

‘Thou open arse bitch’: Dysphemisms in Early Modern English
Witness Depositions on Defamation Cases

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The Early Modern English period (roughly 1500-1800) was a time in which a great number of defamation suits were fought in ecclesiastical courts. Most often, the litigants were female, and sexual slander was the most common type of defamation recorded in ecclesiastical court records in Early Modern era. Words such as *whore*, *bitch* and *quean* were among the most common terms written down in witness depositions, with many different modifiers such as *drunken*, *impudent* and *pocky* used to strengthen the defamatory meaning of the said terms. These terms are collectively known as dysphemisms – their use is usually motivated by malice and hate, and they are used to insult or disparage others. The focus of this study was in such dysphemisms, and the aim was to see how those terms could be categorised in terms of the way they insult someone and whether women and men were defamed differently.

The depositions in this thesis have been collected from An Electronic Text Edition of Depositions 1560-1760 (ETED), a CD-ROM that is included in *Testifying to Language and Life in Early Modern England* edited by Merja Kytö, Peter J. Grund and Terry Walker (2011). In terms of data collection, all depositions from three deposition collections (spanning from 1667 to 1715) were examined manually, and those defamation suits that included dysphemisms were included in the study, namely 13 defamation cases in total. Depositions and dysphemisms have been subjects of many studies especially from the Early Modern period, but there was room for a study that explored dysphemisms recorded in witness depositions.

The findings of this thesis are concurrent with previous studies: since the majority of the dysphemisms referred to sexual behaviour, sexual slander was the most common type of defamation in the data, with only two non-sexual slander suits, both with male plaintiffs. The litigants were also more often women than men; in my material, only three defamation cases were brought by men. Based on these results, dysphemisms in witness depositions could be examined in the future in a much larger scale in order, for example, to see how the use of defamatory words and phrases change in time.

Key words: Early Modern English, ecclesiastical court, defamation, deposition, dysphemism, litigants, sexual slander, non-sexual slander

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List of Abbreviations

OED	Oxford English Dictionary
ETED	An Electronic Text Edition of Depositions 1560-1760

1 Introduction

As the somewhat provocative title suggests, this thesis deals with defamation and slander, taboo words and different kinds of insults. As I will only briefly explain the notions of taboo and insults, they are nevertheless all connected to the one thing that is in the centre of my thesis: the use of dysphemism. Dysphemisms, which will briefly be introduced later in the introduction and more comprehensively explained in 3.2, are a set of terms that are used to insult or defame others. For example, the quote in the title of this thesis is a perfect example of a dysphemism, and those are the kind of terms that I will analyse later on.

More specifically, I will explore the use of different kinds of dysphemisms in Early Modern English witness depositions concerning defamation suits. The material – 34 depositions – has been collected from *An Electronic Text Edition of Depositions 1560-1760* (ETED) edited by Merja Kytö, Peter J. Grund and Terry Walker (2011). The depositions, i.e. oral testimonies given by a witness, are all from diocesan (or ecclesiastical) courts, namely the courts that were overseen by the church and that followed canon law (as opposed to criminal courts). The depositions come from two different regions and three different time periods: Oxford 1667-1679, and London 1681-1682 and 1714-1715. Thus, I have looked at the latter part of the Early Modern era. The 34 depositions come from 13 different defamation cases in total, and the depositions constitute approximately 7% of all of the criminal and diocesan depositions (905 in total) in the ETED. The reasons for choosing these specific collections are further explained in 4.2.

In this thesis, I have two different points of interest that I am going to analyse: first, **what types of dysphemisms can be found in the depositions**, and second, **how different defamatory terms are used to defame women and men** and, if possible, why. As far as I was able to find out, there seems to be room for this type of study; there are many publications related to my topic, such as studies on witness depositions or insults in courtroom discourse, but my analysis focuses instead on the discourse that took place before the courtroom, and more specifically, the words

used. However, the differences between women and men as litigants¹ in defamation suits has been the subject of earlier studies: Laura Gowing has, for example, explored women's legal position in Early Modern London, and the differences between women and men plaintiffs and the accused (1996). This academic gap will further be discussed in 2.5 and 3.3.

However, it must be emphasized here that it is by no means my intention to analyse or examine the witness depositions themselves, or their credibility. My point of interest is simply the terms and phrases that were used in 16th to 18th century England and considered defamatory enough to have led to a criminal charge, and the defamation cases included in ETED give me access to the language used in Early Modern England and are thus a perfect source for the purposes of this study.

In order to understand what dysphemisms are, one should first be familiar with the term euphemism. Euphemism, to put it brief, is a word or an expression that has replaced another word that is considered taboo or otherwise inappropriate in a given situation (Allan and Burridge 1991, 12). For instance, one might say going to the loo rather than the toilet, or that someone has passed away rather than died. Many such taboo words have to do with sickness and disease, death, bodily functions and sex, to mention only a few. Dysphemism, on the other hand, is used in exactly the opposite way and for the opposite reason than euphemism. It is a word or an expression that is used to offend the audience, the hearer or the thing that the word stands for – as is the case with, for example, blasphemy (Allan and Burridge 1991, 26). For instance, one might call someone a bitch, a cow, a fucker or a cunt. Dysphemisms can further be categorised based on, for example, whether the words have to do with sexual behaviour or physical incompetence. These categories will be explained in 3.2, and they will also form the base of my analysis.

This thesis includes multiple examples – 40 of them, in fact. They have all been copy pasted from PDF files taken from the ETED. As I will explain in more detail in 2.3.2, the witness depositions include many different technical characters and markings –

¹ Litigants refer to the two parties in a legal case, i.e. the plaintiff and the defendant. Plaintiff refers to the party who brings a legal suit against the defendant, who is thus being charged for a crime.

some of them have been added there by Kytö et al., while some originate from the manuscripts that Kytö et al. have transcribed into the ETED. I have not been able to transfer all of the special characters into this thesis due to technical reasons , but I feel it would not have even been necessary due to the fact that they do not affect the content of the depositions (save, for example, some abbreviations; see 2.3.2).

The outline of this thesis is as follows: I will begin by introducing the legal and linguistic background of my study in chapter 2, namely the function and procedures of Early Modern English court system as well as the language of the legal documents, in this case the depositions. From there I will move on to chapter 3 in which I shall briefly be discussing the terms *euphemism* and *dysphemism*, after which I shall present my material in more detail and also discuss the methods used in collecting the data in chapter 4, along with some of the issues that I have faced during this study. In chapter 5, I will analyse the data as well as discuss my findings in separate sub-chapters, after finalising my conclusions in chapter 6. After the List of References that follow chapter 6, I will present examples of all 34 depositions in Appendices 1, 2 and 3.

2 Early Modern England: law and language

This chapter focuses on the legal as well as linguistic context of my material. I will begin by introducing the Early Modern English court system, after which I will discuss depositions as a genre and in general. I will then move on to the linguistic aspect of the depositions: what languages were used in the witness testimonies and how the depositions were recorded and written down (this will help follow the depositions presented later in the thesis). I will also explore sexual slander in Early Modern England in a separate sub-chapter since it will be one of the main aspects of the results of this study. Lastly, I will review any previous studies related to the topic of this thesis.

2.1 Early Modern English court system

Early Modern English court system was usually divided into *criminal courts* and *diocesan courts*, criminal courts standing for secular courts and diocesan courts for ecclesiastical or church courts, respectively (Kytö et al. 2011, 101, I will use the terms diocesan and ecclesiastical interchangeably). Criminal courts dealt with various crimes, such as theft, treason or murder (Cockburn 1977, 4) while ecclesiastical courts ‘were responsible for upholding canon law’, and thus usually had to do with moral crimes, such as slander or defamation (Kytö et al. 2011, 101). Slander, as explained in the *Oxford English Dictionary* (OED), is ‘the action or crime of making a false spoken statement damaging to a person’s reputation’ (OED s.v. “slander” n 1), while defamation means ‘the action of damaging the good reputation of someone’ (OED s.v. “defamation” n 1). Evidently, the two terms are quite interchangeable, and I will thus refer to these cases simply as defamation cases, while using the term ‘slander’ occasionally, too, especially when talking about defamation cases that include sexual dysphemisms (see 2.4 for details). In the next sub-chapters, I will discuss the criminal and diocesan court systems more thoroughly, albeit focusing more on the latter.

2.1.1 Criminal courts

According to Kytö et al. (2011, 102), the criminal courts essentially consisted of *Quarter Sessions* and the higher *Assize courts*. Quarter Sessions comprised ‘the county courts presided over by the local magistrates’ (ibid.) and were held four times a year (Kytö et al. 2011, 112). They mostly handled felonies such as theft of livestock, robbery, perjury and arson (ibid.), but also civil matters, such as ‘road maintenance and poor relief’ (Kytö et al. 2011, 110). Larceny, according to Kytö et al., was ‘the most common felony heard at Quarter Sessions’ (2011, 111). Of the felonies handled there, only grand larceny could be punishable by death (ibid.). Other capital felonies were handled in the Assize courts, which were ‘presided over by judges sent to the counties from the central courts’ (Kytö et al. 2011, 102) and which took place twice a year (Kytö et al. 2011, 121). The judges from the three central courts in London – namely Court of King’s Bench, Court of Common Pleas and Court of Exchequer – travelled ‘a particular group of counties or “circuit” in pairs’ (Cockburn 1977, 27). These circuits were Home, Oxford, Midland, Norfolk, Northern and Western (Cockburn 1972, 23). As already mentioned, the Assize courts dealt with capital felonies such as murder, manslaughter, infanticide and witchcraft. Other crimes – not punishable by death – included corruption and seditious² words, the latter being almost as common as all of the theft cases put together in the ETED. (Kytö et al. 2011, 122)

The criminal justice system in the Early Modern era mostly revolved around the justices of the peace. They were ‘local magistrates who did not necessarily have any legal qualifications’ as Eve McLaughlin has put it in *Quarter Sessions – Your Ancestor & the Law* from 1995 (McLaughlin in Kytö et al. 2011, 103). They were ‘selected from among the gentry’ and ‘appointed for life [...] by the Lord Chancellor’, unless dismissed for negligence or malpractice (Kytö et al. 2011, 103.) Unlike in diocesan procedure, which I will look into in the next sub-chapter, justices of the peace were not required to prepare any lists to be addressed to the witness or defendant, which

² David Cressy explains in *Dangerous Talk: Scandalous, Seditious and Treasonable Speech in Pre-Modern England* (2010) that the ‘most dangerous abuse of the tongue was when it whipped against magistrate and monarchs’ (2010, 6), and that is the basic meaning of sedition; it means rebelling against authority. Furthermore, because the church and the state were ‘tightly fused together, there was little distinction between blasphemy and sedition’ (Cressy 2010, 9). That is why seditious words were considered to be such a threat to the authorities; it was treasonable (ibid.).

meant that they did not follow any formal rules on collecting evidence (Gaskill 2000, 23).

2.1.2 Ecclesiastical courts

Since my focus in this thesis is in diocesan court material, I will not go much deeper into the criminal court procedure. Instead, I will now focus on diocesan courts and ecclesiastical court procedures. According to Kytö et al. (2011, 128), the ecclesiastical court in the ETED consists of Consistory courts and Archdeacon's courts. There is also a collection in the ETED from the Durham Diocesan Court of High Commission, which, however, I will not go into any detail, since it does not concern my study. The Consistory courts comprised London, Winchester, Bath and Wells, Durham and Oxford. (ibid.) My material comes from Oxford Diocese Archdeacon's Court and Consistory Court of London, but I will discuss this more thoroughly in 4.2. The ecclesiastical courts were also commonly known as 'bawdy courts' due to the extensive amount of cases concerning sexual immorality (Kytö et al. 2011, 130).

The Consistory court handled two different causes: instance causes and office causes (Tarver 1995, 2). Instance causes concerned disputes between individual parties about, for example, defamation and matrimonial causes (Ingram 1987, 43.). Office causes, in turn, 'dealt with religious and moral offences by the laity', including, for example, 'abusing the clergy, witchcraft and various sexual offences' (Kytö et al. 2011, 130.). Defamation, according to Kytö et al. (2011, 132), appears in the Consistory and the Archdeacon's court material in ETED most frequently. Matrimonial cases come second, with testamentary cases being quite common as well (ibid.). Interestingly enough, as Kytö et al. point out, the ecclesiastical court material in ETED contains no depositions having to do with prosecutions for witchcraft; however, there are a number of cases in the Consistory court material 'that result from one party accusing another of being a witch' (2011, 134). Furthermore, the Consistory court records also have a few cases concerning adultery (Kytö et al. 2011, 135).

Defamation, as a legal term, should be explained thoroughly before I move on to the court procedures. As Richard M. Wunderli points out in his book *London church courts and society on the eve of Reformation*, in modern sense, defamation is split into two separate yet quite similar categories: libel, which stands for written defamation, and slander, which refers to spoken defamation (1981, 63). In the Early Modern era, however, there was not a clear distinction between the terms libel, slander and defamation, and that is why historians favour the term defamation to cover them all safely (Kaplan 1997, 12; I, however, will use these two terms interchangeably). Wunderli further suggests that, in canon law, a person could be ‘charged by the public voice solely on his bad reputation or *malafama*’, and that is why it was very important for people to maintain a ‘good reputation among [their] neighbours’, and that was called *bona fama*, respectively (1981, 64). But, as Wunderli clarifies, public voice was not a trouble-free way to determine between good or bad reputation:

In practice, loose words by any single person could form the basis of a courtroom charge by public voice. It was important, therefore, for people to clear their names of malicious gossip which might indict them by fama of a crime; their remedy was to charge defamation against those who publicly repeated imputation of wrongdoing. Thus, defamation suits proliferated.

(Wunderli 1981, 64)

However, in order to be able to charge someone of defaming another, it had to be proven that the defamatory words had been spoken ‘maliciously’ and that the plaintiff had ‘suffered some sort of harm and been put to canonical purgation³’ because of the slander (ibid.). Since it was essential to show that the defamatory words had been spoken in a malicious and hateful way, defamation depositions often included references to the damaging of the plaintiff’s formerly fair reputation by accusing them of, for example, immoral behaviour, and that the words had been uttered not only passionately but also maliciously and in front of witnesses (Tarver 1995, 113-116). Examples of this include the following:

³ Purgation, as explained in the Oxford English Dictionary, is the ‘action of clearing oneself from an accusation or suspicion of crime or guilt’ (OED “purgation” s.v. n 1).

- (1) this Dep^t saieth that hee supposeth the sd words to bee spoken malitiously for that they were vttered wt^h much vehemency by the sd Redhead

(F_3SD_Oxford_004)

- (2) the said Anne Goate soe speake the said words in soe envious & passionate a mann~ as if shee had thereby designed to defame the said Mary Willis thereby & to charge her with haveing had the foule disease, & this Dept beleives the said Mary Willis to bee a Modest Woman & nev~ heard any person but the said Anne sp̄ Goate speake any ill by her

(F_4LD_London_008)

Furthermore, Martin Ingram suggests (1987, 293) that there was also another similar way to provide proof of the plaintiff's innocence, and that was called *compurgation*: 'neighbours of the defamed person appeared in court to swear to their belief of his or her innocence' (cf. *purgation*). As these above examples show, this aspect of defamation case would be an interesting part of analysis of any thesis. However, this aspect is not very relevant for my study, because I will not be looking at depositions themselves, rather the language the depositions reveal.

I will now turn to the church court procedure, which was made up of *plenary* and *summary procedure*. 'Plenary procedure was generally used in instance causes, [...] as well as office causes promoted by a third party' (Kytö et al. 2011, 137). Here I will only focus on plenary procedure, since my material is only comprised of instance causes. As soon as the plaintiff initiated a case, the defendant was summoned to court by issuing of a *citation*; '[f]ailure to respond to the citation could result in excommunication' (ibid.), i.e. the person could be excluded from church, and the Christian community in general (Kytö et al. 2011, 142). After the summoning of the defendant followed the *contestation of suit* (Kytö et al. 2011, 138). The proctor, acting for the plaintiff and equivalent to a solicitor in the secular courts, presented a *libel*, in which the charges were listed. The charges, or the points, set down in the libel were called *articles*. The defendant was then expected to answer each of these articles in a *personal answer*, but they are not frequent in ETED. (ibid.) After this, the judge would assign the *probation*, i.e. the time for the collecting of evidence, primarily the 'production and examination of witnesses' (Ingram 1987, 48).

Witnesses could either be cited to present themselves in court, or be called to court by a *compulsory*, with the threat of excommunication if the witness did not appear in court (Tarver 1995, 7-9).

After the stages mentioned above came the giving and taking down of the depositions, i.e. the oral testimonies given by the defendants apropos the articles in the libel (Ingram 1987, 48). I will discuss the depositions in more detail in 2.2, so I will for now step over this part of the legal process and instead move on to the final stages of the plenary procedure. They consisted of the judge giving the terms 'to propound all acts' as well as to conclude, 'after which no further evidence could be accepted' (Ingram 1987, 49). In conclusion, the judge would either give a *definitive sentence*, as Kytö et al. call it (2011, 142), and order taxes and fees to be paid, if necessary (Ingram 1987, 49). Sentences were quite varied: from excommunication to a formal reprimand, *admonition*, or penance, which meant that the offender had to 'ask God for forgiveness' and 'confess their faults openly in church' (Ingram 1987, 52-54.). Having said that, the defendant could have been forced to pay most of the court expenses and that could also have functioned as a penalty, although leniency could be practiced in case the defendant's financial situation was poor (Ingram 1987, 54-55.).

2.2 Depositions

Here I will only discuss the ecclesiastical court depositions and not their criminal equivalents. As was mentioned earlier, depositions are oral testimonies given by a witness in relation to a legal case. In church court procedure – namely the plenary procedure – the testimonies were taken down in writing in private, and in court, a copy was read in front of the judge (Tarver 1995, 18). Depositions had a specified structure, but most aspects were usually absent. Figure 1 below shows the basic structure of ecclesiastical court depositions.

