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Authority from his majesty: Drama and popular politics in early modern England

A dissertation submitted in partial satisfaction of the requirements for the degree of Doctor of Philosophy

in

Literature

by

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2011
The Dissertation of John Higgins is approved, and it is acceptable in quality and form for publication on microfilm and electronically:

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Chair

University of California, San Diego

2011
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ABSTRACT OF THE DISSERTATION

Authority from his majesty: Drama and popular politics in early modern England

by

John C. Higgins

Doctor of Philosophy in Literature

University of California, San Diego

Professor Louis Montrose, Chair

My dissertation draws on recent methodological and theoretical developments in social history in order to rethink the political significance of formal experimentation in early 17th century English theater. Specifically, I argue that formal experiments in four Jacobean plays should be read as participating in a process whereby early modern rulers and the people they ostensibly commanded negotiated and struggled over the meanings of dominant political discourses and the legitimate uses of governing institutions. Recent social historical work on “popular politics” has drawn attention to the fact that local officials and private citizens both manipulated tropes of authority and obedience and
appropriated governing institutions – including the militia, the jury trial and the public execution – in order to meet their own political needs rather than those of the court. By focusing on popular political activity, I reconsider the new historicist claim that, “Power in early modern England was performative,” in order to emphasize the participatory, contested nature of performance as a social activity, and the overdetermined, negotiated nature of the period’s political hegemony. The plays that I analyze not only include characters and images drawn from popular political life but also actively participate in this negotiation by appropriating dominant governing discourses and institutions for the benefit of the players and playwrights and the entertainment of diverse audiences.

In each chapter, I engage in an intertextual analysis that reads a single, experimental play in conversation with different historical texts – including pamphlets, chronicle histories and trial records – that record and respond to the appropriation of authority. The first chapter reads Beaumont and Fletcher’s *Philaster* in relation to divine right treatises, political rumors and popular protests. The second chapter reads Shakespeare’s *Measure for Measure* as a manipulation of the dominant legal discourse surrounding justice and mercy. The third chapter places John Webster’s *The White Devil* into conversation with legal rituals like trials and public executions. The final chapter reads Ben Jonson’s *Bartholomew Fair* alongside various texts describing the demographic changes to the early modern London metropolis and the struggles of the city government to manage these changes.
“In all well setled Monarchies, where Law is established formerly and orderly, there Judgement is deferred from the King to his subordinate Magistrates; not that the King takes it from himself, but gives it unto them.”
– King James I, *A Speech in the Starre-Chamber, the 20th of June anno. 1616*

“At the first those foresaid multitudes assembled themselves, without any particuler head or guide, then starte uppe abase fellow called *John Reynoldes*, whom they surnamed *captain Powch*, because of a great leather powch which he wore by his side, in which purse he affirmed to this company, [that] there was sufficient matter to defend them against all comers… Hee told them also, that he had Authoritie from his maiestie to throwe downe enclosures, and that he was sent of God to satisfie all degrees whatsoever.”
– Edmond Howes, *The annales, or a generall chronicle of England… [continued] unto the ende of this present yeere 1614*

“Call hither, 
I say, bid come before us Angelo. 
What figure of us think you he will bear? 
For you must know, we have with special soul 
Elected him our absence to supply, 
Lent him our terror, dressed him with our love, 
And given his deputation all the organs 
Of our own power. What think you of it?”
– The Duke in William Shakespeare, *Measure for Measure*

In my dissertation, I will analyze “popular politics” as a source of tension in early modern English governance and a social process by which local communities throughout the country – including those formed within and around the London commercial theaters – both discursively and practically negotiated this tension. The preceding quotations from King James I, Edmond Howes and William Shakespeare all recreate, in different forms, an inherent contradiction of monarchical government: the simple fact that early modern English monarchy ostensibly vested absolute political authority in the singular person of the king, while nevertheless materially relying upon a whole host of local
officials to carry out and enforce that authority. Political authority in early modern England was thus symbolically centralized to the highest possible degree, but in practical terms proved quite diffuse.

In his speech to the Star Chamber, James I reproduces this contradiction of monarchical government by adopting a strained and tense language to describe the delegation of authority. In early modern legal usage “defer” meant both to “offer for acceptance” (John Foxe refers to “a corporall othe to them deffered by the iudges”) and to “submit for determination or judgment” (Robert Barnes describes how a case was, “Deferred of both partes to the sentence of the kyng”).\(^1\) While the implications of “deferring judgment,” in these two senses may initially seem at odds with one another – the former vesting legal authority to a person that otherwise lacks it, the latter submitting oneself to the superior authority of another – James’s use of the term paradoxically encompasses both meanings. He grants his judges an authority to which others will submit. The inherent tension associated with an absolute monarch offering other citizens power gets highlighted in James’s insistence that he does not, “Take judgment from himself, but gives it to subordinate magistrates.”\(^2\) Semantically, the phrase seems comically bereft of meaning; James seems to draw a distinction here between whether he claims (or even steals) power from himself or simply gives it away. The point that he hopes to clarify but only awkwardly states, however, is that in “deferring judgment,” the king gives away his power while still maintaining it. Far from an abdication, vesting others with authority theoretically extends the power of the king throughout the country.

\(^1\) Oxford English Dictionary 2nd ed. (online version November 2010), s.v. “defer, v.2.”

to places where he himself does not physically reside and cannot always visit. In order to
describe this paradox of monarchical authority adequately, James uses language in such a
way that individual words like “defer” must contain oppositional meanings and where he
can give judgment to others without taking it from himself.

The contradiction surrounding monarchical delegation of authority – produced
only through linguistic tension in James’s speech – takes shape as a more concrete
material appropriation of power in Edmond Howes’s description of John Reynoldes,
a.k.a. Captain Powche. Howes records Reynoldes’s claims as part of a larger description
of the Midland Revolt of 1607. Throughout May and June of that year, thousands of poor
urban and rural peasants staged demonstrations that proclaimed the enclosure of land to
be illegal and took it upon themselves to tear down hedges and fill in ditches barring their
access to common fields. Reynoldes, one of the leaders of this movement, sought to
legitimize his role based not only on claims of divine and social justice, but also upon a
claim to have, “Authoritie from his majestie to throw down enclosures.”3 This claim was
obviously false; on June 8 aristocratic men, reading a royal proclamation commanding
anti-enclosure demonstrators to stand down, led a cavalry charge that killed dozens of
protesters and effectively ended the revolt. Nevertheless, as Howes describes it,
Reynoldes’s claim to royal authority contributed to both the organization and discipline
of the peasant groups. Other anti-enclosure demonstrators make a similar claim to royal
authority in a pamphlet entitled *The Diggers of Warwickshire to all other Diggers* by

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addressing their readers, “Loving ffriends and subjects, all under one renowned Prince, for whom we pray longe to continue in his most royall estate, to the subverting of all those subjects, of what degree soever ye have or would deprive his most true harted Communalty both from life and lyvinge.” These statements reveal not only that early modern men and women could lay claim to royal authority in ways that potentially conflicted with the king’s decrees, but also that doing this had a significant effect on the distribution of resources and political make-up of the country as a whole. Many tracts of common land were reclaimed for local villages by these demonstrations, and in the aftermath of their suppression representatives of the crown made a point of investigating illegal enclosures in the hopes of quelling peasant activism. The monarchy’s reliance upon the distribution of power to local officials thus provided communities radically at odds with the king’s wishes a vehicle for appropriating monarchical authority in service of their own political activities and material needs.

Far from being exceptional or limited to communities on the margins of English political life, this type of manipulation was in fact engaged in to a greater or lesser degree by most local officials. In some cases, monarchs themselves afterwards condoned these actions. Judges and juries manipulated aspects of the law in meting out justice and mercy. City companies and governments extended or reduced their jurisdictional reach into the countryside in ways that suited their political and economic needs. Sheriffs, vestrymen and parish officials interpreted poor laws, statutes against drinking and even levied taxes in ways that reflected their local or personal sense of morality. If the king

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could philosophically claim to “defer” and “give” authority to all of these men, this did not result in the creation of a uniform governing apparatus or even absolute obedience. Although most of these manipulations of authority were more mundane and less confrontational than John Reynolds’s claim to have, “authority from his majesty to throw down enclosures,” many nevertheless shared his willingness to appropriate authority for their own particular ends and in doing so produced more subdued versions of the tensions visible in James’s contradictory language or the demonstrations associated with the Midland Revolt.

When staging Measure for Measure, the King’s Men reproduced both the linguistic tensions of James’s elliptical defense of authority and the type of material appropriations of authority enacted in events like the Midland Revolt. Shakespeare’s Duke of Vienna uses the same paradoxical language, filled with multiple meanings, that James later uses in his speech to the Star Chamber. He says that Angelo will bear a “figure of us,” referring both to himself in the royal we and to the plural nature of the authority being given. The Duke’s insistence that he has “Elected Angelo our absence to supply,” likewise, contains multiple meanings. Angelo “supplies” the Duke’s absence by compensating for it and fulfilling a need that it generates, but also in the obscure sense that he is “appointed” to the role of Duke. As we shall see, the statement means all of these things: in having Angelo to “supply his absence,” the Duke both appoints him to a position of authority and seeks to strengthen his control over his citizens’ sexual proclivities. The Duke’s language thus captures the tone and content of Jacobean governance including its rhetorical quirks and turns of phrase.
If the figure of the Duke here reproduces a somewhat orthodox version of royal authority, the play as a whole nevertheless appropriates and manipulates this authority when staging this reproduction. The man playing the Duke must first dress himself in royal costume before bestowing the Duke’s “love” and “power” onto Angelo, just as Shakespeare drew upon and manipulated tropes of governance in writing his play. *Measure for Measure* moreover announces itself as an appropriation by alluding to structures shared by the theater and royal authority. The Duke casts Angelo in a role, gives him a costume appropriate to his rank, invites him to produce feelings like “terror” and “love” from the citizens of Vienna, and even implicitly gives him scripted “deputations” to speak. As I will argue in the second chapter, Shakespeare announces this appropriation as a way of parodying aspects of his country’s governance and playwrights who sought to mythologize it, and in this sense the play also recreates early modern power in a way that differs from the official version. Even in plays where the differences from official conceptions of authority are not so obvious, though, the simple act of laying claim and using governance as one’s own activates the same tensions produced by local communities and governments throughout the country.

In my dissertation, then, I will explore the tensions and contradictions of monarchical authority and popular politics, arguing two things. First, whatever pretensions to absolute authority early modern monarchs may have had, they materially relied upon delegation of power to citizens and local officials in order to govern the country, and this process over and over again invited the type of appropriation and manipulation enacted in an extreme form by John Reynoldes’s performance as Captain Powche. The tension inherent in this delegation of a theoretically singular source of
authority can best be understood by attending to the ambiguous meanings of his reference to “authority from his majesty.” In an important sense, the authority that John Reynoldes claims is derived from the king, and in the case of many officials it was directly and institutionally granted from him. In all cases, however, this authority was exercised in communities that were physically and geographically apart from the king, a fact that practically allowed authority to be manipulated to suit material and political needs that were different from those of the king.

Second, I will argue both that early modern English theater, as a social institution, constantly participated in this same process of manipulating authority and that individual plays give the inherent tensions and contradictions of this form of governance material form. The players and playwrights of the London theatrical community – an emergent political institution in its own right – consistently drew upon the language and imagery of monarchy and popular politics when staging their plays. These works, many of then formally experimental and generically hybrid, invited diverse reactions from their audiences, some wholly compatible with the vision of authority and obedience espoused by the monarchy, others fundamentally, if perhaps subtly, resistant to this vision. Regardless of the ideological implications of a given play’s form or its author’s intentions when writing it, though, theatrical production – itself based upon a series of negotiations between an ostensibly authorial text, the players, roles and actions meant to embody the formal order of that text, and the broader viewing audience that the play sought to impress itself upon and entertain – materially reproduced the contradictions and tensions of popular politics.
New historicism and post-structural criticism

In the next two sections of this introduction, I will trace the scholarly understanding of early modern political life developed separately by historians and literary scholars of the period. In this section, I will review both new historicist and cultural materialist readings of the relationship between literature and politics and some criticisms of these approaches made by other early modern literary scholars. Critics of new historicism have argued – at times implicitly, at times directly – that the movement’s understanding of the relationship between literature and politics is too structuralist in its implications. I will argue that while these criticisms are difficult to sustain both theoretically and methodologically (since most new historicists explicitly adopted a post-structural theoretical framework that their arguments bear out in different ways), they nevertheless point to significant challenges posed by the task of reading individual literary works while simultaneously drawing attention to the constructed, contradictory

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5 For an excellent discussion of the critical movements now most commonly referred to as “new historicism” and “cultural materialism” see Louis Montrose, “New Historicisms,” in Redrawing the Boundaries: The Transformation of English and American Literary Studies, ed. Stephen Greenblatt and Giles Gunn (New York: Modern Language Association of America, 1992), 392-418. In current usage, “new historicism” often refers to North American scholars of the Renaissance while “cultural materialism” refers to British scholars. Many attempts have been made to place these two movements in theoretical opposition to one another as well, often associating new historicism with studies founded on a Foucauldian analysis of culture and cultural materialism with a more Marxist analysis, particularly one influenced by the writings of Antonio Gramsci and Raymond Williams. As Montrose points out, though, clear theoretical boundaries of these sorts do not adequately capture the diversity of critical approaches often referred to under these rubrics. He says of new historicism particularly, “What we have been witnessing is the convergence of various special interests on an unstable signifier: New historicism has been constituted as a terminological site of intense debate, of multiple appropriations and contestations, not only within Renaissance studies but in other areas of literary criticism, in history and anthropology, and within the cross-disciplinary space of cultural studies” (407). I refer here to both “new historicism” and “cultural materialism” to acknowledge the prevalence of both terms and their emergence at around the same time in the 1980s, not to make any particular claims about their theoretical similarities or differences. In many cases later in this introduction, I default in my terminology to referring to “new historicist critics;” in doing so, I am alluding to Montrose’s understanding of the term as an “unstable signifier,” referring to a broad collection of works with a historicist orientation.
nature of political cultures. Following this review, I will suggest two possible strategies for dealing with this methodological challenge: the use of broad intertextual reading practices, and a focus on popular politics as an object of analysis. The first of these strategies has already been developed and put into practice by many new historicist scholars, though the movement’s critics often under-appreciate this fact. The second strategy, which I will discuss at length in the introduction’s second section, achieves this by focusing on the process of appropriation and negotiation that I described briefly at the beginning.

Perhaps the most influential accounts of the relationship between early modern literature and political culture can be found in a series of new historicist and cultural materialist discussions from the early and mid-1980s that linked literature to monarchical and aristocratic political ideologies in one way or another. Many book-length studies – most notably Stephen Orgel’s *The Illusion of Power*, Jonathan Goldberg’s *James I and the Politics of Literature*, and Leonard Tennenhouse’s *Power on Display* – argued that early modern literary texts in many cases reproduced and reinforced authoritarian tropes espoused by aristocracy.\(^6\) The most notable and striking counter-argument to this strain of thought comes from Jonathan Dollimore who, in his book *Radical Tragedy*, argues that, “The crisis of confidence in those holding power is addressed in play after play… this was a drama which undermined religious orthodoxy. My aim is to show that its challenge in this respect generates other, equally important subversive preoccupations –

namely a critique of ideology, the demystification of political and power relations and the
decentering of ‘man.’”  Other new historicist studies argued that literature from the
period did still other cultural work. Stephen Greenblatt’s *Renaissance Self-Fashioning*
and his essay, “Invisible Bullets,” argued that many literary works reproduced a dynamic
whereby dominant political versions of the self were called into being by imaginatively
fashioning threatening others that needed to be repressed and contained. In his article
“The of Gentlemen and Shepherds,” Louis Montrose argued that Elizabethan pastorals
provided aristocratic and politically ambitious men a language through which they could
resolve contradictions associated with their place at court and within the period’s
dominant political and religious ideological framework. In short, readings from this
period of new historicist and cultural materialist scholarship offered a diverse and
divergent set of views on the orientation of literary works in relation to the dominant
forces of early modern political culture.

The most persistent criticism of new historicist and cultural materialist literary
scholarship has argued that this vision of the period’s ideology has tended to be static,
and incapable of accounting for the fluidity, conflict and change inherent in any political
culture. Brownen Wilson and Paul Yachnin have recently offered a representative
articulation of this critique, arguing that,

Over approximately the past thirty years, the word “culture” in
early modern studies has lost [a] sense of the processural or of

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active making and has began to look more like something already made and firmly set in place. “Culture” has emerged in the work of New Historicism and various kinds of materialist criticism as a system or structure in which people, practices and texts are imbricated. On this account, people, practices and texts may reinscribe or resist the power of the social formation (and they may do both), but they are bound to operate in terms of certain nearly insurmountable strictures and limits, which belong to the whole-cloth composition of “culture.”

In this view, rather than providing a sense of culture as a process or an active shaping force, new historicist criticism draws attention to literary texts as “operating within” a cultural framework that proves conceptually static and fixed. Although Wilson and Yachnin note the diversity amongst the particular arguments made by new historicists and cultural materialists – drawing attention to the fact that literary works in these arguments, “may reinscribe or resist the power of the social formation (and they may do both)” – they claim that these acts of reinscription and resistance position “culture” as a limiting force on works of art.

The argument that new historicists promoted a structuralist view of culture rather jarringly conflicts with how these scholars theorized their own work. Even those writers who argued that the monarchy and aristocracy strongly influenced authors’ financial and ideological interests nevertheless agreed that the resulting literary works actively participated in shaping and promoting the dominant culture, basing this argument on a

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9 Brownen Wilson and Paul Yachnin, introduction to *Making Publics in Early Modern Europe*, ed. Wilson and Yachnin (New York: Routledge, 2010), 3. See also Stephen Cohen, introduction to *Shakespeare and Historical Formalism*, ed. Cohen (Burlington, VT: Ashgate, 2007), 1-27. Cohen summarizes a series of arguments that new historicism tends to, “Homogenize culture in such a way as to render it incapable of satisfactorily accounting for heterogeneity, conflict, or historical change. In treating culture as a text, the argument goes, New Historicism replaces the diachrony of historical process with the synchrony of a historical product, one often characterized by a single hegemonic imperative associated with the ruling class; if it encompasses multivocality or conflict, it is generally shown to contain that conflict or hold it in suspension” (4).
fundamentally dialectical understanding of the relationship between political power and other cultural systems. Stephen Greenblatt, for example, argues that, “Social actions are themselves embedded in systems of public signification, always grasped, even by their makers, in acts of interpretation, while the words that constitute… works of literature… are by their very nature the manifest assurance of similar embeddedness. Language, like other sign systems, is a collective construction.”

Jonathan Goldberg similarly assumes an interaction between language and politics,

The underlying thesis of this study is that language and politics – broadly construed – are mutually constructive… Writing represents authority; however representation is not simply the transcription of power into other terms. The real requires realization; representation understood in its full complexity – both as restatement and recasting, replacing representation – realizes power. This is as true for poets as for kings, and as true in explicitly political writing as in other forms of discourse.

The implications of these broadly conceived notions of social construction are that “culture” in fact gets made by language and other social systems, a process in which literary writers and monarchs alike participate. In Greenblatt’s conception, language proves “public” and “collective” in its makeup and in Goldberg’s view language and politics “mutually construct” one another. In both cases, the constitutive elements of culture are explicitly marked off as undergoing a process of formation shaped by multiple social forces.

Perhaps the most concise and theoretically rigorous statement of the post-structural implications of new historicism comes in Louis Montrose’s suggestion that it promotes an orientation towards history focused on, “A reciprocal concern with the

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10 Greenblatt, Renaissance Self-Fashioning, 5.
11 Goldberg, James I and Politics of Literature, xi.
This oft-cited phrase attempts to capture not only the constructed, unstable nature of histories themselves, but also linguistically figures the type of social process that new historicism’s critics insist that the movement obscures. Montrose emphasizes the historically embedded nature of all acts of writing and reading and the power dynamics inherently present in this process of embedding, insisting, “We can have no access to a full and authentic past, to a material existence that is unmediated by the textual traces of the society in question; and furthermore… the survival of those traces rather than others cannot be assumed to be merely contingent but must rather be presumed to be partially consequent on subtle processes of selective preservation and effacement.” The chiastic structure of the phrase, “historicity of texts and textuality of histories,” moreover emphasizes that textuality and history – the production of meaning and the power dynamics involved in social struggle – mutually construct one another. Montrose himself suggests that, “Such chiastic formulations… figure forth from within discourse itself the model of a reciprocally constitutive and transformative relation between the discursive and material domains.” Far from positing a view of culture as a monolithic structure, then, new

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14 Montrose, “New Historicisms,” 411. Although my fixing of “textuality and history,” as “the production of meaning and the power dynamics involved in social struggle,” obviously leaves a great deal of room for theoretical elaboration, I feel that the use of these phrases adequately captures both the essay’s intended meaning and the theoretical elaborations of the dynamic between “textuality and history,” to which Montrose alludes. Earlier in the essay, he refers to the relationship between these two terms stating that the, “Categorical opposition of ‘reading,’ to cultural critique, of ‘theory’ to the discourses of ‘history, culture, society, politics, institutions, class and gender conditions,’ seems to me not only an oversimplification of both sets of terms but also a suppression of their points of contact and compatibility… Derrida himself has suggested that ‘deconstructive readings and writings are concerned not only with… discourses with conceptual and semantic contents… Deconstructive practices are also and first of all political and institutional practices.’ The notorious Derridean aphorism ‘Il n’y a pas de hors-texte’ may be invoked to abet an escape from the necessities of history, to sanction a self-abandonment to the
historicist critics sought to theoretically and stylistically emphasize precisely the type of social process and construction that Wilson and Yachnin hope to emphasize in their own work.

How do we account for this striking disjunction between the constructivist, post-structural theoretical aspirations of new historicism, and the more structuralist way that the practice has come to be understood? One answer to this question is that cultural construction in new historicist scholarship often gets articulated as acts of reinscription, reproduction and resistance. Greenblatt and Goldberg’s studies seem to fall into this category, as does Dollimore’s *Radical Tragedy*. Even a study like Louis Montrose’s *The Purpose of Playing*, which explicitly sets out to challenge the adequacy of conceptions like “reinscribing” or “subverting” dominant orthodoxies ends up relying upon this language to a certain extent. The second half of this book engages in an extended intertextual reading of Shakespeare’s *A Midsummer Night’s Dream*, arguing that the play, “Is not an inert product of a hypostatic Elizabethan culture, but rather a new production of a dynamic and unstable Elizabethan culture – a production that enlarges the indeterminate pleasures and/or terrors of the text. However, the phrase may also be construed in terms of the Jamesonian ‘proviso that history is inaccessible to use except in textual form.’ That is to say, it may signify the pervasive ideological force of discourse in general and, in particular, the specific ideological force of those discourses that seek to reduce the work of discourse to the mere reflection of an ontologically prior, essential or empirical reality” (396). What Montrose describes here and his reference to the “historicity of texts and the textuality of histories,” is thus a dialectical relationship between acts of reading and writing and the material traces that they leave – “textuality,” – and the ideological, material forces that shape them – “history.” Though I often use slightly different terms – focusing on “authority,” and “hegemony” rather than “history,” and “form” and “performance,” rather than “textuality,” – my dissertation also attempts to elaborate on this dialectical, contradictory social process. For theoretical articulations of the “textuality/history” dynamic to which Montrose refers, see Fredric Jameson, *The Political Unconscious: Narrative as a Socially Symbolic Act* (Ithaca, NY: Cornell University Press, 1981) esp. 82, Jacques Derrida, “But, beyond… (Open Letter to Anne McClintock and Rob Nixon),” Peggy Kamuf trans., *Critical Inquiry*, 13.1 (Autumn 1986): 155-170, and *Of Grammatology*, Corrected Edition, trans. Gayatri Chakravorty Spivak (Baltimore: Johns Hopkins University Press, 1997) esp. 158-159.
dimensions of the cultural field and alters the lines of force within it.”

The argument rather obviously positions itself against static conceptions of Elizabethan culture, and the reading as a whole reinforces a sense of cultural production by tracing out the numerous discourses – including those drawn from Elizabethan court culture, early modern conceptions of human anatomy and gender difference, and translations of classical mythology – enacted by the play. *A Midsummer Night’s Dream* in this reading can be understood as a *production* of Elizabethan political culture because it simultaneously draws upon all of these discourses, recombines them, and invites its audience to enjoy the distinctly imaginative, comic vision of family and political life created by this recombination.

When summarizing the particular qualities of this production, however, Montrose draws upon the terms “subversion” and “containment” to characterize the play, even as he criticizes them as inadequate on their own,

To contextualize the ideological effect produced by the royal allusion [in the play]… is to make manifest the inadequacy of an analytical paradigm based upon putatively stable and mutually exclusive terms of dominance and opposition. From a perspective that construes Queen Elizabeth as the personification of the state, of royal prerogative, and of courtly culture, the play’s handling of her iconography does indeed have a resonance that is both resistant to and subversive of the authorizing myths of power and privilege. Nevertheless, from a perspective that construes the dominant institutional and ideological structures of Elizabethan society as pervasively and resolutely patriarchal, the play’s representational strategies appear to be working to contain or repudiate a perceived challenge to that dominance that is personified in the anomalous feminine sovereign herself.\(^\text{16}\)


\(^\text{16}\) Montrose, *Purpose of Playing*, 204.
In this case, then, producing Elizabethan political culture through a particular romantic comedy simultaneously involves images resisting the period’s dominant monarchical ideology – Elizabeth’s own cult of personality – as a means of containing that same ideology’s challenges to an equally dominant patriarchal ideology. The very terms that Wilson and Yachnin have charged with standing in for a fluid conception of culture that people actively shape are here the particular mechanisms through which Shakespeare’s play works and, moreover, evidence of its culture’s fissures and changing ideological dynamic. Arguments that focus on literary works that, “reinscribe or resist the power of the dominant social formation (and do both)” do not, I would argue, present a theoretical problem for new historicism precisely because these processes do not oppose, but rather participate in, the type of “active making” of culture that Wilson and Yachnin prefer.

If the use of this terminology does not pose the type of theoretical problem that critics of new historicism suggest, the prevalence of these attacks nevertheless points to an obvious rhetorical and practical problem for new historicist and cultural materialist literary scholarship. If the claim that new historicism generally reduces early modern political culture to a “structure” seems to misread key works in the movement’s corpus, this is at least an understandable – if not entirely excusable – misreading. Greenblatt and Goldberg expend a great deal of argumentative energy establishing that the works they study adhere to particular patterns of self-fashioning and the language of monarchy respectively and significantly less discussing the theoretical implications of their arguments. 17 Numerous other studies in the new historicist vein seem more interested in

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17 In both Renaissance Self-Fashioning and James I and the Politics of Literature the post-structural theoretical claims of the scholars are primarily limited to the introduction and the first few chapters, while
locating particular literary texts in relation to the historical discourses and events to which they allude than they are in carefully working out the constructed, complex nature of those events and discourses themselves.\textsuperscript{18} The trend has even produced a subset of critics – perhaps best captured by David Scott Kastan’s book *Shakespeare After Theory* – who actively avoid further theorizing of the relationship of literature to culture in favor of deep focus on historical materials themselves – particularly those surrounding book production and theatrical performance.\textsuperscript{19} One problem that the development of new historicism presents – in its reception both by those who critique it, and those who

the books as a whole focus more explicitly on the particular types of “containment” and the adoption of a monarchical conception of language and reproduction. My point here is not to reproduce – or even excuse – the criticism of new historicism as “structuralist,” simply to explain it as a rhetorical challenge of conducting post-structural readings of individual literary works and discourses. When applied to other works – Louis Montrose’s *Purpose of Playing*, for example – that more fully and explicitly attend to the mechanisms of cultural construction, this criticism seems wholly misguided. When applied to “new historicism” generally, the criticism seems hopelessly reductive for the reasons outlined by Montrose in “New Historicism.” For another excellent discussion of this method of criticism, see Steven Mullaney, “After the new historicism,” in *Alternative Shakespeares*, vol. 2, ed. Terence Hawkes (New York: Routledge, 1996) 17-37.

\textsuperscript{18} Leah S. Marcus, *Puzzling Shakespeare: Local Reading and its Discontents* (Berkeley: University of California Press, 1988) provides perhaps the most representative example of this mode of critique, as the book takes as its raison d’etre the “puzzling out” of various topical references in some of Shakespeare’s plays. Numerous other works fall into this category, however, particularly in Shakespeare studies. For a large collection of essays on *Measure for Measure* that could easily be said to fall into this category see chapter 2, n. 4.

\textsuperscript{19} David Scott Kastan, *Shakespeare After Theory* (New York: Routledge, 1999). Kastan rather explicitly insists that locating his project “after theory,” should not be read as a rejection of theory, “The great age of theory is over… but not because theory has been discredited; on the contrary, it is precisely because its claims have proven so compelling and productive” (25). The goal of this project, and the “new materialism” more broadly, is thus not to discount theoretical understandings of culture and social life, but instead to emphasize the recovery of archival and historical materials for the reader over and above situating literary texts in a broader field of power relations; the clearest statement of Kastan’s hopes can be seen when he defines his own project in relation to new historicism, “If New Historicism can be understood as a discrete and coherent critical practice, I do not think that it is what I am doing here. I have always understood my work as involved in a somewhat different, though clearly related, project (something that Peter Stallybrass and I, usually gleefully, have come to think of as “The New Boredome”). In part, the difference may amount to little more than a greater delight in particularity, exactly what Adorno criticized in Benjamin as “the wide-eyed presentation of mere facts”… even the assembly of “mere facts” has value, if only by adding an arresting resolution to the cultural outline. It is, however, a particular elaboration of facts that interests me here, not, as Adorno sought, with the goal of recovering the structures of “the total social process,” but with a desire to clarify the relations of text and culture that New Historicism often occludes. In its often dazzling demonstrations of the circulation of discourses through culture, New Historicism has rarely paid much attention to the specific material and institutional conditions of the discursive exchanges it has explored.” (13).
practice it in one way or another – seems less a question of adopting a particular set of theoretical ideas than one of developing a readable and understandable method of engagement between literary texts and the historical and cultural materials that they represent. How do you locate the political and ideological significance of any given literary artifact – a project that requires significant textual analysis of both literary and historical texts, and their interaction with one another – while simultaneously drawing attention to the constructed, contradictory and collective nature of the culture as a whole?

In the remainder of this introduction, I will outline two methodological strategies that I develop throughout my dissertation in order to address the problem of conducting a post-structural, historical form of literary criticism. The first of these strategies – broad intertextual reading – has already been developed at length by new historicist scholars and, although not always acknowledged as such, in point of fact has become the dominant critical approach in early modern scholarship for the past three decades. Summaries and criticisms of new historicism often describe the movement’s methodology as placing literary texts in conversation with anecdotes and exemplary texts that the critic proceeds to deconstruct.20 The focus on the anecdotal method is understandable, given that Stephen Greenblatt has written a series of evocative, widely

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20 In “New Historicisms,” for example, Montrose argues that, “In a typical new-historicist essay or book chapter, the Geertzian model of thick description is evident in the initial deployment of an exemplary anecdote as a strategy of cultural and historical estrangement. In some examples of new-historicist work, such anecdotes may be elaborated into the interpretive units from which a sustained argument emerges; in others, the method may seem merely fashionable and formulaic, a vaguely associative accumulation of historical curiosities” (400). Likewise, in the introduction to Shakespeare and Historical Formalism, Stephen Cohen argues that the method implies a homology between the literary text being analyzed and the non-literary text to which it is compared, “New Historicism’s anecdotal method was born, with its interpenetrating “readings” of individual literary and non-literary texts. Because of this investment in the homology, if not the homogeneity, of these texts, however… while New Historicism acknowledges discursive particularity, its interests tend less towards historicized formal analyses of specific non-literary discourses than toward a more generalizable ideological close reading” (6).
imitated essays – including, among many others, “Invisible Bullets” and “Shakespeare and the Exorcists,” employing precisely this reading style; he and Catherine Gallagher likewise included a chapter called “Counterhistory and the Anecdote” in *Practicing New Historicism*, their attempt to characterize the movement’s methodology almost two decades into its development. The focus on the anecdotical method, and the use of the anecdote itself, however, in some respects overlooks the diversity amongst those projects that begin with anecdotes and in other respects ignores a whole series of new historicist books and articles that did not make use of this method at all. While “Invisible Bullets,” “Shakespeare and the Exorcists,” and many other essays do focus primarily on comparing individual literary and non-literary texts, critics like Goldberg and Montrose have used representative anecdotes as entry points into discussions that explicitly refer to multiple texts that trace out the tensions and contradictions within a given ideological discourse. Many others – Frances Dolan’s *Dangerous Familiars*, Montrose’s *The Purpose of Playing* and Richard Helgerson’s *Forms of Nationhood*, most prominently – forgo reliance on anecdotes entirely and focus from the outset on a range of different texts that not only share certain tropes and ideological orientations but also come into conflict with

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22 Goldberg’s *James I and the Politics of Literature* begins with an anecdote about James’s displeasure about allusions to the execution of his mother, Mary Queen of Scots, in Spenser’s *The Faerie Queene*. The anecdote itself notes the differences between the power structures when James was only a potential candidate as heir to Elizabeth’s throne and his later indifference about the publication of Spenser’s poem when he himself was King of England. It also begins a much longer discussion of James’s discussions of the power of language that encompasses numerous different textual and visual artifacts, and notes differences between the King’s own use of these tropes and those adopted by poets during his reign. See also Louis Adrian Montrose, “‘Shaping Fantasies’: Figurations of Gender and Power in Elizabethan Culture,” *Representations*, No. 2 (Spring 1983), 61-94; this article begins with a dream that Simon Forman had about Queen Elizabeth, but does so only as an entry-point into a complex discussion of gender politics in early modern England that includes references to Elizabethan medical texts, Plutarch, and Walter Raleigh’s *Discovery of Guiana* amongst many other texts.
one another. In both methods, the broad nature of this intertextual reading strategy conveys that all cultural formations are constructed by numerous voices with different perspectives, and in many cases this strategy explicitly reproduces and describes ideological and material struggles that took place during the early modern period. One way of living up to the challenges of a post-structural historicist criticism is to thus continue practicing this style of reading, while perhaps more forcefully reiterating the post-structural understanding of culture that this method always formally implies.

My own project adopts this methodology by always reading individual plays in conversation with a variety of textual artifacts. In the first chapter, I read Beaumont and Fletcher’s *Philaster* in conversation with early modern political theory, Howes’s chronicle history account of the Midland Revolt, numerous other court records of popular riots and the circulation of political rumors. In the second chapter, I read Shakespeare’s *Measure for Measure* in conversation with theoretical legal tracts, royal and judicial proclamations, records of the number of people executed and granted mercy, and George Whetstone’s play *Promos and Cassandra*, Shakespeare’s primary source. In the third chapter, I read John Webster’s *The White Devil* alongside pamphlets and letters describing jury trials and public executions and descriptions of the same legal rituals by early modern literary scholars. In the fourth chapter, I read Ben Jonson’s *Bartholomew Fair* in relation to a variety of texts – including parish employment and economic records, local histories and travel narratives, and Puritan sermons – that discuss the Fair and its relation to the political culture and economy of early modern London. In adopting

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this broad archive of sources, I hope to emphasize both the textured, layered nature of the period’s governing institutions and the inherently multivocal and collective nature of the culture that each individual play reproduces and to which it gives dramatic form.

Popular politics and post-revisionist historiography

The second methodological strategy that I will adopt – foregrounding popular politics – is a somewhat more radical departure from new historicist scholarship, and its ability to highlight culture as a process of dialectical construction will be readily apparent throughout the individual chapters. Nevertheless, I think it will be helpful to lay out in this introduction precisely what I mean by the term “popular politics” – a term adopted explicitly by some contemporary social and political historians as a sub-specialty encompassing both local government and political speech and organization amongst the lower sort of people – by tracing its historiographical roots as a response to revisionist political history and more apolitical studies of social history.24 This genealogy will, I

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24 For the most explicit adoption of the phrase “popular politics,” see Andy Wood, *Riot, Rebellion and Popular Politics in Early Modern England* (New York: Palgrave, 2002). For other discussions of the same subspecialty, see Tim Harris, ed., *The Politics of the Excluded, c. 1500-1850* (New York: Palgrave, 2001) and Steve Hindle, *The State and Social Change in Early Modern England c. 1550-1640* (New York: St. Martin’s Press, 2000). All of these works discuss a similar interaction between central and local governing authorities, and village communities manipulating these authorities as a vehicle for pursuing their own interests. Harris’s collection, for example, includes essays entitled “Rumours and Popular Politics in the Reign of Henry VIII,” and “The Unacknowledge Republic: Officeholding in Early Modern England,” while Hindle’s book discusses both the rise in middling sort office holding and the rise in the number of cases brought before courts by early modern villagers. My goal in adopting the single phrase “popular politics” is to gather the processes of holding and manipulating local authority together, but not necessarily to equate local office holding with the circulation of rumors or the staging of riots. I have adopted the particular phrase “popular politics,” both because it’s the most common – though obviously not the only – phrase adopted by historians of this subspecialty, and to avoid the implications of a phrase like Harris’s “Politics of the Excluded.”
hope, not only provide a clear definition of the term, but will also help clarify the link between this area of focus and a dialectical understanding of culture.

Historians’ interest in popular politics developed largely as a response to the methodological and theoretical implications of both revisionist political history and social history during the 1980s and early 90s. During this time, political historians focused almost exclusively on the debates and factions at court and within the ecclesiastical leadership of the Anglican Church, while studies of village life were relegated to social historians largely uninterested in its political implications. For revisionists, the focus on elite politics developed largely out of a rejection of an earlier Marxist narrative of the English Civil Wars; this narrative read the wars as a class struggle between a landed, royalist aristocracy located primarily in the countryside, and an urban middle class that sided with the Parliament. Noting that neither the economic nor the geographic claims of the Marxist narrative adequately accounted for the make-up of the parliamentary and royalist sides – both armies, it turns out, were socially and geographically diverse – revisionists focused instead on religious and ideological differences as the sources of dispute.25 This narrative privileged the manuscript accounts of religious and political debate prior to the war’s outbreak, insisting that the more radical Republican texts of the commonwealth period resulted from the conflict rather than contributing to it.26 The narrative of political struggle that revisionism put forward, then, focused almost entirely


26 See Peter Lake and Steve Pincus, “Rethinking the Public Sphere in Early Modern England,” *Journal of British Studies* 45 (April 2006): 270-292, for a discussion of revisionist privileging of manuscript sources, and a post-revisionist response.
upon ideological debates amongst factions at court and in the Parliament, in doing so implicitly framing politics as focused on the development of England as a nation state.

Social history from the period offered something of an alternative by focusing on law enforcement and economic changes at the level of villages and individual cities, but for the most part stopped short of drawing conclusions that pointed towards any conception of the causes of social change. Insofar as they did account for changes over time, studies often pointed only to broad demographic changes as the driving forces of history; Roger Manning’s book *Village Revolts*, for example, comprehensively records the enclosure and grain riots that took place during the sixteenth and seventeenth centuries, but explains the existence of riots largely through demographic pressures and characterizes peasant rioters themselves as “pre-political” due to the fact that they produced no sustained social organization or any coherent political ideology.27 Much social history from the period, however, simply did not address questions about social change. Legal studies by Cynthia Herrup and J.A. Sharpe focused primarily on enumerating the details of village life, noting the similarities and differences from one county to the next; economic and employment studies by Paul Slack, among others, similarly mined parish records for information, noting differences and demographic changes from the country to the city and within metropolitan London.28 Early modern historiography from this period was divided between social and political historians with

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different geographic and demographic focuses of study, and wholly different theoretical assumptions about the causes of historical change. The larger result of this divide was that very little attempt was made to study the interactions between local and national political communities, or between political ideologies and demographic and economic change.

The limitations of this division between political and social history became apparent to the discipline over time, and eventually drew direct criticism from some of the more influential scholars in both subspecialties. Keith Wrightson, for example, lamented “The Enclosure of English Social History” in the inaugural issue of the journal *Rural History*, arguing,

> The broader task of ‘understanding ourselves in time’ is hampered by a chronological specialization which in the extreme amounts to confinement… Compartmentalisation by period is compounded by compartmentalisation by subject. Whereas we aspired to a history of society, we have produced in effect a cluster of loosely related topics and subject areas… The current problem is more that historians working within a fairly developed literature of their own seem insufficiently aware of its limitations. This can lead to a neglect of larger questions of conceptualisation while focusing attention upon technical problem solving within a particular sub-discipline.\(^{29}\)

Wrightson’s essay – which he characterizes as, “To pursue the enclosure analogy, an incitement to riot” – challenges social historians to continue pursuing studies of village life in all specialties, but to return to framing their studies in terms of larger arguments about the various forces and processes shaping communities through time. If the social historian Wrightson encouraged his colleagues to *reengage* with questions of historical

and political change, the political historian Patrick Collinson, in a more subdued and conjectural language, questioned the adequacy of the revisionist privileging of elite ideology and court culture as the driving forces of English politics. Pointing to both the 1584 Bond of Association – a document where several of Elizabeth I’s privy councilors laid out plans to temporarily rule the country without a monarch should the queen die – and the record of a 1596 meeting where the “chieffe inhabitants of the town of Swallowfield drew up articles by which they would govern their own town,” Collinson suggested that Elizabethan England should be understood as, “A republic which happened also to be a monarchy: or vice versa.” The suggestion implicitly challenged revisionist arguments that assumed that the vast majority of the population accepted and internalized the monarchical system. More importantly, Collinson explicitly called for the development of a “social history with the politics put back in,” essentially meaning by this both an account of village and country life that explicitly addressed questions of political agency and power relations, and an account of English political development that incorporated all levels of society. Both of these historians, then, opened up space in historical conversations for a political history that assumed that questions of agency and political power proved sources of concern at all levels of society, and which recognized the broad geographical and social forces shaping political authority and social change in the early modern period.

Scholarship on popular politics developed largely in response to these critiques of a divided political and social history, and in the past ten years many books and articles

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31 Collinson, “Monarchical Republic,” 47.
have examined political organization and speech that existed outside of the court, parliaments, and other centers of early modern English authority. Ethan Shagan and Adam Fox have published article-length studies on the circulation of news and political rumors in the sixteenth and seventeenth centuries, while K.J. Kesselring has reconsidered the significance of political prophecy.\textsuperscript{32} The social historian Keith Wrightson has written extensively on the “politics of the parish,” and Steve Hindle has built upon these studies to argue for the importance of the expansion of local office holding in his book \textit{The State and Social Change in Early Modern England: c. 1550-1800}.\textsuperscript{33} Andy Wood has reconsidered the significance of enclosure and grain riots in the period in his book, \textit{Riot, Rebellion and Popular Politics in Early Modern England}. Importantly, these and other historians have brought all of these areas of study together into a single collection entitled \textit{The Politics of the Excluded c. 1500-1850}.\textsuperscript{34} In short, the response to criticisms like those of Wrightson and Collinson, there has been a significant increase in the amount of critical attention paid to the political concerns and expressions of ordinary citizens from the early modern period.

More importantly, particularly for scholars of the period’s literature, the increase in scholarship on popular politics has also engendered a significant \textit{theoretical}


reconsideration of political change in the early modern period that proves more compatible than the assumptions made by revisionists and earlier social historians with the new historicist emphasis on culture as a socially constructed process. Andy Wood, for example, has suggested that historians should consider a definition of the term “politics,” that,

Occur[s] where power is reasserted, extended or challenged. Politics is therefore the product of deliberate, human agency and is pre-eminently about conflict and change. In this analysis, politics does not occur where the distribution of power remains static and unchallenged. Neither does politics rest only within governmental institutions. The early modern household, for example, constructed as it was upon gender and age hierarchies, was one obvious location of power. As such, it had the potential to become a site of politics; but only in those circumstances in which power was in flux – advancing, retreating, and reasserting itself.  

Unlike the revisionist insistence that politics ought to be limited in its focus to governing institutions and elite communities, and social history’s implicit suggestion that households and villages are apolitical, Wood’s definition describes politics as a social process of conflict and change potentially taking place throughout the country in different venues and forms. Steve Hindle adopts a similar emphasis in his description of state development, “Historians should… think less of government as an institution or as an event, than of governance as a process, a series of multilateral initiatives to be negotiated across space and through the social order: ‘ruling was a repeated exercise in compromise, co-operation, co-optation and resistance.’”

Again, the emphasis here gets placed more on a process – governance – than on a particular type of community, a fact most directly illustrated by his observation that many changes in the make-up of the English state can

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35 Wood, Riot, Rebellion and Popular Politics, 16.
36 Hindle, State and Social Change, 23.
be attributed to the population’s increased use of the courts to settle disputes. While he does not deny that, in the long view, the English state privileged groups like merchants and property owners, he nevertheless reads the process of state development and the privileges that it eventually engendered as a dialectical one that incorporates numerous interests,

State authority was manifested not only in initiatives of control by central agencies, but also as a popular resource for the peaceful ordering of society, which might be employed and promoted at highly localized levels. The state was a reservoir of authority on which the population might draw, a series of institutions in which they could participate, in pursuit of their own interests.

The overall narrative of early modern English political history has thus changed quite radically, from one that excluded local communities and households from its purview to one that explicitly includes them, and from one that understood social change in explicitly institutional terms to a view that encompasses a broader cultural process of conflict, interaction, and multidirectional development of power relations.

Drama and popular politics

There are any number of reasons for making the period’s drama the focus of a historicist literary study of popular political activity. As any number of literary scholars and theater historians have observed, commercial theater audiences were made up of a socially and economically diverse group of Londoners including the apprentices, journeymen and reportedly thieves who stood in the pits of the amphitheaters and the wealthier citizens who purchased more expensive seats in the amphitheater balconies and

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37 See especially Hindle, State and Social Change, 10-15.
38 Hindle, State and Social Change, 16.
seats on the stage of the hall theaters. Given that the plays were also regularly performed at court in front of the monarch and aristocracy, theatrical performance can accurately be described as one of the more socially inclusive *sites of exchange* in early modern England, with an audience ranging from the highest levels of the society down to common and relatively powerless residents of metropolitan London. Scholarship on drama and popular politics in many respects also draws upon an overlapping *archive.*

The period’s drama regularly and pervasively alludes to popular political activity. As such, plays provide an important, though complex and often contradictory record of how these practices were understood by and emotionally resonated with theater audiences, and further knowledge of and familiarity with popular political activity can undoubtedly inform and complicate our understanding of the plays. An examination of early modern popular political practices and their representation on stage would seem to broaden and enrich both the fields of social history and literary studies.

Another compelling reason to explore the interactions between early modern drama and popular political activity – and the one that I will explore with most attention in my dissertation – stems from a material contradiction shared by this period’s form of monarchy and individual dramatic texts. As I suggested at the beginning of this introduction, and will argue at length throughout this study, early modern monarchy was characterized by a form of authority that proclaimed itself to be singular and unified in nature, but in point of fact relied upon the delegation of power to multiple subordinate officials and, as a result of this, produced – and in many cases explicitly condoned – various acts of local manipulation and appropriation of its own power. Monarchical authority thus proclaimed itself to be singular, stable and ordering, but in practice
instantiated a process of negotiation amongst a diverse set of political agents. In their written form, play-texts present a similar material contradiction. Readers encounter a script that ostensibly orders and directs the actions and interactions of the play’s characters, and the history of this encounter is littered with interpretations that have constructed and assumed singular authors capable of fixing absolute meanings onto these interactions. In performance, however, plays are only realized through the actions of a series of players who appropriate and manipulate the script even as they come to embody it, and are always presented before heterogeneous audiences capable of understanding it in diverse and divergent ways. Despite frequently being constructed as single, stable, and ordering – sometimes after the fact by audience members and readers, sometimes, as in the case of Ben Jonson, by the playwright himself – in performance plays always instantiate a set of negotiations amongst the script, the players, the audience, and a diverse set of cultural materials including the play’s language and the numerous social and political institutions that it reimagines. In this sense, early modern drama provides a sophisticated and compelling example of popular political activity that materializes one of its fundamental cultural contradictions.

My goal in the following chapters is to use the archive provided by studies of popular politics to open up and expose to view the material dialectic instantiated both by the early modern form of governance and by the plays that represented and reimagined this process of authority. I argue that individual plays participate in popular political practices in the very act of representing them and giving them imaginary form. I have elected to draw upon a range of popular political practices rather than focusing on a single institution or area of governance in the hope that a focus on monarchy and popular
politics might foreground the broadly participatory nature of the period’s governance in ways that a narrower focus on the legal system or civic institutions might not. My focus on individual plays by different authors is similarly meant to emphasize both the local nature of ideological formation in this period, and the inherent diversity of the period’s political and theatrical cultures. Where a focus on a particular genre or the works of a single author like Shakespeare or Jonson might lend itself to a view of political and theatrical ideology as stable or logically developmental, my own focus on generically diverse plays by different playwrights foregrounds the overdetermined, dialogical aspects of the political ideologies that formed within the playhouses.

Other than a broad engagement with popular politics and drama, what draws the four chapters in this study together is an interest in generically experimental works. This focus is meant to highlight the active role that theatrical conventions themselves play in shaping the ideological effects of a given work; those moments where the contradictions of the period’s political ideology are clearest often occur in those texts that most assertively and aggressively announce their formal interventions. That said, my intention in foregrounding theatrical experimentation is not meant to privilege either a certain style of play over others or theatricality in general over other types of political practice, something which I emphasize in chapter two – where I compare Shakespeare’s Measure for Measure to George Whetstone’s Promos and Cassandra, its more formally conventional source – and chapter three – where I compare Webster’s The White Devil to non-theatrical political performances like trials and executions. Formally experimental plays – and their odd insistence upon their own theatricality – not only helps to highlight the dialectical interaction between a given work’s form and the cultural materials it
imaginatively reproduces, but also highlights the contradictions of monarchy and popular politics more generally.

Each chapter engages in an intertextual analysis that reads a single, experimental play in conversation with different historical texts – including pamphlets, chronicle histories, and trial records – that record and respond to popular political activity. In addition to dramatizing characters’ performing these activities, the experimental formal strategies of these plays also emphasize the tensions and contradictions of early modern political culture in different ways. In chapter one, I place Beaumont and Fletcher’s tragicomedy *Philaster* into conversation with a wide variety of political speech – drawn from sources as diverse as theoretical descriptions of the hierarchical “body politic,” to records of political rumors and statements made during grain and enclosure riots – that actively emphasize the central position of the monarch to political life. If these statements collectively demonstrate the importance of the monarch to the period’s political imagination, individually they also provide examples of citizens and communities manipulating the authority of the king’s office to meet their own political interests and desires. Theoretical descriptions of the body politic like Smith’s *De Republica Anglorum* and Edward Forest’s *Comparative discourse of the bodies natural and politique* simultaneously fashion the monarch as the “head” of political life and legitimize the author’s own social position. Likewise, rioting citizens almost always expressed loyalty to the king and deference to the law when tearing down enclosures and fixing the price of grain.

While characters in *Philaster* engage in similar manipulations of authority – strategically altering absolutist tropes, believing and altering political rumors, and rioting
in support of the monarchy rather than in opposition to it – the play’s development of conventions of tragicomedy emphasizes that the different points of view reflected in these manipulations are incorporated into the national political community rather than resolved. Beaumont and Fletcher’s use of a citizens’ riot as a *deus ex machina* fashions popular political beliefs as independently motivated in comparison to the play’s aristocracy, while the play’s tragicomic plot structure ensures that conflicts throughout are resolved in a way that lacks death, but brings people close to it. The overall picture of political community generated by the play, thus, emphasizes an on-going, often unacknowledged negotiation of power between kings and base characters rather than a shared or imposed set of ideological beliefs common to everyone.

The second chapter looks at the way Shakespeare’s *Measure for Measure* reimagines and formally resists one of the period’s dominant legal discourses. Most jurists and political theorists from the period argued that authority figures should equitably balance acts of punishment and mercy in order to create obedience by inspiring fear of the law and love for authority figures capable of granting mercy. The material embodiment of this belief was an increasingly severe legal code that could be manipulated in a variety of formal and informal ways to grant mercy to prisoners. Despite this apparent congruity between legal ideology and practice, justice and mercy nevertheless proved significant sources of social tension as citizens, jurors and some judges manipulated the system in order to avoid executing sympathetic prisoners, actions which many denounced as “false pity” responsible for promoting criminality.

Shakespeare’s famously “problematic” comedy highlights the inefficiencies of this system by parodying didactic traditions of tragedy and comedy espoused by writers
like Sir Philip Sidney and George Whetstone, author of the play’s primary source. Throughout *Measure for Measure*, the Duke attempts to use role-playing to morally reform Vienna – casting Angelo as head of state, Marianna as object of desire, and Ragiozine’s decapitated head as Claudio – only to see these theatrical tricks fail to achieve moral reform when characters like Angelo, Pompey and Barnardine prove unafraid of capital punishment. The play’s skepticism about the reformatory powers of playing thus implicitly challenges central affective and emotional claims of the period’s legal system.

Chapter three continues to look at the English legal system, this time focusing on how John Webster’s *The White Devil* alludes to and reproduces legal rituals like trials and executions. While authorities meticulously governed and formally arranged these institutional practices so that they would agree with the period’s dominant legal ideologies, both rituals also provided defendants and prisoners roles that they could manipulate in order to gain public sympathy, if not always their release. Pamphlets describing state trials thus provide examples of men like Sir Walter Raleigh and the Puritan minister John Udall who both challenged the legal and logical foundations of the cases against them to the extent that, despite both being found guilty by juries, Raleigh’s execution produced vocal expressions of animosity towards the privy council and Udall actually escaped execution. Pamphlets and letters describing murders and public executions similarly show men and women in prison and on the scaffold performing penitence as a way to claim spiritual authority and to generate popular feelings that they should be treated mercifully.
Webster’s metatheatrical tragedy breaks down distinctions between theatrical and legal performances in a way that reveals both institutions to be overdetermined and beset by internal contradictions. The play’s trial scene shows Vittoria and Monticelso appropriating performative features of legal culture in ways that undermine a feeling that either Vittoria’s conviction or her release would be just, while the exemplary last dying speeches and moralizing of characters like Giovanni, Lodovico and Flamineo in the play’s final scene are complicated by the use of devices like fake guns and pretend deaths which reveal the moral significance of death to be generated through performative tricks and gestures. Tragic conventions and legal culture are thus shown to interact with and shape one another in a manner that exposes contradictions within both institutions and potentially troubles the audience’s sense of their legitimacy and coherence.

In the final chapter of the dissertation, I return to some of the broader political activities and discourses discussed in chapter one by reading Ben Jonson’s *Bartholomew Fair* in conversation with several texts describing the governance and social order of metropolitan London. Beginning in the second half of the sixteenth century, the population of the capital began to rise rapidly, particularly in the city’s ever expanding suburbs, a demographic shift which created institutional challenges for traditional ruling guilds still jurisdictionally bound by the city’s walls. Rather than generating a new set of institutions or new conceptions of metropolitan life, city authorities and writers adapted residual models to meet their immediate, though obviously changing needs. Individual guilds and guild members sought to expand traditional economic controls into the suburbs in ways that benefited them in the short term but did not meet larger demographic challenges, while writers like John Stow, Will Kemp and various Puritan
ministers generated a series of texts bemoaning the state of contemporary London in respective comparison to the city’s own past, other cities in the countryside, and idealized religious cities like Jerusalem.

Jonson’s play satirizes these attempts to adapt traditional models of authority to metropolitan London by recreating a conspicuously suburban fair where authority figures are shown to be socially and geographically “misplaced.” Justice Overdo’s attempts to go undercover and reform the “enormities” of the fair are undermined when he misunderstands suburban slang, while Zeal-of-the-Land Busy’s attempts to root out idolatry are shown to be appropriate in Puritan enclaves like Banbury, but disruptive to the stalls and puppet shows of Smithfield. The play achieves this dynamic vision of traditional authority and its shortcomings not only through its meticulous recreation of Fair culture but also in an attempt to appeal to socially and geographically distinct audiences with a single play. The play text’s inclusion of both an *Induction to the Hope Stage* and a *Prologue to his Majesty* show the author and the players formally negotiating their interaction with very different types of authority by inviting the suburban audience to approach the Fair with festive identification, while asking the King’s pardon and suggesting the court audience understand the play with a more ironic detachment.

Taken together, these four chapters suggest a theater capable of diverse ideological work due to interaction between governing and theatrical practices that relied upon local experimentation and participation rather than coercion and control. My emphasis on the tensions and potential conflicts generated by these plays is not meant to suggest that early modern theater always and necessarily challenged dominant authority. While the four plays I study here all complicate the ideological vision of a stable, ordered
hierarchy in some fashion, other works supported and potentially made this vision appear acceptable and natural. I am suggesting, however, that early modern plays formally crafted their own overdetermined ideology by drawing upon participatory, performative structures from the period’s political culture. In doing so, these and many other plays participated in a popular political culture and contributed to a social process through which English men and women negotiated their own rule and made their own history.
Chapter 1

“Authority from his majesty”: Popular politics and the ideology of form in *Philaster*

In my opening chapter, I will use a reading of Beaumont and Fletcher’s *Philaster* to expand upon three key terms from the introduction: “formation,” “form,” and “popular politics.” *Philaster* provides an excellent vehicle for laying this kind of critical groundwork for the project because the central characters of the play are relatively diverse socially – including not only members of the royal family, but also courtiers, servants, and a group of rioting citizens – while popular political activities drive the plot throughout. The central conflict of the play focuses upon the title character, the prince Philaster, restoring himself as the legitimate heir of Sicily by marrying the daughter of his main political rival, the King of Calabria. While this plot at least ostensibly reinforces the centrality of monarchy and elite politics, the mechanisms by which the conflict between Philaster and Calabria gets driven into crisis and also gets resolved are both political activities more regularly associated with members of the lower sort of people. Both Calabria and Philaster come to suspect that Arethusa has had an affair with her servant Bellario based upon a rumor spread by another one of her servants that gets circulated and manipulated by various factions within the court. The conflict that this rumor produces – in which Philaster attempts to murder both Arethusa and the page and as a result lands in prison – largely gets resolved when the citizens of Sicily stage a popular uprising demanding his release and restoration as the country’s heir apparent. Beaumont and Fletcher’s play not only incorporates these different forms of popular political activity then, but also makes visible a process by which these activities both
come to interact with court culture and one another, and contribute to plays' own
generation of political meaning.

The rather small body of criticism on *Philaster* has tended to focus on the
significance of individual conflicts and images within the play, producing a relatively
divided overall sense of the play’s political effects.¹ The older historicist tradition often
focused on the conflicts between the king and his courtiers, especially an argument where
Calabria makes an extreme claim to absolute authority,

The King
Will have it so, whose breath can still the winds,
Uncloud the sun, charm down the swelling sea,
And stop the floods of heaven. Speak, can it not?

only to have his courtier Dion simply answer “No.”² These critics, influenced by
Whiggish theories of English political progress, argued that this conflict reflects
mounting disagreements between early modern royalists and parliamentarians. *Philaster*,
in this tradition, represents Beaumont and Fletcher’s most critical portrayal of the court.³

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¹ Overall, there have been very few studies of *Philaster*. The historicist studies cited in n. 3 approach the
text specifically as an engagement with Jacobean absolutism. More recent studies have only looked at the
text as part of a broad engagement with other topics, usually either the Beaumont and Fletcher canon as a
whole, as in Finkelpearl and Berek, or as in Ian Muroe’s study of the Crowd. Of these, only Finkelpearl
attempts to give a reading of the entire play – rather than focusing only on cross-dressing or another
particular image – but does so only as part of a reading of *Philaster* in relation to *A King and No King*, and
*The Maid’s Tragedy*.

² Francis Beaumont and John Fletcher, *Philaster or Love Lies a-Bleeding*, ed. Andrew Gurr (New York:
Manchester University Press, 2003), 4.4.44–48. Henceforth *Philaster* is cited parenthetically

³ See especially Mary Grace Muse Adkins, “The Citizens in *Philaster*: Their Function and Significance,”
*ELH* 30, vol. 1 (1963): 1-15. Both articles make the direct claim that the play – particularly portions
supposedly written by Beaumont – criticizes James’s absolutist positions on authority and the law by
noticing similarities between Calabria and Dion’s pronouncements and those made by James I in a variety
of documents. Adkins probably provides the best direct statement of this Whiggish reading of English
politics and this play, “The Parliamentary victory was far in the future – so far, in fact, that many Royalists
failed to see the storm gathering upon the distant horizon – but even then to acute observers the winds of
change were blowing. It seems not implausible to number Francis Beaumont among those observers, and
to see in *Philaster* a recognition, however slight, of the shifting political current” (212).
More recent critical readings of the play, if less ideologically mimetic, also argue that it embodies particular criticisms and anxieties about the monarchy. Philip J. Finkelpearl reads the play as a political satire, particularly emphasizing the emotional instability of both Calabria and Philaster, and finally summarizing, “Princes… are not gods and should behave themselves accordingly. If they do not, the play suggests, heaven may provide an answer from the people.”

Peter Berek sees the play expressing a deeper anxiety, rather than a critique, but nevertheless also argues that Philaster’s gender dynamics articulate an opposition to elements of absolute rule, “One anxiety-producing innovation – women with some capacity to make their own choices – offered Beaumont and Fletcher a way of figuring another innovation… Jacobean absolutism. Unstable gender roles… serve as markers for anxieties or conflicted ideas about royal power.”

