

SOUNDSCAPES OF PUNISHMENT IN EARLY MODERN ENGLAND

by

ELEANOR MOIRA HEDGER

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Department of Music
School of Languages, Cultures,
Art History, and Music
College of Arts and Law
University of Birmingham
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ABSTRACT

The violent and destructive potential of sound has long been known, extending back to at least antiquity with the alluring and fatal songs of sirens in Greek mythology. However, there is a surprising paucity of scholarship relating to the sounds associated with violence and punishment in the early modern world. With this in mind, this thesis sets out to enhance our understanding of the relationship between sound and punishment in early modern England by exploring the ways in which historical subjects experienced, interpreted, and responded to punitive soundscapes.

Firstly, I explore sound's ability to cause both physical and psychological harm during rituals of unofficial, popular punishment. I demonstrate that the punitive and judicial dimensions of rough music and libelling can only be fully realised when we open our ears to their sounding qualities, ultimately amplifying the prevalence of sonic violence in early modern England. This thesis also explores the soundscapes of rituals of official (state-sanctioned) punishment, demonstrating that spaces such as the prison and the gallows were shaped and transformed through sonic production. Whilst sound could function as a means of violence and punishment, it also offered a medium for resistance, endurance, and self-expression within these contexts. Finally, I explore how communities engaged with the discourse of public execution through the singing and hearing of popular ballads, and how these songs helped shape attitudes towards capital punishment more generally.

At the more conceptual level, this thesis interrogates the ways in which sound interacted with networks of power through a Foucauldian lens, opening our ears to the multifaceted power struggles that surfaced during punitive rituals, and the ways in which individuals navigated their surroundings in times of oppression. Drawing insights from musicological, historical, literary, and critical methodologies, this approach offers an original, nuanced, and interdisciplinary method for understanding a period of political and religious instability, ultimately helping us sharpen our ears to the violent and punitive, but also the consolatory power, of the sonic realm.

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ABBREVIATIONS AND OTHER CONVENTIONS

Quotations from early modern manuscripts and printed sources generally retain original spelling, but the letters i, j, u, and v, have been changed in line with modern usage to facilitate understanding. All titles, however, have been given in the original spelling. Abbreviations have been silently expanded, but original punctuation and capitalisation has been maintained. All scriptural quotations are taken from the King James Version of the Bible. Dates have been altered in accordance with the Julian Calendar.

BL	The British Library, London
Bod	Bodleian Library, Oxford
CP	Cecil Papers
EBBA	UCSB English Broadside Ballad Archive. Available online at https://ebba.english.ucsb.edu
LMA	London Metropolitan Archives
OED	<i>Oxford English Dictionary</i>
REED	<i>Records of Early English Drama</i>
SPO	State Papers Online
TNA	The National Archives, London

INTRODUCTION

Hearing is the organ of understanding; by it we conceive, by the memorie we conserve, and by our judgement wee revolve; as maine rivers have their confluence, by small streames, so knowledge her essence by the accent of the *earre*.¹

Living in an overtly visual age, tainted by the cacophony of industry and transport, it is often easy to devalue or literally 'tone down' the significance of sonic experience. But in the pre-modern world, people were attuned to their sonic environments with an acuity that we, as modern hearers, can scarcely comprehend; according to the writer and poet Richard Brathwaite, hearing was the 'organ of understanding', whilst the Protestant clergyman Stephen Egerton asserted that 'Of all the Senses, none is more needfull, or usefull, then *Hearing*'.² Take, for example, the ringing of bells: whilst many of us today might enjoy the distant pealing of church bells as a pleasant respite from the clamour of modern life—a harking back to an imagined and romanticised pre-industrial past—in the early modern world, bells served a role of far greater importance. They were rung to summon people to church and to public executions, to mark prominent civic and liturgical occasions, to accompany royal processions, to warn citizens of fire or attack, to mark the working day and curfews, and to spread the news of grave illness and death. Bells provided important auditory signals that integrated individuals into the fabric of society, which in turn helped strengthen communities and promote social order. Sound was, (and indeed still is), far more than simply a form of social and political communication: it could shape and transform space, mark boundaries, convey cultural and symbolic meanings, alleviate physical and mental illness, enforce or subvert hierarchies of power, promote social harmony, or, by contrast, foster discord and violence. When considering a society in which the majority of the population was illiterate, where people relied on their sonic environment for news, guidance, and even survival, and where sounds were reflective of elements of social unity or discord, it is essential that we consider the aural experiences of the worlds they inhabited.³

Over the last few decades scholars have taken a notable step in this direction, granting increasing attention to the significance of sound and hearing in the pre-modern world. However,

¹ Richard Brathwaite, *Essaies vpon the five senses with a pithie one vpon detraction* (London, 1620), p. 6.

² Stephen Egerton, *The boring of the eare containyng a plaine and profitable discourse by way of dialogue* (London, 1623), sig. A8.

³ For an overview of the debates surrounding literacy rates in early modern England see Heidi Brayman Hackel, *Reading Material in Early Modern England: Print, Gender, and Literacy* (Cambridge: Cambridge University Press, 2005), pp. 56-68.

very little consideration has been given to the ways in which historical subjects, especially those from the early modern period, experienced, interpreted, and responded to the proscriptive potential of sounds, especially those associated with violence and punishment, a shortfall that this thesis attempts to rectify. On the whole, scholars have tended to focus on the social and political ramifications of what might be considered 'harmonious' sounds, including elite and popular musical practices, such as bellringing, theatre and tavern music, and church music.⁴ In light of this shortfall, this thesis focuses on the sonic dimensions of punishment as they specifically pertain to sixteenth- and seventeenth-century England. I explore the sounds produced in spaces of punishment, what these sounds might have meant to those hearing them, and finally, what they reveal about the complex social, political, and religious tensions that surfaced during punitive rituals. At the more conceptual level, I interrogate the ways in which sound interacted with networks of power and resistance through a Foucauldian lens; issues which are certainly not unique to the early modern period, but which assume certain distinctive profiles in that context.

The first two chapters focus on popular, unofficial methods of punishment that could be wielded by many: rough music and libelling. These traditions were inherently characterised by sound, the former being a noisy and derisive ceremony inflicted upon morally suspect individuals, the latter constituting popular songs and ditties that were composed and sung to chastise and humiliate one's enemies. I argue that we can only comprehend the punitive and judicial dimensions of such practices when we open our ears to their *sounding* qualities, as the cultural associations of particular sounds imbued these songs and performances with added layers of significance. In chapters three and four we listen to how spaces of official (state-sanctioned) punishment—specifically, the prison and the gallows—were shaped and transformed through sonic production, and how these sounds reflected and amplified networks of power and resistance. I argue that sound not only functioned as a means of violence and punishment, but that it also offered a medium for self-expression, endurance, and resistance within these contexts. Finally, in chapter five I explore how men and women engaged, interpreted, and reminisced about public executions through the singing and hearing of popular ballads. I argue that these songs were open to a wealth

⁴ Exceptions to this norm include Emily Cockayne, 'Cacophony, or vile scrapers on vile instruments: bad music in early modern English towns', *Urban History*, 29/1 (2002): pp. 35-47; Emily Cockayne, *Hubbub: Filth, Noise, & Stench in England, 1600-1770* (New Haven, Connecticut; London: Yale University Press, 2007); David Garrioch, 'Sounds of the city: the Soundscape of Early Modern European Towns', *Urban History*, 30/1 (2003): pp. 5-25; Julia Rombough, 'Noisy Soundscapes and Women's Institutions in Early Modern Florence', *Sixteenth Century Journal*, 50/2 (2019): pp. 449-469; Michael Sizer, 'Murmur, Clamor, and Tumult: The Soundscape of Revolt and Oral Culture in the Middle Ages', *Radical History Review*, 121 (2015): pp. 9-31.

of conflicting interpretations which played an essential role in shaping attitudes towards capital punishment more generally.

Given the inevitable textuality of historical studies, the concept of 'soundscape' and sound studies has certainly offered a welcome redirection in thinking for historians, one which offers a propitious outlet for the historical imagination. In the introduction to an edited collection entitled *Hearing History: A Reader*, Mark Smith remarked that 'historians are listening to the past with an intensity, frequency, keenness, and acuity unprecedented in scope and magnitude'.⁵ But it is not only historians who have begun to open their ears to the importance of sonic experience. Since Murray Schafer first popularised the term 'soundscape' in the 1970s the expression has transcended disciplinary boundaries, cropping up in academic literature within the fields of cultural and social history, musicology, literary studies, historical anthropology, art and architecture, sensory studies, and sensory history.⁶ This research has resulted in a body of insightful, interdisciplinary, and innovative publications, as well as a burgeoning scholarly field broadly known as 'sound studies', loosely defined by Trevor Pinch and Karin Bijsterveld as 'an emerging interdisciplinary area that studies the material production and consumption of music, sound, noise, and silence, and how these have changed throughout history and within different societies'.⁷ Interrogation of the sonic has offered researchers a new scholarly perspective, one which not only allows us to imagine what

⁵ Mark M. Smith, 'Introduction: Onwards to Audible Pasts', in Mark M. Smith (ed.), *Hearing History: A Reader* (Athens; London: University of Georgia Press, 2004), pp. ix-xxii, quote at p. ix.

⁶ Schafer used the term 'soundscape' to refer to an acoustic environment of any particular place or time; so, unlike the familiar term 'landscape', the 'soundscape' is ephemeral and constantly changing. Schafer was particularly concerned with exploring soundscapes from an ecological perspective; in other words, he was interested in exploring how the history of the soundscape has transformed from the harmonious sounds of nature to the cacophonous sounds of modern life, as well as the various ways in which the soundscape could be altered by architecture and landscape change. See Murray Schafer, *The Soundscape: Our Sonic Environment and the Tuning of the World* (Rochester: Destiny Books, 1994). On the different and sometimes contradictory ways in which scholars have appropriated the term 'soundscape' see Ari Kelman, 'Rethinking the Soundscape: A Critical Genealogy of a Key Term in Sound Studies', *The Senses and Society*, 5/2 (2010): pp. 212-234.

⁷ Trevor Pinch and Karin Bijsterveld, 'Sound Studies: New Technologies and Music', *Social Studies of Science*, 34/5 (2004): pp. 635-648, quote at p. 636. Notable works within the field of historical sound studies include Niall Atkinson, *The Noisy Renaissance: Sound, Architecture, and Florentine Urban Life* (University Park: The Pennsylvania State University Press, 2016); Alain Corbin, *Village Bells: Sound and Meaning in the Nineteenth-Century French Countryside* (New York: Columbia University Press, 1998); John Craig, 'Psalms, Groans and Dog-Whippers: The Soundscape of Sacred Space in the English Parish Church, 1547-1642', in Will Coster and Andrew Spicer (eds.), *Sacred Space in Early Modern Europe* (Cambridge: Cambridge University Press, 2005), pp. 104-123; Emma Dillon, *The Sense of Sound: Musical Meaning in France 1260-1330* (Oxford: Oxford University Press, 2012); Alexander Fisher, *Music and Identity in Counter-Reformation Augsburg, 1580-1630* (Aldershot: Ashgate, 2004); Alexander Fisher, *Music, Piety, and Propaganda: The Soundscapes of Counter-Reformation Bavaria* (Oxford: Oxford University Press, 2014); Thomas Irvine, *Listening to China: Sound and the Sino-Western Encounter, 1770-1839* (Chicago: University of Chicago Press, 2020); Tess Knighton and Ascensión Mazuela-Anguita (eds.), *Hearing the City in Early Modern Europe* (Turnhout: Brepols, 2018); Christopher Marsh, *Music and Society in Early Modern England* (Cambridge: Cambridge University Press, 2010); Bruce Smith, *The Acoustic World of Early Modern England: Attending to the O-Factor* (Chicago: University of Chicago Press, 1999); Mark Smith, *Listening to Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 2001); Mark Smith (ed.), *Hearing History: A Reader*; John Picker, *Victorian Soundscapes* (New York; Oxford: Oxford University Press, 2003); Simon Smith, *Musical Response in the Early Modern Playhouse* (Cambridge: Cambridge University Press, 2017).

the past might have sounded like, but more importantly, how individuals experienced, interpreted, and responded to those sounds. Whilst we can mine historical sources for lexical remnants of a historic soundscape, we can also excavate notions of sound as a social and cultural phenomenon. This field of research offers increasingly ramified methodologies and perspectives for examining pertinent themes such as space, place, and identity, as well as issues pertaining to social, political, and religious culture.

The reader may be wondering why I have chosen to focus on punishment, a subject that may not seem immediately significant as a *sonic* phenomenon. But there are many aspects of history that one would not regard as inherently 'sounding' in nature but that were, in fact, sites of significant sonic experience for those that witnessed or participated in them. Take, for example, the history of reading: it is only relatively recently that scholars have begun to thoroughly consider the sonic dimensions of reading, particularly the oral/aural dimensions of such practices and their relationship with the human voice.⁸ There are many more topics, concepts, and practices that warrant critical examination from a sonic perspective, the discourse of punishment being a significant one, especially as many pre-modern punitive rituals were at least as integrally sonic as they were visual in character.

Whilst there is an abundance of extant scholarship on the experience of *seeing* justice done, this thesis focuses on the performative and sonic dimensions of punishment: in other words, it is all about *hearing* justice done. By incorporating sound into the conversation I hope to offer a new dimension of thinking to an already significant body of scholarship, one that encourages us to consider the lived experience of punishment, not just from the perspective of those inflicting the violence, but for those that suffered or witnessed it, particularly as the soundscape often provides remarkable insight into public perception. Sounds are reflective of deeper underlying systems, which is why the study of soundscapes is such a rewarding and illuminating method of research for many aspects of history. My approach demonstrates that consideration of the sonic experience of punishment serves as a conduit for exploring broader critical issues that other approaches would perhaps overlook. For instance, it helps amplify the multifaceted power struggles that surfaced during punitive rituals, the ways in which individuals navigated their surroundings in times of oppression, and the ways in which sound could be wielded as a strategy of both power and

⁸ See, most notably, Jennifer Richards, *Voices and Books in the English Renaissance: A New History of Reading* (Oxford: Oxford University Press, 2019) and Jennifer Richards and Richard Wistreich, 'Introduction: Voicing Texts 1500-1700', *Huntington Library Quarterly*, 82/1 (2019): pp. 3-16 (introduction to special issue).

resistance. More broadly, this thesis serves to amplify the complex interactions between sound and power, concepts which I argue were, and indeed still are, inextricably linked.

This thesis not only expands our understanding of punitive discourses, it also provides insight into the broader ruptures and tensions of the 'long' English Reformation: by drawing attention to the ways in which elements of social and religious conflict were reflected, and indeed often amplified, within the soundscape, we are reminded of the frictions that were overwhelmingly prevalent in post-Reformation England. Most significantly, I show that sound and music played a key role in the construction of both Protestant and Catholic martyrological narratives, particularly as it offered a means for expressing one's religious identity in the face of oppression. This research also offers broader insight surrounding the sound world of early modern England more generally: discussions surrounding the multifarious cultural associations of particular sounds, as well as those addressing the interaction between sound and gender, reveal the nuances and complexities of early modern sonic experience. Finally, my focus on the theme of sonic violence—in other words, sound's ability to cause both physical and psychological harm—will hopefully open up new avenues of research for scholars of sound, particularly as this is a phenomenon which is certainly not unique to the early modern period, but is in fact prevalent throughout history.

As well as outlining my objectives and approach, I would also like to establish what this thesis is *not* about. Firstly, it is not intended to serve as a history of penal culture in early modern England: scholars such as J. A. Sharpe have already produced detailed studies of its procedures and mechanisms.⁹ Neither do I attempt to consider every form of punishment from this period; rather, I select those that are most intimately embedded in the sonic realm. Secondly, although I am a musicologist by training, this thesis is highly interdisciplinary in nature and therefore not solely limited to the musical realm. I pay little attention to well-known composers and elite musical

⁹ J. A. Sharpe, *Judicial Punishment in England* (London: Faber, 1990); J. A. Sharpe, *A Fiery & Furious People: A History of Violence in England* (London: RH Books, 2016). Other studies addressing penal culture in England include Simon Devereaux and Paul Griffiths (eds.), *Penal Practice and Culture, 1500-1900* (Houndmills: Palgrave Macmillan, 2004); Drew D. Gray, *Crime, Policing and Punishment in England, 1660-1914* (London: Bloomsbury, 2016); Martin Ingram, *Church Courts, Sex and Marriage in England, 1570-1640* (Cambridge: Cambridge University Press, 1987); Randall McGowen, 'The Body and Punishment in Eighteenth-Century England', *The Journal of Modern History*, 59/4 (1987): pp. 652-679; David Taylor, *Crime, Policing and Punishment in England, 1750-1914* (Basingstoke: Macmillan Press, 1998). Studies of penal culture in other countries include Maria R. Boes, *Crime and Punishment in Early Modern Germany: Courts and Adjudicatory Practices in Frankfurt am Main, 1562-1696* (Farnham: Ashgate, 2013); Richard van Dumen, *Theatre of Horror: Crime and Punishment in Early Modern Germany*, translated by Elizabeth Neu (Oxford: Polity, 1990); Paul Friedland, *Seeing Justice Done: The Age of Spectacular Capital Punishment in France* (Oxford: Oxford University Press, 2012); Nancy Shields Kollman, *Crime and Punishment in Early Modern Russia* (Cambridge: Cambridge University Press, 2012). For a study of European punitive practices more generally see Peter Spierenburg, *The Spectacle of Suffering: Executions and the Evolutions of Repression: from a Preindustrial Metropolis to the European Experience* (Cambridge: Cambridge University Press, 1984).

practices from the period; instead, my discussions of music largely relate to the social and cultural experience of popular and aural/oral culture, and the thesis as a whole considers all aspects of the sonic realm, including non-musical sounds, noise, and even silence.¹⁰ Furthermore, whilst I consider the punishments of those found guilty of a wealth of social offences, ranging from henpecked husbands to murderous wives, I also grant a significant amount of attention to those who were persecuted for their religious beliefs. Whilst there is a wealth of literature on martyrological experiences during this period from either Protestant or Catholic perspectives, few studies before this have elected to adopt a cross-confessional approach.¹¹ By amplifying the sonic

¹⁰ Scholars are certainly starting to listen to elements of oral/aural culture in early modern society, particularly that of balladry. See, for example, Adam Fox, *Oral and Literate Culture in England, 1500-1700* (Oxford: Clarendon Press, 2000); Jenni Hyde, *Singing the News: Ballads in Mid-Tudor England* (London: Routledge, Taylor & Francis Group, 2018); Christopher Marsh, 'The Sound of Print in Early Modern England: The Broadside Ballad as Song', in Julia Crick and Alexandra Walsham (eds.), *The Uses of Script and Print, 1300-1700* (Cambridge: Cambridge University Press, 2004), pp. 171-190; Marsh, *Music and Society*, pp. 225-327; Una McIlvenna, 'When the News was Sung: Ballads as News Media in Early Modern Europe', *Media History*, 22/3-4 (2016): pp. 317-333; Alison Shell, *Oral Culture and Catholicism in Early Modern England* (Cambridge: Cambridge University Press, 2007); Smith, *The Aconstic World*, pp. 168-205; Sarah Williams, *Damnably Practises: Witches, Dangerous Women, and Music in Seventeenth-Century English Broadside Ballads* (Farnham: Ashgate, 2015).

¹¹ There are a small number of notable cross-confessional studies: Brad Gregory, *Salvation at Stake: Christian Martyrdom in Early Modern Europe* (Cambridge, Mass.; London: Harvard University Press, 1999); Thomas Freeman and Thomas Mayer (eds.), *Martyrs and Martyrdom in England c. 1400-1700* (Woodbridge: Boydell & Brewer, 2007). For studies pertaining to Catholic martyrdom see Anne Dillon, *The Construction of Martyrdom in the English Catholic Community, 1535-1603* (Aldershot: Ashgate, 2002); Peter Lake and Michael Questier, 'Agency, Appropriation, and Rhetoric under the Gallows: Puritans, Romanists and the State in Early Modern England', *Past & Present*, 153/1 (1996): pp. 64-107; Peter Lake and Michael Questier, *The Anti-Christ's Lewd Hat: Protestants, Papists, and Players in post-Reformation England* (New Haven; London: Yale University Press, 2002); Peter Lake and Michael Questier, *The Trials of Margaret Clitheron: Persecution, Martyrdom, and the Politics of Sanctity in Elizabethan England* (New York; London: Continuum, 2011); Arthur Marotti, *Religious Ideology and Cultural Fantasy: Catholic and anti-Catholic Discourses in Early Modern England* (Notre Dame, Ind.: University of Notre Dame Press, 2005); Susannah Monta, *Martyrdom and Literature in Early Modern England* (New York: Cambridge University Press, 2005). Studies of Protestant martyrdom during the reign of Mary I include Eamon Duffy, *Fires of Faith: Catholic England under Mary Tudor* (New Haven; London: Yale University Press, 2009); Thomas Freeman, 'Fate, Faction, and Fiction in Foxe's Book of Martyrs', *The Historical Journal*, 43/3 (2000), pp. 601-623; Megan Hickerson, *Making Women Martyrs in Tudor England* (Basingstoke: Palgrave Macmillan, 2005); Susannah Monta, 'Foxe's Female Martyrs and the Sanctity of 'Transgression'', *Renaissance and Reformation*, 25/1 (2001): pp. 3-22. Much of the literature on music and religious identity during this period also adopts a confessional approach: for instance, a number of studies focus on the sonic experiences of post-Reformation Catholics: Daniele V. Filippi and Michael Noone (eds.), *Listening to Early Modern Catholicism: Perspectives from Musicology* (Leiden; Boston: Brill, 2017); Dolly MacKinnon, 'Hearing the English Reformation: Earls Colne, Essex', in Ros Bandt, Michelle Duffy and Dolly MacKinnon (eds.), *Hearing Places: Sound, Place, Time and Culture* (Newcastle: Cambridge Scholars Publishing, 2007), pp. 255-267; Craig Monson, 'Byrd, the Catholics, and the Motet: The Hearing Reopened', in Dolores Pesce (ed.), *Hearing the Motet: Essays on the Motet of the Middle Ages and Renaissance* (New York; Oxford: Oxford University Press, 1997), pp. 348-374; Emilie Murphy, *Music and post-Reformation English Catholics: place, sociability, and space, 1570-1640* (unpublished PhD thesis, University of York, 2014); Emilie Murphy, 'Music and Catholic Culture in post-Reformation Lancashire: Piety, Protest, and Conversion', *British Catholic History*, 32/4 (2015): pp. 492-525; Emilie Murphy, 'Making Memories in Post-Reformation English Catholic Musical Miscellanies', in Alexandra Walsham, Bronwyn Wallace, Ceri Law, and Brian Cummings (eds.), *Memory and the English Reformation* (Cambridge: Cambridge University Press, 2020), pp. 403-421; Shell, *Oral Culture and Catholicism*. Likewise, there are numerous studies that focus on the aural dimensions of Protestant religious experience: Arnold Hunt, *The Art of Hearing: English Preachers and their Audiences, 1590-1640* (Cambridge: Cambridge University Press, 2010); Beth Quitslund, *The Reformation in Rhyme: Sternhold, Hopkins, and the English Metrical Psalter, 1547-1603* (Aldershot: Ashgate, 2008); Nicholas Temperley, *The Music of the English Parish Church*, vol. 1 (Cambridge: Cambridge University Press, 1979); Jonathan Willis, *Church Music and Protestantism in Post-Reformation England* (Farnham: Ashgate, 2010). For a multidisciplinary and cross-confessional study of music during the Reformations see David J. Burn, Grantley

experiences of individuals across the social and confessional spectrum, I draw attention to the nuances and differences in how Catholics and Protestants expressed their devotion and staked their claim to martyrdom through the medium of sound.

Due to the interdisciplinarity of this study, the remainder of this introduction serves to situate and contextualise some of the materials and concepts that I address. To begin, I interrogate some of the methodological and theoretical issues faced by scholars working on sound, particularly with regard to how we use historical sources to amplify the sounds of the past. To follow, I lay the foundations for my critical and theoretical approach, introducing the reader to the ways in which I use Foucauldian theory to enhance and strengthen my arguments. Finally, I outline some of the key theoretical and philosophical perceptions of sound and hearing in early modern England, as this provides an indispensable, if inevitably partial, epistemological basis for considering contemporary experiences of the sonic.

Hearing the Past? Methodology and Sources

Ben Johnson's *Hymenaei*, or *The Masque of Hymen* (1606), refers to the 'divine Rapture of Musique', but laments that 'it lasted not still, or (now it is past) cannot by Imagination, much lesse Description, be recover'd to a part of that *Spirit*, it had in the gliding by'.¹² Johnson's discerning observation reflects the main challenge that historians working on sound face: how are we supposed to recover and interpret an ephemeral experience that 'glides by' so fleetingly? Historians and musicologists working on periods before the invention of sound recording have no choice but to rely on written and visual sources in order to understand and interpret the sonic realm. Although the archive offers scattered traces of a lost sound world, how, exactly, do we go about interpreting these sources in meaningful ways? Do they offer reliable reflections of historic soundscapes? Or are they merely reflections of elite, polemical, religious, or political discourses? Even if we could piece together or 'reconstruct' a soundscape from these material traces, how do we begin to understand what these sounds actually meant to those hearing them? And if sonic experience is entirely subjective, how can we trace differences in perception from one hearer to another? We can never ascertain any conclusive answers to these broad questions, but I would like to briefly explore some of the more interesting and successful solutions, before introducing the reader to my own methodological approach.

McDonald, Joseph Verheyden, and Peter De May (eds.), *Music and Theology in the European Reformations* (Brepols: Turnhout, 2019).

¹² Ben Johnson, *Hymenaei: or The solemnities of masque* (London, 1606), sig. D3^v.

Among recent initiatives, the launch in 2019 of an AHRC-funded international research network entitled 'Soundscapes in the Early Modern World' has created a valuable forum for discussion between scholars from a variety of disciplinary backgrounds.¹³ The network has organised a series of international workshops, one of which focused on the ways in which we use material objects to consider sonic experience.¹⁴ During the workshop participants examined a range of visual and written sources before discussing how each item could be used to listen to the past, an exercise which confirmed that there are myriad ways to recover the ephemeral from the durable. Perhaps then, determination of a fixed and definitive methodology for studying the ephemerality of sound is not essential, especially as our approach often changes according to the context and nature of the source. That being said, it is certainly vital that we interrogate the context of archival sources in order to garner meaningful insights from them, as any historian would.

Another methodological approach within the field is acoustic reconstruction: the use of acoustic modelling technologies to reconstruct and reimagine lost sound worlds. Projects such as 'The Virtual Paul's Cross' project and the 'Listening to the Commons' project have pieced together various forms of material evidence to offer listeners the opportunity to experience a lost sound world, undertakings which have provided important platforms for public engagement.¹⁵ The practice of acoustic reconstruction has also inspired a range of creative projects, some of which encourage the listener to consider the differences in sonic experience between the past and present. For instance, in 2019 the National Trust commissioned two sound installations from the sound artist Serena Korda, both of which imaginatively explored and reimagined soundscapes of secrecy and recusancy in Speke Hall, a house which was used to hide Catholic priests living in post-Reformation England.¹⁶ Whilst these ventures can offer engaging and innovative ways of hearing the sounds of our past, especially from a public engagement perspective, scholars such as Mark Smith have drawn our attention to the biases surrounding such projects. In short, he argues that reconstructions tell us more about our own listening practices as modern-day consumers than those of historical subjects: as he rightly notes, the senses 'are not universal but, rather, a product

¹³ The project website can be found at www.emsoundscapes.co.uk [accessed 15 October 2020].

¹⁴ This workshop, entitled 'Archiving the Soundscape', took place at the Wellcome Collection, London on 19-20 September 2019. For a report of the workshop see the blog post at <https://emsoundscapes.co.uk/archiving/> [accessed 15 October 2020].

¹⁵ For the 'Virtual Paul's Cross' project see <https://vpcp.chass.ncsu.edu> [accessed 15 October 2020]; for the 'Listening to the Commons' project see <https://digitalcreativity.ac.uk/projects/listening-commons> [accessed 15 October 2020].

¹⁶ For information about Serena Korda's project see <https://www.nationaltrust.org.uk/speke-hall-garden-and-estate/features/under-the-rose-> [accessed 15 October 2020].

of place and, especially, time'.¹⁷ Practical reconstructions are certainly engaging and useful in their own right: they help attract wide and diverse audiences beyond the realms of academia and encourage us to expand our field of hearing to hitherto unsuspected possibilities. However, an approach that focuses on the experiences of historical subjects is also needed as a scholarly complement to such projects.

Scholars have attempted to do this by considering how sounds relate and interact with a range of social, cultural, and political concepts, such as space, place, identity, and social relations. For instance, Alain Corbin has illuminated the cultural and social significance of bell ringing in France, demonstrating that the sound of bells conveyed important symbols of authority, resistance, and identity.¹⁸ Alexander Fisher's work on Reformation and Counter-Reformation soundscapes has highlighted the relationship between sound and confessional identity, demonstrating that sound played a powerful role in fashioning, reshaping, and territorialising space.¹⁹ Bruce Smith's ground-breaking book *The Acoustic World of Early Modern England* offers a phenomenological approach to the study of auditory experience, whilst Christopher Marsh's masterful study of popular music in early modern England demonstrates the inextricable and integral role that music played within the formation (and dismantling) of social relations.²⁰ There are many other studies that could be mentioned here, but this handful of examples serves to highlight how historians and musicologists have gone beyond merely describing or reconstructing a lost soundscape.

Much of this scholarship has served as a source of inspiration for my own research, but in this thesis I adopt a slightly more conceptual, two-pronged approach, one which oscillates between description, contextualisation, and theorisation: at the micro-level, I use archival evidence to 'reconstruct' the sonic and musical characteristics of punishment from the accession of Mary I in

¹⁷ Mark Smith, *Sensing the Past: Seeing, Hearing, Smelling, Tasting, and Touching in History* (Berkeley: University of California Press, 2007), p. 3.

¹⁸ Corbin, *Village Bells*. Other studies of the significance of bells in the early modern world include John H. Arnold and Caroline Goodson, 'Resounding Community: The History and Meaning of Medieval Church Bells', *Viator*, 43 (2012): pp. 99-130; David Cressy, *Bonfires and Bells: National Memory and the Protestant Calendar in Elizabethan and Stuart England* (Stroud: Sutton, 2004); Robert Adam Hill, *The Reformation of the Bells in Early Modern England* (unpublished PhD thesis, Simon Fraser University, 2012); Dolly MacKinnon, 'The Ceremony of Tolling the Bell at the Time of Death: Bell-Ringing and Mourning in Early Modern England, 1500-1700', in Jane W. Davidson and Sandra Garrido (eds.), *Music and Mourning* (Oxford: Routledge, 2016), pp. 31-39; Marsh, *Music and Society*, pp. 454-504.

¹⁹ Fisher, *Music, Piety, and Propaganda* and *Music and Identity in Counter-Reformation Augsburg*. Other notable studies of the social and political dimensions of music-making during the Reformations include Burn, McDonald, Verheyden, and May (eds.), *Music and Theology in the European Reformations*; Peter Le Huray, *Music and the Reformation in England 1549-1660* (London: Herbert Jenkins, 1967); Rebecca Wagner Oettinger, *Music as Propaganda in the German Reformation* (Aldershot: Ashgate, 2001); Rebecca Wagner Oettinger, 'Thomas Murner, Michael Stifel, and Songs as Polemic in the Early Reformation', *Journal of Musicological Research*, 22/1-2 (2003): pp. 45-100; Willis, *Church Music and Protestantism*.

²⁰ Smith, *The Acoustic World of Early Modern England*; Marsh, *Music and Society*.

1553, (and the consequent doctrinal reversion to Catholicism), through to the end of the seventeenth century. In selecting this particular chronology I am able to explore both Protestant *and* Catholic martyrological experiences, whilst also having the opportunity to engage with the wide range of primary source materials that have survived from the seventeenth century. In order to provide a wide-ranging approach across varied social strata, I draw upon diverse primary sources, such as printed books, pamphlets, martyrologies, letters, court records, broadside ballads, and manuscript miscellanies, each of which will be considered within the context of its social and political context. As we will hear, these sources offer tantalising references to sound and sonic experience from a range of contrasting, and often conflicting, perspectives. At the more conceptual, macro-level, I interrogate the ways in which sound interacted with and reflected deeper underlying systems. Specifically, I use elements of Foucauldian theory to explore how the sonic interacted with conceptual issues such as identity, power, and resistance. In other words, at the tangible level we have the historical object, such as the manuscript, print, musical score, or image; from these sources we can trace aspects of the ephemeral, such as sounds, noises, silence, and music; finally, the adaptation of critical approaches helps transform these ephemeral echoes into meaningful reflections of theoretical and conceptual issues. Ultimately, I demonstrate that the study of sound is not only a means for interrogating contemporary sonic experience, it is also a means of access to complex social, cultural, and political issues.

Critical and Theoretical Approach: Foucault, Historiography, and the Sonic

The critical and theoretical approach of this thesis is based upon the work of the French philosopher and historian Michel Foucault (1926-1984). Foucault's work provides a natural starting point for those interested in the history and evolution of punishment: his ground-breaking work *Discipline and Punish: The Birth of the Prison*, first published under the title *Surveiller et punir: Naissance de la prison* in 1975, famously charts the development of the western penal system and remains one of the most influential studies in the field to date.²¹ However, the choice to incorporate a Foucauldian approach in a thesis concerned with the sonic might appear less obvious, especially as Foucault's work is often considered to be overwhelmingly concerned with the visual realm. Seminal ideas such as the 'medical gaze' and his analysis of the all-seeing 'Panopticon'—a type of institutional and disciplinary building designed by Jeremy Bentham that allows all prisoners to be seen from a single room—have led critics to perceive Foucault as an

²¹ Michel Foucault, *Discipline and Punish: The Birth of the Prison*, translated by Alan Sheridan (London: Penguin, 1991).

overwhelmingly 'visual' thinker.²² Recently, however, Lauri Siisiäinen has drawn our attention to the 'auditory-sonorous' features of Foucault's work in an attempt to challenge the prevailing notion that Foucault was a thinker 'for whom sound, voice, and auditory perception was an issue of only minor (if any) importance'.²³ As Siisiäinen rightly acknowledges, Foucault's work does not lend itself easily to studies of the sonic, but he argues that close reading of his texts suggests that the auditory-sonorous played a 'decisive role in the historical development of the most central forms of power and knowledge'.²⁴ Siisiäinen's analyses are certainly insightful, and at times particularly convincing, but I would argue that on its own, Foucault's work is not necessarily suited to amplifying sonic issues. For that reason, this thesis does not use his work as a means of analysing individual or collective experiences of sound (this will be achieved via the historical contextualisation and analysis of sonic utterances); rather, Foucault's theories and methodologies will be used as a broad and malleable framework for amplifying the various social and cultural constructs that sounds symbolise or reflect.

The reader might also be wondering why I have chosen the work of Michel Foucault for a thesis focused on the sixteenth and seventeenth centuries, especially as Foucault's approach has not fared well in historiography, particularly in works relating to early modern history. As was the tendency of those associated with the *Annales* school, Foucault withdrew from evolutionary and narrative approaches to history to one characterised by discontinuity and rupture, an approach that was interpreted by many as a threat to the integrity and reliability of historical methodology. The fundamental argument of many historians is that Foucault's work is 'unhistorical'; that is, he does not follow the traditional methodology of equating evidence with context in order to formulate a coherent and informed understanding of the past. Unlike the mainstream of traditional historiography, Foucault looked beyond positivistic methodologies and empirical evidence, pushing the boundaries and conventions of the discipline. His dismissal of historical continuity, his rejection of causal and comparative methodology, and his reluctance to situate works in their social, economic, and political context has sparked much criticism.²⁵ This fissure goes back to the

²² On the importance of the visual in Foucault's work see Martin Jay, 'The Rise of Hermeneutics and the Crisis of Ocularcentrism', *Poetics Today*, 9/2 (1988): pp. 307-326; Martin Jay, 'In the Empire of the Gaze: Foucault and the Denigration of Vision in Twentieth-Century French Thought', in David Hoy (ed.), *Foucault: A Critical Reader* (Oxford: Basil Blackwell, 1989), pp. 175-205; John Rajchman, 'Foucault's Art of Seeing', *October*, 44 (1988): pp. 88-117.

²³ Lauri Siisiäinen, *Foucault and the Politics of Hearing* (New York: Routledge, 2013), p. 4.

²⁴ Siisiäinen, *Foucault and the Politics of Hearing*, p. 8.

²⁵ For an overview of historians' reactions to Foucault see David Cressy, 'Foucault, Stone, Shakespeare and Social History', *English Literary Renaissance*, 21/2 (1991): pp. 121-133; Allan Megill, 'The Reception of Foucault by Historians', *Journal of the History of Ideas*, 48/1 (1987): pp. 117-141; Patricia O'Brien, 'Michel Foucault's History of Culture', in Lynn Hunt (ed.), *The New Cultural History* (Berkeley: University of California Press, 1989), pp. 25-46; Mark Poster, 'The Future According to Foucault: *The Archaeology of Knowledge* and Intellectual History', in Dominic

early seventies, when historians such as George Huppert interpreted Foucault's 1966 publication *The Order of Things*—which can be crudely summarised as a study of the systems of thought underlying discourse and knowledge—as a 'general attack against history, against historians, against the historical mentality'.²⁶ According to Huppert, Foucault's unorthodox approach and 'unreliable' methodology does 'violence' to historical texts, especially those from the sixteenth century.²⁷ On the other hand, the historian Hayden White had a very different response to Foucault's approach: White grasped the broader significance of his work, as he realised that Foucault's goal was not to provide an accurate 'reconstruction' of the past, but to demonstrate that such an endeavour was actually impossible.²⁸ These opposing responses reflect the conflicting reactions that Foucault has sparked amongst historians over the last five decades, although the majority have broadly taken the stance of Huppert. Foucault's broad, sweeping, 'total history' approach has often been considered a threat to traditional historical methodologies; in the words of Mark Poster, Foucault's work is often dismissed as a 'reckless and irresponsible rejection of a valuable scientific enterprise'.²⁹

Although Foucault's work has proven a valuable tool for literary scholars, with many using his work to illuminate the political currents underlying Renaissance drama and literature, it continues to fare particularly badly in early modern historiography.³⁰ Early modernists are perhaps reluctant to engage with his work because Foucault was more interested in viewing the pre-modern period as a starting point for identifying a process of change, rather than analysing it on its own terms. At best, Foucault is afforded a brief mention in passing by early modern scholars, before being hastily dismissed due to conflicts in interpretation and approach. For instance, Michael Ignatieff's study of the evolution of the penitentiary during the industrial revolution, published just three years after *Discipline and Punish*, acknowledges Foucault only on the final page, where he claims that his work is fundamentally flawed by its 'fatalism'.³¹ Similarly, the author of *Mystical Bedlam: Madness, Anxiety, and Healing in Seventeenth-Century England* notes that his book appears in the 'spreading wake of Michel Foucault's famous book *Madness and Civilisation*', but quickly

LaCapra and Steven L. Kaplan (eds.), *Modern European Intellectual History: Reappraisals and New Perspectives* (Ithaca; London: Cornell University Press, 1982), pp. 137-152; Lawrence Stone, 'An Exchange with Michel Foucault', *New York Review of Books*, 30 (1983): pp. 42-44.

²⁶ George Huppert, 'Divinatio et Eruditio: Thoughts on Foucault', *History and Theory*, 13/3 (1974): pp. 191-207, quote at p. 192.

²⁷ Huppert, 'Divinatio et Eruditio', p. 204.

²⁸ Hayden White, 'Foucault Decoded: Notes from Underground', *History and Theory*, 12/1 (1973): pp. 23-54.

²⁹ Poster, 'The Future According to Foucault', p. 140.

³⁰ On the ways in which Foucault's work has been utilised in literary scholarship see Jean E. Howard, 'The New Historicism in Renaissance Studies', *English Literary Renaissance*, 16/1 (1986): pp. 13-43.

³¹ Michael Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750-1850* (London: Macmillan Press, 1978), p. 220.

dismisses Foucault's 'famous' work on account of the fact that his ideologies are 'philosophically and methodologically at odds with [Foucault's] approach to history'.³² Furthermore, Pieter Spierenburg's *The Spectacle of Suffering*—a venture which uses Norbert Elias' influential 'civilising process' to explain the evolution of the Western penal system—makes only occasional reference to *Discipline and Punish*, without any real consideration or analysis of Foucault's methodology. According to Spierenburg, Foucault fails to explicate the 'transitions' and 'changes in modes of repression' that have occurred throughout history, a criticism which no doubt stems from the author's adherence to progressive, causal, and linear history. Spierenburg also criticises *Discipline and Punish* for the simple reason that '[Foucault's] analysis of public executions [was] not based on archival evidence', a common criticism amongst historians accustomed to empirical methodologies.³³

Many of these criticisms cannot be disputed, and there are facets of Foucault's work—for instance, his implicit suggestion in *Discipline and Punish* that the western penal system was transformed in as little as eighty years—that are undoubtedly problematic.³⁴ However, rather than continuing to pick holes in Foucault's methods and hypotheses, I would argue that it is more fruitful to accept and utilise Foucault's work for what it is: as Norval Morris and David Rothman have succinctly noted, 'Foucault used history as a text on which to ground a discussion of power and authority in Western civilisation', and these discussions can be particularly useful as a basis or framework for all manner of topics.³⁵ One does not need to adopt a broad, sweeping, 'Foucauldian' approach to history in order to incorporate and make use of his unquestionably valuable insights and approaches. It is only when we refrain from judging the 'historical accuracy' of Foucault's approach and consider the bigger picture of his work that the value of his theories and constructs become apparent. Indeed, Rudy Koshar has argued that our use of Foucault should be based on a 'generous and flexible viewpoint' because the 'richness and complexity of his thought demand a willingness to experiment and open-mindedness'.³⁶ Throughout this thesis, I do not adopt Foucault's work as a 'reliable' or 'accurate' model for interpreting history; rather, I demonstrate that it is possible, and certainly useful, to combine aspects of empirical research with the theoretical

³² Michael MacDonald, *Mystical Bedlam: Madness, Anxiety, and Healing in Seventeenth-Century England* (Cambridge: Cambridge University Press, 1981), p. xi.

³³ Spierenburg, *The Spectacle of Suffering*, p. viii.

³⁴ On this particular shortfall of Foucault's thesis see Pieter Spierenburg 'Punishment, Power, and History: Foucault and Elias', *Social Science History*, 28/4 (2004): pp. 607-636, at p. 608.

³⁵ Norval Morris and David J. Rothman (eds.), *The Oxford History of the Prison: The Practice of Punishment in Western Society* (New York; Oxford: Oxford University Press, 1998), p. viii.

³⁶ Rudy Koshar, 'Foucault and Social History: Comments on "Combined Underdevelopment"', *The American Historical Review*, 98/2 (1993): pp. 354-363, at p. 363.

in order to present an informed, original, and innovative understanding of the past. I use Foucault's work as a kind of investigative toolbox, providing new methods for understanding and rationalising historical experience. Specifically, I develop, expand, and modify elements of Foucault's work—such as his theorisations of *parrhesia*, power, and reverse discourse—in order to analyse how music and sound interacted with, and even altered, networks of power and resistance in an early modern context.

Theoretical Perceptions of Sound and Hearing in the Early Modern World

When addressing the sonic experience of those living in earlier societies one must consider how those individuals conceptualised and understood concepts such as sound, hearing, and the voice. This section introduces the reader to such matters, laying important foundations for the rest of the thesis. Understandings of sound and hearing were markedly different from modern-day attitudes: for early modern men and women, sound was a physical, material, and embodied phenomenon. The power of sound lay in the fact that it was affective, penetrating the body to cause pleasurable or painful sensations, which in turn could produce both physical and spiritual effects.³⁷ Theories surrounding the workings and effects of sound circulated in a wide and diverse range of contemporary literature. Whilst the average man or woman might not have been directly familiar with such works, Linda Phyllis Austern has noted that many of the 'core concerns' about music and sound were 'widely shared...between social groups and spaces'.³⁸ Although this introductory section focuses on a body of literature that would be best described as representative of 'elite' or 'high' culture, this does not mean that the general populace was not familiar with such concepts: perhaps they heard about such issues in contemporary sermons, or listened to an extract of a book being read aloud in the local alehouse; furthermore, references to such notions were rife in contemporary plays and ballads. It is therefore vital that we consider such ideologies in order to facilitate culturally informed listening practices.

³⁷ Notable scholarship on music's effects on the body and mind in the early modern world include Linda Phyllis Austern, *Both from the Ears & Mind: Thinking about Music in Early Modern England* (Chicago: University of Chicago Press, 2020); Penelope Gouk, *Music, Science, and Natural Magic in Seventeenth Century England* (New Haven; London: Yale University Press, 1999); Penelope Gouk, 'English Theories of Hearing in the Seventeenth Century', in Smith (ed.), *Hearing History: A Reader*, pp. 136-150; Penelope Gouk, 'Melancholy, Music and the Passions in English Culture around 1600', in Penelope Gouk, James Kennaway, Jacomien Prins, Wiebke Thormahlen (eds.), *The Routledge Companion to Music, Mind, and Wellbeing* (New York: Routledge, 2018), pp. 63-76; Marsh, *Music and Society*, pp. 50-70; Claude Palisca, 'Moving the Affections Through Music: Pre-Cartesian Psycho-Physiological Theories', in Paolo Gozza (ed.), *Number to Sound: The Musical Way to the Scientific Revolution* (Dordrecht: Kluwer Academic Publishers, 2000), pp. 289-308.

³⁸ Austern, *Both from the Ears & Mind*, p. 3.

In 1616, Helkiah Crooke informed his readers that one could not comprehend the nature of hearing without first gaining a basic understanding of the nature of sound, so following the advice of this eminent physician and anatomist, that is where we shall begin.³⁹ Early modern English thinkers relied on over two thousand years' worth of information surrounding the nature and production of sound. The majority of theorists adhered to the Aristotelian notion that sound was, first and foremost, characterised by movement: for instance, the natural philosopher and courtier Sir Kenelm Digby declared simply that 'sound is nothing but motion'.⁴⁰ Sound was thought to be produced by two bodies striking against one another, a force which resulted in vibrations that were transported through the 'outer' air into the 'inner' air of the ear.⁴¹ According to Crooke, sound is generated by 'hard bodies mutually striking one another', and is carried through the air 'as it were on his wings'. Crooke explains this movement to his readers by referring to the sounds of bell ringing: 'for when the winde bloweth towards us we shall heare them very lowd again when the ayre is whiffed another way, the sound also of the bels wil be taken from us'.⁴² Similarly, the Roman Catholic priest Thomas Wright described sound as an 'artificiall shaking, crispling, or tickling of the ayre', movements that can be compared to the spread of ripples in water upon disturbance.⁴³

Once these movements and vibrations reached the inner ear it was thought that they were transported throughout the body to the soul. Like early modern conceptions of the production of sound, beliefs surrounding the process that went on inside the listener's body were informed by Aristotelian and Galenic thought. As sound came into contact with the 'internal' air of the middle ear it was transported throughout the body by 'spirits'. Crooke described these spirits as 'a subtle or thinne body alwayes mooveable, engendered of blood and vapour, and the vehicle or carriage of the Faculties of the soule'.⁴⁴ As the sounds from the outside world mingled with the spirits they induced physical responses, reactions that were explained by Galenic medicine, a system that 'dominated medical belief and practice from antiquity to the early modern era'.⁴⁵ The Galenic

³⁹ Crooke states 'Wherefore before we come unto the knowledge of a voyce, which is the most particular Object of the Sense of Hearing, it is very necessary that we praemise somewhat concerning the production of a Sound in generall, for by that meanes our knowledge of this Action of the Soule, I meane the Sense of Hearing will bee better guided and perfected': Helkiah Crooke, *Mikrokosmographia. A description of the body of man* (London, 1615), p. 691.

⁴⁰ Kenelm Digby, *Two treatises in the one of which the nature of bodies, in the other, the nature of mans soule* (London, 1644), sig. i4.

⁴¹ Gouk, 'English Theories of Hearing in the Seventeenth Century', p. 138.

⁴² Crooke, *Mikrokosmographia*, pp. 609-610.

⁴³ Thomas Wright, *The passions of the minde in generall* (London, 1604), p. 170.

⁴⁴ Crooke, *Mikrokosmographia*, p. 174.

⁴⁵ Austern, *Both from the Ears & Mind*, p. 237. For an overview of Galenic theory in Renaissance Europe see Austern, *Both from the Ears & Mind*, pp. 237-247; Palisca, 'Moving the Affections through Music', pp. 289-308. On music's relationship with Galenic theory see Gretchen Ludke Finney, 'Music, Mirth, and Galenic Tradition in England', in J.

humoral system maintained that the health of body, mind, and soul relied on the balance of the four humours—blood, yellow bile or choler, black bile or melancholy, and phlegm—all of which could be affected by sonic production. Each of the four humours were associated with different physical properties which worked together to maintain the natural functioning of the body: blood was hot and wet; yellow bile or choler was hot and dry; black bile was cold and dry; and phlegm was cold and wet. Whilst it was thought that each body held a distinctive blend of these four substances, in general, women were considered to be colder and wetter than men. Contemporaries also believed that the humours governed the soul's temperament: as the Dutch physician Levinus Lemnius explains,

choleric men are hot and presently angry...melancholique people are slower before they grow angry...flegmatic people as they are cold and moist, are scarce ever moved with passions of the mind, and are never greatly troubled with any thing...they are slothfull and sluggish, and not fit for any noble actions...sanguin people...are wholly taken upon with sports, tales, songs, and jears, and complements, and take care for nothing but pleasures, and delights...⁴⁶

The humours were even tied to concepts such as the four seasons, the four ages of man, and significantly, music: for instance, the author of *The Praise of Musicke* (1586) aligns the temperaments associated with the four humours with features of the four ancient modes:

For *Modus Dorius*, beeing a grave and staied part of musicke, aunswereth to that which I called chaste and temperate. *Modus Lydius* used in comedies, in former times, being more lighter and wanton than *Dorius*, answereth to that which I termed amorous and delightsome. *Modus Phrygius* distracting the mind variably, also called *Bacchicus* for his great force & violence aunswereth to that which I called warlike, And *Myxolydius* most used in tragedies expressing in melodie those lamentable affections which are in tragedies represented, aunswereth to that which before I named Melancholike and dolefull.⁴⁷

A. Mazzeo (ed.), *Reason and Imagination: Studies in the History of Ideas, 1699-1800* (New York: Columbia University Press, 1962), pp. 143-154.

⁴⁶ Levinus Lemnius, *The secret miracles of nature in four books* (London, 1658), pp. 60-61.

⁴⁷ Anon., *The praise of musicke* (Oxford, 1586), p. 55. The author of this text has been a hotly contested topic for many years. In 1588, the philosopher and physician John Case published a Latin work entitled *Apologia Musices*, a text that is very similar to *The Praise of Musicke*, leading scholars to suggest that Case was the author of both works. In 1974, however, J. W. Binns challenged this assumption, arguing that the two works differed substantially: J. W. Binns, 'John Case and "The Praise of Musicke"', *Music and Letters*, 55/4 (1974): pp. 444-453.

Music and sound were considered capable of affecting the bodily humours, rendering sonic experience a deeply physical and mental phenomenon. Harmonious music was thought to have powerful remedial properties, which could alleviate and comfort both the body and soul. According to Thomas Wright, the power of music lay in its 'rousing up choller, afflicting with melancholy, jubilating the heart with pleasure, elevating the soule with devotion, alluring to lust, inducing to peace, exciting to compassion, inviting to magnanimitie'.⁴⁸ Likewise, the author Henry Peacham described music's ability to heighten devotion, ease labour, overcome sadness, and suppress anger.⁴⁹ Leonard Wright's collection of 'sage sayings, pythie sentences, and proper similies' listed the physical and mental attributes of music, noting that it

ravisheth the senses: reviveth the spirites: sharpeneth the witt: inflameth the heart: encourageth the valiant: terrefieth the dastard: relieveth the distraughted: expulseth Melancholike dumps: recreateth wearied mindes: and stirreth up an aptnesse unto vertue and godlinesse.⁵⁰

As Linda Austern has noted, the human voice was thought to carry affective powers beyond any manmade instrument, possessing 'its own consciousness, soul, and vital and animal spirits to convey internal and external messages'.⁵¹ Singers, therefore, were thought to have significant power over their listeners; in the words of Agrippa, the singer 'moveth the affection of the hearer by his affection, and the hearers phantasie by his phantasie, and minde by his minde'.⁵² Music was also considered to be a cure for a range of mental and physical illnesses, hence the contemporary commonplace phrase 'Music hath a salve for every sore'. For instance, in *The Schoole of Musicke*, the musician and author Thomas Robinson wrote that music was a cure for melancholy and madness, as well as an effective treatment for physical ailments, including gout.⁵³

But if harmonious music had the potential to comfort, elevate, and restore the body and soul, noise and unwanted sounds were capable of doing quite the opposite. In the words of the stationer and bookseller Nicholas Ling, 'Concord maketh small thinges mightily to increase, but discord maketh great things sodainly to decay'.⁵⁴ This notion was entrenched within the established

⁴⁸ Wright, *The passions of the mind*, p. 168.

⁴⁹ Henry Peacham, *The compleat gentleman fashioning him absolute in the most necessary & commendable qualities concerning minde or bodie that may be required in a noble gentleman* (London, 1622), p. 104.

⁵⁰ Leonard Wright, *A display of dutie deckt with sage sayings, pythie sentences, and proper similies* (London, 1589), p. 33.

⁵¹ Austern, *Both from the Ears & Mind*, p. 204.

⁵² Heinrich Cornelius Agrippa, *Three books of occult philosophy* (London, 1650), p. 257

⁵³ Thomas Robinson, *The schoole of musicke* (London, 1603), sig. B1.

⁵⁴ Nicholas Ling, *Politenphunia VVits common wealth* ([London], 1598), f. 8.

binarism of the early modern world: heaven versus hell; order versus disorder; pleasure versus pain; harmony versus noise. The majority of studies addressing the concept of noise—astutely described by Peter Bailey as 'sound out of place'—have focused on aspects of history from the last two hundred years, primarily due to the striking environmental crescendo that began during the industrial revolution.⁵⁵ Whilst early modern society was unquestionably quieter in comparison to the age of the machine, it was still 'noisy' in its own terms, and therefore deserves critical attention. Although noise as a concept is entirely subjective, (sounds that are pleasing to one person might be considered vexing to others), Emily Cockayne has noted that most early modern writers associated noisiness with sounds that were 'loud, clamorous, importune, irregular, intrusive, disturbing, distracting, inexplicable or shocking', concepts that we would still associate with noisiness today.⁵⁶ But the *effects* of noise were considered to be far more significant. Early modern writers associated discordant sounds with the destruction of the body's natural harmony, causing vexatious and particularly damaging sensations. For instance, John Dowland's translation of Andreas Ornithoparchus' musical treatise, *Micrologus*, notes that discords are 'naturally offending' to the ears, whereas harmonious sounds are pleasing 'because we know there is in ourselves the like concord'.⁵⁷ The ears, of course, do not have the equivalent of eyelids, making sounds more provocative and difficult to shut out than offensive visual stimuli, so the adverse effects of noise were considered to be particularly dangerous, although, as we will see in chapter 3, the act of 'ear stopping' was often used as a method to shut out sound, or at least give the public perception of doing so. Noisiness also carried adverse cultural associations, with many contemporary writers equating it with irreligion and immorality: for instance, the Protestant clergyman William Burton associated noise makers with devil worshippers, claiming that they attempted to hinder men from hearing the word of God.⁵⁸

This brief introduction to early modern perceptions of sound and hearing provides a backdrop for our journey through the discordant, and occasionally harmonious, sound world of early modern punishment. Many of these concepts and ideas will be explored in greater detail

⁵⁵ Peter Bailey, 'Breaking the Sound Barrier: A Historian Listens to Noise', *Body & Society*, 2/2 (1996): pp. 49-66, quote at p. 50. For studies of the history of noise see Ian Biddle and Kirsten Gibson (eds.), *Cultural Histories of Noise, Sound, and Listening in Europe, 1300-1918* (London; New York: Routledge, 2017); Karin Bijsterveld, *Mechanical Sound: Technology, Culture, and the Public Problems of Noise in the Twentieth Century* (Cambridge, Mass.; London: MIT, 2008); Brandon LaBelle, *Acoustic Territories: Sound Culture and Everyday Life* (New York; London: Continuum, 2010); Peter Payer, 'The Age of Noise: Early Reactions in Vienna, 1870-1914', *Journal of Urban History*, 33/5 (2007): pp. 773-793.

⁵⁶ Cockayne, 'Cacophony, or vile scrapers on vile instruments', p. 36.

⁵⁷ Andreas Ornithoparchus, *Andreas Ornithoparchus his Micrologus, or Introduction* (London, 1609), p. 79; p. 1.

⁵⁸ William Burton, *An exposition of the Lords Prayer made in diuers lectures* (London, 1594), p. 200. On the relationship between noisiness and sinfulness see Laura Feitzinger Brown, 'Brawling in Church: Noise and the Rhetoric of Lay Behaviour in Early Modern England', *The Sixteenth Century Journal*, 34/4 (2003): pp. 955-972, at pp. 963-4.

throughout the course of the thesis, but most significantly, we must remember that sound was considered to be a physical entity that could affect both the body and the soul. Harmonious sounds had the potential to soothe, but noisiness, discordancy, and cacophony were dangerous sounds that threatened to corrupt and damage those who heard them. The violent and punitive potential of the sonic realm has been recognised at least since the destruction of the walls of Jericho and continues to be utilised today: the use of music as torture in Iraq and Guantanamo Bay, the blasting of heavy metal music to fight the Taliban, and the use of sonic booms over the Gaza Strip, to name but a few. By exploring the concept of sonic violence within the context of early modern England I offer another dimension to our understanding of this ephemeral and complex issue, one which I hope will contribute to larger discussions surrounding the history of punishment and sonic violence more broadly.

CHAPTER ONE

'Tinging kettles and fry-pan Musicke'¹:

Rough Music and Popular Justice

The evening of March 8, 1619 was one of sonic chaos, violence, and disorder in the town of Burton-on-Trent in Staffordshire. Around a month previously, William Cripple, a piper from Leicester, had moved to the area with his wife Margaret, but they had not gained much popularity amongst their neighbours. The town constable, Edward Lamb, had accused them of being unmarried, and there were even rumours circulating that they were brother and sister engaging in incestuous relations. Displeased with the alleged social transgression that the couple had brought to their town, a group of locals assembled themselves on the evening of March 8, armed with a variety of household weapons, and 'with greate violence and force did suddenly breake open the doore' of the couple's home. 'Terrified' by this 'sudden and unexpected violence', William demanded an explanation for the unsolicited invasion, to which the ringleader announced that they had come to 'fynde a knave and a whore in bedd' together. William retorted that he and Margaret were lawfully wed, but the townspeople were not convinced. According to the Cripples' account of proceedings, the riotous mob hauled them out of bed, 'not suffereing them scarcely to putt on their clothes', and paraded them through the streets 'with greate noyce and with ringinge of Cow Bells Basons Candle stickes frying panns and with the sounde of a drumme crying allowd A whore and a knave A whore a whore &c and other disgracefull and slanderous wordes'. The couple were hauled to the marketplace and placed in the stocks, where the spectators—of which there were reportedly around four hundred—continued to deride them with verbal insults, pelt them with filth; some even 'pissed on their heades'. When Margaret and William were finally released, they returned home to find that their house had been ransacked and the majority of their belongings had been stolen. The couple claimed that they were 'utterly undone' by the ordeal, and soon after they abandoned their new home in search of a quiet and harmonious life.²

The unfortunate couple from Burton-on-Trent were victims of a particularly brutal instance of 'rough music', a traditional shaming ritual sometimes referred to as 'charivari'.³ These were popular, unofficial methods of punishment used to chastise individuals who had disturbed the social order but not necessarily broken the law. Such rituals provided an opportunity for locals

¹ Randle Cotgrave, *A dictionarie of the French and English tongues* (London, 1611), sig. Q2.

² TNA STAC 8/104/20, Cripple v. Lambe, m. 2.

³ 'Charivari' is a term strongly associated with French custom, particularly, as a ritual associated with second marriages and unmarried youths: see Dillon, *The Sense of Sound*, pp. 92-128.

to purge disorder and reinstate harmony within their communities. In early modern society, a healthy state depended on each individual conforming to their prescribed role; if someone actively encouraged social dissonance, harmony had to be restored. The wrongdoing was literally played out in an ear-shattering symphony of pots, pans, drums, bells, and other raucous instruments, often accompanied by loud shouting, derisive laughter, and mocking rhymes. It was a sonic *nigredo*: a moment of explosive noise which aspired to restore a community to a state of harmony and equilibrium.⁴

The consequences of these humiliating rituals were particularly injurious due to the damage that it inflicted upon the victim's honour and reputation, notions that were, according to Brendan Kane, the 'social glue' of early modern English society.⁵ Concern for one's reputation was prevalent across the social strata; it was 'something that ran from the top to very near the bottom of English society'.⁶ Honour and status had a significant impact upon the lives of early modern men and women: for instance, Craig Muldrew has shown that credit in early modern England was only partially related to monetary exchanges; rather, he has persuasively argued that credit was a 'cultural currency' of trust, dependant on household reputation.⁷ During the late sixteenth and early seventeenth centuries attitudes towards honour, particularly amongst the gentry, were changing: honour was no longer considered an attribute that was gained entirely through lineage; rather, it was something that could also be earned by anyone through commendable and virtuous behaviour.⁸ In the words of the contemporary author Charles Gibbon, 'it is not the Name, but the qualities, not dignity or descent, but the disposition and good demeanor, that makes any renowned and famous'.⁹ It is important to remember, therefore, that honour and reputation transcended social class, and depended heavily upon the opinion of others. Damage to one's reputation could

⁴ Nigredo is an alchemical term used to refer to the putrefaction stage in making the philosopher's stone. This stage, associated with blackness, death, and destruction, is required in order to reach the purification stage of the process. See Lyndy Abraham, *A Dictionary of Alchemical Imagery* (Cambridge: Cambridge University Press, 1998), p. 160.

⁵ Brendan Kane, *The Politics and Culture of Honour in Britain and Ireland, 1541-1641* (Cambridge: Cambridge University Press, 2009), p. 10. For other studies of early modern honour culture see Richard Cust, 'Honour and Politics in Early Stuart England: The Case of Beaumont v. Hastings', *Past & Present*, 149/1, pp. 57-94; Anthony Fletcher, 'Honour, Reputation and Local Officeholding in Elizabethan and Stuart England', in Anthony Fletcher and John Stevenson (eds.), *Order and Disorder in Early Modern England* (Cambridge: Cambridge University Press, 1985), pp. 92-115; Elizabeth Foyster, *Manhood in Early Modern England: Honour, Sex and Marriage* (Oxford: Routledge, 2014); Mervyn James, 'English Politics and the Concept of Honour, 1485-1642', in *Society, Politics and Culture: Studies in Early Modern England* (Cambridge: Cambridge University Press, 1986), pp. 308-415; Kane, *The Politics and Culture of Honour in Britain and Ireland*; Craig Muldrew, *The Economy of Obligation: The Culture of Credit and Social Relations in Early Modern England* (Basingstoke: Macmillan, 1998).

⁶ J. A. Sharpe, *Defamation and Sexual Slander in Early Modern England* (York: University of York, Borthwick Institute of Historical Research, 1980), p. 3.

⁷ Muldrew, *The Economy of Obligation*.

⁸ See James, 'English Politics and the Concept of Honour'.

⁹ Charles Gibbon, *The praise of a good name* (London, 1594), p. 16.

be particularly detrimental, not only to the honour and social status of the individual, but also to that of the entire household, meaning that honour or shame could also be inherited from one generation to the next.¹⁰ Whilst victims such as Margaret and William Cripple were robbed and subjected to brutal physical violence, the most detrimental aspect of the whole ordeal was undoubtedly the indelible stain that it left upon their name. Popular rituals such as rough music were therefore an especially effective means of punishment: they targeted one of the victim's most valuable assets—his or her honour and reputation—and it literally amplified this loss of honour throughout the entire community.

The majority of extant scholarship on rough music, particularly French charivari, has tended to focus on socio-political factors rather than issues relating to the sonic.¹¹ For instance, a number of scholars have turned to Mikhail Bakhtin's notion of the 'carnavalesque' as a framework for elucidating the significance of this tradition. Bakhtin's renowned study, *Rabelais and his World*, explores the writings of the French Renaissance writer François Rabelais (d. 1553) within the context of the popular festive life of the Middle Ages, a corpus which Bakhtin refers to as the 'carnavalesque'.¹² He considers popular medieval rites, including charivari, as instances of temporary liberation from hierarchical structures; in other words, moments in which the subversive voice of the populace challenged authoritarian structures and asserted its own identity (I will highlight some of the limitations of using such an approach to theorise the role of rough music in the final section of this chapter).¹³ Whilst the bibliography for the French tradition of charivari is fairly extensive, the role and significance of rough music in early modern English culture has inspired relatively little attention amongst historians in recent years, whilst remaining virtually absent in musicological scholarship. Most significantly, Martin Ingram has noted the popularity and usage of rough music across the social strata in early modern England, an observation which he suggests challenges the notion that there was a clear distinction between 'elite' and 'popular' culture during this period, but Ingram neglects to offer any thorough analysis of sound's role during these rituals.¹⁴ Scholarship focusing on rough music in the eighteenth and

¹⁰ Foyster, *Manhood in Early Modern England*, pp. 32-34.

¹¹ For a comprehensive overview of the history of French charivari see Jacques le Goff and Jean-Claude Schmitt (eds.), *Le Charivari: Actes de la table ronde organisée à Paris (25-27 avril 1977) par l'Ecole des Hautes Etudes en Sciences Sociales et le Centre National de la Recherche Scientifique* (Paris: Mouton, 1981).

¹² A number of scholars have suggested that *Rabelais and his World* should be read as a covert attack on the political situation in 1930s Stalinist Russia. See Simon Dentith, *Bakhtinian Thought: An Introductory Reader* (London; New York: Routledge, 1995), pp. 68-69.

¹³ Bakhtin makes several references to charivari in *Rabelais and his World*; for the relationship between charivari and carnival see Mikhail Bakhtin, *Rabelais and his World*, translated by Hélène Iswolsky (Bloomington: Indiana University Press, 1984), p. 267.

¹⁴ Martin Ingram, 'Ridings, Rough Music, and the 'Reform of Popular Culture' in Early Modern England', *Past & Present*, 105/1 (1984): pp. 79-113. Other studies that have addressed the tradition of rough music in early modern

nineteenth centuries is equally devoid of any detailed analysis of the sonic, despite the surfeit of cacophonous anecdotes in contemporary literature and the press.¹⁵

That being said, a couple of scholars have paid closer attention to the sound world of rough music: firstly, Emma Dillon has masterfully amplified the significance of charivari sound and its relationship to the written record in medieval French sources.¹⁶ Whilst Dillon's work is certainly valuable and illuminating, her focus on the depiction of transgressive sounds in the archive—particularly the use of music as a medium to represent charivari in a fourteenth-century manuscript copy of the *Roman de Fauvel*—rather than the actual lived experience of these rituals, provides limited insight into the significance and role of sound during rough music. Christopher Marsh has come closer to amplifying the sound world of these events in his landmark book *Music and Society in Early Modern England*, and his approach certainly deserves further consideration and development. Marsh considers rough music as a sonic reverberation of a disordered community; a ritual where 'the positive correspondence between social harmony and musical concord was deliberately flipped on its head', echoing and amplifying the social transgression that had instigated the punishment.¹⁷ Marsh's analysis is, however, fairly brief, and there is certainly much more to be said with regard to how and why these cacophonous displays were deemed to constitute a powerful instrument for punishment, humiliation, and suppression.

This chapter will further develop our understanding of the significance of such rituals by refocusing our attention to the sonic experience of rough music. I focus on three principal questions: what were the sonic characteristics of such displays? What did these sounds signify to the men and women that heard them? And how and why did noise function as an instrument of

England include D. A. Johnson, "'Johnson is beaten!' A Case of "Rough Music" at West Bromwich in 1611', *Transactions, Lichfield and South Staffordshire Archaeological and Historical Society*, 25 (1983-4): pp. 31-4; Joan Kent, "'Folk Justice" and Royal Justice in Early Seventeenth-Century England. A "Charivari" in the Midlands', *Midland History*, 8/1 (1983): pp. 70-85; David Rollinson, 'Property, Ideology, and Popular Culture in a Gloucestershire Village, 1660-1740', *Past & Present*, 93/1 (1981): pp. 70-97; David Underdown, *Revel, Riot, and Rebellion: Popular Politics and Culture in England, 1603-1660* (Oxford: Clarendon, 1985), pp. 106-11.

¹⁵ For example, whilst Andrew Walker draws attention to the vivid descriptions of noise in nineteenth-century newspaper accounts of rough music, he fails to address why such discordant sonorities were fitting and what they signified to those present: Andrew Walker, 'Rough Music, Community Protest and the Local Press', *International Journal of Regional and Local History*, 13/1 (2018): pp. 86-104. For other studies of rough music in eighteenth- and nineteenth-century England see Stephen Banks, *Informal Justice in England and Wales 1760-1914: The Courts of Popular Opinion* (Suffolk: The Boydell Press, 2014), pp. 62-82; E. P. Thompson, *Customs in Common: Studies in Traditional Popular Culture* (Hammondsworth: Penguin, 1993), pp. 467-8; Alexandra Walsham, 'Rough Music and Charivari: Letters Between Natalie Zemon Davis and Edward Thompson', *Past and Present*, 235/1 (2017): pp. 243-62.

¹⁶ Dillon, *The Sense of Sound*, pp. 92-128.

¹⁷ Marsh, *Music and Society*, pp. 45-48, quote at p. 45. Marsh's book includes a recording of rough music based on the case of Margaret and William Cripple in Burton-on-Trent in 1618 using drums, basins, candlesticks, spoons, and voices. Bruce Smith has also drawn attention to the sonic significance of rough music: Smith, *The Acoustic World of Early Modern England*, pp. 154-156.

punishment? To begin, I offer an overview of the context of rough music as well as some examples of such rituals from contemporary literature, drama, balladry, diaries, and court records. To follow, I provide an analysis of the cultural associations that accompanied some of these noises in an early modern context, thus broadening our understanding of what they might have signified to those who experienced them. Finally, I offer a more conceptual and theoretical interpretation of rough music, one that embraces the significance of sonic experience more thoroughly than previous scholarship. Whilst this noisy tradition has typically been theorised in terms of the Bakhtinian carnivalesque, an approach which has advantages as well as limitations, I instead turn to Foucault's work on *parrhesia* to develop a theoretical framework that amplifies the auditory and punitive impact of such displays.

What, who, where, and why?

Following the brutal assault on himself and his wife, William Cripple took legal action against the perpetrators of his attack. Although his occupation as a piper suggests that William had a fairly humble social status, he nevertheless proceeded to present his case to the court of Star Chamber, a court that became increasingly associated with cases of libel and slander from the beginning of the seventeenth century.¹⁸ In answer to his bill of complaint, the constable Edward Lamb attempted to defend the actions of himself and his comrades, claiming that the punishment was a 'Custome of longe and very auncient tyme'.¹⁹ A similar line of defence appears in another Star Chamber case from 1604, in which one of the defendants, Thomas Hamont, justifies a cacophonous assault upon a drunken cuckold named Nicholas Rosyer by declaring that it was an 'old country ceremony used in meriment upon such accidents'.²⁰ Whilst the origin of this intriguing tradition is somewhat obscure, it was certainly, as these perpetrators avow, not a new phenomenon: indeed, the earliest record of the term 'charivari' can be found in late thirteenth-century French sources, and evidence of similar traditions in England and Scotland appear as early as the fourteenth century.²¹ But considering that rough music is an inherently aural and therefore ephemeral custom, as well as being a method of punishment that was not officially sanctioned by

¹⁸ Adam Fox has shown that 64% of all cases brought before the Star Chamber during the reign of James I were made by individuals from the wealthier ranks of society (nobles, gentleman, professionals, merchants); the remaining 36% were by those from the middling and lower echelons of society (yeomen, husbandmen, artisans, labourers): Fox, *Oral and Literate Culture in England*, p. 309.

¹⁹ TNA STAC 8/104/20, Cripple v. Lambe, m. 1.

²⁰ TNA STAC 8/249/19, Rosyer v. Quarrye, m. 18.

²¹ Dillon, *The Sense of Sound*, p. 92. In 1390 farm workers in Scotland enacted a noisy demonstration due to the damage inflicted upon their crops during the coronation of Robert III: see John McGavin, 'Robert III's 'Rough Music': Charivari and Diplomacy in a Medieval Scottish Court', *Scottish Historical Review*, 74/2 (1995): pp. 144-58.

the state, most cases probably did not find their way into the written record, so it is difficult to deduce exactly where and when the tradition originated.

Although we have relatively little information surrounding the genesis of the tradition, we have a fair amount of evidence pertaining to the workings and targets of rough music in early modern England. These noisy methods of popular ridicule were used to discipline those guilty of a variety of social offences, such as adulterers, henpecked husbands, and shrewish wives. In the case of Margaret and William Cripple, the perpetrators claimed that the punishment had been inflicted due to the 'incontinence' and the 'impudent ymmodesty' that the couple had brought to the town; naturally, by contrast, William claimed that their assault was driven rather by 'some private grudge and displeasure without any just cause'.²² One of the most common targets of these noisy displays was the husband who had been physically or mentally dominated by his wife. Early modern patriarchal attitudes ordained that men should govern their wives—in the words of William Gouge, 'the husband is the head of the wife, even as Christ is the head of the Church'—so henpecked husbands were admonished due to their inability to control their spouses.²³ As Elizabeth Foyster has argued, one of the most common means of acquiring honourable manhood during the early modern period was through the subjugation of women.²⁴ When a man failed to control his wife he was considered particularly deplorable, 'because husbands having a more honourable place, their failing in duty is the more hainous, scandalous, and dangerous'.²⁵ Honour, credit, and reputation were earned by those who upheld ideals of patriarchy, so if a husband failed to do so, he compromised his public honour, and rituals of rough music provided an oral/aural symbol of that loss of status, amplifying it throughout the entire community. Although rough music significantly tarnished the reputation of the victim, it is possible that those inflicting the punishment actually strengthened their own honour and reputation in doing so: as Elizabeth Foyster has shown, honourable manhood was associated with various activities, such as hunting, running, wrestling, displays of piety, charity, and pertinently to this chapter, justice.²⁶ When individuals such as Edward Lamb organised these punitive displays, they were effectively enacting justice within their communities in an attempt to restore communal honour; therefore, in doing so, this perhaps also strengthened and reinforced their own personal honour.

²² TNA STAC 8/104/20, Cripple v. Lambe, m. 1; m. 2.

²³ William Gouge, *Of domesticall duties eight treatises* (London, 1622), p. 29.

²⁴ Foyster, *Manhood in Early Modern England*, p. 38.

²⁵ Gouge, *Of domesticall duties*, p. 44.

²⁶ Foyster, *Manhood in Early Modern England*, pp. 31-39.

