

Women Thieves in Early Modern England: What Can We Learn from Narrative Sources?

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It is only with the renewal of social history in the 1980s and 1990s that women's petty crime became a field of historical research *per se* and that women thieves started to recover their place in an accurate representation of the past. Earlier attempts made by historians of crime had not been convincing¹. Their works continued to bear the marks of gender prejudice or distorted historical truth by developing ontological theories on the natural tendency of women towards crime. Women's history has inherited some of these misconceptions and it is still common today to read about so-called women's crimes: namely witchcraft, infanticide and scolding for the early modern period. And yet, most women offenders in early modern England were thieves. It seems, therefore, that "women's crimes" as a category of analysis should be revisited to encompass not only the spectacular but also the ordinary, as I will now argue.

According to the Assize records for Sussex which cover the entire reign of Queen Elizabeth (1558-1603), 12 women were tried in that county and over that period of time for witchcraft, 24 for infanticides and 127 for all kinds of theft. Property crimes were, therefore, by far the most common type of criminal behaviour amongst women, just as they were amongst men. This has been overshadowed by the urge to introduce gender into the history of crime along with the related principle of the sex gap. This was facilitated by two series of data ready for use by historians: one, on the one hand, that showed the under-representation of women amongst property offenders, and another, on the other hand, that proved that an overwhelming majority of people indicted at the time for witchcraft and infanticide were, indeed, women.

Yet, with hindsight, it seems that by concentrating so much on the marginal aspects of women's criminal behaviour, historians have proved that gender as a category of analysis is a double-edged ideological tool and can serve to

¹ For a useful survey of this debate, see C. Smart, "Criminal theory; its ideology and implications concerning women", in *Women and the Law*, D.K. Weisberg (ed.), vol.1, Cambridge Mass., Shenkman, 1982, p. 287-299.

widen the gap between men and women instead of emphasizing their common experiences. Today the history of women's petty crime in early modern England has made up for lost time thanks to historians such as James Anthony Sharpe², Garthine Walker³, J. M. Beattie⁴ and J.S. Cockburn⁵, who was the first to pioneer this field of research. Their statistical reviews of the period have made us more familiar with the idiosyncrasies of these women whilst underlining the ties that bound them to their male counterparts. They have established a series of paradigms that I will sum up briefly as an introduction to my own research. First of all, it is worth remembering that these studies have proved that the ratio of women to men amongst criminals is subject to change in time, contrary to one of the first assumptions of the history of crime⁶. The proportion of women thieves to men thieves increased between the end of the sixteenth century and the second part of the seventeenth century. They represented 18% of property offenders in 1590, 23% in 1620 and 25% in the 1660s⁷. The second finding of these studies is that, on the contrary, the types of property offences committed by women hardly changed⁸ and were different from the kinds of thefts in which men engaged. Over the two centuries surveyed, women were indicted either for larceny (petty or otherwise), burglary, housebreaking, and cutpursing. The scope of men's activities was much wider and extended to horse stealing, highway robberies and robberies where they had a virtual monopoly. Thirdly, these works have broadened our understanding of the behavioural differences between men and women in terms of partnership. Walker reached the conclusion that women were less inclined than men to work on their own and that they more frequently joined mixed gangs⁹. They also found that men and women tended to pick what they stole according to the markets to which they had access. In other words, women stole mostly clothes, linen, material and

² J. A. Sharpe, "The History of crime in late medieval and early modern England: a review of the field" in *Social History*, May 1982, p. 187-203; *Crime in Seventeenth Century England: A County Study- 1983*, Cambridge, CUP, 1983; *Early Modern England: A Social History, 1550-1760*, London, Edward Arnold, 1987; *Judicial Punishment in England*, London, Faber, 1990.

³ G. Walker, *Crime, Gender and Social Order in Early Modern England*, Cambridge, CUP, 1994, "Women theft and the world of stolen goods", in *Women, Crime and the Court in Early Modern England*, J. Kermod and G. Walker (eds.), London, UCL P, 1994, p. 81-105.

⁴ J.M. Beattie, "The Criminality of Women in Eighteenth-Century England", *Journal of Social History* 8, 1974-5, p. 80-126.

⁵ J.S. Cockburn, *A History of the English Assizes, 1558-1714*, Cambridge, CUP, 1972, "Early Modern Assize Records as Historical Evidence" in *Journal of the Society of Archivists*, 5, 1975, p. 215-231; *Crime in England, 1500-1800*, London, Methuen, 1977.

