Gender and Civil War Politics in Margaret Cavendish’s “Assaulted and Pursued Chastity”

Elizabeth Walters

Contemporary scholars generally assume that Cavendish was a loyal supporter of royalist politics, for her writings often contain statements that overtly endorse absolute monarchy.¹ For example, in her autobiography, found in Natures Pictures, Cavendish evokes divine-right imagery as she declares that the parliamentarians “would have pulled God out of Heaven, had they had power, as they did Royaltie out of his Throne.”² This statement strongly condemns the execution of Charles I, yet her writings elsewhere nevertheless portray various political viewpoints that are not always consistent with royalist ideologies. In Natures Pictures, for example, Cavendish contends that “the Monarchical Government of the Bees is as


wise and as happy as the Republick Commonwealth of the Ants.” This passage suggests that a republic can be as effective as a monarchy and also that both are valid and successful political systems in the natural world. Cavendish’s inconsistent political claims might be better understood in view of Mihoko Suzuki’s argument that early modern women were expected to share the political affiliations of their husbands and fathers. Since many women may have harbored political opinions that did not correlate with their family’s official view, it is important to discern different layers of meaning and possible political readings within women’s texts. Cavendish was married to a royalist who fought on the king’s side during the civil war, yet her romance “Assaulted and Pursued Chastity,” which was published in *Natures Pictures* in 1656, articulates and defends numerous concerns of parliamentarian critics of the crown and republican notions of liberty as they were being debated in popular pamphlets. This essay will explore the republican aspects of Cavendish’s thought by exploring how “Assaulted and Pursued Chastity” engages with politically-charged issues concerning self-defense, slavery, rape, and natural law. While doing this, Cavendish’s text also explores the political implications of republicanism as applied to women’s socio-economic status and reveals changing understandings of rape within early modern legislation. Consequently, Cavendish develops a unique political theory of self-defense, one which not merely articulates an individual woman’s right to self preservation but also engages with republican polemics that perceived self-defense as a key political concept for protecting a commonwealth from tyranny or arbitrary power. In doing so, Cavendish challenges legislation that denied women property rights as well as early modern ideologies that suggested silence, obedience, and chastity were the primary virtues of women.

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4 Suzuki further argues that both apprentices and wives “were excluded from being political ‘subjects’ because they were supposedly represented by their masters and husbands.” Suzuki, *Subordinate Subjects*, 145.

5 For example, Suzuki argues that embroidered pictures and caskets created by young royalist women portray images that are not in alignment with a royalist worldview. See Chapter 5, “Royalist’ Women and the English Revolution,” ibid., 165–202.
The civil war occasioned an increase in the political activity and the publication of political tracts by women, although little attention has been given to women’s engagement with civil war politics. In introducing their four-volume edition of early modern women’s political writing, Smith, Suzuki, and Wiseman have explained their inclusion of numerous works that have not previously been considered political. Their argument is that women’s political works are seldom designated as such, and the women’s interest in politics are consistently deemed secondary to other concerns. Thus, there is an underlying assumption that women did not write political works; hence most collections of civil war texts and documents neglect women’s contributions. Indeed, with the exception of queens and other powerful female aristocrats, women of the early modern period were meant to be excluded from the political sphere. Yet, Susan Wiseman argues that “women’s exclusion from the political realm shapes their relation to it” so that it is important to register a wide variety of genres and activities, which do not necessarily resemble modern political genres, in order to derive a more in-depth representation of early modern women’s relation to politics. Joanne Wright contends that the current exclusion of women’s perspectives on civil war politics in particular causes contemporary political theorists and historians of political thought to construct “a phallocentric picture of early modern political discourse.” This problem is compounded by the way scholarship represents seventeenth-century literature. The field of early modern women in general is limited, suggests Paul Salzman, by the way anthologies and scholarship categorize the seventeenth century. The field is

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8 Ibid., xvi


constrained by the artificial dividing line that is drawn at 1660, so that seventeenth-century women’s writing is followed through from the “Renaissance” period but halted at the Restoration, or alternatively seen as part of the “long eighteenth century” and not traced back before 1660. This has had a distorting effect on the approach to many women writers who flourished during the intensely productive period of the Civil War and its aftermath, from the late 1640s until the 1680s.  

Hence, the disciplinary division and categorization of the seventeenth century induces a tendency to neglect the extent of early modern women’s political writings, and this habit is compounded by the fact that women’s political texts are not always understood as such. For example, Wright notes that Cavendish’s drama and orations in particular challenge phallocentric representations of civil war politics, even though “they have yet to be fully incorporated into the larger conversation of early modern political thought.” Smith, Suzuki, and Wiseman contend that early modern women authors such as Cavendish “alert us to the need to think outside modern paradigms for political writing in order to recognize more fully the nature of political writings.” We should not assume from the fact that Cavendish’s political ideas surface in a romance that her choice of genre signifies her indifference to or disengagement with contemporary political debates, particularly with regard to republican ideas, which were at their zenith of circulation during the time the text was written and published.

When Cavendish’s political ideas are discussed, they have evoked contradictory interpretations. Hero Chalmers perceives Cavendish as “a spokesperson for her exiled husband” and defines Cavendish’s politics as

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11 Paul Salzman, Reading Early Modern Women’s Writing (Oxford University Press, 2006), 2, 3.
14 Smith, Suzuki, and Wiseman, eds., Introduction, in Women’s Political Writings, 1: xxvii.
primarily being a reflection of her husband’s royalism.\textsuperscript{15} In contrast, Hilda Smith notes that while Cavendish was “Strongly royalist,” she often veered away from the views of her husband, whom Smith argues was a “classic conservative.”\textsuperscript{16} Smith explains how Cavendish “supported royalist rule and social hierarchy, but combined those views with statements that undercut the monarchy and questioned artificial or social differences among human beings.”\textsuperscript{17} Such views that diverge from royalist ideology are particularly evident in her civil war romance, “Assaulted and Pursued Chastity.” This romance explores republican political theory in the context of women, and a careful reading of it can demonstrate how Cavendish did not merely echo her husband’s royalism since the “royalist” label cannot adequately characterize her political leanings.

It is worth noting that republicanism itself was not a coherent or consistent body of thought, and its definition is still contested today.\textsuperscript{18} While some scholars, such as Blair Worden, perceive the theory of English republicanism to be derived from ideas drawn from ancient republics as well as a preoccupation with a “politics of virtue,”\textsuperscript{19} Quentin Skinner argues that republicanism should be understood more broadly as a theory that defines liberty as the absence of arbitrary power.\textsuperscript{20} I will build from Skinner’s understanding of republican political theory to demonstrate how Cavendish’s romance can be read as a political text that critiques arbitrary power of monarchy and aristocracy. In doing so, Cavendish draws from

\textsuperscript{16} Smith, “Political Differences,” 153, 147.
\textsuperscript{17} Ibid., 143.
\textsuperscript{20} Skinner asserts the view of English republicans was that if you are “subject to arbitrary power, then you are a slave; but if you are a slave, then \textit{ex hypothesi} you are no longer in possession of your liberty.” See Quentin Skinner, “Freedom as the Absence of Arbitrary Power,” \textit{Republicanism and Political Theory}, ed. Cécile Laborde and John Maynor (Malden: Blackwell Publishing, 2008), 88, 96.
changing legal understandings of rape to further challenge wider patriarchal modes of power in early modern society.

