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Mistris Turner's Tale: Law and Disorder in Early Stuart England

by

Leeanna Carol Ryan

A thesis submitted to the Faculty of Graduate Studies and Research in partial fulfillment of the requirements for the degree of Masters of Arts in History.

Department of History and Classics

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Abstract

In 1615, London was rocked by a scandal which was seen to strike at the very foundations of English society. What began as a conspiracy to murder Sir Thomas Overbury in the Tower of London eventually ended on the gallows at Tyburn. Historiography has usually viewed this from the elite perspective; however, this thesis examines Anne Turner, friend and *confidante* of Frances Howard. Turner was a minor player at the time; she was and has remained of little general interest compared to the Earl and Countess of Somerset.

The first half of this thesis uses social theory to look at specific topics that directly affected Turner and the way she was perceived by her society. These topics are gender controversy, social issues, court faction, religion and witchcraft, with a focus on the tensions between conformity and deviance. The second half follows the law as it pertained to the Overbury scandal. It also deals with personality disintegration as deviance comes up hard against social control. The genre of last dying speeches and the performance art surrounding state executions exemplify the power of the state over the individual in Jacobean society. Turner's deviant behaviour and eventual conformity can be used to study early Stuart England and the many ways that power functioned to maintain social order and control.

Dedications

This thesis began as a term paper in Dr. Andrew Gow's *Gender and History* seminar. It outgrew the confines of the original assignment and I thought that it could be used to discover even more about Anne Turner and seventeenth-century society in England.

I am extremely grateful to my supervisor, Dr. Julian Martin, who wholeheartedly supported my decision to focus on the Overbury case from the perspective of Anne Turner. Dr. Martin was always willing to answer questions, to point me in the right direction and to believe that I could do this, even during those times when I doubted myself. His assistance and expertise were invaluable and his attention to detail taught me about the importance of dedicated and precise scholarship in any work of history.

I would also like to thank Dr. Andrew Gow for his assistance during the original seminar and especially for his advice and comments on the sections about gender, widows and witchcraft while I was writing this thesis.

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Prologue

On September 15, 1613 Sir Thomas Overbury died in the Tower of London. He was hastily buried and neither missed nor mourned by anyone other than his immediate family. He had been the secretary and friend of Robert Carr who was the favourite of King James. Overbury, however, had opposed Carr's irregular relationship with Frances Howard and vowed to prevent Howard from marrying his friend. An annulment was granted to Howard just ten days after Overbury's death. On December 26 of that same year, Robert Carr, the Earl of Somerset married Frances, the former Countess of Essex. Anne Turner, a very close friend of the new Countess, moved into the Somerset's home as a companion for Frances.

Turner came from a family of minor Catholic gentry in Cambridgeshire. Anne's brother, Eustace Norton, had been Falconer to the Prince of Wales. Anne married George Turner, an aged physician who was highly respected by Queen Elizabeth and court society. His wife began to live quite openly with Sir Arthur Mainwaring, having three children by him while Turner lived. After her husband's death in 1610, Anne was determined to marry Sir Arthur. From Dr. Simon Forman she procured love spells and charms to entice Mainwaring. Anne was both beautiful and talented and managed to attach herself to Court circles. She introduced a new style for yellow ruffs and worked with Inigo Jones creating costumes for his court masques. Although they had known each other for years, it was during this period that Anne Turner and Frances Howard became fast friends. Turner took Frances to Dr. Forman for charms which would make Howard's first husband impotent and ensnare Robert Carr, the King's favourite.

In 1615, Robert Carr, the Earl of Somerset began to fall from grace as the king became enamoured with George Villiers. It was then that the rumour began that Sir Thomas Overbury had been poisoned in the Tower. Robert Carr, Frances Howard, Richard Weston, James Franklin, Gervase Elwys and Anne Turner were indicted for his murder. Turner was charged with procuring and administering the poison. The "Overbury" trials were a *cause celebre* in both Court circles and the popular press. Anne Turner was tried at the King's-Bench on November 7, 1615, was found guilty and sentenced to death. Sir Edward Coke, the Lord Chief Justice, said that she had the seven deadly sins and was "a whore, a bawd, a sorcerer, a witch, a papist, a felon, and a murderer, the daughter of the devil Forman." While awaiting execution, Turner confessed, repented and converted to the Anglican faith. On November 14 she was taken by cart to Tyburn where she made a most contrite last dying speech on the gallows which was very well received by those who had come to see her die.

Turner, Weston, Franklin and Elwys were all tried and executed for their complicity in the Overbury case. Robert Carr and Frances Howard were eventually tried, found guilty and sentenced to death; they were, however, pardoned by the King.

Social Theory and Methodology

> "Individuals should be thought of as the sum of the forms of life in which they play a role."
> - H.M. Collins, *Changing Order* (1986)

How can we use Anne Turner's story to decode the mental world of early modern England? Traditional historiography offers one option but I wish to go beyond this as a way to look at the deep structures of seventeenth-century society. Historians need not ignore other social sciences which can provide context to a "sense of the past" as a way to look both at agency and man in society.[1] What did it mean to be a member of early Jacobean society? What mindsets did people have in common and what happened when society and the individual clashed? In order to analyze Anne Turner as a product of her culture, one must look directly at her actions and the choices she made for "in studying both the most admired and the most detested figures in any society, we can see, as seldom through other evidence, the nature of the average man's expectations and hopes for himself."[2] This is particularly relevant for Anne Turner because her conversion and repentance dramatically changed how her contemporaries saw her. She went, virtually overnight, from the most detested sinner to the most admired saint in her society.

Various interpretive and methodological tools can help the historian understand human behaviour and put it into proper context. Social theory can illuminate historical action because of the common ground between the different fields in the social sciences.[3] Historians need a theoretical framework and theories of social change in order to discern human agency within social structure.[4] A theoretical framework not only helps one describe and explain actions but also to decide what questions to ask. Historical work needs to be "framed" since frames and structure define a situation and organize experience. In fact, "observations are understandable only in terms of the frames we put around them."[5] Historians

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[1] H.R. Trevor-Roper, "The Past and the Present. History and Sociology", *Past and Present*, 42 (1969), p. 12; see also E. J. Hobsbawm, "The Social Function of the Past: Some Questions", *P & P* 55 (1972), p. 5; Robert Nisbet, *Tradition and Revolt: Historical and Sociological Essays* (1968), pp. 97-9.

[2] Peter Brown, *Society and the Holy in Late Antiquity* (1989), p. 106.

[3] Peter Burke, *History and Social Theory* (1993), p. 164; see also Dennis Smith, *The Rise of Historical Sociology* (1991), p. 184; Peter Laslett, *The World We Have Lost* (1976), p. 245; Clifford Geertz, *Negara: The Theatre State in Nineteenth-Century Bali* (1980), p. 6; Dominic La Capra, *History and Criticism* (1985), pp. 9-10.

[4] Philip Abrams, "History, Sociology and Historical Sociology", *P & P* 87 (1980), p. 5; see also Anthony Giddens, *New Rules of Sociological Method* (1988), p. 21; Burke, *History & Social Theory*, p. 162; Trevor-Roper, "The Past & the Present", *P & P* 42 (1969).

[5] Philip Manning, *Erving Goffman and Modern Sociology* (1992), pp. 118-9; see also Nigel Rapport and Joanna Overing, *Social and Cultural Anthropology* (2000), pp. 134-5; Geertz, *Negara*, p. 6.

therefore need theories, models and social concepts to add another layer to historical research and to look at both the events of history and the structures within which they occurred.[6] The concepts and models of gender theory, structuration theory, performative behaviour, and the dynamics of power are particularly useful theoretical tools for studying both the politics of everyday life and the more dramatic spectacles exhibiting state power in Jacobean England.

It is useful to connect the study of gender with the study of politics because "gender is a primary way of signifying relationships of power."[7] Gender and political power were both hierarchical relationships in seventeenth-century England and the social order rested on the gender order.[8] Since gender helped establish social roles, the history of gender and sexuality is central to issues of power.[9] Gender is neither fixed nor innate but constructed within a society[10] and certainly shaped women's lives in early modern England. In order "to understand fully how women were social agents in the early modern period and the limits of their agency, it is necessary to take account of the complicated economic and social structures in which they functioned."[11] Gender theory can add another perspective to the power-relations that permeate social behaviour.[12]

Events and actions can also be viewed as performative. Erving Goffman suggested ways to look at the structure of society and the creation of social encounters as well as individual behaviour. He asked us to look at "the structure of those entities in social life that come into being whenever persons enter one another's immediate physical presence."[13] When one looks at the visible elements of social interaction in the seventeenth century it seems that the "better sort" were

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[6] Burke, *History & Social Theory*, pp. 1-3, 28; see also Smith, *Rise of Historical Sociology*, pp. 1-3; Anthony Giddens, *Politics, Sociology and Social Theory* (1995), p. 235.

[7] Joan Wallach Scott, *Gender and the Politics of History* (1988), p. 44; see also Erving Goffman, "The Arrangement Between the Sexes", *Theory and Society* 4 (1977), pp. 301-32.

[8] Anthony Fletcher, *Gender, Sex and Subordination in England 1500 - 1800* (1995), p. 101; see also his "Manhood, the Male Body, Courtship and the Household in Early Modern England", *History* 84 (1999), p. 419.

[9] Alan Bray, "Homosexuality and the Signs of Male Friendship in Elizabethan England", *History Workshop Journal* 29 (1990); see also Kathleen Brown, *Good Wives, Nasty Wenches and Anxious Patriarchs* (1996), p. 13; Richard Trexler, *Sex and Conquest. Gendered Violence, Political Order, and the European Conquest of the Americas* (1995), p. 2.

[10] James Grantham Turner (ed.), *Sexuality and Gender in Early Modern Europe* (1995), pp. 1-9; see also Jenny Kermode and Garthine Walker (eds.), *Women, Crime and the Courts in Early Modern England* (1994), p. 8.

[11] Jean Howard, "Producing New Knowledge", in Susan Frye and Karen Robertson (eds.), *Maids and Mistresses, Cousins and Queens: Womens' Alliances in Early Modern England* (1999), p. 309; see also Olwen Hufton, *The Prospect Before Her. A History of Women in Western Europe, 1500 - 1800* (1997), p. 4.

[12] Patricia O'Brien, "Foucault's History of Culture", in Lynn Hunt (ed.), *The New Cultural History* (1989), pp. 37-8.

[13] Erving Goffman, *The Presentation of Self in Everyday Life* (1959), p. 254.

performing most of the time. Both the world and society were stages and life was performance art. One sees "performance," not the great illusion of "ego" in a social world which consisted of role playing raised to a fine art. Goffman argued that it is almost impossible to find the "real" person: "what is important is the sense he provides ... through his dealings ... of what sort of person he is behind the role he is in."[14] The seventeenth-century self was created through the framework of social roles and A.J. Slavin states he has not found a "self" behind the various performed roles. Instead, "I find characters engaged in a continuing conversation, constructing their public personae, without the indelible mark of character. I see them moving on a field of powerful cultural symbols that were the medium of their actions."[15] My study of Anne Turner embraces just such an insight.

Roles and rules come from society to the agent and "moral rules are impressed upon him from without."[16] Society tries to enforce the normative through roles or normative sets of actions which define position.[17] The performed self comes from the roles created by society but actors have agency to conform or to reject the norm. This conflict of interest between the actor and society is deviance and it is this deviance which creates many social tensions.[18] Deviance plays an important role for "if agents were unable to originate new forms of activity then it would be impossible to account for the extraordinary variations in social conduct that have been exhibited in the course of human history."[19] Anne Turner's subversive household and deviant behaviour caused a great deal of anxiety in Jacobean society. Her conduct was so unacceptable that her final decision to conform had an even greater impact on society.

Another way to study a culture is to look at its rituals and symbols and how they create and enforce power. Spectacles are an integral part of the theatre state

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[14] Goffman, *Frame Analysis: An Essay on the Organization of Experience* (1974), pp. 252-3, 298.

[15] A.J. Slavin, "On Henrician Politics: Games and Drama", *Huntington Library Quarterly*, 60 (1999), p. 270; see also Stephen Greenblatt, *Renaissance Self-Fashioning. From More to Shakespeare* (1980), pp. 3-9.

[16] Erving Goffman, *Interaction Ritual: On Face-Work: An Analysis of Ritual Elements in Social Interaction* (1967), p. 45.

[17] Erving Goffman, *Encounters: Two Studies in the Sociology of Interaction* (1963), pp. 85-7; see also Goffman, *The Presentation of Self*, pp. 19-20; Rapport & Overing, *Social & Cultural Anthropology*, p. 3.

[18] Giddens, *New Rules of Sociological Method*, p. 95.

[19] Ira Cohen, "Structuration Theory and Social Praxis," in Anthony Giddens and Jonathan Turner (eds.), *Social Theory Today* (1987) p. 291; see also Rapport & Overing, *Social & Cultural Anthropology*, pp. 95-6; Giddens, *New Rules*, p. 161.

and a way in which power is created.[20] Clifford Geertz describes these symbolic forms and studies them within the structure of the culture that has created them.[21] Ideas about spectacle can also be generalized from culture to culture for "all polities display themselves as spectacle and that we may best understand them as spectacular dramatizations of their own master-symbols and values."[22] Culture is a created, lived experience which is wrapped up in symbols and "webs of significance" and the interpretation of a culture's symbols is vital to understanding the society itself.[23] There are many different ways to look at the nature of power: the power to enforce, the power to deviate and the power to change.[24] Theories about state spectacle are particularly useful when dealing with the force and majesty of the law and public executions in Jacobean England. The state was a manifestation of the official culture and attempted to enforce normative roles through displays of statecraft, spectacle and power.

I have chosen to foreground certain topics as a way to look at society and the individual in early Jacobean England. In the first part of the thesis, I deal with the issues of gender, rank and social status, court faction, religion, widows, and witchcraft. These subjects are particularly useful when looking at Anne Turner and the Overbury scandal and they set the stage for the state drama of trial and retribution. In the second part I focus on the law, the trials, gaol and personality disintegration, gallows psychology and last dying speeches, and the theatre of state executions. My thesis explores both the expectations of society and what happened when the individual came into conflict with these legal and cultural norms. It has been structured to create a dialogue between narrative and theory as a way to add a deeper level of meaning to the work.[25] I have incorporated sociological and anthropological theory to distinguish the scope for agency within the normative structures of society as well as in the performative theatre of everyday life.

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[20] Geertz, *Negara*, p. 13, 143; see also Clifford Geertz, "Centers, Kings, and Charisma: Reflections on the Symbolics of Power", in his *Local Knowledge* (1983), pp. 125-30; Aletta Biersack, "Local Knowledge, Local History", in Lynn Hunt (ed.), *The New Cultural History*, pp. 77-8. For a different perspective on rituals, see Edmund Muir, *Ritual in Early Modern Europe* (1997), pp. 231-2.

[21] Geertz, *Negara*, p. 103.

[22] Fred Inglis, "Theatre States and Stages of the World", in *Clifford Geertz: Culture, Custom and Ethics* (2000), p. 166; see also Michel Foucault, *Discipline and Punish: The Birth of the Prison* (1979), pp. 47-9. Aletta Biersack suggests that Geertz's interpretation of ritual is reductionist regarding power relations: "Local Knowledge, Local History", in Lynn Hunt (ed.), *The New Cultural History*, pp. 81-2.

[23] Rapport & Overing, *Social & Cultural Anthropology*, pp. 349-50.

[24] Bruno Latour, "The Powers of Association", in John Law (ed.), *Power, Action and Belief* (1986), p. 264; see also Geertz, *Negara*, pp. 134-5.

[25] Philip Abrams, "History, Sociology, Historical Sociology", *P & P* 87 (1980), p. 12; see also Burke, *History & Social Theory*, p. 163.

The last sections suggest how the power of the state and the force of the law could cause a destruction of the constructed personality. One cannot separate the "self" from the roles played by the actors in the Overbury drama for these selves were constructed from a cascade of performed roles. "Being there" was integral to their performance in society and at court. It was, however, possible to rebuild or reconstruct the deviant personality in a normative manner which could lead to a complete reintegration with society. Anne Turner is a perfect example of how this reconstructed personality could be accepted as totally authentic. The performance of the actor was all important and it is this activity which can highlight normative behaviour in early Jacobean England.

Historiography

"James had sentenced monarchy to death."
- Alastair Bellany (1995)

How was Anne Turner's story told and why did people react so strongly to her at the time? Some historians suggest that such an intense reaction came from a challenge to the ideology of the period.[1] Turner became an object lesson about the potential wickedness of women and the corrupting power of evil and the devil. The later discourse (of a dissolute king trying the endless patience of his people) was not part of the public reaction at the time. Instead, the story told was one of corruption and evil uncovered by the king with the help of divine intervention. This fairly straightforward story did not change until much later, when some people began to be extremely dissatisfied with their government. It was only then that this scandal came to be seen, in retrospect, as the first skirmish in an action which would inevitably lead to civil war. This is important because "the way a society makes sense of its past is rarely a matter of indifference and often a major component of its self-image; it is always 'one of the ways in which a society reveals itself, and its assumptions and beliefs about its own character and destiny.'"[2]

The extremely rich and multilayered story of the Overbury scandal has become all things to all historians. It has been packaged in a variety of ways, depending on political or social beliefs and perspectives. As the idea of progress became dominant in Western world[3], traditional whig political history used this scandal as the first step along the high road to civil war -- in the progress toward freedom and liberty.[4] Samuel Gardiner suggested the certain end of the Stuart dynasty began as a result of the Howard annulment which was itself merely the outward sign of

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[1] David Lindley, *The Trials of Frances Howard: Fact and Fiction at the Court of King James* (1993), p. 42; see also David Underdown, "Yellow Ruffs and Poisoned Possets: Placing Women in Early Stuart Political Debate", in Susan Amussen and Adele Seeff (eds.), *Attending to Early Modern Women* (1998); Alastair Bellany, *The Poisoning of Legitimacy? Court Scandal, News Culture and Politics in England, 1603 - 1660.* (Unpublished doctoral thesis, Princeton University, 1995.)

[2] Stuart Clark, *Thinking with Demons: The Idea of Witchcraft in Early Modern Europe* (1997), p. 319; see also Eric Hobsbawm and Terence Ranger (eds.), *The Invention of Tradition* (1985), pp. 1-13; Kevin Sharpe, "History, English Law and the Renaissance", in his *Politics and Ideas in Early Stuart England* (1989), pp. 176-8.

[3] Robert Nisbett, *The History of the Idea of Progress* (1980), pp. 5, 171; see also T.G. Ashplant and Adrian Wilson, "Present-Centred History and the Problem of Historical Knowledge", *The Historical Journal* 31 (1988), p. 253; Wilson and Ashplant, "Whig History and Present-Centred History", *HJ* 31 (1988), pp. 2-3.

[4] Andrew Amos, *The Great Oyer of Poisoning* (1866), *passim*; see also Samuel R. Gardiner, *The History of England* (1904), II, pp. 166-187; pp. 331-363.

a dissolute court.[5] Gardiner constantly criticized James [6] and used the court trials for Overbury's poisoning to show just how bad the justice system was under absolute monarchy.[7] J.P. Kenyon blamed a dissolute court and immoral Jacobean courtiers for Stuart political problems.[8] William McElwee stated that the king's infatuation with Carr "accelerated the deterioration of James's character and Court, and of his reputation in the country at large,"[9] explicitly asserting that court scandals and royal corruption inevitably led to war.

> So the golden age which had seemed to be opening after the Powder Plot became instead the beginning of a fatal decay in the whole tone of Court and government. Processes had been set in motion which in a very short space of time would completely estrange Court from Country and leave Stuart kings normally opposed, for one reason or another, by an overwhelming majority of their politically minded subjects.[10]

G.P.V. Akrigg told the usual story with the usual suspects, all leading to civil war. Akrigg actually went as far as stating that the war itself seemed preordained by James's own curse regarding the Overbury trials.[11] In a traditional marriage between whig and legal history, Miriam Allen deFord emphasized the past as dissolute and the legal system as hopeless and unjust, with the same idea of freedom and progress leading to a better future.[12] Lawrence Stone, of course, also stated that a dissolute and corrupt court caused a breakdown in relations between court and county, inevitably leading to civil war.[13] Despite the work of revisionists like Conrad Russell and Kevin Sharpe, some historians such as Linda Levy Peck, David Underdown and Alastair Bellany still use the Overbury scandal as the political mark for the beginning of the

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[5] Gardiner, *History of England*, II, p. 167-8.

[6] "Of the conduct of James it is difficult to speak with patience. However impartial he may have believed himself to be, he in reality acted as a mere partisan throughout the whole affair, and it was never doubted that his influence contributed materially to the result. Nothing could well have been more prejudicial to the interests of justice than his meddling interference at every step." Gardiner, *History*, II, p. 173.

[7] Gardiner, *History*, II, pp. 338-47, 350. "No trial exhibits more clearly than that of Weston, the difference between ancient and modern practice. Defective proof was eked out by a ready imagination." G.R. Elton discusses this problem in "Crime and the Historian," in his *Studies in Tudor and Stuart Politics and Government* (1983), III, pp. 290-1.

[8] J.P. Kenyon, *The Stuarts* (1970), pp. 46-51. Kenyon refers to Frances Howard as "the nymphomaniac daughter" of the Earl of Suffolk who was granted an annulment "after a hearing farcical even by modern standards, and had the effrontery to marry Carr in a white dress and flowing hair of a virgin."

[9] William McElwee, *The Wisest Fool in Christendom* (1958), p. 179; see alsoWilliam McElwee, *The Murder of Sir Thomas Overbury* 1952), p. 265.

[10] McElwee, *The Wisest Fool*, p. 181.

[11] G.P.V. Akrigg, *Jacobean Pageant or The Court of King James I* (1962), p. 204; John Nichols, *The Progresses, Processions, and Magnificent Festivities of King James the First* (1828), III, p. 105; 2 ST 966b.

[12] Miriam Allen de Ford, *The Overbury Affair* (1960), p. 3.

[13] Lawrence Stone, "The Crisis of Confidence", in his *The Crisis of the Aristocracy 1558 - 1641* (1965), pp. 746-53; see also Stone, "Marriage and the Family", in his *Crisis*, pp. 664-7; Stone, *The Causes of the English Revolution 1529 - 1642* (1986), *passim*.

end. From this perspective, charges of corruption were actually part of a coded way to criticize the king and court: the corruption discourse eventually and inevitably lead to war.[14] David Underdown contended that court scandals needed to be placed within a larger historical context, arguing that the scandals undermined the Jacobean government and caused a fracture in the public consensus which affected the politics of the first half of the seventeenth century.[15] Alastair Bellany argued that the court came to be seen as a source of infection with serious long-term consequences for the Stuart dynasty; by sparing the Howards, "James had sentenced monarchy to death."[16] Although Bellany conceded that the Overbury scandal did not have a negative impact on the public perception of King James, who was never seen as the "bad guy" or in anyway responsible at the time, he still asserted it had an important negative and long-term effect on English politics.[17]

G.R. Elton told a different political story. His focus was on court dynamics and points of contact between court and sovereign. Elton suggested that faction caused problems under James because too many people had been excluded from power at court and influence was centred on a limited number of favourites. Queen Elizabeth had used the politics of faction much more successfully than James whose favourites destabilized the government.[18] James had less interest in the day-to-day aspects of government and was content to leave this aspect of statecraft to his favourites.[19] Elton's broader interpretation and refusal to accept the story of a high road to civil war illustrates the importance of adding social and cultural history to more traditional political history.[20]

Many feminist historians have also used the Overbury scandal in their work. Joan Kelly discussed the Jacobean pamphlet debate about women's place and

[14] Linda Levy Peck, *Court Patronage and Corruption in Early Stuart England* (1990), pp. 11, 220.

[15] Underdown, "Yellow Ruffs and Poisoned Possets", in Amussen and Seef (eds.), *Attending to Early Modern Women*, pp. 230-1, 236.

[16] Bellany, *The Poisoning of Legitimacy?* Vol. 1, p. 438.

[17] Bellany, "Mistress Turner's Deadly Sins: Sartorial Transgression, Court Scandal, and Politics in Early Stuart England", *Huntington Library Quarterly* 58 (1996), pp. 200-2, 204.

[18] G.R. Elton, "Tudor Government The Points of Contact: Parliament", *TRHS* 24 (1974), pp.183-200.

[19] David L. Smith, *The Double Crown: A History of the Modern British Isles, 1603 - 1707* (1998), p. 49; see also Roger Lockyer, *Buckingham: The Life and Political Career of George Villiers, First Duke of Buckingham 1592 - 1628* (1984), pp. 18-19; George Yule, "James VI and I: furnishing the churches in his two kingdoms", in Anthony Fletcher & Peter Roberts (eds.), *Religion, culture and society in early modern Britain* (1994), pp. 183-5. In all fairness to James, he could be extremely subtle when he wished. Church politics was one of his greatest successes, as exhibited by the adroit way he maintained theological and doctrinal balance with Church of England bishops.

[20] G.R. Elton, "A High Road to Civil War?" in his *Studies in Tudor and Stuart Politics and Government* (1974), II, pp. 164-5; see also Slavin, "On Henrician Politic", *HLQ* 60 (1999), p. 249.

presented James I as a homosexual misogynist desperate to control "masculine" women for the good of the state.[21] David Lindley, sounding like an old-fashioned feminist, painted a picture of the helpless Jacobean female, tossed aimlessly about on the winds of a heartless patriarchal society. Frances Howard and Anne Turner, in his vision, were helpless victims without agency in their own lives. Joan Wallach Scott argued that class, race and gender are essential to history although they were never part of the traditional whig story of progress. It is impossible to understand a society without understanding the political functions of creating gender. Scott asserted that sex roles and gender function to maintain the status quo in the social order;[22] "gender, then, provides a way to decode meaning and to understand the complex connections among various forms of human interaction."[23] Alan Bray also argued that the study of gender and sexuality are not marginal "but at the centre of those concerns with power and its organization that have been the traditional concerns of historians."[24]

What happens when one ties gender theory to the more traditional political story of uppity women, dissatisfied gentry and a division between court and country? David Underdown stated that men were obsessed with feminine revolt and that fears for class order lay at the root of the issue. He contended that "at present we are entitled to conclude that the anxieties of Jacobean authors had some basis in fact: that there really was a period of strained gender relations in early modern England, and that it lay at the heart of the 'crisis of order."[25] Anthony Fletcher agreed with these ideas of anxiety and siege mentality in seventeenth century England and showed us a world of desperate men struggling to maintain patriarchal control.[26] He tied anti-feminism in Jacobean England to fear of disorder. Other historians disagree and suggest that the term "crisis" is both inappropriate and too simplistic, for it too

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[21] Joan Kelly, *Women, History and Theory* (1986), pp. 88-91.

[22] Scott, *Gender & the Politics of History*, p. 29.

[23] Scott, *Gender & the Politics of History*, p. 45; see also Fletcher, *Gender, Sex and Subordination in England*, p. 89; Burke, *History & Social Theory*, p. 52.

[24] Alan Bray, "Homosexuality and the Signs of Male Friendship in Elizabethan England", *History Workshop Journal* 29 (1990), p. 2; see also Randolph Trumbach, *Sex and the Gender Revolution* (1998), pp. 55-57.

[25] Underdown, "The Taming of the Scold: the Enforcement of Patriarchal Authority in Early Modern England", in Fletcher & Stevenson (eds.), *Order & Disorder in Early Modern England* (1985), p. 116; see also Susan Amussen, *An Ordered Society. Gender and Class in Early Modern England* (1988), pp. 181-2.

[26] Fletcher, *Subordination*, pp.121-5; see also Brown, *Good Wives, Nasty Wenches & Anxious Patriarchs*, p. 13; Fletcher, "Manhood", *History* 84 (1999), pp. 419, 426; S.D. Amussen, "Gender, Family and the Social Order 1560 - 1725", in *Order & Disorder*, pp. 215-7; Anthony Fletcher, "The Protestant Idea of marriage in early modern England", in Fletcher & Roberts (eds.), *Religion, Culture and Society in Early Modern Britain*, pp. 162-7.

conveniently follows traditional chronology which runs "parallel to the great turning points of political history."[27]

The law and the legal system were seen as the cement which held society together in Jacobean England.[28] Legal history is important when studying the Overbury case and it is essential to ask "how do we deal with the history of crime or the history of the law?" Without understanding the law as it was enforced at the time, the Overbury trials may seem like a miscarriage of justice to modern eyes.[29] Elton warns of the importance of avoiding "anachronistic confusion" when studying the early modern legal system.[30]

Witchcraft beliefs and prosecutions were also central to Anne Turner's story. Anthony Fletcher related witchcraft charges to fears of women out of their proper place: "the issue, as in all sexual politics, was one of power."[31] Robin Briggs agreed that gender was an important factor in witchcraft prosecutions: "gender did play a crucial role in witchcraft, but we will only understand this properly as part of the whole system, within which many other forces operated."[32] J.A. Sharpe agreed and said that although gender was connected to witchcraft there was a very real fear in the power of witches to harm and the issue was much more complicated than that found from "a superficial reading of the *Malleus Maleficarum.*"[33] Witchcraft was sex-related but not sex-specific.[34] Sharpe argued against social-functionalists such as

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[27] Elizabeth Foyster, *Manhood in Early Modern England: Honour, Sex and Marriage* (1999), pp. 209-10; see also Laura Gowing, *Domestic Dangers: Women, Words, and Sex in Early Modern London* (1996), p. 28; Martin Ingram, "The Reform of Popular Culture: Sex and Marriage, in Early Modern England, in Barry Rey (ed.), *Popular Culture in Seventeenth Century England* (1985), pp. 133-6; Judith Bennett, "Medieval Women, Modern Women: Across the Great Divide", in David Aers (ed.), *Culture and History 1350 - 1600* (1992), pp. 164-5; cf. Lawrence Stone, *The family, sex and marriage in England, 1500 - 1800* (1977), passim; Lawrence Stone, "The Rise of the Nuclear Family in Early Modern England: The Patriarchal Stage", in Charles Rosenberg (ed.), *The Family in History* (1975), pp. 24, 51-5.

[28] Fletcher, "Honour, Reputation & Local Officeholding," in *Order & Disorder*, pp. 15-16, 31-32; see also John Brewer & John Styles (eds.), *An Ungovernable People: The English and their law in the seventeenth and eighteenth centuries* (1980), pp. 19-20.

[29] J.H. Baker, "Criminal Courts and Procedure at Common Law 150 - 1800", in J.S. Cockburn (ed.), *Crime in England 1550 - 1800* (1977), p. 35; see also Cynthia Herrup, *The Common Peace: Participation and the Criminal Law in Seventeenth-century England* (1987), pp. 141, 194-9; G.R. Elton warned about the ways that legal history can be misread in "The Historian's Social Function", in his *Studies* (1983), III, p. 419.

[30] G.R. Elton, "Crime and the Historian", in his *Studies* (1983), III, pp. 290-1.

[31] Fletcher, *Subordination*, pp. 26-9.

[32] Robin Briggs, *Witches and Neighbors* (1996), p. 263.

[33] J.A. Sharpe, "Witchcraft and Women in Seventeenth Century England," *Continuity and Change* 6 (1991), pp. 181, 195; see also James Sharpe, *Instruments of Darkness: Witchcraft in England 1550 - 1750* (1996), p. 60; Malcolm Gaskill, "The Devil in the Shape of a Man: Witchcraft, Conflict and Belief in Jacobean England", *Historical Research* 71 (1998), pp. 168-70.

[34] Christina Larner, *Enemies of God. The Witch-hunt in Scotland* (1981), p. 92.

Thomas and Macfarlane who saw witches as victims of society[35] or feminist historians like Kelly or Lindley who saw them as victims of the patriarchy.[36]

The study of Jacobean widowhood can be another bridge between social beliefs about gender, the law and witchcraft. The myth of "the widow" is part of the thought and historiography of the early modern period with the idea that widows were both untrustworthy and sexually voracious and therefore more easily seduced by the devil.[37] One must also deal with the modern myth created by the social-functionalists and feminists who argue that most witchcraft prosecutions were against innocent, helpless and marginalized old women living on the edge of society.[38]

As seen from the historiography of the Overbury scandal, there are many different ways to tell this story, all offering different windows of entry into Jacobean society. Most are too limited and deterministic for a persuasive explanation and need a broader scope in order to do justice to the complexity of the issues. Recent historiography also shows the remarkable tenacity of whig history. I think that the story of Anne Turner's life, especially in relation to her trial and execution, can best be studied from within a range of topics, while resisting the primacy of any one interpretation for the events surrounding the scandal. Instead, I propose a text with a multiplicity of explanations while looking at the many contradictions in this narrative. These topics can be used as analytic categories "to think with" and as entry points to add depth and perspective to a multivocal study of Jacobean England. I wish to collapse some of the boundaries between the social sciences and incorporate ideas and methods from other disciplines to add perspective to this story.[39] I will place the culture within its historical context, describing what happened as part of a process or way of thinking, rather than trying to reach a definitive single conclusion about the events or the impact of the Overbury scandal. By describing these topics, I

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[35] Sharpe, "Witchcraft and Women", *Continuity & Change*, 6 (1991), p. 185; see also E. William Monter, *Enforcing Morality in Early Modern Europe* (1987), p. 445; Christina Larner, "Crimen Exceptum? the Crime of Witchcraft in Europe," in V.A.C. Gatrell, Bruce Lenman and Geofrey Parker, *Crime and the Law: The Social History of Crime in Western Europe Since 1500* (1980), pp. 61-70.

[36] Kelly, *Women, History & Theory* (1986), *passim*; see also Lindley, *Trials*, *passim*.

[37] S.F., *The Picture of a Wanton: her leawdnesse discovered* (1615), Sig. B3; see also Joseph Swetnam, *The Araignment of lewde, idle, froward and unconstant women* (1615), p. 63; James I and VI, *Daemonologie, in forme of a dialogue* (1597, 1603), p. 43.

[38] For a more balanced interpretation of the effects of widowhood, see Charles Carlton, "The Widow's Tale: Male Myths and Female Reality in Sixteenth and Seventeenth Century England", *Albion* 10 (1978); see also Laura Deal, "Widows and Reputation in the Diocese of Chester, England 1560 - 1650", *Journal of Family History* 23 (1998), pp. 382-3; Lara Apps, "Literally Unthinkable" (Unpublished M.A. thesis, University of Alberta 2000); Sandra Cavallo & Lyndam Warner (eds.), *Widowhood in Medieval and Early Modern Europe* (1999).

[39] Robert Nisbet, *Tradition and Revolt: Historical and Sociological Essays* (1968), pp. 97-9; see also Rapport & Overing, *Social & Cultural Anthropology*, p. 9.

will show how Jacobean culture constructed meaning within the social body. Since I do not intend to give primacy to any one theory or model for determining or interpreting the subtle messages and values in this narrative, this will be a somewhat open-ended, "messy text" with many views, instead of one.[40]

[40] George Marcus, *Ethnography Through Thick and Thin* (1998), pp. 188-9; see also Rapport & Overing, *Social & Cultural Anthropology*, pp. 297-9; Aletta Biersack, "Local Knowledge, Local History", in Lynn Hunt (ed.), *The New Cultural History*, pp 83-84.

Gender and Sexuality

> "An Angel is, of course, always He (not She) in human language, because whether the male is, or is not, the superior sex, the masculine is certainly the superior gender."
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> - C.S. Lewis, A Preface to "Paradise Lost" (Oxford, 1961).

What can the Overbury case tell us about gender, sexuality and society in the early Jacobean period? How was gender constructed and how did this in turn affect society? Historians can attempt to penetrate the early modern mental world by using gender theory since gender was a primary way to establish social roles and actually shaped society and political action. One can also use gender theory as a way to look at the duality of the interaction between the actor and society, focusing on the actors without forgetting the normative power of society. Actors both influenced and were influenced by the operations of power and moral relations in their society and always had the power to act in different ways.[1] The reflexive nature of social reproduction and social change transforms my understanding of gender theory. It is essential to connect gender and politics since "gender is a primary way of signifying relationships of power. It might be better to say, gender is a primary field within which or by means of which power is articulated."[2] Sex resides in the body but gender is a social concept and is constructed, not natural or fixed. It is not biological but the way a society "transforms biology into social codes."[3] There was a primary relationship between gender and power in the Jacobean period and it was on this basis that society organized all other relationships of power.

One can use gender relations to study what was expected of women and what happened when those expectations were not met for "the alleged physical and moral weakness of women provided authors with a useful metaphor for explaining other relations of dominance and submission"[4] Assumptions about gender shaped the lives of the major players surrounding the Overbury scandal. Gender and sex roles functioned to maintain the status quo in the social order, for the domestic was

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[1] Cohen, "Structuration Theory", in Giddens & Turner (eds.), *Social Theory Today*, p. 300; Rapport & Overing, *Social & Cultural Anthropology*, pp. 4-5.

[2] Scott, *Gender & the Politics of History*, pp. 24, 44; see also Rapport & Overing, *Social and Cultural Anthropology*, pp. 151-3; Robert McElvaine, *Eve's Seed: Biology, the Sexes, and the Course of History* (2001), pp. 9, 245.

[3] Maureen Quilligan, "Staging Gender: William Shakespeare and Elizabeth Cary", in James Grantham Turner (ed.), *Sexuality and Gender in Early Modern Europe* (1995), p. 208; see also Amussen, *An Ordered Society* (1988), p. 4; Christopher Hann, *Social Anthropology* (2000), pp. 219-20; Merry Wiesner, *Women and Gender in Early Modern Europe* (1996), pp. 242, 252.

