

“SAY WHAT YOU CAN, MY FALSE O’ERWEIGHS YOUR TRUE”:

GENDERED CRIMES AND CONFESSIONS IN SHAKESPEARE

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A thesis submitted to the

Graduate School-Newark

Rutgers, The State University of New Jersey

in partial fulfillment of the requirements

for the degree of

Master of Arts

Graduate Program in English

written under the direction of

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and approved by

Newark, New Jersey

May 2014

ABSTRACT OF THE THESIS

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This thesis examines the treatment of women accused of sexual crimes in four plays by William Shakespeare, including *Othello*, *Much Ado about Nothing*, *The Taming of the Shrew*, and *Measure for Measure*. Though Desdemona, Hero, Katharina, and Isabella are not tried in a courtroom, they are put through trial processes, including accusations, interrogations, and confessions. This study draws from several fields, incorporating historical, literary, gender, criminological, and sociological scholarship, ultimately investigating how the treatment of the accused women in the plays may reflect or criticize contemporary social norms. Applying modern legal terminology to these early modern plays allows for a thorough examination of the biases against accused female characters and of the protections they are denied. The experience of watching these “trials” onstage reinforced the crucial role of the early modern playgoing community in interpreting and judging character. The verdicts that audiences reached, as they negotiated women’s innocence and guilt within these plays, exposed the flaws of existing legal practices and called into question early modern notions of the “ideal” woman.

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Introduction

Modern British and American societies place implicit faith in their legal systems' capacity to protect them from the realities of crime, but are simultaneously fixated on the entertainment value of sensationalized sexual and violent criminal acts. The prevalence of investigative dramas on television, the novels recounting stories of "true crimes," and the media coverage of high profile cases all demonstrate a pervasive curiosity about the motives and consequences of crime. These popular forms of entertainment present a space in which viewers may empathize with victims, criminals, and investigators alike, developing a deeper awareness of the discourse and culture surrounding crime. Realities of the criminal and legal worlds may be called into question by audiences as they become increasingly informed, curious, and ultimately, dubious about how order is maintained in society. Modern crime shows and novels dwell more on the ensuing legal processes than on crimes themselves, highlighting preoccupations about how justice is manifested in law and in the community. Crime dramas are entertaining *and* informative, engaging viewers in the investigative process.¹ Viewers tend to side with the detectives and the prosecutors, who uphold the law and pursue the morally right outcome. However, the law sometimes fails, and viewers then condone characters' choices to forego legal protections in convicting a seemingly guilty suspect.² This contrast demonstrates a troubling yet universal trend: viewers develop a real interest in understanding how the law works, yet are willing to abandon legal ideals when their own verdicts do not correspond to the outcomes available within the confines of legal rights.

¹ Barbara Villez explains that the American television viewer becomes "an eavesdropper and an observer of the legal system," and thus, legal issues are considered by a more informed audience (63).

² Some of the most popular American crime dramas involve characters who notoriously bend the law in their favor, including Elliot Stabler and Olivia Benson in *Law and Order: SVU*, Robert Goren in *Law and Order: Criminal Intent*, and Jethro Gibbs in *NCIS*.

Seeing the potential for conflict between the spirit, letter, and application of the law, viewers accept characters' choices to evade the law in the name of moral righteousness. How does this subjective perspective shape popular culture, affecting those who read, interpret, and discuss news stories, and those who serve on juries? The emergence of the field of cultural criminology in the 1990s reminds us that crime and punishment do not exist in a legal vacuum, but in a rich social context. A crime, its portrayal in news and media, and its reception by audiences are not disparate realities.³ To appeal to viewers, crime dramas blur fiction and realism. Viewers are emotionally engaged by the ordinary circumstances of each story and by the sympathetic characters, so they are motivated to make decisions about innocence and guilt. An audience's emotional engagement, however, complicates its ability to be objective. Further, the "fictional" nature of most crime dramas is tenuous at best, so viewers' verdicts can have real-world implications. *Law and Order* episodes, for example, are often inspired by real crimes, and the episodes' outcomes may differ from those of the real cases. What does it mean when audiences question the outcomes of crime stories in the news based on what they witness in fictional television shows? Will viewers doubt their faith in the law to attain just verdicts?⁴ Cultural criminology proves that the distinction between nonfiction news and fictional crime dramas is not as precise as we, as modern audiences, assume.

³ Jeff Ferrell explains tenets of cultural criminology: crime *is* culture, or in other words, crime is better described as *subcultural* behavior than as an anomaly, and the "intersections of culture and crime" in the media are spaces in which power may be negotiated and social realities may be discussed or changed (408).

⁴ A *Law and Order: SVU* episode, "Selfish," is based on the Casey Anthony trial of 2008. The episode aired in April 2009, two years before Anthony was found innocent. Though the Anthony character was also found innocent, the episode complicated notions of maternal guilt. The *SVU* episode, "American Tragedy" is based on the 2012 murder of Trayvon Martin. The episode aired in October 2013, just months after Martin's attacker was found innocent; the fictional attacker is likewise acquitted, but portrayed as undeniably guilty.

The sensationalized television dramas and media coverage of today's world had their early modern parallels in popular "news" pamphlets that circulated throughout England in the 1500s and 1600s, detailing subjective accounts of accusations, trials, and executions. Pamphlets served the layered purposes of assuring society that wrongdoers were brought to justice, warning others against committing crimes, instructing the public about the legal system, and feeding society's fascination with shocking crimes and grim punishments.⁵ Where today's entertainment may very well be a private activity – people watch television and read the news in the confines of their homes – early modern entertainment was a public practice, one that manifested itself in community gatherings outside the home. Today's entertainment leads us to have confidence in our own individual abilities to judge, but early modern entertainment presented issues of justice as inextricable from the community and the shared perspectives of its constituents.

In early modern England, there was much significant overlap between the communities that read pamphlets, attended plays, and gossiped about matters of right and wrong. Plays about innocence and guilt could thus provoke reflection and change in an early modern community, as modern dramas do today. In this thesis, I will investigate the ways in which Shakespeare's plays gave his audiences insights into legal realities, insights that would be complicated by spectators' reactions to characters that appear innocent or guilty. In several plays, Shakespeare dramatizes the legal process by portraying an individual accused of a crime, tried, convicted, and punished. Though Shakespeare's audiences never see the inside of a courtroom, they experience the investigation, the search for evidence, the questioning, the statements, and the meting out

⁵ Frances Dolan explains that the early modern pamphlets documenting depositions, trials, and executions were meant to persuade audiences, but were presented under the guise of informing (142-143).

of punishments by the community. An early modern audience would form opinions about the case, while thinking critically about the society, moral standards, and laws that shape the play's conflict.⁶ Such critical reflection was significant in early modern society, as popular opinion dictated legal practice and influenced trials. Unlike stories about crime relayed through pamphlets or gossip, in which innocence or guilt had already been determined, plays may allow audiences to empathize with the accused. Specifically, aligning the theatrical audience with the concerns of a wrongly accused character increases the stakes surrounding the play's verdict and reinforces the community's understanding of its role in enacting justice beyond the theater walls.

As demonstrated by their frequent appearance in contemporary drama, ballads, and pamphlets, female criminals intrigued early modern communities. Sexuality was conflated with female evil and criminality, and was emphasized in stories that circulated about wicked women. Though the emphasis on female sexuality served as a warning that such women could easily ensnare innocent men, I posit that the stories themselves were seductive. Auditors were at once shocked by the crimes and placated by the punishments. Stories about female criminals thus provided entertainment *and* reinforcement of social norms. The most common early modern female crimes – slander, whoring, and witchcraft – all generate an antithesis to the ideal woman: a loud, promiscuous, evil figure who would have been a threat to the community, yet a fascinating character in a narrative.

⁶ Lorna Hutson writes, “the earthly legal and penal system from which the doctrine of Purgatory was inseparable was inimical to the dramatic imagination insofar as it positioned the judicial subject—and so, by analogy, that subject's dramatic representation—as already fully transparent and knowable to God, and consequently, through sacerdotal mediation, transparent and knowable to his or her judge on earth, the Church” (296). This suggests that audiences are granted an omniscient, “Godlike” perspective, which validates the decisions they make about the moral qualities of the characters onstage.

The power of criminal accusations, which could cast an innocent woman as a vicious character in a story, contributed to a culture of storytelling about identity. In early modern society, written accounts of criminal acts were intended for a mostly male reading audience, whereas women's awareness of criminal culture came mostly from what they heard through gossip. At stake in these dialogues were not only notions of innocence, guilt, and rights, but also how to define – and *why* to define – the ideal woman. Advice literature of the time describes how to be a praiseworthy, “good” woman, but Shakespeare's portrayal of complex characters calls into question the prescribed female standard. As demonstrated in my study, Shakespeare's characters are moral and honest, playing upon the audience's sympathies, even as the society within the play condemns them. Shakespeare's women are good, if not in the ideal sense, then in a real one. They are well intentioned and loyal, yet are deemed corrupt by false accusations until, eventually, rumor overtakes reality.

Early modern women could not act on stage, so in the theater, women were represented only through language and the audience's imagination.⁷ The nuanced language Shakespeare crafted to be said by, spoken to, or stated about his female characters thus grounds our understanding of early modern women in our ability to read critically. In this study, I focus on women accused of committing sexual crimes in Shakespeare's *Othello*, *Measure for Measure*, *The Taming of the Shrew*, and *Much Ado about Nothing*. Trials are not presented formally in these plays but the process is undeniably present, ultimately shaping the play, as the trial's outcome is synonymous with the fates of the female characters. The sweet Hero in *Much Ado about Nothing* and

⁷ Judith Rose identifies early modern women as “linguistic devices” on the stage (210), unlike their male counterparts, physically present in the body of the actors, and abstractly present in the fictional characters.

the virtuous Desdemona in *Othello* remain silent when faced with cruel accusations because society dictates that good women do not speak out of turn. Isabella's righteous, carefully chosen words, uttered in self-defense, fall on deaf ears throughout *Measure for Measure*. Though Katharina, the titular character in *The Taming of the Shrew*, is criticized for being vocal, her sister Bianca's deceitfulness underlies our awareness of Katharina's sincerity. At the end of the play, when Bianca and the widow disobey and shame their new husbands, Katharina comes at her husband's call and honors the marriage to which she has consented. All four women are unfailingly true to the ideals they hold dear. As an audience, we sympathize with their steadfastness and believe they should be rewarded, not punished, for their values. In a society obsessed with female virtue, these plays may have directed early modern audiences to criticize the system, the community, and the men at the helm of these "trials," not the women who stand accused.

Scholarship on gender and early modern society acknowledges that women had more legal constraints and less legal protection than men; those imbalances are made apparent, and ultimately challenged, by the plays at hand. Gender studies about early modern women are rooted in an ability to read between the lines of history, using what little evidence exists about the activities of women to imagine or recreate their participation in social exchanges.⁸ In a similar approach, I look for what the plays *do not* offer their female characters, especially in the ambiguities, injustices, and silences in their trials. I see these as carefully crafted spaces within the plays, meant to put an audience ill at ease. The plays can be read in a radically new way when we consider this: if *Othello*

⁸ Barbara A. Hanawalt uses documents about where women died to assess the application of early modern advice literature. She proves that more women died in or near the home than men, concluding that women indeed abided by expectations and limited their activities beyond the home. She must depend on conjecture because women's voices and lives are not represented in much written documentation of the time.

hinges on Iago's ability to foster doubt in Othello through silences and hesitations, could the play itself be crafted with intentional silences to foster doubt in its original audiences?

Reading into the silences and misunderstandings surrounding Desdemona's supposed adultery, Katharine Eisaman Maus observes her "tragic subjectivity" (32). In a culture without the psychological understanding or terminology to discuss subjectivity, the "tragic" nature of Desdemona's self is that it is at odds with the men's perception of her. Their perception eventually triumphs and becomes her reality. Yet the play provided an early modern audience enough perspective to understand this discrepancy, and thus, to experience Desdemona's inner tragedy. Like *Othello*, each of these plays fosters change by encouraging audiences to sympathize with the accused and reevaluate the dangers of accusations and the failings of a society that does not protect the innocent. The plays entreat the community to alter its tendencies and use popular opinion to discuss the potential innocence instead of the certain guilt of the accused. What is really "on trial" in the plays is the early modern society that shapes people from the outside in and exerts the power to alter an individual's sense of her own innocence.

The accused female characters I will discuss here all share a perilous commonality. Each is on the verge of marrying, which places her in a notoriously dangerous liminal space, portrayed frequently in contemporary drama. Betrothals present an apt circumstance in which to discuss legal treatment of early modern women. The nuances of the law's application to women, as well as the fluidity of marital arrangements in common practice, indicate that society was not as carefully delineated as written laws would suggest.⁹ Many early modern scholars note that betrothals, marriage, and

⁹ Victoria Hayne outlines the marriage process in early modern England: courtship, followed by a verbal promise, "contracting" in public, calling each other husband and wife, and finalized by banns on three

consummation allowed for dangerous ambiguities, and the risks involved were always borne by women. Though parents were expected to orchestrate marital arrangements, common practice and literature suggest that a woman could participate in her own betrothal. Likewise, a woman could consent to consummate a relationship before a marriage was finalized. However, if the man decided to abandon her, the woman would bear the weight of becoming a social outcast. When conflict about a woman's virtue arose after she had been betrothed, but before she was married, a social verdict could deem her unmarriageable. This was a tragic fate in a society that granted unmarried women no legal or economic power. Because a woman's virginity was her most valuable commodity, the slightest criticism of her virtue would have to be taken seriously. To protect the pride of the dominant males in society, her guilt would often be assumed.

In each of the plays I discuss, Shakespeare places young women in precarious positions from which they confront weighty sexual accusations, which put their marriages, families, and lives in danger. The threat of death looms over the accused women, whose convictions could damn them in the mortal and spiritual realms. Early modern scholarship focusing on the female experience, including that of Wendy Wall and Frances Dolan, observes that women's voices emerged in liminal, interstitial spaces. Such "in between" spaces existed prior to marriage, as a woman ended life as a daughter and began life anew as a wife; in moments before death, as on the scaffold; or even before possible death, as when women wrote wills in case childbirth proved fatal.¹⁰ However,

Sundays and a wedding day (4). She notes that marriage was "full of ambiguities and potential conflicts," especially when sexual relationships began after the verbal promise, and children were conceived before the wedding day (2). When both parties followed through on the marriage, this infraction was of little concern, but when a man chose to abandon the woman or question her loyalty, she would be "undone."

¹⁰ Wendy Wall discusses early modern women's wills, written in the event that they died in childbirth (37-44). Wall writes, "Dying people, like confessing witches, were on the social margins, and thus they could speak from the privileged position associated with demonic power or imminent spirituality" (43). Frances

each liminal moment presented early modern women with promise and danger in equal measure. Modern audiences may struggle to understand the dangers prior to marriage, and scholars may look to emphasize the potential for female voice in these instances, but the social dangers facing a woman accused of losing her virtue were as real as the physical danger confronting a woman on the scaffold.

The chance to speak for oneself before death was significant, especially for an early modern woman, but that speech opportunity was permissible only due to the future absence of the speaker.¹¹ Compounding the tragedy of imminent death is the fact that many executed women's final words, prepared under the advisement of the church, adhered to a prescribed script, which promised forgiveness in the next life. Women's last words had to be self-effacing and demonstrate feminine "transcendence" of physical pain, emphasizing their selfless natures and painting them as pictures of absolute virtue. Dolan and Wall find a sort of power and authenticity in the final words uttered or written before death; their careful linguistic work has unearthed the possible motivations and goals of women on the scaffold or deathbed. I agree that it is critical to identify the speech options available to women, but what we cannot glean from surviving documents is how the words were interpreted, and how the auditors' or readers' experiences reflected early modern England's system of justice. In the context of the social expectations and dangers facing his female characters, the words Shakespeare crafts for them, as well as the silences he imposes upon them, favor their innocence and implicitly criticize the society

Dolan has analyzed the behavior of women on the scaffold, speaking before being executed publicly. She states that such moments could empower women because of the "ungovernability and 'generic slippage'" of executions (157). She explains that women were supposed to "transcend" their circumstances and some reports of executions even apologize for women who do not fulfill these expectations (162, 165, 169). These spaces carry opportunity, expectations, and danger.

¹¹ Dolan says, of the figure of the woman on the scaffold: "Her self-assertions thus require not only her extraordinary presence on the scaffold but also her impending absence" (175).

in which they are tried and found guilty. Due to the guilty “verdicts” apparent in these plays, any audience – but, I believe, especially an early modern audience – may question how effective speech opportunities could be when available words are limited and the community’s reaction is preordained by assumptions of guilt. An audience can only understand and experience these realities because of the dramatic form: the play’s audience criticizes not only the events of the play, but also the community within the play, which drives and shapes the accused woman’s trial.

My argument will trace the process through which the women in these plays are found guilty of sexual wrongdoing: through accusation, interrogation, and confession. Each step is condemning, and further limits the options of the accused as the trial progresses. In the first portion of this paper, I will investigate the weight of the initial accusation; especially in sexual crimes, accusations alone could be permanently damning. In early modern society, which privileged reputation as a crucial element of the self, an accusation implied guilt. The same applies in the plays at hand, as early modern society exhibited a simultaneous obsession with and distrust of female sexuality. A man’s ability to control his wife or daughter was seen as a measure of his worth, and men had a stake in publicly condemning a woman who seemed unsuitable for marriage in order to save their own reputations.¹² In *The Taming of the Shrew*, Petruchio embarrasses Katharina with his late arrival to the wedding, and acts “more shrew than she” (4.1.76). His antics shame her by making her seem an unworthy and unwanted wife. She cries that everyone will “point at poor Katharine” and ridicule her (3.2.17-18). Though his actions are not accusations in the literal sense, Katharina is painfully aware that they will have the same

¹² Both *Othello* and *The Taming of the Shrew*, for example, speak about marriage in terms of falcon training, in which a man’s success is apparent based on the falcon’s total dependence on him.

effect. This example exhibits the inherent ambiguity of the dynamic term “accusation.” I will demonstrate that accusations are damning, akin to marking women’s bodies with guilt, and the ensuing trials are about proving their guilt, not considering their innocence.

After being accused, characters move through interrogation processes, intended more for the benefit of the community than the accused. In most cases, Shakespeare does not show the women themselves being questioned; rather, men are questioned as victims or witnesses, and they speak for the accused women. They are focused on their own self-interests and will sacrifice the women to save their own reputations. Like accusations, the community-centered process of questioning and investigating makes a spectacle of women, which cannot be undone.¹³ Modern interrogation research would classify the men as “guilt-presumptive” interviewers. They elicit false statements with their forceful questions and their certainty that they are being lied to. When Iago tells Othello about the pains of suspicion, he encourages Othello to find proof of his wife’s infidelity (3.3.182-183). Iago does not suggest the possibility that she could be innocent: “That cuckold lives in bliss / Who, *certain of his fate, loves not his wronger*” (3.3.180-181, my emphasis). Iago implies that if a man believes his wife has not cuckolded him, he merely does not know about it yet. This guilt-presumptive perspective allows men to speak for women and allows “evidence” to be crafted out of rumor and perceived behaviors.

