

NEGOTIATING POWER IN EARLY MODERN SOCIETY

Order, Hierarchy and Subordination in Britain and Ireland

EDITED BY

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CHAPTER I

*Ordering the body: illegitimacy and female authority
in seventeenth-century England*

Laura Gowing

Some time in the early seventeenth century, the leading parishioners of Birling, in Kent, approached their justices with a complaint. Jane Jacquett, a young woman born nearby, had given birth to an illegitimate child in their parish. That she had done so, and made them responsible for its upkeep, was – they argued – the product of a series of unfortunate circumstances, and of the malice of the neighbouring parishioners of Ryarsh, particularly its women.

The petition traced Jane Jacquett's history from service to orphanhood and illegitimate motherhood. Jane, once a covenant servant in Ryarsh, was subsequently employed by the parish to nurse her family with the plague; when all of the family died, and the parish (uncharitably, as the Birling petitioners said) gave her no employment, she had ended up a vagrant and turned to 'a verie loose life', becoming pregnant. When she went into labour she took refuge in a barn in Ryarsh. According to the petitioners of Birling

as soone as certaine of the women [of Ryarsh] had intelligence of her being ther they gott her out againe perswaded her verie Instantlie (by her owne confession) to goe to Berlinge to be delivered ther, promised allso themselves to be good and beneficiall unto her, conducted her by bywaies and fallowes in her extremitie, and lefte her in a corner of Berling to leave her loade ther, hoping by that means the paryshe of Rairshe to be discharged of her and of the child. The said Jane feeling her self in great torment of travail viz of childbirth returned again to Rairshe hoping to be eased ther as soone as she cam two of the women tooke her up by each arme and leed her again to Birling in the midst of her travaile, when it was farr in the nighte, guarded with fowre other women; in all six viz. the wyfe of William Casier, of Edd Walsingham, of Edd Busshiop, of Gregorie Meritte, of — Jissopp, and a singlewoman, named Johann Knowler. Certain of these sett her in a wadd of straw under a tree; the rest of the women keppte, and watched the passage, in the highewaie, betweene Berling & Rairshe: lest she should be violentlie caried again to Rairshe by

the inhabitants of Berlinge. When they had settled her ther they sent to Wallinge for a midwyfe who by them was recompensed for her labour, when she had bene in travaile 24 houres befor and tossed to and fro as you have harde. She was at last delivered of a sonn, in a litle straw, under a tree, in the commone high waie, in a cold nighte, no better provided then you heare: after a cruell, and savadge maner, contrarie to christianitie, nature, and humanitie: lefte her ther, to the broad world, and to shifte for herself and her sonn, triumphinge and reioicinge that they had atchived suche an exploite: insomuch that one in the paryshe said that ther wyves had plaid the partes of valient women.¹

Two weeks later, the problem of Jane Jacquett's child remained unsolved – she 'threatens daily', the Birling petitioners complained, to leave her child there, and late one night left the baby for two hours on a doorstep while she went thieving, returning to pick him up and be off again. They pleaded to be secured from the imminent charge of the child and his mother.

The petitioners' story was both specific and familiar. Stories of women in labour being pushed over the parish boundaries to save their community from the burden of their relief must have circulated through England; however elaborated and dramatised, they had at least some basis in the most brutal exigencies of parochial poor relief in local economies under pressure. As well as serving as cautionary tales to single women of the danger of illegitimate pregnancy, events like these and stories about them had more ambiguous implications for social order and gender roles. The Birling petitioners' complaint against their neighbours was signed by seven men (including the vicar and two churchwardens), and it was directed largely against the women who had asserted their interpretation of local order. As one kind of story about the body, it represents one articulation of the alliances, conflicts and tensions around order, gender and the body in local communities.

Feminist historians have always seen the regulation of sex and reproduction as central to patriarchal order. In the early modern period, as in so many others, the regulation of the female body symbolized and embodied the subordination of women to male authority; illegitimate pregnancy and illicit sex were key concerns in the gender order of communities, households and kingdoms. But the precise forms of patriarchal order that obtained in early modern England demand a complex understanding of the configurations of gender and authority. In particular, they require that we begin to attend more closely to relations between women as well as to those

between women and men. Here, I want to use Jane Jacquett's case as a starting point for an examination of the roles women played in enforcing sexual order and authority in seventeenth-century England and, in particular, authority over the female reproductive body.

