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RECONSTITUTING PATRIARCHY: A STUDY OF THE
CRIMINALIZATION OF INFANTICIDE IN EARLY MODERN ENGLAND

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INTRODUCTION
EXPLORING THE INTERPRETATIONS OF INFANTICIDE IN
MEDIEVAL AND EARLY MODERN ENGLAND

A crowd gathered at Oxford castle on December 14, 1651 to witness the execution of a young woman, Anne Greene, who had been convicted of killing her fetus. Prior to conviction, the twenty three year old servant worked in the house of Sir Thomas Read of Duns-Tew, an ancient village of Northern Oxfordshire. Thomas Read's grandson, Jeffrey, seduced Anne, and the two engaged in an illicit affair. As a result of their relationship, Greene became pregnant with Jeffrey's child, and about eighteen weeks after conceiving the infant, she felt sharp pains in her abdomen while she toiled in the field. She left her work and went to the privy where she allegedly delivered a fetus. Overcome by shame and guilt, she hid the dead infant placing it in a corner and covering it with dust and ashes. Neighbors discovered the infant and accused Anne of murdering her neonate, so she stood trial before the Oxford assizes. Although the surviving account claims that Greene delivered a dead fetus, as historians, we have no way of assessing whether or not this actually was the case. Regardless, the justice of the peace charged Anne with infanticide under a statute which had been passed in 1624 entitled "An Act to Prevent the Murthering of Bastard Children". This statute established that if it could be proved that an unmarried woman concealed the death of her newborn infant, she could be convicted of infanticide on the basis of this evidence alone.

On the day of her execution, Greene appeared solemn and contemplative. The audience watched her hang from the gibbet, and according to a surviving account from the event, she remained hanging for approximately half an hour because she simply would not die. In an attempt to hasten her death, her friends tugged on her feet to break her neck, to no avail. When witnesses finally thought she had passed on, a group of men cut her down from the scaffold and placed her in a coffin. Looking to dissect her body, physicians uncovered the coffin only to discover that Anne Green was still breathing. Her miraculous survival was said to be a sign of her innocence, so she was exonerated from the charge.¹ Greene's exceptional story raises a number of questions regarding infanticide and its interpretation in early modern England. The legislation upon which this case rests forces us to probe the culture of this period in order to understand why the law presumed that single women murdered their infants.

The killing of infants has been practiced throughout the ages and continues to be practiced today. Anthropologists, for instance, have suggested that Paleolithic parents could possibly have eliminated up to 50 percent of female infants.² Moreover, the Greek mythic figure, Medea, comes to mind when discussing infanticide as her actions speak to the prevalence of this custom. In premodern England, cases of infanticide did not engender much attention from the courts; in fact, it is difficult to find definitive categorization of neonate murder

¹ Watkins, Richard. Newes From the Dead. Oxford: Printed by Leonard Lichfield, 1651.

² Hoffer, Peter C., and N.E.H. Hull. Murdering Mothers: Infanticide in England and New England 1558-1803. New York: New York UP, 1981. 3.

as there seemed to be some hesitation in categorizing infanticide as an act of homicide. The king's courts which dealt with criminal matters did not oversee most neonate murders; instead, ecclesiastical courts, which typically supervised personal conduct and morals, adjudicated infanticide cases. The prosecution of infanticide changed dramatically during the early modern period. Common law courts began to encroach upon and thereafter to usurp the jurisdiction of church courts thus making infant murder an offense punishable by death.

These changes coincided with a rise in the number of infanticides cases adjudicated by common law courts, and more women were being convicted of the crime. Mark Jackson cites an astounding statistic: "In Essex, between 1620 and 1680, over 40 per cent of accused women were hanged for the crime [infanticide], a figure well in excess of both execution and conviction rates for general homicide in the same courts."³ The criminalization of bastardy and poverty during the early modern period brought attention to the crime of infanticide. Manifestation of this concern came in the form of the bills of bastardy. Passed in 1576, the first bill of bastardy punished parents of illegitimate children who burdened the parish by thrusting their infants upon local charity. Under James I, Parliament passed another statute in 1610 which included a provision stating that a woman who bore a bastard could be sent to gaol. The state rendered bastardy a criminal act worthy of punishment. Already, we see a shift in responsibility from

³ Jackson, Mark. "Suspicious Infant Deaths: the Statute of 1624 and Medical Evidence At Coroners' Inquest." Legal Medicine in History. Ed. Michael Clark and Catherine Crawford. Cambridge: Cambridge UP, 1994. 64-86. 69

the first bill of bastardy which charged both parents with responsibility for having an illegitimate child to the second statute which holds the woman as solely responsible. By cultivating an environment hostile to poor women who bore bastard children, infanticide may have provided a means to escape public humiliation and punishment. Historians have contended that these bills of bastardy helped to pave the way for the passage of the statute mentioned earlier “An Act to prevent the Murthering of Bastard Children” in 1624. Prior to the statute of 1624, a woman charged with infanticide was tried in accordance with common-law rules of evidence. These laws demanded proof that the infant had been born alive. The 1624 statute reversed this rule by establishing that proof of concealment of the dead infant was enough to secure a conviction.⁴ The first chapter will attempt to contrast the medieval interpretation of infanticide with the legislation under which Anne Greene’s case was prosecuted.

In addition to statutory evidence, an analysis of coroners’ indictments helps us to quantify early modern attitudes to infanticide. Chapter two will examine Sussex coroners’ indictments from 1485 to 1688 in order to demonstrate this dramatic increase in cases of neonate deaths believed to be murders. In order to fully assess this spike and its reasons and explanations, it may be useful to look at the history of the Office of the Coroner to see what changes may have influenced a rise in cases. Bureaucratic changes in the Office of the Coroner may

⁴ Ibid, 66.

have also precipitated more vigorous investigation of infant deaths as a result of this growing suspicion with regards to poor, single women.

There are limits to what can be learned from common law records, so chapter three will probe narrative forms, like murder pamphlets and trial records in order to better understand how people were conceptualizing the crime of infanticide. Cheap and easy to disperse, these pamphlets provide exaggerated accounts of remarkable occurrences. With regards to infanticide, these pamphlets often demonize women and attack their authority as mothers. Although the veracity of these stories remains questionable, these writings reflect the environment in which they were produced, and they offer a glimpse into the culture of early modern England by capturing the way people were conceptualizing female criminal behavior.

Natalie Zemon Davis, in her work on letters of remission, has dealt with primary texts which tend to obfuscate fiction and reality. In her introduction to *Fiction in the Archives*, she tells the reader:

And in the diverse efforts to define the character of historical narrative, I think we can agree with Roland Barthes, Paul Ricoeur and Lionel Gossman that shaping choices of language, detail, and order are needed to present an account that seems to both writer and reader true, real, meaningful, and/or explanatory.⁵

When constructing a narrative about the history of infanticide in early modern England, it may be useful to include these exaggerated stories which paint a

⁵ Davis, Natalie Z. *Fiction in the Archives: Pardon Tales and Their Tellers in Sixteenth-Century France*. Stanford: Stanford UP, 1987. 3.

skewed picture of women. By examining the overtly misogynist language, we may be able to discern the motivation for treating women so harshly and perhaps even unjustly.

Trial records also allow us to glean information about infanticide by demonstrating the narrative strategies used in court to talk about a particular crime, and this essay examines eighteenth century infanticide cases tried at the Old Bailey—the central court of London and the county of Middlesex. The cases came under the legislation of the statute of 1624 and evidence the impact of this statute and how it shaped the experiences of women in early modern England. When reading depositions provided by witnesses, we should take them with a grain of salt, since the structures within which these legal processes occur dictate what narratives can be told. Nevertheless, they are worthy of analysis as they provide yet another dimension to our understanding of neonate murder.

The conclusion will gather all the evidence discussed in order to discern some explanation as to why infanticide garnered so much attention in early modern England. It will also assess the effects of this heightened anxiety on the lives of early modern women. My ultimate aim, however, will be to demonstrate that this moment in history has relevancy today. We live in a society which continues to wrestle with the question regarding reproductive rights, and it becomes easy to think that these debates occur in a vacuum. For many of us, our understanding of the issue of reproductive rights begins with *Roe v. Wade*. I would argue that these issues go back even farther to Anne Greene and early

modern England. By examining the criminalization of infanticide in early modern England, I will reconstruct a history which provides insight into the lives of the mundane and to demonstrate that an understanding of the vicissitudes of women in early modern England may provide us with a more intimate awareness and a clearer perspective of the society of which we are a part.

CHAPTER ONE
**“AN ACT TO PREVENT THE DESTROYING AND MURDERING OF
 BASTARD CHILDREN”:** CONTRASTING THE MEDIEVAL
 INTERPRETATION OF INFANTICIDE WITH THE STATUTE OF 1624

In his article “Infanticide in the Province of Canterbury during the Fifteenth Century”, R.H. Helmholz states that the basic law of the Church regarding infanticide was established by Gratian’s *Decretum* (1140) and the *Decretals of Pope Gregory IX* (1234) which prescribed penances to those convicted of infanticide. Moreover, synodal legislation which governed individual provinces and dioceses also established a punishment for those charged with infanticide.⁶ Cases of infanticide in medieval England often came in the form of overlaying—the act of smothering a child presumably while sharing a bed. For instance, in 600, Columban an Irish missionary and monastic established the following penance for overlaying: the offender would be sentenced to a year on a diet of bread and water and an additional two years without wine and flesh. If a married couple was convicted of overlaying, they “were to refrain from sexual relations during the penance period—an appropriate punishment of sorts, but also, perhaps indirectly a good way to postpone the repetition of the sin.”⁷ This punishment eventually became the standard as outlined in penitentials.⁸

Helmholz who studied *ex officio* Act books also noted that a large portion of prosecutions dealing with infanticide included cases of suffocation of an infant.

⁶ Helmholz, R.H. "Infanticide in England." *History of Childhood Quarterly* 2 (1975): 379-390. 378.

⁷ Kellum, Barbara A. "Infanticide in England." *History of Childhood Quarterly* 1 (1974): 367-388. 369.

⁸ *Ibid*, 370.

Generally, this suffocation occurred in bed suggesting that these were instances of overlaying. But he argued the following:

[T]hese prosecutions for infanticide by overlaying contained no allegation of intent to kill. Nor did any of the defendants plead lack of volition to escape punishment. Purely accidental death which occurred because the accused had been careless or negligent was culpable. It was enough that the child had been killed through the fault of the accused.⁹

In this excerpt, Helmholz suggests that the death a child was punishment in itself, so ecclesiastical courts did not need to prescribe severe penalties. Furthermore, parents in medieval England were faced with the reality that accidents could happen and children died. Ecclesiastical courts still punished the negligence of the parents; however, these did not warrant the same type of punishment as murder with malicious intent.

Helmholz goes on to argue that this attitude towards the overlaying demonstrates a concern with the sin of the parent along with the safety of the child. If the sin of the parent was the only concern, then it would be unnecessary to punish unintentional murders. By chastising negligent parents, it also shows an interest in ensuring the baby's safety by making it a point to expose the failings of bad parents.

Negligence was not the only cause of neonate deaths, and in medieval England, ecclesiastical courts adjudicated cases which involved the intentional murder of an infant. Such cases demanded a different sort of punishment, and

⁹ Helmholz, RH. "Infanticide in England." History of Childhood Quarterly 2 (1975): 379-390. 378.

Barbara Kellum has outlined types of penances which may have been prescribed. Theodore Archbishop of Canterbury 668-690, for example, “equated child murder with homicide and prescribed a fifteen-year penance; but significantly, he also stipulated that if a woman who slew her own child was poor, the penance could be reduced to seven years.”¹⁰ Similarly, Kellum goes on to explain:

[I]n an eighth-century penitential attributed to Bede, the penance was to be that of a murderess: ‘But it makes a great difference whether a poor woman does it on account of the difficulty of supporting the child or a harlot for the sake of concealing their wickedness.’¹¹

The conditions associated with these penances evidence both compassion and a realization of a connection between poverty and infanticide. This is a concession, as well, to the reality that women bore much of the responsibility of raising an illegitimate child, and these social and economic factors could compel a mother to kill infants which she could not support. Kellum expounds upon this point: “In general...it was the mother’s responsibility to take care for the illegitimate child up to and including paying a childwite fine for having bore a child out of wedlock; under the circumstances the temptation to rid oneself of such a burden must have been great.”¹² Ecclesiastical law recognized that the state of destitution could be accepted but not condoned as motivation for killing an infant. That is, it served as a mitigating factor in the sentencing process of cases involving poor women wherein punishment was significantly reduced.

¹⁰ Kellum, Barbara A. "Infanticide in England." *History of Childhood Quarterly* 1 (1974): 367-388. 369

¹¹ Ibid, 369.

¹² Ibid. 378.

Both Barbara Kellum and RH Helmholtz argue that overall medieval church courts treated neonate murder fairly mildly. Despite evident leniency, infanticide aroused public anger when Jews were allegedly responsible for carrying out such acts. For instance, in 1244, a baby's body that was discovered in a London churchyard "was said to bear strange marks on it, recognized by some convenient pious converts as Hebrew."¹³ Incidents of neonate murder as perpetrated by Jews were associated with secret rituals which involved sacrificing infants or children. Although these acts did spark moral outrage, such incidents were deemed to be aberrations. To the modern historian, infanticide and its connection to anti-Semitism evidence a concern over the otherness of diverging religious sects rather than a concern over the safety of infants. By exposing the imagined cultural practices of a marginalized group, this technique helped secure the dominance of the majority. Neonate murder served the purpose of alienating different groups, and in medieval England, allegations of infanticide targeted and marginalized the Jews. In early modern England, however, this crime no longer focused on Jews it focused on women, single women, in particular.

The Elizabethan era marked an astounding shift in prosecution patterns of infanticide as common law courts began to encroach upon and later on usurp the jurisdiction of church courts making infant murder an offense punishable by death. In the late sixteenth century, we see a tremendous spike in the number of infanticide cases presented at common law courts—a point made clear by Hoffer

¹³ Ibid, 376.

and Hull who note 225 percent increase in prosecutions following 1576.¹⁴ This problem of infanticide gains currency during this period due in large part to its inexorable association with bastardy—a crime which spoke of moral degradation and inappropriate personal conduct on the part of the parents especially the woman. Although it may have been practiced as a form of birth control among married couples, infanticide was more often attributed to couples participating in sexual relations outside the institute of marriage, and the byproduct of these illicit affairs were unwanted, illegitimate children.

Such sinfulness and iniquity demanded a more severe and lasting punishment in order to ensure and protect the moral well-being of the immediate community and the nation at large, and thus, anxieties regarding the social, economic, and legal repercussions of bastardy and infanticide culminated in the passage of “An Act to prevent the Murthering of Bastard Children”, a statute which made the concealment of the death of an infant born to an unwed mother sufficient evidence for infanticide. By modern standards, such a statute seems incredibly unjust; guilt was practically assumed, since conviction could be assured based solely on circumstantial evidence. Nevertheless, in its social and legal contexts, the statute of 1624 speaks to larger issues being dealt with during the early modern period, in particular the desire to regulate personal conduct. As we will see, however, this statute may also hint at other issues such as the punishment of *unmarried* women. Authors like Peter Hoffer , N.E.H Hull, and

¹⁴ Hoffer, Peter C., and N.E.H. Hull. Murdering Mothers: Infanticide in England and New England 1558-1803. New York: New York UP, 1981. 8.

Mark Jackson have noted the manner in which this statute criminalizes maternal agency.¹⁵

The Statute of 1624

Parliament heard bills regarding infanticide in 1606-7 and 1610, yet despite their presentations to MPs, it was not until 1624 that a statute dealing with this crime was successfully passed.¹⁶ Much of the literature on 1624 parliamentary proceedings deals with the proposed Spanish match in which Prince Charles, the son of James, would propose marriage to Infant Maria, the daughter of Phillip III of Spain. This was a hotly debated topic as it raised serious concerns about England's foreign relations along with the religious anxieties associated with marrying a Catholic. Concern over foreign relations overshadowed the infanticide act as evidenced by major diaries of MPs failing to mention this statute.¹⁷ Despite this point, Parliament continued to maintain an interest in ensuring proper personal behavior which could help to explain the passage of this statute. This anxiety over the regulation of public behavior may be attributed to the influence of the Puritans. Of the 21 members of the House of Commons, several were well-known for their Puritan leanings—for example, William

¹⁵ Jackson, Mark. New-Born Child Murder: Women, Illegitimacy and the Courts in Eighteenth-Century England. Manchester: Manchester UP, 1996.; Hoffer, Peter C., and N.E.H. Hull. Murdering Mothers: Infanticide in England and New England 1558-1803. New York: New York UP, 1981. 8.

