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Changing Contexts of Infanticide in Medieval English Texts

Although instances of infanticide are rarely recorded in the historical and legal documents of the time, infanticide does appear with regularity in the literature of medieval England. Since the crime is by its nature secretive and easily hidden, we can understand why early public records do not provide much information about it. If we examine the literary contexts in which infanticide is used, however, we can flesh out the dynamics between the historical record in medieval England and the popular culture's concept of the practice as reflected in the literature. Although Philippe Ariès states that European "indifference towards a too fragile childhood is not really very far removed from the callousness of the Roman or Chinese societies which practiced the exposure of new-born children," this claim is not supported by the legal records or the literature of medieval England.¹

Identifying acts of infanticide in medieval England is not a simple task. Since the first use of the word "infanticide" in the English language dates to the seventeenth century, we cannot simply look for this term or even a synonym in the records. In the Latin documents, the act is usually called "homicide," and the extant English-language records use either Old English compounds for child murders, "formyrthrian" or "bearnmyrdhran," or the term describing the frequent way infants were suffocated, "overlaying."² In many of the records, it is difficult to distinguish between accidental and intentional deaths because of the terminology used. Not even the classical period's term "expositio" is as clear as historians such as Ariès would have us think. Stephen Post, building on an argument made by

¹ Phillipe Ariès, *Centuries of Childhood: A Social History of Family Life*, trans. From the French by Robert Baldick (1960; New York: Alfred A. Knopf, 1962), 39.

² R[ichard] H. Helmholz, "Infanticide in the Province of Canterbury During the Fifteenth Century," *History of Childhood Quarterly* 2, 3 (Winter 1975): 379–390; here 381; and Graham D. Caie, "Infanticide in an Eleventh-Century Old English Homily," *Notes and Queries* 45, 3 (Sept. 1998): 275–276; here 275.

John Boswell, argues that reading "expositio" to mean abandonment leading to death is a misunderstanding of the term. "Expositio" should be interpreted instead as a "putting out." These Roman children were expected to be taken in by someone, whether by wealthy Roman women avoiding pregnancy or by couples without children, and the Roman "lacteria" became the place to leave a child a parent was unable or unwilling to care for.³

Even in our modern sense of "infanticide" there is little agreement about the ages of the children being referred to. In the scholarship discussing the crime during the medieval and early modern periods, the cases called "infanticides" range from unborn fetuses to nine-year-old children.⁴ For this study, however, infanticide will be limited to the deaths of those we now call "infants" in English, children around the age of one year or younger.

Up until the early modern period, the crime we call "infanticide" in Europe came under the jurisdiction of the ecclesiastical courts, not the royal courts. Theodore, Archbishop of Canterbury (668–690), says child murder equals homicide and prescribes a fifteen-year penance, unless the mother is poor. Then the penance would drop to seven years. In this earliest mention in English church law, then, the mother's punishment differs depending on the circumstances surrounding the killing. An eighth century penitential attributed to Bede even more clearly states that the penance should be determined by whether the woman kills the child because she cannot support it or whether she is a harlot concealing her wickedness.⁵ These earliest documents assume that poverty or illegitimacy is the motivation behind infanticide and that poverty should be taken into account when sentencing the killer, assumed to be the mother, for the crime.

One of the earliest mentions of the crime in English outside of church penitential documents comes in a Wulfstanian homily, Homily 29, in a manuscript dating from the eleventh century, Oxford, Bodleian Hatton 113, fols. 66–73. In a discussion of Judgment Day based on Bede's *De Die Iudicii*, the homilist has added a section describing the scene on Judgment Day. There, he declares, every child

³ John Eastburn Boswell, "Expositio and Oblatio: The Abandonment of Children and the Ancient and Medieval Family," *The American Historical Review* 89,1 (February 1984): 10–33, cited in Stephen Post, "History, Infanticide, and Imperiled Newborns," *The Hastings Center Report*, 18, 4 (1988): 14–18; here 15.

⁴ In their study, Peter C. Hoffer and N. E. H. Hull, *Murdering Mothers: Infanticide in England and New England 1558–1803* (New York: New York University Press, 1981), use "infanticide" to describe the death of a child as old as 9 years, and Maria Piers, *Infanticide* (New York: Norton & Co., Inc., 1978) also includes the killing of older children in her study of infanticide.