The regulation of sexual bodies and reproduction had both symbolic and concrete meanings for early modern communities: single, sexually active women posed a significant threat to parish economies. Overseeing sexual order was vital to the economic and moral health of household and parish; it became a collective project, sponsored by magistrates but enforced at a local, interpersonal level, between women, amongst neighbours, amongst the poor. The most recent models of authority and order in early modern England, drawing for example on the work of James C. Scott, have stressed the significance of negotiation, the legitimating languages and gestures on which authority depended, and the agency which the 'governed' had in the negotiation of power relations.² It is still not entirely clear how these models can be applied to the dynamics of gender; Scott's influential work on public scripts of negotiated authority and hidden scripts of insubordination is hard to apply to gender relations, partly because of the difficulty of reconstructing women as a coherent subordinate group with a shared culture or resistance.³ It is, however, increasingly apparent that practical models of gender relations (as opposed, for example, to those of advice literature) depended on negotiation, tensions and contradictions, and on the agency of both women and men. To get a subtler picture of gender relations in practice, we may need to pay less attention to women as a unified group, with shared norms and culture, and to attend more closely to divisions amongst them. At its most local and intimate level, patriarchal order depended on the agency of women as well as men; but it also depended on the marking out of distinctions *between* women that granted authority to some and excluded others.

Like most women who bore illegitimate children in seventeenth-century England, Jane Jacquett was first of all a single woman in service. As such, her subjection to domestic and neighbourhood discipline was physical as well as social and economic. Part of being a respectable and adult woman in early modern England was asserting the boundaries of the female body: in the birthing chamber, in the guarding of knowledge about sex and reproduction, and in refusing to be jostled in shop doorways, on the street, or in pews. Single

women in service had few of these boundaries: the physical conditions of their work and the intimacy of domestic tasks made their bodies public property. In the minds of some, at least, sexual harassment might be read as part of the master–servant contract: in the late seventeenth century, a twenty-eight-year-old Yorkshire servant told neighbours that her fifty-year-old master was so ‘kind’ with her that ‘she could not be quiet with him two hours of a day for he was always kissing of her and playing with her and hindering her worke’; when she found fault with him for doing so he answered ‘what was it to her if he found her meat and paid her wages for nothing else but to lacke [play] with her’.⁴ Clothes were little protection: another servant complained that her employer ‘would often force his hands under her coats as she went up staires’, so that she was ‘forc’d to were drawers’, as most women would not have done.⁵ Masters’ brothers, sons, even male neighbours who borrowed servants for a day might take the same privileges. Only a tiny proportion of servants, of course, ended up pregnant by their masters. But most households were small, with one domestic servant; working conditions were intimate; contracts were informal; and sermons and household advice reiterated the similarities between the relationship between husband and wife and that of master and servant. The sexualisation of domestic service must have been hard to escape. More widely, fears of illicit sex, theft, pregnancy and infanticide exposed single women in service, more than any other group, to public observation, inspection and interrogation. All of these initiatives – habitual to the lives of early modern communities – focused on specific parts of the body and particular signs for suspicion. In them, single women like Jane Jacquett became the subjects of contested ideas of authority and of right, largely at the hands of other women, through both legal and informal procedures. Two sites of authority over the female body were particularly prominent: physical examinations for proofs of pregnancy or recent birth, and verbal examinations about the paternity of illegitimate children. In each, both the body and its stories became the objects of interrogation and suspicion.

SEARCHING THE BODY

The recognition and identification of illegitimate pregnancy in early modern communities was an uncertain business. There was no sure

way of proving pregnancy – even women who had just given birth might argue that the signs found on them were misleading – and understandings of pregnancy made it relatively possible for women not to recognise their own condition until after quickening or even later. Many illegitimate pregnancies went unacknowledged, even by the pregnant woman herself, until late on, even until after the birth. So, long before the initiation of legal action, masters, mistresses, neighbours, siblings and parents questioned and confronted those suspected to be pregnant. In these investigations, female knowledge took prime place. It was women who watched for signs of pregnancy such as the ‘shortness of the coats’ or the ‘fullness of the hips’, and who peered into chamber pots to see what they could tell from the water in them.

It was women, too, who initiated physical searches. Such searches were part of the legal apparatus of bastardy investigation, but they were also part of the informal means of surveillance that guarded against secret pregnancy and infanticide, starting with public comment and rumour and leading to outright confrontation and physical examinations. In keeping with the common beliefs that fresh milk would be found in the breasts from the time of quickening onwards, the first focus for most searchers suspicious either of pregnancy or of recent, secret, birth was the breasts. Marie Ryley, suspected of illegitimate pregnancy for the second time in Yorkshire in 1665, was confronted by a local midwife and other neighbours who demanded to search her and examine her breasts on two separate occasions; the first time she let them, and the second she refused, but was then apprehended by the constable and searched again under his authority by a dozen women and the same midwife.⁶ Isabel Barton, suspected of having secretly given birth, was confronted by four married women who demanded that she ‘let her breasts be drawn for the satisfaccon of her neighbours’; she refused to let them, but they saw enough to tell that ‘one of her breast heads’ was ‘blacke, and purpled’, and that she was ‘in great feare, and did tremble very much’.⁷ Not all women accepted such arguments: at least one, when milk was found in her breasts by searchers, told them ‘that she was always soe’.⁸

Policing the body in this way was the province of women. Their reports reflected a conviction that, whether midwives or not, they could read the signs of the female body. One woman, not a midwife, after examining the breasts of a woman suspected to be pregnant,

said 'they felt hard as woamens breasts use to do after a miscarriage or delivery of a child'.⁹ Others talked of milk that was 'fresh' or 'sweet'. The extent to which reproductive processes were understood to be in the realm of women's authority endowed women with a good portion of the responsibility for regulating those processes: the centrality of the female body to the workings of patriarchal order was largely premised not on the regulation of women by men, but on that of women by women.