Offering a different variation on the play’s politics, Ian Munro has noted that the play incorporates elements of monarchical and aristocratic anxiety over popular rebellion and crowds into its depiction of the citizens, especially in its presentation of a potentially violent citizen mob that only gets dispersed and placated through the release and council of Philaster himself, arguing that “This representation shows the ‘distracted multitude’ in the full range of meanings that ‘distracted’ had in the early modern period: not only fickle or mad, but also

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4 Philip J. Finkelpearl, *Court and Country Politics in the Plays of Beaumont and Fletcher* (Princeton, NJ: Princeton University Press, 1990), 166. See Chapter 8 for the full discussion of the play. For a similar argument, see Gordon McMullan, *The Politics of Unease in the Plays of John Fletcher* (Amherst: University of Massachusetts Press, 1994), esp. ch. 1 “Parentage and Patronage.” McMullan argues that Fletcher’s plays reflect the political interests of both the playwright’s patrons, country aristocrats, and his family, particularly his grandfather, who had been appointed Bishop of London in 1595 only to quickly fall out of favor with the Queen potentially due to his decision to marry without first consulting her.

divided, dispersed and dismembered.” Focusing on very particular scenes and images within the text has thus led critics to adopt a similarly specific and ultimately mimetic readings of the play’s political effects: arguments, conflicts and anxieties raised by the play are understood to reflect similar conflicts and anxieties that took shape during this period.

The overall critical corpus on Beaumont and Fletcher’s *Philaster*, then, reproduces Wilson and Yachnin’s general complaints about new historicism. The play is thought at times to “reinscribe” and “resist” the period’s dominant political discourses, and taken as a whole criticism suggests the play ultimately “does both” at different moments. Moreover, the generally mimetic nature of these readings renders the discourses and cultures that the play reproduces somewhat static and fixed. The play is said to generate anxieties about “absolutism” and “crowds” without explicitly considering how these images came to exist or how particular practices like the play work to either “reinscribe” or “resist” their dominance.

My chapter tries to break this pattern of reading the play as “resisting” and “reinscribing” aspects of a static, dominant social discourse by arguing that the play reveals the political discourses and practices that it imagines to be participating in a negotiation for authority amongst a diverse group of political agents. Each of the chapter’s three sections focuses on a particular type of political expression in order to elucidate a key theoretical element of this negotiation. In the first section, I compare Dion’s argument with the King of Calabria to a series of texts that defend divine right

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monarchy and argue that the texts constitute less of a stable political discourse than a contradictory “social formation,” a term theorized most clearly by Raymond Williams. While defenses of monarchy share many discursive tropes, the formation also allows for a great deal of variation from text to text, and some authors manipulated tropes of divine right in ways that support their own interests rather than those of the king himself. In addition to participating in a dominant discourse of divine right ideology, then, individual texts also produce a more contradictory “ideology of form” – a term I draw from Frederic Jameson – by giving voice to an interaction amongst different tropes within the formation, the material interests of the author, and the particular political circumstances surrounding the writing of the text. I discuss this conception of textual form as a type of contradiction and interaction more fully in the second section by comparing the rumors of Arethusa’s affair with her page Bellario to various early modern rumors about the monarchy. A more ephemeral and popularly circulated form of political expression than divine right, rumors provide striking examples of how images associated with the monarchy were manipulated throughout the countryside and came to express contradictory meanings due to the form’s ability to incorporate diverse local and regional interests. In the chapter’s third section, I argue that this process of formal negotiation between early modern England’s rulers and subjects best captures what social historians have called “popular politics” by comparing early modern popular political demonstrations to the citizens’ uprising towards the end of Philaster. Demonstrations and uprisings amongst the lower sorts in early modern England often combined direct forms of political action like throwing down enclosures or seizing stocks of grain with expressions of deference to authority and loyalty to the crown, suggesting that they are
better understood as acts of political negotiation than as the uncomplicated ideological expressions of a lower class. Taken together, the evocative and diverse set of political activities that *Philaster* stages can all be understood as types of political negotiation insofar as they both draw upon broad social formations that include a heterogeneous and dynamic set of political possibilities and give material form to contradictory political interests.

Importantly, Beaumont and Fletcher’s tragicomedy draws upon this type of political negotiation, but also invites its audience to experience these activities, and political life generally, as a contradictory type of political negotiation. It does this most obviously by presenting divine right ideology, political rumors, and popular uprising as political acts that provoke different interests to be incorporated into a single national framework without necessarily being reconciled to one another or producing an ideological coherence. The rumor about Arethusa’s affair that precipitates the central conflict of the play gets circulated by Calabria and Dion because all prove committed to a similar vision of monarchical succession and divine retribution, but this common set of beliefs nevertheless provokes all of these characters to manipulate the content of the rumor and respond to it in different ways. The argument between Calabria and Dion, on the other hand, stages an exaggeration and parody of absolutist tropes as part of a disagreement about a courtier’s obedience towards his king, but in the end this verbal conflict gets resolved in a form that allows Dion to at least outwardly comply with Calabria’s wishes. Even the citizens’ uprising manifests a sense of tense incorporation of different political interests, rather than a direct conflict between them followed by a resolution. While the citizens obviously seize Calabria’s preferred heir and use a threat
of violence to insist upon Philaster’s release from prison and restoration, the scene stops short of staging any physical violence and shows the citizens and Philaster himself committed to distinctly different notions of royal sovereignty. As I’ll argue towards the end of the chapter, *Philaster* in all likelihood represents this series of political exchanges that stop short of both direct conflict and full reconciliation due to the playwrights’ adherence to and adaptation of tragicomic dramatic structure. By writing a play that incorporates both “familiar people” and members of the aristocracy, and which “Wants deaths, which is inough to make it no tragedie, yet brings some neere it, which is inough to make it no comedie,” Beaumont and Fletcher not only represent a series of popular political negotiations, then, but also come to formally embody the process of negotiating different political interests and practices into an unstable, heterogeneous ideological and dramatic form.

I.

Most political readings of *Philaster* begin by looking at the argument between Calabria and Dion, and this is not surprising. The king himself repeats several common tropes of monarchical ideology, particularly when he commands obedience, “I do command you all, as you are subjects, / … What, am I not your king? / If ay, then am I not to be obeyed” (4.4.32-34) and when he compares his authority to that of the gods,

The King
Will have it so, whose breath can still the winds,
Uncloud the sun, charm down the swelling sea,

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7 John Fletcher, *Preface to the Faithful Shepherdess* in *The dramatic works in the Beaumont and Fletcher canon*, vol. 3 Fredson Bowers ed. (Cambridge, UK: Cambridge University Press, 1966), 497. For a more extended discussion of this quotation see the end of section III.

8 Adkins and Davison both discuss this scene in the first few pages of their essays. Finkelpearl likewise begins his discussion by pointing to this scene, although he does so largely by building upon Adkins’s and Davison’s arguments; most of his essay focuses on Philaster himself.
And stop the floods of heaven. Speak, can it not? (4.4.44-47)

Both of these tropes – that the King could command absolute obedience from his subjects and legitimately be compared to gods – were relatively ubiquitous in the period’s royalist ideology. In The True Law of Free Monarchies, James himself bases his assertion that all subjects are charged with obedience on the claim that monarchical authority is derived from God, “Therefore in time arme yourselves with patience and humilitie, since he that hath the only power to make him, hath the only power to unmake him; and ye onely to obey, bearing with these straits that I now foreshow you, as with the finger of God.”9 In a sermon before the Reading Assizes, William Dickinson made a similar claim,

The person and the power of the King is alwaies sacred and inviolable. It is not for those whom God hath appointed to obey, to examine titles & pedigrees, or how Kings came to their power, and to be rulers over them; It sufficeth that being under we must obey, not only for feare, but for conscience sake, least through our disobedience, our conscience abuse us, for resisting the Ordinance of God, for the powers that be, an ordained of God.10

When Dion responds to Calabria’s rhetoric by saying that subjects only obey, “If you command things possible and honest” (4.4.35) and answering his question about the divinity of kings by simply saying, “No” (4.4.48), the exchange can easily be read as a direct rebuke of some of the most widely circulated defenses of royal authority.

If, however, the scene rather obviously shows some version of an absolutist authority being challenged, equating the scene with a direct rebuke of all Tudor and Stuart monarchical claims seems to be something of a stretch. While many of the

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10 William Dickinson, The King’s Right, Briefly set downe in a Sermon preached before the Reverend Judges at the Assizes held in Reading for the County of Berks, June 28, 1619 (London: Thomas Purfoot, 1619), C3–C35. Unless otherwise noted, italics are all in the original.
period’s more stylized celebrations of royal authority, like Elizabeth’s progress entertainments and royal portraits and many of James’s masques, indeed imagined monarchs to have the types of supernatural powers claimed by Calabria, other descriptions of royal authority make more modest claims.\footnote{Among the many studies on these topics, see especially Roy C. Strong, The cult of Elizabeth: Elizabethan portraiture and pageantry (London: Thames and Hudson, 1977) and Jonathan Goldberg, James I and the politics of literature: Jonson, Shakespeare, Donne and their contemporaries (Baltimore: Johns Hopkins University Press, 1983)} In the Trew Law and the King’s Right, for example, James and Dickinson only assert that the divine foundations of the monarchy mean that subjects are obliged to obey all of the king’s commands, since they are not fit to challenge or judge divinely sanctioned authority. Elsewhere in the Trew Law, James acknowledges that this fact will not practically mean that rebellions will not occur,

> Neither thinke I by the force and argument of this my discourse so to perswade the people, that none will hereafter be raised up and rebell against wicked Princes… my onely purpose and intention in this treatise is to perswade, as farre as lieth in me, by these sure and infallible grounds, all such good Christian readers… to keepe their hearts and hands free from such monstrous and unnatural rebellions.\footnote{James I and VI, Speech to parliament of 21 March 1610, in Political Writings, ed. Sommerville. On the potential lack of a Jacobean “absolutism,” see Glenn Burgess, “The Divine Right of Kings Reconsidered,”}

The concern here, then, seems more focused on rendering all acts of rebellion by definition unjustified rather than positively asserting the divine powers of the king himself. While various political theorists – including James himself – hypothetically granted kings the power to, “Set downe their minds by Lawes… so the King became a lex loquens,” monarchs themselves rarely asserted powers more absolute than the ability to unilaterally make laws or raise taxes.\footnote{James I and VI, Speech to parliament of 21 March 1610, in Political Writings, ed. Sommerville. On the potential lack of a Jacobean “absolutism,” see Glenn Burgess, “The Divine Right of Kings Reconsidered,”} Insofar as Beaumont and Fletcher stage a
resistance to absolutism, then, they do so by greatly exaggerating royal claims to authority.

More importantly, the reduction of statements like Calabria’s to an identifiable, stable “absolutist” philosophy of monarchy underestimates the widespread nature of divine right claims to authority and seems to overlook the fact that people with distinctly different beliefs about the proper structure of government nevertheless used similar sounding tropes. In De Republica Anglicorum, for example, Sir Thomas Smith describes divine favor as the foundation of the earliest kings, “At the first, all kings ruled absolutely… in the rude world amongst rude and ignorant people, on whom God had endowed with singular wisdom both to invent things necessary for the nourishing and defense of the multitude,” and describes the foundations of the English monarchy, “At the last the realme of England grew into one Monarchie. Neither any one of those kinges, neither he who first had all tooke any investiture of the empire of Rome or of any other superior prince, but helde of God and hymselfe, his people and sword, the crowne, acknowledging no prince in earth his superior, and so it is kept and helde at this day.”

The English Historical Review 107, no. 425 (Oct. 1992): 837-61. Burgess notes the broad recognition of the divine right of kings and concludes – in a somewhat characteristic revisionist argument – that there was therefore ideological uniformity amongst the ruling class.

14 Sir Thomas Smith, De Repbulica Anglicorum, ed. Mary Dewar (New York: Cambridge University Press, 2009), 55-56. Smith’s reference to the divine foundations of monarchy in both of these passages for the most part proves historical in nature; he cites various patriarchs – Adam, Noah, Abraham – from the Hebrew Bible as the “first kings,” and although he implies divine foundations for monarchies in other cultures as well, even mentioning “Mahomet amongst the Arabs,” the description takes on a matter of fact tone rather than a justification of the powers of current monarchs. Shortly after the first quotation, for example, he discusses the development of the term “tyrant,” from the Greeks, “This kinde of rule among the Greekes is called tyrannus, which of it selfe at the first was not a name odious: But because they who had such rule, did for the most part abuse the same, waxed insolent and proude, unjust and not regarding the common wealth, committed such actes as were horrible and odious, as killing men without cause… so that now both in Greeke, Latine, and English a tyrant is counted he, who is an evill king” (55). The point is not, I think, that Smith’s reference to the divine foundations of monarchy is historical rather than ideological since the claim kings were those, “On whom God had endewed with singular wisdom,” made up a central tenant of monarchical and even absolutist claims to authority. The presence of this claim in a
Despite acknowledging the traditional role that claims to divine right played in establishing kings on the throne, Smith nevertheless describes England as ruled by a fundamentally mixed system of government, even going so far as to say,

The most high and absolute power of the realme of Englande, is in the Parliament. For as in warre where the king himselfe in person, the nobilitie, the rest of the gentilitie, and the yeomanrie is there is the force and power of England: so in peace and consultation where the Prince is to give life, and the last and highest commaundment, the Baronie for the nobilitie and lordes, the knightes, esquires, gentlemen and commons… consult and shew what is good and necessarie for the commonwealth.\footnote{Smith, 78. To clarify, when Smith claims that Parliament is the “highest power” in England, he refers to the \textit{king in parliament}, not to the vision of popular sovereignty that would emerge during the Civil Wars. For a discussion of the importance of council in early modern English political thought, see Patrick Collinson, “The Monarchical Republic of Queen Elizabeth I,” in \textit{Elizabethan Essays} (London: Hambledon Press, 1994), 31-58. For discussions of the vexed role that “Republicanism” played in the period’s political thought, see David Norbrook, \textit{Writing the English Republic: poetry, rhetoric and politics, 1627-1660} (New York: Cambridge University Press, 1999) and Markku Peltonen, \textit{Classical humanism and republicanism in English political thought, 1570-1640} (New York: Cambridge University Press, 1995).}

John Rawlinson similarly combines a belief in the divinity of royal authority – “A King is called \textit{Deu}, a \textit{God}… not by nature but by participation of his power from God… As having like God himself… power over life and death” – while also describing kings to be in a reciprocal relationship with their subjects, bound to love and maintain them, “As there is a duty which Subjects owe to their King: so there is also a duty which the King owes to his Subjects… The Duty which the King owes to his Subjects is \textit{love}… a King shall best expresse his love and duty to his Subjects, if he keepe them in tranquility in historical account obviously has an ideological effect. The point, instead, is to observe that this ideology appears in service of a description of English government that differs from the one later privileged by James VI and I, and that the ubiquity of “divine right” claims should not be equated with the type of ideological uniformity posited by revisionist accounts like Burgess’s. For a fuller description of the type of “social formation” I’m positing, see p. 13-15 below. For a fuller description of revisionist history, see p. 20 in the Introduction.\footnote{Smith, 78. To clarify, when Smith claims that Parliament is the “highest power” in England, he refers to the \textit{king in parliament}, not to the vision of popular sovereignty that would emerge during the Civil Wars. For a discussion of the importance of council in early modern English political thought, see Patrick Collinson, “The Monarchical Republic of Queen Elizabeth I,” in \textit{Elizabethan Essays} (London: Hambledon Press, 1994), 31-58. For discussions of the vexed role that “Republicanism” played in the period’s political thought, see David Norbrook, \textit{Writing the English Republic: poetry, rhetoric and politics, 1627-1660} (New York: Cambridge University Press, 1999) and Markku Peltonen, \textit{Classical humanism and republicanism in English political thought, 1570-1640} (New York: Cambridge University Press, 1995).}
Even Sir Edward Coke, whose insistence on the supreme authority of English Common Law provided inspiration for generations of English parliamentary supporters, nevertheless said of the king in a parliamentary speech in 1628, “In him is all the confidence we have under God: He is God’s lieutenant. Trust him we must.”

Far from being evidence of a single set of beliefs about monarchical authority, then, references to divine right as the foundation of monarchy show up in texts and from authors that conceive of the English government in different ways and emphasize different institutions and practices as the source of its greatest power.

Even James’s own statements about the foundations of monarchy contain different emphases on the duties and obligations of the monarch himself. Both his Trew Law of Free Monarchies and his March 1610 speech to Parliament, for example, emphasize the divine foundations of monarchical authority: in the former text James states that, “Kings are called Gods by the propheticall King David, because they sit upon God his Throne in the earth”; in the latter speech he begins his description of monarchy by saying, “The State of the MONARCHIE is the supremest thing upon earth: For Kings are not only Gods Lieutenants upon earth, and sit upon Gods throne, but even by God himselfe they are called Gods.”

The context and occasion of each text, however, gives each a slightly different emphasis. The Trew Law, written while James was still only the King of Scotland, is framed as a response to both Catholic and Presbyterian resistance theorists, “The contrary propositions, which some have not been ashamed to set downe in

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17 qtd. in Burgess, 854.
18 James I and VI, *Trew Law*, 64.
writ., to the poisoning of infinite number of simple souls, and their owne perpetuall; and well deserved infamy.” As a result, the text spends a great deal of energy recounting the scriptural commandments against rebellion and disobedience and emphasizes the monarch’s traditional position as, “Above the law, as both the author and giver of strength thereto.” The eagerness to respond to various groups hostile to his policies at least in part leads James to put forth a strong, absolutist vision of the monarchy.

After assuming the throne of England and engendering a great deal of Parliamentary complaint about his plans for the Union of the two kingdoms and his praise for Roman Civil Law, however, the *March 1610 speech* sought to ease these anxieties by insisting upon the historical nature of this claim in order to emphasize his respect for the traditions of his predecessors. The king’s position as “above the law,” gets displaced onto the past, where in the earlier text the implication was that this power was active,

So in the first originall of Kings… their wills at that time served for Law; Yet how soone Kingdoms began to be setled in civilitie and policie, then did Kings set downe their minds by Lawes… And so the King became *Lex loquens* after a sort, binding himselfe by a double oath to the observation of the fundamentall Lawes of his kingdome… therefore a King governing in a settled Kingdome, leaves to be a King and degenerates into a Tyrant, assoone as he leaves off to rule according to his Lawes.  

The point here is not to insist that James’s theory of royal authority fundamentally changed upon his ascension to the English throne. In fact, he repeats some of these same tropes about the king’s relation to the law in the *Trew Law*, “The king [is] a speaking law and the law a dumbe king; for certainly a king that governes not by his law can neither be

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20 James I and VI, *Trew Law*, 64.
21 Ibid., 75.
countable to God for his administration, not have a happy and established reign,” while at the same time insisting, “The King is above the law… The health of the common-wealth be his chiefe law: and where he sees the lawe doubtsome or rigorous, hee may interpret or mitigate the same.”

James also continued to emphasize the king’s power to mitigate the laws through Chancery and Star Chamber while ruling in England, suggesting that on the whole his views on royal authority changed only modestly, if at all, from the earlier to the later text. Instead, the point is to observe that the same basic language of royal authority provided James with a broad vocabulary with which to legitimize his rule in slightly different ways and in response to different historical and cultural circumstances. When rebutting religious dissidents and resistance theorists, the claim that the monarch’s authority came directly from God and superseded written law could be used to rhetorically insist that all acts of disobedience and rebellion were illegitimate. When addressing noblemen and lawyers in his new kingdom, the same claims could be placed in historical context and simply provide a framework to address concerns about his political philosophy and his respect for their legal traditions.

Given its ability to be manipulated to suit the needs of a variety of different positions and interests, divine right conceptions of monarchy are perhaps best understood as a dominant *social formation* rather than the stable and consistently reproduced *ideology* implied by readings of Calabria as a rejection of “absolutism.” The sense in which I use the term “social formation,” can best be understood as used by Raymond Williams in his discussion of the relationship between hegemony and political and social institutions in *Marxism and Literature*,

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It can still not be supposed that the sum of all these institutions is an organic hegemony. On the contrary, just because it is not ‘socialization’ but a specific and complex hegemonic process, [an organic hegemony] is in practice full of contradictions and of unresolved conflicts… By selection it is possible to identify common features in family, school, community, work and communications, and these are important. But just because they are specific processes, with variable particular purposes, and with variable but always effective relations with what must in any case, in the short term, be done, the practical consequence is as often confusion and conflict between what are experienced as different purposes and different values as it is crude incorporation of a theoretical kind… This is why, in any analysis, we have to include formations. These are most recognizable as conscious movements and tendencies (literary, artistic, philosophical and scientific) which can usually be readily discerned after their formative productions. Often, when we look further, we find that these are articulations of much wider effective formations, which can by no means be wholly identified with formal institutions, or their formal meanings and values, and which can sometimes be positively contrasted with them… within an apparent hegemony, which can be readily identified in generalizing ways, there are not only alternative and oppositional formations… but within what can be recognized as the dominant, effectively varying formations which resist any simple reduction to some generalized hegemonic function.\(^\text{24}\)

Williams here defines “formations” as cultural movements and tendencies that exist alongside of, but are not reducible to, stable social institutions like families, schools and work, to use his examples, or governing and legal systems, to use some of the examples I’ll discuss in this dissertation. Since different individuals and communities participate in a society’s dominant formal institutions in different combinations and experience them in contradictory and conflicting ways, an organic hegemonic process always produces a variety of different cultural formations. Some of these formations, what he later refers to

as “emergent” formations, express alternatives or direct opposition to the dominant culture, but others are “crudely incorporated” within the dominant hegemonic formation which itself contains a variety of smaller and more specific formations that differ from – and at times conflict with – one another.

The discursive formations surrounding early modern English monarchy hold to this pattern in that many texts and speeches reproduce similar tropes and thus participate in the hegemonic process, but can neither be reduced to institutional expressions nor equated with one another. Men like Sir Thomas Smith and Sir Edward Coke can reinforce the divine foundations of the monarchy while nevertheless emphasizing the importance of its mixed governance with Parliament or its need to respect the traditions of common law. Even James VI and I, the man who came closest to embodying a single, dominant institutional position for the period during which he sat on the thrones of Scotland and England, expressed effectively varying formations of royalist rhetoric depending upon whether he was directly engaging Catholic and Presbyterian radicals he hoped to marginalize or members of the English gentry from whom he sought consent.

“Monarchy,” in this sense, does not represent a single, dominant social institution, but a broad formation capable of containing different positions ranging from those emphasizing the king-in-parliament, the king as supreme enforcer of the common law, or various conceptions of a king with an authority “above the law.”

We can see another example of divine right conceptions of monarchy acting as a formation incorporating fundamentally different social interests by looking at different descriptions of the kingdom as a naturally ordered “body politic.” The comparison

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25 For the discussion of emergent social formations, see Williams 121-127.
between monarchical social order and the human body was fairly ubiquitous during the period, and for the most part the comparison worked to reinforce the king’s role as the director of magistrates and citizens charged with carrying out his will. In the Trew Law, for example, James states, “The head cares for the body, so doeth the King for his people. As the discourse and direction flowes from the head, and the execution according thereunto belongs to the rest of the members, everyone according to their office: so it is betwixt a wise prince and his people.”26 By figuring the king alone as the “head” of the society, James’s use of the image naturalizes his own central position in the political hierarchy and figures those further down as passive recipients of his care, foresight and implicitly his commands.

Other texts from the period put the same language to vastly different ends. In his sermon Vivat Rex, John Rawlinson uses the image of the body politic to emphasize how unnatural tyrannical behavior proves, and reinforce the belief that kings are reciprocally bound to care for their subjects, “A King must keep his people in sufficiency. For a King to devoure and eate up his subjects by exacting is a thing no lesse unnaturalle, than for a man to eate the flesh of his owne armes.”27 In his Comparative Discourse of the Bodies Natural and Politic, Edward Forset uses the same language in a more intellectually playful way. At times this text seems to reinforce James’s vision of naturalized obedience and passive subjection, particularly when he compares political power to the “soul” ruling over the political body, “As in the creating of man God conjoined a soul for action, in a body passive, so… in every civill state there is a directing and command

26 James I and VI, Trew Law, 77.
27 Rawlinson, 14.
power and an obeying and subjected allegiance.”

Forset’s willingness to explore the logical implications of the metaphor, however, allows him to explore the implications of this language in ways that end up emphasizing and naturalizing forms of “power” that differ from a singular form of monarchy. His acknowledgement that physical bodies differ from one another, for example, leads him to naturalize political differences amongst states, “From the discrepancy of unequall temperature ariseth so sundrie forms and shapes of bodies politique. Some are hugely big, and their very greatness renderth them unwildie… some carie a goodly shew on their outside, yet inwardly looked into have their great defects… Thus we see how (after the example of the body naturall) the State civill also, is discretely figured; and varieth his forms.”

Elsewhere, he emphasizes the jurisdictional discretion of local magistrates by figuring them as physicians to the body politic rather than “members” directed by the king, “The Phisition is not so strictly tied to the usual form of composure of his receits and prescriptions, but that he doth alter the same in particular persons… induced by the observation of sundrie circumstances, signes, and accidents: such a discretion (some thinketh) the Magistrate should be trusted with, that all offences… should not receive alike the same unalterable censuring.”

Rather than serving as a marker of ideological uniformity, then, the repetition of the “body politic” metaphor emphasizes the diverse possibilities of monarchical language and its ability to be manipulated to justify different particular possibilities and beliefs.

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28 Edward Forset, *A Comparative Discourse of the Bodies Natural and Politique: Wherein out of the principles of Nautre, is set forth the true form of a Commonweale, with the dutie of Subjects, and the right of the Soveraign: together with many good points of Politicall learning, mentioned in a Briefe after the Preface* (London: John Bill, 1606), 3.

29 Forset, 40.

30 Forset, 77.
Other uses of this language offer more striking departures from the image of all subjects as passive members only given direction by the king. In his *State of England anno. dom. 1600*, Sir Thomas Wilson uses the language of the body politic to justify his own illicit discussion of the Elizabethan succession,

A learned and skilfull Phisician, when he desireth to understand perfectly the state and disposition of any body, the first thing he doeth, he will feel the pulse, howe it beates, and thereby he findeth the force of life which it holdeth and the vigor of the human which possesseth the same… This order must be holden in understanding a body politicke, Kingdom or Commonwealth. First wee must feele the pulse, how the State is for the mayne point of its essence, viz. whether it be absolute or dependent, hereditary or elective, growinge or declyninge, how and why… It being known how this Kingdome is holde, the next and most principall that must be found by feeling the pulse is to knowe how it standeth for the point of succession, a mayne point and straightly prohibited to Englishmen to discuss. But thus stands the case & herein indeede the pulse beates extremely.\(^{31}\)

Smith here uses the language of the “body politic” to justify his own discussion of the “pulse” of the country, implicitly claiming for himself the role of “Phisician,” that Forset had only said “some thinketh,” should have discretion independent of the king. In claiming this role and undertaking the long discussion of possible successors to the throne that follows, Smith explicitly breaks the Queen’s commandment forbidding this discussion. Language that elsewhere serves to reinforce subjects’ duty to wholly obey the monarch here works to justify an illicit breach of royal commandments. Francis Bacon’s essay, “Of Seditions and Troubles,” similarly uses the imagery of the body politic to explain popular uprisings,

The matter of seditions is of two kinds; much poverty and much discontentment… if this poverty and broken estate in the better sort be joined with a want and necessity in the mean people, the danger is imminent and great. For the rebellions of the belly are the worst. As for discontentments, they are in the politic body like to humors in the natural, which are apt to gather a preternatural heat and to inflame.32

Although Bacon’s use of the “body politic” image does not in any way justify sedition, the direct comparison of poverty and hunger to bodily humors and “rebellions of the belly” renders them understandable in natural terms. Where James had insisted that misbehavior was an “infirmite” that – if incurable – must be “cut… off for fear of infecting the rest,” Bacon suggests that poverty provides the “matter” for sedition in the same way that hunger upsets the stomach and unbalances the physical body.33 Rather than straightforwardly “resisting” or “subverting” the image of a perfectly governed political body imagined by James, all of these writers instead manipulate the same dominant trope of authority in order to create slightly different visions of political life that allow for local autonomy or illicit speech, or render activities like rebellion understandable as something other than disease. More importantly, none of these works seem to directly undermine the logic of the image of the body politic, but instead seem carry it forward to a range of different conclusions about the nature of hierarchal authority. Monarchy as a social formation, based upon a shared conception of its natural foundation, proves capable of incorporating James’s absolutist rhetoric, Forset’s intellectual experimentation, and Smith’s justification of illicit speech.

33 James I and VI, Trew Law, 77.
Given that monarchy existed in early modern England as a broad social formation rather than a stable institution with a fully agreed upon and reproducible ideological regularity, what proves striking about the argument in *Philaster* between Calabria and Dion is not only the very different rhetorical terms that each character adopts, but also the fact that the two come to a tense kind of agreement at the end of the exchange. While both the exaggerated nature of Calabria’s claims to authority and Dion’s pithy responses emphasize the differences between the two characters, the exchange ends up dramatizing Dion assertively negotiating the terms of his obedience without ever fundamentally challenging his obligation to obey as such. When the king rhetorically asks, “Am I not to be obeyed?” Dion responds affirmatively, while obviously incorporating qualifications, “Yes, if you command things possible and honest” (4.4.34-35). His most direct rebukes to the King essentially hold to this pattern of qualified acceptance. When Calabria threatens, “Show her me, / Or let me perish if I cover not all Sicily with blood,” Dion responds by pointing out that he’s commanding something impossible, “Faith, I cannot, unless you tell me where she is” (4.4.38-41). When Calabria follows this up by claiming divine powers, “Tis the King / Will have it so, whose break can still the winds / … / Speak, can it not?” Dion simply points out the impossibility of this claim by answering “No” (4.4.44-48). What’s at stake here is not the nature of the relationship between king and courtier – Dion concedes from the outset that kings are to be obeyed in things “possible and honest” – but instead the deflation of Calabria’s supernatural claims to authority into something more explicitly natural and practical.

The point is not to deny that the scene stages a confrontation between king and subject, but rather to observe that the nature of that confrontation is one of negotiation.
rather than conflict and that, on both sides, the terms of the argument reside distinctly within the range of acceptable figurations of monarchical authority. While Dion’s assertions and later Calabria’s relenting rather strikingly deflate the most exaggerated claims made about the supernatural foundations of royal power, his acceptance that he must obey “possible and honest” commands concedes to the more naturalizing logic of monarchical power seen elsewhere. The overall effect of the scene, then, locates points of tension within the monarchical formation of authority, but stops short of actually subverting or resisting its legitimacy. This can be seen most clearly as the scene draws to a close. Although the King and Dion are still somewhat distant from one another – the former now expressing guilt in an aside, the latter expressing bitterness – Dion still outwardly shows respect for the king and the two exit the stage pursuing the same goal,

King. [Aside] I see the injuries I have done must be revenged.
Dion. Sir, this is not the way to find her out.
King. Run all, disperse yourselves; the man that finds her,
Or (if she be killed) the traitor, I’ll make him great.
Dion. [Aside] I know some would give five thousand pounds to find her.
Pharamond. Come, let us seek.
King. Each man a several way; I here myself.
Dion. Come gentlemen, we here. (4.4.80-88)

We see here the material embodiment of monarchy as a social formation: different groups of aristocratic men coming to agree on a small set of common terms, and a roughly equivalent set of actions, but also continuing to express obvious differences and heading off in different directions as they move forward.

II.

The tension surrounding the monarchical social formation – between the king and his courtiers, between different strains of divine right rhetoric, and ultimately between
different conceptions of the power of the king – not only gets raised through the argument in Beaumont and Fletcher’s play, but also within the various textual descriptions of monarchy themselves. This is most obvious in Wilson’s *State of England*, where a royalist trope gets used to break a royal prohibition. All at the same time, Wilson’s insistence on discussing the succession as the “pulse of the kingdom,” despite this being “straightly prohibited to Englishmen” demonstrates both the obvious limitations of royal power – since the Queen’s command has not prevented him from discussing the forbidden topic – and the cultural centrality of the monarch – since both the discussion itself and the language that Wilson uses reinforce the primary political importance of the person sitting on the throne. We see a more muted version of this tension in Forset’s *Comparative Discourse* as well, when he rhetorically grants justices and magistrates independent authority by imagining them as “Physicians” to the body politic rather than “members” controlled by a royal head. Even James’s insistence that, “All Kings that are not tyrants, or perjured, will be glad to bind themselves within the limits of their Lawes” produces a mild form of this tension by referring to all kings who break the law as “tyrants” while nevertheless insisting that kings “bind themselves,” to “their laws,” implying that kings have the authority to break the law and thus to act tyrannically. In one way or another, all of these texts raise tensions about the different powers and responsibilities of the king, his subordinate magistrates and his subjects. While *Philaster* obviously figures these tension in a different way – with characters arguing and exiting the stage separately rather than with shifting and contradictory

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language – the raising of social tensions proves to be a common element in both the play and the different descriptions of the kingdom.

The second section of this chapter will analyze the method by which this tension takes shape by arguing that each of these texts, and the various rumors that will provide our more extended focus of analysis, produce what Fredric Jameson has referred to as an “ideology of form.” Jameson defines this concept, saying,

> I will suggest that… the individual text or cultural artifact… is here restructured as a field of force in which the dynamics of sign systems of several distinct modes of production can be registered and apprehended. These dynamics – the newly constituted “text”… – make up what can be termed the ideology of form, that is, the determinate contradiction of the specific messages emitted by the varied sign systems which coexist in a given artistic process as well as in its general social formation.\(^\text{35}\)

In this conception of form, particular works incorporate and place a variety of social languages and sources of meaning into conversation with one another. As a collective “field of force,” this contradictory dialogue constitutes the “ideological” effect of the text. The conception of a “social formation” that Jameson draws upon proves quite similar to the one laid out by Williams; elsewhere Jameson argues,

> Every social formation or historically existing society has in fact coexisted in the overlay and structural coexistence of several modes of production all at once, including vestiges and survivals of older modes of production, now relegated to structurally dependent positions within the new, as well as anticipatory tendencies which are potentially inconsistent with the existing system but have not yet generated an autonomous space of their own.\(^\text{36}\)


\(^{36}\) Jameson, 95.
These different but structurally coexisting modes of production generate, among other things, their own languages and vocabularies, and Jameson theorizes that individual texts take on contradictory ideological form by drawing upon and reshaping elements of these languages.

In this view, the tensions within royalist texts are understandable as particular moments within a process of social formation, and importantly texts do not simply represent struggles between contradictory social positions – though in some cases they obviously do this – but they also give these struggles perceptible material form through the media of language and performance. In the case of James’s Speech to Parliament, for example, the tension in his language between the admission that only tyrants break the law and the insistence that kings “bind themselves” to “their laws” both alludes to debates going on in the country about the relative supremacy of law and royal prerogative and recreates this debate as an effect of the speech’s language. James’s implicit claim that the laws of England are “his” explicitly confronts and erases the fact that many English lawyers insisted that the country had a common law based upon an unwritten ancient constitution, while his insistence that he will “bind himself” to these laws lest he be charged with tyranny seeks to render this linguistic form of erasure somewhat palatable to his audience. In Philaster, a version of this debate gets materialized more overtly. The King of Calabria makes an exaggerated claim to absolute authority, and gets confronted by Dion, who insists that royal commands must be “possible and honest,” as a result. When the king relents, he and Dion – still offering conflicting claims about royal authority in the form of asides to the audience – head off stage in separate directions but pursuing the same basic goal of finding the princess Arethusa. While these works
obviously give this debate different linguistic and cultural form, they nevertheless participate in a similar process of negotiating social tensions through the medium of language and creating complex textual artifacts that draw from and materialize those same tensions.

Other examples of texts from the early modern period that come to express tense, contradictory messages due to their ability to incorporate competing political and cultural systems can be found in the numerous political rumors that circulated throughout the countryside. Rumor and the oral circulation of news provided central avenues of political expression during this period. Despite the fact that popular discussion of affairs of state was strictly speaking banned under Tudor and Stuart law, the phrase “What’s the news” was a standard greeting in pubs and on the streets, speaking to the widespread nature of informal political discussion.37 Rumors that the crown was going to seize church property and other sacramental wealth, following upon increased taxation in the wake of the break with Rome, played a significant role in the outbreak of the 1536-37 Pilgrimage of Grace.38 Leaders of the 1596 Oxford uprising actively tried to spread rumors of a popular insurrection in the hopes of mobilizing support for their cause.39 News and rumor thus not only provided one of the major avenues of popular political expression in the period, but also played a key role in at least a few of the period’s more dramatic political events.

37 In addition to the articles cited below, see Adam Fox, Oral and Literate Culture in England 1500-1700 (New York: Clarendon Press, 2000), esp. ch. 7 “Rumors and News,” for a comprehensive discussion of the topic.
39 See John Walter, Crowds and popular politics in early modern England (New York: Manchester University Press, 2006), especially ch. 4 entitled, “A ’rising of the people’? The Oxfordshire rising of 1596.”
Unlike other forms of popular political speech like grumbling about or petitioning to local officials, however, rumor as a means of expression had an obviously multivocal quality, incorporating both the rumor’s speaker and the person whose report he or she was ostensibly repeating. This allowed an individual rumor to take on numerous meanings, particularly as it was altered and manipulated during the course of circulation. Ethan Shagan, who has analyzed various political rumors from the reign of Henry VIII, provides the telling example of a rumor of the king’s death that circulated throughout the countryside in the fall and winter of 1538. In its earliest recorded forms, the rumor spoke only of the death of Henry himself and was often followed closely by discussion of the economic effects that the king’s death supposedly would have. A woman from Keny, for example, told a neighbor that, “The King’s grace was dead and there should be no money gathered,” while a man from Gloucester said that news of the king’s death was being kept secret because, “They would gather the king’s money first.” Henry had levied significant taxes around this time and commoners, eager to avoid payment and aware that taxes would be nullified by the king’s death, seem to have been willing to believe and spread these reports out of a desire for relief from the taxes. Later iterations of the same rumor modified its content in response to change at court and to express somewhat different political desires. In Northamptonshire, the rumor began to circulate that both Henry and his newborn son Edward had died, leaving Mary to inherit the

40 The scholarship on rumor and news remains relatively sparse, even when compared to other forms of popular political expression like local uprisings. I’ve chosen this example, and the later one on the death of Charles I, simply because they provide clear instances of rumors being manipulated throughout the process of circulation and because they are given comprehensive treatment by the scholars who write about them. For a sense of the broader scope of rumors that were circulated throughout the period, see Adam Fox, “Rumour, News and Popular Political Opinion in Elizabethan and Early Stuart England,” The Historical Journal 40.3 (1997): 597-620.
41 Shagan, 44, 43.
throne. Although unstated, the modification – most widely recorded in the highly recusant northern regions of the country – spoke to the desire of many rural peasants had about the possibility that the English church would revert to Catholicism following Henry’s death. Following the birth of Edward VI, the only hope for this lay in the succession of the staunchly Catholic Mary Tudor, a hope which required the deaths of both the king and his son. Over the course of the rumor’s circulation throughout the countryside, then, both the content and the significance of the rumor changed to meet various religious and economic anxieties, and to reflect different people’s and regions’ beliefs about the perfidy of the courtiers who may or may not have been concealing news from the populace.

The changes in the content of this rumor, however, mark only one of its contradictory elements. Another competing element of this rumor’s political message actively reinforces the political centrality of the king rather than undermining it, since all of these rumors imagine that the primary avenue through which policies like the country’s tax levies or religious make-up could be altered was through the death of the king himself or the conspiracies of this closest advisers. The rumors of the king’s death circulated by the woman from Keny and the man from Gloucester obviously show some desire to avoid paying Henry’s taxes, but only imagine that this desire might come about due to the king’s death. At the same time that these rumors express a political desire directly at odds with the king’s policies, then – both in the sense that they imagine his taxes possibly failing to be collected and in the sense that they imagine his reign coming
to an end – they also express a sense of inevitability about the king’s central place in the political process, implicitly reinforcing the legitimacy of his power.\textsuperscript{42}

Other political rumors conveyed similar contradictions between people’s ability to express rather extreme forms of displeasure with decisions being made by the king and their continued belief in his cultural importance. In the summer of 1628, for example, a robber fleeing “hot pursuite comeinge after him,” reportedly managed to evade authorities by circulating a rumor of Charles I’s death.\textsuperscript{43} The rumor not only took hold throughout the Welsh countryside, but people eventually altered it to say that the Duke of Buckingham had poisoned the king as part of a Catholic conspiracy to overthrow the government. Officials in Swansea actually mustered troops to stave off an army they believed was coming to invade the country. The circulation of this rumor obviously combines a series of distinct political interests and emotions, including the original robber’s desire to evade capture and the population’s broader dissatisfaction with Charles’s religious policies and strong the influence of the Duke of Buckingham within the court. Nevertheless, the rumor imagines both the Catholic threat and the influence of Buckingham as threats made upon the king, rather than direct consequences of his decisions, and as such the rumor simultaneously expresses a great deal of loyalty and concern for Charles even as it expresses a good deal of anxiety about his reign. Officials

\textsuperscript{42} On the ability of rumor and gossip to operate both as a form of resistance to and a reiteration of social norms, see James C. Scott, \textit{Weapons of the Weak: Everyday Forms of Peasant Resistance} (New Haven: Yale University Press, 1985) and John Beard Haviland, \textit{Gossip, Reputation, and Knowledge in Zinacantan} (Chicago: University of Chicago Press, 1977). Scott describes gossip, “Although it is by no means a respecter of persons, malicious gossip \textit{is} a respecter of the larger normative order within which it operates… Behind every piece of gossip that is not merely news is an implicit statement of a rule or norm that has been broken” (282).

\textsuperscript{43} See Fox, “News and Popular Political Opinion,” 613-14, not only for the quotation, but also for all of the information contained in the rest of this paragraph.
in Swansea were obviously ready to believe that Charles was overly susceptible to a
detested courtier and leading the country towards Catholicism, but only felt compelled
and empowered to act upon these feelings when they were expressed as responding to an
attack upon the king and a defense of the kingdom as a whole. Much like the rumors of
Henry VIII’s death, this rumor managed to combine expressions of dissatisfaction with
the policies of individual monarchs with a narrative that nevertheless reinforces the
institutional centrality and importance of the monarchy as a whole.

In both of these cases, the dynamic taking shape quite closely adheres to
Jameson’s conception of an “ideology of form.” The “text” of the rumor draws upon a
variety of distinct elements contained within monarchy as a social formation –
institutions like the tax code, traditions about the king’s relationship to his counselors,
both dominant and residual religious beliefs, and the desires of individuals who both
circulate and manipulate these rumors – and gives them a contradictory material shape.
Things like tax and religious policies are clearly identified as sources of anxiety and
frustration, and the rumor gives these feelings an avenue for release and expression. At
the same time, however, these emotions are expressed as narratives that reinforce the
unique ability of the king to take political action. In the case of the rumor of Henry’s
death, feelings that his tax policies are illegitimate only get expressed as the belief that
they are being collected illegally or that the king’s death will prevent them from being
collected at all. In the case of the rumor of Charles’s death, anxieties about the King’s
religious policies and his preferences for a particular courtier ultimately get expressed as
a desire to protect the kingdom from violence directed at the king himself. Anxieties
about the policies of particular kings here combine with both an implicit recognition of
his political power and a particular form of expression to produce political statements that are always already removed from the person speaking them: people retell and manipulate rumors in ways that show a clear pattern of dissatisfaction with the king, but the rumors themselves only describe actions carried out by other people through the office and life of the king himself.

The rumor that drives the plot of Philaster reveals a similar process of manipulation by its speakers and also shows a series of contradictions taking shape. The rumor that the princess Arethusa has been caught in an affair with her page Bellario begins as a device that Megra – one of the princess’s ladies-in-waiting – uses to draw attention away from the fact that she herself has been caught in the midst of an affair with Pharamond, the Spanish prince that Calabria has arranged for Arethusa to marry. As this false rumor – the page boy Megra accuses Arethusa of sleeping with turns out to be Dion’s cross-dressed daughter – circulates throughout the court, it becomes apparent that both belief in the rumor and the extent to which it’s manipulated are directly motivated by the particular interests of the person repeating it. The clearest example of this comes from Dion, whose immediate belief in the rumor rather openly betrays his own preference for Philaster over Calabria,

‘Tis the gods
That raised this punishment to scourge the King
With his own issue. Is it not a shame

...  
A man that is the bravery of his age,
Philaster, pressed down from his royal right
By this regardless king? And only look
And see the scepter ready to be cast
Into the hands of that lascivious lady
That lives in lust with a smooth boy. (3.1.1-11)
Dion’s insistence, “Tis the gods / That raised this punishment to scourge the King / With his own issue,” not only assumes that the rumor is true, but produces Dion’s own belief in the illegitimacy of Calabria’s rule as the fact proving that this is the case. Dion’s belief in the injustice of Calabria’s claim to the throne therefore appears to provide the evidence upon which his belief in Arethusa’s “lasciviousness” is founded.

The overlap between Dion’s political commitments and his belief in the rumor can be seen more concretely as he alters the rumor when repeating it to Philaster. Immediately after hearing the rumor and before telling it to Philaster, Dion says, “Since it is true, and tends to his own good / I’ll make this new report to be my knowledge; / I’ll say I know it; nay I’ll swear I saw it” (3.1.31-34). The beginning of the statement again aligns Dion’s belief in the rumor with his political commitments by having him state in the same breath, “Since it is true, and tends to Philaster’s own good.” The decision to reshape the rumor, from one of circulated knowledge to direct observation, takes the equation of political desires to a belief in observable facts a step further; what one hopes for politically here quite literally determines what one sees in the world. Importantly, Dion’s manipulation of the rumor along these lines for the most part lacks cynicism. Dion full believes that Arethusa has had an affair, and while claiming he saw this obviously exaggerates his ability to prove it, the claim embodies his unquestioning belief rather than revealing a willingness to slander Arethusa or lie to Philaster in order to gain a personal advantage. Dion’s circulation of the rumor, then, reveals this as a form of political speech whereby the speaker’s own political desires directly shape the claims that they believe and make about the world. Where English men and women desiring lower taxes or particular religious policies came to believe that the king had died, Dion’s desire
to see Philaster sit on the throne not only leads him to unquestioningly believe that Arethusa has been caught in the midst of a love affair, but also to claim that he’s actually seen this happen.

Calabria’s response to the rumor shows a similar pattern of motivated belief and manipulation, although his different political interests lead him to manipulate the rumor in different ways and circulate it in a wholly different form. Upon hearing of Pharamond’s affair and the ensuing scandal it causes within the court, Calabria reveals his obvious anxieties about his political legitimacy and the effects this has on his family,

You gods, I see that who unrighteously
Holds wealth or state from others shall be cursed
...
Ages to come shall know no male of him
Left to inherit, and his name shall be
Blotted from the earth; if he have any child,
It shall be crossly matched; the gods themselves
Shall sow wild strife betwixt her lord and her.
Yet, if it be your wills, forgive the sin
I have committed; let it not fall
Upon this undeserving child of mine;
She has not broke your laws. (2.4.51-64)

Importantly, the King expresses these anxieties about the fact that he usurped the crown of Sicily and the fact that he lacks a male heir before Pharamond has been revealed in the affair with Megra, showing him to be predisposed to believe the reports based on his own political status, not necessarily upon the facts as they are presented to him. This pattern becomes even clearer when he hears the rumor of Arethusa’s affair with Bellario; he believes this almost instantly, asking only, “Has she a boy?” (2.4.176) and takes Bellario’s mere existence as evidence of his daughter’s guilt. Much like Dion, Calabria’s belief in the various rumors circulating at court about his daughter’s sexuality are wholly
conditioned by his political status as a conquering king and the anxieties associated with this, not by any particular knowledge or experience with the facts.

Also like Dion, Calabria attempts to manipulate the circulation of the rumor based upon these beliefs, attempting to silence them before fully exploring their veracity. Immediately after being told that Arethusa does, in fact, have a page, the King orders Megra to be confined to her room and silenced, “Go get you to your quarter; For this time I’ll study to forget you” (2.4.178-79). In addition to silencing the source of the rumor, Calabria here hopes to literally expunge it from his own memory. This act gets taken further when he confronts his daughter with the charges made against her. Rather than openly accusing her of the affair, Calabria insists that she dismiss Bellario without actually telling her what she’s been accused of,

King. Do you not blush to ask? Cast him off,
Or I shall do the same to you. Y’ are one
Shame with me, and so near unto myself
That by my life, I dare not tell myself
What you, my self, have done.
Arethusa. What have I done, my lord?
King. ‘Tis a new language, that all love to learn;
The common people speak it well already
They need no grammar; understand me well,
There be foul whispers stirring. Cast him off,
And suddenly. (3.2.34-43)

This elliptical explanation of the rumors thoroughly collapses the king’s political actions into his daughter’s alleged affairs. Calabria insists, “Y’ are one / Shame with me,” equating his usurpation with her supposed sexual transgression, and he refuses to openly discuss either in terms that repeat this equation, “I dare not tell myself / What you, myself, have done.” As with Dion’s insistence that he has actually seen the affair taking place, Calabria’s pre-existing political anxieties get materially inscribed onto the content
of the rumor. His own unwillingness to discuss the “shame” of his usurpation leads him to silence the “shame” of his daughter’s alleged affair, even has he confronts her with it. More important for our purposes, the different interests of these characters are ultimately expressed through the form that the rumor ends up taking as they circulate it. If both characters unhesitatingly believe and manipulate the rumors of Arethusa’s affair based upon their own personal political beliefs, the differences in these beliefs – Dion’s desire to promote Philaster’s claim to the throne, and Calabria’s desire to suppress evidence of his illegitimacy – lead the courtier to reproduce the rumor as a statement of observed fact and the king to reproduce it as an elliptical, repressed insinuation of his and his daughter’s shame.

If Dion and Calabria’s circulations of political rumors show patterns of motivated belief and manipulation similar to the rumors of the king’s death, then Beaumont and Fletcher’s characters also reproduce a similar, though not identical, pattern of communicating contradictory messages in circulating these rumors. While Dion and Calabria have different emotional responses and give different material forms to the rumor of Arethusa’s affair, their belief in the rumor nevertheless shows an overlapping sense of the cause of the princess’s behavior, since both insist that “the gods” are using Arethusa’s affair to punish the king. Dion states this most explicitly, “‘Tis the gods / That raised this punishment to scourge the King,” but Calabria implicitly accepts this logic as well, saying, “You gods, I see that who unrighteously / Holds wealth or state from others shall be cursed,” when he hears about Pharamond’s affair. Both characters, then, show a similar belief in the legitimacy of patriarchal monarchy and assume that kings who break from this tradition face immediate divine retribution in the form of the
“scourges” of infidelity and marital discord. While Dion and Calabria obviously have different institutional interests in Arethusa’s chastity and respond to these differences by giving the rumors about her a different form, what drives, and in fact heightens, the conflicts between the two men is a shared commitment to divinely ordained patriarchal monarchy as the dominant governing formation.

Much as we saw in the first section of the chapter, the nature of monarchy as a social formation incorporates different institutional interests and beliefs into a system that proves broadly coherent. Where the argument between Calabria and Dion emphasized that different institutions and local interests could be contained within an ultimately stable formation through acts of negotiation, however, their different manipulations of this political rumor reveals how an interaction between different elements within the social formation produces complex, contradictory forms of political expression. The same uncritical acceptance of divine-right, patriarchal monarchy leads both characters to believe a false rumor of the princess’s affair, but also leads them to reproduce the rumor in different forms – first as a claim of observed fact, then as an elliptical attempt to silence the rumor – based upon their different commitment to the current king’s success. Taken together, both the argument about divine right and the rumors circulated by Calabria and Dion reveal a shared commitment to a broadly conceived divine right monarchy expressed in different forms as characters manipulate the dominant social formation to suit their own local institutional needs. The overall result is that forms of expression about the monarchy come in different shapes, show a wide variety of local political commitments, and regularly show signs of tension and strain by combining
different and sometimes incompatible elements within the period’s dominant political formation.

III.

Beaumont and Fletcher’s representations of divine right and political rumors in *Philaster* materialize their contradictions in a different way than the other texts I’ve examined so far. In both divine right texts and political rumors, political contradictions appear, for the most part, as latent tensions within particular texts. In James’s 1610 *speech*, for example, tensions between absolutist conceptions of monarchy and English lawyers’ preference for the supremacy of the common law appear as linguistic and grammatical tensions, while in Forset’s *Comparative Discourse* tensions between royal and magisterial authority appear through subtle shifts in the nature of the “body politic” metaphor. In the rumors of King Henry VIII’s death, political contradictions prove even more latent, expressed as tension between subjects’ willingness to believe and circulate news of the death and thus imagine a situation where their political desires are privileged over the king’s, but only in a form that reinforces his cultural centrality and implicitly accepts that local political desires can only come about through the remote actions of the court.

Similarly, *Philaster* incorporates into a single dramatic text contradictions between elements of the divine right political formation and between different social groups within the country, but goes further than this by also materializes these contradictions into the speech and actions of different characters. An exaggerated sense of absolute authority and a more muted, naturalized sense of divine right share the stage, but are also articulated by different characters and expressed as an argument. Likewise,
commitment to divine right patriarchy conditions the belief and circulation of a political rumor, but this rumor also gets believed by characters with very different political commitments, who manipulate it into very different forms as they repeat it. Philaster thus works to materialize and emphasize contradictions within the social formation by embodying competing interests and sign systems in different characters and exposing their potential to promote confrontation and conflict.

If Philaster and these other works rather obviously materialize social contradictions in different forms, however, they nevertheless undertake a shared process of negotiation in producing these forms. All, for example, draw upon a social formation that incorporates a variety of legitimate beliefs and produces a series of oppositional social movements, place them into conversation with one another, and as a result produce complex ideological texts that materially embody—sometimes through subtle acts of rhetorical suppression or tension, other times through the production of argument or the threat of violence—the contradictions and dialogues within the culture as a whole. This process of negotiation and the production of diverse, contradictory forms of political activity and expression is what I referred to in the introduction as the “popular political process” and provides the foundation for my claim that dramatic texts provide instructive examples of this process and its inherent contradictions in early modern England.

In order to make this case more clearly, the final section of this chapter compare citizens’ uprising in Philaster to a variety of popular demonstrations and uprisings from the early modern period. Popular uprisings and crowd demonstrations have been of
particular interest to scholars of popular politics.\textsuperscript{44} Prior to the development of this approach, social historians of popular protest often pointed to the geographic distribution of uprisings and to peasants’ failures to fully articulate an ideological alternative to aristocratic rule to support an argument that anti-enclosure demonstrations or popular seizures of grain should be understood as “pre-political” reactions to economic stress.

Roger Manning, for example, argues that,

\begin{quote}
The employment of the customary symbols and rituals of festive misrule or affirmations of loyalty served to reassure the governors that the protesters were not challenging the social or political order… anti-enclosure riots may be regarded as displaying primitive or pre-political behavior because they failed to develop into some more modern form of protest or participation in the political nation.\textsuperscript{45}
\end{quote}

Scholars of crowds and popular politics have objected both to the implication that political activity should only be understood in reference to the nation and to the claim that active attempts to gain the goodwill and acceptance of local aristocrats demonstrates a wholly obedient disposition. In one article, Andy Wood has shown that a community of Derbyshire miners consistently and deliberately based their allegiances in the Civil

\textsuperscript{44} I’ve chosen to use the terms “uprising,” “demonstration,” “protest” and “crowd action,” rather than the more commonly used “riot” and “revolt,” for two reasons. First, “riot” and “revolt” are legal terms from this period. Many of the demonstrations that I discuss in this section did indeed result in charges in Star Chamber that peasants engaging in an action did in fact “riot,” or “revolt,” but the legal records suggest that not all charges were returned with a “guilty” verdict. Moreover, at least one of the actions that I discuss here did not result in these charges. Thus, it seems inappropriate to apply the terms “riot” and “revolt” to all crowd actions when in fact not all of them were deemed as such during the period. Second, as I’ll argue, most crowd actions made a significant effort to claim some sort of legitimacy and were conducted in a deliberately ordered manner, and thus formally (and usually verbally) rejected charges of “riot” and “revolt” against the king. The more common terms “riot” and “revolt” show a preference for aristocratic claims about peasant behavior and intentions over the logic of the demonstrations themselves, which for the most part were restrained and orderly in their conduct and use of force – only targeting property, never people, and usually aimed a enforcing or slightly modifying grain prices or enclosure statutes, not overthrowing the system of laws entirely. For a discussion of this terminology, see John Walter, \textit{Crowds and popular politics}, op. cit., esp. p. 7-8.

Wars upon whether the royalist or parliamentary forces provided the greater opportunity for prosperity and local autonomy; while this community obviously failed to base its decisions on the lines of ideological conflict that divided the nation as a whole, shifting their allegiance from the monarchy to the parliament at times, their participation in the wars and desire to maintain local autonomy can rather obviously be categorized as political.\textsuperscript{46} In another essay, Wood observes that many shows of deference quite clearly demonstrate a strategic decision aimed at pursuing certain ends rather than a wholly internalized acceptance of tropes of obedience. In 1602, a group of women from Nidderdale who had followed a leader called “Captain Dorothy” in tearing down hedges surrounding common fields later, “Went upon their knees to beg their landlord Stephen Proctor not to enclose their commons,” a display of deference clearly meant to maintain the gains of the early demonstrations.\textsuperscript{47} Neither the local aims, nor the deferential behavior of popular protests currently inhibits scholars from appreciating the political aims of these events.

If more recent social historians have quite clearly rejected the reading of popular protest as “pre-political,” they have not come to a full consensus as to how these actions should be understood theoretically. Moreover, the explanations that have been offered pose certain problems that these historians have themselves pointed to in debates with one another and even in the development of their own writing over time. Andy Wood, for example, has tended to adopt a language in which “politics” for the most part gets


associated with types of social conflict, “Politics… occur[s] where power is reasserted, extended or challenged. Politics is therefore the product of deliberate human agency and is pre-eminently about conflict and change.”

While instances of direct conflict – deliberate assertions of and challenges to authority – quite obviously constitute sources of interest for historians of popular politics, defining the political exclusively in these terms provides certain limitations in this period. One is the tendency to assume a binary relationship between outward displays of deference and (presumably different) inward feelings. In order to include deferential and obedient behavior in the category of “political” performances, these things are often assumed to mask self-interested motivations or hidden feelings of resentment. Wood, for example, suggests that,

Visible subordination helped to gloss over the awkward facts of plebian assertion and rebellion… Social hierarchy was reproduced in theatrical performance and the social organization of emotional expression. Everyday power relations demanded of plebeians that they disguise their feelings. Deference to a lord or employer could secure work, land, credit, gifts, charity or patronage. And the converse was equally true: misplaced truculence, a willingness to speak out of turn, a refusal to follow the public behavior expected of subordinates, could all lead to trouble.

In addition to creating an unproductive opposition between acts of subordination and “feelings” – as though performances of subordination do not engender and complicate feelings in their own right – this assumption also has trouble accounting for examples where demonstrations of assertion and deference prove conspicuously combined. Wood’s own discussion of the Nidderdale women begging Sir Stephen Proctor not to

49 Wood, “Plebeian languages,” 78.
rebuild enclosures that they had earlier torn down represents both an act of supplication and an attempt to maintain and legitimize the results of their earlier protest. Attempting to bracket off popular politics conceptually by focusing on conflict and change in opposition to deference and stasis thus creates unsustainable binaries between things like protest, deference and the production of feeling where the historical record suggests they prove fluid and interactive in practice.

Wood himself has recently sought to complicate his understanding of popular politics by acknowledging the problematic binaries between deference and resistance, and outward action and inner feeling. In an article looking at events surrounding enclosure disputes in Yorkshire from 1596-1615, he observes that, “In presenting popular deference as inauthentic, constituting a deliberate mask behind which subordinates knowingly concealed a ‘true’ sense of agency and self, we lose sight of the hidden injuries of class in early modern England: the means by which the experience of subordination impaired workers’ senses of themselves, and could thereby undermine collective agency.”50 In place of a notion of deference as a “mask” of an always present “true” but hidden set of emotions, Wood proposes that the class structure of early modern England presented an obstacle to popular agency, “My purpose is therefore not to reject the current work on popular agency but to qualify it, highlighting the socio-political structures which often – although not always – limited that agency.”51

While this figuration includes a more dynamic sense of the relationship between deference and resistance, and particularly between action and emotion, it nevertheless

reveals a second conceptual limitation of defining popular politics as a set of deliberate attempts to “reassert, extend or challenge power”: namely, the reduction of power itself to a fixed set of dominant structures. Class culture, in this view, exists outside of the experiences of the lower sorts and places limits upon their agency, rather than being actively produced by their actions and the different forms that the agency of the lower sort takes. Domestic life undergoes a similar reduction in Wood’s definition of politics as conflict, “The early modern household, for example, constructed as it was upon gender and age hierarchies, was one obvious location of power…the formal restatement of a static patriarchal authority in eating arrangement, room layouts or speech, while it was self-evidently about the expression of power, need not always generate politics.”