In some cases, a neighbour of the intended victim was paraded in his place, presumably in the hope that he would willingly cooperate with proceedings. This custom is referred to in a seventeenth-century ballad, which remarks that a 'neighbour must ride' when a husband is beaten by his wife.²⁷ Garrulous and argumentative women, usually referred to by their contemporaries as 'scolds', were also frequently chastised with rough music, or they were sometimes put upon a cucking stool and dunked into the local pond or river in an effort to silence them. Although these types of individuals were the most common targets of rough music, it was sometimes used to chastise those who had committed more obscure offences. For instance, in 1616 a case of rough music in Almington, Staffordshire, which we will consider in more detail shortly, was inflicted upon a couple because they were behind on their rent payments.²⁸

Rituals of rough music assumed a variety of different forms in early modern England, which usually varied according to context, location, and the severity of the wrongdoing. Sometimes, the ritual took the form of a 'riding', during which the victim, or sometimes a proxy, was paraded through the town either on a horse, ladder, donkey, cart, or a 'stang' (a strong pole), which gave rise to the contemporary expression 'riding the stang'. In southern England, the display was often referred to as a 'skimmington' or 'skimmity' ride, a term associated with the punishment of henpecked husbands: the gender inversion of the household was mirrored in an elaborate display during which the victim or proxy would ride on a horse or cart backwards whilst the insubordinate wife (which was often a man dressed as a woman) beat him over the head with a skimming ladle, hence the associated term 'skimmington' (a woodcut depiction of this tradition can be seen in fig. 1.1).²⁹ As was the case in the punishment of William and Margaret Cripple, crowds often gathered at these rituals armed with an array of weapons, and sometimes they would carry or display animal horns, a potent symbol of cuckoldry. For instance, in 1611 a group of villagers from Beckington (Somerset) chastised two cuckolds called William Swarfe and Roger Craye by cutting the hair off Swarfe's horse's tail and mane, fastening a pair of animal horns to its head, and 'with great laughter and derision and with great Clamors showts and outcries [did] lead about the said mare in open and publicke places'.³⁰

²⁷ Anon., *A Mad Crue; Or, That shall be tried* (London, [1625?]), EBBA 20209.

²⁸ TNA STAC 8/20/24, Attorney General v. Churche, m. 2.

²⁹ Violet Alford, 'Rough Music or Charivari', *Folklore*, 70/4 (1959): pp. 505-518, at p. 508.

³⁰ TNA STAC 8/92/10, Craye v. Heskins, m. 4. We will explore this case further in chapter 3, as it also involved a libel.

Fig 1.1: Anon., *Halfe a dozen good VVives* (London, [1630-1649?]), EBBA 30096, woodcut illustration.



But central to all forms of the punishment was the presence of clamorous, discordant noise, hence the name 'rough music'. As is the case with all sounds of the past, the sonic dimensions and effects of such rituals can be difficult to recover. Our knowledge of these unofficial methods of punishment relies almost exclusively on the written record, aside from some rare visual representations, such as William Hogarth's famous illustration of the case of rough music in Samuel Butler's seventeenth-century poem *Hudibras* (fig. 1.2), and a large plaster frieze of a skimmington ride in the great hall of Montacute House in Somerset (fig. 1.3), both of which are remarkably noisy illustrations. Depictions of rough music in contemporary literature also attest to the extreme noisiness of such occasions. For instance, the skimmington in Butler's aforementioned poem, *Hudibras*, refers to the noise of horns, pans, dogs, kettledrums, bag pipes, shouting, and ballad singing, and is replete with words such as 'clamour', 'noise', and 'din'.³¹ The centrality of sound is also highlighted in the infamous, much later depiction of rough music in Thomas Hardy's *The Mayor of Casterbridge*, which refers to the 'din of cleavers, tongs, tambourines, kits, cronds,

³¹ Samuel Butler, *Hudibras*, edited by John Wilders (Oxford: Clarendon Press, 1967), pp. 143-44. On Butler's depiction of the skimmington in *Hudibras* see M. A. Katritzky, 'Historical and Literary Contexts for the Skimmington: Impotence and Samuel Butler's *Hudibras*', in Sara Matthews-Grieco (ed.), *Cuckoldry, Impotence, and Adultery in Europe (15th-17th century)* (Farnham: Ashgate, 2014), pp. 59-82.

humstrums, serpents, ram's horns and other historical kinds of music'.³² References to rough music also appear in early modern balladry, usually in songs about the transgressions and punishment of female offenders. For instance, when men and women sang or heard the ballad entitled *The cucking of a scould* they were reminded of the punishments enacted on female miscreants in the fifteenth verse, which refers to a woman being ducked in the local pond whilst 'The drums & trumpets sounded brave'.³³ The custom also had a place in early modern drama, with noisy ridings sometimes even being performed on stage: in John Day's *The Knave in Graine*, a skimmington was to be enacted during the performance with 'a great Hubub and noise, a ringing of basons, a great many Boyes before'.³⁴ Early modern people also reported cases of rough music in journals and memoirs, and some of these writers even commented on the instruments used during such events. For instance, the renowned diarist Henry Machyn recorded an episode of rough music in London in 1563, during which he recalls the sound of a bagpipe, a shawm, and a drum.³⁵ Likewise, the memoirs of a Frenchman living in London in the seventeenth century recorded the punishment of a henpecked husband: a woman apparently paraded the streets whilst carrying a straw effigy wearing horns, accompanied by a 'Drum, and follow'd by a Mob, making a most grating Noise with Tongs, Grid-irons, Frying-pans, and Saucepans'.³⁶

Aside from literary and journal references, court records provide the bulk of documentary evidence regarding rough music, some of which I will draw upon to amplify the sounds produced during such events. It is important to bear in mind, however, that court records often contain an 'imperfect transcript of an exchange laden with imbalances of power, secrets, hidden agendas, and meanings we can only partly recover'.³⁷ Indeed, many aspects of these records, such as the bills of complaint, were undoubtedly embellished and exaggerated in order to secure a conviction, whilst other documents, such as the statements of the defendants, were probably toned down in an effort to avoid reprimand. It is also important to remember that cases of rough music only went to court if the victim elected to take legal action: many incidents probably went unreported, especially if the ritual was void of any physical violence, so the number of extant court records concerning rough music should not be considered an indicator as to the prevalence of the tradition.

³² Thomas Hardy, *The Mayor of Casterbridge* (London: Penguin Books, 1997), p. 277.

³³ Anon., *The Cucking of a Scould* (London: [1630?]), EBBA 20029.

³⁴ John Day, *The knave in graine, new vampt* (London, 1640), sig. L4^v.

³⁵ J. G. Nichols (ed.), *The Diary of Henry Machyn, Citizen and Merchant-Taylor of London, from A. D. 1550 to 1563* (London: Camden Society, 1848), p. 301.

³⁶ Henri Misson, *M Misson's memoirs and observations in his travels over England* (London, 1719), p. 129.

³⁷ Laura Gowing, *Common Bodies: Women, Touch, and Power in Seventeenth-Century England* (New Haven: Yale University Press, 2003), p. 14.

Fig. 1.2: William Hogarth, *Hudibras and the Skimmington* (1725-68), © The Metropolitan Museum of Art, Prints, 91.1.106.



Fig. 1.3: Plaster frieze in the great hall of Montacute House, Somerset, National Trust. Photograph by Jon Gibson, © The National Trust.



Whilst court records certainly present some methodological issues for the historian, they also offer an incredibly detailed and explicit body of evidence, particularly regarding the sound world of rough music. As we have seen in William Cripple's bill of complaint to the Star Chamber, these documents often provide specific references to the sounds produced during these rituals, as well as information regarding the musical and domestic instruments that were used by the perpetrators. For instance, a report of a case of rough music in the village of Upper Mitton (Worcestershire) in 1613 stated that the parish curate, Thomas Smith, was forcefully put upon a cowl-staff and carried through the streets, accompanied by the noise of fiddlers, a frying pan, a horn, and a large crowd of people making a 'greate disorderly noise to the greate disturbance of all the neighborhood there about'.³⁸ In 1611, a case was presented at the Staffordshire Quarter Sessions concerning an act of rough musicking against the parish vicar, Thomas Johnson: a riotous mob reportedly assembled themselves near his house accompanied by two men sat upon a ladder, one calling himself Johnson, the other dressed as Johnson's wife. They proceeded to ridicule Johnson's inability to control his spouse by making raucous noises with a frying pan, a spade, and 'strong showtings'.³⁹ Other cases apparently involved the use of traditional instruments as well as domestic utensils. For instance, in the small community of Quemerford, a hamlet outside Calne in Wiltshire, Thomas Mills and his wife Agnes were admonished for Agnes' insubordinate behaviour with the sound of pipes, horns, lowbells (small bells that were usually hung around the necks of cows or sheep), and a variety of other small, hand-held bells.⁴⁰

As we have seen with the incident involving Margaret and William Cripple, some cases of rough music were prone to elements of physical violence. Another particularly violent act of rough music occurred in a village called Alington (Staffordshire) in 1616, when William Gillam and his wife Alice were targeted by the village constable, William Church, for neglecting to pay their rent. Church and a group of locals assembled themselves outside Gillam's house, armed with 'pitchforkes, welsh hookes guns pistolls Chardged with powder and shott swoordes daggers bills and other weapons', broke down the door, and proceeded to violently beat the couple. But the mob were clearly not satisfied with the act of physical violence: later that evening they returned to Gillam's house and proceeded to chastise the couple with 'riotous and unlawfull' music and dancing 'in most scornefull and deriding manner', which apparently continued relentlessly

³⁸ David N. Klausner (ed.), *Hereford and Worcestershire*, REED (Toronto: University of Toronto Press, 1990), p. 392.

³⁹ J. Alan B. Somerset (ed.), *Staffordshire*, REED online, <https://ereed.library.utoronto.ca/records/staff-ridm51335072/> [accessed 9 April 2020].

⁴⁰ Quoted in Ingram, 'Ridings, Rough Music', p. 82.

throughout the night.⁴¹ There was certainly a correlation between sonic and physical brutality during these rituals, each act compelling, strengthening, and enriching the other.

These literary references, journal observations, and legal records attest to the sonic chaos that characterised these events. They were accompanied by a huge variety of both traditional and domestic instruments, the majority of which were non-pitched, percussive, and raucous, permeating the soundscape of a community and spreading the message of public justice far and wide. We have seen cases involving traditional instruments such as drums, bagpipes, shawms, horns, and fiddles, as well as makeshift domestic utensils like candlesticks, frying pans, and metal basins, all of which were accompanied by the shouting and general cacophony of the mob. It is difficult to ascertain whether tuned instruments were actually used to play music in the traditional sense of the word, or whether they were simply scraped and walloped to amplify the general cacophony. In some cases, such as the assault on William and Alice Gillam, references to dancing suggest that melodious music was used to accompany such merriments, but the majority of cases simply refer to the disorderly racket of the affair, suggesting that in most instances musical instruments were exploited to make as much noise as possible. Either way, all of these instruments, traditional or domestic, carried distinct weight and meaning. In the following section we will consider some of the cultural associations that these sounds and instruments carried, offering a detailed and nuanced insight into what the noises of rough music signified to those that made and heard them.

Cultural and Social Associations of Charivari Sounds

For centuries, sounds have carried a web of psychological and cultural associations, memories, and meanings, which are woven into the very fabric of our society. These meanings are dependent on the cultural and social context in which they are produced, so it is vital that we open our ears to the contemporary connotations of sounds in order to fully comprehend their significance to those who made and heard them. For instance, the cacophony of pots and pans being hammered from balconies and windows in celebration of key workers during the Covid-19 pandemic is a remarkable sonic experience, one that is perhaps not too far removed from that of rough music; but the meaning of these moving spectacles—a loud and communal expression of immeasurable gratitude—is certainly very different from that of the punitive rituals enacted on social miscreants centuries earlier. The implications of sounds vary according to the context in which they are

⁴¹ TNA STAC 8/20/24, Attorney General v Church, m. 2.

produced, and they also render different meanings for different people according to considerations such as social status and gender. This section offers an examination of the potential cultural significance of the sound world of rough music, affording us a more comprehensive insight into the sonic impact of such rituals than has previously been attempted.

Let us begin with one of the most popular instruments of rough music: the drum. Primarily, of course, the sheer loudness of these percussive instruments, which the writer and soldier Barnabe Rich claimed could 'put downe all but thunder', could permeate the soundscape of a small town or village, inviting individuals to engage with the ritual of popular justice, in the same way that the sound of bells called people to worship.⁴² However, the sound of drumming also carried connotations that added to their significance as instruments of punishment.⁴³ In the early modern world, the sound of drumming, referred to in one sixteenth-century collection of proverbs and prose quotations as 'warfaring musicke', was intimately embroiled within the discourse of warfare.⁴⁴ These instruments were used to regulate the rhythms of marching soldiers, communicate important messages throughout large armies, and inspire bravery amongst those that fought for their country. A seventeenth-century English treatise on the art of warfare ordained that new recruits must 'learne to understand the assured sound of the drumme, thereby to know alwaies whereunto he is appointed, and what thing is to be done and obeied', whilst the soldier Francis Markham described the drum as 'the very tongue and voyce of the Commander', attesting to the significance of the drum as an authoritative instrument of military communication.⁴⁵ Drumming was also used as a strategy to instil courage into the hearts and minds of fighting men: in a treatise entitled *The character of warre*, Edward Cooke remarked upon the capability of drums to 'inflame the Souldiers hearts', and later in the seventeenth century Jeremy Collier expounded upon the motivational power of military drumming:

Have you not observed a *Captain* at the Head of a *Company*, how much he is alter'd at the Beat of a Drum? What vigorous Motion, what an erected Posture, what an enterprising Visage, all of a Suddain? His Blood charges in his Veins, his Spirits jump like Gunpowder, and seem impatient to attack the Enemy.⁴⁶

⁴² Barnabe Rich, *The Irish hubbub, or, The English hue and crie* (London, 1618), p. 57.

⁴³ On the cultural associations of drumming in early modern England see Christopher Marsh, 'The pride of noise': drums and their repercussions in early modern England', *Early Music*, 39/2 (2011): pp. 203-216, at pp. 204-207.

⁴⁴ Ling, *Politeuphuia VVits common wealth*, p. 196^v.

⁴⁵ Edward Davies, *The art of war, and Englands traynings* (London, 1619), p. 28; Francis Markham, *Fine decades of epistles of warree* (London, 1622), p. 58.

⁴⁶ Edward Cooke, *The character of warre* (London, 1626), sig. C3; Jeremy Collier, *Essays upon several moral subjects in two parts* (London, 1697), part II, p. 21.

Whilst it is impossible to know whether drums were beat in a military manner during rituals of rough music, or whether they were simply bashed in violent and sporadic fashion, I have come across at least one case that hints at a militaristic style of drumming. The deposition of Thomas Mills from Quemerford, who as we saw earlier was subjected to rough music due to his wife's insubordinate behaviour, claimed that the perpetrators of his assault were led into the hamlet by a drummer called William Wiatt. Mills' account of the proceedings reported that the culprits marched behind the drummer, 'some like soldiers', armed with a variety of weapons, evoking the impression of an army of soldiers marching into battle behind the authoritative and powerful beating of a drum.⁴⁷ Perhaps the commanding presence of the drum stirred up the blood of those present, emboldening them to actively participate in the display, whilst evoking fear amongst those who were the targets of such rituals.

No matter how the drums were played, the military resonances of these instruments rendered it a potent symbol of masculinity.⁴⁸ In a patriarchal treatise entitled *The Arraignment of Lewd, Idle, Froward and Unconstant Women* (1615), Joseph Swetnam claimed that military marches belonged to men, whilst quieter forms of music were more suitable for women: 'For a man delights in arms, & in hearing the rattling drums, but a woman loves to heare sweet musick on the Lute, Cittern, or Bandora'.⁴⁹ References to the virile qualities of the drum also appeared in early modern balladry: for instance, a seventeenth-century ballad about the death of John Spenser, a 'Cheshire Gallant', celebrates the protagonist's masculinity through an allusion to the sounds of military drumming: 'For beating of the war-like Drumme, / no man could him surpasse'.⁵⁰ Contemporary writers sometimes even gendered these instruments as male, heightening their virility even further: in his *Five decades of epistles of warree*, Francis Markham personifies the drum, elevating its status as a male character that should be revered and respected: 'A *Drumme* (though martiall in every part of his calling) is yet rather a man of Peace then of the sword, and it is most dishonourable in any man (wittingly and out of his knowledge) to strike him or wound him'.⁵¹ The association of drumming with masculinity was heightened by the fact that these instruments were often used during displays of civic power such as royal entries, rituals that were imbued with a sense of patriarchal authority. Christopher Marsh has argued that during such ceremonies these instruments served as a

⁴⁷ Quoted in Ingram, 'Ridings, Rough Music', p. 82.

⁴⁸ On drumming and masculinity see Marsh, "The pride of noise", p. 210.

⁴⁹ Joseph Swetnam, *The arraignment of lewde, idle, froward and vnconstant women* (London, 1615), p. 38.

⁵⁰ Thomas Dickerson, *Iohn Spenser a Cheshire Gallant* (London, [1603-1626?]), EBBA 20047.

⁵¹ Markham, *Fine decades of epistles of warree*, p. 59.

'declaration of wealth and power', demonstrating that 'the individual that could command such sound could command much more besides'.⁵²

The virility of the drum—made potent through its association with violence, warfare, and civic power—made it an ideal instrument for punishing some of the primary victims of rough music: the cuckolded husband and the disobedient wife. As I have already noted, early modern patriarchal culture was founded on ideals of hierarchy and order: the husband was expected to govern his wife and family in the same way that a monarch ruled over his or her land; in the words of the clergyman and puritan preacher William Whately, a husband was 'the Prince of the household, the domesticall King'.⁵³ But many women found ways of navigating and evading such rules: indeed, in a seventeenth-century treatise about women's rights, the author Thomas Edgar begrudgingly notes that although women are supposed to submit to the patriarchy, 'some women can shift it well enough'; in other words, many succeeded in evading these oppressive social codes.⁵⁴ As we know, those that transgressed these ideals most openly often found themselves victims of these noisy shaming rituals. The beating of a drum—a sonic expression of masculinity—served to symbolically silence the unruly wife, as well as the deplorable husband that had failed to keep her in check, suppressing their social transgressions through the medium of sound. As the sounds of these commanding instruments reverberated throughout the local community, they reinforced the message of masculine authority, warning others not to transgress the bounds of patriarchal ideals.

As we have seen in the preceding examples, the sounds of drums often resounded alongside the cacophonous banging of domestic instruments such as pots and pans. Practically speaking, this reveals how communities were willing to seize whatever objects were at hand in order to partake in the act of communal punishment. However, much like drums, these objects also carried significant cultural associations that perhaps had an impact on the meaning of the ritual to those who witnessed it. Kitchen utensils were the antithesis of the drum, in that they were

⁵² Marsh, "The pride of noise", p. 207.

⁵³ William Whately, *A bride-brush. Or, a direction for married persons* (London, 1623), p. 204.

⁵⁴ Thomas Edgar, *The larves resolutions of womens rights* (London, 1632), sig. B3^v. The bibliography on women's agency in the early modern period is vast. Notable studies include Bernard Capp, *When Gossips Meet: Women, Family, and Neighbourhood in Early Modern England* (Oxford: Oxford University Press, 2003); Anthony Fletcher, *Gender, Sex and Subordination in England, 1500-1800* (New Haven; London: Yale University Press, 1995); Laura Gowing, *Domestic Dangers: Women, Words, and Sex in Early Modern London* (Oxford: Oxford University Press, 1998); Laura Gowing, *Common Bodies: Women, Touch and Power in Seventeenth-Century England* (New Haven: Yale University Press, 2003); Jenny Kermode and Garthine Walker (eds.), *Women, Crime and the Courts in Early Modern England* (London: UCL Press, 1994); Joy Wiltenburg, *Disorderly Women and Female Power in the Street Literature of Early Modern England and Germany* (London: University Press of Virginia, 1992).

strongly associated with femininity. Pots and pans were some of the few objects that were bestowed to married women as personal property, and they were often left as bequests from women to female friends and family. In realising the feminine significance of kitchen utensils, it is worth quoting the historian of material culture Sara Pennell at length. Whilst she notes that the kitchen itself was not an exclusively feminine area, as it was a 'space for everyone and anyone across day and night', she associates the objects found within it with female power and aptitude:

Pots and pans were material testimony to a predominantly female sphere of not only operation but expertise: items which, in their testamentary descent from female to female, were invested with personal significance as possessions rather than merely utensils, and which thus participated in the moulding of a woman's adult character.⁵⁵

As Pennell has expertly shown, the kitchen space and the objects associated with it can be understood as the place where 'female competencies were founded and realised'.⁵⁶ When used correctly within the proper domestic context, kitchen utensils can be understood not only as a symbol of female subservience, but also of aptitude and power, as they attested to a world of female proficiency and ownership.

The misuse of kitchen utensils during rituals of rough music is thought-provoking, and can be interpreted, I would argue, as having two potentially symbolic implications. As I mentioned earlier, sounds carry different meanings for different hearers, so it is important to consider the potentially conflicting messages that the sounds of rough music may have conveyed amongst those present. On the one hand, the unruly banging of pots and pans served to reflect and amplify the social transgression that instigated the assault: the misuse of kitchen utensils symbolised a violation of domesticity, a sonic reverberation of the offence of the cuckolding or henpecking wife. The maltreatment of these potent symbols of femininity embodied a communal recognition of a disruption to the patriarchal order, which, in the words of Christopher Marsh, served to echo and amplify 'the cultural dissonance which the intended victims had themselves generated'.⁵⁷ On the other hand, however, the cacophony of domestic instruments might have been read by some as a kind of *celebration* of female insubordination, particularly for any wayward women that engaged in or witnessed such spectacles. Although the majority of individuals that engaged in rough music

⁵⁵ Sara Pennell, *The Birth of the English Kitchen, 1600-1850* (London: Bloomsbury Academic, 2017), p. 133; p. 130. See also Sara Pennell, 'Pots and Pans History: The Material Culture of the Kitchen in Early Modern England', *Journal of Design History*, 11/3 (1998): pp. 201-216, at p. 211.

⁵⁶ Pennell, 'Pots and Pans History', p. 202.

⁵⁷ Marsh, *Music and Society*, p. 46.

certainly did so in an effort to harass and chastise the errant husband or wife, it also provided the opportunity for individuals, especially women, to engage in behaviour that the patriarchy did not typically allow. Patriarchal notions ordained that women should be confined to the domestic sphere: indeed, contemporary authors such as Robert Abbot often compared women to snails or tortoises, 'because she carries her house upon her backe, to shew where her mind and ordinarie abode must be'.⁵⁸ But those that gladly lent their utensils to members of the community, or even played them themselves during such rituals, took advantage of a liberating opportunity to transport their female power and authority out of the home into the public sphere.⁵⁹ Their voices resonated through the sounds of these instruments, asserting their claim to sound space in the same way that the masculine voice resounded in the beating of the drum. Indeed, Natalie Zemon Davis has argued that French charivaris often served to *encourage*, rather than suppress, female insubordination, inviting the 'unruly woman to keep up the fight';⁶⁰ the wild and disorderly clanking of domestic instruments perhaps reflects just one of the ways that this disobedience was acknowledged and celebrated. While in one sense rough music was an attempt to restore patriarchal order, in another the disorderly cacophony of kitchen utensils recalled the insubordinate female voice that refused to be silenced. The soundscape of rough music therefore reflected an *instability* of patriarchal ideals: the ubiquity of drums, pots, and pans suggests that both the female and the male voice emerged during these rituals, reflecting the instability of masculine privilege and authority, as is exemplified in the character of the cuckolding wife.

Another instrument used during ceremonies of rough music was already associated with punitive methods, heightening its impact as an instrument of punishment. The beating of hollow metal basins was commonly used to draw attention to the victim's shame during official, state-sanctioned punishments known as 'cartings' or 'riding the tumbrel'. By the middle of the sixteenth century, these punitive rituals were being regularly administered by secular authorities, and sometimes, but more unusually, by the ecclesiastical courts. Cartings were usually meted out in place of excessive fines, so victims were usually those who could not afford such payments. It was most commonly implemented in urban areas, and was primarily used to chastise sexual offenders,

⁵⁸ Robert Abbot, *A Christian family builded by God, directing all governours of families how to act* (London, 1653), p. 77.

⁵⁹ Whilst it is difficult to find explicit evidence of women participating in rituals of rough music, the very fact that the perpetrators were often reported to number into the hundreds, which in many cases would suggest the entire community or parish, suggests that women were probably involved in these ceremonies somehow. Furthermore, depictions of charivari in contemporary drama suggests that women participated in these events: for instance, John Fletcher's *The Woman's Prize* (1611) includes an instance of rough music enacted by a group of women against an Italian suitor: Francis Beaumont and John Fletcher, *Comedies and tragedies written by Francis Beaumont and John Fletcher* (London, 1647), p. 109.

⁶⁰ Natalie Zemon Davis, *Society and Culture in Early Modern France: Eight Essays* (London: Duckworth, 1975), p. 140.

especially brothel keepers, prostitutes, and scolds.⁶¹ The official punishment of carting was very similar to that of rough music: the offender was placed in a cart and paraded through the streets accompanied by—in the words of Henry Machyn—the sounds of 'tyngling' basins.⁶² For instance, in 1618 Sarah Knight and Joan Ryce were found guilty of 'keepeing a Common Bawdy House at Rosemary Lane' in the county of Middlesex, so they were carted around the streets and 'rung out with bells and basons'.⁶³ Similarly, a brothel keeper called John Webb, also from Middlesex, was subjected to 'ride in a cart by the Old Baylie, Fleete Streete, Temple Barre, Drury Lane and Holborne as near his own dwelling-house as is possible', accompanied by the sound of basins and anything else that was 'necessary and customary', most likely referring to other noisy instruments.⁶⁴ When metal basins were rung during unofficial rituals of rough music—as they were during the assault on Margaret and William Cripple—they evoked the sounds of state-sanctioned punishment, perhaps symbolically implying to those present that the community could command the same level of power as judicial and ecclesiastical authorities. The ringing of metal basins, therefore, perhaps added a certain element of validation and authority to these unofficial punitive displays.

As we have seen in the preceding examples, some instances of rough music included the playing of pipes and fiddles, sounds which added another layer of meaning to proceedings, particularly as these instruments carried 'distinctly sinister overtones' and were frequently associated with corruption and the devil.⁶⁵ Occupational musicians who made a living from playing these instruments usually came from the lower echelons of society and were frequently targeted by the law for a variety of offences, such as sabbath breaking, drunkenness, and vagrancy.⁶⁶ This incited particularly contemptuous responses in contemporary literature, with writers frequently chastising them as abhorrent, immoral, and sinful individuals. For instance, a seventeenth-century collection of character sketches refers to a fiddler as 'a Bastard of the Muses' and a 'man never much respected'.⁶⁷ Similarly, Thomas Lovell claimed that pipers and fiddlers sought to entertain 'the devil him self', whilst Richard Braithwaite described them as idle drunkards that roar 'like the

⁶¹ On the tradition of carting see Martin Ingram, *Carnal Knowledge: Regulating Sex in England, 1470-1600* (Cambridge: Cambridge University Press, 2017), pp. 343-351 and Sharpe, *Judicial Punishment in England*, pp. 21-22.

⁶² Nichols (ed.), *The Diary of Henry Machyn*, p. 228.

⁶³ John Cordy Jeaffreson (ed.), *Middlesex County Records: Volume II, 1603-25* (London: Middlesex County Records Society, 1886), p. 139.

⁶⁴ Jeaffreson (ed.), *Middlesex County Records*, p. 228.

⁶⁵ Smith, *The Acoustic World of Early Modern England*, p. 143.

⁶⁶ See Marsh, *Music and Society*, pp. 73-87 and A. L. Beier, *Masterless Men: The Vagrancy Problem in England 1560-1640* (London: Methuen, 1985), pp. 97-98.

⁶⁷ R. M., *Micrologia. Characters, or essayes, of persons, trades, and places, offered to the city and country* (London, 1629), sigs. C7^v and D1.

Devill' in alehouses and taverns.⁶⁸ In his renowned attack on the customs, fashions, and entertainments of the period, the pamphleteer Philip Stubbes advised the 'wicked broode' of pipers and fiddlers and other common musicians that 'pype up a dance to the Devill' to give up their sinful occupations if they wished to evade God's wrath on the Day of Judgement.⁶⁹ Writers had similar attitudes towards the instruments as well as the players, often associating them with discordant noises rather than harmonious sounds.⁷⁰ For instance, the dramatist and pamphleteer Thomas Dekker described the 'abominable noises' of fiddlers on the streets, whilst Samuel Butler even went as far to say that the 'scrapings' of a fiddler should be considered as a 'rape upon the ear'.⁷¹ The presence of these cacophonous instruments during rituals of rough music—with their sinful and wicked resonances—provided another aural symbol of immorality and corruption, further enhancing the very essence of what these rituals attempted to reprove.

But again, it is important to remember that many of these instruments can be interpreted in multiple ways. Whilst pipes and fiddles were often associated with sinfulness and immorality by early modern writers, in practice, they were also the instruments of domestic recreation and festive practices such as May games, church ales, and the morris.⁷² The morris dance, which according to Stubbes resounded with the sounds of 'baudie pipers', 'thundering drummers', 'jynghling' bells and grating fiddles, offers an interesting point of analysis in terms of its cultural associations and resulting resonances.⁷³ These customs usually involved a group of young men performing some kind of virile dance to musical accompaniment. The dance itself usually portrayed a customary narrative in which each of the participants competed with one another to win the hand of Maid Marion. The undertones of these events resonate with some of those already mentioned: for instance, it was a predominantly masculine affair (although women also sometimes performed), which afforded young men the opportunity to offer potent displays of 'virile virtuosity'.⁷⁴ The morris also assumed a militaristic dimension, as the dancers attempted to impress Maid Marion with their 'combative prowess', and the dance was sometimes adapted into civic processions such as the marching watch, a militaristic and communal effort to maintain law and order.⁷⁵ But like

⁶⁸ Thomas Lovell, *A dialogue between custome and veritie concerning the vse and abuse of dauncing and minstrelsie* (London, 1581), sig. C9^v; Richard Brathwaite, *Whimzies: or, a new cast of characters* (London, 1631), pp. 26-34, quote at p. 31.

⁶⁹ Philip Stubbes, *The anatomie of abuses* (London, 1583), sigs. O6^v-O7.

⁷⁰ Cockayne, 'Cacophony, or vile scrapers on vile instruments', p. 38.

⁷¹ Thomas Dekker, *The ravens almanacke of a [brace] plague, famine, and ciuill warre, that shall happen this present year 1609* (London, 1609), sig. C1^r; A. R. Waller (ed.), *Samuel Butler: Characters and Passages from Note-Books* (Cambridge: Cambridge University Press, 1908), p. 222.

⁷² On music in popular festive culture see Smith, *The Acoustic World*, pp. 133-167.

⁷³ Stubbes, *The anatomie of abuses*, sigs. P2-P2^v.

⁷⁴ Marsh, *Music and Society*, p. 346; see also p. 350.

⁷⁵ John Forrest, *The History of Morris Dancing, 1438-1750* (Toronto: University of Toronto Press, 1999), pp. 93-95; Marsh, *Music and Society*, p. 348.

many types of traditional popular festivities such as church ales and May games, the morris was frequently chastised by those of puritanical leanings as a tradition associated with paganism and the devil.⁷⁶ The association of pipes, drums, and fiddles with the morris thus reinforced some of the symbolic and cultural undertones that we have already discussed, namely those of masculinity, warfare, and sinfulness. On the other hand, however, we must not overlook the festive and celebratory aspects of traditions such as these. Those who engaged in or witnessed instances of rough music probably associated the sounds of these instruments with their own experiences of communal celebration, rather than the tropes of corruption and immorality that appear in elite culture. Like the morris, rough music posed an opportunity for individuals to engage in a cathartic act which undoubtedly served as a form of festive entertainment for many, at least for those who were not being chastised.

Turning to the sounds of rough music as whole, it is important to note that discordancy and noisiness carried important cultural resonances during the early modern period, further influencing the meaning of these raucous displays. As I briefly noted in the introduction, noisiness, cacophony, and dissonance were often likened to elements of societal conflict. In the words of William Shakespeare, 'untune that string and harke what discord followes', or as Amanda Eubanks-Winkler has simply put it, 'discord produced discord'.⁷⁷ Likewise, Samuel Rowley's 1605 play *When You See Me, You Know Me* associates sonic dissonance with the corrupting influence of immoral and corrupt men:

Yet mong'st these many stringes, be one untun'd
 Or jarreth low, or hyer than his course,
 Not keeping steddie meane among'st the rest,
 Corrupts them all, so doth bad men the best.⁷⁸

These entrenched notions were also reflected in courtly entertainments such as the masque. Whilst the context of the courtly masque is certainly far removed from the popular custom of rough music, it offers a useful point of comparison in its juxtaposition of dissonance and harmony. The masque proper used musical harmony and platonic choreography to symbolise the congruous relationship between the monarch and his or her subjects, whilst the noisy and discordant

⁷⁶ Forrest, *The History of Morris Dancing*, pp. 3-4.

⁷⁷ William Shakespeare, *The historie of Troylus and Cresseida* (London, 1609), sig. B4^v; Amanda Eubanks-Winkler, *O Let Us Howle Some Heavy Note: Music for Witches, the Melancholic, and the Mad on the Seventeenth-Century English Stage* (Bloomington: Indiana University Press, 2006), p. 6.

⁷⁸ Samuel Rowley, *When you see me, you know me* (London, 1605), sig. H1^v.

antimasque, which interspersed the main dances, was performed to symbolise the disorder of those who threatened the power of the sovereign. The transformation from 'chaos to order' was symbolised through a sounding modulation from dissonance to the ultimate triumph of musical concord.⁷⁹ Similarly, the discordancy of rough music symbolised a threat to the patriarchal order, but unlike the masque, its success in diminishing this threat remains ambiguous due to its failure to achieve a harmonious resolution, at least in sonic terms. Although it remains unclear as to whether rough music actually succeeded in restoring order within a community, the number of cases that resulted in legal action suggests that in many instances rough music actually provoked further tensions amongst those involved, especially as these cases often reinforced and prolonged existing feuds. Whilst the sonic and theoretical binarism of the antimasque and masque, in its resolution from evil to good, is perhaps too simplistic to apply to rough music, it represents, in theory, what these ceremonies endeavoured to achieve.

Noisiness and discordancy carried other negative connotations during the early modern period, especially as authors frequently used dissonant language to describe ideologies and practices that they deemed to be heretical and corrupt. Most notably, Protestant writers frequently used language evocative of noise and discord to rebuke Catholicism: for instance, Barnebe Googe's 1570 English translation of the polemical work *The Popish Kingdom* situates Catholicism firmly within the realm of noise by referring to the 'rowting', 'babbling', 'bawling', 'filthie' and 'loathsome' noises made by Catholics.⁸⁰ Likewise, an English translation of a work by the Swiss reformer Pierre Viret (1511-1571) refers to the 'roaring and yelling' of Catholics in church, 'as if their God were deafe, a sleepe, or else dronke in some Taverne'.⁸¹ Although these works are undoubtedly polemical in nature, there was perhaps an element of truth in their observations, especially in the context of post-Reformation England. Church papists—those who outwardly conformed by attending Protestant services but inwardly remained loyal to the old faith—frequently voiced their disparagement towards the new regime by disrupting the soundscape of Protestant church services. For instance, one John Harley from Brompton apparently read his Latin primer so loudly during a Sunday service in 1577 that 'he troubleth both the minister and people', whilst Sir Thomas

⁷⁹ Kevin Sharpe, *Criticism and Compliment: The Politics of Literature in the England of Charles I* (Cambridge: Cambridge University Press, 1987), p. 199. On the music of the masque see David Fuller, 'The Jonsonian Masque and Its Music', *Music and Letters*, 54/4 (1973): pp. 440-452; David Lindley, 'The politics of music in the masque', in David Bevington and Peter Holbrook (eds.), *The Politics of Stuart Court Masque* (Cambridge: Cambridge University Press, 1998): pp. 273-295; Peter Walls, *Music in the English Courtly Masque, 1604-1640* (Oxford: Oxford University Press, 1996).

⁸⁰ Thomas Naogeorgus, *The popish kingdome, or reigne of Antichrist*, translated by Barnabe Googe (London, 1570), sigs. D4; K3v; O1; P3v; Bb2.

⁸¹ Pierre Viret, *The canteles, canon, and ceremonies, of the most blasphemous, abominable, and monstrous popish Masse* (London, 1584), p. 169.

Cornwallis supposedly disturbed the congregation in his local church by 'contemptuously reading on a book, most likely some Lady Psalter or portasse which have been found in his pue'.⁸² So whilst the contemporary association between noisiness and Catholicism was no doubt politically motivated, it was also substantiated and reinforced by the behaviour of some disgruntled parishioners.

Noisiness also held a longstanding association with the sounds of hell. Whilst one could expect to enjoy eternal musical concord in heaven, the sounds of hell were thought to be bestial, discordant, painful, and inhuman. In a poem written following his release from prison in 1619, the playwright and pamphleteer Thomas Dekker (c. 1572-1632) compared his experience of imprisonment to the 'Darknesse and fires of Hell', which resonate with the howling of hell hounds and its 'whirle-wind swiftnesse, noyse, and violence'.⁸³ The Catholic author and Dominican friar, Luis de Granada (1504-1588), offers a particularly vivid description of a hellish soundscape: he imagines 'perpetual horrible cries, clamours...and a disordered horrible melodie of infinit jarringe noises, roringe, cryinge, squeakyng, and howlyng'.⁸⁴ Likewise, the English translation of Drexel's *Infernus damnatorum carcer* (1623) highlights the bestial qualities of the devil's soundscape, as the author remarks how the damned 'howl and wail most bitterly' and 'roar and fill the air with horrid outcries'; a 'Musick' which he remarks will 'never cease for all eternity'.⁸⁵ These associations further embed noisiness and discordancy within the realms of heresy, corruption, and evil, which in the context of rough music helped reflect and amplify the reprehensible sins of the victim. As those present were reminded of contemporary ideologies such as the discordancy of church papists and the cacophony of hell, they were perhaps more likely to revile and punish the intended victim.

Discordancy also carried gendered connotations, as dissonant music was frequently associated with witches, figures that were, in the words of Amanda Eubanks-Winkler, 'representative of political and religious rebellion, social decay, poverty, ignorance, and the gender trouble presented by unruly women'.⁸⁶ These insubordinate women were frequently depicted in courtly entertainments and on the early modern stage, and as Eubanks-Winkler has shown, their

⁸² Quoted in Alexandra Walsham, 'Domme preachers'? Post-Reformation English Catholicism and the Culture of Print', *Past & Present* (2000): pp. 72-123, at pp. 112-3 and John Bossy, *The English Catholic Community, 1570-1850* (London, 1979), p. 122. 'Portass' refers to a porteous, a portable breviary. On the disruptive behaviour of church papists more generally see Alexandra Walsham, *Church Papists: Catholicism, Conformity, and Confessional Polemic in Early Modern England* (Woodbridge: Boydell Press, 1993), p. 89-90.

⁸³ Thomas Dekker, *Dekker his dreame* (London, 1620), p. 21.

⁸⁴ Luis de Granada, *Of prayer and meditation* (Paris, 1582), sig. G2v.

⁸⁵ Jeremias Drexel, *A pleasant and profitable treatise of Hell* ([London], 1668), p. 44.

⁸⁶ Eubanks-Winkler, *O Let Us Howle*, p. 12.

presence was often signified by the accompaniment of discordant noise.⁸⁷ For instance, the description of the witches' entrance in Ben Jonson's *Masque of Queens* (1609) indicates the noisiness of their arrival:

These witches, with a kind of *hollow and infernal music*, came forth from thence, First one, then two, and three, and more, till their number increased to eleven, all differently attired: some with rats on their head, some on their shoulders; others with ointment pots at their girdles, all with spindles, timbrels, rattles or other venefical instruments, *making a confused noise*, with strange gestures.⁸⁸

A number of contemporary theatrical productions depict witches in a similarly cacophonous manner, which Eubanks-Winkler has described as 'aural manifestations of the witches' disorder'.⁸⁹ Some productions even made a direct connection between the unruly witch and rituals of rough music: for instance, in Thomas Shadwell's *The Lancashire Witches* (1681), the unruly hag, Mal Spencer, rides the clown, Clod, like a horse, as she proclaims 'Horse, Horse, be thou to me, / And carry me where I shall flee', an act reminiscent of a skimmington riding.⁹⁰ Similarly, in Thomas Heywood and Richard Brome's *The Late Lancashire Witches* (1634) a skimmington is enacted upon an unfortunate married couple because a witch had performed spells that hindered the bridegroom from consummating his marriage.⁹¹ The dissonance of witchcraft was also conveyed in popular literature: for instance, a pamphlet relating the misfortunes of one Richard Burt, who suffered at the hands of a witch known as Mother Atkins, recalls the sounds of her 'lamentable howling and dolefull crieng' as well as the 'infinite millions of discrepant noises' that emanated from her abode.⁹² Likewise, another pamphlet concerning the possession of Margaret Gurr of Tunbridge, Kent, describes the 'ugly', 'hideous', 'strange' and 'Shrieking noises' produced by the witch that came to visit her.⁹³ It is clear, therefore, that the sounds of rough music had a clear affinity with the noises associated with witches in popular culture. These resemblances perhaps encouraged those who engaged in or witnessed such rituals to associate their unruly and insubordinate female neighbours with these potent symbols of feminine transgression, further encouraging abhorrence for the

⁸⁷ On the noisiness of witches on stage see Eubanks-Winkler, *O Let Us Howle*, pp. 24-27.

⁸⁸ Stephen Orgel (ed.), *Ben Jonson: The Complete Masques* (New Haven; London: Yale University Press, 1969), p. 123 (emphasis mine).

⁸⁹ Eubanks-Winkler, *O Let Us Howle*, p. 26.

⁹⁰ Thomas Shadwell, *The Lancashire-witches and Tegue O Dively, the Irish-priest a comedy acted at the Duke's Theater* (London, 1682), p. 40.

⁹¹ Thomas Heywood and Richard Brome, *The late Lancashire witches* (London, 1634), sig. H3.

⁹² G. B., *A most wicked worke of a wretched witch* (London, 1592), p. 4.

⁹³ John Skinner, *A strange and wonderful relation of Margaret Gurr of Tunbridge, in Kent* ([London, 1681-1684]), p. 3.

victim of the assault. It is also worth noting, however, that associations such as these go both ways: the use of discordant sounds to accompany or describe appearances of witchcraft might have been due to their existing relationship with traditions such as rough music and the detestable figures that they sought to chastise.

Finally, a note regarding the physical powers of noise. As I outlined in the introduction to this thesis, early modern people considered sound to be an inherently physical phenomenon. Whilst harmonious music was considered a remedy for a variety of ailments, discordant noises were deemed to be dangerous as they could cause damage to the body and soul. In a sixteenth-century English translation of Bartholomeus Anglicus' Galenic publication entitled *De proprietatibus rerum*, 'On the properties of things', Stephen Batman observed that a person is 'pleased and preserved with temperate sowndes', but 'is grieved and destroyed with too great noyse'.⁹⁴ Similarly, Francis Bacon's well-known publication *Sylva Sylvarum* (1627) suggests that whilst hideous sights can evoke displeasure, they are not nearly as offensive to the body and soul as 'Harsh Sounds', as the latter have the power to incite a 'Shivering or Horrour in the Body'. According to Bacon, it is 'Sound alone, that doth immediately, and incorporeally, affect most'.⁹⁵ Thus, when we consider the physical and mental effects of rough music within an early modern context, the punitive and violent elements of this practice become clear: the discordant and clamorous noises of these ceremonies assaulted and affected the body and soul in a sort of ritualistic form of sonic violence. Indeed, in many ways, rough music might be seen to represent a toned-down counterpart to the use of sonic weapons today.⁹⁶ But it was not just the intended victim who was subjected to these cacophonous and harmful noises; they also penetrated the ears of those enacting the punishment, as well as those who were in earshot of the demonstration. Many of the court cases concerning rough music imply that there were usually hundreds of perpetrators and spectators present: as we saw in the introduction to this chapter, Margaret and William Cripple were reportedly assaulted by around four hundred people. In this sense, the act of sonic violence served to chastise the entire community, reminding everyone of their duty and role in restoring and upholding social and patriarchal order, as well as the public humiliation that would befall them if they failed to do so.

As is the case with all aspects of history, especially those that are inherently aural and therefore ephemeral in nature, we can never fully grasp the multifaceted and complex relationship

⁹⁴ Stephen Batman, *Batman vppon Bartholome his booke De proprietatibus rerum* (London, 1582), sig. C1^v.

⁹⁵ Francis Bacon, *Sylva sylvarum: or A naturall historie In ten centuries* (London, 1627), p. 177.

⁹⁶ On the use of sonic weapons see Steve Goodman, *Sonic Warfare: Sound, Affect, and the Ecology of Fear* (Cambridge, Mass.; London: MIT Press, 2010) and Lily E. Hirsch, "'Do You Really Want To Hurt Me'? Music as Punishment in the United States Legal System", *Popular Music and Society*, 34/1 (2011): pp. 35-53.

between meaning and hearing, but analysis of this kind offers a useful point of departure. Whilst I am not suggesting that the victims and witnesses of rough music consciously identified each of the cultural associations outlined above, it is important to remember that many of the discourses and traditions within which these instruments and noises were embroiled would have resonated at a subliminal level. Our ears are constantly flooded with sounds that convey an array of meanings and associations that speak to our subconscious: for instance, the siren of an ambulance alerts us to clear the way, but it can also incite fear and anxiety due to its associations with disaster and death. As the sounds of traditional and domestic instruments coalesced to form a cacophonous crescendo during rituals of rough music they reverberated with a myriad of cultural symbols, many of which heightened the punitive and ignominious potential of the display.

Theoretical Reflections: Noise-*Parrhesia*

Whilst investigation into the cultural associations of noise offers fertile ground for exploring the ways in which early modern people understood and experienced these discordant ceremonies, in this final section I would like to offer a more critical and theoretical analysis of the broader social and political mechanisms that underpinned these events. The tradition of rough music or charivari has long been acknowledged by scholars, but the meaning and function of these events remains somewhat ambiguous. Indeed, as Emma Dillon has noted, the 'true meaning' of charivari may be lost for good, but theoretical analyses can offer useful methods for shedding some light on such traditions.⁹⁷ As I mentioned earlier, scholars have often turned to Bakhtin's theorisation of the 'carnavalesque' as a framework for interpreting charivari. Bakhtin describes the carnivalesque as the 'temporary liberation from the prevailing truth of the established order', where elements of 'hierarchical rank, privilege, norms, and prohibitions' are suspended.⁹⁸ He aligns the worldly carnivalesque with antiauthoritarian and antihierarchical structures, and 'all the forms of terror, reverence, piety, and etiquette connected with it'.⁹⁹ A Bakhtinian reading would therefore interpret rough music as a moment of liberation from societal and political order; indeed, Susan Crane's Bakhtinian argument claims that these rituals were 'not a quest for justice' but rather a 'transgression upon transgression' and an 'excuse for breaking out in riotous behaviour'.¹⁰⁰

⁹⁷ Dillon, *The Sense of Sound*, p. 95.

⁹⁸ Bakhtin, *Rabelais and his World*, p. 10.

⁹⁹ Mikhail Bakhtin, *Problems of Dostoevsky's Poetics*, translated by Caryl Emerson (Minneapolis: University of Minnesota Press, 1984), p. 123.

¹⁰⁰ Susan Crane, *The Performance of Self: Ritual, Clothing, and Identity During the Hundred Years War* (Philadelphia: University of Pennsylvania Press, 2004), p. 145.

Whilst elements of the Bakhtinian framework certainly correspond with elements of rough music, especially the potentially cathartic and anarchic nature of these rituals, these interpretations overlook the judicial elements of charivari, especially as justice in itself relies on elements of hierarchy, something which the carnivalesque seeks to suspend. Bakhtin stresses that 'all were considered equal during carnival', but it is difficult to identify such equality during the humiliating and degrading ceremonies of rough music. The notion of rough music as a suspension of hierarchy is therefore somewhat limited: whilst they were certainly based on a kind of authoritarian inversion, with members of the community asserting their right to punish, their purpose was to shame unruly individuals, thus placing the victims in a position of inferiority to the perpetrators, a concept that does not resonate with the liberation and equality of the carnivalesque. Indeed, some scholars have argued that elements of popular festive life—the corpus that Bakhtin identifies as the carnivalesque—was more multivocal than Bakhtin portrays. For instance, Natalie Zemon Davis has claimed that festive activities in early modern France 'could undermine as well as reinforce' communal hierarchies.¹⁰¹ Likewise, I would argue that the popular judicial elements of rough music should not be ignored: these festivities did not necessarily serve to suspend authority and hierarchy, but rather, they attempted to *reinforce* the ideological social order and hierarchical norms dictated by the patriarchal system.

Furthermore, the carnivalesque fails to provide an adequate framework for considering and theorising sound's role within the discourse of rough music: although *Rabelais and his World* opens our ears to the noisiness of the carnivalesque in its persistent references to derisive sound, these sounds are not explored in any theoretical detail.¹⁰² It seems, therefore, that we need an alternative framework for thinking about rough music, one that amplifies the punitive, judicial, and sonic facets of these rituals. In the remains of this chapter I turn to Foucault's work on *parrhesia*, the practice of truth speaking or speaking frankly, as a framework for elucidating such issues. I suggest that rough music might be considered as a mode of 'noise-*parrhesia*', a cacophonous ritual during which the voice of the multitude rose up and enacted justice through the medium of sound. As is the case with all theoretical models and approaches, there is no 'right' answer, and there are undoubtedly multiple frameworks that could be applied here. But for the context of this chapter and thesis, I have chosen to consider rough music in this context because it offers fertile ground for amplifying the relationship between sound and popular justice.

¹⁰¹ Zemon Davis, *Society and Culture*, p. 131.

¹⁰² References to the sonic in *Rabelais and his World* include the cries of street hawkers in the market and the clattering of pots and pans in the kitchen: Bakhtin, *Rabelais and his World*, p. 167; pp. 183-184.

Foucault discussed the notion of *parrhesia* in his later work, a concept which the Ancient Greeks understood as antithetical to rhetoric: in other words, it is a mode of discourse that allows one to speak candidly and freely. Early modern writers interpreted *parrhesia* in similar terms: for instance, the Elizabethan scholar Angel Day described it as the 'libertie to speak', whilst Henry Peacham described it as 'speaking before them whome we ought to reverence and feare, & having something to say, which either toucheth themselves, or their friends', and he subsequently advises his readers to invoke caution when using it.¹⁰³ During a lecture at the University of California in 1983, Foucault outlined what he considered to be the five key characteristics of *parrhesia*: frankness, truth, danger, criticism, and duty.¹⁰⁴ Upon reading Foucault's analysis of this mode of discourse, it became apparent that rough music relates to these five fundamental characteristics in a number of ways. I will elaborate on each of these concepts and their relationship to rough music to frame my argument.

Firstly, to be 'frank', the speaker must use direct and clear language, or simply 'forms of expression' to 'open his heart and mind completely to other people'.¹⁰⁵ There is certainly a sense of unmediated frankness in rough music: as Foucault notes, frankness is not only uttered through 'direct words'; it can also be conveyed through other 'forms of expression', and therefore is not exclusively dependent on language. In rough music, frankness is expressed not through speech, but through the violent, abrupt, bare and unrefined noise of the crowd. The second characteristic that Foucault associates with *parrhesia* is 'truth', but his understanding of this concept is slightly different from traditional definitions of the word. In the context of *parrhesia*, Foucault suggests that truth lies not in empirical evidence as dictated by post-Cartesian thought, but in the courage and conviction of the speaker, resulting in an 'exact coincidence between belief and truth'.¹⁰⁶ If the speaker, or the *parrhesiastes* (the one who uses *parrhesia*), *believes* what he or she considers to be true, then it *is* true, even if it is not 'true' in the factual and verifiable sense of the word. Indeed, ceremonies of rough music were instigated because the motivators claimed and believed in the truth of the victim's apparent transgression, even when there was little empirical evidence to corroborate it.

¹⁰³ Angel Day, *The English secretorie* (London, 1592), sig. O2v; Henry Peacham, *The garden of eloquence* (London, 1577), sigs. M2v-M3.

¹⁰⁴ Michel Foucault, *Fearless Speech*, edited by Joseph Pearson (Los Angeles, California: Semiotext, 2001), pp. 12-20. This edition is a compilation of six lectures delivered by Foucault in 1983 at the University of California, Berkeley, on the topic of 'Discourse and Truth'.

¹⁰⁵ Foucault, *Fearless Speech*, pp. 12-13.

¹⁰⁶ Foucault, *Fearless Speech*, pp. 14-15.

Foucault's third characteristic, which he suggests is the very 'crux' of *parrhesia* itself, dictates that *parrhesia* must be underpinned by some kind of danger or risk. For a true act of *parrhesia* to occur, the truth-speaker must risk something, even as much as their own life.¹⁰⁷ Those who participated in ceremonies of rough music risked various repercussions, such as further conflict with those whom they targeted or, as we have seen in many of the cases outlined in this chapter, legal action, each of which potentially compromised his or her public honour, the greatest risk of all. Foucault's fourth characteristic, 'criticism', ties in with the third, as the 'danger' element of *parrhesia* is often provoked by the critical truth-statement that held the potential to hurt or anger the recipient. Rough music was undoubtedly critical in nature, as it served to admonish, and therefore criticise, those who had transgressed social norms. Furthermore, as mentioned previously, the consequences of rough music were particularly detrimental for the victim due to the effect that it had upon his or her honour and reputation, so it was certainly capable of 'hurting or angering' the victim.¹⁰⁸

The final characteristic of *parrhesia* that Foucault identifies is 'duty': the truth-speaker 'is *free* to keep silent...but he feels that it is his duty' to reveal the truth.¹⁰⁹ Indeed, rough music was usually enacted in an effort to restore the morality of a community: for instance, the perpetrators of the assault against William and Margaret Cripple saw it as their duty to purge their 'notorious ill behaviour' from their town, probably because it compromised the public honourability of the neighbourhood.¹¹⁰ Of course, some individuals might simply have seized the opportunity to engage in riotous behaviour, or perhaps it was simply a means of tormenting someone who was particularly unpopular; but the fact that it was always aimed at those who threatened the integrity of a community suggests that a sense of moral duty and concern for honourability surrounded these events.

If we are to consider rough music as a mode of *parrhesia*, it must be understood as a truth-act that was conveyed via *sound*, rather than language. Indeed, Foucault suggests that the true nature of *parrhesia* cannot be found in an analysis of discursive structures, as it is not a manner of persuasion that falls within the realm of discourse.¹¹¹ In a recently published lecture series delivered at the Collège de France in 1982 and 1983, Foucault elaborates on the nondiscursive nature of

¹⁰⁷ Foucault, *Fearless Speech*, p. 16.

¹⁰⁸ Foucault, *Fearless Speech*, p. 17.

¹⁰⁹ Foucault, *Fearless Speech*, p. 19.

¹¹⁰ TNA STAC 8/104/20, Cripple v. Lambe, m. 1.

¹¹¹ Michel Foucault, *The Government of Self and Others, Lectures at the Collège de France 1982-1983*, translated Graham Burchell (Basingstoke: Palgrave Macmillan, 2011), pp. 53-55.

parrhesia in his analysis of Euripides' Greek tragedy, *Ion*. In the play, Creusa is betrayed by the god Apollo, and she eventually reveals the truth of his transgression by raising her voice in a 'cry of complaint, of remonstrance', making a 'stark and public statement of truth against the oracle's reticence'.¹¹² Foucault conceives Creusa's revelation as a mode of judicial *parrhesia*: her 'cry' is representative of the voice of the powerless demanding justice, and most significantly, it is an act that is articulated through *sound* rather than language. Whilst this particular exhortation comes from the physical, individual voice of Creusa, Foucault argues that the primary *parrhesiastic* act of the play—Ion's search to discover the truth of his ancestry—'does not have a principal agent or central actor'.¹¹³ The ultimate act of *parrhesia* does not come from any one individual voice, but rather, it is a collective and anonymous revelation of truth. Lauri Siisiäinen has elaborated on this concept, suggesting that *parrhesia* does not always belong to any one individual authority, but rather to the anonymous multitude, mass, or crowd.¹¹⁴ Expounding on the auditory-sonorous qualities of *parrhesia*, Siisiäinen regards it as a process that is articulated through the 'bare voice', which is 'devoid of speech': it is 'a *cry*, *noise*, the *bare*, or the *brute voice*'.¹¹⁵ Therefore, *parrhesia* is not only articulated through the mode of individual free speech; it can also be a collective act that goes beyond the realms of discourse, as is the case during rough music.

Building upon these analyses then, rough music might be considered as a kind of communal noise-*parrhesia*: an expression of explosive, anonymous noise that has the power to express resistance, overturn power structures and, most importantly, establish justice, which in turn could help re-establish the honourability of the community. The anonymous, powerful, and subversive 'voice' of the multitude rose up in a cacophony of voices, pots, pans, drums, and other raucous instruments. Whilst there might be certain offenders named and targeted in legal proceedings, the ritual does not belong to any one individual; it is a collective, anonymous activity, stripped of any principal identity or distinction, representing the will of the multitude. In Foucault's analysis of *Ion*, he notes the contrast between Creusa's cry and Apollo's silence, an agonistic tension between god and mortals symbolised by the antithetic nature of noise and silence. In rough music, this tension can be heard between the cacophonous crowd and the silent judicial system, which had failed to punish those that had disturbed the social order. This is not only an example of the 'weak' asking for justice, it symbolises the crowd taking justice into their own hands in an attempt to restore social harmony and communal honour. And significantly, it is the *noise* of the multitude,

¹¹² Foucault, *The Government of Self and Others*, p. 128; p. 126.

¹¹³ Foucault, *The Government of Self and Others*, p. 116.

¹¹⁴ Siisiäinen, *Foucault and the Politics of Hearing*, p. 117.

¹¹⁵ Siisiäinen, *Foucault and the Politics of Hearing*, pp. 115-123, quote at p. 117.

not speech, not music, that serves as the true mechanism through which *parrhesia* is expressed and justice is attained.

Whilst rough music was certainly interrelated with issues such as honour and justice, it is important to note that, for some, rough music probably simply constituted a liberating opportunity to engage in anarchic behaviour. Indeed, the potentially cathartic element of rough music—its ability to help a community 'let off steam'—may have paradoxically, in the longer term, allowed for easier public control.¹¹⁶ If men and women were occasionally granted the opportunity to engage in anarchic and riotous behaviour then this may have encouraged peace and concord the rest of the time, a notion which certainly corresponds with the Bakhtinian perspective. I would argue, therefore, that rituals of rough music were multivocal: not only did they allow the community to 'let off steam', they also helped protect and restore communal order and honour. In contrast to previous scholarship, I have highlighted the importance of nondiscursive noise in achieving these goals, thus further amplifying the relationship between sound and punitive discourses. Whilst the framework of noise-*parrhesia* is certainly very different from a Bakhtinian approach, it should perhaps be considered *alongside* Bakhtin's carnivalesque, as it is only when we consider both perspectives that the multivocal nature of these rituals become apparent.

Conclusion

I opened this chapter with a precis of the violent and noisy assault on the piper William Cripple and his wife Margaret. Upon first reading, this event might have seemed particularly shocking and senseless to the modern reader, but this chapter has demonstrated that such displays of communal justice were an important means of chastising those who flouted social norms. Whilst William and Margaret were subjected to a particularly brutal assault involving acts of physical violence, the presence of clamorous and discordant noise lay at the very heart of such rituals. As the perpetrators of their attack pounded their drums, rung out their bells and basins, and bashed together their candle sticks and frying pans, they filled the soundscape with a cacophony of noise, calling together the entire community to participate in or witness the act of public shaming. The sounds themselves carried a web of cultural connotations and associations, imbuing the ritual with added layers of meaning and significance, many of which served to heighten the derisive effects of the performance. In exploring the wider significance of such events, I have suggested that the Cripples'

¹¹⁶ A comparable cathartic ritual is the medieval tradition of the Boy Bishop, during which a boy was chosen to parody the real bishop, usually on the feast of Holy Innocents. See Neil Mackenzie, 'Boy into Bishop: A Festive Role Reversal', *History Today*, 37/12 (1987): pp. 10-17.

punishment was not simply driven by a communal desire to engage in transgressive behaviour in an antiauthoritarian manner; rather, such rituals symbolise a desire to *reinstate* the social order that the couple had supposedly disturbed. The silent judicial system was challenged by a cacophonous act of remonstrance; a *parrhesiastic* act that demanded the justice that the system had failed to administer. In theorising such acts of rough music as modes of collective noise-*parrhesia* I have drawn attention to the punitive and sonic significant of such acts, something which a Bakhtinian framework neglects to offer. In the case of William and Margaret, the community succeeded in eradicating the transgressive behaviour that the couple apparently brought to the town, as the couple were subsequently 'obliged to forsake & leave their said dwellinghouse and abode', highlighting the potentially devastating effects of these acts of sonic violence.¹¹⁷

¹¹⁷ STAC 8/104/20, Cripple v. Lambe, m. 2.

CHAPTER TWO

'Scandalous words, scoffs, jests, taunts, or songs':

Libellous Ballads and Verses

In 1611, William Swarfe and Roger Craye, yeomen from the villages of Berkley and Beckington in north Somerset, were chastised for their apparent inability to control their wives. A group of disgruntled parishioners cut the hair and mane from Swarfe's horse, fastened a pair of animal horns to its head and proceeded to parade the poor mare around the town 'to the view and sight of about a hundred persons', in a cacophonous display reminiscent of a skimmington riding. But the perpetrators of this noisy ritual elected to take their punitive act one step further: John Heskins, Richard Gerratt, and Anne Carpenter reportedly composed a 'scandalous, obscene and scurrilous libell' which they fastened to the tail of Swarfe's horse. The libel, which was subsequently transcribed in the plaintiff's bill of complaint to the Star Chamber, opened as follows: 'William Swarfe I hartelie Comend your Mare, taile she hath spende I praie take it for noe scorne, for in her head there hangs a horne; bycause your mare is somewhat pied, she is finelie trymmed for yow to ride'. The libel went on to imply that Swarfe and Craye were cuckolds and that their wives were bawds, ranking them amongst 'divers base and ill disposed persons'. Following the raucous display, the perpetrators proceeded to 'publishe divulge & spread abroad the said ridiculous scurrill and infamous libell' in the parishes of Berkely, Beckington, and various other neighbouring villages, further damaging the credit and reputation of Swarfe and Craye. They shared their work by 'reading singing repeating and often reiterating the same' in various taverns, alehouses, and other public gatherings, and dispersed copies of the libel 'like letters' throughout the community. Swarfe and Craye's bill of complaint to the court of Star Chamber lamented that the publishing of 'such lewd slanderous and wicked libells is a growing dangerous and enormous offence in this age', tending to the 'utter undoing' of the victim, as well as the sowing of discord and hatred amongst neighbours.² The unfortunate pair were not only subjected to a transient act of public shaming in the form of a skimmington riding; their punishment endured through the medium of song, ensuring that their transgressions became widely known throughout the local community.

Whilst libellous songs are relatively melodious in nature in comparison to the cacophony of rough music, they offered an equally powerful and effective method of public chastisement. As we have seen in Swarfe and Craye's bill of complaint, the two traditions were closely related, and

¹ Michael Dalton, *The country justice* (London, 1655), p. 215.

² TNA STAC 8/92/10, Craye v. Heskins, m. 4.

instances of rough music often included or resulted in the production of a libel.³ These degrading songs, rhymes, and verses were usually personally malicious, targeting specific individuals who, like Swarfe and Craye, were customarily named and shamed in the song's lyrics. They were written about people from a variety of different social backgrounds: some were produced by or aimed at persons of great estate and wealth, such as Robert Cecil or the Duke of Buckingham⁴; but as we have seen in the preceding example, they were also the product of local disputes amongst neighbours in civic, provincial, and rural contexts, offering us another fascinating insight into aspects of social discord at the middling and lower echelons of society. As is the case with rough music, the motivations behind such punishments varied greatly: some were composed as a result of a longstanding feud or religious disagreement, whilst others were intended to chastise individuals who the community deemed to be lewd and incontinent. As we will hear throughout the course of this chapter, the derisive nature of the libel's lyrics, combined with the cultural association of the song's melody, made it a particularly efficacious weapon for chastising one's enemies.

Unlike rough music, libels permeated the realms of both oral *and* literary culture, making them a more enduring method of punishment than transitory moments of noise-*parrhesia*. Handwritten copies of these songs were posted on maypoles, walls, and posts, slipped under people's doors, and sometimes even deposited in the local church for congregants to discover and read during their Sunday worship. But, as Adam Fox has rightly noted, the written text of a libel 'was only ever an auxiliary and a stimulus to the primary media of reciting and singing'.⁵ Libels were sung or recited in a myriad of public spaces, opening up the discourse to the illiterate to ensure that the offending words reached the ears and lips of a wide and diverse audience.

If the libeller elected to sing his or her work, they typically reused pre-existing melodies, namely popular ballad tunes. These melodies derived from a wide range of different sources and were particularly well known amongst early modern English audiences. They were simple and catchy, usually characterised by straightforward melodic and rhythmic structures, which made

³ Another example of this occurred during an attack on the puritanical citizens of Nottingham in 1617. The first in a series of infamous libels was performed during a ceremony of rough music, demonstrating the close relationship between the two traditions. See Charles Jasper Sisson, *Lost Plays of Shakespeare's Age* (Cambridge: Cambridge University Press, 1936), pp. 196-203.

⁴ On libels against Robert Cecil see Pauline Croft, 'The Reputation of Robert Cecil: Libels, Political Opinion and Popular Awareness in the Early Seventeenth Century', *Transactions of the Royal Historical Society*, 1 (1991): pp. 43-69; for a detailed study of libels written following the Duke of Buckingham's assassination see James Holston, *Ehud's Dagger: Class Struggle in the English Revolution* (New York: Verso, 2000), ch. 5.

⁵ Fox, *Oral and Literate Culture in England*, p. 334.

them suitable for memorisation and oral circulation.⁶ Libels were therefore closely related to ballad culture due to the fact that they used the same melodies, but it is important to remember that the nature and purpose of these two genres were very different: whilst broadside ballads were composed by professionals, written about a variety of topics, and printed and sold throughout the country, libels were written by amateurs and specifically intended to tarnish the reputation of an adversary, and were therefore rarely printed due to the disparaging nature of the lyrics.

Like rough music, performances of libels, which by their very nature usually attracted a large audience, could have a profound effect upon the victim's honour and reputation, and the state certainly recognised the efficacy and danger of oral delivery. A Star Chamber case concerning a libel against Sir William Hickman and 'manie other knightes and gentlemen ladies & gentlewomen of good reputacion & credit' from Gainsborough in Lincolnshire shows how the court was particularly interested in ascertaining whether the witnesses had *heard* the defamatory words of the libel. The witnesses were asked whether they could recall any of the words 'spoken uttered or used against the said complainant', and if so, they were asked to state where and when they had heard the offending words, and by whom they were spoken.⁷ A witness named William Booth claimed that he had 'heard all the Rimes now shewed unto him *only repeated by word of mouth*', whilst Joseph Godfrey, gentleman of Thonock, claimed that he had never seen the songs in written form but 'he hath heard them at severall times rehearsed'.⁸ In some cases, even the lyrics of the libel itself highlight the significance of oral transmission: for instance, a libel composed against one Robert Salter in 1608 opened with the telling line 'Give eare a while, and listen unto this newes I shall you tell', a phrase that appears widely in early modern balladry.⁹ Therefore, the significance of the libel as a *sounding* weapon of communal punishment, one that chastised the victim and threatened his or her honourability through oral/aural performance, is telling, and will serve as a useful point of analysis for our investigation into the sound world of early modern penal culture.

Over the last two decades scholars have shown increasing interest in the culture of libelling. Literary scholars have attempted to redirect scholarly attention to this formerly neglected literary mode by focusing on the multitude of libels that have survived in elite manuscript miscellanies, whilst historians have demonstrated that libels are a particularly valuable source for analysing issues

⁶ For an informative and concise overview of ballad music and its sources see James Revell Carr, "'An Harmless Dittie': Ballad Music and Its Sources", in Patricia Fumerton (ed.), *English Broadside Ballad Archive*, <https://ebba.english.ucsb.edu/page/ballad-music-sources> [accessed 10 June 2021].

⁷ TNA STAC 8/168/31, Hickman v Willoughby, m. 6.

⁸ TNA STAC 8/168/31, Hickman v Willoughby, m. 4 (emphasis mine); m. 28.

⁹ TNA STAC 8/258/15, Salter v Rotheram, single membrane.

such as political culture, religious dissension, and popular politics amongst the lower social classes.¹⁰ Although scholars have acknowledged that libels were part of an important oral/aural, performative culture, the majority, with the exception of Adam Fox and Alastair Bellany, have somewhat overlooked their sonic dimensions. Whilst Fox has refocused our attention to the nature of oral transmission, Bellany has taken the first steps in exploring how melody could shape the meaning and impact of libellous songs.¹¹ Following and building upon Bellany's approach, this chapter offers a comprehensive examination of the musical, sonic, and performative dimensions of libelling in an effort to refocus our attention to the ways in which these songs were experienced, and their effectiveness as a method of sonic violence and punishment. I begin by contextualising the tradition of libelling by offering an overview of contemporary perceptions and attitudes towards the custom, as well as a summary of the laws against this practice. I then explore how these songs were experienced by those who made and heard them by focusing on issues such as the spaces of performance, the voices of those who sang them, and the logistics and nature of dramatic and staged libels. To follow, I draw attention to the musical dimensions of libelling, demonstrating that the pre-existing associations of a libel's melody could heighten its derisive impact. Finally, I offer some critical and theoretical insights by reflecting on the ways in which libels functioned and proliferated as a method of popular punishment, particularly in comparison to the closely related tradition of rough music.

¹⁰ Key works on the literary culture of libelling include Alan Bryson and Steven May (eds.), *Verse Libel in Renaissance England and Scotland* (Oxford: Oxford University Press, 2016) and Andrew McRae, 'The Literary Culture of Early Stuart Libelling', *Modern Philology*, 97/3 (2000): pp. 364-392. For libels as evidence of popular politics see Alastair Bellany, 'Raylinge Rymes and Vaunting Verse: Libellous Politics in Early Stuart England, 1603-1628', in Kevin Sharpe and Peter Lake (eds.), *Culture and Politics in Early Stuart England* (Basingstoke: Macmillan, 1994), pp. 285-310; Thomas Cogswell, 'Underground Verse and the Transformation of Early Stuart Political Culture', *Huntington Library Quarterly*, 60/3 (1997): pp. 303-326; Croft, 'The Reputation of Robert Cecil', pp. 43-69; John Walter, 'The Pooremans Joy and the Gentlemans Plague: A Lincolnshire Libel and the Politics of Sedition in Early Stuart England', *Past & Present*, 203/1 (2009): pp. 29-67. On libels and religious dissension see Andrew Cambers, 'Reading Libels in Early Seventeenth-Century Northamptonshire', in Nadine Lewycky and Adam Morton (eds.), *Getting Along? Religious Identities and Confessional Relations in Early Modern England: Essays in Honour of Professor W. J. Sheils* (Farnham: Ashgate, 2012), pp. 115-131; Alastair Bellany, 'A Poem on the Archbishop's Hearse: Puritanism, Libel, and Sedition after the Hampton Court Conference', *Journal of British Studies*, 34/2 (1995): pp. 137-164; Alison Shell, *Oral Culture and Catholicism in Early Modern England* (Cambridge: Cambridge University Press, 2007), pp. 106-113. On the role of women in the composition and performance of libels see Clare Egan, 'Women and the Performance of Libel in Early-Modern Devon', *Medieval English Theatre*, 38/2 (2016): pp. 145-162. For an interesting study of libels and sexual consciousness see James Knowles, 'To 'scourge the arse / Jove's marrow so had wasted': Scurrility and the Subversion of Sodomy', in Dermot Cavanagh and Tim Kirk (eds.), *Subversion and Scurrility: Popular Discourse in Europe from 1500 to the Present* (Aldershot: Ashgate, 2000), pp. 74-92. The growing scholarly interest in the culture of libelling has prompted the publication of the first modern edition of around three hundred early Stuart libels from manuscript sources on an open access website: Alastair Bellany and Andrew McRae (eds.), 'Early Stuart Libels: an edition of poetry from manuscript sources', *Early Modern Literary Studies Text Series I* (2005): <https://www.earlystuartlibels.net/htdocs/index.html> [accessed 23 January 2021].

¹¹ Fox, *Oral and Literate Culture*, pp. 229-334; Alastair Bellany, 'Singing Libel in Early Stuart England: The Case of the Staines Fiddlers 1627', *Huntington Library Quarterly*, 69/1 (2006): pp. 177-194. Christopher Marsh has also discussed the musicality of libelling: see Marsh, *Music and Society*, pp. 273-276, and pp. 323-325.

The Libel in Context: Contemporary Attitudes and the Law

There is not one simple definition of a libel. Like rough music, libels came in a variety of forms, ranging from crude and simplistic rhyming couplets to sophisticated and elaborate poems. The legal writer Ferdinando Pulton expounds upon the diversity of libellous practices, associating the custom with three broad genres: literary, oral, and visual. He states that the libeller could 'powreth out his venim in writing, by a scandalous booke, ballad, epigram, or rime, either in mitre or prose'; or he or she could compose 'songs, scofs, jests, or taunts' to be performed in the presence of others; and finally, Pulton points to the visual culture of libelling, particularly in the erection of images or 'signs of shame', such as the gallows, the pillory, a cucking-stool, or, as we saw in the case of Swarfe and Craye, the use of animal horns.¹² William Hudson's treatise on the Court of Star Chamber (1621), which circulated widely in manuscript during the 1620s and 1630s but was not published in print until 1792, also points to the diversity of practices that might be considered libellous:

Libells they are of severall kinds, either by scoffing at the person of another in Ryme or proose or by personatinge him thereby to make him Ridiculous or by setting up hornes at his gate, or picturinge, or describing him, or by writinge of some base or defamatory lettre & publishing the same to others or some scurrylous lettre to him selfe, whereby it is not likely but hee should be provoked to breake the peace, or writing of a scandalous lettre to the Friends of any person to Incyte them against him, or to publishe disgracefull & false speaches against any eminent men or publike offices.¹³

At first glance, Hudson's treatise appears to overlook the centrality of oral transmission, but proper contextualisation of the word 'publish' suggests otherwise. According to law, to 'publish' something did not simply refer to the circulation of a text via printed or textual means; rather, to 'publish' a libel also meant to sing or read it in the presence of others. Hudson elaborates on this concept in his treatise, as he claims that to hear a libel and subsequently repeat it by word of mouth 'hath beene ever held a publicacion in Lawe'.¹⁴ Another seventeenth-century manuscript containing

¹² Ferdinando Pulton, *De pace regis et regni viz.* (London, 1609), sig. B1^v.

¹³ BL Harley MS 1226, f. 34. Hudson's treatise survives in around forty manuscript sources, but Harley 1226 is considered to be the most accurate extant version. The treatise was first published by Francis Hargrave in *Collectanea juridicia. Consisting of tracts relative to the law and constitution of England* (London, 1791), pp. 1-240.