Women's authority over other women's bodies was defined first of all by marital status. While midwives' official roles and experience authorised them to intervene both formally and unofficially, having been married was enough to endow wives and widows with the authority to examine and interrogate. As neighbours, mistresses and mothers, married women claimed the right to search servants and daughters; sometimes these responsibilities conflicted. Marie Ryley's neighbours, when they came to examine her, also confronted her mother with whom she lived, telling her to 'looke to her daughter' and asking her whether she had seen her breasts lately; Ryley's mother was forced to admit that she had not, and asked 'how shold shee looke to her when she went to faires and marketts and stayed three or foure dayes from home together'. The neighbours 'commanded' her to go and search her daughter with them.¹⁰ Isabel Nicholson, a Yorkshire servant working near her mother's home, was protected by her mistress, who refused both her mother and neighbours the right to see her servant's breasts. 'Let's see who dare be so bold as to view my maid's breasts without my consent', her mistress allegedly said; like the masters who claimed their right to touch their servants, her contract with her maid included an implicit authority over her body.¹¹ The process by which Isabel Nicholson eventually admitted having given birth was gradual and painful. Throughout her pregnancy, she was questioned by her sister and her mistress, but refused to admit being with child. The suspicions of her mother and her neighbours culminated in the attempt to search her. A month later Isabel gave birth in secret, although other servants heard crying and shouting. Only a week afterward did another neighbour take it upon herself to search the house, where, in an inner room, she found the evidence of childbirth. Then, a churchwarden – the first man who appears in the story – sent women to search Isabel again, and although they decided she had had a child she still refused to admit it. Brought before the justice of the peace

(JP), she said she was with child and had ten weeks to go. It was the female searchers again, the same day, who persuaded Isabel to show them where she had buried the body of the child she had given birth to a week before. It took the initiative of women, as well as the official authority of men, to force admissions and confrontations in such circumstances. Illegitimate pregnancy and secret birth, the ultimate threats to the moral and economic order of the parish, both required and validated the authority of married women, widows and midwives.

To some extent this authority was legally sponsored. The official, legal role of midwives in investigating pregnancy gave one group of women a stake in the legal process that was based on both professional qualification and personal experience.¹² But the expertise that authorised their participation in legal structures was based most of all on their status as respectable married women and mothers in their communities. The women who investigated suspected pregnancy, whether midwives or not, and whether they did so by request of a legal officer or independently, were almost invariably married or widowed: in Jane Jacquett's case, those who were alleged to have escorted her from Birling to Ryarsh and supervised her labour were all, save one, wives, and one was her ex-mistress. Being a mother seems to have been less significant in determining this kind of authority: it may have been access to the sexual and reproductive knowledge shared by married women that was more important than successful experience of childbirth. Age and social status must also have played a powerful role in establishing women's authority; given the ways in which older women were socially and economically marginalised, it seems likely that it was married women in their thirties and forties who played the greatest role in these confrontations. Marriage initiated women into a social network whose opinions and gossip might determine reputation and whose expertise was unique. And what marriage brought, of course, was a very specific kind of 'knowing', a symbolic transformation of the virgin body. Married women's bodies, both known and knowing, gave them the authority to police the boundaries of ignorance and knowledge, virginity and matronhood.¹³

Incidents like these raise other questions about the place of the female body in local communities. The conventional narrative of reproduction in the early modern period stresses the privacy and secrecy of women's reproductive processes. Popular sexual know-

ledge involved shared female secrets; childbirth took place in private, in – at least ideally – an enclosed room from which even husbands were excluded. To some extent, women’s role in the policing of other women’s bodies seems to support the belief that reproduction and pregnancy were, in this period, essentially a matter of female knowledge and women’s rituals.¹⁴ But it also demands some rethinking of what those rituals meant. The female world of pregnancy and childbirth was not simply a protective, supportive one: women’s authority in this area challenged and threatened other women. The literary critic Gail Kern Paster has theorised the female body, in the context of early modern cultures of sexual and medical knowledge, as the object of shame and embarrassment: the protection and enclosure that childbirth rituals offered, she argues, is not easily distinguishable from a rhetoric of concealment and shame.¹⁵

