

## WOMEN AND THE PERFORMANCE OF LIBEL IN EARLY-MODERN DEVON

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Women's experience of life in early-modern England has been the subject of increasing scholarly attention in recent times.<sup>1</sup> From a woman's experience of family life and her role in the community to her political and religious engagement, her alliances, involvement in criminal activity and the courts, and her literary output, scholars have attempted to elucidate all aspects of female life during this significant period in English history in an effort to balance out the vast body of previous work which has focused on male activity and relations. It is widely acknowledged that the bias in earlier scholarship towards early-modern man was largely due to the lack of evidence of women's lives in conventional records; something which reflects the fact that in legal, political and economical terms early-modern women were not autonomous, being the property of either father or husband and living in a patriarchal society.<sup>2</sup> However, recent work has discovered evidence of female experience in old and new sources alike and, whilst most allow that careful and contextualised reading of this material is necessary, we can now begin to appreciate the truly diverse and complex experiences which formed the lives and identities of early-modern women.<sup>3</sup>

During the early-modern period, libel was considered 'a growing dangerous and enormous offence', of which, as one bill of complaint put it, 'there haue bin manie affrayes of late Committed'.<sup>4</sup>

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<sup>1</sup> See for example: Bernard Capp *When Gossips Meet: Women, Family, and Neighbourhood in Early Modern England* (Oxford: Oxford University Press, 2004); Michelle Dowd *Women's Work in Early Modern English Literature and Culture* (New York: Palgrave Macmillan, 2009); Anthony Fletcher *Gender, Sex, and Subordination in England 1500–1800* (London: Yale University Press, 1995); *Maids and Mistresses, Cousins and Queens: Women's Alliances in Early Modern England* edited Susan Frye and Karen Robertson (New York: Oxford University Press, 1999); Katharine Gillespie *Domesticity and Dissent in the Seventeenth Century: English Women's Writing and the Public Sphere* (New York: Cambridge University Press, 2004); Laura Gowing *Domestic Dangers: Women, Words, and Sex in Early Modern London* (Oxford: Oxford University Press, 1996); Laura Gowing *Common Bodies: Women, Touch, and Power in Seventeenth-Century England* (Cambridge: Yale University Press, 2003); Lorna Hutson *The Usurer's Daughter: Male Friendship and Fictions of Women in Sixteenth-Century England* (London: Routledge, 1994); Martin Ingram *Church Courts, Sex, and Marriage in England, 1570–1640* (Cambridge: Cambridge University Press, 1987); *Women, Crime, and the Courts in Early Modern England* edited Jennifer Kermode and Garthine Walker (London: UCL Press Limited, 1994); Sara Mendelson and Patricia Crawford *Women in Early Modern England 1550–1720* (Oxford: Oxford University Press, 1998); Garthine Walker *Crime, Gender, and Social Order in Early Modern England* (Cambridge: Cambridge University Press, 2003); and Susan Wiseman *Conspiracy and Virtue: Women, Writing, and Politics in Seventeenth-Century England* (Oxford: Oxford University Press, 2006).

<sup>2</sup> Mendelson and Crawford *Women in Early Modern England* 9.

<sup>3</sup> For access to new manuscript sources in particular see *The Perdita Project* <<http://web.warwick.ac.uk/english/perdita/html/>>; but see also Capp *When Gossips Meet* 2; Gowing *Common Bodies*; and Mendelson and Crawford *Women in Early Modern England*.

<sup>4</sup> *REED: Somerset* edited James Stokes and Robert J. Alexander, 2 vols (Canada: University of Toronto Press, 1996) 1 37.

The libels that are the focus of this article are provincial examples from the county of Devon which were local disputes by nature, firmly rooted in the conflicts existing in local communities.<sup>5</sup> However, due to a series of high profile, precedential cases and a change in the law which redefined libel as a criminal rather than a moral offence, libel cases were now being tried at a national level in the court of Star Chamber.<sup>6</sup> Libel and slander cases have received considerable attention from scholars who have viewed them as giving insight into the everyday lives of the people in a way that is difficult to find in other sources of national scope. Whilst the performance nature of provincial libelling has been highlighted by existing scholarship, more attention might profitably be paid to the way in which these libels functioned as performances.<sup>7</sup> Early-modern provincial libels, I believe, should be seen as performances which employed varying levels of theatricality and were located in carefully selected 'theatres' for action with specific audiences in mind. They used verbal communication, texts, physical objects, town and field locations, different times of day or night and the distinctions between public and private display to achieve their desired effect. In light of the development in early-modern research towards discovering the experiences of women and my recent focus on libels as performances, it is important to ask what roles, if any, women played in libel and, in particular, what their relationship was to the performance aspects of libel in provincial communities.

