



Fig. 1. Charles Perrault, *Histories, or Tales of Past Times . . . with Morals*, London, 1729, p. 1. Perrault purposefully selected this scene – depicting the Wolf and Little Red Riding-Hood in bed together at the moment before he consummates his desire and kills and eats her – as the one that best illustrated the tale’s moral.

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Everyman or a Monster? The Rapist in Early Modern England, c.1600-1750

by *Garthine Walker*

In academic writing about rape in history, the rapist is a polarized figure, appearing to be at some times everyman and at others a monster. The former of these positions – which associated rape with, literally, every man – was made first and most forcefully in feminist scholarship of the 1970s, most notably by Susan Brownmiller, whose *Against Our Will: Men, Women and Rape* gave rape its first history. Brownmiller demonstrated that sexual violence was neither attributable only to the uncivilized inhabitants of past societies nor to be explained in the present in terms of deviant or pathological behaviour. Rather, it resided at the core of modern Western patriarchy. While acknowledging that not all men perpetrate rape, the ‘typical rapist’, she said, was ‘an unextraordinary violence-prone fellow’. Far from being ‘society’s aberrants’, rapists served ‘as front-line masculine shock troops’ in patriarchy’s war against women.¹ This incredibly important work challenged conventional discourses and practices (in, for instance, academic and clinical psychology, criminology, and jurisprudence as well as popular culture) that considered sexual offenders to be different from ‘normal’ men and that assumed the disposition and conduct of victims to have contributed to the sexual violence inflicted upon them. Since then, feminist historians have done much to illuminate women’s experiences of and responses to sexual violence in the past, and to situate historically the prejudices that hold women responsible for it.² Perpetrators of rape have been subject to less systematic analysis.

In much historical writing, a tension between the everyman-rapist and the monstrous one remains unresolved. Research for the early modern period and beyond suggests that many men refuted allegations of rape by claiming that the sexual encounter in question was consensual. In so doing, rape was reconfigured as sex and they as ordinary men rather than brutes. I wish in this article to consider men who were accused of rape from a different perspective. In particular, I explore what may be at stake in such a dichotomous view and its unresolved tensions both for historians and for early modern people. I shall first point to the ways in which academic histories frequently categorize men who raped, before considering how seventeenth and early eighteenth-century people viewed the issue.

Cardiff University

WalkerGM@cardiff.ac.uk

THE RAPIST IN THE HANDS OF HISTORIANS

While historians have illuminated the numerous and huge obstacles that hindered the prosecution of rapists, men who raped have been subject to little interrogation. An important departure in this respect is Joanna Bourke's *Rape: A History from 1860 to the Present* (2007).³ Bourke wished to place the 'rapist, not the victim... at the centre' of her history. 'To do otherwise', she said, would contribute to 'a long-standing tradition of blaming women for their own violation' and perpetuate the illusion that rape is something that just happens to women rather than something men do.⁴ Bourke explores a plethora of intersecting, competing, compatible and contradictory discourses, narratives and ideas about sex, violence, women and men – in which the actions and motivations of men who rape were described, explained or justified in the late nineteenth and twentieth centuries.⁵ Yet even in Bourke's comprehensive survey the rapist is rather difficult to pin down. There, and elsewhere, the rapist at once eludes and needs no elucidation: we already know him, it seems, though we may not know when or in what guise he will become embodied. He is every man. He is a monster. He is a man whom we know intimately. He is a stranger. He may materialize in our homes, in the streets, or in isolated far-away places.

These ambiguities reflect a perennial difficulty for historians in reconciling a constructivist understanding of history with an absolute moral condemnation of rape. As historians we recognize that collective and individual meanings of sexual aggression, like anything else, potentially change over time. Men's propensity to rape can nonetheless seem transhistorical. Barbara Baines, for example, claimed to take seriously the idea that the meaning of rape is historically and culturally specific. But she could not see 'what in the ideology of rape is specific to any particular epoch', and argued that similarities between ancient Hebrew culture and early modern England 'far outweigh any differences'.⁶ Even historians who argue that rape is historically variable seem to retreat to transhistoricist with regard to rapists. Bourke, for instance, stated that rape 'varies between countries; it changes over time. There is nothing timeless or random about it'. But if rape differs over time and place, the rapist's purpose and his victim's experience (which is inscribed by the rapist) apparently do not. Bourke continued, 'Indeed, meaning has not been stripped bare from deeds of brutality, but has been generously bestowed. For perpetrators of sexual violence, it is never enough merely to inflict suffering; those causing injury insist that even victims give meaning to their anguish'. For Bourke, rapists 'purposely set out to exploit the human propensity to suffering'; they 'opt to deliberately inflict pain in sexual encounters', and their 'infliction of cruelty is a choice'. It is unclear how this characterization furthers her aim of 'demystifying the category of rapist' to 'make him less frightening and more amenable to change'. Neither before 1860 nor since would many reported rapes result in convictions if the offence was judged by criteria that included the deliberate infliction of pain and cruelty. In any case, Bourke soon afterwards

defines rape so broadly that anybody, not just a man motivated by sadism, might be a rapist: 'For the purposes of my analysis, so long as someone [who may be the victim, the perpetrator, or a third party] says that an act is "rape" or "sexual abuse", that claim is accepted'.⁷ The slippage between the identification of the rapist as a perverse and sadistic figure but also as potentially anyone at all reveals the instability of the categories that historical treatments of rape attempt to uphold.

The inadequacies of the dichotomous view of the rapist are evident in early modern studies from the 1970s to the present. This characterization often seems to be written in a dialogue with (and sometimes against) radical feminism – in particular, the notion that all men are rapists, or if not, that they are all potential rapists, or if not that either, then that all men may benefit from a 'rape culture' that keeps women in a state of fear. This may, perhaps, explain why some historians (who, after all, should know better) perpetuate dichotomous categories of the rapist – it is possibly a means of keeping the rapist at bay and along with him the uncomfortable charge that men as a group are implicated in rape, no matter how much as individuals they abhor it.

Several scholars chart a historical shift in which the everyman-rapist of past times is replaced by the aberrant monster-rapist of the present. In 2007, for instance, one eighteenth-century historian evoked – in order to reject – the view of 'several feminist writers, such as Susan Brownmiller . . . that rape is often an instrument of male domination over women, a political act, designed to punish or humiliate females rather than being motivated purely by sexual desire'. Rape in the eighteenth century was not, he stated, 'a "tool" used to terrorise women into subjection', although he conceded that this 'probably' applied to 'some' rapes, citing a particularly brutal gang-rape by strangers as a case in point. The more likely explanation, he suggested, was that 'opportunities for legitimate sexual intercourse were more restricted than in the modern era', which 'may have engendered widespread male sexual frustration and meant that a higher proportion of eighteenth-century rapes were motivated by simple lust than today'.⁸ This was not a new argument; in framing the issue thus, he drew explicitly on Edward Shorter's by then thirty-year-old response to Brownmiller's *Against our Will* in which Shorter was keen to establish that sexual violence was not 'a conscious process of intimidation by which all men keep all women in a state of fear'.

Shorter had argued that the late age of marriage and proscription of sex outside it in the sixteenth through to the eighteenth centuries produced 'a huge, restless mass of sexually frustrated men' for whom rape and sexual violence were inevitable and primary activities. Every early modern man might well, therefore, have been a rapist: 'husbands normally treated their wives quite brutally in bed'; 'almost no sex [existed] outside of marriage save forcible sex', and 'normal sexual relations verged sufficiently close to violence that the borderline between physically violating a woman and

obtaining her reluctant consent must have been a thin one'. With modernization, however, the frequency of rape declined. Although male libidinal drives were 'historically constant enough', twentieth-century men had plenty of alternative ways of achieving sexual release 'and so are not driven by "nature" to violate women'. Moreover, the 'thousands of banal, unspectacular, painful, and degrading rapes of daily life' perpetuated by early modern men 'were [not] in any way "political"', for early modern patriarchy had already secured women's virtually complete subjection. Shorter conceded that rape in the present (the 1970s) *was* political. But its practitioners and beneficiaries were not all men, and certainly not the liberal middle class whom he commended for having ensured that rape had 'been on its way to extinction' before the anti-feminism of a minority reversed the trend. Predominant among 'new-style rapists', he asserted, were 'late adolescent lower-class white youths' to whom 'rape is merely [*sic*]... a logical political response to a disturbing new challenge' (feminism). Rape was therefore – in the present – 'simply [*sic*] a violent, antisocial release of pent-up sexual frustration on the part of a lunatic male fringe' or 'maniacs'. For Shorter, the everyman-rapists of early modern society had been replaced by contemporary lunatics, maniacs, monsters.⁹ Few historians would now adopt Shorter's teleology in full. Yet his contention that pre-modern rape was the expression of men's natural sexual urges which the development of modern sensibilities now keep in check, thereby implying that rape is no longer committed by 'ordinary' men, has informed at least some historical writing on rape published in every decade since.¹⁰

Ambiguities exist also in histories of sex and sexuality that emphasize a shift from the (pre-modern) practice of sexual acts to the (modern) construction of sexual identities. Tim Hitchcock's synthesis of English sexualities, for example, explains that the 'first recognisably modern sexual identities', which emerged in the eighteenth century, constructed women as the potential and passive victims of dangerous male sexual urges, while men were 'told that their sexual desires were largely beyond their control'. This Foucauldian account offers an alternative trajectory to the modernization narratives of Shorter and others, who presumed that men developed increasingly greater rather than lesser control over their sexual desire. For Hitchcock, the power invested in or arising from these emerging discourses lay with social-policy reformers and social commentators, who increasingly chose to regulate the public roles of women rather than men. During the eighteenth century, rape thus 'became a discursive mechanism through which female agency was limited'. Yet perhaps wishing not to seem to argue that rape is 'constructed', Hitchcock also states that the 'experience' of rape victims 'did not change substantially over the... century'. Nor did the typical rapist: rape 'continued to be a domestic crime, in which the assailant and victim were known to each other'. There seems to be a contradiction here. Hitchcock implies that responsibility for rape was discursive rather than embodied. Male desire 'gradually came to take on the

characteristics of an uncontrollable natural force', and 'the rampant sexuality of *all men*' was viewed as perilous for all women outside the household in 'a set of ideologies which argued that individual men could in some ways no longer be held responsible for their own behaviour'. The effect was that just 'as women became the victims of seduction, *men became the stooges of their own lust*' (my italics).¹¹ This seems an extraordinary phrase to use in this context. Moreover, what it meant in practice is unclear. Here, the everyman-rapist seems to be at least partly the product of modernity.

