rule / Of an unmanly, fickle, forward fool" (69). Concluding this startling diatribe, she states, "Whatever the husbands be, they covet fruit, and their own wishes to their sorrows contribute" (70). Male rule may be God's will but, as Hutchinson envisions it, their inevitable surrender to the demonic temptation of power will bring about the day when women, like Puritan republicans, will be freed from their tyrannical rulers by the return of Christ, their true bridegroom.

One of the most elaborate means by which Hutchinson's Sabbatarianism posits necessary connections among gender, politics, and death in her epic is through the trope of maternal barrenness. By adhering to the linear plot of Genesis in a much more faithful manner than does *Paradise Lost*, Hutchinson's *Order and Disorder* is able to feature a much broader cast of female characters, including the "barren women," as Susan Ackerman calls them, who, after enduring years of infertility, are finally given the sons who will perpetuate the holy seed.<sup>30</sup> Of course, these sons are often preceded by an older son who was produced for the father by a surrogate mother. As Gary Anderson writes, an important theme in the Bible is that of the "younger-superseding-the elder," or as Chrysippus described it, the "pristine adoption of sons through a woman" that results from the Eve-Mary continuum.<sup>31</sup> This dynamic elevates the traditionally lower-down position of the later-born by portraying him as one who was chosen by God for his merit rather than ordained by inheritance to carry on the line, as a king would be. This Biblical theme eventually broadens out to include Israel itself as a younger but more worthy candidate for the nation that God promised to his

chosen people. The Israelites' period of bondage under Egyptian rule functions as the death-in-life that precedes their delivery. And if one takes Adam to be the first-born son of God, as many commentators do, then this dynamic comprehends Christ, the "younger" as well. As St. Epiphanius admitted, "Truly, if we wish to speak honestly, all the firstborn who had been born were not able to achieve this; the Only-begotten alone opened a virgin's womb. Really, in him alone, and in no other, was this accomplished."<sup>32</sup> This accomplishment, as Hutchinson represents it, is not portrayed as God's alone. Instead it results from both God's will and a novel form of female agency—a lack that is positively essential to the establishment of the "holy state" that must be erected for Christian prophecy to be fulfilled. This is not a lack, however, that necessitates women's death and erasure. Instead it is the death and erasure of others, including men, that woman brings into being just as she brings into being the vehicle through which life is restored.

Hutchinson begins this thread of her argument with her treatment of Eve's curse. Because Eve's sin consigned her both to marital subordination and to pain in childbirth, she is the first to experience the painful approximation of death that parturition represents. However, in contrast to those theologians who argued that Eve's labor resulted only in the birth of a fratricide and thus did not contribute to the seed that would conquer Satan, Hutchinson reminds us that Eve had a third son, Seth. Hutchinson writes that after Abel died and Cain converted his banishment into the establishment of a grand imperial city, Satan exalted, believing that he had "extinguished" the holy seed. However, he was mistaken for "God revived it in succeeding Seth" who was "Born after Cain was excommunicate / To be the founder of the Holy State" (100). Thus, we must not lament but rather rejoice in Cain's act of fratricide for, as Hutchinson reasons yet again, "This holy seed still with advantage dies / That it in new and glorious form might rise. / So still th'Almighty draws life from the tomb: Thus did the first out of darkness come. As single grains spring up in ears of corn, / So in one martyr's bed a church is born" (100–101). Seth, like his mother, creates new life from the destruction that Satan helps bring about.

Hutchinson continues her genealogy of the holy seed as it is passed from Seth to Enos, whose offspring, unlike all the other corrupt offshoots of Adam and Eve, live in a manner that might well represent the author's vision of restoration-era Puritan republicans. They

sought no safety but in innocence. Not cities built for God was their  
defense; No arts, no sensual pleasures did invent,

Only with bare necessities content; Left to the world terrestrial low  
delight

While their more noble spirits did unite  
In the pursuit of high and heavenly things,  
Rising together on prayer's dove-like wings. (101)

The political overtones of the genealogy continue into the story of Noah as he is chosen by God to head the only group of people who will survive the deadly flood that God sent to wipe out the licentious "old world" so that from that "dead state," as Hutchinson calls it, he can preserve the remnant who will eventually go on to build an "unblemished state" (113), a powerful invocation, once again, of those who survived the restoration and still hoped to found a more perfect union than the one that was destroyed. When Noah enters his ark, Hutchinson characterizes his "retreat" as an entry into a "coffin" or "vast womb" that God closes so as to reopen it as a source from "whence he intended the next world should come" (118). As Hutchinson unflinchingly reiterates, "Thus the best way to draw out living breath / Is willing resignation unto death" (118).

Eventually, her genealogy results in Terah, "the father of great Abraham who founder of the faithful state became" (149) and, with him, the women once again come to the forefront of the action through their reenactment of the "barren women stories." As Susan Ackerman argues, the rivalry that the infertile wife experienced in these stories with the fertile surrogate who often provides the first-born son is what compels the barren woman to ask God for a son of her own and then to relentlessly promote his—and God's—interests over the traditional claims of the elder-born. The "near-death" state of both the barren woman and her disenfranchised son highlights God's creative powers as he intervenes both to fill her dead womb with life and hence to claim her son as the link in the chain that will lead to Christ and his headship of the New Jerusalem. As Hutchinson's God promises Abraham, "And now my promises shall take effect, / Nor shalt thou long the blessed seed expect. / Yet not from Hagar's but from Sarah's womb / The children of the covenant shall come, / And ere twelve moons have compassed the earth / Her ripe fruit shall receive a happy birth" (163–4). And when the child of that covenant, Isaac, comes of age, the family servant who is sent to find a wife for him from his own bloodline finds the bride-to-be, Rebecca, standing by a well near her father's house, a repetition of Hutchinson's opening image of God's procreative spring and the source of his seed. However, to underscore God's procreativity

and his absolute claims to paternity, Rebecca too proves to be barren until, in answer to Isaac's prayer, God fills her womb. After a difficult pregnancy that advances the epic's concern with the idea that triumph is only intelligible as such when it is preceded by painful struggle and even defeat, Rebecca gives birth to twins, with Esau functioning as the "elder" and Isaac the "younger" because the former emerged first with the younger competitively hanging on his heel, a harbinger of the conflicts that will define much of their relationship and that will once again results in the fact that, as God tells Rebecca, "The younger's happier destiny shall prevail, / He shall his elder brother subjugate, / Courage and strength in vain opposing fate: For whose irrevocable laws decree / The eldest must the younger's servant be" (217). This injunction inspires Rebecca to help Isaac manipulate both Abraham and Esau into fulfilling this prophecy. Rebecca then is not merely a vessel through which the seed is passed but also an agent for the insurance of its passage to the rightful recipient.

By painting these revered Old Testament figures as women who are "failures" at maternity until God chooses to answer their petitions for pregnancy and to elevate them to the status of mothers of mankind, Hutchinson offers them up as social and political alternatives to the women of the Restoration court, whose allegedly debauched lives meant that they practiced the sort of idleness—sloth and laziness—that, according to Hutchinson's Sabbatarian ethos, leads to true death rather than resurrection. This is because the theme of barrenness was not merely Biblical at the time when Hutchinson composed her epic. Instead, it was one of the defining features, a highly problematical one at that, of the restored Stuart line. Famously promiscuous to the point where he produced a number of bastard children with a variety of mistresses, Charles II could not produce a legitimate heir because his wife, Catherine of Braganza, was barren. As a result, the crown passed laterally to his younger brother, James II. This would seem to affirm the strong scriptural preference for younger sons as the chosen bearers for the holy seed. However, James II's first wife, Anne Hyde, bore him only two daughters. Despite the fact that England had already been led by two queens, Mary I and Elizabeth I, that one of James II's daughters Mary II would eventually co-rule with her husband, William of Orange, and that the other one Anne would alone reign after Mary and then William died, it appears that, at the time of the two sisters' births, a female sovereign was considered insufficient. Thus, when James II's second wife, Mary of Modena, proved to be barren, a baby boy, James Stuart, or as he was less officially known "The Old Pretender" was allegedly smuggled in to perform the role of heir to the throne.

Given that Catherine of Braganza's barrenness was public knowledge during the years when Hutchinson was composing *Order and Disorder*, it is reasonable to surmise that, by highlighting the ways in which God demonstrated his favor by honoring barren women with sons, and by emphasizing the degree to which God often departed from patriarchalist practice by elevating younger rather than first-born sons to the status of the chosen one, Hutchinson was implying that the restored court did not enjoy divine favor. The male offspring of that court were "pretenders" rather than "children of the covenant." The possibility that Hutchinson is bastardizing the restored court is further strengthened when one recalls an earlier scene in which Abraham and Sarah seek refuge from Palestine's King Abimelech after escaping the fall of Sodom. Abimelech possesses both a queen as well as many concubines and, in keeping with his playboy image, immediately desires the very beautiful Sarah. To shield her as well as his own life, Abraham tells the king that she is his sister, which she is, while withholding the fact that she is also his wife. And to protect the mother who will bear his chosen seed, God intervenes by employing "A winged messenger from Heaven" who is sent "Unto the gloomy mansion of dull Sleep" (182). There the messenger delivers a long speech on the nature and benefits of sleep, which reiterates the logic of Sabbatarianism. Here, however, God imposes this sleep on Abimelech because his lust means that he is a practitioner of one of the wrong ways to spend one's quiet time. Thus, in his sedated state, he gives way to "stupidness" because

Oblivion did in the same chariot ride.  
 All various kinds of dreams marched on each side,  
 Who, when the first two had performed their charmes,  
 Entered the easeful head in numerous swarms  
 and strange fantastic apparitions made,  
 Suiting the brains where they reception had.  
 Deformed Sloth and nasty Poverty  
 Among the crowd of his attendants be. (184)

Hutchinson's capitalization of the word, "Oblivion," cannot help but recall the Charles II's Act of Oblivion under which his father's executioners were pardoned even as religious and political dissent were suppressed and the war and commonwealth ordered to be officially forgotten. In Hutchinson's depiction of Abimelech's numb narcolepsy, Philomel even forgets that she was raped, implying that the Act of Oblivion is designed to shield patriarchalism's crimes against its subject.

However, Hutchinson also uses this scene to endorse the restorative form of rest associated with Sabbatarianism as an official state practice by portraying Abimelech's temporary unconsciousness as tool used by God to force the king to acknowledge the wrongfulness of his planned assault on Sarah. As God says, knowing that Abimelech acted while under the illusion that Sarah was merely Abraham's sister, "I know thy heart was free from foul intent; 'twas I restrained thee / From such an unknown crime, and by my grace" (185). But as he adds in the form of a warning, "But if thou still pursue this injury, / Quick death shall swallow up thy family, / And thou thyself shalt in their ruin fall / Unless thy quick repentance save them all" (185). Thus, in keeping with Sabbatarianism's injunction that individuals spend their designated period of rest performing spiritual contemplation of their sins and of God's forgiveness thereof, Abimelech is awakened from the oblivion under which he had erroneously tried to exploit Sarah and made to repent. Abimelech obeys, immediately asking his "whole court" to "congregate" around him and pray for forgiveness.

After injecting new life into this king's licentious court by converting it into a self-purging congregation, God next chastises Abraham for his deception. However, when Abraham reminds God that Sarah was indeed his sister, God not only "restored" her but also added "a royal gift and gracious words": "'Behold,' said he, 'where'er my land affords / Thee best convenience / choose thyself seat, / There with thy wife and family retreat; / And amongst us in perfect freedom live" (186-7). This startlingly quick forgiveness and reward reverses the logic of God's conversion of Abimelech's court into a congregation. Here, the holy line that Abraham heads is turned from a spiritual body into a political one, a "seat" in which the chosen family will "in perfect freedom live." While the Act of Oblivion sought to erase the war and the republic from public memory, Hutchinson's God puts Abimelech into the productive stasis of rest in order to force him to confront his crimes and to seek pardon for them. While the Act of Oblivion sought to quell dissent, God rewards Abraham for strategically "lying" to a king in order to protect himself from that king's exploitation. While Charles II kept those who violated his strictures under lock and key, God provides those who protested Abimelech's debauchery with a land of liberty. Charles II and, by extension, his court languished in the slothful sleep of forgetfulness and had to be reminded by God that they were sinners so that they could perform the work of repentance. As they congregated, the chosen remnant of the woman's seed would settle God's free land. A Sabbatarian rejection of "play"—here defined as vice—in favor of contemplating God's

power among men will both redeem the fallen and release those who were wronged from tyranny.

By drawing upon the Sabbatarian motif of dormancy as a state that anticipates death and hence reminds one of the work one must do to achieve salvation, Hutchinson once again reinforces her implicit claim that the Christian Republic is not dead but rather rests in suspension and thus, after the work of contemplation is performed, it will be resurrected. Hutchinson makes this case finally and most explicitly in her treatment of Jacob's ladder. Closely following scripture, Hutchinson depicts Jacob as being sent to the city of Haran to find a wife from among his own kin. As night falls, he takes shelter in a "heap of rough stones," then "gentle sleep his heavy eyelids closed" (240). However, before recounting the dream itself, Hutchinson delivers a highly politicized disquisition upon sleep, one that pits the peaceful sleep enjoyed by such "mean" but "blessed men" as Jacob against the tortured insomnia experienced by royal tyrants. The commoner gifted with grace can, like Jacob, "on hard earth can find pleasant rest." For him, "no fighting dreams are bred / Nor starts he, wakened with a guilty dread." Instead, he sleeps "secure" while God's "restless care still hovers" because "where sweet Contemplation minds employs, / The dreams feed that pure soul with fresh delight, / Repeating the day's comforts in the night" (240). "Wicked greatness" on the other hand, "no watch can secure: / Still waking horror on the guilty waits, / With torturing conscience and her Hell-born mates / Despair, Suspicion, Dread, and dismal Woe, / Whence frightful melancholy visions flow / Whenever slumbers close the heavy eyes" (240). After reading this, we look back to Abimelech's fate and realize how fortunate he was that God bestowed the gift of sleep on such a "plumed" Prince. Whereas sleep for royalty represents an obviously discomfited "oblivion," one plagued by the "melancholy visions" of guilt and despair that it suppresses during the day, sleep for common men comes naturally and means that they can more readily, almost "in their sleep," perform the labor of Contemplation that the achievement of grace entails. And for his saints, God "discovers" to them as they sleep the "hidden mysteries / Wherein his dear saints' consolation lies" (241). The republican need not entertain any nightmarish visions of whatever deeds he may have performed in his past; he enjoys God's grace and the knowledge that pain and suffering were necessary. Princes, on the other hand, should expect to be plagued by guilt at the very point at which they most seek forgetfulness.

The consolation of insight into the ways of God is akin to the knowledge that has been ours all along—that is, that struggle is



necessary for advancement—and this insight is in fact what Jacob “in his desolate lodging . . . found” when his dream reveals “a ladder standing on the ground, / The top up to high Heaven advanced, from / whence The angels waiting on God’s Providence / Perpetually in thick troops made descent / And back to heaven by the same steps went:” (241–2). At the top of the ladder, amidst the “glorious uncreated light,” stood Jehovah. The ladder then represents both a progression forward—toward Heaven—as well as backward—to the beginning where *prima materia* still awaits re-formation. As Jacob gazes up to the top of the ladder, God identifies himself and then reiterates his promise to lead his “blessed seed” to the Promised Land. After God vanishes then into the clouds, Jacob wakes up in a state of horror “Till, recollecting his disturbed sense, / Converting his wild dread to reverence” (242). Unlike those kings given to nightmares, Jacob realizes that “’Surely Jehovah is conversant here, / And it did not to my dull sense appear / How dreadful [awesome] is this place: sure ‘tis God’s court, / And heaven is entered by this sacred port’ ” (242). Jacob then rises from his stone pillow, commemorates the moment by naming the spot Bethel, consecrates it with oil as an altar, and vows that if God keeps his promise, he, for his part, will return to that spot every time he earns something and dedicate a tenth of it to God. But Hutchinson the narrator does not vacate the scene along with Jacob. Instead, she steps in to declare that “we must review the vision and explain / What God did there to him, and to us, intend, / For hereon many mysteries depend” (243). She explains, “This ladder as to Jacob signifies / His mortal progress, which from th’earth doth rise / Till he Heaven’s arched palaces ascend” (234). The angels and God watch over him on his journey through life and protect him as he “’Scapes the wild hunter Esau’s murdering snare,” sleeps without concern for “wild beasts sleeps” and “killing serpent[s],” and finally thwarts “Laban’s fraud” before he “finally Wealthy and safe at home arrives” (243–4). Struggle and defeat are not obstacles to but rather stepping stones toward the Promised Land.

As a result, this progress is not Jacob’s alone; instead, “By this is the pilgrimage of all saints shown” (244). What is more, the decoded mystery of Jacob’s dream “informs us that while Christians climb on high / By the harsh step of crosses, poverty, scorn, persecution, self-denial, hate” and even death itself, these steps are necessary rungs in the ladder for “The austere progress of a Christian state” (244). Thus those who desire such a state must always remember that, even as they struggle, they shall “prevail” over Death’s “powers” and “at the last Heaven’s glorious palace scale” (244). Here is Hutchinson’s memorial

to her fellow republicans. Although the restoration confronts them with “poverty, scorn, persecution, self-denial, hate,” and even death itself, they must persevere because God still watches over them and plans for their resurrection. Through him, they will climb the ladder and finally settle themselves in his holy city. Climbing this ladder is “the Christian’s only way”; when “death throws down this frail house of clay / Pious souls back to eternal rest convey” (244).

Hutchinson’s vision could in some ways be taken as extremely conservative in that it suggests that it may only be in heaven that liberation can be achieved. At the same time, she follows up her interpretation of Jacob’s vision with a detailed depiction of his progress, starting with the tribulation of Laban’s trickery as he tries to manipulate Jacob into marrying Rachel’s older sister, instead of the beautiful Rachel, his true “loadstone” (246) upon whose “large forehead wisdom had a throne” (248). As Laban reasoned, “they did not in that country use / Younger before the elder to bestow” thus Jacob was forced to labor two times seven years before God “the right bride unto her lover joined” (250). Even then, Jacob was forced to endure yet another trial when, true to form, Rachel’s womb proves to be barren. It is Leah who therefore bears the first-born son, Reuben, as well as Simon shortly thereafter, and several more on top of that. This as well as the fact that Jacob bears additional children with his servant girl so distresses Rachel that she “God humbly besought” (253). After “regarding her distress,” God “Removed the causes of her barrenness” so that she “with desired fruit she pregnant grows, / And Jacob’s darling doth to light expose” (253). When Joseph is born, he brings “More comforts” and “favours” in the form of the protection that God provides for Jacob, Rachel, and their household as they flee the troops sent after them by the tyrannical Laban and progress toward the Promised Land. As Hutchinson writes in the last lines of the entire epic,

Jacob only on the Lord relies,  
 And well he might: for God at first did send  
 An unseen guard of angels to attend  
 His servant home, though yet he knew it not,  
 And Bethel’s certain vision had forgot.  
 These Laban and his troops could have delayed  
 Or led them to wrong paths and while they strayed  
 Carried off Jacob safe. (258)

Ending rather than beginning, *in medias res*—indeed only halfway through the line—Hutchinson’s epic culminates in this earthly vision

of the fulfillment of God's original covenant with Moses and the yet-dormant but imminently forthcoming establishment of Bethlehem, the birthplace of Christ. By stopping so abruptly with a scene in which Jacob climbs a ladder into heaven on earth, Hutchinson undercuts the idea that the holy city will be achieved only in heaven. Instead, she leaves open the possibility that England's past is also its prologue and that the second coming of a deliverer from empire and founder of a Christian state is still to be awaited. Thanks to Eve's willingness to usher sin and death into the world, resurrection becomes a possibility, indeed a necessity. The new order, like Jerusalem after its own Babylonian captivity, must die into disorder before it can truly live. The violence that led to its first permutation was not an *hamartia* of epi-tragic proportions but a necessary transgression that paved the way for the divine cycle of the first birth, the obligatory death, the quietly, apparently post-violence but nonetheless diligent work of communal reformation, and the penultimate rebirth into the austere perfection of the true republic.

## NOTES

1. John Milton, *Paradise Lost*, in Roy Flanagan, ed., *The Riverside Milton* (Boston, 1998), p. 355. Hereafter PL. Subsequent references will be cited parenthetically in the text. For a discussion of the various republican "losers," see Christopher Hill, *Experience of Defeat: Milton and Some Contemporaries* (London, 1994). On p. 21, Hill laments his inability to gauge Lucy Hutchinson's sense of loss as, in his view, her *Memoirs of the Life of Colonel Hutchinson* (London, 1995) does little other than exaggerate her husband's attributes. But Hill wrote before David Norbrook attributed *Order and Disorder* to Lucy Hutchinson, thereby making available to us an opportunity that was denied Hill, that is, to assess a republican woman's response to defeat (Norbrook, "Lucy Hutchinson and Order and Disorder: The Manuscript Evidence," *English Manuscript Studies 1100-1700* 9 [2000]: 257-91).
2. Lucy Hutchinson, *Order and Disorder* in David Norbrook, ed. (Oxford, 2001). Subsequent references will be cited parenthetically in the text.
3. Armand Himy, "Paradise Lost as a republican 'tractatus theological politicus,'" in David Armitage, Armand Himy, and Quentin Skinner, eds., *Milton and Republicanism* (Cambridge, 1995), pp. 118-34, Quote from p. 119.
4. Netta Berlin, "War and Remembrance: *Aeneid* 12.554-60 and Aeneas's Memory of Troy," *American Journal of Philology* 119.1 (1998): 11-41.
5. Mark Kishlansky, *A Monarchy Transformed: Britain 1603-1714* (London, 1996), specifically chapter nine, "The Restoration Settlements," pp. 213-40.

6. Derek Hirst, "Remembering a Hero: Lucy Hutchinson's Memoirs of her Husband," *English Historical Review* CXIX, 482 (2004): 682–91.
7. See James T. Dennison, Jr., *The Market Day of the Soul: The Puritan Doctrine of the Sabbath in England, 1532–1700* (New York, 1983).
8. For probing discussions of Milton's quiescence, see Christopher Hill, *Milton and the English Revolution* (New York, 1977); Blair Worden, "Milton's Republicanism and the Tyranny of Heaven" in *Machiavelli and Republicanism*, eds. Gisela Bok, Quentin Skinner, and Maurizio Viroli (Cambridge, 1990), pp. 225–45; and Sharon Achinstein, *Literature and Dissent in Milton's England* (Cambridge, 2003).
9. David Norbrook, *Writing the English Republic: Poetry, Rhetoric, and Politics, 1627–1660* (Oxford, 2001); Barbara Kiefer Lewalski, "Paradise Lost and Milton's Politics," *Milton Studies* 38 (2000): 141–68.
10. Reid Barbour, "Recent Studies in Seventeenth-Century Literary Republicanism," *English Literary Renaissance* I, 3 (Autumn 2004): 387–417, quote from page 1.
11. John Milton, *Paradise Regained* in Flanagan, *The Riverside Milton*, pp. 720–82, as Christ says to Satan, "But if there be in glory aught of good, / It may by means far different be attain'd / Without ambition, war, or violence; By deeds of peace, by wisdom eminent, / By patience, temperance; . . ." (753).
12. Stephanie Jed, *Chaste Thinking: The Rape of Lucretia and the Birth of Humanism* (Bloomington, Indiana, 1989); and Melissa Matthes, *The Rape of Lucretia and the Founding of Republics* (College Park, Pennsylvania, 2000), p. 35.
13. See Bryan W. Ball, *The Seventh Day Men: Sabbatarians and Sabbatarianism in England and Wales 1600–1800* (Oxford, 1994); and Kenneth Parker, *The English Sabbath* (New York, 1988).
14. John Hooper's popular tract, *Declaration of the Ten Holy Commandments* (1548) represents this perspective.
15. John H. Primus, *Holy Time: Moderate Puritanism and the Sabbath* (Macon, 1989).
16. Presbyterians' call for longer, more somber, and more message-bound services gained such momentum that, to take but one example of its effects, the first of a series of pro-Sabbatarian bills was introduced into Parliament when in 1553, the upper gallery of a bear-bating arena at Paris Garden collapsed, killing seven people and injuring many more. Although Elizabeth vetoed all such bills, the publication in 1595 of Nicholas Bounde's *The Doctrine of the Sabbath*, raised the stakes by arguing that, if the church was to be truly purified of its Catholic innovations and to return to the "primitive" ways of its earliest and least tainted conventiclers, then it must follow the example of the New Testament Israelites and observe the Sabbath for twenty-four hours on its original and true day, the seventh

- day of Saturday. Bounde's rigorously Puritan views proved to be surprisingly compelling. In 1606, he published *Sabbathum Veteris et Novi Testamenti*, a revised edition of his *Doctrine*, which reiterated his commitment to seventh-day Sabbatarianism. Opponents of this position, such as Thomas Rogers, responded by insisting that it was "anti-christian and unsound," not to mention Jewish, to argue that Christians are bound to keep Saturday as the Sabbath day.
17. Theophilus Brabourne, *A Discourse on the Sabbath Day* (London: 1628).
  18. As B. R. White has demonstrated in "John Traske (1586–1636) and London Puritanism," *Congregational Historical Society Transactions* xx (1965–1970): 223–33, the most radical proponents of this perspective was John Traske, an itinerant preacher who was converted to extreme Sunday Sabbatarianism by one of his many followers, Hamlet Jackson, after the latter was struck by a blinding light while traveling on a Saturday. Traske also insisted that Sabbatarians work on Sunday and that they observe Jewish holidays and dietary restrictions laid out in Leviticus. In 1618, Traske was arrested again, this time for making "the people of God, his majesty's subjects, little better than Jews." He was tortured, fined, and then imprisoned for life. After recanting, however, he was released even as other members of his congregation, including his wife, Dorothy, were imprisoned. One follower Returne Hebdon died there in 1625, becoming the first English martyr for Sabbatarianism; Dorothy Traske also died after being incarcerated for twenty-five years, never wavering from her strict Sabbatarianism. John Traske himself eventually became a member of the Jacob–Lathrop–Jessey church, which, under the pastoral leadership of its third minister Henry Jessey, held services on Sunday but gathered in small groups on Saturday in order to properly adhere to scripture.
  19. A number of supportive tracts were published anonymously throughout the 1660s and 1670s and the pastor of London's seventh-day Mill Yard congregation, John James, a poor weaver by trade, shouted his last words, "I do own the Lord's holy Sabbath, the seventh day of the week to be the Lord's Sabbath" while being dragged from his pulpit, accused of treason, hung from his neck, disemboweled, beheaded, and drawn and quartered. At the king's behest, his head was impaled on a stake outside his congregation's meeting hall as a lesson to Sabbatarians everywhere. For excerpts from these texts, see the old but informative study by Robert Cox, *Literature of the Sabbath Question* (London, 1865).
  20. Ball, *The Seventh Day Men*, 14.
  21. David Lowenstein, *Representing Revolution in Milton and his Contemporaries: Religion, Politics, and Polemics in Radical Puritanism* (Cambridge, 2001), specifically chapter 3, "Ranter and Fifth Monarchist Prophecies: The Revolutionary Visions of Abiezer

- Coppe and Anna Trapnel," pp. 92–124. See also James Holstun, *Ehud's Dagger: Class Struggle in the English Revolution* (London, 2000), specifically chapter 7, "The Public Spiritedness of Anna Trapnel," pp. 257–97.
22. Jason Rosenblatt, *Torah and Law in Paradise Lost* (Princeton, 1994), p. 48. Subsequent references will be cited parenthetically in the text.
  23. Sir Robert Filmer, "Patriarcha" in Joahann P. Sommerville ed., *Patriarcha and Other Writings* (Cambridge, 1991), pp. 1–68. See also Richard Corum, "In White Ink: *Paradise Lost* and Milton's Ideas of Women" and Marshall Grossman, "Servile/Sterile/Style: Milton and the Question of Women," both in Julia M. Walker's *Milton and the Idea of Woman* (Champaign, Illinois, 1988), pp. 120–47 and 148–68, respectively.
  24. Shannon Miller, "Maternity, Marriage, and Contract: Lucy Hutchinson's Response to Patriarchal Theory in *Order and Disorder*" *Studies in Philology* 102, 3 (2005): 340–77.
  25. St. Justin, *Dialogus cum Tryphone*, n. 100; PG 6, 709CD, 712A.
  26. Chrysippus, *Oratio in S. Mariam Deiparam*, # 3; ed. M. Jugie, A.A., *Homélie, mariales byzantines*, in *PO* 19 (1926) 340f.
  27. Gary A. Anderson, *The Genesis of Perfection: Adam and Eve in Jewish and Christian Imagination* (Louisville, 2001).
  28. Pope St. Leo the Great, *Sermo 22, De nativitate Domini*, 2, 1: PL 54, 194A.
  29. Edward Stennet, *The Insnared Taken in the Work of his Hands* (London, 1677), p. 159.
  30. Susan Ackerman, *Warrior, Dancer, Seductress, Queen* (New York, 1998).
  31. Chrysippus, *Oratio*, p. 340f.
  32. St. Epiphanius, *Panarion*, n. 78; # 18–19; PG 42, 728C–29C; GCS, 468–70.

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PART II



GENDER AND STATE VIOLENCE



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## CHAPTER 5



# WOMEN, RELIGIOUS DISSENT, AND URBAN AUTHORITY IN EARLY REFORMATION NORWICH

*Muriel C. McClendon*

**I**n July 1557 Elizabeth Cooper was burned as a Protestant heretic at the Lollards Pit just outside Norwich's Bishopgate. She was the wife of a pewterer and lived in the city's St. Andrew's parish. She had, apparently, repudiated her Protestant beliefs earlier in Queen Mary Tudor's reign, although no record of any formal abjuration survives. That renunciation had, however, left her "greatly troubled inwardly." As a result, she went into St. Andrew's church one day while a service was in progress and publicly rescinded her recantation of Protestantism. She told the assembled worshippers that "she was heartily sorry that she ever did it [i.e., recanted], willing the people not to be deceived, neither to take her doings for an example." After that declaration Cooper left the church.

An irate member of the congregation, "one Bacon," whose identity cannot be definitely established, insisted that city sheriff Thomas Sotherton, who was present at the service, place Cooper under arrest. He exclaimed, "Master sheriff! Will you suffer this?" Sotherton then proceeded to Cooper's home, "at whose knocking she came down," placed her under arrest, and turned her over to the local ecclesiastical authorities. Shortly thereafter, Cooper was condemned to death by Michael Dunning, the chancellor of Norwich diocese, of which the city was its seat. She went to the stake on July 13, along with one

Simon Miller of King's Lynn. Miller had been betrayed to diocesan authorities by an unnamed "evil disposed papist" after he had arrived in Norwich and asked a group of people leaving a church "where he might go to have the communion," indicating his desire to attend a Protestant service.<sup>1</sup>

The persecution of Protestants that resulted in Miller's and Cooper's death probably remains the best-remembered feature of Mary Tudor's efforts to restore Roman Catholicism as the established religion in England. The Queen had taken the throne in the summer of 1553 determined to reverse the religious policies of her late half-brother, Edward VI. The government of the late king had created a Protestant church for England during his six-and-a-half-year reign, which the new Queen worked quickly to dismantle. As part of that effort, her third Parliament passed legislation against heresy, which dictated death for those who refused to submit to the Roman communion.<sup>2</sup> That law not only encouraged the self-imposed exile of nearly eight hundred English Protestants that was already underway, should also set the stage for the trial and execution of Protestants that began in January 1555 and only ceased with Mary's death in November 1558. Elizabeth Cooper's death was the first of a Norwich resident.

In the crowd that attended Miller and Cooper's July 1557 execution was a young woman Cicely Ormes, who declared that "she would pledge them of the same cup that they drank on." Ormes was the wife of the worsted weaver Edmund Ormes of Norwich's St. Lawrence's parish. Like Cooper, she had previously recanted her Protestant beliefs and similarly, no surviving evidence documents her rejection of them. Ormes, too, came to regret her actions and had gone so far as to have a letter written to diocesan chancellor Dunning detailing her latest change of heart. But she never had the opportunity to deliver it to him or discuss its contents with him. When Ormes offered encouragement to Miller and Cooper at their execution, she was overheard by John Corbet of nearby Sprowston. Corbet was a former city official of Norwich and a religious conservative who had clearly embraced the Catholic restoration.<sup>3</sup> He seized Ormes and turned her over to Michael Dunning for examination.

Dunning interrogated Ormes about her views on transubstantiation, sending her to the Bishop's prison when he did not receive satisfactory replies to his questions. Ormes was called before Dunning a second time not long afterward. The chancellor offered to free her "if she would go to the church and keep her tongue . . . and believe as she would," but Ormes rejected the bargain, asserting that "God would

surely plague her.” Claiming that he had shown “more favor to her than ever he did to any, and that he was loath to condemn her considering that she was an ignorant, unlearned, and foolish woman,” Dunning read out a death sentence nevertheless. He turned her over to the Norwich city sheriffs, who then transported Ormes to the city’s Guildhall prison. There she lingered until her execution on a late September morning between 7 and 8 o’clock before a crowd of about two hundred.<sup>4</sup>

The narratives of Cooper’s and Ormes’ arrests, examinations and eventual martyrdoms can be found in John Foxe’s *Acts and Monuments*, more popularly known as the *Book of Martyrs*. Foxe’s martyrology offers one of the best and best-known sources for the history of the Marian persecution in England and of Protestants during the Reformation era. It was first published in 1563 and quickly became one of the most celebrated and influential texts in Elizabethan England and beyond. Four more editions appeared before the end of the sixteenth century. And in 1571, a Church of England Convocation directed that copies be placed in all cathedrals and that church officials keep copies in their homes.<sup>5</sup> In subsequent centuries other dissenting groups sought to lay claim to Foxe’s work.<sup>6</sup>

More recently, Foxe’s life and work have been the focus of considerable attention from both historians and literary critics. These scholars have investigated a wide range of topics, including the contributions that the *Book of Martyrs* made to early modern visual culture, its impact outside of England, its illumination of sixteenth-century literary practices and the imaginative appeal that the often gruesome depictions of martyrdom offered readers.<sup>7</sup> Thus, for example, Cynthia Marshall shows how Foxe’s depictions of violent death redirected his readers’ attention and affiliation from one with the persecutors to one with the persecuted heretics. Such a masochistic pleasure, she argues, generated a “shattering of the self.” That shattered self was to be recovered, for Foxe, as a dedicated Protestant. In her reading of Foxe (along with other texts), Marshall persuasively complicates the new historicist account of the emergence of the early modern subject. The forces that helped to promote the autonomous self, the “Renaissance self-fashioning” now so familiar to scholars of the period, also “existed in tension with an established popular sense of the self as fluid, unstable, and volatile.”<sup>8</sup>

Megan Hickerson’s recent study also raises new questions about *Acts and Monuments*. Her interest lies in the gendered nature of the imagery employed in Tudor Protestant martyrologies and how, among other issues, it helped to shape a nascent English Protestant

identity. While noting how little scholarship has been devoted to the examination of Foxe's female martyrs, Hickerson has questioned older assertions that Foxe's portrayals of women executed in the Marian persecution provided models of behavior that emphasized traditional feminine virtues, such as piety, modesty, and humility. Her own investigation has reached a rather different conclusion: Hickerson has found that the women depicted by Foxe served not as models of suitable behavior, but as "models for disobedience to authority, whether marital, ecclesiastical or royal." She goes on to argue that "[s]uch authority had in the past, and could still, demand idolatry in worship and thus, for the elect member of the true church, adultery. In such circumstances members of the true church had to choose between obedience to earthly authority and fidelity to Christ, to whom, in election, they were married."<sup>9</sup>

As instructive and thought-provoking as these and other studies have proven, Foxe's work is not without limitations, as its students have shown. Thomas Freeman, among others, has highlighted the ways in which Foxe reworked and reshaped his text, sometimes in an effort to obscure views of martyrs that he found unpalatable and inconsistent with the larger vision for his project.<sup>10</sup> Sarah Covington, in her study of sixteenth-century English martyrdom, has also pointed to some of the problems encountered in working with martyrological texts. Attempts to exalt victims may distort portrayals of them as well as their persecutors, making access to the historical reality more difficult.<sup>11</sup> And Megan Hickerson has noted some of the obstacles that Foxe's text presents to those interested in exploring the role of women and gender, despite the fact that it is such a rich source for the study of other dimensions of the Reformation. Readers rarely learn anything about the lives of female martyrs outside of their persecution and there is little else about them among Foxe's papers. The narratives of Elizabeth Cooper and Cicely Ormes, for example, do not reveal how the two women first encountered Protestantism, or why they embraced it. We do not learn if they came to the new religion by way of family members, friends, or neighbors, nor is there any indication of whether they were able to read the Bible themselves, or heard it read, or whether they might have listened to sermons of ministers known for their reformed leanings. Foxe's account only recounts their self-incrimination, arrest, examination, and execution. Further complicating efforts to use the *Book of Martyrs* as a source for the study of women and gender, Hickerson declares, is the fact that it "is itself so cumbersome as to make thorough analysis difficult..."<sup>12</sup>

Another difficulty can arise from relying too heavily on the *Book of Martyrs* as a means to understand the course of the Reformation in its local context, a problem to which I will draw attention in this essay. Foxe's account correctly shows that Elizabeth Cooper and Cicely Ormes were the only two residents of Norwich put to death as heretics during the Marian persecution. The fact that all of those from the city who died as heretics under Mary were female might lead to a conclusion that women played a prominent part in the city's early Reformation. I will argue, in what follows, that when other local sources are consulted, women's role in Norwich's Reformation appears much more ambiguous than a reading of Foxe might first suggest. Unlike Foxe's detailed accounts, little is clear about the position that women occupied in the city's Reformation, particularly when reading the civic records that have revealed so much of what we know about religious change there. Women's religious activity went largely unrecorded in those sources.<sup>13</sup>

I will go on to suggest that the near-total invisibility of women in these sources is not a likely consequence of their indifference to religious matters as it is a result of local magistrates' reluctance to confront female religious dissent. Women across England participated on both sides of the religious divide that emerged in the Tudor era. Elizabeth Barton, better known as the Holy Maid of Kent, famously and vociferously opposed Henry VIII's divorce and the break from Rome, and went to the scaffold in 1534 for her efforts.<sup>14</sup> Lower profile women also voiced their opposition to the divorce and subsequent innovations in religion. In 1535, one Margaret Chaunseler of Suffolk colorfully declared Anne Boleyn "a goggle-eyed whore."<sup>15</sup> The following year, a group of women in Exeter resisted the workmen charged to remove the rood loft at St. Nicholas Priory.<sup>16</sup> Other women voiced their support for religious innovation. Christopher Haigh has noted, for example, that 26 women were among the 190 laypeople presented in 1540 in London for heresy and irreverence.<sup>17</sup> And in Edward's reign, Joan Bocher was executed for her denying that Jesus Christ was the son of the Virgin Mary.<sup>18</sup>

There is no reason to think—nor evidence to suggest—that women in Norwich would have been more hesitant to articulate their spiritual allegiances than their counterparts elsewhere. In fact, it is possible to catch glimpses of female religious activity in early Tudor Norwich in sources other than the civic records. Diocesan court documents, for example, which survive only patchily, reveal that city women were presented for the failure to attend church, to receive communion, and, stretching back to the pre-Reformation period, for heresy.<sup>19</sup>

The religious changes of the sixteenth century brought difficult problems for governors across Europe, as traditional authority was contested in new ways. In Norwich, other developments had already left local leaders concerned about their ability to maintain civic authority and autonomy, and the Reformation only served to aggravate those preoccupations. As a result, they sought to avoid conflicts having to do with religion among city inhabitants to prevent new challenges from weakening and undermining their authority. Their particular success in steering clear of religious disputes involving women renders Cooper's and Ormes' 1557 executions all the more dramatic at the same time that it renders the role of gender in Norwich's early Reformation more difficult to discern.

