



Early Modern Crime Literature Ideology, Emotions and Social Norms

Maurizio Ascari and Gilberta Golinelli
University of Bologna

(<maurizio.ascari@unibo.it>; <gilberta.golinelli2@unibo.it>)

Citation: M. Ascari and G. Golinelli (2021), Early Modern Literature: Ideology, Emotions and Social Norms. *Jems* 10: pp. 15-21. doi: <http://dx.doi.org/10.13128/JEMS-2279-7149-12537>

Copyright: © 2021 M. Ascari and G. Golinelli. This is an open access, peer-reviewed article published by Firenze University Press (<https://oajournals.fupress.net/index.php/bsfm-jems>) and distributed under the terms of the Creative Commons Attribution - Non Commercial - No derivatives 4.0 International License, which permits use, distribution and reproduction in any medium, provided the original work is properly cited as specified by the author or licensor, that is not used for commercial purposes and no modifications or adaptations are made.

Data Availability Statement: All relevant data are within the paper and its Supporting Information files.

Competing Interests: The Author(s) declare(s) no conflict of interest.

Abstract

Early Modern Crime Literature: Ideology, Emotions and Social Norms delves into the complex relation between early modern crime and its literary representations in the light of an episteme that was characterised by contrasting ideologies, forms of transgression and their containment. It explores the multi-layered, polyphonic and porous nature of crime literature as dynamised by social and cultural changes, positioning it within a shifting geometry of religious and political conflicts, class and gender divides and negotiations, genres and market forces. It also discusses the unstable status of criminals, ranging from the abject to the ambivalent to proto-mass-cultural forms of personality cult pivoting on deviance from social norms.

Keywords: *Crime Literature, Gender, Ideology, Surveillance, Transgression*

Crime is a litmus test that diagnoses the state of society at multiple levels, a complex phenomenon that can be studied from a variety of vantage points. Already in 1984, in his seminal investigation of the early modern period, social historian J.A. Sharpe set out to trace the connections between ‘patterns of crime, patterns of punishment, the attitudes of ruling groups to such matters, and broader socio-economic change’ (1999, 240). In the following decades, numerous articles and book-length studies have investigated both the domains of early modern crime and punishment, and their contemporary literary representations, for crime is not only ‘constructed’ and perceived according to the moral and social codes of specific societies, but it also stimulates imaginative transpositions and even disrupting forms of creativity.

Establishing a dialogue with this extraordinary wealth of scholarly investigations, the present issue of *JEMS* aims at further exploring this fascinating social, ideological and imaginative territory, combining a literary approach – with its focus on the symbolising power of texts – and a socio-historical

contextualisation. This mode of analysis – which follows in the footsteps of New Historicism, Cultural Materialism, Gender and Postcolonial Studies – is conducive to a critique that effectively interrogates literary works, achieving a kind of ‘thick description’ (Geertz 1993, 6) – an awareness of texts in their relatedness to the societal coordinates that witnessed their birth.

Since literary texts play a role ‘in shaping as well as reflecting social realities’ (Classen and Scarborough 2012, 5), this form of analysis enables us to perceive the formation and circulation of ideas, prejudices and judgements, the pervasiveness of which ultimately translates into their acquiring the solidity of norms and facts. By investigating the conflicting social energies that in the early modern period concurred to a changing perception of crime, the articles collected in this issue of *JEMS* aim to further our understanding of a transitional age that was marked by deep faultlines and sweeping changes. Comprehending the complex socio-cultural dynamics that underlay those ‘class, religious, gender and ethnic divisions’ which ultimately contributed to engender new perceptions of crime and criminals (Reynold and Seagul 2004, 68) is vital to this critical enterprise.

While exploring the connection between recorded crime and the literary imagination at various levels (from street literature to Shakespearean theatre), this collection delves into the ideological import of crime narratives intended as preventive of crime, a form of psychological ‘policing’ that compensated for the absence of organized police forces by reasserting the certainty of mundane and supernatural punishment. Far from being simply a passive tool in the service of power, a loudspeaker that amplified its voice, early modern crime literature is rather revealing of social fissures, a mirror of the self-conflicting kaleidoscope of society. Criminals were routinely stigmatized, but they were also portrayed as flamboyant thanks to their daring, and could even acquire a heroic status, due to the popular sympathy for those who transgressed a social order that was perceived as unjust.