The role of women in regulating illegitimate pregnancy also demands that we reconsider the ‘privacy’ or ‘publicity’ of the female body in this period. In practice, it was not always possible to ensure private, enclosed childbirth rituals, and the existence of a separate female culture of sex and reproduction is hard to demonstrate. Ulinka Rublack has argued that the female body was by no means as ‘private’ as historians have assumed, but that early modern communities understood matters of miscarriage, abortion and infanticide to be very clearly in a mixed public realm. Pregnancy and miscarriage, she suggests, were, contrary to many of our assumptions, public events: a woman carrying or bearing a child carried also the hopes and the health of the community.¹⁶ In the case of illegitimate mothers, what they carried was a threat to the community’s economic survival and moral stability. Women’s part in regulating sex and pregnancy might well be seen as testimony not to the privacy of women’s bodies, but to their place in the public world of the neighbourhood, where women had a stake in moral order and economic stability.

Privacy has often been seen as functional to early modern reproductive rituals, ensuring female modesty and protecting women at a vulnerable time. However, if secrecy and privacy were among the constitutive conditions of early modern child-bearing, they also held within them some of the most troubling threats to households and communities. It was secrecy that facilitated, encouraged or proved infanticide. Women’s role in patrolling illegitimacy was, in

part, to expose secrets, to prevent the kind of dangerous concealment that made child murder possible. Privacy, then, might usefully be seen as one of the problematics or dynamics of childbearing; in the light of prescriptions for female modesty, it was essential, but it was also a potential danger.

In these contexts, what are the implications of this level of female participation in enforcing sexual order in households and parishes? Clearly, it does not make the regulation of the female body any more flexible or less necessary to patriarchal authority; nor does it mitigate any of the force of such authority. Rather, it reinforced the nature of patriarchy as a public institution as well as a familial one, in which every member of the community participated in the processes of exclusion that helped define order and belonging.¹⁷ However effectively patriarchal order subordinated women, it was reinforced in practice through distinctions of class, age and status, as much as those of gender: mistresses policed servants, the parish elite policed its marginal characters. In other circumstances, the authority of married women over poor single women might work to their advantage: finding fathers for their children, forcing the payment of maintenance. However, the uses of female participation in keeping order could not be taken for granted. In this case, ideas about conscience, nature and femininity provided a good basis for undermining women's power to intervene.

The participation of women in keeping order marked out some key distinctions amongst women: between married and single, chaste and unchaste. On these distinctions depended much of the edifice of patriarchal order. And yet they were distinctions that were continually destabilised. Most married women had been servants, and many would have been threatened by their masters' physical approaches. However public the social worlds of early modern society, unchastity was ultimately a matter of reputation, not proof; the processes of exclusion that eventually left Jane Jacquet on the very margins of the parish worked gradually, and at least initially with the potential of rehabilitation. The depth of knowledge and authority that married women professed over those suspected of pregnancy, their ability (as some women boasted) to tell between a matron and a maid at sight, was one way round those uncertainties, one solution to the dangers of secrecy. Women's role in keeping order was premised on distinctions between women that were, in the end, unstable.

FINDING A FATHER

By its very nature, illegitimacy demonstrated the insecurity of paternity that literary critics have argued to be so powerful in early modern culture. Paternity was, in the words of Louis Montrose, 'a cultural construct for which ocular proof was unattainable'.¹⁸ In many ways, anxieties over paternity and legitimacy have seemed to be key to the construction of masculinity and of gender relations in early modern England. The humiliation of cuckoldry, from popular culture to Shakespearean drama, seems to register an omnipresent anxiety for legitimate lineage, undermined by the ultimate insecurity of paternity. It has been suggested, too, that the threat of insecure paternity is at the root of double standards of sexual conduct: it is the threat to lineage that makes chastity essential to female conduct and not to male conduct.¹⁹ The struggles of parishes to name fathers for illegitimate children, intensifying from the early seventeenth century, would seem to be good evidence of the primacy of such concerns in households, communities and government.²⁰ Only through the naming of a father could the keeping of the child be ensured; and such a father had to be present, prepared to admit paternity and able to maintain the child. Recent studies of bastardy have focused on its context in courtship practices, arguing that illegitimate births, in many cases, represented failed marriage.²¹ Such cases, of course, leave little evidence: the informal pressures that a community might put upon a courting couple, and the response to potential bastardy when a father was evident and available, are rarely recorded. Nevertheless, of the numbers of illegitimate births that can be calculated from baptisms, a good proportion of the mothers (around half for early seventeenth-century Somerset, for example) were examined at the quarter sessions over the paternity of their children.²² Few of these made any mention of courtship or marriage promises, and their treatment in court and during pregnancy suggested paternity was not always readily established. In a large proportion of cases of illegitimacy, then, paternity was a real and significant question.