This romance evokes the contemporary civil war that was occurring at the time “Assaulted and Pursed Chastity” was written and published and demonstrates how it can specifically affect women. The first sentence of the narrative explains how the kingdom of a young Lady “broke out into factious sores, and feavorish ambition, into a plaguy Rebellion, killing numbers with the sword of unjust War.” Her family dies due to this civil war, and she subsequently finds herself in the ominous situation of being displaced in a foreign land without wealth or familial connections. Whilst the war is described as “unjust,” the narrative nonetheless uses romance conventions to explore women’s relation to the political theory underpinning the English civil war. For example, in the romance genre it was not unusual for aristocratic characters to attempt rape, and it is therefore intriguing that Cavendish, during this volatile period when the merits of monarchy were being fiercely debated, chose to open her story with a prince who enslaves women and manages brothels. The prince/pimp “sent for his Chief Officer the old Bawd to know of her how his Customers increased, [...] she told him she had a rich prize, which she had seized on, and kept only for his use” (221, 222). Although it is typical in the romance genre for there to be beautiful and chaste heroines resisting seduction or rape, here in this story we find the female victim of the attempted assault using political language and ideas that evoke parliamentarian polemics. For example, when the Prince attempts to rape this “prize,” Miseria defends herself, by attempting to kill what she terms a “Tirant to Innocents” (223).

During the civil war the term “Tirant” carries a significant political charge. Charles I was sentenced to death by the parliament seven years before the publication of “Assaulted and Pursued Chastity” for being a “tyrant” who

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21 Margaret Cavendish, “Assaulted and Pursued Chastity,” Natures Pictures (London: 1656), 220. For the remainder of this article, references to this text will be placed within parenthesis after quotations.

22 For example, in Edmund Spenser’s The Faerie Queene characters such as Una, Belphoebe, Florimell, Amoret, Samient, and Serena are attacked or threatened with sexual violence. Edmund Spenser, The Faerie Queene, ed. A. C. Hamilton, Hiroshi Yamashita, and Toshiyuki Suzuki (Harlow: Pearson Education), 2001.
was indirectly responsible for the “rapines” and other atrocities occurring in the civil war. This is just one of many instances where the story explores the politically-charged topics of tyrannicide, rape, and self defense and situates concepts, such as the right to resist authority, within the context of women.

The narrative explores these politically current topics throughout, as the heroine experiences a series of adventures and goes in disguises in her attempts to evade rape by the prince, who happens to be married and, despite which, follows her throughout various kingdoms in ardent pursuit. By both evoking the current civil war and establishing a story about a woman who attempts to protect and defend herself against a prince through violence and disguise, the romance registers and responds to what J. P. Sommerville argues was “the most commonly expressed political doctrines in early Stuart England” that came under serious challenge during the war: the doctrine that subjects could never justifiably use force against the monarch and that it was unlawful for subjects to take up arms against the king. Absolutists believed that the monarch was God’s deputy on earth. Hence, obedience was necessary even if a monarch was tyrannical. Royalist pamphleteer John Bramhall argued that “as we suffer with patience an unfruitfull yeare, so we must doe an evill Prince as sent by God.” Like famines and natural disasters, a tyrannical prince is caused by divine fiat, and the people cannot resist without disobeying and rebelling against God. Robert Filmer, author of *Patriarcha*, further claimed that inferiors, including women, should never disobey or rebel even if their master commands them to sin. In his theory, the sin becomes the sin of the master and not the servant. Hence, obedience is more important than individual moral judgment.

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Cavendish situates women within this current political debate. Her text raises questions concerning women’s relation to obedience and authority and puts these matters into the context of self-defense. In contrast to Bramhall and Filmer, who argued against the legitimacy of rebellion, Miseria claims her attempted murder of a prince is justified:

[I]t is no sin to defend my self against an Obstinate and cruel enemy, and know said she, I am no ways to be found, by wicked persons but in death; for whilst I live I will live in Honour, or when I kill or be kill’d I will kill or dye for security. (223)

According to Miseria, it is not a sin to murder a prince if the act is in self-defense, which parallels arguments by Henry Parker, one of the most influential parliamentarian pamphleteers, who argued that if the lives of people are endangered they are “absolved of all obedience” so that they can “seek their owne preservation by resistance and defence.”  

Parker did not, however, extend his beliefs in the rights of men to women.  

Although *Patriarcha* was published posthumously in 1680, Filmer wrote it well before the publication of “Assaulted and Pursued Chastity.” See pp. xxxii–xxxiv of this edition.

27 Henry Parker uses the example of a general turning his cannon upon his own soldiers to illustrate this point. See Henry Parker, *Observations upon some of his majesties late answers and expresses* (London: 1642), 4.

28 Parker believed that sons, wives, and servants were comparable to inferior members of a body and should not usurp the head. For example, he argues that “the son is wholly a debtor to the father, and can by no merit transcend his dutie, nor chalenge any thing as due from his father.” Ibid., 18. He further suggested that abusive fathers and husbands do not compare to the abuses of princes since a prince can commit such sins that “the unnaturall father, the tyrannous husband, the mercilesse master is not capable of committing.” Ibid., 19. Yet, two years later in *Jus Populi*, Parker’s views seem to have evolved as he suggests that agreement and consent should occur throughout marriages. He concedes his belief that matrimony is divine, yet he wonders whether this “is this any ground to infer that there is no humane consent or concurrence in it? does the divine institution of marriage take away freedome of choice before, or conclude either party under an absolute degree of subjection after the solemnization? [. . .] And if men, for whose sakes women were created, shall not lay hold upon the divine right of wedlock, to the disadvantage of women: much lesse shall Princes who were created for the peoples sake, chalenge any thing from the sanctity of their offices, that may derogate from the
Cavendish’s female protagonist Miseria justifies her own self-defense from arbitrary power and violence by a prince as she reasons that “the Gods would not hear her, if she lasily called for help and watch’d for Miracles neglecting Naturall means” (221). Situating theories of self-defense within a theological context, this passage suggests that a woman who does not actively engage in self-preservation against a tyrant is irreligious or immoral. This notion of self-defense contrasts with John Birkenhead, editor and writer for the royalist newsletter *Mercurius Aulicus*, who in a sermon preached while the Civil War was already well underway, equated absolute obedience and a refusal to rebel with Christianity itself:

[W]e must performe passive obedience and absolute subjection, suffering without resistance, being subject without rebellion, even if [our superiors] should command the most unjust superstittious, idolatrous, prophane, or irreligious things which can be imagined; yet I say we must not rebell, unlesse we will renounce Christianity.29

Since, according to divine right theory, the monarch was God’s deputy on earth, attempting to murder a prince could be considered sacrilegious.30 But Miseria asserts that it is ungodly not to seek self-preservation against people.” Henry Parker, *Jus Populi* (London, 1644), 4–5. Susan Kingsley Kent interprets this passage as one that provides women with political agency since “[a]bused wives had the right to defend themselves by separating from their husbands; abused subjects had the same right to defend themselves by raising an army against their king.” Susan Kingsley Kent, *Gender and Power in Britain, 1640–1990* (London: Routledge, 1999), 20.

