Extended Essay
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The Invention of the Wicked Tudor Queen:

To what extent did the evidence presented at the trial of Anne Boleyn incorporate patriarchal preconceptions in early modern England?

An Extended Essay in History

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Figure 1 BBC. The Last Days of Anne Boleyn, 2013.

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Introduction and Significance

On May 13, 1536, Thomas Duke of Norfolk, "lord high steward of England," issued a precept to "26 other peers, and among them the queen's father", to serve as jurors at "the trial of Queen Anne Boleyn."[1] On May 15, the "trial began with over 2,000 spectators in attendance."[2] Sir Christopher Hales, the Attorney General, acted as the chief prosecutor for the King, with Thomas Cromwell assisting the proceedings.[3] No eyewitnesses were present.[4] The Clerk of the Crown announced the indictments, and "the accusers gave in their Evidence," "the queen sitting in the chair made for her."[5]

1. *"[The queen] following daily her frail and carnal lust procured …the King's servants, Smeton, Norris, Brereton, and Weston…and said to them that the king never had her heart";*
2. *"procured and incited her own natural brother, Geo. Boleyn, Lord Rocheford"*;
3. *"at Westminster, conspired the death and destruction of the King";*[6]
4. "*[and] laughed at the king's poetry and his dress."*[7]

The Queen "held up her hand and pleaded not guilty." She, "having an excellent quick wit, and being a ready speaker, did so answer to all objections." But the jury "pronounced her guilty of high treason" with a unanimous verdict.[8] The Norfolk, bound to proceed according to the Verdict of the peers, condemned her to death "either by being burned in the Tower Green, or beheaded."[9] Anne Boleyn was "conveyed back to her chamber."

[1] P.Friedmann, *supra* note 6, at 274.
[2] Letter from Chapuys to Charles V, reprinted in Letters and Papers, *supra* note 8, no. 908, at 376.
[3] Spelman, *supra note 80, at 71*.
[4] Margery S., Schauer and Frederick Schauer, "Law as the Engine of State: The Trial of Anne Boleyn." *William & Mary Law Review*, vol. 22, no. 1, 1980.
[5] Wigmore, *The History of the Hearsay Rule,* 17 Harv.L.Rev. 437,439 (1904); F.Pollock & F.Maitland, The History of English Law 622-25 (2nd ed. Reissued 1968).
[6] *"Letters and Papers, Foreign and Domestic, Henry VIII."* 1536.
[7] Letter from Chapuys to Charles V, reprinted in Letters and Papers, *supra* note 8, no. 908, at 376.
[8] Harleian Manuscript, reprinted in Letters and Papers, *supra* note 8, no. 908, at 376.
[9] Extract from 1 Burnet's Reformation, reprinted in Letters and Papers, *supra* note 8, no. 908, at 376.

The characteristics of early sixteenth-century English state trials make it suitable to study Anne's trial as a historically embedded cultural performance.[10] First, all English trials in the Henrician reign were open to the public. So, an important purpose of state trials was to convince the public that the evidence justified the fate of the convicted.[11] Second, the fifteenth-century scholasticism, which treated fine verbal distinctions as far more critical than any factual inquiry, still influenced Henry and his legal advisors.[12] Legal procedures, constructing narratives of convictions, were valued not so much as a means to justice but as ends in themselves. Third, those charged with high treason, like Anne Boleyn, were not allowed to have someone represent them, interrogate any witnesses, or see proof of the alleged crimes.[13] This made it unthinkable that Anne would be acquitted. Thus, the evidence presented at Anne's trial primarily constructed a narrative to achieve the Queen of England's death convincingly. The charges reveal the prominence of the sexual phenomenon in such a narrative.