Wood’s definition of “politics as conflict” between those in power and their subordinates here relies upon the creation of “a static patriarchal authority” that could be “reasserted, extended or challenged.” As we saw in the first section of this chapter, and as we’ll see again in the second chapter, many dominant systems failed to exist in a “static” form, and were instead made up of various, potentially conflicting parts that were nevertheless incorporated into the dominant social formation and rearranged in practice in all sorts of ways. In many instances, contradictions within monarchy provide the focus and source of conflict both between different members of the aristocracy itself and between the powerful and the subordinate. While Wood’s definition of politics quite obviously and importantly extends the focus of the political beyond the narrower, revisionist focus on

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52 Wood, Riot, Rebellion, 16.
53 For a specific discussion of the dynamic nature of the early modern household, see Louis Montrose, The Purpose of Playing: Shakespeare and the cultural politics of the Elizabethan theater (Chicago: University of Chicago Press, 1996) esp. ch. 8 “The Discord of This Concord.”
political institutions and elite debates, the limitation of the “political” to instances of conflict has trouble accounting for more complex examples and dynamics within popular protest and also seems to underestimate the dynamic, constructed nature of the dominant cultures to which these protests respond.

John Walter provides a more fluid conception of popular politics and popular uprisings by referring to them as forms of negotiation and dialogue. In his collection of essays, *Crowds and popular politics in early modern England*, Walters argues that,

> Monarchs, aware of the limited forces of repression at their control and apprehensive at the threat posed by their image of the people as ‘the many-headed monster’, sought to police social and economic change in order to minimize the threat of popular disorder. Moreover, they were anxious to be seen to be doing so within the terms of the public discourse that repeatedly stressed that the rationale for royal policies was to protect their subjects and, in particular, the weak and poor... crowds often appropriated those transcripts willfully and selectively to claim a popular agency... Crowds claimed an agency to police the worlds in which they lived and to interrogate the exercise of power. Not only did they represent an attempt to negotiate the exercise of power over their lives locally, but the terms by which they did so, drawing on public transcripts for their legitimation, reflected a larger political awareness. Crowd actions can best be understood as claims to exercise political agency in the context of a popular political culture that was drawn from a dialogue with the discourses of state, Church and commonwealth.\(^5^4\)

The basic dynamic that Walter describes existed as a dialogue between a patriarchal state that legitimized its actions based on its ability to maintain order and provide for the welfare of the population and crowds willing to enforce these sentiments by taking it upon themselves to act as their own governors when they felt situations warranted this.

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\(^{54}\) Walter, 9-11.
The record of popular protests and uprisings largely bears this thesis out, since the vast majority of crowd actions were aimed at enforcing existing statutes rather than mounting a fundamental challenge to the laws. The 1595 London apprentice uprising, for example, began on June 12 as a demonstration in the market to ensure that fish was sold at legally established rates rather than market ones, and the next day the apprentices only went so far as to force the selling of butter at 3d per pound rather than 5d. When the crown brought some of the ringleaders before the Star Chamber, city officials insisted that the demonstrators were, “Nothing ells but a great concourse & presse of people for the buying of butter without any force or disorder.”\footnote{55} Violence only broke out in London after city and crown officers came to blows with \textit{one another} during a relatively peaceful action aimed at releasing a prisoner being singled out as a ringleader of the earlier demonstrations.\footnote{56 The Midland Uprising of 1607 similarly began as a series of anti-}

\footnote{55 qtd. in Manning, 205. For a full account of the 1595 London apprentice uprisings, see Manning, 208-210.}
\footnote{56 As with many conflicts during the 16th century, the 1595 uprisings are as notable for the conflicts that took place \textit{amongst} members of the ruling classes as they are for the conflicts between the lower sorts and those they targeted. Overall, there were 13 different apprentice uprisings in London in June of 1595, including not only the food protests, but also several demonstrations aimed at applying pressure to those responsible for punishing the protesters. Crowds swelled from the hundreds to close to two thousand, with the largest demonstrations aimed at preventing protesters from being punished or releasing them from prison. Throughout these demonstrations there were several moments where crowds \textit{threatened} violence against government officials. When the apprentices from the butter protest were set to be pilloried and whipped, a crowd of 1,800 freed the prisoners, tore down the gallows, and then erected them again on the mayor’s door. When another group of men were held in the Tower, a crowd of over 1,000 gathered to protest their imprisonment and attempt to free them, only to be pushed back into the city by forces under the command of the mayor. While these demonstrations obviously showed an unambiguous displeasure with the punishment of the protesters and a willingness to defy authorities to see them released, none of these protests resulted in violence. Fighting only broke out when servants of Sir Michael Blount, lieutenant of the Tower, objected to the mayor’s forces attempting to exert jurisdiction in the liberty of the Tower. In an effort to assert their own authority over and above that of city forces, Blount’s servants came to blows with the mayor’s men and took it upon themselves to release the prisoners. Throughout the uprising, city and crown governors and forces came into conflict with one another, largely over jurisdictional disputes. When protesters were charged in the Star Chamber, city officials testified on their behalf. In city courts, however, the mayor’s forces prosecuted protesters and sought to publicly punish them. Likewise, when the crown thought that city officials were being too lenient, charging protesters with rioting rather than stricter treason statutes that might carry the death penalty, it sought to prosecute protesters in the Star Chamber; on}
enclosure demonstrations aimed primarily at the estates of Sir Thomas Tresham, a recusant landlord whose son had been implicated in the Gun Powder Plot and who local farmers accused of illegally enclosing estates. Smaller demonstrations similarly laid claim to legitimate status. In some cases, demonstrators fostered this image by only digging up hedges in pairs out of the legally dubious belief that the definition of a “riot” required three or more people to work simultaneously. In other cases, demonstrators pooled money in anticipation of the protest in order to collectively hire counsel should they be brought to trial. In most cases, crowd actions were organized in a way that explicitly sought to enforce existing laws and were performed in a manner that sought to emphasize their orderliness and their legitimacy.

If these examples provide evidence to support Walter’s reading of a popular political dialogue and series of negotiations taking place between social groups like the monarchy, the aristocracy and the lower sorts of people, other examples show evidence the other hand, when the mayor’s forces sought to exert their authority on Tower Hill, forces under Blount’s command actually released prisoners rather than allow city officials to encroach upon their authority. In discussing these episodes, my hope has not been to underplay the severity of the threat posed by the protesters. Instead, it’s been to observe that physical violence was only begun by government officials – in this case government officials fighting with other government officials – suggesting both that reading these events as a series of “riots” or a “revolt” may overstate the goals of the apprentices and that reading them as an attempt to “challenge” a static “authority” erases the extent to which authorities themselves disagreed over the appropriate treatment of the protesters, a disagreement that contributed to and heightened the severity and duration of the demonstrations.

57 For this detail, see Manning, 237. Tresham’s ascendancy in Northampton may represent another example of divisions within the aristocracy fostering popular protest; Tresham’s estates were largely granted and sold to him by officers at court, especially Sir Robert Cecil. The local gentry, many of them Puritans, objected to the crown granting these estates and the magistracy that went along with them. Although the Midland commoners for the most part attacked gentry using broad language, referring to all greedy landlords rather than recusants or particular nobleman by name, the vast majority of demonstrations were aimed at Tresham and other recusant landlords with only loose ties to the area. Although it’s impossible to tell precisely why this is the case, clearly a conflict existed between the dominant local religious beliefs and the gentry that supported them and the political and economic decisions of the crown, and this conflict clearly made its way, in some form, into the protesters’ decision on which estates to target. 58 On the collection of legal expenses, see Manning 54. On the legal definition of “riot” see 56-57. On popular attempts to establish the legitimacy of the crowd actions, see 80-81.
that forms of negotiation and dialogue also took place within these social groups and were even enacted as contradictory elements within given institutions or particular demonstrations.\(^5^9\) A particularly striking example can be seen in the ambiguous relationship that the monarchy and the aristocracy had with popular political organization and crowd actions. Walter, like many other historians, accurately points to the discourse of the “many-headed monster” as evidence that popular uprisings were attacked as illegitimate and violent by political elites.\(^6^0\) James’s insistence in the *True Lawe* that all rebellions are, “Monstrous and unnaturall,” even when, “The wickednesse of a Prince shall procure the same of God’s hands” provides an excellent example of this discourse.\(^6^1\) Walter Raleigh similarly defines any form of popular rule as necessarily inferior to the worst forms of monarchy when he dismisses democracy, saying, “Yet is it safer to live under one tyrant, than under 100,000 tyrants, under a wise man that is cruel than under the foolish and barbarous cruelty of a multitude.”\(^6^2\) During a debate on anti-enclosure demonstrations, an anonymous Member of Parliament provides another example of this...
discourse, going so far as to dehumanize protesters, saying, “The ruder sort, if they were privy to their own strength and liberty allowed them by the law, would be as unbridled and untamed as beasts.”

Aristocratic rhetoric, then, caricatured popular uprisings as by definition illegitimate, irrational and violent.

The malicious nature of this rhetoric, however, belies the fact that in many occasions popular demonstrations were treated as legitimate and even supported by members of the aristocracy. The anonymous parliamentarian who derided the “ruder sort” as “unbridled and untamed beasts,” did so even as he acknowledged that a certain amount of, “Strength and liberty [was] allowed them by law.” Later, he describes, “Where the wrong and mischief [of enclosure] spreads to an universality, there the people may be their own justices… it is adjudge that if a wall be raised atraverse the way that leadeth to Church all the parishioners may beat it down, and … if the course of a water that runs to town be stopped or all the inhabitants may break it down.”

The bulk of this MP’s anxieties are based on the legal legitimacy of local populations acting as “their own judges,” and unsurprisingly the member goes on to suggest that Parliament ought to take greater care of addressing the problems associated with enclosure in order to avoid further actions of this sort. Many anti-enclosure actions were actually carried out through official channels. After two farmers from the town of Leake failed to comply with the Nottingham Assize’s order that they remove their fences and hedges, local jurors – described in Star Chamber records as, “poor men who spoke only Welsh” – took it upon

63 English Economic History: Select Documents, Bland et. al. eds. (London: G. Bell and Sons Ltd, 1914), 271.
64 Ibid., 271.
themselves to tear the enclosures down. In 1592, Westminster parishioners led by local authorities pursued similar actions against enclosing tenants on royal estates. After their petition to Lord Burleigh failed to gain support, villagers and local leaders proceeded to pull down the hedges, claiming that they barred access to common fields. Due to the peaceful nature of the demonstration and the fact that parish authorities supervised the activity, the Parliament and Queen not only tolerated the action, but also enacted a statute forbidding all enclosure within three miles of London. Despite aristocratic prejudices against crowd actions, then, many of these protests proved legal and were able to gain the support of local officials, the Parliament and the monarch.

We see an even greater contrast with the caricature of the “many-headed monster,” in the fact that aristocrats actually led and organized many anti-enclosure demonstrations. Based upon a survey of the Star Chamber records, Roger Manning estimates that during the reign of Edward VI, two-thirds of the charges for enclosure rioting were made against gentlemen and peers, and while this proportion declined over time, it remained at 33 and 39 percent respectively during the reigns of Elizabeth I and James I. One example of this type of aristocratic-led demonstration can be seen in the feud between the Puritan Sir Walter Long and his neighbor Sir John Danvers, two gentlemen from Wiltshire. The two ended up before the Star Chamber after Long led a large group of his tenants in pulling down fences and filling in ditches on Danvers’s lands. In testimony, Long’s own son reported that his father had cheered the action on, telling his tenants, “Well done, Masters! If you do not prevayle, I will give you as much

65 Manning, 63.
66 See Manning, 205.
67 For these statistics see Manning, 39 and 93 respectively.
lande out of my parke… Hold together for there was never multitude helde together and failed of their purpose.”

Far from denigrating popular action, then, Long materially and rhetorically acted as the crowd’s support structure.

While it’s quite possible that Sir Walter Long’s sentiments represent those of a gentlemen with a particular and consistently held empathy for peasant activism, the broad contradiction between the pervasive anxieties over the “many-headed monster,” and a ruling class that in some instances condoned and in others actively led crowd actions suggests that we need to modify our understanding of aristocratic discourses of popular demonstration in several ways. First and foremost, it draws attention to the fact that there were significant differences of interest and opinion within the aristocracy and the gentry. At the local level, a gentleman might easily end up leading a demonstration that a rival deemed “beastly.” At the national level, the crown and parliament found the unchecked enclosing of land just as “disorderly” as popular demonstration, leading them to condone particular protests led by local magistrates and enact a series of statutes limiting the enclosure activities of landholders. Second, the unchallenged, violent rhetoric of the discourse about popular uprisings obscures the extent to which individual members of the gentry and even official governance itself sought to capitalize upon the potential social force of an armed and active citizenry. Many landlords, like Sir Walter Long, supported their tenants’ demonstrations when doing so promoted the landlord’s interests.

Other dominant, fully legitimate political institutions depended upon popular organization to a much greater extent. Throughout the period, one of the primary institutions of law enforcement remained the “hue and cry,” a practice where beleaguered

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68 Manning, 66.
citizens would yell or ring the town bells in an emergency, expecting a crowd of armed men to gather and help them catch a criminal or maintain the peace. John Hooker’s description of the city offices of Exeter charges city stewards themselves, “That they do see the peace and tranquility be kept, and that everie inhabitant have in readiness some weapon for keeping the same & restraining disloiall and unrulie persons.” The close association here between authorities’ ability to maintain an armed populace and protect against “diloiall and unrulie persons” reminds us that the primary institutions of governance in this period were participatory rather than professionalized. While the aristocracy consistently expressed anxiety about ungoverned expressions of popular force, they nevertheless actively relied upon an armed population in order to maintain governance and peace in the countryside. Aristocratic responses to crowd actions thus constituted a process of popular political negotiation, not only because these events enacted a dialogue establishing the terms of governance and authority between crowds and rulers, and local and national governors, but also because they necessarily required rulers to navigate their own contradictory relationship towards the period’s participatory

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69 See esp. Cynthia B. Herrup, *The common peace: participation and the criminal law in seventeenth-century England* (New York: Cambridge UP, 1987). Many popular uprisings included, or hoped to include, the ringing of bells as a call to action and an attempt to claim legitimacy. For an interesting example from the Henrican period where a group of local men sought to do this but were prevented by dissension from within their ranks, see Wood, “Plebian Languages,” 67-71. The anecdote comes from the debate over the 1525 “Amicable Grant,” a levy that Henry attempted to impose upon local clergy in support of his wars in France. Suffolk parishioners opposed to the Grant gathered large enough numbers in Lavenham that the Dukes of Norfolk and Suffolk were dispatched with troops to negotiate a settlement or, that failing, put the uprising down. Initially, the peasant forces decided to fight and “die like men in their quarrel,” (70) but when they went to ring the town bells and muster a larger force, they found that a local clothier had removed the clappers, making the muster impossible. Faced with this fact, the peasants instead decided to negotiate and seek the aid of the Dukes; they went upon their hands and knees, wearing halters around their necks, begging for their forgiveness and that they would act as petitioners to the king on their behalf. The Dukes decided to act as their representatives, and eventually the “Grant” scheme was abandoned.

70 John Vowell alias Hooker, *A Pamphlet of the offices, and duties of every particular sworne Office, of the Citie of Excester* (London: Henrie Denham, 1584), Di-r.
governing institutions. Whatever their claims to a monopoly on governance, rulers in this period relied upon an armed population capable of self-organization as one of the driving mechanisms of the state. This contradiction produced a series of different responses to popular protest and crowd actions. The dominant discourse imagined an unrestrained, violent population requiring aristocratic leadership as a way of legitimizing their hegemony in a largely self-governing country; in practice, however, the relatively well-ordered and comparatively restrained actions of popular protest were often tolerated—and in some cases directly supported—by rulers whose interests sometimes overlapped with those of the protesters and came into conflict with other members of the aristocracy.

As with its presentation of divine right monarchy and the circulation of rumors, the aristocratic response to the citizens’ uprising in Philaster not only reproduces negotiations involved in popular politics, but also emphasizes and materializes the contradictions inherent in this process. The citizens of Sicily rise up in response to Philaster’s imprisonment in the fourth act. After hearing the rumor of Arethusa’s affair with Bellario, Philaster—who was secretly engaged to Arethusa and had been employing Bellario as their go between—goes mad and attempts to murder them both. Calabria imprisons Philaster for the attempt, and sentences him to death after he and Arethusa (who quickly forgives him) marry in prison. Unconcerned about the charges of attempted murder levied against the prince, the citizens capture Pharamond and hold him ransom until Philaster is released and restored to the succession. Dion, who hears about the uprising directly from Calabria, immediately celebrates the citizens’ action,

O brave followers!
Mutiny my fine dear countrymen, mutiny!
Now my brave valiant foremen, show your weapons
In honour of your mistresses! (5.3.108-111)

This image of a Sicilian nation unified against a usurping monarch and a foreign prince gets undermined, however, by the fact that Dion only makes this statement as an aside, and not as an open show of support. Later in the scene, Dion makes clear that his support for the citizens depends entirely upon their success,

Dion. Well, my dear countrymen What-ye-lacks, if you continue and fall not back upon the first broken shin, I’ll have ye chronicled and chronicled, and cut and chronicled, and all to-be-praised and sung in sonnets and bathed in new brave ballads that all tongues shall troll you in saecula saeculorum, my kind can-carriers.

Thrasiline. What if a toy take ‘em i’ the heels now and they run all away and the devil take the hindmost? Dion. Then the same devil take the foremost too and souse him for his breakfast; if they all prove cowards my curses fly among them and be speeding... may they keep whores and horses and break, and live mewed up with necks of beef and turnips; may they have many children and none like the father; may they know no language but that gibberish they prattle to their parcels, unless it be the goatish Latin they write in their bonds, and may they write that false and lose their debts. (5.3.128-150)

Rather than directly participating in the uprising, Dion shows only a willingness to celebrate and promote it should it succeed in achieving his hopes of restoring Philaster to the succession. While his promise to have the citizens, “Chronicled and chronicled... and all-to-be-praised and sung in sonnets and bathed in brave new ballads,” rather strikingly contrasts with the curses he promises should they fail, “May they have many children and none like the father; may they know no language but that gibberish they prattle to their parcels,” the exchange consistently reveals that Dion’s interests in the revolt and the citizens themselves are utilitarian. His celebration of their success will take on material forms – chronicles, sonnets, and ballads – capable of actively promoting Philaster’s rule and the Sicilian monarchy, while the curses he promises should they fail
are ephemeral and may allow him to maintain his position in Calabria’s court by not advertising his disappointment with the uprising’s failure. Even his promise to celebrate success is riddled with insults of the citizens’ status, “My dear countrymen What-ye-lacks,” and doubts about their courage, “If you continue and fall not back upon the first broken shin.”

Although Dion shows dismissive scorn of popular crowds rather than an anxiety about a “many-headed monster,” the logic of his shifting descriptions of the uprising captures the contradictory nature of the aristocracy’s relationship to the crowd. On the one hand, Dion’s political hopes for the nation depends upon the citizens’ success in the uprising, a fact demonstrated not only by his promise to celebrate the uprising if it should succeed but also the fact that he will appropriate the uprising as the subject for patriotic literature like chronicles and ballads. On the other hand, Dion’s status as a courtier also depends upon establishing a social distinction from the citizens. As such, he insults them even as he cheers them on and insists that the revolt’s failure would result from their own cowardice, not his own unwillingness to join them or an external factor like Calabria’s political abilities. Dion’s reaction to the citizens’ uprising thus makes manifest a latent, easily overlooked contradiction of monarchical governance. Where early modern aristocrats commanded citizens to arm themselves and on occasion condoned and led popular protests while simultaneously circulating fears about the “many-headed monster” of popular actions they deemed illegitimate, Dion openly promises to appropriate the citizens’ uprising should it succeed, while also insulting them and promising to curse them should they fail.
Philaster himself also shows a mixed reaction to the citizens’ uprising, though he seems to dismiss and suppress the force that’s released him where Dion openly insults it. Despite having been released from prison and spared execution due to the citizens’ actions, Philaster initially expresses surprise when encountering their captain, “Why are these / Rude weapons brought abroad, to teach your hands / Uncivil trades?” (5.4.76-78). Rather than acknowledging the role that the uprising has played in his release, Philaster questions its necessity. When he later sends the citizens home, he explicitly adopts a paternalistic tone, sparing in its gratitude,

Good my friends, go to your houses,
And by me have your pardons and my love,
And know there shall be nothing in my power
You may deserve but you shall have your wishes.
To give more thanks than this were to flatter you.
Continue still your love, and for an earnest
Drink this. (5.4.123-29)

Although Philaster promises the citizens a reward, he explicitly refers to it as coming from “my power” as much as from their deserts, implying an equal exchange where in fact the citizens have provided him with whatever power he has at this point, and even provided him with this life. Moreover, both his “pardoning” of the citizens and concern with “flattering,” them insists upon his superiority, calling attention to their lower status and implying that their uprising could even be understood by him as a crime. Philaster reinforces both his paternalism and their low status by throwing them only enough money to “drink.” The point is not that Philaster’s actions here should be equated with Dion’s insults. He also calls the citizens his “friends” and promises them “their wishes,” quite explicitly acknowledging a debt to their actions and a certain level of camaraderie. Philaster also stops short of explicitly supporting the uprising or acknowledging the
likelihood of his death had the citizens remained obedient to Calabria, however. This response to the uprising thus shows a strained, conflicted relationship with the citizens conducting it. At the same time that he tries to thank and acknowledge their efforts, he also seems at pains to reassert his high status and avoid legitimizing the citizens’ show of force.

The somewhat uneasy combination of gratitude and paternalism actually marks an improvement upon Philaster’s other references to his popular support. The audience is told that Philaster’s imprisonment at the end of the play is actually the second time that Calabria has tried to eliminate his political rival. In the first act, Dion says that, “The King (of late) made a hazard of both kingdoms, of Sicily and his own, with offering but to imprison Philaster. At which the City was in arms, not to be charmed down by any state order or proclamation, till they saw Philaster ride through the streets pleased and without a guard. At the which they threw their hats and their arms from them; some to make bonfires, some to drink, all for his deliverance.” (1.133-40). When Philaster later confronts Calabria about his political position at court, he seems to allude to the episode while at the same time working to suppress its full significance,

My father’s spirit. It’s here, O King,
A dangerous spirit; now tells me, King,
I was a King’s heir, bids me be a King
And whispers to me, these are all my subjects.
‘Tis strange, he will not let me sleep, but dives
Into my fancy, and there gives me shapes
That kneel and do me service, cry me King.
But I’ll suppress him, he’s a factious spirit,
And will undo me. Noble sir, your hand,
I am your servant. (1.1.256-277)
Rather than explicitly referring to the citizens who have recently demonstrated to secure his release and cheered him in the streets, Philaster bases his claim to the crown upon the “whisperings” of his “father’s spirit.” While this rhetorical choice obviously privileges nobility and patriarchy over popularity as sources of political legitimacy, the gesture does more than simply erase or silence the citizens’ voice. Instead, Philaster’s speech actively reimagines a self-organized political demonstration as the sole product of royal and patriarchal authority. Where Dion had described citizens “throwing their hats and their arms” and making bonfires in celebration, Philaster only imagines “kneeling” and “service.” He thus transforms the armed population whose wishes had to be actively addressed by the King into disembodied “shapes” capable of being imaginatively “suppressed” and ignored. Where the later scene shows Philaster balancing an acknowledgment of the citizens’ actions with a desire to assert his superiority and cordially dismiss them from the stage, here he more actively refires them as the disembodied, subservient products of patriarchal monarchy.

Whereas Dion had given voice to the aristocracy’s simultaneous reliance upon and disdain for popular political protests, Philaster presents a case whereby the nobility rhetorically and imaginatively minimizes and suppresses popular political agency, while also materially benefiting from it. Without the citizens’ willingness to organize themselves and rise up on his behalf, Philaster would probably have been killed by his rival. Nevertheless, this material condition quickly gets shuffled off the stage and imaginatively transformed into patriarchal deference and “service.” The presence of the citizens on stage towards the end of the play, thus, not only presents a situation whereby aristocrats like Pharamond and Calabria must directly address the population that they
rule and reach some kind of settlement over the political direction of the country, but also one where men like Dion and Philaster himself must navigate the need to hold themselves up as superior to the population as a whole, while also acknowledging the uncomfortable fact that their power depends upon their ability to benefit from the popular political shows of force. The citizens uprising itself, then, dramatizes popular politics as a process of negotiation taking place both between different social groups and within the contradictory forms of expression produced by individual representatives of those groups, materializing a connection between these two forms of the process by having rulers directly address citizens working on their behalf in a contradictory language that proves hypocritical in some instances and rhetorically strained in others.

Popular uprisings and protests themselves contained similar contradictions, as participants worked to negotiate both on behalf of their own material interests and through their emotional and cultural responses to the more powerful members of their communities. In the example of the Nidderdale women who went upon their knees to beg both for their landlord’s forgiveness for tearing down his enclosures and for his willingness to allow them to continue to access the common lands that their action had liberated, Wood’s two hypotheses assume that the fear and deference that these women showed in the aftermath of their demonstration was either a “disguise” of their actual feelings about their situation or an “impairment” to the more genuine “sense of themselves” that they’d shown during the earlier action. It’s quite likely that some performances of deference actively hid very different emotions; one need look no further than Shakespeare’s Iago to know that this was often the perception during the period. Likewise, its possible that, if asked, these women would have found their more
confrontational behavior to be more rewarding and enjoyable; one need look no further than the numerous carnivalesque reversals of social class performed on the period’s stage and in its popular fairs and festivals to suggest that this was often the case as well. Nevertheless, to assume that these examples speak for all popular political negotiations not only overlooks the likelihood that many peasant protesters genuinely felt anxiety and fear when undertaking their actions, but also fails to consider that in certain circumstances these feelings may have actually aided their ability to achieve certain goals. If we assume that some of the Nidderdale women genuinely felt the vulnerability and remorse that their kneeling implied, these feelings may have reinforced the sense of deference with which they approached their landlord and thus worked to protect the gains of their earlier actions. The performance and emotional production of anxiety and social deference need not be seen as diametrically opposed to the fostering of a popular political identity or agency, though it obviously suggests that this agency encompassed many forms and strategies.

Another powerful set of examples of popular action and popular deference overlapping with one another can be seen in texts from the 1607 Midland Uprising. As I discussed earlier, the events of this uprising began in mid-May as a series of actions in Northamptonshire aimed primarily at a small set of recusant landlords who had enclosed lands on their estates. As the demonstrations continued into late May and early June, they grew significantly in size. Stow’s Annales describes the demonstrations, saying, “In some places of men, women and children [there were] a thousand together; at Hill Norton
in Warwickshire there were three thousand and at Cotteshich there were assembled... the num. of full five thousand.”

A central strategy of the demonstrations was to appeal to the citizens of the city of Leicester for aid, an effort recorded not only by the *Annales* but also in a broadside entitled, *The Diggers of Warwickshire to all other Diggers*. Although the broadside particularly addresses itself to other citizens that “Feele a part of our grievances,” on numerous occasions it emphasizes the authors’ and the citizens’ loyalty and love for the King. The sheet begins, “Loving ffriends and subjects, all under one renowned Prince, for whom we pray longe to continue in his most royal estate, to the subverting of all those subjects, of what degree soever that have or would deprive his most true harted communalty both from life and lyvinge,” and ends by stating, “Ffor God hath bestowed upon us most bountifull and innumberable blessings, the chiefest is our most gracious and religious kinge, who dothe and will glory in the flourishing estate of his Communalty.”

While the pamphlet beginning and ending with statements of affection for the king may initially evoke the earlier social historical belief that popular uprisings were “pre-political” or incapable of conceiving of their own unique interests, a closer look at how the broadside authors use the king’s office suggests that this is not necessarily the case. Particularly important is the contrast established between the addressed, “Ffriends and

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71 John Stow, *The Annales, or a generall chronicle of England, begun first by maister Iohn Stow, and after him continued and augmented with matters forreyne, and domestique, auncient and moderne, unto the end of this present yeere 1614* by Edmond Howes, gent. (London: Thomas Dawson, 1615), 889. The portion of the text that I’m analyzing was written by Howes, not Stow (who died in 1605); for the most part I’ve referred to the *Annales* by it’s title, but when I’ve referred to an author the references are to Howes.

72 *The Diggers of Warwickshire to all other Diggers*, contained in *The Marriage of Wit and Wisdom: An Ancient Interlude to which are added Illustrations of Shakespeare and The Early English Drama*, James Orchard Halliwell ed. (London: Shakespeare Society, 1846), 141.

73 *Diggers of Warwickshire*, 140-41.
subjects, all under one renowned Prince,” and, “All of those subjects [who] would
deprive his most true harted comunalty from life and lyvinge,” since this shows how
obedience and loyalty to the king can be used to fashion a kind of class identity. The
contrast insists that the, “Mercyless men” who, “Have depopulated and overthrown
whole townes, and made therof sheep pastures,” are not only greedy, but are also actively
trying to harm the country.\(^\text{74}\) The authors go so far as to call enclosing landlords,
“incroaching Tirants” and insist that their actions are, “Not for ye good of our most
gracious soveraigne… neyther for ye benefit of ye communalty, but only for theyr owne
private gaine.”\(^\text{75}\) Rather than signifying the absence of political imagination, loyalty and
service to the king here becomes the vehicle through which acceptable and unacceptable
activities get fashioned and articulated. While this form of political identity obviously
includes both a monarch and a certain degree of “subjection” on the part of the authors,
the consistent references to “Communalty” and “Commonwealth,” rather than “kingdom”
suggest that monarchy and more egalitarian conceptions of the political nation are here
being negotiated and combined rather than operating to the exclusion of one another.

The descriptions of the anti-enclosure actions in the \textit{Annales} themselves show a
similar process of negotiation taking place. Howes describes the leadership of the largest
demonstrations as fashioned from a multiplicity of factors. The most obvious of these is
John Reynoldes’s ability to instill discipline in the ranks of demonstrators,

\begin{quote}
At the first those foresaid multitudes assembled themselves
without any particular head or guide, then starte upps abase fellow
called John Reynoldes whom they surnamed captaine
Powche…thereupon they generally enclined to his direction, so as
\end{quote}

\(^\text{74}\) Ibid. 141.
\(^\text{75}\) Ibid.
hee kept them in good order, he commaundd them not to sweare, nor to offer violence to any person: but to ply their bussines and to make fare works, entending to continew this worke, so long as God should put them in mind.  

Reynoldes’s ability to produce “good ordere” from the spontaneously collected “multitude” of people who gathered to tear down enclosures is based in this description on an ability to help the men collectively avoid signs of rude behavior like swearing and violence, and to mobilize the groups’ energy to “continew this worke.” Elsewhere in the description, however, we see how Reynoldes supplements and reinforces these organizational capabilities by drawing upon a range of cultural signifiers of power including magic, religion and royal authority, “In [his] purse [i.e. his “Powche”] he affirmed to his company that there was sufficient matter to defend against all comers… He told them also that he had Authoritie from his majesty to throwe downe enclosures, and that he was sent of God to satisfie all degrees whatsoever, and that in his present worke, hee was directed by the Lord of Heaven.”  

In taking up the leadership of the demonstrations, then, Reynoldes draws upon diverse sources of cultural and institutional power, appropriating and manipulating them in order to fashion a rather large and formidable social movement. The practical, religious, magical and royal sources of authority are by not means equated with one another simply because they coalesce into the figure of “Captain Powche.” Indeed, the Annales rather explicitly delineates that different sources of authority get shaped into different material forms. Royal authority, for example, gets fashioned into a specific statement that the throwing down of enclosures is institutionally legitimate, while religious authority takes shape in the

76 Stow, 889.  
77 Ibid.
broader claim that these actions will “satisfie all degrees whatsoever.” Magical authority, on the other hand, gets inscribed in Reynoldes’s title and materialized in an object that shifts in Howes’s description from a source of ritual power to a prop, “When he was apprehended, his Powch was searched, and therein was onely a peece of greene cheese.” These distinct sources of social power all coalesce into the performance of “Captain Powche,” fashioning a culturally overdetermined, contradictory – it aligns a claim to royal authority with a magical pouch meant to protect demonstrators from the violence of forces being sent by the king – social force that helped to temporarily mobilize thousands of people and reshape the physical and social landscape of Northamptonshire.

Both the Diggers broadside and Reynoldes’s performance as “Captain Powche” embody Jameson’s conception of an “ideology of form” in that they draw upon and reshape, “the specific messages emitted by the varied sign systems which coexist in a given artistic process as well as in its general social formation.” The various sign systems continue to convey their own messages – loyalty to the king still provides the boundaries for the political nation and royal authority still provides a central repository of political legitimacy – but are also drawn in directions different from those understandings privileged by the king. Eventually, the differences between the anti-enclosure demonstrations in the Midlands and the crown proved so great that they were, tragically, resolved through violence. Orders were given for the suppression of the uprising in early

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78 Ibid.
June, only a week after a royal proclamation ordering the peasant forces to stand down.

On June 11, 1607, the Earl of Shrewsbury reports

S’ Anth. Mildmay and S’ Edward Montacue repaired to Newton… wheare 1000 of these fellows who term themselves levelers weare busily digging, but weare furnished with many halfe pykes, pyked staves, long bills, and bowes and arrows and stones. These gentlemen, fynding great backwardness in the trained bandes, were constrained to use all the horse they could make, and as many foote of their owne servants and fellows as they could trust; and first read the proclamation twice unto them. but when nothing would prevaile them they charged them thoroughlie… the first charge they stoode, and fought despearatelie; but at the second charge they ran away, in which there were slaine som 40 or 50 of them, and a very great number hurt.⁸⁰

While obviously taking on a different and more brutal form than the other political actions that we’ve looked at – a battle, rather than a speech act or a comparatively peaceful set of crowd actions – royal forces here instantiated an interaction between social interests and signifiers similar to the other examples we’ve looked at so far. Shrewsbury’s description not only demonstrates an obvious confrontation between different martial forces, but also shows them embodied in different signifying gestures – the reading of a proclamation, the mounting of arms, and the ordering and conducting of an attack. The king’s forces, moreover, offer a contradictory type of action by first reading the command to stand down and then charging when this order fails. On the one hand, the reading of the proclamation to deaf ears represents a failure of royal authority – since the king’s words and officers are always to be obeyed – that the charge corrects. On the other hand, the suppressing of the demonstrators marks the material consequence promised by the proclamation itself, which orders local nobility, “Immediately to

supresse [the demonstrations] by whatsoever means they may, be it by force of Armes, if admonitions and other lawfull meanes doe not serve to reduce them to their duties.\textsuperscript{81}

The cultural authority of the king and the institutional authority of his proclamations are thus simultaneously revealed as wanting and reinforced by the battle. While this form of popular politics quite obviously stops short of John Walter’s conception of the term as a “negotiation” between parties, it nevertheless draws upon the type of complex social formation descried by Williams – encompassing both a command to obey and a right to assert force – and enacts the type of formal negotiation described by Jameson.

The citizens’ uprising in \textit{Philaster} – first staged in 1609, two years after the Midland Uprising – does not end with this type of violent suppression, although the scene does incorporate the threat of violence into the citizens’ negotiation of a relationship to the aristocracy. When they enter on-stage, leading the captured Pharamond, the leader of the uprising – given only the name “Captain” – explicitly refers to and casts aside Dion’s insults about their status and their cowardice,

\begin{quote}
Come my brave myrmidons, let’s fall on, let your caps swarm, my boys, and your nimble tongues forget your mother gibberish of what-do-you-lack, and set your mouths ope, children… and then cry, “Philaster, brave Philaster!” Let not your hasty silks or your branched cloth of bodkin or your tissues, tie you affections in darkness to your shops… let your uncut cholers make the King feel the measure of your mightiness. Philaster! Cry, my rose-nobles, cry! (5.4.1-16)
\end{quote}

Both the references to “mother gibberish” and “what-do-you-lack” directly appropriate Dion’s insults in order to reject them. Although their language turns decidedly violent

after this, threatening Pharamond with beatings and including a debate over how to divide his carcass,

1 Citizen. I’ll have a leg, that’s certain.
2 Cit. I’ll have an arm.
3 Cit. I’ll have his nose and at mine own charge build a college and clap’t upon the gate. (5.4.58-60)

none of this violence ever gets carried out. While Ian Munro is probably correct in suggesting that this language evokes the image of the unconstrained, “many-headed monster,” both the citizens’ decision to stop short of actually carrying out their claims and their allusions to Dion’s stereotypes of their status and cowardice suggest that the threat operates as a strategic posture rather than representation of the citizens’ political nature. Where popular forces under the command of John Reynoldes explicitly avoided violence in order to dismiss aristocratic stereotypes about crowds, the citizens in Philaster threaten violence as part of an attempt to dismiss aristocratic stereotypes of popular cowardice.

The more complex negotiation that the citizens undertake is not with Dion’s insults, though, but with Philaster himself. Much like the authors of the Diggers broadside, the citizens define their own political identity through an imagined relationship to the prince. The alternative to Dion’s image of the citizens as poor and speaking “gibberish” gets refashioned into the name of the prince himself, “Forget your mother gibberish of what-do-you-lack… and then cry ‘Philaster, brave Philaster!’” Also much like the demonstrators in the Midland uprising, the vision of authority and the relationship between the king and commoners articulated by the uprising differs significantly from the one imagined by the Prince himself. Where Philaster explicitly
dismisses the citizens’ show of force and reminds them of his superior status, the citizens themselves imagine their loyalty and bravery as the foundation of his power,

*Cap.* We are thy myrmidons, thy Guard, thy roarers,
And when thy noble body is in durance
Thus do we clap our musty morions on
And trace the streets in terror. Is it peace,
Thou Mars of men? Is the King sociable
And bids thee live?...
… Speak. If not, this stand
Of royal blood shall be a-broach, a-tilt, and run
Even to the lees of honour.
*Philaster.* Hold and be satisfied. I am myself
Free as my thoughts are; by the gods I am.
*Cap.* Art thou the dainty darling of the King?
...
Do the lords bow and the regarded scarlets
Kiss their gummed golls and cry, ‘We are your servants!’
Is the court navigable and the presence stuck
With flags of friendship? If not, we are thy castle,
And this man sleeps.
*Phil.* I am what I do desire to be, your friend;
I am what I was born to be, your Prince. (5.4.79-98)

The Captain’s description of the citizens as a “stand of royal blood” and a “castle” for Philaster imagines their support as the materials that figuratively prop up and protect the prince, descriptions that turn out to be quite accurate. Prior to the uprisings, Philaster had been imprisoned and threatened with death, and only through these demonstrations does he get released. Although Philaster ignores this fact – and instead emphasizes his birth as the source of his rule, “I am what I was born to be, your king,” – the citizens nevertheless fashion a language and a set of titles for themselves that the play unambiguously stages as accurate within the political world it imagines.

Once again, the dynamic imagined by the play involves fundamentally differing political beliefs and social forces coming into tension with one another – expressed in
different languages and different actions – but also stopping short of directly conflicting with one another. For a brief moment, Philaster encounters a group of citizens responsible for his release from prison quite accurately proclaiming themselves to be the support and protection of his status as prince, but he chooses not to acknowledge this fact and instead distances himself from them socially and economically. The prince and his people physically share the same stage, each supporting a different vision of a national monarchy; rather than reconciling or definitely resolving these differences, the play – as Williams discusses – “crudely incorporates” them into a single, contradictory social and dramatic form. The scene also proves explicitly dynamic; the characters leave the stage in different directions, having negotiated related but, in the end, separate roles and forms of participation in the political nation itself. The overall political vision of the play thus emphasizes the presence of significant differences among members of the aristocracy and between higher and lower sorts of people, but in a way that does not privilege any particular group, and refuses to reconcile these differences into a single, stable vision of the nation.

This lack of direct conflict and the failure to privilege any particular social group makes any argument about the authors’ ideological intentions when writing and staging the play difficult to sustain. How, for example, could one accept Adkins’s and Finkelpearl’s arguments that the play somehow sides with Dion and the citizens’ uprising, or that it criticizes monarchy when these characters all negotiate a shared course of action with and acknowledge the legitimacy of the monarchs themselves. Or how could we accept Munro’s claim that the citizens reproduce aristocratic fears about unruly
mobs when the citizens not only stop short of acting violently, but are also shown to provide the foundation for the prince’s rule?

Looking at how this pattern of differences and near-conflicts relates to the play’s genre can perhaps provide a better sense of the authors’ intentions when staging the play. Modern readers best know Beaumont and Fletcher – to the extent that they know them at all – as pioneers in the period’s experimentation with tragicomedy. Starting with Fletcher’s 1608 staging of *The Faithful Shepherdess* and continuing through their collaborations on *Philaster* and *A King and No King*, the authors helped develop a narrative style that influenced Shakespeare and Webster amongst many other playwrights. While we’ll see in the next chapter that experiments with tragicomedy date back to the very beginnings of the rise in popular drama in and around early modern London, Beaumont and Fletcher’s collaborations mark the beginning of a sustained interest in the genre. Many of the tragicomedies from the period hold rather closely to the description of the genre laid out by Fletcher himself in his Preface to *The Faithful Shepherdess,*

> A tragie-comedie is not called so in respect of mirth and killing, but in respect it wants deaths, which is enough to make it no tragedie, yet brings some neere it, which is enough to make it no comedie: which must be a representation of familiar people, with such kinde of trouble as no life be questioned, so that a God is as lawful in this as in a tragedie, and meane people as in comedie.⁸²

We see both key elements of the genre in *Philaster* quite clearly. The plot constantly comes close to violence, only to stop short of it: Calabria and Dion come close to a confrontation, but stop short of engaging in it; Philaster becomes overwrought with

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⁸² Fletcher, *Preface*, 497. See n. 7 for full citation.
jealousy and stabs Arethusa and Bellario, but both survive; he then gets imprisoned and sentenced to death, but is saved by a citizen uprising that threatens violence but does not commit it. Likewise, many of the key moments in the play involve “mean” or lowly characters engaging with the aristocracy. The citizens provide the obvious example, but a comic “Country fellow” also stops Philaster from killing Bellario and Arethusa by besting him in a duel. Rather than suggesting a direct political and ideological commitment, the patterns in the plot suggest that Beaumont and Fletcher’s primary interests were greatly influenced by a desire to write a certain style of play that staged a series of near-conflicts, but did not kill anyone at all.

The simple fact that the playwrights’ political vision seems primarily driven by formal and artistic concerns, however, should not be read as an argument that what is significant about the play is its artistic form and not its political content. The most obvious reason for this, I think, is that the type of tragicomedy that Fletcher develops in his Preface and that he and Beaumont stage in Philaster includes and reinforces political assumptions about the differences between the nobility and “mean” people and the types of narrative appropriate for imagining their lives and interactions with one another. Moreover, the artistic concerns that shape the play also contribute to and produce a certain vision of political life. Tragicomic structure helps make possible and emphasize that differences within the aristocracy expressed themselves as distinct but not necessarily opposing conceptions of divine right and its relationship to obedience, that rumors are actively shaped by and reshape the desires and interests of those who circulate them, and that popular uprisings involve a certain amount of negotiation both within and between the citizens who stage them and the rulers they support and oppose. In short, the
play imagines a world where different sorts of people interact with one another, engage with one another, come close to conflicting with one another, but in the end are “crudely incorporated” into a single world and a single narrative. The desire to develop a particular style and genre of play thus provides Beaumont and Fletcher an occasion to draw upon its society’s numerous popular political negotiations – both as they took place between social groups and within different types of political practice and expression – and materially embody and expose the contradictory elements with its theoretically unified and widely accepted monarchical social formation.
Chapter 2

“Justice always shaking hands with mercy”: Dialectical genres in Measure for Measure and Promos and Cassandra

In the first chapter, I explored a broad range of popular political texts and practices in order to expand upon some of the project’s key terms. In this chapter, I will focus more narrowly on a single, dominant legal discourse – the discourse of justice and mercy - and its recreation in a pair of early modern plays – William Shakespeare’s Measure for Measure and George Whetstone’s Promos and Cassandra – in order to provide a focused example of popular political negotiation in both the political and dramatic cultures of early modern England.

The characters in Measure for Measure voice diverse, at times contradictory, arguments on the relationship between justice and mercy. Angelo most clearly, if finally hypocritically, argues that strict laws and rigid enforcement can steer citizens away from vice, “Those many had not dared to do that evil / If the first that did the edict infringe / Had answered for his deed” (2.2.91-93). Pompey offers the clearest alternative, arguing that Vienna’s sexual laws will not actually control behavior, “In my poor opinion they will to’t… If you head and hang all that offend that way but for ten year together, you’ll be glad to give out a commission for more heads” (2.1.222-229). Not all of the play’s characters, however, advocate consistent or even coherent positions on the nature of

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justice. Isabella initially concedes to Angelo’s logic, “O just but severe law!” (2.2.41), only to later advocate for mercy based upon the common frailty of man,

How would you be
If He which is the top of judgement should
But judge you as you are? O, think on that,
And mercy then will breathe within your lips. (2.2.76-79)

In her disappointment at Claudio’s request that she give up her chastity to save his life, however, Isabella herself pronounces judgment on her brother’s nature, “Thy sin’s not accidental, but a trade. / Mercy to thee would prove itself a bawd, / ‘Tis best that thou diest quickly” (3.1.152-154). Taken up from different social perspectives and at different moments in time, the relationship between justice and mercy in Measure for Measure proves both unsettled in the culture of Vienna, and unsettling to the characters within the play.

Critics have long made note of these unsettled and unsettling aspects of Measure for Measure. Eighteenth and nineteenth century commentators openly criticized the play, particularly its mixed genre and ending. Samuel Taylor Coleridge calls Measure for Measure, “The most painful… part of his genuine works. The comic and tragic parts equally border on [hateful], the one disgusting, the other horrible; and the pardon and marriage of Angelo… baffles the strong indignant claim for justice.”

More modern criticism has taken a less evaluative approach, explaining the play’s engagement with justice and mercy in a variety of formal, historical and ideological ways. Although its definition changes over time, most contemporary editions allude to F.S. Boas’s term,

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“problem play” to help categorize Measure for Measure’s complex mix of genres.³

Recent criticism has approached the play’s engagement with justice contextually, often making note that Renaissance jurists referred to “equity” as a moderate alternative to justice that modified the severity of written law. In some cases, readings along these lines have understood the play as a kind of theatrical and formal debate about the differences between “justice,” “equity,” and “mercy,” or as a meditation upon the difficulties of achieving a satisfactory form of one of these concepts.⁴

While this approach to the legal discourses alluded to in Measure for Measure has drawn attention to the complex ways early modern jurists and politicians both conceived of and used these terms, the focus up to this point has largely been on how they are differentiated from one another within the culture and the play. In addition to


representing distinct juridical concepts, however, “justice, equity, and mercy” can also be understood as interdependent elements of a single discourse that sought to reform subjects by producing both fear of punishment through the enforcing of strict laws, and love of the monarchy through the granting of mercy. The first section of this chapter explores how these terms were used by early modern English authority figures both discursively and in practice, arguing that although a belief in the logic of justice and mercy was pervasive, both this discourse and its instruments of authority were actively reshaped by different (at times conflicting) social groups in a process that practically negotiated governance at the local level. Shakespeare’s experiments with genre in Measure for Measure – discussed in the chapter’s second section in comparison to Promos and Cassandra, the play’s main source – participate in this process by appropriating the discourse of justice and mercy in a way that formally resists its logic and its application to the theater.

I.

Many readings of Measure for Measure that differentiate among justice, equity and mercy understand the play as setting Angelo in opposition to the Duke, often pointing to the marked difference between the Duke’s instructions upon ceding control of Vienna to Angelo, “Your scope is as mine own, / So to enforce or qualify the laws / As to your soul seems good” (1.1.66-68) and Angelo’s later insistence to Isabella that, “It is the law, not I, condemn your brother” (2.2.81).⁵ While these two statements on law

⁵ See especially Shuger, 78-101 and Cohen, 439-440, and Platt, 64-66. By distinguishing my own argument from these, I do not want to imply that these articles are incorrect to separate out “justice” and “equity,” or Angelo and the Duke, as forces within the society and within the play. My contention is only that, if in some circumstances and statements these concepts came into conflict with one another, in others they did
enforcement obviously conflict, they do not necessarily need to be read as mutually exclusive. The wording of the Duke’s instructions actually implies this; rather than suggest that Angelo must in all cases, “enforce and qualify the laws,” the Duke implies that he can “enforce or qualify” them, depending upon the situation. Later, when explaining his choice temporarily to give Angelo a place of authority in Vienna, the Duke firmly articulates a belief in the necessity of strict laws and rigid enforcement,

We have strict statutes and most biting laws,
The needful bits and curbs to headstrong weeds,
Which for this fourteen years we have let slip,

... 
Now, as fond fathers,
Having bound up the threatening twigs of birch,
Only to stick it in their children’s sight
For terror, not to use, in time the rod
Becomes more mocked than feared; so our decrees,
Dead to infliction, to themselves are dead,
And liberty plucks justice by the nose,
The baby beats the nurse, and quite athwart
Goes all decorum. (1.3.19-31)

The Duke describes his city as disordered, turned upside-down by a failure to enforce the laws. Angelo will later echo this sentiment, telling Escalus,

We must not make a scarecrow of the law,
Setting it up to fear the birds of prey,
And let it keep one shape till custom make it
Their perch and not their terror. (2.1.1-4)

Both characters betray deep anxiety that lax enforcement causes social disorder by removing the fear of punishment, the main deterrent to criminal behavior. Their shared

not, and that it will deepen our understanding of the possible meanings of Shakespeare’s play to consider how these concepts interacted with one another.
anxiety suggests that Angelo has, at least in part, been chosen to rule Vienna because he will unremittingly enforce the state’s “strict statutes and most biting laws”.  

This is not surprising, since the belief that lax law enforcement invited criminality proves relatively ubiquitous in the period’s judicial and moral writing. In *Basilicon Doron*, James VI, claiming to speak from personal experience, warns his son about this very danger,

> For if... ye kyth your clemencie at the first, the offences would soone come to such heapes, and the contempt of you grow so great, that when ye would fall to punish, the number of them to be punished, would exceed the innocent... I confesse, where I thought... to win all mens hearts to louing and willing obedience, I by the contrary found the disorder of the country and the losse of my thanks to be all my reward.

In his charges to grand juries at the Kent Quarter Sessions, William Lambarde frequently emphasized the need for rigorous law enforcement; in one speech he likens the enforcement of minor statutes to the pruning of plants, an image also used by Shakespeare’s Duke,

> It is you that can see, if you will, the roots and first springs of all these evils that infest and trouble the country, and in you therefore chiefly it lieth to cut them off in the tender herb and before that they do grow to dangerous ripeness... you should hew and cut in sunder the first steps, as it were, of those stairs which do lead up to pickery, theft and robbing.

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While Lambarde does not share James’s paternalistic tone, both clearly believe that a failure to punish offenders breeds criminality.

Perhaps the most striking evidence of the belief in the exemplary power of law enforcement and capital punishment can be found in the numerous pamphlets recording the final speeches of prisoners condemned to death by the state. As J.A. Sharpe has described, these pamphlets often emphasize the fact that the men and women to be executed supported and helped perpetuate this discourse, “The recurrent theme of the pamphlet and chapbook accounts of executions was the expectation that the condemned would be brought to accept the deservedness of their execution, should attain a full awareness of the wickedness of the past life which had brought them to their unhappy fate, and that they should die reconciled to that fate.”9 We can see this pattern in the description of the execution of Elizabeth Caldwell, a Chester woman found guilty as an accomplice in the murder of a young girl and the attempted murder of her husband,

Wishing all people in the feare of God… she complained much of adultery, and said it was that filthy sinne which was the cause of her death, and was persuaded in her conscience that her afflictions was rather for that, then any murder she ever committed: notwithstanding, she yielded her selfe culpable of concealing of it, manifesting that in regarde of her sinnes, and iniquities, she deserved a thousand deaths, praying most earnestly unto God, that her selfe might be a warning and example unto all there present, wishing them most earnestly to serve the Lord.10

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9 J.A. Sharpe, “‘Last Dying Speeches’: Religion, Ideology and Public Execution in Seventeenth-Century England,” *Past and Present* 107 (1985): 152. See also Peter Lake, *The Antichrist’s Lewd Hat* (New Haven, CT: Yale UP, 2002, esp. ch. 7) who, while acknowledging the pervasiveness of this pattern, also notes that many people executed by the early modern English state – particularly Catholic martyrs – openly challenged the justice of their executions.

10 Gilbert Dugdale, *A True Discourse of the practices of Elizabeth Caldwell, Ma: Jeffrey Bownd, Isabell Hall widow, and George Fernely, on the parson of Ma: Thomas Caldwell, in the County of Chester, to have murdered and poisoned him, with divers others,* (London: James Roberts, 1604), D2.
Although insisting she has not committed murder, Caldwell admits both to adultery and her culpability in the attempt upon her husband’s life, expressing a hope that her wickedness and execution will inspire fear of God and “might be a warning and example unto all there present.” These texts, and numerous others from all levels of society, speak to a widespread belief in the necessity of strict law enforcement and exemplary displays of capital punishment to help reform citizens and create order within the society.

Just as important, the Tudor and early Stuart periods saw both an increase in the breadth and severity of the legal code, and what can only be described, at least from a modern perspective, as a shockingly high number of executions. All felonies and many forms of treason carried with them the threat of death; felonies included crimes like murder, manslaughter, and rape, but also numerous property crimes such as robbery (defined as taking any amount of property directly from a person), burglary (any theft involving breaking into a person’s home during the nighttime), horse theft, cutting purses, and grand larceny (theft of anything valued at over a shilling, regardless of the circumstances). K.J. Kesserling notes that Elizabethan parliaments, “Enacted eleven laws that expanded the scope of treason and nineteen that clarified, created, or restored felonies,” including the crimes of desertion, clipping coins, sorcery, witchcraft, and buggery.\textsuperscript{11} Parliament also significantly shortened the list of felonies for which men could claim the “benefit of clergy,” a practice that allowed convicted felons to be retried in ecclesiastical courts, and thus avoid capital punishment.\textsuperscript{12} Many jurists and

\textsuperscript{11} K.J. Kesselring, \textit{Mercy and the Tudor State}, (New York: Cambridge University Press, 2003), 39. For an excellent overview of the expanding statutes, including a thorough set of bibliographical notes, see 23-41.

parliamentary representatives, including Edward Coke and William Lambarde, commented upon the increasing number of statutes; one observer noted that justices of the peace had, “not loads, but stacks of statutes,” to enforce.\(^\text{13}\)

Given the severity of the code, it’s unsurprising that large numbers of citizens were condemned to die. Estimates based on examination of available assize and quarter session records have placed the overall number of hangings in England and Wales from 1559 to 1624 at over 24,000 men and women.\(^\text{14}\) London, with its large, increasingly immigrant population, saw a disproportionate number of these executions; J.A. Sharpe tells how, “In 1887 a pioneer student of the Middlesex court records, using gaol delivery rolls from the middle years of James I’s reign, postulated as a conservative estimate that nearly 150 felons were hanged annually in London during the Jacobean period. By the first half of the eighteenth century, the annual average of executions was a little over 20.”\(^\text{15}\) Neither the severity of the legal code, nor the sheer number of executions went unnoted by contemporaries. A character in Thomas Dekker’s *The Honest Whore*
explains his decision not to indict a servant for theft, saying, “Many loose their lives / For scarce so much coyne as will hide their palme: / Which is most cruel.”

Edward Coke also remarks in the *Institutes* that, “If in a large field a man might see together all the Christians that but in one year, throughout England, come to that untimely and ignominious death, if there were any spark of grace or charity in him, it would make his heart bleed for pity and compassion.”

The nature of the English legal code, the sheer number of hangings and the commentary of contemporaries all speak to the many reminders that men and women in this society would have had about the severe and exemplary scope of their system of justice.

Nevertheless, it would be incorrect to look only at the number of hangings and those statements defending or lamenting the use of exemplary capital punishment and conclude that law enforcement practices at the time were indiscriminately brutal and repressive. J.A. Sharpe perhaps best characterizes the totality of English legal practice during this period when he says,

> There was a draconian legal code with ample statutory provision for the infliction of the death penalty, and a large number of felons were hanged. Nevertheless, an overwhelming majority of those persons theoretically at risk of the noose evaded it, and did so

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16 Thomas Dekker, *The Honest Whore, Part 1*, in *The Dramatic Works of Thomas Dekker, Vol. 2*, Fredson Bowers ed. (New York: Cambridge UP, 1955, 1.5.223-5). Also see Thomas More, *Utopia*, trans. Robert M. Adams, 2nd ed. (New York: W.W. Norton, 1992), where Hythloday comments upon the large number of criminals being hanged, finally stating, “The penalty is too harsh in itself, yet it isn’t an effective deterrent. Simple theft is not so great a crime that it ought to cost a man his head, yet no punishment however severe can withhold a man from robbery when he has no other way to eat” (9-10).

17 See Coke, *Institutes*, “The Epilogue” K4. Coke offers a further reminder of the close conceptual connection between justice and mercy by offering as one remedy to this problem, “The execution of good laws,” and, “Forasmuch as many do offend in hope of pardon, that Pardons be very rarely granted,”(K4e2) essentially arguing that one remedy to the pittiable number of executions in England is to enforce laws more strictly.
through the regular application of practices designed to allow suspects or convicted persons to evade the full rigor of the law.18

The most common methods for evading capital punishment were for the convicted felon to claim benefit of clergy or to be informally extended mercy by the jury. The claiming of benefit of clergy, a tradition originally developed to protect the independent jurisdiction for the Catholic church, continued to exist in post-Reformation England as a way of allowing first time offenders to escape hanging by reading a passage from the Bible. Based upon the rates of literacy in the period, the fact that most of the accused passed the reading test – and that by the end of the seventeenth century the test was no longer administered – suggests that the granting of “clerical” status was predominantly a legal formality. Joel Samaha argues that pattern of parliamentary limitations of those felonies for which clergy was available, “Reveal[s] a consistent if not specifically articulated effort… to alter the monolithic common law of crimes which made every felony a capital offense… violent crimes… were removed from the benefit of clergy, while less serious thefts remained under its protection.”19 Despite statutory limitations, the rate at which clerical status was granted actually increased during the period; in Middlesex county, the percentage of convicted men granted clerical status rose from about 9% in the 1550s to about 39% during the 1590s.20 Records also show that individual felons were occasionally allowed to make the claim on multiple occasions,

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18 J.A. Sharpe, *Crime in Seventeenth Century*, 148. Sharpe earlier calculates, “Combining the totals for those granted benefit of clergy and for those whose crimes were undervalued reveals that 86% of those charged with grand larceny and who were eventually convicted escaped the noose” (146).
showing that the loophole operated both formally and informally as a way of mitigating the legal code.\textsuperscript{21}

The pattern of actual convictions also shows the discretion given to juries in law enforcement, and the many ways they used this to mitigate the punishments given to neighbors. County studies have shown that the number of people indicted and tried for theft, which might allow the accused to claim benefit of clergy, greatly outnumbered those accused of robbery and burglary, which did not.\textsuperscript{22} While these numbers certainly tell us something about the types of crime being committed, the fact that, during many indictments and trials, juries reduced the actual crime being charged – either by returning a partial verdict or reducing the value of stolen goods – suggests that there were deliberate attempts to avoid convicting men and women under the statutes as written. J.A. Sharpe notes that, “The majority of the seventeen thieves who were whipped for their offence in [one] East Anglian sample were originally charged with grand larceny… [and] many accusations of burglary, felony without benefit of clergy, were adjusted to simple charges of grand (or even petty) larceny.”\textsuperscript{23} Joel Samaha provides a particularly pronounced example of the devaluing of goods in the case of Anne Clark, a young cutpurse from Colchester, “She was finally indicted and brought to trial for cutting five of her victims’ purses, totally more than £1. Despite both a confession and the testimony of


\textsuperscript{22} See Joel Samaha, \textit{Law and Order}, esp. ch. 1, a study of Essex which shows the number of people tried for theft ranging from three to eight times the number of those tried for robbery and burglary, J.A. Sharpe, \textit{Crime in Seventeenth Century}, ch. 7, a study of Essex which shows the number of people tried for theft four times greater from 1620-1670 and Herrup, ch. 6, a study of Sussex which shows the number of people tried for theft tripling that of those tried for robbery and burglary from 1590-1640.

several of her victims, the trial jury found her guilty of only one of the cuttings and reduced the value of money stolen to a mere 10d. So, instead of hanging, she was whipped."\textsuperscript{24} Cynthia Herrup also notes differences in the rate in which execution was ordered depending upon both the type and value of goods stolen amongst charges more serious than theft. In Sussex, among those found guilty of burglary for food – a good stolen to be consumed, and presumably from need – only 31% were actually executed; among those found guilty of burgling saleable goods – such as cloth and horses – 94% were executed.\textsuperscript{25} Thus, despite the uniform, corporal nature of the criminal code in Elizabethan and Jacobean England, records indicate that the average man or woman facing trial stood before courts that made significant attempts to distinguish between the types of crime being committed and extended mercy to those they deemed deserving.