¹⁴ BL Harley MS 1226, f. 34^v.

reports of various Star Chamber cases ordained that anyone intending to make a libel 'comonly knowne', either by oral or written means, should be considered guilty of publication.¹⁵

When attempting to define the early modern libel it is important to consider the somewhat ambiguous distinction between 'slander' and 'libel'. Today, we tend to associate the former with speech and the latter with writing, and we often use 'defamation' as a kind of umbrella term to cover both practices. However, there were no explicit distinctions between spoken and written forms of defamation during the sixteenth and seventeenth centuries.¹⁶ The barrister and legal writer William Sheppard commented on this ambiguity, remarking that 'It matters not how the words (if they be Actionable) be published or divulged, whether by writing or speech; for the Action is maintainable in both Cases'.¹⁷ Whilst the majority of libel cases did involve the circulation of some kind of written words, this was not a prerequisite in order for a song to be deemed libellous. The reluctance to draw any kind of absolute distinction between spoken and written defamation attests to the blurred boundary between oral and literate culture, as words that were written down were also intended to be read and sung aloud, whilst the songs that individuals learnt via word of mouth were also commonly written down and passed along to others. In the words of F. G. Emmison, 'libel and slander...scarcely need to be distinguished, for the scandalous writing, if in ballad form, was also meant to be sung'.¹⁸

Whether they were written down or simply circulated via oral/aural means, libels posed a significant threat to the social order of early modern England. First and foremost, they could severely tarnish the victim's personal reputation, potentially alienating that individual from the community in which he or she lived. According to the poet Samuel Butler, a libeller 'robs a Man of his good Name' not for any particular purpose, but simply for his own pleasure, whilst Ferdinando Pulton claimed that libels 'infixeth a more durable wound' on a person than any act of physical violence, attesting to the injurious effects of such practices.¹⁹ Anxieties surrounding the tradition of libelling were also reflected in popular culture, particularly on the early modern stage: for instance, in George Chapman's *Monsieur D'Olive* (1606), a satirical play about a Jacobean gallant, the protagonist declares that he is 'afraid of nothing' except for being libelled.²⁰ But libels did not

¹⁵ BL Lansdowne MS 620, f. 35.

¹⁶ J. H. Baker, *An Introduction to English Legal History* (Oxford; New York: Oxford University Press, 2007), pp. 475-476.

¹⁷ William Sheppard, *An epitome of all the common & statute laws of this nation now in force* (London, 1656), p. 21.

¹⁸ F. G. Emmison, *Elizabethan Life: Disorder; Mainly from the Essex sessions and assize records* (Chelmsford: Essex County Council, 1970), p. 66.

¹⁹ Waller (ed.), *Samuel Butler: Characters and Passages from Note-Books*, p. 121; Pulton, *De pace Regis et Regni viz.*, sig. B1^v.

²⁰ George Chapman, *Monsieur D'Olive A comedie* (London, 1606), sig. F1.

only tarnish the victim's reputation, they also posed a serious threat to the preservation of the larger communal and hierarchical order. Indeed, Pulton claimed that the 'menaces, threatnings, and other bitter wordes' of libels were the 'very root and principall cause' for many of the 'great and generall offences of the Realm'.²¹ Likewise, Michael Dalton referred to those that engaged in libellous activities—both contrivers and publishers—as 'disturbers of the peace', because their actions led to the 'raising of quarrells, and effusion of blood', attesting to the wide-reaching effects of such practices.²²

Due to the injurious consequences of libelling, early modern writers frequently depicted libels as poisonous substances that worked to corrupt the body and souls of those that sang, read, or heard them.²³ For instance, the aforementioned manuscript containing reports of various Star Chamber cases describes libels as 'the Epidemicall disease of these dayes', with the author claiming that it was the court's responsibility, as 'phisitions of the state', to cure this contagion.²⁴ Due to their place within the literary *and* oral realm, libels could spread just as easily as contagious diseases, penetrating the ears and minds of readers and listeners. Indeed, libels were often considered dangerous as they could corrupt the soul through the openness of the ear: for instance, the clergyman Thomas Adams expressed anxiety over the fact that the ear was 'set wide open to receive in the poyson of scurrillous Songs, obscene jests, seditious Libels'.²⁵ Such attitudes attest to the significance of libels as auditory weapons that were divulged and spread via oral means. But before we examine some of the auditory facets of the tradition in more detail, I would like to briefly touch upon the contemporary laws surrounding libels, as I rely almost exclusively on legal documents in my subsequent analysis.

As David Ibbetson has rightly noted, 'it is not easy to describe the Jacobean law of libel with any certainty'.²⁶ Early modern laws were fluid and constantly changing: legal documents, treatises, and reports of court proceedings offer us a snapshot of the law in one particular context and moment in time, rather than evidence of definitive and fixed practices. That being said, we do have sufficient information to piece together a broad summary of how the law dealt with cases of libel, but it is important to bear in mind that attitudes and practices may have differed according

²¹ Pulton, *De pace Regis et Regni viz.*, sig. B1.

²² Dalton, *The Country Justice*, p. 215.

²³ Bellamy, 'Singing Libel', p. 183.

²⁴ BL Lansdowne MS 620, f. 50.

²⁵ Thomas Adams, *The workes of Tho : Adams Being the summe of his sermons, meditations, and other diuine and morall discourses* (London, 1630), p. 889.

²⁶ David Ibbetson, 'Edward Coke, Roman Law, and the Law of Libel', in Lorna Hutson (ed.), *The Oxford Handbook of English Law and Literature, 1500-1700* (Oxford: Oxford University Press, 2017), pp. 487-506, at p. 501.

to context and location. Before 1500, cases of defamation were usually deemed to be a spiritual matter that were best dealt with by the ecclesiastical courts; the secular courts only began to regularly deal with such cases during the first two decades of the sixteenth century. When the secular courts began to hear libel cases they shifted the focus of attention from the words themselves to the *effect* that the words had on causing damage to one's reputation: the basis for action in a libel case was not grounded in the language used; rather, it rested on the victim's apparent loss of credit or fame.²⁷ Cases of defamation began to increase at an alarming rate during this period, perhaps as a result of this shift in legal focus: the damages caused to the plaintiff's reputation were deemed fixed and non-negotiable, making it relatively easy for the victim to validate his or her loss, or possibly even to exaggerate it.²⁸

By the beginning of the seventeenth century, the laws surrounding libel began to evolve and solidify. Sir Edward Coke's influential publication, *De libellis famosiss* (1605), is often considered to be reflective of a pivotal moment in the development and clarification of libelling laws, but it is important to remember that his publication did not constitute the law as such, but merely his opinion and attitude towards it.²⁹ Coke's report followed the high-profile Star Chamber trial of the puritan Lewis Pickering, who was accused of writing a verse libel criticising the late archbishop of Canterbury, John Whitgift.³⁰ In order to secure the conviction of Pickering and his conspirators, Coke endeavoured to provide his colleagues with a more transparent description of the laws surrounding libel, one which emphasised the reprehensible and dangerous nature of such practices. His report distinguished between libels aimed at private individuals and those against persons in positions of statutory authority: he ordained that a libel made against a 'private man' risked a severe 'breach of the peace', but one against a 'magistrate' or 'public person' is a 'greater offence', as it also posed a 'scandal to the government'. He also contended that a case should be actionable even if the message of the libel were true, 'for in a settled state of government the party grieved ought to complain for every injury done to him'. Coke even suggested that a prosecution should be brought against those who produced libels against the dead, due to the damages inflicted upon the family of the deceased. In sum, his report highlighted and expounded on the harm and disruption caused by libels, leading him to contend that those found guilty of such offences should receive harsher

²⁷ Baker, *An Introduction to English Legal History*, p. 467.

²⁸ Baker, *An Introduction to English Legal History*, p. 470.

²⁹ Coke's report survives in manuscript in BL Harley MS 6686, ff. 641-642. The earliest printed version is from 1605: Edward Coke, *Quinta pars relationum Edwardi Coke Equitis aurati* (London, 1605), ff. 125-126. The heading in the manuscript report is 'Libells' whilst the title in the original print is '*De libellis famosiss*'.

³⁰ For an analysis of this case see Bellany, 'A Poem on the Archbishop's Hearse', pp. 137-164 and Ibbetson, 'Edward Coke, Roman Law, and the Law of Libel', pp. 487-506.

punishments than had previously been employed.³¹ Subsequent legal documents suggest that Coke's suggestions were taken into account. For instance, a seventeenth-century manuscript containing reports of Star Chamber cases illustrates the wide range of punishments meted out to those guilty of libellous offences: they ranged from fines, imprisonments, whipping, the stocks, the pillory, banishments, and sometimes, in particularly severe circumstances, the defendant might have his or her ears cut off.³²

Following Pickering's notorious trial and Coke's influential publication, the Star Chamber became one of the primary courts to deal with cases of libel, which is why these court records provide the bulk of documentary evidence for the analysis presented in this chapter. Indeed, in 1627 the Lord Keeper of the Star Chamber complained that 'people thincke that libells are punishable in noe other place but here', suggesting that it was particularly overwhelmed by such cases.³³ Despite the inherently oral/aural nature of libelling, the Star Chamber ordained that libel cases would only be deemed actionable if the bill of complaint included a written copy of the offending words, perhaps in an attempt to reduce the number of cases. This regulation, fortunately for us, has resulted in the survival of hundreds of libellous rhymes, songs, and verses in the court records, offering a remarkably large body of evidence in relation to such practices. But this requirement certainly posed challenges for those seeking justice, as many libels circulated exclusively via word of mouth, making it difficult for the plaintiff to provide a transcription in his or her bill of complaint. For instance, in 1606 Thomas Tristram, vicar of Belbroughton (Worcestershire), was unable to produce a written copy of a libellous ballad written against him, because he claimed that the creator, John Penn, 'dooth only sing and utter the same by word of mouth'.³⁴

Unfortunately, we do not know the outcome of the majority of Star Chamber cases, as the Decree and Order books containing the final judgements have not survived. However, we do have records of the bills, answers, interrogatories, and depositions from the court, all of which offer a wealth of information regarding the performative nature of libelling. As I noted in the previous chapter, we should not consider court records as evidence of unbiased truths; rather, we must remember that they were created with certain objectives and agendas in mind. But by drawing

³¹ John Henry Thomas (ed.), *The Reports of Sir Edward Coke in Thirteen Parts*, vol. III, (London, 1826), pp. 254-256.

³² BL Harley MS 2143, see especially f. 31v.

³³ BL Lansdowne MS 620, f. 50v.

³⁴ TNA STAC 8/281/13, *Tristram v. Penn*, m. 2.

upon a wide range of libel cases we can shed light on some of the trends and features of libellous performances, rather than focusing exclusively on the veracity of particular cases.

From the Tavern to the Church: Places of Performance

We begin our investigation with the important question of place. Unsurprisingly, contemporaries were particularly concerned with the spaces in which libels were performed, as public and open performances ensured the widespread transmission of a libel, increasing its defamatory and punitive impact. In fact, William Sheppard suggested that in order for a slander case to be deemed actionable it must have been performed within the presence of an audience: he states that 'The words spoken, though actionable, must be spoken *in the hearing of some body*, or else the action will not lie'.³⁵ Indeed, defendants and witnesses were frequently asked to specify the places in which they heard a libel sung or read, and in the presence of how many people. Commonplace phrases concerning the public nature of performance also appear frequently within the bills of complaint: they are often described as being performed in 'divers places and before divers persons', 'in the hearing of others' and 'publiquely and openly'.³⁶

Among the most common spaces for libel performances were local taverns or alehouses, establishments which were renowned for their noisy and sometimes licentious musical performances. Describing his travels in 1599, the physician and traveller Thomas Platter wrote about the abundance of drinking houses in England, 'where much amusement may be had with eating, drinking, fiddling and the rest'.³⁷ Musicians often provided entertainment to those frequenting the alehouse, and as we will see shortly, customers sometimes requested that they perform libellous songs as part of their programme. But most of the time libels were performed by those who had written them, serving as a source of amusement and entertainment for those frequenting the tavern, to the utter humiliation and degradation of the targets of such songs. For instance, in 1616 Elizabeth Bourne was subjected to a humiliating and sexually explicit libel that was chanted and sung in 'Common Alehowses and in greate assemblies of your Majesties Subjectes'.³⁸ Likewise, in 1614 Peter and Mary Perman were the victims of an indecent libel that the creators did 'singe reade, repeate and publishe...in divers Tavernes Innes, Alehowses and other

³⁵ Sheppard, *Epitome*, p. 24 (emphasis mine).

³⁶ TNA STAC 8/304/38, William v Prichard, single membrane; TNA STAC 8/202/30, Lawry v. Dier, m. 3.

³⁷ Peter Razzell (ed.), *The Journals of Two Travellers in Elizabethan and Early Stuart England: Thomas Platter and Horatio Busino* (London: Caliban Books, 1995), pp. 31-32.

³⁸ TNA STAC 8/67/11, Bourne v Cole, m. 2.

places of publique meetinges & resorte' in the city of Bath.³⁹ In 1605, a group of men from Spalding (Lincolnshire) composed a libel against the gentleman John Jackson, petty constable Roger Vincent, and churchwarden John Dale, which they supposedly fixed upon various doors and posts around the town so that it could be 'comonly & ordinarily songe in Alehouses & taverns in the said towne'.⁴⁰ The association between libelling and drinking houses was also reflected in popular culture: for instance, a stage play by William Rowley highlights the relationship between the tavern and the libel, as it directly refers to a libellous ballad as 'Taverne musicke'.⁴¹ The local alehouse was not only a space for libellous performances, it was also a place for locals to gather and compose these scandalous songs. For example, during the Chester quarter sessions in 1636, one of the town constables, William Venables, complained that a libel had been made against him by a group of men 'whiles they were drinking in the night time at unseasonable howres' in the local alehouse.⁴²

Libels were also performed in a variety of other public spaces, including shops, fairs, and markets. The aforementioned libel composed against Sir William Hickman and various other members of the gentry in Gainsborough was reportedly sung in the 'open markett of the towne of Kirton' as well as several other public places, whilst the libel against the vicar of Belbroughton, Thomas Tristram, was apparently sung at 'great fayres & other great assemblies'.⁴³ Following a dispute over an enclosure in the village of Ladbroke in Warwickshire, William Burton and his son composed a libel against various inhabitants of the village. Burton initially elected to share his work with close friends only, sharing a handwritten copy 'under hande and in secrete'. However, Burton and his son soon decided that their targets had not been adequately chastised, so they lured the inhabitants of Ladbroke to the shop of one George Cowper (one of the victims of the libel) under false pretences, claiming that the residents were going to 'receive recompence for the overthrowinge & cuttinge downe of their hedges & inclosures'. When the villagers arrived at Cowper's shop, however, they proceeded to recite the libel with a 'highe and lowde voyce' and in a 'disgracefull & scornefull mannor', ensuring that the several hundred passers-by heard their song.⁴⁴

³⁹ TNA STAC 8/237/26, *Perman v Bromley*, single membrane.

⁴⁰ TNA STAC 8/186/12, *Jackson v Earle*, m. 9.

⁴¹ William Rowley, *A new wonder, a woman never vexed* (London, 1632), p. 7.

⁴² Elizabeth Baldwin, Lawrence M Clopper, and David Mills (eds.), *Cheshire (including Chester)*, vol. 2, REED (Toronto: University of Toronto Press, 2007), pp. 751-753.

⁴³ TNA STAC 8/168/31, *Hickman v Willoughby*, m. 22; TNA STAC 8/281/13, *Tristram v Penn*, m. 2.

⁴⁴ TNA STAC 8/159/6, *Goodryche v Burton*, m. 2.

Another place for the performance and distribution of libels was the parish church, a space that was an arena for gossip and communal affairs as well as worship. It was fairly common practice to leave copies of a libel in the local church for congregants to find, especially as it allowed the perpetrator to distribute his or her creation without being identified. On occasion, however, the culprits elected to perform the libel in the church before the congregation, ensuring that everyone in the community witnessed the punishment. For example, when Joseph Sherburn composed a libel against the minister of Odiham (Hampshire) in 1609, he placed copies of his song inside the church's prayer books, and he also performed his masterpiece before the Sunday congregants with a 'lowde and audible voyce'.⁴⁵ A more unusual instance of libel performance occurred in 1618 in the parish of Bremhill, Wiltshire: a libel written against Michael Robbins and his wife was sung from the tower loft and belfry of the parish church, presumably in an attempt to reach the ears of as many parishioners as possible.

It is not surprising that libellers elected to perform their creations in open and public spaces such as the local alehouse or parish church, as it ensured that the song reached the widest possible audience, inflicting an additional layer of humiliation and punishment upon the victim. Virtually all of the Star Chamber cases that I have examined make reference to the place of performance, suggesting that the court was particularly concerned with such matters, which was likely due to the derisive impact of publicised delivery upon one's reputation. As Elizabeth Foyster has shown, the location of speech and gossip was particularly important in determining whether it enhanced or diminished a man's honour:

If a young man related his sexual experiences in an environment which was commonly all-male, and jovial, such as an alehouse, then his talk was likely to be well received and boost his reputation, even if in strictly legal terms the relationship was illicit. But if others repeated his words outside the alehouse context, and a man lost 'ownership' of his story, then shameful consequences could follow.⁴⁶

Likewise, when gossip or rumours were transformed into libels and disseminated in a variety of public spaces, the subject(s) of these songs lost ownership and control of the story, thus significantly compromising his or her honour and reputation.

⁴⁵ TNA STAC 8/185/23, Johnson v Sherburne, m. 2.

⁴⁶ Foyster, *Manhood in Early Modern England*, p. 44.

Performers of Libels

Other than the libellers themselves, who else was performing such songs? Most of the time, as we have seen, individuals elected to perform their own creations, sometimes with the assistance of other members of the community. But sometimes, professional musicians were employed to perform libels for the entertainment of those who wrote them, especially for libellers of particularly high social standing who were reluctant to involve themselves in the delivery of their songs. Many musicians were willing to perform them, regardless of the punishment that they might subsequently face. Indeed, a seventeenth-century character book describes the fiddlers' readiness to participate in such activities regardless of the consequences: 'When hee gets but some Songs or Sonnets patched up with Ribaldry, or enterlarded with anything against the state...he will adventure to sing them though they cost him a whipping for his labour'.⁴⁷ Unfortunately, this was the case for three fiddlers that went by the name of Moseley, Markhall, and Green. In 1627, they were brought before the Star Chamber for 'singing publiqlye verye foule and scandalous songs' against the Duke of Buckingham in the towns of Ware and Staines.⁴⁸ Each of the musicians were issued with a fine of five hundred pounds; however, the state knew that they were unable to pay these hefty fines, so they were also sentenced to be pilloried and whipped in Cheapside, Ware, and Staines. The musicians were also condemned to ride on horses 'with their faces to the horses tayles', in accordance with the tradition of a skimmington.⁴⁹

Professional musicians sometimes elected to compose and perform libels for their own entertainment, particularly as an act of resistance against those in higher positions of power. For instance, in 1642 Thomas Cowper and a group of fiddlers from Whitchurch (Shropshire) were admonished for interrupting a Grand Jury dinner at the house of John Lowes in Chester by singing politically subversive songs.⁵⁰ More unusually, the services of professional musicians might be procured in an effort to provide a more refined and sophisticated libellous performance. For instance, one of the libels against the godly citizens of Nottingham in 1617 was, according to Reverend Hansby, 'prickt into 4 parts to the vyalls' at the house of one Master Greaves.⁵¹ Whilst this may imply that professional musicians were employed to provide such an arrangement, it

⁴⁷ R. M., *Micrologia*, sig. C8^v.

⁴⁸ BL Lansdowne MS 607, f. 93^v. Another report of the trial survives in BL Lansdowne MS 620, ff. 50-51. The report mentions three songs entitled 'Come heare, Lady Muses, and help mee to sing', 'There is a man, a Plauge upon him', and 'Rex and grex are off a sound'. For a full account of the songs and this particular case see Bellamy 'Singing Libel in Early Stuart England', pp. 177-194.

⁴⁹ BL Lansdowne MS 620, f. 50^v.

⁵⁰ Baldwin, Clopper, and Mills (eds.), *Cheshire*, REED, pp. 613-614.

⁵¹ Sisson, *Lost Plays*, p. 198.

could also have been arranged and performed by recreational musicians, particularly as the gentry were known to be particularly fond of the viol.

If a libeller could not procure the services of a musician, he or she might employ a household servant to perform the song. When the libel against William Hickman and other members of the gentry found its way into the hands of Sir Thomas Willoughby, he set out to circulate the libel as far as possible by arranging performances in Lincoln, Nottingham and even London. He employed one Leonard Roebuck, his 'horsekeeper or footeboy', to sing the libel in various public spaces. Roebuck, who was apparently 'proane to such lewd exercises', complied without remonstrance and proceeded to sing the scandalous songs in 'diverse and sundrie places' in various counties.⁵² Some individuals, however, were less willing to put themselves at risk by engaging with these acts of popular punishment. For instance, when Thomas Nix, Mayor of Nottingham, ordered a musician to perform one of the libellous songs against the puritans of Nottingham in an alehouse, the piper refused and continued with his harmless and inoffensive performance. Unimpressed by this act of defiance, Nix ordered the piper to conclude his recital and to find another musician who was willing to perform the scandalous song as requested.⁵³ On the whole though, it seems that most musicians were willing to involve themselves in the illicit and potentially dangerous world of libelling, presumably for a fee.

Dramatic and Staged Performances

Some libellers elected to organise particularly elaborate performances of their creations, transforming them into dramatic spectacles of punishment for the whole community to enjoy. For instance, in 1602 a libel about one Michael Steel, who had supposedly engaged in illicit sexual relations with his maidservant Frances Thornton, was performed as an entertaining afterpiece to a stage play in Osmotherley, North Yorkshire.⁵⁴ A transcription of the libel in the subsequent Star Chamber bill of complaint shows a dramatic dialogue ruled into three columns containing six songs composed to various different tunes (we will explore the musical dimensions of these songs in more detail shortly).⁵⁵ Charles Sisson has suggested that the performers of this creation were the Egton Players of the Simpsons' Company, so it must have been a particularly impressive and memorable occasion for the local community.⁵⁶ Likewise, an ongoing dispute in the town of

⁵² TNA STAC 8/168/31, Hickman v Willoughby, m. 22.

⁵³ Sisson, *Lost Plays*, p. 199.

⁵⁴ For an account of this case see Sisson, *Lost Plays of Shakespeare's Age*, pp. 129-140.

⁵⁵ A transcript of the songs can be found in Sisson, *Lost Plays of Shakespeare's Age*, pp. 135-140.

⁵⁶ Sisson, *Lost Plays of Shakespeare's Age*, p. 134.

Uttoxeter (Staffordshire) gave rise to another staged performance. After William Tyxall and a group of disgruntled locals tore down the newly renovated house and barn of Anthony Kynnersley, stole three loads of his hay and winter corn, and poached his deer, they elected to round off their act of punishment by composing a libellous song. After singing the scandalous verses and scattering various copies throughout the town, the defendants arranged for the libel to be 'publiquely and openly songe in Ryme by Players at a publique stage playe or Comedie' in the town of Uttoxeter.⁵⁷

Performances such as these were probably not uncommon, as stage players were apparently prone to facilitating such illicit and degrading entertainments. In 1601, a letter was sent to the Justices of the Peace of Middlesex complaining that certain players were frequently interspersing their performances with humiliating impersonations of 'some gentlemen of good desert and quallity'. The petitioners demanded that the said players be banned from performing in the area, and that 'no plaies should be openly shewed but such as were first perused and allowed'.⁵⁸ It is not surprising that the community attempted to discipline these wayward performers, especially as performances such as these must have been particularly injurious for those who found themselves the subject of the drama.

Another particularly dramatic libel performance took place in the town of South Kyme (Lincolnshire) in 1601. The incident was driven by a 'private war' between two of Lincolnshire's most powerful families: the Dymokes and the Clintons.⁵⁹ The libel in question was directed against Henry Clinton, second earl of Lincoln, and the primary defendant in the case was Sir Edward Dymoke, champion to James I, sheriff of Lincoln in 1584, and nephew of the plaintiff.⁶⁰ Whilst the two families became related by marriage when Robert Dymoke, Edward's father, married Bridget, daughter of Edward Fiennes de Clinton sometime around 1556, the alliance failed to put an end to the longstanding feud. Indeed, several years later Henry Clinton wrote two letters to William Cecil in which he referred to the Dymokes as his 'ancient enymies' that use 'all vyle means' to persecute himself, his children, and his friends.⁶¹ The feud reached a climax in 1601 when the Dymokes organised a humiliating and punitive stage play. The spectacle included derisive impersonations of Henry Clinton, some of which depicted him conversing with the devil; a

⁵⁷ TNA STAC 8/192/12, Kynnersley v Tyxall, m. 2.

⁵⁸ E. K. Chambers, *The Elizabethan Stage*, vol. 4 (Oxford: Clarendon Press, 1951), p. 332.

⁵⁹ Gerald Hodgett, *Tudor Lincolnshire* (Lincoln: History of Lincolnshire Committee, 1975), p. 91.

⁶⁰ For a transcription of the ensuing Star Chamber case see James Stokes (ed.), *Lincolnshire*, vol. 1, REED (Toronto: University of Toronto Press, 2009), pp. 269-304.

⁶¹ BL Lansdowne MS 84/62, f. 143 (August 1597); BL Lansdowne MS 79/30, f. 85 (June 1595).

scandalous and blasphemous sermon; the singing of indecent songs; and a ritualistic fixing of a libel on the town's maypole.⁶² The performance took place on a public green next to the house of the chief coordinator, Edward Dymoke, who invited numerous inhabitants of the town and neighbouring towns to witness the spectacle. Clinton was not particularly well regarded by his neighbours, so it is not surprising that three to four hundred people reportedly flocked to witness his punishment. His adverse reputation is reflected in a petition written by the inhabitants of the neighbouring village of Tattershall in 1594, which was entitled 'The greifes and wronges done by the nowe Earl of Lincoln unto the Inhabitants of Tatteshall and Tatteshall thorpe'. They complained of the Earl's violent and oppressive nature, especially in his widespread conversion of lands into pasture, a venture which resulted in the destruction of a number of villages and communities.⁶³ The public chastisement of the Earl therefore offered the villagers an ideal moment of catharsis, as they were afforded the opportunity to openly revel in the Earl's humiliation.

During the ensuing Star Chamber case, one Marmaduke Dickinson was accused of performing a series of dirges during the libellous performance, in which he 'expressed by name most of the knowen lewde & licencious woemen in the Citties of london & lincoln and Town of Boston'; after reciting each of their names he scornfully sang 'Ora pro nobis' (pray for us).⁶⁴ The term 'dirge' comes from the first word of the antiphon (*dirige*) in the first nocturn at Matins for the Roman Office for the dead, and eventually, the term came to be used as a name for the Catholic service as a whole. Following the Reformation, the dirge took on a more general meaning, as it came to be associated with any vernacular song sung at burial.⁶⁵ In the context of this libellous performance, the inclusion of the names of infamous women who were still alive transformed these reverent songs of mourning into derisive and comedic ditties. Furthermore, the insertion of the Latin refrain, a practice reminiscent of Catholic liturgy, as well as the impersonations of the Earl conversing with the devil, perhaps suggests that the libellers were attempting to create a subtle association between the Clintons and Catholicism. Protestant polemicists frequently associated Catholicism with the devil's work, whilst the singing of any kind of Latin chant was a sound redolent of pre-Reformation worship. There is no evidence to suggest, however, that Henry Clinton held Catholic sympathies. In fact, on 9 March 1592 a commission was issued under the

⁶² Talbois Dymoke, brother of Sir Edward Dymoke, was accused of composing the libel, which is not surprising as Edward was an experienced writer: in 1599 he published his *Caliba Poetarum: or The bumble bee* under the pseudonym Thomas Cutwode.

⁶³ BL Lansdowne MS 77/52, f. 144.

⁶⁴ Stokes (ed.), *Lincolnshire*, REED, p. 271.

⁶⁵ Malcolm Boyd, 'Dirge', *Grove Music Online*, <https://www.oxfordmusiconline.com/grovemusic/view/10.1093/gmo/9781561592630.001.0001/omo-9781561592630-e-0000007833> [accessed 4 June 2020].

great seal granting Henry Clinton permission to conduct searches for seminary priests and recusants: he was to organise investigations into the clandestine arrivals of Jesuits, conduct searches for recusants in the surrounding areas, and indict and imprison anyone he found to be guilty.⁶⁶ Nevertheless, the veiled symbolism of the Dymokes' libellous performance was perhaps enough to taint his reputation, probably to the amusement and satisfaction of the villagers who had been plagued by Clinton's oppressive behaviour.⁶⁷

Events such as these took thought, time, and planning, showing that libel performances were not always the product of a night of carousing in the local alehouse, but were often grand and calculated affairs intended to cause serious damage to the victim's reputation. The punitive potential of staged libels was also recognised by the state: William Cecil even suggested that such creations should be used as official punishments for convicted criminals. His proposal was in response to a Star Chamber case concerning two men accused of enticing various underage men to enter into illicit legal agreements. The pair were sentenced to imprisonment for a year, to be pilloried at Westminster, Temple Gate, and Cheapside, to be whipped throughout the city, and finally, they were each fined twenty pounds. In response to the sentencing, Cecil remarked that he 'would have those that make the playes to make a Comedie hereof, & to acte it with these names', suggesting the creation of a libellous stage play that would explicitly lampoon the convicted pair, in the manner of those described above.⁶⁸ There is no evidence to suggest that such a play was devised; nevertheless, it does demonstrate the state's awareness of the punitive power of such creations.

Scoffing, Rejoicing, and Jestin: The Tone of Performance

Moving to the sounding nature of these performances more specifically, the court records suggest that the tone in which a libel was read or sung was considered particularly significant, both in the eyes of the law, and from the point of view of the victims themselves. Descriptions of the tone of performance appear in almost every case that I have examined: the plaintiff's bill often passes comment on such matters, whilst the defendants and witnesses were often questioned about the

⁶⁶ Hodgett, *Tudor Lincolnshire*, pp. 181-182.

⁶⁷ Interestingly, it was actually the Dymoke family that had a tangible connection with Catholicism: Sir Robert Dymoke, Edward Dymoke's father, was imprisoned for recusancy and died in prison in 1580. See Richard Challoner (ed.), *Memoirs of Missionary Priests, as well secular as regular; And of other Catholics, of both sexes*, vol. 1 (London, 1741), p. 38.

⁶⁸ William Paley Baildon (ed.), *Les Reports del Cases in Camera Stellata, 1593-1609, from the original MS. of John Hawarde* (London, 1894), pp. 47-48.

manner in which they performed or heard a libel. Of course, statements concerning the tone of voice might have been presented to the courts in an effort to emphasise the injurious effects of the libel, thus improving the plaintiff's chances of success; but the frequency of such descriptions certainly deserves attention, especially as it offers insight into the sonic experience of these punitive acts.

Libellers were often accused of performing their creations with an air of merriment and celebration, revelling in the victim's shame and degradation. For instance, in 1604 Matthew Webber accused John Snelling, Sampson Roswarne, and John Kynsman—'men of badd, lewde contentious and slaunderous dispoisicion'—of composing a libel against himself and his wife, which he claimed they sang in a 'rejoicing manner' throughout the county of Cornwall.⁶⁹ Likewise, Thomas Dymoke, another member of the powerful Lincolnshire family, petitioned that one Nicholas Cholmeley and others had 'sediciouslye contrived made & written published cast and spread abroad' an infamous and slanderous libel against him, which they apparently performed in a particularly 'rejoicing manner' in the presence of multiple witnesses.⁷⁰ Sometimes, bodily gestures were included to add to the sense of derisive jollity: for instance, a libel composed in Gloucester in 1608 was performed with 'great jollitie and laughter' as well as 'wincking and nodding of the head'.⁷¹

Another common trope within the records is the notion that libels were performed in a particularly derisive and scornful tone. For instance, Hugh Lawry, a carpenter from St. Columb Major in Cornwall, and his wife Mary were subjected to a libel which was apparently 'read rehearsed spoken uttered sung proclaymed published and divulged in a most scoffing and disgracefull Manner'.⁷² Likewise, in the town of Tenterden (Kent), one George Deering reportedly sang and read a libel against a number of the town's inhabitants in a particularly 'malitious scoffing & jesting manner'.⁷³ Plaintiffs also frequently complained that the libel had been sung or read with an especially loud voice, thus causing the malicious words to reach the ears of a large number of people. For instance, in 1619 the authors of a libel against the bailiff John Wood were accused of performing it with loud voices in an effort to make it comprehensible and accessible for those that could not read.⁷⁴ Likewise, the aforementioned vicar of Belbroughton declared that the libel against

⁶⁹ TNA STAC 8/304/36, Webber v Snelling, single membrane.

⁷⁰ TNA STAC 8/124/20, Dymocke v Cholmeley, m. 16.

⁷¹ TNA STAC 8/285/27, Taylor v Cowarne, m. 6, m. 8.

⁷² TNA STAC 8/202/30, Lawry v Dier, m. 3.

⁷³ TNA STAC 8/138/5, Eliot v Deering, single membrane.

⁷⁴ TNA STAC 8/307/9, Wood v. Travis, m. 2.

him had been performed with a particularly 'lowde and high voyce in the presence of multitudes of people', and as we have seen in the preceding section, William Burton and his son from Ladbroke were accused of reciting a libel with a 'high and loud voice' and in a 'disgracefull & scornfull mannor'.⁷⁵ As can be seen in these examples, the word 'high' often appears alongside the word 'loud', suggesting that it was probably used as a synonym for volume, rather than a reference to the pitch of the perpetrator's voice. Indeed, one of the OED definitions of 'high' is 'of the voice: raised, elevated, loud'.⁷⁶ A number of references in contemporary literature seem to correspond to this definition: for instance, some contemporary psalm books instruct the reader to sing with a 'high voice', suggesting a quality that refers to volume rather than pitch, as the melody of the psalm would determine the latter.⁷⁷

In some cases, questions surrounding the tone of performance were used to ascertain whether a defendant was innocent or guilty. During a lengthy trial concerning a pair of libellous verses that were written in response to various religious disputes in Northamptonshire, a local yeoman called Alexander Hall was asked to comment on the manner in which he heard the libel performed. Specifically, he was asked whether he heard one Edmond Wheatley read the libel during a public meeting in the local church: the courts were keen to ascertain whether the libel was 'well read' or whether Wheatley did 'stick or stumble' as he read it.⁷⁸ The former would imply that he was familiar with the offending verses and therefore guilty of publishing them, whilst the latter would suggest that it was the first time Wheatley had seen the libel, and he was merely innocently reciting what he had found on the church floor.

Whilst descriptions concerning the tone of voice offer certain insight into the sounding nature of libellous performances, it is important to remember that they might simply have been included within the court records in an attempt to improve the plaintiff's chance of success. But even if they were hyperbolic fabrications, they still point to the importance of such matters in the eyes and ears of the law. Indeed, it is possible that statements concerning the tone of voice were actually founded in legal language. For centuries, the law surrounding exactly what types of words

⁷⁵ TNA STAC 8/281/13, *Tristram v Penn*, m. 2; TNA STAC 8/159/6, *Goodrich v. Burton*, m. 2. Another reference to the volume of the voice can be found in TNA STAC 8/153/5, *Groby v. Ball*, m. 14.

⁷⁶ 'High', *adj.* and *n.*2, OED, definition 17a, <https://www-oed-com.ezproxyd.bham.ac.uk/view/Entry/86850?rskey=PNWsW3&result=3&isAdvanced=false#eid> [accessed 11 June 2020].

⁷⁷ See, for instance, George Abbot, *Brief notes upon the whole booke of Psalms* (London, 1651), p. 15. A search for the phrase 'high voice' in EBO produces 525 hits in 261 records, suggesting that this phrase was particularly commonplace.

⁷⁸ Cambers, 'Reading Libels in Early Seventeenth-Century Northamptonshire', p. 128.

and statements should be deemed actionable in cases of defamation had been ambiguous, so in many cases, the manner in which the words were read or sung was also taken into consideration.⁷⁹ The descriptive statements referred to above certainly reflect some of the legal language surrounding defamation, particularly the word 'malicious', which crops up in numerous Star Chamber bills. Such language can be traced back to the first English laws surrounding defamation, namely the *Auctoritate dei patri* passed by the Council of Oxford in 1222, which uses the Latin word for malice, *malitia*, to describe the nature of defamation:

Excommunicamus omnes illos qui gratia odii, lucri, vel favoris, vel alia quacunque de causa malitiose crimen imponere alicui, cum infamatus non sit apud bonos et graves, ut sic saltem ei purgatio indicatur vel alio modo gravetur.

We excommunicate all those who, for the sake of hatred, profit, or favor, or for whatever cause, *maliciously* impute a crime to any person who is not of ill fame among good and serious men, by means of which at least purgation is awarded to him or he is harmed in some other manner.⁸⁰

The word 'malicious' also appears in two statutes from 1554 and 1581, both of which were influential in shaping laws surrounding seditious words and libel in the sixteenth and seventeenth centuries. Each of these statutes emphasise the fact that slanderous words were punishable only if they are spoken 'maliciously' or with 'malicious intent'.⁸¹ Thus, it is important to remember that lawyers probably used such language in an attempt to secure a conviction, so we cannot be certain that these descriptions are directly reflective of what actually happened.

But the fact that descriptions of the tone of performance appear in almost all of the Star Chamber cases that I have examined points to the perceived importance of such matters. The law clearly recognised that a loud and derisive performance was particularly damaging to the victim, attesting to the significance and effectiveness of oral delivery. Indeed, legal writers such as William Sheppard stressed that words must be delivered in a particular manner in order to be deemed defamatory: specifically, he wrote that the slanderous words must be spoken 'purposely' rather than 'innocently'. He goes on to highlight the significance of the sounding nature of the words,

⁷⁹ R. H. Helmholz, *The Oxford History of the Laws of England: The Canon Law and Ecclesiastical Jurisdiction from 597 to the 1640s* (Oxford: Oxford University Press, 2004), pp. 574-590.

⁸⁰ Quoted in R. H. Helmholz, 'Canonical Defamation in Medieval England', *The American Journal of Legal History*, 15/4 (1971): pp. 255-268, at p. 256.

⁸¹ 1 & 2 Philip and Mary C.3 and Elizabeth I C.2, transcribed in Danby Pickering (ed.), *The Statutes at Large, from the First Year of Q. Mary to the Thirty-fifth Year of Q. Elizabeth inclusive*, vol. 6 (Cambridge, 1763), p. 27 and p. 336.

advising his readers that 'it is good to observe how the words do sound...For if the words do sound scandalous...the words will bear Action'.⁸² The persistent concern with the tone of delivery shows that for early modern people the scornful and derisive impact of a libel lay in its *sounding* nature, as well as its words.

Libel Tunes and the Cultural Associations of Melody

It was not only the tone of voice that had an effect upon the ways in which a libel was interpreted and received by those who heard it. Like the cacophonous noises of rough music, melodies carried cultural associations that helped shape the meaning and significance of a song. As mentioned previously, libels were usually sung to popular ballad tunes, melodies which were already imbued with a wealth of thematic and symbolic associations according to the ballad texts that they were related to. To date, Alastair Bellany and Christopher Marsh are the only scholars who have considered the musical dimensions of libelling in any depth, particularly in Bellany's detailed analysis of the libellous songs against the Duke of Buckingham.⁸³ We will touch upon one of these songs in the following analysis, but, as I will demonstrate, there are many more libels that warrant closer attention from a musical perspective; indeed, in his article Bellany advocates that 'profitable future work could and should be done on sung libels as songs'.⁸⁴ Thus, the remainder of my analysis will concentrate on the musicality of libelling, offering us a fuller understanding of the sonic experience and punitive impact of these derisive songs.

Before I begin, it is worth pointing out some of the methodological difficulties in analysing the musical dimensions of libels. In comparison to the number of libel lyrics that have survived in manuscripts and court records, evidence regarding the tunes that they were sung to is unfortunately fairly scant. Many extant libels do not include any indication of a tune name, but this does not necessarily mean that they were not intended to be sung. Indeed, the rhetoric of the Star Chamber bills that I have examined suggests that libellous verses were commonly sung as well as read, and there are a number of possible reasons as to why many of the bills do not specify a tune name. We have already established that libels were usually circulated via word of mouth, meaning that members of the community were probably familiar with the libel's tune after hearing it in public, so perhaps the plaintiff felt it unnecessary to include the tune name in their written copies. On the other hand, the absence of a tune name perhaps suggested that in some cases the selection of a

⁸² Sheppard, *Epitome*, p. 24; p. 40.

⁸³ Bellany, 'Singing Libel in Early Stuart England', pp. 177-194; Marsh, *Music and Society*, pp. 323-325.

⁸⁴ Bellany, 'Singing Libel in Early Stuart England', p. 192.

melody was left to the discretion of the performer, or perhaps the plaintiff simply did not know the name of the tune that they had heard the libel sung to. Either way, the paucity of explicit evidence should not deter us from thinking about libels as songs, as we know with great certainty that they were commonly sung to popular tunes.

Another issue that we face is the difficulty in identifying melodies with either unusual or particularly common names. Some libels have survived with tune inscriptions naming melodies that do not appear in contemporary ballad culture, suggesting that libellers sometimes created their own names for pre-existing melodies, or perhaps they even composed original tunes. For instance, in 1607, a group of villagers from Tipton (Staffordshire) wrote three libellous songs accusing one Richard Nightingale of having illicit sexual relations with Anne Bellamie. The ensuing bill of complaint includes the tune names for two of these songs, but I have been unable to identify either melody. The first libel, entitled 'A pleasant new history declaring of a misterie of Richard Nightingale by name & Anne Bellamie of dods lane', includes the commonplace inscription 'to a merry new tune', making the melody itself virtually impossible to trace.⁸⁵ The final song bears the inscription 'To a pleasant new tune called Marcus Tullias Cicero', a reference which does not relate to the names of any ballad tunes, or to the opening lines of any extant ballads (some tunes were named after the opening line of the ballad text).⁸⁶ Likewise, a libel against one William Abraham from Wingrave in Buckinghamshire was set to 'a new tune called pryde and Lecherie', a name which is also nowhere to be found in contemporary ballad culture.⁸⁷ In this case, it is likely that the composer devised the tune name in an effort to heighten the punitive impact of the libel: a tune entitled 'Pride and Lechery' was particular apt for a song about an illicit sexual affair, adding another layer of scorn and derision to the libel.

Those that can be identified, however, offer a fertile opportunity for analysis. In some cases, the choice of melody could help intensify the derisive and punitive impact of a libel. We have touched briefly upon the case of the three fiddlers who were apprehended for performing libellous songs against the Duke of Buckingham in the towns of Ware and Staines. One of the songs that they performed, entitled 'Come Heare, Lady Muses, and help mee to sing', was evidently particular popular, as it survives in at least seven contemporary sources.⁸⁸ As Bellany has noted, the song functions as a 'delayed comic inversion, ostensibly praising Buckingham before

⁸⁵ TNA STAC 8/220/31, Nightingale v Rotton, m. 15.

⁸⁶ TNA STAC 8/220/31, Nightingale v Rotton, m. 16.

⁸⁷ TNA STAC 8/36/6, Abraham v Tychell, m. 8.

⁸⁸ Bellany, 'Singing Libel in Early Stuart England', p. 180.

subverting that praise with the refrain 'the cleane contrary way', thus derisively asserting the opposite of what has been said.⁸⁹ This feature of the song is demonstrated most plainly in the opening verse, in which the Duke is deemed worthy of royalty before the statement is reversed in the refrain:

Come heare, Lady Muses, and help mee to sing,
Come love mee where as I lay.
Of a Duke that deserves to bee made a King,
The cleane contrary way
O the cleane contrary way.⁹⁰

Whilst the sources do not explicitly identify the libel's tune, the refrain—"The cleane contrary way, O the cleane contrary way"—suggests that the song was sung to the contemporary tune of the same name. Claude Simpson has identified a single manuscript source for this melody—Cambridge University MS Dd.6.48, f. 17^v—in which it appears in an arrangement for lyra viol.⁹¹ It is a simple tune consisting of four phrases, the first, second, and fourth of which are identical, making it particularly straightforward to memorise. Bellany has convincingly established that this particular melody provides a fitting accompaniment for the text of 'Come Heare, Lady Muses', although a few rhythmic adjustments are necessary in order to fit the tune to the text, but early modern people were accustomed to making such adjustments when performing ballads, so if a tune does not appear to offer a suitable fit for a text upon first glance, it should not necessarily be discounted as a plausible option.⁹² However, Bellany does not provide a notated example of his arrangement, and his textual description is particularly convoluted and difficult to imagine in practice, so I have provided my own notated interpretation of the first verse in Ex. 2.1. Bellany's hypothetical rendering is slightly different from my own: he suggests pairing the first two lines of the verse (Come heare, Lady Muses, and helpe mee to sing, / Come love mee whereas I lay) with the melody of phrase 1, followed by a repetition of the same two lines of text in phrase 2. However, it was rather awkward to marry such a large portion of text with such a short musical phrase, so I have paired the first two lines of text with phrases 1 and 2 respectively. Whichever way the singer elected to adapt the melody, the tune's characteristics certainly added to the humorous and derisive nature of the song. As Bellany has argued, the tune's 'infectious repetitiveness' combined with its

⁸⁹ Bellany, 'Singing Libel in Early Stuart England', p. 184.

⁹⁰ This libel survives in at least seven contemporary copies. This transcription is from BL Sloane MS 826, ff. 64^v-66^v.

⁹¹ Claude Simpson, *The British Broadside Ballad and its Music* (New Brunswick: Rutgers University Press, 1966), p. 109.

⁹² Bellany, 'Singing Libel in Early Stuart England', p. 191.

relationship with bawdy ballads 'added to the merriment and mocking impact of the performance'. He also suggests that the music reflects the comic reversal of the refrain: the positive assessment of the Duke in the third line of each verse is 'temporarily reinforced' in the new melody of the third musical phrase, whilst the lyrical reversal of the refrain is reflected and heightened in the reappearance of the original melody.⁹³ Indeed, the combination of the textual repetition in the lyrical refrain with the melodic repetition in opening and closing musical phrases makes it a particularly infectious and memorable song, one that would have been easily memorised and taught to others.

Ex. 2.1: Verse 1 of *Come Heare, Lady Muses, and help me to sing* (BL MS Sloane 826, ff. 164^v-166^v; spelling has been modernised for clarity) set to 'The Clean Contrary Way' (tune transcribed from Simpson, *The British Broadside Ballad*, p. 109).

Come here la - dy mu - ses and help me to sing,

Love me as I lay. Of a

Duke that de - serves to be made a King, The

clean con - tra - ry way Oh the clean con - tra - ry way

Another interesting choice of melody appears in a libel accusing a married woman, Martha Osmonton, of having illicit sexual relations with one Michael Smith. During the Star Chamber trial in 1632, three men were accused of composing the scandalous rhymes, which they reportedly set to melodies entitled 'Watch Currants' and 'Tom of Bedlam'.⁹⁴ The first tune is particularly ambiguous: it does not relate to the names of any known ballad tunes from the period; neither

⁹³ Bellany, 'Singing Libel in Early Stuart England', pp. 191-192.

⁹⁴ Samuel Rawson Gardiner (ed.), *Reports of Cases in the Courts of Star Chamber and High Commission* (London: Camden Society, 1886), pp. 149-153.

does it correspond to the titles or opening lines of any extant ballad texts. It was therefore perhaps a localised name for a popular broadside tune, or the name of one of the many ballad tunes that have not survived. On the other hand, we have plenty of surviving evidence regarding the melody known as 'Tom of Bedlam'. This popular ballad tune—which added to the scornful tone of the libel in its name alone—derived its title from a sixteenth-century bedlamite beggars' song. The original song about 'Mad Tom' inspired a wealth of literary bedlamite characters in pamphlets, songs, and poems from the seventeenth century.⁹⁵ The 'Tom of Bedlam' melody was equally popular, as it appears as the named tune for at least six surviving ballads, and was probably sung to many more.⁹⁶ The tune, which has survived in a variety of manuscript and printed sources, is another simple and memorable melody, moving predominantly in stepwise motion, consisting of four musical phrases, the second and fourth of which are virtually identical (see Ex. 2.2).⁹⁷ Unfortunately, the text for the libel against Martha Osmonton and Michael Smith has not survived, so we are unable to fully envision how this song might have sounded in performance.

Ex. 2.2: 'Tom a Bedlam' (New York Public Library, Drexel MS 4257, no. 64: available digitally at <https://digitalcollections.nypl.org/items/70f67535-6a8a-3419-e040-e00a18064cf1> [accessed 28 May 2020]).



⁹⁵ See Jack Lindsay (ed.), *Loving Mad Tom: Bedlamite Verses of the XVI and XVII Centuries* (Fanfrolico Press: London, 1927).

⁹⁶ These ballads are Sir Francis Wortley, *Mad Tom a Bedlams desires of peace* ([London], 1648), EBBA 34623; Anon., *A New Ballade* ([London]: n. d.), EBBA 35014; Anon., *A pleasant new Songe of a iouiall Tinker* (London, [1616]), EBBA 20215; Anon., *The Saint turn'd Curtezen* ([London], n. d.), EBBA 34913; Anon., *The cunning Northerne Begger* (London, [1634?]), EBBA 30034; Anon., *The famous Ratketcher* (London, [1616?]), EBBA 20214.

⁹⁷ For a list of sources in which the tune has survived see Simpson, *The British Broadside Ballad*, pp. 710-711.

The earliest extant broadside ballad set to 'Tom of Bedlam' is *The cunning Northerne Begger*, which was entered into the Stationers' Register on 16 July 1634.⁹⁸ The ballad tells the story of a 'lusty begger' who uses trickery and deceit to prize money from innocent passers-by, imbuing the melody with a wealth of negative connotations such as dishonesty and deception:

I Am a lusty begger,
and live by others giving,
I scorne to worke,
But by the highway lurke,
And beg to get my living:
Ile ith wind and weather,
And weare all ragged Garments.
Yet though Im bare,
Im free from care,
A fig for high preferments.
For still will I cry good your worship good sir,
Bestow one poore denier sir:
Which when Ive got
At the Pipe and Pot,
*I soone will casheere sir.*⁹⁹

Another ballad set to this tune is *A pleasant new Songe of a joviall Tinker*, which is inscribed with a tune called 'Fly Brasse', an alternative name for the 'Tom of Bedlam' melody. This supposedly 'jovial tinker' is actually a 'lusty drinker' who beats his wife and daughter, employs the services of prostitutes, and has various run-ins with the law.¹⁰⁰ The tinker's debauchery and immoral behaviour adds another layer of negative associations to the tune in question. The tune's association with ballads addressing themes of vagrancy, madness, deception, and immorality made it particularly suitable as a tune to accompany the derisive words of a libel. By selecting a tune with particularly abhorrent connotations the composers amplified the scornful facets of the libelling, thus heightening its punitive impact.

⁹⁸ Hyder Rollins, 'An Analytical Index to the Ballad-Entries in the Registers of the Company of Stationers of London', *Studies in Philology*, 21/1 (1924): pp. 1-324, at p. 46, no. 450.

⁹⁹ Anon., *The cunning Northerne Begger*, verse 1.

¹⁰⁰ Anon., *A pleasant new Songe of a iouiall Tinker*.

Likewise, one of the aforementioned libels attacking the puritanical citizens of Nottingham also used melody as a means of reinforcing the scorn of the song's lyrics. A song entitled *My Muse Arise and Truth Then Tell* incorporates a wealth of anti-puritanical rhetoric, much of which resonates with contemporary stereotypes about puritanism. Anti-puritan discourse was widespread during this period, especially by the beginning of the seventeenth century, so these ideas would have been familiar to contemporary audiences.¹⁰¹ The transcription of the libel in the Star Chamber bill of complaint includes the telling inscription 'Better to be song, then to be redd to the tune of Bonny Nell', an instruction which not only tells us what tune it was supposed to be sung to, but also that the libellers appreciated the power of sung melody over spoken word.¹⁰² The tune derived its name from a well-known character known as 'Bonny Nell', who appeared in a number of broadsides and plays from the period. Nell was a particularly degenerate character, so the majority of songs about her address themes such as sexual deviance, illicit behaviour, and female transgression. Indeed, the pamphleteer Thomas Robinson emphasised the immoral nature of these songs by condemning the English nuns in Lisbon who apparently sang 'ribaldrous Songs and jigs, as that of *Bonny Nell*, and such other obscene and scurrilous Ballads'.¹⁰³

The melody of the same name was used for a number of ballads from the seventeenth century, but Simpson has suggested that the tune has not survived.¹⁰⁴ However, more recently, Ross Duffin has suggested that 'Bonny Nell' was perhaps another name for a tune known as 'Troy Town', which has fortunately survived in a number of sources.¹⁰⁵ Although we cannot know for certain whether 'Bonny Nell' referred to the melody known as 'Troy Town', the melody does provide an ideal fit for the text of *My Muse Arise and Truth Then Tell*, as can be seen in my rendering of the first verse of the libel illustrated in Ex. 2.3. Whilst we can never know if this is how the libel was sung, the song's relationship with the licentious and illicit behaviour of Bonny Nell certainly added another scornful comment against the 'vain' 'false' and 'fickle' members of the puritanical community, or as the libellers preferred to call them, the 'Pure secte that sprang from hell'.¹⁰⁶

¹⁰¹ For an introduction to anti-puritan discourse see Patrick Collinson, 'Antipuritanism', in John Coffey and Paul C. H. Lim (eds.), *The Cambridge Companion to Puritanism* (Cambridge: Cambridge University Press, 2008), pp. 19-33.

¹⁰² A transcription of the song can be found in Sisson, *Lost Plays of Shakespeare's Age*, pp. 201-202.

¹⁰³ Thomas Robinson, *The anatomy of the English nunnery at Lisbon in Portugall* (London, 1622), p. 13.

¹⁰⁴ Simpson, *The British Broadside Ballad*, pp. 57-9.

¹⁰⁵ Duffin identified a copy of what he believed to be the original 'Bonny Nell' ballad in the Folger Shakespeare Library (MS V.a.399, ff. 66-67). He suggests that the ballad had remained unidentified for so long because the central character, Bonny Nell, is not introduced until the third line of the ballad, and as ballads are usually catalogued according to the title or the opening line, he suggests that the significance of this song has been repeatedly overlooked: Ross Duffin, *Some Other Note: Lost Songs of English Renaissance Comedy* (Oxford: Oxford University Press, 2018), pp. 668-670. For a full list of extant sources containing the 'Troy Town' melody see Simpson, *The British Broadside Ballad*, pp. 587-590.

¹⁰⁶ Sisson, *Lost Plays of Shakespeare's Age*, pp. 201-202.

Indeed, the anti-puritanical rhetoric of this song, combined with the popular and evocative tune associated with the licentious Bonny Nell, provided an ideal conduit for rebuking those of puritanical persuasion.

Ex. 2.3: First verse of *My Muse Arise and Truth Then Tell* (transcribed from Sisson, *Lost Plays of Shakespeare's Age*, p. 201) set to the tune 'Troy Town' (transcribed from Wilson, *Select Ayres and Dialogues*, p. 94).

The musical score is written in treble clef with a key signature of one flat (Bb) and a common time signature (C). It consists of four staves of music, each with lyrics underneath. The lyrics are: 'My muse a - rise and truth then tell of a Pure secte that sprang from hell, Who are so vaine soe false and___ fick - le they leave the Church to Con - venti - cle On hugh Sct An - ker they lay___ hould who is an hi - po - crite most bould.'

Earlier on in the chapter we explored the context of the elaborate libel performance enacted by the Egton Players in the town of Osmotherly, which narrated the story of Michael Steel's adulterous relationship with his maidservant, Frances Thornton. The performance included six songs which comprise a dialogue between four characters: Michael Steel, his wife (who remains unnamed, perhaps in an attempt to somewhat preserve her honour), their son John, and the salacious maidservant, Frances. This particular case offers fertile ground for musical analysis, as we know that this impressive performance incorporated six different melodies, some of which can be seen to provide a telling commentary upon the text. The first song was to be sung to 'Filiday Flouts me', a tune that derived its name from the title of an early seventeenth-century ballad entitled *Phillida Flouts me. Or, The Country Lovers Complaint*. This ballad comprises a first-person narrative of an exasperated man whose persistent attempts to win the love and affection of his

beloved Phillida prove unsuccessful: he 'seeks by all means for to win his Love, / But she doth scorn him, and disdainful prove'.¹⁰⁷ The theme of this ballad is analogous to the opening song of the Osmotherly libel, which portrays Michael Steel attempting to initiate the illicit affair with Francis Thornton because he cannot win the affections of his wife: 'there is nor wealth nor golde / Can make her sweete to me: / I Lye both daie and night / in such a Heavye plight'.¹⁰⁸ Like the protagonist in *Phillida Flouts me*, Michael is also flouted by a woman, but in his case it is his wife, making the choice of tune particularly apt for the libel's opening song.

The second song of the libel offers a suggestive shift in mood, prompted by the use of a sombre melody in the Dorian mode known as 'Fortune My Foe'. This plaintive but particularly catchy tune was hugely popular during the sixteenth and seventeenth centuries; it was repeatedly used as the tune for ballads addressing themes such as sin, death, crime, and morality, and as we will see in chapter 5, it was commonly used as the melody for ballads about public execution.¹⁰⁹ The Osmotherly song set to the Fortune melody portrays Frances' first steps in initiating the illicit sexual affair with Michael. In a devious ploy to ensure that Michael is alone, Frances informs Mrs Steel that her husband is too sick to share her bed that evening, so that she might visit him under the cover of night. But Michael's wife suspects that something is awry, as she despondently remarks 'whie would he refuse to lye with me his wife'.¹¹⁰ The choice of such a melancholic melody to accompany this song amplifies Mrs Steel's sorrow and apprehension, whilst also serving as an ominous melodic foreshadowing of the illicit sexual affair which is soon to ensue.

This plaintive song is followed by a musical dialogue between Michael and Frances, which was to be sung to a tune called 'take thy old Cloake about thee'. The tune name probably derived from the title of a Scottish ballad, which has survived in manuscript but not in print.¹¹¹ Unfortunately, there is no surviving information regarding the tune that this ballad was sung to, so I am unable to offer an explicit musical analysis in this case. However, there is a similarity between the libel and the ballad text: both are dialogic in nature, the former conveying a flirtatious exchange between Michael and Frances, the latter a dispute between a man and his wife; but this

¹⁰⁷ Anon., *Phillida Flouts me. Or, The Country Lovers Complaint* (London, [1624-1680?]), EBBA 30450.

¹⁰⁸ Sisson, *Lost Plays of Shakespeare's Age*, p. 135.

¹⁰⁹ On the themes associated with Fortune see Christopher Marsh, 'Fortune my Foe': The Circulation of an English Super Tune', in Dieuwke Van Der Poel, Louis P. Grijp, and Wim van Anrooij (eds.), *Identity, Intertextuality, and Performance in Early Modern Song Culture* (Leiden: Brill, 2016), pp. 308-330. We will explore this tune in further detail in chapter 5.

¹¹⁰ Sisson, *Lost Plays of Shakespeare's Age*, p. 137.

¹¹¹ The ballad survives in a manuscript often referred to as the 'Percy Folio' (BL Add. MS 27879), as it was used as the main source for Thomas Percy's *Reliques of Ancient Poetry*. For his transcription of the ballad see Thomas Percy, *Reliques of Ancient Poetry*, vol. 2 (London, 1765), pp. 172-175.

affinity is probably coincidental and does not necessarily reflect any deliberate attempt to add an additional dimension of musical meaning. Furthermore, the fact that the original ballad has not survived in print implies that it was not particularly popular during its day, so perhaps the textual similarity would probably have gone unnoticed by a contemporary audience.

The fourth song of the Osmotherly libel was set to a tune that would have been much more familiar to early modern ears. It was to be sung 'To the Tune of the Ladies of Essex Lamentacon', which was probably another name for a tune known more commonly as 'Essex' Last Goodnight'. The tune name originated from a ballad entitled *A lamentable new Ballad upon the Earle of Essex his death*, which comprises a sympathetic account of the life and death of the 'valiant Knight of Chivalry', Robert Devereux, Earl of Essex, who was executed on 25 February 1601.¹¹² There were a number of ballads written about Essex following his controversial execution, the majority of which, as we will see in chapter 5, praised his courageous and virtuous nature and lamented his untimely death. At first glance, the tune does not seem to wholly fit the metre of the Osmotherly song, but with one or two minor rhythmic adjustments—predominantly in the substitution of minims for crotchets—one can facilitate a coherent rendition (see Ex. 2.4). The tune's relationship with a song about England's loss of a beloved hero is significant, as it provides another suggestive layer of meaning to the libel text. The libellous song in question portrays a dialogue between Michael's wife and her son, John, during which she declares her suspicions surrounding her husband's infidelity. Mrs Steel divulges her concerns to her son with 'heavie heart' and 'waterie eyes', inciting her son to seek revenge against the 'Craftie wanton wenche' that has caused her this pain.¹¹³ The use of a tune associated with a lamentation is certainly suitable as an accompaniment to Mrs Steel's grief; furthermore, the tune's association with a song loaded with sympathy and compassion perhaps encouraged the audience to empathise with the dejected wife, inspiring further public derision of Michael and Frances.

¹¹² Anon., *A lamentable new Ballad upon the Earle of Essex his death* (London, [1610-1638?]), EBBA 30130.

¹¹³ Sisson, *Lost Plays of Shakespeare's Age*, p. 138.

Ex. 2.4: Verse of a libel against Michael Steel and Frances Thornton (transcribed from Sisson, *Lost Plays of Shakespeare's Age*, p. 138) set to the tune 'Essex' Last Goodnight' (tune transcribed from Simpson, *The British Broadside Ballad*, p. 206).

Sigh-ing sore in woe - ful wise, With hea - vy - heart___ and wa - t'ry eyes,

5
No rest nor qui - et-ness can I take, To think up - on___ my un - kind make.

The fifth song was to be sung to a tune called 'For her Aperne', which unfortunately does not appear to relate to a known ballad tune. The song's lyrics—which make continual reference to Frances' 'aperne'—suggest that the contrivers of the libel probably came up with this particular name themselves, perhaps as an alternative name for a pre-existing melody. The song depicts Frances fleeing from Michael's bedchamber clutching her 'aperne' in a bid to escape detection by Mrs Steel. Whilst I have been unable to identify the actual melody that this inscription refers to, the tune name alone emphasises Frances' licentious behaviour. During the early modern period, the apron was an item of clothing that carried various sexual connotations. It was frequently associated with whores and promiscuous women: for instance, the poet Nicholas Breton remarked that 'Hells Gates and a whores aporne are ever open for wicked guests'.¹¹⁴ The double entendre of the apron appears continuously in the song's refrain—'with my aperne with my aperne'—thus reinforcing the bawdy and salacious trope through both musical and textual repetition.

The suggestive thematic parallels and derisive undertones of the Osmotherley libel suggest that the composer(s) recognised the power of melody to enhance and amplify the punitive impact of the performance. The cultural associations of the melodies, combined with the telling and evocative tune names, served to reinforce the message of the libel's text, often adding another layer of meaning to the song. This method of analysis not only gives us an idea of what libel performances might have sounded like; it also opens our ears to the ways in which the audience might have interpreted and responded to such creations: as they recalled the memory of contemporary ballads perhaps their perceptions of and feelings towards the characters in the libel

¹¹⁴ Nicholas Breton, *VVits prinate vvealth* (London, 1612), sig. D2.

were recast. Whether the spectators 'tuned in' to the judicious use of melody or not, it would still have made for an impressive production that one would not easily forget, undoubtedly to the utter humiliation and detriment of Frances Thornton and Mr and Mrs Steel.

Theoretical Reflections: Rough Music and Libelling as Methods of Popular Punishment

Although the sounding nature of rough music and libelling were clearly very different, in this final section I would like to consider some of the conceptual and theoretical similarities and differences between the two traditions, particularly in the ways in which they functioned as methods of punishment. In many ways, the nature and purpose of libelling is more tangible to the historian than that of rough music. Firstly, we have far more extant court records dealing with cases of libel, offering us a broader range of evidence surrounding the context, purpose, and characteristics of the custom. Secondly, the fact that libelling permeated the realms of oral *and* literary culture means that we have far more surviving textual evidence, particularly in the wealth of manuscripts and court records containing transcriptions of libellous songs. These textual traces offer a wealth of revealing information: as we have seen throughout the course of the chapter, the lyrics of libels usually point to why a particular offender had been targeted, whilst the court records often illustrate how, where, and in what manner the songs were performed. That being said, there is certainly room for critical reflection on the underlying mechanisms that were at play, particularly with regard to libel's role as a medium of sonic violence. How, exactly, did the nature and efficacy of libelling differ from that of rough music? How did libels function within the realm of popular punishment? And why, exactly, were they considered an effective means of chastising social miscreants?

Whilst rough music and libelling both used sound as a means of punishment, the functioning of each tradition is unique. Unlike rough music, libels do not fit quite so neatly into the framework of noise-*parrhesia*. As we have seen in the previous chapter, acts of *parrhesia* do not have a 'principal agent or central actor'; rather, they are characterised by the anonymity of the communal voice.¹¹⁵ But libels were composed and performed by specific individuals; the point of criticism, sentiments which may very well have been widely shared, were given voice and shape by the activities of an individual or small group, rather than the authentic communal voice. Although libels usually encouraged and facilitated communal participation during performance, there was always a central agent or subject behind the act, and the libeller's voice often remained prevalent

¹¹⁵ Foucault, *The Government of Self and Others*, p. 116.

in the text of the song. I would argue that there are three further characteristics of libelling that differentiate it from the tradition of rough music: the use of lyrics to narrativize the social transgression, the use of popular melodies, and the opportunity for multiple performances. Firstly, the lyrics of a libel made the offender and his or her alleged social transgression absolutely explicit to the audience: for instance, the dialogic text of the Osmotherly libel unambiguously publicised the purported love affair between Michael and Frances. Whilst instances of rough music signalled to the community that an offence had been committed, libels served to literally *narrativize* that transgression, forcing the victim to remember and relive his or her wrongdoing and encouraging deeper resentment of and animosity towards the victim(s) within the wider community.

With regard to the sonic dimensions of libelling and rough music, there are certainly parallels to be drawn between the two traditions. Whilst the cacophony of rough music and the musicality of libelling would certainly have sounded very different in practice, the impact and effect of their sonic dimensions were actually inherently similar: in rough music, the cultural connotations of noise and particular sounds added another layer of ridicule to the display, whilst the pre-existing associations of libel tunes served a similar purpose, often reinforcing the sentiment of the libel's lyrics. In this sense, both traditions attest to and reflect the destructive and punitive potential of the sonic realm. But in the case of libels, it was the combination of music and lyrics, each of which had the ability to convey the intension and affect of the singer to the listeners' bodies, that was particularly powerful. The use of popular and catchy tunes helped the narrative of the victim's transgression endure in the memories of those that sang and heard them, augmenting the long-term effects of such creations. Furthermore, the tendency to write libels down allowed these songs to circulate on a much broader scale, facilitating multiple performances in difference spaces and hence reinforcing the statement of derision with each utterance. Some of these songs even travelled to multiple cities and were probably even read or performed by individuals who did not even know the subject of the libel.

The punitive elements of the libel centred on the concept of humiliation, an effect which was prevalent in all methods of public shaming, including rough music. But the derisive facets of libelling were particularly effective due to the rumours and accusations that they circulated throughout a large audience via oral and literary means. This effectiveness was heightened when the songs were performed in public, as this served to transform the punishment into a public spectacle: just as crowds flocked to witness the ceremonial destruction of bodies during public executions (a custom that we will explore further in chapter five), members of the community

gathered at libellous performances to observe and even engage in the ritualistic undoing of the victim's honour and reputation.

To summarise, whilst both of these traditions used sound as a primary means of chastising, punishing, and humiliating individuals, the manner in which they achieved this was distinct. Acts of rough music were transitory, enacted in a single performance during which the community joined together in an anonymous cry of remonstrance. Libels were composed and often performed by multiple but distinguishable voices in several different contexts; they were transcribed, distributed, and repeatedly performed in various different communities; and their catchy tunes helped fix the victim's transgression within the minds of those who sang and heard them. The long-lasting effects of libelling, combined with the narrativization of the victim's offence and the judicious use of melody, certainly made it a particularly powerful form of punishment and dishonour.

Conclusion

Whilst the majority of extant scholarship has focused on the literary and political dimensions of libelling, this chapter has demonstrated the importance and value in examining these songs from a sonic and performative perspective. We have seen that the performative culture of libelling was particularly diverse, ranging from crude and amateur performances in taverns and alehouses to elaborately staged productions such as the Osmotherley libel. Most significantly, I have demonstrated that the *sounding* nature of libels, such as the choice of melody and the tone of performance, often heightened the derisive impact of the libel, attesting to the importance of sound's role within the discourse of popular punishment. Thus, I would argue that it is only when we consider these songs as *performances*, rather than texts, that we can fully grasp their punitive and derisive nature. The first two chapters of this thesis have demonstrated that sonic violence was an important facet within the discourse of unofficial, popular punishment, and that sounds were reflective of, and indeed an inherent part of, early modern networks of power. In the second part of this thesis we shift our attention to the larger political soundscape, as I focus on strategies of official, state sanctioned punishment, beginning with an analysis of the sonic experience of imprisonment.

CHAPTER THREE

'No Bird sings sweeter then the Bird in Cage'¹:

Soundscapes of the Early Modern Prison

If asked to imagine the experience of imprisonment around four hundred years ago, many of us might picture dark and dank dungeons, poor hygiene conditions, a scarcity of food or water, rancid smells, and the sounds of jangling chains and pitiful moans. Unfortunately, this was probably the case for many poor prisoners, but for those with sufficient funds, life in prison could be rather comfortable: some were granted private chambers, and others were even permitted to bring their own servants to prison with them. The early modern prison system was privately operated, with prison keepers relying on payments from the inmates to provide their salaries, meaning that the experience of imprisonment was usually shaped by the prisoner's wealth. Whether an individual was forced to dwell in horrific and squalid conditions or could afford to live in relative comfort, the experience of imprisonment could be further shaped, influenced, and transformed by his or her sonic environment. When the Elizabethan Jesuit priest John Gerard was transferred from the Poultry Counter prison to 'The Clink' in the summer of 1594, he described his relocation as a 'translation from purgatory to paradise', for he could no longer hear the 'obscene and bawdy songs' of drunken and disorderly prisoners, but rather, only 'Catholics praying in the next cell'.² In describing the disparity between the two prisons in terms of what he could *hear*, Gerard acknowledges and highlights sound's role in influencing and shaping the experience of his incarceration. In this chapter we consider how prisoners such as Gerard experienced their imprisonment, and the various ways in which music and sound shaped and transformed this experience. Such an approach will offer an original and nuanced insight into the ambiguous and unfamiliar world of the pre-modern carceral system, and significantly, the ways in which individuals responded to and navigated this system.

Whilst the experience of imprisonment in early modern England has been examined by historians and literary scholars from the perspective of religious worship and literary production, the sonic experience of imprisonment, and its significance as a space of musical production, has been relatively overlooked.³ In this chapter I attempt to fill that gap: by drawing upon a wide range

¹ Henry Fitzgeffrey, *Satyres and satyricall epigrams: with certain observations at Black-Fryers* (London, 1617), sig. D4.

² John Gerard, *The Autobiography of an Elizabethan*, edited by Philip Caraman (London: Longmans, 1951), p. 78.

³ One exception is the work of Emilie Murphy, who has shown that early modern English prisons were places of musical transcription and performance: Murphy, *Music and post-Reformation English Catholics*, pp. 202-230. Notable works on the prison and literary production include Ruth Ahnert, *The Rise of Prison Literature in the Sixteenth Century*

of different sources, such as prison regulations, contemporary drama, pamphlets, ballads, and prison letters, I amplify the soundscapes of these institutions, which in turn offers us a unique insight into the individual experiences of prisoners, and more broadly, the relationship between sound and punishment. Whilst the first part of this thesis focused on sound's violent potential, and the ways in which it functioned as a *method* of punishment, this chapter shifts the focus of attention to how individuals used the sonic realm to transform, navigate, and influence the *experience* of punishment. I begin by offering a contextual overview of England's prisons during this period, before analysing the early modern carceral system from a critical and theoretical perspective. Following this, I consider how those imprisoned for their religious beliefs, both Protestants and Catholics, used singing to sacralise the prison space. I also examine music and sound's role within strategies of conversion, as well as the ways in which sound was used to communicate with those beyond the prison walls. Finally, I highlight the conflicting and intersecting boundaries between sacred and secular soundscapes in the prisons, demonstrating that the prison was quite often a space of competing sonic ideologies.

'The prisons appeare to be verie corrupt':⁴ The Early Modern Prison in Context

Prisons were far from the punitive, standardised, and relatively secure institutions that we are accustomed to today; rather, they were privately run establishments prone to inefficiency, laxity, and corruption. A variety of different buildings were used as prisons during the sixteenth and seventeenth centuries. There were permanent structures such as The Tower, The Fleet, and Newgate, but temporary arrangements were also made to accommodate the burgeoning number of Catholic prisoners during the Elizabethan and early Stuart periods. For instance, the Bishop's Palace in Ely and Wisbech Castle in Cambridgeshire were both used exclusively to house Catholic priests and lay recusants during the latter half of the sixteenth century. Many of these buildings were far from secure, meaning that breakouts were fairly common. For instance, in 1641 the Keeper of Newgate, Richard Johnson, was dismissed from his post due to the repeated escapes of

(Cambridge: Cambridge University Press, 2013); Jerome de Groot, 'Prison Writing, Writing Prison during the 1640s and 1650s', *Huntington Library Quarterly*, 72 (2009): pp. 193-215; Thomas Freeman, 'The Rise of Prison Literature', *Huntington Library Quarterly*, 72/2 (2009): pp. 133-146; Molly Murray, 'Measured Sentences: Forming Literature in the Early Modern Prison', *Huntington Library Quarterly*, 72/2 (2009): pp. 147-167; Alison Shell, 'The writing on the wall? John Ingram's verse and the dissemination of Catholic prison writing', *British Catholic History*, 33/1 (2016): pp. 58-70; Rivkah Zim, 'Writing Behind Bars: Literary Contexts and the Authority of Carceral Experience', *Huntington Library Quarterly*, 72/2 (2009): pp. 291-311. On the prison as a place of worship see Peter Lake and Michael Questier, 'Prisons, Priests, and People' in Nicholas Tyacke (ed.), *England's Long Reformation 1500-1800* (London: UCL, 1998), pp. 196-225; Lisa McClain, *Lest we be damned: Practical Innovation and Lived Experience among Catholics in Protestant England* (New York; London: Routledge, 2004), pp. 55-80; Lake and Questier, *The Anti-Christ's Lewd Hat*, pp. 187-228.

