

Wives with Knives: Early Modern Murder Ballads and the Transgressive Commodity

Methinkes the heauens crie uengeance for my fact,
Methinkes the world condemns my monstrous act;
Methinkes within my conscience tells me true
That for my deede hellish fier is my due.

—"The Lamentation of Mr. Page's Wife" (1591)

On June 29th, 1628, Alice Davies of Westminster was arrested for the murder of her husband Henry, a locksmith in Tuttle Street. According to the *Middlesex Sessions Rolls*, Alice stabbed Henry with a kitchen knife in a dispute over a shilling;¹ she was arraigned and tried on July 9th and, after a verdict of guilty was returned, she "pleaded the belly," or entered a plea of pregnancy, certainly in the hope of finding clemency from the bench.² This defensive strategy, according to the records of the case, "was disallowed, since a Jury of Matrons found her 'Not Pregnant,' and she was adjudged to be burnt to death in Smithfield," a sentence which was carried out three days later.

At an historical moment in which violent crime was hardly exceptional, perhaps more significant than the specific details of this "marital killing," as it was called, was the reproduction and representation of the crime through the production of at least two popular broadside ballads treating the Davies case. Titled "A Warning For All Desperate Women" and "The Unnatural Wife," the ballads, consistently written in the voice of the condemned, not only present a ventriloquized and confessional feminine subject, but also carefully display the legal discourses, court apparatus, and punitive technologies which formulated, maintained, and ultimately claimed a prerogative to disrupt that subject. For example, the anonymous balladeer of "The Unnatural Wife" has Alice Davies represent her own final moments in these five stanzas:

Then Iustice me to Newgate sent
vntill the Sessions came,
For this same foule and bloody fact,

to answer for the same:
 When at the Barre I did appeare,
 the Iury found me guiltie there. . . .
 The Iudge gave Sentence thus on me,
 that backe I should returne
 To Newgate, and then at a Stake,
 my bones and flesh should burne
 To ashes, in the winde to flie,
 Upon the Earth, and in the Skie. . . .
 Upon the twelfth of Iuly now
 I on a Hurdle plac't,
 Unto my Execution drawne,
 by weeping eyes I past;
 And there in Smith-field at a Stake,
 my latest breath I there did take. . . .
 And being chayned to the Stake,
 Both Reedes and Faggots then
 Close to my body there was set,
 With Pitch, Tarre, and Rosin,
 And then to the Heavenly Lord I prayd,
 That He would be my strength and ayde. . . .
 Let me a warning be to Wiues,
 Who are of hasty kinde,
 Lord grant that all may mend their liues,
 and beare my death in minde,
 And let me be the last I pray,
 That ere may dye by such like way. . . .³

This confession or, more accurately, confessional exemplum, of course, is packaged and poses as a type of True Discovery, a straightforward narration of the “transparent” facts of the execution. This, however, becomes immediately problematic with the interiorized voice of State regulation speaking here through the body of the condemned. Throughout the ballad, a highly contrite and repentant “Alice” represents herself as unruly and unnatural; all that is “natural,” she suggests, is her confession and submission to the legal and disciplinary spectacles of the Crown (or her compliance with the recuperative strategies organized and deployed by the legal and more broadly social discourses in which she has become entangled). This question of “naturalness” must further be contextualized within

the extensive and rapidly proliferating sub-genre of crime ballads and pamphlets, and especially the genre's relation to the claims of the market. "The Unnatural Wife" as a ballad is representative of a literary practice of True Discovery, or the making visible and, more importantly, making public of a previously domestic, invisible, and private crime; in this way, this particular crime (and, to an extent, the category of criminality itself) becomes a type of public "spectacle" and is available to the participatory surveillance of a buying audience. Coextensively, "The Unnatural Wife" as a cultural category is formulated around the ambiguous and contested discourses which informed the feminine legal subject in early-modern England. It is, I will suggest, this double contextualization—the literary and the juridico-legal, and especially the interdependence of the two—which allows for the consolidation of the representations of "unnatural" or "murderous" wives, and their simultaneous commodification and recuperation within an increasingly capital and juridical economy.

1. "To Spille My Housbands Blood": The Subject of Petty Treason

Perhaps at the core of this contestation on the site provided by the Murderous Wife is the specific legal status of husband-killing itself in late sixteenth- and early seventeenth-century England. This, of course, is predicated on the structure of "coverture" and on the provisional legal status of the "feme coverte." Briefly, in marriage at this time, a husband and wife became one legally coherent subject: the husband. In other words, a woman's identity as "wife" did not become coextensive with or annexed to her husband's, but rather became discursively internalized, even cannibalized, by it.⁴ In a legal sense, a married woman existed in a relation of interiority to her husband's social identity; she was subject, to use Foucault's phrase, to a type of "political anatomy," a recontextualization of the social body which is neither fully coercive nor fully consensual. Foucault continues, "to understand the political investment of the body and the microphysics of power presupposes that one abandons, where power is concerned, the violence-ideology opposition, the metaphor of property, the model of the contract or of conquest; that, where knowledge is concerned, one abandons the opposition between what is 'interested' and 'disinterested,' the model of knowledge and the primacy of the subject. . . ."⁵ In other words, for us to read the *feme coverte* as a type of cultural text, we must also read the discursive field in which

