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MUTABILITIE'S PLEA BEFORE DAME NATURE'S BAR

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"So was the Titaness put down and whist,
And Jove confirmed in his imperiall see."¹

A first reading of Spenser's "Cantos of Mutabilitie" leaves the reader stunned at the directed verdict handed down by Dame Nature to Mutabilitie's plea for rule over heaven and earth. Spenser's narrator is obviously affected by Mutabilitie's eloquent plea for judgment: "though she all unworthy were / Of the Heav'ns Rule; yet very sooth to say, / In all things else she bears the greatest sway." Through her effective forensic argument, Mutabilitie has brought the audience to the "right state of feeling."² The weight of the evidence seemingly supports Mutabilitie's claim; even Dame Nature concedes "that all things stedfastnes doe hate and changed be."

How then does the reader reconcile the apparent contradiction of Mutabilitie's lifelike characterization, the emotional involvement between speaker and audience, and the preponderance of evidence with Dame Nature's directed verdict on Jove's behalf?

For modern readers inundated with a barrage of biased advertisement and media "hype," the art of persuasion "in practice, is not committed to any order." It is the product of intuitive jumps, flashbacks and revisions of the associative mind contingent upon on-the-spot analysis.³ For the Elizabethan rhetorician, however, the Aristotelean tradition of classical argument demanded an elaborate system of artistic and non-artistic proofs (Cooper, p.8) arranged in a deliberately artificial pattern. Classical writers have divided the argument into five, six, or seven parts based on conflation or expansion of the independent elements. Here I have used six divisions: exordium, narration, division, confirmation, refutation, and peroration to explain Mutabilitie's forensic argument. Forensic or judicial rhetoric, which has to do especially with legal trials, may be in the form of attack or defense. All forensic arguments have in common several elements: 1) the litigants; 2) accusation or defense; 3) judgment of past action; 4) the ends of justice or injustice; and 5)

the most important element — to bring the judge to the right state of feeling while stating the proofs and examination of evidence for the purpose of examining both sides of an issue to discover the truth.

Canto vi portrays Mutabilitie as a rebel goddess attempting to oust Cynthia from her throne and to replace Jove as ruler of heaven and earth. In the opening stanzas of canto vii, Spenser has set the scene for a cosmic trial: plaintiff Mutabilitie confronts defendant Jove before the celestial assembly of gods and Dame Nature enthroned as judge.

In strict accord with the classical rules of invention, the purpose of argument is to evince, through speech, a personal characteristic that will win the confidence of the listener, engage the listener's emotions, or to prove a truth, real or apparent. To prove his argument, a speaker employs artistic and non-artistic proofs. The proofs, along with topics and commonplaces, are the three main branches of Invention, which is the finding or discovering of material pertinent to the cause. The non-artistic proofs are adventitious (e.g. witnesses, forced confessions, contracts, oaths). The artistic proofs are those worked out by the speaker himself, using his own art and invention. They are of three types: 1) Ethos, or proof deriving from the moral character of the speaker himself; 2) Pathos, or emotions induced in the audience — their favorable reactions to the orator's words; and 3) Logical Proof, or demonstration of the case by means of argument necessitating the use of example, maxim, enthymeme or syllogistic logical procedures. The topics are approved ways of investigating a chosen subject, and the commonplaces are those topics of argument which are common to different subject areas. Spenser develops Mutabilitie's forensic argument for sovereignty over heaven and earth. Canto vii, stanzas 14 through 56, comprise Mutabilitie's indictment of Jove and her request for summary judgment based on a preponderance of evidence. In the exordium or introduction (vii, 14), Mutabilitie ingratiates herself as "humble suppliant" to win the favor of the judge, that "equal mother" and "greatest goddess," Dame Nature. The narration, or statement of the case (vii, 15 and 16), raises issues of historical fact and "dew descent" from the Titan line. Next the division (partitio) combines with the proposition to state the thesis (vii, 17, 1-2) in which Mutabilitie asserts that it is she — and not Jove — who keeps the "worlds most regiment" in "thrall." The non-artistic proofs of the confirmation, in which Mutabilitie establishes her case in the argument proper by means of the trial's witness-pageant, continue through stanza 46 with the appearance of Life and Death. Jove follows with the refutation, and Mutabilitie counters with her artistic logical proofs.⁴ Finally, the peroration concludes the forensic appeal with a brief summary in order to bring the action before the judge's eyes as vividly as possible, and to appeal to the tender

feelings of the audience. Spenser's trial is a compendium of classical rhetorical technique emphasizing natural and positive law in the hierarchical structure of the Ptolemaic universe.