⁵ Barbara A. Kellum, "Infanticide in England in the Later Middle Ages," *History of Childhood Quarterly* 1 (1974): 367–388; here 369.

will reveal who murdered it. This homily promises that an infant will reappear to accuse its killer in the most important court of all on Judgment Day. Graham Caie has argued based on the linguistic evidence of the wording that the passage does refer to infanticide, and the suggestion that the killing had been hidden earlier lends support to this view.⁶ Presumably, anyone in the priest's audience who had committed such an act would be moved to ask for forgiveness and others would be warned against the act. As this is the only addition the writer makes to the text about Judgment Day, he must have felt a compelling need to make a statement about this crime. Caie suggests that the canonical decree of 906, compiled by Regino of Prüm, urging priests to announce publicly that mothers who have illegitimate children should leave them at the church door instead of killing them, could have been a prime influence on Wulfstan's work.⁷ Far from being unimportant, the dead infant in this homily will follow its killer into eternal life.

The second literary work containing infanticide, a pious tale about St. Gregory's mother, also illustrates the early assumption that infanticide belongs to the world of unwed mothers. Dating the English tale about Pope Gregory's mother, or "Trentalle Sancti Gregorii," is complicated and uncertain. Although three of the five versions come from a common source probably written between 1300 and 1350, critics believe that its source is based on an earlier text, and a second version, found in two manuscripts, is also difficult to date because it is perhaps written from oral transmission.⁸ The tale is certainly earlier than the late thirteenth century, and it reflects a simple, quite didactic use of infanticide in the literature.

In the first version of the tale, although Pope Gregory's mother was regarded as pure and sure of residence in Heaven, she secretly had borne a child out of wedlock and then murdered it. Not confessing, she is sent to Hell when she dies. She appears at night to Gregory in monstrous form, confesses her case and its cause, and declares she can be freed only if three masses are said for her on each of the ten chief feasts of the year. After Gregory has said the masses for a year, his mother appears to him in such a lovely form that he takes her for the Virgin, and an angel carries her off to Heaven. The piece ends with exhortation and instruction on attending masses. In the second version of the tale, Gregory withstands temptations to draw him away from the final masses on the Nativity of Mary.⁹ In both versions of this didactic work, infanticide after a secret, illegitimate birth is

⁶ Caie, "Infanticide," 275–76.

⁷ Caie, "Infanticide," 276, note 5.

⁸ John Edwin Wells, *A Manual of the Writings in Middle English 1050–1400* (New Haven, CT: Yale University Press, 1916), 172–73.

⁹ The plot is taken from Wells, *Manual*, 172–73.

used to show a horrible sin that can be forgiven by God if worshipers follow their priests' direction. Since this is a saint's mother, the audience also sees that no one has escaped committing sinful acts, and we can infer that the crime of infanticide resulting from an unmarried woman trying to hide her sin is not unfamiliar to members of the audience. The work certainly makes it clear that this society considered the crime a wicked offense.

Incest precedes infanticide in many of the Roman stories that English authors used for their sources in the early Middle Ages. Although the plots may be more complicated, the messages are the same: come to church, repent and be saved, as the 1215 Fourth Lateran Council instructs. In an exemplum from an English version of the *Gesta Romanorum*, Chapter Thirteen, "De Amore Inordinato," an emperor impregnates his daughter; years later the issue of this union, a son, sleeps with her, his mother. She again gets pregnant and kills their infant, which is both her child and grandchild. Later she confesses and dies a saved woman.¹⁰ Another story taken from an early English manuscript of the *Gesta Romanorum* has a beautiful young woman who is impregnated by her father break the baby's neck and kill her own mother when her mother finds the pair together. After the father repents, the daughter murders him for his wealth. After moving to another city, she lives riotously until she happens to enter a church one day. The sermon moves her to confess, and she drops dead on the spot. The audience is told by an angel that she is now in Heaven—as anyone who has sinned will be if he or she confesses.¹¹ These infanticides resulting from incest and the murders that follow in these bizarre plots illustrate the most vicious, reprehensible acts people may be caught up in and emphasize, in course of time, the promise of Christ's unfailing forgiveness. The daughter in the last work is forgiven even after committing one horrible sin after another, which includes killing both of her parents and her incestuous newborn.

The acts of infanticide in these early works also link female sexuality to a terrible crime, murder. In these texts, young unmarried women end up pregnant, and even though in the last two examples the fathers initiate the incest, the attention is focused on the daughters' sexuality and consequent actions. Their sexuality then leads to other horrible crimes, patricide and matricide as well as infanticide. Given the misogynist writings by prominent medieval church authors such as St. Jerome,

¹⁰ Elizabeth Archibald, "'The Appalling Dangers of Family Life': Incest in Medieval Literature," *Medieval Family Roles: A Book of Essays*, ed. Cathy Jorgensen Itnyre (New York and London: Garland Press, 1966), 157–171; here 161.

¹¹ Plot taken from Wells, *Manual*, 176. The fifteenth-century play fragment entitled *Dux Moraud* seems to tell a similar story.

it is not surprising that clerical writers choose infanticide to illustrate sin. As daughters of Eve, the female characters attract male attention, and many sinful acts follow.