CASE HEADING

(1-2; includes information on the case and sometimes cause and date; date may also appear separately) [Optional]

“REPEATED”/NAME OF PRESIDING OFFICIAL

(notes when the deposition was “repeated” before an official; usually includes the official’s name; this component is highly flexible and may also occur after the deponent information, after the testimony proper and even as the very last item in the deposition) [Optional]

DEPONENT INFORMATION

(gives the deponent’s name and mostly one or more of the other (social) factors of age, profession or marital status, place of residence, previous places of residence, place of births, oath formula and relation to the litigants³) [Near-obligatory, with rare exceptions]

TESTIMONY PROPER

(the deponent’s narrative, given in the form of articles or answers to a set of charges or questions outlined in the original libel; the number of articles varies from 1-15+, although there is usually a core of 1-2 articles) [Obligatory]

INTERROGATORIES

(1-2; answers to additional questions submitted by either party involved in the suit) [Optional]

SIGNATURE/MARK

(by the deponent) [Optional]

Figure 1 General structure of ecclesiastical court depositions (Kytö et al. 2011, 37)

As can be seen from Figure 1 above, only the testimony itself and information on the witness was obligatory, with all of the other features being optional and, in most cases, absent altogether. Of these different stages that the depositions are comprised of, interrogatories need some more explaining. They were a set of questions

prepared by either party involved in the case for hostile witnesses (Tarver 1995, 18). Their goal was to reveal bias or any sort of weakness in the testimony (Ingram 1987, 48). Furthermore, the first step, which is the case heading, is not always there and therefore it is sometimes impossible to know for sure what a case in question concerns (Kytö et al. 2011, 136). Every now and then, however, it can be deduced from the context. That being so, it can be hard to fathom the precise type of a case without any additional documentation. In such cases, it can be difficult to even distinguish between instance and office causes. (ibid.) Furthermore, it should be noted that the ‘testimony proper’ is where the data for my analysis comes from, and that it is the only part of the depositions that I will concentrate on. Thus, the examples shown in chapter 4, and most chiefly in chapter 5, originate from the testimony proper of the depositions, and no other part is represented in my analysis.

2.3 Language of the depositions

Another important aspect of witness depositions is the language used in the written testimonies, such as all of the legal terms and abbreviations (abbreviations having their own sub-chapter, since they are a part of recording speech). The legal terms used in these depositions should be explained to modern readers, especially because some of them are usually abbreviated in one way or another (see 2.3.1). And, because many terms and phrases in witness depositions were written in Latin in the Early Modern era, I will first quite briefly look into the use of Latin in these oral testimonies.

2.3.1 The use of Latin

As Kytö et al. suggest, English was not the only language used in legal context in the Early Modern England: French and Latin were also quite prominent (2011, 182). From the 14th century to the later part of the 15th century, as David Mellinkoff explains, French was even the language used most often in legal acts, even more than Latin (1963, 112-113). In the Early Modern era, however, French was beginning to lose ground as a language of law (Mellinkoff 1963, 122). Latin, on the other hand, had an altogether stronger position as a language of the law in England from late

medieval period onwards (Kytö et al. 2011, 183). But, as what happened with the use of French, Latin was also used less and less in the legal domain due to The Proceedings in Courts of Justice Act of 1730, after which English became the main language of the law (Mellinkoff 1963, 132-5; Kytö et al. 2011, 184).

As can be seen from the ecclesiastical court records in ETED, Latin was still in frequent use, especially on a structural level (Kytö et al. 2011, 193). In the 34 depositions that are the source of my analysis, Latin usually appears in the initial part of the document 'which gives information on the deponents, mostly including place of residence, age, profession, etc.' (ibid.). In addition, Latin frequently occurs in the interrogatories, commonly at the end of (some) depositions (ibid.). Furthermore, Latin is used to separate the articles which are usually written in English, i.e. the deponent's answers to questions concerning their testimony (Kytö et al. 2011, 196). In a way, then, Latin is used to mark where the narrative begins and ends (ibid.). There are other functions that Latin served in these early modern witness testimonies, but the ones that I have explained here are the most frequent ones, especially in my material.

What is more, Kytö et al. (2011, 327) present a table which shows the percentage of Latin terms in the diocesan court material: 23.87% of words were in Latin in all of the collections in ETED. It further shows that in the 1660s and 1670s (the Oxford 1667-1679 collection) Latin words constituted up to 35.60% and 31.21%, respectively. In the 1680s (London 1681-1682 collection) the number was 19.80%, while in the 1710s (London 1714-1715 collection), Latin words made up only 11.71%. (ibid.) It is evident, then, that Latin was losing ground for the use of English.

Next I will present an example of the use of Latin in one of the depositions I have analysed in this thesis: it shows the magnitude of the use of Latin in witness depositions. The testimony proper has been left out because it has been written in English and no Latin terms or phrases occur.

(3) <f. 78r> <Hand 1> die p̃d sup Li^{lo} p̃d

2 Sampson Jones poae s^{ti} Dunstani in Occiden~ London V
shoemaker, vbi vixit p Annum fere, aetatis 25 Annoru~ et vltra,
Testis &c

Ad omnes ar^{los} dci Li^{li} dicit et dep^t That in the Moneth of October
last to the best of his Remem- -brance

[...]

Et alr~ nescit deponere. Saveing that the sayd producent is a man
of honest Repute, and saveing that the sayd Anne Mills is of the
parish ar^{late}

Signum

Sampson <Mark> Jones.

Repetit cora~ surro

(F_3LD_London_004)

As can be seen from example (3) above, Latin terms and phrases are very present in the depositions. Some of the terms are there, as already mentioned, to serve a structural function, such as in the beginning and in the end of the depositions. Most of these Latinate terms do not concern my study and therefore I have not had to pay much attention to these structural aspects. There are, however, some Latinate terms among the English text, and a few of those should be further discussed, because they appear in the testimonies most frequently, and understanding what those certain terms mean has been crucial for me in order to be able to read and analyse the depositions. For instance, “Ad Omnes Arlos” in example (3) literally means “to every article”, and by that the scribe refers to the questions that the deponent has been asked concerning the defamation case at hand. Additionally, “dicit et dep^t” in example (3) means “he says and deposes”. Thus, that marks the beginning of the testimony, and the English part of the deposition begins.

2.3.2 Recording speech

As Kytö et al. (2011, 44) explain, there are three modes of presentation that are characteristic of the depositions that I have used: direct and indirect speech, as well as ‘narrative report of speech acts’ (ibid.). Kytö et al. (2011, 45) further demonstrate

that the distinction between, for example, direct and indirect speech is by no means always clear. For example, it is not always obvious at all, as to which parts of the text are part of the deponent's testimony and which parts belong to the scribe. These three different modes can also be used interchangeably (Kytö et al. 2011, 46), which further complicates the text and makes it even more unintelligible as to who is speaking. Yet another means of speech presentation is to (partly) summarize the deponent's oral testimony, in which case the narrator – the scribe – does not present the speaker's words or structures (Kytö et al. 2011, 47).

When it comes to recording speech, it is worth looking into the scribes that wrote everything down, and their practices. Very little is known about the actual scribes responsible for any one document (Kytö et al. 2011, 151). However, as it so happens, the London 1714-1715 collection includes a reference to a public notary, which, in turn, suggests that the notary was the one that wrote down the documents. Kytö et al. (2011, 154) also point out that the documents were 'copied and rewritten several times', and the latest version was possibly written down by a notary, who had 'formal training in writing' and were thus an obvious choice for the court to finish the documents. Even though the scribe is mentioned in the documents, they are still more or less anonymous. Scribes can, therefore, only be studied on a more general level, since any personal information is usually not accessible.

In order to be able to read and interpret reported speech, and especially in this case the defamation depositions, one would have to be familiar with the different kinds of abbreviations that can be found in the documents. Many of the abbreviations derived from Latin, since it used to be the language of the law until English started to take its place (Kytö et al. 2011, 163; see 2.3.1). Even so, the abbreviations continued in use until 1733 when a law banned the use of any other language than English in law texts, and it also frowned upon abbreviations, Latin derived or not (ibid.) Nevertheless, the depositions I have studied do have a lot of abbreviations, so to help understand the texts better, it is worthwhile examining the most crucial strategies and their meanings in more detail.

Kytö et al. list altogether five different categories of abbreviations. **Brevigraphs** are abbreviations that consist of one or more special characters that originate from the early Middle Ages, at the least (Kytö et al. 2011, 164). The most common brevigraph would be the ampersand &, 'and', or &c, 'etcetera' (Kytö et al. 2011, 165). Another fairly common one would be p (with a cross-stroke on the bottom part of the letter; I have not been able to produce that specific character here), which has quite a lot of different usages and meanings, such as psons 'persons', psently 'presently' or p 'per' (Kytö et al. 2011, 166). **Extensions**⁴, in turn, are words that 'entail extending basically any letter in an upward stroke that may or may not extend above the letter to the left' (Kytö et al. 2011, 168-169). This abbreviation strategy applies to both English and Latin words, such as bn~ 'bene' or gen~ally 'generally' (Kytö et al. 2011, 169). Another category of abbreviating consists of words that have **lines over letters**, indicating the 'omission of one or more letters' (Kytö et al. 2011, 170). Examples of this include pnt 'present' or naall 'natural' (ibid., with the line just over the part of the word that has been omitted). Yet another way of abbreviating comprises **superscript letters**, in which the superscription is a sign of omission of one or more letters (Kytö et al. 2011, 171). For instance, Elizth is an abbreviated form of 'Elizabeth' and q^d of 'quod' (ibid.). There are also many very essential words that are almost unexceptionally in an abbreviated form, such as depo^t 'deponent', M^r 'master' and s^d 'said' (Kytö et al. 2011, 172). Finally, **contractions** are a fairly rare way to abbreviate words such as stopp'd 'stopped' and I'le 'I shall/will' (ibid.).

2.4 Sexual slander

As sexual slander is the most common type of defamation that will come up in my analysis, I will discuss it here as a kind of a legal issue. As Laura Gowing points out, sexual slander was usually targeted towards women *by* women (1991, 61). Sandy Bardsley also makes that observation when looking at ecclesiastical court records in late medieval England (2006, 80). Furthermore, as Gowing suggests (1991, 62), sexual insult and slander against men did not usually revolve around male sexuality, rather that of men's wives (e.g. *cuckold*, see 5.2.4 and 5.5.2). Another interesting

⁴ Note here that Kytö et al. have decided to use the character ~ to cover all types of extensions, for some of the ways in which they appear in the manuscripts cannot be reproduced computer-wise (2011, 169).

observation Gowing (1991, 63) has made when looking at ecclesiastical court records in London spanning from 1572 to 1640 is that non-sexual slander of women was almost non-existent compared to sexual slander (with approximately 800 defamation suits for sexual slander and only about 25 or so suits for non-sexual slander), whereas for men, the respective numbers were approximately 200 defamation cases for sexual slander versus about 35 non-sexual suits. The relative amount of non-sexual defamation cases for men is therefore much higher than that for women due to the fact that the number of defamation cases of sexual slander for women is so remarkable.

Furthermore, it is important to understand the difference between defamation and sexual slander; defamation constitutes all kinds of ways in which a person can be defamed – for example, someone could be called *rogue* or *offscum* (non-sexual slander) as much as *whore* or *cuckold* (sexual slander). For further discussion, see 5.5. However, *accusing* someone of being a whore did not usually mean, that the defamed person was actually accused of being a prostitute – and that is what made it a defamation: it was – in most cases – not true, and that is why a defamation suit was brought.

2.5 Previous studies on depositions

Depositions have been studied before from many different viewpoints. For example, Peter J. Grund (2012) has studied evidentiality in depositions from the Salem witch trials in 1692-93. That is, Grund has focused on the marking of evidence in the depositions, i.e. the different types of features the deponents and the scribes have used to mark the source of the information. In addition, Magdalena Leitner (2013) has examined the pronouns *thou* and *you* in Late Middle Scottish and Modern Northern English witness depositions from the late 16th and early 17th centuries. Anders Söderlund (2017), in turn, has focused on periphrastic *do* in 16th to 18th century English witness depositions. Furthermore, third person plural present tense markers in 16th and 17th century English depositions have been the objects of study for Laura Wright (2002).

And, interestingly enough, a recent study of Terry Walker and Peter J. Grund (2017) looks into speech representation in witness depositions from the Early Modern period. Their material comes from the same source as mine, ETED, but the depositions are from the criminal courts rather than diocesan. Additionally, Jonathan Culpeper and Merja Kytö (2010) have been studying the relation of speech and writing in Early Modern English texts, namely witness depositions and other court material, among other genres. As is evident, witness depositions from especially the 16th, 17th and 18th centuries have been studied widely, but mostly on a grammatical or discursive level, while my study is more lexical.

3 Euphemism and dysphemism

I will now turn to the concepts of *euphemism* and *dysphemism*. As was already mentioned, however, in my analysis I have concentrated on the use of dysphemism, since the very idea of slander and defamation suits would be lost if the deponents used a lot of euphemistic expressions instead of the taboo and dysphemistic terms which, in the first place, lead to the giving of the deposition. But, in order to understand dysphemism, one must also understand the meaning of euphemism and the reasons that lie behind its usage. This chapter will thus explain terms such as euphemism, taboo, and dysphemism. There will also be a brief overview of previous studies on the subject in 3.3.

3.1 Euphemism

I have based most of my background research on Keith Allan and Kate Burridge's *Euphemism and dysphemism: language used as shield and weapon* (1991). In the book, Allan and Burridge explain the terms and the different ways in which they can be used, with a thorough investigation as to why those terms are being used. Euphemism, as was mentioned earlier in the introduction, is a word or an expression that has replaced another word that is considered taboo or otherwise inappropriate in a given situation (Allan and Burridge 1991, 12). For instance, one could be *made redundant* instead of *fired*, or someone might watch *adult videos* rather than *pornographic videos*. These so-called taboo terms are not preferred because of the speaker's fear of losing their face (ibid.). Many euphemisms can, however, also be used simply because they have either fewer negative connotations or more positive connotations than alternative options (Allan and Burridge 1991, 13). For instance, *make redundant* is often used instead of *sacked* or *fired* because it does not sound as harsh (ibid.). However, it is not always straightforward when it comes to the use of euphemisms in the place of a 'dispreferred' term (Allan and Burridge 1991, 20). All dispreferred terms are not always seen as bad, negative or distasteful – it is a matter of context. As Allan and Burridge point out (ibid.), no one would say '*These flowers have passed away* rather than *These flowers have died*'.

3.1.1 Taboo

In order to understand the use of euphemism, one must understand the meaning of *taboo*. As Allan and Burrige (1991, 52) point out, in many different communities and cultures, such as Ancient Greece, it has been believed that bodily effluvia, including faeces, blood or hair-clippings, can be the instrument of malevolent magic. Thus, bodily effluvia and their associated body-parts were tabooed in order to protect people from that particular dangerous magic (ibid.). In other cultures, such as our own, taboos do not have origins in witchcraft – rather, it is the fear of pollution which motivates their use in Western culture (ibid.). We seem to find other people's bodily effluvia and anything associated with them nearly always revolting, whether it be dirty underwear, faeces or vomit (ibid.). There are differences, however, as to how revolting or disgusting certain effluvia are considered; for that reason, Allan and Burrige have rated different effluvia according to their revoltingness⁵ (RRR, RR, R, ½ R and Not-R; RRR meaning most revolting, etc.) (ibid.). Examples of these include faeces and vomit (RRR), belched breath (R) and breast milk (Not-R) (Allan and Burrige 1991, 53).

Body parts that are associated with sex, such as vagina and penis, are often tabooed and very restricted as to how freely one can mention them (Allan and Burrige 1991, 54). The reason for this is that sex involves bodily effluvia and that the 'external orifices of the organs used in sexual intercourse are also used in urination' (ibid.). Furthermore, women's body parts and effluvia are more tabooed than those of men, for women's bodies have often been seen as dangerous or poisonous from the early ages forward (Allan and Burrige 1991, 61-2). Women are also 'perceived to be more closely bound by and to their bodies and body functions than men' due to bearing of children, menstruating and lactating (1991, 62). It is no wonder, then, that according to the survey conducted by Allan and Burrige (see footnote ⁵), *vagina* is the most restrictedly mentionable body part with only 7 percent of subjects judging *vagina* to be freely mentionable (1991, 53) – and that there are over

⁵ The revoltingness ratings have come from a questionnaire given to the students and staff of two universities in Melbourne, Australia (Allan and Burrige 1991, 52; see Appendix R in Allan and Burrige 1991).

1200 different terms for it in the English language alone, either euphemisms or dysphemisms (1991, 96).

3.2 Dysphemism

What should first be noted is that *dysphemism* is a kind of an umbrella term for all kinds of swear words and different forms of insults, such as expletives⁶ and so on. Furthermore, euphemisms and dysphemisms are collectively called x-phemisms, and they are cross-varietal synonyms (Allan and Burridge 1991, 29-30). It means that they both mean the same thing, but they are commonly used in contrasting contexts: for example, *shit* and *faeces* refer to a same thing, but the former is used dysphemistically (Allan and Burridge 1991, 30). The following quote helps to simplify the issue of cross-varietal synonyms: ‘Who ever stubbed his toe in the dark and cried out, ‘Oh, faeces!’? (Adams 1985, 45).

I will now bring up four different categories of ‘dysphemistic terms of insult found in personal disputes of a colloquial nature’ that Allan and Burridge have presented (1991, 27), since the depositions that I will analyse later on in this thesis have to do with exactly these types of personal disputes. First, 1) **comparing people with certain animals that behave in a particular way** (e.g. calling a person *chicken* or *rat*) (Allan and Burridge 1991, 27-28). Second, there are 2) **[e]pithets⁷ derived from tabooed bodily organs, bodily effluvia, and sexual behaviours** (Allan and Burridge 1991, 28), such as *bullshit*, *a twat* or a *whore*. Third, 3) **words representing mental or physical incompetence** can be used to describe someone (e.g. *idiot* or *moron*). And fourth, 4) **there are terms of insult or disrespect, some of which invoke slurs⁸ on the target’s character**, such as *crone* or *geezer*. (ibid.) Thus, as we have seen here, even though there are many types of different dysphemisms, their basic use is always for the same reasons: to offend the other

⁶ Defined by the Oxford English Dictionary as a strong exclamation which is used as a filler in someone’s speech and which usually emphasizes the speaker’s feelings, such as aggression (*OED* s.v. “expletive” adj B 1b).

