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READING AMBIGUOUS BODIES:
CONFESSIONAL POLITICS AND EPISTEMOLOGICAL ANXIETY IN EARLY MODERN
ENGLAND, c. 1580-1660

By

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ABSTRACT OF THE DISSERTATION

Reading Ambiguous Bodies: Confessional Politics and Epistemological Anxiety in Early
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The central argument of this dissertation is that the religio-political contests of the post-Reformation period were shaped by—and in turn shaped—a fundamentally ambivalent early modern epistemology of the body. The post-Reformation period in England saw the rise of heated disputes between Catholics and Protestants and between different branches of Protestantism. These conflicts were waged over licentious and tantalizing topics such as the status of Catholics tried for treason; over the truth or falsity of demon possession and exorcism; and in relation to murder trials and the meaning of suspicious deaths. Polemical narratives were written for a popular audience and had both political and religious implications: one side often reflected 'official' or state interests while the other positioned itself in opposition to the crown. I demonstrate that religious and political conflicts were shaped by a number of key intellectual shifts taking place in the spheres of law and medicine, shifts which both supported and undermined the body as a trustworthy source of proof. While these shifts allowed religious polemicists to make radically incompatible “truth” claims based on bodily signs, it also deepened a culturally pervasive anxiety around the trustworthiness of physical evidence.

Part one of the dissertation examines contests that took place over martyrs and demoniacs between 1580 and 1640. Chapter one explores a series of cases involving the torture and execution of Catholic priests from the 1580s to the 1620s. I demonstrate that both internal official reports and polemical pamphlets used physical evidence of the tortured and executed body to ground incompatible claims about the character and nature of the person accused. I

examine documents related to these treason cases alongside contemporary arguments about physiognomy, pain, gesture, and psychology, and maintain that different (and conflicting) epistemologies were enlisted depending on the religio-political position of the actor or author. Chapter two examines debates about demonic possession and exorcism, focusing on the ambivalence of physical evidence that made it difficult for both Protestants and Catholics to exploit these cases for polemical purposes. By focusing in particular on the reactions of English witnesses to the notorious French possession case in 1630s' Loudun and their attempt to interpret strange bodily signs, I identify and analyze the cultural origins of a skeptical, indeterminate religious identity inhabited by a number of figures attached to the court of Charles I.

Part two explores the case of Anne Greene and its connection to the intra-Protestant disputes of the English Revolution. Greene was hung for infanticide in 1650, but was later revived by the prominent Oxford physicians who had been given her body for dissection. Although physical evidence had been used to find her guilty at trial, pamphlet writers re-interpreted that evidence and the 'miracle' of her revival to make conflicting arguments for legal reform. By situating the Green case within early modern discourses and practices of forensic evidence—tests to establish the cause of a newborn's death, the use of bodily evidence in coroners' inquests and murder trials, the emergence of forensic autopsy—I illustrate the ways in which dead bodies could deceive the viewer and generate the kinds of multiple interpretations that fueled religious and political contests.

By re-contextualizing post-Reformation literature within a larger corpus of medical and legal texts, this dissertation illuminates an alternate history of early modern religious politics centered on a history of the body. Doing so breaks down sub-field boundaries that have long been in place and demonstrates the deep relationship between the history of medico-legal knowledge and gender, and histories of religious contests, politics and polemics. By taking the

history of the body as my starting point, I reveal connections among confessionalized issues which have historically been examined in isolation from one another and demonstrate, for instance, that the epistemologies used to interpret demon possessed female bodies as either credible or fraudulent overlapped with those used to frame Catholic bodies in martyrological or treasonous terms. This work thus allows me to reconnect the religious struggles of the period to a transitional moment in the history of natural philosophy, enabling historians both to rethink the nature of religious identity—as flexible, skeptical, and open, rather than fixed—and to reintroduce religious dynamics into the history of early modern intellectual life.

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And finally, thank you to my wife, Katy. It is impossible to express how extraordinarily lucky I am that you are who you are and the extent to which you make it possible for me to be a better me. First, you brought Blu into my life, who has kept me laughing and has been my comfort fur baby, so thank you for that. But mostly, thank you for all of the ways that you supported me while I finished writing the dissertation—reading drafts, making dinner, flying back and forth to New York, and being so understanding and empathetic throughout this whole

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INTRODUCTION

Interpreting Early Modern Bodies and the Politics of Bodily Signs

When Nicholas Owen's corpse was examined by the coroner in the Tower of London in March 1606, it was in a sad and gruesome state, with mortal, gaping wounds to the abdomen: one account simply stated that “his bowels” had “gushed out together with his life.”¹ Owen had been arrested on January 23, 1606, on suspicion of conspiracy and treason in connection with the Gunpowder Plot. He was a Jesuit brother and servant to the priest Henry Garnet, who was also implicated in the plot and would later be executed. Owen, a carpenter and one of the chief designers of hiding places for priests, was presumed to have knowledge of many priests' whereabouts and was therefore considered a valuable prisoner. The State Papers record that he was examined on two occasions, on February 26th and March 1st, and while he initially refused to answer any questions, he eventually confessed that he was Garnet's servant, disclosing what he knew of Garnet's priestly activities and his connections with other Catholics.² Sometime between his questioning on March 1st and the end of the following day, Nicholas Owen was dead.

Owen did not live long enough to be formally charged or tried by a jury. He was, however, subjected to pre-trial examination and torture. Although an official warrant to torture Owen does not survive, both official and Catholic sources confirm that he suffered physically coercive interrogation at the hands of state authorities. According to the “official” story, he was

¹ Henry Foley, S. J., *Records of the English Province of the Society of Jesus*, vol. 1, (London, 1877), p. 297.

² Owen's examination on Feb. 26 is recorded here: 'James I: Volume 18, January-February, 1606', in *Calendar of State Papers Domestic: James I, 1603-1610*, ed. Mary Anne Everett Green (London, 1857), pp. 277-294. *British History Online* <http://www.british-history.ac.uk/cal-state-papers/domestic/jas1/1603-10/pp277-294> [accessed 18 October 2017]. And Owen's examination on March 1 is recorded here: James I: Volume 19, March, 1606', in *Calendar of State Papers Domestic: James I, 1603-1610*, ed. Mary Anne Everett Green (London, 1857), pp. 294-307. *British History Online* <http://www.british-history.ac.uk/cal-state-papers/domestic/jas1/1603-10/pp294-307> [accessed multiple times].

tortured on March 1, but only with “gentler” methods and only after he had refused to answer his examiners' questions.³ State officials noted that after he was returned to his cell Owen became worried that the following day's examination would involve far more severe torture, this time on the rack. So that night Owen procured a blunt knife and, according to the official account, used it to cut open his stomach while his jail keeper was preoccupied. When the keeper returned he noted splatters of blood on the walls that had not been there before and observed that Owen's countenance had changed quickly and drastically. The jailer was too late to save Owen, arriving in the cell just before he died, and he immediately summoned the coroner who, along with the other men present, pronounced the cause of Owen's death as *felo de se*, or self-murder. The state's narrative, which was circulated in a now-lost pamphlet with accompanying pictures, claimed that Owen had declared with his dying breath that he had intentionally cut himself with the knife in order to escape further physical suffering.

Catholic accounts of Owen's death countered the state's narrative, claiming that not only was he innocent of the crime of *felo-de-se* but that his interrogators were guilty of his murder, having subjected him to severe torture. In order to substantiate their rival version of events, Catholic polemicists appealed to several types of evidence. First, they contested the claim that Owen's examination had been “gentle” and contended that he had been severely tortured on the

³ David Jardine, *A Reading on the use of Torture in the Criminal Law of England*, (London, 1837), p. 48. We only know about the existence of these sources because they were mentioned in the Catholic accounts of Owen's death, which responded to specific claims that the state made. John Gerard noted that “they [meaning the state] published that he [Owen] had killed himself,” and “to make this report to go for current amongst the common people, they set forth a ballad with his picture, ripping out his own bowels with a knife as he lay in bed, his keeper being also in the chamber busy about some other thing.” See John Morris, ed., *The Condition of Catholics Under James I: Father Gerard's Narrative of the Gunpowder Plot*, (London, 1871), p. 186. Foley recorded that “[t]hey published, both in writing and by pictures, that Brother Owen had thus committed suicide in a fit of despair.” Henry Foley, S. J., *Records of the English Province of the Society of Jesus*, vol. IV, (London, 1877), p. 257. Additionally, in his work *The Foot Out of the Snare*, John Gee included Owen's brother Henry in a list titled “Names of [Catholic] Booksellers, and listed him as “Henry Owen, brother to that Owen who ript out his bowells in the Tower, being imprisoned for the Gunpowder treason.” See John Gee, *The Foot Out of the Snare*, 4th edition, (London, 1624), p. 675. I have not been able to locate the state-sanctioned pamphlet, but David Jardine may have seen it as his account contains details that are not included anywhere else, and based on these factors it seems likely that the state did circulate its own version of Owen's death.

rack during his first round of questioning, having refused to give up any information. The Catholic account asserted that Owen's ability to withstand this extreme pain was unsurprising since, as those who knew him were aware, he had been tortured a few years earlier and had not then answered any questions. Based on this previous experience, Owen clearly knew what kind of pain to expect and if he were truly afraid of the impending interrogation, the Catholic polemicists argued, why had he not just killed himself before being tortured again in the first place? Those who knew Owen did not think it likely that he had committed suicide, as they knew him to be someone of patient character, able to endure both physical and emotional hardship. Additionally, one sympathetic writer maintained, even in the unlikely event that Owen had been able to obtain a knife, he would not have been physically capable of cutting his stomach open because of the injuries he would have sustained under torture. Inability to use one's hands was a common and often cited side-effect of torture on the rack and Owen could not have killed himself "with a knife which he was not able to grasp."⁴ Finally, it was common knowledge, according to this account, that Owen had entered the Tower with a hernia, the result of his work as a manual laborer. His examiners knew about this injury but nevertheless persisted in racking Owen with such rigor that his life was put in danger. In their attempt to prevent his death as they tortured him, the state's officials placed a piece of iron on Owen's stomach. And so, during their last efforts to force Owen to answer questions, the "victim's bowels broke in a frightful manner from the lacerated body, the very iron girdle itself assisting to tear open and enlarge the wound."⁵ The Catholic case insisted that the wounds to Owen's stomach were too severe to have been inflicted by his own hand. The fatal wounds were the consequence of the extreme torture and his preexisting hernia, compounded by the tears caused by the iron plate.

⁴ Morris, *The Conditions of Catholics*, p. 188.

⁵ Foley, *Records of the English Province of the Society of Jesus*, vol. 4, p. 256.

The issue at stake in these conflicting accounts of Nicholas Owen's death was whether he should be counted among the Catholic martyrs persecuted by the English crown, or whether he was a dangerous traitor whose suicide confirmed the foul state of his soul. The state was concerned with presenting its actions in a favorable light to the public, anticipating criticism and doubt by offering credible evidence to support its account. Catholics, eager to expose the state as cruel and illegitimate in their persecutions, responded with their own interpretations of the evidence. If Owen had committed suicide, he could not be painted as a martyr. But if Owen had been tortured to death, the crown's representatives had not simply violated due legal procedure but had cruelly murdered an innocent man.

Recent historical work has familiarized us with the ideological and media dynamics of the making and contesting of early modern martyrdom, and Michael MacDonald and Terence Murphy have shown how the “rivalries that accompanied the Reformation and persisted throughout the sixteenth and seventeenth centuries created opportunities to exploit [suicides] to gain a propaganda advantage.”⁶ But historians have paid less attention to another dynamic at play in the rival Owen narratives. Both the Protestant account and the Catholic counter-narrative cited forensic evidence and interpreted bodily signs to support their representation of Owen's death. Owen's status as either a martyr or a traitor was dependent upon interpretations of his body and of the circumstantial and physical evidence that either upheld or undermined

⁶ Michael MacDonald and Terence R. Murphy, *Sleepless Souls: Suicide in Early Modern England*, (Oxford, 1990), p. 60. On the discursive construction of martyrdom and the relationship between Catholic and Protestant representations, see Alice Dailey, *The English Martyr from Reformation to Revolution*, (Notre Dame, 2012); Anne Dillon, *The Construction of Martyrdom in the English Catholic Community, 1535-1603*, (Burlington, 2002); Brad Gregory, *Salvation at Stake: Christian Martyrdom in Early Modern Europe*, (Cambridge, MA, 1999); John R. Knott, *Discourses of Martyrdom in English Literature, 1563–1694*, (Cambridge, 1993); Peter Lake and Michael Questier, *The Trials of Margaret Clitherow: Persecution, Martyrdom, and the Politics of Sanctity in Elizabethan England*, (London, 2011); Susannah Brietz Monta, *Martyrdom and Literature in Early Modern England*, (Cambridge, 2005); Janel Mueller, “Pain, Persecution, and the Construction of Selfhood in Foxe's Acts and Monuments,” in *Religion and Culture in Renaissance England*, Claire McEachern and Debora Shuger (eds), (Cambridge, 1997).

the verdict of *felo de se* given by the state's coroner.

Polemicists in the Owen case included forensic evidence about the cuts in Owen's stomach, the knife and the spattered blood; they mobilized vernacular knowledge of the body, including assumptions about the physical effects of torture and the jailer's testimony about Owen's physical condition; they cited the authority of the coroner and his verdict; they privileged eye witness testimony; they deployed religio-psychological understandings of suicide; and they offered contending assessments of Owen's character and his physical ability to withstand pain. Each side highlighted different aspects of Owen's life, interpreted physical signs, or ignored particular details in order to make their case that he had either committed suicide or had been tortured to death. And, crucially, underlying the conflicting accounts was a set of epistemological claims about the reliability or not of physical evidence, about who had the authority to interpret bodily signs, and about the extent to which knowledge about the individual, his history and character, should factor into a coroner's verdict. Epistemological claims about forensic evidence and bodily signs were central to the confessional interpretations of Owen's death, to the public pitch-making around it and thus to the religio-political stakes of those narratives.

However, the mobilization of forensic evidence in the debate about Nicholas Owen's death would have had an uncertain effect on contemporary readers. While the English system of common law did not generate the type of medico-legal expertise that Roman Law encouraged on the Continent, recent research has shown that forensic proofs were nonetheless essential in establishing cause of death in suspicious cases, and, more importantly, in supporting the credibility of coroners' verdicts. However, this period also saw considerable doubt about whether the body was a source of stable facts and these doubts generated contests, and were

generated *by* contests, regarding the meaning of bodily signs in both the medical and legal spheres. Contemporaries worried that in cases of suicide, for instance, physical evidence could be ambiguous or easily manipulated to underpin a particular verdict. Guidebooks for jurors offered advice on how to weigh circumstantial evidence in cases that lacked eye-witnesses, but cautioned about the difficulty in coming to concrete judicial conclusions based on bodily signs alone. Suspicious deaths that occurred in secret frequently raised questions about how to assess physical evidence to determine whether the individual had suffered an intentional or accidental end, and coroners' verdicts were at times questioned because of doubts about the reliability of forensic proofs. If the case of Nicholas Owen reveals the extent to which early modern medical and legal debates were entangled with religio-political contests, it also reveals how those contests were entangled in uncertainties surrounding the body as a stable source of knowledge. Bodily signs were a potent yet fundamentally ambiguous form of evidence and thus peculiarly open to polemical pressures around their interpretation.

Claims about the meaning of bodily signs and the interpretation of potentially ambiguous physical evidence featured centrally in all kinds of polemical literature and confessional contests in the late sixteenth and seventeenth centuries—in disputes about Catholics tried and executed for treason, and in debates over claims of demonic possession and exorcism—and could also frame more mundane legal cases of suspected infanticide and many other kinds of suspicious death. Early modern narratives of traitors' executions, of demonic possessions and exorcisms, or of suspect infanticides all routinely cited various bodily signs such as gesture, pulse and complexion, or the marks left on or inside a corpse to ground representations and to assert or challenge confessional, political or legal authority.

This dissertation examines how physical evidence, particularly evidence provided by the

human body, was deployed for polemical purposes; analyzes the ways that writers interpreted bodily signs in order to make their specific cases; and situates those claims in their cultural, medical and legal contexts. I argue that assertions about the meaning and significance of bodily signs were often at the heart of polemical pitch-making and that physical evidence was central to the proof that writers cited to support their claims. But I also want to explore the degree to which the *ambiguity* and opacity of bodily signs allowed polemicists to shape physical evidence for particular ends, and thus to examine how this ambiguity left room for doubt, uncertainty and skepticism regarding the stability and persuasiveness of evidentiary claims. In many ways, the cases explored below are very different in terms of the subjects and individuals involved and occurred in quite different political and religious contexts. The politics of a Catholic priest charged with treason under Elizabeth I in the 1580s and 90s was not the same as the politics of demon possession and exorcism under Charles I in the 1630s or the politics surrounding a controversial infanticide in revolutionary Oxford in the 1650s. Yet in each of these cases, writers critiqued or employed arguments about the body and physical evidence to validate their positions and to pitch a persuasive argument to various publics. And in all these contests, polemical argument making was embedded in, and thus helps reveal, an often implicit and frequently ambiguous epistemology of bodily signs.

Bodily Semiotics and the Status of Medical Authority in Early Modern England

The meaning of bodily signs and physical symptoms were interpreted and contested across a variety of discursive and practical fields in early modern England. The rich vernacular and popular printed material about the body reveals a culture that was fascinated with the art of interpreting bodily signs and that offered various authoritative ways of doing so.⁷ Learned

⁷ On the proliferation of printed vernacular medical texts in this period, see Mary Fissell, *Vernacular Bodies: The Politics of Reproduction in Early Modern England*, (Oxford, 2007); Paul Slack, *The Impact of Plague in Tudor and Stuart*

medicine, physiognomic theory, and legal forensic analysis all provided methods through which to decipher the signs left on or by the body, and numerous printed texts detailed the meaning of specific physical symptoms, gestures and clues. Medical books included humoral charts, lists of symptoms, details of fevers, urines, and pulses, and catalogued information about particular diseases and cures.⁸ Pamphlets promised to expose the secrets of the body, particularly the female body, enabling the reader to detect signs of pregnancy, for instance, through the list of symptoms provided.⁹ Physiognomic treatises postulated a connection among humoral disposition, facial features, and individual character traits, outlining the ways in which outward bodily signs could reveal or conceal a hidden truth or betray feelings of shame or guilt.¹⁰ And, although lacking a fully articulated theory of forensic evidence, contemporary English legal texts and jury guidebooks outlined the forensic signs which might indicate death by suicide or infanticide, while in suspected cases of poisoning, surgeons might perform an autopsy to

England, (New York, 1985).

⁸ See W. F. Bynum and Roy Porter (eds), *Medicine and the five senses*, (Cambridge, 1993); Ian Maclean, *Logic, Signs and Nature in the Renaissance: the case of learned medicine*, (Cambridge, 2001); Richelle Munkoff, "Reckoning Death: Women Searchers and the Bills of Mortality in Early Modern London," in Jennifer Vaught (ed), *Rhetorics of Bodily Disease and Health in Medieval and Early Modern England*, (Burlington, 2010), pp. 119-134; Andrew Wear, *Knowledge and Practice in English Medicine, 1550-1680*, (Cambridge, 2000); Olivia Weisser, "Boils, Pushes and Wheals: Reading Bumps on the Body in Early Modern England," *Social History of Medicine*, Vol. 22, No. 2, (2009), pp. 321-339.

⁹ See Cathy McClive, "The Hidden Truths of the Belly: The Uncertainties of Pregnancy in Early Modern Europe," *Social History of Medicine*, Vol. 15, No. 2 (2002), pp. 209-227; Laura Gowing, *Common Bodies: Women, Touch and Power in Seventeenth-Century England*, (New Haven, 2003); Mary, Fissell, *Vernacular Bodies: The Politics of Reproduction in Early Modern England*, (Oxford, 2007), (revised ed.); Katherine Park, *Secrets of Women: Gender, Generation and the Origins of Human Dissection*, (New York, 2006).

¹⁰ Writers on the topic likened physiognomy to anatomy, arguing that personality traits and emotions could be identified through outward physical signs because they acted on the inner operations of the body and the muscles in identifiable ways. Often written by physicians or medical practitioners, texts claimed that the study of physiognomy would reveal the natural language of the body. The art provided "a way of knowing the internal affections of natural bodies through signs" and writers contended that the physical effects were "called signs, because they denote, signify, and design the things that are obscure." Johannes Alsted, quoted in *Martin Porter, Windows of the Soul: the art of physiognomy in European culture, 1470-1780*, (Oxford, 2005), p. 27. On this topic, as well as the broader topic of gestural codes, see Michael J. Braddick, "Introduction: The Politics of Gesture," *Past & Present*, (2009, suppl 4), pp. 9-35; Ian Maclean, "The Logic of Physiognomy in the Late Renaissance," *Early Science and Medicine* 16 (2011), pp. 275-295; Martin Porter, *Windows of the Soul: Physiognomy in European Culture 1470-1780*, (Oxford, 2005); John Walter, "Gesturing at Authority: Deciphering the Gestural Code of Early Modern England," *Past & Present*, (2009, suppl 4), pp. 96-127.

examine the inside of the corpse for tell-tale signs.¹¹ Coroners' juries considered various types of forensic evidence—which might include autopsy findings, the measurements of wounds or the location of a corpse—and listened to medical evidence from both learned and lay witnesses.¹²

However, for all its rhetorical self-confidence, the art of interpreting bodies was problematized by a series of epistemological doubts and anxieties. In part, these uncertainties were internal to the authoritative discourses themselves, which often tended to stress the intrinsic difficulty of the art of interpretation and the multiple meanings of outwardly similar bodily signs. Various types of medical practitioners debated whether the ability to correctly interpret these signs was rooted in scholarly medical book learning or in hands on experience. One licensed physician argued in 1606 that “there is no usuall forme to follow in judging or curing of diseases; things seldome fall out after the same maner; the Physician must alter and change his course, as the disease and accidents require, wherein experience can not guide him, but the rules of the Arte.”¹³ Sometimes the symptoms of one disease were the same as another's,

¹¹ See Alastair Bellany, and Thomas Cogswell, *The Murder of King James I*, (New Haven, 2015); Michael Clark and Catherine Crawford (eds), *Legal Medicine in History*, (Cambridge, 1994); Laura Gowing, “Secret Births and Infanticide in Seventeenth-Century England,” *Past & Present*, No. 156, (Aug. 1997), pp. 87-115; David Harley, “Political post mortems and morbid anatomy in Seventeenth-century England,” *Social History of Medicine*, Vol. 7, 1 (Apr 1994), pp. 1-28; Carol Loar, “Medical Knowledge and the Early Modern English Coroner's Inquest,” *Social History of Medicine*, Vol. 23, No. 3; Michael MacDonald and Terence R. Murphy, *Sleepless Souls: Suicide in Early Modern England*, Oxford, 1991; Vanessa McMahon, *Murder in Shakespeare's England*, London, 2004; Katherine D. Watson, *Forensic Medicine in Western Society: A History*, New York, 2011.

¹² In recent work, early modern scholars have contested the view that medico-legal knowledge in England was simply “behind” or backward compared to that produced on Continent. This characterization of England's legal culture was popularized in the work of T. R. Forbes and J.D.J Howard. Carol Loar argues that while “[e]arly modern coroners' reports generally do not reveal investigative or deliberative procedures...examining a broader range of sources than traditional medical-legal historians have often employed reveals that coroners' inquests were not only far more diligent in investigating sudden deaths than has been suggested, but also that they regularly relied on medical knowledge and evidence when rendering their verdicts.” Loar, “Medical Knowledge and the Early Modern English Coroner's Inquest,” p. 476. For earlier works, see T. R. Forbes, “Crown's Quest,” *Transactions of the American Philosophical Society*, New Series 68, no. 1, 1978; and J. D. J. Harvard, *The Detection of Secret Homicide*, (London, 1960). For later scholarship that seeks to contest and complicate earlier accounts see Michael Clark and Catherine Crawford (eds), *Legal Medicine in History*, Cambridge, 1994; Carol Loar, “Medical Knowledge and the Early Modern English Coroner's Inquest,” *Social History of Medicine*, Vol. 23, No. 3, pp. 475-491; James Sharpe and J. R. Dickinson, “Coroners' Inquests in an English County, 1600-1800: A Preliminary Survey,” *Northern History*, XLVIII, (Sept. 2011), pp. 253-269; Katherine D. Watson, *Forensic Medicine in Western Society: A History*, (Oxford, 2011).

¹³ Duncon, *The Copy of a Letter written by E.D. Doctour of Physicke*, (London, 1606), p. 34. The doctor further

sometimes the outward symptoms might be contrary to the internal cause, and sometimes the diagnostic signs might simply be difficult to assess.¹⁴ Depending on individual differences in humoral balance, the same cures would not necessarily work for the same ailment. Licensed physicians warned repeatedly that doctors not formally educated were likely to err in their diagnoses and treatments, and

[t]hey do the oftener fall into this error, because some diseases agree in two of three signes, and yet are farre different. The perfect examining, and comparing of signes, and referring of them to their severall causes, can not be performed without Arte. Experience, their only mistresse, can not teach the difference of diseases, of complexions, and of the rest.¹⁵

Physiognomers also emphasized how easy it was to misinterpret external signs. They stressed the universal power and applicability of their art while at the same time calling for caution in its application, because the meaning of signs could be ambiguous and variously interpreted depending on the particular person and circumstances involved. In his writing on

emphasized the need for a formal education, writing, “the deepe and profound knowledge contained in this Arte, the long time of study that it requireth, the ambiguity and hardnesse of judgement, and the perill of experiments are all expressed in the first aphorisme of the renowned father of our Arte.... After that a man hath spent almost his whole life in the painfull and diligent study of Physicke, he shall not then be able to see into the depth of it: his experiments shall be subject to danger, and his judgement shall meet with many ambiguous scruples.” Duncon, p. 22.

¹⁴ Measuring the pulse was believed to be a principle diagnostic tool in early modern medicine, but one that was notoriously difficult to interpret. English physician John Fletcher was skeptical about the ability of any physician, studied in the medical writings of Galen or otherwise, to interpret the pulse accurately. Variations in the pulse might be associated with a particular disease, but could be influenced by external factors as well, which complicated diagnosis: “the continuall mutability and alteration of the pulse cannot be comprehended by art. For...the affections of mans minde, anger, feare, joye, sorrow, love, hatred, springing from the heart doe varie; so the pulse differeth in every moment. Besides that, the tunicles of the arteries, the skinne and flesh in the wrest of the hand where the pulse is felt, and the skinne and flesh of the physitians hand feeling the pulse, are in some harder and in some softer. Againe the patients hand differing in heate or cold, or manner of position, higher, lower, or on the one side, and the physitians hand touching the arteries softly or pressing them, and infinite other circumstances which make such suddaine and momentany alteration of the pulse, that as in auncient time, so at this present amongst vs there by very few skilful in this part of judgement.” John Fletcher, *The Differences and Cavses in Judgements of Urine*, (London, 1623), p. 5. Licensed physician James Primerose argued that the complexity of the pulse as a diagnostic sign was a way to distinguish between the learned and unlearned. He noted that most medical practitioners attempted to interpret its meaning, adding “yea silly women doe it. And who is able to refraine from laughter, when he sees women feeble the pulse. When it is to be noted, that such observatours take notice onely of one difference of the pulse, to wit, the swiftnesse and slownesse; but there are many differences of the pulse necessarily to be considered by a physician, simple, compound, absolute, relative, in one only pulsation & in many. Againe, the manner of knowing them is difficult; for every difference hath its peculiar manner of knowing it, which if one be ignorant of, he will never finde out the pulse.” James Primerose, *Popular Errors. Or the Errours of the people in matter of Physick*, Robert Wittie (trans), (London, 1641), p. 56.

¹⁵ Duncon, *The Copy of a Letter*, p. 27.

physiognomy, Paracelsus lamented that “there is not only one sign for one quality,” but each “has lots of meaning in it.”¹⁶ As one scholar of the period has argued, the renewed interest in physiognomy and the “natural language of the body,” came “at the very point that a crisis of truth-telling seemed to be unfolding.”¹⁷ This crisis, in part, revolved around the fraught relationship between the multiple meanings of external bodily signs and spoken words, on the one hand, and the complex internal operations of emotions and the conscience, on the other. Physiognomic theory largely excluded women and bodily signs were discussed almost entirely in relation to men. In part, this was the result of medical theories of women's humoral constitution which rendered their bodies naturally more opaque and their physical symptoms harder to read.

This gendering of bodily ambiguity was also at play in discussions of legal evidence. Mark Jackson notes that the 1624 Act “to prevent the Destroying and Murthering of Bastard Children” was meant to circumvent the difficulties raised by ambiguous physical evidence from the body of both the suspected mother and the child.¹⁸ More broadly, while contemporaries learned to demand and use forensic evidence, they continued to worry that forensic proofs could hold multiple meanings and expressed concern that the coroner might manipulate evidence for his own, or someone else's, ends. Pointing to the difficulty that circumstantial evidence posed in

¹⁶ Quoted in Porter, *Windows of the Soul*, p. 204.

¹⁷ Michael Braddick, “Introduction: The Politics of Gesture,” *Past & Present*, Vol. 203 (2009, suppl. 4), p. 34.

¹⁸ Jackson writes that “[p]rior to 1624, all women and men suspected of murdering newborn children were tried according to common-law rules of evidence, which required the prosecution to prove that a dead child had been born alive before it could proceed to the question of murder. Direct evidence of live-birth, in the form of witnesses to the birth, was rare in such cases and the prosecution relied heavily upon circumstantial evidence: examination of the mother for signs of having gone to full term; estimates of the child's maturity and viability; signs of violence of the child's body; and the behaviour and reputation of the mother. In some instances, such evidence was sufficient to obtain a conviction for murder, but in most cases converting the suspicions of neighbours and local officials into convictions in the courts proved singularly difficult.” Mark Jackson, “Suspicious Infant Deaths: the statute of 1624 and medical evidence at coroners' inquests,” in Catherine Crawford and Michael Clark, (eds), *Legal Medicine in History*, (Cambridge, 1994), p. 66.

cases of suspected poisoning, Alastair Bellany and Thomas Cogswell argue “that the dead body could, if read correctly, supply proof,” but “such evidence was rarely sufficient on its own to prove a poisoning.”¹⁹

Anxieties about the meaning of bodily signs and forensic proofs were also fueled by factors external to the discourses of bodily interpretation and by polemical contexts and dynamics which exaggerated the difficulties in the art of interpretation. The ambiguity of physical signs was often emphasized in those texts that were meant to establish the educated physicians' expertise and to assert their monopolistic privileges against “empiricks” or unlicensed medical practitioners. The early modern medical marketplace created competition between practitioners and people had a choice of, and often consulted, several different options for diagnosis and treatment—a situation which only added to the sense of uncertainty and contestability surrounding the interpretation of physical symptoms. Medical authority itself was far from secure and as Margaret Pelling argues, the recently formed College of Physicians attempted to establish its dominance “by 'prosecuting' those whom it saw, and described, as 'irregular' practitioners.”²⁰ Medical practitioners laid claim to expertise on several bases.

¹⁹ Bellany and Cogswell, *The Murder of James I*, p. 183. Vanessa McMahon has also investigated the status of forensic evidence in her examination of early modern infanticide and argued that while contemporaries were eager to use this type of evidence, “the precise meaning of bodily signs was hotly disputed,” and were therefore considered somewhat uncertain in the facts they could establish. Vanessa McMahon, *Murder in Shakespeare's England*, (London, 2004), p. 30. On the rise of autopsies and anatomies during this time, see David Harley, “Political Post-mortems and Morbid Anatomy in Seventeenth-century England,” *Social History of Medicine*, 7 (1), (1994), pp. 1-28; Jonathan Sawday, *The Body Emblazoned: Dissection and the Human Body in Renaissance Culture*, (New York, 1996).

²⁰ Margaret Pelling, *Medical Conflicts in Early Modern London: Patronage, Physicians, and Irregular Practitioners, 1550-1640*, (Oxford, 2003), p. 2. On the medical marketplace see Harold Cook, *Matters of Exchange: Commerce, Medicine, and Science in the Dutch Golden Age*, (New Haven, 2007). The College did not begin to pursue unlicensed doctors until the 1540s, when they brought several cases before the Court of Exchequer. They then appointed four elected members to act of official censors, who would bring charges against illicit practitioners or for malpractice. “By the 1590s the college was prosecuting other practitioners in significant numbers, being upheld in these activities by a special verdict in 1602 issued by the chief justice of the King's Bench, Sir John Popham. Popham declared 'that a free man of London, may lawfully be imprysoned by the Colledge' and 'that no man, though never so learned a Phisition, or doctor may Practise in London, or within seaven myles, without the Colledge Lycence.' See Harold Cook, “Good Advice and Little Medicine: The Professional Authority of Early Modern English Physicians,” *Journal of British Studies*, Vol. 33, No. 1, p. 9.

Empirics emphasized their experience; female doctors cited particularized knowledge of female bodies; and licensed physicians based authoritative claims on their medical literacy and education.²¹ However, licensed physicians and 'learned' medicine itself were riven by two very different interpretive approaches, chemical and humoral, which opened possibilities for conflicting explanations and diagnoses.²² Debates between licensed physicians over specific cases reveals (and surely helped generate) a pervasive anxiety that physical signs could be deceptive and might not establish consensual facts about the body with any degree of certainty.²³ Any diagnosis of a bodily sign was potentially always up for challenge from one direction or another.

Uncertainty about interpretation and skepticism about bodily signs and evidentiary claims was generated by other powerful contemporary contexts, in particular by the post-Reformation confessional division that had destabilized traditional understandings of the distinctions between natural and supernatural phenomena. Within these on-going religious

²¹ The puritan physician John Cotta characterized the empiric as someone “who rejecteth the disquisition of diseases and remedies, their causes, natures & qualities according to judgement and understanding, and the carefull perpension and ballancing of his action and practise unto a just proportion with reason; but onely informeth himselfe by such things as oft appeare evident & manifest unto sense and experimentall prooffe, carrying his heart and understanding in his hands and eyes, taking nothing sure but what he sees or handles.” John Cotta, *A Short discoverie of the Vnobserved Dangers of seuerall sorts of ignorant and vnconsiderate Pratisers of Physicke in England*, (London, 1612), p. 10.

²² On the differences and conflict between Paracelsian and Galenic approaches to medical theory, diagnosis and healing, see Mary Lindemann, “Disease and Medicine,” in Hamish Scott (ed.), *The Oxford Handbook of Early Modern European History, 1350-1750*, vol. 1, (Oxford, 2015), pp. 94-118.

²³ The case of Joseph Lane demonstrates the potential for disagreement between licensed physician over the meaning of bodily signs and the cause of death, in this case a suspected death by poison. In 1632 charges were brought against Lane's servant Robert Cromwell for murder and was found guilty of poisoning Lane. An inquiry initiated by King Charles I brought this case before the College of Physicians who were asked to examine the details and determine whether Lane had been poisoned or had died accidentally from an apothecary's medical treatment. After considering various details of the case, including internal signs observed from his opened corpse, the physicians came to different conclusions. Some of the signs were inconsistent with commonly accepted indications that the death had been caused by poison, and the physicians provided the following conclusion to their inquiry: “Mr. President propounded to the Collegues to give their opinions whether Mr. Lane died of a violent death or naturally. They every one severally were of opinion that he died a violent death upon some external cause. Secondly, whether they thought him to have been poisoned or not. The Question being considered severally by the Fellows, 18 of them were of opinion that he died of poison: but 4 of them...did impute his death to the medicine.” Charles Goodall, *The Royal College of Physicians of London* (London, 1684), p. 434.

conflicts there was a large degree of play in diagnoses of uncanny or odd bodily signs—for instance, in cases of alleged demon possession or a supposed miraculous recovery from sickness or death. Theologians and physicians debated whether signs were natural—and thus explicable by (contested) medical theory—or preternatural or supernatural. As Katherine Park and Lorraine Daston have demonstrated, the boundaries that separated these categories were porous and very much in flux, and to further complicate matters, supernatural symptoms and phenomena could be divine or demonic in origin.²⁴ The category of the preternatural raised its own set of ambiguities. “Until the late seventeenth century,” argues Daston, “the category of the preternatural retained a certain phenomenological homogeneity—wondrous objects and events not unambiguously miraculous in the strict sense—that defied tidy attempts to divide it in half down the line of natural versus supernatural causes.”²⁵ The significance of the providential and wondrous bodily signs became steeped in the religio-political contests of the period, as did debates about whether miracles still occurred and, if they did, what counted as reliable evidence of their occurrence. Many contemporaries expressed fear about the possibility of counterfeit miracles and miracle-workers which were considered so dangerous precisely because false wonders could be convincing and used as proof of confessional authority.

This politically driven blurring of the natural and supernatural was compounded by and connected to the rise of skeptical modes of thinking about the reliability or unreliability of the human senses. Both natural philosophers and lawyers were exercised by the nature of facts or probable facts and by the difficulties of establishing “fact” through experiment, learning,

²⁴ Lorraine Daston and Katherine Park, *Wonders and the Order of Nature, 1150-1750*, (New York, 1998). On the contested definition of miracles and the politics of providence see Jane Shaw, *Miracles in Enlightenment England*, (New Haven: Yale, 2006); Alexandra Walsham, *Providence in Early Modern England*, (Oxford, 1999); -----, “Invisible Helpers: Angelic Intervention in Early Modern England,” *Past & Present*, 208 (2010), pp. 77-130.

²⁵ Lorraine Daston, “Marvelous Facts and Miraculous Evidence in Early Modern Europe,” *Critical Inquiry* 18 (Autumn 1991), p. 106.

reasoning or eye-witnessing. Barbara Shapiro notes that while mid- and later-seventeenth century legal practice and writings distinguished between probability and certainty, there existed a tension between the two that created a “lack of clarity and ambiguity around evidentiary and probability standards,” and I would suggest that this dynamic was equally true of earlier decades.²⁶ These earlier decades also witnessed a growing concern that vision was not the most reliable mode of perception and that knowledge based on sight alone might be unstable. Stuart Clark's account of the impact of the Reformation on visual culture argues that “vision came to be characterized by uncertainty and unreliability,” and that early modern intellectuals “began systematically to consider the idea that visual experience had a cultural (that is, semiotic) foundation, not a natural one.”²⁷ Clark locates this epistemological shake-up in the ambiguities raised by debates over demonology, over whether miracles continued in the present-day, and over the languages of deception and dissembling that came to characterize these contests.²⁸ The idea that external appearances might be deceptive was articulated in cultural registers as well, particularly in discourses about acting and the theater. In a culture that rooted identity and markers of social status in external apparel, the ability of an actor to play the role of a king, or a male to take on a female character, was often unnerving.²⁹ In confessional literature, writers used the language of theater pejoratively to characterize certain individuals

²⁶ Barbara Shapiro, *Beyond Reasonable Doubt and Probable Cause*, (Berkeley, 1991), p. 54. Shapiro and others have explored skeptical modes of thought in relation to the crime of witchcraft in particular and contests about physical signs as positive forms of proof. See *Beyond Reasonable and Probable Cause*, pp. 209-211 and Malcolm Gaskill, “Witchcraft and Evidence in Early Modern England,” *Past & Present*, No. 198 (Feb. 2008), pp. 33-70.

²⁷ Stuart Clark, *Vanities of the Eye: Vision in Early Modern European Culture*, (Oxford, 2007), pp. 2 & 7. For example, it was often noted that exorcism presented their viewer with a visual paradox, a potentially convincing and unnatural performance which could evade explanation and raise epistemological doubts, especially if, as many feared, people could learn to counterfeit the symptoms of possession. See Richard Raiswell, “Faking It: A Case of Counterfeit Possession in the Reign of James I”, in *Renaissance and Reformation*, Vol. 23, No. 3 (Summer 1999), pp. 29-48.

²⁸ Also see Steven Shapin and Simon Schaffer, *Leviathan and the Air-Pump: Hobbes, Boyle, and the Experimental Life*, (Princeton, 1985).

²⁹ Stephen Orgel argues that the institution of the theater was taken as a threat to manhood because of the subversion of gender roles within staged performance. See Stephen Orgel, *Impersonations: The performance of gender in Shakespeare's England*, (Cambridge, 1996), p. 26.

and bodily signs as deceptive.

Physiognomic literature and legal texts assumed that people, especially Catholics, almost always hid their true feelings and intentions and provided several tips on how to unmask those who would lie or dissemble. Catholics were accused of employing “Machiavellian tricks” to hide their true traitorous intentions, and Thomas Overbury counseled that in order to see through the lies told by a “Dissembler...the inquisitor must look through his judgement, for to the eye only he is not visible.”³⁰ Similar fears of dissimulation plagued political life and contemporary popular literature depicted the court as a site of scandal and deception.³¹ Thus, skeptical modes of thinking combined with cultural discourses to nurture a pervasive anxiety that things might be other than what they appeared.

Bodies and Post-Reformation Contests in Early Modern England

The starting point of each chapter of this dissertation is a body or bodies subjected to suffering at the hands of powerful forces: Catholic priests who were tortured and executed by the English state; a group of nuns who were violently exorcized by Capuchin priests before a confessionally mixed audience; and an unmarried mother who, amidst her protestations of innocence, was charged and executed for murdering her new-born child. Each chapter begins with a public spectacle, a punishment or performance that was intended to communicate a series of interlinked messages through ritual violence and display: the authority and justice of the crown and the law; the truth of a religion; the nature of a soul; the truth of a crime. My approach to these spectacles, to the bodies invested by them, and to the truths they produced have been shaped by a number of earlier scholars' work. Michel Foucault theorized the meaning

³⁰ See Matthew Sutcliffe, *A challenge concerning the Romish Church*, London, 1602, 208; and Thomas Overbury, *New and choise characters*, (London, 1615), Cv.

³¹ See Alastair Bellany, *The Politics of Court Scandal in Early Modern England: News Culture and the Overbury Affair, 1603-1660*, (Cambridge, 2007).

of public torture and execution, characterizing the early modern monarchical state as primarily concerned with enacting its power on the physical body of a convicted felon or traitor. But Foucault also hinted that we might examine the potential for early modern torture and punishment to convey multiple messages and that we might explore how the suffering body could display both submission and resistance to state power:

[t]here is...an ambiguity in this suffering that may signify equally well the truth of the crime or the error of the judges, the goodness or the evil of the criminal, the coincidence or the divergence between the judgement of men and that of God. Hence the insatiable curiosity that drove the spectators to the scaffold to witness the spectacle of sufferings truly endured.... It was a moment of truth that all the spectators questioned: each word, each cry, the duration of the agony, the resisting body, the life that clung desperately to it, all this constituted a sign.³²

Foucault did not fully theorize what the ambiguity of this “moment of truth” might reveal about early modern power, although he drew attention to the potentially subversive power not only of the signs emitted by the “resisting body,” but also of the ways in which spectators and writers received and perceived that suffering.

What in each case began as a public performance found new and continued life in the form of pamphlet and manuscript narratives which placed pressure on the inherent ambiguities of an execution.³³ Peter Lake and Michael Questier have more fully demonstrated the ways that the intended message of the spectacular assertion of power over the body could be subverted, both during and after the event itself. This dissertation builds on the work of Lake and Questier

³² Michel Foucault, *Discipline and Punish*, Alan Sheridan (trans), (New York, 1995, 2nd ed), p. 46

³³ My work draws from Lake's, Questier's and other's arguments about print and the rise of an early modern public sphere(s). Lake and Questier argue that polemical narratives were “framed in terms of generally knowable criteria of truth or interest, thus assuming and, in a sense, calling into being a public both legitimately interested in and able to consider and even decide (in terms of such criteria of truth and common interest) the question or issue at hand.” Peter Lake and Michael Questier, “Puritans, Papists, and the “Public Sphere” in Early Modern England: The Edmund Campion Affair in Context,” *The Journal of Modern History*, Vol. 72, No. 3 (Sept. 2000), p. 590. Also see Richard Cust, “News and Politics in Early 17th Century England,” *Past & Present*, vol. 112 (1986), pp. 60-90; Peter Lake and Steve Pincus, “Rethinking the Public Sphere in Early Modern England,” *Journal of British Studies*, Vol. 45, No. 2 (April 2006), pp. 270-292; Jason Peacey, “Print and Public Politics in Seventeenth-Century England,” *History Compass*, 4 (Nov.), pp. 72-98; Joad Raymond, *Pamphlets and Pamphleteering in Early Modern Britain*, (Cambridge, 2003).

who, through their analysis of polemical literature around Elizabethan executions of Catholic priests, demonstrate that political power was highly unstable and was dialectically constituted and contested through various cultural forms.³⁴ Lake and Questier identify a set of cultural tropes and popular discourses that writers deployed in narrative accounts of Catholics tried for treason, including “the last dying speech, the good death, and the scripted dialogue between martyrdom and persecution,” which could all “be glossed and appropriated for a variety of polemical purposes.”³⁵ They note the ease with which an individual could be characterized as either a traitor or a martyr through slight variations to the narrative thus demonstrating that the political meaning of the trial and execution of Catholics was not fixed but open to multiple possible interpretations and re-interpretations.³⁶ Part of the power of these rhetorics and symbols was precisely their ambivalence and an ambiguity which allowed polemicists to shape narratives to communicate a particular message.³⁷ In ways that support Lake and Questier's

³⁴ On literary genres and early modern politics, see Alastair Bellany, “Railing Rhymes Revisited: Libels, Scandal and Early Stuart Politics,” *History Compass*, 5:4, (2007), pp. 1136-1179; Alexandra Halasz, *The Marketplace of Print: Pamphlets and the Public Sphere in Early Modern England*, (Cambridge, 1997); Peter Lake, “Popular form, Puritan content? Two Puritan appropriations of the murder pamphlet from mid-seventeenth-century London,” in Anthony Fletcher and Peter Roberts (eds), *Religion, Culture and Society in Early Modern Britain*, (Cambridge, 2006), pp. 313-334; Harold Love, *Scribal Publication in Seventeenth-Century England*, (Oxford, 1993); Tess Watt, *Cheap Print and Popular Piety, 1550-1640*, (Cambridge, 1991).

³⁵ Peter Lake and Michael Questier, “Agency, Appropriation and Rhetoric under the Gallows: Puritans, Romanists and the State in Early Modern England,” *Past & Present*, No. 153 (Nov. 1996), pp. 68-9.

³⁶ *Ibid.*, pp. 103-4. See also Peter Lake and Michael Questier, *The Anti-Christ's Lewd Hat: Protestants, Papists & Players in Post-Reformation England*, (New Haven, 2002); Thomas Laqueur, “Crowds, Carnival and the State in English Executions, 1604-1868,” in A. Beier, D. Cannadine and J. Rosenheim (eds), *The First Modern Society*, (Cambridge, 1989), pp. 305-55; and, J. A. Sharpe, “Last Dying Speeches: Religion, Ideology and Public Execution in Seventeenth-Century England,” *Past & Present*, No. 107 (May 1985), pp. 144-167.

³⁷ Kevin Sharpe and Peter Lake (eds.), *Culture and Politics in Early Stuart England*, Stanford: Stanford University Press, 1993, pp. 14-15. An important study by John Walter also identifies gesture as a key cultural code through which political messages were communicated and disrupted. Lake and Questier include gesture in their study of polemical literature, but I draw from Walter's broad definition to extend this analysis. Walter argues that “[p]osture, the structural arrangement of the body in space and the state and positioning of the body as a whole, also has a role to play in amplifying (or undercutting) the message imparted by the structured movement of part of the body in gesture. What contemporaries referred to as gait, demeanour, manners, pose and, not least, countenance and visage, also played a part in the meanings communicated through gesture. And, of course, a too-literal acceptance of the definition of non-verbal communication ignores the fact that 'voice' too and its modulations were often also importance in underwriting or undermining the meaning of a gesture.” John Walter, “Gesturing at Authority: Deciphering the Gestural Code of Early Modern England,” *Past & Present*, 2009 (suppl 4), p. 99; interesting that in his analysis, Walter does not pay attention to countenance or visage at all. Also see Jan Bremmer and Herman Roodenburg (eds.), *A Cultural History of Gesture*, Cornell, 1991; and

account of polemical narratives, Foucault also argued that execution literature was a site of battleground in which “the effect...was equivocal” because the “posthumous 'proofs'” which writers used to identify the criminal and justify institutional authority were uncertain and easily (re)interpreted.³⁸

Although they would not consider themselves to be historians of the body, Lake and Questier identify interpretations and discourses of the body as central to the 'criteria of truth' that readers were presented with in the polemical literature around executions, and they cite evidence such as gesture and countenance, deliberate and reflexive embodied actions—such as kissing the ladder or grabbing the halter—to support their account of polemical pitch-making. What they stop short of doing, however, is to contextualize the discourses of embodiment, gender, and physical evidence that writers drew from, or to theorize how polemical literature participated in broader cultural, legal and medical epistemological contests about physical evidence and the meaning of bodily signs.

In order to think about how polemical literature fits within a broad history of the body as well as the way that discourses about gender and embodiment shaped confessional contests, I turn to Laura Gowing for a methodological model. Gowing examines discourses about the female body articulated in medical, legal and popular sources, but considers them in relation to the social and economic factors that shaped them. Doing so allows her to identify the female body as a site of contest in which multiple physiological models and examination methods were at work and could be deployed to assert or undermine authority. Gowing examines the way that contests over the body unfolded in court cases involving pregnancy and childbirth, how the female body was examined for evidence and the multiple and often conflicting interpretations

Adam Kendon, *Gesture: Visible Action as Utterance*, (Cambridge, 2004).

³⁸ Foucault, *Discipline and Punish*, p. 67.

of bodily signs. The way that women interpreted their own bodily signs within these contests was shaped by their social position and a set of explanations that could frame physical symptoms in several different ways depending on the circumstances. For Gowing, bodies “are a product of culture,” and in the social world that shaped knowledge about the body, “what bodies meant was established through perpetual confrontations and negotiations.”³⁹ Through Gowing's work, we have a model through which to consider the body as one of the central polyvalent discourses that Lake and Questier identify in their analysis of confessional literature, and a way to extend their methodology to examine the relationship between representations of the body; the multiple discourses about the body that detailed what specific physical symptoms meant, how to read it for evidence, and who had the authority to interpret bodily signs; and how these factors shaped corporeality and interpretations of embodied experience. By characterizing the female body as a site of contest, Gowing allows us to question why certain interpretations of physical signs were credible, or not, in particular circumstances, to consider issues of authority in relation to claims about the body, and to be attentive to corporeality, to the circumstances that shaped embodied experience and why certain individual bodies were characterized as more ambiguous than others. But the ambiguity that Gowing identifies was also revealed and produced by polemical sources and in this literature we can explore the action and discourse that created anxiety about the stability of the body as a source of knowledge.

Dissertation Outline

Part one of this dissertation explores polemical contests that were waged over the status of martyrs and traitors and over demon possession and exorcism. Chapter one, “Discovering Treason and Making Traitors: Catholic bodies and the contest over early modern martyrs”

³⁹ Gowing, *Common Bodies: Women, Touch and Power in Seventeenth-Century England*, p. 209.

examines polemical representations of Catholics who were charged with treason from approximately 1580 to 1620. In documents produced by state officials, in printed pamphlets and manuscripts, Catholics and Protestants vied to cast accused Catholics and priests as either martyrs for their religious beliefs or as traitors to the monarchical state. Polemicists on both sides sought to credibly represent the individual as either a martyr or a traitor and they did so by appealing to different types of evidence drawn from the body that writers interpreted to support their (conflicting) accounts: Forensic proofs that demonstrated that an individual had (or had not) committed suicide prior to his trial; individual responses to torture and how they (seemed to) experience pain; interpretations of an accused's body language throughout the course of their trial; how the accused delivered an execution speech, including gestures and the sound of their voice; the accused's behavior and countenance as they hung from the scaffold; and strange or (contested) miraculous signs on the corpse. Polemicists interpreted these physical signs to make conflicting claims that the accused traitor was either fearful and obstinate, and therefore demonstrably guilty, or that they behaved bravely and piously and thus remained steadfast, and were therefore innocent of treason and true martyrs. Writers made implicit epistemological claims about how the outward body revealed an individual's inner character and emotions, and appealed to different forms of authority—the coroner's verdict or the sentiments of an on-looking execution crowd—to support their polemical narratives. This chapter demonstrates the central role that physical and forensic evidence played in the representation of accused traitors to a broad audience and argues that the same bodily signs could be interpreted in conflicting ways thus undermining the body as a stable source of proof.

Chapter two, “Lost in “the maze of those maie bees”: Thomas Killigrew, demon possession and religious ambivalence in 1630s England” examines the epistemological and

religious politics of Thomas Killigrew's ambiguous account of the demon possessions and exorcisms that he witnessed at the Loudun abbey in France in 1635. Rather than take an explicit confessional position vis-a-vis the authenticity of the possessions, Killigrew offered a series of shifting assessments of the nun's bodies that characterized their symptoms in various ways, from the laughably histrionic, to the inexplicably preternatural, and sometimes to the obviously supernatural. The ambivalent confessional message in Killigrew's letter reveals a skepticism about the trustworthiness of the body as a source of proof and demonstrates the ways that similar physical signs could be interpreted as supernatural, preternatural or natural phenomena. Killigrew's doubts about how to interpret the nuns' physical symptoms were also grounded in an epistemological uncertainty that undermined the senses as a stable mode of perception, particularly the senses of sight and touch. By examining the diagnostic tools and signs (such as pulse and temperature) that Killigrew employed in his assessment of the nuns' bodies, we can use his account as a lens through which to examine other English polemical contests over demon possession and exorcism, and the broader anxiety over the legibility of bodily signs within medical, legal and cultural spheres. Killigrew's account highlights the ambiguity of women's bodies in particular, and reveals a latent skepticism (often effaced from other English polemical narratives) that the body could provide stable, trustworthy evidence. The apparent absence of a stable confessional position, however, does not mean that Killigrew's account was politically neutral. Killigrew's confessional ambivalence at Loudun reflected his political context, shaped by his courtly connections to Walter Montagu and Kenelm Digby and to the diverse and religiously ambiguous circle surrounding Queen Henrietta Maria. Killigrew's narrative staked out an alternate religio-political that enabled him to inhabit an in-between confessional identity and navigate the ambiguous religious allegiances of the English court in

the 1630s.

Part two of this dissertation examines the case of Anne Greene, an unwed mother who was charged with killing her infant son, found guilty and hanged for her crime, only to revive on the anatomists' table. Chapter three, "The Case of Anne Greene: Politics, Providence, and Ambivalent Miracles in 1650s' Oxford," examines the polemical literature that the Greene case produced and the politics associated with providentialist claim-making in this period.

Interpretations of Anne's story rested on whether her revival was a natural or supernatural phenomenon. Providentialist accounts presented evidence which characterized Anne's revival as a miracle, a divine message of judgement against a corrupt legal system. Other accounts offered by the prominent physicians involved in Anne's case, particularly William Petty, characterized the events naturally, explaining that he and others were able to resuscitate her through natural means, thus highlighting their personal expertise and authority.

Chapter four, "The Body of the Mother and the Body of the Child: Infanticide and the problem of medico-legal and forensic evidence," examines a set of claims that William Petty made in his account of Greene's case, especially his contention that if jurists had consulted medical experts such as himself, the physicians could have accurately interpreted the physical evidence of the Greene case and the correct verdict would have been reached. Petty based this contention on Anne's account of her physical symptoms and her claim that she was unaware of the pregnancy, as well as on forensic evidence drawn from the body of the infant. By reading this set of claims and interpretation of bodily signs against other legal cases, medical texts and physicians' consultation notes, this chapter argues that while physical evidence was thought to be necessary to reach legal verdicts, the meaning of bodily signs in infanticide cases remained ambiguous. The female body could both provide the truth and conceal it, and was not a

consistent source of stable knowledge in legal trials. Petty's claims about the reliability of physical evidence are thus revealed to be more complicated than they initially seem and the evidentiary weight that such physical and forensic proofs should carry was not established with any degree of certainty at this time.

The final chapter, “When is a Corpse a Corpse? Gender, Polemics, and Apparent Death,” examines Greene's case from the perspective of her failed execution and the uncertainty surrounding the physical signs of death. While providentialist accounts of Greene's case argued that her recovery was a miracle, there were other potential explanations for why someone might appear dead but actually be alive. The legal system accounted for such occurrences, and accounts of premature burials often emphasized how difficult it was to assess death's signs with accuracy. Ambiguous signs of death allowed polemicists to characterize Greene's story as a miracle and imbue it with a providential message; however events could be represented in other ways as well. These messages often spoke to the ambiguity of women's bodies or to their cunning exploitation of death's ambiguous signs to achieve their own manipulative ends.

Together, these chapters argue that early modern religio-political contests and the polemical literature they produced has a place amongst histories of the body. What emerges from this analysis is an ambiguous early modern epistemology of bodily signs and physical evidence. This ambiguity was rooted in multiple sources: in tensions within early modern medical understandings of the body and debates in natural philosophy; in legal ambivalence about the status of physical evidence, and in cultural anxieties about certain kinds of deceptive bodies; in debates about the relative opacity or transparency of male and female bodies; in bitter disputes about who had the authority to make credible judgments about the meaning of bodily signs, and about which methods of observation or modes of witnessing produced stable

knowledge. In the case studies that follow, I argue that while the early modern period saw the emergence of powerful modes of interpreting the body, that story was disrupted and complicated by lingering uncertainties about the meaning of bodily signs and by the polemical distortions that represented those signs for particular ends. By analyzing the way polemicists represented physical evidence, exploring the epistemologies which produced those proofs and identifying the authoritative discourses which supported or undermined them, this thesis maps a complex feedback system in which confessional literature was influenced by and in turn shaped contemporary medical, legal and cultural contests about the meaning and truth of bodily signs.

CHAPTER 1

**Discovering Treason and Making Traitors:
Catholic bodies and the contest over early modern martyrs**

John Shert did not seem afraid when he was brought to the place of his impending execution. One of the English Jesuits who was tried alongside Edmund Campion, Shert was found guilty of treason and condemned to die a traitor's death at Tyburn on the 28th of May, 1582. As he was dragged to the scaffold, Shert was forced to look at the body of his friend and co-condemned, Thomas Ford, who was mid-disemboweling on the butcher's block. Accounts noted that this sight did not seem to overly distress Shert, who was about to suffer the same fate. The Catholic narrative alleged that he remained calm, and “with a confident courage, smyling countenance, and with his handes lifted up, he spake as followeth, O happie Tom, happie arte thou that didst rune that happie race.”⁴⁰ Unafraid by what he saw enacted on Ford's body, Shert exclaimed that the martyr's death was a happy death, one that he embraced with joyful confidence. The Protestant account of Shert's death mentioned this same bravery, but added that he “began with holding uppe his handes, as the Papistes are wont to doo before theyr Images,” and that his “outward boldnesse” would soon be revealed as a cover for an “inward faynting feare.”⁴¹ Both accounts, one Catholic, the other Protestant and pro-state, asserted that Shert appeared to be confident in the face of a gruesome death. However, something occurred once Shert was on the scaffold that left a certain amount of ambiguity and openness around how to interpret his apparent outward courage. Anthony Munday, a virulently anti-Catholic pamphleteer throughout the 1580s, recounted the death scene in the following way:

⁴⁰ William Allen, *A Briefe Historie of the Glorious Martyrdom of XII Reuerend Priests, executed within these twelve monethes for confession and defence of the Catholike Faith*, (Rheims, 1582), p. 5.

⁴¹ Anthony Munday, *A breefe and true reporte of the Execution of certaine Traytours at Tiborne*, (London, 1582), sig. B2v.

Then he began his Pater noster in Latine, and before he had fully ended two petitions of it, he fell into the Latine Creede, and then to the Pater noster againe, afterwarde he sayde the Ave Maria: which done, knocking him selfe on the brest, saying Jesus, esto mihi Jesus, the Carte was drawne away, and he committed to the Mercie of God. But then to manifest that his former boldnesse, was but meere dissembling, and hipocrisie: he lyfted up his handes, and caught holde on the Halter, so that everie one perceyved his fayre outwarde shewe, and his fowle inward disfigured nature, also howe loth he was and unwilling to die.⁴²

Munday was careful to note the particularly Catholic elements of Shert's behavior; he repetitiously prayed in Latin and beat his chest, like a form of penance. However, for Munday, the fact that Shert took hold of the halter as the cart moved out from under him was enough to reveal that his outward "boldnesse" and piety were nothing more than a deliberate act to disguise his true fear and hypocrisy. Munday claimed that this response was meaningful as it revealed Shert's true, treacherous character, which supported the state's charge against him as a traitor and demonstrated Catholicism's duplicity in general. Shert's body betrayed his inward fear of death and revealed that his seeming outward show of confidence was nothing more than an act. Munday's characterization of Shert as a traitor relied on his interpretation of bodily signs and the underlying assertion that outward gestures could reveal dissimulation and hypocrisy.

In order to challenge this interpretation and portray Shert as a martyr, William Allen, a Catholic priest and polemicist, needed to provide an alternative explanation for why Shert grabbed the rope and, demonstrate why the gesture was not a sign of a secret desire to live.

Describing the same scene, he wrote that

when the carte was trailed away, his hands being before on high, in the putting them downe, he light upon the rope, and so held it, and the officers pulled them downe. The Sherife then said, notwithstanding his obstinacie, see how willing he is to live. So he hanged til he was dead. But it semed to me that his hands by chaunce, as he was putting them downe, fel upon the rope which he by chance held fast in his hands, as (in that case) he would have done any other thing if he had chanced upon it. [in a side note for the paragraph he continues] A malicious & folish interpretation, for a man dying, naturally,

⁴² Munday, *A breefe and true reporte*, sig. B3-B3v.

taketh hold of anything he lighteth on.⁴³

According to Allen, before the cart was pulled away Shert's hands had been lifted up above his head while he was praying, and therefore he naturally caught hold of the rope as he lost his footing. The reflex to grasp onto something as he fell was nothing more than a natural bodily response which would have been normal in all sorts of deaths regardless of the circumstances. Had his hands been by his side when the cart moved, Allen suggests, he would not have had the same reflex; his automatic response was based on the coincidence of the location of his hands and not indicative of any greater meaning.

Small gestures and subtle signs, such as reaching for the rope, were often at the center of early modern accounts of executions and efforts to frame the condemned as either a traitor or a martyr. Allen and Munday both had a polemical point to prove and their contest over the status of Shert's death was waged (in part) over conflicting interpretations of his body during the execution. For Munday, Shert was executed as a duplicitous traitor whose treason was manifested by his fear of death, a fear revealed by his attempt to grab the halter. For Allen, Shert was a pious and courageous martyr, a status demonstrated by his countenance, piety, and confidence as he approached the ladder; the fact that he reached for the halter was an empty gesture and void of any greater significance. Implied in both of these accounts is an understanding and claim about the meaning of physical gesture and what outward bodily signs revealed about the inner character. Polemical claims about whether the accused was a martyr or a traitor here rested on interpretations of gesture, complexion, and demeanor, and how these signs were invoked in relation to the crime itself and to the words the accused traitor spoke before and during their execution.

⁴³ Allen, *A briefe historie of the glorious martyrdom*, p. 107.

Representations of Catholics charged with treason served a series of polemical purposes and were among the most disputed and recounted legal cases in the late sixteenth and early seventeenth centuries. At stake was whether those charged were, in fact, guilty of treason, as the state claimed, or persecuted solely on religious grounds. The legal category of treason was a contested one. The 1534 Tudor statute defined treason not simply as actions to bring about the death of the monarch, but also included the crime of “treason by words,” which was extended under Elizabeth to include the “imagination” or “intention” of the accused. As Rebecca Lemon has argued, “treason by words allows us to view the crime not as an action but as a political and legal construction,” in which the “trials themselves are interpretive events where judges and juries strive to discover the 'imagination' or intention of the traitor.”⁴⁴ At issue was whether one could be a committed Catholic separate from the confessional politics that had come to define the political sphere.

Many Jesuits and priests who were arrested and tried during this period maintained that they held no subversive intentions towards the Protestant crown and were persecuted for their religious beliefs, or conscience, alone. During interrogations, trials, and in speeches delivered before their executions, many passionately asserted that although they were devout Catholics, they were also loyal English subjects. The state, on the other hand, focused on the issue of intent and tried to demonstrate that those who were charged had made, would make, or could imagine, active attempts to undermine monarchical authority. State interrogations questioned belief and argued that loyalty to the Pope could not be separated from treasonous intentions

⁴⁴ Rebecca Lemon, *Treason by Words: Literature, Law, and Rebellion in Shakespeare's England*, (Ithaca, 2006), p. 3. Among the statutes pertaining to the regulation of Catholic practice and belief were the 1559 Act of Uniformity and the Second Act of Supremacy of the same year. 23 Elizabeth I c. 1 in 1581 made active attempts to convert English subjects to Catholicism illegal and a treasonable charge, and 27 Elizabeth I c. 2 1584-5 which ordered that all priests leave England within forty days of the statute or be subject to the charge of treason.

towards the crown. One of the central issues involved in these debates was the extent to which being a Catholic and one's individual conscience might set someone at odds with state sovereignty.

Narrative accounts of Catholic trials and executions grappled with these questions, and as both sides tried to win over a broad and popular audience, the political stakes of these polemical contests were very high.⁴⁵ However, polemicists faced a difficulty in that the executions were well attended and publicized events which meant that they did not have a great deal of creative freedom in the story they told. Consequently, Protestant and Catholic narratives often agreed about the general details of individual executions and recounted, often almost verbatim, the same words that someone spoke during their trial and final speech. In their account of executions of Elizabethan martyr/traitors, Peter Lake and Michael Questier contend that

[o]n both sides of the confessional divide the capacity of the felon to face death with equanimity, sure of his or her repentance and therefore assured of Christ's intercession and hence of salvation, was considered to be an acid test of the personal religious profession of the condemned and of the truth of the religious system within which that profession was framed.⁴⁶

However, Lake and Questier also note the ease with which someone's martyr could be transformed into another's traitor through various interpretive frames that authors used to gloss their accounts of these executions, which “invested the smallest outward gesture on the gallows with a heightened spiritual significance, a fact that both sides tried to exploit to their own polemical advantage.”⁴⁷ The result was often multiple and conflicting treatments of individual trials, in both print and manuscript form, with some supporting the state's position and others

⁴⁵ On the political stakes of early modern martyrologies see Susannah Brietz Monta, “Representing Martyrdom in Tudor England,” in *Oxford Handbooks Online*, pp. 106-108.

⁴⁶ Peter Lake and Michael Questier, *The Anti-Christ's Lewd Hat: Protestants, Papists & Players in Post-Reformation England*, (New Haven, 2002), p. 241.

⁴⁷ *Ibid.*, p. 241.

arguing that Catholics were persecuted for their religious beliefs under the guise of treason. Central to the characterization of these events was a description of the accused as embodying either guilt or innocence. If someone could be convincingly represented as one who behaved like a martyr—acting calm and composed throughout the course of their ordeal—then this supported the legal argument that they were innocent of treason and persecuted solely on religious grounds. Yet the same body language could also be construed as the behavior of a traitor: if writers could represent certain bodily signs as indicative of guilt or shame, then this supported the state's charges against the accused. Writers on both sides thus interpreted the accused's demeanor, gesture, and comportment throughout the trial and execution process to argue that they were either guilty or innocent. Thus central to the polemical representation of Catholic martyr/traitors were claims about the relationship between the outward body and the conscience, and interpretations of specific bodily signs to support or undermine their legal and political status.

The public nature and political stakes of narrative accounts of accused traitors has something to tell us about the history of the body that would otherwise remain implicit or hidden. As Brad Gregory has argued in his work on these accounts,

neither these sources in general, nor their depictions of martyrs' public behavior, are inherently suspect due to their authors' ideological commitments. Indeed, something quite the opposite is very likely true: precisely *because* these writers wanted to promote their respective causes, they strove to make their interpretations, however highly charged, however shaped by literary conventions, fit the best available information about executions.⁴⁸

In their attempt to make a convincing case, polemicists offered interpretations of the accused's body at various moments of the trial and execution process, including the arraignment, torture,

⁴⁸ Brad Gregory, *Salvation at Stake: Christian Martyrdom in Early Modern Europe*, (Cambridge, Mass., 1999), p. 21.

sentencing, dying speech, hanging and dismemberment, and often responded to or anticipated alternative representations of the accused. Both Catholic and Protestant polemicists were working from a broadly shared cultural understanding of how a martyr behaved but also had to contend with the particular details of individual cases. Thus writers interpreted bodily signs—subtle, involuntary, and at times almost imperceptible outward signs—to make claims about the credibility, inner character, and conscience of the one accused, and to undermine or support the authority of the state. Polemicists paid attention both to deliberate gestures and a broad range of physical signs, and representations of martyrs or traitors often relied on interpretations of how these various signs interacted with one another. Writers scrutinized whether the words of the accused, his protestations of innocence, were in line with other bodily signs. Was he overly pale? Did he stammer when responding to questions? Did he seem to visibly tremble? How had the accused responded to torture or to physical pain? All of these signs could be interpreted to reveal feelings of guilt or shame and thus undermine claims to innocence. But if the accused appeared calm and responded to questions with a loud and confident voice, writers argued that these were indications that they were not afraid, took courage in their Catholic faith, and were therefore innocent of treason. The fact that these accounts were polemical and contested actually gives us rare insight and access into early modern vernacular epistemologies of the body. This chapter explores these sites of divergence and contestation, and the epistemologies that informed conflicting accounts of Catholic bodies.

By examining the way that bodily signs and physical evidence were invoked by polemicists in accounts of Catholics charged with treason, this chapter makes two distinct but complementary arguments. First, representations of Catholics as either religious martyrs or political traitors were in large part based on interpretations of their bodies and on various forms

of physical evidence. Writers shaped forensic proofs; deployed physiognomical explanations of how the outward body revealed or betrayed the inner conscience; utilized theories of pain; and offered interpretations of the corpse to frame their polemical accounts. At times there is an obvious divergence between accounts that is overtly confessional—a more Catholic or Protestant explanation, especially when it came to the corpse or appealing to the supernatural or miraculous. More often, however, there was little difference in the underlying epistemology at work in one account or the other—writers could interpret a bodily sign variously to meet their polemical purposes, and these interpretations might shift between cases or confessional positions. This leads me to the second part of my argument which is about physical evidence and bodily signs more broadly. Pamphleteers could represent the tortured and executed Catholic body in martyrological or traitorous terms specifically because of an ambiguous early modern epistemology of the body. Throughout this period, legal authorities began to rely more on evidence drawn from the body, which was provided and interpreted by both expert and lay witnesses, and vernacular medical and medico-legal texts were increasingly circulated for a broad audience. Yet, as scholars have noted, this period was also one of uncertainty regarding the legal status and trustworthiness of physical evidence, and it was often not enough on its own to render a certain verdict. People were generally concerned that physical signs and evidence were ambiguous in meaning and thus polemically flexible—various people could interpret the same bodily evidence to make conflicting claims. Thus, legal medicine and various forms of forensic evidence occupied an awkward in-between space in legal trials and in subsequent polemical contests.

Despite the centrality of the body within representations of Catholic martyrs/traitors, early modern epistemologies of the body have largely been ignored in studies of Catholics

charged with treason in this period. The most sophisticated recent analysis of the executions of Catholic priests (by Peter Lake and Michael Questier) has argued that while executions were a part of the “rites of state violence” intended to display the sacral power of the monarchy, they were also highly contested, and contestable, rituals. Public punishment involved a set of discursive structures, such as “the last dying speech, the good death, and the scripted dialogue between martyrdom and persecution,” which could all “be glossed and appropriated for a variety of polemical purposes.”⁴⁹ Although state officials attempted to cement the symbolic meaning of execution rituals, they had limited control over how the execution unfolded or how the felon behaved on the scaffold. So “in attempting to impose its own definitions, to fix its own meanings and interpretations on the very violent, powerful and potentially unstable symbols and images released every time a Catholic met his maker on the scaffold, the English Protestant state was forced to enter a religious and ideological arena that no one group could hope to dominate or control.”⁵⁰ Polemical contests between the Protestant state and its Catholics victims—in the trials, executions and narrative accounts—were waged over and through these discursive “religious” and “ideological” arenas. While Lake and Questier pay attention to the polemical appropriations and representations of the body of the accused traitor, their primary focus is on interpretations of deliberate actions, such as kissing the scaffold, or the words of the dying speech. And the thrust of their analysis is aimed at dismantling claims of a totalizing state power over the execution, and to identify the ideological complexities and contradictions at

⁴⁹ Lake and Questier “Agency, Appropriation and Rhetoric under the Gallows: Puritans, Romanists and the State in Early Modern England,” pp. 68-9; see also *The Anti-Christ's Lewd Hat: Protestants, Papists & Players in Post-Reformation England*, (New Haven, 2002); Lake and Questier write in response to the following authors: Michel Foucault, *Discipline and Punish*, trans. A. Sheridan, (New York, 1977); Thomas Laqueur, “Crowds, Carnival and the State in English Executions, 1604-1868,” in A. Beier, D. Cannadine and J. Rosenheim (eds.), *The First Modern Society*, (Cambridge, 1989), pp. 305-55; and, J. A. Sharpe, “Last Dying Speeches: Religion, Ideology and Public Execution in Seventeenth-Century England,” *Past & Present*, No. 107 (May 1985), pp. 144-167.

⁵⁰ Lake and Questier “Agency, Appropriation and Rhetoric under the Gallows: Puritans, Romanists and the State in Early Modern England,” p. 73.

work. “In the very polarized setting created by the execution of Catholics,” write Lake and Questier,

the different world-views and interpretative frames brought to bear on these events were so starkly at odds that in effect the meaning of the event was left almost entirely to the eye of the beholder. One person's martyr may have been another person's traitor (and vice versa), but the terms in which those categories were defined and publicly affirmed on the gallows, inscribed on the persons and personas of the victims, were so similar that the labels could become reversed with terrifying ease.⁵¹

But despite their attention to cultural contest and appropriations, Lake and Questier's account of the flexibility of early modern execution discourses does not pay particular attention to the bodily epistemologies which underpinned some of the competing representations of Catholic martyrs/traitors.

The narratives written about treason trials, however, offer the opportunity to consider them as part a history of the body more broadly speaking. One of the key interpretive frames that allowed for the slippage between (and reversal of) the categories of martyr and traitor was a physiognomical understanding of the body and an ambiguous epistemology that imbued bodily signs with multiple meanings. The semiotics of gesture included both deliberate movements and speech as well as bodily signs that might be considered, or contested to be, outside of the victim's control. In his work on representations of authority in early modern England, John Walter understands gesture to be more akin to what we might call body language. He writes that “the standard definition of gesture,” is “a form of non-verbal communication achieved through

⁵¹ Lake and Questier, “Agency, Appropriation and Rhetoric under the Gallows: Puritans, Romanists and the State in Early Modern England,” pp. 103-4. Of course, Lake and Questier are responding specifically to Foucault's account, and Sharpe's use of this account, of early modern executions, which argued that they served as a demonstration of state power on the body of the condemned. However, Foucault himself hinted that we might examine resistance to state centered narratives by examining the suffering body. He writes that “[t]here is...an ambiguity in this suffering that may signify equally well the truth of the crime or the error of the judges, the goodness or the evil of the criminal, the coincidence or the divergence between the judgement of men and that of God. Hence the insatiable curiosity that drove the spectators to the scaffold to witness the spectacle of sufferings truly endured.... It was a moment of truth that all the spectators questioned: each word, each cry, the duration of the agony, the resisting body, the life that clung desperately to it, all this constituted a signs.” Foucault, *Discipline and Punish*, p. 46.

any distinct bodily action that is regarded as part of the process of deliberate utterance or expression.” Walter cautions that this is too narrow a definition, however, and is insufficient in the context of efforts to unpack the politics of gesture in this period. He contends, instead, that

[p]osture, the structural arrangement of the body in space and the state and positioning of the body as a whole, also has a role to play in amplifying (or undercutting) the message imparted by the structured movement of part of the body in gesture. What contemporaries referred to as gait, demeanour, manners, pose and, not least, countenance and visage, also played a part in the meanings communicated through gesture. And, of course, a too-literal acceptance of the definition of non-verbal communication ignores the fact that 'voice' too and its modulations were often also important in underwriting or undermining the meaning of a gesture.⁵²

Contemporaries were interested in deliberate gestures and words as much as they were the more nebulous signs such as countenance, visage, posture, and voice. And, importantly, Walter asserts that interpretations of gesture broadly construed took into account how these various elements worked together to underwrite or undermine their meaning and significance.

Throughout this time, writers remained aware and self-conscious about the ease with which an accused traitor could be framed as a martyr and slip between the two opposed categories. At many points in their accounts, polemicists addressed particular concerns which they anticipated their readers might raise and the potential problems caused when one attempted to reconcile difficult to explain physical responses.⁵³ In his 1587 *An Epistle of Comfort*, Jesuit

⁵² John Walter, “Gesturing at Authority: Deciphering the Gestural Code of Early Modern England,” *Past & Present*, 2009 (suppl 4), p. 99; interesting that in his analysis, Walter does not pay attention to countenance or visage at all. Also see Jan Bremmer and Herman Roodenburg (eds), *A Cultural History of Gesture*, (Ithaca, 1991); and Adam Kendon, *Gesture: Visible Action as Utterance*, (Cambridge, 2004).

⁵³ The martyrology was a popular genre of writing during this time. In addition to the sources explored below, some of the principle martyrological accounts included John Foxe, *Actes and Monuments*, (London, 1583); Anon., *The Fierie tryal of Gods Saints*, (London, 1611); John Mush, *A True Report of the Life and Martyrdom of Mrs. Margaret Clitherow*, in *The Catholics of York Under Elizabeth*, John Morris, (ed), (London, 1891), pp. 331-340; John Wilson, *The English Martyrolge*, (London, 1608), among others. In recent years, the topic of martyrology has been explored from a variety of perspectives, including the topics of subjectivity, literary form, gender, cultural, and religious history. Among the key secondary works are Sarah Covington, *The Trail of Martyrdom: Persecution and Resistance in Sixteenth-century England*, (Notre Dame, 2003); Alice Dailey, *The English Martyr from Reformation to Revolution*, (Notre Dame, 2012); Anne Dillon, *The Construction of Martyrdom in the English Catholic Community, 1535-1603*, (Burlington, 2002); Brad Gregory, *Salvation at Stake: Christian Martyrdom in Early Modern Europe*, (Cambridge, Mass., 1999); John R. Knott, *Discourses of Martyrdom in English Literature, 1563– 1694*, (Cambridge, 1993); Peter Lake and Michael Questier, *The*

writer Robert Southwell addressed this anxiety, bringing into focus the difficulty of interpreting bodily signs in distinguishing between a true and false martyr. Of Anabaptists, he said,

Yet dye they in defence of these damnable Paradoxes, & that with such pertinacye, as though they had bodyes of steele, that felte no payne or torment. But lett not this move anye one to thinke the trueth on theyre syde. For even to this daye doe the Jewes dye in defence of the fables of theyre Talmud, (which is to them as oure Byble is to us.)⁵⁴

Not all who died for religious reasons were martyrs and the truth cannot be located solely within the physical evidence of the victims of religious persecution. According to Southwell, Anabaptists and other Protestants, who hold conflicting doctrines, die for their religion in other places, just as Catholics are executed in England. They can even appear as Catholics do in the face of death, steeled and committed to their faith. Protestant writers too were eager to point out that the experience of punishment or one's response to pain did not necessarily make a person a martyr, and thus attempted to undermine the power of public suffering to prove martyrdom. At one execution, a minister even reminded an accused traitor, as well as the attending crowd, that "[i]t is not the paine, but the cause, that maketh the Martyr."⁵⁵ Pamphlet and treatise writers throughout this period went back and forth in their claims of legitimacy, and martyrologies emphasized the rightness of doctrine, as well as the physical bodies of the martyrs themselves. But both Catholics and Protestants had to contend with the evidentiary significance of bodily signs. At all points of the legal process, from arrest to imprisonment, to torture, the scaffold, and finally, death, the body of the accused traitor was scrutinized for signs of guilt or innocence

Trials of Margaret Clitherow: Persecution, Martyrdom, and the Politics of Sanctity in Elizabethan England, (London, 2011); Susannah Brietz Monta, *Martyrdom and Literature in Early Modern England*, (Cambridge, 2005); Janel Mueller, "Pain, Persecution, and the Construction of Selfhood in Foxe's Acts and Monuments," in *Religion and Culture in Renaissance England*, Claire McEachern and Debora Shuger (eds), (Cambridge, 1997); Judith Perkins, *The Suffering Self: Pain and Narrative Representation in the Early Christian Era*, (New York, 1995); Alison Shell, "The Seventeenth-Century 'Lives' of Edmund Gennings (1566-91), *Recusant History* 30, no. 2 (2010): pp. 213-28.

⁵⁴ Robert Southwell, *An epistle of comfort*, (Paris [publication location is contested], 1587), sig 184v.

⁵⁵ Anon., *A Trve Report of the inditement, arraignment, conuiction, condemnation, and execution of Iohn Weldon, William Hartley, and Robert Sytton*, (London, 1588), sig C2.

and became one of the principle terrains on which confessional contests were fought.

Torture, Pain and Forensic Proofs

One of the principle contests that unfolded between state officials and Catholic writers centered around the physical indicators that someone had been subjected to torture. The state desired to both minimize and defend the severity of the pain inflicted during examination by pointing to the physical proof of the victim's body. Catholic writers did the same thing, highlighting physical signs to demonstrate both the reality and cruelty of the state's actions. Although there were several discourses that informed the theory of torture, the practice of it lacked transparency, organization, or a firm epistemological foundation. This resulted in an openness to interpreting the physical and verbal responses of a tortured person in multiple ways and pamphleteers conceptualized various and conflicting understandings of the relationship between pain and truth.⁵⁶ Additionally, if someone happened to die in prison, polemicists often used forensic evidence from the case to claim that they had been tortured to death (and were thus a martyr), or had taken their own life (as a guilty traitor would). Catholic accounts focused on how much pain the martyrs were subjected to, arguing that their ability to maintain their composure while suffering proved their reliability and legitimacy as a true martyr. Protestant accounts, on the other hand, emphasized the way in which certain physical signs were able to unmask the traitor, despite their outward resolve, and reveal their true, treasonous natures and intentions.

⁵⁶ On the relationship between torture, pain, and truth, see Esther Cohen, *The Modulated Scream: Pain in Late Medieval Culture*, (Chicago, 2010); -----, "Towards a History of European Physical Sensibility: Pain in the Later Middle Ages," *Science in Context* 8, no. 1 (1995), pp. 47-74; Elizabeth Hanson, "Torture and Truth in Renaissance England," *Representations*, No. 34 (Spring 1991), pp. 53-84; Sophie Oliver, "Sacred and (Sub)Human Pain: Witnessing Bodies in Early Modern Hagiography and Contemporary Spectatorship of Atrocity," in *Promoting and Producing Evil*, Nancy Billias (ed), Amsterdam: Rodopi, 2011; Elaine Scarry, *The Body in Pain: The Making and Unmaking of the World*, (Oxford, 1985); Lisa Silverman, *Tortured Subjects: Pain, Truth, and the Body in Early Modern France*, (Chicago, 2001).

Torture occupied an ambiguous role in early modern English judicial procedure, as its use was not codified.⁵⁷ Because of its shaky legal status, legal scholars and jurists attempted to justify its use through a variety of arguments. The difficulty they needed to overcome was a legal right that was codified within England which maintained that a person on trial should not be compelled to accuse themselves of the crimes for which they were being tried. Evidence used against someone at trial was limited to the circumstances and details that were provided by other witnesses, and not by the accused themselves. In offering their depositions, witnesses would take an oath, swearing to the honesty of their testimony; the truth of their depositions were thus guaranteed with their conscience. Torture, so writers claimed, was not used in this process of evidence gathering, but in a procedure called 'discovery'. In a memorandum to King James, influential legal jurist Francis Bacon wrote that “[i]n the highest cases of treasons, torture is used for discovery, and not for evidence.”⁵⁸ What this meant was that torture was not used to gather evidence against the accused, at least officially, but in order to discover his accomplices, to identify future plots against the monarch, and to prevent attacks against national security by obtaining specific information about the movements and plans of Catholics within England. Torture was therefore partly justified by the contention that the tortured person was not asked to incriminate or provide evidence against themselves, although there was no judicial means to prevent this from happening in reality: witnesses and participants in the torture could, after all, provide testimony regarding what was said by the victim.

Torture was used by officials in order to force what they believed was the truth from the

⁵⁷ On the history of judicial torture in England see John H. Langbein, *Torture and the Law of Proof: Europe and England in the Ancien Régime*, (Chicago, 2006); James Heath, *Torture and English Law: An Administrative History from the Plantagenets to the Stuarts*, (London, 1982); David Jardine, *A Reading on the Use of Torture in the Criminal Law of England*, (London, 1837); Edward Peters, *Torture*, (Philadelphia, 1985).

⁵⁸ Quoted in Langbein, *Torture and the Law of Proof*, p. 90

victim. State representatives argued that the use of torture was necessary, particularly in cases of treason, in order to discover other accomplices, those who hid priests in their homes, or future plots that the conspirators had planned. Mirroring contemporary justifications for the use of torture, royal officials regularly claimed that there was no other way to obtain this information, as the accused person was obstinate and unwilling to confess. Torture would first be threatened, and if this scare tactic failed to work the accused was subjected to various torments, varying in degrees. Whereas in depositions, the oath of the deponent was believed to guarantee the truth of their statement, in cases of torture, it was the body itself which provided this surety; pain was the guarantee that the person questioned would speak the truth. At the heart of the matter was a question of what compelled them to reveal the truth. In her account of English torture during this period, literary critic Elizabeth Hanson writes that

the efficacy of torture as a method of discovery also depends upon the equivalence of body and conscience, the ability of the body to stand in place of the conscience as the guarantor of speech. The torture warrants, in which claims that torture is for the “discovery of the truth” are juxtaposed to orders “to wreste from him the truthe,” “to wringe from them the truth,” “to withdraw from him the knowledge of his wicked entente,” show that this equivalence is more than just functional. The physicality of the struggle to “wringe” the truth from the victim imagines the truth as actually contained in the victim's body.⁵⁹

The truth was contained within the body of the accused, and it was only through the infliction of pain that this truth would be discovered. While there was a tenuous relationship between pain and truth, it is clear from many of the surviving documents that, at least in theory, state officials believed they could discover truth through the use of torture. The experience of pain, in other words, had the ability to strip away the veil of piety and prevented the victim from dissembling because it eliminated any false exterior and their ability to equivocate.

However, part of the state's insecurity around the use of torture was the presence of

⁵⁹ Elizabeth Hanson, “Torture and Truth in Renaissance England,” p. 66.

contradictory arguments about the reliability of the information elicited under torment. There were at least some who argued that in the midst of torture or out of fear of it being repeated, people would confess to untrue statements or say anything to make the pain stop. This was not a modern concept, and legal and political theorist John Fortescue (c. 1397-1479) claimed that innocent people might end up accusing themselves: “[b]ut whoe is so hard harted, which beyng once released out of so cruell a Racke, thoughe he bee innocent and fautles, woulde not yet rather accuse himselfe of all kindes of offences, then agayne to commytt himselfe to the intollerable crueltie of the tourment ones proved.”⁶⁰ An innocent victim might not only accuse himself of crimes he has not committed, he would even accuse others, even his own father, in order to put an end to the pain.⁶¹ The practice of torture thus occupied an uncertain position, both culturally and legally, spanning the time that it was used to examine Catholics.

Despite arguments against tortures' use, however, Catholics held a unique place within the early modern English imagination which placed them in a difficult legal position and made them more susceptible to being questioned under torture. Many believed that Catholics were expert dissemblers, trained to hide their true beliefs and intentions behind an external mask, a common cultural trope throughout this period. In part, Catholics themselves had provided the language that the state used to characterize their duplicity. During the treason trial of Henry Garnet, chief prosecutor Edward Coke referred to him as the “Doctor of Dissimulation,” citing his recently published *Treatise of Equivocation* as proof of his willingness to openly lie and

⁶⁰ John Fortescue, *A learned commendation of the politique lawes of Englande*, Robert Mulcaster (trans), (London, 1567), p. 47. Cited from the on-line resource at quod.lib.umich.edu accessed on 09/23/2015. This work was published again in 1599. The modern language in a later edition makes the meaning a little more clear: “...now, what man is there so stout or resolute, who has once gone through this horrid trial by torture, be he never so innocent, who will not rather confess himself guilty of all kinds of wickedness, than undergo the like tortures a second time?” Fortescue, *Commendation of the laws of England*, (London, 1917), p. 33.

⁶¹ Thomas Smith also makes this argument in his work *De Republica Anglorum*, and several English editions were published throughout the late sixteenth and into the mid-seventeenth century under the title *The Common-wealth of England and the manner of government thereof*.

conceal the truth.⁶² In the text, Garnet outlined and defended the practice of equivocation as a tactical method that enabled Catholics to swear to oaths they did not fully hold or to answer questions that might endanger themselves or their friends if they were to tell the whole truth. Although the use of equivocation as a way to protect oneself became more specific and articulated around the oath of allegiance (1606), the ideas that informed the issue were part of the contests between Catholics and Protestants throughout the late sixteenth century. For Protestants, holding an internal belief while verbalizing something else, or just part of the truth, served to illustrate the treachery of Catholics and undermine their martyr status:

It was not the fashion of Christian martyrs in times past to use machiavelian tricks; nor to equivocate in places of judgment; nor to forswere themselves, being examined, and interrogated by their superiors. Now by aequivocations, they meane promises and othes made, not according to common and literall meaning, nor according to the understanding of the judge, but according to a certaine hidden meaning of the party.⁶³

The idea of a 'hidden meaning' was a significant cause for concern and there was an important distinction made, for both Catholics and Protestants, between what was externally spoken and what was internally believed. This internal/external divide raised fears that Catholics did in reality pose a threat and had secrets that they were working to hide. To equivocate was to deal and practice in linguistic and physical ambiguities in order to stay hidden within society.

