

EARLY MODERN LITERARY STUDIES



‘Let death make amends for all my sins’: (In)Sincere Confessions in *Arden of Faversham*¹

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Forty years after Thomas Arden’s murder in Faversham, Kent, in 1551, his death was reimagined for the stage. The play focused on his wife, Alice, who was charged with petty-treason for conspiring with her lover, Mosby, and a group of assassins to end Arden’s life. The anonymous *Arden of Faversham* (1592) engaged with not only the events of the crime, which were known to audiences due to its notoriety and the availability of popular printed accounts in pamphlets and broadside ballads, but primarily with the testimony of Alice herself.² The play became part of a wider cultural trend that was, in equal parts, anxious and fascinated by transgressive women and female modes of testimony. Whilst the play outwardly mirrored the practice of literary accounts, promising to present ‘the great malice and discimulation of a wicked woman, the vnsatiabile desire of filthie lust and the shamefull end of all murderers’, the playwright more subtly experimented with – and ultimately challenged – audience

¹ Anonymous, *Arden of Faversham*, ed. by Tom Lockwood and Martin White, New Mermaids 2nd edn (London: Bloomsbury Methuen Drama, 1982; 2nd edn, 2007; repr. 2013). All subsequent quotations are taken from this edition and will be cited parenthetically.

² Likely source materials for the play include a pamphlet entitled *A Cruel Murder Donne in Kent* and a possible early draft of *Arden of Faversham*, called *Murderous Michaell*. Other sources which were less widely circulated to contemporary readers include Raphael Holinshed’s *The firste volume of the chronicles of England, Scotlande, and Irelande* (London, 1577), in *EEBO* <<https://historicaltexts-jisc-ac-uk.oxfordbrookes.idm.oclc.org/eebo-99856530e/eebo-99856530e-22098-2>> [accessed 11 November 2018] and an undated account of the murder written by John Stow, which can be found in ‘Appendix 3: John Stow’s Account of the Murder’, in Patricia Hyde, *Thomas Arden in Faversham: The Man Behind the Myth* (Faversham: Faversham Society, 1996), pp. 117-24. See Hyde’s book for information on all of these source documents.

expectations of, and credulity in, the authenticity of women's confessional speeches.³ This article considers the play's closing epilogue, offered by Franklin, and Alice Arden's confession as the culmination of a play acutely invested in performativity; Alice's final confession is informed by her earlier adoption of unconventional testimonial styles that allowed her to appropriate the voices and experiences of other indicted women by using, first, confession as a means of denial and, later, manipulation of familiar defensive narratives as a testimonial experiment in sincere female voice and credibility.

Domestic tragedies already embodied radical generic progress by using non-aristocratic protagonists; however, by further rejecting the passive, shame-filled, female figure that was familiar to contemporary printed confessions, Alice's playwright was proposing a new approach to dramatising female testimonial voices that did not presume women's frailty or remorse – an approach that thrived on resisting consistency and re-evaluating the rules of trial pamphleture and classical literature that prioritised the fall of women over the potential for explanation of female transgressions. Much of the existing criticism on *Arden of Faversham* has focused on Alice as a charismatic figure, such as Julie Schutzman's investigation into the achievements of the play's delayed murder plot and Frances Dolan's view of Alice as 'a skillful performer who manipulates possible versions of the murderous wife narrative'.⁴ Breaking away from this critical tendency to respond to Alice as a psychologically plausible character, this study instead focuses on Alice as a threatening figure of resistance, revealing her capacity as a destabilising catalyst for social and theatrical unrest.

³ See Randall Martin's facsimile collection of literary documents that record the accounts, trials, and confessions of murderous women in early modern England: *Women and Murder in Early Modern News Pamphlets and Broadside Ballads, 1573-1697*, The Early Modern Englishwoman: A Facsimile Library of Essential Works, Series III: Essential Works for the Study of Early Modern Women: Part 1, vol. 7 (Surrey: Ashgate, 2005). Quotation is taken from the play's title page, which is included in Anonymous, *Arden of Faversham*, p. 1.

⁴ Julie R. Schutzman, 'Alice Arden's Freedom and the Suspended Moment of *Arden of Faversham*', *Studies in English Literature, 1500-1900* 36.2: Tudor and Stuart Drama (1996), 289-314; and Frances Dolan, *Dangerous Familiars: Representations of Domestic Crime in England, 1550-1700* (New York: Cornell University Press, 1994), p. 52. Dolan's 'Gender, Moral Agency, and Dramatic Form in *A Warning for Fair Women*', *Studies in English Literature* 29 (1989), 201-18 is also useful as a comparison point for performative testimonies – especially confession – presented in the slightly later anonymous play *A Warning for Fair Women* (1599). For further work on Alice's charisma and agency see Cheryl Dudgeon, 'Forensic Performances: Evidentiary Narrative in *Arden of Faversham*' in *Justice, Women, and Power in English Renaissance Drama*, ed. by Andrew Majeske and Emily Detmer-Goebel (Madison: Fairleigh Dickinson University Press, 2009), pp. 98-117.

Identifying Alice's three distinct testimonial styles as unique tools which aid her as a figure reliant on stereotypes of redemptive storytelling, I seek firstly to demonstrate a radical form of testimony that operated as denial through confession, with Alice actively drawing attention to her indiscretions whilst synchronously defending her innocence. Following this with cross-analyses of Alice's speeches with the contemporary ballads and pamphlets concerning the trials of Anne Wallen (1616), Margaret Ferne-seede (1608), Alice Arden's broadside ballad confession (1633), and Alice Clarke (1635), we will see Alice's ability to mimic popular defensive tactics from printed tracts, misappropriating the defences and confessions of other women and instigating an urgent cultural debate regarding audience responsibilities when responding to popular narratives.⁵ Finally, this study interrogates the sincerity with which Alice's final, stylistically polished, confessions are delivered, demonstrating the playwright's experimentation with structural patterns established within confessional tracts that relied on an assumption of innate feminine shame. Alice becomes the deliberately unreliable narrator, capable of deploying varying testimonial styles, with *Arden of Feversham* subsequently offering contemporary and modern audiences the opportunity to engage far more cynically with testimonies that they read or heard; examining the potential for transgressive women to exploit the very beliefs that had formerly served to oppress, as well as to query the priorities of women's testimonies that were penned by male authors.

