

## Love, Lust, and License in Early Modern England: Illicit Sex and the Nobility

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Ingrid Tague

Johanna Rickman remarks that her book resulted from an apparently simple question: 'What happened to noblemen and noblewomen who engaged in extramarital sexual relationships?' (p. 1). She rightly insists that the answers shed light on the interactions of social status and gender, the role of the monarch, and relationships within and between elite kinship networks. Her focus is somewhat narrower than the title implies; she addresses only the Elizabethan and Jacobean periods, and much of the book deals with the first two decades of the 17th century. Rickman is also careful to explain that her study is limited to 'heterosexual extramarital sex: fornication, adultery, and bastardy', and that she is not discussing issues of sexual identity (p. 7). Nevertheless, her work has broad implications for our understanding of early modern society and politics.

*Love, Lust, and License* is divided into two equal parts, the first setting out the larger contexts surrounding illicit sex in the nobility, and the second presenting individual case studies. The introduction outlines key contexts of the late 16th and early 17th centuries: the position of the nobility, gender norms, and the various laws relating to sexual behavior. In the first two chapters, Rickman presents in broad terms attitudes toward illicit sex at the courts of Elizabeth and James I. Briefly discussing a variety of extramarital relationships among courtiers or between courtiers and other nobles, Rickman explores the reactions of the monarch to such relationships. Above all, she stresses, Elizabeth's and James's responses were motivated much more by pragmatism than by a strong sense of moral values. Chapter one, on illicit sex at the court of Queen Elizabeth, is the least impressive because least original part of the book. Like many historians before her, Rickman argues that Elizabeth's status as a single woman had a significant impact on her reign and on her

relationships with her courtiers. Rickman suggests that her contribution to the field is to recognize that this impact extended to the queen's treatment of courtiers who engaged in sexual relations outside marriage, but such a point is hardly surprising. Elizabeth punished both male and female courtiers for illicit sex, usually through imprisonment or banishment from court, but the punishments for women tended to be more severe and longer-lasting. Rickman's point that female courtiers were Elizabeth's servants and that their behavior thus reflected on their queen's reputation is sensible but hardly groundbreaking. Similarly, her argument that courtiers were more willing to risk their monarch's displeasure late in the reign, when the conceit of Elizabeth as love object was less compelling and when she herself was less popular, is again unsurprising.

In chapter two, Rickman turns to the court of James I, emphasizing the differences between the Jacobean and Elizabethan periods in terms of both the nature of the sexual scandals and the monarchs' reactions to them: 'In the scandals of James's reign illicit sex was usually only one component of the crimes committed; other, non-sexual offenses formed the center of the scandals' (p. 77). Furthermore, James tended to employ the legal system to punish offenders rather than following Elizabeth's model of direct imprisonment or exile from court. Using the examples of the famous Overbury case as well as two other Jacobean court scandals, Rickman points to the importance of factors such as allegations of bigamy, murder, or slander. Rickman also suggests that the language used by nobles themselves when discussing illicit sex changed in this period, with 'a more open sexual discourse' emerging (p. 70). At the same time, however, she is at pains to refute the notion that the Jacobean court was a hotbed of immorality. Instead, she notes that open discussion of sexual matters might simply have been less problematic in a context where the monarch was a married man and thus could be expected to know about and discuss sexual matters.

The remaining three chapters address three illicit relationships, all dating from the 1590s to the 1620s. Rickman's choice of cases was based primarily on the availability of sources, particularly correspondence, regarding the relationships. In addition to letters, she draws on state papers, court records, and literary materials, using them to greater or lesser extent depending on their relevance to the particular case. The result is an impressive level of detail for the three central case studies. Each chapter provides the known facts of the case and seeks to explain why events unfolded in the way they did. Discussing the similarities and differences among the cases, their impact on the central figures, and the responses to each scandal by their families, the monarch, and other nobles, Rickman carefully elucidates the many ramifications of extramarital sex.