Jesuits, in particular, were often compared to actors and thought to be akin to dissemblers; they possessed the same deceptive skills to hide true intentions behind false appearances. In his treatise on physiognomy, Thomas Overbury argued that the 'Dissembler'

[i]s an essence needing a double definition, for he is not that he appears. Unto the eye he is pleasing; unto the eare not harsh, but unto the understanding intricate, and full of windings: hee is the prima materia, and his intents give him forme: he dieth his meanes and his

⁶² Also under the title *A Treatise against Lying and Dissimulation*. The manuscript of the treatise has been reprinted in David Jardine (ed.), *A Treatise of Equivocation*, (London, 1851); the text itself was circulated during the Gunpowder trial, according to Coke.

⁶³ Matthew Sutcliffe, *A challenge concerning the Romish Church*, (London, 1602), p. 208.

meaning into two colours, hee baites craft with humility, and his countenance is the picture of the present disposition. [T]he inquisitor must looke through his judgement, for to the eye onely he is not visible.⁶⁴

Overbury raised the problem of how to tell when someone was lying or withholding information. The external signs could be deceiving, and early modern justices believed that Catholics used these staged techniques in order to conceal their internal thoughts and intentions. Inquisitors need to have a specially trained eye in order to spot deception. Of Jesuits in particular, Overbury wrote that “[i]n Rome, and other countries that give him freedome, he wares a Maske upon his heart; in England he shifts it, and puts it upon his face.”⁶⁵ The external mask was maintained through a variety of Machiavellian tricks and methods of prevarication, including the modulation of such things as gesture and voice.⁶⁶ In order to discover the truth behind this mask, state authorities used torture; the infliction of pain prevented the victim from maintaining their external facade and the pain of the body was a way to access the internal truth that they withheld.⁶⁷

Concern about the use of dissimulation and evasive language was not entirely

⁶⁴ Thomas Overbury, *New and choise characters*, (London, 1615), sig Cv.

⁶⁵ Overbury, *New and choise characters*, sig Ov.

⁶⁶ There is a larger theatrical argument here that is examined in more depth in chapter three, but the principle early modern sources on this are: John Rainolds, *Th'Overthrow of Stage Playes*, (Oxford, 1629); Stephen Gosson, *Plays Confuted in Five Actions* (London, 1582) and *School of Abuse*: “To the Gentlewomen Citizens of London”, (London, 1579); Anthony Munday, *A Second and Third Blast of Retreat from Plays and Theatres*, (London, 1580); “The Displaying of the Popish Mass,” in *From Prayers and Other Pieces of Thomas Becon*, S.T.P. ed. John Ayre, (Cambridge, 1844) (originally published in Basel in 1559 and in London in 1637); William Prynne, *Histriomastix: The Players Scourge or Actors Tragaedie*, Arthur Freeman (ed.), (London, 1974), (originally published in 1633).

⁶⁷ Interesting that accounts of Catholic trials by Catholics often framed them as a type of performance in order to highlight their illegitimacy because they were for religious belief and not political treason. The outcome of the trial, so they argued, was predetermined and part of a well rehearsed script. Of the trial of Edward Squire, Martin Aray contends that “seeing many of the wyser sorte beeing enured to the noting of such packings (as this might easely seeme vnto them to bee) do vse narrowly to watch & obscrue, how things passe at arraignements, and might well see that the course & manner of this seemed rather some such matche as Kemp and his compaignions do handle on the stage, then the lyuely managing of a matter of truth in deede, which neuer would haue needed such a playerlyke corespondence in the actors, for euen as Kemp and his fellowes hauing beforehand studied to con their partes by roate, and each knowes to keepe his cu, and to frame his speech and manners according to his fayned function, euen so was this fore-studies tragedy acted.” Martin Aray, *The Discoverie and Confytation of a Tragical Fiction*, (London, 1598), sig C2v.

unfounded. In his autobiography, the Jesuit John Gerard reports that he had dressed like a courtier to disguise himself “in order to move at my ease among people of rank without being recognized.”⁶⁸ The art of equivocation was discussed by Catholics as both a necessary and justified method to deal with persecution; not lying, per se, but a technique developed that verbalized a half truth, and reserved the remainder of that statement, speaking it only inwardly. For Catholics, equivocation was a method of taking an oath without meaning it, in order to avoid legal repercussions, or of answering questions put to them without betraying a confidence. It was seen as a legitimate strategy in the face of harsh and undue persecution. Father Henry Garnet, an English Jesuit who was among those charged in the Gunpowder plot, argued that equivocation was lawful “in cases of necessary defence, or for avoiding any injury or loss, or for obtaining any considerable advantage, without danger to any other person, then equivocation is lawful.”⁶⁹ For Garnet, equivocating was not lying insofar as there is a distinction between information that is spoken out loud, and that which is known or spoken in the mind. Explaining it, he writes that

when beyng demaunded whether John at Style be in such a place, I knowinge that he is there in deede, do say neverthelesse “I know not,” --reserving or understanding within myselfe these other wordes (to the'end for to tell you). Heare is a mixte proposition conteyning all this, – “I knowe not to thende for to tell you.” And yet part of it is expressed, part reserved in the mynde. Wherof we inferre that this last sorte of proposition, w[hi]ch partlye consisteth in voyce, and partlye is reserved in the mynde, is then to be adjudged trewe, not whan that parte onely.⁷⁰

Garnet makes clear that this was a practiced method, and one that was much discussed amongst Catholics. It involved carefully thought out and scripted responses, and the use of double meanings. There was that which was spoken out loud, and that which was 'reserved in the

⁶⁸ John Gerard, *The Autobiography of a Hunted Priest*, Philip Caraman (trans.), San Francisco: Ignatius Press, 2012, p. 116.

⁶⁹ Henry Garnet, *A Treatise of Equivocation*, ed. David Jardine, (London, 1851) [Also known as *A Treatise against Lying and Dissimulation*, originally published around the period of the gunpowder trials], p. xxii.

⁷⁰ Garnet, *A Treatise of Equivocation*, p. 9.

mynde'; both parts together constituted a true statement.

This separation between internal and external, conscience and body, was an important one in relation to torture. Physical pain prevented the sufferer from lying or dissimulating because it dissolved the boundaries between the internal self and the external body. Lying, or reserving part of the truth in the mind, took mental effort and torture was used, so the justification went, to suspend the rational will. Writing about torture practices in France, historian Lisa Silverman argues that “[t]ruth was, by implication, a spontaneous production, not a composed one. Torture sought to [eliminate the will] and sought the evidence of an animate body that could not dissimulate.”⁷¹ This same idea informed torture practices in England as well, where a distinction was made between the inner truth and the outward performance. Where equivocation was meant to set and maintain these boundaries, torture was used to collapse them. Torture was thought to dissolve the separation between the inner conscience and outward show or actions—to dispel any ambiguity around the trustworthiness of the statements made during torture because it collapsed the ability to exert rational control over what was said or the ability to conceal the truth.

Justifying and Undermining the Legality of Torture

The English crown was highly self-conscious about its use of torture and sought to both distance itself from Continental practice and justify its use in certain cases. Torture was practiced with a certain amount of ambivalence and its legality was questioned by many throughout this period. It was not a practice that was employed in any uniform way, and as John H. Langbein argues, it was implemented at the behest of the monarch or the privy council, rather than used as part of normal legal procedure as was the case in much of Europe.⁷²

⁷¹ Silverman, *Tortured Subjects*, p. 9.

⁷² Langbein, *Torture and the Law of Proof*, p. 129.

However, officials often appealed to minimum standards of proof and suspicion in order to justify using torture and establish that the person in question was indeed guilty. The ultimate goal was to discover what the accused men knew, who they were in league with, future plots, and, hopefully, to obtain a confession of guilt. When state representatives wrote about the use of torture during this period, they sought to characterize it as unavoidable, only employed as a last resort despite their efforts to coerce the victim to answer truthfully without it. After a series of Catholic accounts circulated about the cruel treatment and torture of Edmund Campion and other priests, Thomas Norton, jurist and state pamphleteer, wrote a detailed response justifying and explaining the state's actions. In a letter to Francis Walsingham that was subsequently published under Burghley's name, Norton responded to specific accusations made by Catholics about what Campion and Briant, in particular, had suffered. This demonstrates both an awareness and concern for the reports that were being circulated about state actions, and a desire to quell those rumors that were “spread abroad by Runnagate Jesuites and Seminary men in their seditious bookes, letters, & libels in forreine countries and Prince Courtes, as also insinuated into the hearts of some of our owne countrie men and her Majesties Subjectes.”⁷³ Norton claimed, among other things, that the priests were treated mildly and were only questioned in regards to “matters of Treason,” and not asked anything pertaining to their faith or conscience. The torture used was always done “so slowly, so unwillingly, and with so many preparations of perservations to spare themselves, and so many meanes to let them know that the trueth was by them to be uttered.”⁷⁴ Norton attempted to defend actions taken by crown officials by claiming that torture was not undertaken lightly, that officials had followed proper

⁷³ Thomas Norton, *A Declaration of the fauourable dealing of her Maiesties Commissioners appointed for the Examination of certaine Traitours, and of tortures vniustly reported to be done vpon them for matters of religion*, (London, 1583), sig A2.

⁷⁴ Ibid., sig A4.

legal procedure and that it was performed by those who were reluctant to do it.

Although torture warrants noted that the goal was to wring or wrest the truth from the body of the accused traitor, they were also careful to note that torture should happen in degrees. Examiners were first to show the victim the torture instruments and let them listen or watch the torture of one of their friends as a warning. If that failed to make them speak, then tortures were to be applied mildly at first, depending on the obstinacy of the person involved. In the torture warrant for Alexander Briant, a Catholic priest who was captured and tried alongside Edmund Campion, the state was careful to mention that they had found treasonous papers on his person—documents that revealed him to be guilty of high treason which justified their use of torture as an examination tool. Although he had not confessed, the papers established the proof of his guilt and therefore he should be “substanciallie examyned” to find out all that he knows. If he refused to disclose information without torture, “then they shall offer unto him the torture in the tower and incase uppon the sight therof he shall obstinatlie refuse course ffor the treuthe then shall they putt him unto the torture, and by the paine and terror of the same moving from him the knowledge of suche thinges as shall appertayne.”⁷⁵ Not only did the state already have evidence against him, but interrogators were instructed to proceed in degrees, first threatening him and only if he remained obstinate to use torture against him.

Catholic pamphlet writers played on English insecurity around torture's use and writers often challenged its legality as well as the reliability of information obtained under physical duress. Catholic accounts claimed that torture was used without first having established a degree of suspicion with evidence and that it was used in order to obtain a confession or to gain the necessary information in order to prosecute the one tortured, rather than to discover

⁷⁵ MS Privy Council: Registers, PC 2/13 f.385, *The State Papers Online* accessed 05/02/2013.

additional information, as the state maintained. Edward Squire was tried and convicted of conspiring to poison the queen in 1598, and subsequent Catholic accounts raised the point that he had confessed to the plot under torture—torture which was applied prior to the crown having any evidence against him. In a 1602 pamphlet entitled *A defence of the Catholyk cause*, Thomas Fitzherbert argued that

it is cleare that [Squire] was wrongfully condemned, for that no law can allow that such a confession should suffice for the condemnation of any man, without some other evident proofes; it being manifest, that the innocent may be forst by torment as soone to accuse himselfe falsly as the nocent truly to confesse his fault; which the cyvil law proposeth to all Judges carefully to be.⁷⁶

Fitzherbert appealed to accepted standards of proof within English law to argue that the state was unwarranted in its use of torture. Not only did the state lack any evidence to warrant enhanced interrogation, Fitzherbert argued that torture often resulted in false confessions by innocent people. The state, he believed, was aware of this, and failed to abide by their own defense of using torture for discovery alone. In the case of the Jesuits Henry Walpole and Robert Southwell, both tortured before their deaths in 1595, Fitzherbert argued that there was not enough proof against them to justify questioning them under torture and that prosecutors had provided no eye-witness to a crime nor documents to authorize using the rack. Appealing to Continental legal procedures, he argued that torture needed to follow certain procedures and that

a certayne moderation is praescribed, which is not lawful for the Judge to exceed, as it shal not be reiterated but when new proofes are presented...and that the partie tormented be neyther killed nor lamed therwith, neyther yet that any other kynd of torture be used then ordinarie in so much that the Doctors do marvelously enveigh against such Judges as invent newe manners of torments calling them carnifices and not Judices, hangmen, and not Judges.⁷⁷

⁷⁶ Thomas Fitzherbert, *A defence of the Catholyk cause*, (London, 1602), sig B2v.

⁷⁷ Fitzherbert, *A defence of the Catholic cause*, sig Cv.

Fitzherbert suggests that certain rules governing the use of torture were in place and that those rules were well known to English jurists: moderation must be used; that the victim of torture must not be subjected to it again without further proof against them; that the sufferer must not be killed or suffer sustained injuries; and, that the torture instruments used must be approved as within certain limits. It is not clear that these guidelines existed in anything other than rhetorical arguments or within state torture warrants, but they did make for effective critiques against the state.

What Fitzherbert contended, and what seemed to have happened in reality, was a purposeful ambiguity around the use of torture which was implemented at the state's discretion and not the court's, and lacked any significant oversight or procedure.⁷⁸ In his examination of Southwell, Topcliffe was reported to have “carried the Father with him to his own house in Westminster, and there he hath exceedingly tormented him at four several tymes, both by hanging by the hands and otherwise.” Although accounts state that there was more than one examiner involved, the interrogations took place outside of the Tower of London and the torture methods seemed to have been largely left up to Topcliffe's discretion. When Southwell refused to answer the questions put to him, he was “hanged by the hands against a wall many hours together, and Topcliffe left him hanging and so went abroad.” Topcliffe tasked one of his servants to watch over Southwell while he was gone, and, the servant, “perceiving the father to be in a swoon, or in some danger to give the ghost, called him hastily home again to let him

⁷⁸ In his *Autobiography*, John Gerard emphasized the lack of official procedure in the torture process and noted the existence of a public and private torture chamber, as well as a secret passage leading from the cell to the torture room. pp. 130, 134, 136; He also noted that his own torture unfolded at the whim of the examiner in a haphazard way: “Perhaps the Governor of the Tower realized he would gain nothing by torturing me any longer; perhaps it was his dinner-hour or maybe he was moved with genuine pity for me; whatever the reason, he ordered me to be taken down.” Gerard, *The Autobiography of a Hunted Priest*, Caraman (trans.), p. 141.

down for that time.”⁷⁹ Southwell's medical condition was left to a servant to observe; despite the need to keep him alive. According to reports, Topcliffe relied on whatever knowledge of the body the servant had in order to prevent Southwell's death. The servant, perceiving that Southwell was not fully conscious and in danger of dying, called Topcliffe back to release him from the torture device to prevent his death. Torturers walked a fine line between inflicting pain and causing death. Although the state had a vested interest in keeping the tortured person alive, it was left up to the uneducated judgement of the examiners as to the methods and limits of the interrogation. The Privy Council gave examiners a great deal of freedom, instructing them that “if the truthe might not by convenient meanes be gotten of them, then to put them to the torture of the Rack in such sorte as to their dyscrecions and due consideracions should seeme convenient.”⁸⁰ However, as the example of Southwell suggests, leaving the practice of torture up to the examiners could be dangerous and the crown was well aware of the potential risks, particularly in relation to public perception and the boost to Catholic polemics, if a death did occur.⁸¹

Hidden Deaths, Forensic Evidence and Polemics

If an accused traitor did die while in custody, this could pose a set of polemical problems for both the state as well as Catholic writers, primarily because of the hidden nature of the death itself. Crown representatives dealt with the problem by creating a certain amount of ambiguity as to the cause of death through the use of rumors, particularly the rumor that the victim had

⁷⁹ This story is recounted in Pollen, *Unpublished documents relating to the English martyrs*, from Richard Verstegan's Dispatches within Westminster Archives, pp. 211-212 [letter addressed to Robert Parsons from Richard Versetegan, 3 August 1592].

⁸⁰ *Acts of the Privy Council of England Volume 14, 1586-1587*, ed. John Roche Dasent (London, 1897), pp. 251-275. *British History Online*, <http://www.british-history.ac.uk/acts-privy-council/vol14/pp251-275> [accessed multiple times], pp. 271-2.

⁸¹ Death was not the only issue that the crown faced—sometimes other factors impeded or shaped the process of torture. John Gerard was reported to be too tall and when he was hung from the ceiling beam he feet still touched the floor. See Gerard, *Autobiography*, p. 135.

committed suicide.⁸² Using suicide as the cause of death accomplished a set of polemical goals and called into question the faith and resolve of the person in question. If the accused person could convincingly be characterized as a 'self-murderer', this supported the argument that they were a guilty traitor suffering from a guilty conscience about their crime, or (given common beliefs about suicide) that they were under some form of demonic influence.⁸³ When Edmund Campion's jailers worried that he was close to death as the result of the torture he had suffered, Catholic accounts reported that "they blewe out of the Towre, that he had therefore killed himselfe in prison: which no doute they would further haue auouched, if he had died by racking, as it was very like he should haue done."⁸⁴ Using claims of suicide was a way to raise questions about someone's credibility was a common tactic in political and state trials. Here, officials are accused of spreading rumors that Campion had killed himself just in case he did die behind the walls of the Tower, hidden from public view. The power of the rumor would at least serve to raise questions about why and how Campion had died, and maintain a semblance of ambiguity as to the true cause.⁸⁵

⁸² The role of rumor in the process of torture and imprisonment also worked to create ambiguity around what the prisoner had disclosed during their torments. Gerard noted that in order to prevent his jailers from fabricating stories about what he had divulged, he spoke loudly to his keepers as they transported him from the torture room back to his cell so that others might hear him. He said that he was surprised that they would ask him questions that they knew he would never answer, specifically where Father Garnet's house was located, and that he would never betray him. "I said this to prevent them spreading a report, as they so often do, that I had confessed something." Gerard, *Autobiography*, p. 138. On the role of rumor and gossip in polemical contest and pitch-making see Peter Lake, *Bad Queen Bess? Libels, Secret Histories, and the Politics of Publicity in the Reign of Queen Elizabeth I*, (Oxford, 2016), pp. 9-14.

⁸³ See Michael MacDonald and Terence R. Murphy, *Sleepless Souls: Suicide in Early Modern England*, (Oxford, 1993).

⁸⁴ Allen, *A briefe historie of the glorious martyrdom of XII reuerend priests*, p. 59.

⁸⁵ John Chamberlain deals with the problem of rumor within the context of the prison (which was largely a secret place) that the state faced in his letter to Dudley Carlton about the Gunpowder Plot: "But to shew what credit was to be geuen to his or any of theyre denialls or speeches, the earle of Salisberie delivered two notable instances: after he had first declared that by reason of theyre imputtent slaunders and reports we are kept in such awe that we dare not proceed against them by such meanes as they do in other countries to get out the truth, but are faine to flatter and pamper them; for yf any of them die in prison of sicknes, they say he is starved or tortured to death; yf any man kill himself, he is made away by us; so that we are faine to get out matters by fayre meanes as we can, so that this man by the cunning of his keper was brought into a fooles paradise, and had diuers conferences with Hall which were overheard by spialls set of purpose." March 27, 1606; Norman Egbert McClure (ed.), *The Letters of John Chamberlain*, vol. I, Philadelphia: The American Philosophical Society, 1939, p. 221; Other classic 17th century cases about alleged suicides include that of Miles Sindercombe, Arthur Capel, the earl of Essex, and the early 16th century case of Richard Hunne that was recorded

Catholics did not leave these rumors unchallenged, however, and found ways to question Protestant versions of events and often used specific types of forensic evidence in order to do this. When Nicolas Owen died in prison in 1606, stories quickly spread about the cause of his death.⁸⁶ Although he was not a priest, Owen had served Fathers Gerard and Garnet, among others, and was charged as one of the Gunpowder Plot conspirators. Owen, also known as “Little John,” was tasked with locating and building the hiding places that priests used to avoid capture, and was therefore one of the Jesuits' most important resources in England. This made him a valuable prisoner and the state hoped to gain a significant amount of information from him. Owen was not a stranger to torture, having been previously examined with the use of torments when he was captured with Father Gerard in 1594. Official accounts claimed that after this first round of torture in 1606, he was fearful of what was to come. So, during his evening meal when the jailer had provided him with a blunt knife to cut his food and then left the room, Owen “seized the opportunity of ripping up his belly in a frightful manner with the knife. The keeper on his return, observing the pale and ghastly countenance of the prisoner, and perceiving blood sprinkled on the floor, threw off the straw which the unfortunate man had drawn over him, and discovered what had happened.” He immediately notified the Lieutenant of the Tower, who rushed in along with several others who had been dining with him. When they reached the cell, Owen was still alive, so the Lieutenant questioned him why he had done something so drastic and sinful. “[T]he dying man declared that he had committed the act of self-destruction entirely from the apprehension of severer torture than he had suffered the day before.” It was out of fear and a desire to avoid further tortures that led Owen to take his own life. The official

in Fox's *Book of Martyrs*.

⁸⁶ Also see Bishop Challoner, *Memoirs of Missionary Priests and other Catholics of both Sexes, that have Suffered Death in England on Religious Accounts*, vol. 1, (Manchester, 1803), p. 250.

story concluded that “[h]e expired soon afterwards, and an inquest being held upon his body in the Tower, a verdict of Felo-de-se was returned.”⁸⁷

The authors of the state-sanctioned narrative of Owen's death used several methods and forms of rhetorical evidence to lend authority to their account. First, they asserted that although he was in some pain as the result of the initial torture, he had been in no mortal danger and still very much alive when the keeper left him alone in his cell. The sudden change in Owen's countenance likewise supported the authorities' claim that he had committed the act upon himself in the keeper's absence. The presence of several witnesses cast the scene as public rather than private, and the evidence for suicide could therefore be verified by more than just the jailer. Lastly, the group could attest to Owen's confession that he had taken these actions out of fear of being tortured again, and they stood in place as the coroner's jury sat, vouching for the verdict of 'felo-de-se'. In an effort to manage public opinion and support their version of events, officials “set forth a ballad with [Owen's] picture, ripping out his own bowels with a knife as he lay in bed, his keeper being also in the chamber busy about some other thing.”⁸⁸ Not only had Owen been desperate enough to kill himself, he also had the opportunity, weapon, and physical ability to accomplish the deed.

Catholic accounts took issue with a number of contentions made about Owen's death, arguing that, based on the evidence of the case, there was no possible way this could have been a suicide. In his account, Gerard argued that those who knew Owen were certain that he could

⁸⁷ Jardine, *A Reading on the use of Torture*, pp. 49-50; ; the state narrative of Owens death is found in the BL, Stowe, MS 168, fol. 364R; In a letter from Thomas Edmondes to the Earl of Salisbury, he also notes that “They [the Catholics abroad] also report that Owen that killed himself in the Tower had his guts broken forth by forcible racking and died of that violence.” CP Vol. 18, 1606, p. 162.

⁸⁸ John Morris (ed.), *The Condition of Catholics Under James I: Father Gerard's Narrative of the Gunpowder Plot*, (London, 1871), p. 186; this broadside seems to be lost and I cannot locate it in any of the repositories; the *ODNB* does not list it either.

not have committed this act, that “this false slander was so improbable that even his enemies did not believe it, much less his friends that were so well acquainted with his innocent life and long-continued practice in virtue, besides his former tried constancy in that kind.” He had already been tested and suffered the pain of torture; if he was going to kill himself for fear of it, he would have done it before it happened the second time. He knew that the crown had planned to use the most extreme tortures with him, and while he was in prison “no sign of fear or trouble of mind could be discerned, but an humble and quiet settled mind, using great diligence in prayer, as one that prepared himself to his last conflict, which he might well expect, especially knowing the state of his body.” Owen was not afraid of torture or incapable of enduring the pain of it; he had already experienced it once and knew what to expect. Gerard offered another version of what had caused Owen's death, suggesting that it was, in fact, a case of murder:

Now true it is, and well known to many, that the man had a rupture in his belly, taken with excessive pains in his former labours; and a man in that case is so unable to abide torments, that the civil law doth forbid to torture any man that is broken. He, therefore, being not only tortured, but that with so much extremity and so long continuance, it could not be otherwise but that his bowels should come out; which, when they perceived, and minding as yet to continue that course with him, they girded his belly with a plate of iron to keep in his bowels, but the extremity of pain (which is most, in that kind of torment, about the breast and belly) did force out his guts, and so the iron did serve but to cut and wound his body, which perhaps, did afters put them in mind to give it out that he had ripped his belly with a knife. Which, besides all the former reasons, is in itself improbable, if not impossible.⁸⁹

Contrary to what the state had reported, Gerard maintained that Owen had been severely tortured over the course of several days, for hours at a time. Additionally, Owen had entered the prison with an existing injury, a “rupture in his belly,” or a “hernia,” that he had suffered as a result of his physical labor as a carpenter. This was common knowledge to those who knew Owen, and, more importantly, Gerard claimed, to his examiners. Yet, it did not deter them from

⁸⁹ Morris (ed), *The Condition of Catholics under James I*, p. 188.

torturing him. In fact, when they perceived that he was in danger of being gravely wounded but nevertheless determined to continue their questioning, they placed a piece of iron on his belly to prevent his guts from breaking through. Another Catholic account added that the examiner, frustrated by Owen's refusal to cooperate and his incessant praying, directed the torturers to apply as much force as they could. And "[w]hilst exerting themselves in this last effort, their victim's bowels broke in a frightful manner from the lacerated body, the very iron girdle itself assisting to tear open and enlarge the wound; and in the midst of this horrible torture Brother Nicholas breathed forth his soul into the hands of God, upon the rack."⁹⁰ The cuts were too severe to have been caused by a blunt knife, and Owen died, not in the privacy of his own cell or by his own hand, but as a result of the extreme torture he had suffered during questioning.

Gerard asserted that even if Owen had been alone in his cell at the time of his death and gained access to a knife, which was unlikely, he would have been unable to hold it given his physical condition. Those who had suffered torture in a manner similar to Owen were known to have been unable to use their hands for many days; he had been hung by his hands from a wooden beam for many hours in a row. People that endured this kind of torment all experienced similar after effects and find it difficult if not impossible to write, let alone hold or cut with a knife, and for many "his keeper must cut his meat for him." And, if a general knowledge was not enough to settle the minds of his readers, Gerard recounts that Owen's kinswoman had come to visit him and asked that he write a list of the things that he wanted. The jailer, almost amusingly answered "What would you have him write? He is not able to put on his own cap: no, not to feed himself, but I am forced to feed him." Gerard made the final conclusion for his reader, arguing that, "[t]his man was likely, then, belike, to do such a deed with a knife which

⁹⁰ Foley, *Records of the English Province of the Society of Jesus*, vol. 4, p. 256.

he was not able to grasp,” and that in the moments after his death, the jailer was overheard saying “[t]he man is dead, he died in our hands.”⁹¹

Catholic and Protestant accounts of Owen's death interpreted and invoked a variety of types of evidence to make their case. The first has to do with the forensic and physical evidence itself. The state claimed that Owen had access to a knife which, although blunt, he managed to use to make mortal cuts to his body within the short time he was left alone. Though Owen's keeper did not witness the act itself, he testified that there were spots of blood in the room that were not there before, and that he observed a sudden and drastic change in Owen's countenance during the time he was absent. Taken together, the state insisted that these circumstances demonstrated that the wounds must have been inflicted by Owen himself.

Gerard, of course, denied that Owen had ever been returned to his cell, having died while being tortured, but he also countered these proofs by claiming that Owen would not have been able to “do such a deed with a knife which he was not able to grasp.”⁹² The claim that Owen had lost the use of his hands and the ability to write was a contention frequently made in descriptions of the sufferings of Catholics and was routinely cited as proof that someone had been severely tortured. John Jetter, a priest who also died while in prison in 1585, was, according to a Catholic account, racked with such severity that he was unable to hold a quill in his hand. State reports also commented on these particular details in order to counter accusations of cruelty. Of Edmund Campion they reported that “he was charitably used, [and] was never so racked, [but that] he was presently able to walke, to write, & did presently write & subscribe al his confessions.”⁹³ Thus in order to refute the claim that Owen had used the knife to

⁹¹ Morris (ed), *The Condition of Catholics under James I*, p. 188.

⁹² Morris (ed), *The Condition of Catholics under James I*, p. 188.

⁹³ Thomas Norton, *A Declaration of the fauourable dealing of her Maiesties Commissioners appointed for the Examination of certaine Traitours*, (London, 1583), sig A2v. [Lord Burghley was the supposed to have been the actual

cut himself, Gerard appealed to well established arguments made about the physical effects of torture: there may have been a weapon, but he was physically incapable of wielding it.

The second point has to do with the evidence of Owen's motivation and how each side sought to prove or disprove it. The state offered a psychological explanation, maintaining that Owen was compelled to kill himself out of both fear and desperation—afraid of the torture to come and desperate to avoid it. The writer bolstered this claim through Owen himself, who was said to have confessed this to the group who had gathered around his body in the moments just before his death. Fear and a disturbed conscience were both considered plausible explanations for why someone might choose to take their own life. In his 1637 work, *Lifes Preservative against self-killing*, John Sym outlined that someone may be compelled to self-murder out of “servile and excessive feare; wherewith a man may be surprised and possessed, either from the present evils that he suffers, which he conceives are beyond his strength to beare...or else, from apprehension of inevitable miseries.”⁹⁴

Catholic narratives responded by introducing doubt about the state's account in two ways. First, they argued that Owen had demonstrated his ability to withstand pain in the past, and thus would not have feared further tortures. Additionally, Gerard included a story of a time when Owen's leg had been crushed by a horse: the animal “rose so high with his forefeet that he fell backward and fell upon the man and burst his leg; which sore hurt he did bear with so great patience.”⁹⁵ Owen was a patient man, known for his measured and calm demeanor. Gerard also observed that “God assisted him with so much grace that in all his torments he gave not the least sign of relenting, not any sign of impatience.”⁹⁶ Gerard argued that Owen's ability to

author of this report].

⁹⁴ John Sym, *Lifes Preservative against self-killing*, (London, 1637), p. 224.

⁹⁵ Morris, *The Conditions of Catholics*, pp. 184-5.

⁹⁶ *Ibid.*, p. 188.

withstand pain was thus both natural and the result of divine grace, which together served to counter the state's version of events.

Accounts of other Catholics who were tortured throughout this period alleged that they did not feel the pain of it, or that they were able to remain silent as a result of God's favor and mercy. However, there could be multiple interpretations of someone's response, or lack thereof, to the pain of torture. In response to claims by one priest that he miraculously felt no pain as a result of the torture, the rackmaster himself countered that the “devel had possessed [the] poore unlerned,” and obstinate man.⁹⁷ Thus, there were multiple and conflicting epistemologies of pain and possible responses to torture, as well as concern about the deception of outward appearances, that shaped interpretations of Catholic suffering and death, and characterizations of whether someone was a martyr or a traitor.

Finally, the state based the credibility of their account on the authority of the coroner, the Lieutenant, and the other witnesses involved. The inquest was described in such a way as to quell suspicions of foul play; it had, in other words, followed the proper form. It was performed in public, was conducted immediately after Owen's death, eliminating the suspicion that his body had been moved or the crime scene altered. The way the inquest was presented, in the words of MacDonald, “represented the community's,” or in this case, the witnesses', “collective 'reading' of the physical evidence, the events that preceded the death, and the words and actions of the dead.”⁹⁸

However, as far as accounts of coroners' inquests and verdicts go, the narrative offered by the state was not entirely convincing. Authorities failed to provide any specifics about

⁹⁷ The man in question was Alexander Briant. Briant was tortured and executed in 1581, alongside Edmund Campion, and his claim to have felt no pain was countered by Thomas Norton in a letter to Francis Walsingham on March 27 1582; SP 12/152 fol. 124.

⁹⁸ MacDonald and Murphy, *Sleepless Souls*, p. 223.

Owen's wounds, such as measurements of the size or depth of the cuts, which were often provided to establish the cause of death. In contemporary guide-books, coroners' juries were instructed to take note of any marks on the body, the location and position in which the body was first discovered, as well as the depth and measurement of any wounds. However, physical signs on their own could be misleading or interpreted in various ways and as a result, coroners and their juries often considered circumstantial evidence alongside of the physical details, taking into account the state of mind, circumstances, and medical history of the person in question.⁹⁹ And according to Gerard's take on events, Owen's behavior and state of mind was not that of someone about to take their own life.¹⁰⁰ Gerard pointed to this argument and emphasized that Owen was generally not the type of person to commit such an act. The counter-narrative claimed that the state's account of what happened simply did not add up when taking into consideration established facts about Owen's character and psychological history. Given that coroners' inquests often incorporated these types of details alongside the physical circumstances of the case, the absence of such facts was notable and therefore susceptible to critique. Of the state's version of the death, Gerard simply concluded that "it was published that he had killed himself, but it was not believed."¹⁰¹

Secret or accidental deaths could pose a different type of problem in debates over who

⁹⁹ Carol Loar argues that in some cases "it took more than the examination of a body or the testimony of an expert for jurors to come to what they believed was a defensible conclusion," and that a person's character needed to be examined and considered as well. Carol Loar, "Under Felt Hats and Worsted Stockings': The Uses of Conscience in Early Modern Coroners' Inquests," *The Sixteenth Century Journal*, Vol., 41, No. 2 (Summer 2010), p. 411; contemporaries also worried that the ambiguity of physical signs could be used to shape verdicts to someone's benefit, often the Crown's. Also see J. M. Beattie, *Crime and the Courts in England, 1660-1800*, (Oxford, 1986), pp.122-124; MacDonald and Murphy, *Sleepless Souls: Suicide in Early Modern England*, pp. 84-85 & 110-114; Loar, "Medical Knowledge and the Early Modern English Coroner's Inquest," pp. 483-4.

¹⁰⁰ Sym mentions various signs of self-murder, and range from distracted or strange behavior to a distancing of oneself from family and financial concerns. They estrange themselves and are often observed talking to themselves or acting perplexed and disturbed. See Sym, *Lifes Preservative against self-killing*, p. 259.

¹⁰¹ Morris (ed), *The Condition of Catholics under James I*, p. 188.

was a martyr, based primarily on the ambiguity of physical signs. It could be difficult to determine the cause of death when someone died in prison; it might be a result of torture, the result of a natural illness as jails were rife with sicknesses, or a combination of the two. In order to receive official beatification, a Catholic needed to have succumbed to injuries sustained for their religious beliefs exclusively, and this had to be demonstrated with proof. The ambiguity around deaths that occurred in prison therefore raised problems for the conferral of official martyr status, as in the case of John Jetter in 1585. Jetter was a priest who was captured in 1582 and violently tortured over a period of three years. He died in prison, and

[t]hough but a youth, he showed more than a man's courage, for being bound with fetters in a most unusual manner in Newgate, his flesh nearly eaten away by the constant chafing of the irons, and his whole body swollen by the filth of the place, he was finally, after most acute sufferings, carried off by consumption, but could never be induced to abandon his faith in God, or to betray his neighbour.¹⁰²

That his death was caused by torture was somewhat unclear. He had several injuries as a result of being chained up, from the chafing from the shackles, and from being held in an unsanitary place for so long. Although he certainly suffered as a result of his Catholic faith, the actual cause of his death was unclear based on the physical evidence alone. In fact, it was generally difficult to have this status officially conferred for those who had died in prison:

In common with the great majority of those who died in prison, Jetter's claims to the honour of true martyrdom have not yet been in any way recognized by the Holy See. The reason is evident. It is extremely difficult to prove that death in these cases was actually caused by their sufferings in prison, yet there must be evidence of death having been positively inflicted on the sufferer, before the Cause of his Beatification as a martyr can be admitted.¹⁰³

The evidence needed to prove that someone's death had been caused by torture was difficult to obtain, in part because of the secret nature of the enhanced examinations, and because the state

¹⁰² Pollen, *Acts of the English Martyrs*, p. 224.

¹⁰³ *Ibid.*, p. 225.

was eager to conceal their actions. Thus interpreting physical signs to reach a certain conclusion or verdict could pose different types of difficulties depending on the circumstances.

Pain and Polemics

Differing explanations and interpretations of an individual's response to torture offered polemicists the opportunity to characterize the individual as either a martyr or a traitor in various ways. Catholic victims were known for their ability to withstand a great deal of pain without answering their interrogator's questions. Some claimed that they simply did not feel the pain, characterizing it as miraculous, while others said that God's grace had helped them to endure it. Either explanation obviously supported the Catholic position and their martyrological status. Protestant accounts had their own ways of explaining Catholic resistance to pain and exploited cases where the accused did give up information or indicated in some way that they felt the full pain of the tortures endured. Torture victims were often represented as obstinate and unwilling to cooperate. In a letter written by Richard Topcliffe, one of the state's chief interrogators and torturers, he recorded having to strenuously dig "into the hartts" of two people he was questioning. He justified the use of interrogating the two accused traitors with torture because of their obstinacy, that they "must be dealt with in some sharpe sort above, and more will burst out then yett, or otherwise can bee knowen." Topcliffe recounted another instance in which the person whom he questioned was more open to coercion. As he was a "a younge man of a mylde dispocytion," it only took discussions with a minister in order for "all trewth, secretts, and matters even against himself, & ye other too ye Jhezewit and Lyngen flowed from him as fast as his Lordship culde or can imadgen questyons, lyke & more yen lyke to proove very greatly to do her Maiestie highe service, thus mutche beinge fawllen out from him

alreddye.”¹⁰⁴ Topcliffe attributed the young man's openness and cooperation to his mild disposition and contrasted that with the closed obstinacy of the first two. Another torture warrant anticipated an unwillingness to answer questions and specified that “the truth is to be drawn from him, and, finding him obstinate, to trie him in some reasonable manner by torture on the Rack.”¹⁰⁵ The designation of someone as obstinate became an important characteristic for the state to invoke when defending its use of torture and characterizing the accused as a traitor.

For Catholics, the unwillingness to answer interrogations was characterized as steadfastness and constancy, a sign of their faith and status as martyrs. It was their silence in the midst of pain that revealed the truth of their position. Those who experienced torture found ways to represent their suffering in a way that painted them as a martyr, often citing physical evidence to support their claims. Many of those who were tortured alleged that they felt no pain or were insensible to the violence inflicted on their bodies. Whether a person was immune to pain, which was a sign of God's favor, or felt pain but was good at concealing it, which Protestant accounts sometimes asserted, was a difficult, if not impossible claim to prove. After being racked over the course of several hours, Alexander Briant recorded in a letter subsequently sent abroad that

[w]hether this that I will say, be miraculous or no, God he knoweths but true it is, and thereof my conscience is a witnesse before God. [I]n the end of the torture though my handes and feete were violently stretched and racked & my adversaries fulfilled their wicked lust, in practisinge their cruell tyranny upon my body, yet notwithstanding I was without sense and feeling well nigh of all greefe, and paine: and not so only, but as it were comforted, eased and refreshed of the greeves of the torture by past, I continued still with

¹⁰⁴ John Hungerford Pollen, S.J. (ed), *Unpublished Documents relating to English Martyrs*, vol. 1, (London, 1908), p. 235. Topcliffe to Sir John Puckering, 25 January 1594; this case was regarding the trial of Henry Walpole, who was a Jesuit priest and part of the Catholic mission in England; he, his brother Thomas Walpole and Edward Lingen traveled together in 1593 and they were quickly apprehended after arriving in England. The second person that Topcliff refers to is Thomas Walpole, who was much more cooperative. Henry Walpole was executed on April 17, 1595.

¹⁰⁵ *Acts of the Privy Council of England Volume 14, 1586-1587*, ed. John Roche Dasent (London, 1897), pp. 51-75. *British History Online* <http://www.british-history.ac.uk/acts-privy-council/vol14/pp51-75> [accessed multiple times], p. 56. 10 April 1586—a letter to Sir Owen Hopton to reexamine Mathew Beaumont.

perfect and present senses, in quietnes of hart, and tranquillitie of mind.¹⁰⁶

Briant's proof that he felt no pain was that he maintained his senses and even felt 'refreshed' afterwards. He was not unconscious or otherwise out of his normal state of mind, but calm and mentally present.¹⁰⁷ William Allen offered his own account of Briant's experience and was somewhat hesitant to call the absence of pain a miracle. Perhaps anticipating counter narratives which would challenge Briant's own explanations, he simply suggested that his insensibility was due to the "great distemperature and sorenes of his whole body," and implied that he was physiologically numb to the pain, not miraculously free from it.¹⁰⁸ Father Gerard also offered a physiological explanation for his own lack of pain after being tortured, claiming that he felt less pain in his chest and belly than when he had been tortured before, "[p]ossibly," he adds, "because [he] had eaten nothing that morning."¹⁰⁹

Catholic writers also cited a calm and even joyful state of mind to demonstrate that they felt little pain and that God had shown them mercy. Father Campion claimed to be benumbed of any pain as a result of racking, a point which he supports by noting his ability to make jokes about his physical condition. In a pamphlet describing his experience, Campion was described as joking around with the jailer about the sorry state of his body and laughing about the uselessness of his limbs. The day after he had been racked, his jail keeper asked how his hands and feet felt, to which he responded, "not il, because not at al." Campion's good humor was noted as a signed of God's favor; although he was "benommed both of hand and fote, he likened

¹⁰⁶ Allen, *A briefe historie of the gorious martyrdom of XII reuerend priests*, p. 90.

¹⁰⁷ Also see the account of Ralph Sherwin in which he was reported to have been "twice racked, and ye latertime he laid fiue daies and nightes without anie foode, or speaking to anie bodie. All which time he laid as he thought in a sleepe before our Sauour on the Crosse. After wch time he came to himsefle, not finding any distemper in his ioyntes by the extremiite of torture." Archives of the Archdiocese of Westminster, (henceforth AAW) Series A vol. IV, fol. 119.

¹⁰⁸ There is also the issue about Briant's congealed blood—he says that he feels that there is blood gushing from his hand and Allen seems to frame this as merely in his mind. He says that the blood was congealed as a result of the racking.

¹⁰⁹ Gerard, *Autobiography of a Hunted Priest*, p. 140.

him selfe to an elephant, which being downe could not rise: when he could hold the bread he had to eate, betwixt both his handes, he would compare him selfe to an ape: so mirry the man of God was in minde in al his bodely miseries.”¹¹⁰ The ability to joke around with his jailer speaks to Campion's present and positive state of mind, as Briant's calm was proof of his. Whether the lack of pain was a miracle or the result of the torture they sustained was to a certain extent immaterial. What was more important was their mindset both during and after the torture was over; that despite pain and the state of their bodies, they remained constant both in their faith and positivity.¹¹¹

Catholic accounts claimed that even the interrogators, who included Norton, Hammon and Topcliffe, were moved by Campion's and Briant's resolve throughout their torture. Hammon was reported to have been furious that Briant could not be broken, and “stampet and stared, as a man half beside him selfe,” saying, “[w]hat a thing is this, if a man were not settled in his religion, this were inough to convert him.”¹¹² In order to counter claims that he called the Catholics courageous throughout their tortures or that Briant had not felt any pain as he had reported in his letter, Topcliffe, who was aware of these reports, responded that

I never sayd in that forme, but this, when speache of the courage of Campion and some other, I sayd truly that there appered more corage of a man's hart in one Briant than in x. Campions, and therefore I lamented that the devel had possessed poore unlearned Briant in so noughtie a cause. For being thretened by those that had commission that (to the intent he might be moved to tell truthe without torment), if he wold not for his dutie to God and the Quene tell truth, he shold be made a foote longer than God made him, he was therewith nothing moved. And being, for his apparent obstinacie in matters that he well knew, racked more than any of the rest, yet he stood still w[i]th expresse refusal that he wold not tell truthe. Where he setteth out a miracle that Briant preserved from feling of peine, it is most untrue, for no man of them all after his torture made so grevous complaining, and showed

¹¹⁰ Allen, *A briefe historie of the glorious martyrdom of XII reuerend priests*, pp. 58-59.

¹¹¹ Of course this draws on epistemologies on the distinction between the supernatural, natural, and preternatural in relation to the body, which is further demonstrated in chapter two in relation to demon possessed bodies.

¹¹² Allen, *A briefe historie of the glorious martyrdom of XII reuerend priests*, p. 87.

so open signes of peine as he.¹¹³

Topcliffe described a much altered picture than that given by both Allen and Briant, indicating that Briant was not numb to the resulting pains of torture at all, but demonstrated signs of agony at the time. Of Briant's resolve to remain silent throughout the torture, Topcliffe claimed that this was not an indication of his faith or of God's favor, but only evidence of Briant's obstinacy. Topcliffe framed Briant's resoluteness as unnatural and perverse—not a sign of his faithfulness but a demonstration of the extent of his delusion. That they could withstand the pain of torture was not a sign of their resilience or that Catholicism was the true faith, but rather suggested that darker forces might be at work.

The Catholic trope of juxtaposing the crown's cruelty with the priests' constancy is demonstrated in a series of pictures included in William Allen's pamphlet *A briefe historie of the glorious martyrdome*. He recounted Campion's death among others, and in one image a priest is shown stretched out on the rack as the examiners take notes and other priests look on at the horror. The upper scene depicts a table at which sit five official looking, well-dressed men. They appear to be very at ease with the situation, reclining, their hands resting on their stomachs. One man takes notes and also seems to be the only one looking directly at the man being racked, who is at the centre of the action. That the man on the rack should have been in incredible pain is also represented by the four men who are at the corners of the device, doing the work of stretching his limbs. They are exerting a significant amount of effort in the tightening of the rack: one leans forward into his motion, his calf stretching behind him to demonstrate the amount of pressure being applied; two others kneel down as if to get more

¹¹³ Thomas Norton to Francis Walsingham, 27 March, 1581. *Further Particulars of Thomas norton, and of State Proceedings in Matters of Religion in the Years 1581 and 1582*. By William Durrant in *Archaeologia: or Miscellaneous Tracts relating to Antiquity publishing by the Society of Antiquaries of London* Vol. XXXVI, London, 1855, p. 115.

leverage.¹¹⁴ Despite their efforts, however, the tortured priest looks calm. There is no obvious expression on his face and he does not appear to be in any pain even though his body is obviously stretched and out of shape, and one of his hips seems to be out of joint. His head is turned, looking directly towards the men at the table, perhaps in judgment or to demonstrate his constancy despite what he is suffering. This depiction of the martyr as immune to pain or able to endure torture without showing any outward physical or emotional response was a common one and often invoked in Catholic narratives.¹¹⁵

Catholic pamphleteers framed those who did experience or express signs of pain during torture in carefully crafted ways. Reactions were almost always described as restrained; true martyrs were able to maintain a certain degree of control over their verbal and physical gestures and made choices about the use of specific words and gestures. Martyrs were described as calling upon the name of Jesus, praying repetitiously, or making the sign of the cross at the door of the torture room. Jetter was subjected to extreme torture before dying in prison, reportedly suffering both the 'Scavenger's Daughter' as well as the rack.¹¹⁶ Accounts of his torture described him as patient and courageous, and reported that "hee never ceased to call upon the name of jesus and that contynually." Despite experiencing what writers described as a "burning

¹¹⁴ One could also compare this picture to the visual image of the torture chamber offered in Foxe of the racking of Cuthbert Simson. See in particular Foxe's 1583 edition, Book 7, 947; the account of Simson is in *Acts and Monuments*, chapter 27.

¹¹⁵ This was also used in Protestant accounts of Protestant martyrs as well. Thus, as Susannah Brietz Monta has argued, there was existed a shared, cross-confessional understanding of what the martyr looked and acted like, that "despite some confessional differences (such as Catholic emphasis on relics), Protestant and Catholic characterizations of martyrs frequently overlapped. Most early modern martyrologists represented martyrs as sanguine, usually calm and passive...and patient in suffering." See Susannah Brietz Monta, "Representing Martyrdom in Tudor England," in *Oxford Handbooks Online*, Feb 2016, pp. 35-36. Thomas S. Freeman also notes that the central concept of martyrdom was accepted by both Catholics and Protestants. See Thomas S. Freeman and Thomas F. Mayer (eds.), *Martyrs and Martyrdom in England, c. 1400-1700*, (Woodbridge, 2007), pp. 21-22.

¹¹⁶ While the rack stretched the body, the scavenger's daughter compressed the body. Challoner notes that "...Luke Kirby, Thomas Cottam, and other priests, were brought to the Tower from other prisons; and that these two...suffered the torture called, the Scavenger's Daughter.... Mr. Kirby was thrust into a hoop, or circle of iron, in which his whole body was as it were folded up, and his hands, feet, and head bound fast together." Challoner, *Memoirs of Missionary Priests*, p. 50

heate which proceded of the stretching of up his lymbes to their hygest powre,” Jetter continued to call “upon Jesus saing swete jesus have mercy upon me with the[e] is mercy but I see ther is none with men.”¹¹⁷ This prayerful and meditative state frustrated interrogators, according to the polemicist, as it demonstrated a particularly Catholic response and method to withstand pain.

Accounts rumored that Jetter was racked with such violence that he was unable to even hold a quill in his hand. Catholic claims regarding the cruelty of the state's use of torture often rested on outward signs of the injuries sustained by the victim: could they write, could they walk, were they able to feed themselves? These signs made visible the torture that had happened in secret and were enlisted as proof that the state was neither just nor lenient, as it claimed, but barbarous. Jetter was “in suche miserry that he was able to receave nothing into his bodye but w[i]th a quill at the hand of his keeper,” a quill, in this case, being an instrument to feed him with.¹¹⁸ The priest Thomas Felton was hung by his hands and tortured to the point where “the blood sprang forth at his fingars ends.”¹¹⁹ One Mr. Bose was reportedly racked with such extremity and so many times that “he was after forced to goe crooked upon a staffe.”¹²⁰

Catholic writers claimed that the state used the ambiguity of the body to their own advantage. Torturers used and created outward physical signs in order to create rumors and undermine the piety of their Catholic prisoners. One of the ways that the state did this was to use a form of sexual torture. Priests in particular were likely to be subjected to this. If they could be made to appear hypocritical and susceptible to sexual temptation then they could not be the pious martyrs that others claimed them to be. Francis Dickenson was tormented in this way when his jailers sent a woman to his bed to try to corrupt him. But when he refused one of

¹¹⁷ AAW Series A vol. III, No. 40, fol. 157.

¹¹⁸ AAW Series A vol. III, No. 40, fol. 157.

¹¹⁹ AAW Series A vol. IV, No. 5, fol. 5.

¹²⁰ AAW Series A vol. IV, No. 5, fol. 12.

his keepers became

so incensed against him, that he caused him to be hanged vp, first by the privie partes (which he made to be pearsed in divers places with whote irons) and after by the hands until he was half dead, and then called in many to see his sayd privie partes, inflammed and rankled) with the burning of the whote irons, saying unto them after they were gone foorth agayne, behold this chaste Priest, how he hath dressed and sployed himselfe, with naughty women.¹²¹

Burning the priests' private parts made it appear that he had been unchaste and failed to keep his priestly vows of chastity. Relying on the assumptions and epistemologies about sexual diseases, authorities called in other witnesses in order to aid in the spread of rumors about Dikenson. Having seen the deformities of his body and unaware that they were in fact caused by torture, these men could confirm that he was not a martyr at all, but a fraud. In these ways, the state utilized the ambiguity of bodily signs in order to create questions about the character of the accused.

Although Catholic pamphlets emphasized the cruelty of the state using the evidence of certain physical signs, Protestant accounts brought the proof of these signs into question. Campion was rumored to have been racked and tortured to the point where he could not write, but the Protestant narrative contested this claim and contended that “he was charitably used, [and] was never so racked, by y[e]t he was presently able to walke, to write, & did presently write & subscribe al his confessions, as by the originales thereof may appeare.” As proof that Campion still had the use of his hands, the writer noted that he had personally written and signed his confession.¹²² Although Briant had endured some physical suffering while in prison,

¹²¹ Fitzherbert, *A defence of the Catholic cause*, sigs C2-C2v; presumably, the writer is referring to the boils that appeared on the body of those who suffered from the “pox,” also known as syphilis or the French disease. The disease was associated with a broad range of cultural anxieties, among them promiscuity and poverty. The common symptoms were painful joints, baldness, scars and a change of skin tone, but like other early modern maladies, these signs were ambiguous and associated with other diseases as well. See Jon Arrizabalaga, John Henderson and Roger French, *The Great Pox: The French Disease in Renaissance Europe*, (New Haven, 1997), pp. 25-27.

¹²² See *Unpublished Documents*, where the editor discusses the extremity of Henry Walpole's tortures. Gerard claims that he could no longer write, his tortures were so severe. But the editor writes that this 'fact' is difficult to confirm: But though

it was not at the hands of a cruel state, but the result of Briant's own obstinacy. In response to the Catholic account of Briant's ordeal, Norton countered that

[a] horrible matter is also made of [th]e starving of one Alexander Briant, how he should eate clay out of [th]e walles, gathered water to drinke from the droppings of houses, w[ith] such other false ostentations of immanitie: where [th]e truth is this, yet whatsoever Briant suffered in want of foode, he suffered the same wilfully & of extreme impudent obstinacie against [th]e minde & liking of those that dealt w[ith] him.¹²³

The torment Briant suffered and the physical results are here framed to support the state's characterization of his stubbornness, thus justifying his torture. Of Edward Squire's confession, Francis Bacon simply claimed that it “was delivered without torture or shewe of torture: and was roundly and sensibly uttered with all circumstances of a credible narration... and in no point retracted or disavowed, either at his trial or at his death.”¹²⁴ Bacon emphasized Squire's state of mind when he gave his confession in order to bolster the claim that it had been offered free from torture; he was not under duress and did not retract it at any time. Pro-state writers contested the claims Catholics made about the extremity of the torture and either denied that the tortured happened or attempted to justify the use of torture by demonstrating the obstinacy of person accused of treason.

Arraignment and Trial

Polemical accounts also included interpretations of the behavior and demeanor of an

it is quite plain that these examinations were written before the handwriting was utterly deformed, it may be that a certain change in handwriting indicates the commencement of the torture. When I first inspected the manuscripts I was of opinion that it did, though now I should be inclined to leave it as an open question. What makes me cautious is the remarkable uniformity of the signatures all through. It may also be that the change in the handwriting, the curtailment of the free and graceful curves in which his pen used to delight in times of liberty, is due to haste, bad light, defective writing accommodation, or even to mere depression, grief, or fear. p. 245.

¹²³ Thomas Norton, *A Declaration of the fauourable dealing of her Maiesties Commissioners appointed for the Examination of certaine Traitours, and of tortures vniustly reported to be done vpon them for matters of religion*, sig A2.

¹²⁴ Anon. [although the author was rumored to be Francis Bacon], *A Letter written out of England to an English Gentleman remaining at Padua, containing a true Report of a strange Conspiracie, contriued betweene Edward Squire, lately executed for the same treason as Actor, and Richard Wallpoole a Iusuite, as Deuiser and Suborner against the person of the Queenes Maiestie*, (London, 1599), sig B.

accused traitor throughout the course of their trial. In particular, writers commented on the manner in which the accused responded to questions—loudly or softly, timidly, or resolutely—and how they reacted when their judgments were pronounced. When the Gunpowder plotters were brought before the court, a Protestant writer remarked that “it was strange to note their carriage, even in their very countenances: Some hanging down the head, as if their hearts were full of doggedness, and others forcing a stern look, as if they would fear death with a frown.” They did not confess their crimes or ask forgiveness from King James, as convention dictated they should, but nonchalantly smoked “Tobacco as if that hanging were no trouble to them.” The author points to a discrepancy in the behaviors of the accused. They seemed unrepentant and unbothered by the charges brought against them and the fate that was to come. The fact that they were smoking tobacco indicated, on the surface at least, that they had little fear or feelings about their grave situation. Smoking was a new phenomenon at this time, and King James hated it, a sentiment he recorded in his pamphlet on the topic.¹²⁵ Smoking in this context could be read as a confident and defiant act.¹²⁶ According to the narrator, however, other behaviors raised doubts about this apparent self-assurance. Some of the accused hung their heads, presumably looking at the ground and failing to make eye contact with those around them. The writer's use of “as if” is significant and implies that although he may not be able to say with certainty what the posture revealed, for him it was indicative of “doggedness.” Doggedness could have two possible meanings: the first was malice or cruelty, and the second was sullen obstinacy.¹²⁷ Given

¹²⁵ King James I, *A Counterblaste to Tobacco*, (London, 1604).

¹²⁶ Tobacco also suggested an air of religious unorthodoxy, as demonstrated in Richard Baines' critique of Christopher Marlowe. Amongst his proofs, Baines' claimed that Marlowe believed “[t]hat all they that love not Tobacco & Boies were fools.” BL Harley MS 6848 ff. 185-6. See also Tanya Pollard, “The Pleasures and Perils of Smoking in Early Modern England,” in Sander L. Gilman and Xun Zhou (eds), *Smoke: A Global History of Smoking*, (London, 2004), pp. 38-45.

¹²⁷ See *Oxford English Dictionary*.

the crime they were charged with, the writer could have intended either meaning of the word—the crime itself cruel and the accused obstinate in their Catholic faith. Protestant accounts of Catholics often used obstinacy as a way to describe both their behavior and their stubborn commitment to their faith despite Protestant attempts to convert them to the “truth.” Others of the accused forced a stern look “as if they should fear death with a frown.” The frown itself, so the writer claims, was forced and therefore fake—the accused compelling themselves through effort to look sternly, as if that would scare death away. Their posture and visage demonstrated a fissure in the purported show of confidence, their “strange” countenance indicating that there might be other feelings or inclinations lurking beneath the surface. Although the accused said little during their trial, except “in commendation of their conceited religion,” their carriage exposed “their consciences, as it were as wide as the world.”¹²⁸ For the author of this account, the behavior of the accused revealed as much about them as what they failed to say during the course of the trial. Not only did they refuse to ask forgiveness for their crimes, their body language affirmed their lack of repentance and revealed a hidden fear of death.

Other Protestant accounts emphasized the demeanor of accused traitors at specific points of the trial. When the Queen's lawyer Mr. Anderson delivered his opening remarks and outlined the treason charges against Edmund Campion and his co-accused in 1581, the state recorded that his “[s]peech, very vehemently pronounced with a grave and austere countenance, dismayed them all, and made them very impatient and troublesomely affected: for it seemed by their distemperature that it sounded very criminously to their Trial.” In this account, the writer highlights a noticeable change in demeanor and a visible outward reaction. Their distemperature, which referred to the balance, or in this case the disorder, of humors in their

¹²⁸ T.W., *A True Report of the Imprisonment, the Arraignment, and Execution of the late Traytors*, (London, 1606), B3v.

body, indicated that they were genuinely bothered by what Anderson had accused them of. If they were truly innocent, his words would not have physically affected them in such a dramatic and obvious way. Campion was reported to have remained the most composed of the group, but even he was “somewhat amazed.”¹²⁹ Although Campion was more controlled than the others in his response, being amazed in this context indicated that he was taken by surprise and uncertain of how to respond, at a loss for words. At other points during the trial, however, Campion was reported to have been very calm and eloquent in his response to the questions asked of him. Protestant writer Anthony Munday suggested that this was a practiced performance, that Campion “handled every cause with a smooth and colorable countenance being very present and quick to him self, in Sophistical conveyances, and far set deep points of Logic.”¹³⁰ A smooth and colorable countenance, for Munday, was an indication of Campion's dissembling. Colorable was used to describe something that appeared to be true but was not, an action that was intended to deceive or to conceal. The fact that Campion appeared to be outwardly calm was all for show and merely a well-performed act. Campion's speech, his “sophistical conveyances,” bore this deception out as well. According to Munday, Campion spoke too well, made points that were too rehearsed, and used intellectual arguments in order to deceive the court rather than to tell the truth. In this case, the fact that Campion was comfortably well-spoken and overly composed demonstrated that what he said could not be trusted, that he was lying.

In other cases, however, an accused's failure to answer in a particular way was used to argue for their guilt. Such was the case of James Bell who, being arraigned for treason in 1584,

¹²⁹ William Cobbett and David Jardine, (eds), *Cobbett's Complete Collection of State Trials*, vol. I, (London, 1809), p. 1053.

¹³⁰ Anthony Munday, *A Breefe Anunswer*, document image 17 [page number illegible].

failed to answer all the questions put to him. The Catholic narrative claimed that “[h]e answered at the barre very constantly, so often as he could hear what they said unto him, for being something hard of hearing he answered not to somethings at all.” There was thus a simple explanation for why Bell did not answer all of the questions: he could not hear them. Those questions he did hear, he answered constantly, or with confidence. The writer here defends Bell's behavior before the bar because, as he notes, “the Judge and other heretics do suppose [it] to proceed of fear.”¹³¹ Silence or failing to answer could be the result of fear, which, if it was, worked well for the state's claim that Bell was guilty of treason. Catholic writers accused the state of deliberately showcasing those unable, physically or mentally, to answer questions in court. For propagandistic purposes, it could be beneficial if the accused were quiet, hesitant in their answers, or appeared timid rather than outspoken and resolute. Catholic writers claimed that lawyers in 1582 called upon John Paine to answer at the bar “thinking...that he would have yielded in some thing or other to their wills for the saving of his life.” Paine was weak from the torture he had recently suffered and the state sought to take advantage of his weakened condition to elicit a confession. “For it is noted to be an usual and common practice of the persecutors to deal but seldom and that very secretly with such as seem most stout and constant, but to be very busy and importunate with such as they think be weak and frail, making their advantage when such do relent as well for their own credit with higher powers.”¹³² Some behaviors and manners of responding were easier to spin to support one side or the other. Here, the Catholic writer accused the state of dealing with the more courageous or resolute offenders secretly while publicly questioning those who seemed the more likely to confess due to their own physical or emotional weakness. This was an issue of optics. If an accused traitor seemed

¹³¹ Pollen, *Unpublished Documents relating to the English martyrs*, p. 76.

¹³² *Ibid.*, p. 76.

afraid, or even better, outrightly confessed to something, the state could more easily characterize them as guilty. On the other hand, if they seemed steadfast in their innocence and resolute in their responses, as in Campion's case, it was easier to cast them as a victim of the state's persecution.

The Hurdle and the Scaffold: carriage and demeanor in the face of death

The spectacle of the execution gave the crowds who gathered and the pamphlet writers who recounted the scene for public consumption the opportunity to assess the behavior of the accused person and to interpret their gestures and words as that of a martyr or a traitor. Executions were public, well-attended events that, as many scholars have noted, were highly unpredictable.¹³³ The actions or words of the accused, the mistakes of an executioner, or the intervention of the crowd could all work to create a particular kind of execution, or offer an opening to present the spectacle in a way that was potentially unfavorable to the crown. The role of the crowd was particularly important in the interpretation of the body language of the accused on the scaffold and played a role in determining the type and severity of the death the accused had received. The crowd also served an important purpose in pamphleteers' framing of execution scenes, and interpretations of the accused's body language were often given from the perspective of those looking on. People were particularly interested to see how the condemned carried themselves when faced with the prospect of their impending death: did they seem fearful or courageous, sorrowful or stubborn? Did their demeanor seem to contradict or support their

¹³³ This point is articulated by Peter Lake and Michael Questier who are responding specifically to Michel Foucault's account of early modern executions, which was then taken up as the analytical approach in J.A. Sharpe's article on early modern English executions. Lake and Questier write that "at the very point where, in Sharpe's model, a Foucauldian monarchical power, as it tortured and destroyed its victims' bodies, either succeeded absolutely by compelling their abject repentance and ignominious surrender or failed absolutely as they refused point-blank to participate at all, we see a far more complex dialectic between several competitive ideologies." see Lake and Questier "Agency, Appropriation and Rhetoric under the Gallows: Puritans, Romanists and the State in Early Modern England," p. 65; also works by Foucault and Sharpe, cited above.

words? Crowds were also curious about the body of the victim himself, and wanted to witness the execution in order to see the corpse in a way they would not normally be able to:

[T]he people flocked together to behold the fresh bleeding quarters, according to theyr wonted custome, when any such thing is to be seene, before they were carried up to boyling, desiring the executioner to shew them peece by peece, that so their curiosity might giue censure (as they said) whether he was fat or leane, blacke or fayre. To satisfie theyr request, by chance Bull the Hangman tooke up one of [the] forequarters by the arme, which when he had shewed to the People, he contemptuously flung it downe into the baskett agayne wherin it lay, and tooke up the head that they might see [the] face.¹³⁴

Those in attendance were curious about how the execution would unfold and wanted to be witnesses to how the accused would carry themselves. Of course, the explanations of these events and the epistemologies employed to offer interpretations of bodies, body language, and demeanor, at least in part, were dependent on the position of the pamphleteer vis-a-vis the state and religion. Protestant accounts found ways to claim that the condemned were fearful at the time of their death, whereas Catholics framed them as courageous or meek. These contradicting interpretations were offered about the same accused person and often based on subtle differences in the meaning given to the same bodily signs. However, the unpredictable behavior of the accused on the scaffold meant that pamphleteers needed to be flexible in their interpretation of bodily signs to meet their purposes and that these epistemologies were fluid enough to accommodate contested polemical readings of the body. Additionally, the execution crowd was neither staunchly Protestant nor Catholic, and could be swayed towards pity or condemnation depending on its own interpretations of the accused's words and demeanor. Thus, even though the state or Catholic pamphlet writers could interpret body language for their own purposes, what the accused person said and how they said it while on the scaffold mattered

¹³⁴ John Geninges, *The Life and Death of Mr. Edmund Geninges*, London, 1614, sig M2v; We can also think about this in relation to the story of the maid and the dismembered thumb, explored below. There is a divergence between when the body is butchered matter versus when the dismembered body is infused with sacred power.

greatly to the ensuing interpretations of the accused's status as either a martyr or a traitor.

Polemical accounts of executions often noted that bodily signs could be ambiguous or deceptive. In part, this was reflective of Protestant fears that outward signs of piety or courage could be feigned, and Catholic writers often argued that body language and gestures could generally be difficult to read, especially in cases where the accused acted strangely or afraid. The argument that the body was ambiguous left openings for both Catholic and Protestant writers to frame execution accounts the way they wanted to. In Allen's narrative of the martyrdom of Campion, Briant, and the others who were executed alongside with them, he tried to circumvent this ambiguity and counter other interpretations writing "[t]hat day and hower they stoode in the carte in misery and desolation as it seemed to the simple, yet even then were they more happy then al the multitude that beheld them, never a wise man that there stoode thought otherwise, though the present paines and briefe ignominie seemed to fooles & carnal men to be extreeme miserie."¹³⁵ And in his account of the execution of the Gunpowder plotters, John Gerard encouraged his readers to examine the early lives of the martyrs in order to accurately assess their behavior at the moment of their deaths, "to join the consideration of their life with the inspection of their death."¹³⁶ Much like the physicians who argued that one needed prior knowledge of the patient in order to interpret their physical symptoms correctly, Gerard argued that one needed a full picture of the normal behavior and countenance of the accused in order to accurately interpret the meaning of bodily signs at the time of their deaths. What might seem like the expression of pain or fear to the ignorant observer might indicate something else to one who was familiar with the victim. Allen raised the difficult question of how to interpret what might appear as outward signs of pain and how to determine which reading was more

¹³⁵ Allen, *A briefe historie of the glorious martyrdom of XII reuerend priests*, p. 43.

¹³⁶ Morris (ed), *The Condition of Catholics under James I*, p. 474.

credible in times of conflict. Both sides claimed that outward appearances could be deceiving, underscoring that the body was not always a reliable source of evidence. However, interpretation of physical evidence was also a necessary part of polemical accounts and pamphleteers used several tactics to make their particular readings compelling. Drawing from diverse epistemologies, both implicit and explicit, and using markers of credibility, those who described execution scenes highlighted specific physical signs in order to support their account and render the victim as either a martyr or a traitor.

How the accused looked, carried their bodies, the delivery and tone of their dying speech, and any gestures that were made throughout the course of the execution were central to the polemical descriptions of their deaths. A martyr was pious, calm, often smiling or joyful, courageous, both meek and confident, and most of all, unwavering in their Catholic faith. A traitor, on the other hand, was obstinate, foolishly unyielding, fearful of death, distracted, with a forced confidence out of fear of appearing reluctant to die for their faith. The physical signs and descriptions used to portray the actions and words of the accused supported these various traits. Although the execution followed a script that was meant to portray and reinforce that the sufferer was guilty of treason, this representation could be disrupted by the victim himself, or reinterpreted by emphasizing different particulars of the scene. There were specific stages of the execution: the victim was first dragged from the prison to the scaffold on a hurdle, then permitted to speak about their treason and encouraged to ask forgiveness of the monarch. At this point they were turned off the scaffold and permitted to hang either until they were dead or almost dead, depending on the whim of the executioner and the mercy of the monarch, whereupon they were disemboweled. Each stage of the execution was open to a more traitorous or martyrological rendering depending both on how the victim reacted and how the pamphleteer

interpreted this reaction for their audience. Within the immediate time and for a few years after the death, pamphleteers often responded directly to each other in their accounts of executions, countering descriptions and offering contradicting interpretations. They quoted from each other and sought to demonstrate why one particular interpretation was wrong or to emphasize different elements of the execution over others that might paint the martyr/traitor in a more negative or positive light.

The manner in which the scaffold speech was delivered was often remarked upon in pamphlet accounts. When Edmund Campion came to the scaffold on December 1, 1581, the crowd expected an eloquent and prepared speech. Campion was reputed to be a skilled orator and had participated in a number of public disputations in the preceding months leading up to his arraignment. But the large crowd that had gathered to witness the executions made it difficult to hear what he had to say. Campion was also interrupted several times as he tried to speak by the men who were on the scaffold with him, overseeing his execution. Anthony Munday's account claimed that Campion had seemed fearful. Munday records that when asked about his loyalty to the queen and his treasons against her, Campion responded by saying that "Shee is my lawfull Princesse and Queene." But Munday questions Campion's alleged show of loyalty and courage, writing that just after he finished this statement, "he drewe in his woords to himselfe, whereby was gathered, that somewhat hee woulde have gladly spoken; but the great timerity & unstable opinion of his conscience, wherein he was all the time, even to the death, would not suffer him to utter it."¹³⁷ Munday offered his report as an eyewitness, and one who was close enough to hear what he said and to notice subtleties in his behavior. According to Munday, Campion hesitated and held back what he was about to say, a sign which unveiled

¹³⁷ Anthony Munday, *A Discouerie of Edmund Campion, and his Confederates...Wherein may be seene, how thorowe the whole course of their Araignement*, (London, 1582), no pagination, however it is page 58 of 64 in the EEBO copy.

Campion's true fear and uncertainty about his faith. The opposite of constancy in this case was not obstinacy, but wavering and changeability; Campion's reservation to speak was, for Munday, a sign of his culpability and guilt because he was hiding something.

Catholic readers were concerned by Munday's account and similar rumors which were circulating at the time and eager to offer a different interpretation of the martyr's carriage on the scaffold.¹³⁸ Thomas Alfield wrote a report of Campion's death specifically in response to Munday's, writing that "I dout not but that the relation it self will content the reader throughly touching their words, and behaviour at the tyme of execution, Notwithstanding those slaunders which were since spred to diminish the honour of their resolute departure & Martirdome, as that M. Campion was timorous and fearfull."¹³⁹ Alfield mentioned that he was present at the execution and described Campion's manner as both stout and meek, giving little attention to the pause in his speech that Munday makes issue of, writing

And here I wil omit, although it be very much material, his usage in time of imprisonment, his constant patience in his rackinges, and after his condemnation by report of some very nere to him, his five days fast from temporal & bodily sustenance, his abstinence from slepe and ordinary rest.... Who after many conflictcs and agonies, joyfully coming to receive his reward and crowne...after some small powse in the carte, with grave coutenance and sweete voyce stoutly spake.¹⁴⁰

Campion was constant in his faith and "mekely yelded himself and his carkasse to this butcherie, with such humility & corage, as moued most beholders to compassion and pity."¹⁴¹

The combination of a stout voice and a meek spirit or demeanor was often linked in descriptions

¹³⁸ Apparently, it was not just Munday who had commented that Campion was timorous at the time of his death. See Pollen, *Acts of English martyrs hitherto unpublished*, "These [rumours] had been set afloat some months before by the cunning of Lord Burleigh, who gave out that various Catholics, imprisoned by him, were arrested because Campion had betrayed their names. But the Martyr's speech from the scaffold and his constancy in death dispelled this cloud on his fame, and...it was soon discredited." p. 22.

¹³⁹ Thomas Alfield, *A true reporte of the death & martyrdome of M. Campion Iesuite..M.Sherwin, & M. Bryan priestes*, 1582, sig A.

¹⁴⁰ Ibid., sig B4.

¹⁴¹ Ibid., sig B3v.

of the Catholic martyrs. Pamphlet writers wanted to frame the accused person as not only a martyr, but as someone who was definitively innocent of treason and loyal to the monarch. The accused needed and wanted to appear confident yet humble at the same time. The volume of their voice while they delivered their speech spoke to their steadfastness in the Catholic faith; a loud and confident tone communicated courage. But a meek and courteous manner demonstrated their submissiveness; that they are both resolved in their faith and loyal to the monarch at the same time. If they come across as too confident, they could be interpreted as obstinate and therefore a traitor. Their demeanor spoke to their innocence and their faith—the true reason the state was persecuting them—joyful and grave at the same time. According to Alfield, Campion demonstrated all of these signs in his last moments and conducted himself as a martyr despite his numerous rackings and imprisonment: “The last words which I heard him say in a loud voice, while the rope was round his neck and the cart moving from under him were: ‘I die a true Catholic.’”¹⁴² This was not the picture of uncertainty or ambivalence as presented by Munday, but a man who was unafraid to die for his faith.

Unwilling to let the counter-narrative stand, Munday responded directly to the Catholic pamphlet. Although he did not provide any further details or an in-depth interpretation of Campion's specific behavior, he asserted the authority of his account by referring to the others who were there as witnesses as well. The contest over Campion's death revolved around whether or not he was afraid; did he go to the scaffold willingly or reluctantly? Even though Catholic writers were incensed that he claimed Campion to be fearful, Munday

apeale[s] to the right Honorable & Woorshipfull that were there present, and also to Maister Hearne & the other godly Preachers: who in offering him comfortable doctrine, to strengthen him and establish his faith, according as they heartilie desired: perceived him to

¹⁴² Pollen, *Acts of English martyrs hitherto unpublished*, p. 48.

be very fearfull, wavering, & as it seemed, would have opened something, but that this affliction of his minde would not suffer him.¹⁴³

As in other cases of Catholics who were sentenced to death, Protestant ministers spoke with Campion just before his death, exhorting him to pray in English and convert to the Protestant faith. These were men that could be trusted witnesses, were in close proximity to him and could therefore provide an accurate account of his behavior. According to Munday, they noticed him wavering, which suggests both a physical shaking, as if he were about to fall over, as well as vacillating between religious positions, which for Munday was demonstrated by the fact that he withheld something he wanted to say. His failure to speak revealed a fissure in the facade of courage that Campion tried to maintain, demonstrating that he not only feared death but was also shaky in his conscience and in his faith, meaning he was guilty.

In addition to voice and the way that the scaffold speech was delivered, pamphleteers also noted countenance and carriage, remarking on the color of the accused's face and how they held their body just before death. Given that Catholic execution victims often behaved bravely and very much like martyrs throughout the course of their ordeals, Protestant pamphlet writers looked for fissures in the countenance of the condemned person that would reveal their duplicity; signs that would bear out their true traitorous natures. Sir Everard Digby was among the accused Gunpowder plotters who, found guilty of treason, was drawn to his place of execution on January 30, 1606. Although he had petitioned for a gentleman's death by the axe, it was not granted and he was condemned to die by hanging and then to be disemboweled. While on the scaffold he delivered his speech, admitting that he had indeed offended against the law, but not with respect to his religion. Digby's demeanor before his death was described as manly

¹⁴³ Anthony Munday, *A breefe Aunswer made unto two seditious Pamphlets, the one printed in French, and the other in English*, (London, 1582), [no pagination, document image 23 in EEBO].

and stout in the Protestant account, but that narrative also contended that other aspects of his physical carriage revealed this to be feigned and merely a performance:

First went up Digbie [to the scaffold] a man of goodly personage, and a manly aspect, yet might a warie Eye in the change of his countenaunce, beholde an inwarde feare of death, for his colour grew pale and his eie heauie, notwithstanding that hee enforced him selfe, to speake as stoutly as hee could, his speech, was not long and to little good purpose onely that his belied conscience, being but indeed a blinded conceit, had led him into this offence.¹⁴⁴

Although Digby's manner of speech, using a loud voice, seemed to suggest that he was undaunted under the circumstances, other elements of his behavior demonstrated that this was not the case. The author emphasized apparent contradictions in his comportment as compared to his countenance. His voice was forced; he grew visibly pale and closed his eyes. The contrast between his speech and behavior revealed his hidden and true fear of death. There are elements of behavior that are more transparent, and more revealing than others. There was a hierarchy of behaviors suggested here, as well as an underlying assumption about what contradictory behavior was and meant. It was not what Digby said that revealed the most about his true inner character, but how he said it and how he looked as he said it that were more important.¹⁴⁵

Digby's behavior received a different rendering from the Catholic perspective, where he was represented as both courteous and calm. Father Gerard responded to the Protestant version of events, claiming that they conversely demonstrated that Digby died a true and faithful Catholic. Gerard emphasized different elements of Digby's behavior on the scaffold, noting that

he stood up and saluted all the noblemen and gentlemen that stood upon the scaffold, every one according to his estate, to the noblemen with a lower congé, to others with more show

¹⁴⁴ T.W., *A True Report of the imprisonment, the Arraignment, and Execution of the late Traytors*, sig C; T.W. also makes this claim about Winter who was executed the same day: "with a very pale and dead colour went vppe the ladder, and after a swing or two with a halter, to the quartering block was drawn, and there quicklie dispatched." sig C2v.

¹⁴⁵ This was very much in line with how physiognomical texts outlined the relationship between different bodily signs and how to resolve them with one another if there was a contradiction. This account of Digby is also suggestive of a physiognomical approach of how to spot when someone was lying or being duplicitous.

of equality, but to all in so friendly and so cheerful a manner, as they afterwards said, he seemed so free from fear of death as that he showed no feeling at all of any passion therein, but took his leave of them as he was wont to do when he went from the Court or out of the city to his own house in the country; yet withal he showed so great devotion of mind, so much fervour and humility in his prayers.¹⁴⁶

Digby maintained his stature and status despite the base method of execution that he endured.

To the noblemen, Digby bowed the lower congé, as if he were departing under normal circumstances. And to others, he was outwardly cheerful and treated them respectfully. Digby's courtly behavior and his formal greeting of those in attendance, according to Gerard, demonstrated that Digby was not afraid of death and maintained his composure. In addition, he was able to pray devoutly under the circumstances. Those prayers, of course, were specifically Catholic, which for Gerard demonstrated Digby's constancy, but from the Protestant perspective only proved his obstinacy, that, "with vain and superstitious crossing of himself, betook him to his latin prayers, mumbling to himself, refusing to have any prayers of any but the Romish Catholics, went up the ladder."¹⁴⁷ He mumbled to himself, refused to pray in English or to have anyone who was not a Catholic pray for him, and maintained superstitious beliefs until his death. Protestant writers emphasized the specifically Catholic elements of his actions and words on the scaffold, portraying them as a superstitious and meaningless performance. Priests and Catholics were "be|witched with an ignorant devotion, for that in their endes there was nothing to be observed, but their praying to our Lady, calling upon Saintes, joyned with a number of ceremonies, crossings & blessings, so that it appeared, that in their prayers they were bound to a forme more then unto faith."¹⁴⁸ Where one side read piety, the other saw ignorance.

The volume and tone of voice were treated as important indicators of the inner

¹⁴⁶ Morris (ed), *The Condition of Catholics Under James I*, pp. 217-218.

¹⁴⁷ Ibid., p. 216.

¹⁴⁸ George Whetstone, *The censure of a loyall subiect upon certaine noted speech & behauiours of those fourteen notable traitors*, (London, 1587), no pagination [in EEBO, document image 24].

conscience of the accused on the scaffold. However, sometimes the person failed to speak or respond at all, which posed an interesting problem, especially from the Catholic perspective. John Paine, a Catholic priest who was charged with treason alongside Campion and the others, was executed on April 2, 1582. As was common practice during these spectacles, the accused was asked a series of questions pertaining to his treasonous beliefs and activities, with the intended goal of having him confess before the crowd that what the state had claimed was true. Generally speaking, the condemned person would deny any treason, and affirm their loyalty to the monarch, as well as to the Catholic faith. The dialogue did not unfold this way with Paine, however: “In course of talke, my L. Rich said: Paine have you not had alwaies desire to spende your life, for the Queenes death? M. Paine then was in contemplation, and not hearing, answered not.” He was then asked to repent of saying the mass and to pray in English, but he remained in contemplation and did not hear them.¹⁴⁹ A failure to respond served to increase the ambiguity of the scene and offered openness for alternative interpretations of his behavior. Not hearing or failing to answer could be framed as obstinacy or fear according to the Protestant account.

Prayers made on the scaffold were often a central issue raised in the accounts of martyrs and traitors. The type of prayers made, whether in English or Latin, the manner in which the prayer was delivered, and how the crowd engaged with the accused at the time of prayer were often remarked upon. When Father Garnet, the Jesuit superior in England who was also found guilty in the Gunpowder plot, was brought to the scaffold, he prayed for some time before being hung. The Protestant account of his execution claimed that he appeared to be distracted during his prayers, a sure sign of his fear and uncertainty:

¹⁴⁹ Allen, *A briefe historie of the glorious martyrdom of XII reuerend priests*, pp. 136-37.

Then addressing himselfe to execution, he kneeled at the ladder foote, and asked if he might have time to pray, and how long. It was answered, he should limit himselfe: none should interrupt him. It appeared he could not constantly or devoutly pray; feare of death, or hope of Pardon even then so distracted him: For oft in those prayers he would breake off, turne and looke about him, and answere to what he over-heard, while he seemed to be praying.¹⁵⁰

The writer claimed that Garnet could not maintain his focus as indicated by the fact that he stopped mid-prayer to respond to some in the crowd who were speaking about him. He was unable to concentrate and “amazed” when he first approached the scaffold, as the pamphleteer characterized him. Amazed in this context could have meant both terrified and confused, but is suggestive of a hesitation around how to carry himself on the scaffold and an uncertainty about what to do. The anonymous pamphlet writer posited that this hesitation was a sign of his guilty conscience and of his hope that he might gain a last minute pardon: “[w]hen he stood up, the Recorder finding in his behaviour as it were an expectation of a Pardon, wished him not to deceive himselfe, nor beguile his owne soul, he was come to die, and must die.”¹⁵¹ The writer does not say exactly what about Garnet's behavior suggested this hope of a pardon, but seems to base it on Garnet's apparent confusion or distraction. Or, perhaps the writer was aware of and referring to the rumors circulating about Garnet prior to his execution that “he hath ben very indulgent to himself both in the Gatehouse and in the Towre, and dayly dronck sacke so liberally as if he meant to drown the sorrow.”¹⁵² In addition to being an indication of fear and

¹⁵⁰ Anon, *A true and perfect relation of the whole proceedings against the late most barbarous traitors, Garnet a Iuesuite, and his confederats....And lastly all that passed at Garnets execution*, (London, 1606), sigs Fff2v-Fff3.

¹⁵¹ Alfield addresses this issue in relation to Campion's death as well: “In fine, preparing himself to drinke his last draght of Christ his cup, was interrupted in his prayer by a minister, willing him to saye, Christ haue mercy vpon me, or such like prayer with him: vnto whom he looking backe with milde countenance, humbly said. You and I are not one in religion, wherefore I pray you content your selfe, I barre none of prayer, only I desire them of the houshold of faith to pray with me...” [Garnet is the one who T.W. Claims looked distracted at the time of his death—need to explain why they interrupt what they are saying to respond to someone—is it because they are afraid, or because they want to make a point about the steadfastness of their faith]. See Alfield, *A true reporte of the death & martyrdome of M. Campion Iesuite..M.Sherwin, & M. Bryan priestes*, sig C.

¹⁵² Norman Egbert McClure (ed), *The Letters of John Chamberlain*, vol. I, (Philadelphia, 1939), p. 219.

guilt, therefore, Garnet's strange behavior and distraction on the scaffold could also be attributed to his consumption of too much wine, a sign that he was no true martyr as he lacked the courage to face his death and feared the pain he was about to experience.

Father Gerard's account of Garnet's demeanor did not describe a distracted or bewildered priest brought to the place of his execution, but one who was both resolved and at peace with his fate. Gerard mentioned that Garnet's prayer was interrupted by some in the crowd, but instead emphasized why he chose to respond. He spoke to people in the crowd not to defend his own reputation, but that of someone else: "Then some one that stood near unto him, seeking to interrupt him, and saying, "But Mr. Garnet, were not you married to Mrs. Ann Vaux?"¹⁵³ His response was not random or without cause, but was directed to a particular person who raised questions about his and Mrs. Vaux's integrity, the rumor having been spread that they were married which would have undermined his vows as a priest. Therefore, he stopped his prayer for a worthy and moral cause, not because he was distracted or agitated. And after the interruption, he continued to pray on the ladder "with a pious and undaunted countenance," asking that only Catholics pray along with him. He was known as a serious man, a character trait that was also mentioned in the Protestant account of Garnet's death, but at the time of his execution, Gerard noted that Garnet had "a cheerful carriage, which, in so grave a man, was a sign of great peace and contentment of mind."¹⁵⁴ Gerard established a contrast to corroborate his characterization of Garnet's death: a man known in life to be solemn and serious was lighthearted and cheerful at the time of his execution. This dramatic shift in temperament was visible in how Garnet carried himself and was proof that he was unafraid and thus a martyr for his faith.

¹⁵³ Morris (ed), *The condition of Catholics under James I*, p. 293.

¹⁵⁴ Ibid., p. 289.

Garnet's internal sense of peace was also made visible through his body during the course of his hanging. The issue of control, or lack thereof, of bodily gestures and movements was another site of confessional claim-making and contradictory representations. Martyrs often employed specific and meaningful signs to indicate to the crowd that they were at peace with their deaths, either kissing the rope as it was placed around their neck, kissing the ladder, or making the sign of the cross.¹⁵⁵ Gerard reported that Garnet “told the hangman he was ready, and being desirous to carry the Cross with him out of the world imprinted in his heart, he crossed his arms over his heart upon his breast, and so was cast off the ladder....” However, for polemical purposes, it was the spontaneous or more uncontrolled bodily motions that often carried more significance. After Garnet was “cast off the ladder,” Gerard noted that “his arms continued so across as he had placed them (not being bound, nor he making any struggling at all with death) until he had rendered his spirit to his Redeemer.”¹⁵⁶ The fact that Garnet wrapped his arms around his body before he was hung was somewhat unusual. Maybe he was attempting to avert the possibility that his hands might “chance” upon the halter. It was possible that this gesture was purposeful on his part, an attempt to take control of the range of interpretations assigned to his bodily movements during the execution. Catholic writers interpreted Garnet's gesture and the fact that he maintained his position despite being unbound as both a form of bodily control and a sign of being reconciled with his fate. Crossing himself indicated to the on-lookers that he remained a devout Catholic, and his posture throughout his hanging demonstrated that he was at peace with his death.

Similarly, John Paine allegedly showed little fear and “very mekely when the ladder was

¹⁵⁵ Pollen, *Unpublished Documents Relating to the English Martyrs*, p. 358.

¹⁵⁶ *Ibid.*, p. 295.

about to be turned, he said Jesus, Jesus, Jesus, and so did hange not moving hand or foote.”¹⁵⁷

The convulsions that happened just after being turned off the ladder were believed to be an involuntary reaction of the limbs and muscles. That Garnet and Paine were able to hang without moving was indicative of their peace of mind, but also that they had retained the mental ability to control their bodies under extreme circumstances. The Protestant account offered no explanation for why Garnet had been able to stop his body from convulsing, and only recorded that after crossing himself and saying a few Latin prayers, he “was turned off, and hung til he was dead.”¹⁵⁸ For Catholic writers, remaining motionless throughout the course of the hanging was one of the surest signs that the accused was innocent of treason and a true martyr; the body attested to a clear conscience.

Of course, the body could do unexpected things throughout the course of the execution and could pose problems of a different sort, as demonstrated in this chapter's opening description of John Shert's execution. Any movement made during the execution could be imbued with meaning. The Protestant narrator interpreted the reaction of grabbing the halter as a sign that Shert feared death, was not at peace, and thus not truly a martyr. He claimed to be innocent, but his bodily movement revealed a deeper truth that he had attempted to hide. Like John Shert, the priest Robert Drury grabbed hold of the halter when he was turned from the ladder. Just before his death, he was described as

often looking about him, as hopinge there was some mercy for him, for feare appeared very plainely in him, [but] when he felt the cart to go [...] under him, and his expectation to be deceived, he caught fast holde with his left hande on the halter above his head, and...held to for a pretty while. If this were not an aparant hope for life, I refer it to better Judgements then mine owne.”¹⁵⁹

¹⁵⁷ Allen, *A briefe historie of the glorious martyrdom of XII reuerend priests*, p. 137; also see Bede Camm, *Lives of the English Martyrs*, vol. II, (London, 1914), p. 442.

¹⁵⁸ Anon., *A true and perfect relation of the whole proceedings against...Garnet*, sig Fff3.

