

# 'The Sinewes of Truth': Binding Law and Emotion in Thomas Tomkis's *Lingua*

Johnson, Toria

DOI:

[10.1093/fmls/cqx080](https://doi.org/10.1093/fmls/cqx080)

License:

None: All rights reserved

*Document Version*

Peer reviewed version

*Citation for published version (Harvard):*

Johnson, T 2018, 'The Sinewes of Truth': Binding Law and Emotion in Thomas Tomkis's *Lingua*, *Forum for Modern Language Studies*, vol. 54, no. 1, pp. 17-31. <https://doi.org/10.1093/fmls/cqx080>

[Link to publication on Research at Birmingham portal](#)

**Publisher Rights Statement:**

Checked for eligibility: 23/01/2018

This is a pre-copyedited, author-produced version of an article accepted for publication in *Forum for Modern Language Studies* following peer review. The version of record

"Toria Johnson; 'The Sinewes of Truth': Binding Law and Emotion in Thomas Tomkis's *Lingua*, *Forum for Modern Language Studies*, Volume 54, Issue 1, 1 January 2018, Pages 17–31"

is available online at: <https://doi.org/10.1093/fmls/cqx080>

**General rights**

Unless a licence is specified above, all rights (including copyright and moral rights) in this document are retained by the authors and/or the copyright holders. The express permission of the copyright holder must be obtained for any use of this material other than for purposes permitted by law.

- Users may freely distribute the URL that is used to identify this publication.
- Users may download and/or print one copy of the publication from the University of Birmingham research portal for the purpose of private study or non-commercial research.
- User may use extracts from the document in line with the concept of 'fair dealing' under the Copyright, Designs and Patents Act 1988 (?)
- Users may not further distribute the material nor use it for the purposes of commercial gain.

Where a licence is displayed above, please note the terms and conditions of the licence govern your use of this document.

When citing, please reference the published version.

**Take down policy**

While the University of Birmingham exercises care and attention in making items available there are rare occasions when an item has been uploaded in error or has been deemed to be commercially or otherwise sensitive.

If you believe that this is the case for this document, please contact [UBIRA@lists.bham.ac.uk](mailto:UBIRA@lists.bham.ac.uk) providing details and we will remove access to the work immediately and investigate.

'THE SINEWES OF TRUTH':  
BINDING LAW AND EMOTION IN THOMAS TOMKIS'S *LINGUA*

Toria Johnson, University of Birmingham

**ABSTRACT:** This essay traces the intersections of truth, law, and emotion in Thomas Tomkis's 1606 play *Lingua: Or the Combat of the Tongue and the Five Senses for Superiority*, in which the title character appeals for full status as a Sense. Moments of judgment structure the play, and suggest an overarching effort to seek truth in spite of the muddiness introduced by deceitful senses and heightened emotion. Although the bulk of the play emphasizes the volatility of the Five Senses, their susceptibility to emotion, and the unreliability of the 'truths' they report, it is *Lingua* who is ultimately 'contained' by the play's legal structures. Nonetheless, Tomkis invites us to consider this vision of law's power as little more than a fantasy.

**KEYWORDS:** Thomas Tomkis, *Lingua*, sensory truth, legal truth, emotion

Modern critics of Thomas Tomkis's university play *Lingua: Or The Combat of the Tongue, And the Five Senses for Superiority* (1606) have almost exclusively focused on the play's problematic treatment of its only female character, *Lingua*.<sup>1</sup> *Lingua* tracks the progress of its titular character (representing the power of speech) in her ongoing appeal to be recognized as another 'Sense' alongside *Auditus*, *Visus*, *Gustus*, *Tactus* and *Olfactus* (Hearing, Sight, Taste, Touch and Smell, respectively).<sup>2</sup> In an effort to distract the Senses long enough to clear the way for a private audience with, and ruling from, *Communis Sensus* (Common Sense, who acts in a judiciary capacity within the human body — 'Microcosmus' — in which the play is set), *Lingua* leaves a crown and a robe for the Senses to find. The crown's inscription, 'Hee of the five that proves himself the best, | Shall have his Temples with this Coronet blest', prompts an emotionally charged argument between the Senses that is only, ultimately, resolved by the intervening judgment of *Communis Sensus*.<sup>3</sup> Dissatisfied with that resolution, *Lingua* interferes further — drugging the Senses, prompting them to wage war against each other, and bringing chaos to *Microcosmus*. After confessing in her sleep, *Lingua* is found guilty and finally sentenced to imprisonment in *Gustus*'s 'house' (the mouth). She is, throughout the play, the only female character onstage; though the text briefly references the 'great Queen Psyche' (*Lingua*, sig. A3<sup>v</sup>) at the outset, she never materializes. We are only ever shown *Lingua* as a lone woman in the company of male characters.

As we might expect of an allegorical representation of the power of speech, *Lingua*'s language throughout the play — particularly in the scenes in which she is making her case — is marked by a well-reasoned eloquence. Her language, however, while powerful is also pointless: rather than engaging with her arguments, the other characters of Tomkis's play consistently discount her on the grounds of her sex. 'There is no attempt to present arguments to counter *Lingua*'s reasoned propositions', as Sarah Carpenter has noted; 'anti-feminism is offered as a (theatrical) answer in itself'.<sup>4</sup> At times this anti-feminist attitude is presented baldly, as when the

five established Senses submit articles against *Lingua* as proof that she cannot be a Sense in her own right: the final, oft-quoted, and ‘worst’ charge they level against her is ‘that shee’s a *Woman* in every respect and [...] not to bee admitted to the *dignitie* of a Sense’ (*Lingua*, sig. F3<sup>v</sup>, italics mine). The charge, of course, is conveniently irrelevant to the issue of *Lingua*’s capacity to be a Sense. As Erin Ellerbeck has argued, the accusation’s force and placement — coming as it does at the end of a much longer list of alleged transgressions — serves only to make clear that ‘[*Lingua*’s] femininity amplifies her other crimes’.<sup>5</sup> The play understands ‘dignitie’ and womanhood as straightforwardly incompatible terms, and in many ways the play’s central academic debate, over whether speech might be considered a sense in its own right, is overshadowed by the question of whether a female character can be admitted into a privileged company of men.