Linguistic studies about modern interrogation processes in England and the United States emphasize two terms, which structure my reading of interrogative dialogues in the second section of this study. The first is “recontextualization,” in which

¹³ Dolan explains that public executions undid the power men sought over women: “Understood as men’s property, women’s bodies played important roles in defining and securing masculine power, perpetuating genealogy and transmitting inheritance; thus to open and display them on the scaffold would undermine masculine authority and privilege” (166-167). I suggest that the same forced display of the female self occurred during a public process of accusation and interrogation.

mutually acknowledged actions and statements are granted new meaning in establishing harm done by a suspect, identifying premeditation or intentionality, and distinguishing innocence from guilt. This is followed by a “change of state”: ideally, in interrogation, a suspect comes to view himself as guilty, becoming more pliable and more willing to confess. However, I suggest that interrogations foster a “change of state” in all those involved – accuser, accused, and witnesses alike reevaluate their roles as the dialogue and the story evolve. In my reading of audience engagement in these trials, viewers could also undergo a change of state, reevaluating their own roles in community justice.

The content, context, and reception of female confessions are the focus of my third section. Though men’s conclusions about women stand as proof of their guilt, the plays grant accused women space to confess their crimes. As in speeches made by convicted women on the scaffold, these confessions expect a certain tone, and male listeners do not promote honesty or effective self-defense. Confession literature reads as “feminine” in its self-effacing, “transcendent” tone, but early modern confessions were actually more public than standards of female behavior would condone.¹⁴ In *Measure for Measure*, Escalus asks to question Isabella and Lucio puns, “Marry, sir, I think if you handled her privately, she would sooner confess; perchance publicly she’ll be ashamed” (5.1.281-286). His sexual joke about “handling” her reinforces the shame imposed on women in communal dialogues and public spaces. Knowing that they are perceived as guilty, women must weigh their options before confessing, often to avoid being put

¹⁴ Katharine Craik describes the typical form of female confession literature, the ballad-lament: “We know from the ballad-laments that exemplary (ventriloquized) female confessions expect and welcome the judgment of their audience by willingly acknowledging legal culpability and Christian sinfulness, by gracefully accepting punishment (‘In burning flames of fire I should fry’), by quelling fears that the crime might be repeated (‘Heauens graunt no more that such a one may be’), and by accepting promise of spiritual comfort (‘immortal blisse & Ioye / set fre from synne & blame’)” (457).

before an audience. In modern plea bargains, pleas exchange admissions of guilt for lesser punishment; in the plays, when women try to negotiate for themselves in conversation, preventing a public spectacle, they likewise make themselves seem guilty to their accusers. Further, any forced admission directly conflicts with early modern religious notions of honesty. Once unfairly accused, an innocent woman was definitively guilty: if she withheld a confession, the legal sphere condemned her, and if she made a confession, she damned herself spiritually.

In the plays' portrayals of guilt, as in real legal proceedings, the awareness of audience is a fundamental part of the trial and conviction process. Alison Johnson, a linguist who studies modern British police interrogation, outlines two types of audiences in the interrogative process: an "overhearing audience," those at the trial, and a "superaddressee," a higher authority like the judge or jury (330). These audiences put pressure on the suspect being questioned, but certainly, the audiences are also affected by the process and outcome. Where popular early modern pamphlets provided one subjective perspective for the male reading audience, drama grants the playgoing audience a view of a complex, dynamic interplay of actors. This audience is given the most omniscient and objective viewpoint, from which it can negotiate what is fair.¹⁵

My analysis draws from literary, historical, and legal criticism, as well as cultural criminology, which asserts that our entertainment is inspired by and simultaneously enforces our cultural understanding of crime, a phenomenon Jeff Ferrell calls an "infinite hall of mirrors" (397). Lisa Kort-Butler and Kelly Sitner-Hartshorn coined the term "infotainment," as entertainment blurs the realistic and the dramatic, encouraging

¹⁵ Victoria Hayne notes that there was already a cultural dialogue about how to deal with intimacy outside of marriage, so early modern audience would know enough about the subject to act as judges (2, 7).

decision-making in its audience and inspiring societal change (39, 41). Modern crime drama depends upon its audiences, and today's television viewers believe that they play a role in the fictional justice they witness. They respond to the events that transpire on screen and participate in social media exchanges, which have an impact on how shows develop. Beyond crime drama, the public reaction to crime has an impact on the trial process itself, as the public's feelings about a defendant may affect the outcome of a case. Popular opinion continues to foster discussion and change in public policy. Dialogue about the "third degree," inspired by the Wickersham Commission Report of 1931, changed police procedure. Likewise, fictional and nonfictional responses to the 1999 shootings at Columbine High School ignited fierce dialogues about the American right to bear arms. In some instances, dialogues lead to change; in others, at least communities reevaluate the way they think about justice. Informing the public about the justice system, through entertainment and media, produces an educated, curious, and critical population. The more informed the public is, the more confident it is in its ability to judge matters of right and wrong. However, the public usually likens itself to the victims and the prosecution, not the suspect, and is more likely to condemn a suspect than to fight for the rights of the accused. In these plays, Shakespeare's audiences were given the unique perspective to criticize the unjust treatment of the accused women. Those audiences could then return to their communities, newly aware of the imperfections of the law and its applications, and of their own empowerment in enacting justice.

Accusation

An accusation may be the impetus for a necessary criminal investigation, but accusations themselves can be criminal because of the damaging power they wield within a community. Though the definition of “slander” in the *Oxford English Dictionary* (*OED*) is a “false *or* malicious statement or utterance intended to injure, defame, or cast detraction on the person about whom it is made” (my emphasis), contemporary use connotes the dissemination of a falsehood. However, in the early modern period, slander could be known to be false *or* presumed to be true. Laura Gowing says that early modern commentary need only be “malicious” to be called slander or “defamation” (*Domestic Dangers* 23). The notion of harming one’s “fame” or reputation is consistent, but the validity of the accusation remains in question. This imprecise early modern use of the term was problematic, especially regarding sexual slander, as objective proof was impossible to find and female virtue was a fragile commodity. In this section, I will examine how false sexual accusations impact women in Shakespeare’s plays, considering the way slander is used and received within the community, and the manner in which accusations play upon and complicate the notion of the ideal early modern woman.

Neighborhood gossip had a significant impact on what early modern women knew about one another, the way they were treated, and the way they viewed themselves. Many scholars conclude that slander granted early modern women the power and voice to accuse others.¹⁶ However, I argue that slander presented more danger than opportunity to early modern women, who were supposed to be virtuous, quiet, and submissive. A single

¹⁶ Frances Dolan explains that early modern women would feel empowered by serving as witnesses in trials and having their words documented (121). Laura Gowing states, “Slander might represent for women a way of telling the stories about dishonest behavior, claiming as they went moral superiority and a right to sanction dishonesty, that men had more opportunity for telling in court” (72). She explains, however, that a woman’s honesty would be called into question if she engaged in discussion about sex (76).

slandorous statement could open a dialogue about one's virtue, putting that individual on trial in the surrounding community. Women's gender identity hinged precariously on praise and reputation derived from the words of others, and a simultaneous expectation of invisibility, as they were expected to remain within the home. Thus, any participation in slander, even in passive or unwilling incrimination, would have been dangerous. Two tropes are utilized throughout early modern dramatic literature to encapsulate the accused women: women in the public eye, as if on stage, and women being "written on" by their own immoral behavior. Both images depend upon notions of evil women as "open." In Lynda Boose's analysis of "female" crimes, conflated in the early modern imagination – prostitution, scolding (excessive and inappropriate speech), and witchcraft – she notes that the scold's open mouth was likened to the sexual availability of the prostitute (196). I add that being "open" to interpretation – being "read" by others – was just as dangerous for female characters as being onstage was for early modern women.

An accusation against a woman's virtue leaves her to be discussed and interpreted by others, even without a trial. The notion of an objective legal "trial" is at odds with the enactment of justice in Shakespeare's plays and with contemporaneous usage of the term, which suggest a more subjective manner of judging others.¹⁷ Elements of any "trial" seem efficient and effective to those at its helm, but trials are imperfect, especially without an objective judge. Early modern trials gave the illusion of enacting justice, but often served ambiguous and subjective purposes; sexual slander, for instance, was a

¹⁷ 1583 is the *OED*'s first citation of the term in a legal sense, explaining that guilt could be judged in court. A 1597 citation from Shakespeare's *Richard II* refers to a determination of guilt or innocence resulting from direct confrontation between the accuser and accused; a 1570 dictionary uses the term to suggest trial and error; and a recent definition, with examples from the 1960s, refers to trial by media, in which guilt is merely implied and the public assumes the validity of the accusation.

vehicle for larger discussions of innocence and guilt within a community.¹⁸ Sexual slander was handled in ecclesiastical court, which was dominated by women. Such cases granted women some legal voice, though these speech opportunities were fraught with risk and limitations. Women could only indirectly accuse their husbands of sexual misdeeds, slandering other women as “my husband’s whore.” Similarly, though slandering another could solidify the accuser’s sexual honesty by comparison, defamation was often considered scolding (*Domestic Dangers* 27, 34-37). Guilt is distributed throughout the trial process: the accused, accuser, and even witnesses must justify their involvement to avoid tarnishing their good names.¹⁹ Entering any legal discussion was dangerous for early modern women, as trials were public spectacles. The only way for a woman to seek justice, through accusatory or defensive language, would be to put the self at risk, and empty accusations could condemn an innocent woman before a hostile public.

In these plays – *Othello*, *Measure for Measure*, *The Taming of the Shrew*, and *Much Ado about Nothing* – Shakespeare portrays “trials” that are manifested in personal confrontations about blame, calling into question legal and social patterns in investigating and determining guilt. The accused women are recently betrothed or married; as discussed in the introduction, the interstitial space between maiden and wife was a precarious one, fraught with dangers for virtuous women. The characters crafted in these plays collapse societal norms by refusing to simplify female identity into strict notions of “pure” and “corrupt,” demonstrating the complexity of the female self and complicating

¹⁸ Sexual slander, like witchcraft accusations, often reflected local conflicts that were not sexual in nature (*True Relations* 59, *Domestic Dangers* 97). Accusations were not as straightforward as they may have seemed. Disagreements over land or business could manifest themselves in accusations about sexual “honesty,” a concern that applied uniquely to women.

¹⁹ Lena Cowen Orlin’s discusses mentions of windows and doorways in early modern depositions. She explains that early modern women’s desire to “locate” themselves in such a space indicates the importance of accounting for whereabouts and ensuring that all behaviors correspond to societal expectations. A woman would have to prove that her role as “witness” did not involve any infraction of social norms.

the audience's perspective on innocence and guilt. *Much Ado about Nothing* features the talkative Beatrice, who is powerless to defend her friend Hero when she is wrongly accused of being unchaste. The play offers a noteworthy contrast between an assertive, vocal woman, in charge of her self-expression, and a modest woman, whose self is manipulated by others' slander. Ironically, Hero's fault is in seeming too demure. Once she is accused of infidelity, her virtue is read as a ploy, and she is deemed deceitful and wicked. *Othello's* Desdemona asserts herself in choosing her husband, Othello, over her disapproving father, Brabantio. Though an early modern audience might have found Desdemona's choice forward and unwise, she is incongruously damned by her naiveté and sincerity, as she remains silent about accusations against her virtue later in the play. Though *Measure for Measure's* Isabella follows her morals in defending her brother, she is forced to concede when her chastity is threatened. Whether the audience would favor her initial righteousness or her submissiveness is uncertain, but she struggles under both moral burdens. Hero, Desdemona, and Isabella face the scrutiny of their communities as their virtue is disputed, and their circumstances would not have been straightforward in the eyes of the early modern community. To grapple with the plays' conclusions, I assert that an early modern audience must have reached its own verdict about the accused.

In my discussion of justice in these plays, I apply early modern historical scholarship to clarify the tensions and restrictions confronting women at the time, and contemporary legal studies to more thoroughly analyze problems and protections for the accused. Though I will be utilizing modern legal and criminal terminology, I will continue to use the word "accused" rather than "suspect." These women prove that the innocence of the accused is worthy of discussion and consideration. I also use "slander"

and “accusation” interchangeably, because though the terms imply a clear delineation between seeking justice and maliciously causing harm, that distinction is called into question in these plays. Both slander and accusation result in trials of these female characters and remind the spectators why an accusation could, in itself, be criminal. Through stark contrasts between “seemings” and reality, the plays grant audiences a framework by which they may objectively judge guilt. Puns on the word “dissemble” throughout *Much Ado about Nothing* hint at the failings of early modern England’s legal proceedings, and its reliance on appearances.²⁰ When Dogberry details an absurd “trial” before a “dissembly,” the audience can find humor in the subplot, as it deals in trivial matters and never presumes to enact justice (4.2.1). However, the play as a whole reveals the danger of early modern criminal accusations: they emerged from within the community and were ultimately judged by members of that same community. Thus, the accusers, the witnesses, those present at criminal proceedings, and those documenting the proceedings, all had a hand in delivering justice; the relationships, reputations, and “seemings” of all the fallible individuals involved inevitably come into play.

I argue that Shakespeare’s audiences, modern and early modern alike, become complicit in the performance of justice in the plays. As mentioned in the introduction, linguist Alison Johnson acknowledges the importance of audiences – the “overhearing audience” and the “superaddressee” – in interrogation and trial processes. In my reading of these plays, the stage audience adopts these observer roles, internalizing and reacting to the injustices we see before us. Amidst these accusations, we become part of the “overhearing audience,” judging character and negotiating guilt as witnesses to a

²⁰ When Hero’s virtue is questioned, Claudio wrongly accuses her of “seeming” innocent, as he believes she is unchaste, and this “intentional” seeming damns her (4.1.55-60). Later in the play, Leonato angrily calls Claudio a “dissembler” after Claudio betrayed Hero in accusing her of illicit sexual activity (4.2.53).

prosecutorial process. Because we overhear rumors and assumptions in the fictional neighborhood before us, we the audience constitute an extension of the play's community.²¹ Rather than judge the guilt of the characters, our omniscient perspective allows us to see flaws in the process that would elude those within a community: gaps between reputation and reality, and in these cases, between accusations, implications, and guilt. This omniscience may have granted fleeting objectivity to early modern audiences as they considered their own tendencies and values, particularly regarding gender identity. Men could be husbands *and* lovers, and an accusation against their sexual fidelity would not tarnish their reputations. Women, however, were wives *or* lovers, and any suspicion would put them in the second category.²² Reputation was critical in early modern England, and even unfounded accusations were significant. In a society that was not thoroughly literate, words spoken deceitfully and perpetuated by the community may have been interpreted as absolute truths. As we, the audience, watch others disseminate falsehoods, we are cognizant that these statements *could* and *should* be questioned; there may be other narratives, which would rightly exonerate the accused.

Othello, as many critics have explained, relies heavily on notions of reputation. The play deals with the effects of slander and, as reputations are tainted by untrue assertions, its misunderstandings end in tragedy. In my analysis of guilt and innocence in the play, reputation serves several functions: though reputation undoubtedly affects society's opinion of an individual, others' words are capable of misleading the

²¹ Orlin states that "the records of the early modern church courts are crowded with women deponents who observed, overheard, or engaged their neighbors when standing or sitting at their own doors" (51). Gossip both informed women about their communities and allowed them to engage with the law and the courts.

²² Katharine Eisaman Maus explains that the "complexities in the way [Desdemona's] virtue is defined...leave her vulnerable" (44). When she becomes something more than Brabantio's innocent, naïve daughter, she is no longer to be trusted.

individuals being discussed, affecting their behavior and bringing about their downfalls. Slander implies that reputation affects *others'* views of the accused, but the plays demonstrate that reputation also affects one's view of oneself. At the start of the play, Othello believes that his reputation exerts a positive influence over his place in society and even outweighs deceitful words uttered against him. However, the ensuing events show that Othello is brought down not by the community, but on his own, after his sense of self has been manipulated by others' words. After others convince him that he is a social outcast and an unworthy husband, he comes to embody those identities and severs all ties with those he once trusted, including his wife.²³ Othello's vulnerability foregrounds and enhances our understanding of Desdemona's; he is more vocal about his sentiments, and more actively participates in his own downfall. By contrast, he emphasizes Desdemona's powerlessness and inability to control her reputation.

Where reputation brings out the men's insecurities and their active desire to change their circumstances is ultimately what damns them, Desdemona's only sustained character flaw is her passivity in her own defense, which was promoted as an early modern ideal. Though Desdemona speaks her mind early in the play, when confronted with accusations against her virtue, she proves unable to engage in effective dialogue to defend herself. The tragedy Desdemona faces in regard to reputation is not that it changes her behavior, but rather, it changes the way her behavior is read. Reputation is derived from one's past, yet it demonstrates longevity in influencing how one's future behaviors seem to others. Early in *Othello*, Brabantio claims, "words are words. I never yet did hear / That the bruised heart was pierced through the ear" (1.3.221-222). An early modern

²³ Cassio undergoes a similar experience: his demise begins the moment Iago insinuates that he will "seem" an unsupportive lieutenant if he does not toast his general. Cassio fears this "seeming" will be reported to Othello, and drinks to excess. He is as vulnerable to others' words as Othello is.

audience might have been critical of this remark, especially when Brabantio contradicts himself, losing faith in his daughter's chastity based on the words of an anonymous "villain" (1.1.120). His warning to Othello, that Desdemona will betray him, then comes to shape the way Othello perceives Desdemona's every word and gesture. In this way, an accusation functions as a conviction, and Cassio is right to say that reputation is "the immortal part" of the self (2.3.57).

