

Performing Widowhood: Liminality, Agency, and Patriarchal Control in *The Old Law*

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Abstract

This paper argues that the character of Eugenia, in Middleton and Rowley's (and possibly Heywood's) *The Old Law* (c. 1618), threatens patriarchal assumptions about female wit by demonstrating that women can analyse, manipulate, and exploit legal structures through deliberate calculation rather than impulse. Epire's statute condemns men at eighty and women at sixty, a threshold that Eugenia – young wife of the aged Lisander – turns to her advantage. By occupying the widow's "liminal status between death and life, chastity and sexual availability, or past and future" (Kimura 2023, 67), she converts her legal predicament into a performance, rehearsing widowhood before it even arrives. Though legally still a wife, she positions herself as a widow-in-waiting, wielding "dissembling" as an "art" to navigate patriarchal structures for personal gain. Yet the play refuses to reward such self-fashioning: Eugenia's audacious pose as "strumpet", as "whore", is punished by a ten-year ban on remarriage, which suppresses female strategic wit and re-inscribes patriarchal control precisely at the threshold she sought to manipulate, reinstating passive virtue as the approved model of femininity.

Keywords: early modern widowhood; liminality; female agency; dissimulation; Jacobean tragicomedy.

1. Widowhood, Agency, and the Jacobean Stage

In early modern England, a woman's legal and social identity was almost entirely relational: as a daughter or wife, she lived under the legal authority of her father or husband. Widowhood alone suspended this condition, granting formal autonomy through dower, jointure, and the right to act as household head. Nonetheless, widows provoked considerable unease about female agency, economic power, and the social instability these might bring. In short, widowhood could promise a kind of liberation, but not without arousing suspicion.

Recent scholarship has complicated the stereotype of the "lusty widow" by showing that remarriage was often shaped by legal and economic constraint. Barbara Todd (1985) notes that wills and copyhold terms often penalised remarried widows, while Cavallo and Warner (1999) show that similar continental legislation sought to protect heirs by limiting widows' control over property. Yet in England widows retained significant agency: Foyster's 1999 analysis of 1598-1619 London marriage licences showed that nearly one-third of men aged thirty to thirty-four wed widows, and by the 1680s thirty percent of Stepney brides were women entering a second marriage. Mendelson and Crawford (1998) further argue that widowhood was a distinct life stage, allowing women to manage estates or businesses under intestacy law until the 1670 reduction of a childless widow's share. Even after that point, age, resources, dependents, and the stigma of a younger husband continued to shape remarriage decisions.

Given these tensions, it is hardly surprising that the Jacobean stage found widows so theatrically appealing. Jennifer Panek refers to the "saleable dramatic fantasy" (2004, 4) of

the comic widow,¹ a trope exploited by several plays from the period,² allowing male audiences in particular to explore anxieties about property and cuckoldry while also indulging in fantasies of sexual mastery, though female spectators may well have read such scenes through the lens of their own constrained autonomy.

The Old Law (c. 1618), by Middleton, Rowley, and possibly Heywood³, pushes the issue of widowhood in a more unsettling direction. Set in the fictitious duchy of Epire, where Duke Evander decrees death for men at eighty and women at sixty on the grounds that they are no longer of use to the state (Bromham 1984), the play develops what Masten calls a “tragicomedy of euthanasia”⁴ (2007, 1331) from the kind of “improbable hypothesis” Waith identifies as central to the genre (1952, 156). The plot follows the decree’s effects within the families of Simonides and Cleanthes. Simonides welcomes the law as a route to inheritance, while Cleanthes conceals his father Leonides with the help of his wife, Hippolita; around them, sons, lawyers, and spouses try to profit from the anticipated deaths of the elderly. Eugenia, married to the ageing Lisander, feigns grief while preparing for

¹ Widows in tragedy were often imagined in quite different terms: they could embody grief, vengeance, or political instability (e.g., the widowed Duchess in *The Duchess of Malfi*). Middleton returns to the dangerous widow in *Women Beware Women* (c. 1621), where Livia wields her autonomy to orchestrate seduction and betrayal, prefiguring the association between widowed freedom and transgressive female intelligence that *The Old Law* punishes in Eugenia.

² For instance, in *The Puritan*, also known as *The Puritan Widow* (1606), the widowed Lady Plus recalls that in her first marriage she held the keys, managed the accounts, and went out as she pleased – memories that, from her new position of autonomy, cast marriage as a constraint she has now surpassed. In Jonson’s *Bartholomew Fair* (1614), Quarlous turns the “widow reward” into a property joke, predicting that a prudent widow will ring-fence her estate so tightly that a husband may inherit little more than a pair of “apostle-spoons”. Middleton, meanwhile, both indulges and critiques the fantasy: in *A Trick to Catch the Old One* (1606?), Witgood manufactures a wealthy widow by having a woman assume that identity, while in *The Widow* (c. 1615-17), Lelia accepts only suitors who can match her financial standing, refusing the conventional exchange of youth for wealth. As Panek notes, Middleton offers the lusty-widow fantasy with one hand and deflates it with the other (2004, 162).