Elsewhere, the case against *Lingua* specifically, and women more generally, is made most clearly by *Lingua* herself, as in this passage, worth quoting at length:

LINGUA                    Fie *Lingua* wilt thou now degenerate:  
 Art not a woman, doost not love revenge,  
 Delightfull speeches, sweet perswasions  
 I have this long time usd to get my right,  
 My right that is to make the Senses sixe;  
 And have both name and power with the rest.  
 Oft have I seasoned savorie periods,  
 With sugred words to delude *Gustus* taste,  
 And oft embelisht my entreative phrase  
 With smelling flowres of vernant Rhetorique,  
 Limming and flashing it with various Dyes,  
 To draw proud *Visus* to me by the eyes:  
 And oft perfum’d my petitory stile,  
 With Civet-speech, t’entrap *Olfactus* Nose,  
 And clad my selfe in Silken Eloquence,  
 To allure the nicer touch of *Tactus* hand [...].

(*Lingua*, sig. A4<sup>r</sup>–A4<sup>v</sup>)

‘Fie *Lingua*’, she says to herself and to the audience; ‘Art not a woman, doost not love revenge?’. In a speech that neatly aligns both an appetite for revenge and manipulative skill with womanhood, we are offered a sensual depiction of *Lingua*’s feminine charms: her persuasions are ‘sweet’; her words are ‘sugred’; she is ‘perfumd’ and ‘Silken’. There is a certain luxury to her language here, which offers a rich catalogue of images (*Lingua*, sig. A4<sup>r</sup>–A4<sup>v</sup>). It is striking, then, that this seductive language is so obviously threatening: the speech emphasizes deceit and

manipulation even as (or perhaps, precisely because) it deploys perfumed and sugary rhetoric. *Lingua* acknowledges that she tailors her language in order to ‘delude’, ‘draw’, ‘t’entrap’, and to ‘allure’ the Senses. Her language is active: she seasons, she embellishes, she clothes herself in targeted, deceitful language. The overwhelming impression here is of an explicitly female, intentionally adversarial character, and with this in mind, many critics have read *Lingua* as expressing a male anxiety about the impact of unrestrained, unruly, and publicly accessible female speech. As Sarah Carpenter argues, the male Senses’s accusation that *Lingua* translates academic material into the vernacular suggests a worry that she ‘is dragging down the elite [male] community of academia, opening up access to its “hard misteries”, making it easy’.<sup>6</sup> On this reading, the prestige of the academic community depends on its impenetrability, the rarity of accessing it. This worry about accessibility also clearly signals an intersecting worry about female accessibility, evidenced by the sexualized language attached to the accusation about translation: in translating academic content from Latin and into the vernacular, *Lingua* is said to have ‘most vilyle prostituted’ the knowledge (*Lingua*, sig. F3’): she puts it forward to a common audience. The clarity of *Lingua*’s language — her ability to communicate information effectively — in this respect becomes a threat rather than a boon: she is too capably, and too readily, reporting what she knows to be true.

The most recent wave of critical interest in *Lingua* traces the play’s preoccupation with language and communication, and offers a more detailed exploration of the gender dynamics at work here. This type of criticism tends to focus on the emblem of the tongue (which figures prominently in *Lingua*’s final punishment) as a physical object onto which all anxieties about feminine discourse and language are projected.<sup>7</sup> Nonetheless, I believe that *Lingua* offers further opportunities for interrogation, particularly in the areas of law and emotion. I do not dispute the problematic gender attitudes at work in this play. However, it is possible both to supplement and to complicate the male-female binary at work here by attending to the interrelated system of law

and emotion at work in *Microcosmus*. *Lingua* is heavy-handed with its allegory, and while the repeated allusions to the tongue often make explicit the play's interest in questions of gender, language, and access, there is an equal investment in questions of truth, reliability, sensory experience, and the regulation of feeling. These latter questions are all the more noteworthy because they occasionally undermine the stability of the male-female binary that otherwise dominates Tomkis's piece. In its depiction of the interconnectivity between law and emotion, legal actors and emotional subjects, *Lingua* presents its characters as equally fallible, vulnerable, and emotionally permeable. Even the play's judicial authority is affected, by association.