⁴ CP 48/46, 'Recusants, etc. Bound over to the Star Chamber', 1596.

prisoners, incidents that were probably due to the fact that he was 'too often overtaken with drinke'.⁵ Prison keepers such as Johnson relied on payments from the inmates to provide their salaries, so incarceration was often a costly affair. Usually, fees were charged for entrance, discharge, food and drink, coal, candles, and furniture, so conditions varied according to the wealth of the prisoner.⁶ The majority of early modern prisons were organised into wards which varied in price: for instance, when William Fennor was committed to the Wood Street Compter in London he was reportedly offered three different types of accommodation—'The Masters' Side, the Knights' Side, or the Hole—depending on how much money he was prepared to hand over to the keeper.⁷ Those who could not afford to pay the keeper usually dwelt in squalid and dank conditions in a space commonly known as the Beggars' Ward or the 'Hole', where they relied on contributions from the poor box to pay for food, or donations from passers-by through the prison grates.⁸

Prisoners often complained of the avarice of those in positions of authority, many of whom allegedly demanded unreasonable sums of money from their prisoners: for instance, in 1597 a group of inmates in the Fleet wrote a petition complaining of the behaviour of deputy wardens John Harvey and Thomas Newport, who supposedly abused their position with 'secrete bribinge and extorcion' by conceiving new fines and payments 'for there owne advantage and most greedy lucre'.⁹ Descriptions of imprisonment in contemporary literature also expounded on the corrupt and dismal nature of the early modern prison system. For instance, an early seventeenth-century pamphlet describes the King's Bench prison as 'a grave to bury men alive', a 'world of woe', and a 'mappe of misery', whilst William Fennor compared the Wood Street Compter to an 'unwholesome full-stuffed humorous body', emitting 'many stinking, noysome and unsavoury smels', with 'perpetuall sicknesse and disease'.¹⁰ Hagiographers also emphasised the sufferings of those imprisoned for their religious beliefs, describing their endurance of abysmal conditions, cruel wardens, and oppressive chains: for example, the Catholic martyrologist, Robert Southwell, described the prison experience as the 'common Purgatorie of priests and catholikes, as grinding in the Mille, beeing beaten like slaves, and other outrageous usages'.¹¹

⁵ LMA COL/CA/01/01/053, ff. 278-279; LMA COL/CA/01/01/055, f. 226^v.

⁶ For a breakdown of prison fees in sixteenth-century London see Margery Bassett, 'The Fleet Prison in the Middle Ages', *The University of Toronto Law Journal*, 5/2 (1944): pp. 383-402, at pp. 395-397.

⁷ William Fennor, *The miseries of a iaille: or A true description of a prison* (London, 1619), p. 4.

⁸ Bassett, 'The Fleet Prison', p. 396.

⁹ BL Lansdowne MS 85/52, ff. 105^v-106.

¹⁰ G. M., *Certain characters and essayes of prison and prisoners* (London, 1618), sig. A6; Fennor, *The miseries of a iaille*, p. 9.

¹¹ Robert Southwell, *An humble supplication to her Maiestie* ([English Secret Press], 1600), sig. E2.

In reality, it was not unusual for prisoners to receive visitors, wander freely, leave the prisons, practice communal worship, and engage in literary and musical production. Most of these privileges, however, such as the freedom to leave the prison for a short period, came at a cost: for instance, a fee of four pence allowed a prisoner to leave the Fleet prison for half a day, whilst eight pence allowed them to remain outside 'for the whole day both before Dynner and after'.¹² The granting of other privileges, such as the opportunity to engage in illicit worship, rested on the sympathies of prison keepers. Some turned a blind eye to such practices, affording religious offenders the opportunity to transform the prisons into spaces for their own spiritual edification. For example, Protestants incarcerated in the King's Bench and Marshalsea prisons during the reign of Mary I were relatively free to express their religious identities, as both institutions were conveniently governed by staunch Protestants.¹³ Some Catholic prisoners experienced similarly lenient keepers: for instance, they were relatively free to practise their faith at the Winchester jail during the reign of Elizabeth I because the prison was run by prominent Hampshire recusants.¹⁴ But keepers who made a habit of permitting popish activities risked reprimand from higher authorities: for example, in 1612 Simon Houghton, keeper of Newgate, was apprehended for permitting the priests who resided in his prison to celebrate mass and leave the prisons on day release.¹⁵

Religious prisoners that were fortunate enough to have lenient prison keepers seized upon the opportunity to express their faith, engaging in a wealth of educational and liturgical activities. According to the Protestant martyrologist, John Foxe, 'almost all prisons in England were become right Christian schooles & Churches' during the reign of Mary I, due to the faith and devotion of the Protestant inmates that resided in them.¹⁶ Following the accession of Elizabeth I, Catholics were equally successful in transforming the prisons into sacred spaces, performing masses, hearing confessions, and converting and catechising lost souls. Those who were not imprisoned began to frequent the prisons in order to celebrate mass with their co-religionists, educate their children, or even get married.¹⁷ The state clearly recognised the dangers of these customs: in 1577 John Aylmer,

¹² Augustus Jessopp (ed.), *The Oeconomy of the Fleete: or, an Apologeticall Answere of Alexander Harris Unto XIX Articles Sett Forth Against Him by the Prisoners* (London: Camden Society, 1879), p. 112. Those imprisoned in Ludgate prison in the late sixteenth century were expected to pay one shilling and four pence in order to leave the prison for a day: LMA CLA/033/01/005, f. 26.

¹³ Thomas Freeman, 'Publish and Perish: the Scribal Culture of the Marian Martyrs', in Crick and Walsham (eds.), *The Uses of Script and Print*, pp. 235-254, at pp. 237-8.

¹⁴ Lake and Questier, 'Prisons, Priests, and People', p. 196.

¹⁵ TNA STAC 8/16/17, Attorney General v Houghton.

¹⁶ John Foxe, *Actes and Monuments* (London, 1583), p. 1521.

¹⁷ See Lake and Questier, 'Prisons, Priests, and People', pp. 194-234; Lake and Questier, *The Anti-Christ's Lewd Hat*, pp. 187-228; McClain, *Lest we be damned*, pp. 62-70.

Bishop of London, complained that even though Catholics were supposed to be incarcerated as 'close prisoners'—meaning that they were not allowed out of the prisons or to mix with other inmates—they continued to 'infect' and 'seduce' other prisoners.¹⁸ Aylmer was still concerned with such issues six years later, as he wrote to Lord Burghley complaining of the 'wreched Priestes' in the Marshalsea prison who 'doe comonlie saye Masse within the prison, and intise the yowthe of London unto them'.¹⁹ We can see already how prisoners were able to seize and transform the conditions and environment of their incarceration to cultivate an experience that helped them retain their faith and individuality.

Prisoners also turned to writing as a way to pass the time whilst incarcerated. Evidence of prison writing has survived in a variety of genres, such as letters, poetry, metrical psalmody, marginalia, and even graffiti. A number of scholars have examined this diverse genre of writing: for instance, Molly Murray has argued that the early modern prison was a space where writing was used as a strategy of both private and social consolation, and should therefore be interpreted as a 'site of culture', whilst Ruth Ahnert has shown that writing was used to strengthen communities both in and outside the prison walls.²⁰ Adding weight to the notion that prisons were sites of culture, Emilie Murphy has shown that they were also spaces for musical production and consumption. She argues that the transcription of music in the Fleet prison provided Catholic prisoners with materials to engage in communal and religious performances.²¹ Many of these written works were smuggled out of the prisons and circulated throughout society in manuscript or print, strengthening support networks outside the prison walls. So although the prisons were often alluded to as oppressive, filthy, and lonesome places, in reality, inmates often managed to engage in a wealth of cultural and social activities that made their prison experience more rewarding and bearable.

Finally, a note surrounding the *purpose* of incarceration in early modern England. It is important to remember that early modern prisons were predominantly custodial in nature, rendering them very different from the punitive and reformatory institutions that emerged in the late eighteenth century. Indeed, according to law, the majority of early prisons were not intended to function as disciplinary or correctional establishments; instead, they were most commonly used

¹⁸ BL Lansdowne MS 25/30, f. 64.

¹⁹ BL Lansdowne MS 38/87, f. 212.

²⁰ Murray, 'Measured Sentences', pp. 147-167; Ahnert, *The Rise of Prison Literature*.

²¹ Murphy, *Music and post-Reformation English Catholics*, pp. 202-230.

as places where criminals were held before trial or release.²² However, the notion of imprisonment as a method of punishment was certainly beginning to emerge during this period. The sixteenth century paved the way for the first punitive institutions in England with the establishment of the Bridewell in 1553, a place of vocational training, discipline, and hard labour, which was usually reserved for prisoners from the lowest levels of society. However, the Bridewell system was rarely used for those convicted of felonies; rather, it was reserved for vagrants and servants who had committed minor offences.²³ There is other evidence to suggest that imprisonment was beginning to be considered a method of punishment rather than simply a means to hold people: for instance, the Witchcraft Act of 1563 ordained that those convicted of trivial witchcraft offences should be sentenced to imprisonment for one year.²⁴ So although imprisonment was not considered to be an official punitive measure in the same way that it is today, it was certainly gaining prominence as a method to punish criminals, which is why I consider it within the framework of early modern punishment in this thesis.

Theoretical Reflections on the Early Modern Prison: Anti-Discipline and Non-Docility

Before we consider the soundscapes of early modern prisons, I would like to consider the pre-modern carceral system at the more conceptual level, specifically in relation to the mechanisms of power that underpinned it. Foucault's work on the development and evolution of the western penal system serves as a useful framework for scholars interested in the social and theoretical dimensions of incarceration. His seminal book, *Discipline and Punish*, traces the cultural and social shifts in western punitive measures, ultimately showing that the target of punishment gradually moved from the body (in the form of corporal and capital punishment), to the body *and* soul (via incarceration and imprisonment). Foucault argues that the repressive and violent nature of sovereign power that was showcased during ceremonies of public execution was no longer having the desired effect upon the populace, stimulating the reformation of the penal system and the development of institutions such as the modern penitentiary. Foucault aligns this transformation

²² Seán McConville, *A History of English Prison Administration*, vol. 1 (London: Routledge & Kegan Paul, 1981), p. 5; Ralph B. Pugh, *Imprisonment in Medieval England* (Cambridge: Cambridge University Press, 1968).

²³ On early modern Bridewells see McConville, *English Prison Administration*, pp. 22-38; Joanna Innes, 'Prisons for the Poor: English Bridewells 1555-1580', in Francis Snyder and Douglas Hay (eds.), *Labour, Law, and Crime: An Historical Perspective* (London: Tavistock, 1987), pp. 42-92; Lee Beier, 'Foucault Redux? The Roles of Humanism, Protestantism, and an Urban Elite in Creating the London Bridewell, 1500-1560', in Louis A. Knafla (ed.), *Crime, Gender, and Sexuality in Criminal Prosecutions* (Westport Connecticut; London: Greenwood, 2002), pp. 33-60.

²⁴ Sharpe, *Judicial Punishment in England*, p. 25.

with the development of modern technologies of power, such as disciplinary power, a construct which served to train and control individuals, rather than repress and destroy them.²⁵

Although *Discipline and Punish* is an undoubtedly seminal text, it is seldom referred to in works addressing the early modern carceral synonym, and there are, I would argue, two main reasons for this. Firstly, as I noted in the introduction to this thesis, Foucault has not fared particularly well in historiography. A number of historians such as Pieter Spierenburg have rejected the premise and methodology of *Discipline and Punish*, arguing that the 'grand narrative of the evolution of punishment in early modern and modern Europe' is 'somewhat more complex' than the story presented by Foucault.²⁶ As we have seen, such criticism was particularly widespread, with many scholars claiming that Foucault failed to substantiate his arguments with reliable empirical evidence. The second reason for his absence in studies pertaining to early modern imprisonment is perhaps because Foucault does not explicitly address the social and political structures of the pre-modern prison. Whilst he attends to the mechanisms underpinning the spectacle of public execution, his analysis of imprisonment refers only to the discipline and bodily control of the modern penitentiary, a system which is certainly far removed from pre-modern institutions. Although *Discipline and Punish* is not directly concerned with the workings of the pre-modern carceral system, I will demonstrate that Foucault's work can literally be reversed or 'read backwards' to provide useful comment on the subject in question. Specifically, consideration of the disciplinary power structures that Foucault associates with the modern penitentiary can be used to ascertain what was *missing* from, and therefore what was *different* about, the pre-modern prison. Early modern prisons can be seen to lack disciplinary mechanisms, which led to behaviour that I refer to as 'non-docility', the antithesis of the Foucauldian disciplined, obedient, 'docile' body; ultimately, I suggest that the absence of disciplinary power helped prisoners manipulate the experience of incarceration to their own advantage.

To begin, it is necessary to elucidate the qualities and characteristics of disciplinary power, which in turn requires a brief explanation of sovereign power, as the former emerged out of and is the antithesis of the latter. Before disciplinary mechanisms began to emerge in the eighteenth century, Foucault argues that sovereign power was the dominant force at play in society, a form of power that assumes the right to seize life, to end, impoverish, or enslave it. Whilst sovereign power worked to subjugate and destroy, disciplinary power functions by transforming, controlling,

²⁵ Foucault, *Discipline and Punish*.

²⁶ Spierenburg, 'Punishment, Power, and History', p. 609. We will address some of the critiques of *Discipline and Punish* in more detail in the following chapter.

and optimising. Foucault's example of the evolution of the soldier is particularly useful in explicating the differences between these two modes of power: in pre-modern times the soldier would already have possessed the physical and mental qualities of a warrior, such as strength and bravery, but as disciplinary power came into being the soldier became something that could be created, a being that could be constructed and moulded through the application of discipline.²⁷ According to Foucault, by the eighteenth century 'the human body was entering a machinery of power that explores it, breaks it down and rearranges it'. Foucault argued that through careful training, mechanisms of discipline worked to transform individuals, as they adapted to produce a new range of meticulously calculated gestures, habits, and skills. These methods of discipline worked to produce 'docile' bodies; bodies that were 'subjected', 'obedient', and 'practised'.²⁸ In short, disciplinary modes work to invest in and control the body and mind.

According to Foucault, there are four key mechanisms associated with disciplinary power, each of which work together to produce the submissive, docile, and disciplined individual: 'enclosure', such as in schools or prisons; 'partitioning', the art of dividing subjects in order to prevent communities; 'functional sites', the use of architecture to create a space which is functional but also governable; and 'rank', the classification of individuals into hierarchies.²⁹ Foucault would not have been surprised to find that early modern prisons—institutions that existed in a society dominated by sovereign power—lacked these four characteristics of disciplinary power. Firstly, there was little sense of 'enclosure' in the majority of early modern prisons: as we have seen, prisoners were often permitted day release, many were allowed to wander freely around the prisons, and some inmates even succeeded in escaping. Furthermore, these institutions often failed to maintain a solid boundary between those incarcerated and those outside: whilst some inmates might have remained 'enclosed' in the physical sense, especially poorer prisoners who could not afford day release, they could often retain contact with the outside world through the medium of writing or, as we will see later on in this chapter, by amplifying their voices to resonate beyond the prison walls. The ambiguity surrounding enclosure and openness, liberty and captivity, represents one of the paradoxes of the early modern prison, an incongruity that does not resonate with Foucault's idea of disciplinary enclosure.

The second mechanism of discipline that Foucault writes of is the art of 'partitioning': the act of creating smaller spaces within the larger enclosure, a strategy which helps to 'avoid

²⁷ Foucault, *Discipline and Punish*, p. 135.

²⁸ Foucault, *Discipline and Punish*, p. 138.

²⁹ Foucault, *Discipline and Punish*, pp. 141-149.

distributions in groups; break up collective dispositions; analyse confused, massive or transient pluralities'.³⁰ Although we have seen that some early prisons were divided into 'wards' that were defined according to wealth and status, these were not secure enough to avoid the establishment of influential communities. Shared cells and the ability to wander freely enabled most prisoners to worship together, engage in debate and receive visitors, allowing them to form powerful communities in and beyond the prison walls. Furthermore, whilst attempts were sometimes made to separate religious prisoners from non-religious criminals in order to reduce the chances of religious conversion, Lake and Questier have shown that efforts to combat the 'Catholic infestation of the prison system' usually failed.³¹ Another strategy of the Elizabethan regime was to incarcerate Jesuits with their opponents in the hope that this would dissolve and disperse any sense of Catholic cohesion. Although these methods might be considered acts of 'partitioning' in the literal sense, they certainly failed to prevent the formation of 'collective dispositions', as we know that the prisons continued to foster powerful religious communities.

The third mechanism of discipline that Foucault refers to is that of 'functional sites', the use of architectural space to 'supervise, to break dangerous communications, but also to create a useful space'.³² In the context of the early prison it was not necessarily those in positions of authority who transformed these spaces into 'functional sites', but rather the prisoners themselves, as they often adapted them for their own personal, social, and spiritual benefit. By transforming the prisons into spaces of religious and cultural significance through worship, education, and entertainment, they actually encouraged, rather than suppressed, the 'dangerous communications' that disciplinary methods would otherwise seek to quash. Subversive and clandestine communications were a serious issue for early prison keepers, and the architecture of the prison building only exacerbated these issues: many prison doors and walls remained physically weak, allowing for escapes, illicit conversations, and exchanges of subversive material. The final mechanism that Foucault associates with disciplinary power is 'rank': the arrangement of individual bodies into classes and hierarchies. Whilst early modern prisoners were sometimes accommodated according to wealth, and therefore ranked according to social status, these classifications were by no means rigid, and they varied from prison to prison. For instance, when Edward Underhill was imprisoned in Newgate he shared his chamber with another prisoner who reportedly remarked

³⁰ Foucault, *Discipline and Punish*, p. 143.

³¹ Lake and Questier, 'Prisons, Priests, and People', p. 202, see also pp. 203-204.

³² Foucault, *Discipline and Punish*, p. 143-144.

that 'I am poore, butt they will beare with you, for thatt they see your estate is to pay well', demonstrating that prisoners were not always divided according to their affluence.³³

It can therefore be said with some certainty that early modern prisons were not equipped with the mechanisms of discipline that Foucault associates with the emergence of docile bodies in the eighteenth century. In itself, this conclusion is not surprising, and although Foucault does not provide an explicit analysis like the one offered above, the notion is implicit in his overarching narrative. But what is the larger significance of this hypothesis? I would argue that what we might have previously interpreted as the 'failure' of the early modern prison system—the formation of subversive communities, relative freedom, frequent escapes—can now be connected to the mechanisms of power that underpinned it. The early modern carceral system was the product of a society dominated by sovereign power, engendering an environment that did not work to reform, employ, or transform the bodies and minds of prisoners. Indeed, as we have seen, the legal function of the early modern prison was simply to secure those who were awaiting punishment, rather than to reform or chastise them. That is not to say that there were not attempts to discipline and control prisoners. As we will see throughout the course of the chapter, prison officials used punitive methods such as the stocks to chastise wayward inmates, and they introduced practices such as communal psalm singing in an attempt to bring some kind of aural and social order to the prison space. But because these efforts lacked the rigorous infrastructure of disciplinary power—enclosure, partitioning, functional sites, and rank—they failed to produce the docile prisoners that Foucault associates with the modern penitentiary. The inherent lack of disciplinary mechanisms, I suggest, led to the development of what I am terming the 'non-docile' prisoner. He or she was not manipulated or reformed by an external authority, but instead worked to, in Sarah Covington's words, 'manipulate the state of incarceration to their own advantage'.³⁴ Activities such as worship and writing and, as we will see throughout the remainder of this chapter, musical performances, all served as key expressions of 'non-docility' for early modern prisoners, expressions that helped them retain their individuality and identity during incarceration.

³³ J. G. Nichols, *Narratives of the Days of the Reformation, Chiefly from the Manuscripts of John Foxe the Martyrologist* (London: Camden Society, 1859), p. 149.

³⁴ Sarah Covington, *The Trail of Martyrdom: Persecution and Resistance in Sixteenth-Century England* (Notre Dame, Ind.: University of Notre Dame Press, 2003), p. 67.

Singing Psalms for Profit, Comfort, and Solidarity

Although this chapter will focus predominantly on the ways in which inmates appropriated the prison soundscape, I would like to begin by amplifying some of the sounds that were sanctioned by prison officials. Unfortunately, we have relatively little surviving evidence surrounding the day-to-day workings of the early modern prison, but some records suggest that certain types of musical performances, namely communal psalm singing, were actually ordained and encouraged by those in positions of authority. For instance, the Court of Aldermen's 1574 Regulations for Newgate Prison, which were to be 'hanged up in the said prison', state that:

And it is further ordered that the prisoners remaining within the said Gaol assemble all together or as Many of them as May by Orders in the House shall twice every day viz. at viii of the clock in the morning and iiij of the clock in the evening sing or say psalms for the service appointed in the book of Service.³⁵

Records from Ludgate prison also suggest that psalm singing was a regular feature of the prison's soundscape. In 1656, the keeper of Ludgate, Robert Nicholls, reported that due to a lack of funds there had been no formal preaching on weekdays in the prison for some time; he did note, however, that there were 'some Chapters read & psalmes sung by one of the prisoners morning & evening'.³⁶ Likewise, in describing the conditions of the Fleet and King's Bench prisons, one seventeenth-century writer reported that there were communal prayers 'twice a day', which one can imagine might also have been accompanied by psalm singing.³⁷ There are also references to communal singing in contemporary literature: for instance, in a work concerning the prisons of London, Edmund Gayton—a writer who spent a period of time in debtors prison—claimed that 'before the Sermon, even in a Prison, and so after, a Psalm is most proper'.³⁸

Whilst evidence of practices such as these is fairly scant, it is not difficult to imagine psalm singing as a regular feature of prison life, especially after congregational psalm singing had established itself as a staple element of Protestant life in post-Reformation England. The tradition of singing English metrical psalms dates back to the 1530s and 1540s, with individuals such as

³⁵ LMA CLA/032/01/008, p. 3.

³⁶ LMA CLA/033/01/005, f. 35.

³⁷ E. S., *A companion for debtors and prisoners, and advice to creditors in ten letters from a gentleman in prison* (London, 1699), p. 38.

³⁸ Edmund Gayton, *VVil: Bagnal's Ghost. Or the merry devill of Gadmunton. In his perambulation of the prisons of London* (London, 1655), p. 46.

Miles Coverdale, Thomas Sternhold, and Robert Crowley publishing collections that paved the way for the immensely popular Sternhold and Hopkins collection of the Elizabethan period.³⁹ Although the metrical psalms did not have any immediate liturgical purpose during the reign of Edward VI, the Sternhold psalter was gaining popularity, as well as the first complete collection of psalms published by Crowley in 1549. During the reign of Mary I, exiled Protestants were inspired by Calvinist practices of communal psalm singing in places such as Geneva; they adapted their services to include congregational singing, a practice which laid important foundations for the practice in England.⁴⁰ Following the accession of Elizabeth I, many exiled Protestants returned to England and they brought their new psalm books with them; by 1562, the entire psalter had been versified and published in the now infamous Sternhold and Hopkins *Whole Booke of Psalmes*. Although the royal injunctions of 1559 did not refer to the singing of congregational psalms in church, they did ordain the use of 'an hymn or suchlike song', and metrical psalms would probably have fallen into such a category.⁴¹ Indeed, evidence suggests that congregational psalm singing became a principal and defining element of Protestantism soon after Elizabeth I ascended the throne. As early as 1560, the Protestant Bishop John Jewel wrote to the Italian reformer and theologian Peter Martyr informing him of the popularity of this new tradition in England and its effectiveness in inciting zeal for Protestantism:

Religion is now somewhat more established than it was...The practice of joining in church music has very much conduced to this. For, as soon as they had once commenced singing in public, in only one little church in London, immediately not only the churches in the neighbourhood, but even the towns far distant, began to vie with each other in the same practice. You may now sometimes see at Paul's cross, after the sermon, six thousand persons, old and young, of both sexes, all singing together, and praising God.

Jewel goes on to remark that such practices infuriate 'the mass-priests and the devil', as they helped Protestant ideals 'sink more deeply into the minds of men'.⁴² By 1573, the title page of the *Whole Booke of Psalmes* stated that the psalms were 'Set forth and allowed to be song in all Churches, of

³⁹ Miles Coverdale, *Goostly psalmes and spirituall songes drawn out of the holy Scripture* ([London], [1535]); Thomas Sternhold, *Certayne psalmes chosen out of the Psalter of Dauid, and drawn into Englishe metre* ([London], [1549]); Robert Crowley, *The Psalter of Dauid newly translated into Englysh metre* ([London], [1549]).

⁴⁰ Robin Leaver, 'Goostly psalmes and spirituall songes': *English and Dutch Metrical Psalms from Coverdale to Utenhove 1535-1566* (Oxford: Clarendon Press, 1991), pp. 175-237.

⁴¹ Walter Howard Frere and William McClure Kennedy (eds.), *Visitation Articles and Injunctions of the period of the Reformation*, vol. 3 (London: Longmans, Green & Co., 1910), p. 23.

⁴² John Ayre (ed.), *The Works of John Jewel, Bishop of Salisbury*, vol. 4 (Cambridge: Cambridge University Press, 1845), p. 1231.

all the people together before and after Morning and Evening prayer: as also before and after Sermons', indicating that from this time onwards psalms occupied an established place in church services.⁴³ The success of the Sternhold and Hopkins collection is indisputable: by 1640, it had gone through approximate 482 editions, selling around one million copies.⁴⁴ By the last few decades of the sixteenth century congregational psalm singing was an established part of Protestant life and worship, so it is not surprising that we have evidence suggestive of such practices in contemporary prisons.

From the perspective of those in positions of authority, the introduction of regular psalm singing within the prisons perhaps reflected an attempt to incite communal harmony, encouraging decent and virtuous behaviour amongst prisoners. Conflict and discord amongst inmates was fairly commonplace, and not surprising considering the squalid and confined spaces that many were forced to live in. A seventeenth-century manuscript book owned by the keepers of Ludgate prison contains repeated references to immoral and quarrelsome behaviour: for instance, one Thomas Weaver—'a greate swearer' who was 'often over taken in drinke'—caused regular disturbances in Ludgate by 'quarrelling & fighting with his fellowe prisoners'.⁴⁵ Similarly, a proclamation made for the 'Reformation of abuses, in the Gaole of New-gate' in 1617 stated that the prisoners were particularly 'drunke and disordered', engaging in illicit gaming and resorting to 'Women of lewd behaviour'.⁴⁶ Of course, the introduction of psalm singing was not necessarily going to solve these problems, but it perhaps represented an attempt to implement a measure of social and moral order. Indeed, the practice of singing psalms had long been considered a means of promoting social harmony. For instance, the Archbishop of Canterbury, Matthew Parker, emphasised that psalm singing could 'maketh amitie, where was discorde, it knitteth frendes together, it returneth enemies to an unitie againe'.⁴⁷ Just as metrical psalms were considered a mechanism 'for bringing spiritual order to the household as a mirror and constitutive unit of the Church', so too could they perhaps bring a sense of harmony, order, and piety to the chaos and disorder of the prisons.⁴⁸

⁴³ Thomas Sternhold and John Hopkins, *The whole booke of Psalmes collected into Englishe metre* (London, 1573), title page.

⁴⁴ Ian Green, *Print and Protestantism in Early Modern England* (Oxford: Oxford University Press, 2000), p. 509.

⁴⁵ LMA CLA/033/01/005, f. 32^v.

⁴⁶ LMA CLA/035/02/045, single sheet.

⁴⁷ Matthew Parker, *The whole Psalter translated into English metre, which containeth an hundred and fifty Psalmes* (London, 1567), sig. E2^v.

⁴⁸ Beth Quitslund, 'Singing the Psalms for Fun and Profit', in Jessica Martin and Alec Ryrie (eds.), *Private and Domestic Devotion in Early Modern Britain* (Farnham: Ashgate, 2012), pp. 237-258, at p. 238.

For some prisoners, imprisonment was considered to be an opportunity to improve oneself: according to William Fennor, the prison was a place where 'an honest man may learne and read a lesson of bettering himselfe', and psalm singing provided a fruitful means of doing so.⁴⁹ Contemporary literature often portrayed psalm singing as an opportunity to expedite one's moral and religious development, especially for those in prison. For instance, a French poem later translated into English under the title *The profit of Imprisonment* expounds on the moral and religious value of singing psalms whilst incarcerated, especially as a worthwhile means of passing the time:

Marrying my simple voice in solemn tunes I sing,
Some psalme or holy song, unto the heavenly King.
So that the idlest hower of all the time that flies
so fast, is never free from some good excercise.⁵⁰

Furthermore, *Eastward Ho*, a play written by George Chapman, Ben Johnson, and John Marston, includes a scene in which the prison keeper, known as Master Wolf, declares that the singing of his devout prisoners helps edify the whole prison.⁵¹ Indeed, the notion that psalm singing could advance spiritual profit was widespread. In his collection of metrical psalms, William Hunnis wrote that the reader/singer 'myghte hereof receive some pleasure or profyt', whilst Matthew Parker stated that psalm singing could be most 'profitable and expedient'.⁵² For those who aimed to 'profit' from their imprisonment, psalm singing certainly provided an appropriate and worthwhile way to pass the time, rendering their incarceration a positive and valuable life experience.

Singing did not only facilitate one's moral and spiritual improvement, it was also considered a vital means for preserving one's physical and mental health. As we know, music was commonly used as a medicine to restore and heal the mind and the body, so it not surprising that prisoners turned to this simple and accessible remedy during a time which tested both their physical and mental wellbeing. As the theorist Charles Butler wrote in his *Principles of Musike* (1636), singing offered a means of accelerating and alleviating 'tedious time', and could help 'cheere and comfort' those in 'painful Vocations'.⁵³ Similarly, according to Levinus Lemnius, 'Singinge and Musicall

⁴⁹ Fennor, *The miseries of a iaille*, p. 9.

⁵⁰ Odet de la Noue, *The profit of imprisonment A paradox; vwritten in French by Odet de la Noue, Lord of Teligni, being prisoner in the castle of Tournay. Translated by Iosuah Silvester*. (London, 1594), sig. E1.

⁵¹ George Chapman, Ben Johnson, and John Marston, *Eastward hoe As it was played in the Black-friers* (London, 1605), sig. H4.

⁵² William Hunnis, *Certayne psalmes chosen out of the psalter of David* (London, 1550), 'to the reader'; Parker, *The whole Psalter*, sig. F3.

⁵³ Charles Butler, *The principles of musike* (London, 1636), p. 122.

melodie, chaunted eyther with lively voyce, or played upon sweete Instrumentes' could help drive away heaviness and cheer and revive the spirits. He also emphasised music's ability to maintain physical health, noting that musical performances 'bryng exceding much good to the Breast and Muscles'.⁵⁴ Similarly, the renowned composer William Byrd listed the physiological benefits of singing in the opening of his *Psalmes, Sonets, & Songs* (1588): 'The exercise of singing is delightfull to Nature, & good to preserve the health of Man. It doth strengthen all parts of the brest, & doth open the pipes'. Byrd also stressed the power of vocal music specifically, claiming that 'There is not any Musicke of Instruments whatsoever, comparable to that which is made of the voyces of Men'.⁵⁵ Music was considered to be a particularly effective remedy for melancholy and sorrow, something which many prisoners no doubt suffered from. For instance, the author of *The Praise of Musicke* remarked that music was a 'medicine for our sorrowe' and a 'remedie for our grieve', whilst Nicholas Ling's collection of commonplace phrases stated that 'Musick is a comfort to the mind oppressed with melancholie'.⁵⁶ Indeed, Robert Burton's *Anatomy of Melancholy* (1621) includes an entire section on the remedial effects of music, in which he states that no antidotes for melancholy are as powerful as 'Musick and merry company'.⁵⁷ These beliefs, which actually correspond to what many modern neurological studies have since confirmed, informed individuals that music, especially singing, could improve mental and physical health. In the context of imprisonment, it could be argued that psalm singing was not just a means of preserving social order or expediting one's moral development; it was perhaps also considered a vital source of medicine which helped sustain the physical and mental wellbeing of the inmates.

But the singing of psalms and spiritual songs could also offer something more powerful for those imprisoned for their religious beliefs. Just as Paul and Silas sang hymns to God during their imprisonment in Philippi (Acts 16:25), Protestants and Catholics also turned to song as a source of comfort and a gesture of defiance in the face of adversity. For those who endeavoured to achieve the status of martyr, the prison experience was immensely significant. The ability to endure the turmoil of imprisonment without recanting their beliefs served to verify their inexorable devotion, which in turn helped establish their future claim to martyrdom. In the words of Sarah Covington, the prisons functioned as a kind of 'martyr-processing centre, a filtering zone that drained away the stalwart from the weak'.⁵⁸ The act of singing was a non-docile act that allowed

⁵⁴ Levinus Lemnius, *The touchstone of complexions* (London, 1576), pp. 53-53v.

⁵⁵ William Byrd, *Psalmes, sonets, & songs of sadnes and pietie* (London, 1588), sig Av.

⁵⁶ Anon., *The praise of musicke*, p. 61; Ling, *Politephuaia*, p. 196v.

⁵⁷ Robert Burton, *The anatomy of melancholy what it is* (Oxford, 1621), pp. 372-375, quote at p. 372.

⁵⁸ Covington, *The Trail of Martyrdom*, p. 68.

these individuals to take control of their prison experience, helping them endure what was perhaps a particularly traumatic and testing period for those on the journey to martyrdom.

The comfort and power of psalm singing was perhaps most significant for the hundreds of Protestants imprisoned during the reign of Mary, especially as psalm singing represented the beginning and foundations of a distinctly Protestant tradition. John Foxe's hugely successful publication, *Actes and Monuments*, recounts the stories of these martyrs from sources such as eye-witness accounts, letters, and court records, and many of these narratives refer to the act of psalm singing. First published in 1563, Foxe's book had already gone through eight editions by the end of the seventeenth century, and it has been estimated that around 10,000 copies of the work were in circulation by this time.⁵⁹ By the 1570s, ecclesiastical officials were instructed to purchase copies of the work for cathedral churches, and soon afterwards, parish churches began to follow suit.⁶⁰ It was undoubtedly one of the most popular literary works of the sixteenth and seventeenth centuries, and it is likely that men and women across the social strata were familiar with it. We must remember, however, that works such as *Actes and Monuments* should not be read as wholly factual: writers such as Foxe were propagandists who fashioned their works in order to bolster their religious cause (we will explore the methodological obstacles posed by such works in further detail in the following chapter). Although there are elements of Foxe's text that were probably emphasised or downplayed in order to fashion a specific message, the stories were certainly not wholly fabricated, and the very fact that there are repeated references to psalm singing suggests that such practices were not merely fictional propaganda and were seen to be spiritually significant.

The account of John Philpot's infamously lengthy examinations at the Newgate Sessions Hall in 1555 reports that Bishop Bonner was particularly surprised by Philpot's behaviour in prison, exclaiming 'I marvell that you are so mery in prison as you be, singing and rejoycing', to which Philpot responded, 'My Lord, the myrth that we make is but in singing certayne Psalmes'. For Philpot, communal psalm singing apparently offered a source of joy and comfort whilst dwelling in the 'darcke' and 'comfortles' prison.⁶¹ Foxe's book also contains a transcription of one of Philpot's letters to the Queen, wherein he expounds on the spiritual solace of communal singing: 'I thanke the Lorde, I am not alone, but have sixe other faithfull companions: who in our darknesse doe chearfully sing Hymnes and praises unto God for his great goodnesse'.⁶² Similarly, Foxe's

⁵⁹ William Haller, *Foxe's Book of Martyrs and the Elect Nation* (London: Cape, 1963), pp. 70-71.

⁶⁰ Gregory, *Salvation at Stake*, p. 193.

⁶¹ Foxe, *Actes and Monuments*, p. 1799.

⁶² Foxe, *Actes and Monuments*, p. 1839.

report of the examination and condemnation of Rawlins White, a fisherman from Cardiff, draws attention to the significance of psalm singing. During his period of imprisonment in Cardiff castle White reportedly passed the time 'chiefly in singing of Psalmes: which kynde of godly exercises he alwayes used, both at Cardiff Castle & in all other places'.⁶³ Likewise, Rose Allen, a spinster from Great Bentley in Essex, apparently 'song with great joy, to the wonder of many' during her imprisonment in Colchester castle, which apparently lifted the spirits of the other prisoners.⁶⁴ For persecuted Protestants, psalm singing did not only provide a means of comfort, joy, and consolation, it also allowed them to mark their own religious identities upon the prison space: as Jonathan Willis has noted, psalm singing was 'literally a profession of faith', which could trigger a 'sonic recasting of space into Protestant space'.⁶⁵ This 'sonic recasting' of space—the modulation of the prison soundscape—surely must have helped Protestant prisoners maintain and strengthen their religious identities in the face of oppression.

It would be useful at this point to offer a more detailed analysis of the psalms that the Marian prisoners sang, but unfortunately, we have relatively little explicit evidence of which texts and tunes they were singing. That being said, we can certainly posit some reasonable suggestions. The Marian prisoners were engaging in these practices before communal psalm singing had really established itself as a common tradition in England, so it is difficult to ascertain what melodies they selected for the texts, especially as we know relatively little about such practices before the Elizabethan period. Nicholas Temperley has suggested that congregants might have initially sung psalms to popular ballad tunes, melodies which we have already seen were simple, repetitive, and familiar to most audiences.⁶⁶ This theory is certainly plausible with regard to the Marian prisoners, especially as many of them would have had limited resources in prison: it would have been simple and convenient to select simple tunes that were already engrained within the common memory.

It is also possible that the Marian prisoners were inspired by the Anglo-Genevan psalms that were being developed by Protestants in exile.⁶⁷ Those that fled to the European mainland to evade the threat of persecution began to cultivate their own worship services, and the singing of metrical psalms became an official and established part of their liturgy. Many of the exiles took

⁶³ Foxe, *Actes and Monuments*, p. 1558.

⁶⁴ Foxe, *Actes and Monuments*, p. 2008.

⁶⁵ Willis, *Church Music and Protestantism*, p. 227.

⁶⁶ Temperley, *The Music of the English Parish Church*, p. 66.

⁶⁷ On the development of the Anglo-Genevan metrical psalter see Quitslund, *The Reformation in Rhyme*, pp. 111-192 and Timothy Duguid, *Metrical Psalmody in Print and Practice: English 'Singing Psalms' and Scottish 'Psalm Buiks', c. 1547-1640* (Farnham: Ashgate, 2014), pp. 13-48.

copies of early English psalters with them on their journeys, which individuals such as William Whittingham began to modify and expand on during their exile; this resulted in the production of various psalm versifications which would later inspire the complete metrical psalters produced in England from 1560 onwards.⁶⁸ For instance, *The Forme of prayers and ministrations of the sacraments*, first published in Geneva in 1556, included the liturgy, the Ten Commandments, and various English psalm versifications set to music; although the origins of these melodies are unclear, they were certainly not popular ballad tunes.⁶⁹ Unfortunately, however, there is little known evidence to substantiate the hypothesis that Marian prisoners had access to the Genevan psalm books: although we know that English exiles returned with the new Anglo-Genevan psalters following the accession of Elizabeth I, there is no evidence to suggest that these publications made their way to England during Mary's reign. That being said, we do know that doctrinal and theological writings were travelling to England from the continent during this period, so it is not inconceivable that psalm books were being smuggled back to clandestine Protestant communities.⁷⁰ There was certainly a demand for the Genevan psalm books in England: the 1560 edition of the aforementioned Anglo-Genevan *Forme of prayers* describes the desire for the book amongst Reformed households in England and Scotland in its address to the reader:

After that we were advertised of the great desire and godlie affection of many within the realmes of England and Scotland towarde this boke of commune prayer and administration of the Sacraments, and how earnestly they required that it might be printed anewe, for as much as the first second & third edition was sold, so that they which did moste thirst to have bokes, colde have none, we thought it our duetie to satisfie their godlie mindes...⁷¹

Furthermore, there is evidence to suggest that the Genevan psalm tunes were being sung in England as early as 1559: on 21 September 1559, Henry Machyn wrote in his diary that he heard a psalm sung 'after Geneve fassyon [fashion]' at St. Antholin's Church, London, and a year later he wrote that he heard a psalm being sung following a sermon at St. Paul's Cross, which was sung

⁶⁸ Duguid, *Metrical Psalmody in Print and Practice*, pp. 13-14.

⁶⁹ Anon., *The forme of prayers and ministration of the sacraments, &c. used in the English Congregation at Geneva* (Geneva, 1556); Leaver, 'Goostly psalmes and spirituall songes', pp. 121-131.

⁷⁰ See Andrew Pettegree, *Marian Protestantism: Six Studies* (Aldershot: Scolar, 1996).

⁷¹ Anon., [*The forme of prayers and ministration of the sacraments, &c. used in the English Congregation at Geneva*] ([Geneva, 1560]), pp. 99-100.

to 'the tune of Genevay ways'.⁷² It is therefore conceivable that the Anglo-Genevan psalters had already been circulating for some time, perhaps even as early as the reign of Mary I.

Another possibility is that Marian Protestants were reliant on tunes from the metrical psalm books of the Henrician and Edwardian periods, such as Coverdale's *Goostly Psalmes* (1535) and Sternhold's *Certayne psalmes* (1549), which as Temperley notes were musically quite dissimilar to the Genevan books.⁷³ However, this is perhaps the most unlikely conclusion, as the majority of these early books were written for elite and aristocratic circles and were therefore not as widely known as the later psalm books.⁷⁴ Of course, the choice of versification and melody probably varied according to the individual experiences of the prisoner and the resources that were available to them: some might have been familiar with the early Edwardian settings; others might have had access to the Genevan psalters, or perhaps heard them performed during clandestine Protestant worship;⁷⁵ but for some, popular and simple ballad tunes might have offered the most accessible and memorable accompaniment for these texts whilst incarcerated.

We also have little information regarding the psalm texts that Marian prisoners chose to sing whilst incarcerated. It is likely, however, that they selected texts that were relevant to their experiences of imprisonment and persecution, in the same way that the Marian exiles often chose to versify and publish psalms that were directly relevant to their experiences as exiles.⁷⁶ As we have no explicit evidence, I will turn to some contemporary treatises on the psalms in order to posit which texts might have seemed most appropriate for the Marian prisoners. Athanasius' treatise on the psalms, which was printed at the beginning of Sternhold and Hopkins *Whole Booke of Psalmes* (1562), offers the reader advice as to 'what manner ye may use the Psalmes, according to the effect of the minde'.⁷⁷ The text comprises a lengthy list of different circumstances in which one might sing a psalm, and an appropriate psalm is offered for each context. Jonathan Willis has shown that an impressive fifty-one percent of these recommendations relate to circumstances of persecution, making it particularly suitable for considering the potential psalm choices of the Marian prisoners.⁷⁸

⁷² Nichols (ed.), *The Diary of Henry Machyn*, p. 212, p. 228.

⁷³ Temperley, *The Music of the English Parish Church*, p. 33.

⁷⁴ Marsh, *Music and Society*, pp. 406-407.

⁷⁵ Beth Quitslund has pointed out that the secret Protestant congregations in Marian London probably incorporated congregational singing as part of its worship: Quitslund, *The Reformation in Rhyme*, p. 124.

⁷⁶ For instance, Timothy Duguid has shown that Whittingham's versifications of psalms 133 and 137 'had direct relevance both to the strife-torn situation in Frankfurt and to the spirit of solidarity that imbued those who moved to Geneva': Duguid, *Metrical Psalmody in Print and Practice*, p. 22.

⁷⁷ This treatise was removed from subsequent editions of *The whole booke of Psalmes*, which Beth Quitslund has argued was probably due to its Puritanical undertones: Quitslund, *The Reformation in Rhyme*, pp. 226-228.

⁷⁸ Willis, *Church Music and Protestantism*, p. 191.

According to Athanasius, 'If any persecute thee & quarell willing to betray thee' one should sing psalms 54 and 56, whilst psalms 57 and 142 are recommended for those who require a source of spiritual comfort in the face of oppression.⁷⁹ Indeed, psalm 142 stands out as a particularly suitable choice for the Marian prisoners, particularly due to its acutely resonant closing verse:

That I may prayse thy name my soule,
from prison lord bringe oute:
When thou art good to me, the just,
shall prese me round about.⁸⁰

Following Athanasius' treatise, the *Whole Booke of Psalmes* includes a brief section entitled 'the use of the rest of the Psalmes not comprehended in the former Label of Athanasius' which addresses psalms related to issues of persecution in more detail. The author advises that 'If thou be persecuted without a cause...use the 26. Psalme', whilst psalm 44 is deemed particularly appropriate for those who have been persecuted for 'religion and vertue sake'.⁸¹

Although treatises such as these were published after the reign of Mary I, there is evidence to suggest that the Marian Protestants followed similar strategies for selecting appropriate psalms. For instance, in a letter to his wife, the famous Protestant martyr John Hooper wrote 'When ye finde your selfe too much oppressed...use the 77 Psalme', which he claimed would offer 'consolation unto the man or woman that is in anguish of minde'. He also advises his wife that 'when the minde can take no understanding, nor the hart any joy of gods promises', the singing of psalms 6, 22, 30, 31, 38, and 69 will help the singer learn 'paciencie and consolation'.⁸² Men and women continued to select psalms according to their emotional state throughout the seventeenth century: for instance, Roger Lowe, an apprentice shopkeeper from Ashton-in-Makerfield in Lancashire, wrote in his diary in 1663 'when I came home I was very pensive and sad in consideracion of my povertie, and I sung the 24th psalme, and afterwards I was very heartie'.⁸³ Although we can never know exactly which texts and tunes the Marian Protestants were singing whilst incarcerated, this analysis offers a means of thinking about the ways in which they approached these decisions.

⁷⁹ Sternhold and Hopkins, *The whole booke of Psalmes*, sig. A1.

⁸⁰ Sternhold and Hopkins, *The whole booke of Psalmes*, p. 360.

⁸¹ Sternhold and Hopkins, *The whole booke of Psalmes*, sig. A3.

⁸² Foxe, *Actes and Monuments*, pp. 1514-1515.

⁸³ William L. Sachse (ed.), *The Diary of Roger Lowe: of Ashton-in-Makerfield, Lancashire, 1663-74* (New Haven: Yale University Press, 1938), p. 15.

A number of educated and wealthy prisoners actually wrote their own metrical paraphrases of the psalms whilst incarcerated. This practice was common amongst political and religious prisoners from as early as the Henrician period and continued well into the seventeenth century. A number of scholars have approached these texts from a literary perspective, with scholars such as Ruth Ahnert and Beth Quitslund arguing that they were profoundly 'individualised' works that afforded prisoners a medium for self-expression during their incarceration.⁸⁴ Although scholars have not necessarily considered these texts as part of a musical culture, I would argue that it is not inconceivable to imagine prisoners *singing* these psalm versifications. Whilst we have no tangible evidence of a such practices, many of these works could easily have been sung. For instance, a manuscript collection of poems written by the Marian prisoners includes a metrical paraphrase of psalm 119 entitled 'The fifthe parte of the 119th Psalme in meter by Ro. Smyth'.⁸⁵ This was probably written by the painter and martyr Robert Smith, who was burned at the stake in 1555; Foxe printed a number of his letters and writings in *Actes and Monuments*, one of which was written in metre, but he does not include the psalm paraphrase in his book.⁸⁶ Like the earlier metrical psalms, Smith's paraphrase is written in common metre, the same as many popular ballads, making it both accessible and memorable for the reader/singer:

Teache me o lord to walke thy wayes
my lyving to amend:
& I shall kepe it all my dayes,
even to my Lyves end.⁸⁷

The use of this simple and widely used metre meant that the psalm could potentially be sung to a wealth of different tunes, something that Smith and his fellow prisoners perhaps engaged in during his period of imprisonment in Newgate. In *singing* these texts, prisoners would have been able to experience their texts as embodied performances, heightening the sense of spiritual comfort such works could offer. Versifications such as these are rarely considered from a musical perspective, but consideration of them as performative works would certainly shed new light on this heretofore assumed 'literary' genre.

⁸⁴ Ahnert, *The Rise of Prison Literature*, pp. 59-73, quote at p. 61; Quitslund, *The Reformation in Rhyme*, p. 16; see also Rivkah Zim, *English Metrical Psalms: Poetry as Praise and Prayer 1535-1601* (Cambridge: Cambridge University Press, 1987), pp. 74-108.

⁸⁵ BL Sloane MS 1896, f. 16.

⁸⁶ Foxe, *Actes and Monuments*, pp. 1695-1702.

⁸⁷ BL Sloane MS 1896, f. 16 (verse 1).

'Rather a chapel for superstitious service than a prison or gaol'⁸⁸: Sounds of Catholicism

Following the death of Mary I and the reinstatement of Protestantism in 1558, England's prisons began to fill with Catholic recusants and priests. Around 285 Catholic priests were imprisoned during the reign of Elizabeth I, with at least fifty of England's prisons holding priests at some point during this period.⁸⁹ Whilst we do not know the exact numbers, there was also a wealth of individuals incarcerated for recusancy during the Elizabethan and early Stuart periods. The majority of recusants and priests were imprisoned together in order to reduce the risk of them converting other prisoners, but such strategies inadvertently served to strengthen their sense of Catholic community. A collection of papers from 1596 naming 'all such seminaries and Jesuits as are in the prisons in the City of London and suburbs thereof' describes several of the incarcerated Catholics as 'very dangerous', particularly as some were reportedly practicing mass 'as if [they] hadde beene in Rome', conspiring with others, and converting lost souls.⁹⁰ As scholars such as Peter Lake, Michael Questier and Lisa McClain have shown, English prisons were 'the sites where English Catholics gathered most prevalently to appropriate sacred space'. Many of the prisons were filled with Catholic objects such as altars, vestments, and candles; masses were said and sung before fervent congregations; Catholic parents took their children to the prisons to be educated; couples visited the prisons to be married by a priest; and some individuals even became voluntary prisoners in order to live amongst these pious communities.⁹¹

Many of these pious activities allowed imprisoned Catholics to seize and transform their sonic environment, improving and enriching the experience of their incarceration. For instance, upon his arrival in England, the Catholic priest Laurence Vaux was committed to the Gatehouse at Westminster. In his letters from prison, Vaux described the pleasant conditions of his incarceration, remarking that 'Nothing is heard among us but what is Catholic, pious, and holy', suggesting that the Catholics imprisoned there had laid claim to the soundscape of the prison.⁹² Like the Protestants imprisoned during the reign of Mary I, some Catholic communities turned to singing as a way to practice their faith and strengthen their devotion during incarceration. The Roman Catholic priest Thomas Bell spent a period of time in York Castle where he offered a daily

⁸⁸ TNA STAC 8/16/17, Attorney General v Houghton.

⁸⁹ Lake and Questier, 'Prisons, Priests, and People', p. 202.

⁹⁰ CP 43/41, 'Seminaries and Jesuits', 1 August 1596.

⁹¹ McClain, *Lest we be damned*, pp. 55-80, quote at p. 386; Lake and Questier, 'Prisons, Priests, and People', pp. 196-225.

⁹² Philip Caraman (ed.), *The Other Face: Catholic Life under Elizabeth I* (London: Longmans, 1960), p. 215.

mass service for his imprisoned co-religionists. In 1582, he reportedly conducted an even more elaborate celebration by performing a sung mass with a deacon and subdeacon, and with 'as many of the other Catholic prisoners as were able to assist' in the 'common joy and consolation'. The performance took place in a prisoner's cell remote from the keeper's quarters, presumably in an attempt to avoid being overheard.⁹³ Another act of musical worship occurred at Beaumaris castle, a prison that was transformed into a centre of religious worship following the incarceration of the Catholic priest William Davies in 1592. Upon arrival at the castle, Davies endeavoured to form a 'religious community' during his period of imprisonment. Part of their daily activities included the celebration of mass and the singing of sacred texts:

They all rose at Four in the Morning, and then employ'd one Hour in mental prayer; they recited together the Hours of the divine Office; and Mr. *Davies* every day said Mass to them, with great Devotion...After Mass and Thanksgiving, they sung together the Anthem *O Sacrum Convivium*, and then applied themselves to Reading and Studying'.⁹⁴

Emilie Murphy has argued that the text of *O Sacrum Convivium*—an antiphon honouring the blessed sacrament that was usually sung during the feast of Corpus Christi—allowed Catholics to 'counter the heresies surrounding the concept of the real presence', an issue that was especially pertinent in Protestant England.⁹⁵ Whilst we will never know whether these Catholics had access to any polyphonic settings of this text, such as Tallis' setting for five voices (ATTTBB) first printed in 1575, or whether they simply chanted the text to plainsong, the singing of a Latin text inherently associated with the concept of transubstantiation certainly constituted a subversive act of non-docility.⁹⁶

Evidence of Catholic musical performances can also be found in spy reports from the period. For instance, a report made for Robert Cecil in 1601 recounted some of the musical activities that had supposedly taken place in The Clink prison in London: the author wrote that 'masse was saide (as no day faileth), by one of three priests prisoners, in the Clynk alternis vicibus

⁹³ Bede Camm, *Lives of the English Martyrs*, vol. 2 (London 1914), p. 570.

⁹⁴ Challoner (ed.), *Memoirs of Missionary Priests*, vol. 1, p. 299.

⁹⁵ Emilie Murphy, 'Musical self-fashioning and the 'theatre of death' in late Elizabethan and Jacobean England', *Renaissance Studies*, 30/3 (2016): pp. 410-429, at p. 419.

⁹⁶ Tallis printed his rendition of *O Sacrum Convivium* in the first collection of Latin sacred motets published by Tallis and Byrd after they were granted the monopoly for music printing: Thomas Tallis and William Byrd, *Cantiones, quae ab argumento sacrae vocantur quinque et sex partium, autoribus Thoma Tallisio & Guiljelmo Birdo Anglis, serenissimæ Regineæ Maiestati à prinato sacello generosis, & organistis*. (London, 1575).

[alternately], for all comers in the forenoon, and dirges in the afternoones'.⁹⁷ As we saw in the previous chapter, the term 'dirge' is a contraction of 'dirige', which is the first word of the first antiphon at Matins in the Office of the Dead, but after the Reformation the term was used more broadly to refer to any song of mourning. The singing of dirges allowed imprisoned Catholics to memorialise their deceased co-religionists, glorifying their memory through song, quite unlike the derisive and comedic dirges of the previous chapter. Just as the Marian martyrs laid claim to the soundscape of their imprisonment through psalm singing, the singing of masses, motets, and dirges helped imprisoned Catholics transform the prisons into spaces that resonated with the sounds of their own faith. These musical expressions of non-docility further highlight how prisoners could exploit the inefficiencies of the early modern prison system to help validate, encourage, and strengthen their religious identities and communities.

Whilst audible expressions of devotion, such as psalm singing or the celebration of mass, could strengthen communities and minorities, they could also provoke hostile and retaliatory responses. For Catholics incarcerated alongside individuals from opposing confessional groups, noise disruption offered a particularly effective means of reclaiming the sound space and expressing one's hostility and vexation towards those who supported the religious status quo. During the second half of the sixteenth century, Wisbech castle in Cambridgeshire was used as a high security prison to house Catholic priests on account of its seclusion and remoteness. Although Wisbech was used exclusively to hold Catholics, especially those that were perceived to be particularly dangerous, sounds of confessional conflict continued to emanate throughout the Castle, due to the prison keeper's puritanical persuasion. The Catholic prisoners repeatedly interrupted the psalm singing of the keeper by whistling and banging on the floorboards above his chamber.⁹⁸ Similarly, during John Gerard's period of incarceration in the Poultry Counter he reported that 'when the prisoners below started singing lewd songs and Genevan psalms, I was able to drown their noise with the less unpleasant sound of my clanking chains'.⁹⁹

Catholics used similar methods of acoustic territorialisation—a process referred to by the contemporary sound theorist Brandon LaBelle as 'the disintegration and reconfiguration of space' whereby 'the divergent, associative networking of sound comes to provide not only points of contact and appropriation, but also meaningful challenge'—in spaces other than the prison.¹⁰⁰ For

⁹⁷ CP 87/144, 'Jo. Byrde to Sir Robert Cecil [The Enclosure]', 27 August 1601.

⁹⁸ Covington, *The Trail of Martyrdom*, pp. 69-70.

⁹⁹ Gerard, *The Autobiography of an Elizabethan*, p. 77.

¹⁰⁰ LaBelle, *Acoustic Territories*, pp. xxiii-xxiv.

instance, in 1600 a dispute between Thomas Hoby (son of the courtier and translator Sir Thomas Hoby) and the Catholic family of Sir William Eure resulted in a particularly noisy encounter. The conflict arose when members of the Eure family took up temporary residence in the Hobys' home, Hackness Hall, where they began to noisily interrupt the family's everyday life. Thomas Hoby eventually decided to take legal action against the Eure family, and the Star Chamber records offer a fascinating insight into the ways in which their confessional dispute was articulated through noise. Members of the Eure family reportedly disrupted the Hoby's family worship by assembling themselves in 'the dyninge chamber which is over the hall', where they proceeded to

trample and stampe with their feett, and did besides singe a blacke santes as they terme it or some such other songs makeinge wilde and strainge noyses in disturbance and prophane derision of prayer and the service of Almightye god.¹⁰¹

As we can see, facets of confessional conflict were reflected in the soundscapes of certain spaces in post-Reformation England, with opposing confessional groups attempting to acoustically territorialise the space.

Such acts of noise disruption allowed prisoners like John Gerard to reclaim authority over the prison space through sound: by overpowering and occupying the sound space, prisoners asserted and wielded their power in a space where they were otherwise supposed to be subjugated. This process could be considered in the context of acoustic territorialisation, or what Michael Heller has referred to as 'noise occupation'.¹⁰² According to Heller, 'the political power of noise occupation is more than simply a metaphorical display of solidarity': rather, its ability to 'penetrate directly onto the bodies of...anyone within ear/shot' attests to its significance as a weaponization of sound.¹⁰³ This is particularly significant when considering early modern understandings of the body, which as outlined in the introduction, dictated that music could have a profound effect upon the humours, body, and soul. When prisoners such as Gerard were forced to listen to the songs of opposing confessional groups it was vital that he protected his body and soul from these dangerous and corrupting sounds, which in his case, was achieved by rattling his chains; (I will

¹⁰¹ TNA, STAC 5/H16/2, single membrane. The term 'blacke santes' probably refers to a 'black sanctus', a term used to describe derisive and discordant ditties that parodied religious songs: 'Black Sanctus', OED, <https://www-oed-com.ezproxye.bham.ac.uk/view/Entry/19764?redirectedFrom=black+sanctus#eid> [accessed 27 October 2020].

¹⁰² Michael Heller, 'Between Silence and Pain: Loudness and the Affective Encounter', *Sound Studies*, 1 (2015): pp. 40-58, see pp. 48-50.

¹⁰³ Heller, 'Between Silence and Pain', p. 50.

expand upon the importance of safeguarding one's soul from heretical and corrupting sounds in the following section). When considered in this context, it could be argued that the singing of religious psalms and songs could actually function as a form of sonic violence: when sung within the vicinities of those from opposing confessional groups, these sounds could be wielded as a weapon to possibly convert or compromise the souls of those present. Therefore, I would argue that sonic production amongst prisoners was not only an expression of non-docility that helped inmates retain their individuality and practice their religion; in some cases, the act of making noise, and even the singing of psalms and religious songs, could function as a form of sonic violence against those from opposing confessional groups.

'Heaven rejoyceth at the Conversion of a sinner'¹⁰⁴: Sonic Strategies of Conversion

For those imprisoned for their religious beliefs, incarceration offered a timely opportunity to persuade non-believers to join their cause: as Lake and Questier have noted, the prisons were full of desperate convicted felons who were 'ripe for conversion and spiritual solace'.¹⁰⁵ Indeed, contemporary writers often referred to the prisons as spaces of spiritual conversion: for instance, a seventeenth-century pamphlet describing the trial and execution of Humphrey Stafford noted that the Catholics imprisoned in the Kings Bench 'seeke by al means possible, both in prison & out of prison, to withdraw his Majesties Subjects from the truth of Religion, unto the acknowledgement of the false Doctrine of the whore of Babylon'.¹⁰⁶

With regard to processes and strategies of conversion, musical practices have been embroiled in such discourses for centuries, and it has long been considered an especially persuasive and polemical tool for those seeking to convert lost souls. For instance, the author of *The Praise of Musicke* refers to the conversion of St. Augustine, who was reportedly 'wonderfully...moved with the singing of the church at his conversion to the faith'.¹⁰⁷ Abigail Shinn has argued that sensory experience played a significant role in conversion narratives during the early modern period. Her analysis of the conversion of the writer and courtier Tobie Matthew, who converted to Catholicism whilst travelling in Italy in 1601, draws attention to the significance of music within this process: Matthew's conversion was inherently associated with the experience of hearing the litany of the

¹⁰⁴ Anon., *The case of Tho. Dangerfield with some remarkable passages that happened at the tryals of Elizabeth Cellier* (London, 1680), p. 23.

¹⁰⁵ Lake and Questier, 'Prisons, Priests, and People', p. 213. On the politics of conversion see Michael Questier, *Conversion, Politics and Religion in England, 1580-1625* (Cambridge: Cambridge University Press, 1996).

¹⁰⁶ Anon., *The arraignment, iudgement, confession, and execution of Humfrey Stafford gentleman* (London, 1607), sig. B2^v.

¹⁰⁷ Anon., *The praise of musicke*, p. 98.

Blessed Virgin sung by a procession of boys passing by his window every day, an experience which eventually inspired him to sing these songs himself, an act which symbolised his conversion to Catholicism.¹⁰⁸ As I outlined in the introduction to this thesis, early modern thinkers believed that music had the power to provoke involuntary responses within the body and soul. Singing was considered to be a particularly affective form of music, because it 'moveth the affection of the hearer'.¹⁰⁹ It is therefore not surprising that singing was used as a strategy of conversion, as its affective powers could potentially allure the listener to convert to the singer's religious cause.

As the sounds of sung mass and sacred songs reverberated throughout the prisons, these melodious sounds sometimes helped entice other prisoners to rethink their religious identity. There are several narratives in *Actes and Monuments* that suggest that imprisoned Protestants were conversant with the power of sung performances. For instance, during the aforementioned lengthy examinations of John Philpot in 1555, Bishop Bonner admonished his propensity to convert other prisoners, exclaiming that 'Thou art a naughty felowe, and haste done much hurt, & hast seduced other poore felowes here in prison with thee, by thy comforting of them in their errors, & hast made them rejoyce and sing with thee', to which Philpot defiantly responded 'Yea, my Lorde, we shall sing'.¹¹⁰ Psalm singing not only provided Philpot with a source of spiritual consolation in prison; Foxe's narrative suggests that it also helped him 'seduce' other prisoners to Protestantism. In the same way that Tobie Matthew was eventually inspired to sing the litany of the Blessed Virgin, Philpot's fellow prisoners announced their conversions by joining him in song. Likewise, Foxe's account of the imprisonment of Ralph Allerton, who was subsequently martyred in 1557, suggests that Allerton also exploited the affective powers of music whilst imprisoned:

that he was much desirous to have the people beleve as he did, and therefore beyng in prison with hys fellowes did sing Psalmes and other songes against the Sacrament of the altare and other ordinaunces of the Church, so loud, that the people abroad might here them and delight in them.¹¹¹

Whilst it is not entirely clear exactly what these 'songes against the Sacrament of the altare and other ordinaunces of the Church' were, Foxe's description suggests that they were anti-Catholic

¹⁰⁸ Abigail Shinn, 'The Senses and the Seventeenth-Century English Conversion Narrative', in Robin Macdonald, Emily Murphy, and Elizabeth Swan (eds.), *Sensing the Sacred in Medieval and Early Modern Culture* (Oxford; New York: Routledge, 2018), pp. 99-116, at pp. 104-5.

¹⁰⁹ Agrippa, *Three books of occult philosophy*, p. 257.

¹¹⁰ Foxe, *Actes and Monuments*, p. 1822.

¹¹¹ Foxe, *Actes and Monuments*, p. 2018.

and polemical in nature. The composition and performance of songs that attempted to influence and modify public opinion were extremely popular and influential during the period of religious reform. Songs played a central role in spreading the message of Protestantism, and some even served as central components within religious debates and dialogues.¹¹² Contemporaries clearly recognised that the political and propagandistic powers of music were abundant: songs had the ability to reach a wider audience than the written text through oral performance, and the use of popular and simple melodies helped ingrain these messages into the hearts and minds of listeners.

It was not only the prisoners who sought to convert lost souls. Those in positions of local authority employed various strategies of conversion in an attempt to evangelise and incite discipline amongst nonconforming prisoners, especially the 'obstinate papists' who refused to convert to Protestantism.¹¹³ During Elizabeth's reign, many believed that imprisonment was not an adequate solution to the prevalence of Catholicism in England, so they developed strategies to reform and convert stalwart Catholics. One method of conversion was to force Catholic prisoners to listen to Protestant sermons. By compelling them to hear the word of God it was hoped that the message of Protestantism might eventually ingrain itself within their hearts and minds: as Archbishop Loftus remarked to Sir William Cecil in 1590, 'the sword alone without the worde is not sufficient...ther obstinacy nowe is such, that unlesse they be inforced, they will not once come to heare the word preached'.¹¹⁴

A particularly extreme example of this occurred at York castle in 1599 and 1600, when a group of fifty-four Catholic prisoners were 'hailed by Forces' to hear weekly Protestant sermons. An exceptionally detailed narrative of these events survives in a manuscript penned by William Richmond, a Catholic who was reportedly receiving information directly from the prisoners themselves.¹¹⁵ Although these prisoners were supposedly 'unlearned and utterly unfitt for such a combatt', they developed a number of astute strategies that helped them resist the authorities' attempts at conversion.¹¹⁶ For instance, during the first few sermons the prisoners used noise disruption as a strategy of resistance: they began 'murmouringe and makinge a noyse, some in one

¹¹² See Oettinger, *Music as Propaganda in the German Reformation*; Oettinger, 'Thomas Murner, Michael Stifel, and Songs as Polemic', pp. 45-100.

¹¹³ 'Obstinate papists' was a commonplace phrase in the literature of post-Reformation England. See, for instance, William Fulke, *A sermon preached vpon Sunday, beeing the twelfth of March. Anno. 1581, within the Tower of London in the hearing of such obstinate Papistes* (London, 1581).

¹¹⁴ SP 63/154, ff. 129^v-130. Michael Questier argues that strategies such as this were not particularly widespread, and were actually criticised by some Protestants: Michael Questier, 'Sermons, Separatists, and Succession Politics in Late Elizabethan England', *Journal of British Studies*, 52 (2013): pp. 290-316, at p. 292.

¹¹⁵ BL Add. MS 34250, ff. 1-71.

¹¹⁶ BL Add. MS 34250, f. 1^v.

maner and some in another to interrupt the preacher', and at the fourth sermon they made such a racket that 'the preacher was forced to staie his speech'.¹¹⁷ Initially, the Protestant authorities reacted by encouraging the prisoners to cover their ears, perhaps in an attempt to keep them quiet and reduce the levels of disruptive noise. But this practice, 'which at first they licensed and in some sorte commended', soon began to aggrieve the Protestant ministers: if the Catholics could not *hear* the sermon, then there was no chance of their souls being saved, rendering the objective of the task futile. Eventually, those who continued to cover their ears were threatened with 'great punyshments'.¹¹⁸ By the tenth sermon, the preacher Edmund Bunny was so offended by the prisoners who continued to block their ears that he had two of them taken to the castle dungeon, and after the eleventh sermon fifteen prisoners were 'sett in Irons' for refusing to listen.¹¹⁹ Eventually, various men were appointed to physically restrain the hands of the prisoners; they responded by 'sayinge pater noster and others said haile marie ful of grace and others said the creede and others other praiers as came to their mynde', effectively disturbing the minister.¹²⁰

As the author of the manuscript noted, the act of 'ear-stopping' allowed the Catholic prisoners to protect their bodies and souls from the sounds of Protestantism during these conversion attempts: he reported that the act offered them a 'secure waie to kepe their consciences at quiet' and defend their souls from evil.¹²¹ Indeed, the act of covering one's ears seems to have been a common strategy of resistance for many Catholics living in Elizabethan England. For instance, church papists often covered their ears during Protestant church services, flaunting their disapproval and unwillingness to participate in what was going on around them.¹²² Likewise, the Catholic priest Robert Drury reportedly 'stopped his ears' when the crowd began to pray during his execution in 1607, claiming that he desired only to hear the prayers of devout Catholics.¹²³ In the eyes and ears of Protestant polemicists, however, Catholics engaged in such practices so that they could 'not hear, lest they should bee thawed from their dregs, and so converted and saved'.¹²⁴

The practice of ear-stopping was likely driven by the contemporary notion that evil could enter the body through the ears: whilst the ear was the conduit for receiving the word of God, it

¹¹⁷ BL Add. MS 34250, f. 10^v, f. 16.

¹¹⁸ BL Add. MS 34250, f. 27^v, f. 23^v.

¹¹⁹ BL Add. MS 34250, f. 27^v.

¹²⁰ BL Add. MS 34250, f. 57.

¹²¹ BL Add. MS 34250, f. 28, f. 62.

¹²² Walsham, *Church Papists*, pp. 89-90.

¹²³ Anon., *A true report of the arraignment, trial, conuiction and condemnation of a popish priest named Robert Drewrie* (London, 1607), sigs. B5-B5^v.

¹²⁴ Stephen Egerton, *The boring of the eare* (London, 1623), sig. A4^v.

was also an exposed and vulnerable organ that had to be protected from the forces of heresy. For instance, in one of his sermons, John Donne warned his readers/listeners to 'take heed *what* you hear; for, certainly the Devill doth not cast in more snares at the eye of man, then at the eare'.¹²⁵ Such attitudes are reflective of contemporary perceptions surrounding the senses, which maintained that the ear provided an open window to the soul and therefore required protection. For instance, in his *Essaies upon the five senses* (1620), Richard Braithwaite wrote about how the ears could be used as an aural fortress to protect the body and soul: 'a discreet *eare*...cheeres the affections, fortifying them against all oppositions. Those be the best *Forts*, and impregnablest, whose feats, most opposed to danger, stand in resistance against all hostile incursion'.¹²⁶ Catholic literature reflects similar anxieties regarding the potential dangers of hearing: for instance, Gregory Martin's *Treatise of Schisme*—a Catholic publication that resulted in the execution of the English printer William Carter in 1584—advised the reader to ensure that no heretical utterances 'enter in secretly and sweetly into our senses or ears, for nothing doth drive a man so forcibly to death...[than] a seeming good Christian man to persuade heresie'.¹²⁷ Similarly, the Jesuit priest Henry Garnet advised his fellow Catholics to 'take for the cover of our head, a helmet of salvation, that our *eaes may be fensed*, that they heare not the bloody proclamations', whilst Robert Southwell described the ears as 'open gates, for the devill to sende in loades of sinne into our mynde'.¹²⁸ The actions of the York castle prisoners emphasise their desire to protect and preserve their souls, a notion based on established discourse surrounding the vulnerability of the ear.

Catholic propagandists also frequently considered the sounds of heretical preaching as an 'infection' that was both physically and mentally corruptive, another widespread ideology that helps explain the prevalence of ear-stopping amongst church papists and Catholic prisoners. For instance, in *A brief discours containyng certayne reasons why Catholiques refuse to goe to church* (1580), Robert Persons argued that conforming Catholics risked being 'infected' by the dangers of heresy, stressing that false doctrine was 'venemous unto the hearer' and had the potential to infect the soul.¹²⁹ Similarly, in *A consolatorie epistle to the afflicted Catholikes* (1579) Thomas Hide argued that the act of forcing someone to hear heretical preaching or blasphemy is in itself a form of persecution

¹²⁵ John Donne, *Fifty sermons* (London, 1649), p. 234.

¹²⁶ Braithwaite, *Essaies upon the five senses*, p. 9.

¹²⁷ Gregory Martin, *A treatise of schisme, Shewing, that al Catholikes ought in any wise to abstaine altogether from heretical conuenticles* ([London], 1578), sig. B3^v.

¹²⁸ Thomas Garnet, *An apology against the defence of schisme* (London, 1593), p. 119 (emphasis mine); Robert Southwell, *An epistle of comfort to the Reuerend priests* ([London], 1587), f. 55.

¹²⁹ Robert Persons, *A brief discours containyng certayne reasons why Catholiques refuse to goe to church* ([London], 1580), sig. A6^v.

due to the harm that it could inflict upon one's soul.¹³⁰ Many of the prisoners at York Castle echoed such sentiments: for instance, a prisoner named Richard Danby requested to be excused from one of the sermons because 'he could not abide to heare either God blasphemed or his conscience offended'.¹³¹ Such ideologies suggest that the act of hearing was considered the first step in the process towards damnation, highlighting the significance of sonic experience in both maintaining, but also dismantling, one's religious identity. Indeed, the case of the Catholic prisoners at York castle draws our attention to the multifarious relationship between sound and non-docility: sound was not only *created* as an act of non-docility, it was also *resisted* by the prisoners, as they protected their bodies and souls from the corrupting sounds of their adversaries. Whilst such acts allowed them to retain autonomy and express outward resistance to Protestant authorities, it also allowed them to physically impede the disease of heresy that would otherwise penetrate their bodies through the ears and corrupt the soul.

'Leaky' Boundaries: Oral Communication Beyond the Prison Walls

Consideration of the sonic experience of imprisonment in early modern England cannot be exclusively confined to the spaces inside the prison; we must also acknowledge the sounds that travelled in and out of the often-dilapidated prison walls. Historians often refer to the 'leakiness' of early modern prisons due to the large volume of letters and writings that were smuggled out to friends, family, and co-religionists outside the prisons. For instance, Robyn Adams has argued that the prison wall was 'metaphorically leaky and physically ramshackle...a site of enclosure and a visible barrier, but one that can be penetrated and through which subversive material can be exchanged'.¹³² Prison walls were also aurally 'leaky', with sounds frequently carrying into the outside world: when walking within the vicinities of England's prisons one might expect to hear the doleful cries of prisoners begging for money, the voices of prisoners reading or praying, or even the melodious sounds of sung performances. The aural permeability of the prison walls represents just one of the ways in which the sense of enclosure in early prisons was ambiguous, and inmates certainly took advantage of this weakness in an attempt to retain contact with the outside world.

One of the most common sounds emanating from England's prisons was probably that of the poorer prisoners begging for donations from passers-by: in his account of the Duke of Stettin-

¹³⁰ Thomas Hide, *A consolatorie epistle to the afflicted catholikes* ([London], 1579), sig. G6^v.

¹³¹ BL Add. MS 34250, f. 15^v.

¹³² Robyn Adams, 'The Service I am Here for': William Herle in the Marshalsea Prison, 1571', *The Huntingtonton Library Quarterly*, 72/2 (2009): pp. 217-238, at p. 237.

Pomerania's visit to England in 1602, Frederic Gerschow reported that as they walked past the Clink prison in Southwark they heard 'the prisoners with petulant cries beseech us for alms'.¹³³ The sounds of the poor seemed to have been a source of both vexation and anguish for those in the outside community. For instance, in 1583 Philip Stubbes wrote that it 'greeveth' him to hear the 'pitiful cryes, and miserable complaints of poore prisoners in durance for debt', whilst the Baptist preacher and Ranter Abiezer Coppe lamented that the 'cryes of poore prisoners, Newgate, Ludgate cryes (of late) are seldome out of mine eares. Those dolefull cryes, *Bread, bread, bread* for the Lords sake, pierce mine eares, and heart, I can no longer forebeare'.¹³⁴ Those that could not afford the costly prison fees relied on payments in the prison's poor box: the 1574 regulations for Newgate ordained that 'if any such prisoner have not ready to pay...then the Keeper shall be allowed the said money...out of the Box belonging to the prisoners', so for many, making one's voice heard outside the prison walls was essential for their survival whilst incarcerated.¹³⁵

But many prisoners exploited the aural permeability of the prison walls not out of necessity, but as a strategy to declare their religious identity to those in the outside community. The Marian Protestant, Thomas Green—apprentice to the Catholic printer John Wayland—was imprisoned in Lollards' Tower for the possession of a seditious book called *Antichrist*; he was detained with two other men, one of whom was reportedly a French man named Lian, perhaps a religious exile who had fled to England during the reign of Edward VI. In his prison letters, which were subsequently printed in *Actes and Monuments*, Green recounted his activities with his fellow inmates, including the participation in communal musical performance:

Then we three being together, Lyon the french man song a psalme in the french tounge, and we sange with him, and we were heard down into the streat, and the keper comminge up in a great rage, did sweare that he woulde put them all in the stockes, and so he tooke the french man and commaunded him to knele downe upon his knees, and put both hys handes in the stockes, and so he remayned all that same night til the next day.¹³⁶

¹³³ Gottfried von Bulow and Wilfred Powell (eds.), 'Diary of the Journey of Philip Julius, Duke of Stettin-Pomerania, through England in the year 1602', *Transactions of the Royal Historical Society*, 6 (1892): pp. 1-67, at p. 59.