⁷ Defined by the Oxford English Dictionary as an ‘offensive or derogatory expression used of a person; an abusive term; a profanity’ (*OED* s.v. “epithet” n 4b).

⁸ Defined by the Oxford English Dictionary as an intentional act of contemptuous indifference or as an expression of disparagement (*OED* s.v. “slur” n.3 1a).

person or persons or to ridicule the thing that the word stands for (in my study, it is the former reason that is in play, not the latter). This categorisation of dysphemisms into four different types that Allan and Burrige have presented will be the main aspect of my analysis later in this thesis.

Why, then, are exactly taboo terms so widely used as insults, expletives and dysphemistic epithets? Allan and Burrige (1991, 117) claim that since insults are attacks towards the target's face, they also disrupt social harmony. Thus, not only are they dysphemistic, but also socially tabooed (ibid.). There is more than one reason for using taboo terms as insults, epithets or expletives, as Allan and Burrige argue; one is that the speaker wants to 'savor Hearer's adverse reaction' (1991, 118). Another reason is the speaker's desire to ostentatiously display their lack of respect for social convention. Furthermore, and perhaps most obviously, using taboo terms as insults or epithets is to show the speaker's dislike for the people they address, or for the things they are talking about. However, according to Allan and Burrige, the reason for the use of taboo terms as expletives is less apparent. (ibid.) Expletive interjections (such as *Shit!* and *Goddammit!*) are not typically aimed at other people, but mostly serve as 'outlets for the speaker's reactions to different mishaps and disappointments' (Ljung 2011, 30). Therefore, as Allan and Burrige have put it, taboo terms are often auto cathartic and thus provide relief when expressed as expletives (1991, 118).

3.3 Previous studies on impoliteness and dysphemism

Impoliteness and insults have been studied extensively, of course, but also in courtroom discourse or other court records. For example, Barbara Kryk-Kastovsky (2006) has studied impoliteness in Early Modern English courtroom discourse, whereas Andreas H. Jucker and Irma Taavitsainen (2000) have examined different kinds of insults in, for example, court records. Furthermore, Laura Gowing (1996), as has already been mentioned in the Introduction, has explored women in Early Modern London as litigants in defamation cases, and how women and men have been differently represented in the ecclesiastical court material as litigants. Similar aspects in Early Modern ecclesiastical courts have also been studied by, for example,

Sandy Bardsley (2006, albeit in Late Medieval England). In a way, then, the other research question mentioned in the Introduction is similar to what Gowing and others have explored in their own studies.

However, there seems to be a gap for my study, since I have not yet found any books or studies on the use of dysphemisms in Early Modern English witness depositions – or depositions from any period in time, for that matter. What is more, I could only find a few studies on impoliteness or insults in courtroom discourse or other court records, and none in depositions. Additionally, even though sexual slander and differences between women and men as litigants in defamation suits has been studied before, I believe that my study will bring something new to that field of research, because I will not only look at sexual slander, but also other ways the two sexes can be defamed. What is more, according to my search for sources and previous studies, there seems to be an imbalance between the study on euphemism and the study on dysphemism, because I could find much less books, essays, articles and papers on dysphemism than on euphemism. This can, however, be due to the fact that dysphemisms are very closely related to insults, impoliteness and swearing, and they have not thus been studied as dysphemisms, per se.

4 Material and methods

This chapter introduces the material and primary sources of my study more thoroughly, and explains the methods used in collecting and analysing the data. I will begin by introducing the electronic collection of Early Modern English church court depositions by Kytö et al. (2011) from which the data has been collected, and then move on to introduce the material of my study. Lastly, I will explain the methods used in collecting the data, and I will bring up some of the issues that have come up during this study.

4.1 ETED

I have collected my material from *An Electronic Text Edition of Depositions 1560-1760* (ETED), which is included in the book *Testifying to Language and Life in Early Modern England* by Kytö et al. 2011. The book studies legal witness depositions in Early Modern England from many different perspectives. The authors discuss, for example, the historical and legal backgrounds of the depositions, the linguistic aspect of the texts, and scribal practices. The depositions have been separated into criminal courts and diocesan courts. In the ETED, the depositions from ecclesiastical courts are from 1560-1714, and they have been divided into 13 different collections, of which I have studied the last three (more on that in 4.2). Criminal courts, however, have up to 17 collections from the time period 1560-1751. Altogether, the ETED consists of 540 depositions from criminal courts and 365 depositions from diocesan courts. An important thing that Kytö et al. point out is that before ETED, there has not been a comprehensive collection of Early Modern English depositions (2011, 2). Kytö et al. have transcribed the manuscripts into an electronic version of texts in many different forms such as HTML or PDF, and this has made it easier for those who are interested in studying Early Modern English life and language (ibid.).

In the book, there is a glossary by Peter J. Grund that includes definitions to many recurring words that appear in the depositions, but it is not sufficient enough for the purposes of my study – as Grund notes, the glossary is ‘not a comprehensive exploration’ of the vocabulary of the depositions (Kytö et al 2011, 289). However, Grund’s glossary has been helpful concerning my study, since it has provided me

with explanations of some of the most common terms and phrases found in the witness testimonies; some of those terms cannot be found in the *Oxford English Dictionary* (OED), which I have mostly relied on in my analysis of the words found in my data.

4.2 Depositions

I have gathered 34 depositions in total from three different time periods and two different regions: Oxford 1667-1679 (15 depositions, 5 cases), London 1681-1682 (16 depositions, 6 cases) and London 1714-1715 (3 depositions, 2 cases). Note that even though there are altogether 34 depositions from these 13 defamation cases, I have not given examples on all of the depositions, for some of them are repetitive and may not necessarily include dysphemisms (such as in the Willis-Goate case, see 4.2.3). As was mentioned before, my material consists of depositions concerning defamation, and they are all included in the diocesan court records. While there was some possible material in the criminal court records as well, i.e. dysphemisms and taboo words, I decided to focus only on the diocesan court records, since they provided me with much more data to analyse, both qualitatively and quantitatively, due to the fact that defamation was handled in the ecclesiastical courts.

What is more, some of the depositions in my data concern the same type of defamation – for example, one defamation case may include several depositions, all made by different witnesses. This allows me to find some variation within these individual statements, such as different kinds of defamatory terms, because different deponents may have witnessed different parts of the conversation between the plaintiff and the accused party. To clarify, there is a defamation case in the collection which will serve as an example of this, namely the Bugg-Stockford case. The plaintiff, according to three different deponents, is called a *whore* and a *bitch*, with four different modifiers (*brazen-faced*, *open arse*, *squinty* and *squinting*), see 5.2.1 and 5.2.2.

The reason for choosing the specific collections as my material is fairly simple: I wanted to analyse the later Early Modern period (roughly 1650-1800) rather than

the earlier one (1500-1650), because that period is much more familiar to me as an English major. In addition, my intention was not to conduct a diachronic study, so the last three collections from the diocesan court material in the ETED sufficed. Furthermore, the said three deposition collections amounted to thirteen defamation cases relevant for my study with 34 depositions, which seemed to be a suitable number for a comprehensive analysis. These three collections equal 20 defamation cases in total, with 61 depositions, but some of the cases has been left out due to their lack of dysphemisms or for being otherwise irrelevant (such as an adultery case or some other matrimonial cause comprising 3 separate depositions, and which does not have anything to do with defamation). Some depositions from certain defamation cases have also been left out of the analysis because they do not include any dysphemisms (as opposed to other witness testimonies concerning the same suit).

Additionally, there are a few instances where I have decided to look at dysphemisms found in the depositions that are not directed at the plaintiff: for example, the accused may call a plaintiff's wife a *whore* as in the Lardner-Dixon case (see example (8) in 4.2.1). However, there are also some depositions where, for example, a person is said to have rogues come and go in the plaintiff's house (see example (29) in 5.2.1). Even though *rogue* is seen as a dysphemism in my analysis, I have not included that particular term from that particular context, because it is not directed at any one person, per se.

In the following sub-chapters (4.2.1, 4.2.2 and 4.2.3) I will not only present the litigants of the different cases, but also look into the defamation cases themselves – who defamed who and how – given that sufficient information on the actual events can be deduced from the depositions. In addition, there will be some examples from the depositions to help the reader understand what the defamation case in question is about. I will not include examples of all of the defamation cases in the following sub-chapters because I will look at the dysphemisms in chapter 5 with the help of multiple examples, so to avoid repetition there will not be examples from all of the depositions in this chapter. Note here that in my analysis I am not going to look at the depositions in either chronological order or case by case. Rather, as mentioned

earlier, I will examine them according to the dysphemisms they include. In addition, the tables and synopses of the defamation cases found in 4.2.1, 4.2.2 and 4.2.3 will help the reader follow which dysphemisms relate to which defamation case – especially when reading the analysis chapter, since they will not follow the same order as the one presented in the sub-chapters below.

4.2.1 Oxford 1667-1679

The 15 depositions from the collection *Oxford 1667-1679* come from Oxford Diocese Archdeacon’s Court (Kytö et al 2011, 129). They concern altogether 5 different cases, listed in Table 1 below. The table shows the litigants – i.e. the plaintiffs and the defendants – of the defamation cases in the *Oxford 1667-1679* collection. As seen from the table below, there is more than one deposition in each case. To make it easier to refer to the different defamation cases, I have decided to call them by their plaintiff-defendant names: such as in the first case of this collection, the Fullford-London case. Numbering the cases would, in my opinion, be too confusing due to the fact that the examples in this thesis are all numbered. Furthermore, the names of the plaintiffs and the accused can easily be looked up in tables 1, 3 and 5.

Table 1 Litigants in defamation cases in the *Oxford 1667-1679* collection

<i>D. no.</i>	<i>Plaintiff</i>	<i>Defendant</i>
001-002	Alicia Fullford	Christopher London
003-005	Mary Gibbons	Samuel Redhead
012-015	Anne Smith	Elizabeth Nixon
016-018	Jane Bugg	Catharine Stockford
019-022	Joseph Lardner	George Dixon

D. no. = deposition number

The first case in my data from this collection (namely the Fullford-London case) concerns the defaming of Alice Fullford by Christopher London. There are two separate depositions that have to do with this case; both deponents heard the man, believed to be Christopher London, call Alice Fulford a *whore*, while the other witness hears him call her a *quean*, as well.

The second case is about Samuel Redhead defaming Richard Gibbons' wife Mary Gibbons by calling her a *whore*. I shall refer to this case as Gibbons-Redhead case. It consists of three depositions, but only one example of this case is needed at this point:

- (4) this Depon^t asking him whome hee did abuse soe & call whore Hee the said Samuel Redhead [...] answered in these words Gibbons's wife that lives at that house is a whore & Ile maintaine it shee is a whore

(F_3SD_Oxford_005)

The third case of this collection is an example of a woman defaming another woman (the Smith-Nixon case). Elizabeth Nixon is accused of having slandered Anne Smith by calling her a whore. What is interesting in this particular case is that two of the four deponents have witnessed completely different things than the other two, as can be seen in examples (5) and (6) below. First, Anne Smith is said to deliver a company of whores, and second, she is being called a *drunken whore*. Both of these ways that Smith is defamed by will be analysed in chapter 5.

- (5) this Dep^t saw the said Elizabet Nixon ina great passion and heard her then & there utter and speake these words following (vizt~ / (Hang her shee delivers none but a Company of whores and is not fit to come into any honest womans company)

(F_3SD_Oxford_012)

- (6) as this Dep^t passed by them hee heard the sayd Elizabeth Nixon s call the sayd Anne Smith druncken whore, and say also to her the sd Anne that it would not bee long before {ere} shee would say her pitchpole Arse over head againe

(F_3SD_Oxford_014)

The fourth case is similar to the previous one: a woman defaming another woman. In this case, one Catharine Stockford has called Jane Bugg a *bitch* and a *whore* (with varying modifiers) and that she has rogues coming and going in her house. This Bugg-Stockford case has three depositions, and I will present one of them here; the rest will come up in the analysis:

(7) this Depon^t [...] heard the said Catharine call the said Jane the pty agent Squinty bitch, & Squinty whore

(F_3SD_Oxford_018)

The fifth and final defamation case of the Oxford 1667-1679 collection is quite unique: a man slandering another man. Of the 13 cases in my study, this is the only one that has a man defaming another man. In this specific instance, George Dixon slanders Joseph Lardner by calling him a cuckold and telling that Lardner's wife is a whore. Furthermore, Dixon claims that he has used her body and that he has had a bastard child with her:

(8) this Deponent [...] heard the said Georg Dixon say, That the s^d Joseph Lardner's Wife was a Whore, and that he had made use of her Body, and that the s^d Joseph maintained a Bastard

(F_3SD_Oxford_021)

Thus, in the Oxford 1667-1679 collection, there are two cases of men defaming women as well as women defaming women, and one case in which a man defames another man. This aspect will also be analysed later in 5.5.

4.2.2 London 1681-1682

The 16 depositions from the *London 1681-1682* collection originate from the Consistory Court of London (Kytö et al 2011, 129), and they are connected to six different cases in total.

Table 2 Litigants in defamation cases in the *London 1681-1682* collection

<i>D. no.</i>	<i>Plaintiff</i>	<i>Accused</i>
001-002	Mrs Aylet	Penelope Skelton
003-004	Mr Straggleford	Anne Mills
006-007, 019-020	Elizabeth Brandler	Mrs Stansbury
008-011	Mrs Richmond	William Holgate
012-013	Mrs Spencer	Catherine Blackman
023-024	Sara Williams	Margaret Martclew

D. no. = Deposition number

The first case in this collection concerns a Mr Skelton and his wife, as well as Mrs Aylet, who calls Mr Skelton a *rakeshame* or an *offscum*, depending on the deponent. Mrs Skelton then calls Mrs Aylet a *whore* since only whores would call his husband rogue, and thus Mrs Skelton is the accused party.

(9) the sayd m^{rs} Skelton movd towards the Dore, and speaking to the sayd producent sayd You are a Whore [...] the sayd m^{rs} Skelton sayd thus [...] There are none but Whores, that call my husband Rogue

(F_3LD_London_001)

The second case in this London collection is another example of a woman defaming a man: Anne Mills, the defendant, calls Mr Straggleford a *pocky dogg* and *pocky rogue* since he has (allegedly) gotten the pox from a prostitute and infected his own wife with it.

(10) this dep^t apprehending that by the aforesaid Expressions the sayd Anne Mills meant that he the sayd producent had gotten the ffrench Pox,

or the foul disease by lying or Committing the Crime of Adultery or
ffornication with some Whore, or base Woman. and had ~~thereby~~
therewith infected his Wife

(F_3LD_London_003)

Depositions 006-007 as well as 019-020 (the Stansbury-Brandler case) all have to do with Mrs Stansbury calling Elizabeth Brandler an *impudent whore*. This defamation case is slightly different to the others in a way that depositions 006 and 007 are considerably different from the depositions 019 and 020. The deponents in depositions 019 and 020 describe the events as follows: the defendants three-year-old daughter allegedly spat in Brandler's face, which made the plaintiff tap the girl's hand, apparently as a punishment. The girl told her mother, Mrs Stansbury, what had happened, and that is why the defendant called Mrs Brandler an *impudent whore*. However, in the two earlier depositions, this incident is not mentioned. It could be that the other deponents did not hear what had happened before Mrs Stansbury defamed the plaintiff.

(11) m^s Stansburys daughter being a Girle of about 3 or 4 yeares of Age came and spitt twice in the sayd Eliza- -beths face, vpon which the sayd Elizabeth gaue her a little patt with her hand [...] her sayd Mother presently came out in a passion, and speaking to the [^]{sayd} Elizabeth vttered these Words viz^t You Young Impudent Whore strike my Child againe, and you were better Eate your Nayles, You Impudent Whore, and then bid her Child goe spitt in her face [^]{again}

(F_3LD_London_020)

The fourth case, then, is of a William Holgate slandering a Mrs Richmond. This is the only instance in the London 1681-1682 collection in which a man defames a woman. The plaintiff is being called a *drunken whore* because she has been led home by two servants, and that she was so intoxicated that Mr Holgate had to hold a pot for her to urinate in:

(12) the sayd W^m Holgate fell abuseing his sayd Mistresse [...] With base and scandalous Language, and speaking to her sayd You Bitch, you Whore, you were ~~led~~ drunck and led vp the Yard between two ffoot Boyes by the Cunt, and I held the pott to thee Whilst thou didst pisse in't.

(F_3LD_London_011)

Then there are two depositions that show that a Catherine Blackman slanders a Mrs Spencer by calling her a *whore*. The examples will appear in the analysis.

The last defamation case in London 1681-1682 collection is about Margaret Martclew calling Sara Williams a *whore* and her own husband a *rogue*. Here the defendant is, again, the woman, and not the man, even though both are defamed by the defendant. This is an aspect that I will look into in chapter 5.5.

(13) the arlate Margaret Martclew in a great Rage came into the sayd Roome to them, and fell a Rayiling at her Husband to whom (amongst other words) she vttered these following viz^t You Rogue, doe you sit here with a Couple of Impudent Whores

(F_3LD_London_024)

In five of the six cases of the London 1681-1682 collection introduced above, women defame women. The remaining one case is about a man slandering a woman. This will further be examined in 5.5.