Their status was ambivalent also in other respects, as Hayley Cotter argues in her contribution, where she studies the early modern fascination with maritime crime, as shown by a number of pamphlets, ballads and plays which are paradoxically indebted, for their concrete knowledge of piracy, to the royal proclamations that circulated at the time. This apparent contradiction is mitigated when we think of the pirates’ liminal position, as illustrated by the case of Henry Mainwaring, a figure who straddles the boundaries between piracy, privateering and even sea policing. These ambivalences testify to the complexities of both early modern crime and its literary representations, which became a vehicle for the discourses of power but also catered for the needs of a variety of audiences, addressing their divergent worldviews.

While approaching early modern crime narratives, we should not forget that they reflect a lack of professionalization in the pursuit of crime. Thus, instead of pivoting mainly on detection, they revolve around criminal lives and criminal minds, not to mention self-appointed justice seekers. They testify to a form of social organization in which the state had but imperfectly asserted its monopoly of justice, and punishment was still levied also by common citizens – although the custom of revenge was increasingly condemned – or circumvented through private transactions. On a literary level, the ensuing emphasis on both the plight of victims and the inner turmoil of offenders and revengers partly explains the highly emotional nature of these fictions.

Analysing early modern crime and punishment, and their representations, proves a mind-opening intellectual exercise precisely due to their otherness with respect to our present. As Duncan Salkeld remarks, ‘many “guilty” verdicts were likely to be travesties since sin, prejudice and crime were often conflated, and confessions easily forced’ (2016, 193). The early modern concept of crime definitely overlaps with the religious idea of sin, and Roberta Mullini’s contribution to this issue alerts us to the ways in which, following the progressive affirmation

of newly created nation states, crime actually encroached on the pre-existing representations of sin, tinging them with new practices and meaning. Focusing on early modern Tudor drama, Mullini discusses both its inherent reconceptualization of sin as crime and the ways in which it reflects social and political issues concerning the administration of justice.

More problematically, what some considered as sin was a crime for others, as shown by the religious conflicts between Catholics and Protestants that marked early modern Europe. The case of Jesuit John Ogilvie, who was executed in Glasgow in 1615, is emblematic of the deep rift between competing worldviews and power structures, due to the progressive affirmation of nation states against the supranational authority of the papacy. It is through the analysis of two contrasting accounts of Ogilvie's story – the Jesuit's autobiography vs the Scottish official account of his trial and execution – that Luis Fernando Hernández Arana investigates the clash between the Catholic narrative, pivoting on the universality of dogma and the primacy of sin, and the national-Protestant narrative, which revolves around crime against sovereign authority.

Early modern crime can be described as the shadow, or the negative, of the contemporary social order. It concerns areas of life in which individuals were put under pressure for a variety of reasons – just think of the relevance infanticide had in the early modern range of female crimes – or it can be the product of prejudiced beliefs. In this respect, it not only reflects a variety of social taboos, forms of behaviour that we no longer acknowledge as inherently wrong or anti-social, but it goes so far as to 'construct' them. The case of witchcraft comes to mind, as shown by Simona Laghi's article, which analyses precisely the evidentiary flimsiness of the early modern discourses on witchcraft as crime, expanding on what she regards as Shakespeare's own attempts to discuss the nature of evidence in his plays. Laghi's analysis of selected scenes from *Twelfth Night* and *King Lear* delves into the allusive ways in which Shakespeare's dialogues and tropes gesture back towards these unreliable and sensationalised forms of criminography with a parodic, deconstructive intent.

While this growing interest in evidence and proof is a sign of incipient modernity with which we easily sympathise, other aspects of the early modern prosecution of criminals responded to societal needs and resonated with mentalities that we have simply discarded. In the absence of organized policing, detection was presented as resulting from the synergy of social surveillance and providence. We know how central the ideas of God's omniscience and omnipotence were as a form of psychological policing, as proved by the so-called providential narratives. Leaving aside those early modern crime stories in which the solution is achieved through direct supernatural intervention (from the testimony of ghosts to revelatory dreams, bleeding corpses and other miraculous events), the emphasis is on coincidence as resulting from God's underlying strategy of unveiling. In his seminal *Crime and Mentalities in Early Modern England* (2000), Malcolm Gaskill fully acknowledges the major role providence played in the early modern conception of justice, and reminds us that 'the recession of providence was very gradual, and the formal and semi-formal agencies which were to displace it – associations for the prosecution of felons, foot and horse patrols, stipendiary magistrates, and ultimately metropolitan and county police forces – where slow and faltering in their formation' (265).