\* \* \*

The city in which Cooper and Ormes made their dramatic declarations was England's second city in the Tudor period. John Pound has recently noted that between the 1520s and the 1560s, when Dutch and Walloon refugees from the Low Countries began to arrive, Norwich was home to as many as eleven thousand people.<sup>20</sup> In addition to its status as an episcopal seat, the city was also a county in its own right. As such, it was governed by twenty-four aldermen from whom a mayor and two sheriffs were elected annually. The mayor and aldermen presided over the three chief secular courts that administered justice in Norwich, the court of Quarter Sessions, the court of aldermen, and the mayor's court.<sup>21</sup>

In the early years of the sixteenth century, city governors were preoccupied with the fallout from local conflicts that had jeopardized their autonomy and authority and continued to do so. The violent eruption of jurisdictional disputes between citizens and the monks of the Norwich cathedral priory had led Henry VI to suspend the city's liberties temporarily in the mid-fifteenth century, and lawsuits between the two groups had been nearly unending since that time.<sup>22</sup> In 1517, Thomas Wolsey had come personally to Norwich to help resolve matters, after they had come to his attention in Star Chamber. After seven years, during which the parties failed to reach a mutually satisfactory agreement, Wolsey imposed his own solution. Magistrates expressed grave misgivings about the Cardinal's remedy, which removed the cathedral and its precincts from the city's jurisdiction and placed it instead in the hands of the sheriffs of Norfolk. They feared the potential subversion of their authority that might result from permitting Norfolk sheriffs to enter Norwich, even if only

to travel to the cathedral and its grounds. Wolsey's intervention in the city's quarrel with the cathedral priory put the fate of the corporation in the hands of an outsider, a prospect that no early modern urban governor relished. The intolerable outcome of Wolsey's intrusion into city affairs thus offered Norwich's leaders an important warning about the dangerous link between uncontrolled local conflicts and unwanted attention from interlopers who would be slow to depart.<sup>23</sup>

That the religious and political controversies that began to surface in the city in the 1530s could jeopardize local autonomy became evident when city governors found themselves embroiled in the execution of the well-known itinerant preacher Thomas Bilney. Norwich officials put Bilney to death as a heretic in August 1531 and debate arose soon afterward over whether he had recanted at the stake. The question prompted an investigation into the matter and Mayor Edward Rede was summoned to London to appear before Thomas More. After three apparently strenuous interrogations before the Lord Chancellor, Rede had retreated from his initial testimony that Bilney had recanted at his execution and, for that matter, had no opinions that he needed to renounce. In addition, as one historian has suggested, it is likely that Rede just escaped a heresy charge himself in the process, having first sought to defend a convicted heretic.<sup>24</sup>

Not long after the Bilney incident, religious and political disputes began to emerge among the residents of Norwich, some of which were sufficiently serious to come before city magistrates.<sup>25</sup> In July 1535, for example, the aldermen heard how one Thomas Myles had publicly criticized a number of traditional religious doctrines and practices, including the veneration of saints and images, the sacrament of confirmation, and the Mass. The following year, they examined a surgeon named Gilmyrn "concerning the having of books suspected," which attested to the circulation of prohibited books in the area. In 1540, the court listened as three witnesses complained that a local priest, Bachelor Newman, had denounced Martin Luther, the Protestant reformer Robert Barnes and Thomas Cromwell as heretics. Around the same time, another local priest Robert Spurgeon came before the mayor's court, having been found with a Mass book in his possession from which the name of Thomas Becket had not been stricken out, contrary to a royal proclamation of 1538.<sup>26</sup>

These, and other cases of religious conflict that came before city magistrates in the early Reformation merit closer attention for at least two reasons, the first of which concerns the magistrates' response to them. Nearly all of the religious disputes that came before them were a result of complaints brought by local residents; the magistrates



rarely sought out dissidents for arrest and prosecution themselves. When they did consider religious conflicts brought before them, they typically punished the offenders lightly or not at all, no matter where they fell along the emerging religious divide. Norwich magistrates—who were religiously divided themselves—practiced a *de facto* toleration, not enforcing any of the Tudor religious dictates strictly.<sup>27</sup> Thus, they appear to have taken no actions against Thomas Myles in 1535. They decided that “upon trust of amendment” the surgeon Gilmyn should be “set at large,” and made no effort to determine the provenance of his “books suspected.” Robert Spurgeon spent a night in jail, but the magistrates apparently abandoned their intention to bind him over to the Norwich Assizes, for nothing further is set down about his case in city records. Bachelor Newman disappears from the records after the 1540 complaints against him were set down.

In addition to the unusual way in which Norwich leaders responded to them, these documented expressions of religious conflict and upheaval are also noteworthy for the virtual absence of local women in them. On the nearly fifty occasions on which the mayor and aldermen were called upon to listen to disagreements about religion before the accession of Elizabeth, the religious sentiments or activities of women were not at issue. Only once during the early Reformation years did a woman even give evidence in such a case. In February 1551, Alice Fylby reported that during a recent conversation in Henry Holden’s shop in St. Peter Mancroft’s parish, John Holden (whose relationship to Henry was not given) declared that the Bishop of Norwich “was a popish bishop and that his preachers did preach false doctrine.” It does not appear that anyone inquired into Fylby’s own thoughts on the matter and nothing in her testimony indicates what they might have been. Fylby never appeared again before the court about Holden’s outburst, as the case vanished from the records.<sup>28</sup>

The absence of women as witnesses or defendants in cases concerning religious disputes cannot be taken, however, as an indication of their overall absence from Norwich’s civic life and records. Women were involved in a wide range of issues that resulted in appearances before the mayor and aldermen for resolution, and the magistrates did not hesitate to adjudicate those matters. In early August 1532, for example, eleven women were brought to the mayor’s court for recently causing an “insurrection” in the city’s marketplace. They had commandeered a cartload of wheat that had been brought there and proceeded to sell it for a price lower than the one set by city magistrates, seemingly an effort to combat the higher prices occasioned by the dearth of that year. Nevertheless, the court convicted them of

“selling of divers men’s corns against their wills and setting of prices thereof at their own minds contrary to such prices as the mayor of the city had set before that time.” Ten of the women were sentenced to be “tied at the cart’s tail and whipped surely with whips around the market”; the eleventh was infirm. Six of the ten ultimately escaped with a fine, while the remaining four were apparently punished as initially prescribed by the court.<sup>29</sup>

Women in Norwich were punished for other types of disturbances. Thus, in November 1541, Alys Millicent was imprisoned for “misbehavior committed by her to her husband and among other [of] her neighbors.”<sup>30</sup> Also in 1541, Cecily Grymbsey was placed on the cucking stool, “accused for a common scold and other misbehaviors.” July 1544 saw servant Margaret Swale “set in the stocks openly to the example of other ill-doers” for having stolen some of her master’s goods and then leaving his service without permission.<sup>31</sup> Later that year, Dorothy Childe was ordered to leave Norwich as a result of some unspecified misbehavior. Childe must not have taken the magistrates’ orders very seriously, as she was still in Norwich the following January when Alice Flowerdue was rebuked for having taken her in.<sup>32</sup> In March 1547, the court ordered two women overheard bickering to apologize to each other.<sup>33</sup>

Elizabeth Levet, Margaret Bray, and Agnes Malet were among those who were disciplined by the mayor and aldermen in the unusually quarrelsome year (as reflected in city records) of 1548–9. When Agnes Malet took “a pair of gloves to the value of 4*d*...without license” from the house of her former master Edward Rede, she was called before the mayor and aldermen in early June. They released her immediately “upon trust of amendment.”<sup>34</sup> At the end of the month, Bray was in court for having disturbed the peace of her neighborhood by harboring “riotous” people at her home on St. Peter’s day, when they all should have been attending church services. The mayor and aldermen admonished her to keep better order.<sup>35</sup> Elizabeth Levet was “committed to prison for brawling with one neighbor in particular, Thomas Danyett, in the summer of 1548. The magistrates sent Danyett to prison for his role in the incident, as well as Levet’s husband, William, for unspecified misconduct in the court. Danyett was released shortly afterward “upon trust of amendment” after having made his confession. Levet was “assigned to suffer the punishment of the cuck stool”<sup>36</sup> Women continued to be involved in such disputes even after 1548–9. In May 1556, the widow Margaret Glover was committed to prison after she went into the home of Edmund Overton and “bare away his wife’s hat.” She was banished from

Norwich afterward. When Elizabeth Guy called Ralph Clements a thief in the summer of 1558, the mayor and aldermen compelled her to ask Clements's forgiveness in front of them and the parson of the parish of St. Clement's. If she refused, Guy's husband would be bound for her good behavior.<sup>37</sup>

Norwich's leaders also took note of and punished women's sexual transgressions, although in the early Reformation period, although not as aggressively as they would during Elizabeth's reign.<sup>38</sup> When John Rede's wife and James Trotter were unable to "separate themselves continually one from the other" as they were ordered to do by the court in December 1549, they were both imprisoned in February 1550.<sup>39</sup> Later that year, in June, the mayor and aldermen ruled that "Margery Savery, the wife of William Savery, for her misbehaviors and incontinent living with William Bolton and others is enjoined and commanded to depart out of this city betwixt this day and this day seven night." There is no record of what happened afterward, but in June 1552, Savery was before the court again, this time for her "vicious and incontinent living with Edmund Stapyforth and others." She was ejected from Norwich upon pain of whipping if she were to return.<sup>40</sup> In October 1555, one Margaret Thacker was "enjoined for her vicious and incontinent living to depart out of this town betwixt this [day] and Saturday next. And if she remain here in this city after that day, then she to bring of [two] sufficient sureties for her honest behavior or else she shall remain in prison."<sup>41</sup> Similarly, in February 1557, the mayor's court recorded that

whereas Joan Manton, the wife of John Manton of Yarmouth, hath been apprehended and imprisoned here for her vicious and incontinent living, this day it is ordered by the house that she shall be sent about the market upon Saturday next with a paper upon her head entitled, "for whoredom." And that done, to be exempted to this city.<sup>42</sup>

Agnes Barker was also ordered to leave Norwich in May 1558 when she was called before the mayor's court for the second time for "vicious and incontinent living." The magistrates directed her to find her husband and remain with him on pain of whipping if she were discovered in the city at the time of the court's next meeting.<sup>43</sup>

Women did not appear in Norwich's civil court records solely as targets of discipline, however. The magistrates also took testimony from the city's female inhabitants and resolved their complaints, again in a variety of matters. For example, Margaret Mollyng's dispute with the executors of her late husband's will was settled by the mayor and aldermen in her favor in February 1535. In January 1539,

the servant Katherine West told the court about the illicit relationship between the priest John Page and Eleanor Barne, the daughter of her master Nicholas Grave. Later that year, the widow Margaret Barton was examined by the court about the circumstances surrounding the burial of her husband Thomas, although to what end was not made clear.<sup>44</sup> A decade later, in the aftermath of Kett's rebellion, Jane Randoll told the mayor and aldermen in July 1550 how she heard that Mr. Flint, a local gentleman, had provisioned himself for a year, presumably to protect himself from such surprise attacks. In October 1551, Elizabeth Brooke, Elizabeth Balle, and Margaret Sutton all gave evidence against a baker only identified as Mordewe. Mordewe, it was reported, had declared that he would be willing to act as the king's hangman, although whom he was offering to hang was in question. Brooke claimed that the baker had expressed a willingness to execute "a great many gentlemen," while Sutton recalled that Mordewe had directed his animosity only toward extortionists and bribers. Balle, a twelve-year-old girl, was unable to say with any certainty. Mordewe himself admitted that he had indeed declared his desire to act as royal hangman, but to those who would not obey the king's laws. Mordewe's fate was not recorded.<sup>45</sup>

This brief review of Norwich's civil court records could suggest that, contrary to a conclusion that might be reached by reading Foxe's *Book of Martyrs*, women in early Reformation Norwich were not engaged in the debates and activities that accompanied the religious changes of the period. Their appearances in those pages concerned virtually every matter except religion when, during the same period, the city's mayor and aldermen were hearing numerous cases of religious conflict involving men. However, there is evidence from other sources that show women in Norwich did not necessarily remain on the sidelines of sixteenth-century religious change. Some evidence can be found among the records of Norwich's diocesan courts, which survive only patchily for the city in the sixteenth century. Although fragmentary and incomplete, it is nevertheless suggestive. For example, in 1550 Matilda Kernell was presented for failing to observe the Sabbath, as well as for sowing discord among her neighbors.<sup>46</sup> Although the record does not indicate the source of her dissatisfaction, it does show that she expressed her opposition to church services sufficiently to draw the attention of ecclesiastical authorities. And in Mary's reign, just after Parliament had restored the heresy statutes, Matilda Carvell was accused of not carrying a candle on Candlemas day 1555; her husband, Robert, was alleged to have carried an unhalloved one.<sup>47</sup>

As these two brief examples suggest, some women in Norwich indeed made their religious sentiments known and they were not invisible, at least to diocesan authorities. But there are also signs that city magistrates themselves were not unaware of the religious activities of local women, despite their absence from the secular court records. An incident concerning Dorothy Bale suggests that issues concerning women's religious activities might have been more likely to be addressed outside formal channels. Dorothy Bale was the wife of John Bale, the Protestant reformer, and an ex-Carmelite from the house in Norwich whose conversion was accompanied by his marriage around 1536. Bale had fled to the Continent with his family in 1540 after the passage of the Six Articles, and the executions of Thomas Cromwell and the reformer Robert Barnes. Bale's polemical and colorful *The Actes of Englyshe Votaryes*, a book that gave "unchaste examples" from the history of English monasticism, told the story of his wife's detention in Norwich.

In 1545, Dorothy Bale visited Norwich to attend to her son, who was apprenticed "to one which was neither honest nor godly." She was apprehended by a "cruel" Justice and "wicked" mayor, namely Norwich's Steward John Corbet and Robert Rugge, who was Bishop of Norwich's brother. According to Bale, they "imprisoned a faithful woman, and sought to put her to most shameful and cruel death, having none other matter against her but only she had been the wife of a priest, which had been (well bestowed) a preacher among them." The "false justice" and "frantic" mayor "laid unto her charge both felony and treason." They questioned her about her marriage, belief in the sacrament, and then, "to bring her into more deep danger of death," they called her husband's beliefs "erroneous, heretical, and seditious doctrine." But she was saved from further harm because, according to Bale, "God in conclusion provided a learned lawyer and a righteous judge for her deliverance."

No mention of Dorothy Bale appears in the Norwich city records, so it does not seem that she was ever formally charged or tried for any offense. However, John Bale's correct identification of mayor Rugge and Steward Corbet lends some credence to the story. Despite Bale's hyperbole, perhaps in this case the product of his own legitimate fear for his life, and his polemical desire to discredit the institution of clerical celibacy, something in all likelihood did happen to his wife. Some evidence suggests that Corbet, a prominent local gentleman, and mayor Rugge probably held conservative religious views, making them likely candidates to be upset by Dorothy Bale's presence in Norwich. While there was no prosecution or appearance before the

mayor's court, it seems that Corbet and Rugge harassed her on their own. We cannot know for certain why Rugge and Corbet did not bring Bale before civic authorities or turn her over to the ecclesiastical arm for interrogation. But the episode is noteworthy nevertheless. Dorothy Bale's fleeting presence in Norwich did attract the attention of (at least some of) those in authority in Norwich. And they were sufficiently interested to track her down and detain her, at least temporarily. But despite her controversial status as the wife of a known and exiled proponent of religious reform, they allowed her to leave the city without any official scrutiny. Dorothy Bale returned safely to her husband in exile.<sup>48</sup>

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It should come as no surprise, to some extent, to find women poorly represented among those in Norwich for whom the expression of religious sentiments resulted in an appearance before city governors during the tumultuous years of the early Reformation. It is likely that city authorities simply overlooked their religious actions if and when they were pointed out. As women were considered generally inferior to men across early modern Europe, their religious activities might very well have received less scrutiny than those of their male counterparts. Sometimes even when female religious dissent was observed, it carried little weight with authorities. A good example of this can be found in the 1536 incident concerning St. Nicholas Priory at Exeter. Local authorities were hesitant to think that women could have been the ones responsible for preventing the dismantling of the rood loft there. They sought to learn, instead, whether any participants in the incident were men dressed in women's clothing, or whether men had in any way instigated the episode.<sup>49</sup>

It seems likely, then, that Norwich authorities shared their era's common views on the inferiority of women and it seems reasonable to think that such convictions would have contributed to the absence of religious dissent cases involving women in their court records. Yet, the extant evidence concerning women and religion during Norwich's early Reformation is at odds with the picture painted by Foxe's accounts of the martyrdoms of Elizabeth Cooper and Cicely Ormes. These narratives indicated that (at least some) women in the city did harbor strong religious commitments on which they were willing to act, and that they were prominent in the local resistance to the Marian regime's effort to reestablish Roman Catholicism in England. If it is difficult to find evidence of the religious allegiances

of many of Norwich's women inhabitants and of their public expression of them, the role that city magistrates played in handling religious conflicts in the city surely provides some explanation. We know that women appeared in city courts throughout the early sixteenth century. And as the records of those courts show, their appearances concerned a variety of matters with the notable exception of religion. This was during the same period in which the mayor and aldermen were hearing numerous cases of religious disputes that involved men. Norwich's magistrates, it seems, simply did not tackle female religious dissent in the official setting of the court room.

Norwich's magistrates never articulated a policy toward the problems they faced as a result of the religious changes in the early Tudor period.<sup>50</sup> Since their practice of *de facto* toleration was never given written expression, it is highly unlikely that they ever addressed the issue of women as religious actors in a formal minute either. In addition to its theological innovations, the Reformation posed substantial challenges to virtually all relationships throughout European society—between clergy and laity and between government and society. Clergy found their monopoly on religious understanding and truth under assault, and governments found that they were unable to contain debates about religion once such debates had erupted.

Only more recently has much attention been paid to the impact of religious reform on women. Earlier forays into the subject stressed their improved status as a result of the Reformation. Protestantism's elevation of marriage was said to have bettered women's condition—in their role as wives—along with it. The doctrine of the priesthood of all believers was also thought to have offered them higher standing in European society.<sup>51</sup> Newer research, however, has posed serious challenges to such assertions.<sup>52</sup> Most notably, Lyndal Roper has found, in her study of Augsburg, that the acceptance of Protestantism closely linked, and even built upon, the subjugation of women to the household. The urban craft households—there were about thirty-eight hundred master craftsmen in the city in the 1530s—became the locus of a Protestant civic moralism supported and imposed by the city Council. That moralism took shape around a hierarchy that placed women under increasingly tight control, as civic authorities extended their watch over the local population.<sup>53</sup>

Roper's research has not only added to the evidence showing that the Reformation did not significantly improve the position of women in early modern European society, but has also persuasively demonstrated that the issue of gender was not simply a sideshow or an afterthought in the religious changes of the sixteenth century. In early

Reformation Norwich, women were conspicuously absent from the religious conflicts the magistrates dealt with in their official capacity. On the new religious landscape that magistrates encountered in their courts, they simply did not allow space for women's public action. They continued to listen to women plaintiffs and to discipline female offenders on many other matters; they even offered financial support to the locally prominent anchoress attached to the Black Friars' house, Katherine Manne.<sup>54</sup> Yet, it appears that city rulers were unwilling to listen or intervene when women's expressed their own religious sentiments.

In the later years of the Reformation, Norwich magistrates continued their practice of tolerating spiritual diversity among the city's inhabitants, while at the same time attempting to defuse religious conflict. They appear to have taken no action against John Seman, for example, after three witnesses testified against him in July 1561. The witnesses reported that the talkative Seman had declared of the Bishop of Norwich that "I had as lief hear this chair preach as to hear him," that the Bishop himself was a whoremaster, and that the only preachers around were adulterers and fornicators.<sup>55</sup> In 1564, they did not act on Richard Tanner's complaint that a local servant had threatened one of the Norwich Cathedral prebendaries with a bow and arrow.<sup>56</sup>

Yet, in a notable contrast with the earlier period, records indicate that two women came to the attention of the mayor and aldermen because of their religious beliefs, although women remained a very small proportion of those who attracted public scrutiny in the Elizabethan era. In September 1582 they required Elizabeth Molle to bring proof of the "slanderous words" she had spoken against the preacher Mr. Barnard, "that he hath a bastard," or else, they threatened, she would be "ducked in the cart." Three weeks later, Molle, apparently unable to substantiate the charge, instead asked Barnard's forgiveness in open court. When the minister forgave her, the mayor and aldermen decided that "her punishment is remitted and she [is] discharged."<sup>57</sup> Nearly six years later, in February 1588, the Privy Council wrote to the mayor and city sheriffs concerning the fate of the recusant Anne Houlet, who was then imprisoned in the city jail. The Council's letter did not discuss the circumstances of her arrest. Houlet's husband apparently informed the Council of her plight and persuaded them that he was "conformable in religion" and could convince her "to like obedience." The letter further instructed the mayor and sheriffs to secure bonds from Houlet "with sufficient sureties" in the amount of £40 after which she could be set free. Only the letter



from the Privy Council survives in this matter, for Houlet's case has left no trace in city records. The silence of those records suggests that she came into city custody by the efforts of some other authority, perhaps officials from Norfolk or the diocese. There is no evidence that the magistrates were involved in any investigation of local recusancy around that time, during which she might have been apprehended.<sup>58</sup>

Despite the fact that women's religious allegiances and activities continued at the margins of public discourse in Norwich, it would be a mistake to think that the governance in the city simply remained static. Social and demographic changes combined with the early influence of varieties of strong Protestantism, soon to be associated with Puritanism, to change the nature and practice of governance in the city. One particularly significant transformation occurred among the civic elite itself, where the influenza that swept through England in 1558–9 killed ten of Norwich's aldermen and significantly altered the religious composition of the aldermanic bench. It appears that the group that emerged from the epidemic was heavily Protestant for the first time.<sup>59</sup> From the early days of Elizabeth's reign, the new group of civic leaders in Norwich began to express a spiritually inflected imperative to regulate behavior quite different from the magistrates' long-standing practice of accepting confessional heterogeneity. They remained tolerant of religious differences (as Elizabeth Molle's case suggests) while they began to demonstrate an increasing intolerance of social transgressions, seeking to impose greater social and moral discipline.

Thus, soon after Elizabeth's accession in 1558, the pages of the Norwich mayor's court book began to fill with records of petty criminal and moral offenses for the first time, for which the magistrates began to mete out harsh, and often immediate, punishments.<sup>60</sup> While many of these breaches had appeared in the court books intermittently before this time, the correction of such faults became a much more regular and frequent feature of court sessions after 1558. A good example can be found in a consideration of sexual misconduct. We have already seen that city officials did rule on such cases before Elizabeth's reign. But after 1558, they considered more of these wrongdoings and used the whip and the stocks more frequently as punishment.<sup>61</sup> Thus, when Thomas Thyrketyll and Margaret Assheforde were brought before the court in March 1560 for consorting as if they were husband and wife; Thyrketyll was "whipped with a paper on his head of fornication" and Assheforde was set in the stocks with a similar paper.<sup>62</sup> In June 1560 Robert Vale and Anne Farror were stocked for their "whoredom," and in October of that year, Amy Day

was also put in the stocks with a paper on her head that read, "for whoredom."<sup>63</sup> Robert Ancell, evidently a recidivist, and Elizabeth Walker were "taken in bawdry" and brought before the mayor's court in January 1561. The court ruled that since "the said Robert Ancell hath had warning thereof and [was] punished in the stocks and yet, will not leave his ill and naughty behavior, it is agreed that the said Robert Ancell and the said Elizabeth Walker will be whipped about the market with papers on their heads 'for whoredom.'" The magistrates seem to have moderated their view of Elizabeth Walker, for her name was stricken and then listed below with one Alice Keyes to be set in the stocks for their whoredom with Robert Ancell.<sup>64</sup>

The pattern of increasing numbers of court cases in Norwich can be seen with other types of moral and social transgressions. It was not only the problem of sexual license that drew the attention of civic officials; there was almost no area that could not be the target of their correctional energy. Prosecutions for theft rose dramatically in the Elizabethan era, as did those for vagrancy. Magistrates were also interested to know when local residents harbored disreputable people in their homes, when they used "opprobrious and stout language,"<sup>65</sup> or when subordinates disobeyed their superiors, among other questions. They also introduced the terms "evil rule" and "ill rule" to describe an assortment of offenses from the obviously sexual to those that remain maddeningly opaque to the modern investigator, but that allowed considerable latitude in their prosecutions.<sup>66</sup> Thus, among the women who came to the court's notice was Katherine Clere, whose failed suicide attempt in April 1565 resulted in an appearance before city leaders. They committed her to the stocks while wearing a paper on her head.<sup>67</sup> Four-and-a-half years later, in October 1569, the widow Bale and her servant Ciseely Bedeham were sent to the stocks after Bedeham stole six pints of butter, apparently at the urging of her mistress.<sup>68</sup> In January 1574, the widow Anne Dinge was set in the stocks "for evil rule and maintaining of men's apprentices in the house contrary to order." She was further ordered not to keep a tippling house or sell beer.<sup>69</sup> The widow Margaret Farror was first set in the stocks and then given a passport to return to London by the mayor and aldermen in December of the same year because they found that she had "[nothing] a do in this country but running from fair to fair very suspiciously."<sup>70</sup> The following August, magistrates whipped Rose Porter, a servant, "for lending certain sheets and giving certain victuals of her said m[istress] to one Thomas Cawdell." Her accomplice Cawdell was whipped, in turn, for receiving stolen goods.<sup>71</sup> These few examples

indicate how the magistrates' scope of inquiry widened during the later years of the Reformation.

More research is necessary before we can understand how women in Norwich fared under city leaders' Protestant-inspired drive to impose greater moral and social reform and to learn from this how gender might have played a role in the magistrates' desire to create a godly community. While the religious activities of two women were set down in city records in the later sixteenth century, it still seems likely that local magistrates remained reluctant to confront their allegiances openly.<sup>72</sup> The public declaration of heterodoxy and discord over religious truth that characterized the Reformation across much of Europe was surely controversial and disruptive. It seems that the leaders of Elizabethan Norwich found it as unsettling to have to contend with as did their predecessors in the Henrician period. Such expressions by women appear to have proven far too inflammatory for city leaders to confront, given both the subordinate role to which women were assigned in early modern society and the threats to civic authority in Norwich that all religious conflict represented. Even if city leaders did not say so explicitly, it is clear that the Reformation also posed substantial threats to traditional gender relations. Early reformers preached spiritual equality between men and women, and the activities of several female pamphleteers and prophets seemed to render such promises a reality.<sup>73</sup> Yet, would it not contradict St. Paul's proscription against women preaching and teaching to allow them to speak openly about religion? If women were permitted to do so in the Norwich mayor's court, on what other weighty issues would they wish or even demand to be heard? The solution to these problems for city governors was to keep religious controversies involving Norwich's female residents out of the court room. Of course, Elizabeth Cooper's and Cicely Ormes' professions of their Protestant faith took them not to the mayor's court, but to the stake at the Lollards Pit. There, they joined the small proportion of women—perhaps one-fifth of the total—who died as martyrs in the Marian persecution.<sup>74</sup> While their tales occupy scant space in Foxe's narrative, more extensive consideration of the course of the early Reformation in Norwich reveals a complex relationship among its women inhabitants, religious belief and dissent and urban authority.

## NOTES

1. John Foxe, *Acts and Monuments* (London, 1563), p. 1603.
2. 1&2 Philip and Mary, c. 6. On the restoration of Roman Catholicism under Mary, see David Loades, *The Reign of Mary Tudor: Politics,*

- Government and Religion in England, 1553–58*, 2nd ed. (London, 1991), chapter 8.
3. Corbet had served as recorder and steward of Norwich in the 1540s and had been a key figure in a number of actions against Protestants in Norwich. See Muriel C. McClendon, *The Quiet Reformation: Norwich Magistrates and the Emergence of Protestantism in Tudor Norwich* (Stanford, 1999), pp. 85, 148, 164–5.
  4. Foxe, *Acts and Monuments*, pp. 1618–19.
  5. Carole Levin, “Women in *The Book of Martyrs* as Models of Behavior in Tudor England,” *International Journal of Women’s Studies*, 4 (1981): 196.
  6. Cynthia Marshall, *The Shattering of the Self: Violence, Subjectivity, and Early Modern Texts* (Baltimore, 2002), p. 88; David Loades, ed., *John Foxe at Home and Abroad* (Aldershot, United Kingdom, 2004).
  7. See, e.g., the essays in Christopher Highley and John N. King, eds., *John Foxe and His World* (Aldershot, 2002); David Loades, ed., *John Foxe: An Historical Perspective* (Aldershot, United Kingdom, 1999); Loades, ed., *John Foxe at Home and Abroad*; Loades, ed., *John Foxe and the English Reformation* (Aldershot, United Kingdom, 1997). Other important studies of Foxe’s life and his work include Marshall, *Shattering*; D. R. Woolf, “The Rhetoric of Martyrdom: Generic Contradiction and Narrative Strategy in John Foxe’s *Acts and Monuments*,” in Thomas F. Mayer and D. R. Woolf, eds., *The Rhetorics of Life-Writing in Early Modern Europe* (Ann Arbor, 1995), pp. 243–82; Richard Helgerson, *Forms of Nationhood: The Elizabethan Writing of England* (Chicago, 1992); John R. Knott, *Discourses of Martyrdom in English Literature* (Cambridge, 1993).
  8. Marshall, *Shattering*, p. 4, chapter 3.
  9. Megan L. Hickerson, *Making Women Martyrs in Tudor England* (New York, 2005).
  10. See, especially, Thomas Freeman, “Fate, Faction, and Fiction in Foxe’s Book of Martyrs,” *Historical Journal* 43 (2000): 601–23; and Freeman, “Text, Lies, and Microfilm: Reading and Misreading Foxe’s *Book of Martyrs*,” *Sixteenth Century Journal*, 38 (1995): 23–46.
  11. Sarah Covington, *The Trail of Martyrdom: Persecution and Resistance in Sixteenth-Century England* (Notre Dame, Indiana, 2003), pp. 20–21.
  12. Hickerson, *Making*, pp. 76–7.
  13. See McClendon, *Quiet Reformation*, introduction.
  14. A recent discussion of Elizabeth Barton’s life and activities can be found in Ethan H. Shagan, *Popular Politics and the English Reformation* (Cambridge, 2003), chapter 2.
  15. G. R. Elton, *Policy and Police: The Enforcement of the Reformation in the Age of Thomas Cromwell* (Cambridge, 1972), p. 137.
  16. Christopher Haigh, *English Reformations: Religion, Politics, and Society Under the Tudors* (Cambridge, 1993), p. 143.

17. *Ibid.*, p. 197.
18. Patricia Crawford, *Women and Religion in England 1500–1720* (London, 1993), p. 32.
19. On pre-Reformation heresy in Norwich, see Norman P. Tanner, ed., *Heresy Trials in the Diocese of Norwich, 1428–31*, Royal Historical Society, Camden Fourth Series, v. 20, London, 1977, p. 195; Tanner, *The Church in Late Medieval Norwich 1370–1532* (Toronto, 1984), pp. 162–6.
20. John Pound, “Government to 1660,” in Carole Rawcliffe and Richard Wilson, eds., *Norwich Since 1550* (London, 2004), pp. 35–6.
21. McClendon, *Quiet Reformation*, pp. 3–4.
22. *Ibid.*, chapter 1.
23. *Ibid.*, pp. 56–60.
24. *Ibid.*, pp. 61–7; Richard Marius, *Thomas More: A Biography* (New York, 1984), p. 399.
25. Ralph Houlbrooke noted in a 1979 study of Norwich diocesan courts that for the early Reformation years, the Norwich mayor’s court books revealed more about unorthodox religious opinion in the city than did the records of the ecclesiastical courts. See his *Church Courts and the People During the English Reformation 1520–1570* (Oxford, 1979), p. 230.
26. McClendon, *Quiet Reformation*, pp. 74–5; 76, 82–3.
27. On the religious composition of the early Reformation magistracy in Norwich, see *ibid.*, pp. 68–72.
28. *Ibid.*, p. 149.
29. *Ibid.*, p. 193.
30. Norfolk Record Office (hereafter NRO), Mayor’s Court Book (hereafter MCB), MCB 1540–9, pp. 61, 235–6.
31. *Ibid.*, pp. 235–6.
32. *Ibid.*, pp. 245, 264.
33. *Ibid.*, p. 377.
34. *Ibid.*, p. 452.
35. *Ibid.*, p. 473. This might have been the same woman, this time called Margaret Bray, who appeared in court in October 1555 for her “evil and suspicious rule” and for having admitted “to keep a tipling house.” See NRO MCB 1555–62, p. 39.
36. NRO MCB 1540–9, pp. 61; 480–1.
37. NRO MCB 1555–62, pp. 144, 244.
38. See McClendon, *Quiet Reformation*, pp. 217–18.
39. NRO MCB 1549–55, pp. 11, 31.
40. *Ibid.*, pp. 76, 191, 193.
41. NRO MCB 1555–1562, p. 37.
42. *Ibid.*, p. 211.
43. *Ibid.*, p. 225.
44. NRO MCB 1534–49, f. 32; *Ibid.*, f. 124.

45. Walter Rye, ed., *Depositions Taken Before the Mayor & Aldermen of Norwich, 1549–1567* (Norwich, 1905), pp. 22–3, 27–8.
46. NRO Archdeaconry General Inquisitions (ANW 1/1), f. 199v.
47. Ralph Houlbrooke, “The Clergy, the Courts and the Marian Restoration in Norwich” in Eamon Duffy and David Loades, eds., *The Church of Mary Tudor* (Aldershot, UK), pp. 134.
48. McClendon, *Quiet Reformation*, pp. 84–5.
49. Christine Peters, *Patterns of Piety: Women, Gender and Religion in Late Medieval and Reformation England* (Cambridge, 2003), pp. 155–6.
50. McClendon, *Quiet Reformation*, p. 14.
51. See, e.g., Roland H. Bainton, *Women of the Reformation in Germany and Italy* (Minneapolis, 1971); Bainton, *Women of the Reformation in France and England* (Minneapolis, 1973); Steven Ozment, *When Fathers Ruled: Family Life in Reformation Europe* (Cambridge, Mass, 1983); Lawrence Stone, *The Family, Sex and Marriage in England, 1500–1800* (London, 1977).
52. See, e.g., Merry E. Wiesner, “Nuns, Wives and Mothers: Women and the Reformation in Germany,” in Sherrin Marshall, ed., *Women in Reformation and Counter-Reformation Europe: Public and Private Worlds* (Bloomington, IN, 1989), pp. 8–28; Diane Willen, “Women and Religion in Early Modern England,” in Marshall, ed., *Women in Reformation*, pp. 140–65; Retha Warnicke, *Women of the English Renaissance and Reformation* (Westport, Connecticut, 1983), pp. 78–86.
53. Lyndal Roper, *The Holy Household: Women and Morals in Reformation Augsburg* (Oxford, 1989).
54. Manne is best known for her connection to Thomas Bilney; he gave her a copy of Tyndale’s translation of the New Testament and one of *Obedience of a Christian Man* during his last preaching tour of Norfolk in 1531. In May 1543, after the Dissolution, the mayor’s court granted her a payment of 40 *s*. Five years later, the city granted her an annual pension of 20 *s*., and in 1550, the corporation granted her *femme sole* status. See NRO MCB 1540–9, p. 155; NRO Proceedings of the Municipal Assembly 1491–553, f. 207r; NRO MCB 1540–9, p. 434; NRO Assembly Minute Book 1510–50, f. 261v; Mary C. Erler, *Women, Reading, and Piety in Late Medieval England* (Cambridge, 2002), pp. 100–106.
55. Rye, *Depositions*, pp. 66–7.
56. *Ibid.*, p. 78. This would be the last case of religious conflict heard by the magistrates until 1570. For those, and later cases, see McClendon, *Quiet Reformation*, pp. 229, 238–9, 242–3, 244–6, as well as the cases of Elizabeth Molle and Anne Houlet.
57. NRO MCB 1582–7, pp. 42, 52.
58. John Roche Dasent, ed., *Acts of the Privy Council of England* (London, 1890–1907), v. 15, p. 368.
59. McClendon, *Quiet Reformation*, pp. 194–9.

60. On the forces shaping the new approach to governance, see *ibid.*, pp. 209–216.
61. *Ibid.*, Appendix 6.
62. NRO MCB 1555–62, p. 367.
63. *Ibid.*, pp. 394, 417.
64. *Ibid.*, p. 444.
65. In January 1566, Thomas Dannett was set in the stocks with a paper on his head not only for his language (directed at one of the city's aldermen), but also for “unsociable begging.” NRO MCB 1562–9, p. 364.
66. Paul Griffiths has found that magistrates used the terms “masterless,” “out of service,” and “out of hand” in similar ways in their dealings with young people. He argues that “[s]uch titles had a strategically vague character; a spectrum of possible meaning to satisfy magisterial sentiment, individual biography, occasion and circumstance.” See his “Masterless Young People in Norwich, 1560–1645,” in Paul Griffiths, Adam Fox, and Steve Hindle, eds., *The Experience of Authority in Early Modern England* (New York, 1996), p. 151.
67. NRO MCB 1562–9, p. 281.
68. NRO MCB 1569–76, p. 34.
69. *Ibid.*, p. 429.
70. *Ibid.*, p. 519.
71. *Ibid.*, p. 622.
72. Again, we do have evidence that Norwich women were not remaining on the sidelines of contemporary religious question. Ralph Houlbrooke has found that in 1569, a woman from the parish of St. Peter Hungate was presented to a local ecclesiastical court for admitting that she still adhered to the doctrine of transubstantiation. See *Church Courts and the People*, p. 248.
73. Merry E. Wiesner, *Women and Gender in Early Modern Europe* (Cambridge, 1993), pp. 186–9.
74. Warnicke has estimated that 55 of about 275 Protestants executed during the Marian persecution were female. See *Women of the English Renaissance and Reformation*, p. 74.

## CHAPTER 6



### POWER OF THE COUNTY: SHERIFFS AND VIOLENCE IN EARLY MODERN ENGLAND

*Myron C. Noonkester*

In 1780 after Gordon rioters seized London, the Orientalist Sir William Jones wondered whether “the civil state” could have restored order without military action. He determined that the *posse comitatus* or power of the county could have quelled the riot.<sup>1</sup> Summoning the power of the county, that is, calling all able-bodied residents to assist the sheriff in thwarting disturbers of the peace, would seem a quaint prescription for the sixteenth or seventeenth centuries, and nothing more than a patriarchal conceit by the eighteenth century. Jones’s speculation may therefore be said to measure the gap between legal theory and governing realities of the early modern state. Yet Jones’s common-law mindedness<sup>2</sup> demonstrates that an inherited rhetoric of law enforcement survived into the heyday of urban rioting,<sup>3</sup> thereby raising the abiding question of how early modern England regulated violence absent a modern bureaucracy or military. Historians have confronted that problem by contrasting or relating order and disorder,<sup>4</sup> proposing riot and rebellion as constituent features of political culture,<sup>5</sup> treating faction as a stabilizing tension,<sup>6</sup> and insisting that participation by the commonalty in the course of justice created a conundrum for crown officers.<sup>7</sup>

Recently historians of early modern state formation have examined regulation of violence as a function and consequence of strategies of



legitimation.<sup>8</sup> This essay seeks to extend that approach to encompass the sheriff's office, which wielded the selfsame power of the county in which Sir William Jones trusted. Despite sheriffs' engagement with violence and their authority as peacekeepers, their reputation for patriarchal inaction<sup>9</sup> has removed them from most discussions of early modern violence. Yet emphases on the engendering of patriarchal order make it possible to challenge that neglect.<sup>10</sup> Jones's prescription for composing the Gordon Riots provides a reminder that the sheriff's decision-making was not a patriarchal reflex action. In dealing with fellow elites, women and the commonalty sheriffs practiced the art of pacification. They rarely confronted a choice between violence and nonviolence or straddled a boundary separating peace from war. Rather, sheriffs' procedural imperatives rendered violence an expectation, a protocol, and an opportunity for confrontation.