29 John Birkenhead, *A Sermon preached before his Majestie at Christ-Church in Oxford* (Oxford, 1644), 13. Like most absolutists, Birkenhead, however, did argue that there was one instance where subjects could resist the commands of a monarch, if the sovereign’s orders were incompatible with the law of God. Ibid 12, 13. Yet, Sommerville argues that “a subject had to know, and not merely to believe, that his Prince’s commands were ungodly,” and a subject nonetheless was “obligated to meekly accept” any penalties the sovereign might “impose on them for their disobedience,” Sommerville, *Royalists and Patriots*, 37, 38.

30 Unlike other royalists, Hobbes, however, argued that covenants that did not allow self-defense were rendered void. Hobbes is known as a *de facto* absolutist, yet this aspect of his theory allows for a much more flexible model of government in relation to
a tyrant, perhaps suggesting that the recent execution of Charles I, “the Tyrant,” was justified.

In contrast to the tenets of most royalist politics, an ideology of self-defense is reflected in an anonymous pamphlet printed in 1643. This pamphlet is comparable to “Assaulted and Pursued Chastity” in that it uses the example of rape to encourage resistance to political authority. The pamphlet claims “it is lawful [for people] to defend themselves against any private man that would offer violence to their chastity. Neither can any law of any Country justly deny this; For chastity is an Inherent good of which there can be no pretence, why any should be robbed, or deprived of it.”\(^{31}\) A subject cannot be denied the “Inviolable” right to defend his or her chastity. The concept of chastity is also linked with property rights within this pamphlet, since “God no where disallowes absolutely the defense of our very goods, and so of our persons, from the outrages of any private violence” and “No Law of any Country can justly deny this.”\(^{32}\) Likewise, Miseria provides a similar argument as she conflates property with chastity to persuade the Prince that his attempted rape is not lawful “for why should you rob me of that which Nature freely gave? and it is an Injustice to take the Goods from the right Owners without their consents” (223).

The right of resistance, as understood by Miseria, was politically significant since self-defense and popular sovereignty were interrelated in revolutionary thought. If it were granted that subjects had the right to defend themselves, then it should follow that they could politically resist a tyrannical monarch. Subjects could then determine what constituted tyranny or unacceptable governance, hence providing subjects with more agency in the political process. Cavendish’s civil war romance represents a woman who evokes these politically-charged concepts in Miseria’s argument that she had the individual right to decide that the Prince was tyrannical. More importantly, this judgment of a prince justifies her resistance

\(31\) Anon., \textit{A few propositions shewing the lawfullnesse of defence against the injurious attempts of outrageous violence} (London, 1643), A2.

\(32\) Ibid., A3.
and attempted murder even though monarchs were deified by advocates of
divine right. Nigel Smith explains that those who advocated monarchical
government understood power as deriving from God alone:

For Royalists, the belief that the King corresponded on earth
to God’s power in heaven, thus discounting any claims to the
original consent of the people in establishing monarchy, was as
comprehensively substantiated as it was widespread, drawing
on scriptural, rhetorical and logical resources to confirm itself.\(^{33}\)

For example, Birkenhead argues that “there is no power but of God” as he
warns against resisting a ruler “lest we will be found fighters against God.”\(^{34}\)
Sovereign power is derived from and implemented by God alone; it is not
derived from people or earthly means. Thus, from a divine right perspec-
tive, resisting earthly authority could equate to an indirect rebellion against
divine authority. While religion was intrinsic to royalist ideology, there
were more secular methods for justifying monarchy. Thomas Hobbes, for
example, used contract theory and the secular language of republicanism
to counter parliamentarian discourses on their own terms in order to prove
that, even along the lines of the republican framework, monarchy was more
conducive to a peaceful and stable commonwealth than other forms of
government.\(^{35}\)

Unlike Hobbes, Cavendish’s engagement with republican ideas does
not defend royalist ideology. By arguing against rape within the discourse
of property rights, Cavendish highlights women as political subjects in
civil war debates about self-defense, but she also uses language notably
similar to that of parliamentarian polemics, which used self-defense as

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\(^{33}\) Nigel Smith, *Literature and Revolution in England, 1640–1660* (New Haven:
Yale University Press, 1994), 100.

\(^{34}\) Birkenhead, *Sermon*, 3.

\(^{35}\) Hobbes’s theory appropriated the republican concept of equality, arguing that
because of the inherent equality between people, the natural state of humanity compels
“a condition of Warre of every man against every man.” Monarchy was the best govern-
ment to suppress the condition of war and to establish peace and unity instead. Hobbes,
*Leviathan*, 96.
a grounding principle for challenging the authority of the monarch. For example, in 1642, Parliament announced that it was time “to stand upon our defense, which nature teacheth every man to provide for.” Cavendish’s Miseria uses political language of property rights to articulate not only that her body is her own property, but more importantly, that a foreign, female, slave has the right to kill or harm a prince who threatens her personal safety or property.

It is significant that these arguments are expressed during the politically volatile civil war period, since the romance registers contemporary debates concerning who has the right to self-defense and in what circumstances it should be allowed. Parliamentary apologists justified regicide on the premise of self-preservation and insisted that they were driven to self-defense when they tried and executed Charles I. Yet, Barbara Donagan explains that it was the parliament, not individuals, who were driven to defend themselves, since parliamentarian arguments concerning self-defense were “in no way an argument sanctioning the individual rebel or inspired assassin.” Parliamentarians and royalists alike asserted that private individuals were not meant to actively resist government, and it was a widely circulated belief that individuals could never employ force against sovereign power; this was so even among thinkers who wanted to limit its power. For example, though parliamentarian Henry Vane believed that people have the right to resist a prince, he nonetheless explains that this can only be done via government officials, since “none are Judges of the Power and Priviledges of Parlaments, but themselves. For admit once, that [Parliament’s] Judgment may be called in question, and disputed by private persons . . . [then] the Fundamentals of Government are plucked up

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38 Sommerville, Royalists and Patriots, 70, 75. While absolutists generally believed that private individuals could defend themselves against the onslaught of another individual, “they could never use force against a monarch.” Ibid., 70.
by the roots.” Consequently, only the parliament could have the authority to rebel against a monarch. The much more radical view was that which held that private individuals, such as Miseria, and not just parliaments or communities, had certain inalienable rights. For example, the Levellers believed in the inalienable right of freedom of conscience, which could be claimed even by wives and servants. Leveller ideals suggested that government should be founded on consent, and even the poor should have some voice in policy-making, and in the event of tyranny, the people had the right to withdraw their consent. The ideal of conditional rule led the Levellers in 1647 to begin asserting that the New Model Army could more legitimately represent the people, and if the parliament refused to act for the people, then the army should instead.

In view of Leveller ideology, it is significant that Cavendish uses the character of an individual with no status and power to articulate revolutionary ideas concerning tyrannicide. Though Miseria was high born in her country of origin, when she attempts to murder the Prince, she has the status of a female, slave, and foreigner whom the Bawd intends to use as a prostitute.