4.2.3 London 1714-1715

The remaining three depositions from the *London 1714-1715* collection are also from the Consistory Court of London (Kytö et al 2011, 129). These depositions only have to do with two separate cases, with the first case having four different depositions, and the second only one deposition. Depositions 007 and 009 are not included in my analysis for their lack of dysphemisms.

Table 3 Litigants in defamation cases in the *London 1714-1715* collection

<i>D. no.</i>	<i>Plaintiff</i>	<i>Defendant</i>
006-009	Maria Willis	Anna Goate
010	Abraham Jackson	Maria Benbridge

D. no. = Deposition number

The first case in the 1714-1715 collection concerns Anne Goate defaming Maria Willis. There are four depositions in this case; however, not all of them include the terms *common* and *nasty whore*, which are the dysphemisms in this defamation case. Rather, as is shown in example (14) below, Maria Willis is being accused of having sex with her prentice (or apprentice). Only one witness deposition in this Willis-Goate case includes a dysphemism (example (14) below), while the other three depositions have to do with Willis having had sex with her prentice. Therefore, I will only look at one deposition of this defamation case.

(14) This Dept [...] heard her the said Anne Goate then & there speakeing to the said mary Willis say Yow are a Whore a Comon Whore a Nasty Whore Yow let your prentice lye with yow, Yow were fuctt by your prentice

(F_4LD_London_006)

The second, and last case in the London 1714-1715 collection is of a Maria Benbridge defaming a man, Abraham Jackson. In the one deposition concerning this case, Benbridge is said to have called Jackson a 'Cuckoldy Dogg', and the deponent further explains that by calling the man a cuckold, the defendant did mean that the plaintiff's wife was a whore and thus defamed her as well (see 5.2.4 and 5.5.2 for further discussion).

(15) This Dept doth verily beleive in her Conscience that the said Mary Benbridge by soe calling the s^d Abraham Cuckoldy Dogg did meane & intend to reflect {on} & defame the good name & reputation of the said Margt Jackson & thereby meant & intended that shee the said Margt Jackson ~~was~~ wife of the said Abraham, was a Whore & had committed the foule crime of adultery fornication or incontineny

(F_4LD_London_010)

In this collection, there is one defamation case in which a woman is defaming a man, and one case where women are in both litigant positions.

4.3 Methods

I have collected the data in this thesis manually – a technique called *close reading* – since there were not that many defamation cases and depositions in the three collections that I chose as the source of my data. I simply read all of the witness depositions from Oxford 1667-1679 and London 1681-1682 and 1714-1715 collections and chose the ones that included some kind of dysphemisms. However, there were some instances of, for example, adultery or other matrimonial cases which included dysphemisms, but, as I was only going to look at defamation cases, I left all of the other types of cases out of my material.

What is more, I have used the Oxford English Dictionary (OED), not only to understand the meaning of all of the defamatory terms and phrases, but also to help me determine whether the terms have a defamatory meaning. This was very essential to my study, for some terms, such as *dog*, do not seem derogatory at all – the OED, however, reveals that *dog* can be used as "a term of reproach or abuse" (OED s.v. "dog" n¹ II 5a), as will be mentioned later in 5.1. This, in turn, has helped me find new relevant references for my analysis, such as Eliecer Crespo-Fernández' *Sex in Language: Euphemistic and Dysphemistic Metaphors in Internet Forums* (2015). In addition to the Oxford English Dictionary, I have made much use of Francis Grose's *A Classical Dictionary of the Vulgar Tongue* from 1785 in which many of the dysphemisms found in my data are defined. It is a fascinating source in the sense that it dates only about a hundred years after the depositions I have studied. Therefore, many definitions in Grose's dictionary give useful information on some the terms that I will analyse in chapter 5 because it dates from Early (or Late) Modern English and is thus, in a way, a more contemporary source than OED.

Additionally, as the language of the witness depositions can be quite difficult to follow with all of the different scribal markings and abbreviations, the examples in this thesis have been copy pasted from PDF files in the ETED CD-rom. Therefore, all of the peculiarities in the text – such as the various marks and other features – are meant to be there because they originate from the scribe(s) that wrote down the depositions, or from the editing of the manuscripts by Kytö et al. I have only added the **bold** to emphasise the dysphemisms in question. However, as was already

established in the Introduction, I have been unable to recover some of the special characters from the ETED.

4.4 Issues

As with any study this size, issues are almost certain to rise, and my thesis has not been immune to such problems. First of all, the amount of data drawn from the ETED turned out to be slightly smaller than I would have expected when I first began examining the data. In hindsight, then, I could have included in my sources some of the earlier collections as well in order to be able to look at more defamation cases. However, the amount of different kinds of dysphemistic terms and phrases was quite sufficient. Second, the material itself proved somewhat difficult to read sometimes. As has already been established, the typographical and structural features of the depositions – such as abbreviations, Latinate terms and the difficulty to determine which parts of the text belongs to the scribe and which parts to the deponent – made it quite challenging, at times, to get a clear picture of what has happened, based only on the witness depositions. It has been especially difficult to establish who is defaming whom, and who the witnesses are. Fortunately, though, the identities of the litigants are not the most important part when looking at the depositions – as long as it is clear whether it is a woman or a man, and there was luckily not one case in which the sex of the plaintiff would not have been obvious.

In addition, there were few instances of such defamation cases that included no actual dysphemisms. Such cases consisted of, for example, the plaintiff being accused of fathering or giving birth to an illegitimate child (i.e., *bastard*) or that the plaintiff had contracted “pox” from a prostitute or some other extramarital sexual act (i.e. fornication). Even though those kinds of accusations were defamatory, I did not include them in my study because there were no dysphemistic terms directly addressed to the plaintiffs to be analysed. It proved to be somewhat challenging to determine whether or not to include a defamation case in my study. Moreover, as defamation was not the only litigation dealt in the ecclesiastical courts, there were a few cases concerning adultery or fornication. Even though there were dysphemisms in the depositions, I left all those other types of litigation out of my

study. Lastly, as was mentioned in the previous sub-chapter, there were some technical issues, as well, i.e. I was not able to produce some of the special characters in the Word file. Some of the technical details have thus been left out of the examples, but luckily the typographical features of the depositions are not in the centre of my study.

5 Analysis and discussion

This chapter will provide a detailed analysis on the 34 defamation depositions taken from the three different collections from the ETED (Kytö et al. 2011). In 5.1, 5.2 and 5.3 I will look at all the different dysphemisms found in my data and explain the words' meaning, and in 5.4 I will look at the different modifiers according to what categories they might fit in (see 3.3). Then, in 5.5, I shall examine the differences in defaming men and women, such as how the terms used to slander the different sexes vary. In addition, at the end of this introductory part in chapter 5, I will present two tables that collectively show what kind of dysphemisms there are in the witness depositions, in how many defamation cases they occur and what types of modifiers there are. Bear in mind that I have also included in my analysis the defamatory terms addressed to other people associated with the plaintiff.

My analysis will follow the categorisation of dysphemisms made by Keith Allan and Kate Burrige (1991, see 3.3): I will first review the dysphemisms that refer to animals; then, I will go through the terms that originate from sexual behaviour, such as *whore* or *cuckold*. Lastly, I will explore the characteristic dysphemisms found in my data, such as *offscum*. There will only be three categories from Allan and Burrige in my analysis, since there were no main dysphemisms (i.e. head words) that relate to mental or physical incompetence (see 3.3). In 5.4, I will look more closely at the modifiers and see which categories they could be put into (please note that my main focus will be on the dysphemism head words, and I will only categorise the modifiers in order to see, what aspects or features they attack).

In my analysis, I will first go through the main dysphemisms – or the head word, so to speak. For example, in 5.2, I will present all of the different dysphemism that fall unto the sexual category in separate sub-chapters. The main dysphemism or the head word will further be arranged according to whether it has a modifier or not. For instance, the head word *whore* will be analysed as follows: first, I will present all of the defamation cases that include **only** the head word *whore*. Then, I will examine those depositions that include the head word **and** a modifier, such as *impudent* or *drunken*. This way, I will be able to analyse the different ways of defaming others in a coherent and logical manner. As a matter of fact, this type of division only applies

to *whore*, since that is the only term that appears in more than two defamation cases, as opposed to the other dysphemisms. Note that the head word (and its modifier) will be in bold in the examples (the bold does not appear in the original text but has been added there later by me).

In addition to studying the meaning of the dysphemisms and modifiers, I will examine the dysphemisms from two basic points of view: first, *how* does the term or phrase defame or insult the other person (i.e., does the dysphemism used attack the hearer's sexuality, appearance or some other feature, for example – Allan and Burridge's categories will help me study this); and second, are there any differences to be found between men and women who defame and are defamed by men and women, respectively. The former will be discussed in sub-chapter 5.1 to 5.4, while the latter will be studied in 5.5.

A few points should be noted here: as there can be multiple depositions in the same defamation case, there can therefore be different dysphemisms in the same case, for different deponents may have heard different points of the conversation, or just interpreted things differently. (I will not pay any attention to the credibility of witnesses and so forth, because analysing the language witnessed in the depositions would thus lose all meaning if one could not be certain whether the events depicted in the depositions had actually taken place.) This is why a same case may be represented in more than one sub-chapter, for I have examined all of the dysphemisms found in the depositions. For example, if one defamation case includes multiple depositions which may feature different dysphemisms, I have analysed those depositions according to the head word, or the modifier. There may thus be instances of even the same deposition appearing twice or more in the analysis chapter, if there are two or more different dysphemisms used. Furthermore, some defamation cases include multiple depositions that feature exactly the same dysphemism – thus I do not have examples on all of the depositions, for it would be repetitive. It should also be taken into account that even though the depositions will not be presented and analysed chronologically but according to the dysphemisms used, I will nevertheless present them in a chronological order within the same head word or a modifier.

Before I begin my analysis on the different dysphemisms, I will present tables that show the number of cases that include the dysphemism head words and modifiers for women and men, respectively.

Table 4 The dysphemism head words and modifiers used to defame women; the number of defamation cases that include the terms are in brackets

Dysphemism: head word	Dysphemism: modifier
whore (11)	impudent (2)
bitch (2)	drunken (2)
quean (1)	squinty/squinting (1)
	brazen faced (1)
	open arse (1)
	common (1)
	nasty (1)
	base (1)

Table 5 The dysphemism head words and modifiers used to defame men; the number of defamation cases that include the terms are in brackets

Dysphemism: head word	Dysphemism: modifier
rogue (2)	pocky (1)
rakeshame/Rakes Kennel (1)	cuckoldy (1)
offscum (1)	
cuckold (1)	
dog (1)	

What can be seen from Tables 4 and 5 above is that there are practically three different dysphemisms that have been used to abuse women in my material, while

eight different terms have been used to modify the dysphemisms. The most notable observations that can be made from Tables 4 and 5 is that *whore* is by far the most common dysphemism with eleven defamation cases that include the term; and that there is a considerably greater amount of different modifiers in Table 4 that has to do with defaming women than in Table 5. On the other hand, there are five different dysphemisms used to slander men, with only two modifiers. What should be borne in mind is that the terms shown in Tables 4 and 5 are dysphemisms used to defame the plaintiff and/or other people present (see 4.2 for more information). I will not go into further detail at this point; rather, the head words and the modifiers will be analysed in a detailed manner in the following sub-chapters.

5.1 Animal dysphemisms

The first category in my analysis is the one that Allan and Burrige explain as follows: ‘comparing people with certain animals that behave in a particular way’ (1991, 27). *Dog* was the only ‘animal’ term used to defame a person in my material, but it should be analysed thoroughly because it is one of the most fascinating dysphemisms found in the 13 defamation cases.

5.1.1 *Dog*

There are two defamation cases that fall unto the animal category suggested by Allan and Burrige. The first one comes from the London 1681-1682 collection. Anne Mills, the accused, calls Mr Straggleford a ‘Pocky Dogg’. This case has two separate depositions; the other one is analysed in 5.4.1, since it features a different dysphemism.

(16)she spoke to him this viz^t or to the same Effect viz^t You shoemaker Straggleford You are a **Pocky Dogg**, and ^h you haue given your Wife the Pox, and she lyes sick of it now

(F_3LD_London_004)

The other ‘animal’ case is from the London 1714-1715 collection, and it describes a Maria Benbridge defaming a man, Abraham Jackson:

(17)the said Mary Benbridge thereto replyeing & speaking to the said Abraham said, Yow old **Cuckoldy Dogg**, get yow gone doune. or I will breake your Neck ... the said Mary Benbridge againe speakeing to the said Abraham Jackson said, Gett ... yow gone, Yow old **Cuckoldy dogg**

(F_4LD_London_010)

As these two defamation cases show, *dog* is here used as a dysphemistic term. According to the Oxford English Dictionary, *dog* can be used as ‘a term of reproach or abuse’ (*OED* s.v. “dog” n¹ II 5a). Kieltyka and Kleparski (2005, 82) explain further that *dog* refers to someone being ‘a worthless, despicable, surly, or cowardly fellow’. And, as Eliecer Crespo-Fernandéz explains (2015, 136), ‘the association of people with animals and with animal behaviour and instincts is a potent source of disrespect and offence’. Crespo-Fernandéz further suggests that people are being ‘degraded’ when they are equated with animals, because the ‘[animal] domain tends to describe undesirable human characteristics and habits’, and this makes these kinds of animal metaphors especially ‘effective for dysphemistic purposes’ (*ibid.*). For more discussion, see 5.5.2.

The modifiers *pocky* and *cuckoldy* intensify the dysphemistic meaning of *dog*: *pocky* refers to the plaintiff having contracted e.g. syphilis from a prostitute, most likely, and having thus given the disease to his wife, as well. Thus, *pocky* can refer to an immoral way of life, and may be used to defame someone. *Cuckoldy*, on the other hand, refers to the man’s wife being unfaithful (*OED* s.v. “cuckold” n¹ 1a). The term will be further analysed in 5.2.3.

5.2 Sexual dysphemisms

The four different dysphemisms in this sub-chapter are what Allan and Burridge (1991, 27) categorise as sexual, because they have to do with sexual behaviour in one way or another. The following four main dysphemisms are thus what could be constituted as sexual slander (see 2.4 for details, and 5.5 for further discussion).

5.2.1 *Whore*

There are twelve defamation cases in my material that include the term *whore*. They have been arranged here according to their modifiers; first, there are those witness depositions that include only the head word *whore*; after those I shall present the others that include some kind of a modifier, such as *drunken* or *impudent*, in an order based on the number of defamation cases that include the terms in question.

WHORE:

The Fullford-London case concerns the defaming of Alice Fullford by Christopher London. There are two depositions in this case; the other will be discussed in 5.2.2.

(18) this Dept [...] did} amongst other expressions heare [...] one say to another Goe you **whore** Goe to yo~ Dame and ^{bid her} make thee ^{A} possett

(F_3SD_Oxford_001)

The Gibbons-Redhead case consists of three depositions. I, however, only have one example, since all three depositions include the same dysphemism, *whore*, and the witness statements are almost identical.

(19) Samuel Redhead the Defend^t in this cause [...] cried out with a loud voyce & in a malicious & reproachfull manner. Gibbons his wife is a **whore**, is a **whore** is a **whore** & Ile maintain't shee's a **whore**

(F_3SD_Oxford_003)

The next example is of a woman defaming another woman. Elizabeth Nixon is accused of having slandered Anne Smith by calling her a whore. There are four depositions in the Smith-Nixon case, but only one of them will be shown here (there is another deposition identical to this one, and the two others will be discussed a little later in 5.2.1). This deposition is slightly different to other defamation suits, because the plaintiff is not directly abused: the plaintiff is said to deliver a '[c]ompany of whores' (F_3SD_Oxford_012) which might implicate that the plaintiff herself is a whore or that she is such an immoral person that she spends her time

with whores. And, as Gowing points out, whoredom was seen as a condemnable and immoral thing: for example, 'whoredom left permanent marks on the bodies of men and women', especially due to 'bastardy and disease' (1996, 88).

(20) this Dep^t saw the said Elizabet Nixon in a great passion and heard her then & there utter and speake these words following (vizt~ / (Hang her **shee delivers none but a Company of whores** and is not fit to come into any honest womans company)

(F_3SD_Oxford_012)

In the Lardner-Dixon case, George Dixon calls Joseph Lardner a *cuckold* and also tells him that Lardner's wife is a *whore*. This is one of the three depositions that include a defamatory term that is not addressed to the plaintiff but another person. (For *cuckold*, see 5.2.4.)

(21) this Deponent did then and there hear the said George speake these following Words to Joseph Lardner [...] Thou art a Cuckold, and thy Wife is a **Whore**; Whereupon y^e said Joseph asked the said George: Whose Whore is she? To whom y^e said Dixon replied, She is my Whore.

(F_3SD_Oxfrod_019)

The Aylet-Skelton case concerns two women and Mrs Skelton's husband – the dysphemisms used to defame Mr Skelton will be discussed separately in 5.3.2 and 5.3.3. This is another of the three cases involving a defamatory term addressed to someone else than the plaintiff.

(22) the sayd m^{rs} producent speaking to thi[s] dep^t sayd Curtis what doe you stand a talking with such a Rakeshame, or Rakes Kennell as he is [...] wherevpon the sayd m^{rs} Skelton movd towards the Dore, and speaking to the sayd producent sayd You are a **Whore** [...] the sayd m^{rs} Skelton sayd thus | [...] There are none but Whores, that call my husband Rogue.

(F_3LD_London_001)

The next example, then, is the only instance of a man defaming a woman (Richmond-Holgate case). There will be another example of the same case later in 5.2.1 (example (27)).