Another key point for consideration here will be whether and to what extent the records we have of libel and the male-dominated court of Star Chamber which produced them might affect the view we have of women in early-modern libelling. This is crucial in determining how far we can accurately reconstruct women's roles in libel when we receive accounts of them at the hands of men of the court. As Laura Gowing points out: 'what legal records contain...is the imperfect transcript of an exchange laden with imbalances of power, secrets, hidden agendas and meanings we can only partly recover'.<sup>8</sup> With this in mind, this article will explore what insights can be recovered as to women's part in performed libel in early-modern communities through careful and close reading of the Devon records whilst acknowledging that this may still be only a limited or partial view of the whole.

The most obvious starting point for any study touching early-modern women is surely to point out their life-long position as inferiors, oppressed by the dominant patriarchal mind-set of early-modern society. Bernard Capp begins *When Gossips Meet* by describing England during the

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<sup>5</sup> Selected libel cases have been included in the more recently published volumes of The Records of Early English Drama series; however, libel records were not consulted for the Devon REED volume and so the Devon records have been chosen as the focus for this article.

<sup>6</sup> Fox 'Ballads, Libels, and Popular Ridicule in Jacobean England' *Past & Present* 145 (1994) 47–83, at 54–55; W. S. Holdsworth *A History of English Law* 7 vols (London: Methuen and Co, Ltd., 1903–1924) 5 206–07.

<sup>7</sup> For the most comprehensive historical study of libel in early-modern England see Adam Fox *Oral and Literate Culture in England 1500–1700* (New York: Oxford University Press Inc., 2000); see also Peter Burke *Popular Culture in Early Modern Europe* (London: Temple Smith Ltd., 1978); *Popular Culture in Early Modern England* edited Barry Reay (London: Routledge, 1988); Andrew McRae 'Reading Libels: An Introduction' *Huntington Library Quarterly* 69:1 (2006) 1–14; *Early Stuart Libels: An Edition of Poetry from Manuscript Sources* edited Alastair Bellany and Andrew McRae (Early Modern Literary Studies, 2005) at <<http://www.earlystuartlibels.net/htdocs/index.html>>; Alastair Bellany 'Singing Libel in Early Stuart England: The Case of the Staines Fiddlers, 1627' *Huntington Library Quarterly* 69:1 (2006) 177–194; C. J. Sisson *Lost Plays of Shakespeare's Age* (Cambridge: Cambridge University Press, 1936); Martin Ingram 'Ridings, Rough Music and the "Reform of Popular Culture" in Early Modern England' *Past & Present* 105 (1984) 79–113.

<sup>8</sup> Gowing *Common Bodies* 14. But for methodological problems of the study of early-modern women see also: Capp *When Gossips Meet* 2; Fletcher *Gender, Sex, and Subordination* xxi; and Mendelson and Crawford *Women in Early Modern England* 9–11.

early-modern period as patriarchal in the 'sense that its political, social, economic, religious, and cultural life was dominated by men'.<sup>9</sup> Gowing similarly outlines just how all-pervading the concept of patriarchy was when she states that 'the subordination of women to men was fundamental to social, spiritual and familial structures'.<sup>10</sup> Most recent scholarly works outline the reasons why women were viewed as 'the weaker vessel' in early-modern England: they suggest a combination of the concept of Eve's creation from and for Adam and her role in tempting him to original sin, the idea that 'households were microcosms of the state', and the notion that women's bodies were mysterious and 'sexually unstable', all of which led to an 'identification of unchaste women with disorder'.<sup>11</sup> These works have traced the foundations for the subordination of women in sources such as conduct manuals, sermons, medical discourses and the terminology of legal processes.<sup>12</sup> This view of women's subjection to patriarchal regulation would suggest that when it came to libel, women's involvement would be as the targets or victims of libel texts and performances which sought to regulate communal norms by exposing the unchaste female to the rest of the community.<sup>13</sup> It would also follow that a woman in this society would have little autonomy in the court process, relying on her husband for representation, and would have little independent authority in the community to restore a damaged reputation which was the result of being singled out for domestic scandal. There is certainly some evidence from the extant Devon records which would support this as being the lot of women involved in libel. In particular, when one looks at the lists of complainants and defendants in the Star Chamber indexes for Devon libel cases, perhaps unsurprisingly, there is a significant lack of female names. Of the 23 cases of libel from Devon listed in the Star Chamber records only two of the main named complainants were women. In the two cases where women were the main complainants, those women were both widows who sued on the behalf of their young sons in disputes predominantly based around land ownership neither of which contained any overtly performance-based elements.