⁶ B. Hanawalt, "The female felon in fourteenth-century England" in *VIATOR*, 5, 1974, p. 254; M. Feeley and D. Little, "The vanishing female" in *Law & Society Review*, 25, 4, 1991, p. 722.

⁷ My calculations are based on Walker's figures on men and women prosecuted for property offences in G. Walker, "Women, theft and the world of stolen goods", *op. cit.*, p. 82.

⁸ G. Walker, "Theft and related offences" in *Crime, Gender and Social Order in Early Modern England*, *op. cit.*, p. 160.

⁹ G. Walker, "Women, theft and the world of stolen goods", *op. cit.*, p. 86.

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household goods, because these were the things they could either use or easily get rid of¹⁰. The social historians who carried out these investigations also attempted to gauge whether sex bias had influenced the sentences that women served. They argued that they did, since a comparison of the sentences passed on women and those passed on men tends to prove that judges were more lenient to the former. Fewer women thieves were hanged, for instance, in Essex between 1620 and 1680 (1.2% against 4.5% for men) and more were acquitted¹¹. Conversely, women were less frequently granted benefit of clergy¹², which ceased to be a male prerogative in 1623¹³, and the most common form of punishment was whipping. Finally, Carole Wiener broke new ground by establishing that the status of "spinster" used in indictments did not only encompass single women but also those whom judges wanted to make fully liable in front of a court of justice¹⁴. It qualified in that respect earlier works that had claimed that marriage was a legal protection for women thieves, a "coverture" as the legal jargon of the time put it. This partly explains why "spinsters" were convicted more often than married women or widows.

This brief summary gives, I believe, an idea of the substantial contribution of quantitative historians to the history of women's crime. Yet, it is also a window into its very limits as I will now contend. For a start, quantitative research based on criminal records has a lot to answer for in the concealment of women thieves behind men thieves. The overwhelming majority of men in this category of criminal turns any bar chart or pie chart contrasting women thieves with men thieves into a single-sex representation of property crimes where women are hardly visible. Further, the quantitative approach tells us nothing about the way people at the time considered women thieves and their crimes. Indictments contained eight pieces of information, the name and occupation of the accused and of his/her accessories, his/her place of residence, the place where the crime was committed, the date upon which it was committed, the nature of the offence, the name of the victim, and, in many cases, the details of the punishment inflicted. This gives us no idea of the relationships which existed between men and women in the Elizabethan and early Stuart underworld. Nor can these studies tell us if theft as a source of income empowered early modern women as the legendary character of Moll Cutpurse in Thomas Dekker's play suggests. We are left to ponder whether theft could have altered or even equalized gender relations in early modern England. This amounts to asking if the underworld replicated gender relations as they were imposed amongst law-abiding people or, on the contrary, if the world of thieves

¹⁰ G. Walker, "Theft and related offences," p. 165-166.

¹¹ J.A. Sharpe, *Crime in Seventeenth Century England: a County Study- 1983*, Table 4.

¹² W.S. Holdsworth, *A History of English Law*, London: Methuen, 1923, vol. 3., p. 293-294.

¹³ G. Walker, "Theft and related offences", p. 178.

¹⁴ C.Z. Wiener, "Is a Spinster an Unmarried Woman?" in *American Journal of Legal History*, 20,1976, p. 27-31.

stood out as being innovative in its approach to gender roles.

To achieve this, we need to go back to the narrative sources that have been relegated to a position of secondary importance by those who place their trust in figures. I have selected three types of source which, I believe, can reveal the still hidden dimension of gender relations in the world of thieves: first, the misogynist pamphlets of the time¹⁵ which by their silence on "*the natural inclination of women*" for stealing, are intriguing; second, the pamphlets on rogues, vagabonds and sturdy beggars which are commonly referred to as *canting literature*, and finally the few stories collected by Alexander Smith in his *Complete history of the lives and robberies of the most notorious highwaymen: footpads, shoplifts, & cheats of both sexes*¹⁶.