Chapter three deals with the relationship between Penelope Rich and Charles Blount. Penelope and Charles began an affair in the 1590s when she was married to Sir Robert Rich, but it was not until 1605 that the court of High Commission granted Sir Robert a 'divorce' *a mensa et thoro* on the grounds of Penelope's adultery. Rickman argues that Penelope and Sir Robert 'collaborated about Penelope's confession' in order to achieve the mutually-desired separation (p. 128), and soon after, Penelope and Charles married. Charles acknowledged five children by Penelope and provided for them in his will. It was this will, the details of which became known upon his death in 1606, which brought their relationship to the attention of their contemporaries. Rickman notes that their adulterous affair throughout the 1590s attracted little notice, a fact that she attributes to Penelope's ability to maintain the external trappings of a respectable marriage. Given Elizabeth's angry reactions to other cases of marital infidelity among her courtiers, for instance, Rickman surmises that the queen probably had no idea of the affair. Penelope's and Charles's reputations suffered only when they made their relationship public through their marriage and his attempt to provide for his children. 'Indeed', Rickman notes, 'it was the *combination* of adultery and disregard of the marriage laws that contemporaries found scandalous' (p. 139; italics original). Even so, Penelope could still draw on a network of powerful social connections to defend her against the inevitable lawsuits by Charles's relations, and although she died in 1607, their children did secure their inheritances.

Chapter four deals with the affair between William Herbert and his cousin Mary Wroth in the 1610s and 1620s. While Penelope Rich was able to conceal her initial pregnancies by Charles Blount under the cover of her marriage to Sir Robert, Mary Wroth was a widow at the time of her pregnancies. Nonetheless, Rickman argues, 'the affair caused no great scandal and very little outward trouble for the friends and family of those involved' (p. 141). She is at pains to dispute the view that Wroth was expelled from court because of the

affair, pointing out that there is little evidence that Mary ever played a significant role at court, or that she was punished by James or his wife. Much of this chapter is devoted to a reading of sections of Wroth's romance, *The Countess of Montgomery's Urania*. Rickman argues that Mary's presentation of female characters in the work emphasizes female agency and sexual desire, and suggests that this presentation provides insight into Mary's attitude toward her own circumstances. While her reading of the romance is interesting, however, it ultimately sheds little light on reactions to the affair. Instead, Rickman plausibly attributes the silence surrounding the relationship to the protection of Wroth's powerful kin, especially the Sidney family, and to the fact that she was a widow; because neither Wroth nor Herbert was married during their affair, there was no threat to family property or lineage.

The fifth chapter looks at the adultery trial of Frances Villiers and Robert Howard, as well as the aftermath of the case. In 1617 Frances was married against her will to Sir John Villiers, younger brother of James's favorite, the Earl (later Duke) of Buckingham. By early 1624 she and Robert Howard were having an affair, and she bore him a son that fall. Buckingham insisted on a trial for adultery in the court of High Commission, which convicted Frances in November 1627. Rather than serving the required penance, however, she fled London; when she returned in 1635, she once again faced punishment but escaped to France. For Rickman, what is most unusual about the case is not that Frances managed twice to escape punishment (both times in dramatic fashion), but that the trial occurred at all. For members of the nobility to face legal charges for sexual offenses was extremely rare, and it is likely that it was Buckingham's concern for his family honor that led to this prosecution. Rickman comments that Frances's own husband actually opposed the proceedings, both because he loved his wife and because his religion (he had converted to Catholicism) 'did not allow for an Anglican divorce' (p. 180). Thus rather than an offended husband demanding vengeance, it was instead an issue of larger familial concerns.

Throughout the book, Rickman stresses the fact that illicit sex did not necessarily lead to condemnation or social ostracism, even for women. Instead, she emphasizes practical considerations: fornication or adultery might be tolerated when the people involved practiced discretion and when there was no direct threat to property or lineage. Moreover, the legal and social privileges accorded to the nobility helped shield its members from negative consequences. Frances Villiers, for instance, claimed that as the wife of a peer, she was not subject to the High Commission, and she petitioned the House of Lords for redress; although the petition was unsuccessful, Rickman notes that the Lords were far from unanimous and that they were concerned not to set a precedent that would diminish noble privilege in the future. More important than legal privileges were the social networks that nobles could use. Frequently, women were able to take advantage of such networks for legal and financial support. Mary Wroth's illegitimate children, for example, were apparently cared for by the Sidney clan, of which both she and William Herbert were part. When Penelope Rich faced lawsuits over Charles Blount's estate, powerful friends intervened on her behalf.