As the English church expanded its discussion of infanticide in later legal works, especially in the penitential manuals, other circumstances, such as unintentional negligence, a mother's refusal to nurse after the birth of a child, and mistreatment of a wife that leads to a miscarriage, emerge.¹² The simple assumption that newborns die because unmarried women kill them must not have seemed accurate or adequate anymore. Canon law in England did not recognize a distinction for purposes of prosecution between negligent homicide of infants and intentional homicide, though again the circumstances of the death could affect the severity of the penance given. As the term "overlaying" suggests, parents could even be accused of murdering a child by accidentally suffocating it during the night in bed, and parish priests preached against placing a baby to sleep in the parents' bed.¹³ In R. H. Helmholz's study of infanticide in the Province of Canterbury during the fifteenth century, suffocation, usually in bed, accounts for the largest number of infant deaths.¹⁴

Ultimately derived from Statius's *Thebaid*, A.D. 50, the only work containing a negligent infanticide I found is in the English *Siege of Thebes*, written by Lydgate between 1420 and 1422. Although it makes up a very small part of the story, the infanticide is interesting. The noble woman Hypsipyle refuses to kill her father as the other daughters on Lemnos do to gain power in the women's rebellion. She flees and is made a nurse to a noble baby. The infant dies from a snakebite when she leaves him sleeping to lead a thirsty army to water. Even though she didn't intend harm, the boy's death is considered a homicide.¹⁵ Certainly the circumstances behind this death are more complicated than in the earlier works. Hypsipyle's actions seem laudable—not killing her father and providing thirsty men with water are good acts. The negligent homicide, however, must point to some wrong course of action on her part. Since the story contrasts a setting of insurrection and war against a domestic scene of caring for an infant, we are meant to see the neglect of the infant to help an army as an indictment against the

¹² Kellum, "Infanticide," 370; Helmholz, "Infanticide," 381.

¹³ Barbara Hanawalt, *Crime and Conflict in English Communities 1300–1348* (Cambridge: Harvard University Press, 1979), 155.

¹⁴ Helmholz, "Infanticide," 381.

¹⁵ Anna Roberts, "The 'Homicidal Women' Stories in the Roman de Thebes, the Brut Chronicles, and Deschamps's 'Ballade 285,'" *Domestic Violence in Medieval Texts*, eds. Eve Salisbury, Georgiana Donavin, and Merrall Llewelyn Price (Gainesville, Tallahassee, et al.: University Press of Florida, 2002), 205–222; here 208.

woman's political actions. As Roberts has pointed out, she should not have acted autonomously or politically.¹⁶ With neither secrecy nor female sexuality involved in this infanticide, the work highlights a complex public world where the best course of action is no longer clear.

In the next work, the romance *Athelston*, written around 1350, domestic violence growing out of jealousy and uncontrolled rage lead to infanticide of an unborn child. In a complex plot, the work explores human character traits in a world where divine justice, the Catholic Church's authority, and the English king's powers are set against each other. When Athelstan becomes King of England, he gives three men to whom he has sworn brotherhood powerful positions as the Archbishop of Canterbury, as the Earl of Dover, and as the Earl of Stane, and Stane also becomes the husband to his sister. Out of jealousy, Dover falsely accuses Stane and his wife of plotting against the king. Enraged, Athelstan imprisons Stane and his family. When the Queen intercedes for them, Athelstan kicks her and kills their unborn child. Stane is shown to be innocent through an ordeal and Dover, failing at his ordeal, is executed. When Stane's wife gives birth to a son, the King names him, the future Saint Edmund, his heir to keep the family line alive.¹⁷ The importance of an heir to noble families and to the growing middle class families at this time is highlighted by the death of the fetus, and the ugly consequences of domestic violence are sharply exposed. Although divine justice triumphs at the end for many in the plot, the unborn infant and the Queen do not join in the resolution. The killer, the father this time, suffers setbacks but eventually regains his kingdom and an heir who shares his bloodline. The character who falsely accuses another of plotting against the king is executed, but the character who causes the death of his own child is not punished. In none of these later works are those who kill the infants admonished to seek forgiveness from Christ. Instead, an infanticide stands at the center of power struggles between church and state, issues of personal loyalty, questions of inheritance, and realities of family violence.

Since compurgation, the swearing of one's own oath of innocence and testimony from neighbors that the oath is true, was the usual way to prove innocence in the ecclesiastical courts during the medieval period, the judgment essentially depended upon the community's beliefs about the accused and his or her circumstances. According to a case found in Naomi D. Hurnard's *The King's Pardon for Homicide before 1307 A. D.*, cited by Kellum, only Sabina de Coetingle, who claimed that her baby had been born stillborn and that she had been insane as well

¹⁶ Roberts, "Homicidal Women," 208.