she was positioned. In approaching early textual representations of spousal murder, we must resist an assessment of the structure and function of "patriarchy" as monologic, or of gender-specific "oppression" as unidirectional and homogeneous. That is, patriarchy as a fundamental cultural determinant had become so naturalized and diffused by this historical moment that gendered antagonism—in this instance, spousal murder—would be structured as "simple" transgression, rather than as a highly complex point of intersection of (sometimes competing) modes of oppression. In this respect, then, allowing for a greater flexibility in the notions of property, opposition, and transgression, perhaps the claim can be sustained that the *feme covert* was situated at least as firmly as an object (and not a "metaphor") of property as she was an object of cultural knowledge.

To suggest that a wife was "owned" under coverture, of course, is a highly overdetermined claim. As Peter Stallybrass has persuasively argued, "in early modern England, 'woman' was articulated as property not only in legal discourse. . . . but also in economic and political discourse. Economically, she is the fenced-in enclosure of the landlord, her father or her husband."⁶ If we allow the most common materialist division of the functions of law into the regulation of the social relations of "possession" and the regulation (and maintenance) of class formulations, oppositions, and antagonisms,⁷ we see the culturally-produced category of "wife" under coverture as positioned somewhat precariously and as inherently unstable. Though ostensibly subsumed within this superstructural framework, the married woman became "dispossessed" as she was transferred to "possession." This is not to suggest, of course, that a female's identity as an unmarried "maiden" allowed greater autonomy which was relinquished upon marriage; the preservation of "virginity" clearly had an exchange value to a woman's family, and as such inscribed the female body within the processes of commodification.⁸ In this respect, then, the legal structure of coverture itself formulated the "wife" as always already antagonistic to hegemonic authority. This implicit oppositional relation of wife to husband, wife to law, and so on, could be largely accommodated by certain flexibilities or, more accurately, certain contradictions in the formulation of her legal and social subjectivity: she was simultaneously an agent which had to be "governed," and a legal subject which, in a sense, ceased to exist as she occupied the category assigned to her.

This assigned identity, though, became even more equivocal and ambiguous with a wife's commission of a crime, a nearly paradoxical occurrence within her legal status. According to the 1632 instructional

law encyclopedia *The Lawes Resolution of Women's Rights, or The Lawes Provision For Women*, authored by a T. E., "In matters criminal and capital cases, a Feme Covert shall answer without her husband. . . ."⁹ Clearly, by allowing the procedural possibility that a wife could "answer," could be charged, arraigned, and executed for a specific felonious act, this text suggests that the feminine legal subject subsumed by this legal discourse was still provided with a specific degree of agency. A wife, in this sense, did not legally "exist" within a legal framework until she committed a substantial criminal act; but the very commission of that act immediately shifted her identity from the Natural (or the legally naturalized) Wife to the Unnatural Wife, a category delimited and populated by the legally unintelligible. In other words, if a wife was to be a "possession" or implicated in the reconceptualization of private property at this historical moment, she was of a particularly unstable and underdefined kind. A married woman's "disappearance" into her husband's legal and social identity was supported as part of a natural life-progression from maiden to wife to widow. But she was still accorded a certain degree of fictive agency in terms of domestic—and therefore private and covert—antagonism, which is demonstrated by the extensive body of literature on the "bridling of the scold," presented in the form of sermons, pamphlets, ballads, and conduct books, as well as in the more overtly performative social practice of the charivari.¹⁰ These prescriptive discourses, of course, not only conceded the potential for wifely transgression, or a type of "desubjectified" agency based on the limits of the category "wife," but also could be said to produce the conditions, protocols, and strategies of that transgression. If, for example, the wife-as-shrew was considered at least a nuisance and, at worst, dangerous in Elizabethan and Jacobean England, "she" was such a heavily coded and extensively represented image that her subversive capability was largely containable. In the instance of spousal murder, though, the stakes were certainly much higher and the reconceptualization of the notion of naturalness took on a greater urgency.

This discursive ambivalence—the concession that a wife could in fact become Unnatural in this way—was reified by the gender-distinctions which marked the conceptualizations and dispositions of murder cases. As is well-known by now, husbands who intentionally killed their wives were charged with simple capital murder; on the other hand, wives who killed their husbands were charged with and tried for petty treason. This was a statutory distinction which dated from as early 1352 (25 Edward III, St. 5, Cap. 2).¹¹ An interesting and