The naming of fathers for illegitimate children raised deeper and different issues than simple biological paternity. Fatherhood, in these cases, is a social and economic construct that cannot be tied (as motherhood usually can) to physical proof; fathers of illegitimate children have to be found and decided. Both women and men talked

of 'finding' or 'choosing' fathers: one woman said that Robert Potter was 'halfe the father' of her sister's child.²³ In the late seventeenth century in particular, despite – or perhaps because of – the overall fall in illegitimacy rates, the increasing volume and detail of fornication cases at some church courts produced long, disputed stories about the evidence for paternity of illegitimate children, citing as proof not simply sexual contact, but affection towards the mother and fondness to the child, as well as sundry kinds of material support. In this culture, determining paternity involved a series of confrontations and negotiations between the courts, the community, the putative fathers and the mothers.

The process of extracting a story about paternity from pregnant and newly delivered women could be protracted and episodic. To JPs and other officials, most women answered with the conventional, most acceptable response: they had had sex with one man, once, perhaps with a marriage promise. Clearly, this was not the only possible story, and both neighbours and officials pressed for more. Justices, where possible, questioned women before the birth; neighbours, mistresses and parents did the same; but the most truthful and the ultimate response, as legal handbooks and midwives' oaths prescribed, was expected to be obtained from questioning and threats during labour.²⁴ As with tortured criminals, the extremity of pain was meant to force the truth from women's otherwise opaque and recalcitrant bodies; and it was one of the few occasions when women were understood to be better at extracting the right story than men. Even women who had already made a sworn declaration to a JP would be questioned again in labour to ensure a 'right' story, and mothers and neighbours as well as midwives took advantage of the time of 'great extremity' to press labouring women for answers. Elinor Phillips, a Worcester midwife, reported typically that, sent for to attend a servant in labour, 'in the time of her extremity she did press and conjure [her] as shee would answer itt att the dreadfull day of judgement to declare who was the father of her child'.²⁵ Elizabeth Nicklin's mother, finding her daughter in labour, 'kneeled down and prayed God that her said daughter and her childe might never part till she had fathered it aright'.²⁶ The threats of midwives, and the oaths with which women responded, indicate something of the weight of these exchanges at the 'time of extremity', when midwives, neighbours and even mothers might refuse to help their daughters in labour until they got an answer. Alice Legreene, a Kent midwife,

gave the quarter sessions a detailed account of the exchanges between Elizabeth Chappin, a servant, herself, and the other women at her lying in in 1602. They shifted from tentative admissions to violent protestations:

Being first asked of the mydwylfe who was the father of her child, and whether William Heneker was the man or no, she answered, I am afraid it will lye in his nett. Then being let alone in her pain and extreme travell the space of two houres and more was afterward asked by the said mydwylfe who was the right father of her child she answered that her maister Absolon was the right father . . . and beinge charged that she did belye him she answered that upon her conscience he was the man and wished further that she might never rise yf she did belye him. Beinge after a while againe asked by the said mydwylfe in her great extremitie who was the right father of her child she answered, wishinge that all the dyvells in hell might teare her in peeces yf she had not tould the truthe and that she had not belyed her said master.

And she went on, at the prompting of the other women there, to describe when and where both men had had ‘the use of her bodie’.²⁷

Leading up to, and sometimes following, these protracted rituals of interrogation came pressure from putative fathers, masters and mistresses, local officials and other parishioners. In a parish-based system of poor relief, in an economic context where pressure on resources was tightening, in a local legal system that placed increasing emphasis on naming fathers, and in a culture that placed a premium on oral reputation, everyone had a say in establishing the ‘right’ name. Christian Astbury, a servant to Thomas Lewis in Stafford, gave birth to a child alleged to be her master’s in 1692. Defending himself against the paternity allegations, her master claimed that after the birth she had sent for a tailor with whom she had been keeping company, and showing him the child, told him ‘it was very like him and that he got it’. According to him, the mayor of Stafford and the recorder also consulted about the father. The recorder said ‘we will take care to have her instructed that she shall not father her child upon any poor body, because it shall not become chargeable to the parish’; the mayor replied ‘Nay I am not for that, for that I am for setting the saddle upon the right horse, let it light where it will’; and the recorder visited Christian’s bedside himself.²⁸ And Elizabeth Sprang, who eventually admitting falling with child by her master’s son in his kitchen, was given various advices on how to father it: an overseer of the parish advised her to ‘wronge nobody

. . . and she should have no wrong by the . . . parish'.²⁹ These rather ambiguous advices depended on an understanding of 'wrongs' and 'rights' that was not necessarily in line with an insistence on biological paternity. Rather, mothers, fathers and parishioners had their own ideas and their own agendas.