The discursive and practical shifts identified by Hitchcock and others are dissected and contextualized brilliantly by Faramerz Dabhoiwala in his *Origins of Sex: the First Sexual Revolution* (2012), which is the fullest and most satisfying account of attitudes to sexual behaviour during the early modern period. The 'sexual revolution' of his title occurred in the eighteenth century, by the end of which an era of 'sexual discipline' had been replaced by one of 'male sexual liberty'. In the former, fornicators and adulterers were subject to public and communal punishment. In the latter, the regulation of male heterosexual behaviour, at least, had become a private matter, while sexual ideas and practices were discussed and celebrated more openly than ever before. Some of the cultural changes Dabhoiwala examines did concern rape, such as the plots of popular eighteenth-century plays and novels and the immense growth of printed media that contained tales of a sexual nature such as newspapers and periodicals. Rape figures in his story as an aspect of (normal) male sexual aggression. This is entirely valid, congruent with the questions he asks, and produces an important argument about the changing ways in which rape by certain kinds of men was normalized in the seventeenth and eighteenth centuries.¹² However, Dabhoiwala's history of the development of modern sexuality is not synonymous with the history of rape, even though the two intersect at various points. Attitudes to rape and to the men who perpetrated it did not necessarily follow the same pattern as attitudes to sex and to the men who practiced or indulged in it.

Of course, the position on rape taken by the scholars mentioned above is not reducible to the points I have raised. But from the perspective I take here, we can see that historical writing about rape is often unclear about where – for contemporaries – the ordinary fellow ended and the monstrous brute began. For in the early modern period, both characterizations of men who raped existed. My aim is not to classify men accused of rape as either everyman or monster from our point of view but rather to examine the ways in which early modern people viewed the question. To do so, I draw on a range of primary sources from the late sixteenth to the mid eighteenth centuries – from fairy tales to legal manuals, from ballads to conduct books, and, especially, reports about rape or alleged rape in pre-trial examinations and depositions, printed trial transcripts, and newspaper reports. The richness of printed trial transcripts, including (but not limited to) the Old Bailey Sessions Papers and Ordinary's Accounts, which were routinely published from 1674 onwards, and the development of newspaper crime

reporting at around the same time, as well as criminal biographies and collections of notable trials, provides us with a unique insight into attitudes to rape and the men who perpetrated it in this period. These printed sources were cheap, widely circulated, and available to an ever increasing readership.¹³

Early modern people situated rape and other acts of sexual coercion on a spectrum that incorporated inhuman cruelty and wickedness at one end and 'unremarkable' acts of sexual aggression on the other. Deciding where on this spectrum individual acts and the persons who enacted them should be placed could be more complicated than might at first appear. When rape was conceptualized as sex, its implications were not the same as when it was conceptualized as violence; violent sex and sexual violence were differentiated long before the latter term was coined. Yet the relationship between them was far from simple. The lines between rape, coercion, persuasion and seduction were variously drawn, and individuals disagreed on where particular incidents fell. Moreover, early modern people, like us, grappled with the categories of the everyman-rapist and the monster. The term 'rapist' was not used, of course, until well into the nineteenth century. They nonetheless recognized not only the sadistic rapist as a perpetrator of sexual violence, but also that ordinary men posed a threat of rape to women. These polarized figures were invented neither with second-wave feminism nor during the course of the eighteenth century with the onset of modernization. That does not mean that nothing has changed. The actual configurations of the rapist vary both within societies and across time.

HE IS 'BUT A MAN': MEN IN WOLVES' CLOTHING

Early modern gender historians have demonstrated that 'male importunity and harassment ... dominate the records of daily life amongst the mass of the population'.¹⁴ Men's predatory behaviour of varying types, including rape, was trivialized and legitimated by, among other things, the stigma of unchastity and illegitimacy, the burden of responsibility carried by women for regulating their own and men's sexual conduct, the ease with which men rebutted rape accusations by claiming that consensual sex had occurred, and the dismally low conviction rate in those few cases that made it to the courtroom.¹⁵ That is not to say that it passed without comment.

The first page of the English translation of Charles Perrault's *Histoires, or Tales of Past Times* (1729), begins the story 'Little Red Riding-Hood' with a striking visual image (Fig. 1). A pretty young girl lies in bed, her hair loose, her mouth (like her body) open in surprise. A large wolf looms above her, open-mouthed, predatory. The vignette is not one of pre-modern bed-sharing by a child and her grandmother, which we learn was Little Red's Riding-Hood's mistaken presumption when getting undressed and into bed; their bodies are arranged in a clearly sexual manner.¹⁶ It depicts the moment before the Wolf consummates his desire, which is to kill and eat her. The scene is therefore one of sexual violence. The illustration was neither chosen

nor placed randomly. It was directly copied from the original French volume of 1697, which in turn closely replicated the pen-and-ink drawing in Perrault's manuscript. The engraving at the head of each tale in the volume was chosen expressly to encapsulate the moral of the story that followed. That moral was also explicitly laid out in verse ('The Moral') at the end.¹⁷ Many scholars, including those who recognize the symbolic rape, believe the message here to be 'don't talk to strangers'.¹⁸ This is certainly the case in twentieth-century translations marketed at children.¹⁹ In the original early modern translation, however, the moral was more specific. Both the visual image and 'The Moral' that frame the tale make clear that the Wolf is a figurative man (not necessarily a stranger) with sex on his mind.

From this short story easy we discern
 What conduct all young people ought to learn.
 But above all, the growing ladies fair,
 Whose orient rosy Blooms begin t'appear:
 Who, Beauties in the fragrant spring of age!
 With pretty airs young hearts are apt t'engage.
 Ill do they listen to all sorts of tongues,
 Since some enchant and lure like Sirens' songs.
 No wonder therefore 'tis if over-power'd,
 So many of them has the Wolf devour'd.
 The Wolf, I say, for Wolves too sure there are
 Of every sort, and every character.
 Some of them mild and gentle-humour'd be
 Of noise and gall, and rancour wholly free;
 Who tame, familiar, full of complaisance;
 Ogle and leer, languish, cajole and glance;
 With luring tongues, and language wondrous sweet,
 Follow young ladies as they walk the street,
 Ev'n to their very houses and bedside,
 And though their true designs they artful hide,
 Yet ah! these simpering Wolves, who does not see
 Most dang'rous of all Wolves in fact to be?

'The Moral' thus implied that *any* man was potentially a sexual threat: the wolves of whom young women must beware were, explicitly, not just strangers nor even those who seemed intimidating or dangerous but men 'of every sort and every character'. Indeed, 'mild and gentle-humoured', 'simpering' fellows who 'artfully' hide 'their true designs' were frequently the 'most dangerous of all'.²⁰ Any man might turn out to be a monster.

The idea that when a man 'could not fairly woo you . . . [he] turn'd ravisher, and offered violence' was well-rehearsed in early modern culture.²¹ It appeared in legal manuals, in conduct books, in ballads, in plays, and in legal testimony. The lawyer Thomas Edgar's discussion of rape in *The Lawes*

Resolutions of Womens Rights (1632) mentioned the ‘many millions of ways’ by which men forced women to submit to sex: if ‘sweet words, fair promises, tempting, flattering, swearing, [and] lying’ were unsuccessful, they quickly turned to ‘rough handling, violence, and plain strength of arms’. Moreover, rape was a potential hazard for all women – ‘maids, wives, widows, and women of all degrees and conditions, if either they be, or possess, anything worth the having’:

so drunken are men with their own lusts, and the poison of Ovid’s false precept, *vim licet appellat, vis est ea grata puellis* [one may call it violence, (but) such force is pleasing to girls] that if the rampier [rampart] of Laws were not betwixt women and their harms, I verily think none of them, being above twelve years of age, and under an hundred, being either fair or rich, should be able to escape ravishing.²²

For the Puritan Richard Baxter, men’s relentless pursuit of lust similarly necessitated a host of canon, criminal, customary and natural laws: ‘if God had not restrained Lust by Laws, it would have made the female sex most contemptible and miserable, and used worse by men than dogs are’. As ‘lust is addicted to variety’, men would not only ruin women and girls ‘by rapes and violence’ but quickly tire of them and move on. Echoing Edwards, he warned that all women (‘half the world’) would be ruined were it not for ‘the Laws of matrimony, and such other [laws] as restrain the lusts of men’. But legislation and conscience were not sufficient in themselves. Baxter produced a long list of directives that even the most pious fellow might follow in the incessant trial of keeping his lusts in order.²³ By the same token, late seventeenth and early eighteenth-century opposition to campaigns to stamp out prostitution and fornication frequently reiterated the view that all women would be at risk of rape if conventional outlets for men’s lust were removed.²⁴ That men’s sexual desire might be too great for them to exercise self-control was a well-established principle throughout the early modern period.