While today we live in a society in which surveillance has been professionalised to an unprecedented degree, early modern investigations 'tended to be far more public affairs in which ordinary people fully engaged themselves' (250). This organic mode of surveillance notoriously rested on the potentially unreliable action of unpaid parish constables who served for a year, and of justices of the peace whose belonging to the community endangered their impartiality.

While criminal agency was still mostly presented as stemming from the devil, thus consigning criminals to the sphere of the abject, early modern crime fictions and drama

reveal an increasing ‘psychologisation’ of criminals, investigating both their motives and the devastating impact of guilt. At certain cultural levels, this interest for the criminal overlaps with the conception of the human that the early moderns inherited from classical tragedy, notably with the Aristotelian concept of *hamartia*. Early modern crime literature also refunctionalised the cultural heritage of the classical age with political aims. Samia AL-Shayban’s analysis of William Davenant’s *Macbeth* explores the play’s central theme of ambition as indebted to Stoic thought and as aimed to denounce the recent Civil War while reasserting allegiance to the restored monarchy. Davenant’s adaptation of the Shakespearean tragedy thus acquired a precise political meaning, with the aim to control the Restoration public it addressed.

These reflections on the political role of literature alert us to a theme that underlies this issue at large – the permeability of literature as an imaginative platform that enables a variety of events, ideologies and discourses to circulate, achieving an effect of heightened realism (given the representational coordinates of the time) while turning facts into *exempla*. This mediating power of literature becomes apparent when the focus is on the theme of crime. Many early modern crime narratives can be related to the vogue of news that was fostered by both the invention of print and the translation of foreign materials. Being marketed as ‘true stories’ (often soon after the events they recount) in order to exploit the sensational appeal of real cases, these narratives, which occasionally offered different versions of the same event, often achieved dramatic status as the ultimate recognition of their potential.

At the same time, we should keep in mind that literary and discursive conventions affected the representation of crime, as proved by Filip Krajník’s analysis of a recurring theatrical pattern – the victimization of a sleeping character on the early modern stage. Exploring the popularity of this theatergram Krajník describes it as stemming from the special cultural status sleep acquired in Tudor England through a number of popular medical handbooks. Sleep was perceived both as restorative and as dangerous, due to the mundane vulnerability of the sleeping body, but also to the possibility of dying without repenting, not to mention the influence of demonic agencies on the sleeper. The recurrence of this device in history plays might moreover be discussed as a memento of the physical vulnerability of the sovereign’s body natural, and thus as a subversive reminder of the underlying fragility of the body politic, which the body natural of the monarch both symbolised and was expected to safeguard.

Early modern crime fiction covers a wide spectrum of genres, often translating into hybrid texts that present multiple and overlapping voices, including both recorded sources and the author. We should not forget, however, the implicit role of the contemporary reader(s) and/or listener(s) to whom the text was originally addressed. Focussing on the ‘listener’ as an interpretative category is particularly useful to investigate those late medieval forms of anonymous and transient crime fiction that hovered between oral and print traditions, being consequently more liable to re-mediations and changes. Indeed, this approach enables us to interrogate ordinary people’s attitude to crime in order to evince their stances on the political and social order and on the inadequacy of the existing forms of control, punishment, and authority. Due to their hybrid nature, late medieval popular ballads are in fact revealing of people’s different reactions to official and clerical forms of oppression. The celebration of criminal actions, or the description of family crimes thus acquire the value of possible tools of resistance against damaging power or authority, as emerges from Stephen Knight’s analysis of late medieval English popular narratives and their consumers. By interrogating four different domains of narratives, Knight shows how they outline different forms of resistance that circulated in the emergent cities and towns, and in more rural areas where these stories continued to be transmitted orally despite the advent of print and the development of the print market. Together with the ‘Robin Hood

ballads' that celebrated the outlaw's rebellion against social and church authority, other ballads tended to justify crimes and related forms of transgression as responding to the legitimate necessity to protect one's own right in the face of wrongful forms of power and control. These texts fully testify to the potential of crime literature as illustrative of the popular attitudes to and/or preoccupations with crime, punishment and other strategies of social control, alerting us to the fact that these phenomena acquire different meanings when viewed from different angles and inviting us to read crime texts with an eye to those who read and consumed them.