(23)the sayd Holgate (speaking to the sayd producent ~~vttred these Words~~ in a Passionate manner, Cald her [...] **Whore**, and sayd that he held the Pott, or that the Pott was held to her Whilst she pissd in it

(F_3LD_London_008)

The final defamation case that includes *whore* without any modifiers is the Spencer-Blackman case in which a woman abuses another:

(24)the sayd mr^{rs} Blackman hervpon flew into a great passion, and speaking to the Producent sayd You are a **Whore**, and you were taken out of Bed at twelve of the Clock at night from between two men [...] Il prove you a **Whore**

(F_3LD_London_012)

First, the term *whore* should be explained: according to the Oxford English Dictionary, *whore* means a prostitute (*OED* s.v. “whore” n 1a). This is probably the most obvious definition of the term, but it is not necessarily a defamatory term, per se, since it means that a person is being paid for sexual acts, and is thus an occupation of sorts. The other definition of *whore*, however, refers to an ‘unchaste or lewd woman; a fornicatress or adulteress’ and was, ‘[i]n early use often as a coarse term of abuse’ (*OED* s.v. “whore” n 2a).

The meaning of *unchaste* and *lewd* should be explained in order to understand the defamatory meaning of *whore*. “Chastity” means ‘[p]urity from unlawful sexual intercourse’ or self-restraint (*OED* s.v. “chastity” 1a), so to be unchaste basically refers to a person being impure or lacking chastity (*OED* s.v. “unchaste” adj a). “Lewd”, then, is a synonym to “unchaste”, but it can also refer to a person being, for example, vile, unprincipled or ill-conditioned (*OED* s.v. “lewd” adj 5). Thus, when someone calls a woman *whore*, it basically means that she is possibly being seen as an immoral person with many unwanted traits and sexual misconduct. More on this in 5.5.1.

IMPUDENT WHORE

The Brandler-Stansbury case is an example of a woman defaming another woman:

(25)the sayd m^{rs} Stansbury (speaking to the sayd producent in a very passionate Manner) vtter these words viz^t You are an **Impudent Whore**
(F_3LD_London_006)

The Williams-Martclew case is another example of *impudent whore*:

(26)she the sayd Margaret faleing into a great passion, cald her Husband Rogue [...] Here you Keep company with a Couple of **Impudent Whores**, meaning and speaking of y^e sayd producent
(F_3LD_London_023)

Impudent, according to OED, refers to someone who is utterly shameless or immodest (OED s.v. “impudent” adj A 1). It can be argued, then, that this particular adjective goes quite naturally with the term *whore*, because both *whore* and *impudent* have similar, usually unwanted qualities that especially have to do with sexual behaviour.

DRUNKEN WHORE

The Smith-Nixon case is an example of the phrase *base drunken whore*:

(27)assoone as this Deponent was come into the said street as aforesd shee then and there call the heard ... the said Elizabeth Nixon call the said Anne Smith **base druncken whore**
(F_3SD_Oxford_015)

The other defamation case in which the *drunken whore* dysphemism appears is the Richmond-Holgate case which is one of three defamation cases in which a man defames a woman.

(28) this dep^t heard the sayd William Holgate speaking to the sayd producent say You are a Whore, and I held the Pott to you whilst you [...] pisd in it, and you are a **Drunken Whore** and he sayd further [...] that two men [...] led her vp the Yard by the Cunt

(F_3LD_London_009)

Drunken is a modifier which may refer to a lot of different things – it can either mean that a person is physically or mentally incapacitated, or that a person is reckless and shameless enough to be drinking, and as we will see in 5.5.1, drunk women were basically seen as sexually immoral. The plaintiffs in these two defamation cases may or may not have actually been drunk – it is impossible to know for sure based on the depositions. *Base*, then, according to the OED, can be applied to a person of several (negative) traits: despicable, selfish, mean or practically immoral (OED s.v. “base” adj 10a). More on the modifiers *base* and *drunken* in 5.4 and 5.5.1.

OPEN ARSE WHORE

There are two depositions with the modifier *open arse*: the other with the head word *whore*, and the other with *bitch* (see 5.2.2), both from the Bugg-Stockford case.

(29) this Depon^t [...] heard her then & there say you are an **open arse whore** & bitch & yo~ arse lyes open to every rogue that come backdoore & foredoore

(F_3SD_Oxford_017)

This is yet another modifier that can be paired with *whore* quite naturally, because *open arse* simply bolsters the defamatory meaning of *whore*. It can thus be said that *open arse whore* refers to someone that is considered to be very unchaste and anything but decent, and who possibly has several sexual relations and partners. What Catherine Stockford allegedly accuses Jane Bugg of doing is basically being willing to have sex with multiple people.

SQUINTY WHORE

The modifier *squinty* with the head word *whore* appears in the Bugg-Stockford case:

(30) this Deponent [...] heard the said Catharine call the said Jane the party agent Squinty bitch, & **Squinty whore**

(F_3SD_Oxford_018)

Squinty or *squinting* refers to strabismus; ‘an affection of the eyes in which the axes of vision cannot be coincidentally directed to the same object; squinting, a squint’ (OED s.v. “strabismus” n a.). Thus, ‘squinty’ can be a somewhat defamatory term when addressed to someone, especially with other dysphemisms (*whore* in this case), and more specifically, *squinty* is a term that uses a person’s appearance or physical traits to defame them – although, it is impossible to know whether the plaintiff in this defamation case actually suffers from strabismus, since it is not mentioned in the depositions.

COMMON & NASTY WHORE

The last defamation case that includes the dysphemism *whore* comes from the Willis-Goate case.

(31) this Dept ... heard her the said Anne Goate then & there speakeing to the said mary Willis say Yow are a Whore a **Comon Whore** a **Nasty Whore** Yow let your prentice lye with yow, Yow were fuckt by your prentice

(F_4LD_London_006)

“Common” and “nasty” are quite self-explanatory in the sense that they simply work as modifiers that fortify the meaning of *whore*. However, as Gowing points out, commonness was a feature easily attached to whores (1996, 67). There was even a proverb used of whores, ‘as common as a barbers chaire’ (Tilley [1950] 1966, 29). Apparently, the proverb refers to syphilis or other sexually transmitting diseases and barber-surgeons⁹. According to Pelling (1986, 96), barber-surgeons were usually responsible for treating venereal diseases, thus the connection with whores, syphilis and “barber’s chair”. Altogether, then, *whore* appears in twelve defamation

⁹ Barber and barber-surgeon are terms used for a ‘regular practitioner in surgery and dentistry’ in Early Modern England (OED s.v. “barber” n a), thus the connection with diseases.

cases. It is by far the most common dysphemism found in my material, but I will discuss this further in 5.4.

5.2.2 *Bitch*

The Richmond-Holgate case includes the term *bitch* (the other dysphemisms from this particular case have been presented earlier in 5.2.1).

(32)the sayd W^m Holgate fell abuseing his sayd Mistresse [...] With base and scandalous Language, and speaking to her sayd **You Bitch**, you Whore, you were ~~led~~ drunck and led vp the Yard between two ffoot Boyes by the Cunt, and I held the pott to thee Whilst thou didst pisse in't.

(F_3LD_London_011)

The following two examples are from the Bugg-Stockford case, also discussed earlier in 5.2.1. This is a defamation case that includes various modifiers, more than any other case.

(33)the said Catharine in the p~sence & hearing of this depon^t sayd to the said Jane Bugg You **brazen faced bitch** what doe you meddle wth mee for? to w^{ch} ^{shée} answeare'd who meddles wth thee? and the said Catharine replyed to the said Jane thee doesn't, thou **open arse bitch**

(F_3SD_Oxford_016)

(34)this Depon^t [...] heard her saye **squinting bitch** squinting whore meaning thereby [...] the said Jane Bugg

(F_3SD_Oxford_017)

Bitch, as defined in the OED, basically refers to a lewd woman (OED s.v. "bitch" n 1 2a), a meaning that is, in fact, related to all the dysphemisms used to defame women discussed above. (Note that *bitch* is also a word for female dog (OED s.v. "bitch" n1), and thus it is, in a way, an animalistic term. However, as the term *bitch* has sexual connotations when referenced to women, it has been put here in the sexual category of dysphemisms.)

As *open arse* and *squinty/squinting* are terms that have already been explained in 5.2.1, I will not discuss them any further here. Instead, I will look at the modifier

brazen faced: the OED describes it as ‘impudent, unabashed’ (OED s.v. “brazen-faced” adj a.) and that a brazen-faced person is someone with ‘bold unblushing front’ (ibid.). In a way, then, *brazen-faced* is yet another modifier that fortifies the meaning of the head word, because they mean similar things.

5.2.3 *Quean*

The only defamation case that includes the term *quean* is the Fullford-London case which also includes *whore*.

(35) [^]{the} sayd ~~shee~~ ^{lyed} Christopher London sayd to the sayd Alice [^]{ffulford} that shee was a whoore & a **Queane** and bid her goe into her dame to make her possett

(F_3SD_Oxford_002)

What does *quean* mean? The Oxford English Dictionary defines it as a ‘bold or impudent woman’ (OED s.v. “quean” n 1), but it is also mentioned that *quean* was a ‘term of disparagement’, especially in the early modern period (ibid.). Furthermore, *queaning* is a synonym for whoring (ibid.). Moreover, *quean* is defined as ‘a slut; a worthless woman; a strumpet’ in Grose (1785, image 166). Basically, then, *quean* is just another term for *whore*. Thus, it can be argued, that *quean* also has similar, negative connotations than *whore*, and this is probably the reason why those two terms appear hand in hand in the deposition shown above.

5.2.4 *Cuckold*

The example below is from the Lardner-Dixon case. It is notable in the sense that it is the only instance in my material in which a man defames another man:

(36) this Deponent did then and there hear the said George speake these following Words to Joseph Lardner [...] Thou art a **Cuckold**, and thy Wife is a Whore; Whereupon y^e said Joseph asked the said George: Whose Whore is she? To whom y^e said Dixon replied, She is my Whore.

(F_3SD_Oxfrod_019)

A simple definition in the Oxford English Dictionary declares that *cuckold* is a 'derisive name for the husband of an unfaithful wife' (*OED* s.v. "cuckold" n 1a). This term is quite remarkable in a way that it is a word that abuses the man through the actions of his own wife. It can be said, then, that *cuckold* is as much of an insult to the man's wife as it is to the man himself. The definitive idea behind the term *cuckold* is that a man is incapable of controlling his wife (Gowing 1996, 63), and it was typical that sexual insults that targeted men basically dealt with 'their control of women's sexuality' (*ibid.*). And, as was mentioned in Jackson-Benbridge case (example (14) in 4.2.3), it was clear for the people in the Early Modern era that calling a man cuckold was really an insult for his wife. See 5.5 and 5.5.2 for more discussion on sexual slander of men.

5.3 Character dysphemisms

The dysphemisms examined in this sub-chapter have been put into the category that Allan and Burridge explain to include 'terms of insult and disrespect', with some of them invoking 'slurs on the target's character' (1991, 28). Since the following terms do not fit any other category already covered before, I have decided to include them here.

5.3.1 *Rogue*

Only two defamation cases in my material include the term *rogue*. The Williams-Martclew case, in which the plaintiff is a woman who is being called a *whore* by Margaret Martclew, has been included in this category, since Mrs Martclew calls her own husband *rogue*. This defamation case is one of the three in which a person associated with the plaintiff or the defendant is defamed; in this particular instance, the defendant's husband.

(37)she the sayd Margaret faleing into a great passion, cald her Husband
Rogue [...] Here you Keep company with a Couple of Impudent Whores,
meaning and speaking of y^e sayd producent

(F_3LD_London_023)

The other one of these defamation cases concerning *rogue* is the Straggleford-Mills case that was already presented in chapter 5.1, where Anne Mills calls Mr Straggleford a *pocky dogg*. Another deponent, however, witnessed the accused calling the plaintiff a “Pocky Rogue” (*pocky*, again, referring to the defendant contracting syphilis or some other sexually transmitting disease):

(38)the ^{Anne} Mills [...] sayd You Straggleford are a ~~Poggy~~ **Pocky Rogue**,
and haue given it (and haue gotten the Pox, and haue given it to your
Wife

(F_3LD_London_003)

Rogue, as described in the Oxford English Dictionary, means a ‘dishonest, unprincipled person’ or a ‘rascal’ and a ‘scoundrel’ (*OED* s.v. “rogue” n 2a). It can also refer to ‘an idle vagrant’ or ‘a vagabond’ (*OED* s.v. “rogue” n 1), but I believe the former meaning to be most relevant here, since it has more negative connotations than the latter.

5.3.2 *Rakeshame, Rakes Kennell*

The Aylet-Skelton case is the only defamation case in my material that has to do with the terms *rakeshame* or *Rakes Kennell*:

(39)the sayd m^{rs} producent speaking to this dept sayd Curtis what doe you stand a talking with such a **Rakeshame**, or **Rakes Kennell** as he is [...] wherevpon the sayd m^{rs} Skelton movd towards the Dore, and speaking to the sayd producent sayd You are a Whore ... the sayd m^{rs} Skelton sayd thus [...] There are none but Whores, that call my husband Rogue

(F_3LD_London_001)

Rakeshame refers to ‘a disreputable or dissolute person; a rogue’ (*OED* s.v. “rakeshame” n). In a way, then, it is almost a synonym for the term *rogue* examined in 5.3.1. (this also explains why Mrs Skelton accuses Mrs Aylet of calling Mr Skelton a *rogue* even though that specific term does not otherwise appear in the depositions in this defamation case). And, as Grose defines it (1785, image 168), *rakeshame* refers to a ‘lewd debauched fellow’, i.e., a morally corrupted man. *Rakes Kennell* also

has a somewhat similar meaning to *rogue*, namely the more neutral definition of the term: *rake-kennel* is ‘a scavenger’ (*OED* s.v. “rake-kennel” n), while the other term, *kennel-raker*, can also be an abusive term (*OED* s.v. “kennel-raker” n). Thus, it can be deduced that ‘Rakes Kennell’ in the deposition is used defamatorily, or that the defendant either did say or did mean to say “kennel-raker” (and the deponents misheard or did not remember correctly what was said).

Since *Rakes Kennel* and *kennel-raker* are archaic and even obsolete terms, I will explain them further. *Kennel-raker* refers to a ‘raker of the gutter’ (*OED* s.v. “kennel-raker” n), because “kennel”, in this context, is a synonym for a gutter in the street. In a way then, the term can be applied for a person who is cleaning the streets or scavenging them for scraps. Thus, *kennel-raker* is a term of abuse because it may refer to a poor or even a homeless person, and “raking the gutters” is being seen as an undesirable action. *Rake*, then, refers to a man of loose morals (Ayto 2005, 411), and that specific term originates from *rakehell*, a term which basically means that ‘one would have to search through hell with a rake to find such a bad man’ (ibid.). In a way, *rakehell* is a kind of synonym for *kennel-raker*.

5.3.3 *Offscum*

The Aylet-Skelton case discussed in 5.2.1 and 5.3.2 has another deposition that includes a different dysphemistic term, *offscum*:

(40)speaking to the sayd [...] Curtis she sayd, Curtis why doe you stand a talking with such an **offscum** as he [...] the sayd m^{rs} Skelton going towards the dore, and speaking to the sayd producent sayd You are a Whore [...] the sayd m^{rs} Skelton sayd, There are none but Whores will Call my Husband Rogue

(F_3LD_London_002)

Offscum, according to the *OED*, can refer to ‘a contemptible person or group of people’ and something – or someone – that is ‘rejected as vile or worthless’ (*OED* s.v. “offscum” n). In this instance, then, the plaintiff is possibly being seen as a person who is abhorrent and of little worth. *Offscum* is nevertheless one of the most neutral terms among the other dysphemisms listed in this analysis chapter.

5.4 Modifiers

The dysphemistic terms that are used as modifiers in the witness depositions are quite diverse, and that is why I want to look at them more closely and see whether or not they can be categorised in the same way than the head words. First, it should be noted that there are ten different dysphemistic modifiers in the witness depositions, with only three of them used in relation to more than one defamation case (namely *impudent*, *drunken* and *squinty/squinting* all appearing in two defamation suits, see Tables 4 and 5 in chapter 5).

A few of the modifiers refer to sexual behaviour. *Open arse*, *pocky* and *cuckoldy* all imply negative sexual behaviour or, as is the case with *cuckoldy*, that the person is unable to control his wife's sexuality. In a way, *cuckoldy* could also fit the inadequacy category suggested by Allan and Burrige, because it implies that a man is incapable of controlling his wife, but I believe it to be more a sexual term. *Drunken* seems to be another modifier that could fit both the inadequacy as well as the sexual category of dysphemisms: it could refer to a person being incapacitated due to intoxication, and that person would thus be both mentally and physically incompetent. However, as will be discussed further in 5.5.1, according to A. L. Martin in *Alcohol, Sex and Gender in Late Medieval and Early Modern Europe* (2001), especially drunk women were considered to be a reflection of loose or immoral sexual behaviour, such as multiple partners (Martin in Reike-Williams 2010, 93).

Brazen-faced, then, is almost a synonym for *impudent* (see 5.2.1 and 5.2.2), and they both most likely fit the last category proposed by Allan and Burrige, namely the character category, because as Allan and Burrige have put it, 'terms of insult and disrespect' fall into that specific category. However, especially *impudent* can refer to sexual immodesty, and it could thus be seen as a sexual modifier. *Base* could also loosely fit the sexual category of dysphemisms, although it is more likely to be part of the character category, but this is a matter of context. A similar type of modifier would be *common*; the dysphemistic meaning can be associated with whores (see 5.2.1). I would also put *nasty* into the character category. *Squinting*, however, is a clear case of inadequacy: since it implies that a person has a condition in which his

or her eyes are not directed at the same direction (strabismus, see 5.1.1), it refers to physical incompetence.

As is evident, defining the modifiers and putting them in a category that I have used as a basis of my analysis is slightly trickier than determining how to classify the head words. One reason for this could be that the modifiers are not necessarily used as dysphemistically as the head words, or that most of these words are adjectives, whereas the head words are all nouns. Nevertheless, the modifiers clearly have a function that strengthens the defamatory nature of the dysphemisms found in the witness depositions.