¹⁶ Wrightson, Keith. "Infanticide in Earlier Seventeenth Century England." Local Population Studies 15 (1975): 10-22. 11.

¹⁷ Hoffer, Peter C., and N.E.H. Hull. Murdering Mothers: Infanticide in England and New England 1558-1803. New York: New York UP, 1981. 8.

Lytton, Francis Barrington, George Moore, Alexander St. John, Thomas Grimes, and Nathaniel Rich. We may infer that a law punishing infanticide attracted their attention since “Puritans feared the concealment of a ‘hardened heart,’ the sinfulness of women, and the immorality of the idle.”¹⁸ Infanticide would, indeed, constitute a sin worth punishing most severely.

An analysis of the language of the statute is integral to understanding its implications for the lives of women in early modern England. The text of the statute is as follows:

WHEREAS, many lewd women that have been delivered of bastard children, to avoid their shame, and to escape punishment, do secretly bury or conceal the death of their children, and after, if the child be found dead, the said woman do alledge, that the said child was born dead; whereas it falleth out sometimes (although hardly is it proved) that the said child or children were murdered by the said women, their lewd mothers, or by their assent or procurement:

II. For the preventing therefore of this great mischief, be it enacted by the authority of this present parliament, That if any woman after one month next ensuing the end of this session of parliament be delivered of any issue of her body, male or female, which being born alive, should by the laws of this realm be a bastard, and that she endeavour privately, either by drowning or secret burying thereof, or any other way, either by herself or the procuring of others, so to conceal the death thereof, as that it may not come to light whether it were born alive or not, but be concealed: in every such case the said mother so offending shall suffer death as in case of murther, except such mother can make proof by one witness at the least, that the child

¹⁸ Hoffer, Peter C., and N.E.H. Hull. Murdering Mothers: Infanticide in England and New England 1558-1803. New York: New York UP, 1981. 23.

(whose death was by her so intended to be concealed) was born dead.¹⁹

From the text, we may be able to discern the motivation for its passage. Firstly, it speaks to the difficulty of finding evidence to prove whether or not an infant was born dead or alive. Whereas premeditated and negligent homicide were not clearly defined under the ecclesiastical courts, this statute makes clear that concealment will be treated as if malicious intent were involved. Mark Jackson provides yet another interesting explanation for the construction of the 1624 statute citing Daines Barrington—a barrister and Recorder of Bristol during the eighteenth century. He claimed that “the statute owed much to the admiration with which James I regarded Danish law, which at that time included a provision whereby ‘the same presumption from concealing the approaching birth, is made the offence itself, and punished capitally’.”²⁰

What is remarkable about this piece of legislation is that it reversed English common law rules of evidence. Rather than having to prove that a person was murdered, the statute set a legal precedent whereby concealment of a baby’s death was sufficient evidence to secure conviction. Although by modern standards, concealing the death of a child would be considered somewhat suspicious it would still seem unreasonable to presume the mother had necessarily committed infanticide based on concealment alone. Yet the idea that concealment could be used to implicate a defendant was not a complete departure from English

¹⁹ 21 Jac. I c. 27.

²⁰ Jackson, Mark. New-Born Child Murder: Women, Illegitimacy and the Courts in Eighteenth-Century England. Manchester: Manchester UP, 1996. 35.

precedent. Hoffer and Hull explain further: “concealment of death was a crime in itself as early as Saxon times. It was proscribed in *morth*, the Saxon law of murder, and the proscription was repeated in the earliest forms of the Norman *lex murdrum*. To conceal or refuse to reveal the presence of a corpse was a capital offense. The relationship between concealment and secret murder was antiquated in common law by 1624, but not dead.”²¹

The case commonly referred to as “the kite case” is another example of a legal precedent which may have been partly responsible for the nature of the 1624 statute. In 1584, Richard Crompton, a legal writer, added a case to Anthony Fitzherbert’s legal manual *L’Office et Auctoritie de Justices de Peace* (1538). The additional case Crompton provided recounted an incident which involved a single woman who murdered her five-week-old baby. Crompton wrote “A harlot is delivered of an infant which she puts alive in an orchard and covers with leaves, and a kite strikes at it with its talons, whereby the infant soon dies, and she is arraigned for Murder and executed at Chester circa 2. Eliz. As I am credibly informed, because she intends to kill it this way.”²² Although written 40 years prior to the 1624 statute, Crompton’s case does speak to issues regarding illegitimacy, concealment, and guilt.

The accusatory and vindictive tone of both the 1624 statute and “the kite case” suggest that unmarried women participating in illicit affairs were

²¹ Hoffer, Peter C., and N.E.H. Hull. Murdering Mothers: Infanticide in England and New England 1558-1803. New York: New York UP, 1981. 26.

²² Sir Anthony Fitzherbert and Richard Crompton, L’Office et Auctoritie de Justices de Peace from Jackson, Mark. New-Born Child Murder: Women, Illegitimacy and the Courts in Eighteenth-Century England. Manchester: Manchester UP, 1996. 35.

particularly despised at the time. Prosecuting women charged with infanticide prior to 1624 was, indeed, a difficult task to carry out as it was often impossible to prove that a baby had been born alive if a witness was not there. The defendant could make the argument that they had prepared for the child's birth which could potentially counteract the presumption of guilt based on concealment; nevertheless, the jury could still use their discretion in deciding such cases, but a witness who could attest to the fact that a child was delivered stillborn was more convincing than the preparation argument.

Over sixty years later, writing in defense of the 1624 statute, Zachary Babington, an associate clerk of assize on the Oxford circuit with twenty years of experience, addressed this issue of women who delivered bastard children without the presence of a midwife. In his Advice to Grand Jurors in Cases of Blood (1676), Babington argued that “contrary to the Custome of honest and innocent women (who always desire help in their labour) chuseth to be delivered alone, this Statute puts the proof upon her (if she will avoid so strong a presumption of Murther) to be sure to have one witness to prove the child was born dead.”²³ According to Babington, it is reasonable to assume that only ‘lewd’ and wanton women will conceal the birth of bastard children for it is custom to have at least one person aid in the birthing of a child.

Hoffer and Hull along with Mark Jackson pick up on the point that immoral, single women were targeted by the 1624 statute. By emphasizing lewd

²³ Babington, Zachary. Advice to Grand Jurors in Cases of Blood. 1676.

women as perpetrators of crimes of infanticide, illegitimacy, murder, and concealment became inexorably associated. Following 1624, “The majority of women accused of murder were indicted as unmarried women and the majority of the children allegedly killed were described as bastards in the court records.”²⁴ This point also reflects the potency of this legislation, but these authors fail to provide an explanation as to why unmarried women were being singled out by such legislation. Joan Kent provides further elucidation of the nature of this legislation as noting that it was a part of a series of statutes dealing with the regulation of individual behavior. Although she does not deal directly with the passage of the 1624 statute, she does provide a broader explanation for all of the personal conduct statutes being passed during this period. Kent argues:

[T]he regulation of social conduct and the amendments to the bills seem to reveal a society in which gentlemen felt a threat their social and political positions...If any one concern dominated the attitudes of members of the Elizabethan and early Stuart house of commons to the regulation of social conduct, it was the fear that they would be deprived of the authority and privileges commensurate with their social position and their own conduct might thus be subject to regulation.²⁵

It appears that members of parliament recognized the reasonably tenuous nature of their power and authority, and legislation like the statute of 1624 attempted to reaffirm their positions of authority in society. This specific statute also suggests

²⁴ Jackson, Mark. New-Born Child Murder: Women, Illegitimacy and the Courts in Eighteenth-Century England. Manchester: Manchester UP, 1996. 36.

²⁵ Kent, Joan. "Attitudes of Members of the House of Commons to the Regulation of 'Personal Conduct' in Late Elizabethan and Early Stuart England." Bulletin of the Institute of Historical Research XLVI (1973): 41-71. 62.

that single women who chose to participate in illicit sexual relations may have posed some threat to social order and custom.

Bills of Bastardy

Bills leading up to the 1624 statute dealt primarily with bastardy rather than infanticide, and the argument can be made that lawmakers were more concerned with the economic repercussions of bastard children on the wealth of the parish. The first of these statutes was passed in 1576—“An act for setting the poor to work and avoiding idleness contained clauses for the punishment of bastardy.”²⁶ The act reads as follows:

For some better Explanacon and for some nedefull Addiccon to the Estatute concerning the punishment of Vacabound and Releife of the Poore, made in the Session of Parlyament houlden the fourtenth yere of the Queenes Ma^{ties} Raigne ; Bee yt ordeyned declared and enacted by Auctoritye of this psent Parlyament, in Manner and Fourme following, That ys to saye ; First, concerning Bastard begotten and borne out of lawfull Matrimonye (an Offence against God Lawe and Mans Lawe,) the said Bastard being now lefte to bee kepte at the Chardg of the Parishe where they bee borne, to the greate Burden of the same Parishe and in defrauding of the Releife of the impotente and aged True Poore of the Same Parishe, and to the evell Example and Encouradgement of lewde Lyef: It ys ordeyned and enacted by the Aucthroytye aforesaid, That two Justic[e] of the Peace, whereof one to be of the Quorum, in or nexte unto the Limit where the Parishe Churche ys, wthin w^{ch} Parish suche Bastarde shalbee borne, (upon Examinacon of the Cause and Circumstance,) shall and maye be their discretion

²⁶ Ibid, 68. (18 Eliz. I c.3)

take Order aswell for the punishment of the Mother and reputed Father of suche Bastarde Childe, as also for the better Releefe of everye suche Parishe in part or in all ; and shall and maye lykewyse be lyke discretion, take order for the kepinge of everye such Bastarde Childe, by chardging suche Mother or reputed Father wth the paymente of Monie Weekly or other Sustentacon for the Releefe of suche Childe, in suche wise as they shall thincke meete and convenient : And yf after the same order by them subscribed under their Hand any the said psones, viz. Mother or reputed Father upon Notyce thereof shall not for their parte observe and pfourme the said Order, That then everye such partye so making Defaulte in not pfourminge the said Order , to bee committed to Warde to the Common Gayle, ther to remaine wthout Bayle or Maineprise, excepte hee shee or theye shall put in sufficient Suertye to pfourme the said Order, or els psonally to appeare at the next Generall Sessions of the Peace to be holden to that Countye where suche Order shalbee taken, and also to abyde such Order as the said Justices of the Peace or the more parte of them then and there shall take in that Behalfe (yf theye then and there shall take any,) And that yf at the said Sessions the said Justic[e] shall take no other Order, then to abyde and pfourme the Order before made as ys abovesaid.

Two JPs empowered to make orders for Punishment of the reputed Parents of Bastard Children, and the maintenance of such children by their Parents. Parent not obeying such order shall be committed.²⁷

This piece of legislation “punished parents of illegitimate children who ‘defrauded’ the parish of its capacity to relieve the ‘true poor’ by thrusting destitute infants upon local charity.”²⁸ Blame was placed on both the father and

²⁷ 18 Elizabeth c. 3 (1575-1576)

²⁸ Hoffer, Peter C., and N.E.H. Hull. Murdering Mothers: Infanticide in England and New England 1558-1803. New York: New York UP, 1981. 13.

the mother; however, the women still occupied the weaker position. She was forced to reveal the identity the father of the child, so that he could be charged with compensating the parish for his infant's burden on the community. If the parents chose not to comply with this demand, they could face corporeal punishment and be sent to the gaol. Destitute women usually faced public humiliation once word of their transgression was revealed to the community whereas propertyless fathers typically fled the community to avoid payment and public disgrace.

In 1610, under James I, parliament passed another statute regarding the punishment of bearers of bastard sons and daughters, an "An Act for the due Execution of Divers Laws and Statutes heretofore made against Rogues, Vagabonds and sturdy Beggars, and other Lewd and Idle Persons contained a provision that any lewd woman having a bastard chargeable to the parish could be sent to a use of correction for a year and if she offended again she was to be sent such an institution until she produced securities for her good behaviour."²⁹ This law states:

And because great charge arriseth upon many places within this Realme by reason of Bastardie, besides great Dishonor of Almightye God ; Be it therefore enacted by the authorities aforesaid, That every lewde Woman wch after this Prsent Session of Parliament, shall have any Bastard wch may be chargeable to the Parish, the Justices of the Peace shall comitt such lewde Woman unto the House of

²⁹ Kent, Joan. "Attitudes of Members of the House of Commons to the Regulation of 'Personal Conduct' in Late Elizabethan and Early Stuart England." Bulletin of the Institute of Historical Research XLVI (1973): 41-71. 69.

Correccion, there to be punished and sett on worke during the terme of one whole yere ; And if shee shall eftsons offend againe, that then to be committed to the saide House of Correccion as aforesaid, and there to remaine until shee can put in good suerities for her good behavior not to offend so againe.³⁰

Whereas the statute passed under Elizabeth dealt with the punishment of both mothers and fathers, this focuses attention more specifically on the mother. The statutes of 1576 and 1610 were referred to as “poor laws” as they were passed in order to control the number of illegitimate children being born as they were burdening the parish. Hoffer and Hull claim that parliament prodded justices of the peace to pursue cases regarding bastardy thus providing local officials with an incentive to prosecute such cases. But, ultimately, the poor laws worked to systematically criminalize sins of the flesh by punishing bearers of illegitimate children. Commenting on the 1576 statute Mark Jackson notes, “This asymmetry in the treatment of men and women, evident in both law and in parochial practice, can be interpreted as a manifestation of a double standard that was applied to male and female sexual experience[.]”³¹ We may push Jackson’s line of thinking to suggest that there was asymmetry in the treatment of married and single women under these laws which only worked to encourage the maltreatment of unmarried women who bore illegitimate children.

³⁰ 7 James I c.3

³¹ Jackson, Mark. New-Born Child Murder: Women, Illegitimacy and the Courts in Eighteenth-Century England. Manchester: Manchester UP, 1996. 30.

The bills of bastardy helped to cultivate a culture hostile to unmarried mothers and to contribute to the anxiety regarding neonate murder. We should keep in mind that the overwhelming concern over infant murder evidenced during the early modern period is the first in England's history, yet people had certainly practiced infanticide long before the reign of Elizabeth I. In order to better understand the reasons for pursuing infanticide cases more vigorously and the subsequent passage of the 1624 statute, it is necessary to examine the broader changes going on in Tudor and Stuart England. Arguably, the Protestant Reformation and the rise of Puritanism may be considered two factors responsible for shaping the manner in which the Church and State regulated personal conduct to prevent social discord.

Tudor governments had consistently taken great care in fostering a sense of obedience and loyalty to the Crown by employing propaganda techniques which associated religious piety to morality and political obligation. Diarmaid MacCulloch and Anthony Fletcher provide an example of this as they underscore the importance of traditional codes of behavior which demanded allegiance to the supremacy of God and the monarchy. These take shape in the form of the theory of obligation and the doctrine of the Great Chain of Being. The former took its roots from Paul's Epistle to the Romans and underscored a theory of non-resistance as opposed to obedience for the monarch must accept the notion that

“[I]t might be the will of God that a sinful man should suffer under tyrants.”³²

The latter offered one of the most convincing arguments for a theory of non-resistance because it emphasized not only the authority of greater men but also the interdependence which allowed social cohesion while England's social structure remained highly stratified and unequal due in part to this firm belief in obligation and submission. But the Protestant Reformation and Puritan movement reaffirmed the importance of abiding by these traditional codes while also introducing further doctrinal reform to engender decorum in the realm.