The care with which Spenser has established Nature as the law-giver and orderer of life in canto vi is reiterated in the introduction of Mutabilitie's argument. She reminds us that Dame Nature is of "gracious Majesty" and "far greater than any of the gods." The concept of Nature as the "viceregent of God the creator"⁵ is implicit in the role which Nature plays in the trial and explains the transition from Nature to the God of Sabbaoth at the end of the canto. The laws of Nature — unwritten, universal, divine — and common to all men, are fundamental to life and order.⁶

The classical gods themselves are here symbols of the natural law, unwittingly fulfilling the destiny of their courses. For Elizabethan society, Hooker's *Laws of Ecclesiastical Polity* had established the direction and guiding power of the "heavens and elements of the world." "This direction is called Providence, known to the ancients as natural destiny. It is the spirit of God which animates natural agents, and 'Nature therefore is nothing else but God's instrument.'"⁷

Spenser's enthronement of majestic Nature implies an Aristotelian concept of the "natural" basis of civil society: "pactum unionis" and "pactum subjectionis."⁸ Guided by these two principles of Social Contract, a group of people not only form an organized society, but they agree to yield their power to a chosen authority. By mutual consent, Mutabilitie and Jove have agreed to abide by Nature's judgment. Thus, the implied theories of the Divine Right of Kings and Social Contract are interwoven in the classical exordium to predicate Mutabilitie's deference to Dame Nature.

The narration raises the issue of historical facts surrounding Mutabilitie's complaint against Jove. Mutabilitie once again alludes to Nature's superior powers, invoking her acknowledgment of Mutabilitie's right to rule by reasons of heritage and "dew descent." Canto vi has established Mutabilitie as a descendant of the mythical Titans whose "antique race and lineage ancient" are recorded in the permanent records of Faerie Land. She asserts it is through "guilefull meanes" that Titan's heirs have been "wrongfully from heauen exil'd." By introducing the mythical Titans, Spenser suggests a plurality of allusions to the reader. The Titans' king was Cronus (Time). Jove, Cronus' son, dethroned him and established the order of the gods. But some descendants of the original Titans survived, and Spenser's character, Mutabilitie, has come to challenge the existing order. The Divine Right of Kings and the rights of succession intertwine with notions of temporality — past and present — which are inherent in Mutabilitie's reminder of her heritage and in her immedi-

ate plea. They lead inexorably to the future-oriented outcome "which points beyond itself to eternal truth."⁹ It is a restatement of "natural destiny" generated by Nature's law.

Coterminous with Natural Law, the Renaissance principles of Social Contract and Status are inherent in the non-artistic proofs of background and lineage claimed by Mutabilitie. These adventitious rhetorical proofs have their origin in positive (human) law (Davis, p.51). They inculcate Hooker's underlying principle that human laws are "based upon consent." Emphasizing the advance from a "level of social banditry to evolved judicial process," Owen Barfield further observes that lawful actions "grew out of the whole history of English social life."¹⁰ A genealogical perspective of Mutabilitie's history of "dew descent" corresponds to notions of Status derived from and colored by "powers and privileges anciently residing in the Family,"¹¹ in which legal rights and position are determined by ancestry and testamentary inheritance. Mutabilitie, as a representative of the rightful heirs of heaven, seeks to expose the social banditry perpetrated by Jove.

Having established proper genealogical rights in the narration, Mutabilitie states her thesis in the division: "Yet mauger Jove, and all his gods beside, / I doe possesse the worlds most regiment. . . ." Mutabilitie begins with the proposition she wishes to prove — the world, in all its representative parts, is already subject to her. The contentious goddess of canto vi asserts her honors and rights in the larger cosmic order, hoping to establish the justice of her claim.