¹³⁴ Stubbes, *The anatomie of abuses*, sig. K8; Abiezer Coppe, *A fiery flying roll* (London, 1650), p. 7. Coppe's compassion may have derived from his spell of imprisonment in Coventry gaol in 1646, where he apparently suffered fourteen weeks of close imprisonment.

¹³⁵ LMA CLA/032/01/008, 1574 Regulations for Newgate Prison, p. 1. The poor box was not only used to fund entrance and living costs, it also supported a variety of other activities: for instance, a report from a visitation to Newgate in 1633 stated that there was forty-four pounds in the box, some of which was distributed to settle the prisoners' debts, and some was even used to fund the education of a child: LMA CLA/032/01/008, 1633 Order of the Court of Aldermen, p. 1.

¹³⁶ Foxe, *Actes and Monuments*, p. 2061.

This account of their performance certainly raises interesting questions surrounding the relationship between English and French practices of metrical psalmody, as his description suggests that their performance was multilingual. Foxe's account of one of Green's former interrogations with Bishop Bonner suggests that he was only familiar with the English tongue: when asked a series of questions regarding his faith, including his understanding of mass, Green responded 'I never knewe what it was, nor what it ment, for I understoode it not, for I never learned any Latin, and since the time that I had any knowledge, I have bene brought up in nothing but in reading of English'.¹³⁷ It is implied, therefore, that Green and his other companion sung psalms in English, whilst Lian accompanied them in 'the french tounge'. Perhaps Green had access to one of the Anglo-Genevan psalters compiled by the Marian exiles, some of which imitated or were inspired by French practices. For instance, William Kethe composed various paraphrases of the psalms in English whilst in exile, many of which correspond to French tunes both in line and syllable count: his paraphrase of psalm 111, for example, was set to the French tune for psalm 19, following the syllable and rhyme scheme exactly.¹³⁸ If Green had access to such settings then it is possible that Lyon, Green, and their companion sang psalms together to the same tune, in both English and French, conveying an oral symbol of international religious solidarity to those beyond the prison walls. Their performance, which was apparently 'heard down into the streat', clearly infuriated the prison keeper, as all three prisoners were subjected to a period of time in the stocks.

Prisoners could also use spoken word to communicate with those in the vicinities of the prisons. For instance, during a spell of imprisonment in Lancaster castle, the Protestant George Marsh was rebuked by his examiners for 'preaching to the people out of the prison' and for 'praying and reading so loud, that the people in the streets might heare'. Marsh reportedly preached with a Protestant weaver named Thomas Warburton; together, they spoke with 'so high & loude a voyce' that people would often gather beneath their window in the evenings to listen to them.¹³⁹ Marsh and Warburton's performances allowed them to retain contact with their co-religionists and sympathisers outside the prisons, showing that prison communities were not necessarily limited to those inside the prison walls. By inviting members of the outside world into their own acoustic arena prisoners further complicated the notion of enclosure, as well as the boundaries between those within and outside the prison space. One could argue, therefore, that the early modern prison

¹³⁷ Foxe, *Actes and Monuments*, p. 2061.

¹³⁸ Nicholas Temperley, 'All skillful praises sing': how congregations sang the psalms in early modern England', *Renaissance Studies*, 29/4 (2015): pp. 531-553, at pp. 541-542.

¹³⁹ Foxe, *Actes and Monuments*, pp. 1564-1565.

was not necessarily a fixed space: inmates could engage in non-docile acts that allowed them to negotiate and expand the boundaries of the prison to incorporate a much larger acoustic community.

'Let's make Musick with the Gingling of our Chaines'¹⁴⁰: Secular Soundscapes

So far, we have focused on the experiences of religious prisoners and their accompanying sounds of godly reading, psalm singing, and worshipping, but it is important to remember that the sonic landscape of the early modern prison was also replete with the sounds of chaos, violence, and immorality. Whilst religious prisoners attempted to sacralise the prison space through sound, their godly performances were often in competition with the sounds of clanking chains, drunken singing, dancing, fighting, and shouting. There was a persistent struggle between sacred and secular soundscapes within the confines of the prison; in this final section we consider the interaction and conflict between these two genres of sound, and the ways in which prisoners navigated and overcame such tensions.

The majority of early modern prisons were extremely overcrowded, so it is not surprising that they are often described as particularly disordered and noisy in contemporary literature. During a seven-year period of imprisonment in the King's Bench prison for debt, Thomas Dekker published a pamphlet about the experience of his incarceration, which includes a particularly detailed commentary on the cacophonous soundscape of the prison:

locking up being come...nothing could bee heard, but keyes jynghing, doores rapping, bolts and locks barring in, jaylors hoarsely and harshly bawling for prisoners to their bed, and prisoners reviling and cursing jaylors for making such a hellish din. Then to heare some in their chambers singing and dancing being halfe drunke; others breaking open doers to get more drinke to be whole drunke. Some roaring for Tobacco; others raging, and bidding hels plague on all Tobacco...

Dekker remarked despondently that whilst one might expect to hear 'nothing but sighing, lamenting, praying and cryings out of afflicted and forlone creatures' inside the prisons, in reality there was only 'clamorous noise, of cursing Creditors, drinking Healths to their confusion,

¹⁴⁰ Anon., *The Pretended saint and the prophane libertine. Well met in prison*. (London, 1660), p. 7.

swaggering, roaring, drinking, stabbing one another...'.¹⁴¹ A similarly cacophonous soundscape is described in *The Counter Rat*, a poem which depicts the lewdness of the inmates incarcerated at the Woodstreet and Poultry compters:

They hobble about, they frisk, they sing
So long, that crackt was every string
[...]
Such horrid noise, such stinking smell
Cannot be heard nor felt in hell.¹⁴²

Official reports addressing the state of England's prisons also demonstrate concern for the racket and ungodliness of many prisoners. A report from a visitation to Newgate prison in 1633 remarked that the prisoners' bodies were well looked after and nourished, but it admonished the disorderly and irreverent behaviour of the inmates. According to the report, many of the prisoners refused to attend divine service, misbehaved during times of prayer, blasphemed, and made great 'tumults and uprores' during the night-time.¹⁴³

These illicit sounds were usually associated with the poorer prisoners that were confined to the worst parts of the jails. For many of these inmates, merry making, singing, and dancing probably provided a much-needed distraction from the harshness of prison life. William Fennor's memoir of his period of imprisonment in the Woodstreet Compter offers a fascinating insight into the lives of those that resided in 'the hole'. Upon arriving at the prison, Fennor paid the keeper generously so that he would be accommodated in the prison's most expensive lodgings, the Masters' Ward, but he soon ran out of money and was forced to downgrade to the Knights' Ward. One day, he reportedly came across an open cellar door and decided to investigate, hoping to locate some of his companions from the Masters' side. Upon descending the ladder, Fennor apparently found 'a company of Gentlemen, all prisoners, sitting at a square table, making themselves exceeding merry with the musike the cans made, being as brimfull of beere...singing as merrily, as if they had been as free as the mountaine aire'.¹⁴⁴ Fennor was particularly surprised to find that the prisoners residing in the 'Hole' could be found 'singing as merrily as if hee were under a stall abroad'.¹⁴⁵ Fennor's narrative suggests that even the poorest prisoners used sound to

¹⁴¹ Thomas Dekker, *Villanies discovered by lanthorne and candle-light* (London, 1616), sigs. I1-I1v.

¹⁴² Robert Speed, *The counter scuffle Whereunto is added The counter rat* (London, 1648), sig. G3v.

¹⁴³ LMA CLA/032/01/008, 1633 Order of the Court of Aldermen, p. 3.

¹⁴⁴ Fennor, *The miseries of a iaille*, p. 14.

¹⁴⁵ Fennor, *The miseries of a iaille*, p. 82.

improve the experience of their incarceration. But not all of the poorer prisoners were adept at cultivating such melodious soundscapes. A pamphlet describing the 'Common Side' of Newgate prison depicts a soundscape of utter 'confusion and disorder': 'some were swearing, drinking and blaspheming, other howling and yelping, and lamenting their wretched condition, whilst others were laughing at 'em, and deriding 'em'.¹⁴⁶

These ungodly and rowdy sounds were a constant source of vexation for the more devout prisoners who considered their incarceration an important stage on the journey to martyrdom. During the reign of Mary I, John Careless—a Protestant weaver who eventually died in prison—complained of the noisy activities of the other prisoners incarcerated in Coventry gaol. In a letter to Thomas Jackson, Careless wrote of the incessant 'hoppinge and dauncinge' and 'howelinge and cryeng' of the Free-willer prisoners that disturbed his private devotions.¹⁴⁷ Likewise, a series of letters written by the pious Spanish Catholic, Luisa de Carvajal y Mendoza (1566-1614), recount various aspects of her life in England, including her experience of one of London's noisier prisons. Luisa arrived in England in 1605 on a mission to support English Catholics and spread the word of Catholicism amongst wayward Protestants. During her time in London, she made regular visits to various prisons, and she also suffered two short spells of imprisonment in 1608 and 1613, the first for defending and promoting Catholicism in public, the second for allegedly planning to open a convent. Although Luisa was relatively well off and could therefore afford to reside in a private room with her servants during her incarcerations, her prison letters suggest that she was still disturbed by the noise of the other prisoners. She complained of the 'continuous racket of the other prisoners', or as she more fervently called them, the 'poisonous reptiles and venomous beasts'.¹⁴⁸ Luisa even pleaded with the judge to be sent to a different prison, as her jail was supposedly 'full of men and shouting...right in the middle of the rowdiest part of the city'.¹⁴⁹ The noisiness of England's prisons also disturbed nonconformist prisoners in the seventeenth century. For instance, in 1663, the nonconformist minister Joseph Alleine was incarcerated in Ilchester gaol on suspicion of continuing to preach after he had been ejected as a minister following the 1662 Act of Uniformity. According to Samuel Clarke, who included a biography of Alleine in his *Lives of sundry eminent persons* (1683), he was continually 'molested with the noise' of the common prisoners residing in the adjoining room, who disturbed him by 'ratling their Chains', 'Blaspheming

¹⁴⁶ E. S., *A companion for debtors and prisoners*, p. 16.

¹⁴⁷ Quoted in John Craig, 'Psalms, groans and dogwhippers', p. 111.

¹⁴⁸ Glyn Redworth (ed.), *The Letters of Luisa de Carvajal y Mendoza*, vol. 2 (London: Pickering and Chatto, 2012), p. 17, 21-22.

¹⁴⁹ Redworth, *The Letters of Luisa*, vol. 2, p. 48.

of their 'Tongues', and 'Roaring and Singing'.¹⁵⁰ It is clear that the early modern prisons were spaces of competing sonic ideologies: Catholic and Protestant, bawdy and desolate, sacred and secular soundscapes were in constant flux and tension as different communities attempted to stamp their individuality and authority onto the prison space.

Conclusion

In his memoir of George Monck, Duke of Albemarle, the clergyman and biographer Thomas Gumble (d. 1676) remarked that imprisonment is a 'kind of lingring Death...most contrary to the nature of man'. He does note, however, that prisoners could 'strive for liberty, choosing rather to live upon Providence in Freedom, than to have Man their Caterer in the Cage'.¹⁵¹ As we have seen throughout the course of this chapter, many prisoners certainly followed such advice. We already know that prisoners engaged with activities such as writing and worship, but this chapter has amplified the significance of sonic production as a liberating strategy for enduring and overcoming the oppression of imprisonment. Whilst the first two chapters of this thesis highlighted the punitive and violent nature of sound, this chapter has shown that sonic production was equally powerful as a strategy of endurance, one that offered an accessible medium for self-expression, cultivating and maintaining religious communities, territorialising space, and seducing and converting lost souls. The soundscapes of early modern prisons, therefore, were often reflective of individuality and liberation, rather than of oppression and confinement.

These sonic acts can be considered within the framework of non-docility, a concept which I suggested arose due to a significant lack of disciplinary power within the early modern carceral system. The inherent lack of disciplinary mechanisms engendered an environment that allowed inmates the freedom to transform their experience into something that could be both morally and spiritually beneficial. The concept of non-docility, the act of taking control of one's experience, offers a useful framework for considering how men and women experienced, navigated, transformed and undermined the state of their imprisonment. Unlike writing or worshipping, the act of speaking, singing, or simply making a racket were strategies that were available to *every* prisoner, regardless of his or her wealth or social status. The fact that modern-day prisoners continue to compose, perform, and record music today attests to music's power as a strategy to endure and transform one's prison experience, and there is certainly much more to be said with

¹⁵⁰ Samuel Clarke, *The lives of sundry eminent persons* (London, 1683), p. 147.

¹⁵¹ Thomas Gumble, *The life of General Monck, Duke of Albemarle* (London, 1671), pp. 21-22.

regard to the history and evolution of the prison soundscape, a project which is beyond the realms of this thesis.¹⁵² In the following chapter we move from the prison to the gallows—from spaces of confinement to spectacles of state punishment—to consider sound's role during these gruesome rituals.

¹⁵² On music in modern-day US prisons see Jeb Aram Middlebrook, 'Songs in the Key of Incarceration: Prison Music as Sound, Theory, and Method', *Qualitative Enquiry*, 22/10 (2016): pp. 818-822.

CHAPTER FOUR

Singing in the Face of Death: Soundscapes of Public Executions

Dying mens wordes are ever remarkable, & their last deeds memorable for succeeding posterities, by them to be instructed, what vertues or vices they followed and imbraced, and by them to learne to imitate that which was good, and to eschew evill.¹

As Henry Goodcole notes in one of his popular seventeenth-century execution pamphlets, the manner in which men and women conducted themselves at the place of execution—the words they spoke, the songs they sang, and the bodily gestures they performed—were considered particularly significant in early modern England. The criminal's behaviour upon the scaffold determined whether he or she died a 'good death', influencing the ways in which the attending crowd responded to their demise, which in turn helped fashion his or her posthumous reputation. A striking, memorable, and pious scaffold performance was essential for those who professed to die for their faith as martyrs, as well as criminals who wished to be remembered with sympathy and compassion. But these gruesome spectacles were always open to a wealth of different, and often conflicting interpretations, which, as I will argue in this chapter, were influenced and shaped by their attendant sounds.

In a society in which the loudest sound that one could experience was that of bell ringing or canon fire, public executions, which often attracted thousands of spectators, must have been particularly imposing sonic events. Their enormous displays often featured the sounds of crying, shouting, singing, trumpets, drums, and bells: a clamour of sonic violence to accompany the spectacle of state punishment. But what did these sounds signify to an early modern audience? How did the condemned use their voices to fashion the ways in which their deaths were perceived by others? To what extent did the crowd's oral response transform the message of the ritual? And how did the state attempt to reclaim authority and power over proceedings through the use of sound? These are some of the questions we will explore throughout the course of this chapter, as we consider the ways in which sound reflected, and indeed heightened, the complex power struggles that surfaced during the quintessential ceremony of state sanctioned punishment. I begin by offering an overview and reassessment of the political, religious, and social mechanisms underpinning the so-called 'Theatre of Death' in early modern England. To follow, I consider how

¹ Henry Goodcole, *A true declaration of the happy conversion, contrition and Christian preparation of Francis Robinson* (London, 1618), sig. A4.

religious dissenters navigated and modified the execution soundscape to help establish their status as martyrs. Next, I explore the impact of these performances upon the actions of non-religious criminals, demonstrating that these men and women often appropriated martyrological gestures in an attempt to fashion themselves as saint-like figures. We will also consider how the sounds produced by those in the attending crowd served to alter the message of the ritual, and finally, I will address how those in positions of religious and political authority attempted to reclaim the soundscape in an effort to suppress sympathetic responses and martyrological appropriations. In sum, we will consider how public executions were experienced, shaped, and interpreted through an analysis of the *soundscapes* of these rituals.

The 'Theatre of Death': Context and Theoretical Perspectives

Public executions were prominent social events, often attended by thousands, as can be seen in the illustration of an execution at Tyburn in fig. 4.1.² Proceedings began with a lengthy and humiliating procession, during which the condemned man or woman was drawn on a cart to the place of execution, showcasing his or her reprehensible status to the witnesses who lined the streets (see fig. 4.2). The most infamous execution procession was from Newgate prison to Tyburn, which spanned a distance of around two and a half miles, taking roughly an hour to complete.³ Upon arrival at the gallows, the condemned was permitted to address the audience, in what came to be known as the popular tradition of the 'Last Dying Speech'.⁴ The gallows speech seems to have been a sixteenth-century innovation, one that J. A. Sharpe has suggested was implemented in the wake of the Reformation due to the Tudor state's 'need for greater ideological control'.⁵ The state expected the condemned to follow a customary ideological script, which included a statement of confession and repentance as well as an expression of loyalty to the monarch; these scripts encouraged the victim to reinforce the legitimacy of the state's punishment, thus helping to

² Numerous reports from the period describe 'hundreds' or 'thousands' of attendees at these events. For instance, a pamphlet about the execution of one Nathaniel Tompkins reported that he was executed in the 'sight and presence of many thousands of Citizens': Anon., *The whole confession and speech of Mr. Nathaniel Tompkins* (London, [1643]), sig. A2. We will consider the size of the crowd in more detail shortly.

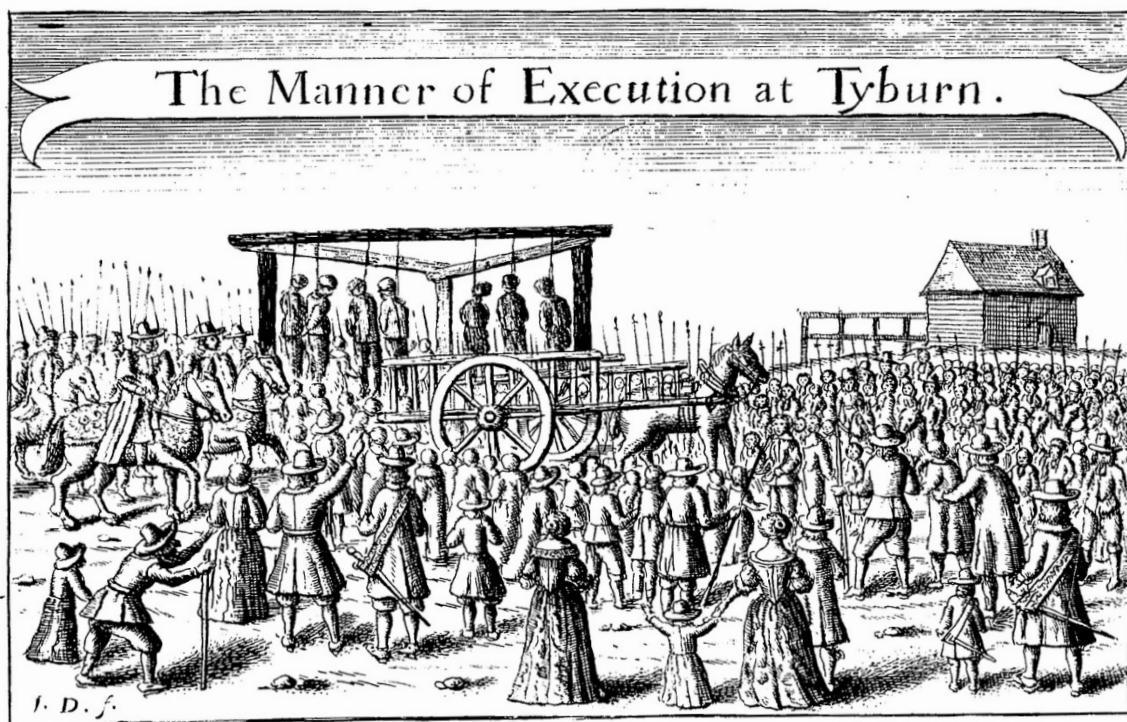
³ For a detailed discussion of the procession from Newgate to Tyburn see Andrea McKenzie, *Tyburn's Martyrs: Execution in England, 1675-1775* (London: Hambledon Continuum, 2007), pp. 7-20.

⁴ On the tradition of the gallows speeches see J. A. Sharpe, 'Last Dying Speeches: Religion, Ideology, and Public Execution in Seventeenth-Century England', *Past & Present*, 107/1 (1985): pp. 144-167.

⁵ Sharpe, *Judicial Punishment in England*, pp. 31-32. On the other hand, Katherine Royer has suggested that the emergence of the last dying speech in the sixteenth century was partly due to the fact that literature of the *ars moriendi*—which was, in its most basic terms, a set of instructions on how to die a 'good death'—began to arrive in England by the end of the fifteenth century. She states that 'By the sixteenth century, the *ars moriendi* had become one of the most widely printed pieces of devotional literature, setting the stage for the birth in Tudor England of the Golden Age of the Good Death on the Scaffold': Katherine Royer, *The English Execution Narrative, 1200-1700* (London: Pickering and Chatto, 2014), p. 56.

suppress any subversive responses amongst the crowd.⁶ The state encouraged the condemned to conform to these ideals by offering them the authority to choose the exact moment of their death if they did so, or sometimes they threatened to silence those who went off script.⁷ According to Sharpe, 'defiance at the gallows was unlikely to be permitted and even less likely to be recorded', but as we will see, several victims, especially those who were executed for religious motives, often expressed subtle articulations of subversion, and sometimes even overt expressions of defiance.⁸ As Katherine Royer has rightly noted, once the state afforded the condemned man agency, 'alternative messages soon emerged'.⁹ After the victim made his or her final speech, obediently or not, the attending preacher usually delivered a sermon and led the crowd and the condemned in prayer, before the victim was subjected to the state's brutal act of violence.

Fig. 4.1: 'The Manner of Execution at Tyburn', in John Seller, *A booke of the punishments of the common laws of England* ([London], 1678), page unnumbered.



⁶ This tradition resonates with the *amende honorable*, a ceremony that was particularly popular on the continent. The condemned was required to process barefoot to the local church or to the place of the crime carrying a candle. Upon arrival, he or she was expected to confess any crimes committed, exhibit their repentance, and express loyalty to their monarch. See Paul Friedland, *Seeing Justice Done: The Age of Spectacular Punishment in France* (Oxford: Oxford University Press, 2012), pp. 89-116.

⁷ Royer, *The English Execution Narrative*, pp. 11-12.

⁸ Sharpe, 'Last Dying Speeches', p. 164. For an analysis of inflammatory gallows speeches during the Reformation see Lake and Questier, 'Agency, Appropriation, and Rhetoric under the Gallows', pp. 64-107; and Covington, *The Trail of Martyrdom*, ch. 4.

⁹ Royer, *The English Execution Narrative*, p. 71.

Fig. 4.2: 'The Manner of Drawing of Traitors upon a Hurdle to the place of Execution', in John Seller, *A booke of the punishments of the common laws of England* ([London], 1678), page unnumbered.



The Manner of Drawing of Traitors upon a Hurdle to the place of Execution.

The manner of execution usually depended on the victim's social status, gender, and the nature of the crime. If the condemned was of particularly high social standing, he or she was usually afforded the luxury of beheading, ceremonies that often took place in private rather than in the presence of a large, public audience. But the majority of men accused of treason were usually hanged, cut down whilst they were still alive, disembowelled, and quartered; their body parts were often subsequently displayed upon the city gates in an effort to deter other potential criminals. Women convicted of petty or high treason were also hanged but never quartered or disembowelled, for, in the words of Sir Matthew Hale, it was 'unseemly for that sex': such public displays of the female body were considered immoral and inappropriate.¹⁰ During the reign of Mary I, men and women accused of heresy were subjected to a particularly brutal fate as they were burned alive at the stake, a method of capital punishment with a long history.

¹⁰ Matthew Hale, *Historia placitorum coronae. The history of the pleas of the crown*, vol. 2, (London, 1736), p. 399. On the reluctance to display the bodies of women during public executions see Frances Dolan, "'Gentleman, I Have One Thing More To Say': Women on Scaffolds in England, 1563-1680", *Modern Philology*, vol. 92/2 (1994): pp. 157-178, at pp. 166-168.

The political and religious turbulence of the sixteenth and seventeenth centuries saw hundreds of religious dissenters executed for their faith. During the reign of Mary I two hundred and eighty-four Protestants were subjected to death by burning, fifty-six of whom were women, whilst Elizabeth's reign saw the executions of one hundred and twenty-five Catholic priests and sixty laymen and women.¹¹ When Elizabeth I ascended the throne the state adopted a new strategy, opting to persecute Catholics for treason, rather than heresy. By claiming that individuals could believe what they liked so long as they remained loyal to the crown, the state drew a superficial distinction between religion and politics, allowing the Elizabethan regime to distance itself from the mass persecutions of Mary's reign. But in reality, the notion that individuals were free to remain devoted to the old faith was tenuous, as anyone who rejected Elizabeth as head of the Church was concomitantly deemed a traitor.

Debates surrounding the causes for which religious dissenters died were played out extensively during the imprisonment and trials, but the climax of these intense disputes occurred during the ritual of execution itself. Whilst the state asserted its infinite power by publicly mutilating the bodies of the condemned, the victim could challenge that power through subtle acts of resistance; whether it be via refusal to confess, or exhortation of one's faith, these actions served to challenge and undermine the legitimacy of the state's punishment. Despite the state's best efforts at controlling the nature and content of their final speeches, martyrs often deviated from the stereotyped formula, expressing their innocence of any crime. Catholics were especially adept at disguising dissent within praise, claiming loyalty to their monarch whilst also expressing devotion to their religion, ensuring that they were remembered as martyrs rather than traitors.¹² Resistance could also be expressed through non-vocal actions: some crossed themselves upon the gallows, whilst others kissed the execution instrument or the executioner himself, demonstrating their willingness to die for the cause. Furthermore, whilst all Christian martyrdom can be understood as an *imitatio Christi* to a certain extent, some evoked this alignment with particular pointedness through symbolic actions, such as drinking from a single cup with their sympathisers.¹³ Even the martyrs' choice of clothing could serve as an expression of confessional identity and religious devotion: for instance, the Protestant martyrs Lawrence Saunders, Rawlins White, Christopher

¹¹ Duffy, *Fires of Faith*, p. 79; Challoner, *Memoirs of Missionary Priests*, vol. 1, p. 10.

¹² See Lake and Questier, 'Agency, Appropriation, and Rhetoric under the Gallows', pp. 64-107.

¹³ See Thomas Freeman, 'Imitatio Christi with a Vengeance: The Politicisation of Martyrdom in Early Modern England', in Thomas Freeman and Thomas Mayer (eds.), *Martyrs and Martyrdom in England c. 1400-1700* (Woodbridge: Boydell & Brewer, 2007), pp. 35-69. For the relationship between executions and the passion narrative amongst early Christian martyrs see Arthur Droge and James Tabor, *A Noble Death: Suicide and Martyrdom among Christians and Jews in Antiquity* (San Francisco: Harper San Francisco, 1991), p. 119.

Wade, and John Bradford all wore long white shirts to their executions, garments that alluded to the white robes worn by the army of martyrs in the book of Revelation.¹⁴

Scholars now generally agree that the omnipotence of state power was not always maintained during these rituals, especially during the executions of those who claimed to die for their faith. Peter Lake and Michael Questier have argued that executions constituted a 'complex dialectic between several competitive ideologies', whilst Paul Klemp has shown that these rituals were fluid, unstable, and open to diverse, and often contradictory, interpretations.¹⁵ The dramatic and theatrical nature of these events has prompted historians to refer to the spectacle of public execution as the 'Theatre of Death', or the 'Theatre of Punishment', a term that is particularly apt considering that contemporaries often employed acting metaphors to describe these events. For instance, a pamphlet describing the execution of Thomas Wentworth, Earl of Strafford, in 1641, notes that 'some that came to be but *spectators* of the tragedy, proved *Actors* themselves', attesting to the crowd's willingness to participate in such rituals.¹⁶ Margaret Owens has even pointed to the inherent similarities between public executions and contemporary theatrical performances, arguing that both kinds of event required participants to 'perform designated roles and to reproduce prescribed behavioural and rhetorical formulas in front of a crowd of spectators'.¹⁷ Erving Goffman's work on the relationship between theatre and social interaction offers a particularly useful framework for thinking about these events in terms of theatrical performances. In *The Presentation of the Self in Everyday Life* (1956), Goffman interpreted everyday face-to-face social interactions as theatrical performances, in which 'teams' of individuals coalesce and cooperate in order to project a specific message.¹⁸ A public execution was the ultimate theatrical performance: it relied on various participants, or 'performance teams', engaging in a series of interactions that served to project a particular message onto the scene. If each party conformed to his or her prescribed role—the victim submissive, the audience complacent, and the state omnipotent—the execution succeeded in revealing the legitimacy of the punishment and the supreme power of the sovereign. However, when participants deviated from these social norms, taking on what Goffman describes as 'discrepant roles', this had the potential to disrupt or overturn the objective of the

¹⁴ Duffy, *Fires of Faith*, p. 123. For an analysis of symbolic choices of clothing during public executions see Royer, *The English Execution Narrative*, pp. 61-84.

¹⁵ Lake and Questier, 'Agency, Appropriation, and Rhetoric under the Gallows', p. 65; Paul Klemp, *The Theatre of Death: Rituals of Justice from the English Civil Wars to the Restoration* (Newark: University of Delaware Press, 2016), pp. 33-34; see also Dolan, 'Gentlemen, I Have One Thing More To Say', p. 157; Covington, *The Trail of Martyrdom*, p. 156.

¹⁶ Anon., *A true relation of the manner of the execution of Thomas Earle of Strafford* ([London], 1641), sig. A2 (my emphasis).

¹⁷ Margaret Owens, *Stages of Dismemberment: The Fragmented Body in Late Medieval and Early Modern Drama* (Newark: University of Delaware Press, 2005), p. 121.

¹⁸ Erving Goffman, *The Presentation of the Self in Everyday Life* (London: Penguin, 1959).

ritual.¹⁹ For instance, if the pious performance of an individual who claimed to die for his or her faith won over the favour of the crowd, the purpose of that ritual was entirely undermined. Each actor held the potential to shape the meaning of these displays, rendering the execution site a volatile and impressionable space.

Remarkably, one of the most eminent theses on the political mechanisms of public execution—Foucault's *Discipline and Punish*—has been somewhat disregarded by many historians as a useful framework for interpreting the theatre of execution in early modern society. As mentioned previously, the book traces the evolution and development of the western penal system, and it opens with a particularly detailed and gruesome overview of the spectacle of public execution, a ceremony which Foucault argues was underpinned by the repressive and violent nature of sovereign power.²⁰ A number of historians have dismissed Foucault's reading of public executions, claiming that his thesis overwhelmingly emphasises the repressive power of the sovereign rather than the strategies of resistance that were clearly present during such displays.²¹ I would argue, however, that this purely repressive interpretation of Foucault's work has arisen from a somewhat restricted reading of his text, as well as a failure to situate his arguments within his broader understanding of power. Whilst Foucault certainly emphasises the strength of sovereign power—it was, after all, a public display that openly brutalised, defaced, and slaughtered criminals—he also recognises the potential for resistance, claiming that authorities were often 'mocked', and 'criminals [were] transformed into heroes', in a ritual that was not only 'judicial', but also a 'political ritual', in which a 'whole mass of discourses appeared'.²² Furthermore, he also acknowledges that public executions often evoked feelings of compassion and sympathy amongst the crowd, and he claims that it was 'solidarity', rather than the omnipotence of sovereign power, 'that was likely to emerge with redoubled strength'.²³

Consideration of Foucault's understanding of power also suggests that his analyses of public executions should not be interpreted in purely repressive terms. Central to Foucauldian

¹⁹ Goffman, *The Presentation of the Self*, p. 141.

²⁰ Foucault, *Discipline and Punish*, pp. 3-72.

²¹ For various critiques of Foucault's reading of public executions see Spierenburg, *The Spectacle of Suffering*, p. ix; viii; Lake and Questier, 'Agency, Appropriation, and Rhetoric under the Gallows', p. 68; Klemp, *The Theatre of Death*, p. 11; Thomas Laqueur, 'Crowds, Carnivals and the State in English Executions, 1604-1868', in Lee Beier, David Cannadine and James Rosenheim (eds.), *The First Modern Society: Essays in Honour of Lawrence Stone* (Cambridge: Cambridge University Press, 1989), pp. 305-356, at pp. 308-309; John Knott, *Discourses of Martyrdom in English Literature, 1563-1649* (Cambridge: Cambridge University Press, 1993), p. 9; Andrea McKenzie, 'Martyrs in Low Life? Dying "Game" in Augustan England', *The Journal of British Studies*, 42/2 (2003): pp. 167-205, at p. 168.

²² Foucault, *Discipline and Punish*, p. 63; p. 47; p. 68. On the strength of sovereign power see pp. 48-49.

²³ Foucault, *Discipline and Punish*, p. 63.

thought is the notion that power cannot exist without the possibility of resistance: indeed, Foucault openly claimed that 'where there is power, there is resistance, and yet, or rather consequently, this resistance is never in a position of exteriority in relation to power'.²⁴ For Foucault, power is characterised by continuous exchanges and struggles between force and resistance, interplays that are present within all social interactions. According to a Foucauldian reading, then, public executions were witness to a 'multiplicity of force relations' that were open to 'ceaseless struggles and confrontations', conflicts that helped shape the meaning of the ritual.²⁵ I would argue, therefore, that those who have questioned the validity of Foucault's arguments have perhaps misread or failed to consider the broader philosophies of his work, especially as I have shown that Foucault's theories in fact support, and indeed strengthen, the prevailing notion that early modern execution sites constituted, in the words of Lake and Questier, a 'complex dialectic between several competitive ideologies'.²⁶

There is another dimension of Foucault's work that proves particularly useful when thinking about the social and political mechanisms of public executions: namely, his concern with how power relations invest in and have a hold upon the body. Indeed, in the closing chapter of *The History of Sexuality* (1976), he remarked that the purpose of his work was to 'show how deployments of power are directly connected to the body'.²⁷ Foucault highlighted the fact that power relations had an immediate and direct hold upon the body; he claimed that 'they invest it, mark it, train it, torture it, force it to carry out tasks, to perform ceremonies, to emit signs'.²⁸ If exertions of power are directly targeted upon the body, a notion that is certainly apparent during rituals of execution, then one must also consider how the body *resists* that power. Acts of resistance, which we will explore in more detail shortly, can be considered within the framework of Foucauldian 'tactics': individual-level actions which, coming together, form system-level strategies of resistance which can alter the dynamic of power relations.²⁹ These 'tactics' of resistance, exerted through the body of the condemned, transformed the flow of power within the theatre of execution. The victim claimed authority over the space, taking control of his or her own death, fashioning themselves as martyrs as opposed to traitors or heretics. Although the body was the target of power, it could also function as a site of resistance, contesting the force inflicted upon it.

²⁴ Michel Foucault, *The History of Sexuality, An Introduction*, translated by Robert Hurley (London: Penguin Books, 1990), p. 95.

²⁵ Foucault, *The History of Sexuality*, pp. 92-93.

²⁶ Lake and Questier, 'Agency, Appropriation, and Rhetoric under the Gallows', p. 65.

²⁷ Foucault, *The History of Sexuality*, pp. 151-152.

²⁸ Foucault, *Discipline and Punish*, p. 25.

²⁹ Foucault, *The History of Sexuality*, pp. 95-96.

Throughout the course of this chapter we will see that such acts of resistance were often articulated through the voice.

Public Executions: The Sources

Accounts of public executions from this period were often written from two conflicting perspectives: official, state-sponsored reports emphasised the culpability of the criminal and the legitimacy of the punishment, whilst clandestine or martyrological accounts worked to underscore the piety, innocence, and devotion of the victim. The former were usually written by the clergyman who had visited and prayed with the condemned in prison, and were printed and sold in cheap pamphlets. These pamphlets followed a customary formula: they usually include an account of the offender's crime, a statement of his or her repentance, a copy of the gallows speech, a description of the execution, and some kind of moral lesson. Written for a popular audience, they sold for a penny or two pence, proving immensely popular amongst individuals from a variety of social backgrounds, not unlike the podcasts, films, documentaries, and books produced about 'true crime' today. The appeal of these pamphlets lay in their highly sensationalised images of bloody violence, illicit sex, and lurid cruelty, which were often juxtaposed against overwhelmingly idealistic portrayals of repentance; whilst they were designed to entertain, they were also supposed to morally edify and deter potential wrongdoers. On the other hand, hagiographic writers, such as the Protestant martyrologist John Foxe and the Catholic priest William Allen, memorialised and venerated the condemned, portraying them as martyrs rather than as traitors or criminals. These writers were overt propagandists who fashioned their works in an effort to bolster their own religious cause.

All of these accounts, therefore, pose certain challenges for the historian. Whilst they provide the bulk of historical evidence regarding the nature and experience of public executions, it is important to remember that this evidence came from individuals who had a specific investment in the ritual; whether it was personal, political, or religious, the author fashioned his account accordingly. Whilst we cannot know the extent to which an account was embellished according to the author's ideologies, such reports can still make an important contribution to our understanding of the ritual. Firstly, public executions were attended by huge crowds, so reporters were required to produce relatively accurate accounts: as Andrea McKenzie has rightly noted, the gallows 'constituted a forum so open, and generated a trade so brisk...that overt forgeries were

unlikely to go undetected or unchallenged'.³⁰ Indeed, the accounts often illustrate the author's concern for providing authentic and accurate reports. For instance, an account of the life of the Catholic priest, Richard Thirkill, omits the particulars of the victim's trial because the author claimed that he 'could not hear' them. He also excluded a detailed report of Thirkill's execution on account of not being present, as apparently 'such Care was taken to prevent the Catholics, and the rest of the People, from being present at his death'.³¹ Some writers, at least, were evidently averse to devising imaginary narratives. Furthermore, many of the official accounts reporting the executions of martyrs are fairly similar to those written by sympathetic hagiographers, further suggesting that not all martyrological narratives were merely fictional propaganda.³² There were certainly aspects of these narratives that were heightened or repressed according to polemical needs, but entirely fabricated accounts were highly unlikely.

Most importantly, these documents offer significant insight into how the events were perceived, recounted, and remembered throughout society. As Leigh Yetter has argued, such sources should not be considered to be evidence of 'elusive truth'; rather, their significance lies in 'what they reveal about what contemporaries consider to be important'.³³ Similarly, Joy Wiltenburg notes that the 'sifting of fact from fiction' is futile; instead, we should consider the 'cultural images' that this body of literature offered to early modern audiences.³⁴ Although these reports were written with polemical initiatives in mind, this does not decrease their value as 'evidence'. They not only offer a fairly accurate impression of the format, particulars, and characteristics of public executions, but also allow us to consider how individuals subsequently interpreted and engaged with them. With regards to the context of this particular chapter, the value of these sources lies in their fascinating references to the sounds produced during these events, providing textual traces to amplify the soundscape of public executions.

Singing Psalms in the Flames: John Foxe and the Marian Martyrs

For centuries, martyrs have used the medium of song to express innocence, piety, and resistance in the face of death. For instance, when Jerome of Prague was executed for his heretical beliefs in

³⁰ Andrea McKenzie, 'God's Tribunal: Guilt, Innocence, and Execution in England, 1675-1775', *Cultural and Social History*, 3/1 (2006): pp. 121-144, at p. 126.

³¹ Challoner, *Memoirs of Missionary Priests*, vol. 1, p. 134.

³² Gregory, *Salvation at Stake*, p. 134.

³³ Leigh Yetter, *Public Execution in England, 1573-1674*, vol. 1 (Oxford: Routledge, 2016), p. xvii.

³⁴ Joy Wiltenburg, *Disorderly Women and Female Power in the Street Literature of Early Modern England and Germany* (London: University Press of Virginia, 1992), p. 211.

1416 he reportedly sang liturgical texts such as the *Credo* as he travelled to the place of execution, and the chants *Salva festa dies* and *In manus tuas* whilst the fire began to burn around him.³⁵ The first two Lutheran martyrs, Johann van den Esschen and Hendrik Voss, allegedly sang the *Te Deum* whilst the flames rose up around them in 1523.³⁶ French Huguenots also frequently sang psalms as they faced their deaths, and early Anabaptists frequently composed and sang songs about suffering and persecution.³⁷ Whilst a number of scholars have examined the ways in which martyrological narratives were constructed in practice and in writing, the significance of singing has remained largely absent from historical scholarship, with the exception of the work of Emilie Murphy, who has persuasively argued that post-Reformation English Catholics used song as a strategy of 'self-fashioning' during their sentencing and upon the gallows.³⁸ In the following two sections I offer a broader analysis of how both Protestants and Catholics used their voices at the place of execution, particularly the ways in which they challenged the supremacy of sovereign power by transforming the theatre of punishment into a sacred space. By drawing upon examples of martyrdom across the confessional divide we are able to consider the ways in which musical and non-musical sounds were used to fashion distinct martyrological narratives.

Foxe's *Actes and Monuments* describes the deaths of those persecuted for their Protestant beliefs, many of whom, like the French Huguenots, subverted the spectacle of their suffering through psalm singing. As we have seen in the previous chapter, psalm singing signified the foundations of an original and decidedly Protestant musical tradition, so it is not surprising that they turned to such an act as they faced death upon the stake. For instance, in 1555 John Denley, a gentleman from Maidstone in Kent, was burned in the town of Uxbridge for his heretical beliefs, and Foxe reports that Denley began to sing a psalm as the flames rose up around him. His musical response was clearly perceived as an act of subversion by those in positions of authority, for the 'cruell D. Story...commanded one of the tormentors to hurle a fagot at hym', but Denley continued in his singing, before 'yelding at the last his spirit into the hands of God through his sonne Iesus Christ'.³⁹ The woodcut depiction of Denley's martyrdom, which can be seen in fig. 4.3, shows the moment at which the executioner hurled a faggot at Denley's face; Denley gazes piously towards

³⁵ Thomas Fudge, *Jerome of Prague and the Foundations of the Hussite Movement* (New York: Oxford University Press, 2016), pp. 246-247.

³⁶ Gregory, *Salvation at Stake*, p. 137.

³⁷ On Huguenot psalm singing see Roger Zuber, 'Les psaumes dans l'histoire des Huguenots', *Bulletin de la Société de l'Histoire du Protestantisme Français*, 123 (1977), pp. 350-361; on Anabaptism and music see Gregory, *Salvation at Stake*, pp. 209-211.

³⁸ Emilie Murphy, 'Musical self-fashioning', pp. 410-429.

³⁹ Foxe, *Actes and Monuments*, p. 1686.

heaven, his mouth open in song, whilst John Story orders the executioner to silence him.⁴⁰ Psalms were also frequently sung during the sentencing and the processions to the execution space: for instance, Richard Collier, condemned to death in 1555, responded to his death sentence by singing a psalm; the officers present, baffled by his jubilant behaviour, declared that he must be 'out of hys wits'.⁴¹ Similarly, when the Protestant weaver William Saxton was condemned to death for denying the concept of transubstantiation, he approached his execution in Bristol whilst singing psalms.⁴²

Fig. 4.3: 'The Martyrdome of Maister Iohn Denley', in Foxe, *Acts and Monuments*, p. 1685.



⁴⁰ Story also met his fate at the gallows in 1571, where onlookers reportedly hurled abuse at him for his cruelty: Anon., *A Declaration of the lyfe and death of Iohn Story* (London, 1571), sig. C2.

⁴¹ Foxe, *Acts and Monuments*, p. 1688.

⁴² Foxe, *Acts and Monuments*, p. 2149.

Psalms offered a particularly useful medium for passing comment on the injustices of the regime without engaging in open subversion: the martyr could veil his or her criticisms within the discourse of music and scripture, reducing the risk of being silenced by authorities. Christopher Wade, a linen weaver from Dartford, selected a particularly appropriate psalm for his execution in 1555. Once he was fastened to the stake, Wade pronounced the final verse of psalm 86 with a loud and cheerful voice: 'Shewe some good token uppon me, O Lord, that they which hate me, may see it, and be ashamed, because thou Lord hast helped me, and comforted me', clearly a pointed and overt reference to his Catholic persecutors. Wade continued in his subversive performance by imploring the crowd to renounce Catholicism and 'exhorting them to imbrace the doctrine of the gospel preached in K. Edward his daies'.⁴³ Likewise, the influential clergyman and martyr John Philpot selected particularly revealing psalms for his execution on 18 December 1555. When he arrived at the place of execution in Smithfield he kissed the stake and proceeded to recite psalms 106, 107, and 108, each of which can be interpreted as carrying potentially subversive undertones.⁴⁴ Psalm 106 opens by praising God for his mighty acts and enduring mercy, before recounting the sins of Israel and imploring God for forgiveness; in this context, the text might have been perceived as a reference to the iniquities of England in its preservation of the Catholic faith. Psalm 107 is similar in its thematic material but lays greater emphasis on the power of God's mercy, perhaps hinting at the possibility of redemption for his adversaries. The final psalm that Philpot recited, psalm 108, celebrates the victory of a battle against sin. In the context of Philpot's martyrdom, the declaration of God's victory over Israel in vv. 7-8 might be read as a reflection of Philpot's triumph over his adversaries, for it is they who have sentenced him to eternal glory in heaven. Indeed, Athanasius' treatise on the psalms, which we explored in the previous chapter, considers this psalm as suitable for those fighting the battle against heresy, stating that it should be sung 'if thou goest to fight againste the Idumeans, or anye of Christes enemies, whether they offende in manners, or in doctrine, and wouldest desire God to geve the victorie'.⁴⁵ We will never know whether Philpot's psalm choice for his gallows performance was intended to evoke subversive messages such as these, but they could certainly have been read as such by those who witnessed the spectacle, and subsequently those who read Foxe's work.

Another example of a potentially subversive psalm performance at the place of execution can be found in a manuscript report of the execution of Edward Horne, written by one John

⁴³ Foxe, *Actes and Monuments*, p. 1679.

⁴⁴ Foxe, *Actes and Monuments*, p. 1830.

⁴⁵ Thomas Sternhold, *The whole booke of Psalmes collected into Englysh metre* (London, 1562), sig. A3^v.

Deighton.⁴⁶ The report corrects an error in Foxe's book, although Foxe never amended his story in line with Deighton's narrative. Deighton claimed that a martyr referred to by Foxe as John Horne, who was executed with an unknown woman at Wotton-on-Edge in Gloucestershire in 1556, was actually Edward Horne, who suffered martyrdom at Newent in 1558. Horne's wife was supposedly condemned with him, but she made a last-minute recantation, thus saving herself from the stake. Deighton's account of the execution reports that Horne sang psalm 146 at his death, 'untill that his lipps were burnt away' and the spectators 'sawe his tongue move untill he fell downe in the fier'.⁴⁷ Horne's choice of psalm, which opens 'Praise ye the Lord. Praise the Lord, O my soul', is a song of praise and thanksgiving, making it particularly apt for a martyr soon to enjoy eternal glory in heaven. The third verse of the psalm points to another potentially subversive message, one that perhaps offered a word of advice to his Protestant co-religionists: 'Put not your trust in princes, nor in the son of man, in whom there is no help'. Whilst this account does not appear in Foxe's publication, the author of the manuscript testifies that he heard the story from eye- and ear-witnesses of the execution, attesting to the accuracy of his report: 'I have bine at the place and spake with one or ij of the same parish that did see him there burnt, and do testifie that at his deathe he sunge the 146. psalm'.⁴⁸ It is certainly significant that the spectators recounted the exact psalm that Horne sang at his execution, suggesting that his musical performance was suggestive and meaningful enough for those present to explicitly recall it.

Foxe's publication also resounds with the voices of female martyrs, who, like their male companions, reportedly sang psalms in the face of death. Before examining these accounts in any detail, it is worth pointing out the challenges that these courageous women posed for Foxe. Many of these women spoke freely and boldly, openly engaged in theological and political debate, resisted and challenged authorities, dominated their husbands, and sometimes even abandoned their children, behaviour that certainly did not chime with traditional patriarchal ideals. These rebellious and courageous exploits provided an ideal point of criticism for Foxe's adversaries: for instance, Robert Persons referred to the Protestant martyr, Anne Askew, as 'a coy dame, and of very evill fame and wantonnesse: in that she left the company of her husband, Maister Kyme, to gad up & downe the countrey a ghospelling & ghossipinge where she might, & ought not'.⁴⁹ Foxe

⁴⁶ BL MS Harley 425, f. 121. For a transcription of the narrative see J. G. Nichols (ed.), *Narratives of the Days of the Reformation, Chiefly from the Manuscripts of John Foxe the Martyrologist* (London: Camden Society, 1859), pp. 69-70. The letter was written in correction of a statement in Foxe's first edition (1563) entitled 'Iohn Horne And a woman' (p. 1546), but the narrative remains relatively unaltered in the 1583 edition (p. 1953).

⁴⁷ Nichols, *Narratives of the Days of the Reformation*, p. 70.

⁴⁸ Nichols, *Narratives of the Days of the Reformation*, p. 70.

⁴⁹ Robert Persons, *The third part of a treatise, Intituled: of three Conversions of England* (St. Omer, 1604), p. 495. On Foxe's female martyrs as a target of criticism see Marsha Robinson, 'Doctors, Silly Poor Women, and Rebel Whores: The

had a particularly difficult task on his hands when it came to narrating the stories of his female martyrs: he had to carefully construct a text that showcased their success as martyrs whilst protecting their honour and reputation as women. Such a task required him to illustrate their defiance and subversiveness to political and earthly authority without advocating female disorder and patriarchal disruption.

A number of scholars have pointed to the ways in which Foxe softened the transgressive and illicit behaviour of his female martyrs in an attempt to preserve their reputation and uphold patriarchal ideals. For instance, Thomas Freeman and Sarah Wall have argued that Foxe used his editorial skills to temper the subversive characteristics of female martyrs, transforming them into 'an effective icon for the causes he cherished'.⁵⁰ Furthermore, Megan Hickerson has suggested that whilst these women represented disobedience to earthly authority, Foxe depicted them as remaining wholly submissive and obedient to their heavenly spouse, thus embedding patriarchal values into the narratives.⁵¹ There is another aspect of Foxe's narrative style—specifically, the ways in which he describes the voices of women—that I would argue points to a further method of editorial moderation. Whilst Foxe repeatedly describes the sonorous qualities of his male martyrs—frequently describing them as delivering their final words in 'loud', 'audible', or 'strong' voices—there are virtually no suggestions as to the strength, quality, or tone of the voices of women. For instance, when William Flower was burnt following the assault of a clergyman in St Margaret's, Westminster during Easter communion in 1555, (an attack which was apparently motivated by his zealous Protestant beliefs), Foxe reports that he '*cried with a loud voyce*: O the sonne of God have mercye upon me, Oh the sonne of God receyve my soule' repeatedly, until he could speak no more.⁵² Similarly, when Julins Palmer arrived at his place of execution in Newbury in 1556, he apparently fell to the ground and '*with an audible voyce* pronounced the xxxi Psalme'.⁵³ Although Foxe acknowledges that women used their voices at the place of execution, he rarely evokes the sonority of these vocal utterances in the same way as his male martyrs. For example, Cecily Ormes, described by Foxe as a 'very simple woman, but yet zelous in the Lordes cause', used her voice plentifully during her execution in 1557, but the volume and tone of it remains

Gendering of Conscience in Foxe's *Acts and Monuments*', in Christopher Highley and John N. King (eds.), *John Foxe and his World* (Aldershot: Ashgate, 2002), pp. 235-248.

⁵⁰ Thomas Freeman and Sarah Elizabeth Wall, 'Racking the Body, Shaping the Text: The Account of Anne Askew in Foxe's "Book of Martyrs"', *Renaissance Quarterly*, 54/4 (2001): pp. 1165-1196, at p. 1191.

⁵¹ Megan Hickerson, 'Gospelling Sisters "Going up and Downe": John Foxe and Disorderly Women', *The Sixteenth Century Journal*, 35/4 (2004): pp. 1035-1051; see also Hickerson, *Making Women Martyrs in Tudor England*.

⁵² Foxe, *Acts and Monuments*, p. 1577 (emphasis mine).

⁵³ Foxe, *Acts and Monuments*, p. 1940 (emphasis mine).

absent from Foxe's text.⁵⁴ Similarly, when Alice (or Agnes) Snoth was burned at Canterbury in 1556, Foxe simply reports 'Then sayd shee: I dye a Christian woman: beare witnes of me, and so cruelly in fire was she consumed'.⁵⁵ Whilst men are audibly and physically present throughout, the words of women are extant, but their voices remain somewhat silent. This is a common facet of Foxe's text, one that perhaps represents a deliberate attempt to literally 'tone down' the voices of his troublesome female martyrs.

Although Foxe rarely describes the sonorous qualities of the female voice, he does mention some of their musical performances, albeit in a rather brief manner. For instance, when John Lomas was burned at the stake in Canterbury alongside Alice Snoth, Anne Albright (alias Champnes), Joan Sole, and Joan Catmer in 1556, the five of them reportedly sang psalms 'when the fire was flaming aboute their eares'.⁵⁶ When considering public musical performances by women it is important to remember the cultural and social context in which these performances occurred. In the early modern world, the line between piety and lasciviousness was especially thin with regard to female song, with contemporary authors often interpreting such acts as transgressive and sexually deviant. Vocal music was considered 'especially suspect' because the singer's instrument was literally the human body, which could affect the hearts and minds of her listeners.⁵⁷ Whilst female singers could be associated with earthly embodiments of the divine, they also risked being perceived as carnal, lustful, and dangerous sirens.⁵⁸ For instance, the schoolmaster and author Richard Mulcaster warned of the powerful and potentially dangerous nature of the female voice, comparing it to the sound of those sirens who 'bewitcheth the mind', whilst Robert Burton, author of the well-known *The Anatomy of Melancholy* (1621), alerts his readers that 'a sweet voice and musicke are powerfull inticers'.⁵⁹

However, psalm singing was one of the few acceptable forms of musical recreation for the 'fairer sex', one that usually avoided connotations of lasciviousness, which is probably why Foxe was willing to admit that his female martyrs engaged in such acts. As Protestantism established

⁵⁴ Foxe, *Actes and Monuments*, p. 2023.

⁵⁵ Foxe, *Acts and Monuments*, p. 2054.

⁵⁶ Foxe, *Actes and Monuments*, p. 1859.

⁵⁷ Leslie C. Dunn and Katherine R. Larson (eds.), *Gender and Song in Early Modern England* (Farnham: Ashgate, 2014), p. 2.

⁵⁸ See Linda Phyllis Austern, "'Sing Againe Syren': The Female Musician and Sexual Enchantment in Elizabethan Life and Literature", *Renaissance Quarterly*, 42/3 (1989): pp. 420-448; Elena Laura Calogero, "'Sweet aluring harmony': Heavenly and Earthly Sirens in Sixteenth- and Seventeenth-Century Literary and Visual Culture", in Linda Phyllis Austern and Inna Naroditskaya (eds.), *Music of the Sirens* (Bloomington: Indiana University Press, 2006), pp. 140-175.

⁵⁹ Richard Mulcaster, *Positions wherein those primitive circumstances be examined* (London, 1581), p. 38; Burton, *The Anatomy of Melancholy*, p. 580.

itself in England, communal psalm singing became permissible and indeed customary in church, with men and women regularly joining their voices in song at Sunday services. But women did not only engage in this musical tradition in church: those from the upper levels of society sometimes performed psalms with instrumental accompaniment in domestic settings, whilst those from the lower levels often sang psalms as they worked.⁶⁰ Even the zealous puritan William Prynne remarked that it was better for women to 'sing a Psalme of confession' than 'songs inticing unto lust'.⁶¹ By reassuring his audience that it was *psalms* that these women were singing, Foxe was able to avoid the potentially transgressive undertones of other forms of female vocal music. Although he was careful not to evoke the sounding qualities of these performances, he ensured that his readers were aware of these pious and steadfast acts of psalm singing, probably because such acts actually helped reinforce the status of these singers as martyrs. Psalm singing helped elevate the status of these women by showing them to engage in the same musical acts as their male counterparts, thus demonstrating the same level of spiritual agency as male martyrs.

That being said, Foxe's account of a thirty-year-old woman named Alice Driver continued to provoke criticism amongst Catholic polemicists, and the description and visual portrayal of her musical performance, in this case, probably fuelled her promiscuous reputation.⁶² Upon her arrest Driver was found hiding in a haystack with a man who was not her husband, an incident which immediately sparked questions surrounding her fidelity.⁶³ The description of Driver's behaviour during her execution procession also provided a point of criticism: during her six-mile journey to the stake in Ipswich, Driver reportedly sang psalms with Alexander Gouch, the man with whom she had been found hiding. The Sherriff was reportedly 'very much offended with them, and wylled the Bailiffes of Ipswich to bidde them make ende of their prayers', yet they defiantly continued in their musical performance.⁶⁴ In the woodcut illustration of their death, which can be seen in fig. 4.4, Gouch and Driver are both suggestively portrayed with their mouths open, implying that they perhaps continued in their subversive musical act right up until the moment of death. It is significant that the woodcut portrays them in such a way, given that most of the martyrs in Foxe's

⁶⁰ See Linda Phyllis Austern, "'For Musicke is the Handmaid of the Lord": Women, Psalms, and Domestic Music-Making in Early Modern England', in Linda Phyllis Austern, Kari Boyd McBride, and David L. Orvis (eds.), *Psalms in the Early Modern World* (Farnham: Ashgate, 2011), pp. 77-114.

⁶¹ William Prynne, *Histrio-mastix The players scourge, or, actors tragedy* (London, 1633), p. 277.

⁶² In the 1563 edition she is known as Elizabeth Driver, but her name is corrected to Alice in subsequent editions. For an overview of Catholic responses to Driver's story see Hickerson, 'Gospelling Sisters "Going up and Downe"', pp. 1040-1041.

⁶³ Foxe, *Actes and Monuments*, p. 2048.

⁶⁴ Foxe, *Actes and Monuments*, p. 2049.

woodcuts, especially women, usually appear with their mouths chastely closed.⁶⁵ As Susannah Monta has noted, contemporary patriarchal authors often associated the openness of a woman's mouth with 'unchaste openness in other ways', suggesting that the visual depiction of Driver's death reinforced ideas surrounding her promiscuity.⁶⁶ So although Foxe attempted to suppress the unruliness of his female martyrs in a number of different ways, there were always aspects of the text that provided fuel for condemnation, the lasciviousness of female song being one of them.

Fig. 4.4: 'The Martyrdome of Alexander Gouch, and Driuers wyfe', in Foxe, *Acts and Monuments*, p. 2049.



⁶⁵ Likewise, contemporary artwork usually depicts female singers with their mouths closed: Dunn and Larson, *Gender and Song in Early Modern England*, p. 3.

⁶⁶ Monta, *Martyrdom and Literature*, p. 202.

Liturgical Chants and Hymns: Musical Performances of Catholic Martyrs

Singing psalms at the gallows was not an exclusively Protestant tradition; it was a strategy used across the denominational divide to voice defiance in the face of oppression. Alison Shell has drawn our attention to a Catholic martyr-ballad preserved in the commonplace book of the Blundell family, commonly known as the 'Great Hodge Podge'. The ballad recounts the martyrdom of the Catholic priest Robert Anderton in 1586, who upon receiving the death sentence reportedly

spoke theise words most sweete
'O holy lord of Saboth god
with whom I nowe shall meete'.
And senge this verse; '*No honoure lord
no honour give to us
But to thy sacred name shewe it*;
& then in prose spoke thus;
'*Againste me strangers risen are
the stronge my soule have sought
not settinge god before their sight
who dearly hath them bought.
Behould how god my helper is
& safegard of my soule
A sheeld most suer at all assayes*'
In spiritte hee spake this whoule...⁶⁷

According to the ballad, Anderton sang part of the first verse of psalm 115 before reciting two verses from psalm 54. As Shell has noted, Anderton's choice of psalm was significant: whilst psalm 115 goes on to condemn the worshippers of false idols—"They have mouths, but they speak not: eyes have they, but they see not"—psalm 54 rebukes the psalmist's enemies—"For strangers are risen up against me, and oppressors seek after my soul"—before praising God's deliverance from oppression: 'For he hath delivered me out of all trouble: and mine eyes hath seen his desire upon mine enemies'. According to Shell, 'The action of singing when sentenced to death is most important of all: Anderton anticipates heaven in his disclaimer of personal glory, raising himself

⁶⁷ Quoted in Shell, *Oral Culture and Catholicism*, pp. 124-5.

into an angelic register where prayer is all song'.⁶⁸ It is unclear whether the ballad offers a factual account of Anderton's behaviour upon receiving the death sentence, but either way, it offered a powerful medium for his coreligionists to venerate and memorialise him after his death. One can imagine clandestine Catholic communities engaging with this ballad in spoken or sung performances during their private worship.

Unlike Anderton, the majority of Catholic martyrs who elected to recite or sing psalms did so in Latin, thus dissociating themselves from Protestant vernacular tradition. For example, the Catholic priest William Hart reportedly lifted his eyes up to heaven and pronounced psalm 122 (Vulgate) in Latin at his execution in York in 1583, whilst Richard Kirkman, another Catholic priest, reportedly recited the fifth verse of psalm 119 (Vulgate) in Latin as he ascended the ladder: *Heu mihi, quia incolatus meus prolongatus est: Habitavi cum habitantibus Cedar, multum incola fuit anima mea* (Woe is me, that my sojourning is prolonged: I have dwelt with the inhabitants of Cedar, my soul hath been long a sojourner).⁶⁹ As we have seen already, psalm singing in the vernacular was inherently associated with Protestantism, so it is not surprising that Catholics elected to sing in Latin, with some refusing to engage in the vernacular tradition. For instance, when Thomas Reynolds, a secular priest, and Alban Roe, a Benedictine, arrived at Tyburn to face their demise in 1642, they managed to persuade two other criminals awaiting death to convert to Catholicism. Whilst they were in conversation with the criminals, the minister interrupted their exchange by requesting that they sing a psalm 'after the Puritan manner', to which they 'turned away their faces, and would not join in the Psalm, and, as others say, asked the prayers of the Catholic bystanders'.⁷⁰ By refusing to engage in a musical act associated with Protestantism the pair were able to maintain an element of control over their deaths, shaping and solidifying their martyrological narrative.

It was more usual for Catholic martyrs to perform liturgical chants in Latin, thereby evoking the sounds of traditional Catholic religious ceremony. As I noted earlier, Catholics executed during the reign of Elizabeth I were condemned for treason, in contrast to the heresy persecutions of Mary's reign. As authorities attempted to secularise their demise, Catholic martyrs endeavoured to emphasise that they faced death due to their religious beliefs rather than any treasonous crime, and their musical performances, both on the gallows and during the sentencing, played a crucial role within this process of sacralisation. Like public executions, sentencings were public events, with large audiences often gathering in court to witness these moments. For

⁶⁸ Shell, *Oral Culture and Catholicism*, p. 125.

⁶⁹ Challoner, *Memoirs of Missionary Priests*, vol. 1, p. 124; p. 116.

⁷⁰ John Pollen, *Acts of English Martyrs hitherto unpublished* (London, 1891), p. 342.

instance, when the infamous Jesuit priest Edmund Campion and his companions were brought forward to receive their judgement there was reportedly 'such a presence of people, & that of the more honorable, wise, lerned and best sort, as was never seen nor heard of in that court, in our, or our fathers memories before us, or at any arraignment of the greatest dukes or peers of this land'.⁷¹ A number of Catholics elected to sing a *Te Deum*, a hymn of praise and thanksgiving dating from the beginning of the fifth century, upon receiving the death sentence. For instance, upon hearing his sentence in 1582 the Catholic priest Richard Kirkman 'began with a loud voice that Hymn of Joy and Thanksgiving, *Te Deum laudamus*', whilst the priest John Munden sang a *Te Deum* with 'serene and chearful Countenance' when he sentence was pronounced.⁷² Emilie Murphy has argued that the singing of the *Te Deum* upon receiving the death sentence was a politicised action that served to communicate 'embodied and vocal expressions of individual joy'. She astutely points out that a *Te Deum* was also sung at the English College in Rome upon receiving news of the death of an alumnus, an act of memorial which served to '[consolidate] Catholic communal bonds between England and their co-religionists on the continent'.⁷³ Murphy suggests that the tradition derived from the actions of Edmund Campion, who is reported in one source to have sung 'that sacred hymn of praise...*Te Deum laudamus, te Dominum confitemur*' upon receiving his death sentence.⁷⁴ Whilst it is certainly likely that Campion's response was influential amongst English Catholic martyrs, the *Te Deum* also features within the stories of earlier Christian martyrs, suggesting that the hymn was already embroiled within martyrological discourse. For instance, as I noted earlier, the first two Lutheran martyrs reportedly chanted this hymn at the stake.

The text of the *Te Deum* was particularly apt for soon-to-be martyrs, which is perhaps why so many turned to it in the face of persecution. First and foremost, it was a hymn of thanksgiving, which fitted the ideal of the jubilant, triumphant martyr. Those who died for their faith had every reason to believe that their sacrifice paved the way for eternal joy in heaven. Specific references in the text such as the 'glorious company of the apostles', the 'goodly fellowship of the Prophets', and the 'noble army of Martyrs' allowed those awaiting death to unite in earthly and celestial harmony, anticipating their long-awaited glory in heaven. Aside from the aptness and significance

⁷¹ William Allen, *A briefe historie of the glorious martyrdom of XII. reuerend priests* ([Rheims], 1582), sig. E1.

⁷² Challoner, *Memoirs of Missionary Priests*, vol. 1, p. 115 and p. 159. For other examples of Catholic martyrs singing the *Te Deum* in response to the death sentence see Murphy, 'Musical self-fashioning', pp. 415-418. On the history of the *Te Deum* text and melody see M. Huglo, 'Te Deum', in *New Catholic Encyclopedia*, 2nd ed., vol. 13 (Detroit: Gale, 2003), pp. 771-773.

⁷³ Murphy, 'Musical self-fashioning', pp. 414-417, quotes at p. 415 and p. 414.

⁷⁴ Murphy, 'Musical self-fashioning', p. 414; Paolo Bombino, *Vita et martyrium Edmundi Campiani Martyris Angli Societate Iesu* (Mantua, 1620), p. 587. Interestingly, William Allen's account of Campion's martyrdom contains no reference to the singing of a *Te Deum*, but it does state that Campion and his associates used 'diuers holy speeches to their owne comforts and other mens much edifying': Allen, *A briefe historie*, sig. E1^v.

of the text, the *Te Deum* is a hymn with a rich contextual history, carrying cultural connotations that made it particularly appropriate for future martyrs. In liturgical practice, the hymn was most commonly sung during Matins on Sundays and on significant feast days, but for centuries, the text was also sung throughout Europe at events that called for national rejoicing, such as royal entries, baptisms, and celebrations of military success. When soon-to-be martyrs sang this hymn in response to their death sentence, they perhaps evoked memories of these cultural traditions amongst the audience, which could, as we will see, convey potentially pointed and subversive messages.

Firstly, the relationship between the *Te Deum* and the tradition of the royal entry is potentially significant. In London, these entries followed one of two routes, both of which ended with a *Te Deum* service either at St Paul's or Westminster Abbey.⁷⁵ A *Te Deum* was also performed to welcome the monarch to other towns and cities throughout the country: for example, during Elizabeth's visit to Norwich in 1578 she 'passed through the market-place, which was goodly garnished, and thence through other streetes, which were trimly decked, directed to the Cathedral Church, where *Te Deum* was song'.⁷⁶ These ceremonies usually portrayed the monarch as a Christ-like figure: pointed references to Christ's First Coming helped remind those present that 'as sovereign, [the monarch] represents Christ leading his people to salvation'.⁷⁷ Royal entries also often included veiled references to the Day of Judgement, reminding the monarch that 'as a mortal man, he faces himself the Second Coming of Christ'.⁷⁸ When potential martyrs sang the hymn they perhaps evoked these associations in the minds of the audience, associations which took on a new meaning and significance within the context of martyrdom: rather than the monarch, it was the martyrs themselves that fashioned themselves as Christ-like figures leading their co-religionists to salvation. Furthermore, the hymn's association with apocalyptic warnings perhaps resonated as a warning to Protestants regarding the wrath of God's final judgement.

The *Te Deum* was also widely recognised as a hymn to celebrate military success, a cultural association that was particularly significant within the context of martyrdom, as those who died for their faith often considered themselves to be soldiers of Christ. Receiving the death sentence

⁷⁵ Gordon Kipling, 'Triumphal Drama: Form in English Civic Pageantry', *Renaissance Drama*, 8 (1977): pp. 37-56, at p. 39. On the plainsong melody and various polyphonic settings of the *Te Deum* see John Caldwell, 'The "Te Deum" in Late Medieval England', *Early Music*, 6/2 (1978): pp. 188-194.

⁷⁶ John Nichols (ed.), *The Progresses and Public Processions of Queen Elizabeth*, vol. 2 (London, 1823), p. 150.

⁷⁷ Gordon Kipling, *Enter the King: Theatre, Liturgy, and Ritual in the Medieval Civic Triumph* (Oxford: Clarendon Press, 1998), p. 184; see also Roy Strong, *Art and Power: Renaissance Festivals, 1450-1650* (Woodbridge: Boydell, 1984), pp. 7-11 and pp. 42-50.

⁷⁸ Kipling, *Enter the King*, quote at p. 184, see also pp. 226-280.

represented the moment at which the condemned sealed his or her fate as a martyr: the victory of attaining everlasting glory in heaven was in sight. Indeed, contemporary writers and martyrs often alluded to the martyrological journal as a kind of ongoing battle against heresy: for instance, Ralph Sherwin reportedly implored God to hasten his death whilst he was incarcerated so that he 'may obtain the victory' of martyrdom.⁷⁹ Similarly, Anthony Munday's account of the execution of seven Catholics in 1582 reported that a Catholic priest approached the victims as they travelled on the hurdle to the place of execution and said to them 'O gentlemen be joyful in the blood of Iesus Christe, for this is the day of your triumph & joye'.⁸⁰ The victory trope also occurs repeatedly throughout Foxe's *Actes and Monuments* in his frequent references to the 'constancie, boldnes, and glorious victory' of his 'happy Martyrs'.⁸¹ When sung in response to the death sentence, the *Te Deum*, with its cultural associations of military success, allowed the condemned to convey the 'victory' of their martyrdom over the oppression of sovereign power. It is therefore not surprising that prospective martyrs turned to this particular hymn when they were given the death sentence: its powerful and jubilant text, combined with its telling and pertinent cultural associations, made it the ideal song for conveying martyrological ideologies.

Catholic martyrs also sang other liturgical texts to remind those present of the cause for which they died. For instance, Henry Walpole's account of the execution of Richard Leigh in 1588 recounts that Leigh 'sang his service' with four other Catholics during his journey to the scaffold, presumably referring to liturgical chants.⁸² One of the most elaborate musical performances at the gallows was enacted by the Catholic priests Mark Barkworth and Roger Filcock, who were executed together at Tyburn in 1601. The two men were apparently drawn together on the same hurdle to the execution space, and when they were put up into the cart Barkworth 'with a joyful Accent, sung those Words of the royal Prophet, *Haec dies quam fecit Dominus, exultemus*; and Mr. Filcock went on in the same Tone, & *laetemur in ea*'.⁸³ The text is from the Gradual sung on Easter Day in the Roman Catholic Church: 'This is the day the Lord hath made, let us reioice and be glad in it'. The choice of an Easter Gradual allowed them to align their own deaths with that of Christ, the ultimate martyr, signifying to the state and their audience that this was a joyful event rather than a repressive demonstration of state power. The responsorial nature of their performance also evoked the musical tradition of Catholic services, which included responsorial chants in which the choir responded with a refrain to verses sung by a cantor, similarly to the way Filcock responded

⁷⁹ Challoner, *Memoirs of Missionary Priests*, vol. 1, p. 59.

⁸⁰ Anthony Munday, *A breefe and true reporte, of the execution of certaine traytours at Tiborne* (London, 1582), sig. B1^v.

⁸¹ Foxe, *Actes and Monuments*, p. 2036.

⁸² Pollen, *Acts of English Martyrs*, p. 306.

⁸³ Challoner, *Memoirs of Missionary Priests*, vol. 1, p. 393.

to Barkworth, perhaps even inviting the audience to participate in the performance. As Emilie Murphy has noted, elaborate performances such as this were perhaps organised and rehearsed in the prisons, a practice that is referred to in the diary of Horatio Busino, a Roman Catholic priest and visitor to England.⁸⁴ Upon witnessing a public execution in London, Busino noted that

On reaching the gallows one of the party acts as spokesman, saying fifty words or so. Then the music, *which they had learned at their leisure in the prisons*, being repeated, the executioner hasten the business, and beginning at one end, fastens each man's halter to the gibbet.⁸⁵

Barkworth and Filcock's musical performance clearly made a lasting impression upon post-Reformation Catholics: a manuscript volume containing theological and historical information in defence of Catholicism includes a description of their execution, followed by a four-part musical setting of the chant that they reportedly sang (fig. 4.5).⁸⁶ The motet is ascribed to 'Mr Byrd', although it is unlikely that the setting was written by the famous recusant composer; Emilie Murphy has suggested that the composer might have been William Byrd's son, Thomas, who entered the English College at Valladolid in 1596, and would have therefore been there with Barkworth and Filcock during the first nine months of 1597.⁸⁷ As Murphy has noted, 'Musical memorials like these of the last words of Catholic priests...enabled those unable to witness the executions themselves to be transported to the sites of the martyrdoms through performance'.⁸⁸ One can imagine this motet being performed in domestic, clandestine spaces, allowing Catholics to recall and venerate the deaths of their deceased co-religionists, much as was likely the case of Anderton's ballad.

According to a Catholic source, Thomas Garnet, son of Richard Garnet and nephew of Henry Garnet, was also a scaffold singer. Condemned for high treason in 1608, Garnet recited the Lord's Prayer, a Hail Mary, and the Creed at the gallows, before singing the hymn *Veni creator*, but when he came to the words *sermone ditans guttera* 'the Cart was drawn away, and he was left hanging, till he had given up his pious Soul into the Hands of his Creator'.⁸⁹ Garnet's choice of hymn was also significant: the *Veni creator* was a hymn for Whitsuntide in the Catholic rite, but it was also

⁸⁴ Murphy, 'Musical self-fashioning', p. 422.

⁸⁵ Razzell (ed.), *The Journals of Two Travelers*, p. 149 (emphasis mine).

⁸⁶ Bod MS Eng. th. b. 2, pp. 115-116.

⁸⁷ Murphy, 'Musical self-fashioning', pp. 426-428. See also John Morehen, 'Is Byrd's *Haec a Faec?*', *Early Music Review*, 24 (1996): pp. 8-9.

⁸⁸ Murphy, 'Making Memories in Post-Reformation English Catholic Musical Miscellanies', p. 415.

⁸⁹ Challoner, *Memoirs of Missionary Priests*, vol. 2, p. 26.

