"A Traitress, and a Dear": The Paradoxes of Women and Forensic Rhetoric in Early Modern Drama

Yan Brailowsky

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Television shows and movies portraying the workings of the law have made forensic science a much sought-after career. The humanities, on the other hand, continue to be portrayed as a dead end by the media and mainstream politicians. In this essay, I would like to discuss the manner in which forensic *rhetoric* (as distinct from forensic *science*) was used and represented onstage in early modern English drama, particularly in cases involving murderesses. This is not to belittle the use of science in determining these women’s guilt or innocence; rather, it is a way to recapture the manner in which *language* was used to describe the world and make sense of facts in such a way that allowed a judge or jury to reach its verdict. Despite modern society’s obsession with science, one could argue that even today’s audiences willingly recognize that a court of law *can* be a *dramatic* setting in which rhetorical skill is as important as arcane knowledge of legal technicalities, as suggested by what may happen in court, with its tales of murder and mayhem, dramatic revelations or poignant confessions.

To analyse the workings of forensic rhetoric in early modern drama and examine its treatment of murderesses, I will try to walk in the footsteps of a modern-day fictional detective. I will start by briefly stating the facts about women and crime in early modern England, before turning to some of the documented cases transposed to the stage. This will help me build my case enabling the reader to reach a verdict, as it were, in which I will highlight the multilayered paradoxes of forensic rhetoric on the early modern stage – the first of which being the fact that the so-called ‘true’ stories of murderesses which I will be discussing were actually portrayed *without* women.

The Facts

Crime by Women in Elizabethan and Jacobean England

Although there were a few notorious cases of 'monstrous', murderous women, statistics show that murders in early modern England involved an overwhelming majority of men. Real cases of murder by women in the period concerned mostly infanticide and petty treason. According to one historian, only 16% of non-infanticidal homicides in Essex between 1620 and 1680 were perpetrated by women.[1] But infanticide, precisely *because* it was the ubiquitous type of murder which involved women, rarely made it to the stage. Contrariwise, women who killed their husbands were more newsworthy, as cases were more rare and they could be officially charged with petty treason, as killing one's husband was the microcosmic equivalent of killing the king.

The two types of victims most commonly associated with women, children and husbands, also highlight a legal dichotomy which will appear in stage adaptations. Generally speaking, the legal status of women was problematic: from a legal standpoint, women were considered as passive, not active. As Sara Mendelson and Patricia Crawford argue, '[s]ince it was axiomatic to the legal system that women were passive, not active, the courts assumed that women were accessories rather than instigators of crime'. They add, however, that 'the law's view of women made their legal position worse. The law interpreted a husband's violence against his wife in terms of "due correction". [But] Female insubordination, and wives' disobedience to husbands was more severely dealt with than excesses of patriarchal authority. If a man killed his wife, he was indicted for murder, but if a wife killed her husband, she was tried for petit treason'.[2]

The most serious difference in the manner in which the law treated women concerned infanticide. Unlike normal legal proceedings, for cases involving infanticide, unmarried women were deemed guilty until proven innocent. The crime was increasingly severely prosecuted and punished after 1624, when English authorities issued a statute 'to Prevent the Murthering of Bastard Children'. 'In the period before the Civil War, few of the women convicted of infanticide escaped execution, although only 20 per cent of women convicted of theft without benefit of clergy were

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1 James Anthony Sharpe, *Crime in Early Modern England 1550-1750* (London: Longman, 1984), 155; Martin J. Wiener, 'Alice Arden to Bill Sikes: Changing Nightmares of Intimate Violence in England, 1558–1869', *Journal of British Studies* 40 (2001): 184–212, 186–7.

2 Sara Mendelson and Patricia Crawford (eds.), *Women in Early Modern England, 1550–1720* (Oxford/New York: Clarendon Press, 1998), 43–4.

executed'.[3] The most effective defence against charges of infanticide was to claim that the mother had prepared for the birth of their child. Married women, on the other hand, did not have the burden of proof.

The last legal distinction which should be mentioned when discussing the status of women in early modern England, rests precisely on their marital status. Women were either *feme sole* or *feme covert*, a distinction rendered null for all crimes considered *male in se*. The *feme sole* was an unmarried woman or a widow; the *feme covert* was a married woman, legally bound to her husband. As far as the law was concerned, women were either married, or destined to be married. Only in crimes considered *male in se* such as treason, keeping a brothel, or murder, were women automatically treated as *feme sole*.[4] In all other matters, only queens were always treated as *feme sole*.