Returning to the speech I quoted above, there is in fact more at work than a straightforwardly gendered account of *Lingua*'s duplicitous femininity. She is dangerous and manipulative, but the Senses are also clearly depicted as being vulnerable to her machinations. The very language that makes *Lingua* seem threatening — words like 'delude', 'allure', and 'entrap' — also makes the Senses seem less allegorical and more human, more permeable and at risk of being compromised. This description of emotionally vulnerable Senses represents an unusual intervention in a broader seventeenth-century discussion of the reliability of the senses.<sup>8</sup> In addition to supplementing the play's overarching interest in gender relations, *Lingua*'s exploration of truth (and the things that might cloud it) also pushes the early modern interrogation of sensory unreliability beyond epistemological concerns in order to present an unusually affective view of the perceptive body. In this essay, I argue that in *Lingua*, Tomkis on the one hand stages contemporary, commonplace worries about the reliability of the bodily senses, and their ability (or inability) to present a truthful account of the world beyond the body. On the other hand, his account of the emotionally susceptible Senses shows real innovation in binding together truth, emotion, and law. Through the chaos *Lingua* inflicts, Tomkis presents a clear link between sensory unreliability and emotional subjectivity. The play highlights the impossibility of regulating the emotional subject completely within legal frameworks, but *Lingua*

is nevertheless ultimately “controlled” judicially at the play’s conclusion; Tomkis returns to the very fantasy of containment that the rest of the piece has methodically undermined. Using the backdrop of the human body, Tomkis thus narrates the desire for truth and the desire to make knowledge stable, tracking the pursuit of truth in emotional, legal, and sensory contexts.

\*

Though the issue is persistently raised by *Lingua*, this worry about identifying the truth in spite of sensory unreliability is almost never acknowledged by any other character within the legalistic framework surrounding *Communis Sensus*, though of course it comes to have a major impact on all of the characters. The Senses’s authority derives from *Communis Sensus*’s judgment, but that judgment relies on sensory input that they have supplied. This is one of many points of allegorical breakdown in the play. For all that *Communis Sensus* is acknowledged as the play’s judicial authority, the legal structures at work in *Microcosmus* are often seen to be ineffective: Tomkis imagines both his individual characters, and the legal structures put in place to control them, as vulnerable to emotion, and unstable as a result. The Senses are an impactful example of this instability, not least because their primary function, in principle, is to provide information to the figurehead of the play’s central legal structure. In practice, however, Tomkis’s Senses are both over-emotional and under-sensual: throughout the piece they are defined by their inability to put aside their personal and emotional interests in order to prioritize their functional roles. In this way *Lingua* consistently shows *Microcosmus*’s legal structures under the influence of emotional, manipulative agents. Consider this exchange, between *Lingua* and *Auditus*:

AUDITUS	<i>Lingua</i> confesse the truth, th’art wont to lie.
LINGUA	I say so too, therefore I do not lye, But now spite of you all I speake the truth. You five among us subjects tyrannize, Making the sacred name of common sense, A cloake to cover your enormities: Hee beares the rule, hee’s judge but judgeth still, As hee’s informed by your false evidence:

BINDING LAW AND EMOTION IN THOMAS TOMKIS'S *LINGUA*

So that a plaintife cannot have accesse,  
 But through your gates hee heares but what, nought els  
 But that thy crafty eares to him conuaies,  
 And all hee sees is by proud *Visus* shewed him:  
 And what hee touches is by *Tactus* hand,  
 And smells I know but through *Olfactus* nose,  
*Gustus* begins to him what ere he tastes:  
 By these quaint tricks free passage hath been bard  
 That I could never equally bee heard.

(*Lingua*, sig. A3<sup>v</sup>)

This moment comes early in the play, and represents one of *Lingua*'s first attempts to access the authority she needs to be classified as a Sense in her own right. In strident, direct language, she alleges that the existing five senses have conspired to bar her access to *Communis Sensus*, in his role as the play's judicial authority. 'Hee beares the rule', *Lingua* observes of *Communis Sensus* (*Lingua*, sig. A3<sup>v</sup>). Nonetheless, she is quick to highlight the fallibility of this system of rule: 'Hee's judge', she notes, 'but judgeth still, | As hee's informed by *your false evidence*' (*Lingua*, sig. A3<sup>v</sup>, italics mine). The presiding judge of *Microcosmus* is compromised because he is unable to access independently 'the truth' of the matters over which he presides; his reliance on information conveyed by the Senses makes him vulnerable to the possibility of untruthful reporting. *Lingua*'s initial assertion, that the truth she speaks is 'In spite of you all', suggests her own independence as a truth-reporter, but of course the comment also implicates her own truth with the spite that later compels her to make mischief in *Microcosmus*.

In some respects, *Lingua*'s complaint looks like a straightforward objection about access: faced with the deceptive, non-neutral, gatekeeping Senses, *Lingua* complains because she is (ironically) unable to make herself heard. The major disagreement here, however, is really over what constitutes 'the truth', who has the authority to determine it, and indeed, if it can ever be determined. There is a fundamental incompatibility between *Lingua*'s account of the truth and the 'truth' as the established Senses present it in *Microcosmus*. *Lingua* offers it as fact that the Senses are biased and self-serving, and that she herself has a just claim to the status of a Sense. For the actual Senses, nothing could be further from the truth, and indeed both their authority and their reputations depend on *Lingua* being wrong.



As far as this particular exchange reflects the broader problem of locating truth, the depiction of contradictory, competing truths is self-evident in the context of its theatrical presentation, where allegorical characters are made human. In an easy reading of this passage, then, there are multiple perspectives on the truth, each offered by a distinct character, and each of which is determined by a given character's social aims (relating to their position within *Microcosmus*) and their emotional drives (such as greed, covetousness, or wrath). *Lingua*'s complaint is framed by her insistence that the community of *Microcosmus* is threatened or violated by the actions of the Senses, but her real concern might more accurately be described in this way: her account of the truth is not the accepted one, and because of this, the social power she seeks eludes her. Of course, the characters here are not just human; they are also allegorical, and what Tomkis offers in this scene is more than a simple (albeit heated) social exchange. Certainly in the case of the established Senses, these characters represent faculties that should operate beyond the reach of self-service and personal interest; we might hope that they offer us objective truths. By calling their integrity into question, *Lingua* is attacking more than the characters themselves: she also invites the audience to question the integrity of their own senses and the reliability of the information they offer.