One could argue against this selection of sources on the ground that these texts are biased since they were neither written by thieves nor by women¹⁷. The obvious answer to this criticism is that these sources are not less reliable than first-person narratives which distort historical truth in their own self-indulgent way. Besides, we may hope that some chimerical self-narratives by women thieves of the early modern period may resurface one day, but in the meantime we can try to learn from the texts we know of, even if they may only provide a *de haut en bas* perspective. This reversion to textual analysis was initiated by Garthine Walker in 1994 when she claimed that it is the only way to introduce the history of crime into cultural studies. She writes:

By analysing narrative sources, historians are able to do more than reveal

¹⁵ *The Schoolhouse of Women* (1541); *Mulierum Paeon*, by Edward Gosynhill (1542); *Her Protection for Women* by Jane Anger (1589); *The Arraignment of Lewd, Idle and Forward, and Unconstant women*, by Joseph Swetnam (1615); *Esther hath hanged Haman*, by Esther Sowerman (1617); *The Worming of a Mad Dog*, by Constantia Munda (1617); *Hic Mulier* (1620), *Haec Vir* (1620); *A Juniper Lecture*, by John Taylor (1639); *The Women's Sharp Revenge*, by Mary Tattlewell and Joan Hit-him-home (1640); *The Arraignment and Burning of Margaret Ferneseede* (1608); *A pitiless Mother* (1616); *The Wonderful Discovery of the witchcrafts of Margaret and Philippa Flower* (1618) in *Half Humankind – Contexts and Texts of the Controversy about Women in England, 1540-1640*, K. Henderson and B. McManus (eds.), Urbana and Chicago, University of Illinois Press, 1985.

¹⁶ A. Smith, *A Complete History of the Lives and Robberies of the Most Notorious Highwaymen, Footpads, Shoplifts, & Cheats of Both Sexes*, London: Routledge & Sons, 1926. This text was first published in 1714 under the title *The History of the Lives of the Most Noted Highway-Men, Foot-Pads, House-Breakers, Shop-Lifts, and Cheats, of both Sexes, in and about London, and other Places of Great Britain, for above fifty Years last past*, London, J. Morphew / A. Dodd.

¹⁷ This argument has been used against Peter Burke's methodology in *Popular Culture in Early Modern Europe*, London, Temple Smith, 1978. Tim Harris for instance pointed out the source problems when dealing with ordinary people in the early modern period and the difficulty in discerning "the extent to which the historical record of this popular culture has been contaminated by these elite mediators" in *Popular Culture in England, c. 1500-1850*, Basingstoke, Macmillan, 1995, p. 6. I am thankful to Anne Page for drawing my attention to this methodological debate.

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information about crime, criminality and the legal process. They may open windows through which we may view aspects of the wider culture and ways of thinking and doing in early modern society. Hence the history of crime becomes a broader cultural history of the period.¹⁸

To begin, I should point out that, contrary to historians and criminologists who took some time to take women thieves into account, people of the Elizabethan and early Stuart age were fully aware of their existence. Legal experts such as Thomas Harman and Robert Greene who specialized in the underworld emphasized, in *A Caveat for Common Cursitors, Vulgarly Called Vagabonds* (1566), in *A Notable Discovery of Cozenage* (1591) respectively, the fact that it was a mixed community. However, and this is a paradox which cannot be left unexplained, theft as a criminal activity is almost completely overlooked by the misogynist pamphlets which proliferated between 1540 and 1640, a period during which the second stage of *La Querelle des femmes* was at its height. Out of the sixteen major texts of the controversy that I have reviewed, only two include the character of the woman thief in their lists of bad women. *The Arraignment of Lewd, idle, forward and unconstant women* (1615)¹⁹ touches on the theme of the greedy wife who steals from her husband and drags her family down with her into poverty. In the second text, entitled *A Juniper Lecture* (1639), John Taylor claims that marrying a woman thief is the lesser of two evils for two reasons. Firstly, on a day-to-day basis, it represents less hassle than sharing one's life with a scold²⁰, and secondly, your chances of being quickly rid of her by the hangman are higher²¹. This cynical passage indicates an initial explanation of the silence of those writers who held women in contempt but never turned women thieves into an embodiment of mischievous women. Heirs to those medieval luminaries of the Church who intended by their writings on women to discourage novices from getting involved with the fair sex so that they could devote themselves entirely to God, early modern writers continued to concentrate on the beneficial or destructive roles of women within the private sphere.

This is the start of an answer, but it is not enough to explain why women thieves haven't had their *Malleus Maleficarum*, a book that tried to establish in the fifteenth century why witchcraft was typically a "women's crime"²². In the process of doing so, it went through all the feminine features that make women prone to crime. The author blames it on the part of Adam's body that God used to make Eve, the crooked rib that allegedly explains why her daughters are twisted and sly

¹⁸ G. Walker, *Crime, Gender and Social Order in Early Modern England*, *op. cit.*, p. 5.

¹⁹ J. Swetnam, *The Arraignment of Lewd, Idle, Forward, and Unconstant women*, *op. cit.*, p. 201.