Having established her first argument of the "whole" and its "parts" (vii, 17, 3-4), and providing she can demonstrate subjection of all the world's parts, Mutabilitie contends it follows logically that she is the world's rightful sovereign. It is in this confirmation (stanzas 17 through 26) that Mutabilitie systematically displays and summarizes her powers over the elements — Earth, Water, Ayre and Fire. The physical properties of man and beast (birth/death, youth/age), as well as man's intellectual faculties, attest to the changing cycle in the "earthly slime." Mutabilitie maintains that oceans, rivers, lakes, pools and streams are "tost, and turned, with continuall change." Ayre, blasted, blown and buffeted "every houre is changed." Even seemingly unquenchable fire extinguishes itself from a roaring inferno to barren ash.

Mutabilitie's dynamic influence over the elemental forces of the universe raises the oration to a higher level in the evolutionary judicial process from the historical social banditry implied in the narration and canto vi to legal rights by virtue of "deeds," (Fletcher, p. 172) emphasized in the confirmation. British civil law "by Status" ultimately evolved into law "by Contract," dependent on the "deeds" a man chose to do of his own free will. Sir Henry Maine

associates a movement from Status to Contract as the movement of a progressive society. Spenser here has incorporated basic tenets of sixteenth-century British jurisprudence as non-artistic proofs cited by Mutabilitie to develop the authenticity and validity of her forensic appeal. The progressive rhetorical argument parallels the advance of positive law from social banditry to personal exploit, and keeps pace with the development of Mutabilitie's character from rebellious goddess to rational appellant before Nature's bar.

The confirmation (stanzas 27 through 46) continues with pictorial rather than verbal argument; Mutabilitie demands of Nature the "verdit of thine eye." The characters of seasons, months and divisions of time appear as witnesses integral to Mutabilitie's case. "Lusty Spring," full of "freshly budded" life degenerates into the "feeble steps" of hoary Winter, symbolic of tribulation and the end of mortal life. The pageantry of the months bears witness to Mutabilitie's non-artistic proofs of changing existence from the "womb" to the mature labors of January and February. The Howres, Day and Night symbolize a familiar topic of rhetorical investigation — natural time (Rix, p. 83). Complete with the characters, Life and Death, the pageant as argument has been designed to prove Mutabilitie's rule over time.

By a skillful presentation of argument and pictorial evidence, by introducing the Virgin Howres, forever changing yet nonetheless "faire daughters of high Jove," Spenser has prepared the way for the confutation or refutation in which Jove attacks and attempts to refute Mutabilitie's argument. The rhetorical transition from argument to dialectic begins in stanza 47:

Lo, mighty mother, now be judge and say,
Whether in all thy creatures more or lesse
Change doth not reign and beare the greatest sway:
For, who sees not, that Time on all doth pray?

(vii, 47, 2-5)

This is the division of the classical oration which permits Mutabilitie to answer or discredit any arguments which may be raised against her. By *permissio* (vii, 47, 2-3) and the "rhetorical question" (*interrogatio* [vii, 47, 5]), Mutabilitie introduces her first artistic proofs of deductive enthymeme. "Times do change and move continually" expresses a general maxim which cannot be denied, and Mutabilitie concludes, therefore, that all things are subject to her. Jove in rebuttal concedes that all things "are chaunged of Time," but counters with his own enthymeme — the gods of heaven rule over Time, and, therefore, rule Mutabilitie.

Mutabilitie's refutation continues with further interrogation (stanza 49), and she proceeds with systematic proof in the following stanzas that even the

gods "likewise changed" are subject to her. She develops the argument on topics of birth (mortality of Cynthia and Jove), previous actions (the history of Saturn and Jove), bodily constitution (changing "hew" and "countenance") and natural disposition ("power and virtue" and "your owne natures change") (Rix, pp. 83-84). The formal refutation is completed with the deductive syllogism of stanza 55:

Onely the starrie skie doth still remaine:
 Yet do the Starres and Signes therein still move,
 And even it self is moved, as wizards saine.
 But all that moveth, doth mutation love:
 Therefore both you and them to me I subject prove.