[4] Brown, *Good Wives*, p. 13; see also Fletcher, *Subordination*, p. 27; Michel Foucault, *The History of Sexuality* (1990), I, p. 83; Amussen, "Gender, Family & the Social Order", in *Order & Disorder*, p. 196; Wiesner, *Women & Gender*, p. 243; Rapport & Overing, *Social & Cultural Anthropology*, pp. 17-18.

connected to the political and the political order rested on the gender order. This was the natural order of things.[5]

> The authority of husbands over wives, parents over children, and householders over their living-in servants was seen as analogous to that of the prince over his subjects; both royal and patriarchal authority were conceived as mutually validating reflections of a divinely ordered hierarchy, which stretched in a 'Great Chain of Being' from God to the lowest orders of creation.[6]

The Jacobean family was not separate from society but was seen as the basis for all order and the patriarchal family was the model for all social relations.[7] It was, in fact, "the cornerstone of Elizabethan and Jacobean political authority, the ultimate 'natural' justification for obedience to the state: to reject either was to threaten the entire social and political order."[8] William Gouge emphasised this in his popular household manual when he wrote that "the family is a seminary of the Church and common-wealth."[9] Women needed to be ruled by men for they were considered to be the weaker vessel and more prone to sin and wickedness.[10]

Considering these attitudes in Jacobean society, how did women strive for autonomy or attempt to create agency for themselves? Some historians suggest that there was an increase in male anxiety about disobedient and dangerous women at this time but how should we decode this? Men's fears about women seemed to revolve around food and poison, sex and impotence, and disobedience or defiance of authority. Some argue that "uppity" women were thought to be challenging the institution of marriage and the patriarchy but were women any more unruly at this time, or were men just feeling threatened?[11] Scott argues that in order to understand history we must look at the way gender functioned: "the exposure of the often silent

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[5] Amussen, "Gender, Family and the Social Order", in *Order & Disorder*, p. 201; see also Fletcher, "Manhood, the Male Body, Courtship and the Household", *History* 84 (1999), p. 98; Fletcher, *Subordination*, pp. 101, 117; Steve Hindle, "The shaming of Margaret Knowsley: gossip, gender and the experience of authority in early modern England", *Continuity and Change*, 9 (1994), p. 392.

[6] Ingram, "The Reform of Popular Culture?" in Reay (ed.), *Popular Culture in Seventeenth-Century England*, p. 133; see also James I, "The trew Law of free Monarchies", in *The Workes* (1616), p. 195.

[7] Amussen, *An Ordered Society*, p. 38; see also Cynthia Herrup, *A House in Gross Disorder: Sex, Law and the Second Earl of Castlehaven* (1999), p. 70; Fletcher, *Subordination*, p. 101; Sir Robert Filmer, *Patriarcha*, Johann P. Sommerville (ed.), *Patriarcha and Other Writings* (1996), pp. 1-2; Richard Cust, "Honour and Politics in Early Stuart England: The Case of Beaumont *v.* Hastings", *P & P* 149 (1995), p. 61.

[8] Underdown, "The Taming of the Scold", in *Order & Disorder*, p. 117; see also Wiesner, *Women & Gender*, p. 251.

[9] William Gouge, *The Workes of William Gouge. In Two Volumes* (1622), p. 10; see also William Whately, *A Bride-bush or, a direction for married persons* (1623), pp. 194-5.

[10] "Homily on the State of Matrimony" (1563); Elizabeth Foyster, *Manhood in Early Modern England: Honour, Sex and Marriage* (1999), p. 29.

[11] Hufton, *The Prospect Before Her*, pp.45-7.

and hidden operations of gender that are nonetheless present and defining forces in the organization of most societies."[12]

Order was based on the regulation of female sexuality.[13] One of the ways in which gender functioned to control early modern women was through reputation, for gossip about sexual conduct was very common. Religion also emphasized that "a good name is to be chosen above great Riches."[14] This was true for both sexes and honour and a good name were vital for social reputation in early modern England.[15] Morality, however, was a gendered concept and there were quite different standards for men and women.[16] 'Honesty' for women related to sexual honesty. One's reputation was social judgment and a woman's sexual behaviour was above all linked to her general reputation for honesty. Women were, in theory, not to be talked about; to have a good name, a woman had to have no name at all.[17] A good and honourable woman was chaste, silent and obedient; she was modest and pure, for vanity and pride were believed to be at the basis of most inappropriate behaviour.[18] A silent woman was a good woman because her silence communicated that she was able to be governed. This was the basis for the early modern gender system and there was actually a very clear correspondence between the mouth and the genitals.[19] The ballad *The discontented Married Man: or a merry new song that was pen'd in foule weather, Of a scould that could not keep her lips together* is an excellent example of this idea. It tells the sad story of a cuckold's husband and the evils resulting from a woman being given too much freedom. Lechery and adultery are linked to bold

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[12] Scott, *Gender & the Politics of History*, p. 27.

[13] Kelly, *Women, History & Theory*, p. 20; see also Foyster, *Manhood in Early Modern England*, p. 55; Simon Morgan-Russell, "No Good Thing Ever Comes Out of It", in Susan Frye (ed.), *Maids and Mistresses, Cousins and Queens* (1999), p. 98; Alexandra Shepard, "Manhood, Credit and Patriarchy in Early Modern England *c.* 1580 - 1640", *P & P* 167 (2000), pp. 75-76.

[14] Proverbs 22:1; see also Cust, "Honour & Politics", *P & P* 149 (1995), p. 89.

[15] J.A. Sharpe, "Defamation and Sexual Slander in Early Modern England: The Church Courts at York", *Borthwick Institute of Historical Research* (1980), p. 1; see also Cynthia Herrup, "To Pluck Bright Honour from the Pale-Faced Moon: Gender and Honour in the Castlehaven Story", *TRHS* (1996), pp. 138-9; Hindle, "The shaming of Margaret Knowsley", *Continuity & Change* 9 (1994), pp. 392-4.

[16] Amussen, *An Ordered Society*, pp. 99-100; see also Faramez Dabhoiwala, "The Construction of Honour, Reputation and Status in Late Seventeenth and Early Eighteenth Century England", *TRHS* (1996), p. 201; Felicity Heal, "Reputation and Honour in Court and Country", *TRHS* (1996), p. 164.

[17] Gowing, *Domestic Dangers*, p. 270; see also Quilligan, "Staging Gender", in Turner (ed.), *Sexuality & Gender in Early Modern Europe*, p. 209.

[18] Brown, *Good Wives*, p. 31; see also Lyndal Roper, *Oedipus & the Devil* (1994), p. 153; Fletcher, *Subordination*, p. 21.

[19] Fletcher, *Subordination*, p. 12; Barry Reay (ed.), *Popular Culture in England 1550 - 1750* (1985), p. 4

women who talk too much. In this ballad "loose lips" are both a symbol of and lead to unchaste behaviour: female silence is the desired goal.[20]

There was also a common assumption that a whore could be easily identified by her conduct and appearance - by the way she walked, talked and dressed.[21] In *The Araignment,* Joseph Swetnam wrote that "there are three waies to know a whore: by her wanton lookes, by her speech, and by her gate."[22] A whore was the exact opposite of a decent woman; sexually insatiable, she was unable to be satisfied by any man. *The Picture of a Wanton: her leawdness discovered* was written to describe harlots and their behaviour so that innocent men would not be "ensnared" or led into temptation and thus brought to destruction.[23] This idea was founded on the early modern concept that saw women as dangerous and insatiable once they were sexually aroused.[24]

The immoral or evil behaviour of a whore harmed the whole community and was therefore the concern of the whole community. A whore disrupted the gender order and her actions might lead to a bastard who would be a burden to the parish. Even worse, the married whore raised the ugly spectre of a cuckoo in the nest. It was therefore essential that household honour be maintained. "Early modern order was essentially household order and this in turn rested on the largely unconstrained sexual and physical dominance of the male householder."[25] If this failed, a man ran the risk of being cuckolded. To call a man a cuckold was a personal sexual insult and implied that he was unable to control his own household. Suggesting this lack of control and the ability to govern his family was the quickest and most damaging way to insult a man for "the adultery of a wife defined a man more thoroughly than did any of his own actions."[26] Since a woman's adultery defined her husband, an unfaithful wife

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[20] "The Discontented Married Man," in William Chappell (ed.), *Roxburghe Ballads* (1869), I, p. 473; see also "Cuckold's Haven," *Roxburghe Ballads*, I, p. 148.

[21] Dabhoiwala, "The Construction of Honour", *TRHS* (1996), p. 98; see also J.A. Sharpe, "Plebeian Marriage in Stuart England", *TRHS* (1994), p. 29; Fletcher, *Subordination*, p. 21.

[22] Joseph Swetnam, *The Araignment*, p. 18.

[23] S.F., *The Picture of a Wanton: her leawdness discovered* (1615), Sig. A2v & r.

[24] Fletcher, *Subordination*, p. 5; see also Herrup, *A House in Gross Disorder*, p. 148; "Of women's unnatural, unsatiable lust, what Country, what Village doth not complain?" Robert Burton, "Love's Power and Extent" in A.R. Shilleto (ed.), *The Anatomy of Melancholy* (1904), p. 61.

[25] Fletcher, "Manhood, the Male Body, Courtship", *History* 84 (1999), p. 426; see also Foyster, *Manhood in Early Modern England*, p. 195; Wiesner, *Women & Gender*, p. 251.

[26] Herrup, *A House in Gross Disorder*, p. 121; see also Fletcher, *Subordination*, pp. 101-4; Foyster, *Manhood in Early Modern England*, p. 39; Amussen, *An Ordered Society*, p. 102; Reay, *Popular Culture in Early Modern England*, p. 17.

> destroyed all claims that her husband had to household authority, questioned the legitimacy of his heirs, and affected his credit and standing in the community. There could be no more powerful a way to wreck male honor.[27]

And yet, all men were potentially cuckolds for all women by their nature were potential adulteresses. The ballad *Household Talk: or Good Counceil for a Married Man* gives advice to a jealous husband, stating that it is pointless to worry about women's inconstancy and necessary for men to learn to live with it.[28]

The Overbury scandal touched off a pamphlet war about women.[29] These writers wanted women to be "feminine" and obedient and men to be "masculine" and dominant, criticizing effeminate men for not performing their proper roles.[30] Sexual deviance in particular was seen as threatening to the whole social order.[31] Male gender roles are also outlined by general reactions to the men in this scandal. Somerset was reviled because he took a passive, feminine role for James I[32] and the Earl of Essex was ridiculed because of his impotence - because "he had no ink in his pen."[33]

Sexuality and its various forms are related to culture and change with it and the study of sexuality is not marginal to history.[34]

> We ought to study the historical forms of sexual behavior not simply because they are interesting in themselves, but rather because sexual behavior (perhaps more than religion) is the most highly symbolic activity of any society. To penetrate to the symbolic system implicit in any society's sexual behavior is therefore to come closest to the heart of its uniqueness.[35]

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[27] Foyster, *Manhood in Early Modern England*, p. 66; see also Simon Morgan-Russell, "No Good Thing Ever Comes Out of It", in Fry (ed.), *Maids and Mistresses*, p. 98.

[28] "Household Talk, or Good Counceil for a Married Man", *Roxburghe Ballads*, I, p. 441; see also "Cuckolds all a-Row", in W.G. Day (ed.), *The Pepys Ballads* (1987), V, Appendix I, p. 10.

[29] Joseph Swetnam, *The Araignment of lewde, idle, froward and uncconstant women* (1616); see also Thomas Tuke, *A Treatise against Painting and Poysoning* (1616); S.F., *The Picture of a Wanton: her leawdnesse discovered* (1615); Daniel Tuvil, *Asylum veneris, or a sanctuary for ladies* (1616); Rachel Speght; *A mouzell for Melastomus, the cynicall bayter of, and foul mouthed barker against Evahs sex* (1617); Constantia Munda, *The worming of a mad dogge, or a soppe for Cerberus* (1617); Christopher Newstead, *An Apology for Women or Womens Defence* (1620); F.R., *Swetnam, the woman-hater, arraigned by women* (1620); *Hic Mulier: or the Man-Woman* (1620); Suzanne Hull, *Chaste, Silent and Obedient* (1982), p. 113; Underdown, "Yellow Ruffs and Poisoned Possets", in *Attending to Early Modern Women*, p. 235; Wiesner, *Women & Gender*, p. 19; Fletcher, *Subordination*, p. 121.

[30] Kelly, *Women, History & Theory*, p. 90; see also Gregory Bredbeck, *Sodomy and Interpretation: Marlowe to Milton* (1991), pp. 137-8.

[31] Bredbeck, *Sodomy & Interpretation*, p. 24.

[32] Foyster, *Manhood in Early Modern England*, p. 116.

[33] Anne Somerset, *Unnatural Murder: Poison at the Court of James I* (1998), p. 111.

[34] Alan Bray, "Homosexuality and the Signs of Male Friendship in Elizabethan England", *HWJ* 29 (1990), p. 2; Richard Trexler, *Sex & Conquest*, pp. 6-7.

[35] Trumbach, *Sex & the Gender Revolution*, p. 56; see also Bray, *Homosexuality in Renaissance England* (1982), p. 31.

What do these early modern attitudes tell us about Jacobean England? There was a definite connection between deviance, sodomy and the gender-power axis in Jacobean society. Calling a man a 'sodomite' was like calling a woman a 'whore.' Sodomy was a kind of code or shorthand which included a multitude of sins and vices; a synonym for general debauchery, it meant many things.[36] Sodomy was about lack of self-control and, as a vice of excess, it was often associated with other kinds of 'unnatural fornication' and deviance, including religious deviance. Debauchery was a temptation to all; considered a crime against nature, it was both a sin and a felony.[37] When writing to his son about the ideals of behaviour, James I said that sodomy was one of the "horrible crimes that yee are bound in conscience never to forgive."[38] Sir Edward Coke included sodomites with "sorcerers" and "hereticks."[39]

It is, however, inappropriate to speak of homosexuals in this period and important to separate the act of sodomy from the modern label of 'homosexual.' "To talk of an individual in this period as being or not being 'a homosexual' is an anachronism and ruinously misleading."[40] What, then, were people seeing? What was acceptable versus unacceptable behaviour and why? The bonds of friendship were to be between equals. Friendship was supposed to be a personal relationship; not mercenary and for love, not for gain.

> If someone had acquired a place in society to which he was not entitled by nature and could then because of it perhaps even lord it over those who were naturally his betters, the spectre likely to be conjured up in the mind of an Elizabethan was not the orderly relationship of friendship between men but rather the profoundly disturbing image of the sodomite, the enemy not only of nature but of the order of society and the proper kind and divisions within it.[41]

There was a very vague line between homosexual and heterosexual behaviour at this time and even those involved in what we would call a homosexual relationship would not necessarily have seen what appears obvious to the modern reader. James I

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[36] Francis Osborne wrote a letter to dissuade a friend from marrying "a rich, but ugly and deformed" woman. He said that such a union would be "like sodomy, if not bestiality itself." Francis Osborne, "Character and Letters", in *Traditional Memoires on the Reign of King James* (1683), p. 591.

[37] Bray, "Homosexuality and the Signs of Male Friendship", *HWJ* 29 (1990), p. 11; see also Alan Bray, "To Be a Man in Early Modern Society: The Curious Case of Michael Wiggleworth", in *HWJ* 41 (1996); Herrup, *A House in Gross Disorder*, p. 33; Fletcher, *Subordination*, p. 96; Lev. 13: 22 & 23; Exodus 12: 19; 8 Hen. c. 6.5; 4 Eliz. c. 17; *cf.* B.R. Burg, "Ho Hum, Another Work of the Devil. Buggery and Sodomy in Early Stuart England", *Journal of Homosexuality* 6 (1981/2), pp. 69-70, 77.

[38] James I, "Basilikon Doron", in *The Political Works of James I* (1918), Charles Howard McIlwain (ed.), p. 20.

[39] Coke, *The Third Part of the Institutes of the Laws of England* (1644), p. 36.

[40] Bray, *Homosexuality in Renaissance England* (1982), p. 16; see also Reay, *Popular Culture in Early Modern England*, p. 27; Fletcher, *Subordination*, p. 83; Trexler, *Sex & Conquest*, p. 6.

[41] Bray, "Male Friendship", p. 11.

himself has been called "the most openly secret sodomitical example of the age."[42] In his memoirs Francis Osborne wrote that

> the love the King showed was as amorously conveyed as if he had mistaken their sex and thought them ladies; which I have seen Somerset and Buckingham labour to resemble in the effeminateness of their dressings; though in ... wanton gestures they exceeded any part of woman kind.[43]

In 1614, just one year before the Overbury affair, James I declared regarding Somerset "that no man should marvayle that he bestowed a place so neere himself upon his frend, whom he loved above all men living."[44]

To be effeminate was more often related to heterosexual relationships and often involved allowing a woman to have power in the relationship or to threaten the man's superiority in some way.[45] A husband was supposed to control his wife; if not, he lost face. Both Essex and Somerset were doomed in the public eye because they should have been able to control Frances Howard but could not. Essex allowed Frances to publicly humiliate him and Somerset loved Frances and allowed her to rule him. In this sense, effeminacy meant a loss of control. It was also related to other things and was found in overdressing which was seen as "womanish vanity."[46] In addition to being ruled by Frances Howard, Somerset overdressed as display and to attract the king. It was this kind of excessive dressing which was frowned upon and linked with debauchery and sodomy as well as effeminacy. The loss of male moderation led to effeminacy, for self-mastery was crucial for the "responsible adult male."[47] In this sense, excess in love, in dress, even in anger could be seen as effeminate for the ideal man controlled himself.

The hotter sort of Protestant had an even higher standard than more moderate males for ideal female behaviour. In *A Christal Glasse for Christian Women*, Stubbes used his wife as the epitome of godly womanhood. Among her many

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[42] Herrup, *A House in Gross Disorder*, p. 33.

[43] Francis Osborne, *Secret History of the Court of James the First* (1683), p. 275; see also Barbara Ravelhofer, "Unstable Movement: Codes in the Stuart Court Masque", in David Bevington & Peter Holbrook (eds.), *The Politics of the Stuart Court Masque* (1998), pp. 247-8.

[44] Akrigg, *Jacobean Pageant*, p. 187; see also David Smith, *The Double Crown: A History of the Modern British Isles, 1603 - 1707* (1998), p. 56. Three years later, the king proclaimed his love for Buckingham, saying "that he loved him more than any other man. . . There could be nothing reprehensible about it, and just as Christ had his John, so he James had his George."

[45] Hull, *Chaste, Silent & Obedient*, p. 124; see also Foyster, *Manhood*, p. 56; Thomas Laqueur, *Making Sex* (1992), pp. 123-4; Phyllis Rackin, *Stages of History: Shakespeare's English Chronicles* (1990), p. 172.

[46] David Kuchta, "Semiotics of Masculinity", in Turner (ed.), *Sexuality & Gender in Early Modern Europe*, pp. 237-9; see also Barbara Ravelhofer, "Unstable Movement", in Bevington & Holbrook (eds.), *The Politics of the Stuart Court Masque*, p. 253.

[47] Herrup, *A House in Gross Disorder*, p. 71; see also Laqueur, *Making Sex*, pp. 124-5; Rackin, *Stages of History*, p. 172; Bray, "To Be a Man", *HWJ* 41 (1996), pp. 158-9; Shepard, "Manhood, Credit & Patriarchy", *P & P* 167 (2000), p. 89.

virtues "she obeyed the commaundment of the Apostle, who biddeth women to be silent and to learn of their husbands at home."[48] Niccholes wrote that the ideal woman should be sober and mild, chaste and constant, unaffected and virtuous: "a vertuous woman is a haven of beauty" but a "wicked woman is a sea of evils."[49] Newstead, who wrote *An Apology* as a rebuttal to Swetnam's *Araignment*, stated that Swetnam maligned all women but good women were "natures pride, Vertues ornament, angels on earth, Saints in Heaven."[50]

Why was there such a violent reaction to Swetnam's *Araignment* and how did Anne Turner and Frances Howard become the symbols of a perceived attack on male authority? Swetnam wrote the *Araignment* as a response to the Overbury scandal and both Anne and Frances fit nicely into the role of 'bad' woman. They were unfaithful wives and therefore 'whores' and their unbridled sexuality was a threat to the social order. Turner's case had an added impact because it also showed tension between social and moral status. She was protected from public infamy before the Overbury disgrace because of the social position of her lover and her role as friend and confidante to Frances Howard.[51]

After the scandal broke, a whole set of cultural assumptions about women affected how she was seen by society. It was believed that adultery infected a woman's morals, caused a breakdown in households and set the stage for a myriad of evils. Anne cuckolded her husband and had kept her lover, Sir Arthur Mainwaring, in the matrimonial home.[52] She had three illegitimate children with Mainwaring, which was in itself quite a challenge to the social order.[53] Her husband had obviously not been in control of his own household but kept silent in order to spare himself humiliation. In this culture where sexual prowess was a sign of masculinity, "any man who accused his wife of adultery in this period exposed himself as a cuckold and risked public ridicule and humiliation."[54] It was believed that any man who could not please his wife deserved his fate, especially if he were much older, as was Dr. Turner.

Other gender-related factors had an impact on this case. There was a connection in the public mind between the whore and the witch and Turner had used witchcraft as a way to gain power and influence others.[55] Evidence was produced at

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[48] Phillip Stubbes, *A christal glasse for christian women* (1591, 1606), p. 2.
[49] Alexander Niccholes, *A Discourse on Marriage and Wiving* (1615), p. 5.
[50] Christopher Newstead, *An apology for women* (1620), p. 54.
[51] Dabhoiwala, "The Construction of Honour", *TRHS* (1996), p. 210.
[52] 2 ST 931a; see also deFord, *The Overbury Affair*, p. 21; Fletcher, *Subordination*, p. 8.
[53] 2 ST 931a; see also Amussen, *An Ordered Society*, p. 117.
[54] Elizabeth Foyster, "Marrying the Experienced Widow in Early Modern England", in Sandra Cavallo and Lyndan Warner (eds.), *Widowhood in Medieval and Early Modern Europe* (1999), p. 122; see also Gowing, *Domestic Dangers*, p. 4.
[55] Fletcher, *Subordination*, p. 24.

her State Trial, including the charms and spells obtained by her from Dr. Forman.[56] Turner was accused of being a bawd because she had allowed Frances Howard and Robert Carr to meet secretly and engage in illicit sex in her home in Paternoster Row.[57] She had a disordered household and her behaviour infected other households. In addition, adultery and murder were connected with both women and poisoning. At Turner's trial, Sir Edward Coke stated that "poison and adultery go together" and at the trial of Elwes, Coke said "a man shall seldom see an adultery of high degree . . . but accompanied with murder."[58]

Anne was also part of the outer circle at the king's court which was itself seen to be a place without restraint or modesty.[59] Turner used cosmetics and was therefore a 'painted' woman. In *A Treatise against Painting and Poysoning: Pride and Ambition: Adulterie and Witchcraft*, which was also sparked by the Overbury trials, Tuke connected cosmetics with the aforementioned sins, arguing that painting the face was related to pride and wickedness.[60] Indeed, "Anne Turner's obsession with the fashionable, the novel, the strange, and the monstrous all betokened the sin of pride. It was but a short leap to connect this form of pride to her reputation as a whore."[61] A 'whore' represented female misbehaviour and Turner was a symbol of the trouble caused by women who stepped out of their proper place. In addition to challenging the gender order, Turner had attempted to climb above her proper social position. She was born into minor rural gentry but wanted to become a part of court circles and marry up. This in itself prejudiced the urban and godly middling sort against her for she was attempting to break out of her rank and station. Finally, Anne Turner and Frances Howard's penchant for cross-dressing challenged the male prerogative for wearing the breeches in the family and thus affected the gender-power relationship. There was even more to it: "masculine dress, besides simply challenging

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[56] 2 ST 932b and 933a.

[57] 2 ST 935a; see also William Lambarde, *Eirenarcha* (1581/2), p. 119; Michael Dalton, *The Countrey Justice, Conteyning the Practice of the Justices of the Peace out of their Sessions* (1618), p. 193; Gowing, *Domestic Dangers*, p. 245.

[58] 2 ST 942b.

[59] Gardiner, *History*, II, p. 167.

[60] Thomas Tuke, *A Treatise Against Painting and Poysoning: Pride and Ambition: Adulterie and Witchcraft* (1616), *passim*; see also Edward Weston, *A triple cure of a triple malady* (St. Omer, English College Press, 1616), Sig. A2; *Hic Mulier: or the Man-Woman: Being a Medicien to Cure the coltish Disease of the Staggers in the Masculine-Feminines of our Times* (1620), Sig. B1 r.

[61] Alastair Bellany, "Mistress Turner's Deadly Sins", *HLQ* 58 (1996), p. 194; see also Dabhoiwala, "The Construction of Honour", *TRHS* (1996), p. 209.

gender boundaries, was seen as empowering and liberating for a woman."[62]

Anne Turner displayed the very clear relationship between vanity, fashion, pride and evil which were all connected with disorderly women. Joseph Swetnam said that this kind of woman was dangerous, "for their faces are lures, their beauties are baites, their lookes are nets, and their words charmes, and all to bring men to ruin."[63] It was also believed that beauty had a very real power of its own and this power was closely connected to witchcraft.[64] As Lord Chief Justice Coke stated at her trial, Turner was the sum of the seven deadly sins. She exemplified all the female vices and her extraordinary beauty was connected to her power over men.

Was there a "crisis" in gender relations in Jacobean England? Some historians disagree with the very idea of a crisis and think the term is inappropriate because gender relations were never stable and were, in fact, "always in contest."[65] There *was* a fear of illicit female sexuality in the culture but in reality "there were no direct challenges to the gender order. No one questioned women's subordination to their husbands - they just sometimes refused to give it."[66] Since the gender order was not directly challenged and individual confrontations were always seen as aberrant, it is more accurate to see this not as a general or structural crisis but as a series of specific or local contests. Turner had agency in her choice of lifestyle and the roles she chose were often deviant. Her behaviour both challenged and accepted the structures of her society. Neither determinism nor unqualified freedom would describe her life; instead, one must look for "the possibilities between these extremes."[67] In Turner's life, one sees both rule following and rule breaking as well as the adroit way that she used these rules for her own purposes.[68] Anne's behaviour certainly offended against what was expected of a good woman at that time and gender theory can be used to decode meaning and help understand the impact of the scandal in early modern England.[69]

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[62] Fletcher, *Subordination*, pp. 9, 23; see also Kelly, *Women, History & Theory*, p. 89; David Cressy, "Gender Trouble and Cross-Dressing in Early Modern England" *JBS* 35 (1996), pp. 444-5, 459; Rackin, *Stages of History*, pp. 198-200; Steven Orgel, "Marginal Jonson" in Bevington & Holbrook (eds.), *The Politics of the Stuart Court Masque* (1998), p. 151; *Deuteronomy* 22:5.

[63] Swetnam, *The Araignment*, p. 4; see also *Hic Mulier*, Sig. C2 r.

[64] William Shakespeare, *Much Ado About Nothing* (1598), II, i, 186-7; see also Nicholas Breton, *The Works in Verse and Prose of Nicholas Breton* (1879), I, Alexander Grosart (ed.), p. 285; Burton, "Beauty a Cause", in *The Anatomy of Melancholy*, pp. 96-7.

[65] Foyster, *Manhood*, pp. 209-10; see also Gowing, *Domestic Dangers*, p. 28; Sharpe, "Plebeian Marriage in Stuart England", *TRHS* (1986), p. 88; David Cressy, *Birth, Marriage and Death. Ritual, Religion and the Life-Cycle in Tudor and Stuart England* (1999), p. 10; Ingram, "The Reform of Popular Culture?", in Reay (ed.), *Popular Culture*, p. 133; Cressy, "Gender Trouble & Cross-Dressing", *JBS* 35 (1996), pp. 464-5.

[66] Amussen, "Gender, Family & the Social Order" in *Order & Disorder*, p. 210.

[67] Cohen, "Structuration Theory & Social Praxis", in *Social Theory Today*, pp. 285, 299.

[68] Manning, *Goffman & Modern Sociology*, p. 158.

[69] Scott, *Gender & the Politics of History*, p. 45.

Widows

> "Such is the blind besotting in the state of an unheaded woman that's a widow. For it is the property of all you that are widows to hate those that honestly and carefully love you, such is the peevish moon that rules your bloods."
>
> - *The Puritaine: or the Widow of Watling Street* (1607).

How were widows seen in early modern England? Was their actual status and social position different from the view in conduct books or the stereotypes in popular literature? This was an important issue in a society where the bonds of marriage were frequently broken by death. Approximately twenty-five percent of people marrying in the seventeenth century had been married before and these persons were therefore an important demographic and status group.[1] Widows were, like everyone else, controlled by the structure of their society but they also had agency within the framework of that structure. Widows were typecast into very specific roles within the theatre of everyday life in Jacobean England. They were aware of these stereotypes and often chose to play the role that was most advantageous in a specific circumstance. Widows made choices that affected their lives and how they were viewed by society for choice existed within even the most limiting of stereotypes.[2] Women manipulated both positive and negative stereotypes to better their position[3] and my study of Anne Turner shows her engaging in just this type of behaviour.

Some of the stereotypes surrounding widows included the 'good widow,' the 'poor widow,' the 'merry widow' or the widow as 'witch.' The formulas were common and pervasive and divided women into good or bad, deserving or undeserving, and acceptable or unacceptable. Reactions to widows can also highlight both women's general social position and what was at stake for society when the threat of an ungoverned woman challenged the gender and social order. Society wanted to see women without men as completely helpless. *The Lawes Resolution of Women's Rights* stated

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[1] David Cressy, *Birth, Marriage and Death. Ritual, Religion and the Life-Cycle in Tudor and Stuart England*, (1999), p. 285; see also J.A. Sharpe, *Early Modern England: A Social History 1550 - 1760* (1988), p. 41; Wiesner, Women *& Gender*, p.42; Vivien Brodsky, "Widows in late Elizabethan London: Remarriage, Economic Opportunity and Family Orientations", in Lloyd Bonfield, Richard Smith & Keith Richardson (eds.), *The World We Have Gained* (1986), p. 124.

[2] Fletcher, *Subordination*, p. 6; see also Hufton, *The Prospect Before Her*, pp. 33-4, 218; Charles Carlton, "The Widow's Tale: Male Myths and Female Reality in Sixteenth and Seventeenth Century England", *Albion* 10 (1978), p. 119.

[3] Widows usually conformed to the most advantageous model when they had to negotiate with the courts, the law or their neighbours. Sandra Cavallo & Lyndan Warner (eds.), *Widowhood in Medieval and Early Modern Europe* (1999), p. 6.

> alas, when she hath lost her husband, her head is cut off, her intellectual part is gone, the verie faculties of her soul are, I will not say, cleane taken away, but they are all benummed, doomed and dazled, so that she cannot thinke or remember when to take rest or refection for her weake body.[4]

There was a tradition of honouring the good widow who was seen as "the widow indeed."[5] A good widow never remarried and behaved as if her husband were still alive. She remained his ever faithful 'relict' who embraced her suffering for his sake. As a virtuous woman, the good widow lived in perpetual celibacy. In *An Apology for Women*, Christopher Newstead said that true love would never change and its bonds could not be broken by death. He praised good widows, while condemning those who remarried, and held up as an example the Indian widows who threw themselves on their husband's funeral pyre.[6] William Page also wrote about widows in 1620 as a response to Swetnam's *Araignment*. Page stated that the "widdowe indeed" spent the rest of her life suffering for the loss of her husband; in fact, she should find joy in her suffering and be completely desolate. Her only hope was in God.[7] Since she was not under the control of a man, it was considered essential for a widow to learn how to control herself. Bleak as it may seem, there could be some advantages to playing this role; with freedom came responsibility and power. Another positive element came from playing the good widow, for these women were believed to deserve support and protection from society.[8]

The uncontrolled or "lusty" widow was also a common stereotype and there was a general social fear of their disruptive sexuality.[9] The literature abounds with examples of lusty widows contracting a hasty remarriage. The stereotype of the 'merry' widow was often used in sermons and jokes, as well as by early modern playwrights. Hamlet rails against the "wicked speed" of his mother's remarriage which followed so quickly on his father's death and, in *The Taming of the*

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[4] E.T., *The Lawes Resolution of Women's Rights* (1632), Book IV, "Regarding Widows", Sect. i, p. 232.

[5] Barbara Todd, "The Remarrying Widow: a stereotype reconsidered", in Mary Prior (ed.), *Women in English Society* (1985), p. 80; Hufton, *Prospect Before Her*, p. 221.

[6] Christopher Newstead, *An Apology for Women* (1620), pp. 25, 26; see also Todd, "The Virtuous Widow in Protestant England", in Cavallo & Warner (eds.), *Widowhood*, p. 69; Elizabeth Foyster, "Marrying the experienced widow in Early Modern England: the Male Perspective", in *Widowhood*, p. 109; Hufton, *Prospect Before Her*, p. 34.

[7] Todd, "The Virtuous Widow in Protestant England", in *Widowhood*, p. 72; see also *The Laws Resolutions of Women's Rights*, Book IV, Sect. i, p. 232.

[8] Tim Stretton, "Widows at Law in Tudor and Stuart England," in Cavallo & Warner (eds.), *Widowhood* p. 198

[9] Charles Carlton, "The Widow's Tale", *Albion* 10 (1978), pp. 119, 127; see also Gowing, *Domestic Dangers*, p. 163; Laura Deal, "Widows and Reputation in the Diocese of Chester, England, 1560 - 1650", *JFH* 23 (1998), p. 382; Todd, "The Virtuous Widow", in *Widowhood*, p. 66; Hufton, *Prospect Before Her*, pp. 223-4.

Shew, Hortensio comments on the ease of marrying any widow. The remarrying widow was seen as oversexed and silly, leaving her easy prey for every young apprentice on the make.[10] The widow who wished to remarry was usually condemned in the advice books which warned men to avoid taking a widow as a bride.[11]

> Some doe account it golden lucke,/They may be widdow-sped, for mucke:
> Boyes on whose chinnes no downe appeares,/ Marry old Croanes of threescore yeares:
> But they are fooles to widdowes cleave, /Let them take that which Maides doe leave.[12]

Another verse on the same theme states that "young maidens are bashful, but widows are bold, they tempt poor young men with their silver and gold."[13] The evil of marrying for money was stressed and conduct books emphasized that the purpose of marriage was procreation; therefore, marrying an old woman defeated the purpose of marriage. Alexander Niccholes addressed the problem of choosing a wife in *A discourse on marriage and wiving.* Niccholes strongly advised against the widow bride, stating that "the principall of her love is perished with the use" and all that remained was the fire of lust.[14] This common idea assumed that the only reasons for remarriage were money or lust and literature reflected this fear of rich old crones lying in wait to seduce innocent young boys.[15]

Many conduct book writers said that it was impossible to find a good widow to marry, for "such a Widdow couldst thou marry, she were worthy thy choice, but such a one shee could not bee, because she would not then marry, for a happy and chaste Matron never marries but once."[16] Niccholes, assuming that young men married widows for profit, stated that widows were only good for "younger brothers and poore knights, they sometimes to these monsters make use of their

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[10] Amy Erickson, *Women and Property in Early Modern England* (1993), p. 153; see also Gowing, *Domestic Dangers*, p. 163; Brodsky, "Widows in Late Elizabethan London", in *The World We Have Gained*, p. 126; Carlton, "The Widow's Tale", *Albion* 10 (1978), p. 119; Fletcher, *Subordination*, p. 7.

[11] Cavallo & Warner (eds.), *Widowhood in Medieval and Early Modern Europe*, p. 10; see also Alan Macfarlane, *Marriage and Love in England 1300 - 1840* (1987), p. 162; *cf.* William Whateley is more charitable than most in *A Bride-bush or, a direction for married persons* (1623), pp. 185-6, stating that men must trust to their wives' discretion. Men who worry about their wives' remarriage are "ridiculous" for one must "commit future things to God's providence."

[12] Samuel Rowlands, *The letting of humors blood in the head-vaine* (1605), Epigram 13, Sig. B3; see also "Marriage of the Froggie and the Mouse", in Thomas Lyle (ed.), *Ancient Ballads and Songs* (1827), p. 65 for a satire of this kind of unequal marriage.

[13] Macfarlane, *Marriage and Love in England*, p. 162.

[14] Alexander Niccholes, *A discourse on marriage and wiving* (1615), p. 24.

[15] Foyster, "Marrying the Experienced Widow", in *Widowhood*, p. 109; see also Fletcher, *Subordination*, pp. 11-12; Burton, "Love's Power and Extent" in *Anatomy of Melancholy*, p. 62, "Artifical Allurements", p. 114, "Cure of Love-Melancholy", p. 256.

[16] Alexander Niccholes, *A discourse on marriage and wiving* (1615), pp. 17, 26; see also "The Old Bride", in *Roxburghe Ballads*, II, pp. 358-61.

byrths and Titles."[17] The only good thing about widows was the ease with which they were wooed. "The best is, though the worse for thee, they are navigable without difficulty, more passable then Virginia, and lye at an easier Rode."[18] Many writers emphasized this stereotype and in the *Araignment*, Swetnam insisted on the insatiability of widows, contending that "it is more easie for a young man or maide to forbeare carnall act, then it is for a widow."[19]

Widows often received poor relief and a good widow would be assisted as part of the deserving poor; however, despite the social obligation of charity, even good widows were often seen as a burden.[20] Some poor widows may have deliberately rejected the role of the good widow and the cold charity of their neighbours. Widows ultimately had to choose between conforming or deviating from the socially accepted norm. They could choose to be a 'deserving' widow or they could elect to follow a more wayward lifestyle. Some older widows may have attempted to create fear through a reputation for witchcraft because of the economic advantages that this kind of power gave them;[21] however, freedom from male control within the household meant that they were at a higher risk of witchcraft accusations.[22] The younger, independent widow could also be seen as a social problem and the perceived availability of unbridled female sexuality was considered to be another kind of "bewitchment" to lead men astray.

But women *did* remarry and widows *were* popular marriage partners despite social disapproval and the conduct books.

> While remarriage was frequent, it was also subject to suspicion and disapproval. Ironically, this criticism of remarriage within early modern culture ran parallel to the negative portrayals of widows who did not remarry, and were likely to be stereotyped and sometimes slandered as whores, bawds, or witches.[23]

Different issues surrounded widows, depending upon their age. Younger women were, on the whole, more likely to remarry and were more feared because of their

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[17] Niccholes, *A discourse on marriage and wiving*, p. 27; "Marriage between old widows and younger servants I feel to be almost sodomy and therefore I try to stop it as much as possible." Hufton, *Prospect Before Her*, p. 228.