Documented Cases Adapted to the Stage

In what follows, I will discuss one of the crimes considered as *male in se*: murder. Interest in murder in early modern England has been amply documented by historians and literary critics who have unearthed hundreds of chronicles, broadside ballads, pamphlets and other texts discussing tales of murder – in short, documents which bear witness to the existence of an increasingly important murder-obsessed readership.[5]

Some of these 'real' cases eventually made their way to the stage during the Elizabethan era. In cases involving English women, one thinks notably of *Arden of Faversham* (1592), dramatizing the murder of Alice Arden's husband with the help of her servants and lover; *A Warning for Fair Women* (1599) depicting the murder of George Sanders, a London merchant, killed by a man in love with Sanders' wife; or *Two Lamentable Tragedies* (1601), in which Robert Beech and his servant were murdered by Thomas Merry, whose sister Rachel was later found guilty of murder for being cognizant of the crime and accessory after the fact. Other 'real' cases of murderesses which were later staged came from abroad, more or less in fictionalised form. I will only mention here one Jacobean play, John Webster's *The White Devil* (1612), inspired by an Italian story, as it is one of the few plays featuring a trial and allowing me to discuss its forensic rhetoric.[6]

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3 Mendelson and Crawford, *Women in Early Modern England*, 44–5.

4 Mendelson and Crawford, *Women in Early Modern England*, 37.

5 Randall Martin, *Women, Murder, and Equity in Early Modern England* (London: Routledge, 2007); Randall Martin, Betty Travitsky and Anne Lake Prescott, *Women and Murder in Early Modern News Pamphlets and Broadside Ballads, 1573–1697* (Farnham: Ashgate Publishing, 2005), vii.

6 Other plays featured 'real-life' *high-born* murderesses, notably queens, such as Mary Tudor, Mary Queen of Scots, or Catherine de' Medici, either directly, as with

On the whole, critics have had trouble explaining why certain 'real-life' cases made it to the stage, while others, equally if not more spectacular, were not. Examples of 'domestic' plays would often depict adulterous wives, but they were not necessarily so. Neither do these plays always present the women as hopelessly evil nor victims of abuse. Murderesses could be lustful, occasionally evil or simply foolish; their involvement in the murder could be direct or indirect, either partaking in the act of murder, or spurring it on, or condoning it or concealing it after the fact. In short, although many murderesses portrayed on stage have *some* points in common, there is no standard portrait of what constitutes a murderess on stage.

The Cases and Paradoxes of Early Modern Drama

However, despite the variety of the stories and the circumstances of the crimes, the dramatized versions of tales of murderesses all share theater's ability to produce shock through what Sandra Clark calls the 'conscious retelling of a known event, rather than the shock that comes from first discovery of facts'.[7] In this wilful reconstruction of murder, the numerous details included in the plays to make them sound 'real', serving as tokens of truthfulness – details which Barthes famously suggested produced an *effet de réel* – certainly contribute, but do not suffice, to explain the play's efficacy. Some of these plays work because, or despite of, their factual accuracy, and while some critics prefer plays which depart from their factual sources to weave a potent fictional story, others, such as Alexander Leggatt, argue that the 'very "police court details" were the element that helped *Arden of Faversham* attain the "deeper realism that a writer achieves by working on the facts"'.[8]

But what if what matters are not these 'police court details' but the forensic *rhetoric*? In other words, what if what matters are not just the facts, but the manner in which these are presented, some would say twisted, to help the jury reach a verdict?

Marlowe's *The Massacre at Paris* (1592) featuring the French dowager queen, or symbolically, as when John Pickeryng wrote *Horestes* (1567) obliquely commenting on Mary Queen of Scots' purported murder of her late husband, Lord Darnley. See my essay, 'L'Escossoise et la Florentine: Le procès de la gynocratie sur les scènes anglaises et françaises au tournant du XVII^{e} siècle', in Bénédicte Louvat-Molozay and Florence March (dir.), *Les Théâtres anglais et français au miroir l'un de l'autre (XVI^{e}-XVIII^{e} siècle)*, forthcoming.

7 Sandra Clark, *Women and Crime in the Street Literature of Early Modern England* (Basingstoke/New York: Palgrave Macmillan, 2003), 108.