³ Although the 1656 printed title-page of the play links it to Philip Massinger, Gary Taylor has more recently contended that the opening section of the final act (V.i.1-347) should instead be attributed to Thomas Heywood, a claim that also casts serious doubt on whether Massinger contributed to the play at all (Masten 2007, 1333).

⁴ The utilitarian implications of this premise have been explored by Schotland (2013), who reads the play as a dystopian thought experiment centred on the forced disposal of the elderly.

remarriage. In the final act, the Duke discloses that the law has functioned as a moral test, and the supposed victims return alive to restore order. More broadly, though, *The Old Law* shifts focus from what a widow stands to lose – the social protection of marriage, the stability of a household position, the economic security attached to a husband's name, for instance – to what a wife might gain when the boundary between wifedom and widowhood blurs: autonomy over property, freedom to choose a sexual and domestic partner, and, crucially, the right to act as an independent legal subject.

Within this framework, Eugenia embodies disruption.⁵ Though legally married, she is already spoken of – and speaks of herself – as a widow in waiting: she flirts with suitors, schemes for her future, and openly considers remarriage while her husband is still alive – thus exploiting liminality rather than being paralysed by it. Wifely virtue becomes, in this context, a mask for calculated self-fashioning. According to Asp, Eugenia embodies “corruption which wears the face of virtue” (1974, 135), a doubleness which unsettles not only the distinction between wife and widow, but also the expected sequencing of marriage, widowhood, and remarriage. Nevertheless, her disruptive power becomes clearer when set against the other characters' responses to the ‘old law’.⁶ Cleanthes protects his father out of filial duty; Simonides and Gnothoes exploit the decree for gain, but do so within its sequential logic – death first, then inheritance or remarriage. Eugenia's manipulation is of a different order: she acts like a widow before becoming one, occupying wifedom and widowhood simultaneously. The threat she poses, therefore, is not widowhood *per se*, nor the pursuit of gain she shares with male characters, but her strategic intelligence, that is, her

⁵ Eugenia's name derives from Greek *εὐγενής*, ‘well-born’ or ‘of good stock’, ironically at odds with how others see her actions (base, greedy, ignoble) and suggestive of her exceptional strategic intelligence.

⁶ The title's meaning is not as stable as it might appear. While in the immediate context of the plot, the ‘old law’ refers to a statute targeting elderly citizens deemed socially or economically useless, Masten (2007) notes that the play's alternative title, *A New Way to Please You*, and the resonance of ‘old law’ with biblical and juridical traditions complicate any single reading. For the purposes of this paper, the primary sense – a law ‘concerning the old’ – is most relevant, but the title's instability itself mirrors the play's overall interest in the manipulation of legal categories.

capacity to expose patriarchal categories as contingent and manipulable. This, rather than any actual sexual transgression, is what the play ultimately identifies as most dangerous to the social order – as the final act confirms, when Eugenia’s punishment targets her mind rather than her body. Yet the play also participates in a familiar early modern conflation between female wit and sexual licence: just as Beatrice’s sharp tongue in *Much Ado About Nothing* or Portia’s legal acumen in *The Merchant of Venice* provoke anxieties about wifely fidelity, so Eugenia’s scheming is framed through the language of sexual corruption even though her transgression is not carnal at all.

The argument unfolds in three stages. First, it examines Eugenia’s strategic performance as a grieving ‘widow-to-be’, focusing on how she manipulates Hippolita and calibrates responses to her suitors in order to convert a precarious position into one of apparent control. Next, it considers the Duke’s final sanction – a ten-year ban on remarriage – as a measure to contain the economic and sexual anxieties provoked by Eugenia’s behaviour. Finally, it argues that such juridical containment answers to the tragicomedy’s logic of delayed resolution, since Eugenia’s agency is momentarily acknowledged only to be reabsorbed into a restored patriarchal framework.

2. Female Responses to the Decree

The Old Law presents four female responses to the decree mandating death for the elderly, each deploying a distinct strategy in the face of crisis. Asp (1974) interprets the play’s resolution as a moral test that exposes false virtue and rewards true loyalty, effectively sorting the female characters into the conventional categories of virtue and vice. Masten’s (2007) editorial commentary,⁷ focused as it is on patriarchalism and the fifth commandment, leaves these categories largely unexamined. A closer look, however, suggests that Eugenia alone engages in systematic strategic thinking. Her exploitation of legal interstices sets her

⁷ All quotations from *The Old Law* are taken from Jeffrey Masten’s edition (in Taylor and Lavagnino 2007, 1331-1396). Act, scene, and line references follow this edition throughout.

apart from the others, whose responses – filial devotion, comic victimhood, and marital self-sacrifice – are more conventional and, therefore, less disruptive to the status quo.

