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Vanessa McMahon. *Murder in Shakespeare's England.* London: Hambledon and London, 2004. xxvi + 285 pp. $29.95 (cloth), ISBN 978-1-85285-422-5.

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In *Murder in Shakespeare's England*, Vanessa McMahon assembles a vast and fascinating array of primary documents about homicide in early modern England. McMahon, who teaches at the American International University in London, analyzes these texts–depositions, popular pamphlets, ballads, legal tracts and even illustrations–to show how ordinary people and the courts interpreted murder, murderers, and victims, and how their interpretations often were shaped by gender, class, and race. Readers will find the case histories and quotes from the source material compelling and absorbing: they paint a vivid picture of the period, its violent crime, and the people who sought to bring murderers to justice and maintain the rule of law. Throughout, McMahon's focus is on ordinary people and how they made sense of events around them. McMahon organizes the book into chapters about different forms of killing–such as infanticide, spouse murder, and dueling–and she also includes general chapters about investigating crime, types of punishment, and the role of the supernatural.

Readers will be intrigued by the similarities and differences between the law of homicide in seventeenth-century England and homicide's modern categories and conceptualizations. As it does today, the law then recognized three categories of murder: murder, a capital offense, which was premeditated or done with malice; manslaughter, which was provoked, and thus pardonable; and excused killing, such as self-defense and accidental killing. All homicides were initially tried as murder, and juries and judges applied mitigating factors as they saw fit based on the evidence presented to them. In addition, McMahon identifies petty treason killings–wives murdering husbands and servants killing masters–and infanticide as special categories with "distinctive agendas and applications" (p. xvii). She argues persuasively that these were crimes whose definitions arose from the status and gender of the parties involved.

Readers will also find interesting the striking differences that McMahon points out between the twenty-first and seventeenth centuries. Community involvement in hunting down wrongdoers, for example, was much more taken for granted during the seventeenth century than now; because there were no police, ordinary people had to investigate crime, and did so with a strong sense of communal responsibility for bringing criminals, especially killers, to justice. Indeed, family members were expected to, and did, turn in relatives. McMahon also traces the process by which juries were becoming increasingly removed from the crimes they judged, and the related and growing role of forensic evidence. One of the most interesting points she makes in this regard is that, in its early form, forensic evidence was as much the province of women as of men–in particular, midwives and married women whose familiarity with childbirth and the female body gave them credibility to testify about pregnancies, miscarriages and stillbirths. McMahon also suggests ways in which giving evidence in court could have been empowering for women, who increasingly were denied roles in other public spheres. McMahon shows interesting ways that gender and sexuality played a role in how crime was understood. She shows, for example, that the legitimacy or illegitimacy of a fetus–in other words, the woman's sexual propriety–often influenced the way the murder of the mother was viewed. McMahon argues that narratives about the killing of women pregnant with a legitimate fetus presented the crime as a "wicked … betrayal of the family," while those reporting murder of an illicitly pregnant woman undermined sympathy for the victim by emphasizing her immorality. In another, equally interesting vein, one of the final chapters addresses serial killers and sex crimes. It plausibly asserts that, although crimes took place which today we might well classify under these headings, the seventeenth-century public did not have the same culturally ingrained anxiety about them, and thus did not regard them with any more abhorrence or fear than other homicides inspired.