Iago's dependence on reputation in manipulating Othello – his certainty that destroying Cassio's and Desdemona's good names will grant him Othello's trust – shows that reputation *is* one's self because it dictates one's place in relationships and in the wider community. Iago observes how Desdemona behaves and how she seems to others. When he changes Othello's perspective on her, he knows that all of her sincerity will read as forced "seeming" and damn her: "by *how much she strives to do him good, / She shall undo her credit with the Moor*" (2.3.352-353, my emphasis). In this way, feminine "goodness" can be manipulated until it reads as an intentional, duplicitous illusion. When Iago says that Cassio is "almost damned in a fair wife" (1.1.22), we infer that an attractive wife will cuckold and shame her husband. Though Cassio remarks that Desdemona's glance is "modest" yet "inviting," Iago asserts that it is "a parley to provocation" (2.3.21-23). Iago perceives beauty as an action for which women are accountable, and falls prey to his own suggestions about the nefarious female self.²⁴

²⁴ Shakespeare's works reveal a preoccupation with the dangerous precipice between good reputation and excessive public attention. *The Rape of Lucrece* tells the story of a wife whose reputation for chastity motivates the villain's sexual assault on her. Tarquin assures himself that he has the right to rape Lucrece by implicating her in the consummation. Though her inhibition is indicated by her paleness and her shame is apparent in her blushes, Tarquin reads these to his advantage, observing "beauty's red and virtue's white," as though the blushes indicate Lucrece's pride in her own beauty and her desire to be complicit in the affair (65). He reads the vacillation between her blushes and paleness as a "silent war" in which "their ambition makes them still to fight" (68). Tarquin begins to perceive himself as a victim of Lucrece's advances (74-77). *As You Like It* revolves around a woman, Rosalind, who is exiled by the Duke in part

Iago's manipulation of reputation reinforces that female identity, even more than male identity, is grounded in the words of others. He also points to a fatal flaw in the early modern conception of the ideal woman: the very virtues that she is to embody – submissiveness, beauty, modesty, and kindness – damn her if her honesty is called into question, and all her sincerity is then read as false. Like reputation, chastity can only be lost, never regained. The accusation that Desdemona is having an affair with Cassio relies on the notion of chastity as avoidance of *unlawful* sex; early modern society perceived “chastity” as a status that could be maintained after marriage, not as a term synonymous with “virginity.” Married or not, then, women were always vulnerable to sexual slander. Being on the cusp of marriage merely enhances the precariousness of a woman's “virtue,” which is a subjective, community-constructed notion, like reputation.

Though female speech implies agency, and slander could be a vehicle for women to become accusers, power changed hands when a trial began and the unruly community began to assert itself: men documented and shaped the language of the case, like attorneys without guidelines to abide by, and decisions were made based on gossip and community talk, like a jury without regulations to follow. Depositions were based on a male-dominated question and answer process, which was inevitably imbalanced and ultimately intended for male readers. These depositions were stories crafted by the community for its own purposes, and the resulting text's validity should be called into question, like any statement about a crime.²⁵ Dolan indicates that the questions posed to

because her reputation for goodness makes his own daughter, Celia, look less appealing. The Duke tells Celia, “[Rosalind] is too subtle for thee; and her smoothness, / Her very silence, and her patience / Speak to the people, and they pity her / ...She robs thee of they name, / And thou wilt show more bright and seem more virtuous / When she is gone” (1.3.75-80).

²⁵ Laura Gowing indicates that depositions involved many participants and “[t]he result is a series of texts that seem to both expand and compress narrative possibilities, that are both surprisingly detailed and full of gaps, coherent and disrupted” (42). When depositions lapse from common to legal language to describe

the deponent, framed based on the charges and particulars of the case, were not included in the final document, which reads like a seamless narrative (*True Relations* 115). Even after depositions were completed texts, they were unavailable to women because most were illiterate and had to depend on what they heard to understand the trial process. James Sharpe notes that, at the notoriously disorderly trials, accused women may not have even heard the accusations against them, or the dissemination of evidence (113). Though many published words emerged following a trial, they were unavailable to women and intended for a wider audience, one at a distance from the trial itself.

The distance between the women and the conversations about them grew as the trials became sensationalized, and the community's stories of the crimes soon overtook the stories told by the evidence. Victoria Hayne indicates that the community had a say in "the standards that would be enforced" in trials, as well as the court's "procedures of investigation, determination of guilt, and sentencing" (9-10). The community could determine what charges made it to trial, usually based on the "bad fame" of the accused; the popular view of individuals' reputations also indicated which speakers, whether accused, accuser, or witness, would be trusted (9). Katharine Eisaman Maus explains that early modern England did not have high standards for evidence, and the jury, responsible for "finding fact," had to isolate evidence to represent the "internal state" of wrongdoing present in witches or petty traitors (32-34). She addresses the challenge of validating a story about crime and motivation in a society that did not conceive of individual state of mind as we do now; once a story came into existence, through an accusation, the community focused on substantiating it in any way possible, even falsely, and "proving"

illicit sex, Gowing identifies the primary dialogue being taken out of the hands of the original speaker. Dolan refers to these as male "interventions" in female texts, and she poses the question of who the "I" in the text is (117). This "I" is as fictional and as carefully crafted as a character in a play.

intentionality. Stories were the framework of trials, including outrageous details and unlikely overhearings.²⁶ Sensationalized versions of events were disseminated rather than questioned, and the troublesome term “fame” accurately reflects the notoriety that accused women earned when their trials were made public. Before a case was presented to a judge or jury, guilt was established by majority opinion.

The subjective nature of community involvement was particularly problematic in sexual crimes. Once accused, not only were women presumed guilty, they could rarely be proven innocent. Orna Alyagon Darr’s study of the early modern search for witches’ marks reveals how critical, yet subjective, evidence became in a trial against an unruly woman who posed a threat to the community. The first documented bodily search was in 1579, which is contemporaneous with the definitions of trial mentioned earlier in this section; synonymous with the evolving notion of a “trial” was the increasing importance of substantiation. Even physical evidence, incriminating the accused, could be fabricated by the “good women” of the community, responsible for examining those accused of witchcraft or pleading their bellies before an execution (Sharpe 107-112). These “good women” were chosen for respectability rather than medical knowledge (Darr 369). The evidence was shaped to suit the accusations, and this injustice was compounded by the undeniable fragility of female virtue. The loss of virtue was unforgivable and allowed for little in the way of concrete proof. Because there was no ideal of “chastity” for men, there was no equivalent term, and thus, no equivalent crime.

²⁶ In Dolan’s discussion of a common trope used by witnesses, claiming to have heard important information through a peephole, she explains, “Whether or not the hopes actually existed, the convention of the hole in the wall authorized observers’ knowledge while it also preserved their reputations by placing a barrier between them and those they viewed as transgressors, keeping the observer unseen” (146).

Measure for Measure deals directly with fractured female reputations and criticizes the immoral manipulation of the law by men with dishonorable motives. The main character, Isabella, seeks to become a nun. She would lose this fate, as well as her options as a “maid,” if Angelo’s accusations against her virtue were heard; his control over the law gives him power over the public’s perception of right and wrong. Isabella perceives her virtue as her “life” (3.1.105) and explains that she must value her chastity over her brother, whose life Angelo has threatened (2.4.186). She indicates that her brother’s tragic sacrifice would be less significant than the potential loss of her reputation, which would have lasting earthly and divine implications:

Better it were a brother died at once
Than that a sister, by redeeming him,
Should die forever. (2.4.107-109)

Isabella is right to say that a false accusation regarding her virtue would condemn her eternally, in both the moral and the spiritual realms.

Further, Isabella indicates that an accusation could change a woman’s view of herself, as well as the way others view her. She is one of many in these plays who suggest that women can be “written on” by slander, permanently printed with untrue words. Once a woman is written on, she is disseminated and read, and this in itself would be damning in the early modern imagination. When Angelo says that women are frail, Isabella agrees:

Ay, as the glasses where they view themselves,
Which are as easy broke as they make forms.
[... Women] are soft as our complexions are,
And credulous to false prints. (2.4.126-130)

She observes that women’s self-images can be fractured in a moment, and that others can leave literal impressions on them, marking them physically for others to see, but she is speaking entirely about the effects of words. The term “print” may refer to pregnancy,

which would be an obvious marker of sexual misdeeds; the notion of “false prints” may also refer to printing on coins, which further implies that a slandered woman would become an object, akin to a pamphlet, a story changing hands and being read by strangers. Laura Gowing states that women accused of promiscuity were sometimes mutilated by their neighbors, given a “whore’s mark” in the form of a damaged or slit nose, so others could “read” their evil nature from without (*Domestic Dangers* 103). The “whore’s mark” is akin to the “witches’ marks” discussed by Darr, which “signified the contractual-like and consensual [sexual] relationship between the witch and the devil” (364).²⁷ Problematically, *not* having a mark did not mean a woman was not guilty (Darr 366). Community criticism harmed women more than men, and ambiguous or manipulated laws further limited a woman’s potential to maintain her virtue – an internal reality represented by words and stories: opinion, reputation, and gossip.

Because these plays suggest a sort of lawlessness of words in gossip and slander, political and religious figures – incarnations of Johnson’s “superaddressee” – are added to demonstrate justice, salvation, and the potential for the innocent to proven so. However, they tend to intervene in the subplots, leaving the main plot to be sorted out in the audiences’ minds. To temper the vocal community, two of these plays interject authority figures – the Duke of Venice in *Othello*, and the Duke of Vienna in *Measure for Measure* – into the discussion of guilt. These men move away from popular opinion, hear multiple sides of an argument without a formal trial, and bend the law in favor of mercy. They allow the audience to take a critical stance on the punishments that are meted out in

²⁷ Witches were described as being sexually involved with the devil, so much of the accusatory language is similar to sexual slander. Darr traces acceptance of the “devil’s mark” as evidence, explaining that legal scholars accepted it as precedent (373), physicians were critical of the practice and found the search inappropriate (372), and the clergy believed that a mark could support a presumption of guilt, but not a conviction (377). It is useful to note that legal scholars accepted the practice without doubt or hesitation.

the plays, indicating that neither the community nor the courtroom brings about justice in all cases.²⁸ Though these are stories about love, a duke's involvement reminds us that marriage and chastity were real issues of moral and legal dispute.²⁹ As the betrothed couples in the plays demonstrate, the marriage agreement took time and "the couple's status was fluid and ambiguous" during the process (Hayne 4). Flawed rules put women at a disadvantage: the marriage contract demands *one* identity for women (they are *either* daughters or wives), and interstitial spaces are dangerous.

Though a woman could participate in a verbal promise to marry, doing so would merely disrupt her image as a submissive daughter, while not granting her the status of wife. In *Measure for Measure*, Claudio acknowledges a common truth when he admits:

upon a true contract
I got possession of Julietta's bed...
she is fast my wife,
Save that we do the denunciation lack
Of outward order. (1.2.142-146)

This "contract" is a purely linguistic exchange, in which the man and woman participate. Unfortunately, when this decision is called into question, the imbalance of guilt is apparent in the emerging story: Claudio says, "The stealth of our most mutual entertainment / With *character* too gross is writ on Juliet" (1.2.151-152, my emphasis).

²⁸ David Bevington identifies three "trial" scenes in *Othello*, which become more subjective as the play proceeds (1154). The most equitable is when Othello and Desdemona plead their case before the Duke in the first act. The Duke is dismayed by the wild accusations about Othello's use of witchcraft in stealing Desdemona, yet he decides to hear evidence to support Othello, perceiving him as innocent until proven guilty. The Duke claims, "To vouch [Othello's innocence] is no proof, / Without more wider and more overt test / Than these thin habits and poor likelihoods / Of modern seeming do prefer against him" (1.3.108-111). Both Othello and Desdemona speak, and the Duke determines that the marriage is binding and that Othello is a worthy man. Othello, as he succumbs to self-doubt, fails to maintain these same standards of proof when he becomes the judge later in the play, reminding us that humans are imperfect arbiters of justice; he also reminds us that any conversation about virtue could inevitably become a trial.

²⁹ Regarding the Duke in *Measure for Measure*, Hayne explains that he does not perceive actions as crimes and classify them in legal terms, but rather, sees "them as relationships to be sorted out and directed toward completion in marriage" (25). Shakespeare's plays promote the idea that a happy marriage reflects and contributes to a strong community. The Dukes restore the connection between government and community, allowing for penance rather than expulsion and proving that assumed guilt need not always be damning.

The Duke reminds Juliet that, though the act was “mutually committed,” her “sin was of heavier kind than his” (2.2.29). Like Desdemona’s illicit marriage, which damns her more than Othello, Juliet realizes that an action can be “mutually committed” but punished with inequity. She agrees that the child would be unlawful, and the blame would be hers (3.1.193).³⁰ From an audience perspective, it is difficult not to pity a woman who is damned by her own innocent trust in words.

Though the accused female characters are aware that the negative repercussions of accusations would endure and tarnish their reputations, they do not have the scope to see how confined they are by language. The law favored men in its letter and application, and men could exert more control over their own reputations. Though not apparent to most of the naïve young women in the plays, this contrast would have been visible to the audience. I believe the fictional conflict would have been, for the audience, a manifestation of real early modern issues of law and language. In the realm of slander, men could accuse women, implicating themselves by calling them “*my whore*,” without facing negative consequences for their own involvement in the affair (“Language, Power, and the Law” 37). Duality is fundamental to male identity: a man could not be slandered for having a wife and a mistress, even if he admits it, where a woman could be wrongly slandered for being a mistress when there is no truth to the accusation. In the plays, men have power over their own narratives. They demonstrate control over the way they are perceived by others, and may prove themselves worthy or innocent. Men are free to “act”

³⁰ Juliet and Isabella are not the only women wronged by the law in *Measure*. Angelo abandoned his fiancée, Mariana, claiming she had lost her virtue. The Duke asks Mariana how she defines herself, an unchaste yet unmarried woman, and concludes that she is “nothing then, neither maid, widow, nor wife” (5.1.184); the suggestion of her chastity being lost under suspicious circumstances invalidates her very humanity. Because Mariana was deemed unmarriageable due to a past accusation, she fades into the background of her society and almost disappears completely.

differently before different audiences, telling conflicting stories and manipulating meanings to suit their purposes, and still most are assumed innocent unless proven otherwise.³¹ Othello is famously in control of his own narrative and of how others perceive him, as his deathbed speech focuses on his standards for the stories that will be told about him. Men's voices carry weight, and often, biased male characters are responsible for telling or tarnishing the stories of silenced, accused women.

Early modern laws were written by men, put into practice by men, and functioned to their advantage.³² In one telling example from 1697, Martha Butler accused her husband of desertion. John Butler's defense to the libel from this "sometime" wife proves the power men had to frame already biased laws in their favor. He claims that omitted portions of the ceremony void their marriage, and that the mistakes in the church's process should free him and punish her (4). He states that he could not have committed adultery because he was not married, and if anything, he fornicated unlawfully with Martha (6-7). He makes excessive points against Martha, knowing that any or all of them could be believed. He maintains that she "deserted him" and failed to uphold her conjugal duties, contradicting his assertion that they were never married (10). She bears the burden of proving that the marriage was dissolved before she left, yet he is assumed to be free of his obligation to her: "what words in the heat of passion were uttered by him, he does not perfectly remember; it is a matter on her part to be proved" (10). Only late in the text does it become apparent that Butler seeks to bend the rules in favor of his second marriage.

³¹ Though Iago tells Montano about Cassio's "vice" in *Othello*, it is not considered truth until the men witness its ill effects (2.3.117-119). Angelo, in *Measure for Measure*, asks for a "test of [his] mettle" before gaining responsibility from the Duke (1.1.49); he assumes his actions will show his positive features, though the audience is aware of what a wicked character he is.

³² Petty treason wrote into law the assumption that filial betrayal, exhibited by marital violence, must be on the part of the woman (*Dangerous Familiars* 21).

This man, whose extensive slander of his wife survives as a legal document, pursued the same goal as the evil Angelo in *Measure for Measure*: Butler sought to annul his marriage by calling Martha unchaste and unfit for wifehood, in order to be with a new woman. Angelo keeps his accused fiancée Mariana out of social circles so he could have his choice of a wife. As Escalus says, the law does not definitively identify the good and the bad of mankind: “Some rise by sin, and some by virtue fall” (2.1.38). Though written with objective ideals, it is manipulated and administered by mortal men.

Shakespeare’s men likewise manipulate the law to serve themselves. In *Othello*, Brabantio assumes that the Duke will listen to his version of the accounts, and that his age and his race will classify him as the worthier man. Othello, however, has earned the Duke’s respect in battle, and is a crucial part of the plot against the Turks. In this case, the man who has the Duke’s favor is the man who receives the most “justice.” Angelo, in *Measure for Measure*, manipulates the law in a selfish, immoral way. He knows his word, albeit untrue, would be believed over Isabella’s:

My unsoiled name, th’austereness of my life,
 My vouch against you, and my place i’ th’ state
 Will so your accusation outweigh...
 Say what you can, my false o’erweighs your true. (2.4.155-158, 171)

Isabella rightly accuses the tyrannical Angelo of having a “giant’s strength” and “us[ing] it like a giant” (2.2.113-114). His strength lies in his ability to articulate the law in a way that serves him. Though Othello is more sympathetic, he makes the same assumption as Angelo, in thinking that he has an advantage because of his masculinity and his image.

The scenarios in these plays suggest that a man could be responsible for something criminal or immoral and yet be considered innocent in early modern England; on the other hand, all sexual crime was attributed to women. The language of sexual

slander classifies women as “whores,” who act on sexual urges, and men as “cuckolds” – a man could only be ashamed of his inability to control a woman’s sexuality. Aware of this double standard, Angelo repeatedly interprets the law with biases in his favor. First, he contradicts himself on whether failings are in the law or the man who executes the law; his stance depends on avoiding blame, not on any sense of right or wrong. Asked to spare Claudio, he cries, “Condemn the fault, and not the actor of it? / Why every fault’s condemned ere it be done,” suggesting that a man’s self is inextricable from his morals and his wrongdoings (2.2.40-41). However, when he seeks Isabella’s sympathy, he claims, “It is the law, not I, condemn your brother” (2.2.85). He also redirects blame for his attraction to Isabella. He asks, “Is this her fault or mine? / The tempter or the tempted, who sins most, ha?” (2.2.170-171). He continues, “Dost thou desire her foully for those things / That make her good?” (2.2.181-182). Her goodness is a sin for which she is accountable. Like women who slander others to improve their standing in the community, Angelo means to use the law against Isabella to assure himself of his morals and to demonstrate his leadership potential. His mentality echoes that of the evil Iago, but Angelo exerts more power over the law. Though Angelo is the villain of this play, and we expect his vile behavior, the sympathetic Claudio echoes him when he begs Isabella to sacrifice her chastity to save his life; he assures her that the benefits of the action would outweigh the sin (3.1.135-138). That might be true if their roles were reversed, but nothing could undo Isabella’s lost chastity, or even such an accusation.