²⁰ J. Taylor, *A Juniper Lecture*, *op. cit.*, p. 297.

²¹ *Ibid.*, p. 297.

²² This book was published in 1487.

human beings. It is perhaps surprising that more was not made of women's supposedly underhand ways to prove that just as they make the ideal witch they should make the ideal thief. This curious reluctance to associate women with property crimes is made starker still by the fact that, between 1500 and 1600, envy was considered a female sin. This is demonstrated by the study of prints that Sara Matthews Grieco carried out before concluding that 14,5% of the female representations of the seven deadly sins were incarnations of envy²³. Research, particularly by Beverly Lemire, has established a connection between the upsurge in thefts under Elizabeth and the urge in society to be well-dressed²⁴. One might therefore have expected pride to entwine with envy in the paradigm of the criminal nature of women to produce bitter diatribes against women thieves. But this simply did not happen. Sixteenth and seventeenth century misogynist literature simply did not include female thieves in its middle-class picture of gender relations²⁵. On closer examination, this silence seems to have a threefold origin. First, misogynist literature as a genre is self-inspired in so far as, century after century, it still harps on the same clichés introduced by the Ancients. It also repeated the misogynist teachings of the Bible. Now, it is easy to establish that both the Bible and ancient writers neglected to mention women thieves. Whores and quarrelsome women are alluded to in Proverbs and Ecclesiastes and ancient writers have left us unforgettable characters of murderesses and scolds such as the infanticide Medea, and the scold Xanthippe, Socrates'wife, but no such feminine embodiment of theft has reached us.

The second reason for this silence relates to the penal status of married women in modern England, which was limited by the doctrine of coverture. This might have misled those Elizabethans and Jacobean who considered women only as part of a couple into believing that women could not really be guilty of theft. Today, historians agree that this is not entirely a false assumption, since it was frequent at the time to indict only the husband as *pater familias* for a crime committed by both members of a couple²⁶. Criminal law, as defined by the main adviser of Elizabethan Justices of the peace, William Lambarde, and his Stuart successor Michael Dalton, favoured the wife in plain language²⁷. On the one hand,

²³ S. F. Matthews Grieco, *Ange ou Diabliesse – La représentation de la femme au XVIe siècle*, Paris: Flammarion, 1991, p. 249.ss

²⁴ B. Lemire, "The theft of clothes and popular consumerism in early modern England", *Journal of Social History*, Winter 1990, p. 256.

²⁵ In her study on *Women and Crime in the Street Literature of Early Modern England*, Basingstoke, Palgrave Macmillan, 2003, Sandra Clark argues that the ballads, domestic plays and prose pamphlets of the period told stories about sensational criminal acts by women – predominantly murder and witchcraft – because as acts of deviancy, they were saleable commodities.

²⁶ G. Walker, *Crime, Gender and Social Order in Early Modern England*, *op. cit.*, p. 12.

²⁷ *The Complete Justice: A Compendium of the Particulars Incident to Justices of the Peace, Gathered out of the Practice of the Justices of the Peace out of their Sessions*, London: printed for the Company of stationers, 1619, p. 236, p. 252; *The Lawes Resolutions of Women's Rights; or, the*

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she was not criminally liable for her deeds if it could be proved that she was obeying her husband's orders and on the other hand she could not be charged with receiving stolen property that had been brought to her by her husband.

Thirdly, and this take me back to my initial remarks on the aim of these misogynist pamphlets, the very idea of crime is gendered. Representations of criminal behaviour as antisocial modes of interaction with the rest of the community necessarily repeat the division that prevailed in society in general. The male and female spheres have therefore quite logically their counterparts in the underworld, which explains why the image of the criminal woman at the time is divided between the homicide of the domestic tragedy²⁸, the infanticide²⁹ and the witch³⁰. These three types of criminal behaviour mirror, in perverse form, the social roles that women were asked to play in early modern society, those of the loving wife, the caring mother and the godly matron. It is therefore not surprising that texts that focused on women in the private sphere left the public act of theft aside.

This normative approach to men's and women's roles in two separate spheres left its mark on the language spoken in the Elizabethan and Stuart underworld. This language which was referred to as "canting" or "peddler's French" flaunts its continental origin and is a good indicator of the willingness of sturdy beggars and vagabonds to assert their difference as a people and to bond together³¹. And yet, although canting was conceived of as a means of differentiation, it does not seem to have revisited gender roles although it imagined new signifiers for them. The terms used to refer to men's and women's activities in the underworld speak for themselves.