We may explore the correlation between the policing of incontinence and the rise of Puritanism in order to understand the passage of legislation dealing with incontinence. Beginning with Henry VIII, royal courts began to pursue cases regarding sexual excess since it was seen as immoral and threatened the establishment of a godly commonwealth. In the period between Elizabeth's religious settlement of 1559 and the outbreak of the English Civil War, English Puritanism played a serious role in agitating leaders of the English church and government. Christopher Durston and Jacqueline Eales, in their article regarding the ethos of Puritanism, astutely point out, “During the first 30 years of Elizabeth I's reign puritans were commonly identified as those most actively involved in the vigorous political campaign being waged in pulpit, press and parliament to bring about reformation of both the organizational structure and the liturgy of the newly

³² Fletcher, Anthony and Diarmaid MacCulloch. Tudor Rebellions. Pearson Education Limited: 1983. 8.

established English Protestant church.”³³ But their involvement extended beyond reformation of the liturgy.

Dissatisfied with the church reforms instituted by both Edward and Elizabeth, the early Puritans were skeptical as to whether the religious policy of the Church of England was actually conforming to biblical standards. Although protestant conformists and nonconformists alike recognized the supremacy of the biblical authority, the Puritans argued that implicit instructions did exist in the New Testament which detailed the creation of a new church. Furthermore, any reforms being made had to abide by the rules outlined in Scripture. As Patrick Collinson explains, “Where human authority failed to conform with the general implication of scripture as expounded and applied by the preacher, it must be resisted.”³⁴ And according to these zealous Christians, the course of action being pursued by both monarchs failed to conform to what had been outlined in this vital religious text. Church reforms, in their minds, were used as a means of political expediency rather than actual doctrinal reform. The political potency of the Puritans increased following Elizabeth’s reign.³⁵

Judicial attention to cases regarding personal conduct grew as legislative and administrative bodies become more interested in ensuring obedience from the commonwealth. Crimes of sexual excess were not the only types of sin that were

³³ Durston, Christopher and Jacqueline Eales. “Introduction: The Puritan Ethos, 1560-1700” from ed Christopher Durston and Jacqueline Eales The Culture of English Puritanism, 1560-1700. Macmillan Press: London, 1996. 4.

³⁴ Collinson, Patrick. The Elizabethan Puritan Movement. Trinity Press: London, 1967. 27.

³⁵ Hoffer, Peter C., and N.E.H. Hull. Murdering Mothers: Infanticide in England and New England 1558-1803. New York: New York UP, 1981. 22.

being combated at this time. The personal control laws of the Elizabeth and early Stuart parliaments also dealt with issues regarding “apparel, drunkenness, swearing...absence from church and the profaning of Sabbath.”³⁶ Malcolm Gaskill captures the ethos of this reform movement stating “Increased emphasis on the autonomy of God as both author and judge of temporal events bound them into a morally sensitive universe where orthodox prayer was the only permitted means of appeal and appeasement, and the seemingly real presence of the devil loomed correspondingly large, all of which encouraged sinners to see their mortal souls as caught between the ambitions of two great cosmic rivals.”³⁷

The reasons surrounding the construction of the statute of 1624 were complex, and a number of variables may have contributed to its passage in Parliament. Bastardy, for instance, was perceived as yet another affront to order and engendered the passage of two statutes dealing with its regulation. Similar to poverty, bastardy developed an association with the poor, yet it also provided direct evidence of incontinence. Moreover, the Reformation and its aftermath, for example, cultivated a society highly concerned with decorum and discipline. And this may have stemmed from a desire to ensure order throughout the realm. This mindset resulted in the criminalization of the state of being poor. By equating destitution with sloth, this suggested that one could choose to be poor. In effect,

³⁶ Kent, Joan. "Attitudes of Members of the House of Commons to the Regulation of 'Personal Conduct' in Late Elizabethan and Early Stuart England." Bulletin of the Institute of Historical Research XLVI (1973): 41-71. 41.

³⁷ Gaskill, Malcolm. Crime and Mentalities in Early Modern England. Cambridge: CUP, 2000. 10.

someone chose to be a burden on the parish, and this concept greatly upset tax paying community members who helped to support these individuals. These anxieties regarding personal behavior helped to pave the way for the passage of the remarkable 1624 statute. Poor, single women seemed to pose a direct threat to order, and the final chapter of this essay will attempt to assess the early modern interpretation of infanticide in order to better understand this preoccupation with order and its effects on the lives of women.

CHAPTER TWO THE ROLE OF THE CORONER IN THE PRE-TRIAL INVESTIGATION OF NEONATE MURDER

In early modern England, the coroner played an important role in the pre-trial investigation of infanticide as he was charged with the responsibility of viewing the bodies of those who died under suspicious circumstances. Other tasks were assigned to the coroner besides the inspection of dead bodies; however, as RF Hunnisett maintains, this duty of examining the dead was by far the most important yet demanding one.³⁸ The surviving inquests represent the early stages of forensic medicine and the growing importance of medical evidence in homicide trials especially neonate murders. Judged by modern standards, the methods implemented by these officers were fairly crude and unrefined. Nevertheless, “a greater certainty of detection offered by advances in policing, evidence gathering and medico-legal standards of proof” ensured necessity of medical testimony and this is evidenced in the number of investigations held in the late sixteenth and seventeenth centuries.³⁹

Coroners’ indictments performed on infant deaths illustrate complications related to the nature of the crime of infanticide. Due to the state of forensic evidence, it proved difficult to determine the difference between stillbirth and murder. In addition, even if marks of violence were found on a dead neonate, it could be rather challenging to discern whether these were inflicted by the mother

³⁸ Hunnisett, RF. Sussex Coroners' Inquests: 1485-1558. Lewes: Sussex Record Society, 1985. xiii.

³⁹ Gaskill, Malcolm. Crime and Mentalities in Early Modern England. Cambridge: Cambridge UP, 2000. 203.

since the process of birthing was already dangerous. Peter Hoffer and NEH Hull expound upon this point reminding us “some young, ill-tutored mothers did not know when they were pregnant, much less in labor, and their infant might have fallen into a privy by accident, or been placed there after stillbirth.”⁴⁰ As a result, the coroner played an important role in determining whether a mother should be charged with infanticide.

During the early modern period, the office of the coroner experienced a decline in authority; however, they still participated quite actively in the prosecution of infanticide cases. The work that they carried out along with the inherent problems they faced as a result of the state of forensic science helped to contribute to the eventual strides made in the field of legal medicine in the eighteenth and nineteenth centuries. For our purposes, coroners’ indictments reveal the legal problems associated with infanticide and allow us to crudely quantify attitudes to neonate murder.

History of the Office of the Coroner

Royal charters established the office of the coroner during the thirteenth century “when the justices in eyre were required to see that three knights and one clerk were elected in every county as ‘keepers of the pleas of the crown’.”⁴¹

Medieval coroners were required to collect revenue which was due to the Crown

⁴⁰ Hoffer, Peter C., and N.E.H. Hull. Murdering Mothers: Infanticide in England and New England 1558-1803. New York: New York UP, 1981. 10.

⁴¹ Hunnisett, R F. The Medieval Coroner. Cambridge: Cambridge UP, 1961. 1.

as a result of such pleas. In effect, as Malcolm Gaskill has argued, the coroner performed the duties of a “revenue officer [rather] than policeman or prosecutor” since their role was to “ensure that manors and hundreds were amerced for failure to apprehend murderers, and that the goods of those they did catch were forfeited to the Crown.”⁴² The coroner could be charged with other tasks which included “holding inquests upon dead bodies, receiving abjurations of the realm made by felons in sanctuary, hearing appeals confessions of felons and appeals of approvers, and attending and sometimes organizing exactions and outlawries promulgated in the court.”⁴³ In addition, the coroner was charged with the tasks of finding witnesses, arraigning suspects, and overseeing the forfeiture of any lands or goods by making records of them.⁴⁴

Hunnisett asserts that coroner’s responsibilities changed little once the Tudors ascended the throne. However, Mark Jackson, in his work on coroners, argues that the coroner did see a decline in authority beginning as early as the fourteenth century and continuing on to the seventeenth and eighteenth century as “changes in the local and central administration of justice, including the rise of justices of the peace, combined to divest the coroners of much of their authority.”⁴⁵ The dubious nature of legal evidence also may have contributed to the decreased authority of the coroner. “One of the most significant features of

⁴² Gaskill, Malcolm. Crime and Mentalities in Early Modern England. Cambridge: Cambridge UP, 2000. 246.

⁴³ Hunnisett, R F. The Medieval Coroner. Cambridge: Cambridge UP, 1961. 1.

⁴⁴ *Ibid*, 1.

⁴⁵ Jackson, Mark. "Suspicious Infant Deaths: the Statute of 1624 and Medical Evidence At Coroners' Inquest." Legal Medicine in History. Ed. Michael Clark and Catherine Crawford. Cambridge: Cambridge UP, 1994. 64-86. 64.

the decline of the coroner's office,' explains Jackson 'is the fact that the coroner's jurisdiction to take inquisitions touching the death of a person *subito mortuis*, *super visum corporis* was restricted by the belief that only sudden deaths with manifest evidence of violence warranted inquiry."⁴⁶ The untrained eye could determine the cause of death, and it did not necessarily require the skills of the coroner to determine whether it was a suspicious death. Jackson goes on to assert that legal medicine received little attention in England as compared to the Continent.⁴⁷ The paucity of medical texts and courses relating to forensic evidence and medical jurisprudence accounts for the lack of attention given to legal medicine. Moreover, prior to 1836, no legislative provision for the compensation of medical witnesses existed.⁴⁸ The early modern coroner, therefore, did not possess a very specialized or advanced skill set.

The absence of public money to compensate the individual who conducted post-mortem exams may be another reason for the decline of the coroner's authority, and yet coroners were still expected to carry out their tasks with care and diligence. The Marian statutes of 1554-5, for example, made coroners liable to fines for negligence.⁴⁹ Even with such demands, they continued to lack the necessary training and compensation for the work that they performed. Gaskill demonstrates this point explaining, "Although coroners were drawn from the gentry and usually had some legal knowledge, they remained unsalaried amateurs

⁴⁶ Ibid, 64.

⁴⁷ Ibid, 64-65.

⁴⁸ Ibid, 65.

⁴⁹ Gaskill, Malcolm. Crime and Mentalities in Early Modern England. Cambridge: Cambridge UP, 2000. 246.; 1&2 Ph. & Mar. c.13 (1554-1555); 2&3 Ph. & Mar. c13 (1555).

living in the communities they served, and consequently worked with variable efficiency.”⁵⁰ It should come as no surprise, then, that coroners were prone to corruption, accepting bribes to change a verdict or even to hold an inquest in general.

Where inquests were concerned, coroners could only hold investigations if there was a body, and in the event that a body was not present, a special warrant had to be obtained. The term ‘body’, according to Hunnisett, included flesh that may have already been in the final stages of putrefaction or the remaining bones. The five circumstances which necessitated an inquest were the following: “If they were sudden or unexpected; when the body was found in the open and the cause of death was unknown; if there were any suspicion of possibility of felony; if the hue and cry was raised maliciously; and in the event of death in prison[.]”⁵¹ Typical protocol for summoning a coroner was as follows: the person who found the dead body would ‘raise the hue and cry’ and the hundred bailiff or other local official would alert the coroner. If someone witnessed the death, that person was obligated to alert an official immediately.

Henry Machyn (1496/1498–1563) chronicled his experiences living in London, and one of his entries included an account of a crime he witnessed.⁵² He writes:

⁵⁰ Ibid, 246.

⁵¹ Hunnisett, R F. *The Medieval Coroner*. Cambridge: Cambridge UP, 1961. 9.

⁵² Mortimer, Ian. “Machyn , Henry (1496/1498–1563).” *Oxford Dictionary of National Biography*. Ed. H. C. G. Matthew and Brian Harrison. Oxford: OUP, 2004. Online ed. Ed. Lawrence Goldman. Jan. 2008. 29 Apr. 2008 <<http://www.oxforddnb.com/view/article/17531>>.

The (blank) day of January ther was a Frenche mayd dwelling in Whytt frerers in Fletstrett she was delivered of a pratte gyrllle, and after she brake the neke of the child, and cared yt in-to Holborn feld, and bered (it) undur a turffe; and there was a man and a woman dyd folowe her, and saw where she layd yt, and toke her, and browth her thedur, and made her take yt up, and browth here to the altherman's depute, and he send her to the conter.⁵³

Although Machyn witnessed the act, he was absolved of the responsibility of reporting the crime because two other witnesses reported this woman. His description, however, illustrates the importance of the connection between communality and criminality. Those who committed infanticide did so in private, so in order to catch these crimes, the community had to participate in monitoring its inhabitants.

Although mothers suspected of committing infanticide were less likely to flee than males suspected of murder, it was necessary to alert an official shortly after discovering the crime in order to “prevent the burial, removal or corruption of the body.”⁵⁴ Prior to viewing the body, the coroner had to alert the sheriff who would in turn summon a coroners’ inquest jury. A typical jury in the sixteenth century was comprised of fourteen to sixteen men over the age of twelve sometimes of varying townships.⁵⁵ Once the jurors were brought together the coroner would swear them to the Gospels to truthfully answer any question that

⁵³ Machyn, Henry. The Diary of Henry Machyn: Citizen and Merchant-Taylor of London From A.D. 1550 to A.D. 1563. Ed. John G. Nichols. London: Camden Society, 1848. 298.

⁵⁴ *Ibid*, 21.

⁵⁵ Hunnisett, RF. Sussex Coroners' Inquests: 1485-1558. Lewes: Sussex Record Society, 1985

was asked. The first question the jurors were asked during the inquest was whether the death was “caused feloniously, by misadventure or naturally.”⁵⁶ If it was determined that the death was felonious, the next question which had to be answered was whether this death was either a suicide or homicide. Ultimately, the main goal of the coroner and his jury was to piece together the circumstances of the death.

Despite the problems associated with the office of the coroner, infanticide cases usually demanded medical testimony, making the coroners’ investigations an important part of trials. Coroners played an important role in shaping the conversation about stillbirths and murdered infants since their work spoke to the confusion surrounding the woman’s body and the fetus. Inspection of the infant also helped to further the advancement of forensic evidence and medical jurisprudence. And by the nineteenth century the coroner rose to prominence as inquests become a major part of pre-trial investigation, and thereafter, the coroner came to eclipse the inquiries of the justices of the peace.

Coroners’ Guide Books

Although techniques used to collect medical evidence were improving, methods were still unsophisticated, so it could be difficult to try to conduct an

⁵⁶ Hunnisett, RF. The Medieval Coroner. Cambridge: Cambridge UP, 1961. 21.

examination of the body with the purpose of acquiring definite answers about the cause of death. Moreover, coroners did not have a streamlined process when it came to performing inquests, and consequently, coroners' procedures varied from county to county. According to Gaskill, "In the 1570s, there was an official drive to 'press coroners into more uniform scales of activity', but this does not mean it was successful or that it was sustained thereafter."⁵⁷ He goes on to note that printed guides were made available for the use of the coroner. However, one of the problems with these manuals includes the failure to provide specific instructions with regards to the collection of medical evidence. This would seem to suggest ambivalence on the part of the writer to instruct coroners on how to go about conducting an inquest which further demonstrates the problems faced by the coroner of early modern England

Two of the more notable coroners' guide books include John Wilkinson's *A treatise collected out of the statutes of this common-wealth, and according to common experience of the lawes concerning the office and authorities of coroners and sherifes* (1618) and Will Greenwood's *Bouleuterion, or A practical demonstration of county-judicatures Wherein is amply explained the judicial and ministerial authority of sheriffs and coroners* (1659). It is difficult to determine how widely used these manuals were; however, several editions of each were published suggesting that they were fairly popular. Despite the absence of a discussion on the procedures of the coroner, they do describe the types of deaths

⁵⁷ Gaskill, Malcolm. Crime and Mentalities in Early Modern England. Cambridge: Cambridge UP, 2000. 246.

which the coroner may be investigating. In Wilkinson's manual, for instance, he makes clear that there were certain types of homicide which were felonious and others which carried no felony. He explains "There are other Homicides which are no Felony, and that is where a mad man kills himself or any other person when he is mad, or where a child is killed in the mothers belly nor *in rerum natura*⁵⁸, viz, one because it had nor the name of Baptisme, and the other because it cannot be certainly known whether the mother killed it by some other means or no."⁵⁹

Later in the text, Wilkinson clarifies what constitutes infanticide and stillbirth. He uses the example of a man who beats a pregnant woman. According to the text, "It is requisite that the thing that is killed be *in rerum natura*; And therefore if a man doe kill an infant in the mother's belly, that is not felony, nor shall he forfeit anything for it[.]"⁶⁰ Wilkinson goes on to describe a peculiar example, citing a case which seems to have resembled an incident which occurred during the high middle ages, yet he offers the contemporary interpretation of the case. According to Wilkinson, "A man did beat a woman great with child of two children, so that immediately one of the infants dyed, and the other was born alive and baptised by a name, and two days after, for the hurt

⁵⁸ "in the nature of things"

⁵⁹ Wilkinson, A treatise collected out of the statutes of this common-wealth, and according to common experience of the lawes concerning the office and authorities of coroners and sherifes, Reprint 1657. Early English Books Online. Cambridge University Library. 28 March 2008 http://eebo.chadwyck.com/search/full_rec?SOURCE=pgthumbs.cfg&ACTION=ByID&ID=12087659&FILE=../session/1206902275_17601&SEARCHCONFIG=config.cfg

⁶⁰ Ibid.

she had received she dyed; the opinion was as before that it was not a felony[.]”⁶¹

The text suggests that both the fetus and the newborn child did, in fact, die as a result of the beating which their mother experienced during her pregnancy.

