Ina Habermann: *Staging Slander and Gender in Early Modern England*. Aldershot: Ashgate, 2003

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1 "I consider defamation principally as a mode of social exchange which operates on the basis of the spoken word - hence my overall focus on oral defamation, or slander." (1) Recent tabloid, i.e. paper, battles over celebrity love affairs would thus clearly seem to be beyond the scope of Ina Habermann's book - and not only for historical reasons. However, what makes her concisely argued and well-written study fascinating also for anyone interested in the contemporary politics of gendered defamation is the way in which it traces the topic in a period no less obsessed than our own with individuality, reputation and social as well as erotic prowess. Early modern England differed in many respects from present-day Britain but the problems of self-fashioning and of the husbandry of one's own economic and social position that Habermann examines are not only similar to today's culture of self-realisation but can also be read as an archaeology of contemporary forms of subjectivity.

2 The principal 'archaeological' difference of the English Renaissance is exactly that it experienced an intensive confrontation of (older) oral and (more recent) written forms of communication. Therefore, textuality's competition with and anxiety about orality is what permeates Habermann's book, and she impressively demonstrates how this confrontation was acted out particularly in connection with the phenomenon of slander, traceable through a range of oral and corporeal practices and present in texts of all genres including legal and religious treatises. 'Slander', however, is not only where text and theatricality, pen and tongue, come together, it is also the field where the sexes and - importantly - the constructions of gender meet. Habermann offers the model of a "slander triangle" (2) including slanderer, listener and victim, and it becomes clear throughout her study that, although positions may change within this constellation, women are mostly the victims in what is chiefly a discourse of male exploitation of and self-assertion against women. Women may have been widely depicted as slanderers in early modern culture, but this depiction is in itself mainly a slanderous one.

3 The study pays particular attention to the theatre, the "performativity" (4) of which, according to Habermann, offers a unique perspective on social situations, thus enabling audience and critic to observe the psychology and sociology of slander before anyone (except the slanderer, that is!) has become aware of slander taking place. However, within the concept of performativity, Habermann also takes issue with the uncritical equation of performance

with illocution and argues for a fresh look at the differentiation between illocution and perlocution. It is exactly in slander and its rhetoric of persuasion and manipulation that the fundamentally perlocutionary character of language becomes apparent. Language may acquire illocutionary power, i.e. the capacity to act through words directly, but only from the principally unstable and precarious position of perlocution. In this context, drama is of particular relevance to Habermann's argument not least because of its traditional connection with rhetoric and the law. Aristotle already described poetry, especially tragedy, as negotiating "between the general and the merely incidental" (5), thus connecting it to the notion of equitable jurisdiction - the modification of the law to make it more justly applicable to individual cases. Habermann therefore considers drama as "equity", a site of "the dynamic and unpredictable exchange indispensable for true inquiry and exploration" (6) comparable to juridical negotiations (which were in fact often practised in theatrical format at the London inns of court). Slander, however, functioned as the dark and no less theatrical reverse to equity's "ethics of fair judgement and good faith" (7).

4 Chapter 1 applies this to the more general relation of language to slander and posits slander as a kind of dark rhetoric, a sinister but nevertheless competent use of persuasive speech. In the period under scrutiny, language was considered necessarily rhetorical for it was only through the (social) practice of language that the gap between word and thing, or between saying and meaning, could be bridged. Language only functioned - indeed existed - as usage.

5 Habermann explores this notion further in her reading of Othello in chapter 2 by showing that manipulation of this gap can be effective but only in a violent way. Iago welds word and deed together when he makes others turn his evil speech into crimes. However, it is exactly the difference between illocution, i.e. unproblematic acting through words, and perlocution, i.e. an effective, emotionalising and manipulative usage of words, that enables the slanderer, by merely talking about violence, to persuade others to carry out his crimes: Iago's linguistic actions are not straightforward, let alone generally transparent, but they gain fatal effectiveness through his magisterial use of the indirection and contextuality of any use of language. At the same time, language's perlocutionary precariousness - and the potential exploitation of this precariousness - become the (theatrical) normality of the world in Othello. From the perspective of the early modern period, then, there could be no ignoring the linguistic gap, it could only be bridged, either by means of violence and manipulation or else by means of social sanctions. This led to an attempt to control language through the legal

system and ultimately to a splitting up of rhetoric into an official, 'male' version and a 'female' one, unruly, dangerous and marginalised.