Of the other 23 Devon libel cases, the case of *Reade v. Peter* (STAC 8/253/18), which took place in Tiverton, 1611, appears at face value to have been a 'typical' case of a married woman being directly targeted for marital transgression by a male member of the community who sought to regulate female behaviour using performance to publicly shame her. Alice Reade was alleged to have had 'some Lewde and vngodly dealinge' with a local man named Leonard Farmer because she was seen with Farmer, whilst her husband was away, 'in the entry of Your said subiectes [Robert Reade] howse...in very suspitious Manner, the doore of the same howse beinge then half shutt'.<sup>14</sup> This sort of circumstance presented a common problem for women in early-modern society; here Alice's body was at the centre not just of family relations but of 'community and national order' too because whilst women were deliberately confined to the private, domestic sphere of the household in order to 'seal off the [female] body's threatening openness', 'the walls of the household were as

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<sup>9</sup> Capp *When Gossips Meet* 1.

<sup>10</sup> Gowing *Common Bodies* 5.

<sup>11</sup> Antonia Fraser *The Weaker Vessel: Woman's Lot in Seventeenth-Century England* (London: Weidenfeld & Nicolson Limited, 1984); Gowing *Common Bodies* 12–15; and Mendelson and Crawford *Women in Early Modern England* 204.

<sup>12</sup> Fletcher *Gender, Sex, and Subordination* 3–83; Mendelson and Crawford *Women in Early Modern England* 15–74; and Capp *When Gossips Meet* 5–6 and 26–68.

<sup>13</sup> Gowing 'Women, Status and the Popular Culture of Dishonour' *Transactions of the Royal Historical Society* 6 (1996) 225–234.

<sup>14</sup> London: The National Archives, STAC 8/253/18, m. 4.

much a threat to order as a safeguard of it'.<sup>15</sup> Confining Alice to the marital home preserved domestic and communal order most of the time but the secrecy and mystery that this afforded meant that when she was seen with the door 'half shut' in the presence of another man her behaviour needed to be admonished in a public and performed way to maintain the patriarchal hierarchy of the community. The case of *Reade v. Peter* demonstrates that one aspect of women's roles in early-modern performed libel certainly was to be the target for accusations of moral transgression by men in order to maintain society's norms and we should not overlook this as a key to understanding some of the life experiences of women in early-modern provincial communities. Whilst the damage done to Alice herself by this libel was mentioned in the bill of complaint, her husband was still the main complainant and the court process was focused on compensating him for what he had suffered.

So far women have been considered as the targets of libel and so they fall on the complainant's side of these disputes, but if we look at the list of principal defendants for the 23 Devon libel cases no women appear at all. If we then take a closer look at the full lists of all named defendants associated with each case in the bills of complaint for just the ten performance-based libel cases from Devon there are still only three female defendants compared to the forty four male defendants.<sup>16</sup> These three women were Mary Norris, the wife of John Norris a doctor involved in the case of *Edwards v. Woolton* (Exeter, STAC 8/130/12), Marie Fortescue, the wife of Edmund Fortescue, from the case of *Roupe v. Fortescue* (East Allington, STAC 8/254/24) both of whose roles will be examined in more detail later, and Anne Hasell, wife of Baptiste Hasell who was the principal defendant in the case of *Knolles v. Hasell* (Axminster, STAC 8/193/21). In the case of Anne Hasell, the first time that the bill of complaint gives a list of the defendant's names it describes the situation thus:

Baptiste Hasell hath maliciously ioyned and confederated himselfe with Peter Lucas Iohn Hore Richard Everett Iohn Waye Iohn Northerne Thomas Langdon Iohn Vye and Peter Luccas the Younger...to vex and disgrace your said Subiect [Knolles].<sup>17</sup>

Anne's name was not included here, whereas the next iteration of the list of defendants reads: 'Baptiste Hasell ^r and Anne his wife' Peter Luccas the elder Iohn Hore Richard Everett Iohn Waye Iohn Northerne Thomas Langdon Iohn Vye and Peter Luccas the younger'.<sup>18</sup> Anne Hasell's name appeared the second and third times that the bill listed the defendants but she was inserted above the line, after the male names had been written, almost as an afterthought. By the very end of the bill, in its summing up paragraph, Anne was included in the list of defendants at the time of writing rather than as an insertion above the line. This scribal detail could be seen to reveal something about the place of and concern over women in the legal proceedings surrounding libel (and hence

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<sup>15</sup> Gowing *Common Bodies* 29 and 33.

<sup>16</sup> Numbers estimated due to lack of bill of complaint in STAC 8/254/24. Although the bill of complaint is missing it seems highly likely that Marie Fortescue would have been a defendant as will become evident through later examination of her role in the case. Another part of my larger work in this area explains the selection of these ten cases from the rest of the Devon material and their place on a spectrum of performance. However, there is not space here to further explain this selection and so it must suffice to say that these ten cases represent the more overtly performed end of what can be seen as a spectrum of performance-based libel which emerges from the full twenty three Devon libel cases.

<sup>17</sup> London: The National Archives, STAC 8/193/21, m. 12.