Nevertheless, the man alleged to have beaten the woman was not charged with murdering the children. Since the child was in the womb, it was impossible to determine the actual cause of death considering the state of forensic evidence. As a result, the man could not be implicated on charges of infanticide

Wilkinson juxtaposes this case with another involving a woman who had birthed a son and “presently cut his throat, and cast him into the pond, and fled[.]”

⁶² The woman suspected of cutting her infant’s throat was charged with murder and eventually convicted. In this case, it was easier for a coroner to actually view the dead infant and to determine the cause of death. If it had still been in the womb, it would have been nearly impossible to perform an inquest. Furthermore, the interpretation of the law presented by Wilkinson echoes that of Sir Edward Coke. In his *Third Part of the Institutes of the Laws of England* (1642-1644), Coke notes the difference between the death of a fetus while still in the mother’s womb versus the death of infant after having been born. He writes:

If a woman be quick with child, and by a Potion or otherwise killeth it in her womb; or if a man beat her whereby the child dieth in her body, and she is delivered of a dead child; this is a great misprision and no murder; but if the child be born alive and dieth of the Potion, Battery, or other cause, this is

⁶¹ Ibid.

⁶² Ibid.

murder; for in law it is accounted a reasonable creature *in rerum natura*, when it is born alive.⁶³

This reasoning suggests awareness that things could go wrong during a woman's pregnancy resulting in the death of the fetus, and yet no one could be held responsible. But perhaps more importantly, it raised questions about a woman's relationship to the fetus. The fetus may not have been viewed as a separate entity from the mother; instead, it was considered as a bodily organ or an extension of the mother's body. Therefore, if it failed, no one would be accountable for its malfunction.

This muddled understanding of the woman and the fetus created an interesting loophole which allowed women some immunity with regards to pregnancy. Francis Dolan in his work on infanticide in early modern England expounds upon this point:

The relationship between the mother's body and the fetus it carries was the focus of moral and legal debate in the period, which centered on the point at which the fetus becomes a separate entity and on the mother's responsibility for preserving life. Until the Infant Life Preservation Act of 1929, a mother was not legally accountable for killing a child during the birth process, and before it was fully detached from the body.⁶⁴

⁶³ Coke, Edward. The third part of the Institutes of the laws of England : concerning high treason, and other pleas of the crown, and criminal causes. London : Printed by M. Flesher and W. Lee for D. Pakeman. Co., 3 Inst., c. 7.

⁶⁴ Dolan, Francis. Dangerous Familiars: Representations of Domestic Crime in England, 1550-1700. Ithaca: Cornell UP, 1994. 135.

This suggests that killing an infant while an extremity that is found in the mother's womb would not technically be considered homicide. Dolan goes on to add that due to the "violent" techniques employed during the birthing process infants often died as a result yet it may be possible that these deaths were deliberate. And although the midwife's role was to ensure the well-being of the mother and the child, the possibility remains that she could have acted as an abettor to a woman who wished to kill her infant. Ultimately, Wilkinson echoes the early modern interpretation of infanticide by proclaiming that it could only be considered neonate murder if the infant had reached full term and was completely out of the woman's body.

We should compare Wilkinson's manual to Will Greenwood's *Bouleuterion, or A practical demonstration of county-judicatures Wherein is amply explained the judicial and ministerial authority of sheriffs and coroners* (1659). Published forty one years after Wilkinson's, Greenwood's manual differs dramatically in that it fails to discuss the coroner's treatment of dead infants. Like Wilkinson, Greenwood outlines the history of the Office of the Coroner along with the various duties which the coroner must assume. For instance, he discusses the different types of inquisitions which might be held such as "an inquisition of murder", "an inquisition where one is slain by misfortune by a cart loaden with hay", and "an inquisition where one drowns himself".⁶⁵ Greenwood details the process of performing an indictment on any suspicious death. He

⁶⁵ Ibid.

describes how the coroner would go about putting together a jury. It includes the oaths which the coroners' jury must repeat before performing the inquisition. In order to perform a thorough investigation, the coroner and his juries question possible accessories or witnesses to the crime in order to determine the cause of death. After this is done, it is up to the coroner to decide whether the crime was willful murder or manslaughter. If it is decided that it was an act of willful murder, then the offender will lose his life, land, and goods. And if it is manslaughter, he forfeits land and goods but still retains benefit of clergy.

But unlike Wilkinson, he does not provide examples of specific cases and their ultimate outcome. Wilkinson and Greenwood choose different approaches to instructing the work of coroners. The forty one year difference between the publication dates may also account for the differences in material covered.

Wilkinson's work reflects the heightened interest in infanticide which characterized the period in which he produced his work. Greenwood, on the other hand, wrote much later and the absence of a discussion of infanticide may suggest that neonate murder no longer causing as much anxiety as it had earlier in the century. Although infanticide indictments do not yet begin to decline, Greenwood's decision not to discuss infanticide suggests that the manner in which coroners' approached neonate murder had already been firmly established and did not need further clarification. Coroners' manuals, nevertheless, help to illustrate the way authors were thinking about infanticide or if they were even thinking about it at all.

The Sussex Coroners' Inquests

R.F. Hunnisett catalogued coroners' inquests from the county of Sussex from 1485-1688. He published these inquests in a series beginning with the inquests from 1485-1558, 1558-1603, and lastly 1603-1688. The publication of these series opened the door to a fuller understanding of infanticide as it evolved over the course of approximately 200 years. And as mentioned previously, since the coroner played an important role in the pre-trial investigation of the crime of infanticide, it will help to explain why these cases were being prosecuted so vigorously by the courts.

Out of the 243 inquests recorded from 1485-1558 only two resulted in verdicts of infanticide. The first case involved Joan daughter of Henry Bakon of West Grinstead. She was a spinster who gave birth to a baby girl then murdered the infant and proceeded to hide her under a stool. The court acquitted Joan; however, it is unclear why this decision was made. The next case is rather peculiar in many respects. According to the recording, "Richard Barnerde of Hellingly copulated with his daughter Joan, who conceived and gave birth to a girl in her father's house in Hellingly without the company of women. Afterwards between 8 and 9 a.m. on 13 Feb. Richard took the infant in his hands, hid her under 'a towbbe', placed 'a byttell' worth 1d. on her chest and murdered her."⁶⁶ Realizing what he had done, Richard committed suicide the next day by

⁶⁶ Hunnisett, RF. Sussex Coroners' Inquests:1485-1558. Lewes: Sussex Record Society, 1985. 47.

drowning himself in a well. The coroner held inquests on both bodies, and once he and the jury determined the cause of death, this decision was revealed to the public and rioters ransacked Richard's house and expelled his three children, the oldest of whom was no more than twelve years of age. Both cases are remarkable in that neither resulted in a conviction. Hunnisett reflects on these remarkable cases explaining that there is some correspondence between infanticide and suicide cases in that "jurors seem to have been reluctant to return either verdict."⁶⁷

He goes on to add:

Infanticide must have been more common than the inquests suggest: compassionate neighbours may well have helped to conceal it from the authorities. Concealing the death of an adult was less easy, but compassionate juries were likely to strive to interpret suicides as accidents if at all possible, because of both the stigma attaching to suicide and the forfeiture it incurred.⁶⁸

Coroners were equally reluctant to deal with possible infanticides or suicides due in large part to the shame associated with both types of death. When the coroner did perform an indictment on either an infanticide or suicide, it meant that the cause of death was painfully obvious and could not be ignored.

The severity with which the heirs of suicide committers were punished helps to explain why there may have been a communal desire to protect individuals who may have been related to a person who had committed suicide. Victor Bailey depicts the harsh treatment of those who committed suicide

⁶⁷ Ibid, xxxix.

⁶⁸ Ibid,, xxiv.

explaining that “The body was thrown naked into a hole at a crossroads, with a wooden stake hammered through the body, to prevent the spirit from reaching the afterlife. As if the rituals of profane burial were insufficient, the suicide’s estate was forfeited to the Crown or to the holder of a royal patent entitling him to the same.”⁶⁹ The case of Richard Barnerde of Hellingly demonstrates this point as his children were savagely punished and stripped of their wealth.

Coroners’ indictments reflect this heightened concern regarding neonate murder as the number of infanticide cases begins to rise in the next series of inquisitions which begins in 1558 up to 1603. In general, there is a dramatic spike in the number of inquests being held with regard to suspicious deaths. As mentioned earlier, the Sussex coroner held 243 inquisitions from 1485 through 1558. During the following period, 1558 through 1603, 582 inquests were performed. Cases of neonate murder made up less than one percent of inquisitions held from 1485-1558 whereas fifteen of the 582 from 1558-1603 were cases of infanticide making the percentage approximately three.

Unlike the earlier set of indictments, there are cases in which women were actually convicted and hanged for the crime of infanticide. Take, for instance, the gruesome case of Joan Browne late of Etchingham—a spinster who had allegedly given birth to a male child on March 28, 1558. According to the inquest, at about 7 a.m, “[S]he murdered the child, wounding, crushing, and breaking his neck, jaw and one arm, and then threw him under ‘the staires’ in the house where she left

⁶⁹ Bailey, Victor. “Rev. of Sleepless Souls: Suicide in Early Modern England”, by Michael MacDonald and Terence R. Murphy. *The Journal of Social History* 26 (1992): 386-388.

him.”⁷⁰ The child died as a result of his injuries. Browne was delivered to East Grinstead assizes on July 5, and John Culpeper the justice of the peace held her in gaol on suspicion of felony. In court, she pled not guilty to the charge but was eventually convicted of murder. The court granted her temporary reprieve from execution as she was found to be with child. But her conviction still stood and she was sentenced to death by hanging on July 20, 1590. According to the record, Browne did not have any chattels; however, the record does state that “Browne had clothing [*or* furnishings: *apparatum*] [worth] 13s 4d, which sum was paid for the use of Henry early of Huntingdon, lord of the liberty.”⁷¹ This case is illuminating in that Browne was not completely impoverished; however, her status as a pregnant spinster may have made her susceptible to public scrutiny and moral outrage.

Another noteworthy case from the Sussex inquests involves Margery Porter, a spinster from Rye. On January 21, 1580, she was charged with murdering her male infant. According to this indictment, after being arrested on suspicion of murder, Porter confessed to the crime and asserted that she had met John Mody of Rye with whom she had engaged in sexual intercourse. When questioned, Mody admitted to having engaged in an illicit affair with Porter and that he was aware that Porter was with child. Porter pled not guilty to the indictment by the coroners’ inquest; however, she was eventually convicted and

⁷⁰ Hunnisett, RF. Sussex Coroners’ Inquests: 1558-1603. Lewes: Sussex Record Society, 1996. 91-92.

⁷¹ *Ibid*, 92.

sentenced to hanging while Mody was imprisoned and in addition the mayor and jurats ordered that he be “fastened to a cart’s tail at the court-house on 6 Feb and whipped around the town.”⁷² The inquisition explicitly states the decision to inflict corporal punishment upon Mody was a direct result of his participation in sexual relations outside of marriage. Although it is unclear whether the mayor and jury members were concerned more with his moral transgression or his role in connection with Porter committing the act of murder, it demonstrates awareness that Porter was not exclusively accountable for becoming pregnant. In the next set of inquests from 1603-1688, men are occasionally implicated as accessories to females accused of infanticide.⁷³

The most striking feature of the third set of inquests performed from 1603-1688 is the rise in the number of coroners’ indictments dealing with cases of infanticide. The percentage jumps from three percent in the previous set to eight percent, as 43 out of the 541 cases involve women killing their children, and in 24 of 43 indictments, those accused were prosecuted, convicted, and sentenced to death. We should keep in mind that the statute of 1624 was passed during this period. Ostensibly, the inquests held after 1624 reflect the nature of the statute, “An Acte to Prevent the Destroying and Murthering of Bastard Children”.

The language of the Sussex coroners’ indictments illustrates the profound effect of the statute. For example, an inquest from 1670 reads as follows: “On 11

⁷² Hunnisett, RF. Sussex Coroners’ Inquests: 1558-1603. Lewes: Sussex Record Society, 1996. 52.

⁷³ Hunnisett, RF. Sussex Coroners’ Inquests: 1603-1688. Lewes: Sussex Record Society, 1998. 113.

Mar Ann Gates late of Goring, widow, ‘was delivered of a child’, a male bastard secretly at Goring and secretly ‘hid and conceald’ him, but whether he was alive or dead at the time of the delivery the jurors do not know...Gates pleaded not guilty to the indictment but was convicted and hanged.”⁷⁴ Repetition of the word “secretly” and the use of the phrase “hid and conceald” echoes the 1624 statute which established that evidence of concealment was sufficient to convict single women of infanticide. Moreover, it captures the treachery and deception associated with the crime by painting Gates as a lewd and conniving woman who attempted to cover up murder. Her decision to conceal the death satisfied the conditions of the 1624 statute as evidenced by her conviction and sentence of capital punishment. Remarkably, only one married woman was investigated for killing her child; however, her indictment was eventually rejected by members of the grand jury.⁷⁵ The inquest mentions that the woman was of “unsound mind” when the crime occurred, so the grand jury may have determined that she was *non compos mentis* and capital punishment would be too severe for someone who is mentally unstable.

Coroners’ indictments help to demonstrate the dramatic shift in the interpretation of infanticide from the medieval to early modern period. The higher number of indictments performed on neonate deaths from 1603-1688 reflects the heightened concern over the possible murdering of infants. But

⁷⁴ Ibid, 123.

⁷⁵ Ibid, 114.

perhaps more importantly, these indictments illustrate one aspect of the legal procedure involved in the prosecution of infanticide cases. The following chapter will add yet another dimension to our understanding of this crime by grounding our comprehension of infanticide in narrative forms—murder pamphlets and trial records.

CHAPTER THREE
AN EXAMINATION OF NARRATIVE FORMS AND THEIR IMPACT ON
THE CONCEPTUALIZATION OF INFANTICIDE

Criminal pamphlets whether they be intended for news, entertainment, or moral edification were designed for popular consumption while trial transcripts from infanticide trials breathe life into legal procedures as they record the testimony used to try to convict an individual of the crime. Both types of sources employ narrative strategies, and these strategies should be analyzed in order to discern the underlying anxieties about neonate murder.

The burgeoning news culture of the early modern period helped to demonize infanticide by making possible the transmission of stories of murderous women to communities throughout England. This, in turn, stimulated public opinion by relating exaggerated tales of criminal mothers, further demonstrating that such actions were sinful and vile. News of this type could be passed along either in print form or through verbal communication, but this chapter will focus on the transmission of infanticide stories through criminal pamphlets, otherwise known as newsbooks. Although the latter term conveys a journalistic approach, these narratives were more closely related to works of fictional prose. They described a sensational event, but it was possible that the event took place many years prior to the publication of such a pamphlet.⁷⁶ Scholars have also pointed out that many newsbooks were written by clergymen like Henry Goodcole, Thomas

⁷⁶ Clark, Sandra. The Elizabethan Pamphleteers. Rutherford: Fairleigh Dickinson UP, 1983. 88.