[18] Niccholes, *A discourse on marriage and wiving*, p. 25.

[19] Swetnam, *Araignment*, p. 32; see also Gowing, *Domestic Dangers*, p. 68.

[20] Cavallo and Warner (eds.), *Widowhood*, p. 23; see also Foyster, "Marrying the Experienced Widow", in *Widowhood*, p. 112.

[21] Deal, "Widows and Reputation", *JFH* 23 (1998), p. 388.

[22] Peter Laslett, *The World We Have Lost*, pp. 95-96; see also Thomas, *Religion & the Decline of Magic*, p. 671; Stretton, "Widows at Law", in *Widowhood*, p. 228; Alan Macfarlane, *Witchcraft in Tudor & Stuart England*, p. 164; Frances F. Dolan, *Dangerous Familiars. Representations of Domestic Crime in England 1550 - 1700* (1994), p. 39; Monter, *Enforcing Morality in Early Modern Europe*, p. 129; Morgan-Russell, "No Good Thing Ever Comes Out of It", in Frye & Robertson (eds.), *Maids and Mistresses, Cousins and Queens*, p. 101.

[23] Foyster, "Marrying the Experienced Widow", in *Widowhood*, p. 109.

waywardness and disruptive sexuality but older women who remarried were reviled for they were believed to be "buying" love. Remarriage was also affected by social rank. Aristocratic widows usually remarried. Gentry and poor widows were less likely to remarry, while the widows of tradesmen or craftsmen of the middling sort often remarried quite quickly.[24] There was no real opposition to marrying a widow. Many young men in London chose to marry a widow bride despite all that was said and written against it. It was, in fact, "an attractive proposition to a bachelor keen to make his way in the world."[25] People certainly did not always follow the suggestions of those who wrote conduct books or household manuals. Real life was never quite that simple.[26]

Anne Turner's story highlights the prejudices against widows in early modern society. "She fitted so easily into the stereotype of the lustful widow, familiar in misogynist writing, and often dramatized on the stage."[27] Samuel Gardiner referred to her as that "wretched woman" and says that Frances Howard "called in the aid of Mrs. Turner, a widow of abandoned character, in whom she had found a confidant."[28] Historical demography, however, suggests that Turner could have been expected to marry again. She was in the right age-group and the right social rank and she was well-off which would have made her an attractive catch in the London marriage market. Turner *was* desperate to marry and she used magic to "bewitch" Mainwaring, although her attempts to become Lady Mainwaring were not successful. This fits nicely into the early modern myth that all widows were desperate to remarry at any cost; however, it does not reflect the reality of Jacobean society. Many widows were very concerned about their children as well as their social position and chose to remain single to protect the legal rights of their family, despite offers of marriage.[29]

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[24] Todd, "The Remarrying Widow", in Prior (ed.), *Women in English Society*, p. 71; see also Brodsky, "Widows in Late Elizabethan London", in Lloyd Bonfield *et al* (eds.), *The World We Have Gained*, pp. 123, 128; Vivien Brodsky Elliott, "Single Women in the London Marriage Market: Age, Status and Mobility, 1598 - 1619", in R. B. Outhwaite (ed.), *Marriage and Society: Studies in the Social History of Marriage* (1981), p. 83.

[25] Martin Ingram, *Church Courts, Sex and Marriage in England 1570 - 1640* (1987), p. 140. For the "advantages" of "Johnny, beardless and bonny" marrying a widow, see "Up Wi' the Widow", in Thomas Lyle (ed.), *Ancient Ballads and Songs* (1827), pp. 150-1

[26] Amussen, *An Ordered Society*, p. 93; see also Fletcher, *Gender*, pp. 172-3.

[27] Another layer can be added to this with Middleton's play *The Witch*. Purkiss states that Hecate is not necessarily based on Turner; however, "Hecate in the play can be found *doing* all the things of which *Turner* was accused." Purkiss, *The Witch in History*, pp. 216-7; see also Lindley, *Trials*, p. 169.

[28] Gardiner, *History*, II, p. 168.

[29] "For my part I doe noe Injury to none by not Loveing. But if I doe I may doe real Injuries where I am already engadged." Todd, "The Remarrying Widow", in *Women in English Society*, p. 77; see also Cavallo and Warner (eds.), *Widowhood*, p. 12.

Widows who became involved in the legal system usually used their widowhood to emphasize their disadvantages and elicit mercy from the courts.[30] After she was taken into custody, Turner tried to trade on the fact that she was a 'poor' widow with small children and therefore needed a speedy trial to take care of her family.[31] Anne Turner had one of the most blackened names in London after the evidence presented at her trial. She was seen as the epitome of the wicked, lusty widow who used witchcraft to ensnare men. The infamous *Araignment* was inspired by her case and in it, Swetnam called widows "hell-hagges." He emphasized the vanity and the uncontrollable nature of widows, saying "woe be unto that unfortunate man that matcheth himself unto a widow, for a widow will be the cause of a thousand woes." He said that they were "the summe of the seven deadly sinnes, Fiends of Sathan, and the gates of Hell,"[32] reflecting Coke's remarks to Turner before she was sentenced to death.[33]

Character was a integral part of social position in a society where 'credit' for women was based on sexual reputation.[34] The appearance of chastity and modesty were vital to a woman's persona in a culture which saw lust and carnal sin as the "clean contrarie" of virtuous and godly behaviour. Turner was deeply shocked by the outcome of her trial and also by her loss of credit. Her ensuing conversion, repentance and decision to embrace the ideals and morality of the godly middling sort rehabilitated her reputation. She went from the "lusty" widow to "the widow indeed." Language was a particularly effective female tool and Anne's *volte face* highlights the way widows could manipulate stereotypes and use language to create social agency in their communities.[35] Anne Turner recreated herself in the mould of a poor, virtuous and religious widow and died so suitably that all was forgiven by the society which had condemned her to death. Turner took on a new "front" with her new public image and thus regained her honour in society. This was very important to her; for in the words of Sir Thomas Overbury who wrote *A Wife Now a Widow*, "a good name is all."[36]

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[30] Since Turner had not accepted the role of "good" widow, she was seen as less deserving of protection." Stretton, "Widows at Law", in *Widowhood*, p. 198; Gowing, *Domestic Dangers*, pp. 214-6; Fletcher, *Subordination*, p. 123.

[31] SP 14/82/45 (October 12, 1615).

[32] Swetnam, *Araignment*, pp. 59, 63.

[33] BL Sloane MS 2572, *The Arraignment of Ann Turner, Widdow at the King's Bench Barr at Westminster, 7th November, 1615*, fo. 164v; see also BL Sloane MS 1002, *The Arraignement of Ann Turner, Widdowe, att the Kings Bench Barr, att Westminster, 7th November, 1615*, fo. 50v; 2 ST 935a.

[34] Amussen, *An Ordered Society*, p. 98; see also Gowing, *Domestic Dangers*, p. 129.

[35] Cavallo and Warner (eds.), *Widowhood*, p. 6; see also Laura Deal, "Widows and Reputation in the Diocese of Chester, England 1560 - 1650", *Journal of Family History* 23 (1998), p. 382.

[36] Sir Thomas Overbury, *A Wife Now a Widow* (1613), p. 11; see also Shakespeare, *Othello*, II.iii.268.

Rank and Station in early Stuart England

"Fain would I climb, yet fear to fall."
- Sir Walter Raleigh
"If thy heart fail thee, climb not at all."
- Queen Elizabeth I

It is impossible to understand women's agency without looking at how they were enabled as well as limited within their culture by the social and economic structures of early modern society.[1] One way to analyze social interaction is by looking at both rule following and rule breaking. Rules bind a society together; they are part of how social identity is constructed and show agency within that society.[2] One must look for the "terms of the rules under which the actors played their roles and that set limits to action"[3] within the "politics of power" in their society.

There was a set of assumptions about rank and what was appropriate behaviour for the different stations in life in early modern society. These ideas affected social relations and had a major impact on the Overbury scandal. Station and honour were related, with the most basic division being that between the common people and the better sort.[4] This emphasis on honour helped enforce social control.[5] Since honour and reputation were based on rank, character and public repute, credit became part of social honour.[6] "By the late sixteenth century, 'credit' described both honesty and solvency; wealth and virtue were joined."[7] The concept of 'credit' was particularly important in the Overbury case. Credit was always on trial in court and "from its Latin root meaning 'to believe' comes its use in court testimony referring to the truthfulness of witnesses."[8] Men had more credit than women and the higher one's social position, the more credible one was considered to be. The better

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[1] Jean E. Howard, "Producing New Knowledge", in Susan Frye and Karen Robertson (eds.), *Maids and Mistresses: Cousins and Queens* (1999), p. 309.
[2] Goffman, *Interaction Ritual*, p. 90; see also Michel Foucault, "Nietzche, Genealogy, History," in Paul Rabinow (ed.), *The Foucault Reader* (1984), pp. 85-86.
[3] Slavin, "On Henrician Politics", *HLQ* 60 (1999) , p.270; see also Hann, *Social Anthropology*, pp. 115-9.
[4] Frank Whigham, *Ambition and Privilege: The Social Tropes of Elizabethan Courtesy Theory* (1984), p. 70.
[5] Reay, *Popular Culture in Seventeenth Century England*, p. 18; see also Sharpe, "Defamation and Sexual Slander in Early Modern England", *Borthwick Papers* 58 (1980), p. 1; Whigham, *Ambition & Privilege,"* p. 5; Anna Bryson, *From Courtesy to Civility. Changing Codes of Conduct in Early Modern England* (1998), p. 13
[6] Shepard, "Manhood, Credit and Patriarchy", *P & P* 167 (2000), p. 101; see also Herrup, "To Pluck Bright Honour from the Pale-Faced Moon", *TRHS* (1996), p. 139; Amussen, *An Ordered Society*, p. 155; Bryson, *From Courtesy to Civility*, p. 58.
[7] Amussen, *An Ordered Society*, p. 152; see also Gowing, *Domestic Dangers*, p. 50; Dabhoiwala, "The Construction of Honour", *TRHS* (1996), p. 212.
[8] Amussen, *An Ordered Society*, p. 152; see also Gowing, *Domestic Dangers*, p. 50.

sort had more credit so it was proper that gentlemen should be given credence "before any of the inferior sort' or 'a multitude of ungentle persons.'"[9]

For women, credit also meant sexual honesty for honour was related to both moral and social status. Honour was essential and a woman's economic and social status formed her reputation as long as she was chaste.[10] An unchaste woman was a danger to society because

> to desire a man other than one's husband or to aspire to one's master's authority and wealth is to challenge the whole social order that regulates sexuality and reproduction, the distribution of property, and the hierarchies of authority and submission.[11]

Adultery led to a disordered house and the brink of social and moral chaos. This was seen in a very global perspective for it affected everyone, not just those who were directly involved: it was the concern of the entire social body since evil or immoral behaviour harmed the whole community. Sir Thomas Browne expressed this idea when he wrote "There is no man alone because every man is a microcosm and carries the whole world about him.[12]

Social rank and behaviour were directly connected. What was appropriate for one individual might not be acceptable for another. Most importantly, a woman had to behave in a rank-appropriate manner.[13] Things as basic as food and clothing were related to status and were part of a social code. "Dress and manners were not mere externals: they were manifestations of internal worth, graceful supplements to nobility . . . dress was meant to make status visible."[14] In this sense, noble dress equaled noble status. In *A Triple Cure of a Triple Malady,* Edward Weston addressed the vulgar sort who departed from decency in apparel, attempting to fool others about their real social position. Weston argued that honest folk should wear clothing

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[9] Whigham, *Ambition & Privilege,* p. 73; see also James, "English Politics and the Concept of Honour 1485 - 1642", *P & P Supplement* 3 (1978), p. 86; Capp, "The Double Standard Revisited: Plebeian Women and Male Sexual Reputation in Early Modern England", *P & P* 162, (1999), p. 99.

[10] Dabhoiwala, "The Construction of Honour", *TRHS* (1996), p. 208; see also Cust, "Honour & Politics in Early Stuart England", *P & P* 149 (1995), pp. 57-58.

[11] Dolan, *Dangerous Familiars,* p. 57; see also Gowing, *Domestic Dangers,* p. 248.

[12] Sir Thomas Browne, "Religio Medici", in Norman J. Endicott (ed.), *The Prose of Sir Thomas Browne* (1967), p. 83; see also John Donne, "Meditation", in Neil Rhodes (ed.) *Selected Prose* (1987), pp. 125-6; Mervyn James, "Ritual, Drama and Social Body in the Late Medieval English Town", *P & P* 98 (1983), p. 7; Bray, *Homosexuality in Renaissance England,* p. 30.

[13] *Hic Mulier: or the man-woman,* Sig. B2v; see also Hull, *Chaste, Silent & Obedient,* p. 18; see also Whigham, *Ambition & Privilege,* p. 163.

[14] David Kuchta, "The Semiotics of Masculinity", in Turner (ed.), *Sexuality and Gender in Early Modern Europe,* p. 235; see also Whigham, *Ambition & Privilege,* p. 147; Goffman, *Encounters: Two Studies in the Sociology of Interaction* (1963), pp. 87, 145; Rapport & Overing, *Social & Cultural Anthropology,* pp. 41-2.

that fit their station; to do otherwise suggested moral failings and a lack of content with God's will.

> By which appeareth the preposterous and inordinate practice of those,who by their Apparell make shew above their quality, disclosing in the meanwhile affections in their minds: not agreeable to their condition: as if a woman should by her attire expresse in herselfe the quality of a man, or a meane person make resemblance of some great Lord and commaunder.[15]

Weston stated that it was commendable for Kings and the nobility to adorn themselves since this was a symbol of their authority and station and they were known by their attire.[16] What was not acceptable was the attempt to counterfeit rank with clothing. This was one of the conventions that Robert Carr offended against and which earned him such enmity from his fellow courtiers. Display and fine clothes exhibited status and were the right of a noble courtier but Carr was not noble. His attempts to attain true rank through external of display were seen as both effeminate and an attack on the social order by one of the *nouveau riche*.[17] It was this 'code' that the favourites of James I continually broke and which made them so offensive to the wider society. Excess of display, sexual debauchery, the use of cosmetics, and elaborate clothing linked wealth and dissipation to people who thought that they could "purchase reputation with apparrel." The elites were obsessed with guarding prerogative from the constant challenges of those who achieved rather than were born to rank.[18]

The sin of pride was closely connected with the Overbury case. A common proverb called pride "the root of all sin"[19] and this was clearly emphasized in the case of Sir Gervase Elwes. The broadsheet entitled *Picture of the unfortunate gentleman, Sir Gervais Elwes, Knight, late leiftenant of his Maiesties Tower of London* was printed almost immediately after his execution and it shows Elwes on the way to the gallows. He is dressed as a gentleman and is escorted by two Puritan divines. The broadsheet tells a cautionary tale about a good man led into error and the mighty brought down by pride and sin. It functioned as a warning to all who would strive to rise above their station and might be led into evil by temptation for honour and high office.

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[15] Edward Weston, *A Triple Cure of a Triple Malady* (1616), p. 25.

[16] Weston, *A Triple Cure of a Triple Malady*, p. 10; see also Kuchta, "The Semiotics of Masculinity", in *Sexuality & Gender in Early Modern Europe*, p. 241.

[17] Kuchta, "The Semiotics of Masculinity", p. 241; see also Whigham, *Ambition & Privilege*, pp. 150, 156; Alan Bray, "Male Friendship", *HWJ* 29 (1990), p. 11; Cynthia Herrup, "The Patriarch at Home: The Trial of the Second Earl of Castlehaven for Rape and Sodomy", *HWJ* 41 (1996), p. 10.

[18] Whigham, *Ambition & Privilege*, p. 186; Weston, "Of vanity in apparell", in *A triple cure of a triple malady, passim.*

[19] Morris Palmer Tilley, *A Dictionary of The Proverbs in England in the Sixteenth and Seventeenth Centuries* (1950), p. 556.

"A foe to himselfe, in striving to be great . . . /The golden meanes was not his harts content,/Nor country life, with quiet slumbers spent."[20] (Plate 5)

This argument was emphasized in *Diverse Elegies touching the death of the never too much praised and pitied, Sir Thomas Overbury.* The poem stated that those who are greatest have the hardest fall and warned against social climbing for "if the fall from High-estate be such, How dreadful it is then, to mount too much."[21] This theme was repeated in Elwes's last dying speech. He said that it was love of the "things of this world" which led him to forget his true duty but God knew all and His justice would overcome sin. Elwes stated that he betrayed Sir Thomas to satisfy a lust for greatness and sinned because he "did not reveale to the King, so soone as I myselfe had knowledge of the busines. But (alas) feare to loose these worldly pleasures, and the love to promotion, made me forget my duty to my Soverigne, and not to regard my God."[22] Thomas Tuke wrote about Elwes' sin in *Of Pride and Ambition,* in the Appendix to *Of Painting and Poisoning.* He stated that "it often fares with ambitious men, that have great estates, as with such, as weare their choates too long, which makes them, if they take not the better heed, to stumble, fall and hurt themselves."[23] Social climbing was endemic and there was constant competition for rank and place; however, scorn could be heaped on those who dared too much and fell.[24] It was held against Elwes since he had been more concerned with maintaining his newly purchased position as Lieutenant of the Tower than in protecting his prisoner. In his gallows speech, Elwes stated that he hoped that those who heard him would profit from his end. Pride, arrogance and the desire for position were seen as the roots of what happened to Overbury. All of the characters were held to be at fault in the tragedy, even the victim himself. In the *Traditional Memoires on the Reign of King James,* Francis Osborne stated that Overbury

> "through this intolerable arrogance in him, and remisness in the Earl, the sparks first flew that kindled the ruine of them both, Friendship being no more able to maintain its Interest against a *feminine Affection,* than so great a Pride was to confine itself within the tedder of Moderation."[25]

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[20] Anon. Broadsheet, *A Picture of the unfortunate gentleman, Sir Gervis Elwes, Knight, late leiftenant of his Maiesties Tower of London* (1615).

[21] John Davies, "Diverse Elegies touching the death of the never too much praised and pitied, Sir Thomas Overbury," in *A Select second husband for Sir Thomas Overburies wife, now a matchless widow* (1616), Sig. B2.

[22] Broadsheet, *Sir Jervis Elwes, The lieutenant of the Tower, his speech and repentance, who was executed the 20. of November* (1615).

[23] Tuke, "Of Pride and Ambition," in *A Treatise Against Painting and Poisoning,* p. 51.

[24] Fletcher, "Honour, Reputation & Local Officeholding", in *Order & Disorder,* p. 91; Francis Bacon, "Of Ambition", in *The Essayes or Counsels* pp. 115-7.

[25] Francis Osborne, "Traditional Memoires on the Reign of King James", in *Political Reflections* (1683), pp. 625-6.

The same desire for social promotion had a great influence on the life of Anne Turner. She was born Anne Norton into a family of minor rural gentry in Cambridgeshire.[26] She married Dr. George Turner and lived a life of comfortable gentility in their home in Paternoster Row. Anne, however, was satisfied with neither her husband nor her social position and began a flagrant and open affair with Sir Arthur Mainwaring, having three children with him while her husband lived.[27] This was obviously against the social and moral strictures of her day and classified her as a "whore" and a dishonest woman. There was, however, a contradiction in her social position since she should have been treated as dishonest because of her adultery.[28] Anne was neither chaste, nor silent, nor obedient and she certainly did not confine herself to the home. She often went to Lambeth to visit Dr. Simon Forman and obtain spells and charms from him. Forman's wife testified at the trial that Anne would remain closeted with Forman in his consulting rooms for hours at a time.[29] Despite her challenge to moral and social codes, she did not lose her status before the scandal because of the social position of her lover and her connection with the Howards.

This tension between the moral code and social status could exist for women who were openly unchaste because they lived on different terms: "terms which continued to acknowledge the overriding importance of social factors."[30] Social position could, for example, affect legal penalties for such crimes as bastardy. Early modern people took fornication seriously from an economic as well as a moral position since parish rates had to go up to pay for bastards.[31] Nevertheless, Justices had a great deal of discretion about charges and the law itself stated that legal bastardy only resulted if the child was chargeable or likely to be chargeable to the parish.[32] Anne's children were not chargeable so she was not punished. In her case we also see an emphasis on pride as the origin of all evil.[33] Pride was seen as a particular sin of

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[26] "Visitation of Cambridge, made in 1575 and 1619", in John W. Clay (ed.), *Harleian Miscellany*, 41 (1897), pp. 66-7.

[27] Sloane MS 2572, fo. 160r; see also Sloane MS 1002, fo. 45v; 2 ST 931a.

[28] Gowing, *Domestic Dangers*, p. 79.

[29] Sloane MS 1002, fo. 47v; see also Sloane MS 2572, fo. 162v; 2 ST 932b.

[30] Dabhoiwala, "The Construction of Honour", p. 210.

[31] Gowing, *Domestic Dangers*, p. 44.

[32] Dalton, *The Countrey Justice*, p. 31; see also 7 James I, c. 4; Capp, "The Double Standard Revisited", *P & P* 62, (1999); Walter King, "Punishment for Bastardy in Early Seventeenth Century England", *Albion* 10 (1978), pp. 133-4. King states that the laws were not harshly enforced and only approximately 20% of parents, usually the poor, were punished.

[33] Rowlands, *The Letting of humors blood in the head vaine*, Sig. A2v & r; see also Thomas Cooper, *The mystery of witch-craft. Discovering the truth, nature, occasions, growth and power thereof. With the detection and punishment of the same. As also, the severall stratagems of Sathan* (1617), pp. 343-4; Fletcher, *Subordination*, p. 21.

women and especially of Anne because of her involvement with the latest court fashions. When Swetnam wrote about this in *The Araignment,* he stated that "beauty and pride go together and a beautiful woman is for the most part costly."[34] (Plate 2). There was also a popular connection between expensive, overly ornate clothes, extravagant food and drink and their relation to forbidden sexual relations,[35] so the conventional connections between pride, female dominance and infidelity were particularly applicable to Anne Turner.[36] (Plate 4). Ideas about rank and station were intertwined with this case because of the "conflation of social aspiration, violence, and sexual desire" in the popular mind.[37]

The transgressing of class boundaries was certainly held against Turner at her trial. Several letters written by Frances Howard were read at Turner's arraignment. The first was addressed to "Sweet Turner" and showed the extent of Howard's relationship with Anne. The second was written by Howard to Dr. Forman and said "sweet Father, I must still crave your love, although I hope I have it, and shall deserve it better hereafter."[38] This collapsing of class boundaries was seen as a threatening conspiracy of women, for

> these discourses of conspiracy figure all the women involved as part of a terrifying network of secret power, capable of destroying the order of society. The fact that nobles and common people were involved and in alliance made the prospect more terrifying, for Anne Turner could be figured as already transgressing class boundaries in her ambitious upward mobility.[39]

Turner's class deviance was just part of a broader profile of unacceptable behaviour. As part of a subversive household, her social misconduct highlighted her moral, religious and legal misbehaviour. Her social deviance was the exact opposite of social order and she was a symbol of the trouble caused by the "woman on top." To be a good housewife and a good mother was also a part of female honour for the middling sorts for women's honour was not just sexual but could also be related to their daily life and work.[40] Anne was not good in this sense either; she was always gadding about and left her family to live the life of a courtesan. This was also seen in a very

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[34] Swetnam, *The Araignment*, p. 7.

[35] Burton, "Artifical Allurements", in *Anatomy of Melancholy*, pp. 106-7; see also Gowing, *Domestic Dangers*, p. 91.

[36] The author of this treatise said that Turner's famous yellow starch had come to indicate "basenesse, bastardie, and indignitie." *Hic Mulier*, Sig. A3 r; see also Underdown, "The Taming of the Scold", in *Order & Disorder*, p. 131.

[37] Nicholas Breton, "An Invective against Treason", (1616), in *The Works of Nicholas Breton*, Vol. I, Appendix; see also Dolan, *Dangerous Familiars*, p. 56.

[38] Sloane MS 2572, fos. 160v and r and 161v; see also Sloane MS 1002, fos. 45v, 46v and r; 2 ST 931a and 932b.

[39] Purkiss, *Witch in History*, p. 217.

[40] Garthine Walker, "Expanding the Boundaries of Female Honour in Early Modern England", *TRHS* (1996), p. 245.

negative light by the middling sorts. (Plate 3). Her behaviour, even without her flagrant immorality, would have classified her as a 'whore', for there was an assumption that

> all whores were immediately recognizable through their conduct and appearance - as well as a prime cause of female whoredom, improper 'luxury in diet and apparel' was therefore the unmistakable mark of an unchaste woman.[41]

In *The Bloody downfall of adultery, murder and ambition,* the author says that ambition is like a serpent nourished in a dunghill. The first Sin is Ambition which is full of nothing but rotten and corrupt practices, "catching at nothing but Starres, climbing onely for Greatnesse."[42] Turner and Weston are shown dressed appropriately for their station in life. They are kneeling in prayer, asking forgiveness for their heinous sins. (Plate 9). Tuke wrote about this in his *Treatise Against Painting and Poysoning,* stating that pride and ambition debased everything, for "they are the spoile of vertues, the source of vices, the roots of evils, the disgraces of religion."[43]

This stress on behaviour being appropriate to one's rank and estate was apparent when Justice Croke[44] pronounced Anne's sentence of death, saying "that she had a very honorable tryall, by such men as he had not known, in all his tymme, for one of her ranke and qualitie."[45] Her trial was socially acceptable, completely correct and legally just in seventeenth-century terms. The idea of behaviour being joined to rank was also accentuated in *Mistris Turners Farwell to all Women.* This broadsheet was a morality tale directed toward women as a warning against pride, vanity and licentiousness. Two women are portrayed on the sheet but they are both Anne Turner. As Lady Pride she is dressed in high court fashion, wearing jewels, slashed sleeves and gazing into an elaborate looking glass. She has feathers in her hair and her breasts are completely exposed. Pride has caused her downfall and one can tell Lady Pride by her "whorish face." She is the epitome of everything that was hated about the court and high society. On the other side of the broad sheet is Mistris Turner. She is dressed as a sober, respectable matron of the middling sort. She is completely covered by dark clothing, except for her hands and face, and her hair is hidden by a veil. She is holding a prayer book and the text states that all her sins

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[41] Dabhoiwala, "The Construction of Honour", *TRHS* (1966), p. 207.
[42] Anon. *The Bloody downfall of Adultery, Murder, and Ambition* (1616), sig. A2.
[43] Tuke, "Of Pride and Ambition", in *A Treatise Against Painting and Poisoning,* p. 50.
[44] Justice Croke was the presiding judge at Turner's trial. No primary source indicates which brother, John or George, was sitting. Croke is not to be confused with the Lord Chief Justice Coke.
[45] Sloane MS 2572, fo. 164r; see also Sloane MS 1002, fo. 151r; 2 ST 936b; Whigham, *Ambition and Privilege,* p. 5.

have been washed away 'by Christ's red passion" and she has gone straight to Heaven where she "sits crowned."[46] (Plate 1).

These texts highlight how acceptable versus unacceptable behaviour varied according to one's station in life. Shared rules of conduct were often rank specific for "rule following is an activity that is achieved in interaction by participants who are knowledgeable about both the rules they should follow and their own ability to manipulate these rules."[47] Society's outraged reaction to Anne Turner suggests that she offended against some very important values. One of these was certainly a social system based on hierarchal order which she challenged by borrowing the external trappings of the nobility. She was seen as a threat because symbols of status represent but do not constitute it. "This discrepancy directs attention towards both fraudulent presentations of self and towards the attempts of legitimate status holders to immunize their symbols against misuse."[48] Anne's outrageous behaviour underscores established Jacobean social order; in essence, it outlines and separates the permissible from the deviant in her society.[49] Turner's attempt to break class and social boundaries was extremely threatening for

> society is organized on the principle that any individual who possesses certain social characteristics has a moral right to expect that others will value and treat him in an appropriate way. Connected with this principle is a second, namely that an individual who implicitly or explicitly signifies that he has certain social characteristics ought in fact to be what he claims to be.[50]

Anne was not what she pretended to be and she was automatically attacked on social and moral grounds when the scandal broke since she had stepped outside of her proper place in life. She was censured because of her close association with the court, high fashion, the theatre and painting but also because these things just were not appropriate for her station. Turner's challenge to the social order was quite direct and very threatening because of her success in playing the role of a courtesan. She tried very hard to leave the ranks of minor gentry and climb to a much higher social position. She was, in effect, an impostor and impostors are threatening. In fact,

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[46] Anon. Broadsheet, *Mistris Turners Farwell to all Women* (1615); see also Anon. Broadsheet, *M. Turner's tears* (1616).
[47] Manning, *Goffman & Modern Sociology*, p. 175; see also Foucault, "Nietzche, Genealogy, History", in *The Foucault Reader*, pp. 85-86.
[48] Manning, *Goffman & Modern Sociology*, p. 37; see also Slavin, "On Henrician Politics" *HLQ* p. 250; Whigham, *Ambition & Privilege*, pp. 7, 185.
[49] Peter Laslett, *Family Life and Illicit Love in Earlier Generations: Essays in Historical Sociology*, p. 102; Manning, *Goffman & Modern Sociology*, pp. 33, 165.
[50] Goffman, *The Presentation of Self*, p. 13.

> the more closely the impostor's performance approximates to the real thing, the more intensely we may be threatened, for a competent performance by someone who proves to be an impostor may weaken in our minds the moral connection between legitimate authorization to play and the capacity to play it.[51]

[51] Manning, *Goffman & Modern Sociology*, p. 41; see also Whigham, *Ambition & Privilege*, p. 148.

Politics and Court Faction

"They that are *Glorious* must needs be *Factious*;
for all bravery stands upon comparisons."
- Francis Bacon, "Of Vaine-Glory", in *The Essayes* (1625)

Court faction and the politics of patronage had a direct impact on the Overbury case. If charges of corruption were a way to criticize the government,[1] they were also a method for various interest groups to gain or to maintain power to control the financial and social environment.[2] The dramaturgical theories of Erving Goffman are particularly useful to interpret social interactions at court and highlight court faction in Jacobean England. Goffman's ideas can be used to analyze any social interaction or social exchange but are of particular merit in a society which saw the world as "a stage." My interest is in the performative strategies of the different factions as they struggled to get or maintain power. The court was always a special place and the goals of courtiers unique; however, "the extravagance of the performances found at royal appearances should not blind us to the utility of the concept of a court."[3]

Patronage and favour came from the ruler and ultimately it was within the prerogative of the sovereign to make or mar a courtier since the ruler was the font of prestige, money and honour. Faction, if properly managed, was not pathological for a royal court. Elizabeth had a tendency to split her favor between several courtiers as a way to avoid depending on one person by having "a *privado* or *valido*."[4] This policy meant that the Queen held the balance of power. There are two ways to look at faction in Elizabeth's court; one can see the court split by faction, or view factionalism as a game she allowed courtiers to play. Elizabeth may have begun to lose control toward the end of her reign and appears to have been more directly challenged by the great men at court; however, the Queen still held the balance of power.[5]

The new Jacobean court was different in three important respects: there was a new Scots elite; it was actually comprised of three courts, not one; and the king

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[1] Linda Levy Peck, *Court Patronage and Corruption in Early Stuart England*, p. 11.
[2] G.R. Elton, "Tudor Government: the points of contact: the court", *TRHS* 26 (1976), pp. 49-52.
[3] Goffman, *The Presentation of Self*, p. 100.
[4] Paul Hammer, "Absolute and Sovereign Mistress of Her Grace? Queen Elizabeth I and her Favourites, 1581 - 1592", in J. H. Elliott & L.W.B. Brockliss (eds.), *The World of the Favorite* (1999), p. 41; see also Whigham, *Ambition & Privilege*, p. 49; Lockyer, *Buckingham*, p. 13.
[5] G.R. Elton, "Tudor Government: the points of contact", *TRHS* 26 (1976), pp. 52-53; see also David Wootton, "Francis Bacon: Your Flexible Friend", in J.H. Elliott & L.W.B. Brockliss (eds.), *The World of the Favorite* (1999), p. 193; Mervyn James, "At a Crossroads of the Political Culture: the Essex Revolt, 1601", in his *Society, Politics and Culture: Studies in Early Modern England* (1986), p. 459; Paul Hammer, "Sex and the Virgin Queen: Aristocratic Concupiscence and the Court of Elizabeth I", *Seventeenth Century Journal* 31 (2000), pp. 92-93.

had a tendency to have one favorite instead of several.[6] The four most important factions at the court of James I were those of the followers of Robert Cecil, the Howard's Spanish faction, the French faction led by the Duke of Lennox and the Duke of Carlisle, and the anti-Spanish faction. This last included Queen Anne, the Archbishop of Canterbury, the Earl of Pembroke, Lord Chancellor Ellesmere and Sir Ralph Winwood, Secretary of State."[7] These political alliances were formally recognized relationships with acknowledged duties and obligations.

Another change in ideas and emphasis was developing in the "honour community." The older community saw honour coming from family and lineage and was therefore inherited, not just an individual possession.[8] A change in ideology began under the Tudors, with honour coming from the sovereign and the community of honour clustered around the crown.[9] This argument about the location of honour had a great impact on English gentlemen.[10] In *The Book of the Courtier*, Castiglione has two nobles discuss the location of honour; whether it comes from birth and breeding or if it can actually be conferred by talent and the favor of a prince, despite low birth.[11] There was certainly ill will between those of honourable birth who felt slighted by the new men and those who actually rose through royal favor. Fulke Greville wrote *The Life of Sir Philip Sidney* as a way to illuminate Sidney's honourable life but also to strike out at the "degenerate" courtiers of King James who rose through favour and who were not members of the older honour community.[12]

A courtier in favour was fortunate indeed and the role of the favorite was rewarding despite its danger.[13] These favourites performed an established social role which can be defined as "the patterns or norms of behavior expected from the

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[6] Jenny Wormald, " James VI, James I and the Identity of Britain", in Brendan Bradshaw & John Morrill (eds.), *The British Problem, c. 1534 - 1707* (1996), p. 157; see also David Smith, *The Double Crown: A History of the Modern British Isles, 1603 - 1707* (1998), p. 56; Mark Kishlansky, *A Monarchy Transformed: Britain 1603 - 1714* (1996), pp. 94-95; Linda Levy Peck, *The Mental World of the Jacobean Court* (1996), p. 3.

[7] Levy Peck, *Court Patronage and Corruption*, p. 54; Lockyer, *Buckingham*, p. 14.

[8] Cust, "Honour and Politics in Early Stuart England", *P & P* 149 (1995), p. 60; see also Bryson, *From Courtesy to Civility*, p. 24; Herrup, "To Pluck Bright Honour", *TRHS* (1996), pp. 139-141; James, "English Politics", *P & P* Supplement 3 (1978), p. 15.

[9] James, "English Politics"; see also Bryson, *Courtesy To Civility*, p. 234.

[10] Bryson, *Courtesy to Civility*, p. 122; see also Whigham, *Ambition & Privilege*, pp. 15-17.

[11] Baldesar Castiglione, *The Courtier*, translated by Sir Thomas Hoby (1948), pp. 31-35. see also Whigham, *Ambition & Privilege*, pp. 3, 15-17; Bryson, *Courtesy to Civility*, pp. 119-122.

[12] James, "English Politics"; see also Wormald, "James VI, James I and the Identity of Britain", in Brendan Bradshaw & John Morrill (eds.), *The British Problem, c. 1534 - 1707*, p. 157; Whigham, *Ambition & Privilege*, p. 186; Bryson, *Courtesy to Civility*, pp. 119, 125.

[13] Raleigh said "that minions were not so happy as vulgar judgments thought them, being frequently commanded to uncomely, and sometimes to unnatural employments." 2 ST 33a.

occupant of a particular position in the social structure."[14] (Plate 6). It is possible to analyze power relations within a society by analyzing roles since roles establish social identities.[15] Some social roles can be extremely elaborate and involve various parts which are "enacted" by performers to an "audience." A particular "front" was already established for most social roles and in particular for that of "favourite," and that was how the role had to be played.[16] Despite the actor's own agenda, the obligations of always appearing in character forced one to become an accomplished actor.[17]

Since a royal court was a special place and called for a special kind of performance art, a courtier needed specific skills for the kind of "performance" necessary on the courtly stage.[18] Theatrical metaphors came naturally to sixteenth and seventeenth century people who often saw the world as a stage. "We princes, I tell you" said Queen Elizabeth, "are set on stages, in the sight and view of all the world duly observed."[19] In *Basilikon Doron*, King James also related kingship to stagecraft, stating "It is a trew old saying, That a King is as one set on a stage, whose smallest actions and gestures, all the people gazingly doe behold."[20] In this world where the court was like a stage and the king and courtiers like actors, acting was both illusion *and* an expression of reality. Francis Bacon said "where a man cannot fitly play his own part, if he have not a friend, he may quit the stage," also putting forward the analogy between the court and a stage.[21] If one looks at the court as performance art, then display and countenance related to roles in social acting. This was especially evident in the court masques which appeared as theatres of power connected with both patronage and court politics.[22]

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[14] Burke, *History & Social Theory*, p. 47; see also Whigham, *Ambition & Privilege*, p. 5.
[15] Manning, *Goffman & Modern Sociology*, pp. 176-7.
[16] Goffman, *The Presentation of Self*, pp. 16, 27; see also Whigham, *Ambition & Privilege*, p. 5; Bryson, *Courtesy to Civility*, p. 210.
[17] Goffman, *The Presentation of Self*, p. 251.
[18] Whigham, *Ambition & Privilege*, p. 32.
[19] Orgel, *The Illusion of Power* (1975), p. 42.
[20] James I, "Basilikon Doron", *The Workes* (1616), p. 180; see also Orgel, *The Illusion of Power*, p. 42; Whigham, *Ambition & Privilege*, p. 43; Greenblatt, *Renaissance Self-Fashioning*, pp. 27-30.
[21] Francis Bacon, "Of Frendship", in Michael Kiernan (ed.), *The Essayes or Counsels, Civill and Morall* (1985), p. 87; Wootton, "Francis Bacon", in Elliott & Brockliss (eds.), *The World of the Favorite*, p. 201; see also Whigham, *Ambition & Privilege*, p. 42.
[22] Malcolm Smuts, "Cultural diversity and cultural change", in Linda Levy Peck (ed.), *Court Patronage and Corruption in Early Stuart England* (1990), p.102; Stephen Orgel, *The Jonsonian Masque* (1965), p. 117; Martin Butler "Ben Jonson and the Limits of Courtly Panegyric," in Sharpe and Lake (eds.), *Culture and Politics in Early Stuart England* (1993), p. 114; David Lindley, *The Court Masque* (1984), pp. 6-8.