A gendered analysis of the "canting tongue" based on the works of Robert Greene, Thomas Harman and John Awdeley demonstrates that women thieves were not recognized as autonomous individuals. In that respect, *The Second Part of Cony-catching* (1591) by Robert Greene is not representative of the genre to which it belongs since it calls women thieves by their trades. Greene separates

Lawes Provision for Women, London: printed for the Assignes of Iohn More, 1632, p. 206.

²⁸ *The Arraignment and Burning of Margaret Farneseede* (1608).

²⁹ *A Pitiless Mother* (1616).

³⁰ *The Wonderful Discovery of the Witchcrafts of Margaret and Philippa Flower* (1618).

³¹ This was suggested by a passage in *Lantern and Candlelight, or the Bellman's Second Night Walk* (1608) by Thomas Dekker which presents thieves' "canting tongue" as a continuation of the various languages spoken by the different craftsmen in the tower of Babel. Canting is viewed as the matrix of this new "people", this "new nation" who were on complicated terms with the English whose territory they happened to share. Indeed, this language, which was first spoken in the 1530s if the estimate of Thomas Harman is correct, was a mixture of English, Irish, Welsh and French, Scots, Latinisms coined by itinerant monks and lexicon brought back from foreign campaigns by soldiers. T. Dekker, *Lantern and Candle-light, in Rogues, Vagabond and Sturdy Beggars*, A.F. Kinney (ed.), Amherst, The University of Massachusetts Press, 1990, p. 216.

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women *foists*, who picked pockets, from *women nips*, who cut purses. But the more sophisticated typologies are to be found in Thomas Harman's *Caveat or Warning for Common Cursitors* or in *The Fraternity of Vagabonds* (1561) by John Awdeley. They show a different view of male versus female thieves. For a start, there are fewer words in canting to name women thieves. Awdeley listed 16 terms applying to men but only 2 applying to women. Harman collected 14 terms for men against 7 for women. More importantly, the criteria on which these lists are based are gender-specific. In the case of women, age (*kitchin mort*), marital status (*autem mort*, *walking mort*), and virginity (*doxy*, *dell*) are the determining factors in the identity which language grants them. This is the case in 5 out of 7 categories of women thieves. Occupation is only the main criterion for two kinds of women thieves, the "*demande for glimmer*" and the "*bawdy-basket*":

The demanders for glimmer [...] go with feigned licenses and counterfeited writings, having the hands and seals of such gentlemen as dwelleth near to the place where they feign themselves to have been burnt and their goods consumed with fire.³²

As for *bawdy-baskets*, they "go with baskets and Capcases on their arms, wherein they have laces, pins, needles, white inkle, and round silk girdles of all colors. These will buy conyskins and steal linen clothes off on hedges"³³. Considering that the first category is open to both men and women, this implies that only the *bawdy-basket* is a genuinely gender-specific guild of female thieves. As for the 6 others, it is only the nature of their reproductive relationship with men that seems to define their identity in the underworld. The *autem mort* is a married female vagrant, the *walking mort* lives out of wedlock and can travel with or without a companion, the *doxy* is like the *walking mort* only younger, the *dell* "is a young wench able for generation and not yet known or broken"³⁴, whereas the *kitchin mort* is still a little girl.

This confinement of the identity of women thieves within the classification of reproduction is all the more striking when the thief taxonomy for men is compared to that for women. Awdeley's work is, in this respect, a good case in point³⁵. In 14 cases out of 16, the main criterion used to classify men thieves is their criminal activity and in the two other cases, it is the authority of the thief that is used as a benchmark. The relationship with the other sex is alluded to in three

³² T. Harman, *A Caveat for Common Cursitors...*, in *Rogues, Vagabonds and Sturdy Beggars*, *op. cit.*, p. 134.

³³ *Ibid.*, p. 137.

³⁴ *Ibid.*, p.144.

³⁵ Cf. table 2.

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cases but only as a secondary marker. This occurs for the *uprightman*³⁶, the *curtall*³⁷, and the *palliard*³⁸.