¹⁷ "Athelston," *Four Romances of England*, eds. Ronald B. Herzman, Graham Drake, and Eve Salisbury. TEAMS Middle English Texts Series (Kalamazoo, MI: Medieval Institute Publications, 1999), 349–84.

at the time, was found guilty of infanticide while sane and was sentenced to be burned.¹⁸ Hurnard speculates that the community's feelings about her may account for the finding since the judgment and the punishment are radically different from others' in the records.¹⁹ Undergoing penance as punishment in England, still the usual punishment up until the Reformation, emphasizes the community's role in the handling of the crime. Except in the one case cited above, public humiliation of the guilty person was considered adequate punishment. A late fourteenth-century text called *Instructions for Parish Priests* includes overlaying a child in a list of venial sins that also included quarreling with one's wife.²⁰ As in cases of sexual offences like fornication and adultery, punishment for infanticide was handled as "a public sin of wrongful conduct," not as the secular act of homicide. R. H. Helmholz describes, for example, the punishment of Joan Rose in 1470. Convicted of killing her son, she had to wear penitential garb and go before the procession in her parish church on three Sundays and to go twice around the markets of Canterbury, Faversham, and Ashford with a half-pound candle in her right hand and the knife with which she killed him or a similar one in her left hand.²¹

In the literary plots of the English Middle Ages one particularly gruesome tale of Maria, the cannibal mother, is retold by several English writers, including John of Salisbury and John Lydgate. John of Salisbury retells the story in *Policraticus*, derived from Rufinus's Latin translation of Flavius Josephus's *The Jewish Wars* A.D. 77. With over a hundred manuscripts extant, John of Salisbury's text must have been popular and influential. In a twelfth-century Middle English translation, we read that

On Marie, a myld wyf, for mischef of foode
 Hir owen barn that go bar go brad on the gledis,
 Rostyth rigge & rib with rewful words
 Sayth: "Sone upon eache side our sorow is a-lofte.
 Batail a-boute the borwe, our bodies to quelle.
 Withyn hunger so hote that nez our herte brestyth;
 Therfor geld that I the gaf & agen tourne,
 & entr ther thou cam out! & etyth a schoulder."²²

¹⁸ Naomi D. Hurnard, *The King's Pardon for Homicide before 1307 A. D.* (Oxford: Oxford University Press, 1969), 169, cited in Kellum, "Infanticide," 374.

¹⁹ Kellum, "Infanticide," 386, note 51.

²⁰ Helmholz, "Infanticide," 383–84.

²¹ Cited in Kellum, "Infanticide," 376.

²² Salisbury, lines 1077–1084, cited in Merrall Llewelyn Price, "Imperial Violence and the Monstrous Mother: Cannibalism at the Siege of Jerusalem," *Domestic Violence in Medieval Texts*, 272–298; here

The original story had emphasized the extreme measures the people of Jerusalem were reduced to during the siege since Maria says she'll kill the baby boy at her breast to save it from famine or slavery. In later medieval works, however, the image of a Jewish woman killing and then eating her baby takes on anti-Semitic overtones. According to Merrall Llewelyn Price, Maria of Jerusalem (or Maria of Azov) stands at the "intersection of two linked discourses of medieval and voracious monstrosity—that of the Jew and that of the unnatural mother."²³ Shulamith Shahar says,

What seems to underlie this story is a fear of the "great mother," which is common to a large number of myths, of [the one] who bestows life but also devours and destroys in her rage. In the particular context of Christian culture, Maria of Azov represented the opposite pole to the Holy Mother. The cruelty of the former highlights the maternal compassion displayed by the latter.²⁴

While emphasizing religious and ethnic differences, the work uses infanticide to illustrate the most horrific sin possible. On the literal level, the female killer now openly slaughters her male child in order to survive physically; on the exegetical level, however, the Jewish mother killing her son evokes images of the crucifixion of Christ.

The later medieval plays called the "Slaughter of the Innocents" sharply contrast this view of Jewish mothers. These plays, in which male infants are slain, are found in all but one of the extant cycles of Corpus Christi plays from fourteenth- and fifteenth-century England.²⁵ In the York version of the play, an enraged Herod is counseled to order the death of all male infants under two years old to ensure that the Christ child dies. Although the audience knows from the preceding play, "The Flight into Egypt," that Joseph and Mary have already taken Jesus to Egypt to escape the massacre, this play shows the young infants still being slaughtered. The dramatic irony heightens the pathos as two mothers fight to protect their doomed sons and two soldiers express fear of these women. These Jewish mothers wail in agony for their dead infants, and an even angrier Herod callously speaks of wasted efforts.

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²³ Price, "Imperial Violence," 288.