Testimony taken before magistrates both by women who claimed to have been raped and by men who refuted the charges frequently configured rape as the expression of irresistible male lust and love.²⁵ This ‘love’ had to be accommodated at all costs; if it were not, there would be consequences. So great was Yorkshireman Richard Harwood’s desire for the married Elizabeth Attye in 1652 that after ‘attempting her chastity several times’, he raped her and afterwards tried to persuade her to ‘consent that he might have killed her husband’ so that they could be together. William Hill three times raped a fifteen-year-old girl in Cheshire in 1651, telling her ‘that he loved her well and that if she did not suffer him to have his pleasure of her, he would kill her’.²⁶ Emme Panton, a Bedfordshire maidservant aged twenty-two, complained in 1570 of the extraordinary lengths that her master James Langrake went to in order to have ‘bodily pleasure with

her'. He 'enticed her above twenty times to be his harlot', which she denied. He sent all the other servants out of the house, locked the front and back doors, threw her to the floor and 'fell to wrestling with her' in an attempt to rape her; she managed to escape when he became breathless in the struggle and she found the yard door unlocked. Eventually, he succeeded: he forced her to sleep in a separate chamber from the other servants, waited until she was asleep, got into bed, and 'sudden[ly] with great force and violence did overcome and ravish her', throwing the clothes over her mouth to prevent her crying out, 'whereby she was not able to resist'.²⁷

Such men might at first appear to be as Perrault described them, 'wholly free' of 'noise and gall, and rancour', 'tame, familiar, full of complaisance', men who initially tried to enact their 'true designs' with 'luring tongues, and language wondrous sweet'. But it did not take much for a man's lupine nature to show. As a character in *The Orphan* (1680), one of the most successful tragedies staged in the later seventeenth and early eighteenth centuries, warns (too late) his sexually desirable, deceived, raped and – ultimately – suicidal sister,

Trust not a man; we are by nature false,
Dissembling, subtle, cruel, and unconstant;
When a man talks of love, with caution trust him;
But if he swears, he'll certainly deceive thee.²⁸

While the post-Restoration period saw an increased emphasis upon the notion that male sexual passion was an unrestrainable natural force in the face of female helplessness,²⁹ it was nevertheless one of several common discourses that explained and valorized male sexual aggression throughout the sixteenth and seventeenth centuries. Such dynamics were routine elements in early modern culture, evidence for which may be found in abundance in any scholarly work that deals with early modern gender relations.³⁰

Here, however, I wish to consider some hitherto little-noted ramifications of this construction of male sexual desire. It had practical implications for claims involving certain categories of men and of women. Sexual desire was, after all, attributed in degrees to the male life-cycle. The age of alleged rapists was therefore directly relevant to the plausibility of accusations.

It is no coincidence that published trial transcripts and newspaper reports tended to mention the age of alleged perpetrators only if they were elderly or very young. In the early modern period, 'old age' was indicated not by any particular year but by physical decline. It had been long established that its onset could occur as early as one's thirties and 'extend to the fiftieth or sixtieth year', after which the next stage of ageing took hold.³¹ Accused men whose ages drew comment in newspapers or other published accounts of trials were all in 'the last or decrepit period of old age'. Such descriptions included men who were 'about sixty years of age', 'far advanced in years' and 'near seventy years of age', 'about eighty years of age', 'an old

Gentleman almost seventy years of age', 'an old man of seventy-five', and 'an old alms man . . . in the eighty-third year of his age'.³² Sexual desire in such men was expected to have been 'lulled to sleep', and attempts at penile penetration unlikely as 'their little tool lies still . . . and helpless even though they work all night'. Put more positively, 'the Old-man hath overcome his carnal lusts, and triumphs over them'.³³ Legal manuals implied the same. Sir Matthew Hale, one of England's most senior judges, referred in the 1670s to a case of an 'ancient man' of 'about sixty-three years old' who was wrongly indicted for a rape 'fully sworn against him by a young girl of fourteen' with concurrent testimony of her parents and others. The defendant, however, maintained that despite his inability to produce witnesses on his behalf, 'his very age carried a great presumption that he could not be guilty of that crime'. This, and 'one circumstance more', a physical deformity he displayed to the jury, resulted in his acquittal.³⁴

If elderly men were believed typically to lack the overwhelming physiological and mental passions that motivated rape, so too were pre-pubescent boys. Boys younger than fourteen could not be prosecuted for rape under criminal law due to a legal presumption of 'imbecility of body as well as mind'. Imbecility in this context denoted impotence, not idiocy. While the law made distinctions of biological age, people were aware that sexual maturation, like old age, proceeded at different rates for individuals. Thomas Padget, 'a boy' of either eleven or fifteen according to divergent news reports, was convicted at the Old Bailey in 1727 of attempting (unsuccessfully) to penetrate a little girl not yet five. He was sentenced to six months imprisonment and a fine of twenty nobles (£6 13s 4d) on grounds of the 'barbarity of the crime'. Several papers, including those by whom he was described as an eleven-year-old, reported his offence as 'seducing' her, one asserted that he had given her 'the foul disease', and added that he was to be transported.³⁵ At the Northampton Assizes, a thirteen-year-old was discharged for attempting to have intercourse with a girl under the age of consent – 'the two Lilliputians [having] several times met for the said Purpose, but without effect, till at last an old Fellow of about seventy Years of Age took upon him to inform the Youngster in the Business'; this older man was continued on his recognizance till the next Assizes.³⁶

However, the potential mismatch between sexual maturity and the age of discretion (fourteen) in individual cases created opportunities for defendants and their parents to circumvent prosecutions and punishments. John Bristoe's father petitioned the Middlesex bench on the day of his son's trial in 1708 for raping ten-year-old Mary Robinson, praying that they consider their son's 'tender years', he 'being aged about fourteen'. In a second petition his father similarly begged the bench to 'have a regard for the tender years' of his son, but this time pointed out that he and his wife 'are both crazy [frail and infirm] and aged and have a great dependence upon' him, who 'being aged about fourteen years' was 'willing to go into her Majesty's service'.³⁷ If the bench would not view the vaguely 'about'

fourteen-year-old John Bristoe as a child, they might see him instead as a strapping lad who could be put to good use on behalf of his family and the realm.

The construction of rape as the expression of male sexual desire had implications too for raped women of a certain age and appearance. While early modern historians have found ‘no evidence of a taboo on sexual intercourse with a post-menopausal woman’, there was certainly an assumption that ‘old’ women – a stage of life associated with the end of childbearing – were improbable objects of lust.³⁸ Whereas Perrault’s Wolf went to considerable trouble to devour Little Red Riding-Hood, who, after all, was ‘the prettiest little creature that ever was seen’, his despatching of Grandma was not sexualized. He consumed the old woman ‘in the tenth part of a moment for he had eaten nothing for about three days before’. It did nothing to dampen his appetite for the delicious girl.³⁹ Indeed, later eighteenth-century editions of the *Histories* substituted the sexually suggestive illustration of the Wolf and girl in bed together with a non-sexual one of the Wolf taking the fully-clothed Grandmother by the neck and preparing to bite her head off.⁴⁰

Printed trial proceedings and newspapers routinely explained acquittals by juxtaposing the physical appeal of men in their sexual prime with the unattractiveness of older women who claimed to be victims. At the Surrey Assizes in 1684, John Norwood was acquitted because, as Ann Streete was ‘an old woman, it seemed very unlikely Norwood should desire to ravish her, he himself being a likely [handsome] young man’. He was, however, convicted (though later pardoned) of robbing her of fifty shillings, a scarf and a forehead-cloth.⁴¹ Similarly, the charge that William Williams raped Sibyl May, aged between sixty and eighty, in 1683 ‘was not so convincing as to induce the Jury to find him Guilty’; two other indictments for robbery and burglary ‘appear[ed] more reasonable for the Jury to believe’.⁴²

We may remember Thomas Edgar’s warning that without laws to protect them, all women, young and old, rich and poor, would be at risk of rape. Edgar was explicitly talking about both categories of legal ravishment: forced coitus (rape), and abduction and forced marriage (where forced coitus consummated the marriage). The desirability of the victims of these offences were of two sorts: they could be ‘either fair or rich’, ‘either . . . be or possess’ something worth having.⁴³ Recent research has drawn attention to an apparent cultural anxiety in the 1690s and early decades of the eighteenth century about mercenary marriage by men.⁴⁴ But the lack of sexual desirability of an elderly widow, even if she were rich, could trump the lust for lucre in public discussions of the topic. Newspaper reports of a ‘very remarkable’ case in the early 1720s provide a case in point. Readers learned that a widow approaching seventy had unsuccessfully prosecuted ‘a young gentleman’ at the Old Bailey ‘on pretence of a Rape, of which (she there being proved to be his Wife) he was acquitted’; afterwards, she brought a civil suit against him in Doctors’ Commons which was still pending when

she died three years later. *The Weekly Journal or Saturday's Post* mused that the 'Attempt of ravishing an old Woman, we may suppose, was looked upon as too adventurous an Action to be easily credited'. The editors could indeed recall only one instance of such a 'marvel' in recent history: a high-profile trial in which a former hangman had robbed, raped and murdered an old woman in 1718.⁴⁵ Not many years later, the satirical *Grub-Street Journal* commented on a report in other papers about the prosecution at the Westminster Quarter Sessions by a widow 'upwards of eighty years of age' against an alehouse-keeper for a violent attempted rape. Newspapers had informed readers that as 'there was not the least foundation for what the defendant was charged with . . . he was acquitted'. *Grub-Street's* pseudonymous contributor of news, 'Mr Quidnunc' (figuratively meaning Mr Newsomger), opined that 'An attempt to ravish a woman of 80 seems something extraordinary', joking that 'Mrs Quidnunc is so affrighted with it, that she has not dared to stir abroad since the reading of this Article'.⁴⁶ While rape was presumed to be motivated by an all-consuming sexual desire, that of elderly women by young or middle-aged men was not only implausible but posterous.