Hippolita embodies the virtuous response.⁸ Though not directly threatened by the decree – her husband Cleanthes is still young – she is drawn into its logic through her eighty-year-old father-in-law Leonides. Her role is paradoxical: she defends not her own father but her husband's, stretching loyalty beyond filial duty and suggesting that female virtue need not be bound to blood. When Leonides resolves to submit to the law, she resists with ritualistic intensity, pitting life against statute and affection against fiat. Leonides, in turn, praises her as if she were his own child: "Law were above nature, / Were there more such children" (I.i.373-74). In collapsing the categories of daughter and wife, Hippolita embodies loyalty as a threshold identity: neither daughter nor wife exclusively, but both at once, and so able to sustain patriarchal continuity at its point of rupture. She exemplifies female virtue through intensified duty, and the play rewards her, accordingly, in the end. Yet, as Barker observed, this exemplary position proves unstable. Hippolita's devotion makes her vulnerable to manipulation: it is her sympathy for another woman's apparent grief that leads her to reveal Leonides's hiding place to Eugenia, nearly costing him his life. In this sense, the play suggests that feminine virtue, however attractive, carries its own dangers: its openness can be turned against itself, so that its effects may prove as damaging as those of deliberate malice (Barker 1958, 105, in Asp 1974, 110, n. 1). Hippolita is rewarded in the end only because the Duke's test remains a fiction; had the threat been real, her trust would have been fatal.

Agatha, Gnothoes's elderly wife, occupies the opposite extreme, stripped of social worth and reduced to comic relief. Already condemned at sixty, she is immediately erased by her husband, who mocks her protests, bribes clerks to inflate her age, and wastes no time

⁸ Hippolita recalls the Amazonian queen of Greek myth and Shakespeare's *Hippolyta* in *A Midsummer Night's Dream*. In both cases, formidable female power is domesticated and integrated into patriarchal society, prefiguring the restrained agency of Middleton and Rowley's character, whose own power is similarly channelled into domestic and filial loyalty.



preparing for remarriage. His mockery reduces her to derogatory stereotypes of postmenopausal femininity – “witches”, fraudulent practitioners of “physic”, “bawds” (III.i.280-83) – each a distortion of roles once associated with older women: the wise woman is thus recast as a witch, the healer dismissed as a killer of “good subjects” (281), and maternal nurture reduced to sexual procurement. Her attempt to feign pregnancy with a stuffed cushion turns her body into a prop for masculine entertainment: when she declares “I am with child” (IV.i.129), the response is laughter rather than sympathy, even though the audience might well respond with greater ambivalence to a woman whose husband is plotting her death. The deeper irony, however, lies in the fact that Agatha’s temporal predicament has already been manipulated by her husband. By bribing the parish clerk to alter the church-book, Gnothoes advances her recorded age, reducing her remaining life from twelve months to one (III.i). If the church-book converts biological time into juridical fact, Agatha has no access to it: her husband controls the document, the clerk accepts his money, and her only counter-move attempts to reassert bodily time against a legal calendar that has already been fixed against her. When the cushion falls, so too does her last claim to temporal agency; what might have been tragic struggle – the fight of a living wife against a law that has already marked her for death – is deflected into farce: in Agatha, wifehood collapses into redundancy, emptied of meaning once its reproductive and domestic functions are spent.⁹

Between these two extremes stands Eugenia,¹⁰ who refuses both absorption into patriarchal continuity and dismissal into ridicule. With a husband already condemned by the “old law”, she seizes her suspended condition as an opportunity for self-fashioning. Her

⁹ The consensus among social historians is that for early modern women, old age could begin as early as forty with the onset of menopause, marking their transition from valued reproductive members of society to economically and socially marginal figures. See Schen 2001, 13-30; Froide 2001, 89-110; Botelho 2004, esp. 89-112 and 125-58; Toulalan 2016, 333-59; Pelling 1991, 74-101; Mendelson and Crawford 1998, 169-203.