Kyd, Anthony Munday, and John Taylor.⁷⁷ Presented as moral propaganda, the pamphlets were sold to the popular audience for one penny or two pence.

Although clergyman wrote these pamphlets in order to relate messages regarding individual morality, “There can be no denying that even religious figures wrote because these stories were so titillating and sensational.”⁷⁸ While these embellished tales did not satisfy high brow tastes, the so-called middle class made up of yeomen and burgesses took interest.⁷⁹ Peter Lake asserts “[I]ts appeal lay in the graphic scenes of violence, sex and moral outrage around which many of the narratives turned.”⁸⁰ Criminal pamphlets detailing murdering mothers aroused interest because they exposed the pathological behavior of women and conveyed a sense of urgency in dealing with this problem ostensibly to protect the wellbeing of the community.

We begin our discussion of criminal pamphlets with Thomas Brewer’s “The Bloody Mother,” published in 1609. Few biographical details of Brewer’s life exist; however, the Oxford Dictionary of National Biography asserts that he had been a writer who dealt with contemporary themes like the plague in London

⁷⁷ Walker, Garthine. "Writing and the English Renaissance." Ed. William Zunder and Suzanne Trill. Writing and the English Renaissance. New York: Longman Group Limited, 1996. 124. Staub, Susan C. Nature's Cruel Stepdames: Murderous Women in the Street Literature of Seventeenth Century England. Pittsburgh: Duquesne UP, 2005. 6.

⁷⁸ Ibid, 124.

⁷⁹ Clark, Sandra. The Elizabethan Pamphleteers. Rutherford: Fairleigh Dickinson UP, 1983. 22.

⁸⁰ Lake, Peter. “Popular Form, Puritan Content? Two Puritan Appropriations of the Murder Pamphlet from mid-seventeenth-century London” Religion, Culture and Society in Early Modern England. Ed. Anthony Fletcher and Peter Roberts. Cambridge UP: Cambridge, 1994. 314.

and female criminality.⁸¹ In this pamphlet, Brewer provides an account of a crime committed by Jane Hattersley, a servant girl in the house of Adam Adamson of East Grinstead in Sussex.

The prose commences with a brief explanation of the organization of the pamphlet and continues with a personal message from Brewer, who warns the reader that this account “may stand to show (with terror) the bloody and most dangerous events of lust and such libidinous living.”⁸² The account details the consequences of an affair between Hattersley and Adamson which resulted in the murdering of the byproducts of the relationship. According to the pamphlet, Brewer promised Hattersley that they would wed once his wife died, but to Hattersley’s frustration, Goodwife Kinge did not die even though attempts were made by Adamson’s lover to hasten death by poisoning her drinks. The affair lasted for about ten or twelve harvests; the first instance of infanticide occurred when a neighbor’s wife believed she heard Hattersley in labor. She immediately summoned Adamson and his wife, and they ran into Hattersley who was carrying a carelessly wrapped bundle in her arms. They demanded to see what she was carrying, and to no surprise, it was a bastard child. Fearing that she would harm the child, Adamson’s wife watched over Hattersley in order to preserve the safety of the infant. Goodwife Kinge monitored Hattersley for five or six nights, and

⁸¹ Haresnape, Elizabeth. “Brewer, Thomas (*fl.* 1605–1640).” *Oxford Dictionary of National Biography*. Ed. H. C. G. Matthew and Brian Harrison. Oxford: OUP, 2004. 14 Apr. 2008 <<http://www.oxforddnb.com/view/article/3367>>.

⁸² Brewer, Thomas. “The Bloody Mother.” *Nature's Cruel Stepdames: Murderous Women in the Street Literature of Seventeenth Century England*. Comp. Susan C. Staub. Pittsburgh: Duquesne UP, 2005. 240-255.

once she was certain that the woman would do no harm to the child, she left her alone.

Upon her return to see Hattersley and the infant, she found the dead child and suspected something treacherous had occurred. She fetched the constable while Jane attempted to hide any evidence of foul play. Once the Goodwife Kinge returned with witnesses, Hattersley had already tampered with the scene of the murder and made it appear that she had merely rolled over the child in her sleep causing it to suffocate. On this occasion, Hattersley managed to escape punishment because there was no evidence to prove her guilt. Furthermore, she managed to convince Adamson that she was not guilty of the charge, and as a consequence, he was able to convince others that she had not committed the crime. Not long after, Hattersley and Adamson continued to pursue their affair, and once again, she became pregnant and then proceeded to murder the child. This time Adamson aided Hattersley by digging a grave and burying the infant in his orchard; he, then, sold the orchard in order to rid himself of blame.

On the third occasion, the wife of John Foord heard Hattersley crying and groaning as though she were in labor. She entered Jane's room to see what was going on, so Hattersley attempted to get rid of goodwife Foord by asking her to fetch a kerchief. Foord eventually left, but after shutting the door, she peeked through a keyhole and saw a new-born child in a basin. After returning with Jane's request, she neither saw nor heard any trace of a child. So she exited Jane's room with no evidence or proof of a child. That evening, Adamson served as an

accessory to the crime by burying the dead child in the ground. Upon hearing the accusations of goodwife Foord, Adamson preceded to challenge her inferior word, due to her sex, while also demanding tangible evidence of infanticide. Lack of evidence and witnesses exonerated Adamson and Hattersley yet again. But on the final occasion, a lover's quarrel between Hattersley and Adamson resulted in the discovery of their actions. Brewer claims that the two had an argument and bitter words resulted in Hattersley calling Adamson a murderer, an allegation which spread throughout the community. Edward Duffield, to whom Adamson had sold the orchard in which his child had been buried, went to the tree which Adamson forbade him from digging near, a box tree. Duffield had his suspicions but had previously ignored them. Upon hearing the allegations made by Jane, he went to the tree and found small bones. The anatomist claimed that these were, in fact, the bones of an infant, and subsequently, this was provided as evidence before the Justices.

Adamson and Hattersley were both implicated in the commission of the crime of infanticide and sent to Horshan gaol. The former managed to escape punishment as a result of "bands [bonds] and good security."⁸³ Unfortunately for his mistress, the court did not look upon her as favorably. She, too, managed to attain freedom for a short time as her master put forth bonds to set her free. However, after she had rescinded the defamatory accusations she made, Adamson tricked Jane into confessing by assuring her that if she did not confess she would

⁸³ Ibid, 224.

be hanged. She heeded his advice and implicated herself as the murderer resulting in her own conviction. On the first of July 1609, she was hanged. Although Adamson did not receive a punishment, Brewer asserts that the cunning man did experience some celestial justice. Apparently, "Lice in great multitudes tormented him", and no matter what he did these insects persisted in plaguing him until the day he died.⁸⁴ The pamphlet ends with a final exhortation from Brewer warning against the dangers of extramarital affairs.

The themes discussed in this pamphlet provide some insight into the conceptualization of the crime, gender, and the female body. The evidence of infanticide provided by Brewer may seem a bit tenuous for the account lacks proof that bodily harm was inflicted on the children. Furthermore, to the modern reader, Brewer did not provide enough evidence to suggest that Hattersley had committed premeditated murder. It is possible that she may have had stillbirths or complications during pregnancy. Frances Dolan, for example, claims that "Given the invasive, violent forms of birth assistance sometimes employed in the early modern period, children often died during difficult births; some of these deaths may have been deliberate."⁸⁵ Midwives were the only ones who could attest to a still-birth; nevertheless, their expertise may be contended. In cases of single women who were pregnant with bastard infants, they would not be likely to call

⁸⁴ Brewer, Thomas. "The Bloody Mother." Nature's Cruel Stepdames: Murderous Women in the Street Literature of Seventeenth Century England. Comp. Susan C. Staub. Pittsburgh: Duquesne UP, 2005. 240-255.

⁸⁵ Dolan, Francis. Dangerous Familiars: Representations of Domestic Crime in England, 1550-1700. Ithaca: Cornell UP, 1994. 136.

for the assistance of a midwife. If one gave birth alone, Jane Hattersley did, it was nearly impossible to determine whether the baby had been born alive or dead.

The case of Jane Hattersley provides ample justification for the statute of 1624. Had this statute been enacted when Hattersley committed these crimes, she would have been convicted upon the first instance when her neighbor heard her giving birth. This seems to demonstrate the increasing social control which taking place during this period. Brewer, in this pamphlet, demonstrates the point that Jane and Adamson could have gotten away with the crimes they had been committing. Evidence of their guilt did not bring about their ultimate demise; instead, it was their own bickering that caused them to be found out. This pamphlet, in particular, seems to highlight this concern with evidence. The only non-circumstantial evidence provided by Brewer was the testimony of the anatomist who claimed that the bones were, indeed, those of a baby. Notwithstanding, the account also demonstrates the highly gendered nature of the legal system as Adamson on several occasions manages to weasel his way out of sticky situations by pitting his word against that of a woman whereas Jane does not possess this ability.

The juxtaposition of Jane Hattersley and Goodwife Kinge demonstrates the manner in which women were stereotyped. Brewer depicts Hattersley as lewd, depraved, and murderous while the Goodwife Kinge is characterized as obedient, maternal, and chaste. Laura Gowing attests to this point and further explains “The plot of adultery was reduced to a conflict between two women, and

men's sexual responsibility was projected onto their wives. In effect, the antagonistic relationships of women eased the dilemmas of men, with women's complicity, both the blame and the responsibility for sexual disorder was shifted away from the masters and the husbands."⁸⁶ Moreover, by presenting these two characters as being in direct opposition to one another, this pamphlet shows that single women are, in fact, dangerous to patriarchal authority. Goodwife Kinge remains loyal to her husband and even cares for her husband's mistress, working to preserve her husband's authority. Hattersley, on the other hand, threatens his authority by undermining the stability of the family hierarchy. Ultimately, Brewer's work demonstrates very clearly the manner in which infanticide committed by poor, single women destabilizes the sense of order in the community at large.

The title page is the most visually striking and evocative element of this pamphlet as the red staining emphasizes the gruesome nature of the crime being recounted. (Fig. 1) According to Bianca F.C. Calabresi, "In the sixteenth- and seventeenth-centuries, as in earlier periods, red ink was used in texts to differentiate information and to emphasize that which was important."⁸⁷ She goes on to provide examples of items that were stained to highlight importance: anniversaries, a monarch's birth or accession, or changes in the lunar phase. Red ink was also utilized in almanacs which were used as guides for the body and the

⁸⁶ Gowing, Laura. "The Haunting of Susan Lay: Servants and Mistresses in Seventeenth-Century England." *Gender and History* 14 (2002). 192.

⁸⁷ Calabresi, Bianca. "Red Incke: Reading the Bleeding on the Early Modern Page." *Printing and Parenting in Early Modern England*. Comp. Douglas A. Brooks. Burlington: Ashgate Company, 2005. 237-257. 239.

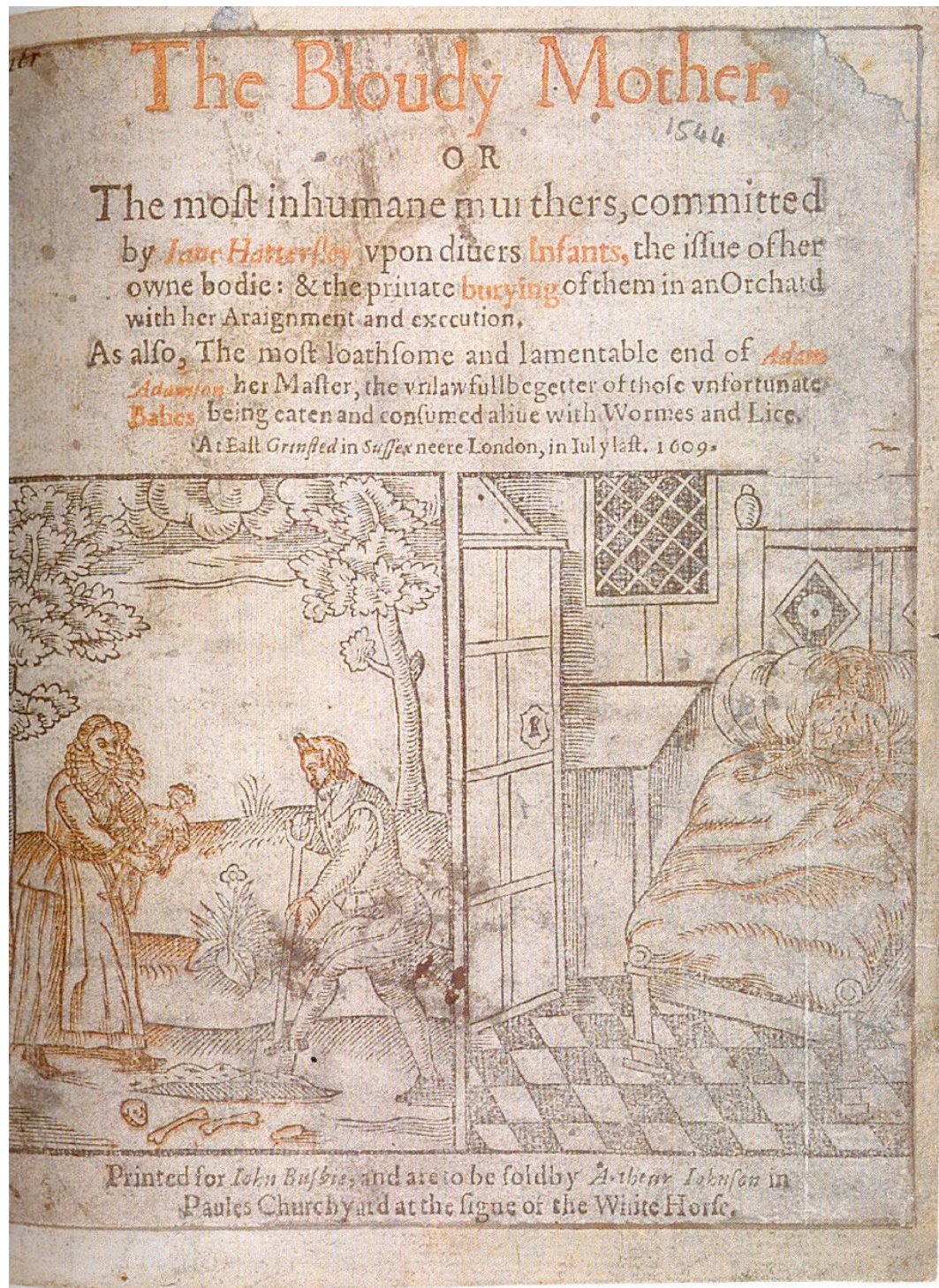


Figure 1 Title Page; Thomas Brewer. "The Bloudy Mother" 1610. Houghton Library. Harvard University. Printing and Parenting in Early Modern England. Comp. Douglas A. Brooks. Burlington: Ashgate Company, 2005. 237-257. 249.

flow of bodily fluids. In the case of this criminal pamphlet, red ink “compensates for the lack of visual evidence by making the reader into an eye-witness.”⁸⁸

Besides the red-stained words, the two tableaux are also stained. The one to the left depicts Hattersley who is fully covered in red ink and holding a baby which is also covered in red while the one to the right depicts Adamson whose punishment came in the form of a being consumed alive by lice and worms. Adamson’s head is stained in addition to the baby’s bones on the ground and parts of the earth which indicate where babies may have been born. The partial staining of Adamson suggests that he was an accessory to the crime but not the sole perpetrator.

Never once did Brewer state that the murdered infants were covered in blood, since Hattersley had allegedly suffocated the infants. This evidences the manner in which these stories were manipulated to elicit moral outrage and disgust. Yet, as Calabresi makes clear, “[T]he use of red ink to stand for blood less marks the crime as literally bloody than suggests the bloody nature of the criminals.”⁸⁹ The term “bloody” during this period indicates more than just blood spilling, as the OED makes clear; it may be used to describe people who are: “addicted to bloodshed, blood-thirsty, cruel; tainted with crimes of blood, blood-guilty.”⁹⁰ Such a word carries heavy implications regarding the guilt of the two alleged criminals. The red stains along with the use of the word “bloody” imply

⁸⁸ Ibid, 248.