Based on these realities about accusation, the audiences of Shakespeare’s plays could recognize the tragic reality that women were held to unrealistic standards and ideals. They should be definitively chaste, and a good reputation is the best way to be

sure of a woman's chastity; however, too much praise is dangerous, so it is best for women to be invisible. Maus, in her argument about Renaissance notions of interiority, argues that as soon as Desdemona leaves home, "she has something to narrate" and is no longer innocent (44). Indeed, it is dangerous for women to have stories to tell or to play a role in another's story. When Isabella believes that the men are jesting about her, she begs, "Sir, make me not your story" (1.4.30). She does not want to be deceived, but above all, she does not want to be discussed. When Isabella is told that Claudio described her as a saint, she reacts with hostility, angry that she has been the subject of conversation, and says, "You do blaspheme the good in mocking me" (1.4.38). If women are "known" by others, they are subject to interpretation.³³ Women should be accountable for their reputations, but any efforts to control those reputations would be subject to criticism and any excessive public attention would be dangerous.

Much Ado About Nothing appears to be, as its title suggests, a comedy about trivial social interactions. It reflects, however, the idea that "nothing" could have consequences in early modern society.³⁴ In the play, all conflict comes from "nothing" – rumor, invention, and assumption. "Nothing," in the early modern sense, could also refer to female genitalia, and to the eventual invisibility of a woman accused of a sexual crime.³⁵ *Much Ado about Nothing* deals comically with the dangerous longevity of slander. Leonato says that Claudio's "slander hath gone through and through [Hero's]

³³ Darr observes that the bodily search of witches "superseded the norms of modesty and decency" and the investigation itself is akin to sexual wrongdoing (363). She explains that women accused of witchcraft would be stripped naked, watched for imps, and questioned (367). In this process, the female body is "scrutinized" and ultimately "redefined" (369).

³⁴ The *OED* provides a wide range of definitions of "ado": fuss; trouble; and interactions or dealings, as in sexual or hostile military encounters.

³⁵ In early modern drama, accused women are referred to as dead. Isabella, in *Measure for Measure*, suggests she would "die forever" if accused of a sexual crime (2.4.109). Hero's supposed crime, in *Much Ado about Nothing*, is described as "the story that is printed in her blood" (4.1.122).

heart,” ultimately acting as a murder weapon (5.1.68). Even after her feigned death, Leonato’s performance highlights the tragedy of the fact that Hero “died...but whiles her slander lived” (5.4.66)³⁶. Hero is not killed in *Much Ado about Nothing*, but she echoes those tragic figures like Desdemona, who are.

Like *Much Ado about Nothing*, *The Taming of the Shrew* deals comically with slander, yet poses significant questions about what happens when accusations manifest themselves in reality and become truth. The opening induction plays on the notion of the changeable self. Christopher Sly’s situation provides a comic example of how well-executed accusation and questioning techniques can successfully alter a person’s sense of self. The Lord and his men convince Sly that he has forgotten his true self, and he believes them and embodies his newly assigned identity as a lord. This makes reality seem like a dream by comparison. Sly asks, “Am I a lord? And have I such a lady? / Or do I dream? Or have I dreamed till now?” (Ind.1.68-69). David Bevington suggests, “we realize as an audience that we will return to the norms of our daily lives after having visited an imagined space where anything is possible” (109). I suggest that we are forced to reflect on the permanence of real-life implications as we watch characters deal with accusations in a temporary, fictional setting. The tragic and unjust circumstances of Desdemona’s death are echoed in the potentially problematic marriages that conclude the other three plays.³⁷ Though Hero, Katharina, and Isabella live, the plays provide no guarantee of happiness in their futures.

³⁶ The immortal nature of language and reputation is a preoccupation appearing throughout Shakespeare’s works, including Sonnets 11, 15, 16, 18, 55, and 60. Sonnet 18 concludes: “So long as men can breathe or eyes can see, / So long lives this, and this gives life to thee.” As long as audiences can witness and interpret written material, its truth and its implications will live on, making reputation immortal.

³⁷ Isabella sacrifices her desire to be a nun, and seems voiceless and powerless as the Duke decides to marry her. Petruchio married Katharina based on selfish desires and his “wooing” consists of cruel patterns of “taming” and shaming. Hero, believed to be dead, enters into marriage with an ambiguous identity.

All of these plays, with heroines who play upon the sympathies of the audience, remind us that Shakespeare's audiences would have watched young boys play these roles. Women were not permitted onstage because they should not be false or open to the interpretation of others. An accusation served to cast a woman in a role, changing the way her actions appeared to her biased audience, and forcing her onto a public stage. This unfortunate reality, as depicted in Shakespeare's plays, leads us through the following sections, in which accused women are forced through trials and punished. Their roles as *subjects* of stories have much to tell: these are passive roles, which can be forced upon women without their permission, forever dictating their places in the community and their senses of self. In studying female identity, we may speak of acts of slander or providing witness statements as a sort of power, but it is critical to note that this power was only temporary. The lasting implications of slander seem to open and close any question of female guilt, symbolized by the haunting trope of writing on the female body.

Sexual accusations are problematic in several ways: they are rarely accompanied by clear evidence, stories and perspectives may differ from accuser to suspect to witness, and proving intentionality is a complicated matter. In fact, most of the insulting language women used toward one another implied female *consent* in sexual activities, not aggression or initiative (*Domestic Dangers* 78). Darr explains that evidence and circumstances are not synonymous, and presumption can get in the way of objectivity. This remains true today, but there were few restrictions in place to address this problem in the early modern era. The dialogue surrounding intentionality and responsibility in sexual crimes remains unclear even as centuries have passed; as of 1997, there was a 5% conviction rate for sexual crimes because so many go unreported. Suspects struggle in

interrogations about sexual crimes because of their fear of jail sentences and of the “social condemnation” facing sex offenders (Oxburgh and Ost 179-180). Particularly because of the accompanying social stigma, there are unique strategies for interrogation regarding sexual activity. Though interrogators in Shakespeare’s plays are neither detectives nor attorneys, their psychological strategies and techniques are remarkably similar. In any era and in any setting, successful interrogation takes into account the accused and the accusation, considering the social implications of the crime and the place of the accused within the community.

Interrogation

“Slander” has a definitively negative connotation in modern society, yet scholars like Laura Gowing and Frances Dolan, who research early modern women, speak of slander as a social tool because of the dialogue it facilitated. Standards of appropriate behavior granted early modern women limited exposure to community life and, further, limited speech in communal forums. Carefully timed slanderous language was one of the only avenues early modern women had to assert themselves and initiate dialogues about right and wrong. However, in my reading, slander more often took control *away* from women, quickly spiraling out of the accuser’s control and becoming a complicated community affair. Accusations then became ambiguous: suspicions could be raised about the witnesses or the accuser. Any ensuing trial or investigation thus began in a subjective and public manner. Slander demonstrates that the early modern practice of accusing was not always bound within a legal space, and my study of these plays demonstrates that questioning was not either. Though the plays’ interrogative dialogues about guilt often follow the same format Alison Johnson traces in standard police interrogation – an opening, free narrative from the accused, direct questioning by the interrogator, and a conclusion, which reiterates the established narrative (85) – they emerge from within the community, where roles are fluid and layered. Though they take place outside the courtroom, the dialogues serve simultaneous investigative and prosecutorial purposes, like modern police interrogation, as described by criminal justice scholar Richard Leo. These conversations are as much about acquiring information as about assigning guilt.

Based on the numerous dialogues regarding crimes and intentions in the plays I have examined – *Measure for Measure*, *Much Ado about Nothing*, *The Taming of the*

Shrew, and *Othello* – Shakespeare’s characters are preoccupied with innocence, guilt, and justice. Legal discourse lends itself to a discussion of these works; modern legal vocabulary is expansive and nuanced because of the extent to which we discuss trial and interrogation processes. Protections, rights, biases, justices, and injustices have always been universal human concerns, and we now have complex terminology with which to discuss them. The letter of the law is only as effective as its application, and applying the law is entirely a function of language. Community interaction allows for sensationalized storytelling, and the law promotes the objective formulation of a narrative, but such stark delineations cannot be sustained. Every story blurs truth and fiction. We trust in terms like “statement” and “testimony,” which suggest definitive narratives, but we must consider the process that precedes the signing and validating of such texts.³⁸ Today’s criminal justice system ensures that *one* narrative reaches the court, with precisely articulated roles: suspect, victim, and witnesses.³⁹ Additionally, the law protects people in these roles, who have the right to know what is at stake for them: whether they are suspects or witnesses, whether their guilt or innocence is presumed, and whether their intentions and motivations are being crafted in conversation.⁴⁰ Interrogation in these plays thus revolves around participation in and construction of the narrative of the crime.

³⁸ Richard Leo explains that stories are constructed in interrogation as well as the postadmission process, during which “the investigator and suspect jointly create a narrative of the suspect’s culpability” (412).

³⁹ Leo says that, “Police interrogation in the adversary system is arguably as much about constructing and managing the public narrative of interrogation and confession as it is about getting the suspect to say ‘I did it’” (2283). The adversarial, or “contest,” model of the US is unlike the inquisitorial model of the UK. In an adversarial system, the judge is a more passive adjudicator and the burden of proof rests with the prosecution, whereas judges play a dominant role in the inquisitorial model. According to Kate Malleson, not all evidence may be heard in an adversarial model, but rather, only that which helps a particular side; in an inquisitorial model, there are fewer rights or protections for the defendant (11).

⁴⁰ As Derek Edwards explains, “intentional states” includes “intent” as well as more generalized “thoughts” or “feelings” about the circumstances of the crime; interrogation promotes participatory involvement in *constructing* intent, among all parties involved, not the assignment of intent by the interrogator (178).

As portrayed in conflicts about guilt in Shakespeare's plays, early modern criminal accusations were not always precise. Anyone could suffer in the investigation process, as truths were unearthed or fabricated, and reputations tarnished. The processes of establishing right and wrong involved a "change of state" in everyone, ranging from the accused to the witnesses. A change of state, as Alison Johnson explains, is not unique to suspects who must see themselves as having done wrong and caused harm; it is also about "victims seeing the perpetrator's actions as a violation" (95). I suggest that witnesses experience a similar change of state, as they realize that their perspectives are significant and can contribute to a community effort. A change of state is important in establishing agreed upon roles in the communally constructed, but legally overseen, process of developing a narrative. Participating in a dialogue and corresponding change of state implies the consent of the individual being interrogated, as if to say that he understands and accepts the role in which he is being cast. As the trial process continues, individuals remain firm in these established roles, which they are expected to uphold in larger discussions of wrongdoing. In a theoretical modern framework, attorneys draw conclusions based on factual evidence and corroborated statements as they craft the story of the crime. In early modern England, these roles were assigned based on community gossip and what developed through interrogation was often a fiction, meant to substantiate the original – but not necessarily true – accusation.

The dialogues in the plays and modern interrogation frameworks share the goals of "recontextualization," putting agreed upon events in new terms and new contexts, and ultimately "changes of state." By the end of the conversation, the interrogator seeks to change the target's understanding of what took place, interpreting the actions in a new

light, with the aim of locating and proving guilt. Such a dialogue is most effective when the accused takes linguistic ownership of his responsibility, merging his own narrative with that of the detectives or attorneys. Confessions support convictions, so detectives rightly spend much time directly interrogating the suspect. However, less focus is placed on the accused in the plays, which may reflect social and legal practices in early modern society. Changing the perspective of accusers and witnesses was one of the most valuable approaches to proving guilt in early modern England, and definitive convictions could easily transpire without the confession of the accused.

Though modern interrogation focuses on engaging the suspect whereas early modern literature portrays dialogues *about* the accused, several commonalities appear: questions of believability, the inevitability of one story surfacing as the right one, and the attractiveness of an offer for a suspect to have some control in the situation. These trends are apparent in an example from 2000, in which seventeen-year-old Dennis Deonte Green confessed to a crime he did not commit. Not only was he innocent, in fact, he was one of the *victims* of the crime. In the interrogation process, he was overwhelmed by what was later exposed as false evidence against him, and was told that his story “wouldn’t play well in a courtroom” (133). He felt his story could not stand up to the one that had been crafted by the detectives; they presented him with such a convincing portrayal of the events that he ultimately embodied and admitted to exactly what they expected of him. He was frightened by the interrogation, and was overwhelmed because he had no sense of what was “coming next” (134). To give himself some control in the matter, he confessed. He allowed himself to be affected by the police, who cast him as the criminal because he was a young man present at the shooting. For the detectives, his age made him a likely

suspect, but in reality, his age made him vulnerable to make a false confession. Just because the detectives' story seemed convincing, based on prior cases and presumed likelihood, did not mean it was the right one. As this example demonstrates, society should consider what strategies are used in developing a story, and what manipulations and vulnerabilities might encourage someone to participate in his own downfall.

To protect "civilized" individuals from the disruption of irregular behaviors, early modern society established formulaic narratives, norms or patterns that detailed society's expectations for criminal types. These are essentially criminal profiles, crafted subjectively and used unfairly. This is the same strategy that appears in our society, when young, economically disadvantaged minorities are assumed to be guilty of crimes for which they are present, though they are often victims or witnesses; in these cases, we adhere to an established notion rather than looking at the particulars of the situation. Dolan explains that early modern accusations of witchcraft, an "invisible" crime like treason, were taken seriously when they fit an expected norm. These expectations, paired with an "[i]ncreasing distrust" of women's testimonies and low standards of proof, meant that accusers and witnesses that abided by an expected "script" throughout a trial would get a guilty verdict (*True Relations* 22). Laura Gowing describes these "scripts" as "legal formulas that made stories plausible to the court [and] part of a popular culture that made sense of real experience" (*Domestic Dangers* 156). Where modern criminal profiles are crafted methodically to better approach a list of suspects, early modern "narratives" were disseminated as stories, and these stories were reformulated and given new details when an accusation was made. The narratives then become inseparable from the accusation.

Paired with the permanence of slander and criminal accusations, early modern men had an inherent tendency to assume guilt on the part of women, especially when it threatened them. Gowing explains that when the “honesty” of a female witness was discussed, the conversation simultaneously called into question her chastity and her credit in the community (*Domestic Dangers* 52). Men orchestrated these investigations and were vulnerable to believe falsehoods about their wives and daughters, as they were held accountable for the women’s actions (*Domestic Dangers* 129-130). In these subjective dialogues, the men became what criminology scholars would call “guilt-presumptive interrogators,” as they actively searched for evidence of wrongdoing and were readily convinced by whatever they found. *Othello* enacts the process, after an accusation has been made, of a jealous man convincing himself that he has been cuckolded. Because this is untrue and Desdemona is a virtuous woman, the process is a lengthy one, necessitating extensive deception, misunderstanding, and recontextualization. The villain, Iago, can only convince Othello of Desdemona’s guilt when Othello begins to misunderstand Desdemona’s kindness, perceiving it as mere “seeming,” and to see her normal behaviors as evidence of wrongdoing.

The “change of state” will be achieved when Othello comes to see himself as a victim. As Iago fabricates a crime committed by Desdemona and convinces Othello of her guilt, the first stage in changing Othello’s perspective is to alter his expectations for his wife. At the beginning of the play, Othello is convinced of Desdemona’s love for him, proven by the sacrifice she makes in choosing to spend her life with him, away from her home and her father. However, based on Iago’s manipulations, this very demonstration of her love for Othello is undone. Katharine Eisaman Maus explains that, in these

circumstances, Desdemona's participation in atypical narratives, running away with Othello without her father's permission and partaking in an interracial relationship, become evidence against her (43). When Brabantio realizes that Desdemona is gone, but before she can defend her actions, he reads intention into her action and concludes that "she deceives me / Past thought!" (1.1.169-170). Derek Edwards explains that modern interrogation moves beyond the "implicit intentionality" in action verbs (179), using nuanced language to construct intent, rather than presuming intent is inherent in every act. In the framework of early modern drama, actions, intentions, recklessness, and deceit were conflated in the community's understanding of potentially isolated or even accidental incidents. Though Desdemona makes an exception for Othello in betraying her father, with Iago's influence, this single instance of betrayal becomes a harbinger of deceit to come. Brabantio's warning, "Look to her, Moor, if thou hast eyes to see. / She has deceived her father, and may thee," is a self-fulfilling prophecy among the plays' paranoid men (1.3.295-296). Iago further enhances Othello's distrust of Desdemona by establishing a pattern of logic and a set of expectations for Desdemona's future wrongdoings – essentially, by crafting a "profile" of the Venetian whore:

In Venice they do let God see the pranks
 They dare not show their husbands; their best conscience
 Is not to leave't undone, but keep't unknown. (3.3.216-218)

He then likens the profile to Desdemona's virtuous seeming, which fits that description.

Using the "profile" or "narrative" of the Venetian woman, Iago implements a strategy common in modern interrogation, in which he glosses between general situational questions and questions about the case at hand (Edwards 196); here, he elides the behavior of Venetians, of mankind in general, and of Desdemona. Iago presents

Othello with evidence of the essential promiscuity of humanity, asserting there are “millions” who “nightly lie in those improper beds / Which they swear peculiar.” He concludes, “knowing what I am, I know what she shall be” (4.1.66-74). The audience knows he is alluding to the story that he is crafting about Desdemona, but from Othello’s perspective, Iago is implying that sexuality is inherent and irrepressible among all men and women. Iago links this universal trend with a peculiarly threatening portrait of the women of Venice so Othello becomes acutely aware of his own foreignness and of Desdemona’s cultural tendency toward lustiness. Iago’s description is exaggerated and biased, crafted to target Othello’s insecurities about his origins and age. Othello, though not the accused, is the target in this interrogation; he must give in to Iago’s dominant narrative, and he must undergo a change of state. The accused Desdemona, however, is excluded from most conversations that concern her and given no opportunity to defend herself.⁴¹ This is a trend that appears elsewhere in the plays and contributes to my choice to look at “interrogations” of characters other than those accused. Shakespeare’s accused women remain painfully silent but become the subject of lengthy discussion.

Many accused women’s silence derives from their own nature or the nature of the crime. Even today, specific “types” – young, modest, insecure, and naïve – are most vulnerable in the interrogation process, and most hesitant to pursue their own defense. Further, the early modern justice system did little to grant them voice, though their roles as mothers and wives made them important figures within communities made up of families. In the plays, it is taken for granted that women’s innocence or guilt could be widely discussed without offering them an opportunity to explain or justify their actions.

⁴¹ Dolan describes the inconsistent use of first and third person in depositions; she asks who is speaking in each case, and whether a woman would be able to speak for herself in this cultural environment (123).

As demonstrated by the Miranda Warning and the Right to Silence, read aloud to anyone who is arrested, modern American and British legal systems prioritize the rights of the accused: the rights to avoid self-incrimination and to legal defense in court. As Richard Leo explains, “Miranda requires the detectives to inform the suspect that he stands in an adversarial relationship to police,” as this conflict of interest is not always apparent (1674). The women in these plays, sometimes unbeknownst to them, are accused outside of the court, where angry community members, including their accusers, discuss the accused’s guilt and draw conclusions. The convictions and sentences that follow are permanent and damaging; the stakes are high and the consequences are real.