fairly significant definition of this as a legal principle is given in John Cowell's 1607 law dictionary *The Interpreter: or Book Containing the Signification of Words*. He wrote: "whereas treason in the highest kinde, is an offence done against the securitie of the common wealth, petit treason is of this nature, though not so explicitly as the other. Petty treason is rather described by examples than anywhere logically defined; as when a servant killeth his master, or a wife her husband, or when a secular or religious man killeth his prelate to whom he oweth faith and obedience. And in how many other cases petit treason is committed. And this maner of treason giueth forfeiture of Escheats to every Lord within his owne Fee. . . ." ¹² In other words, according to Cowell, petty treason is the result of, if anything, a highly contingent and internal logic, and is understood primarily through the *exempla* which retroactively define it. Within this formulation, it insists upon a certain fluidity, or at least a relatively unstable definition of socially destabilizing actions. It is precisely this use of "examples" rather than "logical definition" which allows for the recovery of a much broader range of transgression, from a servant's rape of his master (which, according to J. A. Sharpe, was rare but not unknown) ¹³ to witchcraft. ¹⁴ In this respect, each instance of "petty treason" functions toward a continual shift and recodification of its own definition. This mechanism would be consistent with Antonio Gramsci's notion of the hegemonic "process," or society as a type of moving equilibrium in which the dominant groups must react to and negotiate with subaltern antagonisms and social practices. Within this, contestation is an essential constitutive element and "politics" becomes the work of adopting and adapting recuperative strategies, rather than the simple "enforcement" of some universally agreed-upon social order. ¹⁵ Most fundamentally, then, petty treason involves—or rather *poses* as involving—a violent and transgressive inversion of hierarchy, or rupture of the discursive container in which, in the case of husband-murder, the feminine legal subject is situated. In killing him, a wife disrupts not just the husband's body but aspects of the political technology which constructs and maintains that body. Such a disruption, of course, was simultaneously domestic and social, private and public; as an arguably more radical form of antagonism, this form of petty treason had to be aggressively recovered in order to maintain a coherent notion of social context for the murderous wife. As the interpellated Anne Wallen (who killed her husband with a chisel in 1616) lamented, "No sooner was his breath from body fled,/ But unto Newgate straight way me they led," ¹⁶ neatly

superimposing here the shift from one physical enclosure to another, from one socio-political context to another, and from the category of Natural to Unnatural. This suggests that the female actor must have a coherent categorical identity at all times, even if that identity is nominally “outside” normative behavior.

2. “My Soule and Bodie bothe quytte Spylte”: Disruption and/as Continuity

If the formulation of the Murderous Wife at this historical moment participated in the broader cultural discourse of what Christina Lerner, in a somewhat different context, has called the “criminalization of women,”¹⁷ then clearly the ballad genre was one constitutive element of that discursive field. For the purposes of this argument, I am less concerned with what the ballads claim to represent historically—whether Alice Davies, for instance, did actually kill or was somehow justified in killing her husband—than in what the ballads, as a type of political technology, produced and reproduced through their representations of this crime. In the late Tudor and early Stuart periods, there was not necessarily a dramatic increase in violent crime, nor especially of women murdering their husbands. F. G. Emmison, for example, in his analysis of the records of the Essex county courts for the last two decades of the sixteenth century, found that of the 131 murder cases brought to trial, wives were defendants in only three, and in each case the woman was acquitted.¹⁸ Even a cursory examination of the Assize rolls for the first half of James’s reign demonstrate, predictably, that husbands were responsible for far more domestic violence—to the point of “marital killing”—than wives. Despite the worry of Hyder Rollins, an early twentieth-century collector and editor of these ballads, that “[m]arriage seems to have entailed many dangers to husbands in this period,”¹⁹ perhaps more complex claims about the nature and trends of domestic violence can be sustained. Social historians are roughly in agreement that in the period under consideration, there was an overall decrease in the number of reported homicides—petty treason or not—but that the proportion of deaths *prosecuted* as murder underwent a rapid and radical shift. Cynthia Herrup argues, for example, that murder arraignments in the Assizes increased from forty-seven percent of all recorded violent deaths in the 1590s to eighty-five percent in the 1630s. The percentage of women charged with murder of any type, however, remained steady at approximately fourteen percent.²⁰ The explanation for such

a shift, of course, is highly overdetermined, but for the purposes of this argument I would suggest that it participated in the broader cultural trend toward a more fully juridico-capital social economy in which the body—and especially the criminalized female body—became more overtly the ground on which the ideological (re)formulation of the family and its representations was repeatedly fought out. The specific ballad representations of husband-murder, rigidly formulaic and highly prescriptive as they were, claimed to reflect—but were largely implicated in producing—a popular masculinist anxiety surrounding the regulation of petty treason.

The distinct formula followed by the balladeers was crucial to their success in reproducing and disseminating this disciplinary narrative. The ballads rather uniformly represent the interpellated female subject as narrating herself in five identifiable phases: there tends first to be a prayerful invocation lamenting the general spread of sin, followed by something of an historicizing gesture which makes the claim that this particular crime was occurring with greater and greater frequency. For example, the well-known ballad writer M[artin] P[arker] begins his “A Warning For Wiues,” a treatment of Katherine Francis’ 1629 murder of her husband Robert, with this claim:

Alas what wretched bloody times
doe we vile sinners liue in!
What horrid and what cruell crimes
are done in spight of heauen!
What barberous murders now are done,
none fowler since the world begun!²¹

Next, there is an identification of the husband, his “state,” and his undeserved “victimization”:

A Locke-Smith late in Westminster
my Husband was by trade,
and well he liued by his Art
though oft I him vbbraide;
And oftentimes would chide and braule
And many ill names would him call:
oh murther, most inhumane,
To spill my Husbands blood. . . .²²

Then, quite significantly, there follows a close and graphic description of the crime itself, emphasizing the destroyed male body. Anne Wallen, for example, tells us:

Then presently one of his tooles I got,
 And on his body gaue a wicked stroake. . . .
 Amongst his entrails I this chisel threw,
 where as his caule came out, for which I rue.²³

Finally, there is a careful and extensive description of the subsequent legal proceedings—the hue and cry, the arrest, examination, trial, and ultimately the execution at the stake. This narrative sequence is the fundamental mechanism by which a Murderous Wife might be demonstrated as still having a very specific, though radically altered, social identity; this could only function, though, with her “willingness” to be reinscribed within a juridico-literary context.