¹⁵⁹ Anon., *A True Report of the Araignment, tryall, conviction, and condemnation, of a Popish Priest, named Robert*

The anonymous author offered the same interpretation of Drury's movements as Munday did of Shert's: what might appear as an involuntary action was actually more revealing of the truth than any verbal protestation. The action was spontaneous and done at the moment of death, which lent even more weight to its significance. Drury caught hold of the rope, which implies that this was something of an uncontrolled response, and refused to let it go even after the executioner or some in the crowd implored him to do so. For the narrator of Drury's death, this action revealed that he hoped he would receive a pardon, which was also evident in the way he looked about as he approached the cart. This remaining hope was the evidence that the Protestant writer used to demonstrate that Drury was not willingly or happily dying for his faith, as a true martyr, but would have taken any reprieve offered to him. Protestant writers imbued a greater degree of meaning in (seemingly) uncontrolled bodily movements as a mode of visible access to the true conscience and state of the soul.

Catholic writers tried to downplay the significance of such gestures and invoked a different epistemology in order to do so. In his account of Garnet, Allen argued the opposite about the meaning of these movements, asserting that the body was, in effect, disconnected from the inner state of mind of the victim at the time of their death. What was more important was how they carried themselves and their countenance in the moments leading up to death. Similarly, Allen maintained that Shert did not intentionally grab the rope, but that his hands were lifted above his head before the cart was pulled away and so merely “fell” on the rope “by chance.” Allen's use of this word “chance” indicated the absence of cause or meaning. Shert grabbed the rope but the action had no underlying significance and did not reveal any hidden truth about his unwillingness to die. His hands happened to be by the rope when the cart was

Drewrie, (London, 1607), sig D4.

removed, and it was this circumstance that caused him to grab it. Had his hands been near any other object, he would have reached for that instead. Allen appealed to an epistemological claim about death and the process of dying to support his account. A dying man will seize onto anything that his hands “lighteth” or fall upon—this was a natural, physical response, the action itself void of any greater significance about Shert's inward feelings or conscience. The fact that he reached for the halter was simply a natural impulse and did not contradict his outward show of courage.

The gestures and movements of the accused during the execution could be imbued with agency and an awareness of how polemicists might subsequently interpret their actions. Sometimes prisoners expressed worry about how their actions might be perceived and that they might not have total control over what they do at the moment of their deaths. Due to a misplaced halter knot by an unskilled executioner, Roger Cadwallader, who was executed for treason in 1610, experienced “extraordinary pain” during the course of his death. For unknown reasons, he received the benefit of being hung until he was dead instead of “half-dead” as was the usual punishment in these cases. After hanging longer than most and

when the people were presumed that he was throughly dead he put up his hand to the halter as if he had either ment to make a signe how his case stood or...to ease himselfe. But bethinking him selfe better and perhaps a scruple coming to his mind of conceiving to hasten his owne death he had scarse touched the halter but that he presently puld a way his hand and wthin a Pater a while after he lift up his hand againe to make the signe of the Crosse¹⁶⁰

This was the Catholic account of Cadwallader's death, which stressed that the movement of his hand towards the halter and down again was deliberate. The author suggested that Cadwallader might have moved his hand to try to ease the pain from the misplaced knot, or to indicate to the

¹⁶⁰ AAW Series A vol. IX, fols. 209-210.

crowd and executioner that he was still alive. However, in the midst of this motion he paused, put his hand back down and made the sign of the cross. The author argued that Cadwallader did this on purpose and that, despite experiencing excruciating pain, he maintained the presence of mind and control over his body to anticipate how his actions may have been perceived. He feared that on-lookers might think that he was unsure of his faith or afraid to die and attempting “to hasten his own death.” Rather than give the crowd or Protestant polemicists the opportunity to interpret his actions in that way, he put his hand back down. The Catholic writer interpreted this motion as a sign that Cadwallader not only had the ability to control his body in the midst of tremendous pain, but also had the foresight to anticipate Protestant representations of his actions. What was unsaid but implied was that Cadwallader's bodily control and awareness in the midst of his pain were signs of God's favor towards him which demonstrated that he was a true, Catholic martyr.¹⁶¹

Concern about optics and how certain gestures may be interpreted in varying ways also influenced the way that someone 'turned themselves', or were turned, off the ladder. Robert Keyes appeared, according to the Protestant version of events, to throw himself off the ladder of his own accord: “like a desperate villaine using little speech, with small or no shew of repentance, wente stoutelie up the ladder, where not staying the Hangmans turne, turned himselfe of with such a leape, that with the swing he brake the Halter.”¹⁶² Keyes' hurry to go off the ladder, alongside his lack of speech and perceived arrogant manner demonstrated that he was not remorseful for his conspiracy against King James in the Gunpowder plot and that he

¹⁶¹ The issue of pain is an interesting one in relation to the martyr/traitor narratives. At times, polemicists argued that the ability to withstand pain and torture were signs that God had divinely intervened to show mercy to the accused. At other times, feeling the pain was highlighted as a way to demonstrate the faith and commitment of the accused traitor, that they were indeed a martyr, as in Cadwallader's case. Protestant sometimes interpreted the seeming absence of pain as an indication that the accused was indeed a traitor, that the Devil was responsible for this unnatural occurrence.

¹⁶² T.W., *A Trve Report*, sig C3; Keyes was one of the accused Gunpowder plotters, executed on January 31, 1606.

remained an unrepentant traitor at the time of his death. By this account, Keyes seems to have thrown himself quite violently from the ladder, forcefully enough to break the rope so that he was still alive when he hit the ground. Rather than fear or willingness to die for his faith, his actions and demeanor revealed a hopeless obstinacy at the time of his death. It was also possible that Keyes' leapt with such force in order to hasten his own death by breaking his neck, an explanation which implicated his guilt. Catholic accounts framed Keyes' actions differently, arguing that he was actually worried that he might seem reluctant to go off the ladder in the eyes of the on-looking crowd, that "he did not, as here it is said, leap down of himself, but when he thought himself ready he showed his ready mind to go off the ladder without force, lest the hangman should take him on a sudden, when his mind was not actually upon it, and so be cause of some little reluctance."¹⁶³ Worried that he would hesitate or appear to hesitate at the time, Keyes took the initiative to step off the ladder by his own force rather than risk being surprised by the hangman.

Thus bodily signs, gesture, reflex actions and tones of voice took on extraordinary importance in the characterization of the accused either as a martyr or a traitor. At issue was the question of whether and how the body betrayed or supported the victim's status, with the answer depending on the confessional position of the author and their interpretation of how the external body reflected the inner state of the soul. Polemicists argued that gestures and countenance were more or less reflective of the conscience depending on what the specific individual did on the scaffold and while they hung. As these examples illustrate, however, authors employed different epistemologies depending on what the accused person did at the time of their death, and the religious position of the person doing the interpreting. If the outward body and inward

¹⁶³ Morris, *Conditions of Catholics under James I*, p. 221.

conscience were perceived, or could be framed to be, at odds, this was argued to be a sign that the victim was indeed guilty of treason. On the other hand, if bodily signs and gestures could be represented as confirming what the accused claimed to be the truth, that they were devoted Catholics but innocent of treason, then polemicists argued that this secured their status as martyrs. Both Catholic and Protestant polemicists imbued physical signs with particular meaning in some instances, and challenged those interpretations in others. Bodily control or emotional calm could be equated with confidence and inner peace, but could also be undermined by citing evidence of a simultaneous change of countenance. Polemicists appealed to any outward physical change—the quality and volume of voice; reflex or control over the movement of the body; an absence of or outward expression of emotion—in their descriptions of who was clearly guilty or innocent. However, depending on how the defendant behaved, sounded and looked throughout their trial and execution, polemicists on both sides claimed that outward appearances could be deceiving and emphasized that the body was not always a reliable source of evidence. Bodily signs were more certain than spoken words, but could be deceiving at the same time and the interaction between the outer body and inner conscience was anything but stable.

Dead or Half Dead: state leniency, cruelty, and ambiguous signs of death

That would-be martyrs were concerned with how the crowd perceived the execution was not surprising given that the crowd had some influence over the type of death they would receive. The felon was condemned to either hang until they were dead and then be disemboweled, or to be hung only until they were half-dead and face the butcher's block while still alive. Those in charge of the hanging itself had a great deal of say over how the execution was carried out, including how long the accused was allowed to hang, making it more likely

that they would be dead when cut down. Yet the crowd often interceded at this particular moment, either expressing their sympathy or judgement towards the victim on the scaffold, and influencing the way that the execution itself proceeded. The crowd expressed their collective opinion whether they thought the victim was in too much pain, often as a result of the hangman's inexperience, or whether the victim was repentant and therefore deserving of the more lenient death.

The execution itself was highly unpredictable as no one knew what the accused might do at the moment or their death or how their body might physically respond. This depended on how the executioner tied the knot, which depending on the shape and position could prolong or hasten death; on how long the condemned person was allowed to hang; on whether or not they were dead when they were cut down, and the response of the body on the butcher's block. Catholic accounts described the actual hanging and butchering at length, emphasizing both the cruelty of the state and the miraculous constancy of the martyr throughout the physical ordeal. Protestant accounts, on the other hand, were for the most part silent on these topics, and gave little by way of physical details about the execution itself. However, pamphlets usually specified, although often in passing, that the felon was dead upon being cut down, or why they were cut down before they were dead if that was the case. Although the official punishment for treason was to be hung until almost dead and then disemboweled, the state often commuted this sentence and allowed the accused to hang for longer as a sign of the state's mercy. This left a great deal of openness around how the death unfolded, and a degree of flexibility in how the death was represented in accounts written after the fact.

Part of the difficulty in hanging someone until they were dead, as opposed to half dead, was discerning when death actually occurred. The flexibility of the execution and ambiguity

around the moment of death was highlighted in many accounts, but none so overtly as that of Father Southwell:

And so protesting that he died a Catholique priest and in the Romane faith...the Cart was removed, and having hanged a while the sherrif made a signe to the sergeants to cut the rope. At which their was a great confused cry in the companie that he praied for the Queene, “And therefore let him hang, till he be dead,” sayd they. And so he was not cut downe till he was senst, as far as could be perceaved. A man might perceave by the countenances of the beholders that their was almost a generall commiseration, none that rayled against him, so far as I h[e]ard.¹⁶⁴

It was the outrage of the crowd that stayed the executioner from cutting Southwell down before he was dead. The Catholic writer noted that Southwell had won the favor of the crowd by praying for the Queen, and they intervened with the executioner to let him hang longer. Together, the crowd and the executioner attempted to ensure that Southwell was actually dead before he was taken to the butcher's block, the author adds, as far as they could perceive it. So, despite the desire to wait until Southwell was dead to cut him down, the pamphleteer noted that this was often difficult to determine, and left up to unreliable visible perceptions of the body.

The crowd figured prominently in accounts of the type of death that a particular martyr/traitor received and authors often cited the authority of the crowd to reinforce their account of how the accused had carried themselves at the time of their death. In Catholic accounts, the body of the martyr during their death often elicited the pity of on-lookers and even mercy from the executioner himself. Father Garnet was the beneficiary of this sympathy and some in the audience were determined to ensure he was dead:

Neither was he cut down before he was perfectly dead. For the people w[ere] so much moved with his modesty, and so altered from their former hard conceits of him by the sight of his constancy, and by his protestation of innocency at his death, that they prevented the hangman with a loud cry that he might not cut him down too soon. Who thereupon, having permitted him to hang awhile, would then have cut him down when he presumed him to be

¹⁶⁴ Pollen, *Unpublished Documents Relating to the English Martyrs*, p. 366.

half-dead; but the people cried out again, “Hold, hold,” and so again the third time, not permitting him to be cut down until he was thoroughly dead.¹⁶⁵

It was the crowd who assessed whether Garnet was half dead or completely dead, and interceded with the executioner to allow more time. They judged Garnet's physical state by viewing his body as well as the length of time he had been permitted to hang. When the executioner went to cut Garnet down a second time, they urged him to wait a little longer, to ensure he was dead. The executioner was pitted against the crowd in the type of death that Garnet suffered, and the crowd was able to shape this based on their both their perceptions and desires. Apparently one of the spectators was so moved by Garnet's piety throughout his ordeal that he took Garnet “by the legs and pulled him to put him out of his pain, and that he might not be cut down alive. Which kind of favors are nothing usual when the people do presume men die for treason.”¹⁶⁶ Pulling the legs of one who was hanging was frequently mentioned in pamphlets as a kindness to hasten the death of the accused because they had demonstrated in some way that they were deserving of this mercy. Thus those who attended the execution could play a consequential role in how the execution itself unfolded; they could assess the body of the victim and plead for more time, or even enter into the scene more dramatically to make sure he was dead. However, this scene also speaks to the uncertainty around death that those who were there felt. It was difficult to tell whether death had actually occurred or if the person was merely close to death.

In their descriptions of the manner of death the accused traitor received, pamphlet writers often noted the amount of time they were allowed to hang before being disemboweled.

When someone was cut down quickly, Protestant writers often emphasized the obstinacy of the

¹⁶⁵ Morris, *Condition of Catholics under James I, Gerard's Narrative*, pp. 295-296.

¹⁶⁶ *Ibid.*, pp. 295-296.

individual and their unwillingness to yield to the authority of the monarch. When Everard Hanse was asked whether he would submit to the Queen as the head of the church, he responded, “[n]ot so (quoth he) she is a woman, and she may not, neither can not speake in the Church, and therefore ought not to bear any authority in it.’ With that, their godly eares not abiding to hear these blasphemous wordes: drew away the Cart, & let him hang scant two turnes. But cut him downe, to abide the harder paynes, appointed for him.”¹⁶⁷ Contrasted with Southwell who prayed for the Queen before his death, Hanse was portrayed as willfully disloyal and therefore deserving of the more cruel death. “Two turns” was often used to describe a short amount of time, an amount of time that would ensure the individual was still alive, before the was cut from the rope. Although Munday, the Protestant narrator of Hanse's death, does not mention whether the crowd played any role in determining how long he hung before being cut down, he does describe Hanse as being particularly vocal and obstinate as he went to his death.¹⁶⁸

The unpredictability and uncertainty around death and the type of death that the accused suffered was sometimes due to the inexperience of the hangman himself. Physical signs pointed to these errors and were used to emphasize the cruelty and haphazard nature of the executions. There were those who were supposed to be permitted to hang until they were dead, but the poor positioning of the rope around the neck or a turn from the ladder that was too forceful could lead to unexpected physical results. Catholic accounts emphasized this unpredictability by focusing on the overly painful results of a botched execution. The Catholic priest John Weldon

¹⁶⁷ Anthony Munday, *The Araignment, and Execution, of a wilfull and obstinate Traitour, named Eueralde Ducket, alias Hauns*, London, 1581, sig C4.

¹⁶⁸ Hanse's execution is described briefly from the Catholic side as well in Challoner, “And so whilst he was praying devoutly to himself, the cart was drawn away; and before he was half dead, the rope was cut, and he bowelled alive, and afterwards quartered: a spectacle of great edification to the good, and a wonder to everyone that looked upon it.” Challoner, *Memoirs of missionary priests*, p.19.

was supposed to have only been hung, but “either by the malice or negligence of the executioner indured a longe and painful deathe: in so much that the bludde burst owt at his mouth, nose, eares and eyes: he in the meane tyme offeringe to knocke his brest and to make the signe of the holie crosse.”¹⁶⁹ Extreme bleeding like this was not a common occurrence during an execution and it was unclear why it happened, either on purpose or due to inexperience. The executioner's mistake could also result in a speedier death, as was the case with Mr. Medleton who “seemed to have flowen up the gallos, he went so nembly up, and was cutte alive by error, as some think. For as soon as the rope was cutt and he began to stirre in the butchers hands, the sheriff bid streight waies cutt of his head.”¹⁷⁰

The debate over whether the felon/martyr was truly dead continued after they had been cut down from the halter and were carried to the block to be disemboweled. Sometimes they appeared to be dead but showed subtle signs of life as Cadwallader did. Even though he had been hung for some time and a member of the crowd had pulled on his legs to make sure he was dead, when he was cut down from the rope but “before they had stript him naked, he was come to very perfect breathing.”¹⁷¹ Others were said to still have their senses when they were butchered which was evidenced by their breathing, standing, talking, twitching or involuntary signs during the disemboweling itself. This evidence was used to prove that the victim was still alive at the time the 'harder pains' of the execution were enacted on their bodies, signs that demonstrated their martyr status by pointing to the miraculous nature of these signs of life as well as the cruelty of the death they suffered.

Significantly, Protestant accounts of these executions rarely discussed this component of

¹⁶⁹ Pollen, *Unpublished Documents Relating to the English Martyrs*, p. 290.

¹⁷⁰ *Ibid.*, p. 390.

¹⁷¹ AAW Series A vol. IX, fol. 209.

the execution. They skipped over the details of the hanging and disemboweling, dealing with it only briefly and with no substantial detail. One such example that was characteristic of many of the Protestant descriptions was that of the Gunpowder plotters written by an author under the initials of T.W. Of Ambrose Rookwood's execution, he wrote that "he went uppe the ladder, and hanging till hee was almost dead, was drawne to the blocke, where he gave his last gaspe."¹⁷² Although he specified that Rookwood was not dead when he went to the block, the author of the pamphlet did not mention any evidence from the traitor's body to make this point. Even in cases where they claimed the accused had been dead when cut from the rope, pamphlet accounts do not specify what signs this claim was based on, and merely state that they were "hung till they were dead." The debate over whether or not the accused was truly dead at the time they were brought to the block was a specifically Catholic platform to make claims about the martyrological status of the victim and offered them the opportunity to challenge claims made about the mercy of the state in terms of allowing people to hang until they were dead. Signs of life pointed to the hypocrisy and dissembling of the state in trying to present itself as just.

Sometimes these signs of life were more obvious than others. In certain cases, the accused simply stood up once they had been cut down, seemingly not any closer to being dead than when they were first hung. William Pikes, a layman who was executed in 1592, "[b]eing cutt downe all alive, and a very able stronge man, when the Executioner came to drawe him to the blocke to quarter him, hee [stood? damaged] upon his feete: whereupon the Sheriffes men overmasteringe him, threwe him downe and pinned his handes fast to the grounde with their halberds."¹⁷³ Pikes retained enough strength and life in him to fight off the executioner and it took the force of several men to hold him down. Others spoke while they were being

¹⁷² T. W., *A Trve Report of the imprisonment, the Arraignment, and Execution of the late Traytors*. sig C3.

¹⁷³ AAW Series A vol. IV, No. 22 fol. 117.

disemboweled. One priest was “cutt downe half dead [and] when the tormenter did cutt off his membres, he did cry 'Oh! A!'”¹⁷⁴ These were obvious indications that the victim still felt the pain that was inflicted on their bodies as the butcher did his work. In some cases, they were even reported to aid the executioner, as in the case of the priest Thomas Pilchard who “being cut downe alive and layd on his backe the executioner beinge a cooke and unskilfull or careles first cut him over thwart the belly. Then the people crying owt uppon him, he began to slit him up the belly and to pull owt his bowels. The Priest reised himself and putting owt his hands cast forward his owne bowells crying owt Miserere mei.”¹⁷⁵ These purposeful and deliberate actions revealed that some martyrs were still alive and conscious at the time they were cut open, adding to the pain they experienced and the brutality of their deaths.

In other cases, the victim seemed to be alive but the signs were more ambiguous. Slight twitches or movements of the body were subtle hints that they experienced pain as the butcher cut them open. They did not necessarily speak or were conscious, but the body betrayed signs of life in different ways. After his bowels were taken out of his body and his heart was ready to be removed, Swallowell “lifted up his left hand to his head which the hangman layd downe again and so pulled it [...] out and cast it into the fire, the same hand of the martyr in the meane while laying it self full over his open bodie.”¹⁷⁶ The Catholic account of Sallowell's death suggested that, although not fully conscious, he was aware as his heart and bowels were removed; the movement of his arms, first to his head and then over the open cavity of his chest, seemed to indicate a specific response to what was happening and not simply involuntary, post-mortem movements. Equally as strange was Sherwin's, “who after his beheading, him self dismembred,

¹⁷⁴ Pollen, *Unpublished Documents Relating to the English Martyrs*, p. 62; Also see the account of Mr. Bose in AAW Series A vol. IV, no. 12.

¹⁷⁵ Pollen, *Unpublished Documents Relating to the English Martyrs*, p. 288 [From Stonyhurst MSS, Anglia, vii, n. 26].

¹⁷⁶ AAW Series A vol. IV, fol. 14v.

his hart, bowels, and intrailles burned, to the great admiration of some, being laid upon the blocke his belly downeward, lifted up his whole body then remayning from the ground.”¹⁷⁷

Although some claimed that Cadwallader was breathing at the time, yet “[it] was long after they had opened him before they could find his heart w[hi]ch not wthstanding panted [beat] in the[i]r hands when it was pulled out.”¹⁷⁸ These involuntary movements were both signs of life as well as signs of a miraculous death.

Strange physical signs after death were often noted as a way to demonstrate that the accused was indeed a martyr and not a traitor. This was represented by pointing to certain moments where the dead body or body part behaved in a way that was beyond nature, and therefore evidence of God's favor and the martyr's faith. When the executioner had removed Everard Hanse's heart from his chest and thrown it into the fire, it “leaped of itself out of the flames; and being flung in again, and covered with a faggot, it sprung up again with so much force, as visibly to raise the faggot out of its place, and hold it as it were, for a short time, quivering in the smoak.”¹⁷⁹ The countenance of the martyr was closely observed, and for the same reasons in death as it was in life. After Hanse's head had been cut off from his body and the executioner raised it for the crowd to see, some noted that “there was no alteration at all in his countenance, but had the same man-like and comely aspect he had before his death.”¹⁸⁰ Similar claims were made about Father Garnet's corpse. After his head was fixed to London Bridge, as was generally done with the heads of accused traitors, people “remarked that his countenance, which was always venerable, retained for above twenty days the same lively

¹⁷⁷ Allen, *A briefe historie of the glorious martyrdom of XII reuerend priests*, 86; also reported in Alfield, *A true reporte of the death & martyrdome of M. Campion Iesuite..M.Sherwin, & M. Bryan priestes*, sig D2.

¹⁷⁸ AAW Series A vol. IX, fol. 209.

¹⁷⁹ Challoner, *Memoirs of Missionary Priests*, p. 19.

¹⁸⁰ Morris (ed.), *The Conditions of Catholics Under James I*, p. 218.

colour which it had during life, which drew all London to the spectacle, and was interpreted as a testimony of his innocence.”¹⁸¹ Those who died were thought to change in appearance, particularly in the face, fairly quickly. Paintings show pale faces and somber looks on dead bodies who had recently passed.¹⁸² However, Garnet's complexion, reportedly unchanged from life to death within the space of twenty days, would certainly have been considered miraculous, and, as the writer contends, a sign of his innocence. The absence of bodily decay was also evidence of Garnet's status of a martyr, as “the incorruptibility of a corpse was regarded as a certain sign of sanctity and a seal of divine approbation.”¹⁸³

Although Protestant accounts were largely silent about the moment of death and the disemboweling of the accused traitor, one prominent exception is the narrative of Edmund Gennings' execution, in which the Protestant pamphleteer responded point by point to the claims made about Gennings' death in the Catholic account. Examining these narratives side by side reveals the contesting epistemologies used to explain strange physical signs. Edmund Gennings was a Catholic priest who was captured in London in 1591, tried and found guilty of treason, and executed on December 10th of the same year. His brother John Gennings was so moved by the behavior of his brother during his execution that he himself converted to Catholicism and wrote an account of his brother's death which was published in 1614. The account of Gennings' execution is among the most violent and detailed to survive. Not permitted to hang for longer than an instant after the ladder was removed, Gennings stood up when he was cut down from the rope. In this initial moment, his senses were a “little astonished,

¹⁸¹ Challoner, *Memoirs of Missionary Priests*, p. 250.

¹⁸² For examples, see Sir Anthony van Dyck, *Venetia Stanley, Lady Digby on her Deathbed*, (1633); John Slouch's painting, *Sir Thomas Aston at the Deathbed of his Wife* (1635); unknown artist, *Thomas Braithwait of Ambleside making his Will*, (1607); see also Peter C. Jupp and Clare Gittings (eds), *Death in England: An Illustrated History*, (Manchester, 1999).

¹⁸³ Alexandra Walsham, “Introduction: Relics and Remains,” *Past and Present* (2010), Supplement 5, p. 11.

in so much that the Hangman was forced to trippe up his heeles from under him to make him fall on the blocke. And being dismembred, through very payne, in the hearing of many, with a lowde voyce he uttered these wordes, Oh it smartes.”¹⁸⁴ He was stunned, described as in a daze initially, so that the hangman had to trip him to make him fall to the ground. This was proof that he was no where close to death when he was cut down or when the hangman cut into his stomach. As his bowels were removed and thrown into the fire, Gennings was reported to call out to Saint Gregory to help him in his pain; his heart, which had been ripped from his body, was still beating in the executioner's hand as he prayed. That Gennings was alive after his heart was removed, demonstrated by his audible prayers, and that the heart continued to beat, were signs of the miraculous nature of his death as well as the piety of the martyr himself. For John Gennings, these were abnormal physical events that were above what was naturally possible or expected, and he interpreted these abnormalities as signs from God and evidence that his brother had been a true martyr.

The Protestant writer Richard Sheldon, who himself had studied at the English College in Rome in the 1580s but later converted to the Church of England, wrote specifically in response to the account of Gennings' death written by his brother:¹⁸⁵

But this which your Gennings did, what was it more or above that which is ordinarie with supersitious, languishing, and panging soules in the agonie of death? What else was this then an argument that life was not quite extinguished, nor his soule departed, when the Executioner had your martyrs heart in his hand? The summe is, had your Brothers tongue, or heart cryed out, Sancte Gregori ora pro me, after his soule had departed, we might have reputed the same a prodigie of the Deuill, but not a miracle of God: I say, a prodygie of the Deuill, for I doubt not to call such manner of invocations no other than Satans instigations. What did your Gennings more (nay he did lesse) then that Devill which being conjured to depart out of a possessed woman, and at his departing to say the Pater Noster, and Ave maria, he added more and above, out of his owne devotion.... And that yee may be assured that it was the Deuill who so prayed, he made his invocation in Latine, a point above the

¹⁸⁴ John Geninges, *The Life and Death of Mr. Edmund Geninges*, (Omer, 1614), sig L3v.

¹⁸⁵ See *Oxford Dictionary of National Biography*

possessed womans reach.¹⁸⁶

Sheldon's counter-narrative was based on an alternative explanation for the difference between the natural and the supernatural. When the executioner had removed his heart and it continued to beat, this was simply a sign that he was not quite dead, so it was not extraordinary that he called out to the saint. And even if he had already died at the time he spoke, this could just as easily be a sign that the Devil was at work and not God. The Devil could speak through a possessed woman and make her pray in languages she herself does not know, so why couldn't he be able to make a dead man speak? Drawing from demon possession discourses allowed Sheldon to claim that even things that might appear to be miraculous, such as a woman praying in Latin, could actually be caused by evil forces. Sheldon argued that although it was possible for Gennings' actions at the time of his death to be a sign of God's favor and his martyrological status, it was just as possible for those actions to be either natural, or a sign of the Devil at work: the ambiguity of the event, for Sheldon, undermined the Catholic narrative of Gennings' death.

Perhaps anticipating this refutation and in order to further demonstrate the divinely supernatural nature of Gennings' death, his brother included a story of a young woman who was present at the execution, and who, like other devout Catholics, tried to come into contact with the blood or body of the martyr in some way. The blood and body parts of Catholic martyrs were believed to hold special healing power and were highly coveted. As the butcher continued to hack Gennings' body into pieces, he showed each part to the crowd and then threw it into a basket. The young woman tried to get as close as possible and was able to reach out and touch the severed hand of the martyr. She was afraid that someone would see her, and so tried not to

¹⁸⁶ Richard Sheldon, *A survey of the Miracles of the Church of Rome*, (London, 1616), pp. 330-1.

draw attention to herself or make any dramatic movements. Grabbing Gennings' thumb, she pulled just a little and found, to her surprise, that it easily separated from the rest of his hand: "by the divine power, the thumbe was instantly loosed from his hand, and being separated she carried it away safely both flesh, skinne, and bone without sight of any, to her great joy and admiration. O Strange and miraculous separation! The thumbe of a man newly dead and quartered, to depart from the hand, as it were, sponte sua, of it owne accord."¹⁸⁷ It was strange that the thumb would so easily detach from the hand, especially given that he had just in that instant been executed and his body had not yet started to decay. John Gennings took this as extraordinary sign and an indication of God's favor; his brother's body had already received saintly status moments after his death.

Sheldon's skepticism about this 'miracle' was based on two primary contentions: first, the story itself originated with a poor and simple maid who lacked credibility because of her lowly social status. The woman did not tell the story of the thumb until she had left England and was safely in Europe and, Sheldon argued, "you know how ordinarie a thing it is for poore maids to be put to the shifts beyond the seas, and to make the best use they can of their wits." And second, no miraculous healings or events had been associated with the thumb and it would have been easy enough to obtain one from another dead body. Her story was impossible to verify because by that time the martyr's body has already rotted away so no one can examine it or compare the thumb with the rest. It was highly unlikely that the rest of the body would have decomposed but the thumb remain as it did in life: "I doe assure my selfe that if the virgin maide had spoke of the miracle before the quarters of their martyr had been either rotten, taken, or consumed away; that the whole narration would have been found a lewd tale of a lewd

¹⁸⁷ Gennings, *The Life and Death of Mr. Edmund Geninges*, sig M3.

lasse.”¹⁸⁸ Much more likely was that the woman created this story to create an opportunity for herself and obtained the thumb “of some one other of their Priests-Martyrs here at Tiburne...[o]r else a thombe taken from some body, appointed for the Anatomists.”¹⁸⁹ One way or another it was impossible to know whether the body part came from the martyr or from someone else and without physical proof the maid's story could not be trusted on her own merit. Therefore seemingly miraculous events needed to be verified with external evidence and could be deceiving in their outward appearances. Writers faced the murky waters and slippery distinctions between the supernatural and the natural, the godly or the demonic, in offering explanations of strange physical symptoms after death.

Conclusions and Open Endings

The slippage between the categories of martyr and traitor reveals the multiplicity and complexity of early modern epistemologies at work in the assessments and representations of accused Catholic traitors at the various stages of trial, torture, and execution. Judges, torturers, crowds, and pamphleteers, offered interpretations of the body of the victim, and employed competing explanations of both strange and extreme physical symptoms, as well as arguments about more subtle bodily signs and gestures. The untrained, vernacular epistemologies often implied or revealed latent contentions about the relationship between the body and the truth. However, these ideas also corresponded with several on-going medical and intellectual debates of the time. Claims about the meaning of physiognomical signs; distinctions between the supernatural, natural, or the otherwise inexplicable; the work of divine forces versus demonic ones; the shaky status of sight as a mode of perception; and arguments about the relationship between the inner conscience and the outer body were all central to the contests that unfolded

¹⁸⁸ Sheldon, *A Survey of the Miracles of the Church of Rome*, p. 332.

¹⁸⁹ Ibid., p. 335.

over the Catholic bodies explored in this chapter.¹⁹⁰ Ideas about the relationship between the exterior of the body and the internal conscience or character of a person informed both practices and polemics in relation to the torture and execution of Catholic priests. Execution crowds and pamphleteers read the external body for signs with the hope of accessing the true character of the accused traitor, for good or for evil. Reading outward signs raised the question of the reliability of perception and, in particular, whether the exterior body concealed a deceitful or treacherous interior. Debates centered around which signs mattered, how to interpret them, and whether or not they could be believed. Thus the external body could both reveal the true nature of the individual—could give him away, so to speak—but it could also disguise internal motives and beliefs through the use of deliberate and calculated gestures. However, it was not only outward signs that were believed to reveal truths about a person's inner nature. The internal body itself was used to support or refute someone's martyrological status, and debates about physical evidence continued after the body was opened on the butcher's block. Thus, there was a contentious relationship between the inner and outer body, in terms of what truth it could establish in relation to the martyr.

Debates over how to interpret the physiognomical signs of the accused traitor drew from the rising uncertainty over the status of visual perception throughout this period. There was a pervasive sense that the visual was not necessarily reliable in distinguishing between what was true and false, or what was authentic versus what was performed.¹⁹¹ This uncertainty was further

¹⁹⁰ These debates and epistemologies are all explored in detail in chapter one. On physiognomy, for example, see Thomas Overbury, *New and choise characters*, (London, 1615), as well as John Indagine, *Briefe Introdvctions...vnto the Art of Chiromancie, or Manuell Diuination and Phisiognomy*, (London, 1615).

¹⁹¹ This idea is explored in the introduction as well as in second chapter. In making this argument, I draw from secondary works including Stuart Clark, *The Vanities of the Eye: Vision in Early Modern European Culture*, (Oxford, 2007); I also examine this issue in relation to the rise of staged performances and acting as a profession, which also played into insecurities around perception. I explore this in the introduction and chapter two as it pertained to the problem of demon possession and exorcism in particular.

complicated by a belief system that allowed for the existence of both natural and supernatural phenomena. Doctors debated, for example, about how to tell the difference between physical symptoms that were simply strange, versus those that were caused by divine or demonic forces.¹⁹² Contemporaries believed that an extraordinary physical sign might be miraculous, but it could just as easily have a natural explanation that was simply not yet known.¹⁹³ The difficulty of reading physical signs and symptoms was a reality recognized by polemicists on both sides of the debate, although it was a reality they attempted to mask. Some writers argued that interpretations of the physical signs of the Catholic priests in question could be universally applied, and were true in every case. Others, however, argued that reading responses to torture and execution was more of an art, particular to each individual, and not a science based on any standards of universal knowledge.¹⁹⁴ These epistemological debates and anxieties informed the way that polemicists characterized priests' bodies and were central to the uncertainties that arose regarding how to interpret pain, gesture, and the truth found in bodily signs.

However, ambiguity around physical evidence was not just a problem that had to be overcome and at times it could provide certain polemical advantages. This was particularly true for the practice and representation of torture. The legal ambiguities around the use of torture resulted in relatively unarticulated techniques that were dependent upon the knowledge and whim of the individual examiners. In this way, those responsible for the torture itself had a significant degree of freedom over how to conduct the process. Although there was a general

¹⁹² Another argument explored in the introduction, however I draw from Katherine Park and Lorraine Daston, *Wonders and the Order of Nature, 1150-1750*, (New York, 1998), and use this to situate the problem of ambiguous bodies in particular.

¹⁹³ This was a complex issue in relation to the medical world in that it not only involved intellectual disputes, doctors who believed in and diagnosed supernatural explanations versus those who did not, but also involved were economic issues pertaining to the Royal College of Physicians and contests with unlicensed doctors. See Margaret Pelling, *Medical Conflicts in Early Modern London*, (Oxford, 2003).

¹⁹⁴ The notion of medicine as an art versus a science is discussed in the introduction and in chapter four—doctors made the argument that accurate diagnoses could only be made with a long-standing knowledge of the individual patient, of their particular constitutions and humoral balance.

theory about the relationship between pain and truth—that the application of pain eliminated the ability to lie—the actual practice of torture lacked procedural or trained medical oversight. The use of torture was therefore haphazard and unpredictable, and created several opportunities where polemical interventions could be made. Despite the state's limited supervision over what happened during the course of torture, state officials had a vested interest in the health and well-being of the torture victim. On the one hand, they wanted the examinee to provide information and to confess to crimes against the monarchy. But they did not want to leave physical signs of extreme torment or suffering in order to prevent rumors that the accused had been coerced into a confession. The gray area created by the lack of oversight combined with a desire for subtlety, provided an opportunity for polemicists to shape accounts of torture to either demonstrate the cruelty of the state and/or the martyrological status of victim. Likewise, the physical signs of torture could be difficult to discern, and therefore left openings for conflicting interpretations. State officials also used physical ambiguity to their advantage in cases where torture resulted in death by invoking ambivalent forensic evidence and spreading rumors of suicide to create uncertainty as to the cause of death. Secrecy, subtleties, and rumor were thus equally as important for English torture practices as public spectacles or dramatic confessions, and complicate our understanding of the meaning of pain and use of torture in early modern legal and political contexts.

The relationship between pain and truth was contested on several epistemological points. The practice of torture itself was meant to eliminate the power to dissemble externally and give the examiner immediate access to the inner self. However, beliefs differed about where the truth was located in relation to the internal and external body. Catholics rooted the truth in the internal, hidden conscience of the victim, a truth which was demonstrated through the outward

signs of silence and mastery over their bodies and emotions during torture. Pro-state accounts, on the other hand, focused on the external body to reveal internal deceit and corruption. On both sides, the lack of physical or verbal responses during torture were as important as the extremity of the pain inflicted, and these two points were often contrasted to highlight the traitorous or pious behavior of an individual. However, these interpretations offered conflicting accounts of the same responses. If someone did not cry out in the midst of, what should be, extreme pain, this could be interpreted as the result of demonic forces, just as easily as it was God's intervention, or, as some argued, a basic physical response to a particular kind of torture (for instance, resulting in numbness in the body, as one writer argued). Thus the experience and expression of pain was highly contestable, and deployed for conflicting confessional purposes.

The execution crowd played an important role in offering assessments of the traitor's body while he was on the scaffold and butcher's block. The crowd's perceptions of the accused's body, and their actions towards the victim throughout the course of the execution, played an important role in how pamphleteers framed the accused as either a martyr or a traitor. What this openness reveals, however, is not simply that the crowd used their own understandings about body language, suffering, and death, in their interpretation of the Catholic body. It also reveals a certain amount of religious indeterminacy at the heart of the scaffold scenes and pamphlet accounts of executions. Those in attendance responded not only to the religious beliefs and convictions of the accused, but to how the person carried himself on the scaffold, paying as much attention to the manner that the dying speech was delivered, as to what was actually said. Crowds could be swayed to either sympathy or condemnation of the person based on how his body language and words were interpreted. Spectators were concerned with whether the victim *appeared* repentant. While pamphleteers offer us stark and confident accounts of how the

individual carried himself on the scaffold, these were overly confident interpretations of the meaning of bodily signs and gestures. Their certainty is brought into question by the crowd's ability to be swayed by the carriage and countenance of the executed person, and by their debates over the meaning of these outward signs. The crowd's perceptions of pain and death could also shape the actions of the executioner and could play a role in the type of death that the traitor received. This was a particularly important factor in discerning whether or not the victim was alive or dead when cut down from the rope and taken to the butcher's block. Spectators often interjected on behalf of the victim—particularly if he had seemed repentant—in order to ensure that he was actually dead before being disemboweled. However, the distinction between life and death could be difficult for both crowds and executioners to discern, and thus left room for writers to offer their own interpretations in subsequent pamphlet accounts. As we shall explore in more detail in a later chapter, the physical signs marking the separation between life and death were ambiguous, and the dying and dead body proved to be an important site of confessional dispute.

Taken together, the contests over the martyrological status of Catholic priests executed for treason reveal a particularly fraught moment in the relationship between knowledge about the body and truth. This is demonstrated by the ease with which execution spectators and the representations of the accused could employ diverse epistemologies to frame physical evidence for specific purposes. Bodily signs, gestures, and symptoms were highly flexible, and physical evidence, although necessary to establish the martyr/traitor status, was often both polemically authoritative and epistemologically opaque.

CHAPTER 2

**Lost in “the maze of those maie bees”:
Thomas Killigrew, demon possession and religious ambivalence in 1630s' England**

In 1635, Thomas Killigrew wrote a very strange and vivid letter detailing his visit to the Ursuline nunnery in Loudun, France. The Englishman travelled to the abbey specifically to witness the public exorcisms performed on the bodies of the nuns by the Capuchin priests, a spectacle that had gained European-wide notoriety and a steady stream of visitors since the possessions began in 1632. Killigrew's letter was strange not because of the grotesque and dramatic descriptions of the demon possessed nuns, nor for its account of the lurid exorcism rituals to which they were subjected. What was unusual was the ambivalence which infused his narrative. While the majority of early modern accounts of demon possession and exorcism were overtly polemical, Killigrew's was lacking in an explicit confessional claim. Killigrew characterized himself as something of a neutral observer, neither convinced, nor unconvinced, as to whether the nuns were truly possessed by the devil or merely faking their symptoms as part of a scripted polemical performance. At times, he seemed certain that the nuns were merely well-trained actors, noting in one description that “in all [her] accions I saw little above Nature, or a Tumblers expression.”¹⁹⁵ The language of fraudulent theatricality and the stage invoked well-established Protestant tropes of “popish” illusion and performativity and appeared to suggest Killigrew's skepticism about the possessions and exorcisms. His skepticism is apparent

¹⁹⁵ All citations from Killigrew's letter are from a copy that survives in the Bodleian library, which was transcribed and printed under the following reference: J. Lough and D.E.L Crane (eds), “Thomas Killigrew and the Possessed Nuns of Loudun: The Text of a Letter of 1635,” *Durham University Journal*, 78:2 (1986), pp. 259-268; p. 264, fol. 23v. Remarkably, there are four surviving manuscript copies of this letter, all, as far as I can tell, contemporary or close to contemporary, with Killigrew. Archival copies include Bodleian Library, Ashmole MS 800, ff. 21r-27r; British Library, Add MS. 27402, ff. 69r-71v; Magdalene College, Cambridge: Pepys Library 2099(3), ff. 10r-25r, and the Cecil Papers, CP 253/4r-7v. The Pepys Library manuscript was reprinted in the *European Magazine* in February 1803, vol. 43, pp. 102-106. This text served as the basis for Aldous Huxley's 1952 work *The Devils of Loudun*, (London, 1952).

in another passage in which he felt the body of one nun who was said to be heavy beyond what was naturally possible, and noted that he “only felt firme flesh, Stronge Armes & Leggs, held out stiffe.”¹⁹⁶ At times, however, Killigrew represented the bodies of the nuns as extraordinary, performing feats and displaying symptoms that were difficult to interpret. When he felt the body of another demon possessed nun who had been vigorously moving around the room and writhing on her back, he reported that he “went & felt her hands & Pulces, thinking to have found her extreemely distempered...but found them cold & her Pulse beating without any signe of distemperature” (fol. 26r). Thus despite her constant movement, she was neither hot nor was her pulse elevated as Killigrew had expected. Throughout the letter, Killigrew oscillated between skepticism and belief, aware of the confessional stakes and that the priests were attempting to convert him to the Roman faith but also perplexed by what he saw and felt. By the end of his letter it remained unclear whether Killigrew himself believed what he has seen at Loudun were real or fake.

Killigrew's attempts to assess the authenticity of the Loudun possessions belong to a period in which cases of demon possession and exorcism were fodder for confessional polemic and politics.¹⁹⁷ In the late sixteenth and early seventeenth centuries, Puritan and Catholic

¹⁹⁶ Lough and Crane (eds), “Thomas Killigrew and the Possessed Nuns of Loudun,” p. 264, fol. 23r. Henceforth, any quotation from Killigrew's letter will be taken from Lough and Crane's edition of it and cited in parentheses after the quote. Lough and Crane note the folio number from the original manuscript which is what I will use.

¹⁹⁷ The politics and polemics of demon possession and exorcism has been well-documented by scholars of the period. Thomas Freeman argues that while Catholic exorcists asserted their authority over Protestants, Puritan exorcists were more often in conflict with representatives from the established church. Generally though, it was a political issue and something which the government targeted out of concern that public exorcisms were used to proselytize and therefore posed a danger to the authority of established religion. Freeman argues that exorcism was “a weapon of an unparalleled power in the puritan propaganda arsenal,” and that through their use of fasting and prayer, Puritan “exorcism magnified those aspects of puritan worship which the ecclesiastical authorities most feared—its anti-hierarchical tendencies, its strong sense of communal solidarity and its potential as a vehicle for protest--[and therefore] they tried to suppress it.” And in her study, Sarah Ferber contends that “exorcists were energetic advocates for rival confessions—particularly Catholic, but also Reformed—demonstrating publicly the willingness of the devil to yield to their own approved rituals.” See Thomas Freeman, “Demons, Deviance and Defiance: John Darrell and the Politics of Exorcism in late Elizabethan England,” in *Conformity and Orthodoxy in the English Church, c. 1560-1660*, Peter Lake and Michael Questier, eds. (Woodbridge), 2000, p. 43; and Sarah Ferber, “Demonic Possession, Exorcism, and Witchcraft,” in *The Oxford*

exorcists in England had sought to demonstrate their religious authority over the devil (and thus the superiority of their confession) in public performances of exorcism, and the Anglican church, on behalf of the English crown, had attempted to curtail and undermine this activity. Each case of demon possession mobilized these various sides and polemicists attempted to fix an interpretation of events in order to secure their confessional authority.¹⁹⁸ Either the demon possessed person was truly possessed by the devil and cured only by the confession-specific rituals of the exorcist; or the victim was suffering from a natural illness but being exploited by religious malcontents for their own nefarious purposes; or the victim's symptoms were themselves fraudulent or coached, again for nefarious religio-political ends. To a large extent, all of these interpretations depended upon authoritative claims about the bodily symptoms displayed by the victim. Polemical accounts cited particular symptoms to support their claims and sought ways to authenticate interpretations of physical signs. In some (though not all) cases, a physician might provide an authoritative diagnosis and early modern medicine was broadly implicated in the process of assessment.¹⁹⁹ In part, therefore, contests about exorcism rested on

Handbook of Witchcraft in Early Modern Europe and Colonial America, Brian P. Levack ed, (Oxford, 2013), p. 575. Discussions of whether a particular demoniac was legitimately possessed or a fraud reached the highest levels of politics as King James I became personally involved in the case of Anne Gunter, discussed in James Sharpe, *The Bewitching of Anne Gunter*, (New York, 2001); See also F. W. Brownlow, *Shakespeare, Harsnett, and the devils of Denham*, (Delaware, 1993); Marion Gibson, *Possession, Puritanism and Print: Darrell, Harsnett, Shakespeare and the Elizabethan Exorcism Controversy*, (New York, 2006); D. P. Walker's classic work on the topic, *Unclean Spirits: Possession and Exorcism in France and England in the Late Sixteenth and Early Seventeenth Centuries*, (Philadelphia, 1981).

¹⁹⁸ Of course the most notorious and best documented case of this was the printed contest between the Puritan exorcist John Darrell and the archdeacon Samuel Harsnett on behalf of his superior Richard Bancroft, the bishop of London. The contest generated an extensive set of primary materials including Anon., *Triall of Maist. Dorrell, Or A Collection of Defences against Allegations not yet suffered to receiue convenient answere*, (London, 1599); John Darrell, *A detection of that sinful, shamful, lying and ridiculous discours of Samuel Harshnet*, (London, 1600); John Darrell, *A true narration of the strange and grevous vexation by the devill of 7 persons in Lancashire and W. Somers*, (London, 1600); John Darrell, *A Brief Apologie Proving the Possession of William Somers*, (London, 1599); John Darrell, *The Replie of John Darrell to the Answer of John Deacon and John Walker*, (London, 1602); John Deacon and John Walker, *Dialogicall Discourses of Spirits and Divels*, (London, 1601); John Deacon and John Walker, *A Summarie Answere to al the Material Point in any of Master Darel his bookes*, (London, 1601); Samuel Harsnett, *A discovery of the fraudulent practices of John Darrel*, (London, 1599); George More, *A true Discourse concerning the certain possession and dispossession of 7 persons in one familie in Lancashire*, (London, 1600).

¹⁹⁹ In his study on Mary Glover and Edward Jorden, Michael MacDonald explores the importance of "power politics in

popular and medical understandings of physical signs, on how to accurately read those signs and on who had the authority to interpret bodily symptoms.

Polemical logic demanded, however, that whichever diagnosis was made needed to be assertive and unambiguous. Within polemical accounts of demon possession, bodily signs were interpreted as readily legible and capable of only one convincing explanation. However, Killigrew's letter reveals that despite the authoritative truth claims made by polemicists about demon possessed bodies, there were ingrained doubts about the legibility of bodily evidence.²⁰⁰ Thus in polemical contests over a possessed person it was possible to read the same bodily symptoms in radically different ways. The epistemological uncertainty which polemical writers tended to efface becomes unusually explicit in Killigrew's letter about Loudun, where we see him test the bodies of the nuns in various ways, debate whether physical symptoms were natural or supernatural and (finally) unable to settle on a conclusive diagnosis. Killigrew's account is infused with a skepticism and uncertainty rooted in various cultural discourses about bodily signs, including critiques based on anti-theatrical prejudice and on gendered understandings that the physical symptoms of women, particularly young or unmarried women, were difficult to

shaping [the] beliefs and opinions” of the physicians involved and demonstrates how political positions and personal connections shaped medical diagnoses. He argues that even when physicians were involved in cases of demon possession, their authoritative assessments did not necessarily quell contests or conflicts over the diagnosis of strange bodily signs. Doctors could argue on opposing sides but appeal to the same medical authority to support assessments of physical symptoms. Michael MacDonald (intro and ed.), *Witchcraft and Hysteria in Elizabethan London*, (New York, 1991), p. ix. On the involvement of physicians in suspected cases of demon possession and the social and economic factors that shaped their diagnoses see also Judith Bonzol, “The Medical Diagnosis of Demonic Possession in an Early Modern English Community,” *Parergon*, Vol. 26, No. 1, (2009), pp. 115-140.

²⁰⁰ Skepticism about the legibility of bodily signs has been discussed in greater detail around the topic of witchcraft trials, particularly around Reginald Scot's 1584 work *The Discoverie of Witchcraft*. Debates over how to prove definitively whether someone was a witch often involved discussions about the meaning of bodily signs. In some cases, these trials involved someone who had allegedly bewitched and raised questions about the meaning of physical symptoms and how to prove that they had actually been caused by the accused witch. Scholars have noted that accusations of witchcraft based on bewitchment were just as likely to result in counter charges of fraud against the accuser. See Malcolm Gaskill, “Witchcraft and Evidence in Early Modern England,” *Past & Present*, No. 198 (Feb. 2008), pp. 33-70; Tobias Hug, *Impostures in Early Modern England*, (Manchester, 2009), pp. 64-86; Richard Raiswell, “Faking It: A Case of Counterfeit Possession in the Reign of James I,” *Renaissance and Reformation*, Vol. 23, No 3 (Sum 1999); Barbara Shapiro, *Beyond Reasonable and Probable Cause*, (Berkeley, 1991), pp. 51-54.

interpret.²⁰¹ Killigrew's letter therefore helps to draw attention to the epistemological confusions and conflicts that were written out of most polemical accounts.

Despite his ambivalence, however, Killigrew's account was neither confessionally neutral nor disengaged from the wider religio-political stakes involved. His stated ambivalence may have actually allowed him to adapt to the religiously amphibious world of Charles I's court. The ambivalence which infused Killigrew's account of Loudun speaks to an indeterminate religious identity inhabited by a number of figures attached to the court of Charles I in the 1630s. His ambivalent narrative allowed Killigrew to position himself carefully in relation to the queen's circle and the Catholics and crypto-Catholics with whom he was associated, and to navigate some of the complex French politics of the Loudun exorcisms, politics that were echoed back at Whitehall by the on-going conflicts between Henrietta Maria and Cardinal Richelieu.

This chapter examines Thomas Killigrew's account of the Loudun possession from the perspective of bodily signs and evidence, analyzing the forensic methods, medical knowledge and cultural discourses that he employed to interpret what he saw. His ambivalent narrative of these Catholic exorcisms provides a lens through which to analyze contests over cases of demon possession in England more broadly and exposes a more widespread (if often latent) ambiguity regarding the meaning of bodily signs. The chapter will begin by tracing Killigrew's skepticism that the possessions were real, identifying the physical symptoms he believed were simply

²⁰¹ Stephen Greenblatt argues that one of the things that exorcists sought to do was to eliminate the "taint" of the stage because, "performance kills belief; or rather acknowledging theatricality kills the credibility of the supernatural," however the opposite was true in Killigrew's case. This will be discussed further below. Stephen Greenblatt, *Shakespearean Negotiations: The Circulation of Social Energy in Renaissance England*, (Oxford, 1988), p. 109. On demon possession, exorcism and the stage see also Greenblatt, "Loudun and London," *Critical Inquiry*, Vol. 12, No. 2, pp. 326-346; 340; J. A. Sharpe discusses how age and gender could undermine the credibility of the subjects involved and that possession was a way for some to challenge patriarchal structures in "Disruption and the Well-Ordered Household," in *The Experience of Authority in Early Modern England*, Griffiths, Fox and Hindle (eds), (Oxford, 1996), pp. 187-212.

natural or performed, and analyzing the discourses which informed his incredulity. Then it will turn to the bodily signs which gave Killigrew pause and use his uncertainty as a prompt to explore how English medical, legal, and polemical accounts of demon possession interpreted these (contested) signs. Finally, the chapter will follow Killigrew's courtly connections, particularly his association with Walter Montagu and Kenelm Digby, in order to identify an ambiguous and transnational religious politics operating within the queen's circle of courtiers. An equally ambiguous account of the Loudun possessions written by Digby in 1637 reveals some of the confessional stakes influencing both men as well as concerns about the ease with which bodily signs could be interpreted in conflicting ways on behalf of opposing religious-political positions.

Killigrew the Visitor and Eye-Witness

Given the contemporary scandal and notoriety surrounding the Loudun case, it was not surprising that Thomas Killigrew and Wat Montagu decided to pay the abbey a visit at the outset of their European trip. The possession story itself began in 1632, when the nuns at the abbey, perhaps as many as twenty-seven in total, began to complain of strange physical symptoms; exorcisms performed by Jesuit priests began shortly thereafter. The possessions took a variety of forms including convulsive fits, erratic movement of the limbs and body, inexplicable changes to various body parts, illicit and 'lusty' speech, incredible strength and violent reactions to Catholic symbolism and implements in their various forms. The cases were individually examined and intricately documented by a host of French experts, both from the medical and clerical communities, who debated the cause and authenticity of the possessions. In the end, a jury determined that the possessions had a supernatural, rather than a natural cause, and blame was laid on the curé in Loudun, Urbain Grandier, who was tried for witchcraft and

executed by burning at the stake in 1634.²⁰²

The possessions did not stop after Grandier's death, however, and between 1632 and 1637, the nunnery drew visitors from all over Europe to witness the on-going exorcisms performed by the priests. One of the nuns, Jeanne des Anges, became so well-known that she was visited by Cardinal Richelieu himself and went 'on tour' to show the people of France the physical marks on her hands that proved the successful exorcism performed by the Capuchins. Visitors to the abbey would participate in a solemn spectacle in which the beholder was led from room to room, sometimes by one of the resident priests, and sometimes drawn by the sounds of the possessed nuns' screams. Power over the women's possessed bodies served as the site of debate over religious fraud and skepticism. As Michel de Certeau argues in his account of the possessions, the objective of the Catholic religious authorities was to 'make the body speak', to "have the body send back, as if by a mirror, the image of a theoretical knowledge."²⁰³ This was an enactment of power on multiple levels: of priest over demon/possessed nun, of God over Satan, of Catholicism over Protestantism.

But the meaning of this spectacle could be contested, and the authorities were aware of the importance of convincing foreign visitors of its authenticity. Killigrew wrote his account of

Loudun shortly after his visit, when the events were still fresh in his mind.²⁰⁴ His narrative

²⁰² Multiple publications appeared in French at the time and just after Grandier's trial including *Véritable relation des justes procédures observées au fait de la possession des Ursulines de Loudun et au procès de Grandier*, Reverend Father Trandquille. R.C. Paris 1634, fols. 310-332; J. Le Breton, *La deffense de la vérité touchant la possession des Religieuses de Louviers*, Evreux, 1643; Gabriel Legué, *Urbain Grandier et les possédées de Loudun*, Paris, 1880 [includes manuscript material]; Alfred Barbier, "Rapports des médecins et chirurgiens appelés au cours du procès d'Urbain Grandier," *Gazette médicale de Nantes*, August 9-November 9, 1887; *Relation véritable de ce qui s'est passé en la mort du curé de Loudun*, BN, Fond français 6764, fols. 124-30; for an overview of the material that appeared both during and after the trial, see Michel de Certeau, *The Possession at Loudun*, tr. Michael B. Smith, (Chicago, 1990) [originally published in 1970].

²⁰³ de Certeau, *The Possession at Loudun*, p. 129.

²⁰⁴ In the introduction to their transcription, Lough and Crane suggest that this is why Killigrew is so uncertain and ambivalent in his account of the possessions and exorcisms. He had not had enough time to digest what he had seen and if he had perhaps waited a little longer, he would have gained the necessary rational hindsight to recognize them to be fraudulent. "Killigrew...wrote down immediately his account of these extraordinary happenings, at a moment when he

detailed the possessions and exorcisms of five different women, and he included vivid descriptions of the state of the nuns' bodies and the extreme, sometimes violent, actions of the priests. Killigrew and Montagu's visit to the abbey was also recorded in a French pamphlet, as well as in its English translation, and the two men signed a document pertaining to their visit that was intended for the French King. Their tour of the Loudun abbey was thus, at least to a certain extent, public knowledge.²⁰⁵

This sense of publicity shaped how Killigrew framed his account of Loudun. From the outset, he positioned himself as a neutral observer; he would recount only what he saw and heard, thus presenting the account as a type of documentary, an objective, eye-witness report. Killigrew opened his letter writing: "Being soe far from London, and behind his back I dare make good my promises & speake my minde freely of the Devill," adding a little later that "my Letter...shalbe a relacon of nothing but what I saw & heard..." (fol. 21r., lines 3, 4, 14). Being outside of London, and now away from Loudun, he implied that he did not have to worry about censoring himself, and did not feel pressure to interpret the events in any particular way. He was able to simply report and describe what he witnessed rather than affirm the authority of either

was somewhat confused by all that he had seen of the exorcisms. This perhaps explains the strange mixture of scepticism and acceptance of the final miracle, followed by the somewhat ambiguous lines with which he ends his letter," Lough and Crane, "Thomas Killigrew and the Possessed Nuns of Loudun," pp. 259. The key question they raise that this chapter seeks to explore is what *does* explain his strange mixture of acceptance, ambiguity and skepticism that runs throughout the letter? It can't simply be that he hasn't had enough time to digest or that if he had given himself more time he would have inevitably offered a more skeptical (thus rational) take on the possessions.

²⁰⁵ Anon., *A Relation of the Devill Balams Departvre Ovt of the Body of the Mother Prioress of the Vrsuline Nuns of Loudun*, tr. John Pageant, (London, 1636). The writer of the pamphlet notes that "...the said F. Surin was to take in hand the exorcising of the mother Prioress of the said Nuns, in the presence of the said Mr. M. and two other English Gentlemen, Mr. K. and Mr. S. with diverse other persons of quality..." (sig B2). The author also notes that Killigrew and Montague signed a document testifying to the authenticity of what they had seen at Loudun which was sent to the French King: "Whereof we the Procureur of the King, have made and dressed our Proces verball, and caused it to be signed by the said parties present, for a testimony of the truth contained therein, after it had been read aloud by the said Register. ...de M. for having seene the letters of the name of Ioseph graven on the hand, T.K. And underneath the said signiture is written in the English tongue, which was interpreted in French by the said Mr. M. *I saw the hand as white as my hand, and in an instant to change colour all along the veine, and become red*, and forthwith one distinct word to arise, and the word was Ioseph," (sig B4).

Catholics or Protestants. Killigrew positioned himself as a particular kind of discerning spectator: he would not dismiss what he sees, but he remained suspicious and aware of the confessional stakes involved. The importance of the eyewitness account here is key; it is Killigrew's way of establishing his credibility and authenticating his assessment of the nun's bodies, in a situation where the events were so bizarre that they might strain credulity. "I Confesse I have seene that which [is] soe much beyond my expectacon, or what I would have believed if another had tould me, as I doe not expect this Letter shoulde meete your Credit" (fol. 21r). To justify why he was not simply dismissive of the exorcisms as fraudulent, Killigrew emphasized the importance of eyewitness, experiential knowledge and admitted to a certain amount of self-consciousness that his account would not be the scathing attack that his readers might expect. But despite his attempt to establish his own credibility, his written account would fall short of capturing the strangeness of what he saw.

Killigrew was not only descriptive, however, and at different points his narrative shifts to an analytical voice to interpret for his readers what he had seen. Throughout his letter, Killigrew transitioned back and forth from overt and implied skepticism, to confusion, to belief in the legitimacy of the possessions and exorcisms. His account did not move in a progression from one sentiment to the next, as if he were describing his movement from disbelief to belief, or vice versa, but wavered between different reactions. At times, Killigrew expressed doubt and invoked well-known critiques of Catholics to capture his suspicion that the possessions were fraudulent. However, the permeating sentiment throughout his text as a whole is one of confusion and ambivalence. The actions of the nuns in their state of possession were so beyond what he expected or could make sense of that he was left without a persuasive explanation. Despite an expressed belief in the authenticity of the possessions at the end of the letter, the

ambivalence of the preceding accounts of the nuns and the ambiguity of the evidence their bodies provided left his reader with the sense that Killigrew was not necessarily convinced.

Killigrew the Skeptic: tumblers, actors, frauds, and Catholics

Killigrew drew from a number of established modes of critique to support his passages of skepticism about the Loudun exorcisms; these were discourses that were well known within England and would have been expected by his reader. Most, if not all, of the English accounts of demon possession and exorcism were confessional in nature, either in support of or against Catholics or Puritans, or to support the more reserved approach of the English crown to the subject. By 1635, these contests had a recognized history in print, in the theatre and in the legal sphere, and Killigrew was most certainly aware of this. A number of ideological tropes were rooted in these debates, such as the connections among theatre, frauds, and popery, and these informed Killigrew's critique of the Loudun possessions. Throughout the late sixteenth and seventeenth centuries, anti-Catholic polemic routinely included charges of theatricality and imposture. For one English contemporary, even the clothes that priests and friars wore were chosen "to hide their juggling knavery," and Catholic exorcists were particularly guilty of using "tricks and juggling shifts...that the standers-by may be perswaded of some point of Popery, or of the Priests power over the divels."²⁰⁶ In learned and popular literature, Catholic priests were characterized as impostors, and the Roman faith, at its base, was framed as inherently fraudulent, lacking in substance but steeped in pomp and outward performance.²⁰⁷

²⁰⁶ John Gee, *The Foot out of the Snare: With a Detection of Sundry Late Practices and Impostures of the Priests and Jesuites in England*, 1624, sig C3, (p. 56).

²⁰⁷ On the contemporary association of Catholics with actors and the stage as a form of cultural critique, see, John Rainolds, *Th'Overthrow of Stage Playes*, Oxford: printed by John Lichfield, 1629; Stephen Gosson, *Plays Confuted in Five Actions* (London, 1582) and *School of Abuse*: "To the Gentlewomen Citizens of London," (London, 1579); Anthony Munday, *A Second and Third Blast of Retreat from Plays and Theatres*, (London, 1580); "The Displaying of the Popish Mass," in *From Prayers and Other Pieces of Thomas Becon*, S.T.P. ed. John Ayre, (Cambridge, 1844) (originally published in Basel in 1559 and in London in 1637), and William Prynne, *Histriomastix: The Players Scourge or Actors Tragaedie*, Arthur Freeman (ed.), (London, 1974), originally published in 1633.

The fact that Loudun was a Catholic exorcism was not lost on Killigrew. He dedicated much of his account to describing the particularly Catholic nature of the dispossessions, both in the words spoken by the priests and nuns, as well as the methods used by the priests during the exorcisms. This aspect of his account seemed to lend itself to a more skeptical stance and spoke to his awareness of the confessional politics involved. The Catholic priests attempted to establish their supremacy over the Huguenots, and, in the process, endeavored to convert Killigrew himself to the Catholic faith. For Killigrew, this overt evangelizing detracted from the possibility that the nuns were truly possessed. He thus drew from English critiques of fraudulent Catholic exorcists and characterized the nuns as being “charmed by the truth of the Romaine Catholike Church,” and argued that the priests heightened the theatricality of the moment by using a number of religious implements such as the sacrament, holy water, relics, and sanctified strings to perform their drama of supremacy over the Devil. That the nuns were “charmed” by the priests suggested a certain air of sexual impropriety and supernatural persuasion; it implied that the priests themselves were the ones who bewitched the nuns. He noted that while possessed (and thus speaking for the Devil), the women expressed their fear that the Huguenots present would be convinced by the exorcisms and convert to Catholicism. In one description, the possessed nun was calmed by a purse of relics placed on her head by the priest. Her body contorted and in her demon possessed state, she expressed worry that the unbelievers in the room would be converted by the sight of the miracles the priests performed:

The Preist then gave one boutte more for my sake being loath that I should Continue an Heriticke, & it was to shew how the Hugonets should be used, being a greate while Charmed at last he [the Devil] tould them like Calvin their head, & being asked how that was, exprest his torture in Ugly faces; This last I Confesse I was glad to see, for it confirmed me in beleiving nothing this Devill did or said. (fol. 23v)

Killigrew's description has a tinge of amusement as well as disbelief at the scene, the “ugly”

faces comical and unconvincing. The combination of the message, that Protestants are heretical and damned to eternal suffering, and the medium, the possessed nun and her strange facial expressions, betrayed the fraudulence of the performance. The nun was unconvincing, the seriousness of the claim undermined by her actions and appearance, and the blatant confessional agenda of the exorcist.

That the body could undermine the propagandist intent of an exorcism and betray the possessed as an impostor was a common charge in polemical writing and one that Killigrew drew upon in his assessment. At his most skeptical, Killigrew compared the movements of the nuns to those of a tumbler or acrobat, stating that “the Devill lay in a greate deale of torture by the Strange signes that he gave of the turning of his Body & Head but in all his accions I saw little above Nature, or a Tumblers expression” (fol. 23v). The actions of the possessed nun were thus not beyond what was naturally possible for someone to learn to do as a tumbler or an acrobat. This was a common critique of those who were supposedly possessed and one of the arguments used to claim that someone was faking it. In *A Guide to Grandjury Men*, Richard Bernard counseled potential jurors to be wary of those who seemed to be possessed by the Devil. Citing several well-known counterfeit demoniacs, Bernard contended that just as performers were able to develop the skills and quick reflexes to awe an audience, as with “Tumblers dexteritie, agilitie and vivacitie of spirit,” so too were people able to train themselves to appear to be possessed by evil spirits.²⁰⁸ But Bernard also noted that it was difficult to tell the difference between a fraud and an authentic case of possession, so that even those with the “sharpest apprehension” might be deceived by a skilled performer.²⁰⁹

That Killigrew thought the nun's bodily signs to be “little above nature,” meant that her

²⁰⁸ Richard Bernard, *A Guide to Grandiury Men*, 2nd edition, (London, 1629), p. 34.

²⁰⁹ Ibid., p. 35.

movements were within the natural realm of what was possible for bodies to do without divine or demonic intervention. However, concerns about the possibility of deception in interpreting bodily signs were widespread within literature on alleged cases of demon possession and witchcraft, and in debates over miraculous events. The problem of distinguishing between natural, preternatural and supernatural phenomena was discussed across different types of literature throughout this time and was one of the main points of contest in cases of demon possession. Assessing the nature of a physical symptom could be difficult, and the category of the preternatural, or something which was abnormal and potentially natural or supernatural, complicated matters. The preternatural occupied what Lorraine Daston has described as, “that twilight zone between the natural and supernatural,” used to characterize “wondrous objects and events not unambiguously miraculous in the strict sense—that defied tidy attempts to divide it in half down the line of natural versus supernatural causes.”²¹⁰ This was an issue in Mary Glover's case, for instance, in which the consulting physician Edward Jorden argued that her strange symptoms had a natural cause but when “[p]ressed by the judge...he would not confirm that the disease could be cured.”²¹¹ In his analysis of this case, Michael MacDonald argues “that the acid test whether or not a disease was natural was that it could or could not be cured using natural means was widely shared by laymen and physicians alike.”²¹² Protestant theologians argued that the proof that an event or a physical symptom was beyond nature, a miracle or supernatural in some way, should be obvious and visible to the eye, and as Alexandra Walsham has argued, “polemicists...devoted much space to describing the 'lying wonders', 'mendacious prodigies', and egregious impostures' by which the Jesuits and their secular brethren sought to

²¹⁰ Lorraine Daston, “Marvelous Facts and Miraculous Evidence in Early Modern Europe,” *Critical Inquiry* 18 (Autumn 1991), p. 106.

²¹¹ MacDonald, *Witchcraft and Hysteria in Elizabethan England*, p. xvii.

²¹² *Ibid.*, p. xviii.

seduce the credulous laity and prop up the reputation of the Antichristian papacy.”²¹³ However anxieties flared that counterfeit miracles could dupe the credulous and there was a far-reaching concern that the eyes could be deceived or that the imagination might cause one to see or believe something that was not real.²¹⁴ Skeptical texts on the topic of witchcraft maintained that it could be very difficult to distinguish between natural, preternatural and supernatural signs and as Stuart Clark has argued, “Calvinist language became saturated with the idioms of 'juggling', 'dissembling', 'duping', and 'conjuring', all of them having visual implications.”²¹⁵ Natural movements of the body could be extreme, but did not necessarily enter into the realm of the supernatural. It was a point that would cause Killigrew pause at other points in his letter, but at times he concluded that the nun's actions were unconvincing as symptoms of possession because they looked unremarkable and natural.

Similar concerns were raised in relation to actions that might appear to have a supernatural cause but were in fact learned or feigned. Killigrew's reference to the arts of a tumbler raised the broader issue of theatricality and performance, which invoked a certain set of cultural critiques that contemporaries used to undermine the authenticity of exorcisms and to attack Catholics. The critiques went both ways: Catholicism was compared to the theatre in its use of outward show and illusion, and the theatre was critiqued as popish because of it employed costumes and staged tricks. Something that was merely a theatrical performance was often described as popish and illusionary, and thus Catholics, the theatre and impostors were intricately connected in cultural discourses.²¹⁶ In *The Displaying of the Popish Mass*, for

²¹³ Alexandra Walsham, “Miracles and the Counter-Reformation Mission to England,” *The Historical Journal*, 46, 4 (2003), 782

²¹⁴ Stuart Clark, *Vanities of the Eye: Vision in Early Modern Visual Culture*, (Oxford, 2007).

²¹⁵ *Ibid.*, p. 4.

²¹⁶ See Peter Lake, “Anti-popery: the structure of a prejudice”, in *Conflict in early Stuart England: studies in religion and politics, 1603-1642*, Richard Cust and Ann Hughes, eds, (London, 1989).

instance, Thomas Becon attacked the theatricality of Catholic worship, charging that “[y]e come unto your altar as a game-player unto his stage,” and claiming that Christ and his apostles (and, therefore, their Protestant successors) exhibited “no pomp nor pride,” in their worship together, and embraced “all simplicity and plainness.”²¹⁷ The stage and acting were used as synonyms to describe that which was false or feigned; the theatre, like the Catholic liturgy, deployed tools to deceive the senses and imagination. John Rainolds argued in favor of the censure of the theatre because of its reliance on tricks similar to those used by the Catholic Church. In *Th'Overthrow of Stage Playes*, Rainolds claimed that popish priests “have transformed the celebrating of the sacrament of the Lord's Supper into a mass-game and all other parts of ecclesiastical service into theatrical sights, so, instead of preaching the word, they caused it to be played.”²¹⁸ The theatrical nature of Catholic exorcisms could thus be *prima facie* evidence of their fraudulence: they were staged merely to trick people into believing in the power of the exorcist and thus to confirm their particular confessional authority. Richard Baddeley crowed that the Catholic exorcists in the case of Nicholas Darling were “hissed of[f] of the Stage, for stale and grosse forgeries,” and Samuel Harsnett described one demoniac as an “actor” who “played his part extempore there on the stage with a verie good grace,” the priests acting as “his prompters, his directors, his teachers, and who did help him put on the devils vizard on his face.”²¹⁹

The authors of many English possession pamphlets accused demoniacs of employing tricks of the stage to achieve their deception and make their symptoms and contortions appear

²¹⁷ Thomas Becon, “The Displaying of the Popish Mass,” pp. 259-260.

²¹⁸ John Rainolds, *Th'Overthrow of Stage Playes*, p. 67.

²¹⁹ Richard Baddeley, *The Boy of Bilson: Or, A True Discovery of the Late Notorious Impostures of Certain Romish Priests*, (London, 1622), p. 9; Samuel Harsnett, *A Declaration of egregious Popish Impostures*, p. 19. In his description of the Catholic practice of equivocation, Baddeley emphasized the external, visual elements that were used to deceive writing, “[t]his Sophistrie did Master Garnet teach in writing, and practized it egregiously in the Tower: and this Master Parsons did vehemently defend, which other Priests used as a Gygas Ring, to become invisible to men; that no Examiner could espie any of their Priest-hoods.” Baddeley, p. 15. The Gygas Ring, or the Ring of Gyges found in Book II of Plato's Republic, could make the bearer invisible so that their actions would not be detected.

authentic. Harsnett used anti-theatrical language to assert that the symptoms displayed by Catholic demoniacs were achieved through “close packing, cunning jugling, feate falshood, and cloked dissimulation.”²²⁰ Baddeley outlined how William Perry had learned to counterfeit the usual and expected symptoms of demon possession. An old man taught him, Perry confessed,

how to groan and moan; next, to roll and cast up my eyes, so that nothing but the white of the eye would be seene; after that, to wrest and turn my neck and head both wayes towards my backe, then to gape hideously with my mouth and grate with my teeth, to cling and draw in my belly and guts, to stretch out my legs, and clutch my hands: after that, to put crooked pinnes, rags, and such like baggage, into my mouth, that I might seeme to vomit them up. And although (said he) that some folke shall put thee to paine, by pricking, and pinching thee, yet thou must indure all patiently.²²¹

Killigrew connected some of the signs of possession exhibited by the nuns at Loudun with those of other well-known English demoniacs who were discovered to be frauds. In his account of one particular exorcism, he mocked that “you would have wondered to see how lively the Frier was & with what Dexterity he Comaunded the Devill, how with a word he raised him, & layed him with another with such ease that I Conclude, that the Devill is but an Asse to a Jesuite” (fol. 24r). This reference functioned on a number of levels. Drawing from his knowledge of contemporary plays, Killigrew made reference here to Ben Jonson's *The Devil is an Ass*, which was performed in 1616 and published in 1631.²²² Through this reference, Killigrew compared the Loudun possessions to a staged performance and by citing this specific play he asserted that the nuns were frauds. In *The Devil is an Ass*, Jonson emphasized the theatrical nature of possession symptoms and contended that with the right skills and training, they could be counterfeited. In one scene, Pug, the demon at the centre of Jonson's play, says to Fitzdottrel, “[I will] teach you such tricks, to make your belly swell, /And your eyes turn, to foam, to stare, to

²²⁰ Harsnett, *A Declaration of Egregious Popish Impostures*, p. 3.

²²¹ Baddeley, *The Boy of Bilson*, p. 62.

²²² This reference is pointed out by Lough and Crane in their notes accompanying Killigrew's letter, p. 265.

gnash/Your teeth together, and to beat yourself,/Laugh loud, and feign six voices.”²²³ He continues,

It is the easiest thing, sir, to be done.
As plain as fizzling: roll but wi' your eyes,
And foam at th'mouth. A little castle-soap
Will do't, to rub your lips: and then a nutshell,
With tow and touchwood in it to spit fire.
Did you ne'er read, sir, little Darrel's tricks,
With the boy o'Burton, and the seven in Lancashire,
Sommers at Nottingham? All these do teach it.
And wee'll giue out, Sir, that your wife ha's bewitch'd you.²²⁴

Jonson referred here to several well-known contemporary cases in which demon possession was contested as fraudulent. “Little Darrel” referenced the Puritan John Darrell who was charged with fraud for performing counterfeit exorcisms on Thomas Darling, from Burton upon Trent, seven people in the household of Nicholas Starkey, and on William Somers between 1596 and 1597.²²⁵ By alluding to Jonson's play, Killigrew placed the Loudun exorcisms within a larger English context in which exorcists could be ridiculed as counterfeit miracle workers. The allusion also served to align Catholic exorcists with the Puritan John Darrell and put them into the same category of impostors who performed these rituals for their own political ends. The strange movements of the nuns could be learned through practice—rolling the eyes back in the head so only the whites were visible—or achieved through the use of props—using castle-soap on the lips to make it seem like they were foaming at the mouth.²²⁶ Through his reference to tumblers, the stage, and Jonson's play Killigrew suggested that he had assessed the possessed of

²²³ Quoted in Richard Raiswell, “Faking It: A Case of Counterfeit Possession in the Reign of James I,” p. 33; Jonson 5.5.24-27.

²²⁴ Ben Jonson, *The Devil is an Ass*, William Savage Johnson, ed. (New York, 1905) (first published in 1631), Act 5, Scene 3, p 105.

²²⁵ See Thomas Freeman's entry on Darrell in the *Oxford Dictionary of National Biography*.

²²⁶ Castle-soap [also known as castile soap] from the *OED*: A fine hard soap made with olive-oil and soda. There are two kinds, the white and the mottled. Also called Spanish soap—presumably could make one's lips and mouth appear white, perhaps like they are foaming or suffering from an illness.

Loudun and found them to be counterfeits, merely skilled actors, and thus that the Catholic exorcists were complicit in a fraudulent, theatrical performance.

Scholars have written about the theatricality of the Loudun exorcisms, and have argued that the goal of those involved was to eliminate the “taint” of the stage because “performance kills belief; or rather acknowledging theatricality kills the credibility of the supernatural.”²²⁷ But Killigrew's belief, for all his consciousness of “performance,” was not definitely killed. He was completely aware of the performative nature of possessions and exorcisms, and knew the tricks demoniacs could use to fake their symptoms; he was familiar too with the challenges raised by English skeptics about the ease with which symptoms could be counterfeited. But despite this, Killigrew still had doubts; he was not convinced that (all) the demon-possessed nuns were faking it. His doubt, his uncertainty, was centered around his assessment of the bodies of the nuns.

Killigrew, Uncertainty and the Problem of Ambiguous Bodily Signs

Throughout the course of his letter, Killigrew noted several methods he used to assess the signs and symptoms that the nuns exhibited both in and out of their fits of possession. Although he was not trained in the medical arts, Killigrew's account tells us something about the vernacular epistemologies that many non-experts would have applied to similar cases of possession in England at this time. He relied mainly on common medical diagnostic indicators such as the pulse, complexion, reaction to painful stimuli, temperature and strength to make his assessment. Killigrew recounted that at certain moments, he was invited by the priest to feel the nun, and thus used his sense of touch and the knowledge gained from his hands-on judgement. Touch determined whether or not the nun was hot or cold, if her pulse was fast or slow, or

²²⁷ Greenblatt, *Shakespearean Negotiations*, p. 109.

whether she exhibited unnatural strength. Importantly, however, Killigrew assessed what he felt in relation to what he saw. Touching the nuns allowed him to determine whether or not what he was seeing was supernatural or natural, and despite this additional sensory input, he reported that he was still not always able to tell the difference. The incongruity between touch and sight was the nexus at which Killigrew rooted the letter's pervasive sense of doubt that bodily signs could be read accurately and that the body was a reliable source of stable knowledge.

When he first attempted to assess the possession symptoms displayed by one nun, Killigrew did so by sight alone. He noted a variety of physical signs that seemed strange and which he had difficulty interpreting. The nun

fell into extravagant talkings, & violent beating of her selfe as she lay, her face drawne into Horrid & Strange Postures, & her Belly swelled to the bignesse of one with Child & then flat againe, & at the same instant her brests swelled to the bignesse that her Belly was; But these Accident[s] continued not in one place of her body longe, but removed sometymes to her Leggs sometymes to her Hands. (fol. 25v)

The swelling that Killigrew observed appeared to be extreme, and, more importantly, sudden.

The sudden appearance of a physical symptom was an important distinction in medical diagnosis, and credulous accounts of the demon possessed claimed that the immediacy of the appearance of such symptoms, particularly swelling in various parts of the body, was a sign that indicated a supernatural cause. Mary Cooper, a young woman who was exorcised by John Darrell, had complained of similar symptoms and feared she might be pregnant. Darrell and others who supported him contended that the swelling in her stomach was actually a sign that she was possessed because “her belly *suddenly* swelled as if shee had bene halfe gone with childe,” and then “this swelling would be *suddenly* gone.”²²⁸ This symptom was not limited to female demoniacs. William Sommers experienced such extreme “swelling of his stomach so

²²⁸ Anon., *The Trial of Master Darrell*, p. 25 (my emphasis).

that he broke a new leather girdle.”²²⁹ Polemicists argued that in Cooper's case, the swelling that she experienced while possessed was “nothing like the stirring shee felt when before shee was with childe,” and that at times, her belly was “big and soft, sometimes very gaunt, and lesse than any womans ordinarily is.” She experienced some stirring in her stomach, and the pains of one who was in labor, but the midwives and neighbor women who examined her found that “in her breast was sometimes water, sometimes milke.”²³⁰ She was not pregnant, however, so John Darrell and others argued that these were positive signs that she was possessed.

Polemicists on the other side, however, claimed that unexplained or sudden swelling in various parts of the body were not certain proofs of demon possession and argued that demoniacs might learn how to feign even the strangest of symptoms. Katherine Malpas was prosecuted in the court of Star Chamber as a counterfeit demoniac, accused of faking the symptoms for economic gain. Malpas' mother testified that “sometimes a thinge woulde lift up in her belly of the bignes of ones fist & would” move “some tymes into one side & some tymes into another.”²³¹ Others testified that they never suspected her of fraud and that three different physicians were consulted who were unable to diagnose or cure her condition. Yet at the conclusion of the case, Elizabeth Saunders confessed that she had taught Katherine how to fake the signs of possession and had instructed her how to raise “her stomacke to the bignes of a halfe penny loafe.”²³² Harsnett argued that despite seemingly and similarly convincing symptoms, both Katherine Wright and Mary Cooper were frauds. Darrell had manipulated Wright by playing upon a natural illness to make people believe that she was possessed.

Harsnett claimed that “shee beganne to be troubled with a kinde of swelling in her body,

²²⁹ Anon., *The Trial of Master Darrell*, p. 28.

²³⁰ Ibid., p. 28.

²³¹ STAC 3/32/13 fol. 1v.

²³² STAC 3/32/13, fol. 10v.

occasioned (as since shee hath learned) by some stopping of humours, not unknowne to divers women.”²³³ Mary Cooper had been pregnant with a child and miscarried, an event, Harsnett argued, “which shee tooke so heavilie, as it made her (as shee sayeth) indeed and truly evil at ease.”²³⁴ Shortly afterward, she experienced some swelling in her body and thought she might be pregnant again but John Darrell convinced her that her symptoms indicated she was possessed by demons instead. It was at this point that she began to feign the other strange bodily signs to the extent that the midwives who examined her told her she would “bee delivered of some monstrous thing,” an opinion that Cooper found amusing because she knew her symptoms were fake.²³⁵ When she revealed to everyone that she had been dissimulating, all of her symptoms disappeared, “onely she complaineth, that she [still] hath a kind of stirring in her bellie.”²³⁶

Thus swelling in the body, particularly in a female body, was one of the more contentious signs associated with demon possession and at the focal point of several polemical accounts, claims and counter-claims. While Harsnett and Darrell suggested that there were clear and straightforward diagnoses to be made of bodily swelling, this was far from the case and not reflective of women's own experiences of their bodies.²³⁷ Margaret Page consulted the physician

²³³ Harsnett, *A Discovery*, p. 298; Harsnett is talking here about several diseases that were particular to women, most notably one called the suffocation of the mother. This was the topic of debate in the possession case of Mary Glover and Michael MacDonald examines this in his book *Witchcraft and Hysteria in Elizabethan London*. At issue was how to interpret strange physical symptoms and whether they might have an unknown, but natural cause, or if they indicated supernatural causes. When Glover brought charges of witchcraft against Elizabeth Jackson, physicians argued on both sides of the case and interpreted bodily signs to make contradictory claims. Jorden made the argument that Glover's symptoms were natural, but the jury found in favor of the other side. MacDonald writes that “[a] crucial problem, which Jorden tried and failed to solve, was that medical arguments against supernatural maladies were simply not conclusive.” MacDonald, *Witchcraft and Hysteria in Elizabethan London*, p. xl.

²³⁴ Harsnett, *A Discovery*, p. 316.

²³⁵ *Ibid.*, p. 318.

²³⁶ *Ibid.*, p. 322.

²³⁷ I discuss the ambiguity of the signs of pregnancy at greater length in chapter four. See also Cathy McClive, “The Hidden Truths of the Belly: The Uncertainties of Pregnancy in Early Modern Europe,” *Social History of Medicine*, Vol. 15, No. 2, pp. 209-227.

Richard Napier about three weeks after she had given birth to inquire if she might be bewitched. She was experiencing a series of strange symptoms, including the lack of milk in her breasts and “a great arising in her stomacke ready to stop her wind,” that made her swoon.²³⁸ No diagnosis was provided, but women consulted medical practitioners when they were uncertain about the physical symptoms they experienced and suspected that they were pregnant or bewitched, and oftentimes physicians could offer no conclusive interpretation or explanation.²³⁹ Significantly, Killigrew was uncertain about what the swelling he observed in the nun's body meant and how to interpret the meaning of the sign. The swelling happened quickly, and the nun's belly looked as if she were visibly 'with child' in an instant. However, given that this sign was associated with a number of ailments, it was not surprising that Killigrew sought other ways to determine the nature of the nun's symptoms, moving closer so he could touch her hands and assess her pulse and temperature.

The degree to which Killigrew perceived a discrepancy between what he observed and what he felt was at times based on gendered notions of physicality. He described one nun as a “lusty younge woman” when “she was her selfe.” When she fell into her fit of possession, however, her entire countenance changed dramatically; she lost her beauty and Killigrew described her tongue, which was sticking out of her mouth, as a strangely colored and “proporconned lumpe.” He confirmed that when the exorcist motioned for him to reach out and touch the nun's body while she was possessed, “her strength was above five woemens,” and totally counter to the impression given by the woman he had initially observed before the fit had

²³⁸ Casebooks Project (CASE11747 [Normalised Version]), <http://www.magicandmedicine.hps.cam.ac.uk/view/case/normalised/CASE11747?sort=date&order=asc&ps=2&pa=35&name1=Margaret%20Page&nt1=1>, accessed 2017-08-07

²³⁹ For more on this see chapter four. The Napier and Forman Casebooks record numerous cases in which women consulted the physicians because they suspected they were bewitched or pregnant.

taken over (fol. 22r). This kind of unnatural strength was used in many cases to authenticate the claim of demonic possession, particularly when the victim was a woman. Mary Cooper and Catherine Wright, two of those exorcised by John Darrell, were both reported to have extraordinary strength during their fits, a sign that was cited to demonstrate that they were not counterfeits. The same was true of Thomas Darling who, despite being a mere twelve years of age, demonstrated “[s]upernaturall strength so as 2 strong men could not hold him down lying on a bed.”²⁴⁰ An unnamed woman's “teeth were so fast closed, that a man could not open them, though with all his strength [Darrell] assayed it with his dagger and a key.”²⁴¹ This symptom was common of demon possession in general: the unnatural heaviness and strength of the body was thought to affirm that the cause of the physical manifestations were supernatural. Young people and women were thus often said to be stronger than they appeared or should be based on their age and sex, a fact which was affirmed by the touch of those around them.

But this symptom could be, and was, challenged by skeptics and polemicists eager to disprove it. William Sommers confessed that he was able to make it seem as though he had the strength of multiple men. Explaining the technique to Harsnett, he reported that when two men attempted to pick him up in order to test him, “taking hold upon the upper part of his body, the boy clapped himselfe close unto them, and seemed to bee so strong and heavie, as they could not lift him.”²⁴² It seems that by tensing his body and holding onto the men as tightly as he could, the boy was able to make himself seem heavier than he actually was. A witness, who believed that Sommers was truly possessed and only later discovered that he was a counterfeit, defended himself, claiming that “I doe very well know, that a mans senses may be deceyved.

²⁴⁰ Anon., *The Trial of Master Darrel, Or A Collection of Defences against Allegations*, pp. 17, 21, 25.

²⁴¹ Ibid., p. 98.

²⁴² Harsnett, *A Discovery of the Fraudulent Practises of John Darrell*, p. 183.

Besides, I was then very greatly afraide, which is a meanes to deceive a mans senses: being a mighty passion, that will procure many imagin[a]tions, & cause a man to think that which is but little, to be great, that which standeth, to move, and that to be, which is not.”²⁴³ The emotions, in this case fear, could distort the senses to the point where the man in question perceived Sommers' symptoms to be supernatural when in fact they were not; the imagination could act on the senses in ways that rendered perception uncertain. Killigrew appears to have believed that the nun was truly stronger than five women and did not in his letter suggest that her strength was counterfeited or misperceived. However, Killigrew's assessment of the bodily signs of another nun suggested to him that they were feigned. Killigrew did not always trust what the priests told him about the possession symptoms, and thus he touched the nuns' bodies in order to assess them for himself. In the case where one nun was supposed to feel as stiff and heavy as iron, Killigrew reported that he felt nothing unnatural and that when he touched her he “only felt firme flesh Stronge Armes & Leggs, held out stiffe” (fol. 23r).

In addition to the relative heaviness and strength of the body, the temperature and pulse of the individual was also assessed during fits to determine whether the claim of possession was authentic or not. Measuring the pulse was one of the principle diagnostic tools used in early modern medicine and in the assessment of alleged cases of demon possession. If the pulse and temperature of the body were contradictory to other external signs—for instance, if the individual was cold to the touch despite frenzied contortions—then this was considered to be an indication of a supernatural event and that the possession was real. If the diagnostic signs agreed with one another and were in line with what was natural—a speedy pulse during a demonic fit, for example—then many considered this to be an indication that the individual was

²⁴³ Harsnett, *A Discovery of the Fraudulent Practises of John Darrell*, p. 210.

a counterfeit. Killigrew knew that the pulse was crucial for making an accurate and trustworthy assessment of bodily health and alleged possession, and knew what to look for. He brought with him a certain expectation about what he would feel based on what he had observed the nun to be doing and he used pulse and body temperature to assess the nature of her symptoms.