The king's court was a centre of power and those in ascendancy were often opposed by others who were bitter about the monopoly of royal favor.[23] Robert Carr had been the king's favourite for eight years. He was Treasurer of Scotland, Knight of the Signet, Lord Chamberlain of the Household, a Privy Councillor, and a Knight of the Garter. His best friend and confidante was Sir Thomas Overbury who actually did the work for Carr's many government positions. (Plate 10). It was common gossip that the king doted on his favorite and could deny him nothing, but it was also said that although Carr governed the king, Sir Thomas Overbury governed Carr. By 1612 the Earl of Northampton began to promote an alliance between his niece, Frances Howard, and the king's favourite.[24] Overbury was desperate to prevent the marriage in order to prevent the loss of his own influence but unfortunately misjudged the strength of his hold over Carr. Since Sir Thomas persisted in defaming Frances Howard, his days in power were numbered.

By 1613, the only thing that everyone at court agreed on was their hatred of Overbury. James and Anne both despised him and it was said that James hated Sir Thomas with a "rooted hatred."[25] When Carr removed his protection, Overbury was doomed. On April 29, 1613, John Chamberlain wrote to Dudley Carleton, stating that Sir Thomas was "committed to the Tower last Week," and that it was the king's doing, because he wanted to remove Overbury from Carr.[26] The king was the force behind Overbury's imprisonment and was acting far beyond the common law. No one, however, attempted to plead Overbury's case since he was so thoroughly disliked. In *Brief Lives* John Aubrey stated that although Sir Walter Raleigh was known for being "damnable proud", Overbury was considered to have been even prouder.[27] Once Overbury had been removed from the political scene and sent to the Tower, a series of events began to unfold.

On May 13, 1613 Sir William Waad lost his position as the Lieutenant of the Tower of London and Sir Gervase Elwes was given the post, possibly because Northampton believed that Elwes would be easier to control. Chamberlain wrote that

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[23] Jenny Wormald, "James VI, James I and the Identity of Britain", p. 158; see also G.R. Elton, "Tudor Government: the points of contact", *TRHS* 26 (1976), p. 56; Linda Levy Peck, "Monopolizing Favour: Structures of Power in the Early Seventeenth Century English Court", in J.H. Elliott & L.W.B. Brockliss (eds.), *The World of the Favorite* (1999), p. 57; Whigham, *Ambition & Privilege*, p. 10.

[24] Linda Levy Peck, *Northampton: Patronage and Policy at the Court of James I* (1982), p. 31; see also Somerset, *Unnatural Murder*, p. 111; Akrigg, *Jacobean Pageant*, p. 148; de Ford, *The Overbury Affair*, pp. 10, 43.

[25] Somerset, *Unnatural Murder*, p. 111.

[26] Norman McClure (ed.), *The Letters of John Chamberlain* I, (1962), pp. 441-6 (April 29, 1615); see also Somerset, *Unnatural Murder*, p. 134.

[27] John Aubrey, *Brief Lives*, Oliver Dick (ed.) (1949), p. 254; see also Beatrice White, *Cast of Ravens* (1965), p. 45; Somerset, *Unnatural Murder*, p. 135.

gossip at the time suggested that Waad had taken jewels from Lady Arabella Stuart. Chamberlain was concerned when his old friend was made Lieutenant, stating that "the gentleman is of too mild and gentle a disposition for such an office."[28] Under the king's personal orders, Overbury was kept in extremely close confinement until his death in the Tower on September 15. As soon as Northampton was informed of the death he wrote to Elwes, stating

> Noble Lieutenant, if the knave's body be foul, bury it presently: I'll stand between you and harm; but if it will abide the view, send for Lidcote, and let him see it, to satisfy the damned crew. When you come to me, bring me this letter again yourself with you, or else burn it. . . . fail not a jot herein, as you love your friends.[29]

Chamberlain also wrote about this on October 14 to Sir Dudley Carelton.

> Sir Thomas Overbury died and is buried in the Tower. The manner of his death is not known for there was nobody with him, not so much as his keeper; but the foulness of his corpse gave suspicion and leaves aspersion that he should die of the pox or somewhat worse. He was a very unfortunate man, for nobody almost pities him, and his very friends speak but indifferently of him.[30]

With power came responsibility but abused responsibility pointed to tyranny and corruption. Somerset was "marvelously friended" and the king's public bedfellow. This public display equaled a very strong friendship and emotional bond but there was something ever so slightly askew in his relationship with the king. Their public intimacy was what was called "countenance."[31] As such it was an acceptable bond; however, the bond was supposed to be between equals, for love and not for gain. Lack of moderation and difference in station caused people to be disturbed by what they saw.[32] An upstart might think he could "purchase reputation with apparrel" but doing this would lead others to "disdaine and hate him for his pride."[33] Somerset sought to rise above his station in life and for this was despised by the honour community.

Somerset had also gained a reputation for promising much but doing little. Although he had the king's favor, he was not trusted for he could not be counted on to honour his word. He managed to annoy many with this untrustworthiness which destabilized interaction at the king's court. The anti-Spanish faction both feared and hated him. Sir Ralph Winwood, Cecil's client until his death in 1612, had an axe to

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[28] McClure (ed.), *The Letters of John Chamberlain* I, (1962), pp. 451-3 (May 13, 1615).
[29] White, *Cast of Ravens*, p.77 (September 15, 1615).
[30] McClure (ed.), *The Letters of John Chamberlain* I, pp. 478-9 (October 14, 1615).
[31] Bray, "Male Friendship", *HWJ* 29 (1990), p. 5.
[32] Bray, "Male Friendship," p. 11; see also Herrup, "The Patriarch at Home", p. 10; Akrigg, *Jacobean Pageant*, p. 187.
[33] Weston, *A Triple Cure of a Triple Malady*, pp. 27, 40; see also Kuchta, "The Semiotics of Masculinity", in *Sexuality & Gender in Early Modern England*, pp. 237-8; Pauline Croft, "Libels, Popular Literacy & Public Opinion in Early Modern England", *HR* 68 (1995), pp. 278-9.

grind with Somerset for he had paid to be Secretary of State but was kept by him from any real power.[34] Francis Bacon was also angry that Carr had insisted on a fee for the office of Attorney General, although the King had already said the position was his.[35] Just before the scandal broke, Sir Ralph Winwood wrote that "never was the court fuller of faction."[36]

Somerset was seen by many as an evil polluting the body politic.[37] This fear and hatred, combined with the efforts of the anti-Spanish faction, led to the Overbury scandal as the elaborately created structure of the king's court began to come apart. It has been suggested that the scandal did not come to light spontaneously and Overbury's murder would have remained hidden except for the rise of Villiers.[38] If Somerset had remained in power, no one would have dared to challenge him and Overbury's murder (if he was indeed murdered) would have remained hidden. Instead, the supposed 'confession' of one William Reeve, "an apothecary's boy" was brought from Brussels by Trumbull, the English envoy to Sir Ralph Winwood. No evidence of the boy's existence was ever produced at trial.[39]

The scandal gave a focus to the anti-Spanish, anti-Catholic courtiers who wanted to destroy Somerset and the Howards.[40] Although it had been the king himself who arranged for the harsh confinement of Overbury, no one at the time suspected him of being directly involved in the death.[41] Overbury was seen from a different perspective and went from despised villain to sainted martyr. (Plate 7 and Plate 8). Even those who knew him personally and had hated him got on the bandwagon, unleashing a spate of pamphlets, broadsheets and ballads about the murdered man. Francis Bacon alone remained somewhat cynical and said that it was

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[34] Somerset, *Unnatural Murder*, pp. 262, 264; Levy Peck, *Court Patronage & Corruption*, p. 55.

[35] Somerset, *Unnatural Murder*, p. 107.

[36] A.R. Braunmuller, "Robert Carr, Earl of Somerset", in Levy Peck (ed.), *The Mental World of the Jacobean Court*, p. 233; see also Kishlansky, *A Monarchy Transformed*, pp. 94-95.

[37] Castiglione wrote that "there is no treasure that doth so universally profit, as doth a good prince, nor any michiefe so universally hurt, as an ill Prince. Therefore is there also no paine so bitter and cruel that were a sufficient punishment for those naughtie and wicked Courtiers, that make their honest and pleasant manners, and their good qualities a cloake for an ill end, and by meane of them seeke to come in favour with their Princes for to corrupt them, and to cause them to stray from the way of vertue, and to lead them to vice." Castiglione, *The Courtier*, trans. Sir Thomas Hoby, pp. 265-6.

[38] Bellany, *The Poisoning of Legitimacy?* p. 29; see also Lockyer, *Buckingham*, pp. 22-23; Somerset, *Unnatural Murder*, pp. 279, 292;

[39] McElwee, *The Wisest Fool*, p. 219.

[40] Butler, "Ben Jonson and the Limits of Courtly Panegyric," in *Culture & Politics in Early Stuart England*, p. 105; Kishlansky, *A Monarchy Transformed*, p. 96.

[41] Francis Bacon, *The Life and Letters* V, J. Spedding (ed.), p. 216; see also Bellany, "Mistress Turner's Deadly Sins", *HLQ* 58 (1996), p. 200; Bellany, *Poisoning of Legitimacy?*, p. 285; Somerset, *Unnatural Murder*, p. 172.

Overbury's "unbounded and impudent spirit" which had earned his hatred, stating that "Overbury was naught and corrupt: the ballads must be mended for that point."[42]

"A basic problem for many performances, then, is that of information control; the audience must not acquire destructive information about the situation that is being defined for them. In other words, a team must be able to keep its secrets and have its secrets kept."[43] These "dark secrets" of corruption uncovered in the highest places were part of a discourse that attempted to show Somerset's position in power was neither right nor natural. His time in power was like an anti-masque of the wrong or grotesque, his trial like a masque which represented the courtly world of order.[44] The world of inversion, chaos, and misrule created by dissolute courtiers and wicked upstarts was righted by the "masque" of the trial and judgment in the theatre of royal justice. This idea of antimasque and masque was directly related to the Overbury scandal when Ben Jonson wrote *The Golden Age Restored* in January of 1616 as a response to recent court events.[45]

How did court faction directly affect Anne Turner? The court was a world apart and when Somerset was in power, Turner was completely protected from the consequences of her actions. She was in no danger as long as Northampton was running the government and Somerset was the king's favourite, for the king doted on Somerset. When the Earl lost the king's favor, Turner also fell, losing her credit and her honour. Her life was like a morality tale for the middling sort, showing what happened when a country girl got involved with the wastrels at court. Niccholes wrote about this in 1615. He said that the "Countrey Damsell" did not belong in the world of the court. "To what end is the laying out of the embroded haire, embared breasts, virmilioned cheekes, alluring lookes, fashion gates, and Artfull countenances?"[46] Vanity and pride could only lead to sin and this kind of wasteful vanity was "a villany and treachery against the commonwealth."[47] Anne played a prominent role in the scandal and one can see social expectations in both her rule breaking and her eventual reintegration with society. She manipulated social situations to achieve her goals and her choices to create a new self can be used to

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[42] 2 ST 974b; see also McElwee, *The Murder of Sir Thomas Overbury*, p. 245.
[43] Goffman, *The Presentation of Self*, p. 141.
[44] Orgel, *The Illusion of Power*, p. 40.
[45] Ben Jonson, "The Golden Age Restored", in W. Gifford (ed.), *The Works of Ben Jonson* (1875), pp. 106-7; see also John Nichols, *The Progresses, Processions, and Magnificent Festivities of King James the First* (1828), pp. 123-4; Butler, "Ben Jonson and the Limits of Courtly Panegyric," in *Culture & Politics in Early Stuart England*, p. 105.
[46] Niccholes, *A Discourse of Marriage and Wiving*, p. 21.
[47] Weston, *A Triple Cure of a Triple Malady*, pp. 52, 56.

infer these goals.[48] In this sense, Turner's "self" was a construct of these performed roles; although she was a skilled actor, her position was related to the king's favor and her facade crumbled once the scandal broke.

[48] *Mistress Turners Farwell to all Women*; see also Manning, *Goffman & Modern Sociology*, p. 120.

Religion and Recusancy

"For the same man to be a heretic and a good subject is impossible."
- Seventeenth century proverb

Anne Turner's notoriety arose because of her overtly criminal behaviour. There were many religious and cultural issues which had an impact on how she was perceived because of the connection between normative values, religion and the law in seventeenth century England. Religious beliefs were founded on a rhetoric of good versus evil in a mental world of contraries based on Aristotelian and Christian ideas about opposite poles. This contrast between good and evil was part of a world where the devil was God's alter ego and to deny the power of the devil was to deny God.[1] All these ideas were founded in a philosophy which separated the world between the natural and the unnatural and then used the "natural" to show what God wanted: the natural family mirrored the natural body politic which mirrored the natural world and all showed God's plan for the world. Everything that was not normative in religion, politics and family dynamics was viewed as pathological, for God created the natural world and this argument from nature was deemed irrefutable.

Although religion was just one of the ways that power operated within seventeenth century society, it was a particularly effective means of social control and established a firm basis for the normative. All power came from God, through the King, in an hierarchal ordering down to the least of the least. The state church was established by law and the Church of England confessional was seen as the only normal and natural religion for true Englishmen. Conformity was necessary for this world to function to its best advantage.[2] In a society where there was no separation between Church and State, dissent was a kind of treason.[3]

James I supported the hierarchal nature of the church when he ascended to the English throne and emphasized this at the Hampton Court Conference

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[1] John Bossy, *Christianity in the West 1400 - 1700* (1985), p. 137; see also Peter Lake, "Anti-popery: the Structure of a Prejudice", in Richard Cust & Ann Hughes (eds.), *Conflict in Early Stuart England* (1989), pp. 73-4; Stuart Clark, "Inversion, Misrule and the Meaning of Witchcraft", *P & P* 87 (1980), p. 105; Robin Briggs, *Witches & Neighbors*, p. 385; Keith Thomas, *Religion & the Decline of Magic* (1991), p. 567; Wallace Notestein, *A History of Witchcraft in England from 1558 - 1718* (1965), p. 69.

[2] James, "English Politics and the Concept of Honour", *P & P Supplement* 3 (1978), p. 57.

[3] 1 Eliz. c. 2; see also "An Act for the Uniformity of Common Prayer and Divine Service, 1559", in *A Collection of Articles, Injunctions, Canons, Orders, Ordinances, and Constitutions Ecclesiastical* (1675), pp. 67-86; see also Judith Maltby, "By this Book: Parishioners, the Prayer Book and the Established Church", in Kenneth Fincham & Peter Lake (eds.), *The Early Stuart Church, 1603 - 1642* (1993), p. 130; Carol Wiener, "The Beleaguered Isle. A Study of Elizabethan and Early Jacobean Anti-Catholicism", *P & P* 51 (1971), p. 37; J. P. Kenyon, *The Stuart Constitution* (1993), pp. 115-6; Catherine Drinker Bowen, *The Lion and the Throne* (1957), p. 270.

in 1604. The king, "in most excellent and extraordinary manner" discussed religion and debated with the more precise bishops and doctors at the conference. He said that proper ceremony and episcopal structure were necessary to both the church and the state and linked them with the statement "no bishop, no king."[4] Most people believed that total confusion would arise if estate and degree were to be eliminated from society. As Shakespeare said in *Troilus and Cressida*

> Take but degree away, untune that string,/And hark what discord follows."[5]

The king was head of both the secular state and the Church of England. He was assisted by the Lords Temporal and Lords Spiritual, beings of the same essence, who sat in the House of Lords and participated in governing the kingdom. The Canons of 1604 censured anyone who questioned the established rites and ceremonies of the church and Canon 7 stated

> Whosoever shall hereafter affirm, that the government of the Church of England under his majesty by archbishops, bishops, deans, archdeacons,and the rest that bear office in the same, is antichristian, or repugnant to the word of God, let him be excommunicated *ipso facto*, and so continue until he repent, and publicly revoke such his wicked errors.[6]

The Canons of 1604 also emphasized the importance of the catechism, not just because of religious matters but also because it taught one how to be a good subject and a person who was able to fit into an ordered society.[7] The new edition of the Bible, commissioned by the king himself, was published in 1611. The *Translators Preface* clearly set out the terms of engagement with the scriptures and justified a perspective which was acceptable to the King .[8] James was very concerned with proper church management and had written instructions to those who would translate it. The Bible had a great deal to say about the subject of obedience. "Exhort servants to be obedient unto their own masters, and to please them well in all things again: Not purloining, but shewing all good fidelity; that they may adorn the doctrine of God our Savior in all things."[9]

The congregation prayed for the sovereign during communion. There were prayers in the Litany for the ruler and a prayer for the high court of Parliament when

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[4] *Bishop Matthew's Report on the Hampton Court Conference, 1604*, in Edward Cardwell, *A History of Conferences and Other Proceedings connected with the Revision of the Book of Common Prayer from the Year 1558 to the Year 1690* (1849), pp. 161-6; see also Kenneth Fincham & Peter Lake, "The Ecclesiastical Policies of James I and Charles I," in Kenneth Fincham (ed.), *The Early Stuart Church 1603 - 1642* (1993), pp. 25-26.

[5] William Shakespeare, *Troilus and Cressida* (1600), I, iii, l. 108-9.

[6] "Canon 7", in *Constitutions and Canons Ecclesiastical, 1604;* see also James I, "To all Christian Monarches, free princes and states", in *The Works*, p. 306.

[7] Amussen, *An Ordered Society*, p. 35.

[8] "The Translators to the Reader," *The Bible* (1611), pp. viii, x, xii, xviii; see also Kenyon, *The Stuart Constitution*, pp. 112-3.

[9] *Titus* 2: 9 & 10; see also I *Timothy* 6:1.

it was in session.[10] The Catechism also reinforced this message of honour and obedience to the ruler. Children were taught that obedience to church, state and head of the household was part of their duty [11] Resisting the anointed king and the laws of the state was like resisting God himself. The message was absolute and unquestioning acceptance of the social order, from lesser to greater, for to do anything else was a presumption against God's divine will.[12] The powers that be emphasized the correspondence between God's just authority in the universe and the authority of a king within his kingdom. The Bible was used to show that God supported rule by kings and that kingship was, in fact, a "divinely ordered institution."[13] In a speech to Parliament King James stated that

> The State of Monarchie is the supremest thing upon earth for Kings are not onely Lieutenants upon earth, and sit upon Gods throne, but even by God himself they are called Gods...In the Scriptures Kings are called Gods, and so their power after a certain relation compared to the Divine power. Kings are also compared to Fathers of families: for a King is trewly *Parens patriae, the* politique father of his people.[14]

The just authority of the father was the foundation of each patriarchal household.[15] There was a direct correspondence between the household and the commonwealth, for the family was the model for the state: the king was to his people as a father to his children. This helped to maintain the status quo for "it gave to heads of households, as it were, a personal stake in the monarchy. Just as kings were little Gods, so were fathers little monarchs."[16] It was a wife's duty to

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[10] *The Book of Common Prayer* (1559), p. 248.

[11] *Ibid.*, p. 298.

[12] Keith Thomas, *Man and the Natural World* (1996), pp. 44, 118; see also Robert Ashton, *The English Civil War: conservatism and revolution, 1603 - 1649* (1978), p. 7.

[13] James I, "The Trew Law of Free Monarchies" (1598, 1603), in *The Works*, pp. 193-4; see also Robert Ashton, *The English Civil War: conservatism and revolution* (1978), pp. 5-7.

[14] James I, "A Speech to the Lords and Commons of the Parliament at White-Hall on Wednesday the XXI of March, Anno 1610" in *The Works*, p. 529; see also James I, "The Trew Law of free Monarchies", in *The Works*, p. 195; James I, "Basilikon Doron", in *The Works*, p. 148; Thomas Hobbes, "Of the Kingdome of God by Nature", in *Leviathan* (1651), pp. 245-6; Cust, "Honour and Politics", *P & P* 149 (1995), p. 81.

[15] Fletcher, "Manhood, the Male Body, Courtship", *History*, p. 426; see also Amussen, *An Ordered Society*, p. 1; Sharpe, "Plebeian Marriage in Stuart England", *TRHS* (1986), pp. 84-85; Underdown, "The Taming of the Scold", in *Order & Disorder*, pp.117, 127; Fletcher, *Subordination*, pp. 204-5; Fletcher, "The Protestant idea of Marriage", in *Religion, Culture & Society*, pp. 163, 168.

[16] Ashton, *The English Civil War*, pp. 7-8; see also James I, "The Trew Law of Free Monarchies," in *The Works*, p. 193; James I, "A Speach in the Starre-Chamber the XX of June 1616", in *The Works*, pp. 549-50; John Donne, "Meditation", in Neil Rhodes (ed.), *Selected Prose*, p. 111; Sir Robert Filmer, *Patriarcha, or the natural power of kings*, in Johann P. Sommerville (ed.), *Patriarcha and Other Writings*, pp. 1, 6; William Whately, *A bride bush* (1617, 1623), pp. 88-89; L.M. Hill, "It ain't no lie; I've seen it on a map." Elizabethan and Early Stuart Studies in the 1990s", *HLQ* 60 (1999), p. 332; Amussen, "Gender, Family & the Social Order", in *Order & Disorder*, p. 197.

acknowledge and carry herself as her husband's inferior for he was "God's deputy" in the family and for a woman to disobey her husband was to "strive against GOD and nature."[17] Women had a religious and moral duty, as well as a legal obligation to obey the head of the household "for as men should obey the laws of their cities, so women the manners of their husbands."[18] The anonymous author of *A Select Second Husband for Sir Thomas Overburies Wife, now a matchlesse Widow* wrote

> Let Mornes, and Ev'nings never passe their prime/ But, with the little Church, or petty state,/
> in thy home's signiory pray out that Time/to be preesrv'd from Sense so reprobate:/
> Then Wisedom, Feare and Loves devotion shall/ Be as Triuvirate, to rule thine All.[19]

The importance of this joining of the family and the church was emphasized in many conduct books[20] as well as in texts such as *The English Housewife* which stated "let our English housewife be a godly, constant, and religious woman, learning from the worthy preacher, and her husband, those good examples which she shall with all careful diligence see exercised amongst her servants."[21] The family and the state both needed religion to keep order and enforce political control, arguing their case as the 'natural' state of affairs and comparing the body to a state to support this argument.[22] The king was not only as a father to his children but also as a head to the rest of the body. King James used this analogy in a speech to Parliament in 1603 as well as in *The Trew Law of of Free Monarchies.* He stated that the head of a body was responsible for judgment and reason and as "the head cares for the body, so doeth the king for his people."[23]

Not all subjects, of course, were godly and constant and some were considered deviant because of amoral conduct or because they did not worship according to the rites of the Church of England. Recusant families were considered pathological for

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[17] William Whately, *A bride bush*, pp. 99-101, 189; see also Barry Reay, *Popular Cultures in England 1550 - 1750* (1998), p. 20; Amussen, *An Ordered Society*, p. 35; Hufton, *Prospect Before Her*, p. 37; Hann, *Social Anthropology*, p. 181.

[18] Robert Dod and John Cleaver, *A godly form of household government* (1598, 1614), pp. 93-5; see also E.T., *The Law's Resolution of Women's Rights* (1632), "Of Wives", Book III, sect. vii - ix, pp. 129-30.

[19] Anon., *A Select Second Husband for Sir Thomas Overburies Wife, now a matchlesse Widow* (1616), Sig. F4.

[20] William Gouge, *Of Domestical Duties* (1622); see also William Perkins, *Christian economy* (1609); Dod & Cleaver, *A godly form of household government;* Fletcher, *Subordination*, p. 61-2; Hufton, *The Prospect Before Her*, p. 48.

[21] Gervase Markham, *The English Housewife* (1615), p. 7.

[22] Amussen, "Gender, Family & the Social Order", in *Order & Disorder*, p. 201; see also Muir, *Rituals*, p. 232; Fletcher, *Subordination*, p. xvii; John Walter, "The Commons and Their Mental Worlds," in John Morrill (ed.), *Tudor and Stuart Britain*, pp. 201-3.

[23] James I, "The Trew Law of Free Monarchies", in *The Works*, p. 204; see also James I, "A Speach in Parliament Monday the XIX day of March, 1603," in *The Works*, p. 495; John Donne, "A Prayer", in *Selected Prose*, p. 207.

they had opted out of the social goal of uniformity. The 1559 *Act of Uniformity* and *The Book of Common Prayer* services required conformity and there were both ecclesiastical and civil attempts to enforce it.[24] Catholicism was seen as deviant, not just from a religious point of view but also in its ramifications for the state and the family. Fear of Catholicism became part of the larger English struggle between good and evil. Religious deviation was linked to sexual deviation as well as witchcraft, poisoning and treason.[25] Catholicism had an important function in early modern England for it defined the normal and created the "other" which helped form an English national identity.[26] Many pamphlets, sermons and ballads put forward the view that Catholicism was anti-religion, associated Catholicism with evil and the anti-Christ, and argued that those who valued their salvation should "detest Poperie."[27]

The nice line between sin and legal transgression particularly affected dissenters who were viewed as legally and morally questionable because they were not part of the body politic. It was believed that those who did not conform in religion could easily slide into conspiracy and treason. This connection between religious deviation and treason can be seen in the Essex conspiracy of 1601. The relationship between irreligion and sedition was stated in a sermon that asserted "certainly, a mind inclined to rebellion was never well professed of religion."[28] Robert Devereux was portrayed as an atheist at his trial because of his policy of toleration. His prosecutors, who saw tolerance as politically dangerous, believed that irreligion was one of the main causes of his treasonable behaviour.[29] The Earl of Essex fell because he "had none but Papists, Recusants, and Atheists for his . . . abettors."[30] There was a

[24] 1 Eliz. c. 2; see also "Archbishop Bancroft's Letter Regarding Catholic Recusants" (1605), in Edward Cardwell, *Documentary Annals of the Church of England* (1844), pp. 96-101; see also Marie Rowlands, "Recusant Women," in Mary Prior (ed.), *Women in English Society 1500 - 1800* (1985), p. 150; Cressy & Ferrell, (eds.), *Religion & Society*, pp. 5, 56.

[25] S.F., *A Picture of a Wanton: her leawdnesse discovered*, Sig. A2, C1; see also Cooper, *The mystery of witch-craft*, p. 8; Bray, *Homosexuality in Renaissance England*, p. 21; Lake, "Anti-Popery", in *Conflict in Early Stuart England*, pp. 75, 93; Purkiss, *Witch in History*, p. 156; Hufton, *Prospect Before Her*, p. 333.

[26] Peter Lake & Michael Questier, "Agency, Appropriation & Rhetoric Under the Gallows: Puritans, Romans and the State in Early Modern England", *P & P* 153 (1996), p. 66; see also Barry Reay, "Popular Religion", in Reay (ed.), *Popular Culture in Seventeenth Century England* (1985), p. 107; Herrup, *A House in Gross Disorder*, p. 15; Wiener, "The Beleaguered Isle", *P & P* 51 (1971), p. 27; Kenyon, *The Stuart Constitution*, pp. 165-7; Edith Kurzweil, *The Age of Structuralism - Levi-Strauss to Foucault* (1980), pp. 193-4.

[27] S.F., *The Picture of a Wanton, her leawdnesse discovered* (1615), Sig. C1; see also John Donne, "From a Sermon Preached at St. Paul's Upon Christmas Day, 1622", in *Selected Prose*, p. 207; "Acclamatio Patrie", in Richard Williams (ed.), *Ballads from Manuscripts* (1873), II, p. 39; "Commons' Petition on Religion, July 1610", in Kenyon (ed.), *The Stuart Constitution*, pp. 126-7; Wiener, "The Beleaguered Isle", *P & P* 51 (1971), pp. 27-8.

[28] James, "Crossroads", in his *Society, Politics and Culture*, p. 446.

[29] 1 ST 1351a - 1356b; see also Lake, "Anti-popery", in *Conflict in Early Stuart England*, pp. 73-4; James, "Crossroads", p. 417.

[30] 1 ST 1337a.

very direct and explicit tie between Catholics and atheists: the Earl's chaplain said Essex was in his heart "either an atheist or papist, which doth plainly appear, in that all your instruments, followers, and favourers, were of this quality."[31] Inconsistency in religion was therefore feared as part of a whole constellation of behaviour which could lead to sedition and treason.

Fear of Catholicism caused England to see itself as an island under siege. The Bible was used to support this belief and both politicians and ministers often quoted that "no man can serve two masters."[32] Catholicism presented a political threat to the state for "in sixteenth and seventeenth century England, it was a common belief that all Catholics were potential traitors or in contemporary language, 'Not one good Subject breathes amongst them All."[33] This fear revolved around the belief that Catholics, backed by the Pope, would assassinate the monarch in order to return the country to Catholicism. The anonymous author of *The Picture of a Wanton* emphasized this when he wrote that the Jesuits were especially to be feared because they "doe hold it meritorious to kill the King of the Countrie, if he be not of their Religion: And therefore who forever holdeth the grounds of Poperie is in a most dangerous estate."[34] The 1606 *Oath of Allegiance* was enacted to protect the state from the enemy within. James I, always in favour of moderation, saw it as a way for moderate Catholics to affirm their obedience to the state and used it to separate loyal from disloyal subjects.[35] James had a very personal fear of Catholic traitors after Powder Treason and believed those "Archtraitors," the Jesuits, were always willing to use assassination to advance Catholicism.[36] The oath appeared moderate but was actually a way for the state to enforce order under the old "two master" argument

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[31] James, "Crossroads", p. 459.

[32] *Matthew* 6:24.

[33] Sir Robert Filmer, "Patriarcha", in Johann P. Sommerville (ed.), *Patriarcha & Other Writings*, p. 3; see also John Donne, "From a sermon preached at St. Pauls, upon Christmas day, 1622", in *Selected Prose*, p. 207; Wiener, "The Beleaguered Isle", *P & P* 51 (1971), p. 37; David Cressy & Lori Anne Ferrell (eds.), *Religion and Society in Early Modern England* (1996), p. 7; A common proverb in the seventeenth century was "For the same man to be a heretic and a good subject is impossible." Morris Tilley, *A Dictionary of The Proverbs in England* (1950), p. 412.

[34] S.F., *The Picture of a Wanton, her leawdnesse discovered*, Sig. C1; see also "Archbishop Bancroft's Letter Regarding Catholic Recusants" (1605), Cardwell, *Documentary Annals of the Church of England*, pp. 96-101; "The Thirty-nine Articles," in *Articles of the Church of England* (1675), p. 106.

[35] James I, "An Apologie for the Oath of Allegiance", in *The Works*, pp. 247-9; see also 3 Jac. I, c. 3; 3 Jac. I, c. 4, 5; Fincham & Lake, "The Ecclesiastical Policies of James I and Charles I", in *The Early Stuart Church*, p. 29; Wiener, "The Beleaguered Isle", *P & P* 51 (1971), p. 36.

[36] James I, "To all Christian Monarches, free Princes and States", in *The Works*, pp. 291-2.

that had been used against recusants for years. It was a "license to dissent" but could be used at any time to attack those who did not conform.[37]

A Catholic family was a deviant family, not to be trusted in matters of religion, national security or morality. The state tried many tactics to eliminate dissent. A husband or father was the link between the family and the state and a man was responsible for both himself and his family. A woman's husband or the head of her household was legally and financially responsible for her dissent. The 1610 *Act for the Administration of the Oath of Allegiance and the Reformation of Married Women Recusants* attempted to enforce conformity.[38] In *The Compleat Justice*, James Flesher listed the legal penalties for female recusancy. A married woman could be imprisoned but the law allowed her husband to pay for her release. The fine for recusancy was £10 per month or a third part of the husband's estate. Also, the husband could not hold public office if either he or his wife were recusant.[39]

Catholicism was not a major disadvantage to most of the actors in this tragedy until the Earl of Somerset fell from grace. Mrs. Turner already knew that the sovereign's favour could outweigh the disadvantages of Catholicism, for she had a first hand experience with the dispensing power of the monarch. Her husband, George Turner, had been a Fellow of the College of Physicians and was appointed Elect in 1602. Despite his qualifications, he was ineligible because he was a Catholic. Queen Elizabeth, however, intervened and arranged for him to be given the position.[40] After her husband died, Turner would have been personally liable to penalties under the recusancy laws; however, she had powerful friends who were either Catholic or pro-Catholic and she was never bothered in any way. Her borrowed social standing cushioned her from the law. After Carr and Howard were married, Turner lived with them as a friend and guest and the Earl of Somerset would have been legally responsible for her while she lived in his home. The law stated that the head of a household could be fined for any servant or guest in his home who refused to attend the established church.[41] No one attempted to fine the Earl of Somerset for recusancy.

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[37] M.C. Questier, "Loyalty, Religion and State Power in Early Modern England: English Romanism and the Jacobean Oath of Allegiance", *HJ* 40 (1997), p. 314; see also Reay, "Popular Religion", in Reay (ed.), *Popular Culture in Seventeenth Century England*, p. 109.

[38] 7 Jac. I, c. 6; see also Rowlands, "Recusant Women", in Prior (ed.), *Women in English Society*, p. 155.

[39] James Flesher, *The Compleat Justice* (1656), pp. 237-8; see also Statutes I Jac.6, c.4, I Jac.6. c. 6; I Jac.6, c.7.

[40] William Munk, *The Roll of the Royal College of Physicians of London 1518 - 1700* (1878), I, p. 89.

[41] I Jac. I, c. 6; see also Rowlands, "Recusant Women", in *Women in English Society*, p. 156.

Religion had a dramatic impact on public perception of Turner after the scandal broke and the marginality of Catholics affected how people saw this case.[42] Catholicism was the link between all of Turner's other sins for her moral behaviour was tied to her religion. In addition, she was also connected to the king's court which was seen as dissolute by the godly sort.[43] In *A Triple Cure for a Triple Malady* Edward Weston stated that

> No Basiliske is more dangerous, no venime so hurtful, no influence so infectious, no contagion so mortall, as an unchaste mind under the atire of a Curtizane. O unworthy employment of a Christian woman,to make herself a guilded goblet to entertain deadly poyson, powdered in by Sathan, for the bane of the world . . . . . to betray man to hell.[44]

Connected with this was the use of cosmetics, that "counterfit varnish." Thomas Tuke wrote *A Treatise against Painting and Poysoning* in 1616 as a response to the Overbury scandal, also connecting social nonconformity to religious deviance, Catholicism and witchcraft. [45]

During the Overbury trials, Coke emphasized that most of the accused were papists and that poisoning was to be expected of Catholics for it was "a popish trick."[46] It could not have helped that the first round of trials were held in November on the tenth anniversary of Powder Treason. The case was certainly being referred to as "Powder Poison" by the first part of November. The November 14th account of Turner's execution in the State Papers said that "the discovery of the Powder Poison, as of the Powder Treason, a sign of God's favour towards His Majesty."[47] Lord Chief Justice Coke was determined to find a Catholic plot against the whole state and on November 16th he once again emphasized the heinous character of "powder Poison, as committed upon a prisoner, and one therefore in the custody of the Crown."[48]

Coke linked Turner's Catholicism to witchcraft which also had a major impact on her trial.[49] Public reaction reflected "deep seated animosities against the Court, against Catholics and against women."[50] Witchcraft was illegal power that opted out of the established and accepted social and religious structure and broke the

[42] Bellany, *The Poisoning of Legitimacy?*, p. 331; see also deFord, *The Overbury Affair*, p. 67; Herrup, *A House in Gross Disorder*, p. 16.
[43] Bray, *Homosexuality in Renaissance England*, p. 55.
[44] Weston, *A Triple Cure of a Triple Malady*, p. 99.
[45] Tuke, *A Treatise Against Painting and Poysoning*, (1616), pp.2, 49-52.
[46] 2 ST 930a; see also Bellany, *The Poisoning of Legitimacy?* p. 230; Lindley, *Trials*, p. 165; McElwee, *Murder of Sir Thomas Overbury*, p. 1.
[47] SP 14/83/34 (Nov. 14, 1615).
[48] SP 14/83/40 (Nov. 16, 1615).
[49] BL Sloane MS 1002, fo. 48r; BL Sloane MS 2572, fo. 162r; 2 ST 933b; Lake, "Anti-popery", p. 93.
[50] Lindley, *Trials*, p. 167; see also Underdown, "Yellow Ruffs and Poisoned Possets", in *Attending to Early Modern Women*, pp. 239-40.

laws of God and society. Since the law was founded on morality and religion,[51] the violence of the popular reaction to the Overbury scandal can be interpreted in part as a reaction to a challenge to religion and social order. There were public fears that any sin might lead to a kind of event cascade which could end in real evil. It was said that "evils go not alone unaccompanied, but as in a chain one link draws on another, so one sin begets another till with the plurality thereof the sinner be fettered."[52] The evidence presented in this case was not just about the murder of Overbury. It was about an aberrant way of life that both caused and explained the totality of the legal, moral and religious crimes. The fact that many of the major players in this scandal were Catholic or pro-Catholic was seen as responsible for their rejection of 'normal' values in religion, in family life, and in their duty to the state.