### VIOLENCE AS EXPECTATION: OFFICERS AND VENUES

Long known as peace officers, English sheriffs authenticated violence and regulated its distribution and composition. Their approach to pacification arose out of official programming evident in their recruitment. Annual tenure, nomination by royal ministers in consultation with assize judges, and selection by the sovereign guaranteed that greater gentry would be chosen for the office, that they would have minimal incentive to exploit its fiscal resources, that it would be difficult to use the office as a personal power base, and that they must respond to expectations that they underwrite the financial and legal integrity of the county. The sheriff exposed his patrimony, his household estate, in defense of patriarchal order. That sense of vulnerability, not normally a male-specific trait, complicated sheriffs' inflection of procedure.<sup>11</sup>

When a Jacobean proclamation exhorted sheriffs to assist in "the preventing, resisting and suppressing of such disorderly assemblies... as shall be against the public peace of this realm" it adopted commonplace official sentiments.<sup>12</sup> Despite sheriffs' amateur quality, they were fitted with the resources they needed to engender pacification. Their ways minimized official effort in a patriarchal order that deflected, deferred, and otherwise confounded opposition and criticism. Manipulating resources of a sophisticated legal tradition from recesses of the county castle, the sheriff's office enjoyed procedural high ground from which to launch enforcement. Expectations for enforcement depended on personnel who enlisted under the sheriff's banner, wore his livery, and collected his fees. Undersheriffs and bailiffs

gave bond to the sheriff for execution of their offices and reaped most of the fiscal rewards of the office. Derided by critics as “vermin”<sup>13</sup> and confronted with charges that they concealed debts owed to the Crown,<sup>14</sup> the sheriff’s bonded officers buffered social transgression<sup>15</sup> on their way to fashioning a Shakespearean reputation:

A devil in an everlasting garment hath him;  
 One whose hard heart is button’d up with steel;  
 A fiend, a fury, pitiless and rough;  
 A wolf, nay, worse, a fellow all in buff;  
 A back-friend, a shoulder-clapper, one that countermands  
 The passages of alleys, creeks, and narrow lands;  
 A hound that runs counter and yet draws dry-foot well;  
 One that before the judgement carries poor souls to hell.<sup>16</sup>

Robert Master, echoing a claim that a bailiff “will cut the [gallows] rope” to have the clothes of a well-dressed felon,<sup>17</sup> greeted a Kentish bailiff with a bluff invective more threatening than blows:

Thou art a villain and a knave and all that taketh thy part and I will neither pay thee any money, neither for thee nor for any other that setteth thee a-work. Go to the assizes and so tell them, for you are a sort of powlng villains and knaves, all the sort of you, and thou comest to assault me and to rob me.<sup>18</sup>

Officialdom sealed its response to violence privately with bonds and indentures intended to save the sheriff harmless against misbehavior and to afford him leverage over the conduct of his own officials. Interaction between executive officers of the sheriff’s household and the populace, meanwhile, induced a symmetrical, public judgment. Those persons subject to official action sought to make that action rebound upon its perpetrator whether physically or verbally, particularly in the case of forcible rescues of distrained property that involved women and children.<sup>19</sup> Sheriff’s officers, meanwhile, were the hands, feet, and sometimes claws of officialdom. The threat of violence cut both ways. In Jacobean Wiltshire one-third of bailiffs stirred complaint at quarter sessions, but from 1616 to 1620 twelve indictments were preferred at Wiltshire quarter sessions for assaults on officials.<sup>20</sup> Sins of commission accumulated. Stabbed by a Justice of the Peace whose honor he had questioned in a violation of masculine codes of violence,<sup>21</sup> a deputy of the sheriff of Devon, received a wound “four inches in length and in depth to the very skull.”<sup>22</sup> In 1636 Somerset bailiff William Marshall, charged with swearing,

excessive force, false suit, and extortion, was shot dead and his killer merely fined.<sup>23</sup> Sheriff's deputies avenged prospective injury by doing their worst within the limits of their sworn office. Sometimes pacification was the offspring of overwhelming force and withering humiliation, an informal subjugation of privacy similar to that foisted upon perceived female criminals.<sup>24</sup> Mock emasculation compounded injury with shame.<sup>25</sup> In Elizabethan Norfolk deputies seized possessions of Christopher Heydon and one of Heydon's servants, forcing him to "shave both his head, beard and other secret parts of his body."<sup>26</sup> Some procedural occasions incorporated violence from beginning to end. In September 1596 when Norfolk bailiffs arrested Thomas Watts, they faced a spit, dog, and stones. Breaking down a wall, wounding Watts's son, and spurning a bribe, they loaded old, bedridden, corpulent Watts into a cart bound for the Fleet where he died.<sup>27</sup> Such problems are known (and likely exaggerated) only because of their aftermath, a lawsuit in which procedure reverberated in claims and counterclaims. Tethered in this way, sheriffs, middling officials, and the public implicated one another in violent proceedings, occasionally channeling their wrath into unpredictable revenge or the compromising test of confirmation at law.<sup>28</sup>

If officers enacted violence, procedural venues such as the county court, sheriff's tourn, and assizes taxed and spent violent impulses. Sometimes they did so by mocking or sublimating violence. Outlawry, declaring in open county court that a contumacious person was outside the law's protection, compelled malefactors or parties to a suit to appear in court. It became procedural leverage useful in conjunction with fines and threats of repossession of goods and chattels. By the early modern period outlawry was domesticated to serve civil purposes in faint mimicry of residual violence. Outlawries proliferated so extensively that an Elizabethan projector estimated that one-quarter of the Commons were outlaws, while a man outlawed in twenty cases was prosecuted for defrauding the queen of proceeds of outlawries.<sup>29</sup>

Management of violence within the county also depended upon appointments made in county court. The county court's selection of murder-investigating coroners, for example, prompted intervention by the fifth earl of Shrewsbury, an attempt by the sheriff of Derbyshire to repeat the procedure to settle disputes among justices, and a request from a Northamptonshire gentleman in 1623 that his candidate might have "fair passage" or be withdrawn.<sup>30</sup> Fiscal judicature commandeered violence to generate profits in sheriff's tourns, which were courts leet held twice a year in each hundred. Offenses there included a litany of violence reduced to the lowest common

denominator: poundbreach, affrays, assaults, brawls, drawing blood, making one's household a prison, dovestealing, scolding, and bleaching skins of stolen beasts (cowlaundering!).<sup>31</sup>

Service of freeholders as county court suitors influenced calculations regarding crowd control during parliamentary returns, which were the responsibility of sheriffs as returning officers. Sheriffs responded with stratagems designed to divert attention and defer responsibility so that an unmanageable situation would compose itself. An action that appeared objectionable in subsequent adjudication often jettisoned a procedural vexation, allowing the sheriff to restart or retry the process. Prudence or fear motivated a sheriff of Rutland to return himself in order to procure a new writ so that the return might be, as it were, retried. That type of stratagem underscored how parliamentary returns became forms of process that could be assessed by recognized standards that were nevertheless subject to debate and application. The sheriff of Worcestershire in 1604 shut the gates of the castle at Worcester in order to prevent an influx of freeholders. In incidents from 1601 to 1715 sheriffs inflected parliamentary writ procedure in a variety of ways with one goal: to maintain "the peace of the county."<sup>32</sup> Sheriffs deployed some remedies only as a last resort or in an ingenious fashion, as when a sheriff of Hampshire indulged in a three-hour dinner in lieu of polling.<sup>33</sup> Experience justified precautions. In the Cambridgeshire return of 1624 some suitors "pulled the sheriff's cloak off his back and pulled him very violently as he was going to the poll."<sup>34</sup> The difficulty of documenting or discounting such concerns made the matter of subsequent adjudication more complex, which might work to the sheriff's advantage. Such claims as were made not only reflected fears that sheriffs harbored but also served as extenuating circumstances when their actions as returning officer were second-guessed in the courts or parliament.

Assizes, held twice a year at Easter and Michaelmas, brought circuit-riding judges from Westminster to the county town to hear felonies. Assizes celebrated judgment, seeking less to create consent than to effect distraction by integrating violence into a procedural drama.<sup>35</sup> Most prisoners did not go willingly to their fates and contested the judgments rendered there in the only ways accorded them. To soften the blow of such arrangements or to drown out the angry dissent of the condemned in a chorus of celebration, sheriffs managed assizes as impressive events associating the social and official weight of the county with the judicial expertise of the Westminster judges who rode assize circuits. The result was a performance that took place behind the scenes in preparations and also in public gaze.

Orchestrating assizes, the sheriff, accompanied by as many as 250 “javelin men” who wore his livery and insignia,<sup>36</sup> struck a pose of mock aggression. Sheriffs’ provisions parodied the decline of gentry belligerence while confirming the passing of private armies of retainers.<sup>37</sup> Yet one should not entirely discount the forcefulness of the message that was delivered at assizes. Force was often a matter of displaying the sheriff’s badge and livery. After all allowance has been made for the mock nature of aspects of assize ceremony, the sheriff’s munificence remained a form of blood money, a way of greasing the wheels of execution, whether figurative or cruelly literal. That much was implicitly recognized when legislative reforms of the Long Parliament, Cromwell, and Charles II sought to limit assize expenditure.<sup>38</sup> The spending in which the sheriff engaged helped to anaesthetize the polity to cruelty by creating a diversionary aesthetic of violence. “I paid for all,” noted Sheriff Anthony Ashley Cooper in 1647, and where the money of assizes was, there also was its procedural heart.<sup>39</sup> Contemplating the gruesomeness of punishment when it was just and its unconscionable nature when it was unjust,<sup>40</sup> sheriffs often chose to inflect assize judgments, sparing the life of a condemned felon or delaying execution of a coiner until a pardon had been secured.<sup>41</sup> Execution scenes provided women and plebeian men with prominence that was both unwonted and unwanted.<sup>42</sup> Ellen Pendleton, who torched Wymondham, delayed execution by claiming useful information regarding accomplices.<sup>43</sup> Excuses sometimes produced mitigation, as in the case of a purse-stealer transported to Virginia, but their profusion conferred a ritual character, a responsive reading of violence.<sup>44</sup> In Webster’s *Duchess of Malfi*, when Coriola is about to be executed, she claims to uncover a treasonous plot, that she has not had opportunity to confess her sins, and that she is pregnant.<sup>45</sup>

Gallows exchanges pervaded assizes. They rang with the retribution that was supposed to be a royal monopoly but that might be repaid in word and symbolic gesture or occasionally in deed. Condemned men told the judge that “they hoped within a few hours to be devils in hell to torment him.” Another said to Sheriff Henry Wallopp, “pray send for some drink for me, sorrow is dry.”<sup>46</sup> But the response transcended the retorts of the hopeless. Whimsical humor marked the grimness of the occasion for uneasy bystanders. Common folk in Suffolk spoke of capital crimes in terms of “swinging for it at Bury” until the nineteenth century.<sup>47</sup> An Elizabethan sheriff of Somerset responded to a judge’s jests about West Country travel by insisting “In good sooth, sir, it be but fair play that you, who so oft made others fear for their

necks, should in some sort begin to think of saving your own." The judge replied, "Good Master Sheriff, leave alone my neck, and look to your own heels, for you may one day be laid by them," and fined the sheriff.<sup>48</sup> As judges departed, sheriffs presented them with gifts, at Carlisle a "Scotch dagger" and if it had been a "maiden assizes" (no executions), a pair of white gloves.<sup>49</sup>

## VIOLENCE AS PROTOCOL: PROCESSES AND EXECUTION

If officers and venue exposed violence as an expectation, civil protocols translated writs into execution. Distrainment and attachment, which involved the commandeering of real or moveable property or persons under court order, besieged those who dared resist law's force. Star Chamber suits claimed violence as a pretext: "pulling down walls, burning up of timber, spoiling hay and two pigeon houses."<sup>50</sup> When Henry and Oswald Collingwood aimed pistols at the sheriff of Northumberland in 1601, it led to "a profession of deadly feud," a wounding, and a death.<sup>51</sup> Distraints and replevins of cattle encouraged brawls, but repossession of real estate occasioned battles. Not for nothing does the English language speak of the surrender of title deeds. Sheriff Nicholas Saunderson noted that for executing a writ giving possession of land "the sheriff may take what fee he can get."<sup>52</sup> When repossessing real estate, sheriffs issued writs of assistance to JP's, bailiffs, and constables,<sup>53</sup> entered lands to be taken, and took possession in the sovereign's name. The sheriff of Yorkshire surrounded Lord Eure's property in hopes of negotiating surrender, but kept ordnance to frighten inhabitants.<sup>54</sup> In an Elizabethan Star Chamber case, it was alleged that seven hundred people resisted the sheriff with bows, arrows, bills, and piked staves.<sup>55</sup> When Cambridgeshire deputies tried to break down the door of a house, they faced bricks, bats, and stones, sneaked in a side door, and dragged out an occupant.<sup>56</sup>

If status was to remain coercion-resistant, procedural circumnavigation often became necessary. What seems to bureaucratic sensibilities to constitute incompetence or negligence was often a loading of procedures to account for social degree or neighborly affinity. Sheriffs often returned that a person of "worship" owned no lands and goods in their bailiwick<sup>57</sup> or used the threat of repossession to leverage relief or composition. In April 1590 the council ordered the sheriff of Northamptonshire to stay an extent on the goods, chattels, and lands of a defendant because the disputing parties had "compounded the differences between themselves."<sup>58</sup> In 1592 Lord Burghley ordered a sheriff to stay execution on the Earl of Derby's

lands pending arrangements for settlement.<sup>59</sup> Attachment of nobles or parliament men encouraged circumspection.<sup>60</sup> Judges responded to arrest of the Countess of Rutland that “an officer ought to be learned and furnished with sufficient judgment and knowledge to understand what he ought to do, and the sheriff on his peril ought to make choice of such a one.”<sup>61</sup> Sheriffs imperiled themselves but were loath to endanger their friends. Sir Thomas Wentworth pledged to Sir Edward Stanhope that there would be no levy of his lands “so long as I am sheriff” and the undersheriff of Yorkshire ordered his bailiffs to cease distress upon Sir Arthur Ingram “knowing he is one of master sheriff’s well-wishers.”<sup>62</sup>

Routine and arbitrary, procedures carried consequences for litigants, criminals, and sheriffs. Procedures had to be calibrated to distribute violence so as to preserve the sheriff’s standing. Certain procedural imperatives exacerbated judicial consequences for sheriffs, posing the threat of judicial sanctions. Formal reprimands greeted sheriffs who chose an unwise procedural application or sank into a procedural conundrum beyond resolution. Attempts to confiscate property, which constituted the outer extremity of procedural remedy, produced contradictory orders, misinterpreted writs,<sup>63</sup> Exchequer fines, and summonses to the Council.<sup>64</sup> It is not surprising that sheriffs, under prospect of such negative reinforcement, preferred composition and symbolic action to intervention.<sup>65</sup> Governing closure derived from formal and informal inflections of procedure. Sheriff’s officers relieved animals upon receipt of security obliging the signatory to attend court, accept its verdict, and save the sheriff harmless.<sup>66</sup> Sir Thomas Wentworth offered the sheriff of Yorkshire “thanks for your pains in Mr. Carre’s business, which still adds to my obligation, and will purchase to yourself the commendable and Christian style of peacemaker.”<sup>67</sup> The words of Maurice Lewis to the sheriff of Carnarvonshire intimate the costs of failure in pending litigation: “Upon this [Lord St. John’s writ of extent] depends the wealth or woe of the whole country.”<sup>68</sup>

In cases where sheriffs and their officers took the initiative, it was likely that measures of violence loomed closer. Two means of shrival action (investigation and arrest) sublimated or deferred violence. Such instances included seizure of an alum works in Elizabethan Dorset and a riot by “a baker, a blacksmith and a seller of aquavitaë” in Wiltshire in 1613.<sup>69</sup> In the early 1620s sheriffs and deputy lieutenants in Essex and Suffolk soothed unemployed and potentially violent cloth workers, assuring them the council would see to their relief.<sup>70</sup> Disdaining zeal or detachment, sheriffs facing rioters or distress

often retreated and waited, preferring not to test their irresistibility under law.<sup>71</sup> Such delay as occurred was not an acknowledgment of defeat or resignation but a stratagem of waiting and watching, trusting in the inexorable character of legal process. Sheriffs used arrest, search, and distress to raid houses of recusants and priests,<sup>72</sup> seizing beads and pictures and defacing chalices.<sup>73</sup> Sheriff's officers rearranged bodies, arresting criminals, rogues, vagabonds,<sup>74</sup> coiners,<sup>75</sup> cutpurses, and malt bandits<sup>76</sup> and transferring "broken men and outlaws" and even a "foul murder[er]" from Scotland between jails and to assizes.<sup>77</sup> Such procedural tasks informed contemporary understanding of the limits of individual resistance and enforced complicity in governing ritual.

### VIOLENCE AS CONFRONTATION: POSSES, MUSTERS, AND CIVIL WAR

Shires compartmentalized force to promote pacification. The role of sheriffs in law enforcement and military recruitment has been misunderstood because the decline thesis has tended to enforce separation of these two linked functions. Historians trace the demise of the sheriff's military authority to the decay of medieval procedures,<sup>78</sup> but sheriffs directed that Elizabethan invention, the county militia,<sup>79</sup> and not even the full emergence of the lieutenancy by 1626<sup>80</sup> could terminate procedural demand for sheriffs as facilitators of military preparations.<sup>81</sup> In the Armada crisis and 1590s, sheriffs commanded troops (four thousand in Somerset)<sup>82</sup> and mustered fourteen counties without a lieutenant.<sup>83</sup> In Nottinghamshire the sheriff needed military experience,<sup>84</sup> while in 1607, Sheriff Sir Thomas Nevill neglected to impanel a jury because, in his simultaneous capacity as a deputy lieutenant, he was suppressing an enclosure riot.<sup>85</sup> The relationship between sheriffs and deputy lieutenants, like that between sheriffs and JPs, could not be simply diagrammed or fitted into some notion of a social or administrative chain of command. Sheriffs fined deputy lieutenants for dereliction,<sup>86</sup> worked with them to levy troops and requisition supplies,<sup>87</sup> and tussled with them over responsibilities for training.<sup>88</sup> The give and take that was involved in these relationships suggests that the integration necessary to execute procedures mitigated competition between the office of sheriff and that of deputy lieutenant. Even personal feuds tended to dissolve in the face of procedural demands that only sheriffs could fulfill. An inbuilt procedural consensus guaranteed at least reluctant contact because sheriffs authorized too wide an array of procedures to be bypassed.



Prior to Charles I's attempts to standardize lieutenancies in 1626, sheriffs in many counties continued to wield procedural authorization for the militia. In such moments violence became buried in committee work that promised to make it effective at the time and place agreed. On receipt of a letter from the Council, a sheriff mustered sensitive decisions: time, place, and manner of compliance in collecting recruits.<sup>89</sup> Insufficient recruits and unserviceable armor are beside the point; compliance and coordination as seen in commission work and appearance bonds provide the test of these procedures.<sup>90</sup> Military action is inseparable from pacification one county at a time, thus posing a challenge to modern sensibilities about perpetual military preparedness.

Procedurally speaking, military action was episodic and reactive. Sheriffs sought to bend rebellion to routine forms through deployment of their remedial monopoly. Their weapons were procedural and organizational: *posse*, distress, and arrest. During the Northern Rebellion of 1569 and 1570, Elizabeth added the name of Sir Thomas Gargrave, known for his military prowess, to the bill of sheriffs for Yorkshire.<sup>91</sup> The sheriff of Nottinghamshire helped to provide "700 armed footmen" against northern rebels.<sup>92</sup> The Earl of Sussex proclaimed after the flight of the earls that "all subjects" must assist and "only to obey...[the sheriff] and his ministers" as goods were seized and arrests made.<sup>93</sup> During the Essex Rebellion in 1601, the sheriff of Staffordshire proclaimed Essex and his followers to be traitors and seized their houses.<sup>94</sup> The Gunpowder Plot brought a proclamation that enabled sheriffs to apprehend rebels beyond shire boundaries. While the sheriff of Buckinghamshire confiscated rebel goods, the sheriff of Warwickshire apprehended rebels and sheriffs in Staffordshire and Yorkshire remanded plotters to jail. Sir Richard Walsh in Worcestershire disdaining trained bands because of their "state of unpreparedness," armed a *posse* of two hundred and fifty men that killed one plotter, wounded three, and took two prisoners. That Walsh was adjudged to have done his duty as sheriff may be seen in the crown's refusal to grant a pension to his daughters.<sup>95</sup> Sheriffs could use procedures as a means of seizing the tactical moment, but they had the luxury of allowing the course of procedures slowly to appropriate, categorize, and conclude violence.

Martial law accelerated procedure to the point that a difference in intensity came to seem a difference in kind. Ship money was the equivalent of martial law. The scale of ship money routinized and thereby overtaxed distress. By that standard, the break with received practice was the extension of ship money to inland counties in 1635

as much as the demands made by the Militia Ordinance in 1642. Ship money was vexing not because it created new procedures but because it proved that the old ones could be used to novel effect. What seemed to be incidents involving escalating violence were, seen in another way, over-escalations of procedure. In Norfolk in 1640, distress yielded to rioters who pulled down enclosures, put in their cattle, and threatened to destroy other improved grounds.<sup>96</sup> When such events clustered too closely in time and space, distraint was placed on a different footing. When distraint became subject not to the meandering ways of an Exchequer suit but to the semi-publicity of an appeal to the Commons,<sup>97</sup> a new era had begun. Parliament's<sup>98</sup> need to suppress unlawful assemblies, secure ammunition, control trained bands, restrain riots by petitioners, and subdue "papist" subversion<sup>99</sup> compounded the tendency to remap procedures.

War necessitated preparations for civil enforcement by other means. One of the problems of analyzing the descent into war is that, procedurally speaking, there was no clear demarcation between war and peace, merely a sequence of steps that led from one to the other. In 1642, Bulstrode Whitelocke informed the Commons that "The king can compel no man to go out of his country, but on the sudden coming of strange enemies into the realm . . . Against insurrections at home the sheriff of every county hath the power of the militia in him, and if he be negligent to suppress them with the *posse comitatus*, he is finable for it."<sup>100</sup> Nor did the urge to rely upon traditional means vanish with the onset of combat. The wish expressed in the Commons that "the power might be put into the sheriff or some others" confirms the 1646 Newcastle Propositions' continuation of the sheriff's power beyond the king's.<sup>101</sup>

As a touchstone of legitimacy sheriffs were in demand during wartime. Ceremonies of possession reinforced civil purchase one shire at a time. When a sheriff received custody of a shire in wartime it affirmed the sequential interrelationship of military and civil action. As Charles I remarked, "Now Mr. Sheriff I leave Cornwall to you safe and sound."<sup>102</sup> The Commission of Array,<sup>103</sup> tacked to "usual posts" in "market towns and public places,"<sup>104</sup> depended upon, as the king had it, "our sheriff, whose care and assistance we especially require" and who acted "for the defence of king and country."<sup>105</sup> Such momentous concerns tried the procedural ingenuity of sheriffs.<sup>106</sup> In June 1642 the king's commissioner, Henry Hastings, frustrated in attempts to secure a Leicestershire magazine, convinced the undersheriff to issue warrants for the commission of array. When the sheriff branded these actions illegal, even Hastings's procurement of the sheriff's office

proved unavailing.<sup>107</sup> In July 1642 the sheriff of Worcestershire summoned the militia to the king's assistance, met a parliamentary delegation, and excused himself, pleading ignorance.<sup>108</sup> When Sheriff Isaac Seward of Herefordshire received the king's declaration and Protestation Oath from parliament, he obeyed both sets of instructions.<sup>109</sup> Arrest and search could serve crown or parliament, as Lords ordered the sheriff of Bedfordshire in July 1642 to arrest a man raising money for the king, and the king on July 16 ordered the sheriff of Lincolnshire to search for concealed weaponry.<sup>110</sup> During the same summer the sheriff of Lancashire, Sir John Girlington, abandoned his dinner to suppress those agitating in favor of Parliament. Avoiding being thrown out a window, Sir John Digby, the Sheriff of Nottinghamshire, accounted for powder and match in the county's magazine and acquired its key.<sup>111</sup> The Commons summoned the sheriff of Dorset in 1642 for trying to commandeer Dorchester for the king and gave thanks to the sheriff of Berkshire for conveying Secretary Windebank a prisoner to the Commons.<sup>112</sup> Fitzwilliam Coningsby of Herefordshire earned a civil war shrievalty for royal service, while Sheriff John Weld of Shropshire earned a knighthood and an impeachment by escorting the king to Shrewsbury.<sup>113</sup>

Prospective civil warriors were not poised at a gulf separating civil and military procedure,<sup>114</sup> but sought to translate the one into the other. The *posse* raised three thousand men in Cornwall, seized Chichester and Stafford, besieged Exeter, and martialled Worcestershire, Somerset, Staffordshire, and Cornwall.<sup>115</sup> "Levies" raised by the *posse* met evasion and misinterpretation as impressment and could not mount an offensive war, providing neutralism with procedural foundation.<sup>116</sup> In the moment, the sheriff's ingenuity ruled but did not reign. Sir John Digby armed eighty of his neighbors, and called a meeting "to consult for the peace of the county."<sup>117</sup> Legalistic syntax enabled the sheriff of Hertfordshire in 1643 to gather a royalist force by ordering the lord lieutenant to act against "felonies and robberies" committed by parliamentarian soldiers. In 1646 the sheriff of Lincolnshire indicted a Newark foraging party as "highwaymen."<sup>118</sup>

When the sheriff's authority could be overwhelmed, it was a sign that received procedures were near collapse. Oliver Cromwell's troopers arrested the sheriff of Hertfordshire in 1643 to forestall the commission of array and the following year Sir William Waller captured the sheriff of Oxfordshire at Woodstock.<sup>119</sup> Military arrangements disoriented civil understanding of office and venue. At Char assizes in Somerset in 1651 the sheriff and militia welcomed judges but many gentry stayed home.<sup>120</sup> Cromwell tightened jury selection,<sup>121</sup>

prohibited gratuities to judges, and insisted that major-generals retain a troop of horse to attend sheriff and judges.<sup>122</sup> In Northamptonshire in August 1656 Major-General William Boteler dictated to the sheriff the names of parliament-men to be returned.<sup>123</sup> When Colonel John Dove, sheriff of Wiltshire, refused to proclaim Charles II during Penruddock's Rising in 1655, he was taken hostage at assizes and beaten.<sup>124</sup> James Heath insisted that troopers at assizes made the sheriff's office affordable for "yeomen or tradesmen."<sup>125</sup> That diminution of status weakened the inflecting power of particular sheriffs but did not diminish prejudice in favor of legitimating procedures monopolized by sheriffs.<sup>126</sup> Commentators as different as Clement Walker and James Harrington favored "the old form of government by Sheriffs, Justices of the Peace, etc."<sup>127</sup> Procedural force transcended Cromwellian military rule, connecting the plight of early modern sheriffs with the nostrums of Sir William Jones confronting Gordon Rioters in 1780.

### VIOLENCE IN DEFAULT MODE

Examinations of early modern violence need to consider the patriarchal dilemmas inherent in the sheriff's "administrative performance."<sup>128</sup> Sheriffs' status as elite males forced them to confront complex procedural imperatives. Those imperatives ordered the official lives of sheriffs no less than social constraints ordered the lives of persons nominally subject to their authority.<sup>129</sup> Assumptions regarding sheriffs' decline notwithstanding, their inflection of procedure promoted pacification in a manner that was every bit as resourceful as the contrivances adopted by apprentices and Bridewell denizens considered elsewhere in this volume.<sup>130</sup> It was a luxury enjoyed by the sheriff to reserve his complacency while his officers cast prospective violence into descending forms of compliance: custom, consent, and force, in that order. As long as sheriffs negotiated procedural conventions, they indulged the "violence of the status quo,"<sup>131</sup> paring damage to their reputations and rendering their official presence somewhat less burdensome to themselves than it was to others.

Sheriffs' attempts to divert their responsibilities regarding violence into routine procedures or to devolve those responsibilities upon subordinates issued in an ironic procedural entail: the constitutional restraint characteristic of due process of law. Meanwhile, the uncertainty regarding violence that sheriffs bore with gentle humor was a relatively modest price to pay for their innocence of bureaucracy. The equity of such an arrangement, however, seems never to have

been asserted. Confronting a Hobbesian version of Hobson's choice, sheriffs and their cohorts shared in unequal portions the liabilities of violence in default mode.

## NOTES

1. *Works of Sir William Jones. In Six Volumes* (London: G. G. and J. Robinson, 1799), 6, p. 689.
2. Glenn Burgess, *The Politics of the Ancient Constitution* (London, 1993), pp. 19–20.
3. For which, see chapter one, this volume.
4. Anthony Fletcher and John Stevenson, eds., *Order and Disorder in Early Modern England* (Cambridge, 1985).
5. David Underdown, *Revel, Riot and Rebellion* (Oxford, 1985).
6. A. Hassell Smith, *County and Court: Government and Politics in Elizabethan Norfolk, 1572–1603* (Oxford, 1974).
7. Cynthia Herrup, *The Common Peace: Participation and the Criminal Law in Seventeenth-Century England* (Cambridge, 1987); Alison Wall, *Power and Protest in England 1525–1640* (London, 2000), pp. 181–5.
8. Michael J. Braddick, *State Formation in Early Modern England, c. 1550–1700* (Cambridge, 2000); Michael J. Braddick and John Walter, *Negotiating Power in Early Modern Society: Order, Hierarchy and Subordination in Britain and Ireland* (Cambridge, 2001).
9. Marjorie Blatcher, "Distress Infinite and the Contumacious Sheriff," *Bulletin of the Institute of Historical Research* 13 (1935/36): 146–50.
10. Susan Dwyer Amussen, *An Ordered Society: Gender and Class in Early Modern England* (New York, 1988); Garthine Walker, *Crime, Gender and Social Order in Early Modern England* (Cambridge, 2003); Alexandra Shepard, *Meanings of Manhood in Early Modern England* (Oxford, 2003).
11. Amussen, *An Ordered Society*, pp. 34–66, 161–2; Walker, *Crime, Gender and Social Order* (Cambridge, 2003), pp. 33–7.
12. John Nichols, *The Progresses Processions, and Magnificent Festivities of King James I*, 4 vols (London, 1828), 1, p. 29. For instructions to proclaim James I, see B[ritish] L[ibrary], Stowe Mss., 150, f. 182; Harleian Mss., 703, f. 136b; Cotton Mss. Titus B.VII, f. 44b.
13. [March 26, 1655], *A Caveate for Sheriffs: or A Whip for Corrupt Officers*, BL, E 830 (24), esp. p. 3.
14. G. E. Aylmer, *The King's Servants* (New York, 1961), pp. 197–8.
15. Thomas Dekker, *Lanthorne and Candle-Light* (London, 1609), quoted in Joseph T. Shipley, *Dictionary of Early English* (New York, 1955), p. 594, *sub* "shoulder."
16. William Shakespeare, *The Comedy of Errors*, 4.2.32–40.

17. T. G. Barnes, *Somerset, 1625–1640: A County's Government During the Personal Rule* (Cambridge, Mass., 1961), pp. 140–1. For a suit against a bailiff for false imprisonment, see George Croke, *Reports of Select Cases in the Court of King's Bench* (London, 1657), p. 322.
18. J. S. Cockburn, ed., *Assize Records from the Reign of Elizabeth I, Kent* (London, 1978), p. 106.
19. Walker, *Crime, Gender and Social Order*, pp. 249ff.
20. J. S. Cockburn, ed., *Crime in England* (Princeton, 1977), pp. 124, 323, n. 50.
21. Walker, *Crime, Gender and Social Order*, pp. 37–44; Shepard, *Meanings of Manhood*, pp. 127ff.
22. N[atational] A[rchives] E[xchequer] 112/10/72. See also J. R. Dasant, ed., *A[cts of the] P[ri]v[ate] C[ouncil of England]*, 43 vols (London, 1890–1949), 25, pp. 128–9; and *Calendar of the Wynn of Gwydir Papers* (Aberystwyth, 1926), no. 778.
23. Barnes, *Somerset*, p. 140.
24. See chapter 8, this volume.
25. Shepard, *Meanings of Manhood*, p. 133.
26. NA, Star Chamber [STAC], 5/H6/22; BL, Additional Mss., 23,007, ff. 8–12.
27. *Supplementary Stiffkey Papers*, ed. F. R. Brooks, Camden Society, Third Series, 52 (1936): 4–5. Bailiffs could be fined for improper arrests. See BL, Harleian Mss., 2143, f. 51, 34 Elizabeth I. On attachments generally, see W. J. Jones, *The Elizabethan Court of Chancery* (Oxford, 1967), p. 230; NA, S[tate] P[apers] 12/238/19 (attachments sent to sheriffs); J. S. Cockburn, ed., *Western Circuit Assize Orders, 1629–1648*, Camden Society, Fourth Series 17 (London, 1976), p. 185 (no. 824).
28. Braddick and Walter, *Negotiating*, p. 11; and see Steve Hindle, *The State and Social Change in Early Modern England, c. 1550–1640* (New York, 2000); P. Griffiths, A. Fox, and S. Hindle, *The Experience of Authority in Early Modern England* (New York, 1996).
29. Huntington Library, Ellesmere Mss. 2575 (temp. Elizabeth I); NA, E 178/2921; E 112/17/130. See also NA, E 172/16, 17, and E 379; Barnes, *Somerset*, p. 23 and n. 15; H[istorical] M[anuscripts] C[ommission], *Salisbury Mss.*, 4, p. 511; *Calendar of the Patent Rolls Preserved in the Public Record Office, Elizabeth I, Volume 8, 1578–1580*, 9 vols (London, 1939), pp. 135–41, 263ff.
30. HMC, *Bath, Longleat*, 5: 43–4; HMC, *Talbot*, p. 363; Northamptonshire R[ecord] O[ffice], Isham Lamport 3516. See also William Greenwood, *Curia Comitatus Rediviva* (London, 1659), pp. 9–10.
31. See Britton, trans. F. M. Nichols (Oxford, 1865), 1: 178–81; Anthony Fitzherbert, *Office of Sherifes* (London, 1536), ff. 40–2. See also BL, Hargrave Mss. 361, f. 74; Wilkinson, ff. 108–16; Inner Temple Library, Petyt Mss., 538, vol. 54, f. 35; W. J. King, “Leet Jurors and

- the Search for Law and Order in Seventeenth Century England," *Social History* 13 (1980), pp. 305–23. See also NA, SC 2/211/47; NA, E 134, 31 and 32 Elizabeth I, Mich. 8; Bodl., Essex Rolls, 5.
32. See NA, STAC 8/220/32; P. W. Hasler, ed., *The History of Parliament: The House of Commons, 1558–1603*, 3 vols (London, 1981), 1, pp. xiv, 45, and 175; Mark Kishlansky, *Parliamentary Selection: Social and Political Choice in Early Modern England* (Cambridge, 1986), p. 59; HMC, *Talbot Mss.*, p. 269; BL, Add. Mss., 23007, f. 11; T. E. Hartley, "The Sheriff and County Elections," in D. M. Dean and N. L. Jones, eds., *The Parliaments of Elizabethan England* (Oxford, 1990), pp. 172–3; BL, Stowe Mss. 184, f. 17; W. A. Speck, *Stability and Strife, England, 1714–1760* (Cambridge, Mass., 1979), p. 180; J. E. Neale, *The Elizabethan House of Commons* (London, 1949), p. 31; HMC, *Seventh Report*, pp. 614–15; BL, Add. Mss. 36989, f. 11.
  33. Cited in Jennifer Loach, *Parliament and the Crown in the Reign of Mary Tudor* (Oxford, 1986), p. 23; Ronald H. Fritze, "The Role of Family and Religion in the Local Politics of Early Elizabethan England: The Case of Hampshire in the 1560's," *Historical Journal* 25 (1982): 284.
  34. *Journals of the House of Commons [CJ]*, 1, pp. 677, 678, 686, 687, 729, 737, 739 (March 1624).
  35. See Shepard, *Meanings of Manhood*, pp. 132–3.
  36. Sandbeck Park, Yorkshire, Lumley Mss., PLSA/2, f. 92; J. B. Blakeway, *The Sheriffs of Shropshire* (Shrewsbury, 1831), p. 98; Cyrus Karraker, *The Seventeenth Century Sheriff: England and the Chesapeake* (London, 1930), p. 24; J. S. Cockburn, *History of English Assizes, 1558–1714* (Cambridge, 1974), pp. 65, 110. Northamptonshire RO, Isham Lamport Mss. 1857I. The size of Sheriff Henry Vaughan's retinue in Herefordshire prompted orders from the judges to restrain its activities at election time in Hereford. NA, C 115/M21/7615.
  37. Cf. Elizabeth I's use of retinue to convey a political message in David Starkey, *Elizabeth: Apprenticeship* (London, 2000), pp. 104, 172–3.
  38. HMC, *13th Report, App. 7, Lonsdale Mss.*, pp. 244–5; John Rushworth, *Historical Collections* (London, 1680–1701), Part III, 1, pp. 359–60, 5 August 1641; *CJ*, 2, p. 238 (August 5, 1641); Cockburn, *Assizes*, p. 106; *CJ*, 8, pp. 317, 356, 363, 431, 433; 14 Charles II, c. 21: *Statutes of the Realm*, 11 vols (London, 1810–1828), 5, pp. 414–16. The House of Lords had insisted upon amendments, but 1 James II, c. 17, item 4 rendered this act perpetual. On January 10, 1690, gentlemen in Gloucestershire subscribed to a pact limiting assize expenditure in accordance with 14 Charles II, c. 21: BL, Stowe Mss., 180, f. 108. See also *CJ*, 9: 297, 298, 311.
  39. Cooper is quoted in C. H. Firth, ed., *The Life of William Cavendish, Duke of Newcastle* (London, 1906), p. 127n. In 1648 Sir Robert Pye warned the House of Lords that failure to "give some resolution" concerning the selection of sheriffs obstructed preparations for

- assizes. *Journals of the House of Lords* [LJ], 10: 33, February 8, 1648. See also LJ, 10: 627b (December 13, 1648). See Bodleian Library, MS Tanner 63, f. 146; NA, SP 16/491/131, August 26, 1642; NA, SP 16/491/109, 117, 118, 127; David Underdown, *Somerset in the Civil War and Interregnum* (Newton Abbot, 1973), p. 28; BL, E 114 (18). See also S. R. Gardiner, *History of England from the Accession of James I to the Outbreak of the Civil War*, 10 vols (London, 1884), 10, p. 179.
40. NA, SP 16/294/18; Cockburn, *Assizes*, pp. 79, 101–102; Penry Williams, *The Tudor Regime* (Oxford, 1978), p. 227; William Stevenson, *Bygone Nottinghamshire* (Nottingham, 1893), pp. 119, 189.
  41. *APC*, 1599–1600, pp. 783–5; Cockburn, *Assizes*, pp. 106–107, 130.
  42. Jenny Kermode and Garthine Walker, “Introduction,” in *Women, Crime and the Courts in Early Modern England*, eds. Kermode and Walker (London, 1994), p. 11.
  43. *APC*, 22, p. 373. Occasionally, however, a reprieve was sent. See *APC*, 30, p. 142, March 8, 1600; 30, p. 418, June 27, 1600; 32, p. 29 (Kent). See also NA, E 370/88, Worcestershire, m. 15; *APC*, 1614–1615, pp. 278–9, 312, 313, August 27, October 29, 1615. See also Frances E. Dolan, “‘Gentlemen, I Have One More Thing to Say’: Women on Scaffolds in England, 1563–1680,” *Modern Philology* 92:2 (1994): 157–78; Dolan, *Dangerous Familiars; Representations of Domestic Crime in England, 1550–1700* (London, 1994).
  44. *APC*, 1621–1623, 6, p. 310, August 12, 1622. See also *APC*, 1621–1623, 6, p. 161, March 15, 1622; NA, SP 12/84/8 (Norfolk); 12/86/22 (Northamptonshire); Joel Samaha, “Hanging for Felony: The Rule of Law in Elizabethan Colchester,” *Historical Journal* 21 (1978): 763–82.
  45. John Webster, *The Duchess of Malfi*, 4.2 in *Plays: Webster and Ford* (London, 1933), p. 160. See also James C. Oldham, “On Pleading the Belly: A History of the Jury of Matrons,” *Criminal Justice History* 6 (1985): 1–64; and Walker, *Crime, Gender and Social Order*, pp. 62–3, 197–201.
  46. Arthur Searle, ed., *Barrington Family Letters, 1628–1632*, Camden Society, Fourth Series, 28 (1983), p. 138.
  47. Anthony Trollope, *The Way We Live Now*, ed. Frank Kermode (London, 1875; reprinted New York, 1994), p. 611.
  48. John Nichols, *The Progresses and Public Procession of Queen Elizabeth*, 3 vols (London, 1823), 3, p. 249.
  49. Cockburn, *Assizes*, p. 301.
  50. BL, Harleian Mss. 2143, f. 54.
  51. BL, Microfilm, Hatfield House, Salisbury Mss., Petition no. 612.
  52. Sandbeck Park, Lumley Mss., PLSA/1, f. 9. Certain court cases addressed this issue. See Jean Latch, *Cases in...King’s Bench* (London, 1662), pp. 17, 51. See also NA, E 123/1A, f. 99.