²⁴ Cited in Price, "Imperial Violence," 288.

²⁵ The Corpus Christi Cycle Play "Slaughter of the Innocents" can be found in *The York Plays*, ed. R. Beadle (London: E. Arnold, 1982), 166–173; *The Chester Mystery Cycle*, eds. R[obert] M. Lumiansky and David Mills. EETS, ss 3 (New York: Oxford University Press, 1974–1986); and *The Late Medieval Religious Plays of Bodleian MSS Digby and e Museo 160*, eds. Donald C. Baker, John L. Murphy, and Louis B. Hall. EETS, 283 (New York: Oxford University Press, 1982).

Finally, if we look at three of Chaucer's tales, the first, the "Clerk's Tale," uses infanticide as a test, though, as it turns out, the murders never actually occur. In order to test Griselda's resolve never to say "no" to anything he asks, Walter first has her newborn daughter taken away and supposedly killed, and then six years later, her newly weaned son. Although the children are still alive, for eight years Griselda believes her husband has committed infanticide twice, and she never once complains. The act, then, depicts something a mother should in her basic nature find repulsive, but under Walter's control, Griselda does not react normally. Jean E. Jost's article "Medieval Children: Treatment in Middle English Literature," following in this volume, argues that "the children play a pivotal narrative role, being the most precious objects of which Walter could deprive Griselda, the most extreme form of testing her loyalty to him." Focusing on the father's motivations, Barrie Ruth Straus, on the other hand, argues that Walter's removing his first two children shows the father's right to commit infanticide, and she suggests that psychologically he may desire to be rid of the child whose birth makes his own death implicit.²⁶ Although the public dislikes his killing his children and mistreating his wife, he rules the land and is not, therefore, prosecuted or punished for the act. Since the children ultimately return, the tale denies or represses the father's violence in what is said to be a happy ending.²⁷

In "The Man of Law's Tale," Constance also believes her husband has attempted infanticide when she and her newborn son are sent out to sea alone in a boat. She asks her son, "Why wil thyn harde fader han thee spilt?"²⁸ Although it is actually her mother-in-law, the cruel Sultanness Donegild, who has ordered what looks like certain death for Constance and her son, we again see a woman tested by what she believes are the cruel actions of her husband. Chaucer inflates the pathos in both of these tales, showing the audience the mothers' tender care of the infants, gentle kisses, and fears about animals eating the body. In both tales, too, Chaucer links the women's suffering over their children's deaths to Mary's suffering for Christ. Graham N. Drake points out that the Marian laments of the time often link her suffering at the crucifixion to her memories of him as a baby, leading to the

²⁶ Barrie Ruth Straus, "Reframing the Violence of the Father: Reverse Oedipal Fantasies in Chaucer's Clerk's, Man of Law's and Prioress's Tales," in *Domestic Violence in Medieval Texts*, 122–138; here 130.

²⁷ Straus, "Reframing the Violence," 123.

²⁸ All Canterbury Tale quotations are taken from Geoffrey Chaucer, *The Complete Poetry and Prose of Geoffrey Chaucer*, 2nd ed., ed. John H. Fisher (New York: Holt, Rinehart, and Winston, 1989); here "Man of Law's Tale," line 857.

identification of Jesus with suffering children.²⁹ Both of these mothers equate themselves with Mary and the children with Jesus. Constance says to Mary,

Thow sawe thy child yslayn bifore thyne yen,/ and yet now lyveth my litel child,
parfay! / Now, lady bright, to whom all woful cryen, / . . . Rewe on my child, that of
thy gentillesse / Rewest on every reweful in distresse."³⁰

In her farewell speech to her daughter, Griselda says,

"But sith I thee have marked with the croys / Of thilke Fader —blessed moote he be! —
/ That for us deyde upon a croys of tree, / Thy soule, litel child, I hym bitake, / For this
nyght shaltow dyen for my sake."³¹

In the Christian exegeses of the tales, the women's obedience to the fathers mirrors the Christians' faith in God despite the many tragedies that might befall them. Both of these women's children, thought to have died through infanticide, actually survive and make dramatic reappearances. In these Chaucerian tales, therefore, feigned infanticides model the way Jesus is said to live, instead of dying, after the crucifixion. Their reappearances mirror his resurrection. Although many readers view these works as Christian or Boethian allegories, other critics, such as Hope Phyllis Weissman, see Chaucer ironically exaggerating the pathos and cruelty.³² If we allow for irony in these tales, the infanticides must highlight the ambivalence Christians feel towards a divine being who would callously take away their children. In either interpretation, however, the wife is subjected to the worst sorrow a husband can inflict on his wife, which is to kill their child.