5.5 Defaming women and men

I will now turn to look at what kinds of dysphemisms are used to defame women and men in my material and how the terms used to defame the two sexes vary in terms of meaning and category. Since the number of defamation cases is fairly low in my study, the differences between the sexes cannot be studied comprehensively. That is why I will not be able to extensively analyse how the terms used for women vary from those used for men. That would be a good topic for a whole other study. One reason for the limited amount of data is simply that my focus was in the later part of the early modern period, and there were only three deposition collections in the ETED that fit that time period, as was already mentioned in 4.2. However, even in the narrow scope of my thesis, I was able to find clear differences regarding the categories that the dysphemisms fall unto, and my results follow the pattern of ecclesiastical court records from the early modern period (e.g. Gowing 1996).

To help the reader grasp the idea of the division between men and women as plaintiffs and defendants, I have compiled a figure showing the respective number of cases. As can be seen in Figure 2, women slandering each other is the most usual defamation type in my material: 8 cases out of 13 in total. Men defaming women comes next with 3 cases out of 13, while there are only 2 cases of men defaming women. Interestingly enough, there was only one case of a man defaming another man out of the 13 cases in my material. (Note that these 13 defamation cases in Figure 2 do not take into account those instances of other persons than the plaintiff

being defamed. For example, the Aylet-Skelton case discussed in 5.2.1, 5.3.2 and 5.3.3 counts as one defamation case even though the actual plaintiff is not the only person who is defamed (for clarification, see 4.2.2, example (9)).

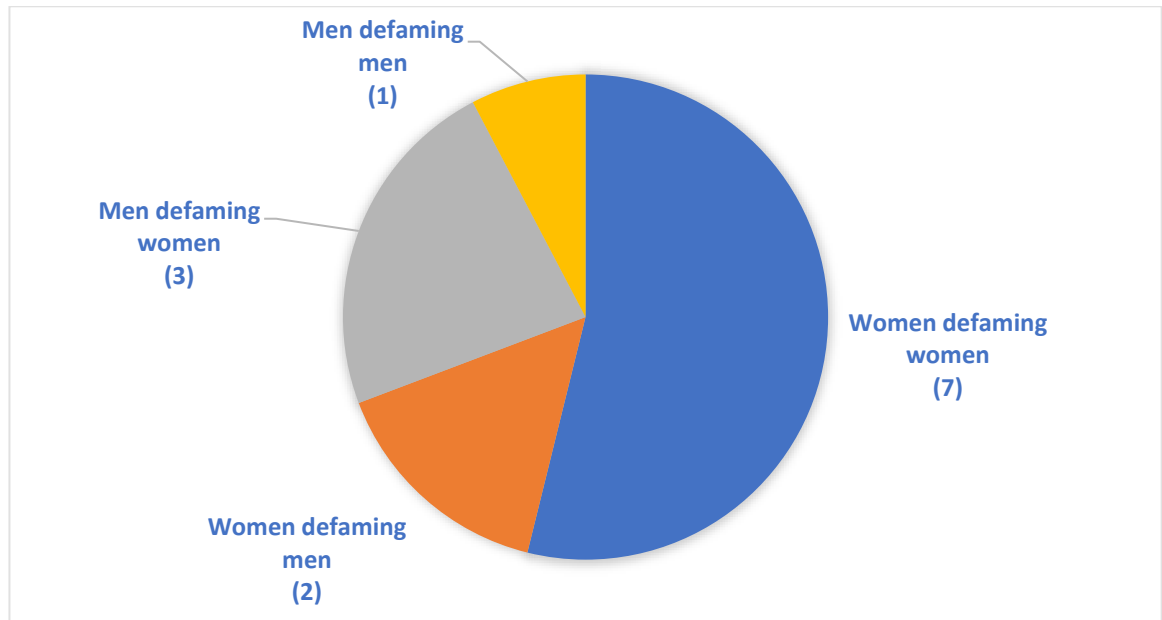


Figure 2 The division between women and men defaming one another out of 13 cases in total

The results shown in Figure 2 are compatible with other similar findings concerning ecclesiastical court records, especially in the Early Modern period: women suing women is generally the most usual type of legal action seen in diocesan courts (e.g. Gowing 1996 and Bardsley 2006). How about the division between sexual and non-sexual slander? As was discussed in 2.4, sexual slander was the most common type of litigation in Early Modern England (in ecclesiastical courts). My results show that it is also the most common type of defamation suit in the three deposition collections I have looked at in this thesis: Figure 3 below shows the number of defamation cases that constitute sexual slander and non-sexual slander, respectively. Please note that only the cases in which the plaintiff is defamed are counted in here, as well as those with only the sexual main dysphemisms (not sexual modifiers, such as in *pocky dog*, see 5.2 for details on sexual dysphemisms).

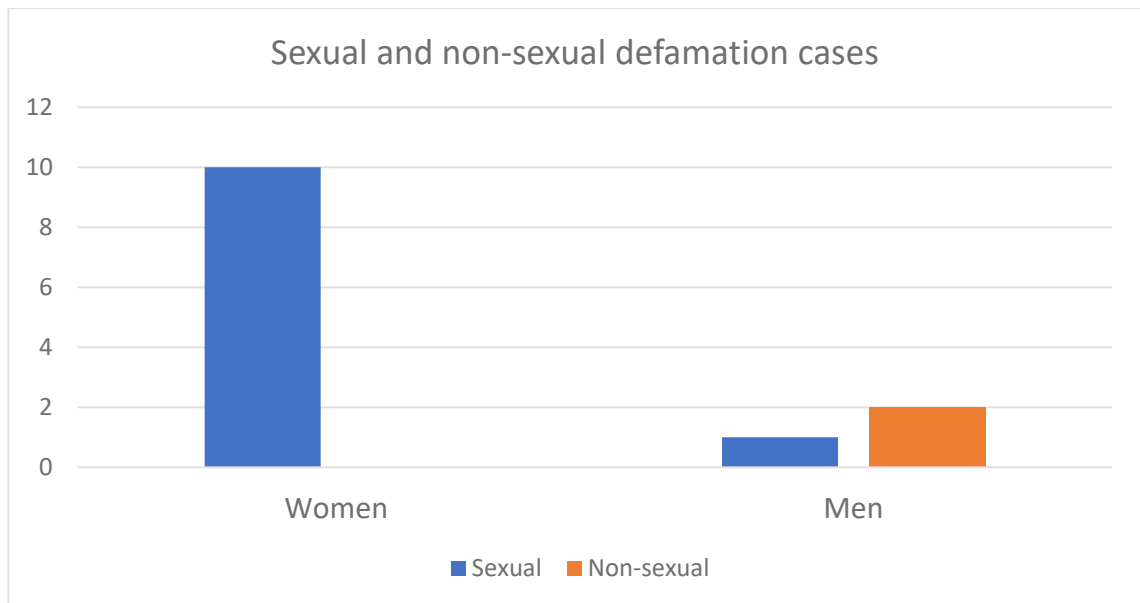


Figure 3 The amount of sexual and non-sexual defamation cases in the deposition collections Oxford 1667-1679, London 1681-1682 and London 1714-1715 out of 13 cases in total

Another thing that should be noted about the differences between women and men as litigants in defamation suits is that of who charged whom and for what. For example, in my material, there are three defamation cases which include dysphemisms addressed to other persons than the plaintiff (cases Lardner-Dixon, Aylet-Skelton and Williams-Martclew). In the Lardner-Dixon case the plaintiff's wife – who is not apparently present in the situation – is called a whore, and the plaintiff a cuckold. What I am more interested in, though, are the other two defamation suits where the litigants are women and their husbands are being slandered, as well. In the Aylet-Skelton case, Mrs Aylet, i.e. the plaintiff, is being called a whore for abusing the defendant's husband with terms such as *rakeshame* and *offscum*. And, in the Williams-Martclew case, the defendant calls her own husband *rogue* for being in the plaintiff's company (whom she accuses of being a whore).

What I am wondering about these two aforementioned defamation suits is why the men did not charge the women of slander. Probably because the dysphemisms used (*rogue*, *rakeshame*, *offscum*) were not considered to be derogatory enough to be worth suing. Furthermore, as Waddams suggests, men were not necessarily as eager to bring defamation suits because at 'every step the potential plaintiff would have been met with scepticism' and that practically everyone would tell him that it was

very unorthodox and even 'ridiculous' to charge someone of defamation (2000, 123). This was usually due to the fact that no financial gain was to be attained from pursuing the suit (ibid.).

5.5.1 Defaming women

In the majority of the 13 defamation cases that I have looked into in this thesis, a woman is the plaintiff, i.e., a woman has been defamed. There are altogether eleven such defamation cases. Conversely, a woman is the accused party in ten of those cases – eight of them defamed other women, and two of them men.

The most common way of women defaming other women in my data is to call them a *whore*. As already mentioned, there were twelve defamation cases that included this term, and there were six different modifiers that accompanied it. *Bitch* is the next most common dysphemism used for women, although, there are only two defamation cases that include the term, while only one defamation case includes the term *quean*.

The most obvious observation I have made with regard to defaming women is that all three of the dysphemisms used to disparage women fit the sexual category suggested by Allan and Burrige (1991). All these three dysphemistic terms – *whore*, *bitch* and *quean* – refer to sexual behaviour or activity but, as Gowing points out, they rarely refer to actual sex or that the women defamed were actual prostitutes (1996, 59). This is further backed up by the deponents' references on the plaintiff's good reputation, the vital aspect of a defamation case that was explained earlier in 2.2: the deponents testify that the plaintiff is not a prostitute and thus they have been defamed and their reputation has been damaged. Sexual insults of women were, as Gowing shows (1996, 63), by far the most common reason to bring up a defamation suit in Early Modern England: sexual insults of men, in contrast, were more than four times less common as those of women (ibid.).

The defamatory phrase *drunken whore* is an interesting example of how sexual slander is targeted towards women: what Reinke-Williams points out is that the women who drank excessively were subject to developing a reputation of

uncontrolled sexual behaviour, and that sober women were seen as pure, whereas drunk women were considered to have multiple sexual relations (Martin in Reinke-Williams 2010, 93). Reinke-Williams also suggests that because women were in a vulnerable state when drunk, and especially vulnerable to violence from men, the heavy drinking of women was condemnable (2010, 93). Furthermore, as these intoxicated women were susceptible to sexual violence and seduction, unwanted and unplanned pregnancies were more likely to happen (ibid). Subsequently, illegitimate children were bound to be born, and that would further complicate women's position in early modern society and give more reason to call them by defamatory and dysphemistic terms.

It can be argued, then, that women who drank were seen as immoral and unchaste, and it is therefore no wonder that *drunken whore* is one of the most common defamatory terms addressed to women in my material. Whether the plaintiffs were actually drunk is not clear in all of the defamation cases that include the term in question. The Richmond-Holgate case (see 4.2.2) seems to indicate, however, that the plaintiff is accused of actually being drunk: the defamed woman, according to three different witnesses, was led home by two men, and that she was so drunk that they had to hold a pot for her to urinate in. The depositions do not give any indication, however, if the defendant was lying or if the plaintiff was actually drunk. In any case, these defamation cases show that accusing a woman of being drunk gave cause for legal action, because women and drunkenness had many negative connotations.

5.5.2 Defaming men

As plaintiffs, men appear three times, and they are accused of defaming others four times. It is evident, then, that men are far less represented in my data than women, in both litigant positions. Even though the amount of my data is fairly small, my findings are in line with other similar studies, such as Gowing's (1996).

In spite of the fact that men are represented in my material far less than women, there are four different dysphemisms concerning men. Trying to define them category-wise, however, is slightly more difficult than those for women. Altogether,

there are five different terms used to defame men, and those were *dog*, *rogue*, *rakeshame*, *offscum* and *cuckold*. *Dog* and *rogue* both appear in two defamation suits (albeit the other *rogue* defamation case is the Aylet-Skelton case which, as has already been asserted, has to do with the term *whore*, and *rogue* is not in the centre of the lawsuit). *Rakeshame* (or *Rakes Kennell*), *offscum* and *cuckold* all appear in one defamation case each.

One of the aforementioned dysphemisms, namely *dog*, belongs to the animal category, while *rogue*, *rakeshame* and *offscum* have to do with a person's character and simply imply disrespect. *Cuckold*, on the other hand, is a matter of its own. I have put it into the sexual category, because it implies that the man's wife has been unfaithful, and thus it refers to sexual behaviour, but not to that of his own. As Gowing explains (1996), the defamatory terms addressed to men were 'much less likely to attack their own sexuality' than that of women (1996, 62). And, as Waddams points out in *Sexual slander in Nineteenth Century England* (2016, 139), defamation cases in which a member of the plaintiff's family was primarily insulted (such as a man's wife when calling him a cuckold) were quite common. The reputation of the man was dependant on the reputation of his wife, and that is why *cuckold* was a derogatory term that resulted in a defamation suit. But, as Waddams further explains, 'the suit had to be brought in his wife's name because she, not he, was the person defamed'. (ibid.)

An interesting observation I have made when it comes to defaming men is that *pocky* and *cuckoldy* are the only modifiers that accompany the dysphemisms used to attack men. It is fair to say, however, that it is no surprise that there are only two different modifiers that have to do with defaming men, since there are only three cases where men are plaintiffs. Furthermore, it is quite impossible to infer how the modifiers used differ regarding women and men, because the amount of data is too limited for a thorough and definite analysis. Interestingly enough, though, the two modifiers – namely *pocky* and *cuckoldy* – are both used with the dysphemism *dog* (albeit *pocky* is also used with the term *rogue*). *Pocky* and *cuckoldy* both refer to sexual behaviour: *pocky* in a sense that the plaintiff has contracted a sexually transmitting disease, such as syphilis, from, for example, a prostitute. This implies that the

plaintiff has had immoral sexual relations or committed adultery (or most likely both). Cuckoldy, then, refers to the plaintiff being unable to control his wife and that his wife has been unfaithful.

Why are these sexual modifiers used with the animal dysphemism *dog*? As was already established in 5.1.1, contrasting someone with animals is a good way to make them seem unworthy, despicable or undesirable. *Pocky dog* can refer to a person who is utterly immoral and who is seen as a worthless person. It should be borne in mind, however, that the word choices made by angry or frustrated people are not necessarily the most thoroughly thought over but are rather uttered in a heated situation. This can be deduced by one of the most central aspect of witness depositions: the deponents' assurance that the defamatory terms were said with, for example, malice or in a passionate manner. Thus, and perhaps most likely, the defendants had not been long thinking what they will say to the plaintiff, but rather, the situations in which the defamatory terms were said most likely were quite spontaneous and escalated quickly.

6 Conclusions

Let us go back to the research questions set in the beginning of this thesis: what types of dysphemisms have I found in the material? In the 13 defamation cases that I have looked into, a total of eight different dysphemism head words appeared, accompanied with ten varying modifiers. Three of the head words were used to defame women (*whore*, *bitch* and *quean*), and they were modified with eight different adjectives, such as *drunken* and *impudent* or *brazen-faced* and *open arse*. The five remaining dysphemism head words were addressed to men (*rogue*, *rakeshame*, *offscum*, *cuckold* and *dog*), with only two adjectives used to modify the main dysphemisms: *pocky* and *cuckoldy*. Defining the eight head words category-wise has been rather simple: *dog* belongs to the animal category, *whore*, *bitch*, *quean* and *cuckold* to the sexual category, and *rogue*, *rakeshame* and *offscum* into the fourth category suggested by Allan and Burridge (1991) and which I have been referring to as the character category. No dysphemism head words could be placed in the incompetence category. The modifiers could also be categorised (see 5.4), but since they go hand in hand with the head words and thus create phrases, it is not very essential to determine the respective categories of the modifiers themselves.

The amount of different dysphemisms, either terms or phrases, proved to be quite extensive: altogether, the 34 depositions included 21 different defamatory terms or phrases, such as *impudent whore*, *base drunken whore*, *open arse bitch* and *pocky rogue*, *cuckoldy dog* and *rakeshame*. What I had feared in the early stages of this study was that the amount of data would be too small for a decent lexical study because the number of defamation cases that I included in this thesis seemed somewhat small. Evidently, though, the creativity of the defendants (or the vigilance of the witnesses) ensured a vast and versatile amount of different defamatory terms and phrases. However, I am sure that many other types of dysphemistic expressions would come up if the data was more extensive.

The second research question brought up in the Introduction of this thesis concerned the differences between women and men as litigants in the 13 defamation cases of my study. What I have found in this study is that even though the scope of my study was fairly limited, the results were very similar to the ones

Gowing (1996) and others have presented: women are far more usually litigants in defamation cases in Early Modern England than men, and that sexual insults were usually addressed to women rather than men. And, as has been pointed out, sexual slander is the most common type of defamation in ecclesiastical court records, and my results support that fact, as well: all ten defamation cases with female plaintiffs were comprised of sexual slander, while only one male plaintiff out of three was a victim of sexual slander. It can thus be said that the defamation cases from the ETED that I have studied fit well into the general field of what defamation suits were like in Early Modern England.

This type of study could easily be expanded in more than one way: first, one could look at dysphemisms in defamation cases in ecclesiastical court records diachronically; how the dysphemisms used have changed over time. This is one of many things that Kytö et al. have been looking at in their study of early modern depositions (2011). However, their focus has not been in dysphemisms, and that is why it would probably be a very fruitful study to look at how the ways in which people defame one another have changed in the course of time. Furthermore, using data from several different court records would be helpful. Second, women and men as litigants in legal suits could be looked at more comprehensively: again, diachronically in order to see whether the roles of the two sexes as litigants change in the course of time.

This thesis proves that witness depositions are a great source for those who are interested in language used in previous times, and they are also a doorway into the lives of people who lived in the past. Also, since there are a lot of aspects regarding witness depositions that one could look at, they provide almost an endless source for a myriad of studies.

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Appendix 1. Primary data from the Oxford 1667-1679 collection

All of the examples of dysphemisms found in depositions from the Oxford 1667-1679 collection are listed here in Appendix 1, as well as other examples used in the thesis from this collection. I have also included in this appendix examples from those depositions that have not come up in the thesis because of repetition. The example numbers here do not refer to the numbers of the same examples in the thesis.