6 Chapter 3 and 4 consequently trace the complex legal history of slander, thus "bring[ing] into dialogue the scholarship of traditional legal historians with the sensibilities of literary criticism" (43). In English jurisdiction, slander was originally treated as an equivalent to physical assault. It was dealt with by the ecclesiastical courts and punished almost regardless of the fact whether the imputation was true or not. In the later course of the Middle Ages, the actual content of a slander became increasingly important and defamation jurisdiction was gradually taken up by secular courts. At these, "a most precarious situation" (47) resulted, in which slander as a criminal offence that endangered the public peace was based on the illocutionary equation of word and deed, whereas in private cases more modern, 'perlocutionary' assumptions concerning the instability of language were applied. It was exactly through the latter field, i.e. (practised) civil law rather than public law or legal writing, that slander jurisdiction came to play a major part in what Habermann sees as a humanist turn of the law, an equitable and experimental treatment of individual cases. Later, however, this culture of debate also served factional dispute and institutional closure, thereby facilitating male 'homosocialization' of the legal system.

7 Chapter 4 analyses the - passive as well as active - role of women in the legal discourse of slander. Within the complex entanglement of official and unofficial, juridical and ritual, forms of conflict settlement in the early modern period, Habermann reconstructs the important function of women as "brokers of oral reputation" (chapter title), which was, however, played down in legal treatises by men and strongly curtailed by an increasingly 'textualised' legal system. "[S]ocial ritual and forensic inquiry" finally "m[et] on the early modern stage" (67), and the theatre, in dramas such as Webster's *The Devil's Law Case* and Shakespeare's *The Merry Wives of Windsor*, displayed and analysed not only a whole range of slander discourses but also the involvement of women in the practices of oral reputation. Both dramas posit the theatre as the supreme and most 'equitable' site of legal conflict settlement and women as important participants in these theatrical solutions, both for themselves and for the community as a whole. Implicitly, however, female power remains strongly contained and feminine settlements subtly disparaged, and so comedy emerges not so much as a critique of patriarchal institutionalisations of the law - let alone a counteracting force to them - but rather a mitigation of the consequences of this development.

8 The plays under consideration in chapter 5 are in the tradition of Guarini's *Il Pastor Fido* and therefore of a more ambitiously literary nature, linking slander to the question of

authorship itself. In these dramas, women become the object of a courtship symbolic of "the uncertainties of social advancement through persuasive rhetoric" (79). As touchstones of male success in a modern, increasingly individualist society, they are strongly fetishised and occupy a limbo position between praise and slander. In *The Faithful Sheperd*, femininity is posited as the origin of the instabilities in a contemporary society recast as a pastoral world. Only one female character can be "[p]roperly husbanded" (86f.) and so engenders a re-semantisation of the Petrarchan language of desire into a discourse of property that in its turn can be connected to the author's own "struggle for patronage and advancement" (88). Ben Jonson's *The Devil Is an Ass* projects femininity as a "(tragi)comedy in which men play all the parts" (92), ultimately testifying to both the male power to create (fictional) women and to the function of these fictions in a patriarchal society. Mary Wroth's *Love's Victory*, however, goes another way. By recasting female slander as brokerage of oral reputation and as a genuine negotiation of gender relations, rather than simply an authoritarian expression of them, the narcissism and cruelty of men's sexual politics are exposed and criticised.