When rape was viewed as the expression of overwhelming male desire and frustrated passions, it was easily situated on a spectrum on which it shaded into normal sexual behaviour. The ubiquitous view expressed by moralists that the pleasures of sex, once experienced, were simply too immense and addictive for men to resist, effectively explained rape away at the same time as it condemned it.⁴⁷ Routine forms of sexual violence rarely made it into court or the newspapers. A great many people clearly believed that women should keep quiet about men who badgered them for sex even when it culminated in attempted or accomplished sexual intercourse. A married woman who complained about repeated sexual attempts by a local preacher in 1627, including a particularly nasty incident during which he ejaculated over her, was censured by female neighbours on the grounds that the minister was 'but a man'.⁴⁸ A degree of sexual aggression, after all, constituted 'healthy masculinity and male sexuality'.⁴⁹ Many men who coerced women through violence or threats or pestering were considered to be 'just men' doing what men did naturally; women should simply deal with and deflect such behaviour as best they could. For lower-class women, the 'cult of seduction' that flourished in the eighteenth century and which privileged men's innate rapaciousness and callousness probably changed little in real terms. Sexual harassment and coercion were probably already routine aspects of everyday life for many, perhaps most, women in the sixteenth and seventeenth centuries.⁵⁰ Yet not all male heterosexual desire was understood to be natural or healthy. Certain conditions took rape beyond the remit of ordinary men. In the seventeenth and early eighteenth centuries, rapists were also constructed as creatures of the aberrant fringe.

NO MAN BUT 'A MOST MONSTROUS BRUTE'

Circumstances where forced intercourse was not viewed as the expression of normal, if immoderate, masculine lust were characterized by 'excess' to the point of perversity. This might be manifest in violence (excessive brutality), the number of assailants (gang rape) or victims (serial rape), or context (rapes enacted gratuitously during the committal of some other crime). These were uncommon crimes, but in the period upon which I focus here – the seventeenth and early eighteenth centuries – were the occasion of much public interest. Men who showed no restraint in pursuit of lust were brutes or worse.⁵¹ The monstrous-rapist's appetites were not those of ordinary men. Homosexual intercourse (though I shall not discuss it here), incest and sex with children were also constituents of the discourse of the monstrous-rapist.

Sexual desire for little girls was generally considered perverse. I have found no evidence to support recent assertions that girls as young as ten were 'sexualized', 'not totally distinct from female adults', and 'always already saturated with latent sexual desire' in early modern culture.⁵² Nor does the 'technical rape' of children appear to have been 'facilitated' by the 'common-enough' consequence of intergenerational bed-sharing because pre-modern men lacked self-restraint.⁵³ Child rape had a greater prosecution and conviction rate than that of adult women even though the legal criteria were in certain respects harder to meet. Indeed, the gravity accorded to child rape explains why almost half of rape trials prosecuted at the Old Bailey between 1674 and 1749 fell into this category.⁵⁴ In a ballad of 1667, a man who raped a ten-year-old girl who had been abducted and brought to a brothel for that end sought 'to pacify his lustful flame' and ruined her 'with furious lust'. Yet the balladeer did not excuse him on grounds that he was 'but a man'. On the contrary, he was damned as 'more a Devil than a man'.⁵⁵ In 1680, the *Old Bailey Proceedings* condemned William Harding for his 'detestable Villainy' in enticing an eight-year-old with promises of apples into a dark cellar in order to rape her. The unnaturalness of his desire was underlined by other perversions: he had attempted to have sex with his own mother and upon her refusal he threatened to burn her house down about her ears.⁵⁶ Execution pamphlets referred to his 'vile and unclean Exorbitancies', and, on account of his lack of remorse, judged him 'the most hardened and refractory person' in Newgate Prison. Harding would die as he lived, 'like a Brute'.⁵⁷

The *Proceedings* referred to other cases of child-rape in similar terms: 'a brutish act of beastliness done by a petulant Lecher'; a 'filthy brutish offence'; 'a Crime of Brutish Lust'. Newspapers described a man who raped his eight-year-old daughter as 'a most monstrous Brute'.⁵⁸ The association of child-rape with brutishness, with or without incest, communicated both unmanliness and non-manliness: such a creature lacked reason and sensibility and was course, cruel, and bestial.

Child-rape had another heinous aspect: penile penetration, even its attempt, could cause severe physical harm to little girls who lacked anatomical maturity. It could even kill them. Some historians have misinterpreted the courts' emphases on physical damage as evidence that girls aged ten and above were expected to demonstrate 'the same level of resistance to assault as adult women'.⁵⁹ The carnal knowledge of female children aged younger than ten had since 1576 been a capital crime regardless of whether or not the child had consented. Sex with girls aged ten or eleven was therefore a misdemeanour if the child consented (despite the age of consent in all other respects being twelve) and a felony if she did not.⁶⁰ In fact, most trials focused not on injuries sustained in resisting rape but on the damage caused by vaginal penetration. In 1686, seventeen-year-old John Raven 'used [Mary Katt] in a most Barbarous Manner' three weeks after her eighth birthday; she was so 'Rent in her Secret parts' that midwives and other women who examined her 'doubted whether ever she would be well again'. The 'Matter of Fact appearing so Odious to the Court, he was found Guilty'; he hanged at Tyburn a fortnight later.⁶¹

Nor was the smallness and unfitness of girls for sex mentioned only when they were nine years or younger and therefore not legally required to demonstrate their own resistance. A twelve-year-old maidservant claimed in 1721 that her new master dragged her into a room, wrapped and knotted a napkin around her head, 'laid her upon the Floor, laid himself upon her, and thrust something up her Body, which she thought would tear her to pieces, and made her bleed so much, that when he took her up again and carried her into the Kitchen, she blooded all the Stairs as she went down'. The surgeon confirmed that her 'Vagina [was] extended, torn and bruised with a forcible entry... [S]he had been penetrated even to the inner Matrix', so that he was 'forc'd to use the utmost Art, both by external and internal Medicines, to prevent a Mortification', which could have killed her.⁶² Coroners sometimes returned verdicts of wilful murder against men when small girls 'had been so abused' and had suffered such 'cruel usage' by penile penetration that they died.⁶³

Serious wounding of post-pubescent females similarly removed the incident from the bounds of 'normal' sexual activity. One distinguishing sign of rape was the imprint it was supposed to leave on women's bodies. Legal manuals noted that victims should immediately reveal the 'circumstances and signs' of rape, many of which were such 'that only women are the most proper examiners and inspectors'.⁶⁴ In other words, rape but not consensual sex was presumed to leave marks – bruises, swellings, lacerations – on a woman's genitals and thighs. There were, of course, other discourses which placed violence at the heart of sexual intercourse and desire. In early modern erotica, men's physical movement, force and violence during sex exemplified masculine vigour,⁶⁵ and prejudices such as that women pretend to resist rape,⁶⁶ or enjoy being forced,⁶⁷ were not restricted to erotica or pornography. But these constructions were unsustainable in public

discourses when women had evidently sustained serious injuries. That did not, however, preclude the circulation of jokes, puns and innuendos: a newspaper in 1718 reported that the crime of one of the three men condemned to die at Kingston Assizes was ‘breaking open a wench and robbing her of _____ we think they call it a rape’; a couple of years’ later, news readers were informed that a coroner’s inquest was to view the body of a woman ‘who, as ’tis said, had got her death in a violent Rencontre [battle] between the Sheets’.⁶⁸ Yet in discussions of rape, sexual violence was not usually denoted by penetrative force.

On the contrary, the most straightforward indication that rape and not sex had been enacted was the nature and extent of violence inflicted before or after intercourse, not during it. George Burroughs was convicted at Bedford for the attempted rape and wounding of ‘a young girl of sixteen’: ‘it was plainly proved that he cut the privy parts of the girl with a knife, and throttled her with his handkerchief’, leaving her for dead.⁶⁹ In 1718, a woman was discovered around midnight ‘on the ground in Hyde-Park, with her clothes turned up, her mouth stopped with a handkerchief, and her face cut in several places... [She] lived till two in the morning’, long enough to say that her rapist inflicted those injuries by beating her with the pummel of his sword ‘because she resisted him’.⁷⁰ No matter how amorous or lustful a man might be, taking a knife to a girl’s genitals or beating her face with a blunt instrument was not construed as ‘persuasion’.