The focus of this essay is not on identifying the inaccuracies of the trial evidence. It evaluates how far the evidence presented at Anne's trial incorporated generic tropes, conventions, and archetypes of cultural paradigms that regularly conflated feminine virtue with sexual behaviors.[14]

This topic is worth investigating as the intersection between gender, representations, and treason provides insights into the gendered construction of crimes and reputations in early modern England. On a border scale, Anne Boleyn is an example of historical representation, but by no means is she the only woman in history contested through the lenses of her sexuality. By analyzing how gender preconceptions justified her execution, we could also reflect on how female reputations are constructed in past cultures and our own.

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[10] Laura Saxton, *The Unblemished Concubine: Representations of Anne Boleyn in the English Written Word*, 2000-2012, Australian Catholic University, 2015.
[11] Margery S. Schauer and Frederick Schauer, "Law as the Engine of State: The Trial of Anne Boleyn." *William & Mary Law Review*, vol. 22, no. 1, 1980.
[12] J. Fortescue, De Laudibus Legum Anglie c.27, at 65 (S.B. Chrimes ed. 1942).
[13] Chapman.
[14] Aletta Brenner, "The Good and Bad of that Sexe": Monstrosity and Womanhood in Early Modern England." *Intersections,* 2009.

Historiography

Existing historiography addresses the three key themes of our investigation: gender in Tudor courts, cultural representations, and the treason charges against Anne Boleyn. But none deals with the juncture of these colliding forces at the actual trial.

Most feminist studies treat Anne as the victim of a culture that views female sexuality and authority as threats. Retha M. Warnicke reads Anne's charge of "illicit sexual acts with five men" as an indication of Henry's horror of bewitchment. She asserts that witchcraft was seen as female subversion of male power.[15] Karen Lindsey outlines how the Henrician court viewed Anne's independence and outspokenness as challenging Henry's projected masculinity.[16] The post-modernist approach, starting with Susan Bordo's *The Creation of Anne Boleyn,* analyzes Anne's textual presence in the cultural realm, evaluating gendered representations of Anne in drama, literature, and modern historiography.[17] Building on post-modernist theories, Saxton asserts that feminist historiographies are often preoccupied with constructing "the hapless victim of patriarchal tyranny." [18] The over-sympathetic approach often led to unsupported conclusions over-emphasizing patriarchal ideals. For example, Wernicke dismissed Bernard's paper on Anne's actual promiscuity as "a 'wicked woman' view of history" without further analysis and evidence. [19] The idea of witchcraft is also conveniently proposed to understand Anne's indictment, despite the lack of support from actual trial records.[20]

Feminist and post-modernist approaches examine the circumstances that led to Anne's trial and the gender norms in the post-trial representations. They attributed little attention to the actual event. The trial proceedings are an intrigue for legal historians. Schauer explores the

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[15] Retha M. Warnicke, *The Rise and Fall of Anne Boleyn, 1999.*
[16] Karen Lindsey, *Divorced, Beheaded, Survived: A Feminist Reinterpretation of the Wives of Henry VIII.* Reading, MA: Da Capo Press, 1995.
[17] Susan Bordo, *The Creation of Anne Boleyn: A New Look at England's Most Notorious Queen*. E-book ed., New York City, Houghton Mifflin Harcourt, 2013.
[18] Laura Saxton, *The Unblemished Concubine: Representations of Anne Boleyn in the English Written Word*, 2000-2012, Australian Catholic University, 2015.
[19] Retha M. Warnicke, "Inventing the Wicked Women of Tudor England: Alice More, Anne Boleyn, and Anne Stanhope." *Quidditas*, vol. 20, no. 3, 1999.
[20] Joann Conger, "The Fall of Anne Boleyn: A Historiographical Study." Cal Poly Pomona, 2012.