Anne Turner chose to remain Catholic at a time when being Catholic was considered deviant. There would have been low credibility for households such as hers which quite obviously lacked moral and religious discipline. The effects of her recusancy were mitigated by her social group - the Howard's Spanish faction - and their "shared rules of conduct", but after this group was destroyed by Somerset's fall from grace, Turner chose a new course of action. She elected to reject Catholicism, repent, and convert to the Anglican church.[53] Turner was not forced to change her religion or her *persona.* Her decision to do so can possibly be seen as an attempt at "impression management" and a way to influence public opinion;[54] however, her choices (whatever her motivation) show her agency in her own life and in the way she manipulated the social and religious order.

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[51] 1 *John* 3:4; see also Sara Mendelson & Patricia Crawford, *Women in Early Modern England* (1998), p. 36; Herrup, *The Common Peace*, p. 194; Ingram, *Church Courts, Sex & Marriage in England*, p. 3.

[52] Peter Lake, "Deeds Against Nature: Cheap Print, Protestantism and Murder in Early Seventeenth Century England", in Sharpe & Lake (eds.), *Culture and Politics in Early Stuart England* (1993), p. 269.

[53] SP 14/83/32-4 (November 14, 1615).

[54] Goffman, *The Presentation of Self*, pp. 15, 208.

Witchcraft and Magic

"Fear of things invisible is the natural seed of that
which everyone in himself calleth religion."
- Thomas Hobbes, *Leviathan* (1651).

Early modern witchcraft beliefs offer an entry point to analyse Anne Turner and her behaviour, both in her life as a whole and in the final events leading up to her trial and execution. It also gives another way to look at the relationship between agent and society for it highlights duality of structure as social agents both reproduced their culture and at the same time acted in ways that were opposed to the very basis of their society. Witchcraft beliefs show how women created agency for themselves in Jacobean society and illuminates both the scope and limitations of women's agency within early modern society. What were the accepted rules of conduct and how did rejecting those rules create power? "Ultimately witchcraft was a theory of power and it attributed secret and unnatural power to those who were formally powerless."[1] By looking at witchcraft, which was the antithesis of legitimate power, one can also see the ways in which legitimate power functioned.

Witchcraft fit into a pattern of behaviour in Jacobean England. It represented disorder and inversion: the witch was the epitome of rebelliousness and religion perverted. There was a connection between women and witchcraft: the scold, the whore and the witch were all powerful symbols of female misbehaviour.[2] Witchcraft was a kind of negative power; for "the power to make trouble is also a generally unacknowledged political act, aimed at achieving control over people."[3] Marlowe's Faustus states this quite clearly: "O what a world of profit and delight,/Of power, of honor, of omnipotence,/Is promised to the studious artisan!"[4]

Even historians with a sociological focus such as Keith Thomas and Alan Macfarlane who see witches as victimized old women and accusations as guilt projected towards these women, acknowledge that the hatred of witches came

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[1] Robin Briggs, *Witches & Neighbors*, p. 285; see also Stuart Clark, *Thinking With Demons*, p. 441, Christina Larner, *Enemies of God: The Witch-Hunt in Scotland* (1981), p. 95; Deborah Willis, *Malevolent Nuture. Witch-Hunting and Maternal Power in Early Modern England* (1995), p. 89.

[2] James I and VI, *Daemonology*, p. 55; see also Thomas Cooper, *The mystery of witch-craft; discovering the truth therof* (1617), pp. 176-7; Dolan, *Dangerous Familiars*, p. 229; Willis, *Malevolent Nuture*, pp. 37, 41; Annabel Gregory, "Witchcraft, Politics and 'Good Neighbourhood' in Early Seventeenth-Century Rye", *P & P* 133 (1991), p. 61.

[3] James Sharpe, "Women and Witchcraft", *Continuity &Change* 6 (1991), p. 194. Sharpe incorporates the idea of "negative power" from anthropologist Jill Dubisch; Willis, *Malevolent Nurture*, p. 122.

[4] Christopher Marlowe, *Doctor Faustus* (1592), I, i, 53-55; see also "Damnable Practises of three Lincoln-shire Witches", in Roy Palmer (ed.), *A Ballad History of England from 1588 to the Present Day* (1979), pp. 14-15.

from fear. Witches were believed to victimize individuals in their community; "a witch was a person of either sex (but more often female) who could mysteriously injure other people."[5] A very real fear motivated witchcraft accusations[6] and this fear of the powerful witch in the seventeenth century is completely opposed to the modern idea of the witch as "victim."

> Those deposing against witches in seventeenth-century Yorkshire would have experienced powerful and frightening people who could bring harm to you, your children or your animals with terrifying suddenness.[7]

Some see the accused as innocent victims in a war between the sexes or the pitiful outcasts of a social system without safety nets; however, witchcraft was not just about gender conflict and while it was sex-related it was not sex-specific.[8] It was much more complicated than the simple war on women that some feminist historians get from "a superficial reading of the *Malleus Maleficarum.*"[9] Victims were 'innocent' because they could not bewitch "but they were not innocent in terms of being totally unconnected with witching: they were not random victims."[10] Witchcraft was often part and parcel of what we would see as antisocial behaviour and indeed part of a whole profile of unacceptable behaviour. Disorder and disobedience were linked to witchcraft and in the early Jacobean symbolic universe there was a very real connection between the witch and rebellion. This rebellion was against God and society and order, as well as against one's neighbours.[11]

There was a perceived connection between women and witchcraft in elite perceptions of witchcraft. Women were believed to be easier targets for the Devil since they were the weaker sex, more given to lust and more prone to sin: it was this

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[5] Thomas, *Religion & the Decline of Magic*, pp. 519, 679; see also Willis, *Malevolent Nurture*, p. 84.

[6] Bossy, *Christianity in the West*, p. 138; see also Walter, "The Commons and Their Mental World," in Morrill (ed.), *Tudor & Stuart Britain*, pp. 194, 197; Dolan, *Dangerous Familiars*, p. 173; Gregory, "Witchcraft, Politics and "Good Neighbourhood", *P & P* 133 (1991), p. 32; Etta Onat, *The Witch of Edmonton* (1980), pp. 12, 26; Muir, *Ritual*, p. 217.

[7] Sharpe, "Witchcraft and Women", *Continuity & Change* 6 (1991), p. 185; see also Clark, *Thinking With Demons*, p. 440; Willis, *Malevolent Nurture*, p. 122.

[8] Larner, *Enemies of God*, pp. 92, 102; see also Thomas Cooper, *The mystery of witch-craft*, pp. 177-80.

[9] James Sharpe, "Witchcraft & Women", p. 195; see also Larner, *Enemies of God*, p. 92; Hufton, *Prospect Before Her*, p. 346; Wiesner, *Women & Gender*, p. 229; Willis, *Malevolent Nurture*, pp. 5, 11; Lara Apps, "Literally Unthinkable", p. 7.

[10] Reay, *Popular Cultures in England 1550 - 1750*, p. 130.

[11] I *Samuel* 15:23: "For rebellion is as the sin of witchcraft and stubbornness is as iniquity and idolatry;" see also Larner, *Enemies of God*, pp. 9, 134, 162.

essence of their nature which made them more likely to be witches.[12] There was a definite connection "between womanhood, sexuality and occult power." [13] Witches exemplified, par excellence, the negative power of causing trouble.

> It was widely accepted that witches could destroy marital hierarchy by sowing dissension in families, by incitements to promiscuity, and, above all, by using ligature to prevent sexual consummation.[14]

There has been a long history of connection between witchcraft and impotence; this belief is "transhistorical and transcultural" and it seems to represent a universal fear which links impotence to witchcraft.[15]

The early Jacobean world view accepted the reality of magic and witchcraft.[16] How does one deal with this absence of boundaries between the natural and supernatural world? It is essential to decode the meaning and truth of witchcraft for early modern people, accepting early modern belief systems and acknowledging that they made sense at the time, while recognizing that reality can be different in different cultures.[17] In doing this, ideas are located within the context of a "world view" which does not need to explain its coherence. This world view was so pervasive between 1580 - 1630 that it is difficult to explain the skeptics, not those who believed.[18] Those who believed in witchcraft *were* the reasonable, rational men of their time.

> In an age when demons and fairies, witches and their familiars, were the visible companions of sober husbandmen, ministers and gentlefolk, it was not mad delusion to see the unseen world. But Protestants of every stripe agreed that to invoke it was profoundly wrong.[19]

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[12] Clark, *Thinking With Demons*, p. 111; James I and IV, *Daemonology*, p 43; see also Fletcher, *Subordination*, pp. 232-3; Macfarlane, *Witchcraft in Tudor and Stuart England*, p. 161; Hufton, *The Prospect Before Her*, pp. 334-5; Larner, *Enemies of God*, p. 93; See Apps, "Literally Unthinkable", p. 82 for a more complete discussion of the *Malleus Maleficarum*.

[13] Fletcher, *Subordination*, p. 75; see also Wiesner, *Women & Gender*, p. 223; Monter, *Enforcing Morality in Early Modern Europe*, p. 129.

[14] Clark, *Thinking With Demons*, p. 88; see also James I and VI, *Daemonology*, p. 12; Reginald Scot, *The Discoverie of Witchcraft, wherein the lewde dealing of witches is notablie detected, the knaverie of conjurors* (1584), p. 86; Cooper, *The mystery of witch-craft*, pp. 260-1.

[15] Lindley, *Trials*, p. 101.

[16] Clark, *Thinking With Demons*, pp. 109-110; see also Hufton, *Prospect Before Her*, p. 339; Carl Sagan, *The Demon-Haunted World* (1996), pp. 118-125.

[17] Clark, "Inversion", *P & P* 87 (1980), p.100; see also Clark, *Thinking With Demons*, p. 6; Monter, *Enforcing Morality*, p. 447; Hugh Trevor-Roper, "The European Witch-craze of the Sixteenth & Seventeenth Centuries", in his *Religion, the Reformation & Social Change* (1984), pp. 100-1, 123, 177; Apps, "Literally Unthinkable", p. 9.

[18] Clark, *Thinking With Demons*, p. 110; see also Clark, "Inversion", *P & P* 87 (1980), p. 127; Hufton, *Prospect Before Her*, pp. 344-5; Trevor-Roper, "The European Witch-craze" in his *Religion, the Reformation & Social Change*, pp. 117, 154; Hann, *Social Anthropology*, pp. 40-1, 47; Rapport & Overing, *Social & Cultural Anthropology*, p. 395.

[19] Michael Macdonald, *Mystical Bedlam* (1983), p. 19; see also Willis, *Malevolent Nurture*, p. 91.

The supernatural world was divided into good and evil, with evil coming from Satan. The assaults of witches came through the power of the devil and bewitching was an invisible violence in the same way that physical assault represented a visible attack. Since witchcraft was projected violence, the laws reflected this aspect of assault, making it felony by statute. The 1563 Statute decreed that the penalty for witchcraft causing harm was one year in gaol and the pillory for the first offense, whilst the penalty for the second offense was death. Witchcraft could also be used "to provoke unlawful love." The penalty for the first offense was one year in gaol and the pillory and for the second loss of goods and life imprisonment.[20] New laws were passed after King James ascended to the English throne. Coke, who was Lord Chief Justice at the time of Anne Turner's trial, had been on the committee which drafted the new and harsher law in 1604.[21]

One can only accept *and* decode this world view of the seventeenth century with its ideas about witchcraft by validating what was believed at the time. In 1602 Lord Chief Justice Anderson said "the land is full of witches. They abound in all places."[22] Sir William Blackstone's *Commentaries* listed the relevant statutes, stating that "witchcraft and sorcery to be felony without benefit of clergy" and that "all persons invoking any evil spirit, or consulting, covenanting with, entertaining, employing, feeding, or rewarding any evil spirit" were guilty of witchcraft. It was a felony to use dead bodies in charms, as was any killing or hurting by witchcraft. The penalties for these felonies was death.[23] Dalton dealt specifically with the aspects of harm in *The Countrey Justice*. He listed witchcraft under "Felonies by Statute" and also quoted the biblical text which prohibits witchcraft. Dalton then described the usual proceeding for a Justice before whom such a case was presented. He also described how a Justice would know if witchcraft was involved and what evidence to look for when trying a case.[24] Dr. John Cotta's *The Triall of Witchcraft* described how to detect witchcraft, how to bring a witch to justice, how to judge a case and what punishment should be given for this "abominable sinne." Cotta compared witchcraft to treason, calling it "high Treason against God."

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[20] 4 Eliz. c. 16; 33 H.8. c. 8; see also Dalton, *The Countrey Justice*, pp. 242-3; Gamim Salgado, *The Elizabethan Underworld* (1977), p. 89.

[21] 1 Jac. I, c. 12; see also Notestein, *A History of Witchcraft in England*, p. 102; Thomas, *Religion & the Decline of Magic*, p. 525.

[22] Thomas, *Religion & the Decline of Magic*, p. 542.

[23] William Blackstone, *Commentaries on the Laws of England* (1769), IV, p. 60; see also 33 Hen. 8. c. 8; 1 Jac. 1, c. 12.

[24] Dalton, *The Countrey Justice*, pp. 242-3.

> For as in case of Treason, Murder or Fellonie, whosoever permitteth or admitteth any of of those crimes, whosoever only consenteth thereto, conniveth, keepeth counsell, or concealeth, is justly by the law held judged and condemned as a Traytor, Murderer, or Fellon himselfe; so by the same equitie and reason in high Treason against God (suchas is Witchcraft and adhering unto the Divell his enemie) whosoevershall consent thereto, connive, or give allowance is certainly a Witch himselfe, and guilty of Witchcraft.[25]

Reginald Scot, in his *The Discoverie of Witchcraft* (1584) opposed the world view of his time. He separated the belief in "witches" from belief in the power of witches. Scot linked women and belief in the power of witchcraft to empoisonment, which is how he suggests that witches actually caused harm. He derides witches as silly old women who have begun to believe what their neighbours whisper about them and argues that witch hunters are fools. Scot had to be circumspect about what he wrote; he "was very careful never to deny *in toto* the existence of witches. That would have been to deny the Bible."[26] Nevertheless, James I ordered *The Discoverie* to be burned when he became King of England.[27] In *Daemonology*, King James's book about witchcraft and the power of the devil, the king quoted scripture as sure proof for the existence of witches. In his Preface, James specifically attacked Scot's *Discoverie*. King James also connected women and witchcraft, stating that "the reason is easie, for as that sexe is frailer then man is, so is it easier to be entrapped in these grosse snares of the Devill, as was over well proued to be true, by the Serpents deceiving of Eva at the beginning."[28]

Witchcraft was considered a crime against the state, against God, and if it hurt another, a crime against the person. The illegitimate power of a witch could be destroyed by the legitimate power of a priest, magistrate or judge. Order could be restored through the judicial process, since witches lost their power to a magistrate. King James stated that the power of the lawful magistrate would overcome the power of a witch. The magistrate had to be hard in order to be "God's instrument;" his very harshness would overcome the witches' power for "GOD will not permit their master to trouble or hinder so good a worke." The punishment for a witch was death and a magistrate must not spare the guilty. Since witchcraft was treason against God,

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[25] John Cotta, *The Trial of Witchcraft, shewing the tue methode of discovery: with a confutation of eroneous wayes* (1616, 1624), pp. 59, 61.

[26] Reginald Scot, *The Discoverie of Witchcraft*, pp. 112-3; see also Thomas, *Religion & the Decline of Magic*, pp. 523, 547; Anthony Harris, *Night's Black Agents* (1980), p. 106; Wiesner, *Women & Gender*, p. 232; Dolan, *Dangerous Familiars*, p. 173; Purkiss, *Witch in History*, p. 217.

[27] James I & VI, *Daemonology* (1597, 1603), Preface, p. 1; see also 2 ST 1049a (Mary Smith for witchcraft, 1616); Notestein, *A History of Witchcraft in England*, p. 69; Trevor-Roper, "The European Witch-craze", pp. 148-9.

[28] James I & VI, *Daemonology*, pp. 1-5, 43; see also Larner, *Enemies of God*, p. 93; Dolan, *Dangerous Familiars*, pp. 190-1; Rackin, *Stages of History*, p. 194.

it was actually a sin for a magistrate to be merciful.[29] Thomas Cooper's treatise on witchcraft also stated "the power of all witches is restrained by the authority of the magistrate . . . if once the magistrate hath arrested them, Sathan's power ceaseth, in being not now able to hinder and defraud the justice of the Almighty."[30]

Anne Turner was not charged with witchcraft at her State Trial. She was charged, convicted and executed for her complicity in the murder of Sir Thomas Overbury. Witchcraft was, however, the first and major part of the case presented against her and its evidence was used to show her evil nature. Let us look at the evidence as it was presented at the trial by Lawrence Hyde, the principal Crown Prosecutor.[31] It was believed that charms could be used to draw a man and to control his love. Potions and drinks could be given to engender love and there was popular belief in the power of these love charms and aphrodisiacs.[32] These 'charms' for "the accomplishment of the pleasure of the flesh" or the removal of marital impotence, were a common feature of contemporary magical books."[33] Turner did this, both for herself and for Frances Howard; in fact, they used the same spells in order to control their lovers.[34] The men involved were not blamed but pitied because they had been duped by witches. Anne Turner was seen as "worthy to be abhorred as a diabolical woman who had used sorceries to draw Sir Arthur Mainwaring to her bed."[35]

It was also a "common assumption that masculine impotence was the result of malign supernatural powers."[36] King James emphasized this special power and stated that witches were able to weaken "the nature of some men, to make them unable for women: and making it to abound in others, more then the ordinary course of nature would permit." In addition, he stated that impotence could be caused by tying knots at the time of marriage.[37] Anne and Frances Howard had used witchcraft in their attempts to make the Earl of Essex impotent and it was commonly believed that he had been "bewitched." The king said that the Earl had been struck "wherin

[29] James I & VI, *Daemonology*, pp. 50, 78; see also Cooper, *The mystery of witch-craft*, pp. 2-7, 310-3.

[30] Cooper, *The mystery of witch-craft*, pp. 246, 310-3; Sharpe, *Instruments of Darkness*, p. 155; see also Thomas, *Religion & the Decline of Magic*, p. 650; Dolan, *Dangerous Familiars*, pp. 205-6.

[31] BL Sloane MS 1002, fos. 45v - 48r; see also BL Sloane MS 2572, fos. 160v -162r; 2 ST 932b - 933a; Somerset, *Unnatural Murder*, p. 326.

[32] Burton, "Artifical Allurements", p. 149, "Cure of Love-Melancholy", in *The Anatomy of Melancholy*, pp. 260-1.

[33] Thomas, *Religion & the Decline of Magic*, p. 277.

[34] BL Sloane MS 1002, fo. 48r; see also BL Sloane MS 2572, fo. 162r; 2 ST 933a; Bellany, *Poisoning of Legitimacy?*, p. 243; Purkiss, *Witch in History*, p. 221.

[35] Somerset, *Unnatural Murder*, p. 326; Dolan, *Dangerous Familiars*, pp. 213-4. This also emphasized the connection between lewd living and witchcraft.

[36] Underdown, "Yellow Ruffs and Poisoned Possets", in *Attending to Early Modern Women*, p. 236; see also Laqueur, *Making Sex*, p. 129; Cooper, *The mystery of witch-craft*, pp. 260-1.

[37] James I & VI, *Daemonology*, p. xiii, 12; see also Dolan, *Dangerous Familiars*, pp. 215-6.

the devil hath his principall operation."[38] Also, according to sworn testimony presented at the trial, Overbury was "poisoned" with food sent to him by Turner and Howard.[39] This fit very well into the popular belief that "witches were women who did not feed others except to harm them."[40]

"Perhaps the magical technique most regularly used in English witchcraft cases was image magic, eg. pictures of clay."[41] Sufficient evidence of witchcraft would be finding pictures of images in the suspect's possession.[42] King James maintained that these images were proof of witchcraft and that the devil taught witches "how to make Pictures of waxe or clay: that by the rosting thereof, the persones that they beare the name of may be continuallie melted or dryed awaie by continuall sicknesse."[43] Cotta described spells and wax pictures and stated that "some in their Sorcerous acts or conjurations, use parchment made from the skinne of Infants, or children borne before their time."[44] Evidence was presented at the trial in the form of clay pictures and spells found in Turner's possession, written on parchment which was said to be tied with human skin. Then, during the presentation of the evidence of witchcraft, the scaffolding in the courtroom broke and spilled the onlookers to the floor. This was taken as a sign that the devil himself was in the courtroom. After this evidence was presented, Hyde said "thus much for witchcraft; now for poisoning."[45]

Turner had originally dabbled in witchcraft with Dr. Forman as a kind of empowerment and to ensnare Mainwaring. She continued as a way to ingratiate herself with Frances Howard. Turner was a witch according to her own world view and her witchcraft worked very well until charges were laid. This also fit, for it was logical that a witches's power should be taken away by the power of a magistrate. Society chose to see Turner as the witch who led better people into evil. In *Divers Elegies*, Anne was attacked as the root of the case.

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[38] 2 ST 800b, 801a; see also Akrigg, *Jacobean Pageant*, p. 185; Dolan, *Dangerous Familiars*, p. 216.
[39] BL Sloane MS 1002, fo. 48r; see also BL Sloane MS 2572, fo. 162r; 2 ST 933a.
[40] Roper, *Oedipus & the Devil*, p. 209.
[41] Sharpe, *Instruments of Darkness*, p. 153; see also Notestein, *A History of Witchcraft in England*, p. 109; Dolan, *Dangerous Familiars*, p. 180.
[42] Alan Macfarlane, *Witchcraft in Tudor & Stuart England* (1970), p.18.
[43] James I & VI, *Daemonology*, p. 44; Cooper, *The mystery of witch-craft*, p. 167-9.
[44] Cotta, *The Triall of Witchcraft*, p. 113.
[45] BL Sloane MS 1002, fos. 46v-47r; BL Sloane MS 2572, fos. 161r-162r; 2 ST 933a; Somerset, *Unnatural Murder*, p. 326.

> Such Turners were of late/As Turn'd upon these Poles such Spheares of fate/Can Witchcraft, in the abstract, so bewitch/ The Mindes of those of Minde and Meanes, to be/ So base for Lucre, so to touch Shames Pitch/As still will cleave to theyr Posteritie."[46]

The evidence of witchcraft presented at her trial was a way to blacken her name and character but it was also a way to make all the other charges believable. "In witchcraft suspicions, therefore, as in other felonies, the likelihood of guilt was related to the whole social background of the accused: his parents' character, his friendships, drinking habits and general reputation."[47] Turner fit perfectly into the model of a wicked woman, caught up in bawdry, whoredom, pride, painting and witchcraft.[48] This connection was forcefully made in *A Treatise Against Painting and Poysoning* which addressed the Overbury scandal, stating that witchcraft was tied up with all these other sins. "There is yet another sin behind, which is very sacrilegious, and altogether derogatorie to the glory of God, and dishonourable to all Christian men, which is Witchcraft."[49] Tuke used Turner as the epitome of the "painted woman," stating that all painted women will eventually come to a bad end; and then, as Anne did "she'll leave her yellowbands, and give ore her pride, she will not stick to deny that Mistr. Turner spake against them, when she died."[50] Witchcraft was about power, especially secret power and people's fears about the danger of this power to cause harm. Anne Turner represented this secret power emanating from the Devil in his attempts to destroy the social fabric by attacking order and the family. Most of the evidence at Turner's trial was actually evidence of power; the power of her witchcraft and her ability to control men.[51]

Witchcraft beliefs must be studied from within the context of Jacobean society and in order to do that it is essential to accept the reality of this mental world for those who believed in its power. Turner used witchcraft to create agency and yet she also used her personal agency to reject witchcraft and deviance at the end of her life. She chose, in gaol and on the scaffold, to reject the Devil, stating that she had been in thrall to Satan, but was now free.[52] How do we see this confession and repentance? Turner was obviously not a free agent after she was gaoled but by her

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[46] f.m., "Divers Elegies touching the death of the never too much praised and pitied, Sir Thomas Overbury", in *A select second husband for Sir Thomas Overburies wife, now a Matchlesse widow* (1616), Sig. C2.

[47] Macfarlane, *Witchcraft in Tudor & Stuart England*, p. 17; see also Willis, *Malevolent Nurture*, p. 32.

[48] BL Sloane MS 1002, fo. 51r; see also BL Sloane MS 2572, fo. 164v; 2 ST 935a; Thomas, *Religion & the Decline of Magic*, p. 524.

[49] Tuke, *A Treatise Against Painting and Poysoning*, p. 53.

[50] *Ibid.*, p. 59.

[51] Purkiss, *Witch in History*, pp. 221-2.

[52] SP 14/83/33 (Nov. 14, 1615); see also Thomas, *Religion & the Decline of Magic*, p. 566.

actions, coerced or not, she was able to have a dramatic impact on society's opinion of her. In looking at this case, one must tease out the spaces between determinism and unqualified freedom, seeking instead "the possibilities between these extremes."[53] Ultimately, Turner chose how she went to her death and her choice changed her entire public persona. She went from a whore and a witch to a sainted figure, held up as an example to all other women. At the end, like Shakespeare's thane of Cawdor, nothing in her life became her more than the leaving of it.

[53] Ira Cohen, "Structuration Theory & Social Praxis," in *Social Theory Today*, p. 285; Victor Frankl, *Man's Search for Meaning* (1992), pp. 74-78.

The Law

> Without justice, the land would be full of theeves, the sea full of pirates, the commons would ryse agaynst the nobylytye, and the nobylytye against the Crowne, wee should not know what were our owne, what were another mans, what we should have from our auncestors, what wee should leave to our children. In a worde, there should be nothing certayne, nothing sure, noe contracting, noe commercing, noe conversing among men, but all kingdomes and estates would be brought to confucyon, and all humane society would be dissolved.[1] (Serjeant David, York Assizes, 1620)

The purpose of the law was to protect society and maintain order. In *The Use of the Law*, Sir John Dodderige stated "the use of the law consisteth principally in these two things: the one, to secure men's persons from death and violence: the other, to dispose the property of their goods and lands." A third thing was added to the printed edition of this work which asserted the law was also "for preservation of their good names from shame and infamy."[2] Early modern Englishmen believed it was essential to maintain law and order because criminal behaviour and disorder would lead to social chaos. Order could be maintained through the judicial process and the courts were both a way to govern and to dispense justice.[3] Those who broke the law or the rules of society were deemed deviant. Society enforced rule following through many kinds of pressures and for most people, the law provided a normative framework, for "behaviour is constrained by expectations that are generally held to be legitimate."[4]

One needs to be aware of the usual process of the law and how the courts functioned in early modern England in order to understand both the legal and the moral implications of the Overbury case. What was expected of people and what happened when these expectations were not met? Court records can be used to examine how people saw life and their society.[5] The law also shows how people ordered their lives by the difference between the actual and the ideal. Court records detail what happened when the law was broken, as well as showing the

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[1] J. A. Sharpe, "The People and the Law", in Barry Reay (ed.), *Popular Culture in Seventeenth Century England* (1985), pp. 246-7; "The primary legal value to which all law has been dedicated has been order." V.A.C. Gatrell, *The Hanging Tree. Execution and the English People, 1770 - 1868* (1994), pp. 518-9.

[2] Sir John Dodderige, "The Use of the Law", in James Spedding (ed.), *The Letters and the Life*, (1869), V, p. 373.

[3] Julian Martin, *Francis Bacon, the State and the Reform of Natural Philosophy* (1992), pp. 74-75; see also Stuart Clark, "Inversion", *P & P* 87 (1980), p. 125; Douglas Hay, Peter Linebaugh et al, *Albions Fatal Tree* (1988), p. 26.

[4] Manning, *Goffman & Modern Sociology*, p. 33; see also Hann, *Social Anthropology*, pp. 143, 149.

[5] J.H. Baker, "Criminal Justice at Newgate 1616 - 1627", in his *The Legal Profession and the Common Law: Historical Essays* (1986), pp. 325-30; see also Brewer & Styles, *An Ungovernable People*, pp. 12-20; Amussen, *An Ordered Society*, p. 5; Mendelson, *"To shift for a cloak: Disorderly Women in the Church Courts"*, in Firth (ed.), *Women & History*, pp. 5-7.

expected social norm, and "it is often within the abnormal that the construction of norms themselves can be understood."[6]

The law was an essential part of society and culture in Elizabethan and Jacobean England.

> Most people, most of the time, do not break the law. It has been internalized; it is part of culture. Arguably, this was nowhere more true than in early modern England. . . Thus the law was not merely about power: it was an influence upon the way in which innumerable men and women ordered their lives.[7]

Statute law, royal proclamations, the common law and church courts all functioned together to enforce the law and to provide the 'cement' that held society together. Law and morality were not separate: crime was a moral as well as a legal wrong and "the rituals of legal process repeatedly emphasized the foundation of the criminal law in morality and religion."[8] In *The Triall of Witch-craft*, which he dedicated to Sir Edward Coke, Cotta said that three things made a law: the ordinance of God, the counsel of the wise, and the consent of the state.[9] Church courts were designed for reformation rather than strictly retribution and punishment was "for the soul's health."[10] The lay courts focused on retribution and punishment as well as reformation but ultimately all justice, for both lay and church courts, came through the king from God.[11]

Two important law books were used by Justices of the Peace to help them enforce the law in Jacobean England. These were William Lambarde's *Eirenarcha* (1581/2) and Michael Dalton's *The Countrey Justice* (1618). Lambarde's book gives a very clear picture of the Elizabethan and early Jacobean legal system. Lambarde emphasized the vital place of the King within the legal system since "it

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[6] Jenny Kermode & Garthine Walker (eds.), *Women, Crime & the Courts in Early Modern England*, p. 5; Cynthia Herrup, "Law & Morality in Seventeenth-Century England", *P & P* 106 (1985), p. 104.

[7] Sharpe, "The People & the Law", in Reay (ed.), *Popular Culture in Seventeenth-Century England*, p. 246; see also Ingram, *Church Courts, Sex & Marriage in England*, p. 27; Peter Laslett, *Family Life & Illicit Love in Earlier Generations*, p. 102; Fletcher, "Honour, Reputation & Local Officeholding", in *Order & Disorder*, p. 114.

[8] I *John* 3: 4: "Whosoever committeth sin transgresseth also the law: for sin is the transgression of the law"; see also Thomas Hobbes, "Of Crimes, Excuses and Extenuations", in *Leviathan* (1651), pp. 201-2; Herrup, *The Common Peace*, p. 194; J.S. Cockburn (ed.),*Crime in England*, p. 3; Ingram, *Church Courts, Sex & Marriage in England*, p. 3; Caroline Bingham, "Seventeenth-Century Attitudes Toward Deviant Sex", in *JIH* 1 (1971) p. 447; Herrup, "The Patriarch at Home", *HWJ* 41 (1996), p. 6.

[9] Cotta, *The Triall of Witch-craft*, sig. A2v.

[10] Ingram, *Church Courts, Sex & Marriage in England*, p. 3

[11] J.S. Cockburn (ed.), *Crime in England*, p. 25; see also Sir Robert Filmer, *Patriarcha*, Johann P. Sommerville (ed.), in *Patriarcha & Other Writings*, p. 41.

is the office of the King to deliver Justice."[12] Lambarde showed how the law and legal system were supposed to run, including the form of the law and how to write up charges and indictments. He provided a practical guidebook for Justices; a "how-to" book for dealing with those who broke the law. It was of long-term importance for English law and William Blackstone was still recommending it when he lectured at Oxford.[13] Michael Dalton's book *The Countrey Justice* also showed how the law was enforced in early modern England and it contained an extensive section on the importance of evidence and character in a trial. Dalton described how a magistrate should discharge his duty and investigate crimes. His book was a compilation and expansion of Lambarde's work but *The Countrey Justice* was easier to read and the Appendix made it much quicker for a sitting Justice of the Peace to look up the necessary law. John Langbein calls Dalton "Lambarde's successor."[14] James Flesher, who wrote *The Compleat Justice* in 1656 emphasized the importance of Lambarde and Dalton as legal experts.

The following section covers the legal categories as they related to the Overbury case.

Accessories: Principals and accessories; before and after the fact. This falls under common law. Accessories before: "If any person have commaunded, counsailed, waged, or procured to be committed any petit treason, murder, manslaughter, rape, robberie, burglarie, or other the felonies aforesaid."[15] The commander of an illegal act was only charged with being an accessory to the crime. This explains why Frances Howard was charged as an accessory, despite the fact that she was actually the one who initiated the conspiracy. Anne Turner was also charged as an accessory. Accessories after: "If any persons knowing the sayd felons, have received, comforted, aided, abetted or favoured them, before their attainder, or after."[16] This explains why Robert Carr was charged. Although his behaviour suggests that he was innocent and knew nothing about the attempts on Overbury, Carr probably discovered what had happened sometime in the summer of 1615.[17] He began to act in an erratic way and attempted to destroy evidence. Carr discovered the crime, but instead of reporting it, he attempted to conceal it and was therefore an accessory after the fact. Weston was considered the principal in this case because he

[12] William Lambarde, *Archeion or A Discourse Upon the High Courts of Justice in England* (1591), p. 66.
[13] William Blackstone, *Commentaries on the laws of England*, IV (1769), p. 60.
[14] John Langbein, *Prosecuting Crime in the Renaissance* (1974), p. 19; see also Elizabeth Hanson, "Torture and Truth in Renaissance England", *Representations* 34 (1991), p. 53.
[15] Lambarde, *Eirenarcha*, p. 324; see also Dalton, *The Countrey Justice*, p. 249; Flesher, *The Compleat Justice*, Sig. B2 v.
[16] Lambarde, *Eirenarcha*, p. 324; see also Dalton, *The Countrey Justice*, p. 251.
[17] Nichols, *The Progresses*, pp. 101-2; see also McElwee, *The Wisest Fool*, p. 225.

allegedly gave the poison to Overbury. Everything hinged on Weston's trial, which is why Coke flew into such a rage when he refused to plead, for "an accessory cannot be proceeded against until the Principall be tried."[18] Everyone else merely plotted to the empoisonment but they were also considered guilty since the law stated that "all that are present, and aiding, abetting, or comforting to another to do murder are principall Murderers, although they shall give never a stroke."[19]

Bail: It was by the decision of the magistrate whether or not bail was justified. "It becommeth Justices of the Peace to be very circumspect in graunting Baile, both for feare of wrong by denying it to him that is replevisable and for feare of daunger to the service it selfe by giving it where it is not grantable."[20] Coke refused Turner bailment, despite the king's wishes, but it was certainly within his right to do so. It was accepted that that bail should be taken away for murderers and for "witches, conjurers, Sorcerers, and such that shall take upon them, to hurt any person in body, though it be not effected."[21]

Bastardy: Mothers of bastards supported by the parish were to be punished by a year in gaol.[22] By the 1609 Statute a woman could not be punished if her bastard was not "chargeable to the parish." Dalton reinforced this aspect of the law, stating "but such a Bastard childe must bee one that is left to the charge of the Parish, or one likely to be (or which may be) chargeable to the Parish."[23] Blackstone's *Commentaries* still acknowledged this law but stated that the principal duty to a bastard child was maintenance. "It seems that the penalty can only be inflicted, if the bastard becomes chargeable to the parish; for otherwise the very maintenance of the child is considered as a degree of punishment."[24] Justices were more concerned by the economic implications of bastardy. Anne Turner had three illegitimate children by Mainwaring but she was charged in neither church nor lay courts. The law courts usually did not get involved if the child was not chargeable because they expected church courts to punish the parents and no one was to be punished twice for the same offense.[25]

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[18] Flesher, *The Compleat Justice*, Sig. B3 v; see also Sir Edward Coke, 11 Co. Rep., John Thomas (ed.), col. 2d; Francis Bacon, *The Letters & the Life*, V, p. 210.
[19] Dalton, *The Countrey Justice*, pp. 231, 249-51; Coke, 11 Co. Rep., Vaux's Case, 27 July, 32 Eliz., p. 400.
[20] Lambarde, *Eirenarcha*, p. 262.
[21] Dalton, *The Countrey Justice*, p. 283.
[22] Lambarde, *Eirenarcha*, p. 264; see also 18 Eliz. c. 3.
[23] Dalton, *The Countrey Justice*, p. 31; see also 7 Jac. I, c. 4; Flesher, *The Compleat Justice*, p. 31; Fletcher, *Subordination*, p. 219.
[24] Blackstone, *Commentaries*, IV, p. 65; see also Fletcher, *Subordination*, p. 227.
[25] Walter King, "Punishment for Bastardy", *Albion* 10 (1978), pp. 146, 149.

Bawdery: Aiding and abetting illicit sex was against the law and those who were discovered could be charged with bawdery.[26] Flesher called it a "mixed" offense because it offended against both man and God's law. Those who spent the night in a suspected house could be carried to prison and held until they were brought before a Justice of the Peace.[27] Anne was called a bawd because she had allowed Frances Howard and Robert Carr to be alone together in her house in Paternoster Row.

Breach of the Peace: "By the breach of the peace, is understood, not only that fighting which we commonly cal the breach of the peace, but also that every murder, rape, manslaughter and felony whatsoever, and every affraying . . . are taken to be disturbances or breaches of the Peace."[28] Lambarde stated that suspected felons could be arrested by "common voice and fame." It was through "common fame" that the scandal came to light and no actual evidence about the initial 'confession' was ever produced in court.