The same applied to further forms of what contemporaries counted as excess, such as gang rape. Newspapers reported that ‘some barbarous Villains’ raped a woman walking to church near Watford ‘and afterwards strip’d and murder’d her in a most shocking and inhuman Manner, her Throat being cut from Ear to Ear, and her Body stabb’d in several Places’.⁷¹ In 1697, six Nottinghamshire youths were tried for the gang-rape of a young woman. Almost twenty boys had allegedly been involved in the incident. They had forced her into a tunnel eighty yards long that had been laid for the new waterworks, in which ‘there was no Light, so that the Evidence she could give was but little’. Two of the six were convicted. So grave was the crime perceived to be, that although the ‘Wench was carried in a Coach to Derby in order to beg a Reprieve for those two Boys... the Judge would not grant it’.⁷² Rape by two or more assailants removed some of the doubts that undermined many allegations at the outset. Not only was the victim unfairly outnumbered, an inequity that aggravated any type of assault, but even those who were cynical about women’s inability to reject men’s advances failed to suggest that a robust female could reasonably overpower multiple rapists. Moreover, sex involving groups of men was associated with licentiousness on men’s part whether consensual or not. Newspapers and trial transcripts reported gang rapes as gratuitous acts of violence, and emphasized other features that disassociated it from acceptable male desire. In a widely publicized incident in 1745, for example, three men dragged a widow aged 105 into ‘a waste House’, where they each raped

her, broke one of her arms, and otherwise ‘abused her in so barbarous a Manner that she died Yesterday’.⁷³ The number of attackers, the confined space of the privy full of urine and excrement, and the brutality with which they treated a woman whose age signified both her physical frailty and the unlikelihood that she should be an object of normal sexual attraction, together created a grim scene of violation.

Most heinous was the rapist who set out to murder, whether to punish his victim for resisting, to prevent discovery of his crime, or through the lust to kill. Newspapers reported sensationally homicidal rapes. Mary Wiltshire, a thirteen-year-old maidservant near Bristol, was murdered by a sailor in 1749: ‘she resisting his Violence to ravish her, he drew his Knife, and so inhumanly butchered her, that a like Instance has scarce ever been heard of’. He stabbed her nine times in the head, ‘(one in particular through her Hat and Cap) and stabbed quite through the Neck, so that the Orifice appeared on each Side’. The middle finger of her left hand was ‘cut off at the second Joint’, presumably when she was trying to defend herself. There were ‘besides other Wounds and Bruises’.⁷⁴ In Somerset in 1727, Roger Bryant raped a maidservant when the rest of the household was out, and ‘after he had acted his Brutality on her Body’, he ‘beat her Brains out on the Floor’ with a hammer and ‘twisted her Neck’.⁷⁵ English newspapers in 1736 related the desperate account of Irishman James Ray, who ‘finding his Endeavours fruitless’ due to robust resistance from the girl whom he attempted to rape, ‘he put his Hand into his Pocket, took his Penknife, and as she lay in Disorder, barbarously ripped her up to the Navel, so that her Bowels came out. She liv’d to tell some Passengers the Story, and died on the Spot’.⁷⁶ These cases were officially prosecuted as murders not rapes. But they were rapes first and murders second in popular news reports. Extreme violence of this sort was also associated with serial rape.

Early modern people did not use the term ‘serial rape’. They nonetheless had a concept of it, which excluded the activities of the great majority of men who repeatedly forced themselves on women. From well-known sex pests such as Samuel Pepys to the apparently unexceptional fellows mentioned in church-court depositions or other contemporary sources, it is clear that men who coerced women into sex by various means, including actual or threatened violence, were a familiar part of society. This serial harasser, fornicator or ‘gallant’ was transformed into a monster by two things. One was an apparent indiscriminate and opportunistic selection of victims whom he may or may not have known. The other was particularly unpleasant forms of violence. Within weeks of being convicted and pilloried for attempted rape at Worcester in 1726, Thomas Greenwood attacked twice more. His second victim escaping, he moved on to a third and, when ‘she would not yield to him’ either, in ‘a mad rage’ he ‘attempted to rip up her private parts’, being prevented only by passers-by who chanced upon them. Newspapers described Greenwood as a ‘Villain’, and wrote approvingly of his punishment ‘for so inhuman an Action’: to be whipped from one end of

Worcester to the other on three market days and kept at hard labour in Bridewell for two years.⁷⁷ In Staffordshire, John Francis, recently acquitted of rape at the Assizes, was convicted of raping Elizabeth Harrison, an unmarried woman in her fifties, ‘on full and plain Evidence, it being a very barbarous and cruel Action’. He attacked her late in the evening, pulling her to the ground and dragging her ‘about the Fields by her Heels till she was tired’. Her ordeal lasted for ‘about 3 hours’, and culminated in him ‘tying her legs to a tree’, raping and attempting to sodomize her, and ‘cut[ting] her in a barbarous manner so that her life is despaired of’. He ‘was taken washing the Blood from his Cloaths, by some People that came by, where he had left her for dead, and heard her groan’. This time, Francis was convicted and hanged.⁷⁸

Men like Thomas Greenwood and John Francis were not presented as ‘normal’ men. Their violence made them not more manly but less. This was implicit in the way their actions were reported. Greenwood, for example, was ineffectual. He failed to rape at least two women who were ‘too strong for him’, and he overpowered the third apparently because she was ‘weaker’ after a recent miscarriage.⁷⁹ Francis had been accused of rape before. Yet he too was depicted as a man who was unable easily to overpower women. He managed to force a fifty-four-year-old woman ‘to submit to his inhuman Lust’ only after three hours of ‘scuffing’, and then only when she became ‘spent’ or ‘weakened with loss of blood, and quite overcome’.⁸⁰ These men were unmanly: their lust was ‘inhuman’ and such ‘gratification of their own Pleasures’ without thought for their victims was ‘to act unlike a Man, or a Christian, or even a Brute’.⁸¹ As Dabhoiwala observed, in seventeenth and early eighteenth-century culture, the idea that ‘[o]nly beasts and savages gave “unrestrained liberty” to the “cravings of nature”’ was commonplace – if unchastity was ‘a pre-eminent sign of weakness’, how much weaker were men like these?⁸²

Serial rapists inflicted nasty, often lethal, forms of violence – the ripping, mutilation or strangling associated with modern serial sex killers such as Jack the Ripper, the Boston Strangler, and the Yorkshire Ripper. Research on sexual murder in the late nineteenth and twentieth centuries tends to associate it with modernity; Jack the Ripper has been termed the ‘father’ of the sexualized serial murder of women by men.⁸³ But the ripping, strangling and cutting of women by serial rapists was not new in the late nineteenth century. The nature of forensic knowledge and organization of criminal justice in the less recent past prohibits any systematic charting of such crimes historically, as does the fact that media reports which help form the public personae of such killers did not exist before the development of newspaper crime-reporting in the late seventeenth century. We have little evidence, then, for early modern serial killers. Those of whom we know tended to be discovered not after a hunt for such a killer, but because they themselves confessed to further crimes upon being apprehended for

one. Thus was the case with John Humphreys who confessed in 1726 to ‘the barbarous rapes and murders’ of seven women near Cardiff. They were:

Mary Miles, whom he ravished and murdered, and afterwards robbed the House.

Mary Nickol, whom he strangled and afterwards robbed the House.

Elizabeth Thomas, widow, whom he ravished and murdered, and then took away some silver, etc.

He also ravished and robbed a Servant Maid which he overtook on the Road, and [also ravished and robbed] one Smith’s Wife.

He likewise broke open the House of Mary Evan, of the parish of Lancarvan, and robbed her, and then ravished her . . .

Mary John, of Bonvilston (single Woman), he ravished, and afterwards cut her Throat.

Humphreys confessed also to having stolen money from his uncle, committing highway robbery, and perjuring himself by falsely accusing two local men of the murders.⁸⁴ He was hanged in chains in the village of Bonvilston, the epicentre of his activities. Yet he was reportedly ‘very penitent under Condemnation, and at the Place of Execution behaved very devoutly, giving, in his farewell Speech, earnest Exhortations to the Spectators to shun wicked Courses, and take warning by his fatal Exit. He made an ample Confession of his Crimes, and in particular said that he kept Company with lewd Women from twelve Years of Age’.⁸⁵

By means of his gallows speech, as it was reported, John Humphreys, the ‘notorious Villain’, serial rapist and murderer, became less monster and more man. This was a common feature of early modern execution narratives, whether they appeared in trial pamphlets, ordinaries’ accounts, criminal biographies, or newspapers. Serial killing, Bernard Capp has noted, disturbed early modern people for whom it raised similar questions as it does for us: ‘Were the perpetrators monsters, or insane? Or might anyone sink to such levels of depravity?’⁸⁶ But the genre of crime and execution narratives contained an imperative *not* to portray a killer or rapist as a monster or madman. Even in the early eighteenth century, it retained many characteristics of the late sixteenth and early seventeenth-century providential narratives of sin, punishment and redemption. In prison awaiting execution and on the gallows, the penitent felon confessed his crimes, begged forgiveness of his victims, and faced death and God’s judgement with resignation and courage while warning others not to make similar life-choices.⁸⁷ Gallows spectators and readers of printed accounts were invited to sympathize and identify even with someone like John Humphreys, who had committed acts of ‘monstrous and inhuman cruelty’. On the scaffold, the distinction between the exceptional monster and the ordinary man could dissolve as easily as flowed tears of repentance and sorrow.