8 Qtd. by Clark, *Women and Crime in the Street Literature of Early Modern England*, 113.

Before taking a few brief examples, it is worthwhile noting that 'judicial scenes' were not the norm in Elizabethan and Jacobean drama. More often than not, in Shakespeare as well as in other playwrights' works, when the legal world is alluded to, it is to be mocked with characters such as Dogberry in *Much Ado About Nothing*, or constable Elbow in *Measure for Measure*, whose malapropisms collide with their righteous apprehending of 'notorious benefactors'[9] and other 'aspicious persons'.[10] This is also the case in Webster's *The White Devil* in which the Lawyer who accuses Vittoria of murdering her husband speaks in Latin, then in English using 'hard and undigestible words' Vittoria claims 'is Welsh to Latin'. If anything, in these cases, forensic rhetoric only serves to *obscure* justice. This, however, does not mean that audiences *feel* that justice has not been carried out. To sense that justice has indeed been carried out, playgoers would have been content with certain coded terms which, by synecdoche, expressed the full workings of the law.[11]

In this context in which the world was mainly produced by language, the playgoers' collective imagination was key, and this is particularly true of scenes featuring confessions, trials or executions. All of these scenes require witnesses and constitute communal experiences; many playgoers would have seen them in executions or public shaming in public squares or heard about them through countless ballads and illustrated broadsheets, or in church copies of Foxe's *Book of Martyrs*, a required reading in Elizabethan churches. Yet despite the familiarity of audiences with scenes of trials and executions, in plays featuring murders, guilty women are more often than not simply shown to express regret and penitence. Rarely are they portrayed as obstinately sinful, tried and executed onstage. This may have been due to censorship, but one could argue that it was perhaps a return to norm. Thus, as in *Macbeth*, in *Arden of Faversham*, shortly after having stabbed her husband to death, Alice starts to regret it, accusing her lover, Mosby,

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9 William Shakespeare, *Measure for Measure*, ed. by J. W. Lever, The Arden Shakespeare, Second Series (London: Methuen, 1965), 2.1.67.

10 William Shakespeare, *Much Ado About Nothing*, 3.5.44, ed. by. Ann Thompson, David Scott Kastan, Richard Proudfoot, *Arden Shakespeare Complete Works* (London: Bloomsbury Publishing, 2014).

11 Early modern drama was 'radically synedochic, endlessly referring the spectators to events, objects, situations, landscapes that cannot be shown them […]' and this can be seen 'deliberately to foster theatre goers' capacity to use partial and limited presentations as a basis for conjecture about what is undisplayed or undisplayable'; Katharine Eisaman Maus, *Inwardness and Theatre in the English Renaissance* (Chicago: Chicago University Press, 1995), 32, qtd. in Catherine Richardson, *Domestic Life and Domestic Tragedy in Early Modern England: The Material Life of the Household* (Manchester: Manchester University Press, 2006), 6–7.

of having 'made [her] murder him',[12] claiming 'My husband's death torments me at the heart',[13] '[it] torments my mind'[14] – this, despite the fact that she had tried to have him killed at least six times before using other means, creating as I have argued elsewhere a form of macabre effect of comic repetition.[15] Since women were typically portrayed as weak and prone to break down under pressure, Michael, the servant who was party to the crime, even proposes to 'buy some ratsbane' to poison his 'mistress, for I fear she'll tell'.[16]

A first reading of these plays suggests their use of forensic rhetoric is comprised, firstly, of a semantic field pertaining to the judicial world and, secondly, by deictic markers which point out elements which constitute damnable evidence. These deictic markers serve to underscore the dramatic nature of the scene as they either illustrate the words by compounding them with actual props (a bloody knife, a damning letter), or to produce evidence in the mind of the audience by hypotyposis, i.e. by describing evidence which cannot be shown onstage (footsteps in the snow; an offstage event) in a way that allows the audience to see what is actually absent from the stage.

This is manifest in the last scenes in *Arden of Faversham* where one can underline coded terms which belong to forensic rhetoric. The play first lays the stage for a trial:

> *Greene*. Well, it 'hoves us to be **circumspect**.
>
> *Mosby*. Ay, for Franklin thinks that we have **murdered** him.
>
> *Alice*. Ay, but he cannot **prove it** for his life. […]
>
> *Greene*. Alas, Mistress Arden, **the watch** will take me here,
> And **cause suspicion** where else would be none.
>
> *Alice*. Why, take that way that Master Mosby doth;
> But first **convey the body** to the fields.
>
> *Mosby*. Until tomorrow, sweet Alice; now farewell,
> And see you **confess nothing in any case**. […]

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12 Martin White (ed.), *Arden of Faversham, New Mermaids* (London: A&C Black, 2007), xiv, 265. All quotes from the play are taken from this edition, in which the scene and line number are indicated.