⁵ T. Platte, *The Lamentation of Anne Wallen* (London, 1616), in *EBBA* <<https://ebba.english.ucsb.edu/ballad/20053/xml>> [accessed 11 November 2018]; I. T., *The arraignment & burning of Margaret Ferne-seede for the murther of her late husband Anthony Ferne-seede, found deade in Peckham Field neere Lambeth, hauing once before attempted to poyson him with broth, being executed in S. Georges-field the last of Februarie. 1608* (London, 1608), in *EEBO* <<https://historicaltexts-jisc-ac-uk.oxfordbrookes.idm.oclc.org/eebo-99848310e>> [accessed 11 November 2018]; Anonymous, *The complaint and lamentation of Mistresse Arden of Feversham in Kent who for the loue of one Mosbie, hired certaine ruffians and villaines most cruelly to murder her husband; with the fatall end of her and her associats. To the tune of, Fortune my foe.* (London, c.1633), in *EEBO* <<https://historicaltexts-jisc-ac-uk.oxfordbrookes.idm.oclc.org/eebo-99851083e>> [accessed 11 November 2018]; and Henry Goodcole, *The aduresses funerall day in flaming, scorching, and consuming fire, or, The burning downe to ashes of Alice Clarke, late of Vxbridge in the county of Middlesex, in West-smith-field on Wensday the 20 of May, 1635 for the unnaturall poisoning of Fortune Clarke her husband a breuiary of whose confession taken from her owne mouth is here unto annexed, as also what she sayd at the place of her execution* (London, 1635), in *EEBO* <<https://historicaltexts-jisc-ac-uk.oxfordbrookes.idm.oclc.org/eebo-ocm24507671e>> [accessed 11 November 2018].

Franklin's Epilogue and Alice's Confession

Thus have you seen the truth of Arden's death (Epilogue, 1).

Franklin's Epilogue commences by proclaiming the play's authority on Arden's murder, not unlike contemporary trial pamphlets, which often promoted their authenticity through assurances of 'true relations' of crimes.⁶ His closing remarks remind the audience of Alice's notoriety, and of her prominence in national news as well as local gossip, collating existing public knowledge: the fates of Alice, her accomplices, and Faversham itself, including accounts that verge on supernatural regarding the physical scars her crime left on the village. Analysing the play's conclusion in advance of the rest of the play, I intend to expose the challenges raised within the Epilogue, in order that the preceding scenes might be considered as an exploration of, and social commentary on, the credibility (or lack thereof) of female testimony at this particular cultural moment. Whilst pamphleteers advertised truthful reports, *Arden of Faversham's* playwright queried such assurances of accuracy, thereby engaging with the central crisis of testimony within a play which itself seems keenly aware of its own position of authority over the Arden case. Alice's character opens a discussion regarding more than simply what constitutes testimony but, rather, the difficulties in assessing its authenticity. As such, the willingness of Alice's on-stage accomplices and off-stage audience to believe the information placed before them, irrespective of its reliability, is highlighted. Unquestioningly accepting claims of authenticity has complex and damaging consequences – whether such claims are made textually in a pamphlet, visually on the stage, or verbally through the local grapevine or directly from the mouth of an individual with much to lose.

Surviving records of Alice Arden's full confession remain scarce; however, in addition to the ballad, a brief account exists within John Stow's records that notes Alice's response to interrogation was to plead: 'O the blowde of God helpe me, for this blowde have I shede'.⁷ The spiritual focus of this speech – a conventional tool of confession – can also be seen in numerous trial pamphlets of the period. The spiritual overtones are important; Alice emphasises her temptation at the actions of others by evoking religious piety and repeating the focus on 'blowde' as something 'shede' as well as a substance capable of redemption. Stow's account further incriminates Alice by reinforcing her

⁶ Pamphlets printed by Edward White, John Charlewood, Henry Kirkham, and Henry Goodcole are particularly notable for their promises of truthfulness in the late sixteenth and early seventeenth centuries.

⁷ Stow, quoted in Hyde, *Thomas Arden in Faversham*, p. 122.

innate female susceptibility to men's persuasions; something not dissimilar to Alice's final on-stage argument with Mosby in *Arden of Faversham*:

MOSBY: How long shall I live in this hell of grief?
Convey me from the presence of that strumpet.
ALICE: Ah, but for thee I had never been strumpet.
What cannot oaths and protestations do
When men have opportunity to woo?
I was too young to sound thy villainies,
But now I find it, and repent too late (18.12-18).

Alice's penultimate speech emphasises her position as victim, exploited by Mosby's 'villainies': 'Ah, but for thee I had never been strumpet' – 'I was too young' (18.14, 17). But this confession bears little resemblance to the words of the self-assured Alice who offered confident reassurance to Mosby and the other conspirators earlier in the play: 'Tush, Mosby. Oaths are words, and words is wind, / And wind is mutable' (1.436-7).

Alice's closing on-stage speeches, which subscribe to a more singular strain of character and redemption, would be repeated in the seventeenth-century ballad, which also enforced the coercive role of Mosby as the overriding cause of Alice's fall: 'In loue we liu'd, and great tranquility, / Vntill I came in Mosb[i]es company'.⁸ The ballad also utilises the spiritual undertones of the on-stage confession of Alice throughout, although with no overt question of her sincerity:

Praying the Lord that he his grace will send
Vpon vs all, and keepe vs all from ill.
Amen say all, if't be thy blessed will.⁹

Accepting that Alice's confession delivered within the play is not easily reconcilable with her earlier speeches and manipulations, the dilemma of whether any of her testimonies should be trusted is brought to its height. The playwright experiments by appropriating a variety of conventional testimonial styles in order that Alice's credibility is diminished, in addition to overturning the expectation that dramatic constructs of character stability should be maintained.

⁸ Anonymous, *The complaint and lamentation of Mistresse Arden*, p. 1.

⁹ *Ibid*, p. 2.