It is by drawing from this awareness that the study of Jeanne Clegg interrogates the representations of thieves and constables in Daniel Defoe's *Moll Flanders* and *Colonel Jack*. Taking up a dialogue between conduct books for constables and traditional strategies for apprehending felons, Clegg examines some emblematic episodes depicted in the novels, showing how they reveal the tactics of defence adopted by criminals and the poor to circumvent capture. Profiting from cracks in the organization of surveillance, suspects managed to protect themselves from an imperfectly professionalized system of justice that failed to safeguard constables and officers of the law. In so doing, Clegg demonstrates how these episodes – which were certainly read by a heterogeneous public thanks to the rise of literacy amongst a non-elite audience – might serve both the thieves and the officers, who thus became familiar with the various devices adopted by criminals to juggle the law. The various orders of rogues that populate crime narrative are thus presented as dissenting subjects inhabiting an emergent urban underworld, a space where the social and legal changes in English society were debated from a transgressive viewpoint.

The presence of this 'semi-independent site' (Dionne and Mentz 2004, 2) which, as we have seen, could produce new cultural meanings, giving voice to convicts and felons of every sort, proves to be highly productive when it is the identity of the criminals that comes to be questioned. It is particularly thanks to the integration of the study of gender inside that of crime that transgressions and crimes committed by early modern English women raise important questions. These not only concern the kinds of crime women committed but also how the gender politics of the age conditioned the nature and motivation of these crimes, as well as the methods of detection and punishment of the same. Markers of distinction such as status/class, race, religion and ethnicity played an important part not only when forms of judgment and punishment had to be decided or employed, but also when misbehaviours or transgressions had to be created in order to (re)establish stability and control in the face of vagrants, vagabonds, beggars, masterless men and even strangers. Ian Archer reminds us, for example, that 'strangers provided a suitable scapegoat for all the ills that afflicted Londoners: they were responsible for inflation and increases in house prices; they took away jobs that might be performed by the English; they were poor, and disease flourished among them' (1991, 5).

In a society which considered women's roles and agency in terms of their function within a patriarchal system, 'the woman who committed an act defined as criminal was doubly deviant' (Clark 2003, ix), transgressing those gender roles and boundaries which constructed woman as weak, inferior and thus subject to male authority and control. Early modern conduct books for ladies, pamphlets, sermons, treatises for medical knowledge and practice placed women within an institutional framework that scarcely considered crime or criminality as a real female domain.

'Women have no voice in parliament. They make no laws, consent to none, they abrogate none. All of them are understood either married or to be married, and their desires are subject to their husband', proclaimed an anonymous legal clerk's formulation in *The Law's Resolution of Women's Rights* (in Aughterson 1995, 132), showing how women had no legal rights but were expected to entirely depend on their husband's authority and judgment. This partly explains why, with respect to women's crime, in the few documents on legal procedures or punishments

of the early modern age there is a tendency to engender certain crimes as peculiarly feminine or predominantly domestic. Sandra Clark reminds us, for example, that 'in the restricted range of crimes committed by women which were the subject of reporting in ballads, plays or pamphlets, murder, especially of husbands and of children, was, with witchcraft, the most prominent' (2003, 21). These crimes were regarded as the consequence of behaviours or dysfunctions mainly related to women's defective body and inferior mind, to that porous 'leaky vessel' (Paster 1993, ch. 1) whose openness turned it easily into a site of physical and 'moral' infection.

Molly Ziegler's analysis of the early modern revenge drama, in which revenge tends to be depicted as a male-specific endeavour, focuses on the female body's fluid and contagious nature, reading it as a powerful symbol, a rhetorical tool which allowed female characters to enact forms of vengeance that, although directed by women, did not imply women's physical participation. In so doing Ziegler shows how the different references by female characters to the female body's properties and potentials in Marston's *The Dutch Courtesan*, Shakespeare's *Twelfth Night* and *Titus Andronicus* might be read as strategies of empowerment and thus deeply related to women's *quest* for their identity and agency.