Killigrew described one nun's convulsions, writing that “whilst she lay in these continuall Mocions, & striving with her body, I went & felt her hands & Pulces, thinking to have found her extreamely distempered, for by her Face you would have Judged, the extremity of a Feaver to have bine upon her, but I found them cold & the Pulse beating without any signe of distemperature” (fol. 25v-26r). Despite her dramatic and violent movements around the room, the nun remained cool to the touch and her pulse was not elevated. The nun's face resembled someone who suffered from a fever, and was presumably red from the exertion of her continual movements, however her pulse and temperature contradicted these external signs, which struck Killigrew as particularly strange and therefore difficult to reconcile. He might not trust her or what he saw, but he attempted to come to a sense of certainty by direct touch. And in this case, the evidence of touch confounded his expectations and unsettled his skepticism.

English polemicists also focused on pulse and temperature as potentially revealing bodily signs in their accounts of particular possession cases. William Sommers exhibited similar signs to those of the Loudun nuns, one writer claiming that “[i]n his fits his temples and pulses did not beat. He lay for an hower and a halfe as dead, cold as ice, face and handes blacke, and without breath perceived.”²⁴⁴ The apologist also compared the boy's symptoms to those of the grown men who struggled with him during his fits who “did strive with him about an hower till they sweat and were breathlesse, yet [Sommers] did not pant nor drawe winde, [as they]

²⁴⁴ Anon., *The Trial of Master Darrel*, p. 29.

perceived.”²⁴⁵ For Darrell and his supporters, these unnatural signs were certain proof that the possession was real because, in Darrell's own words, these signs could “not possibly be donne by any arte or skill of man...[i]t can not be then that they [were] counterfeyted.”²⁴⁶ But not everyone believed that these bodily symptoms were so straightforward, and there was space to argue that while the symptoms appeared strange, they were in fact due to natural causes or to deception. In the case of Sommers, Harsnett argued that Darrell forbade people from touching Sommers during his fits to prevent his exposure as a fraud, and Sommers himself confessed, according to Harsnett, that the claims made about “my pulse, my coldnesse, and my not breathing, [are] utterly untrue. I confesse that the time of the yeare was very colde, when I did practise those fittes, and I being for the most part in my doublet and hose, could not chuse but be often very cold.”²⁴⁷

Killigrew's assessment of the Loudun nuns was not as conclusive as Darrell's or Harsnett's readings of those bodily signs. He did not contend that what he found were undeniably unnatural bodily symptoms that were necessarily indications of demonic possession. Killigrew's tone was more ambivalent and he held back from making any definitive claims based on these strange bodily signs about the possessions' legitimacy. Instead, he focused on the ambiguity of the female body in particular and the difficulty he had in trying to reach confident conclusions. Rather than offer his reader a judgment about what these unnatural signs meant, Killigrew continued his narrative, writing, “whilst I was feeling the Pulse, she snatched her hand away from me & in a rage tare all the Clothes from her head, which sight made a Strange alteracon of a handsome woman, which (trust me) in her Dresse she was, but now without her

²⁴⁵ Anon., *The Trial of Master Darrel*, p. 29.

²⁴⁶ Darrell, *A True Narration: Of the Strange and Grevous Vexation by the Devil of 7 Persons in Lancashire, and William Sommers*, [second part of the pamphlet—pagination starts over], p. 3.

²⁴⁷ Harsnett, *A Discovery of the Fraudulent Practices of John Darrell*, p. 245.

Clothes her shorne head, her distracted lookes, & foaming mouth, made a sadd alteracon” (fol. 26r). While some might have thought the nun snatching her hand away to be a sign of imposture, Killigrew did not make this claim. Instead, he focused on the alteration that he observed when the nun was in and out of a possessed state. Her actions and appearance during her possession were made all the more extreme by his account of her frailty and beauty. Where other English writers focused on the age and sex of the subject as a way to undermine the credibility of possession cases, Killigrew emphasized contrasting visions of femininity for ambiguous ends.²⁴⁸

And to remind his reader that he was not easily duped and that he remained aware that bodily signs could be deceptive, Killigrew continued his description of this same nun, again using the term “tumbler” to describe her actions:

as she lay on her back she bent her wa[i]st like a tumbler, & went soe shoving her selfe with her Heeles on her bare head, all about the Chappell...and many other Strange unaturall Postures beyond any that ever I saw or could believe possible for any man or woman to doe, Nor was this a sudaine mocon & away, but a Continuall thinge which she did for above an hower together; & yet not out of breath, nor hott with all the mocions she used. (fol. 26r-26v)

Killigrew was aware of the possibility that he was being tricked; he described the nun as “like a tumbler,” but he also conceded that her actions seemed far beyond what would be possible to learn through training. Despite her energetic movement in her bizarre postures, the nun was neither hot nor out of breath. According to Killigrew's own sense of normal bodily responses to exercise and movement, this was certainly in the realm of the unnatural. Although the possession had begun suddenly, it continued in the same way for long enough to make

²⁴⁸ Harsnett claimed that Catholic priests and John Darrell preyed upon “boyes or wenches...commonly of the poorer sort, either the children, or servants of such persons, as the Exorcists doe well know, to be of them owne stampe [ie. Catholic], and well affected towards them.” Such persons made the easiest targets because they were easy to manipulate and bring under the influence of the exorcist. Harsnett, *A Discovery of the Fraudulent Practices of John Darrell*, p. 61.

Killigrew think it could not be feigned. He described himself as perplexed both by what he saw and what he felt; he could testify to this unnatural occurrence because he had seen and felt her body himself, but yet the meaning of these remarkable signs remained unclear.

Concluding the account of this particular nun, Killigrew broke from his narrative voice to offer what the reader would expect to be a final assessment or conclusion. Certainly in polemical accounts, like those of Darrell and Harsnett, this was the point of describing bodily signs, to either support or undermine the authenticity of the supposed demon possessions. An English reader would have anticipated that Killigrew would finally offer his opinion one way or the other, taking a confessional stance. Instead, however, he concluded with this statement: “[i]ndeede the things I saw her doe confirmed in me the Oppinion that there are fewer Devills in London [line 236], if it be as they would have us believe, then there must be of these Religious Counterfeit, & there is nothing surer then the Devill at London [line 238]” (fol. 26v). The editors of Killigrew's letter note the ease with which Loudun and London might be interchanged, and their interpretation of this statement is worth quoting at length:

If we read 'Loudun' at line 236, then Killigrew is plainly skeptical about the diabolic possession at this point, but neither 'London' nor 'Loudun' at line 238 will much help the sense. If we read 'London' at line 236, then Killigrew is saying: 'if the explanation of these marvels is, as the priests affirm, diabolical possession, then there are even fewer devils in London than there are devils counterfeiting nuns here in Loudun, and we know for certain that London is full enough of devils.' The 'London' readings show Killigrew not so plainly sceptical.²⁴⁹

Adding to the ambiguity of this statement is the problem of scribal transcription. A copyist might chose either Loudun or London, depending on the message they wanted to communicate or based on their own perception of what Killigrew meant, and it is not clear which reading reflects Killigrew's original letter. The various copies of the letter diverge from the Bodleian MS

²⁴⁹ Lough and Crane, “Killigrew and the Nuns of Loudun,” p. 267

narrative quoted above. The Pepys Library transcript reads that “there are fewer Devills in Loudun, if it be as they would have us believe, then there must be of these Religious Counterfeit, & there is nothing surer then the Devill at Loudun.”²⁵⁰ And the copy included in the Cecil Papers differs again, reading that “there are fewer Devells in London if it be as they would have us beleive then th[e]re must be of theis Religious Counterfeits, and there is nothing surer then the Devill at Loudon.”²⁵¹ In secretary hand, it was quite difficult to distinguish between an “n” and a “u,” so it was also possible that the differences between the copies of the letters were based on a mistake in the transcription. Either way, however, the original intent of Killigrew's message is difficult to determine.

We might conclude then, that the versions of the London/Loudun combination in the letter offer three possible interpretations of Killigrew's position. The Bodleian version of the letter seems to present a skeptical take and could be interpreted to read that London is full of devils but there are more religious counterfeits here in Loudun than there are devils in London. The Pepys copy of the letter is harder to interpret and would read that Loudun is full of devils but there are more counterfeits here in Loudun than there are devils in Loudun—thus that there are some genuine possessions but a greater number of counterfeits. And the meaning of the Cecil Papers version seems somewhat more opaque, and reads being that London is full of devils but there are more religious counterfeits in Loudun and there is nothing surer than the devil at Loudun. All versions of the letter stop short of offering a clear, unequivocal stance on the Loudun possessions and thus Killigrew's intended message remains opaque. Perhaps Killigrew, and subsequent transcribers, made a specific editorial choice in order to obscure a

²⁵⁰ The transcript of this is included in the Lough and Crane transcript of the letter, “Killigrew and the Nuns of Loudun,” p. 267

²⁵¹ CP 253/4 fols. 9r-v.

concluding assessment about whether or not he believed in the Loudun demoniacs, a point which is emphasized in his descriptive accounts of the nun's bodies. And through his ambivalence, Killigrew avoids making a clear commitment either in support or against the authenticity of the Loudun possessions and precludes a straightforward confessional interpretation. Unlike other English accounts which outlined and assessed the symptoms of demoniacs on behalf of one polemical position or another, however, none of the possible versions of Killigrew's letter do this, a point which is highlighted in the difference found in this particular passage. The obscurity of meaning in Killigrew's final statement, and the difficulty that contemporary copyists had in deducing his position, may be in part a product of the confusion of 'u' and 'n', but it is also a reflection of the ambivalence of the preceding assessments.

Killigrew's hesitation and hedging throughout the course of the letter provided an odd set up for his account of the final exorcism he witnessed at the nunnery. The same woman described above, Jeanne des Anges, was the subject and Killigrew recounted that her tongue was swollen so that she could not keep it within her mouth, and she was still moving violently around the room. She stopped her actions abruptly and loudly screamed the name "Joseph." The priests told the on-lookers that when the devil had been successfully exorcized from the nun, he would mark her hand with the name 'Joseph' as a sign that he had departed. Describing the ensuing scene, Killigrew reported that "se[e]ing her hold out her arme [for us to] look there for it [the name Joseph], Mr. Mountague & my selfe did the same very earnestly, & on her hand I saw a Collour rise a little Ruddy, & run for the length of an Inch upon her Vaine, & in that a greate many Redd specks, & they contracted into Letters, which made a distinct word, & it was the same she spake (Joseph)" (fol. 26v). This was a sight for which Killigrew offered no

explanation: the marks left on the nun's hand, the name “Joseph” written in red specks, were, according to his account, abnormal, but he cannot say more or less than that:

To say more of which then [the mark] was strange & above Nature, were to trouble you & foule paper; to say lesse a Lye! All that I have written here, of the last woman aboute the Name [Joseph], I have by a President of Mr. Mountague, sett my hand to, and soe did all the Preists that saw it, & t'is sent to the Kinge of France & will be printed. (fol. 27r)

Killigrew seems to leave room for his reader to decide for themselves as to whether the events he recounted were supernatural or whether they fit within the more ambiguous category of the preternatural—a phenomenon that was “above nature” and difficult to explain, but not necessarily divine or demonic in origin. The document that Killigrew referred to was a letter addressed to the French King which testified to the authenticity of the supposed miracle that he and Montagu were witnesses to. However this was the extent to which he provided any kind of affirmation for his readers that he believed what he saw or any indication regarding confessional authority. While it seemed in this action that Killigrew affirmed the authenticity of the exorcism and the signs that he had witnessed on the nun's body, he closed his letter writing that “I hope you will believe it or at least wayes say there are more Lyers then my selfe” (fol. 27r), leaving some doubt in the readers' mind about his actual stance towards the events at Loudun. Additionally, the preceding descriptive accounts, theatrical references and ambiguous bodies of the nuns, leave the reader uncertain as to whether or not Killigrew had been completely convinced by the claims of the Catholics. The message of the letter, especially when compared to other contemporary English accounts of demon possession and exorcism, was pervasively ambiguous.

Skeptical Accounts and Confessional Interpretations

That Killigrew and Montagu, along with others who were present at the time of the

exorcisms, signed a document sent to the French King was, to a certain extent, publicized at the time. A French pamphlet originally published in 1635 under the title *Relation de la sortie du démon Balaam du corps de la mère prieure des ursulines de Loudun* offered a positive account of the events at Loudun and attested to the fact that both Killigrew and Montagu were there and signed the document.²⁵² The following year, this same pamphlet was circulated in England under the title *A Relation of the Devil Balams Departure out of the body of the mother prioress of the ursuline nuns of Loudun* but was rendered less credulous by the addition of a critical epilogue and the skeptical subtitle, “Or, the first part of the Play acted at Loudun by two Divels, a Frier and a nun.”²⁵³ The anonymous English translator or the publisher framed the Loudun exorcisms for his English audience as a theatrical performance, and while the English pamphlet

²⁵² While the French and English pamphlets reported that the document that Killigrew and Montagu signed was sent to the King and subsequently published, I have not been able to identify this document.

²⁵³ Two later skeptical accounts of Loudun were recorded by Englishmen who visited the nunnery to view the exorcism rituals. Richard Baxter noted his initial hope to see supernatural symptoms but that he was disappointed by the obvious fraudulence of the nuns' possessions. In *The Certainty of the World of Spirits* Baxter reported that all he saw was “a Wench pretty well taught to play Tricks, yet nothing so much as I have seen twenty Tumblers and Rope-dancers do.” And that even the appearance of the word ‘Joseph’ on Jeanne des Anges’ arm, which so many had marveled at, was mere trickery and “apparent to [him] that it was done with Aqua Fortis,” or nitric acid. See Baxter, *The Certainty of the World of Spirits*, pp. 89-90. The second account was provided by Sir George Courthop (1616-1685), and printed in his memoirs which were published much later. He notes that he had been living in Loudun in 1637 and visited the abbey “intended to try whether the possession of some Nuns in that town by the Devil, as the Jesuits gave out...were a real truth or a mere imposture.” The possessions and exorcisms proceeded as they normally did. In one demonstration, Courthop, Lady Purbeck and three others were called upon to “remove [or lift] the Nun’s head (as she lay flat on her back) from the ground.” Despite the efforts of all five, they “could make no motion in her head, but it remained as immovable as a Church.” Courthop continues the description writing that “The Father told us the Devil was entered into her head and that was the reason it was fixed to the floor of the room but by his Prayers and the form of exorcism he used he would get it out and then one of our fingers could make it stir this we saw performed, but what juggling tricks was not made known to us. Upon this the Lady Purbeck came and asked if this were less than a miracle, I answered it might be a matter of wonder but no miracle.” Although Courthop could not account for what he had seen, he was convinced that the possession symptoms displayed by the nuns were achieved through “juggling” and set out to discover how the feigned exorcisms began in the first place. He asked his landlord in Loudun, “knowing him to be a learned man,” who told him that it was part of a plot hatched by Cardinal Richlieu who was resolved “build a town where he was born [8 miles from Loudun] and call it by his name.” But “he finding this town full of Protestants and a city where was a Castle, Courts of Justice and a great trade driven was resolved to depopulate it and carry the Garrison of the Castle the courts of Justice and the trade to his town called Richlieu.” And, “finding no better way to effect it, sent down these Jesuits and Nuns to make an exorcism there, whereby the Protestants’ Religion might be disgraced; and such who turned to be Papists upon sight of this wonder.” The “juggle so effectually wrought that the Castle was demolished, the courts of Justice removed and all ways and means that brought profit to the town were carried to Richlieu and that being peopled and his work done the Jesuits and Nuns left the town.” See Mrs. S. C. Lomas (ed), *The Memoirs of George Courthop, 1616-1685*, (London, 1907), pp. 107-108.

noted Killigrew's involvement, it did not seem to be aware of Killigrew's personal account. The English pamphlet did, however, provide explanations of how the nuns might have been able to accomplish the physical feats performed during their possessions and of the motivation for the priests involved:

if some cunning Mimicke, skilfull in tumbling trickes, and making of strange faces may be had, who for gaine or other considerations is willing to sacrifice his patience for the pageant, such a one may not be paralleld; but for fault of this, some zealous man of a melancholly nature must bee found out, or some mayd rather, usually troubled with the fits of the Mother, and the yonger, and handsomer, the fitter for their turne, according to the rules of our moderne Exorcists, who, it should seeme, had rather hazard the credit of their Church, then deale with any but tender flesh.²⁵⁴

The English pamphlet thus cited some of the same explanations that Killigrew offered for some of the bodily signs he observed, here naming theatrical and tumbling tricks that could be learned through repetition. The pamphlet also noted other (commonly cited) skeptical explanations: that someone who suffered from a melancholic disposition or various diseases, such as “the Mother,” was could be mistaken as demonically possessed, or be more easily able to fake possession symptoms. The pamphlet contended that young women were the best candidates because they were more easily manipulated by the cunning of the priests. The women here were also highly sexualized, and the author argued that exorcists preyed on the young and attractive because they will be the most convincing to an audience. The sexual innuendo in this line of attack was also typical of anti-popish accounts of priests and picks up on the passivity that Killigrew notes of the Loudun nuns. And all this dubiously sexualized “pageant” was done for the furthering of the Catholic faith, the exorcisms orchestrated by the priests in order to gain converts.

²⁵⁴ Anon., *A Relation of the Devill Balams Departure Out of the Body of the Mother Prioress of the Ursuline Nuns of Loudun.*, sig C1r; originally published as *Relation de la sortie du démon Balaam du corps de la mère prieure des ursulines de Loudun*, Paris and Poitier, 1635. For a detailed list of contemporary publications about the Loudun possessions and exorcisms, see de Certeau, *The Possession at Loudun*, pp. 184-186, 210-211.

In order to undermine the Loudun possessions even further for its readers, the English pamphlet also referenced a well-known English case, the Catholic exorcisms performed by the priest William Weston and written about by Samuel Harsnett in *A Declaration of egregious Popish Impostures* in 1603. The pamphlet maintained that this was a case of Catholic plotting and tricks, and compared it to other known conspiracies such as the Gunpowder Plot.²⁵⁵ For the anonymous pamphleteer, the Loudun possessions were quite simply fraudulent because they were Catholic. Of the final miracle in which the name Joseph appeared in red specks on the arm of the nun, the pamphlet argued that even this could be explained through knowledge of certain tricks of illusion, writing

And now have you tasted the marrow of the miracle, but if you please to write with the juice of a Limon upon a peece of paper, and afterwards hold it to the fire, or learne how the characters are made upon the armes of many that have been at Jierusalem...if you put them to it, will coldly warrant the truth of their myracles, justifying only them as usefull means, & godly helps, for the propr[a]gating of Religion.²⁵⁶

Although the signs of the exorcism on the body of the nun *appeared* to be miraculous, those who were aware of deceptive techniques and modes of writing on bodies, like writing in

²⁵⁵ The author actually references Anthony Tyrrell which brings up an interesting set of issues. He was a divisive figure in many ways, neither good for the Catholic nor the Protestant cause as he converted and recanted so many times, something that was written about in print. He was questioned by Samuel Harsnett regarding his involvement in the Catholic exorcisms performed in England by William Weston, and much of what he said found its way into Harsnett's work. Harsnett, *A Declaration of Egregious Popish Impostures*; William Tedder, *The Recanations as they were severallie pronounced by Wylliam Tedder and Anthony Tyrrell*, (London 1588); Anthony Tyrrell, *A Fruitful Sermon*, (London, 1589).

²⁵⁶ Anon., *A Relation of the Devill Balams Departure Out of the Body of the Mother Prioress of the Ursuline Nuns of Loudun*, sig D1r. Writing in lemon to conceal the message was practiced amongst Catholics who were imprisoned during Elizabeth's reign. John Gerard reported that "lemon-juice has this property, that what is written in it can be read in water quite as well as by fire, and when the paper is dried the writing disappears again till it is steeped afresh, or again held to the fire." See Morris (ed), *The Life of Father Gerard*, p. 254. The reference to Jerusalem seems to be referring to early tattooing. Edward Terry, Chaplain to Sir Thomas Roe, describes a traveler to Jerusalem getting a tattoo writing, "At Jerusalem this our Traveller had made upon the Wrists of his left Arm the Arms of Jerusalem, a Cross Crossed, or Crosslets; and on the Wrist of his right, a single Cross made like that our Blessed Saviour suffered on; and on the sides of the stem or tree of that Cross these words written, Via, Veritas, Vita- some of the letters being put on the one side of that stem or tree, and some of them on the other; and at the foot of that Cross three Nails, to signifie those which fastned our Saviour unto it: All these impressions were made by sharp Needles bound together, that pierced onely the skin, and then a black Powder put into the Places so pierced, which became presently indelible Characters, to continue with him so long as his flesh should be covered with skin: And they were done upon his Arms so artificially, as if they had been drawn by some accurate Pencil upon Parchment." Edward Terry, *A Voyage to East-India*, (London, 1655), pp. 64-65

invisible ink or tattooing, were able to see through the stunt as mere Catholic dissembling for the aim of furthering their religion. The pamphlet argued that the credulous were more likely to convert because they more readily believe what they see: “yet I thinke that godly credulity doth much good for the furthering of the Catholique cause.”²⁵⁷ However, as Killigrew's text illuminates, knowing that the Catholics used illusion was one thing, but interpreting an allegedly possessed body based on this awareness was a far more difficult task.

Killigrew was aware of all of the skeptical points that this pamphleteer cites, and still he shied away from taking a consistently critical stance towards the Catholic priests and nuns. The problem was that the possessed body and the physical symptoms at the centre of these cases were contestable. In the physical assessments that Killigrew makes himself—the feeling of the body of iron, taking the nun's pulse and temperature, and the final miracle in which he describes (from a close up view) the change in the nun's arm—we have accounts that both seem to support and deny the authenticity of the possessions. Although (as we shall see) Killigrew had personal or political reasons of his own to highlight his own ambivalence, his evasiveness was also rooted in an epistemological problem: the body was ambiguous, difficult to read and open to multiple and conflicting interpretations.

This difficulty and conflict was also evident in legal cases that attempted to meet a burden of proof in questions of possession and witchcraft. Physical symptoms had a forensic value, but bodily signs needed to be convincing and convincingly explained. The problem with bodily evidence was instability and inscrutability; the same symptom, for instance a quickened pulse, could be used to support either a diagnosis of demonic possession or of a natural disease. Very often in demon possession and exorcism cases, a physician was involved, either before or

²⁵⁷ Anon., *A Relation of the deuill Balam's departure*, sig D1r.

after a legal trial, to aid in the assessment of the possessed body. At times, the doctor had clear stakes in the case, whether over his own credibility as a trustworthy physician, or because he himself had a particular confessional investment. At the heart of demon possession and exorcism was the body of the possessed, a tangible presence that all involved had to contend with and come to terms with regardless of their particular opinion or desire. Even if it was in the doctor's interests to claim the possessed a fraud, he still had to use specific knowledge or appeal to common beliefs to make this a credible assertion. Everyone involved knew the confessional implications of claims of possession, but it was the body that provided the proof for the claim, the body that either legitimated or undermined a diagnosis.

Demon Possession, Proof, and the Problem of Certainty: Richard Bernard and John Cotta

In *A Guide to GrandJury Men*, Richard Bernard addressed the problem that possessed bodies posed for witchcraft trials: the crux was the difficulty in interpreting physical signs as forms of evidence. Bernard argued that witchcraft cases were exceedingly difficult to adjudicate because of the ambiguous nature of the evidence used to determine guilt. As many of these trials were initially motivated by an accusation made by a sick or possessed person against the supposed witch, Bernard thought that the ability to determine between natural and supernatural illness was essential in making an accurate legal judgement. In ideal situations, a trained doctor would be called by the jury to examine the afflicted person in order to provide expert and, therefore trustworthy, opinion on the nature of the illness:

It is undoubtedly true, that there is a very great likenesse, and also a deceiveable likenesse, betweene some diseases naturall, and those that be really and truly supernaturall, coming by the Divell and Witchery, and therefore neede the judgement of some skilfull Physician to helpe to discerne, and to make a cleere difference betweene the one and the other.²⁵⁸

²⁵⁸ Bernard, *A Guide to Grand-jury Men*, p. 29.

Physical symptoms could be deceiving and difficult to read, especially when those symptoms were strange in nature. Therefore, according to Bernard, it was ideal to have a physician examine the patient. However, this was not always possible and jurors themselves needed to be aware of what physical signs to look for to determine who was bewitched and who was merely ill. Supporting his claims, Bernard recounted a number of cases in which the symptoms of the sick person were exceedingly peculiar and to the untrained eye appeared to be supernatural. However, many of these illnesses turned out to be entirely natural in cause and curable through the proper course of medical diagnosis and remedy. His concern rested in the fact that it was very easy for someone, in this case the men who served on juries, to be fooled into thinking that an illness was supernaturally caused, a mistaken conclusion which could lead to the execution or punishment of an innocent person. Malcolm Gaskill has noted the growing concern throughout this period that evidence brought against accused witches was increasingly suspect and argues that, after the execution of nine witches at Leicester based on the unreliable testimony of a twelve year old boy, even King James was wary of the traditional proofs.²⁵⁹ Not many years earlier, the King had personally examined the demon possessed Anne Gunter who was also found to be a counterfeit.²⁶⁰

Bernard also noted the possibility that illnesses could be simulated and that people could learn to fake even the most extreme symptoms. Drawing from the work of Samuel Harsnett and Reginald Scot, Bernard warned jurors and readers that they might be easily deceived as “there is nothing almost in things of this nature so really true, but some can so lively resemble the same,

²⁵⁹ Gaskill, “Witchcraft and Evidence in Early Modern England,” p. 43. Many scholars have noted that it was not belief in witches, demons or the possibility of demon possession that wained, but the belief that it could be proved with any degree of certainty. Also see Barbara Shapiro, *Beyond Reasonable Doubt and Probable Cause*, Berkley: University of California Press, 1991, pp. 51-54

²⁶⁰ On this case, see Sharpe, *The Bewitching of Anne Gunter*.

as the spectators shall judge the parties to be so indeed, as they seeme to bee in outward appearance.”²⁶¹ Bernard worried that, as evidenced by cases such as the Boy of Bilson, onlookers would be beguiled by the extreme motions, tremblings, fits and strange faces that supposed demoniacs were able to perform. Referring to William Perry, the Boy of Bilson, Bernard claimed that

so resolved was hee to beare out his counterfeiting, as when hee was pinched often with fingers, pricked with needles, tickled on the sides, and once whipped with a rod (being but thirteene yeeres olde) he could not be discerned by either shrinking, or shrieking, to be[t]ray the least passion or feeling. And yet he was discovered to be a counterfeit, and openly confessed the same, and how he came to learne these trickes.²⁶²

The same was true of the fraudulent demoniac Martha Brossier in France, who successfully duped physicians and other noteworthy people for many months into thinking that she was legitimately possessed. This had been a difficult case to judge because her physical symptoms were seemingly so convincing. Of the symptoms that were particularly difficult to make sense of, Bernard noted that “though her motions were violent and sudden, yet there seemed no change of pulse, breath, or colour. In her fits she would indure without shew of paine, the deep pricking of pinnes in her hands, and necke, and hardly any signe of bloud.”²⁶³ But what might be considered sure proofs of demon possession and evidence against an accused witch could turn out to be craftily simulated. Both Perry and Brossier were able to endure painful tests without showing any visible sign that they suffered. Despite moving violently around the room, Brossier's pulse remained the same and her breath and coloring did not change. These were some of the signs that Killigrew himself had trouble interpreting at Loudun, and Bernard was concerned that others would make rash and ill-considered judgements based on natural

²⁶¹ Bernard, *A Guide to Grand-jury Men*, p. 29.

²⁶² *Ibid.*, p. 32.

²⁶³ *Ibid.*, pp. 36-37.

symptoms that seemed extraordinary.

Because of the difficulty involved in correctly interpreting physical signs and symptoms, Bernard implored jurors involved in these cases to make every effort to accurately determine the nature of the symptoms of the afflicted person. Bernard was optimistic that if the judge and jury examined the time and circumstances surrounding the person when their illness began, or whether or not it was sudden or gradual, or whether symptoms were only exhibited before an audience or if they also occurred in private, that then they would be able to determine the true nature of the affliction. If the alleged bewitched person exhibited signs of natural diseases that were suspected to be counterfeit, then “the learned, judicious and experienced Physicians must bee the men to discover him or her so counterfeiting.”²⁶⁴ However, if a physician was not available, then learned men who had access to books that described the signs of certain diseases might also be called upon to consider the case. These men must tread carefully, considering both the context and physical indications involved. They must

[c]onsider how that naturall diseases and motions thereof, especially violent, (which these undertake to counterfeite) leave the bodies weakened, the visage pale, the breath panting, the pulse changed, the spirits infeeble, with such other effects, as violent diseases, from naturall cause doe produce, and leave as true testimonies of the truth thereof. If therefore after the violent fits, the parties be strong, can walke about, talke with merry company, tosse the pot, whiffe the Tobacco pipe and such like; the disease, if it bee not supernaturall, it is counterfeite; for it is not naturall.²⁶⁵

Despite his awareness of Brossier and Perry's ability to convincingly counterfeit what might be considered unnatural signs—pulse, breath, pain—here Bernard argued that it was possible to use these physical symptoms as diagnostic signs. But only to a certain extent: In the scenario of a sudden recovery, it may be possible to rule out a natural cause for the affliction but this still would not reveal whether the illness was caused by supernatural forces or put on through

²⁶⁴ Bernard, *A Guide to Grand-jury Men*, p. 44.

²⁶⁵ *Ibid.*, p. 46.

counterfeit means.

Bernard privileged the knowledge of the physician and his ability to dispel evidentiary doubt by interpreting ambiguous bodily signs with certainty; in this perspective, the physician was the most credible and trustworthy witness. Bernard's *Guide* is largely based on the work of Doctor John Cotta, who wrote about the difficulty in determining who was a witch and who was not based on the physical symptoms of those allegedly bewitched. In his treatise *The Infallible True and Assured Witch*, Cotta argued that only a learned physician, and not a fraudulent “Quack-salver,” was able to interpret the subtle or strange bodily signs that accompanied certain diseases.²⁶⁶ There were elusive but important differences in the pulse, a cough, a fever, or in varying types of pain, differences that were very difficult to discern but central in making an accurate diagnosis. For instance, Cotta writes that the type of illness can be determined by inquiring after the type of pain felt by the patient, “some being sharp, some dull, some quicke, some slowe, some with distension, some with punction, some with heavinesse and sensible weight, some more grievous to the Patient lying, some to him sitting or standing, some more calme in one position of the body, and some in another.”²⁶⁷ He made similar distinctions in different types of pulses. An untrained eye, touch or sensibility would not know how to perceive or interpret such differences and therefore may attribute an affliction to witchcraft when in fact it was a natural illness. Only the trained doctor was able to clear the “mists of ambiguities” that certain physical symptoms can present, “that doubt it selfe doth become out of doubt, and is

²⁶⁶ See John Cotta, *A True Discouery of the Emperick with the Fvgitive, Physition and Quacksaluer, who display their banners upon posts: whereby his Maiesties subiects are not onely deceiued, but greatly endangered in the health of their bodies*, (London: 1617).

²⁶⁷ John Cotta, *The Infallible Trvu and Assvred Witch: or, The Second Edition of the Tryall of Witchcraft. Shewing the Right and Trve Methode of the Discoverie: With a Confytation of Erroneovs Waies, Carefvly Reviewed and more fully cleared and Augmented*, (London, 1624), p. 12.

little inferiour unto certaine and plaine demonstration.”²⁶⁸ He compared the learned physician to a prudent judge, who is required to render decisions based on difficult and hidden proofs that are often insufficient to determine guilt. The physician must use his judgement, inspecting the evidence and the circumstances of the sickness, leaving no subtleties or possible hidden causes unexamined. However, in an admission that was common in medical books at this time, Cotta noted that even with the greatest knowledge and scrutiny, the physician might not be able to come to a concrete conclusion, just as a judge without enough evidence might not be able to render a verdict: “For this cause (as may be seene upon records) many cases justly necessarily and unavoidably stand perpetually inscrutable, undecided and never determined, as certain proofes & evidences of the limitation and annihilation of mans knowledge in many things of this life.”²⁶⁹ Thus even Cotta's work, which was optimistic about using physical proofs to determine the guilt or innocence of an accused witch, highlighted the difficulty in interpreting bodily signs and in determining when someone was possessed, and thus conceded the potentially dangerous ambiguity or illegibility of physical evidence.

Demon Possession, Physicians and Contested Interpretations of Bodily Signs

While physicians such as Cotta emphasized the difficulty of interpreting specific bodily signs in cases of suspected demon possession, polemical writers invoked bodily signs to demonstrate the credibility of their cases. Cotta and Bernard argued that evidence drawn from the body could be dangerous because it was often ambiguous, but pamphleteers attempted to erase any doubt that might be raised in appealing to physical evidence in multiple ways. Central to the polemical claim-making at the heart of demon possession and exorcism, therefore, was the body and arguments for and against what counted as certain and reliable proof. The

²⁶⁸ Cotta, *The Infallible Trvu and Assvred Witch*, p. 12.

²⁶⁹ *Ibid.*, p. 18.

polemical literature on this topic did not pit trained doctors against superstitious believers, however, but often found physicians on opposing sides arguing against one another's interpretations, or doctors who countered the diagnoses offered by theologians. The French case of Marthe Brossier, for instance, pitted different types of Catholic authorities, both physicians and theologians, against each other. As Sarah Ferber summarizes in her study of the case, “[a]t the behest of Henri IV, Michel Marescot, a Catholic doctor in the royal house, wrote a pamphlet which tried to expose the case as a fraud,” and in reply, “the theologian Pierre de Berulle,” who along with other supporters of the Holy Catholic League, “argued that the Church alone—as opposed to state-sponsored physicians—could judge on the presence or absence of demons.”²⁷⁰ Marescot reported that “Divines, Religious persons, and Phisitians,” participated on both sides of the debate about the authenticity of Brossier's possession symptoms.²⁷¹ Physicians participated in and made arguments on both sides of the debate. Similar dynamics were at work in the English case of Mary Glover. Michael MacDonald argues that in the later Elizabethan period, exorcisms “bec[a]me a central issue in the intensifying struggle between the Puritan faction in the church and the conservative clergy,” and that the polemical literature about the Glover case reflected those divisions.²⁷² The conservative clergy were aligned with State interests to police the proselytizing efforts of both Puritan and Catholic exorcists, and the anti-Puritan Bishop Bancroft was the driving force behind much of that official Church response.

²⁷⁰ Ferber, *Demonic Possession and Exorcism in Early Modern France*, p. 42. Ferber argues that the “Brossier case can be seen as a watershed,” as “[i]t was the last story of possession to relate in such an immediate way to the politics of the day.” And these political divisions were immediately rooted in the aftermath of the 1598 Edit of Nantes which afforded Huguenots a modicum of religious freedom. The Catholic opponents to the edit were supporters of the Holy Catholic League and “saw the edit as a threat to the authority of the Church in religious affairs,” and desired that the Protestants be forced to convert. “Into this environment,” writes Ferber, “Leaguer-style Catholics took the chance of sponsoring a possessed woman, Marthe Brossier.” Ferber, p. 40.

²⁷¹ Michel Marescot, *A Trve Discovrse, Upon the Matter of Martha Brossier of Romorantin, pretended to be possessed by a Devill*. Translated by Abraham Hartwell, (London, 1599), sig Bv.

²⁷² MacDonald, *Witchcraft and Hysteria in Elizabethan London*, p. xx.

Mary Glover came from a prominent Puritan family and the convincing nature of her symptoms resulted in the trial of Elizabeth Jackson for witchcraft. Physicians testified both for and against the legitimacy of Glover's possession and an ensuing pamphlet battle was waged between those who supported Bancroft, and those who were more closely aligned with the Puritan exorcist John Darrell.²⁷³

The polemical material produced around the cases of Mary Glover and Marthe Brossier invoked physical evidence to make claims about confessional authority and interpreted bodily signs for politically aligned purposes. Authors made strong and unambiguous statements about how and why the evidence presented supported their position as well as why, in many circumstances, the proof offered by the opposing side was fallible. It is significant that physicians operated on both sides of the contest and interpreted the bodies of Glover and Brossier in ways that both supported and undermined the diagnosis of demon possession. Therefore the involvement of medical experts did not eliminate the possibility that the bodies of the possessed would be disputed and a source of contest. Medical knowledge was not divorced from the contemporary political stakes of exorcism in England, and, as MacDonald demonstrates in his account of the Glover case, the extent to which “power politics” shaped “beliefs and opinions” and medical diagnoses cannot be underplayed.²⁷⁴ We also see in this material what is missing from Killigrew's account of the events at the Loudun nunnery, and it is worth taking some time to visit the way that writers interpreted physical evidence in the Brossier and Glover cases to make their arguments.

²⁷³ See Marion Gibson's entry on Glover in *ODNB*. Primary sources include Jorden, *A Briefe Discourse of a Disease Called the Suffocation of the Mother*, (London, 1603); John Swan, *The True and Breife Report of Mary Glovers Vexation*, (London 1603); Stephen Bradwell, *Mary Glovers Late Woeful Case*, MS Sloane 831. All three publications are collected together and reprinted in MacDonald's edited collection, *Witchcraft and Hysteria in Elizabethan London*.

²⁷⁴ MacDonald, *Witchcraft and Hysteria in Elizabethan London*, p. ix.

Marthe Brossier

The French case of Marthe Brossier was often referred to in English pamphlets as a means to undermine the authenticity of demon possession and assert the ease with which individuals could fake the physical signs.²⁷⁵ The case began in 1598 when Marthe, a young woman of twenty-five, began to display strange physical symptoms. After some initial suspicions that she was faking, Brossier and her father traveled to Paris where Capuchin priests performed a series of dramatic public exorcisms on the woman that were infused with anti-Huguenot rhetoric. The public attention and crowds attracted the interest of the bishop of Paris, Henri De Gondy, who enlisted the help of both theologians and physicians to judge whether or not Marthe was truly possessed. Michel Marescot, a physician, and the others involved determined that she was a counterfeit, suffering from a natural illness that she then manipulated to make her symptoms seem more convincing. But the priests persisted until the King, Henri IV, halted all public exorcisms and imprisoned Brossier. This did not entirely erode people's belief in her, however, and a number of pamphlets on the case were published in France at the time. The Brossier case overlapped with the events in England surrounding John Darrell who, after the demoniac William Somers confessed to fraud, was himself found guilty of fraud in 1599. Abraham Hartwell translated the original French pamphlet about Brossier, as he outlined in his preface, "to the end it may be seene, that even by the judgement of the best Phisitions in France, nothing was acted by the Boy of Notingham [William Somers], or this Mayde of Romorantin, but might very well be performed by the course of Nature, and without the helpe, presence or assistance of a Devill."²⁷⁶ Hartwell thus used Marthe Brossier as a way to attack the legitimacy

²⁷⁵ Both Edward Jorden and Samuel Harsnett referred to Brossier specifically in their pamphlets.

²⁷⁶ Marescot, *A Trve Discovrse, Upon the Matter of Martha Brossier of Romorantin, pretended to be possessed by a Devill.*, sig A3r.

of John Darrell. The original French pamphlet, written by the skeptical physician Marescot, already denounced the legitimacy of Brossier's possession and outlined the physical evidence which supported this claim. And Hartwell, himself associated with members of the established church, including John Whitgift, dedicated his translation to Richard Bancroft, Darrell's principle foe. The arguments made about Brossier's physical symptoms became part of the arsenal available to skeptical accounts of English possessions. In his case against the Jesuit exorcists, Harsnett argued that similar deceptive tricks were used by the Capuchin priests with Brossier, and Jorden noted that "others have counterfai'ted possessions, either upon meere deceit or inticed therto through the conceite of some disease wherewith they have beene troubled. But for this point I referre you to the histories of Agnes Briggs, Rachel Pinder, [and] Martha Brossier."²⁷⁷ In order to persuasively undermine the possibility that Brossier's possession was real, Marescot and Hartwell dealt with each point of debate systematically, referring to specific medical arguments to support their case. Brossier's physical symptoms received detailed attention and were central to the authoritative claims that the pamphlet sought to establish.

Those who confirmed the legitimacy of Brossier's possession did so for a number of reasons and used a variety of arguments to support their contentions. These doctors on this side of the debate argued that it could not be a natural disease, nor could she have counterfeited the symptoms that they observed. They eliminated such diseases as the falling sickness, epilepsy, and the suffocation of the mother, because Brossier did not lose her sense or judgement while she was experiencing a fit, nor did she suffer from loss of breath, one of the key physical signs of "the mother." Her symptoms came on all at once and subsided just as quickly, which, these doctors argued, was counter to the nature of diseases in general. Witnesses also heard strange

²⁷⁷ Jorden, *A Briefe Discourse*, p. 12; see also Harsnett, *A Declaration*, pp. 8-9.

sounds coming from her throat and stomach that some described as sounding demonic and the doctors maintained that the most convincing proof was the unnatural pulse and temperature of her body while she was experiencing a fit. After observing her and performing several tests, some of the physicians concluded that,

Diseases and the motions...of Diseases, (especially those that are violent)...leave the bodie feeble, the visage pale, the breath panting: this maide on the contrarie, at the end of her fittes was found to be as little moved and changed in pulse, colour, countenance and breath, as ever she was before....[W]e are driven...by all the lawes of discourse and knowledge, yea and almost forced to beleieve, that this maide is a Daemoniake.²⁷⁸

The argument made by those who believed in Brossier's possession were potentially convincing: after a violent fit, Brossier's pulse was unchanged, the color of her face and pace of her breath were constant and not elevated as one might have expected after such extreme movements. The doctors contended that the motions were so extravagant that no one could have counterfeited them, not even a trained tumbler or juggler.

In order to prove that Brossier was not a fraud, doctors who supported her needed to establish that her symptoms could not be feigned and that they ran counter to the course of natural diseases. Another way they attempted to prove this was through a test used to gauge her response to painful stimulation, a trial often performed on alleged demoniacs. They used long, sharp pins to prick her in various parts of her body including her neck and hands. Doctors watched her face and body to see how she would react: she did not visibly appear to suffer, nor did she bleed from the place where she was pricked. Doctors argued that based on her lack of sensibility and her abnormal response to painful stimulation, her symptoms could only be the result of demonic possession. The issue of sensibility could be difficult to interpret and had ambiguous meaning in regards to the proof it constituted. On one hand, doctors argued that she

²⁷⁸ Marescot, *A True Discovrse*, sigs C4r-C4v.

was not able to feel pain while in a fit—a sign that she was truly possessed. On the other hand, however, Brossier also appeared to be aware of her surroundings and have the use of other senses during her fits. The doctors maintained that this was contrary to the normal symptoms of convulsive diseases during which the sufferer had no control of their bodily movements. Brossier did have control, which was demonstrated by a priest who placed his fingers in Brossier's mouth during one of her fits. The doctors argued that if she had a natural disease, she would have bitten off the priest's fingers through the force of the convulsion and her inability to control her actions. These unnatural signs together proved that Brossier had indeed been bewitched, a contention that these physicians attested to in writing.

In response, those on the opposing side interpreted the same physical symptoms in a different way, appealing to Galenic humoral theory and Brossier's ability to feign possession to support their claims. They argued that her movements were not all that extreme and would not necessarily have caused a change in her complexion, breathing, or pulse. However, they also argued that even if she was moving violently for an extended period of time, the assessment made by the pro-possession side was not entirely sound; this point was based on an alternate theory of the blood. Her physical signs

signifieth, that her blood was very thicke and earthie, and so could not easily be kindled: and therefore we say with Galen, that the pulse of such people is very rare. We have oftentimes seene, sundrie Melancholike persons, not onely many daies and moneths, but also many yeeres, to have runne up and downe crying...without any change, either in pulse, or in breathing, or in colour.²⁷⁹

In order to interpret Brossier's body correctly, these physicians argued that one needed a particular expertise and knowledge of the nature of the particular blood type of the specific, individual patient, a type that determined the speed of her pulse, her complexion, and her

²⁷⁹ Marescot, *A Trve Discovrse*, sig D3v.

respiration. They contended that because Brossier was of a melancholic nature, this modified how her body responded to exercise and dictated the nature of her physical symptoms. Her melancholic disposition was also the cause of the lack of bleeding when pricked with a pin. Because her blood was so thick, it did not immediately rise to the surface. While these physical signs might have been strange in some people, they were not unnatural in her particular case. This assessment rested on Galenic humoral theory which stated that health was determined by a proper balance of humors, or fluids, in the body, and proper diagnosis was dependent on a knowledge of an individual's highly specific constitution. Everyone had a natural temperament that was either hot or cold, wet or dry, or some combination thereof, and there were physical traits that were associated with each disposition. Someone who was cold and dry, for instance, would have naturally had a weaker pulse and darker complexion than someone of a hotter disposition, who would have a strong pulse and red coloring.

Assessing the signs of melancholy and the suffocation of the mother (or hysteria), were particularly important in alleged cases of demon possession because they were easy to confuse. It was necessary to have this knowledge in order to assess the body accurately as diseases were associated with an improper balance of the humors. Melancholy could cause vivid hallucinations in which sufferers might see illusions of spirits and ghosts, or think themselves bewitched, according to Robert Burton. In his treatise on the subject, Burton cited one authority who argued that “[t]here is not...one humour which begets [melancholy], but divers diversely intermixed, from whence proceeds this variety of symptoms.” Thus “one is enraged by fervent heat, another is possessed by sad and cold; one is fearful, shamefaced; the other impudent and bold.”²⁸⁰ And similar difficulties presented themselves in interpreting physical signs of 'the

²⁸⁰ Robert Burton, *The Anatomy of Melancholy*, (London, 1652), p. 241.

mother', which Edward Jorden cautioned could lead to misdiagnoses. Women who retained an excess of blood were subject to various strange symptoms: the “matrix [womb or mother] is drawn upwards or sideways, according as the repletion is, whereupon followeth a compression of the neighbour parts, as of the midrif which causeth shortnes of breath.”²⁸¹ Only someone trained and experienced with reading the signs of humoral balances related to individual sex and constitution would be able to interpret physical symptoms accurately. And this point was asserted too by Marescot; one needed to be familiar with humoral theory and diseases based on particular temperaments in order to distinguish between natural and supernatural symptoms.

The skeptical doctors argued that believers had too quickly dismissed the possibility that Brossier suffered from a natural disease because “there bee diverse motions proceeding from Diseases, which are mixt: as for example those that are...Mingled of a Crampe and a trembling: and...a Trembling with a Shivering.... And these mixt kindes are sometimes so mingled one with another, that it is a very difficult thing, to referre them to any one of your simple kindes.”²⁸² Brossier's symptoms could be a mixture of various diseases together, and should not be dismissed simply because they do not follow the pattern of a normal convulsion, as others had argued. Additionally, after her fit was over she was “lively and lustie,” whereas those who are legitimately possessed “after their vehement and sudden motions, do remaine astonished,” or numb or without sensation.²⁸³ This assessment contradicts the claim later made by Bernard that a quick, post-fit recovery was a sign that the affliction was not natural, and thus potentially supernatural. Brossier's skeptical doctors confirmed that they had heard the soft rumbling under her left ribs that others had claimed to be a demonic voice. However, the skeptical physicians

²⁸¹ Jorden, *A Briefe Discourse of a Disease Called the Suffocation of the Mother*, p. 25.

²⁸² Marescot, *A Trve Discovrse*, sig D1v.

²⁸³ *Ibid.*, D4r.

argued that there was a perfectly natural explanation for this strange sound that better matched with Brossier's other symptoms. They warned that if everyone who experienced the same symptoms as Brossier was deemed a demoniac, then “those that are troubled with a Winde about the short ribbes, and poore Maydens that have the Greene Sicknesse, and pale colours, shall have the Devill in their bodies. For oftentimes the sound in their bellies is so great, that it may bee heard above from beneath, and from one chamber to another.”²⁸⁴ The green sickness was a disease particular to virgins, and included the following symptoms:

a bad colour of the face, and whole body; a swelling of the face, eyelids and ankles; heaviness of the whole body; a tension and lassitude of the legs and feet; difficult respiration; palpitation of the heart; pain in the head; feverish pulse; drowsiness; an unnatural longing for such things as are noxious, and unfit for food; and a suppression of the menstrual discharge.²⁸⁵

Many of these symptoms were similar to those that Brossier exhibited. Physicians noted that the principle symptom of the green sickness was a paleness of the cheeks and lips, the sign that had so convinced the doctors who believed in Brossier's possession.²⁸⁶ Therefore unnatural coloring could be indicative of any number of illnesses.

Skeptical doctors who examined Brossier also considered the possibility that she had learned to simulate certain possession symptoms, or that she had exaggerated symptoms that were originally associated with a legitimate illness to convince people that she was possessed. This deception could partially be ascribed to her melancholic nature, as persons of this disposition were believed to be crafty and malicious. She could very well have trained herself to either hide her response to pain or to manipulate the situation so that only certain parts of her

²⁸⁴ Marescot, *A Trve Discovrse*, sig. E2.

²⁸⁵ Thomas Sydenham, *The Entire Works*, London 1753, 658, cited in Helen King, “Green Sickness: Hippocrates, Galen and the Origins of the “Disease of Virgins,” *International Journal of the Classical Tradition*, Vol. 2, No. 3 (Winter, 1996), pp. 372-387.

²⁸⁶ Helen King notes the importance of color in regards to medical diagnosis during the early modern period. Helen King, *The disease of virgins: green sickness, chlorosis and the problems of puberty*, (New York, 2004) p. 5.

body were pricked with the pin, places that were less painful or drew less blood. It was also widely known that “[t]he Lackies of the Court” at “diverse times will of themselves thrust a pin very deepe into some fleshie part, as in the thigh, or in the arme, are they therefore possessed with a Spirit?”²⁸⁷ Certainly not, according to the pamphlet, and therefore the pricking test was insecure at best in terms of proving the legitimacy of Brossier's possession. Based on the difficulty of evaluating the physical body and the possibility of counterfeiting, the skeptical doctors in the Brossier case argued that one must take a holistic approach to assessment, drawing on the knowledge of experts in order to make an accurate determination:

Before the Priest enterprise to Exorcise, let him diligently inquire of the life of the Possessed, of his condition, of his fame, of his health, and of other circumstances; and let him communicate the same with some wise, prudent, and well advised persons. For oftentimes such as are too light of beliefe, are deceived: and oftentimes those that are Melancholike, Lunatike, and Bewitched by Magicall Artes, doe beguile the Exorcists, when they say, that they are possessed and vexed by the Deuill, whereas for all that, they have more neede of the Phisitions Remedie, then of the Exorcists Ministerie.²⁸⁸

Marescot argued that if the priest did not take the time to accurately contextualize the symptoms of the allegedly possessed person, he risked being deceived into thinking the illness had supernatural causes. The role of expert physicians was central to this (accurate) assessment as they had the medical knowledge necessary to read the signs on the body and prevent a diagnosis that was based on belief or faith alone. At stake was not religious authority, but the authority and credibility of physicians. The author of this pamphlet drew a distinction between those who have faith but are discerning and those who are naïve and too quick to believe:

As faith is the gift of God, and a vertue inspired by Divinitie, whereby we do steadfastly beleeeve such things as do not appeare unto us, neither by sense nor by naturall reason: so is too great credulitie a vice, that proceedeth from an infirmitie or weaknes of a mans mind. Faith is a sure and certeine way to come to veritie, salvation and wisdom: but too great

²⁸⁷ Marescot, *A Trve Discovrse*, sig D1v.

²⁸⁸ Ibid., sig F3v.

credulitie is the path that leadeth headlong to falsehood, fraud, follie and superstition.²⁸⁹

It was only through an accurate discerning of the body that physicians were able to walk this fine line between faith and credulity, and accurately diagnose strange illnesses. The physicians on both sides of the Brossier dispute seemed to share a diagnostic theory, but they reached diametrically opposed assessments of Brossier's physical symptoms and offered contradictory verdicts on her condition.

Mary Glover

The possession case of Mary Glover in England in 1603 presented a similar instance of ambiguous bodily evidence and difficulty over interpreting the meaning of certain signs, in this instance in a case that pit Puritans against anti-Puritans. This case went to trial when Glover accused Elizabeth Jackson of causing her possession through witchcraft. Two prominent physicians were involved and both printed accounts of the case after the trial was over. Edward Jorden testified that Glover's symptoms were natural, although he could not determine the cause and, at the time, refused to treat her condition. Jorden's failure to firmly commit to an opinion or offer any explanation for Glover's symptoms proved to be a significant problem as it led the judge to question his qualification to offer a judgement on the matter at all. Ambiguity did not sit well with the judge or the other participants in the trial who wanted definitive medical assessments. Jorden amended his opinion in his printed account, arguing that Glover's symptoms were a combination of hysteria and counterfeiting. Stephen Bradwell, another physician, testified on Glover's behalf, claiming that based on his own medical assessment her possession was legitimate and that Jackson was guilty of witchcraft. In their printed recollections of the Mary Glover case, both doctors outlined her physical symptoms in detail,

²⁸⁹ Marescot, *A True Discourse*, sigs B1-B1v.

the pulse and complexion figuring prominently in their claims and counter-claims.

Somewhat embarrassed after the trial, Jorden wrote his short treatise, *A Briefe Discourse of a Disease Called The Suffocation of the Mother*, to defend his position that Glover suffered from natural symptoms and not demon possession. Jorden specifically framed this work as a medical treatise and not simply an account of a possession; however, the connection with the Mary Glover case was obvious to his readers. The 'suffocation of the mother' referred to a disease of the womb, which was believed to become disconnected and move to different parts of the body causing a host of symptoms to arise. These symptoms could be misleading, however, as they might be caused from the experience of fear which had similar physiological effects. Jorden argued that those suffering from "the mother" could experience a convulsive fit in which their bodies thrashed about violently and then stopped abruptly; in this state, the sufferer could appear close to death or mistaken for dead. The pulse was slowed, almost imperceptible, and "[t]his motion of the heart and Arteries in this affect of the Mother is oftentimes diminished either in part or to sense totally. In part, where the pulse in this disease is weake, slow, obscure, intermittent, &c. and the whole bodie accordingly feeble and slow in euery action, for want of influence of vitall facultie from the heart."²⁹⁰ Jorden contended that the pulse and signs of life could be so difficult to read in those suffering from this condition, that they were often mistaken for dead. Retelling a story included in Ambrose Paré's work, Jorden warned that even trained physicians could make this mistake:

Vesalius a worthie Physition, & for anatomicall dissections much renowned [sic], who being called to the opening of a Gentlewoman in Spaine, which was thought to be dead through the violence of one of these fits, began to open her, and at the second cut of the knife she cried out, and stirred her limbes, shewing manifest signes of life to remaine. The beholders were exceedingly amazed at the sight, and blamed the Physition much for it: who

²⁹⁰ Edward Jorden, *A Briefe Discourse of a Disease called The Suffocation of the Mother*, sig D2.

though hee tooke her for dead, yet tooke he great apprehension of sorrow for that accident, that he estranged himselfe.²⁹¹

Jorden argued that in cases of “the mother,” prayer and fasting worked as a natural remedy because they calmed the violent emotions and humors that gave rise to these violent fits.

Jorden also noted that people, especially young people, could train their bodies to do all sorts of things that were considered uncontrollable or spontaneous, such as passing gas, and suffering from the hiccups, and that they could feign the symptoms of drunkenness, madness, and palsies, among other conditions. He suggested that while Glover probably suffered from “the mother” given her distorted pulse, she could have also learned to slow her pulse voluntarily through practice and repetition. The whole point of Jorden's pamphlet was to assert that the signs of the physical body could be difficult to interpret, and if someone did not have the proper training they were likely to get that interpretation wrong. Additionally, the symptoms of “the mother” were not widely known and one needed specific training in order to correctly diagnose the condition. Jorden also drew a strict boundary around the knowledge and domain of the physician, contending that those without formal medical training were unable to judge whether or not a physical symptom was natural or supernatural in its cause.

In his response, Stephen Bradwell denounced Jorden as speaking from a prejudiced, and therefore partial, position, giving neither enough time nor medical consideration to the physical symptoms: “Having bene (him selfe) slight, and perfunctorious, in the search of a case so abstruse, and difficult to judge of; what could be the cause, to handle the matter in this manner, if a presumption of his owne knowledge and observation, in this case, above others, had not bene as a whirle winde to carie him?”²⁹² The point of Bradwell's reply was to “unmask” Jorden's

²⁹¹ Jorden, *A Briefe Discourse of a Disease called The Suffocation of the Mother*, sig D3; the difficulty of judging the signs of death, particularly in women, is discussed in further detail in chapter five.

²⁹² Bradwell, *Mary Glover's Late Woeful Case, Together with her Joyful Deliverance*, p. 37.

real motives and to discredit the assessment that he presented as a pretended objective physician. Encouraged by Bishop Bancroft, Jorden had written his book out of selfish motivation and, Bradwell continued, could not accept the outcome of the trial or that another doctor's assessment was correct when his was not. And Jorden had admitted his assessment was overly influenced by the anti-Puritan politics of Bancroft, a fact which, Bradwell claimed, distorted Jorden's medical credibility and judgement.

After outlining the evidence which supported the authenticity of Glover's possession, Bradwell turned to the contentious issue of the pulse. He agreed with Jorden on the point that those who suffered from fits of "the mother" would have a weak pulse but contested the claim that Mary Glover was afflicted with the disease. Bradwell countered that

[i]f the humor in the mother be thick, cold, much in quantitie, and sharpe qualited out of putrefication, there is added unto other thinges, some Convulsion; and then the pulse is tensive. If the matter be more melancholicke, it bringeth forth sadnes and sounding; And then the pulse is lit[t]le, slow, rare. Also forasmuch as the disease is cold, it is agreable that the pulse should be such: and moreover unequall and inordinate, through the faculties oppression. But if the sicknes too far prevaile, the pulse becometh frequent and deficient, and at last, if his crueltie perservere, the pulse faileth utterlie and is abolished.²⁹³

But Glover's case did not follow these conditions, as her pulse remained steady despite the extreme fits and insensibility of her body: "As touching the pulse, which so properlie appertaineth to the rising of the mother, it was never to be found in this maide; but alwaies a good pulse, moderately large, equall, and ordinate: sometime a litle too frequent; but never slowe, nor rare; and much less tensive, or deficient."²⁹⁴ Both in and out of her fit, even when she was insensible to pain and appeared close to death, Glover's pulse remained steady and strong. While women in general, and particularly those who were melancholic, are cold in their temperament, Glover was, by nature, hot, as demonstrated by her coloring, her hair, and the

²⁹³ Bradwell, *Mary Glover's Late Woeful Case*, p. 85.

²⁹⁴ *Ibid.*, p. 86.

strength of her pulse. Therefore, it would have been unlikely, according to Bradwell's reasoning, that she could have suffered from “the mother” or any other illness that was considered “cold” such as the falling sickness or convulsions. Of Jorden's mistaken assessment, Bradwell concluded that

it is too probable, that if his minde had not bene taken up, aforesaid, with praejudice, and so his taste marred with other mens opinions, D Jorden would, (out of his learning, which in no wise I extenuate) have deduced, from this, and manie other rules...to have led him peremptorily and conducted him cleerly out of the maze of those maie bees, wherein plainely he hath lost himselfe.²⁹⁵

Of course, at least in part, the “maze of those maie bees” also has to do with a difference of religious positions between Bradwell, a Puritan divine who sought to affirm the use of fasting and prayer for exorcism, and Jorden, who spoke on behalf of state interests and the established church, and was eager to disparage the practice of public exorcisms, both Puritan and Catholic. Both of the doctors had stakes in interpreting the body in a particular way and in contesting the authority of the other.

In Loudun, Killigrew had assessed some of the same diagnostic signs as the physicians examined in the Brossier and Glover cases had done, and attempted to read the pulse, temperature and complexion of the nuns in order to assess the nature of their physical symptoms. Although he wavered between two possible interpretations, that the possessions were either legitimate or fraudulent, his account suggests that his interpretations were rooted in knowledge of diagnostic tools and the medical meaning of certain bodily signs. Although he never offers a medical explanation for the nuns' symptoms, he suggests that physiological causes might be at work, and described one nun as “sitting in a Malancholly posture” before her possession fit began (fol. 24v). However, unlike those doctors involved in the Brossier and

²⁹⁵ Bradwell, *Mary Glover's Late Woeful Case*, p. 104.

Glover cases, Killigrew's credibility as a physician was not at stake, nor did he have professional or economic considerations in regards to his interpretation of the case. He does not, seemingly, have any point to prove or religious position to defend, as others involved in possession cases did. However his ambivalence still leaves questions about why he might have represented the event in the way he did.

Open Endings: Killigrew, Montagu, and Digby

It was not clear from Killigrew's letter that he was convinced of the authenticity of the exorcisms, and the religio-political framing and stakes of his account of Loudun were not as overt as other contemporary writings on the topic. Wat Montagu, on the other hand, seemed to have been explicitly convinced, which was perhaps most strongly suggested by the fact that he went back for a second visit, this time bringing along Kenelm Digby. Digby, exiled from England and living in France, was already a convert to Catholicism when he visited the abbey, and he would offer his own account of the Loudun possessions, that, perhaps somewhat surprisingly, was as ambivalent as Killigrew's. In a letter written to the Prince of Guémené, Digby recounted his visit to Loudun in December 1636, pointing to those things that persuaded him and those that made him doubt what he saw.²⁹⁶ He did not give detailed descriptions of the bodies of the nuns or the actions of the priests, but he discussed which symptoms might be supernatural and which were merely staged.

Digby, like Killigrew, emphasized that his account was based not on what he had heard from other people, but on what he himself had witnessed during his visit. This point was

²⁹⁶ This letter was circulated amongst some of Digby's friends, including a copy that he sent to Thomas Hobbes in 1637, a month after his visit to the abbey in December 1636. The letter is published in a collection of Hobbes' correspondence and is the version that I refer to here: *The Correspondence of Thomas Hobbes, Volume I 1622-1659*, ed. Noel Malcolm, (Oxford, 1994), pp. 42-48. Other copies of the letter are preserved in BL MS Harl. 7526, fol. 36V and Bodl. MS Smith 21. The recipient of Digby's letter was Louis de Rohan, prince du Guémené, duc de Montbazou (1598-1667), courtier and military commander.

important for both of them in order to establish the credibility of their assessment of the Loudun possessions, with both men presenting themselves as impartial observers with no stakes in whether the possessions were true or false. Digby wanted to stave off accusations of exaggeration or embellishment, and prefaced his account writing that “[n]o one is content, after all, to tell a cold, simple narrative of facts to someone who is expecting to hear a tale of the extraordinary.”²⁹⁷ Digby had an idea of what to expect before he arrived at the abbey and had already heard many stories of what he would see: strange contortions, the ability of the possessed to read the thoughts of others, and miraculous exorcisms. He found that the nuns were not able to demonstrate the ability to read his thoughts and dismissed this claim outright. The physical signs caused him more pause, although he wavered about whether or not these were enough to prove that the possessions were real: “[s]o far as their grimaces and contortions are concerned, they appeared in their usual style (according to what we were told by the people of that place); they were strange enough to make me suspend judgement, though not so strange as to make me feel certain that they could not be produced by nature.”²⁹⁸ Digby was uncertain—awed but not convinced, open to the possibility that the possessions were authentic but still skeptical—and perhaps summarized the overarching message of Killigrew's letter better than Killigrew did himself. The physical signs of possession were strange, perhaps extreme, and were convincing enough for him to consider whether or not they were beyond what was naturally possible. However, Digby worried that some people might mistakenly consider these actions to be supernatural because many are gullible and weak-minded, easily persuaded into thinking that either they or someone else has been bewitched or possessed when they have not.

The devil could work through those who would fake possession for their own gain, and “may

²⁹⁷ Malcolm (ed), *The Correspondence of Thomas Hobbes*, p. 48.

²⁹⁸ *Ibid.*, p. 46.

secretly co-operate with their skill and determination, raising and refining their actions to the utmost limit of what is naturally possible, but without ever quite exceeding the natural realm.”²⁹⁹ So, according to Digby’s reasoning, it was possible for someone to fake symptoms and for those symptoms to appear to be supernatural and a sign of an authentic possession, when indeed they were not. For him, the physical proof was simply not enough to make a certain judgement one way or the other.

What did seem extraordinary and convincing to Digby, however, was that at the time he visited Loudun in 1636, the exorcisms had continued for four years:

the strongest evidence I can find for possession is moral, not physical. I can see no reason why so many different people, men and women, having no particular interest in common, gathered by chance from so many different places, and many of them highly regarded for their honesty and integrity, without a single exception (either among the nuns or among the exorcists), should keep up such an unflagging conspiracy so cleverly and so unanimously, in order to sustain for so many years a fraud which brings them no advantage and which requires them to endure so much labour and discomfort every day. This seems more than human patience and determination could sustain.³⁰⁰

Digby's contention was based on what he called a moral argument and claim about human nature. The amount of coordination and difficulty that it would take to sustain the possessions and exorcisms at Loudun seemed to Digby the most convincing proof that they were real. Doubting the possibility that the exorcisms were a coordinated and fraudulent performance, Digby maintained that it was impossible that all those involved—people of high moral character—were part of elaborate scheme over an extended period of time. He supported this reasoning through an appeal to what the body could physical endure: the extreme physical symptoms that the nuns displayed, sometimes on a daily basis, were so uncomfortable and violent that it seemed impossible that they could perform these movements for such a long period of time

²⁹⁹ Malcolm (ed), *The Correspondence of Thomas Hobbes*, , p. 47.

³⁰⁰ Ibid., p. 46.

without supernatural intervention. Not only would it be beyond what they could endure in terms of patience, but it was also beyond what anyone could physically sustain for any length of time. And yet, the possessions and exorcisms continued and were still ongoing.

Digby possessed a curious intellect and, as his correspondence with Thomas Hobbes suggests, conversed with several scientifically-inclined writers. Therefore it seems somewhat strange that he paid little attention to the possibility that the nuns were suffering from natural diseases or merely faking the signs of demon possession. In his youth, Digby had received an education from Richard Napier, famed physician and astrologer, who during his career diagnosed a number patients as being demon possessed, but was also aware of and used alternative explanations for the same symptoms.³⁰¹ Digby was also aware of the signs that physicians looked for in making their diagnoses including pulse, complexion, temperament, and diet. This knowledge and training was evident in a letter sent to his three sons after the sudden death of their mother Venetia in 1633. Written as a chronicle of Venetia's life and character, Digby's letter also included information regarding her humoral make-up, and personality traits based on her disposition. He divulged the most intimate and mundane details of her life, to “looke upon her in her most familiar, private and daily habites, and examine what she did att unawares and out of the free impulse of her owne minde; and then we may well judge of the temper and frame of that, as ye Physitian doth of the whole bodie by often observing the still and all most imperceptible motion of the pulse when the arm is att rest and quiett.”³⁰² Attesting to his curiosity, Digby employed several surgeons and physicians to perform an autopsy on Venetia's body to determine why she had died so suddenly, a practice that, although becoming

³⁰¹ On Napier see Michael MacDonald, *Mystical Bedlam: Madness, Anxiety and Healing in Seventeenth-Century England*, (Cambridge, 1983).

³⁰² Vittorio Gabrieli (ed), “A new Digby letter-book: 'In praise of Venetia,'” in *National Library of Wales Journal*, Issue 9, ch. 2, (1955), p. 127.

more common, was hardly routine. Digby himself attended the dissection and offered a detailed description of the mother's body to her sons:

All her other vitall partes were admirable strong and sound and perfect and gave evidence of such a vigorous health as she alwayes enjoyed. But when they came to open the head, they found the braine much putrified and corrupted: all the cerebellum was rotten, and retained not the forme of braine but was meere pus and corrupted matter. There were severall of the most eminent doctors and surgeons of London att the opening of the bodie; and they were all much amazed to find the braine as they did; for they all concluded that the decay they found there was not the worke of short time, but had bin some yeares in growing to this passe; and yet she never in her life was troubled w[i]th the least paine in her head; and all the faculties of her braine she exercised.³⁰³

Not only did he employ eminent doctors and surgeons to examine the body, Digby himself assessed the physical evidence and determined that Venetia's condition was hereditary and that his sons needed this knowledge to prevent the illness in themselves. Digby was clearly interested in bodily evidence and interpreted the physical signs evident on and in Venetia's body to draw conclusions about what caused her death.

On the other hand, however, Digby was aware that bodily signs could be ambiguous or manipulated for deceptive ends. Digby and Venetia married in secret because her parents disapproved of their union and wanted to secure the settlement from her father before they exposed their marriage. When she found herself to be pregnant before her parents knew about the marriage, Digby praised her ability to conceal the pregnancy or birth. He described how she went through agonizing labor without revealing or accidentally exposing this to anyone else:

In the meddest of all this agonie my wife still retained her courage and spirits; directed all thinges w[i]th as much calmenesse and discretion as if none of all this concerned her; refused the visits of none in the house that desired to see her; and yett neither they nor any of the servants of the house that had their continuall passage by her dore, did then or ever after suspect what had passed: she had a most sore and dangerous labor and yett in the greatest panges of it she never expressed by groanes or scarce by sighes the paine and torment she was in.³⁰⁴

³⁰³ Gabrieli (ed), "A new Digby letter-book, p. 127.

³⁰⁴ Ibid., p. 125.

The level of pain experienced during childbirth was a telling bodily symptom. A married woman was thought to experience a more difficult childbirth than her single counterpart who gave birth to a bastard, and the fact that Venetia was able to conceal her labor could be interpreted negatively, as a form of deception.³⁰⁵ Although Digby did not describe it as such, the lack of expression or pain during childbirth was often culturally interpreted as a form of purposeful deception that reflected negatively on the mother, her failure to alert anyone to the birth a sign that she was hiding something sinister. Given his attention to physical evidence and awareness that ability of bodily symptoms could be purposefully altered or controlled, it is safe to assume that Digby was interested in investigating and considering the physical evidence of the nuns' bodies. He believed that investigating the body could provide trustworthy knowledge in some cases, but that bodily signs could be manipulated or used as a tool to deceive. Yet when it came to his account and consideration of the Loudun possessions, Digby largely ignored the physical evidence. This was even more glaring an omission given the precedent set in other writings about demon possession and exorcism which emphasized the centrality of bodily evidence to make a convincing case.

It is possible that in focusing more on what he calls the moral proofs over the physical symptoms, Digby attempted to circumvent the problems and doubts that bodily proofs could raise. He was dismissive of the miraculous markings on the hand of Jeanne des Anges, the same production that Killigrew witnessed and recorded, skeptically writing that “we saw the marks on the Prioress's hand renew themselves. But to tell the truth this miracle gave me as little satisfaction as anything we have seen here,” which was to say, not very much.³⁰⁶ Despite this

³⁰⁵ For more on the multiple meanings of pain during childbirth and the various ways pain could be culturally appropriated, see Chapter four and Laura Gowing, *Common Bodies*, pp. 70-72

³⁰⁶ Malcolm (ed), *The Correspondence of Thomas Hobbes*, p. 48.

hesitation, however, Digby seemed ambivalently convinced as to the authenticity of what he had seen, stating, “[m]y own conclusion is that although I have not witnessed any action which would clearly convince me that a supernatural power was at work in these possessed people, nevertheless when all the details are put together I find the overall body of evidence very persuasive.”³⁰⁷ However, like Killigrew, Digby was unclear as to his overall opinion and closed his letter writing, “I shall suspend my own judgement, not allowing myself to incline to one side or the other, whatever the persuasive reasons which may be put forward.”³⁰⁸ On one hand then, Digby characterized himself as a believer in the events at Loudun, convinced by the length of time the exorcisms had continued and open to the possibility that the possessions were real. But on the other hand, Digby was also ambivalent and at times doubtful and dismissive of the physical evidence he was presented with.

Killigrew and Digby both presented an unusually conflicted and ambivalent account of demon possession and exorcism and took positions in relation to the political and confessional stakes that have not been widely emphasized in the scholarship. Neither of them was overtly polemical in his interpretation and assessment of the nuns' bodies and both were hesitant to overtly state an opinion one way or the other. They both framed themselves as impartial observers who were concerned with how others might construe their narratives in relation to broader political concerns. Digby implored his recipient to keep the letter to himself as “it is possible that some people might interpret my account differently from how it is intended, and I do not wish to be on either side of such a disputed issue, in which so much zeal and bitterness is displayed on each side, and which has so little to do with me.”³⁰⁹ This self-conscious distancing

³⁰⁷ Malcolm (ed), *The Correspondence of Thomas Hobbes* p. 47.

³⁰⁸ Ibid., p. 48.

³⁰⁹ Ibid., p. 48.

was possibly reflective of Digby's Catholicism and his precarious relationship with the English state at this point. Although he had purportedly converted to Protestantism early in the 1630s, he reconverted to Catholicism after arriving in France in 1635, shortly before his visit to Loudun. By presenting the physical evidence of the nuns' bodies in an ambivalent way, Digby made it difficult for his reader to determine whether he thought the possessions were authentic or not, thus maintaining a semblance of neutrality.

Digby was also interested in natural philosophy, as his scrutiny of Venetia's death shows, and his ambivalence might also reflect his scientific pursuits and questions. Just before leaving for France, Digby resided at Gresham College where he conducted experiments and learned from chemists and natural philosophers. Upon his arrival in Paris, he engaged in intellectual activities, collected books, and lived close to the royal chemistry laboratory.³¹⁰ Though he struggled with questions about religious faith throughout this period, it seems that rather than view the Loudun possessions as a fundamentally religious issue, he considered what he saw through a more philosophical lens. Throughout his account, Digby wrestled with questions of evidence and how to assess what he saw. Digby included a copy of his account of Loudun in a letter to his newly made acquaintance Thomas Hobbes, but Hobbes himself was skeptical about witchcraft and would warn readers of his work *Leviathan* that the sight could be deceived in many ways. Those who are timorous, superstitious or fearful could see visions of ghosts and spirits though they are fully awake and “evil men, under pretext that God can do anything, are so bold as to say anything when it serves their turn, though they think it untrue; it is the part of a wise man to believe them no further than right reason makes that which they say appear credible.”³¹¹ Digby's biographer notes that in 1637, he read Descartes' newly published

³¹⁰ ODNB

³¹¹ Thomas Hobbes, *Leviathan*, (3rd edition), (London, 1887), (originally published in 1651), p. 19.

Discours sur le méthode, which he praised in a letter to Hobbes. Digby's account of Loudun therefore seems to circle one of the major points of debate in philosophical circles and reflects his own engagement in questions of knowledge and experience. As Barbara Shapiro notes, "Cartesianism denied that certain knowledge might be provided by the senses and devalued disciplines dependent on experiment or testimony," and while many natural philosophers emphasized first-hand observation and experience as the pathway to knowledge, "the dominant seventeenth-century English philosophic and scientific community did not claim that empirically derived facts would yield absolutely certain knowledge."³¹² Digby echoed Hobbes' later concern that the sight might be deceived, and worried that in Loudun, certain motivations and feelings "could take enough of a hold over some souls to produce some actions and effects which might seem supernatural without actually being so" and noted that men are so inclined "to wish that very strange things will turn out to be true when they resemble truth in the least degree."³¹³ Even the consulting physicians who assessed the demoniacs early on were concerned with visual assessment, as De Certeau points out in his study of the events. He notes that "[w]hen they [the doctors] inquire in to the natural and the supernatural of observed facts, they must ask themselves what they really see." And this mode of inquiry "introduces the permanent danger of illusion."³¹⁴ This set of problems infused Digby's account of the possessions, along with his concern that his assessment would be misappropriated for confessional ends or that his own personal religious position would cloud how others read his assessment.

³¹² Shapiro, *Beyond Reasonable Doubt and Probable Cause*, p. 7.

³¹³ Malcolm (ed), *The Correspondence of Thomas Hobbes*, p. 47.

³¹⁴ DeCerteau, *The Possession at Loudun*, p. 117; see also Clark, *Vanities of the Eye*, and Shapin and Schaffer, *Leviathan and the Air Pump*.

1630s' England: The Queen's Circle and Crypto-Politics

The religio-political factors which shaped both Killigrew's and Digby's account of the Loudun exorcisms were reflective of the courtly circle surrounding the queen and of her fraught relationship with prominent French Catholics throughout the 1630s. During the early part of the decade, Henrietta Maria enjoyed a growing involvement in political affairs and attracted a variety of figures at court—including Catholics, protestants, and crypto-Catholics—who for one reason or another found common interests, sought the queen's influence over the king, and favored England's alliance with Spain over France. Although much has been made of the queen's Catholicism and the extent to which this influenced a negative opinion of the Caroline court, the divisions between Catholic and Protestant were not so starkly demarcated as this.³¹⁵ The queen, along with many of her party, was also involved in a plot to oust the French Cardinal Richelieu as chief minister of Louis XIII, a feud which directed the political machinations of those early years. In 1633, Richelieu discovered the queen's activities and the plot came to an end however divisions between the two continued into 1635. Richelieu attempted to mend his relationship with Henrietta Maria and did so through Wat Montagu who had visited France “long enough to be feted and flattered by the Cardinal. In February 1635,” as Malcolm Smuts argues, “he returned to England and set about assuaging the queen's hatred for Richelieu.”³¹⁶ While negotiations for an Anglo-French alliance broke down in 1637, between 1635 and 1637 there was renewed contact between the English queen and Richelieu and an openness that was negotiated by and through Montagu. Over the course of this period Montagu returned to France and, at the behest of Richelieu, visited the Loudun abbey accompanied by

³¹⁵ See Malcolm Smuts, “The Puritan Followers of Henrietta Maria in the 1630s,” *The English Historical Review*, Vol. 93, No. 366 (Jan. 1978), pp. 26-45.

³¹⁶ Smuts, “The Puritan Followers of Henrietta Maria in the 1630s,” p. 35; on the queen's circle and plots against Richelieu, also see Caroline Hibbard, *Charles I and the Popish Plot*, (Chapel Hill, 1983).

Killigrew.

Killigrew's atypical account of the exorcisms at Loudun and the absence of any overt polemical claims reflected both his connections within the Stuart court as well as early personal experiences. While more is known of his later life—his exile with the Stuarts during the Interregnum, his return, and subsequent theatrical endeavors—during the 1630s, Killigrew formed relationships with prominent members of the queen's circle that would influence and sustain him throughout his career. The life of a courtier was almost something of a family trade for the Killigrews. His father Robert, as well as several other family members, served within the court of the Stuart monarchs, and was dependent upon their support and patronage. As a teenager in 1625, Thomas Killigrew began serving as a page and in 1632 as page of honor to Charles I. In 1633 Killigrew attempted to boost his income through petitioning the king, or 'begging estates', to claim any revenue resulting from the charges levied against Catholics.³¹⁷ He often received a favorable answer from the king in these cases and Killigrew was willing, even happy, to make money off the prosecution of Catholics in the early 1630s. Killigrew's earlier literary works were among those written by courtiers close to the Henrietta Maria, and the tragicomedy *The Prisoners* was staged by The Queen's Men at the Phoenix theatre at Drury Lane in 1636, his biographer noting that this “may have been a successful bid for royal favour.”³¹⁸ Among other courtly works produced in this circle was Walter Montagu's *Shepherd's Paradise*, the 1633 masque in which Henrietta Maria performed and which would land William

³¹⁷ CSPD Charles I Vol. CCXLVI 1633-34 Sept 1633, p. 223 “Petition of Thomas Killigrew and David Ramsey, the King's servants, to the King. Bartholomew Frumman of Cheyne [Cheam] in Surrey lodged for three nights, in August last, Henry Flood, alias Francis Smith, alias Rivers, alias Seymons, a Jesuit, dangerous for transporting young persons, who was apprehended there on 18th August. Drue Lovett, of Gray's Inn Lane, did also lodge one Herbert, a seminary priest, for nine weeks in March and April last. Petitioners pray a grant of the benefit which shall accrue from those persons when convicted”.

³¹⁸ See J. P. Vander Motten, “Thomas Killigrew,” *Oxford Dictionary of National Biography*

Prynne in so much trouble. Because of Killigrew's proximity to Montagu and the queen during this time, it has been suggested that this work was in fact penned by both courtiers.³¹⁹

Killigrew's awareness of the theatricality of the possessions and exorcisms at Loudun certainly, at least in part, came from his early involvement in court masques and theatrical performances. Samuel Pepys recorded a conversation he had with Killigrew when he was much older, in which he described his play-watching activities of his youth, writing that Killigrew “would go to the Red Bull, and when the man cried to the boys, 'Who will go and be a devil, and he shall see the play for nothing?' then would he go in and be a devil upon the stage, and so get to see plays.”³²⁰ The fact that he would play a devil on the stage is not insignificant in terms of his assessment of the Loudun possessions. From an early age, Killigrew developed a theatrical awareness of what could be acted and performed. Even playing the role of a devil was itself important, and demonstrated a willingness to take on what were perhaps controversial roles, as well as an eye for how certain roles might be staged through theatrical tricks. As to the question of Killigrew's religious beliefs and allegiance, the historical record is somewhat uncertain. His account of Loudun suggested a certain openness, but there is no explicit evidence that Killigrew ever converted to the Catholic faith. In a letter written to an unknown person in 1660, Killigrew specifically declined an appeal to convert to Catholicism and goes on to denounce it as idolatrous.³²¹

That Killigrew, Montagu, Digby, and George Goring, the original addressee of Killigrew's letter, were all part of the queen's circle at court was not a coincidence, and perhaps helps

³¹⁹ See Karen Britland, “Henry Killigrew and Dramatic Patronage at the Stuart Courts,” in *Thomas Killigrew and the Seventeenth-Century Stage*, Philip Major (ed), (London, 2013), p. 93.

³²⁰ From Pepys' Diary, October 30, 1662, <http://www.pepysdiary.com/diary/1662/10/>, [accessed Jan. 28, 2015].

³²¹ (from *ODNB*) In a letter from Maastricht dated 11 February 1659 and sent to an unknown friend, he declined the latter's offer to become a Catholic, criticizing at length the idolatrous practices of the church of Rome and its position on transubstantiation (Durham University Library, Cosin MS BI 13).

explain why Killigrew wrote the Loudun letter to Goring. Both Montagu and Goring acted on behalf of the King throughout the 30s, traveling between France and Spain carrying messages for him and the queen and were both trusted courtiers. Goring, Montagu and Killigrew were all involved in theatrical pursuits and entertainments at court, of which Henrietta Maria was an active participant and supporter. George Goring the elder was known for his theatrical ability and he, along with Buckingham and others, often entertained King James I while on progresses or hunting trips. After Charles I dismissed much of Henrietta Maria's French household in the late 1620s, he placed Goring within her court to serve as her new vice-chamberlain.³²² Montagu, Digby and Goring were all connected through Buckingham's circle which surrounded the queen after this time. Killigrew's father Robert had also enjoyed a friendship with Buckingham, which was perhaps where the initial connection between the Gorings, the Killigrews, Montagu and Digby began. Montagu was present at Buckingham's assassination and Lord Goring was reported to have been greatly saddened by the news. His son, George Goring the younger, came to court in 1629 and in December of 1630 was appointed one of the court masquers, following in his father's theatrical endeavors. After Buckingham died in 1628, the Gorings became even more closely tied to the queen's circle. While young George was one of the court performers, George senior was appointed Master of the Horse and attended Henrietta Maria on official occasions. At times, he was also known to stage his own entertainments for the queen at his London townhouse.³²³ George became a Colonel in the army and fought in the Low Countries during the 1630s. In 1635, young George was back in London and married to Lettice Boyle, a match arranged by his father a few years prior. He performed in Will

³²² Florence S. Memegalos, *George Goring (1608-1657): Caroline Courtier and Royalist General*, (Hampshire, 2007), p. 12.

³²³ *Ibid.*, 35.

Davenant's court masque *The Triumph of Love* during his time in London, before resuming his post.³²⁴

Like Killigrew, more is known about Digby's and Montagu's later lives, particularly in regards to events surrounding the Civil Wars and their petitioning Catholics for money on behalf of the Royalist cause. However, the visit to Loudun and their time on the Continent in the 1630s solidified their connection with each other as well as their commitment to the Catholic faith. Montagu and Digby were two of the most prominent and openly Catholic figures at court in the late 1630s and the two around whom fears of popish plots were centered. There has been a certain amount of dispute about the dating of Montagu's conversion. Some believe it was before he left for Europe in 1635 and the reason for his departure from London, while others argue that it was after his visit to the Loudun abbey, which also prompted his subsequent trip to Rome.³²⁵ Both Montagu and Digby were mentioned in a letter written from Mr. Howell to Sir Thomas Wentworth in October of 1635, prior to their visit to Loudun, which reported that, "Sir Kenelm Digby is gone over, and Mr. Wat. Montague hath taken the Portion his Father intended him, and gone over an hot Roman to return no more."³²⁶ It seems then that Montagu left for France because of his conversion and wrote to his father to explain himself once he reached the Continent. The Calendar of State Papers records a letter written from Wat to his father, Henry Earl of Manchester, which "[s]tates at length the course of inquiry which had led him to

³²⁴ Caroline Hibbard notes that George Goring was a Protestant commander in Charles I's army during the Scottish crisis. Hibbard, *Charles I and the Popish Plot*, p. 88.

³²⁵ ODNB claims that he departed before his conversion, Caroline Hibbard contends that he was forced into exile because he had already converted. See Hibbard, *Charles I and the Popish Plot*, 36. In a manuscript quoted in the Records of the English Province of the Society of Jesus, Montagu was said to be converted "to the faith by Father Surin," when "he and some other young Protestant resolved, out of curiosity, to go to Loudun to witness the exorcisms of the Ursuline Nuns there." The document is only identified as from the Louvain MS, but is quoted in Henry Foley, ed., *Records of the English province of the Society of Jesus...in the sixteenth and seventeenth centuries*, 7 vols. in 8. (London, 1875-1909), vol. 5, p. 606.

³²⁶ William Knowler, (ed), *The Earl of Strafforde's Letters and Dispatches*, 2. vols., (London, 1739), vol. 1, pp. 474.

abandon Protestantism and embrace the Church of Rome.”³²⁷

Montagu's visit to the abbey at Loudun was arranged by the Archbishop of Tours who instructed Father Surin, the primary exorcist, to demonstrate the miracles of the exorcisms for Montagu and his English companions. This was documented in a French pamphlet, later translated into English, which recounted that

[t]he Reverend Father Surin of the Society of Jesus, having receiv'd a Letter from the Lord Archbishop of Tours, by which he recommended to him to cause that Mr. Montague, a Noble Englishman, might receive Edification by the sight of what pass'd at the Exorcisms; The said Father Surin should diligently apply himself to exorcise the Mother Prioress of the said Nuns, in the presence of the said Mr. Montague, Mr. Killigrew and Mr. Scandret, English Gentlemen, and many other persons of Quality.³²⁸

Although Montagu did not mention Loudun or the impact the experience had on him in his letter to his father, he, like Killigrew, signed the document attesting to the reality of the final miracle and returned to England in 1637 very much devoted to the Catholic faith.³²⁹

Like Montagu, Digby was also a Catholic before he left for France and before his visit to Loudun. Although raised in a Catholic family, Digby converted to the Anglican faith and back again to Catholicism in the 1630s. This wavering is perhaps somewhat based on the need to be outwardly Anglican to receive favors and appointments from the king, but it also seems that Digby genuinely struggled with questions of faith and belief. In 1629-30, Digby, according to the Venetian ambassador, was “moved by ambition, [and] has recently abandoned the Catholic Faith [to] become a Protestant.”³³⁰ In part, this was due to his recent appointment to the Navy Board and the need to take oaths of supremacy and allegiance in order to serve. As Hibbard and others have argued, this was a common practice among crypto-Catholics at court. However, the

³²⁷ *CSPD*, Charles I 1635 Vol. CCCII, p. 497.

³²⁸ N. Aubin, *The Cheats and Illusions of Romish Priests and Exorcists*, (London, 1703), p. 246.

³²⁹ Later, Montagu would become confessor to Henrietta Maria and was made commendatory abbot of a Benedictine monastery at Pontoise. See entry in *ODNB*

³³⁰ *CSP Venice*, 1629-32, sited in *ODNB*

death of his wife Venetia 1633 seems to have prompted a change of heart. In a letter written to Digby in 1636, just after his conversion, Archbishop Laud addressed Digby's "[d]efection from the Church of England," and the questions that might be raised given his wavering between Catholicism and Anglicanism:

And how far you have brought your self in question, which of these two, Conscience or Reputation, you have shaken by this double Change, I leave your self to judge; because you say your first was with a semblance of very good Reason. And though you say again, That it now appears you were then mis-led; yet you will have much ado to make the World think so.³³¹

Laud expressed concern over how people would perceive Digby's vacillation between religious allegiances and that he might be considered fickle in his beliefs. Digby spent two years, between 1635 and 1637 in France because of his re-conversion to Catholicism. What is significant about this in relation to his account of Loudun is that Digby was already a Catholic at the time of his visit; this was known within court circles. Despite what was already public knowledge, Digby nevertheless gave the ambiguous account recounted here, failing to support the validity of the possessions despite what might be considered an ideological alliance with the Capuchin exorcists.

Digby's hesitation to identify with particular Catholics was echoed in other English Catholic sources from the 1630s. Catholic factions within England were greatly divided during this period along the lines of secular and regular clergy. The Jesuits were thought be particularly factious, and many complaints were forwarded to Rome against them, claiming they did more harm than good to forward the Catholic cause in England. In an October 1634 letter written to Richard Smith, the bishop of Chalcedon who had been exiled to France in 1631, George Leyburn outlined the problems he saw in regards to Jesuits and episcopal authority in England:

³³¹ H. Wharton, (ed.), *The history of the troubles and tryal of the Most Reverend Father in God and blessed martyr, William Laud*, (London, 1695), p. 614.