Central to this final phase of the ballad structure is the confession, a narrative moment which tends to conflate moral, political, and legal accountability. The confessional gesture is essential in that it serves as an authorization—by the wife—of the political technologies and ideological structures which organized the narrativization of the crime, thereby permitting and accommodating the further display of the criminal body. As Foucault has explained, “the function of public execution was to reveal the ‘truth’; and in this respect it continued, in the public eye, the work of the judicial torture carried out in private. It added to the conviction the signature of the convicted. . . . A successful public execution justified justice, in that it published the truth of the crime in the very body of the [one] to be executed.”²⁴ This appropriation of the criminalized female as an amplifier of sorts for the production and reproduction of petty treason and its inevitable consequences offers a highly staged and overtly performative notion of law and crime, as well as the wifely body’s relation to both. Whether or not Murderous Wives regularly and typologically made such speeches before their executions is almost of secondary importance to this study; that they were uniformly represented as doing so, however, indicates a consistent and widespread anxiety in early modern England about “legitimate” authority’s ability to maintain and contain feminine transgression. The staging of conventionalized scaffold speeches within the ballad genre—as well as the genre itself—can be situated as an originary moment for the legitimation of producing confessional discourses, themselves having a regulatory effect.²⁵ This, of course, affirms the Murderous Wife’s “consensual” participation in the hegemonic structures which surround her, and allows for—or even requires—the recuperation of the legally unintelligible feminine subject. The disruption and destruction of her body at the stake be-

came essential to the continuation of the representations of both the Murderous Wife as a category, as well as the social body as an intact and integral whole.

3. "Let Me A Warning Be": Wives in the Market

The doubled context—the juridico-legal and the literary—in which this highly staged version of petty treason is situated cannot, of course, be separated from the market pressures and especially the somewhat uneven processes of commodification which were central to the emergence of early capitalisms, perhaps the most significant feature of which was, to use Althusser's well-worn phrase, the reproduction of the conditions of production.²⁶ Clearly, this notion has a very direct bearing on this discussion; perhaps one of the most striking features of the production of these ballads was the extent to which they were based on—or borrowed from—other generic representations of a particular murder, each functioning as a legitimization of the preceding ones and as an authorization for subsequent ones. One of the more remarkable cases in this respect was Mrs. Anne Saunders's participation as an accessory in the brutal murder of her husband George in March 1573. Once the Privy Council's examinations of the actors made public the specific reconstructed sequence of events which led to Saunders's death, those events were immediately appropriated into a series of multi-generic narrations of the crime. Nearly simultaneous with Anne Saunders's execution at Smithfield on May 13 was the publication of A[rthur] G[olding]'s *Briefe Discourse of the Late Murther of Master George Saunders* (one of only three original pieces Golding is known to have written),²⁷ and an anonymous ballad entitled "The Wofull Lamentacon of Mrs. Anne Saunders, which she wrote with her owne hand, being prisoner in Newgate, Justly condemned to death."²⁸ In 1577, Edward White was licensed to print "A Cruell Murder Done in Kent," though this version of the crime is lost. Anthony Munday again recounted the incident in his 1580 *View of Sundry Examples Reporting Many Strange Murders*,²⁹ and by 1592 a play entitled *A Warning For Faire Women* had appeared, which has been variously attributed to Lodge, Lyly, and Kyd.³⁰ By 1596 the narrative was so well known that Thomas Lodge in his *Wits' Misery* could write of Cousenage: "Shee will reckon you vp the storie of Mistris SANDERS and weepe at it, and turne you to the Ballad ouer her chimney, and Bid you looke there, there is a goodly sample."³¹ The crime was also mentioned by the

chroniclers Holinshed and Stow, and eventually found a place in T. E.'s 1632 revision of *The Lawes Resolution of Womens Rights*, mentioned above.

This genealogy suggests that "Anne Saunders" as an historical actor in her husband's death became somewhat less important than her ability to be represented as such in literary and historical terms. Her crime had to be immediately narrated and mediated in order for it to be rendered as a type of True Discovery or "current events." Simultaneously, though, the rapid proliferation of different generic versions suggests a type of competition for descriptive and narrative authority in the case, based less on eye-witness accounts than on textual assessment and surveillance. In this respect, then, the Saunders case and others like it became a type of historical or mythologized "news" which drew upon, reinforced, and extended its own borders and narrative practices. Though the specific "facts" of these versions tended to differ somewhat in their details—in this case, the number of accomplices was in dispute—they are in implicit and uniform agreement on the utter necessity of reproducing, making "spectacular," and disseminating the crime, using allowable pathways within the dominant mode of production. As Catherine Belsey has suggested in her assessment of the well-known Arden murder of 1551, "the representations of the crime are (sometimes contradictory, never neutral) contributions to a discursive struggle for the meaning of resistance to absolutism."³² If Anne Saunders was attempting to subvert or escape her own lived experience of domestic "patriarchal" oppression, it was ultimately the development of this type of discursive grid which blocked that as a genuine possibility. And one of the most powerful elements of that grid was, of course, the economic viability the ballads (as well as related genres) had in a rapidly developing literary market.