13 *Arden of Faversham*, xiv, 269.

14 *Arden of Faversham*, xiv, 303.

15 Yan Brailowsky, '"My bliss is mixed with bitter gall": gross confections in "Arden of Faversham"', in Anny Crunelle-Vanrigh et Nathalie Vienne-Guerrin (dir.), *Apocrypha Redivivus* (Nanterre: Quarto, 2013) <http://quarto.u-paris10.fr/index.php?id=71> [accessed 10 March 2015].

16 *Arden of Faversham*, xiv, 294–6.

Alice. Now **let the judge and juries do their worst**;
My **house is clear** and now I fear them not. *[Enter Michael and Susan]*[17]

Evidence is then produced, either by synecdoche or hypotyposis, with an inevitable mention of a search warrant:

Susan. As we went **it snowed** all the way,
Which makes me fear **our footsteps will be spied**. […]

Mayor. Mistress Arden, know you not one that is called Black Will?

Alice. I know none such. What mean these **questions**?

Mayor. I have the Council's **warrant to apprehend him**. […]
We are informed that here he is,
And therefore pardon us, for **we must search**. […]

Franklin. **Know you this hand-towel and this knife?** […]

Alice. It is the pig's blood we had to supper.
But wherefore stay you? Find out the **murderers**.

Mayor. I fear you'll **prove** one of them yourself.

Alice. I one of them? What mean such **questions**?[18]

The investigation concludes when Franklin, Master Arden's friend, connects the dots, or blots, using a series of deictics:

Franklin. I fear me he was **murdered** in **<u>this</u> house**
And carried to the fields, for from **<u>that</u> place**
Backwards and forwards may you **see**
The **print of many feet** within the snow.
And **look** about **<u>this</u> chamber** where we are,
And you will **find** part of his guiltless **blood**;
For in his slipshoe did I **find** some rushes,
Which **argueth** he was **murdered** in **<u>this</u> room**.

Mayor. **Look** in the place where he was wont to sit.
See, see! His blood! It is too **manifest**.[19]

When the body is carried back to the stage in scene xvi, the Mayor calls on Alice to 'See, Mistress Arden, where your husband lies. / Confess this foul fault and be penitent'.[20] She dutifully answers by breaking down and confessing, as the victim's body proves the ultimate piece of evidence calling on her to confess. The playwright uses the wounds as mouthpieces,

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17 *Arden of Faversham*, xiv, 336–53.

18 *Arden of Faversham*, xiv, 355–89.

19 *Arden of Faversham*, xiv, 384–402.

20 *Arden of Faverhsam*, xvi, 2.

in a manner reminiscent of Shakespeare's *Julius Caesar* (1599), using a *topos* of the time which claimed that the victim's blood would recognize its murderer and start flowing again:

> *Alice*. Arden, sweet husband, what shall I **say**?
> **The more I sound his name the more he bleeds.**
> **This blood condemns me**, and in gushing forth
> **Speaks** as it falls and **asks** me why I did it.
> **Forgive me, Arden; I repent me now**[21]

In the end, all of the murderers and accessories to murder are found guilty, including Bradshaw who was only an innocent letter-bearer. Mosby exclaims 'Fie upon women!',[22] and we learn that 'Black Will was burnt in Flushing *on a stage*'.[23]

The second example I would like to examine briefly comes from the *Two Lamentable Tragedies* attributed to Robert Yarington.[24] Steeped in the religious vocabulary of sin and confession, the play features stock characters such as Truth, Avarice and Homicide in two intertwined tragedies which are reminiscent of medieval morality plays. One of the plots involves a woman, Rachel, the sister of Merry, the murderer. She is found guilty of being an accessory to murder. In Act V, scene 1, forensic rhetoric appears in the guise of a confession. In the scene that follows, the character of Truth then mixes formulaic forensic rhetoric with religious *and* metadramatic discourse:

> Merry **by law convict, as principal**,
> Receives his doom to **hang till he be dead**
> And afterwards for to be **hanged in chains.**
> Williams and Rachel likewise are **convict**
> **For their concealment**. **Williams craves his book**
> And so receives a **brand of infamy.**
> But **wretched Rachel's sex denies that grace**
> And therefore doth receive a **doom of death**,
> To die with him whose sins she did **conceal**.
> **Your eyes shall witness** of their shaded tips,
> Which many here did see **performed** indeed.[25]

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21 *Arden of Faverhsam*, xvi, 3–7.