(vii, 55, 5-9)

Having developed a systematic argument evincing change in the sphere of the gods, and basing her evidence on scientific proof of change even in the firmament of the fixed stars, Mutabilitie concludes that she has proven logically the subjection of all things in Ptolemaic universe to her rule. Ptolemy was a Roman astronomer born in Egypt during the 2nd century A.D.; after his death, for nearly 1500 years, his account of the design of the universe was accepted as standard. The usual arrangement is Earth, the sphere of the Moon, Mercury, Venus, the Sun, Mars, Jupiter, Saturn, the Firmament, the Crystalline Sphere, the Prime Mover, and the Empyrean. The Earth is the center of the universe, with the sun, planets, and fixed stars set as transparent spheres around it. Hell was under the Earth's surface, with Heaven set in the Empyrean. Spenser has reversed the order of Jupiter (Jove) and Saturn possibly to emphasize their attributes of permanence and change, the overlapping astrological and astronomical confluence of their spheres, or the mythological significance of Jove's usurpation of Saturn's rightful place as ruler of the gods. Sherman Hawkins and Alastair Fowler have dealt in-depth with these issues. (Bibl. citations 15 and 16.)

There follows the conclusion (stanza 56) which briefly summarizes Mutabilitie's case, praising the Chief Justice ("O thou greatest goddesse trew!"), and ending in a final appeal by means of *permissio*. Confident of success, Mutabilitie rests her case.

Rhetorically precise, factually accurate, compellingly expressed, Mutabilitie's argument is nonetheless flawed.

"The relationship of means to ends, the possibility of skills and techniques being put to dishonest uses, has always been the most vulnerable aspect of rhetorical theory."¹² Contrary to the amorality of the sophists who emphasized winning a case irrespective of its merits, of the feelings generated, or of

personal beliefs, classical orators in the Ciceronian and Aristotelian tradition professed that man achieves excellence in his devotion to the ideal of eloquent wisdom. "Cicero's call is for synthesis, the union of *res* and *verba*, of thinking and speaking, of ethics and style" (Dixon, p.17). It is this emphasis on rhetorical style and the ethical presentation of an argument which influenced Renaissance writers such as Spenser and Milton. Milton's condemnation of Belial in Book II of *Paradise Lost* emphasizes the process of analysis, or critical reading, which the modern reader must employ in attempting to reconcile the seeming validity of Mutabilitie's argument with Dame Nature's verdict. ("But all was false and hollow; though his Tongue / Dropt Manna, and could make the worse appear / The better reason, to perplex and dash / Maturest Counsels . . ." 110-15). Consistent with the classical and Renaissance traditions of eloquent wisdom, Mutabilitie's argument can be judged on the basis of standards of critical analysis: truthfulness, ethics, effect and validity.¹³

Dame Nature must decide the issues of fact on the evidence presented. Mutabilitie's non-artistic rhetorical proofs have established her ancient lineage by means of *peristasis*, "an almost obligatory topos of classical legal presentation."¹⁴ Coterminously, the proofs have established the issues of natural and positive law relevant to the case and fundamental to the question of Mutabilitie's rule over heaven and earth. The elements, planets, even Life and Death are subject to Mutabilitie's sway according to the laws of Nature. Dame Nature does not counter with evidence; there is no refutation of the truthfulness of Mutabilitie's argument for change.

The ethical value of Mutabilitie's appeal is characterized by her desire to establish the truth of her claim over Jove. The consequences of her action will determine Mutabilitie's right to rule or her subjugation. She establishes good intent by her decision to abide according to the rules of Nature. Mutabilitie acknowledges Nature's sovereignty by abandoning her rebellious attitude and adopting the approved mode of conduct — judicial contest. Social banditry gives way to rational argument; to prove her virtuous intentions, Mutabilitie abandons the destructive forces of change she engendered in canto vi. She, who has broken the laws of Nature, Justice and Politie in open rebellion, comes as humble suppliant before Nature's bar "seeking for Right."

The ultimate purpose of forensic rhetoric is to bring the judge to the "right state of feeling." Cognizant of her audience, Mutabilitie aims to prove the sincerity of her appeal, the truthfulness of her argument. Prostrate before Nature, Mutabilitie presents her plea with "meek obeysance and humilitie," acknowledging Nature's superiority and demonstrating by actions what she professes in words. The external context of the message is consistent with the internal language of the argument. Throughout the presentation of evidence

and refutation, Mutabilitie maintains the decorum proper to a trial of cosmic proportion. Final appeal to the "greatest goddesse trew" re-emphasizes her role as humble suppliant.