⁸⁹ Ibid, 248.

⁹⁰ “Bloody.” OED. <<http://oxforddnb.com/view/article/3367?docPos=1>>.

culpability even if the crime does not involve the actual spilling of blood.

Calabresi also argues “By bloodying itself...the title page eliminates ambiguities between still-births and infant murders which create juridical complications for convictions.”⁹¹

Moving on, “Deeds Against Nature, and Monsters by Kinde” written by Henry Goodcole in 1614 provides yet another account of a single woman who murdered her bastard child. Goodcole worked as ordinary or chaplain of Newgate prison, and his tasks included preparing prisoners for their death sentence. He wrote a series of criminal biographies “arising from his experiences as ordinary and recounting his attempts to extort confessions from the condemned in the prison.”⁹² This newsbook begins by describing the binary nature of a woman’s role: the mother acts as a loving caregiver to her children but also has the potential to become the “butcher of her own seed.”⁹³ Martha Scambler was a prime example of the lascivious, single woman. She lived in a harlot lodging near Bishopsgate and Bedlam where she worked as a prostitute. Scambler discovered that she was pregnant, and, fearing shame and embarrassment, she attempted to abort the fetus. However, the attempts were unsuccessful, and she birthed a boy. Like Jane Hattersley, Scambler did not have a midwife present at the birth. The

⁹¹ Calabresi, Bianca. "Red Incke: Reading the Bleeding on the Early Modern Page." Printing and Parenting in Early Modern England. Comp. Douglas A. Brooks. Burlington: Ashgate Company, 2005. 237-257. 249.

⁹² Chapman, Christopher. “Goodcole, Henry (*bap.* 1586, *d.* 1641).” Oxford Dictionary of National Biography. Ed. H. C. G. Matthew and Brian Harrison. Oxford: OUP, 2004. 14 Apr. 2008 <<http://www.oxforddnb.com/view/article/10959>>.

⁹³ Goodcole, Henry. "Deeds Against Nature, and Monsters by Kinde." Nature's Cruel Stepdames: Murderous Women in the Street Literature of Seventeenth Century England. Comp. Susan C. Staub. Pittsburgh: Duquesne UP, 2005. 256-265. 260.

pamphlet explains her reasoning stating that “[H]er lusty body, strong nature, and fear of shame brought an easiness to her delivery and required in her agony no help of a midwife, which among women seems a thing very strange, for not so much as the least child in the house where she lodged had knowledge of her labor, nor hardly was she thought to be with child so closely deemed herself.”⁹⁴ The devil impelled Scambler to murder the baby upon its birth by smothering it then throwing it into the privy. A few days later, a beggar released his dog into the same privy where the dead child remained. The dog’s persistent yelping and crying attracted the attention of the neighbors who made the unfortunate discovery. A group of women were then sent to search for the infant’s mother by rounding up all the “loose livers” and harlots. They finally came across Scambler who confessed and was eventually convicted and sentenced to death.

Scambler lacked male supervision supported herself by working as a prostitute. Peter Lake adds “In the person of the whore, readers were confronted with the ultimate example of a sexuality freed from any of the constraining limits of familial or patriarchal power.”⁹⁵ The absence of a male also made her susceptible to the underhanded workings of the devil. Scambler’s story makes an interesting point regarding women and how their sex is prone to mental weakness and depravity. In this pamphlet, she is described as gullible and unable to

⁹⁴ Goodcole, Henry. "Deeds Against Nature, and Monsters by Kinde." Nature's Cruel Stepdames: Murderous Women in the Street Literature of Seventeenth Century England. Comp. Susan C. Staub. Pittsburgh: Duquesne UP, 2005. 256-265. 260.

⁹⁵ Lake, Peter. "Deeds Against Nature: Cheap Print, Protestantism and Murder in Early Seventeenth-Century England." Culture and Politics in Early Stuart England. Ed. Kevin Sharpe and Peter Lake. Stanford: Stanford UP, 1993. 258.

differentiate between right and wrong. By characterizing Scambler in this manner, it may be easier to control her maternal authority and to maintain her subordinated and marginalized position in society.

In comparison to previous pamphlet, bloody imagery is invoked far less often. In fact, blood is never actually mentioned; the author makes allusion to it only once when comparing a murdering mother to a butcher. Moreover, it is difficult to determine whether there are traces of red stains, for the text is in black and white. But the Scambler case demonstrates fairly clearly the way in which infanticide was perceived to be a crime against nature. Animal imagery, instead, is used to demonstrate the deviancy of a murdering women. For example, when the pamphlet states, “Like unto this viper of our age, we are to place in Our discourse another Caterpillar of nature, a creature more savage than a she wolf, more unnatural than either bird or beast, for every creature hath a tender feeling of love to their young, except some few murderous-minded strumpets—women[.]”⁹⁶ The hierarchy of nature, which would place human beings at the pinnacle, is destabilized once a crime against nature is committed. An infant murderer becomes a caterpillar in this hierarchy; caterpillar, in this instance, most likely means “a rapacious person; an extortioner; one who preys upon society” yet still maintains its association with the insect.⁹⁷

⁹⁶ Ibid, 260.

⁹⁷ "Caterpillar." OED.

<http://dictionary.oed.com/cgi/entry/50034597?query_type=word&queryword=caterpillar&first=1&max_to_show=10&sort_type=alpha&result_place=1&search_id=FIIM-qotNsS-3330&hilite=50034597>

Scambler's actions were discovered by some workings which can be attributed to God attempting to intervene in the crime. The privy, for example, usually never received light; nevertheless, God's intervention allowed the sun to shine, making it visible to the beggar and his dog. Moreover, the dog was responsible for discovering the body of the child, yet another example of nature. God's justice came in the form of an animal, and this point is further emphasized in the closing lines of the pamphlet: "God, either by beasts of the field, fowls of the air, fishes in the seas, worms in the ground, or things bearing neither sense nor life will by one means or other make deeds of darkness clear as day, that the world may behold his high working powers, and that no malefactor can escape unpunished[.]"⁹⁸ As the title implies, infanticide and its concealment are deeds against nature; consequently, nature will eventually avenge the wrongdoing committed by a child murderer.

In "A Fair Warning to Murderers of Infants" (1691-1692), the trial and execution of Mary Goodenough are presented and discussed at length. This criminal pamphlet serves as warning to adulterers and adulteresses by demonstrating that incontinence can drive one to commit heinous crimes. The author recognizes that two individuals are responsible for the creation of a bastard infant, and although he does not argue for the punishment of the man who impregnated Mary, he writes, "I would desire some Neighbors to ask him serious

⁹⁸ Anon. "Fair Warning to Murderers of Infants" Nature's Cruel Stepdames: Murderous Women in the Street Literature of Seventeenth Century England. Comp. Susan C. Staub. Pittsburgh: Duquesne UP, 2005. 216-239. 219

some such Questions as these: Whether he did not act the Devil's part when he tempted this woman as Satan our Savior to purchase a Supply for the cravings of her nature by a Crime tending to the Ruin of her soul?"⁹⁹ Moreover, King David is also invoked: "Did not David commit Adultery and Murder? Was not this Woman as Religious as most of you? Did she seemingly outgo many of you? Will you not be warned by her Fall then not to content yourselves with a Form of Religion without the power of Godliness?"¹⁰⁰ The writer seems to recognize man's failings while also making the point that the woman possessed some mental faculties and could exercise some agency, and there seems to be recognition of female individualism. Rather than placing complete and total blame on the woman, the writer likens Mary's lover to the devil. Ostensibly, this pamphlet, in comparison to the ones previously discussed, presents Mary in a more favorable light.

According to the account of the trial and the execution, Mary was a widow of about forty years of age who lived in Oxford. "Being in great Poverty and Straits, even to the want of Bread for her and hers," explains the narrator, "She was seduc'd by a neighboring Baker (reported Infamous for like Practices with others) through his Promises of some Allowance towards her necessary Maintenance to the commission of Adultery with him who was a married man."¹⁰¹ She became pregnant and concealed the pregnancy under the pretense of illness.

⁹⁹ Ibid, 219

¹⁰⁰ Ibid, 220.

¹⁰¹ Ibid, 222.

Neighbors were suspicious and went to question the mother to see if she would own up to the charge. While giving birth, Mary kept her seven year old boy and eleven year old daughter out of the room, and it was her daughter who told the neighbors that she had heard screams coming from her mother's room. At the trial, Mary's neighbors testified against her, and thus she was convicted of infanticide. She pleaded for mercy; however, the judge suggested that she turn to her faith to save her but still maintained that she would be executed.

Standing in front of the scaffold, Mary said little to the audience but warned against committing the sins she had committed. We hear Mary's voice in a letter which she supposedly dictated to someone while she was in gaol. Although we cannot be sure that this letter was actually composed by Mary, we may be able to discern some important points. This letter, which is included in the criminal pamphlet, was addressed to her two older children and offers them advice, telling them not to participate in immoral behavior. She writes

I leave nothing in this World with so much
Grief and Trouble as you my poor children,
and it greatly aggravates my Sorrow that my
Sin shortens my time with you in this world.
As I have heinously sinned against God and
my own Soul, against him whose Body and
her whose Bed I join'd in defiling and
against the life of that unhappy Infant which
I took not care to preserve. So have I also
offended against you, my Dear
Children[.]¹⁰²

¹⁰² Ibid, 226.

Unlike the other pamphlets, in this one, Mary's maternal status is maintained even after she committed the act and was charged with the crime. This letter preserves her role as mother to her children.

Criminal pamphlets did not only deal with murderous single women; they also recounted stories of murderous wives. "A Pittiless Mother" (1616) provides an account of Margret Vincent's crime of murdering her children. It should be noted that this case does not actually fit under the category of infanticide as she was accused of murdering children over one year of age. Nevertheless, it demonstrates salient points regarding maternal agency and the varying ways women could be demonized.

The text asserts that Margret was born to respectable parents and received a good education. According to the account, she had a family, and her neighbors held her in high esteem. However, what set her apart was her Catholic faith, and she wished to raise her children as Catholics, whereas her husband wanted to raise them in the true faith of Protestantism. Although she attempted to persuade her husband, he did not relent, so she vowed to take more extreme measures. The pamphlet explains:

[She] resolved the ruin of her own children, affirming to her conscience these reasons: that they were brought up in blindness and darksome errors, hoodwinked (by her husband's instructions) from the true light, and therefore, to save their souls (as she vainly thought) she purposed to become a

Tigerous Mother, and so wolfishly to commit the murder of her own flesh and blood.¹⁰³

She had two children, one five years of age and the other two and she proceeded to strangle both children.

As in the “Deeds against Nature,” the author highlights the act as being unnatural, invoking animal imagery to make this point. The author, for instance, juxtaposes the role of the pelican mother to a murderous woman explaining, “their own Mother, who by nature should have cherished them with her own body, as the Pelican that pecks her own breast to feed her young ones with her blood.”¹⁰⁴ This quotation is noteworthy since it uses both animal and blood imagery. In this case, blood seems to indicate a nutritious and virtuous fluid. Moreover, reference to the womb is also made: “Her own dear blood bread in her own body, cherished in her own womb with much dearness full forty weeks.”¹⁰⁵ Blood seems to serve a number of purposes; it may imply one’s guilt in a murder case, but it can also signify generosity and love.

The blood of Margret Vincent seems to be different from that of other women, and this was the direct result of her Catholic faith. The text reads “Oh that the blood of her own body should have no more power to pierce remorse into her Iron-natured heart, when Pagan women that know not God nor have any feeling of his Deity will shunt to commit bloodshed, much more of their own

¹⁰³ Anon. “A Pittillesse Mother.” Nature’s Cruel Stepdames: Murderous Women in the Street Literature of Seventeenth Century England. Comp. Susan C. Staub. Pittsburgh: Duquesne UP, 2005. 178-187. 181.

¹⁰⁴ Ibid, 182.

¹⁰⁵ Ibid, 183.

seed.”¹⁰⁶ Vincent’s blood is more comparable to the blood of witches, who do not accept the Word of God. The parallel between witchcraft and child murder is an interesting one, since both were typically considered to be female crimes. The author of the pamphlet goes on to note that Vincent’s crime was even more heinous than the actions of cannibals for “The cannibals that eat one another will spare the fruits of their own bodies; the Savages will do like; yeah, every beast and fowl hath a feeling of nature and according to kind will cherish their young ones.” Her actions result from “a witchcraft begot by hell and nursed by the Romish Sect.”¹⁰⁷ Perhaps this tension between Protestantism and Catholicism evidenced in the pamphlet could be attributed to the ongoing religious hostility between evangelicalism and Catholicism under the reign of James I. Surely, these concerns must have trickled down to the lower classes, inciting more anger against the opposing religions. The murderous woman, who in this case was a Catholic, becomes not only a murderer but also a witch for her deviancy and contrariness.

This narrative “Blood for Blood” (1670) recounts the crime committed by Mary Cook—a thirty seven year old wife and mother of eight. According to this account, she had been described as a quiet, mild-mannered woman but had a “melancholy temper” causing her to display dissatisfaction with life. The pamphlet makes reference to her suicidal thoughts as she “fancied death less bitter

¹⁰⁶ Ibid, 185.

¹⁰⁷ Ibid, 185-186.

than life.”¹⁰⁸ The devil makes another appearance in this criminal pamphlet by counseling Cook when she did not attend church. Rather than listening to the word of God, she listened to the devil who enticed her to commit suicide. And on one occasion, she gathered silk scarves and planned to hang herself. However, when a kinswoman discovered her, she immediately fetched Cook’s husband who intervened in the suicide attempt.

Her first attempt may have been foiled by her husband, yet she remained decided upon her own self-destruction. According to the pamphlet, the devil asked Mary what would become of her infant child and upon this realization, she decided, “she had better rid that of life first, and then all her fears and cares... would be at an end.”¹⁰⁹ So she took the knife which was initially intended to be used on herself and slit the child’s throat, then threw it onto the ground. Her hands were bloodied along with her garments, and “The terror of this fatal stroke made such a seizure upon her conscience with the reflection of that doleful sight, her child lying before her eyes, with its heart blood running out.”¹¹⁰ Her husband found Mary and the dead baby and was shocked and horrified by his wife’s criminal deed.

News spread quickly among the community, and although her guilt was most certain, she did not show any remorse. Mary asserted that the act was a result of her discontent—“it was done because she was weary of her life, her

¹⁰⁸ N. Patridge and J. Sharp. “Blood for Blood” Nature’s Cruel Stepdames: Murderous Women in the Street Literature of Seventeenth Century England. Comp. Susan C. Staub. Pittsburgh: Duquesne UP, 2005. 188-215., 198.

¹⁰⁹ Ibid, 201.

¹¹⁰ Ibid, 202.

Relations slighting her, and lest that child being most in her affected should come to want when she was gone, she killed it first, knowing that way would also bring her to her desired end.”¹¹¹ When presented to Sir William Turner the justice of the court, she confessed to murdering her child and explained that she felt neglected by her husband and her family. Moreover, she was also asked to show both the bloody knife which was used along with her blood-stained hands, and this evidence seemed to be the most damning. As a result of her actions, she was sentenced to imprisonment and execution.

Efforts were made to exorcise Cook of her deviancy before her sentence was to be carried out. She claimed that she was unable to repent, for she had neither attended church nor read scripture. Instead, the devil counseled her and this fact prevented her from properly demonstrating remorse for the crime, so she was instructed by clergymen to read scripture. When the day of her execution approached, Mary showed remorse for her sin and wished to be forgiven. Just before she was about to be executed, the pamphlet recounts, “And indeed, excepting the guilt of Murder that lay on her conscience her constant carriage was more like a lamb going to the slaughter than a Murderer going to the Gallows.”¹¹² Frances Dolan points out that Cook, by the time of her death, was seen more as a victim than a criminal. Moreover, “[T]hese women are doubly positioned: threateningly powerful in relation to their children, they are yet vulnerable to

¹¹¹ Ibid, 202-203.