If Alice's confession appears insincere, what other examples exist of women who were unwilling to confess? The petty-treason trial pamphlets of Margaret Ferne-seede and Alice Clarke also engage urgently with testimonial authenticity. Ferne-seede's speeches and behaviours are well documented throughout the pamphlet to demonstrate her lack of remorse and indifference to the loss of her husband. Following a neighbour's enquiry as to her well-being, I.T. notes: 'she as carelesse as before, gaue him (by the neglect of her words) true testimonye how far sorrow was from her heart', before scolding his surprise at her lack of tears: 'tut six, mine eyes are ill alreadye and I must now preserue them to mend my cloathes not to mourne for a husband'.¹⁰ Henry Goodcole recalls a similar encounter with Alice Clarke:

[M]ultitudes of people ... conferred with her, but little good they did on her, for shee was of a stout angry disposition, suddainly intraged, if you began to touch her to the quicke of her husband poysoning.¹¹

Both Ferne-seede and Clarke are presented in their pamphlets as unrepentant for murdering their husbands, bearing no intention to confess – rather like Alice Arden who, both historically and in the play, initially defies attempts to convict her. Stow's Alice refutes the allegations against her by stating, 'I would yow shuld know I am no suche woman', whilst the theatrical Alice rejoices at thinking she is beyond discovery: 'Now let the judge and juries do their worst; / My house is clear and I fear them not' (14.352-3).¹² Despite each woman's acknowledgement of her guilt, and determination not to repent, each of them does present a traditional confession before execution. Alice presents her plea for God's mercy, whilst the pamphlets by I.T. and Goodcole present some startling revelations in the measures taken to extract confessions. Ferne-seede's confession appears to have been prompted by the advice of similarly-fated prisoners who likely knew the mercy and relative leniency offered to those who fulfilled their expected role of showing remorse.¹³ Patricia Hyde notes, for example, that female petty-traitors might well be 'strangled first as an act of mercy'.¹⁴ A similar scepticism arises in reading Goodcole's account of Clarke's confession:

That at the first and second times of my visiting of her, little or no Repentance I found in her... I was thereuppon inforced to hold her unto it, and to extract the truth, and trye her spirit, called two of the Keepers of the Goale, to her

¹⁰ I.T., *The arraignment & burning of Margaret Ferne-seede*, pp. 6-7.

¹¹ Goodcole, p. 16.

¹² Stow, quoted in Hyde, p. 122.

¹³ See I. T., *The arraignment & burning of Margaret Ferne-seede*, p. 10.

¹⁴ Hyde, p. 94.

unknowne, whom I appoynted to obserue and remember the speches that passed betweene us, to verifie them unto her face, which attestation both of my selfe, and of them, shee would out-face, but could not.¹⁵

The potential therefore for these confessions to have been coerced, forcibly or otherwise, suggests that by creating a confession for Alice Arden with questionable credibility, the playwright was directly engaging, and experimenting with, the ethics of ventriloquism through delivering conventional speeches from an apparently uncooperative source. For playwrights that engaged audiences to question presented evidence and testimonies, the stakes were two-fold: by interrogating the quality or credibility of testimony, audiences were compelled firstly to consider the promotion of more just systems of guilt and innocence. Furthermore, the delivery of these testimonial speeches, spoken by female characters on the stage but written by men and performed by male actors in the contemporary period, speaks also to an encouraged challenge towards gender ventriloquism. It is important to acknowledge with this the considerable female presence at performances, and Jean Howard notes the ‘significant’ number of female spectators that attended theatres, whilst addressing the complex responses that may have been felt by this substantial, yet focused, group of auditors when observing the fates of female characters upon the stage.¹⁶

If the playwright was warning against the expectation of petty-traitors to provide willing confessions, what challenge might this have presented to an audience, and what responsibilities might they be charged with? The playwright uses Alice’s varied testimonial styles to expose her accomplices’ readiness to believe her narratives. Their unquestioning cooperation is, ultimately, how she is able to recruit them, differing greatly from Hyde’s view that ‘She must have had charisma to attract such a loyal band’.¹⁷ We might question whether this also applies to a playhouse audience, and what responsibility they have to question the testimonies laid before them, particularly as Alice is not a fictional character but, rather, the dramatisation of an historical figure?

Alice’s closing confession certainly plays into the idea of redemptive storytelling; her final line, ‘Let death make amends for all my sins’, fulfils didactic theatrical conventions that required reconciliation between a sinner and God – as long as we believe it to be sincere (18.33). But, I would suggest, the playwright intended to rouse suspicion through her confession – which seems almost too familiar to achieve true

¹⁵ Goodcole, pp. 16-17.

¹⁶ Jean Howard, ‘The Materiality of Ideology’ in *The Stage and Struggle in Early Modern England* (London: Routledge, 2003), pp. 74-93 (p. 77).

¹⁷ Hyde, p. 82.

credibility. Alice's repentance may reflect a cynical perception of the justice system that suggests confession benefits its audience more than its speaker – soothing local anxieties, rather than engaging with the altogether less comforting challenge of understanding what provoked women into killing their husbands and why, therefore, they may not feel remorse. It is therefore important to consider whether the closing scenes and Epilogue are intended to warn audiences against willingly believing the narrative that they deem most satisfactory, in favour of questioning the evidence with which they are presented.

Alice's guilt may not be challenged, but the playwright nonetheless appears insistent on challenging the ethics of presenting her as repentant simply to appease the sensitivities of the public. The play actively engages with a critical debate which continues to be addressed, recently by Elizabeth Harvey who argues that this ventriloquism of women's narratives 'is an appropriation of the feminine voice, and that it reflects and contributes to a larger cultural silencing of women'.¹⁸ As such, *Arden of Faversham's* playwright can be seen to experiment with the responsibilities of off- and on-stage audiences receiving testimonies from socially and legally oppressed individuals; guilty though Alice is, the playwright challenges journalistic accounts of petty-treason, in which expected confessions – women's redemptive storytelling – are written from an empowered male perspective.

Confessional Denials

To fully balance Franklin's assurances of authenticity in the Epilogue we must reflect upon the nature of truth-telling throughout the preceding scenes. Alice testifies in various forms throughout *Arden of Faversham*, and the playwright employed oaths and quasi-legal language in order to scrutinise conventional 'proofs' of credibility. By examining Alice's radical testimonial styles alongside contemporary sources, as well as looking at the Epilogue, we can further our understanding of her trial, as well as the expectations of shame-filled apologetic confessions that the playwright contests.