Is it not strang[e]? The Catholiques who were the contrivers of the gunpowder plott were all the Jesuits gostly childeren, and now agayne all our Catholique projecteurs against whom the whole kingdome cryeth fearefully are all the Jesuits childeren directed by them. It were good that the sadle were sett upon the right horse and that all other Catholiques shold make a publique disclaime from thes foule proceedings of the Jesuits and thers. I doe assure you faithfully I doe not speake this out of any the least malice but out of a true zeale to make appeare to our king and country that the Catholique religion will not approve such proceedings. Who can now wonder that thes men were the cheef opp[o]sers of episcopall authority?³³²

Thus the Catholic community was greatly divided. The goal of many Catholics was to unite with the Church of Rome again but there was a sense that the Jesuits prevented this because of their position towards the English monarchy. Some were encouraged by Montagu's position of influence in relation to the queen, and hoped that a reconciliation between the Church of England and the Church of Rome might be possible, not through any dramatic actions, but “rather to slide into it...[and]...introduce the aforesaid doctrines and practizes by degrees.” By doing this gradually instead of all at once, it would become “generally beleevved as a ground that there are noe fundamentall or essentiall differences in religion between the Church of Rome and them.”³³³ Not only was there division amongst English Catholics, many perceived the differences between the Church of England and Rome to be disintegrating as well. For some, this would be the primary cause of revolt against the king, but for others, this confessional ambiguity and slippage provided a way to negotiate court connections and occupy an in-between religious space that was neither rigidly Catholic nor Protestant. Thus Digby's response to the Loudun possessions was not necessarily based on confessional lines and both he and Killigrew construct a certain indeterminate space around the question of religious allegiance, even though one is identifiably Catholic and the other a Protestant.

³³² Michael Questier, (ed), *Newsletters from the Caroline Court, 1631-1638*, (Cambridge, 2005), pp. 232-233. George Leyburn was one of Smith's followers who remained in England and kept him informed about the state of religion in England through newsletters, memoranda and petitions.

³³³ *Ibid.*, p. 274. Instructions concerning the present state of the Protestant Church of England, May 1636.

In part, however, the ambivalence which infused Killigrew's and Digby's accounts of Loudun was also reflective of French religious politics, and the queen's strained negotiations with Richelieu between 1635 and 1637. The trial of Urban Grandier, the priest accused of bewitching the nuns at the Loudun abbey, was a local case with national implications. Richelieu had been involved in the Loudun affair from the beginning and was the one to make the final decision to execute Grandier for his crimes. Beyond that, however, there were some suggestive details that connected the English court with the Loudun affair. The first to accuse Grandier of being a sorcerer was Suzanne Hammon. She was the sister of Catherine Hammon who at the time of the case was in the service of Marie de Médicis, mother of Henrietta Maria. Catherine was associated with Grandier and both were rumored to have penned a pamphlet in 1627 that was critical of Richelieu, under the title *Lettre de la cordonnière de la reine-mère à M. de Baradas*.³³⁴ It was Richelieu who being “unable to suffer more complaints that had been made to him from all sides, counseled the king to bring his authority and send [to Loudun] M. de Laubardemont, to investigate the affair.”³³⁵ De Certeau argues that it was the national implications of the case that sparked Richelieu's involvement in the first place. Grandier had also penned an essay supporting the right of clergy to marry and although he was initially skeptical of the claims made by the possessed women, Richelieu pursued the case “[i]n order to defend at once the royal discipline, the respect for the central power, and the reform of the clergy,” and to make an example of Grandier.³³⁶

Henrietta Maria's strained relationship with Richelieu throughout this time, and Montagu's involvement with the negotiations between the two, suggests a set of religio-political

³³⁴ For further information on the local and national politics of Loudun see de Certeau, *The Possession at Loudun*, pp. 65-107.

³³⁵ De Certeau, *The Possession at Loudun*, p. 73.

³³⁶ *Ibid.*, p. 74.

implications for both Killigrew's and Digby's narratives of the events at Loudun. In England, as has been explored in several cases above, ambiguous bodily signs and flexibility around the meaning of physical evidence allowed writers to shape possession cases for polemical purposes. This same ambiguity and openness allowed Digby and Killigrew to take a position regarding the Loudun possessions that would not be overtly offensive to Richelieu, who had stakes in this matter, nor to courtly figures in England. Both accounts strike an ambivalent chord that reflects a religious politics particular to the 1630s and that, in effect, carved out or performed a middle-ground regarding the legitimacy, or not, of the exorcisms. The striking absence of an unequivocal confessional interpretation of the events at Loudun speaks to the rapprochement that Henrietta Maria considered with Richelieu throughout this period as well as the mixed company that made up her inner circle. Thus, the accounts reflect a religious politics that were shaped by England's relationship with France, as mediated through the queen and her circle and her evolving relationship with Richelieu, as well as by the earlier English cultural contexts that shaped contests over demon possession and exorcism.

Self-Conscious Reproductions

The courtly politics which shaped Killigrew's and Digby's accounts of Loudun also contributed to their concern regarding the possible misreadings or re-interpretations that could imbue their narratives with a different polemical message. A representation of a particular case could be altered through subtle linguistic changes or descriptive choices. Digby's concern with how others might interpret his account of the Loudun nuns, and the ease with which accounts of possession could be used to support a confessional cause through slight alterations, was also evident in Killigrew's letter. Contemporaries who copied Killigrew's letter produced versions of it that tended to (slightly) cast Killigrew's ambivalence to one side or the other. Killigrew's letter

demonstrates that the evidence of the physical body was highly flexible and therefore easy to translate for different polemical purposes. The various versions of the letter and their subtle shaping of the evidence reveals that Killigrew's position was not universally held and that more traditionally binary positions still predominated accounts of demon possession and exorcism.

The modern editors of Killigrew's letter, J. Lough and D.E.L Crane, have argued that the surviving copies of Killigrew's letter betray slightly different confessional positions. Although the variations between the copies of the letter are slight—the elimination of single words or parts of sentences—they contend that these differences reveal a lot about the copyist and the purpose of the letter. Each copy of the text has what appears to be deliberate deviations from one another and Lough and Crane have done a careful reading and comparison of the first three texts, apparently unaware of the copy in the Cecil Papers. They argue that the copy of the letter found in the British Library represents a more Catholic reading, whereas the copies found in the Pepys and Bodleian libraries read as more Protestant interpretations. The Cecil Papers copy can be grouped among the more Protestant accounts as it is the same version as the copy found at the Bodleian within the Ashmole archive. Lough and Crane base their conclusion on an analysis of the various differences between the letters and the copyists' choice between the words 'friar', 'priest', and 'Jesuit' when referring to the exorcists, arguing that a Catholic would have used 'priest' while the less astute Protestant would have, mistakenly, used one of the other two words interchangeably: “No reasonably educated Catholic would make the mistake of calling a Jesuit a friar, and although there is the possibility that there were friars as well as Jesuits involved in the exorcisms...on at least one occasion...it is quite clear that A [Bodleian] and C [Pepys] are referring to the same individual as both friar and Jesuit.”³³⁷ We can include in this the Cecil

³³⁷ Lough and Crane, (eds), “Thomas Killigrew and the Possessed Nuns of Loudun,” p. 260.

Papers copy which follows the same pattern.

The British Library copy also eliminates certain words which Lough and Crane contend that Catholics would have found more offensive. The more Catholic account excludes particular bodily descriptions of the nuns that make them seem physically fragile. There are three instances that the more Catholic version of the narrative excludes bodily descriptions of the nuns that make them seem fragile: “when she sat still you would have thought you could not have strokt her brests too softly her armes & hands soe small & white;” “you would have thought her servant Could only have led her by that hand & not have hurt her;” and “she changed from all her violence to her selfe againe, her selfe softe & sad.”³³⁸ By deleting these three lines, the copyist minimized moments in the text in which the body of the nuns were touched by those present, presumably for the sake of propriety, and by including these lines, the other three letters are more sympathetic to the helplessness of the nuns.

The versions of the letter also differ in regards to the degree of doubt they imply and assert regarding the authenticity of the exorcisms. There were a number of skeptical remarks eliminated from the British Library copy of the letter that occur in the other editions. This demonstrates, perhaps, an effort on the part of the copyist to portray the exorcisms in a more uniformly credible light. The deleted remarks:

but in all his accions I saw little aboue Nature, or a Tumblers expression;” “This last I Confesse I was glad to see, for it confirmed me in beleiving nothing this Devill did or said” [about the nun making strange and ugly faces]; and “I gave soe litle faith to what he said, as I offred (contrary to my resolucon) to doe more then I have done yet or intend to doe, & it was to try if the Devill possesses all or none, but I was refused.”³³⁹

Each of these statements offered a more skeptical conclusion about the actions of the nuns in their possessed states; whether it was the movement of their bodies, their contorted faces, or

³³⁸ Lough and Crane, (eds), “Thomas Killigrew and the Possessed Nuns of Loudun,” lines 147-8, 149-50 and 162-3.

³³⁹ Ibid., lines 105-106; 122-124; 127-130.

their ability (or lack thereof) to read thoughts. The copyist did not change the actual descriptions of the bodies or embellish the account in any way, only eliminated the skeptical remarks that followed in these three places.

What is perhaps more telling about the various copies of the letter, however, is not solely where they differ but in their similarities, particularly between the (Catholic) British Library copy and the (Protestant) others. Aside from the noted omissions above, the letters are identical. The descriptions of the nuns' bodies, their pulse, complexion and movements during the exorcisms, are unaltered. If, indeed, the British Library copyist meant to produce a more 'Catholic' or 'crypto-Catholic' version of Killigrew's account, he did not feel the need to revise or eliminate any of these details in order to make the symptoms that the nuns displayed more credible. The same bodily signs could therefore be used to support either confessional position and could be easily rendered one way or the other. The ambiguity of the body, and particularly of the physical symptoms associated with demon possession, made it possible for copyists of Killigrew's letter to present versions that were more or less skeptical with very subtle alterations to the original text itself. This ambiguity also speaks to Digby's fear that his assessment might be misconstrued or used to support a confessional position that he did not originally intend. Because it was so easy to interpret bodily signs and physical evidence in multiple and sometimes conflicting ways, the same symptom could be cited to support an opposing conclusion or position.

This difficulty and potential danger of using bodily evidence to support a confessional claim is evident in another pamphlet that was published in 1603 on Mary Glover's possession. John Swan published his pamphlet, *A True and Breife Report of Mary Glovers Vexation, and of Her Deliverance by Fastings and Prayer*, after the trial of Elizabeth Jackson had been

concluded and the contest over interpreting Glover's symptoms ostensibly won. Swan, aware that his work might be translated and circulated widely, expressed worry about how others might interpret the case. He writes:

Now if this poore pamphlet being perused, should by the allowance of my brethren chauce to get winges and learne to flie abroad: I see what divers censures will passe uppon it. Some will gaze at it as at an outlandish Owle, and as a thinge fitter to have kept a forraine bush: yet some againe peradventure will speake better of it. How can it be but that I should looke for oppositions and contradictions now after the worke done, seeinge before the same was taken in hand, mennes opinions and speaches were divers, touchinge the parties passions: namely, in that one phisitian (uppon sight of the partie) saide, nihil hic preter dolum, another, nihil doli sed sorte nil preter naturam, another more resolute, It is either diabolically, or at least supernaturall: another Doctour (but not of that facultie) That shee doth not counterfeite, I will be her compurgatoure, another, a worthy Magistrate (who had tried her with fire) to tell me that it is counterfeite.... But as for this poynt concerning oppositions and contradictions of men, I am at a poynt. God knowes the sinceritie of my heart herein, the good have perused and censured this my doinge before it came a broade.³⁴⁰

Swan was anxious, concerned about how others might interpret the contest between the doctors involved with Glover's case and the evidence they used to make their cases. His concern reveals a self-consciousness around the physical body in relation to confessional politics. The danger was that the signs of illness and the evidence drawn from the physical symptoms were so easily translatable that they could be used to support an entirely different account of the possession, undermining Swan's original claim that Glover was genuinely dispossessed through fasting and prayer. While Swan was worried about the translation of his pamphlet, it is probable that Digby and Killigrew were more concerned about how those at home might interpret their accounts.

That Killigrew's letter is shaped by and performs a religious ambiguity that was made possible (or necessary) by the peculiar courtly and transnational politics of the decade leading up to the Civil Wars is demonstrated by his wavering skepticism, the inconclusiveness of his physical descriptions of the nun's bodies, as well as the lack of a final assessment as to the

³⁴⁰ Swan, *A True and Breife Report of Mary Glovers Vexation*, pp. 66-67.

authenticity of the exorcisms. Although he attempts to rely on physical proof, he represents his direct, eyewitness and hands-on experience as not leading to certainty one way or the other, just to ambivalence and a sense of uncertainty. It is possible that this was a religious position that worked for Killigrew, given his involvement in Henrietta Maria's circle and at court. It is also possible that given the contemporary state of medical knowledge and the contested art of reading bodies for proof, it would have been difficult for him to interpret the nun's bodily signs any amount of certainty. Killigrew's letter also reveals the possibility of a position or point of view that was often glossed over by other accounts of possession and exorcism at this time, one that did not specifically argue for one religious side or the other, but that occupied an in-between space of religious ambivalence. Religio-political claim-making about demon possession and exorcism often presented bodily knowledge as an unproblematic source of proof. However, bodily evidence was never straightforward in possession cases and relying on the body as a source of knowledge had to be manipulated and accounted for if it was to be successfully used on behalf of a confessional standpoint.

PART 2: ANNE GREENE

CHAPTER 3

**The Case of Anne Greene:
Politics, providence, and ambivalent miracles in 1650s' Oxford**

When Anne Greene's body began to exhibit subtle yet perceivable signs of life on an Oxford dissection table in 1650, it was a shock to all who were present. By the time she had been transported to the apothecary's house where the anatomy, or autopsy, was to be performed, she had already suffered execution by hanging. Although she had hung by the neck for upwards of a half an hour, her friends and others at the gallows had tried to hasten and ensure her death, pulling on her legs to add weight to the noose, hitting her in the chest and stomach with a musket (perhaps to break her neck), and trampling on after she was taken down. The crime for which she was charged and found guilty was the murder of a bastard child, which she had delivered alone and whose body was discovered by a fellow servant in a privy. The 1624 'infanticide' statute ensured that Greene received the most severe punishment because of the circumstances of her case: she had not told anyone of the pregnancy and there were no witnesses to confirm whether or not the infant had been born dead, as she had claimed, or if she had intentionally caused the death.³⁴¹ When Anne was found alive on the dissection table, a

³⁴¹ On the crime of infanticide in relation to evidence throughout this period, see Laura Gowing, "Secret Births and Infanticide in Seventeenth-Century England," *Past & Present*, No. 156, (Aug. 1997), pp. 87-115; Mark Jackson, "Suspicious infant deaths: the statute of 1624 and medical evidence at coroners' inquests," in Michael Clark and Catherine Crawford (eds), *Legal Medicine in History*, (Cambridge, 1994), pp. 64-88. In May 1624, the Act 'to prevent the Destroying and Murthering of Bastard Children' was passed, and read as follows: "Whereas many lewd Women that have been delivered of Bastard Children, to avoid their Shame, and to escape Punishment, do secretly bury or conceal the Death of their Children, and after, if the Child be found dead, the said Women do alledge, that the said Child was born dead; whereas it falleth out sometimes (although hardly it is to be proved) that the said Child or Children were murdered by the said Women, their lewd Mothers, or by their Assent or Procurement: For the Preventing therefore of this great Mischief, be it enacted by the Authority of this present Parliament, That if any Woman...be delivered of any Issue of her Body, Male or Female, which being born alive, should by the Laws of this Realm be a Bastard, and that she endeavour privately, either by drowning or secret burying thereof, or any other Way...so to conceal the Death thereof, as that it may not come to Light, whether it were born alive or not, but be concealed: In every such Case the said Mother so offending shall suffer Death as in Case of Murther, except such Mother can make proof by one Witness at the least, that

number of prominent Oxford doctors worked to revive her over the course of several days until she was restored to perfect health, much to the amazement of university men and community members alike. Anne's extraordinary case—her trial, execution and resuscitation—generated a series of contemporary accounts in letters, news-books, and pamphlets, and intersected with a number of the medical, legal, and religio-political contests of the period.

On the surface, Greene's is a familiar story. At twenty-three, she was a servant in the household of Sir Thomas Read and became pregnant, according to her account, by his grandson Geoffrey. Young, unmarried, female servants were socially and physically vulnerable, and it is not surprising that her case unfolded as it did. After the secret birth, the infant was discovered and the Reads notified the constable who took Anne into custody. During her interrogation, she confessed that she had engaged in sexual activity with Geoffrey, whether consensually or not is unclear, but maintained that she had not killed the child. Not only had the child been born dead, she asserted, she had not even known she was pregnant in the first place, which explained why she had not sought out help during the delivery. Initially, however, these details were ignored in favor of what, according to the law, were more certain and damning proofs: she had not made her pregnancy known; she had given birth alone to an illegitimate child; and she had attempted to conceal the child's body. Taken together, these 'proofs' ensured a guilty verdict. It was only after Greene was revived that the specific physical details of the case were interrogated and weighed against the initial evidence that had condemned her.

While Greene's initial trial unfolded in the same way as many other infanticide cases did,

the Child (whose Death was by her so intended to be concealed) was born dead." Cited in Jackson, "Suspicious infant deaths," pp. 66-67. Jackson also notes that the statute marked a departure from the common law as guilt was determined based on presumption and not on evidence in the strict sense, as in the form of a witness. Thus, the only evidence needed to find a woman guilty of murdering a bastard infant was that she had given birth without a witness, as the statute itself noted how difficult it was to determine between live and still births, or to accurately judge how an infant had died for legal purposes.

the ensuing accounts of her case offered entirely different perspectives from those normally presented to the reading public and raised a series of issues that often remained undiscussed. The fact that she had survived her execution opened the space for alternate representations of infanticide and exposed a set of conflicts regarding evidentiary standards and the ambiguity of physical proofs. Scholars such as Mark Jackson have argued that many early modern people felt that the 1624 statute was too harsh in its divergence from common law standards of proof and its presumption of guilt based on circumstantial evidence.³⁴² In this chapter, I want to argue that the discussions provoked by Anne Greene's unusual case exposes the legal and medical uncertainties that could create anxiety about the law on infanticide. These included the difficulty of diagnosing pregnancy or determining the cause of death in newborns; how to read bodily signs to determine facts, especially when there could be multiple meanings; and the question of who had both the knowledge and authority to interpret physical signs in order to make legal judgements. The evidence obtained from bodies of suspected mothers and their dead babies was uncertain: the same bodily sign could point to conflicting truths and indicate different facts. Although the Act of 1624 attempted to circumvent these ambiguities altogether, Greene's case reveals that debates about physical evidence, and the ability to interpret physical signs in multiple ways, were on-going, informed the legal process, and shaped the polemical pamphlets that told her story. And, of course, the reason that any of these legal issues of evidence and proof were discussed at all was that Anne had, in what seemed to many to be a miracle, survived her execution, an event that subverted the normal course of justice and grounded claims that her case and her survival had providential significance.

Not surprisingly, Greene's case received a lot of attention at the time and there were

³⁴² Gowing, "Secret Births and Infanticide in Seventeenth-Century England," p. 114.

several different versions of her story that circulated in the days and months following her resuscitation. William Petty, the primary Oxford physician involved in restoring Anne's health, wrote to Samuel Hartlib on December 16th, 1650, just two days after the failed execution had occurred.³⁴³ Petty also recorded a detailed account of his efforts to resuscitate Greene, including chemical recipes he had used and a copy of the petition he sent to obtain her pardon. Based on the degree of overlap between them, Petty's manuscript, or a version of it, appears to have been the basis for the pamphlet that appeared later on in 1651 under the title *Newes from the Dead*, by Richard Watkins.³⁴⁴ However, Watkins' was the last of the sources printed for a popular audience.³⁴⁵ The first public news of her trial, execution, and revival were included in the English Republic's official newsletter writer Marchamont Nedham's *Mercurius Politicus*, in entries from December 1650 and January 1651.³⁴⁶ Two additional pamphlets appeared before Watkins', including W. Burdet's, *A Wonder of Wonders*, and the anonymous *A Declaration from Oxford, of Anne Green*, both of which presented a slightly altered and more providentially inflected version of the story than those given by Petty, Nedham, or Watkins.³⁴⁷ Among the more providential accounts, Anne's recovery is posited as a miracle; God's divine intervention that not only verified her innocence, but also offered a strong message of judgement on a corrupt and inefficient legal system. Others used the event to critique the legal system that

³⁴³ New Haven, Connecticut, Yale University, Beinecke Rare Book and Manuscript Library, OSB MSS File 16797; a copy of the letter can also be found at Sheffield University Library, MSS Hartlib Papers, 8/23/1A-2A, cited in Scott Mandelbrote, "William Petty and Anne Greene: Medical and Political Reform in Commonwealth Oxford," in Margaret Pelling and Scott Mandelbrote (eds), *The Practice of Reform in Health, Medicine and Science, 1500-2000*, (Burlington, 2005), p. 125.

³⁴⁴ Richard Watkins, *Newes from the Dead*, (Oxford, 1651).

³⁴⁵ The date of the appearance of each of the accounts is significant, particularly in relation to Watkins' pamphlet as he asserted in the opening of his pamphlet that he wrote to refute the providential accounts of her revival that had been "variously and falsely reported" in the other two pamphlets. Watkins, *Newes from the Dead*, sig A2.

³⁴⁶ *Mercurius Politicus*, 28 (12 December to 19 December 1650), pp. 468-9; and *Mercurius Politicus*, 32 (9 January to 16 January, 1651) pp. 520-1.

³⁴⁷ W. Burdet, *A Wonder of Wonders*, (London, 1651); Anon., *A Declaration from Oxford, of Anne Green*, (London, 1651); for the timing on the publication and circulation of these various sources, see Mandelbrote, "William Petty and Anne Greene," pp. 126-132.

found her guilty, and questioned the judge and jury's ability to accurately assess the physical evidence. Petty and Watkins largely ignore the issue of divine intervention and focus instead on the physical evidence overlooked during her trial, which, they argued, proved she had been innocent all along and wrongfully convicted. And, not insignificantly, at the end of his account, Watkins included poems and verses about the Greene case which were written by some of Oxford's undergraduates at the time, including Anthony Wood and Christopher Wren, that painted a much more skeptical and complex account of Greene's recovery. While Watkins's narrative in significantly mirrored Petty's interpretation of the meaning of Anne's recovery, the content of the poems served to undermine the reliability of the body, particularly the female body, as a source of evidence.

In part, the attention and publicity Greene's story received was due to the notoriety of the doctors and scholars involved in her resuscitation. Oxford University was at the centre of medical and scientific reform throughout the mid-to-late seventeenth century and some of the most significant members of that intellectual community—including, among others, William Petty, Thomas Willis, Ralph Bathurst and Henry Clerke—were involved in the medical work to restore Greene's health. This group was among those most dedicated to the experimental method who argued that medical knowledge should be based on hands-on anatomical dissection and research. Anne's resuscitation gave a certain amount of fame to participants in this learned circle that would last throughout their careers, and many of those associated with her case were involved in founding the Royal Society in the 1660s. After they revived her, Greene's physicians petitioned for a legal pardon to clear her of the murder charges, making their argument on the physical evidence of symptoms Anne had experienced and on the state of the body of the infant, which they argued proved it had been born prematurely and had not been

viable in the first place.

The Read family themselves were also a factor in the attention that news-mongers and pamphlet writers paid to the case, although not much is known about them from the period of Anne's trial. Sir Thomas Read, grandfather to Geoffrey and the force behind Anne's prosecution, was a knight and the lord of manors in Appleford, Barton Court, Northampton and Oxford, among others. He had obtained his land and estate holdings in the parish of Duns Tew, where Greene was a servant, by 1610. Read was familiar with the law and legal matters, having been a student of the Middle Temple in 1594, and had served as High Sheriff of Oxfordshire in 1615. The Read family was somewhat controversial in the area, however, and had come into conflict with other residents of Duns Tew throughout the early to mid seventeenth century, mostly over land holdings.³⁴⁸ In the years leading up to the Civil Wars, Read was on familiar terms with King Charles I, had hosted him a number of times at Barton Court, and contributed to the widely unpopular forced loan of 1626-7. During the Civil War, Read supported the King and fought for the Royalist side. In 1645 when the New Model Army and King Charles's men prepared to clash just outside of Oxford, Read was captured delivering a message on behalf of the King and taken into custody. Despite his Royalist loyalties, it seems that after his capture Read quickly changed his allegiance to support the Parliamentarians, and the Journals of the House of Commons noted that he was subsequently appointed to serve on the Committee for the County of Oxford in 1646. By 1650, however, his place vis-a-vis Parliament and Cromwell appears to have been somewhat more precarious as the Council of State proceedings for

³⁴⁸ Robert Paine, a freeholder in Duns Tew, probably quarreled with Thomas Read in the late sixteenth century over issues related to land-holding and non-residence, which caused him to relinquish his copyhold in 1588. See A P Baggs, Christina Colvin, H M Colvin, Janet Cooper, C J Day, Nesta Selwyn and A Tomkinson, 'Parishes: Duns Tew', in *A History of the County of Oxford: Volume 11, Wootton Hundred (Northern Part)*, ed. Alan Crossley (London, 1983), pp. 209-222. *British History Online* <http://www.british-history.ac.uk/vch/oxon/vol11/pp209-222> [accessed 5 May 2016].

September 12th recorded that “The Lords Commissioner of the (great) seal...leave out the names of Vincent Barry of Thame, Sir Thos. Reade and Wm. Wheat, of Oxfordshire in the Commission of the Peace, they refusing to act thereon.”³⁴⁹ Very little is known about Geoffrey Read, Sir Thomas's grandson and the supposed father of the child. He was born to Thomas Read, son of Sir Thomas Read, in 1634 and baptized at St. Mary's in Burford. His older brother Compton fought for the Cavaliers, defending the family manor of Barton Court until it was burned to the ground, probably in 1646.³⁵⁰ But Geoffrey was only 16 in 1650, and had perhaps come to be at odds with his grandfather—he was mentioned by name in Sir Thomas's will, but received nothing of the family money or lands. Not much more is known of his life after the Anne Greene affair.³⁵¹

Almost more significant than the prominent men involved, however, was the topic of Greene's story and the extraordinary and titillating details of the case itself. Charged with killing her newborn child, executed, and brought back from near death, Anne's experience contained all of the elements that enlivened the popular pamphlets and crime narratives of the period.³⁵² Pamphlet writers frequently drew from sensational cases of murder and infanticide, often describing the gory details in conjunction with a particular providential message that the author wished to highlight. As Peter Lake has argued, the genre of murder pamphlets combined

³⁴⁹ Historical information on the Read family, including their political allegiance and interaction with King Charles I and Henrietta Maria, is collected in Compton Reade, *A Record of the Redes of Barton Court*, Berks, Hereford: Jakeman and Carver, High Town, 1899, https://books.google.com/books?id=cqtCAAAYAAJ&printsec=frontcover&source=gbs_ge_summary_r&cad=0#v=onepage&q&f=false [May 17, 2016]; the above citation is found at p. 22; It seems that Thomas senior was not the only Read to change allegiances in the mid seventeenth century. His son John, born 1617, was summoned to contribute to war expenses in 1646, which he refused to do. He was pardoned by King Charles II in 1660 for failing to contribute and for taking office under the Protectorate. See *A Record of the Redes of Barton Court*, p. 32

³⁵⁰ *Ibid.*, p. 41; After the Restoration in 1660, Compton was created a Baronet for his services to the Crown during the Civil War.

³⁵¹ *Ibid.*, p. 47

³⁵² See Alexandra Walsham, *Providence in Early Modern England*, (Oxford, 1999); Peter Lake, “Deeds against nature: cheap print, Protestantism and murder in early seventeenth-century England,” in *Culture and Politics in Early Stuart England*, Kevin Sharpe and Peter Lake (eds), (Stanford, 1993), pp. 257-284.

graphic and visceral accounts of male and female culprits and the details of their crimes, as well as descriptions of the sinful path that had led them to committing them. The offenders were represented as an inversion of the social order in some way. Women accused of infanticide were framed first as whores wherein their initial offense was engaging in sex outside of the bonds of marriage and thereby subverting the social order and their proper role as submissive wives. Many of the infanticide pamphlets emphasized the unbridled sexuality and freedom of the woman involved.³⁵³ Secondly, they were characterized as anti-mothers having inverted the natural relationship between the mother and child in the most grievous of ways.

Murder pamphlets not only explored this 'world turned upside down', but also how it was righted again through the execution of the felon. However, the execution alone was not enough to remedy the social break that had occurred. Pamphlets often included conversion narratives around the days and moments before the execution. God's providence could be seen working not only to reveal the identity of the murderer to the community, but also to bring about his or her repentance. Lake describes this cycle as one of "infraction, inversion and reaffirmation," arguing that repentance was "the moral hinge, whereby a world turned upside-down by the crimes recounted in the pamphlets could be righted and the moral and religious values which underlay the social order reaffirmed."³⁵⁴ Pamphlet writers described both the

³⁵³ Among some of the pamphlets on mothers charged with murdering their infants or children are: *Deeds Against Nature and Monsters by Kind*, (London, 1614); Henry Goodcole, *The Adulteress's Funeral Day in Flaming, Scorching and Consuming Fire*, (London, 1636); Goodcole, *Heavens Speedy Hue and Cry*, (London, 1635); Goodcole, *Nature's Cruel Step-dames*, (London, 1637); *A Pitiless Mother, that Most Unnaturally at One Time Murdered Two of her Own Children*, (London, 1616); *The Arraignment and Burning of Margaret Ferneseed*, (London, 1606); and, *The Bloudy Mother*, (London, 1609).

³⁵⁴ Lake, "Deeds Against Nature," p. 276. Lake also examines pamphlets in which repentance does not take place, thus undermining the process of reaffirmation. However for my purposes, I am interested in the general themes within the murder pamphlet and what the broad purpose of those narratives were, so will forego a longer discussion of the possible variations for the time being. Lake is also primarily interested in the flexibility of the form itself, arguing that the murder pamphlet was at once a popular and religious medium—it could be exploited by puritan and other writers specifically because the genre itself was open to polemical interpretations. Where Lake explores the openings of the murder pamphlet as a genre, I examine the physical ambiguities involved in the cases that formed the substance of these multiple and varying interpretations.

words and behavior of the accused in the moments before their death as evidence of their contrition. By incorporating repentance, the execution of the convict came to represent “the ultimate triumph of the justice and mercy of God over sin and the devil.”³⁵⁵ However, while Greene's case contained all of the essential and tantalizing details—illicit sex, an unwed mother, a deceased infant, a trial, and an execution—other elements of her story did not easily fit within the possible “infraction, inversion, reaffirmation” narrative arches that pamphlet writers used to frame such events.

In many ways, Anne's was an anti-inversion tale. Although she repented of her illicit sexual relationship with Geoffrey, she claimed to be, and was later found, innocent of the crime and did not experience a 'conversion' moment. She was never portrayed as a lewd or sinful woman, and writers emphasized that her death did not restore the social order but rather opened it to critique. In some accounts, Greene's innocence and steadfast character were highlighted to reveal a corrupt legal system, and her recovery represented God's divine judgement against various elements of society. Other writers downplayed the providential, but warned that both judges and juries needed a better understanding of physical evidence in order to make accurate legal verdicts. While the murder pamphlet genre usually emphasized individual sin and divine intervention for the purpose of conversion, Greene's story, her revival, and subsequent legal pardon, were interpreted to offer a different kind of message.

Had Greene's execution been successful, one can imagine the narrative that might have been told of her: a cautionary story of a woman guilty of killing her newborn and obstinate in her refusal to confess her sin before her death. However, the fact that she maintained her innocence and survived allowed for a different kind of reading of the incident and exposed a

³⁵⁵ Lake, “Deeds Against Nature,” p. 279.

series of anxieties at the heart of her story, and of infanticide more broadly speaking. Whereas issues of evidence, legal procedure, and determinations of guilt or innocence were often glossed over in many crime narratives, these became the focus of the accounts of Greene's case. Writers examined the physical and forensic evidence in her case, arguing that they were crucial in making an accurate legal judgement. However, they also betrayed a pervasive and continuing sense that signs on the body and physical evidence could be deceptive, difficult to interpret, and inconsistent. Greene's case revealed a set of tensions around the assessment of infanticide, exposing to full view the pervasive sense that the body could both provide truth and conceal it, could be both a necessary source of evidence and profoundly unreliable. Writers also wrestled with the meaning of her resuscitation: had she actually died and miraculously come back to life, or was there a natural explanation? For death itself could be an ambiguous state and not entirely self-evident. Like pregnancy, death was difficult to determine and in some cases uncertain, and so polemicists could exploit this epistemological indeterminacy to interpret Anne's resuscitation in a variety of ways. Thus, some could mobilize Anne Greene's case, and her mistaken conviction, to argue for legal reforms based on the better use of medico-legal knowledge and facts. For others, her survival spoke of God's judgement of a corrupt and inefficient legal system.

In three distinct parts, I examine the set of issues and contests that Anne Greene's case reveals, and situate them in both broad and localized contexts. Chapter three explores the primary sources related to Greene's case, setting them within the context of 1650s' Oxford and the careers of the individual actors involved. The accounts of her story differed in both minor and significant ways, reflecting personal motives as well as a variety of concerns and debates particular to Commonwealth Oxford and Interregnum England. Polemicists interpreted the

details of the case—the physical evidence in the initial trial as well as her miraculous recovery—to make parallel but significantly different arguments for law reform. The more providentialist accounts highlighted the miraculous elements of the case, and claimed that her recovery represented God's divine judgement of a corrupt legal system. While calls for legal reform are generally associated with the Levellers, this set of documents reveal that these arguments were made by others as well.³⁵⁶ Other accounts downplayed providential readings of the physical details and interpreted her recovery through a naturalistic lens. They did so both because of the potentially fraught nature of providential signs at this particular moment as well as personal alliances that required a careful interpretation of anything 'miraculous'. Instead, they argued that physical evidence was necessary to reach accurate legal verdicts and that experts, particularly trained physicians, should be called to interpret ambiguous bodily signs for judges and juries. However these sources also betray an underlying concern that those signs could be deceptive and ambiguous, and therefore not trustworthy sources of evidence.

Chapter four addresses the contention that the body was a reliable source of evidence and that the legal process should reflect that fact, particularly as it pertained to the murder of a newborn child. Situating this argument broadly within cultural and medical contexts reveals a tension between two competing ideas about physical evidence. I examine Anne's claim that she did not know she was pregnant, and consider whether and why this was believable based on evidence drawn from other contemporary trials, from medical literature, and from the records of individual women's consultations with their physicians. I will also explore the issue of stillbirths and the methods and theories used to make judgements about whether or not an infant

³⁵⁶ On Leveller reform movements in this period, see Donald Veall, *The Popular Movement for Law Reform 1640-1660*, (Oxford, 1970); G.E. Aylmer, (ed), *The Levellers in the English Revolution*, (London, 1975); and Ann Hughes, "Gender and politics in Leveller literature," in *Political Culture and Cultural Politics in Early Modern England*, Susan D. Amussen and Mark A. Kishlansky, (eds), (Manchester, 1995), pp. 162-88.

had been born alive. Because the mother's own testimony regarding this was deemed untrustworthy, these documents offer examples of contemporaries debating physical signs and the extent to which they could be admitted or trusted as evidence. I argue that, on the one hand, many believed that bodily evidence could be interpreted accurately and was a necessary form of proof, particularly in cases of infanticide. However, this idea existed in tension with a pervasive medical and cultural preoccupation with the idea that bodily signs could be deceptive and therefore problematic as a base for establishing evidentiary facts. This uncertainty was often not explicitly evident in legal documents or popular pamphlets, but the ambiguity of the body and the difficulties of interpreting physical signs appear regularly in doctor's consultation notes, in medical and midwifery texts, as well as in coroners' inquests.³⁵⁷

In the final section of the chapter, I explore the topic of death, particularly regarding the perceived ambiguity of the state of death, or what I will call 'apparent death', and the uncertainty surrounding its diagnosis. Medical texts detailed various signs to help determine when death had occurred, but also stressed that it could be difficult to assess, particularly in the case of women. There were competing explanations for why someone might survive an execution, some based on miraculous explanations of divine intervention and other based on naturalistic arguments. Stories about being buried alive also emphasized the uncertainty of the state of death and that signs could be misleading or wrong. The ambiguity of the signs of death left room for polemicists to interpret those signs for religious and political ends, as in the case of Anne Greene.

³⁵⁷ The exception to this is contemporary literature on the crime of witchcraft and how to use physical evidence to determine guilt or innocence, which is discussed in greater detail in the full chapter draft. See Shapiro, *Beyond Reasonable Doubt and Probable Cause*, pp. 164-68 & pp. 209-12.

Anne Greene's Case: The Secondary Sources

Anne Greene's story is well known and scholars have explored the material on her execution and recovery from a variety of perspectives. Some have examined the sources as an event in the history of medicine, positing various explanations for why the execution had failed and paying particular attention to the methods that her doctors used to restore her health. Often the purpose of these scholars is to provide a medical explanation for why she lived and, in doing so, interpret early modern medical marvels through a modern diagnostic lens. In 1982, an article by J. Trevor Hughes in the *British Medical Journal* outlined the basic details of Anne's case, drawing primarily from Richard Watkins's 1651 pamphlet, *Newes from the Dead*.³⁵⁸ Hughes argued that this was a case study in the history of resuscitation, and paid particular attention to the physical details of her recovery, including her pulse, urine, bruising, and memory. S. G. Braye and G. Guy, responding to Hughes, suggested that Anne's failed execution and recovery was an example of "post suspension syndrome," demonstrated by the particular details of her symptoms. They proposed the need for a better understanding of this syndrome given that many, not just Greene, have suffered from it in response to a hanging, accidental or otherwise, that does not involve a drop.³⁵⁹ An earlier study suggested that Anne's execution had failed due to the positioning of the rope and the toughness of her cervical spine, and that the stay of a second execution reflected a movement toward what the author described as more "common sense" legal practices.³⁶⁰

Laura Gowing has argued that the Greene case illuminates some of the legal

³⁵⁸ J. Trevor Hughes, "Miraculous Deliverance of Anne Green: An Oxford Case of Resuscitation in The Seventeenth Century," *British Medical Journal* (Clinical Research Edition), Vol. 285, No. 6357, pp. 1792-1793.

³⁵⁹ S. G. Braye and G. Guy, "Miraculous Deliverance of Anne Green," *British Medical Journal* (Clinical Research Edition), Vol 286, No. 6364, p. 556.

³⁶⁰ Bent Juel-Jensen, "News from the dead: the remarkable history of Anne Green," *Oxford Medical School Gazette*, vol. 14, (1962), pp. 135-40.

complexities of prosecuting infanticide, particularly with regards to issues of publicity and pregnancy, and changing modes of knowing and interpreting women's bodies. She is primarily interested in examining how patriarchy functioned within women's relationships, and contends that while Greene's story is a rare example of women providing evidence to protect a suspect, the pamphlet accounts of her life ultimately reflect the concern that women and their bodies were unreliable.³⁶¹ Joad Raymond has examined the various Greene documents in the context of cheap print throughout the period, arguing that they fall within the “generic and formal conventions of pamphlet reportage and storytelling.” He uses Anne's case to demonstrate that wonder pamphlets used the strangeness of the story as a specific strategy, wherein strangeness was “complementary to truth, that...could indicate that a true story was expressively significant.”³⁶²

On the other hand, in the most detailed study of Anne Greene's case to date, Scott Mandelbrote argues that the details of Greene's case did not sit easily with ideas about the miraculous or with providential narratives.³⁶³ Instead, he examines the documents within their particular Oxford setting, especially in relation to the life and career of William Petty. This is not surprising given that Petty himself attributed the early fame and success he enjoyed in his career to the notoriety he received from his involvement with Greene.³⁶⁴ Mandelbrote suggests

³⁶¹ Laura Gowing, *Common Bodies: Women Touch and Power in Seventeenth-Century England*, (New Haven, 2003), cf. pp. 48-50.

³⁶² Joad Raymond, *Pamphlets and Pamphleteering in Early Modern Britain*, (Cambridge, 2003), pp. 114-5.

³⁶³ Mandelbrote, “William Petty and Anne Greene,” p. 136.

³⁶⁴ In a diary entry from March 22, 1675, John Evelyn notes that he “[s]upped at Sir William Petty's, with the Bishop of Salisbury, and divers honorable persons. Sir William was the son of a mean man somewhere in Sussex, and sent from school to Oxford, where he studies Philosophy, but was most eminent in Mathematics and Mechanics; proceeded Doctor of Physic, and was grown famous, as for his learning so for his recovering a poor wench that had been hanged for felony; and her body having been begged (as the custom is) for the anatomy lecture, he bled her, put her to bed to a warm woman, and, with spirits and other means, restored her to life.” Given Petty's moderate account of the Greene case, and his seeming desire to avoid the more controversial issues that it raised, it is interesting to note Evelyn's description of him, recorded in the same entry: “Sir William was, with all this, facetious and of easy conversation, friendly and courteous, and had such a faculty of imitating others, that he would take a text and preach, now like a grave orthodox divine, then falling into the Presbyterian way, then to the fanatical, the Quaker, the monk and friar, the Popish

that Petty's account reflects a reformed approach to medicine and physiology, and is indicative of his interest in chemistry, anatomy, and useful knowledge based on experiment and observation.³⁶⁵ Additionally, Mandelbrote contends that Petty's desire to downplay the miraculous and more contentious issues that the Greene case raised reflected his complex networks of patronage and collaboration as well as the political upheaval of Commonwealth Oxford.

Scholars have thus uncovered the gendered, social and media dynamics at work in Anne's trial and have identified Petty's account as part of a movement for medical reform, and I draw from these valuable insights in my own analysis. However, I argue that the Greene case can be situated in a much broader set of legal, cultural and medical contexts, all linked to a broader history of polemicized interpretations of ambiguous bodily evidence and conflicting epistemologies of bodily signs.

William Petty, Medical Skill, and the Ambivalent Miracle

William Petty's account of Greene focused primarily on the actions he took to restore her health and although he described the event as a miracle, he avoids any discussion of what this miracle might mean. In his initial letter to Samuel Hartlib, Petty described the physical evidence that had convinced him that Anne was innocent of murder, reported the details of her execution, and discussed the physical signs that had indicated to him that she was still alive. He offered no alternative explanation for why Anne had survived the hanging other than to say it was

priest, with such admirable action, and alteration of voice and tone, as it was not possible to abstain from wonder, and one would swear to hear several persons, or forbear to think he was not in good earnest an enthusiast and almost beside himself." in William Bray (ed.), *The Diary of John Evelyn*, vol. II, (London, 1901), pp. 99-101.

³⁶⁵ Mandelbrote, "William Petty and Anne Greene," pp. 125-150; Robert G. Frank, Jr. also makes this argument about the Greene case in his article "Medicine," in *The History of the University of Oxford. Volume IV: Seventeenth-Century Oxford*, Nicholas Tyacke (ed), (Oxford, 1997), pp. 505-58; Ted McCormick views Petty's interaction with Anne Greene as an event in his early career as he sought to better his reputation, and his account of the case as a testament to his thoroughness and attention to minute medical details. See Ted McCormick, *William Petty and the Ambitions of Political Arithmetic*, (Oxford, 2009), pp. 74-79.

'miraculous', however the remainder of his letter outlined the step-by-step process he took to revive Anne and emphasized his own medical skill. When he reported that “thousands of people come from all parts to admire the great and powerfull hand of God,” one wonders whether Petty was referring to his own hands and handiwork.³⁶⁶ Not only did he shy away from offering any systematic providential interpretation of the event, he also noted in his letter to Hartlib that Anne had no memory of her execution and “suspecting that the Women about her might suggest unto her to relate of strange Visions and apparitions to have been seen by her in that time wherein she seem'd Dead” he had ordered “all to depart the Room, but the other Gentlemen of the Faculty.”³⁶⁷ Worried that Anne might be open to persuasive ideas about supernatural visions, Petty conveyed that only he and his fellow doctors could be trusted to provide an accurate and unbiased narrative of Greene's experience.

Shortly after Petty and his colleagues began the work of restoring Anne's health, they sent a petition to the court to secure her legal pardon, and thus a reprieve from the second execution demanded by the law.³⁶⁸ Petty based this petition on particular physical proofs, placing little stress on the 'miraculous' nature of Anne's survival. He asserted that the physical proofs, which he outlined in detail, definitively demonstrated that Anne had been innocent all along, and he argued that judges and juries were not generally equipped to accurately assess bodily signs. That Petty shied away from a providentialist reading of the Greene case reflects his diverse political connections at the time, his own intellectual commitments, as well as the fact that providentialist discourse had become steeped in religio-political factionalism.

³⁶⁶ Hartlib Papers MSS, 8/23/1B.

³⁶⁷ As reported by Needham in *Mercurius Politicus*, January 9, 1651, Issue 32, p. 520.

³⁶⁸ In his legal guidebook *Pleas to the Crown*, legal theorist Matthew Hale stated that “[i]f the party be hanged and cut down and revive again, yet he must be hanged again, for the judgment is to be hanged by the neck till he be dead.” Hale, *Pleas of the Crown*, vol. I, p. 411.

Petty was associated with, and supported by, a politically and religiously diverse group of people throughout this early period of his career. Having completed much of his initial (Jesuit) education in France, Petty was acquainted with many of the exiled English royalists and Catholics who resided there in the 1640s, including William Cavendish and Kenelm Digby. When Petty returned to England in 1646, he quickly became part of Samuel Hartlib's intellectual circle, many of whom were radical puritans, independents, and supporters of the parliamentary cause. Hartlib, John Dury, and Cheney Culpeper, backed the parliamentary movements of the 1640s and linked scientific pursuit with religious reform. The puritan movement, as Charles Webster has argued, was in many ways aligned with the new philosophy and experimental science. Hartlib and those that shared his vision “operated under a deep sense of religious obligation, convinced that their aims were sanctioned by providence as appropriate to the penultimate stages of history.”³⁶⁹

Many of Petty's Oxford colleagues, on the other hand, had supported the Royalist cause during the Civil Wars. After the 1646 surrender of Oxford to parliamentary forces, roughly half of the Royalist and Anglican academics were expelled from the College and replaced with those who were sympathetic to the parliamentary cause. Some who had supported the king were able to retain their positions and (after the regicide) ambivalently accepted the political authority of the Republic.³⁷⁰ Among them were Ralph Bathurst and Thomas Willis, both of whom were present and assisted in Anne Greene's revival.³⁷¹ Petty personally benefited from the post-war changes in Oxford. Having received his MD in 1650, he was made a Fellow of Brasenose

³⁶⁹ Charles Webster (ed.), *Samuel Hartlib and the Advancement of Learning*, (Cambridge, 1970), p. 3.

³⁷⁰ On the Engagement controversy and possible justifications for taking the oath, see Quentin Skinner, “Conquest and consent: Thomas Hobbes and the Engagement controversy,” in G.E. Aylmer, ed. *The Interregnum* (London, 1972), pp. 79-98; and Edward Vallance, “Oaths, Casuistry, and Equivocation: Anglican Responses to the Engagement Controversy,” *The Historical Journal*, Vol. 44, No. 1 (Mar., 2001), pp. 59-77.

³⁷¹ Mandelbrote, “William Petty and Anne Greene,” p. 145.

College in the same year, through the backing of both Hartlib and John Dury. With the help of Edmund Wylde and Captain John Graunt, both Parliamentarians, Petty secured a lectureship in anatomy and in 1650-1 he served as the Tomlins' Reader, a paid position which required that he perform yearly anatomical lectures over a dissected body.³⁷²

Petty's intellectual pursuits aligned with those of his Oxford colleagues as well as those of Hartlib and his circle. In his writings on the need for education and the expansion of medical knowledge, Petty emphasized the importance of the experimental method in the discovery of new knowledge and as the means to question traditional ideas. In his short treatise entitled *The Advice of W.P. To Mr. Samuel Hartlib for the advancement of some particular parts of learning*, Petty outlined his vision for a learning hospital, whose goal would be to “collect a Systeme of Physick and the most approved Medicinall Aphorismes; taking notice by the way where those of Hippocrates are deficient or true, and by how many severall experiments he hath so found them.”³⁷³ Petty's “Systeme of Physick” would be established through direct observation, the treatment of patients, and the dissection of bodies—experimental and methodological commitments shared by many of his Oxford associates.

Unlike Hartlib, Petty was hesitant to support his arguments for medical reform through shared calls for religious reform, and this is reflected in his account of Greene's case and the significance he attaches to it. His position was not entirely the result of a particularly 'scientific' or 'objective' outlook on Petty's part, but was shaped by the contested nature of miracles and providence throughout this period. In Civil War and Interregnum England, as Alexandra Walsham has argued, “the engulfment of providence in factional strife and sectarian struggle

³⁷² See McCormick, *William Petty and the Ambitions of Political Arithmetic*, p. 74.

³⁷³ William Petty, *The advice of W.P. To Mr. Samuel Hartlib for the advancement of some particular parts of learning*, (London, 1647), p. 13.

assisted in undermining its credibility and contributed to a growing disavowal of previous assumptions about the scope and legibility of divine activity on earth—at least in some sectors of society and the Church.”³⁷⁴ Intra-Protestant divisions and contest resulted in much more complex and politicized interpretations of possibly providential signs and their (potentially conflicting) meanings. So, as Ted McCormick argues, “Petty was certainly capable of political conviction, but like so many political survivors of his generation he learned to hide it as prudence dictated.”³⁷⁵ Petty's framing of Greene's case was thus inflected by the diverse political and religious connections orientations of his friends and patrons and reflected his attempt to satisfy multiple audiences while avoiding overtly partisan argumentation.

Petty's account of Anne Greene also reflected the new experimental approach to knowledge and his commitment to a chemical and physiological approach to medicine. Traditional knowledge and methods were increasingly questioned by Petty's Oxford colleagues. Oxford physicians challenged traditional understandings of physiology and the authoritative ancient texts. Many interrogated Galen's paradigmatic position that of health was based on the balance of the humors, and anatomical dissection was quickly becoming the preferred mode of learning about the body and its secrets.³⁷⁶ The new experimental physiology was based on Harvey's theories of circulation and conjectures about the primacy of blood in maintaining bodily health. Additionally, Petty and others had started to prioritize and incorporate sciences that had been practiced on the Continent but not yet made their way to England, particularly

³⁷⁴ Walsham, *Providence in Early Modern England*, p. 333.

³⁷⁵ McCormick, *William Petty and the Ambitions of Political Arithmetic*, p. 42.

³⁷⁶ There is an enormous amount of secondary material published on this topic. For the purposes of this study, I primarily consulted the following texts which dealt directly with William Petty and his circle: Ted McCormick, *William Petty and the Ambitions of Political Arithmetic*, (Oxford, 2009); Margaret Pelling and Scott Mandelbrote (eds.), *The Practice of Reform in Health, Medicine, and Science, 1500-2000*, (Burlington, 2005); Barbara Shapiro, *Probability and Certainty in Seventeenth-Century England*, (Princeton, 1983); Robert G. Frank Jr., “Medicine” in Nicholas Tyacke (ed.), *The History of the University of Oxford: Volume IV Seventeenth Century Oxford*, (Oxford, 1997), pp. 505-558; Charles Webster, *The Great Instauration: Science, Medicine and Reform, 1626-1660*, (New York, 1976).

chemistry. This group of reformers began to meet together in 1648 to perform chemical experiments in the house of an apothecary named John Clerke—the house where Anne Greene was to have been anatomized—where they could “[v]iew, and make use, of drugs and other like matters.”³⁷⁷ Thus the shared view of many of the physicians at Oxford, including Petty, Bathurst, and Willis, was that chemistry and new physiological understandings of the body—based not on the humors but on the circulation of blood—were necessary in restructuring the medical sciences, and discovering new knowledge about the body.³⁷⁸ Scott Mandelbrote, argues that Petty's account represents

the bringing together of two contemporary bodies of work. These were the anatomical and physiological concerns of William Harvey and the physicians who had worked in Royalist Oxford before 1646, and the traditions of atomism and chemistry that Petty had encountered in the Parisian circle of Marin Mersenne and that excited a number of Hartlib's other correspondents.³⁷⁹

Mandelbrote notes that in his initial letter to Hartlib, Petty records specific details of the chemical recipes he used in Greene's treatment, describes the role of blood letting in restoring her health, and concludes his letter with an account of an experiment involving the inflation of bladders. Thus, Mandelbrote asserts that “it is also possible to argue that Petty thought that both reports gave information about a common object of enquiry: the strength and capacity of the human respiratory system.”³⁸⁰ And certainly this interpretation captures much of the emphasis of Petty's narrative as he highlights his own medical skill and the methods he employed to restore Anne's health. However, while the Oxford intellectual scene and the Hartlibian moves toward medical reform are crucial framing contexts of Petty's account of Anne, other contemporary contests, particularly around the status of forensic medicine, were also at work.

³⁷⁷ Frank Jr. “Medicine,” p. 548

³⁷⁸ *Ibid.*, p. 553.

³⁷⁹ Mandelbrote, “William Petty and Anne Greene,” p. 148.

³⁸⁰ *Ibid.*, p. 148.

Petty paid significant attention to the weight that medical knowledge and physical evidence should be given in court trials, which, given contemporary critiques of the legal system, could have been potentially contentious interventions. In the petition he submitted to the court to secure Anne's pardon, Petty outlined each physical detail of the case and demonstrated how these details served as evidence of her innocence. For Petty, it was clear that Anne's sentence should be vacated because the forensic evidence proved that she had been innocent all along. Petty inserted himself into the legal discussion *as a physician*, as someone with specialized knowledge who is able to speak with authority about bodily facts:

Wee the Physicians...thinking it our duty (so farr as lawfully wee may) to bee also instrumentall in preseving the life of the said Woman from any further Execution of the Sentence passed upon her, have taken ye humble boldnes to tender our Reasons to whomsoever it may concerne that the child...was not onely abortive or stilborne, but also so Imperfect, that it is Impossible it should have been otherwise: And also that it is Very probable, that as shee did not procure the death of the said child, so that shee might not at that tyme certainly know shee was with child Or that shee had beene delivered thereof. Whereby Wee humbly conceive her in a great Measure excusable in not making her said delivery knowne as the law of the land in that behalfe requires.³⁸¹

Petty referred to the “Midwife's owne testimony” that the child was still born and not viable, that it did not have hair, was not a “span” long, that the sex itself was indistinguishable, and it seemed more like a “lump of flesh.” The specific physical elements of this claim will be explored below; however, what is important in Petty's account is his involvement on Anne's behalf in terms of her legal situation, and how he frames his own certainty about his judgment. He himself did not see the fetus, but relied on the information provided to him by Anne, information which was affirmed by the midwife who viewed the body after its discovery—Petty thus uses the midwife's authority to bolster his own. Additionally, Petty cited the testimony provided, whether during or after the trial is unclear, by Anne's fellow servant who said that she

³⁸¹ British Library, Add MSS 72892, fol. 8v.

had witnessed “certain issues upon her for about a Month before,” which indicated that the child would not have been viable. Petty's reference to “issues” in this context referred to the menstrual cycle and the fact that Anne had bled in the month prior to the incident, which, he argued, meant that it was unlikely that she could have carried the child to term. These alleged “issues” also served to support Anne's claim that she had not known she was pregnant and therefore did not alert anyone when she went into labor, as the 1624 statute required her to do. By outlining these particular details, Petty drew attention to the specialized knowledge that he and the midwives possessed, including the ability to accurately assess the physical elements of the case. Facts drawn from the body could and should serve as legal evidence, and the judge and jury had got Anne's verdict wrong because they lacked knowledge about these facts and their exculpatory strength.

Petty highlighted the point that certain physical signs have very clear and definite meanings, but he did so in a way to avoid an outright critique of the judges, jury, or legal system in general. He maintained that although the judges were trying to act to the best of their ability, they were not equipped with the knowledge necessary to make a judgement in this case. Although Anne was indeed guilty of fornication and the judges had good intentions to punish legitimate crimes, the judges were nevertheless unfamiliar with the type of evidence presented by this case. In his petition, Petty proclaimed that “wee [the physicians] believe rather the desires and good intentions of her Judges to discourage & punish wickednes as also their excusable Unacquaintance with the physicall part of these cases have produced” the original verdict, rather “then any cleere demonstracions of her guiltines of a crime deserving so severe a punishment.”³⁸² There were no “cleere demonstracions” as to her guilt, just “good intentions” to

³⁸² Add MS 72892, fol. 9v.

punish illicit behaviour and “excusable Unacquaintance” with physical evidence. Petty is being politic here, but he implicitly makes the case that the legal system should compensate for this lack of training by using physicians more systematically in court cases.

The evidence that the judges relied upon in Anne's initial trial was typical of other cases of new-born child murder: a hidden pregnancy coupled with the location of the child's body when it was discovered. Petty dealt with these two proofs specifically and explained why they were misleading in Anne's case. She had not told anyone, he argued, because she was oblivious to the fact that she was pregnant, which, Petty asserted, was a common experience among young women and a claim supported by the evidence about “issues” provided by her fellow servant. The fact that the child's body was hidden in the privy was not done out of an intentional design to cover up a murder, as might be presumed, but out of ignorance and surprise. Moreover, she did not do it because she was ashamed of the pregnancy, because she had confessed before her delivery “that shee had done what might cause her to bee with child,” meaning, she had openly admitted to fornication with Geoffrey. And, she had not done it to avoid having to support the child, “because, shee could [scarce] be so ignorant as to feare a child borne at 4 months, could live & need ye trouble & charge of Maintenance,” a timeline that was affirmed not only by the forensic details of the child's body, but also by Anne's dating of her sexual encounter with Geoffrey Read to just three months before the delivery.³⁸³ Petty was arguing that Anne did not know she was pregnant, and even if she had known or suspected, she would have also been aware that a child born so long before term would not live. So, Petty attempted to respond to the accepted presumptions made in cases like Anne's, arguing that even though a number of details appeared suspicious, they did not establish her guilt. In this, Petty

³⁸³ Add MS 72892, fol. 9r.

makes an argument that certain facts are more reliable than others. Even though the child was discovered in a privy—a suspicious and legally dispositive sign—a further examination of the child's body made it clear that it must have been still-born based on evident signs of prematurity. What could be interpreted as guilty secrecy was, in fact, simple ignorance of the pregnancy as evidenced by the 'issues' from her body, as well as the fact that the early stages of pregnancy were very difficult to determine with any certainty. Thus, Petty argued that physical evidence could provide reliable knowledge that judges and juries should base their verdicts on, and that in certain cases, various proofs should be weighed against each other in making a legal determination.

The question of Anne's moral character played a complex role in Petty's account of the physical details. In many ways, he attempted to divorce the bodily evidence from any question about Anne herself. Petty framed his petition in such a way that separated Anne's lowly status and inherent lack of credibility from the question of her guilt or innocence. Petty had to contend with the fact that as an unmarried, female servant, Anne was not considered a trustworthy witness and would be assumed to have several motivations to lie about what had happened. Based on her precarious position, it was highly suspicious and convenient that she claimed no knowledge of the pregnancy and that the child had been still-born. Additionally, she was not entirely innocent and admitted to a sexual relationship with Geoffrey Read, a crime on its own. Fornication outside of marriage was deemed a criminal offense punishable by law through the 1650s act “for suppressing the detestable sins of Incest, Adultery and Fornication.”³⁸⁴ Yet, for Petty, while these factors were perhaps suggestive or suspect, they did not on their own

³⁸⁴ 'May 1650: An Act for suppressing the detestable sins of Incest, Adultery and Fornication.', in *Acts and Ordinances of the Interregnum, 1642-1660*, ed. C H Firth and R S Rait (London, 1911), pp. 387-389. *British History Online* <http://www.british-history.ac.uk/no-series/acts-ordinances-interregnum/pp387-389> [accessed 17 September 2017].

establish the facts of the case with any degree of certainty. Only the physical evidence could provide reliable facts as to what had really happened.

However, Petty does appeal to certain elements of Anne's character and behavior to support his claims. The fact that she had confessed to the crime she was actually guilty of spoke to her honesty. In addition to this, she had consistently maintained her innocence throughout the course of the trial and did not waver in her account of what had happened. During her imprisonment and in the moments before her execution, she demonstrated “great patience & resolution.”³⁸⁵ These types of details were often cited in contemporary crime and execution narratives, and writers often cited these points to argue for the guilt or innocence, obstinacy or repentance of the accused person. However, whereas in other execution narratives these types of details were foregrounded as the principle evidence of innocence (or guilt), these considerations were secondary for Petty. For him, while her behavior and character reinforced his claim, Petty maintained that Anne's innocence was entirely supported by the physical facts of the case and the medical knowledge that allowed for the accurate interpretation of physical signs.

Just as Petty downplayed arguments based on Anne's character in his petition to the court, so too did he eschew the issue of whether or not her revival was a miracle or if it had any providential significance. The fact that Anne had survived the execution did not factor into Petty's defense of her innocence. Petty gives no explanation—supernatural or otherwise—of why Anne had survived in the first place, and aside from calling it a miracle, is silent on this point. While he claims the failed execution to be an act of God, he attaches no moral significance to it; the miracle itself was a fact on its own, but not evidence of anything else. He opened his petition in the name of, “Wee the Physicians (whose Endeavours God having most

³⁸⁵ Add MS 72892, fol. 9v.

wonderfully blessed in the reviving of Anne Green & in the curing the Suffocation Contusions and other accidents arising from her Execution),” and only after this preface refers to her recovery as a “signall Act of Providence.”³⁸⁶ While Petty casually refers to Greene's recovery as an “act of providence,” he does not use the 'miraculous' to ground his argument about Greene's innocence. Rather, the thrust of his account is to stress the doctors' medical skills as the agents of Greene's recovery. God had blessed the work the physicians in their efforts, but Petty shows little interest in attaching a Providential message to Greene's recovery. In downplaying the providential, Petty was able to avoid potential religious or political conflicts with his supporters and colleagues, be they Oxford Royalists or the Parliamentary circle connected to Hartlib. He could have invoked divine providence and argued that her miraculous survival was proof of her innocence, but he did not. Instead, for both strategic and intellectual reason, he instead prioritized the natural, physical evidence (and his interpretive expertise) as the compelling proof of Anne's innocence.

Other failed execution narratives employed both natural and supernatural explanations to account for why someone might have survived. Although there were stories of others who had been miraculously saved from the scaffold, it was equally as possible that the execution had failed for a natural reason or due to human error.³⁸⁷ Contemporaries distinguished between miracles—which were unmediated acts of God that demonstrated his power over the natural world—and providential signs, which implied his judgement or a specific message.³⁸⁸ The extent to which wondrous or marvelous phenomena were considered to be indicative of a divine warning or judgment was open to interpretation, as was any strict division between miracles and

³⁸⁶ Add MS 72892, fol. 9v.

³⁸⁷ This point is explored in more detail in chapter five.

³⁸⁸ For more on this distinction see Shaw, *Miracles in Enlightenment England*, p. 31.

other types of strange or difficult to explain events. Lorraine Daston has argued that post-Reformation theologians made a distinction between “the preternatural marvel and the supernatural miracle,” and describes the preternatural as the twilight zone between the natural and supernatural.³⁸⁹ Additionally, she argues that “preternatural events always qualified as wonders, but only sometimes as signs,” and into the middle of the seventeenth-century, there was an increasing sense of ambiguity around whether preternatural events signified a providential message or were simple, though strange, facts unto themselves.³⁹⁰ Miracles themselves were subject to the same ambiguity. Even when an event was determined to be caused by supernatural forces, the significance of it was often the topic of debate and not straightforward. Thus, a strange event could easily be characterized as either preternatural—a wonder or marvel within the bounds of nature—or supernatural and miraculous, and could variably carry a (contested) providential message or not.³⁹¹

Petty does not consider what the miracle of Anne's revival might have been proof of, nor does he examine any evidence that a miracle had in fact occurred. Ambiguities about how to determine what was a miracle and what was not, or what was providential and what the divine message was, allowed Petty to assume an equivocal stance on the matter. Most agreed that miracles were possible and still occurred, although infrequently, but the meaning of those signs

³⁸⁹ Lorraine Daston, “Marvelous Facts and Miraculous Evidence in Early Modern Europe,” *Critical Inquiry* 18 (Autumn 1991), pp. 98 & 106. These distinctions were complicated by the contemporary fear that miracles could be counterfeited and that what might seem miraculous could be an illusion of some kind.

³⁹⁰ Daston, “Marvelous Facts and Miraculous Evidence in Early Modern Europe,” p. 106.

³⁹¹ The significance of the distinctions between miracles and wonders is nicely illustrated by the pamphlet contest between Henry Stubbe and David Lloyd. Stubbe argued that Valentine Greatrakes was able to perform medical miracles through the touch of his hands. Lloyd countered that what might have seemed like a miracle could, in fact, be explained naturally. He makes an interesting point that is often raised, that miracles should be instantly obvious and not take a long period of time to work: if someone is healed through divine intervention, it will happen immediately and be complete. Thus the title of his pamphlet, *Wonders no Miracles, or Mr. Valentine Greatrakes gift of healing examined* (London, 1666); Henry Stubbe, *The Miraculous Conformist: Or An account of severall Marvailous Cures performed by the stroaking of the Hands of Mr. Valentine Greatrakes*, (Oxford, 1666). For more on this see James R. Jacob, *Henry Stubbe, Radical Protestantism and the Early Enlightenment*, (Cambridge, 1983).

became increasingly highly contested throughout the 1640s and 50s. The voice of providence was perhaps not quite as definitive as it had been in the England of earlier decades, and divisions between Protestants, alongside changing notions regarding evidence, served to complicate interpretations of miraculous events. It was likely that Petty downplayed the question of miracles and providence purposely, to avoid alienating his intellectual allies whose politics were diverse. However, the ambiguities around the status of miracles also allowed Petty to frame his petition to the court in the way that he did, emphasizing a natural interpretation of physical signs, over a supernatural one, as a way to establish reliable legal proofs.

Providence and Politics in Pamphlet Accounts of Greene's (Near) Death and Recovery

The politics of providence were particularly fraught in 1650s' Oxford. Just as the university itself was in upheaval during the period of the parliamentary visitation, which saw the expulsion of Royalist university men, so too was the town, and these upheavals were rooted in the broader conflicts roiling the nation. After the execution of the king in 1649, many of the antecedent calls for reform were raised again and the army grew increasingly disaffected with the Rump Parliament. Not only did soldiers petition for arrears in their wages, they joined with Leveller leaders to demand legal reform, an end to monopolies, religious toleration, and an end to tithes.³⁹² Blair Worden has argued that if “the central conflict of the 1640s was between crown and parliament,” then “the central conflict of the 1650s was between parliament and army.”³⁹³ The issue of law reform was one of the contributing factors that prompted quarrels between Parliament and the army and played a role in a series of uprisings in and around Oxford in the late 1640s. Oliver Cromwell and Thomas Fairfax suppressed an army mutiny, motivated by Parliament's refusal to pay them and inspired by Leveller ideas, in Burford in May

³⁹² Blair Worden, *The Rump Parliament, 1648-53*, (Cambridge, 1977), p. 12.

³⁹³ *Ibid.*, p. 12.

of 1649. The manifesto of the revolt, *Englands Standard Advanced*, petitioned for the release of Leveller leaders and requested that parliament agree to a series of legal reforms, including that no one be exempt from “the ordinary course of Legall proceedings,” regardless of birth or political position; that no one should be punished for “refusing to answer to questions in Criminall cases”; that no legal proceedings should last longer than six months; and that all laws and court trials be conducted in English.³⁹⁴ At the time of Greene's trial in December 1650, these and other demands were left unanswered and the Rump Parliament had done very little in the way of legal reform. Although not directly connected with the Leveller movement, some of the providentialist accounts of Anne Greene drew from this pervasive atmosphere of discontent with the Rump Parliament and used her story to critique the legal system more broadly speaking.³⁹⁵

Both W. Burdet's *A Wonder of Wonders* and the anonymous *A Declaration from Oxford* presented the physical evidence of the case and narrated Anne's near-death experience in order to highlight the providential elements of her story. Both pamphlets included the same sensational details that Nedham had included in his earlier news accounts—including the circumstances that led to her trial and execution—but they added to or interpreted particularities of her story in ways which produced a different type of narrative altogether. In contrast to Petty's and Nedham's accounts—which excluded any lengthy description of the execution itself—the more providential representations of Anne's case paint an elaborate picture of her execution scene, including the speech she gave from the scaffold, and point to the miracle of her

³⁹⁴ William Thompson, *England's Standard Advanced in Oxfordshire*, (London 1649).

<http://quod.lib.umich.edu/e/eebo/A94286.0001.001/1:2?rgn=div1;view=fulltext>, accessed 07/10/16 unpaginated

³⁹⁵ Mandelbrote notes that “Nothing is known of W. Burdet, the supposed author of *A Wonder of Wonders*. John Clowes, the printer of the anonymous *A Declaration from Oxford*, did publish some works associated with expressions of grievance in the army in 1648, but was not connected with any of the more prominent Leveller writings.” in “William Petty and Anne Greene,” p. 142.

resurrection as proof that God directly intervened to save her from an unjust sentence and to deliver a message of judgement on the legal system. The pamphleteers interpreted the significance of her miraculous recovery through the words they claimed Anne had spoken just after she regained consciousness and through the visions they claimed she saw in the time between her hanging and resuscitation.

The two pamphlets, which are almost identical, fall within the category that Joad Raymond has called the “wonder pamphlet,” which “decoded preternatural and supernatural signs and used narratives to explore providence.”³⁹⁶ In some ways, they tell much the same story as Petty did. Anne went into labor while she was turning malt. She gave birth to an “abortive” child and, fearing the consequences that she might face, hid it in the “Office,” or privy, and covered it up. The pamphlets also cite the same physical evidence that the child was stillborn, noting that it was “about a span long...but abortive, which much impaired her health and strength.”³⁹⁷ A fellow servant, having discovered what had transpired, informed the master and mistress of the house who in turn summoned the Justice of the Peace. Anne confessed that she was guilty “of the Act,” of fornication, but maintained throughout her examination that she was innocent of murder, as the child had been “dead born.”³⁹⁸ After being held in Oxford gaol for three weeks she was brought to the bar for a short trial, found guilty, and sentenced to hang. But from here, *A Wonder of wonders* and *A Declaration from Oxford* diverge from Petty's narrative. From the outset, the pamphlets literally and visually proclaimed Anne's recovery to be providential, using the exact same depiction on the woodcut frontispiece. In the lower right quadrant, a woman prays on her knees before the ladder as she is about to ascend the scaffold.

³⁹⁶ Joad Raymond, *Pamphlets and Pamphleteering in Early Modern England*, p. 114

³⁹⁷ Anon., *A Declaration from Oxford*, sig A2; *A Wonder of wonders* cites the same information at sig A2.

³⁹⁸ Ibid., sig A2v.

In the upper right scene, the same woman hangs from a rope; a soldier hits her in the chest with his musket and another man pulls on her feet. The bottom left shows what appears to be an empty coffin and the top left depicts Anne in bed, with another woman beside her, which was part of the recovery efforts used by Petty, and a caption from Anne's mouth which reads, "Behold Gods providence." Thus from the first page it is evident that the message of these two narratives would emphasize God's hand in Anne's miraculous recovery.

Both *A Wonder of Wonders* and *A Declaration from Oxford* used several tropes to emphasize the providential elements of Greene's case, tropes embedded in the words they allege she spoke both before and after her execution, as well as in the way she carried herself throughout her ordeal. These same elements are found in other execution accounts in which the party is alleged to be innocent of the crime, as well as in narratives about martyrdom. Both pamphlets claim that as she was brought to the place of execution, "she fell down on her knees at the ladder foot, humbly desiring of God, that his Divine Majesty would be pleased, to shew some remarkable judgement of her, for a signal and testification to the world of her innocency," foregrounding the providential events to come.³⁹⁹ She was penitent but remained steadfast in her innocence. The writers make specific mention of her "speech and deportment upon the Ladder, which was with great comfort, and undauntedness of spirit by this poor soul performed, to the great admiration of the spectators."⁴⁰⁰ As she ascends the ladder, she does not ask for forgiveness for herself, but instead asks that "God forgive my false accusers," as she forgives the executioner who is about to perform his service.⁴⁰¹ While she does "unfaignedly acknowledge and confess....sins long unrepented," referring to her sexual relationship with

³⁹⁹ Burdet, *A Wonder of Wonders*, sigs A2v-A3; *A Declaration from Oxford*, sig A2v.

⁴⁰⁰ Ibid., sig A3.

⁴⁰¹ Anon., *A Declaration from Oxford*, sig A2v.

Geoffrey, Anne calls herself an innocent woman. In the course of her execution speech she exclaims to the crowd that she has no doubt or hesitation, feels “no dread or terror,” but only has a sense of “eternal joy and happiness,” certain she is about to be welcomed into Heaven.⁴⁰²

This was not a typical account of a penitent sinner who confesses and repents before their death. Popular pamphlets that featured criminal women often recounted grisly stories of infanticide or patricide, and focused on the social ills that were made evident by the women's corrupt lives. Peter Lake argues that in the figure of the whore “readers were confronted with the ultimate example of a sexuality freed from any of the constraining limits of familial or patriarchal power.”⁴⁰³ In these narratives, providence often worked to reveal the sinner and bring about their repentance before their death. Both repentance and death were necessary as the mechanism through which social and moral order were restored, and the authority of the state confirmed. On the one hand, by admitting to her sinful activities with young Mr. Read, Anne does reaffirm the social order, particularly as it relates to sex. However, unlike other murder narratives that employ the “infraction, inversion, reaffirmation” cycle, as Lake characterizes it, Anne's failed execution leaves this cycle unfinished and seemingly open-ended.⁴⁰⁴ With her resurrection, the social disorder that Anne's story reveals is not that of individual sin, but of societal corruption. With Anne's first words, “Behold Gods providence, and his wonder of wonders,” the pamphlet writers claimed that this remarkable deliverance should be taken as “a president to all Magistrates, and Courts of Justicature, to take care in denouncing of sentence, without a due and legal process, according to the known Laws of the Land, by an impartial and uncorrupted Jury, either of men or women, &c. this poor Creature, which God of his infinite

⁴⁰² Anon., *A Declaration from Oxford*, sig A3.

⁴⁰³ Peter Lake, “Deeds Against Nature,” p. 264.

⁴⁰⁴ *Ibid.*, p. 276.

mercy hath evidently manifested.”⁴⁰⁵ It was not through her death but rather through her revival that justice was served and order restored in the form of a providential critique of the corruption of that order. Corrupt juries and judges failed to follow due legal process and were indicative of the general failure of the legal system and thus of the need for reform. Anne's revival was evidence of God's intervention, not only to prevent the execution of an innocent person, but also to deliver a damning critique of the legal system and of those who were responsible for her sentence.

The contention that Anne's resuscitation was in fact a sign of God's judgment on the legal system was further reinforced by the role of the 'honest soldier' in Burdet's account. When those involved realized that, according to the law, Anne should be hung again for her crimes, Burdet recounted that it was an unnamed soldier who “seemed to be very much discontented thereat, and declared, That there was a great hand of God in it, having suffered the Law, it was contrary to all right and reason, that any further punishment should be inflicted upon her, which words brought a final end and period to their dispute and controversie.”⁴⁰⁶ The fact that it was an 'honest soldier' who was the one to recognize God's intervention and speak on Anne's behalf is not insignificant given the political circumstances in Oxford at the time and the fact that many soldiers were disputing with Parliament for legal reforms. The pamphlet's claim that Anne did not receive a fair trial and that the legal process had been circumvented in order to find her guilty was very much in line with the demands for reform that were being made throughout this period. As Mandelbrote argues, the case and its critique coincided with Leveller “concern[s]

⁴⁰⁵ Burdet, *A Wonder of wonders*, sig A4.

⁴⁰⁶ Ibid., p. 6. The soldier is referring to the precedent of hanging those who survived their initial execution a second time, to inflict the punishment that the law had prescribed. This will be examined further in section three, but is specified by Matthew Hale in *Pleas of the Crown* when he writes that “[i]f the party be hanged and cut down and revive again, yet he must be hanged again, for the judgment is to be hanged by the neck till he be dead.” *Pleas of the Crown*, vol. II, p. 411.

with the speed of trials, with due process in common law, and with the impartiality of juries.”⁴⁰⁷

Anne's demeanor throughout the course of her trial and execution was characterized as that of an innocent person, and the 'honest soldier' symbolized those who were at odds with the Rump Parliament. Providence intervened to prevent a miscarriage of justice and the soldier spoke on Anne's behalf to ensure that the divine message was heard.

A Declaration of Oxford further emphasized the miraculous nature of the events by capitalizing on the ambiguity of death and near-death states, as well as on the portentous significance of sudden deaths. The author describes the state Anne experienced in the time between her execution and her revival as a “trance,” and recounts that she saw “a Garden of Paradise, [in which] there appeared to her 4 little boyes with wings, being four Angels, saying, Woe unto them that decree unrighteous Decrees, and take away the right from Judges, that the innocent may be their prey.”⁴⁰⁸ This was precisely the kind of story that Petty was worried about, in part because it was impossible to verify exactly what her experience had been or what she had seen while unconscious. Although he and Nedham reported that Anne could remember nothing of her execution or the time before she woke up, pamphlet writers could easily paint a near-death state with a providential gloss, regardless of what Anne herself had actually experienced. Additionally, *A Declaration from Oxford* interpreted the death of Sir Thomas Read in the days following Anne's revival as a further sign that God's hand was at work in the events. Not only was this evidence of God's judgement against Sir Thomas personally, but it was also something that Anne herself had foreseen in a vision while she was on the scaffold. She “remembred the time of her being upon the Ladder, and what she spake to the People; further alleaging, that she saw her chief enemy dead before her, (which is observable, that within some

⁴⁰⁷ Mandelbrote, “William Petty and Anne Greene,” p. 141.

⁴⁰⁸ Anon., *A Declaration from Oxford*, sig A3v.

hours after, Sir Tho. Read died).⁴⁰⁹ The timing of Read's death coupled with the fact that it had happened quite suddenly and without any obvious cause, added to the providential import of Anne's resuscitation.⁴¹⁰

Both *A Wonder of Wonders* and *A Declaration from Oxford* downplayed Petty's role in performing the miracle of Anne's recovery. Although he is characterized as a skilled physician who, through his medical knowledge, was able to restore her to health, the authors' shift their emphasis to the miracle of the failed execution itself. This point is exemplified in Anne's prayers that conclude *A Declaration from Oxford*. In her prayers, she praises God, "who art the Lord of health and sickness, of life and of death, who killest and makest alive, who bringest down to the grave and raiseth up again; who are the only preserver of all those that trust in thee."⁴¹¹ For Petty, the fact that Anne had survived may have been a miracle, but it pointed only to the need for judges and juries to have greater knowledge about physical evidence in order to make the correct legal verdicts. Providential accounts of Greene, however, cite her body, health, and resurrection as evidence that a miracle had taken place, using her visions, speech, demeanor and the ambiguity of states of death to support their claims. It was those who recognized the providence in the event that argued she should be pardoned, based first and foremost on God's miraculous intervention and not on the medical facts that Petty had argued proved her innocence. God had intervened and restored her to life in order to demonstrate His judgement of wicked men and corrupt legal processes and institutions.

Richard Watkins and the Skeptical Response

Shortly after *A Wonder of Wonders* and *A Declaration from Oxford* appeared in print,

⁴⁰⁹ Anon., *A Declaration from Oxford*, sig A3v.

⁴¹⁰ The author concludes the account of Greene and supplements the providential nature of his interpretation with a story of a woman who was taken for dead and buried alive—this is examined in greater detail in chapter five.

⁴¹¹ Anon., *A Declaration from Oxford*, sig A3v.

Richard Watkins published a pamphlet entitled *Newes from the Dead*, with the purpose of rebutting some of the more providential elements that had been reported. It would seem that Watkins had access to Petty's own personal account and that his response was motivated by the disapproval Petty and others at Oxford felt about the providentialist narratives.⁴¹² Watkins's account includes the story of Anne's arrest, trial, and execution, as well as a detailed account of the medical and chemical remedies used to revive her. His stated goal at the outset was to counter that "which being variously and falsely reported amongst the vulgar (as in such cases it is usuall) to the end that none may be deceived, and that so signall an act of Gods mercy and providence may never be forgotten."⁴¹³ But this "signall act" had more to do with the skillful actions taken by Petty and his fellow doctors than the miraculous nature of the event. Watkins was particularly concerned about the providential spin that the case had received, and argued that not only did Anne have no memory of the execution, she did not recall the moments just before her death, and, most importantly, had seen no visions nor received divine messages while ostensibly dead. Petty himself mentioned that before he asked her what she could remember of what had happened to her, that he "putt all ye Company out of the roome," to limit their influence on what she reported. Watkins noted that when she first woke up, she "fell into the like speeches as she had used in prison before the execution," having no recollection that the punishment had already taken place.⁴¹⁴ Nedham reinforced this account, recording that her doctors were concerned that some around her would try to force meaning on the event by coercing Anne's memories:

That when Doctor Petty heard she had spoken, and suspecting that the Women about her might suggest unto her to relate of strange Visions and apparitions to have been seen by her

⁴¹² For more on this argument, see Mandelbrote, "William Petty and Anne Greene," p. 130.

⁴¹³ Watkins, *Newes from the Dead*, sig A2.

⁴¹⁴ *Ibid.*, sig A4.

in that time wherein she seem'd Dead (which they had begun to doe) having caused all to depart the Room, but the other Gentlemen of the Faculty, enquired of her concerning her sense and apprehensions during that time, but found she spake somewhat impertinently, talking as if she had bin now to suffer; and when they spake unto her of her miraculous Deliverance from so great sufferings, she answered, *That she hoped that God would give her patience, and the like.*⁴¹⁵

Basing his own description on Petty's account, Watkins further suggested that it would have been very difficult, medically speaking, for Anne to have had any memory of those things that had happened to her or for her to recall any visions if she had had them.

[S]hee (as you have heard) was so far from knowing any thing whilst shee was dead, that shee remembred not what had happened to her even when shee was yet alive. Her spirits, at that time, being either so fixed or benumbed with fear, as not to admit of any new Impressions, or otherwise so turbulent and unquiet, as presently to discompose or obliterate them. As we often see it fares with men that are buzz'd in the head with drink, or transported with madnesse, who, though they seem sensible enough of every present object that moves them, yet after they recover can own but little of what they did or said before.⁴¹⁶

Although Anne may have seemed calm and well spoken at the time of her death, the fear that she experienced had particular physical results, which prevented her from forming any new memories.

Not only did Watkins attempt to undermine the reports of Anne's first words or visions she had seen, he also questioned the claim that the death of Sir Thomas Read, her primary accuser, must have had providential meaning. He argued that although Read's death happened just three days after Anne's pardon, it was dangerous to attach any greater meaning to this "because hee was an old man, and such Events are not too rashly to be commented on, [so] I shall not make use of that observation."⁴¹⁷ Read could have died just as easily from old age as from divine retribution, and it was impossible to distinguish between these two causes.

Therefore Watkins, like Petty, based the proof of Anne's innocence on what he claimed to be

⁴¹⁵ Nedham, *Mercurius Politicus*, 1651, 32, p. 520.

⁴¹⁶ Watkins, *Newes from the Dead*, sig Bv.

⁴¹⁷ *Ibid.*, sig B.

more secure evidence.

In terms of the charges brought against Anne and the evidence that supported her innocence, Watkins echoes the proofs cited by Petty: that the child was stillborn and that Greene was not aware that she was pregnant. And, like Petty, Watkins outlines in specific detail the medical arguments that supported both of these points, detailing why it was clear from the physical evidence that the child had been premature and the reasons why it was reasonable to believe that Anne did not know she was pregnant, maintaining that bodily evidence was reliable and could provide facts to reach accurate legal verdicts. Watkins argued that the divine intervention that saved Anne from death had opened the opportunity to review the physical evidence of the case, and it was this evidence, not God's intervention, that established the proof of her innocence.

Throughout Watkins's narrative, however, there remained a pervasive ambivalence, centered on his uncertainty about whether or not Anne was going to recuperate from her ordeal at all. But doubts about some of Watkins claims and assumptions were also sown by some of the verses that were included at the end of his pamphlet. Taken together, these verses, written by over forty Oxford scholars, painted a much more complex picture of Greene's revival and raised doubts about the extent to which facts can be ascertained from bodies, particularly female bodies.⁴¹⁸ Several of the poems questioned her innocence and commented on her virginity (or lack thereof), critiqued the legal system, celebrated the skill of the physicians, questioned medical knowledge, and affirmed or undermined the miraculous nature of the event. Most of the poems wrestled with the question of whether she was revived by skill, miracle, or some other form of trickery that had prevented her death in the first place. A poem by an author with the

⁴¹⁸ For an account of these authors, see James Sutherland, "Anne Greene and the Oxford Poets," in *The Augustan Milieu*, Henry Knight Miller, Eric Rothstein, and G. S. Rousseau (eds), (Oxford, 1970), pp. 1-18.

initials H.B. labeled Anne a martyr, and argued that if she had been hung again, authorities would cause a “second martyrdome.” H.B. emphasized the supernatural, writing:

For who can think her Guilty, whom the Tombe
Does thus declare unworthy of her Doome?
Whom Law, whom Physick could not kill, whose Date
Souldiers Repriev'd, Three Committees of Fate?
If yee doubt still, her *Dying* Words Receive:
How e're, *Distrust*, her *Risen* must Believe.⁴¹⁹

H.B. claimed that just as the embryo's birth was abortive, so, by divine intervention, was Anne's death. According to the poet, her “dying words” verified the miracle and that God might “shew some remarkable judgement on her, for a signal and testification to the world of her innocency.”⁴²⁰ The author likened Anne's recovery to that of Jesus' rising from the grave; the 'tomb' itself expelled her and declared her innocence.

Many of the poems, however, made the opposite argument, and posited that it was the expert work of her physicians who created the miracle of her recovery, often making this claim to the exclusion of divine intervention. Take the following selection from W. Hatley, who claimed that Anne's recovery was the result of natural forces:

New birth's noe Probleme now: for we have seen
A senslesse Corps quickned with Life has beene.
And that not by a Miracle, but Art
With broken winded Nature, playing part.⁴²¹

The dead can be revived through the skill of the physician working with the assistance of nature. Anne suffered from a broken wind, or an inability to breath properly, which healed both on its own as well as through the skill used by her physicians. Similarly, another writer denied that this event was a miracle at all and made explicit claims that Anne's recovery was based on

⁴¹⁹ Watkins, *Newes from the Dead*, sigs B3-B3v.

⁴²⁰ Anon., *A Declaration from Oxford*, sig A2v.

⁴²¹ *Ibid.*, sig D3.

the work of her doctors. In his poem, “To the happy Instruments of the Executed Maid's Recovery,” he writes:

Oxford (the Arts Metropolis) ne're knew
 A rarer feat then was perform'd by you,
 Brave Aesculapian friends! Whose Art could give
 After the Execution a Reprive.
 And yet, 'twas Timely too: for though grim Death
 Had seiz'd the passage of her Vitall breath,
 Yet you a new one made: And the same Veine
 That let out blood, receiv'd in Life againe.⁴²²

The feat was performed through the art of the physicians who worked on Anne. Through letting blood at the optimum time, Petty and his accomplices were able to restore her “vitall breath,” thus bringing her back to life. This, of course, spoke to early modern beliefs about the soul as well as the influence in Oxford at this time of William Harvey's ideas about the circulation of the blood. Hutton, in another verse, described Anne's revival as “An Ante-dated Resurrection,” suggesting that she was never dead in the first place, and though this was no supernatural feat, Anne was revived by the divinely inspired skill and knowledge of her physicians.⁴²³

Other writers were more opaque in their explanation as to why Anne had survived. John Dwight, a student of chemistry who worked alongside Robert Boyle in his laboratory, took a more hesitant approach in his verses, writing:

For certaine, she was dead! Yet then
 The reason how she lives agen,
 Is that which so much puzzles men.
 Entring her body straight, 'twas growne
 So rack't and torne, that 'twas not known,
 Nor yet beleev'd to be her own.
 This neck was Halter-gall'd, nay more,
 These sides and brest with strokes were sore,
 And Hers were nothing soe before.⁴²⁴

⁴²² Watkins, *Newes from the Dead*, sig Dv.

⁴²³ Ibid., sig B4v.

⁴²⁴ Ibid., sigs C4-C4v.

Offering no explanation for the failed hanging or restored health, Dwight focused instead on the violence that Anne's body had suffered, and described her as almost unrecognizable. However, he curtailed any overarching message, concluding with a hope that Anne would not find herself in such a compromised position again. He proffered an open-ended question that did not try to offer a position about the cause of her renewed health. Dwight highlights the outward signs of death—some rigor mortis, distortion of her feature, visible damage to her neck and serious contusions where she was hit by the musket—but these signs were misleading because Anne was not actually dead. Thus Dwight's account brings into question the reliability of the signs of death, and raises the issue that the bodily indications of death could be deceptive.

Others offered equally as open and ambiguous accounts in verse and raised a series of questions in trying to explain what happened. One Ed. Norreys wondered whether the botched execution might be attributed to the hangman himself, writing “Your Office you have not perform'd, 'tis plaine: /See, here's the Wench you hang'd, alive againe.” But after posing the possibility he concludes that, at least in this case, it was not “[y]our slack rope sav'd her, nor your fast-loose knot.”⁴²⁵ Despite this verdict, in raising an alternative explanation for what had happened, Norreys acknowledged a certain amount of skepticism about the causes of Anne's apparent death. This uncertainty was picked up by Rob Sharrock, who was also part of Boyle's circle during his time at Oxford, who pointed to the importance of the ambiguity of women's bodies in the explanation of such a strange case. In ‘To the Physitians’ he writes:

Admire not, 'tis no newes, nere think it strange,
Twere wonder if a Woman should not change:
They have mysterious wayes, and their designs
Must be read backward still, like Hebrew lines.
See, these with Death dissemble, and can cheat

⁴²⁵ Watkins, *Newes from the Dead*, sig D.