- (1) this Dep^t [...] did} amongst other expressions heare [...] one say to another
Goe you whore Goe to yo~ Dame and [^]{bid her} make thee [^]{A} possett
(F_3SD_Oxford_001)
- (2) [^]{the} sayd ~~shee~~ Christopher London sayd to the sayd Alice [^]{ffulford}
that shee was a whoore & a Queane and bid her goe into her dame to make
her possett
(F_3SD_Oxford_002)
- (3) Samuel Redhead the Defend^t in this cause [...] cryed out wth a loud voyce &
in a malicious & reproachfull manner. Gibbons his wife is a whore, is a
whore is a whore & Ile maintain't shee's a whore
(F_3SD_Oxford_003)
- (4) this Dep^t saieth that hee supposeth the sd words to bee spoken maliciously
for that they were vttered wth much vehemency by the sd Redhead
(F_3SD_Oxford_004)
- (5) this Depon^t asking him whome hee did abuse soe & call whore Hee the said
Samuel [...] answered in these words Gibbons's wife that lives at that
house is a whore & Ile maintaine it shee is a whore
(F_3SD_Oxford_005)
- (6) this Dep^t saw the said Elizabeth Nixon in a great passion and heard her then
& there utter and speake these words following (vizt~ / (Hang her shee
delivers none but a Company of whores and is not fitt to come into any
honest womans company)
(F_3SD_Oxford_012)
- (7) The Defend^t Elizabeth Nixon did then & there ~~to~~ the very passionately [...] in
this Deponents p~sence and hearing vtter and speake these words
following, (Hang her shee delivers none but a Company of whores Tis pittie
shee should come into any honest womans company)

(F_3SD_Oxfrod_013)

(8) as this Dep^t passed by them hee heard the sayd Elizabeth Nixon s call the sayd Anne Smith druncken whore, and say also to her the sd Anne that it would not bee long ~~before~~ {ere} shee would ~~say her~~ pitchpole Arse over head againe

(F_3SD_Oxford_014)

(9) assoone as this Deponent was come into the said street as aforesd shee then and there ~~call the~~ heard <“h” written over “s”> the said Elizabeth Nixon call the said Anne Smith base drunken whore

(F_3SD_Oxford_015)

(10) the said Catharine in the p~sence & hearing of ^t this depon sayd to the said Jane Bugg You brazen faced bitch what doe you meddle wth mee for? to w^{ch} ^{shee} answeard who meddles wth thee? and the said Catharine replied to the said Jane thee doest, thou open arse bitch

(F_3SD_Oxford_016)

(11) this Depon^t [...] heard her saye squinting bitch ^{squinting whore} meaning thereby [...] the said Jane Bugg

(F_3SD_Oxford_017)

(12) this Depon^t [...] heard {then & there} say you are an open arse whore & bitch & yo~ arse lyes open to every rogue that come backdoore & foredoore

(F_3SD_Oxford_017)

(13) this Depon^t [...] heard the said Catharine call the said Jane the pty agent Squinty bitch, & Squinty whore

(F_3SD_Oxford_018)

(14) this Deponent did then and there hear the said George speake these following Words to Joseph Lardner [...] Thou art a Cuckold, and thy Wife is a Whore; Whereupon y^e said Joseph asked the said George: Whose Whore is she? To whom y^e said Dixon replied, She is my Whore.

(F_3SD_Oxfrod_019)

(15) He this Deponent did hear ye sd George Dixon speak these following words to the sd Joseph Lardner (viz:) That he had to doe wth his Wife and maintaind a Bastard

(F_3SD_Oxford_020)

(16) this Deponent [...] heard the said Georg Dixon say, That the s^d Joseph Lardner's Wife was a Whore, and that he had made use of her Body, and that the s^d Joseph maintained a Bastard

(F_3SD_Oxford_021)

Appendix 2. Primary data from the London 1681-1682 collection

All of the examples of dysphemisms found in depositions from the London 1681-1682 collection are listed here in Appendix 2, as well as other examples used in the thesis from this collection. I have also included in this appendix examples from those depositions that have not come up in the thesis because of repetition. The example numbers here do not refer to the numbers of the same examples in the thesis.

(1) the sayd m^s Skelton movd towards the Dore, and speaking to the sayd producent sayd You are a **Whore** [...] the sayd m^s Skelton sayd thus vizt There are none but Whores, that call my husband Rogue
(F_3LD_London_001)

(2) the sayd m^s producent speaking to thi[s] dep^t sayd Curtis what doe you stand a talking with such a Rakeshame, or Rakes Kennell as he is [...] wherevpon the sayd m^s Skelton movd towards the Dore, and speaking to the sayd producent sayd You are a **Whore** [...] the sayd m^s Skelton sayd thus vizt There are none but Whores, that call my husband Rogue
(F_3LD_London_001)

(3) speaking to the sayd [...] Curtis she sayd, Curtis why doe you stand a talking with such an offscum as he [...] wherevpon the sayd m^s Skelton goeing towards the dore, and speaking to the sayd producent sayd You are a Whore [...] vpon which the sayd m^s Skelton sayd, There are none but Whores will Call my Husband Rogue
(F_3LD_London_002)

(4) this dep^t apprehending that by the aforesayd Expressions the sayd Anne Mills meant that he the sayd producent had gotten the ffrench Pox, or the foul disease by lying or Comitting the Crime of Adultery or ffornication with some Whore, or base Woman. and had ~~thereby~~ therewith infected his Wife
(F_3LD_London_003)

(5) the sayd ^{Anne} Mills [...] sayd You Straggleford are a ~~Poggy~~ Pocky Rogue, ~~and haue given it~~ and haue gotten the Pox, and haue given it to your Wife
(F_3LD_London_003)

(6) <f. 78r> <Hand 1> die p~d sup Li^{lo} p~d

2 Sampson Jones poae s^{ti} Dunstani in Occiden~ London V̄ shoemaker,
vbi vixit p Annum fere, aetatis 25 Annoru~ et vltra, Testis &c

Ad omnes ar^{los} dci Li^{li} dicit et dep^t That in the Moneth of October last to
the best of his Remem- -brance

[...]

Et alr~ nescit deponere. Saveing that the sayd producent is a man of
honest Repute, and saveing that the sayd Anne Mills is of the parish
ar^{late}

signum

Sampson <Mark> Jones.

Repetit cora~ surro

(F_3LD_London_004)

(7) she spoke to him this viz^t or to the same Effect viz^t You shoemaker
Straggleford You are a Pocky Dogg, and h̄ you haue given your Wife the
Pox, and she lyes sick of it now

(F_3LD_London_004)

(8) the sayd m^s Stansbury (speaking to the sayd producent in a very
passionate Manner) vtter these words viz^t You are an Impudent Whore

(F_3LD_London_006)

(9) he heard the sayd m^s Stansbury speaking to the sayd m^s Brandler the
producent in an inveterate manner vtter these Words viz^t you are an
Impudent Whore

(F_3LD_London_007)

(10) the sayd Holgate (speaking to the sayd producent ~~vttered these~~
~~Words~~ in a Passionate manner, Cald her the sayd producent, Whore,
and sayd that he held the Pott, or that the Pott was held to her Whilst
she pissd in it

(F_3LD_London_008)

(11) this dep^t heard the sayd William Holgate speaking to the sayd
producent say You are a Whore, and I held the Pott to you whilst you
<f. 82r> pissd in it, and you are a Drunken ^{Whore} and he sayd
further [...] that two men [...] led her vp the Yard by the Cunt

(F_3LD_London_009)

(12) amongst other base language, w^{ch} he the sayd Holgate then and there gaue the sayd producent, she heard him call her Whore, and ~~sayd~~ either sayd that he himself held the Pott, or that the Pott Was held Whilst she pisd in't and that she was led home drunck between two ffootmen by the Cunt

(F_3LD_London_010)

(13) the sayd W^m Holgate fell abuseing his sayd Mistresse <f. 83v> With base and scandalous Language, and speaking to her sayd You Bitch, you Whore, you were ~~led~~ drunck and ledd vp the Yard between two ffoot Boyes by the Cunt, and I held the pott to thee Whilst thou didst pisse in't

(F_3LD_London_011)

(14) the sayd m^{~s} Blackman herevpon flew into a great passion, and speaking to the Producent sayd You are a Whore, and you were taken out of Bed at twelve of the Clock at night from between two men [...] Il prove you a Whore

(F_3LD_London_012)

(15) the sayd m^{~s} Blackman speaking to the sayd producent say You are a Whore and you were taken from two men, and carried to Newgate at 12 a Clock at night, and then this dep^t asking the sayd m^{~s} Blackman whether she knew What she sayd, she the sayd m^{~s} Blackman ~~re~~ replied thus viz^t I'l prove it

(F_3LD_London_013)

(16) m^{~s} Margaret ~~Brandlers~~ [^]{Stansburyes} daughter being a Girle about three of four yeares of Age as she taketh her to be, came and spitt [^]{twice} in her fface she this dep^t and her Contest Elizabeth Baxter being by, vpon which the sayd Elizabeth Brandler gaue the sayd Girle a little Tapp, and the sayd Girle ran p[~]sently in to her mother (who lives at the next dore) and therevpon her sayd mother came presently forth, and in a passionate manner speaking to the sayd Elizabeth Brandler vttered these words viz^t You young Impudent [^]{Whore} you were as good Eate your Nayles as touch my daughter and then sayd to her sayd Girle goe spitt in her face againe

(F_3LD_London_019)

(17) m^{~s} Stansburyes daughter being a Girle of about 3 or 4 yeares of Age came and spitt twice in the sayd Eliza- -beths face, vpon which the sayd Elizabeth gaue her a little patt with her hand, and then the sayd Girle ran into her Mother the sayd m^{~s} Stansbury Who lives in the same yard, and her sayd Mother presently came out in a passion, and speaking to the [^]{sayd} Elizabeth vttered these Words viz^t You Young

Impudent Whore strike my Child againe, and you were better Eate
your Nayles, You Impudent Whore, and then bid her Child goe spitt in
her face [^]{again}

(F_3LD_London_020)

(18) she the sayd Margaret faleing into a great passion, cald her Husband
Rogue [...] Here you Keep company with a Couple of **Impudent Whores**,
meaning and speaking of y^e sayd producent

(F_3LD_London_023)

(19) the arlate Margaret Martclew in a great Rage came into the sayd
Roome to them, and fell a Rayiling at her Husband to whom (amongst
other words) she vttered these following viz^t You Rogue, doe you sit
here with a Couple of Impudent Whores

(F_3LD_London_024)

Appendix 3. Primary data from the London 1714-1715 collection

All of the examples of dysphemisms found in depositions from the London 1714-1715 collection are listed here in Appendix 3, as well as other examples used in the thesis from this collection. I have also included in this appendix examples from those depositions that have not come up in the thesis because of repetition. However, depositions 007 and 009 from the Willis-Goate case do not appear here, because they include no dysphemisms and are thus irrelevant for my study altogether. The example numbers here do not refer to the numbers of the same examples in the thesis.

- (1) the said Anne Goate then & there speakeing to the said mary Willis say Yow are a Whore a Comon Whore a Nasty Whore Yow lett your prentice [^]{lye} with yow, Yow were fuckt by your prentice
(F_4LD_London_006)

- (2) This Dept [...] heard her the said Anne Goate then & there speakeing to the said mary Willis say Yow are a Whore a Comon Whore a Nasty Whore Yow let your prentice lye with yow, Yow were fuckt by your prentice
(F_4LD_London_006)

- (3) the said Anne Goate soe speake the said words in soe envious & passionate a mann~ as if shee had thereby designed to defame the said Mary Willis thereby & to charge her with haveing had the foule disease, & this Dept beleives the said Mary Willis to bee a Modest Woman & nev~ heard any person but the said Anne sp Goate speake any ill by her
(F_4LD_London_008)

- (4) This Dept doth verily beleive in her Conscience that the said Mary Benbridge by soe calling the s^d Abraham Cuckoldy Dogg did meane & intend to reflect {on} & defame the good name & reputation of the said Margt Jackson & thereby meant & intended that shee the said Margt Jackson ~~was~~ wife of the said Abraham, was a Whore & had committed the foule crime of adultery fornication or incontineny
(F_4LD_London_010)

(5) the said Mary Benbridge thereto replyeing & speaking to the said Abraham said, Yow old Cuckoldy Dogg, get yow gone doune. or I will breake your Neck ... the said Mary Benbridge againe speakeing to the said Abraham Jackson said, Gett [...] yow gone, Yow old Cuckoldy dogg

(F_4LD_London_010)

Appendix 4. Finnish summary

1 Johdanto

Tässä pro gradu -tutkielmassa olen tutkinut kunnianloukkaus oikeudenkäyntien todistajanlausunnoissa esiintyviä haukkumasanoja ja -tapoja varhaismodernissa Englannissa. Varhaismoderni aikakausi kattaa karkeasti vuodet 1500-luvun alusta 1700-luvun lopulle, mutta tutkimuksessani olen keskittynyt tämän aikakauden myöhempään vaiheeseen eli 1650-luvulta 1700-luvun loppuun, vaikkakin aineistoni on tarkalleen ottaen vuosilta 1667-1715. Aineistoni on kerätty elektronisesta kokoelmasta, johon on koottu Englannissa käytyjen oikeudenkäyntien todistajanlausunnot vuosilta 1560-1760. Kokoelma sisältyy teokseen *Testifying to Language and Life in Early Modern England* (Kytö et al. 2011), joka käsittelee varhaismodernin Englannin lainopillista taustaa, kieltä, kulttuuria sekä todistajanlausuntoihin liittyviä piirteitä. Yhteensä olen tutkinut kolmeatoista eri kunnianloukkaussyytettä, joihin kuului 34 eri todistajanlausuntoa. Tarkoitukseni oli tutkia näissä lausunnoissa esiintyviä loukkaavia termejä, joita oikeat henkilöt ovat käyttäneet. En siis ole millään tavalla ottanut kantaa siihen, ovatko todistajanlausunnot luotettavia.

Tutkimuksessani minulla on ollut kaksi mielenkiinnon kohdetta: 1) millaisia eri haukkumasanoja todistajanlausunnoista tulee ilmi, ja 2) miten naiset ja miehet loukkaavat toisiaan eri tavoin. Lähtökohtaisesti näitä haukkumasanoja voidaan kollektiivisesti kutsua dysfemismeiksi (englanniksi *dysphemism*). Niitä käytetään loukkaavassa tarkoituksessa joko toista henkilöä, ihmisryhmää tai vaikkapa sitä asiaa kohtaan, johon sana viittaa, kuten esimerkiksi jumalanpilkassa (Allan ja Burrige 1991, 26). Dysfemismit voidaan luokitella ainakin neljään eri kategoriaan, joita ovat muun muassa seksuaaliseen käytökseen viittaavat haukkumasanat (esimerkiksi *huora*) sekä vertaukset erilaisiin eläimiin, joihin yhdistetään erilaisia, yleensä negatiivisia seikkoja (esimerkiksi *puuma* tai *rakki*) (Allan ja Burrige 1991, 27-28). Nämä kategoriat toimivat pohjana analyysilleni. Kuten tutkimuksessanikin tulee esille, seksuaalinen herjaus on yleisin kunnianloukkauksen muoto varhaismodernissa Englannissa (Kytö et al. 2011, 132).

2 Teoreettinen viitekehys

Varhaismodernissa Englannissa oikeusjärjestelmä oli jaettu rikosoikeuden ja kanonisen oikeuden kesken (Kytö et al. 2011, 101). Rikosoikeudessa käsiteltiin niin sanottuja maallisia rikoksia, kuten murhia, varkauksia ja maanpetturuutta (Cockburn 1977, 4). Kanonisessa oikeudessa sen sijaan käsiteltiin kirkon piirissä olevia rikoksia ja muita kirkon vastuualueisiin kuuluvia asioita kuten avioliittoon liittyviä seikkoja sekä kunnianloukkauksia. Kanoninen oikeuslaitos käsitti eri tuomioistuimia, joista keskeisimpänä mainittakoon konsistorituomioistuin sekä Arkkidiakonin tuomioistuin. (Kytö et al. 2011, 101; 128) Aineistoni on kerätty Lontoon ja Oxfordin konsistorituomioistuinten pöytäkirjoista löytyvistä kunnianloukkaus oikeudenkäynneistä, joiden todistajanlausunnot on koottu ETED:hen. Kunnianloukkaus on tässä elektronisessa kokoelmassa esiintyvistä oikeustapauksista yleisin, ja useimmiten kunnianloukkauksissa kyse oli seksuaalisesta herjauksesta (Kytö et al. 2011, 101; Gowing 1991, 63). Varhaismodernissa Englannissa ylivoimaisesti suurin osa kunnianloukkaustapauksista oli naisten ajamia, koska seksuaaliset herjaukset kohdistuivat useimmiten naisiin (Gowing 1991, 61). Yleensä naiset olivat myös syytetyn asemassa (ibid.). Suuri osa miehiin kohdistuvista kunnianloukkauksista ei puolestaan liittynyt seksuaalisuuteen, ja jos liittyivät, niin yleensä loukkaus kohdistui mieheen välillisesti tämän vaimon kautta, kuten esimerkiksi sanassa *aisankannattaja* (englanniksi *cuckold*), joka viittaa siihen, että miehen vaimo on uskoton (Gowing 1991, 62).