Oaths and quasi-legal language form a large part of Alice's vernacular – even before the murder takes place. She adopts a seemingly paradoxical form of testimony during interactions with social superiors (Arden, the Mayor, and Franklin): that of confession through denial, drawing attention to her underlying intentions, whilst simultaneously

¹⁸ Elizabeth Harvey, *Ventriloquized Voices: Feminist Theory and English Renaissance Texts* (New York: Routledge, 1992), p. 12.

dismissing accusations before they are voiced. Infusing these denials with legal conventions, the playwright clarifies that all of her speeches should be considered as testimony, supporting the notion that testimony may be received outside of formal court settings alone.¹⁹

Joining Arden, Franklin, and Mosby for breakfast, Alice presents her husband with a poisoned broth, offering her first confessional denial to evade suspicion:

ALICE: Husband, why pause ye? Why eat you not?
ARDEN: I am not well; there's something in this broth
 That is not wholesome. Didst thou make it, Alice? (1.364-6)

Whilst her language is calculated, some of her speeches could suggest feelings of guilt – Mosby's horror at her seeming self-incrimination aids the comedy of the scene, whilst demonstrating Alice's nerve in defying the panic and emotional stress we might expect following a failed poisoning: 'You wrong yourself and me to cast these doubts; / Your loving husband is not jealous' (1.378-9). This moment foreshadows Alice's behaviour after the murder when she directs attention to Arden's absence – alarming her accomplices who attempt to avert suspicion. Arden's query offers Alice her remarkable diversion: not by denying her involvement in preparing the broth but, rather, by accepting responsibility for all charges, even those that have not been made:

I did, and that's the cause it likes not you.
Then she throws down the broth on the ground
There's nothing that I do can please your taste.
You were best to say I would have poisoned you.
[...]
I charge thee speak to this mistrustful man,
Thou that wouldst see me hang, thou, Mosby, thou,
What favour hast thou had more than a kiss

¹⁹ Cynthia Herrup has written on the different levels of criminal proceedings, from formal courts, through local sessions, and ecclesiastical jurisdiction in 'Judicial Power and Cooperation', in *The Common Peace: Participation and the Criminal Law in Seventeenth-Century England*, Cambridge Studies in Early Modern British History (Cambridge: Cambridge University Press, 1987), pp. 42-66. For testimony, particularly between women, exchanged outside of any recognised legal environment, see Bernard Capp's discussion on slander and public altercations in 'Women and Neighbours: Female Disputes', in *When Gossips Meet: Women, Family, and Neighbourhood in Early Modern England*, Oxford Studies in Social History (Oxford: Oxford University Press, 2003), pp. 185-224 (especially the sections 'Quarrels: The Language of Insult' and 'Insults as Street Theatre', pp. 189-99).

At coming or departing from the town? (1.367-77)

Alice feigns offence, deflecting Arden's perceived accusation. Such an extreme response excuses Alice from answering what she and the audience identify as the real question behind 'Didst thou make it, Alice?' (Have you poisoned me, Alice?) by reversing the question to her intended victim. Charging Alice's response with such a brazen confession, the playwright confirms her guilt through demanding that Arden acknowledge the implications of his question: 'You were best to say I would have poisoned you' (1.368). Alice's outrage drowns out Arden's denials as she voices the suspicions he has been harbouring. This comic display of Alice's guilty conscience, presents Arden's anxieties within the play's opening scene – as such, Alice's 'confessional denial' confirms her guilt to the audience.

Alice's use of confessional denials, enabling her to effectively defend herself before any formal charge is issued, is particularly significant in the broth scene, wherein she must defend herself against accusations of poisoning – a crime which was strongly associated with female killers, largely due to its reliance on cunning rather than physical advantage, and that required premeditation. Indeed, Margaret Ferne-seede, charged also with petty treason a little over a decade following the play's first performances, was condemned for the murder of her husband on the grounds that she had attempted to poison him in the past, rather than on any material evidence from his actual death, a detail noted by the extended title of the pamphlet: *The araignement & burning of Margaret Ferne-seede for the murther of her late husband Anthony Ferne-seede... hauing once before attempted to poyson him with broth.*²⁰ Previous allegations suggested premeditation and condemned Ferne-seede, indicating the heightened anxieties surrounding the concealed power and potential for harm that wives might exercise in the home. A suggestion of attempted poisoning seems to have been enough to have indicted Ferne-seede and likewise, for the on-stage Alice, a similar insinuation of domestic malice presents an ongoing risk of suspicion. Asserting the concerns of Arden, and certainly Franklin, as her own, Alice herself takes ownership of the conspiracy, ridiculing it publicly through her private acknowledgement of its truth.

Unsatisfied with Arden's assurances – 'Be patient, sweet love, I mistrust not thee' (1.390) – Alice resorts to another remarkable defensive display:

ALICE God will revenge it, Arden, if thou dost,
 For never woman loved her husband better

²⁰ I. T., *The araignement & burning of Margaret Ferne-seede*, p. 1.

Than I do thee.

ARDEN I know it, sweet Alice; cease to complain,
 Lest that in tears I answer thee again (1.391-5).

Alice's statement of love for Arden is an oath – a speech act used frequently by the playwright – and serves an urgent warning for the audience to question her integrity. Just as her private marriage vows to Arden prove void of sincerity, the audience must determine the validity of her on-stage (public) promises. Moreover, Alice's assurance to her husband of God's vengeance if he should doubt her seems at odds in a declaration of love. Her insincere oath-taking reflects Jonathon Michael Gray's view of modern attitudes towards these guarantees; he suggests that, today, oaths 'provide a legal incentive to tell the truth, an incentive that is absent in unsworn testimony or everyday conversation, whether confirmed with an oath (the common expletive of "God" is a derivative of oath-taking) or not'.²¹ Alice's disinterest in keeping her pledge pre-empts Gray's opinion that, 'Outside of court, oaths today have no power'.²² It is important to note that during her formal interactions with Franklin and the Mayor – where the legal incentive and threat of perjury charges existed – Alice makes no oaths. Instead, all are made to Arden and her social inferiors who cannot hold her accountable for disloyalty. The playwright experiments with Alice's testimony in the formal, masculine environment of legal inquiry as well as the informal, domestic sphere – a much more ambiguous location for determining hierarchy, as discussed by Ariane Balizet: 'The husband ruled *all* things, except everything to do with cooking, cleaning, maintaining the home, disciplining female servants, and buying and selling goods... The housewife's responsibilities, when enumerated, sound like a great deal of domestic authority'.²³ Whilst Alice's formal confession and testimony mirrored the familiar spiritual, shame-filled confessions of contemporary trials, her private testimonies are far more persuasive to surrounding characters; yet present a cynical view on the reliance of oath-taking and the quasi-legal language required by courtrooms. Whilst this acknowledgement does not increase audience sympathy (or condemnation) for Alice, it

²¹ Jonathon Michael Gray, *Oaths and the English Reformation* (Cambridge: Cambridge University Press, 1979), p. 8.