Buggery: The punishment for this "infamous crime against nature" was hanging "if any person have committed the detestable vice of Buggerie, with man or beast." The law stated that "buggery . . . is Felony (without benefit of Clergie) being a sinne against God, Nature, and the Law."[29] Homosexuality was called an abomination in the Bible. "If a man also lie with mankind, as he lieth with a woman, both of them have committed an abomination; they shall surely be put to death."[30] Blackstone also called it an infamous crime; stating that "it is an offense of so dark a nature, so easily charged, and the negative so difficult to be proved, that the accusation should be clearly made out."[31] The possibility of a homosexual relationship between James and Robert Carr might explain why the king assigned two guards with heavy cloaks to stand on either side of Carr at his trial with orders to muffle him with their cloaks and carry him out of court if he began to say anything which was dangerous to the King.[32]

Evidence: The law addressed crimes that were secret by nature; stating "where open and evident proofes are seldom to be had, there (it seemeth) halfe proofes are to be allowed, and are good causes of suspicion;" "Now against these witches the Justices of peace may not alwaies expect direct evidence, seeing all their works are the works of darknesse, and no witnesses present with them to accuse

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[26] Lambarde, *Eirenarcha* p. 119; see also Dalton, *The Countrey Justice*, p. 193.
[27] Flesher, *The Compleat Justice*, p. 28.
[28] William Lambarde, *The Duties of Constables, Borsholders, Tithing Men* (1583), p. 12.
[29] 25 H. 8. c. 6; see also Dalton, *The Countrey Justice*, p. 242.
[30] *Lev.* 20:13.
[31] Blackstone, *Commentaries*, IV, (1769), p. 215.
[32] McElwee, *The Wisest Fool*, p. 230; see also A.L. Rowse, *Homosexuals in History* (1977), p. 61.

them.[33] The lesser or incomplete evidence offered at the Overbury trials would have been acceptable in this case since both witchcraft and poisoning were directly involved.

Examination: Dalton lists what questions should be asked regarding character, family members, and company kept which were all completely relevant and indeed vital to a legal case since the decision of the court often rested on "trustworthiness"[34] A judge should ask about:

> His parents, if they were wicked, and given to the same kind of fault . . . His nature, if civill or hastie, wittie and subtill, a quarreller, pilferer, or bloudie minded, &c . . . His companie; if Ruffians, suspected persons,or his being in companie with any the offenders, His course of life; if a common Alehouse-haner, or ryottous in dyet, play, or apparrell. Whether he be of evill fame, or report.[35]

Anne Turner's character and immoral behaviour made her less trustworthy and the evidence against her was therefore more readily accepted at her trial.

Felony: A felony was not accidental but committed with intent. "And no felony or murder can be committed without a felonious intent and purpose."[36] It was a sin as well as a crime; "since a felony was both intentional and immoral, it struck at the very heart of a community."[37] The conspiracy to murder Sir Thomas Overbury was seen as both intentional and purposeful and indeed one of the worst kinds of crime because of its secret nature and the fact that it was committed against a prisoner who had no chance to escape. The felonies committed by the conspirators were therefore viewed as particularly base and vile.

Poysoning: "If any have wilfully killed any other by poysoning, and who be his aiders, abetters, procurers, and counsellours."[38] Poisoning was a special kind of crime. Lambarde gives the famous example of the poisoned food which was often repeated in English law. It was considered murder even if the wrong person was accidentally poisoned - what the law looked for was intent - the "wicked intent to kill."[39] Dalton also states this principle of poison given with *intent to harm.* "If one giveth corrupt victuall to another, to the intent to poyson him, and he dyeth thereof

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[33] Dalton, *The Countrey Justice*, pp. 243, 268.
[34] Dalton, *The Countrey Justice*, p. 266; see also Herrup, *The Common Peace*, p. 148; Gowing, *Domestic Dangers*, p. 50.
[35] Dalton, *The Countrey Justice*, p. 266; see also Herrup, "Law & Morality in Seventeenth-Century England, *P & P* 106 (1985), pp. 109-10.
[36] Dalton, *The Countrey Justice*, pp. 211-2, 215; see also J.H. Baker, *An Introduction to English Legal History* (1971), p. 283.
[37] Herrup, *The Common Peace*, p. 3.
[38] Lambarde, *Eirenarcha*, p. 324; see also 6 Eliz. c. 12.
[39] Lambarde, *Eirenarcha*, p. 218.

within the yeare and day, this is murder."[40] Overbury did die - whether or not he *actually* died of poison - but because he had supposedly been given poisoned food with intent to harm and he had died, according to the letter of the law the conspirators were guilty of poisoning. The seriousness of this crime was emphasized by Francis Bacon who stated "that impoisonment should be high treason; because whatsoever offense tendeth to the utter subversion and dissolution of human society, is in the nature of high treason."[41]

Pardons: Dalton stated that according to statute, no pardon should be given for murder except by "royall prerogative" and a general pardon did not discharge murder "except the pardon bee with a *non obstante*, or that murder be expressly mentioned in the pardon."[42] Robert Carr panicked during the summer of 1615 and attempted to get a general pardon for anything he might have done while he was Secretary of State.[43] The pardon, even if granted, would have been useless since a general pardon did not cover murder. King James did eventually use the royal prerogative to grant pardons[44] to Frances Howard and Robert Carr although the others involved were executed.

Murder: what separated murder from manslaughter was intent since no felony or murder could be committed without intent. Judges looked at the action to decide if there was "will and meaning" to do harm, which equaled malice. If either was missing, it was not murder. With malice it "maketh their offenses to be Murder."[45] It was quite easy to prove malice on the part of those involved in Overbury's death. Also, in *The Compleat Justice* Flesher cited Lambarde saying it was considered murder if "a Prisoner is killed by his gaoler by over hard keeping, it is murder."[46] This could apply to Sir Gervase Elwes and was perhaps part of the reason he was charged and executed for Overbury's death.

Treason: Treason can be given the broader interpretation of an offense against the king's "authority" and murder committed in the Tower would come under this category.[47] The conspirators had offended against the king's authority by attempting to murder a prisoner under his protection. In addition, William Perkins

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[40] Dalton, *The Countrey Justice*, p. 212; see also Coke, 11 Co. Rep., John Henry Thomas, (ed.), Vaux's Case, 27 July, 32 Eliz., p. 400.
[41] Francis Bacon, *The Letters & the Life*, V, p. 215.
[42] Dalton, *The Countrey Justice*, p. 213.
[43] Nichols, *Progresses*, pp. 101-3; see also Lucy Aikin, *Memoirs of the Court of King James the First*, (1823), II, p. 7.
[44] Herrup, "Law & Morality in Seventeenth-Century England," *P & P* 106 (1985), p. 105.
[45] Dalton, *The Countrey Justice*, p. 210; see also Baker, *An Introduction to English Legal History*, p. 285.
[46] Flesher, *The Compleat Justice*, p. 180.
[47] *Ibid.*, p. 180-1; see also Baker, *An Introduction to English Legal History*, pp. 283-4.

argued for the extension of the death penalty for traitors to witches as "the most notorious traytor and rebell that can be."[48] Anne Turner was guilty of witchcraft and therefore would be seen as a traitor to God as well as to the king.

Witchcraft: Witchcraft and sorcery were felonies without benefit of clergy.[49] They were also against the laws of God.[50] A new and more severe witchcraft Act was passed in 1604 and Sir Edward Coke, who presided at Anne Turner's trial, helped draft the new statute.[51] Witchcraft, like poisoning, was considered an especially vile crime; because of this and its secret nature, a lesser degree of evidence was accepted, and the character of the accused was vital to the charges and trial.[52] Presumption of guilt was related to the accused's character, background, and general reputation. There were three degrees of evidence in witchcraft accusations: "strong presumptions, sufficient proofs, and other adequate evidences."[53] Dalton stated that "Conjuration, or Invocation of any evil spirit, for any intent, or to bee counselling or ayding thereto, is felony" and also "to take up any dead body, or any part thereof to bee imployed or used in any manner of witchcraft, is felony."[54] Turner used charms to bind men in love and to make the Earl of Essex impotent and had charms written on pieces of parchment made from human skin in her home. Witches were believed to often have "pictures of clay, or waxe (like a man, & c.) in their possession"[55] and Turner had some rather obscene figures made of clay and bronze which she used as love charms. A witch, however, lost her power after she was charged and gaoled for "the power of all witches is restrained by the authoritie of the magistrate."[56] As to be expected from the Jacobean perspective, Turner lost her power after she was charged.

The Overbury trials and the evidence presented in court show acceptable versus unacceptable behaviour as well as personal responsibility and community standards in Jacobean England. The scandal was seen as a crime apart because of the

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[48] William Perkins, "Discourse of the Damned Art of Witchcraft", in *The Works* (1616-18), III, p. 651; see also Clark, "Inversion", *P & P* 87 (1980), p.119.

[49] Statutes 33 H. 8. c. 8; 1 Jac.1. c.12.

[50] *Exodus* 22:18

[51] Macfarlane, *Witchcraft in Tudor and Stuart England*, p. 16; see also Notestein, *A History of Witchcraft in England*, p. 102.

[52] Christina Larner, "Crimen Exceptum? The Crime of Witchcraft in Europe", in V.A.C. Gatrell, Bruce Lenman, and Geoffrey Parker (eds.), *Crime and the Law. The Social History of Crime in Western Europe Since 1500* (1980), pp. 49, 56-7; Macfarlane, *Witchcraft in Tudor & Stuart England*, p. 17.

[53] Macfarlane, *Witchcraft in Tudor & Stuart England*, p. 18.

[54] Dalton, *The Countrey Justice*, p. 243; see also Blackstone, *Commentaries* IV, (1765), p. 60.

[55] Dalton, *The Countrey Justice*, p. 243; see also Thomas, *Religion & the Decline of Magic*, pp. 519, 525; Notestein, *A History of Witchcraft in England*, p. 109.

[56] Sharpe, *Instruments of Darkness*, p. 155; see also James I & VI, *Daemonologie*, p. 50; Clark, "Inversion", *P & P* 87 (1980), p. 125; Thomas, *Religion & the Decline of Magic*, p. 650; Cooper, *The mystery of witch-craft*, pp. 280-1.

social standards and laws which were violated.[37] For these (and for many other reasons) the conspirators' behaviour was intolerable in their society.

[37] Herrup, *The Common Peace*, pp. 67, 191; see also Herrup, "Law & Morality in Seventeenth Century England", *P & P* 106 (1985), p. 106; Hann, *Social Anthropology*, p. 143.

The Trial

> "Then the Lord Chief Justice told Mrs. Turner that she had the seven deadly sins: viz, a whore, a bawd, a sorcerer, a witch, a papist, a felon, and a murderer, the daughter of the devil Forman; wishing her to repent, and to become a servant of Jesus Christ, and to pray to him to cast out of her those seven devils."[1]

Overbury had been dead for more than two years by the time our case went to court. Rumors about his death started to circulate in the spring of 1615 as Villiers began to replace Carr as the king's favourite and the anti-Spanish faction began asking questions that had a specific political agenda. The Overbury trials can be used to show how the past and present differ and highlight "what law and justice were like" in seventeenth century England.[2] In order to do this, however, it is important to return the trial to its proper context. This "allows us to understand the structure of the prosecution, and especially the time spent discussing things that may strike us as tangential."[3] Some historians believe that the 'evidence' presented during the trials was irrelevant and that its purpose was simply to "taint the characters of Anne Turner and Frances Howard by invoking the cultural connection of poisoning with women."[4] Similarities to the past can be deceptive.[5] The character and personality of the accused had a profound impact on court cases and legal decisions in seventeenth century England. It is impossible to understand Anne Turner's trial without accepting the fact that "the rituals of legal process repeatedly emphasized the foundation of the criminal law in morality and religion."[6] Evidence was included which would now appear irrelevant but was not so at the time, since personality was vital in building a case about what the accused might do, especially in capital cases, "where uncontrolled female sexuality affected the social order."[7]

According to the legal theory of the seventeenth century, the purpose of a trial was to uncover the truth and persuade the audience as to the guilt of the accused. Lord Chief Justice Coke believed an innocent person would not be enmeshed in a State Trial and stated that "in capital cases the evidence against the prisoner should

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[1] BL Sloane MS 2572, fos. 164r; see also BL Sloane MS 1002, fo. 51r; 2 ST 935a.
[2] deFord, *The Overbury Affair*, p. 3; see also Sharpe, *Instruments of Darkness*, p. 44.
[3] Herrup, "The Patriarch at Home", *HWJ* 41 (1996), p. 15.
[4] Lindley, *Trials*, p. 166; see also Gardiner, *History*, II, pp. 342-3; deFord, *The Overbury Affair*, p. 65; McElwee, *The Murder of Sir Thomas Overbury*, p. 199.
[5] Herrup, *A House in Gross Disorder*, p. 7.
[6] Herrup, *The Common Peace*, p. 194.
[7] Peter Lake, "Deeds Against Nature", in Sharpe & Lake (eds.), *Culture & Politics in Early Stuart England*, pp. 263-4; see also Herrup, *A House in Gross Disorder*, p. 65.

be so manifest that it could not be contradicted."[8] Therefore, unless evidence was presented which strongly proved the prisoner's innocence, the Court had an obligation to render a verdict of "Guilty."[9] The Overbury Trials followed the usual process of the law and were in no way unfair but unless one understands seventeenth-century law, one cannot possibly understand what happened in the courtroom. Some parts of an early modern trial seem similar since the outline of our criminal law was being formed at this time. Despite this, our legal system has changed in so many ways that the presumption of similarity makes it seem as if Turner's trial was in some way unjust.[10]

Formal questions started to be asked in July of 1615 when Sir Ralph Winwood uncovered from William Trumbull, the English envoy in Brussels, that an apothecary's boy named William Reeve had confessed to being involved in the poisoning of Sir Thomas Overbury.[11] The final breakdown in Carr's relationship with the king came in August of that year as James I was rebuffed in his attempts to broker a friendship between Carr and Villiers.[12] The king eventually demanded a written report from Sir Gervase Elwes, Lieutenant of the Tower of London, which was submitted on September 10 and sent to Coke who was Lord Chief Justice. Elwes admitted he knew of the attempts by Richard Weston to poison Overbury with food but insisted that he had prevented this.[13] The Lieutenant then said that he had been told that Overbury had been poisoned with a "glister" but as far as he knew, only Weston and Turner were in on the plot.[14] The king wrote to the Judges and Commissioners for the Overbury case, asking them to discover the truth of the

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[8] Coke's *3 Institutes*, R. v. Thomas (1613), p. 137; see also J. H. Baker, *Introduction to English Legal History*, p. 278; J.H. Baker, "Criminal Courts and Procedure at Common Law 1550 - 1800", in J.S. Cockburn (ed.), *Crime in England* (1977), p. 37; Bowen, *The Lion and the Throne*, p. 186.

[9] Gardiner, *History*, II, p. 350.

[10] Langbein, *Prosecuting Crime in the Renaissance*, p. 1; see also Baker, *Introduction to English Legal History*, p. 279; Baker, "Criminal Courts & Procedure at Common Law 1550 - 1800", in his *Legal Profession and the Common Law*, pp. 259-61.

[11] Sir Foulke Greville, *The Five Years of King James or the Condition of the State of England*, (1643), from Harleian Miscellany, I (1808), p. 391; see also Nichols, *Progresses*, pp. 104-5. At least five different rumors are listed, with no definitive version of the "discovery" given in official documents.

[12] James I, "Letter to Robert Carr, Earl of Somerset" (early 1615), in G.P.V. Akrigg (ed.), *Letters of King James VI & I*, (1984), pp. 335-40; see also Nichols, *Progresses*, pp. 101-4; McElwee, *The Wisest Fool*, p. 209.

[13] 2 ST 911a, Richard Weston had been "an apothecary's man" but was made under-keeper to Elwes when he became Lieutenant of the Tower.

[14] SP 14/81/307 (Sept. 10, 1615).

business so that "the innocent may be cleared and the nocent punished" and his own honour restored.[15]

Coke questioned the coroner regarding the state of Overbury's body and continued to examine those involved. On September 28, Weston supposedly admitted there had been a plot, stating that Anne Turner had said the Countess would reward him if he helped to poison Overbury.[16] Coke examined Turner on October 1st but she denied all charges. She was taken into custody anyway because the law stated that a suspected person could be examined and then arrested "if the common voice and fame be, that A.B. hath done a felonie, that is sufficient cause for any of these Officers . . . to arrest him for it."[17] Weston was re-examined on October 2nd and supposedly repeated that Turner had promised him money for his assistance.[18] Turner was re-examined on October 3rd but still denied everything. When Weston was examined again on October 6th, he supposedly said he had been involved in secret meetings between the Countess of Essex, Lord Rochester and Turner at Turner's house and elsewhere.[19] Turner, who was still in the custody of the Sheriff of London, then sent a petition to the Lord Chief Justice "begging for a speedy trial or enlargement on bail, for the sake of her fatherless children (and) hopes her three or four examinations have proved her innocent of the things of which she is maliciously accused."[20] Turner chose to play the part of the 'good' widow and a concerned mother in her petition, exemplifying how women actively worked the system and used the stereotype of the defenseless female to their advantage. In fact, "widows regularly gave the appearance of conforming to idealized models whenever they found themselves face-to-face with authority in negotiations for poor relief, in the law courts, or in the defense of their interests," often emphasizing their helpless positions or other conditions which could cause a legal disadvantage.[21]

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[15] James I, "To the Commissioners and Judges Concerned with the Overbury Case", in Akrigg (ed.) *The Letters of King James VI and I*, pp. 345-7; see also McElwee, *Wisest Fool*, p. 224.

[16] SP 14/81/310 (Sept. 29, 1615); see also Sir Foulke Greville, *The Five Years of King James* (1643), from Harleian Miscellany, Vol. I, p. 391.

[17] Lambarde, *The Duties of Constables, Borsholders, Tithing Men* (1583), p. 18.

[18] SP 14/82/3 (Oct. 2, 1615); see also 2 ST 925a. Weston had been examined before Lord Zouch, Sir Ralph Winwood, Sir Thomas Parry and Sir Foulke Greville.

[19] Coke took down over 300 examinations in his own hand. Bacon said "that never man's person and his place were better met in business then my Lord Coke and my Lord Chief Justice in the case of Overbury." John, Lord Campbell, *The Lives of the Chief Justices of England* (1894), Vol. I, p. 392; see also SP 14/82/34 (Oct. 6, 1615).

[20] SP 14/82/45 (Oct. 12, 1615).

[21] Stretton, "Widows at Law", in *Widowhood* p. 198; see also Cavallo & Warner (eds.), *Widowhood*, p. 6; Fletcher, *Subordination*, pp. 123-4; Kermode & Walker (eds.), *Women, Crime & the Courts in Early Modern England*, p. 11; Antonia Fraser, *Faith and Treason. The Story of the Gunpowder Plot* (1996), p. 199.

Coke obliged with a "speedy trial" for all "the little fish." Richard Weston was tried at the Guildhall of London, on October 19th, 1615. Coke was presiding and at the beginning of the trial stated "that of all felonies, murder is the most horrible; of all murders, poisoning the most detestable; and of all poisoning, the lingering poisoning."[22] Weston did not co-operate with the court. At first he pleaded "Not Guilty," and then he entered a diversionary plea. Instead of putting himself before the court, he "referred himself to God, and would be tried by God; refusing to put himself and his cause upon the jury or country, according to the law or custom." Coke and the other judges argued with Weston for an hour but to no avail. Finally Coke told Weston that if he continued to "stand mute" he would be punished by *peine fort and dure*. Despite this, Weston still refused to plead and denied that he had confessed under examination.[23] Coke's case hung on Weston's conviction since the law stated that the principal must be tried before the accessories.[24] Weston was therefore taken to gaol and confronted by the Bishops of London and Ely who told him that he must agree to the power of the court if he wished to save his soul.[25] He finally agreed to plead and was duly condemned and sentenced to be executed at Tyburn.

Once the king allowed the wheels of the legal machinery to begin turning, an event cascade was set in motion which could have only one possible conclusion for Anne Turner. Turner was tried at the King's Bench on November 7th for the murder of Sir Thomas Overbury. She pleaded "Not Guilty" and put herself "upon God and the country." Lawrence Hyde was the principal Crown Prosecutor and Justice Croke was presiding. Turner did not realize the gravity of her situation until she appeared in the courtroom, for she had been kept in seclusion and still thought she was sheltered by the power of the king's favourite. At this point, Coke insisted that she take off her hat before the court, stating "women must be covered in the church, but not when they are arraigned. And so caused her to put off her hatt; which done, she covered her haire with her handkerchief, being before dressed in her haire, and her hatt over it."[26] This insistence on the removal of her hat can be viewed as part of the rituals (such as handcuffs) that are used to take away selfhood from prisoners.[27] Turner attempted by her dress and behaviour to show herself as a modest and chaste woman and therefore covered her hair with a cloth to preserve her respectability.[28]

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[22] 2 ST 911a.

[23] "Standing mute shall have the same judgment and all other consequences as a conviction by verdict or confession." 2 ST 914b; see also Baker, *Introduction to English Legal History*, p. 277.

[24] Dalton, *The Countrey Justice*, pp. 249-50; see also Gardiner, *History*, II, p. 338.

[25] 2 ST 929a.

[26] BL Sloane MS 2572, fo. 159v; see also BL Sloane MS 1002, fo. 45r; 2 ST 931a.

[27] Goffman, *Interaction Ritual*, p. 90.

[28] Brown, *Good Wives*, p. 31; see also Purkiss, *Witch in History*, p. 220.

Sir Lawrence Hyde then opened the trial with the evidence of Weston's guilt and condemnation. He stated that Turner had consulted with Dr. Simon Forman to keep the love of Arthur Mainwaring.[29] Testimony and exhibits were presented which were not related to the charges against her but which branded her as a whore, a witch and a bawd. Her character was blackened and she was stripped of her name in public. When she first learned of Weston's sentence, Turner was overcome "it so much dejected her, that in a manner she spake nothinge for her self."[30] The fact that she was unable to speak is not surprising. It would have been very difficult for a woman to speak in court to defend herself when female virtue was associated with silence.[31] Women, in theory, were not to be talked about at all and gendered morality demanded silence as well as chastity and obedience.[32] Her honour was completely destroyed for Hyde and Coke demolished her credit as a way to make their case. This focus on character and the defendant's past as well as the evidence was perfectly acceptable, for credit was always on trial in court cases.[33] Indeed, judgments based on the facts alone would not have been considered just in early modern England, since the felon's reputation for trustworthiness and honour was an integral part of his or her credit.[34] A distraught Turner did not confess in court but she asked Coke to be good to her, stating "she was ever brought up with the Countess of Somerset, having beene of a long time her servant. And knew not that there was poison in any of those things sent to Sir T. Overbury."[35]

> Far from figuring herself as the willing disrupter of the social order, Turner was able to present herself as reinforcing it. Figuring herself as a caring mother, a loyal servant and a modest woman was her way of seeking to rebut the allegations of sexual and social misconduct leveled at her by the prosecution.[36]

The trial was over very quickly and the jury returned with a verdict of "Guilty." Turner was unable to speak for weeping and only asked for mercy.[37]

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[29] BL Sloane MS 2572, fo. 159r; see also BL Sloane MS 1002, fo. 45v; 2 ST 931a.
[30] BL Sloane MS 2572, fo. 162r; see also BL Sloane MS 1002, fos. 48v and 48r; 2 ST 933a.
[31] Diane Purkiss, "Material Girls: The Seventeenth Century Woman Debate", in Clare Brant & Diane Purkiss (eds.), *Women, Texts and Histories 1575 - 1760* (1992), p. 81; see also Herrup, "To Pluck Bright Honour from the Pale-Faced Moon," *TRHS* (1996), p. 142.
[32] Gowing, *Domestic Dangers*, p. 270; Hindle, "The Shaming of Margaret Knowsley", *Continuity & Change*, 9 (1994), pp. 403-5.
[33] Gowing, *Domestic Dangers*, p. 50; see also Ingram, "The Reform of Popular Culture?", in Reay (ed.), *Popular Culture*, p.150; Amussen, *An Ordered Society*, p. 152; Herrup, *A House in Gross Disorder*, p. 30; Douglas Hay et al, *Albion's Fatal Tree*, p. 28.
[34] Herrup, *The Common Peace*, p. 198; Sara Mendelson, "To shift for a cloak: Disorderly Women in the Church Courts", in Valerie Firth (ed.), *Women & History. Voices of Early Modern England* (1997), pp. 6-7.
[35] BL Sloane MS 2572, fos. 164v and r; see also BL Sloane MS 1002, fo. 50v; 2 ST 935a.
[36] Purkiss, *The Witch in History*, p. 223.
[37] BL Sloane MS 2572, fo. 164r; see also BL Sloane MS, 1002, fo. 51r; 2 ST 935a.

Despite its speed, this trial was not particularly short by early modern standards for trials in England during this period were very rapid.[38] The accused, who was supposed to defend himself without counsel, was to tell his story which would then be judged by the jury. The verdict depended upon just one thing: did the jury believe that the prisoner was guilty of the offense? A good character and presentation were essential since the decision often rested upon trustworthiness when the evidence was circumstantial.[39] Defendants were expected to defend themselves with neither pen nor paper to take notes and in 1602 a request for these items was refused since "it would be a dangerous precedent, for every prisoner would demand it if it were now allowed."[40] The Earl of Somerset was given pen and paper during his trial as a special favour because of his status but this was unusual. Anne Turner was so overcome by the proceedings that she would not have been able to use them, even if they were offered.

Coke started the trial by showing evidence of Turner's witchcraft as well as the letters which showed the extent of her irregular relationship with the Countess of Somerset and Dr. Forman.[41] Dr. Forman's widow was then called as a witness. She testified "that Mistress Turner and her husband would be sometimes three or four hours locked up in his studie together."[42] In addition, Anne Turner's deviant relationships with her husband and with Arthur Mainwaring were viewed at the time as an obvious connection between witchcraft and those who challenged the sexual and social order.[43] This alone would have destroyed her reputation in society forever. The exhibits of Turner's love charms, magic spells and image magic were clear evidence of her witchcraft and its power.[44] Coke exhibited the spells, supposedly tied with human skin - certain evidence of witchcraft and instrumental magic.[45] Scaffolds had been set up for the spectators at the trial and when the love charms and wax figures were exhibited people leaned forward in order to see. The scaffolding broke

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[38] J.H. Baker, "Criminal Courts and Procedure at Common Law, 1550 - 1800", in Cockburn (ed.), *Crime in England*, pp. 35, 38; see also Herrup, *The Common Peace*, p. 141.
[39] Herrup, *The Common Peace*, p. 143.
[40] Baker, "Criminal Courts & Procedure", in Cockburn (ed.), *Crime in England*, p. 37.
[41] BL Sloane MS 2572, fos. 162v and 162r; see also BL 1002, fos. 47v and 48r; 2 ST 932b; de Ford, *The Overbury Affair*, p. 22.
[42] BL Sloane MS 2572, fo. 162r; see also BL 1002, fo. 47v; 2 ST 932b.
[43] Bellany, *The Poisoning of Legitimacy?*, p. 243.
[44] BL Sloane MS 2572, fo, 162r; see also BL Sloane MS 1002, fo. 48r; 2 ST 933a; Gardiner, *History*, II, p. 343; Notestein, *A History of Witchcraft in England*, p. 109; Purkiss, *Witch in History*, p. 222; Sharpe, *Instruments of Darkness*, p. 153. Macfarlane, *Witchcraft in Tudor & Stuart England*, p. 18.
[45] Cotta, *The Triall of Witchcraft*, p. 113; see also Sharpe, *Early Modern England: A Social History*, p. 303.

> at the shewinge of these and inchanted papers, and other pictures in Court, there was heard a cracke from the scaffold, and suche a feare, tumulte, confusion amonge the spectators, and throughout the hall everye one fearing hurte, as yf the divell had bene present and grown angrie to have his workmanship shewed by such as were not his owne schollars.[46]

Coke was unable to restore order in the courtroom nor continue the trial for about a quarter of an hour.[47]

Furthermore, Turner was a Catholic and the popular connection between Catholicism, witchcraft and poisoning affected how people saw this case.[48] Coke called it "Powder Poison" stating that poisoning was "a popish trick" related to the "master sin of popery."[49] Along with this, Coke played on the popular connection between adultery and murder and the cultural expectation that adultery would indeed lead to murder. At Weston's trial Coke had directly linked poison and adultery, observing that "adultery is most often the begetter of that sin."[50] Women's adultery led to "the loss of their entire virtue and calling a woman a 'whore' was part of a code."[51] It was therefore quite common to make sexual allegations against females in court. Examinations would often question their honour and chastity, whether or not their children were legitimate and ask about the chastity of family members.[52] In addition to being branded as a whore, Anne Turner was called a bawd because she had allowed Carr and Frances Howard to be alone at her house and anyone who aided or abetted illicit sex was guilty of bawdry.[53]

There was no real proof that murder had been committed. Gardiner stated that the trial showed Coke's utter lack of regard for the law, as exhibited by his "defective proof . . . eked out by a ready imagination."[54] It would not have been seen this way at the time. Since witchcraft and poisoning were by necessity secret crimes against God and society, "where open and evident proofes are seldom to be had, there

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[46] BL Sloane MS 2572, fo. 161r; see also BL Sloane MS 1002, fo. 47r; 2 ST 932b; Lindley, *Trials*, p. 148.

[47] ST 932b; see also Gardiner, *History*, II, p. 343; Somerset, *Unnatural Murder*, p. 326.

[48] Purkiss, *Witch in History*, p. 221. see also Sharpe, *Instruments of Darkness*, p. 82; Herrup, *A House in Gross Disorder*, p. 16.

[49] 2 ST 930b; see also Bellany, *Poisoning of Legitimacy?* p. 331; McElwee, *Murder of Sir Thomas Overbury*, p. 191.

[50] 2 ST 911a.

[51] Gowing, *Domestic Dangers*, pp. 185, 205; see also Dolan, *Dangerous Familiars*, p. 40; Bellany, *The Poisoning of Legitimacy?*, p. 246; Somerset, *Unnatural Murder*, p. 295.

[52] Gowing, *Domestic Dangers*, p. 52; see also Mendelson, "Disorderly Women", in Frith (ed.), *Women and History*, pp. 5-6.

[53] Lambarde, *Eirenarcha*, p. 119; see also Dalton, *The Countrey Justice*, p. 193; Dolan, *Dangerous Familiars*, p. 213.

[54] Coke declared that it was immaterial "whether or no Overbury had really been murdered by means of the poisons mentioned in the indictment." Gardiner, *History*, II, pp. 339-41; see also 2 ST 911a.

(it seemeth) half proofes are to be allowed, and are good causes of suspition."[55] Once again, as with other felonies, the charges were related to the accused's general reputation, family and social background.[56] Legal petitions show a connection between the gender order and social order in early modern England; in fact, "the petitions demonstrate that those who offended the standards of the gender system were also likely to break the code of class relations."[57] This was very relevant to Turner's case since her social aspirations were certainly held against her. When Justice Croke pronounced the death sentence he emphasized that Turner "had a very honourable tryall by such men as he had not seene for one of her ranke and qualitie."[58]

Coke stressed that this crime was wicked and empoisonment a particularly evil kind of murder.[59] The jury and the general public saw a crime which broke all the rules and was motivated by lust and greed. It was calculated and therefore crossed the line, for courts had no mercy on those felons who took advantage of a helpless victim.[60] "Execution was generally reserved for convicts whose misbehavior violated the sanctity of home, person or status"[61] and the fact that Turner did not plead guilty would only have increased her culpability.[62] There could be do doubt about the sentence. Anne Turner's trial was a recitation of her personality defects as evidence of her ability to commit murder. Coke built the case step by step and let her own character condemn her in court. Although this may seem reprehensible to modern beliefs and procedure, it can only be viewed as an utterly fair trial by the standards of Turner's own day.

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[55] Dalton, *The Countrey Justice*, p. 268; see also Cotta, *The Triall of Witchcraft*, p. 59; Macfarlane, *Witchcraft in Tudor & Stuart England*, p. 18.
[56] Macfarlane, *Witchcraft in Tudor & Stuart England*, p. 17.
[57] Amussen, "Gender, Family & the Social Order", in *Order & Disorder*, p. 210.
[58] BL Sloane MS 2572, fo. 164r; see also BL Sloane MS 1002, fo. 51r; 2 ST 936b.
[59] 2 ST 911a; see also Herrup, *The Common Peace*, p. 191.
[60] Herrup, *The Common Peace*, p. 172.
[61] *Ibid.*, p. 168.
[62] Lambarde, *Eirenarcha*, p. 432.

Gaol and Personality Disintegration

"If you will have me say so, I will. Conclude what you will."
- Anne Turner (November 11, 1615)

As we saw during the trial, Turner was under attack and her carefully constructed persona began to crack and disintegrate. Gaol is a "total institution" and Anne Turner collapsed when she encountered the full power of the law in the court room. Many prisoners in total institutions have similar experiences when incarcerated and experience "civil death," for total institutions "threaten a whole complex of practices whereby actors are able to demonstrate both to others and to themselves their competency as agents."[1] Before the trial, Turner was held in a kind of house arrest at the home of a London alderman and was examined there several times by Lord Chief Justice Coke. She remained defiant and swore that she would never admit to the murder, despite Coke's repeated attempts to secure her confession.[2] Anne's disintegration, then, began in the court room when she fully comprehended her situation. Her breakdown was complete but not unexpected if one thinks of the magnitude of the shock. In the total institution of the court and gaol, Turner lost the ability to control her actions.

Turner had committed offenses against the legal, moral and social order and it was only to be expected that she would be reviled at her trial because of her many transgressions.[3] She did not admit her guilt in court, which would have increased her culpability in the seventeenth century mind since she would have been viewed as both contemptible and utterly lost spiritually.[4] James I desperately wanted a confession because there was no hard evidence of the murder. He therefore stayed her execution, asking that ministers speak with her and convince her to confess. The king was even willing to allow a Catholic priest to "be secretly admitted, if thought fit" to help change her mind.[5] Coke instead sent Dr. Whiting to Anne in gaol because Whiting had a reputation for his ability to extract confessions from the condemned.[6] The clergy had a vital role in securing confessions from prisoners.[7] Dr. Whiting saw

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[1] Goffman, *Asylums* (1961), p. 16; see also Goffman, *Interaction Ritual*, p. 90; Manning, *Goffman & Modern Sociology*, p. 107; Foucault, *Discipline & Punish*, pp. 25-29.
[2] SP 14/82/1 (Oct. 1, 1615); SP 14/82/21 (Oct. 3, 1615).
[3] Amussen, "Gender, Family & the Social Order," in *Order & Disorder*, p. 206.
[4] Lambarde, *Eirenarcha*, p. 432; see also J.A. Sharpe, "Last Dying Speeches: Religion, Ideology and Public Executions in Seventeenth Century England", *P & P* 107 (1985), p. 150; Lake, "Deeds Against Nature", in Sharpe & Lake (eds.), *Culture & Politics*, p. 276.
[5] SP 14/83/17 (Nov. 10, 1615); see also McElwee, *Murder of Sir Thomas Overbury*, p. 201; Lake states that it was not unusual to delay executions in order to give the condemned time to repent. "Deeds Against Nature", in *Culture & Politics*, p. 274.
[6] deFord, *The Overbury Affair*, p. 69.
[7] Sharpe, "Last Dying Speeches", *P & P* 107 (1985), pp. 159-60; V.A.C. Gatrell, *The Hanging Tree. Execution and the English People, 1770 - 1868* (1994), p. 40.

Turner on November 10th and 11th, 1615. When he first saw her on November 10th, she refused to confess and would not cooperate with him. In fact, she was in such a state of despair that she was barely able to speak. She did acknowledge herself to be a "monstrous sinner" but refused to confide in a Protestant minister, saying "why should I confess to them that will not give me absolution?"[8] Whiting assured Anne Turner that he could shrive her sins

> if she would confess and repent and after many exhortations, she confessed that she knew beforehand of the poisoning of Sir Thos. Overbury, but concealed it for the sake of the Countess of Somerset, whom she loved as her own soul. . . The Doctor consoled her, and she consented to receive the Communion the next day, though, being a Catholic, she had never before received it after the form of the Church of England.[9]

Turner finally admitted that she had known about the attempts to poison Overbury but hid them because she loved the Countess of Somerset. The confession extracted by Dr. Whiting did not appear to ease her conscience. In fact, she stated "now that I have confessed it, where is the comfort?"[10] Her statement shows that she had still not accepted the spiritual legitimacy of the Church of England at this point. Whiting then left her overnight, promising to return on the next day. Finally, on November 11th, Turner converted to Protestantism, took communion according to the rites of the Church of England and "thanked God for the comfort she received."[11]

Anne Turner appeared completely broken at this point. Whiting said that she attacked her confederates and even suggested that the Earl of Northampton might have been in on the plot. In fact, Turner agreed with everything Dr. Whiting suggested, started to make outrageous claims about popish plots against the royal family and volunteered to confess to anything he wanted her to say. When asked to give evidence against Sir Thomas Monson, Mrs. Turner said "If you will have me say so, I will. Conclude what you will."[12] Whiting certainly "stage-managed" her confession in gaol and it was this confession of guilt and her repentance which began her transformation in the public eye. Dr. Whiting wrote down her confession and Lord Chief Justice Coke's report to the privy council was based on Whiting's notes.[13]

In *Eirenarcha*, William Lambarde discussed confessions in the legal system and said they were either "free" or "forced" and of the free, there were two kinds: those that were "absolute" or those that were "after a manner." Forced confessions

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[8] SP 14/83/19 (Nov. 10, 1615); see also SP 14/83/21 (Nov. 10, 1615); Somerset, *Unnatural Murder*, pp. 327-8.
[9] SP 14/83/19 (Nov. 10, 1615).
[10] Somerset, *Unnatural Murder*, p. 328.
[11] SP 14/83/21 (Nov. 11, 1615).
[12] SP 14/83/21 (Nov. 11, 1615).
[13] SP 14/83/19-20 (Nov. 10, 1615); see also McElwee, *The Murder of Sir Thomas Overbury*, p. 201; White, *Cast of Ravens*, p. 124.

were those that "the Justices do wring out of the partie by the Examination of him."[14] Turner's confession in gaol had both a moral and a legal impact. There were enormous social, legal and religious pressures on her to confess to the murder of Sir Thomas Overbury. Both Turner and her family would benefit from her acceptance of the role laid out for her: she would be socially rehabilitated, her children would be allowed to inherit her estate and her family would be allowed to give her a 'decent' burial. And yet, in the end, it was Turner who made the final decision about her role in this tragedy, for despite enormous social pressure, many felons chose to die unrepentant.[15]

Anne's complete breakdown lasted for only one day; she then began to make conscious decisions about her presentation of self and of the roles that she would choose to play. She had lost face during the trial but her repentance completely rehabilitated her in the public eye. Honour and reputation were very important in early modern society.[16] From a cynical point of view, her conversion may have been an attempt at impression management; however, in Jacobean society, Anne's repentance was seen as a symbol of the salvation of mankind and the triumph of God over Satan.[17] Her spectacular repentance and conversion allowed her to regain her "lost face" through acceptance of a social and gender appropriate role but also through the acceptance of the Church of England ritual of communion. Face "is a sacred thing, and the expressive order required to sustain it is therefore a ritual one."[18] In this case, religion and ritual allowed the condemned to regain face, regain a place within society and to die a 'good' death.