Tudor view of law and legal institutions.[21] He argues that Anne's trial was consistent with early modern values of dispensing justice, a stance J.A. Sharpe and Elton echoed.[22] Lindsay Kaplan contextualizes treason studies with gender norms, contending that the early modern imputations were highly gendered.[23] However, her study does not analyze Anne's treason trial specifically. Sarah Elizabeth Donelson explores the maintenance, and the subversion, of gender roles in Henry VIII's treason trials, but focuses on the Pole/Courtenay treason case of 1538.[24]

New Historicist Methodology

Building on the three historical approaches, this essay uses the New Historicist methods to explore early modern gender preconceptions embedded in Anne's trial. It argues that the trial evidence draws upon culturally conditioned crimes women were thought to commit and, to a large extent extension, reflects the patriarchal gender preconceptions in Anne Boleyn's period.

The new historicists emphasize "the text" as condensed history, from which one can access "the social presence to the world of the text." Greenblatt's *Renaissance Self-fashioning* examines how cultural identities influenced court poetry and popular drama produced in early modern England. According to Greenblatt, the early modern upper-class practices "self-fashioning" by constructing public personas following a set of socially acceptable standards and consciously striving to imitate "praise-worthy models."[25] This essay argues that the evidence presented at Anne's trial is a reversed example of such "self-fashioning" – as the purpose was to offer a defamatory portrayal of the Queen. The unruly sexual behaviors detailed in the trial offer a model opposite to socially acceptable feminine virtues.

As New Historicism is inter-textual (all texts combine to create history), new historicists examine literary and non-literary texts to gain a fuller picture of the social conditions of a period.

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[21] Margery S. Schauer and Frederick Schauer, "Law as the Engine of State: The Trial of Anne Boleyn." *William & Mary Law Review*, vol. 22, no. 1, 1980.
[22] J.A. Sharpe, *Crime and Early Modern England 1550-1750* (New York: Longman, 1984), 12.
[23] Lindsay Kaplan, "Good queen, my lord, good queen: Sexual Slander and the Trials of Female Authority" *Renaissance Drama and Law, The University of Chicago Press for Northwestern University,* vol.25, 1994.
[24] Sarah Elizabeth Donelson, *By No Ordinary Process: Treason, Gender, and Politics under Henry VIII.* Miami University, 2012.
[25] Stephen Greenblatt, *Renaissance Self-Fashioning: from More to Shakespeare*. E-book ed., University of Chicago Press, 1980.

Primary sources, including prescriptive moral guidebooks such as Erasmus and Vivies, treatises written for *Querelles des femmes,* and early modern literature highlight how cultural preconceptions primarily determined women's worth by their sexual virtue. They also support how Anne's trial narrative aligned with the prevailing fear of threatening and intoxicating women.

The following sections first set the background by discussing norms on chastity and establishing the gendered nature of early modern laws. The essay then evaluates three significant themes in the rhetoric of Anne's trial– adultery, conspiring the death of the King, and mockery of the King – to argue that all three aspects reflect the early modern conception of female temperament as one of dual nature and threat.

Background - Gendered Crimes

Anne's wifehood and queenship (both highly gendered) were inseparable from the conduct of her trial. Anne's criminality was primarily defined by her transgression of sexual norms expected in the two roles.[26] Legal historian Kaplan argues that these convictions were consistent with the gendered conduct of early modern law. The different ways early modern culture constructed male and female reputations affected the content and type of charges placed on men and women.[27]

Lindsey contends that Anne was condemned based on the social standards of a culture where "women were treated as a commodity, their worth determined by their sexual purity."[28] The moral guidebooks and treaties of Anne's era illustrate sexual purity as the defining feature of female reputation. In *The Institution of Christian Matrimony,* Erasmus advocated for female education as a measure of "shaping," indirectly identifying the husband as a type of Pygmalion that "trains" his bride.[29] It pointed toward the need to contain and restrict women to preserve

[26] *"Letters and Papers, Foreign and Domestic, Henry VIII."* 1536.
[27] Lindsay Kaplan, "Good queen, my lord, good queen: Sexual Slander and the Trials of Female Authority" *Renaissance Drama and Law, The University of Chicago Press for Northwestern University,* vol.25, 1994.
[28] Karen Lindsey, *Divorced, Beheaded, Survived: A Feminist Reinterpretation of the Wives of Henry VIII.* Reading, MA: Da Capo Press, 1995.
[29] Erasmus, *The Institution of Christian Matrimony*.