The impact of this passage — suggesting as it does a wide-ranging assortment of worries surrounding sensory perception, truth, judgment, emotion and community — registers all the more because the characters are explicitly framed in allegorical terms, and yet do not really function as allegory. Tomkis's deployment of allegorical technique here fails, of course, because each of the Senses is portrayed by an actor with a full range of sensory perception, and a full emotional range. Staging the Senses therefore complicates rather than clarifies their depiction: invariably, the Senses look like the complex, muddled actors representing them, rather than straightforward physical capabilities. And yet, I suggest that what looks like technical 'failure' here in fact allows Tomkis to redirect the play towards a more vivid portrait of the sensory subject, a

subject whose judgments (even the most fundamental) are ultimately shaped and guided by emotion. Bearing the physicality of the actors portraying them, the Senses, the very faculties on which we all rely, the very senses that are directly engaged during a theatrical performance, become worryingly individual, more obviously driven by their own agency and competing agendas than committed to presenting a cohesive, objective vision of the world.

According to *Lingua*, the Senses of Microcosmus 'tyrannize'; they 'cloake' their crimes; they play 'tricks' and offer false evidence. Given the play's setting in the human body, the deception *Lingua* attributes to *Auditus* and the other Senses is an intimate violation, a betrayal that compromises even the most basic trust in sensory judgment. This is an early invitation to question the veracity of our own perceptions, and to consider their fragility. If we might readily question our ability to know the truth when other agents are involved (as in a legal case, or any other social dispute), here we are confronted also with the possibility that we may not even be able to trust ourselves. *Lingua* imagines the body as a fractured collection of competing drives, embroiled in an ongoing power struggle. In this climate, truth is referenced frequently, even as it becomes so contested and corrupted that the concept becomes almost irrelevant. In *Lingua*'s words — 'You five among us subjects tyrannize' — we can see a pressing worry that pervades Tomkis's play, a worry about the complete and utter control the senses have over our understanding of the world around us. As the play unfolds however, it becomes clear that there is an equal, perhaps more pressing concern about the control that emotions have over the senses.

It is clear from this exchange between *Lingua* and *Auditus* that *Lingua* is more than a straightforward play about epistemology, and there is more at work in this exchange than a basic scepticism about the Senses's ability to communicate accurate knowledge about Microcosmus. Tomkis's characters are unusually passionate in this debate: *Auditus* accuses *Lingua* of being 'wont to lie'; in return, she accuses him of falsity. The heat in this confrontation nicely demonstrates just how emotional arguments about truth can be, even as it also offers the

worrying vision of a Sense acting emotionally rather than objectively. As the exchange between *Auditus* and *Lingua* draws to a close, *Auditus* scrambles to assert his dominance and superiority: her speech would be useless, he points out, 'Had I not granted thee the use of hearing'; the words she wields are, he adds, '*thy* Children but of *my* begetting' (*Lingua*, sig. A4<sup>r</sup>, italics mine).<sup>9</sup> In spite of this assertion of power, in which *Auditus* suggests that he has more of a claim over *Lingua*'s 'Children' as their begetter, this powerful stance quickly gives way to a more emotionally vulnerable position. When *Lingua* calls him a 'Perfidious Liar', *Auditus* calls to the heavens to 'looke on my distresse' (*Lingua*, sig. A4<sup>r</sup>), inviting them to act as witness, drawing attention to his emotional turmoil, and making a spectacle of it. He exits shortly after, but the emotional impact is made clear by the auditory effects of his anger and upset:

LINGUA            Nay the loud cannoning of thunder-boulds,  
                          Screeking of Wolves, howling of tortur'd Ghosts  
                          Pursue thee still and fill thy amazed eares  
                          With cold astonishment and horrid feares.

(*Lingua*, sig. A4<sup>r</sup>)

It is not just that *Auditus* translates the emotional resonance of the confrontation into sensory experience by raising 'the loud cannoning of thunder-boulds | Screeking of Wolues, howling of tortur'd Ghosts'; the reaction has a broader impact, permeating the landscape of *Microcosmus*. *Auditus*'s reaction morphs into an aggressive force that 'pursue[s]' and 'fill[s]'. Emotion and sensation are easily conflated here, as *Auditus*'s feelings are translated into the sense he represents. It is not just that as a Sense he is overrun: the resulting sensory output, which escapes the body of the character himself to bleed out into *Microcosmus*'s landscape, is a clear reaction to the earlier emotional provocation.

The vulnerability of Tomkis's Senses to emotional compromise is, in many ways, what makes the action of the play possible, and it is certainly the factor that enables *Lingua*'s machinations. That she is able to derail the Senses so easily only reaffirms their unreliability as neutral reporters to *Communis Sensus*. The repeated staging of the Senses's volatility constantly reminds us of *Lingua*'s early complaint that the Senses provide the sole (to her mind, tainted)

flow of information to *Communis Sensus*. The play's later scenes only reaffirm the vision of the Senses as a company of wholly manipulable characters, on whom no one can depend. *Lingua*'s final act of mischief sees the Senses drugged with 'a bottle of wine mingled with such hellish drugges and forcible words, that whosoever drinckes of it shall bee presentlie possest with an intraged and mad kinde of anger' (*Lingua*, sig. K1<sup>v</sup>). The surest way to weaken someone, by this reading, is to provoke them emotionally. According to *Lingua*, these 'forcible wordes' are partly responsible for eliciting this provocation. The result is each Sense's utter forfeit of his core identity: as *Appetitus* reports, 'Auditus is starke deafe, and wonders why Men speake so softly that he cannot here them: Visus hath drunke himselfe starke blind' (*Lingua*, sig. K3<sup>v</sup>). If the entire conflict comes down to the balance of power in *Microcosmus*, then *Lingua* has effectively removed the Senses's claim to authority. By stripping them of their sensory judgments, they become not just ineffective agents, but violent liabilities. Even more than this, in this moment *Lingua* makes the Senses more clearly affective than they are sensory, effectively demonstrating that it is possible to strip them of the very thing that should be fundamental and inviolable. Here and elsewhere, the Senses's emotions overrule their allegorical function. Stripped of this function, the Senses begin to look like emotionally driven, out of control subjects: the very type of subjects that require *Communis Sensus*'s judiciary mediation.