²² *Ibid.*

²³ Ariane M. Balizet, *Blood and Home in Early Modern Drama: Domestic Identity on the Renaissance Stage*, Routledge Studies in Renaissance Literature and Culture (Abingdon: Routledge, 2014), p. 58. See also Lena Cowen Orlin, *Private Matters and Public Culture in Post-Reformation England* (New York: Cornell University Press, 1994) and Viviana Comensoli, 'Household Business': *Domestic Plays of Early Modern England*, *Mental and Cultural World of Tudor and Stuart England* (Toronto: University of Toronto Press, 1996; repr. 1999) for further discussion on prescribed feminine roles within the home, including the conflict between political and economic household priorities, as well as concerns over the exercising of power over material goods in the domestic sphere.

demonstrates the playwright's opportunity to experiment with the specifically female experience of formal courts. Why is Alice's private testimony and confession so much more credible to other characters than her final public appearance? The playwright utilised the tools of the formal courthouse to explore Alice as a figure tied to no particular typology. Within the more ambiguous domestic sphere (which was not weighted clearly as a fully masculine or feminine space), the play could exploit the expectations upon female testimony so that the eventual, questionable, credibility of Alice's closing confession would present a real challenge to audiences about the usefulness of repentant confessions as way of providing social, spiritual, or legal closure.

Following Arden's departure, Mosby is initially bound by another oath – one made earlier to Alice's husband:

MOSBY It is impossible, for I have sworn
 Never hereafter to solicit thee
 Or, whilst he lives, once more importune thee.

ALICE [...]
 'Tis childishness to stand upon an oath.

MOSBY Well proved, Mistress Alice; yet, by your leave,
 I'll keep mine unbroken whilst he lives (1.429-40).

Mosby's pledge to keep his oath with Arden 'whilst he lives' alerts the audience to several upcoming issues. The quasi-legal language throughout this debate maintains focus on the lovers' eventual fate, and Alice's dismissal of an oath's importance should remain in the audience's mind – particularly in the lead-up to her interrogation. If 'Tis childishness to stand upon an oath', what can be said of her promises of remorse at the play's conclusion? The lovers' dispute builds upon Arden's earlier use of quasi-legal vernacular, through which he highlights his own part in their plans: 'Why, gentle Mistress Alice, cannot I be ill / But you'll accuse yourself?' (1.380-1). Seeking to soothe the situation, Arden's use of the word 'accuse' points towards the ultimate apprehension of Alice, whilst isolating Arden as the only one unaware of his wife's deceit.

Alice's confessional denials achieve a great deal within the first scene – something noted by Tom Lockwood in his introduction to the play:

[B]y its close, Alice has canvassed at least four candidates for [Arden's] murder. The scene establishes the desires and grievances that will animate the play... and

Alice's supreme command over these (generally) masculine emotions in the domestic sphere.²⁴

The playwright depicted these achievements as preparation for Alice's later testimonial successes, and to foreshadow her eventual downfall stemming from the increasing number of conspirators and, therefore, testifiers, implicated in the plot against Arden. Directly following Arden's murder, Alice attempts to replicate her successful confessional denials by drawing attention to his absence – unsurprisingly causing concern to her accomplices:

ALICE My husband's being forth torments my mind.
 I know something's amiss; he is not well,
 Or else I should have heard of him ere now.

MOSBY [Aside] She will undo us through her foolishness (14.300-3).

Alice's behaviour in this scene is comparable with Holinshed's account, which reports that she 'began to make an outcry and said, "Never woman had suche neigbowrs as I have," and wept. So much so that her neighbours found her making great lamentation'.²⁵ By raising the alarm to Arden's late return, Alice shamelessly adopts the role of the distressed wife – a performance that her accomplices believe has been triggered by guilt.²⁶ Loyalty amongst the group is questioned throughout the play, and Alice's feigned pleas to locate Arden even lead Michael to suggest 'I'll buy some ratsbane ... for I fear she'll tell' (14.289-94).

It is at this moment in the play that we start to see the net closing on Alice; her accomplices, once ready to believe her varying defensive styles, begin to fear the possibility of their own incrimination through Alice's testimonial games and experimentation. Moreover, whilst the conspirators are, for the first time, left unconvinced by Alice's private performance of grief, she is then forced to switch to more formal and public testimonial approach during her interrogation by Franklin and the Mayor:

ALICE But wherefore stay you? Find out the murderers.
MAYOR I fear me you'll prove one of them yourself.

²⁴ Tom Lockwood, 'Introduction' in Anonymous, *Arden of Faversham*, pp. vii-xxx (p. viii).

²⁵ Hyde, p. 86.

²⁶ Hyde notes that the 'modern equivalent to [the historical] Alice's behaviour is when people appear on television today, apparently under great strain, asking for help in finding a close relative whom it later transpires that they themselves have murdered' (p. 86).

ALICE I one of them? What mean such questions? (14.387-9)

Alice's repetition of the question instigates more challenging tests of her abilities:

MAYOR See, see! His blood! It is too manifest.

ALICE It is a cup of wine that Michael shed (14.399-400).

Although her testimony in the broth scene yielded great success, the interrogation by Franklin and the Mayor demonstrates Alice's difficulties when testifying within a more formal scenario. The 'private' Alice, charming her husband, lover, and accomplices, seems irreconcilable with the silenced, 'public', murderess who seems unable to offer convincing defence. Alice's formal trials offer no oaths or promises of truth – these are reserved exclusively for her informal and private testimonies – suggesting the differing ways her playwright saw testimony working in multiple and varied environments.