There was a definite relationship between "gallows conversions" of convicted felons and the Puritan ministers who visited them in gaol. These divines were often able to reform even the most hardened criminals who were about to face death on the scaffold.[19] Confession, absolution and reintegration with the Christian community were important if one wished to die penitent with a hope of entering the heavenly kingdom.[20] The ministers who stage managed the theatre of execution

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[14] Lambarde, *Eirenarcha*, pp. 426-7.

[15] Thomas Laqueur, "Crowds, Carnival and the State in English Executions, 1604 - 1868", in A.L. Beier, David Cannadine and James Rosenheim (eds.), *The First Modern Society* (1989), pp. 319-23; see also Herrup, *A House in Gross Disorder*, p. 93; Arnold Stein, *The House of Death* (1986), p. 7.

[16] Fletcher, "Honour, Reputation & Local Officeholding" in *Order & Disorder*, p. 110.

[17] Lake, "Deeds Against Nature", in *Culture & Politics*, p. 279; see also Tessa Watt, *Cheap Print and Popular Piety 1550 - 1640* (1991), p. 104.

[18] Goffman, *On Face-Work*, p. 19.

[19] Lake & Questier, "Agency, Appropriation and Rhetoric Under the Gallows", *P & P* 153 (1996), p. 89; see also Gatrell, *The Hanging Tree*, pp. 382-3.

[20] Lyndal Roper, *Oedipus & and Devil*, p. 203; see also "A Godly Song, entitled A Farewell to the World," in *Roxburghe Ballads*, I, pp. 407-11.

were almost as important at the execution as the felon. The divines were tutors for those about to become an example in public education. Ministers had a definite goal which was to produce a godly and committed conversion before the felon went to the gallows.[21] Society desperately wanted a reintegration with the community and was quite ready to believe in spectacular conversions. One way of integrating repentance and conversion was to deny previous agency and assert that the felon was acting under evil influences, either human or demonic, and that only after repentance was true agency present. It was not at all unusual to assert that the actor "was under the influence of something and not himself, or that he was under the command of somebody else and not acting for himself."[22] Anne Turner chose this option, blaming both corrupt companions and the Devil for her crimes.[23]

How should one interpret these confessions? Because language is opaque and must be interpreted, "asking questions is never an innocent activity, and questions shape narratives."[24] One must therefore know the conventions in order understand what was happening. The confession was seen as a particularly valuable way to discover "the truth."[25] It was certainly an important part of preparing for death in the early modern world.[26] In *Nature's Cruell Step-dames* Henry Goodcole, the Ordinary of Newgate, asserted that confession was essential, for God forgave only those who confessed and repented, while utter destruction of both body and soul awaited those who did not die in a state of grace.[27] Elwes, who was also condemned for Overbury's murder, commended the ministers (including Dr. Whiting) who had prayed with him and brought him to God. He stated that there was "such comfort flowing from the Godly endeavors of these Gentlemen (the Divines) that neither the Reproach of this Death, nor the Torment of it hath any whit discouraged me."[28] This was actually quite a common reaction after Puritan intervention in gaol; both Franklin and Weston also confessed to the ministers.

Another famous gaol conversion is that of Robert Devereux, the second Earl of Essex. He had refused to admit his guilt in court but completely changed within a

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[21] Sharpe, "Last Dying Speeches", *P & P* 107 (1985), pp. 159-60; see also Lake & Questier, "Agency, Appropriation and Rhetoric Under the Gallows", *P & P* 153 (1996), p. 90.
[22] Goffman, *Interaction Ritual*, p. 20; see also Roper, *Oedipus & the Devil*, pp. 231-2.
[23] BL Sloane 2572, fo. 164v; BL Sloane 1002, fos. 51v-r; SP 14/83/33 (Nov. 14, 1615); Thomas, *Religion & the Decline of Magic*, p. 566.
[24] Roper, *Oedipus & the Devil*, pp. 54, 238.
[25] Foucault, *The History of Sexuality*, I, p. 59.
[26] Phillippe Aries, *The Hour of Our Death* (1981), p. 17; see also Watt, *Cheap Print & Popular Piety*, pp. 105, 109; Arnold Stein, *The House of Death* (1986), pp. 7-9.
[27] Henry Goodcole, *Nature's Cruell Step-dames* (1620), Sig. B1; see also John Donne, "From a Sermon preached at Paul's upon Christmas Day, 1624", *Selected Prose*, p. 219.
[28] Sir Jervis Elwes, *The Lieutenant of the Tower* (1615), Sig. A2; For a more extensive perspective on the conversion experience, see William James, "Conversion," in *The Varieties of Religious Experience* (1958), pp. 192-224.

day after his trial.[29] His amazing reformation was supposedly brought about by Abdy Ashton, the Puritan divine who was with him in the Tower and who played on the Earl's fear of the much higher court before which he would soon appear.[30] Other prisoners also died confessing their sins, commending their judges, and asking for forgiveness.[31] This may seem forced or insincere from a modern perspective but total disintegration of the personality often led to social reintegration and personal agency for the condemned in the seventeenth century.

But how do we interpret Anne's behaviour? Is it possible to find the self behind the role or is the new Anne merely a kind of "self-fashioning" to create a woman who would be accepted by her culture?[32] Goffman states that social performances always conceal as well as reveal the "person" behind the mask, manipulating 'impressions' so that 'signs' will be taken for reality."[33] Is a certain self delusion necessary to play these 'roles?"[34] Purkiss suggests we should read the created "Anne Turner"

> as a set of competing and conflicting construction of wayward femininity fashioned by herself and by her interlocutors, storytellers, gossipers and other interested reporters. Turner's own voice can also be heard intermittently, diligently ventriloquising the discourses of submission and repentance which offered her a way to evade the shaping discourses of the court while conforming to the demand for a retributive ending.[35]

This perspective, however, takes away Turner's agency and creates a puppet who merely "ventriloquises" the demanded discourses of her society. It is impossible to deny the coercive force of the social, religious and legal system; despite this, the final choice of role remained with the felon.[36]

All those who were tried and condemned for the Overbury murder confessed - except one. The Earl of Somerset was adamant to his dying day that he had known nothing of the plot to poison Sir Thomas. From the evidence it appears fairly clear that he knew nothing until the summer of 1615, although from that time he obviously tried to destroy evidence in order to protect his wife. Perhaps confessions were more forthcoming from the others involved because they knew of the plot

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[29] 1 ST 1351a - 1356b.

[30] Mervyn James, "Crossroads" in his *Society, Politics & Culture*, pp. 455-6. "Man's extremity is God's opportunity." William James, *The Varieties of Religious Experience*, p. 187.

[31] Natalie Zemon Davis, *The Return of Martin Guerre* (1983), p. 93; see also Roper, *Oedipus & the Devil*, p. 206; William James sees "man's liability to sudden and complete conversion as one of his most curious peculiarities." *The Varieties of Religious Experience*, pp. 201-2.

[32] Stephen Greenblatt, *Renaissance Self-fashioning. From More to Shakespeare* (1980), pp. 3, 9.

[33] Goffman, *The Presentation of Self*, p. 251; see also Slavin, "On Henrician Politics", *HLQ* 60 (1999), p. 250.

[34] Goffman, *The Presentation of Self*, p. 80; Greenblatt states that More was very aware of the element of "acting" in human life. Greenblatt, *Renaissance Self-Fashioning*, pp. 27-30.

[35] Purkiss, *Witch in History*, p. 220.

[36] Herrup, *A House in Gross Disorder*, pp. 91-3; see also Slavin, "Henrician Politics", p. 270.

beforehand yet did nothing to stop it. To deny the possibility of genuine remorse and a desire to be forgiven by both God and the community denies the power of faith and religion in society. "Turning to religion in affliction is so obvious a pattern that it is easily overlooked as unimportant, yet without acknowledging things of the spirit we cannot begin to understand women of the past."[37]

[37] Todd, "The Virtuous Widow", in *Widowhood*, p. 75; see also Davis, *The Return of Martin Guerre*, p. 93; James, *The Varieties of Religious Experience*, p. 199.

Gallows Psychology and Last Dying Speeches

"It is a rebellious thing not to be content to die."
- John Donne (1622)

The explicit purpose of a trial was to uncover truth, the purpose of sentencing was to pronounce the law, the purpose of a public execution was to enact or enforce the law. Executions were a way to maintain social control and a means to an end, for they removed the criminal from society. Executions had judicial purposes but they also had other functions for they were rituals that exhibited state power: the ultimate power of life and death over the subject. This important and highly symbolic ritual differentiated between the powerful and the weak, between the major players and minor characters in the social drama and helped the powerful to maintain their authority. Rituals were also an essential part of the collective experience. They helped enforce the social contract and created a bond between individual and community.[1] In order to be understood, the execution needs to be situated within its broader context as a cultural and social institution which was used to maintain control through emotional, deterrent and symbolic function.[2]

Death, "the man that we all must meet," was never far from the early modern mind and the precariousness of the human condition was often commented upon.[3] The anonymous author of *The Picture of a Wanton* warned that no one had a "charter of his life." He wrote that "Wee are Tenants at Will, God may thrust us out of our house and give us no warning."[4] John Donne discussed death in a sermon preached at Whitehall on March 8, 1622. He stated that men were born under the law which sentences us all to death; therefore, "it is a rebellious thing not to be content to die, it opposes the Law." Then it is an imposition nature lays on us "and so it is a seditious thing not to be content to die, it opposes the prerogative." And finally, all men must take their turn with death and so "not to be content to die, it opposes the frame and form of government."[5] This argument was taken from nature

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[1] David Kertzer, *Ritual, Politics and Power* (1988), p. 5; see also Goffman, *Gender Advertisements*, pp. 1-5; Manning, *Goffman & Modern Sociology*, p. 133; Mary Douglas, *Natural Symbols* (1978), p. 54; Hann, *Social Anthropology*, p. 182; Muir, *Ritual*, p. 6; James, "Ritual, Drama & Social Body", *P & P* 98 (1983), p. 11; For more on creation of community see Alexandra Shepard and Phil Withington (eds.), *Communities in early modern England: networks, place, rhetoric* (2000), pp. 1-12.

[2] Sharpe, "Last Dying Speeches", *P & P* 107 (1985), p. 147; see also Clare Gittings, *Death, Burial and the Individual in Early Modern England* (1984), p. 69; Geertz, *Negara*, p. 116; Hann, *Social Anthropology*, p. 206.

[3] Cressy, *Birth, Marriage & Death*, p. 381; Stein, *The House of Death*, pp. 3, 9; "Death's Loud Allarum", in *Roxburghe Ballads*, I, pp. 239-243.

[4] S.F., *The Picture of a Wanton, her Lewdeness Discovered* (1615), Sig. C1.

[5] John Donne, "From a sermon preached at White-hall, 8 March, 1622", in *Selected Prose*, p. 179; see also Foucault, *Discipline and Punish*, p. 38.

for death was natural and to be expected since all were sentenced to death from the moment of birth.[6] In an execution, if one was not content to die, the rebellion was against the King and the law as well as against God. A good death on the gallows was one where the felon repented, accepted God's will, the state's power and justice, and was content to die. It was not enough that criminals were to pay for their crimes. It was important that they judge themselves and publicly condemn their own behaviour.[7]

Gallows scenes and last dying speeches can illuminate appropriate behaviour in Jacobean England. The "last dying speech" was a Tudor innovation that reached its height in the seventeenth century and was an integral part of public executions.[8] This spectacle or ceremonial of punishment was part of the "great ritual" of state power and should be understood "not only as a judicial, but also as a political ritual. It belongs, even in minor cases, to the ceremonies by which power is manifested."[9] Executions were very complex and much more than just exhibitions of power or rites of state violence for they were part of a ritual with the ideal of true repentance. The last dying speech was fairly stereotyped and connected with ideas about the good death. This speech was important because it gave criminals a chance to speak about their crimes, their lives, their repentance and God's mercy. Gallows confessions appear to have been unforced and were not just "an admission of guilt for the specific offense which led to execution, but rather a more general account of past sinfulness and delinquency.[10]

> Those who faced death on the gallows (rather than the dunghill) were, according to the accounts of their end, normally willing to accept the consequences of their erroneous and sinful ways, and anxious that their unhappy fate might deter others from falling into the same errors.[11]

These events were used by the state as propaganda for law and order and gallows speeches were seen by all as an essential part of the ritual. When discussing Richard Weston's execution for the murder of Overbury, Francis Bacon said that in

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[6] Francis Bacon, "Of Death", in Kiernan (ed.), *The Essayes or Counsels*, pp.9-11; see also "Death's Dance", in *Roxburghe Ballads*, I, pp. 395-401; "The Great Assize", in *Roxburghe Ballads*, I, pp. 395-401; Thomas, *Religion & the Decline of Magic*, p. 6; Muir, *Ritual*, pp. 44-5.

[7] Lord Charles Stourton, *The copye of the self same wordes, that mi lorde Sturton spake at his death, beyng (executed for murder) the vi. day of March, 1557. A prayer sayd by the lorde Sturton and also his confession;* see also Foucault, *Discipline & Punish*, p. 38; Gatrell, *The Hanging Tree*, pp. 214-16.

[8] Sharpe, "Last Dying Speeches", *P & P* 107 (1985), p. 165.

[9] Foucault, *Discipline & Punish*, p. 47; see also Gatrell, *The Hanging Tree*, p. 83.

[10] Sharpe, "Last Dying Speeches", p. 150; see also Lake & Questier, "Agency, Appropriation and Rhetoric", *P & P* 153 (1996), p. 74; Laqueur, "Crowds, Carnival and the State", in Beier *et al* (eds.), *The First Modern Society*, p. 317; Gatrell, *The Hanging Tree*, p. 164.

[11] Sharpe, "The People & the Law", in Reay (ed.), *Popular Culture*, p. 257.

England there was "no Spanish inquisitions, nor justice in a corner, so we have no gagging of men's mouths at their death; but that they may speak freely at the last hour.[12] A good execution involved a repentant felon whose edifying gallows speech transformed him in the public eye.[13] This transformation showed that the felon had reformed and was prepared to meet his Maker; for death was the means by which the earthly ruler was replaced by God, the king of kings.

> If the condemned man was shown to be repentant, accepting the verdict, asking both God and man for forgiveness for his crimes, it was as if he had come through some process of purification: he died, in his own way, like a saint.[14]

Weston was hanged at Tyburn. Sir John Hollis and Sir John Wentworth, who were friends of the Earl of Somerset, approached the scaffold, questioned Weston about his guilt and encouraged him to deny his confession. He refused: "being prepared for death, resisted their temptations, sealing penitently the truth of his confessions with his last gasp."[15] Elwes also made a full confession on the scaffold. He admitted he had sinned and put himself before God's justice, stating that he died with a clear conscience because he had confessed all and asked for God's mercy and forgiveness. Elwes said that he was actually happy to die in such a fashion:

> I might have died in my bed, or shooting the Bridge; or else, have fallen down sodainly, in which death I should have wanted this space to repent, being the sweet comfort and assured hope of God's favour which of his mercy hee hath vouchsafed me.

Elwes then ended his speech by charging all who heard him to see the wages of sin, to "strive against it," and to pray with him.[16] Robert Devereaux also gave a penitent gallows speech before his execution in 1601. He died well on the scaffold, as a penitent protestant Christian. The Earl admitted all his faults, blessed her Majesty and asked for her forgiveness.[17] Even the very popular Sir Walter Raleigh was allowed to make a gallows speech although he was cautioned by the Dean of Westminister not to say he was innocent since that statement would be "an oblique taxing of the Justice of the Realm upon him."[18]

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[12] Bacon, *The Letters & the Life* V, p. 222; see also Gatrell, *The Hanging Tree*, p. 36.
[13] Lake, "Deeds Against Nature", in Sharpe & Lake (eds.), *Culture & Politics*, pp. 274-5; see also Jim Sharpe, "Women, Witchcraft and the Legal Process", in Kermode & Walker (eds.), *Women, Crime & the Courts in Early Modern England*, p. 117.
[14] Foucault, *Discipline & Punish*, p. 67; see also Foucault, *The History of Sexuality*, I, p. 138; Gittings, *Death, Burial & the Individual*, p. 68; Sharpe, "Last Dying Speeches", p. 160.
[15] ST 930a; see also Bacon, *The Letters & the Life* V, p. 222.
[16] Sir Jervis Elwes, *The lieutenant of the Tower, his speech and repentance, who was executed the 20. of November, 1615. Together with a Meditation and Vow of his that hee made not long before he died* (1615), Sig. B3; see also 2 ST 946b; Watt, *Cheap Print & Popular Piety*, p. 113.
[17] 1 ST 1359a - 1360b; see also James, "Crossroads", in *Society, Politics & Culture*, p. 417.
[18] Norman Williams, *Sir Walter Raleigh* (1988), pp. 254-6.

Not all died exactly as the state wished.[19] Some felons went drunk and cursing to meet their Maker while others refused to admit their guilt. Mervin Touchet, the second Earl of Castlehaven, became a devout Anglican in gaol after he was condemned to death for sodomy and rape. He did not, however, make a good end. His last dying speech and his death itself were marred because he steadfastly proclaimed his innocence. This refusal to repent and accept his death as just made people very uncomfortable, for it cast doubt on his guilt and resisted the lawful authority of the state to put him to death.[20] Those who did die well reinforced both the power of the state and the Christian message behind it.

> It is testimony to the cultural power of the normative role, to its capacity to take over the condemned's psyche, that, in the absence of coercion, so many died as the Ordinary and the secular authorities might have wished.[21]

Anne Turner was seen as a wicked woman, a symbol of fallen humanity and the devil's disciple. She was condemned at her trial and Coke's list of her seven deadly sins was "a kind of moral biography designed to explain and interpret Anne Turner's part in Overbury's murder."[22] There was also a sense of the higher power of moral order in the Overbury trials for it was believed that "the finger of God" had pointed to the conspiracy, causing the murderers to be justly punished.[23] Most people believed that God would not allow a killer to go unpunished.[24] Turner was executed on November 14, 1615. She was taken to Newgate in a coach and from there to Tyburn in a cart, "casting money among the people as she went, asking them not to rejoyce at her fall, but to take example by her; she exhorting them to serve God, and abandon pride, and all other sins."[25] On the scaffold she confessed again, repented of her sins and wickedness and declared herself a Protestant. She also said that she had been in thrall to the devil but was now free. Her gallows speech

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[19] Foucault, *Discipline & Punish*, pp. 59-60; see also Gatrell, *The Hanging Tree*, p. 96.

[20] Harley MS 738, *The Arraignment of Mervin, Lord Audley, Earl of Castlehavenn, for rape and sodomy* (1631), fos. 327v-r; 3 ST 416b and 3 ST 417a; see also Bingham, "Deviant Sex", *JIH* 1 (1971), p. 462; Herrup, *A House in Gross Disorder*, p. 93; Sharpe, "Last Dying Speeches", p. 163.

[21] Laqueur, "Crowds, Carnival & the State", in Beier et al (eds.), *The First Modern Society*, p. 317; see also Foucault, *Discipline & Punish*, p. 44; James, "The Sick Soul", in *The Varieties of Religious Experience*, p. 151.

[22] Bellany, "Mistress Turner's Deadly Sins", *HLQ* 58 (1996), p. 185.

[23] 2 ST 928b; see also [Broadsheet] *Sir Thomas Overbury, or the poysoned knights complaint* (1616), (Plate 8); Watts, *Cheap Print & Popular Piety*, p. 125 for a further discussion on "the heavie hand of heaven."

[24] "No crime to heaven so loud as blood doth cry."; *Sir Thomas Overburies Vision* (1616); see also Lake, "Deeds Against Nature", p. 272; "God never suffers such monsters in wickedness to go unpunished." Gatrell, *The Hanging Tree*, p. 168; Thomas Cooper, *The Cry and Revenge of Blood* (1620), pp. 37-40; Sir Foulke Greville, *The Five Yeares of King James, Harleian Misc.*, V, p. 394.

[25] BL Sloane MS 2572, fo. 164r; see also BL Sloane MS 1002, fos. 51r-v; 2 ST 936b.

warned the audience to profit by her example and completely redeemed her in the public eye.[26] She made an exemplary end but was her death just another performance in the theatre of her life?[27]

Agents constantly monitor their roles in order to present the best face to the audience. Dictates of the discourse of execution demanded confession, submission, acceptance of the verdict, repentance and asking for pardon; however, this was not forced by other than psychological and sociological methods - the condemned still had a choice about how to die. If the felon was guilty, he might well have confessed because of deeply held social and religious beliefs. In addition, confession and repentance enabled the felon to be reintegrated with society as an active agent who accepted the norms of society and was now able to police his own behaviour. Goffman suggests that this kind of behaviour is normal:

> even though the offender may fail to prove his innocence, he can suggest through these means that he is now a renewed person, a person who has paid for his sin against the expressive order and is once more to be trusted in the judgmental scene. Also, by his treatment of himself, by his self-castigation, he shows that he is clearly aware of the kind of crime he would have committed had the incident been what it first appeared to be, and he knows the kind of punishment that ought to be accorded to one who would commit such a crime.[28]

Anne Turner was transformed in just this way by her confession and repentance which confirmed the state's right of the sword. Turner played her part very well indeed. Her repentance rehabilitated her persona in both the legal and the public eye.[29] In effect, Anne Turner completely remade her "self." She had spent her life rejecting the social, legal and moral norms of her society. She flouted her unacceptable and illegal behaviour, secure in the belief that she would not be punished because of her social connections. When her support system crumbled, she was left to face the wrath of an outraged public and a vengeful legal system. Turner then took refuge in the persona of a godly matron and 'good' widow as appropriate to her rank and station in life. (Plate 1, Plate 9). By conforming, she received the clemency and compassion of her society and was promised God's mercy in heaven. Was this a "cynical performance?" There is absolutely no way to tell. All we can know is how Anne performed on the traditional ride from Newgate to Tyburn and while giving her

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[26] BL Sloane MS 1002, fos. 51r-v; see also BL Sloane MS 2572, fo. 164r; SP 14/83/32 (Nov. 14, 1615); SP 14/83/33 (Nov. 14, 1615); Thomas, *Religion & the Decline of Magic*, p. 566.

[27] Lindley, *Trials*, p. 179; see also Purkiss, *Witch in History*, p. 224.

[28] Goffman, *Interaction Ritual*, p. 21.

[29] Purkiss, *Witch in History*, p. 217; see also Bellany, "Mistriss Turner's Deadly Sins", *HLQ* 58 (1996), p. 202; Lindley, *Trials*, p. 184; Thomas, *Religion & the Decline of Magic*, p. 566; James, *The Varieties of Religious Experience*, pp. 188-9.

last dying speech on the gallows. Her attempts at rehabilitation and her desire to conform to accepted gender and social roles highlight the importance of these roles and how social norms influenced women's lives in seventeenth-century England. What did Anne Turner get for her splendid performance in the theatre of state execution? She received the adulation of the crowd, positive reinforcement from the ministers and a decent burial in St. Martin's Churchyard "because of her penitent death."[30] Her brother, Eustace Norton, was allowed to take her body after she was executed and bury her on the north side of St. Martin-in-the-Fields churchyard. This was behind and slightly away from the churchyard proper and was considered less sanctified. It was, however, still holy ground and Anne's burial in the churchyard underscores her reintegration with society after confession and repentance transformed her in the public eye.[31]

[30] SP 14/83/34 (Nov. 14, 1615).

[31] Gittings, *Death, Burial and the Individual*, pp. 71-3. A "decent" burial was very important in early modern society. What happened to the body after death was of utmost concern. See John Donne, "From a sermon preached at St. Pauls, upon Easter-Day, 1627", in *Selected Prose*, pp. 273-4, regarding the importance of a "consecrated grave"; Stein, *The House of Death*, p.184; Gatrell, *The Hanging Tree*, p. 87.

State Theatre of Execution

> "Take it that the function of ceremony reaches in two directions, the affirmation of basic social arrangements and the presentation of ultimate doctrines about man and the world."
> - Charles Lemet and Ann Branaman, *The Goffman Reader* (1997).

In order to interpret a culture, one must describe and contextualize the symbolic forms within its structure since "all polities display themselves as spectacle and we may best understand them as spectacular dramatizations of their own master-symbols and values."[1] Executions were not just state rituals which enforced the law and dispensed justice. They were also ceremonies of power and public performances of moral theatre.[2] Executions in seventeenth century England were public because the spectacle itself was central to the act of punishment.[3] The discourse of retribution demanded obedience, conformity and the appearance, at least, of the internalization of obedience. Although the state had its own agenda at executions, freedom of speech on the gallows allowed the condemned to be social agents who ultimately chose how they were going to die.[4] Thomas Laqueur, who argues against the Foucauldian interpretation for executions in England, suggests that English executions contained an element of carnival where the crowd, not the state, was the star.[5] These gallows performances on the small stage of the scaffold revolved around both the good death and the last dying speech of the felon.[6] The crowd came to be entertained and their response in this 'theatre' of punishment depended on the felon's speech, gestures and attitude.[7]

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[1] Inglis, *Clifford Geertz: Culture, Custom and Ethics*, p. 166; see also Geertz, *Negara*, p. 103; Hann, *Social Anthropology*, pp. 154-7; James, "Ritual, Drama and Social Body", *P & P* 98 (1983) pp. 4, 9; Michael Herzfeld, *Anthropology: Theoretical Practice in Culture and Society* (2001), pp. 254-6; *cf.* Muir, *Rituals*, p. 231-2.

[2] J.A. Sharpe, "Crimes and Delinquency in an Essex Parish 1600 - 1640," in J.S. Cockburn (ed.) *Crime in England 1550 - 1800* (1977), p. 107; see also Clifford Geertz, "Centers, Kings, and Charisma: Symbolics of Power," in *Local Knowledge* (1983), pp. 123, 143.

[3] Foucault, *Discipline & Punish*, pp. 48-50; see also Susan Amusssen, "Punishment, Discipline, and Power: The Social Meanings of Violence in Early Modern England", *JBS* 34 (1995), p. 11; Sharpe, *Crime in Early Modern England*, pp. 57-59; Hanson, "Torture & Truth in Renaissance England", *Representation* 34 (1991), pp. 54-57; Hay, Linebaugh *et al*, *Albion's Fatal Tree*, p. 67; Stein, *The House of Death*, p. 250.

[4] Bacon, *The Life and the Letters*, V, p. 222.

[5] Laqueur, "Crowds, Carnival and the State", in *The First Modern Society*, p. 309. Actually, Foucault does state that "in the ceremonies of the public execution, the main character was the people, whose real and immediate presence was required for the performance. An execution that was known to be taking place, but which did so in secret, would scarcely have had any meaning." Foucault, *Discipline and Punish*, pp. 57-8. *cf.* Gatrell, *The Hanging Tree*, pp. 29, 91. Gatrell asserts that Laqueur is wrong in his interpretation of the English hanging crowd.

[6] Lake & Questier, "Agency, Appropriation & Rhetoric under the Gallows", *P & P* 153 (1996), p. 74; see also Sharpe, "Last Dying Speeches", *P & P* 107 (1985), p. 160; Aries, *The Hour of Our Death*, p. 308; Hay, Linebaugh *et al*, *Albion's Fatal Tree*, pp. 68-69; Stein, *The House of Death*, pp. 34-5, 129-30; Gatrell, *The Hanging Tree*, p. 252.

[7] Lake & Questier, "Agency, Appropriation & Rhetoric under the Gallows", p. 99.

The execution was state theatre which exhibited the spectacle of punishment and displayed the consequences of official retribution for sin and crime. This very public end was a staged political event which played on the audience's fascination with the great drama of death.[8] In this "theatre of royal power", the show would go on with or without the "star's" cooperation; certainly, not all conformed. Many continued their resistance to the laws and norms of society on the scaffold.[9] The question of agency is foremost at executions. The last dying speech was, in effect, so powerful because it "opened up spaces in which the state's purposes could be challenged and subverted."[10] The condemned had agency for they could ultimately reject the authority of the state in their last act. Whatever their behaviour, their state of mind remains a mystery, for despite their public performance, the audience can never know the mind of the condemned. The early modern audience was fascinated with the moment of death and the gallows speech and everyone wanted to hear what the condemned had to say. There was an inordinate desire to hear the felon admit to his sins and ask for forgiveness and a curious sense of fear and betrayal when he went unrepentant into that endless night, for refusal to repent changed the dynamics of power-relations as did the insistence of innocence.[11] Laqueur asserts this captivation with death and the gallows speech was not just an early modern phenomenon, for executions still fascinate.[12]

People take on roles appropriate to the situation in which they find themselves and the normative demands of the role are embedded in the role itself. "When an individual makes an appearance in a given position, he will be the person that the position allows and obliges him to be and will continue to be this person during the role enactment."[13] Yet there is much more to it than simple role playing or acting to fool an audience for a social role can also be an ideal.

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[8] Foucault, *The History of Sexuality*, I, p. 138.

[9] Laqueur, "Crowds, Carnival & the State", p. 322.

[10] Lake & Questier, "Agency, Appropriation & Rhetoric Under the Gallows," p. 69; Gatrell, *The Hanging Tree*, p. 104.

[11] Harley MS 738, fos. 327v. and 327r; see also 3 ST 417a and 418b; Herrup, *A House in Gross Disorder*, pp. 91-93.

[12] Laqueur, "Crowds, Carnival & the State", pp. 305-9. Laqueur argues that post-modern man is just as fascinated as early modern man with state executions and the gallows speech. His theory seems to be supported by the media frenzy at the execution of Timothy McVeigh. People obsessed about his appearance, his movements, his refusal to repent and ask for forgiveness and the fact that he refused to speak before his execution. Clifford Geertz also emphasizes the continuity of human behaviour, maintaining that although "the structure and the expressions of social life change, the inner necessities that animate it do not." *Local Knowledge*, p. 143.

[13] Goffman, *Encounters*, pp. 87-88, 99; see also Goffman, *Behaviour in Public Places* (1963), pp. 243-4.

> But from another point of view the parts we choose to play are not impersonations but ideals. They are what we wish to be, and they reveal not so much the way we want others to see us as the way we want to see ourselves.[14]

There were certain set conventions for the last dying speech and gallows performance if the condemned did accept the normative role but it is impossible to tell reality from illusion within this discourse of death. Those who were participating in these rituals had to choose to be a role player or a rule breaker. By looking at the rules and limits for the actor's role within the gallows theatre, one can see how the actors created their own reality as they enacted their role.[15]

The metaphor of life as a stage or a performance came easily to Tudor and Stuart people, for metaphors and analogies of games and theatre were at the heart of their culture. Shakespeare, Jonson and many other writers often suggested "that rules, rituals, and roles were part of the natural order of things."[16] Those who died well were playing a socially sanctioned role and showing that they ultimately accepted the absolute authority of the state. The state wanted this active cooperation of Christian penitence from the felon, but what the felon gave was often much more than just acceptance while playing a preordained part. The condemned became, in effect, "the willing central participants in a theatre of punishment, which offered not merely a spectacle, but also a reinforcement of certain values."[17]

Statecraft itself is certainly a dramatic art and the great ritual of execution was highly theatrical. Public execution was a kind of interactive 'theatre' to the Jacobean audience.[18] If the theatre was an expression of "communal fantasies,"[19] then executions were liminal dramas where the line between fantasy and reality blurred. The crowd became participants as well as spectators in a ritual killing which defined social boundaries and which generated power through the spectacle and ceremony of a

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[14] Orgel, *The Illusion of Power*, p. 60; see also Kertzer, *Ritual, Politics & Power*, p. 11; James, *The Varieties of Religious Experience*, p. 202; Laqueur, "Crowds, Carnival & the State", p. 319; Goffman, *The Presentation of Self*, p. 19.

[15] Slavin, "On Henrician Politics", *HLQ* 60 (1999), pp. 250, 268; see also Orgel, *The Illusion of Power*, pp. 42-43; Geertz, *Negara*, p. 136; Geertz, "Centers, Kings, and Charisma", in *Local Knowledge*, p. 144; Inglis, *Clifford Geertz: Culture, Custom and Ethics*, p. 168; Laqueur, "Crowds, Carnival and the State", p. 319; Gatrell, *The Hanging Tree*, p. 383.

[16] "The world is the Theatre that represents God, and every where every man may, nay must see him." John Donne, in *Selected Prose*, p. 298; see also Slavin, "On Henrician Politics", p. 269; Stephen Orgel, "The Spectacles of State", in Richard Trexler (ed.), *Persons in Groups: Social Behavior as Identity Formation in Medieval and Renaissance Europe*, p. 107; Bellany, *Poisoning of Legitimacy?*" pp. 12-14; Lake, "Deeds Against Nature", p. 275; Stein, *The House of Death*, p. 174.

[17] Sharpe, "Last Dying Speeches", pp. 156, 162-3; see also Lake, "Deeds Against Nature", p. 273; Lake & Questier, "Agency, Appropriation and Rhetoric", p. 74.

[18] Hanson, "Torture and Truth in Renaissance England", *Representations* 34 (1991), p. 70; see also Laqueur, "Crowds, Carnival & the State", p. 319; Stein, *The House of Death*, pp. 134-5.

[19] Orgel, "The Spectacle of State", p. 114; see also Geertz, *Negara*, p. 13.

theatre state.[20] Most of the condemned of the better sort were extremely concerned about their honour and the last performance in the "heavy tragedy" of their lives.[21] Sir Walter Raleigh was so anxious about his gallows speech that he wrote out a copy to be published in case he was not allowed to speak. When those at the back of the crowd called out that they could not hear him, Raleigh stopped, raised his voice and started over from the beginning, saying "I will strain my voice for I would willingly have your Honours hear me."[22] This sense of theatre and public performance was very apparent during the Overbury scandal which was seen as a kind of tragic drama with the trials and executions unfolding in the theatre of God's judgment.[23]

A certain *bravado* was expected from male felons: in order to conform to gender roles, a man had to seem glad to throw away his life and face Death and the Almighty without fear. Sir Gervase Elwes made a very long and penitent prepared speech, interacting with the crowd, the ministers and the executioner while on the scaffold and stating that he was indeed happy to die.[24] Although Anne Turner's gallows performance followed the general framework for a 'good death' for one of the better sort, her conduct was different in some respects because of her sex. She was visibly shaken and her face was streaked with tears during the cart ride to Tyburn. This was seen as both fitting and appropriate for a woman. On the scaffold, however, she pulled herself together and gave a very moving last dying speech which had a profound impact on the spectators. The "great penitency there shewed moved the spectators to great pity and grief for her."[25] Although spectacular conversions and sorrowful gallows speeches may seem somewhat insincere to modern man, they were certainly plausible to seventeenth century people who lived in a reversible world which accepted the philosophy of opposites and "clean contraries."[26] The Bible and many religious writers emphasized the fact that Christ came into the world to save

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[20] Lake & Questier, "Agency, Appropriation & Rhetoric", p. 83.

[21] Lord Charles Stourton, *The copy of the self same words, that mi lorde Sturton spake at his death;* see also James, "Crossroads", p. 417; David Jardine, *Criminal Trials During the Reigns of Queen Elizabeth and James I* (1857), p. 13; Gatrell, *The Hanging Tree*, pp. 518-9; C.V. Wedgwood, *A Coffin for King Charles* (1964), pp. 218-22.

[22] 2 ST 41a; see also Williams, *Sir Walter Raleigh*, pp. 257-64.

[23] 2 ST 911a and 935a; see also *The bloody downfall of adultery, murder, ambition* (1615), Sig. A3; *Mistres Turners last teares for the murder of Sir T. Overbury in the Tower* (1615), Sig. D2; Tuke, *A Treatise Against Painting and Poysoning*, p. 49; Anon. *Sir Thomas Overburies Vision, passim;* SP 14/83/34 (Nov. 14, 1615); Bellany, *Poisoning of Legitimacy?* p. 14.

[24] 2 ST 942b to 947b; see also Sir Gervase Elwes, *The lieutenant of the Tower, his speech and repentance, who was executed the 20. of November, 1615* (1615), Sig. B2 and B3; Anon. Broadsheet, *The Picture of the unfortunate gentleman, Sir Gervis Elwes, Knight, late leiftenant of his Majesties Tower of London* (1615); Gatrell, *The Hanging Tree*, pp. 33-5, 293.

[25] 2 ST 936b.

[26] Lake, "Deeds Against Nature", p. 277; see also Clark, *Thinking With Demons*, p. 95; Clark, "Inversion", pp. 105-7; Lambarde, *Eirenarcha*, Epilogue.

sinners.[27] Gallows conversions were viewed with joy, not suspicion. The gallows was seen as a most appropriate place to repent of misdeeds in the "heavy tragedy" of a felon's life.

The analogy between executions and theatre is very common[28] but perhaps "theatre" is not the best comparison for these rituals. These exemplary public deaths were dramatic stage productions which often appeared to be more like a court masque than true theatre. Jacobean masques were not just social events or entertainment; they also had an exemplary political function. They were important symbolic spectacles and rituals connected with court politics and royal power and both masques and executions displayed the power and splendor of the monarch.[29] There was little separation between the spectators and the performers at a masque in the way that existed at the theatre and the audience was in fact a part of both masque and execution in a way that never happened at a play.[30] The anti-masque can be seen as an inversion of order and social values analogous to the felon's previous dissolute and sinful life which was made right by execution. The discovery of crime which led to the execution was like the discovery or unveiling which led from the anti-masque to masque.