CONCLUSION

The ambiguities and tensions in the figure of the rapist did not necessarily resolve themselves on the scaffold in any particular direction. What I mean by this is that the inhuman monster did not inevitably reveal his humanity in the manner that John Humphreys reportedly did. Some criminal-rapists committed ‘barbarous and inhuman’ rapes, robberies and murders, but died defiantly ‘game’.⁸⁸ John Price, the hangman mentioned briefly above, who was convicted in 1718 for robbing, raping and battering to death an elderly woman, was ‘such a hardened villain that he appeared not at all concerned’ about his impending execution. Rather than spend his last days preparing his soul for death, he raped the little girl who delivered food to him in prison.⁸⁹ Yet attitudes to rape, like everything else, must be understood in context, and contexts are not fixed. Neither is the line within any given society that separates the man from the monster.

The case of seventeen-year-old William Duell, who was executed in November 1740 for gang-rape, robbery, and murder may serve to remind us of this. Duell had helped Sarah Griffin, a poor girl who was on her way home to Worcestershire from London, where she had sought employment as a maidservant. He led her to a barn where she could spend the night; he even opened a truss of hay for her lie on, and then left her. Later, he returned with five other men. In an ordeal lasting some five hours, she was raped by all six men at least once, punched, kicked and subjected to other brutalities. The second man to rape her, ‘After he had his Desire of her, he was so inhuman and barbarous, as to thrust a Pin [an iron rod] of the length of an Inch and half into her hinder Part up to the very Head, and not being satisfied with that cruel Usage, he... beat her after a very unmerciful manner with his Fist’. After she had been raped by all six, George Curtis, who had been the first, ‘got upon her again’ and raped and beat her most viciously. Finally, ‘to complete their Barbarity, Curtis went and got a Broom-stick, and thrust it up the poor Woman’s Body, which gave her the finishing Stroke to her Sufferings and Miseries; she liv’d some few Days in the greatest Torment and Misery, which no Tongue was able to express, and then expired’.⁹⁰

Two of the six – George Curtis and William Duell – were apprehended and prosecuted. Curtis died in prison on the morning of the trial. Duell was convicted and executed. The prison chaplain described him as an ‘obstinate boy’ of ‘a quarrelsome nature’; his own father had found him so ‘careless and negligent’ that he had abandoned hopes of teaching him his trade as a shoemaker, and in fact had turned him out of the house on the morning of the rape. In the cart that carried him to the gallows, Duell had to be physically restrained from fighting with another felon. At Tyburn, some of his relatives and friends were waiting. Seeing his father, ‘he burst into tears, and they embraced each other, and wept over one another for some Time’. On the scaffold, he said he hoped the others involved ‘in using the poor woman so barbarous may be brought to condign Punishment, which they so justly deserve. He [declared that he] believed in Christ, and repented of his sins,

and died in peace with all the world'. So far, then, this was a conventional execution narrative. But it was not. For after he was hanged and his corpse taken to be anatomized, William Duell revived on the surgeon's table. Newspapers opined that if the mob rather than the surgeons had got hold of his body, he would not have lived. They also reported that upon regaining consciousness he cried for his mother, but later heartily ate his breakfast of toast and butter, and asked after his friends. He seemed 'insensible of having been hang'd; says he has been in a Dream; that he dream'd of Paradise, where an Angel told him his Sins were forgiven; and the like odd Stories'. Hordes of people flocked to view him in Newgate wherein he was once again incarcerated to await his fate. At the end of January, the papers reported that Duell was not, after all, to be hanged a second time; the King had pardoned him on condition of transportation. In April, the list of one hundred convicts being transported to the American colonies included 'half-hang'd Dewell, for a Rape and Robbery'.⁹¹

I end with this case for it suggests how the subject position of a rapist might change even for us. It is not only early modern people with their expectations of scaffold behaviour whose perspective on a rapist shifts as they move from one context to another. When we think of William Duell weeping in the arms of his father on the scaffold, being hanged, coming to, crying for his mother, asking for his friends, and facing the prospect of being hanged again, what is he then? A man? A monster? Someone whom we revile? Someone for whom we have compassion? Or all of these?

In showing that early modern people were confronted with polarities of everyman and monster in the figure of the rapist in ways that are not entirely unfamiliar to us, I do not argue for a flattened, transhistorical understanding of sexual violence. Rather it is a question of perspective. The everyman/monster dichotomy may be found in different periods, and where it exists it appears to be both inadequate and necessary to explaining attitudes to rape. But we cannot reduce attitudes in the early modern period (or any other) to this dichotomy. In this article, I have examined the presence of these two constructions of men who raped in the period before 1750.

I have indicated here some aspects of the everyman-rapist in his early modern form. Few men nowadays would attempt to dismiss a rape accusation by asserting that their desire was simply too great for them to overcome. Yet this is precisely what many early modern men claimed, and was perfectly in accordance with commonplace views of the potential for sexual excess in ordinary men. Between the sixteenth and eighteenth centuries, moralists and theologians routinely emphasized the incessant danger for all men and women of becoming victims of their own lust, so much stronger was sexual desire than reason and will-power. The prevalence of such views, Dabhoiwala has argued, had radically changed by 1800. By then, ideas of male sexual freedom had become more broadly accepted. I shall explore in

detail the impact of such ideas on attitudes to rape, on its perpetrators, and on the practical consequences for its prosecution elsewhere. Here, however, I wish to suggest that rape's history does not inevitably sit alongside that of heterosexuality in an obvious or uncomplicated way.

One example of this is provided by the process of bowdlerization that occurred in the later eighteenth century, but which is absent from Dabhoiwala's account of change. By the end of the century, he tells us, 'a new openness about sex had transformed the culture of the English-speaking world. A whole range of sexual ideas and practices, within and without marriage, was now discussed, celebrated, and indulged more publicly than ever before'.⁹² Yet at this very same time – the later eighteenth century – details of rape and other sexual offences no longer appeared in newspapers, periodicals, or printed trial proceedings.⁹³ Rape was, apparently, no longer a subject for public consumption, partly, I am sure, as a consequence of some of the shifts that Dabhoiwala explores in other contexts. If female chastity was learned rather than instinctive, then it seemed all the more vital to ensure that women's potential for lust should not be awakened by reading about crimes of a sexual nature. If women's sensibilities were as fragile as some commentators insisted, then they had to be protected from the truth of some men's monstrous sexual appetites.⁹⁴

The spectre of the monstrous rapist perhaps appears to have altered less between the seventeenth and twenty-first centuries. Here too, however, the ways in which early modern people made sense of such violence was not the same as was common in the nineteenth century and later. At a time when divine justice and redemption were still part of the dominant narrative of public execution, the inhuman brute could easily transform into the penitent sinner and vice versa. In the mid eighteenth century, any man still had the potential to become a monster. By the end of the century, preliminary research suggests that rapists, like other criminals, were viewed in dominant discourses, at least, as 'aberrants' who were fundamentally different to ordinary men. The complex nature of that change, its causes and consequences, is a subject to which I shall turn my attention in future research.

Garthine Walker is Reader in History at Cardiff University and a Leverhulme Trust Major Research Fellow 2013–16. Her current research is on rape and sexual violence in England and Wales 1500–1800. She is author of *Crime, Gender and Social Order in Early Modern England* (Cambridge University Press, 2003), and editor of several collections of essays, including *Gender and Change: Agency, Chronology and Periodisation* (Blackwell, 2009), co-edited with Alexandra Shepard, and *The Extraordinary and the Everyday in Early Modern England* (Palgrave Macmillan, 2010), co-edited with Angela McShane.

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- 12 Faramerz Dabhoiwala, *The Origins of Sex: a History of the First Sexual Revolution*, London, 2012.
- 13 For more on these sources, see Walker, 'Rape, Acquittal and Culpability', pp. 121–2. References to the printed Proceedings of the Old Bailey, which have now been digitized and are in the public domain (at <http://www.oldbaileyonline.org>), are given as *Old Bailey Proceedings* (hereafter *OBP*), with the month and year of publication and the defendant's name in parentheses if it was not mentioned in the text. See also Clive Emsley, Tim Hitchcock and Robert Shoemaker, 'The Value of the Proceedings as a Historical Source', *OBP* (www.oldbaileyonline.org, 6 April 2011); Robert B. Shoemaker, 'The Old Bailey Proceedings and the Representation of Crime and Criminal Justice in Eighteenth-Century London', *Journal of British Studies* 47: 3, 2008, pp. 559–80. For newspapers, see Bob Clarke, *From Grub Street to Fleet Street: an Illustrated History of English Newspapers to 1899*, Aldershot, 2004; Dabhoiwala, *Origins of Sex*, chap. 6; Michael Harris, *London Newspapers in the Age of Walpole: a Study of the Origins of the Modern English Press* London, 1987. Original spelling has been modernized throughout.
- 14 Dabhoiwala, *Origins of Sex*, pp. 145–8.
- 15 See for example, Bernard Capp, *When Gossips Meet: Women, Family, and Neighbourhood in Early Modern England*, Oxford, 2003, chaps. 4 and 6; Dabhoiwala, *Origins of Sex*; Laura Gowing, *Common Bodies: Women, Touch and Power in Seventeenth-Century England*, New Haven and London, 2003, chaps 2 and 3; Garthine Walker, *Crime, Gender and Social Order in Early Modern England*, Cambridge, 2003, pp. 49–63; Walker, 'Re-reading Rape'.