Plainly, the narrator and reader have been elevated to the "right state of feeling" engendered by the dynamic characterization of Mutabilitie. Dame Nature, too, seems to find for the plaintiff; all things do change as Mutabilitie has alleged. Nature, however, recognizes the fallacy of effect. Bringing the audience to the "right state of feeling" is possible even in the face of specious reasoning. It is incumbent upon Dame Nature as Chief Justice that the validity of Mutabilitie's argument be "rightly wayd."

Although Mutabilitie's argument stresses rhetorical enthymeme and deductive syllogism, the argument can be analyzed by inductive methods of rhetorical validity (Sproule, p. 86).

The sufficiency of supporting data and its relevance to the issues are apparently borne out by Mutabilitie's preponderance of evidence and illustrations of cyclical change in the presentation of fact, witnesses and pageantry. Judging by the standard of rhetorical validity, "an argument is valid when an advocate confronts both the pros and cons and does not attribute more certainty to a claim than can be established" (Sproule, p. 86). As demonstrated by Mutabilitie's syllogistic deductive arguments, she has explicitly asserted her claim on the basis of logical certainty.

The fairness of interpretation is called into doubt, however, by the criterion of incomplete perspective which Nature certifies in her judgment. The omission of significant and relevant data is crucial and central to the shortsightedness of Mutabilitie's claim.

On the basis of factual and abstract evidence, the consistency of Mutabilitie's argument breaks down in the paradoxical pageantry of the months, which simultaneously depict permanence as well as change. Having foretold Jove's "fortunate success" in the first stanza of canto vii, Spenser depicts Nature's Sergeant, Order, dispelling "confusion and disorder" by ushering in Dame Nature, "God's instrument" — "the stay of the whole world" (Davies, p.48). The sensuous imagery of the months and seasons marks the turning point of the forces of disorder. The medieval iconographical tradition, depicting the months and their labors above church portals, in handbooks and encyclopedias, signifies the divisions of time as part of the divine plan and that "by labor, man works out his own plan in it."¹⁵ The seasons appear in orderly repeated sequence disavowing the claim of restless, uncertain flux. The months, likewise, testify to the changes which "work their own perfection" in a physical and spiritual sense. By beginning the seasonal cycle in March, Spenser synchronizes the Church's "Year of Grace" (which

begins with the Annunciation [Lady Day] on March 25th) and the life of Christ with the progress of the seasons — an interplay of grace and nature (Hawkins, p. 90: "Though January continued to be the first month in calendars and almanacs, all official documents in England followed the dating of the "Year of Grace" until the middle of the 18th century.'). By implication, then, the labors Mutabilitie attributes to the seasons are the same labors performed by men. According to Augustine, men labor "not for the love of this world, but for the eternal rest which God promises . . . of that same time when no more change shall be."

Mutabilitie's most blatant error in perspective occurs in regard to this very question of time — temporal vs. eternal. Though Mutabilitie marshals her witnesses — the four seasons, twelve months of the year, Day and Night, the Howres — the days of the week are conspicuously absent. It is her flagrant omission of a fundamental temporal measure which proves to be Mutabilitie's undoing. Under the rules of forensic debate, a defendant who refutes a *prima facie* case (i.e., one which is sufficient to establish the merits of a proposition unless or until the negative side is able to refute it) by identifying a "fatal flaw" in the argument *must* be awarded the decision. (Sproule, p: 374) Mutabilitie's "fatal flaw" of omission allows Jove to raise the issue of Time, a "vertue" poured forth from the "heavenly cell" of the gods. Mutabilitie's immediate review of the seven planets of the Ptolemaic universe recalls that omitted temporal measure which leads inevitably to the consideration of eternity. The correspondence of the seven planets to the seven days of creation cannot be denied, along with the subsequent implications of divine control over not only Time but the entire universe.¹⁶ Placing herself above the fixed firmament in the Ptolemaic universe (vii, 55, 5-6), Mutabilitie has failed to acknowledge the superiority of the great Empyrean, thus exposing the specious reasoning of her deductive syllogism that all things are subject to her (stanza 55).