<sup>18</sup> London: The National Archives, STAC 8/193/21, m. 12.

the records) of the court of Star Chamber. The fact that Anne was included in the end list shows that she was not simply inserted into the whole bill at a later date because her part in the libel was not known or suspected when the bill was first written. Therefore her absence from the first list and addition as insertion to the second and third lists must be either the result of a forgetful scribe or an inherent practice which betrays the lack of primary concern over women's involvement in libel on the part of the men working for the court and so, presumably, those in authority. This detail may indicate that the list of male defendants was compiled first and foremost and any women involved could be added alongside their husbands as a secondary concern. It must be acknowledged that this could be a one-off scribal mistake; however, the fact that it was repeated more than once in the document and not corrected in every instance would suggest otherwise. Content from some of the interrogation questions used in the case of *Edwards v. Woolton* (Exeter, STAC 8/130/12) can also be seen to support the argument that women's roles in libel were considered as a secondary concern to those in authority, particularly the interrogation questions regarding Mary Norris' involvement in the libel. On the whole, interrogatory questions extant in the Star Chamber records for libel are direct in naming men they believe to be responsible and are generally very leading as to the answer they want. However, when it came to questions regarding the involvement of Mary Norris, the female defendant, there was only one question relating to her role, she was not specifically named, she was placed alongside her husband and her involvement was queried only as a contributing factor in another male defendant's actions:

6. Item did not Iohn Combe one of the saide Defendantes (sometymes seruaunte to Iohn Norrys (one other of the Defendantes), shewe vnto you a Copee of the saide Lettre or libell, and did not he tell you that his Master or Mistris willed & requyred him to publishe and shewe it to as manye as he coude, to disgrace the complainante, or vse anye Wordes or speeches to that or the like effecte or shew the same?<sup>19</sup>

Here Mary's role is only questioned in passing for its effect on the involvement of other male defendants. In the separate set of interrogatory questions specifically put to the servant John Combe alone, neither Mary nor her husband are mentioned, the question simply asking how Combe got the copy, and yet Combe's answers as well as copious other material from the records of this case tell us that Mary Norris was actually very actively and independently involved in instigating the performance of the libel by Combe. The interrogation questions, then, betray the attitude of the court that women's involvement in libel was not a primary concern.

The apparent lack of women named in the Devon records as a whole on the surface suggests that they did not perform libels and that their role was as passive targets of patriarchal oppression; however, when women do appear in the records, close reading shows that it is the records themselves and the attitudes of those compiling them which obscure the other roles that women may have played. This lack of concern over women's part in libel was perhaps because those women were not directly performing libels (and, I believe, it was the actual performance which most concerned those in authority) and because women were not legally autonomous unless they were widows. This acknowledgement, though, should prompt a reconsideration of whether women's only role in performed libels was as victims of male accusations of unchaste behaviour because there *are* women in the records even if those records make them appear to have been less significant. Analysing women's part in libel requires a different approach to reading the records. For example,

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<sup>19</sup> London: The National Archives, STAC 8/130/12, m. 42.

there are clues in the documentary wording: where a record reads ‘master or mistress’ or names a man and then says ‘and his wife...or either of them’ it should be understood that the records are actually indicating the action of a woman or at the very least equal responsibility between husband and wife for the action named.<sup>20</sup> If there was any level on which the husband was primarily responsible then the wife’s name would not appear at all; whereas if it was the woman who had acted her husband would be named for legal reasons rather than for his actual involvement.

Before outlining and examining the ways in which women were directly involved in the performance of libels using this new approach to reading the records, it needs to be established that one of the most important ways in which women were included in those performances was as spectators; any audience made up of the local community must have included its female members. Mary Wack certainly argues that this was the case in medieval Chester when the mystery plays were staged.<sup>21</sup> The Chester wives also sponsored the play of the Assumption, and while not acting in it they would certainly have had a prominent presence.<sup>22</sup> Of the Devon libel cases, we can say with some certainty that the audiences in the cases of *Roupe v. Fortescue* (East Allington, STAC 8/254/24 and STAC 8/254/26) and *Pulton v. Prowse* (Hittesleigh, STAC 8/239/11) which were mostly performed in churches during services would have included female spectators although their records do not explicitly state this. The general term that libels were performed ‘amongst greate assemblies of people’ was common to most bills of complaint and must also encompass both sexes.<sup>23</sup> In a more specific instance, the case of *Knolles v. Hasell* (Axminster, STAC 8/193/21) named one Ellen Wilmott amongst others as ‘present and in hearing of the syd libell’ when the same was read aloud, which audience was said to ‘laugh at the same’ and ‘say it was a matter of good sport’.<sup>24</sup> The libellous letter associated with the case of *Edwards v. Woolton* (Exeter, STAC 8/130/12) was also read out to audiences including numerous female spectators. One instance was described by Mrs Joan West, the wife of a merchant from Exeter:

Shee this Deponent was present in the house of one Robert Ellycott of Exeter, and there did see a Lettre of which the said Robert Ellicott did read some parte of the beginninge thereof in the presence...of the said Ellycottes Wyfe, and of this Deponent, & of one Susann Bodleighe...and as shee nowe remembreth the Whole Contentes...were read att that tyme & place by one William Bodleighe Esquier.<sup>25</sup>

Here is a female spectator describing the reading of a libel by two men to a group of women. Furthermore, in the deposition of Bernarde Pearse, an Exeter apothecary, we are given this description:

This Deponent hearinge that Iohn Woolton one of the Defendantes had Written a Lettre to the Complainant of which the Companie then present talkinge seemed to be sorrowfull that such a Lettre should be written, Then this Deponent beinge Desirous to see the same

<sup>20</sup> London: The National Archives, STAC 8/254/24, m. 2.