"purity." Juan Luis Vives' *Instruction of a Christian Woman* (1523) intensified Erasmus' arguments, contending that women are mentally inconstant and prone to vice. Thus, "a woman's only care should be chastity."[30] The early modern families' continuity depended on the wife bearing a legitimate male heir. There were general anxieties that the wife's children might not be the husband's because his property might be transmitted to another man.[31] The construction of the female reputation on sexual purity was a deterrent against sexual misbehavior.

The definition of female reputation affected legal proceedings. The law only punished women for adultery and sexuality.[32] Laura Gowing, evidencing defamation suits, asserts that "there was no way of calling a man a whore or condemning his sexual promiscuity."[33] When undermining a men's reputation, people only used the label "cuckolds." The label did not criticize men for their sexual promiscuity but for that of their wives. The net result was that women remained the focus of sexual guilt and responsibility. While the terms "whoremaster" and "whoremonger" is documented to indicate male promiscuity, it's also true that the male terms describe the offense concerning women and women of dubious sexual morality. In contrast, the term "whore" defines female nature.

One could argue that the movement *Querelle des Femmes* inspired shifts in attitudes towards women in Anne's period. Pizan's *Book of the City of Ladies*(published in England 1521) compiles heroine narratives from Pizan's time and history to challenge views of feminine inferiority.[34] The text discussed feminine virtue not just in the sexual sphere but in terms of political potency. The discussion continued with Sir Thomas Elyot's *Defence of Good Women* and Agrippa of Nettesheim's *Of the Nobility and Excellence of Womankynde,* advocating for female education.[35] Such texts introduced new dimensions to the definition of womanhood. Nevertheless, much of *Querelle des Femmes'* debates remained in the scholarly sphere, and traditional views about the inferiority of women continued to dominate the market.[36] Most texts

[30] Juan Luis Vives, "Instruction of a Christian Woman."
[31] Christine Peters, *Women in Early Modern Britain, 1450 – 1640.* Macmillan.
[32] Keith Thomas, *The Double Standard*, Journal of the History of Ideas, University of Pennsylvania Press, vol. 20, no.2, 1959.
[33] Laura Gowing, Domestic Dangers 2-3.
[34] Christine De Pizan, "Book of the City of Ladies."
[35] Thomas Elyot, *The Boke named The Governor*. *Renascence Editions*.
[36] E. W. Ives, Anne Boleyn. Oxford: Blackwell.

supporting female education, like Erasmus', focused on indoctrination rather than enlightenment, so "women be persuaded by this discourse, to embrace chastity."[37]

In this context, social norms considered women's sexual misconduct both particularly reprehensible and the primary crime a woman would commit. The crimes subjected to Anne were thus typical of her time and incorporated the gendered definition of female virtue. As Joanna Laynesmith argues, because women's virtue was fundamentally defined in the sexual sphere, to accuse the Queen of unchastity implied that there was no virtue of any kind in her.[38]

Seduction and Adultery

Among the three major themes in Anne's trial, the prosecutors recounted Anne's adulterous and seductive acts in the most detail. Evidence for adultery relied on narrative descriptions of Anne's alleged actions uncovered by Thomas Cromwell's investigation. Analyzing each piece of anecdotal evidence reveals that the trial narrative catered to different aspects of the sixteenth-century perception of women as an intoxicating threat.