In *Much Ado about Nothing*, Leonato, like Brabantio in *Othello*, mourns ever having a daughter once she has been accused of promiscuity, suggesting that she may as well be dead (4.1.123, 127-129). The images that he provides about her self-destruction are language-based; both suggest stories that physically overtake her and suffocate her. He refers to the accusations as a “story that is printed in her blood” (4.1.122), and mourns that she “is fallen / Into a pit of ink” and “the wide sea / Hath drops too few to wash her clean again” (4.1.139-141). Hero’s silence becomes a palpable presence in the play. Like the other women, she is largely unaware of the conversations that circulate about her, but is victimized by their words. The audience bears witness to the spreading of rumor and to the women’s corresponding silence; this grants us an objective perspective from which to judge the societal and legal norms that impose this silence.

Early in *Othello*, Desdemona engages in some dialogue regarding her own guilt, yet proves that words can be as damning as silences, especially for early modern women, who should never speak before an audience. Her first words in the play acknowledge the

wrong she has done by leaving her father, but justify her choice. Her initiative in this instance is akin to modern day plea bargaining; she admits this fault in order to be pardoned by the Duke and permitted to leave with Othello. Oren Bar-Gill and Gazal Ayal examine trends in offering or accepting a plea bargain, correlating appropriate use of plea bargains with high chances of conviction, which they are careful to distinguish from likely guilt (353). Chances of conviction have more to do with available evidence and public perception, which are beyond the control of the accused. As Alan Wertheimer observes, weak evidence against an innocent suspect could actually have a greater possible sentence differential, as the evidence is more open to the interpretation of the jury. In such cases, with uncertain prospects, the innocent could be persuaded to plead guilty (232). Desdemona manifests this ambiguity: though she is completely blameless, the men will likely, if not certainly, condemn her assertiveness.

While plea bargaining is a widely accepted procedure today, admitting any transgression would be extremely dangerous for an early modern woman. Even today, the public is unsure of how to interpret the guilt of those who admit wrongdoing to benefit themselves, as well as a system that relies upon plea bargaining as a negotiation tactic, obtaining information from the defendant and complicating objectivity in the case at hand (Wertheimer 207).⁴² From one perspective, the existence of plea bargaining highlights weaknesses in the criminal justice system, which may impose harsh punishments on the innocent, but from another, plea bargaining gives wrongdoers a free pass. Plea bargaining

⁴² Kenneth Kipnis notes, when threatened with too harsh a punishment, “the guilty can receive the punishment they *deserve* through plea bargaining,” suggesting that deserved punishments may not always result from trials. He identifies a failure of this tactic, which may “compensate for one injustice by introducing others than unfairly jeopardize the innocent and those that demand trials” (104). Alan Wertheimer also examines the unfair position in which defendants find themselves, correlating voluntariness and freedom, noting that “voluntary” should be an active rather than a passive state (206).

demands an admission of guilt, so merely entering the process imposes guilt and shame on the accused. Such ambiguities would have been compounded in the early modern frame of mind, especially in its divided view of women as either completely innocent or thoroughly corrupt. Desdemona voices her pseudo-admission in the frame of obedience, which is how she understands her relationships to others; she must deny Brabantio because she is now a wife, who must answer to her husband. She can only be obedient to one of the men and, as Othello's wife, must plead guilty to Brabantio's charges against her as a daughter. Though she speaks truthfully and admits a universal reality, that daughters ultimately become wives, she can no longer claim virtue, honesty, or submissiveness now that she has appeared so outspoken and defiant.

Interrogation focuses on how an audience will understand and interpret an accused individual or a story about a crime; in this instance, the story is Desdemona's choice to marry Othello. Plea bargaining necessitates an acknowledgement of guilt, though usually not to the full extent of the charges, which complicates an audience's ability to trust the accused. Brabantio reads the story as evidence of his daughter's shameful corruption and downfall. At the beginning of the play, Othello reads the story as evidence of her love for and obedience to him, and his participation in the dialogue with the Duke is crucial: Othello's corroboration of her story of their relationship is what grants it truth. However, as he undergoes a change of state throughout the play, believing himself to be a victim of Desdemona's wiles, he comes to read this instance as the first of many in which Desdemona exhibits the traits of the Venetian whore. When accused by Othello later in the play, Desdemona has no recourse to defend herself because she has no man to speak for her. Desdemona naively believes Emilia's presence by her side is

significant in the early acts of the play, vowing to Cassio, “Before Emilia here / I give thee warrant of thy place” (3.3.19-20). However, as we see at the play’s conclusion, Emilia’s word and presence are unable to prove the nature of Cassio and Desdemona’s relations. Othello’s view of Emilia changes from Desdemona’s serving woman to the madam to whom Desdemona answers. It becomes tragically clear to the audience that Desdemona does not know enough about the world to be informed that a man must always substantiate a woman’s word.⁴³

Today, any accused individual would be encouraged to use a lawyer in court. It is assumed that a layperson would not have the experience or legal knowledge to effectively defend themselves. *Brady v. United States* states that “defendants must have ‘competent counsel and full opportunity’ to weigh the merits of the alternatives...a voluntary guilty plea must be rational” (Wertheimer 228). Modern notions of “competence” apply to defendants without the mental capacity to understand the charges against them or to make an informed, “rational” choice. I suggest that Desdemona would be unfit to be questioned in court because she literally cannot understand the charges against her, though not because of mental capacity. Rather, Desdemona’s naïveté damns her because she does not know enough about the world to understand the implications of the accusation. She is unable to repeat the word “whore” (4.2.126), and even after being accused, remains convinced that women could not cheat on their husbands (4.2.61-64). If she cannot speak in these terms or understand men’s assumptions about women, how can she defend herself? Desdemona’s circumstances demonstrate that women were not granted equal

⁴³ In early modern England, a woman’s word was not considered substantial in a legal context. Shakespeare dramatizes the reality that a woman’s voice would have been of little value compared to a man’s, in society as well as in the courtroom. Characters like Viola in *Twelfth Night* and Rosalind in *As You Like It* must embark on journeys disguised as men, because their reputations and lives are at stake as young women traveling alone, without men by their sides to vouch for their virtue.

social or legal rights in early modern England. In Shakespeare's plays, this appears as a linguistic problem, more universal and more nuanced than many political issues. Such issues of competence rarely apply today, as most people in society are informed about relevant cultural norms and the implications of crime, or have access to information. Even so, most people would trust an attorney to speak for them. The complexities of today's legal discourse demonstrate that language remains a slippery element of criminal justice proceedings, particularly when there is an imbalance of power in interrogation. Through this lens, we can better understand Desdemona's disadvantage as Iago fabricates her guilt through male-dominated dialogue and discourse.

It is understood that a suspect is at a disadvantage in an interrogation scenario. Though modern defense attorneys are experts in helping defendants to determine the best option available to them when offered a plea, Wertheimer clarifies, "To say that the presumption of innocence requires us to understand the defendant's situation by comparing it with his situation prior to accusation is to require too much" (222). Regardless of the notion of "presumed innocence" in the adversarial system, guilt is implied on a social level as soon as an accusation is uttered. Richard Leo notes that the adversarial process begins when the prosecution files charges, and quotes Doreen McBarnet as saying that "Incrimination is the first step in the process of *conviction*" – not in the process of finding the truth (174, 422, my emphasis). An interrogation scenario encourages the questioner to believe the accused is guilty, even without substantial evidence. It encourages shifts in belief and even identity in suspects, witnesses, and victims alike, during the process of recontextualization, which is often marked by changes in language throughout interrogation. Pronoun shifts, verbs indicating

intentionality, and acknowledgement of harm, for instance, can all indicate that a suspect is reframing his own story in terms of guilt. Suspects' statements, described by Johnson, begin by separating causal connections (to avoid acknowledgement of guilt), progress as interrogators impose causal connections, and conclude as suspects come to alter their stories in accordance with the interrogators' expectations.⁴⁴ Recontextualization means telling the same story, but applying new language to it, and reinterpreting the meaning of established details as the conversation proceeds.

Recontextualization deals in responsibility and intentionality, enacting consent in the language change on the part of a suspect who had formerly denied guilt. A good interrogator takes the lead in the recontextualization process, and in successful interrogation, the suspect will eventually follow (Johnson 86). Though it is far beyond the scope of the law, the witty wordplay between Katharina and Petruchio in *The Taming of the Shrew*, shows them to be linguistic equals and allows them to challenge one another through clever recontextualization. Their private dialogue, like an interrogation, is seemingly balanced; however, only one story can emerge after the conversation is done, when one of the speakers has to assert an authoritative interpretation of the exchange in a public forum. Katharina and Petruchio each use verbal aggression, transforming each other's sincere remarks into jokes, and demonstrating how words can reinterpret seemingly definitive actions. He threatens, "I'll cuff you if you strike again," and she replies, through winding logic, that his threat undoes itself and is thus baseless:

⁴⁴ Johnson presents an interview that began with the following statement from a suspect: "so I just jumped up, I was at the side. Jumped up, hit him, and then he just went and fall down. And that's...that's all that happened." As the dialogue progressed, the interviewer formulated the following narrative, and sought the suspect's agreement: "you've hit him, he's fallen back, lost his balance and he's banged his head on one of the wooden beams [...] you stood up and punched him in the side of the face which caused him to lose his balance, fall backwards, bang his head, which resulted in him receiving a fractured skull in two places" (90). In the second instance, causal connections are imposed on agreed-upon events.

So may you lose your arms.
 If you strike me, you are no gentleman,
 And if no gentleman, why then no arms. (2.1.220-223)

Though Katharina holds her ground in this private exchange, Petruchio's ability to transform everyone's perception of Katharina is what endures. After this dialogue, Petruchio's claims recontextualize Katharina's actions as less meaningful, suggesting that her "shrewish" behavior is an act they have agreed upon and she will commit herself to him in private (2.1.289-295). Tragically, this undoes her very sense of self; she protests and demands to see him "hanged" (2.1.296), but his description of her shrewish "act" is believed and his word is privileged. Her accusation sounds baseless, and moreover, she reads as a woman in love, upholding the promise she made to Petruchio. As in an imbalanced interrogation, Katharina cannot deny her participation in the conversation, and this is the first step in her internalized complacency to Petruchio's will.

Though *The Taming of the Shrew* is a comedy and many read a love relationship into the witty exchanges Katharina and Petruchio share, his questioning tactics correlate to interrogation strategies in modern criminal investigations. Interrogators use "the illusion of a relationship" to make the accused actively accept and acknowledge his culpability, and this type of negotiation allows for a prior belief to be abandoned and a new one to be adopted, or for old identities to be left behind and new ones to be assumed (Johnson 331, 336, 346).⁴⁵ This is eerily similar to what Christopher Sly experiences, and Katharina's transformation is paralleled by Sly's humorous acceptance of the role that is

⁴⁵ Gavin Oxburgh and James Ost describe the need for empathy in interrogations about sexual crime. They explain that modern suspects are more likely to confess if treated with "humanity and dignity" and state that empathy, shown by the interrogator, is directly reflected in the speech of the suspect (181-182). They identify two opposing strategies, both of which appear in *The Taming of the Shrew*: an interrogator may be an empathetic opportunity continuer, allowing for growth in the relationship with the suspect, or an empathetic opportunity terminator, retaining control by limiting the emotional comfort of the suspect (184).

thrust upon him. His transformed sense of self begins in dialogue and is followed by a behavioral shift. The interrogative process is a carefully scripted one, unlike everyday conversation (329). Successful interrogation hinges upon the change in behavior expected in the accused and the subsequent change in the narrative of the crime. I suggest that interrogation allows the accused to believe she has some control over her story, which encourages her to keep speaking. This, as mentioned previously, makes her complicit in whatever outcome results from the conversation. Leo likens plea bargaining to interrogation, saying that “both create the appearances of allowing the accused to negotiate how the facts of his crime will be constructed and how his culpability will be framed in order to receive leniency” (456). This power is temporary and illusory, no matter how intimate the conversation with the interrogator may have seemed.

Because of this presumed control on the part of the individual being questioned, all words chosen, and even silence, carry meaning. The sense of the intentionality and profundity of silence complicates the objectivity of interrogation, as silence registers as guilt. Early in the play, Petruchio seeks honesty from Baptista by asking leading questions about the desirability of his daughter, Katharina, which Baptista has no choice but to avoid. Petruchio asks, “have you not a daughter / Called Katharina, fair and virtuous?” Petruchio likely expects Baptista’s response, “I have a daughter, sir, called Katharina” (2.1.42-44). Here, Baptista knowingly implies that his daughter fails to meet expectations for young women, and his response gives Petruchio the power to pursue Katharina relentlessly, confident that she is notoriously undesirable and he is fully in control as her only suitor. Petruchio crafts circumstances like the wedding or the visit from the tailor, in which she believes she will have some agency; she expects to be an

equal participant in her marriage vows and she believes she will have the opportunity to choose fashions she likes. As soon as she tries to exert some power to protect or please herself, he manipulates the power away from her, as a harsh reminder that her only agency lies in her position as his wife. He shows her, and the audience, that her own words are of no value unless bolstered by his.

The sun and moon dialogue is the climax of this interrogative process; the argument begins with a contrast between what he “says” and what she “knows,” though she ultimately speaks the words he aims to elicit from her and concedes that it is nighttime while the sun shines bright (4.5.4-5). Though this submission could be the effect of Hortensio pleading, “Say as he says, or we shall never go,” Katharina is never anything less than authentic in her behaviors, and most specifically, in her words throughout the play (4.5.11). She allows herself to undergo all kinds of torment because of her desire to maintain her honesty. She will not say something untruthful just to please Petruchio, who has changed everyone’s perspective on her. Previously, she tells him:

My tongue will tell the anger of my heart,
Or else my heart, concealing it, will break.
And rather than it shall, I will be free
Even to the uttermost, as I please, in words. (4.3.77-80)

However, just two scenes later, Katharina speaks in accordance with Petruchio’s false truth, rather than adhering to what she knows, promising him that she sees the sun: “But sun it is not, when you say it is not, / And the moon changes even as your mind” (4.5.17-19). At this moment, I argue that Katharina experiences a “change of state” and chooses to take on the role of obedient wife, which she will continue to act through the rest of the play. Regardless of what motivated this change, its consequences will be permanent. Whether tragic or comic to the audience, in this speech, Katharina enacts consent and

submits to Petruchio's will. Still, readers' interpretations of the sun and moon scene vary, as the power dynamic between Petruchio and Katharina is unclear in the final scene.

In *Othello*, on the other hand, Iago crafts an unwavering power structure. The play, centered on Iago's plot, follows the psychological framework of many modern interrogation procedures. In an overview of interrogation and confession practices, Saul Kassin and Gisli Gudjonsson present their reduction of the nine-step Reid technique, a strategy taught to interrogators since the 1970s, into three basic categories. I suggest that Iago's overall approach abides by this pattern. The first stage is custody and isolation, "which increases stress and the incentive to extricate oneself from the situation" (43). Othello begins to feel this pressure in Act 3, Scene 3, which I will analyze in greater detail; Othello panics and determines that he must immediately establish Desdemona's guilt. The next step is confrontation, during which a crime is detailed in greater depth and "real or manufactured evidence" is presented (43). Iago provides "evidence" in three instances, one in which he stages a conversation with Cassio to present an "admission" of guilt, another in which he describes Cassio talking in his sleep, and a third in which Desdemona's "misplaced" handkerchief, planted in Cassio's lodging, confirms Iago's accusations. Though subjective and auditory in nature, these stories become the "ocular proof" Othello demands. The final step is minimization, "in which the sympathetic interrogator morally justifies the crime, leading the suspect to infer he or she will be treated leniently and see confession as the best possible means of 'escape'" (43). Othello comes to believe that he must admit Desdemona's wrongdoings for her own good, later framing his demands for a confession in terms of the purity of her eternal soul. In conversation, Iago also justifies the crime Othello *will* commit when he admits he has

been wronged and kills Desdemona for vengeance; he presents this as Othello's only "means of escape." Iago describes Desdemona's theoretical murder as morally justified, linking her crime and her fate, being executed in the bed she has dishonored.

Though the entire play's conflict centers on the manipulation of evidence, leading to the "conviction" of Desdemona, the scene that exhibits the most interrogative strategy is Act 3, Scene 3. In this scene, Iago uses recontextualization to single-handedly achieve a change of state in Othello, altering his entire perspective on his marriage. This is the most critical part of this process for Iago, in which he must make Othello feel isolated and betrayed. Read in the context of trends analyzed by Alison Johnson, Iago's masterful linguistic manipulation of Othello is apparent. Iago begins this conversation with a simple statement, as Cassio and Desdemona part: "Ha, I like not that" (3.3.35). In a typical interrogative pattern, this observation, once understood by Othello, is followed by a causal connection (Johnson 90). Iago merely observes that Desdemona and Cassio have been talking, which is certain. The confirmation of an agreed-upon fact makes the subsequent evaluation of guilt more easily accepted (Johnson 105). Here, in order to recontextualize this innocent exchange between Desdemona and Cassio, Othello must first acknowledge the *evidence* – the "illicit" conversation itself.

Since Iago is crafting a falsehood, the more potential doubt he can inspire in Othello, the better, so he begins by giving Othello the tools to evaluate the "suspicious" activity between the two. Johnson describes the distinction between positive and negative questions: a "so" question is a positive one, with "a built-in preference for an agreement," asserting the perspective of the interrogator and encouraging addition (91, 97). Iago begins with negative questions, which invite "other" information, expanding the scope of

the dialogue to include more possibilities (97). It is critical to Iago's technique that he allow Othello to formulate doubt in his own mind, granting him the power to find his own wife guilty. After Iago's negatively phrased statements open conversation, he manipulates the roles in the interrogation, acting like an uncooperative witness holding something back, and forcing Othello to ask him questions. Then, when Othello asks negatively phrased questions, rather than provide information, Iago remains silent. Othello asks, "Was not that Cassio parted from my wife?" and Iago answers, "Cassio, my lord?" (3.3.38-39). Othello continues, "Is he not honest?" and Iago replies, "Honest, my lord?" (3.3.112-113). Iago's manipulation of linguistic strategies and expectations allows Othello to begin an internal line of questioning in his own mind, in which he concocts certainty about Desdemona's guilt.