The granting of mercy did not, moreover, reside solely in the use of legal loopholes and the practices of juries. Monarchs, judges and justices also played a significant ideological and practical role in mitigating legal statutes. William Lambarde, for example, makes a point of praising Elizabeth for a general pardon issued to her subjects, emphasizing the reformatory possibilities of mercy, “It pleased the Queen’s Highness this last year to send out her general and free pardon, thereby not only forgiving us the most part of our offenses that are past but also giving us great cause to use better obedience for the time that is to come.”\textsuperscript{26} Elizabeth granted general pardons at each session of Parliament, usually including statements speaking to both the severity of the law, and the mutual love between her and her subjects,

\textsuperscript{24} Samaha, “Hanging for Felony,” 781.
\textsuperscript{25} See Herrup, esp. 180-192.
\textsuperscript{26} Lambarde and Local Government, 71.
The Quenes most Excellent Majestye… havinge in this present Session of P’liament, a full and manyfe Declaracion of the faihtefull and loving Hartes of her Subjects towards her, and withal rememberinge into howe manye Penalties and Daungers of her Lawes sundrye of her verrye good loynge Subjects be fallen… her Highenesse therefore covettinge rather by reasonable peetye and Pryncelye clemencye to wynne her loynge Subjects to good order of Liffe and obedience to her Lawes, then otherwise by severe execucion of Justice… hath the thought yt mete… with her General and Free Pardon, to deliever and dischardge her saide Subjects.27

The pardon, both a political and legal document, repeats the hope that mercy could produce obedience and inspire “loving Hartes” in her subjects, while nevertheless reinforcing the relationship between the “Penalties and Daungers of her Lawes,” and the “severe execucion of Justice.” Rather than opposing one another, justice and mercy could operate as alternative means to the same end; justice was thought to inspire obedience through fear, while mercy was thought to inspire it through love.

The use of the pardon could also play a more practical and particular role in governing the country. The case of Rowland Cole provides an example of Elizabeth using the pardon to sanction a local, largely extrajudicial settlement of a legal problem. The pardon notes that the petition for Cole’s life came, “At the suit of Richard Baylies… he was by Cole and others feloniously and burglariously despoiled of goods to the value of 400 marks, to the utter impoverishment of him, his wife and 10 children… the parents and friends of Cole are prepared to make restitution of the greater part of the goods if Cole is pardoned.”28 By signing the pardon, the Queen gave official license to an act of

27 18 Eliz. c. 24, Statutes of the Realm, A. Luders et. al. eds., 11 vols. (London, 1810-28). In Basilicon Doron, King James also describes the act of ordering execution to his son as, “Against your nature,” and admits that when he first came to the throne, he practiced mercy, “I confesse… I thought (by being gracious at the beginning) to win all mens hearts to a louing and willing obedience” (22).
interpersonal arbitration. English statutes against theft were punitive rather than restorative; were he to have been hanged, Cole’s family would have been under no legal obligation to restore the stolen goods to the now destitute Baylies. Although only a single example, the pardon of Rowland Cole shows that in addition to passing laws and extending broad, political pardons, the Elizabethan regime also granted a great deal of discretion to local people to creatively use the legal structures to reach what they felt was a just result.

A broader example of the sanctioning of local discretion can be seen in the development of the “circuit pardon.” Early in Elizabeth’s reign, privy councilors began requesting that judges and justices submit lists of particular felons whom they felt deserved remission and pardon. During the late sixteenth and early seventeenth centuries this form of pardon was still comparatively rare when compared to the granting of benefit of clergy and juries’ reductions of goods and charges. By the mid-eighteenth century, however, the circuit pardon – often combined with colonial transportation, a practice first developed in 1615 – became the dominant vehicle through which felons escaped the noose.29 Taken together, the widespread granting of benefit of clergy, juries’ reductions in charges and the value of goods, and experiments with transportation and circuit pardon, reveal a practical recognition at many levels of society – from monarchs and privy councilors, to local gentry who served as justices of the peace, and even down to the yeomen and wealthy freeholders who sat on juries – that the legal code operated best when not fully enforced.

29 See Kesselring Mercy 83-87. Although transportation had been experimented with in the Tudor period, particularly as a way to deal with Catholic Jesuits, the first experiments with colonial transportation did not take place until 1615 under James I. See Wilson, 32.
Jurists often referred to the concept of “equity” to resolve this apparent contradiction between the severity and leniency of legal practices. Lambarde describes how, “a good Chancellour will permit the Common Law to hold her just honour, and not make such violent irruption upon her borders, but will so moderate his power… [that] the Rigour of the Law may bee amended… by the true consideration of Justice and Equitie.”  Basilicon Doron, likewise, describes, “Equitie… [which] giveth every one that which is meetest for him,” as an alternative to the exemplary violence of Justice, “When yee have by the severitie of Justice once setled your countries, and made them know that ye can strike, then may ye… mixe Justice with Mercie, punishing or sparing, as ye shall finde the crime to have been wilfully or rashly committed, and according to the by-past behavior of the committer.” While Lambarde and James offer equity as a moderate alternative to the potential violence of justice, both nevertheless continue to betray an anxiety that excessive leniency invites, “irruption upon the borders,” of both the law and the commonwealth. The way this anxiety prevents equity from acting – even at a conceptual level – as a wholesale alternative to the severity of justice can perhaps be seen most clearly in William Perkins’s Epieikeia: or, A treatise of Christian Equitie and moderation:

Moderation is then the equitie of the lawe, and the extremitie is more injustice… two sortes of men are here reproveable. First such men, as by a certain foolish kind of pittie, are so carried away, that would have nothing but mercy, mercy, and would have all punnishments, forfeitures, penalties, either quite taken away, and remitted, or at least lessoned, and moderated… This is the high way to abolish lawes, and consequently to pull downe authoritie, and so in the end to open a dore to all confusion, disorder, and to

31 James VI, 45, 23.
all licentiousnes of life… in the second place, this doctrine and the very scope of this text, condemnes another sort of men, which are more cumbersome; that is to say, such men as have nothing in their mouthes, but the lawe, the lawe: and Justice, Justice: in the meane time forgetting that Justice always shakes hands with her sister mercie.\textsuperscript{32}

Perkins offers equity and moderation as an independent legal ideal, referring to the logic of his “doctrine and the very scope of this text,” and mocking the extremes of both mercy and justice. The summary definition of equity, though, “Justice always shaking hands with mercy,” mediates and balances these terms without replacing them. Mercy carried to an extreme, “is the high way to abolish lawes,” and “to pull downe authoritie,” but used appropriately makes justice and the law less “cumbersome.” This act of discursive mediation both contributes to the interdependence of justice and mercy in the period’s legal imagination, and raises anxieties and tensions about their relationship, even as it works to ease those tensions.

Just as the presence of “equity” as a mediating legal ideal should not be understood as fully erasing justice and mercy or the tensions between them, neither should the presence of observable patterns in practices of punishment and mercy lead to an assumption that judicial ideals easily flowed directly from the crown and parliament down to local magistrates and jurors. As commonly as the need for strict laws and rigid enforcement was expressed, so was the sentiment that the pity, leniency, and laxity of one’s social inferiors caused manifest disorder in the countryside. In the first year of his reign, King James released a Proclamation against unlawfull Hunting, charging both local officials and peasants with failing to properly observe statutes,

\textsuperscript{32} William Perkins, \textit{Epieikeia: or, A treatise of Christian Equitie and moderation} (Cambridge, Eng.: John Legat, 1604), sig. A8\textsuperscript{r}v.
Forasmuch as his Majestie understandeth, that there be divers ancient & other good and necessary Lawes and statutes… which do impose diverse grievous Corporall and pecuniary paines & punishments, extending in some cases to sentence of death (the last and greatest punishment)… upon such as unlawfully hunt… the same good Lawes and Statutes have had (especially of late time) little or no effect, in respect that there hath not been any due execution… by such to whom the care and charge thereof appertained: by meanes whereof, such boldnesse and disobedience hath growen, specially of the vulgar sort.\textsuperscript{33}

The Elizabethan Star Chamber explicitly charged some justices, “Not to allow clergy more than once, or where it is not allowable by law, for it is not pity but false pity.”\textsuperscript{34} The poor quality of jurors, particularly their low social status, was also frequently commented upon. An Elizabethan statute complained that, “Shrieffes and other Ministers, who for Rewarde oftentimes do spare at home the most able and sufficient Freeholders and returned the poorer and simpler sort least able to discerne the Causes in question,” a sentiment which a Jacobean proclamation later repeats by referring to some jurors as “Simple and ignorant, and almost at a gaze in any cause of difficulty.”\textsuperscript{35} The manifest content of these statements all reveal an underlying tension over how instruments of authority should properly be exercised. Local officials were charged with laxity in enforcing the laws and selecting jurors, while judges were charged with “false pity,” in their granting of clerical status. Thus, while the crown granted discretion to local officials to manipulate instruments of authority, these statements reveal that this process could create tensions between court and countryside over how that discretion was properly exercised.

\textsuperscript{34} qtd. in Kesselring.
\textsuperscript{35} 27 Eliz. I c. 6 and Larkin and Hughes, 169.
These statements also provide an example of the fact that justice and mercy could be discursively manipulated just as they could be practically manipulated. In the above proclamations, social order is aligned with the monarchy and the law through a process of dissociation. The laxity of “Shriffes and other Ministers,” and the “simplicity,” “ignorance,” and “vulgarity,” of the common people are responsible for social disorder, rather than the inefficiencies of exemplary punishment or the cruelty of “good and necessary” laws that threaten unlawful hunting with death. A similar rhetorical pattern appears in a 1596 letter written by the justice of the peace Edward Hext to Lord Burleigh, where he blames recent increases in theft on justices, “That eyther wanteth experience… or will not take paynes that ought to be taken,” and “the simple Cuntryman and woman… [who] are of opynyon that they would not procure a mans death for all the goods yn the world,” among other things.36 In addition to acting as theoretical ideals, then, justice and mercy could be rhetorically manipulated as a way of legitimizing the dominance of existing social forces – the monarchy, the law, and specific members of the judiciary – despite perceptions that certain types of criminality were widespread.

The view that we get of the system of justice and mercy – both as it operated in practice, and discursively – is dominated by a rigid and enduring set of structures that were nevertheless capable of being appropriated and manipulated by a widely dispersed, socially differentiated ruling hierarchy. The predominantly severe legal code took on a graded character through royal and judicial pardons, the widespread tolerance of residual claims to clerical status, and active attempts of jurors to hand down verdicts that reflected

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the nature of crimes in ways that statutes did not. Likewise, the concepts of “justice,” “mercy,” and “equity,” operated in an interrelated fashion to at least theoretically present a balanced view of ideal judicial practice. This process of manipulation and appropriation was ongoing, and can are best understood as a tense, at times contradictory, set of practical and discursive negotiations of political authority. The monarchy charged men of Hext and Lambarde’s status with a leniency and “false pity,” that produced criminality, while at the same time offering general and particular pardons that sought to win subjects’ love. Judges and justices adopted much the same attitude towards one another and yeomen and freeholders who sat on juries, while nevertheless permitting increasing numbers of claims to clerical status and appropriating the mercy of the monarchy through the emerging use of the circuit pardon. Identical practices might take on conflicting positions within the discourse of authority depending upon someone’s social perspective. A jury devaluing goods stolen by local youth might understand as “merciful,” what a judge would decry as “false pity,” just as the crown might view a local

37 The best critical term for this negotiation, I think, is what Raymond Williams describes as “lived hegemony.” In *Marxism and Literature*, he describes how, “A lived hegemony is always a process. It is not, except analytically, a system or structure. It is a realized complex of experiences, relationships, and activities, with specific and changing pressures and limits. In practice, that is, hegemony can never be singular,” (112). I have avoided using the term “hegemony” in a broad way in the body of this essay, so as to avoid confusing the “lived hegemony” Williams describes with Antonio Gramsci’s commonly referenced uses of the term “hegemony” to denote either a class alliance or a dominant civil society. See Raymond Williams, *Marxism and Literature* (New York, Oxford University Press, 1977) and *The Antonio Gramsci Reader: Selected Writings 1916-1935*, ed. David Forgacs (New York: NYU Press, 2000) esp. V.4, VI.5-6, X.1, and the useful glossary entry on “hegemony” on p. 421-24.

38 Although the tendency of jurors to mitigate or acquit minor offenses while reserving capital punishment for more serious ones may seem more intuitive than the more absolute and expansive Elizabethan and Jacobean statutes, there are certain elements to their verdicts which also show this pattern at work. Cynthia Herrup and P.G. Lawson both observe that conviction rates and executions—even for infractions often treated with leniency—increase during sessions when more people were being brought before the court, a trend that prompts Lawson to comment that, “When crime levels could presumed to be high, juries were inclined to strengthen the message of deterrence by sending a larger group to the gallows” (154). See also Herrup, 156. For a reading of jury practices in relation to the court and judiciary, see Steven Hindle, *The State and Social Change in Early Modern England c. 1550-1640* (New York, St. Martin’s: 2000), esp. ch. 5.
magistrate’s scant pursuit of hunting statutes as inviting lawlessness, where he himself understood his behavior as “equitable.” Thus, rather than operating as a single power that ordered society, both the discourse and practices of justice and mercy provided a fluid source of legimacy that was appropriated in diverse ways by men and women throughout the country.  

II.

In the second half of my chapter, I will argue that Measure for Measure can similarly be understood as an appropriation and manipulation of the discourse of justice and mercy. The interrelated nature of these concepts in the period’s legal and political imagination helps, at least in part, to explain the diverse, contradictory statements and actions that characters within the play voice about justice and mercy. Rather than representing a contradiction, for example, the shift from Isabella’s statement that Angelo describes a “Just but severe law,” to her later argument on behalf of Claudio, “I do think

39 See Michel Foucault, Discipline and Punish, trans. Alan Sheridan (New York: Vintage, 1995), and Power/Knowledge, trans. Colin Gordon (New York: Pantheon, 1980). In Discipline and Punish, Foucault describes justice in the pre-modern era saying, “The public execution… is a ceremonial by which a momentarily injured sovereignty is reconstituted. It restores that sovereignty by manifesting it at its most spectacular… over and above the crime that has placed the sovereign in contempt, it deploys before all eyes an invincible force. Its aim is not so much to re-establish a balance as to bring into play, as its extreme point, the dissymmetry between the subject who has dared to violate the law and the all-powerful sovereign who displays his strength” (48-49, italics mine). While the basic logic of exemplary and terrifying law that Foucault describes as the “Spectacle of the Scaffold,” captures rather eloquently the ritual logic of execution practices in early modern England, the singular terms that he uses – “the sovereign,” and “his strength” – provide a view of how this analysis can potentially be misleading. The best way to understand “the sovereign,” in an English context would be to include within this term not only the monarch, but also the privy council, members of parliament, judges, justices, sheriffs, juries, etc. to whom the monarch delegated both authority and practical discretion as to how that authority was applied. This type of sovereign power should also be distinguished from the dispersed techniques Foucault later associates with disciplinary power, and which he elsewhere associates with power/knowledge and bio/power. In Power/Knowledge, we see one version of this alternate notion of power described as, “Something which circulates… it is never localized here or there, never in anybody’s hands, never appropriated… individuals are the vehicle of power, not it’s point of application” (98). The sovereign power of justice/mercy clearly does not fit this model: justice gets applied to bodies in the form of corporal punishment; mercy gets granted through the grace of social superiors; authority gets localized in officials who manipulate it discursively and practically to meet a diverse set of needs.
that you might pardon him, / And neither heaven nor man grieve at the mercy” (2.2.41, 49-50) can be understood as a movement from one position to another within a single discourse that sought to make full use of both severity and mercy. Her later insistence to her brother that, “Mercy to thee would prove itself a bawd, / ‘Tis best that thou diest quickly” (3.1.153-154) also shows Isabella – much like the royal proclamations and the letter of Edward Hext – defending the legitimacy of her desire to remain chaste by differentiating herself from Claudio and insisting that granting him mercy would produce criminality rather than reform. Many of the unsettling elements of the play – including, among many others, the philosophical differences expressed by Angelo and the Duke, and the striking differences between Isabella’s pleas for mercy and her condemnation of her brother – draw upon the broad, unstable nature of this discourse and the tensions produced by individuals’ attempts to shape it into something which could either create social order or justify their own actions.

In addition to reflecting these tensions, though, Measure for Measure also appropriates and manipulates them to in order to reshape its audience’s experience of justice and mercy, practices like capital punishment and the pardon, and even the experience of theater itself. In order to more precisely characterize how the play does this, I will conduct a differential, comparative reading of the work alongside George Whetstone’s Promos and Cassandra. I have chosen this method, first because I think that the complex, experimental uses of genre and other theatrical devices that Measure for Measure undertakes become more readable in relationship to its source – a more formally conventional work that also includes an Epistle Dedicatory which discusses the relationship between justice, mercy and drama – and second, because the interaction
between the two works provides an example of how the process of appropriating justice and mercy could work to both reproduce and alter their cultural meaning.

One significant adaptation that Shakespeare makes to his source is to fully dissociate Angelo from Pompey, Mistress Overdone and what might be termed the rest of the play’s “vulgar sort” of characters. In Whetstone’s play, Promos is explicitly linked to these characters through his deputy Phallax, a corrupt official who early on tells the audience, “Disordred persons brybe me wel to escape from Justice band,” and throughout the work acts as a vice figure that causes virtually all of the corruption in the city of Julio.40 Prior to encountering Phallax, the play’s courtesan and bawd both seem moved to reform their lives because they have heard that strict laws against lechery are being enforced. Rosco reports to his mistress Lamia, “Mistress, you must shut up your shops & leave your occupying/ … / … right nowe at the Sessions I was, / … / Andrugio / For loving too kindlie must loose his head,” to which she responds, “Is this offence in question againe? / … / See, see howe soone my triumph e turnes to paine” (447-448). Their efforts to reform their lives are disrupted, however, by the lust and corruption of Phallax. Lamia manages to avoid punishment by seducing him, and after this all three characters proceed to extort poor citizens through abuse of Phallax’s office. Phallax also encourages Promos to pursue his desire for Cassandra, suggesting that she will be open to his advances either because, like her brother, she is lusty, or because her desire for Andrugio’s pardon will leave her open to suggestion. The creation of this type of vice figure works to naturalize the reformatory logic of capital punishment by initially holding

out the prospect of its success, only to show it undermined by the corruption of those charged with upholding justice within the city.

By removing the figure of the obviously corrupt magistrate and separating the plot of Angelo and Isabella from that of the lower sort of characters, *Measure for Measure* denaturalizes the relationship between disorder and the threat of justice. Rather than stemming from a straightforwardly corrupt official, Angelo’s proposition that Isabella exchange her virginity for her brother’s life stems from perversions of what early modern society would undoubtedly understand as virtues. He seems drawn to Isabella for the quality of her speech, and the chaste modesty of her beauty,

> What, do I love her,  
> That I desire to hear her speak again,  
> ...  
> Never could the strumpet  
> With all her double vigour, art and nature,  
> Once stir my temper, but this virtuous maid  
> Subdues me quite. Ever till now  
> When men were fond, I smiled and wondered how. (2.2.180-190)

Angelo’s austerity likewise seems to have bred in him an inability to control his passions, depriving him, as he sees it, of the ability to act rationally, “Why does my blood thus muster to my heart, / ... / ... dispossessing all my other parts / Of necessary fitness?” (2.4.20-24). Angelo’s love of virtue and chastity – both in Isabella and himself – gets perverted into a pride that leads him to dismiss Isabella’s threat to reveal his hypocrisy and corruption,

> Who will believe thee, Isabel?  
> My unsoiled name, the austereness of my life,  
> My vouch against you, and my place i’ the state,  
> Will so your accusation overweigh  
> That you shall stifle in your own report  
> And smell of calumny. (2.4.155-160)
Angelo proves unmoved by Isabella’s attempt to threaten him with the law precisely because his earlier austerity and his position within the society make him feel he will be above suspicion. The overall effect reshapes the vice of the “corrupt magistrate,” from an easily identifiable, embodied figure that works against traditionally effective structures of law enforcement, into a process whereby potentially virtuous characteristics – desire and love of a modest woman, or an honest attempt to live a life above public reproach – in certain circumstances corrupt those given power within the society.

If Angelo’s dismissal of the threat of justice seems rooted in a kind of tragic flaw, the figures of Pompey and Barnardine offer more comic responses to the threat of capital punishment. Pompey responds to Claudio’s carting and the suppression of Vienna’s suburban brothels far more casually than his counterpart in Promos and Cassandra, telling Mistress Overdone, “Come, fear not you; good counsellors lack no clients. Though you change your place, you need not change your trade. I’ll be your tapster still” (1.2.105-107). This utter lack of fear takes on an even more pronounced character when Pompey actually gets dragged before Escalus and warned about the coming severity aimed at his profession,

*Escalus:* Pompey, you are partly a bawd, howsoever you colour it in being a tapster, are you not? Come, tell me true, it shall be better for you.

*Pompey:* Truly, sir, I am a poor fellow that would live.

*Escalus:* How would you live, Pompey? By being a bawd? What do you think of the trade, Pompey? Is it a lawful trade?

*Pompey:* If the law would allow it, sir.

*Escalus:* But the law will not allow it, Pompey, nor it shall not be allowed in Vienna.

*Pompey:* Does your worship mean to geld and splay all of the youth of the city?

*Escalus:* No, Pompey.
Pompey: Truly sir, in my poor opinion they will to’t then…

Escalus: There is pretty orders beginning, I call tell you; it is but heading and hanging.

Pompey: If you head and hang all that offend that way but for ten year together, you’ll be glad to give out a commission for more heads… if you live to see this come to pass, say Pompey told you so. (2.1.209-232)

Perhaps the most striking aspect of this exchange is its form. Upon being given the opportunity to gain mercy through confession and repentance, Pompey instead chooses to make sly jokes and to argue with justice. Moreover, rather than questioning the substance of the charge against him, either by claiming another profession or asking to be presented with proof of his criminal behavior, Pompey argues with the grounds of his criminality. His initial defense, “I am a poor fellow that would live,” works to differentiate him from the stereotype of “idle wandryng people,” that dominated contemporary perceptions of criminals. After being asked to defend the quality of his profession, Pompey points to the impracticality of laws against prostitution and fornication. He first jokes that enforcing the statute will only be successful if placed alongside a program of mass castration, and when told that this will not happen he suggests, “If you head and hang all that offend that way… you’ll be glad to give out a commission for more heads.” Neither Pompey’s question nor the quip function as serious statements, but the logical way that each responds to the threat of hanging reveals the law itself to be the source of his argument’s ridiculousness.

41 He repeats this impulse when he’s arrested for a second time. The Duke (still disguised) charges him as, “A bawd, a wicked bawd! / … / … say to thyself, / From their abominable and beastly touches / I drink, I eat, I array myself, and live” (3.1.286-292). Pompey begins to argue sarcastically, “Indeed it does stink in some sort, sir, but yet, sir, I would prove –” (3.1.295-6) only to be cut off and silenced, “Nay, if the devil have given thee proofs for sin, / Thou wilt prove his” (3.1.297-8).

42 The quotation comes from Hext, who complains to Burghley that, “Idle wandrynge people and robbers of the land [are] the cheifest cause of the dearthe.”(342) The sentiment also appears in Coke, who despite showing “pity” for the number of people hanged nevertheless suggests increased education and employment, “So as there should not be an idle person, or a beggar” (“Epilogue” K) to commit crime.
In Pompey’s argument, the play gives a comic voice to what social historians of the period refer to as “dark crime,” the (by all estimates) large amount of technically criminal behavior that has left little material record because justices and magistrates either were not capable of – or not interested in – pursuing it through the courts. Prostitution appears to represent a crime in which the Elizabethan and Jacobean regimes were, by and large, uninterested in pursuing. The criminal statutes against prostitution were historically speaking quite new. Prior to the Reformation, brothels (or stews) fell under the jurisdictional protection of the Catholic Church, and were described as necessary by religious thinkers. Thomas Aquinas argues that, “Prostitution in the towns is like the cesspool in the palace; take away the cesspool and the palace will become an unclean and evil-smelling place,” a sentiment that was shared by members of the clergy in Mary I’s reign who argued for the repeal of protestant laws against prostitution saying, “The stewes… are so necessary in a common welthe as a jaxe in a mans howse.” While both Henry VIII and Edward VI made significant attempts to end prostitution, these efforts seem to have been more sporadic under Elizabeth and non-existent under James. Leah Marcus cites a 1598 letter by John Harrington describing how the, “Lord Chiefe… hath plaied rex of late among whoores and bawds and persecutes poore prette wenches out of all pittie and mercy,” but these types of prosecution seem to have been rare, something reinforced by the sympathy Harrington shows in his description of the

44 Qtd. in Gāmini Salgādo, The Elizabethan Underworld (Totowa, N.J.: Dent, Rowman and Littlefield, 1977), 51. Salgādo notes that St. Augustine expressed a similar sentiment, saying, “Suppress prostitution and capricious lusts will overthrow society,” and says that the ecclesiastical support for prostitution, “will surprise no one who knows anything about the activities of early prelates or about the equivocal attitude of the Church towards the sin of lust and lechery” (51).
45 qtd. in Burford, 137.
whores and bawds. Many notable men during the period can be linked to prostitution either as proprietors or clients. A particularly notable piece of documentary evidence of this is the 1623 marriage settlement between Constance Donne, the daughter of the poet John Donne, and the famous actor and theater-shareholder Edward Alleyn. The settlement gives Mistress Donne ownership of four Southwark buildings called *The Unicorne, The Bell, The Barge* and the *The Cock* that E.J. Burford says were all, “active brothels at that time”; *The Bell* is mentioned in a 1598 token book under the category of “Stewes rents,” while *The Unicorne* is recorded as formerly belonging to Phillip Henslowe, proprietor of the Rose Theater. At the time that the marriage was arranged, both Alleyn and Donne possessed royal commissions – as Warden of the Bears and Dean of St. Paul’s respectively – and neither seems to have been hindered in these offices by supplementing their family income through ownership of taverns reputed to be brothels.

The unrepentant prisoner Barnardine gives another comic perspective of so-called “dark crime.” Though Barnardine has been convicted of a murder, “most manifest, and not denied by himself;” he has nevertheless managed to escape hanging due to excessive and unrepentant drunkenness, “Drunk many times a day, if not many days entirely drunk. We have very oft awaked him, as if to carry him to execution, and showed him a seeming

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46 Leah S. Marcus, *Puzzling Shakespeare: Local reading and its discontents* (Berkeley: University of California Press, 1988), 163. Burford tells us that, “Elizabeth’s first act was to abrogate all her sister’s laws and reinstate all those of his father; this of course meant that the Bankside Stewes were once again illegal. She does not appear to have taken any specific action against those being carried on in quasi-clandestine fashion as inns or taverns, and she made no legislation against prostitution as such,” (147). Edward VI’s more explicit efforts to stamp out the vice seem to have been unsuccessful. Hugh Latimer complained that their efforts in pulling down the brothel houses themselves did little to actually stem the sex trade in practice, “My lorde, you have put down the Stewes, but I pray you, who is the matter amended? What avayleth that you have changed the place and not taken the whoredom away?... There is now in London [more] than ever was on the Bank,” (130).

47 See Burford 153-154. He also states that King James, “was known to frequent from time to time the ‘Holland’s Leaguer,’ the high-class brothel run by Dame Elizabeth Holland in Old Paris. He was of course followed by almost all his courtiers” (164-165).
warrant for it; it hath not moved him at all” (4.2.149-152). Although his behavior proves much less clever than that of Pompey, Barnardine’s drunkenness in the face of execution also rather bluntly invites the audience to laugh at the manifest failure of capital punishment to inspire fear or achieve moral reform.

Although this evasion obviously functions as an exaggerated caricature of the failures of justice, since murderers were for the most part dealt with severely, the fact that neither the justices nor their warrants keep Barnardine from drinking does contain a grain of truth to it. A major emphasis of both the increasing list of misdemeanor statutes, and of those who complained of rampant criminality in the countryside, was the particular need to regulate the alcohol content of beer and to require official license for all alehouses. Despite these concerns, though, alehouse regulation was only scantly achieved, and attempts at enforcement left many records of overt resistance to the law. Keith Wrightson has shown this resistance came both from local officials and townspeople. Officers and juries often cited poverty as an excuse for acts of mercy, “Constables of Hatfield Peverel refused to execute orders to whip an unlicensed ale-seller too poor to pay his fine… [while] the juryman who presented Widow Reynolds of Birchanger for unlicensed aleselling included the excuse that she was ‘a very poore woman and takes almes.’”

Examples of direct resistance are somewhat more defiant. Wrightson describes a group of watchmen who attempted to close an alehouse illegally open after nine o’clock; the men inside responded, “‘Wee know there is such an Acte but weele not obey it, for weele drinke as long as we please’, subsequently threatening the

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watchmen ‘that if they would not goe out of the house they would send them out, for they had nothing to doe with them’. The watchmen went their way.” Where these men violently deny the law, Barnardine’s refusal to go to the scaffold cheekily appropriates a discourse of penance to escape his punishment, “I have been drinking hard all night, and I will have more time to prepare me, or they shall beat out my brains with billets. I will not consent to die this day, that’s certain” (4.3.50-53). The result of both forms of resistance, though, proves quite similar. The Duke seems almost cloying in his attempt to gain Barnardine’s repentance, “O, sir, you must, and therefore I beseech you / Look forward on the journey you shall go” (4.3.54-55). He finally gives up at the Provost’s news that the head of another prisoner – who has died of illness – can be substituted in place of Claudio’s, a solution which comes close to fulfilling Pompey’s prediction that a state solely reliant upon the threat of capital punishment will have to, “Give out commission for more heads.” Just as the simple logic of Pompey’s arguments betrayed the ridiculous severity of Vienna’s laws, the ease with which Barnardine escapes his hanging invites the audience to laugh at the practical failures and inefficiency of a concept of justice based dominantly upon the production of fear created by the threat of capital punishment.

If the tone of the play’s comic treatment of Pompey and Barnardine proves largely antithetical to the potentially tragic figure of Angelo, the three characters similarly displace the exemplary logic of execution and the threat of corrupted justice. Where Whestone’s characters are drawn towards repentance by their fear of the execution of justice, Pompey argues against the merits of its laws, Barnardine drunkenly resists its

49 Wrightson, 21.
punishments, and Angelo proudly believes himself to be above suspicion. Where Whetstone’s play uses Promos as a potentially tragic example of the effects of flattery and corruption upon the commonwealth, Angelo’s tragedy lies in the fact that his love of virtue led him to attain his high position, but when perverted also drove him towards abuses of power. Where *Promos and Cassandra* only invites derisive laughter at the vices of Phallax, Lamia and Rosco, Shakespeare’s play also invites its audience to laugh at the ridiculous arguments and acts of drunken resistance that exemplary justice provokes from Pompey and Barnardine. Despite its different tones, then, the play’s separation of this group of characters collectively offers a set of formal alternatives to the discourse of exemplary justice.

The play’s particular use of this displacement becomes clearer as we look at how *Measure for Measure* reshapes the figure of the Duke. Whetstone’s King of Hungarie presents an idealized vision of a just, equitable and, to a lesser extent merciful ruler. After conceding to Promos’s sexual demands only to be presented with what she believes to be the decapitated head of her brother Andrugio, Cassandra travels to the court and complains of the corruption in the city of Julio. The King, immediately sympathetic to her plight, travels in progress to the city, where he proceeds to reform the local government. He charges the obedient and just Sir Ulrico with listening to complaints brought by citizens, “For to judge by trueth, and not by aime,” a charge which Ulrico upholds both fairly and obediently, “As I fynde, so he himselfe will punish: / So that to use my charge indifferently, / My Clyents wronges I wyll with wytnesse trye” (492). Ulrico seems fully aware of his role in the judicial hierarchy as an indifferent seeker of
truth, rather than a maker of law or distributor of punishment, and uses his office to advocate for poor, wronged citizens from whom Phallax has extorted money.

The results of this reform effort are for the most part mechanistically predictable. When brought before the King, corrupt officials immediately admit guilt and plead for mercy. After listening to Cassandra’s testimony, for example, Promos makes no attempt to deny the story, “My gilty hart commaunds my tongue, O king, to tell a troth; / I do confesse this tale is true, and I deserve thy wrath. / … / …yet graunt me mercie, / That nowe with bloody sighes lament my sinnes too late” (499). The King’s punishments also adhere to a rigid, “eye for eye” logic. Found guilty of extortion and accepting bribes, Phallax gets stripped of his estate and his office, while Promos is sentenced to marry Cassandra as punishment for raping her, and to die for the murder of Andrugio. Despite the equitable quality of these sentences, they are handed down in terms that emphasize exemplary punishment and mercy. When told that seizing Phallax’s goods will not provide enough money to make full restitution to those whom he’s cheated, the King responds, “Pay as you may; I hold it no offence / If each pay somewhat for experience,” (497) implying that those who’ve been cheated by a state deputy have some lesson to learn. Likewise, after seizing Phallax’s goods and stripping his office, the King nevertheless describes his actions as the granting of mercy in response to Phallax’s admission of guilt, “Because thou didst thy faultes at first confesse, / From punishment thy person I release” (498). Similar to Perkins’s treatise, the King insists upon describing what could theoretically be understood as a single act of “equity,” as separate examples of punishment and mercy.
The most notable and provocative variation of this pattern comes in the play’s resolution. Andrugio’s life gets spared when a gaoler, horrified at the story of Promos raping Cassandra and the prospect that he himself is being ordered to commit murder to conceal this crime, decides to ignore the writ of execution and release Andrugio into hiding. While the independence that the gaoler demonstrates may, in some respects, approximate the numerous appropriations of authority made by justices, juries and townspeople in their communal efforts at practically and justly enforcing the law, both the concealed nature of this decision and the fear and exile Andrugio experiences as a result drain these actions of independent authority. Even the gaoler’s will and conscience in committing this act are presented as forms of obedience to the authority of God, “Thank God that you are free, / For God it was within my mind that did your safety move, / And that same God, no doubt wyl worke for your… behove” (471). Thus, what might initially appear to be a representation of the practice of local authority, or at the very least a limited act of independent resistance to tyranny, instead gets reinscribed into the social order by appealing to an authority above both the laws and the gaoler’s superior magistrate. This same rhetorical move later gets repeated both by Andrugio – revealing that he escaped beheading by telling how, “At length just God to set me (wretched) cleare / With this defence [the gaoler’s] willing mind did arme,” – and the King – pardoning him, “Gods pleasure is that thou should’st pardoned be. / To salve the fault thou with Polina mad’st, / But marry her, and heere I set thee free” (512). The invocation of God legitimates both the gaoler’s insubordination and the King’s pardon by reshaping acts which could function as extralegal, independent, but nevertheless socially acceptable uses of mercy, into acts of obedience to a higher form of authority. In this
sense, the play performs a mythological function, first by embodying vice and disorder in the single figure of the corrupt magistrate, and then by dramatizing the defeat of this threat through the equitable distribution of justice and mercy by the King and other legitimate authorities, all of whom respect the authority of the law and God.50

Whetstone’s Epistle Dedicatory shows a similar – more classically defined – reverence for order and authority, while also revealing how appealing to justice, mercy and authority served to legitimate the writing of comedy. Whetstone describes his impetus to write his play,

I fownde this Discourse of Promos and Cassandra: which, for the rareness, (& the needful knowledge) of the necessary matter contained therein (to make the actions appeare more lively,) I devided the whole history into two Commedies… the effects of both, are good and bad: vertue intermyxt with vice, unlawfull desires (if it were possible) quencht with chaste denyals: al needful actions (I think) for publike vewe. For by the rewarde of the good, the good are encowarged in wel doinge: and with the scowrge of the lewde, the lewde are feared from evill attempts: mainetayning this my oppinion with Platoes auctority… And to

50 See Fredric Jameson, The Political Unconscious: narrative as a symbolic act (Ithaca, NY: Cornell UP, 1981), where he posits a “narrowly political horizon,” for the ideological work of narrative, saying, “The individual narrative, or the individual formal structure, is to be grasped as the imaginary resolution of a real contradiction” (77). The kind of mythological work that Jameson identifies, and that I’ve argued gets carried out in Promos and Cassandra, represents only one political function of narrative and gets attributed only potentially to individual narratives or forms. Jameson later suggests a “final horizon,” to an individual text, “What can be termed the ideology of form, that is, the determinate contradiction of the specific messages emitted by the varied sign systems which coexist in a given artistic process as well as in its general social formation” (98-99). The emphasis in the notion of the “ideology of form,” is on the interactive matrix within a given text between a variety of social discourses, and a variety of artistic forms. From a theoretical standpoint, the important distinctions to draw are between these hypotheses: the first is a narrow claim about political work in some individual narratives and forms; the second is a broader claim about the nature of form as an interactive political and social process. In the analysis we’ve done so far, we see an interaction between the discourse of justice and mercy and the literary genres of myth, tragedy, and comedy at work in Promos and Cassandra and Measure for Measure respectively. The form of myth – at least as it takes shape in Promos and Cassandra – works to solve several contradictions (theoretically between justice and mercy, imaginatively between conflicting law enforcement practices undertaken by different members of the ruling class), while the interaction between tragedy and comedy in Measure for Measure makes a different set of contradictions visible (the potential for virtue to be corrupted, the inefficiency of law enforcement and exemplary punishment) and, as I’ll show below, resists formal and ideological closure. I would argue that both Jameson’s “horizons” could be applied to Promos and Cassandra, while only the second proves appropriate for Measure for Measure.
these endes: *Menander, Plautus, and Terence*, them selves many yeares since intombed, (by their Comedies) in honour live at this daye. (443)

The Epistle represents an early example of a common discourse on the moral value of dramatic poetry, particularly its description of how, “with the scowrge of the lewde, the lewde are feared from evill attempts.” Sir Philip Sidney’s *Defence of Poesy* similarly describes the “right use” of both comedy and tragedy, “*Comedy* is an imitatio of the common errors of our life, which [the poet] representeth in the most ridiculous & scornful sort that may be: so as it is impossible that any beholder can be content to be such a one… *Tragedie*… openeth the greatest woundes… that maketh Kings feare to be Tyrants,” and the notion of an appropriately moral function to literature circulated throughout the defenses of poetry and playing during the period. Both Whetstone and Sidney’s discourses of a moral drama appropriate the discourse of “justice,” and its emphasis on an exemplary scorn of “lewdness,” “error,” and “tyranny;” theatrical laughter and violence are discursively given a function similar to the hanging, in that all three function by using emotion to didactically reform spectators. Whetstone’s Epistle legitimizes his play through the appropriation and reshaping of the discourse of justice. He does something similar in his invocation of the “auctority” of Plato and numerous other classical authors, and in both cases his logic proves dissociative as well. Later in the epistle, he distinguishes his form of drama from, “the Italian [who] is so lascivious in his comedies,” and, “The Englishman, … [who] is most vaine, indiscreete, and out of

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order” (443). As in the royal proclamations and aristocratic letters discussed earlier, *Promos and Cassandra* appropriates justice and mercy to legitimize its authority and dissociate itself from what it identifies as – in this case moral and literary – inferiors. The work as a whole, then, functions as a dialectical myth that aligns drama with the discourse of justice and mercy. The *Epistle* draws legitimacy from this discourse and authority figures who propound it, while the play-text itself mythically and imaginatively works to reproduce and celebrate central elements of its cultural logic.

*Measure for Measure* parodies this idealized, moralistic view of drama by reshaping Whetstone’s King into something of a hack playwright. Where the King in *Promos and Cassandra* primarily operated through distribution of authority and equitable justice, the Duke operates through more properly theatrical instruments. The most pronounced and consistent is his use of role-playing. Rather than empowering a local authority to rule a province of his kingdom, the Duke gives Angelo the costume and role of a ruler,

> For you must know, we have with special soul  
> Elected him our absence to supply,  
> Lent him our terror, dressed him with our love,  
> And given his deputation all the organs  
> Of our own power. (1.1.18-21)

The Duke himself takes on the role of Friar Lodowick, and repeats the distribution and casting of roles throughout the course of the play: he enlists the bed-trick to allow Marianna to play the role of Isabella; he casts Ragozine’s decapitated head in the role of Claudio’s decapitated head; finally, he instructs Isabella to play the role of a woman who has succumbed to Angelo’s sexual advancements in a “failed” attempt to earn reprieve for her brother (essentially, the role of Cassandra).
The results of this role-playing are, at best, mixed. While the Duke’s stagecraft manages to create a reasonably effective set of theatrical illusions, it never achieves more than modest reforms. While the legitimacy of Angelo’s authority goes unquestioned, and Lucio, Pompey and Mistress Overdone are thoroughly distressed at the prospect of Claudio being executed, this does not, as we’ve seen, reform the city’s sex traffic or inspire fear of the law. The effect is even more pronounced with Claudio. Even though he seems tinged with regret and cites, “Too much liberty” (1.2.124) as the cause of his imprisonment, this does not impress upon him a profound respect for authority in general, or Angelo in particular,

Thus can the demi-god, authority,
Make us pay down for our offence by weight.
The words of heaven: on whom it will, it will;
On whom it will not, so; yet still ‘tis just.

... 
The new deputy now for the Duke –
Whether it be the fault and glimpse of newness,
Or whether that the body public be
A horse whereon the governor doth ride,
Who, newly in the seat, that it may know
He can command, lets it straight feel the spur;

...
For a name
Now puts the drowsy and neglected act
Freshly on me. ‘Tis surely for a name. (1.2.119-122; 155-169)

Despite an acknowledgement of personal failure, Claudio seems disillusioned with the city’s governance (positing that Angelo is either naïve or cynical), authority (which he describes as a “demi-god”), and justice (which he describes as arbitrary, “On whom it will, it will; / On whom it will not, so”). This pattern gets repeated in the prison scene. Although he never questions the Duke’s clerical status or the spiritual efficacy of the advice that one ought to, “Be absolute for death,” (3.1.5) Claudio nevertheless proves
overcome by fear of death, begging Isabella, “Sweet sister, let me live,” (3.1.136) when asking her to give in to Angelo’s desires. While the Duke’s experiments with role-playing in Vienna may produce both the audience’s laughter at the unremitting vice of Pompeo and Barnardine, and its anguished discomfort towards Angelo’s perverse love of virtue and Claudio’s potentially sinful hope to continue living, they prove incapable of drawing the characters within the play towards moral reform.53

The Duke’s intercession into Claudio and Isabella’s difficulties marks a shift to a more pronounced form of parody that nevertheless repeats the pattern of role-playing failing to achieve reform. The first, and most famous, example comes in the form of the bed-trick, where Marianna plays Isabella’s role while in bed with Angelo. Given the Duke’s later insistence to the Provost that Angelo will not execute another for an offense he himself has committed, the trick seems designed to procure Claudio’s pardon while also sparing Isabella’s chastity.54 When Angelo’s renewed charge for Claudio’s execution makes the failure of this piece of role-playing apparent, the Duke initiates another performance piece that rather closely reproduces the trial scene in Promos and Cassandra, casting the head of Ragozine as that of Claudio – only after his performance

54 While waiting for Claudio’s pardon to arrive, The Duke responds to the Provost’s reference to Angelo as a “Bitter deputy,” by insisting, “Not so, not so; his life is paralleled / Even with the stroke and line of his great justice / He doth with holy abstinence subdue / That in himself which he spurs on his power / To qualify in others. Were he mealed with that / Which he corrects, then were he tyrannous, / But this being so, he’s just” (4.2.78-85). I refer to the Duke’s “insistence,” that this is the case, rather than his “belief,” since by this point in the play it’s difficult to use the latter term. N.W. Bawcutt does an excellent job of noting the various tones present in Measure for Measure, and its uneven uses of sustained psychological realism, “Before putting together all [the Duke] says and does, and making moral or psychological judgements derived from the assembled material, we ought to ask more searching questions: how far is he intended to be a fully rounded ‘character’, and how successfully has he been integrated into the structure of the play?” (52).
as Friar fails to reform the condemned Barnardine – and directing Isabella to publicly accuse Angelo of raping her and murdering her brother. Angelo remains unmoved, saying of Isabella, “Her wits I fear me are not firm,” (5.1.34) instead of falling to his knees and confessing his crimes.

In addition to failing to produce any moral reforms, these performances seem increasingly strained as forms of theatrical illusion. As Katherine Maus has observed, “The patent improbability of the bed-trick is part of what constitutes its charm as a ‘literary’ device,” and the event unsurprisingly takes place off-stage.\(^5\) Similarly, upon hearing the Duke’s plan to swap Barnardine’s head for Claudio’s, the Provost objects, “Angelo hath seen them both and will discover the favour,” (4.2.171-72). If the absurd possibility that Claudio and Barnardine look nothing alike can only be exploited in performance, the fact that the Provost describes Ragozine as, “A man of Claudio’s years, his beard and head / Just of his colour,” and, “more like to Claudio,” (4.3.68-72, emphasis mine) suggests that the difference in the characters’ appearances is significant enough to mention. While the original tone and intention of these moments obviously does not survive, the text that remains undeniably replaces its source’s rather conventional figure of authority with one that stages an entire series of potentially didactic and exemplary, but ultimately failed performances.

The most pronounced of the Duke’s failures comes in the silent response to his revelation that Claudio still lives. In Promos and Cassandra, this moment marks the emotional climax of the play. The revelation inspires verbal expressions of affection and

5\(^5\) Katherine Eisaman Maus, *Inwardness and Theater in the English Renaissance*, (Chicago, University of Chicago Press, 1995), 151. Although Maus refers to this as a “literary” device, the implausibility may be heightened in the theatre where physical bodies are present.
awe from Cassandra and Polina, and later expressions of gratitude and deference from Promos and Andrugio in response to their pardoning, “Most gratious King, I wyll not fayle my best / In these preceptes to followe your beheast” (513). In many other plays, Shakespeare also accompanies this device with verbal cues of awe and disbelief as a way of both signaling that characters on stage accept the trick’s reality and inviting wonder and suspension of disbelief from the audience. Measure for Measure includes none of these gestures. Angelo earlier expresses guilt and begs for justice and punishment, “I am sorry that such sorrow I procure, / … / That I crave death more willingly than mercy. / ‘Tis my deserving, and I do entreat it,” (5.1.477-480) but in doing this he resists the impulse to beg for mercy and upon receiving it he expresses no gratitude. Isabella, Claudio and Julietta, likewise, say nothing to one another. While critics have often debated the significance of Isabella’s silence in the face of the Duke’s unexpected proposal, this is only one conspicuous silence among many. The break to this silence, in fact, comes only in Lucio’s complaint about his fate, “I beseech your highness, do not marry me to a whore… Marrying a punk, my lord, is pressing to death, whipping and

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56 The quotation is Promos’s statement of gratitude, but the play’s denouement also includes ecstatic greetings by Andrugio to his fiancé Polina, “My sweete Polina,” by Cassandra to her brother, “Lyves Andrugio? welcome sweete brother,” and by Polina at the King’s command that Andrugio’s pardon be conditional upon his marriage, “Polina, the happiest newes of all for thee” (511-12).

57 See: Much Ado About Nothing, where both Claudio and the Prince exclaim on Hero’s resurrecting, “Another Hero!” and “The former Hero! Hero that is dead!” (5.4.62; 65); The Winter’s Tale, where Leontes, Camilio and Polixines comment on Hermione’s statue coming to life, “O, she’s warm!”; “She hangs about his neck. / If she pertain to life let her speak too”; “Ay, and make it manifest where she has liv’d, Or how stol’n from the dead” (5.3.109-115); The Tempest, where Alonso and Sebastian both wonder at Ferdinand being alive, “If this prove / A vision of the island, one dear son / Shall I twice lose,”; “A most high miracle!” (5.1.175-177); 1 Henry IV, where Falstaff astounds Hal by rising from the dead, “I saw him dead, / Breathless and bleeding on the ground. Art thou alive? / Or is it fantasy that plays upon our eyesight?” (5.4.133-135). In short, this is a common theatrical trick in Shakespeare, but Measure for Measure is the only time I’m aware of where a character “coming back to life” fails to impress even the characters on stage. In Much Ado and The Tempest, the audience knows about the device, but Shakespeare still goes to the trouble of having those characters not privy to the device act surprised. In Measure for Measure, none of the characters seems impressed by the trick and this is significant. All quotations taken from The Norton Shakespeare.
hanging” (5.1.517-526). Much as the play’s shifting tone worked to denaturalize the relationship between the threat of execution and expressions of fear and repentance, the absence of any expressions of gratitude, social deference or love at its end resists the formal reproduction of a community based either upon authority and social order, as in the play’s source, or upon the promise of love and marital happiness, as in Shakespeare’s earlier romantic comedies.

The silence that ends the play’s appropriation and parody of moralistic discourses of drama and genre allows us to rethink somewhat the critical commonplace that *Measure for Measure* represents a generic “problem.” Insofar as genre functions as a system of critical categorization this may be accurate, since the play incorporates elements of numerous generic categories and themes without finally settling on a consistent and identifiable tone. If the silence that ends the play resists formally reproducing a communal order, it also resists generic categorization both by failing to give a coherent didactic message, or even cueing the audience towards an uncomplicated view of the love produced by either mercy or marriage. Insofar as genre functions as a cultural material, however, of which artists are aware and with which individual works of art dialectically engage – through appropriation, redefinition, reproduction, experimentation, and in some cases rejection – this seems less true. *Measure for Measure* rather consistently appropriates one of its period’s common discourses of generic and literary order so as to parody its inadequacies, and confound it with alternative, though thoroughly recognizable, conventions. When Marianna first appears on stage, the Duke discovers her listening to a melancholy love song, an act for which she’s embarrassed and apologizes,
I cry you mercy, sir, and well could wish
You had not found me here so musical.
Let me excuse me, and believe me so,
My mirth it much displeased, but pleased my woe. (4.1.10-13)

While Marianna’s claim that music, “pleased my woe,” initially appears paradoxical, the idea that art provides an emotive outlet for human impulses like melancholy and mirth traces its roots both to classical antiquity and medieval forms of carnival. Although the Duke includes a warning about the moral ambiguity of this form of art, “Tis good; though music oft hath such a charm / To make bad good, and good provoke to harm,” (4.1.14-15) his extension of the pardon, “Tis good,” at least implicitly gives license to Marianna’s apology for music. By systematically restaging the failure of the Duke’s didactic approach to drama in the face of characters that alternately seem to both “please the mirth and woe” of its audience, Measure for Measure can be understood as a dialogic parody of a dominant social discourse of genre.

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58 In the Treatise on Playe, John Harington describes playing as, “A spending of tyme… whose onely ende ys a delight of the mynd or speryt.” Qtd. in Montrose, 41. See also Aristotle’s Poetics, where he describes tragedy as achieving, “Through the representation of pitiable and fearful incidents, the catharsis of such pitiable and fearful incidents,” Leon Golden trans. (Englewood Cliffs, N.J.: Prentice-Hall Inc., 1968, 11), and Mikhail Bakhtin, Rabelais and his World, Heleve Iswolsky trans. (Bloomington, IN: Indiana UP, 1984), discussed below.

59 In Rabelais and his World, Bakhtin describes how, “All the symbols of the carnival idiom are filled with this pathos of change and renewal, with the sense of the gay relativity of prevailing truths and authorities… a second life, a second world of folk culture is thus constructed; it is to a certain extent a parody of the extracarnival life, a ‘world inside out.’ We must stress, however, that carnival is far distant from the negative and formal parody of modern times. Folk humor denies, but it revives and renews at the same time. Bare negation is completely alien to folk culture” (11). Measure for Measure, as I’ve argued, gives a sense of relativity to the prevailing logic of exemplary punishment, but combines the comic elements that Bakhtin describes as native to the carnival with a more potentially tragic reshaping of the cultural logic of justice/mercy. See also Marissa Greenberg, “Crossing from Scaffold to Stage: Execution Processions and Generic Conventions in The Comedy of Errors and Measure for Measure” in Shakespeare and Historical Formalism, ed. Stephen Cohen (Burlington, VT: Ashgate, 2007), who argues that Measure for Measure, “undermines the efficacy,” of justice and comedy, and thus, “alerts audiences to the potentially fundamental disconnect between the performance of what is familiar and expected about a particular form and its actual effects” (141). Greenberg says that this undermining of expectations reveals that dominant forms, “could prove hollow, inadequate, ‘mere’ formalities” (142). While this argument seems to capture the play’s treatment of the fear and derision often thought to be produced by capital punishment and comedy, the fact that Measure for Measure invites alternative types of laughter and tragic discomfort
“good and bad comedies,” of its source into a more polyglot form that invites its audience to experience pleasure in forms of tragedy, comedy, and parody in a way that confounds the moral value of drama which *Promos and Cassandra* sought to embody.

Much as it allows us to rethinkable the play’s genre from two perspectives, this reading also allows us to approach *Measure for Measure’s* politics from two perspectives. As an individual political narrative, the play formally resists the dominant cultural logic of justice and mercy. This is different from saying that Shakespeare’s play “opposes” a dominant position that Whetstone’s play straightforwardly “endorses.” The latter statement – while perhaps true in a very broad way – significantly underestimates the ideological work done by *Promos and Cassandra*, since the play not only endorses conservative forms of justice and mercy, but also appropriates them as a source of legitimacy, and reshapes them into a myth in which forces of order and authority triumph over corruption. Describing *Measure for Measure* as “opposing” authority, on the other hand, would misleadingly overstate the work done by the play. The silences at the end of the play fail to articulate love, gratitude and deference as responses to marriage and mercy, while its earlier uses of tragic and comic tones confound the naturalized association of fear with the threat of corporal punishment. Rather than shaping and advocating for fully-formed alternatives to justice and mercy, then, the play foregrounds a diverse set of tensions – between tragedy and comedy, between theater as a source of morality and a source of pleasure, between justice and mercy, between state authority and its subjects – that it never fully resolves. In this precise, very limited sense, *Measure for Measure* suggests that the play additionally achieves the type of dialogic, carnivalesque parody described by Bakhtin.
Measure resists formally reproducing the image of an ordered society that the discourse and mythology of justice, mercy and equity broadly worked to create.

As participants in a popular political process, however, both Measure for Measure and Promos and Cassandra make use of practices that were, as we saw in the first part of this essay, quite common during this period. In addition to inspiring obedience and reverence for the monarchy and the law, justice and mercy achieved discursive dominance based upon the terms’ ability to be appropriated and reshaped by a network of individuals and communities as they negotiated the terms and practices of local authority. Like many justices, jurors and other officials granted charge and license by the Tudor and Stuart monarchs, William Shakespeare and George Whetstone actively participated in a process that gave social and political meaning to the law, the use of exemplary punishment, the extension of pardons, and the juridical discourse that guided and explained these structures. In the shift from the vocal celebrations of authority that end Promos and Cassandra to the conspicuous silences that end Measure for Measure, we are reminded of the diverse practices of early modern English hegemony and its ability resolve social tensions while simultaneously giving them new cultural form.
Chapter 3

“Standing in altercation”: Performance, contradiction and the law in *The White Devil*

In the first two chapters, we saw that early modern English society was dominated, not by a logically but coherent ideology capable of reproducing itself in a series of stable governing structures, but rather by a broader set of cultural formations that people throughout the country practically negotiated to express their own political desires and interests. The plays that each chapter focused on not only dramatize this process of popular political governance, but also formally embody it in different ways. *Philaster*, for example, not only shows characters from different social positions using and manipulating specific cultural formations – including discourses of divine right monarchy, the circulation of political rumors, and the organization of popular militias and crowd actions – in ways that express their own preferred type of political community, but also shapes these various expressions into a tragicomic narrative that incorporates competing interests into a tense, loosely aligned monarchical state rather than fully reconciling or resolving the differences between them. Similarly, *Measure for Measure* not only shows Isabella, Angelo and the Duke at various points manipulating the discourse of justice and mercy in order to legitimate their own actions, but also participates in and embodies this process by appropriating and manipulating the same discourse as a means to parody the type of moralistic theater put forward by writers like Sir Philip Sidney and George Whetstone. If the political culture as a whole was thus governed by individuals and local communities capable of negotiating various conflicts by reshaping dominant discourses and practices to suit their interests, these plays gave
shape to complex forms that drew upon these conflicts and discourses and, in different ways, emphasized and materialized this process of local, practical negotiation.

My third chapter will look at John Webster’s tragedy *The White Devil* and its reproduction of legal rituals like trials and public executions in order to more precisely theorize both the nature of this negotiation between discourse and practice, and the method through which certain dramatic works make this negotiation visible on stage.

Many critical readings of Webster’s play – often focusing on the complex, dramatically powerful trial scene in its third act – have sought to use the logic of either the theater or the law as a way of evaluating the other institution. Noting the differences between Vittoria’s dramatically compelling performance of innocence, and the evidence elsewhere in the play that suggests her guilt, critics like David Gunby and Christina Luckyj have argued that the play, “openly contests the intelligibility of performance,” and should thus be understood as “consistently anti-theatrical.”

Critics like Dena Goldberg, Katherine

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1 The quotation here comes from Christina Luckyj, “Gender, Rhetoric and Performance in *The White Devil,*” in *Revenge Tragedy: Contemporary Critical Essays*, ed. Stevie Simkin (New York: Palgrave, 2001), 198. See also D.C. Gunby, “Critical Introduction to *The White Devil,*” in *The Works of John Webster*, vol. 1, David Gunby et. al. eds. (New York: Cambridge UP, 1995) and Luke Wilson, “*The White Devil* and the Law,” in *Early Modern English Drama: A Critical Companion*, ed. Garrett A. Sullivan Jr. et. al. (New York: Oxford UP, 2006): 225-36. What all three of these essays share is a sense that the play, in one way or another adopts a hostile position towards Vittoria’s performance in the trial. Gunby makes this claim in the most straightforward and narrow way, arguing that Vittoria is a hypocrite, “We should acknowledge the truth of [Monticelso’s] asseveration that, ‘If the devil / Did ever take good shape, behold his picture’” (76). Luckyj and Wilson both expand upon, and modify this line of argument by suggesting that the play proves “anti-theatrical” on the grounds that it adopts a pessimistic viewpoint about the audience’s ability to fully understand Vittoria’s motives based upon her performance in the trial. Luckyj, for example, argues that, “Far from simply exposing Vittoria as a hypocrite or avoiding the problem altogether (as critics suggest), the trial scene of *The White Devil* openly contests the intelligibility of performance. Despite her metatheatrical awareness, then, Vittoria is consistently anti-theatrical” (198). Wilson argues, “Knowing more about Vittoria would make her behavior seem less understandable and less forgivable. This means that *The White Devil* is an anti-equitable play, one that refuses to stand as a humanizing supplement to the law. It does elicit judgments more ethically complex than those the law, as depicted, is capable of. But it does so by withholding, rather than asserting its jurisdiction and in this sense the play is anti-theatrical as well” (234). What these three readings share is a general sense that the trial scene directly exposes the inadequacy of Vittoria’s performance as a way of establishing her culpability. Obviously, all three essays do this in slightly different ways, only one of which actively privileges the trial
Finin-Farber and Luke Wilson have pointed to the complex mixture of sympathy and dissatisfaction generated by the trial to argue that the theater “demystifies law,” either by challenging its claim to logical proof or directly raising anxieties about its institutional practices. If one of these critical readings suggests the play predominantly finds fault with the theater while the other suggests it criticizes the law, both share an assumption as the source of “truth.” While Gunby, for example, locates the “truth” about Vittoria in the statements of her prosecutor during the trial, Luckyj argues that the trial actively “contests the intelligibility of performance,” without fully establishing her hypocrisy. Wilson, on the other hand, makes the evocative claim that the play finds both the theater and the law inadequate in some way. As such, the binary established in these readings between “the law” and “the theater” does not always denigrate one term while privileging the other; in the case of Wilson, both terms get found wanting, while in the case of Luckyj the “truth” established by the trial affirms the play’s “anti-theatricality,” without necessarily establishing Vittoria’s guilt. The lack of a dynamic that actively privileges “law” and denigrates “theater” does not, however, mean that the readings stop short of placing the terms in binary opposition to one another. If only Gunby argues that the trial establishes “truth” while denigrating Vittoria’s hypocrisy, both Luckyj and Wilson still define “law” and “theater” in opposition to each other. In Luckyj, the “truth” that the trial affirms is the problematic “intelligibility of performance,” a quality that’s implicitly different from the logical and more certain proof held out by the law. In Wilson, theater’s complex superiority to “equity” comes in the shape of an absent, “withheld” quality that denigrates the theater as well.

The quotation here comes from Kathryn R. Finin-Farber, “Framing (the) Woman: ‘The White Devil’ and the Deployment of the Law,” Renaissance Drama 25 (1994): 234. For other essays that suggest that the play critiques the law, see Dena Goldberg, Between Worlds: a study of the plays of John Webster (Waterloo, Ontario, CA: Wilfrid Laurier University Press, 1987) and Wilson, “The White Devil and the Law.” All three of these essays share a sense that the play presents the law as failing to adequately establish the “truth” in some fashion. In the case of Finin-Farber, the play does this by revealing a rhetorical, rather than a logical, connection between the charges he makes and Vittoria’s actions as evidence establishes them, “Vittoria’s [defense]… makes explicit the problematic nature of the Cardinal’s case: he forces a connection between what seems true and what is true… establishing a metaphorical rather than a logical link between the two… Such a suggestion necessarily demystifies law, which claims its privileged status from its ability to establish the truth of events and therefore dispense justice impartially” (234). In the case of Goldberg, the play does this by actively inviting sympathy for Vittoria’s treatment during her trial, “The popular dissatisfaction with Jacobean government that expressed itself in sympathy with those whom the government oppressed legally is paralleled by audience reaction to the Cardinal’s authority and consequent sympathy for Vittoria” (159). In Wilson, as we’ve seen, this gets established by arguing that the theater produces a “more complex” understanding of the facts than the logic of legal equity seems to allow. Again, we see all three essays establishing a type of binary opposition between “theater” and “law” without necessarily using one to denigrate the other. Goldberg, obviously argues that the sympathy generated by the play expresses dissatisfaction with the legal system, but Finin-Farber reads the rhetorical qualities of Monticelso’s case as “demystifying law” without necessarily privileging metaphor, while Wilson, as we’ve seen, similarly constructs an opposition between “equity” and “theater” as a way of arguing that the play criticizes both institutions. What’s important in both sets of criticism is not that all five essays establish the same type of binary – since this obviously isn’t the case – but rather that the construction of the binary heuristic itself obscures the play’s emphasis on the overlapping structures of the theater and the law. The goal of my chapter is not necessarily to argue that the period’s theatrical imagination equated the law and performance, but rather that a play like The White Devil explores connections between these two, obviously distinct institutions, and in the process of doing so reveals them both to be overdetermined and contradictory.
that the two institutions produce fundamentally different effects: trials and the law are meant to accurately and comprehensively produce true accounts of the accused, while theater generates and directs emotions like sympathy or dissatisfaction. When theater and law come into conflict with one another – either because the trial does not adequately establish the truth, or performance hides evidence and sways emotions in the courtroom away from established facts – both readings assume that one of these institutions has failed, and is thus being critiqued.