Kunnianloukkaussyytteet olivat varhaismodernissa Englannissa yleisiä, sillä ihmisille oli tärkeää ylläpitää hyvää mainetta yhteisössään. Koska yhdenkin ihmisen lausumat valheelliset sanat saattoivat vahingoittaa jonkun toisen hyvää mainetta, oli tarpeen nostaa kunnianloukkaussyyte voidakseen korjata maineensa yhteisössä. Näissä syytteissä täytyi kuitenkin osoittaa, että loukkaavat sanat oli lausuttu vihaisesti ja että loukattu osapuoli oli kärsinyt herjauksen seurauksena. Tästä syystä todistajanlausunnoissa oli usein viittauksia siihen, että syytetty oli lausunut sanansa tarkoituksellisen pahansuovasti ja että asianomistaja oli rehellinen ja siveellinen henkilö, eikä herjauksella näin ollen ollut perusteita. (Wunderli 1981, 64; Tarver 1995, 113-116)

Kanonisessa oikeudessa todistajat vastasivat ennalta määritettyihin syytettä koskeviin kysymyksiin yksityisesti, ja kirjuri kirjoitti todistajan kertomuksen ylös (Tarver 1995, 18). Oikeudessa nämä lausunnot luettiin ääneen, ja niiden ja muiden todisteiden pohjalta tuomarit antoivat tuomionsa (ibid.). Todistajanlausunnoissa oli tietty rakenne, joka koostui monista osista (Kytö et al. 2011, 37). Niistä merkittävimpiä olivat tiedot todistajasta sekä itse lausunto. Muut osat, kuten tapauksen otsikko tai todistajan allekirjoitus, olivat valinnaisia eikä niitä siitä syystä useinkaan liitetty todistajanlausuntoon. (ibid.) Myös todistajanlausunnoissa käytetyt kielelliset piirteet olivat moninaisia ja niihin liittyi tiettyjä käytänteitä. Esimerkiksi latinankielisiä termejä käytettiin runsaasti erityisesti erottamaan lausunnon eri osia (Kytö et al. 2011, 193). Lisäksi todistajanlausunnoissa esiintyy paljon vakiintuneita latinankielisiä sanoja ja fraaseja, kuten "dicit et dep", mikä tarkoittaa, että todistaja "sanoo ja todistaa". Näiden latinankielisten piirteiden lisäksi todistajanlausunnoissa on käytetty paljon erilaisia lyhenteitä kuten erilaisia erikoismerkkejä "&" (*ja*) sekä "&c" (*et cetera = ja niin edespäin*). Joitakin sanoja on myös voitu lyhentää jättämällä osa kirjaimista tai sanan osista pois, ja tätä on voitu merkitä usealla eri tavalla kuten aaltoviivalla "bn~" (*bene*) tai lyhennetyin osan yllä olevalla viivalla. Osa kirjaimista on myös voitu kirjoittaa yläindeksiin lyhentämisen merkiksi, kuten sanassa "Elizth" (*Elizabeth*). (Kytö et al. 2011, 164-172)

Tutkimuksessani olen keskittynyt niihin kunnianloukkaustapauksiin, joissa on käytetty jonkinlaista toiseen henkilöön kohdistettua dysfemismiä, kuten *huora* tai *ai-sankannattaja*. Tällaisissa kunnianloukkaustapauksissa dysfemismien tarkoituksena on siis loukata toista henkilöä. Tarkoitus on täten päinvastainen kuin eufemismilla: eufemismien tavoitteena on korvata sanoja, joiden käytön katsotaan olevan tabu ja joiden lausuminen ei olisi sosiaalisesti hyväksyttävää (Allan ja Burrige 1991, 12). Eufemismeja eli kiertoilmauksia ovat muun muassa seuraavat esimerkit: *nukkua pois* tai *irtisanoa* (vertaa *kuolla* tai *antaa potkut*). On kuitenkin kontekstista kiinni, mitä muotoa milloinkin käytetään (Allan ja Burrige 2011, 20). Ei olisi esimerkiksi kovinkaan luontevaa sanoa, että *Nämä kukat ovat nukkuneet pois* (ibid.). Eufemismeja ja dysfemismejä käytetään yleensä vastakkaisissa yhteyksissä, vaikka ne ovat saman asian synonyymejä (Allan ja Burrige 1991, 29-30). Esimerkiksi *uloste* ja *paska* ovat synonyymejä, mutta niiden käyttötarkoitus on erilainen (ibid.).

Tuskin kukaan on koskaan suutuspäissään huutanut *Voi uloste!* lyödessään varpaansa pimeässä (Adams 1985, 45). Tabusanojen käyttö loukkauksissa ja herjauksissa on yleistä siksi, että ne osoittavat inhoa ja vihaa toista henkilöä kohtaan, mutta myös siksi, että ne rikkovat sosiaalista harmoniaa (Allan ja Burr ridge 1991, 117-118).

Tutkiessani todistajanlausunnoissa ilmeneviä dysfemismejä olen käyttänyt analyysini pohjana Allanin ja Burridgen (1991) esittämää neljää eri kategoriaa, joihin dysfemismit voidaan luokitella. Ensimmäinen kategoria sisältää **vertaukset tiettyihin eläimiin, jotka käyttäytyvät tietyllä tavalla** (1991, 27). Jotakuta voi siis kutsua esimerkiksi *kanaksi* tai *hiireksi*. Toiseen kategoriaan kuuluvat **loukkaukset, jotka liittyvät seksuaalisuuteen, elimiin ja kehon eritteisiin**. Näistä esimerkkejä ovat *huora* ja *hevonpaska* (Allan ja Burr ridge 1991, 28). Kolmas kategoria koostuu sanoista, jotka **kuvaavat henkistä tai fyysistä kyvyttömyyttä**, kuten *idiootti*. Neljänteen kategoriaan taas sisältyy kaikenlaiset **loukkaavat ja halveksuvat sanat, joista osa voi hyökätä henkilön luonnetta vastaan**, kuten *heittiö* tai *lurjus*. (ibid.)

Todistajanlausuntoja ja erilaisia loukkauksia on tutkittu aiemmin varsin laajasti etenkin varhaismodernissa kontekstissa. Erityisesti todistajanlausuntojen kielipiillisiä piirteitä on tutkittu (muun muassa Leitner 2013; Söderlund 2017), kuin myös puheen ja tekstin yhteyksiä todistajanlausunnoissa (Walker ja Grund 2017; Culpeper ja Kytö 2010). Epäkohteliaisuus ja loukkaukset ovat myös olleet tutkimuksen aiheita varhaismodernin Englannin oikeuslähteissä, kuten oikeussalien pöytäkirjoissa (Kryk-Kastovsky 2006; Jucker ja Taavitsainen 2000). Gowing (1996) on lisäksi selvittänyt naisten asemaa varhaismodernissa Englannissa erityisesti oikeudellisesta näkökulmasta: miten naisia on herjattu, ja miten se on eronnut miehistä. Omalle tutkimukselleni oli tilaa siinä suhteessa, että todistajanlausuntoja ei ole tutkittu varsinaisina dysfemismien tai loukkausten lähteinä.

3 Aineisto ja metodit

Tutkimukseni aineisto on kerätty elektronisesta laitoksesta, johon on koottu todistajanlausuntoja varhaismodernista Englannista vuosilta 1560-1760 (ETED). Kytö ja

muut (2011) ovat transkriboineet aikalaiskäsikirjoituksia ja koonneet yhteen suuren määrän todistajanlausuntoja, jotka ovatkin olleet tutkijoiden kasvavan mielenkiinnon kohteena (2011, 2). Teos, johon ETED sisältyy, käsittelee laajemmin varhaismodernin Englannin historiallista, sosiaalista ja yhteiskunnallista taustaa sekä todistajanlausuntojen kielellisiä, rakenteellisia ja muodollisia piirteitä. ETED:ssä on yhteensä seitsemäntoista eri todistajanlausuntokokoelmaa rikosoikeuden piiristä sekä kolmetoista kirkollisen oikeuden kokoelmaa. Näistä kanonisen oikeuden kokoelmista olen tarkastellut kolmea uusinta: Oxfordin Arkkidiakonin tuomioistuimen todistajanlausuntoja vuosilta 1667-1679, sekä Lontoon konsistorituomioistuimen todistajanlausuntoja vuosilta 1681-1682 sekä 1714-1715.

Näistä kolmesta edellä mainitusta kokoelmasta olen ottanut tutkimukseeni yhteensä kolmetoista kunnianloukkaustapausta, joiden todistajanlausunnoissa mainitaan yksi tai useampi toiseen henkilöön kohdistunut dysfemismi – Oxford 1667-1679: viisi tapausta, Lontoo 1681-1682: kuusi tapausta ja Lontoo 1714-1715: kaksi kunnianloukkaustapausta. Yhteensä näissä kolmessa kokoelmassa oli kaksikymmentä tapausta, mutta lähes puolet tapauksista olen jättänyt tutkimuksestani pois sen vuoksi, ettei niissä esiinny varsinaisia dysfemismejä. Yhteensä olenkin tutkinut 34 todistajanlausuntoa kolmestatoista eri kunnianloukkaustapauksesta, eli yhteen oikeustapaukseen liittyy yleensä useampi todistajanlausunto. Osa lausunnoista on sen verran samankaltaisia, että joitakin niistä en ole tutkimuksessani käsitellyt lainkaan (kaikki todistajanlausunnot löytyvät kuitenkin liitteistä 1-3).

Lisäksi mainittakoon, että aineistossani huomattava osa oli sellaisia kunnianloukkaustapauksia, joiden todistajanlausunnoissa oli erilaisia dysfemismejä, eli käytännössä todistajat ovat voineet kuulla syytetyn sanovan eri asioita tai todistajat ovat saattaneet kuulla eri osia keskustelusta, minkä vuoksi lausuntojen kesken voi olla paljon vaihtelua. Kuten johdannossa jo kuitenkin mainitsin, tarkoitukseni ei ole ottaa kantaa lausuntojen luotettavuuteen tai todenmukaisuuteen. On syytä mainita myös se seikka, että todistajanlausuntoja tutkiessani olen päättänyt sisällyttää analyysiini myös sellaiset dysfemismit, jotka kohdistuvat esimerkiksi asianomistajan puolisoon, perheenjäseneseen tai seuralaiseen. En ole kuitenkaan ottanut tutkimuksessani huomioon sellaisia dysfemismejä, joita ei ole kohdistettu kehenkään tiettyyn

henkilöön. Tästä esimerkki on lausunto F_3SD_Oxford_017, missä Catharine Stockford sanoo Jane Buggin pitävän jalkojaan auki jokaiselle lurjukselle, joita tämän luotulee. Vaikka *rogue* (*lurjus*) on dysfemismi, jota käsittelen tässä tutkimuksessa, en ole kuitenkaan tuon kaltaisia tapauksia ottanut huomioon, koska ne eivät kohdistu kehenkään tiettyyn henkilöön.

Aineistoa tutkiessani olen käyttänyt lähilukumenetelmää, eli olen lukenut kaikki edellä mainitun kolmen todistajanlausuntokokoelman lausunnot tarkasti läpi ja valinnut jo mainittujen syiden pohjalta tutkimukselleni oleelliset oikeustapaukset. Dysfemismejä olen puolestaan tarkastellut käyttäen apunani Oxford English Dictionaryn verkkosanakirjaa, mistä on löytynyt paljon tutkimustani auttavaa tietoa, kuten millaisia loukkaavia merkityksiä tietyillä sanoilla voi olla tai onko niitä käytetty herjaavassa merkityksessä varhaismodernina aikakautena. Tässä on ollut apuna myös Francis Grosen sanakirja *A Classical Dictionary of the Vulgar Tongue* vuodelta 1785, jossa luetellaan yleisimpiä loukkaavia tai muutoin sopimattomia sanoja varhaismodernilta ajalta. Lukuisat esimerkit, joita tässä tutkimuksessa on yhteensä 40, on kopioitu suoraan ETED:n PDF-versiosta. Kaikkia typografisia merkkejä (joita luettelin luvussa 2) en ole onnistunut tähän työhöni siirtämään, mutta ne eivät onneksi ole tutkimuksessani keskeisessä asemassa.

4 Tutkimuksen tulokset ja pohdinta

Pro gradu -tutkielmassani olen tutkinut todistajanlausunnoissa esiintyviä dysfemismejä ja niiden määreitä – esimerkiksi fraasissa *drunken whore* (*juopunut huora*) *whore* on pääsana ja *drunken* on pääsanaa määrittävä adjektiivi eli määre. Tätä jaottelua olen käyttänyt analyysini pohjana: olen analysoinut pääsanat ja määreet erikseen omina itsenäisinä sanoinaan mutta myös yhdessä yhtenä fraasina. Sanoja tutkiessani olen katsonut niiden merkitystä ja sitä, mihin Allanin ja Burridgen (1991) esittämään kategoriaan ne sopivat. Lisäksi olen tarkastellut, miten miehiä ja naisia on loukattu eri tavoin: ovatko naisiin kohdistuneet dysfemismit jotenkin erilaisia kuin miehistä käytettävät haukkumasanat (eli käytännössä kuuluvatko ne eri kategoriaan).

Tärkeimmät havaintoni aineistoni pohjalta ovat seuraavanlaiset: naisiin kohdistuvia dysfemismejä löytyi yhteensä kolme pääsanaa, kun taas määreitä oli kahdeksan erilaista. Kaikki kolme pääsanaa – *whore* (*huora*), *bitch* ja *quean* (kaksi jälkimmäistä termiä ovat synonyymejä *huoralle*) – kuuluvat seksuaaliseen kategoriaan. Niiden määreet kuuluvat myös suurimmilta osin seksuaaliseen kategoriaan, kuten *impudent* (*hävytön*) tai *brazen-faced* (*häpeilemätön*). Osa määreistä taas on sellaisia, että ne voivat kontekstista riippuen kuulua useampaan kategoriaan. Tässä yhteydessä on kuitenkin selvää, että esimerkiksi termit *drunken* (*juopunut*) ja *base* (*säädytön*) viittaavat seksuaaliseen käytökseen – juopuneet naiset nähtiin varhaismodernissa Englannissa säädyttöminä ja seksuaalisesti yliaktiivisina (Reinke-Williams 2010, 93). *Squinty* (*karsastava*) puolestaan viittaa siihen, että henkilö kärsisi karsastuksesta. Todistajanlausunnoista ei tule esille, onko kyse oikeasta piirteestä vai onko sanaa käytetty pelkästään loukkaamistarkoituksessa. Joka tapauksessa kyseinen määre kuuluu fyysisen kyvyttömyyden kategoriaan. Selkein havainto naisiin kohdistuvista dysfemismeistä on se, että *huora* esiintyi yhteensä kahdessatoista tapauksessa (mukaan lukien ne tapaukset, joissa esimerkiksi asianomaisen vaimoa haukutaan huoraksi) ja on näin ollen yleisin naisiin kohdistuva loukkaava termi.

Miehistä sen sijaan on käytetty viittä erilaista dysfemismiä ja vain kahta määrettä. Pääsanoja ovat *rogue* ja *rakeshame* (molemmat tarkoittavat loukkaavassa merkityksessä *lurjusta*) sekä *offscum* (viittaa halveksuttavaan ja kelvottomaan henkilöön) ja *cuckold* (*aisankannattaja*). Myös *dog* (*koira*) on tässä yhteydessä dysfemismi. Näistä pääsanoista kolme ensimmäistä ovat yksinkertaisesti loukkaavia termejä ja kuuluvat siten Allanin ja Burridgen neljänteen kategoriaan. *Cuckold* (*aisankannattaja*) sen sijaan kuuluu seksuaaliseen kategoriaan, koska se viittaa mieheen, jonka vaimo on uskoton ja joka on kykenemätön kontrolloimaan vaimonsa seksuaalisuutta. Tämä termi on siitä erikoinen, että siinä loukataan miehen lisäksi tämän vaimoa. *Dog* (*koira*) puolestaan on eläinvertaus, ja sillä voidaan tarkoittaa kelvotonta tai halveksuttavaa henkilöä. Ihmisten vertaaminen eläimiin on alentavaa, koska eläimissä tiivistyvät ihmisten epätoivotut luonteenpiirteet ja käyttäytymistavat (Crespo-Fernandéz 2015, 136). Miehistä käytetyt kaksi määrettä sen sijaan ovat molemmat seksuaalisia: *cuckoldy* viittaa miehen uskottomaan

vaimoon, ja *pocky* siihen, että mies on saanut kupan tai muun sukupuolitaudin esimerkiksi prostituoidulta.

Kuten Gowing (1996, 63) on tuonut omassa tutkimuksessaan ilmi, naiset ovat sekä asianomistajia että syytettyjä suurimmassa osassa kunnianloukkaustapauksia, ja myös omat tutkimustulokseni tukevat tätä ilmiötä. Aineistossani molemmat oikeustapauksen osapuolet ovat naisia seitsemässä tapauksessa kolmestatoista. Naiset ovat asianomistajia yhteensä kymmenessä tapauksessa kolmestatoista, eli ylivoimaisesti suurimmassa osassa tutkimiani kunnianloukkaustapauksia nainen on ollut loukattu osapuoli. Miehet sen sijaan ovat asianomistajia yhteensä kolmessa tapauksessa, ja vain yhdessä oikeustapauksessa sekä syytetty että asianomistaja ovat miehiä. Myös seksuaalisen herjauksen suhde naisten ja miesten välillä on merkittävä: kaikki naisten ajamat kunnianloukkaustapaukset liittyvät seksuaaliseen herjaukseen, kun miehillä kolmasosa tapauksista on seksuaalista herjausta. Tämä on myös linjassa aikaisempien tutkimusten kanssa: varhaismodernissa Englannissa suurin osa kunnianloukkausoireidenkäynneistä liittyi pelkästään naisiin, ja vain pieni osa miesten nostamista kunnianloukkaussyytteistä liittyi seksuaaliseen herjaukseen.

Tutkimuksen pohjalta voidaan siis todeta, että vaikka aineisto on ollut varsin suppea, on tuloksissa kuitenkin selvästi nähtävillä varhaismodernin Englannin oikeuslaitokselle ominaiset piirteet: suurin osa kunnianloukkaussyytteistä käsitteli naisia, joita naiset olivat herjanneet erityisesti käyttämällä sanaa *huora*. Laajempi aineisto ja tutkimus on kuitenkin tarpeen, jotta voisi selvittää esimerkiksi sen, miten dysfemismien käyttö on mahdollisesti muuttunut ajan kuluessa.