53. Nottinghamshire University Library, MiO2.
54. NA, SP 16/224/28. Sheriffs were allowed to carry arms and break down doors. Michael Dalton, *Country Justice* (London, 1618), pp. 31, 187, 188, 313.
55. NA, STAC 5/W24/22.
56. NA, STAC 5/A19/4.
57. See NA, S[ignet] O[ffice] 3/11, April 1636. Essex RO, Q/SR/79/104–108 contains returns of *non est inventus*. NA, KB 27 contains numerous instances of returns of *non est inventus*, such as NA, K[ing's] B[ench] 27/1541, m. 2, Devon. For fines in these matters, see NA, KB 27/1619, fines and amerciaments.
58. *APC*, 1590, p. 19, pp. 88–9.
59. NA, SP 46/38/187.
60. See Jones, *Chancery*, pp. 321–2; NA, SP 46/34/48; Inner Temple Library, Petyt Mss. 538, vol. 55, f. 104v.
61. John Hawarde (ed. William P. Baildon), *Les Reports del Cases in Camera Stellata, 1593 to 1609* (London, 1894), pp. 240–1; M. A. R. Graves, “Freedom of Peers from Arrest: The Case of Henry, Second Lord Cromwell, 1571–1572,” *American Journal of Legal History* 21 (1977): 1–14.
62. *Wentworth Papers, 1597–1628*, ed. J. P. Cooper, Camden Society, Fourth Series, 12 (London, 1973), p. 256; Leeds City Library, Temple Newsam Correspondence, 2/34, 36. See also BL, Egerton Mss., 2713, f. 365.
63. See Jones, *Chancery*, pp. 345–6, 439; *APC*, 17, pp. 297–8, June 20, 1589.
64. NA, E 123/1a, ff. 88–89; Hertfordshire RO, D/EB, 513.01. For an order from the Council, see *APC*, 8, p. 228 (Kent); 14, p. 209 (Wiltshire); 10, p. 48 (Gloucestershire); 8, pp. 287–9 (Gloucestershire). See also NA, SP 46/70/234; NNRO, Wals. 17/1, ff. 124, 149–50; BL, Egerton Mss., 2713, f. 364.
65. Folger Shakespeare Library, LA 617, 623, 624, 671, 844. Sir Edward Littleton wrote to Walter Bagot, “it is hard to breed amity between two parties,” but it was nevertheless incumbent upon the sheriff to process disagreements that remained. For sheriff as arbiter, see NA, E 134, 4 Charles I, Easter, 34; *APC*, 24: 202; BL, Egerton Mss., 2714, f. 229; NNRO, Wals. 17/1, f. 149.
66. BL, Microfilm 904/31, Thynne Mss., vol. 59, ff. 262, 299. In liberties such obligations had to be made to the bailiff or to the sheriff himself. See William Noy, *Reports and Cases Taken in the Time of Queen Elizabeth, King James, and King Charles* (London, 1669), p. 69.
67. Cooper, ed., *Wentworth Papers, 1597–1628*, pp. 135–6.
68. *Cal. Wynn of Gwydir*, no. 149, August 2, 1594.
69. *APC*, 1581–2, 13, p. 213; *APC*, 1613–1614, 1, pp. 92–3, 110, June 30, 1613.

70. *APC*, 1621–1623, 6, pp. 371–2, December 20.
71. David Underdown, *Revel, Riot and Rebellion* (Oxford, 1985), pp. 108, 109; BL, Harleian Mss. 2143, f. 9; Fitzherbert, *Office of Sherifes*, f. 62, citing 13 Henry IV and 2 Henry V, c. 8; *APC*, 16, p. 324; BL, Harleian Mss., 2143, f. 51; Harleian Mss., 703, f. 12; William Lambarde, *Eirenarcha* (London, 1581), p. 178; J. H. Baker, *The Notebook of Sir John Port*, *Selden Society Publications*, 102 (London, 1986), p. 146.
72. *APC*, 1581–2, 13, pp. 136, 148–9; J. Stanley Leatherbarrow, *The Lancashire Elizabethan Recusants*, Chetham Society, New Series, 110 (1947): 28; NA, E 134, 8 Charles I, Michaelmas, and 3 Charles I, April 3; NA, SP 12/186/81, 82; HMC, *Talbot Mss.*, p. 148. See NA, SP 46/82/164–176 for acquittances for sums levied by sheriffs on the goods of recusants. For fines levied on individuals, see Patrick McGrath, *Papists and Puritans under Elizabeth I* (New York, 1967), pp. 198–9 and, for seizures, Mary E. Finch, *The Wealth of Five Northamptonshire Families, 1540–1640*, Northamptonshire Record Society, 19 (1955), p. 77. The exchequer began a recusant roll in 1592. See *Recusant Roll No. 2 (1593–4)*, ed. Hugh Bowler, Catholic Record Society 57 (1965) and NA, E 376/1–49. A sheriff's recusant roll may be found in York City Archives Department, Miscellaneous Accessions, 104. NA, SP 16/478/68 (March 25, 1641) lists recusants' revenue "on this side of the Trent" beginning 3 Charles I. See also McGrath, *Papists and Puritans*, p. 118.
73. BL, Harleian Mss., 703, ff. 16v–17. 13 Elizabeth I, c. 2 provided statutory authority for such action. See Lambarde, *Eirenarcha*, p. 197; and McGrath, *Papists and Puritans*, p. 103.
74. See Michael Dalton, *Officium Vicecomitum* (London, 1623), ff. 6, 13b., 14–16; NA, SP 12/248/104; 12/80/28; 12/81/13; 12/81/25; 12/81/58; J. A. Sharpe, *Crime in Early Modern England, 1550–1750* (London, 1984), pp. 30–33.
75. See *APC*, 7, p. 101; 10, pp. 48, 63, 69 70, 197, 199.
76. HMC, *Third Report*, p. 263; *APC*, 1586–7, 14, p. 91, Gloucestershire. See also *APC*, 1558–70, 7, p. 93, April 25, 1559, Devonshire, an instance in which a sheriff took recognisances on behalf of the Council.
77. NA, E 370/76 (Bedfordshire); E 370/81 (Gloucestershire); E 370/83 (Herefordshire); E 370/87 (Cambridge and Hunts.); NA, E 368/641, state and view, Cambridgeshire; NA, KB 8/44, m. 7, April 18, 1577; KB 8/47, mm. 14–15 (Sussex); KB 8/58 (Hampshire, November 18, 1603, Lords Cobham and Grey de Wilton); Cockburn, *Assize Records*, p. 85; BL, Add. Mss. 27447, f. 116, May 1565/6; *APC*, 1614–1615, p. 61; NA, E 370/81 (Somerset); *APC*, 16, pp. 343–4 ("outrage," Gloucestershire, Warwickshire, Worcestershire); *APC* 10, p. 406, November 30, 1578. The Council ordered that one man who uttered "lewd words" be pilloried at Lichfield and Burton-upon-Trent

- with a paper on his head specifying his offense: *APC*, 23, pp. 348–9, December 8, 1592 (Shropshire). For the transfer of a “heinous murderer,” see NA, E 370/80, Worcestershire, m. 15. See also HMC, *Twelfth Report*, App. 7, p. 12; NA, SO 3/2, February 1603/4.
78. David Loades, *Power in Tudor England* (New York, 1997), p. 29.
79. See Lindsay Boynton, *The Elizabethan Militia, 1558–1638* (Newton Abbot, 1971), p. 62; Kevin Sharpe, *The Personal Rule of Charles I* (New Haven, 1992), p. 26; C. G. Cruickshanks, *Elizabeth’s Army* (Oxford, 2nd ed., 1966); A. Hassell Smith, “Militia Rates and Militia Statutes, 1558–1663,” in P. Clark, A. G. R. Smith, and N. Tyacke, eds., *The English Commonwealth 1547–1640: Essays in Politics and Society Presented to Joel Hurstfield* (London, 1979), pp. 93–110; Anthony Fletcher, *Reform in the Provinces: The Governance of Stuart England* (New Haven, 1986), pp. 282ff. ; W. Peck, *Desiderata Curiosa* (London, 1779), 5, p. 8, November 3, 1595.
80. The statutory authority for the militia was 13 Edward I, c. 6; 1 Edward III, st. 2, c. 5; 18 Edward III, c. 7; 25 Edward III, st. 5, c. 8; and 4 Henry IV, c. 13, all of which were repealed by 4 and 5 Philip and Mary, c. 3 [SR., 4: pt. 1: 320–322] and revived in 1604 by 1 James I, c. 25 [SR., 4, pt. 2: 1052]. 13 Edward I, c. 6 was again repealed in 1624 by 21 James I, c. 28 [SR., 4, pt. 2: 1239]. Apparently the last county with commissioners for musters was Nottinghamshire: *APC*, 1625–6, p. 476. On lieutenantancies, see Victor Stater, *Noble Government: The Stuart Lord Lieutenantancy and the Transformation of English Politics* (Athens, Georgia, 1994); and Mark Charles Fissell, *English Warfare, 1511–1642* (London, 2001), pp. 50ff.
81. See HMC, *Salisbury Mss.*, 3: 463; 5: 381; 6: 552; and Longleat, Thynne Mss., vol. 7, f. 102: Councillors to Mr. John Dauntsey, sheriff of Wiltshire, October 28, 1597.
82. *House of Commons, 1558–1603*, 1, p. 430; HMC, *Fifteenth Report*, App. 5, pp. 12, 34, 35.
83. NA, SP 12/261/1; Inner Temple Library, Petyt Mss., 538, vol. 6, f. 55; *APC*, 27, pp. 108–109; BL, Lansdowne Mss. 60, f. 40. For the duration of the lieutenantancies, see J. C. Sainty, *Lieutenants of Counties, 1585–1642* (London, 1970), pp. 3–4. In 1591, a neighbor informed Richard Bagot that, where there was no lord lieutenant, the sheriff administered the musters, and in his absence, the task devolved upon all of the JP’s. Folger Shakespeare Library, Bagot Mss., LA 22. BL, Lansdowne Mss. 60, f. 40; Harleian Mss. 703, f. 10v.; NA, SP 12/97/38; 12/98/1. NA, SP 12/74/34–36 suggests that commissions of lieutenantancy were revoked after the Northern Rebellion. BL, Add. Mss. 33594 contains a list of signet letters from the Queen to sheriffs in 1580. BL, Add Mss. 48591. See *APC*, 26, pp. 386–9. Sheriffs also cooperated with special military officers. See NA, C 115/M21/7606. For further evidence of cooperation with the lieutenantancy, see NA, C 115/M21/7609.

84. HMC, *Talbot Mss.*, p. 316; *Letters of John Holles, 1587–1637*, Thoroton Record Society, 31 (1975): p. 6; HMC, *Portland Mss.*, 9, pp. 141–2. In 1598 in the absence of the lord lieutenant in Nottinghamshire, the queen appointed John Stanhope to work with the sheriff and JPs. *APC*, 29, pp. 108–109. The sheriff outranked the lord lieutenant on ceremonial occasions. See Karraker, *Seventeenth Century Sheriff*, p. 23.
85. NA, Signet Office, 3/3, October 11, 1607. For a similar situation in Wales of a gentleman serving as a sheriff and a deputy lieutenant, see *APC*, 22, p. 429, May 7, 1592. On August 1, 1608, Sir Thomas Thynne suggested that the rank of a colonel be bestowed upon another gentleman because he was already serving as sheriff. BL, Add. Mss, 5496, f. 13b; BL, Add. Mss. 23007, ff. 30–36 and Folger Shakespeare Library, LA 736, 743.
86. Boynton, *Elizabethan Militia*, p. 42.
87. *Cal. Wynn of Gwydir*, nos. 166, 177.
88. HMC, *Fifteenth Report, App.*, p. 14; Bodl., Tanner Mss. 241, ff. 28–9. For a similar instance in Lancashire involving the Earl of Derby, see BL, Harleian Mss. 1926, f. 72b; HMC, *Fifteenth Report, App.* 5, pp. 34–5. For other military correspondence between sheriffs and noblemen, see HMC, *Talbot Mss.*, pp. 80, 350 and HMC, *Salisbury Mss.*, 6: 125.
89. BL, Egerton 2714, f. 225, 3, September 1602; HMC, *Gawdy Mss.*, pp. 79–81; NNRO., Wals. 17/1, ff. 150–151; NA, SO 3/1, f. 442, January 1594; SO 3/1, f. 514, March 1595; SO 3/1, f. 606v., August 1596; SO 3/1, f. 610v., September 1596; S P 12/136/52, March 16, 1580; SP 12/43/48, August 12, 1567; SP 12/67/25, March 19, 1570; SP 12/172/70, August 14, 1584; SP 12/172/81, August 17, 1584; SP 12/26/23, December 24, 1562; SP 12/27/8, January 8, 1563; SP 12/29/22, July 8, 1563; SP 12/40/22, July 4, 1566; SP 12/42/16, February 18, 1567; SP 12/54/3, July 2, 1569; *APC*, 26: 433, January 16, 1597; NA, E 101/65, 66; NNRO. Wals. 17/1, ff. 84–7, 117–18; Huntington Library, Stowe Temple Mss., STT 730, January 12, 1600, Norfolk; NA. C. 115/M24/7748, October 6, 1601. See NA, SO 3/3, July 1, 1605; SP 12/89/26, 28, 34, 35; BL, Harleian Mss. 366, ff. 94, 95; *APC*, 32: 173, 217, August 1601; NNRO., Wals. 17/1, ff. 130–131, 147–8, 151–4; BL, Add. Mss. 23007, ff. 19–20; BL, Harleian Mss. 703, f. 14v., May 19, 1584; Bodl. Tanner MS. 241, ff. 21–23, May 21, 1584; BL, Add. Mss 23007, f. 18, July 3, 1601; *APC*, 32, pp. 29–33, 130. For an encouraging response from the council, see Folger Shakespeare Library, Bagot Mss., LA 743, May 25, 1600.
90. NA, SO 3/1, p. 457; SP 12/261/1; Inner Temple Library, Petyt Mss., 538, vol. 6, f. 55; NA., E 124/5, f. 54d; 124/6, f. 42.
91. *Dictionary of National Biography*, sub Gargrave, Sir Thomas (1495–1579); Boynton, *Elizabethan Militia*, p. 64; Anthony Fletcher, *Tudor Rebellions* (3rd ed., Harlow, 1983), pp. 90, 92, 94–95.

92. See S. J. Watts, *Northumberland: From Border to Middle Shire, 1558–1625* (London, 1975), pp. 97–98; NA, SP 12/68/31; 12/70/14.
93. NA, SP 12/67/3 and 3I, January 1 and 2, 1570. Sheriffs delivered reports on the rebellion, received orders to enforce conformity of public worship and seized the goods of rebels. See NA, SP 12/59/20, 36, 39, 45; 60/47; 60/53; 61/22. On the legal requirements in such instances, see Dalton, *Officium*, ff. 29b–30b.
94. NA, E 370/87, Staffordshire. For his services the sheriff claimed expenditures of forty-five pounds and received allowance on his account of thirteen pounds.
95. See NA, SP 14/18/37, pp. 47, 63, 68–69; HMC, *Salisbury Mss.*, 17: 493, 532; *CSPD, 1603–1610*, p. 259; HMC, *Salisbury Mss.*, 17: 490, 493, 499; 24: 80. Cf. Dalton, *Officium*, ff. 12–14 for the sheriff having no power outside his county. See also G. P. V. Akrigg, *Jacobean Pageant* (Cambridge, Mass., 1963), p. 71; Fitzherbert, *Office of Sherifes*, ff. 33–6, citing 19 Henry VII, c. 13; 17 Richard II, c. 8: SR, 2: 89; 13 Henry IV, c. 7: SR, 2: 169; 2 Henry V, c. 8: SR, 2: 184. Those who did not assist the sheriff and JPs in the suppression of a riot were to be imprisoned. 2 Henry V, st. 1, c. 8: SR, 2: 186.
96. *LJ*, 4: 274. See also Clive Holmes, *Seventeenth-Century Lincolnshire, The History of Lincolnshire, Vol. 7* (Lincoln, 1980), p. 154 and *CSPD, 1640*, pp. 323–4.
97. See Wallace Notestein, ed., *The Journal of Sir Simonds D'Ewes from the Beginning of the Long Parliament to the trial of the Earl of Straffordl* (New Haven, 1923), pp. 176–7. For the Sheriff of Herefordshire, see NA, PC 2/51, pp. 474, 476; NA, SP 16/452/66; Bodl., Bankes Mss., 42/42–43.
98. Three sheriffs were ordered to suppress rioting in the Forest of Windsor. Bodl., MS. Tanner 66, f. 178. On February 25, 1642, sheriff received batch letters requiring their cooperation in levying subscriptions for Ireland. Rushworth, *Part III*, 1: 557; *The Private Journals of the Long Parliament, 3 January to 5 March 1642*, ed. W. H. Coates, A. S. Young, and V. F. Snow (New Haven, 1982), pp. 476 and 478.
99. *CJ*, 2: 377 and *LJ*, 4: 512–14 *Private Journals*, pp. 58, 59, 70; March 16, 1642, BL, E 140 (4) and (11); BL, Harleian MS. 164, f. 310v., March 2, 1642; *CSPD, 1641–1643*, p. 166; *LJ*, 4: 440–1; *CSPD, 1640–1641*, pp. 518–19.ck; BL, Add. Mss. 14827, f. 28; Staffordshire Record Office, D593/5/5/6.
100. Bulstrode Whitelocke, *Memorials of English Affairs*, 4 vols (Oxford, 1853), 1, pp. 160–61. He quoted 1 Edward III, st. 2, c. 5, which was affirmed by 4 Henry IV, c. 13. See Cruickshank, *Elizabeth's Army*, pp. 4–5.
101. Anthony Fletcher, *The Outbreak of the English Civil War* (London, 1981), p. 67; S. R. Gardiner, *C[onstitutional]D[ocuments] of the Puritan Revolution* 3rd ed. (London, 1906), p. 256.

102. HMC, *Hastings Mss.*, 2: 115; Mary Coate, *Cornwall in the Great Civil War and Interregnum* (Truro, 1963), p. 155; Bodl., Firth MS. C. 6, f. 337, cited in Ann Hughes, "The King, the Parliament and the Localities during the English Civil War," *Journal of British Studies* 24 (1985): 250n.; *Cal. Wynn of Gwydir*, no. 1738, July 27, 1644; Bodl., MS Tanner 63, f. 68, June 14, 1642.
103. Rushworth, *Historical Collections*, Part Three, 1: 655ff., pp. 674–5, 681. See also Ronald Hutton, *The Royalist War Effort, 1642–1646* (London, 1982), p. 6.
104. Gardiner, *CD*, pp. 258–60; Derbyshire RO, Gell Mss., D258/60/70, sheriff to hundredal bailiff, June 28, 1642. For other examples, see BL, Add. Mss., 34217, ff. 69–70; *Cal. Wynn of Gwydir*, nos. 1712, 1716, 1720. "Rebellious" persons, according to the king's order, were to be committed to the sheriff's custody. See Gardiner, *CD*, p. 260; *Royal Proclamations of King Charles I, 1625–1646*, ed. James F. Larkin (Oxford, 1983), pp. 767–9; Bodl., MS Tanner 63, ff. 73–5.
105. Bodl., MS Tanner 63, ff. 84, 88.
106. Andrew M. Coleby, *Central Government and the Localities: Hampshire, 1649–1689* (Cambridge, 1987), pp. 6–7; David Underdown, *Somerset in the Civil War and Interregnum* (Newton Abbot, 1973), p. 31; *CSPD, 1641–1643*, pp. 357–62.
107. Gardiner, *History of England*, 10, pp. 205–206; *LJ*, 5: 131, 142, 164; *CJ*, 3: 646; BL, Harleian Mss., 163, ff. 252, 255. See also List and Index Society, No. 9, *List of Sheriffs for England and Wales from the Earliest Times to 1831* (London, 1898), p. 75. On the Grey-Hastings feud, see Anthony Fletcher, "The Coming of War," in Conrad Russell, ed. *The Origins of the English Civil War* (London, 1973), p. 34.
108. Hutton, *Royalist War Effort*, pp. 10–11. Gardiner notes that the sheriff was supported by Lord Coventry: *History of England*, 10: 210. For legal issues involved, see NA, SP 16/491/127, printed in J. S. Cockburn, ed., *Somerset Assize Orders, 1640–1659*, *Somerset Record Society* 71 (Yeovil, 1971), pp. 54–5 (item 156).
109. Jacqueline Eales, *Puritans and Roundheads: The Harleys of Brampton Bryan and the Outbreak of the English Civil War* (Cambridge, 1990), pp. 132–3; *CJ*, 2: 389. For the oath, see Gardiner, *CD*, pp. 155–6. For letters from the speaker to sheriffs and JPs, see Bodl., MS Tanner 66, f. 279.
110. Ross Lee, *Law and Local Society in the Time of Charles I: Bedfordshire and the Civil War* (Bedford, 1986), p. 44; *CSPD, 1641–1643*, p. 355.
111. Ernest Broxap, *The Great Civil War in Lancashire, 1642–1651* (Manchester, 1910), pp. 12, 18, 29; Lucy Hutchinson, *Memoirs of the Life of Colonel Hutchinson* (New York, 1906), pp. 102ff.; *List of Sheriffs*, p. 105.

112. A. R. Bayley, *The Great Civil War in Dorset, 1642–1660* (Taunton, 1910), p. 45; NA, SP 16/492/10.
113. Hutton, *Royalist War Effort*, pp. 13, 25, 26, 31, 114; Conrad Russell, *Fall of British Monarchies, 1637–1642* (Oxford, 1991), p. 505 n. 80; Fletcher, *Outbreak*, p. 360. On the Shropshire sheriff's impeachment, see *Victoria County History of Shropshire*, 3: 110; HMC, *Fifth Report, House of Lords*, p. 48; *LJ*, 5: 360. Coningsby seems to have been among those gentlemen who harassed the staunchly parliamentary Lady Brilliana Harley. NA, C 115/N2/8521, December 27, 1642.
114. Thomas Carlyle, *The Letters and Speeches of Oliver Cromwell*, ed. S. C. Lomas, 3 vols (London, 1904), 1, p. 118. On attempts to pacify counties by expanding and combining county organization, see Clive Holmes, *The Eastern Association* (Cambridge, 1974).
115. Hutton, *Royalist War Effort*, pp. 40, 83, 91, 92, 93–4, 101, 157. Cf. *List of Sheriffs*, p. 129, which does not notice a Sheriff of Shropshire, Richard Leveson, who made use of the *posse*. See also HMC, *Hastings Mss.*, 2: 96; Fletcher, "The Coming of War," p. 45. Sheriff Grills was later listed among the royalists who defended Pendennis Castle in Cornwall. *CSPD, 1645–1647*, p. 467. For Grills's activities in 1642, see Fletcher, *Outbreak*, p. 356. See also Underdown, *Somerset*, p. 113. On shrieval involvement in the siege of Exeter, see July 25–July 28, 1643, BL, E 62 (8). In September 1645 the royalist sheriff of Oxfordshire, Colonel David Walter, held joint command of four hundred horses that held off reformadoes and captured twenty-four officers. See F. A. Bates, *Graves Memoirs of the Civil War* (Edinburgh, 1927), p. 38. See also *CSPD, 1644–1645*, p. 272; Underdown, *Somerset*, p. 34; Bodl., MS Tanner 66, f. 258, February 4, 1642, John Butler to Thomas Mottersett, Sheriff of Chester. For other uses of the *posse*, see Bayley, *Dorset*, pp. 51, 60, 62, 79.
116. Hutton, *Royalist War Effort* p. 31. The force of custom may be seen in the Commons' Committee resolution of January 1642 declaring the legality of requiring the London sheriffs "to bring the force of the county for the security of parliament." Gardiner, *HE*, 10: 148; *History of the Great Civil War*, 4 vols (London, 1903), 1, pp. 69–70. Sheriffs and JPs from greater London, including Surrey, had often to be relied upon. See *D'Ewes Journal*, ed. Coates, pp. 11n., 222, 226n., and 227n. For other uses of the *posse*, one allegedly at the behest of the king, another at the behest of two JPs, see *CSPD, 1641–1643*, pp. 273, 377; Bodl., MS Tanner 63, f. 152v.; Mark Stoyale, *Loyalty and Locality: Popular Allegiance in Devon during the English Civil War* (Exeter, 1994), p. 40; Underdown, *Somerset*, p. 80; Bodl., MS Tanner 63, ff. 139–40.
117. Hutchinson, *Memoirs*, pp. 131–8, 140–41; *LJ*, 5: 332–3; *CJ*, 2: 734 (misnumbered 738); 867 (misnumbered 871); "A True Catalogue,

- etc.," BL 669. f6 (93), November 21, 1642. See also *CSPD, 1641–1643*, pp. 402–403, October 28, 1642.
118. Fletcher, "The Coming of War," p. 46; Holmes, *Lincolnshire*, p. 181.
  119. Carlyle, *Cromwell's Letters and Speeches*, 1, pp. 121–2; Barry Coward, *Cromwell* (London, 1991), p. 26; *CSPD, 1644*, pp. 364, 372–3. Cromwell had earlier received coat and conduct money from the hands of a sheriff as payment for arms in Cambridgeshire. See *CSPD, 1641–1643*, p. 354; *CJ*, 2: 674.
  120. Underdown, *Somerset*, p. 158.
  121. W. C. Abbott, ed., *The Writings and Speeches of Oliver Cromwell*, 4 vols (Cambridge, Mass., 1937–1947), 4, pp. 27, 87–8, January 29, 1656; *CSPD, 1655–1656*, pp. 28–30; Christopher Durston, *Cromwell's Major-Generals: Godly Government during the English Revolution* (Manchester, 2001), pp. 30–32, 79–80, 83–85.
  122. *CSPD, 1655–1656*, p. 175; Abbot, 4: 101.
  123. Peter Whalley, *The History and Antiquities of Northamptonshire* (Oxford, 1791), 2: 383, cited in Paul H. Hardacre, "William Boteler: A Cromwellian Oligarch," *Huntington Library Quarterly* 11 (1947): 8.
  124. See S. R. Gardiner, *History of the Commonwealth and Protectorate*, 4 vols (London, 1903), 3, pp. 286–8; *Mercurius Politicus*, BL, E 830 (11) and (23); Austin Woolrych, *Penruddock's Rising* (London, 1955); Andrea E. Button, "Penruddock's Rising, 1655," *Southern History* 19 (1997): pp. 99–111.
  125. James Heath, *A Brief Chronicle of the Late Intestine War* (London, 1663), p. 730.
  126. See Douglas Brunton and D. H. Pennington, *Members of the Long Parliament* (Cambridge, Mass, 1954), pp. 192–3. Robert Shapcote, Sheriff of Devon in 1654, was recorder of several boroughs and had an income of £80 per annum. David Underdown, *Pride's Purge: Politics in the Puritan Revolution* (London, 1971), p. 396, n. 27.
  127. Clement Walker, "The Mystery of the Two Juntoes, Presbyterian and Independent" (1648) in F. Maseres, ed., *Select Tracts Relating to the Civil Wars in England* (London, 1815), 2, p. 339; James Harrington, *The Commonwealth of Oceana and A System of Politics*, ed. J. G. A. Pocock (Cambridge, 1992), pp. 33, 39, 51, 85, 93. For evidence of sentiment in favor of traditional civil governance over military rule, see Underdown, *Somerset*, p. 139; *Pride's Purge*, p. 77.
  128. Michael J. Braddick, "Administrative Performance: The Representation of Political Authority in Early Modern England," in Braddick and Walter, *Negotiating Power*, pp. 166–87.
  129. See Shepard, *Meanings of Manhood*, pp. 1, 250.
  130. See chapters one and eight, this volume.
  131. David Levine, "The Violence of the Status Quo," *Journal of British Studies* 41 (2002): 511–19.



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## CHAPTER 7



### EXECUTING THE BODY POLITIC: INSCRIBING STATE VIOLENCE ONTO APHRA BEHN'S *OROONOKO*

*Shannon Miller*

*He had learn'd to take Tobacco; and when he was assur'd he should die, he desir'd they would give him a Pipe in his Mouth, ready lighted; which they did: And the Executioner came, and first cut off his Members, and threw them into the Fire; after that, with an ill-favoured Knife, they cut his Ears, and his Nose, and burn'd them; he still smoak'd on, as if nothing had touch'd him; then they hack'd off one of his Arms, and still he bore up, and held his Pipe; but at the cutting off the other Arm, his Head sunk, and his Pipe dropt and he gave up the Ghost, without a Groan, or a Reproach.*

—Aphra Behn, *Oroonoko*

This striking conclusion to Aphra Behn's novel *Oroonoko*<sup>1</sup> highlights, above all, the barbarity exerted on this heroic African protagonist. A victim to the mechanisms of the British colonial slave trade, Oroonoko, renamed "Caesar" once in the seventeenth-century Surinam colony, dominates Behn's now canonical romance-inflected novel as much as violence dominates his final moments. Yet, despite the possibly exotic detail of smoking tobacco during his death scene, this account of Oroonoko's ad-hoc execution within the English colony needs to be contextualized amidst specific historical events and explicit acts of political violence characterizing the decade during which Behn wrote

and published her novel. In the 1680s in England, the feared Popish Plot, the Rye House Plot, and the Monmouth Rebellion all delivered either victims or traitors to the block—depending, of course, on one’s political affiliation.<sup>2</sup> And while, as Melinda Zook suggests, the Bloody Assizes generated bodies and body parts strewn barbarically around western English counties, the details in Oroonoko’s death scene draw us back to London’s staging of numerous state-authored punishments during this period. In 1683, the now infamous trial and sentencing of Algernon Sidney for the treasonous “act” of “writing” the *Discourses Concerning Government* detail the traitor’s end to which he is to be condemned:

*That you be carried hence to the place from whence you came, and from thence you shall be drawn upon an Hurdle to the Place of Execution, where you shall be hanged by the Neck, and, being alive, cut down; your Privy Members shall be cut off, and burned before your Face, your Head severed from your Body, and your Body divided into four Quarters, and they to be disposed at the Pleasure of the King. And the God of infinite Mercy have mercy upon your Soul.*<sup>3</sup>

The last minute “Mercy” of Charles II, if not of “God,” prevented Sidney from this ignominious rebel’s death spectacle, though not from execution. And yet, almost all of the frequently reprinted details within Sidney’s initially prescribed execution sentence are contained in Oroonoko’s death scene. Viewed, by the vicious initiators of his end, as a rebel against the colony and thus to the state itself, Oroonoko has his “Members” “cut off” as his executioners “threw them into the Fire,” just as Sidney was to have had them “burned before your Face.”<sup>4</sup> “[C]ut down” before dying from the hanging, which the initially proscribed punishment for Algernon Sidney would have allowed, such a convict would have experienced the subsequent quartering while still alive: this very situation occurs in *Oroonoko*. Behn thus appears to integrate these details of a state traitor’s punishment into Oroonoko’s death scene. Notably, then, though this punishment of Oroonoko occurs outside of an official practice of state-sponsored execution, the details accord quite closely to state sentences that were imbued with violence during the 1680s.<sup>5</sup>

These historical events appear imprinted onto Behn’s fiction, suggesting that the historical unconscious of Restoration England was overwritten by accounts of, and the complications within, uprisings against the state in the last seventeenth century. The historical and ideological complexities of the period join with the interpretive challenges of and in Behn’s novel. As this rich and complex text has moved

into the center of the Restoration literary canon, the character and physical body of Oroonoko have become the site of many “allegorical” or historically inflected topical readings. For Laura Brown and George Guffey, Oroonoko serves as a political allegory for Charles I. For Margaret Reeves and Paula Bakscheider, Oroonoko gestures to Monmouth and his end as a (failed) rebel against the state. Richard Kroll reads *Oroonoko* as a warning to James II about the Dutch threat to James’ reign and the nation itself.<sup>6</sup> These critics have thus positioned the body of the hero and the story in *Oroonoko* amidst historical moments ranging from the English Civil War to events just proceeding the Glorious Revolution. In keeping with my opening emphasis on a staunch Republican’s death sentence, I will be suggesting influences on *Oroonoko* from an early-seventeenth-century “Republican body” that realigns our view of Oroonoko’s resonant death in this late century novel: Sir Walter Raleigh, his explorations in the Orinoco region, and the terms of his state-ordered execution.

Among Sir Walter Raleigh’s many resonances throughout the seventeenth century was that of Parliamentary hero, a “victim of Stuart injustice” in the language of Anna Beer.<sup>7</sup> As such, his history—and his end—resonate with violence exerted onto opponents of the Crown during the 1680s. Many aspects of Sir Walter Raleigh’s narrative, reputation, and influence—his personal character and actions as well as Raleigh’s proto-British imperialist interest in South America—become internalized into Behn’s narrative. The history of Raleigh’s colonial investment in the area, then, will offer an alternate “topical” reading of the figure of Oroonoko.

But the larger implications of the loss of the Surinam colony to the Dutch, when read in conjunction with the death of the narrative’s protagonist, expand the possibilities within this reading as well as the range of interpretations generated by the echoes of Raleigh within both the region and Behn’s text. In offering a reading of the traces of Raleigh within *Oroonoko*, I am not suggesting that Brown, Bakscheider, Reeves, or Kroll are wrong in the distinct—historical and often political—allegories they unearth within Behn’s text. The historical unconscious of the late seventeenth century was constituted by layers of, and often competing, political events and allegiances. One consequence of the political disruptions of the 1680s, which recalled the political trauma of the Civil War and Interregnum period, was to place the very act of representing government and kingship under great pressure. Oroonoko, text and character, becomes a capacious allegorical reservoir, encapsulating such seemingly irreconcilable figures as: Raleigh, a victim of James I’s patronage network as well as

of James' alliance with the Spanish; James' own son, Charles I; and Charles' grandson, James, Duke of Monmouth. When we see this story, placed in Guiana, recording the repetition of historic heroic loss, we simultaneously watch the failed colonial history of Guiana repeat itself. The hesitant commitment to the region by Elizabeth was followed by James' strategy in South America, both doomed to failure. The colony's ultimate loss under Charles II is the consequence of, and is patterned on, these earlier mistakes. Raleigh's seemingly odd presence within the narrative thus has the effect of interweaving a range of historical events: the colonial efforts of the late sixteenth and early seventeenth century become repeated in the 1660s as the colony is lost to the Dutch.

The levels of significance embedded within the colonial site of Guiana by the Restoration—meanings extended by the numerous cultural associations with Sir Walter Raleigh during and after the Civil War—expose the many layers of history that Behn embeds into *Oroonoko*. The colonial site, in particular its loss and the failure this comes to signify for the crown, allows Behn to retell the story of flawed decision-making by English monarchs from Elizabeth to James II. The novel records a political or even psychic warning about modes of rule, especially in the context of the instability of the late seventeenth century. Ultimately, Behn will gesture at the potentially self-destructive nature of kings and kingship. For, if Guiana is a site of recursive loss, the second half of *Oroonoko* links this repeating event of loss of colonial power to another threat within Restoration England: a repetition of a collapse into civil war. As Janet Todd notes, "The 1640s and 1650s pressed heavily on the 1680s, and there was constant expectation of a repetition of the royal tragedy of 1649."<sup>8</sup> This very recursiveness of history, that civil war could occur again, but this time in either Surinam or even England, weighed on the minds of Restoration Englishmen and women. Behn, I will suggest, is engaging this concern through the story of Guiana as she offers commentary on the potentially self-destructive nature of kings, of kingship, and thus the dangers that the institution of monarchy can pose to itself.<sup>9</sup>

Within *Oroonoko*, Behn locates these anxieties onto the violently mutilated male body with which I began this essay. And while the text will also engage the historically and literally textured body of Imoinda, the traitor's death to which Oroonoko is subjected lies at the center of the political imagination of this novel. Historical "sources" for the graphic closing moment of the text highlight how centrally male bodies figured in the political theater of execution: Algernon

Sidney, Lord Russell, the Duke of Monmouth, and others all found themselves unwilling players on this stage. Yet these bodies, whether their "*Privy Members*" were threatened, as in Sidney's case, or their "members" actually cut off, as in *Oroonoko*, are explicitly marked as male at this moment. In order to be a member of the state, one has to be "marked" as a male by the phallus; to be located outside of the state is to lack, or have removed, that marker. Thus, their castration deprives them of their status as members of the state as it deprives them of their sexual organ.

These acts of castrating a traitor to the state derive from, while also highlighting, the masculine configuration of the body politic. While the Chain of Being was waning as an ideological map for the seventeenth-century mind by the 1680s, the metaphor of the body politic—which embodied the collective nature of the state within the (usually male) head of the state—was still conceptually quite powerful: Charles II continued to describe the "one body corporate and politic" throughout his reign as an image of political and social order.<sup>10</sup> Further, this metaphor would have been particularly resonant for a country still wracked by the memory of, and the continued fear about the resurgence of, civil war. *Oroonoko* will become an embodiment of this highly disrupted state, a figure of both the king or "Prince" and of "traitors" to the crown as the image of the body politic warring against itself becomes literalized within *Oroonoko*'s disembowelment scene. Thus, as Behn engages the historical threats that are located onto her hero, she simultaneously engages the metaphor of the body politic threatened with destruction by the events of the Restoration.

"[M]ATTER FOR A GRATEFULL STORY":  
RALEIGH IN/AS GUIANA

Sir Walter Raleigh's historical identities following his death in 1618 ranged impressively. While his *History of the World* was popular throughout the century, during the Civil War and Interregnum Raleigh was frequently deployed as a figure for Parliamentary power, largely as a result of John Milton's printing of the *Prerogative of Parliaments*. Additionally, Raleigh's very popular treatise on shipping and on the navy extended his association with colonial expansion into more focused issues of naval power.<sup>11</sup> But his link to the growth of the proto-British Empire, credited to him by D.B. Quinn,<sup>12</sup> was well established as well as frequently cited throughout the mid-century and the Restoration. In what I will suggest are echoes of Raleigh

within Behn's novel *Oroonoko*, we are offered—through Sir Walter Raleigh's colonial activities and personality—perhaps the most obvious answer to what Peter Hulme considers the “oddest detail, never explained in the novel”: the name of Oroonoko himself.<sup>13</sup>

The name of both the novel and Behn's African hero seem based upon the South American river that Raleigh explored in 1595 and then again in 1617: there is only a slight variation to the spelling of the Oronoco River. In addition, the location of the Surinam colony where Behn's narrative takes place was approximately two hundred miles from the Oronoco River itself; this proximity would almost necessarily recall earlier English colonial activities in the area, ones associated with Raleigh himself. While Margaret Ferguson has noted this resonance of the river in the African name “Oroonoko,”<sup>14</sup> I want to explore how Raleigh's activities echo throughout narratives citing England's earlier colonial history in the area. As we will see, his link to the Oroonoko River in the novel in conjunction with a series of seventeenth-century colonial texts establish the ongoing importance of Raleigh in the region: though intermittent and repeatedly ending in failure, English involvement in the Surinam or Guiana area had been pursued since Sir Walter Raleigh's first attempt to navigate the Oronoco basin in search of the legendary El Dorado. This highly topical name is both intriguingly suppressed while being highlighted throughout the novel: Oroonoko's “original” name is transformed into the slave name Caesar once the protagonist arrives in Surinam. Yet the name of this character and its geographic reference nevertheless remain the title of the novel as well as the signifier that readers and critics use to discuss the hero. These echoes to Raleigh's activities thus resonate through our experience of and in the text. The portrait of Oroonoko is shaped by the colonial activities of Raleigh, and even his own execution, the consequence of Raleigh's (failed) last Guiana voyage.

Long after Raleigh's two voyages to Guiana, the association between Raleigh and Guiana lived on.<sup>15</sup> Both printed and manuscript sources continue to interweave Raleigh into accounts of Guiana at the mid-century. What I am describing as a suppressed memory of Raleigh within Behn's *Oroonoko* ranges through a series of texts, including many accounts of the colony produced around the Restoration. A 1660 translation of a French “historical & geographic description of the great country & river of the Amazonas in America” by William Hamilton identifies this as “that place which *Sr Walter Rawleigh* intended to conquer and plant, when he made his voyage to *Guiana*.”<sup>16</sup> Hamilton also stresses the particularly

English importance of Raleigh in the region: when translating a French text arguing for colonization in the region, he adds the reference to Raleigh on the title page that, as one would expect, was entirely missing from the original French text arguing for expansion in the area.<sup>17</sup> On either side of this 1660 text, writings by or attributed to Raleigh keep his link to the region fresh in the reading public's mind. The quite popular *Remains of Sir Walter Raleigh*, composed of works supposedly by Raleigh, appeared in many editions with an engraved portrait of the explorer; Raleigh's hand in this portrait points to "Guiana," the only geographic label on the globe.<sup>18</sup> This overt link between Raleigh and this place on the globe underscores how fully Raleigh was affiliated to Guiana at mid-century. This visual reminder, which appeared in the 1661, 1669, and 1681 editions, is complemented by texts explicitly highlighting Raleigh's experiences in the area of the Surinam colony. In 1650 and 1667, Raleigh's *Judicious and Select Essays and Observations upon the First Invention of Shipping* were printed, both editions accompanied by Raleigh's *Apologie* for the 1618 Guiana voyage. As Anna Beer has shown, Raleigh became a spokesman for trading interests in the 1650s; thus the adoption of his ideas on "forcible trades" made his associations with Guiana very useful during England's and Holland's sea war that extended through the Interregnum and the Restoration. The reprinting in 1667 of Raleigh's *Observations upon the First Invention of Shipping* and the accompanying *Apologie*, for example, could well have been influenced by the loss of the Surinam colony through the Treaty of Breda signed that same year.