<sup>21</sup> Mary Wack ‘Women, Work, and Plays in an English Medieval Town’ in *Maids and Mistresses, Cousins and Queens: Women’s Alliances in Early Modern England* edited Susan Frye and Karen Robertson (New York: Oxford University Press, 1999) 33–51, at 38.

<sup>22</sup> Denise Ryan ‘Women, Sponsorship and the Early Civic Stage: Chester’s Worshipful Wives and the Lost Assumption Play’ *Research Opportunities in Renaissance Drama* 40 (2001) 149–75.

<sup>23</sup> London: The National Archives, STAC 8/253/18, m. 4.

<sup>24</sup> London: The National Archives, STAC 8/193/21, m. 6.

<sup>25</sup> London: The National Archives, STAC 8/130/12, m. 48.

Desired one Mrs Elizabeth Hull that he mighte haue and reade the same: who was vnwillinge to graunte yt, but vppon this Deponentes farther request she did...afterwardes send a writtinge to this Deponent which he thinketh was the said Lettre.<sup>26</sup>

Mrs Elizabeth Hull, who is mentioned nowhere else in the records of this case, was amongst company who had heard the libel text read aloud, judged its contents and were discussing it at a later date. Hull seems to have been reluctant to share the libel text, of which she had a copy, at that time and this may have been due to the judgement made by this company that it was a 'sorrowfull' affair, but Hull did indeed share the contents with Pearse later anyway. This instance along with others demonstrates that women made up a significant part of the community who acted as the spectators of libel. It shows that they were involved in the interpretation and judgement of the contents of libel performances and that they participated in the community's reception of and reaction to those libel performances. This was an important role because the performance of a libel relied on its envisaged spectators in order to affect its target's reputation and regulate the norms of the community. We must consciously make room for early-modern women amongst the community of spectators viewing libels because they, just as much as men, must have been present in the minds of libellers when they envisaged their audiences.

The records show, then, that women were spectators of libel performances and that their behaviour was the subject for libels which aimed to regulate gender relations and domestic arrangements. But what about their direct involvement in instigating libel performances as defendants? There is very little evidence to suggest that women actually performed libels; however, the Devon libel cases that do involve women reveal that whilst they were not performing libels themselves, they were engineering the performance of those libels. The fact that women can be seen to be involved in the 'behind the scenes' management of libel performance in the records of Devon provincial libel supports recent arguments that the place of women in early-modern English communities was more complex than has been previously allowed for. Recent scholarly work has also acknowledged that whilst early-modern society was patriarchal, it was a patriarchy which was 'contested', 'fluid' and based on 'convention rather than law'; most agree upon 'the existence of a widespread sense of anxiety about gender relations among Tudor and Stuart Englishmen'.<sup>27</sup> Bernard Capp says that within this patriarchal society, women 'found ways to limit, evade, or accommodate male domination, both by their own efforts and by harnessing the support of their female friends'.<sup>28</sup> Mendelson and Crawford also point out the often-forgotten reality that 'women were not an isolated group; they always had diverse kinds of relationships to men'.<sup>29</sup> Generally, most recent work agrees that women did, in fact, have their own visible and significant place in the public scene of their communities.<sup>30</sup> In particular, Laura Gowing notes that more rural communities, being more fixed and stable, had a 'strong sense of parochial responsibility' with 'a well-established network of married women who considered themselves custodians of morality'. The key to the authority women held in their communities was, Gowing argues, their stage of life: 'marriage gave women rights and status'. Single women or maids, however, were 'manifestly vulnerable in reputation' and

<sup>26</sup> London: The National Archives, STAC 8/130/12, m. 37.

<sup>27</sup> Fletcher *Gender, Sex, and Subordination* xix and Capp *When Gossips Meet* 1–2 and 20.

<sup>28</sup> Capp *When Gossips Meet* 2.

<sup>29</sup> Mendelson and Crawford *Women in Early Modern England* 203.