Mutabilitie's limited perspective has been hinted at earlier (stanza 18) when she proposed that all things "turne again unto their earthly slime." She says later that all things are changed into themselves, "and lose their native might" (vii, 7, 25). Mutabilitie understands part — but not all — of the universal scheme. In her conclusion that all things are subject to "transverse" (i.e., haphazard) change, Mutabilitie has overlooked her avowal of Nature as symbolic orderer of natural physical law. Due to her limited perspective, Mutabilitie fails to acknowledge the mysterious workings of eternal law — all things are unchangeable in their first principles, turning "to them selves at length again." Dame Nature, as God's instrument, animates natural agents through the spirit of the first eternal law — "that order which God before all

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NOTES

1. Edmund Spenser, "Two Cantos of Mutabilitie," from *The Faerie Queene*, in *The Norton Anthology of English Literature*, Vol. 1, 4th Ed., ed. by M.H. Abrams, et al., New York: Norton, 1979), pp. 683-709.

2. Lane Cooper, *The Rhetoric of Aristotle* (New York: Appleton, 1932), p. xlii.

3. James L. Kinneavy, *A Theory of Discourse* (New York: Norton, 1980), p. 266.

4. Herbert David Rix, *Rhetoric in Spenser's Poetry* (1940; rpt. Folcroft, Pa.: Folcroft Press, 1969), pp. 82-84.

5. Henry Gibbons Lotspeich, *Classical Mythology in the Poetry of Edmund Spenser* (New York: Gordian Press, 1965), p. 87.

6. Ernest Barker, *Greek Political Theory* (1918; rpt. Suffolk: Methuen, 1964), p. 73. This is the Socratic notion of "certain unwritten laws which are observed in the same way in every country, and which cannot have been enacted by men (who could never have met for their enacting, or understood one another if they had met), but must have proceeded from the gods," It is the *jus naturale*, distinct from the positive laws of each State, and superior to those laws (since it proceeds from divine commandment) and not, like them, from human enactment.

7. E.T. Davies, *The Political Ideas of Richard Hooker* (1946; rpt. Ann Arbor: University Microfilms, 1970), p. 48.

8. Davies, p. 68. In the sixteenth and seventeenth centuries many political thinkers approached the question of political authority on the basis of the two elements of Social Contract. Social Contract proper (*pactum unionis*) teaches that a number of people, living in a state of nature, decide to form an organized society, and secondly, the Contract of Submission (*pactum subjectionis*) is the compact whereby various social units yield up their power to a chosen authority.

9. Kenneth Gross, "Spenser and the Early Poetry of Milton," *PMLA*, 98, no. 1 (1983), p. 34.

10. Angus Fletcher, *The Prophetic Moment* (Chicago: University of Chicago Press, 1971), p. 172. The concept of social banditry was rooted in the feudal system; it is the concept of the "good-badmen whose *de jure* wrong aims at *de facto* right." Later

evolution of the judicial process actions based upon status, the genealogical way, in which legal rights and position were determined by ancestry and testamentary inheritance. Status ultimately evolved into law by contract, dependent on the acts a man chose to do of his own free will.

11. Sir Henry Maine, *Ancient Law* (1917; rpt. London: Dent and Sons, 1960), p. 100.
12. Peter Dixon, *Rhetoric* (London: Methuen, 1971), p. 65.
13. J. Michael Sproule, *Argument: Language and Its Influence* (New York: McGraw-Hill, 1980), pp. 74-86.
14. S.P. Zitner, ed., *The Mutabilitie Cantos*, by Edmund Spenser (London: Nelson, 1968), p. 119.
15. Sherman Hawkins, "Cycle of the Months," in *Form and Convention in the Poetry of Edmund Spenser*, ed. William Nelson (1961; rpt. New York: Columbia University Press, 1965), p. 88.
16. Alastair Fowler, *Spenser and the Numbers of Time* (New York: Barnes and Noble, 1964), p. 233.
17. Bernard Weinberg, "Formal Analysis in Poetry and Rhetoric," in *Rhetoric and Poetic*, ed. Donald C. Bryant (1965; rpt. Iowa City: University of Iowa Press, 1970), p. 38.

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