These printed texts, which associate any colonial futures in the area with Raleigh's activities under the last Tudor and the first Stuart monarch, are complemented by the manuscript "Discription of Guyana," penned by John Scot after the loss of Surinam in 1667.<sup>19</sup> As we will see, the loss of the colony to the Dutch resonates through this nostalgic summary of British colonial activities, a document that also contains a nostalgic description of Raleigh. This account, by a less than reputable "Royal Geographer" and spy, thus underscores how active Raleigh's memory and his activities in Guiana were into the 1670s.<sup>20</sup> A rather conventional tract upon the "Guyana" colony in most ways, Scot begins with an account of the land, its commodities, and its diseases, and then turns to an historical account of attempts to settle the area. Raleigh, who actually never attempted a colonial settlement in the area, nonetheless receives significant attention that resonates throughout the document.



Sir Walter Raleighs first Voyage 1598 and his last unfortunate Voyage 1618, and the business of Mr harcourt at Wiapoca, being writt with their owne pennis I shall say nothing of them, onely that If Sr Walter Raleigh had lived he would haue left matter for a Gratefull story. He left soe good and so great a name behind him with the Native Indians in those parts, that the English have often been Obliged to Remember with Honour.<sup>21</sup>

Again and again, Scot will return to this tribute of Raleigh's successful negotiation with the region's natives seventy years prior. Recalling Raleigh's colonial attempts in the area, Scot describes the 1650 Surinam settlement as having inherited Raleigh's vision for a colony. Raleigh is thus "Remember[ed] with Honour" in this account of the establishment of the Surinam colony, the historical colony into which Behn places the fictional Oroonoko.

Yet Raleigh is not simply an earlier explorer of the region: the tribute to Raleigh becomes a pattern for future colonial success. In Scot's account, Colonel Anthony Rowse is credited with establishing this colony in its fourteenth manifestation and is praised for invoking the memory of Raleigh and thus matching the courtier's colonial style: "His making a firme peace with the Indians, soone after his Landing, and Reviveing the name of Sr Walter Raleigh, gave the English firme footeing in those parts, and it soone became a hopeful Collonie."<sup>22</sup> Though accounts record that the inhabitants of the Guiana region still remembered Raleigh into the 1620s, here Scot appears to define "reviving" Raleigh's memory as, instead, a return to Raleigh's earlier mode of engaging the region's inhabitants. In Scot's tract, then, success in the Guiana region relies on "Reviveing the name of Sr Walter Raleigh" through employing Raleigh's same skills at establishing "peace with the Indians."<sup>23</sup>

Scot's tract thus complements other published texts that "revived" Raleigh's memory in the region by interweaving the explorer into many aspects of the Surinam colony Behn describes in *Oroonoko*. Again and again, Scot features Raleigh prominently. The Surinam colony, established by 1654, thus begins with the promise of Raleigh's proper form of interacting with the inhabitants. "Anno 1654 Lieutenant Coll. Rowse haveing established this Collonie, left it in a flourishing Con디션, and in perfect Peace with the Indians"<sup>24</sup>; the repetition of the phrase "peace with the Indians" in the account of Raleigh and of Rowse ties Rowse explicitly to Raleigh's colonizing practices. And though Rowse departs from the colony itself, such resonances to Raleigh's colonizing efforts recorded through this manuscript and printed texts become incorporated into Behn's character

Oroonoko. Because Raleigh's memory haunts contemporary documentation about the settlement, it is hardly surprising that aspects of these texts make their way into, or are deployed in, Behn's account of the colony.<sup>25</sup>

That Raleigh's activities were so routinely linked with the very colony to which the West African prince "Oroonoko" is transplanted establishes a cultural tapestry interweaving Raleigh, this Oronoco region, and the name of Behn's protagonist. The promise of Rowse's Raleigh-like creation of a colony will be abdicated by the Surinam colony's leaders, but the African prince kidnapped into slavery will "revive" in the reader the memory of Raleigh's early Guiana voyages. Thus, around the historical event of the loss of the Surinam/Guiana colony, we can observe how Behn telescopes events from various points in the seventeenth century—Raleigh's earlier colonial expansion and Guiana's final loss to the Dutch—into this highly signifying name: Oroonoko.

One consequence of this memory of Raleigh within the novel is Oroonoko's actions in the region, and then his death: they equally revive Raleigh's activities in the area as well as recall the death Raleigh faced because of his second failed 1617 voyage to the Oronoco basin. The first of these parallels occurs when Oroonoko takes on the role of guide for the narrator. As the novel tells us, the English colonists had been unwilling to venture into the river basin because of their fears of the natives. Oroonoko proves to be the perfect guide. Just as Scot's "A Discription of Guyana" praises Raleigh for "making a firme peace with the Indians, soone after his Landing, and Reviveing the name of Sr Walter Raleigh" which "gave the English firme footeing in those parts," Oroonoko "begat so good an understanding between the *Indians* and the *English*, that there were no more Fears or Heart-burnings during our stay, but we had a perfect, open, and free Trade with 'em."<sup>26</sup> Oroonoko's role as leader of the expedition locates him as a figure for Raleigh in the colonists' travels into the area's river tributaries. Yet it is Oroonoko's unique ability to establish "so good an understanding" with the inhabitants that links him most specifically to Raleigh. Raleigh, supposedly remembered by inhabitants years after his voyages up the Oronoco in 1598 and again in 1617, effectively established communication with tribes in the area: that "memory" becomes transferred into Oroonoko himself, who, in establishing similarly good relations, becomes the source and site of Raleigh's previous activities. Further, the establishment of "perfect, open, and free Trade" is also, as I argue elsewhere, the central motif within Raleigh's 1596 "*The Discoverie of Guiana*"<sup>27</sup>;

the terms by which a “peace” is established thus invoke Raleigh’s writings and his plans for the Oronoco area, now given life within Oroonoko’s own actions.

This segment of the novel, in which the group wends their way up the tributaries of the Amazon, consequently invokes Raleigh’s goals in and for Guiana: the discovery of El Dorado and subsequent English control of the area. Encountering “some *Indians* of strange Aspects” who “had been coming from the Mountains,” Behn’s narrator describes the visions of, and hopes for, El Dorado’s wealth that had both structured and doomed Raleigh’s expedition. The Indians “brought along with ‘em Bags of Gold-Dust; which, as well as they could give us to understand, came streaming in little small Channels down the high Mountains, when the Rains fell.”<sup>28</sup> “Mountains of Gold” are imagined as the sources for the “Bags of Gold-Dust,” an image that Raleigh recorded into his *Discoverie*; “wee saw all the hilles with stones of the colour of gold and silver, and we tried them to be no Marquesite, and therefore such as the Spaniards call El madre del oro, or, The mother of gold, which is an undoubted assurance of the generall abundance.”<sup>29</sup> In Behn’s novel, the response by the colony’s Governor to the information about the “Mountains of Gold” is to block off the Amazon River, prohibiting access to anyone including English settlers. The same fate befalls this plan to gain access to the region’s gold as had ruined Raleigh’s search for El Dorado: absence of support for settlement in the area results in loss of access to the “Bags of Gold-Dust” likely to be found upstream.

Behn’s novel thus nostalgically encodes Raleigh’s writings on and goals for the colony through the parallel activities of her novel’s hero, Oroonoko. In doing so, Behn is able to incorporate the 1667 loss of Surinam into her story, underscoring the significance of this loss through her repetition of failures in the region. Raleigh serves as a mouthpiece for the loss of a colonial presence, historically recorded in Scot’s “Discription of Guyana.” Yet the narrative of and lament for this loss occurs in prosaic terms in both Raleigh’s and Behn’s texts. Behn’s narrator records the unfortunate loss of the Surinam colony: “And ‘tis to be bemoan’d,” states Behn, “what his Majesty lost by losing that part of *America*.”<sup>30</sup> Begun so promisingly in 1650, the colony was handed over to the Dutch in 1667 as a result of the second Anglo-Dutch war, thus marking the final moment of English involvement in the Guiana area. This very loss of Guiana was exactly what Raleigh had tried to prevent in his propagandistic account of the *Discoverie of the Large, Rich, and Beautiful*

*Empire of Guiana:*

I wil hope that these provinces, and that Empire now by me discovered shal suffice to inable her Majestie & the whole kingdome, with no lesse quantities of treasure, then the king of Spaine hath in all the Indies East and West, which he possesseth, which if the same be considered and followed, ere the Spaniards enforce the same, and if her Majestie wil undertake it, I wil be contented . . .<sup>31</sup>

The beauty, the prominence, the significance of “that part of America” were the very prods to colonization that Raleigh had employed throughout his *Discoverie*. “I never saw a more beautifull countrey,” Raleigh tells us and the queen in an attempt to generate political support for a colony there.<sup>32</sup> At the moment of recalling Raleigh’s actions, then, Behn is ironically marking the very end of the promise of his colonial project as she recalls Raleigh’s own account of the colony:

Though, in a word, I must say thus much of it; that certainly had his late Majesty of sacred Memory, but seen and known what a vast and charming World he had been Master of in that Continent, he would never have parted so easily with it to the *Dutch*. ‘Tis a Continent whose vast Extent was never yet known, and may contain many more noble Earth than all the Universe beside.<sup>33</sup>

In what follows, Behn provides a paean to the lost South American continent, her two page account of its beauties recalling the catalogue provided by Raleigh’s “*Discoverie*.” Further, the effect of aligning these two textual moments and two historical events illustrates the same monarchical indifference and its consequences: in 1598, 1617, and now again in 1667, Elizabeth’s, James’, and Charles II’s indifference led to the loss of colonial possibilities in Guiana. Behn’s recording and repeating of Raleigh’s earlier efforts highlight her larger concerns about the colony’s loss while also suggesting her dissatisfaction with the colonial indifference shown by present and previous monarchs.<sup>34</sup>

## COLONIAL BODIES AS HISTORICAL RECORD

The resonances of Raleigh’s earlier exploration of the Oronoko River within the character Oroonoko are only one prong of the novel’s nostalgic gestures to Raleigh’s past colonial activities. As with the paralleling of events within this colony to the colonial efforts of Raleigh, we observe a series of other echoes to Raleigh’s colonial projects.

In fact, as the second half of the novel moves forward, the bodies of Imoinda and then Oroonoko/Caesar become registers of Raleigh-linked activities, ones that lead us to the ultimate site of embodiment: the violent end through which the body of Oroonoko, signifying the colony itself, is destroyed. In her representation of Oroonoko's execution, Behn moves the bodies of her heroine and hero to the fore. In two distinct episodes, then, we will observe as their bodies serve as a model for the layering of, even inscriptions of, previous colonial activities and historical events into her novel.

Even before the novel's violent conclusion, it uses Imoinda's and Oroonoko's bodies to invoke Raleigh's Virginia project of 1587, a colonial scheme that preceded his 1598 Guiana voyage by ten years. In a fascinating afterthought, the narrator describes the body carvings on the novel's heroine, a detail never mentioned until Imoinda is present in Guiana and now a slave to European colonists.

I had forgot to tell you, that those who are nobly born of that Country, are so delicately cut and raised all over the Fore-part of the Trunk of their Bodies, that it looks as if it were japan'd, the Works being raised like high Point round the edges of the Flowers. Some are only carved with a little Flower, or Bird, at the sides of the Temples, as was *Caesar*; and those who are so carved over the Body, resemble our antient *Picts* that are figur'd in the Chronicles, but these Carvings are more delicate.<sup>35</sup>

Like the name of Oroonoko, derived not from an African language but instead from a South American site, these body carvings direct the reader to another source, here English colonizing documents from the end of the sixteenth century. As Joanna Lipking and Margaret Ferguson have remarked, this description recalls the 1590 illustrations within the *Briefe and True Reporte of Virginia*<sup>36</sup>; the final section of the elaborately illustrated *Reporte* offers three engravings of "*Picts*" covered with flowers, animal designs, and astronomical images: the "yonge dowgter of the Pictes" parallels Imoinda most closely as "the did paint themselues of sondrye kinds of flours, and of the fairest that they cowlde feynde."<sup>37</sup> The *Reporte* offers "these 5. Figures fallowinge, fownd as hy [the painter, John White] did assured my in a ooldd English **cronicle**," "to showe how that the Inhabitants of the great Bretannie haue bin in times past as sauauge as those of Virginia."<sup>38</sup> Behn's language of the "antient *Picts* that are figur'd in the **Chronicles**" echoes the very introduction of these figures on deBry's frontispiece (my emphasis): they too were derived from "a ooldd English cronicle." The linguistic parallels between the novel

and the earlier colonial propaganda underscore the connection Behn establishes to Raleigh's colonial activities.

Yet as with the suppressed but resonating site and sign post of "Oronoco/Oroonoko," the gestures to Raleigh occur deflected through a widely drawn colonial map: African practices, which become imported through the body of Imoinda, revive for us an older English "cronicle" or history. In addition to recalling Raleigh's involvement in Virginia, for which the *Briefe and True Reporte* was its core piece of propaganda, we observe how layered the events of England's history are within Behn's novel. The bodies of Imoinda and, to a somewhat lesser extent, Oroonoko become literarily inscribed by English events recorded through English historical records: colonial and English history is repeated on these characters' flesh. In fact, this embodiment of Raleigh's Virginian activities and their role in refracting an "oold English cronicle" history become a literalized inscription traced onto the bodies of Behn's protagonists. The process of narrating and recording history into Behn's story thus complements these "Carvings" "delicately cut and raised" through a (repressed violent) inscription of their skin. African practices of body ornament create visual texturing through the physical process of "raising" certain layers of skin above others. The aesthetic effect becomes analogous to accounts of an English past and of North American settlements: these historical and colonial narratives are stacked on top of one another within the narrative as here onto the body of the female protagonist.

The physical act of "Carving" into the skin of Imoinda necessary to create this "japan'd" and "raised" effect on the skin is suppressed in the aesthetized account of Imoinda's body. But this model of a fleshly inscription, which relies on the silenced practice of fleshly cutting, molding, and consequent layering of the skin, is soon replaced by the overwhelming violence inflicted onto Oroonoko's body. As with the earlier account of his and Imoinda's physicalized ornamentation, the focus onto Oroonoko's body at the novel's end maintains this same layering of historical events: his body will come to invoke the violent deaths of kings destroyed by subjects as well as narratives of subjects destroyed by kings. Oroonoko's death will consequently draw upon and invoke the stories of many executed bodies: the Stuart kings, Monmouth, and, as I am arguing here, Sir Walter Raleigh. A thickly layered palimpsest of English historical events, Oroonoko's final moments literally embody the violent history of the seventeenth century, which also saw executions of treasonous subjects such as Algernon Sidney with whom I began this essay. I would argue

here that part of that history of seventeenth-century state violence is recalled through Raleigh. In the interpretively rich final moments of Oroonoko's death, the text will "revive" memories of Raleigh's own death just as the narrative invoked the range of Raleigh's involvement in the region.

Likely, it is the non-naturalistic aspects of Oroonoko's death that have drawn so many critics to this scene. Throughout Oroonoko's punishment and then execution, he exhibits a heroic level of self-possession, underscored by the most excruciating form of death. When told that whipping would not be a painful enough death for him, "then he reply'd, smiling, *A Blessing on thee*; and assur'd them, they need not tie him, for he would stand fix'd like a Rock, and endure Death so as should encourage them to die."<sup>39</sup> Yet, while critics have offered specific figures as models for Oroonoko's final scene—including Monmouth and John Allin—details within these posited analogues have significant shortcomings as sources for Behn. Monmouth, while subjected to significant butchery as a result of his botched execution, could not be described as embodying the level of heroism we see with Oroonoko, a situation analogous to that of John Allin.<sup>40</sup> And yet, all accounts of Raleigh facing his death convey the self-possession characterizing Oroonoko's death. During his execution, Raleigh illustrated a singular lack of fear, stressing his "resolution" and his "unmoved courage."<sup>41</sup> Oroonoko's death sequence is equally characterized by "unmoved courage and placid temper"; in their final moments, neither man feared death nor its agent, the ax that dismembers Oroonoko and beheads Raleigh. Both accept, even "welcome," to use Sir John Eliot's words about Raleigh, their deaths.<sup>42</sup>

But Behn adds one detail that draws this account significantly closer to both Raleigh's own end and to his own colonial activities: Oroonoko's request for tobacco as he dies. "He had learn'd to take Tobacco; and when he was assur'd he should die, he desir'd they would give him a Pipe in his Mouth, ready lighted; which they did." As they dismember him—while he is still alive—"he still smook'd on, as if nothing had touch'd him." Even when they cut off one arm, "still he bore up, and held his Pipe; but at the cutting off the other Arm, his Head sunk, and his Pipe dropt and he gave up the Ghost, without a Groan, or a Reproach."<sup>43</sup> This superhuman, even absurd, account of Oroonoko's death highlights his taking of tobacco as a central element of his execution, even an emblem for his self-possession and pride during the gruesome event.

This is a detail that has been little discussed in the wide range of interpretations of this final event in the novel, and particularly in

readings that position Oroonoko in relation to historic figures from the period.<sup>44</sup> Yet the presence of tobacco in this scene actually consolidates the many gestures within the text to both Raleigh and his colonial projects. In itself, tobacco produces a particularly strong link to Raleigh: the Elizabethan association between Raleigh and the “divine” weed was first established by Thomas Hariot’s description and praise of it in the Raleigh-sponsored *Briefe and True Report*, and was later eulogized by Spenser in the *Faerie Queene*’s reference to “diuine Tobacco.”<sup>45</sup> Raleigh’s connection to tobacco was established both within these texts of colonial promotion and through his importation of the product during his doomed second Oronoco trip. Tobacco was the only thing of value with which Raleigh returned in 1617, an attempt to make the trip “a saving Voyage in Tobacco” as “there were no other spoil.”<sup>46</sup>

And while tobacco recalls Raleigh’s activities in the region of Surinam/Guiana, the link between Oroonoko, the character, and tobacco again shows how Raleigh’s other significant colonial project, Virginia, continues to resonate in the final scene of the novel. According to Jerome Brooks, two types of tobacco were produced within “Virginia,” or the Chesapeake Bay region, during the mid- and late sixteenth century: one was called “sweet scented,” the other “Oronoko.”<sup>47</sup> Brooks discusses the overproduction of tobacco in the Chesapeake region during the 1660s, confirmed by the OED’s recording of the first use of the word in Beverly’s “Petition” within the 1660 Calendar of Virginia State Papers: Beverly accounts for “Two thousand five hundred pounds of good, sound, bright, and large Arronoca tobacco” (OED: “Oroonoko”).<sup>48</sup> By 1699, a description of “Oronoko Tobacco” suggests that it was very well known and recognizable by name in England: In the *London Spy*, we hear that “The scent of Oronoko tobacco no more offends the Nostrils of our Squeamish Ladies” (OED: “Oroonoko”). Consequently, it seems very likely that the term would have been in circulation in the late seventeenth century, a moment when Behn might even have visited the Virginia colony.<sup>49</sup>

Given the frequent historical associations between Raleigh and tobacco, we now see the name of Behn’s protagonist embedded into an intricate matrix of references associating Raleigh’s colonial activities in North and South America with Oroonoko’s actions and his death. As we saw with the constellation of Raleigh’s colonial activities inscribed onto the bodies of Imoinda and Oroonoko, we can observe yet another such layering of interpretive possibilities: the South American geographic origin of the name Oronoco/Oroonoko,



traveled upon by Raleigh, now fuses Behn's character and Raleigh through this particular commodity. Specifically linked to Raleigh, tobacco was imported from the Surinam region in 1617 and became a major crop within Virginia during the later part of the century. As seen earlier, the site of Raleigh's expedition becomes "exported" to Western Africa in "Oronoko's" name. That site then becomes both repressed *and* underscored when "Oronoco/Oroonoko" returns to the Guiana colony to be renamed Caesar. Raleigh's colonial activities in Virginia were likewise projected onto these West African protagonists: Imoinda's "japon'd" body recalls the *Briefe and True Report's* account of an "oold cronicle," this link between English history not revealed to us until we are geographically located within the Guiana colony. Similarly the reference to Virginian tobacco, again contained within the name of "Oroonoko," is both repressed and exposed within the Guiana colony. The doubledness of the meanings associated with the name now allows for a triangulated relation between Raleigh, the Oronoco river, and the character Oroonoko Behn imports into her tale. And this deeply "japon'd" process of historical layering continues to strengthen the matrix between Raleigh and Oroonoko through to the end of the narrative.

As so many other coded or repressed associations accomplished through names and colonial memories in the novel, then, the gesture to Virginia tobacco, and its association with Raleigh, comes to the fore at the final, violent moment of Oroonoko's death. For, Oroonoko's death scene resurrects one final constellation of associations between tobacco, executions, and Raleigh's character. In what Robert Lacey describes as an untrue rumor that would haunt Raleigh to the very end, Raleigh was said to have taken tobacco during Essex's execution.<sup>50</sup> Further, the morning of his own execution, Raleigh finished his breakfast and "enjoyed a good pipe of tobacco" before being led to his death.<sup>51</sup> Raleigh's preparation for his final scaffold performance leads us again to the figure of Oroonoko at his final moments: "when he was assur'd he should die, he desir'd they would give him a Pipe."<sup>52</sup>

At this ultimate moment of violence, the connections between these two figures—geographic, colonial, and personal—become the most intermingled. As Richard Kroll has suggested in "Tales of Love and Gallantry": The Politics of *Oroonoko*," the threat of the Dutch appears gestured at in the execution scene of Oroonoko. Kroll argues that the vicious nature of the Dutch, and the kinds of punishment they were known to have inflicted upon their prisoners, shaped Behn's treatment of this scene. For Kroll, this invocation of the Dutch is a

signal or warning to James II to recall the violence the Dutch will impose on his kingship and country. I agree with Kroll that Behn's "parallel argues that what has happened in the past is recurring in the present."<sup>53</sup> *Oroonoko* now becomes a richly dense signifier for individual seventeenth-century political figures while illuminating the fate of the colony itself. For, as the history of the colony and threats to disrupt the state are interwoven within the narrative of *Oroonoko*, the details of—and especially the violence registered in—this death scene gesture to both the terms of, and the implications of, the loss of the Guiana colony.

Raleigh's death, the result of his final voyage in 1617, had marked the first lost opportunity in Guiana; James' active distrust of Raleigh could not be offset once El Dorado could not be found, prompting James to order the execution. Thus, the final loss of the colony to the Dutch, the death of the colony itself, becomes anatomized for us in the body of *Oroonoko*, the physical repository for the memory of Raleigh and the colony with which Raleigh had been consistently associated. At the moment the colony was to be destroyed by Dutch expansion, Raleigh reappears within the narrative—as he reappears in accounts of the colony's formation. This execution of *Oroonoko* thus becomes a violent portrait of the thickly layered connections to and associations between Raleigh and the events within Guiana: as did Raleigh die, now will the colony, embedded within *Oroonoko*, die as well.

### LAYERING HISTOR(IES): THE OVERDETERMINATION OF OROONOKO'S BODY

I have thus argued to add one more figure to the pantheon of cultural or conscious sources that shaped Behn's portrait of *Oroonoko*. Raleigh joins Monmouth, John Allin, Charles I, and even James II as figures who resonate with the actions of, person of, or tortured body of *Oroonoko*. I want now to reflect upon the consequence of these seemingly contradictory readings of the meaning(s) attributable to Behn's text. Margaret Reeves has offered a convincing account of the resonances produced by Behn's "Cesario" within the epistolary novel *Love-Letters between a Nobleman and his Sister*.<sup>54</sup> Readers would have known that Cesario was James Scott, Duke of Monmouth. Thus, the more diminutive version of the name Caesar in *Oroonoko* establishes an intertextual clue that Monmouth is shaded into Behn's portrait of *Oroonoko*. Interesting personality links, their acts of heroic if ultimately failed rebellion, even the "mangled" king reference that

best describes Monmouth's botched execution provide for a compelling parallel. One might also link Monmouth's own refusal to make a speech, "*I will make no Speeches; I will make no Speeches; I come to dye*" (emphasis in the original), to Oroonoko's refusal to speak at his death, his giving "up the Ghost, without a Groan, or a Reproach."<sup>55</sup> Alternatively, Laura Brown convincingly reads Oroonoko's execution as an allegory for the death of Charles I. Brown stresses the numerous links between Oroonoko and Charles I throughout the text, her persuasive argument furthered by the slave name for Oroonoko, Caesar; this is the very name Behn "repeatedly used for the Stuart monarchs" Charles II and James II.<sup>56</sup> The very name of Caesar, as we can see, becomes as overwritten with historical significance as the violence undertaken during Oroonoko's death scene.

Instead of countering the richness and suggestiveness of these readings, I would like to suggest an alternative to viewing Algernon Sidney's traitorous death sentence, Monmouth's life, Raleigh's colonial identity, and the Stuart kings who faced execution or loss of kingdom as contradictory interpretative options for *Oroonoko*. Just as this account of a violent death exceeds all boundaries, so too do the multiple echoes embedded into the figure of Oroonoko exceed the boundaries of a singular reading or parallel. I wish to consider, instead, the very confusion between, instead of strict political lines of, "Royalist" and "Parliamentarian" figures within *Oroonoko*. These will ultimately show us how to integrate these distinct readings of Oroonoko's historically (over)determined meaning.

As Laura Brown has stated, "there is no simple political allegory available in Behn's novella" since there are bad Royalists and good Parliamentarians in the tale.<sup>57</sup> "Royalist Byam is Oroonoko's enemy," while the argument to save Oroonoko from Byam counters total royal power: "*Trefry* then thought it time to use his Authority, and told *Byam*, his Command did not extend to his Lord's Plantation; and that *Parham* was as much exempt from the Law as *White-Hall*."<sup>58</sup> Defying the royalist, and here tyrannical, power of Byam, Trefry asserts that it does not extend to his plantation. If the "Law" here is Byam's royal commission, it is dismissed as ineffectual royal prerogative, as ineffectual as such prerogative would be over "White-Hall" during the Interregnum—the time frame of Behn's story.

Any simple Royalist/Parliamentarian opposition is further complicated by the respect both the narrator and Oroonoko/Caesar show to Captain George Martin, a Parliamentarian and the brother of the "great Oliverian" Henry Martin. George is described as "a Man of great Gallantry, Wit, and Goodness," and Oroonoko "had a great

Respect for Colonel *Martin*, and always took his Counsel.”<sup>59</sup> Behn’s “reviving” of Raleigh within the figure of Oroonoko, then, takes place within a novel that portrays highly regarded Parliamentary figures. As a consequence, Raleigh’s identity as a Parliamentary figure coincides with other sympathetic portraits of Parliamentary supporters. The very status accorded to Raleigh with the publication of the *Prerogative of Parliaments* in 1661 made him a lightning rod for Republican thought in the mid-seventeenth century; his ghostly specter in the novel becomes re-enforced by the figures of such “Oliverians” in the text.

Additionally, Raleigh had come to stand for much more than the preservation of the Guiana colony. He had become a spokesperson for anti-Dutch policies. Behn, very resistant to the final takeover of the colony by the Dutch, might well have been drawn to the figure of Raleigh through his link to English trading interests. By the Restoration, Raleigh was deployed in texts promoting colonization that were addressed to Charles II, such as William Hamilton’s translation of a French colonial text. Guiana was “that place which *Sr Walter Rawleigh* intended to conquer and plant, when he made his voyage to *Guiana*.”<sup>60</sup> And as Anna Beer shows in *Raleigh and his Readers*, Raleigh’s writings were deployed to oppose the Dutch and counter their naval power: a work attributed to Raleigh and published in 1653 presents “his” *Observations touching Trade & Commerce with the Hollander, and other Nations*.<sup>61</sup> This doubled identity of Raleigh thus complements Richard Kroll’s reading of *Oroonoko* as a warning to James to be wary of the Dutch, a message now voiced by a long-dead Raleigh.

Yet the significance of “reviving” Raleigh within Behn’s *Oroonoko* does more than gesture to a multiply-signifying Raleigh at mid-century.<sup>62</sup> Within the text of Behn’s *Oroonoko*, he is joined by other figures, such as the Stuart kings, who represent the many dangers that face the monarchy, dangers that arise both internally and externally. His identity—for certain groups—as a martyr of the Stuart line actually explains the apparent contradictory meaning of his shadowy presence in the novel. Instead of having to choose between the political implications of the arguments of Reeves, or myself, or Brown or Kroll, I want to suggest that the figure of Oroonoko is both an image of the martyred Stuart king *and* a Stuart king’s victim. The name of Caesar points to the last Stuart kings at the same time that it invokes the rebellious, illegitimate son of Charles, James Scott, Duke of Monmouth. Behn thus constructs a truly doubled identity for Oroonoko. He embodies both the monarchy rebelled against,

and the rebellious force that attempted to overthrow that monarchy. Further, alongside these topical clues to Oronoko's meaning(s), Oroonoko's previous name establishes this series of connections to Raleigh. Echoing through the text, Oronoko's activities and then his death continues to "revive" Raleigh's activities in the region and his other colonial efforts.

### STATE AND MARITAL VIOLENCE IN OROONOKO: EVISCERATING THE BODY POLITIC

This evocation of Raleigh thus continues to be layered with a culturally rich set of executions. Violence, exerted onto Oroonoko's body, recalls the state's insistence on the mutilation of traitorous bodies. As we will see, Oroonoko operates as a dispenser of the very violence that we see exerted onto his body in the final moments. He comes to signify aspects of the state itself, a figure for the "head" of the state as well as its rebelling "members." Upon having led a failed slave revolt, readers "watch" in horror as a series of gruesome bodily violations occur within the narrative. First, Oroonoko beheads Imoinda, fearful that his own planned revenge will result in her greater punishment after his death. Then, we experience two distinct acts of self-inflicted violence. After "cut[ting] a piece of Flesh from his own Throat," Oroonoko moves to an even greater act of self-destruction: "At that, he rip'd up his own Belly, and took his Bowels and pull'd 'em out, with what strength he could."<sup>63</sup> The violence of the execution scene is thus preceded both by Oroonoko's murder of his own wife and his own self-mutilation and then self-disembowelment.

Within the acts of violence that so dominate the final portion of this narrative, we are able to discern a complex of images gesturing to the status of the (male-gendered) state itself, now located onto this literary figure so overwritten with historical events. First we observe a murder of a wife in which we can discern the traces of the family/state analogy: the head of the family, analogous to the head of the state, destroys his own country.<sup>64</sup> Such metaphors of the state continue to stand behind the escalating and self-directed violence that dominates the final moments in Behn's narrative now. Oroonoko's own evisceration of himself will recall the language of rebellion within the body politic, a metaphor with which Behn would have been very familiar. Nathaniel Lee's 1681 *Lucius Junius Brutus, father of his country a tragedy* offers a contemporary account of the language of the people as the belly of the state, the core element of the body politic metaphor: "Sirs, we the People in the Body are but the Guts of Government: therefore

we may rumble and grumble, and Croke our hearts out, if we have never a Head.”<sup>65</sup> This anatomy of the body politic, in which the people were the stomach and the monarchy the head, describes the constitution of the state while arguing against civil war. To act against the state is to do violence to, in fact to eviscerate, the body politic: in the language of Shakespeare’s 1598 *Henry IV, Part 1*, the consequence of such actions would be “intestine shock” to the body of the nation.<sup>66</sup>

This imagery of the “Guts” of the body politic offers a broader cultural and political context in which to interpret Oroonoko’s violent act. At a point in the novel where Oroonoko has already participated in an attack on the state, we now see this (self)-destructive act explicitly directed onto the body of the state. Oroonoko’s disemboweling illustrates the violence done through rebellion against the state, a rebellion that becomes violence by as well as onto its own body. Oroonoko thus enacts, as a character, the destructive nature of a rebellion against the body politic as his own self-directed act of “butchery” becomes a literalized “intestine shock” to the state itself.

This self-disemboweling helps to explain why these many, and contradictory, historical figures come to be embedded into Oroonoko. As Oroonoko enacts “intestine” civil conflict through first his slave uprising, and then his own destruction, his action will invoke the violence of the 1680s. Further, the very method of layering history—including Raleigh’s execution in the early seventeenth century, events within the civil war period, and state executions in the 1680s—amplifies these narratives of state violence. As they resonate with each other, they also transform the simultaneous experience of past events into the threat of recursivity. As Melinda Zook points out, the Algernon Sidney trial pointed out how much the 1680s threatened to become “forty-one all over again”<sup>67</sup>: civil war seemed imminent to many, a repetition that could not be stopped. Nor does Behn play down the threat of such repetition. In a choice complementing the historical threats occurring throughout the 1680s, Behn placed her narrative of the Surinam colony during the earlier historical period of the Protectorate. She thus maintains this same form of historical overwriting that we seen embodied within the body decorations of Imoinda and the execution scene of Oroonoko. The events of the 1680s and those of the 1650s are presented as simultaneous, as layered on top of one another, through the recursive act of telling a story that recalls previous stories: new events thus threaten to prompt “forty-one all over again.”

Behn’s novel gestures toward these historic events recalling past civil “shocks” while refusing to offer a consistent, partisan representation

of Parliamentary figures as distinct from, and inferior to, supporters of the crown. The individual members in Surinam thus cross the political divide between these opposed groups. Further, the variety of “martyrs” gestured at within Behn’s over-signifying Oroonoko are neither all figures of Royalists nor of Parliamentarians. This also conforms with Behn’s own portraits of heroic Parliamentary figures and manipulative Royalists in *Oroonoko*.

The events and characters within *Oroonoko* thus resonate with the extraordinary level of violence, as well as political confusion, that characterized the time. The “Bloody Assizes” produced Whig martyrs such as Russell, Sidney, and Monmouth much as the Civil War had produced Stuart martyrs.<sup>68</sup> If Raleigh was a “martyr” to James, Charles to regicides, Monmouth to the Whig cause, and James to the Dutch, Behn seems to be gesturing to the violence of the period in order to comment instead on the mechanism “martyred” at the center of *Oroonoko*: the practices of kingship. Consequently, the multilayered site of historical and political signification at the heart of this text—Oroonoko himself—does not gesture to a singular, simple, partisan reading of what he “means” or for whom he stands. Because Behn is offering a critique of the Stuart monarchy’s potential to undermine itself, she constructs a layered portrait of numerous political martyrs within Oroonoko, character and text. This motif of a monarch acting against himself is located within Oroonoko, a prince in his own right who can become a stand-in for the martyred Stuart king as well as the victim of that monarchical line.

The self-destructive acts of monarchies are simultaneously interwoven into the history of the colony itself. Monarchical indifference to the Surinam colony, lost to the Dutch in 1668 as it became a spoil in the Second Dutch War, was recorded by Behn: had Charles II “but seen and known what a vast and charming World he had been Master of in that Continent, he would never have parted so easily with it to the *Dutch*.”<sup>69</sup> The end of this English colony thus becomes an image of monarchical destruction as well as the destruction of the monarchy: just as Oroonoko represents the Stuart line as well as threats to those monarchs—like Algernon Sidney and the Duke of Monmouth—Oroonoko serves as a stand in for the colony itself. Raleigh’s appearance within this complex of historical narratives adds more than just another (contradictory) “source” for the portrait of Oroonoko. For Raleigh is a victim of Stuart monarchy, a defender of English trade interests, and a promoter of the English colonial presence in South America. By locating aspects of Raleigh’s colonial practice within the now-lost colony and within the executed protagonist of the novel,

Behn amplifies her critique of England's colonial and trade choices—particularly the loss of Surinam. Behn restages Raleigh's death as that of the Guiana colony itself—for Guiana was his death just as his death would ultimately mean the death of the colony. Yet Oroonoko's narrative of the colony's loss becomes fused with a broader threat to monarchy. By threatening England's trading and colonial goals, the monarchy threatens itself. Clearly, by allowing the loss of the colony, Charles II had acted against himself. Monarchs can err; they can lose viable colonial sites. And they can, in the most extreme example, enable their own destruction through their actions. The deposition of James II at the end of the year would bring this point home.

This composite reading of Oroonoko as a besieged body politic that embodies both king-martyrs (Charles I and later James II), king-martyred courtiers (Raleigh), and self-destructive king aspirants (Monmouth) does offer a challenge to the critically accepted view of Behn's staunch Tory allegiance, her "consistent royalist politics" in Moria Ferguson's words.<sup>70</sup> Yet more and more critics are acknowledging the direct challenge to Behn's unwavering royalist support posed most recently by Margaret Ferguson.<sup>71</sup> Maureen Duffy discusses Behn's "flag[ing]" praise of James II in her 1685 Coronation Ode, and Margaret Reeves details the complicated commendatory language marking Behn's late poems.<sup>72</sup> Janet Todd concedes that Behn may have shown caution in a turbulent time,<sup>73</sup> and Richard Kroll—whose final judgment is nonetheless to confirm Behn's royalist convictions—details events in James' final months that could well have generated anxiety in even the most faithful subject. Yet such confusion between staunch "Royalist" and "Parliamentarian" allegiances seems instead to speak to the complexities of Restoration history, as memories of the Civil War threaten to join with other conflicts within the state. Further, Behn's own complexly conveyed allegiances gesture to her own engagement of the problems of telling and, most threatening, repeating history. The destabilization of clear political lines characterizes both of Behn's late texts, *Oroonoko* and her likely last play *The Widow Ranter*. By turning briefly to Behn's play, we see her complicating of political categories elaborated in a conceptually parallel manner to *Oroonoko*.

### RESONATING BODIES/RESONATING HISTORIES: BEHN'S USE OF SHAKESPEARE'S HENRY IV, PART 1

*The Widow Ranter*, a work set in the new world and exploring civil uprising, engages an earlier source text of *Henry IV, Part 1*. In terms



very evocative for understanding the instability of Restoration political categories within *Oroonoko*, *The Widow Ranter* engages this earlier, canonical history play in order to explore how multiple claimants to authority pose threats to the nature of kingship itself. Just as we see Behn explore the slippery identities of “traitor” and of rightful king in her novel, this theme is placed into relief through her appropriation of certain elements from Shakespeare’s late sixteenth-century play. Stable representations of monarchical authority become the victim in this play as in *Oroonoko*. While invoking an earlier period of civil war, the War of the Roses, the play’s problematic protagonist Bacon is much like Oroonoko: a “martyred king” as well as “like rebels against [bad] royal authority.”<sup>74</sup> In *The Widow Ranter*, then, we have a play that problematizes the stability of categories, such as “hero” and “villain”—or, to specify more exactly, the instability of *victim of versus rebel against* monarchy. *Oroonoko* as *The Widow Ranter* are thus part of what Paula Backscheider has called the “vexed world” of Restoration politics, one in which these categories have become more fluid.<sup>75</sup>

Behn’s appropriation of Shakespeare’s own interrogation of this problem within *Henry IV, Part 1* thus shows her destabilization of such categories in her late work. The play’s romanticized, and noblizing, portrait of Bacon empties out the stable signification of the term “rebel,” a process accomplished in part through an intertextual engagement with Falstaff’s antics in *Henry IV, Part 1*. In *The Widow Ranter*, we first hear echoes of Falstaff through Darling’s claims that “I knew thee by instinct Widow”; he identifies his future wife despite her cross-dressed state, echoing Falstaff’s claim to have known the disguised Prince Hal by “instinct.”<sup>76</sup> This bridge between the two plays is substantiated by the Widow’s actions and language in the play. Her use of the word “counterfeit,” a motif that resonates throughout *Henry IV, Part 1*, sustains the link between Falstaff and the Widow as she describes the “counterfeiting” by individuals: “the rouges are counterfeits.”<sup>77</sup> Such language aligns this moment in Behn’s *Widow Ranter* to Shakespeare’s Act V account of the battle scene within *Henry IV*. In Act 5, scene 4, Falstaff had described his own choice to “counterfeit”: “‘Sblood, ‘twas time to counterfeit... Counterfeit? I lie; I am no counterfeit. To die is to be a counterfeit, for he is but the counterfeit of a man who hath not the life of a man; but to counterfeit dying when a man thereby liveth is to be no counterfeit, but the true and perfect image of life indeed.”<sup>78</sup> Yet Falstaff is not the first in this scene to employ the word “counterfeit”: it has been used of other nobles putting on the robes of the king earlier in this short scene: “What are

thou/ That counterfeit'st the person of the king? . . . I fear thou art another counterfeit."<sup>79</sup> The language of counterfeiting, which establishes an intertextual echo between the two plays, comes to highlight the larger theme of destabilized authority and thus a challenge to the idea of a "real" king. For, counterfeiting a "king" challenges the distinction between one who is true to and one who is a rebel to (monarchical) authority: if the king can be counterfeit, how can it be clear who is a rebel? The representation of the "valiant rebel" Hotspur underscores this through his parallels to Bacon himself: the leader of the uprising at the center of *The Widow Ranter*, Bacon could equally be called a valiant rebel.<sup>80</sup>

What such *Henry IV* references highlight within *The Widow Ranter*, then, is the very instability of the titles of rebel and of king, a topic that would become, again, of immense concern in the 1680s. This brief foray into Behn's late play is meant to highlight the theme emerging in both texts: Behn's invocation of the earlier account of the English War of the Roses models a pattern of historical echo and recursiveness that shapes, or haunts, *Oroonoko*. Just as the body politic warred against itself in that earlier civil war and earlier play, we see an alternative form of political turmoil embedded into the multiply-signifying figure of Oroonoko. Raleigh, Charles I, Monmouth, possibly even James II: these contradictory claimants to the title of king, to the sentence of rebel to the king, and to the moniker of victim of the king coexist within readings of Behn's texts. In *Oroonoko* as in *The Widow Ranter*, Behn explores the very same problem of the instability in forms of authority, ones that—by the 1680s—were threatened by political challenges, by conspiracies, by attempted assassinations, and by uprisings.<sup>81</sup> *Oroonoko* and its main character come to represent the very same fluid categories of king and rebel introduced by the earlier civil wars into *Henry IV*, experienced in the Protectorate's Surinam colony, and reflected in the Virginian plantation of *The Widow Ranter*.