> The word 'apocalypse' means 'unveiling,' 'unmasking,' and several commentators on *Revelation* had compared the last days of the world to the last scenes of a play; the sudden transformations at the end of a masque formed an even more appropriate symbol.[31]

This was especially obvious because of the unmasking of hidden evil and the revelation of divine justice which was emphasized during the Overbury trials and especially at Anne Turner's execution. Turner also did a wardrobe *volte face* in her final performance and appeared in the sober clothing of a virtuous, godly matron instead of the expensive silks and feathers of a courtesan.[32] Anne Turner certainly understood the dramatic conventions of masques very well and had often worked on

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[27] For instance, Luther said that Christ came to save the "desperate and the damned." "For he died *not* to justify the righteous, but the *un*-righteous, and to make them the children of God." James, *The Varieties of Religious Experience*, pp. 213-4.

[28] Sharpe, "Last Dying Speeches", pp. 159-163; see also Laqueur, "Crowds, Carnival and the State", pp. 309-19; Lake & Questier, "Agency, Appropriation and Rhetoric", p. 90; Gatrell, *The Hanging Tree*, pp. 58-60.

[29] Smuts, "Cultural Diversity and Cultural Change," in Levy Peck (ed.), *The Mental World of the Jacobean Court*, p. 102; see also Lindley, "Music, Masque and Meaning in *The Tempest*", in *The Court Masque*, p. 114; Martin Butler, "Ben Jonson and the Limits of Courtly Panegyric," in *Culture & Politics*, p. 114; Orgel, *The Illusion of Power*, p. 7; Butler, "Courtly Negotiations", in Bevington & Holbrook (eds.), *Politics of the Stuart Court Masque*, p. 20; Leah Marcus, "Valediction", in *Politics of the Stuart Court Masque*, pp. 321-2.

[30] Orgel, *The Illusion of Power*, p. 4; see also Helen Cooper, "Location and Meaning in Masque, Morality and Royal Entertainment", in Lindley (ed.), *The Court Masque*, pp. 137-9.

[31] David Norbrook, "The Reformation of the Masque," in *The Court Masque*, p. 99.

[32] *Mistris Turners Farwell to all Women* (1615); see also Lindley, *Trials*, p. 9.

costume design with Inigo Jones and Ben Jonson, as well as being a style-setter and introducing the fashion for yellow ruffs at court.[33]

Masques were very often a mirror of both court policy and current events.[34] Ben Jonson wrote several masques which were connected to the participants or to the events in the Overbury drama. He wrote the *Masque of Hymen* for the first marriage of Frances Howard to the Earl of Essex which was celebrated at Whitehall on Twelfth Night, 1606.[35] Jonson wrote the *Masque of Queens* for Queen Anne in 1609. Its first performance was on February 2, 1609, which was most appropriate since Candlemas was a traditional women's festival which dealt with purification rituals. The anti-masque in *Masque of Queens* showed a world turned upside down by hags or witches. Jonson "devised that twelve women, in the habit of hags, or witches, sustaining the persons of Ignorance, Suspicion, Credulity, &c. the opposites to good Fame" should begin the masque.[36] Each hag listed the antisocial behaviour in which she had engaged, from killing babies for their fat to desecrating corpses in order to make charms and spells. The disorder represented by the hags was overcome by the queens in the masque proper when the virtuous queens came on stage to restore discipline and peace, showing order overcoming disorder.[37]

One of the functions of Ben Jonson's anti-masques was to set up and create a "world of particularity" which contrasted with (but was also related to) the world of the masque.[38] Anti-masques represented inversion and chaos, the "clean contrarie" of order, status and social values for they showed "a world of disorder or vice, everything that the ideal world of the second, ritualized performance of the courtly main masque was to overcome and supersede."[39] Jonson used symbols constantly throughout his masques and he used the masque *The Golden Age Restored* to deal symbolically with the themes of corruption uncovered and order restored in relation

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[33] Lindley, *Trials*, p. 7; see also Bellany, "Mistress Turner's Deadly Sins", *HLQ* (1996), p. 194; McElwee, *The Wisest Fool*, p. 222.

[34] Tom Bishop, "Tradition and Novelty in the Jacobean Masque," in *Politics of the Stuart Court Masque*, p. 89; see also Inga-Stina Ewbank, "Masques and Pageants", in Boris Ford (ed.), *Seventeenth Century Britain: The Cambridge Cultural History* (1992), pp. 112-3.

[35] Ben Jonson, *The Works of Ben Jonson*, VII, W. Gifford (ed.), pp. 43-4.

[36] Jonson, *The Works*, VII, p. 107; see also Onat, *The Witch of Edmonton*, pp. 37-40.

[37] Jonson, *The Works*, VII, pp. 107-145. Frances Howard, who was then Countess of Essex, appeared on stage as one of the virtuous queens in *The Masque of Queens*; see also Orgel, *The Illusion of Power*, pp. 60-1; Peter Holbrook, "Jacobean Masques & the Jacobean Peace", in *Stuart Court Masque*, pp. 79-80; Hugh Craig, "Jonson, the anti-masque and the 'rules of flattery", in *Stuart Court Masque*, pp. 178-9; Somerset, *Unnatural Murder*, p. 42.

[38] Orgel, *The Jonsonian Masque*, p. 93; see also Craig, "Jonson, the anti-masque & 'the rules of flattery", *The Politics of the Stuart Court Masque*, pp. 181-2.

[39] Orgel, *The Jonsonian Masque*, p. 40, 134; see also Butler, "Courtly Negotiations", in *Stuart Court Masque*, pp. 23-4, Marcus, "Valediction", in *Stuart Court Masque*, p. 322.

to the Overbury events.[40] This masque was presented at court on January 1 and again on Twelfth Night, 1616, between the time of the first executions of the commoners involved in the scandal and the beginning of the trials of the Earl and Countess of Somerset.[41] *The Golden Age Restored* began with an anti-masque and dance by the Evils. The Evils reigned in confusion until Pallas Athena appeared and turned them all into statues when the Grace, Goodness and Virtue were then restored in the "Golden Age".[42]

At the end of *The Presentation of Self in Everyday Life*, Erving Goffman states that his theories about dramaturgy in social situations should be used carefully. He says "all the world is not, of course, a stage, but the crucial ways in which it isn't are not easy to specify."[43] One must remember this when working with seventeenth-century executions for it is extremely difficult to draw the line between performance art and reality. What one believes is always coloured by the culture in which one lives and to understand a culture, one must try to understand how it creates its reality.[44] Therefore, perhaps a more appropriate question is whether or not the early modern gallows performance succeeded with its intended audience.[45] Anne Turner's performance was wholeheartedly accepted by those who came to see her die. The crowd delighted in her very dramatic theatrical transformation from a high class tart to a godly matron, from a witch to a virtuous queen. Her whole life previous to her repentance was indeed viewed as an anti-masque while her repentance was like the dramatic interventions which began the masque proper.[46] Turner's deviance was outlined against the social consensus but her confession and repentance ensured that "the world turned upside down . . . could be righted and the moral and religious values which underlay the social order reaffirmed."[47] King James, God's agent in the punishment of sin and crime, was the *deus ex machina* who appeared to uncover hidden evil and in the end ensured the just triumph of morality, law and order in his theatre of public execution.

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[40] Nichols, *Progresses*, p. 124; see also Butler, "Ben Jonson & the Limits of Courtly Panegyric", in *Culture & Politics*, pp. 106-7; Bellany, *Poisoning of Legitimacy?* p. 398.
[41] Bishop, "Tradition & Novelty in the Jacobean Masque", in *Stuart Court Masque*, p. 98.
[42] Jonson, *The Works*, VII, pp. 245-55. The masquers were headed by the Earl of Essex, the first and discarded husband of Frances Howard. He appeared as a Virtue and led the dancers on stage in *The Golden Age Restored*.
[43] Goffman, *The Presentation of Self*, p. 72.
[44] Geertz, "Centers, Kings, and Charisma", in *Local Knowledge*, p. 144.
[45] Muir, *Ritual*, p. 9.
[46] Holbrook, "Jacobean Masques", in *Politics of the Stuart Court Masque*, pp. 80-81.
[47] Lake, "Deeds Against Nature", p. 276.

Conclusions

> Power must be understood in the first instance as the multiplicity of force relations immanent in the sphere in which they operate and which constitute their own organization.
>
> - Michel Foucault, *The History of Sexuality*, I (1978).

I have not been trying to add to the historical myths around the Overbury scandal nor use the past as a social construct to prove any particular theory. It was not my purpose to discover "the truth" but to use this episode as a way to gain multiple points of entry into early seventeenth-century culture and Jacobean society. This story has been studied from many historical points of view but too often choosing one perspective has excluded other, equally valid, perspectives. Feminist historians focus on the patriarchy and how gender was a useful political tool to maintain order and control society. Although women were at a disadvantage in seventeenth-century society, gender theory alone will not explain what happened to Anne Turner. The politics of power, court faction and the law are integral parts of this narrative. Factional manoeuvrers were essential for the fall of the Earl of Somerset but neither politics nor faction nor the power of the law can explain the impact of the scandal. Social considerations such as rank and station played an integral part in Anne Turner's trial and execution but social or cultural history alone cannot explain what happened. Religion, and its Janus face of witchcraft, are also essential to the Overbury story but any explanation based on this alone could not stand. Historians enamoured with social-functionalism have tended to impose theories on religion or witchcraft instead of using them as tools to study society. Used this way, functionalism is rigid and limiting, concerned with determinism, not human agency.[1] In fact, choosing to give primacy to any one of the above issues and arguing that all can be explained in one particular way is bound to fail because of the complexity of the issues.

Then how should one interpret "the facts" surrounding this case? Perhaps by accepting that "they are fictions because any historically situated truth is only ever partial, and because every one telling of a story must deny the telling of another at the same time from another perspective."[2] By looking at the actors and society in dialectical terms, seeing both as active and passive, one sees the impact of society upon actors but also how they changed society by their actions. A particularly useful

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[1] Burke, *History & Social Theory*, p. 110.
[2] Rapport & Overing, *Social & Cultural Anthropology*, p. 238.

way to look at both agency and cultural construction is by looking at how people constructed identities.[3]

There are many different ways to look at Jacobean society and its power-relations. It is important to acknowledge these alternate conceptions and ideas, for much depends on the way thoughts and arguments are structured since arguments are not reality but merely a reflection of a proposed reality. Setting up camp on any border is always dangerous but at the same time it allows one to see other ways of thinking and evaluating the world. I have used the existing historiography and theory swirling around these topics to find ways into the narrative of the scandal and from there into the seventeenth century "world view". This is especially important now because of the resurgence of teleological history surrounding the Overbury scandal.[4] The idea of taking a watershed in time and then looking backward for its beginning makes the civil war into a kind of continental divide.[5] Some historians still like to stand on this high point of history and look for the trail leading to the war. They see the Overbury scandal leading inevitably toward war and pointing, just as inevitably, toward democracy and the future. Despite all hopes that this idea of 'progress' had been dispatched, it seems remarkably resilient.[6]

It is useful to look for the beginning of the idea of decline and decay which has tainted the Stuart monarchy. There is a wealth of sources surrounding the scandal at the time which tell the same story of a righteous king put upon by evil councilors. The Overbury trials were seen in 1615 as yet one more sign of God's blessing and listed with the Gowrie conspiracy and Powder Treason as sure sign of God's favour toward the protestant James.[7] Neither the documents nor any of the other sources at the time were written from a whig perspective. It is only later that one finds documents which seem to be written as a justification for rebellion. It is important to remember that there was a political agenda in the 1640s and 1650s behind the retelling of Jacobean court scandals. Documents and books from this time are suspect; they are not value-free but were created as part of the information game

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[3] Burke, *History & Social Theory*, p. 122; Greenblatt, *Renaissance Self-Fashioning*, pp. 3-9, 27.

[4] Bellany, *Poisoning of Legitimacy?;* see also Bellany, "Mistress Turner's Deadly Sins", *HLQ* 58 (1996); Underdown, "Yellow Ruffs and Poisoned Possets", in *Attending to Early Modern Women, passim.*

[5] G.R. Elton, "A High Road to Civil War?", *Studies in Tudor and Stuart Politics and Government* (1974) I, pp. 164-5.

[6] Nisbet, *History of the Idea of Progress*, p. 307; see also Hobsbawm, "The Social Function of the Past," *P & P* 55 (1972), p. 6; Adrian Wilson & T.G. Ashplant, "Whig History and Present Centred History", *HJ* 31 (1988), pp. 2-3.

[7] SP 14/83/34 (Nov. 14, 1615).

to capture the moral high ground.[8] These documents are part of the Puritan discourse and of power-relations of mid-seventeenth century life and should be used with caution. As a result of the creation of this social discourse, it can be extremely difficult to find the "real" narrative[9] of the Overbury scandal separate from the "fictional" narrative which grew around the fall of the Stuart monarchy. Whig historians are too often caught up in the argument of the time, taking it at face value, without questioning the motives for the invention of this tradition of a dissolute monarchy dating back to the early part of the seventeenth century.

A thorough study of the documents show that there was very little impact on the government or on the king at the time. Coke (and later Francis Bacon) emphasized the discovery of the "murder" as a providential deliverance for it showed "the finger of God in the manifestation and bringing to light of this matter" which he named "The Great Oyer of Poisoning."[10] The discovery and trials were actually used to show God's favour to King James for the crown was very successfully distanced from the whole affair and the king was shown in "a highly flattering light."[11]

Social theory was useful as an analytic framework while studying the Overbury scandal. It provided a structure for looking at certain themes within the culture, with a focus on both the power of society and how personal agency operated within the framework of society. I used theoretical models as tools to study seventeenth-century England while analyzing characters as a product of their culture.[12] It has been said that historians should take care when using theory.[13] Although I have used these theoretical constructs, I have not attempted to create a grand theory which would "explain" what happened to Anne Turner in 1615. Instead, I used theory to understand behaviour in Jacobean society, combining narrative and theory[14] in an

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[8] Lynn Hunt states that documents are neither innocent nor transparent. Lynn Hunt (ed.), *The New Cultural History*, p. 14; see also Scott, *Gender & the Politics of History*, pp. 113-6; Patricia O'Brien, "Michel Foucault's History of Culture," in Lynn Hunt (ed.), *The New Cultural History*, pp. 34-35; Dominic LaCapra, *History and Criticism* (1985), pp. 11-12; Kevin Sharpe, " History, English Law and the Renaissance", in his *Politics and Ideas in Early Stuart England* (1989), pp. 176-7.

[9] Rapport & Overing, *Social & Cultural Anthropology*, p. 284.

[10] 2 ST 922b; see also 2 ST 928b - 929a. "For this his Majesty's virtue of justice, in him so well attended, God hath of late raised an occasion, and erected as it were a stage or theatre, much to his honour, for him to show it and act it, in the pursuit of the violent and untimely death of Sir Thomas Overbury, and therein cleansing the land from blood." Bacon, *The Letters and the Life*, V, pp. 214-5.

[11] Bellany, "Mistress Turner's Deadly Sins", *HLQ* 58 (1996), p. 200.

[12] Burke, *History & Social Theory*, pp. 19-21; see also H.R. Trevor-Roper, "The Past & the Present: History and Sociology", *P & P* 42 (1969), pp. 10-12.

[13] G.R. Elton, "The Historian's Social Function", in his *Studies in Tudor and Stuart Politics and Government* (1983), III, p. 418.

[14] Marcus, "On Ideologies of Reflexivity in Contemporary Efforts to Remake the Human Sciences", in *Ethnography through Thick and Thin*, pp. 200-1.

attempt to "discover, reconstruct and explain"[15] the past from the rich variety of sources surrounding this court scandal. It was necessary to put symbols and symbolic interpretations back into our discussion of the political system and I have tried to look at these events from more than one perspective, instead of reducing the multiplicity of interpretations to one all-encompassing view.[16]

Power operates in a multitude of ways within a society and has many aims and objectives for both society and the individual.[17] Since power relations are tied to gender, gender theory is vital to understanding history.[18] One of the ways that power was created in the seventeenth century was through gender relations. This was particularly obvious when studying Anne Turner's clash with law and social order during the Overbury trials. I have used the law courts and the legal system as a way into seventeenth century social history for "it is often within the abnormal that the construction of norms themselves can be understood."[19] The law was an essential part of seventeenth century culture and Turner's deviance and subsequent trial gives a fascinating window into what was acceptable in her culture.

Structuration theory looks at the reflexive nature of all relationships. The actor is shaped by society but also shapes and changes society.[20] Human beings are not programmed to recreate their culture; rather, their actions both reproduce and change their culture.[21] Structuration highlights the gulf between the ideal and the real. Actors followed social rules but also used the rules of society for their own goals and purposes.[22] There was actually a general consensus about these rules: people did not deny the existence of laws or social norms, they just refused to conform on some occasions.[23] The actors in the Overbury scandal were completely aware of the expectations of society and how they would be perceived if their dark secrets became public knowledge. They also knew that repentance and reformation would successfully rehabilitate their public persona and thus were ways to regain agency.

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[15] Elton, "The Historian's Social Function", pp. 416-7

[16] Aletta Biersack, "Local Knowledge, Local History", in Lynn Hunt, *The New Cultural History*, pp. 83-84.

[17] Michel Foucault, *The History of Sexuality*, I, p. 95; see also Bruno Latour, "The powers of association", in John Law (ed.), *Power, Action and Belief* (1986), pp. 264-5.

[18] Scott, *Gender and the Politics of History*, pp. 24-9; see also Robert McElvaine, *Eve's Seed*, pp. 8-9, 13-14.

[19] Kermode & Walker (eds.), *Women, Crime & the Courts in Early Modern England*, p. 5; see also Cohen, "Structuration Theory & Social Praxis," in *Social Theory Today*, pp. 299-301.

[20] Cohen, "Structuration Theory & Social Praxis", pp. 288, 297; see also Giddens, *New Rules*, pp. 121, 161.

[21] Giddens, "Structuralism, Post-Structuralism and the Production of Culture", in *Social Theory Today*, pp. 214-5; see also Smith, *The Rise of Historical Sociology*, p. 184; Abrams, "History, Sociology, Historical Sociology", *P & P* 87 (1980), pp. 7-8.

[22] Manning, *Goffman & Modern Sociology*, pp. 1-4, 158.

[23] Brewer & Styles (eds.), *An Ungovernable People*, pp. 24-30.

How successfully can we use the theories of Erving Goffman to look at early Jacobean social life and the individual? Ideas about performative behaviour and the constructed personality were useful tools to interpret social interactions in seventeenth-century England. The self did not seem to exist apart from enacted behaviour in a society where all the world was a stage and life was performance art.[24] Goffman's theories were useful as a way to interpret both Anne Turner's behaviour and the culture in which she lived. Rules were imposed from without and roles came from society: "a self, then, virtually awaits the individual entering a position, he need only conform to the pressures on him and he will find a *me* ready-made for him."[25] The important word here is *conform* for all else hinges upon it. Despite the power of society, actors could choose to affirm or to reject these rules and roles: life as it was lived often came into conflict with belief systems. Turner and the other actors in the Overbury tragedy chose to play various roles at different times of their lives and manipulated social situations to achieve their goals. However, perhaps it is appropriate to drop the language of the stage at this time. "Scaffolds, after all, are to build other things with, and should be erected with an eye to taking them down."[26] The important question is "have these models worked?"[27]

It is essential to describe what happened during the scandal and also to contextualize actors' behaviour within the culture itself. There are obvious connections between power and the rituals of the theatre state, for rituals were used to create power.[28] Rituals were part of society's formal, structured code and were symbols of power relationships; "ritual provides one of the means by which people participate in such dramas and thus see themselves as playing certain roles."[29] Rituals were about power but also about much more, especially where political and religious symbols met.[30] It is sometimes difficult to separate the "real" from surreal when looking at the theatre of state execution; in fact, Geertz tells us that "the real is as imagined as the imaginary" in the theatre state.[31] Executions exemplify the power of the state on the body of the individual in the early modern period. The Overbury trials can be used to show this conjoining of ritual and power, of the real and the imaginary and the fine line between life and drama in Jacobean England.

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[24] Slavin, "On Henrician Politics", *HLQ* 60 (1999), pp. 268-9.
[25] Goffman, *Encounters*, pp. 87-88; see also Goffman, *Interaction Ritual*, p. 45.
[26] Goffman, *The Presentation of Self*, p. 254.
[27] Trevor-Roper, "The Past & the Present", *P & P* 42 (1969), p. 12; Burke, *History & Social Theory*, pp. 2-3.
[28] Geertz, *Negara*, pp. 103, 136.
[29] David Kertzer, *Ritual, Politics & Power*, p. 11.
[30] Geertz, *The interpretation of Cultures*, p. 167.
[31] Geertz, *Negara*, p. 136.

One must locate ideas within the rationale in which they were framed. Ideas about gender, class, religion, and the power of the state should therefore be filtered through the world view of those involved in the Overbury scandal. Deviant behaviour can then be used like a "mirror", not just to understand Anne Turner but also to reflect the behaviour of the average Englishman or woman. People are not bound by rigid functionalism nor the rules and expectations of society. They are free agents who are able to make choices. The possibility of choice is open up to and including the actual moment of choice, until a course of action is taken. At that point, the whole process begins all over again for the next decision. Agency, the ability to make choices, always exists within the structure of society.[32] If a path seems limited, it may look as if no other options existed. There are, however, a multiplicity of choices in every human action. Social wholeness, social integration, exerts pressure - and the individual pushes back; for "where there is power, there is resistance."[33] Anne Turner's life and the Overbury scandal highlights this resistance - the struggle between law and disorder in early modern England.

[32] Abrams, "History, Sociology, Historical Sociology", *P & P* 87 (1980), p. 7; see also Victor Frankl, *Man's Search for Meaning*, pp. 75-81.
[33] Foucault, *The History of Sexuality*, I, p. 95.

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Illustrations

Illustrations

Plate One

Anon. broadsheet. *Mistris Turners Farewell to all Women* (1615). STC# 24341.5

Plate Two

Title-page to Joseph Swetnam's *The Araignment of lewd, idle, froward and unconstant women* (1616, 1619). STC# 23533

Plate Three

Title-page to S.F.'s *The Picture of A Wanton: her leawdnesse discovered* (1615). STC# 21491.3

Plate Four

Title-page to *Hic Mulier: or the Man-Woman: Being a Medicine to Cure the coltish Disease of the Staggers in the Masculine-Feminines of our Times* (1620). STC# 13374

Plate Five

Anon. broadsheet. *A Picture of the unfortunate gentleman, Sir Gervais Elvies, Knight, late leiftenant of his majesties Tower* (1615). STC# 7627.5

Plate Six

R.S. Title-page to *The melancholy knight* (1615). STC# 21401

Plate Seven

Anon. broadsheet. *The Portracture of Sir Thomas Overbury, knight* (1616). STC# 18921.3

Plate Eight

Anon. broadsheet. *Sir Thomas Overbury, or The Poysoned Knights Complaint* (1616). STC# 21406.

Plate Nine

Title-page to *The bloody downfall of adultery, murder, ambition. At the end are added Westons and Mistris Turners last teares for the murder of Sir. T. Overbury in the Tower* (1615, 1635). STC# 18921

Plate Ten

Frontispiece to *The just downfall of ambition, adultery and murder.* (1615). Portrait of Sir Thomas Overbury. STC# 18920

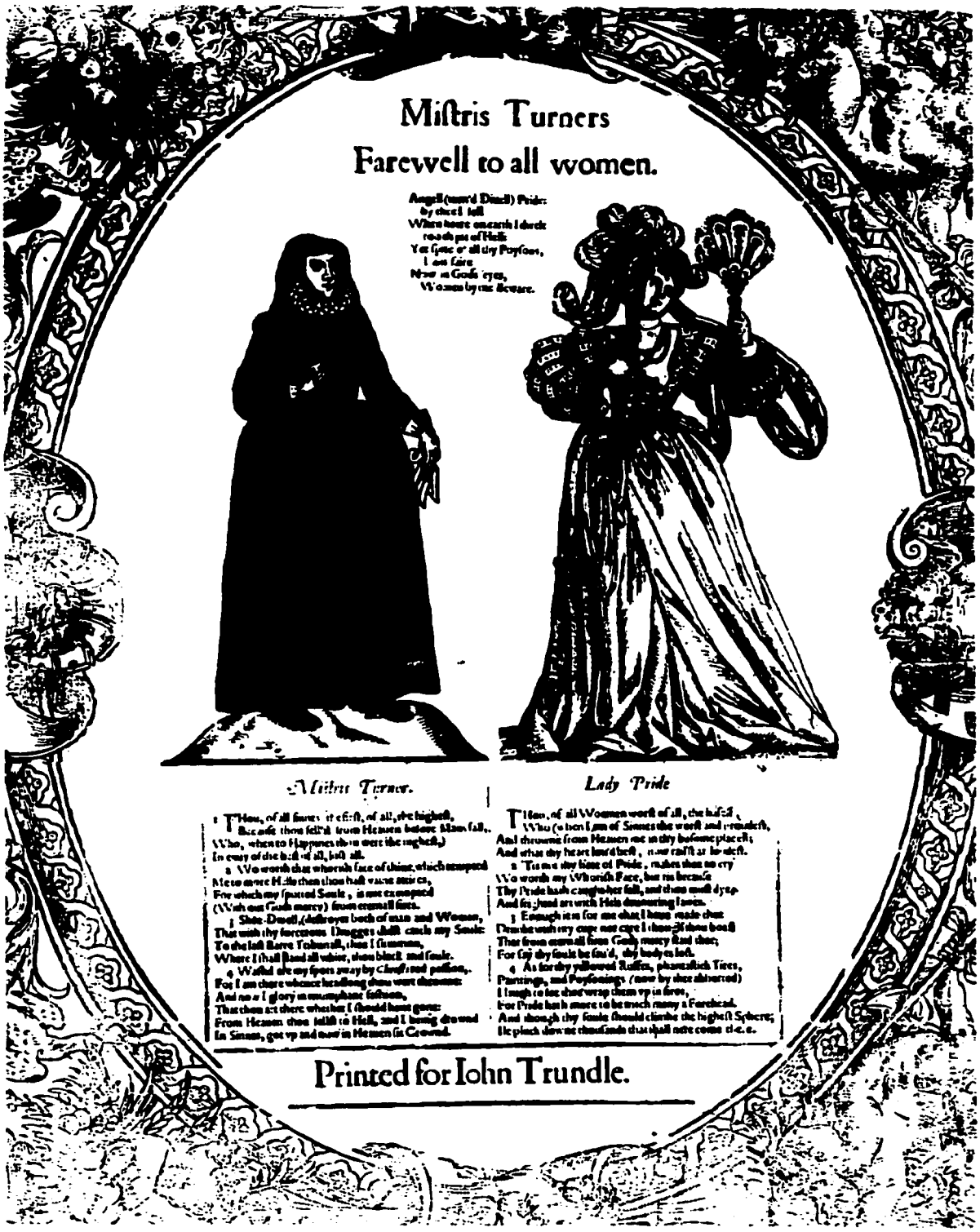


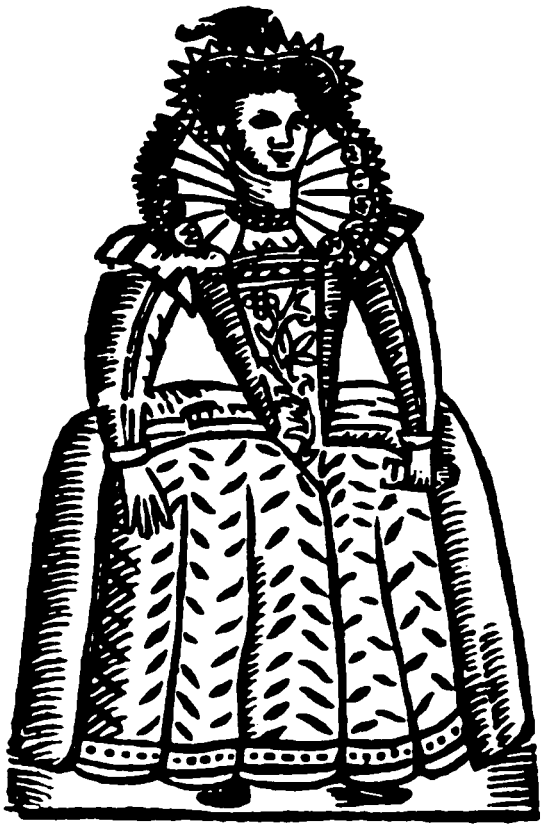
Plate 1:
Mistris Turners Farewell to all women

THE
ARAIGNMENT
OF LEWD, IDLE, FRO-
ward, and vnconſtant Women: Or
the vanitie of them; chooſe you whether.
With a Commendation of the wiſe,
vertuous, and honeſt VVoman.
Pleaſant for married men, profitable for young
Men, and hurtfull to none.

LONDON:
Printed for *Thomas Archer*, and are to be ſold at his ſhop in Popes-
head Pallace neere the Royall Exchange. 1619.

Plate 2:
The Araignment of Lewd, Idle, Froward, and unconstant Women

THE PICTVRE OF A Wanton: her leawdneſſe diſcouered.



LONDON,
Printed by W. White for T. P. and are to be ſold in Iuie Lane.
1615.

Plate 3:
The Picture of A Wanton

HIC MULIER:
OR,
The Man-Woman:
Being a Medicine to cure the Coltish Disease of the Staggers in the Masculine-Feminines of our Times.
Exprest in a briefe Declamation.

Non omnes possumus omnes.

Mistris, will you be trim'd or truss'd?

Plate 4:
Hic Mulier: or The Man-Woman

Plate 5:
The picture of the unfortunate gentlemen, Sir Geruis Eluies Knight. late leiftenant of his Maiesties Tower of London

THE Melancholie Knight.

By S. R.

¶ Imprinted at *London* by R. B. and are to be ſold by *George Loſtus*, in Biſhops-gate ſtreete, neere the Angell. 1615.

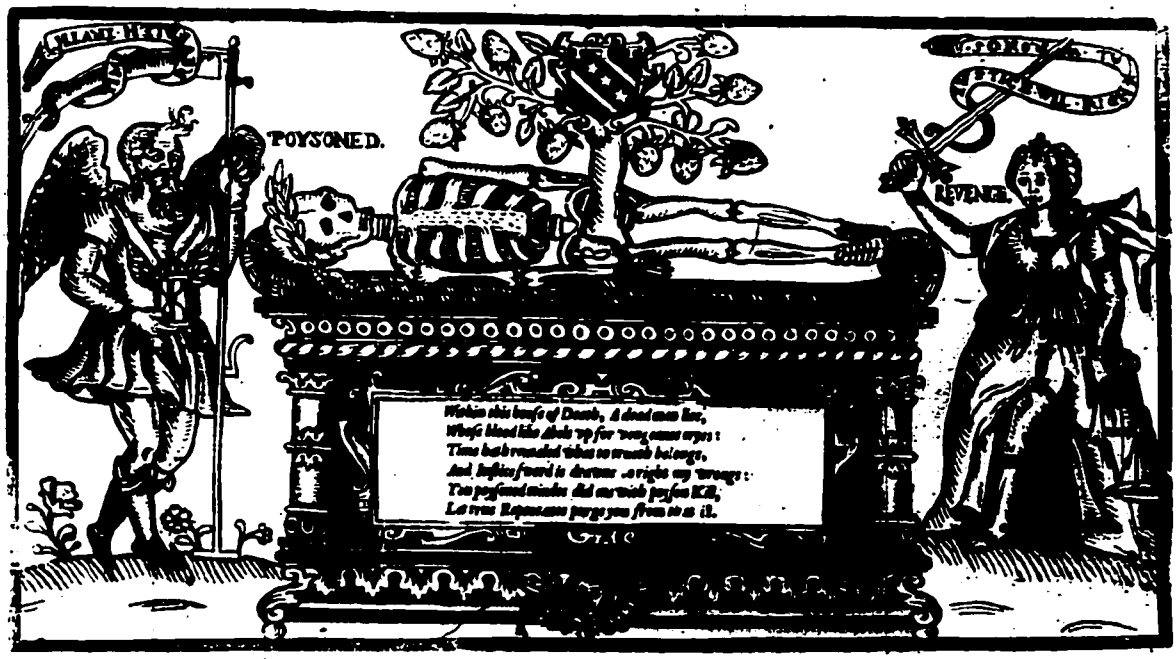
Plate 6:
The Melancholie Knight

Plate 7:
The Portracture of Sir Thomas Overbury Knight

SIR THOMAS OVERBVRY,

OR

THE POYSONED KNIGHTS COMPLAINT.



GReat powerfull God, whom all are bound to feare,
How graciously hast, doth Man (thy Creature) preuent
Thy Supreame Censure ouer all the rest,
(In number numberlesse as Sea expresse,)
To whom thou grantst grace on him his guide,
Reason with Vnderstanding, and besides,
Thy Law to his direction for his wayes,
Which vnto Sinners view, thy Iudgements layes,
Thereby foretelling punishment for vgly Sinne,
Which with the fall created, did beginne,
Who by the Law of Nature vnderstood,
To make a difference of bad deedes and good.
By which enlightening, that is giuen vs,
Nor Nation Heathenish, and Barbarous,
(Farthest remote from true religious light)
But can distinguish betwixt wrong and right,
Thats that to Christ did neuer yet beleeue,
Can tell they do amisse, when they do wrong,
And that there is a Iustice to be done,
And thereafter edicts which they are to shun,
Yea euer sith, since Nature first begun,
Wherein euer was not Deuill vsed more,
In gratifying theft opposite to Loue,
Inhumane actions out of bloody minde.
Behold the first that in the World was borne,
With his rancked Sacrifice of Corne,
Because his Brothers gifts more grace did yeeld;
Lift vp his hand against him in the field,
And with a cruell hart obdurate-ly
Did innocent pure-thoughted Abell kill.
When Saul slew for Abner (as a friend)
Her cruell to Mebosh, for a peaceful end,
Where, to instruct her how a cheerefull face,
He gaue his heart a mortall stab the while.
Gods holy Hillory hath many more.
Humane examples, Lamentable store,
When intermeeting hath their bits of Bare,
By Pistoll, Stabbing, Powder, Daggers, Knives
Drowning and Hanging, swift-wings murthrings
As formerly of, sometimes Englands King,
Whom an Incensate Deuill did enamore,
With red hot Spit into his fundament.
Some in the Beds have other straight Scenes,
As those two Princes, which by Vnckles meanes,
(Their cruell Vncle, Fathers wicked Brother)
Villanies Instruments the Stones to death did smother.
Some in vnpeeced manner giues to death,
As dooms the Duke of Clarence full his breath,
When with bodies vpwards he was drowningly put,
To suffer drowning in a Malmesey But.
Yea besides all these damned plots to kill,
And thereforth more from Hells redoubted Hill,
The Deuill hath a poyson working Art,
In which of late I heard a rueefull part.
A Rapier drawne, and as they heart nie'd soft,
May be put by and made a broken thrust:
A Dagger offer'd for mortiers paines,
Hath bin beaten'd into the stubborn braine:
A Pistoll shot with an intent to kill,
Hath miss the marke, and party living still:
But this life-stilling poyson, cureless fire,
The bodies hopeing, helpless comfortures
Brings with it nothing but pale deaths command,
Depriuing life with a remorsefull hand.
Oh sacred Iustice! euermore renowned
In thy vprightnes of reuenge Law sounds
Proceede with vengeance to thou dost begin,
To punish Caines most bloody crying sinne:
Let not a murthrer vnknowne concealed,
Nor breach thine when being once reuealed:
This is the faith wrong'd Innocents doe crave,
This is the Iustice that the Heauens will haue.

Imprinted at London for Iohn VVhite.

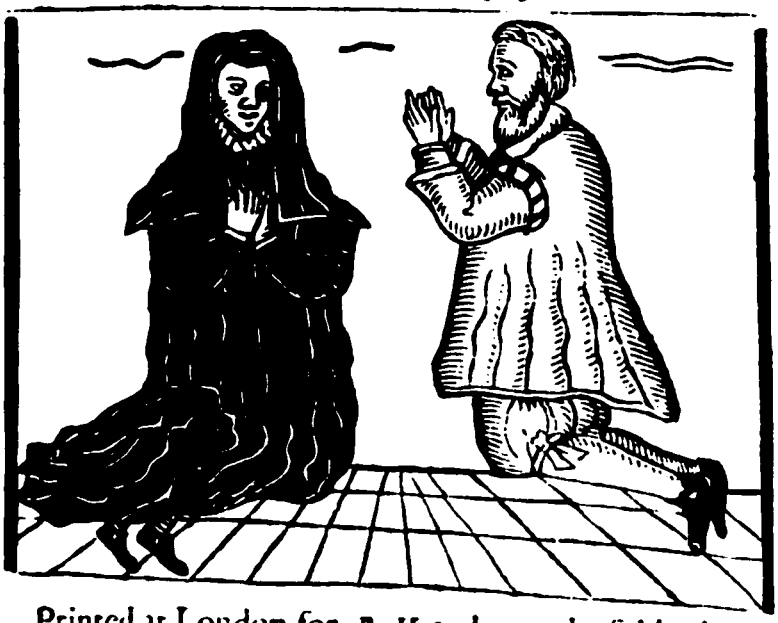
Plate 8:
Sir Thomas Overbury or THE POYSONED KNIGHTS COMPLAINT

The Bloody downfall

Of { *Adultery.* / *Murder,* / *Ambition,* }

At the end of which are added *Weſtons,* and Miſtris *Turners* laſt Teares, ſhed for the *Murder of Sir* Thomas Ouerbury *poyſoned in the* Tower; who for the fact, ſuffered deſerued *execution at Tiburne the* 14. *of* Nouember laſt. 1615.

Mercy Sweet Feſus.



Printed at London for *R. H.* and are to be ſold at his ſhop at the Cardinalls Hat without Newgate.

Plate 9:
The Bloody downfall of Adultery, Murder, Ambition

SIR THOMAS OVERBURY

Plate 10:
Sir Thomas Overbury