Charon himselfe to mak a faire retreat.
Well, for this trick Ile never so be led
As to believe a Woman, though shee's dead.⁴²⁶

Women can cheat death because their bodies function in concealed ways and even their deaths, like the female character itself, are unreliable and inconsistent. The idea that Anne's death and life could have been a mere trick was also proposed by Henry Capell:

Jugglers we' have seene cut a Thread, whole: Thy Line
Of life was so: just such a Trick and Thine.
Hocus Pocus, fast and loose, dead and gone,
Here agen: Women have more tricks than one.⁴²⁷

Jugglers, of course, performed tricks that were mere illusions, deceptions of the eye but not real. Women in particular were secretive and not to be trusted. Anne appeared to be dead, her “thread” of life cut, but this could have been the product of an actor's artifice. In fact other writers referred to the ladder and scaffold as Greene's stage and claimed that Anne was able to cheat or baffle death specifically because she was a woman.⁴²⁸ The same skepticism that informed Capell's jibe that women could not be trusted, also revealed a pervasive cultural concern that the senses, particularly sight, did not necessarily give direct access to the truth. The eyes could be deceived and simply because something appeared to be true did not make it so.

Perhaps the most succinct set of verses that captured the skepticism that Anne's case raised, as well as the ambivalence that many expressed, were those written by John Aylmer:

Death's Puzler! Selfe-surviver! Thy strange fate
Do's contradictions Legitimate.
Entwisted Miracles constellate here,

⁴²⁶ Watkins, *Newes from the Dead*, sig C2v.

⁴²⁷ Ibid., D3v—Capell's father was a staunch Oxford loyalist and was only executed the previous year, in 1649, for his support of the king. See *ODNB*.

⁴²⁸ Ibid., sig D4v. “Chime in yee witts, and rhyme a Knell, For Death herselfe is lately fell. Never was yet this meagre fiend, Soe fabled by the woman kind. Nan plays a prize with death, shee mounts The stage, and thre brave soule recounts her former prancks....” selection from Anthony Wood.

And complicated Wonders Co-insphere.⁴²⁹

That Greene survived death was both contradictory and wondrous, miraculous even, but what kind of miracle was at work was not clear. Like others, Aylmer raised questions and possibilities he is not able to answer. Taken together, the inclusion of these verses at the end of Watkins pamphlet exposed the uncertainty and anxiety at the heart of some contemporary responses to Greene's restoration. They raised doubt about whether this was a miracle at all and asked whether or not the death itself could have been counterfeited or the execution botched. Despite the skill demonstrated by her doctors, and the very fact that she was still alive, there were no certain explanations for what happened. The reader is left with complex and often conflicting interpretations of what happened to Greene, and multiple perspectives on the significance of her revival.

Although the various accounts agree on many of the basic details of what happened to Anne Greene, their interpretation of these details and claims about the significance of Anne's story point to the contested nature of physical evidence and the epistemological uncertainty around 'facts' produced by the body. Each writer maintained that Anne was not aware that she was pregnant, did not know she was in labor, delivered a stillborn or unviable fetus, and had been a victim of a legal system that was either ignorant or corrupt. However, Petty's argument that medical knowledge leads to reliable facts can be contrasted with the providential accounts that highlight the more strange and unexplainable physical details in order to claim that God had supernaturally intervened. In examining the differences between the accounts, what emerges are porous and often blurred contemporary distinctions between supernatural and natural phenomena, and a sense of flexibility around the meaning of physical evidence, evidence which

⁴²⁹ Watkins, *Newes from the Dead*, sig C3.

could be interpreted, emphasized, or ignored to make a variety of arguments. Not only was the status of miracles open to interpretation, so too was the extent to which the body could act as a source of proof or establish any degree of certainty. Although in their accounts, Petty, Burdet, and our anonymous author eschew any uncertainty about the meaning of bodily signs in order to make their claims, the skeptical verses included in Watkins' book brings these claims into question. While often relied on as a source of proof in legal trials and religious claim-making, the body remained highly unstable insofar as it was open to other interpretations and raised anxieties about the extent it could establish reliable facts. This was particularly true in the case of women's bodies and especially a pregnant body. Claim making on the basis of physical evidence was contentious. The following chapter will consequently explore the arguments made about Greene's body and that of her infant and explore further Petty's petition's claim that bodily signs were straightforward and that courts should rely on experts to interpret these physical signs for the purposes of reaching legal verdicts. Examining the merit of these claims reveals a series of connections among Greene's case, other infanticide trials, medical and vernacular understandings of the pregnant body, debates over causes of infant deaths, the nature of forensic evidence, and uncertainty about using physical evidence in legal trials. Epistemological uncertainty about the evidence of the body created the space for the multiple interpretations of Greene's case we have discussed above; it is the broader cultural history of this uncertainty to which we now turn.

CHAPTER 4

**The Body of the Mother and the Body of the Child:
Infanticide and the problem of medico-legal and forensic evidence**

The infanticide statute of 1624, the 'Act to prevent the Destroying and Murthering of Bastard Children', stated specifically

That if any Woman...be delivered of any Issue of her Body, Male or Female, which being born alive, should by the the Laws of this Realm be a Bastard, and that she endeavour privately, either by drowning or secret burying thereof, or any other Way...so to conceal the Death thereof, as that it may not come to Light, whether it were born alive or not, but be concealed: In ever such Case the said Mother so offending shall suffer Death...except such Mother can make proof by one Witness at the least, that the Child...was born dead.⁴³⁰

At issue here was the question of what evidence could prove that a woman was guilty of murdering her illegitimate child. Rejecting the normal evidentiary standards of the common law that prioritized witness testimony, the act established what was essentially a clause about presumptive guilt based on circumstantial evidence. In effect, if a newborn's body was found and the mother was a single woman who had given birth without a witness, and if there was evidence that the child's body had been concealed, this was enough to find her guilty of murder. The easiest way to establish that the child was alive, or dead, at the time of birth was to produce a witness who could testify to this fact under oath. The statute did not require that the authorities determine the cause of the child's death or if it had died before, during, or after birth. Although relying solely on presumptive or circumstantial evidence to reach legal verdicts was generally discouraged, this statute dictated just that. The Act established the mother's intention to kill the child based on the absence of witnesses and where the body had been discovered. As in the initial trial of Anne Greene, these two pieces of evidence alone necessitated a verdict of

⁴³⁰ 21 Jac. I c. 27, 1624, 'An Act to Prevent the Destroying and Murthering of Bastard Children'.

guilty.

The statute prioritized particular types of forensic evidence over others, and specifically disregarded proofs that the body of the infant might provide as to the cause of death. Thus, according to the statute, the location where the body was discovered was more damning evidence than the body of the infant itself. Anne Greene's case, however, reveals a number of underlying anxieties about the physical and forensic evidence that the statute relied on, and exposes an inherent insecurity about using physical evidence to establish legal facts.

Throughout the mid to late seventeenth century there was a tension between two competing ideas about forensic medical evidence. First, the idea we have seen articulated by William Petty, that the body could be interpreted accurately and often served as a necessary form of evidence, especially in particular types of cases, such as infanticide. However, this idea competed with a pervasive medical and cultural sense that bodily signs could be deceptive or uncertain as a means to establish evidentiary facts. This uncertainty is often not evident in legal documents, but the ambiguity of the body and the difficulties of interpreting physical signs are regularly discussed in doctor's consultation notes, in medical and midwifery texts, and in popular pamphlets, as well as trials that dealt specifically with coroners' inquests in this period.⁴³¹

Anne's case could thus be considered an example what Carlo Ginzburg has called an "exceptional normal", in that it offers a glimpse into the myriad of factors at work in the consideration of physical evidence for the purposes of reaching a legal verdict.⁴³² We do not have access to how the jury might have weighed certain pieces of evidence or individual testimony; however, based on a number of sources it is possible to argue that this anxiety

⁴³¹ The exception to this is contemporary literature on the crime of witchcraft and how to use physical evidence to determine guilt or innocence, which will be discussed further below. See Barbara Shapiro, *Beyond Reasonable Doubt and Probable Cause*, pp. 164-68; 209-12.

⁴³² Carlo Ginzburg, "Micro-history: Two or Three Things that I Know about it," *Critical Inquiry*, 20, 1993, pp. 10-35, p. 33.

certainly informed their deliberations and the coroners' inquests that led to indictments.

Although the 1624 statute sought to avoid the trickier points of medico-legal inquiry, such as how to determine, based on the body itself, whether or not an infant had been born alive, these questions continued to be debated and considered throughout the period in which the statute was applied. Thus, Greene's case belongs to a broader history of the fundamental anxiety and skepticism at the heart of infanticide trials and the English legal system more broadly speaking: that physical evidence and proofs based on bodily signs were needed to make convincing claims and to establish facts, but that they remained unstable and a source of concern because they could be interpreted in multiple and often conflicting ways.

This chapter explores the use of physical evidence and testimony about the body in reaching legal verdicts by examining in a broader context the claims made by Anne about her own body and the medical arguments made, primarily by Petty, to establish that she was innocent. In his petition and account of Greene's case, Petty made it seem as though the physical evidence he cited to prove Anne's innocence, while potentially opaque to judges and juries who were not (usually) trained physicians or in possession of the knowledge necessary to correctly interpret bodily signs, was unequivocal and conclusive. The various physical signs he outlined were direct proofs which, Petty argued, were indicative of specific facts about both Anne's and her infant's body. However, this assertion was not entirely reflective of the status of physical evidence in general or the early modern experience and assessment of pregnancy. Petty occludes a broader cultural tension between the need to rely on physical evidence in certain cases and the fear that this evidence was always ambiguous, and particularly misleading when a woman's body was involved. The uncertainty and ambiguity of physical signs was not solely a strategy used to avoid or lessen harsh legal punishments, and medical knowledge could as

easily lead to doubt about the facts of a case as it could lead to certainty.

The status of physical evidence and medico-legal knowledge was in flux throughout the seventeenth century.⁴³³ By this time, the primary role of a jury member had become more passive than it had been in the past. He and his fellow jurors had to assess the credibility of witnesses and scrutinize their testimonies to reach a verdict. However, there were no set standards of evidence on which they were required to base their decisions and their deliberations were not recorded, so the extent to which individual trial verdicts were based on physical evidence is largely lost.⁴³⁴ Additionally, unlike in Europe, juries did not regularly consult medical experts or authoritative texts; they heard oral testimony, which they assessed in the moment, and there was no allowance for appeal if the facts were contradicted or contested; jurors “had to reach a verdict about the facts of the case as soon as the evidence had been heard.”⁴³⁵ Thus, legal records and the dearth of medico-legal texts until the eighteenth century make it somewhat difficult to assess the extent to which judges and juries used and debated proofs based on the body to establish facts and reach legal verdicts.⁴³⁶

⁴³³ Vanessa McMahon makes this argument in, *Myrder in Shakespeare's England*, (London, 2004), and others have examined the transition and development of evidentiary standards that emerged in England in the eighteenth century. See Barbara Shapiro, *Beyond Reasonable Doubt and Probable Cause: Historical Perspectives on the Anglo-American Law of Evidence*, (Berkeley, 1991); John H. Langbein, “Historical Foundations of the Law of Evidence: A View from the Ryder Sources,” *Columbia Law Review*, Vol. 96, No. 5 (Jun., 1996), pp. 1168-1202. One of the key primary texts on this topic was Geoffrey Gilbert, *The Law of Evidence*, (London, 1756).

⁴³⁴ Many scholars have written about the transformation of the trial jury from self-informing, active participants who brought their own knowledge about the trial to bear in their decision making, to passive members whose main purpose was to listen and evaluate evidence given by witnesses in order to reach a verdict. Many have debated the reason why this transformation took place, but most agree that it occurred in the period just before my study takes place. See Thomas Andrew Green, *Verdict According to Conscience: Perspectives on the English Criminal Trial Jury, 1200-1800*, (Chicago, 1985), cf. Chapter 4 “The Transformation of Jury Trial in Early Modern England,” pp. 105-53; John H. Langbein, *Prosecuting Crime in the Renaissance: England, Germany, France*, (Cambridge, Massachusetts, 1974), cf. Chapter 5, “The Institutions of Criminal Justice after the Marian Statutes,” pp. 104-128.

⁴³⁵ Catherine Crawford, “Legalizing medicine: early modern legal systems and the growth of medico-legal knowledge,” in *Legal Medicine in History*, Catherine Crawford and Michael Clark (eds), (Cambridge, 1994), p. 105.

⁴³⁶ Some have argued that the lack of developed standards of evidence and medico-legal knowledge indicated that England was ‘behind’ Europe, although recent scholarship has countered this view. On the former argument see Thomas R. Forbes, *Surgeons at the Bailey: English Forensic Medicine to 1878*, (New Haven, 1985); J.D.J. Harvard, *The Detection of Secret Homicide: A Study of the Medico-legal System of Investigation of Sudden and Unexplained Deaths*, (London, 1960). On the latter, see the below footnote on Catherine Crawford.

In spite of this, recent scholarship has maintained that juries and judges did consider and rely on various forms of physical evidence.⁴³⁷ Lay people in infanticide trials often provided details about the mother's and infant's bodies during the course of their testimony, offering descriptions about physical indicia they had observed.⁴³⁸ Juries of matrons and midwives examined women's bodies for signs of pregnancy or a recent birth, and presented their findings in instances of paternity disputes, execution appeals ('pleading the belly'), or infanticide.⁴³⁹ In pre-trial proceedings, coroner's and their juries examined bodies for signs which could warrant indictments, despite the fact that neither the coroner nor the juror had formal medical training. Even in cases where the coroner's findings were contested, as Carol Loar has discovered, both sides made claims based on physical evidence to prove or disprove their argument.⁴⁴⁰ Laura Gowing has noted that in seventeenth century infanticide trials, witnesses would testify as to the accused's emotional state as evidence of her guilt or innocence. Examiners and witnesses commented on signs of grief or trauma, and on whether she seemed "confused and anxious,

⁴³⁷ Catherine Crawford argues that the English law and the jury system did not produce the same for medico-legal texts that the Roman-canon system did, which had specified rules of evidence and standards about the extent to which that evidence could establish a legal proof. See Catherine Crawford, "Legalizing medicine: early modern legal systems and the growth of medico-legal knowledge," in Catherine Crawford and Michael Clark (eds), *Legal Medicine in History*, (Cambridge, 1994), p. 105. On the use of physical evidence and medical experts in the Roman-canon legal system see Silva De Renzie, "Medical Expertise, Bodies and the Law in Early Modern Courts," *Isis*, Vol. 98, No. 2 (June 2007), pp. 315-322; Cathy McClive, "'Witnessing of the Hands' and Eyes: Surgeons as Medico-Legal Experts in the Claudine Rouge Affair, Lyon, 1767," *Journal for Eighteenth Century Studies*, Vol. 35, No. 4 (2012), pp. 489-503.

⁴³⁸ McMahon examines lay and professional testimony about the body in her survey of Northern Assize depositions for murder trials between 1640-1730, and argues that there was a shift in evidentiary standards throughout this period based on changes about the role of witnessing and the desire to access objective facts. She maintains, like others, that while lay people, including midwives, provided testimony about the body in the seventeenth century, they were increasingly prevented from doing so with the professionalization of medicine and the growing prominence of medical knowledge as a stable form of legal evidence. See McMahon, *Murder in Shakespeare's England*, pp. 30-33.

⁴³⁹ See Thomas Forbes, "A Jury of Matrons," *Medical History*, 32, 1988; James Oldham, "On Pleading the Belly: A History of the Jury of Matrons," *Criminal Justice History*, 1985.

⁴⁴⁰ Carol Loar, "Medical Knowledge and the Early Modern English Coroner's Inquest," *Social History of Medicine*, vol. 23, No. 3, pp. 475-491. Also, Carol Loar, "'Under Felt Hats and Worsted Stockings': The Uses of Conscience in Early Modern English Coroners' Inquests," *Sixteenth Century Journal*, Vol. 41, No. 2, (Summer, 2010), pp. 393-414; T. R. Forbes, "'Crown's Quest,'" *Transactions of the American Philosophical Society*, 68, 1, 1978, pp. 1-48; R. F. Hunnisett, *The Medieval Coroner*, (Cambridge, 1961); James Sharpe and J. R. Dickson, "Coroner's Inquests in an English County, 1600-1800: A preliminary survey," *Northern History*, XLVIII, (Sept. 2011), pp. 253-269.

heartbroken and manipulated by fear,” as evidence of her innocence, and an “unnatural stoicism” was argued to be an indication of guilt.⁴⁴¹

While there were many cases in which physical evidence was used to establish legal facts, other instances reveal a hesitancy or concern about the ambiguity of bodily signs. This was true for infanticide trials in particular, and infants' bodies were notoriously difficult to decipher. Even if a midwife could establish that a woman had recently given birth, it was almost impossible to determine how a newborn had died unless there were visible, external signs of violence. The 1624 statute was meant to circumvent this problem, but many felt that it was too harsh precisely because the body could be so ambiguous. Coroners' inquests record the difficulty in establishing the cause of death, or in securing a guilty verdict in new-born child murder cases. Mark Jackson argues that general unhappiness with the statute and a growing reliance on physical evidence resulted in the decline of convictions and a return to common-law standards of proof. This shift coincided with the professionalization of medicine and the gradual decline of the authority of midwives and lay people in legal contexts. With courts and juries no longer satisfied to rely on presumption, Jackson contends that tests were developed to determine whether or not the infant had been born alive in order to return to accepted common-law standards of proof.⁴⁴²

But the ambiguity and flexibility of bodily signs could also be used as a strategy to mitigate the harsh statute. Young, unmarried women had access to a variety of alternate narratives to explain their pregnancy symptoms or to justify a solitary birth. Claiming ignorance about a pregnancy could be used as a legitimate tactic, a way for someone to explain why she

⁴⁴¹ Laura Gowing, “Secret Births and Infanticide in Seventeenth-Century England,” *Past & Present*, No. 156 (August 1997), pp. 112-114.

⁴⁴² Mark Jackson, “Suspicious Infant Deaths: the statute of 1624 and medical evidence at coroners' inquests,” in *Legal Medicine in History*, Catherine Crawford and Michael Clark, (eds), (Cambridge, 1994), pp. 64-88.

had not informed anyone or given birth in secret. As Laura Gowing has argued, this was in many ways a discursive strategy, that “[w]omen's perception of conception and pregnancy could be complicated, contradictory and open to reinterpretations, both conscious and sub-conscious, to suit their circumstances,” specifically because these signs and symptoms were flexible.⁴⁴³

The uncertainty and ambiguity of physical signs was not solely a strategy used to avoid or lessen harsh legal punishments, however, and medical knowledge could as easily lead to doubt about a particular case as it could lead to certainty. Medical and legal debates concerning fetal development and determining between stillbirths, intentional abortions, and child murder caused a great deal of concern. Because infant's bodies were difficult to decipher, other details were used to establish the cause of death and the intention of the mother. In many cases these signs were misleading or did not establish certainty about how and when the child had died, whether before or after birth. Coroners' inquests on the bodies of infants reveal that there were contests over how to interpret signs on the body, as well as many instances in which a woman who was accused of killing her newborn was, in the end, acquitted. Doctors, midwives, lay people, and coroners all provided physical evidence or testimony about the child, often citing lack of hair, size, or indistinguishable sex as proof that the child was immature, but medical and midwifery texts were largely opaque about the timing of fetal development in the womb.

Physical evidence did not exist in a legal vacuum and was inflected with wider medical and cultural ideas and contests. Midwifery and medical texts cautioned about the difficulties in correctly diagnosing pregnancy, even in its late stages, and outlined multiple meanings of its

⁴⁴³ Laura Gowing, *Secret Births and Infanticide in Early Modern England*, p. 98; A number of articles examine the flexibility of physical signs in relation to pregnancy and birth including: Patricia Crawford, “Attitudes to Menstruation in Seventeenth Century England,” *Past & Present*, No. 91; Ulinka Rublack, “Pregnancy, Childbirth, and the Female Body,” *Past & Present*, No. 110, 1996; Carla Spivack, “To 'Bring Down the Flowers': The Cultural Context of Abortion Law in Early Modern England,” *14 Wm. & Mary J. Women & L*, No. 107, 2007-2008, pp. 107-151.

signs. They included individual cases in which women who presented as carrying a full-term pregnancy were later discovered to be suffering from 'wind' or a false conception. Even though the 'quickening' of the fetus in the fourth month was believed to be the most certain indication of a legitimate pregnancy, these symptoms could be deceiving as well. In her study of early modern pregnancy, Cathy McClive argues that “[q]uickening was...afforded a special legal status as the definitive proof of a living foetus.” However, while “[t]he medical literature did not deny the importance of quickening in the diagnosis of pregnancy, [it also] underlined the difficulties of detecting foetal movement.”⁴⁴⁴ Doctors' notes from patient consultations attest to the ambiguity of the signs of pregnancy and reveal that women's own bodily experiences were often plagued by uncertainty or unawareness.⁴⁴⁵ There were multiple explanations for many of the external and internal symptoms of pregnancy, and these notes show that both doctor and patient often expressed uncertainty or found themselves at odds in their diagnoses. McClive uses the term “corporeal uncertainty” to describe all aspects of pregnancy and birth during the early modern period. She argues that

'Uncertainty' was not simply a socially-constructed guise employed by unmarried women, but a medical and physical reality experienced by early modern women and recorded by their medical practitioners. Ambiguities were, in essence, the vehicles for these women's stories. Women, married or single, did not always lie when they told stories about their bodies. However, they were not always believed because the female body conceals 'truths' in ways that the male body does not, and pregnancy is one example of this. At the same time, it was only possible for women accused of infanticide to construct narratives about lumps and stillbirths because such things could and did happen.⁴⁴⁶

⁴⁴⁴ McClive, “The Hidden Truths of the Belly: The Uncertainties of Pregnancy in Early Modern Europe,” p. 215.

⁴⁴⁵ While third party notes could potentially be problematic, particularly because it is a male doctor recording the thoughts of his female patients, Lauren Kassell has argued that the Richard Napier and Simon Forman casebooks read like a diary, a record of their interactions with patients. They often record disagreement during the course of consultations, although sometimes with some condensation, but my interest is in the conflicting interpretation of specific signs, which they often note. The casebooks will be discussed in greater detail below. See Lauren Kassell, “Casebooks in Early Modern England: medicine, astrology, and written records,” *Bulletin of the History of Medicine*, Vol. 88, No. 4, (Winter, 2014), pp. 595-625.

⁴⁴⁶ McClive, “The Hidden Truths of the Belly,” p. 211.

Infanticide trials entailed the search of women's bodies for signs that they had recently been pregnant or had given birth, however contemporaries remained aware and anxious about how misleading those signs might be. The body of the infant was also scrutinized for signs of maturity—whether they had been born alive or dead—or to determine whether any physical harm had been inflicted. Coroners's inquests on the bodies of infants demonstrate that contemporaries searched for physical clues as to the cause of death however they also reveal much of the same uncertainty regarding the reliability of bodily evidence when attempting to ascertain the cause of death. In many instances, no final cause of death was ever determined and the accused woman was simply acquitted for lack of evidence. Thus, the following examination of the substantive claims made by and on behalf of Anne Greene will explore this particular moment in the history of the body that was ultimately characterized by a paradoxical combination of intellectual assertiveness regarding the importance and reliability of physical evidence and an epistemological uncertainty that the body could provide stable facts.

The Body of the Mother

In his petition to the court, William Petty argued that Anne Greene had been unaware she was pregnant, and based this assertion on two key points: the first had to do with timing, Anne being only three to four months along, and the second was based on witness testimony about the presence of menstrual blood. Petty asserted that the symptoms Anne had experienced, a cessation of her menstrual flow for only ten weeks followed by a month of constant bleeding, provided a reasonable cause for doubt and he emphasized there had been no certain signs of a pregnancy prior to the 'birth'. These factors combined made Anne's claim believable and, more importantly in terms of the charges brought against her, explained why she had not told anyone of the pregnancy. Even if some involved in her trial thought that she had purposefully concealed

her pregnancy, Petty countered that it was understandable that Anne's experience of her bodily symptoms led to her believe that she was not with child, and, at the very least, it had to be acknowledged that these symptoms were not straightforward.

Petty's argument was based on the assertion that it was difficult to positively discern whether or not a woman was pregnant. Not only had Anne been unable to accurately judge her own bodily symptoms, but those signs were not unambiguous in and of themselves. Petty's claims cohered with some of the contemporary ideas about the symptoms of pregnancy and the cessation of the period was one sign among many that indicated that a woman might be pregnant. However, it was also thought to be related to a series of other diseases, ill-health, and, to complicate matters further, many thought that a woman could bleed during the first few months of pregnancy and still carry a healthy child to term. Petty's argument was grounded on the assumption that while women's bodies might be generally unreliable, there were certain signs that made some possibilities more likely than others.

But the problem remained that in early modern England, pregnancy was believed to be very difficult to judge, particularly in its early stages.⁴⁴⁷ In the vernacular medical and midwifery guides that were published throughout the latter half of the seventeenth century, the symptoms of pregnancy were listed in detail and the cessation of the 'terms' was only one symptom among many. In *A Directory for Midwives*, Nicholas Culpeper cites many of the signs that other texts listed, including pain or 'wind' (gas) in the belly, loss of appetite or particular cravings, enlarging and hardening of the breasts, reddening of the veins, a change in the complexion, and a general weakness of the body. He claims that there are three signs that have

⁴⁴⁷ On the uncertainty surrounding pregnancy and women's bodies generally speaking, see Gowing, *Common Bodies: Women, Touch and Power in Seventeenth-Century England*; McClive, "The Hidden Truths of the Belly: The Uncertainties of Pregnancy in Early Modern Europe," pp. 209-227.

“never yet failed” to render an accurate judgement in the first two months: a swelling of the vein under the eye and discolouring of the eyes; the stoppage of her “terms”; and telltale indications in the urine, particularly the presence of 'small living Creatures'.⁴⁴⁸ Jacques Guillemeau, a French surgeon whose work was translated into English in 1612, notes other commonly accepted signs of pregnancy: that the woman experienced pleasure during the act of conception; that at the same moment she felt “a kind of yawning, and stretching, and feeles within her a shaking or quivering;” and if a few days later she “falles a vomiting, and spitting, distasts her meate, groweth dull, carelesse and...not long after her belly swells and growes bigger; her hips and raines are enlarged; her courses appeare not, which should flow at certain times,” then these are signs that she might indeed be pregnant.⁴⁴⁹ In the second month, Guillemeau notes, the belly will grow soft and swell, the veins, breasts and hips will get larger, and milk will appear in the breasts. However, many physician-writers claimed that the only certain sign of pregnancy was the 'quickening', or when the mother felt the baby move for the first time, usually between the third and fourth month. This was based on a woman's own judgement about what was happening inside her body, and was considered in conjunction with the other signs as well.

What Culpeper, Guillemeau, and others make central to their discussion about pregnancy, however, is that it is very easy to misread all of the positive indications associated with it. Each of the symptoms could be caused by a different disease, and “false conceptions” often exhibited the exact same signs as positive ones. Appealing to the authority of William Harvey, the physician Percivall Willoughby argued for caution when diagnosing pregnancy:

“Therefore Dr Harvey saith, So that, sometimes, the most approved signes of ingravidation have

⁴⁴⁸ Nicholas Culpeper, *A Directory for Midwives: Or, A Guide for Women*, (London, 1651), pp. 126-8.

⁴⁴⁹ Jacques Guillemeau, *Child-birth or, The happy deliuerie of women*, (London, 1612), pp. 4-5.

not onely deluded the silly women, but the experienced midwives, and the skilfull physicians themselves.”⁴⁵⁰ The distinctions that Willoughby makes here are important. Although scholars have demonstrated a shift in medical authority throughout this time, and a growing claim that only trained (male) physicians could accurately diagnose female ailments, as opposed to midwives or women themselves, there remains a general sense that the female body was hard to read.⁴⁵¹ This persistent warning about the ambiguity of pregnancy runs throughout seventeenth century medical and midwifery texts, and was not solely based on the assertion of male authority. Guillemeau argues that “[a] Chirurgion must bee very circumspect, in determining whether a woman be conceived, or no...[f]or there is nothing more ridiculous, then to assure a woman that shee is with childe; and afterward, that her naturall sicknesse, or store of water should come from her: and instead of a childe, some windie matter should breake from her, and so her belly fall, and grow flat againe.” To demonstrate that the difficulty in judging pregnancy was shared across professional divides, Guillemeau includes the example of a woman who was deemed not pregnant by “four of the chiefe Physitians, and as many Chirurgions, and two Midwives,” and it was only after the woman died and her corpse was opened that they discovered “a child betweene six and seven months old.”⁴⁵² Therefore, the fact of conception was broadly considered to be a difficult medical assessment to make with any certainty.⁴⁵³

⁴⁵⁰ Percivall Willoughby, *Observations in midwifery: as also the country midwives opusculum or vade mecum*, Henry Blenkinsop (ed.), (Warwick, 1863), p. 267. An abridged copy of Percivall's text appears in BL Sloane MS 529, and Percivall himself was a licensed physician, practicing in Derbyshire throughout the mid seventeenth century.

⁴⁵¹ Mary Fissell has argued that part of this shift was epistemological, and the claim that knowledge about the body be based on seeing, which favoured male authority, over feeling, which rose from the medical practices of women. The female body, or a woman's experience of her own body, was not a stable foundation for the production of accurate medical judgements and therefore required the interpretation of a male physician who had received education based on texts and anatomies, something that women were generally excluded from. See Mary Fissell, *Vernacular Bodies: The Politics of Reproduction in Early Modern England*, (Oxford, 2004), pp. 148-52.

⁴⁵² Guillemeau, *Child-birth or, The happy deliuerie of women*, p. 3.

⁴⁵³ Women's ailments were frequently associated with the womb and presented with similar symptoms to the point where physicians and midwives argued that it was difficult to distinguish between them. Jane Sharp help that illnesses particular to women, such as dropsy, greensickness, falling sickness, and suffocation, were similar and “[p]hysicians can hardly tell which way to proceed oftentimes in these Distempers, because it is hard to say what Disease the woman is

At the same time, writers claimed that women, especially young women, were ignorant about their embodied experiences and needed to be educated about accurately judging their own symptoms, particularly because a doctor's or midwife's assessment was largely based on what the woman reported. Jane Sharp argued that false conceptions caused a different type of pain than viable ones, so a woman must know how to discern both the location and quality of her discomfort. Whereas in early pregnancy, a quickening will feel like “the stirring of a flie when he flieth,” and the child will move in all directions with her own force, a false pregnancy feels different. “[A] most evident sign [is] when the woman lyes down on either side, for then she feels it fall like a boule, and is not able to uphold, or stay it; yea, being laid on her back, if her belly be pressed or crushed, it will remain in the place whither it was thrust, without coming back again.”⁴⁵⁴ But there were other potentially misleading causes of apparent pregnancy. Doctor Willoughby recounts one woman who “apprehended her self to bee with child, by the stirring of it (which both she her self, and her sister also, who then lay with her in bed, did, many times, in the night, perceive) and all the arguments, I could suggest, could not remove that persuasion from her; till, at the last, all her hopes vanished into flatulency, and fatness.”⁴⁵⁵ His text does not reveal the reasons Willoughby was convinced that this woman was experiencing wind and not a pregnancy. Although he highlights his learned judgment over the conclusions the woman herself draws about her bodily experience, what he also claims is that what was considered one of the most convincing signs of pregnancy, might simply be gas.

Many writers also asserted that the presence or absence of menstruation did not indicate

sick of.” Jane Sharp, *The Midwives Book, Or the Whole Art of Midwifry Discovered*, Elaine Hobby (ed), (Oxford 1999 ed., originally published in 1671), p. 249.

⁴⁵⁴ Guillemeau, *Child-birth or, The happy deliuerie of women*, pp. 16-17.

⁴⁵⁵ Willoughby, *Observations in midwifery*, p. 267

with any certainty whether or not a woman was pregnant.⁴⁵⁶ The question of what the cessation of the “terms” indicated in regards to pregnancy and illness was a complex one for early modern women, midwives, and physicians. The doctors who wrote about it repeatedly stated that this particular symptom could be associated with a variety of diseases or conditions; menstruation could cease for many reasons. Some women's cycles were irregular based on their diets, and others did not regularly keep track of them, as Jane Sharp complained.⁴⁵⁷ Culpeper noted several such causes including obesity, excessive exercise, wasting caused “by continual sickness... [or] if they have cancer or ulcers in the body,” a hot or cold distemper, as well as the experience of immoderate fear or grief.⁴⁵⁸ Therefore the absence of a period remained an ambiguous sign, and, as Gowing argues, “what we recognise and test as early pregnancy could be perceived, then, as an obstruction in the menstrual flow which might, or might not, eventually lead to a quick child.”⁴⁵⁹

Menstruation was understood according to early modern humoral theory, which based ideas about health on a Galenic understanding of the balance of fluids within the body, blood being one of them. Patricia Crawford has argued that the two main ideas about the “menses,” conflicted with each other. The first asserted that women experienced menstruation because it was their body's method of purification. Whereas men's bodies expelled impurities through their sweat, women were colder in disposition, less active, and therefore needed to eliminate waste in some other way. The other theory claimed that menstruation was simply a shedding of excess

⁴⁵⁶ On menstruation in early modern England, see Patricia Crawford, “Attitudes to Menstruation in Seventeenth-Century England,” *Past and Present*, No. 91, (May 1983), pp. 47-73; and Sara Read, *Menstruation and the Female Body in Early Modern England*, (Palgrave Macmillan, 2013).

⁴⁵⁷ She writes, “Young women especially of their first Child, are so ignorant commonly, that they cannot tell whether they have conceived or not, and not one of twenty almost keeps a just account, else they would be better provided against the time of their lying in, and not so suddenly surprised as many of them are.” Jane Sharp, *The Midwives Book*, p. 102.

⁴⁵⁸ Culpeper, *A Directory for Midwives*, pp. 92-94.

⁴⁵⁹ Gowing, *Common Bodies*, p. 120.

blood in the body, the woman not needing as much of this humor to maintain a healthy balance as a man does. During pregnancy, the blood that was normally shed was instead transformed into nourishment for the child in the womb, which was why the “issues” stopped flowing. This process continued after the birth in the form of breast milk. Amenorrhoea—the medical condition associated with the cessation of menstruation—was a cause for concern if a woman experienced this but was not pregnant. Crawford recounts that “[w]hen suppressed, the woman would sicken either because her body would become a putrefying sink of ill humours which would in turn attract more ills, or because the blood would beat back from her womb to trouble her brain, causing melancholy and troubling her spirits.”⁴⁶⁰ In order to remedy the condition, doctors would prescribe blood-letting, rest, and relaxation in an effort to move the “issues” and rid them from the body. Thus bleeding could be explained as part of the body's way of restoring health.

However, to make matters even more complicated, medical practitioners and theorists argued that menstrual blood might not cease but continue to flow in the first few months of pregnancy. In these early stages the embryo is still quite small and might not consume all of the blood that is available to it. Whether or not the woman's menstrual cycle continued was wholly dependent on the particular case, so Guillemeau specifies that although most of the time “her courses appeare not, which should flow at certain times,” there are “some [who] have them whe[n] they be with child.”⁴⁶¹ In a seemingly contradictory argument, Sharp claims that false conceptions might cause the menses to cease altogether, whereas blood might appear for the first few months of a viable pregnancy: “There is one observation more concerning false conceptions, that when they happen the Flowers stop presently and never come down, whereas

⁴⁶⁰ Crawford, “Attitudes to Menstruation in Seventeenth-Century England,” p. 54.

⁴⁶¹ Guillemeau, *Child-birth*, p. 5.

they do sometimes the first two months in true conceptions, because they are superfluous in strong full fed persons before the child comes to want more nutriment.”⁴⁶² But, if blood continued to flow for too long into the pregnancy, then this was held to be a bad sign and indicative of an unhealthy and undernourished fetus.

Uncertainty, Disagreement and the Experience of Pregnancy

But how did women themselves perceive their own bodily symptoms as they attempted to know whether they might be pregnant? Despite the ambivalence with which physicians discussed it, many women thought that the lack of menstruation was one of the most evident signs of an early pregnancy. The medical casebooks of Simon Forman and Richard Napier are unique sources that record the thoughts and suspicions of many women who consulted the two doctors about conception.⁴⁶³ Based on an overview of more than half the total cases regarding pregnancy, women consulted the doctors in the early stages to try to determine whether or not they were pregnant, prior to the quickening of the child.⁴⁶⁴ The casebooks are limited in some ways as they are a (male) physician's interpretation of the female patient's symptoms and therefore a filtered and indirect source. Additionally, they do not include their diagnoses in all cases, so in many instances we have a set of symptoms with no conclusions about what the possible ailment might be. However, what the medical notes do provide is a collection of symptoms that the patient reported to the doctor, the indications that led her to believe she was pregnant, and, sometimes, a judgement one way or the other about whether or not the doctor

⁴⁶² Sharp, *The Midwives Book*, p. 114.

⁴⁶³ I consulted the newly digitized edition of the casebooks, found at the following link:
<http://www.magicandmedicine.hps.cam.ac.uk/>

Not all of the individual folios have been photographed and uploaded at this point, so some of the information I have included here is based on the editors' transcriptions of the case details, whereas some is based on my own transcription of the document itself.

⁴⁶⁴ The women who consulted the physicians were all married, which certainly shaped both their experience and interpretation of physical signs.

believed she was with child. What Napier's and Forman's medical notes reveal is that not only were the doctors themselves often hesitant to make a diagnosis, the women who consulted them also had a very ambivalent or confusing experience of early pregnancy.

Between 1596 and 1645, over five hundred women consulted either Forman or Napier regarding various issues concerning pregnancy. In their individual entries, the record generally lists the woman's name and age, and the date of consultation, and often describes the consultation as “*utrum sit gravida*,” that is, whether or not she is pregnant. In many of the cases the woman's symptoms are recorded, as is whether or not she submitted her urine for analysis, which was often the case, as well as the doctor's interpretation of the sample.⁴⁶⁵ In some instances the doctors would be requested to provide a diagnosis through a secondary party, often a husband, who came with a urine sample and list of ailments, or in writing in response to a letter. In some cases the female patient came because she had been married for a few years but had not yet conceived a child. What is interesting about the casebooks is that in as many cases as not, the doctor found that the woman was not actually pregnant, but was experiencing a false conception or other disease associated with the womb. Whether any of the women would later find that they had, in fact, been pregnant, is not evident; however, Forman's and Napier's notes suggest that both the doctors and the women who visited them perceived early pregnancy as an uncertain condition whose symptoms could point to various diseases and ailments.

The women who consulted the physicians complained of a variety of ailments and often described with some detail why they suspected they were pregnant. Forman's notes quite

⁴⁶⁵ The editors of Forman's and Napier's digitized casebooks note that “Forman states explicitly in his guide to astrology that he did not regard urine analysis as being of any diagnostic value, but nonetheless encouraged his clients to provide samples as this enabled him to discern their duplicity if the urine provided was not in fact that of the patient. Napier, however, clearly did use urine analysis as a diagnostic tool and seems to have been less paranoid than his mentor about his clients' intentions.” Casebooks Project (Guide to Reading the Cases), <http://www.magicandmedicine.hps.cam.ac.uk/using-our-edition/guide-to-reading-the-cases>, accessed 2016-01-28.

frequently begin with the words “she supposeth her self with child,” followed by a specific description of her condition, suggesting that the symptoms described are those experienced by the patient as she recounted them to the doctor, giving us a certain degree of access to her embodied sense of doubt and questioning based on specific signs.⁴⁶⁶ The physical ailments that many of the women described often overlap, both with each other and with the medical texts discussed above. On January 5, 1597, Mrs. Brage consulted Dr. Forman regarding “her gret belly & hardnes therof.”⁴⁶⁷ Ellin Hinnet was experiencing a “great sornes in the bottom of the belly,” as well as “in her groine, [and] she hath not her courses.”⁴⁶⁸ Elizab[eth] Borase felt a great deal of pain in her belly which caused her to vomit, and Elisabeth Symons reported that her “stomacke [was] ill & doth cast up her meat & was ill by fits.”⁴⁶⁹ Elis Write paid a visit to Dr. Napier because her “legs [were] swelled & [she] cannot stand nor goe [and] would know wheather with child.”⁴⁷⁰ Therefore some of the key signs that physicians like Culpeper wrote about in the 1650s, such as soreness, nausea, and swelling, were the same ones that caused individual patients to question whether or not they were with child. In some instances, these same signs were sufficient for Forman and Napier, and in others they were not and the doctors looked for other physical indications to make a determination. In more cases than not, an analysis of the patient's urine was performed to determine if she were pregnant or not. Napier seemed, at times, to offer his judgments based on a urine reading alone. He records that Goody

⁴⁶⁶ See MS Ashmole 226, f. 138v; and MS Ashmole 226, f. 183r as examples of this.

⁴⁶⁷ MS Ashmole 234, fo. 146V, Casebooks Project (CASE1035 [Normalised Version]), <http://www.magicandmedicine.hps.cam.ac.uk/view/case/normalised/CASE1035?sort=date&order=asc&sm=234>, accessed 2016-01-29.

⁴⁶⁸ MS Ashmole 226, f. 13Av, Casebooks Project (CASE1195 [Normalised Version]), <http://www.magicandmedicine.hps.cam.ac.uk/view/case/normalised/CASE1195?sort=date&order=asc&sm=226>, accessed 2016-01-29.

⁴⁶⁹ MS Ashmole 226, f. 183r, Casebooks Project (CASE2294 [Normalised Version]), <http://www.magicandmedicine.hps.cam.ac.uk/view/case/normalised/CASE2294?sort=date&order=asc&sm=226>, accessed 2016-01-29; MS Ashmole 203, f. 210v, 211r, Casebooks Project (CASE36856 [Normalised Version]), <http://www.magicandmedicine.hps.cam.ac.uk/view/case/normalised/CASE36856?sort=date&order=asc&sm=203>, accessed 2016-01-29.

⁴⁷⁰ MS Ashmole 229, f. 277r, Casebooks Project (CASE34609 [Normalised Version]), <http://www.magicandmedicine.hps.cam.ac.uk/view/case/normalised/CASE34609?sort=date&order=asc&t=63&to=2&tm=5>, accessed 2016-01-28.

Paule had given him a sample, desiring to know “wheather w[i]th child or noe.” And based on his analysis he deduced that it “turned very good...reddish,” and she would “seeme to be w[i]th child.”⁴⁷¹

Many women who came to see Forman or Napier noted a lack of their “termes” as a sign that they might be pregnant, and in some cases it was the only symptom listed in the doctor's notes. Goodwife Travell had been without her “termes” for seven weeks, Anne Eastwick “had them not these 5 weekes,” and Elsabeth Berry had “wanteth her termes six weekes.”⁴⁷²

However, some women thought they might be pregnant even though they continued to experience their menses, as in the case of Francis Harryson who consulted Napier in 1606.⁴⁷³

For many women, though their “termes” were stopped, women were told by the doctors that they were with child. Susan Wake visited Forman with pains in her back, belly, and stomach, and did not have her courses at the time. Although Susan supposed “her self w[i]th child,”

Forman speculated that “it was a conception fell into her womb but it will not prove.”⁴⁷⁴

Seeking an opinion from Forman, An[n] Cockain described symptoms of stirrings in her belly, pain in her back, stomach and head, but also had her 'termes' at the time. Forman concluded that this was a false conception.⁴⁷⁵ Some women had thought they were pregnant but experienced unexpected bleeding, like forty year old Twyday Nichols, who in 1603 paid a visit to Dr. Napier

⁴⁷¹ MS Ashmole, Casebooks Project (CASE30309 [Normalised Version]), <http://www.magicandmedicine.hps.cam.ac.uk/view/case/normalised/CASE30309?sort=date&order=asc&t=63&to=2&tm=5>, accessed 2016-01-29.

⁴⁷² MS Ashmole 229, f. 118r, Casebooks Project (CASE33476 [Normalised Version]), <http://www.magicandmedicine.hps.cam.ac.uk/view/case/normalised/CASE33476?sort=date&order=asc&t=63&to=2&tm=5>, accessed 2016-01-28; MS Ashmole, Casebooks Project (CASE26612 [Normalised Version]), <http://www.magicandmedicine.hps.cam.ac.uk/view/case/normalised/CASE26612?sort=date&order=asc&t=63&to=2&tm=5>, accessed 2016-01-29; MS Ashmole, Casebooks Project (CASE16313 [Normalised Version]), <http://www.magicandmedicine.hps.cam.ac.uk/view/case/normalised/CASE16313?sort=date&order=asc&t=63&to=2&tm=5>, accessed 2016-01-29.

⁴⁷³ MS Ashmole, Casebooks Project (CASE32685 [Normalised Version]), <http://www.magicandmedicine.hps.cam.ac.uk/view/case/normalised/CASE32685?sort=date&order=asc&t=63&to=2&tm=5>, accessed 2016-01-29.

⁴⁷⁴ MS Ashmole 195, f. 222r.

⁴⁷⁵ MS Ashmole 195, f. 236r.

because she had “took a fright & with it her floures are comme Downe.”⁴⁷⁶ She consulted Napier to determine whether or not she was still pregnant, as she believed, even though she had started bleeding. Similarly, Gyllion Cooper experienced what Napier recorded as “a mischance & [she] knoweth not whether with child or noe.”⁴⁷⁷ While the absence of menstrual blood could be an initial indication, it did not appear to establish a pregnancy with any degree of certainty. Thus menstruation was not only considered an inconsistent sign in written texts and in Napier's and Forman's judgements, it would seem that many women experienced it that way as well.

Several of the case notes reveal disagreements between patient and doctor regarding a diagnosis, or uncertainty about what the correct diagnosis might be. Although taken to be the most accurate symptom in determining pregnancy, the quickening of the child in the womb could as easily lead to doubts and debates. Margaret Wincot, aged forty-four, visited Napier to find out if she was pregnant. He records that she “hath taken her self to be with child since twelfetyde to Easter. [B]ut hath had a great many of her sicknesses & doe follow her ever since but she is as big as if shee were with child & she thinketh that she feeleth something stir as if she were with child.”⁴⁷⁸ Though Wincot thought she felt the stirring of a child, she was not entirely sure that this was the cause of what she felt. A perceived internal movement was perhaps the symptom that caused the greatest debates between the doctors and their patients. Susan Mountegue consulted with Forman in 1597 and although she “supposeth her self quick with child,” he noted that he had doubts that this was the case.⁴⁷⁹

Some cases spoke to the doctor's own doubt about the meaning of certain signs and their

⁴⁷⁶ MS Ashmole, Casebooks Project (CASE14133 [Normalised Version]), <http://www.magicandmedicine.hps.cam.ac.uk/view/case/normalised/CASE14133?sort=date&order=asc&t=63&to=2&tm=5>, accessed 2016-01-29.

⁴⁷⁷ MS Ashmole, Casebooks Project (CASE30097 [Normalised Version]), <http://www.magicandmedicine.hps.cam.ac.uk/view/case/normalised/CASE30097?sort=date&order=asc&t=63&to=2&tm=5>, accessed 2016-01-29.

⁴⁷⁸ MS Ashmole, Casebooks Project (CASE28948 [Normalised Version]), <http://www.magicandmedicine.hps.cam.ac.uk/view/case/normalised/CASE28948?sort=date&order=asc&t=63&to=2&tm=5>, accessed 2016-01-29.

⁴⁷⁹ MS Ashmole 226, f. 260r.

inability to reach a firm diagnosis. Elizab[eth] Hartwel consulted Forman in 1599, claiming that she was pregnant. Although he did not document his reasons, Forman was not convinced and noted that “either it [the pregnancy] must be 23 weekes or else a false conception...[in] 29 dais she shall see.”⁴⁸⁰ Thus, Forman's and Napier's case notes reveal the ambiguity of specific signs as grounds to establish that a woman had conceived a child, particularly in the first few months of the pregnancy. In the same way that trained physicians stressed the difficulty of establishing a positive correlation between common symptoms such as vomiting, the cessation of menstruation, or pain, and pregnancy, so too in many cases did women experience their own bodies with uncertainty. However, there is also evidence that women interpreted the signs of their bodies with a great deal of self-assurance and sometimes found themselves at odds with a diagnosis given by their doctor. While some sought the physician's assessment to interpret the meaning of their symptoms for them, others visited the doctor only to confirm what they themselves knew to be true based on their own interpretation of the physical symptoms they had felt. Some women were certain they were pregnant while others expressed that they were unsure. At times, doctors argued with their patients about what particular signs meant, but as often as not articulated their inability to interpret the body with any degree of certainty.

In light of the midwifery texts as well as the casebook accounts of women's own experience of and uncertainty about the signs of pregnancy, Anne Greene's claim that she was unaware that she had been pregnant, and Petty's assertions to the court, becomes both more and less plausible. Although many women reported that a suspension of their normal courses (or menstruation) was what caused them to suspect they were pregnant, this was not always the case and early modern medical theories supported this uncertainty. The cessation of the

⁴⁸⁰ MS Ashmole 195, f. 223v.

“menses” alone could lead to suspicion, but might not be the result of an actual pregnancy. However, Greene was reported to have been ten weeks without any “issues,” something that could have very easily caused her to at least suspect that pregnancy was a possibility, even if she could not be sure. However, when she started bleeding again, as her fellow servant reported, it is possible that even if she had her suspicions, that they might have been relieved. But, it was also a possibility that despite the bleeding, she could still have suspected herself to be with child. Greene would have experienced and interpreted her body within a Galenic framework which allowed for a certain degree of plausible deniability around the issue of menstruation and pregnancy. Each of the authors who described the event emphasized that Greene was performing manual work at the time her labor started. This exertion and increased heat in her body could have caused her “terms” to come down, an event which may or may not have been a miscarriage. There was, consequently, a great deal of flexibility about how she might have understood her missed menstrual cycles and the bleeding that occurred, and, such uncertainties allowed Richard Watkins to tentatively assert

that shee might not know certainly that she was with childe, (it is not improbable: for shee was not 10 weeks without the usual courses of women, before she had those continual Issues which lasted for a Moneth together: which long and great Evacuation might make her judge, that it was nothing else but a flux of those humors which for ten weeks before had been suppressed.⁴⁸¹

There was room within early modern medical theory, as well as women's own experiences of pregnancy, to make assertions of both knowing and not knowing. Greene's claim and Petty's support of it were possible because of a particular flexibility of the experience and understandings of women's bodies in early pregnancy.

Some feared, however, that this ambiguity around pregnancy could be used as a tactic,

⁴⁸¹ Watkins, *Newes from the Dead*, sig B.

particularly by single women who had obvious reasons to deny they had conceived. Culpeper expressed this concern in a typically critical take on young women's lack of knowledge about pregnancy, a problem lamented in many of the medical texts throughout this period. Many texts like Culpeper's were written with the express purpose to educate ignorant midwives and women about their own bodies, supplying them knowledge hitherto confined to medical professionals and anatomists.⁴⁸² Some thought that uncertainty about pregnancy was because women, especially young women, were ignorant of their own bodies and menstrual cycles. But others argued that women were also cunning, duplicitous, and could hide their symptoms in various ways. Culpeper claimed that "[s]ome Women are so ignorant they do not know when they are conceived with Child, and others so coy they will not confes when they do know it."⁴⁸³ Of course his jab eclipses the uncertainty around pregnancy more generally in order to emphasize his own knowledge about the female reproductive body. However, he also picks up on a broad cultural concern about how easy it might be for a woman to hide the fact that she was pregnant by pretending that her symptoms had another cause or by using clothing to conceal a growing belly.⁴⁸⁴ In one case, Dr. Napier hinted at this concern when a woman came to him seeking a

⁴⁸² The proliferation of vernacular medical books throughout this period has been attributed to both the lack of regulation over printed material as well as a general response to the conflict of the 1640s. Mary Fissell, among others, has argued that most of this literature sought to subject female bodies and knowledge to male authority, placing midwifery under the domain of the practice of 'physic' broadly speaking. See Fissell, *Vernacular Bodies*, ch. 5. Aside from Culpeper's work, some of the key midwifery and medical texts published in English throughout this period include: Thomas Chamberlayne, *The Compleat midwives practices*, (London, 1656); Helkiah Crooke, *Mikrocosmographia: A Description of the Body of Man*, (London, 1615); Jacques Guillemeau, *Child-birth Or, the Happy Deliuerie of Women*, (London, 1612); Levinus Lemnius, *A Discourse Touching Generation*, (London, 1664); Jacob Rueff, *The Expert Midwife, or An Excellent and Most Necessary Treatise of the Generation and Birth of Man*, (London, 1637); Jane Sharp, *The Midwives Book. Or the Whole Art of Midwifry Discovered*, (London, 1671); Anonymous, *Every Woman Her Own Midwife, Or a Compleat Cabinet Opened for Child-bearing Women*, (London, 1675); Percivall Willoughby, *Observations in midwifery: as also the country midwives opusculum or vade mecum*, Henry Blenkinsop, ed., (Warwick, 1863).

⁴⁸³ Culpeper, *A Directory for Midwives*, p. 125

⁴⁸⁴ Also pertains to this quarter sessions case from the QSB records: QSB 1/30/45: The humble petition of James Spenser of Wellinge; To the Reverend ffather in god John by gods permission Lord: Bishopp of Chester & other of jis Majesties Justices of the peace of the session, holden at Wigam: Elline Bootle the Daughter of Robert Bottle of Wellinge gentleman: shee concealinge from her saide ffather that shee was with child: dissembling her self to have other diseases until about the [unclear] of Januarie what day the child was brought to the Church to be Baptized: the petition the court

purge in order to release her menstrual flow. This was commonly done as a way to restore balance to the body when the 'terms' had stopped, but it was also believed that women who had an unwanted pregnancy would use this method to bring on a miscarriage. Mrs Susan Pedder seemed to be having difficulty in regards to menstruation and “[h]ad them last weeke [and] hath great store of them,” but notes that he inquired whether or not she was pregnant, suggesting his concern about the effects of the purge.⁴⁸⁵ Jakob Rueff warned about this in his text *The Expert Midwife*, published in 1637. Duplicitous women seeking an abortion requested to be bled between their toes, as this was thought more likely to cause the 'terms' to come down quickly.⁴⁸⁶ Once free of the pregnancy “streight-way they pretend and make a shew that they are troubled with wringings and gripings in the belly, with paines of the brest and head, and do shadow and dissemble the truth of the matter.”⁴⁸⁷ Midwives, surgeons, and physicians had to be careful to determine whether or not a woman was pregnant before deciding to use blood-letting to restore her health. Not surprisingly, Rueff used this point to emphasize the lack of learning of midwives and unskilled physicians, cautioning that those who were “over-credulous, doe counsell & advise such things to great evill and mischeife.”⁴⁸⁸

Childbirth and the Multiple Meanings of Pain

The second part of the physical evidence that was used to defend Anne Greene was that she did not know that the pain she was experiencing was actually that of labor and childbirth.

for support in regards to this child.

⁴⁸⁵ MS Ashnole 229, f. 192v, Casebooks Project (CASE33994 [Normalised Version]), <http://www.magicandmedicine.hps.cam.ac.uk/view/case/normalised/CASE33994?sort=date&order=asc&t=63&to=2&tm=5>, accessed 2016-01-28.

⁴⁸⁶ Gowing states that “[l]etting blood from the foot was a remedy for blocked menstrual periods, and thus also understood as a means for inducing abortion. A defamation case at the Lichfield courts in 1632 revolved around Anne Harris's claim that her single neighbour Judith Lane had had sex with John Wagstaffe, and that she had not got pregnant because he had 'let her blood from betwixt the great toes and had made her for going upright again'; she also alleged that Judith had used herbs or potions to prevent her being with child.” Gowing, *Common Bodies*, p. 47.

⁴⁸⁷ Rueff, *The Expert Midwife*, p. 61.

⁴⁸⁸ *Ibid.*, p. 61.

Watkins summarized both his and Dr. Petty's claim on this point, writing:

[T]he childe which then fell from her unawares, was nothing but a lump of the same matter [her suppressed humors] coagulated. As for the pain, it must needs be different in such cases from that which accompanies the timely fruit of the womb: and by reason of those Issues coming from her, for so long continued a time before she could not have those throwes and passions at the time of her abortion, as women in travel are subject unto.⁴⁸⁹

His assertion was not that the fetus she gave birth to was, alternatively, some form of coagulated matter formed from retained blood in her body. Instead, Watkins argued it was reasonable that Anne believed this based on the fact that she had experienced some bleeding over the course of the previous month. The physical exertion of turning malt brought on a release of the remaining matter which was the cause of the pain. And the pain itself was of a different quality than a woman in normal “travail” or labor. He essentially argued that Anne had been suffering a miscarriage throughout the entire month, and therefore the pain she felt was not as extreme as it would have been otherwise.

Watkins's claim raised questions about the meaning of pain in relation to childbirth, miscarriage, and respectability. Pain was used in various legal settings to assess both the truth of a statement or the credibility of a witness. There were various ways to characterize the experience, or lack thereof, of labor pains. A married woman was thought to experience a more difficult childbirth than her single counterpart who gave birth to a bastard. Laura Gowing has argued that the pains of labor were a “measure of virtue and civilisation,” that indicated something about a woman's character and standing before God.

[M]arried women did not have the same compulsion to transform labour into a different kind of pain. But the cultural insistence that decent childbirth should take place in front of proper witnesses—that an honest woman would call for help, and not conceal what her body was doing—affected all women. If harlots gave birth in secret and with ease, the pains of honest 'travail' became the province of honest wives and public births.⁴⁹⁰

⁴⁸⁹ Watkins, *Newes from the Dead*, sig B.

⁴⁹⁰ Gowing, *Common Bodies*, pp. 170, 172.

The distinction between those who experienced a difficult and painful childbirth and those who did not was generally split between the virtuous and the sinful, the wife and the harlot. In *The Midwives Book*, Jane Sharp wrote that “[c]hild-bearing is so dangerous that the pain must needs be great, and if any feel but a little pain it is commonly harlots who are so used to it that they make little reckoning of it, and are wont to fare better at present than vertuous persons do.”⁴⁹¹ And it seems that this is how Greene's labor, and her supposed lack of pain, would have been initially interpreted. However, after she was revived, pamphlet writers needed to seriously confront why her labor pains had not caused her to call out for help and why her claim to ignorance could have been reasonably believed.

It was possible for single women to interpret their experience of labor pain as the result of various other medical ailments, thus explaining why they had not called for a midwife's help or had other witnesses to the birth. But rather than offer a different medical explanation for Anne's labor experience, both *A Wonder of Wonders* and *A Declaration from Oxford* circumvent the issue of pain by simply contending that she had suffered more than others had reported. Using the exact same phrasing, the pamphlets narrate that Anne, “being very busie at turning of Mault, over-reaching her self, found her self to be very ill; whereupon she immediately went into the house of Office, remaining about a quarter of an hour, full of pain; at last, a Child, about a span long sprung from her, but abortive, which much impair'd her health and strength.”⁴⁹² The claim that she had suffered labor pains was bolstered by appealing to the testimony of her fellow servant, who “admiring that she staid so long [in the house of office], and hearing many heavy groans, went to see what was become of her.”⁴⁹³ *Mercurius Politicus*

⁴⁹¹ Sharp, *The Midwives Book*, p. 131.

⁴⁹² Burdet, *A Wonder of Wonders*, sig A2.

⁴⁹³ Ibid., sig A2v.

recorded a slightly different account which minimized how much pain Anne was in, saying only that after turning the malt she started to feel ill, and “neither her selfe nor her fellow servants well knowing what the matter might be went to the house of Office, where with some straining,” she delivered the child, it falling from her “unawares.”⁴⁹⁴ Like Watkins, Petty offered a medically based explanation for the delivery, that a child at that stage of development, between three and four months old, “may suddenly shift away & not be felt, &, as in this case (the Mother sitting on a house of office) may also not bee seene Wee shall not alleage the Many like cases recorded in authority.”⁴⁹⁵ There are several different strands of explanation in these accounts. One pertains to the task she was performing; she claimed that she thought her pain was a result of the physical labor. Others disagreed about the intensity of pain. Some held that she was in a lot of pain and that her groans were loud enough for the people working alongside her to notice and hear. These accounts rely on Anne's assertion that she did cry out at the time of the birth even though she did not know what was wrong. The alternative explanation offered by Petty and Watkins attempted to account for her lack of pain, and rested on the authority of physicians and case histories to argue that given the medical circumstances, Anne experienced a normal, relatively painless miscarriage. They do not mention whether or not anyone actually heard her, only that others discovered her and the fetus just after the birth. The interpretations of her pain offered by the various accounts all attempt to justify why Anne had given birth alone and why her claim of ignorance was reasonable. But were these assessments of the meaning of her pain (or lack of pain) culturally credible?

Conflicting Interpretations of Pain

Popular pamphlets used the lack of pain to color their descriptions of birth of bastard

⁴⁹⁴ Needham, *Mercurius Politicus*, p. 468

⁴⁹⁵ Petty Papers, Add MS 72892, fol. 9r.

children and to characterize the unwed mother as a lewd figure. A case remarkably like Anne Greene's involving a woman called Martha Scambler was retold in the pamphlet *Deeds Against Nature, and Monsters by kinde* (1614). This was not a sympathetic account of Scambler, but a description of how she had murdered her newborn child to hide the shame of giving birth to a bastard. The anonymous writer does not specify how far along in her pregnancy she was when she went into labor, only that the child was born alive. He does describe the birth itself, however, emphasizing how easy the delivery was:

To our purpose, her lusty body, strong nature, and feare of shame brought an easines to her delivery, and required in her agony no help of a midwife which among women seemeth a thing very strange, for not so much as the least child in the house where she lodged had knowledge of her labour, nor hardly was she thought to be with child, so closely demeaned she her selfe, but the Devill we see addes force unto widdkednes, and puts a kind of strength to nature in that kind, otherwise had she been discovered in the childbirth.⁴⁹⁶

The lack of pain during childbirth confirmed that Scambler was duplicitous and, as a single woman giving birth to a child, living contrary to the natural social order; her labor was contrary to nature, just as her life was. Before her execution Scambler confessed that the child had been born alive, which was the only proof offered that this was indeed true, and that she had killed it by throwing the newborn into the privy. Scambler's case differs somewhat from Greene's in that the former had carried her child the full duration of her pregnancy whereas the latter gave birth prematurely. Scambler also intentionally hid her pregnancy whereas Anne claimed to be unaware of her own.

Popular pamphlets often used descriptions of pain, or the lack of pain, to make a moral claim. In polemical tales about single, murderous women, the writer often accused her of hiding, and being able to hide, both the signs of her pregnancy and the birth itself. In one 1609

⁴⁹⁶ Anon., *Deeds Against Nature and Monsters by Kinde*, (London, 1614), sig A3v.

pamphlet, *The Bloody Mother*, the anonymous author described how one Jane Hattersley used such tricks to dissemble her pregnancy with a bastard child: “she deceiv'd many, for she so cunningly blinded the eyes of people, in the time that her sinne must needs appeare, with loose lacing, tucking, and other odde tricks that she used, that to the very instant minute of her deliverie, none could perceive she was with childe.”⁴⁹⁷ She gave birth alone, and although she did experience labor pains, the writer emphasized Jane's external deception and vice by citing her easy recovery after the child had been born, writing that “[s]he was (I say) presently seene abroad againe well, and so lustie, as if she had no such strength-abatting pang, as was justly suspected, and she truly suffred to have made her carrie a contrary appearance. But common it is that such common pieces, can beare it out better then true and lawfull bearers of children can.”⁴⁹⁸ (A “piece” in this context referred to a harlot or whore). To those who saw her, Jane appeared to be in good health and acted as though she did not have any lingering pain or symptoms from the recent birth. She was not only able to hide any enduring pain from the birth, but, as was common knowledge, she did not feel the same extent of labor pains that married women did. The experience of pain, or lack of pain, was believed to reflect an inner truth about the woman herself, to expose her for the deceitful and dangerous person that she was.

The issue of pain was thus a complex one as it pertained to the truth, establishing legally binding facts, and to claiming innocence. On the one hand, an easy birth that required no help was often cited to demonstrate the ill-character of a single woman. She experienced less pain than a married woman and the secrecy of the birth gave her the opportunity to murder the child without witnesses. On the other hand, single women who did have midwives and others at their birth, were questioned during the height, or extremity of their childbirth pains as to the identity

⁴⁹⁷ Anon., *The Bloody Mother*, London, (London, 1609), sig A4v.

⁴⁹⁸ Ibid., sig B2.

of the child's father. That they answered this question when they were in pain was argued to lend credibility to the statement they made, although there were certainly instances, and contemporaries were aware, that this might be fallible. The complexity and flexibility around the meaning of pain and what it could prove might explain why Petty and Watkins sought an alternative explanation for her childbirth experience. Unlike the other two pamphlets which claimed that Anne had indeed been in pain and thus adhered to a more traditional and straightforward relationship between pain and character, Petty and Watkins relied on arguments made in medical texts to maintain that she had experienced a miscarriage.

Abortion, Miscarriage and Deceptive Births

Midwifery and anatomical texts explored the topics of abortion and miscarriage, detailing different types and stages of fetal deaths. They outlined various types of experiences and levels of pain involved in premature births, miscarriages, or stillbirths. Helkiah Crooke distinguished between the categories of birth and miscarriage or abortment, emphasizing not the cause of the death, but the timing. If the child was carried until after the seventh month, then, he argued, it was still called a birth even if the child was stillborn. However, if the fetus was delivered prior to that time, it was called an abortion because it was not yet fully formed and still imperfect. "Birth is when an Infant perfected in the wombe commeth into the world whether it issue alive or dead: An abortment is an exclusion or extinction of an unperfect infant: an Effluxion or miscariage is an avoyding of the geniture before perfect conformation."⁴⁹⁹ Others made even further distinctions between developmental stages, claiming that prior to the quickening, an aborted fetus should be thought of as a discharge of material. Guillemeau distinguished between what he called a "shift," which he used to describe a fetus prior to the

⁴⁹⁹ Crooke, *Mikrokosmographia a description of the body of manifested*, p. 333.

third month, and an abortion: “For the Abortment is a violent expulsion, or exclusion of the child already formed and endued with life, before the appointed time. But the sliding away, or shift, is a flowing or issuing of the seed, out of the wombe, which is not yet, either form'd or endued with life.”⁵⁰⁰ Crooke noted this differentiation, stating that “[s]ome there are who will not haue it called an abortment before the infant hath moued,” and that before that month, “the motion it shall be called an effluxion or miscarriage.”⁵⁰¹ He also employed the term “embryo” to describe an infant that was not yet fully developed in the womb. The three possible distinctions were therefore based on fetal development. The first, the shift or effluxion, was before the child had begun to move and not yet recognizable as an infant; the second, the abortment or miscarriage, was after the child had life but before it was perfectly formed, between the third and seventh months; and the third, which was a birth of a completely developed child, whether it was alive or stillborn. The separation between the second and third stages of fetal growth was perhaps the most difficult to distinguish, as well as the most important. While the first stage pertained to the perceived movement of the child in the womb, the second was slightly more ambiguous, regarding whether or not the child could survive outside of the womb. For Crooke and others, the distinction between an imperfect fetus and a perfect one was the difference between an abortion and a stillbirth, a guaranteed death versus the possibility of life.

Texts noted various causes and signs of abortions at the different stages, which, on both accounts, could be both inward and outward. Of course, one of the principle signs was if the woman perceived the child to no longer be moving in the womb after she had already felt it quicken. Also, if the breasts become soft when they had been hard, if the “flowers” return and are accompanied by pain, “if the shivering Agues, coldnesse, and paines of the head and a

⁵⁰⁰ Guillemeau, *Child-birth*, p. 70.

⁵⁰¹ Crooke, *Mikrokosmographia*, p. 333.

mistinesse and dimnesse of the eyes shall suddenly ceaze upon the woman conceived with childe.”⁵⁰² As outlined above, the “terms” might be present in the early stages of a viable pregnancy as well, but were believed to differ in both measure and quality when an abortion had occurred, or was about to. Culpeper described this difference, stating that

[t]he Courses appearing, blackish in colour, much in quantity, for though many Women have them after they are breeding, yet they are pale in colour, and they alwaies shew ill diet, Nature rejecting them as not being fit for the nourishment of the Child, but if they come blackish with pains, and throws, especially the Woman being far gone with Child, they signifie abortion.⁵⁰³

So it was important to be able to distinguish between different types of issues that came from the body when determining if a miscarriage had happened or not. Although the quality of the 'terms' were not often discussed outside of medical texts, the question of duration and quantity was raised in Greene's case to argue that the death was abortive and not intentional.

Some women, including those whose humoral constitution might not easily support a child, were more likely to have abortions than others. Some writers argued that women who were obese would have difficulty because their wombs would be “slippery” which might cause the fetus to be expelled. Thin women too were in danger, because they might not be able to properly nourish the child.⁵⁰⁴ Any condition or treatment that might cause a sudden change or expulsion of waste from the body, such as constipation, purges, or vomits, were thought to be very dangerous. But abortion might happen because of external stimuli, and pregnant woman were cautioned to avoid certain actions and moods: “Falls, Blows, Anger, Fear, sorrow, Running, Leaping, Lifting, immoderate Exercise, &c.” And another writer added that even “riding in a couch” or “too much stretching” might cause a miscarriage to take place.⁵⁰⁵ Of

⁵⁰² Rueff, *The Expert Midwife*, p. 165.

⁵⁰³ Culpeper, *A Directory for Midwives*, p. 144.

⁵⁰⁴ Ibid., pp. 145-6.

⁵⁰⁵ Ibid., p. 146; and, Guillemeau, *Child-birth*, p. 70.

course, early moderns believed that heightened emotional states, or passions, could result in a change in the humoral balance, resulting in negative physiological consequences. The experience of fear could not only cause a fetus to be aborted, it could also result in the death of the mother herself. Thus many medical texts claimed that miscarriage had definite causes and could be perceived by particular signs, some based on the woman's own sense of her body, and others that could be judged by an external observer who knew what to look for.

While the body might abort naturally, many texts cautioned that women, particularly single women, could use various methods to cause an intentional miscarriage. One murder pamphlet recounts a doctor's suspicions when a young woman consulted him seeking a strong purge because she had not been feeling well. He recounted that earlier that month she had inquired about the effects of rue and savin, medicines known to cause miscarriage. When her body was later found along with her dead child, the doctor suspected that she had intended to cause the miscarriage, but had accidentally poisoned herself in the process.⁵⁰⁶ Medical texts also warned doctors to be very careful when assessing symptoms that were similar to pregnancy, lest their remedies accidentally cause an abortion through misdiagnosis. Culpeper cautions other doctors to beware of women who consult them with complaints of a stopped period as it could be a symptom of various illnesses, including pregnancy. The remedy, which was either bleeding or purging, could have unintentional results, so he advises to “[g]ive not any of these to that is with Child, lest you turn Murderers; wilful murder seldom goes unpunished in this world.”⁵⁰⁷

Midwifery texts outlined the danger and ease with which a miscarriage could be mistaken for a murder. In an account similar to Greene's, Willoughby records the story of a single woman he described as a “naturall foole,” who had the misfortune of becoming pregnant.

⁵⁰⁶ A. J., *Digitus Dei, or an Horrid Murther Strangely Detected*, (London, 1664), p. 5.

⁵⁰⁷ Culpeper, *A Directory for Midwives*, p. 96.

She slept between her two friends each night, who were careful to watch over her throughout the pregnancy.

But, at the last, not knowing what labour was, as these women slept, finding her belly to ake, shee stole from between them, and hasted to a ditch side, where did run a small rivulet of water; There supposing to ease her belly-ack, instead of a naturall stoole, an abortion came from her. But the women, her attenders, missing her, did arise to follow her, and they met her nigh, coming towards the house. They asked her where shee had been; shee said, That her belly did ake, that shee went to the ditch to grunt, that something was come from her, and that it lay on the bank. So this poor creature, not knowing what labour meant, was, through ignorance, by Dame nature, quickly, and easily delivered; and, instead of going to the ground, was freed of an abortment.⁵⁰⁸

Saving the difference that this woman is described as a “naturall foole” (Anne Greene was not), there are striking similarities in the medical details of each woman's experience of the abortive birth. Both were unaware of the pregnancy and did not know they were in labor with an abortive child when their time came. However what is pertinent here is that both Willoughby and Petty largely ignore the degree of pain that the women experienced and focused instead on a different form, what they argue to be a more reliable form, of evidence: the fetus itself. Concluding his account, Willoughby writes that even though the child was not perfectly formed but an 'abortment',

Nevertheless the Coroner sent this poor foole to the Goale. Shee knew not how to plead for her life. I was heartily grieved at her simplicity. I moved the Coroner to speak for her. Hee informed the judg, that it was a very small child, and the whole Bench saw that shee was a foole. It was in the Protector's dayes, and I feared that shee would have summum jus.⁵⁰⁹

The problem that Willoughby cites was how to judge physical evidence in cases such as this. He critiques the judge and jury for finding this woman guilty on the sole fact that she had given birth alone and had experienced little pain, without considering the other facts available to them. Not only was the woman unable to comprehend her situation, both in terms of the

⁵⁰⁸ Willoughby, *Observations in Midwifery*, p. 274.

⁵⁰⁹ Ibid., p. 274.

pregnancy and labor and in regards to the legal charges against her, but also the fetus itself could not have been viable. Willoughby presents the coroner as somewhat ambivalent about the woman's guilt or innocence and although he testified that the fetus was small, the court still found her guilty. Willoughby's point is that there were undeniable facts that could be drawn from the evidence of both the mother and the child, but that those involved with the case did not evaluate or consider this evidence with the gravity it deserved. The problem of physical evidence, of basing evidence on a dead body itself, was part of the early debates around forensics during this period and a growing desire to establish the facts of the case with a greater degree (or perceived degree) of certainty.

The Body of the Child: coroners's inquests and determining the cause of death

While the first part of Petty's argument to establish Anne Greene's innocence was based on evidence from her body and ideas on pregnancy, the second part was drawn from the body of the infant itself. Petty cited forensic claims about the body of the infant to argue that it was premature and not able to survive outside of the womb. Greene could not be guilty of murder when the child was already dead. The evidence for prematurity was based on the midwife's description of the child's body to Petty, in which she said that “shee did not think it ever to have life, and that it had no haire, and other Women due assent that it was little above a Span long & ye sex scarce distinguishable, yea that the whole rather seemed a lump of flesh then a Mature and duely formed child.”⁵¹⁰ Rather than having delivered a fully formed child that could survive outside of the womb, Anne had miscarried, and delivered an imperfect infant whose sex was difficult to discern, was very small, a 'span' being the distance between the tip of the thumb to the little finger, and did not have hair.

⁵¹⁰ Add MS 72892, fols. 8v-9r.

In most cases like Anne's child, a coroner would empanel a jury of community members and view the deceased's body as close to the time of its discovery as possible, in the position it was found, and also naked in order to examine for various indications of what had been the cause of death. Coroners were appointed in each parish to view any dead body that was discovered, examining it for wounds or indications of what had caused a sudden, unnatural, or violent death.⁵¹¹ They played a principle role in the English legal process, and the importance of viewing the body in person, in the exact position it was found and as close to the time of death as possible, was central to the proper execution of their role.⁵¹² Coroners had the assistance of juries who were impanelled to view the body, aiding him in his judgement about the cause of death. If a verdict of murder was rendered, then juries needed to demonstrate both that the actions were intentional and had directly caused the death in order for an indictment of murder to be written up. Coroners' inquests are lamentably silent on specific forensic evidence used to make assessments about the cause of death, and only in rare instances do depositions regarding such evidence survive. In cases of infanticide, we generally do not have access to information regarding how jurors knew that a child had been born alive, aside from a witness, or that the mother's intentional actions had caused the death. However, there are hints as to what counted as evidence and the way that inquests determined both the cause of death and intention. Despite highly formulaic language, Sussex coroners's inquests reveal the way that jury members and

⁵¹¹ On the role of the coroner in the English legal process, see Thomas R. Forbes, "Crown's Quest," *Transactions of the American Philosophical Society*, Vol. 68, No. 1 (1978), pp. 1-52; R. F. Hunnisett, *The Medieval Coroner*, Cambridge: Cambridge University Press, 1961; Carol Loar, "Medical Knowledge and the Early Modern English Coroner's Inquest," *Social History of Medicine*, vol. 23, No. 3, pp. 475-491; Vanessa McMahon, *Mvrders in Shakespeare's England*, London: Hambledon and London, 2004; James Sharpe and J.R. Dickinson, "Coroners' Inquests in an English County, 1600-1800: A Preliminary Survey," *Northern History*, Issue 2, Vol. 48, pp. 253-269

⁵¹² Scholars disagree about the extent to which coroner's inquest influenced assize proceedings. Sharpe and Dickinson have argued that they did have a say in the outcome of the trial—that their evidence could shape verdicts. However, they also emphasize the role that local knowledge and opinion played in shaping the trial and the extent to which it influenced how the forensic evidence was weighed. Sharpe and Dickinson, "Coroners' Inquests in an English County, 1600-1800: A Preliminary Survey," p. 263.

coroners viewed the body of an infant and the types of questions they were looking to answer.

The question of whether the child was born alive or dead was thought extremely difficult to judge and was often commented on in cases of infant murder. As noted earlier, the statute of 1624 was designed to circumvent the problem posed by ambiguous physical evidence; however, there were times, as in Anne Greene's case, when contemporaries expressed concern that the failure to consider this kind of evidence might lead to wrongful convictions. Petty argued that a failure to accurately assess the infant's body led to Greene's guilty verdict. It is not clear whether or not the child's body was examined by a coroner in her case; however, details were provided by the midwife who examined the body after it was discovered and affirmed that the child had been premature. Generally speaking, coroners did inspect infants' bodies for any external signs of violence, marks on the body, and, in many cases, they conjectured about the maturity of the child. In some cases, these inquests led to definite conclusions and charges against the mother. In other cases, however, the assessment of the child's body was more inconclusive, which is evident in both the inquests themselves as well as the frequency with which murder charges brought against women resulted in acquittals.

When the body of an infant was discovered, coroners, jurors, and witnesses took note of several details. Examinations were quite thorough, recording any obvious signs of external trauma and measuring cuts or wounds on the body. On August 23, 1633, coroner Edward Raynes viewed the body of a female child who was believed to have been murdered by her mother, the unmarried Rachel Burtenshawe. Inspecting the child ten days after the event, Raynes found that Burtenshawe used a knife, "which she held in her right hand, striking her on 'the throat', completely cutting it and giving her a wound 1 ½ inches long, 1 inch wide and 2

inches deep or thereabouts of which she immediately died.”⁵¹³ Likewise Jane Evans was charged with murder in 1636 after the coroner found that her illegitimate female child had received “a wound on the neck 1 ½ inches long and 1 inch deep and completely cutting through 'the bone of the neck of the said child', of which she immediately died.” Both women pled not guilty before the assize courts, both were found guilty based on the evidence presented and sentenced to hang for the crime. Bruises and marks on the body were also recorded as the cause of death in some cases. Agnes Cheesman's bastard child was examined and found to have bruises on his head which had caused his death.⁵¹⁴

Although inquests and depositions often did not record specific forensic evidence used to prove that a child had been drowned or strangled, they do suggest some of the circumstances that coroners and their juries considered. Inquests often record that an action had been performed with 'both hands', arguably to indicate that they were deliberate rather than accidental.⁵¹⁵ Mary Gardiner and Ann Gates, both single women who gave birth to 'live' children, one female, the other male, were both indicted for murder. Gardiner was said to have murdered her child “by taking her in both hands, gripping her by the neck and throat and strangling her whereby she immediately died.”⁵¹⁶ Similarly, Gates was accused of “taking him in both hands as soon as he was born alive and strangling him by gripping him by the neck and throat whereby he immediately died.”⁵¹⁷ In 1662, Dorothy Wood gave birth to viable twin girls, but “immediately after their birth she took them in both hands, 'did putt and cast' them into 'a

⁵¹³ R. F. Hunnisett (ed.), *Sussex Coroners' Inquests 1603-1688*, Kew: Public Record Office Publications, 1998, p. 81.

⁵¹⁴ Hunnisett (ed), *Sussex Coroners' Inquests 1603-1688*, p. 28.

⁵¹⁵ This language is used in all sorts of coroner's inquests, particularly suicide cases where the victim was said to take a rope in both hands to hang himself, for instance, or in murder investigations where a weapon was involved. See Hunnisett, *Sussex Coroners' Inquests 1603-1688*, p. 76 for an example of a suicide investigation.

⁵¹⁶ *Ibid.*, p. 131.

⁵¹⁷ *Ibid.*, p. 117.

pitt' full of water, mud and other filth and 'did choake and drowne' them in it whence they immediately died.”⁵¹⁸ It is not clear what evidence the coroner used in any of these cases to determine that the action had been performed with both hands. Perhaps he noticed bruising around the neck, or that the lungs were filled with water. Or, it might be based on testimony offered by witnesses to the event; it is difficult to say. However, what is interesting about these three cases in particular is that they yielded three different verdicts. Gardiner pled not guilty and was acquitted at trial. Gates, who also pled not guilty, was convicted and hanged for the murder. Wood pled not guilty and also claimed that she was pregnant. Although she was convicted for the crime, she was searched by a jury of matrons and found to be pregnant. We do not know if she eventually suffered her sentence, but she was remanded to gaol without bail in March 1663.

Coroners also needed to demonstrate that the victim had died from the violent actions taken against them and not as a result of a hidden or unknown cause. Thus inquests made a distinction between deaths that were immediate, or deaths that involved a period of languishing, which made the cause somewhat more ambiguous.⁵¹⁹ Based on the Sussex inquests, it seems that accused killers were more likely to be found guilty if the death happened quickly. The two cases in which juries found the infant to have suffered a natural death both involved a period of illness. In 1620, John Teynton, the Lewes rape coroner, examined the body of Nicholas Newton, who, “as fully appeared to the jurors by the testimony of various women,” was premature and

⁵¹⁸ Hunnisett, *Sussex Coroners' Inquests 1603-1688*, p. 117.

⁵¹⁹ If an individual received a wound from another person from which they languished for a year and a day and then died, then that person could be charged with murder. It seems that if their suffering continued beyond that time, then the perpetrator could no longer be indicted for murder—perhaps because it would have been too difficult to determine whether the death was caused by the injury or by natural means. Peter Sharpe and J.R. Dickinson quote Cheshire justice of the peace, Sir Peter Leycester, who mentioned this clause in a speech delivered to the Quarter Sessions in 1661: “Murther: this hath no clergy allowed: it is in the sence of our law sayd to be murther, when a man of sound memory, & of the age of discretion, unlawfully killeth any person by the law, so as the party wounded dyeth within a yeare & a day of the same.” See Sharpe and Dickinson, “Coroners' Inquests in an English County, 1600-1800: A Preliminary Survey,” p. 262.

“by reason of which prematurity only he languished until the next day and then died a natural death.”⁵²⁰ In this case, the expert testimony of various women led jurors to determine that the child had died as a result of prematurity alone. In the trial of Ann Hebberton, 'spinster', although she had given birth to a live female child, the coroner and jury found that immediately following the birth “the child became ill and languished at New Fishbourne for 8 hours and then died a natural death.”⁵²¹ What is not mentioned in either inquest was whether or not the women involved gave birth alone or if they had help, which would have certainly influenced the evidence that was given in each case. However, the fact that the child had been ill and deteriorated over a period of time was a key element in determining whether or not the death was due to natural forces. Inquests into other deaths reveal that the relationship between unknown and known causes of death could, at times, be tentative. Although Jane Thomas had been stabbed in the chest with a knife, receiving a wound “¼ inch deep and ½ inch side of which she languished at Lewes until 18 Nov when she died either of the wound or a natural death; the jurors do not know which.”⁵²²

Coroners' inquests also paid attention to the location where the body was found as a key element of forensic evidence used to determine the cause of death. As we saw in Anne's initial trial and in the 1624 statute, the place where the infant's body was discovered was thought to be reliable evidence for determining the guilt or innocence of the suspect, and was often prioritized over other types of forensic evidence. Location was often cited in suspected cases of negligence, when a new-born was left in a place that exposed it to the cold and elements. In 1646, Elizabeth White was indicted for taking her bastard son “in both hands, secretly throwing

⁵²⁰ Hunnisett (ed.), *Sussex Coroners' Inquests 1603-1688*, p. 51.

⁵²¹ *Ibid.*, pp. 60-1.

⁵²² *Ibid.*, p. 39.

him completely naked into 'a cellar' in the house of John Langford, then her master, at Shermanbury and leaving him there in extreme cold without giving him any nourishment and with the intention that he should die from the cold and lack of sustenance, and he thereby immediately died.”⁵²³ She pled not guilty, but was convicted and hanged. Information about the place where the body was found often included details concerning the exact positioning of the corpse, as in a coroner's inquest from 1624, in which Mark Thomas investigated the discovery of a dead female child which was “found among rocks near Katharine Chiston's cliff in Rye.” Several people gave evidence that they “found a dead female child among the rocks under the cliff right against Widow Chiston's house, lying on her left side with her right hand on her head.” Joan Barnett, who had reportedly given birth to the child in Chiston's house, was accused of murder by “willful negligence.”⁵²⁴ Thus both the location as well as the position of the body when it was found were key pieces of evidence used in determining the cause of death and the murder suspects.

However, inquests also reveal an awareness that an infant's body could be deceptive and that the cause of death might not be entirely transparent. The Sussex inquests record many cases where an indictment had been issued against a mother who was subsequently acquitted at trial, although the precise reasons for the acquittal remain obscure.⁵²⁵ In some inquests, coroners

⁵²³ Hunissett (ed.), *Sussex Coroners' Inquests 1603-1688*, p. 98.

⁵²⁴ *Ibid.*, p. 63.

⁵²⁵ An example of a case is included in Hunissett's collection: “1 Apr 1626. Ringmer. Edward Raynes coroner. On 27 Mar Joan Blackman late of Ringmer, 'spinster', murdered a female child, to which she had recently given birth, at Ringmer by suffocating her whereby she immediately died. At the assizes the grand jury, to which Richard Howell and his wife gave evidence, presented an indictment which charged Blackman, who had been committed to gaol, with giving birth to the child at Ringmer on 27 Mar 1626 and on the same day murdering her by taking her, while alive, in both hands and strangling her whereby she immediately died. Blackman pleaded not guilty to the indictment and was acquitted; she had not fled. 28 Dec 1650. Cliffe. Edward Raynes. On 25 Dec Susan Hockham late of Cliffe, 'spinster', gave birth at Cliffe to a live male child which by the laws of England 'was a bastard' and immediately afterwards murdered him there: she took him in both hands, placed him and left him between 2 linen (lineas) 'sheetes' on 'a bed' in the dwelling-house of Ann Moore, widow, and 'did choake and trangle' him between the said woollen sheets whereby he died. At the assizes Hockham, who had been committed to gaol by the coroner, pleaded not guilty and was acquitted; she had not fled and was therefore discharged, paying her fees.” *Sussex Coroners' Inquests 1603-1688*, p. 68.

recorded that the cause of death could not be determined, as in the 1670 examination of a bastard child delivered to Mary Ann Gates. She was reported to have delivered a male child and “secretly 'hid and concealed' him, but whether he was alive or dead at the time of the delivery the jurors do not know.”⁵²⁶ Although the inquest was inconclusive, Gates was charged with strangling the child and causing his death. She pled not guilty but was convicted and hanged. At times, however, the ambiguity around the cause of death could be used to the accused's advantage, as in the case of Elizabeth Beecraft who, like Gates, had given birth alone to a bastard child. Coroner Thomas Marshall took the inquest in 1656 and examined Beecraft about the details of the child's death. She reported that the day before the inquest, “she gave birth in her mistress's chamber, but did not know about what time, whether the child was male or female, or whether it was born alive or dead; and some time later she got out of bed, took the child, which was then dead, out of the bed and therefore wrapped it in a cloth, carried it downstairs and laid it in a settle.”⁵²⁷ Beecraft was indicted for murdering the infant by strangling her with the cloth, but at the assizes was acquitted and released. Like other inquests, there was no specific physical evidence listed, but, although four female witnesses testified to Beecraft's guilt, the outcome of the trial rested, at least in part, on the jurors' inability to establish whether or not the child had been born alive.

Medical Texts on Fetal Development

Medical and anatomy texts were somewhat reticent about the exact stages of development of the fetus in the womb, and were not overtly specific about how to determine whether or not a child was dead or alive at birth. Key questions about the stage of development when the child's sex became evident, or about at what point an infant delivered prematurely

⁵²⁶ Hunnisett (ed), *Sussex Coroners' Inquests 1603-1688*, p. 123.

⁵²⁷ *Ibid.*, p. 112.

could be expected to survive, were not answered directly. Scholars surmised that physical signs might indicate whether or not the child was alive at the time of the birth, even briefly, but were not entirely clear on the matter. The question at the center of many of the infant murder cases against women revolved around whether or not the child was alive at the time of birth. Ambrose Paré noted that when a surgeon had to make a report about a child who was killed, he should record “whether the childe were perfect in all the parts and members thereof, that the Judg may equally punish the autor thereof. For hee meriteth far greater punishment, who hath killed a child perfectly shaped and made in all the members; that is, hee which hath killed a live-child, then hee which hath killed an Embryon.”⁵²⁸ But the definition of what was considered a perfectly formed child and what was not could be somewhat ambiguous, as fetal formation was, at this point, still largely unknown.