Behn's fictional narratives set in English colonial sites aid us in rethinking the lines of historical and political division that have tended to mark, even mar, our views of Restoration England. In her representation of cyclical disruptions to the English state, Behn exposed the unsatisfying lines between stolid Whigs and committed Tories in the late Restoration period. And while complicating our view of Restoration historical categories, these texts also allow us a more complicated window onto Behn's literary strategies. As the structure of the text reveals to us, Behn encircles these references to historical events with the more palatable, and more feminine, genre of romance. As Mary Astell declared, history writing was characterized

as a male activity, “the Men being the Historians” of the period.<sup>82</sup> When deploying the historical figure of Raleigh in her text, Behn would have been simultaneously invoking Raleigh the historian; his widely popular *History of World* was published about every five years after the Restoration.<sup>83</sup> Raleigh’s identity as an historian, and the respect reading audiences had for his production of history, remained consistent throughout the seventeenth century.<sup>84</sup>

Behn’s flirtation with the very category of historical writing, made possible by her description of colonial sites, colonial texts, and Raleigh’s presence in both genres and activities, also allows us to reconceive some of the generic, and gendered, work she is performing in the course of *Oroonoko*. I have been suggesting that history, rather than romance, impinges most directly on the last half of this text, in material and in generic ways. Yet Behn encircles these complicated, disruptive late Restoration historical events with the romance tropes in the novel. Just as the first half of the narrative locates us in the Orientalist fantasy of Coramanatien, the final seconds of the text recall a vision of, and the need to recount, “the brave, the beautiful, and the constant *Imoinda*.”<sup>85</sup> Returned in the final seconds of the text to the romantic heroine—one who seems much less embedded into the complex and contradictory histories Behn is negotiating<sup>86</sup>—readers are briefly distanced from the complex histories recorded in this state-sanctioned, violent death. As has Behn throughout, she appears to attempt another erasure, here of historical reference, by gesturing us back to the female-gendered romance form, now representing and represented by the figure of Imoinda. Yet as so many of Behn’s erasures, this gesture to Imoinda only amplifies the dangerous histories Behn’s text has been negotiating. Acts of telling history, about Raleigh, about the past civil war, about the events of the 1680s, are offered to us while simultaneously becoming obscured by this text.

This shadowy figure behind the Aphra Behn’s narrative, Raleigh as historian as well as an explorer, may have helped Behn walk the line between the growingly “feminine” form of romance and the production of history associated with male authors. Behn will finally deploy the feminized genre of romance to distract us from the rich and dangerous historical landscape of the late seventeenth century. Yet in doing so, we see her engage the narrative in yet one more realigned paradigm: Behn embraces, in the course of her narrative, the masculine-gendered genre of history while attempting to please, in the final seconds, her reading audience through a more appropriate and acceptable use of her female “pen.”<sup>87</sup> Existing on and exploring the

boundary between “fiction” and “history” at the very moment of the discovery of the novel form, Behn’s invocation of Raleigh becomes particularly appropriate within her *Oroonoko; or, The Royal Slave: A True History*.

## NOTES

1. Aphra Behn, *Oroonoko or, The Royal Slave*, ed. Lore Metzger (New York, 1973), p. 77.
2. For a discussion of the Whig party’s use of martyrology in the 1680s, see Melinda Zook, “Making Martyrs: Rye House Legacies and Monmouth’s Manifesto,” in *Radical Whigs and Conspiratorial Politics in Late Stuart England* (University Park, PA, 1999). Royalist supporters, of course, had immediately been able to generate a discourse of martyrdom around Charles I, beginning with the publication of *Eikon Basilike* (London, 1649).
3. Algernon Sidney, *Discourses Concerning Government...Published from an Original Manuscript of the Author* (London, 1698); *The Arraignment of Algernon Sidney, Esquire* (London, 1684), p. 67; italics in the original.
4. Janet Todd, in *Gender, Art and Death* (Cambridge, 1993), provides a reading of Oroonoko’s punishment in light of a letter authored by William Byam, *An Exact Relation of the Most Execrable Attempts of John Allin, Committed on the Person of His Excellency Francis Lord Willoughby of Parham, Captain General of the Continent of Guiana* (1665). Todd describes what she sees as the resemblance of Allin and Oroonoko “through their romantic and heroic aspirations, which are hopelessly at odds with the unheroic times” (45). One detail is the cutting off of Allin’s “Members.” Yet, since Allin committed suicide, the violated dead body is “experiencing” a radically different end from that of Oroonoko—but much closer to the threatened punishment of Algernon Sidney. While Todd’s reading offers another interesting context for considering the overdetermined site of Oroonoko’s body, it is also harder to see William Byam’s writings as a model for Behn’s portrait of her “Royal Slave”: Byam is represented as the story’s arch villain, singularly responsible for the destruction of the narrator’s beloved Oroonoko.
5. Margaret Reeves, who employs the historical work of Melinda Zook, points out that aspects of this violence become recorded within Behn’s narratives of Monmouth. As she remarks, “Behn did not have to look far for real-life models of barbarous, state-authorized violence against the human body” (“History, Fiction, and Political Identity: Heroic Rebellion,” in Aphra Behn’s *Love-Letters Between a Nobleman and His Sister and Oroonoko, 1650–1850: Ideas, Aesthetics, and Inquiries in the Early Modern Era* [New York: AMS, 2003], p. 290).

6. Laura Brown, *Ends of Empire: Women and Ideology in Early Eighteenth-Century English Literature* (Ithaca, New York, 1993); George Guffey, "Aphra Behn's *Oroonoko*: Occasion and Accomplishment," in *Two English Novelists: Aphra Behn and Anthony Trollope*, eds. George Guffey and Andrew Wright (Los Angeles, 1975), pp. 1–41; Paula Backscheider, *Spectacular Politics: Theatrical Power and Mass Culture in Early Modern England* (Baltimore, 1993); Richard Kroll, "'Tales of love and gallantry': The Politics of *Oroonoko*," *Huntington Library Quarterly* 67.4 (2004): 573–607.
7. Anna Beer, *Sir Walter Raleigh and his Readers in the Seventeenth Century: Speaking to the People* (Houndsmills, Basingstoke, Hampshire, 1997), p. 140.
8. Todd, *Gender, Art and Death*, p. 33.
9. I am thus suggesting that the novel engages the conflict that was experienced throughout England, and even in certain colonies. While I am focusing more on the violence that would have been on display in London with the executions of Algernon Sidney, Lord Russell, and the Duke of Monmouth, among others, the divisive conflicts as a result of the civil war were also occurring throughout English towns. For a discussion of the consequences of these divisions on the local level, see Paul Halliday, *Dismembering the Body Politic: Partisan Politics in England's Towns, 1650–1730* (Cambridge, 1998).
10. Halliday's *Dismembering the Body Politic*, which explores corporations and their role in partisan politics, traces the notion of the "corporate" "body politic" into the mid- and late seventeenth century. Charles II sustained the bodily motif as a figure for effective government, necessary for "the good rule and government of the people," in numerous declarations. See especially pp. 29, 30, and 34.
11. Sir Walter Raleigh, *History of the World in Five Books* (London, 1628); *The Perogative of Parliaments in England* (London, 1640). See Anna Beer's *Sir Walter Raleigh and his Readers* for a discussion of the uses made of Raleigh's writings from the 1620s to the 1650s. Importantly, she indicates that during the 1640s and especially 1650s, there are a series of strands of meaning associated with Raleigh; while one of these links him to Republican values, he is also associated with a number of other identities, including that of spokesperson for trading interests and as a figure for learning. Beer offers, then, an excellent counter to a view of Raleigh as ONLY a figure for Republicanism. Yet, sometimes she works to distance him from this a bit too much: as she indicates, in a 1648 version of his scaffold speech, the reader is encouraged to see that "Raleigh was the victim of Stuart injustice" (140).
12. D. B. Quinn, *Raleigh and the British Empire* (New York, 1949).
13. Peter Hulme, *Colonial Encounters: Europe and the Native Caribbean, 1492–1797* (London, 1986), p. 241.
14. Margaret Ferguson, *Dido's Daughters: Literacy, Gender, and Empire in Early Modern England and France* (Chicago, 2003), p. 344.

- Ferguson also notes the multilingual and multicultural resonances embedded within the name "Oronoko": Carib for "coiling snake," it may also recall the Yoruba god Oro (ibid.).
15. For a detailed examination of the differing uses to which Raleigh was put in the 1620s and 1630s and then the 1640s and 1650s, see Beer, *Sir Walter Raleigh and his Readers*.
  16. Blaise François de Pagan, *An Historical and Geographical Description of the Great Country and River of the Amazones*, trans. William Hamilton (London, 1660), tp.
  17. The text was authored by Blaise François de Pagan and published in Paris in 1665.
  18. Sir Walter Raleigh, *Remains of Sir Walter Raleigh* (London, 1661).
  19. John Scot, "Discription of Guyana," in *Colonising Expeditions to the West Indies*, ed. Vincent Todd Harlow. *Hakluyt Society*, sec. series, 56 (London, 1925).
  20. Suggestive rather than supportable, there are a number of connections between Behn and John Scot through their espionage in the Netherlands in the late 1660s; both were employees of the secretary of state, the Earl of Arlington. See the entry in the *Dictionary of National Biography* for John Scot.
  21. Scot, "Discription of Guyana," p. 141.
  22. Ibid., p. 142.
  23. Ibid.
  24. Ibid., p. 143.
  25. Critics have suggested many contemporary texts on Guiana/Surinam that are inflected into Behn's narrative. Janet Todd, for example, has suggested that the "Exact Relation" by William Byam of "The Most Execrable Attempts of John Allin, Committed on the Person of His Excellency Francis Lord Willoughby" shapes Behn's portrait of Oronoko. Numerous critics have suggested that Behn was familiar with George Warren's *Impartial Description of Surinam*, though there is now critical consensus that Behn did visit Surinam. Richard Kroll suggests that the political conflict that occurred between William Byam and Robert Sanford over political authority within the colony is also reflected within Behn's account.
  26. Scot, "Discription of Guyana," p. 142; Behn, *Oronoko*, p. 58. As Jenny Hall Pulsipher has suggested, Behn had numerous contacts with high-ranking men in the Restoration government ("The Widow Ranter and Royalist Culture in Colonial Virginia," *Early American Literature* 39.1 [2004]: 41–66). It is possible, but by no means certain, that she might have had access to this unpublished tract by John Scot.
  27. This is a central argument in my chapter on Guiana in *Invested with Meaning: The Raleigh Circle in the New World* (Philadelphia, 1998).
  28. Behn, *Oronoko*, p. 59.
  29. Sir Walter Raleigh, "Discoverie of the Large, Rich, and Beautiful Empire of Guiana," in *The principal navigations, voyages, traffiques &*

- discoveries*, ed. Richard Hakluyt, vol. 7 (London, 1907; rpt. 1925), p. 336.
30. Behn, *Oroonoko*, p. 59.
  31. Raleigh, *Discoverie*, p. 280.
  32. *Ibid.*, p. 327.
  33. Behn, *Oroonoko*, p. 48.
  34. As I will consider somewhat later, James II's own actions as king were very concerning to many, and possibly to Behn. Richard Kroll details James' arresting of the Bishops following his suspension of the test act. He argues that Behn was attempting to warn James II away from the series of actions that would result in William and Mary's accession to the throne. Kroll shies away, though, from conceding that Behn may have been uncomfortable with James' actions.
  35. *Ibid.*, p. 45.
  36. Joanna Lipking, ed., *Oroonoko: An Authoritative Text, Historical Backgrounds, Criticism* (New York, 1997).
  37. Thomas Hariot, *Briefe and True Reporte of Virginia* (London, 1590), p. 80. Richard Kroll has considered an alternate association of these Picts, whom he reads as linked to "an archetypal liberty" ("The Politics of *Oroonoko*," pp. 593–4). Interestingly, Kroll suggests that Behn and Rochester "are harnessing a language that had flourished as an anti-monarchical polemic in the Civil War" (594). I am suggesting more generally that Behn's inflection of Raleigh within her text offers a counter to the unquestioned Royalism frequently associated with her. Kroll is linking Behn to discourses around the ancient constitution and the rights that it granted to Englishmen.
  38. Hariot, *Reporte*, p. 75; my emphasis.
  39. Behn, *Oroonoko*, p. 77.
  40. See earlier note to Todd's reading of John Allin.
  41. Quoted in Robert Lacey, *Sir Walter Raleigh* (New York, 1974), p. 379–80.
  42. Quoted in *ibid.*
  43. Behn, *Oroonoko*, p. 77.
  44. Todd does offer a slight link between John Allin and Oroonoko on this point: both men ask for a light for their pipes. Yet the thick associations of tobacco are not present in Allin's story; he tries to use the light to discharge his pistol (*Gender, Art and Death*, p. 49).
  45. Edmund Spenser, *The Faerie Queene*, ed. Thomas Roche (Harmondsworth, Middlesex, 1978) III, v, 32, 6.
  46. Francis Bacon, *A Declaration of the Demeanor & Cariage of Sir Walter Raleigh* (London, 1628), p. 28.
  47. Jerome Brooks, *The Mighty Leaf: Tobacco through the Centuries* (Boston, 1952).
  48. There is no question that this alternate spelling of "Arronoca" is the same word: Oronoko tobacco was defined in a glossary entitled *New World of Words* as "bright and large," the same language used

- of the commodity in 1660: "good, sound, bright and large Arronoca tobacco." It was distinguished from a smaller leafed varietal called "sweet smelling," differentiated from the Oronooko tobacco by its milder flavor.
49. Few critics make a strong argument that Behn visited Virginia, though sea travel to South American colonies could often go through the Virginia colony.
  50. Lacey, *Sir Walter Raleigh*, p. 267.
  51. *Ibid.*, p. 379.
  52. Behn, *Oroonoko*, p. 77.
  53. Kroll, "The Politics of *Oroonoko*," p. 597.
  54. Aphra Behn, *Love-Letters between a Nobleman and his Sister* (London, 1684). This point is made by Paula Backscheider in *Spectacular Politics* and then pursued at much greater length by Reeves.
  55. "An account of what passed at the execution of the late Duke of Monmouth on Wednesday the 15th. of July, 1685, on Tower-Hill" (London, 1685), 3; Behn, *Oroonoko*, p. 77.
  56. Brown, *Ends of Empire*, pp. 56–7, 58.
  57. *Ibid.*, p. 54.
  58. *Ibid.*; Behn, *Oroonoko*, p. 70.
  59. Brown, *Ends of Empire*, pp. 68, 69.
  60. Pagan, *An Historical and Geographical Description*, tp.
  61. Beer discusses the earlier publication of this same work, which was not initially attributed to, as it was not written by, Raleigh.
  62. See Beer, *Sir Walter Raleigh and his Readers*.
  63. Behn, *Oroonoko*, p. 75.
  64. For the definitive work on representations of familial violence in the early modern period, see Frances Dolan's *Dangerous Familiars: Representations of Domestic Crime in England* (Ithaca, New York, 1994).
  65. Nathaniel Lee, *Lucius Junius Brutus, father of his country a tragedy* (London, 1681), p. 9.
  66. William Shakespeare, *Henry IV, Part 1*, ed. Gordon McMullan, third ed. (New York: W.W. Norton, 2002), I, i, 12.
  67. Zook, "Making Martyrs," p. 124.
  68. *Ibid.* She traces the more and less successful candidates for martyrdom: Russell served the Whig cause as a martyr much more effectively than did Sidney's trial and execution during the 1680s.
  69. Behn, *Oroonoko*, p. 48.
  70. Moira Ferguson, *Subject to Others: British Women Writers and Colonial Slavery, 1670–1834* (New York, 1992), p. 28.
  71. In particular, see Margaret Ferguson's discussion of Behn's politics in "Conning the 'Overseers': Women's Illicit Work in Behn's 'The Adventure of the Black Lady,'" *Early Modern Culture: An Electronic Seminar* ([<http://emc.eserver.org/1-5/issue5.html>] Issue 5).



72. Maureen Duffy, *The Passionate Shepherdess: Aphra Behn 1640–89* (London, 1977), p. 265; Reeves, “History, Fiction, and Political Identity,” p. 293.
73. Todd suggests, in the more hesitant context of a question, that perhaps these late works resonate with the “more open expression of that political exasperation to be found in her last published poems,” those to Burnett and to Queen Mary (60). She remains, though, more committed to a portrait of Behn as a royalist supporter.
74. Ferguson, *Dido’s Daughters*, p. 344.
75. Backscheider, *Spectacular Politics*, p. 119.
76. Aphra Behn, *The Widow Ranter* in *Oroonoko, The Rover and Other Works*, ed. Janet Todd (London, 1992), 4, 3; Shakespeare, *1 Henry IV*, 2, 4, 245.
77. Behn, *Widow Ranter*, 5, 3.
78. *Ibid.*, 5, 4, 111–17.
79. *Ibid.*, 5, 4, 26–7, 34–35. At this point in the play, the “counterfeit” king is actually Henry the Fourth, rather than his many decoys on the field. One could read this scene as stabilizing the category of kingship since Douglas states “And yet, in faith, thou bearest thee like a king” (5, 4, 35). Yet, I would argue that the concept of “king” has been put under too much pressure in the course of the play to be fully reconciled by Douglas’ remark. For an essay that takes up these issues, and addresses this very scene, see David Kastan, “‘The King hath Many Marching in His Coats,’ or, What Did You Do in the War, Daddy?” (in *Shakespeare Left and Right*, ed. Ivo Kamps [New York: Routledge, 1991], pp. 241–58).
80. Behn, *Widow Ranter*, 5, 4, 61.
81. I am attributing conscious agency to Behn’s intertextual use of Shakespeare, though the multiple signification assignable to *Oroonoko* seems to derive from the cultural conflicts of the period. In part shaped by the violence exerted onto political male bodies and the body politic itself, and in part produced out of a political unconscious that worked to make sense of these political contradictions, Behn records these contradictions onto the very body of her classical and romantic hero. Critics differently negotiate this methodological issue. Richard Kroll treats Behn’s text as highly instrumental: he argues that Behn was purposely attempting to warn James II of the consequences of his actions through the “true story” of the “royal slave” that “signif[ied] the tragedy of the Stuart kings” (“The Politics of *Oroonoko*,” 581). Laura Brown sees such topical references in the context of late-seventeenth-century cultural shifts: both *Oroonoko* and Charles I are destroyed by “those new forces in English society loosely associated with an anti-absolutist mercantile imperialism” (*Ends of Empire*, 58). Margaret Reeves considers the implications of what Janet Todd has called “the dark shadow of legitimate Stuart power” in the figure of the Duke of Monmouth.

82. Mary Astell, *The Christian Religion as Profess'd by a Daughter of the Church of England* (London, 1705), p. 202. Deveney Looser's *British Women Writers and the Writing of History, 1670–1820* (Baltimore, 2000) helpfully challenges the claim that women didn't write history, as does D. R. Woolf's article "A Feminine Past? Gender, Genre, and Historical Knowledge in England, 1500–1800" (*American Historical Review* 102.3 [1997]: 645–79), though both acknowledge that the genre was considered a masculine form. Looser's discussion of the treatment of Lucy Hutchinson's *Memoirs of the Life of Colonel Hutchinson* illustrates the assumptions of male authorship of history; throughout the seventeenth and nineteenth centuries, Hutchinson's text received a great deal of attention, but it was not classified as "history."
83. In either its complete or abridged form, *History of the World* was published in 1662, 1666, 1671, 1677, 1687 (two editions), 1693, and 1698.
84. For a discussion of the reception of the *History of the World*, see Beers, *Sir Walter Raleigh and his Readers*, pp. 142–3.
85. Behn, *Oroonoko*, p. 78. I am indebted to Melissa Mowry for directing me to the final line of the novel in this context.
86. Some readers have located Imoinda amidst the topical events of the period: Kroll among others has pointed out that Imoinda was "intended to remind Behn's readers of Mary of Modena" ("The Politics of *Oroonoko*," 583) since the pregnancy of Mary of Modena might also align James II/Mary of Modena with Oroonoko/Imoinda.
87. Behn, *Oroonoko*, p. 78.

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## CHAPTER 8



### LONDON'S BRIDEWELL: VIOLENCE, PROSTITUTION, AND QUESTIONS OF EVIDENCE

*Melissa Mowry*

Whether we are examining state-inflicted violence against “criminal behavior” or privately initiated violence between acquaintances or domestic partners, historians and cultural critics alike have tended to understand physical brutality as a more or less transparent expression of coercion and control.<sup>1</sup> It has seemed obvious, for instance, that the practice of branding thieves was designed to control errant behavior or that a husband who beats his wife is trying to coerce her compliance to his patriarchal authority, or, as Michel Foucault described matters, that the “festival of punishment” attending early modern executions was designed to bind spectators to judicial and political authorities.<sup>2</sup> Regardless of how many people witnessed the violence in question, the assumption has always been that theaters of discipline are effective because they function as social adhesives. I argue here, however, that the late Stuart Bridewell records suggest that public punishment underwent an ideological transformation beginning in the 1670s and culminating in the 1690s. Particularly as violence was directed at sexually dissident women during the early modern period, public punishment sought to dissociate spectators from the spectacle and frustrate any possibility for affiliation among the various subject positions—judges, condemned, and audience—alike.

Bridewell Hospital was originally designed as a reformatory institution for the poor in the mid-sixteenth century, but the institution leapt to the forefront of England's cultural imagination during the Elizabethan campaigns against vice when it was used to suppress commercial sex by its "godly governors." Renaissance scholars such as Ian Archer, Laura Gowing, and Paul Griffiths have often celebrated the Elizabethan Bridewell Courtbooks as offering unparalleled evidence of who London's prostitutes were, what they did, and how much they charged, in lengthy and detailed commitment records.<sup>3</sup> But as Paul Slack has pointed out, Bridewell's glory days, both politically and textually, were short lived.<sup>4</sup> By the Restoration, most women who crossed Bridewell's threshold were charged as nightwalkers or petty thieves, rather than "lewd" women. The delightful surfeit of "fiction in the archives" that seemed to characterize the Renaissance Bridewell Courtbooks had evaporated into maddeningly terse notations such as that for Elizabeth Slade who, the minutes note, was put to labor by "warrant of Sir William Turner for being taken late in the night by the constable and nightwatch and being a common nightwalker" at the meeting on July 10, 1679, or Mary Sibly, who was arraigned at Bridewell "by warrant of Sir Thomas Davis for a loose idle pilfering person and one that can give no good account of herself." But because "None came against her," she was discharged at the May 23, 1679, meeting. Nowhere do the records offer any information about where these women came from or who they were, beyond the charge leveled at them, and seldom do they extend their accounts of the illicit actions in which a woman was accused of engaging beyond the obligatory statutory descriptions of lewdness and idleness. The scenes of sin and salvation, in effect, go cold.<sup>5</sup>

Despite the disappearance of narrative from the commitment records, the assumption that the hospital's punishment of sexually dissident women defined its identity proved remarkably durable even in the face of this marked shift in Bridewell's documentation patterns. As late as 1698, Ned Ward's urban travelogue *The London Spy* (1698–1700) was still characterizing Bridewell as a place devoted to disciplining sexually dissident women. Indeed, Ward culminates his description of Bridewell with the following report that describes the conviction and swift punishment of a young woman in the chamber of Bridewell's Court of Governors:

A poor wench, who having no Friend to speak in her behalf, Proclamation was made, viz. *All you who are willing E—th T—ll, should have present Punishment, pray hold up your hands.* Which was

done accordingly: And then she was order'd the Civility of the House, and was forc'd to shew her tender Back, and tempting bubbies to the Grave Sages of the August Assembly, who were move'd by her Modest Mein, together with the whiteness of her Skin, to give her but a gentle correction.<sup>6</sup>

Like her counterparts in the late Stuart courtbooks, "Elizabeth" has no past, she comes from no neighborhood, and she has no confederates to vouch for her character. The details of her history remain unclear. What is abundantly clear, however, is that the scene is intelligible to Ward because he is distanced from the action. For Ward, the hospital's governors, and the spectators who witnessed Elizabeth's punishment, the fundamental issue involved neither her pain, her shame, nor her reputation, but instead focused on the contours of the spectacle itself. How, Bridewell's governors had come to ask in the wake of the Stuart Restoration, could the scene of whipping be shaped in such a way that bodies—inmates, spectators, and magistrates alike—were dissociated from one another and dissuaded from functioning as a corporate body politic? This essay joins a conversation already underway that includes a small group of literary scholars and social historians who are reconsidering whether violence really did function as a transparent social signifier during the seventeenth century. Both Frances Dolan and Garthine Walker are among those who have argued that early modern violence was sometimes aimed neither at its victims nor its witnesses, but instead referred its audiences to an entirely different social problematic discernable in but at some distance from the scene of violence itself.<sup>7</sup> Nowhere is this dynamic more evident than in the peculiar confluence between the public representations of London's Bridewell Hospital and the minutes from its Court of Governors, which share an ambient anxiety about public affiliation during the late Stuart period.

From its inception nearly a century earlier, Bridewell Hospital was at the vanguard of efforts to discipline London's unruly and indigent underclass—its "masterless men." Bridewell had begun its life in 1552 as part of an innovative program designed by the City to "reform and rehabilitate the poor and remove poverty from view."<sup>8</sup> In support of this social reformation project, Edward VI donated his father's former palace on the Fleet river. The hospital's charter granted "the mayor and citizens" or their appointees, the "Power and aucthoretic to search, enquire and seke out . . . all ydell ruffians and taverne haunTERS, vagabonds, beggars and all persons of yll name and fame."<sup>9</sup> By the 1570s, leaders of the Puritan reformation of manners campaign

found the hospital an obvious tool for their moral agenda and an ideal venue for emasculating London's underclass by extending poor law prohibitions against vagrancy to include prostitution.

Bridewell's acquisition of the authority to punish purveyors of commercial sex under the Elizabethan poor laws was no mean feat given the complex legal history of sexually dissident women during the middle ages and early Renaissance. Women characterized as "whores" had always been vulnerable to prosecution in both secular and ecclesiastical courts. But the charge of "whoredom" foregrounded questions of honor and reputation rather than behavior.<sup>10</sup> The existence of medieval sumptuary laws, which suggested that prostitutes had been tacitly tolerated even as they had been differentiated from "respectable society" at various points in England's past, further complicated efforts to define the sexually dissident woman as such.<sup>11</sup> The historical picture was muddied further by ecclesiastical liberties such as Southwark, whose inhabitants lay beyond the reach of secular law in pre-Reformation England. Here officials not only tolerated commercial sex, they profited from it.<sup>12</sup>

The punishment of whoredom involved further publicly shaming the convicted. Both secular and church courts sentenced sexually dissident women to carting. Second convictions in the secular courts brought women to the pillory after being carted and third offenders had their heads shaved in addition to being carted. Women who utterly refused to reform were banished from the City entirely.<sup>13</sup> Church courts too demanded that individuals convicted of fornication or adultery submit to public shaming. Offenders were dressed in a white sheet "sometimes with a paper proclaiming their sins at their heads."<sup>14</sup>

When Bridewell's "godly governors" were granted the authority to prosecute purveyors and practitioners of commercial sex under the Elizabethan poor laws, they were effectively empowered to interrupt rituals that had served formerly as social adhesives. Hitherto public punishments were removed behind the hospital's walls and were made remote. Likewise, the punishment of sexual dissidence itself became a social corrosive, as the whore's body became available for precisely the same kind of punishment her indigent brethren had always been subjected to. It's worth pointing out here that, contrary to conventional wisdom, "whipping" was an ignominy reserved for vagrants, not for those convicted only of sexual misconduct. Vagrants were, by definition, people who had repudiated the ties of community and parish. They wandered beyond the limits of their home parish and thus beyond the reach of their native poor relief. As a consequence

they were at risk of becoming a burden on the parish in which they had been taken, draining society rather than contributing to it. When vagrants weren't at risk of becoming parish burdens, they were at risk of becoming rogues. Whipping was a punishment of last resort for these "idle sturdy beggars" who had been found, usually by the nightwatch, beyond their home parish and were on the verge of being returned.<sup>15</sup>

The conflation of sexually dissident women with vagrants was physically and imaginatively potent. But it also had the contradictory effect of rendering Renaissance sex workers indistinguishable from their underclass brethren and thus legally invisible. As a result, the 1570s campaign against prostitution could not sustain its focus on whores. Eventually, it too deteriorated into a broad "attack on vagrants and the poor."<sup>16</sup> With the exception of the notoriously draconian Commonwealth statute against fornication, sexual dissidence was off the table of social reformation policy for nearly seventy years.

But in 1661 social policy on the poor began a sea change that would irrevocably alter the reformation projects of institutions such as Bridewell. Only a year after the Stuart restoration Charles II reinstated Elizabethan and Jacobean poor laws and ordered that London be swept clean of its vagrants.

The Lord Mayor, Recorder, aldermen, and Sheriffs of the said City of London, and all other Officers whatsoever within the city of Westminster, Bourough of Southwark, or within the county of Middlesex, to cause all such persons to be apprehended, and openly whipped, and sent away.

One crucial difference separated I. Jacob. 7 from Charles II's *For the due Observation of certain Statutes made for the suppressing of Rogues, Vagabonds, Beggars, and other idle disorderly persons, and for Relief of the Poor*. Both the Elizabethan statute and its Jacobean incarnation lumped together whores, thieves, nightwalkers, pickpockets, and vagrants as a multitude of shiftless, "idle," "loose," people who were typically charged with being unable to "give a good account of themselves" when no evidence of other misdemeanor wrongdoing could be found. For the first time in the history of poor law and anti-vagrancy legislation, 12 Car. 2, cap.37 rendered explicit what had been assumed as "other wicked and lewd practices" became violations of the "common good" distinct from though still similar to the more traditional illicit "trades" "Begging" and "Stealing." Although, prostitution—trading sex for money—still was not considered illegal,



sexual dissidence of all varieties rose to a level of legal visibility not seen since the middle ages.

Given Puritanism's social and political infamy, and the late Stuart court's notorious licentiousness, the Caroline statute's specific focus on lewd behavior seems counterintuitive and out of the step with the times. On the contrary, the specific shape of Charles II's proclamation was arguably a direct effect of England's recent, bloody historical past. If seventeenth-century Puritans' understanding of social relations and the morality of the poor were constrained by their belief that the temporal world was important only insofar as it helped people come to know God and God's truth, their loyalist counterparts were unhampered by any similar cultural myopia. Essentially uninterested in religious reformation, crown partisans understood poor law as an instrument of political and social control. The prostitute's increased legal visibility was a direct consequence of the mid-century upheavals whose vitriolic polemics had transformed the whore from a dishonorable woman to a synecdoche for the "commonality." For well over half a century, she proved a potent symbol of the degradation and corruption to which a "state Democratical"<sup>17</sup> based on the "People's Power" and self-interests<sup>18</sup> would "enslave" England.<sup>19</sup>

The claim that all those who sought to usurp the crown's power were whores was rendered even more credible by the rhetorical tradition that characterized prostitutes as "common women." From that familiar nomenclature it was only a short step to understanding that all women of the commons were really common women and that the commonality itself was effeminate and sexually dissident. In a variety of satirical forms, but most visibly in the political pornographic satires that proliferated in mass culture beginning in the late 1640s, republican and dissenting women were scurrilously vilified. Indeed, among loyalist pamphleteers' favorite forms was the "parliament of women" satire in which republican and dissenting women of the commons were viciously caricatured. Meeting in clandestine political assemblies that purportedly mirrored Parliament itself, satires such as *Now or Never, or a New Parliament of Women* (1656), *Mistress Parliament Brought to Bed* (1648), *Mistress Parliament Presented in Her Bed* (1648), *Mistress Parliament her Gossiping* (1648), and *Mistress Parliament, Her Invitation to Mistress London* (1648) charged women of the commons with misappropriating the instruments of government and organizing to legislate their own sexual privileges.<sup>20</sup> Sexually dissident women illustrated for royalists the frightening ways in which sharing political power among competing interests and desires corroded stable social, political, and economic relations, far beyond the

obvious signification that such republican viragos “turned the world upside down” by inverting the sexual hierarchy between men and women.<sup>21</sup> Throughout the remainder of the late Stuart period, crown partisans took up the cudgel developed by their cavalier forbears, solidifying the prostitute’s identity as a dystopic symbol of democracy and political affiliation.

The semiotic nexus that transformed the whore from a dishonorable woman into a democratic woman was made even more compelling by Charles I’s execution. In the wake of that violence, loyalist polemicists rushed to solidify the prostitute’s identification with the commonality. Tudor/Stuart theories of kingship had based the sanctity of crown authority partly on the fiction of the unified body politic. The crown represented the rational head that brought order to the visceral, unruly body. The 1649 regicide had irreparably damaged the sanctity of that fiction. Post-1649 loyalist polemic reveals Stuart partisans desperately trying to stop the transfer of political legitimacy to the corporate account of the body politic derived from English common law and wielded to great effect by anti-monarchists. In her 1646 petition to Parliament, demanding her husband’s freedom, Elizabeth Lilburne admonished the august assembly to remember that they “are chosen by the *Commons of England* to maintain their Lawes, and Liberties.”<sup>22</sup> Two years later, John Lilburne himself reiterated similar principles in *The Foundations of Freedom: or An Agreement of the People*.<sup>23</sup> To compensate for Charles I’s brutally silenced and violently broken body, political pornographies proliferated images of a raucous, sinisterly polyvocal, and fragmented post-regicidal bawdy politic. As one broadside put it, the Commonwealth had displaced the monarchy, “that Politick simple State, consist[ing] in Unity (inseparate, Pure, and entire),” with a “Monstrous Body” possessed of “more Heads than One” and speaking with multiple voices, each potentially pursuing its separate interest and desire. As an emblem of this polyvocality, the prostitute’s body became an obvious site of loyalist retribution for the regicide. Disciplining her body was now a critical exercise in disciplining the body politic.

If Restoration political pornography was critical to loyalists successfully making the case that London’s underclass women were, indeed, democracy’s degraded purveyors—a bawdy politic, it also pointed loyalists toward new methods of and mandates for reforming these women. Indeed, one of the most fascinating features of late Stuart political pornography is that it cannot be reduced to sexual slander. Loyalist pornographers recognized that politically and polymorphously perverse bodies such as that of the late Stuart

prostitute needed public spaces in which to articulate themselves. To that extent, Restoration culture increasingly understood democratic politics as an ideology devoted to the constant proliferation of alternative publics that contravened the order imposed by dominant culture.<sup>24</sup> Early pornographies often combined their exposés of secret radicals with equally shocking revelations of secret radical meeting places. Typically, these were bawdy houses such as the Turkes-head in Moorfields, Three Sugar-loaves in Grub Street, or the Cock in Long Acre. No satire illustrates this fear quite so clearly as *Strange and True Newes from Jack-a-Newberries Six Windmills* (1660), which was “published by way of admonition to all persons to beware of that House of darkness, and Caution to some how they frequent it for the future, lest their names be rendered in Capitalls, of whom there is a large catalogue.”

At first glance, *Strange and True Newes* appears to belong to the parliament of women genre though it does not announce itself in the same way that *Now or Never: or a New Parliament of Women* (1656) does. The object of those satires was a fairly straightforward exposé of women who had turned “the world upside down” by appropriating male political authority for their own. Faithful to its name, *Strange and True Newes*, though it may have been no truer, was indeed far stranger. For what required the satirist to produce the catalogue he threatens is that the citizens in question are attending and supporting a secret Parliament comprised of the whores led by their bawd Pris Fotheringham. The satirist argues that the inn Six Windmills is a front for the “Half-Crown Chuck-Office” (slang for a bawdy house), which is itself a front for the “Council” of women. Indeed, the satire is filled with copious references to “Rumpers.” And the entire pamphlet suggestively imitates the installation of the Barebones Parliament in 1653. Like Cromwell, Pris Fotheringham, a notorious bawd, already old at the Restoration, handpicks her “society” of lieutenants. Fotheringham establishes a council of “Hectors, Whores, and Rumpers with the assistance of Betty Lawrence, Mistris Curtes, Mrs. Smith, Kate Hare, Mrs. Creswell, Mrs. Bagley, with several others . . .” to whom she will distribute her business. Clearly, the underlying fear was that the city had *not* renounced its radical past, but continued to nurture its political ambitions in secret, honing its democratic skills.

Loyalists understood early on that constraining illicit affiliations of all sorts depended upon retooling both the shape and the content of public space. They did so notoriously with the Act of Uniformity (1662), but Bridewell too participated in this undertaking. Ironically, the same fire that devastated so much of London in 1666 may have

offered the hospital's governors something of a windfall. During the conflagration, a large portion of the Tudor edifice on the Fleet river that housed Bridewell Hospital burned. The process of rebuilding the City began the following year, but the governors were forced to wait until streets and quays had been realigned for work to begin on reconstituting the hospital and its adjacent properties. In the interim, the governors held their proceedings at Bethlem in Wapping until October 1669.<sup>25</sup> Interestingly, it was during these years that London witnessed the first resurgence of old civil war radicals into City government. Men like William Kiffin, Henry Brandreth, and Slingsby Bethel, who had led the 1649 movement to make corporation government far more participatory, were elected aldermen in 1669–70, and thus became eligible to sit on the hospital's Board of Governors.<sup>26</sup> Likewise, the "number of dissenters and old radicals chosen for Common Council service also swelled after 1667. They were quickly accused of 'setting up for defenders of the liberties of the city, [and] fomenting popular notions.'<sup>27</sup> By the middle 1670s, the "revitalized politics of the crowd" at work in the city was already wearing thin among Bridewell's governors. Throughout the late Stuart period, neatly separated from the commitment records are another set of entries that document the court's other business and the multiple operations that constituted Bridewell as a community. Here one finds entries relating to the physical maintenance of Bethlem and Bridewell and their properties, concerns about rents and leases, and entries regarding Bridewell's other mission to apprentice poor orphan boys, which often focus on which craftsmen will be granted permission to set up business within Bridewell's precincts. Periodically, these entries also note the admission of former hospital apprentices—now prosperous citizens—to the Court of Governors.

In this second portion of these "community" records for each month, beyond the lists of names carefully arranged according to gender and old offenders followed by new commitments, one finds early evidence of Bridewell trending in a politically positive direction. In 1676, having completed most of the repairs, the governors directed an exploratory committee to investigate the cost of erecting a balustraded gallery around the courtroom. The minutes for the February 9 meeting of the Court of governors record the following decision to cordon off members of the viewing public:

Also where as severall persons come as Spectators every Courte day holden for this Hospital to have the prisoners in this Hospital tried and many crowd and disturb the Governors[there] it being moved by this

courte that a Gallery may be made in the Courtroom of this Hospital sufficient to receive such persons as come as spectators and to hear the said prisoners tried. It is thought fit and ordered that the Committee for the Hospital of Bridewell do consider of such a Gallery to be made and [?] the Charge thereof, And to make and Reporte thereof to the next Courte to be holden for this Hospital.