¹⁰ Asp (1974) reads Eugenia explicitly as Hippolita’s foil: Middleton places a calculating female counterweight against dutiful passivity and, importantly, treats both as structurally consistent characters whose clash tests the social fabric.



impatience is plain from the outset: "I shall be troubled / This six months with an old clog; would the law / Had been cut one year shorter!" (II.ii.1-3). Her husband, Lisander, is framed as a "clog" (2), a dead weight holding her back from enjoying youth. She promptly shifts the burden of care onto Parthenia (Lisander's daughter) – "make some spoon-meat for your father, / And warm three night-caps for him" (3-4) – and then recoils at the very thought. Almost in the same breath, she replaces this vision with another, one of the most vivid in the play, imagining herself "tumbling in cold baths" (11) and whitening her skin with "bean-flour bags" (12); all rituals designed to restore her youth and desirability. The fantasy expands into a lively banquet scene, in which "seven of the prop' rest men i'th' dukedom" (14) compete for a kiss she values so highly it must be guarded for weeks. Confinement becomes excess, and the weakness of her aged husband is reimagined as a festive contest of masculine rivalry and the subsequent precondition for renewed erotic possibility. Her conclusion – "This is a life for nineteen" (18) – states the contrast directly: she should be living in pleasure, not sitting near the deathbed of an octogenarian. Nor does she keep this insight private. When Parthenia enters, Eugenia offers what amounts to a lesson in temporal strategy: "But always take age first to make thee rich; / That was my counsel ever, and then youth / Will make thee sport enough all thy life after. / 'Tis time's policy, wench" (128-31). Tellingly, "time's policy" frames the exploitation of temporal intervals not as impulse but as a female art that can be taught. Parthenia's reply – "An honest man's worth all, be he young or grey" (138) – supplies the expected moral correction, but does not refute Eugenia's logic; it simply refuses to engage with it. In this sequence, widowhood is reconceived as a deferred gratification, and the Duke's decree as a schedule regulating that pleasure. From this point, Eugenia begins to act as though she were both wife and widow, claiming the freedom of the latter while still bound to the former. In so doing, she proves most disruptive, for she refuses to treat wifedom and widowhood as sequential categories, demonstrating instead that they can overlap, and that performance can turn liminality into a resource.

Antigona, finally, represents the limit-case of female response to the above decree. For her, marriage and selfhood are one and the same.¹¹ When her husband Creon is sentenced, she insists the edict tolls for her too, pledging to die “arm-in-arm” (I.i.276) with him. Her temporal logic is the inverse of Eugenia’s: Eugenia stretches the interval between decree and death to maximise advantage; Antigona, by contrast, tries to compress it, condensing her remaining years into “days, / To hours, or minutes” (273-74) in order to synchronise her death with Creon’s. Time, for Antigona, is not a resource but a distance to be abolished. Yet this absolute devotion does not hold. As Creon is led to execution, she breaks into open protest – “’Tis cursèd tyranny!” (II.i.137) – revealing the strain placed on such idealised self-sacrifice. The play itself grants Antigona little more than this single gesture: she is the least developed of the four women, as though *The Old Law* has limited interest in a response that, while extreme, poses no structural threat.

These four responses throw Eugenia’s approach into relief. Hippolita intensifies prescribed duty; Agatha fades to comic irrelevance; Antigona embraces self-annihilating loyalty. Eugenia alone thinks ‘through’ the law and develops strategic countermeasures. Yet the differences also turn on how each woman handles time. Dunnum (2025) argues that the Duke’s law imposes a chrononormative regime designed to regulate succession and reproduction, and that characters subvert it in various ways – forging records, compressing intervals, performing youth – each targeting the content of time. Eugenia’s strategy differs in kind, and it is here that Dunnum’s reading, acute as it is, stops short. He calls her “the perfect citizen of Epire and the perfect vehicle for its law” (Dunnum 2025, 239), one who embraces its chrononormative values, and in one sense he is right: she does endorse the system’s equation of wealth with strategic remarriage. But Dunnum treats this alignment as ideological rather than structural – his interest lies in the values she endorses, not in how

¹¹ The name Antigona directly recalls Sophocles’ *Antigone* (Masten 2007, 1341), emblematic of female rebellion; however, in *The Old Law*, the association turns ironic, as Antigona’s total submission to patriarchal law inverts the classical archetype.

she manipulates the temporal categories through which such values operate. Unlike the others, who alter time's content, Eugenia exploits its structure. She performs widowhood while still legally married, showing that the categories of wife and widow can overlap rather than simply succeed one another. The law assumes that time-defined social identities are mutually exclusive and externally verifiable; Eugenia, by contrast, exposes this assumption as a fiction, not by resisting the system but by working within its exact deadlines, treating the months before Lisander's execution as a futures market in which she can negotiate her remarriage while still formally a wife. This is why she alone is punished not for cheating the clock but for demonstrating that the clock's categories were never as fixed as the law required them to be.