Iago also repeats himself and Othello; repetition is a widely used strategy in interrogation techniques. Leo confirms, "It would be only a slight oversimplification to say that repetition is the essence of accusation in American police interrogation" (1820). Iago's repetition allows him to avoid answering Othello's questions, driving Othello to panic and formulate more questions:

By heaven, thou echo'st me,
As if there were some monster in thy thought
Too hideous to be shown. (3.3.118-120)

When Othello begins asking Iago more questions, a change is apparent; Othello takes on the role of interrogator, because he has come to see himself as a potential victim and Iago as a valuable witness. When Iago holds back responses to Othello's questions, Othello rephrases his questions and adds increased detail, each time assuming the worst and crafting his own narrative of a crime that never occurred. Typically, an interrogator uses

repetition to indicate that he is not pleased with the answers he is receiving, and demand change. This corresponds to a larger goal of interrogation, explained by Edwards: the reformulation of the suspect's words in the interrogator's terms. Othello believes he is prompting change in Iago's answers, not realizing that Iago is always in command, having already prompted a deep, internal change in Othello.

The change is undeniable, as Othello begins to manifest doubt about the loyalty of his lieutenant, Cassio. Othello's stake in the conversation becomes more much apparent; he fights to maintain the role of interrogator in order to gain information about Desdemona. Othello asks more open-ended questions and we see what Johnson describes as a "gradual movement from information seeking to confirmation using evaluation through gradually more challenging questions" (100). Edwards notes the importance of the shift from holding back to elaborating, often reflected by open-ended questions followed by more focused yes/no questions (185). As Othello increases the stakes in his questions, and Iago remains suspiciously silent, Othello's mounting stress makes him more likely to be swayed by what Iago says when he finally elaborates on what he "knows." Knowing that he has Othello's complete faith, Iago tells the audience:

Trifles light as air
Are to the jealous confirmations strong
As proofs of Holy Writ. (3.3.337-340)

From this point on, all evidence Iago provides will be blindly accepted as truth.

In this stage of the interrogation process, the concept of an "audience," who will eventually hear all statements, is a useful tool. Another interrogative stage, described by Davis and O'Dohonue, is the "communication of inevitability" (Kassin and Gudjonsson 46). Interrogators who seek an admission of guilt often suggest that the truth will emerge

from elsewhere, but it will be easier for all parties involved if the guilty would simply confess. Likewise, Othello, as an increasingly crazed interrogator, expresses his certainty that Desdemona's guilt will inevitably become apparent as his "investigation" continues: "To be once in doubt / Is one to be resolved" (3.3.193-194). As the audience can see, though, she is guilty simply because he questions her. He continues, contradicting himself in his emotional frenzy, "I'll see before I doubt; when I doubt, prove / ... Away at once with love or jealousy" (3.3.204-206). Where interrogators use inevitability to elicit the truth from a suspect, the guilt-presumptive Othello uses inevitability to accept and confirm his wife's betrayal, without hearing a word in her defense.

What begins as a dialogue between Iago and Othello becomes something of an interrogative monologue, in which Iago and Desdemona each reflect a part of Othello's self. Carol McGinnis Kay explains that Othello's deep insecurities about his identity are manifested in his dependence on his relationships with Desdemona and Iago. Kay believes that Othello loves Desdemona for the way she sees him, and he is happy to define himself according to her perception. However, that sense of self crumbles when he believes she has betrayed him. His identity, once bound up in his love for Desdemona, quickly becomes dependent upon his friendship with Iago. In dialogue, he accepts and begins to parrot Iago's perspective; several nuanced linguistic changes demonstrate this shift, redirecting our attention to the link between language, guilt, and justice. Iago says, "She did deceive her father, marrying you" and reminds him that "when she seemed to shake and fear your looks, / She loved them most." Othello agrees, "And so she did" (3.3.220-222). Othello borrows Iago's past tense, unlike the present tense he used earlier. This tense shift is significant, indicating a change in Othello's perspective as interrogator:

he feels he must hold Desdemona responsible for actions in her past, and he is no longer preoccupied with evidence in the present (Johnson 104). The final line of that passage, “And so she did,” is shared with Iago’s line, “Why, go to, then!” (3.3.222). This line is metrically irregular, showing a break in previous patterns and a merging of Iago and Othello’s thought processes. A few lines later, Othello acknowledges his indebtedness to Iago: “I am bound to thee forever” (3.3.228). He adopts Iago’s terminology, observing “nature erring from itself” (3.3.243), changing his view on himself as a potential husband and agreeing that his relationship failed because he is “black” (3.3.279). He then concludes that Desdemona is guilty *without* the ocular proof he previously demanded:

She’s gone. I am abused, and my relief
Must be to loathe her. Oh, curse of marriage,
That we can call these delicate creatures ours. (3.3.383-385)

Othello feels that Desdemona’s appearance of innocence is carefully crafted. This will recontextualize everything she does for the remainder of the text, as Katharina experienced in *The Taming of the Shrew*. The more innocent Desdemona seems, the guiltier she must be.

The emotions Iago evokes in Othello are magnified as the play continues, due partially to Othello’s emotional pain and partially to his fear of being publically shamed for his cuckoldry. Iago uses this to his advantage by acting as a director and playing with the notion of the “observer” in the scenes he constructs. The physical layout of the interrogation room, as described by Fred Inbau, John Reid, Joseph Buckley, and Brian Jayne in 2001, consists of the following: two chairs (interrogator and suspect) facing one another, a desk or table with an observer behind it on one side, and on the other, the

observation mirror (Kassin & Gudjonsson 46).⁴⁶ An awareness of current and future observers is crucial to the accused's state of mind in the interrogation process, and both are represented here. Johnson explains that, though an interviewer "is not expecting to be entertained or surprised...the future courtroom audience and the prosecuting lawyer will want to make something of the disagreeable, shocking, insulting or offensive nature of the narrative details" (86); the same would apply to a gossiping community. In my reading, the countless possible "audiences," who will bear witness to the accused's shame, are represented by the observation mirror. The accused does not know who is behind it or how they are reacting, and yet must face the psychological task of seeing his own reflection throughout the process.

As I describe Iago's use of the "observer" in interrogation, I will continue to use interviewers and interviewees interchangeably, but will focus on the use of the Proximal Observer (the observer present in the room), and the Distant Observer (on the other side of the observation mirror). Typically, the Proximal Observer may be another detective, whereas the Distant Observer may be an attorney or a supervisor. For the purpose of these very social exchanges in the play, I suggest that the Proximal Observer is more actively involved in the situation and the Distant Observer is meant to be more objective, though the positions are far from static. In discussing early modern drama, Maus explains, "Inwardness in the English Renaissance is almost always formulated in terms of a double spectatorship... The work of interpretation is thus imagined as a process by which limited human spectatorship might approach divine omniscience" (38). In the plays, a given character may play both roles, but the primary difference is that the story perceived by the Distant Observer includes *another audience*, making the Distant

⁴⁶ Refer to Image 1 in the Appendix.

Observer self-conscious about the act of spectatorship and more aware of the importance of the role of audience.

The first situation passes quickly: as Act 3, Scene 3 begins, Iago crafts a scene in which Cassio and Desdemona are speaking, Iago is the Proximal Observer, and Othello is the Distant Observer.⁴⁷ Iago, as the Proximal Observer, reacts emotionally, dismayed at the possibility that both Cassio and Desdemona have betrayed his beloved General. As though he actually has a closer view of the interaction, Iago draws attention to Cassio's avoidance of Othello, due in reality to their disagreement, and attributes it to the affair. Iago implies he could not otherwise imagine that Cassio "would steal away so guiltylike, / Seeing you coming" (3.3.40-41). Othello is cast in the role of Distant Observer; as he watches the other "audience" present – the Proximal Observer, Iago – he sees Iago's reaction to Cassio and Desdemona, which fosters Othello's own suspicions. Further, Othello is reminded of his own objectivity as he enters this judgment process, granting his conclusions more weight.

The second scenario is likely fictional: Iago invents a situation in which Cassio talked in his sleep. Here, again, Cassio and Desdemona are "speaking" to one another. Iago acts as the Proximal Observer, literally present in the same bed as Cassio voiced this supposed dream, and Othello is the Distant Observer, listening to the description of the situation after the fact and watching the imagined "interaction" play out in his mind.⁴⁸ Iago vividly details how Cassio called out and embraced him in Desdemona's stead:

then [he kissed] me hard,
As if he plucked up kisses by the roots
That grew upon my lips [and...]
Cried, 'Cursed fate that gave thee to the Moor! (3.4.437-441)

⁴⁷ Refer to Image 2 in the Appendix.

⁴⁸ Refer to Image 3 in the Appendix.

Though Othello demanded ocular proof, he accepts this dream instead: “this denoted a foregone conclusion / ...though it be but a dream” (3.4.443-444). I suggest that this is because of his stance as the Distant Observer, which granted him a feeling of objectivity as an outsider to the scenario at hand. Rather than drawing conclusions about the situation for himself, he saw Iago’s reaction and took that on as his own.

In the final and most important scene, Iago stages a conversation that is meant to be misunderstood by Othello. Iago is engaged in the dialogue and is no longer an observer. Iago speaks to Cassio about Bianca, but lowers his voice and makes it seem as though they are discussing Desdemona. Othello is the Proximal Observer, present to watch the proceedings. In ten asides, Othello voices his interpretation of the conversation, criticizing Cassio and Desdemona. When the conversation ends, his first words are “How shall I murder him, Iago?” (4.1.174). The audience here is the Distant Observer; we watch Othello watch a scene that he completely misconstrues. This furthers my stance that the audience’s role in interpreting the justice of these plays is critical. Shakespeare sets up a model in which Othello acts as the Distant Observer but misinterprets the situation because of his own biases and because of Iago’s performance as the Proximal Observer.⁴⁹ When we are thrust into this role, we avoid Othello’s mistake because we reconsider our own biases, recall what we know about the situation at hand, and try to make the “right” decision about who is responsible.

In a discussion of Shakespeare’s *A Lover’s Complaint*, Katharine Craik notes Shakespeare’s use of layered auditors – one man present to hear the complaint and another documenting it. She describes this as an “experimental genre of male-authored,

⁴⁹ Refer to Images 4 and 5 in the Appendix.

female-voiced lament” (438). Craik suggests that Shakespeare felt female confession was an “unruly” proceeding, but I believe his plays use observers, auditors, and witnesses to demonstrate that female confession is not the problematic element in dialogues about guilt. Rather, it is the unruly early modern society, into which confessions are projected, that presents the greatest dangers. Though relationships and individual psychology are complex factors to consider, women accused of sexual crimes were perceived either as entirely innocent or entirely guilty. Like virginity, virtue could only be lost, never regained. Unfortunately, for the dignity of the men involved, it was safer to perceive wives and daughters as guilty until proven innocent – though proving innocence was a near impossibility in these cases. Desdemona’s situation makes this reality all too apparent, and by the end of the play, we are forced to reconsider the “ideal” feminine type. It is partly the overemphasis on her innocence that damns her, as David Bevington explains: “by insisting on viewing Desdemona as a type or abstraction, he loses sight of her wonderful humanity” (1153). Part of that humanity is her ability to do wrong and to speak in self-defense – both of which are denied her in this play. Desdemona never has the opportunity to protect herself because she is limited by “cultural expectations” in the interrogation process (Johnson 347). This sheds light on her entire existence: it seems implausible that she could be a genuine individual and still adhere to social expectations, as she is granted no middle ground between two drastically different identities.

Where Katharina must choose between being a shrew or being an obedient wife, and Desdemona must choose between being a loyal daughter at home or an admired, “experienced” woman abroad, Isabella does not want to choose. Bevington explains that *Measure for Measure* presents, like the other plays, two extremes: “absolute justice at

one extreme, mercy on the other, and equity as a middle ground” (414-415). However, that middle ground shows itself to be unattainable for an early modern woman. Based on the audience’s new perspective at the end of the *Othello*, I suggest that Emilia emerges as a woman whose insights and discourse merit her society’s respect. Though she is rightly suspicious of the situation between Desdemona and Othello, asking in the men’s negative phrasing, “Is he not jealous?”, and prompting Desdemona to agree with her, Desdemona is unable to engage in the dialogue Emilia provokes (3.4.28). Because Emilia is consistently silenced by her husband, she has little impact on the community within the play until Othello permits her to speak during the final scene. Emilia tries to work against the aims of the interrogation process, recasting each individual in his true role, not the one that best suits the popular narrative. It is only Emilia who lends credence to the value of Desdemona’s final words, her carefully crafted false confession. As the audience realizes that Desdemona has been wronged, and Emilia speaks rightly in her favor, Emilia’s words must be granted some credence. Emilia is the only person who speaks out to right wrongs in the final scene, stressing Desdemona’s virtue and innocence, and the men’s guilt. However, it is only the exceptional circumstances and Desdemona’s impending death that grant Emilia this space. After being so deeply engaged in decisions about right and wrong throughout the play, any audience, even an early modern audience, would have been desperate to hear Emilia tell her story – a story that needs to be told primarily because Desdemona was never given a chance. As much as Desdemona was discussed, we find that the play’s interrogative dialogues only served to move farther and farther from the truth.

False, Forced, or Presumed Confessions

In idealized scenarios often portrayed on television and in the movies, the guilty should be punished after accusations are made and interrogations are concluded. However, this is not always the case; the innocent may be convicted, the guilty may go free, and even admissions of guilt may not ensure that truth is revealed and justice is done. In this section, I examine confessions, which are conflated with convictions in the popular imagination, though they are disparate elements of the legal process. In modern justice systems, prosecutors and defense attorneys have access to countless seemingly objective means through which to draw conclusions about a suspect's guilt or innocence. Records of social exchanges, financial transactions, changes of location, photos with time- and date-stamps all lend credence to people's assertions about what they were doing, where, when, and even why. With DNA evidence available, confessions are still readily pursued and lead to certain conviction. Even when paired with more objective scientific evidence, admissions of guilt remain an intriguing element of the trial process. Why do we place such emphasis on hearing the guilty speak?

I suggest that confessions serve several purposes: they convince the interrogators, accusers, and witnesses of their important roles in the matter; they shock, entertain, and educate the community; and above all, they lead us to believe that the story we are hearing is the truest narrative available.⁵⁰ This validates our participation as an audience, knowing that we have unearthed the "truth." Confession was equally important in the early modern era, since little other evidence could be as persuasive. Like executions,

⁵⁰ As Richard Leo explains, "An admission is a statement, but a confession is a *story*" (2284, my emphasis). Peter Brooks agrees, "Confessions provide a narrative account of the crime that, because it is presumably in the words of the offender, creates the appearance of authentic answers to existential questions about the crime, thus providing social closure for victims and others" (qtd. Leo 432).

confessions were often public, and sometimes, published in pamphlets. For spectators and readers, the experience reinforced the community's spiritual goodness. A sincere confession cleared the accused's soul of wrongdoing and provided vicarious catharsis for the population. Prior to executions, the moment of spiritual purity during confession led the accused to die in a righteous state of mind, as described by Richard Wunderli and Gerald Broce.⁵¹ Though this moment absolves the soul of the convicted, the community partakes in the sense of justice and salvation as auditors to the final confession.⁵² In early modern dialogue, criminal confession was conflated with spiritual confession and speeches before death. When a false confession emerged at the moment before death, there was no opportunity for recourse or justice. This dangerous circumstance invites modern scholarship to unearth the possible significance of early modern women's final words, actions, and demeanors, hoping to find some sort of intentional communication.⁵³

Because many modern confessions result in jail sentences rather than death, false confessions may eventually surface and call legal processes into question. False confessions are now part of police training manuals, popular fiction, and retold stories of

⁵¹ In return for convictions and confessions, accused men and women in early modern England could face penance or death. Defamation required the same penance as illicit sex because it was a neighborhood sin (*Domestic Dangers* 40). Victoria Hayne explains that death separates individuals from the community, where penance reconciles individuals to the community. For accused women, both of these punishments could involve acts of public shaming, like the carting and cucking described by Lynda Boose. The intentions behind public penance and public confessions both reflect a need to reinforce social norms.

⁵² Community involvement in confession is apparent in the social norms imposed on dying women; before execution, many speak meekly and selflessly, but carefully. As many dying women were "trained" by early modern clergymen, who prepared them to "make a good end," these women were speaking in terms of a specific script (Sharpe 116-117). Frances Dolan promotes the notion that they knew their words would be heard, shared, and judged, and can only hope for deeper meaning to be understood, even if it was too late.

⁵³ Two exemplary studies in this area are that of Frances Dolan, "'Gentlemen, I Have One Thing More to Say': Women on Scaffolds in England, 1583-1680," who investigates the final words uttered before executions of women in England, and Pompa Banerjee's *Burning Women: Widows, Witches, and Early Modern European Travelers in India*, which examines travel narratives and the Indian tradition of *sati*. Banerjee reads into the silent spaces in these narratives, wondering why English travelers observing *sati* failed to connect it to public executions of women in their homeland. She examines countless similarities between the processes, including an emphasis on the woman's demeanor in her final moments.

true crimes. The Innocence Project has famously utilized DNA evidence to free 311 individuals who were wrongly convicted as of December 6, 2013. Striking among these cases is the surprising frequency of false confessions brought to light only when DNA confirmed the accused's innocence. In these cases, suspects, made aware of their rights, willingly provided detailed confessions to crimes they did not commit and began lengthy jail sentences. False confessions demonstrate that our legal system's protections for the accused are not always enough, especially when the accused is vulnerable. Age, gender, race, mental capacity, and personality could make one suspect more susceptible to police persuasion than another.⁵⁴ Through the Innocence Project, advances in science have the power to exonerate where words alone have fostered misunderstandings and even falsehoods. In the process of interrogation, much discussion transpired and many tactics were used before these suspects offered manufactured confessions to crimes of which they were innocent. Without DNA evidence, these confessions would have served as the final word in each of the trials and in the lives of the convicted individuals.

Unfortunately, there was no equivalent way to uncover a false confession in early modern England; on the contrary, there were countless reasons to elicit one. Many early modern plays feature tenuous confessions made by women, who were armed only with words – words that were misinterpreted, misrepresented, and framed to find them guilty. Throughout each play, audiences experience the way false confessions were generated, interpreted, and accepted in the legal, social, and spiritual domains. Though the initial accusations were damning, presumed confessions were the most definitive proof available to early modern society, and added great intrigue to the stories circulating about

⁵⁴ Leo notes that the “shifting of the burden of proof from the state to the accused is one of the most subtle, yet ingenious, psychological aspects of American interrogation” (1832). This burden would be internalized more by certain individuals than others, and would thus be a useful ploy with a vulnerable suspect.

the crime. As the community falsely attributed words to accused women, or framed their utterances to cast them as evil, these confessions forced the accused to participate in the narratives thrust upon them. This coerced participation in storytelling is a pattern I have traced throughout this “trial” process: accusations, phrased to insult women’s passivity and consent, attack the accused merely for becoming part of a story; interrogations retell stories, casting the accused in a role that will damn her, and slowly transforming others’ perspectives of her; and finally, confessions force an end to the narrative, in which the accused woman voices words that are deceitfully framed or fabricated.