From the play's opening, Alice's testimonies challenge cultural expectations of her character – and perhaps the conventions of 'singular' theatrical characters more generally. Her first interactions with Arden are performances of innocence, communicated radically, and riskily, through outraged confessions made in response to unspoken accusations. It is by implementing such radical testimonial styles that the playwright fully conceptualises what a resourceful and formidable foe Alice is to Arden and, furthermore, the power of her testimony for manipulating a large group of accomplices to do her bidding. The playwright's aim is never to make Alice sympathetic and, as such, authentic denial is unnecessary – his achievement lies instead in Alice's brazen testimonies which dispel suspicion by actively drawing attention to it. The skills developed within her first 'confessional denials' enable Alice to later experiment with manipulating testimony. The combination of these unconventional defensive narratives facilitated the playwright's reimagining of her inauthentic voice, whilst also experimenting with the conventions for assigning typology to particular characters in domestic tragedy, a genre often recognised as explicitly didactic.²⁷ As we will see, Alice's defensive testimony begins long before the play's concluding trial.

Manipulated Narratives

²⁷ See the pioneering work on domestic tragedy by Henry Hitch Adams, who introduced domestic tragedy as a didactic form of theatre that offered the opportunity to continue moral instruction beyond the pulpit: *English Domestic Or, Homiletic Tragedy: 1575-1642* (New York: Columbia University Press, 1943).

Recruiting accomplices allowed Alice to present her remarkable testimonial skill, marking her as a figure seemingly resistant in equal measure to sympathy, condemnation, and consistency. In the introduction to his edition of the play, Lockwood queries whether ‘Alice represents not a dissident and destabilising perspective within the text and its society, but rather an instance of what scholars have called ventriloquism, a feminine voice within the text actually mouthing lines and positions created by a male author?’²⁸ Certainly, the playwright and contemporary actors were male; however, the skill of Alice’s manipulated testimonies suggests the playwright’s genuine interest in the incompatibility of existing perceptions of petty-traitors with Alice, and a desire to destabilise the binary of being fully villainous or victimised. The playwright sought to exploit the cultural impulse behind existing narratives presented in the voices of petty-traitors who were made to atone for their violent acts through expressions of shame. The speeches offered by Alice utilise her gender in a different way, exploiting the prejudices that would ordinarily have oppressed her. In exploring these achievements by the playwright, the focus should not rest on understanding Alice as a consistent character but, rather, on recognising the playwright’s invitation to audiences to re-evaluate their interpretation of testimonial narratives – particularly their willingness to believe in them.

Following the poisoning attempt, Alice’s team consists of several members: herself, Mosby, Clarke, Michael, and, to a lesser degree, Adam. Hyde comments: ‘She obviously had no confidence in her fellow accomplices for she then turned to John Grene [*sic*]’, and indeed, Alice recruits Greene as a further (and far more instrumental) conspirator to the plot by the middle of the opening scene.²⁹ Her complacency in involving the locals is dreaded by Mosby who, horrified at yet another individual being made complicit, exclaims: ‘What! to acquaint each stranger with our drifts, / Chiefly in case of murder!’ (1.578-9). Nevertheless, Alice’s conversation with Greene enables the playwright to experiment with her appropriation of existing narratives for the first time. Alice not only utilises Arden’s abuses of his dependants to secure their trust; the playwright also exposes the power of local gossip and resentment as essential to Alice’s success.

Upon Greene’s complaint, ‘Your husband doth me wrong’ (1.470), Alice aligns herself as his ally, exploiting his distress in order to unite their desires. Her initial tactic is to assure Greene: ‘God knows, ’tis not my fault’ (1.485). Immediately excusing herself, Alice wins Greene’s trust so that, within only a couple of lines, he is focused on her

²⁸ Lockwood, p. xxii.

²⁹ Hyde, p. 82.

dissatisfaction: ‘Ah, Master Greene, God knows how I am used!’ (1.487). Relying on her husband’s widespread unpopularity – which she calls God as witness to – Alice exploits her subordinate domestic role to fabricate claims of Arden’s excessive control and punishment:

When he is at home, then have I froward looks,
Hard words, and blows to mend the match withal.
[...]
He revels it among such filthy ones
As counsels him to make away his wife.
Thus live I daily in continual fear,
In sorrow, so despairing of redress
As every day I wish with hearty prayer
That he or I were taken forth the world (1.494-505).

Alice becomes the undeservingly beaten wife, a familiar defence put forward by women facing petty-treason trials who argued the need for self-defence against violent husbands. Anne Wallen and Alice Clarke were two such examples. Dolan observes that Clarke ‘is described as having visible bruises at the time she is apprehended and examined for killing her husband. Even Henry Goodcole... sees a connection between those bruises and her actions’.³⁰ Nevertheless, the fact that Clarke’s bruises are never fully explained (even if their cause is inferred), demonstrates the potential risks involved in trusting testimony that has been received second-hand, through an intermediary such as a pamphlet. Randall Martin identifies the ‘official anxiety’ prevalent in certain news pamphlets, such as Ferne-seede’s, that betray concern regarding ‘how the public would judge the trial and outcome’ through lengthy anecdotal record of second-hand narratives from magistrates.³¹ This speaks to a dilemma of determining reliability not only of the testimony, but also of the intermediary, that can be traced through many domestic tragedies. Whilst Greene’s personal grievance had not incited him to murder Arden, Alice recognises that little further persuasion is needed; appropriating this alternative narrative, she constructs what Julie Schutzman describes as a ‘fictional “private life” [which she] neatly exposes ... to public view’.³² Further blackening of Arden’s reputation swiftly convinces Greene to pledge: ‘I shall be the man / Shall set you free from all this discontent’ (1.511-12). Alice therefore appeals to

³⁰ Dolan, *Dangerous Familiars*, p. 32.

³¹ Martin, p. 4.

³² Schutzman, p. 300.

his empathy through claims that would have been familiar to audiences, although their inherent inauthenticity would have caused concern, as noted by Dolan:

While some pamphlet narratives evoke sympathy for a murderous wife by displacing responsibility onto her abusive husband, *Arden of Faversham* presents Alice as self-consciously employing the same strategy. Offering no evidence that Arden mistreats Alice, the play in effect portrays her as enacting the abused wife in order to secure sympathy and avoid blame for her adultery, her open defiance of her husband, and eventually, her act of murder.³³

Alice's willingness to manipulate such a familiar defence allows the playwright to create a sophisticated voice which succeeds precisely because her character is inconsistent. Far from suggesting that Alice's exploitation of biases intended to oppress women made *Arden* an antifeminist tract, I propose that its playwright was identifying the measures necessary for women to access the same legal opportunities as their male accomplices.