The opening statements of the Queen's indictments foregrounded the Queen's subversion of gender hierarchy. Anne Boleyn, "for three years or more," "despising her marriage, and entertaining malice against the King," "divers of the King's daily and familiar servants to be her adulterers and concubines."[39] The line summarized two threatening elements in the Queen's conduct: the Queen's challenge to the institution of marriage and the Queen's seduction of the King's "familiar servants," which extended to the Queen's influence over the royal household. The five men charged with adultery with Anne represented the whole gamut of male positions at court. It included one former page of the King, two grooms of the privy chamber, one musician, and Anne's own brother. Lindsey views the purpose of the range of alleged lovers as exaggerating Anne's unruly sexuality. But Schauer points out that at issue seemed to be Anne's attempt to use flirtations to consolidate her command over the royal household. One evidence

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[37] Christine Peters, *Women in Early Modern Britain, 1450–1640*. Macmillan Education, 2004.
[38] Joanna Laynesmith, "Telling Tales of Adulterous Queens in Medieval England," in *Every Inch a King: Comparative Studies on Kings and Kingship in the Ancient and Medieval Words*, ed. Lynette Mitchell and Charles Melville (Leiden: Brill, 2013), 195–214 at 205.
[39] *"Letters and Papers, Foreign and Domestic, Henry VIII."* 1536.

presented at the trial supports this argument: Norris warned the Queen of rumors that she had been unfaithful. She begged him to speak against such rumors, and on April 30, he told the Queen's almoner that the Queen was a good woman.[40] Cromwell reasoned that Norris defended the Queen because he was one of her lovers. The Queen's ability to persuade Norris (Groom of the Stool in the privy chamber of King Henry VIII) to speak on her behalf could be perceived as the Queen subverting power of the patriarch. By extension, the public could see the manipulative behavior as threatening the state's social order because the Queen was considered exemplary (trial evidence specifically included an anecdote that a gentleman chastised his sister for her flirtatious behavior, only to have his sister respond that she was following the Queen's example).[41]

Detailed accounts of adulterous actions speak to the Queen's intoxicating power that men fell victim to. Anne's interchanges with the King's courtiers were described as her "inciting…. five men to have sexual relations with her by the use of touches and kisses that involved thrusting her tongue into their mouths and theirs in hers." The Queen's method of seduction – "sweet words," "touching," "gifts," and "other infamous invitation" – indicated that the Queen was experienced at seductive acts. Overall, the evidence created the image of the Queen actively commanding rather than passively accepting sexual advances from her lovers.

Donelson sees the evidence of Anne's active role as unorthodox to the gendered laws. She argues that one of the axioms of the legal system was that women were passive, and men were active. Women were accessories to crimes rather than actors. Thus, evidence did not cater to existing gender preconceptions. It was rather Anne's actions that transformed the accepted model of a passive female traitor. [42]

However, one could also argue that portraying the Queen as an active seducer was consistent with the fear of female authority in early modern England. According to Greenblatt, anxiety about female dominance so threatened men they sought a haven in fiction to explore

[40] M.Bruce, supra note 6, at 300
[41] Letter from Chapuys to Charles V, reprinted in Letters and Papers, *supra* note 8, no. 908, at 376.
[42] Sarah Elizabeth Donelson, *By No Ordinary Process: Treason, Gender, and Politics under Henry VIII.* Miami University, 2012.

their fears. In the literary productions, the authors either showed "submission to an absolute power" that makes the woman an authority or created the idea of woman as "something perceived as alien, strange or hostile . . . [a] threatening Other." [43] Thomas More's *The Epigrammata* incorporates about twenty mockery women. Through the motif of his poems, More played off man's singleness against the woman's doubleness – speaking to a fear of the female's destructive mutability. Women posed threats because they were essentially alien and untrustworthy, yet they irresistibly drew the man toward her.[44] Similarly, Wyatt's poems often used imagery about wild animals, especially in the poems interpreted as referencing Anne Boleyn.[45] The speaker cannot trust the women; they are attractive but feral and uncontrollable --- and Anne's trial drew upon this archetype.