¹¹²Dolan, Francis. Dangerous Familiars: Representations of Domestic Crime in England, 1550-1700. Ithaca: Cornell UP, 1994. 213.

poverty, exploitation, and depression; guilty of murder, they are yet curiously innocent lambs going to the slaughter rather than convicted killers facing execution.”¹¹³

The crime she commits is not out of wantonness or shame; instead, Cook seems convinced that her husband no longer loved her. Her self-destructive tendencies helps to garner some pity and sorrow from the reader. Dolan argues Cook, at times, confused herself with the child, and indeed, she does. He goes on to assert “This, like most representations of murderous parents, depicts the child from the parent’s perspective as an extension of him or her self, never imagining a distinct, separate subjectivity for the child.”¹¹⁴ Again, the separation between the mother’s body and the fetus is further confounded. Unlike the “Deeds against Nature,” this account does not depict murder as unnatural or deviant. In fact, Dolan puts it best: “Rather than oppose or transgress against the ideal of ‘natural’ maternal care, such violence represents maternal solicitude at its most extreme.”¹¹⁵

JM Beattie noted that prosecution rates of females committing murder were significantly lower than their male counterparts, but the prevalence of criminal pamphlets detailing the actions of murderous women, single or married, would suggest otherwise.¹¹⁶ According to Susan Staub, “The popular press shows an almost obsessive concern with female violence...The public’s appetite for

¹¹³ Ibid, 147.

¹¹⁴ Ibid, 147.

¹¹⁵ Ibid, 149.

¹¹⁶ Beattie, J.M. Crime and the Courts in England 1660-1800. Princeton: Princeton UP, 1986.

these writings suggests more than a taste for blood and gore; it evinces a cultural preoccupation with women's behavior[.]”¹¹⁷ Moreover, the gendering of crime added to the anxiety of female behavior, since “Assaults upon children by women are, along with witchcraft, far more likely than other crimes to be associated with women's propensity to evil and malice in pamphlet literature.”¹¹⁸ Although there are cases and pamphlets which detail infanticide being committed by men, women are generally portrayed as perpetrators of this crime.

Garthine Walker, in her work on murder pamphlets, cautions against reading these tracts as mere representations of female wickedness. It may be easy to interpret these works as merely misogynist musings serving the sole purpose of stereotyping and marginalizing women. These pamphlets, although dealing with ephemeral incidents, demand a more nuanced understanding of the conditions under which they were produced. We should bear in mind that England had been wrestling with problems associated with social misconduct throughout the early modern period. Order, therefore, was highly prized and desired. Women who participated in grievous crimes recounted in newsbooks destabilized this notion of order. By relating incidents of female criminality, these pamphlets employed narrative strategies such as overt misogyny in order to ensure that the patriarchal conception of the good women was left intact. The maintenance of female obedience and discipline ensured that order and stability throughout the realm.

¹¹⁷ Staub, Susan C. Nature's Cruel Stepdames: Murderous Women in the Street Literature of Seventeenth Century England. Pittsburgh: Duquesne UP, 2005. 8.

¹¹⁸ Walker, Garthine. "Writing and the English Renaissance." Ed. William Zunder and Suzanne Trill. *Writing and the English Renaissance*. New York: Longman Group Limited, 1996. 127.

Allyson May, in her work on infanticide cases, has collected and reproduced the text from neonate murder trials in the eighteenth century.¹¹⁹ Although this essay looks to situate infanticide as it was understood in late Tudor and early Stuart England, these cases were adjudicated under the statute of 1624 since it was not repealed until 1803. Furthermore, the process of adjudicating a case in the eighteenth century remained fairly similar to cases heard in the seventeenth century. Infanticide trials were tried under a system of private prosecutions, meaning that an individual's accusations could only be put into motion by an indictment.¹²⁰ Another interesting feature of the collection reproduced by May is the fact that she tried to find cases in which women were witnesses. This helps to demonstrate the way women worked to maintain the status quo—a point which will be made later on in my conclusion. But returning to the trial transcripts, the cases included in her collection all derive from the Old Bailey—the central court of London and the county of Middlesex.¹²¹ All felony trials punishable by death were heard at this court along with some misdemeanor offenses. These trial records include the deposition of witnesses to the crime; however, they do not include the account of the crime as dictated by the defendant. May explains that defendants would occasionally give speeches in their own defense, yet women accused of committing infanticide did not speak at

¹¹⁹ May, Allyson N. "'She At First Denied It': Infanticide Trials." Women & History: Voices of Women in Early Modern England. Ed. Valerie Frith. Toronto: Coach House P, 1995. 19-49.

¹²⁰ Ibid, 21.

¹²¹ "Crimes Tried At the Old Bailey." Old Bailey Online. 2003. Arts and Humanities Research Council, University of Hertfordshire, University of Sheffield, the Open University, Enrich UK, HEDS, HriONLINE. 13 Apr. 2007 <<http://www.oldbaileyonline.org/static/Crimes.jsp#intro>>.

their trials. If they did speak, they only provided a sentence or two claiming that they were innocent of the crime.

Mark Jackson has also examined infanticide cases in eighteenth century England, and he notes a trend—over time, juries became less likely to return guilty verdicts. He asserts that, “In part, the courts’ increasing reluctance to convict can be explained in terms of doubts about the certainty of medical evidence and the emergence of more sympathetic constructions of women.”¹²² Moreover, the courts seemed to recognize the cruel nature of the statute of 1624 and its prescription of death for the concealment of a dead child. Jackson notes that [C]ourts responded to the extension of capital punishment to a wide variety of newly-created crimes by adopting increasingly merciful interpretations of the law.”¹²³ But even with these changes in the interpretation of infanticide, these cases were still being brought to trial suggesting that witnesses were not willing to ignore the discovery of dead infants. When examining the depositions provided by witnesses, we should keep in mind that these individuals also had personal motives, and their reasons for testifying are not completely transparent to the modern audience. As Laura Gowing has suggested, “Both the witnesses’ information and the examinations of suspects have their own deceptions and omissions, and their own narrative agendas; both also represented stories which had probably been told already in other local contexts and which would continue

¹²² Jackson, Mark. New-Born Child Murder: Women, Illegitimacy and the Courts in Eighteenth-Century England. Manchester: Manchester UP, 1996. 134.

¹²³ *Ibid*, 134.

to circulate.”¹²⁴ For our purposes, we can examine the language of these depositions in order to better understand the way the crime of infanticide was being discussed and portrayed in the courtroom.¹²⁵

We begin with the case of Elizabeth Turner of Clerkenwell, a servant who allegedly strangled her bastard infant with her bare hands on April 12, 1734.¹²⁶ She worked for a pastry cook in St. John’s Lane, and she lived in his residence. The first witness to testify was Eleanor Turnly, who claimed she saw the accused with Margaret Goldsmith. The two women lodged in St. John’s Lane, and were accustomed to seeing the defendant regularly. According to her deposition, she and Mrs. Goldsmith saw Elizabeth, who appeared to be pregnant, and after some time, they suspected that she gave birth to a child. Their suspicions compelled them to search for the child, but for a while their search was fruitless, so they suspected that Turner had baked the baby in an oven. While rummaging through the cellar, Mrs. Goldsmith and her husband came across a wig-box which had a peculiar smell. Mr. Goldsmith placed his hand in the box and was horrified to discover a dead infant. The juryman went on to ask Eleanor whether she had ever spoken to Elizabeth about possibly being pregnant, and Eleanor stated that she had never done so. Elizabeth Windsor, Turner’s employer, testified and claimed

¹²⁴ Gowing, Laura. "Secret Births and Infanticide in Seventeenth Century England." Past and Present 156 (1997): 87-115. 89.

¹²⁵ The following trial transcripts were chosen on the basis that they occurred before 1740. My research has focused primarily on the seventeenth century, and I wanted the evidence to be as close to this time period as possible.

¹²⁶ "Crimes Tried At the Old Bailey." Old Bailey Online. 2003. Arts and Humanities Research Council, University of Hertfordshire, University of Sheffield, the Open University, Enrich UK, HEDS, HriONLINE. 13 Apr. 2007 <<http://www.oldbaileyonline.org/browse.jsp?id=t17340630-17-defend192&div=t17340630-17#highlight>>.

that she saw water come out of her servant. In addition, Windsor asked Turner whether the child was hers. At first she denied being the child's mother but eventually she admitted that she had birthed it.

Arguably the most interesting testimony comes from Dinah Beavan, who provided a deposition describing the state of the dead infant. Although it is unclear what her official role was, we may postulate that she was on the jury of matrons—a group of women who “were carefully selected from the neighbourhood as experts in the matter by virtue of their experience as child bearers.”¹²⁷ Beavan asserted the following: “The child was crowded in the box and putrefied. It was at the full time. I could discern no mark of violence. [There] was a small wound on the head; but I have known such a thing happen to an honest woman's child, when it has fell from her for want of assistance.”¹²⁸ Her testimony echoes some ambivalence regarding whether Turner had actually committed the crime. Sarah Hawkey, who searched Turner's belongings when she arrived at Newgate prison, attested to the fact that she found “baby things, sewed up in her coat...a shirt, a cap, a stay, a forehead-cloth, and a biggin.” This testimony combined with Beavan's probably helped contribute to Turner's eventual acquittal.

A comparison can be made between Turner's case and Mary Shrewsbury's case which took place in February 1736. According to the account, she was

¹²⁷ Jackson, Mark. New-Born Child Murder: Women, Illegitimacy and the Courts in Eighteenth-Century England. Manchester: Manchester UP, 1996. 35.

¹²⁸ May, Allyson N. "'She At First Denied It': Infanticide Trials." Women & History: Voices of Women in Early Modern England. Ed. Valerie Frith. Toronto: Coach House P, 1995. 32.

“indicted for the murder of her male bastard child, by giving it a mortal wound with a knife in the throat, of the length of four inches and the depth of two inches of which it died.” Mr. Boy, the overseer of the poor, heard that an individual had murdered her infant, and the suspect lived in the residence where some indigent individuals resided. He enlisted the help of a skilled midwife who accompanied him to the house. When recounting his search, he explained “We went upstairs and the poor creature, the prisoner was sitting upright in her bed, with a book in her hand, and the tears ran plentifully down her face.”¹²⁹ Mr. Boy eventually found the child hidden in a closet, and the woman admitted to committing the crime.

Ann Palmer, the midwife, described in greater detail the examination of Mary. She explained that they had had some difficulty trying to find the dead infant, and Mary offered the name of a woman who had helped to conceal the death of the infant—Elizabeth Bell, Mary’s landlady. After much searching, they finally found the infant which had clearly been mutilated. The midwife then asked Mary, “[H]ow she could cut her child’s throat so barbarously, and how she could in her present condition have strength to sew it up?” And the midwife went on to explain, that “She said that the Devil had given her strength and not God.” Another unidentified witness testified that s/he witnessed the defendant and Elizabeth Bell clean up the blood and hide the infant. When this person questioned Mary about her actions, she claimed that the child had been stillborn

¹²⁹ Ibid, 47.

and fear compelled her to murder it. The midwife then disputed the notion that the child was stillborn since her examination of the baby suggested that it had reached full term as evidenced by the fact that “it had hair and nails perfect, and was a larger child than is common.”¹³⁰ The court reprimanded Elizabeth Bell for failing to report the incident and acting as an accessory to the case. Mary, in her own defense, stated that the following at her trial: “It was dark when I was delivered, and the child was dead.”¹³¹ Upon the evidence presented, the court found Mary guilty and sentenced her to death.

The final case involves Martha Busby of Fulham who was charged with murdering her bastard child in July 1731. Elizabeth Smith attested to finding the dead infant in the house of office, and it appeared that the child had been dead for several weeks. Mary Sweatingham, a woman who worked with Martha picking strawberries, asked the defendant whether she had heard the crying of a newborn infant. Martha responded by saying, “she had continually the noise of a new-born child in her ears.” Two other witnesses provided short depositions claiming that Elizabeth admitted to being pregnant. A midwife, Elizabeth Paul, testified that the child had reached full growth. According to the account, Martha also called witnesses who attested to her reputation. The jury accepted these statements and acquitted her of the crime.

Each trial evidences peculiarities with regards to the prosecution of infanticide cases. Unfortunately, we do not know what exactly jury members

¹³⁰ Ibid, 48.

¹³¹ Ibid, 49.

were thinking when deciding on these cases. Despite this obstacle, it is possible to glean information from the depositions of the witnesses and the outcomes of the trials. For instance, these three cases were prosecuted under the 1624 statute, and each involved an unmarried woman who gave birth to a bastard infant. Furthermore, they involve the defendant concealing the body of the dead infant, and yet two out of the three trials resulted in acquittals. This confirms Jackson's assertion that juries recognized the unusual cruelty of the statute, and these acquittals might reflect a wider trend throughout early modern England. But certainly there are some features which help to improve our understanding of the nature of infanticide during the late Tudor and early Stuart period. The prosecution of infanticide relied heavily upon hearsay, the woman's reputation, and gossiping—an activity associated with women—could determine the outcome of a case.

Elizabeth Turner's case demonstrates the way some individuals could police the personal behavior of others. Eleanor Turnly and Mrs. Goldsmith colluded together to find the dead infant. Although they never directly asked Turner whether she was with child, they were able to discern her pregnancy by carefully monitoring her. Moreover, it was Mr. Goldsmith who actively sought out the child and found it in the wig-box. Laura Gowing has studied the nature of gossip in early modern England. Libels, slander, and sexual insult, in Gowing's opinion, helps to reveal the organization of gender relations. Gowing goes on to explain "Bodies and words, sex and marriage were all understood to be shaped by

a gender difference which was most distinct on the subject of morality. Sexual insult belonged to a culture that perceived women's virtue, honor, and reputation through their sexuality, men's through a much wider range of values."¹³²

Reputation became a way to control women by forcing them to confirm to acceptable roles. Martha Busby's case underscores the importance of one's public reputation, as hers helped to exonerate her from the charge of infanticide. Sexual relations were confined to marriage, and promiscuous, single women violated this ideal.

These trial records illustrate the trouble with adjudicating infanticide cases—the lack of positive evidence. The only case which returned a guilty verdict was Shrewsbury's. The dead infant with its head cut off suggested that someone had purposely tried to murder it. Although in Turner's case the child had a mark of violence on its head, the midwife attested to the fact that it may have been the result of an accidental fall during delivery. Again, the statute of 1624 which claimed that evidence of concealment was sufficient to ensure conviction was followed. Eighteenth century juries demanded evidence and were willing to acquit if there in its absence.

We may look beyond the exceptional cases recounted in these narrative forms to discover that the act of infanticide was not the product of extraordinary conditions. Instead, as Laura Gowing has suggested infanticide was “a product of

¹³² Gowing, Laura. Domestic Dangers: Women, Words, and Sex in Early Modern England. Oxford: Oxford UP, 1996. 15.

unexceptional economic and social circumstances where unmarried women might very well see no way in which they could bear and keep a child.”¹³³ These pamphlets and trials, however, employ narrative strategies which help to confuse this point. By demonizing the woman allegedly responsible for the death of the infant, murder pamphlets associate women with these remarkable, frightening crimes. The popularity of these stories and their wide dissemination also helped to convey the idea that women murdering their infants was, in fact, a serious social problem which needed to be stopped. And this anxiety was enough to compel members of Parliament to pass the statute of 1624. The cases described in this chapter help to illustrate the manner in which the 1624 statute worked in actual legal practice. These eighteenth century trials raise questions regarding the fairness of this statute and the manner in which women’s bodies were subject to public knowledge and scrutiny. The statute played a role in making single women objects of surveillance by confusing the division between the private and public sphere.

¹³³ Gowing, Laura. "Secret Births and Infanticide in Seventeenth Century England." Past and Present 156 (1997): 87-115. 88.

CONCLUSION

AN ASSESSMENT OF INFANTICIDE IN EARLY MODERN ENGLAND

The late Tudor and early Stuart reigns inaugurated a period of heightened supervision of the individual, and the anxiety over infanticide was a symptom of this moment in history. The political, social, and economic turmoil of the early modern period may have contributed to this obsession with appropriate personal conduct. In the 1530s, the monarchy's relationship to the Church changed abruptly as a result of the conflict created by Henry VIII's decision to divorce Catherine of Aragon and marry Anne Boleyn. With the accession of Elizabeth I, the English Reformation had already begun to transform the definition of Christianity to Protestant prescriptions, and the struggles between the crown and the church eventually resulted in the supremacy of secular over ecclesiastical authority.