While these readings rather evocatively highlight some of the tensions surrounding the relationship that *The White Devil* establishes between tragedy and legal rituals like the trial and the execution, the conceptual binary created by separating “the law” from “performance” understates the more dialectical relationship that existed between them, both within the period’s legal culture and in Webster’s play. As I’ll argue in the first section of this chapter, the trial scene’s numerous metatheatrical gestures invite an awareness of performative aspects of the period’s trials – including the use of poetic rhetoric, the fashioning of stable feelings of community, and the playing of roles – while also drawing attention to how they come into conflict with one another in certain cases. The second section of the chapter will argue that what we see in the period’s trials can best be understood as a condition of overdetermined contradiction: trials, executions, and other governing practices from the period were always comprised of diverse, tensely related elements that often went undetected, but would occasionally rupture into perceptibility. This type of contradiction existed within the period’s dramatic traditions as well, and the experimental, often metatheatrical formal qualities that we see in *The White Devil*, among other plays, produce awareness that both the theater and the legal
structures it recreates are overdetermined, contradictory institutions. The third and final section of the chapter discusses the significance of this type of contradiction by looking at the “last dying speeches” of characters in Webster’s play in comparison to similar speeches made by prisoners awaiting public execution. I argue that the metatheatricality of Webster’s play works to produce a ruptured awareness of the overdetermined, contradictory nature of the period’s legal culture, not only because theatricality formally challenges ideological descriptions of the law that presented it as an ideal producer of peace and stability, but also because the play appropriates, for its own theatrical purposes, performative aspects of the law also available to and used by prisoners in trial or on the scaffold. Rather than fashioning a binary opposition between the theater and the law, then, *The White Devil* presents these institutions as different formal expressions of a shared, performative negotiation of power.

I.

While the critical tendency to construct different kinds of binary opposition between the “theatrical” and the “legal” has produced many evocative readings and undoubtedly reflects important distinctions between the two institutions, one of the telling things about its ability to explain *The White Devil*’s representation of the law is the extent to which it obscures the numerous instances in which the play works to break down the differences between the theater and legal rituals. Far from placing the Red Bull audience and the “Six liege Ambassadors,” on-stage in explicitly different spaces, for example, Vittoria’s insistence that her trial be conducted in the vernacular rather than Latin because “Amongst this auditory / Which come to hear my cause, the half or more / May
be ignorant in’t,” implicitly places both groups into a single “auditory.”³ Isabella
achieves a similar effect earlier in the play when she refashions Brachiano’s vow, “This
divorce shall be as truly kept / As if the judge had doomed it” (2.1.196-97) into her own
vow, “This divorce shall be as truly kept / As if in thronged court a thousand ears / Had
heard it, and a thousand lawyers’ hands / Sealed to the separation” (2.1.255-58). Where
Brachiano’s speech had referred to the courtroom as an explicitly distant space overheard
by a judge conspicuously absent from this scene, Isabella’s refashioning of the divorce
claim alludes to the conspicuously present “thousand ears,” listening to the scene and
refashions audience applause into the legal authority of, “a thousand lawyers’ hands.”
While neither of these gestures straightforwardly equates the theater with the courtroom,
these metatheatrical allusions nevertheless suggest an overlap and exchange between the
two spaces, rather than conceptual opposition.

Moreover, some of the trial scene’s more theatrical and poetic gestures are drawn
rather directly from the period’s trial practices. Katherine Finin-Farber, for example,
points to the preponderance of poetic language in the case that Monticelso presents
against Vittoria in order to argue that the trial scene acts as a critique of the law, “The
Cardinal’s case… forces a connection between what seems true and what is true…
establishing a metaphorical rather than a logical link between the two… Such a
suggestion necessarily demystifies law, which claims its privileged status from its ability
to establish the truth of events and therefore dispense justice impartially.”⁴ An excellent
example of the metaphorical quality of Monticelso’s case can be seen in his attempt to

Further citations will be made parenthetically (Act.Scene.Line).
⁴ Finin-Farber, 234.
“characterize” Vittoria as a whore. The rhetorical set piece aims to denigrate Vittoria in a
generalized way by comparing the term “whore” to a variety of unpleasant events and
experiences,

Shall I expound whore to you? Sure I shall;
I’ll give their perfect character…

... What are whores?
Cold Russian winters, that appear so barren
As if that nature had forgot the spring.

... They are those brittle evidences of law
Which forfeit all a wretched man’s estate
For leaving out one syllable…

... They are worse,
Worse than dead bodies, which are begged at gallows
And wrought upon by surgeons, to teach man
Wherein he is imperfect. (3.2.79-99)

The speech rather obviously makes a metaphorical connection between whores and

“Russian winters,” and “dead bodies” in order to create a generalized picture of Vittoria
as someone capable of cruelty, and even murder.

This rhetorical language does not necessarily “demystify law,” however, since the
speech bears a striking resemblance to many other speeches made to juries both before
and during the period’s trials. In his charges to the Quarter Sessions in Kent, William
Lambarde compares jurors to doctors attending sick patients and gardeners tending crops,

“Consider that you represent the body of your natural country, which lieth afflicted with
many griefs and putteth you in trust to seek help for her. Weigh the danger and harm that
may ensue if weeds be suffered to overgrow the corn, and think yourselves weeders sent
into the cornfield of the commonwealth.” Sir Edward Coke also sought to rhetorically characterize both crimes and criminals when acting as prosecutor in state trials. In the trial against Sir John Hollis, Sir John Wentworth and Mr. Lumsden, he refers to poisoning as, “The Arrow that flies by Night. It discerns not whom it hits, for many times the poison is laid for one, and the other takes it.” In the trial against Sir Walter Raleigh, Coke more directly characterized the prisoner, telling Raleigh, “You are the absolutest Traitor that ever was.” Both the charge to the jury, and to a lesser extent direct examination, allowed judges and accusers the chance to use various rhetorical strategies to supplement the presentation of evidence and convince the jury to return a guilty verdict. Instead of challenging the privileged status of law, then, Monticelso’s “characterization” of Vittoria alludes to a rhetorical language that the courtroom and the theater actually share.

The formal implications of Isabella and Vittoria’s gestures to the theater audience highlight a subtler, but perhaps more important site of overlap between legal and theatrical traditions in the period. In addition to metatheatrically acknowledging the

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5 William Lambarde and Local Government: His “Ephemeris” and Twenty-nine charges to juries and commissions, ed. Conyers Read (Ithaca, NY: Cornell University Press, 1962), 75. Lambarde makes the same comparison elsewhere, “It is you that can see, if you will, the roots and first springs of all these evils that infest and trouble the country, and in you therefore chiefly it lieth to cut them off in the tender herb before they grow to dangerous ripeness” (70). Elsewhere he makes the comparison of the jury to the “eyes” of the body politic helping the Queen to see illnesses that she can minister to (69), and the comparison of criminals to bridled horses, “As there is never more need to use the bridle than when the horse sheereth, so now… it is necessary for us to take the bridle of the laws into our own hands, with the sharp whereof these unruly beasts may be holden in and mastered” (84).

6 A complete collection of state-trials, and proceedings for high treason, and other crimes and misdemeanours; from the reign of King Richard II to the end of King George I. (London: J. Walthoe et. al, 1730), 322. The comparison is all the more striking since the prisoners were not being charged with poisoning, but rather for disrupting the execution of George Weston, one of the people who had conspired in the murder of Sir Thomas Overbury. In addition to representing a use of metaphor, then, the charge also sought to implicate Hollis, Wentworth and Lumsden in the larger narrative of conspiracy and corruption that the state was constructing in response to what was, at the time, one of the large scandals of the day.

7 Collection of state-trials, 208.
presence of the play’s spectators, both women also fashion the act of standing trial as one that requires the approval and judgment of a listening audience. Isabella, for example, not only fashions the theater audience as the hundred “ears” and “hands” of courtroom lawyers, but also insists that their applause will approve of the divorce and thus “seal the separation” with her husband. Vittoria similarly suggests that standing in open trial will allow her to correct public perceptions of the charges against her. After Monticelso warns her against the dangers of standing trial in the vernacular, “O for God sake: gentlewoman, your / credit shall be more famous by it,” (3.2.22-23) Vittoria instead argues that it will allow her to correct the mistakes made in the charges against her, “I am at the mark sir, I’ll give aim to you, / And tell you how near you shoot” (3.2.24-25).8

Both gestures fashion the theatrical audience as capable of passing judgment on the proceedings based upon shared approval or disapproval of the characters’ actions.

While references to a shared experience of spectatorship and the expression of judgment through applause obviously alludes to the theater’s need to please a paying audience, these gestures also emphasize important performative aspects of the trial ritual itself.9 Many of the performative aspects of early modern trials – including its

8 Christina Luckyj scans “give aim,” as, “In archery, to guide someone’s aim by informing him of the result of the previous shot,” (The White Devil 58) suggesting that Vittoria offers to “correct” the charges against her rather than to “be the target” of them, as suggested by her statement, “I am at the mark.” We need not read the metaphor as an either/or proposition, though. Vittoria’s statement, “I am at the mark sir, I’ll give aim to you,” could imply, “I am standing at the target you’re aiming at, and will be able to correct your aim when you miss.”

9 I use the term “ritual” here in the sense developed by Susan Bell in Ritual Theory, Ritual Practice (New York: Oxford University Press, 1992). Bell describes “ritualization” as a social process, saying that it, “Involves the very drawing, in and through the activity itself, of a privileged distinction between ways of acting, specifically between those being performed and those being contrasted, mimed, or implicated somehow… At a basic level, ritualization is the production of… differentiation. At a more complex level, ritualization is a way of acting that specifically establishes a privileged contrast, differentiating itself as more important or powerful” (90). In these terms, the jury trial can be considered a “ritual” in the sense that early modern society made a privileged distinction between it and other forms of conflict resolution
incorporation of role-playing, various invocations of the rule of law, and even the form of the trial itself – were used as vehicles for shaping the attitudes of jurors and the broader community about the guilt of defendants and the system of justice itself. Descriptions of the structure of English trials, for example, regularly emphasize the importance of features like its use of juries or adversarial argumentation both to defend its ability to keep the common peace and reach a proper verdict, and to establish its superiority to continental systems that did not incorporate these features. Sir John Fortescue’s description of jury trials, for example, insists,

> Who then can unjustly die in England for any criminal offence, seeing he may have so many helps for the favor of his life, and that none may condemn him but his neighbors, good and lawful men, against whom he hath no matter of exception… it is not to be suspected, that any offender can under this form escape the punishment of offence, forasmuch as his life and conversation shall be afterward a terror to them that have thus cleared him of the crime. In this kind of proceeding there is no cruelty or extremity used. Neither can the innocent and unguilty person be hurt in his body or limbs. Wherefore he shall not stand in fear of the slander of his enemies, because he shall not be racked or tormented at their such as revenge or private mediation. One can make the same case for the execution ritual, which claims a privileged status over other forms of killing like murder or even warfare. The society obviously adopted numerous strategies for creating a privileged distinction between these practices and other forms of social interaction. I will discuss some of the performative ones in relationship to both the trial and execution below; this discussion is by no means exhaustive. For an excellent discussion of this theory in relation to other theories of “ritual” – especially those that see ritual as either “reflecting” or “constructing” particular social beliefs – see Section I, “The Practice of Ritual Theory” (19-67). For discussion of the term “performative” see n. 11 & n. 14 below. I will be using this term in several different ways; I feel this is appropriate given the argument’s focus on “overdetermined contradiction,” but also based on the open and contested nature of the term “performance” itself. Mary S. Strine, Beverly W. Long and Mary Francis Hopkins have described performance as, “An essentially contested concept, meaning that its very existence is bound up in disagreement about what it is, and that the disagreement over its essence is itself part of that essence” (183). See their essay, “Research in interpretation and performance studies,” in Speech Communication: Essays to commemorate the 75th anniversary of the Speech Communication Association (Carbondale: Southern Illinois University Press, 1990). For an excellent introduction to the numerous different uses of the term “performance,” see D. Soyini Madison & Judith Hamera, “Introduction: Performance Studies at the Intersections” in The Sage Handbook of Performance Studies, ed. Madison & Hamera (Thousand Oaks, CA: Sage Publications, 2006).
will and pleasure. Thus under this law a man may pass his life with quietness and safety.\textsuperscript{10}

The passage simultaneously describes basic features of the jury trial, and justifies their ability to effectively punish the guilty, protect the innocent, and establish peace within the community as a whole. In Fortescue’s view, the fact that accused men are judged by indifferent neighbors and not physically abused prior to conviction assures that trial and punishment are not capricious. Likewise, the fact that members of the community will not want to feel the “terror” associated with condoning criminal behavior insures that the guilty will be punished. Particular features of the jury trial are here singled out as appropriate ways to balance the community’s need to punish offenders while not subjecting innocent citizens to the “slander of his enemies.” This suggests that, in addition to acting as the administrative means of judging accused prisoners, the jury trial also operated as a performative social structure meant to reinforce feelings that the community was just and peaceful.\textsuperscript{11} Citizens watching or merely familiar with


\textsuperscript{11} In this case, I am describing the trial as “performative” in the sense developed by Victor Turner’s theory of “social dramas” and their ability to create a feeling of “communitas.” Both concepts are somewhat complex, and were developed through a series of writings throughout Turner’s career. Madison and Hamer have usefully described “social dramas” as a concept, describing how, “In social harmony the working arrangements within a particular social unit are synchronized. When a social drama occurs there is a schism or break in the synchronization. The social unit is disturbed and the parties involved are in disagreement… Turner defines social drama through a four-phase structure: breach, crises, redressive action, and resolution” (xvii). For our purposes the most important of these phases are “redressive action” – where, “A mechanism is brought forth to squelch the crises from further disruption of the social system. This may be in the form of a mediator, [or] of a judicial system” – and “resolution” – where “the disturbed parties are reconciled and re-integrated back into their shared social system… or [there] is the recognition of a ‘legitimate and irreparable schism between the parties’ that will separate them from the social system” (xviii). “Resolution,” often associated with highly ritualized events, is seen by Turner as producing a sense of “communitas,” which he describes in \textit{The Ritual Process} as a, “Recognition (in symbol if not always in language) of a generalized social bond that has ceased to be and has simultaneously yet to be fragmented into a multiplicity of structural ties… This is not simply… a matter of giving a general stamp of legitimacy to a society’s structural positions. It is rather a matter of giving recognition to an essential and generic human bond, without which there could be no society” (96-97). In the case of jury trials, the notion that a
jury trials could be assured by its formal structures that they would neither be bothered by criminals nor punished if wrongly accused, while those sitting on the jury literally participated in the judging of their neighbors and governing of the community.

Other early modern descriptions of English trial practices similarly highlight its unique features either as a way of justifying them, or establishing their superiority over other practices. Sir Matthew Hale, for example, points to the English tradition of verbally and confrontationally giving testimony in a manner similar to that of Fortescue, “By this Course of personal and open Examination, there is Opportunity for all Persons concern’d, viz. The Judge, or any of the Jury, or Parties, or their Council or Attornies, to propound occasional Questions, which beats and boults out the Truth much better than when the Witness only delivers a formal Series of his Knowledge without being

“breach” of social peace and law has occurred resulting in a “crisis” between the accuser and the defendant obviously precede the trial itself; the initiation of legal proceedings serves as a “redressive action” eventually brought to “resolution” in the verdict and (if necessary) punishment. Also important, however, and particularly striking in the descriptions of Fortescue and others is the production of a sense of “communitas” that Fortescue associates with “quietness and safety.” Turner’s description of “communitas” operates as both an affirmation of the social structure as it exists outside of the social drama or its embodiment in ritual, and as a producer of that same social structure and feeling out of a space where the stability of communitas has been challenged in some way. In the later The Anthropology of Performance, Turner argues that, “Communitas is intrinsically dynamic, never quite being realized… because individuals and collectives try to impose their cognitive schemata on one another. The process of striving towards and resistance against the fulfillment of… communitas necessitates that the unit of history and of anthropology… and the unit of their analysis is drama, not culture or archive. [These are] always ancillary to, dependent on, secreted from process. And performances… are the manifestations par excellence of human social process” (84). In this sense, the trial can be understood as “performative,” in the fact that it attempts to produce a feeling of communitas and that it involves the interaction of social forces but not, as we shall see, because it “succeeds” in affirming the social order in every case. See Madison & Hamera, “Introduction: Performance Studies at the Intersections,” Victor Turner, The Ritual Process (New York: Aldine de Gruyter, 1995) and The Anthropology of Performance (New York: PAJ Publications, 1986).
interrogated.” Hale describes the English tradition of allowing parties and defendants to confront witnesses as producing a “much better Truth” than other possible methods.

Sir Thomas Smith, whose *De Republica Anglorum* offers a comprehensive description of English trial practices, finishes his discussion with an assertion of their superiority despite their differences from the continental system,

> Having seeone both in Fraunce and other places manie devises, edictes and ordenaunces… I have not perceived nor reade as yet so wise, so just, and so well devised a meane found out by any man among us in Europe. Trueth is that where this [English] fashion hath not been used, to them to whom it is newe, it will not be so easy to understand and therefore they may peradventure make judgment contrarie but the more they doe weigh and consider it, the more reasonable they shall find it.

Once again, description of the formal features of the trial gets tied to a defense of its superiority as a producer of “Justice,” “Wisdom,” and “Trueth.” In many ways, these descriptions reproduce the formal logic of the trial itself. Much as these writers insist upon the system’s superiority in relation to other systems, or in the case of Fortescue it’s perfection as a producer of justice, the formal features that they describe all worked to reinforce a feeling that the trial itself provided the best means of resolving disputes due to

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12 Sir Matthew Hale, *The history and analysis of the common law of England* (London: John Walthoe, 1713), 258. This is the earliest printed edition of the text; Hale himself lived from 1609-1676, and the text obviously existed in manuscript prior to its publication.

13 Sir Thomas Smith, *De Republica Anglorum*, ed. Mary Dewar (New York, Cambridge UP, 2009), 96. Smith makes numerous statements of this kind about various aspects of the English system; this description follows immediately his comparison of the differences between English reliance upon jury trials and continental use of civil law. See also 117-18, where Smith discusses the English distaste for judicial torture, “Likewise, torment or question which is used by the order of the civil lawe and custome of other countreis to put a malefactor to excessive pain, to make him confess of him selfe, or of his fellowes or complices, is not used in England, it is taken for servile.” Both Fortescue’s and Smith’s descriptions are idealized; justices of the peace did, under certain circumstances, torture prisoners and, as discussed in the chapter on *Measure for Measure*, the system did not even claim to, much less accomplish, the punishment all of the guilty and release only those who were innocent. For our immediate purposes, however, what seems important is the formal logic of the trial itself. For a discussion of the broader theory of “justice/equity/mercy” that informed this system and legal practice, see the previous chapter. On torture practices in early modern England, see Elizabeth Hanson, “Torture and Truth in Renaissance England,” *Representations* 34 (1991): 53-84.
the truth and wisdom of the resolutions it offered. While this production of a feeling of the superiority of the trial form itself differs somewhat from the feelings of approval or correction that Isabella and Vittoria imply they will achieve by standing trial, the sense that the trial produces a sense of legitimacy through the production of shared feeling and respect for an accurate “Truth” characterizes both their invocations of the trial, and the period’s theoretical descriptions of it.

In addition to inviting audiences to see connections between “the theater” and “the law” by drawing attention to performative elements shared by both institutions – including the use of metaphorical rhetoric and the deliberate attempt to produce common feelings amongst an audience -- the trial scene in *The White Devil* also invites an awareness of how different performative elements within the period’s legal culture come into conflict with one another. The most straightforward example of this type of conflict can be seen in Monticelso’s attempt to “characterize” Vittoria as a whore. Many of the comparisons that he makes rather straightforwardly present “whores” either as irksome – “They are… / Shipwrecks in calmest weather!... / Cold Russian winters” (3.2.82-84) – or infectious – “They are first sweetmeats which rot the eater: in man’s nostril / Poisoned perfumes”(3.2.80-81). Later in the speech, though, Monticelso uses a series of legal references to make a similar point, comparing whores to improperly written contracts, “They are those brittle evidences of law / Which forfeit all a wretched man’s estate / For leaving out one syllable” (3.2.90-92) and the unintentional circulation of counterfeit coins, “What’s a whore? / She’s like the guilty counterfeited coin / Which whosoe’er first stamps it brings in trouble / All that receive it” (3.2.99-102). These metaphors continue to insist that female sexuality, even if seemingly innocuous, actually presents a serious
threat to those men encountering it. The use of legal metaphors to achieve this rhetorical goal, however, works to undermine an association of the law with justice and social stability. In his zeal to rhetorically prosecute Vittoria, Monticelso ends up describing the law as capable of destroying men’s lives based upon “brittle evidence” or for unintentional offenses. The thoroughly self-defeating nature of this strategy can be seen in his comparison of a whore to a hanged corpse, “They are worse, / Than dead bodies, which are begged at gallows / And wrought upon by surgeons, to teach man / Wherein he is imperfect” (3.2.96-99). The metaphor continues to present whores as spreading vice throughout society, but here the referent of ignominy proves to be legal rituals themselves. Despite their intent, “To teach man / Wherein he is imperfect,” the hanging and examination of prisoners also provides a signifier of social stigma and decay. The attempt to rhetorically characterize Vittoria as a “whore” in need of punishment thus undermines the perception of the legal system as a privileged source of social reform by openly drawing attention to the irksome and ignominious possibilities of the legal system.

Another example of this can be seen in the trial scene’s presentation of legal role-playing, a pervasive though subtle feature of the period’s trials. Readings that characterize Vittoria as a hypocrite for denying charges against her seem to overlook the fact that the vast majority of English prisoners pleaded “not guilty” in court, whatever the truth of the charges against them. Smith tells us that, “Commonly all theeves, robbers, murtherers [plead not guilty], though they have confessed the fact before the Justice of the peace that examined them, though they be taken with the maner… in flagranti crimine, howsoever it be,” suggesting that the offering of a plea and defending oneself in
court was a role prisoners were expected to perform.\textsuperscript{14} As we’ve already seen, providing the accused an opportunity to deny the charges against him or her was a central justification of the English trial structure; Fortescue implicitly points to this when he insists that the English cannot complain of being tormented by the law, while Hale insists on the superiority of a system that “beats and boults out the Truth” through examination and argument. This performative element to prosecution and defense was so central to English legal culture that an accuser was required to physically appear in court before

\textsuperscript{14} Smith, 112. The type of performance that English men and women conducted when appearing as either the claimant or defendant is similar to the concept of “performative citation” developed by Judith Butler in \textit{Bodies That Matter}. Butler argues that, “Performativity is thus not a singular ‘act,’ for it is always a reiteration of a norm or set of norms, and to the extent that it acquires an act-like status in the present, it conceals or dissimulates the conventions of which it is a repetition” (12) emphasizing how performative gestures orient themselves in relation to socially conditioned expectations, and should be differentiated from deliberate, singular actions. I have used this concept of “performativity,” for two reasons. First, I hope to emphasize that, in arguing for the correctness of their position, participants are (consciously or not) “reiterating” or “citing” certain conventions already associated with the trial rather than spontaneously asserting their “beliefs” about the case. Prisoners were expected to defend the fact that they were “not guilty,” possibly through vigorous argumentation, at the very least by simply stating that they were not guilty. Accusers, likewise, were expected to offer evidence that the prisoner was guilty. Both were required to speak at particular times during the trial, and had their cases mediated by the rule of law and the actions of the judge. Readings of Vittoria as acting “hypocritically” due to her compelling defense of her innocence underestimate the extent to which men and women standing trial were expected to defend themselves during the trial, and were offered a socially privileged opportunity to confess their crimes when pleading for mercy after the verdict, or when making “last-dying speeches” on the scaffold. Both of these possibilities, particularly the latter, will be discussed below. Second, I hope to distinguish this type of “performative citation” of the conventions of the trial from a type of role-playing that is necessarily disingenuous. Christina Luckyj and Luke Wilson’s insistence that Vittoria’s ability to effectively cast doubt upon her case should be understood as “anti-theatrical” implies that “performance” should be evaluated in relation to some type of identifiable “reality” or “truth”. I see no reason why we ought to adopt this view of the relationship between “performance” and “truth,” however. Undoubtedly, some prosecutors and defendants made cases that they knew to be false; others, however, undoubtedly played these roles in earnest. In both cases, the role of accuser and prisoner can be understood as “performative” insofar as it always refers to and is shaped by legal conventions, trial proceedings, judges, etc. The fact that Vittoria’s defense in many ways proves compelling actually adheres to the norms established for the role of “prisoner.” What troubles the audience’s experience of the trial is thus not necessarily the fact that Vittoria somewhat theatrically “performs” this role, but rather the way in which this performance seems to conflict with other trial conventions like adherence to the rule of law, prosecution based on evidence rather than innuendo, and the production of a feeling that criminals are being fully punished for their crimes. See Judith Butler, \textit{Bodies That Matter} (New York: Routledge, 1993), Elin Diamond, “Introduction,” to \textit{Performance and Cultural Politics}, ed. Elin Diamond (New York: Routledge, 1996), esp. 2-7.
trial proceedings could begin. Smith describes how, “If none come in to give evidence although the malefactor hath confessed the crime to the Justice of the peace, and that appeare by his hande and confirmation, the xij. men will acquit the prisoner,” and although he insists, “this doth rarely chaunce,” the releasing of prisoners on these grounds was quite common.\(^{15}\) Joel Samaha, for example, has shown that in Elizabethan Essex one in three prisoners were released because their accusers did not bother to show up in court in order to pursue the case.\(^{16}\) The structural nature of the defendant’s offering of a “not guilty” plea can also be seen in the fact that this plea represented the only substantive form of defense in some cases. When Anne Turner was charged as an accomplice in the murder of Sir Thomas Overbury, for example, she offered a plea of “not guilty.” After her prosecutors presented a great deal of testimony and evidence against her, including statements made by other accomplices and letters written to her by one of the accused conspirers in the murder, Turner simply denied having a role in the

\(^{15}\) Smith, 113.

\(^{16}\) Joel Samaha, *Law and Order in Historical Perspective; the Case of Elizabethan Essex*, (New York: Academic Press, 1974), 171. Samaha offers both economic and geographic explanations for this phenomenon, “Anyone who reported a crime in the sixteenth century engaged in an expensive operation. Victims [in Essex, the focus of this study]… had to come to Chelmsford (where more court sessions were held) at their own expense to press charges personally. Their presence in court was required due to the rules of oral argument. Under the circumstances, an injured person who had to pay his own travel and costs, feed and lodge himself during the period of indictment, and then return to Chelmsford several weeks later to testify at the trial might well decide it was not worth the money or effort, especially since he had to pay the suspect’s transportation as well and probably would not get his goods back. Because of this, people living near Chelmsford were much more likely to take the chance of catching and bringing a culprit to justice than those residing in the outlying parts of the shire” (38-39). See also Craig Muldrew, “The Culture of Reconciliation: Community and Settlement of Economic Disputes in Early Modern England,” *The Historical Journal* 39, vol. 4 (1996): 915-942. Muldrew, primarily looking at property disputes, suggests that in respect to minor issues the initiation of legal proceedings may have been a step in a process of negotiation and reconciliation rather than a heightening of conflict. See also Cynthia B. Herrup, *The Common Peace: Participation and the criminal law in seventeenth century England* (New York: Cambridge UP, 1987), esp. ch. 2 where she argues that this may have represented the extent to which JPs facilitated bargaining. She notes that Sussex, for example, showed much lower rates of these types of dismissals, but also showed a smaller number of overall trials being conducted in Quarter and Assize sessions, and speculates that the disparity might be explained by Sussex JPs willingness to facilitate reconciliation between neighbors, or an unwillingness to bind men over for appearance when evidence proved sparse.
plot and “Desired the Lord Chief Justice to be good unto her”; at her execution, she confessed her role in the murder.\textsuperscript{17} Far from making a substantive claim about guilt or innocence, then, the fact that early modern English prisoners were expected to plead “not guilty” can best be understood as the carrying out of an available structural role in the trial proceedings. While in some cases playing this role allowed the prisoner to escape punishment despite evidence of guilt, this possibility was an accepted feature of the period’s legal culture and by no means represented the only outcome of the plea.

The simple fact early modern legal culture expected prisoners to defend themselves during trial proceedings does not mean that the practice failed to generate tensions surrounding individual trials or the justice system as a whole. An excellent example of these tensions can be seen when prisoners challenged the factual and logical foundations of the cases against them. Smith describes this process as the normal method through which evidence was introduced into trial,

\begin{quote}

The Judge… asketh the partie robbed, if he knowe the prisoner, and biddeth him looke upon him: he saith yea, the prisoner sometime saith nay. The partie pursuivant [says]… I knowe thee well ynough, thou robbest me in such a place, thou beatest mee, thou tookest my horse from me, and my purse, thou hadst then such a coate and such a man in thy companie: the theefe will say no, and so they stand a while in altercation.\textsuperscript{18}
\end{quote}

Smith describes the same practice of argumentation that Hale insists “beats and boults” the truth out for the judge and jury. This system of open argumentation could prove troublesome, however, when the jury and the community at large disagreed over the

\begin{footnotesize}
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  \item[\textsuperscript{17}] Collection of state-trials, 324.
  \item[\textsuperscript{18}] Smith, 114.
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outcome of the trial, since it provided legitimacy to prisoners’ claims to innocence and reinforced the public’s dissatisfaction with the judgment.

Two of the period’s most well known trials involved defendants who managed to gain public sympathy, at least in part by challenging the logical foundations of the cases made against them. In addition to insisting, “I never sought the Crown of England, nor ever wished to be a higher degree than a Subject,” the Earl of Essex pointed to the improbability of nobody being able to verify charges made by Henry Witherington that troops at his house had openly called for violence against the Privy Council, “I never heard such words as Kill him, kill him… if it had been a Secret, Mr. Witherington being privy thereto, might have been a good Witness; but being so openly spoken, (as you say) a hundred more might have testified it, yet none spake besides.”

Sir John Chamberlain tells us that Essex’s pleas and arguments, “No doubt caught and carried away a great part of the hearers,” though he insists of himself, “I cannot be so easily led to believe protestations… against manifest proof.” Sir Walter Raleigh also challenged the logic of the trial against him, insisting that his participation in a plot to aid Spain would be foolish given the contemporary political climate, and would also contradict his earlier statements against the Spanish, “It is strange for me to devise with Cobham, that he should go to Spain… I knowing England to be in better Estate to defend it self than ever it was. I knew Scotland united; Ireland quieted, wherein of late our Forces were dispersed; Denmark assured, which before was suspected… I had [also] written a Discourse, which

\[19\] Collection of state-trials, 199, 192.
I had intended to present unto the King, against Peace with Spain." Chamberlain tells us that Raleigh openly referred to the thin case against him at his execution in 1618, saying he, “Spake of his triall at Winchester and avowed that all or the far greater part of those that were present did acquit him in theyre conscience, and that the Kings gracious forbearing him so long… did show that his Majestie approved his innocence.” The reference to, “the far greater part of those… present,” speaks to the fact that Raleigh’s performance of his innocence was meant to go beyond the jury and foster a broader impression that he was undeserving of his fate, a strategy that Chamberlain reports was quite successful, “The people were much affected at the sight [of Raleigh’s execution] insomuch that one was heard say that we had not such another head to cut of. Another wisht the head and braines to be upon S[ecretary] N[aunton’s] shoulders. There was great meanes made for his life, and I heare the Quene wrote very earnestly to the King as he tendered her health to spare him.” What we see in the case of both men, then, are examples of prisoners capable of performing their innocence and challenging the cases against them in ways that convinced at least a subset of the population that their eventual executions were unwarranted. Spectators at Raleigh’s execution are recorded as openly expressing hostility to members of the government, and while the sympathies that Chamberlain records in support of Essex are more muted, both cases clearly speak to the

21 Collection of state-trials, 209.
23 Chamberlain, vol. 2, 177-8. “Cut of” is Chamberlain’s original spelling. As we shall see below, the logical challenging of the evidence presented against them was not the only strategy used by either of these men particularly, or by defendants generally. Raleigh provides an excellent example of a defendant referring to this in fashioning a performance of his innocence; Essex provides direct evidence that this was a common strategy. Both men also drew upon other social discourses: the rule of law, particularly, in the case of Raleigh; aristocratic bravery and loyalty to the crown in the case of both men.
ability of a vigorous public defense to undermine, rather than reinforce, the perception that trial proceedings never “rack or torment” the innocent.

Vittoria’s defense against charges of murder and adultery reproduces some of the same performative gestures that we see from men like Essex and Raleigh. Like Essex, Vittoria makes broad protestations about her innocence,

Humbly thus,  
Thus low, to the most worthy and respected  
Lieber ambassadors, my modesty  
And womanhood I tender; but withal  
So entangled in a cursed accusation  
That my defence, of force, like Perseus  
Must personate masculine virtue to the point.  
Find me but guilty, sever head from body:  
We’ll part good friends: I scorn to hold my life  
At yours or any man’s entreaty. (3.2.130-39)

In addition to insisting upon her, “modesty and womanhood,” Vittoria attempts to bolster her claims by drawing upon the legitimacy of the trial’s structure, suggesting that should she be found guilty by impartial judges – the ambassadors rather than Monticelso – she will gladly accept the judgment and her death. Raleigh made a similar rhetorical gesture in his own trial by pointing to the lack of evidence supporting the accusations against him, “Your Words cannot condemn me; my Innocency is my Defence,” but also offering, “Prove one of these things wherewith you have charg’d me, and I will confess the whole Indictment.”\(^24\) Both examples demonstrate that a vigorous defense was not necessarily perceived as challenging the authority of trial proceedings. Rather than openly defying the legal process, the implication of both Vittoria and Raleigh’s rhetoric – “Should I be

\(^{24}\) Collection of state-trials, 207.
found guilty in a fair trial, I’ll happily accept the punishment” – attempts to appropriate the legitimacy of trial proceedings as a way of reinforcing a claim to innocence.

Vittoria also makes several attempts to challenge the logic of the evidence that Monticelso presents against her. When the Cardinal attacks her dress and demeanor in the wake of her husband’s death, “Look upon this creature that was his wife. / She comes not like a widow: she comes armed / With scorn and impudence. Is this a mourning habit?” (3.2.120-22) Vittoria responds by pointing out that a conspirer in the murder would be likely to cunningly wear mourning garments, “Had I foreknown his death as you suggest, / I would have bespoke my mourning.” (3.2.123-24). Likewise, when the Cardinal presents a love note written to her from Brachiano as evidence of her adultery, Vittoria responds by arguing that it fails to logically prove her adultery, “Temptation to love proves not the act / … / You read his hot love to me, but you want / My frosty answer” (3.2.199-202). In many respects then, Vittoria’s defense during the trial scene draws upon many of the expected rhetorical strategies that we see adopted with some success by defendants in the state trials.

More importantly, Vittoria by some measures succeeds in creating the impression that the trial against her and eventual conviction for adultery are unjust. Following her pleas to the ambassadors, Francisco convinces the Cardinal to drop the murder charge, observing not only, “My lord there’s great suspicion of the murder, / But no sound proof who did it,” but also conceding his own doubts about her guilt, “For my part / I do not think she hath a soul so black / To act a deed so bloody” (3.2.181-84). The English Ambassador shows much stronger support for Vittoria’s case, responding to her insistence upon her “modesty and womanhood,” saying, “She hath a brave spirit”
(3.2.140) and earlier responding to the French Ambassador’s belief that “She hath lived ill” (3.2.107) by expressing an equal distaste for her accuser, “True, but the cardinal’s too bitter” (3.2.108). Vittoria also manages to successfully challenge the limited amount of evidence presented against her; when summarizing the case against Vittoria in offering his verdict, Monticelso does not point to facts established in the trial because to do so, he says, would be, “But repetition, / Of what is ordinary and Rialto talk, / And ballated, and would be played o’th’stage” (3.2.247-49). In effect, the case against her effectively gets reduced to rumors, ballads, and the material of stage plays. The overall effect lends a great deal of credence to Vittoria’s final claim that her accusers, “Have ravished Justice, / Forced her to do your pleasure” (3.2.274-75) due to the fact that charges against her have been dropped, characters on stage have expressed either doubt of her guilt or admiration for her, and the judgment against her makes no mention of evidence produced in court. While this does not, as we’ll see below, suggest that all members of the audience would have come away from the scene believing that Vittoria has been convicted despite being innocent of the charges against her, the defense obviously troubles any sense that the trial adequately establishes the “truth” of the case against her or promotes the “quietness and safety” of the political world dramatized by the play. Much like the performances of Essex and Raleigh, then, the vigor with which Vittoria proclaims her innocence ends up coming into conflict with the larger social and political logic that was thought to characterize the early modern jury trial.

Another instance of performative features of trials coming into conflict with one another can be seen in Vittoria’s incorporation of the rule of law into her defense.

Vittoria’s claim that she gave a “frosty answer” to Duke Brachiano, perhaps more than
any other claim that she makes, differs from the play’s presentation of the facts of the case. In some ways, however, the tone she offers when making the claim obscures its dubiousness,

\begin{quote}
Granted I was tempted,  
Temptation to lust proves not the act,  
\textit{Casta est quam nemo rogavit},  
You read his hot love to me, but you want  
My frosty answers…  
\end{quote}

\begin{quote}
    \ldots  
    Condemn you me for that the Duke did love me,  
    So may you blame some fair and crystal river  
    For that some melancholic distracted man  
    Hath drowned himself in’t.  (3.2.198-206)
\end{quote}

Vittoria’s use of logical syllogism – “Granted I was tempted, / Temptation to lust proves not the act” – Latin support, and hypothetical analogy all give her defense a forensic quality that emphasizes the circumstantial nature of the evidence presented against her in a way that simply stating, “The Duke loved me, I did not return his affections,” would not.\(^{25}\) In doing this, she expends more energy establishing that being the object of the Duke’s desires does not, on its own, logically establish her guilt than she spends proving (or even proclaiming) that this is actually the case.

A clearer reference to the rule of law can be seen in her complaints about the Cardinal’s status as judge. In response to Monticelso insisting that a loan Brachiano made to her husband was motivated by lust rather than friendship, Vittoria asks,

\begin{quote}
Who says so but yourself? If you be my accuser  
Pray cease to be my judge, come from the bench,  
Give in your evidence ‘gainst me, and let these  
Be my moderators. (3.2.225-28)
\end{quote}

In addition to pointing out the lack of substance to Monticelso’s charge, the statement points to the impropriety of his dual role as claimant and judge of the trial proceedings. As we’ve seen already, English jury trials usually required accusers other than the judge and jury to appear in court in order to secure convictions; while this was not necessarily true in the continental civil law courts alluded to in Webster’s Italian setting, the complaint nevertheless attempts to mark a structural feature of the trial as an irregularity over and above making a claim of innocence. Both Brachiano and Vittoria point to another conflict of interest in Monticelso’s role as judge when they observe that Camillo, “Was in debt / To you my lord… And ‘twas strangely feared / That you would cozen her” (3.2.158-60). Combined with her observations on the inadequacy of the evidence against her and the fact that Monticelso finally bases his judgment on “Rialto talk” and ballads, Vittoria’s defense that he has “Ravished Justice, / Forced her to do your pleasure” can almost certainly be understood as a claim that the proceedings against her are technically irregular because the case against her is weak. While Vittoria elsewhere plays the role of a dutiful wife somewhat misleadingly, much of her defense consists in quite accurate observations that the evidence against her does not hold up to standards of proof, and that she has been denied an impartial judgment. Structural features of the trial – including its ability to provide protection from enemies and produce a “better Truth” through argumentation – celebrated by men like Hale and Fortescue as evincing its

26 The speech quoted is Brachiano’s. Monticelso’s only reply is “He was” (3.2.159). Vittoria later makes a similar charge when she says, “It seems you have beggared me first / And now would fain undo me; I have houses, / Jewels, and a poor remnant of crusadoes, / Would those would make you charitable” (3.2.213-16).
superiority here get appropriated by Vittoria as a way of undermining the audience’s acceptance of her conviction.

As with Monticelso’s attempt to rhetorically characterize Vittoria and her own attempts to perform her innocence for a public audience, attempts to rhetorically and performatively manipulate the rule of law can be found throughout the state trials and are suggested by other legal records of the time. When Attorney General Coke tried to convict Sir Walter Raleigh based only upon the written deposition of Lord Cobham, for example, Raleigh responded by pointing out that both the amount of evidence produced against him and its submission in writing break with English legal traditions,

> You try me by the Spanish Inquisition, if you proceed only by Circumstances, without two witnesses… It is no rare thing for a man to be falsely accused. A Judge condemn’d a Woman in Sarum for killing her Husband on the Testimony of one Witness; afterwards his Man confessed the Murder, when she was executed… The Proof of the Common Law is by Witness and Jury; let Cobham be here, let him speak it. Call my Accuser before my Face, and I have done.\(^{27}\)

The references to traditions demanding two witness and oral examination not only work to support Raleigh’s claim to innocence, but also work to rhetorically challenge the legitimacy of the trial against him by tying his accusers to the very people Raleigh was accused of treasonously conspiring with.

The case of John Udall provides another example of a defendant attempting to manipulate the rule of law as a way of shaping the public’s perception of his guilt. Udall was brought to trial for treason under suspicion for publishing the *Martin Marprelate* tracts, but given the lack of evidence for this, he was charged only with authoring another

\(^{27}\) *Collection of state-trials*, 211.
pamphlet. The judge of the case told Udall in trial that, “If he were not guilty, he would
clear himself,” and counseled him, “Do not stand in it, but confess [he had not written the
tract], and submit your self to the Queen’s Mercy, before the Jury find you guilty.”

Udall, however, refused to plead either guilty or not guilty of writing any of the tracts
both as a way of protecting the author, “Now the Author is sought for… lest he should be
found… it is thought best every one neither to confess nor to deny, yea tho we suffer
some Punishment, rather than the Author, being found out, should suffer Extremity,” and
out of a desire to use his trial to gain legitimacy for the Puritan cause,

Tho I were found to be the Author, yet it cannot be within the
Compass of that Statute… The Intent of the Law-makers… [is] To
frustrate the Malice of those that be evil-affected to her
Highness… how is it possible that a Preacher of the same Religion
which her Majesty professeth and maintaineth, who is known
continually to pray unto God for her Highness’s Prosperity and
Hapiness… how is it possible, I say, that such a one should be
maliciously affected towards her?

Although Udall has essentially been promised mercy by his judge simply for entering a
“not guilty” plea, then, he refuses to do this out of a desire to clarify the meaning of a
written statute, and use the trial ritual as a way of publicly and institutionally furthering
his cause. Although Raleigh and Udall obviously have different particular goals, both
defendants incorporate various aspects of the rule of law into their trial performance in
the hopes of shaping either the verdict or public perception more broadly.

The point here is not to suggest that the rule of law can be reduced to a
performative element of trials since this is obviously not the case. Raleigh’s defense
draws upon traditional sources of authority in the form of legal history and reference to

28 Ibid., 166.
29 Ibid., Ibid.
common trial practices during his day, while Udall hopes to appropriate statutory
data as in Max Weber’s distinction between “legal” and “traditional” authority on the one hand,
and “charismatic” authority on the other in his essay “Politics as a Vocation,” in *The Vocation Lectures*,
Weber describes the first two of these respectively as, “Rule by virtue of ‘legality, by virtue of the belief in
the validity of legal statutes and practical ‘competence’ based on rational rules” and “The authority of the
‘eternal past’ of custom, sanctified by a validity that extends back into the mists of time and is perpetuated
by habit,” (34). In short, these types of authority are based upon references to particular written and agreed
upon rules, or upon an accepted set of beliefs about the past. “Charisma,” on the other hand, is described
as, “The wholly personal devotion to, and a personal trust in, the revelations, heroism, and other leadership
qualities of an individual” (34). One might, I think, usefully suggest that the rule of law itself – particularly
in the English common law tradition – derives most of its authority from “legality” and “custom,” while
performances in trial attempt to fashion a type of “charisma” capable of compelling belief amongst the jury,
provided always that one did not take the heuristic too far. Even Weber himself acknowledges that, “These
types rarely occur in their pure form in reality,” (34) and as I’m suggesting here, the rule of law gets
incorporated into performances in various ways. These three “pure types,” of legitimacy are best
understood as useful ways to distinguish between how the rule of law operates in comparison to individual
performances in trial, rather than as firm categories capable of adequately encompassing all behavior. See
titled “Legitimacy and the types of Authority,” and “Rationalism and Formalism in Law.”
straightforward arbiters of truth according to the law, these trials prove complex, performative events where written laws and legal history are drawn into conflict with verdicts of guilt and innocence through the efforts of the accused to manipulate the proceedings and reshape the public’s disposition towards their accusers.

John Udall’s refusal to enter a plea at his trial points to a series of ways in which early modern English prisoners manipulated the rule of law in the process of entering different types of plea. We saw a somewhat muted version of this already in the example of the numerous men and women who escaped punishment due to the fact that their accusers failed to appear in court, an act which involved capitalizing both on the expectation that the accused would perform innocence regardless of the evidence against them and a legal tradition which required victims of theft and other crimes to physically appear in court to act as prosecutors. Another more explicit example of prisoners manipulating the rule of law to their advantage can be seen in cases where they chose to “stand mute” in court, a tradition that Sir Thomas Smith describes as a difficult, but also potentially beneficial mechanism by which the accused could avoid standing trial,

The clarke speaketh first to one of the prisoners: A.B. come to the barre, hold up thy hand… If he will not aunswere, or not aunswere directly, guiltie or not guiltie, after he hath beene once or twise so interrogated, he is judged mute… and his condemnation is to be pressed to death, which is one of the cruellst deathes that may be… This death some strong and stout hearted man doth choose, for being not condemned of felonie, his bloud is not corrupted, his lands nor goods confiscate to the Prince, which in all cases of felonie are commonly lost from him and his heires, if he be… condemned for a felon by the lawe.

31 See n. 16 above.
32 Smith, 112.
By refusing to offer a plea, prisoners could effectively provide financial and other types of protection to families and accomplices by altering the judicial ritual from one intended to substantively prove guilt to a gruesome punishment that nevertheless failed to establish the prisoner as “guilty” according to the rule of law.\(^{33}\)

The case of Richard Weston provides an example of an accused prisoner attempting to stand mute in order to alter both public and official perception of the facts of his case. Accused of conspiring in the murder of Sir Thomas Overbury, Weston refused to stand trial or offer a plea, “The Indictment being read, he was demanded if he were guilty… To which he answered… Lord have Mercy upon me! Lord have Mercy upon me!… being then demanded how he would be tried, he answered, He referred himself to God… refusing to put himself and his Cause upon the Jury or Country.”\(^{34}\) A servant of Robert Carr and Frances Howard, Weston apparently hoped to avoid publicly implicating his aristocratic patrons by refusing to offer a plea. Judges responded to his attempts by describing the pain of being pressed at length, and eventually the gesture was rendered futile when Attorney General Coke ordered that Weston’s deposition nevertheless be read, “To manifest to the Audience of the said Weston by his own Confession… as certainly there were Great Ones confederate in that Fact, [the confession] should boldly and faithfully open whatsoever… he could prove against them.”\(^{35}\) Although Weston later decided to offer a guilty plea and accept hanging, in reading the sentence Coke nevertheless felt the need to defend himself against, “Certain

\(^{33}\) Francis Barker’s analysis of the Assize circuit records has led him to estimate that more than 500 prisoners were pressed to death during the Elizabethan and Jacobean periods, but in all likelihood far more attempted to stand mute than were actually pressed. See The Culture of Violence: Essays on tragedy and history, (Chicago: U of Chicago P, 1993) 177-78.

\(^{34}\) Collection of state-trials, 314.

\(^{35}\) Collection of state-trials, 314.
Criticks, who had given out, the Prisoner should deny his Examinations; and found much fault, for that the Examinations were read, the Prisoner standing mute.” The fact that Weston eventually confessed his guilt and accepted the contents of his earlier deposition thus did not prevent “Certain Criticks” from complaining about Coke’s decision to read evidence into trial in the face of a mute prisoner. This highlights that trials did not simply resolve questions of fact and contribute to the satisfactory punishment of the guilty, but also offered a site of struggle over the significance attached to how these processes were carried out. Even in cases where prisoners are brutally punished or where an examination gains the acceptance of the accused prisoner, formal traditions surrounding the trial nevertheless provide key contributions to its production of a sense of legitimacy and communal stability. In the case of Richard Weston, the irregularity of the trial and the breeches of the rule of law, over and above anxieties over punishment or questions of truth, manage to call that legitimacy into question.

In the end, what proves so striking about the trial scene in *The White Devil* is not its establishment of a binary opposition between theatrical and legal traditions, but rather how it uses theater to highlight distinct performative structures that collectively reinforce the legitimacy of the law but, under certain circumstances, nevertheless come into conflict with one another in ways that can call this legitimacy into question. One way it does this is to simply dramatize the process through which this occurs: inviting the audience to listen to an accuser give a poetic speech that rhetorically undermines the legitimacy of the law even as it attacks a prisoner, or showing a woman effectively gaining the sympathies of the trial audience and calling into question the structural

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36 Ibid., 321.
integrity of her trial. The scene’s numerous metatheatrical gestures also highlight these contradictions. Having Cardinal Monticelso use a pronouncedly metaphorical style of speech in a courtroom and theatrical setting simultaneously seems to invite the audience to reflect both upon the nature of the comparisons he makes, and the way they characterize both the poetic and the legal process. Vittoria and Isabella’s gestures refashioning the theater “auditors” into approving lawyers and jurors likewise invites the Red Bull audience to attend equally to the legal validity of their claims, the extent to which the characters succeed in moving their audience’s sympathies, and how these two goals interact and possibly conflict with one another.

Other metatheatrical moments in the trial scene not only work to highlight the connections between performance and the law, but actively invite perceptions of contradiction, and potentially dissatisfaction. The most obvious place in which this occurs can be seen when Monticelso hands down his verdict based upon, “What is ordinary and Rialto talk, / And ballated, and would be played o’th’stage” (3.2.248-49). Given that the verdict implicitly concedes that the evidence presented in trial proves inadequate and instead refers to rumor, cheap print and the theater as sources of proof, one might accurately point to this as a moment where the play “demystifies the law” by revealing its “privileged status” in relation to the theater and other institutions to be undeserved. Far from producing a “better Truth” than the theater, Monticelso relies upon the stage in order to justify his verdict. Nevertheless, the adultery and lust with which the Cardinal charges Vittoria have in fact been acted on stage earlier in *The White Devil* itself. In the second scene, Vittoria not only embraces Brachiano and flirtatiously discusses how “low” she should wear the jewel he’s given her, but also tells him a dream
where Isabella and Camillo are, “Struck down by that sacred yew / In that base shallow grave that was their due” (1.2.236-37). The scene not only implies that Vittoria may have engaged in adultery, but gives her an active role in the murder of her husband – Flamineo goes so far as to interpret the dream, “Excellent devil. / She hath taught him in a dream / To make away his Duchess and her husband” (1.2.238-40) – never revealed during the course of the trial. Instead of straightforwardly criticizing or demystifying the law, then, the trial scene challenges the audience to recognize the competing ways in which one might make a criticism of the law by identifying the multiple, potentially competing foundations upon which it rests. Insofar as we evaluate the Cardinal’s pronouncement that Vittoria is guilty of adultery based on standards of evidence or the rule of law, it seems both unconvincing and irregular given that it ignores the evidence presented in court in favor of a series of notoriously unreliable alternative sources. Insofar as we evaluate it based on whether it hands down an adequate punishment based on the evidence available to the audience or the jury, though, one might say that, far from being harsh, the verdict proves too lenient.

This same dynamic can be seen in relation to Vittoria’s own criticism that her accusers have “Ravished Justice, / Forced her to do your pleasure” (3.2.274-75). Vittoria accurately points to the Cardinal’s conflicts in acting as her judge and compellingly observes that the most compelling piece of evidence against her – a single love letter from a suitor - does not logically imply her guilt or adequately meet standards of evidentiary proof since, “Temptation to lust proves not the act,” (3.2.199). However, an audience watching the entire play is also aware that the hypothetical “Frosty answer” (3.2.201) that exculpates her does not, in fact, reflect her earlier behavior. The
metatheatricality of the trial scene thus complicates Vittoria’s criticisms of the legal system depicted in the play by drawing attention to the multiple of ways that trials formally establish feelings of legitimacy and proof. Conventions governing the status of evidence and the place of judges which theoretically reinforce the law’s ability to punish the guilty while providing “quietness and safety” for the innocent are here brought into conflict with one another in ways that invite the audience to respond both sympathetically and disapprovingly to Vittoria’s defense.

II.

What we see in The White Devil’s trial scene, then, is a metatheatrical structure that simultaneously works to emphasize the performative nature of regular features of the period’s trials, but also draws attention to how these same features potentially conflict with one another. Monticelso’s metaphorical language manages to “characterize” Vittoria in ways that echo the metaphorical speeches made by judges and jurists, but also presents the law itself as petty and vexatious. Vittoria successfully characterizes her conviction as unjust by making its evidence seem illogical and her prosecutor appear in conflict with the rule of law, but this performance gets embedded into the play as a whole without assuring the audience of her innocence. In this section of the chapter, I will discuss the theoretical significance of these conflicts by arguing that they are best understood as overdetermined contradictions in the sense developed by Louis Althusser. This notion of overdetermined contradiction, I will argue, not only helps us to better understand how different elements within particular social practices like trials come to conflict with one another, but also why the metatheatricality that characterizes Webster’s play so readily draws attention to this type of conflict.
The most common understanding of Althusser’s conception of “overdetermined contradictions” focuses on its incorporation of multiple sources of causation for any given social formation. His description of Marx and Engels’s writings for example insists,

That all the important historical and political articles… draw from… the basic notion that the Capital-Labour contradiction is never simple, but always specified by the historically concrete forms and circumstances in which it is exercised. It is specified by the forms of the superstructure (the State, the dominant ideology, religion, politically organized movements, and so on); specified by the internal and external historical situation which determines it on the one hand as a function of the national past (completed or ‘relapsed’ bourgeois revolution, feudal exploitation eliminated wholly, partially, or not at all, local ‘customs’ specific national traditions, even the ‘etiquette’ of political struggles and behavior, etc.) and on the other hand as functions of the existing world context (what dominates it – competition of capitalist nations, or ‘imperialist internationalism’, or competition within imperialism).

The definition of an “overdetermined contradiction” insists that, even in a Marxist framework, specific class formations are shaped, among other things, by religious beliefs, political movements, and specific historical and international events. This notion of contradiction not only emphasizes a more diverse set of causal factors in history than traditional “economist” perspectives which insisted upon the primary importance of class

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37 See, for example, David Macey, The Penguin Dictionary of Critical Theory (New York: Penguin Books, 2000) where he describes “over-determination,” “Also known as ‘multiple determination’… Althusser uses the term to describe the manner in which the contradictions within the practices that make up a social formation affect that formation in its entirety. The contradiction between labour and capital is never a simple contradiction that exists at the economic level alone; it is over-determined by the specific historical form in which it exists, and that form is in its turn over-determined by political and ideological practices” (287).

38 Louis Althusser, For Marx, trans. Ben Brewster (New York: Verso, 2005), 106. All italics are the author’s.
and the distribution of material resources, but also imagines a different relationship between economic and other social forces like religion, geography and politics,

For a Marx [understood in an economist sense]… civil society would be nothing but the ‘truth of’ its phenomenon, the State, nothing but a Ruse which Economic Reason would then put at the service of a class: the ruling class. Unfortunately for this neat schema, this is not Marx. For him, this tacit identity… of the economic and the political disappears in favour of a new conception of the relationship between determinant instances in the structure-superstructure complex which constitutes the essence of any social formation.39

Rejecting models that insist that the political and cultural “superstructures” are straightforwardly determined by the needs of the ruling class, along with models that read any social structures as mere “Ruses” determined by “true” causes, Althusser instead posits a complex notion of determination characterized by numerous interactions between the so-called “structures-superstructures,” historical events and even other cultures.40 In this sense, social “contradictions” are “overdetermined,” not only because they are influenced by factors other than the economy, but because they take shape in a form where the simple “Labour-Capital” class antagonism gets constantly reshaped by forces of history, locality, political and religious ideology, and the political activities of numerous social organizations.

This emphasis on multiple, irreducibly different elements interacting in ways that collectively construct any given social formation helps us to understand how something as simple as a trial can, upon further reflection, contain so many irreducibly different

39 Althusser, 111.
40 For a more extended discussion of the distinction between the economist view of Marxism and a more over-determined one, see Raymond Williams, *Marxism and Literature* (New York: Oxford UP, 1977) esp. the chapter on “Base and Superstructure,” 75-82.
elements. Rather than amounting to a singular legal ritual, trials are in fact an amalgam of practices that interact with one another. While social theorists can, as Fortescue and Hall do, argue that prisoners actively defending themselves will ease social anxieties about punishment, or that argumentative testimony will provide a “better truth” than reading evidence alone would, the type of role-playing involved in both of these activities cannot therefore be reduced to formal elements of the trial that always produce this sense of social stability. These activities also involve acts of persuasion and personal advocacy that differ in key ways from the formal logic of the trial as a whole, in much the same way that the rule of law refers to historical practices and written statutes that cannot be reduced to their presence within the trial itself. While all of these social forces obviously co-existed in the period’s trials, and collectively contributed to the conception of the jury trial described by men like Fortescue, Smith and Hale, they also interacted with and shaped one another, collectively determining the social formation of the jury trial both generally and in particular cases.

The tense co-existence of the fundamentally different social forces points to one of the perhaps underappreciated contributions that Althusser’s conception of “overdetermined contradiction” makes to a Marxist understanding of social conflict. Rather than being a simple class conflict between Capital and Labor capable of being resolved through economic revolution and struggle, Althusser reimagines overdetermined contradictions as constant feature of social life,

History ‘asserts itself’ through the multiform world of the superstructures, from local tradition to international circumstance… It seems to me that this clarifies the expression \textit{overdetermined contradiction}… because the existence of overdetermination is no longer a \textit{fact} pure and simple… This
*overdetermination* is inevitable and thinkable as soon as the real existence of forms of the superstructure and of the national and international conjuncture has been recognized – an existence largely specific and autonomous, and therefore irreducible to a pure *phenomenon*. We must carry this through to its conclusion and say that this overdetermination does not just refer to the apparently and unique historical situations… but is *universal*.

Although Althusser acknowledges that specific conditions, “May be *overdetermined* in the direction of a *historical inhibition*, a real ‘block’ for the contradiction… or in the direction of a *revolutionary rupture*,” he clearly implies that both the states of “blockage” and “rupture” should be understood as types of contradiction. In effect, Althusser reimagines “contradiction” from an explicitly economic relationship that will inevitably produce an overthrow of the social system into a dynamic, omnipresent state of social life where different social forces and particular groups interact in ways that produce different levels of tension, some of which promote open conflict, and others which work to suppress or obscure that conflict.

When applied to something like the early modern English jury trial, this understanding of contradiction emphasizes that the complaints and irregularities surrounding certain trials should not only be understood as “challenges” to state authority or their “failure,” to produce desirable legitimizing effect, but also as instances where elements of the trial structure gets recombined in ways that *expose*, rather than inhibit, an awareness of its overdetermined, contradictory elements. When prisoners like the Earl of Essex and Sir Walter Raleigh – or even a fictional character like Vittoria Corombona – succeed in performatively moving significant numbers of spectators to feel that their

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41 Althusser, 113.
42 Ibid., 106.
convictions are unjust, this exposes the fact that trials operate not only as venues for legal judgment, but also as vehicles for manipulating and consolidating the public’s feelings about condemned prisoners and legal authority more generally. Similarly, when Coke produces both a public confession and the complaints of “Certain Criticks” by reading the deposition of Richard Weston despite the fact that he stood mute at trial, this exposes trials as concerned both with the punishing of guilty prisoners and with reassuring the public that this process follows rules meant to protect innocent members of the community. The conflicting feelings engendered by these cases – sympathy for the prisoners, anxiety and disillusionment with the authorities that condemn them, and even anger at the supposed hypocrisy of the condemned and gullibility of spectators – express different forms of awareness of the overdetermined contradictory nature of trials not only by virtue of their difference from the feelings of “quietness and safety” described by Fortescue, but also because they coexist as response to individual trials: Coke expresses defensiveness over his decision to read Weston’s deposition, while his critics find the choice strange and alarming; Chamberlain seems exasperated with Essex’s popular appeal, while the “great part of hearers,” seem more sympathetic. The way in which these trials produce feelings that differ not only from a privilege norm, but also from one another, reveals the presence of multiple, irreducibly different sources of social meaning that, despite contradicting one another, always coexist within this single ritual.