Midwifery and anatomical texts did discuss how and at what rate infants were formed, but these often long and detailed books typically covered the topic in three to four pages. In his *Directory for Midwives*, Nicholas Culpeper mostly skirted the issue, writing that “[t]here are divers opinions of the time of Formation, they are best that say the membranes are first made, which wrap the child with the Navel-vessels, by which it is joyned to the Mothers womb, and receives nourishment for the child. Then all other parts are made sooner or later, as the child requires for dignity or necessity.”⁵²⁹ Culpeper is thus vague about when the child's form could be perceived or when he or she might be expected to live apart from the mother. He thought that the issue was so difficult to judge because of a lack of anatomies done either on pregnant women or on fetuses. Culpeper also critiqued the state of the current knowledge about the topic

⁵²⁸ Ambrose Paré, *The Workes of that famous chirurgion Ambrose Parey*, tr. Thomas Johnson, (London, 1649 edition), p. 757.

⁵²⁹ Culpeper, *Directory for Midwives*, (1671 edition), p. 142.

as it was based largely on scholars such as Galen and Vesalius, who had never seen a woman anatomized before they wrote their medical theories. However, ideas about fetal development were highly dependent upon such theorists. Such was the case in Helkiah Crooke's work in which he distinguished between four separate stages of development: the first, "wherein the seeds mingled doe yet retain their own form...[and] there is nothing be seen but the seed coagulated." The second, "wherein there is a certain rude adumbration of the parts, and as it were a fleshy mass."⁵³⁰ The third, where one might see the "three principall parts, the Brain, the Heart, and the Liver." And the fourth "wherein there is a perfect separation, discretion and description of all the parts."⁵³¹ Yet contrary to what this description suggests, Crooke also claimed that the various parts of the infant were present by the seventh day, "[t]hat the 7 day the seed hath what soever the body ought to have, that is as I interpret it; the 7 day doe appear the rudiments of all the spermaticall parts, which also your eye may discern if you cast the mass into fair water, and then diligently view it."⁵³² Once these components are present, they go through a period of formation, depending on the part itself, which takes longer in females than males. Crooke distinguishes between two periods of conformation, once the necessary parts are in place. The initial stage involves the development and separation of the internal parts, which was said to take forty days for females, and thirty days for males who form faster because they are hotter. At this stage, Crooke claims that the child is roughly the size of a man's little finger. During the second stage, the flesh of the muscles form and are perfected, and the child begins to move in the third or fourth month.

The sixth and seventh months of development were key within early modern medical

⁵³⁰ Many women described a miscarriage as a lump of flesh, or fleshy matter.

⁵³¹ Helkiah Crooke, *Mikrokosmographia a description of the body of manifested* (London, 1651 edition), p. 194.

⁵³² *Ibid.*, p. 195.

theory, as the child was thought to reach the stage of perfection at this time. Jane Sharp and others cited Hippocrates for this argument, writing: “A child born in six months is not perfect and must die, but one born in seven months is perfect, but one born in the eight month cannot live, because in the seventh months the child useth all its force to come out, and if it cannot, it must stay two months longer to recover the strength lost upon the former attempt.”⁵³³ What the difference between the sixth and seventh month in terms of development and what makes survival in one month possible where it was not in the other, is unclear in many of the texts that wrote about this stage of fetal development. However, there was another argument made, initially by Galen, which differentiated between pre-natal and post-natal lungs. Mark Jackson notes that “[t]he possible application of such differences to distinguish between live-and still-births was pointed out by William Harvey in 1653: 'And by this observation of the different complexion, you may discover whether a Mother brought her Childe alive or dead into the world; for instantly after inspiration the Lungs change colour: which colour remains, though the fetus dye immediately after.'”⁵³⁴ So in order to know whether or not the child had been born alive, the infant's body should be opened and the lungs inspected regarding their color; if the baby had taken a breath after birth, the lungs will change color which could be observed by the inspecting surgeon or physicians. Percivall Willoughby conjectured about such signs as well, and that the midwife should look for any “pulsation in the navel string, or in the arteries of the head, or temples, or in the arteries of the wrists of the hands, or feet, or that it suck the finger. For any of these signes shew the child to bee living.”⁵³⁵ However, if the child was discovered

⁵³³ Sharp, *The Midwives Book*, p. 112; Although it does not change the argument I am making here, she does take issue with the timeline that Culpeper gives to fetal development. She claims that rather than the primary organs being formed first, that the “skins and membranes” are first because they protect the parts that come later. See pp. 107-8.

⁵³⁴ Jackson, “Suspicious Infant Deaths,” p. 75; also William Harvey, *Anatomical Exercitations, Concerning the Generation of Living Creatures*, (London, 1653), p. 435

⁵³⁵ Willoughby, *Observations in Midwifery*, 57

and was already deceased, and if he should “bee found holding anything in the hand, then the mother, or somebody else, is not quite free from the death of the child. But I will not absolutely conclude the mother to bee guilty of the murder of the infant.”⁵³⁶ It is significant that in what seems to be an empirical statement about how to tell if a child was born alive or not, Willoughby equivocated, and concluded that no concrete statements could be made outside of particular cases.

Mark Jackson argues that despite the language of the 1624 statute, English courts had been and continued to use evidence from the body of the child to determine whether or not the mother was guilty of murder or if it had been a still-born. In *Pleas of the Crown*, legal scholar and judge, Matthew Hale argued that this type of evidence was key in deciding guilt or innocence in such cases. Although not published until much later, his argument speaks to the types of bodily signs that were scrutinized throughout the seventeenth century and what, at least according to Hale, they should be able to prove. He argued that the jury had to first determine that the accused had indeed delivered a child and that the child had been intentionally murdered and not stillborn:

If there be no concealment proved, yet it is left to the jury to inquire, whether she murdered it or not, by those circumstances that occur in the case, as if it be wounded or hurt, &c. but doth not put her upon an absolute necessity of proving it born alive by one witness, and so the evidence stands as at common law. If upon the view of the child it be testified by one witness by apparent probabilities, that the child was not come to its debitum partus tempus, [due time of delivery] as if it have no hair or nails, or other circumstances, this I have always taken to be a proof by one witness, that the child was born dead, so as to leave it nevertheless to the jury, as upon a common law evidence, whether she were guilty of the death of it or not.⁵³⁷

Hale names the same signs cited by Petty and Watkins to demonstrate a child's prematurity, no hair or nails, which he counts as the proof of one witness. Hale contends that physical

⁵³⁶ Willoughby, *Observations in Midwifery*, p. 98.

⁵³⁷ Hale, *Pleas of the Crown*, vol. II, pp. 288-9.

indications such as these provide evidence that the child had been born dead and should be taken into consideration. However, he also maintains a degree of openness for the jury to assess this evidence. While physical signs could serve as one proof, they could not establish guilt or innocence with total certainty.

The key signs cited in coroners' inquests and used as evidence by juries, signs such as size, sex and whether or not the fetus had hair or nails, were not discussed in relation to the child's development in the womb, nor in determining how old the child might be after it was delivered. While medical texts described how the development of a male child was different than a female, particularly in the initial stages of conception, they do not indicate when the actual sex organs were formed or visible. Thus in the cases where an aborted infant was discovered and the sex could not be distinguished, it is not clear how that might have corresponded with medical ideas about fetal growth. Likewise, a child that was obviously male or female might still have been imperfect, premature, and not able to live, as in a few of the coroners' inquests discussed above. While Hale wrote about the different types of forensic evidence that pointed with some certainty towards the infant being premature and stillborn, these proofs were not cited consistently nor deployed in every case. And in part it was because there remained a great degree of debate over how to read physical signs and what legal conclusions they could render. It is not surprising, therefore to find many examples like that in the Cheshire Record Office from 1637 recounted by James Sharpe and J.R. Dickinson that notes that "[a]fter viewing the body of a male child to whom Margaret Pickeringe gave birth in June 1637, the jury declared that they found it impossible to prove either that the death was caused by the mother or that she had contravened the 1624 statute by concealing a stillbirth."⁵³⁸ And

⁵³⁸ Sharpe and Dickinson, "Coroners' Inquests in an English County, 1600-1800: A Preliminary Survey," p. 264; Paré also raises the issue of how to tell if an infant is accidentally killed by a nurse, and advises to examine both the internal and

there is evidence that lay people gave testimony pertaining to signs of fetal development.

Thomas Dove testified regarding the body of a child he had found, reporting that the infant had been “lying dead on one side,” and “the eyes and mouth were both closed [and] saith itt did not seeme to bee much wasted and hee did observe noe wounds upon itt; saith itt did not seeme to bee a child newly borne, and itt seemed to bee a sucking child.”⁵³⁹ In the same case, Thomas Long testified that “hee did find a man child lying in the water dead as if itt had been drowned which child did not seem to bee a new borne child nor did not seem to bee a quarter of a yeare old.”⁵⁴⁰ Thus while surgeons and doctors were at times called to present specific and perhaps more specialized information concerning the body, lay people were also aware of the types of evidence that were important to trials, particularly the sex, size, and age of an infant suspected to have been killed. While not explicitly discussed in medical texts these were some of the key forensic facts that were used to determine the likelihood that the child had been still-born, and whether or not they were premature, in legal contexts.

Physical Signs, Legal Evidence, and Skepticism

Petty cited specific pieces of physical evidence, drawn from both Anne Greene's body as well as from the body of the infant, to argue that she could not have been guilty of killing the child. Authors also used the Greene case to comment on the legal system and the status of

external body for signs. He also questions how to determine between different types of motives, either accidental or purposeful, by searching for specific marks on the child's body: “Therefore it chance, that a nurs either through drunkenness or negligence, lie's upon her infant lying in bed with her and so stifle's or smother's it to death: If your judgment bee required, whether the infant died through the default, or negligence of the nurs? Or through some violent or sudden diseases that laie hidden and lurking in the bodie thereof? You shall finde out the truth of the matter by these signs following. For if the infant were in good health before; if hee were not froward or crying; if his mouth and nostrils, now beeing dead, bee moist'ned or bedewed with a certain foam, if his face bee not pale, but of a Violet or Purple color; if when the bodie is opened the Lungs bee found swoln and puffed up, as it were with a certain vaporous foam and all other intrals found; it is a token that the infant was stifled, smothered or strangled by som outward violence.” From Paré, *The Workes of that famous chirurgion Ambrose Parey*, p. 755.

⁵³⁹ ASSI 45/5/5/43.

⁵⁴⁰ ASSI 45/5/5/42.

physical evidence more broadly speaking, ranging from subtle critiques to charges of outright corruption. Although the reformer Matthew Hale argued that forensic evidence should be used in infanticide cases, bodily signs like the ones he mentions were not consistently considered in murder cases. There was no established legal standard for how much weight to give forensic evidence, and whether or not a particular piece of evidence was thought to be convincing was left to the discretion of the judge and jury. In her book, *Murder in Shakespeare's England*, Vanessa McMahon has argued that there was a growing reliance on evidence drawn from the body throughout the seventeenth century, that

[b]odily evidence came in a range of shapes and sizes, from early dissections of corpses and professional opinions derived before or after death, to marks, wounds and suggestive bodily changes noted by neighbours and relations. All these types of testimony, regardless of their source, can be termed 'forensic', since those witnessing had similar intentions—to provide tangible proof in court, by giving evidence that contained biological and medical information about the corpse and, in infanticide cases, the accused.⁵⁴¹

However, she also contends that this period was one of transition and that physical evidence could often not stand on its own. Likewise, Alastair Bellany has suggested that while “autoptic evidence...had cultural traction as a form of proof,” it “was rarely sufficient on its own to prove a poisoning.”⁵⁴² The insecure status of physical evidence is evident in Greene's case, but the critiques speak to the transitional moment that McMahon, Bellany, and others identify.

In cases like Anne Greene's, the body of the infant should have first been viewed by a coroner and a jury of men who were tasked with determining the cause of death. There is no mention in any of the accounts that this took place, however Petty does note that the infant was examined by midwives who had affirmed that it was premature. It seems, however, that this evidence was not considered during Anne's trial, which was the reason that Petty intervened on

⁵⁴¹ McMahon, *Murder in Shakespeare's England*, p. 32.

⁵⁴² Bellany and Cogswell, *The Murder of King James I*, p. 183.

her behalf, offering physical proofs to establish her innocence. Petty argued that the judges and jury in Anne's case had been eager to find her guilty, which made them hasty in their decision, which, combined with their "excusable Unacquaintance with ye physicall part of these cases," led to an incorrect verdict. There were no "cleere demonstracions" that she was guilty.⁵⁴³ The fact that she had met the qualifications of presumption set up by the 1624 statute should not have been sufficient evidence to find her guilty. So, the fact that she had been revived allowed Petty to highlight that there were, in fact, obvious and clear demonstrations of Anne's innocence that should have been considered during her trial. For Petty, this failure was purely based on a lack of knowledge regarding physical signs; forensic evidence, if you had the training to read it accurately, could offer a great degree of certainty regarding guilt or innocence.

Anne's character was both emphasized and ignored in relation to the physical evidence used to establish her innocence. In part, Petty had to divorce bodily signs from Anne's status as a single woman, working as a house-servant. His argument is that despite the depravity of her actions, and the suspicious details of the birth and death of the infant, the physical evidence was, on its own, enough to prove that she had not killed the child. Based on the 1624 statute, Anne would most certainly have been found guilty of murder because she had given birth to a bastard without the help of anyone who could testify that it had died of natural causes. For Petty, the presumption of guilt based on these set of circumstances was not a secure foundation of evidence compared to the certain facts that could be established by examining the bodies of both Anne and the infant. However, as we have seen, Petty also emphasized Anne's behavior during her trial and in the moments before her execution in order to bolster their argument for her innocence. Despite Petty's faith in the certainty of the physical facts of the case, he, and

⁵⁴³ Petty Papers, Add MSS 72892, fol. 9v.

Watkins, presents Anne's behavior was an essential part of why she, and the evidence they presented, should be believed. The case of Anne Greene, in some ways therefore, represents somewhat of an anomaly, as the doctors involved in the case sought to divorce questions of fact from issues of social credibility. Although they do remind the reader that Greene had maintained her innocence the entire time, speaking to her constancy, they relied primarily on the proofs that both her body, and that of the infant, could establish, separate from her questionable status or character.⁵⁴⁴

The question of the reliability of evidence and proof in infanticide cases was not only raised in Anne Greene's case and the pamphlets it inspired. Hale wrote about this problem directly and his ideas reflect a push toward the use of physical evidence in certain cases. While eye-witnesses were considered to be the most reliable form of proof, particularly if there was more than one and they were deemed to be credible, there remained crimes in which circumstantial evidence alone was available. 'Secret' crimes were thought difficult to judge precisely because there were often no witnesses and juries had to determine guilt or innocence based on indirect proofs. These consisted of such things like "rumour, fame, suspicion, signs, conjecture, the indicia, presumptions, and circumstantial evidence." Thus citing the example that Edward Coke offered to establish violent presumption, that if "someone apprehended over the body of a dead man with his knife dripping with blood or when he has fled from the body," then certain inferences can be made based on the circumstances of the situation.⁵⁴⁵ However, theorists cautioned jurors about relying too heavily on these forms of proof in reaching legal verdicts.

⁵⁴⁴ Mandlebrote explores the place that the Greene accounts had within cheap literature traditions has argued that Anne Greene's story did not necessarily fit easily within the providentialist literature that was circulating at the time.

⁵⁴⁵ See Shapiro, *Beyond Reasonable Doubt and Probable Cause*, p. 208.

Although legal theorists were never overt about the degree to which evidence drawn from the body could be used to establish guilt or innocence in general, there was direct debate concerning the crime of witchcraft throughout this period which offers some insight. Writers outlined the types of proofs that could be used to establish whether or not someone was a witch, and, perhaps more importantly, the types that could not be trusted. Treatises spoke directly about the extent to which physical evidence could be trusted as a form of proof. Of course, one of the key debates regarding the body and the crime of witchcraft was how to discern if a disease had natural or supernatural causes. Those accused of witchcraft often came before the law when they were accused of having caused an illness or bewitched a member of their community, and therefore a key element of the trial was to establish the nature of the illness. However, other signs based on the accused witch's own body were also used, such as the witches' mark, a small growth, usually in a sensitive area, from which the devil or the witch's familiar were thought to feed. Writers disagreed about how much this sign could prove, and the extent to which jurors could be certain that a growth on the body was, in fact, a mark from Satan. Thomas Cooper argued that an accused woman should be searched for such a sign, and "if there be no other reason in Nature, [it] is a shrewd presumption, to examine at least."⁵⁴⁶ He qualifies this sign, however, by opening the possibility that it might very well be a natural part of the body and not necessarily an indication of guilt. The skeptic, Dr. John Cotta, was even more wary of the witches' mark as an indication of guilt, arguing that it often led to too much presumption on the part of common and uneducated people. Only trained physicians could

⁵⁴⁶ Thomas Cooper, *The Mystery of Witch-Craft*, (London, 1617), p. 275; Cooper was also skeptical of the various tests that were used to seek out witches: "...or else hath certaine deceitfull and Satanicall experiments, to confirme her former detection of the Witch; As namely, by casting her into the water, sticking of needles, or bodkins, under the stoole where she sits, burning of the thing bewitched, &c. By which, either she confirms the superstitious people in a wrong conceit, it being easie for Satan to further these signes heereto; or if they conceiue aright, yet by using these indirect meanes for discouerie, they shall yet deeplier engage their soules vnto the power and malice of Satan," pp. 272-3.

distinguish between supernatural and natural diseases and physical symptoms, and the witches' mark did not offer any degree of certainty as to her guilt:

And thus we have made evident by this instance of the supposed Witches markes, how the learned Physition possessing true Art and learning, is not so commonly as the vulgar sort transported into the maze of vaine wonder and ignorant admiration, but duely and truly weighing reason doth apart distinguish and put true difference between the wonders in nature, and the wonders above nature.⁵⁴⁷

This argument might have served Cotta's own professional agenda, seeing as he was a trained doctor who might profit from an argument that physical signs are ambiguous. However he maintained that with training and discernment, experts could scrutinize physical signs and use them to establish truth.

Cotta's skepticism and caution are representative of a more widespread sense of concern. He likens legal judgements to medical ones: when there are evident proofs, such as witnesses, those who have first-hand knowledge of the event, a case is therefore much easier to prosecute. However, there are other crimes which are committed secretly, like diseases that have no outward signs, that are much more difficult to judge:

Many offences also there are, neither manifest to Sense, nor evident to reason, against which onely likelihood and presumptions doe arise in judgement & whereby notwithstanding, through narrow search and sifting, strict examination, circumspect & curious view of every circumstance, together with every materiall, moment and oddes thorowly, and unto the depth and bottome by subtile disquisition fa[th]omed, the learned, prudent, and discerning Judge doeth oft detect and bring unto light many hidden, intestine, and secret mischiefes, which unsensibly and unobservedly would otherwise oppresse and subvert the Commonweale.⁵⁴⁸

Cotta thus maintains a sense that circumstantial and physical evidence could be deceptive if not carefully and expertly considered. He emphasizes the need to use trained physicians to examine particular elements of evidence in witchcraft trials in order to accurately interpret the

⁵⁴⁷ John Cotta, *The Triall of Witchcraft, Shewing the Trve and Right Methode of the Discouery*, London, 1624 [originally published in 1616], p. 96.

⁵⁴⁸ *Ibid.*, p. 16.

ambiguous signs. Richard Bernard made a similar argument in *A Guide to Grand-jury Men*, and promoted the use of physicians in difficult cases as jurors were not always able to interpret strange or obscure bodily symptoms.⁵⁴⁹ While both maintained that it was possible to gain a degree of truth and certainty about secret crimes, physical, circumstantial evidence needed to be considered with a great deal of caution and often required specialized knowledge in order to interpret it.⁵⁵⁰

While there was a small body of literature on the crime of witchcraft that cautioned jurors about relying too heavily on physical evidence, other texts focused on instructing jurors how to interpret bodily signs accurately and the extent to which this type of circumstantial evidence should be considered. In his instruction book, *The Countrey Justice*, Michael Dalton discussed circumstantial evidence more broadly speaking. Even when there were witnesses, justices were supposed to examine the suspect for various signs or marks that might be used to establish suspicion or guilt:

If he hath any Blood about him or his Apparel, or that his Weapon be bloody, If any of the Goods stolen be in his Possession; If any of the Apparel of the Party murdered be in his Possession; The Change of his Countenance, his Blushing, Looking downwards, Silence Trembling, His Answers doubtful or repugnant, If he offereth Agreement or Composition; If he hath laboured his Neighbours not to speak thereof; The Measure of his Foot, or his Horse's Foot, the Bleeding of the dead Body in his Presence; If he hides himself, If he were the first that found the Party murdered.⁵⁵¹

Dalton provides justices of the peace and jurors with a set of indications to look for when examining a suspect or crime scene. Although not enough to serve as full proofs, they could

⁵⁴⁹ Richard Bernard, *A Guide to Grand-jury Men*, London, 1627; I have discussed this text in more detail in chapter 2.

⁵⁵⁰ Cotta also argues that the tests of swimming and pricking are unreliable to establish whether or not someone is a witch: "First that the tryall of witches by water, is not naturall or according to any reason in nature. Secondly, if it be extraordinary and a miracle, that it is in greater likelihood and probability a miracle of the Diuell to insnare, then any manifest miracle of God to glorifie his name.... The same reasoning can be applied to beating, scratching, drawing blood" [which it is said that the fits or diseases of the bewitched do cease miraculously], Cotta, *The Triall of Witchcraft*, p. 136.

⁵⁵¹ Michael Dalton, *The Countrey Justice, containing the practice of the justices of the peace out of their sessions*, (London, 1635), p. 382.

establish presumption and be sufficient for the suspected person to be taken into custody.

Evidence based on the body, such as foot size, if there were prints left at a scene that could be compared, physiognomical signs such as blushing, or if a corpse bled when touched by a suspect, could be convincing when considered together.⁵⁵²

However, as Barbara Shapiro and others have noted, evidence like this was never enough to establish someone's guilt with any degree of certainty, and there existed no specific guidelines for the jury about how much weight to give these types of proofs. While some contemporaries, such as Hale, argued that bodily signs could be used to establish the facts of a case, others, such as those writing about witchcraft, contended that physical signs were ambiguous and therefore uncertain in terms of what they could or could not prove on their own. Throughout the seventeenth century, jurors were cautioned about the extent to which facts could be established based on the body, but also required and, in some cases, encouraged to rely on such physical proofs when others forms of evidence were lacking. Shapiro summarizes this particular quandary, writing

In seventeenth-century England we have confusion. From one point of view, any accused person might be convicted on the basis of circumstantial evidence, given that the jury was permitted to make its decision on whatever evidence was presented to it. From another, we have a rather well-developed special category of secret crimes for which circumstantial evidence was thought to be permissible, though perhaps less than desirable. This contradiction does not seem to have been noticed or have been of interest to seventeenth-century lawyers or critics of the law.⁵⁵³

Physical evidence such as the type cited by William Petty to support Anne Greene's innocence thus occupied an in-between space in terms of the facts it could establish and the extent to which it should be considered by judges and jurors.

Although rare, there were also texts published to aid coroners' and the men who served

⁵⁵² A corpse, when touched by party who was guilty of murder, bled because the blood itself accused and revealed guilt.

⁵⁵³ Shapiro, *Beyond Reasonable Doubt*, p. 213

on their juries in determining the cause of death. Richard Hawes' *The Poore Mans Plaster-Box*, outlined specific signs to look for and the step-by-step manner in which bodies should be examined in order to discover the cause of death.⁵⁵⁴ More than just a text for the general public, the book was aimed at those who were “called to be Jurors upon Life and Death.” Hawes outlined the types of signs to look for and the way that the body should be examined to make an accurate judgement. Corpses should be inspected for wounds, swelling, and spots, as these signs were very often considered the most revealing. Their position on the body, shape, depth, and quality, such as color, were all taken note of. The stiffness and smell of the body could also be telling, as a body struck by lightning would smell of sulphur or one who died of the plague would be abnormally stiff, for instance. Signs on the body could uncover the moments leading up to death and whether or not it was accidental or not. For cases of drowning, Hawes notes that “the skin will be rubbed off, from his forehead, and fingers ends, by reason of his scra[m]bling at his death to save himself.”⁵⁵⁵ Hawes included an important section on how to “know whether, one were wounded, hanged, or drowned, after they were dead.” Wounds on the body would look different, depending on whether the victim was alive or dead when they were inflicted. The key difference between them is that when someone is already dead, the “actions of nature” have already ceased, meaning the blood and other humors in the body had already stopped their motions. So, if someone was stabbed while they were alive, the wound would appear to be “red and bloody, and the lips of the wound will be of a leadish colour and swelled.”⁵⁵⁶ But if already dead, the wound would have a different quality, the blood not having been circulated to the place that was injured. Likewise in cases of hanging, a person hung while

⁵⁵⁴ Based, in large part, on Paré's work.

⁵⁵⁵ Richard Hawes, *The Poore Mans Plaster-Box. Whereunto is added certain directions, whereby a man may know by what meanes a person (being found dead) came to his Death*, (London, 1634), p. 41.

⁵⁵⁶ Hawes, *The Poore Mans Plaster-Box*, p. 40.

alive will have bruising around their neck where the rope was, “[t]he Armes, face, and legs will be swelled, and of a leadish colour. Also you shall finde spittle in his mouth, and snot in his nostrils. Commonly his breeches are pissed, and his ordure will sticke in his fundament, which commeth with the striving, when he is strangled.”⁵⁵⁷ Drowning victims should be similarly scrutinized, and if the body was not swelled, it was a sure sign that they were already dead before they entered the water. Thus, depending on how the corpse was found, the absence of a sign could be just as telling as its presence, especially if a particular indication was expected in the type of death they were dealing with.

It was important that the coroner and jury determine the correct cause of death, or the cause that could be substantiated with evidence, as this could influence the outcome of a subsequent trial.⁵⁵⁸ But, many expressed concern that the cause of death might remain hidden, or could be purposefully concealed. There were certain cases where the cause of death was thought too difficult to discern or to charge anyone with murder, even if they were at fault.⁵⁵⁹ And other cases reveal that coroners at times were held either incompetent or corrupt in regards to their judgements. Not only was it easy to misread the signs of the body by simple ignorance, as many claimed, it was also possible to do so purposefully. One seventeenth century writer argued that “[y]ou can't but be so much a Lawyer and Historian, as to know that the Coroner's

⁵⁵⁷ Hawes, *The Poore Mans Plaster-Box*, p. 40.

⁵⁵⁸ Hale made an important point in terms of correctly establishing the cause of death in relation to an indictment for murder—the evidence must reflect the indictment: “If the evidence in murder differ from the indictment in specie mortis, as if the indictment were for killing by poison, and the evidence be of killing by stabbing, it doth not maintain the indictment. But if the indictment were for poisoning with one kind of poison, and the proof be of another kind of poison, or the indictment be for killing with a sword, and the evidence be of killing with a staff, or with a gun, it maintains the indictment. Important to know the actual cause of death.” From *Pleas of the Crown*, vol. I, p. 291.

⁵⁵⁹ Hale also writes about such cases, arguing that while someone could be guilty of a felony, there might not be enough external evidence to establish this fact: “If a man either by working upon the fancy of another or possibly by harsh or unkind usage puts another into such passion of grief or fear, that the party either dies suddenly, or contracts some disease, whereof he dies, tho, as the circumstances of the case may be, this may be murder or manslaughter in the sight of God, yet in foro humano it cannot come under the judgment of felony, because no external act of violence was offered, whereof the common law can take notice, and secret things belong to God.” *Pleas of the Crown*, vol. I, pp. 428-9.

Inquest is not conclusive and final, but may be contradicted, and almost daily is; sometimes the Coroner's Inquest finds Men to have died of a natural Distemper, which after appear to have been barbarously Murdered.”⁵⁶⁰ Thus the degree to which physical evidence could establish either probable or certain facts in legal cases was thus highly debated and unstable throughout the seventeenth century. As Petty and others would argue, there were facts drawn from the body that could be measured, observed, and quantified, signs that established objective legal facts. However, there remained a persistent sense that these observations might be mistaken and that physical evidence could be interpreted or skewed for conflicting ends. At the heart of this epistemological dilemma was the question of the basis on which certainty was located: on the physical details themselves, or on the credibility of the social body of the victim or accused, or the status of the one doing the interpreting. In Greene's case, it mattered that she was a woman and a servant, as the signs and physical evidence could be coded as less reliable for these reasons, as seen in some of the poetry examined earlier. The facts that the body could produce were thus inextricably tied to specific social and gendered positions. While in some spheres there was a movement towards relying on physical evidence on its own merit, disconnected from the credibility of the witness or specific body involved, the mid-seventeenth century remained an in-between moment when physical evidence was necessary but problematic, growing in its ability to establish fact, but still not trusted as a reliable source of knowledge or legal proof.

Anne Greene Revisited: a skeptical take on physical evidence

That the legal status of physical evidence remained ambiguous throughout this time, and that physical signs could be variously interpreted or ignored, is perhaps best demonstrated by a

⁵⁶⁰ Laurence Braddon, *Innocency and Truth Vindicated*, (London, 1689), p. 75.

pamphlet that was published in 1664 under the title *Digitus Dei, or an Horrid Murther Strangely Detected*. The author, Abraham Jennings, makes a case that physical evidence should be used to determine the cause of death in order to bring indictments against guilty parties. In the course of his argument to prove that physical evidence is reliable evidence, he cites Anne Greene's case as his foil, as an example of someone who had gotten away with murder because the parties involved failed to see that she was actually guilty. In opening his pamphlet, Jennings claims that he is a physician and had served as the foreman of a coroner's jury in the murder case against Richard Rogers, accused of killing Ruth Auton. She had been a maid, and was suspected to have been pregnant with a bastard child by Rogers. Auton had visited Jennings' medical practice the month before, inquiring about rue and savin, as well as seeking a purge, claiming that she had been feeling unwell. These being well-known methods of abortion, Jennings suspected that she was with child at the time and refused to treat her. When Jennings heard that Ruth's body had been discovered in a field, he initially surmised that she had taken poison to do away with the child and had accidentally killed herself. Other members of the community who viewed her body thought that "she was taken in a pang (as they call'd it) and so died suddenly."⁵⁶¹ Upon viewing the body, however, Jennings began to doubt his assumptions, and raised these doubts to other members of the coroner's jury who were resistant to searching out the cause of death too rigorously:

[U]pon sight of [her body] I soon changed my thoughts as to the manner of her death, for when I saw in what regular posture she lay, viz. as if some industrious hand had prepared her Coffin, I did vehemently suspect (death commonly causing a preposterous Figure) that some one or other had destroy'd her, and withal certified so much to the Jury; but many of them were unwilling to incline unto it, thinking more probable she died in some sharp Paroxysme, urging me with the sense of the Civilian's Aphorism,...that in doubtful cases we ought to judge most charitably; though this were true in it self, yet being upon my Oath, I

⁵⁶¹ A.J., *Digitus Dei, or an Horrid Murther Strangely Detected*, p. 5.

was willing to put all out of doubt, and to be better satisfied, to which end I desired the Constables that the people might be forced off, that so we might view the body more narrowly, which being done, I observed her Neck to be swollen and discoloured, and that some blood had issued out of her left ear, and was collected in her shift collar, upon which I moved her Head and Neck, and found them both loose and limber, but yet upon all other parts I observed such tonick motion (the effects of death) that the whole body might be moved without putting a finger out of its position; moreover upon turning the head, I found a black spot like the print of a Thumb in one side of her face, and also that the head might with ease be moved about either way, further then nature designed, or she was able to put it in her lifetime.⁵⁶²

Jennings' reservations were based on a number of physical factors that he observed: her body looked like it had been arranged, or carefully placed, rather than having fallen naturally; there were bruises and blood that suggested she had suffered some form of violence; and, that while her whole body was stiff, her head was unnaturally loose and could be turned easily and too far to the left or right. Although the rest of the jury argued that the signs on Ruth's body did not produce certain evidence as to her cause of death, Jennings asserted that this was due to their lack of knowledge about the body and inability to accurately interpret the available signs. Using specialized language, Jennings described why he thought the cause of death was murder and not suicide by poison:

I appeal to all, whether I might not now safely conclude (notwithstanding nature hath so strangely fabricated that part) that if there were not a fracture of the Spondils, or dislocation of the Atlas from the first or second Vertebre; yet there was a rupture, or at least, a great distension of some of the Tendon; and musculous parts of the Neck, and consequently (I finding no other part disaffected) that she was murdered by violence offered to that part.⁵⁶³

He convinced the jury, who having determined that Ruth had died from a broken neck began to search out the reason behind the events and the identity of her possible killer. They began with the question of her pregnancy, thinking it probable that the father of the child could be a likely suspect. In order to determine whether or not she was with child, Jennings, along with “six or

⁵⁶² A.J., *Digitus Dei, or an Horrid Murther Strangely Detected*, p. 6.

⁵⁶³ *Ibid.*, p. 7.

eight of the gravest women, and a Mid-wife,” proceeded to “open her, and found her with Child, with a Boy and a Girl, between some four or five months old.”⁵⁶⁴ Although Jennings himself performed the surgery and maintained his own medical expertise, he still relied on the authority of women in order to confirm and lend credibility to his findings. The maturity of the child was an important element of the evidence that Jennings' presented, and was a key in determining who the father was based on the issue of timing.

Interviews with neighbors and members of the community led to the identification of Richard Rogers as the father of Ruth's child. The two had had a long-term, tumultuous relationship, according to reports, and he was overheard threatening her. He was brought to view Ruth's corpse and, although some reported that it bled when Rogers touched it, Jennings equivocated, saying that the “whole body was covered except the face only, and so we cannot imagine that it should be seen, if that rule be true.”⁵⁶⁵ Although Jennings did not find this particular physical sign convincing in terms of establishing Rogers' guilt, he was, however, swayed by scratches that were found on the suspect's hand. Rogers claimed that he had received the injury while he was paring apple trees, but others observed that “that the scares or scabes upon them were so equidistant, and of that shape and bigness, that 'twas believed of all that saw them, they were the scratchings of Nails.”⁵⁶⁶ Given that, as the judge in the case asserted, scratching was a form of defense often used by women, the marks on Rogers' hand were considered positive indications that he had strangled her and she had fought back. In addition to these physical signs, witness testimony proved that the two had an existing relationship and that Rogers had been looking for Ruth in the days before she was found dead. He could not establish

⁵⁶⁴ A. J., *Digitus Dei*, p. 8.

⁵⁶⁵ *Ibid.*, p. 8.

⁵⁶⁶ *Ibid.*, p. 11.

where he had been on the night of her death and had bribed a friend of his to provide a false alibi.

Despite all the evidence against him, Rogers maintained his innocence throughout his trial. He was quite convincing and many people, even some who had testified in the case, believed him. Some of his friends advised him to keep up his story, thinking that once the case came before the jury he would be found innocent because of lack of sufficient proofs. Rogers felt confident that the “Court would not take away his life upon circumstance,” and his friends assured him that the jury could not find him guilty “unless the fact were positively proved by ocular witness.” However, the judge in the case rebuked his confidence and insisted that “strong circumstances clearly proved (in capital crimes),” could provide sufficient evidence and even “small circumstances had very often brought many, and that justly too to condign punishment.”⁵⁶⁷ Some involved in the case found it difficult to reconcile these “small circumstances” with what appeared to be a very persuasive performance by Rogers. He seemed to be telling the truth and he was forceful and consistent in his protestations of innocence. Even when the jury found him guilty, he maintained that he had not murdered Ruth. It was not until he was on the scaffold in the moments just before his death that Rogers finally admitted to the murder.

Jennings' objective in this pamphlet was to demonstrate that physical proofs establish the truth and are reliable forms of evidence in legal cases. If there is a disparity between what the physical facts of the case seem to indicate and what the suspected party claims to be true, even if that person appears to be honest and trustworthy, the forensic evidence is more reliable. In order to demonstrate that people can convincingly lie despite being guilty, Jennings turns to

⁵⁶⁷ A. J., *Digitus Dei*, p. 17.

none other than Anne Greene. Based on the contemporary material written about Greene's case, with which Jennings would have been familiar, this is a peculiar contrast. He does not use Greene's story to affirm the ability of physical signs to establish facts and legal proofs, nor to argue that juries need to take their time scrutinizing bodies in order to render a correct verdict. In fact, he ignores the physical details of her case. Instead, Greene serves as an example of someone who was guilty but who, through a compelling performance, made people believe she was innocent:

To this I might add that famous story of Anne Green being condemned at Oxford about some fourteen or sixteen years since for killing her Bastard, who at the very last denied the fact, and being cut down after the usual time, was brought to the place to be dissected, but being found not totally dead, was by the skill and industry of Dr. Petty, Dr. Willis, and others, restored to her former health, and afterwards a pardon being procured, she confessed (as I have been really informed by some that were both at the University & City) the guilt. From whence we may collect how industriously wicked some Malefactors have been, who to save their lives and credit, and rather then they would resigne this thing called Reputation, to the due censures of the world, and their bodies to corporal punishments, would by horrid imprecations at first, and desperate denials at last, hazard, if not eternally destroy their precious souls.⁵⁶⁸

The source of Jennings' account of Greene, particularly her alleged confession of guilt, is lost to contemporary scholars. But whether it appeared in print and is no longer available or whether it was a rumor, it is certain that if Jennings was familiar with the story, he would have also known the arguments made about Greene's innocence. In using her alleged confession to bolster his own argument, Jennings disregards the physical proofs outlined by Petty and others, the same types of evidence that he himself privileges. In judging her guilty, Jennings seems to rely on the more traditional forms of evidence: witness testimony and the fact that Anne had concealed both the pregnancy and the birth.

Like Jennings' pamphlet on Rogers, the primary aim of Petty's petition to the court was

⁵⁶⁸ A. J., *Digitus Dei*, p. 18.

to demonstrate that a legal verdict could and should be based on the physical evidence.

However, the possibility that Petty's petition and interpretation of the evidence might have been more opaque than he claimed is evident in Jennings' account. That Jennings used Greene's story fourteen years later to argue that a "malefactor" could seem truthful when the evidence of the crime says otherwise, speaks both to the ambiguity of the physical 'facts' of her case as well as to the instability of forensic and circumstantial evidence more broadly speaking. In some cases, jurors were instructed and encouraged to consider physical details, and in others they were cautioned that doing so could lead to an incorrect verdict. Not only were there specific medical and cultural reasons why the claims made by Petty might have been questioned or disbelieved, there was no standard for how much legal weight to give this type of evidence.

Petty used Greene's story and his role in her recovery to assert the authority of trained doctors and to push for legal reforms regarding the use of expert witnesses. He grounds his petition for her pardon on specific pieces of physical evidence from both Anne's and her infant's bodies, and his ability to interpret that evidence accurately. However, when read alongside contemporary medical and legal sources, the arguments that Petty makes in his petition to the court become somewhat more complex than they seem on the surface. On the one hand, his claim that Anne did not know she was pregnant was echoed in midwifery texts that detailed the ambiguity of the signs of pregnancy, particularly in the first few months, and was articulated by women themselves in their own experience of pregnancy. On the other hand, his argument that particular physical signs, from both the body of the mother and the infant, had stable and straightforward meanings was far from coroners' experiences of assessing the cause of death in infants, and contradicted in the multiplicity of meanings assigned to the (possible) signs of pregnancy. He cites a number of people who provided evidence that supported his findings and

served to bolster the credibility of his interpretation. The midwife, who examined the body of the infant, the servant, who provided information about Anne's body, and Anne herself, who testified to a lack of knowledge and uncertainty about the meaning of her physical symptoms. However, there is an inherent tension in Petty's petition on Greene's behalf: that bodies are both ambiguous and transparent at the same time, that physical signs could be interpreted to establish facts in legal cases but that those signs were open to multiple and conflicting explanations.

Petty's account of Anne's story and his petition to the court on her behalf was reflective not only of his intellectual commitments to legal reform based on medico-legal knowledge, but also of his precarious position vis-a-vis his various colleagues and patrons, as well as his need to navigate a politically tense moment. In part, Petty was able to eschew the more providentialist readings of Greene's case, thus avoiding potential conflict with those colleagues, specifically because bodily signs were ambiguous and the status of both 'facts' and miracles based on physical evidence was in flux at this time. I have argued that Anne's story and Petty's arguments point to the contested nature of physical evidence and the epistemological uncertainty around 'facts' produced by the body. Women's bodies in particular were believed to be opaque and deceiving, and Petty's claims about the transparency of physical signs and the ability of experts to interpret them in legal cases glossed over this ambiguity and the anxiety such signs raised.

Greene's case embodies a transitional moment in the history of forensic evidence and facts based on the body, which is apparent in the (implicit) tension and over-extension at the heart of Petty's claims. While Petty uses Greene's case to assert his own authority and argue that physical evidence was trustworthy, others asserted that the body was fundamentally ambiguous to make equally 'scientific' claims. These ambiguities were evident within medical consultation

notes that detailed disagreements between physicians and their patients regarding the meaning of bodily symptoms, within coroners's inquisitions on infants' corpses that were inconclusive and in medical texts which outlined the signs of pregnancy while simultaneously cautioning about the misleading nature of those signs. Anne's extraordinary story provides a glimpse into the contested status of physical proofs in infanticide trials as well as broader concerns about the ambiguity of pregnancy and the difficulty of interpreting physical signs and symptoms to establish legal facts.

CHAPTER 5

**When is a Corpse a Corpse?
Gender, polemics, and apparent death**

By all accounts, Anne Greene's execution seemed to unfold like any other early modern hanging. The image that opened *A Wonder of Wonders* depicts a woman hanging from a gallows, her hands by her sides and her face covered with a cloth. A ladder leans against the side of the scaffold—she would have used it to climb up—and the rope around her neck is short—there is still quite a distance between her and the ground below. A man holds her feet, pulling on them to add weight, and a soldier is shown hitting her in the chest with his musket. Marchamont Nedham reported that “[s]he hung near half an hour, in which time she was much pulled by the legs, and struck on the breast by divers other Friends, & other standers by; and above all, received severall violent stroaks on the stomack by a Soldier with a but-end of his Musquest.”⁵⁶⁹ Burdet's account added that her friends had pulled on her legs so violently that “the Under-Sheriffe fearing lest thereby they should breake the rope, forbad them to doe so any longer.”⁵⁷⁰ When Anne's body was taken down from the scaffold, pamphlet writers claimed that she “seem'd dead” to the on-looking crowd.⁵⁷¹

As we have seen, the fact that Greene survived, not only the hanging but also the additional violence inflicted upon her, was deemed a miracle by some pamphlet accounts. Without much comment or explanation as to why or how it was miraculous, writers quickly moved to expounding the providential meaning of her recovery and the process through which she regained her health. However, the fact that her initial survival received little to no comment

⁵⁶⁹ Marchamont Nedham, *Mecurius Politicus*, 28 (December 12-19), (London, 1650), p. 469.

⁵⁷⁰ Burdet, *A Wonder of Wonders*, sig A2v.

⁵⁷¹ This was reported in both *A Wonder of Wonders*, sig A2v, as well as *Mecurius Politicus*, 32 (January 9-16), (London, 1651), p. 520.

is curious. Contemporaries were aware both that executions were not always successful and that the outward signs of death could be deceiving. There were many explanations for why someone might survive a hanging, and not all of them depended on God's intervention. Hangmen could, either through ignorance or intent, botch the hanging, which might lead to a failed or prolonged execution. And sometimes the execution just simply did not have the intended, permanent result; many felons, according to the law, were forced to suffer the punishment a second time. It might have been extraordinary or strange that Anne had survived, but it was not necessarily miraculous. Anne's survival was remarkable; but crucial to the wonder of her story was that those around the gallows were convinced she had died.

There was an early modern perception that death was not always easy to diagnose. Various literatures confronted the cultural and medical concern that death could be temporary, indefinite, and hard to judge. Sad and admonishing tales recounted those who had survived hangings or who, from disease or accident, showed no signs of life and were mistakenly taken for dead. Medical texts outlined the signs of death but also included case studies that emphasized the uncertainty of these signs. Pamphlets recounted stories of those who were buried alive or saved from a premature burial, often detailing the physical signs that had deceived those who had assessed the body. The ambiguity of the physical signs of death was a particular problem in the case of women, and midwifery manuals stressed the danger of diseases associated with the womb which carried symptoms that could look misleadingly like death. Some texts cautioned about the use of certain medicines or alcohol that could induce death-like states, and others outlined methods to aid in someone's recovery when they initially appeared to be dead, in cases of drowning, for instance.

Various people were involved in the early modern assessment of bodies to determine

when and whether or not someone had died. The legal punishment that someone be hung until they are dead necessitated that executioners not only follow a specific procedure to ensure that this happened, but also that they correctly judge when the person had expired. Generally, this procedure required that the noose knot be tied in a specific way and that the person be hung for a minimum amount of time. Executioners, from their position just below or beside the victim, visually judged when the condemned had passed from life to death and often had help from the execution crowds who actively participated in assessing the body of the felon. Those who died at home also had an assortment of people around them to watch and determine when death had taken place. Although physicians or lay-doctors might have been consulted at an earlier stage to see if the sickness or injury was curable, they were often not present for the final moments. Family members, neighbors, and other community members were the ones who surrounded the dying person and used their collective judgement to call the fact of death. Ordinary people looked for specific signs and used various methods, both observing and touching the body. There were also specialists, like the coroners who viewed the bodies of those who had died suspiciously, and women, known as searchers, who examined corpses to determine the cause of death, specifically looking for signs of the plague. They examined and felt the dead body and were in the position to catch signs of life that others may have missed.

Contemporaries made arguments about the uncertainty of signs indicating death for both professional and propagandistic purposes and there were significant medical and religious stakes pertaining to the claims concerning the assessment of physical death. Physicians wrote to assert their own medical expertise and emphasized the difficulty of assessing death and disease as a means to bolster their own professional authority. Pamphlets on failed executions were often written with polemical or providentialist intent and highlighted the supernatural elements

of an evaded death or remarkable resurrection to further a religious or political cause. Stories about premature burials used the uncertainty about the signs of death to make moral arguments and pointed to the ease with which ill-intentioned people could use death's ambiguity for their own purposes. The difficulties of determining death were often gendered in a particular way. Searchers dismissed as ignorant women were sometimes blamed as the cause of someone's live burial, while others characterized them as highly skilled and able to perceive signs of life when others could not. And the problem of diagnosing death was another area in which women's bodies were framed as opaque and deceptive, and ideas about the ambiguity of death were shaped by conceptions about gender more broadly speaking.

Accounts of Anne Greene's failed execution and recovery reveal both an anxiety about death's uncertainty and a nuanced understanding of death as a physical state. The signs that indicated to Petty that Anne might still be alive sparked debate amongst those who were present and were not uncontested. Petty looked for the physical signs of death by hanging and used specific methods to resuscitate Anne, methods that were employed in other cases as well. That he did not consider possible explanations for why she had survived in his otherwise thorough account of her recovery is telling in a number of ways. For the various reasons discussed in chapter three, Petty was not interested in defending the event as a miracle but in publicizing the resuscitation process itself. That he ignored this particular part of the event and avoided any detailed physiological consideration of why she may have survived opens several lines of inquiry concerning death more broadly speaking. Beginning with Anne Greene, this section will scrutinize understandings of the state of death and the ways in which uncertainty about death and its physical signs shaped contests, perceptions, assessment methods, and polemical arguments throughout the seventeenth century. I argue that the indeterminacy of the signs of

death and the flexibility with which apparent deaths could be framed as a miracle or a natural event allowed people to make various kinds of polemical arguments and truth claims, but also significantly shaped people's own perceptions and assessments of others' bodies.⁵⁷²

Anne Greene and Failed Executions

It was not until after Greene's death from natural causes years after her execution that writers attempted to explain how and why she might have survived the execution from a purely biological perspective. While a more 'scientific' explanation does not necessarily preclude the religious or miraculous, it does enlist physical arguments to posit certain claims. Having read Richard Watkins's pamphlet, William Derham, who was elected to the Royal Society in 1703, suggested that Greene's case was an example of God's providential design of the respiratory system and the “more than ordinary Strength of the Wind-Pipe,” which prevented her death.⁵⁷³ Ossification, or the formation of her windpipe bone, had protected her throughout the course of her hanging, allowing her respiration to continue and, according to medical theory at the time, her blood to circulate. Comparing the Greene case to similar cases to those who survived drowning, Derham suggested that this physiological anomaly was an explanation for why people in general might recover from being hung. His was an argument for the wondrous and divine design of the human body, but his purpose was to understand Anne's recovery from a medical and physiological point of view, as a natural function of the body, rather than an

⁵⁷² 'Apparent death', as a physiological state or experience, was not categorized or labeled as such until the eighteenth century. I use this term because it most accurately captures the type of physical state that those in the seventeenth century described and for the purposes of clarity. There were a number of texts published in the eighteenth century that specifically dealt with the topic of death and 'apparent' death, including, Jacques Benigne-Winslow, *The Uncertainty of the Signs of Death*, (Dublin, 1748); Edmund Goodwyn, *The Connexion of Life with Respiration, Or, An Experimental Inquiry into the Effects of Submersion, Strangulation*, (London, 1788); and later, William Tebb, *Premature Burial, and How it may be Prevented, with Special Reference to Trance, Catalepsy, and other forms of Suspended Animation*, (London, 1896).

⁵⁷³ William Derham, *Physico-Theology, or a Demonstration of the Being and Attributes of God*, 12th edition, (London, 1754), (originally published in 1713), pp. 145 & 156; See also Mandelbrote, “William Petty and Anne Greene,” p. 134.

example of a miracle.

More recent studies have used Anne Greene's story to explore the history and development of modern medicine. As noted earlier, for J. Trevor Hughes, Greene's is a case-study in the history of resuscitation.⁵⁷⁴ S. G. Braye and G. Guy argued that Greene's failed execution was actually an example of "post suspension syndrome," a condition in which the patient presents as "deeply unconscious with generalised hypertonia. There are limb movements suggestive of decerebration...[and while] [t]he level of consciousness lightens over 24-48 hours...all patients experience a variable length of retrograde amnesia."⁵⁷⁵ Another modern take on Greene's case argues that her "cervical spine must have been very tough indeed," and that "common sense prevailed" when authorities agreed to issue her a pardon.⁵⁷⁶ Generally speaking then, modern accounts of Greene's failed execution and recovery are more interested in applying contemporary medical explanations than in understanding the case within its early modern context.

Contemporary accounts did not directly explore the physiological reasons why Anne may have survived, but they do include hints that the question was asked. The first was included in William Petty's letter to Samuel Hartlib, dated December 16, 1650.⁵⁷⁷ Before his description of Greene's execution and recovery, Petty reported on an experiment involving the inflation of bladders. Quoting from Petty, Barbara Shapiro notes that "[i]n 1650 William Petty reported the Oxford "Club" was busy with experiments, having performed Captain Bulmer's experiment

⁵⁷⁴ J. Trevor Hughes, "Miraculous Deliverance of Anne Green: An Oxford Case of Resuscitation in the Seventeenth Century," *British Medical Journal (Clinical Research Edition)*, Vol. 285, No. 6357 (Dec. 1982), pp. 1792-1793.

⁵⁷⁵ S. G. Braye and G. Guy, "Miraculous Deliverance of Anne Green," *British Medical Journal (Clinical Research Edition)*, vol. 286, No. 6364 (Feb. 1983), p. 556.

⁵⁷⁶ Bent Juel-Jensen, "News from the dead: the remarkable history of Anne Green," *Oxford Medical School Gazette*, vol. 14, 1962, pp. 135-40.

⁵⁷⁷ MSS Hartlib Papers, 8/23/1A.

“whereby wee undertooke to blow a Boy or a Boate over London Bridge, the Ground whereof wee conceive to bee by blowing of bladders or other instruments of the like kind of greater capacity.”⁵⁷⁸ Scott Mandelbrote has suggested that Petty's inclusion of this experiment, while perhaps coincidental or inconsequential, makes it “possible to argue that Petty thought that both reports gave information about a common object of enquiry: the strength and capacity of the human respiratory system,” something the Oxford circle was interested in in later years.⁵⁷⁹

Other accounts of Greene raise the question of whether her survival might have a naturalistic explanation based on the fact her sex. The providentialist pamphlet *A Declaration from Oxford* concludes the Greene narrative with “another strange passage worthy of observation,” and tells the tale of a woman who was presumed to have died during childbirth and “having lain dead for some certain time, according to usual custom, her Corpes was buried.”⁵⁸⁰ Not more than an hour after her burial, however, a woman who passed by the grave heard the cries of a young child coming from the ground and caused the clerk and minister to exhume the coffin. Upon opening it, and much to the horror of the crowd who had gathered, “they found that the woman was delivered of a Sonne, but both dead.”⁵⁸¹ Although the writer did not say much more than this, he placed Anne's story within the sphere of other accounts of premature burials which both highlighted the ambiguity of the signs of death, particularly in women, and imbued them with providential, moral and social significance.

The question of whether Anne was dead or just near death, whether she was resuscitated or resurrected, was not explicitly discussed in the pamphlet accounts. Those at the gallows

⁵⁷⁸ Barbara Shapiro, *John Wilkins 1614-1672: An Intellectual Biography*, (Berkeley, 1969), p. 42.

⁵⁷⁹ Mandelbrote, “William Petty and Anne Greene,” p. 148. Mandelbrote also notes that “[t]he anatomy and physiology of breathing was one of the topics that fascinated Harvey's disciples, in particular Ralph Bathurst,” p. 149.

⁵⁸⁰ Anon., *A Declaration from Oxford*, p. 6.

⁵⁸¹ *Ibid.*, p. 6.

were the first to assess her physical state and *Newes from the Dead* records that “when every one thought she was dead, the body” was “taken downe and put into a Coffin.”⁵⁸² Those who took her down from the scaffold and delivered her to Petty were the first to notice the strange signs. When they opened the coffin to transfer her to the anatomist's table, “she was observed to breath, and in breathing...obscurely to rattle: which being perceived by a lusty fellow that stood by, he (thinking to doe an act of charity in ridding her out of the small reliques of a painfull life) stamped severall [times] on her breast & stomack with all the force he could.”⁵⁸³ This assessment of Anne's body by the “lusty (and presumably lay) fellow” led him to conclude that she was closer to death than to life, and better off if she were dispatched as quickly as possible. *A Wonder of Wonders* reported that it was not only the lay people who were confused by her physical signs, but that the doctors present were initially confounded as well. When Petty and his colleagues observed that she was breathing, a dispute arose between them about the meaning of these signs; she may have still been alive, but whether she was going to inevitably die or had the chance to recover was unclear. Petty “took her by the hand, and laid his eare to her temples, and perceiving life, declared that there was a great hand of God in the business, and imediately let her blod in 3 places.”⁵⁸⁴ Petty was framed as the trained expert in this particular passage and the one who was able to distinguish between signs of life and signs of death. However the initial observation of her body and her shallow breathing was not enough for him to be certain, leading him to look for other physical indications of life by touching and listening to her body. *A Declaration from Oxford* characterized Anne's physical condition in between her hanging and revival as a trance, a term often used to discuss medical conditions

⁵⁸² Watkins, *Newes from the dead*, sig A2v.

⁵⁸³ Ibid., sig A2v.

⁵⁸⁴ Burdet, *A Wonder of Wonders*, sig A4.

that resembled death.⁵⁸⁵ What emerges from the accounts is a sense that the outward signs of death were not at all straightforward, to the lay-people or to the doctors present in the room, and while they agreed that she was breathing, they disagreed about whether she was closer to life or to death.

In addition to the debate over Anne's potential to recover is the question of whether or not she had actually died as the result of the execution, or merely seemed dead, whether this was a resurrection or a resuscitation. Authors approached this issue in a number of ways, focusing on the physical trauma of the execution itself and the bodily symptoms she displayed in the moments shortly thereafter. This was meant to demonstrate that not only had the executioner followed proper procedure to ensure a successful execution—that it had not been botched in any way—but also that she had physically suffered and displayed bodily signs that were consistent with hanging. These physical indications were similar to other accounts of death by hanging and were assessed by doctors and lay-people alike. The execution crowd played a significant role in scrutinizing the body of a hanging victim, and often negotiated with the executioner to determine when the felon was dead and should be taken down from the scaffold. In the accounts of Anne's hanging, the crowd was reported to have quickened her death and also collectively agreed that she seemed dead after the due amount of time. Thus, not only was the crowd a key actor in the process, they also took on an important function in pamphlet accounts which noted their assessment of the body of the felon. In order to understand the reason why writers described Anne's death and initial physical signs in the way they did, it is useful to take a broad look at the process and effects of this form of execution, as well as how

⁵⁸⁵ Anon., *A Declaration from Oxford*, sig A3v. The *OED* defines the word *trance*, as it would have been used in this period, as “an unconscious or insensible condition; a swoon, a faint; an intermediate state between sleeping and walking; half-conscious or half-awake.”

they were discussed in accounts of other failed executions.

Death by hanging in the early modern era was a prolonged and torturous experience. A late seventeenth century memoir of a visitor to England described the execution process:

They put five or six in a Cart...and carry them, riding backwards with the Rope about their Necks, to the fatal Tree. The Executioner stops the Cart under one of the Cross Beams of the Gibbet, and fastens to that ill-favour'd Beam one End of the Rope, while the other is round the Wretches Neck: This done, he gives the Horse a Lash with his Whip, away goes the Cart, and there swing my Gentlemen kicking in the Air.⁵⁸⁶

Those condemned were either suspended from the wooden beam by way of the cart or they climbed a ladder to the side of the scaffold and were “turned off,” either under their own power or with the help of the executioner. The force of the drop either by way of the cart or the ladder, being only a few inches, was generally not enough to break the neck of the condemned person, and they suffocated to death.⁵⁸⁷ People thought that the position of the rope around the neck, specifically the location of the knot, could either hasten or prolong the death process; many thought that death was faster if the rope was located just below the ear and more painful and prolonged when placed below the chin. The length of time that someone was permitted to hang was also important in terms of effecting a successful execution, and thirty minutes was thought sufficient to ensure that death had taken place.⁵⁸⁸

The physical effects and suffering that hanging caused were obvious to on-lookers, often commented upon, and widely known. In his account of a thirteenth century hanging, Robert Bartlett, quoting from a Victorian medical text, notes that hanging caused suffocation,

⁵⁸⁶ *M. Misson's memoirs and observations in his travels over England*, 1698 (1719 edition), pp. 123-5, quoted in V. A. C. Gatrell, *The Hanging Tree: Execution and the English People*, 1770-1868, (Oxford, 1994), p. 52.

⁵⁸⁷ Condemning the barbarity of early modern executions and the ignorance of the executioners themselves, Arthur Griffiths claims that “[t]here are several well-authenticated cases of resuscitation after hanging, due doubtless to the rude and clumsy plan of killing. To slide off a ladder or drop from a cart might and generally did produce asphyxia, but there was no instantaneous fracture of the vertebral column as in most executions of modern times.” Arthur Griffiths, *The Chronicles of Newgate*, vol. I, (London, 1884), p. 279.

⁵⁸⁸ This can be contrasted with those charged with treason who were sentenced to hang until they were 'half-dead' and then disembowelled, as discussed in chapter one.

lividity and swelling of the face, especially of the ears and lips, which appear distorted: the eyelids swollen, and of a blueish colour; the eyes red, projecting forwards, and sometimes partially forced out of their cavities...a bloody froth or frothy mucus sometimes escaping from the lips and nostrils...the fingers are generally much contracted or firmly clenched...the urine and faeces are sometimes involuntarily expelled at the moment of death.⁵⁸⁹

In the case of William Cragh that Bartlett examines, witnesses mentioned many of these signs in their accounts of his death. Not only had he hung for “so long that everyone present judged him to be dead...he had also voided his bowels and bladder” while he was hanging.⁵⁹⁰ Someone who viewed his body after it was removed from the scaffold reported that “the eyes [were] out of their sockets 'as he saw likewise in the case of other hanged men', the tongue dark and swollen, with no sign of breathing.”⁵⁹¹ Another witness provided an even more gruesome account, stating that “his mouth, neck, and throat and the parts around them, and also his nostrils, were filled with blood, so that it was impossible in the natural course of things for him to breathe air through his nostrils or through his mouth or through his throat.”⁵⁹² Despite the extraordinary trauma that witnesses described, William Cragh survived and recovered from his execution. The physical details that witnesses provided were obtained during the course of a papal inquisition, conducted to determine whether or not his revival was in fact a miracle as many claimed.

In the end, papal officials determined that Cragh's revival was not miraculous but the inquisition they conducted, and the documents it generated, reveal several interesting questions relating to executions in both the medieval and the early modern period.⁵⁹³ First, not only was it possible for someone to survive a hanging, there could be multiple explanations for why they

⁵⁸⁹ Robert Bartlett, *The Hanged Man: A Story of Miracle, Memory, and Colonialism in the Middle Ages*, (Princeton, 2004), p. 38.

⁵⁹⁰ *Ibid.*, p. 2.

⁵⁹¹ *Ibid.*, p. 32.

⁵⁹² *Ibid.*, p. 6.

⁵⁹³ Although there is a great degree of difference in the political and religious stakes of public executions between the thirteenth and seventeenth centuries, the mechanics and physical process of death by hanging remained largely the same.

had. In considering whether Cragh's resuscitation was the result of God's intervention (through the invocation of a saint in this case), or could be explained naturally in some way, inquisitors considered a number of factors. What were the conditions of the execution itself? How long did he hang and by what means? Who decided when to take him down and how did they judge that he was dead? What were the subsequent signs of his injuries and what did they indicate about his physical state? And, how had people determined that he was still alive? While seventeenth century Englishmen were not interested in miracles for the sake of canonizing someone a saint, they did scrutinize the same physical signs and posed various explanations for a failed execution.

The question of how death was determined was a key feature in accounts of early modern executions. Particularly in cases of failed hangings, sixteenth and seventeenth narratives always discussed the length of time that the condemned was suspended from the scaffold, as well as any other physical details of their suffering during the execution. In Greene's case, she was turned off a ladder by the executioner and hung by the neck for upwards of half an hour. Burdet wrote that "her kinsman took hold of her feet, and hung with all the weight and force of his body on them, that so he might the sooner rid her of her pain. A Souldier standing by, gave her 4 or 5 blowes on the brest, with the but end of his Musket, and having hung half an hour, she was cut down."⁵⁹⁴ Watkins amplified the violence and force of the actions of her friends and added that they repeatedly lifted her up, "then pull[ed] her downe againe with a suddaine jerke" to the point where the executioner stopped them for fear of breaking the rope.⁵⁹⁵

Other narratives of failed executions reported the same actions and procedures as those

⁵⁹⁴ Burdet, *A Wonder of Wonders*, sig A2v.

⁵⁹⁵ Watkins, *Newes from the Dead*, sig A2v; In his notes, Petty differs slightly from the other accounts, writing that Anne was hung 'aboue ¼ hour', but includes the same details about her friends and the soldier. See Add MS 72892, fol. 4r.

in Greene's case. Thomas Savage was recounted to have suffered a similar death and after being turned off the cart, "he struggled for a while, heaving up his body, which a young man (his friend) seeing, to put him quickly out of his pain, struck him with all his might on the breast several times together."⁵⁹⁶ Another account of Savage's death simply noted that "he had hung the usual time," indicating that there was an accepted notion of how long someone needed to hang in order to die and that the crowd was aware of this.⁵⁹⁷ John Bartendale, executed in York in 1634, was reported to have "remained swinging for three-quarters of an hour."⁵⁹⁸ Finally, Elizabeth, a maid-servant to Mrs. Cope who was executed in 1658 for killing her bastard child, was said to be "hanged soe long as satisfied the bayliffs,"⁵⁹⁹ and although the length of time she hung was not recorded, another account noted that "she hung so long, that one of the By-standers scrupled not to say, that if she were not Dead, he would be hanged for her."⁶⁰⁰ Generally speaking then, what emerges is an understanding that in order to be certain that a hanging was successful, you needed to suspend the person for at least a half an hour, and, that there were various methods that could expedite the death of a friend or someone who had elicited the mercy of the crowd.⁶⁰¹ Although the timing and manner of death was, at least to a certain extent, part of a rhetorical trope within execution narratives more broadly speaking, the details that pamphleteers included spoke to accepted procedures and understandings about how to successfully conduct an execution by hanging.

⁵⁹⁶ Richard Alleine, *A Murderer Punished and Pardoned*, (London, 1668), p. 43; these same details are recounted in the anonymous pamphlet, *The Murderer Turned True Penitent*, (London, 1680), p. 21.

⁵⁹⁷ Anon., *The Wicked Life and Penitent Death of Tho. Savage who was twice Executed at Ratcliff*, (London, 1680), p. 18.

⁵⁹⁸ S. Baring-Gould, *Yorkshire Oddities, Incidents, and Strange Events*, vol. I, (London, 1874), p. 117.

⁵⁹⁹ Andrew Clark, *The Life and Times of Anthony Wood, 1632-1695*, vol. I, p. 250.

⁶⁰⁰ Robert Plot, *The Natural History of Oxford-shire* (2nd edition), (London, 1705), p. 203.

⁶⁰¹ It is interesting that in the material collected in Bartlett's study, he includes an account of one person who claims that "The method of hanging men in this country...is such that the hanged men die immediately after the hanging, because a noose with a slipknot is placed around their necks and the knot of the noose is at the back of their necks so that they are suffocated at once." Bartlett, *The Hanged Man*, p. 36.

The case of the maidservant Elizabeth raises another key set of questions about executions: who determined when death had actually occurred and what signs did people look for to establish that it had taken place? According to contemporary narratives, both crown officials and the execution crowd played a role in determining when the condemned person was dead and taken down from the scaffold. At times, the diagnosis of the crowd was at odds with that of the officials' and they admonished the executioner to leave the condemned person to hang a little longer. In other cases, the crowd was reported to affirm the actions of authorities and to verify that the felon had hung long enough or displayed specific physical signs that indicated they were dead. Elizabeth's death was affirmed by an anonymous voice from the crowd and others reported that the scaffold was so high that when they cut her down, "it would have been enough to have been the Death of many another Person, only to have had such a fall."⁶⁰² In Greene's case, the crowd seemed to be satisfied that she had hung for long enough and that she "seem'd dead" to the spectators who were present. Not much detail is given about the state of her body before it was removed, but the opening title of *A Declaration from Oxford*, claimed to present the tale of "[a] young woman that was lately, and unjustly hung in the Castle-yard; but since recovered, her neck set strait, and her eyes fixed orderly and firmly in her head again."⁶⁰³ The physical signs of a crooked neck and bulging eyes were common effects of hanging, as related in the medieval story of Cragh. *A Wonder of Wonders* also recounts that when Anne first came to the apothecary's from the castle-yard, "she seemed be much agast, and lookt strangely, her eyes being ready to start out of her head."⁶⁰⁴ It could be that these were signs that Anne's body actually exhibited that helped people determine she was dead at the time, or

⁶⁰² Plot, *The Natural History of Oxford-shire*, pp. 203-4.

⁶⁰³ Anon, *A Declaration from Oxford*, title page.

⁶⁰⁴ Burdet, *A Wonder of Wonders*, sig A4v.

that the author was trying to increase sales with salacious details. In either case, the authors' choice to include these details speaks to a familiarity with the physical symptoms of hanging and the types of signs that people looked for to confirm when death had occurred.

Other execution narratives reported similar signs and crowd participation. Thomas Savage was hung until “no motion was perceived in him, and hanging some considerable time after that, and as to all outward appearance dead, insomuch as one said to another friend of his namely Mr. B. now he is in Eternity.” It was only after “the people [began] to move away,” that “the Sheriff commanded him to be cut down.”⁶⁰⁵ Just as everyone in the crowd judged William Cragh to be dead, so too was John Bartendale, who was only cut down after he “was to all [in] appearance dead.”⁶⁰⁶ In his account of Cragh, Bartlett notes that there was some disagreement about when the hanged man was removed from the scaffold. One reported that he remained hanging until the lord gave permission to take them down, while another was certain that “it [was] the custom in those parts that when hanged men are dead they are taken down from the gallows.”⁶⁰⁷ The crowd thus played an important role, both in assessing the physical state of the condemned person, as well as reacting to or influencing the way that authorities conducted the execution. Peter Lake and Michael Questier have argued that the crowd often intervened in public executions and that “popular notions of due punishment, excessive cruelty and a good death intersect[ed] with, and sometimes interven[ed] in, official procedures and practices.”⁶⁰⁸ This was also true in terms of their perceptions of the body of the condemned person, which were used to either affirm or undermine the state's execution practices. Not only did the crowd

⁶⁰⁵ Alleine, *A Murderer Punished and Pardoned*, p. 43; the same is reported in *The Murderer Turned True Penitent*, p. 21.

⁶⁰⁶ Baring-Gould, *Yorkshire Oddities, Incidents, and Strange Events*, vol. I, p. 117.

⁶⁰⁷ Bartlett, *The Hanged Man*, p. 37.

⁶⁰⁸ Peter Lake, “Agency, Appropriation and Rhetoric under the Gallows: Puritans, Romanists and the State in Early Modern England,” *Past & Present*, No. 153 (Nov. 1996), p. 100.

affirm the 'neutrality' of the law, as Thomas Laqueur has argued, they also participated in the physical assessment and in determining when death had occurred.⁶⁰⁹ In the accounts of failed hangings in particular, the crowd often served as the objective observer, affirming that the condemned person seemed or outwardly appeared to be dead before being removed from the scaffold. Not only did spectators influence the type of execution that the felon received in terms of how long they hung and contributed to the type of death they experienced, they also played a key part in determining when the condemned person was dead.⁶¹⁰

That Anne Greene survived her hanging was thus not an absolutely unprecedented event. Although a rare occurrence, that someone might revive after an execution by hanging was prevalent enough for legal theorist Matthew Hale to address it in *Pleas to the Crown*, in which he stated that “[i]f the party be hanged and cut down and revive again, yet he must be hanged again, for the judgment is to be hanged by the neck till he be dead.”⁶¹¹ Barber-Surgeons also made preparations for cases of failed executions or unexpected recoveries. Sometimes surgeons received the bodies of felons after an execution for the purposes of dissection, and those bodies, at times, came back to life. In his *Annales of England*, John Stowe records such a case from 1587, in which the executed felon was “dead to all mens thinking,” and “cut downe, stripped of his apparell, laide naked in a chest, throwne into a carre, and so brought...to the Chirurgions Hall nere unto Cripelgate: The chest being there opened, and the weather extreeme cold hee was

⁶⁰⁹ Thomas Laqueur, “Crowds, carnival and the state in English executions, 1604-1868,” in A. L. Beier, David Cannadine and James M. Rosenheim (eds.), *The First Modern English Society*, (Cambridge, 1989), p. 353.

⁶¹⁰ Arthur Griffiths in *The Chronicles of Newgate* notes that “They [the executioners] did their work roughly, these early practitioners. Sometimes the rope slipped, or the drop was insufficient, and the hangman had to add his weight, assisted by that of zealous spectators, to the sufferer's legs to effect strangulation. Now and again the rope broke, and the convict had to be tied up a second time. There are several well-authenticated cases of resuscitation after hanging, due doubtless to the rude and clumsy plan of killing. To slide off a ladder or drop from a cart might and generally did produce asphyxia, but there was no instantaneous fracture of the vertebral column as in most executions of modern times.” in *The Chronicles of Newgate*, vol. I, (London, 1884), p. 279. Gatrell also notes various instances of failed hangings due to the hangman's error in *The Hanging Tree*, pp. 45-6.

⁶¹¹ Hale, *Pleas of the Crown*, vol. I, p. 411.

found to be alive, and lived till the three and twentie of Februarie, and then died.”⁶¹² After the event, the surgeons made rules about who would be financially responsible for any who came to life again under these circumstances, anticipating that it could very well happen again.

The issue of whether someone was forced to suffer the same punishment again in cases where the execution was unsuccessful on the first try was not evenly applied. Hale's direction seems to have been reflective of the standard practice and was true in the case of Elizabeth Russell. Like Anne, Elizabeth's body was placed in a coffin and transported to the place of dissection, whereupon Dr. Coniers, and others who were to perform the dissection, discovered signs of life. The physicians let some blood and put her into bed with another young woman to warm her, and she was quickly revived. However, unlike Anne, Elizabeth received no reprieve or pardon because of her recovery. While she maintained her innocence, no one involved argued on her behalf. Writing about her case some years later, Robert Plot noted that “having no Friends to appear for her, she was barbarously dragg'd the Night following by the Order of one Mallory then one of the Bayliffs of the City to Glocester-Green, and there drawn up over one of the Arms of the Trees, and hanged a second time 'till she was Dead.”⁶¹³

Thomas Savage's friends noticed similar physical signs shortly after they carried his body away: a rattling in his throat, stirring of his body, and shallow breaths. He was revived in much the same way that Greene and Russell were and after being placed in a warm bed he

⁶¹² John Stowe, *Annales of London*, (London, 1592), p. 1261; also cited in Sidney Young (ed), *The Annals of the Barber-Surgeons of London*, London, 1890, p. 321. This was the order issued on the 13th July, 1587. “Yt ys agreed That yf any bodie wch shall at anie tyme hereafter happen to be brought to or Hall for the intent to be wrought uppon by Thanatomistes of o[ur] Companie shall revyve or come to lyfe agayne as of late hath ben seene The charges aboute the same bodie so revivinge shalbe borne levied and susteyned by such p[er]son or p[er]sons who shall so happen to bringe home the Bodie,” Young (ed), *The Annals of the Barber-Surgeons of London*, p. 321. Jonathan Sawday discusses this case in *The Body Emblazoned*, p. 61.

⁶¹³ Plot, *The Natural History of Oxfordshire*, 204; Anthony Wood noted that many of the women who were witness to this case and second execution were very upset that the bailiff had taken these actions and “gave [them] very ill language.” See Andrew Clark, *The Life and Times of Anthony Wood, 1632-1695*, vol. 1, Oxford, 1891, 250.

opened his eyes, and his breathing deepened. These life signs were an “astonishment [to] the beholders,” though he continued to display many of the physical symptoms of having been hung, as he did not immediately recover the use of his tongue and he could not speak, “his Teeth being fast set in his head.”⁶¹⁴ However, Savage's extraordinary recovery was not enough to earn him a reprieve: “his reviving being known, within 4 hours the Officers came to the house where he was, and conveyed him to the place of Execution again, and hung him up again, until he was quite dead.”⁶¹⁵ Importantly, Savage was guilty of the crimes he was charged with, had confessed to them and had also repented. The pamphlet accounts of his case warned readers of the dangers of a life of sin and of succumbing to the temptation of women and alcohol, and emphasized the comfort that their reading audience could take from the fact that Savage had reconciled himself to God and had died at peace. But the fact that he had survived the first hanging received little comment or explanation. Savage's second execution was the necessary conclusion to this particular moral story of sin justly punished and a repentant soul saved.

So a failed execution could be framed as just that, an incident or accident, rare but not unimaginable and one that was anticipated within legal guidelines. But there were cases where surviving the first attempt at hanging did not inevitably mean a second date with the executioner. John Bartendale was charged and executed for murder in 1634 and, as noted above, was hung for the usual amount of time. He was understood by those who witnessed the execution to be dead; he was then cut down, and buried. Shortly after the burial, a passerby noticed that the freshly placed soil was moving and so caused the grave to be dug up.

Bartendale was found to be alive.⁶¹⁶ When he was brought before the judge during the next

⁶¹⁴ Anon., *The Murtherer Turned True Penitent: Or, An Account of the Wicked and Notorious Life of Tho. Savage*, (London, 1680), 21; see also Alleine, *A Murderer Punished and Pardoned*, p. 43.

⁶¹⁵ Alleine, *A Murderer punished and pardoned*, p. 43.

⁶¹⁶ Cited in Stevenson, “Suspended Animation,” p. 499; the story of Bartendale is also recounted in Baring, *Yorkshire*

assizes and the question of whether or not he should be executed a second time was raised, authorities argued that he had already suffered his punishment. “[T]he Sheriff had signed his affidavit that the man had been hung till he was dead,” and so he was released.⁶¹⁷ Although no details were given about his physical condition when he was first unearthed, his recovery was attributed to the strength of his throat muscles, which the executioner had underestimated, and the “peculiarly invigorating and restorative effect” of earth.⁶¹⁸ Perhaps it was because he had actually been buried, and therefore presumably dead, or because of the mercy of one of those involved in his case, Bartendale was spared the second execution even though his recovery was not framed as a result of God's direct intervention.

Just as a failed hanging could have natural explanations or receive no comment at all, so too could it be characterized as a miraculous event. The story of John Johnson of Antwerp is one such example and differs from previous narratives in important ways. Johnson was wrongfully charged with theft and sentenced to hang for it. He was executed in the usual way and said to have been turned off the scaffold and hung for five days. When his uncle returned to town after having been away, he discovered that his nephew had been executed and hurried to recover his body. As he approached the scaffold, he was surprised to find that the young man began to speak to him saying, “O my loving and most deere Uncle, although I heere hang most shamefully, yet am I not dead, for it hath pleased Almighty God to preserve me, by placing a stoole under my feete, which to you is not perceaved, upon the which I stand.”⁶¹⁹ Not only had the angel provided an invisible stool for him to stand on, thus obviating any of the physical

oddities, incident, and strange events, pp. 117-19.

⁶¹⁷ Baring, *Yorkshire oddities, incident, and strange events*, p. 118

⁶¹⁸ *Ibid.*, p. 117.

⁶¹⁹ Anon., *A True relation of Gods wonderfull mercies, in perseruing one aliue, which hanged fiue dayes who was falsely accused*, (London, 1605), sig B3.

effects of hanging, Johnson reported that it “hath fed me heere five dayes.”⁶²⁰ When magistrates removed him from the scaffold they noted that he was “then in perfect health.” Alexandra Walsham notes that “the topos of the 'hanged man saved' had long been employed to emphasize the intercessory powers of the saints,” but that stories about the intervention of angels “helped to fill the vacuum left by Protestantism's purge of 'popish' superstition and idolatry, and of how a favourite story about supernatural intervention was successfully rehabilitated in a Reformed guise.”⁶²¹ Pamphlet writers often attached a providentialist message to a failed hanging or a (seemingly miraculous) resuscitation like Greene's.

When Greene showed signs that she was still alive after being hung, it was not therefore entirely out of the ordinary. Legal authorities and executioners knew this was a possibility, as did those who received the bodies of felons for dissection. Pamphlet writers interpreted failed hanging and resuscitations in diverse ways. Sometimes, as in Greene's case, they emphasized the execution process as well as the physical details of her injuries to bolster the miraculous nature of her recovery. In other cases, like that of Savage and Russell, the resuscitation was characterized as rather insignificant and simply a normal, if somewhat strange and unfortunate, potential outcome in this type of death. Bartendale suffered in the normal way but was spared death through natural means and subsequently pardoned for his crimes. On the other hand Johnson supposedly experienced no physical effects of his execution on account of the angelic intercession on his behalf.

What emerges from these various accounts was a range of possible interpretations of executions that did not result in death, based largely on the way that the body of the felon, in their punishment and recovery, was construed. Death could be merely apparent, not initially

⁶²⁰ Anon., *A True relation of Gods wonderfull mercies*, sig B3.

⁶²¹ Alexandra Walsham, “Invisible Helpers: Angelic Intervention in Post-Reformation England,” p. 102.

evident and its outward signs difficult to read with certainty. In cases of hanging, the authorities followed specific guidelines and the crowd took steps to ensure that death took place conclusively; but despite their collective scrutiny of the signs of death on the felon's body they sometimes got the call wrong. Medical understandings of the uncertainty in determining death opened up a space for the multiple interpretations that were offered in execution narratives. The sense that death was uncertain, or that diverse physical conditions or ailments manifested symptoms that resembled the signs of death, shaped how lay people assessed the bodies of others, as well as pamphlet accounts.

Women and the Uncertainty of the Signs of Death

It was not a coincidence that Robert Plot cited both Anne Greene and Elizabeth Russell as examples of the ambiguity of the signs of death. His account of their executions and recoveries was included in a section titled “[c]oncerning the death of women,” in which he characterized Russell and Greene as examples of the frequency with which women “[r]evive after they have been reputed Dead.”⁶²² The topic of death and its signs was another arena in which women's bodies were thought to be more opaque and deceptive than men's. Stories recounted in pamphlets and medical texts related horrific and tantalizing tales of women who were taken for dead (and sometimes prematurely buried) but later revived. Physicians noted that women suffered from obscure ailments, diseases of the uterus that were difficult to diagnose and often produced symptoms that resembled death. Additionally, physicians thought that women were more likely to recover from apparent death, a point which was often made to emphasize both the ambiguity and general duplicity of the female body.

The womb, in particular, was thought to be the cause of a series of diseases and the

⁶²² Plot, *The Natural History of Oxford-shire*, p. 201.

primary source of the female body's ill health and instability. Early modern humoral theory argued that the womb controlled much of a woman's humoral balance, thus determining her pattern of health and disease. The womb could affect the function of the heart, liver, and brain and, as John Sadler wrote, "from the wombe comes convulsions, epilepsies, apoplexies, palseyes, hereticke fevers, dropsies, malignant ulcers, and to bee short, there is no disease so ill but may procede from the evill quality of it."⁶²³ This idea, based in part on Edward Jorden's writings, was, as Mary Fissell has argued, a very "pessimistic view of the womb," which, by the mid-seventeenth century, had been "incorporated into popular midwifery and gynecological manuals."⁶²⁴ It was due to the effects and illnesses related to the womb that women were more likely to be taken for dead or exhibit signs that resembled death. In his *Natural History*, the Roman author Pliny noted that "[w]omen, by reason of their Sex, are most subject to this danger [being mistaken for dead], by the turning of the Womb; which, if it be corrected, they soon recover," an idea that continued to influence early modern medical understandings and treatments.⁶²⁵

Female illnesses caused by the womb were thought to come on suddenly and be difficult to distinguish from one another. Sadler's list of possible ailments resembled one another in terms of their outward manifestations, and, he claimed, were easy to confuse. He noted that some resulted in the total loss of sense and motion, such as "apoplexy," whereas in others some response to painful stimulation could be observed, as in a "hysterical passion."⁶²⁶ In others, the

⁶²³ John Sadler, *The Sicke Womans Private Looking Glasse*, (London, 1636), sig A5.

⁶²⁴ Fissell, *Vernacular Bodies*, p. 61.

⁶²⁵ *Pliny's Natural History in Thirty-Seven Books*, vol. 1, Wernerian Club (ed), (London, 1847-8), p. 242.

⁶²⁶ A hysterical passion and the suffocation of the mother were connected—Sadler uses the terms interchangeably, although I'm not certain whether they were considered the same ailment at this point. The *OED* defines suffocation of the mother as "a medical condition thought to arise from a disorder of the uterus, especially its upward displacement against other organs. The major symptoms of this condition appear to have been a sensation of fullness in the abdomen and chest with difficulty breathing or choking; it was later known as hysteria." Apoplexy is defined in the *OED* as "a malady, very sudden in its attack, which arrests more or less completely the powers of sense and motion."

sufferer's breathing and pulse might be weakened but perceptible, whereas in others they might be virtually indiscernible, as in "syncope."⁶²⁷ The disease known as the "mother," or the suffocation of the mother, was claimed to be one of the most dangerous specifically because its signs so closely resembled death. As we have seen, the disease was believed to occur when the retention of the menstrual blood caused the womb or uterus to detach and circulate throughout the body, hindering many vital operations of the heart, lungs, and liver. One of the primary symptoms associated with the "mother" was a difficulty breathing, thus the term "suffocation." The real danger of the condition was not that it was incurable, although it was considered very dangerous, but that it often manifested in ways that resembled death, which symptoms could last for days at a time. If it went undiagnosed or misdiagnosed, the woman could be in danger of dying for lack of treatment, or worse, being buried though not yet dead. Edward Jorden described these death-like symptoms in his treatise on the condition, *A Briefe Discourse of a Disease Called the Suffocation of the Mother*, writing,

This motion of the heart and Arteries in his affect of the Mother is oftentimes diminished either in part or to sense totally...where the pulse is scarcely or not at all perceyved; the breath or respiration cleane gone: by r[e]ason that the heart is wanting motion, hath no neede of the helpe of the lungs to refresh it withall, all the faculties of the body fayling, it self lying like a dead corpse three or foure houres together, and sometimes two or three whole dayes without sense, motion, breath, heate, or any signe of life al all.⁶²⁸

Jorden cautioned his readers to beware of several points of physical ambiguity. Someone suffering from the suffocation of the mother might not appear to be breathing, their pulse might be imperceptible, they might feel cold, and they could be insensible to pain. Taken together,

⁶²⁷ Syncope was defined as the "failure of the heart's action, resulting in loss of consciousness, and sometimes in death." see *OED*.

⁶²⁸ Edward Jorden, *A Briefe Discourse of a Disease Called the Suffocation of the Mother*, London, 1603, sig D2, included in MacDonald (ed.), *Witchcraft and Hysteria in Elizabethan London*. Other midwifery manuals listed the same symptoms and likened the condition to death: see, John Sadler, *The Sick Womans Priuate Looking-glasse*, London, 1636; Jane Sharp, *The Midwives Book*, 237; Jan Bondeson notes that "In his *De locis affectis*, he commented on a case report given by Herclides of Pontus, concerning a woman who had collapsed from "uterine suffocation" and was without a perceivable pulse or respiration for thirty days, before reviving," Jan Bondeson, *Buried Alive*, (New York, 2002), p. 19.

these signs might make the sufferer seem more like a corpse than someone alive, and they could remain in this death-like state for hours, or even days, at a time. Because the symptoms of the “mother” could be so similar to those of death, Jorden recommended that the burial be postponed for three days, “insomuch as diverse errors have beene committed in laying forth such for dead, which have afterwards beene found to have life in them, and have risen up in their burials.”⁶²⁹ Sadler echoed this warning, and stated that if a woman seemed to die suddenly, it could be that she was actually suffering from one of these uterine illnesses.⁶³⁰

In both medical texts and popular pamphlets, stories circulated of women who had suffered from such conditions or had exhibited misleading physical signs and were judged to be dead. One well-known and often repeated narrative was that of the Spanish woman who “suddainly fell into a uterine suffocation and appeared to the judgement of man as dead.”⁶³¹ Wanting to discover the cause of the sudden affliction, her friends had a surgeon perform a dissection on her body, “who beginning to make an incision, the woman began to move, and with a great clamour returned to herselfe again.”⁶³² Dorothy Smith was also given up for dead, having fallen down suddenly after suffering a headache. Her body was examined at noon, judged to be “stark dead,” and she was buried at six the same evening. Dorothy was saved from a premature burial by a perceptive on-looker, but the writer cautioned of the possibility of people who have been “buried almost alive, lying onely in a trance, there having not been due care and time given for the Corps to remain above ground.”⁶³³ Anne Atherton's illness puzzled

⁶²⁹ Jorden, *A Briefe Discourse of a Disease Called the Suffocation of the Mother*, sig D2.

⁶³⁰ Sadler, *The Sick Womans Private Looking Glasse*, p. 64.

⁶³¹ *Ibid.*, pp. 62-3.

⁶³² *Ibid.*, p. 63.

⁶³³ Anon., *Wonder upon Wonders: Or, Strange News from St. Mary Magdalens...Being a true Relation of the miraculous perserving of Dorothy Smith from being buried alive*, (London, 1661), sig A2. The anonymous pamphlet *A strange and wonderfull relation of the burying alive of Joan Bridge*, also claimed that she was judged to be dead and later discovered to have been experiencing a trance. Anon., *A strange and wonderfull relation of the burying alive of Joan Bridge*, (London, 1646), p. 3.

the physicians who treated her. Unlike Dorothy, she suffered over a long period of time and grew very thin and pale. Between November and February of 1669, her condition continued to deteriorate until finally “in appearance she lay void of either” life or motion, “whereupon she was concluded to be really dead.”⁶³⁴ Anne was subsequently examined by the “[w]omen who came to do their last Office to her Body” who “perceived more Heat and Warmth in her, than they thought to be usual in dead Bodies.”⁶³⁵ However this was a solitary sign and when examined further she did not seem to be breathing and did not feel any pain when hot coals were placed on her feet. Her mother was cautious, however, and decided to delay her burial for seven days, after which time she regained her health and “came out of her Trance.”⁶³⁶ Women who were taken for dead and later discovered to be alive were often characterized as having suffered or experienced a trance. Although the category of “apparent death” would not emerge until the eighteenth century, “trance” was often used to describe similar conditions in which the patient was compared to a corpse or taken to be dead. The connection between diseases of the womb and death-like or trance state was made into the eighteenth century and was of particular interest to Dr. John Purcell. In *A Treatise of Vapours, or, Hysterick fits*, he wrote that “Persons in this Distemper lie in Trances for whole days, motionless, and senseless like unto dead Bodies; nay some have had the misfortune to have been bury'd alive in these Fits.”⁶³⁷ Thus the accounts of women's illnesses related to the womb were often cautionary tales about the risk of burying too soon because the signs of their bodies were misleading and often imperceptible.

Childbirth could also give rise to physical states that resembled death and the threat of

⁶³⁴ Dr. Atherton, *The Resurrection Proved: The Life to come Demonstrated Being a Strange but True Relation of what hapned to Mrs Anna Atherton*, (London, 1680), p. 1.

⁶³⁵ *Ibid.*, p. 2.

⁶³⁶ *Ibid.*, p. 2.