The historical conditions under which the ballads were produced and circulated invested them with substantial economic authority, which in turn allowed at least a partial literary legitimacy. When the Stationers' Company became organized into a productive unit similar to a joint-stock corporation in 1603 and was divided by James I into five sections, ballads as commodities were already significant enough to be given a separate stock designation along with Bible stock, Irish stock, Latin stock, and English stock.³³ In fact, some of the better-known printers of the Murderous Wife ballads, such as Francis Coles and Henry Gosson, were actually shareholders in the Ballad stock. Tessa Watt has argued that during the first years of the seventeenth

century, a consortium of London stationers “developed publishing strategies which were increasingly responsive to the demands of the buyers, as they assembled and pruned a stock of successful ballads and chapbooks, according to commercial dictates. The nature of the ballad trade was transformed as the ‘Ballad Partners’ organized themselves for efficient production and distribution. They increased the use of woodcuts, standardized the naming of tunes, and collected copyrights to favourite titles, registered by 1624.”³⁴ Though the ballads may have been intended to pose as spontaneous documentation of domestic violence, it is clear that there was a substantial productive structure in place which not only supported this “spontaneity” but also to an extent masked its own strategic development. Ballad production and regulation was situated solidly within the increasingly monopolistic position held by the Stationers’ Company, though the ballads themselves were construed as simple (and instructional) “entertainments” available for consumption. If their value as cautionary exempla was equivocal, their value as commodities was not. The transgressive feminine legal subject had a solid, repeated, repeatable, and (for the printers and publishers, if not the ballads writers) a profitable role in the economic and social marketplace.

In this respect, it is also significant to note the occasional inclusion of a type of referential advertising in the broadside format of the ballads. Though this practice was rather exceptional and would likely appear only when different titles or genre-versions of the same crime were licensed to a single printer, it can provide an interesting sidebar to textual diffusion among the literate lower orders of early modern society. These advertisements tended to take the form of a line or two attached to the last stanza, but were not integrated directly into the narrative itself, and would make the audience aware of other versions, generally prose pamphlets, of the same crime. For example, at the end of the ballad version of “The Damnable Practices of Three Lincolnshire Witches,” who had committed petty treason by killing their master, we find the following: “There is also a book printed of these women, wherein you shall know all their examinations and confessions at large: As also the wicked practices of three other most notorious women in Lecester-shire with all their examinations and confessions . . . printed by G. Eld for John Barnes, dwelling in the Long Walk near Christ-Church 1619.”³⁵ Not surprisingly, both the ballad and the pamphlet used the same woodcut illustration. This advertisement, I would suggest, has a double function. First, it allows for the reproduction and textual surveillance of the criminalized

woman, subjecting her actions to a range of representations, and in effect reducing her actions and subjectivity to *only* “representation.” Second, this discourse of advertising reinforces the relation of the represented woman to the emergence of a commodity culture; in this way, with the crime ballads implicated in the production and distribution of a different generic form of the same crime, what is being commodified here is not only the murderous wife but also the category of criminality itself. Clearly, legal and punitive discourses, directed toward transgressive femininity and situated within a quasi-literary model, were functioning as a type of advertisement for—among other things—new socioeconomic relations. As Nicos Poulantzas has explained, “a juridical ideology written into law becomes the dominant area of ideology in a mode of production in which ideology no longer plays the dominant role.”³⁶ In other words, early discourses of capitalism quickly became naturalized within that mode of production into an expanded notion of legal and juridical regulation and protection. It is in this process that the wife—murderous or not—has become entangled and commodified.

To problematize further the strategic representation and reproduction of Murderous Wives, it is crucial to examine the class-specificity of the ballads. Here as elsewhere, of course, questions of gender are always overdetermined by other competing cultural discourses, and these ballads are insistent on reinscribing discourses of anxiety and mistrust on and about the laboring and merchant classes. For example, Anne Wallen’s husband is specifically referred to as “By trade a Turner”; Joan Flower herself is a servant; Katherine Francis’s husband is “A Taylor by trade,” as is the husband of Margaret Ferneseed; Ann Saunders was married to “a Merchant taylor of London”; and Alice Davies’s husband Henry, as mentioned earlier, was a locksmith. Representing these classes as potentially—and actually—disruptive and violent, and as a site of continual hegemonic contestation, was not new in this historical moment, but, I would suggest, within the cultural shift to a more naturalized capital structure—or a shift from simple market organization to an ideology informed by market concerns—the stakes were clearly changing. One strategy of rendering these classes, and especially the intersections of class and gender, more culturally coherent was to narrativize them, to reformulate them within a literary model which could then be consumed. Significantly, the broadside ballads which claimed to represent laboring-class women were largely consumed by the laboring classes themselves, at least in part because they were so inexpensive; ballads generally cost about a

ha'penny. This very likely had an instrumental or instructional effect, encouraging the lower classes to internalize these broader cultural anxieties about them, and potentially to reproduce these anxieties in their own daily lives. In this way, the ballads functioned as one element in a consensual self-regulation by the lower classes, men and women alike.³⁷ Commenting on the publication of fictionalized scaffold speeches, Foucault claims:

If these accounts were allowed to be printed and circulated, it was because they were expected to have the effect of an ideological control—the printing and distribution of these broadsheets was subject to strict regulation. But if these true stories of everyday history were received so avidly, if they formed part of the basic reading of the lower classes, it was because people found in them not only memories, but also precedents; the interest of 'curiosity' is always a political interest. . . .³⁸

It is this question of curiosity which allowed these representations of crime their particular political instrumentality.

Although the most immediate and recognizable form of this "interested" commodification of crime—which appropriated and re-configured versions of the female body—is the circulation of literatures about specific historical murders, this is only one valence of a much more complex process. Other equally significant valences are, as I have suggested, the consolidation of a more specific model of "mass-audience" for this and other related discourses; the attempt to stabilize and recuperate incoherent legal statuses into the dominant mode of production; and the reformulation of criminality into a type of "spectacle," functioning both as entertainment and as an apparatus of surveillance. Thus, as a model of a regulatory discourse, these crime narratives had to be tested in the market in order to render them less equivocal. The Murderous Wife and her literary representations in early modern society provided, most fundamentally, a site upon which new forms of power and new social relations could be articulated, explored, and challenged.

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Notes

I am indebted to Rosemary Kegl, Tom Hahn, Lynn Arner and Betty Chasan for their helpful and supportive comments and criticisms of this es-

say at various stages of its development. Earlier versions were presented at the Symposium on Women and the Arts in the Renaissance at the National Museum of Women and the Arts, Washington, DC in March 1993 and at the Group for Early Modern Cultural Studies Conference held at Rochester, NY in November 1994.

1. *Middlesex County Records*, ed. J.C. Jeaffreson (London: 1886), III, 107, c. 4.

2. This particular legal move had gained substantial currency by the time of James I, and its use continued to increase throughout the seventeenth century. For a detailed examination, see James Oldham, "On Pleading the Belly: A History of the Jury of Matrons," *Criminal Justice History* 6 (1985): 1–64. According to Oldham, a jury of matrons was impanelled in civil actions to determine paternity, thereby providing a basis for the resolution of inheritance disputes. In criminal actions, and especially the type which this paper focuses on, this jury could, by ruling a defendant "pregnant," allow a stay of execution to be ordered until the "quicken child" was born or miscarried in prison (see also Oldham, "The Origins of the Special Jury," *University of Chicago Law Review* 50 [1983]: 137, and Cynthia Herrup, *The Common Peace: Participation and the Criminal Law in Seventeenth Century England* [Cambridge: Cambridge University Press 1987], x).

Further, Oldham cites J.S. Cockburn's *Introduction to the Assize Calendars* as follows: "About one-half (49.7%) of the women convicted of felony in [this] period pleaded that they were pregnant, and thirty-eight percent successfully maintained that claim. . ." (164).

3. From *A Pepysian Garland: Black-Letter Broadside Ballads of the Years 1595–1639*, ed. H. E. Rollins (Cambridge: Cambridge University Press 1922), 283–87.

4. A very useful synopsis of the ideological functions of coverture is given in Frances E. Dolan, "Home-Rebels and House-Traitors: Murderous Wives in Early Modern England," *Yale Journal of Law and the Humanities* 4 (1992): 1–31. Dolan also suggests that "[t]he heterogeneous narratives of the murderous wife construct the conditions of wifely subjectivity as criminal, because, through violent action, the contradictions of wives' social and legal status erupt as uncontainable." See also her *Dangerous Familiars: Representations of Domestic Crime in England, 1550–1700* (Ithaca: Cornell University Press 1994).

5. Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (NY: Vintage 1977), 28.

6. Peter Stallybrass, "Patriarchal Territories: The Body Enclosed," in *Rewriting the Renaissance: The Discourses of Sexual Difference in Early Modern Europe*, ed. M. Ferguson, N. Vickers, and M. Quilligan (Chicago: University of Chicago Press 1986), 127. As early as the seventeenth century, a man accused of adultery could be prosecuted under statutes treating "trespass," or "breaking the close." This conceptualization persisted until well into the nineteenth century, until modified by the Marriage Reform Act of 1857. See Sir William Blackstone, *Commentaries on the Laws of England*, (Philadelphia: G. W. Childs 1862): 1:442; 2:292, 497.

7. For a detailed analysis, see Paul Hirst, "The Law of Property and Marxism," in *On Law and Ideology* (London: Macmillan 1979), 96–144, espe-

cially 97–99. Also of interest is Alan Hunt, “The Ideology of Law” in his *Explorations in Law and Society: Toward a Constitutive Theory of Law* (NY: Routledge 1993), 117–38.