The text presents the issue of whether it is justifiable for such a character as Miseria to defend herself and kill a tyrannical prince in defense of her personal security. But such arguments allowing cases where a subject may kill a prince could have implications for the complex nexus of hierarchical relations in early modern society. For example, the royalist clergyman Peter Heylyn utilized the language of the “Great Chain of Being” to emphasize the importance of obedience to all superiors:

42 Ibid.
There is a golden Chain in Politics, and every link thereof hath some relation and dependence upon that before; so far forth as inferiour Magistrates do command the People, according to that power and those instruments which is communicated to them by the supreme Prince, the Subject is obliged to submit unto them, without any manner of Resistance.\footnote{44 Peter Heylyn, \textit{The rebells catechism} (1643), 16.}

Heylyn envisions a complex matrix of relations that is entirely dependent upon a doctrine of nonresistance. All hierarchies are interrelated and dependent upon each other. Ann Hughes contends that during the early modern period “all hierarchical relationships were seen as inextricably connected” since fathers, kings, and God were comparable “and each type of rule was a model for, and helped to justify, the others.”\footnote{45 Ann Hughes, \textit{The Causes of the English Civil War} (New York: Macmillan Press Ltd., 1991), 65.} Since husbands and fathers were perceived as analogues of monarchs within the household, perhaps wives, within the context of Miseria’s arguments for self-defense, could also assert rights within a marriage. Husbands were not prohibited by law from beating their wives. In contrast, women who killed their husbands were severely punished. Such women were deemed to have committed petty treason and could be burned at the stake.\footnote{46 Tim Stretton, \textit{Women Waging Law in Elizabethan England} (Cambridge: Cambridge University Press, 1998), 198, 23.}

Though it could be argued that Miseria is foreign, and therefore there is no political relation, obligation, or contract between her and the sovereign, she nonetheless asserts that she has certain inviolable rights. As Miseria claims the attempted rape would rob that “which Nature freely gave,” her argument justifying the morality of killing a prince is based entirely upon the premise that his actions contradict Nature. Consequently, Miseria evokes the concept of the Laws of Nature, which can be understood as certain unchanging rules that are so just they are applicable to
all humanity. Since such laws were believed to be derived from “truths,” they would be the basis for authorizing state laws and notions of morality. R. S. White argues that the tradition of natural law was “fairly implacably patriarchal, and all the commentators in both their language and their narratives tacitly assume its operation to be an exclusively male domain.” An exception to this tradition can be found in Hobbes’s *Leviathan*, where he claims that because there are no social contracts “in this condition of mere nature,” then “Dominion is in the Mother.” Cavendish also suggests that natural law applies to women in the character of Miseria, who claims that her chastity and her property were freely given to her by Nature and that robbing her of them would flout natural law.

Miseria’s belief that “Nature freely gave” her certain rights corresponds to republican understandings of liberty. Quentin Skinner asserts that it was conventional wisdom among republican writers to understand liberty as the natural state of humanity, as exemplified by Milton, who argued in *The Tenure of Kings and Magistrates* that no one “can be so stupid to deny that all men naturally were borne free.” Such ideas about liberty gave rise to the notion of natural rights that should be protected by the government. However, the Prince in Cavendish’s romance has a very different interpretation of natural rights as he employs a similar language of natural law to justify his intended assault, by claiming it would be “lawfull by Nature” (228). Likewise, the bawd invokes the laws of nature to persuade Miseria to become a prostitute by arguing that her old age makes her “long acquainted with [Nature’s] Lawes” and provides her with authoritative knowledge regarding what nature intends for women and their bodies (221). Natural law has no consistent definition in the text, yet is evoked by

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47 For an introduction to the meaning and use of Natural Law in English Renaissance literature, see R. S. White, *Natural Law in English Renaissance Literature* (Cambridge: Cambridge University Press, 1996), chapter 1.
48 Ibid., xv.
characters to further their own interests, whether it be rape, trafficking, or self-preservation.

Cavendish's text emphasizes the difficulties of defining natural law and understanding its exact relationship to human society. Renaissance political thinking also had difficulties defining natural law because there was no unanimity amongst writers about what natural law meant and whence it derived, even though it was evoked in the civil war era by theorists throughout the political spectrum to justify contradictory political opinions. For example, while Milton argues that people can lawfully rebel against a tyrant, since they are guided “by the very principles of nature in [them],”52 Hobbes suggests that the natural state of humankind is anarchic war, and the natural and rational desire for self-preservation impels human beings to establish governments, since only sovereign power has the capacity to implement effectively natural law to maintain peace and stability.

In sharp contrast to Hobbes's theory for monarchy, in which the fundamental purpose of sovereign power is to prevent, end, and impede the “natural” war, sovereign power throughout Cavendish's narrative does not protect people from pervasive violence, brutality, and murder. In Miseria's attempts to escape rape from the Prince, she disguises herself as a boy and travels to various kingdoms by sea. One of the kingdoms she encounters is governed by a monarchy that was “Tyrannicall, for all the common people were slaves to the Royall” (235). Yet, the people were not just enslaved by an arbitrary power; they were literally cannibalized by the aristocracy.

[F]or they had a custome in that Country, to keep great store of slaves, both males and females, to breed on, as we do breed flocks of sheepe, and other cattle; the children were eaten as we do Lambes or Veal, for young and tender meat; the elder for Beef and Mutton, as stronger meat (235).

Miseria and her adopted father, a ship master, are appalled by this government, and after convincing the population she and he are divine beings to avoid becoming sacrifices themselves, they demand that this practice

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52 Milton, Tenure, 18.
does not continue. Though Cavendish has been routinely described as a staunch royalist, this description of small children being eaten by royalty is certainly not a benign or harmonious view of monarchy. In fact, in The Moderate, a Leveller newsbook, an anonymous pamphleteer uses a similar analogy, arguing that due to policies of the king “we are bought and sold as sheep for slaughter.”53 While puritans such as Lucy Hutchinson warned that the king was not “satisfied till the whole land was reduced to perfect slavery,” F. D. Dow explains that for most republicans the “concept of the ‘people’ was unlikely to embrace the poor,” nor were they likely to be “concerned with the wide range of social and economic issues which affected the daily lives of the ‘poorer sort.’”54 Yet Cavendish draws the reader’s attention to the atrocities of the fictional kingdom’s slavery, even though slavery was permitted in the British empire, and many natural law theorists did not dispute the practice.55 Parallel with the protagonist Miseria, the people who are hunted and cannibalized are not granted control over their bodies; they are subject to the tyrannical desires of a monstrous aristocracy who consume the population. Like Cavendish’s Prince, the nobility do not only enslave their people, they also sexually assault the women. With the exception of the royal women, the “women were common to every ones use” (235). Moreover, the subjects are further deprived of the status of humans because they are not only cannibalized and bred as animals but they are hunted for sport: “the women hunted the females, the men the males” (233). They exist in a state worse than slavery, since all areas of early modern culture, whether it was theology, humanism, or science, represented animals as the antithesis of humans.56 But in the absence of restraints placed upon the aristocracy, Cavendish depicts a ruling class that induces moral chaos by treating the people like animals.