The metatheatrical structure of the trial scene in *The White Devil* promotes an awareness of multiple factors that shaped contemporary experiences of the jury trial by similarly allowing for diverse, contradictory emotional responses to the same event. One way that it achieves this is by using references to earlier events in the play to
simultaneously promote an awareness both of events that suggest Vittoria’s guilt, and the conspicuous unreliability or even absence of evidence establishing the truth of these events during the trial. When Monticelso condemns Vittoria based upon, “What is ordinary and Rialto talk, / And ballated, and would be played o’th’stage” (3.2.248-49) the gesture points to events of which the audience is aware and may be inclined to accept as deserving punishment, but which has also not been presented in trial by having ballads or play scripts read into evidence, or having witnesses repeat rumors. Rather than fashioning a simple, binary opposition between theater and the law, however, the gesture actually draws attention to a narrative quality shared by both institutions. Monticelso seemingly invites the audience to recall earlier moments in the play as a way of justifying his verdict, and given that the play has staged evidence of Vittoria’s guilt this may prove compelling to some spectators. The fact that the Cardinal draws upon the narrative of the play as a whole only after all of the evidence he’s presented against Vittoria in trial has been rendered unconvincing, however, shows that the construction of a narrative represents only one factor amongst many that shapes experiences of trial. The need for evidence to undergo logical scrutiny, and to be submitted according to the rules of law also provide shaping influences on the audience’s judgment. The effect of these multiple shaping factors has not, as I’ve already shown, been singular. Some readers have focused on the compelling narrative alluded to by the Cardinal in support of different judgments of Vittoria’s “hypocrisy” and “guilt,” while others have focused on his breaches of traditional legal practices as an expression of sympathy for her case. These differences importantly draw upon regular features of jury trials, however, and thus stand as evidence
of the overdetermined contradictory effects of the period’s legal culture and the way it gets reproduced in this scene.

Legal authority does not provide the only, or even the primary, social institution that the play presents in this way. At various points, *The White Devil* also addresses the overdetermined and contradictory effect that literary theories, the theater’s commercialism, and aspects of production like play-acting and its reliance upon imagination to compel belief, all have as they interact and shape the audience’s experience of the play. An instructive example of how Webster’s play uses metatheatricality to achieve this can be seen when Duke Brachiano witnesses the murders of his wife and Vittoria’s husband in dumb show. The scene exposes contradictions between didactic theories of tragedy and commercial elements of theater by taking note of how these separate structures might respectively invite either emotional distancing from, or structural identification with Brachiano’s delighted response. As we saw in the last chapter, many of the period’s theories of genre focused upon the capability of drama to morally reform spectators. Sir Philip Sidney’s discussion of “right tragedy” in *The Defense of Poesy* emphasizes this didactic quality particularly by focusing on the genre’s ability to produce feelings of sadness and fear that can alienate the audience from the violent actions of characters on stage,

High and excellent tragedy... openeth the greatest wounds, and showeth forth the ulcers that are covered with tissue; that maketh kings fear to be tyrants, and tyrants manifest their tyrannical humours... how much it can move, Plutarch yieldeth a notable testimony of the abominable tyrant Alexander Pheraeus, from whose eyes a tragedy well made and represented drew abundance of tears, who without all pity had murdered infinite numbers and some of his own blood; so as he that was not ashamed to make matters for tragedies yet could not resist the sweet violence of
tragedy. And if it wrought no further good in him, it was that he, in despite of himself, withdrew himself from hearkening to that which might mollify his hardened heart.\footnote{Sir Philip Sidney, \textit{The Defence of Poesy} in Sidney’s ‘Defence of Poesy’ and Selected Renaissance Literary Criticism, Gavin Alexander ed. (New York: Penguin Books, 2004), 27-28.}

Sidney’s preferred style of tragedy, which shows a relatively conventional understanding of identity and moral categories by assuming that “high and excellent tragedy” necessarily dramatizes the actions of “kings” and that “violence and murder” are associated with “tyranny,” achieves its moral aim due to the fact that the “fear” and “tears” produced by the genre can help a violent man like Alexander Pheraeus, “In despite of himself, withdraw himself,” from the violence enacted on stage. The paradoxical “sweet violence of tragedy,” thus achieves its moral effect by disturbing its audience, leading it to dislike violent and tyrannical behavior when otherwise it might commit these actions, and potentially enjoy them.

Given the stark contrast between Brachiano’s reaction to the murders of Isabella and Camillo and that of the other characters, the dumb show potentially invites this type of moral dissociation. The Duke proves delighted watching his plot for the murders carried out, responding to the death of his wife by saying, “Excellent, she’s dead” (2.2.24) and actually thanking the conjurer of the dumb-show after watching the death of Camillo,

‘Twas quaintly done…

…
Noble friend,
You bind me ever to you; this shall stand
As the firm seal annexed to my hand
It shall enforce a payment. (2.2.38-54)
These expressions of pleasure and gratitude differ markedly from the sorrow and alarm expressed by the characters present at the scene of the murders themselves. Lodovico and Giovanni mark Isabella’s poisoning as a solemn event, “Enter Isabella in her nightgown... Count Lodovico, Giovanni... and others waiting on her; she kneels down as to prayers, then draws the curtain of [Brachiano’s] picture, does three reverences to it, and kisses it thrice. She faints and will not suffer them to come near it; dies. Sorrow expressed in Giovanni and in Count Lodovico; she’s conveyed out solemnly” (2.2.sd.6-12). When Camillo’s body gets discovered with his neck broken, these expressions of sorrow are compounded by a sense of alarm and efforts by figures of authority to achieve justice, “Marcello comes in, laments, sends for the Cardinal and Duke, who come forth with armed men, wonder at the act, commands the body to be carried home, apprehends Flamineo, Marcello, and the rest, and go as ’twere to apprehend Vittoria” (2.2.sd.21-25).

This contrast between Brachiano’s reaction and that of the other characters on stage rather strikingly reproduces the distinction Sidney makes between the fear and sadness produced by “high and excellent tragedy,” and his assumption that a tyrant enacts murder and violence because they, “Mollify his hard heart.” Given this, one might easily argue that the dumb show establishes the same type of privileged contrast for the audience, inviting an alienation from the delight expressed by the Duke in favor of the sadness expressed by the other characters on stage.

The metatheatrical structure of this scene, however, prevents this from being its only, or even dominant dynamic. Rather than showing Brachiano actually committing the murders, Webster’s play shows him sitting down and watching other people commit them under the direction of a Conjurer. In addition to providing an example of tragic
spectacle failing to produce the moral effect or the feelings of sadness and horror
described by Sidney, the device also draws attention to the numerous structural
similarities between Brachiano’s actions and practices associated with commercial play-
going. The most pronounced similarities are the shared set of devices that appeared
regularly in playing practices and get highlighted by the dumb-show. The Conjurer, for
example, refers to the fact that some of his colleagues, “Endanger their own necks / For
making of a squib,” (2.2.12-13) alluding to the common use of fireworks as a special
effect on the early modern stage, and describes how others, “Will keep a curtal to show
juggling tricks / And give out ‘tis a spirit” (2.2.13-14) alluding to the presence of animal
performances and the feigned production of ghosts within the period’s theatrical
culture.44 The lack of dialogue in the dumb show itself achieves a similar effect by
heightening the feeling that actions are being performed rather than naturalistically and
simply occurring. Although the original performance style is impossible to recover,
Webster’s stage directions suggest, at the very least, a pronounced presentational style.45

44 The most famous example of the use of fireworks and explosives on the early modern stage is, of course,
the burning down of the Globe due to the firing of a canon during the production of Henry VIII. Christina
Luckyj argues that the reference to the “curtal” should be read as, “One of many Renaissance references to
Mr. Banks, who traveled around England and the Continent with his performing horse” (The White Devil,
48). References to ghosts on the Renaissance stage are too numerous to number; famous examples include
The Spanish Tragedy, Hamlet, and Macbeth. See Stephen Greenblatt, Hamlet in Purgatory (Princeton:
contemporary religious beliefs.
45 For a good, basic description of “presentational, as opposed to the representational, style of
performance,” see Russ McDonald, The Bedford Companion to Shakespeare: An Introduction with
Documents, 2nd ed. (New York: Bedford/St. Martins, 2001), 123. He describes how, “In presentational
theater, the illusion of a fictional narrative is maintained at the same time that the audience is reminded that
a fiction is being performed. In other words, there is no strict pretense that this is Hamlet striding the
battlements of Elsinore; rather, the audience is conscious that they are watching Burbage playing Hamlet
on the stage of the Globe” (123). For a history of the change in the West from a performance style based
on “The unity of the player and the audience” (2) to one based on the creation of “dramatic illusion,” (7)
see Robert Weimann, Shakespeare and the Popular Tradition in the Theater: Studies in the Social
Dimension of Dramatic Form and Function, ed. Robert Schwartz (Baltimore: The Johns Hopkins
Isabella’s performance of love and obedience achieves this through repetition, when she, “Does three reverences to [Brachiano’s portrait], and kisses it thrice” (2.2.sd.9-10). Other examples of this style are suggested in the description of Isabella’s body being, “Conveyed out solemnly,” Marcello “lamenting,” Camillo’s murder while the Cardinal and Francisco “wonder at the act.” Without the aid of language, these emotions seem to require demonstrative gestures in order to be conveyed properly, and thus potentially highlight the relationship between the unfolding of the plot and the act of role-playing.

Other elements of the scene draw attention to the theater’s need to both manage and meet audience expectations, and gain payment by doing this successfully. These metatheatrical nods begin even with Brachiano’s statements to the Conjurer in the first lines of the scene,

Now sir I claim your promise; ’tis dead midnight,  
The time prefixed to show me by your art  
How the intended murder of Camillo  
And our loathed Duchess grow to action. (2.2.1-4)

If Brachiano’s references to the Conjurer’s “art” and reference to the murder as “action” obviously emphasize the dumb-show’s relationship to playing, then his description of the events about to take place in the show allude to the fact that the actions in many of the period’s plays were familiar to audiences before they entered the theater to watch. The quarto title page of The White Devil, for example, includes the subtitle, “The Life and Death of Vittoria Corombona the famous Venetian Curtizan,” both telling its readers the content of the play and drawing upon the supposed “fame” of Vittoria as a way of marketing it. Other printed plays from the period include far more elaborate descriptions of the plot; the title page for the anonymous Arden of Faversham reads, “The Lamentable
and True Tragedy of Master Arden of Faversham in Kent, who was most wickedly murdered by the means of his disloyal and wonton wife, who, for the love she bare to one Mosby, hired two desperate ruffians, Black Will and Shakebag, to kill him.\textsuperscript{46} Webster’s allusions to the audience’s familiarity with the subject matter of performances suggest that a key difference between the shock and horror modeled by Giovanni, Lodovico and numerous other characters, and the delight that Brachiano takes in the scene stems from the fact that the former characters are surprised by the murders, while the Duke expects them to take place and desires to see them come to “action” through the Conjurer’s “art.”

An equally pronounced reference to commercial theatrical practices can be seen in the role economic exchange plays in producing the dumb show. The Conjurer insists he’s primarily motivated by financial reward, “You have won me by your bounty to a deed / I do not often practice,” (2.2.5-6) while the Duke himself expresses his gratitude for the show by equating it with a monetary gift, “You bind me ever to you; this shall stand / As the firm seal annexed to my hand. / It shall enforce a payment” (2.2.52-54). In addition to promoting the audience’s awareness of the fact that the actions on stage are being \textit{played} rather than actually happening, then, the metatheatricality of the stage also

\textsuperscript{46} Anonymous, \textit{Arden of Faversham in English Renaissance Drama: A Norton Anthology}, ed. David Bevington et. al. (New York: W.W. Norton & Co., 2002) 427. The title page continues, “Wherein is showed the great malice and dissimulation of wicked women, the unsatiable desire of filthy lust, and the shameful end of all murderers.” The title page of \textit{Richard III} reads, “The Tragedy of King Richard the third. Containing, His treacherous Plots against his brother Clarence: the pittiefull murther of his innocent nephews: his tyrannicall usurpation: with the whole course of his detested life, and most deserved death.” See McDonald, 106. The title pages to the plays in print do not necessarily reflect their status in the theatrical world; Henslowe’s \textit{Diary} for example, refers to \textit{The Spanish Tragedy} only as “Jeronymo,” and \textit{Henry VI} only as “harey the vi” (139). Other evidence, however, suggests that this type of descriptive title was part of the theatrical tradition and public imaginary surrounding playing. The mechanicals’ play in \textit{A Midsummer Night’s Dream} is titled, “A tedious brief scene of young Pyramus / And his love Thisbe: very tragical mirth,” (5.1.56-57), and the deposition of Augustine Phillips about the performance preceding the Essex rebellion calls \textit{Richard II}, “The play of the deposing and kyllyng of Kyng Rychard the second” (140).
marks Brachiano’s enjoyment as actively shaped by conventions associated with the commercial theater. He seems delighted by watching the murder of his wife, not only due to the vague “tyranny” alluded to by Sidney, but also out of the joys of watching an expected event revealed through play-acting and spectacle, and implicitly out of the satisfaction involved in financially patronizing these activities.

Drawing attention to the structural similarities between Brachiano’s pleasure and conventions of commercial theater no more insists that the audience identify with his reaction than the scene’s implicit allusions to didactic forms of tragedy insist that the audience feel morally alienated from the Duke. Predicting audience reactions can be a dubious exercise. In all likelihood, some members of a Jacobean audience would have reacted to the dumb-show with the sadness and horror modeled on stage by various characters, and the feelings of alienation and “withdrawal” described by Sidney; other Jacobean men and women, however, in all likelihood shared Brachiano’s unambiguous enjoyment of the spectacle and violence of commercial tragedy, much as many modern movie audiences enjoy the spectacular destruction of war films and the murder and dismemberment of horror films. Indeed, the feelings of horror and sadness modeled in the dumb-show need not be understood as diametrically opposed to a sense of enjoyment, nor are these two sets of feelings the only reactions suggested by the scene. Experiencing the evocation of fear and sadness in a theatrical setting can also evoke a sense of pleasure or emotional satisfaction similar to Aristotle’s notion of *catharsis* or Mariana’s apologetic statement in *Measure for Measure* that sad love songs “please her woe”.

Webster’s play does not model this type of reaction in the way Shakespeare’s does, of course. It does, however, undermine the construction of an oppositional binary between
didactic alienation and unambiguous pleasure in the reaction of the Conjurer himself, who insists that he, “would gladly lose,” the title of necromancer and, “does not often practice,” this form of art. While this sense of reluctance does not prevent the Conjurer from staging and profiting from the dumb-show, it nevertheless expresses both a sense of detachment from his own actions, and an awareness – if not an espousal – of anti-theatrical biases. Rather than forcing a particular emotional response to violence onto the audience, the dumb-show models a variety of reactions, none of which it actively privileges.

If the metatheatrical structure of the scene stops short of insisting upon a single interpretation, then, it nevertheless quite actively emphasizes the fact that many irreducibly different social forces collectively shape the process of theatrical performance. During the early modern period, didactic discourses of genre like Sidney’s “right comedy and right tragedy,” anti-theatrical sentiments like those alluded to by the Conjurer, and aspects of commercial theater like its audiences’ genre expectations, financial patronage, appreciation of spectacle, and even their awareness of conventions of play-acting, collectively and simultaneously shaped theatrical culture in profound and complex ways. While this might be true in a broad way about virtually any play or theatrical text from the period, Sidney’s *Defense of Poesy* provides an excellent, telling example of this fact. In addition to its influential descriptions of “right comedy and right tragedy,” Sidney’s text also positioned itself as a response to, “All them that, professing learning, inveigh against poetry,” while at the same time decrying his contemporaries’ enjoyment of “mongrel tragicomedies,” and the fact that, “Our comedians think that there
is no delight without laughter.” Oppositional as this rhetoric may be, the definitions of generic ideals that Sidney works out in the Defense have quite obviously been shaped by both anti-theatrical complaint and contemporary theatrical practices. Rather than defining and privileging a “high and excellent” didactic tragedy and setting it in opposition to commercial theater or anti-theatrical invective as Sidney does, Webster’s dumb show emphasizes the simultaneous, overlapping presence of these and other social forces on a given tragedy, and the way that this presence collectively produces a range of potential emotional responses.

More broadly, Althusser’s theory of overdetermined contradiction helps us to better understand the type of political work that Webster’s play achieves. Rather than fashioning a series of cultural oppositions that the play either attempts to resolve, or presents as irresolvable, The White Devil uses metatheatricality to produce a sense that different social forces have distinct, but nevertheless materially present influence on the audience’s experience of the play. The play quite consistently reproduces legal culture in ways that emphasize performative qualities – like the use of metaphor, role-playing, and a formal structure capable of producing feelings of judgment and justice – that it shares with the theater. These simultaneously theatrical and legal practices, however, are consistently combined in ways that produce multiple, potentially conflicting emotional responses. Likewise, the dumb-show invites an awareness of the collective effect that didactic theories of tragedy and conventions of commercial theater have on audiences, but combines them in a way that models different emotional responses from each source. This feeling of the simultaneous presence of and tension between different social forces

47 Sidney, 4, 46-47.
gets produced by a series of metatheatrical devices that work to promote awareness of the connection between institutions, without equating them or erasing their differences from one another. Brachiano’s payment of the Conjurer, for example, reminds the audience of the way that commercial expectations facilitate an enjoyment and pleasure of tragic theater, without necessarily preventing spectators from sharing the feelings of those on-stage who express sorrow and moral indignation at the murders the Duke helps produce. Likewise, Monticelso’s references to earlier scenes in the play might work to gain approval for the narrative he fashions of Vittoria’s guilt, without preventing members of the audience from also being moved by her own logical challenges to the evidence he produces and her invocations of the rules of law. Metatheatricality in *The White Devil* thus provides the formal “rupture” that foregrounds the overdetermined, contradictory nature of both the theater and the law, and in doing so actively multiplies and troubles the range of emotional responses that the play proves capable of producing.

III.

The fact that *The White Devil’s* metatheatrical structure promotes this type of ruptured awareness of the overdetermined contradictions of both the theater and the law suggests two important things about the play’s political engagement. First and foremost, the fact that metatheatricality itself serves as the catalyst for this rupture reinforces Louis Montrose’s thesis about the ideological position of theatricality within the early modern political landscape. In *The Purpose of Playing*, Montrose argues that,

The source of this theatre’s power was in its very theatricality, and in the implications of theatricality for the construction and manipulation of social rules and interpersonal relations –
implications touching fundamental epistemological and sociopolitical issues of causality and legitimacy, identity and agency… The theatrical power that I am seeking to describe did not lie in the explicit advocacy of specific political positions but rather in the implicit and pervasive suggestion… that all such positions are relationally located and circumstantially shaped and that they are motivated by the passions and interests of their advocates. In this precise and limited sense, Shakespearean drama as enacted in the Elizabethan theatre formally contested the dominant ideological assertions of the Elizabethan state.48

Insofar as the dominant ideological assertions of the early modern English state posited a fixed governing hierarchy that was ordained by God and immutably and perfectly present in nature, theatricality comes to challenge this belief by showing it to be shaped by a number of other more personal and contingent factors including the interests of personal speakers, their conflicts with others, and the particular events in which they engage.49 By promoting an emotional awareness of the multiple factors that shape any understanding of the law, The White Devil mounts this type of formal challenge to descriptions of the English legal system – like those of Fortescue, Hale and Smith – that emphasize its stable logic and coherence. By complicating and multiplying the frames of reference through which the audience views trials, the play’s metatheatrical structure fails to produce a stable feeling that the guilty will be punished while the innocent will be spared, and instead emphasizes the very different effects on an audience of the rules of law, the defendant’s performance of innocence, and the prosecutor’s reference to a compelling narrative of the prisoner’s guilt. The White Devil’s metatheatrical ability to provide the trial’s gallery with evidence of Vittoria’s guilt while withholding it from the space of the

49 For this argument, see especially Montrose, ch. 6, “The Power of Personation.”
courtroom, and to show Monticelso, a financial stakeholder in the trial’s outcome, enter a verdict that can be perceived at once as too lenient and yet unsupported by his arguments seems to epitomize the type of “circumstantially shaped,” meanings and “personally motivated advocates,” that Montrose describes.

If *The White Devil’s* metatheatricality supports this thesis about the theater’s relationship to the period’s legal and political ideology, though, it also seems to require refinement of our understanding of the relationship between theater and the more material governing institutions that it reproduces on stage. What proves striking about the play’s engagement with the law, after all, is not only the fact that the trial scene undermines an idealization of the period’s dominant legal rituals, but also that it achieves this while drawing attention to the close connections between these rituals and the theater itself. Some of the trial scene’s most metatheatrical gestures, its use of metaphor and emphasis on role-playing, for example, are drawn quite directly from the period’s legal practices. Other metatheatrical gestures, like Vittoria and Isabella’s emotional appeals to the audience and Monticelso’s reference to the play’s plot, more subtly draw on important features of the trial’s logic such as its fashioning of feelings of community or its reliance on compelling narratives of guilt. This suggests that if theatricality did indeed formally challenge more idealizing and essentializing elements of the period’s political ideology, one of the ways in which it achieved this was by drawing upon the performative aspects of its institutional practices.

Another example of how the play promotes an awareness of the overdetermined nature of a political ritual while at the same time drawing upon its performative qualities can be seen in its treatment of the public execution. In his last coherent speech before
slipping into a poison induced madness, Brachiano uses the image of the executioner to highlight the senselessness of his death,

   Most corrupted politic hangman!
   You kill without book…
   …
   I that have given life to offending slaves
   And wretched murderers, have I not power
   To lengthen mine own a twelvemonth? (5.3.21-6)

Execution, and particularly the Duke’s ability to countermand it, operates as a differential counterpoint that highlights the arbitrary, unjust nature of poisoning; where execution can be controlled by powerful men – even to the extent that they can grant life to undeserving “offending slaves,” and “wretched murderers” – Brachiano claims that poisoning has irreparably condemned him despite his own status. Public execution here operates as a structural counterpoint to tragic violence, providing an image of order that makes the Duke’s murder seem disordered.

Lodovico alludes to the public execution in a similar fashion at both the beginning and end of the play. In the first scene, he complains about his banishment by expressing affinity with men who prove unafraid and dismissive of public executions,

   I have seen some ready to be executed
   Give pleasant looks, and money, and grown familiar
   With the knave hangman; so do I, I thank them,
   And would account them nobly merciful
   Would they dispatch me quickly. (1.1.53-7)

Here, an indifference towards the exemplary logic of the scaffold and the state’s power to take life characterizes Lodovico as indifferent to life and effectively irredeemable, a gesture that seems to foreshadow the extreme violence he will carry out later in the play when murdering Brachiano, Vittoria, Flamineo and Zanche. At the end of the play,
Lodovico actually *enacts* this gesture, though the tone proves more self-aggrandizing than familiar,

I do glory yet  
That I can call this act mine own: for my part,  
The rack, the gallows, and the torturing wheel  
Shall be but sound sleeps to me. Here’s my rest –  
‘I limbed this night-piece and it was my best’. (5.6.289-293)

Once again, images associated with judicial violence and torture provide a differential counter-point for tragic violence. The reference to the play’s numerous murders as an “act” and a “night-piece” metatheatrically suggests that Lodovico claims authorship not only of his deeds, but also of the play as a whole. Although *The White Devil* does not directly stage a public execution ritual, references to judicial violence provide a consistent rhetorical trope that works to fashion the audience’s understanding of the violence that the play *does* directly stage.

The fact that these speeches all serve to rhetorically *distinguish* between the exemplary logic of the scaffold and the murders enacted in the play might support readings that establish an oppositional binary between the theater and the law. The clarity of this opposition, however, seems to belie the more dynamic exchange that actually takes place. Lodovico’s description of those men he’s seen “Give pleasant looks, and money, and grown familiar / With the knave hangman,” describes men appropriating and mocking the execution ritual, but also conspicuously *engaging* in it. Records of this type of activity, though somewhat rare, point to a distinctly performative element to the execution ritual itself. A 1598 letter from Sir John Chamberlain telling Dudley Carleton, “I can bethincke me of nothing ells unles I should tell you of Certain mad knaves that took Tabacco all the way to Tiborn as they went hanging,” shows how
this type of performance actually *resignifies* the public execution from an exemplary ritual into an odd piece of news.\(^5\) Although Lodovico seems impressed by this type of behavior where Chamberlain seems bemused, the way in which he later reproduces this effect when insisting that, “The rack, the gallows, and the torturing wheel / Shall be but sound sleeps to me” suggests that this speech not only *defies* the exemplary logic of judicial violence, but has also been *inspired* by scaffold performances that similarly defy this logic. Rather than setting theater and the execution in opposition to one another, then, Lodovico’s speech actually points to the potentially overdetermined nature of the execution ritual itself.

Brachiano’s use of scaffold imagery achieves a similar effect. Although his insistence that his murderer is a “Most corrupted politic hangman! You kill without book,” obviously uses the reference to the law as a source of legitimate authority meant to portray his own death as criminal and ignoble, in doing this he privileges particular facets of state executions – their incorporation of sources of institutional mercy capable of being handed down by ruling aristocrats – over others aspects like the punishment of criminal behavior. This rhetoric works to obscure Brachiano’s own murders of Camillo and Isabella by implying that even the guilty should be given access to mercy. While the selective nature of this rhetoric remains somewhat latent in Brachiano’s own speech, these facts are made clear when Lodovico and Gasparo reveal themselves as his murderers,

*Lodovico:* Devil Brachiano. Thou art damned.
*Gasparo:* Perpetually.
*Lodovico:* A slave condemned and given up to the gallows

\(^5\) Chamberlain, vol. 1, 50.
Is thy great lord and master…

O you slave!
You that were held the famous politician;
Whose art was poison.
Gasparo: And whose conscience murder.
Lodovico: That would have broke your wife’s neck down the stairs
Ere she had been poisoned. (5.3.148-155)

The revengers’ insistence that Brachiano has been, “Condemned and given up to the gallows,” due to the murder of his wife exposes the overdetermined nature of the public execution in ways that the Duke’s own speech had worked to suppress. Together, the speeches show that the law includes both punishment and mercy, both sanctions and prevents retributive violence, and both ennobles those who extend pardons and debases those it executes. Importantly, this gesture occurs at the same time that the revengers expose themselves as having infiltrated the Duke’s court in disguise, “This is Count Lodovico… This Gasparo” (5.3.161). Rather than acting as a binary opposite to the law, here theatricality works to promote an awareness of certain aspects of legal culture, like the punishment and debasement of criminals, while showing them to be distinct from institutional sources of mercy and their promotion of aristocratic privilege.

As with the play’s treatment of the trial, then, metatheatricality works to highlight performative aspects of early modern public executions, even as it draws attention to differences and potential conflicts that exist within the structure of the ritual. I noted in the last chapter that one of the central legal discourses from the period focused on the potential for the public execution to inspire obedience in the population by instilling fear of breaking the law. Far from being a purely theoretical goal of capital punishment, the production of fear and repentance was actively sought by authorities in a variety of ways.
Among these was the decision on where to erect the scaffold; hangings were frequently conducted at crime scenes as a way to heighten the exemplary effect on the community, and even as a way to produce fear and repentance in the criminals themselves. After Edward Wilson and Robert Tetherton refused to confess to murdering a servant of Jerome Bowes during a robbery,

They were brought to the place of execution, by Charing crosse, over against the house, wherein they had given the cause of their punishments, the sight of which place before their eyes might have stricken an horror into him, though they had had no former thought of the straightsnesse of Gods iustice, or sharpnesse of his wrath over their heads… Wilson… acknowledged nothing til being urged, and pressed by one, sent unto him, from personages of high place, upon paine, and peril of damnation, to make truth knowne, that the fault might lye on the offender, the faultless might goe unsuspected, iustice might be cleared, the world might be satisfied, and God might be glorified.51

Placing the scaffold at the scene of the crime gets presented here as a way to “striken an horror” into the criminals in the hopes of producing a confession. The location of the scaffold gets accompanied by officials sent by, “Personages of high place,” who pressed Wilson to confess so that, “Iustice might be cleared,” of any suspicion of error and “God might be glorified,” for discovering the murder. The staging of the scaffold and the actions of authority figures thus work to produce a fear of punishment, and also a sense that the community and the world as a whole are, “just,” “satisfactory,” and “glorious.” Much like the trial, then, structural aspects of the public execution ritual were manipulated, and even described, by authorities in ways that deliberately sought to guide public perceptions of criminality and the effectiveness of the state’s responses to it.

51 A True report of the horrible Murther, which was committed in the house of Sir Jerome Bowes, Knight, on the 20th day of February, Anno. Dom. 1606 (London: H.L. for Mathew Lownes, 1607), D4v.
Historians and literary critics have pointed to features such as these as signs of the execution’s performative nature, though there has been some disagreement over the orientation of this performance. J.A. Sharpe, for example, has referred to public executions as types of “dramatic performance,” that,

Were of obvious advantage to the state and the state church: they legitimized not only the punishment being suffered by the individual felon, but also the whole structure of secular and religious authority. The advantages they offered to the condemned are more elusive, unless we return to the conclusions… [that] in the last resort condemned prisoners accepted the set of norms which were then being prescribed in England: whatever their past offences, at the end they were willing to accept and by their acceptance reinforce, a “doctrine of absolute obedience” or a “polity structured in terms of unconditional obedience”.

Sharpe, whose analysis focuses on pamphlets describing the repentant “last dying speeches” of condemned prisoners, understands the public execution as a “performance” primarily authored by state and church officials, and understands the role of the condemned primarily as an act of submission to and acceptance of authority. Peter Lake,

52 See J.A. Sharpe, “‘Last Dying Speeches’: Religion, Ideology and Public Execution in Seventeenth-Century England,” *Past and Present* 107 (1985): 144-167. Sharpe refers to the ritual as “dramatic performance” on 162; this quotation explaining his reading of that performance comes on 163. Sharpe primarily makes this claim about those executions which were recorded in chapbooks and pamphlets, and concedes, “The offenders whose last dying speeches are recorded in the pamphlets were a small, in many respects atypical, and probably well-chosen sample of those accused of and convicted for felony… Moreover, the role of the penitent might well have been the only one allotted to the condemned by the authorities or the pamphleteer. Defiance at the gallows was unlikely to be permitted and even less likely to be reported” (163-4). Although this obviously makes his entire claim somewhat less general than the above quotation, even this scaled-down version goes too far. A pamphlet that I cite below (n. 56), describing the execution Elizabeth Caldwell, was examined by Sharpe himself, as was the example of Margaret Ferneseed (n. 60), a prisoner who admitted to living her life as a whore, but refused to confess to the murder of her husband. Even amongst those pamphlets Sharpe himself cites, then, the notion that prisoners were, “willing to accept… a doctrine of absolute obedience,” proves insufficient in explaining these events. Among those events not alluded to by Sharpe, acts of defiance – of different kinds – were frequently recorded. See my discussion below of a pamphlet entitled, *The Apprehension, Arraignment, and execution of Elizabeth Abbot, alias Cebrooke, for a cruell and horrible murther committed on the body of Mistress Killingworth* (London: Henry Gosson, 1608) and Chamberlain’s above description of the “mad knaves that tooke Tabacco all the way to Tiborn” (see n. 50).
whose analysis of the execution focuses on Catholic martyrdom, argues that the public
execution was, “An inherently unstable event, a species of dialogue, partly scripted,
partly extemporised series of exchanges between the catholic victim, the secular and
clerical representatives of protestant authority… and the crowd… Here then, at a number
of levels the nature of state power, the lines between treason and martyrdom, ‘religion’
and ‘politics’, Protestantism and Catholicism, were drawn and contested, made and
remade.”53 Where Sharpe sees in the execution a thoroughly scripted and centrally
authored demonstration of state power, Lake sees in martyrdom, “an inherently unstable
event,” that involves various types of exchange between the prisoner, the authorities and
the crowd. While the radically different orientation of these two readings perhaps
suggests that Lake’s notion of social “exchange” better captures the dynamic of the ritual
than Sharpe’s more univocally authored performance – how, after all, could a stable
demonstration of power engender this type of radical disagreement? – I will argue here
that a reexamination of some of the pamphlets upon which Sharpe based his analysis
suggests that the public execution can best be understood as, an inherently

53 Peter Lake & Michael Questier, The Antichrist’s Lewd Hat: Protestants, Papists and Players in Post-
Reformation England, (New Haven, CT: Yale UP, 2002), 280. See also Peter Lake, “Agency,
Appropriation and Rhetoric under the Gallows: Puritans, Romanists and the State in Early Modern
England” Past and Present 153 (1996): 64-107. For more specific information on Catholic martyrdom, see
Louis Montrose, The Subject of Elizabeth: Authority, Gender, and Representation (Chicago: U of Chicago
P, 2006) esp. ch. 14. For other readings of the public execution, see Thomas Lacquer, “Crowds, Carnival,
and the State in English Executions, 1604-1868,” The First Modern Society: Essays in Honor of Lawrence
Stone, ed. Lee Beier, David Cannadine, and James Rosenheim (Cambridge University Press, 1989), Karen
Cunningham, “Renaissance Execution and Marlovian Elocution: The Drama of Death,” PMLA 105, vol. 2
overdetermined event, capable of producing instability, but not necessarily achieving this in all cases.\textsuperscript{54}

As Sharpe and other scholars have documented, many pamphlets describing crimes and executions included, “last dying speeches,” where condemned prisoners confessed their guilt and offered their lives to the public as an example of the punishments that awaited crime and sin. Francis Robinson, for example, told those witnessing his execution for forgery, “Let all take heede, and beware covetousness, content themselves with what they have… they that doe trust in lying vanities, to get wealth by deceitfull meanes and wiles, let them know… that though God for a while forbeare them, yet his Justice requires to render vengeance to them, as justly on me now he hath done.”\textsuperscript{55} Elizabeth Caldwell similarly confessed that she had concealed the murder of her husband and offered her life as an example against the sin of adultery, “Wishing all people in the feare of God… she complained much of adultery, and said it was that filthy sinne which was the cause of her death… she yielded her selfe culpable in concealing [her husband’s murder], manifesting that in regard of her sinnes, and iniquities, she deserved a thousand deaths, praying most earnestly unto God, that herselfe

\textsuperscript{54} I’m choosing to focus on Sharpe’s analysis for two reasons. First, the types of “last dying speeches,” on which his analysis focuses gets more fully reproduced in \textit{The White Devil}. Several characters are murdered on-stage. Brachiano’s speech offers a “variation” of the “last-dying speech,” though outside the context of an execution. Vittoria and Flamindo are both explicitly prompted by Lodovico to comment on their deaths (5.6.194-202; 215-22), and Lodovico gives his speech defending his murders after being asked, “By what authority have you committed / This massacre?” (5.6.280-81) and being threatened with torture and execution. Second, a discussion of Lake’s entire argument requires an attention to religious issues that require a fuller discussion than I can engage in here. That said, these issues \textit{undoubtedly} shaped perceptions of public execution and led to \textit{radical} disjunctions between the way that Protestant and Catholic communities understood the significance of central elements of the public execution. Dismembered body parts displayed by the state intended to warn people about the dangers of treason were confiscated by recusants and treated as relics. Given the religious controversies of the period, Lake may be correct that martyrdoms \textit{particularly} – rather than public executions generally – were “inherently unstable.”

\textsuperscript{55} Henry Goodecole, \textit{A True Declaration of the happy Conversion, contrition, and Christian preparation of Francis Robinson, Gentleman}. (London: Edw.All., 1618) C4'.
might be a warning and example unto all there present.”

Michel Foucault has argued that this type of public confession, “Added to the conviction the signature of the convicted man. A successful public execution justified justice,” and given the large number of cases where this type of speech was made, Sharpe is undoubtedly correct when he surmises that these performances undoubtedly served the interests of state and religious authorities.

In many cases, however, an expression of repentance, particularly a willingness to reinforce the religious significance of the public execution, also served the interests of the prisoners themselves. Elizabeth Caldwell’s willingness to confess her sins and repent her crimes allowed her to act as a spiritual guide to her visitors in prison, “From her first entrance into prison till the time of her death, there was never heard by any so much as an idle word to proceed our of her mouth… There was many of al sorts resorted to see her, as no fewer some daies then three hundred persons: and such as she thought were viciously given, she gave them good admonition wishing that her fall might be an example unto them.” Caldwell’s response to imprisonment was far from unprompted, since she was visited in prison by, “Learned Divines… the faithfull servaunts of God.”

Nevertheless, her repentance allowed her to claim a certain amount of spiritual authority and worked to repair her status within the community. Rather than simply “accepting,”

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56 Gilbert Dugdale, A True Discourse of the practices of Elizabeth Caldwell, Ma:Jeffery Bownd, Isabell Hall, widdow, and George Fernely, on the parson of Ma:Thomas Caldwell, in the County of Chester, to have murdered and poisoned him, with divers others, (London: James Robers and John Busbie, 1604) D3r.
58 Dugdale B2r. The supposed divinity of prisoners was, interestingly enough, a rather common feature of the period, due in no small part to the fact that many Catholic priests who were imprisoned continued to be allowed to take large numbers of visitors, and even secretly conduct mass. See especially Lake & Questier, The Antichrist’s Lewd Hat esp. Ch. 6 “Prisons, Priests and ‘the People’ in Post-Reformation England”.
59 Dugdale, B2r.
the ideology of authority out of an internalized sense of “obedience,” Elizabeth Caldwell’s willingness to use her death as a “warning to all present” suggests that these tropes could serve the communal interests of both the state and the prisoner, providing the former a powerful voice legitimizing the justice of the ritual, while helping the latter to repair her social standing and foster a type of spiritual authority through her death.

We can see another example of prisoners taking up a position of spiritual leadership in the cases of Robert Throgmorton, William Porter and John Bishop. After confessing to robbery and murder, the three men took it upon themselves to act as spiritual leaders to the rest of the men and women in the prison,

The morning they spent privately in prayer one with the other until one or two of the clocke in the afternoone, when remembering there were other in the prison whose states were as wretched as theirs, and whom the lawe had likewise taken holde of, they desired of the keeper they might have the company of those their fellow prisoners, which shortly were to suffer death with them… Bishop reade out of a written coppie and all the rest upon their knees repeated after him, which prayer… Bishop during the time of his imprisonment had gathered to the head for the comfort of his owne soule, & did now freely impact as in generall to all, which with such humbleness and fervencie was performed, their words being of force, and their sacrifice in such good order, that they drew teares from the beholders… Where was to be noted, a singular charitie in these three Gentlemen: beholde the marke of a true Christian: in summe, the perfit figure of humbleness: their charity of imparting to the needie, their christianitie in labouring for their Maister.60

The role of repentant prisoner provides Bishop a vehicle to express his sorrow at landing in prison and establish spiritual leadership, not only within the prison community but also, through the pamphlet and the public scaffold speech, the community at large. The

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pamphlet author heaps praise on these three, “Gentlemen,” not only for their “humbleness” and submission, but also for the “charity” and “labor,” of their prayers. The point is not to suggest that this form of repentance was cynical or disingenuous. The pamphlet author describes Bishop’s prayer as both working to, “comfort his owne soul,” and when “performed” as drawing “teares from the beholders.” There is thus a dialectical relationship between the submissive prisoner and the community to whom he reaches out; he gains a temporary form of leadership and privilege by willingly choosing to reinforce traditional conceptions of religious and secular authority. While these executions promote the stability of community by inviting humility in the face of authority from prisoners and spectators alike, the production of these feelings proves collaborative rather than submissive, implying a more overdetermined ritual than Sharpe’s analysis seems to suggest.

The overdetermined nature of the repentant and submissive, “last dying speech,” moves more towards rupture in those cases where prisoners’ repentance does not achieve – or even attempt to achieve – full reconciliation with the state and the church. One example of this type of performance can be seen in a pamphlet describing the execution of Margaret Ferneseed. After being imprisoned for murdering her husband, she admitted to having been a prostitute and bawd throughout her marriage and accepted the justice of her sentence, “She proceeded… of the course of her life, that in her youth, even from the age of aptnesse, she had been a prostitute… she after turned bawde… (quoth she) I acknowledge I have deserved death, and in the highest degree.”

Ferneseed, however,  

refused to confess her guilt for her husband’s murder, “But for this which I am
condemned, Heaven that knoweth best the secrets of our hearts, knows I am innocent,” a
reservation that seems to have disturbed both the pamphlet’s author and the local
religious authorities.\textsuperscript{62} The pamphlet author responds to this by repeating evidence
presented against her in trial in an effort to defend the justice of her execution in print,
“When these Barge-men tolde mistris Ferneseed what they had heard of her husband…
she replyed: hang him slave and villaine: I will before God bee revenged of him (nay ere
long)… which making good in the iudgement of the Judge, to gather with her life &
practices, she as aforesaid was condemned.”\textsuperscript{63} The execution itself proved more
irregular; unsatisfied with Ferneseed’s statement, the local preacher continued to press for
confession until the very moment of her execution. The jarring effect of this can be seen
most clearly by comparing the ending of this pamphlet with that of Elizabeth Caldwell.
Where a more thoroughly repentant prisoner quite logically provokes a homiletic
summary, “All which tending to the example of others, may move us to lively
repentance… To which comfort, God in mercy bring us for his sonne Jesus Christ his
sake,” Margaret Ferneseed’s pamphlet ends only with the image of a religious authority
\textit{failing} to gain repentance, and the violence of the execution itself, “The Preacher… with
Godly exhortations hee admonished her that now in that minute she would confesse that
fact for which she was now ready to suffer, which she denying, the reeds were planted.”\textsuperscript{64}
Far from stably reinforcing the justice of the execution, this variation on the repentant last
dying speech thoroughly undermines it, due both to the prisoners’ resistance and to the
\begin{footnotesizes}
\item[62] Ibid., B3v.
\item[63] Ibid., B4r.
\item[64] Ibid., B4r.
\end{footnotesizes}
fact that authority figures would not accept the terms on which she was willing to confess.

Statements of loyalty and humility to authority from other condemned men and women could similarly work to disrupt the intended effects of the public execution. Sir Walther Raleigh provides perhaps the clearest example of a condemned prisoner actively manipulating these tropes to his own advantage. At his execution, he proclaimed both, “He never had any yll intent towards his Majestie not so much as in thought,” and, “confessed himself the greatest sinner that he knew.”65 Far from justifying the state’s actions, these professions served to reinforce Raleigh’s very public reputation as an unjustly condemned man, an effort that John Chamberlain records was quite successfully, “He spake and behaved himself so, without any shew of feare or affectation that he moved much commiseration, and all that saw him confesse that his end was omnibus numeris absolutus [absolute class],and as far as man can discern every way perfect… The people were much affected at the sight insomuch that one heard say that we had not such another head to cut of.”66 Raleigh’s scaffold performance adopts the normative terms offered by the state, but refashions them in a way that reinforces both his own nobility and popular sentiment that authorities should not, in fact, execute him. This sense of the questionable justice of the public execution may have existed in lower profile cases as well. Chamberlain, for example, very sympathetically describes the death of a woman he believes has killed her husband, “There was a joyners wife burnt in Smithfield for killing her husband. Yf the case were no otherwise then I can learn yet, she had sumnum jus,

for her husband having brawld, and beaten her, she took up a chesill or such other instrument and flung it at him, which cut him into the bellie, whereof he died.  

Rather than finding the execution just, he describes it as severe — “sumnum jus,” the most justice — and goes on to describe a series of other murders he links directly and indirectly to the case, “Another desperate woman coming from her execution cut her owne childes throat, alleging no other reason for yt but that she doubted she shold not have means to kepe yt. The same day likewise another woman poinsoned her husband about Algate, and divers such like fowle facts are committed dayly, which are yll signs of a depraved age.”  

The emotions expressed in this letter thus range from Chamberlain’s own sympathy for the condemned woman, to the violent sense of despair shown by the woman believed to have killed her child after viewing the event, and Chamberlain’s own belief that these types of crime, “Are committed dayly,” and “yll signs of a depraved age.” While much of the information in Chamberlain’s letters is obviously second-hand, the sheer diversity of his own emotional responses, especially combined with his bemusement towards the tobacco-smoking men and annoyance with the galleries at the Earl of Essex’s trial, suggests that the period’s legal violence elicited a range of emotional responses, many of which competed with and openly contradicted the “horror,” and “satisfaction,” privileged by state and church authorities.

The important point here is not that all executions produced these types of divergent, troubled responses. Indeed, it’s entirely possible that many executions did, in fact, primarily produce the responses privileged by the state, especially when the person

68 Ibid., ibid.
being executed participated in the privileging of these feelings. However, even in these cases, the production of stable feelings of fear of punishment and an acceptance of the justice of the state involved incorporating an overdetermined set of social discourses and political agents into a process of popular political negotiation. The most successful execution involved the consolidation of different religious discourses and authority figures, agents of the state, cultural conceptions about the crimes being punished, and finally the participation of the prisoners themselves. Whatever stable feelings executions produced actively contained and masked the contradictory interests, belief systems, and actions of these groups. Not surprisingly, many executions were not able to contain these differences. Combinations of the religious affiliations of the condemned or the spectators, the particular performative gestures – conscious or not – of the prisoner, and even cultural sympathies towards particular crimes could alter, sometimes radically, how spectators viewed the scaffold performance. The experience of this type of formal and cultural rupture no doubt took on many emotional and intellectual shapes, in some cases producing disagreement within the community, or even conflicts for particular individuals. This type of ruptured, open contradiction, however latent in particular cases, and however irregularly it became perceptible in practice, potentially existed in all public executions, due to the complexity of this society and the social density of meanings that surrounded the state’s most arresting punitive strategy.

The many metatheatrical “last dying speeches,” in *The White Devil* draw upon the public execution’s performative and emotional energy in order to produce similar types of troubled and troubling responses to the spectacle of death. Nowhere is this truer than
in the play’s final moments, when Giovanni condemns Lodovico and the other revengers to death and torture,

\[
\textit{Giovanni:} \quad \text{He turned murderer!} \\
\text{Away with them to prison and to torture.} \\
\text{All that have hands in this shall taste our justice,} \\
\text{As I hope heaven.} \\
\textit{Lodovico:} \quad \text{I do glory yet} \\
\text{That I can call this act mine own: for my part,} \\
\text{The rack, the gallows, and the torturing wheel} \\
\text{Shall be but sounds sleeps to me. Here’s my rest –} \\
\text{‘I limbed this night-piece and it was my best’}. \\
\textit{Giovanni:} \quad \text{Remove the bodies. See, my honoured lord,} \\
\text{What use you ought to make of their punishment.} \\
\text{‘Let guilty men remember their black deeds} \\
\text{Do lean on crutches, made of slender reeds.’ (5.6.286-97)}
\]

Giovanni and Lodovico offer two competing views of the violence and death enacted in the play, one that serves to reinforce a sense of stability and morality and the other expressing both indifference and pride in the play’s production of blood and murder.

Rather than insisting upon the binary opposition between the theater and the law, the exchange speaks to the tense way in which these different social institutions both converge upon and collectively shape the audience’s experience of tragedy. On the one hand, both speeches seem wholly and overtly theatrical, offering summary statements of the significance of the actions of the play that are set off with quotation marks and through the use of rhymed couplets. On the other hand, both speeches allude to and draw from similar gestures that pervaded the period’s legal thought and rituals: Giovanni’s speech not only captures the logic of exemplary justice, but also reproduces the metaphorical language that authority figures frequently adopted at trial and on the scaffold; Lodovico likewise draws on his own identification with those men who used the same legal rituals to offer forms of resistance and defiance to the state. The overall effect
thus materializes tragedy as an overdetermined negotiation between law and theater by showing the genre to fully incorporate competing impulses and attitudes towards murder – not only horror, judgment and the promise of exemplary punishment, but also artistic pride and enjoyment – capable of producing both mixed and contradictory emotional responses.

The metatheatrical structure of *The White Devil* helps clarify how the theater both acts as an example of popular political practice while at the same time exposing its own internal contradictions. When representing dominant legal rituals like trials and executions, legal discourses like the ideal combination of justice and mercy, and the other political discourses and practices that we’ve examined throughout the dissertation, theater appropriates aspects of the social formations that it represents, negotiating a relationship with them by giving them a new form. As we’ve seen, certain plays like *Promos and Cassandra* appropriate aspects of the dominant social formation in a form that actively naturalizes the emotions privileged by the state. Other plays adopt forms that expose differences and contradictions within the social formation, however. *Philaster* does this by developing a type of tragicomedy that both insists upon the fundamental political differences between “high” and “base” people and imagines them as fashioning a crudely incorporated, if finally peaceful political community. *Measure for Measure* does this by more aggressively parodying one of the period’s dominant legal discourses – and the plays that reproduce it – as both comically and tragically ineffective. Regardless of the particular form that a play adopts, however, the very act of appropriating and formally manipulating dominant political authority recreates participatory aspects of the popular political negotiation.
The White Devil’s combination of a consistently metatheatrical structure with its insistence upon the performative nature of legal rituals simultaneously identifies the particular type of power that the theater appropriates from other governing structures, while also identifying this power as overdetermined and unstable. The legal rituals that the play stages and alludes to – trials and public executions – derived power in part from a series of performative structures: the ability to produce feelings of stability, justice and community; the ability to craft a coherent narrative establishing particular facts as logically “true”; offering subjects particular roles like juror, defendant and repentant prisoner. Ideological statements from the period insisted upon the perfect synchronicity of these structures, and in many cases subjects performed their roles in ways that promoted both their own interests and those of church and state authority. These cases undoubtedly reproduced feelings privileged by dominant authority figures, including justice and stability in response to trials, love and gratitude in response to mercy, fear and awe in response to public executions, and a naturalized feeling of acceptance towards the system as a whole. The participatory nature of these rituals, however, meant that these cases constituted only a portion of responses. In many cases, subjects manipulated the roles available to them in opposition to the interests of dominant authority figures, thus producing feelings of injustices and oppression in response to trials, bemusement, respect or despair in response to public executions, and a sense that one lives in “a deprayved age,” in response to the culture as a whole.

Webster’s tragedy produces all of these feelings – not only those that trouble dominant authority, but also those that potentially reinforce it – and in doing so identifies performance itself as the source of instability in the political world that it imagines.
Theatricality, expresses as an extreme form of metatheatricality, obviously provides the primary source of rupture that troubles whatever sense of ideological stability and coherence people in early modern England experienced in their political culture, since explicitly theatrical gestures produce the most radically disjointed feelings in the play. Monticelso’s allusion to an affair that, “Would be played o’th’stage,” as a simultaneous abandonment of the rules of law and an accurate narrative justification of his verdict produces one key example. Another, perhaps more striking one can be seen in Flamineo’s own “last dying speech,”

Prosperity doth bewitch men seeming clear,  
But seas do laugh, show white, when rocks are near.  
We cease to grieve, cease to be Fortune’s slaves,  
Nay cease to die by dying. (5.6.246-49)

The sense of helplessness and meaninglessness that Flamineo conjures in the image of life as an inevitable shipwreck where people, “Cease to die by dying,” offers an almost nihilistic alternative to the respectively proud and justice-revering final couplets later offered by Lodovico and Giovanni. This evocation of despair, however, proves complicated by the fact that Flamineo’s speech not only imagines a meaningless, doomed existence, but also alludes to the fact that he has already “died” once in the same scene. Before Lodovico and Gasparo enter to carry out their revenge, Flamineo tricks Vittoria and Zanche into shooting him only to reveal, “I am not wounded: / The pistols held no bullets: ‘twas a plot” (5.6.146-47). For Flamineo to claim that his death only signifies an end to dying can thus be taken both as a statement positing an inherently negative view of life and a recognition that all stage deaths are meaningless because all mimic death but do
not materially produce it. Once again, metatheatricality works to multiply the emotional experience of the scene and rupture any sense of stable meaning produce by the play.

If the image of Flamineo rising from the ground marks out, in stark terms, one of the fundamental differences between theater on the one hand the law and public execution on the other – the conspicuous absences of functioning weapons and physical death in the former institution and the conspicuous presence of both in the latter – it also draws attention to the fundamentally overdetermined, contradictory nature of performative attempts to fix the significance of death. Flamineo’s speech, after all, expresses both a feeling that death merely brings an end to a meaningless existence and a feeling that all staged deaths produce is a meaningless approximation of a fundamentally different experience; different members of the play’s audience likely experience either or both of these feelings, and the ending of the play supplements these options in the shape of feelings of artistic pride and reverence for just punishment. As staged in the early modern period, performative rituals of life and death like The White Devil and the law shared this capability to produce radically different experiences for different people at different times and places because as social forms and social formations, both contained a diverse set of symbols, roles and meanings, and thus provided the material for people to expose the culture’s already present contradictions by manipulating dominant authority in ways that suited their own interests rather than those of the state.
Chapter 4

“Laughter or loss in another place”: Authority, geography and the “special decorum” of *Bartholomew Fair*

If the first three chapters of my dissertation focused on plays whose formal structures materialize contradictions within particular discourses and practices associated with popular politics – statements of divine right, political rumors and popular protests in *Philaster*, the discourse of justice and mercy and the use of capital punishment in *Measure for Measure*, and trial and execution rituals themselves in *The White Devil* – my final chapter will argue that the comic structure of Ben Jonson’s *Bartholomew Fair* materializes how popular political negotiation could affect the experience of political authority in relation to the *whole* of the early modern English political landscape. This may seem like an odd argument to make for at least two reasons, one focusing on the play’s subject matter and the other on its genre. First and foremost, although *Bartholomew Fair* does mark the only play in this study that’s actually set in England, the play meticulously recreates a single place on a specific day of the year – the annual Pleasure Fair in Smithfield. In the second act of the play, Justice Adam Overdo, the Puritan preacher Zeal-of-the-Land Busy, the young gentleman Bartholomew Cokes and his tutor Wasp all enter the Fair hoping to exert a certain type of authority over it – legal, religious, economic and intellectual. Throughout the course of the day, however, all four characters have the social and material signifiers of their authority stripped away by being placed in the stocks, or in the case of Cokes by quite literally having his money and finally his clothing stolen from him. Insofar as *Bartholomew Fair* represents early
modern English authority, then, the play appears to imagine it failing in a particular location in metropolitan London at a particular time of year, rather than it being negotiated throughout the countryside as a whole.

My argument that the comic structure of *Bartholomew Fair* materializes effects of popular political negotiation on the whole of the political landscape may also seem odd because critics of the play have disagreed over whether to characterize the play’s comic energy as satiric or festive in its treatment of the Fair. Jonathan Hayes, for example, suggests that the play ultimately invites its audience to distance itself from the Fair and virtually all of the characters within it,

Like the gentlemen in Jonson’s audience, we certainly do not want to see ourselves in the Overdos, or Busy, in any but the most universal and metaphorical way; and while we may be attracted to the underworld figures (Edgworth and Nightingale in particular) our admiration must be romantic and voyeuristic; in real life we know we would be their victims, not their friends… The way the Fair is presented is calculated to put us on our guard, to suggest that if we cannot, like Quarlous, master its noise and confusion, its tricks and deceptions, we had better stay aloof like Winwife and Grace. Their detachment and condescension and even scorn are there as models for our own.¹

Other readings suggest that the play primarily satirizes both the city government and Puritan moralizing, and taken together these reading collectively posit that Jonson’s *Fair* rejects either the disorder or the commercialism it represents, or both.² Still other critics read the play’s attitude towards the Fair more optimistically. Don Wayne, for example, argues that the play,

Avoids a thoroughly cynical reduction of human relations to market relations and of ethical principles to the impersonal mechanisms of contract law. Justice Overdo’s genial invitation, ‘home with me to my house, to supper’ is a gesture that bespeaks the happier side of the emerging middle-class ideology… The Saturnalian conclusion of Bartholomew Fair compensates for the felt loss of a coherent moral code based on traditional feudal conceptions of hierarchy, status and *noblesse oblige* by offering a momentary vision that is as close as Jonson ever comes in his satires to an image of utopia.³

Peter Stallybrass and Allon White offer another reading of the play as gesturing towards a festive removal of social distinctions rather than overridingly criticizing the characters on stage, arguing that fairs generally conjured, “The logic of the *grotesque*, of excess, of the lower bodily stratum… [which] could interrogate the rules of inclusion, exclusion and domination which structured the social ensemble,” and that this logic drives Jonson’s *Fair* particularly,

> Around [Ursla’s] tent, food, drink, sex, urine and even property in the form of Edgworth’s stolen goods, constantly circulate. In her tent, Win-the-Fight is transformed into a punk, and Mistress Overdo into a vomiting drunk… the disguised Justice is silenced and ends up by inviting the whole fair (cutpurse, bawds and all) to further feasting at his house… [Ursla] moves out from the fair to enter and transform the space of official law and order.⁴

Criticism of Jonson’s comedy thus disagrees over basic questions like whether the play should be characterized as festive or satirical in its effect, and whether it passes judgment on the enormities of the Fair and the failure of authority that allows them, or embraces either its grotesque logic or its ability to imagine an emergent middle-class ideology of domestic equality.

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While these readings obviously differ in their understanding of Jonson’s and *Bartholomew Fair*’s orientation towards a dominant or emergent type of authority and even the play’s particular comic style, they nevertheless all argue that Jonson’s play settles on a particular view of authority by inviting a particular set of emotions about the Fair and the characters within it. The satiric reading posits the play as inviting critical feelings distancing the audience from the denizens and the urban authorities of the Fair, while more festive readings posit a comic embrace of emergent or residual authorities like domesticity or the grotesque logic of the carnival. My own reading of the play hopes to build upon this critical foundation by arguing that, rather than adopting either a fixed...

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5 In many cases, the particular critics that I’ve cited have adopted more sophisticated readings *Bartholomew Fair* than its possible to capture in single quotation. Marcus, for example, adopts a fundamentally satiric reading of the play and its depiction of Busy and Overdo, arguing that Jonson invites the King particularly to mock the failures of London government, while also linking the play to the controversy over James’s *Book of Sports*. Satiric attack upon civic governance and Puritan theology thus implicitly supports the King’s desire to license traditional festivals like wrestling matches and Morris dances. Wayne, on the other hand, suggests that Jonson produces a feeling of “loss” over traditional authority even as it works to embrace an emerging domestic vision of stability, and contrasts this particular play with the earlier, more overtly satiric *Volpone* and *The Alchemist* to establish a dialogue between emergent and residual forces of authority taking shape throughout Jonson’s entire career. Stallybrass and White argue for a similar dialogue within Jonson’s career as a whole, noting that if *Bartholomew Fair* seems to embrace the grotesque, Jonson, “Constituted his identity in opposition to the theater and the fair,” in his 1616 *Workes*, “Through the imaginary separation of the scholar’s study and library from the theatrical marketplace, Jonson simultaneously mapped out the divisions between the ‘civilized’ and the grotesque body” (77). The material emblem of this rejection of the Fair gets marked in Jonson’s exclusion of *Bartholomew Fair* from the *Workes*, despite the fact that the play was first performed in 1614. The shifts in all of these readings between moments where Jonson embraces festivity and moments where the satirizes figures of authority charged with ordering society along traditional lines implies that he undertook a process of political negotiation throughout his career. My hope in observing that these readings all, to a certain extent, position *Bartholomew Fair*’s engagement with the political landscape alongside a particular generic effect is not to charge these readings with fixing Jonson into the type of structural relationship to the culture that Wilson and Yachnin claim new historicism collectively produces, and which I argued various readings of *Philaster* – many of them old historicist readings – produce. Marcus, Wayne, Stallybrass and White all, to my mind, make the dynamics of culture surrounding *Bartholomew Fair* visible by comparing the work to contemporary political debates about festivity and other plays from Jonson’s career as a playwright. Instead, I hope to relocate the political negotiation taking shape within Jonson’s career by arguing that it existed within this play and its dialectical representation of authority, language and various social and geographical “places” as part of my project’s overall attempt to reinforce the on-going nature of popular political negotiation in this period and my argument that individual plays formally materialize this process through their use of language and their appropriation of performative aspects of governance.
attitude towards a particular dominant or emergent type of authority or even a fixed comic tone, *Bartholomew Fair* dramatizes a process whereby a broad network of localized sources of authority actively negotiate a relationship to the communities established within the Fair and within the theatrical space where Jonson’s play recreates it. While I agree with critical readings of the play that suggest that it invites alternatively critical and festive attitudes towards authority through its genre, I argue that both satiric and festive energy are fully present within the text of the play, but became more and less pronounced as *Bartholomew Fair* was adapted for a political landscape that included performances before both paying audiences at the suburban Hope Theater and an aristocratic audience at the court in Whitehall. Rather than arguing that the play’s genre invites a particular attitude towards a single, dominant or emergent form of authority, then, I argue that the adaptable generic tone of *Bartholomew Fair* materializes its negotiation of a political landscape with multiple styles and centers of authority.

Jonson’s play negotiates this relationship to different localized sources of authority by constructing a geographic, “special decorum,” a term that I develop throughout the course of the chapter’s four sections. The first section introduces this term as distinct from the more stable, classical concept of social and poetic *decorum* described by Horace in the *Ars Poetica*. In the Fair, Horace’s description of a fixed hierarchy governed by a natural relationship between words and their social meanings gets parodied through the figure of Justice Adam Overdo, who interprets the Fair denizens language and social positions in a ridiculously literal way. In place of Horace’s and Overdo’s fixed conceptions of language and justice, the play shows words like “cutpurse” and “secretary” taking on meaning through dialogue, and political institutions
like the pie-powders court taking on meaning through social struggle and negotiation.