For each of the Senses, the significance of reliable sensory judgment cannot be overstated; it is the primary source of the Senses's power in *Microcosmus*, the thing that permits them to rule rather than be ruled. In the earlier exchange between *Auditus* and *Lingua*, for example, the capacity to claim truth also becomes a powerful claim to authority and influence. *Lingua*'s assertion of her own truthfulness is also a bid for power, the very power that the Senses have seized as the community-appointed arbiters of information. *Lingua* speaks on behalf of that community — 'us subjects' (*Lingua*, sig. A3<sup>v</sup>)— which she deems to be ill-served by the Senses and their selective presentation of sensory information: 'free passage', she notes, 'hath been

*barred*' (*Lingua*, sig. A3<sup>v</sup>, italics mine). The very accusation suggests an active imposition into the flow of information: it implies not just that characters are motivated to manipulate or interfere with the truth, but also that truth is vulnerable to this type of intervention, rather than independently stable. The conflict makes obvious the play's stance on truth. Both characters present a tailored, convenient version of the truth, in some sense little more than a narrative, constructed for rhetorical effect. The "telling" component of truth-telling therefore becomes the more important component, a signifier of the subjective agent who crafts a truth to tell, and gains something from the telling. Nonetheless, both *Auditus* and *Lingua* continue to speak about truth as if it is inviolable, a concrete thing: both claim to present truth as a way of establishing their own credibility and *gravitas*. At the heart of this passage, then, is an understanding that truth (or at least, the authoritative claim to it) offers a sort of social currency, the means by which characters establish their positions within the community. As the play unfolds, however, the distance between truth and authenticity only widens.

What is particularly striking in this specific conflict is the way it stages the intersections between truth, evidence, community, and legal judgment in the play. *Lingua* is quite clear in her accusation that the Senses present *Communis Sensus* with false, biased evidence. As a result, *Communis Sensus*'s judgment is compromised, ill-suited to the community of subjects it is intended to regulate and serve. In this passage between *Auditus* and *Lingua*, and indeed throughout the play, the individual drives of Tomkis's Senses repeatedly threaten community wellness in *Microcosmus*, and an organizing structure that is imagined to be stable and reliable — in this case, the judicial authority of *Communis Sensus* — is shown to be worryingly susceptible at a foundational level. Tomkis stages these worries through the chaos of the warring Senses of *Microcosmus*, but, unable to resolve these worries, he is ultimately only able to conclude the play by returning to a fantasy of legally containing the unruly, emotional *Lingua*.

BINDING LAW AND EMOTION IN THOMAS TOMKIS'S *LINGUA*

*Quest.* What is the law?

*Answ.* A net.

*Quest.* What are the Lawyers?

*Answ.* Burdars.

*Quest.* What are the Clients?

*Answ.* Birds.

*Quest.* What is the Court where the Law is pleaded.

*Answ.* The place where the nets are spread to take the simple and silly birds.<sup>10</sup>

Despite the tongue-in-cheek tone of its author, in the 1598 *Natural and Morall Questions and Answers* we can see something of the legal attitudes at play in *Lingua*. The language of opening call-and-response — ‘what is the law? | A net’ — hinges on the idea of containment, and while the entire sequence quoted above suggests a certain amount of cynicism, recasting clients as ‘simple and silly birds’, it also assumes that the law offers the capacity to control. The law (net) offers the method of containment; the lawyers (birders) become authoritative wielders of control; even the space of legal process is recast as a place where the uncontained go to be restrained. And yet, the classification of the clients as ‘simple and silly birds’ equally suggests delusion: these are structures that work against, rather than for them, and law becomes more a process of containment and exploitation, rather than a disinterested dispensary of justice. The legal structures at work on *Lingua* are equally exploitative, not a system of justice so much as a method of containing problematic and unruly subjects.

For all that *Lingua* initially claims that her sole aim is access to legal process — that is, the opportunity to plead her case before *Communis Sensus* — the play’s main action is prompted by the supposed legal resolution that occurs when *Lingua* finally does present herself to *Communis Sensus*, and receives his judgment on her *Sense-hood*. This is a process of attempted (or even presumed) containment, the supposed final resolution of a drawn-out appeal. However, the process neatly demonstrates the dissatisfaction likely to come with a losing suit. *Communis Sensus* denies *Lingua* the status she craves, but only on the grounds that ‘The number of the Senses in this little world, is answerable to the first bodies in the great world: now since there bee