55 Sommerville, Royalists and Patriots, 69, 137.
Depicting cannibalism in the New World was not unusual, and colonialism was sometimes justified by the belief that natives violated natural law and needed to be conquered and reformed by Europeans. Yet in Cavendish’s story tyranny is not derived from lack of government or laws but instead is caused by a system of monarchy in which the aristocracy has too much power over the common people. Significantly, Cavendish claims that the royals of this macabre political system do not entirely look foreign; they have skin that is “wrought, like the Brittons” (235). Hobbes argued in *Leviathan* that “the savage people in many places of America, except the government of small Families, the concord whereof dependeth on naturall lust, have no government at all; and live at this day in that brutish manner” of the warlike state of nature. Nevertheless, the natives in “Assaulted and Pursued Chastity” clearly do have government, one that resembles European monarchy with its king, organized religion, and aristocracy, though one that has failed to uphold what Hobbes believes is the basic obligation of a government: to protect the people from harm or death. Furthermore, juxtaposing this kingdom with Miseria’s arguments for self-defense suggests that if Miseria claims the right to murder and resist a king from sexual assault, then the people of this kingdom would similarly have the right to overthrow their government to protect themselves from rape. Unlike Hobbes, who believed contracts and sovereign power control the brutish laws of nature, Cavendish takes royalist ideas to a logical extreme, portraying a grotesque vision of what could result from royalist ideology whereby absolute power is manifested as an absolute tyranny and a monarchical government can systematically murder, rape, and treat the population like animals.

Not only are distinctions between humans and animals conflated, but class rank is also complicated in the text. Kate Lilley argues that the kingdom described in “Assaulted and Pursued Chastity” is “hierarchically colour-coded,” with profound physical differences between the nobility

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and the rest of the people. Initially, the two classes appear as two distinct species for “all those of the Royal Blood, were of a different colour from the rest of the people, they were of a perfect Orange colour, their hair coal-black” (234). In contrast, the skin of the “common” people is “of a deep purple” (231). Although this appears like an extreme hierarchical fantasy, the specific coloring of the people would be a powerful signifier in early modern culture. Sumptuary legislation, which regulated the personal lives of people, forbade all but the highest ranking in society from wearing purple. Marchamont Nedham demonstrates the charged politics surrounding the color purple when he warns in the royalist newsbook *Mercurius Pragmaticus* “that the *Purple-robe*, which ought to be accounted venerable and sacred, shall be prostituted to the lust and pleasure of the *Prophane vulgar*.” As a powerful symbol of authority, Nedham suggests that the purple robe of the monarch has divine status in itself, unlike the people of the kingdom who are “*Prophane*” and “*vulgar*” in comparison. Not only did sumptuary laws regulate color, but fabrics also designated class distinctions: silk signified royalty almost as much as purple. Thus, it is quite significant that the non-aristocratic people in Cavendish’s story wear a material made from barks of trees that “looked as fine as silk, and as soft” (231). Their hair is also “as white as milk, and like wool,” which would perhaps remind seventeenth-century readers of the elaborate white wigs often made of animal hair and worn by the upper classes (231). Though sumptuary laws were abridged by 1604, Aileen Ribeiro argues that “the idea, in principle,


61 Samuel Sheppard, John Cleveland, and Marchamont Nedham, *Mercurius Pragmaticus*, Numbers 36, 37 (London: 1648), Ccc-Ccc1. Though Nedham wrote political propaganda for both sides during the civil war period, this quotation is from his royalist writings.

of some kind of sumptuary legislation remained in many people’s minds” later in the century.\(^{63}\) Thus, it is quite significant that Cavendish, who is often presumed to be a staunch royalist, uses royal signifiers to describe the common people, even though they are victimized by their monarch in various, horrific ways.

Though the depiction of the cannibalistic kingdom is in itself suggestive of anti-monarchical politics, there is yet another instance in the text where a monarch enslaves people. In the Kingdom of Amour “the most vulgar people who were rather slaves than subjects” (250). Consequently, the ruling class in the kingdoms of the Prince, the King of Amour, and the cannibalizing nation enslaved their people. Cavendish is not the only political thinker to associate monarchy with slavery. The parliament in *An Act for the Abolishing the Kingly Office*, published in 1648–1649, pronounced that sovereign power had historically enslaved the people:

> [Sovereign power was] dangerous to the liberty, safety and publique interest of the people, and that for the most part, use hath been made of the Regal power and prerogative, to oppress, impoverish and enslave the subject.\(^{64}\)

Though both royalists and parliamentarians used the rhetoric of slavery in their writings, this Act resembles Cavendish’s literary representation of people being enslaved, oppressed, and endangered by a monarchical political system, specifically.

Though Cavendish’s text clearly sympathizes with parliamentarian defenses of tyrannicide against arbitrary power, particularly as it relates to women and their defense against sexual assault, in its representation of popular sovereignty it goes beyond parliamentarian politics. For example, after planning to rebel against the queen’s decision to appoint the slave Miseria, disguised as a man, as vice regent and heir to the kingdom, the people in the country of Amity instead consent to be governed by her:


[They] fell a murmuring, not only in that she left a stranger, but a poor slave, who was taken prisoner and sold, and a person who was of no higher birth, than a Ship-Masters Son, that he should govern the Kingdom, and rule the people; Whereupon they began to design his death, which was thought best to be put in execution when she was gone.

But he behaved himself with such an affable demeanor, accompanied with such smooth, civil, and pleasing words, expressing the sweetness of his nature by his actions of clemency, distributing Justice with such even Weights, ordering everything with that Prudence, governing with that Wisedome, as begot such Love in every Heart, that their Mouths ran over with Praises, ringing out the sound with the Clappers of their Tongues into every Ear, and by their Obedience shewed their Duty and Zeal to all his Commands, or rather to his Perswasions; so gently did he govern. (252–53)

While Miseria has no wealth, status, or royal blood and is merely a “poor slave,” she maintains her sovereignty due to the people’s opinion and her capacity for gentle leadership rather than force, hereditary lineage, or notions of divine right, demonstrating a successful instance of “popular” sovereignty in the text. Indeed, Miseria becomes a heroic figure who saves the queen and the nation. Parliamentarian critics were generally not concerned with the rights or capacities of women or the poor. However, Katharine Gillespie claims that altering the understanding from which authority is derived allowed a very different theoretical foundation for politics:

As a founding principle, this radically transformed the terms upon which the authority of the ruler was predicated from a force that was commensurate with a higher, more preeminent law to one that was limited by that higher law because it flowed upward from the consent of the governed, each of whom was naturally empowered by their own status as an adult individual
endowed with certain rights directly by God, rather than downward from God through a totem of patriarchal heads.\textsuperscript{65}

Henry Parker provides an example of this understanding of popular sovereignty in his assertion that “Power is originally inherent in the people.”\textsuperscript{66} Likewise, William Prynne argues — in contrast to the tenets of divine right — that the people create the monarch for “the Authority and power of the people which creates the Prince and Princely power, and augments or limits it [...] must needs be greater, then the Prince or royall power.”\textsuperscript{67}

Power is not disseminated from God above but is created from and by the consent of the populace. Likewise, when it was pronounced in the text that the “Prince should be Vice-roy in the Kingdome of Amity, all the Souldiers, as if they had but one Voyce, cryed out, Travelia shall be Vice-regency; which was granted to pacifie them” (271). Miseria, who is now called Travelia, is clearly elected by the army rather than the monarch, demonstrating Parker’s contention that power is derived from the consent and opinion of the people rather than from a fixed, hierarchical order.