The second section of the chapter continues to focus on Overdo, arguing that rather than abandoning classical decorum entirely, *Bartholomew Fair* puts forward a “special decorum” that puns on the connections between “place” as a marker of hierarchal status, social identity and geographic location. The section examines a series of Overdo’s ridiculously authoritarian strategies for establishing authority, arguing that while the play parodies them as ineffective within the Pleasure Fair it stages, it also alludes to other “places” like law courts, the Cloth Fair and the walled City where these same strategies might prove more appropriate. Rather than simply parodying decorum as inadequate, “special decorum” here identifies styles of authority as “misplaced” when transplanted from locations still successful governed by traditional styles of authority to places like the Fair and the London suburbs that have undergone more radical social change.

The third section – which shifts focus to Quarlous, Winwife and Zeal-of-the-Land Busy (aristocratic and religious authority figures rather than legal ones) – argues that this sense of a “misplaced” authority, far from being unique to Jonson’s play, was actually a broad structure of feeling whereby different writers like John Stow, Will Kemp and Richard Jefferay all expressed anxieties about London by comparing it to the city’s own past, other cities like Norwich and idealized communities like the New Jerusalem. While *Bartholomew Fair* reproduces this structure of feeling by inviting its audience to laugh at the “misplaced authority” of Overdo and Busy, it also envisions a fluid dialectic where particular styles of authority develop within local communities. In the fourth section, I argue that this process of local political negotiation gets inscribed into the performances of the play itself through its prefatory and ancillary pieces and their effects on the play’s
genre. The *Induction to the Stage* invites a festive, self-reflexive laughter from its suburban audience by inviting it to identify its current location as an appropriate place for recreating the enormities of the Fair, while the *Prologue* and *Epilogue* to the Court performance invite a more satirical judgment of the play by marking the Fair as geographically remote and foreign. Like the other plays we’ve examined in this dissertation, then, *Bartholomew Fair* formally embodies the very political contradiction that it works to deconstruct, identifying the locally negotiated nature of authority in early modern England as a whole by changing its tone towards the Fair as it moves from one place to another in the country’s political landscape.

I.

In order to understand Jonson’s construction of a “special decorum,” – a phrase that he himself introduces in the play’s *Induction* – it’s helpful to look at the concept of *decorum* more generally. Stallybrass and White argue, “In the fair, the place of high and low, inside and outside, was never a simple given: the languages of decorum and enormity peered into each other’s faces,” aligning “decorum” with a given, dominant social order that the grotesqueness of the fair calls into question.6 This equation would not be entirely inaccurate, as the OED gives “orderliness” as an early 17th century definition of the word, citing John Healy’s 1610 translation of *The City of God*, “Whose [God’s] wisdom reacheth from end to end, ordering all in a delicate *decorum*” (OED). This use of the term rather closely approximates the divine foundation that Revisionist historians posited as the consensus worldview of the English aristocracy, and upon which the Tudors claimed authority in the 1547 *Homily on Obedience*

6 Stallybrass and White, 43.
Almighty God hath created and appointed all things in heaven, 
earth and waters in a most excellent and perfect order... In the 
extearth he hath assigned kings, princes, with other governors under 
them... every degree of people in their vocation, calling and office, 
has appointed to them their duty and order. Some are in high 
degree, some in low, some kings and princes, some inferiors and 
subjects, priests and laymen, masters and servants, fathers and 
children, husbands and wives, rich and poor... Where there is no 
right order their reigneth all abuse, carnal liberty, enormity, sin and 
babylonical confusion. 7

Decorum, in this use of the term, speaks to the most rigid and conservative articulations 
of the Tudor and Stuart hierarchy and divine right doctrine.

In referring to the “languages of decorum,” however, Stallybrass and White allude 
to another common use of the word, as meaning “suitable” or “fit,” that was more closely 
associated with literary and dramatic production. The OED lists the first appearance of 
this term in English as Roger Ascham’s The Scholemaster, where he describes how 
poetry, history, philosophy and oratory,

Differ one from another in Choice of Words, in framing Sentences, 
in handling of Arguments, and Use of right Form, Figure, and Number, proper and fit for every Matter... whosoever hath been 
diligent to read advisedly over Terence, Seneca, Virgil, Horace... 
shall diligently mark the Difference, they use in Propriety of 
Words, in Form of Sentence, Handling of their Matter; He shall 
easily perceive what is fit, and decorum in every one. 8

In Ascham’s view, decorum speaks to a poet or another writer’s ability to fit their diction 
and writing style to the particular subject and genre of his work, rather than a larger, more 
general worldly order.

While Stallybrass and White use this phrase in a way that sits somewhat ambiguously between these two meanings, their ambiguity proves appropriate when compared to the term’s classical roots. Some notion that diction and style should be made to fit the subject matter of a particular literary work dates back to Aristotle’s Poetics, but in the Renaissance this concept was just as often derived from Latin treatises. In the Ars Poetica, a work that Jonson himself translated into English late in his life, Horace rather clearly aligns the need for poets to fit their language to their subject matter with a fixed, hierarchical understanding of human identity

Sad language fits sad looks; stuffed menacings
The angry brow; the sportive, wanton things;
And the severe, speech ever serious.
For Nature, first, within doth fashion us
To every state of fortune; she helps on,
Or urgeth us to anger; and anon
With weighty sorrow hurls us all along,
And tortures us: and after, by the tongue
Her truch-man, she reports the mind’s each throe.
If now the phrase of him that speaks, shall flow,
In sound, quite from his fortune; both the rout,
And Roman gentry, jeering, will laugh out.
It much will differ, if a God speak, then,
Or a hero; if a ripe old man,
Or some hot youth, yet in his flourishing course;
Where some great lady, or her diligent nurse;
A venturing merchant, or the farmer free
Of some small thankful land…

………………
…follow fame, thou that dost write, or feign
Things in themselves agreeing.10

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Although Horace’s use of the term *fortuna* (which Jonson translates as “fortune”) rather typically for the period encompasses both one’s general social type and particular, temporary state in life, his presentation of both “Nature” and language prove far less mutable. Contrasting the fickleness of fortune, Nature “fashions us to every states of fortune” and conditions all responses to the world. Both nature and fortune precede the creation of language; the tongue is reduced to a passive interpreter (or “truch-man”).

When it comes time to assign particular types of speech to different individuals in the social hierarchy, the poet avoids the laughter of his audience by giving characters language that agrees with both their fortune and nature: gods speak differently than heroes, great ladies differently than their maids, merchants different than farmers. This all-encompassing portrait of nature, when combined with the passivity of language, creates the appearance of an immutable *decorum* to the world that the poet must strive to accurately render when crafting his language. In Horace, then, the poetic and the social sense of *decorum* compliment one another, since Nature itself fashions both social hierarchy and a fixed language capable of accurately rendering it.

While Horace’s definition of *decorum* heavily influenced Jonson’s poetics from both linguistic and social perspectives, *Bartholomew Fair* shows both language and social hierarchy to be socially constructed through dialogue and acts of negotiation. An illustrative example of this can be seen when Justice Overdo misguidedly takes the cutpurse Ezekial Edgworth for a profligate young gentleman. The mistake occurs because Overdo takes literally the euphemistic language with which Mooncalf describes Edgworth bribing other tavern dwellers into collaborating in his theft,
*Justice. [Aside, to Mooncalf]* Child o’ the bottles, what’s he?

*Mooncalf.* A civil young gentleman… that keeps company with the roaring and disburse all still. He has ever money in his purse. He pays for them, and they roar for him; one does good offices for another. They call him secretary, but he serves nobody…

*Justice.* What pity ‘tis so civil a young man should haunt this debauched company!… he has a good clerk’s look with him, and I warrant him a quick hand.

*Mooncalf.* A very quick hand, sir.\(^{11}\)

Rather than directly reflecting the fixed social place of a character, language—and even the individual word “secretary”—shifts meaning during the course of this conversation.

To Mooncalf and the other tavern patrons, the word clearly, if euphemistically, refers to Edgworth’s quick hands when relieving victims of their purses, while to Overdo it denotes the profession of “clerk,” that he comes to believe Edgworth practices.

Language proves more fluid than Horace’s *Ars Poetica* posits, since individual words—including those words that denote social identities—take on different meanings to people from different places in the social hierarchy.\(^{12}\)


\(^{12}\) A second example of the fluidity of language in *Bartholomew Fair* can be seen in a set of statements made by Wasp and Edgworth on the “benefit of clergy,” the common legal loophole used by convicted felons to escape hanging. Wasp refers to the benefit in rebuking Littlewit’s attempts to show him the wedding contract of Grace Wellborn and Bartholomew Cokes, “Never open or read it to me; it’s labor in vain, you know. I am no clerk. I scorn to be saved by my book; i’ faith, I’ll hang first. Fold it up, o’ your word, and gi’ it me” (1.4.5-8). The tone here is quite serious, and—at least in Wasp’s mind—establishes a clear social distinction between his own scholarly veneration of his word, and the clerk Littlewit’s reliance upon legalistic contracts and reading. Later in the play, Edgworth will similarly refer to the “benefit” as a way of defending his own “word” to Quarlous, “Sir, if ever I break my word with a gentleman, may I never read word at my need” (3.5.277-8). Though also making a claim to honor in reference to one’s “word,” the use of the benefit (denoted in the speech through the act of “reading”) endows the speech with a deeply ironic tone. Edgworth, as a cutpurse, will in all likelihood be required to “read word” in order to save his own life. Edgworth’s claim to honesty in dealing with Quarlous is thus based upon the *dishonesty* of his profession. Jonson experiments with *decorum* by giving two characters linguistically indistinguishable speeches—both refer to the honor of their “word” by rejecting the act of “reading”—that nevertheless carry entirely different contexts based upon the social status of the speaker. Spoken by the humanist tutor to a law clerk, these words convey the presumed superiority of the speaker. Spoken by a cutpurse to a scheming gentleman, they convey a shared honor amongst thieves.
Importantly, the scene does not simply present this encounter as a binary contradiction between a “high” literal language and a “low” slang. Overdo earlier uses a series of euphemisms in an attempt to understand Ursla’s affectionate teasing of Dan Knockem for “cutting halfpenny purses or stealing little penny dogs out o’ the Fair” (2.3.8-9),

*Justice*: Is this goodly person before us here, this vapours, a knight of the knife?

*Mooncalf*: What mean you by that, Master Arthur?

*Justice*: I mean a child of the horn-thumb, a babe of booty, boy: a cutpurse.

*Mooncalf*: Oh, Lord, sir! Far from it. This is Master Dan Knockem – Jordan, the ranger of Turnbull. He is a horse-courser, sir.

*Justice*: Thy dainty dame, though, called him a cutpurse.

*Mooncalf*: Like enough, sir, she’ll do forty such things in an hour (an you listen to her) for recreation, if the toy takes her i’ the greasy kerchief. (2.3.27-37)

Like Overdo, Mooncalf proves incapable of fully understanding a slang that he does not recognize, and the justice ends up repeating a series of nicknames – “knight of the knife, child of the horn-thumb, babe of booty” – before finally settling on the more straightforward “cutpurse”. Rather than dramatizing separate, mutually exclusive languages associated with different sorts of characters, Jonson shows language and meaning being constructed and reconstructed through the process of social interaction and dialogue. Mooncalf explains to Overdo how Ursla playfully gives people diminutive titles, suggesting that “an you listen to her,” the turn of speech will eventually prove understandable. He also gives a clue as to his own mode of speech when he gives Knockem the playful title, “the ranger of Turnbull,” a laudatory bit of slang that he reuses when describing Edgworth as a “civil young gentleman.” Overdo’s mistaken belief that
the Fair’s cutpurse is a profligate young gentleman in need of wisdom and reform, thus, stems from understanding language in the literal terms described by Horace rather than fully participating in a dialogue by taking Mooncalf’s advice and “listening to” local language in order to discern its meanings.

The play’s parody of classical conceptions of decorum extends to its representation of political institutions as well as language, though perhaps the dialogic construction of meaning here is subtler. Much as Overdo misunderstands the tavern dwellers’ use of the words “cutpurse” and “secretary” by understanding them literally, he also seems to misunderstand how Lantern Leatherhead and Joan Trash make use of the law courts and Overdo’s name when arguing over the location of their booths,

*Leatherhead:* Do you hear, Sister Trash, Lady o’ the Basket? Sit farther with your gingerbread progeny there and hinder not the prospect of my shop, or I’ll ha’ it proclaimed i’ the Fair what stuff they are made on.

*Trash:* Why, what stuff are they made on, Brother Leatherhead? Nothing but what’s wholesome I assure you.

*Leatherhead:* Yes, stale bread, rotten eggs, musty ginger, and dead honey, you know… I shall mar your market, old Joan.

*Trash:* Mar my market, thou too proud pedlar? Do thy worst; I defy thee, ay, and thy stable of hobbyhorses. I pay for my ground as well as thou dost. An thou wrongst me… I’ll find a friend shall right me and make a ballad of thee and thy cattle all over…

*Leatherhead:* Go to, Old Joan, I’ll talk with you anon, and take you down, too, afore Justice Overdo. He is the man must charm you; I’ll ha’ you i’ the Pie-powders.

*Trash:* Charm me? I’ll meet thee face to face afore his Worship when thou durst, and, though I be a little crooked o’ my body, I’ll be found as upright in my dealing as any woman in Smithfield. Ay, chase me!

*Justice:* [Aside] I am glad to hear my name is their terror, yet; this is doing justice.


*Trash:* Buy any gingerbread, gilt gingerbread! (2.2.2-33)
Drawing upon the discourse of “justice” that we discussed in the second chapter, Overdo mistakenly believes that the invocation of his name denotes “terror” in the bickering Fair denizens. In doing this, he effectively imposes a dominant social meaning of the term “justice” on Leatherhead and Trash’s argument much has he had imposed literal meanings onto Mooncalf and Ursla’s slang.

The argument that Overdo listens to, of course, shows nothing like “terror” of the law from either Leatherhead or Trash. Leatherhead needs no further provocation than the threat of an insulting ballad before he invokes the possibility of court proceedings. Trash responds with an eager confidence that she will, “Be found as upright in my dealing as any woman in Smithfield,” should the case actually go forward. Far from showing a population terrified of Overdo’s court, the argument draws upon a stereotype from the period of English men and women as overly quarrelsome and quick to invoke the courts when settling minor disputes. Sir John Davies, for example, complained of the, “Litigious humor… [and] malignant, unquiet disposition of many clients,” while a mayor of London complained about the large number of, “Frivolous and vexatious Suits.”

This stereotype appears to have been well founded. Craig Muldrew has estimated that between the central and local courts – including the King’s and Chancery courts, itinerant courts of common pleas, and also town courts in Bristol, Exeter, Great Yarmouth and other localities – the total number of yearly suits filed was most certainly in the hundreds.

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of thousands, “Over one suit initiated for every household in the country.”\textsuperscript{14} Once again, Overdo’s preference for the dominant meaning of a term ends up fundamentally misunderstanding the dialogue that he overhears.

Just as important, Overdo also seems to overestimate the role that the threat of legal proceedings actually plays in settling these types of minor disputes. Overdo gives himself credit for “doing justice,” overlooking the fact that he plays no direct role in an argument that essentially gets dropped when prospective customers walk into the area. The easy dismissal of the threat of legal action seems to quite accurately reproduce the basic pattern of litigation from the period. The vast majority of cases filed in the courts were never actually carried forward, due in no small part to the fact that filing a suit was quite cheap while actually going to trial could be quite costly. Muldrew suggests that, “The initiation of litigation was not normally a signal that the plaintiff intended to exacerbate the dispute. Rather, it was more often intended to impose the threat of potential costs and damages upon disputants or debtors in order to pressure them to compromise,” a reading that \textit{Bartholomew Fair} closely approximates.\textsuperscript{15} Leatherhead and Trash invoke court proceedings as a vehicle for pre-empting the different forms of slander – Leatherhead’s promise to “Mar your market, old Joan,” and Trash’s plan to “make a ballad of thee,” in response – that each threatens. These threats of slander and

\textsuperscript{14} See Muldrew, “Culture of Reconciliation” esp. 916, and 922 for figures. Muldrew estimates that 80-90\% of lawsuits were aimed at settling credit disputes. Statistics from this period are notoriously difficult to establish with any certainty, and for our purposes, it’s sufficient to simply state that the number was high. In a note, Muldrew gives the exact number of 410,526 in the towns per year, based on the rate at which households filed suit compared with the population of the country. Given that this only represents the number of suits filed in one type of court in the country, I feel that my own statement represents a judicious estimate of the litigiousness of the English countryside. Even if Muldrew’s estimates and figures were vast over-estimates for the country as a whole, this would still mean that at least 200,000 lawsuits were filed in all courts every year, a high number in a country with a population of 2 million.

\textsuperscript{15} Muldrew, 938. He observes that in the town of King’s Lynn only 16\% of initiated lawsuits actually went further than the filing of a complaint.
litigation are simultaneously social, legal and economic, since business in early modern England depended largely on a conception of “credit” that involved judging someone’s standing in the community in order to gauge their ability to repay small loans and act as witnesses in court on their own behalf. 16 Although Trash and Leatherhead do not use the term “credit,” the way their argument conflates the right to set up shop with both the threats of communal slander and legal proceedings rather succinctly dramatizes the overlapping social, economic and legal issues at stake. The threat of litigation, both in the culture at large and as it takes shape between Leatherhead and Trash, thus played a small role in a larger, on-going negotiation over social and economic standing. Rather than showing Overdo “doing justice,” then, the scene actually stages Trash and Leatherhead appropriating legal structures for their own purposes in much the same way that we saw justices and jurors appropriating and manipulating the discourse of justice and mercy in the second chapter. The disconnect between the actual argument that takes place between Leatherhead and Trash and Overdo’s reading of it once again mocks the Justice for imposing an incorrect, though dominantly accepted, meaning upon a term that is being dialogically reshaped by a local population.

The overall effect of this argument and the misunderstanding of Edgworth’s profession directly inverts the situation that Horace imagines in the *Ars Poetica* when he warns the poet, “If now the phrase of him that speaks, shall flow, / In sound, quite from his fortune; both the rout, / And Roman gentry, jeering, will laugh out.” 17 Rather than

17 Horace, 158-160.
laughing at the poet’s inability to fix an appropriate language – the passive “truch-man” of a stable, hierarchical “Nature” – to the social “fortune” of his characters, Jonson invites laughter at an authority figure incapable of recognizing that people of “low fortune” take it upon themselves to socially refashion the meaning of words and political institutions through dialogue and negotiation.

II.

Given that *Bartholomew Fair* seems to systematically mock Horace’s conception of *decorum* from the *Ars Poetica*, it may be inviting to see the play as openly and directly opposing traditional authority in favor of the “enormities” of the Fair itself or at least a more festive, egalitarian image of community. ¹⁸ What should give us pause in making this claim, however, is the fact that the only direct reference to *decorum* in the play actually defends its subject matter by making reference to the device, “The play shall presently begin. And though the Fair be not kept in the same region that some here, perhaps, would have it, yet think that therein the author hath observed a special decorum, the place being as dirty as Smithfield and as stinking every whit” (*Induction* 159-163).

¹⁸ Stallybrass and White never quite end up making this argument, though they move towards it at times. They come closest when they say, “In the judgments of the fair, it is the language of the grotesque body which triumphs over the languages of Scripture and the classics” (70), as “triumphs” obviously implies an outright rejection of the given hierarchies associated with traditional texts. The reference to “Scripture and the classics” however, points us to their engagement with Bakhtin’s *Rabelais and his World*. They introduce two concepts of the “grotesque” that are drawn from two readings that they give of this work – one associated with a view of the fair and the carnival as staging “the world turned upside down” and the other associated with Bakthin’s description of the dialectical elements of *heteroglossia*. By associating *BF* with the more dialectical of these two descriptions, Stallybrass and White seem to avoid reducing their reading of the play to a direct opposition of traditional authority. One of the slippery things about their discussion of the play, however, is the how *Bartholomew Fair* and its grotesque treatment of the classical with eighteenth century neoclassical writers who (in part) traced their roots to Jonson himself. The result is that they never fully place *BF* in conflict with “the classical” because they (correctly) note that neoclassical culture does not fully develop until after Jonson’s time. The other result is that they never definitively state what relationship *Bartholomew Fair* has to its own dominant culture; a gap that I hope to fill in this chapter and dissertation by arguing the “dominant” form of authority in early modern England consisted of a political negotiation amongst various local networks of power. M.M. Bakhtin, *Rabelais and His World*, trans. Helene Iswolsky (Bloomington, IN: Indiana University Press, 1984).
The “special decorum” that Jonson jokingly posits here draws upon the Hope theater’s sharing a certain dirtiness and smell with the Fair, an allusion to the fact that both places regularly hosted animals: Smithfield, the traditional home of Bartholomew Fair, doubled as home to a weekly livestock market, while the Hope, unique amongst Jacobean amphitheatres, doubled as a playhouse and a bear-pit. Jonson’s somewhat favorable evocation of a “special decorum” suggests that, much like Shakespeare’s representation of justice and mercy in Measure for Measure, Bartholomew Fair primarily appropriates and manipulates decorum rather than straightforwardly opposing it.

The key image in this reworking are material and physical in nature – focusing on dirt and particular smells – something reinforced by the claim that the Hope proves an appropriate physical “place” to reproduce the Fair. In fact, Bartholomew Fair almost obsessively puns on the shared social and geographical meaning of this word – alluding in some moments to one’s “place” in the social hierarchy and at others to one’s “place” in the physical landscape. Overdo laments the limitations of his office by saying, “This we are subject to that live in high place,” (2.1.36-37) using the phrase in a social sense. Busy discusses whether, by the eating of pig, “You make the Fair no better than one of the high places,” (1.6.58-59) conflating a moral and geographical use of the term. The Induction’s mock contract even denotes how the hierarchical seating structure of public amphitheatres aligned the social and physical meanings of the term by allowing an audience member, “To judge his six pen’orth, his twelve pen’orth, so to his eighteen pence, two shillings, half a crown, to the value of his place, provided always his place not get above his wit” (Induction 90-93). The reference to a “special decorum” based upon

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19 The italics in this, and all of the subsequent quotations in this paragraph are added for emphasis.
this pervasive series of puns on the word “place,” suggests that insofar as the play identifies an appropriate source of authority upon which to establish “order” and proper “fit,” this is based on a dialogue between social and geographic meanings rather than a fixed language coupled to a singular, unchanging Nature.

The second section of this chapter will explore the play’s dialogically social and geographic “special decorum” by unpacking several topical allusions that surround the character of Justice Overdo. As we saw in the last section, the play mocks Overdo for trying to inappropriately impose literal meanings onto both words like “cutpurse” and “secretary” that are being manipulated through slang and concepts like “justice” that are shown to be manipulated through political negotiation. In both cases, Overdo attempts to impose a traditional meaning upon a culture shown to be dynamic and shifting, and as a result of this imposition he fundamentally misunderstands the conversations he observes. In this section, I will argue that Overdo’s attempts to impose authority onto the Fair proves misguided – or “misplaced” to use the language suggested by the Fair – from a series of simultaneously geographical and social perspectives as well. In arguing this, I will examine the political geography of Bartholomew Fair – both Jonson’s staging of it, and its historical counterpart – starting with the most local references to places within the Fair itself and expanding to include references to its place in the broader landscape of metropolitan London. Much as he fails in his attempts to impose traditional, literal meanings onto the dialogically constructed language and worldview of the Fair denizens, I’ll argue that Overdo and the city officials to whom Jonson alludes in constructing him struggle in their attempts to impose traditional forms of authority upon a Fair and a metropolitan community both undergoing a period of major social and structural change.
I’ll begin looking at Overdo’s “misplaced” authority by examining his abandonment of the pie-powders court within the Fair. Although this change of his “place” does not have the broad allusive resonance of some of Overdo’s other statements on his authority – or of those made by Zeal-of-the-Land Busy, as we’ll see in the next section – it does provide a concrete example of the shared social and geographic type of authority imagined by the play. The clearest effect of the abandonment of the court can be seen when Overdo’s watchmen complain about the justice’s absence and their resulting inability to dispose of the offenders they’ve rounded up during the course of the day,

_Bristle:_ How now neighbour Haggis, what says Justice Overdo’s worship to the other offenders?  
_Haggis:_ Why, he says just nothing. What should he say? Or _where should he say it?_ He is not to be found, man. He has not been seen i’ the Fair here all this livelong day… His clerks know not what to think on’t. There is no court of Pie-powders yet. Here they be returned. (4.4.64-71, emphasis mine)

The lack of a physical place to which the Fair’s suspected malefactors can be removed and tried effectively undermines a system that Overdo had complained was inadequate to begin with. The clerks themselves have no authority to establish a court or pass judgment, and the watchmen are left with nowhere to place the suspects other than the stocks. Unable to find either the court or the justice, Bristle and Haggis proceed to manipulate the juridical device that they _do_ have access to by pulling out the stocks in order to use them as a temporary holding place for Busy, Wasp and Overdo himself. As a result, all three All three suspects end up being both released and punished without ever being tried, a fact which gets most fully articulated through the character of Wasp. The tutor manages to break out of the stocks (by improperly placing – no less – his hand into
a shoe, and then into the stocks), only to find at the end of the play that this escape has
done him little good. Placement in the stocks normally served as a form of punishment;
convicts were placed in the stocks to be displayed and discredited to the community, a
fact made manifest when Cokes reminds where he’s been and mocking its ignominy,

_Cokes_: Hold your peace, Numps. You ha’ been i’ the stocks, I hear.
_Wasp_: Does he know that? Nay, then the date of my authority is out. I must think no longer to reign; my government is at an end.
He that will correct another must want fault in himself…
_Cokes_: Oh, Numps, i’ the stocks, Numps? Where’s your sword, Numps? (5.4.96-101; 107-8)

Overdo’s decision to abandon the court for the day and instead observe the enormities of
the Fair in disguise thus produces a simultaneously social and geographic “misplacing” of
authority. Without a physical court, watchmen and clerks are unintentionally placed into
the role of justices when they attempt to convert a site of punishment into a holding cell.
“Justice” – which now releases suspects before trial even as it punishes them – thus gets
redefined in practice due to an abandonment of its traditional physical presence in the
Fair.

Overdo’s other “misplaced” strategies for establishing authority similarly, if more
subtly, involve shifts in both the social and geographic governance of the Fair and the
city as a whole. One of the primary allusions to shifts in the governance of the Fair and
the metropolis can be seen in Overdo’s description of the model for his plan to seek out
enormities in disguise,

_Thus hath the wise magistrate done in all ages… Never shall I enough commend a worthy worshipful man, sometime capital member of this city, for his high wisdom in this point, who would take you now the habit of a porter, of a carman, now of the dog-killer… and in the winter of a seller of tinderboxes. And what_
would he do in all these shapes? Marry, go you into every alehouse and down into every cellar; measure the length of puddings; take the gauge of the black pots and cans, ay, and custards, with a stick, and their circumference with a thread; weigh the loaves of bread on his middle finger. Then would he send form ‘em, home; give the puddings to the poor, the bread to the hungry, the custards to his children; break the pots and burn the cans, himself. (2.1.10-25)

In addition to the obvious breach of social decorum involved in adopting the disguise of various members of the lower professions, the most strikingly inappropriate aspect of Overdo’s scheme is his desire to establish strict economic regulation over the Fair. Although the objects of Overdo’s regulatory fervor – puddings, custards, bread – may seem initially seem appropriate to a place where the most famous and popular activity seems to be the eating of pig, the meticulous imposition of weights and measures does not seem to fit with the overall nature of the Fair. The place that Jonson stages, while certainly a marketplace, seems focused almost entirely on entertainment and diversion. Trash is selling gingerbread men. Leatherhead sells various toys and musical instruments – “Rattles, drums, halberds, horses” – and later stages a puppet show. Nightingale – in addition to picking pockets – sells ballads. The kind of measurable economic regulations that Overdo imagines do not seem to fit properly with the pleasurable commodities that dominate the Fair.

One way to make sense of this apparent contradiction relates to the social and geographic changes that had taken place in the recent history of the annual Fair held at St. Bartholomew’s rectory in Smithfield. Prior to the Reformation, the Fair had always

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20 Many critics have approached Jonson’s play alternately as historical and philosophical representations of the fair that took place in Smithfield in August. The best example of a broad historical approach can be read in Stallybrass and White. See also Leah Marcus, The Politics of Mirth, Jonathan Haynes, “Festivity and the Dramatic Economy of Jonson’s Bartholomew Fair,” and Jean-Christophe Agnew, Worlds Apart.
been associated with both an economically inspired marketplace and an atmosphere of ritual and festivity. The original event combined one of Northern Europe’s largest cloth fairs with ecclesiastical and civic festivities associated with the feast of St. Bartholomew. The relationship between economic gain and festival performance is, however, embedded into the rectory’s very founding. A man named Rayer, who served as the court jester to King Henry I before entering the religious life, established St. Bartholomew’s in the 12th century. Rayer claimed to have been inspired to found his church in Smithfield by a vision he received of St. Bartholomew himself, but there is reason to doubt that even the people at the time fully believed this. Smithfield was located in an area of the city known as the “King’s Market,” a location that fell entirely under royal jurisdiction. Prior to coming into possession of the rectory, Smithfield held the livestock market that Jonson alludes to in the Induction, and the Fair itself was established in the rectory’s original charter. Rayer probably chose this particular area to found St. Bartholomew’s rectory and establish the fair precisely because his royal connections could provide the church protection, and because the markets would provide a source of income. The monk who recorded the rectory’s history remarked that some members of the community thought that the former jester was more an opportunistic juggler than a visionary, and noted that Rayer gained the protection of the King in response to threats from enemies who claimed that a co-conspirator had revealed him as a fraud, “Such a tale gave the cunning Prior opportunity to go before the king, ‘with a lamentable querele expressing how with untrue despite he was deformed, and what fastidious outbreaking had tempted him, beseeching

his royal munificence that his person and the place he had granted him he would defend.\textsuperscript{21} In the founder’s original profession, his reputed showmanship and economic opportunism, and the dubious claims that he made to pursuit of a religious life, we can see the thorough combination of worldliness, festival, and pleasure that often characterized medieval carnivals and fairs.

After the Reformation and Henry VIII’s dissolving of the monasteries, the Fair’s charter changed in ways that both institutionally and geographically separated its economic and festival elements. The St. Bartholomew’s rectory building itself was granted to the family of Sir Richard Rich, who also gained rights to the tolls associated with the Cloth Fair traditionally held inside the rectory walls. Throughout the Tudor period, the rectory continued to exist as one of the many “liberties” that existed in metropolitan London. Just as “the Clink” in Southwark and the Blackfriars fell under the control and jurisdiction of the Lord Admiral rather than the city of London, St. Bartholomew’s rectory was under the jurisdiction of the Rich family rather than Middlesex County authorities. The more famous portion of the Fair, however – the so-called “Pleasure Fair,” that Jonson stages and which would survive into the 19\textsuperscript{th} century, long after its more purely commercial cousin ceased to exist – had traditionally been held in the field \textit{outside} of the rectory. This field came under the jurisdiction of the city of London, which continued to hold the livestock market and sponsor the annual Pleasure Fair. Thus, Bartholomew Fair, which had been founded as a single event incorporating business and festivity, commerce and pleasure, was jurisdictionally split into two different “places”, that put these different activities under the protection of different departments.

\textsuperscript{21} Morley, 10.
authorities. The rectory and its business-oriented Cloth Fair fell under the protection of an aristocratic landlord; Smithfield and its Pleasure Fair fell under the protection of the London government.

One way of reading Overdo’s vision of a meticulously ordered, economically regulated Fair is as a “misplaced” attempt to impose a model of authority suited to the Cloth Fair (which Jonson never stages) onto the Pleasure Fair. Wasp explicitly makes this connection when taking issue with what he sees as Mistress Overdo’s condescending treatment of him, “Why ‘alas’ from you, I beseech you? Or why ‘poor Numps’, goody Rich? Am I come to be pitied by your tuft taffeta now? Why mistress, I knew Adam, the clerk, your husband, when he was Adam the scrivener and writ for twopence a sheet, as high as he bears his head now, or you your hood, dame” (4.4.155-160, emphasis added). Although Wasp most directly takes issue with the aristocratic pretensions of Overdo and his wife, the insulting reference to “Goody Rich” draws the Pleasure Fair’s jurisdictional and geographical counterpart into the tirade. Overdo’s pride at this judicial post gets linguistically fashioned here as an overly ambitious desire to hold authority in the “higher place” of the Rich’s rectory and their Cloth Fair.

The fact that Overdo’s “style” of authority, so to speak, proves inappropriate for the Pleasure Fair proves even more pronounced when we compare it with the German tutor Paul Hentzner’s description, in his travel diary Itinerarium Germaniae, of his 1598 trip to the Fair. Hentzner makes almost no reference to economic exchange, instead emphasizing the Fair’s civic pageantry and performances,

> When the Fair is held, it is usual for the mayor, attended by the twelve principle aldermen, to walk in a neighbouring field, dressed in his scarlet gown, and about his neck a golden chain, to which is
hung a golden Fleece, and besides that particular ornament which distinguishes the most noble order of the Garter… Upon their arrival at a place appointed for that purpose, where a tent is pitched, the mob begin to wrestle before them, two at a time; the conquerors receive rewards from the magistrates. After this is over, a parcel of live rabbits are turned loose among the crowds, which are pursued by a number of boys, who endeavor to catch them, with all the noise they can make. While we were at this show, one of our company, Tobias Salander, Doctor of Physic, had his pocket picked of his purse, with nine crowns, which, without doubt, was so cleverly taken from him by an Englishman, who always kept very close to him, that the Doctor did not perceive it.22

Unlike Overdo, who seeks to remain invisible, the mayor and aldermen are conspicuously visible, wearing brightly colored and decorated outfits, jewelry, and other ornaments of rank. The events that Hentzner notes – a wrestling match and a race amongst local boys to catch rabbits – are public performances rather than commercial practices. While it’s possible that the tenor of the Fair changed somewhat between Hentzner’s visit and the time that Jonson wrote his play, the differences only seem to be minor. The wrestling match, though not staged, gets referred to by Edgworth and embodied in the game of vapours by, “One Puppy, a western man that’s come to wrestle before the Lord Mayor anon” (4.3.113-115). Hentzner, likewise, refers to an event that plays a central role in Jonson’s play: a pick pocketing. While this overlap suggests that Jonson’s inclusion of Edgworth and his repeated thefts of Cokes speak to a stereotype of the Fair, Hentzner’s tone still differs significantly from that adopted by Overdo. The tutor describes the event as “clever” and wonders at the Englishman’s ability to pull it off without his company’s notice. Far from an “enormity” that needs to be remedied, the theft gets described in

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22 qtd. in Morley, 108-109.
terms that align it with the costumes, wrestling, and other elements of festivity within the Fair.

While Jonson never explicitly articulates that Overdo’s style of authority proves “misplaced” in the Pleasure Fair and would be more appropriate within the physical and jurisdictional confines of the rectory or the pie-powders court, an allusive energy drawing upon references to other social roles and physical locations surrounds Overdo throughout the play. Watchmen complain that they do not know where to find him, employees insult his social pretensions by calling his wife by the name of the Cloth Fair’s patron, and he himself describes a program of economic reform that seems wholly unfit to the pageantry and commercial festivity predominantly associated with the place he ostensibly governs. Thus, the play consistently suggests that, much as Overdo incorrectly attempts to foist traditional meanings upon the Fair denizens’ words, he also attempts to enact a style of authority that proves socially and geographically inappropriate to the Pleasure Fair.

This sense of Overdo breaching a “special decorum” by attempting to enforce a “misplaced” style of authority on the Fair not only alludes to the political landscape of the Fair itself, but also to its place within the broader London metropolis. The attempt to undertake a program of legal reform through the donning of disguise – which provides a source of ridicule in both *Bartholomew Fair* and *Measure for Measure* – was not wholly a creation of the period’s theatrical imagination. David McPherson has argued that, in creating Overdo, Jonson explicitly alludes to a London Lord Mayor by the name of Thomas Middleton. 23 In a letter to the Lord Chamberlain described in the

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Remembrancia, Middleton lists going disguised into the “lewd houses” of the city amongst his main accomplishments as Lord Mayor,

Firstly. He had freed the streets of a swarm of loose and idle vagrants… Secondly. He had informed himself, by means of spies, of many lewd houses, and had gone himself disguised to divers of them, and, finding these nurseries of villainy, had punished them according to their deserts, some by carting and whipping, and many by banishment… Thirdly. Finding the gaol pestered with prisoners, and their bane to take root and beginning at ale-houses, and much mischief to be there plotted, with great waste of corn in brewing heady strong beer… he had taken an exact survey of all victualling houses and ale-houses, which were above a thousand… he had thought it high time to abridge their number and limit them by bonds as to the quantity of beer they should use… Fourthly. The Bakers and the Brewers had been drawn within bounds, so that, if the course continued, men might have what they paid for, viz, weight and measure. He had also endeavoured to keep the Sabbath day holy, for which he had been much maligned.24

This letter, written in the same year Jonson’s play was performed, describes a mayor rather evocatively carrying out much of Overdo’s plan for the Fair: he ventures into brothels in disguise in order to discover their crimes, limits the number of taverns in the city, controls the strength of beer, and regulates weights and measures of the Bakers and Brewers by bringing them into the guild structures.25 Overdo, of course, rather ridiculously conflates all of these essentially separate tasks by imagining that he needs to

nature; he argues, “I… believe that a strongly shaping influence on the character of Overdo was Jonson’s desire to satirize a specific Lord Mayor, although not the one identified by previous scholars” (221) and methodically and convincingly collects a wide range of materials connecting Overdo to this figure. It should be noted that this is not the Early Modern playwright of the same name.

25 The one thing that Middleton does that Overdo does not is to try to enforce observance of the Sabbath.

Peter Lake has observed that in satirizing reformed authority in the distinct characters Overdo and Busy, Jonson was actually breaking apart the common Puritan pairing of the preacher and the “godly minister”. I have included this last act of reform to note that at the time, and despite Jonson’s vision of these reform figures, the categories of Puritan and Minister overlapped to a great extent. The trope of decorum and how this applies significantly to both characters may give us a formal sense of this overlap. See Lake with Questier, 610-620.
don a disguise in order to regulate the practices of tavern owners. The conflation is
telling, though; Middleton does not describe himself as “measuring the length of
puddings” secretly, but he does view both his undercover work and his regulatory
behavior as part of the same basic program of reform.

While it’s entirely possible that Jonson was aware of the Lord Mayor’s undercover
operations and alluded to them through Overdo’s disguised attempt to reform the Fair, the
connection of these images to the play’s construction of a social and geographic “special
decorum” invites a broader examination of civic governance. The city itself operated,
throughout the period, as a more or less independent corporate entity. Far and away the
most important structures in the metropolis were the various trade and craft guilds, which
since medieval times controlled all commerce and employment in London, setting prices,
establishing the rules for apprenticeship and labor, and even organizing the physical
layout of the city by establishing where and by whom shops could be opened.

Participation in most city government – holding office, accepting appointed positions,
and participating in elections – was predicated upon membership. Mayors and
aldermen were all drawn from the leadership ranks of the guild, and as Middleton’s letter
accounts their duties combined the maintenance of law and order, and the regulation of
the city economy.

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The figure of Overdo evokes these simultaneously economic and legal duties of the city authorities, parodying them by imagining an authority figure that cannot keep his various duties straight or adopt an appropriate style of rule for the place he’s charged with governing. While historians have debated the extent to which the city government showed the inadequacies that Jonson parodies, one fact that cannot be argued is that there were very distinct geographical limitations on the city’s power, a traditional fact that became more apparent throughout the early seventeenth century due to profound demographic changes in London.\(^{27}\) Between 1560 and 1640, the population of the metropolis more than tripled, growing from 110,000 to 355,000 residents.\(^{28}\) The vast majority of this increase – from both raw and demographic standpoints – took place in the city suburbs. At the beginning of the period, the walled city’s population of 80,000 more than doubled the suburban 30,000; by the end this distribution had almost reversed, with the suburbs’ 220,000 residents vastly outnumbering the city’s 135,000. From the time that Elizabeth I took office until the onset of the Civil War, both the size of the metropolis and the distribution of the population had radically reshaped its social and geographical landscape.

The most direct effort to control population growth came in the form of building and housing regulations. By constraining the building of houses, authorities hoped to

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\(^{27}\) Archer notes that historians have disagreed about the extent to which these actions suggest broad disorderliness and “crisis” in the capital, particularly in the 1590s. Historians in favor of reading the London government as largely ineffectual during the “crisis of the 1590s,” see P.H. Williams, *The Tudor Regime* (New York: Oxford University Press, 1979) and Peter Clark, “A Crisis Contained? The Condition of English Towns in the 1590s,” in *The European Crisis of the 1590s*, ed. Peter Clark (Boston: G.W. Allen & Unwin, 1985). For a reading of the London government as more effective, see Archer, *The Pursuit of Stability*, esp. the Introduction.

stem the influx of immigrants to the city. Royal proclamations against building housing developments upon new foundations were issued in the reigns of Elizabeth and James, and there is some evidence that efforts were made to enforce these statutes by local officials. Malcolm Smuts has noted for example, that beginning in 1614, a royal commission was able, “To compile lists of several dozen houses violating the proclamations. The owners of some of these were allowed to compound by paying heavy fines. Others, less well connected or less fortunate, had their homes demolished.”

As we can see in Smuts’s comments on the levying of fines, however, these efforts were somewhat irregular in their enforcement. John Chamberlain noted of a similar effort to tear down illegal houses in 1602 that officials, “Have begun in every parish to light on the unluckiest, here and there one, which God knows is far from removing the mischief.” Other irregularities resulted from the granting of royal licenses, either handed out to individual builders who were thereby given permission to raise tenements despite the proclamations, or to members of the nobility who were able to claim broader jurisdiction over particular areas of the city and the suburbs. Despite clear prohibitions against real estate development, then, particular investors used various loopholes to continue to build, and the population of the city obviously continued to increase.

Poorly regulated construction projects did not provide a significant cause for the city’s increased population, something which scholars have most often associated with increased migration from an increasingly enclosed and decreasingly plague-ravaged

30 Qtd. in Smuts, 133.
English countryside.\textsuperscript{31} They do, however, provide an example of the difficulties that London authorities had in balancing their personal business interests, their role as public servants, and the limitations of their traditional sources of power. The St. Bartholomew’s rectory itself provides a microcosm of these competing sources of authority. In 1616, nine years after a proclamation banning the redevelopment of old buildings for housing purposes, the third Lord Rich finished a massive renovation of the original rectory building. Having found the structure uncomfortable for family living, Rich transformed it into a set of multistory, multiuse buildings; the lower floors served as a set of shops (which were cleared during fair-time to make room for Cloth merchants), while the upper floors became subdivided apartments.\textsuperscript{32} This project was completed at a time when the crown and local authorities were collaborating in their efforts to limit the availability of housing in the London metropolis, but continued to respect traditional territorial licenses like the one belonging to the Rich family, and even issued new licenses to well-connected builders. One of the central places associated with Bartholomew Fair, then, eventually came to materially embody the broad struggles that authority figures had, not only in controlling the development of the metropolis, but also in diverging their own interests in the capital’s obvious transformation.

\textsuperscript{31} Finlay and Shearer note several trends that suggest migration as the primary source of population growth in the metropolis, including higher infant mortality, higher death-rates, and higher plague incidences in London than in England as a whole. They surmise, “It seems fairly clear that in the period between 1560 and 1650 people were pushed out of the countryside and into the towns, particularly London, which had already become the principal trading centre in England. This was due to a rising population resulting in shortage of land and a need to use land more efficiently by enclosure… Opportunities were very limited, and the need to secure subsistence was one cause of the migration.”

The broader metropolis saw a similarly uneven, geographically influenced pattern of government regulation. Traditionally and practically, the guilds had claimed the walled city as the boundaries of their authority since the Middle Ages. As we have seen, the metropolitan population during this period overwhelming lived within these boundaries, and as a result London authorities essentially held a monopoly on power within the local community. As suburban populations increased, however, the challenges of regulating commercial activity and employment practices, and the enforcing of basic law and order proved greater. This led to an increasingly pronounced set of differences between the walled-city and its suburbs. Employment regulation provides one telling example. Both apprenticeship and guild membership remained strong within the city walls throughout the period; scholars estimate that three quarters of all male residents of the city completed apprenticeships and maintained membership in a livery company. Estimates suggest that employment in extra-mural parishes was far less regular, though these can be more difficult to calculate. Where detailed records exist, the difference in regulation proves striking; in the intra-mural parish of St. Antholin Budge Row, for example, apprentices made up twenty-one percent of the dependent workforce, while in the extra-mural parish of St. Dunstan’s Stepney, they made up just eight. Broadly

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34 These numbers are not entirely comparable; the figures from St. Antholin come from 1592-1624, while St. Dunstan’s records only cover 1605-1610. If anything, however, the difference in the percentage of apprentices in the workforce would have been greater if there was a narrower and completely comparable sample. Beier’s main point in this section of the essay is to chart the decline of apprenticeships in total. Apprenticeship had actually dropped within the city by half by the end of the sixteenth century; from 1538-1548 they had made up 44 per cent of dependent workers. The trend throughout the period was for decreased participation and influence for the guilds, both within and without the city, with Beier
speaking, the metropolis was split into two distinct geographic areas: within the city walls, the London corporation was able to maintain many of its traditional regulatory functions; in the expanding suburbs, however, these regulations proved more difficult to enforce and maintain.

While demographics and regulatory difficulties alone may initially suggest a kind of binary relationship between the city and its suburbs, these changes also brought on some interesting shifts in the types of employment that dominated certain areas of the city and shifted spheres of influence even amongst the guilds themselves. A.L. Beier tells us,

The most striking feature of London occupations is their great variation in topographical incidence... the sharpest contrasts were between intra- and extra-mural parishes... In the walled city production declined in the period, while trading increased. Outside the walls production was vastly more important and exchanges less so... Between 1540 and 1600 central parishes had just 53 per cent of their work-force in production, but 28 percent in trade. In contrast extra-mural parishes had a huge 70 per cent occupied in production, but just 8 per cent in trading activities. The disparities between the two increased further after 1601. Production in intra-mural areas fell to 40 percent of occupations and trading rose to 36 per cent, while parishes on the periphery were largely stable.\(^{35}\)

The suburbs’ larger overall population would have supported the association of manufacturing with the area. In addition to having a much higher incidence of manufacturing employment, the total amount of manufacturing in the suburbs increased with its population. Evidence also suggests that the types of manufacturing conducted may have differed in the city and its suburbs as well. Beier notes that many of the more skilled trades and the market in luxury goods – including professions like silkweavers, concluding, “Broadly speaking, this development involved a change in the mode of production from the regulated system of the medieval guilds to something like a free-market situation... The mainspring of this shift was the grown of production outside the city Walls and outside the gild system” (159).

watchmakers, gold and silversmiths, jewelers, and engravers – tended to be located within the city walls.\textsuperscript{36} Joseph Ward, on the other hand, has noted that other trades were more predominant in suburban communities.\textsuperscript{37} The Brewer’s Company claimed exclusive rights over suburban trade throughout the period; members sent letters to the Chancellor of the Exchequer in 1612 defending the fact that members were charging London prices in the suburbs on the grounds that their jurisdiction had traditionally extended into suburban counties since the reign of Henry VIII. By the early eighteenth century, company records show that some 90 percent of Brewers were working beyond the city walls. Felt makers were actually barred from practicing their trade in the city in 1623 because, the London Alderman claimed, “Their trade (in regard of the unsavory things which belong thereto) [was] noisome to their neighbors.”\textsuperscript{38} Intra-mural parishes seem to have increasingly been home to the city’s more affluent merchants and artisans, then, while the suburbs became home to a larger percentage of manufacturing jobs, including some of the less profitable and least pleasant forms of work.

These differences in the types of employment available to residents of the city and suburbs get articulated as both social and geographical identities in Jonson’s play. A striking example can be seen in Ursla’s complaint about Jordan Knockem bringing Busy and his companions into her tent, “Are these the guests o’ the game you promised to fill my pit withal, today?... They are all sippers, sippers o’ the City; they look as they would not drink off two penn’orth of bottle ale amongst ‘em” (3.2.108-113). Just as with the evocation of the Cloth Fair, this reference provides an example of a social complaint.

\textsuperscript{36} Ibid. 154-155.
\textsuperscript{37} Ward, 32, 40.
\textsuperscript{38} Ward, 33.
made in very particular geographical terms. Puritans like Busy and Dame Purecraft
primarily lived within the city walls, a fact which we’ll examine in more detail a little
later. In referring to these characters, however, Ursula refers to them by their presumed
geographical “place,” and in doing so draws attention to the fact that she herself is from
the suburbs.

Charting characters’ place of origin and where they first appear in the play
provides another broad example of social difference being aligned with particular
geographic regions. All of the higher and middling sort characters introduced at John
Littlewit’s house in the first act hail from either the countryside or the city itself.
Quarlous and Winwife, for example, come from Oxford. Cokes and Wasp come from
Harrow, and Wasp tells Littlewit that he and Cokes, “Ha’ been but a day and a half in
town… and yesterday i’ the afternoon we walked London to show the city to the
gentlewoman [Cokes] shall marry,” (1.4.105-7), suggesting that Grace Wellborn has
lived her entire life in the country. John and Win Littlewit, along with Win’s Puritan
relations, live in London itself, as do Overdo and his wife. Characters introduced in the
Fair itself are all from the lower professions – sellers of trinkets, tavern keepers, livestock
dealers and thieves – and seem to be associated only with the Fair itself – like Ursula,
Leatherhead and Trash – or with places entirely foreign to the metropolis – like the
Scotsman Nordern, the Welshman Puppy, or the Irishman Whit. While Jonson obviously
challenges the simplistic, naturalized notion of decorum posited by Horace, both the
London in which he lived and the microcosm of it that he stages in Bartholomew Fair
grouped individuals into distinct “places” in the social and geographic landscape.
Wealthier craftsmen, guild professionals and governing officials primarily resided in and
visited the closely governed, well regulated intra-mural city, while people of lower paying and more physically unpleasant professions lived in a suburban area populated by an increasingly large immigrant communities.

These broad social and demographic changes in the metropolitan landscape suggest that another sense in which Overdo’s style of authority can be understood as “misplaced” draws upon the reshaping of London and the changing relationship between the traditional city and its expanding suburbs. In modeling his image of an ideal authority on and directly alluding to “A worthy worshipful man, sometime a capital member of this city,” Overdo seeks to emulate the leader of a governing system developed to rule a walled city with a relatively small, compact population, not an increasingly large metropolis expanding well beyond its traditional boundaries. This model of governance was, in short, designed to regulate a city that no longer existed in its traditional form, and so, not surprisingly, when Overdo steps into the explicitly suburban Pleasure Fair, he finds himself equipped with a linguistic and social ideal inappropriate to the place he’s charged to govern.

Much like Jonson’s justice – who alternately plays a harshly punitive authority figure, a reformer of rakish young men, and a stoically misunderstood victim – the responses of the London government and the livery companies were somewhat erratic in their efforts to control the city’s growing population and economy. Middleton’s letter, along with other reports from the city government, provides an excellent example of the short-term, punitive strategies that were frequently employed. A 1616 letter records a
charge that, “Secret and sudden searches should be made in all victualling houses, inns, and other suspected places within the City and Liberties.”

Another letter from 1629, written by the Lords of Council to the Lord Mayor more clearly articulates the ineffectiveness of these strategies by first, “Referring to the satisfactory results which had arisen in accordance with… former directions for the suppression of vagabonds and wandering persons of the City,” only to note, “Of late they [i.e. the vagabonds] had very much increased, and they [the Lords of Council] were commanded in the King’s name to take speedy and effectual order for their [the vagabonds] suppression.”

Although the initial praise for previous efforts at suppression seems to contradict with the continued rise in the number of vagabonds entering the metropolis, this contradiction makes more sense given that both the City and the court were responsible for dealing with the increased population. The Council seems concerned with the growing number of vagrants, but is also careful to praise earlier efforts at control lest city officials ask for royal assistance in addressing the problem.

A.L. Beier has noted that rates of vagrancy, poverty, and arrest all increased throughout the period, and outstripped the city’s population increase, “There was a threefold increase in City householders needing poor relief, c. 1550 – c. 1600, although the population had risen by just a quarter… Vagrancy arrests increased still faster, rising twelvefold from 1560 to 1625, a period in which the metropolitan population only quadrupled.”

The growth in the city’s population left large numbers of young men either underemployed, or

39 Remembrancia, 360.
40 Ibid. 362.
unemployed entirely. Given the city government’s limited jurisdiction and the quickly increasing size of the city suburbs, it’s not surprising that punitive strategies at control proved as limited in their effect as had the traditional methods of controlling employment, company membership and apprenticeship.

A series of petitions to the crown from 1610 provide a glimpse into how economic and criminal concerns and practices pervaded discussions about the growing London suburbs. One set of petitions, authored by city fathers, cited immigration to the city as leading to increased criminal behavior, and called for the extension of their jurisdiction and economic controls in order to solve this problem. Another petition, authored by suburban residents themselves likewise complains about the increased population and crime in the suburbs, but suggests the establishment of suburban livery corporations as a remedy. One obvious conclusion to draw from these petitions is that there was a pervasive opinion that the suburbs were viewed, both by local residents and city officials, as dangerously unregulated.

Joseph Ward, however, cautions against taking these claims too literally. As I have noted in respect to the Brewers’ and Feltmakers’ companies, the livery corporations had claimed a certain amount of authority in the suburbs throughout the sixteenth century. Indeed, these claims went well beyond these two companies. In 1604, the Privy Council recognized the rights of the Bakers’ Company to control bread prices throughout the metropolis. Companies associated with construction – especially Bricklayers, Tylers, and Carpenters – asserted monopolistic rights in the suburbs throughout the period, and in 1613 even employed the city Aldermen to assert rights inside the city’s liberties. Weavers, Brewers and Vintners all practiced their trades outside the city walls and in
some cases managed to enforce their regulations against so-called “foreigners” who neither lived in the city nor belonged to these companies. Ward suggests that the Aldermen’s 1610 petitions to extend their jurisdiction beyond the city walls should be understood as further examples of these practices, while “The reform proposal from the foreign tradesmen… indicated the frustration that they felt when competing in the suburbs and liberties against citizens who sometimes bent the rules… by encouraging the Crown to create new guilds for the suburbs and liberties, they indicated that their primary purpose was to break free from the influence of City companies.”

These kinds of temporary, somewhat opportunistic, attempts by the livery companies to exert influence and control over the suburban markets in 1610 fits rather nicely with the broader trends that we have observed thus far. The precipitous, long-term

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42 Ward, 41. In addition to asserting authority outside the city walls, Ward’s conception of “breaking the rules” of economic regulation also includes numerous examples of individual guild members doing various types of shoddy work. He cites examples of bricklayers whose chimneys were quickly in disrepair, carpenters whose buildings were falling down, and numerous grocers and vintners accused of selling spoiled and adulterated goods. Company membership was meant to provide an assurance of quality to the consumer, and poor workmanship by guild members would obviously have been a major concern for foreign craftsmen working in the suburbs. A crooked guild member could draw business and charge inflated prices. In some cases, the guilds could further these practices by refusing to oversee the work of their members in the suburbs, or by levying undisclosed fines rather than practicing public shaming that might “discredit” the guild along with the individual member. As Ward surmises, however, the overall trends were diverse; presumably many guild members were not practicing up to standards, but many were, and there was always a risk involved in doing shoddy work, “Examples cannot produced a definitive estimate of the extent to which London freemen violated their companies’ ordinances. Nevertheless, they underscore the necessity that historians avoid the assumption that livery company members were inherently honest and law-abiding while interloping strangers were inherently deceitful and anarchic. Companies contained – throughout their ranks – members with diverse attitudes towards their callings. For some, livery companies were institutions that defended order and discipline and at the same time allowed them to pursue an honest living. For others, their company membership was a sort of seal of approval that could transfer their company’s good reputation to themselves, giving them an advantage when soliciting business from anxious consumers… Although they may at times have desired to be lenient with wayward members, [guilds’] discretion was ultimately limited by their need to uphold the reputations of their company and, by extension, their honest members” (56-7). This reading of the ultimately self-interested motives of the city fathers gains some support when compared to the city’s response to a similar claim to extend its jurisdiction in 1630. While the basic regulatory structures had not changed from 1610, and whatever problems increased population had created would only have been exacerbated, the City refused Charles I’s request that they oversee without offering an explanation.
growth of the metropolis provided a challenge that the guild structures purely and simply could not meet. As more people immigrated into the city, the livery companies simply could not control the urban economy in order to provide employment and ensure fair practices throughout London. In the short-term, the residual structures of the guilds reshaped the social landscape to the advantage of many individual businessmen and members. Affluent companies consolidated trade within the more regulated purview of the city itself. Various construction and victualling companies sought to extend their influence beyond the city walls in order to profit from the increased population, though they were never able to achieve an absolute control. The fact that these practices all essentially sought to extend traditional power structures rather than transform them, though, speaks to the increasing inadequacy of the guilds as models of social control. In the coming decades, the importance of the guilds would continue to decline, until the eighteenth century when they would essentially dissolve.

Jean-Christophe Agnew’s description of the transformation of the early modern “market” from a physical place to something more akin to a concept proves useful in helping us understand this process. Agnew describes how,

In its earliest usage, the word [market] referred alternately to the area, the occasion, or the gathering of buyers and sellers assembled within a specified time and place. The medieval “market” suggests a more or less sharply delineated sphere of commerce, an experienced physical and social space… By the sixteenth century, however, the meanings of “market” had multiplied and grown more abstract, articulating the progressive differentiation of social relations the word had been called upon to express. “Market” now referred to the acts of both buying and selling, regardless of locale, and to the price or exchange value of goods and services.  

43 Agnew, 41.
Agnew later summarizes this process as a “gradual displacement of concreteness in the governing concept of commodity exchange.” This was, importantly, a gradual and somewhat uneven process, something which Agnew’s description of fairs speaks to, “As the structure of rural land tenure in England tipped toward capitalist tenantry during the sixteenth century, and as the extent of private marketing correspondingly expanded, factors, jobbers, brokers and badgers entered more aggressively into bulk trade by forestalling grain, cereals, and other agricultural goods at or near the point of production in order to resell them by samples at the country fairs.” The fair ends up representing a transitional place between the sharply delineated geographical “market” and the more open “market” process. On the one hand, fairs are still characterized by specific geographical and temporal boundaries; on the other hand, the fair becomes a site for trade organized around commoditization, as agricultural practice no longer only serves as a means of feeding the community, but additionally becomes a vehicle for the maximizing of profit. This speaks to a kind of mixed market characterizing the early modern period. The geographically distinct “marketplace” that had characterized the Middle Ages no longer existed, but neither had the completely abstract power of an entirely capitalist market fully emerged.

The view of the fair as an increasingly “displaced” place proves very useful when trying to understand Jonson’s presentation of it, not only because the structures of authority within the play itself and in the city and suburbs that it dramatizes are undergoing an important and irrevocable set of transformations, but also because

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44 Agnew, 56.
45 Agnew, 48.
contemporary readings of these changes were frequently linked to the geographical landscape of the society. Agnew’s own reading of the play overlooks this aspect, instead arguing that Jonson uses the Fair as an emblem (albeit a critical one) of the emerging, “placeless” market process,

All is confusion. There are plenty of plots in the play but not plot to it; no one, villainous or virtuous, appears to be in charge... the fair itself is the engine that precipitates the action of the play. The characters merely find their private desires turned to other purposes, as one scheme cancels another. Jonson’s market operates, in effect, as an ‘invisible hand,’ diverting private vices to the public benefit. Clearly, Jonson never intended to use Bartholomew Fair, in 1614, as an illustration of the aggregate utility of a competitive market... Nevertheless, the forms and conventions that Jonson introduced to achieve his dramatic purposes in the play do adumbrate the solutions that Adam Smith would later propose to those who feared the divisive social consequences of unrestricted competition.  

While the assertion that no single character in the play drives the action or takes charge of the Fair is, without doubt, an accurate one, Agnew’s eagerness to associate the formal structures of Jonson’s play with a system that was only in its most emergent stages overlooks the fact that authority – in the figure of Justice Overdo – is not missing from the play, but rather adopting a style inappropriate to a “place” like the Fair. Despite his complaints and misunderstandings, Overdo’s traditional style of authority proves appropriate for a number of other social and geographical places – including physical sites like the pie-powders court, Cloth Fair, and the walled city – all located within reach of the primary setting of the play but never fully staged. The overall sense of the Fair’s material status then, proves different from the fully conceptual, immaterial market that would come to dominate capitalist England, but also proves different from those places...
still successfully governed by traditional forms of authority. Jonson’s *Fair* proves conspicuously “placed” near a whole host of centers of authority, none of which proves appropriate for regulating and governing its activities.