Hovering around Anne's charges of adultery was a more controversial imputation: witchcraft. The fear of witches furthers the early modern phobia about women's sexuality and authority. Warnicke argues that Henry's horror of witchcraft was a primary reason for his removal of Anne Boleyn.[46] Upon examining the 16th-century English statutes and church documents, she concludes that trial records illustrate the genuine belief in witchcraft to enchant men and cause harm. On January 29, 1536, Anne delivered a stillborn male fetus whom the midwives suggestively thought deformed. Early modern tales included stories of witches giving birth to deformed children. Warnicke contends that this circumstance explains why Anne's trial described her preternatural provocativeness to both Henry and her adulterous lover at length. The evidence focused on details such as Anne initiating "mortally sinful" tongue-thrusting kisses. She also cited that Henry VIII felt Anne had "bewitched him."[47]

As Saxton suggests, Wernicke's theory seemed to involve exaggeration. Anne's trial record did not directly reference witchcraft.[48] In early modern England, wifely adultery indicates

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[43] Stephen Greenblatt, *Renaissance Self-Fashioning: from More to Shakespeare*. E-book ed., University of Chicago Press, 1980.
[44] Lee Cullen Khanna, "Images of Women in Thomas More's Poetry." *Quincentennial Essays on St. Thomas More*, special issue of *Albion: A Quarterly Journal Concerned with British Studies*, vol. 10, 1978, pp. 78-88.
[45] Sir Thomas Wyatt, *Whoso List to Hunt.* Greenblatt 595.
[46] Retha M. Warnicke, "The Fall of Anne Boleyn Revisited." *The English Historical Review, Oxford University Press*, vol. 108, no. 428, 1993, pp. 653—665.
[47] Retha M. Warnicke, "Inventing the Wicked Women of Tudor England: Alice More, Anne Boleyn, and Anne Stanhope." *Quidditas*, vol. 20, no. 3, 1999.
[48] Laura Saxton, *The Unblemished Concubine: Representations of Anne Boleyn in the English Written Word*, 2000-2012, Australian Catholic University, 2015.

the men's inability to satisfy his wife and his failure to keep any order in his household. Thus, suspicions of witchcraft, if present, would logically be mentioned in the trial to uphold the King's honor. The reference to Henry's "bewitchment" based on Henry's love poems heavily influenced by the Petrarchan tradition also places the claims on dubious ground.[49]

However, hints of Anne's bewitching ability remained in her trial. The early modern English witchcraft statutes cited "the intent to provoke any person to unlawful love" as actionable.[50] The statute highlights the witch's provocation of men to desire and her intent to engage them in unlawful, unnatural sexual acts. Anne's adulterous actions suffice both requirements. First, the alleged lovers of Anne had committed unlawful acts because the 1352 law of Edward III made it treason to "violate the King's wife."[51] Second, Lady Rochford, the Queen's sister-in-law, provided evidence of incest. Reportedly, George Boleyn "remained in the Queen's chamber with her alone for a long time and that he had been seen leaning over her bed."[52] This was considered unnatural sexual acts. Wernicke was overassertive to hinge Anne's downfall on Henry's belief in her witchcraft. Evidence could not convincingly support Henry's genuine belief that Anne was a witch. Nevertheless, the evidence presented at Anne's trial catered to the narrative of women's threatening and potentially bewitching power.

To conclude, the detailed evidence of Anne's adultery and hints at her bewitching power are mostly consistent with the customary portrayal of women as seductive and threatening.

Conspiring the King's Death

Anne's conspiracy rested on words the Queen had admittedly spoken to Norris: Why, Anne asked Norris, did he not marry her cousin, Madge Shelton? He answered, "I will tarry a time." The Queen replied, "then you look for dead men's shoes. If aught come to the King but good, you would look to have me." The prosecutors embellished Anne's conversation to conclude that "the Queen often says she would marry one of [her lovers] as soon as the King

[49] Natalie Mears, "Courts, Courtiers, and Culture in Tudor England." *Cambridge University Press The Historical Journal*, vol. 46, no. 3, 2003, pp. 703-22.
[50]Karen Cunningham, *Imaginary Betrayals: Subjectivity and the Discourses of Treason in Early Modern England* (Philadelphia: University of Pennsylvania Press), 2002.
[51] 25 Edw. 3, st. 5, c. 2(3), 1352
[52] Harleian Manuscript, reprinted in Letters and Papers, *supra* note 8, no. 908, at 376.

died."[53] The prosecutors reasoned that Anne wanted the King dead and that she must have contrived to kill the King. This crime constituted high treason under the 1352 law of Edward III, Henry VIII's 1533 and 1534 statutes.