22 *Arden of Faverhsam*, xviii, 34.

23 *Arden of Faverhsam*, Epilogue, 6. Emphasis mine.

24 All quotes from Sir Robert Yarington, *Two Lamentable Tragedies*, Gemma Leggott (ed.) (Early Modern Literary Studies, 2011). <http://extra.shu.ac.uk/emls/iemls/renplays/Two%20Lamentable%20Tragedies%20ed%20by%20Gemma%20Leggott.doc> [accessed 10 March 2015].

25 Yarington, *Two Lamentable Tragedies*, 5.1.10–20.

Then Rachel and an Officer compound this using deictics which, as in *Arden of Faversham*, are meant to *show* the audience what to *think*:

> *Rachel*. […] Let him and me learn all that **hear of <u>this</u>**
> To utter brothers or their masters' miss,
> **Conceal no murther** lest it do beget
> More bloody deeds of like deformity.
> Thus, **God forgive my sins**; receive my soul,
> And though my dinner be of bitter **death**,
> I hope my soul shall sup with Jesus Christ
> And see his presence everlastingly. *[Turn off the ladder; Rachel dieth]*.
>
> *Officer*. The Lord of heaven have mercy on her soul
> And **teach all other by <u>this</u> spectacle**
> To shun such dangers as she ran into
> By her misguided taciturnity.[26]

The last example in this section is more largely fictional, but it is a rare example of a trial of a woman accused of murder which occurs, to boot, in the *middle* of the play. In Act III, scene 1 of *The White Devil*, Vittoria is tried for the murder of her husband in front of a jury of foreign ambassadors. Her husband has, in fact, been killed by someone else, the Duke of Brachiano, who had fallen madly in love with Vittoria and had proceeded to kill his own wife, Isabella, as well as Vittoria's husband. Isabella's brothers, Francisco and Cardinal Monticelso, then try Vittoria for murder. As the scene unfolds, the male characters use forensic rhetoric to present their circumstancial evidence as proof of Vittoria's guilt:

> *Monticelso*. […] For, sir, you know **we have naught but circumstances**
> **To charge her with**, about her husband's death:
> Their approbation [the ambassadors], therefore, to **the proofs**
> Of her black **lust** shall make her infamous
> To all our neighbouring kingdoms.[27]

Scene 2 then constitutes the official arraignment of Vittoria during which her accusers proceed to present their proof, using circumstancial evidence, and attacks *ad hominem* (or rather *ad feminem*):

> *Francisco*. And what's more,
> Upon the instant lose all use of speech,
> All vital motion, like a man had lain
> Wound up three days. Now **mark each circumstance**.

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[26] Yarington, *Two Lamentable Tragedies*, 5.4.78–89.

[27] John Webster, *The White Devil*, John Russel Brown (ed.) (Manchester: Manchester University Press, 1996), 3.1.4–8. All references are to this edition.

Monticelso. And **look** upon this creature was his wife!
She comes not like a widow; she comes arm'd
With scorn and impudence: **is <u>this</u> a mourning-habit**?

Vittoria. Had I foreknown his death, as you suggest,
I would have bespoke my mourning.

Monticelso. Oh, you are cunning!

Vittoria. You shame your wit and judgment,
To call it so. What! is my **just defence**
By him that is my **judge** call'd impudence?
Let me **appeal** then from this **Christian cour**t,
To the uncivil Tartar.

Monticelso. See, my lords,
She scandals our **proceedings**. […][28]

Her prosecutors then prepare what they believe is their *coup de grâce*, a damning love-letter from Brachiano:

Francisco. My lord, there 's great **suspicion** of the murder,
But **no sound proof** who did it. […]
Monticelso. Now the duke's gone, **I will produce a letter**
Wherein 'twas plotted, he and you should meet
At an apothecary's summer-house,
Down by the River Tiber,—**view 't**, my lords,
Where after wanton bathing and the heat
Of a lascivious banquet—I pray **read it**,
I shame to speak the rest.