3. Strategic Theatricality

If Hippolita stands for loyalty and Agatha is reduced to uselessness, Eugenia responds to the Duke's edict by turning it into theatrical opportunity. More than any other character, she grasps that her survival depends on role-playing, and she shifts between identities with calculated ease. She explicitly names her practice "dissembling", feigning the part of the grieving wife only as long as it serves her purpose. Yet the same theatricality that grants her temporary power also hastens her undoing, for once her performance threatens the sanctioned script, the Duke steps in to reassert it, pulling Eugenia back into line. The gesture recalls the Duke's sudden reappearance in *Measure for Measure*, another play in which disguised sovereign authority reasserts control over subjects who have somehow improvised beyond their assigned roles – and one that Middleton knew intimately, having revised it.¹² The Duke's decree, however, was always a moral test rather than a genuine law, so every character's response was being observed and evaluated from the start. Eugenia's performance most fully exposes what the test was designed to reveal: not mere selfishness

¹² The scholarly consensus, established through the textual work of the Oxford Middleton project, now attributes *Measure for Measure* to a Middleton adaptation of c. 1621.

or opportunism – the male characters display those too – but, as already stated, a systematic capacity to analyse and exploit the structures of patriarchal authority.

The point is sharpest when she tricks Hippolita into betraying Leonides's hiding place, having explicitly outlined her method beforehand:

Art, I must use thee now.
Dissembling is the best help for a virtue
That ever woman had; it saves their credit often. [*She seems to weep.*]¹³ (II.ii.139-41)

Three points are worth pausing over here. First, calling on “Art” shows that she conceives of deception as a skill and not just a whim, echoing early modern theories of strategic dissimulation.¹⁴ Second, she reverses the conventional moral valence: dissembling “saves [women's] credit”, recasting deceit as a form of virtue. Third, the stage direction “[*She seems to weep.*]” exposes the gap between inner feeling and outward display, letting the audience in on her skilful performance. That gap widens when she deploys calculated excess to trigger sympathy. Aware that Hippolita's virtue makes her vulnerable to emotional appeals – especially from another woman seemingly constrained by the same patriarchal forces – Eugenia performs suffering so convincingly that Hippolita reveals the secret of Leonides's

¹³ Kimura notes that early modern audiences viewed such displays with suspicion: “[The widows'] histrionic, often violent, gestures enable them to command the stage and overwhelm the audience” (Kimura 2023, 69). She further observes that “There was even fear that widows' lamentation was only feigned to attract new lovers” (75).

¹⁴ Early modern dissimulation was theorised as a disciplined art requiring rigorous self-analysis and a repertoire of techniques such as reticence, taciturnity, and strategic ambiguity (Snyder 2009). For male courtiers, the practice was celebrated as legitimate: Baldassare Castiglione's *The Book of the Courtier* (1528) presents it as a refined art of self-presentation, and Torquato Accetto's *Della dissimulazione onesta* (1641) offers one of the earliest systematic defenses of concealment as an honest strategy for those lacking direct power. However, women were largely excluded from this credit. Some moralists, such as Charron, policed women's frankness as ‘unbecoming’ and naturalised female concealment, refusing to acknowledge it as rational mastery (see Snyder 2009). Contemporary conduct literature reinforced this distrust: Juan Luis Vives's *The Instruction of a Christian Woman* (1524) urges plain, truthful speech and forbids ‘subtle and crafty’ behaviour, effectively proscribing dissimulation; William Whately's *A Bride-Bush* (1617) similarly reinforces wifely subordination and condemns behaviours which unsettle that order. See also Janet Clare (1990) on how authority policed suspect performances and speech.

concealment; but as soon as she exits, Eugenia drops the mask: “Easy fool, / Thou hast put thyself into my power forever” (II.ii.200-01). Solidarity is exposed as a trap, and grief as a weapon turned to tactical advantage. In a system that makes women compete for a limited stock of social capital – marriage, property, male protection – solidarity between women is structurally precarious. Hippolita’s openness and Eugenia’s exploitation are not opposite moral dispositions but complementary results of the same patriarchal economy, which offers women so narrow a field of action that one woman’s gain necessarily comes at another’s cost. With the information secured, Eugenia immediately recruits Simonides as her instrument, scripting his role with epigrammatic precision: “He you shall strike; your stroke shall be profound, / And yet your foe not guess who gave the wound” (III.ii.313-14). She is no longer merely performing: she is directing others in a plot of her own authorship.

Her composure under pressure is equally revealing. When Cleanthes confronts her directly, labelling her a whore, her responses are studiously impassive: “Do you call, sir?” and “How do you, sir?” (262;264), as though receiving social courtesies rather than insults. She refuses to acknowledge Cleanthes’s words as injuries, treating patriarchal naming as mere noise. Her summary – “All this is nothing to a mind resolved; / Ask any woman that, she’ll tell you so much” (291-92) – implies that any woman with sufficient resolution can neutralise the force of male speech: words wound only when the listener grants them authority.