The specificity of the canting terms used to classify women thieves hardly fits with the detailed description of the techniques used by women to steal, rob or cheat. The underworld experts were, it seems, as familiar with them as they were with the Arts of men thieves. At the end of the seventeenth century, for instance Alexander Smith addressed the subject and unfolded most of their mysterious tricks in his *Complete History*. He was particularly aware of *lodging bilking*³⁹, *service lay*⁴⁰, *question lay*, *lodging lay*⁴¹ as well as *the sweetning lay of Luck in a bag* and *cony-catching* which he calls *bullock and twang*⁴². Obviously, this list is not exhaustive, but it is enough to prove that women thieves had their own arts, though these were not used to define them. This unwillingness of the canting tongue to recognize the existence of female guilds within the English underworld – which were called "faculties"⁴³ by those who wanted to emphasize their corporate spirit and "tribes"⁴⁴ when their racial dimension was brought to the fore – makes even less sense if we remember that underworld experts claimed unanimously that women thieves were both talented⁴⁵ and extremely dangerous. Alexander Smith looked up to the women thieves he came across. He paid tribute to the excellence of Moll Raby⁴⁶ and Nan Harris⁴⁷ in their field and was fascinated by the versatility of Anne Holland⁴⁸. He measured their skills against those of men and reached the conclusion that in some cases women outdid their benchmark. He gave Mary Frith⁴⁹ the status of best pickpocket ever and held up to ridicule Joan Bracey's male accomplices⁵⁰ who were slower on the uptake than her. He also insisted on the courage of these hardened criminals who were not scared off by the gallows⁵¹.

³⁶ Head of the hierarchy of vagrants.

³⁷ Vagabonds who wears a short coat.

³⁸ Vagrant beggar wearing a patched coat.

³⁹ A. Smith, *A Complete History...*, *op. cit.*, p. 94.

⁴⁰ *Ibid.*, p. 114.

⁴¹ *Ibid.*, p. 547.

⁴² *Ibid.*, p. 95.

⁴³ *Ibid.*, p. 116.

⁴⁴ T. Dekker, *Lantern and Candle-light*, *op. cit.*, p. 216.

⁴⁵ T. Harman, *A Caveat for Common Cursitors...*, *op. cit.*, p. 117.

⁴⁶ A. Smith, *A Complete History...*, *op. cit.*, p. 94.

⁴⁷ *Ibid.*, p. 229.

⁴⁸ *Ibid.*, p. 502.

⁴⁹ *Ibid.*, p. 169.

⁵⁰ *Ibid.*, p. 505.

⁵¹ *Ibid.*, p. 506.

A century earlier, Robert Greene compared women thieves to men thieves. In a dialogue inspired by the scholastic disputation of the Middle Ages, Nan who speaks for women spars with Laurence over "whether of them are most prejudicial to the commonwealth"⁵². The text, which is a masterpiece of sex-biased literature in its twisted rhetoric, lists the strengths and weaknesses of both sides. Some of these are historically incorrect and it is in the discrepancy between reality and its representation that gender prejudice becomes apparent. According to Laurence, the advantage of men over women comes down to their physical strength which enables them to steal more and therefore to make more money out of foisting⁵³ and lifting⁵⁴. But this counts for little in comparison with the outstanding performance of women who, according to the pamphleteer, have a more regular source of income⁵⁵ thanks to a multiplicity of activities⁵⁶. For not only are "women foists and nips as neat in that trade as men"⁵⁷ but they make better pickpockets because they "without like suspicion can"⁵⁸ mingle with the crowds. The various layers of their apparel also make it easier for them to lift in shops for "though (men) have cloaks, women have shirts of gowns, hand-basket, the crowns of (their) hats, (their) placards, and for a need, false bags under (their) smocks, wherein (they) can convey more closely than (men)"⁵⁹. In addition, Greene claims that women, who are undoubtedly sharper⁶⁰ and more self-reliant⁶¹, also benefited from the credulousness and prejudice of their contemporaries who saw them as harmless creatures whereas they were indeed bloodthirsty criminals⁶². Greene's aim in the *Disputation* had nothing in common with Smith's intention when writing the *Complete History*. Whereas Smith had set out to become the first historian on the subject, Greene was heavily influenced by the puritan moral reform that was launched in the wake of the reformation of the Church. This partly explains why Greene's lively disputation ends with a scathing attack against she-cony-catching which becomes just another term for streetwalking⁶³. Greene illustrates in this respect the difficulties for people in sixteenth century England to distinguish

⁵² R. Greene, *A Disputation between a He-cony-catcher and a She-cony-catcher in The Elizabethan Underworld*, A.V. Judges (ed.), London, Routledge, 1965, p. 206.

⁵³ *Ibid.*, p. 209.

⁵⁴ *Ibid.*, p. 220.

⁵⁵ *Ibid.*, p. 209.

⁵⁶ *Ibid.*, p. 209.

⁵⁷ *Ibid.*, p. 209.

⁵⁸ *Ibid.*, p. 211.