⁶³⁷ John Purcell, *A Treatise of Vapours, or, Hysterick fits*, 2nd edition, (London, 1707), pp. 164-5.

premature burial was especially high for women just after they had given birth. This point was raised in the story included in *A Declaration from Oxford* of the woman who died during the course of childbirth, was buried, and later delivered the child from within her grave. The writer noted that the extraordinary events occurred despite the woman “having lain dead for some certain time, according to usual custom,” and being judged dead by the women who were with her during the birth.⁶³⁸ In *Observations in Midwifery*, Percivall Willoughby recounted a similarly cautionary tale of Emme, wife of Thomas Toplace, who, having been in labor for six days, was given a medicine by a Doctor of Divinity “pretending some small skill in physick,” and shortly after died. Her husband was rumored to have been both physically and verbally abusive to Emme, and it was he, along with his mother, the midwife and several other women who “made haste to bury her.”⁶³⁹ She was committed to the ground only a few hours after her death, “[s]everall women were much troubled at her hasty buriall, and thought, That shee was not dead.”⁶⁴⁰ They reported a “rumbling in the coffin,” and that a “noise was heard like the breaking of a bladder, after which followed a noisome smell.”⁶⁴¹ A short time passed when one of those women, Anne Chadwick, thought she heard sighing from the grave and caused the justice of the peace to dig her up again. What they found horrified them. Emme had delivered the child in the coffin, although by the time they opened it both mother and child were dead. Whether the mother was alive or dead when she was buried the author leaves to the judgement of his audience, “as each particular person pleaseth,” but concluded with a caution that “[f]or this woman's sake, I would not have women to bee suddenly buried, dying in child-bed, before

⁶³⁸ Anon., *A Declaration from Oxford*, sig A4v.

⁶³⁹ Willoughby, *Observations in Midwifery*, p. 271. It is very possible that this is the same story included in *A Declaration from Oxford*, which specified that it happened to a woman at Ashborne in Darbyshire; Willoughby claimed that the narrative came to him from his friend Abraham Mercer in 1667 and happened at Ashburne in Darbyshire.

⁶⁴⁰ Willoughby, *Observations in Midwifery*, p. 271.

⁶⁴¹ *Ibid.*, p. 271.

signes of putrefaction do manifestly appeare. Especially, if they have taken any medicine to ease pain, and cause sleep.”⁶⁴² For Willoughby, this case served as an example of the difficulty of judging death in women just after childbirth; for him, the body's decay was the only sure way to determine with certainty that someone was dead. Additionally, people like Emme's husband could use the ambiguity of the signs of death for their own personal ends.

The point made in midwifery and medical texts as well as in individual narratives, was that women's bodies were peculiarly vulnerable to conditions that produce misleading signs of death. Even when those involved had no personal agenda to shape death's signs for ill-intentioned ends, the judgement of physicians, midwives, and other on-lookers could be mistaken because a woman's body itself was deceptive. These medical concerns reverberated in cultural registers and shaped how some discussed Anne Greene's apparent death and introduced a degree of skepticism about her case. Although most of the accounts emphasized the certainty of her death based on the execution itself, the set of verses included at the end of Watkins's pamphlet *Newes from the Dead* raised doubts based specifically on the fact that she was a woman. One of the authors, Henry Capell, suggested that Anne's recovery was representative of the duplicity and falsehood of women's bodies, a form of “Hocus Pocus, fast and loose, dead and gone, Here agen.” What was observed with the eyes might be mere illusion and seem to indicate a fact that was entirely untrue. Death itself was an illusory state, and Anne's supposed resurrection may have in fact been the result of the inexplicability of women's bodies. He concluded that the signs of death might be deceptive because “Women have more tricks than one.”⁶⁴³ Another writer, Rob Sharrock, questioned the trustworthiness of women's bodily signs and the state of death more overtly, writing,

⁶⁴² Willoughby, *Observations in Midwifery*, p. 273.

⁶⁴³ Watkins, *Newes from the Dead*, sig D3v.

Admire not, 'tis no newes, nere think it strange,
 Twere wonder if a Woman should not change:
 They have mysterious wayes, and their designs
 Must be read backward still, like Hebrew lines.
 See, these with Death dissemble, and can cheat
 Charon himselfe to mak a faire retreat.
 Well, for this trick Ile never so be led
 As to believe a Woman, though shee's dead.⁶⁴⁴

The ambiguity of death in women is used here to question their credibility and trustworthiness more broadly speaking. They can dissemble the signs of death, their bodies are mysterious and death itself might be impermanent. One writer included in Watkins's pamphlet simply claimed that in Greene's case, death had never been "soe baffled by the woman kind."⁶⁴⁵ Anne's recovery may have been a miracle, as others had claimed, but these authors introduce a certain degree of skepticism about whether her body could be trusted to reveal the truth specifically because she was a woman. She may have been dead, but it was impossible to be certain.

The Physiology of Death

As mentioned above, although early modern people had a developed physiological understanding of death and examined bodies for specific signs that death had occurred, these signs remained ambiguous and were perceived to be difficult to discern. Women's bodies may have been particularly liable to produce misleading signs of death; but men's bodies could also be misread by physicians and lay people alike. Medical theory in seventeenth century England maintained that the life of the physical body was animated through the blood and vital spirits. The spirits, which were separated into animal, vital and natural categories, were composed of a combination of substances drawn from the air and the blood. These spirits were the "prime instrument for the performance" of the body's functions and actions, including the operation of

⁶⁴⁴ Watkins, *Newes from the Dead*, sig C2-C2v.

⁶⁴⁵ Ibid., sig D4v.

the senses and muscle movement, and the movement of the blood throughout the body.⁶⁴⁶ The heart housed the vital spirit and was the vehicle through which it flowed to the rest of the body, via the arteries, supplying “heat and life.”⁶⁴⁷ The animal spirits controlled the operations of sense and motion by way of the nerves, and were made in the brain. The natural spirits maintained the involuntary operations of the body. The blood, mixed with the vital spirits, traveled throughout the body providing nourishment and sustaining life, and life was in danger when these vital spirits, or the heat and moisture that created them, were hindered in some way. Ambrose Paré described the necessity of these two qualities in the creation and sustenance of the vital spirits in the body, writing that

these fixed Spirits have their nourishment and maintenance from the radicall and first-bred moisture, which is of an aery and oily substance, and is, as it were, the foundation of these Spirits, and the inbred heat. Therefore without this moisture, no man can live a moment. But also the chief Instruments of life are these Spirits, together with the Native heat. Wherefore this radicall Moisture being dissipated and wasted, (which is the seat, fodder, and nouishment of the Spirits and heat) how can they any longer subsist and remain? Therefore the consumption of the naturall heat, followeth the decay of this sweet and substance-making moisture, and consequently death, which happens by the dissipating and resolving of naturall heat.⁶⁴⁸

A natural death occurred when the natural heat and moisture of the body had dried up, processes which were influenced both by the age and humoral disposition of the individual.⁶⁴⁹

The vital spirits (and thus the prognosis of the patient) were measured by a number of signs: the heartbeat, pulse, temperature, and breathing. In *The Castle of Health*, Thomas Elyot noted that the “[s]pirit vitall procedeth from the harte, and by the arteries or pulses is sente into

⁶⁴⁶ Paré, *The Workes of that famous Chirurgion Ambrose Parey*, tr. Thomas Johnson, p. 19.

⁶⁴⁷ Ibid., p. 16.

⁶⁴⁸ Ibid., p. 19.

⁶⁴⁹ In his text, *Popular Errors*, physician James Primrose wrote that “There is a certaine naturall death proceeding from the principles of life, exhausted in extream old age, which God hath appointed for all men, which therefore no art can keep back. And those terms of life are divers, in respect of the diversitie of temperaments, and other causes; therefore some live longer, some shorter, some wax old sooner; some later, but every one when his innate heate is spent, died in his own time appointed by nature, as the flame of the Lampe dies out when the oyle is spent.” See James Primrose, *Popular Errors*, (London, 1651), p. 110.

all the body,” and measuring the pulse was considered one of the most important signs in terms of assessing health and determining when death had occurred.⁶⁵⁰ Nancy Siraisi outlines the importance of the pulse as a indication of overall health, writing that

[s]ince the arteries were held to distribute life-bearing vital spirits along with blood throughout the body, and since the movement of the arterial pulse was manifestly affected by some forms of disease as well as by exertion and emotion, the act of taking the pulse put the physician in a profound and literal sense in touch with the ebb and flow of vitality in his patient.⁶⁵¹

The temperature of the body was often noted as an indication of life or death, the general heat, or lack of it, denoted whether the vital spirits were operating or not. If a patient lost sense or motion, the animal spirit that powered that particular sense had been cut off from its function, due to a bad humor, trauma to the body, or lack of heat in that particular part. Thus physicians often used the introduction of heat or the purging of bad blood and humors to restore the operations of the spirits. Breathing was monitored because the substance of vital spirits were drawn from the air; the introduction of different smells could restore health or take away life by introducing bad vapors into the body. The pulse measured the contraction and dilation of the heart and arteries, by which function “the vitall spirit is cherished by the benefit of the Air which is drawn in; by the contraction thereof the vapours of it are purged and sent forth, and the native heat of the whole body is tempered by them both.”⁶⁵² Of the presages of death, Nicholas Culpeper noted that “[t]he distance between breathing, if it be too long, and coldnesse of the breath, shows death is not above two or three foot off; gentle breath in hot diseases, is an argument of death.”⁶⁵³ Thus, based on their connection with the vital functions of the spirits

⁶⁵⁰ Thomas Elyot, *The Castle of Health*, (London, 1610 edition) p. 16.

⁶⁵¹ Nancy Siraisi, *Medieval and Renaissance Medicine: An Introduction to Knowledge and Practice*, (Chicago, 1990), p. 125.

⁶⁵² Paré, *The Workes of that famous Chirurgion Ambrose Parey*, tr. Thomas Johnson, p. 16.

⁶⁵³ Nicholas Culpeper, *Semeiotica Uranica, Or An Astrological Judgment of Diseases*, (London, 1651), p. 151.

within the body, the signs that were thought to most directly reveal overall health and used to distinguish between life and death, were the pulse, respiration, and temperature.

However, these signs could be misread—they could be difficult to discern or be altered by a specific illness to misleadingly indicate death. That medicine and diagnosis was an art, and one that was not always reliable or accurate, was propounded by traditionalist scholars who recounted cases in which people who were taken to be dead were actually alive. Some stories recounted those who had been carried to their funeral pyres only to wake up in the midst of the fire. This occurrence led the famed physician Celsus to state

that even the marks that life was gone, which physicians had trusted, were not certain: so far was he [Democritus] from allowing, that there could be any certain prognostics of death. In answer to which I shall not insist, that some marks, which bear a great resemblance to each other, often deceive not the able, but the unskillful physicians...and that the art is not to be charged with the faults of any of its professors. But I will answer with more moderation; that medicine is a conjectural art, and that the nature is such, that although it answers for the most part, yet sometimes it fails.⁶⁵⁴

Pliny reiterated the conjectural nature of judging death and the fact that even trained physicians get it wrong, stating that “such is the condition of Mortal Men; and to this kind of Fortune, and such as this, are we born: so that in the case of Man there is no assurance, no, not even in his Death.”⁶⁵⁵

Texts discussed methods for determining whether an illness was fatal or if there might be a chance of recovery. An unequal pulse was taken to be a dangerous symptom, as was a drastic change in the color of the skin. Culpeper inventoried the precursory signs of death in each part of the body, and argued that its approach would be most evident on the face.⁶⁵⁶

However, he also maintained that universal signs must be considered in relation to the

⁶⁵⁴ A Corn. Celsus, *Of Medicine, In Eight Books*, tr. James Greive, (Edinburgh, 1814), p. 45.

⁶⁵⁵ *Pliny's Natural History in Thirty-Seven Books*, vol. 1, Wernerian Club (ed.), p. 242.

⁶⁵⁶ *Ibid.*, p. 146.

individual patient: their normal constitution and humoral balance would influence what each physical symptom meant in terms of their potential to recover. In his work *Vade Mecum*, Thomas Brugis noted that “we may say that death is at hand if his reason and understanding faile, if he be speechlesse, if his sight forsake him...if he have an Apoplexie, Phrensie, Convulsion or Palsie, with an involuntary excretion.”⁶⁵⁷ However in certain cases, physicians argued that the meaning of these signs could be difficult to read and the patient mistaken for dead.⁶⁵⁸ There were several medical conditions, including apoplexy and palsy, that involved the loss of sense and motion, the patient often being unresponsive to various forms of stimuli. Dr. Richard Napier recorded several consultations with patients or on behalf of patients who exhibited such signs. One Margaret Bette was “suffering from paralysis and poplexia,” in her “arme leg & right syde & is benumbed in her tongue as in a traunce & cannot speake.”⁶⁵⁹ Another anonymous consultation was made on another's behalf to see if they might recovery from apoplexy, and John Wakerly was recorded to be suffering from either a falling sickness or apoplexy. He had “so many fits,” and in these fits would “lyeth dead,” his speech “taken away.”⁶⁶⁰ Physicians expressed concern that deep sleeps might also be mistaken for death, and texts included many stories about those who could not be wakened despite their families' best efforts. Ambrose Paré recounted a case of two servants who were found unconscious and despite the strenuous efforts of those in the household, could not be revived:

All his familie supposed them dead, because they could not perceiv or feel their Arteries to

⁶⁵⁷ Thomas Brugis, *Vade mecum or, a companion for a chyrurgion*, (London, 1651), p. 194.

⁶⁵⁸ Not a great deal of secondary literature that deals with this topic in the early modern period. Lloyd G. Stevenson's article, “Suspended Animation and the History of Anesthesia, examines the 19th century. In *History of Medicine*, Winter 1975; 49, 4, pp. 482-511

⁶⁵⁹ MS Ashmole 404, f. 255r, Casebooks Project (CASE20178 [Normalised Version]), <http://www.magicandmedicine.hps.cam.ac.uk/view/case/normalised/CASE20178?sort=date&order=asc&t=90&tm=1&nt1=1>, accessed 2016-08-03.

⁶⁶⁰ MS Ashmole 409, f. 186r, Casebooks Project (CASE40495 [Normalised Version]), <http://www.magicandmedicine.hps.cam.ac.uk/view/case/normalised/CASE40495?sort=date&order=asc&t=90&tm=1&nt1=1>, accessed 2016-08-03. and MS Ashmole 404, f. 65r-v.

beat, all the extreme parts of their bodies were cold, they could neither speak nor moov, their faces were pale and wan, neither could they bee raised up with anie violent beating or plucking by the hair. Therefore all men accounted them dead, and the question was onely of what kinde of death they died, for their master suspected that som bodie had strangled them, others thought that each of them had stopped one another's winde with their hands: and others judged that they were taken with a sudden apoplexie.⁶⁶¹

The family members involved all based their judgement on the principle signs believed to indicate life and death: the men were insensible, cold, pale, could not move or speak and did not respond to painful stimuli. In this case, it took the expertise of the doctor to determine that subtle signs of life remained, indicated by a slight warmth and pulse around the heart, and to ascertain that the men were not dead but had suffered a condition caused by inhaling the fumes of burning coals, and could thus be revived.

In addition to sudden and unexplained sickness, there were other types of incidents and accidents in which a person might appear to be dead, or near death, but from which they could recover. In *Helps for Suddain Accidents Endangering Life*, Stephen Bradwell outlined various methods to aid people who had been accidentally strangled or drowned. For victims of strangulation, Bradwell advised that as long as they were cut down quickly, then they might be restored by inducing vomiting and administering warm liquids through the mouth. But signs of life might be hidden and resuscitation was in no way guaranteed. Drowning victims were also often taken for dead and outwardly appeared to be “without sense of motion,” but Bradwell argued that “with carefull and skilfull usage [those who have drowned] have recovered both Life the true love of nature, & Health the happinesse of Life.”⁶⁶² These techniques included turning the victim upside down to force him to vomit and to expel the excess water from his body. By way of example, Bradwell included the story of a young girl, between the age of two

⁶⁶¹ Paré, *The Workes of that famous chirurgion Ambrose Parey*, (1649 ed), p. 756.

⁶⁶² Stephen Bradwell, *Helps for sudden accidents endangering life*, (London, 1633), p. 97.

and three, who fell into a tub of soapy water and seemed as though she was “ready to give up the ghost; lay in a dead sleepe, rattled in the throat, hardly drew breath, made a groaning noise, as one suffocated, and lay gasping and gaping like a dying body; the winde pipe being so overfull & oppressed, that it could hardly receive ayre in, or returne breath out.”⁶⁶³ Those who witnessed the accident acted quickly, poured liquid down her throat and induced her to vomit. Not long after, she was fully recovered.

What emerges from such texts is a set of ideas and categories about various states of biological death. Bradwell emphasized that not only was it difficult to determine whether or not someone was altogether dead, but cases where it seemed that death had taken hold might actually be reversible. While there were several physical signs that people used to assess death, these signs might be difficult to perceive, misleading, or reversible. He suggested, and medical texts made this point as well, that death might not be an immediate 'event' but may involve different physiological stages. Although many thought that uncertain medical states resembling death, or the recovery from a death-like state, were more common in women, writers often argued that this occurrence was possible for anyone based simply on the ambiguity and flexibility of death's physical signs.

And just as failed executions had multiple explanations, recovering from an apparent death was not necessarily characterized as a miracle.⁶⁶⁴ Seventeenth century understandings of

⁶⁶³ Bradwell, *Helps for sudden accidents endangering life*, pp. 103-4.

⁶⁶⁴ In “Suspended Animation and the History of Anesthesia,” Lloyd G. Stevenson argues that in the eighteenth century, death becomes divided into two states, one final, the other apparent. He writes that with the increase of a scientific understanding of the body came a nuanced understanding of death, that it was “no longer absolutely inappealable; it was now an event which took place in rather ill-defined stages and the point of no return had yet to be established. Resuscitation after apparent death had been known, even since antiquity, to be sometimes possible, and in the late eighteenth century it had become the object of activity, of effort. It had become a reasonable aim. Resuscitation had lost, in a large degree, the quality of miracle or near miracle.” This sense of death being liminal and potential appealable, as he puts it, certainly influenced medical understandings and cultural concerns in the seventeenth century as much as it did in the eighteenth. See Stevenson, “Suspended Animation and the History of Anesthesia,” p. 511.

death were as much influenced by ideas about the body as about the soul, and that death might be an uncertain and changeable physical state was not exclusively boiled down to miraculous or divine explanations. While some have argued that the early modern period embraced a “spiritual-centred definition of death,” and that it was only in the modern period that a “medicine-centred definition of death” emerged, this does not appear to have entirely been the case. Even one physician writing in the eighteenth century lamented the time in recent memory,

when it was almost universally believed, that *life* quitted the body in the very few minutes after the person had ceased to exist...Such a view of the matter necessarily checked any rational and premeditated attempt at recovery, even in those cases where the appearance of death was evidently occasioned by the operation of external and assignable causes... [W]e are indebted for the happy discovery of an essential difference between *absolute* and *apparent* death.⁶⁶⁵

'Apparent', as a term to understand and categorize a state of death, was not used until the eighteenth century, however seventeenth century physicians and lay people alike were concerned that what appeared to be death might be impermanent or reversible. They looked for specific physical signs and used familiar techniques to distinguish between life and death, aware that despite their efforts they might be deceived.

Assessing Death: perception and practice

Medical texts outlined the physical signs that indicated life or death, including the pulse, breathing, and temperature of the body, and physicians and lay people actively used these signs in their assessment of bodies. People used various methods to determine whether the vital functions of the body were still operating and to judge the primary signs of life. These methods were used in order to assess the state of the body and to make hidden or difficult to perceive signs visible. Jacob Rueff outlined a set of techniques in *The Expert Midwife*, and although he

⁶⁶⁵ J. Curry, *Popular Observations on Apparent Death from Drowning, Suffocation, etc., with an Account of the Means to be Employed for Recovery*, (Northampton, 1792), pp. v-vi.

was writing about women in particular, the methods were widely applied. He wrote that in order to test whether life remains in one who was dying or seemed dead,

Let feathers, or cleane wooll be put to the mouth of her which is afflicted...which, if they be blowne away, or at least be moved, it shall be certaine that there is life remaining in the body: Moreover, it shall be a more certaine thing to place a glasse full of water upon her breast, for life remaining as yet, must needs thrust and extend it selfe out, and so moving of the water must follow: Or else, a cleane and smooth looking-glasse is to be put to her mouth and nostrills, and if life be not departed, you shall see the glasse stained by the hot breath: Which experiment seemeth to be most probable of all.⁶⁶⁶

These examinations emphasized respiration and were meant to make breathing visible when it became shallow or difficult to observe. The movement of the wool or feathers in the mouth, the glass of water on the chest, or the appearance of steam on a glass were all indications that the individual was still breathing and therefore still alive.

The pulse was one of the key prognostic signs used in the assessment of diseases and early modern medical theory distinguished between several variations in the pulse that each indicated something about the health of the patient. Dr. Petty was noted to have placed his ear to Anne's temple and touched her hand to read her pulse.⁶⁶⁷ It was a sign that was accessed primarily through touch, and often deemed one of the most difficult to perceive because it could be very faint or uneven. Touch was also used to assess the relative heat of the body; the colder the body, the closer they were to death. The temperature of the body was often commented on when making assertions that one was either alive or dead, particularly in pamphlets that detailed premature burials. Sensory response was also tested and involved assessing whether or not the individual could hear or feel pain.

Pamphlet accounts of premature or near-premature burials often detailed the tests that were used to distinguish between life and death, and how those involved knew for certain that

⁶⁶⁶ Rueff, *The Expert Midwife*, p. 64.

⁶⁶⁷ See Add MS 72892, fol. 5r and Burdet, *A Wonder of Wonders*, sig A4.

the individual was dead. In the account of Elizabeth Jeskins from 1646, the writer described her as a godly wife and neighbor, who went to sleep in the middle of the day and did not wake up. Over the course of the next six days, Elizabeth's husband and neighbors tried their best to wake her: they called to her and shook her, sprinkled cold water on her, and put a key in her mouth, as if "to unlock her sences."⁶⁶⁸ None of these methods had any results. Her husband wrung her nose several times and another pinched her hand, which caused her to groan quietly, but she generally seemed insensible to pain and still did not wake up. The pamphlet noted that on-lookers knew she was still alive throughout these tests because she remained warm and they could see that she was breathing. It was only after a doctor was consulted, who took the course of bleeding her, that her condition drastically changed,

for immediately after, she began to be cold, and one limb after another to suffer under the frozen hand of Death. At the same time also her breath which kept company with her as long as she was warme, did by little and little begin to forsake her, so that after the progresse of a very short time, neither her pulses were found to beat, nor her Lungs to receive or returne the vitall Ayre, but she became a Carcasse.⁶⁶⁹

There were those who rumored that the husband had buried the wife too quickly after her death, and worried "how near of kinne is sleep to death, that after all the heate had abandoned her Body, yet she did sleep on still: Her heart...all other parts being dead, retained, it seemes a little warmth, by which the lungs for a litle space, although but weakly, did exercise their Faculties."⁶⁷⁰ The in-between moment where life passes to death could be almost imperceptible, and some feared that she lingered in this state. However, the husband made certain she was dead by observing that there was "not the least appearance of breath seene that might stir the softest Downe upon her pillow, but all the symptomes of death as visible, and as certaine on her

⁶⁶⁸ Anon., *The True Relation of Two Wonderfull Sleepers*, (London, 1646), sig A2v.

⁶⁶⁹ Ibid., sig A4.

⁶⁷⁰ Ibid., sig A4.

as on any deceased whatsoever.”⁶⁷¹ And the author of the pamphlet underscored this certainty and claimed that the body had been cold for many hours and “began both to swel, and to purge very much.”⁶⁷² While the absence of respiration and the temperature of her body were signs that Elizabeth had died, the surest indication that she was now a corpse was that her body had begun to decay.

Other pamphlets noted similar tests that were administered and signs that were looked for in attempting to determine when someone had died. Mrs. Blunden, whose story was recounted in *News from Basing-Stoak*, had taken poppy-water and been unresponsive for two days. A woman who had been hired to watch her throughout the night noticed that when she touched her face, there was a “kind of blush in her cheeks,” where “the blood seemed to follow her finger.”⁶⁷³ This point was later raised to argue that those involved in her case had been negligent of the life signs she had exhibited, which resulted in her being buried alive. In the case of Lawrence Cawthorn, who was also buried alive, various community members as well as the female searchers who examined his body noted that he felt warm and suspected that he was not yet dead despite his senselessness.⁶⁷⁴ Anne Atherton, who was saved from a mistaken burial, had hot coals applied to her feet and a looking-glass placed near her mouth to test her sensory response and respiration. Despite her feeling mildly warm to the touch, those who initially examined her “discovered not the least signs of Life or Sense.”⁶⁷⁵ In an account of a young, unnamed daughter of a clerk from Gloucester, the girl was reported to have suddenly fallen down dead. Those who were with her, “rubbed and chafed her for her restoring, but there was

⁶⁷¹ Anon., *The True Relation of Two Wonderfull Sleepers*, sig A4.

⁶⁷² Ibid., sig A4.

⁶⁷³ Anon., *Newes from Basing-Stoak, of one Mrs Blunden a Maltsters Wife, who was Buried Alive*, (London, 1674), p. 4.

⁶⁷⁴ Anon., *An Exact Relation of the Barbarous Murder Committed on Lawrence Corddel A Butcher, who was Buryed alive*, (London, 1661), sig A2v.

⁶⁷⁵ Dr. Henry Atherton, *The Resurrection Proved*, (London, 1680), p. 2.

no appearance of life at all.”⁶⁷⁶ And in the account of Grace Ashburne, who had been hastily buried and then taken up again when some heard noises from her grave, people noted [t]hat she was not only warm, but breathed, to the great Astonishment of the Beholders,” and “[t]hat she had a Colour as fresh as a Rose, nay more fresh than can possibly be conceived.”⁶⁷⁷ These various signs were cited to claim why those involved had been certain that the individual was dead, or that they had missed key indications that life remained.

One of the primary arguments made in stories of premature burials or near-death accounts was that the relative readability of the signs of life were dependent on the skill and knowledge, or lack thereof, of those doing the assessing. The issue of who interpreted the body, or administered the various tests that were done to assess death, was often a key point of contention. In Anne Greene's case, the lay person who initially perceived that she may have been alive dismissed these signs, and it was Petty's careful technique and perception that saved her. Except under unusual circumstances, however, physicians were not generally involved in determining when someone was dead. In his study of live burials, Jan Bondeson notes that “[a]ccording to the Hippocratic medical ethics, a doctor should...forecast the impending demise, collect his fee, and withdraw from the case. The actual diagnosis of death was left to the nonmedical attendants, often the patient's own family and relations.”⁶⁷⁸ Death was an important part of community culture and religious ritual, and the desire of dying a “good death” involved a group of witnesses to participate in that death, and family members and neighbors were often in attendance. There were other reasons to participate in someone's dying moments and Margaret Pelling has noted various personal motivations such as for those who were looking for

⁶⁷⁶ Anon., *Strange and True Newes from Glocester*, (London, 1660), p. 5.

⁶⁷⁷ Anon., *A Full and True Relation of a Maid living in Newgate-Street in London: Who was Buried...and taken up (supposed to be alive)*, (London, 1680), broadside (one sheet).

⁶⁷⁸ Bondeson, *Buried Alive*, p. 19.

a last minute patron, “a claimant on a benefice, someone waiting upon the reversion of an office, or even someone hoping to enter an apprenticeship.”⁶⁷⁹ The broad audience that attended death brought a general knowledge about its signs as well as an awareness that these signs could be misleading.

More specifically, dealing with dead bodies fell under the purview of women's work and assessing death was within the realm of women's knowledge and expertise. As both 'watchers' and “searchers,” women were in a position to catch lingering signs of life. David Cressy notes that “poor women were often paid to sit by someone who was dying, to watch by the corpse, and to clean it and prepare it for burial.”⁶⁸⁰ Although not a great deal is known about the practice of watching, it was done, in part, in case any unexpected revivals occurred or if signs of life might be observed. John Graunt noted that the searchers were summoned by the tolling of the bell, after which “[t]he Searchers hereupon (who are antient Matrons, sworn to their Office) repair to the place, where the dead Corps lies, and by view of the same, and by other enquiries, they examine by what Disease or Casualty the Corps died.”⁶⁸¹ While they were officially employed to search for signs of the plague, the women that served in these roles examined all bodies that did not come under the jurisdiction of the coroner, and determined the cause of death in each case, and reported to the parish clerk.⁶⁸² Not only were they able to judge signs of

⁶⁷⁹ Pelling, *Medical Conflicts in Early Modern England*, p. 230.

⁶⁸⁰ David Cressy, *Birth, Death, and Marriage*, (Oxford, 1999), p. 429.

⁶⁸¹ John Graunt, *Natural and Political Observations in a following Index, and made upon the Bills of Mortality*, (London, 1665), sig C2.

⁶⁸² Women were often charged with the care of dead bodies and the task of determining their cause of death. Judging death by plague was one of these circumstances, and women were appointed in every parish to examine corpses, looking for tell-tale signs. The ambiguity and inconsistency of these signs is discussed in Stephen Bradwell's pamphlets, *A Watchman for the Pest*, London, 1625. Those appointed had to take an oath that, to the best of their ability, they would correctly determine the cause of death, and were subject to punishment if they did not. See Thomas R. Forbes, “The Searchers,” *New York Academy of Medicine Bulletin*, Vol. 50, No. 9, (October 1974), pp. 1031-1038; Richelle Munkhoff, “Reckoning Death: Women Searchers and Bills of Mortality in Early Modern London,” in *Literary and Scientific Cultures of Early Modernity: Rhetorics of Bodily Disease and Health in Medieval and Early Modern England*, Jennifer C. Vaught, Mary Thomas Crane, and Henry S. Turner, (eds), pp. 119-134; J. C. Robertson, “Reckoning with London: Interpreting the Bills of Mortality Before John Graunt,” *Urban History* 23.3, (1996), pp. 328-34. In her article,

the plague and other causes of death, they knew how to judge what a corpse looked and felt like.

Because of their proximity to death, women's knowledge and skill often came under scrutiny in cases of premature burial or mistaken identification of death. At times, the assessment of death was used as a way to critique women and their knowledge; at others, however, they were the ones able to perceive signs that others were not. Dorothy Smith's body was examined by searchers before she was placed in her coffin and nearly buried alive. It was the keen observation of one man by the side of the grave who noticed movement under the burial sheet and when he searched further noticed that "she stared with her eyes as if she had been alive," that saved her from a gruesome fate.⁶⁸³ The anonymous narrator of Lawrence Cawthorn's story used it to directly critique female searchers in general, saying that, in Cawthorn's case, they "too hastily said he was dead," and that "this young man is not alone in this Example, but that many others have suffered in the like nature."⁶⁸⁴ The searchers hasty judgement and ignorance regarding the symptoms that preceded Cawthorn's condition resulted in him being buried alive. It was the female watcher employed to sit with the body of Mrs. Blunden who missed key signs of life that would have saved her from being buried too soon. In *News from Basing-Stoak*, the author noted that "one of the persons employed about her observed that when she made any impression on her face the blood seemed to follow her finger,

Munkhoff argues that "[c]areful attention to the relationship between the searchers and the bills of mortality illuminates an overlooked junction between medical semiotics, with its roots in antiquity, and the burgeoning epistemologies of the "new" science. Dating back to Hippocrates and Galen, semeiology, or semiotics, denotes the reading of bodily signs or symptoms for diagnostic purposes, and semiotics continued to have a medical connotation into the seventeenth century. The kinds of diagnoses the searchers were asked to perform drew on this ancient tradition of determining disease based on evident symptoms. Their reading of the physical body was done in conjunction with knowledge of the possible categories into which those symptoms could fall, categories similar to the labels given as "cause of death" in the bills of mortality," p. 122.

⁶⁸³ Anon., *Wonder upon Wonders*, sig A2v.

⁶⁸⁴ Anon., *The Most Lamentable and Deplorable Accident which on Friday...befell Laurence Cawthorn*, (London, 1661), p. 8.

and by a kind of blush in her cheeks to be ashamed of their inhumanity; yet such was either their hast or the stupidity, that they took little or no notice of it.”⁶⁸⁵ That these critiques were gendered in a way that demeaned women's medical knowledge or skill was often the case; however, writers were sometimes more nuanced in how they discussed a case and where they placed blame.

Stories of live burials were not simply framed as a failing of female knowledge, or as a way to pit men's credibility and authority over that of women's. In the case of Mrs. Blunden, for instance, all those who were present in her room “concluded her dead, there being not the least palpitation of the heart, motion of the pulses, breathings at her Mouth or Nose, nor any sensible warmth to be discerned in the whole body.”⁶⁸⁶ Shortly afterward, the apothecary was called to the scene and based on his observations and chemical knowledge of the effects of poppy-water, judged her to be dead. After Mrs. Blunden's body was removed from the grave and discovered to have been prematurely buried, the coroner was called to examine the circumstances of the case. As he prepared to indict some of those who had been involved, “a Physitian in the Town gave it upon oath, that when the Woman deceased, and was in her trance, he applied a Looking-glass to her mouth a considerable time, and yet could not discern the least breath to come from her; a tryal he had often experienced, and was never before deceived in.”⁶⁸⁷ In some ways, we can interpret this case in gendered terms. The one woman mentioned who dealt with Mrs. Blunden's body assessed it through touch, and was ignorant about what the physical signs meant. The physician and apothecary drew from a male centered source of knowledge, and the physician used what might be interpreted as a technical instrument, the looking-glass, to assess

⁶⁸⁵ Anon., *News from Basing-Stoak*, p. 4.

⁶⁸⁶ *Ibid.*, p. 4.

⁶⁸⁷ *Ibid.*, p. 8.

whether or not she was still alive. The female touch versus the male observation; knowledge based on books versus that based on experience. It was only due to the physician's testimony and involvement in the case that an indictment was not brought against anyone for Mrs. Blunden's murder.

However, this stark division between male and female spheres of knowledge and authority does not always seemed to have shaped accounts of premature burial. The story of Anne Atherton praised the searchers and augmented their ability to assess bodily signs over that of the male doctors involved. Atherton's brother wrote the account of her near-death experience and he, also a physician, critiqued the doctors involved in her case, and noted that "her Disease, whatever it was, prov'd too hard for their Skill and Medicines."⁶⁸⁸ After months of suffering, Anne (apparently) succumbed to her illness and, when she appeared void of both "life and motion" those around her concluded that she was dead. However, it was the

[w]omen who came to do their last Office to her Body, [who] perceived more Heat and Warmth in her, than they thought to be usual in dead Bodies, upon which they desisted a while; And, because the Room was close, and a fire had been alwayes in it, (thinking the unusual Warmth might proceed from thence) they opened the Casements to let in what Air they could, and put out the Fire and then left her some time to her self. But returning they found the same Warmth to continue; then they left her in this manner the whole day, yet could find no alteration.⁶⁸⁹

The women who examined Anne's body perceived a lingering warmth that was greater than what it should have been, and, seeking out alternative explanations, they opened the windows and put out the fire to see how that would affect the body. When it still seemed that Anne was warm to the touch, they "applied a Looking-glass to her Mouth," and then "they put live Coals to her feet, which discovered not the least sign of Life or Sense."⁶⁹⁰ The searchers therefore

⁶⁸⁸ Dr. Atherton, *The Resurrection Proved*, p. 1.

⁶⁸⁹ Ibid., p. 1.

⁶⁹⁰ Ibid., pp. 1-2.

assessed Anne's body through various methods using different forms of knowledge. In part, it relied on touch, but their conclusions were also drawn from the use of a looking-glass and from a coal test which should have produced particular results if Anne had been alive. Despite their efforts and the inexplicable heat in her body that remained, the searchers could not find any other signs of life nor determine with certainty that Anne was actually dead. It was Anne's mother who decided to delay the burial for seven days, in which time she was revived and saved from being buried alive. Not only were the women of this narrative framed as Anne's deliverers, they also possessed greater knowledge and skill than the physicians involved and were able to perceive the subtle signs of life when others could not.

While accounts of premature burials were often used as a way to credit or critique the knowledge or ignorance of particular people, they were just as often used to highlight the ambiguity of death's signs more generally. The signs of death were opaque, could be difficult to ascertain or even misleading. Because of this, prescriptions were made regarding how long to wait to bury a body to ensure the individual was actually dead. Dr. Atherton concluded his pamphlet with an admonishment that “*all Persons be kept 48 hours before they are buried.*”⁶⁹¹ The general rule seems to have been to wait roughly 24 hours before burying a body, for this very reason. Cressy notes that a corpse was usually buried within two to three days at the most, but there were cases when it happened sooner than that, such as when the body was infected.⁶⁹² However this practice was inconsistent and many people were buried on the same day as their death, which could raise suspicions or critiques depending on the circumstances of the death. Lawrence Cawthorn, who was found unconscious and declared dead in the morning, was

⁶⁹¹ Dr. Atherton, *The Resurrection Proved*, p. 2 [italics included].

⁶⁹² Cressy, *Birth, Marriage and Death*, p. 426. On burial rates, see also Stephen Porter, “Death and Burial in a London Parish: St Mary Woolnoth, 1653-99,” *The London Journal*, Vol. 8, Issue 1 (1982), pp. 76-80.

prepared for burial the same night at the behest of the landlady of the home where he died. This was looked on with suspicion “that the young Man made more hast to his Grave then the course of Nature doth allow” because the landlady wanted to lay claim to his belongings for herself.⁶⁹³ The story of Dorothy Smith who was saved from a premature burial, occasioned the author to claim that many people had suffered this fate, “there having not been due care and time given for the Corps to remain above ground, the space of four and twenty hours, as the Law in that case provides.”⁶⁹⁴ Although not a law per-se, the need to wait for at least twenty-four hours before burying someone seems to have been accepted based on the difficulty of judging when death was final. This was particularly true for women because of the nature of the diseases they were prone to. Citing various authorities on the topic, Jorden argued that because “diverse errors have beene committed in laying foorth such for dead, which have afterwards beene found to have life in them,” no woman who has suffered from the disease of the 'mother' “should be buried until she had beene three dayes dead.”⁶⁹⁵ Because the signs of life and death were potentially opaque, a hasty burial could be characterized as evidence of the malicious or self-interested designs of others.

Buried Alive: polemical pamphlets and the ambiguity of death

The ambiguity of the signs of death, the methods and difficulty of interpreting those signs, and the flexibility of their meaning, were taken up in pamphlets for various polemical purposes. Just as accounts of failed executions like Anne Greene's were shaped to make religious-political claims, so too were pamphlets about those who had been buried, or almost buried, alive. Stories about live burial were used to make various arguments—some were providential,

⁶⁹³ Anon., *The Most Lamentable and Deplorable Accident which on Friday...befell Laurence Cawthorn*, p. 15.

⁶⁹⁴ Anon., *Wonder upon Wonders*, sig A2.

⁶⁹⁵ Jorden, *A Briefe Discourse of a Disease Called the Suffocation of the Mother*, p. 9.

others were about gender and some were about the authority of physicians. In each case, the body was characterized as either transparent in the signs of life it exhibited, or opaque, the choice determined in order to underscore a polemical message. Many of the details of these cases have been discussed above, however the evidence of the body in each account was framed on behalf of various moral, religious and gendered arguments. The signs of death might take on different meanings or those who had interpreted those signs could be critiqued or praised for different ends. Central to these multiple framings was an openness to interpret the body in a way that supported the author's message and claims to truth and authority. Narratives of premature burials could be framed for polemical agendas.

Gendered contentions and assertions about women were often at the heart of buried alive pamphlets. The life, death and premature burial of Lawrence Cawthorn in 1661 was framed in this way in two separate pamphlets. In *An Exact Relation of the Barbarous Murder Committed on Lawrence Cordell*, the role of his land-lady, Mrs. Cook, was highlighted in order to caution men about the dangers of women who assume manly tasks and characteristics. The second, *The Most Lamentable and Deplorable Accident which on Friday befell Laurence Cawthorn*, more overtly critiqued the searchers involved in the case for failing to accurately assess Cawthorn's condition. The general story went that Cawthorn (mistakenly named Cordell in the first pamphlet), lodged with Mrs. Cook and her husband, and after coming home one night after dinner and, perhaps, too many drinks went to bed, asking them to wake him in the morning for work. In the morning when they called to him and knocked on his door, he did not respond; after some time they broke it down. Mrs. Cook, her husband and a few others tried to wake him, calling to him and shaking him, but he could not be roused at all. And this is the point at which the pamphlet accounts diverge. The first claimed that it was Mrs. Cook, "Mrs Impudence his

fat Land-lady,” who judged Cawthorn to be dead, and although he was “yet withal somewhat warm, yet she strongly reported that he had no life in him.”⁶⁹⁶ When the searchers came to view the body, they too felt him to be somewhat warm and implored her that, “[t]*here is life in him yet, therefore we wish you to forbear the burial of him for the present.*”⁶⁹⁷ Her husband asked “that she would not bury him so soon but let him ly till next day,” echoing prescriptions about waiting twenty-four hours to ensure that the death was certain. She would listen to neither of them, purchased a coffin and saw that Cawthorn was buried the same night. The pamphleteer suggested that the reason for her haste was an attempt to collect money that Cawthorn owed her and, “[t]hus having the better of him [her husband] for wearing the Briches, she like a Mr. of Mis-rule invited whom she deasired to the buryal.”⁶⁹⁸ Cawthorn's live burial was thus glossed as the consequence of a pre-existing crisis in the social order, the inversion of gender roles between Cook and her husband. Cook became “like a Mr. of Mis-rule” because she assumed control of the situation in the way her husband should have, and used the ambiguity of Cawthorn's symptoms to attain her own subversive ends.

The second pamphlet placed the blame more squarely on the searchers, who were too hasty in their assessment, and ignorant about some of the physical details of the case: “But in this strange visitation whereof we come now to speak, we find a Man dead, struck dead (if we will believe the Verdict of the Searchers) A young Man in the strength and flourish of his youth: his complexion promised health, and his youth the access of many years, and we find this man to be buried, and to be buried alive.”⁶⁹⁹ Cawthorn had been healthy, and had not drunk too much the night before, as the careful placement of his clothes and organization of his room suggested.

⁶⁹⁶ Anon., *An Exact Relation of the Barbarous Murder Committed on Lawrence Corddel*, sig A2v.

⁶⁹⁷ Ibid., sig A2v.

⁶⁹⁸ Ibid., sig A3.

⁶⁹⁹ Anon., *The Most Lamentable and Deplorable Accident which on Friday befell Laurence Cawthorn*, p. 7.

The searchers' mistake was declaring him to be dead before a full search could be made of his condition. When they were called to view the body, they ignored reports that others in the room had seen him flutter his eyes and felt him still warm to the touch. They disregarded the report from some who were present that Cawthorn “was subject to have strange Fits, & that sometimes he would lie in a trance like a dead man for many hours together.” Some even reported that spots were visible on his chest, a sign of the plague, that had disappeared before the searchers arrived. “The Searchers gave no heed to that report, but concluded that he died of the Quinsey, a Disease which swelling in the throat doth in a short time deprive the person that is afflicted with it of the use of his Breath.”⁷⁰⁰ It was based on their inaccurate, hasty and ill-informed assessment that Mrs. Cook began the premature burial arrangements. Had the searchers judged that Cawthorn's symptoms were more ambiguous than they appeared, that what seemed to be signs of death were potentially misleading, they could have prevented what he suffered.

The same night of his strange and sudden (apparent) death, Cawthorn was prepared and taken for burial. Some who carried his coffin to the grave thought they heard sighs and others reported that they perceived the corpse to move. The grave was shallow, so even when the coffin was placed in the ground, people could hear muffled noises.⁷⁰¹ The next morning the body was dug up, the coffin opened and it quickly became evident to on-lookers that Cawthorn was alive when he was put in the ground. “Some said that the Shroud was torne in pieces; others that the eyes were swollen, and the brains beaten out of the head, and clots of blood were to be seen at the mouth, and the breast all over black and blew.”⁷⁰² The coroner was called to view the body and indicted both the landlady and her husband for the death of Lawrence

⁷⁰⁰ Anon., *The Most Lamentable and Deplorable Accident which on Friday befell Laurence Cawthorn*, p. 14.

⁷⁰¹ The writers suggests that this is a sign that preemptive burial happens much more than they were aware of, and that this case only came to light because of the shallow grave.

⁷⁰² Anon., *The Most Lamentable and Deplorable Accident which on Friday befell Laurence Cawthorn*, p. 16.

Cawthorn. Together, the pamphlets convey a message about the danger of unruly wives and ignorant women. The ambiguity of the signs of death could be manipulated by disorderly women for evil ends.

Some accounts of live burials emphasized the sinful life of the victim before the event and stressed a moral message in the story of misdiagnosis. Mrs. Blunden found herself in a deep sleep that was mistaken for death because she was “accustomed her self many times to Drink Brandy.”⁷⁰³ The writer used this detail to frame the following account of what happened to her:

One Evening above the rest finding her self somewhat indisposed, she sent her Maid to an Apothecaries in the Town for a quantity of Poppy-water, whether by the Direction of a Physitian, or out of her own head (as we say) I know not: but she drank so great a Quantity of it, that she presently fell into a deep sleep, insomuch that all the people about her concluded her Dead.⁷⁰⁴

It was due to her excess and lack of self-control that Mrs. Blunden found herself in the state she did. Her husband, surprised at the suddenness of her death and with out-of-town business to attend to, decided to delay her burial for a few days. However, in his absence, his wife's family decided to conduct the burial the day after her death, “though many people admired they would commit a person to the earth before they were fully satisfied she was Dead, especially in her Husbands absence, and contrary to his order.”⁷⁰⁵ Like the story of Lawrence Cawthorn, Mrs. Blunden was mistaken for dead and buried as a result of disordered gender dynamics within the family. Mrs. Blunden was in part to blame, being a fat and indulgent woman, as was her family who directly disobeyed the husband's commands. Had they followed his instructions, she would have been saved from the gruesome fate she suffered.

Although Joan Bridges came from an upstanding family, with moral parents and had a

⁷⁰³ Anon, *News from Basing-Stoak*, p. 3.

⁷⁰⁴ Ibid., pp. 3-4.

⁷⁰⁵ Ibid., p. 5.

happy childhood, she did not follow a virtuous path in her adult life. In *A Strange and Wonderfull Relation of the Burying Alive of Joan Bridges*, the author recounts the sad tale of her time wasted with her “[c]onsorts in the tippling houses,” on the weekdays as well as holy days, a sin for which she was often admonished by her sister and brother.⁷⁰⁶ It was on a Sunday, that Joan, “with some young people of her acquaintance came to an Ale-house in Rochester,” and “spent the Sermon time in drinking and merriment.”⁷⁰⁷ When she arrived home later that evening, she “so much over-taken with drink that she could not hide it from those that were in the house,” at which her brother and sister advised her to go to bed.⁷⁰⁸ The next morning Joan was discovered in her room, still sleeping and unable to be roused despite vigorous efforts. Her sister quickly determined that Joan was dead. Although they waited for twenty-four hours before burying her, both Joan's brother and sister ignored the reports from some who said they had seen signs of life. She was buried and some from the town claimed they heard noises coming from her grave and two dogs were seen scratching at the ground. Several women in the town gathered together and collected money to have the body unearthed, upon which they discovered that

[t]he mustier which was tyed about her face was rubbed off, her nose by the low rooffe of her prison house was beat flat with her cheeks, the strings which tyed her toes together had torn the skin from the bone, and at length themselves wound in pieces, Her hands which before were Instruments to feed the body (for want of Elbow-roome) became her Exectioners, ripping open her very bowels; her left hand sticking in her belly, and her right hand having razed the skin and flesh from her side.⁷⁰⁹

The horrific details provided by the pamphlet writer served to underscore his moral message as well as tantalize his readers. The signs of death could be misleading; however too much drink

⁷⁰⁶ Anon., *A Strange and Wonderfull Relation of the Burying Alive of Joan Bridges*, (London, 1646), p. 3.

⁷⁰⁷ Ibid., p. 3.

⁷⁰⁸ Ibid., p. 3.

⁷⁰⁹ Ibid., p. 4.

or consuming altering substances, such as poppy-water, could mimic these symptoms and lead to a premature burial. Joan's unrighteous and debauched life resulted in the death-like state she suffered. Her sister's and brother's obstinacy and failure to listen to others' counsel prolonged Joan's suffering and resulted in her gruesome death in the grave.

Like other accounts of murder or strange events, an ambiguous death, hasty or live burial was often framed providentially, as a sign of God's judgement. Such judgement was manifested in the case of Elizabeth Jeskins, recounted in the pamphlet *The True Relation of two wonderfull Sleepers*. Published in Oxford in 1646, the pamphlet states that the story represented God's judgement, and comes out of “Wallingford in Oxfordshire (the last Garrison which was surrendered to the Parliament),” setting the tone of the subsequent account.⁷¹⁰ The pamphlet writer argued that Elizabeth's strange symptoms had no natural explanation and were counter to all humoral theories of the body. Although Elizabeth was fat, she was not overly so, she was active and of a sanguine complexion which meant that the blood circulated well in her body. Up until her extended sleep and death, she had been in good health and not subject to any type of sickness. Thus, in order to explain the contradictory effects had in this case, the author contended we must “looke up to the immediate hand of God, and prepare to meet it with contrition and amendment; for (Gentlemen) you know not how soone that you may fall asleep your selves.”⁷¹¹

Similarly, the story of Dorothy Smith received a providential and Royalist spin. Known to suffer “megrimms,” or headaches, Dorothy was reported to have fallen down “stark dead” at about the hour of noon. Not long after, the searchers were called to the house and, having inspected her, she was carried off to be buried at six that evening. Luckily for Dorothy, rumors

⁷¹⁰ Anon., *The True Relation of two wonderfull Sleepers*, sig Av.

⁷¹¹ Ibid., sig A4v.

circulated that she might be still alive, given the short period between the death and the burial, and one who stood close to her noticed some movement underneath the sheet that covered her. Written in 1661, the story of Dorothy was used to highlight the upside down political world and the ease with which legal codes could be flouted at the time. The pamphlet opens with the following description:

Amongst the sad and lamentable accidents lately happening in our late time of Regicidry, many might we here enumerate, and recite; ...and again, some even buried almost alive, lying onely in a trance, there having not been due care and time given for the Corps to remain above ground, the space of four and twenty hours, as the Law in that case provides.⁷¹²

It is significant that in this case, as in Anne Greene's, Smith was saved from a premature burial due to the intervention of an observant on-looker at her grave-site. The author emphasized that her story was an example of the times; a strange and sad tale that was representative of the political and religious disorder taking place. And, like some interpretations of Greene's story, the author argued that Smith was saved due to "the good hand of providence, and the diligent care of Neighbours," an example of God's mercy and intervention through the people in her community.⁷¹³ Although some diseases might be misleading, their signs difficult to distinguish from death, with God's intervention and the assistance of others, premature burials could be avoided.

Pamphlets could thus take a tone of chastisement for ignorance regarding the signs of death and the need to educate people so that mistaken diagnoses are avoided. Others imbued strange and ambiguous deaths and live burials with a religio-political message, offering a religious explanation rather than a medical one for why an event had occurred. The openness and

⁷¹² Anon., *Wonder upon Wonders: Or, Strange News from St. Mary Magdalens...Being a true Relation of the miraculous perserving of Dorothy Smith from being buried alive*, (London, 1661), sig A2.

⁷¹³ *Ibid.*, sig A2v.

ambiguity of the signs of death, coupled with the flexibility of the physical state of death, allowed authors to shape narratives for various polemical ends. Anne Greene's revival after her execution could have had multiple explanations, and other failed executions were accounted for in different ways depending on the circumstances of the case and the message the author wished to send. Tales of apparent death were another arena in which women's bodies were characterized as deceptive and opaque.

EPILOGUE

**Contest, Claim-Making and Representations of Bodily Signs:
Early modern anxieties and modern reverberations**

William Petty's account of Anne Greene and his petition to the court on her behalf reveal a set of tensions that shaped polemical claim-making in early modern England, a set of tensions that were based on the interlocking ambiguities around the meanings of physical evidence and medical authority, of gender and embodied experience. While Petty does not totally dismiss the possibility that Anne's failed execution was a miracle, that part of her story took back stage to his claim that Anne's and her infant's bodies could provide definitive proof to support her innocence—that she should be pardoned because the legal verdict had been incorrect all along and not because divine forces had intervened to save her from her sentence. In Petty's writing we see a distancing from the possible miraculous or supernatural interpretations of Greene's case and an approach overtly and purposefully based on a naturalizing account of what had happened to her. Petty's intervention was not entirely consistent with what we might consider a more modern explanation or an objectively scientific approach to the events surrounding Greene's recovery, but was wrapped up in Petty's personal agendas and the political stakes involved in making providential claims in early 1650s' Oxford. More importantly, Petty's was not the only (or the loudest) voice on the matter; the continued possibility of interpreting bodily signs in multiple ways left room for explicitly providentialist narratives of Anne's revival.

Petty's claim that the physical evidence provided by Greene's and her infant's bodies was legible as a source of legal proof is further complicated when we turn to the contemporary medical literature on pregnancy, fetal development and childbirth and to the legal sources that discussed and debated the nature of physical evidence in infanticide cases. While in some cases,

bodily signs were interpreted as proof of either guilt or innocence, in many instances these same signs were considered fundamentally inconclusive. Coroners' inquisitions and verdicts indicated that infants' corpses were examined for forensic evidence, but the rate of acquittals suggest that this evidence was often not enough to secure a guilty verdict against an accused mother.

Learned medicine warned that pregnancy was difficult to diagnose with any degree of certainty, particularly in the first few months, and Forman and Napier's consultation notes confirm this.

The notes also indicate that women sometimes experienced the suspected signs of pregnancy with uncertainty, but at other times came to the doctor certain of what those signs meant. And women and their doctors often disagreed about the meaning of their physical symptoms. While Petty's account of the evidence in Greene's case was culturally plausible, different interpretations of the same bodily evidence would have been equally as credible. There was also room for play in the explanation of how Anne Greene had survived the hangman; both natural and supernatural forces could have credibly been at work. Early modern writers offered a number of possible explanations for failed executions or apparent deaths, and did not always or necessarily appeal to the providential or miraculous to account for such events. Medical literature characterized death as a difficult state to prove and often emphasized the ambiguity of its signs, especially in the case of women whose bodies were considered dangerously ambiguous.

The tensions at the heart of Anne Greene's story highlight the ways in which uncertainty about the meaning of bodily signs shaped and was shaped by post-Reformation polemical contests. The conflicting readings of Greene's failed execution that allowed writers to characterize it as either a supernatural or natural event reflected the porous boundaries between categorizations of supernatural, preternatural and natural phenomena, and the ambiguous status

of knowledge generated by and on the body. This was the same situation that (as we have seen) allowed polemicists to characterize strange physical signs on an accused traitor's corpse as either miraculous or not, and incited conflict over interpretations of the bodily signs of the (allegedly) demon possessed. Endemic epistemological ambiguity meant that these signs could be read in multiple and conflicting ways to support or demolish confessional claims.

There was also no clear demarcation of who had the authority to provide the most credible reading of these bodily signs. Tensions were often grounded in conflicting claims about what form of learning or experience afforded that authority. In Greene's case, Petty claimed that his university education allowed him to interpret physical evidence accurately and he appealed to this form of authority to argue that physicians should be consulted in legal trials involving difficult bodies or opaque forensic evidence. Significantly, however, he also appealed to the first-hand examination offered by the midwives in the case to support his interpretation of the evidence and thus appealed to the shared and flexible authority that various medical practitioners held in particular cases. The events examined in this dissertation demonstrate that several different types of people enjoyed a degree of authority over the meaning of bodily signs but that their authority was intrinsically unstable or implicitly and explicitly contested.

As we have seen, early modern English writers elevated claims for the persuasive power of various diagnostic methods, and the evidence of the body was routinely mobilized in many legal and polemical cases. But these elevated claims were unstable, and bodies could be fiendishly difficult to read. An elevated pulse in an allegedly demon possessed woman could indicate that she was legitimately possessed or that she was suffering from a natural ailment. Diagnostic signs that indicated whether a woman had recently given birth provided ambiguous evidence regarding her guilt or innocence in infanticide cases. And the normal signs of death

might be misleading in the cases of women who were prone to diseases that resulted in states resembling death that were easy to misinterpret. The possibility for multiple or conflicting readings of bodily signs were thus gendered in particular ways.

However, as we have also seen, women's bodily signs and symptoms were not the only ones coded as ambiguous or deceptive. Men's bodies, particularly Catholic bodies, were also the site of polemical contest and open to conflicting interpretations for confessional claim-making. The meaning of gestures and body language witnessed during the course of a trial and execution could be represented in various ways to paint the accused as either a martyr or a traitor. Physiognomic theory allowed for multiple and conflicting interpretations of outward bodily signs, and polemicists interpreted these signs as positive indications of both guilt and innocence. However, the determination of what the body could reveal about the inner character and conscience was uncertain and as much as writers focused on the natural language of the body, they simultaneously emphasized how outward bodily signs could be used to deceive or conceal the truth. This same dynamic is also evident in the way polemicists interpreted the meaning of pain in relation to truth, and what the experience (or lack thereof) of pain indicated about the subject. Just as there were multiple explanations for the pain of childbirth and its role in securing the truth of statements made during labor, so too were there conflicting interpretations available to shape an accused traitor's experience of torture and what that experience reflected about his guilt or innocence. If there was a crisis of truth telling throughout this period, there was also a crisis around how to read the body to determine whether someone was lying or telling the truth. The fraught relationship between outward bodily signs such as gesture and countenance as well as the flexibility regarding the extent to which pain guaranteed a truthful statement or exposed the truth of someone's integrity were central to confessional

representations of controversial bodies.

This dissertation has argued that the body was a central site of polemical contest and claim-making in post-Reformation England, but it has also demonstrated that the evidence reveals something about the history of the body more broadly. In an array of medical, legal and cultural discourses and registers, evidence from the body was both persuasive and unstable. While scholars have identified particular bodies as more ambiguous than others, or crimes in which physical evidence was more subject to conflicting interpretation or uncertainty, this dissertation demonstrates that the anxiety that the body generated—that it might be deceptive or that evidence based on the body was unstable—was pervasive across early modern legal and medical culture. Within these cultures, we see a set of fissures which allowed polemicists to put pressure on physical evidence to imbue it with a confessional spin or message. Confessional representations of accused traitors, demon possessed women and failed executions were all made possible by the interpretive openness of the body and bodily signs; and in turn contributed to the lingering uncertainty that the body could provide stable proof. This same openness meant that polemical claims would have necessarily been received in diverse ways by audiences who were both fascinated by the meaning of bodily signs and well aware that they could be ambiguous, deceptive or opaque.

Many scholars have examined the ways in which uncertainties and contests over the meaning of bodily signs were resolved, how medical authority was cemented and how legal evidentiary standards were increasingly specified in the late seventeenth and eighteenth centuries. Much of this literature pertains to the crime of witchcraft and the difficulty of proving that an accused witch was guilty, or to the crime of infanticide and the desire to use physical

evidence to prove guilt or innocence with a greater degree of certainty.⁷¹⁴ Scholars have also argued that while the authority of unlicensed and female medical practitioners declined, that of licensed physicians grew and they were increasingly considered the sole source of expert knowledge about the body.⁷¹⁵ However, there are indications that anxieties about the body—that it might not provide stable evidence, that bodily signs could be deceptive, and that medical authority could be contested or undermined—persisted in some spheres through and beyond the Elizabethan and Stuart eras.

Politically motivated interpretations of forensic evidence continued to shape contests over the meaning of controversial deaths in late seventeenth century England. In 1683, nearly eighty years after the case of Nicholas Owen with which I opened this dissertation, the body of Arthur Capel, the Earl of Essex, was discovered in the Tower. Essex had been arrested in July 1683 in connection with the Rye House Plot, on suspicion that he had knowledge of plans for an insurrection against the Crown designed to end Catholic influence at court and exclude James, Duke of York, from succession.⁷¹⁶ Four days after his arrest, Essex's body was discovered in his cell with a large gash in his throat that extended ear to ear. According to the coroner's inquest, the coroner and his jury determined that Essex had died from self-murder, having cut his own throat with a razor, but Essex's Whig supporters, Lawrence Braddon and Henry Danvers, challenged interpretations of the evidence as it was initially presented. The coroner's findings had high political stakes. As Michael MacDonald has noted in his study of Essex's death, it was

⁷¹⁴ See Mark Jackson, "Suspicious Infant Deaths: the statute of 1624 and medical evidence at coroners' inquests," in Crawford, Catherine Crawford and Michael Clark, *Legal Medicine in History*, Cambridge, 1994, pp. 64-88; Malcolm Gaskill, "Witchcraft and Evidence in Early Modern England," *Past & Present*, No. 198 (Feb. 2008), pp. 33-70; Barbara Shapiro, *Beyond Reasonable Doubt and Probable Cause*, (Berkeley, 1991).

⁷¹⁵ See Ian Mortimer, "The triumph of the doctors; Medical assistance to the dying c. 1570-1720," *Royal Historical Society*, vol. 15 (2005), pp. 97-116; Adrian Wilson, *The Making of Man-Wifery: Childbirth in England, 1660-1770*, (Cambridge, Mass., 1995).

⁷¹⁶ See Michael MacDonald, "The Strange Death of the Earl of Essex, 1683," *History Today*, 41:11 (Nov. 1991), pp. 13-18.

“sensational and it was politically explosive. A Whig grandee, he was one of the most prominent suspects whom the Crown had arrested following the revelation of the plot.”⁷¹⁷ Essex's alleged suicide was used as evidence of his guilt and helped to convict others who were implicated in the plot. Many assumed that “Essex had committed suicide, and that his suicide was an admission of guilt.”⁷¹⁸ In a series of publications Tory polemicists made the case that Essex was guilty of self-murder largely based on the evidence from the crime scene. A servant had observed Essex lying in blood through a crack in his closet door and noticed that the razor was lying close beside him. The servant confirmed that this was the same razor that he had given to Essex in the days preceding his death. A warden of the Tower “went to the Closet-door, and opened it, the Key being on the outside, and then did see my Lord lie on the ground in his blood, his Throat being cut.”⁷¹⁹ According to the story provided by these two witnesses then, Essex had locked himself in the closet (toilet), discarded the key and used the razor, which was discovered close to his body, to slit his throat. Two surgeons who viewed Essex's body testified that they found “a large Wound, and that the Aspera Arteria, or Wind-pipe, and the Gullet, with the Jugular Arteries, are all divided: Of which Wound he certainty died.”⁷²⁰ The coroner and his jury, which was made up of unusually prominent men, examined the room where Essex was discovered, his body, and the razor, and, having heard the testimony offered by the other witnesses, determined that Essex had “Voluntarily and Feloniously Cut his Throat, and did thereby give himself one Mortal Wound, it being cut from the one Jugular to the other...of

⁷¹⁷ MacDonald, “The Strange Death of the Earl of Essex, 1683,” p. 13.

⁷¹⁸ Ibid., p. 13.

⁷¹⁹ Anon, *An Account How the Early of Essex Killed Himself in the Tower of London*, (London, 1683), p. 5; Of the sources that supported the claim that Essex had killed himself see Anon, *Great News from the Tower*, (London, 1683); Anon., *A True Narrative of the Bloody Murther of the Earl of Essex Upon Himself*, (London, 1683).

⁷²⁰ Anon, *An Account How the Early of Essex Killed Himself in the Tower of London*, p. 6.

which said Mortal Wound the said Arthur Early of Essex died instantly.”⁷²¹

Not long after the Crown's account of Essex's suicide was circulated, a number of Whigs published pamphlets challenging the coroner's findings and postulated instead that he had been cruelly murdered. The case for murder was made on several grounds. In the pamphlet *Murder will out*, Henry Danvers catalogued evidence into two basic types in order to establish that Essex had been murdered.⁷²² Much like the evidence offered by Catholic polemicists in Nicolas Owen's case, the first set of proofs had to do with Essex's character, and the second were drawn largely from the physical details of the wounds and from the forensic circumstances of the act itself. Danvers examined everything from the Earl's general moods to the depth and location of the wound, from the weapon to the position where the body and weapon were discovered. The improbability of a suicide was based on an assessment of the Earl's character, whereas the impossibility of it was established on the “positive proofs” drawn from his body and the circumstances of the crime. The Earl's body had been moved from its original position, stripped, and cleaned, so that jurors were prevented from examining both the body and the crime scene in their unadulterated condition, which skewed their ability to determine what really happened. Importantly, the coroner, who found the death to be *felo de se*, was both criticized and suspected of being in collusion with those who had a stake in the Earl's death being ruled a suicide.

Challenging the credibility of the coroner's finding, as noted earlier, Laurence Braddon argued

⁷²¹ Anon, *An Account How the Early of Essex Killed Himself in the Tower of London*, p. 8.

⁷²² Henry Danvers, *Murder will out: Or, A Clear and Full Discovery that the Earl of Essex Did not Feloniously Murder Himself...Both by Undeniable Circumstances and Positive Proofs*, (London, 1689). Both Danvers and Braddon make an interesting point of connection between the Essex case and Overbury's murder. What is potentially even more telling in terms of the status of physical evidence and the concern raised by its flexibility, is that we are dealing with two different types of murder, both with their own respective bodies of literature. That suicide and poison would be connected, in general, by contemporaries in terms of making an argument about the certainty and reliability of physical evidence is important, and seems to be where critiques of the legal system in relation to Anne Greene's case are located as well. Three different types of cases, all related because of the need to rely on physical proofs to establish the truth of what actually occurred.

that “[y]ou can't but be so much a Lawyer and Historian, as to know that the Coroner's Inquest is not conclusive and final, but may be contradicted, and almost dayly is; sometimes the Coroner's Inquest finds Men to have died of a natural Distemper, which after appear to have been barbarously Murdered.”⁷²³ The coroner and jury should have realized that the wound was too deep to be self-inflicted—the pamphlet cited the measurements of the murder weapon and of the cut in his neck which went through to Essex's wind-pipe; and there were what appeared to be defensive wounds on his hands, as if he were warding off an attack. The coroner and jury should have noted too that there was a bloody boot print on one of Essex's stockings, suggesting that someone had been present at his time of death. They should have also considered that the weapon itself, contrary to the testimony provided by Essex's servant, was discovered on the ground below his cell but Essex was supposedly locked in the windowless closet when he committed the act. These forensic details, had they been examined, would have revealed that the Earl was murdered in a way that would appear like suicide. To make the case for Essex's murder even more compelling, Laurence Braddon published a subsequent account which included what might be described as a forensic drawing. The image depicts the location of Essex's body in the closet relative to where the murder weapon was discovered, quite a distance from the body. This demonstrated, according to Braddon's interpretation of the evidence, the impossibility that Essex had killed himself.⁷²⁴

Thus, many of the same issues that defined the polemical contests surrounding Nicholas Owen's death characterized the conflicting interpretations of Essex's death in 1683. The Crown appealed to the authority of the coroner, the coroner's jury and the surgeons who examined Essex's body to support their claim that Essex had committed suicide. The Whig polemicists

⁷²³ Laurence Braddon, *Innocency and Truth Vindicated*, (London, 1689), p. 75.

⁷²⁴ ---, *Essex's Innocency and Honour Vindicated*, (London, 1690), frontispiece.

challenged what seemed to be the weaker part of the state's case, the physical and forensic evidence. The surgeons' assessment of Essex's cause of death may have been accurate but given the depth of the wounds and the nature of the murder weapon, it was possible for the pamphleteers to argue that Essex was not physically capable of inflicting these injuries on himself. Then there was the issue of the forensic evidence—the location of Essex's body relative to the razor. While the state claimed that the razor was discovered beside his body inside a locked, windowless room, counter-narratives claimed that the murder weapon had been discovered outside the room. In framing their contentions, the Whig polemicists argued that the body could provide invaluable evidence in determining the cause of death; however, given that the Earl's body had been tampered with, the state's proof that he had committed suicide was shaky at best. Thus, as we have also seen in the cases above, polemicists simultaneously validated the importance of forensic and physical evidence in suspicious deaths but at the same time questioned the reliability of that evidence and exposed how easily that evidence could be (mis-)shaped to reach inaccurate (or conflicting) verdicts.

The extent to which bodily signs could reveal or conceal the truth also continued to be debated within legal jurisprudence and within discussions of accused criminals. Body language and countenance remained central to discussions about how to read guilt or innocence on the body, and about the relative trustworthiness of individual witnesses. Just as polemicists made claims about an accused's countenance or gestures to characterize them as guilty or innocent, legal theorists debated the extent to which the external body could reveal a subject's internal character and how bodily signs might help determine whether a witness is credible or not. For Sir Matthew Hale, the benefit of a jury trial was the ability to see and assess witnesses in person, as “the very manner of delivering testimony, will give a probable indication, whether

the witness speaks truly or falsely,” an assessment which was based on, among other factors, the witness's quality and carriage.⁷²⁵ The connection between believability and physical presence was thus central to the ability of jurors to weigh the validity of the testimony given by a witness. Of the factors that might identify someone to be unreliable or their testimony untrustworthy, Hale writes that “these exceptions are of that great variety and multiplicity, that they cannot easily be reduced under rules or instances,” pointing to the same multiplicity of meanings in physical signs that were noted in physiognomic treatises.⁷²⁶

Ideas about body language influenced legal debates into the eighteenth and nineteenth centuries, as theorists began to outline common law rules of evidence with more specificity. Many texts included detailed discussion about the relationship between body language and witness credibility and outlined what to look for to determine who was lying or telling the truth, who was guilty or innocent. Body language also played an important role in debates over the accused's right to testify, and the physical and emotional affect that the legal process might have on someone who was innocent. Although the humoral underpinnings of physiognomy were no longer part of accepted medical knowledge, many legal theorists maintained that there was a direct relationship between the external body and the conscience. In his nineteenth-century work on evidence within common law, American judge and lawyer John Appleton drew from ideas proposed by Jeremy Bentham and argued for the importance of examining a witness, or the accused, in person, as

[t]he witness present, the promptness and unpremeditatedness of his answers, or the reverse,--their distinctness and particularity, or the want of these essentials,--their incorrectness in generals or particulars,--their directness or evasiveness, are soon detected by those who extract the evidence, and by those who are to determine upon its force and

⁷²⁵ Matthew Hale, *The History of the Common Law of England*, pp. 345-346, <https://archive.org/stream/historycommonla01hallgoog#page/n404/mode/2up>

⁷²⁶ Matthew Hale, *Pleas of the Crown*, vol. II, p. 276.

effect. The appearance and manner,--the voice,--the gestures,--the readiness and promptness of the answers,--the evasions,--the reluctance,--the silence,--the contumacious silence,--the contradictions,--the explanations,--the intelligence, or the want of intelligence, of the witness,--the passions, which move or control,--fear, love, hate, envy, revenge,--are all open to observation, noted and weighed by the jury. The answers ready? --is this readiness the simple and spontaneous utterance of truth, the language of nature, the response correspondent to the facts, or the deliberately prepared answers of determined mendacity? The answer prompt? --is it the promptness of self-sustaining integrity, or the impudent audacity of hardened guilt? The answer evasive? --is it the evasion of cowardice, the reluctant response of self-conscious crime, or the diffidence of innocence, distrustful and anxious from its unwonted position?⁷²⁷

Appleton notes many of the same signs that were regarded as indicators of truth-telling or lying, innocence or guilt, in early modern texts: the manner of responding to questions, the evidence, or lack thereof, of specific emotions; and gestures used in the delivery of testimony were all potential signs. But embedded within Appleton's set of criteria is a lingering uncertainty about how to read demeanor evidence accurately.

Legal theorists expressed concern about the ambiguity of bodily signs and the extent to which the jury could or should rely on this type of evidence. In his *Treatise on the Anglo-American System of Evidence in Trials at Common Law*, John Henry Wigmore expressed concern that

in the process of inferring the existence of that inner consciousness from the outward conduct, there is ample room for erroneous inference, and it is in this respect chiefly that caution becomes desirable and that judicial rulings upon specific kinds of conduct become necessary. In general, it may be premised, any and all conduct may be open to this inference. The kinds of behavior which may properly suggest such a cause are beyond enumeration; they are as various and as changeable as men's dispositions and emotions. No conduct is conclusive; but, on the other hand, no conduct is entirely without significance, greater or less according to the circumstances.⁷²⁸

Wigmore identifies a similar tension to that expressed in early modern studies of physiognomy: that physical signs were significant, but the exact meaning of signs and what they indicated

⁷²⁷ John Appleton, *The Rules of Evidence Stated and Discussed*, (Philadelphia, 1860), p. 220.

⁷²⁸ John Henry Wigmore, *A Treatise on the System of Evidence in Trials at Common Law*, Vol. I, (Boston, 1905), p. 347.

about an individual's conscience, were often difficult to ascertain with any degree of certainty. A recent article has argued that historically, common law has relied on gesture and body language “to determine the witness's credibility,” and that many legal texts argue that “the fact-finder must observe the witness's posture, whether the witness acts nervous, avoids eye contact, demonstrates pain, sheds tears, fluctuates the tone of his speech, as well as an assortment of other nonverbal communications.” However, the author points to the same tension indicated above, that “[d]emeanor evidence is one of those 'elusive and incommunicable' imponderables that is hard to isolate and to quantify scientifically, but nonetheless forms a foundation for our legal system.”⁷²⁹

My point in gesturing to more modern and contemporary quandaries over the meaning of bodily signs within legal contexts in particular is not to suggest a direct continuity from early modern epistemologies of the body to the present, or to collapse the specific historical development and context of these debates. However, the ambiguous epistemology of the body that informed physiognomic theories and cultural representations of martyrs and traitors exhibits the same tension expressed in the above citations. At the foundation of the modern legal system and legal culture was both a reliance on bodily evidence, as well as an embedded anxiety about the ambiguity of physical signs in assessing truth and individual credibility. What seems to have continued, therefore, is not the same physiological understanding of the body, but cultural assumptions and anxieties about how the body might confirm or betray individual conscience, and how external physical signs can reveal the truth or conceal it.

The ambiguity of the female body in particular has also continued to shape religious, legal and medical contests and discourses beyond the early modern period as well. I will briefly

⁷²⁹ James P. Timothy, “Demeanor Credibility,” *Catholic University Law Review*, Vol. 49, Issue 4 (Summer 2000), p. 921.

discuss one extraordinary case and suggest that it exhibits some of the same dynamics that I have identified in the cases examined above and argue that it invites us to think about the way that 'modern' legal and medical discourses are still shaped by an ambiguous epistemology of the female body. The case of Joan Vollmer locates the female body at the center of a legal trial in which religious truths, and challenges to those truths, were based on conflicting interpretations of Joan's physical symptoms and death. The trial also raised a set of tensions around who could offer credible scientific or medical testimony and whose authority was privileged when interpretations of bodily signs conflicted.

When the police arrived at Ralph Vollmer's house on February 1, 1993, his wife Joan was already dead. In the week leading up to Joan's death Ralph had become convinced that she was possessed by demons and called upon the leader of his Christian fellowship, John Reichenback, for help. John advised the exorcism proceedings which occurred over several days with the assistance of his wife Leanne, Matthew Nuske, who was known in the community for having spiritual powers, and David Klingner, who was also a member of Ralph's fellowship. On the day that Joan died the group had "held her down while Leanne tried to push the demons up from her womb and breasts. Then she and David tried to force them finally out of her mouth," but Joan, according to their police interview, resisted "'very violently' and with 'tremendous power and tremendous strength.'"⁷³⁰ After two hours of applying this kind of force to rid Joan of her demons, she stopped breathing, "or as Ralph put it, there was 'hissing and groaning as her lights went out.'"⁷³¹

After the group had been interviewed by the police and the coroner had examined Joan's

⁷³⁰ Adrian Howe and Sarah Ferber, "Delivering demons, punishing wives: false imprisonment, exorcism and other matrimonial duties in a late 20th-century manslaughter case," *Punishment and Society*, vol. 7(2), p. 133. Sections of the quote marked off with ' indicate language taken directly from the trial transcripts and quoted by Howe and Ferber.

⁷³¹ *Ibid.*, p. 124.

body, Ralph, Leanne, David and Matthew were charged with manslaughter, recklessly causing serious injury and false imprisonment. During the trial, the prosecution set to prove that Joan had died as the result of the violent actions of the four accused during the course of the 'exorcism'. The defense counsel mounted the case that all four were of sound mind and that they had acted reasonably based on Joan's symptoms which resembled those of others who had been possessed by demons. The defense attempted to demonstrate that Ralph and his accomplices' actions were justified because they truly believed that Joan was possessed, and in claiming this tried to make the case that demon possession was a legitimate possibility based on Joan's bodily signs. According to Sarah Ferber and Adrian Howe, two historians who have examined the Vollmer trial in depth, "by vigorously defending the case, rather than entering guilty pleas or plea bargaining on the basis of mitigating factors related to the belief system of the accused, the defence was, in effect, daring the prosecution to oppose—and the court to entertain—the idea that belief in demonic possession was a reasonable belief," and this is exactly how the trial unfolded.⁷³²

I was initially drawn to this case because in attempting to prove that Joan's symptoms were similar to other cases of demonic possession and that the four accused had used a reasonable degree of force during the exorcism, the defense cited Killigrew's letter. The defense used the letter to counter evidence presented by the prosecution that exorcisms were not physically violent, arguing instead that the "possessed nuns had to be 'held strongly'" and further that "the nuns who were possessed were in fact very violent [...] and had to be restrained forcibly by very strong persons."⁷³³ The seemingly neutral tone of witnessing and

⁷³² Howe and Ferber, "Delivering demons, punishing wives: false imprisonment, exorcism and other matrimonial duties in a late 20th-century manslaughter case," p. 125.

⁷³³ Sarah Ferber and Adrian Howe, "The Man Who Mistook his Wife for a Devil: Exorcism, Expertise and Secularisation in a Late Twentieth-Century Australian Criminal Court," in Hans De Waardt (et al), *Damonische Besessenheit*, (Bielefeld,

reporting that distinguished Killigrew's ambivalent representation of Loudun was convincing enough for the judge in the Vollmer case to validate it as “reliable as eyewitness evidence” and admissible.⁷³⁴ Additionally, both the defense and prosecution called expert witnesses who testified to the nature of demonic possession and exorcism, who offered interpretations of Joan's physical symptoms during the time leading up to her death (which were claimed to be either supernatural or natural), and who contested the cause of Joan's death. At the heart of the trial over Joan Vollmer's death, therefore, were contests between medical and religious authorities over how to interpret her physical symptoms and conflicting accounts of whether the four accused were responsible for Joan's death based on the physical evidence.

To support their claim that not only was belief in demon possession rational and mainstream, but that the defendants had used reasonable degree of force against Joan in their attempts to exorcize her, the defense team called witnesses who testified to the extreme symptoms of demonic possession as exhibited in examples from the Bible and other historical cases. Killigrew's account of the Loudun possessions helped the defense justify the violent actions of the accused and to argue that Joan had demonstrated the same kind of extraordinary strength as the nuns. It would seem that the defense's source for Killigrew's letter was Aldous Huxley's 1952 book *The Devils of Loudun*, which cited Killigrew directly and quoted from his letter at length.⁷³⁵ With the subtitle “a true story of demonic possession,” Huxley recounted

2005), p. 284.

⁷³⁴ Ferber and Howe, “The Man Who Mistook his Wife for a Devil,” p. 284.

⁷³⁵ The conjecture that Huxley was the source of Killigrew's letter for the defense counsel was made to me in an e-mail exchange with Sarah Ferber on 10/3/2017. Ironically, Huxley himself noted Killigrew's doubt that the Loudun possessions were real and interpreted Killigrew's letter as a skeptical account, that Killigrew, unlike Montagu, was not converted by what he had seen. Summarizing Killigrew's account, Huxley writes that “[t]he spectacle of this delicious creature [Jeanne des Anges] being held down by a pair of sturdy peasants, while her friar triumphantly set his foot first on her breast, then on the white throat, filled our young cavalier with horror and disgust.” See Aldous Huxley, *The Devils of Loudun*, (New York, 2009), [originally 1952], pp. 250-252. Ken Russell adapted Huxley's book into the 1971 movie *The Devils*.

details of the Loudun nuns' physical symptoms as well as the tactics used by the priests during the course of the exorcisms. This included the exorcism of Jeanne des Anges who was “held down by a pair of sturdy peasants, while her friar triumphantly set his foot first on her breast, then on the white throat,” and was then bound “with two ropes, one about her waist, another about her thighs and legs.”⁷³⁶ According to Sarah Ferber, the defense sought to use Killigrew's letter to “argue, in essence, that Joan Vollmer was not 'herself'; that her struggle to be freed of her four lay exorcist captors was a violent manifestation of demonic possession—not human action—that could legitimately be met with force.”⁷³⁷

The defendants claimed that Joan had died as the result of the demon leaving her body and not from the physical violence they had inflicted upon her during the exorcism. To make their case, the defense set about to prove that Joan had exhibited the signs of demon possession in the days and weeks leading up to her death. A friend testified that Joan “seemed to transform into a crippled old woman; distended her stomach and said she was full of cancer; [and] she had cold hands on a hot day.”⁷³⁸ Others reported that Joan “exhibited 'an adverse reaction' to the Bible being read to her, and she adopted different voices.” Those who performed the exorcism stated that the demon who had possessed Joan was named Legion, and that “[w]hen she adopted Legion's 'harsh, masculine personality' and male voice her 'stature changed as well...her presence expanded physically to match the voice'.”⁷³⁹ Finally, Joan displayed extraordinary strength during her exorcism which was supported by other sources in the Bible and Killigrew's historical account of Loudun. Together, according to the defense, these “traditional signs of

⁷³⁶ Huxley, *The Devils of Loudun*, pp. 250-251.

⁷³⁷ Sarah Ferber, *Demonic Possession and Exorcism in Early Modern France*, (London, 2004), p. 151.

⁷³⁸ Ferber and Howe, “The Man Who Mistook his Wife for a Devil,” p. 283.

⁷³⁹ Howe and Ferber, “Delivering demons, punishing wives: false imprisonment, exorcism and other matrimonial duties in a late 20th-century manslaughter case,” p. 134.

possession” corroborated the “possibility [that] she was possessed.”⁷⁴⁰ The prosecution countered, not by denying the possibility or reality of demon possession but by arguing that Joan's physical symptoms pointed to a natural illness instead. Joan had previously exhibited strange behavior, they argued, wandering in the fields and on the highway close to her house. Three years earlier she had been admitted to a psychiatric hospital to be treated for depression and her strange symptoms and behavior could be connected with mental illness. According to Ralph's own statement given to the police, Joan had fought back during her exorcism and at moments “‘became almost herself’, she could feel pain and complained that they were hurting her.”⁷⁴¹ The prosecution made the case that the events leading up to Joan's death combined with the symptoms she had exhibited and the force used against her during the exorcism all demonstrated that the four accused had caused Joan's death.

To support their claims both the Crown and the defense called medical experts to testify regarding the cause of Joan's death. The opposing sides contested the cause, arguing about whether she had died from being choked, as the prosecution argued, or that it was possible that she had died as a result of the demon departing from her body, as the defense claimed. The prosecution made the case that Joan had died of cardiac arrest that was “caused by pressure to her neck evidenced by a fracture to her thyroid cartilage,” as testified to by the pathologist who had performed the autopsy on Joan's body.⁷⁴² But while the specialist cardiologist, who also testified for the prosecution, agreed that Joan had died of cardiac arrest, he could not be sure what had caused it, stating that it could have been caused by “compression on her carotid artery,

⁷⁴⁰ Ferber and Howe, “The Man Who Mistook his Wife for a Devil,” p. 283.

⁷⁴¹ Howe and Ferber, “Delivering demons, punishing wives: false imprisonment, exorcism and other matrimonial duties in a late 20th-century manslaughter case,” p. 128.

⁷⁴² *Ibid.*, p. 136.

direct injury to the larynx or asphyxia.”⁷⁴³ The multiple possibilities offered by this expert witness left room for the defense to argue that the cause of death could not be ascertained with any degree of certainty. In their cross-examination, the defense made the case that the accused could not be held responsible for Joan's death and “cross-examined the Crown's medical witnesses about a seemingly endless list of possible causes of death. There were, Francis (the defense counsel) said, so 'many possibilities as to how this lady may have died'.”⁷⁴⁴ The defense counsel called its own medical experts. Richard Collins, a consultant forensic pathologist who had also examined Joan's corpse, testified that while the most likely cause of death was cardiac arrest, “he was unsure how much this could be related to the pressure placed on Joan's neck by the defendants. Due to the advanced decomposition of Joan's body, there was 'an incompleteness' when it came to establishing 'the most reasonable cause of death'” and “a 'totally unrelated event' could not be ruled out.”⁷⁴⁵ John Kennedy, a leading heart specialist, was more direct and testified that it was possible that Joan's death had been caused by a demon leaving her body. Ralph Vollmer's lead defense attorney made the case that given how much violence Joan had suffered at the hands of her exorcist—she was “violently restrained” and “slapped repeatedly up to 30 to 40 times in one deliverance' session” that happened over the course of a week—it was strange that there was, in his own words, “singularly little sign of injury on her body beyond a bit of bruising.”⁷⁴⁶ The defense thus argued that the absence of marks on Joan's body was proof of the possibility that she had been possessed by the devil because it was an unnatural (and therefore potentially supernatural) physical response. Other

⁷⁴³ Howe and Ferber, “Delivering demons, punishing wives: false imprisonment, exorcism and other matrimonial duties in a late 20th-century manslaughter case,” p. 136.

⁷⁴⁴ *Ibid.*, p. 136.

⁷⁴⁵ *Ibid.*, p. 137.

⁷⁴⁶ *Ibid.*, pp. 130 & 133.

experts attested to the reality of demon possession to support the defense's line of argument; the experts included Rikki Watts who had a doctorate in aeronautics systems engineering from Cambridge and was also a minister in the Assembly of God, the same denomination to which the accused belonged. Watts testified that he had witnessed between ten to twenty demon possessions in his lifetime which (quoting from his testimony) “came as a bit of a shock for someone who is a science person and from an engineering background.”⁷⁴⁷ Watts had not examined Joan, but was characterized as an expert witness based on his scientific training and his familiarity with the reality of demon possession.

Aside from the remarkable fact that a 1993 legal trial would invoke Killigrew's 1636 letter as a form of evidence, this case and the evidence presented on both sides is revealing in a number of ways. Howe and Ferber argue that “[r]eligion manifested in this case partly in spite of, but also *through*, secular and secularist frames of reference,” continuing that “[t]o imagine the religious discourse in this trial as simply evidence of the persistence of pre-modern religious sensibilities would be to ignore the extent to which the vocabulary of secularism was relied upon, paradoxically, to make the case for the physical reality of supernatural phenomena.”⁷⁴⁸ However, the secularist elements that Howe and Ferber identify in this trial—the testimony of experts on both sides regarding Joan's possession symptoms and signs on her corpse and the use of a scientific approach to the possibility of demon possession—were also present in the pre-modern cases examined in this dissertation. In fact, the ambiguity of Joan's bodily signs and symptoms was the central challenge which the prosecution had to overcome in offering a credible account of the cause of Joan's death. Problematic (female) bodies and ambiguous bodily signs shaped the way that evidence was presented and contested in the Vollmer case, and

⁷⁴⁷ Ferber and Howe, “The Man Who Mistook his Wife for a Devil,” p. 287.

⁷⁴⁸ *Ibid.*, p. 290.

defined how the defense tried to undermine the evidence presented by the Crown. Both sides called expert witnesses who appealed to their scientific and medical training as the foundation of their credibility and offered conflicting interpretations of the physical evidence. Despite the prosecution's failure to offer a stable account of the cause of Joan's death, the jury found all four defendants guilty of false imprisonment and manslaughter.

To be sure, the death of Joan Vollmer and the claims made by the defense on behalf of her husband were unusual and extraordinary. However the ambiguous epistemology of bodily signs that are evident within early modern English polemical contests also casts light on the problem that physical evidence posed in the Vollmer case. Both the prosecution and defense offered interpretations of Joan's body and called upon witnesses who could offer authoritative testimony about the (conflicting) meaning of the physical evidence involved. The symptoms of Joan's alleged possession and the uncertainty regarding her exact cause of death introduced doubt that the evidence drawn from her body was trustworthy. The defense introduced uncertainty regarding the legibility of the physical evidence by seeking to prove not that Joan really was possessed but that it was a possibility among many others. However, they also attempted to demonstrate that Joan's symptoms of possession were a stable source of physical evidence, that if it was possible that demon possession was real then her symptoms indicated with great probability that she really was possessed. Their case rested on the dichotomous claim that bodily signs proved with certainty that she was possessed by demons but that the physical evidence regarding the cause of her death was ambiguous. Thus Joan's bodily symptoms and the signs on her corpse could be made to demonstrate conflicting accounts of what had caused those symptoms and her death. The extent to which the jury believed the defense's interpretation of the evidence is unclear, but the dynamic of the ambiguous body and the doubt about the

legibility of bodily signs—how trustworthy the body is as a source of proof and whether or not it just proves one thing—seem clearly at play. Ironically, in order to make their case, the defense's strategy required them to misread Killigrew's ambivalent representation of possession symptoms as a reliable account of what those symptoms looked like.

The set of dynamics that this dissertation has identified were particular to the religio-political contests that unfolded in post-Reformation England and to the medical, legal and cultural discourses which sought proof from the body while coding bodily signs as ambiguous and unstable. This has not been a story of medical knowledge in transition or the triumph of rational or enlightenment thought. Polemicists invoked seemingly modern and skeptical approaches to strange bodily signs, just as they resorted to supernatural explanations. In cases of demon possession, contested martyrdom and miraculous resurrection, polemicists, exorcists and doctors all sought to make the body speak, as de Certeau has argued, to embody and perform the truth that was claimed.⁷⁴⁹ The body was the site of various forms of contest and the field on which various figures and confessional polemicists vied to establish their authority through credible diagnoses. This same dynamic, with its openings and ambiguities, continued beyond the early modern period and shaped legal and medico-legal debates about the reliability of physical evidence and about who had the authority to interpret bodily signs. We also see the persistence of both a fascination with bodily semiotics and an anxiety that bodily signs are ambiguous, open to various forms of external pressure and potentially a misleading or shaky source of proof. The body could be made to speak and its symptoms could be imbued with meaning as evidence of a particular truth. But it could not always be made to say what the polemicist wanted.

⁷⁴⁹ De Certeau, *The Possession at Loudun*, p. 127.

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