16 Charles Perrault, *Histories, or Tales of Past Times . . . with Morals*, London, 1729, p. 1. Compare with Rembrandt's illustration of a couple making love, *The Bed* (1646), reprinted in Dabhoiwala, *Origins of Sex*, pp. 20–1.

17 On the influence of the emblematic tradition on the original 1697 French version of the *Histories* and the English translations, see Ségolène Le Men, 'Mother Goose Illustrated: From Perrault to Doré', *Poetics Today* 13: 1, Spring 1992, pp. 17–39 esp. 20–21; for the French manuscript and print illustrations, pp. 28, 29.

18 For example, Sharon P. Johnson, 'The Toleration and Erotization of Rape: Interpreting Charles Perrault's Le Petit Chaperon Rouge within Seventeenth and Eighteenth-Century French Jurisprudence', *Women's Studies* 32: 3, 2003, p. 329.

19 For example, *Perrault's Fairy Tales*, transl. A.E. Johnson, New York, 1969; *The Complete Fairy Tales of Charles Perrault*, transl. Neil Philip and Nicoletta Simborowski, New York, 1993.

20 Perrault, *Histories*, pp. 7–8; my italic.

21 John Oldham, 'To Madam L.E. upon her Recovery from a late Sickness', in *The Works of Mr John Oldham, Together with his Remains*, London, 1684, pp. 22–3, at 23. The phrase here referred figuratively to Heaven's attempt to possess the exquisite lady by killing her with violent illness.

22 T[homas] E[dgar], *The Lawes Resolutions of Womens Rights: or, The Lawes Provision for Woemen*, London, 1632, p. 377.

23 Richard Baxter, *A Christian Directory, or, A Summ of Practical Theologie and Cases of Conscience*, London, 1673, p. 395; for the instructions see pp. 396–404.

24 For instance, Bernard Mandeville, *The Fable of the Bees: Or, Private Vices Publick Benefits*, London, 1714; Phil-porney [Bernard Mandeville], *A Modest Defence of Publick Stews: Or, An Essay Upon Whoring, As It Is Now Practis'd in These Kingdoms. Written by a Layman*, London, 1724.

25 Walker, 'Rereading Rape', pp. 5–6, 16–17.

26 National Archives, Public Record Office (hereafter NA: PRO), Records of Justices of Assize, Gaol Delivery, Oyer and Terminer, and Nisi Prius, Northern and North-Eastern Circuits: Criminal Depositions and Case Papers, ASSI 45 4/2/22 (1652). Cheshire Archives and Local Studies, Cheshire Quarter Sessions records, Sessions Files, QJF 79/1/76 (1651).

27 NA: PRO, Secretaries of State: State Papers Domestic, Elizabeth I, Letters and Papers, SP 12/73 fols.131–41, Examinations taken before Oliver Lord St. John, 7 September 1570.

28 Thomas Otway, *The Orphan: or, The Unhappy Marriage: a Tragedy*, London, 1680, Act II, Scene 1.

29 Dabhoiwala, *Origins of Sex*, pp. 155–6, 161, and for an excellent account of this shift in a range of literary and dramatic forms, pp. 160–79.

30 See in particular, Capp, *When Gossips Meet*, chaps 4 and 6; Dabhoiwala, *Origins of Sex*; Anthony Fletcher, *Gender, Sex and Subordination in England, 1500–1800*, New Haven and London, 1995, pp. 93–4, 339; Gowing, *Common Bodies*; Walker, 'Re-reading Rape'.

31 Gabriele Zerbi, *Gabriele Zerbi, Gerontocomia: On the Care of the Aged and Maximianus, Elegies on Old Age and Love*, transl. and ed. Levi Robert Lind, Philadelphia, 1988, p. 29, cited in Anthony Ellis, *Old Age, Masculinity, and Early Modern Drama: Comic Elders on the Italian and Shakespearean Stage*, Farnham, 2009, p. 1; Lynn A. Botelho, *Old Age And The English Poor Law, 1500–1700*, Woodbridge, 2004, pp. 12–13.

32 *London Evening Post*, 5–7 Aug. 1735; *Daily Journal*, 7 Aug. 1735; *Old Whig or The Consistent Protestant*, 14 Aug. 1735; *Daily Journal*, 17 Feb. 1727; *Weekly Journal or British Gazetteer*, 18 Feb. 1727; *Parker's Penny Post*, 20 Feb. 1727; *Weekly Journal with Fresh Advices Foreign and Domestick*, 2 April 1715; *Weekly Journal with Fresh Advices Foreign and Domestick*, 18 June 1715; *OBP*, July 1715; *Weekly Packet*, 17 March 1716; *Weekly Journal or British Gazetteer*, 24 March 1716; *Post Boy*, 17 July 1722; *Daily Journal*, 18 July 1722; *OBP*, July 1720; *Evening Post*, 12 July 1720.

33 Zerbi, *Gerontocomia*, p. 312; Thomas Sheafe, *Vindiciæ Senectutis, Or, A Plea for Old-Age which is Senis Cujusdam Cygnea Cantio*, London, 1639, p. 30.

34 Sir Matthew Hale, *Historia Placitorum Coronæ: the History of the Pleas of the Crown*, vol. 1, London, 1736, p. 635. The 'circumstance' was 'a rupture so hideous and great, that it was impossible he could carnally know any woman', even his wife.

35 *OBP*, February 1727; *Daily Journal*, 27 Feb. 1727; *Parker's Penny Post*, 1 March 1727; *British Journal*, 4 March 1727; *London Journal*, 4 March 1727; *Weekly Journal or British Gazetteer*, 4 March 1727. Several papers stated that Padget was to be transported after serving his prison sentence.

36 *British Journal*, 18 March 1727; *Daily Post*, 16 March 1727. The case was originally reported when both the boy and man were committed to Northampton gaol: *Parker's Penny Post*, 13 Nov. 1726; *Mist's Weekly Journal*, 26 Nov. 1726; *Daily Post*, 28 Nov. 1726.

37 London Metropolitan Archives: Middlesex Sessions Papers, MJ/SP/1708/May/13, 14.

38 The most commonly estimated age of menopause was forty-five to fifty years: Patricia Crawford, 'Attitudes to Menstruation in Seventeenth-Century England', *Past and Present* 91, May 1981, pp. 71, 66, 66–7, n. 114.

39 Perrault, *Histoires*, pp. 1, 4.

40 I shall explore elsewhere the issue of change in attitudes to rape in the later eighteenth century; it is beyond the scope of this article, which covers the period to 1750.

41 *True Account of the Proceedings on the Crown-Side at this Lent Assize, held for the County of Surrey... [March 1684]*, London, 1684.

42 *OBP* [*True Narrative of the Proceedings*], October 1683. For an alternative version of events, see *OBP* [*An Account of the Proceedings*], October 1683. For the reprieve and pardon, see *Calendar of State Papers Domestic 1683–1684*, vol. 26, pp. 330, 393.

43 E[lgar], *Laws Resolutions of Womens Rights*, p. 377.

44 Dabhoiwala, *Origins of Sex*, pp. 201–12.

45 *Weekly Journal or Saturday's Post*, 19 Jan. 1723; *OBP*, July 1720 (John Thompson and others); *Evening Post*, 12 July 1720; *Evening Post*, 12 Jan. 1723; *Daily Post*, 15 Jan. 1723; *St James's Journal*, 19 Jan. 1723.

46 *Grub Street Journal*, 9 April 1730; *Daily Journal*, 4 April 1730.

47 For the most extended discussion of these and related views, see Dabhoiwala, *Origins of Sex*, chaps 2 and 3.

48 CALS, Diocese of Chester Consistory Court Papers, EDC 5/1627/56, fol.1. Deposition of Elizabeth, wife of Thomas Deane. For a detailed discussion of the case, see Steve Hindle, 'The Shaming of Margaret Knowsley: Gossip, Gender and the Experience of Authority in Early Modern England', *Continuity and Change* 9: 3, 1994, pp. 391–419.

49 Karen Harvey, *Reading Sex in the Eighteenth Century: Bodies and Gender in English Erotic Culture*, Cambridge, 2004, p. 197.

50 Dabhoiwala, *Origins of Sex*, chap. 3, and the authors cited in n. 12 above. However, Dabhoiwala's account of what changed and when does raise a number of important issues that I intend to explore in future research, especially with regard to the later eighteenth century, which is outside the scope of this current article.

51 Baxter, *Christian Directory*, pp. 397–8.

52 Jennie Mills, 'Rape in Early Eighteenth-Century London: a Perversion "So Very Perplex'd"', in *Sexual Perversions, 1670–1890*, ed. Julie Peakman, Basingstoke, 2009, pp. 158, 161.

53 McLynn, *Crime and Punishment*, p. 107.

54 Eighty-three (46.4%) of 179 rapes brought before the Old Bailey 1674–1749 were of children under the age of twelve. On conviction rates, see Walker, 'Rape, Acquittal and Culpability'.