With Hippolita duped, Eugenia deploys the same art of ambiguity with her suitors, keeping options open through deliberate equivocation:

Excuse me, gentlemen, ’twere as much impudence
In me to give you a kind answer yet,
As madness to produce a churlish one.
[...]
I set no time,
Nor is it mannerly to deny any. (93-97)

By balancing “impudence” against “madness”, she holds herself between extremes and gains freedom to act. Widowhood is, in this moment, staged as a role in rehearsal, with Eugenia’s suitors reduced to spectators of her self-staging.

The contrast with her husband Lisander, whom Rowe calls a “grotesque example of ‘mixt monstrousness’” (1975, 197), sharpens the line between physical disguise and social performance. But Eugenia has orchestrated the scene from the start, inviting the courtiers to watch – “Laugh softly, gentlemen, and look upon him” (III.ii.44) – and managing the performance when it threatens to collapse: “‘Slight, an you laugh too loud, / We are all discovered, gentlemen” (70-71). She is at once narrator, director, and audience, staging her husband’s humiliation as entertainment for her suitors. The distinction she draws is mocking in its precision:

I’m sure his head and beard, as he has ordered it,
Looks not past fifty now; he’ll bring’t to forty
Within these four days, for nine times an hour at
least,
He takes a black lead comb and kembs it over.
Three quarters of his beard is under fifty;
There’s but a little tuft of fourscore left
All of one side, which will be black by Monday. (36-42)

Her exact counting – “nine times an hour”, “three-quarters of his beard” – underscores how mechanical and external Lisander’s artifice is: he treats disguise as a quantitative problem, believing that perfecting the surface will suffice to deceive. Eugenia, by contrast, manipulates perception, stages ambiguity, and orchestrates interactions to control her suitors; the audience, meanwhile, privy to her strategy through asides and stage directions, witnesses the mechanism of that control. In the end, Lisander’s disguise fails because it depends on visible signs alone; Eugenia succeeds, for a time, because she commands the invisible codes of behaviour and expectation.

Her final act of defiance marks both the culmination and the limit of this strategy. Confronted by Cleanthes for betraying Leonides, she discards the mourning mask and speaks in the language of calculation:

Now, coz, we're even; an you be remembered
You left a strumpet and a whore at home with me,
And such fine field-bed words which could not cost
you
Less than a father. (IV.ii.215-18)

Eugenia reduces betrayal to a form of calculable exchange, treating blood, honour, and property as negotiable currency, with "father" as the ultimate price. And when Cleanthes later raises his sword, Eugenia commands her suitors to defend her – no longer comic wooers, but her private militia. The scene peaks with her notorious declaration of appetite, delivered as if in an aside, which lays bare her self-conscious theatricality: "'Tis dainty, next to procreation fitting: / I'd either be destroying men or getting" (V.i.255-56). Crucially, her insistence – "I will not lose so glorious a revenge / Not to be understood in't: I betray him, / And now we're even; you'd best keep you so" (IV.ii.224-26) – makes clear that she wishes her performance to be recognised as strategy, not passion. Yet this is her undoing: a strategy that insists on being admired as such ceases to be manipulation and becomes defiance – and defiance can be punished.

However, the play will not allow her to dominate the stage. In Act V, the Duke declares the decree a moral test and punishes Eugenia with ten years of forced widowhood, locking her into the role she tried to master but now must endure. The punishment is both theatrical and legal, for it overwrites her improvisation with an official judgment. In this sense, Eugenia's fault stems not from miscalculation but from overreach, as she attempts to appropriate the playwright's power, only to be reminded that she remains part of the cast, her freedom to manoeuvre cut off by a patriarchal script that reclaims control over her body and voice.

4. The Duke's 'New Law'

In Act V, Eugenia's plan comes to an end – though not as she envisioned: she achieves neither clear victory nor tragic downfall; instead, she becomes trapped in a new liminal state, suspended between social recognition and banishment. This resolution comes through the Duke's final intervention, staged as a *deus ex machina*, which rewrites the play's framework, turning time – once Eugenia's chief resource – against her.

The Duke's proclamation enforces control through the rhetoric of law: wives who "shall design the[ir] husbands' death to be soon rid of them and entertain suitors in their husbands' lifetime [...] Shall not presume, on the penalty of our heavy displeasure, to marry within ten years after –" (V.i.318-26). So prolonged a prohibition¹⁵ aims to neutralise female agency altogether; the verb "design" locates the offense in careful planning, marking the female mind as the real threat. Under the 'new law', widowhood becomes a form of legal half-life, a 'civil death' in which women are denied all social agency and confined to symbolic existence. As noted by Asp, the ending stages a moral trial in which false virtue is unmasked and true loyalty rewarded, so that order is restored at the expense of those, like Eugenia, who expose its contradictions. Eugenia's strategic wit complicates this reading, since the same qualities that make her the play's most intellectually formidable character also ensure her erasure: the ten-year ban and her vanishing from the stage mean her example will not circulate. The irony is that even in defeat, Eugenia continues to think strategically – "That law's too long by nine years and a half; / I'll take my death upon't; so shall most women" (327-28) – while the Duke's law makes her calculation worthless,