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triple.

et est dies. //: domini gaudiamus. //: et letemur in ea. //

et letemur in e = a. //

et est dies. //: domini do = mini gaudiamus. //: et letemur in

e a. //: haec est dies. //: do mini

gaudiamus. //: et letemur in e = a. //

et est dies. //: domini gaudiamus. //: et letemur, et letemur in

e = a et. //: haec est dies. //: domini

gaudiamus. //: et letemur in e a. //

et est dies. //: domini domini gaudiamus. //: et letemur in e = a. //

in e. //: haec est dies. //: domini gaudiamus,

et letemur in ea. //

Mr. Byrd. q. v. d. m.

sung on other, non-liturgical occasions. Notably, as Andrew Cichy has noted, the hymn was sung during the ceremony of the missionary oath at St. Alban's College, Valladolid, where Garnet was a student from 1596-1599.⁹⁰ During the ceremony the seminarians vowed to return to England after ordination to carry out their duty as servants of God, encouraging and bolstering the Catholic faith in a Protestant country. In singing the same hymn upon the gallows, Garnet evoked his oath at the moment of death, recalling his religious purpose, the cause for which he died, and accepting the completion of his journey.

Those that claimed to die for their faith, Protestant and Catholic, used musical performances as powerful declarations of confessional identity at the moment of death. Since the central controversy that surrounded the executions of Catholics was whether they died for treason or religion, these musical performances provided significant indication that their sacrifice was for the latter. In the singing of chants or psalms, these men and women declared and celebrated their religious identities, transforming the theatre of execution into a sacred, and martyrological, space.⁹¹ This process of sacralisation might be understood as a Foucauldian strategy of 'reverse discourse'. In accordance with his understanding of power, Foucault emphasises that the function of discourse is unstable and subject to change. He argues that there is no division between 'accepted' and 'excluded' discourse: it can be an instrument of power, but also the means of opposition. Foucault uses the example of homosexuality: historically, the dominant discourse was heterosexuality, but as homosexuality began to 'speak in its own behalf, to demand that its legitimacy or "naturalness" be acknowledged' the discourse was reversed and recast as 'normal'.⁹² When martyrs sang they could not alter the overall purpose of the ritual, that is, for them to die, but they could reverse the discourse of the ceremony, recasting the scene as a space in which martyrs are made. The production of the language and sound of their religious identities helped these individuals transform the setting of their death into a sacred space, as opposed to a theatre of punishment.

As we have seen, individuals dying for their faith utilised a variety of strategies to construct themselves as martyrs upon the scaffold, but their oral responses, particularly their sung performances, were particularly significant. Not only did they convey pointed statements of

⁹⁰ Andrew Cichy, 'Music, Meditation, and Martyrdom in a Seventeenth-Century English Seminary', *Music & Letters*, 97/2 (2016): pp. 205-220, at pp. 218-219.

⁹¹ Comparably, Lisa McClain has shown that post-Reformation Catholics frequently transformed ordinary secular spaces into religious ones through processes of 'ritualisation', in order to fulfil their needs for worship, identity, and community: McClain, *Lest we be damned*, pp. 59-85.

⁹² Foucault, *The History of Sexuality*, p. 101.

subversion and confessional identity, but they also provided an active mode of resistance against the power that was being inflicted upon their bodies. As Foucault has noted, execution rituals sought to efface and destroy the *body* of the condemned: the body itself was 'the place where the vengeance of the sovereign was applied'; it was an 'anchoring point for a manifestation of power, an opportunity for affirming a dissymmetry of forces'.⁹³ The sovereign marked his or her infinite power through a ritualistic and violent destruction of the body, but, as I have noted, the body was also a site of struggle and resistance. The condemned reclaimed authority over their bodies through the embodied medium of song, resisting the grip of power, demonstrating their agency, piety, and freedom. Their bodies became active agents, performing Foucauldian tactics of resistance that challenged the supremacy of the powers that punished.

The act of singing is not only situated in the materiality of the body: it projects sound outwards, more powerfully than spoken word. Sung performances allowed the voices of the condemned to penetrate the cacophonous soundscape of the spectacle, generating affective interactions with other bodies. As we know, ideas surrounding the physical powers of music were widespread during this period. Sound implied a physical connection between the object and the receiver, exciting the animal spirits of the inner ear, and in turn affecting the soul. As I noted in the introduction, many contemporary writers believed that the human voice was more affective than artificial instruments, meaning that a singer had more power over his or her audience than instrumentalists. For instance, the theologian and occultist writer Heinrich Cornelius Agrippa (1486-1535) wrote that 'Singing can do more then the sound of an Instrument', as the former moves the

aerious spirit of the hearer...transferring the affection and minde of the Singer with it, It moveth the affection of the hearer by his affection, and the hearers phantasie by his phantasie, and minde by his minde...vocal Harmony doth yield a certain power to bothe soules and bodies.⁹⁴

Scaffold singers made use of what was available to them at the moment of death, harnessing the affective powers of vocal music in an effort to persuade the audience of their status as martyrs.⁹⁵

⁹³ Foucault, *Discipline and Punish*, p. 55.

⁹⁴ Agrippa, *Three books of occult philosophy*, p. 257.

⁹⁵ Austern, *Both from the Ears & Mind*, p. 205.

Musical Translation: Criminals as Martyrs

Whilst the executions of religious dissenters garnered particularly large audiences and attracted significant attention within contemporary literature, they represent only a fraction of those executed during the sixteenth and seventeenth centuries. It has been estimated that between 1530 and 1630 around 75,000 people were executed in England; by 1700, groups of condemned criminals were hanged at Tyburn eight times a year, and there was a wealth of other public executions in county assize towns.⁹⁶ The majority of those that were executed throughout this period were condemned for 'lesser' crimes such as murder, robbery, or coin-clipping. But the pious performances of those who professed to die for their faith often had a significant impact upon individuals who were condemned for crimes that were less politically charged; as Andrea McKenzie has noted, 'pretensions to cheerful courage and a professed eagerness to die were by no means exclusive to martyrs'.⁹⁷ Those guilty of secular crimes often went beyond what was expected of them at the gallows, employing similar strategies of resistance to those used by religious martyrs, perhaps in an attempt to reshape the meaning, and subsequently the memory, of their demise. The appropriation of actions and gestures associated with martyrdom, especially the act of psalm singing, helped criminals win over the hearts and minds of the audience, influencing the ways in which they were remembered by contemporaries.

On 10 June 1607, Humphrey Stafford—a 'Gentleman of high birth'—was executed for having 'unlawfull company with two Boyes', Nicholas Crosse and Richard Robinson. After his sentence was passed, Stafford was detained in the Kings Bench prison, where it is reported that a group of Catholics attempted to convert him, but the author of his execution account, who remains anonymous, stressed that Stafford remained constant in his Protestant faith; indeed, Stafford apparently showed a particular 'detestation of the Romish faith and religion'.⁹⁸ Stafford's constancy in faith is further emphasised in the description of his execution, which he reportedly prepared himself for most 'chearefully', as if he was 'going to a moste joyfull marriage', a statement which alluded to the deep-rooted notion that martyrdom symbolised a marriage with Christ.⁹⁹ Stafford openly confessed his sins upon the gallows whilst lifting his eyes towards heaven and beating his breast, embodied actions reminiscent of the behaviour of the Protestant martyrs in Foxe's *Actes and Monuments*.¹⁰⁰ When the minister asked Stafford whether he would like to sing a

⁹⁶ Sharpe, *A Fiery & Furious People*, p. 378.

⁹⁷ McKenzie, 'God's Tribunal', p. 140.

⁹⁸ Anon., *The arraignment, iudgement, confession, and execution of Humfrey Stafford gentleman* (London, 1607), sig. B2^v.

⁹⁹ Anon., *The arraignment, iudgement, confession*, sig. B3.

¹⁰⁰ Anon., *The arraignment, iudgement, confession*, sig. B4.

psalm, Stafford reportedly responded by singing psalm 25 which, as we will see shortly, was a particularly popular choice for scaffold singers during the second half of the seventeenth century.¹⁰¹ Like many of the Marian martyrs, Stafford's choice of psalm carried potentially subversive undertones, especially against the powers that condemned him: 'O my God, I trust in thee: let me not be ashamed, *let not mine enemies triumph over me*'. The text of this psalm is also particularly relevant to repentant sinners seeking a place in heaven: verse 7 states 'Remember not the sins of my youth, nor my transgressions: according to thy mercy remember thou me for thy goodness' sake, O Lord', whilst verse 18 remarks 'Look upon mine affliction and my pain; and forgive all my sins'. Upon finishing his musical performance Stafford ascended the ladder, where he asked the crowd for forgiveness with a 'loude voice', to which they reportedly responded with an 'exceeding great noyse with the peoples praying and condescending', suggesting that his admirable performance had won the favour of the crowd.¹⁰²

The conspirator and forger George Sprot also sang at his execution in 1608. As he ascended the ladder he reportedly 'desired libertie to sing the sixt Psalme', requesting that the crowd accompany him in his performance. The author noted that he sang 'with a very loud and strong voice' and was 'assisted with the number of a thousand persons at the least, who accompanied him in singing that Psalme', suggesting that the crowd were also sympathetic towards Sprot.¹⁰³ Likewise, a report of the executions of a group of pirates in 1609 testified that the final victim to face his death offered a particularly virtuous performance. After saying his prayers, he ascended 'bouldly up the ladder' and sang psalm 21, one note 'to a sillable', dying a 'repentant sinner and a Christian'.¹⁰⁴ Musical performances such as these offered criminals the opportunity to exhibit the strength of their faith, fashioning themselves as repentant servants of God rather than heinous felons. By appropriating the behaviour of the Marian martyrs, which the audience were undoubtedly familiar with due to the popularity of Foxe's publication, they encouraged those present, as well as those who subsequently read the printed accounts of their deaths, to remember them with mercy and compassion, despite the severity or atrocity of their crime.

By the latter half of the seventeenth century, singing psalms at the gallows seems to have become fairly common practice, with numerous execution pamphlets from the period referring to such customs. For instance, the author of a pamphlet describing the execution of Charles

¹⁰¹ Anon., *The arraignment, iudgement, confession*, sig. B4v.

¹⁰² Anon., *The arraignment, iudgement, confession*, sig. C1v.

¹⁰³ Anon., *The examinations, arraignment & conviction of George Sprot* (London, 1608), p. 58.

¹⁰⁴ Anon., *The lues, apprehensions, arraignments, and executions, of the 19. late pyrates* (London, 1609), sig. C1.

Pamphlin, condemned for murdering one Lieutenant Dalison in 1678, noted that the minister led the condemned and crowd in song 'according to Custom on such Occasions', suggesting that such practices had become customary.¹⁰⁵ A number of pamphlets report that the condemned sang with the rope around their neck, suggesting that singing was usually one of the final acts of the spectacle. For example, a particularly sympathetic account of the executions of those involved in the Monmouth rebellion in 1685 reported that the criminals were permitted to sing a psalm upon the scaffold so long as the ropes were tied around their necks, which they apparently 'cheerfully accepted, and sung with such heavenly Joy & Sweetness'.¹⁰⁶

By the end of the seventeenth century, certain psalms had become so widely used at the place of execution that they became known as scaffold songs. Psalm 51, described by the contemporary music theorist Charles Butler as a 'Prayer, Confession, Comfort, Profession of Repentance, and Amendment of life', was frequently uttered or sung by those awaiting death at the gallows, and by the eighteenth century the psalm became widely known as 'the hanging song'.¹⁰⁷ The psalm had a longstanding relationship with capital punishment: as early as the fifteenth century those claiming benefit of clergy were required to read the opening verse—which became known as the 'neck verse'—to validate their clerical status, something which was established by the person's ability to read.¹⁰⁸ The tradition of singing verses from this psalm at the place of execution became commonplace, transcending religious and political divisions: it was sung by Protestants, Catholics, Anabaptists and political martyrs, as well as secular criminals. Foxe's *Actes and Monuments* contains numerous examples of this psalm being spoken or sung at the place of execution: for instance, when John Rogers approached the place of his execution in 1555 he recited this psalm, to which the people 'wonderfully rejoyced at his constancie'.¹⁰⁹ Likewise, when the Catholic priest Alexander Brian arrived at Tyburn he recited the opening verse in Latin, whilst the Anabaptist Francis Dean led the crowd in singing the psalm at his execution in 1643.¹¹⁰ John Felton, a political martyr convicted for assassinating the Duke of Buckingham in 1628, also sang psalm 51 before praying for forgiveness, and it was also sung at the executions of the notorious robbers and

¹⁰⁵ Anon., *The speech of Charles Pamphlin at his execution in Covent-Garden* (London, 1678), p. 8.

¹⁰⁶ Anon., *The Dying speeches, letters and prayers &c. of those eminent Protestants who suffered in the west of England* (London, 1689), p. 38.

¹⁰⁷ Butler, *The principles of musik*, pp. 113-4; Sharpe, 'Last Dying Speeches', p. 151, n. 26.

¹⁰⁸ Those who passed the reading test, thus claiming 'benefit of clergy', were passed over to the ecclesiastical authorities, and were usually branded for their first offence (M for murder, or T for theft), and hanged for their second. The majority of those who claimed this were not actually clerics, and it is unlikely that many of them could read, as the first verse of psalm 51 could easily be learnt by rote: Sharpe, *Judicial Punishment in England*, p. 23.

¹⁰⁹ Foxe, *Actes and Monuments*, p. 1493.

¹¹⁰ Challoner, *Memoirs of Missionary Priests*, vol. 1, p. 68; Anon., *The arraignment, tryall, conviction, and confession of Francis Deane a salter* (London, 1643), sig. A2^v.

murderers Thomas Sherwood and Elizabeth Evans, also known as Country Tom and Canonbury Besse, in 1635.¹¹¹ The executions of Sherwood and Evans also included a sung performance of a hymn entitled *The lamentation of a sinner*, a popular text from the period that was set to music by numerous composers, including a setting in the Sternhold and Hopkins *Whole Booke of Psalmes* (1562).¹¹² This hymn was also reportedly sung at the execution of Mary Smith in 1616, and at the execution of Charles Pamphlin in 1678, suggesting that it was another popular choice for scaffold singers.¹¹³

During the second half of the seventeenth century, psalm 25 was often sung during public executions. For instance, Jonathan Tue and John Richardson, both convicted and found guilty of murder in 1684, reportedly sang verses from the psalm upon the scaffold, whilst a group of criminals executed in Surrey in the same year reportedly sang psalm 25 'beginning at the 10th Verse'.¹¹⁴ Authorities clearly deemed this to be an appropriate choice of song for those awaiting execution: the minister present at the execution of John Stokes, a 'Notorious Pick-Pocket', requested that the criminal sing psalm 25 beginning at the fifth verse, but Stokes 'refused it, and did not seem much concerned'; clearly not all criminals were interested in engaging with such pious acts.¹¹⁵ Indeed, not all acts of scaffold singing were necessarily devout and pious. The author of a pamphlet describing the execution of one Thomas Savage reminisced that he 'saw formerly three that went to be hanged, and they were almost drunk, and did sing all the way they went', suggesting that some perhaps turned to song in the same way that they turned to alcohol for Dutch courage.¹¹⁶ Whatever purpose these musical acts served it is clear that by the end of the seventeenth century, singing, especially psalm singing, had become intimately embroiled within the discourse of public execution, a tradition that was most likely inspired by the musical performances of earlier Christian martyrs, particularly those memorialised in Foxe's *Actes and Monuments*.

¹¹¹ BL MS Sloane 826, f. 134v; Anon., *Heavens speedie hie and cry sent after lust and murder* (London, 1635), sig. C1.

¹¹² Sternhold and Hopkins, *The whole booke of Psalmes*, sigs. B5-B5v.

¹¹³ Alexander Roberts, *A treatise of witchcraft* (London, 1616), p. 60; Anon., *The speech of Charles Pamphlin at his execution*, p. 8.

¹¹⁴ Anon., *The Last dying words and execution of Jonathan Tue, and John Richardson* (London, 1684), p. 4; Anon., *The Last dying speeches, confession, and execution of Rice Evans, Margaret Corbet, Elizabeth Ford alias Jackson, and Katharine Binks* (London, 1684), p. 4.

¹¹⁵ Anon., *The Last dying speeches, confession and execution of John Stokes, Isaac Davis, and Mary Williamson* ([London], 1684), p. 2.

¹¹⁶ Anon., *A murderer punished and pardoned* (London, 1679), p. 16.

Criminals as Martyrs: Female Vocality

As with Foxe's martyrs, it was not only men who used their voices to shape the meaning of their executions. Women were permitted, and indeed expected, to address the crowd upon the scaffold. For the majority of female criminals, their execution was perhaps the first and only time they would speak before a large audience, almost certainly making it a particularly challenging and daunting experience. As Frances Dolan has convincingly argued, the moment of death offered condemned women a rare occasion to assert themselves as authoritative agents in the patriarchal world of early modern England.¹¹⁷ There was certainly a lot at stake with regard to female agency when condemned women opened their mouths, or even remained silent, at the place of execution.

Before we consider how female criminals used their voices at the place of execution, I would like to draw attention to some of the methodological challenges faced by historians interested in the lives and experiences of early modern women. Historical consideration of female experience can be particularly challenging, as it is often difficult to separate women's lived experience from the perspectives and interpretations of men. Indeed, when analysing female executions, we are largely reliant on male-authored texts, which effectively 'ventriloquise' the voices of women.¹¹⁸ Scholars such as Robert Shoemaker have argued that seventeenth-century crime literature, which includes a large body of execution pamphlets, was 'essentially one-dimensional', in that 'the only female agency and subjectivity to be encountered was linked to sexual licence, transgression and violence'.¹¹⁹ Likewise, in an edited volume of over forty texts pertaining to murderous women, the editors suggest that traditional gender and class assumptions run throughout, and only rarely are female criminals treated sympathetically by the author.¹²⁰ Whilst many of these publications are certainly layered with commonplace misogyny and patriarchal attitudes, I would argue that there are facets that should be read outside of traditional gendered assumptions. Although patriarchal ideologies dictated that women should remain chaste, obedient, and silent, the spectacle of execution, paradoxically, granted women a public voice: they were not only permitted to speak, they were actually *expected* to address the crowd upon the scaffold. Female criminals could not control how they were portrayed in print posthumously, but they could use their voices as powerful

¹¹⁷ Dolan, "'Gentlemen, I Have One More Thing To Say'", pp. 157-178.

¹¹⁸ Elizabeth Harvey has argued that male appropriations of the female voice contribute to a 'larger culture of silencing women', the purpose being to 'mute or shape feminine speaking': Elizabeth Harvey, *Ventriloquized Voices: Feminist Theory and English Renaissance Texts* (London: Routledge, 1992), p. 16 and p. 142.

¹¹⁹ Robert Shoemaker, 'Print and the Female Voice: Representations of Women's Crime in London, 1690-1735', *Gender & History*, 22/1 (2010): pp. 75-91, quote at p. 77.

¹²⁰ Martin Randall, Betty Travitsky, Anne Lake Prescott (eds.), *Women and Murder in Early Modern News Pamphlets and Broadside Ballads* (Aldershot: Ashgate, 2005), p. xiii.

weapons of agency upon the gallows, encouraging their physical voices to filter through into these male-authored accounts. Although they are often portrayed as dangerous, sexually deviant, and insubordinate, it is also important to consider how these pamphlets amplified the strength of female vocality, thus challenging, knowingly or unknowingly, traditional gendered stereotypes of the period.

Some of these pamphlets describe the musical performances of condemned women, thus emphasising their authority and piety, rather than their deviant and transgressive behaviour. Gilbert Dugdale's unusually sympathetic account of the execution of Elizabeth Caldwell in 1603 is particularly notable.¹²¹ Caldwell was convicted for attempting to poison her husband and inadvertently poisoning a neighbouring child, a tragedy which Dugdale partially attributes to the neglectful and abusive behaviour of her husband. Frances Dolan has argued that Dugdale's sympathetic account, which asserts Caldwell's moral authority over her husband, helped transform her into an 'exemplar of virtue'.¹²² Indeed, Dugdale's description of the ways in which Caldwell used her voice at the place of execution helped reinforce the image of a virtuous, pious, and reformed murderess. When the Sheriff arrived at the prison to take Caldwell and the rest of the prisoners to the place of execution, she reportedly exhorted 'I trust in my God I am ready', and proceeded to sing psalms and 'used other godly meditations, as was thought fitting for her' during the journey to the gallows.¹²³ Following her final speech, in which she openly admitted to her sins and warned those present not to stray down the same path as her, Caldwell requested that the crowd join her in singing a psalm, which she herself sang with 'a good spirit'.¹²⁴ It is remarkable that a female murderer stood upon the gallows and led the crowd in song, a spectacle which certainly does not resonate with the contemporary ideal of the obedient and silent woman. Instead, Caldwell is shown to assert auditory control over the spectacle, suggesting that women could effectively navigate and overturn patriarchal power structures during rituals of execution.

Caldwell's performance would almost certainly have reminded those present of Foxe's female martyrs, especially those who piously sang psalms upon the stake whilst the fire burned around them. In fact, many of these execution pamphlets had an explicit connection with the women in *Actes and Monuments*, as many of the woodcuts from Foxe's book were reused in later pamphlets, strengthening the connection between female martyrs and criminals even further. For

¹²¹ Gilbert Dugdale, *A true discourse of the practises of Elizabeth Caldwell* (London, 1604).

¹²² Dolan, "Gentlemen, I Have One More Thing To Say", p. 171, p. 170.

¹²³ Dugdale, *A True Discourse*, sig. B4.

¹²⁴ Dugdale, *A True Discourse*, sig. D2^v.

instance, the woodcut image depicting the martyrdom of Cicely Ormes in 1557 also appears on the title page of the pamphlet relating the crimes of Anne Wells, who was convicted for murdering her husband in 1592 (see fig. 4.6 and fig. 4.7).¹²⁵ Whilst the duplication of woodcut images was fairly common practice during this period, the re-use of such familiar and evocative pictures surely encouraged readers to associate, perhaps subconsciously, Foxe's martyrs with murderous women. When female criminals such as Elizabeth Caldwell sang psalms at the place of execution, they also forged an audible connection with the Marian martyrs, elevating themselves to a level of virtue, piety, and autonomy akin to Foxe's unruly, but unquestionably pious, female martyrs.

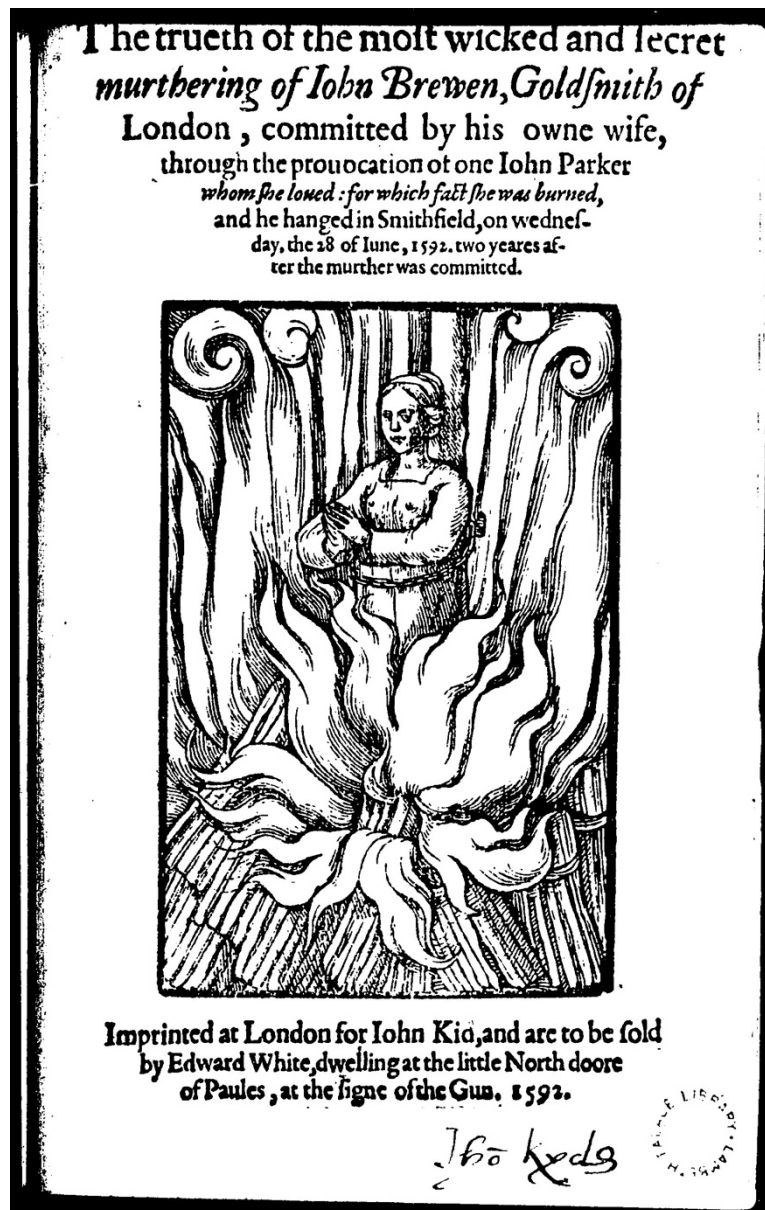
Fig. 4.6: 'The burnyng of Cicelie Ormes at Norwich', in Foxe, *Actes and Monuments*, p. 2023.

¶ The burnyng of Cicelie Ormes at
Norwich.



¹²⁵ Foxe, *Actes and Monuments*, p. 2023; Thomas Kyd, *The truth of the most wicked and secret murthering of Iohn Brewen, goldsmith of London* (London, 1592).

Fig. 4.7: Thomas Kyd, *The trueth of the most wicked and secret murthering of Iohn Brewen* (London, 1592), title page.



It is also worth noting that contemporary physiological understandings surrounding the female voice might also have affected the ways in which readers interpreted these texts. It was widely acknowledged that women were inferior to men due to their physiological and compositional weaknesses: women were cold, wet, leaky, and porous, making them emotionally and physically weaker than men. Contemporaries believed that the volume and quality of the voice was inherently linked to bodily heat. For instance, Levinus Lemnius, a Dutch physician whose work was translated into English in 1576, describes the voices of those with 'hoate bodyes', in

other words, men, as being 'ready, prompt, lively, lusty and applyable...with a voyce thereto not squekinge and slender, but streynable, comely and audible'.¹²⁶ Women, on the other hand, with their cold and leaky bodies, were thought to have unmanageable, weak, quiet, and squeaky voices. In *The Problems of Aristotle*, which first appeared in English in 1585, the question '*Why have women such weake small voices?*' is provided with the following answer: 'Because their instruments and organs of speaking, by reason they are cold, are small and narrow: and therefore receiving but little ayre, causeth the voyce [to be] small and effeminate'.¹²⁷ Similarly, according to Francis Bacon, women have 'small and shrill' voices because of a lack of body heat.¹²⁸ Whilst men were expected to maintain control over their voices, women were not deemed capable of controlling the flow of breath in the same way that men could due to their cold bodies. Therefore, secure vocal control correlated to masculine authority, whilst unstable voices were seen as the product of an unmanageable body, and thus were inherently associated with femininity.¹²⁹ When female criminals and martyrs sang or projected their voices in an assured manner at the place of execution they challenged such assumptions surrounding the weakness and volatility of their bodies and voices, and those who sang psalms demonstrated a particularly impressive level of vocal control. Not only did these acts help them portray themselves as saint-like figures, they also challenged traditional attitudes towards female vocality.

But women did not necessarily have to sing to challenge such assumptions. For instance, when Alice Clarke was burned at Smithfield for poisoning her husband in 1635, the author of her execution pamphlet noted that she delivered her final speech with 'as loud and audible a voice, as possible she could, that many other besides, there present, were also witnesses of such her ensuing Confession', thus offering a remarkably sonorous description of her voice.¹³⁰ She is not simply depicted as the stereotypical shrewish, sexually disordered, and murderous wife, and unlike the female martyrs in *Actes and Monuments*, Clarke is afforded an audible presence within the text, one

¹²⁶ Lemnius, *The touchstone of complexions*, p. 45.

¹²⁷ Aristotle (attributed), *The problemes of Aristotle with other philosophers and phisitions* (Edinburgh, 1595), sig. G2^v.

¹²⁸ Bacon, *Sylva sylvarum*, p. 52.

¹²⁹ On women's inability to control their bodily flows see Gail Kern Paster, *The Body Embarrassed: Drama and the Disciplines of Shame in Early Modern England* (Ithaca: Cornell University Press, 1993). On the correlation between high or 'squeaky' voices and femininity see Gina Bloom, *Voice in Motion: Staging Gender, Shaping Sound in Early Modern England* (Philadelphia: University of Pennsylvania Press, 2007). The relationship between power and vocal pitch continues throughout the modern era; for instance, one supporter of the Spanish dictator General Franco claimed that he could not be considered a dictator 'because he had such a small, high-pitched voice': see Johnson and Cloonan, *Dark Side of the Tune*, p. 20. Mary Beard has also pointed to the relationship between vocal pitch and gendered stereotypes, noting that 'These attitudes, assumptions and prejudices are hard-wired into us: not into our brains (there is no neurological reason for us to hear low-pitched voices as more authoritative than high-pitched ones), but into our culture, our language and millennia of our history': Mary Beard, *Women & Power: A Manifesto* (London: Profile Books, 2018), p. 33.

¹³⁰ Henry Goodcole, *The adultrresses funerall day in flaming, scorching, and consuming fire* (London, 1635), sig. C1^v.

that evokes vocal qualities associated with masculinity, strength, and autonomy. The text is enhanced by the woodcut that appears on the title page of the pamphlet, which, as can be seen in fig. 4.8, seems to show an image of a burning man, rather than the expected woman (this was not necessarily a conscious decision—it was probably the only woodcut that the publisher had to hand). Nevertheless, I would argue that pamphlets such as these challenge the scholarly notion that the only female subjectivity to be found in execution accounts was related to transgression and violence: the illustration, combined with the description of Clarke's impressive vocal control, renders an autonomous woman transcending the boundaries of femininity. Whether these suggestive undertones were intentional or not, they were no doubt affective and meaningful amongst readers.

Fig. 4.8: Henry Goodcole, *The Adultrresses Funerall Day: In flaming, scorching, and consuming fire* (London, 1635), title page.



Not all women were treated as sympathetically as Elizabeth Caldwell or Alice Clarke. Unsurprisingly, many male authors depicted the voices of female criminals in a way that served to suppress and undermine any hints of female autonomy. For instance, in an anonymous pamphlet entitled *A warning for bad wives*, the murderess, Sarah Elston, is portrayed as wholly submissive to her abusive late husband, even though she killed him. The author claims that the murder was unintentional, insisting that 'notwithstanding all his Abuses, she could have given her own life to have saved his'. In her final speech, Elston apparently reminded all women that their 'Husband is the Head, and that the Apostle requires them to be obedient in everything', a direct reference to Paul's letter to the Corinthians: 'the head of every man is Christ; and the head of the woman is the man; and the head of Christ is God' (1 Corinthians 11:3).¹³¹ In reinforcing patriarchal ideals through Elston's voice, the author of the pamphlet detracts attention from the devious and potentially subversive voice of the insubordinate, murderous wife. Furthermore, when the fire was lit around her, the author claims that Elston gave 'two or three lamentable Shrieks' before she was 'deprived both of Voice and Life'.¹³² A similar description is found in a ballad entitled *A warning for all desperate Women*, a song which recounts the downfall of Alice Davis, executed for murdering her husband in 1628. The penultimate stanza describes the circumstances of her death, claiming that she 'shriek'd most pittifully' as the flames burned around her.¹³³ Elston's and Davis's pitiful and lamentable shrieks conform to gendered assumptions surrounding the uncontrollable and shrill female voice, in strong contrast to Clarke's and Caldwell's loud and controlled performances upon the scaffold.

Both speaking and singing were powerful weapons for female criminals, but in some cases, they did not even need to use their voices at the place of execution in order to express agency and power. Although calls for female silence were a means of patriarchal control, self-silencing could serve as an overt strategy of resistance within the context of public execution. The scaffold demanded speech, and those who neglected to offer a public confession failed to legitimise the punishment inflicted upon them, thus rendering the edifying and admonitory impact of the spectacle fruitless. As Foucault has noted, 'a successful public execution justified justice, in that it published the truth of the crime in the very body of the man to be executed'; if the criminal remained silent, the truth remained ambiguous.¹³⁴ When Mary Goodenough failed to address the crowd at the place of her execution, the author of the pamphlet describing her death elected to

¹³¹ Anon., *A warning for bad wives: or The manner of the burning of Sarah Elston* (London, 1678), p. 6.

¹³² Anon., *A warning for bad wives*, p. 7.

¹³³ Anon., *A warning for all desperate Women. By the example of Alice Davis who for killing of her husband was burned in Smithfield the 12 of July 1628* ([London], [1628]), EBBA 20050.

¹³⁴ Foucault, *Discipline and Punish*, p. 44.

make a number of excuses for her silence, claiming that she was confused and surprised because she had been weakened during her time in prison.¹³⁵ By filling her silence, the author encourages his readers not to interpret her refusal to speak as a mark of disobedience. Subversive silence was also articulated through a refusal to confess: for instance, when Elizabeth Abbot vehemently denied that she had murdered her landlady, she was dragged to the scaffold that had been erected near to the house of the victim, in the hope that the sight of her house might provoke a confession. Abbot continued to plead her innocence, so she was carried to the nearest church where all those who gave evidence against her were assembled and instructed to reiterate their testimonies.¹³⁶ This also failed to break Abbot, so she was taken back to the gallows where she was admonished once again to clear her conscience, but Abbot remained constant in her silence right up until the moment of death.¹³⁷

As Christina Luckyj has rightly noted, silence has a complex history, and not every instance of female silence in the early modern period should be considered within the context of patriarchal submission: silence is a 'signifier which slides unmanageably from chastity to desire, obedience to defiance'.¹³⁸ Luckyj argues that 'feminine silence can be constructed as a space of subjective agency which threatens masculine authority', a notion which is attested to by the 'discomfort' that contemporaries show when writing about silent women.¹³⁹ For instance, the clergyman and author William Gouge noted that in some instances female silence can imply 'stoutnesse of stomacke, and stubbornnesse of heart', suggesting the kind of defiance shown by criminals such as Elizabeth Abbot.¹⁴⁰ For those who refused to confess to a crime, or refused to address the crowd upon the gallows, their silence certainly did not conform to patriarchal ideas of feminine silence; it was instead empowering and subversive, as they deviated from the state's expectations and refused to legitimise the punishment inflicted upon them. In the context of public execution, female silence should be seen to constitute a powerful weapon of resistance and subjectivity, not wholly dissimilar from the musical performances inspired by the Marian martyrs.

¹³⁵ Anon., *Fair warnings to murderers of infants being an account of the tryal, condemnation and execution of Mary Goodenough* (London, 1692), p. 3.

¹³⁶ Anon., *The Apprehension, arraignment and execution of E. Abbot* (London, 1608), sig. C2.

¹³⁷ Anon., *The Apprehension, arraignment and execution of E. Abbot*, sig. C3^v.

¹³⁸ Christina Luckyj, *"A moving rhetorick": Gender and Silence in Early Modern England* (Manchester: Manchester University Press, 2002), p. 70.

¹³⁹ Luckyj, *"A moving rhetorick"*, p. 60.

¹⁴⁰ William Gouge, *Of domesticall duties eight treatises* (London, 1622), p. 282.

"Away with him!": The Noisy Crowd

Public executions, by definition, required the presence of an audience. People from a variety of different social backgrounds flocked to witness these theatrical displays of state punishment, often struggling and jostling to get a good view of the condemned. A printed report of the execution of Anne Drewrie and Anne Saunders, condemned for being accessories to the murder of George Saunders in 1573, offers a particularly vivid description of the vastness of the crowd at their demise:

For almoste the whole fielde, and all the way from newgate, was as full of folke as coulde well stande one by another: and besides that, great companies were placed bothe in the chambers neere abouts (whose windowes & walles were in many places beaten down to looke out at) and also upon the gutters, sides, and toppes of the houses, and upon the battlements and steeple of S. Bartholmewes.¹⁴¹

As we can see, spectators often numbered into the thousands, filling the surrounding streets and fields, with onlookers peering out of nearby windows or clambering onto rooftops to catch a glimpse of the event. The general hustle and bustle of these large crowds often made it difficult for the condemned to be heard, so some men and women elected to write down their final speeches and distribute them before they reached the scaffold. For instance, when Lord William Russell was executed in 1683, he ensured that his speech was written down and handed over to the sheriff, for he 'expected the Noise would be such, that I should not be very well heard'.¹⁴² The size of the audience often depended on the victim's prestige and the status of his or her crime: heresy and treason, severe offences against the Church and crown, were considered two of the most heinous crimes that one could commit, thus garnering particularly large audiences. For instance, Foxe reported there was such a 'multitude and concourse' of people at the execution of the Protestant martyr, Anne Askew, that the place where she stood was 'rayled about to keepe out the prease'.¹⁴³ Likewise, the official account of the execution of a seminary priest in 1590 noted that there was such a 'throng of people' that came from London to St. George's Fields to witness the execution that 'they were constrained to defer the execution until after sixe of the clocke at night, at which time the greater multitude being departed'.¹⁴⁴ Audience numbers also varied

¹⁴¹ Arthur Golding, *A briefe discourse of the late murther of master George Saunders* (London, 1573), sig. B2.

¹⁴² Anon., *The last speech and carriage of the Lord Russel, upon the scaffold, &c. on Saturday the 21st of July, 1683* ([London: 1683]), p. 1.

¹⁴³ Foxe, *Actes and Monuments*, p. 1240.

¹⁴⁴ Anon., *A true recitall touching the cause of the death of Thomas Bales* (London, 1590), sig. A4.

according to location, with executions in London garnering the largest crowds.¹⁴⁵ In the eyes of the state, the larger the audience, the better: these rituals were designed to showcase the supreme power of the sovereign throughout the populace, serving as a bloody and violent warning to all potential wrongdoers.

As we have seen, the supremacy of state power was not always the message that was conveyed during these rituals, especially when the condemned assumed control of proceedings. Whilst the state could, to a certain extent, maintain authority over the course of events, it could not control the crowd's interpretation of and response to the scene, particularly when the condemned offered a particularly saintly performance. For instance, one account of Edmund Campion's gallows performance, which was admittedly written by the Catholic polemicist William Allen, reported that Campion 'moved the people to such compassion and teares, that the adversaries in their printed bookes were glad to excuse the matter', a reference to the unsympathetic state-sponsored account written by Anthony Munday.¹⁴⁶ Returning to the theatrical metaphor that I alluded to earlier, the crowd did not always respond to or interpret the spectacle of punishment in the manner that the authorities anticipated, in the same way that an audience does not always react in the same way that the playwright intended. Whilst Thomas Laqueur has perhaps overstated the role of the crowd by claiming that they were the 'central actor' during English executions, their presence, and particularly their oral response, was certainly significant in shaping the ideological meaning of the ritual.¹⁴⁷ Significantly, it was the crowd's *sounding* response that conveyed their attitudes towards and interpretation of proceedings.

The crowd's response was particularly volatile during the executions of religious martyrs. As Sarah Covington has noted, the audience was made up of an 'ambiguous congregation of many faiths and confessions', which stood before 'exhorting preachers and martyrs who battled it out for its favour', whilst Eamon Duffy has succinctly noted that during the Marian regime, audiences at heretical burnings were made up of 'evangelical sympathisers, hostile Catholics and the great unwashed in search of entertainment'.¹⁴⁸ A number of contemporary writers also commented on the disparity of the crowd's response: for instance, in one of his sermons on the penitential psalms, John Donne remarked that 'We see at Executions, when men pretend to dye cheerefully for the

¹⁴⁵ On the size of the crowd see Lake and Questier, 'Agency, Appropriation', p. 96; Gregory, *Salvation at Stake*, p. 18; Klemp, *The Theatre of Death*, pp. 64-5.

¹⁴⁶ Allen, *A briefe historie*, sig. D2^v; Anthony Munday, *A discoverie of Edmund Campion, and his confederates, their most horrible and traitorous practices, against her Maesties most royall person, and the realm* (London, 1582).

¹⁴⁷ Laqueur, 'Crowds, Carnivals and the State', pp. 305-356.

¹⁴⁸ Covington, *The Trail of Martyrdom*, p. 174; Duffy, *Fires of Faith*, p. 116.

glory of God, halfe the company will call them 'Traitors, and halfe Martyrs', whilst Foxe commented on the disparity of the crowd's reaction in his description of the execution of George Tankerfield in 1555:

there was a great concourse of people to see and heare the prisoner, among the which multitude some were sory to see so godly a man brought to be burned, others praised God for his constancy and perseverance in the trueth. Contrarywyse some there were which said it was pity he did stand in such opinions, and others both old women & men cried against him one called him hereticke, & sayd it was a pity that he lyved.¹⁴⁹

Likewise, during the execution of the Catholic priest George Haydock in 1584, the condemned requested that any Catholics present in the audience pray with him, to which one spectator cried out 'there are no Catholics here', which was promptly interrupted by another claiming 'Yes...we are all Catholics'.¹⁵⁰ Similarly, an account of the execution of the Catholic priest Montford Scott recalls that one of the Protestant witnesses expected to be faced with a traitor, but reportedly exclaimed 'Is this treason? I came to see traitors and have seen saints'; he was subsequently thrown in prison for his inflammatory words.¹⁵¹ It is not surprising that the Catholic author expounded on, and perhaps even embellished, this particular incident, as it showcased the affective nature of Scott's performance, an ideal that was central in conveying martyrological ideals.

According to Foxe's martyrology, many of the those who witnessed the Protestant burnings during the reign of Mary I showed overt sympathy and compassion for the victims, offering words of encouragement or applause to the individual who sacrificed his or her life for the cause. For instance, when the merchant tailor Roger Holland was executed at Smithfield in 1558, the crowd was ordered not to engage with the martyr, but Foxe reported that the people continued to cry out, imploring God to strengthen him.¹⁵² Similarly, when the gentleman Thomas Hawkes raised his hands towards heaven as he burned in the flames, the crowd is reported to have responded with 'such applause & outcry...the like hath not comonly bene heard'.¹⁵³ The execution of three men and three women in Colchester—one of the epicentres of Protestantism during this period—was also met with a sympathetic audience that cried 'The Lord strengthen them, the Lord

¹⁴⁹ John Donne, *LXXX sermons preached by that learned and reverend divine, Iohn Donne* (London, 1640), p. 531; Foxe, *Acts and Monuments*, p. 1690.

¹⁵⁰ Challoner, *Memoirs of Missionary Priests*, vol. 1, p. 143.

¹⁵¹ Pollen, *Acts of English Martyrs*, p. 303.

¹⁵² Foxe, *Acts and Monuments*, p. 2042.

¹⁵³ Foxe, *Acts and Monuments*, p. 1593.

comfort them, the Lord poure his mercies upon them'.¹⁵⁴ Considering that his primary motive was to memorialise these individuals as martyrs, it is not surprising that Foxe expounded on, and perhaps even overstated, such behaviour. But there is probably an element of truth to the levels of compassion that Foxe portrays, as many of the burnings were staged in places where Protestantism was particularly rife.¹⁵⁵ In these cases, the crowd's sounding response reinforced the martyrological narrative, undermining the power of the state and legitimising that of the martyr.

Surprisingly, similarly compassionate responses appear less frequently in Catholic martyrological accounts. In fact, Catholic writers often underscore the hostility of the crowd: for instance, in a letter to Father Aquiviva in 1588, the author expressed dismay at the 'incessant shouts' and 'harsh and savage abuse' that followed the Catholic martyrs to the scaffold, but remarks that 'the Martyrs, with clasped hands and a look of piety, even gaiety, on their faces, repaid the people's curses with blessings'.¹⁵⁶ When John Nelson was ordered to ask for forgiveness from the Queen before his execution, he refused, claiming that he had not offended her, which enraged the crowd who demanded that he 'should be hanged like a traitor as he was'. When Nelson continued to offer an open profession of his faith, the audience cried 'Away with thee and thy Catholic Romish Faith'.¹⁵⁷ Similarly, the crowd apparently roared 'away with him' at the execution of the Catholic priest Anthony Middleton, whilst William Allen's report of the execution of the Catholic priest John Shert noted that the hangman was hurried to carry out his duty by the 'importunate clamor of the people, who cried to dispatch, saying, that he had lived to long'.¹⁵⁸ The authors that recounted these stories clearly adopted a different strategy from Foxe: their willingness to highlight the malevolence of the crowd allowed them to showcase the constancy of their martyrs in the face of immense and relentless oppression, in the same way that contemporary Catholic images often emphasised the pain and suffering of their martyrs.¹⁵⁹ Furthermore, such narratives helped align these martyrs with Christ's martyrdom by invoking the narrative of Christ's journey with the cross, in which he was mocked and humiliated by those lining the streets. In reality, the apparent disparity in public response towards Catholic and Protestant martyrs perhaps reflected the effectiveness of the state's change in regime in persecuting Catholics for treason rather than heresy: treasonous crimes were probably more effective in provoking anger and disdain amongst the populace. That

¹⁵⁴ Foxe, *Acts and Monuments*, p. 2009.

¹⁵⁵ Duffy, *Fires of Faith*, p. 115.

¹⁵⁶ John Pollen (ed.), *Unpublished Documents relating to the English Martyrs* (London, 1908), p. 326.

¹⁵⁷ Allen, *A briefe historie*, p. 156.

¹⁵⁸ Pollen (ed.), *Unpublished Documents*, p. 186; Allen, *A briefe historie*, sig. A7.

¹⁵⁹ On the images of martyrdom produced by the Catholic community see Dillon, *The Construction of Martyrdom*, pp. 114-169.

being said, it is impossible to fully justify such claims due to the overtly polemical nature of these texts.

Naturally, state-sanctioned reports also emphasised instances of crowd hostility. These accounts often suggest that the voices of Catholic traitors were drowned out by the noise of the crowd, humiliating the victim and restricting his or her agency and audibility upon the scaffold. For instance, the final Latin prayers of John Hewett, William Hartley, and Robert Sutton were apparently muffled by the English prayers of the crowd, which were led by the attending minister.¹⁶⁰ Likewise, a pamphlet describing the execution of John Slade and John Body, 'two notorious Traitours', recounts that the audience cried 'away with the Traitour, hang him, hang him' during Slade's execution, whilst the official report of John Shert's execution states that the audience cried 'away with the traytor, hang him, hang him' when he declared his faith upon the gallows.¹⁶¹ It is not surprising that these pamphleteers commented on the crowd's hostile response: their cheering and taunting assisted the state's official script by implying that the punishment was justified and deserved in the eyes of the populace.

In contrast, a silent crowd implied that witnesses felt compassion towards the victim: by remaining silent they allowed the condemned a platform to make their voices heard during the final moments before death. For instance, when the Catholic priest Edward Morgan arrived at Tyburn in 1642 it is reported that 'no other voice could be heard in the crowd but *Silence, Silence*, all being desirous to hear his last words'.¹⁶² An account of the execution of the aforementioned Thomas Reynolds, who refused to sing psalms during his execution alongside Alban Roe in 1642, emphasises the compassion and emotion of both Protestant and Catholic witnesses, all of whom were apparently 'moved to Tears at the Sight of them'.¹⁶³ The report goes on to comment that 'though the Crowd was extraordinary great, the Attention and Silence was such as might rather be expected in a Church than upon this Occasion'.¹⁶⁴ Like female criminals, the crowd could wield significant power through silence, demonstrating its solidarity with the victim and resistance to the state.

¹⁶⁰ Anon., *A true report of the inditement, arraignment, conuiction, condemnation, and Execution of John VVeldon, William Hartley, and Robert Sytton* (London, 1588), sig. C1.

¹⁶¹ R. B., *The seuerall executions & confessions, of Iohn Slade & John Bodye: traitours* (London, 1583), sig. A5; Munday, *A breefe and true reporte*, sig. B3.

¹⁶² Challoner, *Memoirs of Missionary Priests*, vol. 2, p. 213.

¹⁶³ Challoner, *Memoirs of Missionary Priests*, vol. 2, p. 189.

¹⁶⁴ Challoner, *Memoirs of Missionary Priests*, vol. 2, p. 191.

Although we know that many of these accounts were perhaps enhanced in order to support polemical agendas, they do provide an important glimpse into the significance of the crowd's role during public executions. The audience held the power to confirm or deny the supremacy of state power: they could cheer and encourage the executioner, making themselves active agents in the state's act of punishment, or they could cry, sing, pray, or even remain silent, exhibiting elements of sympathy for the condemned. Contemporary writers reported these sounding responses in a manner that bolstered their own polemical needs, fashioning the spectacle as an assertion of state power or, conversely, as a triumph of martyrdom.

Reclaiming Authority: Sounds of the State

The state recognised the social and political danger of public executions, especially those that offered a platform to eloquent and seductive religious dissenters, so measures were often put in place to underscore the unyielding power of the state. Indeed, they often used sound, particularly that of bells, as a method to literally amplify that power. Bellringing was one of the most familiar and evocative sounds for the early modern listener. The volume and resonance of bells made them ideal instruments for communicating a multiplicity of social, spiritual, and political messages throughout the community. Significantly, bells held a longstanding psychological connection with death, which made their presence during public executions particularly evocative. Before the Reformation, bells were rung before, during, and after death in an attempt to ward off any evil spirits waiting to claim the souls of the deceased, and also to remind parishioners to pray for a smooth and swift transition from purgatory to heaven. Throughout the sixteenth century, reformers sought to abolish such superstitious ideologies surrounding the mystical power of bells, especially their ability to drive away evil spirits. Attempts were also made to quell any excessive ringing after death, as such practices were founded on purgatorial beliefs.¹⁶⁵ Whilst the Elizabethan Injunctions of 1559 permitted the modest use of bells during funeral services, they maintained that such practices had no effect on the souls of the deceased.¹⁶⁶ But the attempt to reform such deeply engrained ideologies surrounding the power of bells and their relationship with death was unlikely to happen overnight. Indeed, evidence suggests that beliefs surrounding their spiritual powers

¹⁶⁵ For the impact of the Reformation on English bell ringing see Hill, *The Reformation of the Bells in Early Modern England*.

¹⁶⁶ Frere and Kennedy, *Visitation Articles and Injunctions*, p. 62.

lingered well into the seventeenth century, and parishioners undoubtedly continued to regard bells as facilitators of the smooth transition into heaven.¹⁶⁷

Due to their longstanding and complex relationship with death, bells could communicate a variety of different messages within the context of public execution. Practically speaking, they were used to summon people to the spectacle, either by the tolling of a particular bell, or by a special signal.¹⁶⁸ In London, large bells were used to call the community to the spectacle, whilst handbells were used to inform the criminal of his or her impending execution. In 1605, one Robert Dowe—a citizen and merchant tailor of London—donated fifty pounds to St. Sepulchre's church, the neighbouring church of Newgate prison, to ensure that:

when the Prisoners remaine in the Gaole, as condemned men to death, expecting execution on the morrow following, the Clerke of the Church should come in the night time, and likewise early in the morning, to the window of the prison where they lye, and there ringing certaine toules with a hand-bell, appointed for the purpose, he doth afterward (in most Christian manner) put them in minde of their present condition, and ensuing execution, desiring them to be prepared therefore as they ought to bee.¹⁶⁹

It was also ordained that the handbell should be rung when the condemned were brought forth from the prison to St. Sepulchre's church on the morning of their execution. This tradition was alluded to in a number of execution pamphlets from the period, suggesting that Dowe's request was fulfilled. For instance, the opening verse of a poem entitled 'The Cripples complaint in the Dungeon at Newgate', printed in an execution pamphlet from 1614, describes the ominous sound of the bellman tolling his handbell within the vicinities of the prison:

Me thinkes I heare a dolefull sound,
Within this dungeon under ground,
Prepare thy selfe (poore soule) to dye,
For so the Belmans voyce doth cry'.¹⁷⁰

¹⁶⁷ See Cressy, *Bonfires and Bells*, pp. 70-71; MacKinnon, 'The Ceremony of Tolling the Bell at the Time of Death' pp. 31-39; Dave Postles, 'Ring Out Those Bells: Death and the Social Order in Early-Modern Leicestershire', *Transactions of the Leicestershire Archaeological and Historical Society*, 80 (2006): pp. 31-41.

¹⁶⁸ For instance, the Cathedral of Angers in France tolled its great bell nine times in order to call its parishioners to a public execution: Garrioch, 'Sounds of the City', p. 12.

¹⁶⁹ John Stowe, *The survey of London* (London, 1633), p. 102.

¹⁷⁰ Anon., *Deeds against nature, and monsters by kinde* (London, 1614), sig. B1.

It appears that this tradition continued throughout the seventeenth century, as a pamphlet describing the execution of thirteen criminals in October 1679 remarked that 'It was a very sad thing to hear, the night before they suffered, when the Bell-man, *according to custom*, came to give them notice that they were to die the next morning'.¹⁷¹ On the one hand, these performances served as an ominous forewarning of the atrocities that were soon to be inflicted upon the bodies of these criminals; on the other, in accordance with the terms of Dowe's endowment, it afforded the prisoner an opportunity to reflect and prepare for his or her imminent death.

On the morning of the execution the 'greatest bell' of St. Sepulchre's would be rung 'in the form and manner of a passing bell'.¹⁷² In contrast to the private and intimate handbell performance, the ringing of the largest bell functioned as a public announcement calling the surrounding community to witness the display of sovereign power. The bell continued to ring whilst the condemned made his or her journey from Newgate to Tyburn, ceasing only when the grisly proceedings had concluded. Whilst the ringing functioned as a symbol of authority through which the state called the populace to witness its violent display of power, it also perhaps encouraged feelings of compassion and sympathy amongst audience members. The plaintive and repetitive tolling of the passing bell was an evocative sound, one that would have encouraged hearers to pray for the souls of those who were soon to meet their fate upon the gallows. References to the passing-bell in early modern balladry highlight its association with dying a 'good death': for instance, a song about the death of a respectable Cornishman associates the sound of his passing-bell with his smooth passage to heaven: 'Now the Bell doth cease to toul / Sweet Jesus Christ receive my soul'.¹⁷³ The sound of the passing bell might also have served as a source of comfort for the condemned: a pamphlet relating the execution of Mary Carlton in 1672 recounts the words that she spoke when she heard St. Sepulchre's bell begin to toll: 'This is my Passing-Bell, Lord Jesus I am coming to thee...It was trouble to me at first to dye, but now I have overcome it, and am satisfied', suggesting a sense of peace and contentment at hearing this consolatory sound.¹⁷⁴ On the other hand, one of the manuals used by Italian 'comforters'—individuals who were expected to assist the criminal in achieving a 'good death'—remarked that 'When the bell of the Podestà Palace first rings in the morning, you must be very strong because you will find most of

¹⁷¹ Anon., *The execution, last speeches & confessions, of the thirteen prisoners that suffered on Friday the 24th of October, 1679* ([London], [1679]), p. 3 (emphasis mine).

¹⁷² Walter Thornbury, *Old and New London: A Narrative of its History, its People, and its Places*, vol. 2 (London: Cassell, 1873), p. 484.

¹⁷³ Anon., *A very Godly Song, intituled, the Earnest Petition of the faithful Christian, being Clerk of Bodnam, made upon his Deathbed* ([London, 1641-1703?]), EBBA 31144.

¹⁷⁴ Anon., *The Deportment and carriage of the German princess immediately befor her execution and her last speech at Tyburn* (London, 1672), p. 3.

them become completely overwhelmed and that many grow faint. And then you must ardently comfort him'. This testimony suggests that for some, the sound of the passing bell was overwhelming and terrifying.¹⁷⁵ Ultimately, the meaning and significance of these sounds was different for different people: whilst they could serve as a symbol of state power, inciting fear into the hearts and minds of those present, they could also relay a spiritual message, one that provided a sense of comfort and consolation for the condemned.

The silencing of bells could be as striking as their aural presence.¹⁷⁶ A pamphlet from the late seventeenth century remarked that it was 'usual' for St. Sepulchre's bell to be rung for 'felons', but it was 'not customary' for it to be rung at the executions of 'wicked Traytors'.¹⁷⁷ The French were accustomed to a similar tradition, as their church bells were often silenced at the executions of those deemed 'unworthy' of this auditory experience.¹⁷⁸ Since the majority of English Catholics were executed for treason, rather than heresy, it is therefore likely that they were not afforded the auditory consolation of a passing bell before and during their execution. The silencing of this bell imposed a particularly reprehensible status onto the victim, as it suggested that the condemned was not worthy of the prayers of those present. The removal of this spiritually significant sound also helped the state desacralise the space, reminding those present that this was a secular affair, devoid of any martyrological or religious significance.

Bells were sometimes rung in a celebratory manner following the executions of prominent individuals, sounds which symbolised the triumph of state power. For instance, a ballad written after the discovery of the Babington plot of 1586 recalled that the bells did 'bravely ring' throughout the day and night in celebration of their demise.¹⁷⁹ Robert Adam Hill has noted that many accounts describing such practices explicitly state that the bells were not intended as passing or funeral knells, but as peals of joy, thus emphasising the state's victory. For instance, following the execution of Mary Queen of Scots in 1587 the bells at St. Botolph's in London reportedly rang 'for joy that the Queen of Scotland was beheaded'.¹⁸⁰ On the other hand, the parish of St. Andrew

¹⁷⁵ Sheila Das (trans.), 'The Bologna Comforters' Manual', in Nicholas Terpstra (ed.), *The Art of Executing Well: Rituals of Execution in Renaissance Italy* (Kirkville: Truman State University Press, 2008), pp. 271-275. The tradition of having 'comforters' to console the condemned in his or her final hours was unique to Italy.

¹⁷⁶ On the silencing of bells in other contexts see Toby Huitson, *Stairway to Heaven: The Functions of Medieval Upper Spaces* (Oxford: Oxbow Books, 2014), p. 77 and Garrioch, 'Sounds of the City', p. 13.

¹⁷⁷ Anon., *A true account of the confession and behaviour of the three late notorious traytors viz. Capt. Thomas Walcot, William Hone Joiner, John Rouse*. (London, 1683), p. 2.

¹⁷⁸ Corbin, *Village Bells*, p. 255.

¹⁷⁹ Thomas Deloney, *A most ioyfull Song, made in the behalf of all her Maiesties faithfull and louing Subiects* (London, 1586), EBBA 36315.

¹⁸⁰ Hill, *The Reformation of the Bells*, p. 207.

by the Wardrobe spent very little on bell ringers following Mary's death, suggesting that they adhered to a modest performance, perhaps in an attempt to mark respect rather than merriment.¹⁸¹ These choices of ringing style conveyed significant and potentially subversive messages to England's populace: whilst excessive ringing resonated as celebratory and triumphant, modest ringing was all too reminiscent of the consolatory passing bell, suggesting an element of reverence and sympathy for the victim. Like the pious and wilful performances of the condemned, these posthumous musical responses had the potential to shape and influence the community's response to an execution.

The state also recognised the power of silencing to reclaim authority over the execution space. For instance, upon remarking that the Protestant reformer John Hooper was 'as heretiques be, a vain-glorious person, and delyteth in his tongue, and having liberty, may use his sayd tongue to perswade such as he hath seduced', Queen Mary ordered that 'the sayd Hooper be neither, at the tyme of his execution, nor in goyng to the place therof, suffred to speak at large; but thither to be ledde quietly, and in sylence'.¹⁸² Efforts were often made to silence the victim, especially if he or she was particularly gifted at converting others to their cause. Those in positions of political and religious authority were charged with such responsibilities: there was usually a sheriff, a number of local officials, and a cleric present during proceedings, and it was their responsibility to ensure the smooth running of the execution, control the crowd, and temper any subversive statements from the condemned.¹⁸³ If the victim's sentence was for treason or heresy, it was also their responsibility to fashion a spectacle that showcased their status as a traitor or a heretic, rather than a triumphant and glorious martyr. The condemned was often silenced if he or she was making particularly subversive or provocative statements. For instance, when the aforementioned Marian martyr, Christopher Wade, implored the crowd to 'take hede of the doctrine of the whore of Babilon, exhorting them to imbrace the doctrine of the gospel preached in K. Edward his daies', the sheriff reportedly interrupted him and commanded him to be silent. As the reeds were placed around him before the fire was lit, Wade attempted to make an opening in the kindling so 'that his voyce might be heard' by the crowd, but the authorities present 'caste faggottes at the same hole' to silence him.¹⁸⁴ Similarly, when Cuthbert Maine became the first missionary priest to be executed in Elizabethan England in 1577 he was denied a gallows speech by the justices present, presumably for fear that he might incite subversion amongst the crowd, and when the Catholic priest William

¹⁸¹ Hill, *The Reformation of the Bells*, p. 208.

¹⁸² Gilbert Burnet (ed.), *The History of the Reformation of the Church of England*, vol. II (London, 1841), p. cccxxxi.

¹⁸³ See Covington, *The Trail of Martyrdom*, pp. 164-173.

¹⁸⁴ Foxe, *Actes and Monuments*, p. 1679.

Lacey implored the bystanders to renounce the heresy of Protestantism the hangman was hastened to 'fling him off the Ladder', silencing his voice for eternity.¹⁸⁵ Likewise, when Ralph Sherwin refused to confess to treason the sheriff 'debarred [him] of further speach', and the Catholic priest William Dean was gagged with a cloth when he endeavoured to convey his devotion to the cause upon the scaffold, which reportedly almost suffocated him before he was hanged.¹⁸⁶

One report suggests that authorities sometimes seized upon the very mode of resistance that martyrs had used to subvert the spectacle, using singing as a method of silencing. At the execution of the Catholic priest John Roberts in 1610, the minister present interrupted his final speech by ordering a group of criminals to sing 'Psalms according to the fashion of Geneva', to which Roberts retorted 'I pray you, cease that noise: it wearies me, and does you no good...In courtesy, sir, remember that I cannot be heard through that singing'.¹⁸⁷ If Roberts could not make his final performance audible then he was unable to communicate to his audience the cause for which he died, and thus bolster his claim to martyrdom. Furthermore, through the singing of metrical psalms, the authorities endeavoured to ensure that the soundscape of the execution reflected Protestant ideologies, as opposed to that of Catholicism.

By the latter half of the seventeenth century the state began to use other instruments such as trumpets and drums in order to silence the criminal and convey a sense of authority during the spectacle, especially at high profile executions. As we saw in chapter 2, instruments such as trumpets and drums were inherently associated with authority, virility, and warfare. Their militaristic dimensions transformed these instruments into powerful symbols of authority, penetrating the soundscape of the ritual in an attempt to establish the state's control over proceedings. For instance, during the execution of the political martyr Henry Vane, a leading Parliamentarian during the civil war, an array of trumpeters and drummers were stationed at the foot of the scaffold at Tower Hill. When Vane began to question the legality of his sentence, he was urged 'in a furious manner' to change the subject, to which Vane replied 'God will judge between me and you in this matter. I speak but matter of Fact, and cannot you bear that?'. Enraged by his obstinacy, the sheriff ordered the trumpeters and drummers to 'sound or murre in his face, with a contemptible noise, to hinder his being heard'.¹⁸⁸ Similarly, Richard Rumbold, condemned for his involvement with the Rye House Plot in 1685, was permitted to speak of civil and religious

¹⁸⁵ Challoner, *Memoirs of Missionary Priests*, vol. 1, p. 18; p. 113.

¹⁸⁶ Allen, *A briefe historie*, sig. E8; Pollen, *Unpublished Documents*, p. 327.

¹⁸⁷ Pollen, *Acts of English Martyrs*, pp. 163-164.

¹⁸⁸ Anon., *The tryal of Sir Henry Vane* ([London], 1662), p. 87.

matters upon the gallows, but the authorities ordered the drums to beat if he mentioned anything treasonous. When Rumbold began to speak about the 'Defence of this Party' and their 'Just Rights and Liberties' they began to 'Beat the Drums', but Rumbold signalled that they could cease their racket, for he decided to 'say no more of his Mind on that Subject'.¹⁸⁹ The execution of Charles I, perhaps the most notorious execution of the seventeenth century, was also accompanied by similarly authoritative sounds. Charles was executed outside the Banqueting House at Whitehall, a location that was chosen to 'undermine London's royalist culture' in front of the large crowd that gathered in the courtyard.¹⁹⁰ The official printed account of his demise reported that at about 'ten in the Morning the King was brought from St. James's walking on foot through the Park, with a Regiment of Foot, part before and part behinde him, with Colours flying, Drums beating', reflecting the sovereign's power and authority even as he approached his death, or, on the other hand, to symbolise the passing of that authority to the state.¹⁹¹

Although the state clearly adopted various strategies to control these ceremonies, the majority of which served to silence the voices of the condemned, that is not to say they were always successful in reclaiming authority over proceedings. Whilst many of these acts succeeded in restricting the audibility and therefore the agency of the condemned, they were not always effective at preventing sympathetic interpretations, as they often offered polemical writers an opportunity to expound on the oppression that such individuals faced. For instance, when a number of Catholics were silenced during their executions in 1588, one sympathetic eyewitness report remarked that although they were not permitted to speak, 'their very Silence spoke for them, and strongly recommended the Religion for which they so willingly died', suggesting that silence could be just as poignant as spoken or sung performances.¹⁹² These acts of silencing perhaps explain why many religious dissenters turned to the medium of song during their final moments: the singing of chants or psalms afforded individuals an opportunity to express their religious identity without being openly subversive, thus reducing the risk of being silenced or dispatched quickly. As we have seen throughout the course of this chapter, many of these musical performances conveyed elements of subtle subversion. Whilst these musical messages likely resonated with members of the audience sympathetic to their religious cause, they were not usually

¹⁸⁹ Anon., *The last words of Coll. Richard Rumbold* ([London], [1685]), pp. 2-3.

¹⁹⁰ On the symbolic significance of the Banqueting House as the place of Charles' execution see Patrick B. Tuite, 'From Antimasque to Execution: Revising History through Performance', in Allison Kavey and Elizabeth Ketner (eds.), *Imagining Early Modern Histories* (Farnham: Ashgate, 2016), pp. 51-80, at pp. 66-67.

¹⁹¹ Anon., *King Charls his speech made upon the scaffold at Whitehall-Gate* (London, 1649), sig. A2.

¹⁹² Challoner, *Memoirs of Missionary Priests*, vol. 1, p. 212.

perceived to be so openly rebellious that they warranted silencing, making them the perfect conduit for expressing one's resistance and identity on the gallows.

Conclusion

This chapter has presented the first thorough and detailed examination of the soundscapes of public executions, a contribution that I would argue is particularly overdue, as these rituals were not only visual spectacles, they were also inherently *sounding* events. As the crowd jostled to catch a glimpse of the condemned on the scaffold, the majority of these vast audiences would have experienced the spectacle aurally, rather than visually. This method of research does not simply tell us what a public execution might have sounded like; rather, it offers new perspectives for gauging how the sounds of executions were understood, experienced, and received by contemporaries, and it allows us to *hear* the complex power struggles that surfaced during these events. The sounds of singing, speech, shouting, and even silence served as powerful auditory signals, influencing the meaning and significance of these rituals amongst those who witnessed them.

Whilst many scholars have demonstrated that those persecuted for their religious beliefs took control of their deaths through their final speech, their choice of clothing, or use of symbolic gestures, it is clear that musical performances also contributed to the construction of martyrdom upon the scaffold. The act of singing was a powerful vehicle for expressing confessional identity, autonomy, and devotion, helping victims construct their own martyrological narrative at the moment of death. Secular criminals often appropriated these pious performances in an attempt to encourage sympathetic responses to and reports of their deaths, and female criminals used their voices to challenge and undermine patriarchal ideologies. The crowd's willingness to laugh, cry, shout, or even remain silent helped bolster the victim's claim to martyrdom, whilst the state attempted to reclaim authority over the scene through methods of silencing and displays of sonic power. Sound was used strategically, each party exploiting its potential to fashion and re-shape the space.

In Foucauldian terms, sound, and of course silence, can be understood as a mechanism of power, one that functions not only by means of repression, but one that could also resist the force of sovereign power. It is clear that the 'Theatre of Death' was not only a space for a form of repressive power that destroyed the bodies of criminals, but that it was also a platform for

strategies of resistance. This notion supports extant scholarship concerning public executions in early modern England: in the words of Lake and Questier, these were 'inherently unstable events, a species of dialogue, a partly scripted, partly extemporised series of exchanges between the . . . victim . . . authority, and the crowd'.¹⁹³ But this chapter has offered a more nuanced idea of *how* these exchanges were articulated, the dynamics of these power struggles, and the ways in which power was wielded which, as we have seen, was often through embodied, and more generally, sonic performances. By shifting the focus of attention to include the entire soundscape, I have highlighted the complexities of these power exchanges, showing that subversion could be articulated in particularly creative and indeed musical ways, and was certainly not limited to the realm of the last dying speech.

¹⁹³ Lake and Questier, 'Agency, Appropriation and Rhetoric under the Gallows', p. 106.

CHAPTER FIVE

Come Listen to my Mournful Tale:

Execution Ballads and the Popular Imagination

Now like the Swan before my death I sing,
And like the Raven heavy newes I bring,
Oh dismall fate, and cruell destiny,
Which brought me here in this same sort to die.¹

These words, taken from the first verse of a ballad entitled *The godly end, and wofull lamentation of one John Stevens, a youth, that was hangd, drawne, and quartered for High-Treason, at Salisbury in Wiltshire*, were typical of the style and genre of execution or 'goodnight' ballads. The song comprises a first-person narrative in which the protagonist describes his life and moral downfall, the circumstances of his trial and execution, a statement of admonition aimed at potential wrongdoers, an exhortation of repentance, and an expression of loyalty to the monarch, tropes which were common to many execution ballads and, as we have seen, were also common features of execution pamphlets. The account of Stevens' death is particularly gruesome and detailed, enticing curious minds whilst also deterring potential criminals from landing the same fate: the protagonist describes how he will be strangled with a rope in a 'shamefull manner for each one to see', before his 'members' and 'bowels' will be pulled forth and scorched in a 'flaming fire'. He subsequently laments at how 'ravenous Fowles' will feed upon his flesh when his body parts are displayed on the city gates. The evocative description of Stevens' death is complemented by the woodcut illustrations that appear on the ballad sheet (see fig. 5.1), the first showing his body hanging on a scaffold, the second his limbs being devoured by birds. The macabre lyrics were to be sung to one of the most popular ballad tunes from the period, 'Fortune my Foe', a melody which was used to accompany songs about execution so frequently it eventually became known as 'the hanging tune'.² This plaintive Dorian melody consists of four simple phrases that move predominantly in stepwise motion, extending to just seven pitches in total; its simplistic and repetitive nature makes a particularly indelible impression in one's memory. Whilst some singers or listeners might have felt sympathy for Stevens, a penitent sinner who professed his loyalty to the state, others perhaps considered his 'dismall fate' and 'cruell destiny' to be an appropriate punishment for his treasonous crime. As the

¹ Anon., *The godly end, and wofull lamentation of one Iohn Stevens* (London, [1633]), EBBA 30327, verse 1.

² For instance, one seventeenth-century stage play refers to 'scurvy ballads...Sung to the Hanging Tune': Samuel Rowley, Thomas Dekker, and John Day, *The noble souldier. Or, A contract broken, justly reveng'd A tragedy* (London, 1634), sig. D4^v.

spectacle of Stevens' execution endured through the medium of song, men and women were afforded another opportunity to experience, engage with, and respond to his gruesome fate.

Fig. 5.1: Anon., *The godly end, and wofull lamentation of one Iohn Stevens* (London, [1601-1640?]), EBBA 30327, woodcut illustrations.



In the previous chapter we explored the lived and sounding experiences of public executions, but how were the deaths of those such as John Stevens reported and remembered *after* the victims' demise? Execution ballads, such as the one briefly illustrated above, were an extremely popular form of news media in early modern England. Taverns, marketplaces, homes, and even the execution space itself resounded with the singing of these macabre ditties, allowing the public to reflect upon and relive the brutal spectacle through the medium of song. Published and sold as cheap single-sheet broadsides, these songs were sung to popular ballad tunes that circulated via oral and literary means. Although the ballad sheets themselves rarely contained any kind of musical notation, they typically included a note in the title indicating which tune the ballad should be sung to. These popular and memorable melodies were used over and over again for a variety of different ballads, garnering new thematic and emotional associations with each rendering. The reuse of familiar tunes for new texts—a technique known as 'contrafactum'³—raises important questions

³ Although musicologists often use the term 'contrafactum' to refer to the substitution of a sacred text by a secular one or vice versa, I use the term in this chapter to refer to the reuse of familiar tunes for any new text, as do scholars such as Rebecca Wagner Oettinger and Una McIlvenna: Oettinger, *Music as Propaganda in the German Reformation* and Una McIlvenna, 'The Power of Music: The Significance of Contrafactum in Execution Ballads', *Past & Present*, 229/1 (2015): pp. 47-89.

concerning the reception and experience of execution ballads: how did the cultural associations of a melody amplify or subvert the meaning of a ballad text? And to what extent did the melodies of these songs influence the perception of public executions in the popular imagination? As we have seen in chapter 2, it is only when we consider the musical and performative dimensions of popular songs that we can fully grasp their social and cultural significance, especially as music in itself can add another layer of meaning to a text.

In the past, historians and literary scholars tended to focus on the textual dimensions of balladry, often disregarding their inherently musical nature. For instance, in her ground-breaking study of the English street ballad in 1990, Natascha Würzbach stated that the melodies of ballads bore 'no definite functional interrelation' with the texts, thus making them somewhat irrelevant.⁴ More recently, however, a number of scholars have devoted attention to the sounding nature of balladry, addressing the musical as well as the textual dimension of these songs.⁵ As Bruce Smith has rightly noted, ballads belong, first and foremost, in the 'lungs, larynx, and mouth', whilst Christopher Marsh has argued that for early modern men and women, ballads were 'inescapably a form of music'.⁶ Indeed, early modern people certainly shared these sentiments: in the preface to a collection of royalist songs from 1660, the author remarks that 'If thou read these Ballads (and not sing them), the poor Ballads are undone', pointing to the significance of oral, and specifically musical, delivery.⁷ Some of the most enlightening scholarship on the musical dimensions of balladry has focused on the practice of contrafactum, demonstrating that the reuse of melodies could add further dimensions of meaning and significance to the texts.⁸ For instance, Sarah

⁴ Natascha Würzbach, *The Rise of the English Street Ballad* (Cambridge: Cambridge University Press, 1990), p. 9. Other studies that have somewhat overlooked the musical nature of balladry include Tessa Watt, *Cheap Print and Popular Piety, 1550-1640* (Cambridge: Cambridge University Press, 1994), and the majority of essays in Patricia Fumerton and Anita Guerrini (eds.), *Ballads and Broadides in Britain, 1500-1800* (Farnham: Ashgate, 2010).

⁵ For studies of the oral dimensions of balladry see Fox, *Oral and Literate Culture*, pp. 299-334; Hyde, *Singing the News*; Marsh, 'The Sound of Print in Early Modern England', pp. 171-190; Marsh, *Music and Society*, pp. 225-327; Marsh, 'Fortune my Foe: The Circulation of an English Super Tune', pp. 308-330; McIlvenna, 'The Power of Music', pp. 47-89; Una McIlvenna, 'The Rich Merchant Man, or, What the Punishment of Greed Sounded Like in Early Modern Europe', *Huntington Library Quarterly*, 79/2 (2016): pp. 279-299; McIlvenna, 'When the News was Sung', pp. 317-333; Diana Poulton, 'The Black-Letter Broadside Ballad and its Music', *Early Music*, 9/4 (1981): pp. 427-437; Smith, *The Acoustic World of Early Modern England*, pp. 168-205; John Ward, 'The British Broadside Ballad and Its Music', *Journal of the American Musicological Society*, 20/1 (1967): pp. 28-86; Williams, *Damnable Practises: Witches, Dangerous Women, and Music*; Sarah Williams, '"Lasting-Pasted Monuments": Memory, Music, Theatre, and the Seventeenth-Century English Broadside Ballad', in Linda Phyllis Austern, Candace Bailey, and Amanda Eubanks Winkler (eds.), *Beyond Boundaries: Rethinking Music Circulation in Early Modern England* (Bloomington: Indiana University Press, 2017), pp. 96-113.