Vittoria. Grant I was tempted;
Temptation to lust proves not the act:
Casta est quam nemo rogavit.
You read his hot love to me, **but you want**
My frosty answer. […][29]

Vittoria ultimately rests her defense by recusing the bench:

Vittoria. **Who says so but yourself?**

If you be my accuser,
Pray cease to be my judge: come from the **bench**;
Give in **your evidence 'gainst me**, and let these
Be moderators. My lord cardinal,
Were your intelligencing ears as loving

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[28] Webster, *The White Devil*, 3.2.115–130.

[29] Webster, *The White Devil*, 3.2.181–202.

As to my thoughts, had you an honest tongue,
I would not care though you proclaim'd them all.[30]

Unsurprisingly, given the lopsided nature of the proceedings in which the judges double as prosecutors, Vittoria is found guilty and sentenced to go to a 'house of penitent whores'.

Critics occasionally argue that Webster's play served to denounce domestic corruption and the injustice of political courts such as the court of Star Chamber. Given the characters' appeals to the audience to take sides (through deictics and other rhetorical figures highlighted above), one may wonder about these plays' reception. Many of these plays fell into obscurity, but recent revivals have proved popular, as shown by the success of what was dubbed by the press as a 'feminist' series by the Royal Shakespeare Company at the Swan Theater in the summer of 2014 called 'The Roaring Girls', which included *The Roaring Girl* (a comedy), *The White Devil* and *Arden of Faversham*. In addition to their 'feminist' streak, the renewed popularity of some of these plays may have also been due to their foregrounding of judicial rhetoric, one which modern-day audiences may find more familiar thanks to popular TV shows and films – popular productions which, incidentally, increasingly cast women in key 'detective' roles.

Conversely, part of some of these plays' obscurity may have been due to their generic novelty, particularly in the case of domestic tragedies, or to their apparent linguistic poverty. In the epilogue of *Arden of Faversham*, Franklin points this out:

Gentlemen, we hope you'll pardon this naked tragedy
Wherein no filed points are foisted in
To make it gracious to the ear or eye;
For simple truth is gracious enough
And needs no other points of glozing stuff.

For Sandra Clark, '[t]he authentification of "simple truth" compensates for any lack of rhetorical or spectacular refinement'.[31]

The Verdict: The Perverse Logic of the Enthymeme

One could question Clark's contention that there is no 'rhetorical or spectacular refinement' in these plays. Arguably, the semantic field of justice is not merely there to produce an *effet de réel*. Rather, it reveals something more profound about the links between justice and gender. At this stage, I would like to turn to what constitutes the heart of forensic

[30] Webster, *The White Devil*, 3.2.225–332.

[31] Clark, *Women and Crime in the Street Literature of Early Modern England*, 109.

rhetoric. According to one of its earliest definitions, Aristotle's *Rhetoric*, there are three types of rhetorical speeches, each of which had competing objectives – deliberative, forensic and epideictic:

> [3] […] The deliberative kind is either hortatory or dissuasive; for both those who give advice in private and those who speak in the assembly invariably either exhort or dissuade. The forensic kind is either accusatory or defensive; for litigants must necessarily either accuse or defend. The epideictic kind has for its subject praise or blame.[32]

In addition to this distinction, Aristotle claimed that forensic rhetoric has a temporality and deals mostly with the past:

> [4] Further, to each of these a special time is appropriate: to the deliberative the future, for the speaker, whether he exhorts or dissuades, always advises about things to come; to the forensic the past, for it is always in reference to things done that one party accuses and the other defends; to the epideictic most appropriately the present, for it is the existing condition of things that all those who praise or blame have in view.[33]

Lastly, Aristotle believed that, in forensic rhetoric, the rhetorical figure of choice was the enthymeme:

> [40] Speaking generally, of the topics common to all rhetorical arguments, amplification is most suitable for epideictic speakers, whose subject is actions which are not disputed, so that all that remains to be done is to attribute beauty and importance to them. Examples are most suitable for deliberative speakers, for it is by examination of the past that we divine and judge the future. Enthymemes are most suitable for forensic speakers, because the past, by reason of its obscurity, above all lends itself to the investigation of causes and to demonstrative proof.[34]

As defined by Abraham Fraunce in *The Lawiers Logicke* (1587), an enthymeme is a 'contracted' or 'imperfect syllogism'.[35] Syllogisms normally contain at least three statements (two premises, the major and the minor premise, followed by a conclusion), but an enthymeme leaves out one of the premises. Typically, this 'imperfect syllogism' is used because one of the premises is too obvious, or because the argument is too thin, or to let the audience figure it all out by inference. In other words, an

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[32] Aristotle, *Rhetoric*, trans. by J.H. Freese, *Aristotle's Works*, William Heinemann Ltd. 1926 (Cambridge: Harvard University Press), Book 1, chap. 3, xxii <http://www.perseus.tufts.edu/hopper/text?doc=Perseus%3Atext%3A1999.01.0060> [Accessed 10 February 2015]. All references to Aristotle are to this edition.