<sup>30</sup> Fletcher *Gender, Sex, and Subordination* 256; Mendelson and Crawford *Women in Early Modern England* 215; and Capp *When Gossips Meet* 59–60.

therefore their chastity was under constant scrutiny from the married and widowed faction as well as the community in general.<sup>31</sup> Women in early-modern communities, as much as men (if in different capacities) had specific identities which they had to perform publicly; these identities were hierarchical giving married women authority over maids and female reputations were 'volatile and hotly defended'.<sup>32</sup> James Stokes' earlier work also demonstrates that medieval and renaissance women were actually heavily involved in guild drama, parish entertainments and liturgical drama, that there were some itinerant female entertainers and that women were also the 'entrepreneurs, sponsors, and patrons of entertainment'.<sup>33</sup> If women were actively involved in other kinds of performance just as men were, then it follows that they would have been as adept at interpreting and using performance in their everyday lives and particularly in enacting their conflicts. Here we have the basis for understanding why and in what context early-modern women involved themselves in libel performance; if their honour or reputation in the community prevented them from performing libels themselves, it clearly motivated them and gave them the tools necessary to engineer libel performances in a bid to maintain or defend their place in the hierarchy of female authority and the wider community.

Female hierarchy and the defence by a woman of public status through the management of libel performance is most clearly demonstrated in the earlier of the two cases of *Roupe v. Fortescue* (East Allington, STAC 8/254/24).<sup>34</sup> The bill of complaint for this earlier case does not survive and the records consist mainly of the interrogation questions, examination and answer of William Richards, the servant of Edmund Fortescue, both of whom were defendants in the case. However, the main points of complaint appear to have been the assault of a boy named Robert Tarring who worked for the complainant Roupe by the defendants William Richards, Roger Fleshman and Nicholas Fortescue, a mock proclamation made by Richards in the churchyard just after service which requested information on the absence of Roupe and his daughter from church, and a libel device attached to the door of Roupe's house by Fleshman and Richards which was made up of four knaves of playing cards with writing on them. The examination of William Richards contains evidence of the role that Mrs Marie Fortescue, the wife of Edmund Fortescue, played in engineering the performance of the libel. Richards describes his going to the churchyard immediately after Morning Prayer and making 'two or Three Oyes' to a large audience of parishioners proclaiming 'That if anie man could tell this defendant enie newes of Richard Roupe & Honor Roupe his daughter then he should haue sixe pence for his Labor'.<sup>35</sup> He then went on to add that 'this defendantes mistris ^ being ye wife of mr Edmund ffortescue' willed this defendant to so ^ to call ^ & inquire for the said Complainant & his daughter to make a iest of it'.<sup>36</sup> He claimed, in other words, that Marie Fortescue, the wife of the principal defendant and one of the most high status men in East Allington, coordinated the performance of a libellous mock proclamation using one of their household servants, which libel specifically targeted the reputation of the unmarried daughter of the complainant. The libel case as

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<sup>31</sup> All references above to Gowing *Common Bodies* 46–74.

<sup>32</sup> Gowing *Common Bodies* 15.

<sup>33</sup> James Stokes 'Women and Mimesis in Medieval and Renaissance Somerset (and Beyond)' *Comparative Drama* 27 (1993) 176–96.

<sup>34</sup> The later of the two cases was submitted to Star Chamber in 1615 and, although the specific date of the submission of the earlier bill of complaint is not known, the action of the libel itself must have occurred between 1605 and 1606.

<sup>35</sup> London: The National Archives, STAC 8/254/24, m. 1.

<sup>36</sup> London: The National Archives, STAC 8/254/24, m. 1.



a whole and, indeed, the later case involving the sons of Richard Roupe and Edmund Fortescue centre around the marriage of Roupe to a local woman by which he gained considerable status, property and church pews. What this tells us about Mrs Roupe is that she was a woman who had fairly recently made the transition from an eligible maid with 'a decent portion' to a married woman with her own household and presumably a certain amount of social status in the community.<sup>37</sup> Just as the upward mobility of Richard Roupe appears to have troubled the Fortescues, both father and son, the fact that the status and property Mrs Roupe's family entitled her to was now bolstered by her new authority as a married woman made Marie Fortescue feel threatened. In Marie Fortescue's engineering of a publicly performed libel which used the form of a proclamation to claim authority, targeted the reputation of the vulnerable female offspring of the Roupe's recent marriage, and did so in the churchyard to a large audience, we can see that female hierarchy and public status was being negotiated through performance.