Despite Hero Chalmers’ claim that in her fiction and drama Cavendish’s martial heroines of the 1650s were used to “reassert the semiotics of royalism” by drawing from a royalist tradition of the \textit{femme forte}, Cavendish’s martial heroine more closely represents parliamentary army “agitators,” who were elected by the soldiers to represent them and redress their grievances.\textsuperscript{68} Miseria’s election by the army not only situates women in republican leadership positions, it further echoes Leveller beliefs concerning equality and government by consent. Such ideals are what Andrew Sharp

\textsuperscript{65} Katharine Gillespie, \textit{Domesticity and Dissent in the Seventeenth Century: English Women’s Writing and the Public Sphere} (Cambridge: Cambridge University Press, 2004), 117.

\textsuperscript{66} Parker, \textit{Observations}, 1.


claims were “to mark the Leveller movement from all other radical move-
ments of the time.” Some Levellers even advocated suffrage rights for all
men. For example, Colonel Rainborough exclaimed that “the poorest man
in England is nott att all bound in a stricte sence to that Government that
hee hath not had a voice to putt himself under.”

The popular election of Miseria is notable considering the period the
text was written. A notion developed in England sometime between 1644
and 1647 that expanded the concept of popular sovereignty to include
the populace of the country rather than only elected representatives in
parliament, though this perception of the people did not include servants,
vagrants, or women. Cavendish’s narrative demonstrates her interest in
this political development. Furthermore, the prince, during his pursuit of
Miseria, is captured by pirates and creates an experimental “Common-
wealth” (249) with them derived from popular sovereignty:

[He] ended the strife amongst them, and begot from them
such love and respect, that they made him their Arbitrator, and
Divider of the Spoyls; which he performed with that justice and
discretion to each one, that they made him their Governour and
chief Ruler over them; which power he used with that Clemency
and wisdome, that he was esteemed rather as their God than
their Captain, giving him all Ceremonious obedience. (242)

The prince is elected as their leader and obtains divine status through his
leadership skills, popular sovereignty, and consent rather than hereditary
right. Deborah Boyle has argued that in her Orations Cavendish later
advocates a “negative view of democracy” since “she simply does not trust

69 Sharp, The English Levellers, ix.
70 Charles Harding Firth, ed., The Clarke Papers, vol. 1 (Printed for the Camden
Society, 1891), 301. However, most servants, apprentices, laborers, and paupers were
excluded from arguments for suffrage since, like women and children, they were believed
to be represented by the head of the household. Nonetheless, this would have doubled
the number of men who could vote. See Christopher Hill, The Century of Revolution,
71 Smith, Literature and Revolution, 97.
the majority of people to choose wisely,” but such a view that Cavendish’s *oeuvre* overall is hostile to democracy is belied by “Assaulted and Pursued Chastity.” Republished in 1671, the text clearly shows leaders being elected by popular support of pirates, soldiers, and the entire populace of the country of Amity rather than holding office by hereditary right. Thus, it is not the case that Cavendish consistently idealizes absolute sovereignty or hereditary hierarchy.

Cavendish’s depictions of successful popular sovereignty in her romance are also politically significant in that they challenge Hobbes’s view of liberty. Hobbes defines “A FREE-MAN” as “he, that in those things, which by his strength and wit he is able to do, is not hindred to doe what he has a will to.” For Hobbes, a free-man is simply a person who is uninhibited from exercising his or her will. Skinner asserts that this argument “is perhaps the most outrageous moment of effrontery in the whole of the *Leviathan*” since it contradicts an entire tradition of Roman and republican thought that believed freemen could only exist when they were independent from arbitrary power and existed in a free state rather than a monarchy. These “classical republican” arguments rose to unparalleled prominence during the civil war. Yet Hobbes suggests that liberty is merely the lack of external impediments and that the state of nature is the only condition in which individuals experience liberty. According to Hobbes, such a definition of liberty indicates that republics are then no freer than monarchies. Cavendish, in contrast, portrays monarchies as far more exploitative compared to political systems in which subjects have a voice in the political process. Cavendish’s narrative juxtaposes a variety of political worlds, ranging from monarchies that profit from the trafficking of women or that hunt and cannibalize their subjects to political systems modeled upon republican principles of popular sovereignty in which

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75 Ibid., 142.
76 Ibid., 157.
subjects not only “love and respect” their leaders but, more importantly, choose them. Such a comparison of political realities has more affinity with republican ideas that asserted government existed in order to serve and obey the people.

The political ideas which thus emerge in Cavendish’s text have an affinity with republican views of government; moreover, the text is unique in that it expands republicanism, extending it to both women and the lower classes. By the 1650s the opinion that government was derived from the people was gaining currency, yet republicans still hesitated to designate active political rights to the wider populace. This resistance demonstrates that the gap between the political ideologies of the Crown and its opponents could actually be quite narrow.\(^\text{77}\) Even though the people were now perceived as the originators of government, parliamentarian theorists nonetheless reserved political power to the elite, in the form of the parliament, via the contention that the people should not possess active, direct political power.\(^\text{78}\) For example, Parliamentarian writer Charles Herle argues that the “Parliament is the peoples own consent, which once pass’d they cannot revoke” and that “the people have reserved no power in themselves from themselves in Parliament.”\(^\text{79}\) Active political rights were not extended to middle and lower class men, nor were women included. Sommerville argues that “most political thinkers” during this time “were agreed that the mass of the people was fit only to be ruled.”\(^\text{80}\)

The distinction between royalists and parliamentarians was not always so clear-cut as is portrayed in contemporary criticism;\(^\text{81}\) nevertheless, ideas presented within “Assaulted and Pursed Chastity” are out of alignment with royalist polemics, particularly insofar as it juxtaposes examples of popular sovereignty against violent, cannibalistic, and enslaving monar-

\(^{77}\) Dow, Radicalism in the English Revolution, 10.
\(^{78}\) Ibid., 14, 18, and 19.
\(^{79}\) Charles Herle, A Fuller Answer to a Treatise Written by Doctor Ferne (London, 1642), 25.
\(^{80}\) Sommerville, Royalists and Patriots, 61.
\(^{81}\) For example, see Barbara Donagan, “Varieties of royalism,” in Royalists and Royalism during the English Civil Wars, ed. Jason McElligott and David L. Smith (Cambridge University of Cambridge Press, 2007), 66–88.
chies — which would be incongruous with a staunchly royalist world-view. Although the prince’s commonwealth based on popular sovereignty is also described as a “small Monarchy” where the Prince “reign[s] in his watry Kingdome,” Miseria seems to have a different relation with her people (247, 242). After successfully leading her army, Miseria indicates that she will actively serve the populace since she offers to them her “Life, Health, or Beauty, Peace, Pleasure or Plenty . . . to sacrifice to [their] Service” (270, 271). Furthermore, once the prince’s wife dies, Miseria agrees to marry him. The prince then reverses the master/slave dynamics of power within the narrative, as he claims that Miseria “should also govern him” after their marriage. While such language of power might be interpreted as the language of Petrarchan love and desire, Miseria responds, locating such desire in relation to state governance, claiming that the prince “should govern her, and she would govern the Kingdome” (271). Here Cavendish portrays both government and marital relations as an active, reciprocal arrangement of power between rulers and people, or husband and wife, and includes a much wider view of what constitutes “the people” in a republic.