The Reformation Era sparked this trend towards religious fundamentalism, and in the period between Elizabeth's religious settlement of 1559 and the outbreak of the English Civil War (1642-1646), English Puritanism played a serious role in agitating leaders of the church. Christopher Durston and Jacqueline Eales, in their article regarding the ethos of Puritanism, point out that, "During the first 30 years of Elizabeth I's reign puritans were commonly identified as those most actively involved in the vigorous political campaign being waged in pulpit, press and parliament to bring about reformation of both the organizational structure and the liturgy of the newly established English

Protestant church.”¹³⁴ But puritan influence extended beyond the practices of the church. As Joan Kent has argued, “The many attempts to legislate on matters of personal conduct are sometimes attributed to a Puritan desire for moral reformation and the Commons’ passage of a number of the bills is considered as evidence...of ‘the middle classes’ concern for the morals of the poor.”¹³⁵ Statutes regulating personal conduct covered a myriad of issues such as public drunkenness, appropriate dress, and sexuality. Asceticism was one of the trademarks of Puritan culture, and policing individual behavior provided a means to deny worldly desires to all members of society.

Puritanism, however, may not be the only explanation for this heightened interest in individual behavior. Changes dealing with the policing of individual behavior may have a number of other explanations. Poverty, for instance, was on the rise during the early modern period, engendering much legislation regarding the regulation of the poor. AL Beier noted that over two dozen laws were passed between 1485 and 1649 dealing with England’s poor.¹³⁶ He further asserts that one of the defining characteristics of the period immediately preceding the Reformation was the sizable poor population. Taxation records taken from the 1520s and once again in the 1670s suggest that one third to one half of the

¹³⁴ Durston, Christopher and Jacqueline Eales. “Introduction: The Puritan Ethos, 1560-1700” from ed Christopher Durston and Jacqueline Eales The Culture of English Puritanism, 1560-1700. Macmillan Press: London, 1996. 4.

¹³⁵ Kent, Joan. "Attitudes of Members of the House of Commons to the Regulation of 'Personal Conduct' in Late Elizabethan and Early Stuart England." Bulletin of the Institute of Historical Research XLVI (1973): 41-71. 41.

¹³⁶ Beier, AL. The Problem of the Poor in Tudor and Early Stuart England. New York: Methuen & Co, 1983. 1.

population lived close to or in poverty, and the number of poor women outnumbered poor men two to one.¹³⁷ This is partly due to the fact that the price of consumables fluctuated during the Tudor and Stuart reigns thus making poverty an endless cycle. This prevented a portion of the poor from living independently, so they had to take jobs rendering them directly dependent on a household or master. Despite their large numbers, the poor were treated with much disdain and disapproval since the statute of destitution was seen as a choice and the direct result of laziness and/or immorality. Historians have provided a number of plausible explanations for the treatment of the destitute, citing the Protestant ethic along with the humanist tradition as philosophies which encouraged a harsh and at times accusatory attitude toward poverty.¹³⁸

The poor laws and other statutes dealing with individual behavior suggest that ensuring obedience was a serious concern, and such statutes attempted to discipline both the poor and women. Female criminality in the form of infanticide was perceived to be evidence of instability in the community. With regards to infanticide, it may be difficult to discern whether women were actually committing the crime at a higher frequency during the early modern period; however, the evidence suggests that infanticide was perceived to be a major concern in early modern England, and this anxiety transcended class boundaries.

¹³⁷ Ibid, 5.

¹³⁸ Ibid, 13-18.

Cynthia Herrup has argued a similar point:

Communal participation in the control of criminality reinforced social pressure for moral conformity. It reminded persons of the frailty of social stability and provided a public display of the dangerous results of loose personal discipline. Chastisement allowed the community to exact revenge and to reaffirm local power against anarchy...Death by hanging, it was complained, came too quickly after conviction either for a felon to be penitent, or for spectators to absorb the social lesson of misconduct.¹³⁹

The community had something invested in ensuring the moral wellbeing among its inhabitants, and criminal prosecution provided a means by which the individuals could prevent social disorder. In other words, there was, indeed, a “link between justice and morality” which “in theory made criminal law the moral inheritance of every resident.”¹⁴⁰ This rise in infanticide cases suggests that community members no longer subscribed to the idea of protecting other members of the community who committed heinous crimes like killing infants. Herrup describes the role of criminal law in early modern England, explaining, “Since criminality allegedly arose from a flaw within the individual, and not society, other private individuals were logical guards against disorder.”¹⁴¹

The seventeenth century was a pivotal moment in England’s history as the nation was still recovering from the changes resulting from the Reformation while the English Civil War demonstrated the precarious state of the established social

¹³⁹ Herrup, Cynthia. Common Peace. Cambridge: Cambridge UP, 1987. 5.

¹⁴⁰ Ibid, 4.

¹⁴¹ Ibid, 5.

hierarchy. Susan Amussen's work on order in early modern England helps to demonstrate the role women played in this hierarchy, and her work on the internal dynamics of interpersonal relationships provides some explanation for this palpable paranoia regarding women who murder infants. According to Amussen, the family served as a metaphor for order in the family and the state—"the king was the father to his people, the father king in his household."¹⁴² She argues that this analogy, "implies that the family and state were inextricably intertwined in the minds of English women and men in the sixteenth and seventeenth centuries and we cannot understand politics without understanding the politics of the family."¹⁴³ Political theorists considered hierarchy of the home and the state to be sacrosanct, and blatant demonstrations of female agency elicited both concern and outrage. The disciplined family was seen as the fundamental institution in English society as it provided the basis upon which all other relationships were modeled. Thus, the obedience of each individual member of the family was integral to the wellbeing of the community at large.

The policing of sexual behavior helped to maintain the obedience of women, and women who violated acceptable social conduct were also endangering the stability of the community. Bastardy posed a significant threat to the family and the community, since sexual incontinence threatened order in the household. And although men experienced some ostracism for engaging in

¹⁴² Amussen, Susan D. An Ordered Society: Gender and Class in Early Modern England. New York: Basil Blackwell, 1988. 2.

¹⁴³ *Ibid*, 2.

wanton affairs, women bore the brunt of the community's disdain. Amussen expounds upon this point: "Women who bore bastards posed an implicit challenge to social and familial order by creating a 'family' without a head."¹⁴⁴ Women who killed their infants were not only responsible for destabilizing the family, they actually destroyed it. And if we apply the analogy of the family and the state to cases of infanticide, this would suggest that female neonate murders were, in effect, destroying the state. Garthine Walker expounds on this point, writing, "Murderous women and their deeds symbolize the inevitable consequences of the subversion of patriarchal and familial authority—an authority upon which social order itself was seen to rest."¹⁴⁵

By threatening this hierarchy, murdering mothers attacked the overall wellbeing of the community. All forms of murderous behavior were deemed to be dangerous; however, infanticide holds a particularly prominent place. The anxiety over infanticide helped expose contradictions manifested in the definition of motherhood in early modern England. A mother demonstrated a considerable amount of power in rearing the child and running the household; however, she still occupied a position subordinate to her husband and children. She was granted maternal agency, yet the prosecution of infanticide illustrates that this agency was purely conditional. Infanticide threatens the patriarchal authority of

¹⁴⁴ Ibid. 2.

¹⁴⁵ Walker, Garthine. "Writing and the English Renaissance." Ed. William Zunder and Suzanne Trill. Writing and the English Renaissance. New York: Longman Group Limited, 1996. 125.

the husband, and for this reason, it must be checked in order to curtail the maternal agency of all mothers throughout the realm.

Bureaucratic changes which took place during this period may also account for increased anxiety over cases of infanticide. Although this does not account for the increase of infanticide cases prior to its passage, the statute of 1624 may have put pressure on JPs to increase the prosecution of neonate murder in order to provide a platform of legitimacy for the statute. This, in turn, may have motivated coroners to find and report suspicious infant deaths in order to prosecute single women. The Sussex coroners' inquests demonstrate this trend in prosecuting infanticide cases. They indicate that cases of neonate murder were increasing during the Tudor period; however, these indictments performed on suspected infanticide cases increased substantially during the seventeenth century especially after 1624. Of the 1366 indictments recorded by the Sussex coroner from 1485 to 1688, there were 60 infanticide inquests, and 34 of the 60 cases occurred after 1624. Over 50 percent of the infanticide indictments performed in Sussex took place after the passage of this statute, suggesting that it may have affected the frequency with which coroners performed indictments on these dead infants. Recalling Mark Jackson's argument about the decline of the authority of the coroner resulting directly from the increased power of the JPs, it would seem to make sense that this statute cultivated a sense of urgency with regards to infanticide among the JPs and the coroners.

The societal position of married and single women helped to define infanticide as a crime generally carried out by unmarried females. During this period, marital status became a mitigating factor as wives were seen as virtuous, and perhaps more importantly their maternal role was seen as necessary to national stability. Marriage safeguarded order by establishing a hierarchy which families were expected to follow. Not surprisingly, single women, in particular, were considered an affront to the family and the nation since marriage was defined as a social norm or perhaps even a prerequisite for communal acceptance. Society simply expected women to wed and subsequently embark upon the task of bearing and rearing children. But if a woman never married, she occupied a very vulnerable position in society as she was not afforded the same social, legal, and economic privileges which married women and widows enjoyed.¹⁴⁶ This disparity in the treatment of spinsters and married women demonstrates a sort of punishment for those who did not abide by social standards.

We may recall that in medieval England the law gave special consideration to poor, single women who had been accused of committing infanticide. There was an understanding of the social and economic considerations could compel a woman to murder her child; however, during the early modern period, destitute females did not receive this special consideration.

Single women, especially those who participated in illicit sexual relations, were seen as vile and even dangerous to the nation. Criminal pamphlets often

¹⁴⁶ Froide, Amy M. Never Married: Singlewomen in Early Modern England. Oxford: Oxford UP, 2006.

juxtapose the virtuous woman and the lewd woman. In the case of Jane Hattersley, the author of the pamphlet contrasts her lewdness and the virtuousness of the Goodwife Kinge. Although there are pamphlets which detail mothers killing their infants, these incidents were more aberrations than the norm. Ultimately, by depicting the characteristics of an evil woman, pamphlets helped to define the ideal woman, and once women ascribed to this ideal, they would in turn help to perpetuate it.

During the early modern period, we also witness an evolution in the legal and societal perception of the woman's body and the fetus. The prevailing view was that the infant took on personhood after delivery, and this realization warranted the protection of the innocent and helpless child, now a separate entity from his or her mother. In the event that the mother perpetrated an act of violence against the child, this distinction helped to illustrate the fact the mother was committing a crime against another human being. During this period, it was established that infanticide was committed if the baby had reached full term and had been removed from the woman's body.

The state of forensic evidence, however, prevented proper analysis of the infant to determine the actual cause of death, so it remained unclear whether a child was stillborn or murdered. Nevertheless, the possibility that a mother may have harmed another individual, especially her own baby, elicited public outrage and disdain. Murder pamphlets detailing instances of infant and child murder worked to naturalize the notion of maternal love. By suggesting that a mother

accused of killing her infant was unnatural, these pamphlets demonstrated that she violated the laws of nature. In medieval England, however, infanticide was considered a lesser crime than homicide due in large part to the realization that it was difficult to determine whether a child had been born alive or stillborn. Women who murdered their children were not violating natural laws, since the idea of maternal love only developed during the early modern period.

The increasing anxiety over infanticide had profound effects on the lives of women, and one of these included the confusion of the interface between the woman's public and private sphere. This is particularly salient with regards to pregnancy and delivery, since privacy and secrecy had always been major components of the ritual of birthing a child. Laura Gowing, in her work on the history of reproduction, has helped to elucidate this point, explaining, "The private but communal event of a lying-in, where female companionship and help stood between the new mother and the male world outside, could also, it has been argued, constitute a time of rare female power[.]"¹⁴⁷ The birthing process as Gowing has suggested helped to cultivate women's own community and culture by forging relationships completely independent of men, but this privacy was eventually violated.

The statute of 1624 invaded a woman's privacy, especially a single woman's privacy. By presupposing a woman's guilt based on her decision to deliver a child alone, this statute suggested that the state had a vested interest in

¹⁴⁷ Gowing, Laura. "Secret Births and Infanticide in Seventeenth Century England." Past and Present 156 (1997): 87-115. 87.

exposing the secret activities of unmarried females. In order to do so, they had to request the help of other women to divulge the actions of women who were perceived to be lewd and wanton. As a result, an unmarried woman who chose not to entail the help of other women was left in a vulnerable state, and in fact, “other women...were not companions, but threats...Here, the boundaries between women’s bodies and a watchful community were constantly open to question, and the secrets of the body divided women more than they united them.”¹⁴⁸ The community constantly kept watch over women, and servants were especially likely to be scrutinized. “Their employers,’ Gowing argues, ‘were frequently exercised about their situations and questioned or confronted them, but there seems also to have been a sense in which, more than with girls living with their mothers, their sexuality was public property and public threat.” As servants in households, such women were left to fend for themselves when presented with male masters or other servants who acted as sexual aggressors. Because of their dependent state, these women could not independently support their children.

Men rarely participated in policing the bodies of women who may be pregnant; this responsibility was left to the women of the community. For instance, in early modern England, it was common to have a woman demand to examine the breasts of another woman to determine whether she had been lactating, and this was a fairly common occurrence which did not require official

¹⁴⁸ Ibid, 87.

prompting.¹⁴⁹ Although other women were granted access to examine a woman's body, the state of gynecology during this period was still very rudimentary, and it could be difficult to accurately determine whether a woman was actually pregnant. Some women could, in effect, hide their pregnancy by claiming that they were ill while other women did not even realize they were pregnant until the birth of their child.

For the unmarried woman, the act of giving birth was a time of tremendous agony compounded with the fear of being caught. The birthing process of a married woman was significantly different. Neighbors and midwives aided in the process and attended to the pregnant woman carefully and diligently. Here the traditions and rituals were forged and the bonds between women were established. Percivall Willughby (1596–1685), a physician and obstetrician in the 17th century, compiled some of his medical observations on the pregnancy and the birthing process.¹⁵⁰ In his Observations in Midwifery, published posthumously in 1863, he noted that women could give birth without the aid of a midwife since her role was “no more but to attend, and wait on, nature, and to receive the child.”¹⁵¹

In fact, he states the following:

I have known severall women, that have been delivered without a midwife. Therefore to have a midwife is not absolutely necessary, yet very convenient, to assist the woman, and so to avoid all future suspicions, and to free some of the the looser

¹⁴⁹ Ibid, 91.

¹⁵⁰ Lane, Joan. “Willughby, Percivall (1596–1685).” Oxford Dictionary of National Biography. Ed. H. C. G. Matthew and Brian Harrison. Oxford: OUP, 2004. 21 Apr. 2008 <<http://www.oxforddnb.com/view/article/29615>>.

¹⁵¹ Willughby, Percival. Observations in Midwifery. Yorkshire: S.R. Limited, 1972. 11.

sort from the danger of the statute-law, in case that the child should be found dead.¹⁵²

This passage suggests that there was no need for a woman to be surrounded by her friends, neighbors, and midwives during the birthing process. She could deliver a child without the help of any assistants, but Willughby was astute enough to warn against the dangers involved when a woman decided to go through the process alone. Although Willughby argues that the act of birthing a child is dangerous whether a midwife is present or not, having an assistant at the birth protects the mother from suspicion and cruel punishment under the statute of 1624.

This essay has attempted to trace the history of infanticide from the medieval to the early modern period to determine what factors contributed to the shifting public attitude and institutional treatment of this crime. Rather than the statistical data surrounding infanticide, my work has focused on analyzing the reasons underlying the heightened level of interest in this particular crime. The legal and cultural interpretations of infanticide profoundly shaped the lives of all women in early modern England by changing the way men and women conceived of the female body and the fetus, and the anxiety generated by neonate murder came at a time in England's history when order in the realm was in a precarious state. Real or imagined, the fear of impending civic disorder and the rending of the social fabric exemplified in bastardy and lewd conduct of poor, single women

¹⁵² Ibid, 11.

contributed to an environment in which infanticide was perceived to be a threat.

The criminalization of infanticide may have helped to reconstitute patriarchy under changing social realities by ensuring the obedience and discipline of women.

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