8. A useful discussion of the function of illegitimacy, its regulation by normative social structures, and its impact on the family as a productive unit is given by David Levine, *Family Formation In An Age Of Nascent Capitalism* (NY: Academic Press 1977), 127–45. Also, for a more general (though not unproblematic) analysis, see Frederick Engels, *The Origins of the Family, Private Property, and the State*, ed. Eleanor B. Leacock (NY: International Publishers 1972), 136–46.

9. Quoted in Dolan, “Home-Rebels and House-Traitors,” 5.

10. See D. E. Underdown, “The Taming of the Scold: The Enforcement of Patriarchal Authority in Early Modern England,” in *Order and Disorder in Early Modern England*, ed. Anthony Fletcher and John Stevenson (Cambridge: Cambridge University Press), 116–36.

11. For a concise though not overly detailed treatment of the statutory evolution of the concept of petty treason, see J. G. Bellamy, *The Law of Treason in England in the Later Middle Ages* (Cambridge: Cambridge University Press 1970), 225–31. He argues that the king’s legal advisers began to emphasize the gravity of the crime while seeking to distinguish between the king and lesser lords as offended parties. Maitland (II, 504) suggested that the distinction was not readily accepted and that “petty treason perpetrated against a lord was but slowly marked off from high treason perpetrated against the king . . .” (Appendix II).

12. John Cowell, *The Interpreter: Or, Booke Containing the Signification of Words* [1607], (Menston: Scolar Press 1972), facsimile, no pagination.

13. J. A. Sharpe, *Crime in Early Modern England 1550–1750* (NY: Longman 1984), 49.

14. See, for example, “The Damnable Practices of Three Lincolnshire Witches” (1619), in H. E. Rollins, *A Pepysian Garland*, 96–103.

15. This, of course, is a greatly reduced version of a much more extensive collection of writings. See, for example, Antonio Gramsci, *Selections From the Prison Notebooks*, ed. and trans. Quintin Hoare and Geoffrey Nowell Smith (NY: International Publishers 1971), and *An Antonio Gramsci Reader: Selected Writings 1916–1935*, ed. David Forgacs (NY: Schocken Books 1988); also, Chantal Mouffe, “Hegemony and Ideology in Gramsci,” in Chantal Mouffe, ed., *Gramsci and Marxist Theory* (London: Routledge, 1979), 168–204; Ernesto Laclau, “Metaphor and Social Antagonisms,” in Cary Nelson and Lawrence Grossberg, eds., *Marxism and the Interpretation of Culture* (Urbana: University of Illinois Press 1988), 249–57.

16. “Anne Wallen’s Lamentacion, for the Murthering of Her Husband . . .” (1616), in H. E. Rollins, *A Pepysian Garland*, 84–88.

17. Christine Lerner, “Crimen Exceptum? The Crime of Witchcraft in Europe,” in *Crime and the Law; The Social History of Crime in Western Europe Since 1500*, ed. V. A. C. Gatrell, B. Lenman, and G. Parker (London: Europa, 1980), 49–75.

18. F. G. Emmison, *Elizabethan Life: Disorder* (Chelmsford: Essex City Council 1970), 53. On this analysis, Catherine Belsey comments that “[this] implies (since acquittals, except in cases of employers murdering their ser-

vants, are rare) that the evidence must have been very slender." See her essay "Alice Arden's Crime," *Renaissance Drama* 13 (1982): 83–102, esp. 89 n. 16, as well as *The Subject of Tragedy: Identity and Difference in Renaissance Drama* (London: Methuen 1985), 129–48.

19. H. E. Rollins, *A Pepysian Garland*; he continues rather innocently in his introduction to "A Warning For Wiues," "[t]here is a remarkable similarity between the murders committed by Mrs. Francis, of this ballad, and Mrs. Davies, of Nos. 49 and 50," 299.

20. Cynthia Herrup, *The Common Peace*, 40 and Table 2.6, 39. Also, J. A. Sharpe claims that "[w]omen constituted 7% of those accused of non-domestic killing, as opposed to 42% of those accused of killing a relative, and 41% of those accused of killing servants or apprentices. . . . [these statistics] do provide prima facie evidence that the role of women in crime, as in other social activities, was a limited and restricted one . . ." Also, "13% of the victims of non-domestic homicide were female; in domestic killings, they comprised 44% of total victims," which clearly indicates that wives (and servants) were far more likely to be the victims of "private" rather than "public" violence. See his essay, "Domestic Homicide in Early Modern England," *Historical Journal* 24 (1981): 29–48, esp. 36 and Table II, 37.

21. H. E. Rollins, *A Pepysian Garland*, 300–301.

22. *Ibid.*, "The Unnatural Wife," 285.

23. *Ibid.*, "Anne Wallen's Lamentacion," 84–88.

24. Michel Foucault, *Discipline and Punish*, 44. For an astute analysis of the representational practices engaged by women's autobiography, of which these staged confessions are a part, see Leigh Gilmore, *Autobiographics: A Feminist Theory of Womens' Self-Representation* (Ithaca: Cornell University Press, 1994), especially 106–30. On the relation of narrative to legal practice, see Kathryn Abrams, "The Narrative and the Normative in Legal Scholarship" in Susan Sage Heinzelman and Zipporah Batshaw Wiseman, eds., *Representing Women: Law, Literature, and Feminism* (Durham: Duke University Press 1994), 44–56.