As Cavendish engages with republican civil war ideas in her narrative, it is worth noting that the prince proves to be an effective ruler in different political scenarios, such as when he is captured by pirates and sets up an island kingdom modeled on popular sovereignty, and later when he leads the kingdom of Amour in war against the kingdom of Amity (where Miseria is viceroy). His ruling skills are never in question; rather, the romance traces how the prince in various political realities nonetheless continues his attempt to find and assault the protagonist Miseria. This persistence relates to the situation of women in general throughout the narrative. Although the text of “Assaulted and Pursued Chastity” explores revolutionary politics, women in particular are nevertheless constantly threatened with slavery and rape. Miseria was enslaved and almost forced to be a prostitute, and even the queen “who was an absolute Princess” is twice enslaved by violent conquest and love. Likewise, the prince, who traffics in women, later becomes a pirate and plans to kidnap women from a neighboring island for his men. It is significant that Cavendish highlights female slavery because the concept of slavery was important across the political spectrum in seventeenth-century political thought. Subjects were
considered to have free status, and this was dependent on the right to own property. Even before the civil war in 1610, Thomas Hedley explains in a speech in Parliament that there “is great difference betwixt the king’s free subjects and his bondmen; for the king may by commission at his pleasure seize the lands or goods of his villani, but so can he not of his free subjects.”

In contrast, royalists often allowed the sovereign to have authority over property. For example, Birkenhead declares that if “the Queene will have me go into banishment, let her banish me; The earth is the Lords, and all that therein is. If she will have me sawen in sunder, I submit my self [. . .] If she will confiscate my goods, I am contented.” Conflating his inherited lands, goods, and body which the queen can sever and cut “in sunder,” Birkenhead suggests the sovereign should have absolute power over subjects’ bodies and property rights. Birkenhead’s position is indeed extreme, and for other writers individuals’ property rights were often a defended liberty on the view that if property rights were not upheld “other liberties might prove indefensible.” In contrast to Birkenhead, Milton argues that the notion that “the King hath as good right to his crown and dignitie, as any man to his inheritance, is to make the subject no better then the Kings slave, his chattell, or his possession that may be bought and sould.” Like Cavendish’s portrayal of subjects being hunted, cannibalized, and kept like animals by royalty, Milton indicates that hereditary rights of the sovereign may interfere with the property rights of subjects, thereby allowing the potential for subjects to be enslaved like animals. As long as slavery existed in the kingdom or remained a theoretical possibility, republican arguments were consequently based upon questions of ownership.

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83 Birkenhead, *Sermon*, 17.
84 Sommerville, *Royalists and Patriots*, 134–40. For example, a monarch who could tax at will against the people’s wishes “would have the financial resources to disregard the rights of his subjects.” Furthermore, if an absolute sovereign had the right to make laws without consent from the subjects, the established regulations on ownership could be altered. Consequently, questions of lawmaking, property, and slavery were linked by this logic. Ibid., 134.
While property was central to theories regarding liberty and individual rights, equal rights to property did not extend to early modern women. Although there were various advantageous loopholes and contradictions in the legal system, when a woman married, she in theory lost all of her personal property to her husband, though daily practice was not always consistent with juridical theory.\footnote{Stretton, \textit{Women Waging Law in Elizabethan England}, 129–35.} Hence, it is notable that subjects of the Kingdom of Amour “were rather slaves than subjects” (250). This status suggests that Amour, or love, can be politically oppressive and enslaving, particularly to women. Similar sentiments can be found in Cavendish’s “The Convent of Pleasure,” in which the protagonist initially refuses to marry because “Men [. . .] make the Female sex their slaves” while other female characters proclaim in unison that “Marriage is a Curse” that hurts women regardless of their social rank.\footnote{Margaret Cavendish, “The Convent of Pleasure,” \textit{Plays, Never Before Printed} (London, 1668), 7, 30.}

Cavendish’s romance not only explores the viability of women appropriating republican ideals to their economic and political status, but it further challenges republican rationale for denying women the same rights. As men gained more rights within society, women were placed outside the logical parameters for men’s equality and freedom. Despite republican concerns about liberty and equality, the reason for the exclusion of women within the development of revolutionary rights was grounded on the view that women were naturally inferior.\footnote{Gillespie, \textit{Domesticity and Dissent}, 154.} For example, Parker claims that a “wife is inferior in nature, and was created for the assistance of man [. . .] but it is otherwise in the State betwixt man and man.”\footnote{Parker, \textit{Observations}, 19.} According to Smith, Suzuki, and Wiseman, there was a “general assumption that [women] lacked the knowledge and judgment to be involved in civic affairs.”\footnote{Smith, Suzuki and Wiseman, ed., Introduction, in \textit{Women’s Political Writings}, xiv.} In contrast, Miseria demonstrates her capacity for reason and judgment as she disguises herself as a man and successfully performs a plethora of masculine roles, such as priest, vice-regent, and military general. Notably, English women could not be priests or vice-regents, and few performed the roles of
military leaders in early modern culture. Significantly, Miseria’s identity is self-fashioned further outside typical determiners of early modern identity. The protagonist exists in a liminal, fluid state where her identity is not determined by gender, kinship structures, nation, rank, and subjecthood. The text of “Assaulted and Pursued Chastity” serves as an experiment in female subjectivity, as the protagonist provides names for herself such as Miseria, Affectionada, and Travellia. These names derive from her individual emotions and activities rather than from other typical early modern markers of identity such as blood line, marital status, or kingdom.

The narrative’s emphasis upon rape is evoked not only to discuss the fraught political issue of self-defense, but it is also used to challenge republican assumptions about women. Rape legislation and women’s status as property were intrinsically connected issues. Many historians have interpreted the ambiguous language of medieval rape legislation to mean that even if an individual woman agreed to a sexual act, it was regarded as rape if it occurred without parental authorization. This effectively suppressed women’s abilities to exercise their individual powers of consent. Not only were women legally unable to consent, but rape was also understood in law as theft of property by one man from another. Any crime against a woman’s

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91 English queens, however, did sometimes embody the role of military general. Queen Elizabeth, for example, famously wore armor as she declared to her troops at Tilbury that she “will be your general,” while Queen Henrietta Maria described herself as a “she-majesty generalissima” when she led troops during the civil war. Elizabeth I, “Queen Elizabeth’s Armada Speech” in *Elizabeth I: Collected Works*, ed. Leah S. Marcus, Janel Mueller, and Mary Beth Rose (Chicago: University of Chicago Press, 2000), 326, and Anna Battigelli, *Margaret Cavendish and the Exiles of the Mind* (Lexington: The University Press of Kentucky, 1998), 19. Perhaps the tradition of French female regents influenced Cavendish, particularly since she lived in Paris for four years during her political exile. For more information regarding female regents in France, see Katherine Crawford, *Perilous Performances: Gender and Regency in Early Modern France* (Cambridge: Harvard University Press, 2004).