For Rickman, the reasons behind this apparent willingness to accept illicit sex lie partly in pragmatism and partly in ideology. From a purely pragmatic point of view, many noble families were unwilling to stir up scandal if it could be avoided. Fornication and adultery became a problem when they became public – when the parties involved flaunted their relationship with marriage, as in the case of Penelope Rich and Charles Blount – or when illegitimate children threatened the family line. Because noble families had the wealth to support illegitimate offspring, moreover, bastards were not inherently a problem as long as there was no question of their inheriting family property. There was not the financial incentive to prosecute such cases as there was for people lower down the social scale. Thus Mary Wroth's children caused no scandal, and thus John Villier's willingness to accept Frances's son as his own complicated Buckingham's attempt to prosecute her. Pragmatism also played a role, according to Rickman, in the difference between Elizabeth's and James's responses to illicit sex among their courtiers. Elizabeth simply could not afford to be seen to tolerate sexual misconduct, especially by her female courtiers, because of her own fragile reputation as a single woman. When such behavior occurred among nobles away from court, however, the queen was less concerned. James had greater freedom because he was a husband and father, and thus he chose largely to ignore illicit sex unless the moral transgression was compounded by other serious crimes. Rickman's reading of these cases, which emphasizes women's agency and resilience in defending themselves, is largely a convincing

one, and one that fits well with other recent studies of aristocratic women in early modern England.

Somewhat more problematic is her attempt to argue for the central role of a 'courtly love ideal' as a counterbalance to traditional religious views of female behavior. Rickman emphasizes the power of women over their male lovers in this ideal, as well as courtly love's valorization of female 'beauty, bravery, charm, intelligence, wit, and ability to command' (p. 13). She argues that because such characteristics in the women of this study 'made them worthy of love in the eyes of their peers, their sexual offenses could be partly excused, and they could continue to function in the aristocratic community despite their illicit relationships' (p. 203). Yet the book provides little evidence for a connection between courtly love and responses to illicit sex. Rickman does note, as other historians have, that conventions of courtly love were widely employed at Elizabeth's court and that male courtiers relied on expressions of romantic devotion to win her favor. But such conventions do not imply an acceptance of illicit sex; indeed, as Rickman points out, Elizabeth punished transgressions at her court when love shifted from literary trope to actual sexual contact. The correspondence that provides the basis for the case studies shows that many nobles were willing to accept fornication and adultery among their peers when it was kept within certain bounds, but not that a woman's wit, beauty, and charm were seen as sufficient reasons to excuse such behavior. Instead, family and social connections seem, not surprisingly, to have been the primary determinants of acceptance or condemnation.

More intriguing is Rickman's suggestion that illicit sex ran in families, patterns that 'in some aristocratic circles evoke Peter Laslett's theory of a "bastardy-prone subsociety"' (p. 204). A few key families form the heart of her work (and their genealogies are helpfully presented in an appendix); moreover, those families frequently shared political and social ties. Some of these connections are doubtless due to the fact that the English nobility was a small group characterized by intermarriage, especially at the center of court life. But it would be intriguing to explore other possible reasons for such clusters of illicit behavior. Rickman remarks that such groups demonstrate that the aristocracy was 'composed of many different circles' (p. 204), without further defining the specific characteristics of these particular 'subsocieties'. An exploration of the political, religious, and cultural affiliations of the families that seemed most accepting of illicit sex might have been more useful than an appeal to a generalized ideal of courtly love. As it is, however, *Love, Lust, and License* provides a subtle analysis of the many considerations involved when the early modern nobility was confronted by illicit sex within its ranks.

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