For Schauer, the anecdote was typical of high treason trials where arbitrary evidence constructed the convicted as a real threat to the state. He highlights the claim where the prosecutor consolidated the physical danger Anne posed to the King: "the King having a short time since becoming aware of the abominable crimes and treasons against himself, took such inward displeasure and heaviness….. that certain harms and perils have befallen his royal body." While the prosecutors did not elaborate on the "harms and perils," the anecdotal evidence characterized Anne as an enemy of the state. Elton and Sharpe further argued that early modern state trials differed from common law.[54] State trials were commonly accepted as procedural justice, where the procedures were more skewed toward the state in felonies.[55] High treason trials needed no eyewitness and proof to support intentions to harm the King. The greater the crime, the greater the threat to the state, and the more important it became for the King to dispense justice to ensure all threat was eliminated. The anecdotal evidence of "harm" befalling on the "royal body" sought to highlight Anne's physical threat to the King, so the dispensing of justice became justifiable and urgent.

Another interpretation of Anne's conspiracy narrative is through the early modern cultural imagination of the "murderous wife."[56] Utilizing assize indictments from Essex, Hertfordshire, and Sussex, J.S. Cockburn estimated that women were victims of marital killings in three-fourths of the instances. Yet pamphlets far more frequently narrated stories of the murderous wife than of murderous husbands.[57] This process of textual representation speaks to anxiety in inverse proportion to the actual threat. Other narratives present murderous wives as not merely acting against husbands (the authority) but as acting (in collusion with a lover)

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[53]"Chronicle of King Henry VIII." *Stanford University Library*, P70-71.
[54] J.A. Sharpe, *Crime and Early Modern England 1550-1750* (New York: Longman, 1984), 12.
[55] Margery S. Schauer and Frederick Schauer. "Law as the Engine of State: The Trial of Anne Boleyn." *William & Mary Law Review*, vol. 22, no. 1, 1980.
[56] Greg Kucich, "Women's Historiography and the (dis) Embodiment of Law: Ann Yearsley, Mary Hays, Elizabeth Benger." *The University of Chicago Press Journals ROMANTICISM AND THE PHYSICAL: A Collection of Essays from the 2000 NASSR Conference*, vol. 33, no. 1, 2002, pp. 3-7.
[57] Christine Peters, *Women in Early Modern Britain, 1450–1640*. Macmillan Education, 2004.

against the institution of marriage. These narratives conflate unregulated sexuality with murderousness. An archetype is Alice Welles from *The Truth of the Most Wicked and Secret Murthering of John Brewen Goldsmith.* She is depicted both as a voraciously desiring subject who shifts her sexual attentions from one man to another, relying on murder to substitute her husband for a lover, but also acted upon by the various men with whom she allies with.[58] Anne's conspiracy against the King with her lover represents a similar narrative.

This essay argues that there are no contradictions between the two interpretations. Anne's "physical threat" to the King characterized her as an enemy of the state. Still, the association of her lovers with the conspiracy added a gendered component to the characterization. This gendered aspect is consistent with early modern England gender perceptions. Since 1352, the wife killing the husband obtained its specific legal meaning in England. It's named petty treason --- revealing its analogous status to high treason – threat and assault on the monarch and his government.[59] As Michael Dalton explains, a murderous wife commits "petty treason" while a murderous husband commits "murder" because "one is in subjection and oweth obedience, and not the other."[60] This reveals the link between the domestic and political, and how cultural ideals about order and disorder can be shaped through the representation of gendered crimes – a link evident in the evidence presented at Anne's trial.