9 However, in contemporary (male) treatises on defamation, which Habermann analyses in chapter 6, slander is not only again heavily feminised but also written onto the body. The corporeal epitome for the spirit of detraction is the tongue, an "unruly member" (108) routinely associated with women. Slander is variously described as an evil force, disrupting both the community and the state as a whole, and as a "technology of power" (104), against which another technology, "the discourse of science" (105), has to be pitched. Although slander treatises, as a generalisation of particular cases (often connected to the authors themselves), stand in a reciprocal relation to slander plays, which *particularise* the general phenomenon, Habermann discovers a fascinating fusion of the two genres in the university play *Lingua*. As suggested by the title, *Lingua* is an attempt to concretise and thus to pin down the elusiveness of social communication in a twofold manner: by making the very scientific embodiment of an unruly female orality, the tongue, appear on stage as a female character. Hence it is not surprising, as Habermann impressively argues, that slander again came to function in an epistemic metadiscourse of the period in that, by being variously characterised as physical assault and 'intelligent' strategy, it embodied the transition from the medieval mind-body *communio* to a period in which "the modern dichotomy between mind and body" (113) began.

10 The pastoral writings examined in chapter 7 deepen the misogyny displayed by the scientific discourse on slander and thus reveal the more sinister - and authoritarian - side of the power practices of the church compared to the ecclesiastical jurisdiction explored in

earlier chapters. The key image of a religiously motivated language scepticism is the notion of "government of the tongue," title of several pastoral treatises. "The tongue comes to stand as *pars pro toto* for the sinning Christian who must be governed, cured, examined, disciplined and punished" (122) and who is generally feminine, i.e. a woman or an effeminate man. Women's religious writing of the period avoided both the rhetorical eagerness of this discourse and the image of the tongue and instead developed a sober and meditative language of the heart and soul, which addressed God rather than the shallows of the world, but which nevertheless became quite acceptable and marketable. In this context, psalm translation emerged as the site not only of female self-fashioning but also of ambitious literary projects. In her translation, Mary Sidney Herbert both dissociates herself from slander and re-claims 'the tongue' in an impressively confident performance of authorship. The religious discourse as appropriated by women writers thus comes back to invigorate the very female (authorial) tongue it had set out to slander.

11 Habermann's last chapter explores slander's most complex formation and most potent fantasy, the "virtuous woman wrongly accused of incontinence" (135) or "slandered heroine" (chapter title). Slander in this context becomes a strong image of the "linguistic interpellation of the subject" (137) as explored by Judith Butler in that - as an assault against both property/matter and psyche - it stands for the interpellatory fusion of body and mind, things and words. In this context, *Othello*, with its absolutely unstoppable and almost joyful drive to kill Desdemona, appears as the tragedy of "an erotic embrace," in Stephen Greenblatt's words (141), of the interpellating power structures. Elizabeth Cary's *Mariam*, on the other hand, dramatises the female assertion of honour and subjectivity as tragic and figures the death of her heroine as active resistance against the paradoxical praise/slander dialectics and as "obedience to a higher principle" (150) beyond the world of patriarchal interpellation.

12 All in all, slander appears as the projection onto women of what is in fact a *human* fallibility - the dependence on an unstable language and a restrictive social order. This is perhaps the most profound insight of Habermann's book but ultimatley also the most frustrating one. Slander, as the site in early modern culture where a far-reaching cultural and social transition was negotiated and played out, was also the field where women appeared as the victims of this development - both discursively, in that they were associated with the 'archaic' and unruly sphere to be overcome, and practically, in that their political and social practices, or their participation in them, became increasingly marginalised. Women bore the brunt of what was of course a transitional development in the history of *both sexes*. In this respect, Habermann's exploration of the relationship of slander and (human) subjectivity is

what impressed me most about her study, but it is also at this point that I would tend to disagree slightly. Compared to early modern theatricalised and feminised subjectivity, Habermann sees the subsequent period of the 18th century as a phase of the "autonomous" (136) and self-contained subject and of the on-stage celebration of self-silencing femininity. However, the problem of (self-)expression of the subject within (and by means of) political and legal institutions as well as cultural media is a transhistorical one, and both this problem and its gendered 'solutions' haunted the 18th century just as much as the 16th and 17th. Having read Habermann's book, one finds just as much exteriorised and feminised (inter-) subjectivity in Adam Smith's *The Theory of Moral Sentiments* as in Renaissance treatises and just as much gendered slandering in William Wordsworth's tragedy *The Borderers* as in *Othello*.