¹⁵ There is no clear evidence of a fixed decade-long interdiction in contemporary law or custom. Roman tradition recognised an *annus luctus* (roughly a year, sometimes framed as ten months) mainly to prevent paternity confusion. English ecclesiastical practice did not impose a universal waiting period, and prescriptive advice tends to moralise against haste rather than specify a set term. Against this backdrop, the play's ten-year ban reads unmistakably as punitive hyperbole.

extinguishing the possibility of change by fixing widowhood in a protracted in-between state.

The asymmetry sharpens when Eugenia's punishment is set beside the male offenders'. Simonides, for instance, is given the chance to reform after his manipulation of the law:

Simonides: Fathers, reverend fathers, as you ever hope to have good sons and heirs, a handful of pity.
[...]
Creon: Well, sir, rise to virtues! We'll bound you now.
You that were too weak yourselves to govern,
By others shall be governed (569-81).

The language casts his transgression as part of a learning process within the existing male-led system, and his cunning is treated as a youthful misstep that can be remedied.¹⁶ Gnothoes's case sharpens the disparity. Labelled as 'the Clown' in the play's speech prefixes, his subplot works as the comic parallel to the main plot's treatment of the decree: his violations and open manipulation of the law far exceed Eugenia's, yet the generic conventions of the clown role absorb his transgressions into farce, and his punishment is comparatively mild, amounting to nothing more than a return to his first wife. His closing lament – "All hopes dashed, the clerk's duty's lost, venter gone, my second wife divorced, and (which is worst) the old one come back again" (528-30) – reads as humorous resignation rather than moral reckoning. It is clear that both men exploit the law as systematically as Eugenia, but their offences are dismissed as momentary lapses, while hers are treated as a dangerous and socially threatening insight.

¹⁶ Contemporary educational treatises reinforce this assumption. Roger Ascham's *The Schoolmaster* (1570), for instance, argued that young men's intellectual errors stemmed from inexperience rather than fundamental incapacity, calling for correction rather than suppression. The play's treatment of Simonides echoes this model, framing his opportunism as an immature expression of legitimate masculine reasoning to be redirected, not punished.

Eugenia alone faces erasure through indefinite social suspension because she demonstrates that women can think strategically, understand the mechanisms of power, and act by calculation rather than from impulse. Tellingly, the Duke does not refute her reasoning; he rewrites the rules instead, making such reasoning impossible. As a result, unlike the male transgressors of the law, who are merely disciplined and reabsorbed, Eugenia is obliterated: she vanishes after protesting her punishment, as if too disruptive even to appear onstage – thus excluded from confrontation, denied return, and barred from the comic closure that reconciles others. Her last words are a refusal: “Of all the rest, I’ll not be judg’d by her” (332) – rejecting Hippolita’s authority to the end. The play gives her no exit direction, no farewell, no stage business. Gnothoes is granted an elaborate comic lament that allows him to process his defeat publicly and remain onstage through the final resolution; Simonides kneels, pleads, and is forgiven; even the Cook and Butler speak. Eugenia, by contrast, is written out not only of the social order, but also of the play itself. The stage enforces what the Duke’s sentence prescribes: silence.

However, the void she leaves is quickly filled by Hippolita, whom the Duke identifies specifically as “wife of Cleanthes” (V.i.330), defining her entirely through relational identity and installing her as the embodiment of the restored patriarchal order. The Duke interprets Hippolita’s fainting at the sight of her father-in-law’s return as a sign of virtue – “One faints for spleen and anger; she, for grace” (339). Bodily weakness becomes the token of moral strength, while strategic female wit can only be read as corruption.

This resolution works because *The Old Law* is a tragicomedy – despite the 1656 edition’s designation of it as an “Excellent Comedy” – and tragicomedy allows for precisely this kind of suspension. Tragedy would have granted Eugenia a proper death scene that acknowledged her wit even in punishment; comedy would have offered her reintegration into society, usually through marriage or another conventional closure. Tragicomedy, by contrast, permits a suspended resolution, which, in this case, enables the Duke’s sentence. Eugenia is not killed, nor forgiven, nor married off; she is simply frozen in place. The play