55 *The Bloody Butcher, And the Two Wicked and Cruel Bawds*, London, 1667.

56 *OPB*, April 1680.

57 *The True Narrative of the Confession and Execution of the Nine Prisoners at Tyburn... April 1680*, London, 1680; *The Confession and Execution of the Nine Prisoners that Suffered at Tyburn... April 1680*, London, 1680.

58 *OBP*, January 1675; *OBP*, July 1678; *OBP*, December 1678; *London Evening Post*, 15–17 Sept. 1741; *Daily Post*, 18 Sept. 1741; *London Daily Post and General Advertiser*, 18 Sept. 1741; *London and Country Journal*, 22 Sept. 1741.

59 Julie Gammon, "'A Denial of Innocence': Female Juvenile Victims of Rape and the English Legal System in the Eighteenth Century", in *Childhood in Question: Children, Parents and the State*, ed. Stephen Hussey and Anthony Fletcher, Manchester, 1999, p. 81.

60 Antony E. Simpson, 'Vulnerability and the Age of Female Consent: Legal Innovation and its Effect on Prosecutions for Rape in Eighteenth-Century London', in *Sexual Underworlds of the Enlightenment*, ed. George S. Rousseau and Roy Porter, Manchester, 1987.

61 *OBP*, September 1686; *The True Account Of The Behaviour And Confession Of the Criminals Condemned... September 1686*, London, 1686.

62 *OBP*, December 1721 (Christopher Graff). At least one newspaper report described the rape as 'barbarous': *Weekly Journal or Saturday's Post*, 23 Dec. 1721. See also *OBP*, December 1690 (George Hutton); *OBP*, June 1698 (Robert Ingram).

63 *London Journal*, 6 Jan. 1722; *British Journal*, 26 Nov. 1726. See also *Domestick Intelligence or News Both from City and Country*, 30 Dec. 1679; *Weekly Journal or Saturday's Post*, 6 Jan. 1722; *Applebee's Original Weekly Journal*, 6 Jan. 1722; *London Journal*, 26 Nov. 1726; *London Evening Post*, 12–14 February 1741; *OBP*, January 1742 (John Thompson, tried for murder, rape, and assault with intent).

64 Hale, *Historia Placitorum Coronae*, p. 633.

65 Harvey, *Reading Sex*, pp. 197, 194; cf. Mills, 'Rape in Early Eighteenth-Century London', who over-interprets trial transcripts in the light of erotic and pornographic discourse.

66 Christopher Marlowe, *Hero and Leander*, cited in Baines, *Representing Rape*, p. 6.

67 E[dgar], *Lawes Resolutions of Womens Rights*, p. 377.

68 *Weekly Journal or Saturday's Post*, 16 Aug. 1718; *Original Weekly Journal*, 21 May 1720.

69 *British Journal*, 10 Aug. 1723.

70 *Post Boy*, 27 March 1718; *Weekly Journal or Saturday's Post*, 29 March 1718. See also *Original Weekly Journal*, 29 March 1718; *Original Weekly Journal* 12 April 1718; *Weekly Journal or British Gazetteer*, 12 April 1718; *Weekly Journal or Saturday's Post*, 12 April 1718; *Post Boy*, 19 April 1718; *Post Boy*, 26 April 1718.

71 *London Evening Post*, 11–13 July 1734; *London Journal*, 13 July 1734; *Universal Spectator and Weekly Journal*, 13 July 1734.

72 *Post Boy*, 30 March–1 April 1697.

73 *St. James's Evening Post*, 29 June–2 July 1745; *London Evening Post*, 29 June–2 July 1745; *Daily Gazetteer*, 2 July 1745; *Daily Post*, 2 July 1745; *Old England or the Constitutional Journal*, 6 July 1745; *Westminster Journal or New Weekly Miscellany*, 6 July 1745. See also *Penny London Post or the Morning Advertiser*, 1–3 July 1745.

74 *Whitehall Evening Post or London Intelligencer*, 22–25 July 1749; *Westminster Journal or New Weekly Miscellany*, 29 July 1749.

75 *Daily Journal*, 11 April 1727; *Parker's Penny Post*, 12 April 1727; *Weekly Journal or British Gazetteer*, 15 April 1727; *Daily Journal*, 19 April 1727. See also *English Post with News Foreign and Domestick*, 3–5 Aug. 1702.

76 *London Evening Post*, 1–3 April 1736; *Daily Gazetteer*, 3 April 1736; *Daily Post and General Advertiser*, 3 April 1736.

77 *Mist's Weekly Journal*, 23 July 1726; *Daily Journal*, 21 July 1726; *Parker's Penny Post*, 22 July 1726; *Parker's Penny Post*, 16 Aug. 1726; *Evening Post*, 23 Aug. 1726; *Daily Journal*, 25 Aug. 1726; *Mist's Weekly Journal*, 27 Aug. 1726; *British Journal*, 27 Aug. 1726; *Weekly Journal or British Gazetteer*, 27 Aug. 1726.

78 *Daily Post*, 6 April 1727; *Mist's Weekly Journal*, 8 April 1727; *Weekly Journal or British Gazetteer*, 8 April 1727; *British Journal*, 8 April 1727; *London Journal*, 8 April 1727; *Mist's Weekly Journal*, 10 Dec. 1726.

79 *Daily Journal*, 21 July 1726; *Parker's Penny Post*, 22 July 1726; *Mist's Weekly Journal*, 23 July 1726.

80 *British Journal*, 8 April 1727; *London Journal*, 8 April 1727; *Weekly Journal or British Gazetteer*, 8 April 1727.

81 Daniel Defoe, *Conjugal Lewdness: or, Matrimonial Whoredom*, London, 1727, pp. 84–5.

82 Dabhoiwala, *Origins of Sex*, p. 27, also citing Defoe as above.

83 Jane Caputi, *The Age of Sex Crime*, London, 1987, p. 4, Preface. See also Estelle B. Freedman, "'Uncontrolled Desires': the Response to the Sexual Psychopath, 1920–1960", *Journal of American History* 74: 1, June 1987, pp. 83–106; Judith Walkowitz, *City of Dreadful Delight: Narratives of Sexual Danger in Late-Victorian London*, Chicago, 1992; Lewis Perry Curtis, *Jack the Ripper and the London Press*, New Haven, 2001.

84 *Evening Post*, 8 Sept. 1726; *Daily Journal*, 9 Sept.; *London Journal*, 10 Sept. 1726; *Mist's Weekly Journal*, 10 Sept. 1726; *Weekly Journal or British Gazetteer*, 10 Sept. 1726; *Parker's Penny Post*, 12 Sept. 1726.

85 *Mist's Weekly Journal*, 22 Oct. 1726; *Evening Post*, 20 Oct. 1726; *Daily Journal*, 18 Sept. 1726; *Daily Journal*, 20 Sept. 1726; *Parker's Penny Post*, 21 Sept. 1726; *Brice's Weekly Journal*, 23 Sept. 1726; *Mist's Weekly Journal*, 24 Sept. 1726; *Weekly Journal or British Gazetteer*, 24 Sept. 1726.

86 Bernard Capp, 'Serial Killers in Seventeenth-Century England', *History Today* 46: 3, March 1996, p. 25.

87 James Sharpe, "'Last Dying Speeches': Religion, Ideology and Public Execution in Seventeenth-Century England', *Past and Present* 107: 1, May 1985, pp. 144–67; Peter Lake and Michael Questier, 'Agency, Appropriation and Rhetoric under the Gallows: Puritans, Romanists and the State in Early Modern England', *Past and Present* 153, November 1996, pp. 64–107; McKenzie, *Tyburn's Martyrs: Execution in England, 1675–1775*, London, 2007.

88 McKenzie, *Tyburn's Martyrs*, chap. 7.

89 *Weekly Journal or British Gazetteer*, 12 April 1718; *Original Weekly Journal*, 7 June 1718; *OBP*, April 1718.

90 *The Ordinary of Newgate, his Account of the Behaviour, Confession, and Dying Words, of the Malefactors, who were Executed at Tyburn [24 November 1740]*, London, 1740; *OBP*, October 1740.

91 *London and Country Journal*, 21 Oct. 1740; *London and Country Journal*, 23 Oct. 1740; *London and Country Journal*, 23 Oct. 1740; *London and Country Journal*, 30 Oct. 1740; *Daily Gazetteer*, 26 Nov. 1740; *Country Journal or The Craftsman*, 29 Nov. 1740; *Weekly Miscellany*, 29 Nov. 1740; *London and Country Journal*, 2 Dec. 1740; *Daily Gazetteer*, 29 Jan. 1741; *London and Country Journal*, 14 April 1741; *London and Country Journal*, 16 April 1741; *News from the Dead, or a Faithful and Genuine Narrative of an Extraordinary Combat between Life and Death, exemplified in the Case of William Duell*, London, 1740.

92 Dabhoiwala, *Origins of Sex*, p. 342.

93 Clark, *Women's Silence, Men's Violence*, p. 16; Peter King, 'Newspaper Reporting and Attitudes to Crime and Justice in Late-Eighteenth- and Early-Nineteenth-Century London', *Continuity and Change* 22: 1, 2007; James Oldham, 'Law Reporting in the London Newspapers, 1756–1786', *American Journal of Legal History*, 31: 3, 1987.

94 On these developments, see Dabhoiwala, *Origins of Sex*, chaps 4 and 5.