⁶ Marsh, *Music and Society*, p. 233; Smith, *The Acoustic World*, p. 170.

⁷ Alexander Brome, *The Rump, or A collection of songs and ballads, made upon those who would be a Parliament* (London, 1660), preface.

⁸ On the significance of contrafactum in other genres of popular music see Oettinger, 'Thomas Murner, Michael Stifel, and Songs as Polemic', pp. 45-100, and Alexander Fisher, 'Song, Confession, and Criminality: Trial Records as Sources for Popular Musical Culture in Early Modern Europe', *Journal of Musicology*, 18/4 (2001): pp. 616-657.

Williams has argued that the tunes used to accompany ballads about witches or miscreant women became 'stigmatised, and indeed feminised, through their frequent association with lurid or transgressive subject material'.⁹ Una McIlvenna's work on the significance of contrafactum in execution ballads is particularly pertinent to the research presented in this chapter. By examining a variety of execution ballads across Europe, McIlvenna considers how these songs were used as a medium for broadcasting news about crime and execution. She argues that the tunes of these songs were 'intended to provoke in the singer or listener specific emotions about the condemned and their actions'.¹⁰

Building on McIlvenna's work, this chapter offers an analysis of the musical dimensions of English execution ballads from the sixteenth and seventeenth centuries, particularly in an effort to draw attention to the potential *instability* of meaning in these songs. Ballads meant different things to different people, depending on their own cultural and social experiences, much like the spectacle of execution itself. Whilst the text and melody of a ballad might have been devised in an attempt to provoke a specific reaction amongst consumers, I argue that these songs still remained open to diverse and contradictory interpretations, and that the messages conveyed within text and melody were sometimes in conflict. Such an approach not only broadens our understanding of the musical dimensions of ballad culture, it also sheds light on early modern perceptions of capital punishment by exploring how men and women *heard* about, and subsequently made sense of, these events. I begin by offering some general observations regarding the nature of balladry in early modern England, before introducing the sources used for this research. In the remainder of the chapter I explore the context and nature of the melodies used for these songs: we will analyse two execution ballad 'super-tunes', explore the evolution of a tune known as 'Welladay', examine some of the melodies associated with female criminality and finally, we will investigate how ballads served to memorialise or rebuke martyrs and traitors. In short, this chapter will open our ears to the various and often contradictory ideologies that these songs conveyed about the spectacle of public execution, thus broadening our understanding of how capital punishment was perceived and understood in early modern England.

⁹ Williams, *Damnable Practises*, p. 5.

¹⁰ McIlvenna, 'The Power of Music', p. 49.

The Broadside Ballad in Context

The printed broadside ballad was usually published on a single sheet and sold for around a penny by ballad mongers who sang and read them in public spaces in the cities, and by pedlars in the country. Although ballads were a staple part of early modern print culture, it is important to remember that, like libels, they sat on the periphery between literary, visual, and oral culture. Indeed, the appeal of broadside ballads lay in their powerful combination of word, image, and melody: their texts addressed a wealth of different topics, such as current events, history, politics, crime, love, and education. The majority of broadsheets included woodcut illustrations which complemented the text, offering consumers, especially the non-literate, another medium through which to engage with the ballad. And finally, their simple and catchy tunes, characterised by uncomplicated melodic and rhythmic structures, meant that the songs could be easily memorised and shared orally. These familiar tunes—which according to the clergyman and author William Slatyer were 'every where in this Land familiarly used and knowne'—were used over and over again, and must have been firmly embedded in the minds of early modern men and women.¹¹ The tradition of melodic recycling or contrafactum meant that tunes usually became associated with various different names, which often makes it rather complicated to trace the genealogy of one particular melody. For instance, a tune known as 'In Peascod Time' soon became known as 'The Ladies Fall' after it was assigned to a particularly popular ballad entitled *A lamentable ballad called The Ladyes Fall*; this is a fairly straightforward example, but some ballad tunes could garner up to four or five different names. Many of these tunes were borrowed and adapted by contemporary composers, and it is these renderings that are responsible for the survival of the majority of ballad tunes we have today.

From 1557, anyone who wished to publish a ballad was required to register the song with the Stationers' Company, a process which worked to ensure that no seditious or dangerous material was allowed into circulation. Hyder Rollins has identified around three thousand ballad entries in the Stationers' Register (the record book maintained by the Stationers' Company) between 1557 and 1709, but this undoubtedly represents only a fraction of what was actually circulating in print at the time; indeed, of the 122 ballads examined for the present study, only 17 have corresponding entries within the register.¹² Until around 1637 there was no obligation to enter the details of the

¹¹ William Slatyer, *Psalms, or songs of Sion turned into the language, and set to the tunes of a strange land* (London, 1631), title page. Slatyer's decision to publish a book of psalms set to common ballad tunes was particularly controversial, and the book was ordered to be burned on the 9 July 1631: see Marsh, *Music and Society*, pp. 420-421.

¹² Rollins, 'An Analytical Index', pp. 1-324.

publication into the Stationers' Register itself: the publication rights that had been paid for could simply be written onto the manuscript; in fact, purchasers were required to pay an additional fee to have the details copied into the register.¹³ This meant that there were probably far more ballads registered with the company than those physically recorded in the register: Furthermore, as Claude Simpson has noted, many ballads were probably printed without a license at all, so it is difficult to estimate just how many of these songs were circulating in sixteenth- and seventeenth-century England, but it was certainly a great deal more than the three thousand that Rollins identified in the Stationers' Register.¹⁴

Once purchased, consumers could carry these sheets around with them, share them with friends in the local alehouse, paste them onto the walls of their home, or teach them to their family.¹⁵ Some individuals from the upper ranks of society, such as the famous diarist Samuel Pepys (1633-1703), collected ballad sheets, organising them according to themes and genre; it is the fastidious collecting habits of individuals such as Pepys that has resulted in the survival of many of the ballads that we have today. But it is important to remember that ballads were considered to be cheap and disposable for the majority of early modern consumers. They were often recycled for a variety of different purposes: some were pasted onto the interior or exterior walls of public and private spaces, used as linings for books, or even used as toilet paper.¹⁶ Inevitably, such customs have resulted in the survival of far fewer ballad sheets than would originally have been in circulation. Indeed, Tessa Watt has posited that if we consider the number of published ballads in the second half of the sixteenth century, combined with the number of sheets printed in a single run, there could have been up to four million ballad sheets in circulation during this period alone.¹⁷

The execution ballad genre was well established by the end of the sixteenth century. These gruesome and sensationalist tales of crime and punishment were a vital medium for communicating information about public executions, especially as their oral realisations catered to an illiterate audience. Like the execution pamphlets that we explored in the previous chapter, execution ballads were largely formulaic in nature: as we have seen in the ballad about John

¹³ Tiffany Stern, 'Plays in the Stationers' Registers in the time of Shakespeare', *Literary Print Culture: The Stationers' Company Archive* (2017): <<http://www.literaryprintculture.amdigital.co.uk/Essays/TiffanyStern>> [accessed June 25, 2020].

¹⁴ Simpson, *The British Broadside Ballad*, p. xi (fn. 6).

¹⁵ Many surviving ballad sheets still show fold marks, indicating that early modern consumers folded these sheets in order to carry them around in their pockets.

¹⁶ On the culture of pasting ballads onto walls see Watt, *Cheap Print and Popular Piety*, pp. 192-195.

¹⁷ Watt, *Cheap Print and Popular Piety*, p. 11.

Stevens, they were usually written in the voice of the condemned criminal, and included a description of his or her moral downfall and crime, a statement of repentance, and some cautionary verses designed to deter potential wrongdoers. First-person narratives invited the singer or reader to put themselves in the shoes of the protagonist, helping them to engage and empathise with the wide range of emotions portrayed in these songs, such as shame, repentance, fear, and compassion, each of which could provoke contrasting responses amongst consumers.¹⁸ These songs certainly affected and influenced popular perceptions of crime and punishment, even though the stories narrated in such songs were not necessarily factually correct. In his account of the crime and punishment of Elizabeth Sawyer in 1621, Henry Goodcole wrote that his pamphlet sought to 'defend the truth of the cause, which in some measure, hath received a wound already, by most base and false Ballets', suggesting that these songs were not always accurate, but were nevertheless influential in shaping people's perceptions of crime and execution.¹⁹ Due to their widespread popularity and emotional power, they should be considered an integral source for exploring perceptions of public execution in the early modern world.

The analysis presented in this chapter is based on the study and collation of 122 English execution ballads from the sixteenth and seventeenth centuries (the full list can be seen in the appendix). Of course, this by no means represents the total number of execution ballads in circulation during this period, especially as many have probably not survived. As I am interested in the ways in which the public interpreted and responded to capital punishment, I have chosen to only include ballads that specifically refer to the spectacle of execution itself, rather than those that address issues of crime or imprisonment more generally. The majority of ballads in the sample appear to date from the seventeenth century, which is purely due to the larger number of sources that have survived from this period. However, many of the extant ballad sheets from the seventeenth century were actually of sixteenth-century origin, so even if a printed broadside sheet includes a date, which they most often do not, this does not necessarily refer to its original publication date.²⁰ In some cases, if a record of the song survives in the Stationers' Register it is possible to trace the ballad's original publication date, but as I have already noted, relatively few ballads made it into the register, and even when they did, the entry might refer to a later edition of an earlier song. As can be seen in the appendix, it is difficult to date any of the ballads in question

¹⁸ On the emotional aspects of execution ballads see Joy Wiltenburg, 'Ballads and the Emotional Life of Crime', in Fumerton and Guerrini (eds.), *Ballads and Broadides in Britain*, pp. 173-186.

¹⁹ Henry Goodcole, *The wonderfull discoverie of Elizabeth Sawyer a witch* (London, 1621), sig. A3.

²⁰ For instance, a court order commanding 'Pavier and partners' to register their ballads 'heretofore disorderly printed without entrance or allowance' in 1624 instigated a mass registration of ballads during this year, many of which originated from the sixteenth century: see Watt, *Cheap Print and Popular Piety*, pp. 74-130, quote at p. 75.

with any real accuracy; that being said, it is likely that many of them were first published shortly after the protagonist's execution.²¹

Whilst the vast majority of the ballads consulted for this research circulated in print, I have chosen to include a few that survive in manuscript only, as well as the records of two songs that we know were circulating but have subsequently been lost. Of the 122 ballads studied, 113 survive as printed broadside sheets, 7 survive in manuscript only, and 2 are lost, but records of their existence can be found in the Stationers' Register. The majority of these ballads are anonymous, with only 24 (21%) including the author's name or initials. The majority of ballad writers came from the lower to middling ranks of society, and many of them maintained other jobs to support their income: for instance, we know that the renowned ballad writer Martin Parker was also an alehouse keeper in London.²² On the whole, ballad writers did not have a particularly good reputation amongst their literary superiors, which is perhaps why the majority of them chose to remain anonymous.²³

Almost all of the 113 printed ballads in the sample include a woodcut image, and 67 contain a picture specifically depicting the spectacle of execution, providing the singer/listener with a visual prompt when recounting these gruesome tales. Although 67 ballads in the sample include images of hangings, burnings, or beheadings, there are only 35 distinct woodcut images in the sample, attesting to the prevalence of woodcut recycling. For instance, the image shown in fig. 5.2—which shows a blindfolded and well-dressed man hanging from a scaffold, surrounded by a crowd of people, some of whom are peering out of onlooking windows—appears on seven different ballad sheets within the sample. As in the case of melodies, it was common practice to reuse the same image multiple times: whilst the tune of a ballad was usually selected by the author, the woodcuts were generally chosen by the printer, whose decision depended on what he could get his hands on at the time. There was a great deal of time and money that went into the creation of new woodcut images, so they were often traded and shared amongst printers, and sometimes copied for reuse. Patricia Fumerton and Christopher Marsh have both emphasised the significance of woodcut recycling, arguing that the re-use of pre-existing images allowed consumers to create

²¹ Interestingly, the condition of woodcut images can sometimes be used to help date ballads, as they wore down with use, or became infested with woodworms. See Simone Chess, 'Woodcuts: Methods and Meanings of Ballad Illustration', *English Broadside Ballad Archive*: <https://ebba.english.ucsb.edu/page/woodcuts> [accessed 30 June 2020].

²² Angela McShane, 'Parker, Martin', in Garrett A. Sullivan and Alan Stewart (eds.), *The Encyclopaedia of English Renaissance Literature*, vol. III (Oxford: Wiley-Blackwell, 2012), pp. 764-765.

²³ Marsh, *Music and Society*, pp. 228-229.

visual cross-references and links between ballads.²⁴ When a ballad consumer saw an image of a man or woman hanging from a scaffold or burning in the flames it is likely that they had seen that same image before, instigating the recollection of other ballads and executions associated with that image.

Fig. 5.2: W. P., [...] *Being a sad and true relation of the Apprehension, Tryal, Confession, and Execution of the two barbarous and bloody Murtherers* (London, [1675]), EBBA 20762, woodcut illustration.



Of the 122 ballads included in this study, 111 (91%) indicate which tune they should be sung to, and three of the ballads containing tune inscriptions offer the consumer the choice of two different melodies. Whilst there are 111 ballads that specify their tune, there are only 38 distinct

²⁴ Patricia Fumerton, 'Not Home: Alehouses, Ballads, and the Vagrant Husband in Early Modern England', *Journal of Medieval and Early Modern Studies*, 32/3 (2002): pp. 493-518 and Christopher Marsh, 'A Woodcut and its Wanderings in Seventeenth-Century England', *Huntington Library Quarterly*, 79/2 (2016): pp. 245-262.

melodies in the sample, a discrepancy which is due to the aforementioned practice of contrafactum; the different tune names and the number of times they appear within the sample can be seen in Table 5.1. As I mentioned earlier, ballad tunes were often associated with various different names, so for clarity I have used the standardised tune names as they appear in Claude Simpson's catalogue of ballad melodies.²⁵ Unfortunately, there are ten tunes in the sample that cannot be identified: they might be alternative names for pre-existing tunes, or they may refer to original melodies that have not survived in other sources.

Table 5.1: List of tunes and appearances in ballad sample

Tune Title	Number of Appearances
All You That Love Good Fellows	1
Bleeding Heart (unknown)	4
The Bonney Christ Church Bells	1
Bragandary (unknown)	4
Chevy Chase	1
Come Live With Me And Be My Love	3
Dainty Come Thou To Me (unknown)	2
Delicate Scottish Tune (unknown)	1
Digby's Farewell	4
Essex' last Goodnight	1
Fond Boy	1
Fortune My Foe	22
Gerard's Mistress	1
Greensleeves	1
He That Loves Best Must Suffer Most	1
How Unhappy Is Phyllis In Love, Or, Let Oliver Be Forgotten	1
In Peascod Time	3
In Summer Time	2
John Careless	1
Lusty Gallant	1
Ned Smith (unknown)	2
Now, Now, The Fight's Done (unknown)	1
O Man in Desperation	4
On the Bank of a Brook	1
Packington's Pound	4
The Rich Merchant Man	7
Rogero	1
Row Well Ye Mariners	1

²⁵ Simpson, *The British Broadside Ballad*.

Russell's Farewell	21
The Scotch Haymakers	1
Sick, Sick	3
Tender Hearts of London City	1
Triumph and Joy (unknown) ²⁶	1
Troy Town, Or, Queen Dido	1
Welladay	6
Wharton (unknown)	1
Wilson's New Tune (unknown)	1
The Young Man's Legacy (unknown)	1

As we can see, some melodies, such as 'Fortune My Foe' and 'Russell's Farewell', were particularly popular choices for execution ballads, garnering inherent associations with the genre, whilst others appear only once or twice within the sample. As we turn our attention to the significance and cultural associations of these melodies, it is important to remember that ballad tunes were not always selected by the author in an attempt to add another layer of meaning to the text; other factors were likely taken into consideration when selecting a tune, such as the structure of the text and the popularity of the tune. Any attempt to fathom exactly what the author's intentions were when selecting a tune is hazardous, and it is arguably much easier, and indeed more fruitful, to explore the potential interpretations that these choices provoked amongst *consumers*. By focusing on what these melodies meant and signified to early modern men and women we can interrogate the ways in which they reminisced about the spectacle of execution, and the various ways in which these displays endured in the popular imagination.

'Fortune My Foe' and 'Russell's Farewell': The 'Super-Tunes' of the Execution Ballad Genre

As can be seen in Table 1, one of the most popular melodies used for execution ballads was 'Fortune My Foe', a tune also commonly known as 'Aim Not Too High'.²⁷ Christopher Marsh has referred to this melody as an early modern 'super-tune', as he has identified at least eighty-four extant ballads that were paired with it.²⁸ The appeal of this sombre melody, which can be seen in Ex. 5.1, is likely due to its simple and memorable nature: it consists of just four phrases, the first

²⁶ This was potentially another name for the popular tune known as 'Greensleeves'. We will discuss this possible relationship in more detail shortly.

²⁷ On the use of this tune for execution ballads see Marsh, 'Fortune My Foe', pp. 321-327 and McIlvenna, 'The Power of Music', pp. 61-62. On the use of this tune for ballads about witchcraft and dangerous women see Williams, *Damnable Practises*, pp. 65-74.

²⁸ Marsh, 'Fortune My Foe', p. 308 and p. 312.

of which is repeated in the second phrase, aiding memorability. The melody is characterised by repeated notes and stepwise motion, the largest leap being no larger than a fifth, whilst its melodic range spans less than an octave, covering only seven notes in total. It is also characterised by simple and repeated rhythmic patterns; indeed, phrases 1, 2, and 3 are rhythmically identical. Many of these melodic and rhythmic features are associated with what we call 'ear-worms'—a catchy piece of music that plays continuously in one's mind—so it is unsurprising that it was so popular in its day.²⁹

Ex. 5.1: 'Fortune My Foe' (transcribed from Simpson, *The British Broadside Ballad*, p. 227).



'Fortune My Foe' is a Dorian melody, a mode which is similar to the modern-day harmonic minor scale, but without the flattened sixth and sharpened seventh.³⁰ In contemporary Western music we often associate major keys with happiness and minor keys with sadness; early modern people also believed that modes could stir up specific emotional responses, and a number of musicians and music theorists made repeated references to the concept of modal affect.³¹ For instance, the author of *The Praise of Musicke* (1586) acknowledges that modes can be 'chast and temperate: some amorous and light, othersome warlike, others peaceable, some melancholicke and dolefull, others pleasant and delightfull'.³² Charles Butler describes the Dorian mode as 'sober' and

²⁹ On the concept of 'ear-worms' see Oliver Sacks, *Musophilia: Tales of Music and the Brain* (London: Picador, 2011), pp. 41-48.

³⁰ It is important to note, however, that attributing specific modes to tunes from this period can be difficult, and these attributions are often possibilities rather than certainties. The majority of ballad tunes survive only in instrumental sources, so it is possible that the original tunes were altered and adapted in a way that might call these attributions into question. Furthermore, the seventeenth century saw the gradual and complex move from modality to tonality, a shift which further complicates the exercise of modal attribution during this period.

³¹ Literature on modal affect in the early modern world is vast, but for the purpose of this study, I focus on tracts emanating from early modern England. For an introduction to modal theory see Liane Curtis, 'Mode', in Tess Knighton and David Fallows (eds.), *Companion to Medieval and Renaissance Music* (London: J. M. Dent & Sons), pp. 255-264.

³² Anon., *The praise of musicke*, p. 54.

'slow-timed', ideal for stirring up feelings of 'sobriety, prudence, modesty, and godlines', whilst it is described as 'a kind of grave and solemn Musick' in one seventeenth-century dictionary.³³ Its associations with gravity, sobriety, and solemnity certainly made it an ideal choice for melodies accompanying texts about crime and punishment. Whilst ideas surrounding modal affect were certainly widespread during this period, it is important to remember that the general early modern public did not necessarily consciously identify the mode and its corresponding affect. However, it is likely that listeners were subconsciously aware of the different affectations, especially with modes such as Dorian, as it was used to reflect plaintive themes so frequently.

There are at least twenty-two extant execution ballads set to this sombre and melancholic melody, and as I mentioned earlier, its popularity as an execution melody meant that it was often referred to as 'the hanging tune'. When early modern men and women heard this tune reverberating throughout the streets, or resonating within the vicinities of the local alehouse, they perhaps conjured up the spectacles of executions that they themselves had witnessed. But 'Fortune' was not used exclusively for execution ballads; as Christopher Marsh has shown, it was also a popular choice for ballads about romance and godly morality. Those addressing themes of romance, of which there are relatively few, concentrate on themes of dejection and unrequited love, whilst those of a religious nature usually serve as moral and religious warnings, often ruminating on the 'interplay between misery and mercy'.³⁴ So whilst this tune could have evoked various different thematic associations within the minds of the audience, the majority of these were associated with negative and melancholic emotions. Executions ballads set to this well-known 'super tune' meant different things to different individuals according to their past experiences with the tune, but there is little doubt that it was the ideal melody for evoking sorrowful emotional responses.

By the end of the seventeenth century, a tune known as 'Russell's Farewell' had superseded 'Fortune My Foe' as the most popular melody for execution ballads. This tune, which was sometimes referred to as 'Johnson's Farewell', was used for no fewer than fifty ballads during its heyday, and there are twenty-one execution ballads in the current sample that co-opt it. The tune name originated from a ballad entitled *The Lord Russels Last Farewel to the World*, which recounted the downfall and execution in 1683 of Lord William Russell, who was implicated in the attempt to assassinate Charles II and his brother and heir, the Duke of York, a conspiracy known as the Rye

³³ Butler, *The principles of musik*, sig. A1; Thomas Blount, *Glossographia, or, A dictionary interpreting all such hard words of whatsoever language* (London, 1661), sig. O3^v.

³⁴ Marsh, 'Fortune My Foe', pp. 316-321, quote at p. 318.

House Plot.³⁵ This ballad, rather unusually, includes original musical notation for the tune, as can be seen in fig. 5.3; as it happens, the music is wrongly barred and contains a number of errors, but Simpson has reconstructed the tune in his collection of ballad melodies, as transcribed in Ex. 5.2. In comparison to the solemn and stately 'Fortune My Foe', 'Russell's Farewell' is relatively complex and difficult to memorise, which is perhaps why the author and/or printer elected to print the music on the ballad sheet. Whilst 'Fortune' extends to just seven pitches, 'Russell's Farewell' has a much wider melodic range, extending to eleven different notes in total. Like 'Fortune', it consists of four musical phrases, but these are rather more elaborate as they are interspersed with florid quaver passages, especially in the final phrase, as well as a handful of wide vocal leaps. Whilst it is undoubtedly not as catchy as the simpler 'Fortune My Foe', it does have certain qualities that aid memorability. For instance, there is a degree of melodic and rhythmic repetition, as can be seen in the replication of the two opening bars at the beginning of the second phrase. Furthermore, there is an absence of complex rhythmic patterns and, whilst it includes some wide intervals, the melody moves predominantly in stepwise motion. Perhaps audiences were growing tired of the doleful and monotonous sounds of 'Fortune', turning to this new and more complex tune as a stimulating alternative for execution ballads.

Ex. 5.2: Verse 1 of *The Lord Russels Last Farewel to the World* (EBBA 32393) set to 'Russell's Farewell' (tune transcribed from Simpson, *The British Broadside Ballad*, p. 622).

Fare - well fare-well to Mor - tal Po-wers and fond Am - bi - tious Fools; Now

guit - less Blood re - quir - eth - ours from Pro - vi - dence that Rules. Fare -

well to Mon - mouth Hor - ned Grey, who are from Ju - stice fled; And

left me to this fa - tal day to loose my Plot - ting Head

Fig. 5.3: Anon., *The Lord Russels Last Farewel to the World* ([London], 1683), EBBA 32393.

THE
Lord RUSSELS
Last Farewel to the VVorld.

A S O N G.



Farewel, farewel to Mortal Powers,
and fond Ambitious Fools;
Now guiltless Blood requireth ours,
from Providence that Rules.
Farewel to *Monmouth*, Horned Grey,
who are from Justice fled;
And left me to this fatal Day,
to loose my Plotting Head.

II.

Of all the Lords of our Cabals,
I am the first that Dyes
Byth' hand of Justice, which foretells
a Counter Sacrifice;
That Blazing-Star at *Stafford's* Death,
foretold a fatal Change:
Now I declare, with my last breath,
it is but just Revenge.

III.

Farewel to our late Parliaments,
which made Three Kingdoms shake;
Our Lawless Votes (my Soul torments)
was for Rebellions sake:
Th'Exclusive Bill I did promote
with vigour, spleen, and power;
Thereby to cut a Monarchs Throat,
that caus'd this Bleeding Hour.

IV.

The best of Kings I sought to Kill,
and draw'd in Thousands more:
Who neither wanted Wealth nor Will,
and Traytors long before:

Besides the Peasants and the poor,
for Insurrection bent;
To lay the Kingdom all in gore,
to please a *Parliament*.

V.

We neither feared Law nor Right,
Prerogative nor Fate;
Impeached Queen and Duke for spight,
to make the King afraid:
We thought he durst not call to count
our great Conspiring Heads;
But now like me they all must mount,
and fall into the Shades.

VI.

If we had Hang'd *Tony* and *Tom*,
when first the Plot begun;
Then I to this had never come,
nor *James* from Justice run:
Denying of the Plot's in vain,
since *Essex* cut's own Throat;
Both *Rouse* and *Walcot* owns the same,
and all the rest must do't.

VII.

For my Confession I commit
toth' *Groaning-Board's* Divine;
'Tis his desire to Word it fit,
I hope for no Design;
If *Whiggish* Cant, he puts upon't,
with 'quivocating Shamms;
Then score him up, on our account,
his *Libel* to the Flames. *Finis.*

Printed for J. Dean, Book-seller in Cranborn-Street, in Leicester-Fields,
near Newport-House, 1683.

136176

'Russell's Farewell' could be interpreted as an Aeolian melody, another mode closely related to the modern minor scale. Contemporaries also associated this mode with plaintive themes, but it was considered to be a somewhat lighter and more contemplative alternative to the grave solemnity of the Dorian mode. According to the author of *The Praise of Musick*, the Aeolian mode 'quieteth the minde', whilst another seventeenth-century source describes it as having an 'Airy and soft pleasing sound', which according to Butler could lull the listener 'sweetly a sleep'.³⁶ In *An Introduction to the Skill of Musick*, John Playford organised a group of well-known psalm tunes into four different categories: 'Psalms consolatory'; 'Psalms of Prayer, Confession, and Funerals'; 'Peculiar Psalms'; and 'Psalms of Praise and Thanksgiving'. The melodies featured in the first two categories, both of which comprise plaintive rather than uplifting texts, are largely in the Dorian and Aeolian modes, demonstrating that both of these modes were associated with sorrowful and melancholic themes.³⁷ Whilst 'Russell's Farewell' may appear to lack some of the memorable qualities of its predecessor, it certainly embraced the appropriate affective characteristics for an execution ballad melody, one that perhaps posed more of a challenge for the performer than the undemanding 'Fortune' tune.

These execution ballad 'super-tunes' account for 43 (39%) of the 111 ballads in the sample of those that list a tune. Although this is an exceptionally large number, I have decided not to include any detailed analyses of these ballads, the main reason being that these tunes were so inherently embroiled within the execution ballad genre that the sentiments they conveyed are fairly apparent. Their repeated appearance within the genre suggests that consumers associated these tunes with the dismal and admonitory tales of crime and punishment, and their doleful melodic and rhythmic characteristics certainly helped foster the appropriate emotional responses to such texts. But what did the tunes that were less commonly used for execution ballads, and therefore not inherently associated with the genre, communicate to those who sang and heard them?

Catholic Traitors, Noble Men, and a Murderous Woman: The Evolution and Gendering of 'Welladay'

Whilst not as popular as 'Fortune My Foe', the appropriately named 'Welladay'—a common expression of sorrow—was a tune used for a handful of execution ballads in the late sixteenth and early seventeenth centuries. I have identified at least fourteen extant ballads that specify 'Welladay'

³⁶ Anon., *The praise of musick*, p. 56; Randle Holme, *The academy of armory* (Chester, 1688), p. 160; Butler, *The principles of musick*, sig. A1^v.

³⁷ John Playford, *An introduction to the skill of musick* (London, 1672), pp. 74-81.

as their tune, six of which are execution ballads, whilst the remaining eight address a variety of topics, but are predominantly associated with sombre themes such as crime, death, and toxic love affairs (a full list of these ballads can be seen in Table 5.2). For instance, *Murther vnmasked, Or Barneviles base Conspiracie against his owne Country discovered*, recounts the tale of the Dutchman Johan van Oldenbarnevelt, who was arraigned and executed for treason at The Hague on May 13, 1619. Although the ballad does not recount the particulars of his execution, it warns the singer/reader of the dangers of popery and the consequences of turning against one's country.³⁸ Ballads set to 'Welladay' addressing the sorrow, turmoil, and danger of love include *The Despairing Lover: Being A true Account of Joan Day, who shot her self with a Pistol*, which recounts the story of a 'poor Maid' that was 'wounded...by Cupid's Dart'. Ravished by jealousy and tormented by mistrust, the anguished woman eventually discharges a pistol 'at her Breast' and is later found dead by her heartbroken lover.³⁹ Another doleful ballad set to this tune, entitled *A Looking glasse for Corne-boorders*, is an admonitory song against 'engrossers' of corn (people who hoarded corn in large quantities to the detriment of others). The song recounts the popular rumour that those guilty of such crimes would sink into the ground and 'strangely vanish' as punishment.⁴⁰ Whilst the ballads set to 'Welladay' varied in their subject matter, the overriding themes and emotions conveyed in these songs were sombre and negative, much as in the case of the group of ballads set to 'Fortune My Foe'.

Table 5.2: List of extant ballads set to 'Welladay'⁴¹

Title	Date	Themes	EBBA ID
An answer to the Despairing lover: or, The Serving-man's sorrowful Lamentation for the Death of his Love, who rashly kill'd herself on the Thirtieth of May, 1698, with a Pistol-Bullet, near Thame, in Oxfordshire. *	[1698]	Death, love, violence	22117
A ballad Intituled, a Newe well a daye As playne maister Papist, as Donstable waye.	1569-1570	Execution	37033
The Arraignment Of the Divel, for stealing away President Bradshaw.	[1659]	Crime, religion, supernatural	34935

³⁸ Anon., *Murther vnmasked, Or Barneviles base Conspiracie against his owne Country* ([London], [1619]), EBBA 20045.

³⁹ Anon., *The Despairing Lover: Being A true Account of Joan Day, who shot her self with a Pistol* (London, [1698]), EBBA 22116.

⁴⁰ Anon., *A Looking glasse for Corne-boorders* (London, [1631]), EBBA 20065.

⁴¹ Ballads marked with an asterisk include the tune name 'The Ruined Virgin' rather than 'Welladay'. Hyder Rollins has suggested that this was an alternative name for the Welladay tune, although Simpson has questioned this relationship based on minor structural differences: Hyder Rollins, *The Pepys Ballads, Vol. 7: 1693-1702* (Cambridge, Mass.: Harvard University Press, 1931), p. 121; Simpson, *The British Broadside Ballad*, p. 234.

The Despairing Lover: Being A true Accouut of Joan Day, who shot her self with a Pistol, near Thame in Oxfordshire, on the 30th of May, 1698. *	[1698]	Death, love, infidelity, suicide	22116
The Dorset-shire tragedy: Or, A Shepherd's Daughter's Death and Distruction, by a false Steward, her Fellow-servant, and likewise ended his own Days in desperate Despair. *	[1682-1700]	Death, love, suicide	22139
King Charles His Speech, and last Farewell to the World. made upon the Scaffold at White-hall-gate, on Tuesday, Ianuary 30 1648.	[1649]	Execution	36104
A lamentable Ditty composed upon the death of Robert Lord Deuereux late Earle of Essex, who was beheaded in the Tower of London, on Ashwenesday in the morning, 1600.	1603	Execution	32617
A Looking glasse for Corne-hoorders, By the example of Iohn Russell a Farmer dwelling at St Peters Chassant in Buckingham shire, whose Horses sunke into the ground the 4 of March 1631.	[1631]	Class, economics and commerce	20065
Love in Despair: or, The Uirgin's Lamentation for her Love, Who Was unfortunately Drowned near the English-shore, on his Return from the West-Indies. *	[1691]	Death, love, disaster	22150
Murther vnmasked, or Barnevilles base Conspiracie against his owne Country discovered: who vnnaturally complotted to surrender into the Arch-dukes power, these foure Townes, Vtreicht, Nimingham, Bergen-op-zome, and Brall: Together with his horrible intent to murther Graue Maurice, and others.	[1619]	Crime, politics, punishment	20045
A new song to the great comfort and reioycing of all true English harts, at our most Gracious King Iames his Proclamation, vpon the 24. of March last past in the Cittie of London. ⁴²	[1603]	Nation, nobility, royalty	34448
No naturall mother, but a monster. Or, the exact relation of one, who for making away her owne new borne childe, about Brainford neere London, was hang'd at Teyborne, on Wednesday the 11. of December, 1633.	[1634]	Execution	36049
Sir Walter Rauleigh his lamentation: Who was beheaded in the old Pallace at Westminster the 29. of October. 1618.	[1618]	Execution	20046

⁴² The name of the tune on this ballad sheet is changed to 'Englands pride is gone', the opening line of *A lamentable Ditty composed upon the death of Robert Lord Deuereux*.

The true manner of the life and Death of Sir Thomas Wentworth, late Lord Lieutenant Deputy of Ireland, Lord Generall of his Majesties Army, Knight of the Noble order of the Garter, who was beheaded the 12. day of this present moneth of May, 1641.	[1641]	Execution	EBBO
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Turning to the melody itself, the tune known as 'Welladay' survives on f. 25 of Paris, Bibliothèque du Conservatoire, MS Rés 1186, a virginal book compiled by Robert Creighton during the 1630s. It is interesting that a version of 'Fortune My Foe' appears on the preceding folio of this manuscript; perhaps the melodies were grouped together due to their common association with themes of crime and execution. In his catalogue of ballad tunes, Simpson transcribes the 'Welladay' melody as it appears on f. 25 of the Creighton manuscript (Ex. 5.3), but John Ward has drawn attention to another melody in the same manuscript that is also entitled 'Welladay' (Ex. 5.4). Ward argues that the alternative melody, which appears on f. 118 of the manuscript, 'provides a far better musical setting for the ballad texts' than the tune that survives on f. 25.⁴³ However, there are a number of reasons why the melody that Simpson transcribed is more likely to have been the well-known ballad tune. Although Ward's melody might appear to provide a better fit for the texts of these ballads, early modern consumers were accustomed to making melodic and rhythmic adjustments to a tune in order to accommodate the text, rendering Ward's reasoning problematic. Whilst we have observed this tradition within the context of libel performance, it was also common practice amongst ballad performers: for instance, a manuscript copy of a ballad about the murder of Sir Thomas Overbury contains the following instruction: 'to the tune of Whoope do me no harme, good man, or the Cleane contrary way; which you please *as your voyce and the tune can best agree*', pointing to the potential requirement for some artistic licence.⁴⁴ Furthermore, the alternative melody that Ward proposes, as can be seen in Ex. 5.4, is characterised by large vocal leaps, a feature that is rare in ballad tunes as it would make them fairly awkward to sing, especially for the average unskilled performer. Therefore, I would argue that the tune that appears on folio 25 of Creighton's manuscript (Ex. 5.3) is most likely to have been the ballad tune known as 'Welladay'.

Like 'Russell's Farewell', 'Welladay' is rather more melodically and rhythmically complex than 'Fortune My Foe': it comprises a larger vocal range of a ninth, fewer repeated notes, and a handful of florid quaver motifs. But it does have many of the characteristics associated with popular and memorable ballad tunes: it consists of just four musical phrases, the first two of which

⁴³ Ward, 'The British Broadside Ballad and Its Music', p. 83.

⁴⁴ BL Add. MS 15891, f. 245^v (emphasis mine).

Ex. 5.3: 'Welladay' (transcribed from Simpson, *The British Broadside Ballad*, p. 747)



Ex. 5.4: Alternative 'Welladay' (transcribed from Ward, 'The British Broadside Ballad', p. 84)



mirror each other closely in melodic shape and rhythm, as do phrases three and four, aiding the memorisation process. This tune is related to the mixolydian mode, a major scale with a flattened seventh; however, as can be seen in Ex. 5.3, some of the sevenths have been sharpened in the instrumental version in the Creighton manuscript, which again makes this attribution a possibility rather than a certainty. To our modern ears it sounds surprisingly jovial considering that it accompanied such sombre texts, but according to Agrippa, the mixolydian mode 'had an absolute dominion over Grief and Sadness', and was 'onely fit for Tragedies, and to move Pity and Compassion'.⁴⁵ Likewise, Aristotle noted that the mixolydian mode could stir up the mind to 'sadnesse and weeping', whilst Plutarch described it as 'Lamentable and pitifull' and 'meet for Tragoedies'.⁴⁶ It is much easier to comprehend why a mixolydian tune was used to accompany such solemn texts when one has these historical associations in mind.

The tune's name derives from a ballad by William Elderton entitled *A newe wel a Daye as playne master papeste as Dunstable waye*, which was first entered into the Stationers' Register in 1569-1570.⁴⁷ The ballad celebrates the execution of a Catholic priest called Thomas Plumtree, who was condemned for his involvement in the Northern Rebellion of 1569-1570. The text celebrates the executions of the rebels and denounces the larger Catholic community, who supposedly work to 'seduce the people' with their 'popishe patching'.⁴⁸ It is unclear whether the 'Welladay' tune that has survived was an original melody written for this ballad, or whether the song's popularity prompted a new name for a pre-existing tune, inspired by the ballad's refrain: 'Well a daye, well a daye, well a daye, woe is me, / Syr Thomas Plomtrie is hanged on a tree'.

Interestingly, a melody that was initially associated with the downfall of Catholic traitors was, by the beginning of the seventeenth century, being used as the tune for a number of ballads recounting the executions of noblemen. Of the six execution ballads that are set to 'Welladay', five refer to the executions of men, four of whom were nobles. The first of these is *A lamentable Dittie composed upon the death of Robert Lord Deuereux*, the earliest extant copies of which date from 1603, but Hyder Rollins has suggested that the ballad was probably contemporaneous with Devereux's

⁴⁵ Heinrich Cornelius Agrippa, *The vanity of arts and sciences* (London, 1676), pp. 56-57.

⁴⁶ Aristotle, *Aristotles politiques, or Discourses of government* (London, 1598), p. 388; Plutarch, *The philosophie, commonlie called, the morals vrritten by the learned philosopher Plutarch of Chaeronea* (London, 1603), page unnumbered.

⁴⁷ Rollins, 'An Analytical Index', p. 166, no. 1911.

⁴⁸ William Elderton, *A Ballad Intituled, a Newe well a daye As plaine master Papist, as Donstable waye* (London, [1569-1570]), EBBA 37033.

execution in 1601.⁴⁹ The Earl of Essex gave a particularly remarkable performance at his execution at Tower Green: as Katherine Royer has noted, his choice of final words, gestures, and clothing helped him construct 'an identity that allowed him to be simultaneously obedient and subversive', an identity that encouraged a particularly sympathetic response from England's populace.⁵⁰ As reports of Devereux's virtuous performance began to circulate in popular songs and pamphlets there was a remarkable outpouring of public grief for this beloved nobleman. The diary of Philip Julius, Duke of Pomerania, which recorded his visit to England in 1602, comments on the songs that were 'sung and played on musical instruments all over the country' about the 'beloved and admired' Earl of Essex.⁵¹ Indeed, the Duke probably heard *A lamentable Dittie* during his travels in England, as the number of extant copies of this ballad suggests it was very popular in its day: there are at least thirteen surviving copies, a remarkable number when we consider that of all the other ballads set to 'Welladay' that appear in Table 5.2 there are only around one or two known copies of each.

The text of *A lamentable Dittie*, which opens with the sorrowful lament that 'Sweet Englands pride is gone', fashions a posthumous depiction of Devereux as a brave, virtuous, and generous hero, emphasising his military accomplishments and loyalty to his country. Unlike the majority of goodnight ballads, *A lamentable Dittie* is not written in the first-person, which perhaps indicates an attempt to detach the song from the traditional execution ballad genre, which usually portrayed the criminal as sinful and guilt-ridden. The author even offers a subtle implication that Devereux was innocent, suggesting that although he was condemned for treason, only God knows the truth of his alleged crime: 'He was condemnd to die, / For treason certainly, / But God that sits on hie / Knoweth all things'.⁵² The ballad goes on to describe Essex's admirable performance at the place of execution, where he reportedly offered sincere repentance for his sins, prayed for his Queen and her people, removed his hat and gown in a gesture of humility, and willingly forgave the executioner, who then 'did his part, cruelly'.⁵³ The sympathetic nature of the ballad's text is heightened in its use of woodcut image: rather than the usual pictorial display of the execution scene, a number of the surviving ballad sheets include a woodcut of a courtly house and garden, emphasising Devereux's noble status, whilst others show Essex riding gallantly on his horse. These

⁴⁹ Anon., *A lamentable Dittie composed upon the death of Robert Lord Deuereux late Earle of Essex* ([London], [1603]), EBBA 32617; Rollins, 'An Analytical Index', p. 122, no. 1401.

⁵⁰ Royer, *The English Execution Narrative*, p. 78.

⁵¹ Bulow and Powell (eds.), 'Diary of the Journey of Philip Julius', p. 15.

⁵² Anon., *A lamentable Dittie*, verse 6.

⁵³ Anon., *A lamentable Dittie*, verse 25.

images detract the consumer's attention away from the bloody and degrading spectacle of execution, instead reinforcing the image of Essex as a noble and heroic figure.⁵⁴

The sentiments expressed in the text and accompanying woodcuts of *A lamentable Dittie* are somewhat supported by the author's choice of melody: we have seen that mixolydian tunes were considered to be 'meet for Tragoedies', thus amplifying the tragic nature of Essex's demise. However, whilst the author assures the listener/reader that Devereux was a devoted Protestant who 'never loved Papistrie', the tune's earlier associations with the execution of a Catholic traitor might have conveyed a somewhat contradictory message to the audience. Although the ballad about Thomas Plumtree was published some thirty years earlier, it is likely that it was circulating for a number of years after its initial publication. The themes of the original ballad may have endured and resounded in the minds of some consumers, provoking a response that did not wholly resonate with the overwhelmingly compassionate nature of the text. Whilst the lyrics portrayed an innocent and devoted Protestant, the melody carried Catholic and traitorous undertones due to its initial associations with Thomas Plumtree. Whilst the majority of consumers probably overlooked this melodic incongruity, it is important to consider the potentially unstable and contradictory interpretations that ballad tunes could engender: whilst text and image could say one thing, melody could imply another.

Following the success of *A lamentable Dittie*, the 'Welladay' melody became infused with additional layers of meaning that could alter the reception of subsequent ballads. Following Essex's death in 1601, a ballad celebrating the accession of James I in 1603, entitled *A new song to the great comfort and reioycing of all true English harts, at our most Gracious King Iames his Proclamation*, also named 'Welladay' as its tune.⁵⁵ Whilst the text welcomes this 'King of true Noblenesse' to the English throne, there is an underlying element of grief in the ballad's text regarding the loss of Queen Elizabeth: indeed, Christopher Marsh has noted that this ballad was 'as much a lament for the dead monarch as a celebration of the new one'.⁵⁶ As the text mourns the passing of the 'prudent', 'carefull', and 'kinde' Queen Elizabeth, the theme of loss is also heightened in the choice of melody, as the tune's previous association with the death of a beloved hero perhaps helped ignite a range of sorrowful emotions amongst consumers. Furthermore, the tune name given on the ballad sheet is not 'Welladay' but 'Englands pride is gone', a direct reference to the opening line of *A lamentable*

⁵⁴ For a version of the ballad with a woodcut of a country house and garden see EBBA 32221; for a version with an image of a noble man riding a horse see EBBA 30124.

⁵⁵ Anon., *A new song to the great comfort and reioycing of all true English harts* (London, [1603]), EBBA 34448.

⁵⁶ Marsh, *Music and Society*, p. 305.

Dittie. By changing the tune's name the author makes an explicit connection with the Essex ballad, providing a tangible and discernible correlation between the two songs for consumers. Whilst the ballad's title suggests a celebratory song about James I's ascent to the throne, the choice of melody and tune name suggest that it was also a song of mourning, a contradiction which is unlikely to have gone unnoticed by an early modern audience.

A ballad about the execution of Sir Walter Raleigh in 1618 was also set to 'Welladay'.⁵⁷ Unlike the Essex ballad, Raleigh's lamentation is written in the first-person, a style more typical of the execution ballad genre. Again, there is no woodcut image of the execution itself on the broadsheet; instead, there is an image of a ship, drawing attention to Raleigh's voyages and discoveries rather than his shameful demise. The text evokes an element of sympathy for the condemned throughout: like Devereux, Raleigh is shown to embrace his death willingly and honourably, offering an exemplary performance at the gallows: he prays for his King, country, and family, forgives his executioner and kisses the axe, before offering his soul to God. Like Essex's ballad, the text serves to assure the consumer that Raleigh died a true and devoted Protestant, by professing 'A Christian true I die: / Papistrie I defie, / Nor never Atheist I / as is reported'. As I suggested earlier, statements such as these were perhaps undermined by the melody's previous associations with Catholicism and treason. However, the popularity of the Essex ballad some years earlier probably meant that the Catholic undertones of the tune had started to dwindle. It is likely that consumers no longer associated Welladay with the execution of Thomas Plumtree, but rather with the death of a beloved nobleman. As we can see, the cultural and emotional associations of ballad tunes were constantly evolving and changing; by this stage in its life, 'Welladay' was infused with elements of virtue, nobility, and masculinity, due to its association with the deaths of Robert Devereux and Sir Walter Raleigh.

The virile associations of 'Welladay' are certainly intriguing when we consider another execution ballad from 1634 that was also set to this tune. In contrast to the noble deaths of Devereux and Raleigh, this ballad, entitled *No naturall Mother, but a Monster. Or, the exact relation of one who for making away her owne new born children, about Brainford neere London, was hang'd at Teyborne, on Wednesday the 11. of December, 1633*, narrates the downfall and execution of a deviant woman found guilty of infanticide.⁵⁸ The protagonist, who remains unnamed throughout, is an unmarried servant girl who apparently murdered her child shortly after giving birth for fear of losing her position.

⁵⁷ Anon., *Sir Walter Rauleigh his lamentation* ([London], [1618]), EBBA 20046.

⁵⁸ Martin Parker, *No naturall Mother, but a Monster*. (London, [1634]), EBBA 36049.

The ballad text offers a detailed, first-person account of her reprehensible sins, describing her as 'barbarous', 'wicked', and 'cunning'; a woman that was 'more cruell...than Savage creatures'. As was customary for ballads of this nature, the author also provides a statement of admonition for other potentially deviant women:

Sweet Maidens all take heed,
heedfully, heedfully,
Adde not unto the deed
of fornication.
Murder which of all things,
The soule and conscience stings,
Which God to light still brings,
though done in private.⁵⁹

It is certainly interesting that a tune associated with the deaths of Devereux and Raleigh was used for a ballad describing the heinous crimes and execution of a dangerous and insubordinate woman: whilst the text of the ballad depicts a malevolent and vicious 'female Snake', the melody resounds with the memory of the virtuous and pious behaviour of noblemen. Although the singer/listener is undoubtedly encouraged to revile this murderous woman, perhaps the tune in question also encouraged an element of sympathy and compassion for her by relating her fate to that of Devereux and Essex. On the other hand, the choice of melody might have been perceived as a reflection of the protagonist's act of gender subversion: by murdering her child, the protagonist departs from traditional values of femininity and motherhood, and her violent disruption to the patriarchal order is amplified through the virile associations of the 'Welladay' melody. Whilst we will never know whether the ballad's author, Martin Parker, used 'Welladay' in an effort to encourage a particular emotional response amongst consumers, we can surmise that the juxtaposition between text and melody nevertheless conveyed mixed messages to its audience.⁶⁰ As we will see in the following section, ballads about female criminals were often set to tunes that were already somewhat associated with femininity, so it is unusual, and certainly very interesting, to find a ballad about a female murderer set to a tune that had acquired such strong connotations of masculinity.

⁵⁹ Parker, *No naturall Mother*, verse 15.

⁶⁰ For information surrounding the life and work of Martin Parker see Hyder Rollins, 'Martin Parker, Ballad-Monger', *Modern Philology*, 16/9 (1919): pp. 449-474.

Although 'Welladay' developed an association with femininity in the preceding ballad, it continued to be listed as the tune for ballads about the executions of noblemen until the middle of the seventeenth century. For example, in 1641 it was named as the tune for a ballad about the death of Sir Thomas Wentworth, first Earl of Strafford, but in this case, the text is not nearly as sympathetic as those written about Devereux and Raleigh. Although Wentworth is described as 'beloved', the author notes that 'He hath done thousands wrong', and that he 'ruld with tyranny, / And dealt most cruelly', suggesting that his punishment was fully deserved.⁶¹ 'Welladay' was also named as a tune for a ballad about the execution of Charles I in 1649. This song resonates with the sympathetic nature of the ballads about Devereux and Raleigh, lamenting the 'heavy news' that a 'Noble King is dead'.⁶² We will never know exactly how many ballads set to the 'Welladay' melody were in circulation at the time; perhaps there were many more that have not survived, some of which possibly carried other thematic associations that would have been meaningful to an early modern audience. But those that have survived show us that ballad tunes could develop a myriad of suggestive and meaningful cultural associations, each of which helped shape the ways in which these songs, and the executions themselves, were interpreted by contemporary audiences. Whilst 'Welladay' was heavily associated with masculinity, in the next section we will explore some of the melodies that carried distinctly feminine undertones.

Sounds of Female Disorder: 'Bragandary', 'The Ladies Fall', and 'Shore's Wife'

A tune known as 'Bragandary', which unfortunately has not survived, was used for a number of contemporary ballads addressing issues of female transgression. These songs addressed topics such as witchcraft, scolding wives, demonic entities, and murderous women, which has led Sarah Williams to suggest that the tune became a 'musical signifier for feminine disorder'.⁶³ It is not surprising, therefore, that 'Bragandary' was named as the tune for three ballads narrating the downfall and executions of women. Upon first reading, 'Bragandary' appears to be an ideal melody for evoking negative feelings towards these transgressive women: as the singer/listener recalled the misdeeds of the reprehensible female characters associated with this tune, they perhaps associated these qualities with the women who faced their demise upon the scaffold. From this perspective, the tune's association with female transgression helped justify these executions in the minds of consumers. However, when we consider the themes of the ballad that was initially paired with this tune, this preliminary assumption is somewhat complicated.

⁶¹ Laurence Price, *The true manner of the life and Death of Sir Thomas Wentworth* (London, [1641]).

⁶² Anon., *King Charles His Speech, and last Farewell to the World* ([London], [1649]), EBBA 36104.

⁶³ Williams, *Damnable Practises*, pp. 74-80, quote at p. 79.

'Bragandary' first appears as the tune name for a ballad entitled *The first part of the Widdow of Watling street & her three daughters, & how her wicked Son accused her to be a harlot, and his sisters Bastards*, which was recorded in the Stationers' Register on 15 August 1597.⁶⁴ The song narrates the story of a 'kind Widdow' who was thrown out of her house along with her daughters by her 'lewd' and 'wicked' son following the death of her husband. Although her son accuses her of being a harlot, the author evokes sympathy for the widow, describing her as 'kinde' and 'faire', whilst the singer/listener is encouraged to despise the 'shameless' and contemptuous son. The tune's association with a kind and innocent woman that was mistreated by a man complicates the assumption that 'Bragandary' was wholly associated with transgressive femininity, perhaps affecting the ways in which a contemporary audience responded to the execution ballads set to this tune. A ballad about the execution of one Alice Davies, who reportedly stabbed her husband to death in 1628, comprises a typical first-person narrative relating her crimes and repentance, as well as an exhortation of admonition to other women.⁶⁵ A year later, Martin Parker published a ballad about one Katherine Francis, who was burned at the stake for murdering her husband with a pair of scissors.⁶⁶ The ballad's refrain, 'Oh women, / Murderous women. / whereon are your minds?', continually reminds the audience of the heinous crimes that women are capable of committing, warning others not to stray down the same path. Although the texts of these ballads fail to evoke much compassion for these monstrous criminals, the tune's association with a wronged and mistreated innocent woman perhaps encouraged an element of sympathy within the minds of the audience. Even though the *Widdow of Watling street* was first entered into the Stationers' Register in 1597, we do know that it was still circulating in print during the early decades of the seventeenth century, so it is likely that a contemporary audience would have been familiar with this song, perhaps recalling it whilst they sang or heard these execution ballads.⁶⁷ The case of 'Bragandary' shows that although certain melodies might appear to carry a consistent set of cultural associations designed to evoke a specific response from their audience, there are often exceptions to the rule. A tune that initially seems to be wholly associated with transgressive femininity is also related to innocence and injustice. Indeed, it is vital that we consider exceptions such as these in order to fully consider the multiple and contradictory ways in which individuals potentially interpreted and engaged with execution ballads.

⁶⁴ Rollins, 'An Analytical Index', p. 254, no. 2957.

⁶⁵ Anon., *The vnnaturall Wife: or, The lamentable Murther, of one goodman Dauis* (London, [1628]), EBBA 20051.

⁶⁶ Martin Parker, *A warning for wiuies* (London, [1629]), EBBA 20049.

⁶⁷ A number of extant copies of this ballad date from the first few decades of the seventeenth century; see, for instance, EBBA 20061.

Another tune associated with femininity and unruly women was 'The Ladies Fall', a melody which was originally known as 'In Peascod Time'. The tune's original name was inspired by a poem in *England's Helicon*, an anthology of poems first published in 1600, the opening line of which is 'In Peascod time, when Hound to horne'.⁶⁸ But when the tune was used for a ballad entitled *A Lamentable Ballad of the Ladies Fall*, licenced in 1603, the melody adopted its new name.⁶⁹ We know that this ballad was particularly popular in its day: not only did it inspire a new name for a pre-existing melody, there are also at least thirteen surviving copies of the broadsheet, attesting to its widespread popularity. The ballad narrates the tragic tale of a young maiden who becomes pregnant before she is married. She attempts to hide her pregnancy from her family and urges her lover to marry her so that her child will be born in wedlock. Her husband-to-be promises to elope with her, but when she arrives to meet him, he never appears. She returns home and is forced to give birth to her child in secret, refusing to call a midwife in fear for her honour and reputation, and mother and child both tragically die during childbirth. As is customary for such ballads, it is intended to serve as a caveat to other women, warning them of the dangers of engaging in sexual relations before marriage:

Take heed you dainty damsels all,
of flattering words beware,
And of the honour of your name
have you a special care:
Too true alas this story is,
as many one can tell,
By others harms learn to be wise,
and thou shalt do full well.⁷⁰

The melody (Ex. 5.5) is exactly what one would expect of a ballad tune: it comprises simple melodic and rhythmic structures whilst moving in predominantly stepwise motion. Unlike the tunes we have encountered thus far, 'The Ladies Fall' is most closely related to the Ionian mode, a mode most closely associated with the modern major scale, which sounds happy and jovial to modern Western ears. Indeed, early modern music theorists had similar attitudes with regard to the affective qualities of Ionian music: for instance, Charles Butler suggested that it was best suited

⁶⁸ This was the first line of a poem entitled 'The Shepherds slumber': Anon., *Englands Helicon* (London, 1600), sig. Z3. 'Peascod time' refers to the season of peas.

⁶⁹ Rollins, 'An Analytical Index', p. 120, no. 1394. There are a number of surviving editions of this ballad.

⁷⁰ Anon., *A Lamentable Ballad of the Ladies Fall. Declaring how a Gentlewoman through her too much trust came to her end, and how her Lover slew himself* ([London, 1674-1679]), EBBA 30454, verse 19.

Ex. 5.5: 'The Ladies Fall' (transcribed from Simpson, *The British Broadside Ballad*, p. 368)



⁷³ Sarah Williams has drawn attention to this melody's relationship with the theme of witchcraft and deviant women: Sarah Williams, 'Witches, Lamenting Women, and Cautionary Tales: Tracing "The Ladies Fall" through Early Modern English Broadside Balladry and Popular Song', in Dunn and Larson (eds.), *Gender and Song in Early Modern England*, pp. 31-46.

association with *A Lamentable Ballad of the Ladies Fall*, certainly helped enhance the admonitory nature of the song. Another execution ballad set to 'The Ladies Fall' was *The lady Isabella's Tragedy*, which relates the story of a wicked step-mother who employs one Master Cook to murder her step-daughter and bake her in a pie. Although it was Master Cook who committed the act, the step-mother is deemed to be wholly responsible for the daughter's death: 'All caused by her Step-Mother, / who did her death desire'.⁷⁴ Indeed, the choice of melody also encouraged the singer/listener to focus on the step-mother's crimes: as the tune was inherently associated with femininity, and particularly with the consequences of transgressing the boundaries of acceptable female behaviour, it perhaps helped draw attention to the crime of the stepmother rather than that of Master Cook. Tunes such as 'The Ladies Fall' show how melodies could be inherently gendered, thus influencing and shaping the ways in which contemporary audiences responded to these songs, and in turn, the practice of capital punishment more generally.

We occasionally find ballads about dangerous women set to tunes associated with masculinity, as was the case with Martin Parker's *No naturall Mother, but a Monster*, an incongruity which helped reflect the criminal's transgression of gender expectations. For instance, a ballad entitled *The sorrowfull complaint of Susan Higges* narrates the story of a 'lusty countrey wench' who made a living by robbing highway men, and was eventually found guilty of murder.⁷⁵ The ballad is set to a tune known as 'The Lusty Gallant', which, as is implied by tune's name, was inherently associated with masculinity. The majority of ballads set to this tune addressed virile themes, such as *A brave warlike Song*, which celebrates many 'remarkable Warriours', and *Newes from Flaunders*, a ballad in celebration of an English victory during the Anglo-Spanish war.⁷⁶ The masculine associations of this particular tune helped defeminise the protagonist of *The sorrowfull complaint of Susan Higges*, complementing the textual depiction of her virile and 'gallant' behaviour in the song's lyrics.

Other tunes that stigmatised female behaviour could in turn evoke feelings of compassion and sympathy for male victims. For instance, a tune called 'Come Live With Me And Be My Love' was used for a popular ballad entitled *The woful Lamentation of Mistris Jane Shore*, first licensed in June 1603, again in 1624, and twice in 1625, suggesting that it was particularly popular in its day.⁷⁷ The ballad recounts the persecution of Edward IV's mistress, Jane Shore, who allegedly suffered at the

⁷⁴ Anon., *The lady Isabella's Tragedy; or, The Step-Mothers Cruelty*. ([London], [1680]), EBBA 30746.

⁷⁵ Anon., *The sorrowfull complaint of Susan Higges* (London, [1630]), EBBA 20002.

⁷⁶ Anon., *A brave warlike Song*. ([London], [1626?]), EBBA 20277; Anon., *Newes from Flaunders* ([London], [1600]), EBBA 36938.

⁷⁷ Rollins, 'An Analytical Index', p. 127, no. 1452; p. 110, no. 1272 and no. 1273; p. 256, no. 2986.

hands of Richard III.⁷⁸ The first half of the ballad is written in the voice of Jane, whilst the second half is in the voice of her sorrowful husband, whom Jane left in order to take up residence at Edward IV's court. Following her departure from the marital home, Jane's husband describes his decline into a life of disrepute: he takes up coin clipping and is eventually found guilty and sentenced to death. The author evokes sympathy for this Goldsmith that was 'once of good degree', portraying his downfall and life of 'foul disgrace' as an inevitable result of his wife's departure. Mr Shore does not claim responsibility for his actions, instead blaming his ruin on the behaviour and neglect of his wife. The audience is therefore encouraged to perceive Mr Shore as innocent and Jane as guilty, an interpretation which the author further incites in his description of their appearances: Jane is described as being 'poor and aged, her stature mean...her eyes grey, her Body fat'. The author claims that her father's name or place of birth was 'not certainly known', suggesting her low and insignificant social status, whilst Mr Shore is described as 'a Young Man of right good parentage, wealth, and behaviour'. These contrasting depictions reinforce the binaries of good and evil, innocence and guilt and, ultimately, male and female. On the whole, the song serves to emphasise the personal as well as the wider societal dangers of disobedient women, perhaps in an attempt to encourage the fortification and preservation of patriarchal ideals.

The messages conveyed in this ballad perhaps influenced the ways in which audiences responded to subsequent ballads set to the same tune which, due to the former ballad's popularity, eventually became known as 'Shore's Wife'. A ballad about one Henry Adlington, who was executed for murder around 1600, includes the tune inscription 'Shore's Wife', thus relating it to the aforementioned song.⁷⁹ Like Mr Shore, Adlington describes himself as being of 'honest parentes, of good name, / by trewe dissent of birth I came'. Although he claims responsibility for his crimes, his candid expression of repentance encourages compassion from the audience, as he distressingly laments at his 'mother's teares / That shee...hath shed / for the leaude [lewd] lyfe which I have led'. Similarly, a ballad entitled *A warning for all Souldiers*, which narrates the punishment of one William Wrench who was executed for desertion, also encourages compassion for the protagonist.⁸⁰ Like Adlington, Wrench was also supposedly born into a reputable family, and he expresses shame for discrediting his 'honest parents' name'. Wrench confesses and laments his sinful past, warning other 'youngmen' not to follow in his footsteps. Whilst both of these ballads address issues of criminality, the author ultimately encourages sympathy for the two protagonists by expounding on their honourable reputations and expressions of honest

⁷⁸ Anon., *The wofull Lamentation of Mistris Jane Shore* ([London], [1684-1686]), EBBA 20229.

⁷⁹ Andrew Clarke (ed.), *The Shirburn Ballads, 1585-1616* (Oxford: Clarendon Press, 1907), pp. 106-108.

⁸⁰ Clarke (ed.), *The Shirburn Ballads*, pp. 200-203.

repentance. The choice of melody perhaps perpetuated these feelings of compassion amongst early modern consumers, as they called to mind the misfortune and innocence of Mr Shore. Whilst many of the messages conveyed in the ballad texts addressed thus far can be seen to be somewhat undermined by the choice of melody, tunes such as 'Shore's Wife' served to uphold and reinforce the sentiments expressed in the lyrics. It is clear that tunes associated with female disorder not only perpetuated patriarchal attitudes about insubordinate women; they also helped evoke sympathy for male criminals, thus affecting the ways in which the consumer interpreted and responded to those particular executions.

Remembering Martyrs and Traitors

Execution ballads were also integral in shaping the ways in which consumers responded to the demise of those who claimed to die for their faith or their political beliefs. As we know, these individuals were considered to be martyrs by some, and traitors by others. Ballads played a significant role in shaping the posthumous reputation of these individuals, and the choice of melody often helped enhance, or sometimes undermine, the meaning of their texts. On the one hand, melodies served as a powerful tool for subverting and deconstructing martyrological ideologies: for instance, a ballad by Steven Peele about the execution of John Felton in 1570, who was famously condemned for fixing a copy of the papal bull which excommunicated Queen Elizabeth to the Bishop of London's palace, is set to a melody that enhances the derisive nature of the song.⁸¹ The ballad was to be sung to a tune known as 'Row Well, Ye Mariners', a jovial melody associated with country dances. As Una McIlvenna has pointed out, this choice of melody allowed Peele to evoke 'memories of the community physically coming together in joy and celebration', heightening the celebratory nature of the ballad.⁸² Whilst there were probably many Catholic sympathisers who sought to transform Felton's death into an act of martyrdom, ballads such as this helped suppress such ideologies, fashioning a posthumous reputation that secured Felton's status as a traitor. There is evidence to show that 'Row Well, Ye Mariners' was used as the tune for other execution ballads: the anonymous comedic stage play entitled *Looke about you*, published in 1600, refers to 'rowe wel ye Marriners' as a potential tune for 'a moornefull Dittie' that one of the characters intends to write, suggesting that Peele perhaps started a trend when he set his anti-Catholic ballad to this tune in 1570.⁸³ Indeed, the tune's association with the traitorous

⁸¹ Steven Peele, *A letter to Rome, to declare to ye Pope, Iohn Felton his freend is hangd in a rope* ([London], [1571]), EBBA 32412. The ballad was entered into the Stationers' Register by Stephen Peele in 1570-1571: Rollins, 'An Analytical Index', p. 131, no. 1494.

⁸² McIlvenna, 'The Power of Music', p. 72.

⁸³ Anon., *A pleasant commodie, called Looke about you* (London, 1600), sig. F1.

crimes of John Felton made it an ideal choice for other execution ballads, especially those that addressed treasonous crimes.

On the other hand, tunes could be used to add subversive undertones to a ballad's text, affording traitorous criminals a certain degree of respect and sympathy. For instance, a late seventeenth-century ballad about the execution of the aforementioned Lord William Russell, who was condemned for involvement in the Rye House Plot of 1683, holds potentially rebellious undertones due to the tune's thematic associations.⁸⁴ The ballad was to be sung to a tune known as 'Tender Hearts of London City', a melody which became inherently associated with themes of love and loss. As can be seen in Table 5.3, there are at least fifteen other surviving ballads set to this tune, twelve of which centre around the theme of love. These amorous songs address a variety of different subjects, such as the loss of a lover, marriage, courting, and deceit, but they are all associated with the broader theme of romance more generally. It is certainly interesting that John Dean chose to set a ballad about Russell's execution to this particular tune. Whilst the text does not seem to especially glorify or eulogise Russell—something which would have been fairly dangerous to put in print—the tune's association with the theme of love, especially the experience of losing a loved one, suggests that the ballad might have conveyed an alternative message to its audience. The aural connotations of this tune perhaps made it sound more like a lamentation for the loss of a beloved figure than a ballad about the execution of a traitorous criminal.

Table 5.3: Selection of ballads set to the tune 'Tender Hearts of London City'

Title	Date	Themes	EBBA ID
Loves Lamentable Tragedy, When cruel Lovers prove unkind, Great sorrows they procure; And such strange pains the slighted find, That they cannot endure.	[1682]	Love , ill health, death	30903
Love and Loyalty; Or, A Letter from a Young-Man, on Board of an English Privateer, to his beloved Susan in the City of London	[1688-1692]	Love , maritime, military/war	33836

⁸⁴ John Dean, *The Lord Russels Farewel* ([London], [1683]), EBBA 34353.

True Love Exalted: Or, A Dialogue between a Courteous young Knight of the City of London, and a Searge Weaveres Daughter of Devonsh[i]re. Shewing how the young Knight was Travelling in Devon-shire, and fell in Love with a fair Maid there: How he Courted her to be his Miss, but she not yielding to his Lascivious desires, he was so much in Love with her Vertue, that he Married her, and made her a Lady, and carryed her to the Kings Court at London, where they now live in joy and happiness.	[1672-1696]	Love, marriage, courting, female virtue	36988
The Dutches of Monmouth's Lamentation For the Loss of Her Duke.	1683	Love, treason, loss	37187
The Seamans adieu to his pritty Betty: Living near Wapping Or, A Pattern of true Love, &c. Sweet William to the Seas was prest, and left his Love behind; Whilst she her sorrows oft exprest and blam'd the fates unkind.	[1671-1702]	Love, loss, maritime	37430
Cheat upon Cheat, or, The Debaucht Hypocrite. Being a True Account of two Maidens, who lived in London near Fish-street, the one being named Susan, the othes Sarah, Susan, being dressed in Mans Apparel, Courted Sarah, to the Great Trouble of the deceived Damsel, who thought to be pleasur'd by her Bridals Nights Lodging as you may find by the sequel. When Maidens come to Love and Dote, And want the use of a man, Against their wills they needs must show't Let them do what they can.	[1684-1690]	Love, deceit, gender	33286
Flora's lamentable passion, Crown'd with unspeakable Joy and Comfort, Flora she did sore lament, her Spirit did decay; Strephon fill'd her with content, and cast all Grief away.	[1671-1702]	Love, loss, health	35737
Loves Unspeakable Passion: Or, The Youngman's Answer to Tender hearts of London City. Beauty over Love doth triumph, causing Lovers to complain; But 'tis pittty, one so pritty, should be filled with disdain;	[1671-1702]	Love, appearance	30940

No Love, No Life, Or, Damon comforted in Distress. You that are adorn'd with Beauty, do not thus your love disdain, Count it not to be their duty, for the languish thus in pain	[1671-1702]	Love, courting	21209
The Faithful Lovers: Or, Tommy and Bettys Declarations.	[1672-1696]	Love, marriage	33863
The True Lovers Ghost. False Men do often prove unkind to those that would to them be true; Then carefully my story mind, the like before you never knew.	[1671-1702]	Love, death, supernatural	30937
True Love Rewarded with Cruelty. Being a true Account of one Mary Story, a Maid, who once lived at Limehouse, in the County of Middlesex that was in love with one who had promised her Marriage, so that the Wedding-day was appointed, but he changed his mind, and forsook her, whereupon she took grief and dyed about the latter end of July, 1683.	[1672-1696]	Love, marriage, betrayal, death	30936

On the whole, however, the interpretation of ballads about traitors and martyrs is a much more complex and multifaceted venture, especially as many of the tunes that they were set to were associated with martyrdom *and* treason. A ballad tune entitled 'John Careless', named after the Coventry weaver and Protestant martyr who died in prison in 1556, is a particularly interesting example. The melody was originally paired with a ballad that has survived in a manuscript collection of poems and in Miles Coverdale's *Certain most Godly, Fruitful, and Comfortable Letters of such true saints and holy martyrs of God* (1564).⁸⁵ The text depicts the pious John Careless lamenting for his sins and praising God, asking Him for forgiveness. Although Careless did not die a true martyr's death on the scaffold, his imprisonment served as a kind of sustained martyrdom, and he was clearly perceived as a martyr by his Protestant contemporaries. The version of the ballad in Coverdale's publication includes an additional four verses which are not included in the manuscript, in which Careless implores God to defend him from 'that filthy whore of Rome' and prays that he might die 'boldly', suggesting his desire for martyrdom.⁸⁶ We know that a version of

⁸⁵ BL Sloane MS 1896, ff. 11-12v; Miles Coverdale, *Certain most godly, fruitful, and comfortable letters* (London, 1564), pp. 634-638.

⁸⁶ Coverdale, *Certain most godly, fruitful, and comfortable letters*, p. 637.

this ballad was also printed in broadside format, as there are three separate entries into the Stationers' Register, but unfortunately, no copies of the ballad sheet have survived.⁸⁷

The tune known as 'John Careless' has not survived either, so it is unclear whether it was an original tune written for the ballad described above, or a pre-existing melody that adopted a new name. Either way, the ballad and its melody were clearly fairly popular as they inspired the tune name for a number of later ballads. For instance, in 1583 Thomas Gilbart published a ballad about the execution of John Lewes, which was to be sung 'to the tune of John Careless'.⁸⁸ Lewes was condemned for his heretical beliefs surrounding the Christian faith along with a number of other radicals in Norwich in the 1570s and 1580s; according to John Stow, he was executed for 'denying the Godhead of Christ, and holding divers other detestable heresies'.⁸⁹ The choice of melody is certainly intriguing: why did the author of a ballad about a 'detestable and obstinate Hereticke' select a tune associated with a godly and pious martyr? Judging by the sentiment of the text, this was clearly an ironic decision on the part of the author. Lewes is described as a 'wretch' who 'boudly' and 'brutishly' denied God's glory. Furthermore, his behaviour and actions at the gallows are portrayed as equally reprehensible:

That he did speake: but like a dogge,
did end his dayes with shame:
Not bending, knee, hand, hart, or tong,
to glorifie Gods name.⁹⁰

However, there is one aspect of the text that undermines the loathsome character that the author attempts to create. Like many of the martyrs in Foxe's *Actes and Monuments*, Lewes is portrayed as behaving with absolute constancy at the place of execution, remaining resolute in his beliefs right up until the moment of death: the author recounts how 'divers Preachers' encouraged Lewes to renounce his heretical beliefs, but their attempts failed, no matter 'what so they did or sayde'. The description of Lewes' constancy perhaps reminded the audience of the defiant behaviour of the Marian martyrs as described in Foxe's *Actes and Monuments*, thus somewhat contradicting the notion that Lewes was a 'detestable and obstinate Hereticke'. Furthermore, whilst the tune was clearly

⁸⁷ On 1 August 1586 'A ballad of John Careles' was licensed by 'Ed. White'; on 14 December 1624 'John Carelesse' was licensed; and on 9 February 1635 'Sir John Careles' was licensed by 'Tho Lambert': Rollins, 'An Analytical Index', p. 113, no. 1302; p. 113, no. 1303; p. 213, no. 2456.

⁸⁸ Thomas Gilbart, *A declaration of the death of Iohn Lewes* (London, [1583]), EBBA 36314.

⁸⁹ John Stow, *The annals, or a generall chronicle of England* (London, 1615), p. 697.

⁹⁰ Gilbart, *A declaration of the death of Iohn Lewes*, verse 23.

intended as a sarcastic slight, its association with Careless' martyrdom nevertheless helped portray Lewes in a somewhat favourable light. Ballads such as this did not simply relay one particular message: whilst some listeners might have considered his downfall to have been a fitting punishment for his crime, others might have questioned his guilt, especially if the melody stirred up the feelings of sympathy and compassion evoked in the Careless ballad.

Another ballad related to the Careless tune is *The confession of a paenitent Sinner*, a devotional ballad in which the protagonist humbly repents for their sins, praises God, and asks for forgiveness and safe passage into heaven.⁹¹ It is probably the same song that was licensed in April 1635, under the heading 'The humble Confession of a penitent sinner', although it is unlikely that this entry referred to the original edition.⁹² The ballad is to be sung to 'the tune of O man in desperation; or, Some men for suddaine joyes do weep', the second of which refers to the opening line of the Careless ballad, thus indicating the Careless tune. Thematically, *The confession of a paenitent Sinner* is very similar to the ballad about John Careless, which was presumably why the author was inspired to offer the Careless tune as one choice of melody.

The alternative tune, 'O Man in Desperation', also garnered relations with themes of martyrdom and persecution. The tune name originated in a ballad that was entered into the Stationers' Register on 15 August 1586, entitled 'A ballad begynnyng O man in desperation', which Simpson has claimed probably refers to an early, but not the original, edition of the ballad.⁹³ A certain degree of detective work is required in order to trace this potentially lost tune. Two extant versions of a ballad beginning 'Jerusalem, my happy home, / When shall I come to thee' survive with the tune inscription 'O Man in Desperation'.⁹⁴ Another version of the same ballad survives in manuscript, but the tune inscription on this rendition is 'Diana', another lost ballad tune.⁹⁵ Therefore, there are two melodies associated with this ballad, one known as 'Diana', the other as 'O Man in Desperation', neither of which seems to have survived. A further rendition of the same ballad survives in the commonplace book of the Roman Catholic Shanne family. Unusually, this rendering includes musical notation along with the marginal inscription 'this is the tune', but unfortunately the tune remains unnamed; a photograph of the manuscript can be seen

⁹¹ Anon., *The confession of a paenitent Sinner* (London, [1601-1640]), EBBA 30330.

⁹² Rollins, 'An Analytical Index', p. 103, no. 1170.