The argument between Alice and Mosby presents an altogether different dynamic than Alice's appeals for sympathy. The volatility of their relationship, and the skill with which Alice can rescind upon comments and provide justification for even her most outrageous remarks, demonstrate her command upon Mosby's loyalty – and entirely contrasts with the persona of the fearful wife discussed above. Tensions increase between the lovers prior to the argument and Alice's entrance is accompanied by an immediate test of Mosby's resolve:

MOSBY	It is not love that loves to anger love.
ALICE	It is not love that loves to murder love.
MOSBY	How mean you that?
ALICE	Thou knowest how dearly Arden loved me.
MOSBY	And then?
ALICE	And then – conceal the rest, for 'tis too bad [...] Forget, I pray thee, what hath passed betwixt us, For now I blush and tremble at the thoughts (8.58-69).

Alice renews her technique of reversing suspicion, reflecting Mosby's complaint about her behaviour back upon himself; his accusation that she unfairly seeks to anger his love

³³ Dolan, *Dangerous Familiars*, p. 52.

is rebuffed by an apparent revelation that she is no longer willing to abuse her husband nor, literally, to murder his love. Her language of shame, particularly the assurances that their relationship has caused her to ‘blush and tremble’, presents Alice’s ability to enact yet another familiar petty-treason confession, this time speaking as a repentant adulteress. Alice’s feigned remorse is not dissimilar to Wallen’s confession, wherein she expresses the fear that accompanies her transgressions: ‘Forgive my fact before my life is ended. / Ah me the shame unto all women kinde’.³⁴ Much like her performance of the abused wife to Greene, Alice consciously adopts a language typically associated with remorseful female transgressors within older didactic theatre, claiming that she will return:

Ay, to my former happy life again;

[...]

Ha, Mosby, ’tis thou hast rifled me of that,

And made me sland’rous to all my kin (8.71-5).

Alice exploits the association between female testimony and shame, persuading Mosby of the near-unbelievable; despite her promises of discontinuing their affair, she employs flattery to re-convince Mosby of her loyalty. Within only a few lines, the lovers are reconciled:

ALICE

I will do penance for offending thee

And burn this prayerbook, where I here use

The holy word that had converted me.

See, Mosby, I will tear away the leaves, and in this golden cover

Shall thy sweet phrases and thy letters dwell,

And thereon will I chiefly meditate

And hold no other sect but such devotion (8.115-22).

Alice’s manipulation once again confirms her power over Mosby, in addition to reminding her on- and off-stage audiences not to rely on the oaths she has made.³⁵ Vowing to destroy her ‘prayerbook’ – an object that an oath might be made upon, and

³⁴ T. Platte, *The Lamentation of Anne Wallen*.

³⁵ Alice’s influence over Mosby certainly relies on her sexual allure; however, her class disparity with Mosby also presents interesting possibilities regarding the dynamics of their relationship – particularly the more volatile moments in which Mosby’s social and property-based ambitions are revealed. See Michael Neill, “‘This Gentle Gentleman’: Social Change and the Language of Status in *Arden of Faversham*” *Medieval and Renaissance Drama in England* 10 (1998), 73-97, for further discussion of social divisions in the play.

promising to ‘do penance’ for wounding Mosby – Alice blasphemously promises to fill her book instead with her love tokens from Mosby. The playwright challenges the credulity afforded to oaths, particularly informal ones, by offering a literal depiction of a defiled book of promises.³⁶

If Alice’s manipulation of Mosby is impressive, then her ability to appease Arden following his sighting of the lovers kissing, arm-in-arm, is nothing short of a triumph:

ALICE Ah, Arden, what folly blinded thee?
 Ah, jealous harebrain man what hast thou done?
 When we, to welcome thee, intended sport,
 [...]
ARDEN But is it for truth that neither thou nor he
 Intendedst malice in your misdemeanour? (13.88-115)

Remarkably, Alice convinces her husband that he is the ‘harebrain[ed]’ man at fault, insisting that it is his jealousy that has ruined the jest. In lines which are reminiscent of her earlier success with the broth, she utilises spiritual imagery to vow her honesty (‘The heavens can witness of our harmless thoughts’ [13.116]) and escalates the argument by highlighting Arden’s further failings as a husband, including her mistreatment:

Henceforth I’ll be thy slave, no more thy wife;
For with that name I never shall content thee.
If I be merry, thou straightaways thinks me light;
If sad, thou sayest the sullens trouble me;
If well attired, thou thinks I will be gadding;
If homely, I seem sluttish in thine eye.
Thus am I still, and shall be while I die,
Poor wench abused by thy misgovernment (13.106-13).

³⁶ Hannah Rosefield, ‘A Brief History of Oaths and Books’ (2014), *The New Yorker* <<https://www.newyorker.com/books/page-turner/a-brief-history-of-oaths-and-books>> [accessed 11 November 2018]: ‘... English courts adopted the practice, requiring jury members and individuals in particular trials to take an oath on the Bible. An unnamed thirteenth-century Latin manuscript, now held in the library of Trinity College, Cambridge, sets out the method and the significance of the act. By placing a hand on the book and then kissing it, the oath-taker is acknowledging that, should he lie under oath, neither the words in the Bible nor his good deeds nor his prayers will bring him any earthly or spiritual profit. In time, this became standard legal procedure—all witnesses swearing to tell the truth, the whole truth, and nothing but the truth’.

Alice may be bound to 'obey' by marital and social structures; however, in practice, the playwright arms her with coercive language that Arden is no match for. Certainly, her reprimands ensure that he finally succumbs, dismissing advice from his one remaining ally: 'I pray thee, gentle Franklin, hold thy peace; / I know my wife counsels me for the best'. Challenging Franklin, Alice again employs quasi-legal vernacular: 'Why, canst thou prove I have been disloyal? ... A fault confessed is more than half amends', daring him to make public his suspicions (13.137-45). This moment reasserts the events shortly to follow, in particular Alice's imminent need to deny or confess; however, also reminds the audience that she has not quite convinced everybody. Whilst otherwise an accomplished liar, Alice's testimonies fail to convince Franklin, foreshadowing her eventual downfall when interrogated by Franklin and the Mayor – individuals over whom she may not exercise either domestic or social influence.