In the last work to be discussed, "The Parson's Tale," the Parson lists among the types of homicide those that were considered infanticide at that time, ranging from overlaying a child while sleeping, to practicing contraception, to bringing about an abortion. The one form that he declares "certes, an horrible homicide," however, is that of a woman murdering her child for dread of worldly shame.³³ Essentially a sermon, this last tale of Chaucer's *Canterbury Tales* condemns the worldliness of the Pilgrims and their stories as it demands that they turn away

²⁹ Graham N. Drake, "Not Safe Even in Their Own Castles: Reading Domestic Violence Against Children in Four Middle English Romances," *Domestic Violence in Medieval Texts*, 139–163; here 142.

³⁰ Chaucer, "Man of Law's Tale," lines 848–54.

³¹ Chaucer, "The Clerk's Tale," lines 556–60.

³² Hope Phyllis Weissman, "Latin Gothic Pathos in the 'Man of Law's Tale,'" *Journal of Medieval and Renaissance Studies* 9 (1979): 133–53. Those critics who see Constance as a Christian symbol include, for example, Eugene Clasby, "Chaucer's Constance: Womanly Virtue and the Heroic Life," *Chaucer Review*, 13 (1978–79): 221–39; and V[erdel] A. Kolve, *Chaucer and the Imagery of Narrative: The First Five Canterbury Tales* (Stanford, CA: Stanford University Press, 1984), 297–358.

³³ Chaucer, "The Parson's Tale," lines 574–79.

from earthly sin. With great reprobation reserved for the woman who kills her child to avoid shame, "The Parson's Tale" looks back to the religious didacticism in the earliest works examined.

Despite the popularity of these stories in which infanticides occur, the number of infanticides recorded in legal or historical documents is small. Kellum notes that not one case of infanticide is listed in the coroners' rolls between 1265 and 1413 published by the Selden Society.³⁴ Barbara Hanawalt's study of crime between 1300 and 1348 finds only three instances of infanticide out of over 5000 homicide cases in gaol delivery rolls and in coroners' rolls.³⁵ Interestingly, two of those three cases were probably tried in the secular courts because the killers were clearly not the child's parents, and the third case, where two women named Alice are accused of drowning a three-day-old and proven innocent, it is not stated that either of them was the parent of the child. Hanawalt finds, then, no clear instance of a parent killing a young baby out of 5000 homicide cases.

In the church records as well, cases are very scarce. In R. H. Helmholz's study of the fifteenth-century Province of Canterbury, which includes the southern half of England and Wales, where the bulk of the English population lived at the time, the larger cities like London usually had only one case a year, and in many years, none.³⁶ Although several historians have suggested that some of the frequently cited infant deaths by drowning and fire could likely be unreported infanticides, the medieval communities did not choose to recognize them as such. As Hanawalt concludes, the evidence suggests either that infanticide was so widely spread that society accepted it with little legal attention given to it or that infanticide was not widely practiced in medieval England.³⁷ Although she does not explore these explanations in any detail, she does pose several possible reasons for the unexpectedly low number of infanticides at the time. The high infant mortality rates, which were approximately 12% to 20% according to E. A. Wrigley, might have played an important role.³⁸ With these death rates limiting the population growth, Hanawalt suggests there would have been a considerable need for field laborers, legitimate or illegitimate. Unmarried women, therefore, would not feel pressured to get rid of their newborns, resulting in very little stigma being placed

³⁴ Kellum, "Infanticide," 371.

³⁵ Hanawalt, *Crime and Conflict*, 154.

³⁶ Helmholz, "Infanticide," 384.

³⁷ Hanawalt, *Crime and Conflict*, 156.

³⁸ Figures from E[dward] A. Wrigley, *Daedalus* 97 (1968): 546–80, cited in Judith M. Bennett, *Women in the Medieval English Countryside: Gender and Household in Brigstock Before the Plague* (New York: Oxford University Press, 1987), 68.

on illegitimacy at the time.³⁹ Another study, undertaken by Peter Hoffer and N. E. H. Hull, on the other hand, attributes the few cases to weaknesses in the legal system. They argue, more specifically, that the reluctance of neighbors to testify or the difficulty in obtaining proof would discourage the prosecution of suspected infanticides and reduce its official counts.⁴⁰

However, when we note how reprehensible the characters were considered who killed infants in the literature, it seems unlikely that these communities would allow the crime to go undetected. The figures on infanticide suggest instead that during the Middle Ages in England less stigma must have been attached to illegitimate births, which resulted in fewer cases of infanticide. Perhaps the changing legal status of those born in servitude in England from 1326 on is one possible cause for the tolerance of illegitimate births. Earlier, illegitimate children born on English estates generally took their mothers' status; thus, children born to unfree women would themselves be born to servitude. From the beginning of the English common law period of 1326, however, all illegitimate children were considered free, regardless of their mothers' status,⁴¹ and women remained in legal bondage into the fifteenth century in England.⁴² This freedom from villein status could have helped to offset the shame attached to illegitimate births and, thus, have decreased the likelihood of infanticide during the later Middle Ages.