itself articulates this doubleness directly: Gnothoes observes that “one goes out to wedding, another goes to hanging” (87-88) and that the two are formally alike. In *Epire*, comic and tragic endings are interchangeable for everyone except Eugenia, who receives an ending that is neither. Her real offence, then, is not the incontinence alleged by the Duke (V.i.329) – a charge the play allows its male characters to embody freely – but the intelligence that exposed the law’s loopholes. Thus, the Duke’s closing couplet – “The good needs fear no law; / It is his safety, and the bad man’s awe” (623-24) – reasserts a rigid moral order that leaves no room for Eugenia’s ambivalent position. The couplet traps her between guilt and virtue, and freezes her on the edge of the movement “from death to life, the past to the future, and tragedy to comedy” (Rose 1988, 159, qtd. in Kimura 2023, 157). She is prevented from crossing the threshold she tried to manipulate; what she perceived as agency is, in the end, reclaimed as control. For a moment, Eugenia envisions what a different dramaturgy written by female wit might look like; but *The Old Law* is not ready for such a script, and tragicomedy ensures it never gets performed.

Bibliography

- Asp, Carolyn. 1974. *A Study of Thomas Middleton’s Tragicomedies*. Salzburg: Institut für Englische Sprache und Literatur, Universität Salzburg.
- Barker, Richard Hindry. 1958. *Thomas Middleton*. New York: Columbia University Press.
- Botelho, Lynn A. 2004. *Old Age and the English Poor Law, 1500-1700*. Woodbridge: Boydell Press.
- Bromham, Anthony A. 1984. “The Contemporary Significance of *The Old Law*.” *Studies in English Literature 1500-1900* 24, no. 2: 327-339.
- Cavallo, Sandra, and Lyndan Warner. eds. 1999. *Widowhood in Medieval and Early Modern Europe*. London: Longman.
- Clare, Janet. 1990. *Art Made Tongue-tied by Authority*. Manchester: Manchester University Press.
- Dunnum, Eric. 2025. *Middleton and Time: Clocks, Calendars, and Temporality*. Cham: Palgrave Macmillan.
- Foyster, Elizabeth. 1999. “Marrying the Experienced Widow in Early Modern England: The Male Perspective.” In *Widowhood in Medieval and Early Modern Europe*, edited by Sandra Cavallo and Lyndan Warner, 108-124. London: Longman.



- Froide, Amy M. 2001. "Old Maids: The Lifecycle of Single Women in Early Modern England." In *Women and Ageing in British Society since 1500*, edited by Lynn Botelho and Pat Thane, 94-117. London: Longman.
- Kimura, Asuka. 2023. *Performing Widowhood on the Early Modern English Stage*. Berlin/Boston: De Gruyter.
- Masten, Jeffrey. 2007. "An/The Old Law." In *Thomas Middleton: The Collected Works*, edited by Gary Taylor and John Lavagnino, 1331-1396. Oxford: Oxford University Press.
- Mendelson, Sara, and Patricia Crawford. 1998. *Women in Early Modern England, 1550-1720*. Oxford: Clarendon Press.
- Panek, Jennifer. 2004. *Widows and Suitors in Early Modern English Comedy*. Cambridge: Cambridge University Press.
- Pelling, Margaret. 1991. "Old Age, Poverty, and Disability in Early Modern Norwich." In *Life, Death, and the Elderly: Historical Perspectives*, edited by Margaret Pelling and Richard M. Smith, 74-101. London: Routledge.
- Rose, Mary Beth. 1988. *The Expense of Spirit: Love and Sexuality in English Renaissance Drama*. Ithaca, NY: Cornell University Press.
- Rowe, George E. Jr. 1975. "The Old Law and Middleton's Comic Vision." *ELH* 42, no. 2: 189-202.
- Schen, Claire S. 2001. "Strategies of Poor Aged Women and Widows in Sixteenth-Century London." In *Women and Ageing in British Society since 1500*, edited by Lynn Botelho and Pat Thane, 13-30. London: Longman.
- Schotland, Sara. 2013. "Forced Execution of the Elderly: *Old Law*, Dystopia, and the Utilitarian Argument." *Humanities* 2, no. 2: 160-175.
- Snyder, Jon R. 2009. *Dissimulation and the Culture of Secrecy in Early Modern Europe*. Berkeley: University of California Press.
- Taylor, Gary, and John Lavagnino. eds. 2007. *Thomas Middleton: The Collected Works*. Oxford: Oxford University Press.
- Todd, Barbara J. 1985. "The Remarrying Widow: A Stereotype Reconsidered." In *Women in English Society 1500-1800*, edited by Mary Prior, 54-92. London: Methuen.
- Toulalan, Sarah. 2016. "'Elderly years cause a Total dispaire of Conception': Old Age, Sex and Infertility in Early Modern England." *Social History of Medicine* 29, no. 2: 333-59.
- Waith, Eugene M. 1952. *The Pattern of Tragicomedy in Beaumont and Fletcher*. New Haven: Yale University Press.

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