While the few recorded documents and the representation of women in tragedies confirm a general tendency to classify certain kinds of crime as peculiarly feminine, early modern comedies and forms of street literature such as corantos, news writing or official newsletters, reveal how women also participated in other forms of deviance or transgression which 'did not lead to a conclusion on the scaffold' (Clark 2003, 22), but which were equally seen with great concern. Prostitutes, female burglars, pickpockets and cutpurses, often disguised as men, are all liminal characters who inhabit the London underworld of early modern city comedies, transgressing with their behaviours both the legal and the gender system. Jessica Landis examines urban female criminality and unveils the existence of a complex gendered geography of crime, on and off the stage, which indicates a general taste for fictionalized stories of criminal acts as well as a widespread interest in criminal lives and minds. By examining some examples of rogue literature and Ben Jonson's *The Alchemist*, Landis also focuses on the audience's response, showing how the popularity and attractiveness of these stories reflects both a familiar anxiety for the growing urban criminality and an illicit desire to be vicariously involved in this transgressive world.

Once again, this fictional criminalization of women reveals anxieties and concerns such as are 'apt to surface when a culture is undergoing profound changes' (Hilman and Ruberry-Blanc 2014, 5) and when, we might add, a gender struggle enacted by women is gradually taking place in various and often unexpected forms. Emblematic, in this respect, is the famous case of Mary Frith whose transgressive behaviours in terms of gender codes and criminal actions are well documented in court records and fictionalised in popular literature where Frith appears as Moll Cutpurse and as the Roaring Girl. Mary Frith's transnational and transhistorical celebrity is demonstrated by Lauren Liebe's analysis, which explores how a celebrity might be born out of social deviance. By examining Frith's historical records together with her different fictional portrayals emerging from street literature, biographies and comedies, Liebe shows how 'it is possible to determine how Frith's criminal celebrity shaped and was in turn shaped by her literary legacy'. In so doing, Liebe's essay once again confirms the multi-layered aims of crime literature.

In conclusion, the essays collected in this issue of *JEMS* delve into crime as an inclusive category that is discursively mediated and fashioned, alerting us to the dynamic status of texts as being produced at the interface of social energies and discursive practices, power structures and strictures, forms of imaginative transgression and containment. By scrutinizing early modern crime literature through the filter of postmodern disciplines and ideologies, these critical investigations not only highlight its ideologically inflected and shifting nature as the

product and producer of disrupting energy and changes, but they are also indicative of its present significance. The team of critics who, together with the two editors, took up the challenge of directing a renewed critical gaze towards the early modern discourses of crime and criminals did so in full awareness of their relevance to our own understanding of the human experience.

Works Cited

- Archer I.W. (1991), *The Pursuit of Stability: Social Relations in Elizabethan London*, Cambridge, Cambridge University Press.
- Aughterson Kate, ed. (1995), *Renaissance Woman: A Sourcebook. Constructions of Femininity in England*, London, Routledge.
- Clark Sandra (2003), *Women and Crime in the Street Literature of Early Modern England*, New York, Palgrave Macmillan.
- Classen Albrecht and Connie Scarborough (2012), 'Crime, Transgression, and Deviancy: Behaviors that Defines Us All', in Idd., eds, *Crime and Punishment in the Middle Ages and Early Modern Age: Mental-Historical Investigations of Basic Human Problems and Social Responses*, Berlin-Boston, Walter De Gruyter, 1-28.
- Dionne Craig and Steve Mentz, eds (2004), *Rogues and Early Modern English Culture*, Ann Arbor, University of Michigan Press.
- Gaskill Malcolm (2000), *Crime and Mentalities in Early Modern England*, Cambridge, Cambridge University Press.
- Geertz Clifford (1993 [1973]), *The Interpretation of Cultures: Selected Essays*, London, Fontana Press.
- Hilman Richard and Pauline Ruberry-Blanc, eds (2014), *Female Transgression in Early Modern Britain Literary and Historical Explorations*, Farnham, Ashgate.
- Paster G.K. (1993), *The Body Embarrassed: Drama and the Discipline of Shame in Early Modern England*, Ithaca, Cornell University Press.
- Reynold Brian and Joanna Seagul (2004), 'The Reckoning of Moll Cutpurse: A Transversal Enterprise', in C. Dionne and S. Mentz, eds, *Rogues in Early Modern English Culture*, Ann Arbor, University of Michigan Press, 62-97.
- Salkeld Duncan (2016 [2014]), 'Crime', in M. Dimmock, A. Hadfield and A. Shinn, eds, *The Ashgate Research Companion to Popular Culture in Early Modern England*, Abingdon, Oxon-New York, Routledge, 193-206.
- Sharpe J.A. (1999 [1984]), *Crime in Early Modern England, 1550-1750*, London, Routledge.

PART TWO

Case Studies

Sin versus Crime