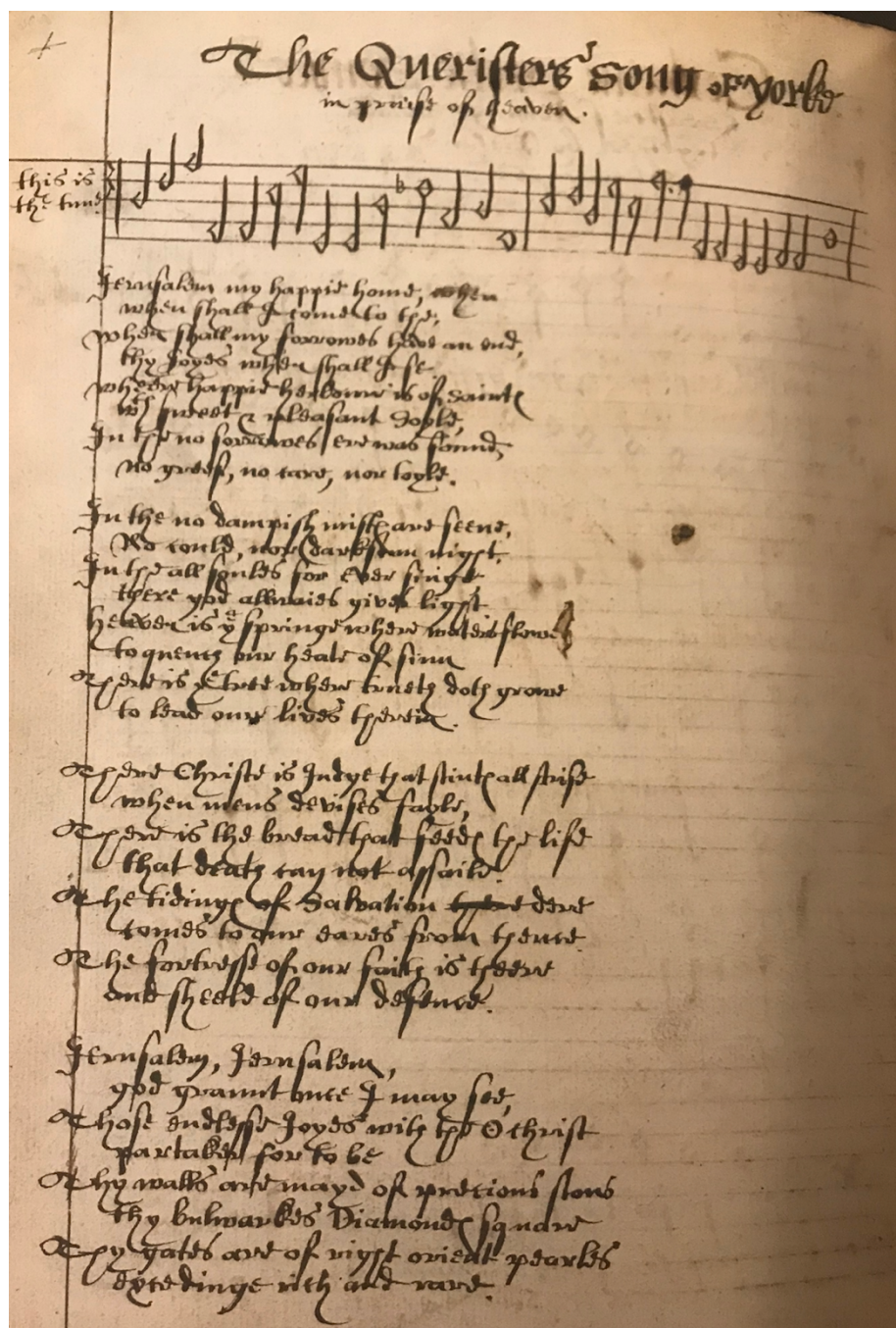
⁹³ Rollins, 'An Analytical Index', p. 172, no. 1990; Simpson, *The British Broadside Ballad*, p. 533.

⁹⁴ Clarke, *The Shirburn Ballads*, p. 170 and Bod., 40 Rawl. 566(167), available online at *Broadside Ballads Online from the Bodleian Libraries*, <http://ballads.bodleian.ox.ac.uk/view/edition/1868> [accessed 8 July 2020].

⁹⁵ BL Add. MS 15225, f. 36^v.

in fig. 5.4.⁹⁶ Thus, it is unclear whether the music that survives in the Shanne family commonplace book is that of 'O Man in Desperation', 'Diana', or even an entirely unrelated tune, but given that this is the only surviving music that has a potential relationship with 'O Man in Desperation', it is certainly worth investigating further.

Fig. 5.4: Commonplace Book of the Shann Family, The British Library, Additional MS 38599, f. 133^v. Photograph by Eleanor Hedger.



⁹⁶ BL Add. MS 38599, ff. 133^v-134^v.

Ex. 5.6: Verse 1 of *A rare Example of a vertuous Maid in Paris* (EBBA 35434), set to 'O Man in Desperation' [?] (tune transcribed from BL Add MS 38599, f. 133^v).

It was a La - dies Daugh - ter of Pa - ris pro - per - ly, Her

Mo - ther her com - man - ded to Mass that she should hie; O

par - don me dear mo - ther her Daugh - ter dear did say: Un -

to that fil - thy I - dol, I ne - ver can o - bey.

The melody, which is transcribed in Ex. 5.6, is somewhat characteristic of ballad tunes: on the whole, the melody is simple and memorable, using repeated melodic shapes, as can be seen in bars 2 and 3, and straightforward rhythmic patterns. However, there are a number of wide vocal leaps which, as mentioned earlier, was not a common feature of ballad melodies. There could be a simple explanation for this: Simpson has noted that since the music was written in the tenor clef, it might represent an accompanying voice rather than the actual melody.⁹⁷ So the melody that survives in the Shanne book is perhaps not the tune known as 'O man in desperation', but rather a tenor line harmonisation, perhaps composed by Richard Shanne himself. Shanne was certainly accustomed to arranging ballads as part-songs, as there are a number of such arrangements in his manuscript. For instance, there is a four-part arrangement of a ballad beginning 'Venus that faire lovelie queene' on ff. 137^v-138, which includes a note at the end of the song commenting that 'Ye maye if ye please let the triplex singe the dittie by him selfe, and let the three other partes allwaies take hould at hey downe, and likewise when the last voice begineth and so to the ende', pointing to the flexibility of these four-part arrangements.⁹⁸ This conclusion may help explain why the

⁹⁷ Simpson, *The British Broadside Ballad*, p. 535.

⁹⁸ BL Add. MS 38599, f. 138.

melody transcribed in Ex. 5.6 is such an angular tune, as accompanying voices often include larger vocal leaps than the tune itself. The texts of the execution ballads that name 'O Man in Desperation' as their tune easily fit with the music found in the Shanne family commonplace book: see, for instance, my rendition of the first verse of *A rare Example of a vertuous Maid in Paris* in Ex. 5.6. The straightforward pairing of music and text certainly adds weight to the notion that the melody found in the Shanne book might be an accompanying voice for the lost tune known as 'O Man in Desperation'.

With regard to the execution ballads set to this tune, some of these texts are associated with the innocence of martyrdom whilst others address the executions of traitors and criminals. For instance, *A rare Example of a vertuous Maid in Paris* recounts the tale of a young woman who was condemned to prison by her own mother, in the hope that it might make her recount her Protestant beliefs.⁹⁹ However, the young maid remained devoted to Protestantism during her imprisonment and was eventually burned at the stake for her beliefs. The song draws attention to her modesty, humility, and constancy in death, common attributes associated with the penitent martyr. On the other hand, a ballad published by Thomas Deloney in 1586, entitled *A most ioyfull Songe, made in the behalfe of all her Maiesties faithfull and louing Subiects: of the great ioy, which was made in London. at the taking of the late trayterous Conspirators*, offers an account of the executions of fourteen traitors in September 1586.¹⁰⁰ Although the ballad text portrays them as heinous traitors that 'seeke sweete Englands spoyle', the description of their behaviour at the gallows expounds on their constancy in death:

They came together gladly all, and there did mery make,
And gave God thanks with cheerefull hartes, for Queene Elizabeths sake.
In solemne Psalmes they sung full sweete the prayse of God on hie,
Who now and ever keepes our queene from Trators tyranny.¹⁰¹

Once again, the tune's association with martyrdom, combined with the description of their gallows performance, might have evoked an element of compassion for the victims from the audience, an interpretation that was perhaps not intended by the ballad's author.

⁹⁹ Anon., *A rare Example of a vertuous Maid in Paris* ([London], [1674-1679]), EBBA 35434. The ballad was entered into the Stationers' Register by Yarrath James on 1 August 1586, and Henry Carr on 15 August 1586: Rollins, 'An Analytical Index', p. 146 no. 1682; p. 72, no. 778.

¹⁰⁰ Thomas Deloney, *A most ioyfull Songe, made in the behalfe of all her Maiesties faithfull and louing Subiects* (London, [1586]), EBBA 36315.

¹⁰¹ Deloney, *A most ioyfull Songe*, verse 22.

Another ballad associated with 'O Man in Desperation' was published by Martin Parker in 1624.¹⁰² This song recounts the story of a husband, wife, and woman who brutally murder three people, one of whom was a child, and their subsequent execution. In contrast to the previous two ballads, the tune inscription is 'The Ladies Daughter', which Simpson has shown to be an alternative name for 'O Man in Desperation' that derived from the aforementioned ballad entitled *A rare Example of a vertuous Maid in Paris*.¹⁰³ The three murderers are depicted as cruel, savage, and unrepentant: for instance, Walter James, one of the murderers, supposedly 'took his death with laughter', rejecting God and refusing to confess. Whilst the tune's relationship with a ballad about fourteen traitors underscores the reprehensible nature of these criminals, its association with a song about a female martyr also somewhat undermines such messages. Tunes such as 'O Man in Desperation' crossed the delicate boundary between treason and martyrdom, accompanying a variety of texts that portrayed their protagonists very differently. These conflicting associations added a layer of incongruity to the melody's meaning, complicating the ways in which the audience would have heard and responded to such songs.

It is worth noting that some melodies were connected to such a wide range of different ballads that it is not always possible to imagine or posit any extra dimensions of meaning. For instance, a ballad about the execution of the English Jesuit priest Henry Garnet in 1606 was set to a tune entitled 'Triumph and Joy'.¹⁰⁴ William Chappell has suggested that this was another name for the well-known melody 'Greensleeves', but Simpson has since disputed this claim, demonstrating that the number of extant ballads inscribed with the name 'Triumph and Joy', combined with the fact that the earliest extant ballad with this inscription was licensed two years earlier than the first Greensleeves ballad, suggests that 'Triumph and Joy' was in fact an independent tune.¹⁰⁵ The tune carried a wealth of different cultural associations, as it was used for ballads about military victories, sin and punishment, royalty and nationhood, alcoholism and violence, religious concepts and devotion, and later in the seventeenth century it was used as the tune for a royalist, anti-puritan ballad celebrating the legitimacy of Charles I.¹⁰⁶ It is unlikely,

¹⁰² Martin Parker, [*A cruel Cornish murder*] *For which fact, he, his wife, and the other woman, were executed at Lancelston* (London, [1624]), EBBA 20169.

¹⁰³ Simpson, *The British Broadside Ballad*, p. 536.

¹⁰⁴ Anon., *The shamefull downefall of the Popes Kingdome* ([London], [1606]), EBBA 36046.

¹⁰⁵ William Chappell, *The Ballad Literature and Popular Music of the Olden Time*, vol. II (London, 1859), p. 775; Simpson, *The British Broadside Ballad*, p. 270, n. 2.

¹⁰⁶ Military victory: *A new ballade of the tryumpes kept in Ireland vppon Saint Georg's day last*, in *The Shirburn Ballads*, pp. 322-326; sin and punishment: *A passing Bell towling to call us to mind*, in Hyder Rollins, *A Pepysian Garland: Black-Letter Broadside Ballads of the years 1595-1639, chiefly from the collection of Samuel Pepys* (Cambridge: Cambridge University Press, 1922), pp. 185-188; royalty and nationhood: T. I., *A Ioyful Song of the Royall recieuing of the Queenes most excellent Maiestie into her highnesse Campe at Tiltsburie in Essex* (London, 1588), EBBA 32348; alcoholism and violence: Anon., *A new Ballad for you to looke on, How Mauld doth deale with euery one*. (London, [1601-1640]), EBBA 31631; religious concepts

therefore, that any execution ballads set to this tune, such as the song about the demise of Henry Garnet, offered any palpable subversive undertones to an early modern audience. Indeed, when tunes became associated with a wide range of conflicting themes and emotions it is virtually impossible to conceive how they were interpreted and understood by a contemporary audience.

Conclusion

Early modern execution ballads were integral in shaping the ways in which contemporaries thought about capital punishment. Of course, men and women had the opportunity to attend and respond to these events in person, but these songs not only helped prolong the memory of such occasions, they also potentially reshaped that memory in the minds of the audience. As I have argued elsewhere in this thesis, it is only when we consider ballads as musical, as well as textual, phenomena that we can fully grasp the various possible messages that they conveyed. For centuries, melodies have carried meanings and emotions, and these associations must have been particularly profound for a society that was so attuned to its sonic environment. Musical associations were multifaceted and often contradictory: melodies meant different things to different people according to their own social and cultural experiences. Whilst this makes it difficult to offer any exclusively definitive assumptions regarding contemporary interpretations, it does allow us to explore a range of possibilities, which is arguably a more productive and feasible methodological approach. As I argued in the previous chapter, the spectacle of execution was an ambiguous event: it did not necessarily represent the overriding power of the state, but rather, it was a complex ceremony that was open to various different, and often contradictory, interpretations. Like the spectacle itself, execution ballads were also unstable and open to multiple readings. Thus, I would argue that music and sound played an essential role in shaping popular awareness and understanding of capital punishment, not only during the ceremony itself, but also after the condemned had suffered his or her gruesome fate.

and devotion: *A new Ditty, shewing the wonderfull Miracles of our Lord and Sauour Iesus Christ* (London, [1624]), EBBA 20037; royalist, anti-puritan: *An Exact Description Of the manner how his Maiestie and his Nobles went to the Parliament*, in Hyder Rollins, *Cavalier and Puritan: Ballads and Broad-sides Illustrating the Period of the Great Rebellion, 1640-1660* (New York: New York University Press, 1923), pp. 78-82.

CONCLUSION

By the second half of the eighteenth century, public executions in London were given a permanent location outside Newgate prison, a move which served to eliminate the infamous execution procession to Tyburn. Instead, a structure was erected in front of the prison gates, and no one was allowed on the scaffold except for the condemned, the sheriff, the hangman, and the clergyman. The crowd were separated from this ominous structure by railings, which were patrolled by the sheriff's officers, and the condemned was kept out of public view for as long as possible, eventually emerging from a secret passageway that ran from the prison to the scaffold. As Philip Rawlings has noted, the transition from Tyburn to Newgate helped detach the condemned from his or her audience, particularly as the scaffold was so high off the ground that it made any kind of communication between the condemned and members of the crowd virtually impossible.¹ The move was reportedly triggered by an increase in the number of people that were hanged during the 1780s, but there was certainly something more significant at play here, a foreshadowing of the Capital Punishment Amendment Act of 1868, which ordained that all executions should take place inside the prison, thus removing the spectacle from public view.² The justification and rationale behind this Act has been widely discussed, but there is another element to this transition that scholars have previously overlooked.³ When considered in the context of sonic experience, such a move helped reduce the audibility of the condemned, as they were physically further away from those who came to witness their demise; most significantly, this hindered the victim's ability to influence the public perception of his or her death. This notion chimes with Thomas Laqueur's argument that the abolition of public executions correlated with the state's growing concern with

¹ Philip Rawlings, *The Reform of Punishment and the Criminal Justice System in England and Wales from the Late Seventeenth Century to the Early Nineteenth Century* (unpublished PhD thesis, Hull University, 1988), p. 607.

² The last person to be hanged publicly in England was on 27 May 1868.

³ Thomas Laqueur has associated the abolition of public executions with the state's growing concern with increasingly unruly crowds: Laqueur, 'Crowds, Carnivals and the State', pp. 305-306; Pieter Spierenburg and John Beattie have linked it with Norbert Elias' so-called 'civilising process': Spierenburg, *The Spectacle of Suffering*; J. M. Beattie, *Crime and the Courts in England, 1660-1800* (Oxford: Clarendon, 1986); Victor Gatrell has suggested that reformers were uneasy with such public displays of anguish and suffering: V. A. C. Gatrell, *The Hanging Tree: Executions and the English People 1770-1868* (Oxford: Oxford University Press, 1994), pp. 589-96; Randall McGowen has encouraged us to consider it as a reflection of a general rise in sympathy for the condemned: Randall McGowen, 'The Body and Punishment in Eighteenth-Century England', *The Journal of Modern History*, 59/4 (1987): pp. 652-679; Randall McGowen, 'Civilising Punishment: The End of Public Execution in England', *Journal of British Studies*, 33/3 (1994): pp. 257-282; Foucault has famously argued that the shift was reflective of a larger transition in the technologies of power that underpinned society: Foucault, *Discipline and Punish*. See also J. A. Sharpe, 'Civility, Civilizing Processes, and the End of Public Punishment in England', in Peter Burke, Brian Harrison, and Paul Slack (eds.), *Civil Histories: Essays Presented to Sir Keith Thomas* (Oxford: Oxford University Press, 2000), pp. 215-230. For a comprehensive overview of these debates see Paul Griffiths, 'Introduction: Punishing the English', in Devereaux and Griffiths (eds.), *Penal Practice and Culture*, pp. 1-35.

increasingly unruly crowds: if the voices of the condemned could not be heard by those present, there was less chance of them provoking rowdy and subversive responses amongst the crowd.

As the theatre of execution evolved from enormous spectacle to private affair, the soundscape of the ceremony changed with it, from one that afforded the condemned centre stage, granting them the opportunity to use their voices to manipulate the message of the ritual, to one that silenced the condemned entirely, eliminating meaningful exchanges with the crowd. Similar comments can be made about the evolution of carceral soundscapes: whilst early modern prisons were noisy and bustling spaces, during the nineteenth century many American and several English prisons adopted the 'silent system', a ruling which ensured that silence was maintained at all times.⁴ Although the reasons behind these shifts are clearly multifaceted and complex, the fact that the condemned could no longer be *heard* by members of the public is certainly telling. Although the history and evolution of state punishment is often perceived as a kind of progressive movement inspired by the Enlightenment of the seventeenth and eighteenth centuries, by *listening* to these spectacles and engaging with the complex processes of voicing and hearing, we are perhaps encouraged to consider these developments from a different, and arguably more Foucauldian, perspective: namely, one that situates this transformation within a much larger strategy of silencing.

*

As this closing vignette demonstrates, sound's role and significance within the discourse of punishment has changed over time, but it certainly played a prominent role during rituals of violence and punishment in sixteenth- and seventeenth-century England. We have heard that it was an important element within the discourse of unofficial, popular punishment, and that the nature and purpose of traditions such as rough music and libelling can only be fully recognised when we investigate the significance of their sounding qualities. Furthermore, I have argued that spaces of punishment such as the prison and the gallows were shaped and transformed through sonic production, and that public perceptions of capital punishment were influenced by the singing and hearing of popular ballads. More broadly, we have heard how music and sound were used to enact justice upon those whom society deemed unruly, to fashion denominational identities, to cultivate and maintain religious communities, to facilitate religious conversion, to voice resistance to the power of the state, and to challenge certain social and patriarchal constructs. Sounds could be violent, destructive, and humiliating, but they could also be defiant, liberating, and comforting.

⁴ See LaBelle, *Acoustic Territories*, pp. 66-72.

To begin with sound's violent potential, my discussions surrounding the concept of sonic violence can be used to elucidate our understanding of the history of violence and punishment more broadly. Definitions of violence are multifarious and diverse, but historically, violence is rarely considered to be something that could be *heard* as well as experienced physically. For instance, in his history of violence in England, J. A. Sharpe argued that 'at its core, violence is the use of physical force to injure or damage people and property, or involves language or behaviour that threatens to do so', thus situating it within the physical and discursive realm.⁵ Other scholars have highlighted the futility of attempting to define violence, primarily because it is such a diverse and multifarious concept.⁶ Whilst I agree that violence is culturally, socially, and historically contingent, I do think that it is important to remember that the sonic is often integral to the experience of violence, an emphasis especially worth making given that the majority of definitions overlook it. By broadening our understanding in this way, we are reminded of the diverse forms that violence and punishment can take.

Customary *longue durée* narratives concerning the history of violence contend that there has been a gradual decline in violent acts amongst humans, a diminishment which is usually associated with the rise of western-style nation states and what Norbert Elias called the 'civilising process'.⁷ Most notably, in 2011 Steven Pinker published a bold thesis arguing that human violence has declined dramatically over the past several thousand years, a theory which has had a great impact on the public imagination, especially after Bill Gates tweeted that Pinker's book 'shows how the world is getting better'.⁸ But as Philip Dwyer and Mark Micale have noted, the evolution of violence is considerably more complex than Pinker assumes, and his thesis is peppered with methodological pitfalls, particularly his 'tendency to exaggerate the violence of the past in order to contrast it with the supposed peacefulness of the modern era'.⁹ Indeed, the history and evolution of sonic violence does not resonate with Pinker's narrative. Although sound's violent potential was known long

⁵ Sharpe, *A Fiery & Furious People*, p. 10. Likewise, Susan Amussen has simply stated that 'violence causes physical harm', whilst Pieter Spierenburg, inspired by the anthropologist David Riches, has referred to violence as 'an intentional encroachment upon the physical integrity of the body': Susan Dwyer Amussen, 'Punishment, Discipline, and Power: The Social Meanings of Violence in Early Modern England', *Journal of British Studies*, 34/1 (1995): pp. 1-34, quote at p. 2, and Pieter Spierenburg, 'Violence: Reflections about a Word', in Sophie Body-Gendrot and Pieter Spierenburg (eds.), *Violence in Europe: Historical and Contemporary Perspectives* (New York: Springer, 2008), pp. 13-26, quote at p. 17.

⁶ See, for instance, Willem de Haan, 'Violence as an Essentially Contested Concept', in Body-Gendrot and Spierenburg (eds.), *Violence in Europe*, pp. 27-40.

⁷ Norbert Elias, *The Civilising Process* (Oxford: Blackwell, 1994).

⁸ Stephen Pinker, *The Better Angels of Our Nature: A History of Violence and Humanity* (London: Penguin, 2012). On Bill Gates' response to the book see Philip Dwyer and Mark S. Micale, *On Violence in History* (New York; Oxford: Berghahn Books, 2020), pp. 3-4.

⁹ Dwyer and Micale (eds.), *On Violence in History*, pp. 4-5.

before the early modern period, extending back at least to antiquity with the alluring and fatal song of the sirens in Greek mythology and the Battle of Jericho, it was not until the advent of modern sound technologies, and the possibility of high-volume amplification, that sound's potential as a medium to cause *physical* harm was fully realised. Since then, sound, particularly music, continues to be used in increasingly violent and insidious ways: examples include the use of music to motivate soldiers and incite fear amongst the enemy in warzones; the regular use of music as torture by the U.S. government; the blasting of high-volume deep frequencies to terrify and injure civilian populations in the Gaza Strip; and the launch of the American 'Music Immersion Program', which uses music as an alternative method of punishment for criminals.¹⁰ In the words of Johnson and Cloonan, we now have a 'form of assault so damaging that it has become a major instrument of state violence in the modern world, and a highly resourced subject of military research'.¹¹ It is safe to say, therefore, that there has been an increase in the use and potency of sonic violence throughout history: we can hear a gradual crescendo from the cacophony of pots and pans to chastise wayward individuals through to the prolonged exposure to over 100 decibels designed to 'break' prisoners, often resulting in side-effects such as nausea, hypertension, and reduced bodily functions, to name just a few.¹² Paying closer attention to the auditory highlights the complexities and nuances in understanding the history of violence, and it also provides a small but compelling argument which challenges the over-simplistic notion that we have progressed to a more peaceful world.

In light of these observations, there is significant scope for further research into the history of sonic violence: why, exactly, does sound continue to be used as a method to inflict both psychological and physical pain? How have the ideologies and methodologies of sonic violence changed over the course of history, especially following the advent of modern sound technologies? What is it about music and/or sound that makes it a powerful vehicle for humiliation and psychological torture? And what does this mean for our understanding of the history of violence

¹⁰ On music and violence today see Suzanne Cusick, "'You are in a place that is out of the world...': Music in the Detention Camps of the 'Global War on Terror'", *Journal of the Society for American Music*, 2/1 (2008): pp. 1-26; Suzanne Cusick and Branden W. Joseph, 'Across an Invisible Line: A Conversation about Music and Torture', *Grey Room*, 42 (2011): pp. 6-21; J. Martin Daughtry, *Listening to War: Sound, Music, Trauma, and Survival in Wartime Iraq* (New York: Oxford University Press, 2015); Goodman, *Sonic Warfare*; Ian E. J. Hill, 'Not Quite Bleeding from the Ears: Amplifying Sonic Torture', *Western Journal of Communication*, 76/3 (2012): pp. 217-135; Hirsch, "'Do You Really Want To Hurt Me?", pp. 35-53; Lily E. Hirsch, *Music in American Crime Prevention and Punishment* (Michigan: University of Michigan Press, 2012); Johnson and Cloonan, *Dark Side of the Tune*; James Kennaway, *Bad Vibrations: The History of the Idea of Music as a Cause of Disease* (Farnham: Ashgate, 2012), pp. 117-140.

¹¹ Johnson and Cloonan, *Dark Side of the Tune*, p. 160.

¹² Goodman, *Sonic Warfare*, p. 10.

more broadly? These are questions that are clearly beyond the bounds of this thesis, but hopefully their elucidation in a particular past place and time can cast some light on the issue more broadly.

Aside from sound's punitive potential, this thesis has also amplified the constructive facets of sound, particularly its ability to fashion and strengthen religious identity in the face of oppression, and its role in the construction of martyrdom. Throughout this thesis we have heard how individuals used the sound to fashion their identities, and how even those from the lowest levels of society could use sound to voice defiance. Whilst a large number of scholars have explored early modern conceptions of martyrdom in literature, art, and martyrological texts, this thesis has amplified the significance of *sound* within the construction of these narratives. Those that were persecuted for their faith adopted a variety of techniques to fashion themselves as martyrs, but their musical or spoken performances—many of which conveyed pointed statements of subversion—transformed their bodies into active agents that resisted the power of the state. Furthermore, whilst the majority of studies concerning the discourse of martyrdom have been divided across confessional lines, this thesis has demonstrated the value of a cross-confessional approach. By addressing the experiences of both Protestant *and* Catholic martyrs I have amplified various similarities and variations across the confessional divide, particularly with regard to how song was used to fashion distinct conceptions of martyrdom. The relationship between music and martyrdom is diverse and multifaceted and continues to this day: for instance, it can be heard in the emotive and militant Jihadi songs, or 'nasheeds', that have emerged as martyr anthems of the Islamic State.¹³ Music has long been known as a powerful tool for communicating resistance to the status quo, and there is certainly scope for further research into the enduring relationship between sound, music, and martyrdom throughout history.

This thesis has also contributed to discussions surrounding female vocality, criminality, and gendered constructions of the voice. Although discussions surrounding the notion of 'voice' in early modern culture have tended to remain firmly within the bounds of text and literacy, more recently, scholars such as Jennifer Richards and Richard Wistreich have urged us to attend to the 'physical', as well as the 'literary' voices of men and women, an approach which I have taken in listening to the inscribed, physical voices of female criminals.¹⁴ We know that commonplace patriarchal ideologies ordained that women should remain chaste, obedient, and, most importantly, silent, but in reality, few women actually conformed to such oppressive social codes. In attending

¹³ See Hendrik Grâtrud, 'Islamic State Nasheeds As Messaging Tools', *Studies in Conflict and Terrorism*, 39/12 (2016): pp. 1050-1070.

¹⁴ Richards and Wistreich, 'Introduction: Voicing Texts 1500-1700', pp. 3-16.

to the physical voices of female criminals, I have shown that by making public speeches, using their voices in song, or even resisting authority with silence, these women transgressed some of our historiographical expectations of early modern female conduct. Indeed, many women succeeded in negotiating power structures and claiming autonomy at the moment of death, rendering the scaffold a significant platform for female agency and empowerment. Although historians are beginning to explore the lives of early modern women with particular acuity and fervour, as I have shown, there is certainly more that can be said about the ways in which women used their *physical* voices to navigate the patriarchy.

Furthermore, this research also relates to broader discussions within the field of historical sound studies, particularly the complex relationship between sound and meaning. A question that continues to vex those interested in historical soundscapes is this: if sonic experience is entirely subjective, how do we begin to understand what sounds actually meant to those who heard them? The tendency to ascribe specific 'meanings' to music can result in limited readings which overlook important social and cultural undertones, so throughout this thesis I have endeavoured to explore a wide range of potential interpretations, many of which confute initial assumptions. For instance, I suggested that the prevalence of drums and kitchen utensils during rituals of rough music incited two conflicting interpretations, one which assumed masculine privilege and authority, the other which subversively amplified the fragility of patriarchal ideals. By drawing upon the broad spectrum of associations that sounds carried, I have amplified the *instability* and plurality of early modern sonic experience. This is not a new approach to the study of musical experience—indeed, as we saw in the final chapter, recent work on early modern balladry has adopted similar methodologies—but it is one that is yet to be fully realised in the field of historical sound studies. Although it does not necessarily provide conclusive and definitive readings, it affords us a malleable and wide-ranging construct for considering the ways in which sound shaped and influenced the lives of people and their communities.

Finally, by combining aspects of historical, musicological, and critical methodologies, this thesis has drawn attention to more conceptual issues: namely, the intimate relationship between sound, punishment, and power. The idea that power is linked to every part of the social body is a fundamental Foucauldian notion, and had Foucault written about the sonic realm, he no doubt would have drawn attention to sound's interaction with power. We know that early modern society was not simply characterised by a kind of monolithic superpower; rather, power was diffuse, penetrating even the lowest echelons of society. Interrogation of the sonic realm allows us to be

ear-witnesses to these diverse and unstable power structures: we have heard how those with no official authority could wield judicial power through the medium of song and noise, how prisoners could navigate and transform the experience of their confinement through sonic production, and how those facing the scaffold could claim power by taking control of the soundscape. In drawing upon aspects of Foucault's work, such as his theorisations of *parrhesia*, docility, and reverse discourse, I have cast significant light on some of these complex issues, and it is my hope that this will encourage other early modern scholars to embrace Foucault's work as a framework for rationalising historical experience. Ultimately, this thesis significantly amplifies our understanding of the acoustic dimensions of power and punishment in early modern society, and more broadly, it helps sharpen our ears, and keep us vigilant, to the political power of sound to shape and control perception.

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APPENDIX: EXECUTION BALLADS

For all ballads referenced from the English Broadside Ballad Archive (EBBA), full bibliographic information, including library holding and shelfmark, can be found on the EBBA website using the cited EBBA number. If the ballad is not available on EBBA, an alternative source has been offered. Any dates that are estimated or approximate have been given in square brackets. It is worth noting that many of these ballads survive in multiple copies, but the EBBA number indicated refers to the version consulted for this research. The standardised tune names used in Simpson's collection of ballad melodies has been included in brackets if necessary, and if the tune is lost then it is marked 'unknown'. Those that have corresponding entries in the Stationers' Register have been footnoted accordingly.

Title	Tune	Author	Date	Source
Anne VVallens lamentation, for the Murthering of her husband Iohn Wallen a Turner in Cow-lane neere Smithfield; done by his owne wife, on satterday the 22 of Iune. 1616. who was burnt in Smithfield the first of Iuly following.	Fortune my Foe	T. Platte	[1616]	EBBA 20053
Another Bloody murther committed neere VVare, in Hartfordshire, by some notorious offenders, who were executed in the same moneth. ¹	Fortune my Foe	Anon.	[1633]	EBBA 36030
The Arrainement condemnation and execution of the grand [cutpurse] Iohn Selman who was executed at White-hall vppon Twesday the seuenth of Ianuary. 1612. ²	The Rich Merchant Man	Henry Smith	1612	EBBA 20057

¹ Printed on the same sheet as EBBA 36029, *The lamentation of Edward Bruton...*

² Entered into the Stationers' Register by J. Wright on 7 January 1611 [1612]: Rollins, 'An Analytical Index', p. 17, no. 95.

The arraignment of Iohn Flodder and his wife, at Norwidge, with the wife of one Bicks, for burning the Towne of Windham in Norfolke, vpon the xi. day of Iune last 1615. Where two of them are now executed, and the third repriued vpon further confession. ³	Fortune My Foe	Anon.	1615	EBBA 20056
A ballad concernynge the death of mr. Robart glover, wrytone to maystrys marye glover, his wyf, of a frend of heres.	None	Robert Bott	[1555]	BL, Stowe MS 958, fols. 8 ^v -17
A Ballad Intituled, a Newe well a daye As playne maister Papist, as Donstable waye. ⁴	None (Welladay) ⁵	William Elderton	1569-1570	EBBA 37033
[...] Being a sad and true Relation of the Apprehension, Tryal, Confession, Condemnation, and Execution of the two barbarous and bloody Murtherers, who basely and unawares killed a worthy Knight of the North Country as he was going down to the Waterside; not giving them the least abuse, for which cruel and inhumane action they were both hanged in Fleet-Street, near White-Fryers, 22 of Octo. 1675.	Bleeding Heart (unknown)	W. P.	[1675-1679]	EBBA 20762

³ Entered into the Stationers' Register by J. Trundle on 26 September 1615: Rollins, 'An Analytical Index', p. 17, no. 96.

⁴ Entered into the Stationers' Register by Tho. Colwell in 1569-70: Rollins, 'An Analytical Index', p. 166, no. 1911.

⁵ Whilst there is no tune inscription, the refrain, 'Well a daye, well a daye, well a daye, woe is me, Syr Thomas Plomtrie is hanged on a tree', clearly shows that it was to be sung to the tune known as 'Welladay'.

The Bloody Butcher, And the two wicked and cruel Bawds: Exprest in a woful Narrative of one Nathaniel Smith a Butcher, who lived in Maypole-Alley near the Strand; his Wife having been all day in the Market selling of Meat, in the evening went with her Husband to an Alehouse, where they stay'd till ten of the clock. and then went home together, and being in their lodging, demanded of her the Money she had taken that day, but she (being great with child and peevish) refused to give it him, he taking his Butchers-knife in his hand stabb'd her in the back, whereof she instantly dyed, for which he was apprehended, condemned, and executed at Tyburn, April the 24th. 1667.	Bleeding Heart (unknown)	Anon.	[1663-1676]	EBBA 31663
The Bloody-minded Husband; or, The Cruelty of John Chambers, who lately lived at Tanworth, in Warwick-shire, and conspir'd the Death of Wife, hiring a Servant to Shoot her with a Musket, which he accordingly did, for which they were both Arraign'd, found Guilty, and Executed for the same.	Aim not too high (Fortune my Foe)	Anon.	[1671-1700]	EBBA 20786
The Bloody-minded Husband; or, The Unfortunate Wife: Giving a True Account of one William Terry of Derbyshire, within Two Miles of Ashbourn, who murder'd his Wife Jane: for which he receiv'd due Sentance of Death, according to the Cruelty of his Crime.	Russell's Farewell	Anon.	[1687-1696]	EBBA 20809
The Bloody Murtherer; or, The Sorrowfull Lamentation of James Selbee, who was Executed at Goodman's-fields, on the 2d of May, for the Murther which he Committed on the Body of Mrs. Bartlett.	Aim not too high (Fortune My Foe)	Anon.	[1691]	EBBA 20814

The Brick-makers Lamentation from New-gate: or, A true Report of the Indicting, Arraignment, Tryal, and Convicting of four of the Brick-makers Court of In-justice: for the Notorious Riot committed on the Body of one Richard Lambart, Brick-maker of Fullum, who they Arraigned Indicted, and had almost Executed, for some pretended idle worlds. Their Examination, and Tryal, and Sentence they are to undergoe, exprest as followeth.	Packington's Pound	Anon.	[1685]	EBBA 30185
Capt. Johnstons last Farewel; Who was arraigned for being assisting in the stealing a young Heiress, for which he received Sentence of Death, and was accordingly Executed at Tyburn, the 23d. of this instant December, 1690.	Russell's Farewell	Anon.	[1690]	EBBA 36740
Capt. Whitney's Confession: or, his Penitent Lamentation, Under a Sence of a Guilty Conscience, on the Day of his Execution at the Porter's Block, near Smithfield-Bars, which was on the First of February, 1693.	Johnson's Farewell (Russell's Farewell)	Anon.	[1693]	EBBA 20801
The Clippers Execution, or, Treason justly rewarded manifested in the fearful example of two Women who were Notorious offenders, and tryed at the Old-Bayly the 13th of this present April, 1678. for clipping and defacing His Majesties coyn, where they were found Guilty of High Treason, and received Sentence to be Drawn on a Hurdle to the place of Execution, and there their Bodies to be Burnt. One of them being accordingly Executed in Smithfield upon the 17th of the said Moneth; as a warning for all others to avoid the like Dreadful Punishment.	In summer time	Anon.	[1678]	EBBO
Collonel Sidney's Overthrow; or, An account of his Execution upon Tower-Hill, on Friday the 7th. of December, 1683. who was Condemned for High Treason against His Sacred Majesty, for endeavouring the Subversion of the Government, &c.	Now, now, the fight's done (unknown)	Anon.	[1683]	EBBA 30913

The complaint and lamentation of Mistresse Arden of Feversham in Kent, who for the loue of one Mosbie, hired certaine Ruffians and Villaines most cruelly to murder her Husband; with the fatall end of her and her Associats. ⁶	Fortune my Foe	Anon.	1633	EBBA 30458
The complaint of Ulallia for the causing her Husband to be murdered for the love of Strangwidge, who were executed together. ⁷	None	Anon.	[1695]	EBBA 33662
The Confession and repentance of George Sanders Gentleman, late of Shugh in the County of Hereford, who vnnaturally killed his Vncle, and accused his owne Father for the murther: but by Gods prouidence being discourd, hee died for the same. Where he writ this song with his owne hand, the first of Ianuary. 1616. ⁸	Fortune my Foe	Anon.	[1618]	EBBA 36263
The Counterfeit Coyner: or, The Dying Lamentation of John Moor, the Tripe man, who was Arrained and found Guilty of Counterfiting the Coyn of the Kingdom, and was accordingly Executed at Tyburn, on Fryday the 12 of July, 1695.	Russell's Farewell	Anon.	[1695]	EBBA 22224
Criminals Cruelty. Giving a Just and true Account of one Iohn Wise, who together with Richard Iones, and Charles Tooley yet untaken, did one Sunday night being the twentieth of April, commit that Barbarous and Unnatural Murther on Elizabeth Fairbank, Widdow, who lived in a Seller, at Picadilly, that Robbed and Rifled her, being of Money and Plate, and Rings, for which fact Iohn Wise at present was found guilty, and accordingly received the due Sentance of Death, the which was Executed on Friday the 17tnth, of this instant October, 1684. at Pickadilly.	Aim not too high (Fortune my Foe)	Anon.	[1684]	EBBA 20771

⁶ Entered into the Stationers' Register by Wright & partners on 8 July 1633: Rollins, 'An Analytical Index', p. 39, no. 363.

⁷ Printed on the same sheet as EBBA 33660, *The lamentation of George Strangwidge...*

⁸ Printed on the same sheet as EBBA 36262, *Saue a thiefe from the gallowes...*

[A cruel Cornish murder] For which fact, he, his wife, and the other woman, were executed at Lanceson, last Lent Assizes, [...] in chaines neere vnto the place where the murder was done.	The Ladies daughter (O man in desperation)	Martin Parker	[1624]	EBBA 20169
A cruell murther committed lately upon the body of Abraham Gearsy, who liv'd in the Parish of Westmill, in the County of Harford, by one Robert Reeve, and Richard Reeve, both of the same Parish: for which fact Robert was prest to death, on Munday the 16. of March, and the Tuesday following Richard was hang'd; and after both them were hang'd up in chaines, where now they doe remaine, to the affright-ment of all beholders.	Fortune My Foe	Richard Crimsal	[1635]	EBBA 30326
Damnabable Practises Of three Licolne-shire Witches, Joane Flower, and her two Daughters, Margret and Phillip Flower, against Henry Lord Rosse, with others the Children of the Right Honourable the Earle of Rutland, at Beauer Castle, who for the same were executed at Lincoln the 11. of March last.	The Ladies Fall (In Peascod Time)	Anon.	1619	EBBA 20058
A declaration of the death of Iohn Lewes, a most detestable and obstinate Hereticke, burned at Norwich, the xviii, daye of September. 1583. About three of the clocke in the after noone.	John Careless (unknown)	Thomas Gilbert	[1583]	EBBA 36314
Disny's Last Farewell. Being an Account of the Execution of William Disney Esqr, who was Drawn, hang'd, and Quartered, on Monday the 29th of this Instant June, 1685. For Printing of Monmouth's Treasonable declaration.	Fortune my Foe	Anon.	[1685]	EBBA 20772
The Dying Lamentation Of Thomas Randal, who was Executed at Stone-Bridge, On VVednesday the 29th of January for the barbarous Murder Committed on Roger Leavens, Ironmonger. Who is Hang'd in Chains near Stone-Bridge.	Johnsons Farewell (Russell's Farewell)	Anon.	1696	EBBA 34781

An Elegie On the never to be forgotten Sir Thomas Armstrong Knight; Executed for Conspiring the Death of His most Sacred Majesty, and Royal Brother, June 20. 1684. With some Satyricall Reflections on the whole Faction.	None	Anon.	[1684]	EBBA 32147
The end and Confession of Iohn Felton who suffred in Paules Churcheyard in London, the .viii. of August, for high treason. 1570.	None	F. G.	[1570]	EBBA 32268
An Epilogue to the French Midwife's Tragedy, Who was Burnt in Leicester-Fields, March 2. 1687/8. For the Barbarous Murder of her Husband Denis Hobry.	None	Elkanah Settle	1688	EBBA 34437
The Examination, Confession, and Execution of Ursula Corbet, who, for Poysoning of her Husband Simon Corbet, was Burned near to Worcester the fifteenth Day of March, 1660.	Bleeding Heart (unknown)	Anon.	[1660]	EBBA 32887
An excellent Ballad of George Barnwel an Apprentice of London, who was undone by a strumpet, who having thrice robbed his Master, and murdered his Uncle in Ludlow.	The Merchant (The Rich Merchant Man)	Anon.	[1658-1664]	EBBA 31764
An Excellent New Song, Call'd Captain Winters last Farwell To the World; Or His Mournful parting with His Wife and Children, Who was Executed in Fleetstreet, May 17th 1693.	All Happy Times (He That Loves Best Must Suffer Most)	Anon.	1693	EBBA 22231
Francis Winter's last Farewel: or, The White-Fryers Captain's Confession and Lamentation, Just before his Execution at the Gate of White-Fryers, on the 17th of this instant May, 1693.	Russell's Farewell	Anon.	[1693]	EBBA 20803

The godly end, and wofull lamentation of one Iohn Stevens, a youth, that was hang'd, drawne, and quartered for High-Treason, at Salisbury in Wiltshire, vpon Thursday being the seuenth day of March last 1632. vvith the setting vp of his quarters on the City gates. ⁹	Fortune my Foe	Anon.	[1633]	EBBA 30327
The Golden Farmer's Last Fareweel Who was arraigned and found Guilty of wilfull Murther, and likewise many notorious Robberies; for which he received a due Sentance of Death, and was accordingly Executed on the 22d. of December, 1690 in Fleetstreet.	The Rich Merchant Man	Anon.	[1691]	EBBA 20802
Iames Franklin a Kentishman of Maidstone, his ovvne Arraignment, Confession, Condemnation, and Iudgement of Himselfe, whilst hee lay Prisoner in the Kings Bench for the Poisoning of Sir Thomas Ouerbury.	None	Anon.	[1615]	EBBA 36329
Iohn Spenser a Chesshire Gallant, his life and repentance, who for killing of one Randall Gam: was lately executed at Burford a mile from Nantwich.	Slumbering Sleep (Roger)	Thomas Dickerson	[1617]	EBBA 20047
King Charles His Speech, and last Farewell to the World, made upon the Scaffold at White-hall-gate, on Tuesday, Ianuary 30 1648.	Welladay	Anon.	[1649]	EBBA 36104
King Jameses Royal Victory. Giving an Account of the Great Conquest His Gracious Majesty hath happily gained over the Rebels; Also, the taking and Execution of the late Duke of Monmouth, who was Beheaded on Tower-Hill, on Wednesday the 15th. of the Instant July, 1685.	Russell's Farewell	Anon.	[1685]	EBBA 20851
The Kings last Speech at his time of Execution, as he made upon the Scaffold, a little before his Death, which was to this effect: Which shall in Verse, and not in Prose, Through England range to Friends and Foes.	Gerard's Mistress	Humphrey Crouch	[1678-1680]	EBBA 20815

⁹ Entered into the Stationers' Register by Wright & partners on 8 July 1633: Rollins, 'An Analytical Index', p. 90, no. 995.

The lady Isabella's Tragedy; or, The Step-Mothers Cruelty. Being a Relation of a most Lamentable and Cruel Murder, committed on the Body of the Lady Isabella, the onely Daughter of a Noble Duke, occasioned by the means of a step-Mother and the Master-Cook, who were both adjudged to suffer a Cruel death, for committing the said Horrid act.	The Ladies Fall (In Peascod Time)	Anon.	[1680]	EBBA 30746
A lamentable Dittie composed upon the death of Robert Lord Deuereux late Earle of Essex, who was beheaded in the Tower of London, on Ashwenesday in the morning. 1600. ¹⁰	Welladay	Anon.	1603	EBBA 32617
A lamentable new Ballad vpon the Earle of Essex his death. ¹¹	Essex' last Goodnight	Anon.	1603	EBBA 30130
A lamentable new Ditty, made vpon the death of a worthy Gentleman, named George Stoole, dwelling sometime on Gate-side Moore, and sometime at New-castle in Nortumberland: with his penitent end.	Delicate Scottish Tune (unknown)	Anon.	[1630]	EBBA 30131
The lamentacon of Christofer Tomlinson horse corser comonlye called Kytt with the wry mouthe whoe killed his wife with a Dagger and was executed for the same the 4th Daie of December 1592 at Tyborne. ¹²	Fortune my Foe	Anon.	1592	Lost
The lamentation of Edward Bruton, and James Riley, who for the bloody murder committed on the bodies of Henry Howell, and his wife, vpon Queenes Downe, were executed and hanged in chaines, neere the same place on the 18. day of March, 1633. ¹³	Fortune my Foe	Anon.	[1633]	EBBA 36029

¹⁰ Entered into the Stationers' Register by Mrs Alde on 18 May 1603, although the ballad was probably contemporaneous with Essex's death in 1601: Rollins, 'An Analytical Index', p. 122, no. 1401. It is printed on the same sheet as EBBA 30130, *A lamentable new Ballad...*

¹¹ Printed on the same sheet as EBBA 32617, *A lamentable ditty composed upon the death of Robert Lord Devereux...*

¹² Entered into the Stationers' Register by Richard Jones on 5 December 1592: Rollins, 'An Analytical Index', p. 126, no. 1447.

¹³ Printed on the same sheet as EBBA 36030, *Another Bloody murther...*

The Lamentation of Englande: For the late Treasons conspired against the Queenes Maiestie and the vvhole Realme, by Franuces Throgmorton: who was executed for the same at Tyborne, on Friday being the tenth day of July last past. 1584.	Weep, weep (Sick, Sick)	W. M.	[1584]	EBBA 33815
The lamentation of George Strangwidge, who for the consenting to the death of Mr. Page of Plymouth, suffered death at Barstable. ¹⁴	None	Anon.	[1695]	EBBA 33660
The lamentation of Henrye Adlington, a fencer, one of the cuttinge crewe of London, who, for murther, was executed without Algate, and yet hangeth in chaines.	Shore's wife (Come Live With Me and Be My Love)	Anon.	?	Clark, <i>The Shirburn Ballads</i> , pp. 106-108
The Lamentation of John Musgrave, Who was Executed at Kendal, for Robbing the King's Receiver, and taking away from him great store of Treasure.	Wharton (unknown)	Anon.	[1681- 1684]	EBBA 20779
The lamentacion of John Parker who for consenting to the murder of John Bruen was hanged in Smithfeild the 28 of June 2 yeres after the fact was committed. ¹⁵	Fortune my Foe	Anon.	1592	Lost
The lamentation of Master Pages wife of Plimmouth, who being enforced by her Parents to wed him against her will, did most wickedly consent to his muther, for the loue of George Strandwidge: for which fact she suffered death of Barstable in Deuonshire. Written with her owne hand a little before her death.	Fortune my Foe	Thomas Deloney	[1609]	EBBA 20054

¹⁴ Printed on the same sheet as EBBA 33662, *The complaint of Ulallia...*

¹⁵ Entered into the Stationers' Register by Abel Jeffs on 15 July 1592: Rollins, 'An Analytical Index', p. 127, no. 1449.

A letter to Rome, to declare to ye Pope, Iohn Felton his freend is hangd in a rope: And farther, a right his grace to enforme, He dyed a Papist, and seemd not to turne. ¹⁶	Row Well ye Mariners	Steven Peele	1571	EBBA 32412
The life and death of M. Geo: Sands, who after many enormous crimes by him committed, with Iones and Gent his confederates, was executed at Tyburne on Wednesday the 6 of September, 1626.	Flying Fame (Chevy Chase)	Anon.	[1626]	EBBA 20055
A looking-glass for traytors, or, High treason rewarded. Being a full account of the examination of the second person that was executed in Novem. 1678. by name, Edward Coleman, Esq; who was found guilty of high Treason, at the Kings-Bench-Bar at VVestminster, the 27th of Nov. 1678 for Plotting and contriving the Death of our Sovereign Lord the King, and endeavouring to change the Government of the Nation and utterly to extirpate the Protestant Religion. For which he was sentenced to be Drawn, Hang'd and Quartered: Being accordingly Executed the 3d. day of this instant Decemb. at Tyburn	Aim not too high, or, Fortune my foe. (same tune)	Anon.	[1674-1679]	EBBO
A looking-glass for vvanon Women By the Example and Expiation of Mary Higgs, who was executed on Wednesday the 18th. of July, 1677. for committing the odious sin of Buggery, with her Dog, who was hanged on a Tree the same day, neer the place of Execution; shewing her penitent behaviour, and last speech at the Gallows.	In Summer Time	Anon.	[1677-1696]	EBBO
The Lord Russels Farewel, VVho was Beheaded for High-Treason, in Lincolns-Inn-Fields' July 21st. 1683.	Tender Hearts of London City	John Dean	[1683]	EBBA 34353
The Lord Russels Last Farewel to the VVorld. A Song.	Russell's Farewell	Anon.	1683	EBBA 32393

¹⁶ Entered into the Stationers' Register by Stephen Peele in 1570-1571: Rollins, 'An Analytical Index', p. 131, no. 1494.

The Manner of the King's Tryal at Westminster-hall, by the High Court of Justice, from January the 24th, to January the 27th, 1648. Also the Manner of His being put to Death at White-hall, near the Banqueting-house, on the 30th Day of January, 1648; with His Speech made upon the Scaffold before He was Beheaded.	Aim Not Too High (Fortune my Foe)	Anon.	[1682]	EBBA 34989
The Midwife of Poplar's Sorrowful Confession and Lamentation in Newgate Who was Condemned to Dye for that Horrid and Unheard of Murder, which she committed on the Bodys of several young infants, whom she Starved to Death, and was accordingly Executed for the same in Holbourn, upon the 23d. of this instant October, 1693.	Russell's Farewell	Anon.	[1693]	EBBA 20807
Mistres Turners Repentance, Who, about the poysoning of that Ho: Knight Sir Thomas Overbvry, VVas executed the fourteenth day of Nouember, last. ¹⁷	None	Thomas Brewer	1615	EBBA 36327
A most ioyfull Songe, made in the behalfe of all her Maiesties faithfull and louing Subiects: of the great ioy, which was made in London. at the taking of the late trayterous Conspirators, which sought opotunity to kyll her Maiesty, to spoyle the Cittie, and by forraigne inuasion to ouerrun the Realme: for the which haynous Treasons, fourteen of them hane suffred death on the 20. & 21. of Sept. Also, a detestation against those Conspirators, and all their Confederates, giuing God the prayse for the safe preservation of her maiesty, and their subuersion. Anno. Domini. 1586.	O Man in Desperation	Thomas Deloney	[1586]	EBBA 36315
A most miraculous, strange, and trewe Ballad, of a younge man of the age of 19 yeares, who was wrongfully hangd at a towne called Bon in the lowe Countreyes since christmas last past 1612; and how god preserued him aliue, and brought his false accuser to deserued destruction.	O Man in Desperation	Anon.	?	Clark, <i>The Shirburn Ballads</i> , pp. 159-163.

¹⁷ Entered into the Stationers' Register by Thomas Brewer on 23 November 1615: Rollins, 'An Analytical Index', p. 154, no. 1781.

The Mournful Murderer: or, The last Dying Lamentation of George Gadesby, who was Arraigned and found Guilty of that horrid Murther, committed on the Body of his Wife, for which he received due Sentence of Death, and was accordingly executed at Tybourn, on Friday, the 28th of May, 1697.	Russell's Farewell	Anon.	[1697]	EBBA 22240
The Mournful Murtherer: or, The last Dying Lamentation of Thomas Randall, who was arraigned and found guilty of the Murther of Roger Levins, at Stone-bridge, near Kings-land, for which he received the due Sentence of Death, and was accordingly Executed and Hang'd in Chains at the said Bridge, on the 29th of this instant January.	Russell's Farewell	Anon.	[1696]	EBBA 20780
Murder upon Murder, Committed by Thomas Sherwood, alias, Countrey Tom: and Elizabeth Evans, alias, Canbrye Besse: the first upon M. Loe, the 2. of M. George Holt of Windzor, whom inhumanely they kild neare Islington on the 22. day of Ianuary 1635. The last upon M. Thomas Claxton of London, whom mercilesly they murdered upon the second day of Aprill last past, neare unto Lambs Conduit on the backside of Holborne, with many other robberies and mischiefes by them committed from time to time since Midsomer last past, now revealed and confest by them, and now according to judgement he is hangd neare to Lambs Conduit this 14 of April, 1635. to the terror of all such offenders.	Bragandary (unknown)	Anon.	[1635]	EBBO
The Murtherers Lamentation: Being An Account of John Jewster and William Butler, who where arraign'd and found guilty of the Robbery and Murther of Mrs. Jane Le-grand; for which they received due Sentence of Death, and was accordingly Executed on the 19th day of this Instant July, in Spittle-fields.	Russell's Farewell	Anon.	[1694]	EBBA 20796

The Murtherer's Moan; or, The Penitent Lamentation of J.B. Gent, for the Murther of his Wife Elizabeth, which he bitterly Lamented, a little before his Execution, which was at Tyburn, on the 18th of this Instant September, 1691.	Johnson's Farewell (Russell's Farewell)	Anon.	[1691]	EBBA 22230
Mrs. Page's Complaint for causing her Husband to be Murthered for the Love of George Strangwidge. ¹⁸	Fortune my Foe	Thomas Deloney	[1670]	EBBA 37378
A newe Ballade, declaryng the daungerons shootyng of the Gunne at the Courte.	Sick, Sick	William Elderton	[1579]	EBBA 36310
A new ballade, shewing the cruell robberies and lewde lyfe of Phillip Collins alias Osburne, commenlye called Phillip of the West, who was prest to death at Newgate in London the third of December last past 1597.	Pagginton's rounde (Packington's Pound)	Anon.	1597?	Clark, <i>The Shirburn Ballads</i> , pp. 130-133.
No naturall Mother, but a Monster. Or, the exact relation of one, who for making away her owne newborne childe, about Brainford neere London, was hang'd at Teyborne, on Wednesday the 11. of December, 1633. ¹⁹	Welladay	Martin Parker	[1634]	EBBA 36049
Of the endes and deathes of two Prisoners, lately pressed to death in Newgate. 1569. ²⁰	None	Anon.	1568-1569	EBBA 32408
The Penitent Highway-man: or, The Last Farewel of Mr. Biss, Who was Born at Shaftsbury, in Wiltshire, and was arrain'd and found guilty, and accordingly received Sentence of Death, and was Executed at Salisbury, on the 12th of March, 1695.	Russell's Farewell	Anon.	[1695]	EBBA 20810

¹⁸ Usually printed with *The lamentation of Mr. Page's wife of Plimmouth* but this part is missing from this particular copy.

¹⁹ Entered into the Stationers' Register by Wright & partners on 16 July 1634: Rollins, 'An Analytical Index', p. 169, no. 1949.

²⁰ Entered into the Stationers' Register by Jno. Sampson in 1568-1569: Rollins, 'An Analytical Index', p. 64, no. 685.

The Penitent Robber, or, The Woeful Lamentation of Capt. James Whitney, On the Morning of his Execution which was on the First of February, 1693.	Russell's Farewell	Anon.	[1693]	EBBA 22226
The Penitent Traitors: or, the Last Dying Lamentation of Charnock, Keys, and King, Who was all three arraigned and found guilty of High Treason, on the 11th day of this Instant March, and accordingly received Sentence of Death, and was executed at Tyburn, on Wednesday the 18th of March, 1695.	Russell's Farewell	Anon.	[1696]	EBBA 22235
The penitant Traytor, or the humble Confession of a Devonshire gentleman, who was condemned for high treason, and executed at Tyborne for the same, in the Raigne of King Henry the third, the nineteenth of July, 1267.	Fortune my Foe	Anon.	[1647]	EBBA 36628
The Plotter Executed: or, The Examination, Tryal, Condemnation, and Execution, of Edward Coleman Esquire. Who was Convicted of High Treason, the 27th. day of November, at the King-Bench-Barr at VWestminster, for Plotting against the Life of his most Sacred Majesty, and for Endeavouring to subvert the Government, and the true Protestant Religion Establisht: he received Sentence the 28th. day of November 1678. to be Drawn Hang'd, and Quartered, and was Executed by Tyburn the 3d. of December: With his Last Speech and Confession, made by him at the place of Execution.	Captain Digby, or, Packington's Pound (different tunes)	Anon.	[1678]	EBBA 30386
The Plotters Reward: or, Sir John Fenwick's Last Farewel to the VWorld, who was Beheaded on Tower-Hill, the 28th. of January, 1696.	Russell's Farewell	Anon.	1697	EBBA 22239

A proper new ballad, breiefly declaring the Death and Execution of 14. most wicked Traitors, who suffered death in Lincolnes Inne Feelde neere London: the 20 and 21. of September. 1586.	Weep weep (Sick, Sick)	Thomas Deloney	[1586]	EBBA 33717
A proper neue Ballad, declaring the substaunce of all the late pretended Treasons against the Queenes Maiestie, and Estates of this Realme, by sundry Traytors: who were executed in Lincolnes-Inne fieldes on the 20. and 21. daies of September. 1586.	Wilson's new tune (unknown)	Thomas Nelson	[1586]	EBBA 36317
A rare Example of a vertuous Maid in Paris, Who was by her own Mother procured to be put in Prison, thikning thereby to compel her to Popery, but she continued to the end, and finished her life in the Fire. ²¹	O man in desperation	Anon.	[1674- 1679]	EBBA 35434
Rebellion Rewarded with Justice. Or, The Last farewell of the late Duke of Monmouth which was Beheaded on Tower-Hill on the 15th of this Instant July 1685. It is not well for to Rebell, Against a Gracious Prince, Let all beware and shun the Snare, That would be Men of Sence.	Russell's Farewell	Anon.	[1685]	EBBA 20857
The Revvard of Murther, In the Execution of Richard Smith, for murdering Mary Davis widdow, to whom hee made a promise of Marriage after he had gotten her with Childe: she was found drownd in a Pond neare More Fields, the 27. of November last, and the said Richard Smith, executed this present Saterdag, being the 12. of Dccember, 1640. for the same fact.	Ned Smith (unknown)	Anon.	[1640]	EBBA 36085
Russel's Farewel.	Oh, the merry Christ-Church Bells	Anon.	1683	EBBA 34910

²¹ Entered into the Stationers' Register by Yarrath James on 1 August 1586, and Henry Carr on 15 August 1586: Rollins, 'An Analytical Index', p. 146 no. 1682; p. 72, no. 778.

	(The Bonney Christ Church Bells)			
The sad effects of Covetousness. Being, a Relation of a Horrid Murther, committed upon a Maid Servant, in the Town of Lyn; by her Mistriss and her Son, for the Lucre of what she had: But they being apprehended for the same, was accordingly found Guilty, and was also Executed.	The Young Mans Legacy (unknown)	Anon.	[1686-1687]	EBBA 20785
[Sal]isbury assizes. [...] of Witchcraft. Being a true Relation of one Mistris Bodnan living in Fisherton, next house but one to the Gallowes, who being a Witch seduced a Maid, called by name, Anne Stiles, to the same abominable and detested action of VVitchcraft; which VVitch for that action was executed the 19 day of March 1653.	Bragandary (unknown)	Anon.	[1653]	EBBA 36038
Saue a Thiefe from the Gallowes and he'll hang thee if he can.: Or, The mercifull father, and the mercilesse sonne. ²²	Fortune my Foe	Anon.	[1618]	EBBA 36262
The Sea-Martyrs; or, The Seamen's sad Lamentation for their Faithful Service, Bad Pay, and Cruel Usage. Being a woful Relation how some of them were unmercifully put to Death for pressing for their Pay, when their Families were like to starve. Thus our New Government does Subjects serve, And leaves them this sad choice to hang or starve.	Banstead Downs (Come Live with Me and Be My Love)	Anon.	[1690-1699]	EBBA 22198
The shamefull downefall of the Popes Kingdome Contayning the life and death of Steeuen Garnet, the Popes chiefe Priest in England: being executed in Paules Church-yard in London the 3. of May last. 1606. ²³	Triumph and Joy (Greensleeves?)	Anon.	1606	EBBA 36046

²² Printed on the same sheet as EBBA 36263, *The confession and repentance of George Saunders...*

²³ Entered into the Stationers' Register by Christian Hunt on 5 May 1606: Rollins, 'An Analytical Index', pp. 208-209, no. 2411.

Sir John Friend and Sir William Perkins Last Farwell to the World, Who were Executed at Tyburn, on Friday the 3d of April, 1696. Or Their Sorrowful Lamentation For being Concerned in this Horrid and Bloody Plot.	Twis within a Furlong of Edenborough Town (The Scotch Haymakers)	Anon.	1696	EBBA 22233
Sir Thomas Armstrong's Farevvel: Who for High-Treason (conspiring against the Life of the King, and his Royal Brother, and the subversion of the Government;) was on the 14th. day of Iune, 1684. condemned to be Drawn, Hang'd, and Quarter'd; and was accordingly executed at Tyburn, on the 20th. of the said Month, in the view of many Spectators.	Digby's farewell: or, Packington's Pound (different tunes)	Anon.	[1684]	EBBA 30947
Sir Walter Rauleigh his lamentation: Who was beheaded in the old Pallace at Westminster the 29. of October. 1618.	Welladay	Anon.	[1618]	EBBA 20046
A songe of foure priestes that suffered death at Lancaster	Dainty Come Thou To Me (unknown)	Anon.	1600?	BL Add. MS 15225, fols. 31 ^r -33 ^r
The songe of the death of mr. Thewlis.	Dainty Come Thou To Me (unknown)	Anon.	1616?	BL Add. MS 15225, fols. 25 ^r -27 ^v
The sorrowfull complaint of Susan Higges, a lusty Countrey Wench, dwelling in Risborow in Buckinghamshire, who for twenty yeeres, most gallantly maintained her selfe by Robberies on the high-way side, and such like practices. And lastly, how she was executed at Brickhill, at the Assises, for a murther by her committed vpon Messeldon Heath.	Lusty Gallant	Anon.	[1630]	EBBA 20002

Summers his Frolick. Shewing, How he was Condemned (this last Lent Assizes, 1693/4. at Alisbury) for a Highway-Man. And how he sold his body, in Goal, for eight shillings to a Surgeon, to be made an Anatomy of after it was hang'd, and how he drank the money all out in Wine before he went to be Executed.	Russell's Farewel	Anon.	[1694]	EBBA 20812
A Terror for Traitors; or, Treason Justly punished. [Being a Relation of a Damn'd Conspiracy against the life of the King, and the Subversion of the Government, hatch'd and contrived by ill-affected Persons, namely, Captain Thomas Walcot, William Hone, and John Rouse, who were drawn, hand'd, and quarter'd, for High-Treason, on Friday the 20. of this instant July: As also, the Lord Russel, who was beheaded in Lincolms-Inn-fields, on the 21. of the same Moneth, whose Fatal and deserved Punishments, may be a Warning for all others to avoid the like Crimes. ²⁴	Digby's farewell, or, On the bank of a River (different tunes, the latter referring to On the Bank of a BrookFor)	Anon.	1683	EBBA 31479
The Traytors Last Farewel: Or, Treason Miraculously Discover'd. Being a full and true account of one Sir Thomas Armstrong, who with other Rebels, had Conspired the Death of our Sovereign Lord the King, and Subverting the Government: And though he fled beyond the Seas for refuge, yet there the hand of Justice found him out, and was brought back to England, where he received the due Sentence of Death, which was accordingly Executed on the 20th. of this Instant June, 1684.	Let Oliver now be forgotten (How Unhappy is Phyllis in Love, or Let Oliver Now Be Forgotten)	Anon.	[1684]	EBBA 34455

²⁴ Entered into the Stationers' Register by Jonah Deacon on July 23, 1683: Rollins, 'An Analytical Index', p. 225, no. 2605.

Treason Justly Punished: Or, A Full Relation of the Condemnation, and Execution of Mr. William Staley, who was found Guilty of High Treason, at the Kings-bench-barr at Westminster, on Thursday the 21st. of Nov. 1678. For Speaking Dangerous, and Treasonable words against his most Sacred Majesty the King. For which he was sentenced to be Drawn, Hang'd, and Quartered. And was accordingly Executed upon Tuesday the 26th. of this instant Nov. 1678. at Tyburn.	The Rich Merchant Man	Anon.	[1674-1679]	EBBA 35048
Treason Rewarded at Tiburn: or, The Traitors Downfal. Being a full Account of the Conviction, and Condemnation of Ireland, Pickering, and Grove; Who were Tryed at the Sessions-House in the Old-Baily, upon the 17th. of December, 1678. and found Guilty of Contriveing the Death of our Sovereign Lord the King, and for Subverting the Protestant Religion, and the Government of the Three Nations; for which they received Sentence to be Drawn, Hang'd, and Quartered: and two of them, viz. Ireland and Grove, were accordingly Executed at Tiburn the 24th. of January following; As a warning for all Traitors, to take Example by their fall.	Digby's Farewell	Anon.	[1674-1679]	EBBO
A Triumph for true Subiects, and a Terrour vnto al Traitours: By the example of the late death of Edmund Campion, Ralphe Sherwin, and Thomas Bryan, Iestuites and Seminarie priestes: Who suffered at Tyburne, on Friday the first daye of December. Anno Domini. 1581.	None	Anon.	1581	EBBA 36313
The true manner of the life and Death of Sir Thomas Wentworth, late Lord Livtenant Deputy of Ireland, Lord Generall of his Majesties Army, Knight of the Noble order of the Garter, who was beheaded the 12. day of this present moneth of May, 1641.	Welladay	Laurence Price	[1641]	EBBO

A true Relation of one Susan Higges, dwelling in Risborrow a Towne in Buckinghamshire, and how shee lived 20. yeeres, by robbing on the High-ways, yet unsuspected of all that knew her; till at last, comming to Messeldon, there robbing a woman; which woman knew her and called her by her name: now when she saw she was betrayed, she killed her, and standing by her while she gave three groanes, she spat three drops of blood in her face, which never could be washt out; by which shee was knowne and executed for the aforesaid murder at the Assises in Lent at Brickhall.	The worthy London Prentice (unknown)	Anon.	[1640]	EBBA 30289
Truth brought to Light. Or, Wonderful strange and true news from Gloucestershire, concerning one Mr. William Harrison, formerly Stewart to the Lady Nowel of Cambden, who was supposed to be Murthered by the Widow Pery and two of her Sons, one of which was Servant to the said Gentleman. Therefore they were all three apprehended and sent to Gloucester Goal, and about two years since arraigned, found guilty, condemned, and Executed upon Broadway hill in sight of Cambden, the mother and one Son being then buried under the Gibbet, but he that was Mr Harrison's Servant, hanged in chains in the same place, where that which is remaining of him may be seen to this day, but at the time of their Execution, they said Mr. Harrison was not dead, but ere seven years were over should be heard of again, yet would not confess where he was, but now it appears the Widow Pery was a witch, and after her Sons had rol'd him, and cast him into a Stone Pit, she by witch-craft conveyed him upon a Rock in the Sea near Turkey, where he remained for a season, but is now through the good providence of God returned again safe to England...	Aim Not Too High (Fortune My Foe)	Anon.	[1662]	EBBO
The Unfaithful Servant; and, The Cruel Husband. Being a perfect and true account of one Judith Brown, who together with her Master Iohn Cupper, conspired the Death of her Mistris, his Wife, which accordingly they did accomplish in the time of Child-bed, when she lay in with two Children, by	The Rich Merchant: Or, George Barnwell. (Same tune)	Anon.	[1684]	EBBA 20769

mixing of her Drink with cruel Poyson; for which Fact she received due Sentence of Death at the late Assizes in the County of Salop, to be Burned; which was accordingly Executed upon the Old Heath near Shrewsbury, on Thursday the Twenty-first day of August, 1684.				
The Unnatural Husband: or, The Murderer Rewarded with Justice: Being the last Lamentation of Edmund Allen, who cruelly Poyson'd his own Wife, under the pretence of more than usual Love, for which he was Arrain'd and found Guilty, and accordinly Executed at Tyburn, on the 19th of July, 1695.	Russell's Farewell	Anon.	[1695]	EBBA 22225
The vnnaturall Wife: or, The lamentable Murther, of one goodman Daus, Locke-Smith in Tutle-streete, who was stabbed to death by his Wife, on the 29. of Iune, 1628. For which fact, She was Araignd, Condemned, and Adiudged, to be Burnt to Death in Smithfield, the 12. Iul 1628.	Bragandary (unknown)	Anon.	[1628]	EBBA 20051
Villany Rewarded; Or, The Pirates Last Farewel To the VVorld: Who was Executed at Execution Dock, on Wednesday the 25th. of November, 1696. Being of Every's Crew. Together with their free Confession of their most Horrid Crimes.	Russell's Farewell	Anon.	1696	EBBA 20813
A warning for all desperate VVomen. By the example of Alice Daus who for killing of her husband was burned in Smithfield the 12 of Iuly 1628. to the terror of all the beholders. ²⁵	The Ladies Fall (In Peascod Time)	Anon.	[1628]	EBBA 20050
A warning for all Souldiers that will not venture their lyves in her Maiestye's cause and their Countrie's right: wherein is declared the lamentation of William Wrench, who, for running away from his captaine, with other two more, were executed for the same fact, in severall places about London, vpon the viii. day of September last, 1600.	Shore's wife's Lamentation (Come Live With Me and Be My Love)	Anon.	?	Clark, <i>The Shirburn Ballads</i> , pp. 200-203.

²⁵ Entered into the Stationers' Register by Richard Harper on 11 December 1633: Rollins, 'An Analytical Index', p. 246, no. 2852.

[A warning for all wicked livers] By the example of Richard Whitfield, and M. Gibs who were two notorious offenders, and both of one company, which two men made a daily practise, and got their livings by robbing and stealing both on the High-ways, and in any other places where they came, but were at last taken, apprehended and condemned to dye for robbing of a Coach, & murdering of a Captains man at Shooters-Hil, in Kent, some five or six miles from London, and for that offence and others, Gibs was prest to death at Maidstone in Kent, and Whitfield was hanged in chains on Shooters-Hil, where he did the bloody deed, the 27th. of March, 1655. The manner how shall be exactly related in this Ditty.	Ned Smith (unknown)	Laurence Price	1655	EBBO
A warning for wiues, by the example of one Katherine Francis, alias Stoke, who for killing her husband, Robert Francis with a paire of Sizars, on the 8. of Aprill at night, was burned on Clarkenwell-greene, on Tuesday, the 21 of the same moneth, 1629.	Bragandary (unknown)	Martin Parker	1629	EBBA 20049
A warning to all false Traitors by example of 14. Whereof vi. were executed in diuers places neere about London, and 2. neere Braintford the 28. day of August, 1588. Also at Tyborne were executed the 30. day vj. namely 5. Men and one Woman.	Greensleeves	Anon.	[1588]	EBBA 34359
A Warning to all Priests and jesuites, by the example of two Masse-priests, which for seducing and stealing away the hearts of the Kings Loyall Subjects, were hangd, drawne, and quartered: whose execution was on Friday, being the 21. day of January, 1642.	The Rich Merchant Man	Anon.	[1643]	EBBO

A Warning to Murtherers: or, [...] and Lamentable Relation of the Condemnation, [...] and Execution, of John Gower Coach-Maker, who was this 23d day of May, [...] executed for Murthering his Wife, by shooting her with a Pistol. Together with [...] of his Behaviour and Penitent Expiration. Murther doth seldom scape, Hell cannot hide, The Wretch from Fate, Whose hands in Blood is dy'd.	Troy Town	Anon.	[1670-1684]	EBBA 21374
A Warning-Piece to all Married Men and Women. Being the Full Confession of Mary Hobry, the French Midwife, Who Murdered her Husband on the 27th of January, 1687/8. (As also the Cause thereof.) For which she receiv'd Sentence to be Burnt alive: And on Friday the Second Day of March, between the Hours of Ten and Eleven in the Morning, she was drawn upon a Sledge to Leicester-Fields, where she was burnt to Ashes.	None	Anon.	1688	EBBA 34436
The wicked Midwife, the cruell Mother, and the harmelesse Daughter. Or, A cruell Murther committed upon a new-borne Childe by the Midwife, whom the Grandmother of the Childe hyred to kill, but unknowne to the Mother of the Childe: Now the Mother of this Infant being falsely accused by her owne Mother, was executed at Lancaster Assize, at Midsummer last.	Bleeding Heart (unknown)	Anon.	[1640]	EBBA 36032
Witchcraft discovered and punished. Or, the Tryals and Condemnation of three Notorious Witches, who were Tryed the last Assizes, holden at the Castle of Exeter, in the County of Devon: where they received Sentence for Death, for bewitchng several Persons, destroying Ships at Sea, and Cattel by Land, &c.	Doctor Faustus: or, Fortune my Foe (same tune)	Anon.	[1682]	EBBA 31034
The vvofull Lamentation of William Purcas, vvho for murtherin his Mother at Thaxted in Essex was executed at Chelmsford. ²⁶	The Rich Merchant Man	Anon.	1624	EBBA 30299

²⁶ Entered into the Stationers' Register on 14 December 1624: Rollins, 'An Analytical Index', p. 192, no. 2221.

The York-shire Tragedy: Giving An Account of a Barbarous Murther Committed on the Bodies of a young Man and Maid, by Thieves, who made their escape, and was not found in two Years after; and then being apprehended, they were Arraigned, and their Ring-leader found Guilty; for which he received the due Sentence of Death, and was accordingly Executed at York late Sizes.	Fond Boy	Anon.	[1682-1700]	EBBA 20798
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