92 The specific law is called the Second Statute of Westminster (1285), and a citation of part of this law can be found in Amy Greenstadt, “Rapt from Himself: Rape and the Poetics of Corporeality in Sidney’s *Old Arcadia*,” *Representing Rape in Medieval and Early Modern Literature*, ed. Elizabeth Robertson and Christine M. Rose (New York: Palgrave, 2001), 314.
body was a crime against her patriarch’s estate, since the ravished woman was considered damaged goods. Legislation indicated that women, like slaves, were objects of exchange between men. Aristocratic fathers, for example, would give their daughter to friends and enemies in order to profit in some economic, social, or political way. Consequently, both women and slaves to various degrees were understood as property that increased the value of a man’s estate, and rape laws reflected and contributed to such social views of women as property. However, in 1597, over fifty years before the publication of “Assaulted and Pursued Chastity,” a new law was passed in England that revised the medieval definition and legal status of rape. Marion Wynne-Davies claims that this law not only provided more severe punishment for the crime — execution — it also effectively defined rape as being a crime against the woman herself rather than that of a theft against her family. There is, however, considerable court evidence suggesting that there was not a subsequent increase in convictions and that the crime of rape was still perceived as a crime against property and class hierarchy. Nonetheless, in Wynne-Davies’ view, after the Act of 1597 a woman’s body was legally understood as being “her own possession and not that of her nearest male relative.”

It is therefore significant that Cavendish uses a story focused upon rape to explore women’s subjectivity and political rights. The 1597 law contributed to women being legally understood as individuals, although during this period, all other areas of law failed to endow women with greater status as “persons.” Cavendish’s romance highlights the social and political

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93 Robin L. Bott, “‘O, Keep Me from Their Worse Than Killing Lust’: Ideologies of Rape and Mutilation in Chaucer’s Physician’s Tale and Shakespeare’s Titus Andronicus,” Representing Rape, ed. Robertson and Rose, 191.
94 See Bott, “‘O, Keep Me,’” 189–211.
96 Ibid., 130, 131.
implications of this change, particularly as it relates to republican ideals. In early modern legislation, husband and wife were one person, sharing a single legal personality; that personality was moreover the husband’s, with the wife’s legal identity eclipsed by her spouse. Since she technically lacked an independent juridical personality, a married woman in theory could not enter contracts, defend her rights in court, write a will (without permission from her husband), or own property.  

In discussing the work of Hilda Smith, Stretton reminds that an important “feature of this society was the frequency with which lawyers, judges, and civic or religious leaders interpreted ostensibly universal terms, such as ‘householders,’ ‘property owners,’ or ‘the people,’ as applying only to men.”  

Though women often had multiple vocational identities throughout their lives, the identity of a woman in general was still routinely overshadowed by her marital status as spinster, wife, or widow. Yet Miseria, who is owned by no man, asserts that her body and chastity are her own “for why should you rob me of that which Nature freely gave?” (223). Though Miseria has no living relatives, she nonetheless never presents an argument that the rape would wrong the memory of her family or dishonor the family name; she instead defines it as a crime against her person. Even inhabiting the thrice-lowly state of a woman, foreigner, and a slave, Miseria asserts that her body is still her own property and that she has certain rights.

The use of attempted rape as the fulcrum of the plot works to challenge republican exclusion of women as well as early modern assumptions about female modesty. The prince’s attempts to assault Miseria introduce rebellion, violence, and chaos into the social order as Miseria cross-dresses to avoid his attacks, transgressing gender and class boundaries. Only by moving outside the parameters of femininity into male, public roles is she able to defend herself, even though women in early modern England who

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successfully cross-dressed, passing as male, could be prosecuted for fraud.\footnote{102} In 1643 Charles I issued a proclamation stating “Let no Woman presume to Counterfeit her Sex by wearing mans apparell.”\footnote{103} This proclamation demonstrates the social anxiety that the female cross-dresser provoked. Women who wore men’s attire were thought unnatural. In the mother/whore dichotomy, cross-dressers fit into the whore side of the binary.\footnote{104} Through this binary, other transgressors such as “unnatural” foreigners and prostitutes were linked to the “unnatural” cross-dressed woman, leaving a commonplace association of cross-dressing women with immodesty. It was also believed that sexual license was advertised through their blurring of gender roles.\footnote{105} Yet Cavendish creates a foreign, cross-dressed heroine, a slave who nearly becomes a prostitute, to voice a fervent defense for female chastity. Barbara Baines explains that “rape was a crime against property and a threat to the class structure and thus very much ‘between men,’”\footnote{106} yet the theme of sexual assault in “Assaulted and Pursued Chastity” offers a medium for exploring the possibilities of female subjectivity within the scope of parliamentarian and republican discourse. Miseria justifies her cross-dressing on the premise that self-defense of chastity is an inviolable right, specifically applied to women, which allows females to engage in a range of subversive behavior such as cross-dressing, war, travel, and the pursuit of public fame:

\begin{quote}
And since no danger ought to be avoyded, nor life considered, in respect of their Honours; and to guard that safe from Enemies, no Habit is to be denied, for it is not the outward Garments that can corrupt the honest Minde, for Modesty may cloath the Soul of a naked Body, and a Sword becomes a Woman when
\end{quote}

\footnote{103}{Ribeiro, Dress and Morality, 84.}
\footnote{105}{Ibid., 185–89.}
\footnote{106}{Baines, “Effacing Rape,” 72.}
it is used against the Enemies of her Honour; for though her strength be weak, yet she ought to shew her will; and to dye in the defence of Honour, is to live with Noble Fame; therefore neither Camp, nor Court, nor City, nor Country, nor Danger, nor Habit, or any worldly felicity, must separate the love of Chastity, and our Sex. (270)

Complicating the early modern feminine ideal of silence, obedience, and chastity, which were perceived as one and the same, Miseria disentangles these three ideals so that the outspoken, disobedient, and public woman is ironically aligned with chastity. Though the axioms of female modesty conventionally limited women’s activities in the public sphere, Miseria redefines modesty as a type of natural law permitting women to appropriate male clothing, roles, and activities. By conflating cross-dressing and republican ideas concerning self-defense and property rights, the text provides a political theory of self-defense that extends beyond basic self-preservation, further providing a justification for the challenge to early modern roles and codes of conduct expected of women.

Although “Assaulted and Pursued Chastity” concludes with the establishment of a peaceful, stable monarchy, and sexual violence is conflated with romantic love through the marriage of the protagonist to her attacker (which was not uncommon in early modern romance literature), the text explores changing legal understandings of rape within the volatile political debates of the civil war. 107 Cavendish is routinely assumed to be a royalist thinker, yet “Assaulted and Pursued Chastity” demonstrates a complex engagement with revolutionary ideas of the civil war period. She provides a unique perspective, adding a feminist dimension to republican arguments based on property rights and self defense. By including sexual politics and female subjectivity into natural law and critiques of absolute monarchy, Cavendish creates a parallel between the rights of male subjects

107 In her discussion of romance literature, Jocelyn Catty explains that “the raped or threatened woman coming to pity or even marry her attacker is a common phenomenon. Such characters implicitly or explicitly define rape as an expression of love, rather than as a traumatic sexual crime.” Jocelyn Catty, Writing Rape, Writing Women in Early Modern England: Unbridled Speech (Houndsmill: Macmillan Press Ltd, 1999), 29.
and the rights of women, consequently advocating increased marital and property rights for women.