By making this argument, I do not mean to imply that these alternative, traditionally governed places and their close proximity to the Pleasure Fair would either have been at the forefront of the audience’s mind or that it was the playwright’s goal that they ought to be. Instead, I’m trying to reconstruct the political and material landscape upon which Jonson drew in recreating *Bartholomew Fair* and its experiment with “special decorum” in the hopes of better understanding their particular dynamic. Successful, traditional authority structures remain largely unstaged in the play, but trace elements of their existence litter the social landscape of *Bartholomew Fair* even as its “special decorum” and Overdo’s repeated, ridiculous failures present them as inappropriate. Rather than anticipating and embracing the unfettered and ungoverned competition that Smith later described as dominant within a more cosmopolitan London marketplace, Jonson’s play captures a process of negotiation between a series of authority figures – including city governors like Middleton, aristocratic landlords like the Rich family, guild members operating businesses throughout the metropolis, and even residents of the suburbs themselves – all trying to manipulate residual structures which had established hegemony in medieval London, but which were also struggling to regulate and control the more modern, metropolitan place that the city was becoming.

III.

If the last section of this chapter sought to link *Bartholomew Fair’s* experiment with “special decorum” and the production of an allusive feeling of “misplaced authority”
surrounding Justice Overdo to an increasingly broad set of structural changes to the Fair and its place in the suburbs of an emergent, metropolitan London, this third section will refine this reading by comparing the play to Will Kemp’s *Nine Days Wonder*, John Stow’s *Survey of London*, and the puritan Richard Jefferay’s *The Sonne of God’s entertainment by the sonnes of men*. All of these works share *Bartholomew Fair’s* unease about the current state of metropolitan London and articulate these feelings with a similarly combined social and geographic vocabulary. Jonson’s play goes further than these other texts, however, not only reproducing this shared feeling and its construction of an imaginary political landscape, but also identifying the dialectical process through

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47 One of the more influential works on this topic is Steven Mullaney’s *The Place of the Stage: License, Play and Power in Renaissance England*. Ann Arbor, MI: U of Michigan P (1995). The terms in which Mullaney addresses the question of the “place of the stage” within London are very broad in their theoretical framework, but also somewhat narrow in their engagement with the range of materials available on this topic. For example, he draws his sense of the relationship between the geographical and cultural landscape of London from the Renaissance historian Ernst Cassirer’s discussion of the topos of the garden, the cultural anthropologist Robert Thornton’s discussion of tribes in Tanzania, and Max Weber’s descriptions of the rise of capitalism. The only primary text that he discusses in relationship to this broad theoretical material, though, is Stow’s *Survey of London*. While his discussion rather consistently and carefully refers to “Stow’s London,” rather than London itself, the broad range of this theory and the narrow engagement with primary text leads him to the rather sweeping generalization that, “What was defined by ritual’s progress through the city and over the course of the ceremonial calendar was not a binary construct, composed within a system of polar oppositions, but a tertiary one. Between city and country stood ‘an uncertain and somewhat irregular territory’ where the powers of city, state, and church came together but did not coincide. From the walls of London out to the bars located up to a mile beyond them – outposts where pilgrims and other travelers could be examined for signs of leprosy or plague, turned away or diverted to nearby lazar-houses and hospitals – stretched the marginal and ambivalent domain of London’s Liberties” (21, emphasis mine). While the concepts of “city,” “country,” and “liberty” certainly existed, the argument that they did so in a “tertiary” relationship to one another seems to me too static. For example, it makes no distinction between a “liberty” (a term that referred to a narrow jurisdictional area like the St. Bartholomew’s rectory or Smithfield, and which was applied to numerous different types of places within the metropolis) and the “suburbs” (a term that was applied more broadly to areas beyond the city walls). That said, I think that the theoretical claim that in some societies, “Topology refers not to the physical landscape alone but to the intersection of topography and culture; the topology of a community is a cultural recreation of physical space, fashioned and maintained through ritual process” (18) can be usefully applied to these categories, and the whole *erve* of works that describe the social landscape of early modern England and London in geographical terms. As such, I would not say that my own analysis disagrees with Mullaney’s argument in any way, only that it attempts to incorporate its basic theoretical and analytical framework into a somewhat broader intertextual and materialist reading of *Bartholomew Fair*. See also Louis A. Montrose, *The Purpose of Playing*, (Chicago: University of Chicago Press, 1996), especially the note on 34-35 for a discussion Mullaney’s *Place of the Stage*. 
which social and geographic change actively foster feelings of a “misplaced authority” by comparing a present social landscape to a privileged, but remote other place. Thus, if the first section aligned “special decorum” with a parody of classical decorum as described by Horace, and the second section aligned “special decorum” with a feeling Justice Overdo attempts to enact a inappropriate, “misplaced authority” on both the Pleasure Fair and a radically changing London metropolis, this third section refigures “special decorum” as a dialectical rhetorical process enacted by many early modern writers, but which Jonson’s play most clearly exposes and deconstructs.

I’ll begin by looking at the texts by Kemp and Stow in order to help theoretically understand the feelings of unease that all four of these texts reproduce. While both writers use a geographical language similar to the one in Bartholomew Fair when representing of London – one that describes the social landscape of the city in material terms, and which shares very particular images with Jonson’s play – each text also adopts a distinctly different tone, from the other and from Bartholomew Fair, when describing the metropolitan landscape. Kemp’s Nine Day’s Wonder, his description of his famous nine-day Morris Dance “out of the world,” adopts a distinctly critical attitude towards London. For example, he describes how numerous Londoners follow his dance out of the city, “Perhappes to make themselves merry if I should chance (as many thought) to give over my Morrice within a Mile of Mile-end” and later tells how two of the people who followed him from London into the countryside were brought before him as cutpurses and, “Were sent back to London, where I am afraide there are too many of their
Although Kemp elsewhere acknowledges some citizens’ interest in the dance and particular spectators who support him, his at best ambivalent, at times somewhat hostile attitude towards London rather strikingly contrasts the glowing terms with which he describes his encounters in the countryside. The difference is clearest in his description of the crowds that come to greet him outside of Norwich,

> I was much hindred by the desire people had to see me. For even as our Shop-keepers will hayle and pull a man with “Lack ye? what do you lack, Gentlemen?”… so was the dyvers voyces of the young men and Maydens, which I should mee at everie myles ende, thronging by twentie, and sometime fortie, yea, hundreths in companie; one crying “The fairest way was throw their Village,” another, “This is the nearest and fayerest way”… wherewith I was much comforted, though the wayes were badde.\(^{49}\)

Although Kemp acknowledges that his dance, “was much hindred,” by the crowds and says that their suggested, “wayes were badde,” his insistence that he “was much comforted” by their distraction and misdirection shows that these criticisms are clearly affectionate. The young men and women’s supportive words and gestures are clearly contrasted with the more irksome tugging and hailing of London merchants, reinforcing the decidedly critical tone with which Kemp broadly characterizes the capital.

Although the *Nine Days Wonder* alludes to differences in employment and attitude between Londoners and the people residing in the countryside, the primary terms that Kemp uses to distinguish them are geographic. Neither the sarcastic Londoners nor the supportive young men and maidens of Norwich are given professions or located in reference to the social hierarchy, and while Kemp seems to rebuke the commercialism


\(^{49}\) Ibid., 15-16.
and criminality of the city, this seems to add to his criticism of London as a physical “place” rather than detract from it since neither of these features characterize Norwich. From a formal standpoint as well, geography provides a primary critical vehicle for the *Wonder*, as Kemp pursues his Morris dance “out of the world” of the metropolis and into the English countryside. Although the dance itself functioned as a way of leaving the London theatrical world – where Kemp himself had performed at the Globe – by celebrating a form of traditional entertainment being pushed out of the commercial playhouses, Kemp’s artistic protest of his declining role in the London theatrical scene materially removes him from the city and its suburbs, in the process marking the countryside and smaller English cities as a more appropriate home for his talents.

If we compare Kemp’s *Nine Days Wonder* to John Stow’s more celebratory, nostalgic *Survey of London*, we see a similar social and geographic language used to evoke a decidedly different set of feelings about the capital. Perhaps more than any other single book from the period, Stow’s *Survey* embodies how writing on the social and geographical landscapes overlapped by combining a description of the physical characteristics of the city – including its walls, rivers, gates, boroughs and suburbs – with a description of its citizens and history. While it is not possible to adequately treat the whole text in the confines of the current discussion, it is worth examining Stow’s famous descriptions of the Midsummer Festivals and the standing watches both because they provide exemplars of the *Survey*’s combination of a social and material landscape and because they make use of several images that also appear in Jonson’s play, including

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ones associated with the Feast of St. Bartholomew’s. Stow describes the community created by the midsummer bonfires in terms that thoroughly combine the events’ social and material qualities,

In the Moneths of June, and July, on the Vigils of Festivall dayes… in the Evenings, after the Sun-setting, there were usually made Bone-fires in the streets, every man bestowing wood or labour towards them. The wealthier sort also before their dores, neere to the said Bone-fires, would let out Tables… furnished with sweet bread, and good drink… whereunto they would invite their neighbours and passengers also to sit, and be merry with them in great familiarity, praying God for his benefits bestowed on them. These were called Bone-fires, as well of amity amongst neighbours, that being before at controversie, were there by the labour of others reconciled, and made of bitter enemies, loving friends; as also for the vertue that a great fire hath, to purge the infection of the ayre.\footnote{John Stow, \textit{The Survay of London: Containing, The Originall, Antiquitie, Encrease, and more Moderne Estate of the sayd Famous Citie} (London: Printed by George Purstowe, 1618) 159.}

The bonfires bring neighbors of higher and lower sorts together socially, by drawing them into the shared space of the streets and fostering reconciliation in place of “controverse,” and materially, by engaging them in the collective construction of the fires and subjecting them to the same “purging” qualities of the air surrounding them. While the event does not erase social distinctions, since the “wealthier sort” are charged with providing tables, food and drink, it does facilitate collective acts of labor like the gathering of wood and a shared experience of dining. In Stow’s \textit{Survey}, then, the bonfire acts as a simultaneously social and material creator of community, altering peoples’ relations and feelings towards one another and changing them physically through shared food and a cleansing air.
Stow places this type of festivity distinctly in London’s past. After describing the evening vigils, he moves on to describe the city’s standing watch, an institution that Henry VIII had brought to an end in 1539. When he comes to describe the feast of St. Bartholomew’s, he contrasts these earlier festivals with more modest contemporary events that produce more subdued physical changes amongst the population,

In the Moneth of August, about the Feast of Saint Bartholomew the Apostle, before the Lord Maior, Aldermen, and Sheriffrs of London… of old time were divers daies spent in the Pastime of wrestling, where the Officers of the Citie… and other of the Citie, were challengers of all men in the Suburbs, to wrestle for Games appointed. And on other dayes… in Fensbrurie field, to shoote the Standard, broad Arrow, and flight, for games: but now of late yeeres, the wrestling is only practiced on Bartholomew day in the after-noone, and the shooting some three or foure dayes after, in one after-noone and no more. What should I speake of the ancient dayly exercises in the long Bow by Citizens of this Citie, now almost cleane left off and forsaken… for by the meanes of closing in of Common grounds, our Archers for want of roome to shoote abroad, creep into bowling Allies, and ordinarie Dicing-houses neere home, where they have roome enough to hazard their money at unlawfull Games, and there I leave them to take their pleasures.\(^{52}\)

Although Stow obviously draws attention to the difference between “Old time” and “Now of late yeeres,” he ties this sense of the historical passing away of tradition to changes in both the city’s dominant forms of leisure activity and its geographical landscape. Traditional festivals that brought men from the city and suburbs together to materially fashion a community have ended because the grounds upon which they used to practice have been enclosed. “Archers” have been turned into gamblers, “neere home, where they have roome enough to hazard their money,” through simultaneous transformation of the social and geographic landscape of the city. Although Stow

\(^{52}\) Ibid. 162.
obviously shares with Kemp an uneasiness about London at the end of the sixteenth and beginning of the seventeenth centuries, even briefly incorporating the Wonder’s style of geographic critique by saying, “there I leave them to take their pleasures,” the emphasis on London’s past community softens the critique. Where Kemp expresses his problems with London by leaving the city in favor of Norwich, Stow compares the city to its own past, focusing on both physical and social transformation. As a result, where Kemp physically abandons London in the Nine Days Wonder, Stow simultaneously celebrates and criticizes it. While the midsummer festivals are no longer held and the feast of St. Bartholomew’s may have been shortened, the surveying of London involves describing the very streets that physically held the vigils, the fields that continue to hold archery contests and wrestling matches, and thus incorporates both the present that Stow metaphorically “leaves,” and the “old time” that he celebrates.

The fact that Kemp and Stow use a similar geographic language to produce somewhat different feelings about the early modern London metropolis suggests that Bartholomew Fair engages something other than the popular political practices, rituals and even discourses that we’ve explored in earlier chapters. Where the legal theories that we discussed in the second chapter all shared the belief that justice enacted through capital punishment and mercy enacted through pardons ideally produced feelings of fear and love for authority, Kemp and Stow implicitly disagree over whether contemporary London invites dismissive scorn or nostalgic lament for the city’s past. Given that Kemp’s text primarily narrates a dance throughout the countryside and Stow’s primarily describes the history and topography of London, it also does not seem useful to describe the works as belonging to the same “genre” of writing about the city, a fact that becomes
increasingly clear when we turn to Jonson’s comedy and Jefferay’s moralizing sermon. While the first chapter’s discussions of “social formations” and an “ideology of form” obviously capture some of the shifting, overlapping imagery of these texts and their overdetermined incorporation of London’s geography, history, social structures and relation to the larger English countryside, the general nature of these terms does not adequately capture their shared interest in the metropolitan landscape and the similarly shared sense of unease conveyed by both texts.

Raymond Williams’s description of *structures of feeling* provides a theoretical framework capable not only of attending to the shared material features of the *Nine Days Wonder* and the *Survey of London*, but also of accounting for their obviously different formal and emotional qualities. Williams describes this term as a material space between the culture as a whole – which he views as, “A fundamental social process which shapes specific and distinct ‘ways of life,’” and through which men and women actively “make their own history” – and particular cultural products like political institutions, governing rituals and even individual literary works. He argues that culture must be understood to exceed a simple collection of these particular products, since they both reshape and respond to one another, and elicit responses within an individual’s consciousness.

There is frequent tension between the received interpretation and practical experience. Where this tension can be made direct and explicit, or where some alternative interpretation is available, we are still within a dimension of relatively fixed forms. But the tension is as often an unease, a stress, a displacement, a latency: the moment of conscious comparison not yet come, often not even coming… the actual alternative to the received and produced fixed forms is not silence… It is a kind of feeling and thinking which is

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indeed social and material, but each in an embryonic phase before it can become fully articulate and defined exchange.\textsuperscript{54}

Williams posits that, although these thoughts and feelings should be separated from fixed works cultural products, we can nevertheless observe them in broad changes to styles of speech, dress, manners and architecture over time. “Such changes,” he says,

Can be defined as changes in structures of feeling. The term is difficult, but ‘feeling’ is chosen to emphasize a distinction from more formal concepts of ‘world-view’ or ‘ideology’. It is not only that we must go beyond formally held and systematic beliefs, though of course we have always to include them. It is that we are concerned with meanings and values as they are actively lived and felt, and the relations between these and formal or systematic beliefs are in practice variable (including historically variable), over a range from formal assent with private dissent to the more nuanced interaction between selected and interpreted beliefs and acted and justified experiences.\textsuperscript{55}

The three key terms that Williams distinguishes structures of feeling from - “silence,” “fixed forms,” and “ideology” – provide useful markers for understanding the concept in relationship to other key cultural terms. By distinguishing these structures from “silence,” Williams suggests that hegemonic culture – or “received interpretations,” to use his more general phrase – elicits responses that exist in practical experience even when unarticulated or unrecorded, and can thus be said to have a present and material quality. The distinction from “fixed forms” and “ideology,” however, locate structures of feeling as existing before feelings get shaped into individual cultural works or entire emergent movements. The concept is designed to show how practical experience – dialectically, and mediated through a complex range of received traditions, structures and practices – both responds to and is produced by material existence (rather than simply

\textsuperscript{54} Ibid., 130-131.
\textsuperscript{55} Ibid., 132.
“reflecting” it), and simultaneously reproduces a diverse range of new, unstated thoughts, feelings, formed cultural products and ideological movements.

Kemp’s *Nine Days Wonder* and Stow’s *Survey of London* can thus be described as drawing upon a shared structure of feeling, even though each text takes shape in a different form and articulates a different reaction to the material transformation of the early modern London metropolis. This structure of feeling exists as a palpable tension surrounding early modern London, and in both works gets articulated as a comparison – in Kemp’s case to Norwich and the English countryside, and in Stow’s to the city’s own past. This comparative structure of feeling can be differentiated from both the tone adopted by each individual work and their common geographic vocabulary – something that can more accurately be described as a “language” or “idiom” that pre-existed them, and could just as easily be adopted to support stable hegemonic products of the Jacobean world-view like the King’s coronation progress through the city. More importantly, the structure did no simply reflect the growing population of the metropolis and its resulting shifts in the regional shape of the city, and struggles with law enforcement and economic regulation. Instead, these changes – themselves made, consciously or not, by members growing metropolitan community – actively produced this *structure of feeling* and thus contributed to the dialectical material process that created representations of London as different as the ones we encounter in the texts by Kemp and Stow.

56 For a very broad discussion of British literature’s production of a larger structure of feeling in which the one I discuss in this section participates, see Raymond Williams, *The Country and The City* (New York: Oxford University Press, 1973), perhaps the definitive example of how Williams understands this term, and obviously a major inspiration for my own reading of *Bartholomew Fair* (a work that Williams himself does not discuss).

Bartholomew Fair’s production of an allusive feeling that a “misplaced authority” surrounds Overdo and various other authority figures in the play obviously draws upon and reproduces this structure of feeling, but the experiment with “special decorum” actually marks the structure as a comparative process rather than a fixed emotion. The play, for example, not only invites the feeling that Overdo’s attempts to reform the Fair are inappropriate, but also subtly suggests that they might be appropriate for other places like the pie-powders court, the Cloth Fair, or the intra-mural city.

The difference between the relatively clear feelings of hostility and nostalgia produced by the Wonder and the Survey and the more complex comparative process exposed by Bartholomew Fair can be seen more clearly in those places where Jonson’s play directly refashions some of the same images in the other texts. Lantern Leatherhead, for example, repeats the call of “What do you lack?” (2.2.29) to virtually every character who walks on stage in the play’s middle acts, invoking both the words and the derisive tone with which Kemp compares London shopkeepers who, “Hayle and pull a man with ‘Lack ye? what do you lack, Gentlemen?’” to the young men and women from Norwich who supportively and affectionately pulled him into their neighborhoods. Upon entering the Fair, Winwife expresses wholesale disgust at the shopkeepers’ lack of deference in advertising their wares, “That these people should be so ignorant to think us chapmen for ‘em! Do we look as if we would buy gingerbread? Or hobbyhorses?” (2.5.13-14).

Rather than straightforwardly adopting this tone, however, Jonson gives he speech to an aristocratic rake looking for a wealthy wife and has his friend Quarlous respond with a more dialectical reading of the call, “Why, they know no better ware than they have, nor better customers than come. And our very being here makes us fit to be demanded as
well as others” (2.5.15-17). Quarlous suggests that movement from one place to another in the social landscape can reshape he and Winwife from aristocratic scholars to potential customers. In observing this, he explicitly ties the term *decorum* to geographical movement, “Being here makes us fit to be demanded as well as others,” and in doing so suggests that hierarchy proves mutable rather than fixed.

Although Quarlous’s reaction to being hailed within the Fair obviously shows an appreciation for the dialectical interaction between social and geographical “places” than Winwife’s, I do not think that we need to go so far as to insist that his response is shown to be definitively “correct” and Winwife’s as definitively “wrong.” Both characters, after all, engage in a comparison between their own perception of their “place” in the social hierarchy and their “place” in the geographic landscape of the city. While this comparison obviously produces different emotional reactions and expressions – Winwife’s expression of offended disgust and Quarlous’s reflection on the interaction between identity and location – the characters nevertheless share a common encounter and both engage in a similar social *movement*. It strikes me as no more productive to mark Quarlous’s reaction as “correct” and Winwife’s as “incorrect” that it would be to surmise that Kemp’s criticism of contemporary London are somehow “better” than Stow’s nostalgia for an earlier London. Both sets of readings, I think, draw attention away from the fact that *Bartholomew Fair* explicitly stages a process whereby a similarly social and geographical set of movements and changes produces both a shared feeling of comparison and different articulations and experiences of that comparison. This, and only this, is what I mean when I say that *Bartholomew Fair* reproduces a structure of
feeling shared with Kemp’s text by marking this structure as a process rather than a fixed emotional form.

The ending of the play similarly refashions Stow’s nostalgia for public festivity into a more comparative social and geographic process. Quarlous’s suggestion that Overdo invite all of the Fairgoers to supper (including cheats like Edgworth, Nightingale and Ursla) evokes sentiments in Stow’s celebration of traditional festivals, particularly his emphasis on forgiveness through feasting and the material creation of community, “Remember you are by Adam, flesh and blood. You have your frailty; forget your other name of Overdo and invite us all to supper. There you and I will compare our discoveries and drown the memory of all enormity in your biggest bowl at home” (5.6.100-106).

Many critics, including L.C. Knights and Katherine Eisaman Maus, have argued that Jonson embraces a traditional conception of both community and economy throughout his writing, and the way that the final scene of Bartholomew Fair points towards the feasting and reconciliation celebrated by Stow could be said to support this reading.\(^{58}\)

Both temporal and geographic elements of Quarlous’s final speech, however, suggest that it stops short of nostalgically celebrating traditional festivity. Earlier, Quarlous evokes traditional elements of the Fair as emblems of Overdo’s rigid conception of his role as “justice,” “Nay sir, stand not you fixed here, like a stake in Finsbury to be shot at, or the whipping post i’ the Fair” (5.6.97-99), distinguishing the particularly contemporary community that he posits from the old festivals. Likewise, the suggestion that the feast take place, neither in the fair itself nor in the public streets, but

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“at home” marks the place of festivity and community as one distinctly other than the Fair. Don Wayne’s argument that this invocation of an emergent domesticity conjures, “Something of a utopian image,” may use precisely the correct term, given that neither the feast nor Overdo’s home actually gets staged. Another way of understanding the image, however, would be to observe that instead of celebrating a festival or the Fair itself, the ending of the play continues to stage a process of social movement and dialectical signification. Quarlous suggests to Overdo, “There you and I will compare our discoveries,” and while the further promise that they will “drown the memory of all enormity in your biggest bowl at home,” indicates the result of this comparison will stop short of Overdo’s hope to, “Take enormity by the forehead and brand it,” (5.5.123-24) we are nevertheless left with a promise that the Fair will continue to be reshaped by a social and material dialogue.

Perhaps the best example of the play staging a structure of feeling about London as a process of comparison rather than adopting a fixed attitude towards the metropolis or the Fair can be seen in its treatment of Zeal-of-the-Land Busy. This may seem like an odd claim given that, while the play as a whole has been read by some critics as satiric in tone and others as festive, most critics agree that the play thoroughly and consistently satirizes Busy as hypocritical and corrupt. While I do not wish to challenge this reading any more than I challenged a reading of Overdo as a consistently failed legal authority figure, I will argue that, much as it did with Overdo, the play circulates around Busy an expanding set of authoritative sites where his reformist energy might be appropriately enacted, most of them located conspicuously within England’s many, socially and geographically diverse Puritan communities. Rather than simply satirizing him as a stock
Puritan character, then, I argue that the play uses Busy as a vehicle for comparing different types of legitimate Puritan authority while nevertheless revealing them as all thoroughly “misplaced” within the Fair.

The effect that place has on the nature of Busy’s hypocrisy appears most directly in the shifts in his use of the word “place,” itself as a site for reform. He first introduces this phrase in his circuitous disputation on the potential sinfulness of Win Littlewit’s desire to eat pig in the Fair,

Now pig, it is a meat, and a meat that is nourishing, and may be longed for, and so consequently eaten, it may be eaten, very exceedingly eaten. But in the Fair, and as a Bartholomew-pig, it cannot be eaten, for the very calling it a Bartholomew-pig, and to eat it so, is a spice of idolatry, and you make the Fair no better than one of the high places. This, I take it, is the state of the question. A high place… Surely, it may be otherwise… It may be eaten, and in the Fair, I take it, in a booth, the tents of the wicked. The place is not much, not very much; we may be religious in midst of the profane, so it be eaten with a reformed mouth. There’s the fear; for should she go there as taking pride in the place or delight in the unclean dressing, to feed the vanity of the eye or the lust of the palate, it were not well, it were not fit, it were abominable, and not good. (1.6.55-77)

The main issue that Busy considers in this passage is the relationship between religious individuals and the “place” that they inhabit. He initially worries that Win’s desire to eat pig might be idolatrous and “make the Fair no better than one of the high places,” suggesting that individual behavior infects “places” and causes sinfulness. He abandons this position, however, by noting that “the place is not much, not very much,” and only proves wicked insofar as it actually incites a godly individual towards sinful actions.

After engorging himself upon Ursla’s pigs, however, Busy once again considers the threat posed by the Fair itself. Where at first he had concluded that “the place is not
much,” so long as an individual did not fall into sin, Busy’s rhetoric in reforming the Fair focuses on its material aspects. In advising Win to flee, “Sister, let her fly the impurity of the place swiftly, lest she partake of the pitch thereof. Thou art the seat of the Beast, O Smithfield” (3.6.44-47), he associates the place with its “pitch.” This term had multiple meanings during the period, all of which are encompassed here: often it referred to the tar that held tables and tents together, a substance often used metaphorically to denote evil; in other instances, it referred to the actual ground upon which a tent was “pitched;” more rarely, “pitch” referred to the “highest point” on a given piece of ground. This linking of the “impurity” of the Fair with its material aspects gets repeated later when Busy shifts to a more physical mode of attack,

I was moved in spirit to be here this day, in this Fair, this wicked, and foul Fair… to protest against the abuses of it, the foul abuses of it, in regard of the afflicted saints, that are troubled, very much troubled, exceedingly troubled, with the opening of the merchandise of Babylon again and the peeping popery upon the stalls, here, here, in the high places… this idolatrous grove of images, this flasket of idols, which I will pull down. (3.6.88-101)

Rather than being made a “high place” by idolatrous practice or merely providing the temptation towards individual sin, the Fair has been equated with evil and sin itself. As Leah Marcus notes, “In Busy’s superstitious eyes, simple, innocuous objects become sinister and organize themselves into elements of a vast demonic landscape: a collection

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59 See OED, n.1, def. 1, n.2, def. IV.14, and V.1 for all of these meanings. The latter two have particularly interesting examples. In both sentences for IV.14, defining “pitch” as a piece of ground, the word gets used in two different senses in the same sentence. In the 1630 example, the word is clearly used both as a verb meaning “to strike” something, and as a noun referring to the ground from which something is tossed: “Every Hebberman shall fish by the Shore, and pitch their Pole at half Ebb, and shall have but forty Fathom Rope allowed from the Pitch of their Pole into the River.” This closely linked, double sense of a word actually squares quite favorably with the dual sense in which Jonson repeats the word “place” throughout Bartholomew Fair. The examples for V.1 all clearly use the word to refer to the top of a hill; P. HOLLAND tr. Livy Rom. Hist. II. l. 79 “The Veientians…set a compass about the hill side, and gained the verie top and pitch thereof.” The straightforward geographic sense of these examples provides a nice counterpoint to Busy’’s more metaphorical references to the Fair as a “high place.”
of pipes, drums, and rattles delineates the abhorrent figure of the figure of the Beast."60 As with Overdo’s misunderstanding of the language of the Fair denizens, this attempt at reform depends upon the shifting signification of a single word – “place.” Unlike the mistaken Overdo, though, the more thoroughly satirized Busy actually redefines this term himself. While he initially posits “high places” as created by the idolatrous practices of individuals, he later insists they can be found in the material “pitch” of the Fair and proceeds to attack its tents and consumer goods.

As critics have noted, Jonson draws upon a wide range of Puritan rhetoric and politics in creating characters like Busy.61 Peter Lake, for example, suggests Jonson combines fringe elements of the reformist movement with more mainstream Puritan positions, “By eliding, in the composite figure/s of Busy and to a lesser extent Ananias, the radical puritan London underworld of lay prophets and illuminati with the world of respectable university-educated puritan divines… Jonson was providing himself with a recognisably puritan but safely both socially and ideologically marginal target for his satirical attacks.”62 Lake assumes that Jonson’s primary motive in combining elements of various Puritan groups was to avoid charges of having singled out any particular – and particularly powerful – individuals within the community.63 This assumption may be correct, especially given Jonson’s warning in the Induction against, “Any state-decipherer or politic picklock of the scene so solemnly ridiculous as to search out who was meant by

60 Marcus, Politics of Mirth 51.
62 Lake, 609.
the gingerbread woman, who by their hobbyhorse man, who by the costermonger, nay, who by their wares” (141-4).

Despite this possibility, the fact that Busy’s shifting rhetoric focuses on the word “place” draws the character and his attempts to reform the Fair into the play’s larger experiment with “special decorum.” One interesting aspect of Busy’s initial emphasis on the importance of the state of Win’s soul, over and above the “place” she happens to be in, is how this invocation and dismissal of a “place” mimics many Puritan sermons describing the wickedness of the city of London. The two main rhetorical flourishes of this mode of sermon were to first list the city’s numerous sins and then call for the individual repentance amongst godly parishioners. Richard Jefferay’s The Sonne of God’s entertainment by the sonnes of men, for example, begins by directly addressing both London and England as a whole,

O England, O London… thy works are not all perfect… Those that make widowes a pray, the fatherlesse a spoile, the friendlesse a price, receyve not Christ: many store-houses sorted with wares, many ware houses filled with store, many shops with false lights, and light weights… many wardrobes furnished with gorgeous apparel, shew that we receive not Christ as we should do.  

After this list, however, Jefferay reimagines the sinful landscape as a city filled with various anthropomorphized sins, “Where Envie stands in the doore, where Wrath leans in the porch, where Gluttonie sittes at table… the places must be cleane (from vice) they

64 Richard Jefferay, The Sonne of God’s entertainment by the sonnes of men (London: 1604), 27-28. Jefferay’s rhetoric – especially his tendency towards repetition, and inversion, “store-houses sorted with wares… ware houses filled with store” – show us how familiar Jonson is with Puritan preachers when he has Busy say, “I was moved in spirit to be here this day, in this Fair, this wicked, and foul Fair.” For an analysis, see Lake, ch. 9, and for other sermons see, among others, Adam Hill, The Cry of England (London: 1595), John Stockwood, A Sermon Preached at Paul’s Cross on Bartholomew Day, Being the 24 of August 1578 (London: 1578), Francis White, London’s Warning by Jerusalem (London: 1619).
must be garnished with vertue, they must be perfumed with holiness.\textsuperscript{65} Whereas the beginning of the speech had associated the sin with the city and the country themselves, “O England, O London… thy worke are not all perfect,” this reimagination of the sinful landscape refigures sin as a problem rooted in individual behaviors that must be cleansed from various “places.”

Jefferay repeats this same image of the sinful landscape when comparing London to the city of Augusta, “A place very stately for building, very plentiful for provision,” but where vice has left it populated, not with people, “But lions, tygres, dragons, camelions, foxes, wolves.”\textsuperscript{66} Lake describes this pattern as common among pamphlets on the sinful landscape of London,

> Under the hammer of God’s judgment, it was time for Londoners to come to terms with the usurer, whore, and papist within themselves. Having been shown a nightmare vision of their city… a city under plague or siege, a place of depravity… Londoners were being asked to turn away, and through repentance and amendment of life, return their city to its proper state as a holy city, a Jerusalem indeed.\textsuperscript{67}

This style of sermon draws upon the same structure of feeling and the same social and geographic idiom that we saw in Kemp and Stow. The imaginary, ideal location gets transferred from the countryside or the city’s past to a Biblical ideal, and the sense of unease gets reshaped into an urgent need for \textit{individual} moral reform. A description of the city’s flaws thus gets transformed first into an exaggeratedly wicked imaginary landscape, and then into a plea that godly parishioners locate and reform this place within their own souls.

\textsuperscript{65} Ibid., 28-29.
\textsuperscript{66} Ibid., 29.
\textsuperscript{67} Lake, 355.
This particular style of puritan preaching actually proves quite similar to Busy’s initial statement that, “The place is not much, not very much; we may be religious in midst of the profane, so it be eaten with a reformed mouth,” since it shares an impulse to invoke a physical “place” only to refocus attention on the spiritual state of the soul. By placing Busy’s reformist instincts into this tradition, the play suggests that part of his hypocrisy lies in the shift of his reformist energy from the soul – where “the place is not much,” – to an iconoclastic attack on the material objects of the Fair. In fact, this gets implied quite directly through a misplaced allusion that Busy makes while attempting to tear down the puppet show,

Down with Dagon, down with Dagon!… I will remove Dagon there, I say, that idol, that heathenish idol, that remains, as I may say, a beam – a very beam, not a beam of the sun, nor a beam of the moon, nor a beam of balance, neither a house beam, nor a weaver’s beam, but a beam in the eye, in the eye of the brethren; a very great beam, an exceeding great beam; such as are your stage-players, rhymers, and morris dancers, who have walked hand in hand, in contempt of the brethren and the cause. (5.4.1-13)

The phrase “beam in the eye,” refers to a passage in the gospel of Matthew where Jesus calls believers to focus on their own soul before worrying about the spiritual state of others,

Judge not, that ye be judged. For with what judgment ye judge, ye shall be judged: and with what measure ye mete, it shall be measured to you again. And why beholdest thou the mote in thy brother’s eye, but considerest not the beam that is in thine own eye? Thou hypocrite, first cast out the beam out of thine own eye; and then shalt thou see clearly to cast out the mote out of thy brother’s eye.  

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This moment of intertextual humor implies that, just as Busy has misused this biblical allusion, so his reforming has proven “misplaced,” by focusing on acts of iconoclasm rather than self-examination. Just as Jefferay and other writers called the godly to, “come to terms with the usurer, whore and papist within themselves,” to use Peter Lake’s term, so Jonson implies that Busy ought to focus on reforming his own sins before seeking to tear down either the Fair or the theaters. In this example, the play suggests a spiritual, internalized Puritan conception as “place” for reform would prove more appropriate than Busy’s iconoclastic attack upon a material “place” of the Fair.

As with Overdo, however, the play alludes to other, more strictly geographic, “places” where Busy’s style of reform could more appropriately be located. One of these gets offered in the argument with the Puppet Dionysius,

Busy: I say [playing] is profane, as being the page of Pride and the waiting-woman of Vanity.
Puppet Dionysius: Yea? What say you to your tire-woman, then?
Leatherhead: Good.
Puppet: Or feather makers i’ the Friars, that are o’ your faction of faith? Are they not with their perukes and their puffs, their fans and their huffs, as much pages of Pride, and waiters upon Vanity?
What say you? What say you? What say you?
Busy: I will not answer for them.
Puppet: Because you cannot, because you cannot. Is a bugle maker a lawful calling? Or the confect maker’s, such you have there? Or your French fashioner? You’d have all the sin within yourselves, would you not? (5.5.79-92)

The main charge that the Puppet Dionysius makes against the supposed profanity of the theater is one of Puritan hypocrisy. Why, the puppet asks, is it sinful to sell a bugle but not a fiddle? Confections but not gingerbread? Feathers and dresses, but not tickets to see players costumed in them? This charge of hypocrisy, however, interestingly carries with it a specific location where these practices take place: “i’ the Friars”. Among other
things, this suggests Busy could more appropriately focus on the “beams in the eye of the brethren,” by directing his rhetorical energy towards Puritan communities profiting from luxury and entertainment in the Blackfriars, rather than the foreigners doing the same in Smithfield. The fact that Busy’s descriptions of sin – “the page of Pride and waiting-woman of Vanity” – echo Jefferay’s use of anthropomorphized imagining of the sinful landscape suggest that the different “places” to which Busy could properly direct his reformist energy are not mutually exclusive; either his own soul, or Puritan communities themselves would prove more appropriate targets of reform than the Fair. Nevertheless, the experiment with “special decorum” offers both of these “places” as appropriate alternative sites for Busy’s claim to spiritual authority.

The play even subtly alludes to an alternative but appropriate “place” for Busy’s more material iconoclasm. Jordan Knockem describes Busy’s attack upon the stage as, “Good Banbury vapours,” (5.5.25) referring to the heavily Puritan region from which Busy hails. Patrick Collinson’s essay, “The Theater Constructs Puritanism,” notes many similarities between Busy and the Puritan authorities of Banbury. The most concrete connection relates to the pulling down of the Banbury Cross. The bill of complaint filed in Star Chamber about this event claims that, “Upon the fall of the long and large spire of the same high cross, the said rioters… oftentimes cried out with a loud voice, ‘God be thanked, Dagon the deluder of the people is fallen down!’”69 While the repetition of this call in Busy’s “Down with Dagon!” is, as Collinson suggests, “possibly fortuitous,”70 his

70 Ibid. 162.
iconoclastic attack upon the tents and baskets of the Fair obviously alludes to iconoclastic actions in Banbury in some fashion.

The *nature* of the iconoclasm in Banbury proves as important as the mere allusion to the place in Knockem’s description of Busy. Despite the fact that local magistrates ordered the pulling down of the Banbury cross without royal sanction, a fact noted in complaints made to the crown, in the end the Star Chamber did not elect to punish the perpetrators in any way. This lent a kind of independence and legitimacy to the town’s Puritan authorities. Collinson notes that, “Upon examination, it was found that only one man, Henry Shewell, had cried out about Dagon… Shewell would be bailiff in Banbury the following year, 1601.” This was not the only example of Banbury officials exercising their authority independent of the crown, “In 1597 an elderly tailor invited his friends to dinner on a Sunday evening, but the party was broken up by the bailiff, Richard Wheatley… When someone said that he hoped that the queen would allow a group of friends to share a joint of meat, Wheatley said: ‘If the queen do allow it, yet I will not allow it.’” While it’s difficult to imagine Jonson was directly familiar with either of these sheriffs, it’s striking that the willfulness and iconoclasm that they display in Banbury ends up landing Busy in the Fair’s stocks. The way that Jonson’s experiment with “special decorum” links forms of social authority to specific geographic locations invites us to recognize that, just as Overdo’s rigid style of authority is appropriate for the pie-powders court, the Cloth Fair, or the city of London itself in ways that it is not for the Pleasure Fair, so Busy’s iconoclasm – hypocrisy aside – would prove appropriate in a

71 Ibid. 161.
72 Ibid. 162-163.
places like Banbury where the godly held relatively independent offices of local authority.

In creating Busy as a composite Puritan stereotype, then, Jonson creates a satire that acknowledges ways in which individual Puritan beliefs and practices are shown to hold legitimate authority, while nevertheless revealing a caricatured combination of them to be hypocritically misguided in making an iconoclastic attack upon the Fair. The overall result satirizes Puritanism in a way that shifts depending upon the “place” with which the audience associates Busy. Insofar as we approach Puritanism as a broad religious community, Jonson reveals the contradiction between its individual spiritual focus and more worldly political activities by having Busy ridiculously say “the place is not much,” only to later attack the very “pitch” of Smithfield as “the seat of the Beast.” Insofar as we approach Puritanism as a community of believers living within a specific area of London like the Blackfriars, Jonson exposes the hypocrisy of their attacks on the pleasures of the theater when this very community also trades in entertainment and luxury goods. Insofar as we approach Puritanism as a community of people who had gained dominant forms of political authority in places like Banbury, Jonson reveals how ridiculous their iconoclasm proves for more commercial, tolerant, and loosely governed places like the Fair or the London suburbs.

While the coalescing of these different Puritan communities into the single figure of Zeal-of-the-Land Busy indeed supports Collison’s – albeit playful – suggestion that Jonson helped to “construct Puritanism,” the play’s “special decorum” nevertheless undermines any coherent satiric comment on the godly by suggesting that different types of reforms are appropriate for communities in different “places” in the social and
geographical landscape. For Puritans living in Banbury, local political authority insures that acts of iconoclasm and the enforcing of Sabbatarian restrictions are appropriate, and perhaps rewarded. For Puritans living in the Blackfriars, calls for reform of pleasurable entertainment may prove appropriate provided that they begin within this community itself. For the individual Puritan reading a pamphlet like *The Sonne of God’s entertainment by the sonnes of men*, though, all community reform proves less appropriate than reforming one’s own soul.

As we saw in the contrast between Quarlous’s and Winwife’s reactions to being hailed into the commercial aspects of the Fair and the final suggestion that Overdo, “Invite us all to supper… at home,” the primary vehicle through which the play invites us to understand Busy proves to be social movement over and above the privileging of any given satirical attack on his hypocrisy. While the shift from Busy’s insistence that “the place is not much,” to his iconoclastic attacks upon hobbyhorses and puppet shows certainly proves more pronounced than the play’s fleeting references to Banbury, the subtlety of the latter allusions captures the distance of the Puritan enclave’s authoritative pull upon the metropolis and the Fair more than it bespeaks the town’s irrelevance. Busy, after all, comes from Banbury, and while Jonson may not have explicitly intended to remind his audience that local authorities in this town fully sanctioned the very actions that Busy tries to enact in the Fair, at the very least the playwright’s imagination was drawn to Banbury when creating his misplaced iconoclast in part because of its prominent Puritan local government. At *Bartholomew Fair* stages it, Busy’s authority proves “misplaced” precisely because he moves its focus away from Banbury and his soul – seemingly it fitting locations – to the “pitch” of the Fair tents and its various
commodities. More than anything else, the play fosters a feeling of satiric unease with the character by inviting its audience to take note of how these shifts in “place” make the preacher appear increasingly hypocritical and ridiculous.

Perhaps the best example of Bartholomew Fair’s material embodiment of a structure of feeling that drew on various types of social movement within metropolitan London to produce a latent comparison comes in the Puppet Dionysius’s response to Busy’s argument, “You are an abomination; for the male of you putteth on the apparel of the female, and the female the male” (5.5.96-8). The puppet dramatically and humorously disproves this, first by stating, “It is your old stale argument against the players, but it will not hold against the puppets; for we have neither male nor female amongst us” (5.5.101-4), before pulling up his costume and revealing his absent genitals. Many critics have noted the way in which this response seems to evade the question of the players’ “abomination” rather than answering it substantively; Edward Partridge refers to this ending as “specious,” while Jonas Barish simply says, “It’s abruptness accords well with the arbitrary veering of vapors.” This evasion, though, provides the point of this exchange, since it reveals Busy’s argument to be ridiculous, not because of its content, but because of the “place” where he utters it. Often lost in critical readings of this moment is the important fact that the argument originally took place not only in “Bartholomew Fair” as Jonson’s play stages it, but also on a stage where an actor playing Zeal-of-the-Land Busy stood alongside no less than four cross-dressed boys in the final scene, and at least six throughout the course of the play. If the puppets reveal Busy’s

argument as comically inappropriate to their stage within the Fair and Jonson and the Lady Elizabeth’s Servants fictional recreation of it, the argument nevertheless remains a potentially valid criticism of the London playhouses themselves. The speciousness of the gesture troubles the comic effect of the play’s ending, if only slightly, by simultaneously inviting a satiric laughter at the expense Busy and a more grotesque, carnivalesque laughter at its ironic appropriateness when performed in the playhouses. Repeating an almost obsessive formal pattern, the play creates this uneasy laughter by enacting a “special decorum” as a form of social movement of the Pleasure Fair traditionally located in Smithfield to another place.

IV.

*Bartholomew Fair* thus simultaneously reproduces a common structure of feeling about the early modern London metropolis, and exposes that structure as a process of comparison. The broad changes in and around London throughout the latter half of the sixteenth and early part of the seventeenth centuries – the increases in size of its population and shifts in its distribution, the struggles of its traditional governing authorities to adequately address these changes, and the ending of a series of traditional festivals through which people had defined the community in an early age – produced a palpable unease about the city and its suburbs. Writers including Will Kemp, John Stow and Richard Jefferay produced a series of texts describing the city in a shared social and geographic idiom; although their texts took on different genres and invited largely different reactions from their readers, they all enacted a direct comparison privileging a particular place over contemporary London. Jonson’s play draws upon and reproduces this structure of feeling, but also marks it as a feeling of comparison by having characters
both materially and symbolically move their preferred sense of authority within the
country’s social landscape from a place where it may prove appropriate to another where
the play suggests it’s wholly misplaced.

Identifying a form of social movement as the driving mechanism of both Jonson’s
play and the structure of feeling that it reproduces provides a suggestive point of
connection to other forms of social movement that emerged and circulated in early
modern England, while also risking an ambitiously direct, potentially misleading
connection as well. Puritanism, enclosure and the rising conflict between common law
and Stuart absolutism provide other dramatic, clear examples of early modern social
movements, the first of which directly figures into Jonson’s play and the others of which
respectively helped cause and were in part produced by the types of structural changes
besetting early modern London. While Jonson’s focus on “social movement” as a vehicle
for materializing the transformation of London and the comparative structure of feeling
that this transformation produced, thus seems to capture a major theoretical concept that
drives the material dialectical process, it would be hasty to see in this concept the key to
my claim that the play captures the political dynamic of early modern England as a
whole. Social movements come in various forms, and the structure of feeling that I
described in the last section of the chapter represents only a single, if also subtle and
compelling, example of one. If the “special decorum” of Jonson’s play exposes the logic
of this structure of feeling as one of social movement of different sorts producing
emotional comparison, this fact does not exactly follow through on my earlier claim that
*Bartholomew Fair* provides a vision of the dominant political process for the whole of the
English landscape.
In order to make good on this claim, the final section of this chapter will once again redefine the “special decorum” of *Bartholomew Fair*, this time as only part of the play’s political negotiation with multiple local communities, each with its own distinct form of authority. If the last section ended with the suggestion that Jonson’s movement of the Fair to the stage produced an uneasy form of laughter combining both satiric judgment and an ironic, grotesque but finally festive identification, this section will argue that the process of adapting the play for performance at the Hope and the Court on consecutive nights promoted one of these types of laughter at each place. My argument does not go so far as to insist that the play has two wholly different genres for two different performances; that is, I am not claiming that the play staged at Court was a “satire” while the one staged at the Hope was a “festive comedy.” The play invites different styles of laughter within both performances, and individual members within each audience likely experienced all of them to varying degrees. However, I do argue that the changes to *Bartholomew Fair* engendered by its movement from the Hope to the Court also produce a shift in its promotion of certain feelings towards the community it recreates and the legitimacy of establishing a type of privileged judgment over it. This shift in the production of an explicitly political set of feelings marks an active process of negotiation between distinct, locally organized forms of authority. Insofar as I’ve shown that this process of negotiation took place not only in London, and not only within structures of feeling, but also throughout early modern England between various social groups and within a whole range of political discourses and practices, the play thus materially reproduces what I’ve argued is the country’s dominant political dynamic.
The primary vehicle through which I’ll support this claim are the play’s prefatory and ancillary pieces: the *Induction on the Stage*, which proceeded the performance of the play at the Hope theater on October 31, 1614, and the *Prologue to the King’s Majesty* and the *Epilogue*, which framed the performance the very next night at the Court. Critics of the play have tended to follow the 1640 Second Folio of Jonson’s *Workes* by treating all three pieces and the play-text itself as part of a single, coherent whole. While this may be productive when approaching the text as aimed at a reading audience, the 1614 performances in all likelihood only staged the *Induction* or the *Prologue*. Directly addressing the *Prologue* to the King obviously precluded it from performance at the Hope. Likewise, references in the *Induction* to both the Hope’s admissions-based seating structure – “The said spectators and hearers… do for themselves severally covenant and agree to remain in the places their money or friends have put them in” (75-80) – and its dual use as a theater and a baiting pit, mark the piece as inappropriate for a royally patronized audience at Whitehall. Despite containing all three prefatory and ancillary pieces and the play-text itself, then, the first printed edition of the *Bartholomew Fair* may be better understood as a record of a network of performances, at different locations and before different audiences, than as a single, coherent text.

If we approach the *Induction* and the *Prologue* and *Epilogue* as records of discrete performances of the play in different locations, we see two striking contrasts between the

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74 For these dates, see *English Renaissance Drama: A Norton Anthology*, ed. David Bevington, et. al. (New York: W.W. Norton, 2002), 970.
75 This is true of Stallybrass and White, Wayne, and Marcus’s *Politics of Mirth*. To my knowledge, the only essay that treats these texts separately from one another is Marcus’s later, “Of Mire and Authorship,” in *The Theatrical City*, where she acknowledges, “To a significant degree, my court-centered reading of the play posited an audience that never was: a public audience of 1614 with the same access to the Prologue and Epilogue that readers of Jonson’s *Workes* from 1640 to the present have had” (175).
events, one dealing with the relationship that the play establishes between the Fair and the performance location and the other with their respective presentations of judgment and hierarchy. The *Induction*, for example, assumes its audience’s *familiarity* with the Fair and in making this assumption invites a certain degree of identification. The clearest example can be seen in its reference to “special decorum” (the only time this phrase gets used in either performance) which insists that the Hope and the Fair are appropriately matched to one another, “The play shall presently begin. And though the Fair be not kept in the same region that some here, perhaps, would have it, yet think therein the author hat observed a special decorum, the place being as dirty as Smithfield, and as stinking every whit” (159-68). The reference thus invites its audience to accept the Fair and the Hope as closely connected places.

The stage manager and the mock contract construct a more dialogic type of familiarity, but one that clearly invites its audience to recognize and potentially identify with the play and the Fair. The stage-manager, who opens up the play, complains that Jonson has inaccurately depicted it, “When’t comes to the Fair once, you were e’en as good go to Virginia for anything there is of Smithfield. He has not hit the humours, he does not know’em; he has not conversed with the Bartholomew-birds, as they say. He has ne’er a sword-and-buckler man in his Fair, nor a little Davy to take toll o’ the bawds there, as in my time” (10-16). The stage manager, of course, rejects Jonson’s recreation of the Fair, but in doing so draws upon his own attachment to its history and assumes that he and the audience share knowledge about the place. The mock-contract later addresses the stage-manager’s complaints,
No person here is to expect more than he knows or better ware than a Fair will afford, neither to look back to the sword-and-buckler age of Smithfield, but content himself with the present. Instead of little Davy to take toll o’ the bawds, the author doth promise a strutting horse-courser, with a leer drunkard, two or three to attend him, in as good equipage as you would wish. And then for Kindheart, the tooth drawer, a fine oily pig woman with her tapster to bid you welcome, and a consort of roarers for the music. (117-126)

The back and forth obviously establishes the Fair as a space of tension, but one bred out of a shared commitment to defining it properly. The contract’s rejection of the stage-manager’s expectations actually reaffirms their place within the Fair while relegating them to its history. The reference to “special decorum,” also constructs the Fair as a space of conflict, alluding to the fact that, “The Fair be not kept in the same region that some here, perhaps, would have it.” The Induction thus presents the Fair as a contested, dynamic social space, capable of producing different reactions – nostalgia, dislike, identification – but marks this contest as a sign of familiarity amongst its audience members and a deep sense of shared history and strong reactions.

The Prologue, on the other hand, presents the Fair as unfamiliar and foreign to the Court audience. Where the stage manager complained about all of the familiar features missing from Jonson’s play, the King must be introduced to the place and its key features,

Your Majesty is welcome to a Fair;
Such place, such men, such language, and such ware
You must expect: with these, the zealous noise
Of your land’s faction, scandalized at toys,
As babies, hobbyhorses, puppet plays,
And suchlike rage, whereof the petulant ways
Yourself have known, and have long been vexed with. (1-7)
While this introduction draws together “place, men, language and ware” in a way that anticipates the play’s broader experiment with “special decorum,” it assumes that the King is only familiar with them through Puritan criticism and “zealous noise.” The gesture assumes James only has a mediated relationship to the Fair before watching the play. Similarly, to the extent that the Prologue presents the Fair as a site of contest, this gets constructed through dissociation with the “zealous noise,” “petulant ways,” and “vexation,” of the Fair’s critics, excluding the knowledge and attachment to the Fair’s history and images as significant source of dialogue and meaning. Thus, where the Induction assumes a familiarity with the Fair and at times invites identification with it, the Prologue assumes the place is strange and foreign and marks any knowledge of it as mediated through annoyance and unpleasant critique.

The Hope and Court performances produce a similarly sharp contrast in their presentations of hierarchy and judgment, with the former text inviting an ironic reconsideration of both concepts and the latter quite clearly reaffirming and fixing them. The bulk of the Induction takes shape in the form of a ridiculously exaggerated contract between the audience and the author that effectively mocks a stable sense of hierarchy and judgment. After stating that the audience must remain in the area of the theater for which they paid admission, the contract then offers a contradictory set of stipulations also attempting to tie judgment of the play to the price of admission,

It is further agreed that every person here have his or their free will of censure, to like or dislike at their own charge, the author having now departed with his right. It shall be lawful for any man to judge his six pen’orth, his twelve pen’orth, so to his eighteen pence, two shillings, half a crown, to the value of his place, provided always his place not get above his wit. And if he pay for
The article puns on the relationship between social and physical “places” by claiming to rigidly fix an audience member’s judgement to his admission price and physical place in the hierarchical seating structure of early modern amphitheatres. At first, this appears to fix judgment to place in an extremely hierarchical and conservative fashion by implying that those at the top of the playhouse can lay claim to a higher judgment than those at the bottom. Eventually, though, the stipulation undermines either a naturalized or monetary hierarchy by inverting the logical relationship between someone’s “place” and “judgement” by stressing that these coincide, “provided always his place not get above his wit.” The inversion acknowledges the possibility, and indeed the likelihood, that fools could pay two shillings to sit in the highest place in the theater and yet still be a fool. Jonson more or less stages this possibility in the figure of Bartholomew Cokes, both the Fair’s biggest spender and its biggest fool. The effectively arbitrary nature of the seating hierarchy for judging the play becomes even more apparent in the acknowledgment that not all members of the audience in fact pay for their own admission. In making this analogy, the contract implies that to claim increased judgment based upon one’s “place” in the theater is as ridiculous as to claim that audience members who treat their friends to a ticket have the right to strip their friends of judgment and censure on their behalf. All in all, the mock-contract invites an ironic skepticism about the connection between hierarchy and judgment in the theater, implying that the wealthier patrons seated in the “high places” in the theater cannot lay claim to any particularly heightened form of judgment or wit without opening themselves to ridicule.
Where the *Induction* invites its audience to question the commercial hierarchy established by the Hope theater, the *Epilogue* to the Court performance *establishes* hierarchy in its most conservative form. The King alone gets invited to judge the play, with the company insisting that all other opinions are rendered moot by his approval,

Your Majesty hast seen the play, and you
    Can best allow it from your ear and view.

... You can tell
    If we have used that leave you gave us well,
Or whether we to rage or licence break,
    Or be profane, or make profane men speak.
This is your power to judge, great sir, and not
    The envy of a few. Which if we have got,
We value less what their dislike can bring,
    If it so happy be t’have pleased the King. (1-12)

The King’s pleasure provides the sole determinant on the “profanity” of the play, over and above the “envy” or “dislike” of Jonson’s potential detractors. The singular nature of this style of judgment effectively dismisses the opinions of all other members of the court audience, and even the members of the Hope audiences as well. The *Epilogue* also rather intriguingly establishes the fixed relationship between admission price and judgment that the *Induction* had mocked. The final sentence refers to the “value” of the King’s pleasure over the displeasure of the other audience members; while this emphasizes the present hierarchy in any court performance, it also subtly points to the fact that the Court audience was not a paying one. Where the mock-contract took on a tongue in cheek tone when suggesting that individual audience members could judge the play for any companions that they happened to pay admission for provided they could

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“Envy,” in this case, should simply be taken to mean “ill will,” rather than its more dominant modern meaning (OED).
suppress their friends’ opinions, the Epilogue ends up insisting upon this very model. The King pays for the entire performance and thus his judgment silences all other potential critics. Once again, the two performances construct central thematic terms in contrasting ways. Where the Hope audience seems invited to question the foundations of hierarchy and the privileging of particular members of the audience over others, the Court performance actively privileges the King over all others, thus reaffirming the period’s dominant hierarchical office.

The contrasts between the separate performances’ introductory and ancillary pieces have a potentially profound effect on how the audience gets invited to experience the genre of the play. The fact that the Induction begins the Hope performance by inviting its audience to see homologies between the playhouse and the Fair and ironically undermines a present social hierarchy pulls the play towards the grotesque, carnivalesque laughter described by Stallybrass and White. Throughout the course of the play, most of the characters from “high places” are stripped of their authority: Overdo and Wasp are set in the stocks, Cokes loses all his money and much of his clothing, Busy gets revealed as spiritually hypocritical and even Winwife loses Grace Wellborn’s fortune to Quarlous. While the stripping primarily gets staged as a set of comparisons between “places,” the Induction allows that one of these places ought to be the playhouse itself, a suggestion that seemingly invites the Hope audience to reflect upon the local, even personal resonance of Quarlous’s charge at the end of the play, “Remember you are but Adam, flesh and blood. You have your frailty” (5.6.100-1). The Prologue and Epilogue invite none of these reflections from the audience at Court. The Fair and all its inhabitants – “Such place, such men, such language, and such ware” – are presented as remote and
foreign. All judgment gets fixed into the singular authority of the King himself and explicitly directed at the players and characters on stage. Both the feelings of social distance and the invitation towards judgment seem to reproduce the basic dynamics of Sidney’s moralistic “right comedy” and Jonson’s own description of a “strict rigor of comic law” in his Prefatory Epistle to Volpone. If the play-text on its own seems to largely invite a feeling of comparison between social and geographic “places” in the Fair, the metropolis, and the country as a whole, and promotes an experience of the dialectical construction of this structure of feeling, the material production of the play in particular places within the social landscape seems to have gone a long way towards producing more stable emotions similar to those of Kemp, Stow and Jefferay.

The work that the Induction, Prologue and Epilogue do to invite particular feelings of identification, grotesque reflection, distance and judgment from their separate audiences does not, in fact, manage to fix the meaning or effect of Bartholomew Fair and its experiment with “special decorum.” The most obvious reason for this is that the different feelings that the play engenders are not mutually exclusive, particularly when viewed in relation to the cosmic hierarchy proclaimed by the Tudor and Stuart monarchs. In a country governed by a monarchy and aristocracy who claimed the authority to oversee a descending set of reciprocal networks ordained by God – “In the earth he hath assigned kings, princes, with other governors under them… every degree of people in their own vocation, calling and office, has appointed to them their duty and order” – it was, indeed, assumed that kings, magistrates and private citizens would be called to

78 Certain Sermons, 15.
experience and reflect upon authority in different ways. The fact that Bartholomew Fair could invite different reactions from people in different “places” in the social hierarchy marks a reconciliation between Horace’s concept of decorum and the more diffuse terms of the dominant early modern English political ideology. Where Horace had insisted on making characters’ language “fit” their place in the social hierarchy – assuming that complex terms like “judgment,” and “authority” would mean the same things to all people – Jonson’s play manages to make these terms themselves fit different places in the hierarchy and the social landscape. Certain shifts and contradictions in meaning were in fact recognized in this period, just as they were present in practice.

For our purposes, what’s more important than the possibility that the most conservative, dominant understandings of social hierarchy could potentially contain the radical shifts in meaning that we see instantiated by the two recorded performances of Bartholomew Fair, however, is the fact that neither Jonson nor King James could materialize a political landscape that could actually and practically produce anything other than these shifts in meaning. It’s certainly possible to imagine that Jonson, the singular author of Bartholomew Fair, sat down to write his play hoping both to invite an audience in the Hope theater to radically rethink the emergent commercial hierarchy and its claim to judgment in places like the theaters, the Fair and the expanding London metropolis, and to invite an audience at the Court to acknowledge the king’s singular right to rule over and judge these same things. Just as the dominant ideology of order assumed that different terms like “judgment” would be understood and implemented differently by different people, so it seems possible that Jonson could imagine that his play could produce different feelings about “judgment” to different people.
It’s not possible, however, for the original performances of *Bartholomew Fair* to have achieved these different meanings at the same time and place; in fact, to suggest that this was the case – to suggest that the play materializes a singular and coherent political landscape – would do a great deal of violence to both the play and the political world it negotiated in performance. The play’s original audiences, as I’ve argued, in all likelihood were only presented with either the *Induction* or the *Prologue* and *Epilogue*. Their experience of the play was thus shaped, not only by slightly different plays, but also by the unique social forces that were materially present at each performance location. The *Induction* quite literally draws upon the commercial hierarchy established in the amphitheaters in the liberties of London. The *Prologue* and *Epilogue* likewise literally draw upon the royal hierarchy established through the very presence of the King in the audience of the play. Reading these pieces as fully compatible and capable of fixing the meaning of the play would require forcing these historically distinct social forces into a single place and as a result would also radically alter the structure of feeling – a diffuse comparative reaction to changes besetting London – that their metropolis produced, and which Jonson’s play appropriates and gives experimental dramatic form.

Rather than materialize a fixed notion of authority, then, *Bartholomew Fair* stages a popular political negotiation amongst two of the many centers of local authority in early modern England. The performances produced by this negotiation established a series of contradictory relationships to their society’s dominant political authority. Their *Prologue* and *Epilogue* both attempted to appropriate and welcomed the judgment of an authority from his majesty. The *Induction* and the Hope performance primarily negotiated with a political community that was geographically and socially apart from the king. Finally,
and most importantly, the play-text itself invited a comparison amongst various local sources of authority whose interests and beliefs were very different from those of the king.


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