but five in the Universe [...] therefore there can bee but five senses in our Microcosme' (*Lingua*, sig. I3<sup>v</sup>-I4<sup>r</sup>). The judgment, therefore, is not deliberative, but rather a mere numbers game: the substance of *Lingua*'s appeal is immaterial, and it is clear from *Communis Sensus*'s quick dismissal that the hearing is not, in truth, a space for impartiality. The implied corruption of this system might further be suggested by the fact that in spite of the character's allegorical inheritance, *Lingua* never really seems to have a chance of successfully arguing her suit. As Bradin Cormack has written, 'law is an art of persuasion, and has always availed of those means of persuasion discovered through rhetoric'.<sup>11</sup> Here, however, the character representing rhetorical persuasion is the one whose appeals are consistently ignored. Within the play, *Lingua* references her esteemed position with lawyers when she lists them among 'all her friends ready to importune [*Communis Sensus*] in my behalfe' (*Lingua*, sig. F2<sup>r</sup>). That she is then shown to be so ill-served and ill-received in *Microcosmus*'s only legal sphere might further suggest that Tomkis imagines another force underpinning the legal process in the play. *Communis Sensus* makes his decision on the basis of what he believes he knows already. That the Judge of *Microcosmus* is capable of accepting certain information as truth without scrutiny is also signalled explicitly before his judgment on *Lingua*, when the Senses present their articles against her. Here particularly, the Senses's claim over truth neatly circumnavigates the need to offer proof in support of the charges they make against her. Though many of the claims they offer might be read as libellous — in particular, '4.art Item that she's a common whore and lets every one lie with her' (*Lingua*, sig. F3<sup>v</sup>) — the Senses end their written accusation only with a signing note 'That these Articles bee *true* wee pawne our honors' (*Lingua*, sig. F3<sup>v</sup>, italics mine). Without pausing to deliberate, *Communis Sensus* immediately deems the 'Shrewd allegations' to be 'un-answerable' (*Lingua*, sig. F3<sup>v</sup>). The exchange makes explicit the extent to which Common Sense relies on and accepts all information supplied by the Senses as true — in this case, not even obviously sensory information. Although the judgment on *Lingua* is deferred to allow the Senses to make their own cases for superiority,

Lingua is actually never permitted to respond to the charges that are made against her. In fact, her silence between accusation and receiving judgment on her Sensehood is itself remarkable in its length: she is kept from speaking for eight scenes, or a span of time that accounts for almost a quarter of the play. Though she requests time to respond — ‘I beseech your honour let me speake’ — she is explicitly deterred from speaking before judgment is passed, as Communis Sensus replies: ‘I cannot stay so long’ (*Lingua*, sig. J3<sup>v</sup>). Both Communis Sensus and the newly reconciled Senses depart the stage immediately after the judgment is heard, without ever allowing Lingua the opportunity to acknowledge or respond.

Rather predictably, then, Lingua (inwardly) refuses to accept the judgment in a speech that clearly demonstrates a clash between emotion and the law that seeks to regulate it:

LINGUA            Why this is good by common Senses meanes,  
                          *Lingua* thou hast framed a perfect comedy  
                          They are all good friends, whom thou mad'st enemies,  
                          And I am halfe a Sense [...]  
                          Was this the care and labour thou hast taken,  
                          To bring thy foes together to a banquet,  
                          To loose thy Crowne, and be deluded thus,  
                          Well now I see my cause is desperate,  
                          The judgements past, sentence irrevocable,  
                          Therefore Ile be content and clap my hands,  
                          And give a *Plaudite* to their proceedings:  
                          What shall I leave my hate begun imperfect?  
                          So fowly vanquisht by the spitefull Senses?

(*Lingua*, sig. I3<sup>v</sup>)

Lingua's response raises a worry about rejected containment: she denies that the appeal is over and vows to continue, and in so doing she drags the rest of the play along with her. Nonetheless, Communis Sensus's earlier judgment is framed clearly as a final resolution. Even his conciliatory judgment, that ‘all women for [Lingua's] sake shall have six Senses, that is seeing, hearing, tasting, smelling, touching, and the last and feminine sense, the sense of *speaking*’ (*Lingua*, sig. I4<sup>r</sup>, italics mine) intends to appease and close the matter even as it also delivers yet another misogynistic barb. As a result, we can see clearly a conflict between the emotion that prompts the need for legal intervention, and the finality that legal judgment requires in order to offer a sense of resolution. Lingua acknowledges the finality of the previous scene: ‘The judgements past,



sentence irrevocable' (*Lingua*, sig. I3<sup>v</sup>). Moreover, she knows how she is expected to respond, as she is made audience, rather than actor: 'Therefore Ile be content and clap my hands' (*Lingua*, sig. I3<sup>v</sup>). Even so, emotional language permeates the speech: her reference to being 'deluded' suggests a sense of betrayal at the hands of Microcosmus's justice system; she imagines that the 'cause is desperate'; her defeat is 'fowl', and her adversaries 'spitefull'. Even the way she frames her hatred — 'my hate begun' — gives a sense of an emotional reaction left unfinished, a feeling that is left to bleed into the scenes that follow. It is clear from this that rather than being contained, *Lingua*'s emotions have been unleashed by her engagement with legal process. Her conclusion, then, is hardly surprising: 'Ile make them know mine anger is not spent', she vows, 'Lingua hath power to hurt, and will to do it' (*Lingua*, sig. K1<sup>r</sup>). The play's first attempt to resolve its central conflict, therefore, reveals a real worry about the law's capacity to contain the emotion inherent in the conflicts it seeks to resolve. If *Lingua*'s original complaints are to be believed, there is an additional anxiety about the law's integrity as well: for all that *Lingua*'s characters compete for the favourable judgment of *Communis Sensus*, the play takes pains to highlight that these evaluations are, necessarily, shaped by the input of the Senses themselves.