25. For more on "confession" and ideological control in this period, see L. B. Smith, "English Treason and Confessions in the 16th Century," *Journal of the History of Ideas* 15 (1954): 471–98; Pieter Spriierenburg, "The Watchers: Spectators at the Scaffold," in *The Spectacle of Suffering: Executions and the Evolution of Repression* (Cambridge: Cambridge University Press, 1984), 81–109; J. Lofland, "The Dramaturgy of State Executions" in H. Bleackley and J. Lofland, eds., *State Executions Viewed Historically and Sociologically: The Hangmen of England* (Monclair, NJ: Patterson Smith, 1977), 275–325; and most especially J. A. Sharpe, "'Last Dying Speeches': Religion, Ideology, and Public Execution in Seventeenth Century England," *Past & Present* 107 (1985): 144–67.

There is also an emerging body of criticism on the relation between petty treason and the Renaissance stage. See especially Betty S. Travitsky, "Husband Murder and Petty Treason in English Renaissance Tragedy," *Renaissance Drama* 21 (1990): 171–98; Frances E. Dolan, "The Subordinate('s) Plot: Petty Treason and Forms of Domestic Rebellion," *Shakespeare Quarterly* 43:4 (1992): 317–40, as well as her "Gender, Moral Agency, and Dramatic Form in *A Warning For Fair Women*," *Studies in English Literature* 29 (1989): 202–18.

26. Louis Althusser, "Ideology and Ideological State Apparatuses (Notes Toward an Investigation)" in *Lenin and Philosophy and Other Essays*, trans. Ben Brewster (London: New Left Books 1971), 127–86.

27. The text of the tract is reprinted in Louis Thorn Golding, *An Elizabethan Puritan* (NY: R. R. Smith, 1937), 164–84. Included in this version of the crime is "Anne Saunders Confession as she spake it at the place of Execution" and "The Prayer whiche was said by Anne Saunders at the place of Execution."

28. H. E. Rollins, ed., *Old English Ballads 1553–1625* (Cambridge: Cambridge University Press 1920), 340–48. Compare these accounts with the "official" documentation in J. R. Dascent, ed., *Acts of the Privy Council* (London 1894), 8:91, 92, 94, 105, 121.

29. Ed. J. P. Collier (London: Shakespeare Society, 1851), 78–80.

30. See Charles Dale Cannon, ed., *A Warning For Fair Women* (The Hague: Mouton, 1975); see also Dolan, "Gender, Moral Agency, and Dramatic Form," *passim*.

31. Quoted in Rollins, *Old English Ballads*. See also Joseph H. Marshburn, "'A Cruell Murder Done In Kent' and Its Literary Manifestations," *Studies in Philology* 46 (1949), 131–40, and *Murder and Witchcraft in England 1550–1640* (Norman: University of Oklahoma Press 1971), 35–38.

32. Belsey, "Alice Arden's Crime," 101.

33. Natascha Würzbach, *The Rise of the English Street Ballad 1550–1650* (Cambridge: Cambridge University Press 1990), 19. See especially 13–38.

34. Tessa Watt, *Cheap Print and Popular Piety 1550–1640* (Cambridge: Cambridge University Press 1991), 322. See also her remarkable genealogy of the ballad publishers, arranged by both apprenticeships and kinships, 276–77, Fig. 6.

35. Rollins, *A Pepysian Garland*, 96–103.

36. From his essay "Law" in *Marxism and Law*, ed. Piers Birne and Richard Quinney (NY: John Wiley 1982), 185–95. See also Poulantzas, *State, Power, Socialism* (London: New Left Books 1978).

A remarkable demonstration of the intersections of juridical and economic ideologies is recorded by Sharpe, specifically in reference to the disposition of the executed body: "The custom of giving the corpse of the deceased to the medical profession for dissection, a frequent cause of riot in the eighteenth century, was already current in the seventeenth, and as early as 1635 we read of the body of an executed murderer being 'conveied to Barber Surgeons Hal for a skeleton'." Also, a seventeenth century ballad "celebrated the 'Frolick' of a highwayman named Summers, who was condemned at the Aylesbury Assizes. After sentence of death, Summers sold his body to a surgeon for 8s., 'to be made an anatomy of after it was hanged' and then 'drank all out the money in wine before he was executed . . .'" (J. A. Sharpe, "Last Dying Speeches," 149 and n. 20).

37. For more extended treatments of this, see Watt, *Cheap Print*, 11–38; G. A. Cranfield, *The Press and Society: From Caxton to Northcliffe* (London: Longman 1978), 1–30; and especially Margaret Spufford's very useful *Small Books and Pleasant Histories: Popular Fiction and Its Readership in Seventeenth-Century England* (London: Methuen, 1981), 1–18 and 45–82.

38. Foucault, *Discipline and Punish*, 67–68. See also Sharpe, “Last Dying Speeches,” 147–48, as well as “Elite Perceptions and Popular Images” in *Crime In Early Modern England 1550–1750*, 143–67.