The boundaries of domestic space were crucial in the performance of public identities and as both Mendelson and Crawford's and Fletcher's works stress that the doorway was a space habitually occupied by women and seen by many as 'their rightful place as housewives and villagers', there may be a case for arguing that this space was a gender specific one.<sup>38</sup> There is also evidence that it was Marie Fortescue who targeted Mrs Roupe here too. In Richards' answer to the third interrogation question regarding the playing cards element of the libel which had been placed on the door of Roupe's house he described how:

Roger ffleshman did...fixe & sett vpp vpon the said Complainantes dore fowre knaves of plaieng cardes but what manner of knaves the same were this defendant cannot certainly say nor doth noe what was written vpon the said 4. knaves but something was written vpon them the which the said ffleshman did write And further saieth that<sup>3</sup> as this defendant vnderstandeth And hath heard by the reporte of the said fflesheman<sup>3</sup> [but by whose commandement or privitie the and this defendant hath heard that] this defendantes said mistris<sup>3</sup> the wife of the said Mr Edmund: ffortescue was privie to that which was written vpon the said knaves [And further] But whether the same was done to disgrace the said Complainant his wife & children or not...he cannot depose.<sup>39</sup>

Richards and Fleshman, it would seem, had been tasked with writing a certain message on the playing cards and fixing them on Roupe's door which message Marie Fortescue was named as 'privie to'. The records are again somewhat elusive; we cannot say for certain that this libel was done solely at Marie's commandment, only that she knew what was written on it. However, the deletion that precedes Richards' admission of Marie's knowledge shows that this information was given as a direct answer to the specific part of the interrogation question which asked: 'by whom was the same soe written and by whose devise Comandement or privitie'.<sup>40</sup> In other words, Richards believed that his mistress's knowledge of the message written on the cards was information which answered the

<sup>37</sup> Fraser *The Weaker Vessel* 10. For the significance of church space and pew seating hierarchies to women's public identities see Capp *When Gossips Meet* 54–55 and 188, and Fletcher *Gender, Sex, and Subordination* 265.

<sup>38</sup> Mendelson and Crawford *Women in Early Modern England* 208 and Fletcher *Gender, Sex, and Subordination* 261. It is not within the scope of this article to consider fully the many and complex uses of space and place by performance-based libel but this has been the focus of a significant amount of my further work in this area.

<sup>39</sup> London: The National Archives, STAC 8/254/24, m. 1.

<sup>40</sup> London: The National Archives, STAC 8/254/24, m. 2.

question of who had devised and directed the libel. When this is put together with the role we know Marie played in the proclamations element of the libel, the fact that the cards element was in part executed by the same servant and the absence of any other names, such as Marie's husband, being accused of its direction it appears highly likely that Marie also engineered the content, assembly and performance of the playing cards element of this libel. Both the interrogation questions and Richards' answer also specifically name the targets of this element as 'the Complainant his wife & Children'.<sup>41</sup> The specific, repeated naming of Richard Roupe's wife and children as direct targets and Marie's role in creating the libel suggest that this element and, in fact, nearly the entire dispute in this earlier case between the Roupe and Fortescue families was at heart the negotiation and regulation of female status and hierarchy in the community. A married woman with an established place in the community hierarchy was publicly attacking the newly cemented status of another recently married woman and her vulnerable maiden daughter. Whilst the libel was not directly performed by a woman, its performance-based elements were probably devised by and executed at the command of a woman. This shows the deliberate planning of libel as performance and the potential for women to be involved. Although operating behind the scenes, they appear as adept as their male equivalents at using performance to enact their conflicts over public status.

Another case from the Devon records in which women played similar roles to that of Marie Fortescue in the coordination of performance-based libels is that of *Edwards v. Woolton* (Exeter, STAC 8/130/12). The case centred on a libellous letter written allegedly written by Dr Woolton which ridiculed Thomas Edwards for his supposed medical malpractice and for pretending to be a doctor when he was in actual fact only an apothecary. This was a long-running dispute triggered by the joint treatment by the pair of Sir William Courtenay the younger who then died. One of the best documented examples of a woman's role in this libel performance is the part played by Mrs Mary Norris, the husband of Dr John Norris a physician who worked with both Edwards and Woolton in the treatment of Sir William Courtenay the younger. In Mary Norris's examination she described how she actively involved herself in the case:

This deponent sayth that hearinge that Doctor Woolton had written a letter vnto the saide Complaynant which is the supposed libell as she thinketh shee sent vnto the saide Doctor Woolton for a cotype of the saide letter, which was sent to her by one of the servantes of the saide Doctor Woolton accordingelie.<sup>42</sup>

Having got herself this copy of the letter she engaged Richard Chubb, a clerk of Exeter, to copy out the same at her house. After this was done, Mary Norris set about publicising the letter's contents: 'the saide defendante...was content to suffer the same [letter] to bee reade by any of her frindes which would request the same'.<sup>43</sup> Not satisfied with just showing the letter to those who had already heard about it, Mary Norris gave a copy of it to John Coombe, an apothecary and one of Dr Norris's servants, who then took the letter to many places in and around Exeter including apothecary's shops and the house of Philip Lowman where Courtenay had briefly stayed on Dr Woolton's recommendation. One deponent, Thomas Flea, another apothecary, described how

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<sup>41</sup> London: The National Archives, STAC 8/254/24, m. 1 and m. 2.

<sup>42</sup> London: The National Archives, STAC 8/130/12, m. 17.