Critics of *Lingua* have long recognized the striking level of engagement between Tomkis's play and its cultural and literary moment: in addition to the more obvious references to contemporary academic debates, the play also makes a number of more subtle allusions to its literary inheritance, including to William Shakespeare's *Macbeth* (1606) and *A Midsummer Night's Dream* (1595), and Edmund Spenser's *The Faerie Queene* (1590).<sup>12</sup> In using truth to showcase this conflict between law and emotion, however, Tomkis's play may also reflect the fact that contemporary attitudes about law were themselves equivocal, often questioning its ability to offer structure and resolution in the face of emotional (or over-emotional) agents, even while recognizing a lack of viable alternatives. Consider, for example, Thomas Churchyard's 1596 poem, *The Honour of the Lawe*, which offers an entirely idealistic vision of law, in which 'law' and

'justice' are used interchangeably:

Wealth, praise and peace, are Justice handmaids all,  
Honor and fame, holds up milde Justice traine,  
Truth on each side, supports hir from a fall.<sup>13</sup>

Churchyard imagines 'Truth' as the vital support structure to justice, but speaks confidently, without imagining a failing in that structure: this is a vision of law that is comfortably stable, and reliable. And yet, other writers present a more skeptical view. Pierre Charron's 1601 *De la Sagesse* [Of Wisdome], was translated and published in English in 1608, shortly after *Lingua's* publication.

Charron offers a much different account of law:

In Justice, which cannot subsist, cannot be executed, without the mixture of some wrong, not onely Justice commutative, for that is not strange: it is after a sort necessarie, and men could not live and traffique together, without mutuall damage, without offence, and the lawes allow of the losse which is under the moiety of the just price.<sup>14</sup>

Charron's description of the justice afforded by law omits any reference to truth, and instead takes a more practical view. Justice cannot be executed, he suggests, 'without the mixture of some wrong'; 'men could not live and traffique together, without mutuall damage, without offence'. 'The lawes', it seems, understand the inevitability of human conflict, and while they cannot dispense perfect justice, Charron seems to suggest that law is better than nothing. By the end of *Lingua*, Tomkis seems to have settled on a comparable position.

As I have suggested, the recognition of the possible failings of law is one of *Lingua's* primary interests. This much is evident in the characters' preoccupation with truth. Worries about the truth — concerns about how to locate truth, and how to be certain of its veracity — run throughout Tomkis's play, and it is never clear that *Communis Sensus* is able to dispense an indisputable truth, even in spite of his position as the 'Judge' in *Microcosmus*. The characters are forever in doubt of the claims offered by others, and though references to truth abound, no one seems able to agree on how to access any form of knowledge that is not somehow compromised or shaped by another character's personal agenda. When a sleeping *Lingua* confesses her 'crimes', for example, *Phantastes* remarks that *Communis Sensus* is about to receive information in the truest way possible: 'My Lord will you believe your owne eares, you shall heare her answere me,

*as directly and truly as may be*, (*Lingua*, sig. M3<sup>v</sup>, italics mine). Only by disarming her waking agency are the other characters able to discern the truth, and the fantastical convenience of this moment only confirms the difficulty of locating truth in the real, waking world. Although the play has consistently called into question the integrity of Microcosmus's legalistic structures, it seems nevertheless to reach its conclusion without finding an alternative method of achieving a final resolution. *Lingua*'s all-too-convenient confession is a fantasy of truth-gathering, a moment that also conveniently redeems *Communis Sensus*'s original judgment against her (though of course, her guilt in stirring up the Senses should be separate to her appeal for Sensehood). *Lingua*'s confession also sanctions and facilitates the play's return to a legal judgment as a means of achieving resolution: there is no need to discern the truth of the matter here, only a need to mete out punishment. Legal judgment, therefore, seems the obvious, almost easy answer. This time, *Lingua*'s inadvertent forfeit of the truth ensures the straightforward dispensation of justice. *Communis Sensus* sentences *Lingua* to 'close prison' and charges *Gustus* 'to keepe her under the custody of two strong doors, and every day till she come to 80 yeares of age, see she be well garded with 30 tall watchmen, without whose licence shee shall by no meanes wagge abroad' (*Lingua*, sig. M4<sup>v</sup>). The containment this time is both legal and physical; once again the proceedings are closed without affording *Lingua* the chance to speak. She is physically removed from the stage as the rest of the characters exit.

There is, however, one final complication in Tomkis's overall exploration of the slippery complexity of truth, also occurring in the final judgment scene. When *Lingua*'s dishonest page (the tellingly-named *Mendatio*) receives his punishment for complicity, *Communis Sensus* declares that 'though he shall strengthen his speches with the sinewes of Truth, yet none shall beleeeve him' (*Lingua*, sig. N1<sup>v</sup>). As far as closing thoughts go, the remark nicely sums up the central paradox of *Lingua*. As a concept, truth carries a remarkable power: its strength is additionally signalled here by the use of 'sinewes'. But of course, the truth is equally dependent

on its reception: its authority is immediately lost if it is not deemed credible. Is the truth, then, anything more than a social construction — something determined by the emotional agents who receive and interpret it? Or, does the slippery nature of truth, as it is demonstrated throughout Tomkis's play, also make obvious the need of finding some structure that is at least nominally able to contain it, and make it concrete? As I have outlined here, the legal structures in place in *Lingua* are strikingly flawed. However, they are, ultimately, the only means by which the play is able to come to a close. The final imprisonment of *Lingua* — herself the primary source of chaos and unreliability in the play — is in many respects a fantasy: a fantasy of authority, a fantasy that imagines the possibility of containing the uncontainable. At its close, the play conspires to present an illusion of effective control, and in so doing it confirms the seductive appeal of the tidy resolution: law's seeming ability to contain what might not ordinarily be contained.