[33] Aristotle, *Rhetoric*, Book 1, chap. 3.

[34] Aristotle, *Rhetoric*, Book 1, chap. 9.

[35] Abraham Fraunce, *The Lawiers Logike Exemplifying the Praecepts of Logike by the Practise of the Common Lawe* (London: Imprinted by William How, for Thomas Gubbin, and T. Newmann, 1588), 109–10. The spelling has been modernized.

enthymeme purposely leaves something unsaid, requiring the audience to complete the underlying reasoning. The idea is that doing so, the audience is more likely to be persuaded by one's argument.

Etymologically, the term meant 'something in the mind', and '*thymos*' referred to the heart, 'the seat of emotions and desires'.[36] In the context of murderesses, enthymemes might prove of particular interest, as it raises the question of gendered rhetoric, of post-Reformation confession, and of the fascination with the body in early modern drama.

On the one hand, one can wonder whether the enthymeme was more attuned to feminine, or an 'effeminate' rhetoric since it is the heart, or *thymos*, that speaks. After all, as suggested earlier, murderesses in these plays are generally shown as feeling an irrepressible urge to confess and repent. This would be in line with the fact that it is a truth universally acknowledged that women are less obdurate and violent than men and that they wear their heart on their sleeve. For playwrights such as Thomas Heywood, this urge to confess even constituted theater's redemption, the proof of its social use, something which could silence Puritan critics. In his *Apology for Actors* (1612), he claimed that several women had thus publicly confessed their crimes after having seen them acted out on the stage.

On the other hand, one could dispute that there is such a thing as 'female oratory'. Female characters' skill in the use of language in general, and of forensic rhetoric in particular, as in *The White Devil* or, more famously, in the trial scenes of *The Merchant of Venice*, could rather argue simply in favor of the notion that there are speeches *by* women and, in the words of Neil Rhodes, a 'female but not an effeminate ethos'. Ultimately, what really matters is the distinction between fictional representations and historical fact. As Rhodes argues,

> We can talk about female oratory, speeches *by* women, where the most obvious instance would be Elizabeth I herself. We can extend the dimension of rhetoric to cover letter-writing as well as speaking and we can extend the dimension of the political to cover the private as well as the public sphere. We can return to women's speech to identify a persuasive rhetoric based on a female but not an effeminate ethos. And we must remain constantly aware of the distinction, as well as the negotiation, between fictional representation and historical fact. Women did not really dress up as advocates in order to practise their skills in forensic rhetoric in the law courts, not in early modern England, at any rate.[37]

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[36] Julia M. Walker, *Medusa's Mirrors: Spenser, Shakespeare, Milton, and the Metamorphosis of the Female Self* (Newark: University of Delaware Press, 1998), 48.

[37] Neil Rhodes, 'Afterword', in Jennifer Richards and Alison Thorne (eds.), *Rhetoric, Women and Politics in Early Modern England* (London/New York: Routledge, 2007), 218.

This is one of the paradoxes of women and forensic rhetoric in early modern drama. Early modern women could *not* 'practice their skills in forensic rhetoric in the law courts' as they seem to have done on the stage. In point of *fact*, *there were no women on the stage*, as all women's parts were performed by young boys. Audiences had to resort to a 'willing suspension of disbelief'. In other words, if the use of the enthymeme can reveal the flimsiness of a legal argument, it may also have served in these instances to cover up the fictionalized nature of the theatrical stage, obscuring the factual paucity of murderesses, let alone women, on stage.