Mockery of the King

Among the evidence presented at Anne's trial, one serious embarrassment was Lady Rochford's revelation of Anne discussing the King's sexual inadequacy and Anne making fun of Henry's dress and poetry.[61] The charge was of such delicate nature that it was omitted from the state trials account and was passed to the convicted by note.[62] We could contextualize the offenses as a direct attack on the King's masculinity and their repercussions with the prevalent fear of female rhetoric.

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[58] *The Truth of the Most Wicked and Secret Murthering of John Brewen,* 7, 8, and 8-9
[59] Marshburn and Velie, Blood and Knavery 10.
[60] Michael Dalton, The Country Justice.
[61] Alison Weir, *The Lady in the Tower: The Fall of Anne Boleyn*. E-book ed., Jonathan Cape, 2009.
[62] Spelman, *supra note 80, at 71*.

Early modern English culture commonly viewed women as garrulous and their gossip a maligned and feared force. In one of the earliest humanist treatises on girls' education, Bruni explicitly denies his students' instruction in eloquence: “Rhetoric in all its forms-public discussion, forensic argument, logical fence, and the like-lies absolutely outside the province of women.”[63] Vives is even more vehement: “As for eloquence, I have no great care nor a woman nedeth it nat but she nedeth goodness and wisdom.”[64] The story of the devil Tutivullus, who struggled to keep pace writing down women's gossip, was frequently included in sermons and imagery.[65] In the form of a curse, men presume the vituperative voice to have a power that necessarily implicates, diminishes, or even eliminates the husband.[66]Anne's remark on the Henry VIII's impotence and his dressing style (early modern noblemen perceived clothing as an extension of its owner) echoes the women's destructive tongue narrative. By detailing Anne’s mockery of the King, the evidence presented on trial evokes the convention of women’s scolding tongue.

Conclusion

The King's role in dispensing justice meant that it was necessary to Henry that the English people approve the execution of the English Queen. To ensure that support, Anne’s criminality needed to appear unpardonable.

Reading contemporary texts and feminist interpretations reveals that Anne's characterization was consistent with cultural and literary archetypes: a moral disgrace, a dangerous seductress, or a talkative and murderous wife. It's overstretching to assert that Anne was characterized as a witch, but the bewitching of men was hinted at. Evidence presented at Anne's trial incorporated contemporary patriarchal ideals to serve political ends. The legal perspective underlines ways Anne's trial was consistent or inconsistent with high treason trials. Schauer relates Anne's trial to the norm of the King removing state threats, while Donelson

[63] Catherine Stimpson, *Rewriting the Renaissance. The Discourses of Sexual Differences in Early Modern Europe,* University of Chicago Press, 1986.
[64] Juan Luis Vives, "Instruction of a Christian Woman."
[65] Christine Peters, *Women in Early Modern Britain, 1450–1640*. Macmillan Education, 2004.
[66] Susan Bardsley, *Venomous Tongues: Speech and Gender in Late Medieval England* (Philadelphia: University of Pennsylvania Press, 2006), 1.

argues that Anne's active role in seductive and treacherous subverts the gendered early modern crimes. However, while Anne's alleged conspiracy against the King characterized her as an enemy of the state, a strong gendered component remained. The fact that Anne's action was contrary to the expected gender role doesn't equate to her crimes being unprecedented for early modern audiences. Contemporary literature and guidebooks support a fear that women tended to counter what was expected of them.

To conclude, the evidence presented at Anne's trial largely incorporated patriarchal early modern gender preconceptions. When gender norms, representations, and politics conflated in Anne's trial, dubious claims supporting the event of guilt then become the means to an end, the shocking charges a political apparatus and the evidence of innocence irrelevant.

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