The delaying of Arden's murder, nevertheless, adds tension and a sense of impossibility to his death. His dismissal of Franklin confirms the inevitability of his demise, however, and is further confirmed by Franklin's closing regret:

Poor gentleman, how soon he is bewitched.
And yet, because his wife is the instrument,
His friends must not be lavish in their speech (13.153-5).

Unconventionally, one female voice has, at least temporarily, overpowered Arden's trusted male friends. The power of Alice's voice echoes the anxieties surrounding private, domestic spaces which are often explored in early modern domestic drama more generally. Alice's voice may be ineffectual within public, legal, spaces, yet the insidious damage inflicted within their home outweighs any protection offered by the economic circles Arden operates within. Alice therefore represents the dangerous insubordinate whose power lies in the inconsistency of her testimonies, but also in the cultural anxieties she can evoke – particularly the threat of the cuckolded husband. Mosby and Arden fall victim to the same trap as Greene and the remaining accomplices; their willingness to believe Alice's testimonies override their capacity to identify or challenge her inconsistencies. It is this scepticism that carries forward into not only Alice's formal interrogation, but also (as we have seen) Franklin's attempt at authoritatively concluding the play.

*

Alice's testimonies demonstrate the playwright's experimentation with multiple petty-treason defences. The transgressive wife – found within the records of Alice Arden, certainly, but also in the narratives surrounding Alice Clarke, Margaret Ferne-seede, and Anne Wallen – was fascinating to early modern audiences, captivating their imagination as an unpredictable insubordinate. *Arden of Faversham* offered audiences an opportunity to hear the voice of one of these petty-traitors, with the play itself serving as canvas upon which the playwright could experiment with disassembling the societal perceptions of female defendants found within contemporary pamphlets and confessions. The result destabilises the notion of an authentic voice and character for Alice, thus challenging the contemporary demand for the kind of true-crime voyeurism that sought to categorise female transgressors within one-dimensional examples of moral depravity or failings. In the process, Alice presents three distinct testimonial styles – confessional denial, manipulated narration, and misappropriated conventional confession – to her accomplices, accusers, and audience. Each style contributes in its own way to complicate any straightforward, over-familiar identification of Alice as a repentant, criminal character 'type'.

Alice's 'confessional denials' introduced many of the traits that accompanied her testimonial delivery throughout the play. By drawing attention to her own indiscretions, Alice showcases her unconventional authority within the domestic sphere to challenge her servants, lover, and even her husband. Through this process, Alice's even more surprising, and increasingly unconventional authority within the theatre as an unreliable narrator – a role more often associated with modern novels than early modern theatre – is revealed, presenting serious challenges to the audience's willingness to believe. Alice consistently resists accusations, and casts these back upon the very individuals attempting to hold her accountable. Even her opening discourse evidences her manipulation of other characters, accosting her husband for his early rising to meet with Franklin: 'Had I been wake you had not risen so soon' (1.59). Alice is a formidable force; far from the oppressed and pitiable wife found in the ballad adaptation, she is used by the playwright to address concerns surrounding ventriloquising female testimony through the very act of depicting a murderess who adopts and manipulates these cultural expectations to resist conforming to a singular 'type'. I suggest that understanding Alice not as a figure deserving of sympathy but, rather, of anxious fascination, is vital for fully appreciating her reimagined narratives right up until Arden's murder.

The playwright's decision to re-write the conventional features of confessional narratives is perhaps the most important feature of Alice's testimony throughout the play. Whilst her exploitation of narratives used by other woman charged with petty-

treason suggests that her defensive testimonies are not intended to construct a consistent, credible, voice, her command of these accepted narratives enables her to resist convention and develop a fluid sense of character that is knowingly inauthentic. The playwright does not attempt to redeem Alice. Her culmination of voices, in effect, adopts the story of all women who wished to kill their husbands, hauntingly performing the types of defence expected of a woman convicted of petty-treason. These narratives were altogether different from those expected of Alice's male accomplices. Alice's manipulation of these voices demonstrates an integral issue in contemporary law: the requirement that female criminals develop their own language and narrative style in order to reflect the differing severity between a murder of a husband by a wife, and vice versa.³⁷ Unable to access the conventional masculine defence narratives presented within courts (that cited provocation), women adopted voices of oppression and remorse – whether based in truth or exaggerated – in order to engage the court's attention. As a result, many of these narratives sought empathy for the female transgressor by demonstrating that she had erred only as consequence of male misgovernment.³⁸

Contesting typical domestic hierarchy, certainly, which assumed masculine dominance, *Arden of Faversham* demonstrated a radical development in domestic tragedy by addressing the gendered advantages and penalties of public and private domains. The playwright exposed the difficulties faced by women who found themselves obliged to testify in public arenas, experimenting with Alice's testimonies that worked from an internal reflection (confession) to outwards public displays. The playwright's innovative approach to Alice's fragmented voice, in both the public and the private spheres, explores issues integral to testimonial credibility, and the politics of space. If Alice may convincingly testify within domestic spaces, exploiting the biases intended to oppress women, yet is less successful within the masculine dominated legal centres, then we must see *Arden of Faversham* as indicative of the crisis of testimony that domestic drama would subsequently seek to address.

³⁷ Krista Kesselring notes this differentiation between husband-killing and wife-killing, advising that the event of a wife killing her husband was perceived as 'an offense so heinous it was typically deemed not murder but petty treason and dealt with by burning at the stake'. See 'No Greater Provocation? Adultery and the Mitigation of Murder in English Law', *Law and History Review* 34.1 (2016), 199-226 (p. 213).

³⁸ Richard Helgerson notes the interest of modern critical responses to *Arden of Faversham* for its handling of private and public space, in addition to the key issues that it evokes for scholars attempting to access the past through the case of Arden's murder: ideas such as household misgovernment and regulations of marriage, which exemplify the differing successes Alice's testimonies have when faced with familiar and official witnesses. Richard Helgerson, 'Murder in Faversham: Holinshed's Impertinent History', in *The Historical Imagination in Early Modern Britain: History, Rhetoric, and Fiction 1500-1800*, ed. by Donald R. Kelley and Richard Harris Sacks (Cambridge: Cambridge University Press, 1997), pp. 133-58 (especially pp. 138-9).