In early modern England, almost no evidence was objective; material presented in court was storytelling based on the community's tendency to monitor its citizens through observation and gossip. The problems of today's legal system were thus compounded in Shakespeare's time: how those presumed guilty could possibly prove their innocence, how confessions could be encouraged without being forced, and how interrogative pressures could cause a false confession or a statement interpreted as such.⁵⁵ Though Desdemona's dying words are as close as she comes to some kind of confession in *Othello*, Othello believes that she has admitted guilt in other ways, as Claudio believes Hero has through her false “seeming” in *Much Ado about Nothing*. Othello tries to force an admission from Desdemona with concocted circumstances surrounding the “magic” of the handkerchief, but she refuses to confess to a crime she did not commit. Under Iago’s influence, Othello, desperately demanding “ocular proof” of the affair, links the

⁵⁵ Deborah Davis and Richard Leo identify several elements of interrogation processes that are linked to false confessions, all of which are apparent in the proceedings of *Othello*. These include assumptions of guilt on the part of the accuser, the vulnerability of the individual suspect being interrogated, the lack of context given to the jury about the interrogation, missing factual information on the part of the prosecution or the defense, and strong emotions in the individual leading the investigation (738-739). Modern legal protections are in place to prevent people from being incriminated under these circumstances.

handkerchief directly to a confession of guilt. In Othello's eyes, it becomes damning evidence, as certain as a modern DNA match. Desdemona's behavior is then framed as deceitful and corrupt, as her virtue is given away with the handkerchief. Iago remarks that the handkerchief "is hers, my lord, and being hers, / She may, I think, bestow 't on any man" (4.1.12-13), and Othello replies, "She is protectress of her honor too. / May she give that?" (4.1.14-15). In the plays, female guilt is closely linked to men's fears of women's power over their own identities and sexualities. In this crisis of misunderstanding, during which Othello desperately wants to *see* Desdemona's internal state, Iago elides her inner self and her ability to protect her belongings:

Her honor is an essence that's not seen;
 They have it very oft that have it not.
 But, for the handkerchief— (4.1.16-18)

At this moment, Iago's control over the handkerchief becomes synonymous with his control over Desdemona's identity, from Othello's point of view.

By the time Othello pays Emilia for Desdemona in Act 4, Scene 2, Othello imposes guilt upon Desdemona and will accept only a confession as truth. When he lies and tells her that Cassio is dead, she realizes her word about her innocence will not be valued and cries, "Alas, he is betrayed and I undone!" (5.2.80). Othello, in a heightened emotional state, misinterprets this outcry as an admission of guilt and assumes that she weeps openly for Cassio. Her unwillingness to admit to her crime is taken as further evidence of her guilt rather than a potential indicator of her innocence, and Othello construes the words she does utter to correspond to his prior assumptions. This example demonstrates that misunderstanding and misinformation about confessions can have a wide-reaching effect, corrupting the stories and perspectives of all those involved and

creating sweeping "changes of state." Shakespeare's accused women are thus left without any protections, and with all odds against them. The community, on the other hand, feels satisfied that it has seen the conclusion to a mystery story. The imbalances in political and social power in early modern England kept women at a permanent disadvantage. Our perspective, as the audience, allows us to look critically at the inquisitorial community, and sympathetically at the accused woman, whose words can only work against her.

As we bear witness to onstage confessions, I suggest that we become the "superaddressee" Alison Johnson describes, taking on an active role in the determination of justice. Like a jury, we must weigh all of the evidence, including confessions. Katharine Eisaman Maus explains that an early modern trial was believed "to bring human vision in line with divine vision. Like God, the jury is supposed to see into the heart of the accused and discern the truth there" (40). As omniscient audience members, how we judge these women's words – as they defend their innocence or admit their guilt – has everything to do with our interpretation of the plays' conclusions. As part of a larger study about Anglo-American portrayals of guilt and confession, Jean-Louis Claret suggests that the truest glimpses of the self in theater are when we "[f]aire du theatre un gigantesque confessional" through monologue or soliloquy. However, Shakespeare's plays give their women limited speech about the charges against them, demonstrating how "justice" is manifested when the self is silenced or forced into an asymmetrical dialogue with an aggressive interrogator (29).⁵⁶ The male accusers have a stake in finding women guilty: like other public spectacles of penance, confessions were examples to keep others in line and reinforce masculine power over women and the law.

⁵⁶ "Make the theater into an immense confessional space." The comment suggests that audiences are both complicit and invested in their roles as auditors to female confession.

Female confessions are thus a recurring trope in early modern literature and entertainment. Katherine Craik explains that the trial and execution of Anne Saunders, whose lover killed her husband and testified to her innocence, was well known and highlights some of the problems surrounding early modern confession (448). The account was disseminated in various forms: "prose descriptions of the case, a confession, a prayer, and a ballad-lament were circulating at about the same time, all supposedly written or spoken by Saunders herself immediately before her death" (449). Her story, told by others but credited to her, is the one by which she was judged; the fictionalized accounts of her "confession" outweigh her repeated claims of innocence. Craik explains that "the failure of women to confess fully before their deaths is an important part of their transgression against society, serving to confirm their guilt rather than call it into question," much like seemingly incriminating silences in interrogation (455). Accusations about female sexuality open a dialogue that is best closed with confession, as early modern society had a pronounced fear of feminine freedom to narrate the self. Female confessions figure so prominently in early modern entertainment because they are a manageable form of female speech, overseen and manipulated by the community.

Confessions, like any statements that result from interrogation, are constructed. As intrigued as it may be, any audience exposed to a confession should consider its origins and its trustworthiness. Katharina has much to say throughout *The Taming of the Shrew*, including that her sister's "silence flouts [her]," carrying all the weight of words condemning her (2.1.29). However, in the conclusion, the words of her lengthy speech do not seem to be her own. Her famous monologue, her longest speech in the play, reads like a confession. Modern readers and audiences alike are often troubled by the text, unsure of

whether she has been psychologically manipulated or intimidated into giving up her sense of self. It is hard to believe that she has manifested Petruchio's ideals about man's political dominion over women in so little time, undermining all of what she previously argued, though these are among the final words with which the play leaves us. As established in the previous section, a guilty plea usually derives from circumstances in which the outcome for the accused is unclear, as Katharina's fate is. In a sort of plea bargain arrangement, in return for confession prior wrongdoings and promoting submissiveness among the other women, Katharina receives better treatment from her husband and the promise of a potentially happy marriage. Though this comparison may justify her motivation, the play's ending is ambiguous at best. Katharina's sense of her own guilt and goodness remain in question, and her future remains unclear.

As an audience, we remain unsure of how to view Katharina in light of her final speech. This ambiguity forces us to reflect on the rest of the play, trying to determine if she has wronged others or been wronged, and where our own sympathies should lie. In Kenneth Kipnis' critique of the history of plea bargaining, he examines the phrasing of Rule 11 of the Federal Rules of Criminal Procedure, which assesses a plea's validity by "determining that the plea is voluntary and not the result of force or promises *apart from a plea agreement*" (97). Kipnis finds it hard to believe that plea agreements are not inherently coerced and explains the stakes facing the accused in our society, which are not unlike those facing Katharina as a scold: "a threat of imprisonment [and] a threat of bringing disgrace upon the accused" (99).⁵⁷ Katharina also endured physical, verbal, and psychological abuse at Petruchio's hands, and likely expected the pattern to continue.

⁵⁷ *North Carolina v. Alford* acknowledged that fear of death constitutes duress in interrogation (98). To avoid the death penalty, an Alford plea allows for a guilty plea with an accompanying denial of guilt (105).

Kipnis explains, "in the proper context, threats and promises may be intertranslatable" (100). Though the danger facing unmarried early modern women was undeniably more than that facing married women, this terminology suggests that a marriage agreement could function as a threat when a man imposes a new identity upon a wife; she enters his narrative and is subject to his interpretation. Petruchio proves that promises and threats easily overlap in a marriage, especially since the woman is dependent on the man and may be isolated from her family and prior connections. A man's belief that his wife has done wrong is sufficient in demanding, forcing, or even concocting a confession. As Petruchio demonstrates as early as Act 2, a man's word has the power to change what a woman's family and friends think of her, recontextualizing everything she says and does.

Modern legal scholars emphasize the notion of "observers" in discussing how confessions are generated and understood. According to linguistic research on police work, many interrogators focus on how suspects' stories will be received by others in the jury or in the community. Suspects come to see that, regardless of the "truth," they could easily be read as guilty; how a narrative seems can be more important than what one's memory dictates. There are structures in place today to ensure that individuals recognize when they are, indeed, confessing. Both the speaker and the observer should understand that they are complicit in the crafting and performance of a story.⁵⁸ By giving the audience a sense of omniscience and enhancing its effect through dramatic irony, Shakespeare's plays layer various observers in the interrogation and confession processes, giving the audience the most thorough perspective and reminding us that those too close to a situation cannot be objective listeners. The inherent danger of confessions is that they

⁵⁸ According to Peter Brooks, closed interrogations – the private dialogue between interrogators and suspects, which is documented and presented in one final narrative to the jury – naturally create a gap in what juries can know about the processes leading to confessions.

are subject to interpretation, and those interpretations are the “final word” on the subject of guilt or innocence. Though early modern women are never to “seem” anything but what they are, the entire community may be complicit in crafting a verbal tale that seems more interesting or more plausible than the truth and casts them in unrealistic roles. Watching the staged conversation between Iago and Cassio in *Othello*, we are acutely reminded of potential for misunderstanding words heard without proper context.⁵⁹ In a modern courtroom, a suspect knows his “goodness” is being judged, and he has some role in the story being concocted, as well as rights and protections. These women are not always aware they are onstage, are unable to script all of their own lines, and their opportunities to speak are framed by a community seeking confession.

The audience knows about Iago's plan regarding Desdemona, which hinges entirely upon her goodness and changes the meaning of everything she says and does:

So will I turn her virtue into pitch,
And out of her goodness make the net
That shall enmesh them all. (2.3.354-356).

Iago's expectations for Desdemona summarize the early modern dichotomy of women as self-effacing and good *or* sexually corrupt. Once a woman is perceived as corrupt, all naïveté and sincerity is construed as false “seeming,” and is damning. As demonstrated in the previous sections, an accused woman would be criticized whether she made efforts to defend herself or not; seemingly, the only escape would be to confess. To liken the investigation process to a witch-hunt would be no exaggeration, since witches, whores, and scolds were all perceived as the same type of criminal, as argued by Lynda Boose. In

⁵⁹ David Bevington observes that Iago's "trick resembles that of the similarly mischief-making Don John in *Much Ado About Nothing*: an optical illusion by which the blameless heroine is impugned as an adulteress" (1153); however, we are given a unique insight on this sleight of hand because we see the inner workings and sneaky exploitations of these villains, who are experts at manipulating appearances of good and evil.

these investigations, prosecution and persecution were concurrent. Literature about witch trials over the centuries has always been preoccupied with what motivates individuals to confess, what the stakes are for those accused, and why communities sensationalize guilt. Like witch trials, these sexual accusations would have been communal affairs with public confessions and executions. In a society that believed one's final words could determine one's afterlife, forcing a false confession from an innocent woman was a crime that would go unpunished, yet have eternal implications.

The implications of false confessions became more widespread when shared through gossip or pamphlets; in these ways, women were forced into stories for public consumption. Pamphlets, like gossip, were fascinated with female guilt, which could be openly discussed when someone was accused. When a woman was on the public "stage," she was already perceived as engaging in inappropriate behavior and thus became a negative example for the community. The case of Margaret Ferne-seede, accused of killing her husband in 1608, illustrates men's fears of wicked women. She reads as a caricature of promiscuity and deceitfulness. In the pamphlet, a few essential trends emerge in common with the plays: a lack of evidence, assumptions of guilt by accuser and community alike, a desire to stage and recontextualize confessions to suit expectations, and an immediate move forward to public punishment. The pamphlet begins by saying that the greatest crime is thinking that sin can be hidden from God (1). This echoes Iago's narrative of Venetian women who, unable to deny their sexual cravings, merely hide them; he faults them as much for masking their crimes as for committing them. Ferne-seede, "(if the general report of the world [...] may be taken for an Oracle), was giuen to all the loosenesse & lewdnesse of life, which either vnlawfull

lust, or abhominable prostitution could violently cast vpon her, with the greatest infamie" (1). She maintained a brothel house and was blamed for "poisoning" young women with the same sin she brought upon herself, spreading her moral disease throughout the community (2). She was known as a vile woman and that reputation condemned her when her husband was found dead. Following the trends established in Section 1, her negative reputation, paired with a neighbor's claims about hearing her scolding through a wall, are taken as evidence against her credibility, even in this unrelated violent crime (4).

Though she was forthright about her sexual crimes in interrogation, when accused of murder, she was criticized for reacting to her husband's death as if it was "ordinarie... newes" and "she forswore & renounced the fact or practise thereof to be hers, with such a shameless constancie, that shee strucke amazement into all that heard her" (2). Her lack of proper reaction to his death and her adamant denial of guilt, both of which were sensationalized by the community, damned her. The majority of the pamphlet focuses on these narrative details – meant to shock and entertain – about her life, her crime, and her lack of proper feminine piety and self-effacement. When the narrator arrives at Ferne-seede's confession, he interjects that she undoes her credit by refusing to plead guilty to this particular crime (4). She admits only her sexual wrongdoings, not the murder, but conflating sex and female evil, the narrator cannot reconcile her seemingly incomplete confession. Her own words are of less importance than his criticism of them, simultaneously reflecting and influencing that of the community at hand, which had already reached its own verdict about her guilt. Instead of looking critically at her willingness to plead guilty for other crimes, considering it as potential evidence of her

honesty in this matter, the narrator is thoroughly convinced of her guilt in all matters. He asserts that the law has found her guilty and "proceed[s] to thee manner of execution" (4). He implies that we, as readers or spectators, have no other choice but to find her guilty as well, and to perceive all of her criminal accusations as one. Like Desdemona, Ferne-seede is judged by past behaviors that have been recontextualized based on an accusation. Like Desdemona, Ferne-seede's admission of guilt in one matter undoes the validity of her protestations of innocence in others.

Though Desdemona is apologetic, self-effacing, and often silent throughout the proceedings, like Ferne-seede, she is seen as criminal for being *actively* averse to confessing. Maus explains that silence and refusal to answer to charges became "overt acts" with new legislation in early modern England, a reality that is dramatized in *Othello* and *Much Ado about Nothing* (35). Though pleading the fifth is a legal right today, silence can still be taken as an incriminating act. After being told of one's right to silence, in England and Wales, a suspect is also told, "You do not have to say anything. But it may harm your defence if you fail to mention when questioned anything you later rely on in court" (Johnson 333). Johnson further explains that "selective silence is more harmful to the suspect's defense than the more active negotiation," which allows the suspect to be a "storyteller" in his own right (343). In *Much Ado about Nothing*, Hero's modesty and certainty about her own innocence prevent her from providing thorough answers to the men's questions, and this damns her. Leonato asks of the rumors about her, "Are these things spoken, or do I but dream?" Don John answers for her: "Sir, they are spoken, and these things are true" (4.1.65-66). As explained in Section 1, the men's words inevitably outweigh Hero's. Aware of that fact, she cries, "True! Oh, God!" and faints (4.1.68).

From the men's perspective, Hero's display of emotion confirms her inability to defend herself against their claims, which unjustly equates to her guilt. Claudio then accuses her of sacrificing her identity in refusing to admit wrongdoing. He wants to "make [her] answer truly to [her] name." She replies, "Is it not Hero? Who can blot that name / With any just reproach?" Claudio answers, "Hero itself can blot out Hero's virtue" (4.1.79-82). He feels that her silence "blots out" her purity, as with ink. The suggestion that a woman's behavior is permanently "written" on her, as words for others to see, is echoed in *Othello*. Certain of her guilt, Othello asks Desdemona, "Was this fair paper, this most goodly book, / Made to write "whore" upon?" (4.2.73-74). Like a blank page, once anything has been "stated" about a woman, her purity is forever tainted as if with visible writing, and in this environment, the words are attributed to the woman herself. These "confessions" are authored by the society surrounding the women, so we must assume that their own concerns and perspectives are somewhere in the silences. The community's words are, however, what will be remembered about the accused.

Many of these confessions could be linked to scholarly discussions of women on the scaffold, speaking in their final moments before death. Early modern scholars observe that deathbed writings, intended for their children, as well as speeches on the scaffold, intended for the community, granted women a dangerously free expression of their truest selves before an audience (Wall 37).⁶⁰ Though Dolan observes that the stage did not depict women on the scaffold, Shakespeare's plays do dramatize final words uttered before death or on the brink of dire circumstances, as in Katharina's potentially unhappy marriage, or Shylock's forced conversion in *The Merchant of Venice* ("Gentlemen" 162).

⁶⁰ Writers on scaffold speeches note that women speakers sought to take advantage of complex identities that were typically off-limits to them. Appearing remorseful or sincere, a woman could use her final words to point out the guilt of others or re-open the question of their own guilt.

In discussing *The Merchant of Venice* and Shylock's precarious place in a Christian society that misunderstands his every word and deed, Stephen Greenblatt writes about "laughter at the scaffold" at the execution of a traitor whose final words proclaimed loyalty to the queen. The discrepancy between his presumed internal state and his exterior evoked this laughter from the crowd, who found his statement ridiculous based on prior expectations. Greenblatt observes the power of live speech to be granted new meaning by the auditor; thus, I suggest that our expectations for the women, at odds with the men's expectations in the plays, grant their words crucial significance. This interpretation hinges on our certainty of their innocence and our own objective stance. Adding a layer of distance allows us to see the communities misinterpret, as in the case of Proximal and Distant observers discussed in the second section, so we look to understand. Though others in the plays' communities may presume the accused women's guilt, we are acutely aware of the women's innocence. Their tragic final words and pleas go unacknowledged by the plays' communities, reflecting early modern communities that stood at the scaffold and watched accused women, some guiltless, die.

Like many women on the scaffold, Desdemona has an audience. Though Desdemona's death occurs in a private space, it becomes a public affair. Several men are present, all acutely aware that the story will leave the room. Desdemona has two options with her dying words: she can maintain her true innocence or she can give in to Othello's demands and confess. She shocks the audience and does something else altogether. When asked by Emilia who has suffocated her, her final words are, "Nobody; I myself. Farewell. / Commend me to my kind lord. Oh, farewell!" (5.2.126-129). She forsakes her own wellbeing to defend Othello's. It is critical to remember the early modern belief that

one's final words were the truest expression of the self and determined one's afterlife. With these words, Desdemona protects Othello from prosecution for her death, but sacrifices her own soul by dying on a lie. She demonstrates her priorities: her love for Othello and her desire to protect him, as his wife, even as he kills her. She communicates her true self in this moment. Tragically, this false confession is the only way she could prove her innocence to Othello. When Othello admits to killing her, Emilia cries, "Oh, the more angel she, / And you the blacker devil" (5.2.133-135). Emilia, like the audience, sees Desdemona's sacrifice, commending her virtue and criticizing Othello for bringing eternal suffering upon an innocent woman. Othello's eventual understanding of this sacrifice, and of his own misunderstanding, is what brings him to suicide; our understanding of Othello's great mistake is what makes this play a tragedy.⁶¹ It is unjust that Desdemona's earthly life is cut short, but from an early modern perspective, the tragedy would be enhanced by the sacrifice of her eternal soul.