The book has some weaknesses which the chapter on

infanticide can serve to illustrate. First, the book's title is a misnomer: Shakespeare lived from 1564 to 1616, but the book covers the mid- to late seventeenth century. In fact, the majority of primary sources cited date from the second half of the seventeenth century, and none is dated during Shakespeare's lifetime. This may seem like a quibble, but it matters. Shakespeare's lifetime coincided fairly neatly with significant developments in English criminal law. For example, as Barbara Hanawalt, Peter Charles Hoffer and N. E. H. Hull, and others have shown, English criminal courts in the 1580s revealed a sudden interest in infanticide, a crime that until then had received little attention. McMahon's chapter on infanticide would have been stronger and more helpful had it acknowledged this development, and reviewed some of the hypothesized reasons for it. McMahon argues that punishment for infanticide represented an attempt to control woman's sexuality, and whereas this is a solid argument, the interesting thing about it is that this concern with female sexual incontinence increased dramatically in the late Elizabethan and early Jacobean years, before her period of inquiry, partly as an aspect of authorities' worries about the disruption posed by the wandering poor in general. Specifically, the "poor law" of 1576 punished parents who tried to foist off bastard children on local parishes. By contrast, the eighteenth century saw a sharp decline in prosecutions for infanticide. By foregoing a chronological analysis, and by ignoring her title's stated purview, McMahon loses an opportunity to analyze these changes. In general, McMahon fails to situate her discussion historically: for example, her period of coverage includes the civil war period, but McMahon mentions it only once, briefly, and does not discuss what effect it or the tangled events preceding it might have had on her subject. I was also surprised that that the book fails to mention the infamous 1615 Overbury murder, even though it took place in the context of the court, it was the biggest criminal scandal of the Jacobean age, and many ordinary people must have been eager to comment on it and read about it.

Another concern that this book, specifically the infanticide chapter, raises is that McMahon often fails to position her work in relation to that of other scholars in the field. The result is an oversimplification of issues about which there is in fact little consensus. Her discussion of the 1624 infanticide statute is a good example. This law created a presumption of wrongdoing on the part of an unmarried mother who concealed the birth of a child if the child was later found dead: in the process, it shifted the burden of proof from its conventional bearer, usually the victim's representative, to the accused, who, to avoid a murder conviction, had to find witnesses to testify that the infant had been stillborn. McMahon asserts that this statute's reversal of the presumption of innocence in a homicide case was "unlike any homicide law before or since" (p. 127). This assertion, however, is questionable. Garthine Walker, among others, has suggested that the presumption of innocence may have failed to operate in all murder cases under Anglo-Saxon law; it did not apply in Star Chamber proceedings; and some scholars have argued that modern felony murder statutes also negate it.

McMahon's infanticide chapter also reveals the author's tendency to generalize about early modern attitudes in ways that scholarship of the past twenty years has shown to be problematic. For example, she says about infanticide narratives, "Illicit mothers were portrayed as the very antithesis of maternity and acceptable femininity, as anti-mothers who had illicitly conceived, borne, and killed their children" (p. 137). Such a statement paints narratives of this type with too broad a brush. Though this kind of demonization was certainly part of the dominant discourse about illegitimacy and infanticide, pamphlets also exist which depicted these women as stereotypically weak, deluded, and deserving of the public's pity. For example, a pamphlet from 1679 described a mother who murdered her baby as a "beautiful unfortunate" and "the fairest, most deluded mother in the world."[1] This conflicted attitude helps explain the fact that, as McMahon points out, juries convicted women indicted under this statute at a lower rate than for other forms of homicide. Conversely, when McMahon does try to add complexity to her interpretations, she too often tosses around postmodern jargon without justification. For example, she tells us that a wife who murdered and dismembered her husband "deconstructed" his body (p. 77). Since Jacques Derrida, the word "deconstruction" has a specific theoretical meaning, and McMahon fails to explain how this meaning might apply in this context. These half-hearted gestures toward critical theory sometimes lead to absurdity, as when discussing the same case, she remarks that "dissection was also somewhat emasculating."

The book's strength lies in its compilation and reporting on a vast collection of primary material which reveals the attitudes of ordinary people about violent crime. By suggesting ways gender, religion and class–though mostly gender–influenced these attitudes, and hence how crimes were defined, interpreted and punished, McMahon's analysis, despite its weaknesses, is as relevant to today's jurisprudence as it is to that of the seventeenth century.

Note

[1]. "Strange and Wonderful News from Durham, or the Virgin's Caveat against Infant Murther (London 1679)," quoted in Garthine Walker, *Crime, Gender and Social Order in Early Modern England* (Cambridge: Cambridge University Press, 2003), p. 149.

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