The structure of the entry clearly articulates the ambient antidemocratic anxiety that dominated late Stuart London, as the scribe or the governors omit a multitude of details critical to their decision. Most notably, they fail to acknowledge that because the Court of Governors met as a court of petty sessions, members of the public were entitled to witness the proceedings. The trend continued that year as the governors ordered that stairs be constructed to the viewing gallery. Apparently, this architectural modification failed to have the desired effect of mitigating the crowd's presence. By the time Ned Ward arrived for his tour in 1699, Bridewell's governors had had enough and ordered a further emendation of the hospital's space. On September 8, 1699 they decreed that the whipping post, to which Ward's "Elizabeth" was lashed, be elevated, not so that members of the court could see better, but so that the crowd could see better and therefore intrude less on the process of justice.

Also at this Court by dayly observance finding that by virtue of the whipping post standing [?] [?] [?] for this Court and given without asking the spectators to stoop down which Ocassions a great Noise and disturbance in this Court. It is therefore ordered that the workmen belonging to this Hospital do raise the same so that it may be more useful and convenient for the future If it may be done without disfiguring [?] of this Court roome.

For Ward the public sphere represented by the dispensation of Bridewell justice becomes the space of "shame and scandal."<sup>28</sup> In answer to his friend's request for his thoughts on the whipping he had witnessed, Ward proclaims "I must deliver my Opinion according to my real Sentiments. I only can conceive it makes many Whores, but that it can in no measure Reclaim 'em."<sup>29</sup> For Ward, disobedience and other "trifling Wrong[s]" are more likely to be the product of youthful indiscretions and thus more appropriately punished at home.<sup>30</sup> The stigma of a public whipping, on the other hand, can

never be wash'd off by the most Reform'd Life imaginable; which unhappy Stain makes them always shun'd by Vertuous and Good

People, who will neither entertain a Servant, nor admit of a Companion under this Disparagement; the one being fearful of their Goods, and the other of their Reputations, till the poor Wretch, by her Necessity, is at last drove into the Hands of Ill Persons, and forc'd to betake herself to bad Conversation, till she is insensibly Corrupted, and made fit for all Wickedness.<sup>31</sup>

But it is Ward's second reason for arguing that public violence only hardens women into a life of sexual dissidence that is most revealing of the underlying polemic in his narrative. Here, his declamation slips vertiginously from the female body to the punishment of that body. It is a "Shameful Indecency" he opines, "for a woman to expose her Naked Body to the sight of Men and Boys as if *it* [emphasis mine] was design'd rather to Feast the Eyes of the Spectators, or Stir up the Beastly Appetites of Lascivious Persons, than to Correct vice, or Reform Manners."<sup>32</sup> Officially, it is the punishment of the prostitute's body—her whipping—and not her body per se that is designed to "correct vice." Yet in Ward's account, the sexually dissident female body displaces the punishment, revealing that Ward understands full well the prostitute's whipped *body* has displaced the whip itself as the instrument of social discipline and that what she disciplines are the combined spaces of courtroom, gallery, and whipping chamber, as her punishment renders three constituencies of viewers silent and docile—a place of "great Grandeur and Order."<sup>33</sup>

Ward's interpretation of Bridewell's punitive operations has proved compelling across two and half centuries as voyeuristic privilege has become an instrument for disciplining both the viewing gallery and the public dispensation of punishment. For it is this interpretation of the viewing gallery that forms the cornerstone of Bridewell's identity as the "house of whores." By the time we get to E. G. O'Donoghue's 1929 description of Ward's visit to Bridewell, all indications that the gallery was installed to mitigate the governors' discomfort with the public witnesses of their activities has disappeared. Like Ward, O'Donoghue too fails to acknowledge that spectators were entitled to view both the court's proceedings and its punishments. In lieu of such disclosures, O'Donoghue imagines Ward making "his way with the other sight-seers to the court-room in the outer or eastern quadrangle."<sup>34</sup> He then goes on to speculate that "Perhaps it was on this very Wednesday morning that he [Sir Robert Geffery] had to ask the spectators—a curious and excited crowd—to bend down, so that the governors might at least see the correction administered."<sup>35</sup> But it is also at this point in his history the strenuousness of erasing the

social and legal ties between witnesses and court becomes apparent. The governors had stipulated that the gallery have “stayres” leading to it at their March 2 meeting in 1676/77. Consequently, we may assume that it was on a level different from the one occupied by the governors and that as such there was no need to ask the spectators to “bend down” for the governors to see. Curiously, O’Donoghue himself had noted these same entries only twenty pages earlier. Yet, he is so intent on characterizing the crowd as “cynical [and] jostling” that he forgets. So much does O’Donoghue share Ward’s distaste for public justice and his antipathy to treating women’s bodies as anything other than objects of “Pleasure and Satisfaction”<sup>36</sup> that he declares Ward a hero fit to be voted into “any society devoted to prison reform.”<sup>37</sup>

Earlier in this argument, I tendered the claim that Ward’s vignette ought to be taken seriously not because it accurately recounts the violence to which sexually dissident women were subjected in late Stuart England, but because it points to the seventeenth-century argument that gave that violence meaning. In the course of tracing the genealogy of that meaning, I suggested that mid-seventeenth-century political pornography provided a likely source for late-seventeenth-century England’s understanding of the punished prostitute’s body as an instrument of social discipline and disincentive to social affiliation. There is, of course, an obvious sense in which Ward’s description replicates the classic pornographic *mise en scene*. He is, after all, relegated to the position of voyeur as he watches the convicted prostitute endure her punishment, a position, moreover, from which he admits to experiencing her body as “tempting.” But there is also a less gratuitous sense in which Ward’s account parallels pornography as his voyeurism is also the culmination of his own movement from interacting with the Bridewell inmates to his disaffiliation as he hovers on the fringes of late Stuart jurisprudence.

Frances Ferguson has argued that pornography’s foundational gesture is antidemocratic rather than voyeuristic, and it is that which differentiates it from other sexually explicit representations. Focusing on the way in which institutions such as work and schools construct identity, institutions to which we might also add Bridewell Hospital, Ferguson writes

the harm of pornography . . . is that it would effectively eliminate the publicness of the public sphere in continually trying to reread the minimal agreements of modern public spaces as if they ought always to resolve themselves into private compacts and to reconstrue the minimal actions of secular groups as if they always involved unanimity about not one action but many.<sup>38</sup>

Likewise, the emotional and psychological authority of Ward's vignette depends upon his audience's willingness to share his reluctance to question who this woman was, how she came to be in Bridewell, the identities and authority of her judges, whether the contextual information Ward does give us accurately delimits and thus authenticates Bridewell's operations, and finally, why Ward insistently presents his own marginalization as an authoritative position. Instead, we are constantly invited to sentimentalize "Elizabeth," to sympathize with her plight, and to wring our hands over the violence to which she is subjected. In the process, our attention like that of the spectators at Bridewell is drawn away from the fact that the violence we witness also relegates us to the fringes of Bridewell's ostensibly public processes. The danger of fetishizing archival and literary sources alike, then, goes well beyond underwriting a naïve assumption that such representations offer us transparent access to social and cultural meaning. The added and perhaps more profound danger lies in making ourselves complicit, inadvertently or not, with an authoritarian model of evidence whereby inquiry itself becomes untenable and we are less engaged with creating new knowledges than we are in creating shibboleths.

## NOTES

1. For a thorough survey of these approaches, see Susan Dwyer Amussen, "Punishment, Discipline, and Power: The Social Meanings of Violence in Early Modern England," *Journal of British Studies* 34 (1995): 1–34.
2. Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York, 1979), p. 8.
3. Ian Archer, *The Pursuit of Stability: Social Relations in Elizabethan London* (Cambridge, 1991); Laura Gowing, *Domestic Dangers: Women, Words, and Sex in Early Modern England* (Oxford, 1996); and Paul Griffiths, "The Structure of Prostitution in Elizabethan London," *Continuity and Change* 8 (1993): 39–63; and Griffiths, "The Meanings of Nightwalking in Early Modern England," *Seventeenth Century* 13 (1998): 212–38.
4. Paul Slack, *From Reformation to Improvement: Public Welfare in Early Modern England* (Oxford, 1999), p. 47.
5. During the late Stuart period, women who were thought to be engaged in commercial sexual activities were prosecuted under anti-vagrancy statutes as they had been during the Renaissance. However, when Charles II reinstated the Elizabethan and Jacobean poor laws, he arguably refined and sharpened their reach by further characterizing the poor as "lewd" in addition to being "loose" and "idle." In the



- Courtbooks, there are consistent distinctions made between women who are accused of being “loose, idle, and disorderly” and women who are accused of being “lewd, idle, and disorderly.”
6. Edward Ward, *The London-Spy. Compleat in Eighteen Parts*, 4th ed. (London, 1709), VI, p. 141.
  7. See, e.g., Frances Dolan, *Dangerous Familiars: Representations of Domestic Crime in England, 1550–1700* (Ithaca, New York, 1994); and Garthine Walker, *Crime, Gender and Social Order in Early Modern England* (Cambridge, 2003).
  8. For more on the political dynamics underlying Bridewell’s founding, see Slack, *From Reformation to Improvement*, 20.
  9. Cited in Griffiths, “The Structure of Prostitution,” pp. 39–63, 42.
  10. For more on the relationship between sexual dissidence and dishonor, see Gowing, *Domestic Dangers*; and Faramerz Dabhoiwala, “The Construction of Honour, Reputation, and Status in Late Seventeenth- and Early Eighteenth-Century England,” *Transactions of the Royal Historical Society*, 201–213. For more on whether medieval prostitutes enjoyed a bona fide “identity,” see Ruth Mazo Karras, “Theoretical Issues: Prostitution and the Question of Sexual Identity in Medieval Europe,” 159–77; Carla Freccero, “Acts Identities, and Sexuality’s (Pre)Modern Regimes,” 186–92; Theo van der Meer, “Medieval Prostitution and the Case of a (Mistaken?) Sexual Identity,” 178–85; and Karras, “Response: Sexuality, Identity, and History,” pp. 193–8, all in *Journal of Women’s History* 11 (1999).
  11. Ruth Mazo Karras, *Common Women: Prostitution and Sexuality in Medieval England* (New York, 1996), p. 21.
  12. *Ibid.*, pp. 37–9.
  13. *Ibid.*, pp. 15–18. Karras notes that the “*Liber Albus*, a fifteenth century compilation of London’s customary law containing material that may go back to the thirteenth century, . . . provided vivid public punishments for bawds and whores, which other records indicate were actually practiced. Those convicted of bawdry had their hair cut or head shaved and were conducted to the pillory ‘with minstrelsy’; a second offense entailed ten days in prison as well, and a third offense meant banishment from the city. A common whore was ‘taken from the prison to Aldgate, with a striped hood, a white rod in her hand, and there the cause is proclaimed; and from there through Cheap and Newgate, then to Cock’s Lane, to remain there.’ A second offense required the whore to remain on the thew, and a third required the cutting of her hair and banishment from the city. The punishments for other sexual offenses (adultery and clerical unchastity) involved similar elements” (15).
  14. Laura Gowing, “Language, Power, and the Law: Women’s Slander Litigation in Early Modern London,” in *Women, Crime, and the Courts in Early Modern England*, eds. Jenny Kermode and Garthine Walker (Chapel Hill, 1994), pp. 26–47, 33.

15. See, for instance, James Grantham Turner, *Libertines and Radicals in Early Modern London: Sexuality, Politics and Literary Culture, 1630–1685* (Cambridge, 2002), p. 33.
16. Slack, *From Reformation to Improvement*, p. 47.
17. *Coll. Henry Marten's Familiar Letters to His Lady of Delight. And also her Kinde Returnes.* (1662), p. 92.
18. For more on the role of self-interest in what I have elsewhere termed “vernacular republicanism,” see Steve Pincus, “Neither Machiavellian Moment, Nor Possessive Individualism: Commercial Society and the Defenders of the English Commonwealth,” *The American Historical Review* 103 (1998): 705–36.
19. Roger L'Estrange, *A Word Concerning Libels and Libellers* (London, 1681), p. 2.
20. For more on the “Mistress Parliament” Dialogues and their specific political timing, see Lois Potter, “Mistress Parliament Dialogues,” ed. Lois Potter, *Analytical and Enumerative Bibliography* 1 (1987): 101–71.
21. For more on this simplistic interpretation of political pornography from the period, see Sharon Achinstein, “Introduction” to *Gender, Literature, and the English Revolution* as special issue of *Women's Studies* 24 (1994), 1–13, as well as Turner, *Libertines and Radicals in Early Modern London*, 47–74.
22. *To the Chosen and Betruſted Knights, Citizens, and Burgesses, Assembled in the High and Spreame court of Parliament. The humble Petition of Elizabeth Lilburne, Wife to Leut. Coll: John Lilburne, who hath been for above eleven weeks by paſt, moſt unjuſtly divorced from, by the Houſe of lords, and their Tyrannical Officers, againſt the Law of God, and (as ſhe conceives) the Law of the Land.* (1646).
23. For a full elaboration of this phenomenon, see Melissa Mowry, *The Bawdy Politic in Late Stuart England: Political Pornography and Prostitution, 1660–1714* (Aldershot, 2004). For other perspectives on political pornography during the Interregnum, see Ann Hughes, “Gender and Politics in Leveller Literature,” *Political Culture and Cultural Politics in Early Modern England: Essays Presented to David Underdown*, eds. Susan D. Amussen and Mark A. Kishlansky (Manchester, 1995), 162–88; and Susan Wiseman, “‘Adam the Father of All Flesh’: Porno-Political Rhetoric and Political Theory in and After the English Civil War,” *Prose Studies* 14 (1991): 134–57. For a competing account of political pornography, see Turner, *Libertines and Radicals in Early Modern London*, pp. 74–117. For more on *Libertines and Radicals*, see my review on H-Albion, 2002.
24. On this point, see also Paula MacDowell, *The Women of Grub Street: Press, Politics, and Gender in the London Literary Marketplace, 1678–1730* (Oxford, 1998), p. 9.
25. E. G. O'Donoghue, *Bridewell Hospital: Palace, Prison, Schools, from the Death of Elizabeth to Modern Times* (London, 1929), p. 156.

26. Gary S. De Krey, "The First Restoration Crisis: Conscience and Coercion in London, 1667-73," *Albion* 25, no. 4 (1993): 565-80, 568.
27. Ibid.
28. Ibid., p. 142.
29. Ibid.
30. Ibid.
31. Ibid.
32. Ibid.
33. Ibid., p. 141.
34. O'Donoghue, *Bridewell Hospital*, p. 173.
35. Ibid.
36. Ward, *The London-Spy*, p. 141.
37. O'Donoghue, *Bridewell Hospital*, p. 174.
38. Frances Ferguson, "Pornography: The Theory," *Critical Inquiry* (1995): 670-95, 694.

## CHAPTER 9



# “I WILL FORGIVE YOU IF THE WORLD WILL”: WIFE MURDER AND LIMITS ON PATRIARCHAL VIOLENCE IN LONDON, 1690–1750

*Jennine Hurl-Eamon*

On December 16, 1731, a pale, emaciated woman fell from the garret window of the Four Swans Inn in Mile-end Town, London, onto an old shed. The structure crumbled beneath her, and she then hit the ground. Christopher Best, the parish Beadle, happened to be passing by, and described what he saw: “Her Body was all black, and her Legs were perfectly covered with a white Mold. She had on a thin old Crape-Gown, and a Bit of a red Petticoat, but no Shift nor Stockings.” No one in the crowd that had quickly gathered about her knew who she was. She had appeared lifeless, but began to stir. She was carried into the Four Swans, and Best followed to continue his inquiries. After much probing, he discovered that her name was Mary Vezey. She was “55 or 56 years of age,” and married to Corbet Vezey. She was carried back up to the garret, followed by Best, to whom she was gradually able to speak. Her first words rang with desperation: “For God’s Sake stay by me! I have been used barbarously! I am starved to Death!” She had spent the last year locked in the garret of the Four Swans, fed with “a half-peck loaf” of hardened bread, and bits of dried cheese. She had no candle, fire, nor bedsheets to protect her from the cold. Because of this, she informed Best, “my very

Skin has peeled off.” She then produced a paper within which she had saved the bits of her skin as they peeled off. According to Best, “they were all white and mouldy, and look’d just like her Legs which were cover’d over with a white Mold.” Best asked her why she had not sought help. Mary Vezey said that she had cried out for help, but that Corbet immediately “came up and Horse-whipp’d her.” She then said that she had decided to throw herself from the window, “thinking it better to make an end of her Life in that manner, than to starve to Death.” It emerged that Corbet Vezey was romantically involved and cohabiting with the proprietess of the Four Swans, and that he had locked Mary away “because she refus’d to sell a small Estate” that she held in her own name. Best visited with Mary only half an hour, and returned each day to check on her. She coughed up blood, complaining of “a Weakness inwardly,” and lived less than two weeks after her fall. Corbet Vezey was tried for murder at the Old Bailey, and was acquitted, because it was determined that the actual cause of her death was “an Asthma.”<sup>1</sup>

On the surface, the story of Mary Vezey’s tragic end serves to reinforce the popular sense that early modern patriarchs ruled their households with omnipotence, using violence against their wives at their own discretion and with impunity. Corbet Vezey’s murder trial was one of thirty-eight cases of wife murder recorded in the *Old Bailey Proceedings* between 1690 and 1750. Read as a whole, however, all thirty-eight uxoricide cases offer a fascinating glimpse of the limits to patriarchal power in early-eighteenth-century London. I am not the first historian to examine domestic violence for signs of constraints upon masculinity. Elizabeth Foyster, Joanne Bailey, Margaret Hunt, and Susan Amussen each published studies to show how early modern culture placed boundaries upon husbands’ violence, and my own previous research has added to their conclusions.<sup>2</sup> All of this work was based on sources that inherently suggested female empowerment. Hunt used materials surrounding wives’ requests for separation in the ecclesiastical courts, and I dealt with Quarter Sessions records of wives’ assault prosecutions. Bailey, Foyster, and Amussen used a combination of all of these types of records along with a wide variety of printed material condemning patriarchal violence. In contrast, wife homicides would seem to offer little evidence of feminine agency in the household. I will argue, however, that these murder cases can shed additional light on the existing historiography in four ways. First, they reveal more about the role of the early modern criminal justice system in restricting husbands’ ability to physically correct their wives. Second, as silent corpses, wives posed much more

significant danger to their husbands than they did in life, and the women to whom they revealed their bruises when alive or who prepared them for burial could offer powerful testimony of their damaged bodies. Third, violent patriarchs faced significant obstacles in early modern London, where weapons were all too ready-at-hand for those quick to anger, and the eyes and ears of dozens of people were attuned to possible mistreatment of wives. Finally, the murder cases are a rich source of evidence of popular attitudes to spousal violence that generally allowed husbands *no* right to physically correct his wife, and patriarchs themselves voiced this notion while on the stand.

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Vezev's acquittal, after the horrors to which he subjected his wife, presents an image of a criminal justice system that was happy to look the other way in order to reinforce patriarchal authority. This picture certainly holds true for the accounts of night watchmen's response to men beating their wives. These local law officers only laughed at eye-witnesses' account of Robert Hallam attacking his wife in a London street, and refused their entreaties to intervene.<sup>3</sup> Another group of watchmen responded with similar levity to a murderous husband who tried to turn himself in. Rather than taking him immediately into custody for further questioning, they "bid him go home to bed."<sup>4</sup> Mary Ray begged the night watchman who responded to her cries to "carry her husband before the constable," assuring him that "if [he] did not, she should be murdered." The watchman chose instead to "endeavour . . . to pacify them." Ray's predictions came true; she died three weeks later from the wounds inflicted "on her Head, Face, Eyes, Breast, and Stomach" by her husband.<sup>5</sup> Watchman John Morgain himself testified that he sat placidly on a bench "with my lanthorn and candle by me" and watched John Wright chase his wife in the street, only rousing himself to intervene *after* Wright had plunged his knife into her throat.<sup>6</sup>

These are the only accounts of legal officials supporting patriarchal violence. Most of the murder cases instead provide evidence that the state sought to prevent husbands from hitting their wives. My previous work shows that many London wives found a sympathetic reception from their local justices of the peace (JP), who issued orders against husbands for even the most minor acts against their spouses.<sup>7</sup> Several of the murdered wives had received this sort of help from the criminal justice system. Elizabeth Morgan had convinced a JP to bind her husband over for assault,<sup>8</sup> and Michael Erant's wife died with a

warrant in her pocket—she, too, having convinced a magistrate to order his arrest.<sup>9</sup> Robert Hallam found himself “before the justice” after having only threatened his wife with a knife in the spring of 1732.<sup>10</sup> Edward Goynes was “taken up” at least once for previous attacks on his wife in their fourteen months of marriage.<sup>11</sup> That these earlier state interventions ultimately failed to protect these women should not blind us to the fact that the courts *did* consider it appropriate to police a man’s aggression in his own household.

It is often difficult to determine precisely what punishment errant husbands might face at law, but John Wright, Thomas Morgan, and John Kein had certainly been incarcerated after their wives complained to the authorities of their ill-treatment.<sup>12</sup> The case of the latter also illustrates how wives used the threat of legal action to force their husbands to comply with their requests. John Kein’s wife came to see him at the compter gate, assertively challenging him through the bars to allow her to enter the jail and speak with him. If he would not, she threatened, “she should occasion more Actions to be brought against him, and keep him there his Life-time.”<sup>13</sup> It worked; he immediately complied with her request. Sarah Thomson found empowerment even in the threat of warrant. Deciding that having him arrested “would expose him too much,” she chose to use this as a last resort. By merely threatening to get a constable, she was able to persuade her husband to alter his behaviour on one occasion.<sup>14</sup> Women like Kein and Thomson reveal the possibility that the law did not always protect patriarchs, and it could be used instead to manipulate them.

Indeed, it was not always the criminal law directly that failed London’s battered women. Other factors, such as their own poverty, could prevent them from accessing these formal legal remedies against their husbands. Mary Vezey, for example, had only poor relatives who felt paralyzed to act on her behalf. Her brother lamented his inability to protect her because, in his own words, “I was a poor Man, and could not afford to go to Law.” Though *she* was thus unable to seek out state protection herself, the *state*—in the unlikely form of a parish beadle—found Mary Vezey. As soon as he was aware of her situation, Christopher Best made his disapproval known to Corbet Vezey and became a daily presence in the home, signaling to Corbet that he was now under surveillance. Mary Vezey herself showed faith in the official channels of complaint, taking great care to monitor the recording of her statement, and “if the Clerk mistook but a Word in his rough Draught, she always observ’d it, and desir’d it might be corrected.”<sup>15</sup> Though in this case the courts intervened too late, it is

nonetheless clear that the state did not ignore patriarchal aggression in all of its forms.

Even the accounts of husbands thumbing their noses at these legal interventions bore an air of false bravado that probably masked genuine fear. Thomas Morgan was sufficiently anxious about being forced to enter a bond for abusing his wife that he sought legal counsel on its implications, and gleefully informed her "I am not afraid that you can hurt me or my bail." Further testimony reveals the full extent of his anxiety: he had removed his wife's linens from the laundry, promising to restore them to her only if she "would clear his bail." When she prevaricated, he "fell a dancing and a capering" in anger and frustration.<sup>16</sup> Another husband goaded his wife to "go shew her Marks, and take him up again Tomorrow."<sup>17</sup> At the very least, this shows his awareness of the relentless machinery of the law.

Patriarchs who committed murder felt the full force of England's legal system. Corbet Vezey was among a very small minority in receiving an acquittal. Far more often, murdering husbands were found guilty and sentenced to hang. Of the thirty-eight cases studied here, almost 70 percent received a guilty verdict, and the vast majority of those was found guilty of murder, rather than the reduced offence of manslaughter.<sup>18</sup> This is in stark contrast to the more general category of male killers in this period, where more than 80 percent were acquitted or given reduced sentences for manslaughter by sympathetic juries.<sup>19</sup> Much of this is due to a popular defence strategy of arguing provocation, and most husbands who claim that their wives provoked them to attack are not believed.<sup>20</sup> The numbers suggest, fairly strongly, that the courts had a much stricter attitude toward male domestic violence than toward masculine violence as a whole.

The men themselves expressed knowledge of the courts' particular hostility toward this type of crime, and their likelihood of being found guilty and sent to the gallows. Edward Goynes went to his dying wife in great anxiety, saying "people say I killed you and shall be hanged for you."<sup>21</sup> According to a witness, Isaac Smith expressed shock that his rash action had taken his wife's life, and tearfully stated with bleak certainty, "I have killed the best of wives, and must be hanged for it."<sup>22</sup> Benjamin Stevens expressed similar remorse and resignation, having been heard to say that "he believed he should be hanged, and desired nothing but to submit to justice."<sup>23</sup> Even Corbet Vezey must have feared the Tyburn tree, having reportedly told his wife that "if it was not for the Law," he would have killed her outright.<sup>24</sup> The propensity of guilty verdicts and death sentences for uxoricide seems to have offered some anxiety to these patriarchs,



and might possibly have prevented more husbands from letting their anger carry them too far.

Those who expressed a more optimistic view of their chances at law were quickly shown their error. "I know I have killed her," Samuel Thomas reportedly boasted to his wife's friends, "and you Bitches . . . won't stick to hang me for it, if you can; but I know you can't, for I shall get off."<sup>25</sup> He was wrong; the jury found him guilty and sentenced him to death. Even though he swore he had killed his wife by accident, Thomas Bridge was advised to run away and not face trial, and one sympathetic witness continued to maintain that "it would have been better for him" to have gone into hiding.<sup>26</sup> His predictions were later verified. The jury ignored his claims of innocence and Bridge was sentenced to death. The arm of the law could be swift and sure when a violent patriarch went too far, and eighteenth-century husbands knew that the justice system would not be kind to them when their actions caused their wives' death.

Some swore they cared not for their fate at law, but even these avowals upheld the probability that they would swing for their crime. Robert Hallam included his own hanging in his predictions of how he would kill his wife, loudly proclaiming, "I'll split your Skull, and dash your Brains against the Back of the Chimney—I know I shall come to be hang'd at Tyburn for ye."<sup>27</sup> The gallows also appeared to hold no fear for John Gray, who slit his wife's throat and vowed before witnesses that "he was willing to die for it," apparently "not at all daunted" by the prospect.<sup>28</sup> Another murderous husband offered a similar response to those who told him he would be hanged for his crime. He is described as smiling and saying that he "did not care, he was glad of it."<sup>29</sup> Regardless of the spirit in which they beheld the prospect, most patriarchs expected to be caught and hanged for killing their wives.

Landlords and employers echoed this conviction that the law would be merciless on any man who had killed his wife. When he realized that his servant's throat was slashed by her husband, John Murray immediately grabbed him and said, with great conviction, "you rogue, do not stir, she is dead, and you shall be hanged."<sup>30</sup> The landlord who had long run interference between John Mascall and his wife during their many arguments testified that he had warned Mascall that "if your wife dies, you shall be hanged." Mascall retorted by asking if that would "satisfy" him, and the landlord responded glibly, "If it does not, . . . you shall be gibbeted."<sup>31</sup> Commonly referred to as "hanging in chains," gibbeting meant that the corpse was exposed on a tall pole for long periods after the execution, and even the stoutest

of eighteenth-century hearts would have quaked inwardly when faced with such a possibility.<sup>32</sup> There were many people willing to remind homicidal husbands of the swiftness and severity of the criminal justice system. The hanging tree loomed large and menacing over violent husbands, and though it did not prevent their violence altogether, the courts' unsympathetic attitude toward guilty patriarchs both reflected and informed contemporary attitudes toward wife beating.

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Though it may seem perverse to modern secular minds, death was a form of empowerment for these battered wives. In the early modern *mentalité*, death was infused with spiritual significance, and women, especially, might gain respect by dying well. Lucinda Becker's study of seventeenth-century death scenes indicates that "the woman who dies well is 'virtuous,' and this description is appended to her name at every opportunity, attached to her somewhat like an honorary title."<sup>33</sup> As a victim of murder, a wife might be accorded additional authority. Malcolm Gaskill argues that reports of the dying words of early modern murder victims often followed a formula, where the slain individual would make the fact explicit, with words such as "I am murder'd," and then name the killer. Such death scenes cropped up frequently in murder trial testimony, Gaskill says, and effectively "enabled victims to testify against a murderer *post mortem*."<sup>34</sup> A cousin's words to Mary Vezey underscore this: "I desired her to consider with her self that she was a dying Woman, and therefore ought to be very careful that she spoke nothing but the Truth. Consin, said she again I have told you the Truth, and nothing but Truth."<sup>35</sup>

The Old Bailey trials provide evidence that wives recognized death as an opportunity to bring public attention to their husbands' violence. Several of the uxoricides did not result in immediate death, leaving wives the opportunity to accuse their murderers in front of witnesses. When John Wright chased his wife Ann outside a pub and stabbed her in the darkness, she was heard to declare "if I must die, I will die in good company," at which she staggered back into the tavern to take her final breaths before witnesses.<sup>36</sup> Sarah Miller lived less than two weeks after her injuries were inflicted, and during that time at least three people heard her state her certainty that "the Blows she received from her Husband would be her Death."<sup>37</sup> The same is true in Alice Willix's murder. After receiving a severe beating from her husband, Alice Willix was left with just enough time to inform several friends that her husband "had given her her Death."<sup>38</sup> George

Cheshire's wife also languished long enough to blame him for her murder.<sup>39</sup>

Wives clung to the probability that their husbands would finally be punished; the Tyburn tree offered a final retribution for their suffering when all else was lost. Anne Bibby *als* Cheshire told her friend that "she would not rest in [her] grave" until her murderous husband swung from the gallows.<sup>40</sup> Isabel Conyer was heard to taunt her enraged husband to "murder her and [their] child at once, and be hanged for them both."<sup>41</sup> One dying wife told her penitent husband that it was not *her* forgiveness he needed to seek; in her view, "the World" would be less likely to forgive him than she.<sup>42</sup>

Actions spoke even louder than words to the men and women who attended a dying wife. Mary Ray had been so badly injured that she could barely speak (though she *had* been able to utter "as plain as she could" the words "I am kill'd—I am murder'd!"). Her husband's guilt was considered proven to her bedside companions when he approached the bed and they held Mary up and "begg'd her to kiss him." As one witness informed the court, "she kiss'd me, but she slid her Head away from him."<sup>43</sup> Another dying wife exhibited the same revulsion toward her husband. Mary Goynes was depicted by the women who nursed her as being "disturbed at the sight of" her husband, telling them that "he had pinch'd her Throat in such a Manner, that it was the Occasion of her Death."<sup>44</sup>

In death, battered wives' bodies finally left their husbands' control. Women were generally the first to touch and examine deceased wives, and their observations held weight in the courts. Women had often performed such services under early modern law. Juries of matrons were called in to determine pregnancies when women attempted to "plead the belly" to evade a death sentence.<sup>45</sup> Laura Gowing has extensively studied the authority early modern women were given over other women's bodies before the law, and in broader cultural contexts.<sup>46</sup> As Gowing argues, this power often served to reinforce patriarchy, such as when women uncovered hidden pregnancies in infanticide cases or examined London's Bridewell inmates for evidence of unchastity. This more menacing potential of the female touch is absent when women nursed or laid out the bodies of murdered wives.

In fact, these feminine observers helped to strengthen the case against the battering husband. Often, the women had a personal knowledge of the couple and this was brought to bear on their testimony. During Mary Ann Moody's time on the stand, for example, she commented not only on Elizabeth Morgan's wounds on her head,

throat, and stomach, but also on the fact that the Morgans “were always falling out, and she crying murder.”<sup>47</sup> Moody’s statements were sufficiently damaging to Thomas Morgan that he appeared incensed in the trial account, but she maintained her story, and he was eventually convicted. Robert Hallam was similarly troubled by the testimony of the woman who the constable had asked to examine his deceased wife’s body. He tried to convince the jury that she had “ow’d [him] a Spight these 2 Years,” but she calmly reiterated her opinion that he had a known history of abusing his wife.<sup>48</sup> Asked by the landlady to examine Samuel Thomas’ dead wife, Sarah Lee told the court that she found headwounds large enough to admit a finger, but also contributed her opinion that Samuel had “served his Wife much in the same manner a year and a half ago, and if it had not been for me she had dy’d then.”<sup>49</sup>

Bodies offered silent testimony of their own, and the words of female examiners interpreted these corporeal texts for the jury. Abused wives took a sorrowful pleasure in the knowledge that their bodies might yield final proof of their suffering after their voices had been forever silenced. Catherina Lutolph told Old Bailey listeners that, on the day she died, Mary Goynes had expressed her wish that Lutolph and another friend should “lay her out,” so that they “should see . . . what she had gone through.”<sup>50</sup> These accounts of the women who readied their friends for burial added to the image of poor husbandly conduct with which patriarchs were confronted at their murder trials. Lutolph herself recounted “black and blue Marks” covering Goynes’ “Legs and her Back,” along with a black, swollen throat. Mary Slate, who had lodged in the same house as Mary Bird for two years, stripped her dead body and repeated her list of wounds at William Bird’s murder trial.<sup>51</sup> Susan Blissard and Sarah Simcocks laid out Isabel Conyer’s body, later telling the court that “her Arms were black and blue with the Blows her Husband had given her with the Cat-of-nine tails.”<sup>52</sup> Ann Anderson presented like testimony at Robert Hallam’s murder trial, saying that she “found a great many Marks and Spots of black and blue that must be made by dreadful Blows” on Jane Hallam’s lifeless form.<sup>53</sup>

Beyond lists of cuts and bruises, female examiners could also convey a more general image of a murdered wife that might help evoke jury sympathy. Isabella Newland was able to present the court with a poignant picture of Jane Chapman, to whom she ran after hearing Thomas Chapman say he had shot her. According to Newland, Jane “was shot through her Breast, with her Child under her Arm.”<sup>54</sup> The jury would thus be reminded that Chapman had not only murdered

his wife, but had done so while she was caring for his child. Landlady Sarah Connell testified that Sarah Stevens appeared asleep, clad only in her shift and laying upon her bed. When she turned down the bedclothes, Stevens had a stab wound “through her shift into her left breast.” Connell’s account of the death scene underscores Stevens’ vulnerability and the cruelty of a husband who would murder his wife as she slept.<sup>55</sup>

Even when alive, battered wives revealed brief glimpses of their injuries to female friends, who remembered and described them to the court. Mary Vezey’s cousin Ann Badily testified that Mary had shown her “her Legs and Breast; she was nothing but Skin and Bones; her Skin was all black, and she look’d just like an Anatomy that I have seen at a Surgeon’s.”<sup>56</sup> Many of the murdered wives carefully proffered their bodies to other women as evidence of their husbands’ transgressions. Mary Ray quickly and quietly “took up her Clothes and shew’d” friend Ann Beldam her wounds, and Beldam later told the jury that “Her Arm was as black as a Hat, and so was her Thigh.” According to Beldam, the sight of Ray’s injuries evoked her own shocked exclamation: “Lauk a dazy ! says I, what have you married?”<sup>57</sup> Ann Bibby *als* Cheshire showed Elizabeth Pike the “fresh wound in her belly” given her by her husband earlier that day.<sup>58</sup> Jane Hallam showed fellow lodger Ann Anderson her bruised arms on two separate occasions, and “they were as black as your Lordship’s Gown,” Anderson told the Old Bailey judge.<sup>59</sup> In life or in death, battered wives presented their bodies to sympathetic women, who brought stories of their suffering and virtuous death scenes to the courtroom. This evidence was particularly damning for the patriarch on trial.

\* \* \*

Aggressive patriarchs were also disadvantaged by the environment of early modern London. Domestic spaces doubled as workrooms, and thus husbands were continually surrounded by lethal objects that were all too ready-at-hand in the heat of anger. Of all of the murder weapons listed in the Old Bailey cases where the husband’s occupation could be determined, almost half were tools of trade.<sup>60</sup> An employee watched pipemaker Thomas Morgan follow Elizabeth Morgan “to the fore part of the shop,” wielding “An iron hammer, . . . the head . . . [of which] weighed two pounds.”<sup>61</sup> Lewis Hussare, a barber-surgeon’s apprentice, cut his wife Ann’s throat with his razor,<sup>62</sup> and shoemaker Benjamin Stevens killed his wife with the knife he used for his trade.<sup>63</sup> Gentlemen and their servants wore swords as part of

their daily costume, and thus it is not surprising that such weapons were drawn in domestic disputes.<sup>64</sup> Early modern men's proximity to a wider variety of lethal weapons than their female counterparts has often been noted by historians of masculine violence, but they rarely include tools of trade in their analyses, and even more rarely consider this as a factor in domestic violence.<sup>65</sup> It is nonetheless highly likely that, with such deadly objects at their disposal, men were more likely to cause serious harm in domestic disputes.

Even the lowliest laborer carried a sharp knife, which was far more often in use at mealtimes than such objects are today. It is thus not surprising that some uxoricides occurred in disputes over food.<sup>66</sup> Thomas and Sarah Miller had "quarell'd about two or three Turnips that were put in the Pot" before the dispute got out of hand and resulted in her death.<sup>67</sup> Isaac Smith became angry when he asked his wife "for some Victuals and some strong Drink," and she was unable to provide them.<sup>68</sup> Nursing mother Hannah Brinsden was killed after complaining that she wanted "a bit of Meat," and refusing to be placated with only bread and cheese.<sup>69</sup> The Ordinary of Newgate's account of his hanging went into additional detail about the dispute, stating that Hannah had been jealous of the older daughter, because Matthias Brinsden "sometimes befriended her a little in her Dyet," giving her "a Pye" as reward for looking after her siblings and providing additional help around the house.<sup>70</sup> As Ellen Ross has observed for Edwardian working-class families, this sort of unequal food distribution was another weapon in the arsenal of patriarchal control.<sup>71</sup> As a source of tension in symbolizing the power relationships within a family—not to mention being laden with sharp objects—the dinner table was often the scene of domestic violence.

Sharp knives and lethal work tools were not the only aspects of the early modern environment that caused difficulty for violent patriarchs. Households in eighteenth-century London burst at the seams with lodgers, employees, visiting friends, masters, and mistresses, all potential witnesses against husbands when their violence went too far. The historiography of early modern domestic violence has already made much of the fact that other household members and neighbors frequently interposed themselves between husband and wife,<sup>72</sup> but the homicide cases shed light on a hitherto unrecognized aspect of the dynamic of the early modern urban environment. It is not surprising that members of the household and local community would be aware of domestic violence with the vastly different spatial arrangements of eighteenth-century London. What is *more* surprising, and has yet to gain historical notice, is that some husbands appear to have

taken comfort in a delusional sense of the privacy of their violence, and feared the possibility of it becoming public knowledge. Wives, too, shared in the fiction that patriarchal abuse might be unknown to others, and were equally aware of the threat to their husbands if it was made public.

Thus, William Ray's wife Mary perceived herself as protecting him from the eyes of the community, until she decided that his violence had reached the point where she would "screen [him] no longer." She called him a "*private* murdering rogue," and told her friends, "I dye by Inches."<sup>73</sup> It is virtually impossible that no one had been aware of William's excesses in the past. His attacks occurred within earshot—if not always in sight—of their friends and neighbors. The Rays ran a shop, and the abuse occurred in this public space, as well as in the street and the alehouse. Yet at the same time, the witnesses portrayed themselves as being privy to a secret that William was unaware they knew. One neighbor swore that Mary had told her that William placed a knife behind their bed, with the threat that "he would cut [her] Throat" if Mary was ever late rising in the morning. Her confidences had clearly occurred without William's knowledge. After one such whispered interchange, Mary spotted William approaching, and quickly told her friend "for God's sake, take no Notice, for I shall be kill'd, if you do."<sup>74</sup> Robert Hallam also seems to have feared the power of others' open knowledge of his aggression. Ann Anderson testified that Hallam "has bore me Malice ever since" Jane Hallam revealed her bruised arms to her "a good while ago."<sup>75</sup> As with the Rays, the idea that Anderson was unaware until being shown the bruises is ludicrous. Anderson lived on the other side of a thin partition, and had heard countless violent arguments, but her sight of the bruises under Jane's sleeves brought her to a more formal level of knowledge that Robert considered dangerously significant. These cases emphasize the unique mix of public and private that could characterize early modern spousal violence, and that wives may have gained comfort in a sense of the existence of an invisible line, the crossing of which would put their husbands under community scrutiny and stop his abuse.