These very infrequent medieval cases of infanticide stand out in contrast to the larger number of cases reported and the heightened public attention the crime received during the early modern period in England.⁴³ Laura Gowing records seventy cases of newborn infanticides tried at the Northern Circuit Assizes from Yorkshire, Northumberland, Cumberland and Westmoreland between 1642 and 1680, and indictments show 25% more possible cases, most involving servant women.⁴⁴ Hoffer and Hull cite children as victims (80% of whom were newborns) in 30% of all murder indictments in Essex, 34% in Middlesex, and 28% in Sussex between 1559 and 1600.⁴⁵ Both studies attribute the increased numbers of cases reported to changes in social beliefs. With increased attention given to concealed

³⁹ Hanawalt, *Crime and Conflict*, 156.

⁴⁰ Hoffer and Hull, *Murdering Mothers*, 6.

⁴¹ Paul R. Hyams, "The Proof of Villein Status in the Common Law," *The English Historical Review* 89, 353 (Oct. 1974): 721-749; here 746.

⁴² Susan Mosher Stuard, "Ancillary Evidence for the Decline of Medieval Slavery," *Past and Present* 149 (Nov. 1995): 3-28; here 16, note 46.

⁴³ Hoffer and Hull, *Murdering Mothers*, 123.

⁴⁴ Laura Gowing, "Secret Births and Infanticide in Seventeenth-Century England," *Past and Present* 156 (Aug. 1997): 87-115; here 89.

⁴⁵ Hoffer and Hull, *Murdering Mothers*, 15.

sin and sexual excess by Reformation preachers as well as the government's fear of the landless, wandering groups of poor displaced by enclosure laws, attitudes toward illegitimate children apparently changed. Called "naked Bathshebas," poor serving women especially were singled out at the opening of the semiannual assize court sessions for their concealment of sexual transgressions.⁴⁶

In 1576, the Elizabethan Poor Law (18 Eliz. I, c.3, 1576) required justices to question women accused of having illegitimate children in order to identify fathers so that money could be obtained to relieve parish charity funds. These unmarried mothers were treated as shameful harlots who could be corporally punished or sent to the house of correction.⁴⁷ Furthermore, in a 1624 statute (the Stuart Bastard Neonaticide Act, 21 James I, c. 27, 1624), the crime moved to the royal courts for the first time; murdering an illegitimate child was finally listed as a specific crime.⁴⁸ Alluding to lewd mothers who drowned their babies, this law also outlawed concealing the death of a newborn even if the baby was stillborn. A 1650 act made conviction of fornication a second or subsequent time punishable by death.⁴⁹

These laws suggest that once society's views on illegitimacy changed, infanticide by unmarried women became more common. Although the exact numbers are impossible to retrieve for the Middle Ages, Hanawalt cites an illegitimacy rate between 8% and 11% and no infanticides in the early fourteenth century on East Anglian Estates.⁵⁰ For the early modern period, in contrast, the illegitimacy rate is halved: Orme gives a 4.5% illegitimacy rate and Wrightson gives a 4% illegitimate birthrate in Terling, Essex, between 1601–1665, or 49 children out of 1367 births.⁵¹ Although the records suggest fewer children were born out of wedlock in the early modern period (4% or 4.5% compared to 8%–11%), the laws, the legal records, and the sermons preached by protestant ministers suggest that perhaps the reality was not that fewer children were born out of wedlock, but that fewer survived very long after birth.

⁴⁶ Hoffer and Hull, "Infanticide," 11.

⁴⁷ Kellum, "Infanticide," 371.

⁴⁸ Keith Wrightson, "Infanticide in Earlier Seventeenth-Century England." *Local Population Studies* 15 (1975): 10–22; here 11.

⁴⁹ Wrightson, "Infanticide," 21, note 22.

⁵⁰ Barbara A. Hanawalt, "The Female Felon in Fourteenth-Century England," *Women in Medieval Society*, ed. Susan Mosher Stuard (Philadelphia: University of Pennsylvania Press, 1976), 125–140; here 139, note 25.

⁵¹ Nicholas Orme, *Medieval Children*, (New Haven: Yale University Press, 2001), 57; Wrightson, "Infanticide," 19.