---

<sup>1</sup> I have not yet found a piece of scholarship on *Lingua* that fails to mention (at least in passing) the play's apparent misogyny. For a more sustained consideration of the gender dynamics at work in *Lingua*, see: Sarah Carpenter, 'My Lady Tongue': Thomas Tomkis's *Lingua*, *Medieval English Theatre* 24 (2002), 3–14; Erin Ellerbeck, 'The Female Tongue as Translator in Thomas Tomkis's *Lingua*, or *The Combat of the Tongue and the Five Senses for Superiority*', *Renaissance and Reformation*, 32:1 (2009), 27–45. For more scholarship on the early modern association of women, the tongue, and dangerous loquacity more broadly see: David Underdown, 'The Taming of the Scold: the Enforcement of Patriarchal Authority in Early Modern England', in *Order and Disorder in Early Modern England*, ed. by Anthony Fletcher and John Stevenson (Cambridge: Cambridge University Press, 1985), pp. 116–136; Lynda E. Boose, 'Scolding Brides and Bridling Scolds: Taming the Woman's Unruly Member', *Shakespeare Quarterly* 42:2 (1991), 179–213; Lorna Hutson (ed.), *Feminism and Renaissance Studies* (Oxford: Oxford University Press, 2000); and Kathleen Kalpin Smith, *Gender, Speech, and Audience Reception in Early Modern England* (New York: Routledge, 2017). See also Emily Butterworth, *The Unbridled Tongue: Babble and Gossip in Renaissance France* (Oxford: Oxford University Press, 2016).

<sup>2</sup> Given the play's allegorical interests, for the sake of clarity I use 'Sense(s)' to refer to the characters — *Auditus*, *Visus*, *Gustus*, *Tactus* and *Olfactus* — or to the official status or title that *Lingua* seeks; I use 'sense(s)' to refer to the faculties themselves: sight, hearing, smell, touch, and/or taste.

<sup>3</sup> Thomas Tomkis, *Lingua: Or The Combat of the Tongue, And the Five Senses for Superiority* (London: 1607), sig. C3<sup>r</sup>. All references to *Lingua* will be to this edition and given parenthetically. Accessed at EEBO.

<sup>4</sup> Carpenter, p. 11.

<sup>5</sup> Ellerbeck, p. 39.

<sup>6</sup> Carpenter, p. 11.

<sup>7</sup> Phantastes's amendment to *Lingua*'s punishment imagines her remade in the image of an enormous tongue: 'I pray you my Lord adde this to the judgement that whensoever she obtayneth licence to walke abroad, in token the Tongue was the cause of her offence, let her weare a velvet hood, made just in the fashion of a great Tongue, in my conceit 'tis a veye pretty Embleme of a Woman' (*Lingua*, sig. M4v). Major contributions to the language-based strand of *Lingua* criticism include: Ellerbeck (2009); Carla Mazzio, 'Staging the Vernacular: Language and Nation in Thomas Kyd's *The Spanish Tragedy*', *Studies in English Literature 1500–1900* 38:2 (1998), 207–232; Lianne Habinek, '“Displeas'd Ambitious Tongue”: *Lingua* and Lingual Duality', in *Historical Affects and the Early Modern Theater*, ed. by Ronda Arab, Michelle Dowd, and Adam Zucker (New York, NY: Routledge, 2015), 82–96. For criticism focusing specifically on the significance of *Lingua* as a tongue see: Carla Mazzio, 'Sins of the Tongue', in *The Body in Parts: Fantasies of Corporeality in Early Modern Europe*, ed. by David A. Hillman and Carla Mazzio (New York, NY: Routledge, 1997), 53–80.

<sup>8</sup> For recent criticism on early modern understandings of the senses see Herman Roodenburg (ed.), *A Cultural History*

---

*of the Senses in the Renaissance* (London: Bloomsbury, 2014); and Simon Smith, Jacqueline Watson, and Amy Kenny (eds.), *The Senses in Early Modern England, 1558-1660* (Manchester: Manchester University Press, 2015).

<sup>9</sup> On speech as a nexus of 'the intimate links between a male *copia* of style and the proverbial *copia* of the female tongue', see: Patricia Parker, 'On the Tongue: Cross Gendering, Effeminacy, and the Art of Words', *Style* 23:3 (1989), 445–465 (p. 445).

<sup>10</sup> A. P., *Natural and Morall Questions and Answers* (London: 1598), sig. B3<sup>r</sup>-B3<sup>v</sup>.

<sup>11</sup> Bradin Cormack, 'Practicing Law and Literature in Early Modern Studies', *Modern Philology* 101:1 (2003), 79–91 (p. 80).

<sup>12</sup> For more on *Lingua*'s engagement with contemporary academic debates, see: Carpenter, esp. p. 11. On Tomkis's reference to Shakespeare see: Frederick Boas, 'Macbeth and *Lingua*', *The Modern Language Review* 4:4 (1909), 517–520. On *Lingua*'s Spenserian inheritance, see Sarah Knight, 'Fantastical Distempers: The Psychopathology of Early Modern Scholars', in *Early Modern Academic Drama*, ed. by Jonathan Walker and Paul D. Streufert (Aldershot: Ashgate, 2008), pp. 129–152 (pp. 137–139).

<sup>13</sup> Thomas Churchyard, *The Honor of the Lawe* (London: 1596), sig. A2<sup>v</sup>.

<sup>14</sup> Pierre Charron, *Of Wisdome* (London: 1608), sig. I8<sup>v</sup>.