The many examples of external intervention in spousal violence must be viewed through this lens. Husbands may have deceived themselves into thinking that their actions had previously been unobserved, but the active interventions of other household members and neighbors quickly put these delusions to rest. The overlap between domestic and work spaces meant that coworkers were invariably drawn into spousal arguments. Thomas Morgan's journeyman John Adams wrote a letter to Elizabeth Morgan's father for her "to let him know" of the

beatings she had undergone at her husband's hand, and he testified that he had gotten directly involved several times to prevent Thomas' aggression against his wife, and finally withdrew his services out of disapproval of Thomas' behavior.<sup>76</sup> In an even more blatant restraint upon patriarchal power, Ann Gray's employer (with whom she lived as his servant) commanded John Gray to stop abusing her, saying "if she is your wife, she is my servant."<sup>77</sup> Implicit in this statement was the assumption that he had the power to protect Ann from any external threats, including her own husband.

Many uxoricide cases include testimony from lodgers, who heard disputes up staircases, through walls, or sometimes from the same room.<sup>78</sup> Sarah Perrin shared a garret with John and Sarah Thomson, and conversed frequently with the latter about how to deal with John's infidelities.<sup>79</sup> A lodger in Thomas Morgan's domicile swore that she could "hear every thing that was said or done in the house," and said that she "was very often with them" as well.<sup>80</sup> John Palmer testified that he had never "had any quarrel with" fellow-lodger John Mascall, aside from "preventing him from beating his wife."<sup>81</sup> Only a "thin Deal-Partition" separated the Hallams' quarters from Ann Anderson's, and she could "hear...very plainly" Robert Hallam's attacks on his wife. She kept the entire neighborhood apprised of his actions by shouting into the street, "You Villain! You wicked Rogue! You have thrown your Wife out of the Window, and kill'd her!" and later, "O ye Villian [*sic*]... you have call'd a Midwife, now your Wife is dead!" Though her actions did not prevent Jane Hallam's death, they widely publicized Robert Hallam's transgressions.<sup>82</sup> Patriarchs faced very direct interventions because these living arrangements made their actions public knowledge.

Londoners living outside the household also posed a constraint upon husbands. Though "the mob" appears periodically in the Old Bailey accounts of wife murder,<sup>83</sup> the stories of individual women placing themselves between angry husbands and their targets are even more intriguing. A neighbor-woman came into the Townsends' home after hearing William Townsend kicking and beating his wife Catherine, and stayed "till past 2 a Clock" when she believed the danger to Catherine was past.<sup>84</sup> Hearing Charles Conyer railing at his wife, Elizabeth Ash "went in and desired him to be easy, and come away."<sup>85</sup> Elizabeth Emerson frequently placed herself between Robert and Jane Hallam, telling the court how she had often "got behind him, and held my Arms round his Neck thus," while Jane ran away, or left her doors unlocked so that Jane would have a place to flee.<sup>86</sup> Mary Wilson tried "to part" Martha and Philip Williams during their



violent dispute.<sup>87</sup> Another woman actually offered to take a mentally unbalanced husband “to her House for a while, and look after him,” because his wife had voiced concerns about her own safety.<sup>88</sup> These individual women providing refuge and defense to battered wives reveal a significant curb on husbands’ actions.

Even community members who were virtual strangers to the couple clearly believed themselves compelled to act in cases of patriarchal tyranny. Mary Vezey’s dramatic tumble into the street drew the community’s attention to her plight, and provides us a window into a sort of informal community policing. Mary Renshaw had no idea who Mary Vezey was, but was nearby when she fell. She made it a point to go and visit Vezey and listen to her tale of abuse at her husband’s hands. As Renshaw told the court, Vezey “took me by the Hand, and thank’d me for coming to see her.”<sup>89</sup> Her presence in the garret and conversation with Vezey would have served as a clear message to Corbet Vezey that he was under scrutiny. Similarly, a woman—who did not actually appear at the Old Bailey and was thus probably unknown to either William or Catherine Townsend—was seen to have “interposed between them and told [William] he should not to beat and kick his Wife.”<sup>90</sup> Another anonymous woman heard that Mary Bird had been beaten to death in the night, and boldly approached William Bird at the scene “and asked him how the Accident happened?” As one witness testified, she had never been seen “before or since.”<sup>91</sup> A soldier heard Mary Ray’s cries of “murder!” and “push’d open the Door” to confront her angry husband.<sup>92</sup>

The voices of those who argued that battered wives were exempt from community protection are noteworthy in the Old Bailey trials for their scarcity and confusion. Recent histories have acknowledged that neighborhood and household members’ involvement in patriarchal violence was not always to protect wives.<sup>93</sup> The Old Bailey cases shed little light on this minority phenomenon. At most, we catch glimpses of those who failed to support wives due to inaction, rather than active participation in husbands’ abuse. Hannah Coles, for example, expressed to the court the marginal opinion that preventing wife-battery “was no Business of mine.”<sup>94</sup> Though he himself wanted to help, Richard Harrison was told that “no Body could hinder” a husband from mistreating his wife, “for she was his Goods, and he might do what he would with her.”<sup>95</sup> Others who offered a similar viewpoint expressed confusion over precisely what domestic violence was exempt from public intervention and censure. Richard Horseford expressed his view that it was better to avoid “meddling betwixt a Man and his Wife,” but a neighbor woman attempted to

persuade him by telling him that the violent husband might also pose a risk to an apprentice living in the home.<sup>96</sup> The opposite seems to be true in another case; here, people felt that intervention between man and wife was more appropriate than in a more nebulous male–female relationship. Mary Price’s friends tried to take George Price to task for his questionable treatment of her, and lamented to one another that he “says she is none of his Wife, and what can any body do to him then? . . . must the Woman be murdered . . . because she is not his Wife?” George Price had had two children with Mary, yet claimed no formal marriage to her.<sup>97</sup> Aside from Coles, Harrison, and Horseford, no other witness at the Old Bailey questioned the legitimacy of outsiders becoming involved in marital disputes to protect wives. Indeed, the patriarchs themselves acknowledged the menacing power of broader community knowledge of their actions, even as they basked in a false sense of marital privacy.

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The very ambiguity of social and legal definitions of appropriate husbandly violence posed a limit on eighteenth-century patriarchs. The history of domestic violence has acknowledged the varied standards to which husbands were held in conduct literature and at law, but it has never focused upon the confusion *itself* as a difficulty for patriarchs.<sup>98</sup> Ideas surrounding appropriate wifely chastisement underwent a transition between the seventeenth and eighteenth centuries, exacerbating the uncertainty over wife beating during the decades of this study. As early as the 1600s, all spousal violence was condemned in Calvinist literature, but puritan conduct writers engaged in debates with other seventeenth-century theorists who argued that only “excessive” beating was repugnant. Throughout the eighteenth century, contemporary literature reflected a similar plurality of views, and even the notorious comment attributed to Sir Francis Bullen in 1782—that a man could beat his wife with a rod as long as its diameter was not exceeded by that of his thumb—was maligned in the press.<sup>99</sup> The legal literature exhibits a similar schizophrenia. Late-seventeenth-century legal writers condemned patriarchs who used “unreasonable correccion,”<sup>100</sup> or “outrageously chastised”<sup>101</sup> their wives, but neglected to define with any clarity what constituted “unreasonable” or “outrageous.” Blackstone, who published his seminal work on the laws of England just after our period, stated that “the husband . . . might give his wife moderate correction,” but argued that only “the Lower rank of people” still clung to “their ancient priviledge” of having complete

physical authority over their wives.<sup>102</sup> Though murder would seem to fall very clearly within the category of excessive correction using any measure, the uxoricide cases also reveal the ways in which confusion over what constituted legitimate husbandly chastisement served to limit patriarchal power.

The evidence for both the prosecution and the defense in wife-murder cases can be read together as a discourse of the popular understandings of appropriate spousal conduct in early modern London. Those who declaimed the husband as a murdering rogue outlined his actions toward his wife as transgressive; those who defended him (including the husband himself) often described wifely misbehaviors that had provoked his aggression. The latter, for example, is visible in John Gray's trial for killing his wife, Ann. John, a sailor, complained that Ann was completely different when he returned home from the sea. She swore at him, refused to sleep with him, and hit him so hard his nose bled. Most significantly, John argued that all of her unwomanly displays occurred "in private." No one in the home in which she worked as a domestic servant was witness to any of the actions he described, because, he implied, she knew this would prejudice them in favor of his violence toward her.<sup>103</sup> In another case, both prosecution *and* defense witnesses admitted that Ann Wright had a history of verbally and physically abusing her husband before he finally killed her.<sup>104</sup> John Mascal depicted his wife as a big, strong, frightening woman. In the words of one witness: "One time I went to his house, and they were fighting, her gown and stays were off, and I took her to be master;... she would beat three of him."<sup>105</sup> The implications here are obvious: it was acceptable for a husband to strike his wife if she hit him first.

Though it was one of the most widely acceptable reasons for a husband to raise his hand against his wife, this self-defense argument almost never appears in the thirty-eight uxoricides.<sup>106</sup> Even more significantly, there are only two accounts during this period of a husband arguing he killed his wife in a fit of rage over discovering her adultery.<sup>107</sup> English law was especially lenient to masculine violence in such a context,<sup>108</sup> yet most of the male murderers studied here were unable to take advantage of this. Of the two, Samuel Thomas listed his wife's alcoholism as at least as strong a provocation of his violence. In Thomas's words, "I own I did beat her, because she was drunk."<sup>109</sup> Benjamin Stevens purported to have the same problem.<sup>110</sup> In a pamphlet published at the time of his execution, Matthais Brinsden repeatedly argued that he was motivated "only" by the desire to make his gin-loving wife "obey me thoroughly,

which the *scripture* says, all wives should do.”<sup>111</sup> The Ordinary of Newgate’s account presented a very different perspective, expressing shock that Brinsden did not show the utmost shame and remorse, but instead “insisted on trifling allegations” that “his wife loved Brandy and Geneva, disobey’d his Commands, and would not be easy to live as he liv’d.”<sup>112</sup> For the Ordinary, this was an indication of Brinsden’s “savegeness and Barbarity”; a more civilized husband, it must be inferred, would not be provoked to violence over such trifles. Though Elizabeth Foyster has focused on the decline of sympathy for such provocation as culminating in the nineteenth century, it is clear that patriarchs faced these pitiless attitudes much earlier.<sup>113</sup>

Some husbands claimed to have killed their wives in anger over their management of the household economy.<sup>114</sup> Indeed, Corbet Vezey’s defense went beyond this, to state that Mary stole from him repeatedly. His friend Joseph Avery was a constable and testified to one such theft, but the trial also contains testimony to counter such allegations.<sup>115</sup> Indeed, most of these cases contain opposing claims that the same wife was nonaggressive, held her tongue, and worked very hard.<sup>116</sup> Aside from arguing provocation, husbands might try to persuade the court that their violence was justified in its temperance. Accused of kicking his wife down the stairs, Edward Goynes said “I never did; I only beat the Pot of Beer out of her Hand; I never did any thing else to her . . . I only heav’d the Pot of Beer down, because she did not fetch it where I would have had her.”<sup>117</sup> William Bird purposely hit his wife “with his Right-hand, for being a Left-handed Man, he was afraid if he struck her with his Left-hand, he should have done her a Mischief.”<sup>118</sup> These husbands, unsurprisingly, believed in a patriarchal model where violence could be judiciously dispensed when wives had shirked their responsibilities.

Significantly, however, many of the cases are based on a presumption that normal husbands should use *no* physical force at all with their wives.<sup>119</sup> John Rigleton pleaded guilty for murdering his wife, Margaret, but their acquaintances vowed that they had never known him to be violent toward her ever before.<sup>120</sup> Even a black eye was too extreme a form of spousal correction: when confronted about his wife Mary’s black eye, William Ray denied being the cause, exclaiming “God forbid! I would not do such a thing for the World!”<sup>121</sup> Though Mary Wyman acknowledged that Benjamin Stevens had exhibited “a great deal of patience” with his unruly wife, she warned him that he must continue to bear her transgressions with the same serenity.<sup>122</sup> Other witnesses remarked upon the tolerance of John Wright, a husband

who allegedly refused to assault his wife even after she was seen to “strike [him] several times on his head and shoulders.”<sup>123</sup>

Husbandly aggression was sometimes characterized as more fitting treatment for livestock than for women. Sarah Marriage testified to hearing Samuel Thomas “draw [Elizabeth Thomas] along . . . like a Beast” through the streets.<sup>124</sup> Robert Hallam’s blows against his wife appeared, to one onlooker, to be “more like beating an Ox than a Christian.”<sup>125</sup> According to neighbor Martha Love, Thomas Miller had “knock’d [Sarah Miller] down like an Ox, and she bled like an Ox at her Nose, Eyes, Ears and Mouth.”<sup>126</sup> John Wright himself swore that he “did not think of hurting so much as a dog or cat,” and thus would never raise his hand against his wife.<sup>127</sup> It makes sense that husbands would defend themselves by arguing that they weren’t typically violent, or that prosecution witnesses—in wishing to see a murdered wife avenged—would underscore the barbarity of a man’s violence. Ultimately, however, these examples illustrate an unwitting collaboration between the defense and prosecution in uxoricide cases to hold patriarchs to a model of complete nonviolence.

The records frequently reveal a broader social disapproval of wife beating. John Gray openly acknowledged that, in the home where his wife worked as a servant, “all of the people . . . looked black upon me” for his treatment of her.<sup>128</sup> John Palmer, Elizabeth Close, and Henry Waldron each separately expressed their disgust with John Mascall’s abuse of his wife, Esther.<sup>129</sup> Several of the cases describe group disapprobation of husbands’ violence, such as the people crying “shame on him” as Robert Hallam beat his wife, or the crowd that drew William Ray out of his home and away from his sobbing spouse.<sup>130</sup> John Adams disapproved so deeply of Thomas Morgan as a husband, that he had to leave Morgan’s employ, but only after having said “Mr. Morgan, I wonder you should abuse your wife so.”<sup>131</sup> Long before the actual murders took place, violent patriarchs faced community censure, much of which suggests a standard of complete nonviolence toward their spouse.

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Using cases of murdered wives to discuss limits to patriarchy in early-eighteenth-century England is undoubtedly problematic. Mary Vezey’s contemporaries would probably agree that her story is far from one of female empowerment, nor does Corbet Vezey stand well as an example of *disempowerment*. Nonetheless, there are hints of a more complicated system of patriarchal authority within all of the murder cases in this study.

Our propensity to assume that early modern wives were completely subsumed under their husbands' control is a product of a myth about marriage that has continued to this day. Frances Dolan has discerned the pervasiveness of the Western belief that marriage is all-encompassing, and "that spouses in conflict have only one way out of their struggles: dominate or submit, kill or die."<sup>132</sup> If this notion persists in twenty-first-century nations that pride themselves on equal rights for women, it is hardly surprising that historians have seen early modern husbands as omnipotent. Yet within the most dramatic examples of marital dysfunction in early-eighteenth-century London, there is evidence of patriarchal vulnerability. Much more than today, in fact, a man who had problems controlling his temper would face the added difficulty of being surrounded by an arsenal of dangerous objects, all too available in the heat of marital disputes. Once he had served his wife that fatal blow, the wife beater became the wife murderer. Though silent, dead wives were extremely powerful plaintiffs and posed a much more significant danger to their husbands than they had in life. The likelihood that such men would die for their crime was much higher than if they had murdered anyone else.

The narratives of uxoricide also add to our understanding of the dynamics of marriage within the broader social context of London in 1690–1750. Though the husbands in the thirty-eight cases under study exerted the ultimate authority over their spouses by terminating their lives, they represent only the most extreme forms of patriarchal aggression. Thousands of other couples escaped historical scrutiny because husbands did not take this crucial step, and perhaps this is due, in part, to the fact that there were some fairly effective limits to patriarchal abuse in this period. The lack of a single clear understanding of what constituted appropriate husbandly chastisement did not leave men free to do as they chose. Legal officials, neighbors, employers, and friends subjected them to intermittent scrutiny, and—when they fell very clearly foul of social and legal boundaries—they acted. At the very least, husbands might find themselves the object of public outcry; at the worst, on trial for murder where the gallows loomed large. When they took their wives' life, patriarchs paid with their own.

## NOTES

1. *Old Bailey Proceedings Online* [hereafter *OBP*] ([www.oldbaileyonline.org](http://www.oldbaileyonline.org)), January 1732, Corbet Vezey (t17320114-12).
2. Elizabeth Foyster, *Marital Violence: An English Family History, 1660–1857* (Cambridge, 2005); Foyster, "Male Honour, Social Control and Wife Beating in Late Stuart England," *Transactions of*

- the Royal Historical Society* 6 (1996): 215–24; Joanne Bailey, *Unquiet Lives: Marriage and Marriage Breakdown in England, 1660–1800* (Cambridge, 2003); Margaret Hunt, “Wife Beating, Domesticity and Women’s Independence in Eighteenth-Century London,” *Gender and History* 4, (1992): 11; Susan Amussen, ““Being Stirred to Much Unquietness”: Violence and Domestic Violence in Early Modern England,” *Journal of Women’s History* 6 (1994): 70–89; Jennine Hurl-Eamon, “Domestic Violence Prosecuted: Women Binding Over their Husbands for Assault at Westminster Quarter Sessions, 1685–1720,” *Journal of Family History* 26 (October, 2001): 435–54.
3. *OBP*, January 1732, Robert Hallam (t17320114-9).
  4. *OBP*, September 1745, Thomas Morgan (t17450911-32).
  5. *OBP*, June 1734, William Ray (t17340630-15).
  6. *OBP*, July 1749, John Wright (t17490705-3).
  7. Hurl-Eamon, “Domestic Violence Prosecuted,” pp. 438–40.
  8. *OBP*, September 1745, Thomas Morgan (t17450911-32).
  9. *OBP*, June 1742, Michael Erant (t17420603-20).
  10. *OBP*, January 1732, Robert Hallam (t17320114-9).
  11. *OBP*, September 1739, Edward Goynes (t17390906-6).
  12. *OBP*, April 1720, John Kein (t17200427-28); *OBP*, September 1745, Thomas Morgan (t17450911-32); and *OBP*, July 1749, John Wright (t17490705-3).
  13. *OBP*, April 1720, John Kein (t17200427-28).
  14. *OBP*, October 1726, John Thomson (t17261012-7).
  15. *OBP*, January 1732, Corbet Vezey (t17320114-12).
  16. *OBP*, September 1745, Thomas Morgan (t17450911-32).
  17. *OBP*, September 1739, Edward Goynes (t17390906-6).
  18. Twenty-six, or 68 percent, were found guilty, and 19 of those (73 percent) were held to the more serious charge of murder. Of the 12 men acquitted, 2 were found not guilty by reason of insanity. Note that these figures are based only upon the extant copies of the *Proceedings*, which do not survive in their entirety until after 1714. All but 3 cases come from the period after 1714, and of these 3 cases, 2 are acquittals.
  19. Between 1720 and 1729, e.g., there were 137 men tried for murder, of which 57 were acquitted outright and another 58 received reduced sentences for manslaughter (84 percent). Only 22 men (16 percent) were found guilty and sentenced to death.
  20. For more on self-defence and provocation as issues in reducing verdicts to manslaughter, see C. K. Allen, “The Phlegmatic Englishman in the Common Law,” in *Legal Duties and Other Essays in Jurisprudence* (Oxford, 1931), pp. 81–94. This essay returns to the topic of wifely provocation in the fourth section, later.
  21. *OBP*, September 1739, Edward Goynes (t17390906-6).
  22. *OBP*, February 1719, Isaac Smith (t17190225-21).

23. *OBP*, May 1745, Benjamin Stevens (t17450530-25).
24. *OBP*, January 1732, Corbet Vezey (t17320114-12).
25. *OBP*, January 1733, Samuel Thomas (t17330112-24).
26. *OBP*, July 1739, Thomas Bridge (t17390718-16).
27. *OBP*, January 1732, Robert Hallam (t17320114-9).
28. *OBP*, July 1749, John Gray (t17490705-30).
29. *OBP*, July 1749, John Wright (t17490705-3).
30. *OBP*, July 1749, John Gray (t17490705-30).
31. *OBP*, January 1748, John Mascall (t17480115-30).
32. Pieter Spierenburg, *The Spectacle of Suffering, Executions and the Evolution of Repression: From a Preindustrial Metropolis to the European Experience* (Cambridge, 1984), p. 57.
33. Lucinda Becker, "The Absent Body: Representations of Dying Early Modern Women in a Selection of Seventeenth-Century Diaries," *Women's Writing* 8 (2001): 258.
34. Malcolm Gaskill, "Reporting Murder: Fiction in the Archives in Early Modern England," *Social History* 23 (January 1998): 25.
35. *OBP*, January 1732, Corbet Vezey (t17320114-12).
36. *OBP*, July 1749, John Wright (t17490705-3).
37. *OBP*, June 1742, Thomas Miller (t17420603-17).
38. *OBP*, April 1746, James Willix (t17460409-42).
39. *OBP*, January 1732, Corbet Vezey (t17320114-12).
40. *OBP*, May 1722, George Cheshire (t17220510-25).
41. *OBP*, September 1739, Charles Conyer (t17350911-69).
42. *OBP*, September 1739, Edward Goynes (t17390906-6).
43. *OBP*, June 1734, William Ray (t17340630-15).
44. *OBP*, September 1739, Edward Goynes (t17390906-6).
45. J. C. Oldham, "On Pleading the Belly: A History of the Jury of Matrons," *Criminal Justice History* 6 (1985): 1-64.
46. Laura Gowing, *Common Bodies: Women, Touch and Power in Seventeenth-Century England* (New Haven, 2003), pp. 40-51.
47. *OBP*, September 1745, Thomas Morgan (t17450911-32).
48. *OBP*, January 1732, Robert Hallam (t17320114-9).
49. *OBP*, January 1733, Samuel Thomas (t17330112-24).
50. *OBP*, September 1739, Edward Goynes (t17390906-6).
51. *OBP*, July 1740, William Bird (t17400709-10).
52. *OBP*, September 1739, Charles Conyer (t17350911-69).
53. *OBP*, January 1732, Robert Hallam (t17320114-9). See also *OBP*, June 1742, Thomas Miller (t17420603-17), for another account of women preparing a murdered wife for burial.
54. *OBP*, October 1747, Thomas Chapman (t17471014-1).
55. *OBP*, May 1745, Benjamin Stevens (t17450530-25).
56. *OBP*, January 1732, Corbet Vezey (t17320114-12).
57. *OBP*, June 1734, William Ray (t17340630-15).
58. *OBP*, May 1722, George Cheshire (t17220510-25).
59. *OBP*, January 1732, Robert Hallam (t17320114-9).



60. Out of eighteen cases where the defendant's occupation and murder weapon are determinable, eight, or 44 percent, listed weapons that the husband would use in his trade.
61. *OBP*, September 1745, Thomas Morgan (t17450911-32).
62. *OBP*, February 26, 1724, Lewis Hussare (t17240226-71).
63. *OBP*, May 1745, Benjamin Stevens (t17450530-25).
64. See, e.g., *OBP*, July 1703, John Peter Dromett (t17030707-1); *OBP*, May 1722, George Cheshire (t17220510-25); and *OBP*, July 1740, William Bird (t17400709-10).
65. See, e.g., Karen Jones, *Gender and Petty Crime in Late Medieval England: The Local Courts in Kent, 1460–1560* (Woodbridge, 2006), p. 73; and Robert Shoemaker, *The London Mob: Violence and Disorder in Eighteenth-Century England* (London, 2004), p. 169. The exception in the historiography of domestic violence is Margaret Hunt ("Wife Beating," p. 19), which states that men were "significantly more familiar with weapons than their wives," and thus "had fewer compunctions about using them." Even Hunt does not extend her definition of weapons to include tools of trade.
66. In addition to the below, see *OBP*, August 1728, George Mitchel (t17280828-5), *OBP*, July 1739, Thomas Bridge (t17390718-16), and *OBP*, May 1745, Benjamin Stevens (t17450530-25).
67. *OBP*, June 1742, Thomas Miller (t17420603-17).
68. *OBP*, February 1719, Isaac Smith (t17190225-21).
69. *OBP*, September 1722, Matthias Brinsden (t17220907-8).
70. Thomas Purney, *The Ordinary of Newgate's account of the behaviour, confession, and last dying speech of Matthias Brinsden, who was executed at Tyburn...* (London, 1722), p. 4.
71. Ellen Ross, *Love and Toil: Motherhood in Outcast London* (New York, 1993), pp. 32–3.
72. See especially, Foyster, *Marital Violence*, chapters 4 and 5.
73. *OBP*, June 1734, William Ray (t17340630-15), my emphasis.
74. *OBP*, June 1734, William Ray (t17340630-15). See also *OBP*, September 1739, Edward Goynes (t17390906-6), for another example of a patriarchal violence being depicted as a "secret" kept by the wife in her husband's interest.
75. *OBP*, January 1732, Robert Hallam (t17320114-9).
76. *OBP*, September 1745, Thomas Morgan (t17450911-32).
77. *OBP*, July 1749, John Gray (t17490705-30).
78. In addition to the later references, see *OBP*, January 1733, Samuel Thomas (t17330112-24); *OBP*, January 1738, George Price (t17380113-10); *OBP*, July 1739, Thomas Bridge (t17390718-16); *OBP*, July 1740, William Bird (t17400709-10); *OBP*, April 1746, James Willix (t17460409-42); *OBP*, October 1747, Thomas Chapman (t17471014-1); and *OBP*, July 1749, John Wright (t17490705-3).
79. *OBP*, October 1726, John Thomson (t17261012-7).
80. *OBP*, September 1745, Thomas Morgan (t17450911-32).

81. *OBP*, January 1748, John Mascall (t17480115-30).
82. *OBP*, January 1732, Robert Hallam (t17320114-9).
83. See, e.g., *OBP*, January 1732, Robert Hallam (t17320114-9); *OBP*, June 1734, William Ray (t17340630-15); *OBP*, May 1745, Benjamin Stevens (t17450530-25).
84. *OBP*, September 1718, William Townsend (t17180910-77).
85. *OBP*, September 1739, Charles Conyer (t17350911-69).
86. *OBP*, January 1732, Robert Hallam (t17320114-9).
87. *OBP*, December 1735, Philip Williams (t17351210-58).
88. *OBP*, April 1714, Richard Chapman (t17140407-21).
89. *OBP*, January 1732, Corbet Vezey (t17320114-12).
90. *OBP*, September 1718, William Townsend (t17180910-77).
91. *OBP*, July 1740, William Bird (t17400709-10).
92. *OBP*, June 1734, William Ray (t17340630-15).
93. Foyster, *Marital Violence*, pp. 180, 189; and Bailey, *Unquiet Lives*, 35.
94. *OBP*, July 1739, Thomas Bridge (t17390718-16).
95. *OBP*, January 1732, Corbet Vezey (t17320114-12).
96. *OBP*, January 1732, Robert Hallam (t17320114-9).
97. *OBP*, January 1738, George Price (t17380113-10). Note that in his own defense, Price clearly indicates that he saw himself as Mary's husband.
98. Amussen, "Violence and Domestic Violence," pp. 71–2; Foyster, *Marital Violence*, pp. 44–6 and 73–83; and Frances E. Dolan, "Battered Women, Petty Traitors, and the Legacy of Coverture," *Feminist Studies* 29 (2003): 262–3.
99. For a summary of the gradual transition of attitudes to wife beating, see Gregory Durston, *Victims and Viragos: Metropolitan Women, Crime and the Eighteenth-Century Justice System* (Suffolk, 2007), pp. 177–82. The current historiographical sense is that there was a decline in active neighborhood interference, which ultimately has disadvantaged abused wives in the modern era, though there is some disagreement as to precisely when this occurred. Margaret Hunt ("Wife Beating," pp. 25–6) argues that it was in place by the end of the eighteenth century, whereas Elizabeth Foyster traces the change to well within the nineteenth century and the full establishment of professional law enforcement in England. In her words, "when marital violence became somebody's problem, in terms of it lying within their professional expertise, it ceased to be everybody's problem," the result of which "has cost so many women their lives." *Marital Violence*, p. 233.
100. Sir Francis Moore, *Cases collect and report per sir Fra. Moore*... (London, 1688), p. 874.
101. Joseph Keble, *An Assistance to justices of the peace for the easier performance of their duty*... (1689), p. 193. See also, William Hawkins, *A Treatise of the Pleas of the Crown*... Vol. I (London, 1716), p. 130, which states that a husband can beat his wife in a "reasonable manner."

102. Sir William Blackstone, *Commentaries on the Laws of England*, Book I (Oxford, 1765), p. 432.
103. *OBP*, July 1749, John Gray (t17490705-30).
104. *OBP*, July 1749, John Wright (t17490705-3).
105. *OBP*, January 1748, John Mascall (t17480115-30). For other examples of wifely aggression raised in husbands' defence, see *OBP*, June 1742, Michael Erant (t17420603-20).
106. Dolan, "Battered Women," pp. 264–5.
107. *OBP*, September 1745, Thomas Morgan (t17450911-32); and *OBP*, January 1733, Samuel Thomas (t17330112-24).
108. Foyster, *Marital Violence*, pp. 116–17.
109. *OBP*, January 1733, Samuel Thomas (t17330112-24).
110. *OBP*, May 1745, Benjamin Stevens (t17450530-25).
111. Matthais Brinsden, *The case of Matthias Brinsden, Cloath-drawer, in Black-Fryers, who was executed on Monday, September 24. 1722* (London, 1722), p. 7.
112. Thomas Purney, *The Ordinary of Newgate's Account of the Behaviour, Confession and Last Dying Speech of Matthias Brinsden...* (London, 1722), p. 3.
113. Foyster, *Marital Violence*, p. 117. Bailey, *Unquiet Lives*, pp. 119–22, largely dismisses provocation as a popular patriarchal defense in her study of eighteenth-century marriage.
114. George Price hinted that his wife Mary "was not so frugal in the Management of what little we had," in *OBP*, January 1738, George Price (t17380113-10). John Ringleton's wife refused him money to buy "a halfpenny candle," in *OBP*, July 1745, John Ringleton (t17450710-16), and Sarah Stevens, too, was sent out twice to buy food for Benjamin and returned empty handed. *OBP*, May 1745, Benjamin Stevens (t17450530-25).
115. *OBP*, January 1732, Corbet Vezey (t17320114-12).
116. See, e.g., *OBP*, May 1745, Benjamin Stevens (t17450530-25); *OBP*, January 1748, John Mascall (t17480115-30); and *OBP*, January 1733, Samuel Thomas (t17330112-24).
117. *OBP*, September 1739, Edward Goynes (t17390906-6).
118. *OBP*, July 1740, William Bird (t17400709-10).
119. In addition to the references given later, see, e.g., *OBP*, July 1740, William Bird (t17400709-10); and *OBP*, February 1722, Isaac Ingram (t17220228-10).
120. *OBP*, July 1745, John Ringleton (t17450710-16).
121. *OBP*, June 1734, William Ray (t17340630-15).
122. *OBP*, May 1745, Benjamin Stevens (t17450530-25).
123. *OBP*, July 1749, John Wright (t17490705-3).
124. *OBP*, January 1733, Samuel Thomas (t17330112-24).
125. *OBP*, January 1732, Robert Hallam (t17320114-9).
126. *OBP*, June 1742, Thomas Miller (t17420603-17).
127. *OBP*, July 1749, John Wright (t17490705-3).

128. *OBP*, July 1749, John Gray (t17490705-30).
129. *OBP*, January 1748, John Mascal (t17480115-30).
130. *OBP*, January 1732, Robert Hallam (t17320114-9), and *OBP*, June 1734, William Ray (t17340630-15).
131. *OBP*, September 1745, Thomas Morgan (t17450911-32).
132. Dolan, "Battered Women," p. 251.

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## A F T E R W O R D



*Frances E. Dolan*

In this volume, we find essays on rape, martyrdom, tyranny and treason, wife murder, revolution and riots, dismemberments and whippings, warfare, “defeat, imprisonment, and death.” We encounter violence used to promote disorder and express resistance and to impose or preserve order, to define identity and to forge affective and political connections (in overlapping marital and martial, political and domestic spheres). We read about those who plot purposeful violence and those who murder incidentally because they cut their food with sharp knives and so have deadly weapons in hand when they fall into a rage. The forms of violence examined here function as an accident, a strategy, “an expectation, a protocol, and an opportunity for confrontation” (chapter six). On the one hand, Paul Seaver argues that apprentices’ riots might have been tolerated because they were “carrying out by demonstrative and violent means objectives and ends of which the magistrates thoroughly approved, however much they might deplore the illegal actions by which they were pursued.” On the other hand, Melissa Mowry argues that the public whippings at Bridewell Hospital might have functioned to rupture rather than foster connections, acting as a mechanism for preventing identification, isolating and atomizing individuals, and undermining the potential for collective action. In short, these essays challenge our ability to generalize about what counts as violence in the early modern period or what cultural work it accomplished. As the authors show, different forms of violence meant different things at different moments for different people.

The essays also paint a subtly nuanced picture of how gender inflects the meanings of violence in early modern England. Some

authors suggest sharply gendered divisions. Cristine Varholly reminds us that “in early modern England, it was generally perceived that violence was the purview of men, not women.” Celia Daileader points out that, generally, “heroism in men consists of violence against others (revenge); heroism in women consists of violence against oneself.” For Daileader, the crucial gendered division is not that between the active man and the passive woman but that between the targets of men and women’s violence, others versus the self. Even bleeding could be performed as an act of aggression, she argues.

As useful as such generalizations can prove, the essays here (including Varholly’s and Daileader’s) work to complicate or even challenge them. Katharine Gillespie suggests that passivity and action, death and birth, might be considered not as opposites but as equally necessary partners or as phases in one process of transformation. Gillespie argues that, for Lucy Hutchinson, “more passive forms of republican political practice [waiting, meditation, lack of apology] were made possible only because they were preceded by the laborious violence, sacrificial regicide, and failure that characterized the first republic’s implementation and demise.” According to Gillespie, Hutchinson heroicizes Eve because her “consumption of the forbidden fruit brought sin and death into the world, which in turn gave rise to the very possibility of revival” (chapter four). Her sin was “productive,” then, precisely by being destructive. In her study of the constraints imposed on even the most “aggressive patriarchs,” Jennine Hurl-Eamon argues that “death was a form of empowerment” for battered wives whose husbands murdered them because death conferred authority upon them, endorsed their passivity and blamelessness, brought their plight to public attention, transferred their bodies from their husbands’ control to that of other women, and insured that their husbands would, at last, be punished for their abuse. As Hurl-Eamon acknowledges, death is an exorbitant price to pay for achieving these benefits. Her strongest examples of agency or power achieved by means of being killed are those of women who were able to accuse their husbands while mortally injured, the prospect of their impending deaths lending credibility and urgency to their testimony. Just as some historians of rape have argued that the law gradually came to privilege evidence of women’s physical injury (i.e., their bodies) over their own words, so Hurl-Eamon finds that women’s bruised, mute corpses proved powerful, perhaps more powerful than those same women’s attempts to save their lives through speech.<sup>1</sup> Exploring bleeding as a form of aggression, death as a form of empowerment, and sin as productive, these essays raise fascinating

questions about the relationships between endurance and action, victimization and aggression or empowerment, dominance and submission, gender and violence.<sup>2</sup>

Contributors to the volume also draw our attention to the complex ways in which gender shaped what was recorded and preserved in the archives on which we now rely. Paul Seaver suggests that apprentices' riots inspired rhetorical fulmination but restrained prosecution because of "magisterial ambivalence." Perhaps, he speculates, magistrates were not unable to prevent or prosecute riots as much as they were reluctant to punish young men whose grievances they shared. Muriel McClendon takes a lacuna as her central concern. Given that there were two female martyrs from Norwich during the early Reformation, she asks, why don't women figure significantly among those who appeared before the city governors? McClendon suggests that women's "conspicuous" absence in the records might mean that the city governors were reluctant to grant them the platform or pulpit of a court appearance and so chose to overlook their religious dissent. Such a strategy of evasion is hard to prove because its very goal is to underrepresent women. To counter it, an historian needs a practice such as McClendon's in which women's absence from the record itself becomes the subject for analysis. Hurl-Eamon models a reading practice facilitated by the extraordinary online database of the Old Bailey Proceedings, which enables her to read thirty-eight murder cases "as a whole," identifying patterns that can only be seen when so many cases are considered in relation to one another.

I assume that early modern men and women did not seek the opportunity to appear in court. They did not want to get caught; they did not wish to go on the record; they did not aspire to survive the test of time so as to become names in the index of volumes such as this. Yet Varholy's analysis of Bridewell Court Minute Books reveals some of the ways in which women turned such appearances to their advantage; some of the reasons why authorities might wish to restrict such opportunities (as McClendon suggests of a very different venue); and some of the reasons why scholars have valued court records as repositories of subjectivity, fantasy, and the "I" that speaks.<sup>3</sup> While McClendon works to explain what she doesn't find, Varholy wonders why she finds what she does where she does. She examines how women accused of "whoredom" tell stories about having been sexually assaulted, positioning themselves as victims rather than criminals and projecting responsibility for the sexual act onto others. For the women Varholy examines, narrative is the alternative to suicide



as the Lucrece myth depicts it: an act that “un-rapes” the victim, as Daileader puts it. Telling particular stories gives these women a chance to revive their reputations as part of a survival strategy. The legal process that demands and records such narratives, as well as the narratives themselves, lodge these women on the books so that they are visible to us now. To excavate and assess such stories helps to counter the privileged status of one particular story, the rape and suicide of Lucrece, as Daileader proposes we might try to do. Why, she asks, do we so prefer Lucrece’s story to that of the Sabines, who integrate into the community into which they’re abducted, bear children to their rapists, and make peace between their husbands and male kin so as to enable their new families to survive? Daileader’s provocative question raises others. What would happen if we did not keep repeating the “wisdom” that rape is a “fate worse than death”? What if we dwelt, instead, as Varholly does, on women who choose narratives rather than suicide, who use stories to repel rape, survive rape, un-rape?

The oppressive processes that admit some stories onto the record and keep others out should remind us that violence is not just something we uncover in the past but also something we compound or even produce through our own practices. Violence lurks in the formation of a canon that privileges Shakespeare’s rather than Middleton’s version of Lucrece’s story, Milton’s *Paradise Regained* rather than Lucy Hutchinson’s *Order and Disorder*. In our choices regarding what we will put on the syllabus or include in a textbook, in our judgments regarding what we will value as beautiful or true, we might participate in rather than expose or assess histories of violence, politics, and gender. Just as Shannon Miller helps us to see Aphra Behn’s *Oroonoko* as a palimpsest of different histories, akin to the bodies of Oroonoko and his bride overwritten or “japan’d” with scarification, so most textual traces are palimpsests, with the sediment of their histories inscribed rather bloodily upon them even when the scars aren’t ornamental or don’t show. Melissa Mowry warns us against “making ourselves complicit, inadvertently or not, with an authoritarian model of evidence whereby inquiry itself becomes untenable” because we are discouraged from considering how and to what ends particular texts position us as viewers, readers, and scholars. Challenging us not to take anything “as read,” the essays here try to disrupt our assumptions about what constitutes evidence, how much we need to know about provenance and context, and how we go about locating and interpreting the traces of the past.

## NOTES

1. Miranda Chaytor, "Husband(ry): Narratives of Rape in the Seventeenth Century," *Gender & History* 7 (1995): 378–407; Frances Ferguson, "Rape and the Rise of the Novel," *Representations* 20 (1987): 88–112; Julia Rudolph, "Rape and Resistance: Women and Consent in Seventeenth-Century English Legal and Political Thought," *Journal of British Studies* 39 (2000): pp. 157–84; and Garthine Walker, "Rereading Rape and Sexual Violence in Early Modern England," *Gender & History* 10 (1998): 1–25.
2. These particular essays relate in interesting ways to Mary Beth Rose's important argument that, in the course of the early modern period, "the heroism of endurance takes precedence over an heroics of action." The former, she shows, was not restricted to women but, instead, construed heroism itself in terms most often associated with the idealization of women in the period: "patient suffering, mildness, humility, chastity, loyalty, and obedience" (*Gender and Heroism in Early Modern English Literature* [Chicago, 2002], pp. xiv–xv and passim).
3. For an extreme and provocative example of searching for subjects in the archive, see Miranda Chaytor, "Husband(ry): Narratives of Rape in the Seventeenth Century."

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