Both the medieval historical records and the literature portray women committing infanticide much more frequently than men. In the literary works examined, only Athelstan actually kills his own unborn child. Walter says he has killed his children, but has not, and the male soldiers do slaughter innocent male infants in the cycle plays. Women are responsible for all the other deaths. The victims' gender in the historical records, however, is less clear. Skewed sex ratios point to an interesting difference between what the literature shows and what some medieval inheritance and tax records say about unexpectedly small number of females in the population. Of the victims in the eleven literary works discussed, only one victim, Griselda's first child, is a girl. While the gender of six of the infants is unknown, four of the victims are clearly boys and an unknown number of males are represented as killed in the Corpus Christi play "The Slaughter of the Innocents." With the importance given male heirs in the medieval world, the deaths of the boys in the literature highlight the loss of legitimate family heirs. The six deaths of unknown gender, however, suggest that losing an infant of either gender was quite painful. There is simply no evidence in the literature that deaths of newborn females are considered convenient.

An influential study by Josiah C. Russell of inheritance and tax records, however, reports high sex ratios, meaning considerably more males than females in the population. Russell says that normal sex ratios for landholding families in medieval England give way to higher sex ratios in the mid-thirteenth century and rise in the fourteenth century to 133:100 before the plague normalizes them. The ratio again rises in the fifteenth century. One striking sample of figures for serfs on an estate in Hastings in 1391–92 shows a ratio of 170:100.⁵² Yet, as in the literature, the few infanticides recorded in legal records show no evidence that females were killed more frequently than boys. In most cases no sex is given for the child, but those that do list gender are fairly equally split between male and female deaths

In her study of the high sex ratio in St. Germain-des-Pres, France, Emily Coleman suggests other explanations than female infanticide for the larger number of males recorded there. Coleman makes a good case for the undercounting of females by clerics, for women dying frequently in childbirth, for women being married off or taken in elsewhere as servants, and for immigration of male workers into the area as plausible explanations for the skewed sexual ratios, and the same explanations may account for Russell's figures in England.⁵³ It is, of

⁵² Josiah C. Russell, *British Medieval Population* (Albuquerque: University of New Mexico Press, 1948), 167–68.

⁵³ In population studies of the early modern period, some researchers have suggested infanticide might

course, also possible that differences in feeding or care practices for male and female infants and young children might have led to higher death rates for young females. Although it is possible that secret female infanticide was being practiced in England, neither the court records nor the literature recognizes this as happening.⁵⁴ If people were selectively killing female infants, no one was even hinting at it in writing.

To conclude, in many ways the literature and the historical records parallel or complement each other. Early in the medieval period, ecclesiastical sources assume that only illegitimate infants born to unmarried poor women are victims of infanticide, and the literature of the time uses infanticide in this context to represent a reprehensible sin that can be forgiven if the killer repents. Although the relatively light punishment of penance raises questions for some scholars about how seriously the crime was taken by legal authorities at that time, the literature's depiction of sincere repentance leading to divine forgiveness shows us that in the context of the culture's religious beliefs, they took it quite seriously.

The later legal documents define infanticide in a wider set of circumstances, and the literary works portray the act in more complex situations. In the fourteenth and fifteenth centuries the popular imagination represented by the writers of the time envisions an array of new contexts—politics, ethnicity, religious differences, spiritual despair, social roles, family dynamics, inheritance laws, and unbridled emotion—in which to explore a culture's killing of infants. While the Reformation that follows in sixteenth-century England leads to higher numbers of infanticides, mostly of illegitimate infants, the historical records in the Middle Ages show little concern over births to unwed mothers. What these historical records do show is that infants were valued in this society. The literature, moreover, shows that these infants were loved. Whereas the legal and historical documents record that an infant has been killed, the literature fleshes out the culture's attitude toward this act. Within this literature, the strong emotional bonds between parents and their young children are strikingly clear. At the same time that they illustrate the sinful or inhumane nature of the killers, these deaths also highlight the grief and despair of parents whose children have died. In fact, the success of these works depends on the audiences' ability to empathize with the grieving parents. Even the most allegorical of the works rely on the audience's emotional attachments to their own

have been used to limit population growth. See E[dward] A. Wrigley, "Family Limitation in Pre-Industrial England," *Economic History Review*, 2nd ser., 19 (1966): 82–109; and J[onathan] D. Chambers, *Population, Economy and Society in Pre-Industrial England* (London: Oxford University Press, 1972), 78.

⁵⁴ Emily Coleman, "Infanticide in the Early Middle Ages," *Women in Medieval Society*, 47–70; here 56.

children to heighten their understanding of the ways of God or the resurrection of Christ.

Despite Philippe Ariès's belief that in medieval Europe a dead child "which had disappeared so soon in life was not worthy of remembrance," the dead child is never forgotten in infanticide literature.⁵⁵ Each child's life matters, even that of an illegitimate newborn, and each child's death resonates with sadness as well as significance in the literature of medieval England.

⁵⁵ Ariès, *Centuries of Childhood* 38.