For many pregnant women, the first pressure was that of the putative fathers of their children and their immediate families – in many cases, the master and mistress of the household. And while masters who were suspected as the fathers of their servants' children denied and evaded paternity, it was often their wives or other women who did the work of persuading women to name other fathers or to keep quiet. Joan Willmott, a married woman with a son and a female servant, confided to the neighbours who visited her after a colt kicked her that 'her hart was broaken, for sayd shee there is a woorse thing happened, then the hurte wch I had with the coulte'; asked what it was, she replied, 'our huswiffe is with child . . . and I thinke shee will put yt to our Tom . . . but he shall not father yt for . . . rather then he shall father yt, he shall runn as far as a new payre of shoes will beare him.'³⁰ Anne Robbins testified that she had given birth to her master's child in his house in Worcestershire in 1665, and that her master and mistress kept her in childbed for seven weeks, promising her that 'neither her nor her child should ever want as long as he had any lande in Piddle'. She said that her mistress's mother, who lived with them, persuaded her to name another man 'in the time of her extremity', promising her that if she did so 'she should continue in the house seven yeares and have parte of the liveing towards the maintenance of her and her child'. However, three weeks after Anne's delivery, the same woman offered her five pounds to run away and leave the child on the parish. Anne named no father, before, during or after the delivery, until two months after the birth, when she finally gave her master's name.³¹ In Staffordshire in 1684, witnesses claimed that Elizabeth Nicklin's master gave ten shillings to her midwife not to question her, and that when she had fathered the child on him anyway, her mistress came to her as she lay in bed ten days after giving birth and threatened to kill her if she did not find another father for it; in another two cases women (one a sister, one a wife) threatened to slit the new mother's nose.³²

Most obviously, the choice of a father was shaped by financial viability. Putative fathers frequently offered maintenance that was

conditional on their not being publicly named: Edith Gullock, with child by a fellow servant, told the Somerset quarter sessions that he had sworn not to give her a penny if she charged him, and had persuaded her to name another man.³³ Margery Eades told the Worcester quarter sessions that Edward Benson, the father of her child, had refused to marry her and threatened to run away if she named him as father: instead, he urged her to father the child on several other men – ‘sometimes upon one John Jones [a servant] . . . and at other times upon Charles Brooke [another servant] but . . . did urge [her] chiefly to accuse one Mr Edward Wheeler . . . and gave her a shilling so to do further saying that . . . Mr Wheeler was best able to maintaine the . . . child’. She followed his advice and, when she was examined in labour, charged Wheeler; only over a year later did she tell the magistrates that the father was Edward Benson.³⁴ Neighbours, especially women, had their say as well: Elizabeth Clement, pregnant in Somerset in 1651, told the JP that she had been persuaded by three women of the parish (and one man) to father her child on John Bellamy, a man who she had only met once: one of the women, Grace Streate, had told her ‘that she should keep her hold, and she . . . did believe that there would be a good purse of money come from . . . John Bellamy.’³⁵ Motives for such pressure might come from financial concern – it was clearly in the parish’s interests to have a father named who could maintain the child – but Grace Streate and her fellows’ persistence might also come from other grievances, neatly revenged by the public inconvenience of being named as a father.

What also came into play was the mother’s own sense of who the ‘right’ father was; and this might change over time. Marian Cooper, giving birth in Kent in 1606, first named her master as her child’s father; in labour, though, she told the three wives present that the father was another man, a Mr Chambers of Halstowe. Chambers had (she said) brought her from London and placed her in service in a neighbouring tipler’s house ‘wheare by a tricke that he had he could open her chamber dore and come to bed unto her as often as he lyst’. When the women at her labour demanded ‘why she had formerly laid it unto . . . her master’, she said ‘she had done him noe wronge, for when her dame carried her pots and measures to Sytingborne before the clarke of the market . . . her master lay with her in his owne chamber the same day twice’, and confirmed it, ‘desiring of god that if she said any more than truth that she might

never rise again'. In Marian Cooper's various confessions, the role of her master – taking advantage of his wife's absence to lie with the maid – makes him just as culpable as the man she later claims to be the father, the man whose sexual privileges over her accord pretty well with those of some masters.³⁶ The mother's sense of the timing of conception might also figure importantly. A month before she gave birth, Sara Powell had told the JP that she was with child by Thomas Gregory after lying with him in his house the second and third of January 1652. When she went into labour in July of the same year, this story became implausible, and the women present at the birth 'prest her earnestly' to 'gett the truth of her'; she kept on naming Thomas, so they 'left her in her great extremitie soe long as they durst, for feare of casting her away, yet they could never get any other answer, but that Thomas Gregory was the only father of the child'. Eventually she changed her dates, confessing that 'he lay with her first under a heyricke about fortnight after Michaelstyd'; asked why she had set down January the second at her first examination, she answered 'shee had done it, and now shee could not help it'. Most women examined about dates of conception were ready with a date that fitted their expected time of delivery; Sara Powell's refusal to provide the right kind of information suggests the power of her own memory, in which the New Year's incident had replaced the earlier ones. Like most others, she was insistent too that she had only lain with him then, never before or since. Only the women's examination in labour, and their threat of withdrawing help, made her rethink the story she had told to the JP at her first examination.³⁷