<sup>43</sup> London: The National Archives, STAC 8/130/12, m. 20.

when Coombe brought the letter to his shop where it was read out publicly Coombe 'did saye to this Deponent that his Mystres Mistris Norrys did will him to publishe the same'.<sup>44</sup>

All of these details show that Mary Norris was playing a very similar role to Marie Fortescue in the performance of libel; although she did not devise the content, Norris took it upon herself to get the libellous letter, have it copied and use her acquaintance and servants to perform the libel in specifically chosen locations which would have contained certain audiences to hear the message. Of these places the apothecary's shop and Lowman's house are the most significant because here Mary Norris targeted two specific and distinct groups for her audiences. The first was made up of the tradesmen with which the libel sought to associate Edwards (the message of which was that Edwards was not a doctor but an apothecary who should know his place and stick to it) and their customers present in those apothecaries shops at the time of performance. The second audience was made up of the high status people who had immediately witnessed Edwards's supposed medical malpractice in Courtenay's treatment which took place at Lowman's house. In her coordination of the performance of this libel text Mary Norris was making a statement to the mercantile community of Exeter about the relative statuses of the professions of doctor and apothecary, her husband being a member of the former group. She was deliberately using performance to cement her husband's and so her own status in the community through which she was also regulating the hierarchies of trade in the city of Exeter.

It is also possible that Anne Hasell played a similar role to Marie Fortescue and Mary Norris in the libel performance at issue in the case of *Knolles v. Hasell* (Axminster, STAC 8/193/21) but here the records are much less detailed and Anne's role is not described in the bill of complaint. As has been outlined, Anne was included (if inconsistently) in the list of defendants alongside her husband; however, they unusually made separate answers to the charges laid against them. Baptiste Hasell's answer was given in one document alongside the answers of Peter Luccas, John Hoare, John Vye and John Waye, whereas Anne Hasell's answer, in a completely separate document, appears with the answers of John Northerne and Richard Everarite. In other instances where women did submit answers they did so jointly with their husbands.<sup>45</sup> The reason for the difference in Anne Hasell's case is not wholly clear but it appears to have been that she and Baptiste were answering slightly different charges. Baptiste Hasell and the others included in his answer claimed that they were not guilty of 'anie the Combinations iniuryes Wronges vnlawfull deusing contriving or publishing of the Lybell' whereas the other group which included Anne Hasell denied 'the vnlawfull Invençion, framyng, Contryvinge and Castinge of Coppies of the Slanderouse, Infamous, and Iniuriouse Lybell'.<sup>46</sup> These charges are by no means easy to distinguish but the one to which Anne answered does not place the same emphasis on the initial 'combinations' and wrongs that Baptiste was answering and does include the spreading of copies of the libel which Baptiste was not accused of. There is no way to know for certain exactly what Anne Hasell's individual role in the libel case actually was but when the inclusion of 'castinge of coppies' in the charges against her is considered and is placed alongside the parts that other women have been seen to play in engineering libel

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<sup>44</sup> London: The National Archives, STAC 8/130/12, m. 25.

<sup>45</sup> For example Mrs Norris in *Edwards v. Woolton* (STAC 8/130/12, m. 17 and m. 20) and Mrs Chubb in *Condytt v. Chubbe*, *Dorchester* (*REED: Dorset and Cornwall* edited R. C. Hays and C. E. McGee, S. L. Joyce and E. S. Newlyn (Toronto: University of Toronto Press, 1999) 184–91) submit joint answers with their husbands.

<sup>46</sup> London: The National Archives, STAC 8/193/21, m. 7 and m. 11.

performances, it is possible to suggest that she too played a similar role to Mrs Fortescue and Mrs Norris.

The records that survive to us are at times frustratingly elusive when it comes to the roles that women played in performance-based libel and it must be acknowledged that due to the patriarchal nature of early-modern society and its legal system, the full extent or influence of female involvement in libel performances will probably never be known. However, through close reading coupled with a fuller contextual understanding of the female experience in early-modern society some of the parts women played in provincial, performance-based libel have been brought to light. Although they did not perform libels themselves, early-modern women did engineer the performance of libels and they did so using the tools that were available to them in their specific stations of life such as their authority as wives over households and servants and the networks of communication that signified their female alliances. Perhaps most significantly, women also made up an important part of the informed group of libel spectators in the community and were crucial to the interpretation and subsequent reception of the libels they witnessed. The roles which women have been shown to have played in libel performance demonstrate that their identities and statuses in the community were being negotiated, regulated and cemented by each other as well as by men and that they were just as important and hotly contested as were the reputations and alliances of men; libel performances affected the norms of the whole community and its gender relations in the fullest sense. By revealing some of the circumstances in which women managed libel performances what is most strikingly affirmed is that these libels were deliberately planned and heavily loaded *performances* engineered with a particular, informed set of spectators, both male and female, in mind.

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