⁵⁹ *Ibid.*, p. 221.

⁶⁰ *Ibid.*, p. 218.

⁶¹ *Ibid.*, p. 218.

⁶² *Ibid.*, p. 224.

⁶³ *Ibid.*, p. 223.

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between women thieves and prostitutes. The very term "she-conycatcher" is unclear as it is frequently used as a mere synonym for "whore", "common trull", or "traffic", the only proper guild in which outcast women seem to have had their place. This global term covers all women's criminal activities and in the process it erases the differences between them. For today's readers, there is little doubt that this levelling term is a great source of frustration for it seems that as a result of men's reductive discourse, we are unable to see the difference between particular female law-breakers from the early modern period. Furthermore, this superimposition of sexuality on to women's property crimes echoes the paucity of words used to classify women thieves. It also confirms that works like Greene's pamphlet had a public health dimension attached to them. In fact, at the time at which Harman, Greene and even Smith wrote, syphilis⁶⁴ was killing far more people than women thieves. We can assume therefore that the pamphleteers were scaremongers attending to the most urgent things first. To achieve their end, they demonized women thieves as sexually deprived and left aside women's versatility in crime.

Our analysis of the status granted to women thieves would however remain incomplete if we did not look more closely at the relationships between men and women in the underworld. The canting tongue has given us a hint of what these relationships could be like, but this needs to be fleshed out with narrative evidence. From what this language has taught us, it seems obvious that gender relations can hardly be used to establish how the underworld differed from the dominant culture. On the contrary, the canting terms applying to women highlight the similarities between the frames of mind of men on both sides of the law when it came to classifying women. In fact, just as indictments and other official documents of the time referred to women's occupation by giving their so called marital status, thieves denied women the right to be called by their trades and reinvented the legal categories of "spinsters", "married women" and "widows". This suggests that the gap that existed between men and women in Elizabethan England was not bridged in the underworld. If this is the case, as I will now argue, it proves that gender can be a useful category of analysis when discussing the margins of society. It seems in fact to be one of the most effective markers of connections which survived between the underworld and the rest of society. One could even sustain the argument that it remained a ground they had in common. To confirm this impression, I have selected two aspects of gender relations: work and sexual intercourse.

One should point out at the outset that the sexual division of labour which prevailed in the working life of pre-industrial society also applied to robbers or at least to their textual representations. As Anthony Fletcher explains in *Gender, Sex and Subordination*, economic partnership between husband and wife was the rule

⁶⁴ *Ibid.*, p. 224.

in the early modern household: "Wives helped on the farm, in the shop or in the unskilled or semi-skilled parts of their husband's craft while also carrying out household and child rearing duties". This partnership was equally frequent amongst thieves. To understand better how this worked, we can turn back to Alexander Smith who devoted some lines to the issue in each of his stories. According to Smith, a majority of women were involved with male partners when they committed their first crimes. In most cases, the accomplice was also the lover. Out of the 14 women discussed in his book, only 4 remained single⁶⁵. In addition, we are shown that the women who had partners were not treated equally. In most cases, the husband was either the mentor or the pimp, two positions that were not mutually exclusive. According to Smith's version of the facts, most of these women had been driven to crime by greedy lovers who had such a sway over them that they could even make them rob their own fathers⁶⁶. What we witness here through the eyes of Smith is undoubtedly one of the greatest displays of what Bourdieu has called "male domination". All the same, we must admit that it did not always work against women for "male domination" was frequently coupled with a chivalrous sense of duty and self-sacrifice as evinced by the story of Mary Barton⁶⁷. This lady outlived her husband who took full responsibility for crimes they had committed together. Here late seventeenth century sources sustain the arguments and conclusions of quantitative historians mentioned earlier.

The widespread collaboration between men and women that we have just established should not however make us lose sight of the fact that these partnerships were usually short-lived. They were first of all shortened by the high death rate of the early modern underworld population. Most of the women whose trail Smith picked up outlived their partners. It is therefore not surprising that there should be a specific term for these bereaved wives in canting, which is "hempen widows". This might explain why it has been established statistically that women worked alone or predominantly with other women rather than with men⁶⁸. Similarly, this partly accounts for the solo careers on which women embarked at some point in their lives. Some of them were forced to steal on their own to make a living because they could no longer rely on someone else. There were also women who first made a commitment to a man but later realized that they were better off without the bully who had spent their dowries and dragged them into a life of crime. For a few women, it seems therefore that crime was an opportunity to free themselves from male domination. When they needed an accomplice, which was frequent when stealing⁶⁹, they turned to female partners instead. Men, for their part, were not always happy to work with women. Robert Greene in *A Notable*

⁶⁵ Those are Moll Cutpure, Mary Carleton, Amey Price, and Catherine Langton.