Choosing and naming a father involved careful timing. With the possibility of miscarriage or stillbirth, many pregnant single women must have been torn between admission and secrecy; in the specific culture of early modern pregnancy, many may also have been mentally unable or unready to acknowledge their pregnancies. Those who kept their pregnancy secret, as some managed to, risked conviction for infanticide if the child died at birth; but they might also have hoped for a secret miscarriage or stillbirth, after which they might have managed to maintain their positions. Anne Mast, an Essex servant, managed to keep her pregnancy unsuspected until the end because, a neighbour said, she 'carried it so close'; questioned why she did not charge the father earlier, Anne said 'it would have bine a greife unto her freinds' and 'she feared she should not have been relieved if she had made it knowne that she was with childe'.³⁸

The maintenance of a single woman's reputation had a concrete economic importance: survival in the parish, in service or out of it, depended on keeping a good name as long as possible. Concealing pregnancy might also allow pregnant women and prospective fathers to plan a wide range of unofficial arrangements to avoid judicial involvement – 'to prevent the troubling of any justice with it', as one man put it. In 1630 Joan Michael, servant of a yarnmaker in Somerset, explained to the JPs the machinations for the fothering and the keeping of her child, conceived (she said) by her master's son either in a bakehouse in her master's house, or in the truckle bed at her master's feet. When her master and mistress examined her about the father, she named in succession two servants, a feltmaker, and 'divers other fathers'. But she had done so, she said, at the temptation of their son, upon his promises 'that he would allwaies relieve her and maintaine her and the child'. He wanted to leave meat and linen for her in his father's orchard, but she objected because it was 'to much in his fathers house', and he directed her instead to a hollow tree at the end of the orchard where he kept his tools. In the event, the child died; but it is clear that Joan expected to be turned out of her service, and to continue living near enough to collect occasional *ad hoc* sums and goods from her master's son, and that she believed her best hope lay in informal recognition and relief rather than an official affiliation.³⁹ At least where the fathers were single, individual arrangements like this might continue to offer the hope of eventual marriage.

These refusals to be named publicly don't suggest that men were evading affiliations simply out of a concern for their sexual reputations. For some – in particular, perhaps, those who saw themselves as godly – this was the issue. For others, financial concerns might be more important.⁴⁰ The implications of fothering an illegitimate child, and being publicly known to do so, must have varied widely between men. With a less solid basis in reputation, these implications may have been less predictable than the implications of sexual unchastity for women.⁴¹ What was also at issue was some men's refusal to become the subjects of judicial authority. George Clark made himself a prominent father, feasting the midwives at his child's birth, buying them new gloves and buying a cow for its milk; but he refused to be publicly named as father, and only ended up named in court ten years later.⁴² In late seventeenth-century Hereford neighbours reported how Blanch Davies' master got her with child, and

tried to get her to leave the county and father it on another man, but when she refused, visited her after the birth, promised to have the child 'well brought home', and when it died at eleven weeks old, bought ale and bread for the funeral and a penny loaf for every child in the lane.⁴³ As much as the economic aspects of poor relief and paternity orders, and the social 'shame', it was the judicial side, the legal determination of what a father was and how he should act, and the implications of being a subject of judicial authority, that these men shied away from. To be the subject of a bastardy order undermined a master's principal identity as a man: his self-government. Masters, the guarantors of domestic, sexual and social order, were also often the greatest threat to it; and being named as the father of a servant's child, or made the subject of a bastardy order, might be a potent threat to mastery and masculinity at home and outside it.

With this flexible understanding of what a father was, illegitimately pregnant women had a potential weapon. Anne Stanton, examined at the 'extremity' of her labour for the name of her child's father, answered 'what is that to anyone I have a father that will maintain my child without troubling anyone'.⁴⁴ Margaret Ray's child was born in Theydon Bois in January 1637. Examined by women present at the birth, she named John Greene as the father, saying he had forced her from her horse in Epping and that 'she wold either have [him] punished for the wronge he had done her or els she wold make away with herselfe'. A fortnight after the delivery she came to the house of a neighbouring wife, who, 'pitteing her by reason of the weather' called her into the house and said 'Meg, you have a prittie child'; she replied 'it must needs be a prittie child, for as proper a man as any in Essex was the father of it . . . John Greene the son of Mr Green of Burrows . . .'. However, the dates she gave for the assault by John Greene were too late for her delivery, and those who heard her said she must be doing him wrong; she answered that the JP who examined her had said 'that such a younge woman as she was might come a fortnight before her time, in regard of the misery she had endured'. To others, though, she admitted the child came *ten* weeks too soon for it to be John Greene and named another father, her master, George England, saying that when she left his service he told her to 'lay it to somebody else and that she should never want', and that she had hoped to die in the delivery of it rather than bring his name in question. But George