All of the women discussed here are assumed guilty, whether they have confessed, defended themselves, or remained silent. Because these plays seem invested in complicating the divided early modern perception of women as either thoroughly innocent or thoroughly corrupt, the question is whether the plays present any women who are neither naively pure nor presumed guilty by the society. Are there female speakers in these plays who can be held up as relatable, if not exemplary, for women in early modern England? Emilia in *Othello* and Beatrice in *Much Ado about Nothing* are each unique in this sense. Both women are criticized for talking out of turn, but neither is punished.

⁶¹ David Bevington observes that, in *Measure for Measure*, the "literal enforcement of the statute on fornication seems ironically to catch the wrong culprits" (415). His uses of the phrase "wrong culprits" assumes that the audience will take a natural liking to certain characters, sympathize with particular situations, and make judgments about what is morally right. Shakespeare's use of "wrong culprits" in all of these plays is meant to reinforce an audience's abilities to make choices.

Their purposes in the play are more complex. Emilia and Beatrice reveal their opinions on the wrongs done to their innocent friends, yet they are only heard because of the dire circumstances facing Desdemona and Hero. By speaking for their silenced friends, they reflect critically upon the fact that individual women were not considered trustworthy witnesses in early modern England, as all women's words had to be substantiated. They also reflect the tragic universal reality that horrible circumstances, even fatal or near-death situations, are often needed in order for us to assess societal realities.

The fact that *The Taming of the Shrew* has a happy ending, with a seemingly equitable marriage, promotes a different moral about female speech. Especially since Katharina and Petruchio seem to bargain with one another, compromising and communicating effectively by the end of the play, Katharina the "shrew" emerges as a heroine. Her final monologue, uttered as Petruchio's new wife, highlights the fact that women *can* speak for themselves in circumstances other than potentially fatal ones, as on the scaffold. Further, it highlights the reality that women can negotiate and there should be a place for them in dialogue surrounding guilt. Indeed, as much scholarship shows, early modern women used slander to their advantage in accusing others of doing them wrong. Laura Gowing's observation that early modern men were more likely to close a case than women demonstrates that accusations were about having a voice, not reaching a decision, on issues of slander and fame (*Domestic Dangers* 39). A reliance on slander, in a society praising female silence, poses a threat to both the accuser and the accused.

Contradictory perspectives on female speech and seeming leave several of these female characters in a tragic space in which confession or willing acceptance of death is their only option. It is unreasonable to be judged by legal standards that are linguistically

inaccessible; this injustice is dramatized in these plays, but most particularly in *Othello*, which is the latest. Shakespeare's finesse as a mature playwright is featured in the interrogation scene between Iago and Othello. What Iago leaves unsaid has the greatest impact in Othello's mind. Likewise, Shakespeare himself moved from crafting a character like Portia, who engages in legal discourse in the earlier *The Merchant of Venice*, to creating a character that is undone by her own virtue in *Othello*. Rather than assert a forceful suggestion that a woman can deal in legal discourse, late in his career, Shakespeare found a more effective way to convince an audience that women should defend themselves in the legal arena: he allowed the audience to determine that a virtuous woman *should* have been given that capability, in mourning the tragic reality that her only opportunity has passed her by. In a similar pattern, *Measure for Measure* initially promotes the ideal of female speech, as Claudio says of his sister:

I have great hope in that; for in her youth
 There is a prone and speechless dialect,
 Such as move men; beside, she hath prosperous art
 When she will play with reason and discourse,
 And well she can persuade. (1.2.179-183)

The audience indeed experiences Isabella's powerful speech in defending her virtue before Angelo, but when her fate is decided at the end of the play, she is silent.

As evidenced by plays, pamphlets, and ballads, early modern society seemed focused on advertising archetypal "bad" women, examples of what not to be, for several purposes. They helped teach society how to identify and persecute those who would be detrimental to the community, or in other words, how to "read" women, while making a spectacle of the crime in order to entertain and engage the society. Advice literature depends on the reader; as Dolan says, "Readers are inevitably agents rather than or as

well as objects of advice” (*True Relations* 166). It would have been impossible for early modern society to disseminate stories about exemplary good women, as women should not be public figures and praising them before men risks making them coveted. Negative prescription was thus more straightforward (*Domestic Dangers* 165). However, in crafting Desdemona and Hero, Shakespeare presents exemplary “good” women who are wronged by their society. Advice literature presents an ideal, but there is much critical debate about the extent to which advice literature represents the reality of the early modern female. It is more likely that fictional characters, like Shakespeare’s, portray moral yet realistically flawed representations of early modern women. The discrepancy between the goodness of these women and the way they are treated would make any society, but especially early modern society, question how women’s guilt is evaluated and who benefits from the standards imposed upon them.

Conclusion

Cultural criminology's emergence as a scholarly field demonstrates the fact that entertainment and popular culture can have a direct impact on the way a society handles crime. History shows that dialogue about injustice is the only way to initiate and motivate change. Throughout these plays – *Othello*, *Measure for Measure*, *Much Ado about Nothing*, and *The Taming of the Shrew* – Shakespeare enacts justice gone wrong, as innocent women are killed and guilty men walk free. In the ongoing dialogue between early modern media and culture, we become aware of what Jeff Ferrell calls “the contestation of cultural space” (412); those who do not have a voice in legal or political domains may project their concerns elsewhere – in other popular forms and to other audiences. For groups at a social or legal disadvantage, the media can help to negotiate the limitations they face and seek justice. Such communicative efforts, though “popular” rather than political, may reflect important social realities and encourage change.

As demonstrated throughout this study, early modern women suffered at the hands of a society that presumed their guilt. Shakespeare's portrayals of women diverge from the extremes of ideal women in advice literature and criminal women in ballads and pamphlets. In Desdemona, Katharina, Hero, and Isabella, Shakespeare demonstrates characteristics of real women facing potentially real fates. Desdemona and Hero abide by their society's conventions, without questioning them, until they are condemned by their own silence and submissiveness. Katharina voices her opinions about society's faulty standards for women, but her concern about her own desirability as a wife demonstrates that she wants to be protected by the economic and emotional safeguards of a marriage, just like other early modern women. Isabella, entering the nunnery, is in a place to speak

out about society's notions of virtue; as dying women could comment on their lives, a woman on the outskirts of society, like Isabella, might be granted the objectivity and the voice to look critically within the social structure she has left behind. When these four women are confronted with criticisms about their virtue, their circumstances demonstrate that, in early modern England, accusations could function as convictions, interrogations could impose new identities upon innocent individuals, and confessions could be crafted and attributed to those without voice. These realities are unjust and prompt us to look more closely at characters like Emilia and Beatrice, who use their voices to speak the truth. Though their society may have called them scolds, the audience sees their speech as validated and necessary. In this way, early modern drama may have promoted real change, as audiences reconsidered their society's norms.

Changes in entertainment norms certainly respond to changes in society, but this cycle works in reverse as well. Just as preoccupations in television shows reflect real concerns, audiences may borrow the lessons, perspectives, and strategies they learn from television and implement them in daily life. Yvonne Tasker has analyzed changes in American television shows after September 11, 2001, particularly in "dealing with political violence and the figure of the terrorist" by enacting racial profiling against Middle Eastern populations (44). Racial profiling is an example of an ongoing historical trend that promotes social and legal inequities; it corresponds to the notion of an early modern "narrative" about certain "types" who pose a threat to those in power. Tasker explains that American television shows, looking to inform and reassure the public, also pose questions about police and legal procedures, and about relationships between society and the law. As in my own readings of these early modern plays, she explains that

modern television shows promote their ideology by engaging the audience in decision-making processes, then complicating the sense of right and wrong revealed in the conclusion. She explains that evidence is “conveyed simultaneously to the [investigative] team and to the audience,” encouraging us to take part in the process of piecing together culpability (48). She describes a common ploy among shows like *Law and Order* and *NCIS*, which present one Middle Eastern suspect, who is innocent, and yet the guilty individual is Middle Eastern as well: this “allows such shows to simultaneously question and restate the stereotypes encountered in media discourse” (60). Though the television show ultimately upholds cultural norms – here, the assumption that terrorists are of Middle Eastern descent – it also gives us the opportunity to question where our norms come from and how applicable they are in all circumstances. We rightly question our own decision-making abilities and the standards by which we judge right and wrong.

Where questions of terrorism and Middle Eastern ethnic identity are preoccupations of modern American entertainment, politics, and literature, other cultural concerns have haunted previous eras. Popular assumptions about race and gender have frequently limited the voice and agency of various populations, like the women in the plays I have examined. In American history, specifically, the treatment of African Americans – men and women – did not change without substantial, lengthy cultural dialogue. News may be nonfiction, but the way it is presented involves as much construction and framing as fiction. What has made the news over the years, and how that news has been received, facilitates cultural dialogue just as entertainment does. James Messerschmidt traces a trend in lynchings between 1880 and 1900, in which black men were charged with sexual offenses against white women. He explains, “Rape became

such an elastic concept within the white community during the Reconstruction and its immediate aftermath that it stretched far beyond the legal definition” to include acts of minimal, even accidental, physical contact (87). Messerschmidt’s implication is that many of these accusations were untrue; in fact, history shows that the inverse, white men raping black women, was a more common occurrence. Danielle McGuire emphasizes notions of identity, voice, and ownership, in her discussion of white male rapists:

“women’s bodies served as signposts of the social order, and white men used rape and rumors of rape not only to justify violence against black men but to remind black women that their bodies were not their own” (907). She explains that the choice to testify was the one way these women could reclaim ownership of their bodies, though it was more of a social act than a legal one, because such testimony rarely resulted in a conviction.

Testimony is intended for the jury, but is also “heard” on a larger scale when the news story is reported to the community. Testimony in court can contribute to both legal and social precedent, changing the law as well as social attitudes toward the charges themselves. McGuire’s essay focuses on Betty Jean Owens’s 1959 testimony against her four white rapists. Though many had testified before her, Owens’s rapists were convicted, and the trial marked significant change for race relations in the southern United States. McGuire describes Owens as a sort of Rosa Parks figure – not the first woman to take action, but a unique, “ideal” female figure for the community to rally around, whose “respectability” allowed others to speak out for her and ultimately contributed to the verdict (913, 931). Owens had to tell her story, knowing it might be for naught (923). Though it would provoke dialogue, her testimony did not guarantee a conviction, especially based on precedent. The discussion following the Betty Jeans

Owens case called into question countless unfair trends, which straddle the ambiguous space between legal standards and social attitudes: McGuire explains that, while African American men were electrocuted and lynched for raping white women, and 256 of the 281 lynchings in Florida between 1900 and 1936 were of African Americans, no white man had ever been lynched for raping a white woman (918). Though this disparity was irrefutable, change seemed unlikely before the Owens case. McGuire explains the connection between speech and change: “Women’s testimonies were a political act that exposed the bitter ironies of segregation and white supremacy, helped to reverse the shame and humiliation rape inflicts, and served as catalysts in mobilizing mass movements” (910). Testimony is, and has always been, a meaningful act, and its power is enhanced when the media becomes engaged in the trial and the public becomes aware of the legal dialogue. A figure like Owens, in the spotlight, could garner attention and sympathy for a cause that society struggled to address previously.

It is increasingly understood that those who have limited voice in social matters also have limited means to defend themselves against legal charges, especially when confronting a biased public.⁶² Drama and literature about false accusations, unjust trials, and wrongful convictions have flourished for centuries because they are engaging, they are relevant, and they validate our role as an audience of increasingly informed citizens. These historical examples demonstrate the modern relevance of several tropes I have noted in early modern texts, all of which engage the audience in decision-making processes and undermine contemporary norms in assessing guilt. In the realm of

⁶² New literature is emerging in American and British culture, tracing the limitations facing the disabled. Several television shows, movies, and books are based on accusations made against young men on the spectrum of autism, who struggle to understand the charges against them and whose natural tendencies make them appear guilty in court. These include Mark Haddon’s *The Curious Incident of the Dog in the Night-Time* and Jodi Picoult’s *House Rules*.

accusation, as Messerschmidt explains that rape charges served wider purposes in the segregated South, early modern sexual slander allowed English communities to discuss the insecurities and conflicts surrounding female sexuality and identity. As charges emerged against African Americans because notions of racial integration threatened the stronghold of the white male majority, charges against early modern women were abundant because female sexuality inspired fear and insecurity among early modern men. And as modern defense attorneys are skillful in ensuring that our ideals of “innocent until proven guilty” are upheld, while the early modern legal system was being shaped, Shakespeare’s plays questioned the very notions of presumption in matters of guilt.

In presenting interrogation scenes, modern crime dramas give the audience the same insights as the detectives, effectively engaging us in the decision-making process. In this sense, we feel responsible to identify bias, avoid miscommunication, and unearth all evidence. Then, witnessing the consequences of a wrongful conviction, as in the examples from *NCIS* and from these plays, is frustrating to audiences. Demonstrating a positive example of what to do may not be as effective as presenting a negative example, encouraging audiences to wish they had the chance to do things differently. As the ongoing popularity of Shakespeare’s plays demonstrates, social dialogue and change are not fostered by showing good things happening to virtuous people, as advice literature did, or enacting the inevitable bad fate of corrupt people, as pamphlets and ballads did. The selection of a wrongly victimized “ideal” figure, respectable even to the most doubtful critic, helps to recontextualize notions of right and wrong. The role Betty Jean Owens played in her culture’s dialogue, about white men walking free for raping black women, is comparable to the roles played by the virginal women in the plays discussed in

my research. Unjust though it may be, being innocent is not enough to encourage sympathy from a jury; being a sympathetic public figure is another matter entirely, and allows for larger societal change.

Patterns of “accusation,” “interrogation,” and “confession” in these plays are almost unrecognizable to a modern audience, because we expect the suspect to be involved in all parts of the trial process. In these plays, the accused women’s voices are conspicuously absent in matters of their own guilt. Shakespeare’s “trial” patterns emerge most apparently when they conclude in an unfair verdict. In this complicated context of innocence and guilt, any statement, silence, or confession from the innocent “suspect” is troubling, especially when it is misconstrued by the “audience” within the play. This sense of “performance” in the arena of confession, and the layering of audiences within the play and beyond the play, lends credence to the decisions made and frustrations experienced by the spectators at the performance. The dramatic genre is unique in its ability to achieve this profound effect in its audience, as we can see ourselves reflected not only in the characters at the center of the play, but also in the audience within the play; the early modern communities appearing on Shakespeare’s stages are microcosms of the real communities who attended his plays in performance. Watching others make decisions, and wishing they could have decided differently, is one of the most powerful sentiments an audience can feel. It hearkens back to the early notions of tragedy in Ancient Greek drama, meant to inspire audiences to lead better lives. In Shakespeare’s plays, a society, plagued by a deep inner prejudice, destroys its own virtuous innocents. His audiences, undergoing feelings of fear, frustration, and fury, experience their own catharsis. Prescriptive advice literature, which encourages a perpetuation of an idealized

status quo, would hardly inspire self-reflection and change in an early modern community. Bearing witness to the trials within these plays, on the other hand, empowered – and continues to empower – audiences by reminding them of the choices they can make and impressing upon them a need for social change.

Appendix

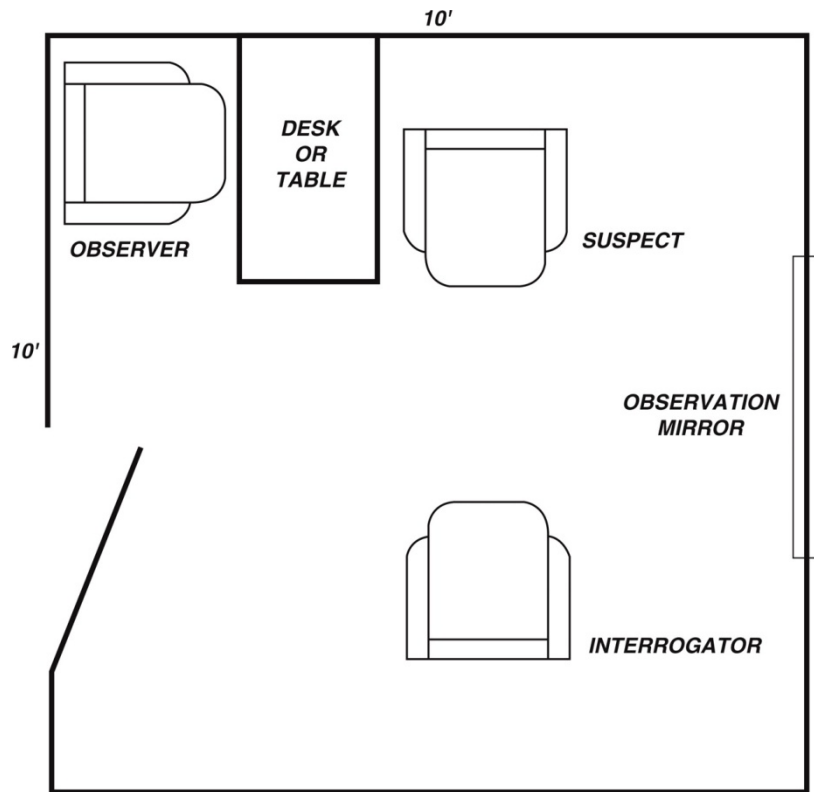


Image 1: layout of interrogation room as recommended by Inbau, Reid, Jayne, and Buckley (Kassin and Gudjonsson 46). “Observer” is my Proximal Observer, and “Observation Mirror” is my Distant Observer.



Image 2: Iago as Proximal Observer of conversation between Cassio and Desdemona, Othello as Distant Observer with Iago in his line of sight. All photos are from 1995 film directed by Oliver Parker.



Image 3: Iago as Proximal Observer as Othello prompts him to recall the “evidence” of Cassio’s talking in his sleep, Othello as Distant Observer with Iago in his line of sight.



Image 4: Othello’s view, as Proximal Observer of the conversation between Iago and Cassio. Our perspective, as Distant Observer, is reinforced.



Image 5: Same conversation as Image 4, our view of Othello as Proximal Observer.

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