⁶⁶ A. Smith, *A Complete History...*, *op. cit.*, p. 273, p. 349, p. 470, p. 478, p. 547.

⁶⁷ *Ibid.*, p. 470.

⁶⁸ G. Walker, "Women, theft, and the world of stolen goods", p. 86.

⁶⁹ *Ibid.*, p. 346.

"Women Thieves in Early Modern England"

Discovery speaks for those sceptics who only got women involved in their plots when there was nothing else they could do. He explains that men practised cony-catching:

when their other trades fail – as the Cheater when he hath no cozen to grime with his topped dice, or the high Lawyers when he hath no set match to ride about, and the Nip when there is not term fair, nor time of great assembly – then to maintain the main chance they use the benefit of their wives or friends to the crosbiting of such as lust after their filthy enormities.⁷⁰

This tends to confirm, as we suspected, that gender relations were in no way better in the underworld – quite the opposite. At the time, there was probably no organized community where the ill treatment of the weaker vessel was more severe⁷¹. Harman's and Greene's reports strengthen us in the belief that the world of thieves kept unchanged the sexual division of labour as it operated in the Elizabethan age. Some of the details they give are particularly revealing of the conservative gendered roles of the underworld⁷². They depict, for instance, women who brought robbers their lunch in the bushes where they were lying in wait for their next victim⁷³. In another passage, women are shown preparing the feast that was to be served to celebrate the arrival of a new member of the gang⁷⁴. Generally speaking, therefore, we can conclude that women's roles in the underworld did not conflict with what Elizabethans and Jacobean regarded as the place of women in society. When they had something to eat, their place was never far from pots and pans.

The second aspect of gender relations I wanted to look at, namely sex, confirms that a career on the margins of society did not give women more control over their sex lives. Again, Mary Frith is not at all representative of the other female thieves in our corpus. The virgin queen of the underworld who turned Madam but never actually prostituted herself was indeed an exception to the rule. For nowhere more than in the underworld was sexual violence part of women's everyday life. Harman describes a community where physical strength alone decided who was sleeping with whom⁷⁵, and more importantly where sexual intercourse did not bond men and women together⁷⁶. It was a pitiless universe,

⁷⁰ R. Greene, *A Notable Discovery of Cozenage, in Rogues, Vagabonds and Sturdy Beggars, op. cit.*, p. 177.

⁷¹ A good case in point is the treatment of walking morts by uprightmen as described by Thomas Harman in *A Caveat for Common Cursitors ..., op. cit.*, p. 139.

⁷² *Ibid.*, p. 118.

⁷³ *Ibid.*, p. 118.

⁷⁴ T. Dekker, *The Bellman of London, in The Elizabethan Underworld, op. cit.*, p. 305.

⁷⁵ T. Harman, *A Caveat for Common Cursitors ..., op. cit.*, p. 117.

⁷⁶ *Ibid.*, p. 123-124.

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particularly cruel to the most vulnerable: unattractive women and older women who had little chance of benefiting from the support of a well-respected thief⁷⁷. They were served up for public abuse. In this ruthless version of male domination, an unrepressed sex drive was again mostly detrimental to women. This, however, backfired on men for she-conycatchers, as Greene explains, contaminated the merchants, farmers and honest-minded yeomen whom they abused both morally and sexually.

The present study has explored an assortment of texts which all tell something about the way women thieves were looked upon in the Elizabethan and Stuart age. Its aim was to address the part played by considerations of gender in the representation of women thieves in the early modern period. It has established that these women were treated as beneath their contempt by middle-class woman-haters who showed little interest in the underworld. It has argued that the first writers who acknowledged their existence were those few pamphleteers who claimed they had access to the confidence of Tudor and Stuart vagabonds. From the information they collected and particularly from their successive attempts to decipher the canting tongue, it has been possible to suggest that the underworld was just as discriminatory to women as the rest of society. These findings confirm that "acknowledging the status of these accounts [...] as representations of a certain kind of social interaction between women and men [...] in early modern life is helpful in recognising the special contribution of the material to an understanding of contemporary mentalities"⁷⁸ as Sandra Clark suggested.

⁷⁷ *Ibid.*, p. 143.

⁷⁸ S. Clark, *Women and Crime in the Street Literature of Early Modern England*, *op. cit.*, p. 69.