England brought witnesses to prove that her dates did not fit him either, and in the end John Greene was decided to be the father. Reproved by the JP for 'having so many fathers to her child', Margaret Ray responded 'I will laie it to any man in the towne that I list'.⁴⁵

It is, of course, the ability to say this that makes female sexuality so problematic in the structures of household and patriarchy. And yet it is not just the ultimate biological uncertainty of paternity that makes chastity the key to household order. It is, also, the fact that women's words cannot be trusted, that their stories, even when extracted at the moment of greatest pain, are unreliable. The predictable ritual of the story which most examined mothers told – that they had had sex once, with only one man – made it an implausible narrative, though a necessary one. The ability to produce and to vary a story of conception may have enabled single women to manipulate some of the scripts of local order, but it was also what condemned them to painful, protracted questioning in search of a right answer. The instability of women's confessions was connected to the status of their sexual bodies. Both stories and bodies were subject to interrogation from masters and mistresses, parents, neighbours and local officials. Both were opaque and potentially unreliable; both were 'read' and interpreted over and over, and most of all by other women. Married women and widows were considered the best guides to the confusing signs of pregnancy, the unreliable statements of paternity, and the concealed evidence of birth or infanticide.

Within the patriarchal structures of early modern England, women had a broad base of authority, customary rights and public roles. Bernard Capp has argued that women's social networks offered 'support, independence, and even power', and that they could constitute 'a refuge from patriarchal authority and a means to contain and accommodate it'.⁴⁶ In riots and demonstrations, for example, women's actions were based on social cohesion, and sometimes on specifically female responses to public events. Women's collective authority gave them a basis on which to challenge men on the grounds of social, political, spiritual or economic disorder.

Women also participated in keeping patriarchal order over other women. Their roles encompassed physical, verbal and legal initiatives. In insults, gossip and everyday conversation, women's talk regulated neighbourhood morality. In witchcraft accusations, women

testified to the domestic damages, the bewitchment of children and the malefice that seemed to be entwined in neighbourly conflicts. Women's role in confrontations over illegitimate pregnancy was thus rooted in a wider realm of popular customs. For much of the time, women's part in keeping sexual order must have ensured that marriages were made early enough and that single women did not become illegitimate mothers. Only when all the other resources of gossip, rumour and communal pressure were exhausted or evaded did confrontations like those traced here take place. This kind of female authority was less dependent on women's networks, or a 'female domain', than on divisions between women: it was the gulf between married and single, orderly and disorderly, matrons and virgins that gave searchers, neighbours and midwives their power.

Women's role in ordering the body was central to patriarchal order and it raised some intimate tensions. One was the publicity or secrecy of the female body: married women's interventions into illegitimate pregnancies and their supervision of illegitimate births exposed and publicised matters that could be seen as shameful and private. There was also the question of womanliness and compassion: the stress that the petitioners of Birling laid on the savagery of their female neighbours' role in Jane Jacquett's labour was echoed in the stories about midwives who dutifully refused to help single women in labour until they had spoken the father's name. And there was the question of knowledge: with the authority of touch, midwives and neighbours laid claim to a way of knowing the female body that depended on intuitive feeling, not textual authority, and that was ultimately ambiguous. Women's very expertise in the matter of sex and reproduction was expected to negotiate some of the most troubling faultlines in patriarchal order – the fear that chaste and unchaste women were not actually so far apart as definitions of femininity insisted, and the possibility that unchastity and pregnancy could be kept secret.

The practicalities of patriarchy in this context belie a gender order based on the simple opposition of female and male, or plebeian and elite, interests. Throughout the process of illegitimate pregnancy and marginalisation, the interests of mothers, fathers, local matrons and legal officials intersected. In many cases, unmarried mothers and fathers were equally concerned to keep the child's paternity private and to make informal arrangements. Where the local community and its officials became involved, justices and matrons were often

acting towards the same ends: enforcing marriage and making men financially and legally responsible. Pregnant single women, the subjects of a punitive legal system administered by elite men, might also be its beneficiaries. And elite men, the ultimate guarantors of sexual order in households and communities, could also be its greatest threat; to focus on the relations between women, as this chapter has largely done, should not suggest that the role of men in keeping patriarchal order was somehow uncomplicated. Nevertheless, the process of becoming an illegitimate mother and the role of women in trying to keep sexual order suggest that the key to patriarchal structures sometimes needs to be sought in the relations between women, in the battles over bodies and the stories through which women asserted their authority or felt their subordination in households and parishes.