The absence of 'real' women on stage may further explain the gendered rhetoric used in these plays. Ordinarily, punishment against murder involved corporal punishment (hanging, beheading), something made difficult by the body of the actor performing the part. For feminine characters, this could explain the need to have these characters signify their guilt through words, rather than deeds (i.e. execution). The theatrical equivalent of the enthymeme thus becomes a displaced or 'contracted' punishment, one which leaves out not one of the premises, but the conclusion: rather than witnessing a murderess' execution directly, audiences listen to her confession and deduce what follows. In a normal syllogism, we would have the following sequence: Alice Arden is a murderer; murderers are to be executed; Alice Arden is to be executed. In the play, we will never get to witness this execution.

But there is also a religious component of the enthymeme if one considers women's use of forensic rhetoric: women's inherent guilt. Typically, women were associated with the Fall: it was Eve that tempted Adam. Original sin thus predicated any and all use of language by women – women's language was necessarily perverse. As argued by Patricia Parker, it was even associated with witchcraft:

> the 'Eve' seduced by Lucifer was frequently represented as the first 'witch'. Created second, she came preposterously 'first' in sin: a backward spelling that had as its righting the familiar palindrome of 'Eva' and the 'Ave' described as undoing the spellbinding 'charmes' that had led to the preposterous inversion of the Fall itself: 'Spell *Eva* backe and *Ave* shall you find, / The first began, the last reverst our harmes, / An Angel's witching wordes did *Eva* blinde, / An Angel's *Ave* disinchants the charmes'.[38]

In this context, language is neither Edenic nor irenic, but agonistic (to paraphrase Jean-Jacques Lecercle),[39] and the poisoned nature of post-lapsarian language only fuelled early modern anxieties *vis-à-vis* female

[38] Patricia Parker, 'Spelling Backwards', in Jennifer Richards and Alison Thorne (eds.), *Rhetoric, Women and Politics in Early Modern England* (London/New York: Routledge, 2007), 25–47, 27.

[39] Jean-Jacques Lecercle, *The Violence of Language* (London: Routledge, 1990).

power, especially after the 1550s, when Western Europe was ruled by a host of queens regnant, something which John Knox called the 'monstrous regiment of women'.[40]

One could analyze the earlier quotations from *Arden of Faversham*, *Two Lamentable Tragedies* or *The White Devil* to point out the numerous enthymemes, or incomplete syllogisms, which constitute the forensic reasoning of the different characters. But I would like to argue that the figure of the enthymeme is ultimately more productive if interpreted figuratively. The enthymeme helps to unearth the numerous unspoken givens of early modern dramatic depictions of murderesses: that women's discourse was inherently perverse; that they eventually confessed their crimes because it was in their nature to give vent to their emotions, and so on. The syllogistic logic, however, is incomplete, and we must also realize that murderesses were a factual rarity and that women could *not*, in fact, be represented – any claim of the play's veracity would have been fatally undermined by the process of fictionalization implied by a dramatic representation of a 'true story'. Further, one could interpret the enthymeme as a comment on the 'contracted' nature of women's legal rights in this period. In cases of either infanticide or petty treason, women's rights were fatally undermined by their presumed guilt unless proven innocent, in the one case, and their harsh treatment if they laid hands on their husband, in the second. Given this paradoxical situation, one may recall a quote alluded to in the title of this essay. It comes from the opening scene of *All's Well that Ends Well*, in a speech that many editors deem is missing a line:

> Not my virginity yet [ ]
> There shall your master have a thousand loves,
> A mother and a mistress and a friend,
> A phoenix, captain and an enemy,
> A guide, a goddess, and a sovereign,
> A counsellor, *a traitress, and a dear*;
> His humble amibition, proud humility,
> His jarring concord, and his discord dulcet,
> His faith, his sweet disaster; with a world
> Of pretty, fond, adoptious christendoms,
> That blinking Cupid gossips. Now shall he—
> I know not what he shall. God send him well![41]

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[40] John Knox, *The First Blast of the Trumpet against the Monstruous Regiment of Women* ([Printed in Geneva : By J. Poullain and A. Rebul], 1558).

[41] William Shakespeare, *All's Well That Ends Well*, in Arden Shakespeare Complete Works, 1.1.165–76, emphasis added.

For David F. McCandless, 'the key to the speech may lie not in a missing line but in a missing language – one that embodies a woman's "thereness" and enables the expression of female desire'. Using the trope of forensic rhetoric, one could argue that what is missing is a premise, and that the speech constitutes a sequence of enthymemes. Helena is speaking from the heart, promising one thing and the reverse. Contrary to the tragedies that I have been discussing, however, in this problem play, all ends that ends well. (Or does it?)

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